

1 A bill to be entitled
2 An act relating to vexatious litigants; amending s.
3 68.093, F.S.; revising definitions; expanding actions
4 subject to the Florida Vexatious Litigant Law;
5 revising eligibility for designation as a vexatious
6 litigant; revising sanctions and remedies for
7 vexatious litigation; prohibiting clerks of court from
8 accepting certain filings from a vexatious litigant;
9 specifying the duration of an automatic stay imposed
10 against vexatious litigation; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 **Section 1. Section 68.093, Florida Statutes, is amended to**
16 **read:**

17 68.093 Florida Vexatious Litigant Law.—

18 (1) This section may be cited as the "Florida Vexatious
19 Litigant Law."

20 (2) As used in section, the term:

21 (a) "Action" means an ~~a civil~~ action:

22 1. Governed by the Florida Family Law Rules of Procedure,
23 the Florida Rules of Civil Procedure, rule 5.025 of and
24 ~~proceedings governed by~~ the Florida Probate Rules, the Florida
25 Small Claims Rules; or

26 2. In another state court or federal court governed by
27 rules of procedure that are comparable to the rules of procedure
28 specified in subparagraph 1 ~~but does not include actions~~
29 ~~concerning family law matters governed by the Florida Family Law~~
30 ~~Rules of Procedure or any action in which the Florida Small~~
31 ~~Claims Rules apply.~~

32 ~~(b) "Defendant" means any person or entity, including a~~
33 ~~corporation, association, partnership, firm, or governmental~~
34 ~~entity, against whom an action is or was commenced or is sought~~
35 ~~to be commenced.~~

36 ~~(b)(e)~~ "Security" means an undertaking by a vexatious
37 litigant to ensure payment to a party ~~defendant~~ in an amount
38 reasonably sufficient to cover the party's ~~defendant's~~
39 anticipated, reasonable expenses of litigation, including
40 attorney ~~attorney's~~ fees and taxable costs.

41 ~~(c)(d)~~ "Vexatious litigant" means a person, as defined in
42 s. 1.01(3), proceeding pro se, who:

43 1. ~~A person as defined in s. 1.01(3) who,~~ In the
44 immediately preceding 7-year ~~5-year~~ period, has commenced,
45 prosecuted, or maintained, pro se, five or more ~~civil~~ actions in
46 any court that in this state, except an action governed by the
47 ~~Florida Small Claims Rules, which actions have been finally and~~
48 ~~adversely determined against such person,~~ except that an action
49 may not be included for purposes of this subparagraph if the
50 court finds that the action was commenced, prosecuted, or

51 maintained in good faith; ~~or entity; or~~

52 2. After an action has been finally and adversely
53 determined against the person, repeatedly relitigates or
54 attempts to relitigate either the validity of the determination
55 against the same party as to whom the action was finally
56 determined or the cause of action, claim, controversy, or any of
57 the issues of fact or law determined by the final and adverse
58 determination against the same party as to whom the action was
59 finally determined;

60 3. Repeatedly files pleadings, requests for relief, or
61 other documents that have been the subject of previous rulings
62 by the court in the same action;

63 4. Repeatedly files unmeritorious pleadings, requests for
64 relief, or other documents; conducts unnecessary discovery; or
65 engages in other tactics that are frivolous or solely intended
66 to cause unnecessary delay in any action; or

67 5.2- Has been ~~Any person or entity~~ previously found to be
68 a vexatious litigant pursuant to this section or by another
69 state court or a federal court.

70
71 An action is not deemed to be "finally and adversely determined"
72 if an appeal in that action is pending. ~~If an action has been~~
73 ~~commenced on behalf of a party by an attorney licensed to~~
74 ~~practice law in this state, that action is not deemed to be pro~~
75 ~~se even if the attorney later withdraws from the representation~~

76 ~~and the party does not retain new counsel.~~

77 (3) (a) In any action pending in any court of this state,
78 ~~including actions governed by the Florida Small Claims Rules,~~
79 any party ~~defendant~~ may move the court, upon notice and hearing,
80 for an order requiring an opposing party ~~the plaintiff~~ to
81 furnish security. The motion shall be based on the grounds, and
82 supported by a showing, that the opposing party subject to the
83 motion ~~plaintiff~~ is a vexatious litigant and is not reasonably
84 likely to prevail on the merits of the action against the moving
85 party ~~defendant~~.

86 (b) At the hearing ~~upon any defendant's motion~~ for an
87 order to post security, the court shall consider any evidence,
88 written or oral, by witness or affidavit, which may be relevant
89 to the consideration of the motion. No determination made by the
90 court in such a hearing shall be admissible on the merits of the
91 action or deemed to be a determination of any issue in the
92 action. If, after hearing the evidence, the court determines
93 that the opposing party subject to the motion ~~plaintiff~~ is a
94 vexatious litigant and is not reasonably likely to prevail on
95 the merits of the action against the moving party ~~defendant~~, the
96 court shall order the vexatious litigant ~~plaintiff~~ to furnish
97 security to the moving party ~~defendant~~ in an amount and within
98 such time as the court deems appropriate.

99 (c) If the vexatious litigant ~~plaintiff~~ fails to post
100 security required by an order of the court under this section

101 and the vexatious litigant is:

102 1. A plaintiff or petitioner, the court shall immediately
103 issue an order dismissing the action with prejudice as to the
104 moving party ~~defendant~~ for whose benefit the security was
105 ordered; or

106 2. A defendant or respondent, the court may immediately
107 issue an order imposing one or more of the following sanctions,
108 as appropriate:

109 a. Denial of the vexatious litigant's request for relief;
110 b. Striking of the vexatious litigant's pleading or other
111 document or part thereof; or

112 c. Rendition of a judgment by default against the
113 vexatious litigant.

114 (d) If the ~~a~~ motion for an order to post security is filed
115 before ~~prior to~~ the trial in an action, the action shall be
116 automatically stayed and the moving party ~~defendant~~ need not
117 plead or otherwise respond to the vexatious litigant's
118 complaint, pleading, request for relief, or other document until
119 10 days after the motion for an order to post security is
120 denied. If the motion for an order to post security is granted,
121 the moving party ~~defendant~~ shall respond or plead no later than
122 10 days after the required security has been furnished.

123 (4) In addition to any other relief provided in this
124 section, the court in any judicial circuit may, on its own
125 motion or on the motion of any party, enter a prefiling order

126 prohibiting a vexatious litigant from commencing, pro se, any
127 new action in the courts of that circuit or from filing, pro se,
128 any pleading, request for relief, or other document in an action
129 in the courts of that circuit without first obtaining leave of
130 the court ~~administrative judge of that circuit~~. Disobedience of
131 such an order may be punished as contempt of court ~~by the~~
132 ~~administrative judge of that circuit~~. Leave of court shall be
133 granted by the court ~~administrative judge~~ only upon a showing
134 that the proposed action, pleading, request for relief, or other
135 document is meritorious and is not being filed for the purpose
136 of delay or harassment. The court ~~administrative judge~~ may
137 condition the filing of the proposed action, pleading, request
138 for relief, or other document upon the furnishing of security as
139 provided in this section.

140 (5) The clerk of the court may ~~shall~~ not file any new
141 action or any pleading, request for relief, or other document in
142 an action on behalf of a pro se ~~by a~~ vexatious litigant against
143 whom a prefiling order has been entered ~~pro se~~ unless the
144 vexatious litigant has obtained an order from the court ~~allowing~~
145 ~~administrative judge permitting~~ such filing. If the clerk of the
146 court mistakenly allows a pro se ~~permits a~~ vexatious litigant to
147 file any new an action or any pleading, request for relief, or
148 other document in an action ~~pro se~~ in contravention of a
149 prefiling order, any party to that action may file with the
150 clerk and serve on the vexatious litigant ~~plaintiff~~ and all

151 other parties ~~defendants~~ a notice stating that the ~~plaintiff is~~
152 ~~a pro se~~ vexatious litigant is subject to a prefiling order. The
153 filing of such a notice shall automatically stay the litigation
154 against all parties ~~defendants~~ to the action. The court
155 ~~administrative judge~~ shall automatically dismiss the action or
156 deny the pleading, request for relief, or other document filed
157 by the vexatious litigant in an action with prejudice within 10
158 days after the filing of such notice unless the vexatious
159 litigant ~~plaintiff~~ files a motion for leave to file the new
160 action or the pleading, request for relief, or other document.
161 If the court ~~administrative judge~~ issues an order granting
162 leave, pleadings, or other responses ~~permitting the action to be~~
163 ~~filed, the defendants need not plead or otherwise respond to the~~
164 complaint or the pleading, request for relief, or other document
165 need not be filed until 10 days after the date of service by the
166 vexatious litigant ~~plaintiff, by United States mail,~~ of a copy
167 of the order granting leave ~~to file the action.~~

168 (6) The clerk of a court shall provide copies of all
169 prefiling orders to the Clerk of the Florida Supreme Court, who
170 shall maintain a registry of all vexatious litigants.

171 (7) An automatic stay imposed under this section remains
172 in effect until the court:

173 (a) In its discretion, vacates the stay;

174 (b) Rules, as applicable, on the motion for an order to
175 post security under paragraph (3)(d) or the motion for leave

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176 under subsection (5); or

177 (c) Dismisses the action or denies the pleading, request
178 for relief, or other document under subsection (5).

179 (8)-(7) The relief provided under this section shall be
180 cumulative to any other relief or remedy available ~~to a~~
181 ~~defendant~~ under the laws of this state or the rules of court ~~and~~
182 ~~the Florida Rules of Civil Procedure~~, including, but not limited
183 to, the relief provided under s. 57.105.

184 **Section 2.** This act shall take effect July 1, 2025.