



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2026	.	
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The Appropriations Committee on Criminal and Civil Justice (Grall) recommended the following:

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

2                   Delete lines 41 - 141

3                   and insert:

4                   and costs to the noncompliant party in the enforcement action.

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

9                   (5) The trial court has ~~shall have~~ continuing jurisdiction



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11 to make temporary attorney attorney's fees and costs awards  
12 reasonably necessary to prosecute or defend an appeal on the  
13 same basis and criteria as though the matter were pending before  
14 it at the trial level.

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

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

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

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

24 (b) An order entered under this subsection addressing  
25 vexatious or bad faith litigation must include written findings  
26 identifying the specific conduct the party engaged in and the  
27 reasons the court granted, denied, or reduced such fees, money,  
28 and costs In all cases, the court may order that the amount be  
29 paid directly to the attorney, who may enforce the order in that  
30 attorney's name.

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

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

39 However, payment of support owed to the obligee has priority



40 over fees, costs, and expenses.

41 (10) In Title IV-D cases, attorney attorney's fees, suit  
42 money, and costs, including filing fees, recording fees,  
43 mediation costs, service of process fees, and other expenses  
44 incurred by the clerk of the circuit court, shall be assessed  
45 only against the nonprevailing obligor after the court makes a  
46 determination of the nonprevailing obligor's ability to pay such  
47 costs and fees. The Department of Revenue may shall not be  
48 considered a party for purposes of this section; however, fees  
49 may be assessed against the department pursuant to s. 57.105(1).

50 (11) ~~(2)~~ In an action brought pursuant to Rule 3.840,  
51 Florida Rules of Criminal Procedure, whether denominated direct  
52 or indirect criminal contempt, the court may shall have  
53 ~~authority to:~~

- 54 (a) Appoint an attorney to prosecute such said contempt.
- 55 (b) Assess attorney attorney's fees and costs against the  
56 contemnor ~~contemtor~~ after the court makes a determination of  
57 the contemnor's ~~contemtor's~~ ability to pay such costs and fees.

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

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

62 742.045 Attorney Attorney's fees, suit money, and costs.—

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



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

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

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

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

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

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

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

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

96        (b) An order entered under this subsection addressing  
97        vexatious or bad faith litigation must include written findings



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98 identifying the specific conduct the party engaged in and the  
99 reasons the court granted, denied, or reduced such fees, money,  
100 and costs.

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

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

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

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

122 (a) Appoint an attorney to prosecute such contempt.

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

126 (c) Order that the amount be paid directly to the attorney,



127 who may enforce the order in his or her name.

128

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

130 And the title is amended as follows:

131 Delete lines 10 - 17

132 and insert:

133 costs; prohibiting the award of attorney fees, suit  
134 money, and costs under certain circumstances;  
135 providing that a trial court has continuing  
136 jurisdiction for certain purposes; authorizing the  
137 court to consider if a good faith offer of settlement  
138 was rejected when awarding attorney fees, suit money,  
139 and costs; authorizing the court to award, deny, or  
140 reduce attorney fees, suit money, and costs under  
141 certain circumstances; requiring the court to consider  
142 the relative financial resources of the parties for  
143 certain purposes; providing an exception; providing  
144 that payment of support owed to the obligee has  
145 priority over fees, costs, and expenses; providing  
146 that attorney fees and suit money may be assessed only  
147 under certain circumstances; authorizing the court to  
148 take certain actions in criminal contempt proceedings;