

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Judiciary; and Senators Grall and Yarborough

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A bill to be entitled
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 the 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. Present subsection (7) of section 68.093,
Florida Statutes, is redesignated as subsection (8) and amended,
a new subsection (7) is added to that section, and subsections
(2) through (5) of that section are amended, to read:

68.093 Florida Vexatious Litigant Law.—

(2) As used in this section, the term:

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

1. Governed by the Florida Rules of Civil Procedure, rule
5.025 of and proceedings governed by the Florida Probate Rules,
or the Florida Small Claims Rules, but does not include actions
concerning family law matters governed by the Florida Family Law
Rules of Procedure; or

2. In another state court or federal court governed by
rules of procedure comparable to the rules of procedure
specified in subparagraph 1. ~~or any action in which the Florida~~

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Small Claims Rules apply.

(b) ~~"Defendant" means any person or entity, including a corporation, association, partnership, firm, or governmental entity, against whom an action is or was commenced or is sought to be commenced.~~

~~(e)~~ "Security" means an undertaking by a vexatious litigant to ensure payment to a party defendant in an amount reasonably sufficient to cover the party's defendant's anticipated, reasonable expenses of litigation, including attorney ~~attorney's~~ fees and taxable costs.

~~(c)-(d)~~ "Vexatious litigant" means a person, as defined in s. 1.01(3), proceeding pro se, who:

1. ~~A person as defined in s. 1.01(3) who,~~ In the immediately preceding 7-year ~~5-year~~ period, has commenced, prosecuted, or maintained, pro se, five or more ~~civil~~ actions in any court which in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person, except an action may not be included for purposes of this subparagraph if the court finds that the action was commenced, prosecuted, or maintained in good faith ~~or entity; or~~

2. After an action has been finally and adversely determined against the person, repeatedly relitigates or attempts to relitigate either:

a. The validity of the determination against the same party in an action that was finally determined; or

b. The cause of action, claim, controversy, or any of the issues of fact or law determined by the final and adverse determination against the same party in an action that 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;

65 5. Repeatedly conducts unnecessary discovery;

66 6. Repeatedly engages in other tactics that are frivolous
67 or solely intended to cause unnecessary delay in any action; or

68 7.2. Has been Any person or entity previously found to be a
69 vexatious litigant pursuant to this section or by another state
70 court or a federal court.

71
72 An action is not deemed to be “finally and adversely determined”
73 if an appeal in that action is pending. ~~If an action has been~~
74 ~~commenced on behalf of a party by an attorney licensed to~~
75 ~~practice law in this state, that action is not deemed to be pro~~
76 ~~se even if the attorney later withdraws from the representation~~
77 ~~and the party does not retain new counsel.~~

78 (3)(a) In any action pending in any court of this state,
79 ~~including actions governed by the Florida Small Claims Rules,~~
80 any party defendant may move the court, upon notice and hearing,
81 for an order requiring an opposing party ~~the plaintiff~~ to
82 furnish security. The motion must ~~shall~~ be based on the grounds,
83 and supported by a showing, that the opposing party subject to
84 the motion ~~plaintiff~~ is a vexatious litigant and is not
85 reasonably likely to prevail on the merits of the action against
86 the moving party defendant.

87 (b) At the hearing ~~upon any defendant's motion~~ for an order

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to post security, the court shall consider any evidence, written or oral, by witness or affidavit, which may be relevant to the consideration of the motion. A ~~No~~ determination made by the court in such a hearing is not ~~shall be~~ admissible on the merits of the action nor ~~or~~ deemed to be a determination of any issue in the action. If, after hearing the evidence, the court determines that the opposing party subject to the motion ~~plaintiff~~ is a vexatious litigant and is not reasonably likely to prevail on the merits of the action against the moving party ~~defendant~~, the court must ~~shall~~ order the vexatious litigant ~~plaintiff~~ to furnish security to the moving party ~~defendant~~ in an amount and within such time as the court deems appropriate.

(c) If the vexatious litigant ~~plaintiff~~ fails to post security required by an order of the court under this section and the vexatious litigant is:

1. A plaintiff or petitioner, the court must ~~shall~~ immediately issue an order dismissing the action with prejudice as to the moving party ~~defendant~~ for whose benefit the security was ordered; or

2. A defendant or respondent, the court may immediately issue an order imposing one or more of the following sanctions, as appropriate:

a. Denial of the vexatious litigant's request for relief;

b. Striking of the vexatious litigant's pleading or other document or part thereof; or

c. Rendition of a judgment by default against the vexatious litigant.

(d) If the ~~a~~ motion for an order to post security is filed before ~~prior to~~ the trial in an action, the action is ~~shall be~~

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117 automatically stayed and the moving party ~~defendant~~ need not
118 plead or otherwise respond to the vexatious litigant's
119 complaint, pleading, request for relief, or other document until
120 10 days after the motion for an order to post security is
121 denied. If the motion for an order to post security is granted,
122 the moving party must ~~defendant shall~~ respond or plead no later
123 than 10 days after the required security has been furnished.

124 (4) In addition to any other relief provided in this
125 section, the court in any judicial circuit may, on its own
126 motion or on the motion of any party, enter a prefiling order
127 prohibiting a vexatious litigant from commencing, pro se, any
128 new action in the courts of that circuit without first obtaining
129 leave of the court ~~administrative judge of that circuit~~.
130 Disobedience of such an order may be punished as contempt of
131 court ~~by the administrative judge of that circuit~~. Leave of
132 court shall be granted by the court ~~administrative judge~~ only
133 upon a showing that the proposed action is meritorious and is
134 not being filed for the purpose of delay or harassment. The
135 court ~~administrative judge~~ may condition the filing of the
136 proposed action upon the furnishing of security as provided in
137 this section.

138 (5) The clerk of the court may ~~shall~~ not file any new
139 action by a pro se vexatious litigant against whom a prefiling
140 order has been entered ~~pro-se~~ unless the vexatious litigant has
141 obtained an order from the court ~~allowing administrative judge~~
142 ~~permitting~~ such filing. If the clerk of the court mistakenly
143 allows a pro se ~~permits a~~ vexatious litigant to file any new an
144 action ~~pro-se~~ in contravention of a prefiling order, any party
145 to that action may file with the clerk and serve on the

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146 vexatious litigant ~~plaintiff~~ and all other parties ~~defendants~~ a
147 notice stating that the ~~plaintiff is a pro se~~ vexatious litigant
148 is subject to a prefiling order. The filing of such a notice
149 ~~shall~~ automatically stays ~~stay~~ the litigation against all
150 parties ~~defendants~~ to the action. The court ~~administrative judge~~
151 shall automatically dismiss the action with prejudice within 10
152 days after the filing of such notice unless the vexatious
153 litigant ~~plaintiff~~ files a motion for leave to file the new
154 action. If the court ~~administrative judge~~ issues an order
155 granting leave, the pleadings or other responses ~~permitting the~~
156 ~~action to be filed, the defendants need not plead or otherwise~~
157 ~~respond~~ to the complaint need not be filed until 10 days after
158 the date of service by the vexatious litigant ~~plaintiff, by~~
159 ~~United States mail,~~ of a copy of the order granting leave ~~to~~
160 ~~file the action.~~

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

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

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

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

168 (8) ~~(7)~~ The relief provided under this section is ~~shall be~~
169 cumulative to any other relief or remedy available ~~to a~~
170 ~~defendant~~ under the laws of this state or the rules of court ~~and~~
171 ~~the Florida Rules of Civil Procedure~~, including, but not limited
172 to, the relief provided under s. 57.105.

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