

By Senator Webster

9-1181-06

See HB

1                                   A bill to be entitled

2           An act relating to supersedeas bond; creating

3           s. 768.734, F.S.; providing limits on the

4           amount of supersedeas bond in the aggregate

5           necessary to stay execution of a judgment;

6           limiting the amount of supersedeas bond

7           required for certain appellants; providing an

8           exception to limits if an appellant engages in

9           certain conduct for the purpose of avoiding

10          payment of the judgment; providing an effective

11          date.

13 Be It Enacted by the Legislature of the State of Florida:

15           Section 1. Section 768.734, Florida Statutes, is  
16 created to read:

17           768.734 Limitations on supersedeas bond; exception.--

18           (1) Except for certified class actions subject to s.  
19 768.733, in any civil action brought under any legal theory,  
20 the amount of a supersedeas bond necessary to stay execution  
21 of a judgment granting any type of relief during the entire  
22 course of all appeals or discretionary reviews shall not  
23 exceed \$25 million for all appellants in the aggregate,  
24 regardless of the amount of the judgment appealed.

25           (2) If an appellant is an individual or independently  
26 owned and operated business with 400 or fewer full-time  
27 employees, the supersedeas bond, at the discretion of the  
28 appellant, may not exceed 5 percent of the appellant's net  
29 assets or \$1 million in the aggregate.

30           (3) Notwithstanding subsections (1) and (2), if an  
31 appellee proves by a preponderance of the evidence that an

1 appellant who has posted a supersedeas bond is intentionally  
2 dissipating or diverting assets outside the course of its  
3 ordinary business for the purpose of avoiding payment of the  
4 judgment, a court may enter orders necessary to protect the  
5 appellee or that require the appellant to post a supersedeas  
6 bond in an amount up to and including the total amount of the  
7 judgment.

8           Section 2. This act shall take effect July 1, 2006.

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