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CS/CS/HB 1559

2025 Legislature

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An act relating to vexatious litigants; amending s. 68.093, F.S.; revising definitions; expanding actions subject to the Florida Vexatious Litigant Law; revising eligibility for designation as a vexatious litigant; revising sanctions and remedies for vexatious litigation; prohibiting clerks of court from accepting certain filings from a vexatious litigant; specifying the duration of an automatic stay imposed against vexatious litigation; providing an effective date.

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

Section 1. Section 68.093, Florida Statutes, is amended to read:

68.093 Florida Vexatious Litigant Law.—

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

(2) As used in section, the term:

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

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

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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

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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~~

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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

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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

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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

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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.