



462258

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:

Senate Amendment (with title amendment)

Delete lines 41 - 141
and insert:
and costs to the noncompliant party in the enforcement action.

(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



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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 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

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 ~~In all cases, the court may order that the amount be paid directly to the attorney, who may enforce the order in that attorney's name.~~

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

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

However, payment of support owed to the obligee has priority



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over fees, costs, and expenses.

(10) In Title IV-D cases, attorney ~~attorney's~~ fees, suit money, and 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).

(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 such ~~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.



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(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 fees, suit money, and costs to the noncompliant party in the enforcement action.

(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 continuing jurisdiction to make temporary attorney 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 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

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



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

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

(9) The court may order that the award of attorney fees, suit money, and costs ~~amount~~ 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.

(10) In Title IV-D cases, attorney fees, suit money, and ~~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).

(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 such 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,



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who may enforce the order in his or her name.

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

And the title is amended as follows:

Delete lines 10 - 17

and insert:

costs; prohibiting the award of attorney fees, suit
money, and costs under certain circumstances;
providing that a trial court has continuing
jurisdiction for certain purposes; 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 consider
the relative financial resources of the parties for
certain purposes; providing an exception; providing
that payment of support owed to the obligee has
priority over fees, costs, and expenses; providing
that attorney fees and suit money may be assessed only
under certain circumstances; authorizing the court to
take certain actions in criminal contempt proceedings;