

Senate Bill No. 2826

An act relating to the tobacco settlement agreement; creating s. 569.23, F.S.; limiting the amount of appeal bond that may be ordered; providing exceptions; providing an effective date.

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

Section 1. Section 569.23, Florida Statutes, is created to read:

569.23 Bond requirements for tobacco settlement agreement signatories, successors, and affiliates.—

(1) In any civil action involving a signatory or successor or an affiliate of a signatory to the tobacco settlement agreement, as defined in s. 215.56005(1)(f), the appeal bond to be furnished during the pendency of all appeals or discretionary appellate reviews of any judgment in such litigation shall be set pursuant to applicable laws or court rules, except that the total bond for all defendants may not exceed \$100 million, regardless of the total value of the judgment.

(2) Notwithstanding subsection (1), if, after notice and hearing, a plaintiff proves by a preponderance of the evidence that a defendant who posted such bond or equivalent surety is purposefully dissipating assets outside the ordinary course of business to avoid payment of the judgment, the court may enter necessary orders to protect the plaintiff, including an order that the bond or equivalent surety be posted in an amount up to the full amount of the judgment.

(3) This section does not apply to any past, present, or future action brought by the State of Florida against one or more signatories to the settlement agreement.

Section 2. This act shall take effect July 1, 2003, and shall apply to all cases pending or filed on or after that date.

Approved by the Governor June 10, 2003.

Filed in Office Secretary of State June 10, 2003.