

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 413 (2026)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

Committee/Subcommittee hearing bill: Civil Justice & Claims
Subcommittee

Representative Gottlieb offered the following:

Amendment (with title amendment)

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

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

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

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

31 (5) The trial court has ~~shall have~~ continuing jurisdiction
32 to make temporary attorney ~~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.

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

39 (7)(a) If a party, directly or through the party's
40 attorney, engages in vexatious or bad faith litigation, the
41 court may:

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

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

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

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

58 (9) In all cases, the court may order that the award of
59 attorney fees, suit money, and costs be paid directly to the
60 attorney, who may enforce such order in his or her name.

61 (10) In Title IV-D cases, attorney ~~attorney's~~ fees, suit
62 money, and costs, including filing fees, recording fees,
63 mediation costs, service of process fees, and other expenses
64 incurred by the clerk of the circuit court, shall be assessed
65 only against the nonprevailing obligor after the court makes a
66 determination of the nonprevailing obligor's ability to pay such

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costs and fees. The Department of Revenue must ~~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).

(11) ~~(2)~~ In an action brought pursuant to Rule 3.840, 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.

12) Except in Title IV-D cases, where a party to a proceeding under this chapter files and prevails on a motion for civil contempt under any applicable provision of the Florida Family Law Rules of Procedure, there is a presumption that such party is entitled to recover his or her attorney fees and costs from the contemnor, irrespective of his or her need and the contemnor's ability to pay.

(13) The relief provided under this section shall be cumulative to any other relief or remedy available under the laws of this state or the rules of court.

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

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92 742.045 Attorney ~~Attorney's~~ fees, suit money, and costs.-

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

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

104 (3) In those cases in which an action is brought for
105 enforcement and the court finds that the noncompliant party is
106 without justification in the refusal to follow a court order,
107 the court must not award attorney fees, suit money, and costs to
108 the noncompliant party.

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

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

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

120 (7) (a) If a party, directly or through the party's
121 attorney, engages in vexatious or bad faith litigation, the
122 court may:

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

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

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

132 (8) In determining whether to make attorney fees and costs
133 awards at the appellate level, the court shall primarily
134 consider the relative financial resources of the parties, unless
135 an appellate party's cause is deemed to be frivolous.

136 (9) In all cases, the court may order that the award
137 amount of attorney fees, suit money, and costs be paid directly
138 to the attorney, who may enforce such the order in his or her
139 name.

140 (10) In Title IV-D cases, attorney fees, suit money, and
141 any costs, including filing fees, recording fees, mediation

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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 must ~~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).

(11) In an action brought pursuant to Rule 3.840, Florida Rules of Criminal Procedure, whether denominated direct or indirect criminal contempt, the court may:

(a) Appoint an attorney to prosecute said contempt.

(b) Assess attorney fees and costs against the contemnor after the court makes a determination of the contemnor'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.

12) Except in Title IV-D cases, where a party to a proceeding under this chapter files and prevails on a motion for civil contempt under any applicable provision of the Florida Family Law Rules of Procedure, there is a presumption that such party is entitled to recover his or her attorney fees and costs from the contemnor, irrespective of his or her need and the contemnor's ability to pay.

(13) The relief provided under this section shall be cumulative to any other relief or remedy available under the

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167 laws of this state or the rules of court.

168 **Section 3.** The amendments made to ss. 61.16 and 742.045,
169 Florida Statutes, by this act apply to any action, including
170 those initiated by a supplemental petition, filed on or after
171 the effective date of this act.

172 **Section 4.** This act shall take effect upon becoming a law.
173
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175 -----
176 **T I T L E A M E N D M E N T**

177 Remove everything before the enacting clause and insert:
178 An act relating to attorney fees, suit money, and
179 costs; amending s. 61.16, F.S.; providing that
180 attorney fees, suit money, and costs may be awarded
181 retroactively and prospectively; authorizing the
182 inclusion of certain fees, money, and costs in the
183 total award of attorney fees, suit money, and costs;
184 authorizing the court to consider whether a party
185 rejected a good faith offer of settlement when
186 awarding attorney fees, suit money, and costs;
187 authorizing the court to award, deny, or reduce
188 attorney fees, suit money, and costs under as a
189 sanction for vexatious or bad faith litigation;
190 requiring the court to make certain written findings
191 pertaining to the award, denial, or reduction of

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attorney fees as a sanction for vexatious or bad faith litigation; providing that the remedies are cumulative and not exclusive; amending s. 742.045, F.S.; authorizing the award of appellate attorney fees in determination of parentage actions; providing that attorney fees, suit money, and costs may be awarded retroactively and prospectively; prohibiting a court from awarding attorney fees, suit money, and costs to a party found to be noncompliant in certain circumstances; specifying that a trial court has continuing jurisdiction to award temporary appellate attorney fees and costs under a specified basis and criteria; authorizing the inclusion of certain fees, money, and costs in the total award of attorney fees, suit money, and costs; authorizing the court to consider whether a party rejected a good faith offer of settlement when awarding attorney fees, suit money, and costs; authorizing the court to award, deny, or reduce attorney fees, suit money, and costs under as a sanction for vexatious or bad faith litigation; specifying the primary factor for a court to consider in making appellate attorney fees and costs awards; requiring the court to make certain written findings pertaining to the award, denial, or reduction of attorney fees as a sanction for vexatious or bad faith

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217 litigation; providing that the remedies are cumulative
218 and not exclusive; providing applicability; providing
219 an effective date.