

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

ADMINISTRATIVE ORDER S-2017-038

FRIVOLOUS LITIGATION SANCTION ORDERS¹

Access to Florida state courts is a right enjoyed by all persons under Article V, section 21 of the Florida Constitution, regardless of legal representation. When a person abuses his or her right to access to the courts however, the courts have an obligation to balance the litigant's right of access and the need of the courts to prevent repetitious and frivolous filings.

The frequent frivolous filing of meritless cases has the detrimental effect of consuming an inordinate amount of judicial time and resources – time and resources that therefore are not devoted to resolving potentially meritorious claims presented in other cases before the court.

Courts have the inherent authority to prohibit the deliberate and continual filing of frivolous actions that demonstrate an egregious abuse of the judicial process and ultimately interfere with the timely administration of justice. See generally *Bolton v. SE Property Holdings, LLC*, 127 So. 3d 746 (Fla. 1st DCA 2013); *Delgado v. Hearn*, 805 So. 2d 1017 (Fla. 2nd DCA 2001); and *State v. Spencer*, 751 So. 2d 47 (Fla. 1999).

The entry of this administrative order is necessary to protect the constitutional right of access to the courts for *all* litigants and permit the court to devote its finite resources to the consideration of legitimate claims filed in the Thirteenth Judicial Circuit.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rules of Judicial Administration 2.215(b)(2), it is ORDERED:

1. Injunctive Sanction Order Defined

For purposes of this administrative order, the term *injunctive sanction order*

¹ This administrative order applies only to injunctive sanction orders issued under the court's inherent powers through case law; it does not apply to pre-filing orders issued under the Florida Vexatious Litigation Law (§68.093, Florida Statutes).

means an order – based on the court’s detailed findings after notice and an opportunity to respond² that a litigant has egregiously abused the judicial process by filing frivolous documents – enjoining the litigant from filing further documents with the court or with the clerk unless the document is signed by a member in good standing of The Florida Bar.

2. Necessary Provisions in Injunctive Sanction Orders

All injunctive sanction orders should include provisions that allow the Clerk of the Court (clerk) to (A) place any submissions received by the litigant after entry of the injunctive sanction order into an inactive file; and (B) accept from the litigant, file, and submit to the appellate court a notice of appeal. *G.W. v. Rushing*, 22 So. 3d 819 (Fla. 2d DCA 2009).

3. Injunctive Sanction Orders Issued in the Circuit Civil Division

When a judge presiding in a Circuit Civil Division enters an injunctive sanction order, the clerk is directed to not only apply the injunctive sanction order to the specific lettered division of the presiding judge who entered the order, but to also apply the injunctive sanction order to any new action subsequently filed by that litigant, regardless of what division of the Circuit Civil Division the new case would be assigned, unless the judge’s injunctive sanction order specifically limits the order’s application to the individual case.

4. Injunctive Sanction Orders Issued in the County Civil Division

When a judge presiding in a County Civil Division enters an injunctive sanction order, the clerk is directed to not only apply the injunctive sanction order to the specific lettered division of the presiding judge who entered the order, but to also apply the injunctive sanction order to any new action subsequently filed by that litigant, regardless of what division of the County Civil Division the new case would be assigned, unless the judge’s injunctive sanction order specifically limits the order’s application to the individual case.

5. Copies of Injunctive Sanction Orders Forwarded to Chief Judge

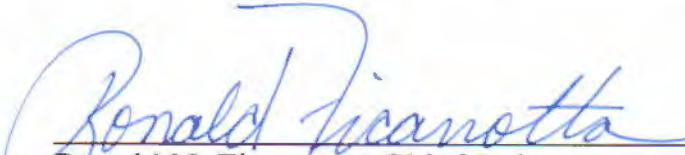
Upon issuing an injunctive sanction order, the issuing judge must forward a copy of the injunctive sanction order to the chief judge electronically to enable the chief judge to distribute the injunctive sanction order to the judges of the affected division(s).

² See *Bolton v. SE Property Holdings, LLC*, 127 So. 3d 746 (Fla. 1st DCA 2013).

6. Effective Date

This administrative order is effective immediately and applies to all injunctive sanction orders issued prospectively.

ENTERED in Tampa, Hillsborough County, Florida on June 5, 2017.


Ronald N. Ficarrotta, Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court

Copy to: All Circuit Civil and County Civil Division Judges
Gina Justice, Court Administrator
Hillsborough County Bar Association