

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Sapp offered the following:

3
4 **Amendment**

5 Remove lines 127-178 and insert:
6 new action in the courts of that circuit without first obtaining
7 leave of the court ~~administrative judge of that circuit~~.
8 Disobedience of such an order may be punished as contempt of
9 court ~~by the administrative judge of that circuit~~. Leave of
10 court shall be granted by the court ~~administrative judge~~ only
11 upon a showing that the proposed action is meritorious and is
12 not being filed for the purpose of delay or harassment. The
13 court ~~administrative judge~~ may condition the filing of the
14 proposed action upon the furnishing of security as provided in
15 this section.

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16 (5) The clerk of the court may ~~shall~~ not file any new
17 action by a pro se vexatious litigant against whom a prefiling
18 order has been entered ~~pro se~~ unless the vexatious litigant has
19 obtained an order from the court allowing ~~administrative judge~~
20 ~~permitting~~ such filing. If the clerk of the court mistakenly
21 allows a pro se ~~permits a~~ vexatious litigant to file any new an
22 action ~~pro se~~ in contravention of a prefiling order, any party
23 to that action may file with the clerk and serve on the
24 vexatious litigant ~~plaintiff~~ and all other parties ~~defendants~~ a
25 notice stating that the ~~plaintiff is a pro se~~ vexatious litigant
26 is subject to a prefiling order. The filing of such a notice
27 shall automatically stay the litigation against all parties
28 ~~defendants~~ to the action. The court ~~administrative judge~~ shall
29 automatically dismiss the action with prejudice within 10 days
30 after the filing of such notice unless the vexatious litigant
31 ~~plaintiff~~ files a motion for leave to file the new action. If
32 the court ~~administrative judge~~ issues an order granting leave,
33 the pleadings or other responses ~~permitting the action to be~~
34 ~~filed, the defendants need not plead or otherwise respond to the~~
35 complaint need not be filed until 10 days after the date of
36 service by the vexatious litigant ~~plaintiff, by United States~~
37 ~~mail,~~ of a copy of the order granting leave ~~to file the action.~~
38 (6) The clerk of a court must ~~shall~~ provide copies of all
39 prefiling orders to the Clerk of the Florida Supreme Court, who
40 must ~~shall~~ maintain a registry of all vexatious litigants.

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

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

44 (b) Rules, as applicable, on the motion for an order to
45 post security under paragraph (3)(d) or the motion for leave
46 under subsection (5); or

47 (c) Dismisses the action under subsection (5).