

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, or the~~  
25   Florida 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 without first obtaining  
128 leave of the court ~~administrative judge of that circuit~~.

129 Disobedience of such an order may be punished as contempt of  
130 court ~~by the administrative judge of that circuit~~. Leave of  
131 court shall be granted by the court ~~administrative judge~~ only  
132 upon a showing that the proposed action is meritorious and is  
133 not being filed for the purpose of delay or harassment. The  
134 court ~~administrative judge~~ may condition the filing of the  
135 proposed action upon the furnishing of security as provided in  
136 this section.

137 (5) The clerk of the court may ~~shall~~ not file any new  
138 action by a pro se vexatious litigant against whom a prefiling  
139 order has been entered ~~pro se~~ unless the vexatious litigant has  
140 obtained an order from the court allowing ~~administrative judge~~  
141 ~~permitting~~ such filing. If the clerk of the court mistakenly  
142 allows a pro se ~~permits a~~ vexatious litigant to file any new ~~an~~  
143 action ~~pro se~~ in contravention of a prefiling order, any party  
144 to that action may file with the clerk and serve on the  
145 vexatious litigant ~~plaintiff~~ and all other parties ~~defendants~~ a  
146 notice stating that the ~~plaintiff is a pro se~~ vexatious litigant  
147 is subject to a prefiling order. The filing of such a notice  
148 shall automatically stay the litigation against all parties  
149 ~~defendants~~ to the action. The court ~~administrative judge~~ shall  
150 automatically dismiss the action with prejudice within 10 days

151 after the filing of such notice unless the vexatious litigant  
152 ~~plaintiff~~ files a motion for leave to file the new action. If  
153 the court ~~administrative judge~~ issues an order granting leave,  
154 the pleadings or other responses ~~permitting the action to be~~  
155 ~~filed, the defendants need not plead or otherwise respond to the~~  
156 complaint need not be filed until 10 days after the date of  
157 service by the vexatious litigant ~~plaintiff, by United States~~  
158 ~~mail, of a copy of the order granting leave to file the action.~~

159 (6) The clerk of a court must ~~shall~~ provide copies of all  
160 prefiling orders to the Clerk of the Florida Supreme Court, who  
161 must ~~shall~~ maintain a registry of all vexatious litigants.

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

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

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

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

169 (8) ~~(7)~~ The relief provided under this section shall be  
170 cumulative to any other relief or remedy available ~~to a~~  
171 ~~defendant~~ under the laws of this state or the rules of court ~~and~~  
172 ~~the Florida Rules of Civil Procedure~~, including, but not limited  
173 to, the relief provided under s. 57.105.

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