

appropriate disciplinary action. However, in *Hall v. State*, 752 So.2d 575 (Fla. 2000) and *Saucer v. State*, 779 So.2d 261 (Fla. 2001), the Florida Supreme Court held that s. 944.279, F.S., which specifically excludes criminal proceedings or collateral criminal proceedings, is the basis for taking disciplinary action for frivolous filings. The Court found that s. 944.28, F.S., is not an independent basis for imposing discipline for such filings.

The department indicates that it has received numerous recommendations from criminal courts as well as a personal letter from the State Attorney's Office in Miami-Dade County advocating expansion of the law to include matters filed in criminal courts.

III. Effect of Proposed Changes:

The bill would expand the courts' authority to recommend that the department take disciplinary action against a prisoner who files frivolous, malicious, or false matters by including filings made in criminal proceedings and collateral criminal proceedings. It is anticipated that this will serve as a deterrent to prisoners who habitually file such frivolous or malicious pleadings or present false evidence.

The bill has an effective date upon becoming law, and would apply to filings made in criminal proceedings or a collateral criminal proceeding after June 30, 2003. The bill does not change the current law with respect to matters filed or brought before civil courts.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The amount of reduction of frivolous filings in criminal courts cannot be determined, but there should be some reduction that lessens the financial impact and time taken by such actions. It is not expected that there will be a significant fiscal impact upon the Department of Corrections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
