



LEGISLATIVE ACTION

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

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

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

7 61.16 Attorney Attorney's fees, suit money, and costs.—

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



12 proceeding seeking relief under this chapter, including
13 enforcement, and modification, and appellate proceedings and
14 appeals.

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

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

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

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

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

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

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



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,



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

- 73 (a) Appoint an attorney to prosecute said contempt.
- 74 (b) Assess attorney attorney's fees and costs against the
75 contemnor contemptor after the court makes a determination of
76 the contemnor's contemptor's ability to pay such costs and fees.
- 77 (c) Order that the amount be paid directly to the attorney,
78 who may enforce the order in his or her name.

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

81 742.045 Attorney Attorney's fees, suit money, and costs.—
82 (1) The court may from time to time, after considering the
83 financial resources of both parties, order a party to pay a
84 reasonable amount for attorney attorney's fees, suit money, and
85 the cost to the other party of maintaining or defending any
86 proceeding seeking relief under this chapter, including
87 enforcement, and modification, and appellate proceedings.

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

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

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



99 consider whether a good faith offer of settlement was rejected.

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

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

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

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

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

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

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

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



128 And the title is amended as follows:
129 Delete everything before the enacting clause
130 and insert:
131 A bill to be entitled
132 An act relating to attorney fees, suit money, and
133 costs; amending ss. 61.16 and 742.045, F.S.;
134 authorizing a court to order attorney fees, suit
135 money, and costs in appellate proceedings; providing
136 that an award of attorney fees, suit money, and costs
137 may be awarded retroactively and prospectively;
138 authorizing the inclusion of certain fees, money, and
139 costs in an award of attorney fees, suit money, and
140 costs; providing that payment of support owed to the
141 obligee has priority over fees, costs, and expenses;
142 authorizing the court to consider if a good faith
143 offer of settlement was rejected when awarding
144 attorney fees, suit money, and costs; authorizing the
145 court to award, deny, or reduce attorney fees, suit
146 money, and costs under certain circumstances;
147 requiring the court to make certain written findings;
148 providing an effective date.