



721864

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
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The Committee on Judiciary (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 61.16, Florida Statutes, is amended to  
read:

61.16 Attorney ~~Attorney's~~ fees, suit money, and costs.—

(1) The court may from time to time, after considering the  
financial resources of both parties, order a party to pay a  
reasonable amount for attorney ~~attorney's~~ fees, suit money, and  
the cost to the other party of maintaining or defending any



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proceeding seeking relief under this chapter, including enforcement, ~~and~~ modification, and appellate proceedings and appeals.

(2) An award of attorney fees, suit money, and costs, whether temporary or final, may be awarded retroactively and prospectively as equity requires. Attorney fees, suit money, and costs incurred in pursuing an award of such fees, money, and costs may be included in any award under this section.

(3) In those cases in which an action is brought for enforcement and the court finds that the noncompliant party is without justification in the refusal to follow a court order, the court may not award attorney ~~attorney's~~ fees, suit money, and costs to the noncompliant party.

(4) An application for attorney ~~attorney's~~ fees, suit money, or costs, whether temporary or final ~~otherwise, may shall~~ not require corroborating expert testimony in order to support an award under this chapter.

(5) The trial court has ~~shall have~~ continuing jurisdiction to make temporary attorney ~~attorney's~~ fees and costs awards reasonably necessary to prosecute or defend an appeal on the same basis and criteria as though the matter were pending before it at the trial level.

(6) In determining entitlement to, and the amount of, an award of attorney fees, suit money, and costs, the court may consider whether a good faith offer of settlement was rejected.

(7)(a) If a party directly engages in vexatious or bad faith litigation, the court may:

1. Award attorney fees, suit money, and costs as a sanction against the opposing party; or



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41        2. Deny or reduce an award of attorney fees, suit money,  
42 and costs to the offending party.

43        (b) An order entered under this subsection addressing  
44 vexatious or bad faith litigation must include written findings  
45 identifying the specific conduct the party engaged in and the  
46 reasons the court granted, denied, or reduced such fees, money,  
47 and costs ~~In all cases, the court may order that the amount be~~  
48 ~~paid directly to the attorney, who may enforce the order in that~~  
49 ~~attorney's name.~~

50        (8) In determining whether to make attorney ~~attorney's~~ fees  
51 and costs awards at the appellate level, the court shall  
52 primarily consider the relative financial resources of the  
53 parties, unless an appellate party's cause is deemed to be  
54 frivolous.

55        (9) In all cases, the court may order that the award of  
56 attorney fees, suit money, and costs be paid directly to the  
57 attorney, who may enforce such order in his or her name.  
58 However, payment of support owed to the obligee has priority  
59 over fees, costs, and expenses.

60        (10) In Title IV-D cases, attorney ~~attorney's~~ fees, suit  
61 money, and costs, including filing fees, recording fees,  
62 mediation costs, service of process fees, and other expenses  
63 incurred by the clerk of the circuit court, shall be assessed  
64 only against the nonprevailing obligor after the court makes a  
65 determination of the nonprevailing obligor's ability to pay such  
66 costs and fees. The Department of Revenue shall not be  
67 considered a party for purposes of this section; however, fees  
68 may be assessed against the department pursuant to s. 57.105(1).

69        (11)-(2) In an action brought pursuant to Rule 3.840,



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Florida Rules of Criminal Procedure, whether denominated direct or indirect criminal contempt, the court may ~~shall have~~ authority to:

(a) Appoint an attorney to prosecute said contempt.

(b) Assess attorney ~~attorney's~~ fees and costs against the ~~contemnor~~ ~~contemptor~~ after the court makes a determination of the contemnor's ~~contemptor's~~ ability to pay such costs and fees.

(c) Order that the amount be paid directly to the attorney, who may enforce the order in his or her name.

Section 2. Section 742.045, Florida Statutes, is amended to read:

742.045 Attorney ~~Attorney's~~ fees, suit money, and costs.—

(1) The court may from time to time, after considering the financial resources of both parties, order a party to pay a reasonable amount for attorney ~~attorney's~~ fees, suit money, and the cost to the other party of maintaining or defending any proceeding seeking relief under this chapter, including enforcement, ~~and~~ modification, and appellate proceedings.

(2) An award of attorney fees, suit money, and costs, whether temporary or final, may be awarded retroactively and prospectively as equity requires. Attorney fees, suit money, and costs incurred in pursuing an award of such fees, money, and costs may be included in any award under this section.

(3) An application for attorney ~~attorney's~~ fees, suit money, or costs, whether temporary or final ~~otherwise~~, may ~~shall~~ not require corroborating expert testimony in order to support an award under this chapter.

(4) In determining entitlement to, and the amount of, an award of attorney fees, suit money, and costs, the court may



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consider whether a good faith offer of settlement was rejected.

(5) (a) If a party directly engages in vexatious or bad faith litigation, the court may:

1. Award attorney fees, suit money, and costs as a sanction against the opposing party; or

2. Deny or reduce an award of attorney fees, suit money, and costs to the offending party.

(b) An order entered under this subsection addressing vexatious or bad faith litigation must include written findings identifying the specific conduct the party engaged in and the reasons the court granted, denied, or reduced such fees, money, and costs.

(6) The court may order that the amount of the attorney fees, suit money, and costs be paid directly to the attorney, who may enforce the order in his or her name. However, payment of support owed to the obligee has priority over fees, costs, and expenses.

(7) In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Revenue may ~~shall~~ not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).

Section 3. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====



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And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to attorney fees, suit money, and costs; amending ss. 61.16 and 742.045, F.S.; authorizing a court to order attorney fees, suit money, and costs in appellate proceedings; providing that an award of attorney fees, suit money, and costs may be awarded retroactively and prospectively; authorizing the inclusion of certain fees, money, and costs in an award of attorney fees, suit money, and costs; providing that payment of support owed to the obligee has priority over fees, costs, and expenses; authorizing the court to consider if a good faith offer of settlement was rejected when awarding attorney fees, suit money, and costs; authorizing the court to award, deny, or reduce attorney fees, suit money, and costs under certain circumstances; requiring the court to make certain written findings; providing an effective date.