

A bill to be entitled

An Act relating to court-ordered payment awards in legal proceedings; amending ss. 61.16 and 742.05, F.S.; authorizing certain court orders to include additional reasonable amounts for certain attorney's fees, suit money, and costs related to certain proceedings; providing an effective date.

61.16 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's fees, suit money, and the cost to the other party of maintaining or defending any proceeding under this chapter, including enforcement and modification proceedings and appeals. The order may include a reasonable amount for attorney's fees, suit money, and costs incurred by a party for the services performed and costs incurred to establish both the party's entitlement to and the amount of attorney's fees, suit money, and costs to be awarded in the proceeding. 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's fees, suit money, and costs to the noncompliant party. An application for attorney's fees, suit money, or costs, whether temporary or otherwise, shall not require corroborating expert testimony in order to support an award under this chapter. The trial court shall have continuing jurisdiction to make temporary 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. 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. In determining whether to make 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. In Title IV-D cases, attorney's fees, suit money, and costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the non-prevailing obligor after the court makes a determination of the non-prevailing obligor's ability to pay such costs and fees. The Department of Revenue 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).

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

742.045 Attorney's fees, suit money, and costs.-- 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's fees, suit money, and the cost to the other party of maintaining or defending any proceeding under this chapter, including enforcement and modification proceedings. The order may include a reasonable amount for attorney's fees, suit money, and costs incurred by a party for the services performed and costs incurred to establish both the party's entitlement to and the amount of attorney's fees, suit money, and costs to be awarded in the proceeding. An application for attorney's fees, suit money, or costs, whether temporary or otherwise, shall not require corroborating expert testimony in order to support an award under this chapter. The court may order that the amount be paid directly to the attorney, who may enforce the order in his or her name. In Title IV-D cases, any costs, including filing fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the non-prevailing obligor after the court makes a determination of the non-prevailing obligor's ability to pay such costs and fees. The Department of Revenue 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).

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