

## CHAPTER 2025-128

### Committee Substitute for Committee Substitute for House Bill No. 1559

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

2. In another state court or federal court governed by rules of procedure that are comparable to the rules of procedure specified in subparagraph 1 but does not include actions concerning family law matters governed by the Florida Family Law Rules of Procedure or any action in which the Florida 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.~~

~~(b)(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 that ~~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 that 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 the validity of the determination against the same party as to whom the action was finally determined or 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 as to whom the action was finally determined;

3. Repeatedly files pleadings, requests for relief, or other documents that have been the subject of previous rulings by the court in the same action;

4. Repeatedly files unmeritorious pleadings, requests for relief, or other documents; conducts unnecessary discovery; or engages in other tactics that are frivolous or solely intended to cause unnecessary delay in any action; or

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

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

(3)(a) In any action pending in any court of this state, ~~including actions governed by the Florida Small Claims Rules,~~ any party defendant may move the court, upon notice and hearing, for an order requiring an opposing party ~~the plaintiff~~ to furnish security. The motion shall be based on the grounds, and supported by a showing, 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~~.

(b) At the hearing ~~upon any defendant’s motion~~ for an order 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. No determination made by the court in such a hearing shall be admissible on the merits of the action 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 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 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 shall be automatically stayed and the moving party defendant need not plead or otherwise respond to the vexatious litigant's complaint, pleading, request for relief, or other document until 10 days after the motion for an order to post security is denied. If the motion for an order to post security is granted, the moving party defendant shall respond or plead no later than 10 days after the required security has been furnished.

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

(5) The clerk of the court ~~may~~ shall not file any new action by a pro se vexatious litigant against whom a prefilng order has been entered ~~pro se~~ unless the vexatious litigant has obtained an order from the court allowing administrative judge permitting such filing. If the clerk of the court mistakenly allows a pro se ~~permits~~ a vexatious litigant to file any new an action ~~pro se~~ in contravention of a prefilng order, any party to that action may file with the clerk and serve on the vexatious litigant plaintiff and all other parties defendants a notice stating that the plaintiff is a pro se vexatious litigant is subject to a prefilng order. The filing of such a notice shall automatically stay the litigation against all parties defendants to the action. The ~~court administrative judge~~ shall automatically dismiss the action with prejudice within 10 days after the filing of such notice unless the vexatious litigant plaintiff files a motion for leave to file the new action. If the ~~court administrative judge~~ issues an order granting leave, the pleadings or other responses permitting the action to be filed, the defendants need not

~~plead or otherwise respond to the complaint~~ need not be filed until 10 days after the date of service by the vexatious litigant plaintiff, by United States mail, of a copy of the order granting leave ~~to file the action~~.

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

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

(a) In its discretion, vacates the stay;

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

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

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

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

Approved by the Governor June 5, 2025.

Filed in Office Secretary of State June 5, 2025.