

By Senator Argenziano

3-1394-03

1 A bill to be entitled
2 An act relating to frivolous court filings;
3 amending s. 944.279, F.S.; providing that
4 disciplinary procedures for frivolous filings
5 by a prisoner is applicable to a criminal
6 proceeding or collateral criminal proceeding
7 filed on or after a specified date; providing
8 an effective date.

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

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12 Section 1. Section 944.279, Florida Statutes, is
13 amended to read:

14 944.279 Disciplinary procedures applicable to prisoner
15 for filing frivolous or malicious actions or bringing false
16 information before court.--

17 (1) At any time, and upon its own motion or on motion
18 of a party, a court may conduct an inquiry into whether any
19 action or appeal brought by a prisoner was brought in good
20 faith. A prisoner who is found by a court to have brought a
21 frivolous or malicious suit, action, claim, proceeding, or
22 appeal in any court of this state or in any federal court,
23 which is filed after June 30, 1996, or who knowingly or with
24 reckless disregard for the truth brought false information or
25 evidence before the court, is subject to disciplinary
26 procedures pursuant to the rules of the Department of
27 Corrections. The court shall issue a written finding and
28 direct that a certified copy be forwarded to the appropriate
29 institution or facility for disciplinary procedures pursuant
30 to the rules of the department as provided in s. 944.09.

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1 (2) Effective for filings on or after June 30, 2003,
2 this section shall ~~This section does not~~ apply to a criminal
3 proceeding or a collateral criminal proceeding.

4 (3) For purposes of this section, "prisoner" means a
5 person who is convicted of a crime and is incarcerated for
6 that crime or who is being held in custody pending extradition
7 or sentencing.

8 Section 2. This act shall take effect upon becoming a
9 law.

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SENATE SUMMARY

Provides that disciplinary procedures for frivolous
filings by a prisoner is applicable to a criminal
proceeding or a collateral criminal proceeding filed on
or after June 30, 2003.