

1 A bill to be entitled
 2 An act relating to court-ordered payment awards in legal
 3 proceedings; amending ss. 61.16 and 742.045, F.S.;
 4 authorizing certain court orders to include additional
 5 reasonable amounts for certain attorney's fees, suit
 6 money, and costs related to certain proceedings; providing
 7 an effective date.

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 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Subsection (1) of section 61.16, Florida
 12 Statutes, is amended to read:

13 61.16 Attorney's fees, suit money, and costs.--

14 (1) The court may from time to time, after considering the
 15 financial resources of both parties, order a party to pay a
 16 reasonable amount for attorney's fees, suit money, and the cost
 17 to the other party of maintaining or defending any proceeding
 18 under this chapter, including enforcement and modification
 19 proceedings and appeals. The order may include a reasonable
 20 amount for attorney's fees, suit money, and costs incurred by a
 21 party for the services performed and costs incurred to establish
 22 both the party's entitlement to and the amount of attorney's
 23 fees, suit money, and costs to be awarded in the proceeding. In
 24 those cases in which an action is brought for enforcement and
 25 the court finds that the noncompliant party is without
 26 justification in the refusal to follow a court order, the court
 27 may not award attorney's fees, suit money, and costs to the
 28 noncompliant party. An application for attorney's fees, suit

HB 0095

2005

29 money, or costs, whether temporary or otherwise, shall not
30 require corroborating expert testimony in order to support an
31 award under this chapter. The trial court shall have continuing
32 jurisdiction to make temporary attorney's fees and costs awards
33 reasonably necessary to prosecute or defend an appeal on the
34 same basis and criteria as though the matter were pending before
35 it at the trial level. In all cases, the court may order that
36 the amount be paid directly to the attorney, who may enforce the
37 order in that attorney's name. In determining whether to make
38 attorney's fees and costs awards at the appellate level, the
39 court shall primarily consider the relative financial resources
40 of the parties, unless an appellate party's cause is deemed to
41 be frivolous. In Title IV-D cases, attorney's fees, suit money,
42 and costs, including filing fees, recording fees, mediation
43 costs, service of process fees, and other expenses incurred by
44 the clerk of the circuit court, shall be assessed only against
45 the nonprevailing obligor after the court makes a determination
46 of the nonprevailing obligor's ability to pay such costs and
47 fees. The Department of Revenue shall not be considered a party
48 for purposes of this section; however, fees may be assessed
49 against the department pursuant to s. 57.105(1).

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

52 742.045 Attorney's fees, suit money, and costs.--The court
53 may from time to time, after considering the financial resources
54 of both parties, order a party to pay a reasonable amount for
55 attorney's fees, suit money, and the cost to the other party of
56 maintaining or defending any proceeding under this chapter,

57 including enforcement and modification proceedings. The order
58 may include a reasonable amount for attorney's fees, suit money,
59 and costs incurred by a party for the services performed and
60 costs incurred to establish both the party's entitlement to and
61 the amount of attorney's fees, suit money, and costs to be
62 awarded in the proceeding. An application for attorney's fees,
63 suit money, or costs, whether temporary or otherwise, shall not
64 require corroborating expert testimony in order to support an
65 award under this chapter. The court may order that the amount be
66 paid directly to the attorney, who may enforce the order in his
67 or her name. In Title IV-D cases, any costs, including filing
68 fees, recording fees, mediation costs, service of process fees,
69 and other expenses incurred by the clerk of the circuit court,
70 shall be assessed only against the nonprevailing obligor after
71 the court makes a determination of the nonprevailing obligor's
72 ability to pay such costs and fees. The Department of Revenue
73 shall not be considered a party for purposes of this section;
74 however, fees may be assessed against the department pursuant to
75 s. 57.105(1).

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