

By the Committee on Judiciary; and Senator Grall

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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 the court  
8           from accepting certain filings from a vexatious  
9           litigant; specifying the duration of an automatic stay  
10          imposed against vexatious litigation; providing an  
11          effective 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, the Florida~~  
25          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~~

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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, three ~~five~~ or more ~~civil~~  
46 actions in any court that in this state, except an action  
47 governed by the Florida Small Claims Rules, which actions have  
48 been finally and adversely determined against such person,  
49 except that an action may not be included for purposes of this  
50 subparagraph if the court finds that the action was commenced,  
51 prosecuted, or 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

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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 a  
68 vexatious litigant pursuant to this section or by another state  
69 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 pre~~  
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 order  
87 to post security, the court shall consider any evidence, written

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88 or oral, by witness or affidavit, which may be relevant to the  
89 consideration of the motion. No determination made by the court  
90 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 vexatious  
113 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

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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 or from filing, pro se,  
128 any pleading, request for relief, or other document in an action  
129 in the courts of that circuit without first obtaining leave of  
130 the court ~~administrative judge of that circuit~~. Disobedience of  
131 such an order may be punished as contempt of court ~~by the~~  
132 ~~administrative judge of that circuit~~. Leave of court shall be  
133 granted by the court ~~administrative judge~~ only upon a showing  
134 that the proposed action, pleading, request for relief, or other  
135 document is meritorious and is not being filed for the purpose  
136 of delay or harassment. The court ~~administrative judge~~ may  
137 condition the filing of the proposed action, pleading, request  
138 for relief, or other document upon the furnishing of security as  
139 provided in this section.

140 (5) The clerk of the court may ~~shall~~ not file any new  
141 action or any pleading, request for relief, or other document in  
142 an action on behalf of a pro se ~~by a~~ vexatious litigant against  
143 whom a prefiling order has been entered ~~pro se~~ unless the  
144 vexatious litigant has obtained an order from the court allowing  
145 ~~administrative judge permitting~~ such filing. If the clerk of the

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146 court mistakenly allows a pro se ~~permits~~ a vexatious litigant to  
147 file any new an action or any pleading, request for relief, or  
148 other document in an action ~~pro se~~ in contravention of a  
149 prefiling order, any party to that action may file with the  
150 clerk and serve on the vexatious litigant ~~plaintiff~~ and all  
151 other parties ~~defendants~~ a notice stating that the ~~plaintiff is~~  
152 ~~a pro se~~ vexatious litigant is subject to a prefiling order. The  
153 filing of such a notice shall automatically stay the litigation  
154 against all parties ~~defendants~~ to the action. The court  
155 ~~administrative judge~~ shall automatically dismiss the action or  
156 deny the pleading, request for relief, or other document filed  
157 by the vexatious litigant in an action with prejudice within 10  
158 days after the filing of such notice unless the vexatious  
159 litigant ~~plaintiff~~ files a motion for leave to file the new  
160 action or the pleading, request for relief, or other document.  
161 If the court ~~administrative judge~~ issues an order granting  
162 leave, the pleadings, or other responses ~~permitting the action~~  
163 ~~to be filed, the defendants need not plead or otherwise respond~~  
164 to the complaint or the pleading, request for relief, or other  
165 document need not be filed until 10 days after the date of  
166 service by the vexatious litigant ~~plaintiff~~, ~~by United States~~  
167 ~~mail,~~ of a copy of the order granting leave ~~to file the action.~~

168 (6) The clerk of a court shall provide copies of all  
169 prefiling orders to the Clerk of the Florida Supreme Court, who  
170 shall maintain a registry of all vexatious litigants.

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

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

174 (b) Rules, as applicable, on the motion for an order to

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175 post security under paragraph (3)(d) or the motion for leave  
176 under subsection (5); or

177 (c) Dismisses the action or denies the pleading, request  
178 for relief, or other document under subsection (5).

179 (8)(7) The relief provided under this section shall be  
180 cumulative to any other relief or remedy available ~~to a~~  
181 ~~defendant~~ under the laws of this state or the rules of court and  
182 ~~the Florida Rules of Civil Procedure~~, including, but not limited  
183 to, the relief provided under s. 57.105.

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