

HB 1111

2011

1 A bill to be entitled
2 An act relating to the Uniform Interstate Family Support
3 Act; amending s. 88.1011, F.S.; revising and providing
4 definitions; amending s. 88.1021, F.S.; designating the
5 Department of Revenue as the support enforcement agency of
6 this state; amending s. 88.1031, F.S.; revising provisions
7 relating to remedies provided by the act; creating s.
8 88.1041, F.S.; providing for applicability of provisions
9 to residents of foreign counties and foreign support
10 proceedings; amending s. 88.2011, F.S.; providing that
11 specified bases of personal jurisdiction may not be used
12 to acquire personal jurisdiction for certain purposes
13 unless specified requirements are met; amending s.
14 88.2021, F.S.; providing for duration of personal
15 jurisdiction; deleting provisions relating to procedure
16 when exercising jurisdiction over nonresident; amending
17 ss. 88.2031 and 88.2041, F.S.; conforming provisions to
18 changes made by the act; amending s. 88.2051, F.S.;
19 revising provisions relating to continuation of exclusive
20 jurisdiction; amending s. 88.2061, F.S.; providing for
21 continuing jurisdiction to enforce child support orders;
22 amending s. 88.2071, F.S.; revising provisions relating to
23 determination of a controlling child support order;
24 amending s. 88.2081, F.S.; revising language relating to
25 child support orders for two or more obligees; amending s.
26 88.2091, F.S.; revising language relating to credit for
27 child support payments; creating s. 88.2101, F.S.;
28 providing for application of the act to a nonresident

29 | subject to personal jurisdiction; creating s. 88.2111,
30 | F.S.; providing for continuing, exclusive jurisdiction to
31 | modify a spousal support order; amending s. 88.3011, F.S.;
32 | revising provisions relating to applicability of the act;
33 | amending ss. 88.3021 and 88.3031, F.S.; revising
34 | terminology; amending s. 88.3041, F.S.; revising
35 | provisions relating to duties of an initiating tribunal;
36 | amending s. 88.3051, F.S.; revising provisions relating to
37 | duties and powers of a responding tribunal; amending s.
38 | 88.3061, F.S.; revising terminology; amending s. 88.3071,
39 | F.S.; revising provisions relating to the duties of a
40 | support enforcement agency; amending s. 88.3081, F.S.;
41 | providing that the Governor and Cabinet may determine that
42 | a foreign country has established a reciprocal arrangement
43 | for child support with this state and take appropriate
44 | action for notification of the determination; amending s.
45 | 88.3101, F.S.; revising terminology; amending s. 88.3111,
46 | F.S.; revising provisions relating to pleadings and
47 | accompanying documents; amending s. 88.3121, F.S.;
48 | revising requirements for nondisclosure of certain
49 | information; amending ss. 88.3131 and 88.3141, F.S.;
50 | revising terminology; amending s. 88.3161, F.S.; revising
51 | provisions relating to special rules of evidence and
52 | procedure; amending ss. 88.3171 and 88.3181, F.S.;
53 | revising terminology; amending s. 88.3191, F.S.; revising
54 | provisions relating to receipt and disbursement of
55 | payments; amending s. 88.4011, F.S.; revising provisions
56 | relating to establishment of a support order; providing a

HB 1111

2011

57 | directive to the Division of Statutory Revision; amending
58 | s. 88.5011, F.S.; revising provisions relating to an
59 | employer's receipt of an income-withholding order from
60 | another state; amending ss. 88.50211, 88.5031, 88.5041,
61 | and 88.5051, F.S.; revising terminology; amending s.
62 | 88.5061, F.S.; revising provisions relating to a contest
63 | by obligor; amending s. 88.5071, F.S.; revising
64 | terminology; providing a directive to the Division of
65 | Statutory Revision; amending s. 88.6011, F.S.; revising
66 | terminology; amending s. 88.6021, F.S.; revising
67 | provisions relating to the procedure to register order for
68 | enforcement; amending s. 88.6031, F.S.; revising
69 | terminology; amending s. 88.6041, F.S.; revising
70 | provisions relating to choice of law; amending s. 88.6051,
71 | F.S.; revising provisions relating to notice of
72 | registration of order; amending s. 88.6061, F.S.; revising
73 | provisions relating to the procedure to contest the
74 | validity or enforcement of a registered order; amending s.
75 | 88.6071, F.S.; revising provisions relating to the
76 | contesting of registration or enforcement; amending s.
77 | 88.6081, F.S.; revising terminology; amending s. 88.6091,
78 | F.S.; correcting a cross-reference; amending s. 88.6111,
79 | F.S.; revising provisions relating to modification of a
80 | child support order of another state; amending s. 88.6121,
81 | F.S.; revising provisions relating to recognition of a
82 | child support order modified in another state; creating s.
83 | 88.6151, F.S.; providing for jurisdiction to modify a
84 | child support order of a foreign county; creating s.

HB 1111

2011

85 88.6161, F.S.; providing procedures for registration of a
86 child support order of a foreign country for modification;
87 providing a directive to the Division of Statutory
88 Revision; repealing s. 88.7011, F.S., relating to a
89 proceeding to determine parentage; creating s. 88.70111,
90 F.S.; providing definitions relating to a support
91 proceeding under the Convention on the International
92 Recovery of Child Support and Other Forms of Family
93 Maintenance; creating s. 88.7021, F.S.; providing for
94 applicability; creating s. 88.7031, F.S.; specifying the
95 relationship of the Department of Revenue to the United
96 States central authority; creating s. 88.7041, F.S.;
97 providing for initiation by the Department of Revenue of
98 support proceedings subject to the convention; creating s.
99 88.7051, F.S.; providing for direct requests to tribunals;
100 creating s. 88.7061, F.S.; providing for registration of a
101 support order subject to the convention; creating s.
102 88.7071, F.S.; providing for contests of the validity of
103 foreign support orders subject to the convention; creating
104 s. 88.7081, F.S.; providing for the recognition and
105 enforcement of a foreign support order subject to the
106 convention; creating s. 88.7091, F.S.; specifying grounds
107 for the refusal of recognition and enforcement of foreign
108 support order subject to the convention; creating s.
109 88.7101, F.S.; providing requirements for a foreign
110 support agreement subject to the convention; creating s.
111 88.7111, F.S.; providing for the modification of a foreign
112 child support order subject to the convention; creating s.

HB 1111

2011

113 88.7121, F.S.; providing jurisdiction to modify a spousal
 114 support order of a foreign country; amending s. 88.8011,
 115 F.S.; revising terminology; amending s. 88.9011, F.S.;
 116 revising provisions relating to the uniformity of
 117 application and construction of the act; amending s.
 118 88.9031, F.S.; revising terminology; amending ss. 61.13
 119 and 827.06, F.S.; correcting cross-references; providing
 120 an effective date.

121

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

123

124 Section 1. Section 88.1011, Florida Statutes, is amended
 125 to read:

126 88.1011 Definitions.—As used in this act:

127 (1) "Child" means an individual, whether over or under the
 128 age of majority, who is or is alleged to be owed a duty of
 129 support by the individual's parent or who is or is alleged to be
 130 the beneficiary of a support order directed to the parent.

131 (2) "Child support order" means a support order for a
 132 child, including a child who has attained the age of majority
 133 under the law of the issuing state or foreign country.

134 (3) "Convention" means the Convention on the International
 135 Recovery of Child Support and Other Forms of Family Maintenance,
 136 concluded at The Hague on November 23, 2007.

137 ~~(4)~~ (3) "Duty of support" means an obligation imposed or
 138 imposable by law to provide support for a child, spouse, or
 139 former spouse, including an unsatisfied obligation to provide
 140 support.

141 (5) "Foreign country" means a country, including a
 142 political subdivision thereof, other than the United States,
 143 that authorizes the issuance of support orders and:
 144 (a) Which has been declared under the law of the United
 145 States to be a foreign reciprocating country;
 146 (b) Which has established a reciprocal arrangement for
 147 child support with this state as provided in s. 88.3081;
 148 (c) Which has enacted a law or established procedures for
 149 the issuance and enforcement of support orders which are
 150 substantially similar to the procedures under this act; or
 151 (d) In which the convention is in force with respect to
 152 the United States.
 153 (6) "Foreign support order" means a support order of a
 154 foreign tribunal.
 155 (7) "Foreign tribunal" means a court, administrative
 156 agency, or quasi-judicial entity of a foreign country which is
 157 authorized to establish, enforce, or modify support orders or to
 158 determine parentage of a child. The term includes a competent
 159 authority under the convention.
 160 (8)~~(4)~~ "Home state" means the state in which a child lived
 161 with a parent or a person acting as parent for at least 6
 162 consecutive months immediately preceding the time of filing of a
 163 petition or comparable pleading for support and, if a child is
 164 less than 6 months old, the state in which the child lived from
 165 birth with any of them. A period of temporary absence of any of
 166 them is counted as part of the 6-month or other period.
 167 (9)~~(5)~~ "Income" includes earnings or other periodic
 168 entitlements to money from any source and any other property

HB 1111

2011

169 subject to withholding for support under the law of this state.

170 (10)~~(6)~~ "Income-withholding order" means an order or other
 171 legal process directed to an obligor's employer or other debtor,
 172 as defined by the income deduction law of this state, or payor
 173 as defined by s. 61.046, to withhold support from the income of
 174 the obligor.

175 ~~(7) "Initiating state" means a state from which a
 176 proceeding is forwarded or in which a proceeding is filed for
 177 forwarding to a responding state under this act or a law or
 178 procedure substantially similar to this act, the Uniform
 179 Reciprocal Enforcement of Support Act, or the Revised Uniform
 180 Reciprocal Enforcement of Support Act.~~

181 (11)~~(8)~~ "Initiating tribunal" means the authorized
 182 tribunal ~~in an initiating state.~~

183 (12) "Issuing foreign country" means the foreign country
 184 in which a tribunal issues a support order or a judgment
 185 determining parentage of a child.

186 (13)~~(9)~~ "Issuing state" means the state in which a
 187 tribunal issues a support order or renders a judgment
 188 determining parentage.

189 (14)~~(10)~~ "Issuing tribunal" means the tribunal that issues
 190 a support order or ~~renders~~ a judgment determining parentage.

191 (15)~~(11)~~ "Law" includes decisional and statutory law and
 192 rules and regulations having the force of law.

193 (16)~~(12)~~ "Obligee" means:

194 (a) An individual to whom a duty of support is or is
 195 alleged to be owed or in whose favor a support order ~~has been~~
 196 ~~issued~~ or a judgment determining parentage has been issued

197 ~~rendered;~~

198 (b) A state or political subdivision to which the rights
 199 under a duty of support or support order have been assigned or
 200 which has independent claims based on financial assistance
 201 provided to an individual obligee; ~~or~~

202 (c) An individual seeking a judgment determining parentage
 203 of the individual's child; or

204 (d) A person that is a creditor in a proceeding under part
 205 VII of this chapter.

206 ~~(17)-(13)~~ "Obligor" means an individual, or the estate of a
 207 decedent that:

208 (a) ~~Who~~ Owes or is alleged to owe a duty of support;

209 (b) ~~Who~~ Is alleged but has not been adjudicated to be a
 210 parent of a child; or

211 (c) ~~Who~~ Is liable under a support order.

212 (18) "Person" means an individual, corporation, business
 213 trust, estate, trust, partnership, limited liability company,
 214 association, joint venture, public corporation, government, or
 215 governmental subdivision, agency, or instrumentality or any
 216 other legal or commercial entity.

217 (19) "Record" means information that is inscribed on a
 218 tangible medium or that is stored in an electronic or other
 219 medium that is retrievable in perceivable form.

220 ~~(20)-(14)~~ "Register" means to record or file a support
 221 order or judgment determining parentage of a child issued in
 222 another state or a foreign country in the Registry of Foreign
 223 Support Orders of the circuit court, or other appropriate
 224 location for the recording or filing of foreign judgments

HB 1111

2011

225 ~~generally or foreign support orders specifically.~~

226 (21)~~(15)~~ "Registering tribunal" means a tribunal in which
 227 a support order is registered.

228 (22)~~(16)~~ "Responding state" means a state in which a
 229 proceeding is filed or to which a proceeding is forwarded for
 230 filing from another state or a foreign country ~~an initiating~~
 231 ~~state under this act or a law or procedure substantially similar~~
 232 ~~to this act, the Uniform Reciprocal Enforcement of Support Act,~~
 233 ~~or the Revised Uniform Reciprocal Enforcement of Support Act.~~

234 (23)~~(17)~~ "Responding tribunal" means the authorized
 235 tribunal in a responding state.

236 (24)~~(18)~~ "Spousal-support order" means a support order for
 237 a spouse or former spouse of the obligor.

238 (25)~~(19)~~ "State" means a state of the United States, the
 239 District of Columbia, Puerto Rico, the United States Virgin
 240 Islands, or any territory or insular possession subject to the
 241 jurisdiction of the United States. The term includes:

242 ~~(a) an Indian tribe; and~~

243 ~~(b) A foreign jurisdiction that has enacted a law or~~
 244 ~~established procedures for issuance and enforcement of support~~
 245 ~~orders which are substantially similar to the procedures under~~
 246 ~~this act, the Uniform Reciprocal Enforcement of Support Act, or~~
 247 ~~the Revised Uniform Reciprocal Enforcement of Support Act, as~~
 248 ~~determined by the Attorney General.~~

249 (26)~~(20)~~ "Support enforcement agency" means a public
 250 official or agency authorized to ~~seek~~:

251 (a) Seek enforcement of support orders or laws relating to
 252 the duty of support;

HB 1111

2011

- 253 (b) Seek establishment or modification of child support;
- 254 (c) Request determination of parentage; ~~or~~
- 255 (d) Attempt to locate obligors or their assets; or
- 256 (e) Request determination of the controlling child support
- 257 order.

258 ~~(27)-(21)~~ "Support order" means a judgment, decree, ~~or~~
 259 order, or directive, whether temporary, final, or subject to
 260 modification, issued in a state or foreign country for the
 261 benefit of a child, a spouse, or a former spouse, which provides
 262 for monetary support, health care, arrearages, retroactive
 263 support, or reimbursement for financial assistance provided to
 264 an individual obligee in place of child support. The term, and
 265 may include related costs and fees, interest, income
 266 withholding, automatic adjustment, reasonable attorney's fees,
 267 and other relief.

268 ~~(28)-(22)~~ "Tribunal" means a court, administrative agency,
 269 or quasi-judicial entity authorized to establish, enforce, or
 270 modify support orders or to determine parentage.

271 Section 2. Section 88.1021, Florida Statutes, is amended
 272 to read:

273 88.1021 ~~Tribunal of State~~ tribunal and support enforcement
 274 agency.-

275 (1) The circuit court or other appropriate court,
 276 administrative agency, quasi-judicial entity, or combination is
 277 the tribunal of this state.

278 (2) The Department of Revenue is the support enforcement
 279 agency of this state.

280 Section 3. Section 88.1031, Florida Statutes, is amended

HB 1111

2011

281 to read:

282 88.1031 Remedies cumulative.—

283 (1) Remedies provided by this act are cumulative and do
 284 not affect the availability of remedies under other law, or the
 285 recognition of a foreign support order on the basis of comity.

286 (2) This act does not:

287 (a) Provide the exclusive method of establishing or
 288 enforcing a support order under the law of this state; or

289 (b) Grant a tribunal of this state jurisdiction to render
 290 judgment or issue an order relating to child custody or
 291 visitation in a proceeding under this act.

292 Section 4. Section 88.1041, Florida Statutes, is created
 293 to read:

294 88.1041 Application to resident of foreign county and
 295 foreign support proceeding.—

296 (1) A tribunal of this state shall apply parts I through
 297 VI of this chapter, and, as applicable, part VII of this
 298 chapter, to a support proceeding involving:

299 (a) A foreign support order;

300 (b) A foreign tribunal; or

301 (c) An obligee, obligor, or child residing in a foreign
 302 country.

303 (2) A tribunal of this state that is requested to
 304 recognize and enforce a support order on the basis of comity may
 305 apply the procedural and substantive provision of parts I
 306 through VI of this chapter.

307 (3) Part VII of this chapter applies only to a support
 308 proceeding under the convention. In such a proceeding, if a

HB 1111

2011

309 provision of part VII of this chapter is inconsistent with parts
 310 I through VI of this chapter, part VII of this chapter controls.

311 Section 5. Section 88.2011, Florida Statutes, is amended
 312 to read:

313 88.2011 Bases for jurisdiction over nonresident.—

314 (1) In a proceeding to establish, enforce, or modify a
 315 support order or to determine parentage, a tribunal of this
 316 state may exercise personal jurisdiction over a nonresident
 317 individual or the individual's guardian or conservator if:

318 (a)~~(1)~~ The individual is personally served with citation,
 319 summons, or notice within this state;

320 (b)~~(2)~~ The individual submits to the jurisdiction of this
 321 state by consent, by entering a general appearance, or by filing
 322 a responsive document having the effect of waiving any contest
 323 to personal jurisdiction;

324 (c)~~(3)~~ The individual resided with the child in this
 325 state;

326 (d)~~(4)~~ The individual resided in this state and provided
 327 prenatal expenses or support for the child;

328 (e)~~(5)~~ The child resides in this state as a result of the
 329 acts or directives of the individual;

330 (f)~~(6)~~ The individual engaged in sexual intercourse in
 331 this state and the child may have been conceived by that act of
 332 intercourse;

333 (g)~~(7)~~ The individual asserted parentage in a tribunal or
 334 in a putative father registry maintained in this state by the
 335 appropriate agency; or

336 (h)~~(8)~~ There is any other basis consistent with the

HB 1111

2011

337 constitutions of this state and the United States for the
 338 exercise of personal jurisdiction.

339 (2) The bases of personal jurisdiction set forth in
 340 subsection (1) or in any other law of this state may not be used
 341 to acquire personal jurisdiction for tribunal of this state to
 342 modify a child support order of another state unless the
 343 requirements of s. 88.6111 are met, or, in the case of a foreign
 344 support order, unless the requirements of s. 88.6151 are met.

345 Section 6. Section 88.2021, Florida Statutes, is amended
 346 to read:

347 88.2021 Duration of personal ~~Procedure when exercising~~
 348 ~~jurisdiction over nonresident.~~ Personal jurisdiction acquired by
 349 a tribunal of this state in a proceeding under this act or other
 350 law of this state relating to a support order continues so long
 351 as a tribunal of this state has continuing, exclusive
 352 jurisdiction to modify its order or continuing jurisdiction to
 353 enforce its order as provided by ss. 88.2051, 88.2061, and
 354 88.2111 ~~A tribunal of this state exercising personal~~
 355 ~~jurisdiction over a nonresident under s. 88.2011 may apply s.~~
 356 ~~88.3161 (special rules of evidence and procedure) to receive~~
 357 ~~evidence from another state, and s. 88.3181 (assistance with~~
 358 ~~discovery) to obtain discovery through a tribunal of another~~
 359 ~~state. In all other respects, parts III through VII of this~~
 360 ~~chapter do not apply and the tribunal shall apply the procedural~~
 361 ~~and substantive law of this state, including the rules on choice~~
 362 ~~of law other than those established by this act.~~

363 Section 7. Section 88.2031, Florida Statutes, is amended
 364 to read:

HB 1111

2011

365 88.2031 Initiating and responding tribunal of state.—Under
 366 this act, a tribunal of this state may serve as an initiating
 367 tribunal to forward proceedings to another state and as a
 368 responding tribunal for proceedings initiated in another state
 369 or a foreign country.

370 Section 8. Section 88.2041, Florida Statutes, is amended
 371 to read:

372 88.2041 Simultaneous proceedings in another state.—

373 (1) A tribunal of this state may exercise jurisdiction to
 374 establish a support order if the petition or comparable pleading
 375 is filed after a petition or comparable pleading is filed in
 376 another state or a foreign country only if:

377 (a) The petition or comparable pleading in this state is
 378 filed before the expiration of the time allowed in the other
 379 state or the foreign country for filing a responsive pleading
 380 challenging the exercise of jurisdiction by the other state or
 381 the foreign country;

382 (b) The contesting party timely challenges the exercise of
 383 jurisdiction in the other state or the foreign country; and

384 (c) If relevant, this state is the home state of the
 385 child.

386 (2) A tribunal of this state may not exercise jurisdiction
 387 to establish a support order if the petition or comparable
 388 pleading is filed before a petition or comparable pleading is
 389 filed in another state or a foreign country if:

390 (a) The petition or comparable pleading in the other state
 391 or the foreign country is filed before the expiration of the
 392 time allowed in this state for filing a responsive pleading

HB 1111

2011

393 | challenging the exercise of jurisdiction by this state;

394 | (b) The contesting party timely challenges the exercise of
395 | jurisdiction in this state; and

396 | (c) If relevant, the other state or the foreign country is
397 | the home state of the child.

398 | Section 9. Section 88.2051, Florida Statutes, is amended
399 | to read:

400 | 88.2051 Continuing exclusive jurisdiction.—

401 | (1) A tribunal of this state has issued ~~issuing~~ a support
402 | order consistent with the law of this state has and shall
403 | exercise continuing exclusive jurisdiction to modify ~~over~~ a
404 | child support order if the order is the controlling order and:

405 | (a) At the time of the filing of a request for
406 | modification, As long as this state is ~~remains~~ the residence of
407 | the obligor, the individual obligee, or the child for whose
408 | benefit the support order is issued; or

409 | (b) Even if this state is not the residence of the
410 | obligor, the individual obligee, or the child for whose benefit
411 | the support order is issued, the parties consent in a record or
412 | in open court that the tribunal of this state may continue to
413 | exercise jurisdiction to modify its order ~~Until all of the~~
414 | ~~parties who are individuals have filed written consents with the~~
415 | ~~tribunal of this state for a tribunal of another state to modify~~
416 | ~~the order and assume continuing exclusive jurisdiction.~~

417 | (2) A tribunal of this state that has issued ~~issuing~~ a
418 | child support order consistent with the law of this state may
419 | not exercise ~~its~~ continuing, exclusive jurisdiction to modify
420 | the order if: ~~the order has been modified by a tribunal of~~

HB 1111

2011

421 ~~another state pursuant to this act or a law substantially~~
 422 ~~similar to this act.~~

423 (a) All of the parties who are individuals file consent in
 424 a record with the tribunal of this state that a tribunal of
 425 another state that has jurisdiction over at least one of the
 426 parties who is an individual or that is located in the state of
 427 residence of the child may modify the order and assume
 428 continuing, exclusive jurisdiction; or

429 (b) Its order is not the controlling order.

430 ~~(3) If a child support order of this state is modified by~~
 431 ~~a tribunal of another state pursuant to this act or a law~~
 432 ~~substantially similar to this act, a tribunal of this state~~
 433 ~~loses its continuing exclusive jurisdiction with regard to~~
 434 ~~prospective enforcement of the order issued in this state, and~~
 435 ~~may only:~~

436 ~~(a) Enforce the order that was modified as to amounts~~
 437 ~~accruing before the modification;~~

438 ~~(b) Enforce nonmodifiable aspects of that order; and~~

439 ~~(c) Provide other appropriate relief for violations of~~
 440 ~~that order which occurred before the effective date of the~~
 441 ~~modification.~~

442 (3)(4) If a tribunal of this state shall recognize the
 443 continuing exclusive jurisdiction of a tribunal of another state
 444 which has issued a child support order pursuant to this act or a
 445 law substantially similar to this act which modifies a child
 446 support order of a tribunal of this state, tribunals of this
 447 state shall recognize the continuing, exclusive jurisdiction of
 448 the tribunal of the other state.

449 (4) A tribunal of this state that lacks continuing,
 450 exclusive jurisdiction to modify a child support order may serve
 451 as an initiating tribunal to request a tribunal of another state
 452 to modify a support order issued in that state.

453 (5) A temporary support order issued ex parte or pending
 454 resolution of a jurisdictional conflict does not create
 455 continuing exclusive jurisdiction in the issuing tribunal.

456 ~~(6) A tribunal of this state issuing a support order~~
 457 ~~consistent with the law of this state has continuing exclusive~~
 458 ~~jurisdiction over a spousal support order throughout the~~
 459 ~~existence of the support obligation. A tribunal of this state~~
 460 ~~may not modify a spousal support order issued by a tribunal of~~
 461 ~~another state having continuing exclusive jurisdiction over that~~
 462 ~~order under the law of that state.~~

463 Section 10. Section 88.2061, Florida Statutes, is amended
 464 to read:

465 88.2061 ~~Enforcement and modification of support order by~~
 466 ~~tribunal having~~ Continuing jurisdiction to enforce child support
 467 order.-

468 (1) A tribunal of this state that has issued a child
 469 support order consistent with the law of this state may serve as
 470 an initiating tribunal to request a tribunal of another state to
 471 enforce; ~~or modify a support order issued in that state.~~

472 (a) The order if the order is the controlling order and
 473 has not been modified by a tribunal of another state that
 474 assumed jurisdiction pursuant to the Uniform Interstate Family
 475 Support Act; or

476 (b) A money judgment for arrears of support and interest

HB 1111

2011

477 on the order accrued before a determination that an order of a
 478 tribunal of another state is the controlling order.

479 (2) A tribunal of this state having continuing ~~exclusive~~
 480 jurisdiction over a support order may act as a responding
 481 tribunal to enforce ~~or modify~~ the order. ~~If a party subject to~~
 482 ~~the continuing exclusive jurisdiction of the tribunal no longer~~
 483 ~~resides in the issuing state, in subsequent proceedings the~~
 484 ~~tribunal may apply s. 88.3161 (special rules of evidence and~~
 485 ~~procedure) to receive evidence from another state and s. 88.3181~~
 486 ~~(assistance with discovery) to obtain discovery through a~~
 487 ~~tribunal of another state.~~

488 ~~(3) A tribunal of this state which lacks continuing~~
 489 ~~exclusive jurisdiction over a spousal support order may not~~
 490 ~~serve as a responding tribunal to modify a spousal support order~~
 491 ~~of another state.~~

492 Section 11. Section 88.2071, Florida Statutes, is amended
 493 to read:

494 88.2071 Determination ~~Recognition~~ of controlling child
 495 support order.—

496 (1) If a proceeding is brought under this act and only one
 497 tribunal has issued a child support order, the order of that
 498 tribunal controls and must be so recognized.

499 (2) If a proceeding is brought under this act, and two or
 500 more child support orders have been issued by tribunals of this
 501 state or another state with regard to the same obligor and the
 502 same child, a tribunal of this state having personal
 503 jurisdiction over both the obligor and individual obligee shall
 504 apply the following rules and by order shall determine ~~in~~

HB 1111

2011

505 ~~determining~~ which order controls ~~to recognize for purposes of~~
506 ~~continuing, exclusive jurisdiction:~~

507 (a) If only one of the tribunals would have continuing,
508 exclusive jurisdiction under this act, the order of that
509 tribunal controls and must be so recognized.

510 (b)1. If more than one of the tribunals would have
511 continuing, exclusive jurisdiction under this act, an order
512 issued by a tribunal in the current home state of the child
513 controls; ~~and must be so recognized,~~ but

514 2. If an order has not been issued in the current home
515 state of the child, the order most recently issued controls ~~and~~
516 ~~must be so recognized.~~

517 (c) If none of the tribunals would have continuing,
518 exclusive jurisdiction under this act, the tribunal of this
519 state ~~having jurisdiction over the parties~~ shall issue a child
520 support order, which controls ~~and must be so recognized.~~

521 (3) If two or more child support orders have been issued
522 for the same obligor and the same child, upon request of a ~~and~~
523 ~~if the obligor or the individual obligee resides in this state,~~
524 a party who is an individual or a support enforcement agency,
525 ~~may request~~ a tribunal of this state having personal
526 jurisdiction over both the obligor and the obligee who is an
527 individual shall ~~to~~ determine which order controls ~~and must be~~
528 ~~so recognized~~ under subsection (2). The request may be filed
529 with a registration for enforcement or registration for
530 modification pursuant to part VI of this chapter, or may be
531 filed as a separate proceeding ~~must be accompanied by a~~
532 ~~certified copy of every support order in effect. The requesting~~

HB 1111

2011

533 ~~party shall give notice of the request to each party whose~~
 534 ~~rights may be affected by the determination.~~

535 (4) A request to determine which is the controlling order
 536 must be accompanied by a copy of every child support order in
 537 effect and the applicable record of payments. The requesting
 538 party shall give notice of the request to each party whose
 539 rights may be affected by the determination.

540 (5)~~(4)~~ The tribunal that issued the controlling order
 541 under subsection (1), subsection (2), or subsection (3) ~~is the~~
 542 ~~tribunal that~~ has continuing, ~~exclusive~~ jurisdiction to the
 543 extent provided in ss. ~~under s.~~ 88.2051 and 88.2061.

544 (6)~~(5)~~ A tribunal of this state that ~~which~~ determines by
 545 order which is the identity of the controlling order under
 546 paragraph (2) (a), ~~or~~ paragraph (2) (b), or subsection (3) or that
 547 ~~which~~ issues a new controlling order under paragraph (2) (c)
 548 shall state in that order:

549 (a) The basis upon which the tribunal made its
 550 determination.

551 (b) The amount of prospective support, if any.

552 (c) The total amount of consolidated arrears and accrued
 553 interest, if any, under all of the orders after all payments
 554 made are credited as provided by s. 88.2091.

555 (7)~~(6)~~ Within 30 days after issuance of an order
 556 determining which is ~~the identity of~~ the controlling order, the
 557 party obtaining the order shall file a certified copy of it in
 558 ~~with~~ each tribunal that issued or registered an earlier order of
 559 child support. A party or support enforcement agency obtaining
 560 ~~who obtains~~ the order that ~~and~~ fails to file a certified copy is

HB 1111

2011

561 subject to appropriate sanctions by a tribunal in which the
 562 issue of failure to file arises. The failure to file does not
 563 affect the validity or enforceability of the controlling order.

564 (8) An order that has been determined to be the
 565 controlling order, or a judgment for consolidated arrears of
 566 support and interest, if any, made pursuant to this section must
 567 be recognized in proceedings under this act.

568 Section 12. Section 88.2081, Florida Statutes, is amended
 569 to read:

570 88.2081 ~~Multiple~~ Child support orders for two or more
 571 obligees.—In responding to ~~multiple~~ registrations, petitions, or
 572 comparable pleadings for enforcement of two or more child
 573 support orders in effect at the same time with regard to the
 574 same obligor and different individual obligees, at least one of
 575 which was issued by a tribunal of another state, a tribunal of
 576 this state shall enforce those orders in the same manner as if
 577 the ~~multiple~~ orders had been issued by a tribunal of this state.

578 Section 13. Section 88.2091, Florida Statutes, is amended
 579 to read:

580 88.2091 Credit for payments.—A tribunal of this state
 581 shall credit amounts collected ~~and credited~~ for a particular
 582 period pursuant to any child support order against the amount
 583 owed for the same period under any other child support order for
 584 support of the same child ~~a support order issued by a tribunal~~
 585 ~~of another state must be credited against the amounts accruing~~
 586 ~~or accrued~~ for the same period under any other child ~~a support~~
 587 order issued by the tribunal of this state, another state, or a
 588 foreign country.

HB 1111

2011

589 Section 14. Section 88.2101, Florida Statutes, is created
590 to read:

591 88.2101 Application of act to nonresident subject to
592 personal jurisdiction.—A tribunal of this state exercising
593 personal jurisdiction over a nonresident in a proceeding under
594 this act, under another law of this state relating to a support
595 order, or recognizing a foreign support order may receive
596 evidence from outside this state pursuant to s. 88.3161,
597 communicate with a tribunal outside this state pursuant to s.
598 88.3171, and obtain discovery through a tribunal outside this
599 state pursuant to s. 88.3181. In all other respects, parts III
600 through VI of this chapter do not apply, and the tribunal shall
601 apply the procedural and substantive law of this state.

602 Section 15. Section 88.2111, Florida Statutes, is created
603 to read:

604 88.2111 Continuing, exclusive jurisdiction to modify
605 spousal support order.—

606 (1) A tribunal of this state issuing a spousal support
607 order consistent with the law of this state has continuing,
608 exclusive jurisdiction to modify the spousal support order
609 throughout the existence of the obligation.

610 (2) A tribunal of this state may not modify a spousal
611 support order issued by a tribunal of another state or foreign
612 country having continuing, exclusive jurisdiction over that
613 order under the law of that state or foreign country.

614 (3) A tribunal of this state that has continuing,
615 exclusive jurisdiction over a spousal support order may serve
616 as:

617 (a) An initiating tribunal to request a tribunal of
 618 another state to enforce the spousal support order issued in
 619 this state; or

620 (b) A responding tribunal to enforce or modify its own
 621 spousal support order.

622 Section 16. Section 88.3011, Florida Statutes, is amended
 623 to read:

624 88.3011 Proceedings under this act.—

625 (1) Except as otherwise provided in this act, this part
 626 article applies to all proceedings under this act.

627 ~~(2) This act provides for the following proceedings:~~

628 ~~(a) Establishment of an order for spousal support or child~~
 629 ~~support pursuant to part IV;~~

630 ~~(b) Enforcement of a support order and income-withholding~~
 631 ~~order of another state without registration pursuant to part V;~~

632 ~~(c) Registration of an order for spousal support or child~~
 633 ~~support of another state for enforcement pursuant to part VI;~~

634 ~~(d) Modification of an order for child support or spousal~~
 635 ~~support issued by a tribunal of this state pursuant to ss.~~
 636 ~~88.2031-88.2061;~~

637 ~~(e) Registration of an order for child support of another~~
 638 ~~state for modification pursuant to part VI;~~

639 ~~(f) Determination of parentage pursuant to part VII; and~~

640 ~~(g) Assertion of jurisdiction over nonresidents pursuant~~
 641 ~~to ss. 88.2011-88.2021.~~

642 (2)(3) An individual petitioner or a support enforcement
 643 agency may initiate ~~commence~~ a proceeding authorized under this
 644 act by filing a petition or a comparable pleading in an

HB 1111

2011

645 initiating tribunal for forwarding to a responding tribunal or
 646 by filing a petition or a comparable pleading directly in a
 647 tribunal of another state or a foreign country which has or can
 648 obtain personal jurisdiction over the respondent.

649 Section 17. Section 88.3021, Florida Statutes, is amended
 650 to read:

651 88.3021 Proceeding ~~Action~~ by minor parent.—A minor parent,
 652 or a guardian or other legal representative of a minor parent,
 653 may maintain a proceeding on behalf of or for the benefit of the
 654 minor's child.

655 Section 18. Section 88.3031, Florida Statutes, is amended
 656 to read:

657 88.3031 Application of law of state.—Except as otherwise
 658 provided in ~~by~~ this act, a responding tribunal of this state
 659 shall:

660 (1) ~~Shall~~ Apply the procedural and substantive law,
 661 including the rules on choice of law, generally applicable to
 662 similar proceedings originating in this state and may exercise
 663 all powers and provide all remedies available in those
 664 proceedings; and

665 (2) ~~Shall~~ Determine the duty of support and the amount
 666 payable in accordance with the law and support guidelines of
 667 this state.

668 Section 19. Section 88.3041, Florida Statutes, is amended
 669 to read:

670 88.3041 Duties of initiating tribunal.—

671 (1) Upon the filing of a petition or comparable pleading
 672 authorized by this act, an initiating tribunal of this state

HB 1111

2011

673 shall forward ~~three copies~~ of the petition and its accompanying
 674 documents or a comparable pleading and its accompanying
 675 documents:

676 (a) To the responding tribunal or appropriate support
 677 enforcement agency in the responding state; or

678 (b) If the identity of the responding tribunal is unknown,
 679 to the state information agency of the responding state with a
 680 request that they be forwarded to the appropriate tribunal and
 681 that receipt be acknowledged.

682 (2) If requested by the responding tribunal ~~a responding~~
 683 ~~state has not enacted this act or a law or procedure~~
 684 ~~substantially similar to this act~~, a tribunal of this state
 685 shall ~~may~~ issue a certificate or other document and make
 686 findings required by the law of the responding state. If the
 687 responding tribunal state is in a foreign country jurisdiction,
 688 upon request the tribunal of this state shall ~~may~~ specify the
 689 amount of support sought, convert that amount into the
 690 equivalent amount in the foreign currency under applicable
 691 official or market exchange rate as publicly reported, and
 692 provide any other documents necessary to satisfy the
 693 requirements of the responding foreign tribunal ~~state~~.

694 Section 20. Section 88.3051, Florida Statutes, is amended
 695 to read:

696 88.3051 Duties and powers of responding tribunal.—

697 (1) When a responding tribunal of this state receives a
 698 petition or comparable pleading from an initiating tribunal or
 699 directly pursuant to s. 88.3011 (2) ~~(3)~~, it shall cause the
 700 petition or comparable pleading to be filed and notify the

HB 1111

2011

701 petitioner where and when it was filed.

702 (2) A responding tribunal of this state, to the extent not
 703 prohibited ~~otherwise authorized~~ by other law, may do one or more
 704 of the following:

705 (a) Establish ~~Issue~~ or enforce a support order, modify a
 706 child support order, determine the controlling child support
 707 order, or ~~render a judgment to~~ determine parentage of a child.

708 (b) Order an obligor to comply with a support order,
 709 specifying the amount and the manner of compliance.

710 (c) Order income withholding.

711 (d) Determine the amount of any arrearages, and specify a
 712 method of payment.

713 (e) Enforce orders by civil or criminal contempt, or both.

714 (f) Set aside property for satisfaction of the support
 715 order.

716 (g) Place liens and order execution on the obligor's
 717 property.

718 (h) Order an obligor to keep the tribunal informed of the
 719 obligor's current residential address, telephone number,
 720 employer, address of employment, and telephone number at the
 721 place of employment.

722 (i) Issue a bench warrant, capias, or writ of bodily
 723 attachment for an obligor who has failed after proper notice to
 724 appear at a hearing ordered by the tribunal and enter the bench
 725 warrant, capias, or writ of bodily attachment in any local and
 726 state computer systems for criminal warrants.

727 (j) Order the obligor to seek appropriate employment by
 728 specified methods.

HB 1111

2011

729 (k) Award reasonable attorney's fees and other fees and
730 costs.

731 (1) Grant any other available remedy.

732 (3) A responding tribunal of this state shall include in a
733 support order issued under this act, or in the documents
734 accompanying the order, the calculations on which the support
735 order is based.

736 (4) A responding tribunal of this state may not condition
737 the payment of a support order issued under this act upon
738 compliance by a party with provisions for visitation.

739 (5) If a responding tribunal of this state issues an order
740 under this act, the tribunal shall send a copy of the order to
741 the petitioner and the respondent and to the initiating
742 tribunal, if any.

743 (6) If requested to enforce a support order, arrears, or
744 judgment, or modify a support order stated in a foreign
745 currency, a responding tribunal of this state shall convert the
746 amount stated in the foreign currency to the equivalent amount
747 in dollars under the applicable official or market exchange rate
748 as publicly reported.

749 Section 21. Section 88.3061, Florida Statutes, is amended
750 to read:

751 88.3061 Inappropriate tribunal.—If a petition or
752 comparable pleading is received by an inappropriate tribunal of
753 this state, the tribunal ~~it~~ shall forward the pleading and
754 accompanying documents to an appropriate tribunal of ~~in~~ this
755 state or another state and notify the petitioner where and when
756 the pleading was sent.

757 Section 22. Section 88.3071, Florida Statutes, is amended
 758 to read:

759 88.3071 Duties of support enforcement agency.—

760 (1) In a proceeding under this act, a support enforcement
 761 agency of this state, upon request:

762 (a) Shall provide services to a petitioner residing in a
 763 state;

764 (b) Shall provide services to a petitioner requesting
 765 services through a central authority of a foreign country as
 766 described in s. 88.1011(5) (a) or s. 88.1011(5) (d); and

767 (c) May provide services to a petitioner who is an
 768 individual not residing in a state ~~A support enforcement agency~~
 769 ~~of this state, upon request, shall provide services to a~~
 770 ~~petitioner in a proceeding under this act.~~

771 (2) A support enforcement agency that is providing
 772 services to the petitioner as appropriate shall:

773 (a) Take all steps necessary to enable an appropriate
 774 tribunal in this state, ~~or~~ another state, or a foreign country
 775 to obtain jurisdiction over the respondent.

776 (b) Request an appropriate tribunal to set a date, time,
 777 and place for a hearing.

778 (c) Make a reasonable effort to obtain all relevant
 779 information, including information as to income and property of
 780 the parties.

781 (d) Within 10 days, exclusive of Saturdays, Sundays, and
 782 legal holidays, after receipt of a written notice from an
 783 initiating, responding, or registering tribunal, send a copy of
 784 the notice to the petitioner.

HB 1111

2011

785 (e) Within 10 days, exclusive of Saturdays, Sundays, and
786 legal holidays, after receipt of a written communication from
787 the respondent or the respondent's attorney, send a copy of the
788 communication to the petitioner.

789 (f) Notify the petitioner if jurisdiction over the
790 respondent cannot be obtained.

791 (3) A support enforcement agency of this state that
792 requests registration of a child support order in this state for
793 enforcement or for modification shall make reasonable efforts:

794 (a) To ensure that the order to be registered is the
795 controlling order; or

796 (b) If two or more child support orders exist and the
797 identity of the controlling order has not been determined, to
798 ensure that a request for such a determination is made in a
799 tribunal having jurisdiction to do so.

800 (4) A support enforcement agency of this state that
801 requests registration and enforcement of a support order,
802 arrears, or judgment stated in a foreign currency shall convert
803 the amounts stated in the foreign currency into the equivalent
804 amounts in dollars under the applicable official or market
805 exchange rate as publicly reported.

806 (5) A support enforcement agency of this state shall issue
807 or request a tribunal of this state to issue a child support
808 order and an income-withholding order that redirect payment of
809 current support, arrears, and interest if requested to do so by
810 a support enforcement agency of another state pursuant to s.
811 88.3191.

812 (6)~~(3)~~ This act does not create or negate a relationship

HB 1111

2011

813 of attorney and client or other fiduciary relationship between a
 814 support enforcement agency or the attorney for the agency and
 815 the individual being assisted by the agency.

816 Section 23. Section 88.3081, Florida Statutes, is amended
 817 to read:

818 88.3081 Duty of Governor and Cabinet.—

819 (1) If the Governor and Cabinet determine that the support
 820 enforcement agency is neglecting or refusing to provide services
 821 to an individual, the Governor and Cabinet may order the agency
 822 to perform its duties under this act or may provide those
 823 services directly to the individual.

824 (2) The Governor and Cabinet may determine that a foreign
 825 country has established a reciprocal arrangement for child
 826 support with this state and take appropriate action for
 827 notification of the determination.

828 Section 24. Paragraph (c) of subsection (2) of section
 829 88.3101, Florida Statutes, is amended to read:

830 88.3101 Duties of state information agency.—

831 (2) The state information agency shall:

832 (c) Forward to the appropriate tribunal in the place in
 833 this state in which the ~~individual~~ obligee who is an individual
 834 or the obligor resides, or in which the obligor's property is
 835 believed to be located, all documents concerning a proceeding
 836 under this act received from another state or a foreign country
 837 ~~an initiating tribunal or the state information agency of the~~
 838 ~~initiating state.~~

839 Section 25. Subsection (1) of section 88.3111, Florida
 840 Statutes, is amended to read:

HB 1111

2011

841 88.3111 Pleadings and accompanying documents.—
842 (1) In a proceeding under this act, a petitioner seeking
843 to establish ~~or modify~~ a support order, ~~or~~ to determine
844 parentage of a child, or to register and modify a support order
845 of a tribunal of another state or a foreign country ~~in a~~
846 ~~proceeding under this act~~ must file a ~~verify the~~ petition or
847 comparable pleading. Unless otherwise ordered under s. 88.3121
848 ~~(nondisclosure of information in exceptional circumstances),~~ the
849 petition or comparable pleading or the documents accompanying
850 either the petition or comparable pleading must provide, so far
851 as known, the name, residential address, and social security
852 numbers of the obligor and the obligee or the parent and alleged
853 parent, and the name, sex, residential address, social security
854 number, and date of birth of each child for whose benefit ~~whom~~
855 support is sought or whose parentage is to be determined. Unless
856 filed at the time of registration, the petition must be
857 accompanied by a ~~certified~~ copy of any support order known to
858 have been issued by another tribunal ~~in effect.~~ The petition may
859 include any other information that may assist in locating or
860 identifying the respondent.

861 Section 26. Section 88.3121, Florida Statutes, is amended
862 to read:

863 88.3121 Nondisclosure of information in exceptional
864 circumstances.—If a party alleges in an affidavit or a pleading
865 under oath that the health, safety, or liberty of a party or
866 child would be jeopardized by disclosure of specific identifying
867 information, that information must be sealed and may not be
868 disclosed to the other party or the public. After a hearing in

HB 1111

2011

869 which a tribunal takes into consideration the health, safety, or
 870 liberty of the party or child, the tribunal may order disclosure
 871 of information that the tribunal determines to be in the
 872 interest of justice ~~Upon a finding, which may be made ex parte,~~
 873 ~~that the health, safety, or liberty of a party or child would be~~
 874 ~~unreasonably put at risk by the disclosure of identifying~~
 875 ~~information, or if an existing order so provides, a tribunal~~
 876 ~~shall order that the address of the child or party or other~~
 877 ~~identifying information not be disclosed in a pleading or other~~
 878 ~~document filed in a proceeding under this act.~~

879 Section 27. Subsection (2) of section 88.3131, Florida
 880 Statutes, is amended to read:

881 88.3131 Costs and fees.—

882 (2) If an obligee prevails, a responding tribunal of this
 883 state may assess against an obligor filing fees, reasonable
 884 attorney's fees, other costs, and necessary travel and other
 885 reasonable expenses incurred by the obligee and the obligee's
 886 witnesses. The tribunal may not assess fees, costs, or expenses
 887 against the obligee or the support enforcement agency of either
 888 the initiating or the responding state or foreign country,
 889 except as provided by other law. Attorney's fees may be taxed as
 890 costs, and may be ordered paid directly to the attorney, who may
 891 enforce the order in the attorney's own name. Payment of support
 892 owed to the obligee has priority over fees, costs, and expenses.

893 Section 28. Subsections (1) and (3) of section 88.3141,
 894 Florida Statutes, are amended to read:

895 88.3141 Limited immunity of petitioner.—

896 (1) Participation by a petitioner in a proceeding under

HB 1111

2011

897 this act before a responding tribunal, whether in person, by
 898 private attorney, or through services provided by the support
 899 enforcement agency, does not confer personal jurisdiction over
 900 the petitioner in another proceeding.

901 (3) The immunity granted by this section does not extend
 902 to civil litigation based on acts unrelated to a proceeding
 903 under this act committed by a party while physically present in
 904 this state to participate in the proceeding.

905 Section 29. Section 88.3161, Florida Statutes, is amended
 906 to read:

907 88.3161 Special rules of evidence and procedure.—

908 (1) The physical presence of a nonresident party who is an
 909 individual ~~the petitioner~~ in a ~~responding~~ tribunal of this state
 910 is not required for the establishment, enforcement, or
 911 modification of a support order or the rendition of a judgment
 912 determining parentage of a child.

913 (2) An ~~A verified petition or other comparable pleading,~~
 914 affidavit, a document substantially complying with federally
 915 mandated forms, or ~~and~~ a document incorporated by reference in
 916 any of them, which would not be excluded under the hearsay rule
 917 if given in person, is admissible in evidence if given under
 918 penalty of perjury oath by a party or witness residing outside
 919 this ~~in another~~ state.

920 (3) A copy of the record of child support payments
 921 certified as a true copy of the original by the custodian of the
 922 record may be forwarded to a responding tribunal. The copy is
 923 evidence of facts asserted in it, and is admissible to show
 924 whether payments were made.

HB 1111

2011

925 (4) Copies of bills for testing for parentage of a child,
 926 and for prenatal and postnatal health care of the mother and
 927 child, furnished to the adverse party at least 10 days before
 928 trial, are admissible in evidence to prove the amount of the
 929 charges billed and that the charges were reasonable, necessary,
 930 and customary.

931 (5) Documentary evidence transmitted from outside this
 932 ~~another~~ state to a tribunal of this state by telephone,
 933 telecopier, or other electronic means that do not provide an
 934 original record ~~writing~~ may not be excluded from evidence on an
 935 objection based on the means of transmission.

936 (6) In a proceeding under this act, a tribunal of this
 937 state shall ~~may~~ permit a party or witness residing outside this
 938 ~~in another~~ state to be deposed or to testify by telephone,
 939 audiovisual means, or other electronic means at a designated
 940 tribunal or other location ~~in that state~~. A tribunal of this
 941 state shall cooperate with other tribunals ~~of other states~~ in
 942 designating an appropriate location for the deposition or
 943 testimony.

944 (7) If a party called to testify at a civil hearing
 945 refuses to answer on the ground that the testimony may be self-
 946 incriminating, the trier of fact may draw an adverse inference
 947 from the refusal.

948 (8) A privilege against disclosure of communications
 949 between spouses does not apply in a proceeding under this act.

950 (9) The defense of immunity based on the relationship of
 951 husband and wife or parent and child does not apply in a
 952 proceeding under this act.

953 (10) A voluntary acknowledgment of paternity, certified as
 954 a true copy, is admissible to establish parentage of a child.

955 Section 30. Section 88.3171, Florida Statutes, is amended
 956 to read:

957 88.3171 Communications between tribunals.—A tribunal of
 958 this state may communicate with a tribunal outside this ~~of~~
 959 ~~another~~ state in a record writing, or by telephone, electronic
 960 mail, or other means, to obtain information concerning the laws
 961 of that state, the legal effect of a judgment, decree, or order
 962 of that tribunal, and the status of a proceeding ~~in the other~~
 963 ~~state~~. A tribunal of this state may furnish similar information
 964 by similar means to a tribunal outside this ~~of another~~ state.

965 Section 31. Section 88.3181, Florida Statutes, is amended
 966 to read:

967 88.3181 Assistance with discovery.—A tribunal of this
 968 state may:

969 (1) Request a tribunal outside this ~~of another~~ state to
 970 assist in obtaining discovery.

971 (2) Upon request, compel a person over which ~~whom~~ it has
 972 jurisdiction to respond to a discovery order issued by a
 973 tribunal outside this ~~of another~~ state.

974 Section 32. Section 88.3191, Florida Statutes, is amended
 975 to read:

976 88.3191 Receipt and disbursement of payments.—

977 (1) A support enforcement agency or tribunal of this state
 978 shall disburse promptly any amounts received pursuant to a
 979 support order, as directed by the order. The agency or tribunal
 980 shall furnish to a requesting party or tribunal of another state

HB 1111

2011

981 or a foreign country a certified statement by the custodian of
 982 the record of the amounts and dates of all payments received.

983 (2) If neither the obligor, nor the obligee who is an
 984 individual, nor the child resides in this state, upon request
 985 from the support enforcement agency of this state or another
 986 state, the support enforcement agency of this state or a
 987 tribunal of this state shall:

988 (a) Direct that the support payment be made to the support
 989 enforcement agency in the state in which the obligee is
 990 receiving services; and

991 (b) Issue and send to the obligor's employer a conforming
 992 income-withholding order or an administrative notice of change
 993 of payee, reflecting the redirected payments.

994 (3) The support enforcement agency of this state receiving
 995 redirected payments from another state pursuant to a law similar
 996 to subsection (2) shall furnish to a requesting party or
 997 tribunal of the other state a certified statement by the
 998 custodian of the record of the amount and dates of all payments
 999 received.

1000 Section 33. Section 88.4011, Florida Statutes, is amended
 1001 to read:

1002 88.4011 Establishment of ~~Petition to establish~~ support
 1003 order.-

1004 (1) If a support order entitled to recognition under this
 1005 act has not been issued, a responding tribunal of this state
 1006 with personal jurisdiction over the parties may issue a support
 1007 order if:

1008 (a) The individual seeking the order resides in another

HB 1111

2011

1009 state; or
 1010 (b) The support enforcement agency seeking the order is
 1011 located in another state.
 1012 (2) The tribunal may issue a temporary child support order
 1013 if the tribunal determines that such an order is appropriate and
 1014 the individual ordered to pay is:
 1015 (a) A presumed father of the child;
 1016 (b) Petitioning to have his paternity adjudicated;
 1017 (c) Identified as the father of the child through genetic
 1018 testing;
 1019 (d) An alleged father who has declined to submit to
 1020 genetic testing;
 1021 (e) Shown by clear and convincing evidence to be the
 1022 father of the child;
 1023 (f) An acknowledged father as provided in s. 382.013, s.
 1024 382.016, or s. 742.10;
 1025 (g) The mother of the child; or
 1026 (h) An individual who has been ordered to pay child
 1027 support in a previous proceeding and the order has not been
 1028 reversed or vacated
 1029 ~~(a) The respondent has signed a verified statement~~
 1030 ~~acknowledging parentage;~~
 1031 ~~(b) The respondent has been determined by or pursuant to~~
 1032 ~~law to be the parent; or~~
 1033 ~~(c) There is other clear and convincing evidence that the~~
 1034 ~~respondent is the child's parent.~~
 1035 (3) Upon finding, after notice and opportunity to be
 1036 heard, that an obligor owes a duty of support, the tribunal

HB 1111

2011

1037 shall issue a support order directed to the obligor and may
 1038 issue other orders pursuant to s. 88.3051.

1039 Section 34. The Division of Statutory Revision is directed
 1040 to redesignate part V of chapter 88, Florida Statutes, as
 1041 "ENFORCEMENT OF SUPPORT ORDER OF ANOTHER STATE WITHOUT
 1042 REGISTRATION."

1043 Section 35. Section 88.5011, Florida Statutes, is amended
 1044 to read:

1045 88.5011 Employer's receipt of income-withholding order of
 1046 another state.—An income-withholding order issued in another
 1047 state may be sent by or on behalf of the obligee, or by the
 1048 support enforcement agency, to the person ~~or entity~~ defined as
 1049 the obligor's employer under the income deduction law of this
 1050 state or payor as defined by s. 61.046, without first filing a
 1051 petition or comparable pleading or registering the order with a
 1052 tribunal of this state.

1053 Section 36. Paragraph (b) of subsection (3) of section
 1054 88.50211, Florida Statutes, is amended to read:

1055 88.50211 Employer's compliance with income-withholding
 1056 order of another state.—

1057 (3) Except as otherwise provided by subsection (4) and s.
 1058 88.5031, the employer shall withhold and distribute the funds as
 1059 directed in the withholding order by complying with the terms of
 1060 the order which specify:

1061 (b) The person ~~or agency~~ designated to receive payments
 1062 and the address to which the payments are to be forwarded;

1063 Section 37. Section 88.5031, Florida Statutes, is amended
 1064 to read:

HB 1111

2011

1065 88.5031 Employer's compliance with two or more ~~multiple~~
 1066 income-withholding orders.—If the obligor's employer receives
 1067 two or more ~~multiple~~ income-withholding orders with respect to
 1068 the earnings of the same obligor, the employer satisfies the
 1069 terms of the ~~multiple~~ orders if the employer complies with the
 1070 law of the state of the obligor's principal place of employment
 1071 to establish the priorities for withholding and allocating
 1072 income withheld for two or more ~~multiple~~ child support obligees.

1073 Section 38. Section 88.5041, Florida Statutes, is amended
 1074 to read:

1075 88.5041 Immunity from civil liability.—An employer that
 1076 ~~who~~ complies with an income-withholding order issued in another
 1077 state in accordance with this article is not subject to civil
 1078 liability to an individual or agency with regard to the
 1079 employer's withholding of child support from the obligor's
 1080 income.

1081 Section 39. Section 88.5051, Florida Statutes, is amended
 1082 to read:

1083 88.5051 Penalties for noncompliance.—An employer that ~~who~~
 1084 willfully fails to comply with an income-withholding order
 1085 issued by another state and received for enforcement is subject
 1086 to the same penalties that may be imposed for noncompliance with
 1087 an order issued by a tribunal of this state.

1088 Section 40. Section 88.5061, Florida Statutes, is amended
 1089 to read:

1090 88.5061 Contest by obligor.—

1091 (1) An obligor may contest the validity or enforcement of
 1092 an income-withholding order issued in another state and received

HB 1111

2011

1093 directly by an employer in this state by registering the order
 1094 in a tribunal of this state and filing a contest to that order
 1095 as provided in part VI of this chapter, or otherwise contesting
 1096 the order in the same manner as if the order had been issued by
 1097 a tribunal of this state. ~~Section 88.6041, choice of law,~~
 1098 ~~applies to the contest.~~

1099 (2) The obligor shall give notice of the contest to:

1100 (a) A support enforcement agency providing services to the
 1101 obligee;

1102 (b) Each employer that has directly received an income-
 1103 withholding order relating to the obligor; and

1104 (c) The person ~~or agency~~ designated to receive payments in
 1105 the income-withholding order, or if no person ~~or agency~~ is
 1106 designated, to the obligee.

1107 Section 41. Subsection (1) of section 88.5071, Florida
 1108 Statutes, is amended to read:

1109 88.5071 Administrative enforcement of orders.—

1110 (1) A party or support enforcement agency seeking to
 1111 enforce a support order or an income-withholding order, or both,
 1112 issued in by a tribunal of another state or a foreign support
 1113 order may send the documents required for registering the order
 1114 to a support enforcement agency of this state.

1115 Section 42. (1) The Division of Statutory Revision is
 1116 directed to redesignate part VI of chapter 88, Florida Statutes,
 1117 as "REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT
 1118 ORDER."

1119 (2) The Division of Statutory Revision is directed to
 1120 divide part VI of chapter 88, Florida Statutes, into subpart A,

HB 1111

2011

1121 consisting of ss. 88.6011-88.6041, Florida Statutes, to be
 1122 entitled "Registration and Enforcement of Support Order;"
 1123 subpart B, consisting of ss. 88.6051-88.6081, Florida Statutes,
 1124 to be entitled "Contest of Validity or Enforcement;" subpart C,
 1125 consisting of ss. 88.6091-88.6141, Florida Statutes, to be
 1126 entitled "Registration and Modification of Child Support Order
 1127 of Another State;" and subpart D, consisting of ss. 88.6151 and
 1128 88.6161, Florida Statutes, to be entitled "Registration and
 1129 Modification of Foreign Child Support Order."

1130 Section 43. Section 88.6011, Florida Statutes, is amended
 1131 to read:

1132 88.6011 Registration of order for enforcement.—A support
 1133 order or an income-withholding order issued in ~~by a tribunal of~~
 1134 another state or a foreign support order may be registered in
 1135 this state for enforcement.

1136 Section 44. Section 88.6021, Florida Statutes, is amended
 1137 to read:

1138 88.6021 Procedure to register order for enforcement.—

1139 (1) Except as otherwise provided in s. 88.7061, a support
 1140 order or income-withholding order of another state or a foreign
 1141 support order may be registered in this state by sending the
 1142 following records ~~documents and information~~ to the appropriate
 1143 tribunal in this state:

1144 (a) A letter of transmittal to the tribunal requesting
 1145 registration and enforcement.

1146 (b) Two copies, including one certified copy, of the order
 1147 ~~all orders~~ to be registered, including any modification of the
 1148 ~~an~~ order.

HB 1111

2011

1149 (c) A sworn statement by the person requesting party
 1150 ~~seeking~~ registration or a certified statement by the custodian
 1151 of the records showing the amount of any arrearage.

1152 (d) The name of the obligor and, if known:
 1153 1. The obligor's address and social security number.
 1154 2. The name and address of the obligor's employer and any
 1155 other source of income of the obligor.
 1156 3. A description and the location of property of the
 1157 obligor in this state not exempt from execution.

1158 (e) Except as otherwise provided in s. 88.3121, the name
 1159 and address of the obligee and, if applicable, the ~~agency or~~
 1160 person to whom support payments are to be remitted.

1161 (2) On receipt of a request for registration, the
 1162 registering tribunal shall cause the order to be filed as an
 1163 order of a tribunal of another state or a foreign support order
 1164 ~~a foreign judgment,~~ together with one copy of the documents and
 1165 information, regardless of their form.

1166 (3) A petition or comparable pleading seeking a remedy
 1167 that must be affirmatively sought under other law of this state
 1168 may be filed at the same time as the request for registration or
 1169 later. The pleading must specify the grounds for the remedy
 1170 sought.

1171 (4) If two or more orders are in effect, the person
 1172 requesting registration shall:

1173 (a) Furnish to the tribunal a copy of every support order
 1174 asserted to be in effect in addition to the documents specified
 1175 in this section;

HB 1111

2011

1176 (b) Specify the order alleged to be the controlling order,
 1177 if any; and

1178 (c) Specify the amount of consolidated arrears, if any.

1179 (5) A request for a determination of which is the
 1180 controlling order may be filed separately or with a request for
 1181 registration and enforcement or for registration and
 1182 modification. The person requesting registration shall give
 1183 notice of the request to each party whose rights may be affected
 1184 by the determination.

1185 Section 45. Section 88.6031, Florida Statutes, is amended
 1186 to read:

1187 88.6031 Effect of registration for enforcement.—

1188 (1) A support order or income-withholding order issued in
 1189 another state or a foreign support order is registered when the
 1190 order is filed in the registering tribunal of this state.

1191 (2) A registered support order issued in another state or
 1192 a foreign country is enforceable in the same manner and is
 1193 subject to the same procedures as an order issued by a tribunal
 1194 of this state.

1195 (3) Except as otherwise provided in this act ~~article~~, a
 1196 tribunal of this state shall recognize and enforce, but may not
 1197 modify, a registered support order if the issuing tribunal had
 1198 jurisdiction.

1199 Section 46. Section 88.6041, Florida Statutes, is amended
 1200 to read:

1201 88.6041 Choice of law.—

1202 (1) Except as otherwise provided in subsection (4), the
 1203 law of the issuing state or foreign country governs:

HB 1111

2011

1204 (a) The nature, extent, amount, and duration of current
 1205 payments under a registered support order; ~~and other obligations~~
 1206 ~~of support and~~

1207 (b) The computation and payment of arrearages and accrual
 1208 of interest on the arrearages under the order; and

1209 (c) The existence and satisfaction of other obligations
 1210 under the support order.

1211 (2) In a proceeding for arrears under a registered support
 1212 order arrearages, the statute of limitation ~~under the laws~~ of
 1213 this state or of the issuing state or foreign country, whichever
 1214 is longer, applies.

1215 (3) A responding tribunal of this state shall apply the
 1216 procedures and remedies of this state to enforce current support
 1217 and collect arrears and interest due on a support order of
 1218 another state or foreign country registered in this state.

1219 (4) After a tribunal of this or another state determines
 1220 which is the controlling order and issues an order consolidating
 1221 arrears, if any, a tribunal of this state shall prospectively
 1222 apply the law of the state or foreign country issuing the
 1223 controlling order, including its law on interest on arrears, on
 1224 current and future support, and on consolidated arrears.

1225 Section 47. Section 88.6051, Florida Statutes, is amended
 1226 to read:

1227 88.6051 Notice of registration of order.—

1228 (1) When a support order or income-withholding order
 1229 issued in another state or a foreign support order is
 1230 registered, the registering tribunal of this state shall notify
 1231 the nonregistering party. The notice must be accompanied by a

HB 1111

2011

1232 copy of the registered order and the documents and relevant
 1233 information accompanying the order.

1234 (2) A ~~The~~ notice must inform the nonregistering party:

1235 (a) That a registered order is enforceable as of the date
 1236 of registration in the same manner as an order issued by a
 1237 tribunal of this state.

1238 (b) That a hearing to contest the validity or enforcement
 1239 of the registered order must be requested within 20 days after
 1240 the date of mailing or personal service of the notice, unless
 1241 the registered order is under s. 88.7071.

1242 (c) That failure to contest the validity or enforcement of
 1243 the registered order in a timely manner will result in
 1244 confirmation of the order and enforcement of the order and the
 1245 alleged arrearages and precludes further contest of that order
 1246 with respect to any matter that could have been asserted.

1247 (d) Of the amount of any alleged arrearages.

1248 (3) If the registering party asserts that two or more
 1249 orders are in effect, a notice must also:

1250 (a) Identify the two or more orders and the order alleged
 1251 by the registering party to be the controlling order and the
 1252 consolidated arrears, if any;

1253 (b) Notify the nonregistering party of the right to a
 1254 determination of which is the controlling order;

1255 (c) State that the procedures provided in subsection (2)
 1256 apply to the determination of which is the controlling order;
 1257 and

1258 (d) State that failure to contest the validity or
 1259 enforcement of the order alleged to be the controlling order in

HB 1111

2011

1260 a timely manner may result in confirmation that the order is the
 1261 controlling order.

1262 ~~(4)(3)~~ Upon registration of an income-withholding order
 1263 for enforcement, the support enforcement agency or the
 1264 registering tribunal shall notify the obligor's employer
 1265 pursuant to chapter 61 or other income deduction law of this
 1266 state.

1267 Section 48. Subsections (1) and (2) of section 88.6061,
 1268 Florida Statutes, are amended to read:

1269 88.6061 Procedure to contest validity or enforcement of
 1270 registered order.—

1271 (1) A nonregistering party seeking to contest the validity
 1272 or enforcement of a registered order in this state shall request
 1273 a hearing within the time required by s. 88.6051 ~~20 days after~~
 1274 ~~notice of the registration.~~ The nonregistering party may seek to
 1275 vacate the registration, to assert any defense to an allegation
 1276 of noncompliance with the registered order, or to contest the
 1277 remedies being sought or the amount of any alleged arrearages
 1278 pursuant to s. 88.6071.

1279 (2) If the nonregistering party fails to contest the
 1280 validity or enforcement of the registered support order in a
 1281 timely manner, the order is confirmed by operation of law.

1282 Section 49. Section 88.6071, Florida Statutes, is amended
 1283 to read:

1284 88.6071 Contest of registration or enforcement.—

1285 (1) A party contesting the validity or enforcement of a
 1286 registered support order or seeking to vacate the registration
 1287 has the burden of proving one or more of the following defenses:

HB 1111

2011

1288 (a) The issuing tribunal lacked personal jurisdiction over
1289 the contesting party;

1290 (b) The order was obtained by fraud;

1291 (c) The order has been vacated, suspended, or modified by
1292 a later order;

1293 (d) The issuing tribunal has stayed the order pending
1294 appeal;

1295 (e) There is a defense under the law of this state to the
1296 remedy sought;

1297 (f) Full or partial payment has been made; ~~or~~

1298 (g) The statute of limitation under s. 88.6041 precludes
1299 enforcement of some or all of the alleged arrearages; or

1300 (h) The alleged controlling order is not the controlling
1301 order.

1302 (2) If a party presents evidence establishing a full or
1303 partial defense under subsection (1), a tribunal may stay
1304 enforcement of a ~~the~~ registered support order, continue the
1305 proceeding to permit production of additional relevant evidence,
1306 and issue other appropriate orders. An uncontested portion of
1307 the registered support order may be enforced by all remedies
1308 available under the law of this state.

1309 (3) If the contesting party does not establish a defense
1310 under subsection (1) to the validity or enforcement of a
1311 registered support ~~the~~ order, the registering tribunal shall
1312 issue an order confirming the order.

1313 Section 50. Section 88.6081, Florida Statutes, is amended
1314 to read:

1315 88.6081 Confirmed order.—Confirmation of a registered

HB 1111

2011

1316 support order, whether by operation of law or after notice and
 1317 hearing, precludes further contest of the order with respect to
 1318 any matter that could have been asserted at the time of
 1319 registration.

1320 Section 51. Section 88.6091, Florida Statutes, is amended
 1321 to read:

1322 88.6091 Procedure to register child support order of
 1323 another state for modification.—A party or support enforcement
 1324 agency seeking to modify, or to modify and enforce, a child
 1325 support order issued in another state shall register that order
 1326 in this state in the same manner provided in ss. 88.6011-88.6081
 1327 ~~88.6011-88.6041~~ if the order has not been registered. A petition
 1328 for modification may be filed at the same time as a request for
 1329 registration, or later. The pleading must specify the grounds
 1330 for modification.

1331 Section 52. Section 88.6111, Florida Statutes, is amended
 1332 to read:

1333 88.6111 Modification of child support order of another
 1334 state.—

1335 (1) If s. 88.6131 does not apply, upon petition, a
 1336 tribunal of this state may modify ~~After~~ a child support order
 1337 issued in another state which is ~~has been~~ registered in this
 1338 state, ~~the responding tribunal of this state may modify that~~
 1339 ~~order only if, s. 88.6131 does not apply and~~ after notice and
 1340 hearing, the tribunal ~~it~~ finds that:

1341 (a) The following requirements are met:

1342 1. Neither the child, nor the ~~individual~~ obligee who is an
 1343 individual, nor ~~and~~ the obligor resides ~~do not reside~~ in the

HB 1111

2011

1344 issuing state;

1345 2. A petitioner who is a nonresident of this state seeks
1346 modification; and

1347 3. The respondent is subject to the personal jurisdiction
1348 of the tribunal of this state; or

1349 (b) This state is the state of residence of the child, or
1350 a party who is an individual, is subject to the personal
1351 jurisdiction of the tribunal of this state and all of the
1352 parties who are individuals have filed ~~written~~ consents in a
1353 record in the issuing tribunal for a tribunal of this state to
1354 modify the support order and assume continuing exclusive
1355 jurisdiction ~~over the order. However, if the issuing state is a~~
1356 ~~foreign jurisdiction that has not enacted a law or established~~
1357 ~~procedures substantially similar to the procedures under this~~
1358 ~~act, the consent otherwise required of an individual residing in~~
1359 ~~this state is not required for the tribunal to assume~~
1360 ~~jurisdiction to modify the child support order.~~

1361 (2) Modification of a registered child support order is
1362 subject to the same requirements, procedures, and defenses that
1363 apply to the modification of an order issued by a tribunal of
1364 this state and the order may be enforced and satisfied in the
1365 same manner.

1366 (3) A tribunal of this state may not modify any aspect of
1367 a child support order that may not be modified under the law of
1368 the issuing state, including the duration of the obligation of
1369 support. If two or more tribunals have issued child support
1370 orders for the same obligor and same child, the order that
1371 controls and must be so recognized under s. 88.2071 establishes

HB 1111

2011

1372 the aspects of the support order which are nonmodifiable.

1373 (4) In a proceeding to modify a child support order, the
 1374 law of the state that is determined to have issued the initial
 1375 controlling order governs the duration of the obligation of
 1376 support. The obligor's fulfillment of the duty of support
 1377 established by that order precludes imposition of a further
 1378 obligation of support by a tribunal of this state.

1379 (5)-(4) On issuance of an order by a tribunal of this state
 1380 modifying a child support order issued in another state, the a
 1381 tribunal of this state becomes the tribunal of continuing
 1382 exclusive jurisdiction.

1383 (6) Notwithstanding subsections (1)-(5) and s. 88.2011(2),
 1384 a tribunal of this state retains jurisdiction to modify an order
 1385 issued by a tribunal of this state if:

1386 (a) One party resides in another state; and

1387 (b) The other party resides outside the United States.

1388 Section 53. Section 88.6121, Florida Statutes, is amended
 1389 to read:

1390 88.6121 Recognition of order modified in another state.—If
 1391 a child support order issued by a tribunal of this state is
 1392 modified shall recognize a modification of its earlier child
 1393 support order by a tribunal of another state which assumed
 1394 jurisdiction pursuant to the Uniform Interstate Family Support
 1395 Act, a tribunal of this state this act or a law substantially
 1396 similar to this act and, upon request, except as otherwise
 1397 provided in this act, shall:

1398 (1) May enforce the order that was modified only as to
 1399 arrears and interest amounts accruing before the modification.

HB 1111

2011

1400 ~~(2) Enforce only nonmodifiable aspects of that order.~~

1401 (2)~~(3)~~ May provide ~~other~~ appropriate relief ~~only~~ for
 1402 violations of its ~~that~~ order which occurred before the effective
 1403 date of the modification.

1404 (3)~~(4)~~ Shall recognize the modifying order of the other
 1405 state, upon registration, for the purpose of enforcement.

1406 Section 54. Section 88.6151, Florida Statutes, is created
 1407 to read:

1408 88.6151 Jurisdiction to modify child support order of
 1409 foreign county.—

1410 (1) Except as otherwise provided in s. 88.7111, if a
 1411 foreign country lacks or refuses to exercise jurisdiction to
 1412 modify its child support order pursuant to its laws, a tribunal
 1413 of this state may assume jurisdiction to modify the child
 1414 support order and bind all individuals subject to the personal
 1415 jurisdiction of the tribunal whether the consent to modification
 1416 of a child support order otherwise required of the individual
 1417 pursuant to s. 88.6111 has been given or whether the individual
 1418 seeking modification is a resident of this state or of the
 1419 foreign country.

1420 (2) An order issued by a tribunal of this state modifying
 1421 a foreign child support order pursuant to this section is the
 1422 controlling order.

1423 Section 55. Section 88.6161, Florida Statutes, is created
 1424 to read:

1425 88.6161 Procedure to register child support order of
 1426 foreign country for modification.—A party or support enforcement
 1427 agency seeking to modify, or to modify and enforce, a foreign

HB 1111

2011

1428 child support order not under the convention may register that
 1429 order in this state under ss. 88.6011-88.6081 if the order has
 1430 not been registered. A petition for modification may be filed at
 1431 the same time as a request for registration, or at another time.
 1432 The petition must specify the grounds for modification.

1433 Section 56. The Division of Statutory Revision is directed
 1434 to redesignate part VII of chapter 88, Florida Statutes, as
 1435 "SUPPORT PROCEEDING UNDER CONVENTION."

1436 Section 57. Section 88.7011, Florida Statutes, is
 1437 repealed.

1438 Section 58. Section 88.70111, Florida Statutes, is created
 1439 to read:

1440 88.70111 Definitions.—As used in this part, the term:

1441 (1) "Application" means a request under the convention by
 1442 an obligee or obligor, or on behalf of a child, made through a
 1443 central authority for assistance from another central authority.

1444 (2) "Central authority" means the entity designated by the
 1445 United States or a foreign country described in s. 88.102(5)(d)
 1446 to perform the functions specified in the convention.

1447 (3) "Convention support order" means a support order of a
 1448 tribunal of a foreign country described in s. 88.102(5)(d).

1449 (4) "Direct request" means a petition filed by an
 1450 individual in a tribunal of this state in a proceeding involving
 1451 an obligee, obligor, or child residing outside the United
 1452 States.

1453 (5) "Foreign central authority" means the entity
 1454 designated by a foreign country described in s. 88.102(5)(d) to
 1455 perform the functions specified in the convention.

HB 1111

2011

- 1456 (6) "Foreign support agreement":
 1457 (a) Means an agreement for support in a record that:
 1458 1. Is enforceable as a support order in the country of
 1459 origin;
 1460 2. Has been:
 1461 a. Formally drawn up or registered as an authentic
 1462 instrument by a foreign tribunal; or
 1463 b. Authenticated by or concluded, registered, or filed
 1464 with a foreign tribunal; and
 1465 3. May be reviewed and modified by a foreign tribunal; and
 1466 (b) Includes a maintenance arrangement or authentic
 1467 instrument under the convention.

1468 (7) "United States central authority" means the Secretary
 1469 of the United States Department of Health and Human Services.

1470 Section 59. Section 88.7021, Florida Statutes, is created
 1471 to read:

1472 88.7021 Applicability.—This part applies only to a support
 1473 proceeding under the convention. In such a proceeding, if a
 1474 provision of this part is inconsistent with parts I through VI,
 1475 this part controls.

1476 Section 60. Section 88.7031, Florida Statutes, is created
 1477 to read:

1478 88.7031 Relationship of Department of Revenue to United
 1479 States central authority.—The Department of Revenue is
 1480 recognized as the agency designated by the United States central
 1481 authority to perform specific functions under the convention.

1482 Section 61. Section 88.7041, Florida Statutes, is created
 1483 to read:

1484 88.7041 Initiation by Department of Revenue of support
 1485 proceeding subject to convention.-

1486 (1) In a proceeding subject to the convention, the
 1487 Department of Revenue shall:

1488 (a) Transmit and receive applications; and

1489 (b) Initiate or facilitate the institution of a proceeding
 1490 regarding an application in a tribunal of this state.

1491 (2) The following support proceedings are available to an
 1492 obligee under the convention:

1493 (a) Recognition or recognition and enforcement of a
 1494 foreign support order.

1495 (b) Enforcement of a support order issued or recognized in
 1496 this state.

1497 (c) Establishment of a support order if there is no
 1498 existing order, including, where necessary, determination of
 1499 parentage.

1500 (d) Establishment of a support order if recognition of a
 1501 foreign support order is not possible or is refused because of
 1502 the lack of a basis for recognition and enforcement under s.
 1503 88.7081 or on grounds specified in s. 88.7091(2) or s.
 1504 88.7091(5).

1505 (e) Modification of a support order made by a tribunal of
 1506 this state.

1507 (f) Modification of a foreign support order.

1508 (3) The following support proceedings are available under
 1509 the convention to an obligor against whom there is an existing
 1510 support order:

HB 1111

2011

1511 (a) Recognition of an order suspending or limiting
 1512 enforcement of an existing support order of a tribunal of this
 1513 state.

1514 (b) Modification of a support order of a tribunal of this
 1515 state.

1516 (c) Modification of a support order of a tribunal of
 1517 another state or foreign country.

1518 (4) A tribunal of this state may not require security,
 1519 bond, or deposit, however described, to guarantee the payment of
 1520 costs and expenses in proceedings under the convention.

1521 Section 62. Section 88.7051, Florida Statutes, is created
 1522 to read:

1523 88.7051 Direct request.—

1524 (1) A petitioner may file a direct request in a tribunal
 1525 of this state seeking the establishment or modification of a
 1526 support order or determination of parentage. In such a
 1527 proceeding, the law of this state applies.

1528 (2) A petitioner may file a direct request in a tribunal
 1529 of this state seeking the recognition and enforcement of a
 1530 support order or support agreement. In such a proceeding, the
 1531 provisions of ss. 88.7061-88.7121 apply.

1532 (3) In a direct request for recognition and enforcement of
 1533 a foreign support order or agreement:

1534 (a) No security, bond, or deposit shall be required to
 1535 guarantee the payment of costs and expenses related to the
 1536 proceedings; and

1537 (b) The obligee or obligor, who in the issuing country has
 1538 benefited from free legal assistance, shall be entitled to

HB 1111

2011

1539 benefit, at least to the same extent, from any free legal
1540 assistance provided for by the law of this state under the same
1541 circumstances.

1542 (4) An individual filing directly to a tribunal will not
1543 receive assistance from the Department of Revenue.

1544 (5) Nothing in this part prevents the application of laws
1545 of this state that provide simplified, more expeditious rules
1546 regarding a direct request for recognition and enforcement of a
1547 foreign support order or support agreement.

1548 Section 63. Section 88.7061, Florida Statutes, is created
1549 to read:

1550 88.7061 Registration of support order subject to
1551 convention.-

1552 (1) Except as otherwise provided in this part, a party who
1553 is an individual or a support enforcement agency seeking
1554 recognition of a foreign support order subject to the convention
1555 shall register the order in this state as provided in part VI of
1556 this chapter.

1557 (2) Notwithstanding ss. 88.3111 and 88.6021, a request for
1558 registration of a foreign support order subject to the
1559 convention shall be accompanied by the following:

1560 (a) A complete text of the support order, or an abstract
1561 or extract of the support order drawn up by the issuing foreign
1562 tribunal, which may be in the form recommended by the Hague
1563 Conference on Private International Law.

1564 (b) A record stating that the support order is enforceable
1565 in the issuing country.

HB 1111

2011

1566 (c) If the respondent did not appear and was not
1567 represented in the proceedings in the issuing country, a record
1568 attesting, as appropriate, either that the respondent had proper
1569 notice of the proceedings and an opportunity to be heard, or
1570 that the respondent had proper notice of the support order and
1571 the opportunity to challenge or appeal it on fact and law.

1572 (d) If necessary, a record showing the amount of any
1573 arrears, and the date the amount was calculated.

1574 (e) If necessary, a record showing a requirement for
1575 automatic adjustment of the amount of support, if any, and the
1576 information necessary to make the appropriate calculations.

1577 (f) If necessary, a record showing the extent to which the
1578 applicant received free legal assistance in the issuing country.

1579 (3) A request for registration of a foreign support order
1580 may seek recognition and partial enforcement of the order.

1581 (4) A tribunal of this state may refuse to register a
1582 foreign support order only if recognition and enforcement of the
1583 order is manifestly incompatible with public policy.

1584 (5) The tribunal shall promptly notify the parties of the
1585 registration or the refusal to register a foreign support order.

1586 Section 64. Section 88.7071, Florida Statutes, is created
1587 to read:

1588 88.7071 Contest of validity of foreign support order
1589 subject to convention.—

1590 (1) Except as otherwise provided in this part, ss.
1591 88.6051-88.6081 apply to a contest of the validity of a
1592 registered foreign support order subject to the convention.

HB 1111

2011

1593 (2) A party contesting the recognition and enforcement of
 1594 a registered foreign support order subject to the convention
 1595 must file a contest within 30 days after notice of the
 1596 registration unless the contesting party does not reside in the
 1597 United States or a state, in which case the contest must be
 1598 filed within 60 days after notice.

1599 (3) A contest of a registered foreign support order may be
 1600 based only on:

1601 (a) The authenticity or integrity of any record
 1602 transmitted in accordance with s. 88.7061;

1603 (b) The lack of a basis for enforcement under s. 88.7081;

1604 (c) The grounds for refusing enforcement under s. 88.7091;

1605 or

1606 (d) The payment in part or in whole of the alleged
 1607 arrears.

1608 (4) In a contest of the validity of a registered foreign
 1609 support order, a tribunal of this state:

1610 (a) Is bound by the findings of fact on which the foreign
 1611 tribunal based its jurisdiction; and

1612 (b) May not review the merits of the support order.

1613 (5) A tribunal of this state deciding a contest of the
 1614 validity of a registered foreign support order shall promptly
 1615 notify the parties of its decision.

1616 (6) An appeal, if any, does not stay the enforcement of a
 1617 foreign support order unless there are exceptional
 1618 circumstances.

1619 Section 65. Section 88.7081, Florida Statutes, is created
 1620 to read:

1621 88.7081 Recognition and enforcement of foreign support
 1622 order subject to convention.—

1623 (1) A tribunal of this state shall recognize and enforce a
 1624 foreign support order subject to the convention if:

1625 (a) The issuing tribunal had personal jurisdiction
 1626 consistent with s. 88.2011; and

1627 (b) The order is enforceable in the issuing country.

1628 (2) If a tribunal of this state may not recognize a
 1629 foreign support order because under similar facts the tribunal
 1630 would not have had personal jurisdiction consistent with s.
 1631 88.2011:

1632 (a) The tribunal must allow a reasonable time for a party
 1633 to request the tribunal to establish a support order;

1634 (b) The tribunal may not use its refusal to recognize the
 1635 foreign support order as a basis for dismissing the request;

1636 (c) The Department of Revenue shall take all appropriate
 1637 measures to request a child support order for the obligee if the
 1638 application for recognition and enforcement was received under
 1639 s. 88.7041(1).

1640 (3) If a tribunal of this state may not recognize and
 1641 enforce the whole of a foreign support order, it shall enforce
 1642 any severable part of the order. An application or direct
 1643 request may seek recognition and partial enforcement of a
 1644 foreign support order.

1645 Section 66. Section 88.7091, Florida Statutes, is created
 1646 to read:

1647 88.7091 Refusal of recognition and enforcement of foreign
 1648 support order subject to convention.—A tribunal of this state

HB 1111

2011

1649 may refuse recognition and enforcement of a foreign support
 1650 order subject to the convention if:

1651 (1) Recognition and enforcement of the order is manifestly
 1652 incompatible with public policy;

1653 (2) The order was obtained by fraud in connection with a
 1654 matter of procedure;

1655 (3) A proceeding between the same parties and having the
 1656 same purpose is pending before a tribunal of this state and that
 1657 proceeding was the first to be instituted;

1658 (4) The order is incompatible with a more recent support
 1659 order issued between the same parties and having the same
 1660 purpose if the more recent support order is entitled to
 1661 recognition and enforcement in this state;

1662 (5) In a case in which the respondent neither appeared nor
 1663 was represented in the proceeding in the issuing foreign country
 1664 when the law of the country:

1665 (a) Provides for notice of proceedings, the respondent did
 1666 not have proper notice of the proceedings and an opportunity to
 1667 be heard; or

1668 (b) Does not provide for notice of the proceedings, the
 1669 respondent did not have proper notice of the order and the
 1670 opportunity to challenge or appeal it on fact and law; or

1671 (6) The order was made in violation of s. 88.7111.

1672 Section 67. Section 88.7101, Florida Statutes, is created
 1673 to read:

1674 88.7101 Foreign support agreement subject to convention.-

HB 1111

2011

1675 (1) Except as provided in subsections (3) and (4), a
1676 tribunal of this state shall recognize and enforce a foreign
1677 support agreement registered in this state.

1678 (2) An application or direct request for recognition and
1679 enforcement of a foreign support agreement shall be accompanied
1680 by the following:

1681 (a) A complete text of the foreign support agreement.

1682 (b) A record stating that the foreign support agreement is
1683 enforceable as a decision in the issuing country.

1684 (3) A tribunal of this state may refuse to register a
1685 foreign support agreement only if registration is manifestly
1686 incompatible with public policy.

1687 (4) A tribunal of this state may refuse recognition and
1688 enforcement of a foreign support agreement if it finds:

1689 (a) Recognition and enforcement of the agreement is
1690 manifestly incompatible with public policy;

1691 (b) The agreement was obtained by fraud or falsification;

1692 (c) The agreement is incompatible with a support order
1693 issued between the same parties and having the same purpose,
1694 either in this state, another state, or a foreign country if the
1695 support order is entitled to recognition in this state; or

1696 (d) The record submitted under subsection (2) lacks
1697 authenticity or integrity.

1698 (5) A proceeding for recognition and enforcement of a
1699 foreign support agreement shall be suspended during the pendency
1700 of a challenge to the agreement before a tribunal of another
1701 state or foreign country.

HB 1111

2011

1702 Section 68. Section 88.7111, Florida Statutes, is created
 1703 to read:

1704 88.7111 Modification of foreign child support order
 1705 subject to convention.—

1706 (1) A tribunal of this state may not modify a foreign
 1707 child support order if the obligee remains a resident of the
 1708 foreign country where the support order was issued unless:

1709 (a) The obligee submits to the jurisdiction of a tribunal
 1710 of this state, either expressly or by defending on the merits of
 1711 the case without objecting to the jurisdiction at the first
 1712 available opportunity; or

1713 (b) The foreign tribunal lacks or refuses to exercise
 1714 jurisdiction to modify its support order or issue a new support
 1715 order.

1716 (2) If a tribunal of this state does not modify the
 1717 foreign child support order because the order may not be
 1718 recognized in this state, the provisions of s. 88.7081 apply.

1719 Section 69. Section 88.7121, Florida Statutes, is created
 1720 to read:

1721 88.7121 Jurisdiction to modify spousal support order of
 1722 foreign country.—A tribunal of this state with personal
 1723 jurisdiction over the parties may modify a spousal support order
 1724 of a foreign tribunal if:

1725 (1) The foreign tribunal lacks or refuses to exercise
 1726 jurisdiction to modify its order pursuant to its laws;

1727 (2) There is agreement in writing between the parties to
 1728 the jurisdiction of the tribunal of this state; or

HB 1111

2011

1729 (3) The parties submit to the jurisdiction of the tribunal
 1730 of this state expressly or by defending on the merits without
 1731 objecting.

1732 Section 70. Paragraph (b) of subsection (2) of section
 1733 88.8011, Florida Statutes, is amended to read:

1734 88.8011 Grounds for rendition.—

1735 (2) The Governor of this state may:

1736 (b) On the demand of ~~by~~ the Governor of another state,
 1737 surrender an individual found in this state who is charged
 1738 criminally in the other state with having failed to provide for
 1739 the support of an obligee.

1740 Section 71. Section 88.9011, Florida Statutes, is amended
 1741 to read:

1742 88.9011 Uniformity of application and construction.—In
 1743 applying and construing this uniform act, consideration must be
 1744 given to the need to promote uniformity of ~~This act shall be~~
 1745 ~~applied and construed to effectuate its general purpose to make~~
 1746 ~~uniform~~ the law with respect to its ~~the~~ subject matter ~~of this~~
 1747 ~~act~~ among states that enact ~~enacting~~ it.

1748 Section 72. Section 88.9031, Florida Statutes, is amended
 1749 to read:

1750 88.9031 Severability ~~clause~~.—If any provision of this act
 1751 or its application to any person or circumstance is held
 1752 invalid, the invalidity does not affect other provisions or
 1753 applications of this act which can be given effect without the
 1754 invalid provision or application, and to this end the provisions
 1755 of this act are severable.

HB 1111

2011

1756 Section 73. Paragraph (a) of subsection (7) of section
 1757 61.13, Florida Statutes, is amended to read:

1758 61.13 Support of children; parenting and time-sharing;
 1759 powers of court.—

1760 (7) (a) Each party to any paternity or support proceeding
 1761 is required to file with the tribunal as defined in s.
 1762 88.1011~~(22)~~ and State Case Registry upon entry of an order, and
 1763 to update as appropriate, information on location and identity
 1764 of the party, including social security number, residential and
 1765 mailing addresses, telephone number, driver's license number,
 1766 and name, address, and telephone number of employer. Each party
 1767 to any paternity or child support proceeding in a non-Title IV-D
 1768 case shall meet the above requirements for updating the tribunal
 1769 and State Case Registry.

1770 Section 74. Paragraph (b) of subsection (5) of section
 1771 827.06, Florida Statutes, is amended to read:

1772 827.06 Nonsupport of dependents.—

1773 (5)

1774 (b) The element of knowledge may be proven by evidence
 1775 that a court or tribunal as defined by s. 88.1011~~(22)~~ has
 1776 entered an order that obligates the defendant to provide the
 1777 support.

1778 Section 75. This act shall take effect July 1, 2011.