

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

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 country; creating s.

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.

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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; directing  
 120 the Department of Revenue to apply for a waiver; providing  
 121 a contingent effective date.

122

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

124

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

127 88.1011 Definitions.—As used in this act:

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

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

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

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

141 support.

142 (5) "Foreign country" means a country, including a  
 143 political subdivision thereof, other than the United States,  
 144 that authorizes the issuance of support orders and:

145 (a) Which has been declared under the law of the United  
 146 States to be a foreign reciprocating country;

147 (b) Which has established a reciprocal arrangement for  
 148 child support with this state as provided in s. 88.3081;

149 (c) Which has enacted a law or established procedures for  
 150 the issuance and enforcement of support orders which are  
 151 substantially similar to the procedures under this act; or

152 (d) In which the convention is in force with respect to  
 153 the United States.

154 (6) "Foreign support order" means a support order of a  
 155 foreign tribunal.

156 (7) "Foreign tribunal" means a court, administrative  
 157 agency, or quasi-judicial entity of a foreign country which is  
 158 authorized to establish, enforce, or modify support orders or to  
 159 determine parentage of a child. The term includes a competent  
 160 authority under the convention.

161 (8)-~~(4)~~ "Home state" means the state in which a child lived  
 162 with a parent or a person acting as parent for at least 6  
 163 consecutive months immediately preceding the time of filing of a  
 164 petition or comparable pleading for support and, if a child is  
 165 less than 6 months old, the state in which the child lived from  
 166 birth with any of them. A period of temporary absence of any of  
 167 them is counted as part of the 6-month or other period.

168 (9)-~~(5)~~ "Income" includes earnings or other periodic

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169 entitlements to money from any source and any other property  
 170 subject to withholding for support under the law of this state.

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

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

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

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

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

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

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

194 (16)~~(12)~~ "Obligee" means:

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

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197 ~~issued~~ or a judgment determining parentage has been issued  
 198 ~~rendered~~;

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

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

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

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

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

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

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

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

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

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



225 ~~location for the recording or filing of foreign judgments~~  
 226 ~~generally or foreign support orders specifically.~~

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

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

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

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

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

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

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

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

252 (a) Seek enforcement of support orders or laws relating to

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

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

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

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

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

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

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

281 Section 3. Section 88.1031, Florida Statutes, is amended  
 282 to read:

283 88.1031 Remedies cumulative.—

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

287 (2) This act does not:

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

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

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

295 88.1041 Application to resident of foreign country and  
 296 foreign support proceeding.—

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

300 (a) A foreign support order;

301 (b) A foreign tribunal; or

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

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

308           (3) Part VII of this chapter applies only to a support  
 309 proceeding under the convention. In such a proceeding, if a  
 310 provision of part VII of this chapter is inconsistent with parts  
 311 I through VI of this chapter, part VII of this chapter controls.

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

314           88.2011 Bases for jurisdiction over nonresident.—

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

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

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

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

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

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

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

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

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336 appropriate agency; or

337 ~~(h)(8)~~ There is any other basis consistent with the  
 338 constitutions of this state and the United States for the  
 339 exercise of personal jurisdiction.

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

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

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

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

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

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

373 88.2041 Simultaneous proceedings in another state.—

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

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

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

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

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

391 (a) The petition or comparable pleading in the other state

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392 or the foreign country is filed before the expiration of the  
 393 time allowed in this state for filing a responsive pleading  
 394 challenging the exercise of jurisdiction by this state;

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

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

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

401 88.2051 Continuing exclusive jurisdiction.—

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

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

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

418 (2) A tribunal of this state that has issued ~~issuing~~ a  
 419 child support order consistent with the law of this state may

420 not exercise ~~its~~ continuing, exclusive jurisdiction to modify  
 421 the order if: ~~the order has been modified by a tribunal of~~  
 422 ~~another state pursuant to this act or a law substantially~~  
 423 ~~similar to this act.~~

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

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

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

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

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

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

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



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448 state shall recognize the continuing, exclusive jurisdiction of  
 449 the tribunal of the other state.

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

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

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

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

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

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

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

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476 Support Act; or

477 (b) A money judgment for arrears of support and interest  
 478 on the order accrued before a determination that an order of a  
 479 tribunal of another state is the controlling order.

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

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

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

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

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

500 (2) If a proceeding is brought under this act, and two or  
 501 more child support orders have been issued by tribunals of this  
 502 state, ~~or~~ another state, or a foreign country with regard to the  
 503 same obligor and the same child, a tribunal of this state having

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504 personal jurisdiction over both the obligor and individual  
505 obligee shall apply the following rules and by order shall  
506 determine in determining which order controls to recognize for  
507 purposes of continuing, exclusive jurisdiction:

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

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

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

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

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

532 ~~filed as a separate proceeding must be accompanied by a~~  
533 ~~certified copy of every support order in effect. The requesting~~  
534 ~~party shall give notice of the request to each party whose~~  
535 ~~rights may be affected by the determination.~~

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

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

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

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

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

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

556 (7)~~(6)~~ Within 30 days after issuance of an order  
557 determining which is ~~the identity of~~ the controlling order, the  
558 party obtaining the order shall file a certified copy of it in  
559 ~~with~~ each tribunal that issued or registered an earlier order of

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560 child support. A party or support enforcement agency obtaining  
 561 ~~who obtains~~ the order that ~~and~~ fails to file a certified copy is  
 562 subject to appropriate sanctions by a tribunal in which the  
 563 issue of failure to file arises. The failure to file does not  
 564 affect the validity or enforceability of the controlling order.

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

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

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

580 Section 13. Section 88.2091, Florida Statutes, is amended  
 581 to read:

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

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588 ~~or accrued for the same period under a support order~~ issued by  
 589 the tribunal of this state, another state, or a foreign country.

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

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

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

605 88.2111 Continuing, exclusive jurisdiction to modify  
 606 spousal support order.-

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

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

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

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

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

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

625 88.3011 Proceedings under this act.—

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

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

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

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

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

635 ~~(d) Modification of an order for child support or spousal~~  
 636 ~~support issued by a tribunal of this state pursuant to ss.~~  
 637 ~~88.2031-88.2061;~~

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

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

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

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643            ~~(2)-(3)~~ An individual petitioner or a support enforcement  
 644 agency may initiate ~~commence~~ a proceeding authorized under this  
 645 act by filing a petition or a comparable pleading in an  
 646 initiating tribunal for forwarding to a responding tribunal or  
 647 by filing a petition or a comparable pleading directly in a  
 648 tribunal of another state or a foreign country which has or can  
 649 obtain personal jurisdiction over the respondent.

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

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

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

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

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

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

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



671 88.3041 Duties of initiating tribunal.—

672 (1) Upon the filing of a petition or comparable pleading  
 673 authorized by this act, an initiating tribunal of this state  
 674 shall forward ~~three copies of~~ the petition and its accompanying  
 675 documents or a comparable pleading and its accompanying  
 676 documents:

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

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

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

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

697 88.3051 Duties and powers of responding tribunal.—

698 (1) When a responding tribunal of this state receives a

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699 petition or comparable pleading from an initiating tribunal or  
 700 directly pursuant to s. 88.3011(2)~~(3)~~, it shall cause the  
 701 petition or comparable pleading to be filed and notify the  
 702 petitioner where and when it was filed.

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

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

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

711 (c) Order income withholding.

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

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

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

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

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

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

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727 state computer systems for criminal warrants.

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

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

732 (1) Grant any other available remedy.

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

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

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

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

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

752 88.3061 Inappropriate tribunal.—If a petition or  
753 comparable pleading is received by an inappropriate tribunal of  
754 this state, the tribunal ~~it~~ shall forward the pleading and

755 accompanying documents to an appropriate tribunal of ~~in~~ this  
 756 state or another state and notify the petitioner where and when  
 757 the pleading was sent.

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

760 88.3071 Duties of support enforcement agency.—

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

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

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

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

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

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

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

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

782 (d) Within 10 days, exclusive of Saturdays, Sundays, and

783 | legal holidays, after receipt of a written notice from an  
 784 | initiating, responding, or registering tribunal, send a copy of  
 785 | the notice to the petitioner.

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

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

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

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

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

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

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

811 a support enforcement agency of another state pursuant to s.  
 812 88.3191.

813 ~~(6)(3)~~ This act does not create or negate a relationship  
 814 of attorney and client or other fiduciary relationship between a  
 815 support enforcement agency or the attorney for the agency and  
 816 the individual being assisted by the agency.

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

819 88.3081 Duty of Governor and Cabinet.—

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

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

829 Section 24. Paragraph (c) of subsection (2) of section  
 830 88.3101, Florida Statutes, is amended to read:

831 88.3101 Duties of state information agency.—

832 (2) The state information agency shall:

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

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839 ~~initiating state.~~

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

842 88.3111 Pleadings and accompanying documents.—

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

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

864 88.3121 Nondisclosure of information in exceptional  
865 circumstances.—If a party alleges in an affidavit or a pleading  
866 under oath that the health, safety, or liberty of a party or

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

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

882 88.3131 Costs and fees.—

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



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

896 88.3141 Limited immunity of petitioner.—

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

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

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

908 88.3161 Special rules of evidence and procedure.—

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

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

921 (3) A copy of the record of child support payments

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

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

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

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

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

949 (8) A privilege against disclosure of communications

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950 between spouses does not apply in a proceeding under this act.

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

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

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

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

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

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

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

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

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

977 88.3191 Receipt and disbursement of payments.—

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978       (1) A support enforcement agency or tribunal of this state  
979       shall disburse promptly any amounts received pursuant to a  
980       support order, as directed by the order. The agency or tribunal  
981       shall furnish to a requesting party or tribunal of another state  
982       or a foreign country a certified statement by the custodian of  
983       the record of the amounts and dates of all payments received.

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

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

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

995       (3) The support enforcement agency of this state receiving  
996       redirected payments from another state pursuant to a law similar  
997       to subsection (2) shall furnish to a requesting party or  
998       tribunal of the other state a certified statement by the  
999       custodian of the record of the amount and dates of all payments  
1000       received.

1001       Section 33. Section 88.4011, Florida Statutes, is amended  
1002       to read:

1003       88.4011 Establishment of ~~Petition to establish~~ support  
1004       order.—

1005       (1) If a support order entitled to recognition under this

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1006 act has not been issued, a responding tribunal of this state  
 1007 with personal jurisdiction over the parties may issue a support  
 1008 order if:

1009 (a) The individual seeking the order resides in another  
 1010 state; or

1011 (b) The support enforcement agency seeking the order is  
 1012 located in another state.

1013 (2) The tribunal may issue a temporary child support order  
 1014 if the tribunal determines that such an order is appropriate and  
 1015 the individual ordered to pay is:

1016 (a) A presumed father of the child;

1017 (b) Petitioning to have his paternity adjudicated;

1018 (c) Identified as the father of the child through genetic  
 1019 testing;

1020 (d) An alleged father who has declined to submit to  
 1021 genetic testing;

1022 (e) Shown by clear and convincing evidence to be the  
 1023 father of the child;

1024 (f) An acknowledged father as provided in s. 382.013, s.  
 1025 382.016, or s. 742.10;

1026 (g) The mother of the child; or

1027 (h) An individual who has been ordered to pay child  
 1028 support in a previous proceeding and the order has not been  
 1029 reversed or vacated

1030 ~~(a) The respondent has signed a verified statement~~  
 1031 ~~acknowledging parentage;~~

1032 ~~(b) The respondent has been determined by or pursuant to~~  
 1033 ~~law to be the parent; or~~

1034 ~~(c) There is other clear and convincing evidence that the~~  
 1035 ~~respondent is the child's parent.~~

1036 (3) Upon finding, after notice and opportunity to be  
 1037 heard, that an obligor owes a duty of support, the tribunal  
 1038 shall issue a support order directed to the obligor and may  
 1039 issue other orders pursuant to s. 88.3051.

1040 Section 34. The Division of Statutory Revision is directed  
 1041 to redesignate part V of chapter 88, Florida Statutes, as  
 1042 "ENFORCEMENT OF SUPPORT ORDER OF ANOTHER STATE WITHOUT  
 1043 REGISTRATION."

1044 Section 35. Section 88.5011, Florida Statutes, is amended  
 1045 to read:

1046 88.5011 Employer's receipt of income-withholding order of  
 1047 another state.—An income-withholding order issued in another  
 1048 state may be sent by or on behalf of the obligee, or by the  
 1049 support enforcement agency, to the person ~~or entity~~ defined as  
 1050 the obligor's employer under the income deduction law of this  
 1051 state or payor as defined by s. 61.046, without first filing a  
 1052 petition or comparable pleading or registering the order with a  
 1053 tribunal of this state.

1054 Section 36. Paragraph (b) of subsection (3) of section  
 1055 88.50211, Florida Statutes, is amended to read:

1056 88.50211 Employer's compliance with income-withholding  
 1057 order of another state.—

1058 (3) Except as otherwise provided by subsection (4) and s.  
 1059 88.5031, the employer shall withhold and distribute the funds as  
 1060 directed in the withholding order by complying with the terms of  
 1061 the order which specify:

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1062 (b) The person ~~or agency~~ designated to receive payments  
 1063 and the address to which the payments are to be forwarded;

1064 Section 37. Section 88.5031, Florida Statutes, is amended  
 1065 to read:

1066 88.5031 Employer's compliance with two or more ~~multiple~~  
 1067 income-withholding orders.—If the obligor's employer receives  
 1068 two or more ~~multiple~~ income-withholding orders with respect to  
 1069 the earnings of the same obligor, the employer satisfies the  
 1070 terms of the ~~multiple~~ orders if the employer complies with the  
 1071 law of the state of the obligor's principal place of employment  
 1072 to establish the priorities for withholding and allocating  
 1073 income withheld for two or more ~~multiple~~ child support obligees.

1074 Section 38. Section 88.5041, Florida Statutes, is amended  
 1075 to read:

1076 88.5041 Immunity from civil liability.—An employer that  
 1077 ~~who~~ complies with an income-withholding order issued in another  
 1078 state in accordance with this article is not subject to civil  
 1079 liability to an individual or agency with regard to the  
 1080 employer's withholding of child support from the obligor's  
 1081 income.

1082 Section 39. Section 88.5051, Florida Statutes, is amended  
 1083 to read:

1084 88.5051 Penalties for noncompliance.—An employer that ~~who~~  
 1085 willfully fails to comply with an income-withholding order  
 1086 issued by another state and received for enforcement is subject  
 1087 to the same penalties that may be imposed for noncompliance with  
 1088 an order issued by a tribunal of this state.

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1089 Section 40. Section 88.5061, Florida Statutes, is amended  
 1090 to read:

1091 88.5061 Contest by obligor.—

1092 (1) An obligor may contest the validity or enforcement of  
 1093 an income-withholding order issued in another state and received  
 1094 directly by an employer in this state by registering the order  
 1095 in a tribunal of this state and filing a contest to that order  
 1096 as provided in part VI of this chapter, or otherwise contesting  
 1097 the order in the same manner as if the order had been issued by  
 1098 a tribunal of this state. ~~Section 88.6041, choice of law,~~  
 1099 ~~applies to the contest.~~

1100 (2) The obligor shall give notice of the contest to:

1101 (a) A support enforcement agency providing services to the  
 1102 obligee;

1103 (b) Each employer that has directly received an income-  
 1104 withholding order relating to the obligor; and

1105 (c) The person ~~or agency~~ designated to receive payments in  
 1106 the income-withholding order, or if no person ~~or agency~~ is  
 1107 designated, to the obligee.

1108 Section 41. Subsection (1) of section 88.5071, Florida  
 1109 Statutes, is amended to read:

1110 88.5071 Administrative enforcement of orders.—

1111 (1) A party or support enforcement agency seeking to  
 1112 enforce a support order or an income-withholding order, or both,  
 1113 issued in ~~by a tribunal of~~ another state or a foreign support  
 1114 order may send the documents required for registering the order  
 1115 to a support enforcement agency of this state.



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1116           Section 42. (1) The Division of Statutory Revision is  
 1117 directed to redesignate part VI of chapter 88, Florida Statutes,  
 1118 as "REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT  
 1119 ORDER."

1120           (2) The Division of Statutory Revision is directed to  
 1121 divide part VI of chapter 88, Florida Statutes, into subpart A,  
 1122 consisting of ss. 88.6011-88.6041, Florida Statutes, to be  
 1123 entitled "Registration and Enforcement of Support Order;"  
 1124 subpart B, consisting of ss. 88.6051-88.6081, Florida Statutes,  
 1125 to be entitled "Contest of Validity or Enforcement;" subpart C,  
 1126 consisting of ss. 88.6091-88.6141, Florida Statutes, to be  
 1127 entitled "Registration and Modification of Child Support Order  
 1128 of Another State;" and subpart D, consisting of ss. 88.6151 and  
 1129 88.6161, Florida Statutes, to be entitled "Registration and  
 1130 Modification of Foreign Child Support Order."

1131           Section 43. Section 88.6011, Florida Statutes, is amended  
 1132 to read:

1133           88.6011 Registration of order for enforcement.—A support  
 1134 order or an income-withholding order issued in ~~by a tribunal of~~  
 1135 another state or a foreign support order may be registered in  
 1136 this state for enforcement.

1137           Section 44. Section 88.6021, Florida Statutes, is amended  
 1138 to read:

1139           88.6021 Procedure to register order for enforcement.—

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

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1144 tribunal in this state:

1145 (a) A letter of transmittal to the tribunal requesting  
1146 registration and enforcement.

1147 (b) Two copies, including one certified copy, of the order  
1148 ~~all orders~~ to be registered, including any modification of the  
1149 ~~an~~ order.

1150 (c) A sworn statement by the person requesting party  
1151 ~~seeking~~ registration or a certified statement by the custodian  
1152 of the records showing the amount of any arrearage.

1153 (d) The name of the obligor and, if known:

1154 1. The obligor's address and social security number.

1155 2. The name and address of the obligor's employer and any  
1156 other source of income of the obligor.

1157 3. A description and the location of property of the  
1158 obligor in this state not exempt from execution.

1159 (e) Except as otherwise provided in s. 88.3121, the name  
1160 and address of the obligee and, if applicable, the ~~agency or~~  
1161 person to whom support payments are to be remitted.

1162 (2) On receipt of a request for registration, the  
1163 registering tribunal shall cause the order to be filed as an  
1164 order of a tribunal of another state or a foreign support order  
1165 ~~a foreign judgment~~, together with one copy of the documents and  
1166 information, regardless of their form.

1167 (3) A petition or comparable pleading seeking a remedy  
1168 that must be affirmatively sought under other law of this state  
1169 may be filed at the same time as the request for registration or  
1170 later. The pleading must specify the grounds for the remedy  
1171 sought.

- 1172           (4) If two or more orders are in effect, the person  
 1173 requesting registration shall:
- 1174           (a) Furnish to the tribunal a copy of every support order  
 1175 asserted to be in effect in addition to the documents specified  
 1176 in this section;
- 1177           (b) Specify the order alleged to be the controlling order,  
 1178 if any; and
- 1179           (c) Specify the amount of consolidated arrears, if any.
- 1180           (5) A request for a determination of which is the  
 1181 controlling order may be filed separately or with a request for  
 1182 registration and enforcement or for registration and  
 1183 modification. The person requesting registration shall give  
 1184 notice of the request to each party whose rights may be affected  
 1185 by the determination.

1186           Section 45. Section 88.6031, Florida Statutes, is amended  
 1187 to read:

1188           88.6031 Effect of registration for enforcement.—

1189           (1) A support order or income-withholding order issued in  
 1190 another state or a foreign support order is registered when the  
 1191 order is filed in the registering tribunal of this state.

1192           (2) A registered support order issued in another state or  
 1193 a foreign country is enforceable in the same manner and is  
 1194 subject to the same procedures as an order issued by a tribunal  
 1195 of this state.

1196           (3) Except as otherwise provided in this act ~~article~~, a  
 1197 tribunal of this state shall recognize and enforce, but may not  
 1198 modify, a registered support order if the issuing tribunal had  
 1199 jurisdiction.

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1200 Section 46. Section 88.6041, Florida Statutes, is amended  
 1201 to read:

1202 88.6041 Choice of law.—

1203 (1) Except as otherwise provided in subsection (4), the  
 1204 law of the issuing state or foreign country governs:

1205 (a) The nature, extent, amount, and duration of current  
 1206 payments under a registered support order; ~~and other obligations~~  
 1207 ~~of support and~~

1208 (b) The computation and payment of arrearages and accrual  
 1209 of interest on the arrearages under the order; and

1210 (c) The existence and satisfaction of other obligations  
 1211 under the support order.

1212 (2) In a proceeding for arrears under a registered support  
 1213 order ~~arrearages~~, the statute of limitation ~~under the laws~~ of  
 1214 this state or of the issuing state or foreign country, whichever  
 1215 is longer, applies.

1216 (3) A responding tribunal of this state shall apply the  
 1217 procedures and remedies of this state to enforce current support  
 1218 and collect arrears and interest due on a support order of  
 1219 another state or foreign country registered in this state.

1220 (4) After a tribunal of this or another state determines  
 1221 which is the controlling order and issues an order consolidating  
 1222 arrears, if any, a tribunal of this state shall prospectively  
 1223 apply the law of the state or foreign country issuing the  
 1224 controlling order, including its law on interest on arrears, on  
 1225 current and future support, and on consolidated arrears.

1226 Section 47. Section 88.6051, Florida Statutes, is amended  
 1227 to read:

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88.6051 Notice of registration of order.—

(1) When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

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

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

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

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

(d) Of the amount of any alleged arrearages.

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

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

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

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1256 (c) State that the procedures provided in subsection (2)  
1257 apply to the determination of which is the controlling order;  
1258 and

1259 (d) State that failure to contest the validity or  
1260 enforcement of the order alleged to be the controlling order in  
1261 a timely manner may result in confirmation that the order is the  
1262 controlling order.

1263 (4)~~(3)~~ Upon registration of an income-withholding order  
1264 for enforcement, the support enforcement agency or the  
1265 registering tribunal shall notify the obligor's employer  
1266 pursuant to chapter 61 or other income deduction law of this  
1267 state.

1268 Section 48. Subsections (1) and (2) of section 88.6061,  
1269 Florida Statutes, are amended to read:

1270 88.6061 Procedure to contest validity or enforcement of  
1271 registered order.—

1272 (1) A nonregistering party seeking to contest the validity  
1273 or enforcement of a registered order in this state shall request  
1274 a hearing within the time required by s. 88.6051 ~~20 days after~~  
1275 ~~notice of the registration.~~ The nonregistering party may seek to  
1276 vacate the registration, to assert any defense to an allegation  
1277 of noncompliance with the registered order, or to contest the  
1278 remedies being sought or the amount of any alleged arrearages  
1279 pursuant to s. 88.6071.

1280 (2) If the nonregistering party fails to contest the  
1281 validity or enforcement of the registered support order in a  
1282 timely manner, the order is confirmed by operation of law.

1283 Section 49. Section 88.6071, Florida Statutes, is amended  
 1284 to read:

1285 88.6071 Contest of registration or enforcement.—

1286 (1) A party contesting the validity or enforcement of a  
 1287 registered support order or seeking to vacate the registration  
 1288 has the burden of proving one or more of the following defenses:

1289 (a) The issuing tribunal lacked personal jurisdiction over  
 1290 the contesting party;

1291 (b) The order was obtained by fraud;

1292 (c) The order has been vacated, suspended, or modified by  
 1293 a later order;

1294 (d) The issuing tribunal has stayed the order pending  
 1295 appeal;

1296 (e) There is a defense under the law of this state to the  
 1297 remedy sought;

1298 (f) Full or partial payment has been made; ~~or~~

1299 (g) The statute of limitation under s. 88.6041 precludes  
 1300 enforcement of some or all of the alleged arrearages; or

1301 (h) The alleged controlling order is not the controlling  
 1302 order.

1303 (2) If a party presents evidence establishing a full or  
 1304 partial defense under subsection (1), a tribunal may stay  
 1305 enforcement of a ~~the~~ registered support order, continue the  
 1306 proceeding to permit production of additional relevant evidence,  
 1307 and issue other appropriate orders. An uncontested portion of  
 1308 the registered support order may be enforced by all remedies  
 1309 available under the law of this state.

1310 (3) If the contesting party does not establish a defense

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1311 under subsection (1) to the validity or enforcement of a  
 1312 registered support ~~the~~ order, the registering tribunal shall  
 1313 issue an order confirming the order.

1314 Section 50. Section 88.6081, Florida Statutes, is amended  
 1315 to read:

1316 88.6081 Confirmed order.—Confirmation of a registered  
 1317 support order, whether by operation of law or after notice and  
 1318 hearing, precludes further contest of the order with respect to  
 1319 any matter that could have been asserted at the time of  
 1320 registration.

1321 Section 51. Section 88.6091, Florida Statutes, is amended  
 1322 to read:

1323 88.6091 Procedure to register child support order of  
 1324 another state for modification.—A party or support enforcement  
 1325 agency seeking to modify, or to modify and enforce, a child  
 1326 support order issued in another state shall register that order  
 1327 in this state in the same manner provided in ss. 88.6011-88.6081  
 1328 ~~88.6011-88.6041~~ if the order has not been registered. A petition  
 1329 for modification may be filed at the same time as a request for  
 1330 registration, or later. The pleading must specify the grounds  
 1331 for modification.

1332 Section 52. Section 88.6111, Florida Statutes, is amended  
 1333 to read:

1334 88.6111 Modification of child support order of another  
 1335 state.—

1336 (1) If s. 88.6131 does not apply, upon petition, a  
 1337 tribunal of this state may modify ~~After~~ a child support order  
 1338 issued in another state which is ~~has been~~ registered in this



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1339 ~~state, the responding tribunal of this state may modify that~~  
 1340 ~~order only if, s. 88.6131 does not apply and after notice and~~  
 1341 ~~hearing, the tribunal ~~it~~ finds that:~~

1342 (a) The following requirements are met:

1343 1. Neither the child, nor the ~~individual~~ obligee who is an  
 1344 individual, nor ~~and~~ the obligor resides ~~do not reside~~ in the  
 1345 issuing state;

1346 2. A petitioner who is a nonresident of this state seeks  
 1347 modification; and

1348 3. The respondent is subject to the personal jurisdiction  
 1349 of the tribunal of this state; or

1350 (b) This state is the state of residence of the child, or  
 1351 a party who is an individual, is subject to the personal  
 1352 jurisdiction of the tribunal of this state and all of the  
 1353 parties who are individuals have filed ~~written~~ consents in a  
 1354 record in the issuing tribunal for a tribunal of this state to  
 1355 modify the support order and assume continuing exclusive  
 1356 jurisdiction ~~over the order. However, if the issuing state is a~~  
 1357 ~~foreign jurisdiction that has not enacted a law or established~~  
 1358 ~~procedures substantially similar to the procedures under this~~  
 1359 ~~act, the consent otherwise required of an individual residing in~~  
 1360 ~~this state is not required for the tribunal to assume~~  
 1361 ~~jurisdiction to modify the child support order.~~

1362 (2) Modification of a registered child support order is  
 1363 subject to the same requirements, procedures, and defenses that  
 1364 apply to the modification of an order issued by a tribunal of  
 1365 this state and the order may be enforced and satisfied in the  
 1366 same manner.

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1367 (3) A tribunal of this state may not modify any aspect of  
 1368 a child support order that may not be modified under the law of  
 1369 the issuing state, including the duration of the obligation of  
 1370 support. If two or more tribunals have issued child support  
 1371 orders for the same obligor and same child, the order that  
 1372 controls and must be so recognized under s. 88.2071 establishes  
 1373 the aspects of the support order which are nonmodifiable.

1374 (4) In a proceeding to modify a child support order, the  
 1375 law of the state that is determined to have issued the initial  
 1376 controlling order governs the duration of the obligation of  
 1377 support. The obligor's fulfillment of the duty of support  
 1378 established by that order precludes imposition of a further  
 1379 obligation of support by a tribunal of this state.

1380 (5)~~(4)~~ On issuance of an order by a tribunal of this state  
 1381 modifying a child support order issued in another state, the a  
 1382 tribunal of this state becomes the tribunal of continuing  
 1383 exclusive jurisdiction.

1384 (6) Notwithstanding subsections (1)-(5) and s. 88.2011(2),  
 1385 a tribunal of this state retains jurisdiction to modify an order  
 1386 issued by a tribunal of this state if:

- 1387 (a) One party resides in another state; and
- 1388 (b) The other party resides outside the United States.

1389 Section 53. Section 88.6121, Florida Statutes, is amended  
 1390 to read:

1391 88.6121 Recognition of order modified in another state.—If  
 1392 a child support order issued by a tribunal of this state is  
 1393 modified shall recognize a modification of its earlier child  
 1394 support order by a tribunal of another state which assumed

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1395 jurisdiction pursuant to the Uniform Interstate Family Support  
 1396 Act, a tribunal of this state ~~this act or a law substantially~~  
 1397 ~~similar to this act and, upon request, except as otherwise~~  
 1398 ~~provided in this act, shall:~~

1399 (1) May enforce the order that was modified only as to  
 1400 arrears and interest amounts accruing before the modification.

1401 ~~(2) Enforce only nonmodifiable aspects of that order.~~

1402 ~~(2)-(3)~~ May provide ~~other~~ appropriate relief ~~only~~ for  
 1403 violations of its ~~that~~ order which occurred before the effective  
 1404 date of the modification.

1405 ~~(3)-(4)~~ Shall recognize the modifying order of the other  
 1406 state, upon registration, for the purpose of enforcement.

1407 Section 54. Section 88.6151, Florida Statutes, is created  
 1408 to read:

1409 88.6151 Jurisdiction to modify child support order of  
 1410 foreign country.-

1411 (1) Except as otherwise provided in s. 88.7111, if a  
 1412 foreign country lacks or refuses to exercise jurisdiction to  
 1413 modify its child support order pursuant to its laws, a tribunal  
 1414 of this state may assume jurisdiction to modify the child  
 1415 support order and bind all individuals subject to the personal  
 1416 jurisdiction of the tribunal whether the consent to modification  
 1417 of a child support order otherwise required of the individual  
 1418 pursuant to s. 88.6111 has been given or whether the individual  
 1419 seeking modification is a resident of this state or of the  
 1420 foreign country.

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1421 (2) An order issued by a tribunal of this state modifying  
1422 a foreign child support order pursuant to this section is the  
1423 controlling order.

1424 Section 55. Section 88.6161, Florida Statutes, is created  
1425 to read:

1426 88.6161 Procedure to register child support order of  
1427 foreign country for modification.—A party or support enforcement  
1428 agency seeking to modify, or to modify and enforce, a foreign  
1429 child support order not under the convention may register that  
1430 order in this state under ss. 88.6011-88.6081 if the order has  
1431 not been registered. A petition for modification may be filed at  
1432 the same time as a request for registration, or at another time.  
1433 The petition must specify the grounds for modification.

1434 Section 56. The Division of Statutory Revision is directed  
1435 to redesignate part VII of chapter 88, Florida Statutes, as  
1436 "SUPPORT PROCEEDING UNDER CONVENTION."

1437 Section 57. Section 88.7011, Florida Statutes, is  
1438 repealed.

1439 Section 58. Section 88.70111, Florida Statutes, is created  
1440 to read:

1441 88.70111 Definitions.—As used in this part, the term:

1442 (1) "Application" means a request under the convention by  
1443 an obligee or obligor, or on behalf of a child, made through a  
1444 central authority for assistance from another central authority.

1445 (2) "Central authority" means the entity designated by the  
1446 United States or a foreign country described in s. 88.102(5)(d)  
1447 to perform the functions specified in the convention.

1448           (3) "Convention support order" means a support order of a  
 1449 tribunal of a foreign country described in s. 88.102(5)(d).

1450           (4) "Direct request" means a petition filed by an  
 1451 individual in a tribunal of this state in a proceeding involving  
 1452 an obligee, obligor, or child residing outside the United  
 1453 States.

1454           (5) "Foreign central authority" means the entity  
 1455 designated by a foreign country described in s. 88.102(5)(d) to  
 1456 perform the functions specified in the convention.

1457           (6) "Foreign support agreement":

1458           (a) Means an agreement for support in a record that:

1459           1. Is enforceable as a support order in the country of  
 1460 origin;

1461           2. Has been:

1462           a. Formally drawn up or registered as an authentic  
 1463 instrument by a foreign tribunal; or

1464           b. Authenticated by or concluded, registered, or filed  
 1465 with a foreign tribunal; and

1466           3. May be reviewed and modified by a foreign tribunal; and

1467           (b) Includes a maintenance arrangement or authentic  
 1468 instrument under the convention.

1469           (7) "United States central authority" means the Secretary  
 1470 of the United States Department of Health and Human Services.

1471           Section 59. Section 88.7021, Florida Statutes, is created  
 1472 to read:

1473           88.7021 Applicability.—This part applies only to a support  
 1474 proceeding under the convention. In such a proceeding, if a

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1475 provision of this part is inconsistent with parts I through VI,  
 1476 this part controls.

1477 Section 60. Section 88.7031, Florida Statutes, is created  
 1478 to read:

1479 88.7031 Relationship of Department of Revenue to United  
 1480 States central authority.—The Department of Revenue is  
 1481 recognized as the agency designated by the United States central  
 1482 authority to perform specific functions under the convention.

1483 Section 61. Section 88.7041, Florida Statutes, is created  
 1484 to read:

1485 88.7041 Initiation by Department of Revenue of support  
 1486 proceeding subject to convention.—

1487 (1) In a proceeding subject to the convention, the  
 1488 Department of Revenue shall:

1489 (a) Transmit and receive applications; and

1490 (b) Initiate or facilitate the institution of a proceeding  
 1491 regarding an application in a tribunal of this state.

1492 (2) The following support proceedings are available to an  
 1493 obligee under the convention:

1494 (a) Recognition or recognition and enforcement of a  
 1495 foreign support order.

1496 (b) Enforcement of a support order issued or recognized in  
 1497 this state.

1498 (c) Establishment of a support order if there is no  
 1499 existing order, including, where necessary, determination of  
 1500 parentage.

1501 (d) Establishment of a support order if recognition of a  
 1502 foreign support order is not possible or is refused because of

1503 the lack of a basis for recognition and enforcement under s.  
 1504 88.7081 or on grounds specified in s. 88.7091(2) or s.  
 1505 88.7091(5).

1506 (e) Modification of a support order made by a tribunal of  
 1507 this state.

1508 (f) Modification of a foreign support order.

1509 (3) The following support proceedings are available under  
 1510 the convention to an obligor against whom there is an existing  
 1511 support order:

1512 (a) Recognition of an order suspending or limiting  
 1513 enforcement of an existing support order of a tribunal of this  
 1514 state.

1515 (b) Modification of a support order of a tribunal of this  
 1516 state.

1517 (c) Modification of a support order of a tribunal of  
 1518 another state or foreign country.

1519 (4) A tribunal of this state may not require security,  
 1520 bond, or deposit, however described, to guarantee the payment of  
 1521 costs and expenses in proceedings under the convention.

1522 Section 62. Section 88.7051, Florida Statutes, is created  
 1523 to read:

1524 88.7051 Direct request.—

1525 (1) A petitioner may file a direct request in a tribunal  
 1526 of this state seeking the establishment or modification of a  
 1527 support order or determination of parentage. In such a  
 1528 proceeding, the law of this state applies.

1529 (2) A petitioner may file a direct request in a tribunal  
 1530 of this state seeking the recognition and enforcement of a

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1531 support order or support agreement. In such a proceeding, the  
 1532 provisions of ss. 88.7061-88.7121 apply.

1533 (3) In a direct request for recognition and enforcement of  
 1534 a foreign support order or agreement:

1535 (a) No security, bond, or deposit shall be required to  
 1536 guarantee the payment of costs and expenses related to the  
 1537 proceedings; and

1538 (b) The obligee or obligor, who in the issuing country has  
 1539 benefited from free legal assistance, shall be entitled to  
 1540 benefit, at least to the same extent, from any free legal  
 1541 assistance provided for by the law of this state under the same  
 1542 circumstances.

1543 (4) An individual filing directly to a tribunal will not  
 1544 receive assistance from the Department of Revenue.

1545 (5) Nothing in this part prevents the application of laws  
 1546 of this state that provide simplified, more expeditious rules  
 1547 regarding a direct request for recognition and enforcement of a  
 1548 foreign support order or support agreement.

1549 Section 63. Section 88.7061, Florida Statutes, is created  
 1550 to read:

1551 88.7061 Registration of support order subject to  
 1552 convention.—

1553 (1) Except as otherwise provided in this part, a party who  
 1554 is an individual or a support enforcement agency seeking  
 1555 recognition of a foreign support order subject to the convention  
 1556 shall register the order in this state as provided in part VI of  
 1557 this chapter.



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1558        (2) Notwithstanding ss. 88.3111 and 88.6021, a request for  
1559 registration of a foreign support order subject to the  
1560 convention shall be accompanied by the following:

1561        (a) A complete text of the support order, or an abstract  
1562 or extract of the support order drawn up by the issuing foreign  
1563 tribunal, which may be in the form recommended by the Hague  
1564 Conference on Private International Law.

1565        (b) A record stating that the support order is enforceable  
1566 in the issuing country.

1567        (c) If the respondent did not appear and was not  
1568 represented in the proceedings in the issuing country, a record  
1569 attesting, as appropriate, either that the respondent had proper  
1570 notice of the proceedings and an opportunity to be heard, or  
1571 that the respondent had proper notice of the support order and  
1572 the opportunity to challenge or appeal it on fact and law.

1573        (d) If necessary, a record showing the amount of any  
1574 arrears, and the date the amount was calculated.

1575        (e) If necessary, a record showing a requirement for  
1576 automatic adjustment of the amount of support, if any, and the  
1577 information necessary to make the appropriate calculations.

1578        (f) If necessary, a record showing the extent to which the  
1579 applicant received free legal assistance in the issuing country.

1580        (3) A request for registration of a foreign support order  
1581 may seek recognition and partial enforcement of the order.

1582        (4) A tribunal of this state may refuse to register a  
1583 foreign support order only if recognition and enforcement of the  
1584 order is manifestly incompatible with public policy.

1585 (5) The tribunal shall promptly notify the parties of the  
 1586 registration or the refusal to register a foreign support order.

1587 Section 64. Section 88.7071, Florida Statutes, is created  
 1588 to read:

1589 88.7071 Contest of validity of foreign support order  
 1590 subject to convention.-

1591 (1) Except as otherwise provided in this part, ss.  
 1592 88.6051-88.6081 apply to a contest of the validity of a  
 1593 registered foreign support order subject to the convention.

1594 (2) A party contesting the recognition and enforcement of  
 1595 a registered foreign support order subject to the convention  
 1596 must file a contest within 30 days after notice of the  
 1597 registration unless the contesting party does not reside in the  
 1598 United States or a state, in which case the contest must be  
 1599 filed within 60 days after notice.

1600 (3) A contest of a registered foreign support order may be  
 1601 based only on:

1602 (a) The authenticity or integrity of any record  
 1603 transmitted in accordance with s. 88.7061;

1604 (b) The lack of a basis for enforcement under s. 88.7081;

1605 (c) The grounds for refusing enforcement under s. 88.7091;

1606 or

1607 (d) The payment in part or in whole of the alleged  
 1608 arrears.

1609 (4) In a contest of the validity of a registered foreign  
 1610 support order, a tribunal of this state:

1611 (a) Is bound by the findings of fact on which the foreign  
 1612 tribunal based its jurisdiction; and

1613        (b) May not review the merits of the support order.  
 1614        (5) A tribunal of this state deciding a contest of the  
 1615 validity of a registered foreign support order shall promptly  
 1616 notify the parties of its decision.  
 1617        (6) An appeal, if any, does not stay the enforcement of a  
 1618 foreign support order unless there are exceptional  
 1619 circumstances.  
 1620        Section 65. Section 88.7081, Florida Statutes, is created  
 1621 to read:  
 1622        88.7081 Recognition and enforcement of foreign support  
 1623 order subject to convention.—  
 1624        (1) A tribunal of this state shall recognize and enforce a  
 1625 foreign support order subject to the convention if:  
 1626        (a) The issuing tribunal had personal jurisdiction  
 1627 consistent with s. 88.2011; and  
 1628        (b) The order is enforceable in the issuing country.  
 1629        (2) If a tribunal of this state may not recognize a  
 1630 foreign support order because under similar facts the tribunal  
 1631 would not have had personal jurisdiction consistent with s.  
 1632 88.2011:  
 1633        (a) The tribunal must allow a reasonable time for a party  
 1634 to request the tribunal to establish a support order;  
 1635        (b) The tribunal may not use its refusal to recognize the  
 1636 foreign support order as a basis for dismissing the request;  
 1637        (c) The Department of Revenue shall take all appropriate  
 1638 measures to request a child support order for the obligee if the  
 1639 application for recognition and enforcement was received under  
 1640 s. 88.7041(1).

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1641           (3) If a tribunal of this state may not recognize and  
1642 enforce the whole of a foreign support order, it shall enforce  
1643 any severable part of the order. An application or direct  
1644 request may seek recognition and partial enforcement of a  
1645 foreign support order.

1646           Section 66. Section 88.7091, Florida Statutes, is created  
1647 to read:

1648           88.7091 Refusal of recognition and enforcement of foreign  
1649 support order subject to convention.—A tribunal of this state  
1650 may refuse recognition and enforcement of a foreign support  
1651 order subject to the convention if:

1652           (1) Recognition and enforcement of the order is manifestly  
1653 incompatible with public policy;

1654           (2) The order was obtained by fraud in connection with a  
1655 matter of procedure;

1656           (3) A proceeding between the same parties and having the  
1657 same purpose is pending before a tribunal of this state and that  
1658 proceeding was the first to be instituted;

1659           (4) The order is incompatible with a more recent support  
1660 order issued between the same parties and having the same  
1661 purpose if the more recent support order is entitled to  
1662 recognition and enforcement in this state;

1663           (5) In a case in which the respondent neither appeared nor  
1664 was represented in the proceeding in the issuing foreign country  
1665 when the law of the country:

1666           (a) Provides for notice of proceedings, the respondent did  
1667 not have proper notice of the proceedings and an opportunity to  
1668 be heard; or

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1669 (b) Does not provide for notice of the proceedings, the  
1670 respondent did not have proper notice of the order and the  
1671 opportunity to challenge or appeal it on fact and law; or

1672 (6) The order was made in violation of s. 88.7111.

1673 Section 67. Section 88.7101, Florida Statutes, is created  
1674 to read:

1675 88.7101 Foreign support agreement subject to convention.-

1676 (1) Except as provided in subsections (3) and (4), a  
1677 tribunal of this state shall recognize and enforce a foreign  
1678 support agreement registered in this state.

1679 (2) An application or direct request for recognition and  
1680 enforcement of a foreign support agreement shall be accompanied  
1681 by the following:

1682 (a) A complete text of the foreign support agreement.

1683 (b) A record stating that the foreign support agreement is  
1684 enforceable as a decision in the issuing country.

1685 (3) A tribunal of this state may refuse to register a  
1686 foreign support agreement only if registration is manifestly  
1687 incompatible with public policy.

1688 (4) A tribunal of this state may refuse recognition and  
1689 enforcement of a foreign support agreement if it finds:

1690 (a) Recognition and enforcement of the agreement is  
1691 manifestly incompatible with public policy;

1692 (b) The agreement was obtained by fraud or falsification;

1693 (c) The agreement is incompatible with a support order  
1694 issued between the same parties and having the same purpose,  
1695 either in this state, another state, or a foreign country if the  
1696 support order is entitled to recognition in this state; or

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1697           (d) The record submitted under subsection (2) lacks  
 1698 authenticity or integrity.

1699           (5) A proceeding for recognition and enforcement of a  
 1700 foreign support agreement shall be suspended during the pendency  
 1701 of a challenge to the agreement before a tribunal of another  
 1702 state or foreign country.

1703           Section 68. Section 88.7111, Florida Statutes, is created  
 1704 to read:

1705           88.7111 Modification of foreign child support order  
 1706 subject to convention.-

1707           (1) A tribunal of this state may not modify a foreign  
 1708 child support order if the obligee remains a resident of the  
 1709 foreign country where the support order was issued unless:

1710           (a) The obligee submits to the jurisdiction of a tribunal  
 1711 of this state, either expressly or by defending on the merits of  
 1712 the case without objecting to the jurisdiction at the first  
 1713 available opportunity; or

1714           (b) The foreign tribunal lacks or refuses to exercise  
 1715 jurisdiction to modify its support order or issue a new support  
 1716 order.

1717           (2) If a tribunal of this state does not modify the  
 1718 foreign child support order because the order may not be  
 1719 recognized in this state, the provisions of s. 88.7081 apply.

1720           Section 69. Section 88.7121, Florida Statutes, is created  
 1721 to read:

1722           88.7121 Jurisdiction to modify spousal support order of  
 1723 foreign country.-A tribunal of this state with personal

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1724 jurisdiction over the parties may modify a spousal support order  
 1725 of a foreign tribunal if:

1726 (1) The foreign tribunal lacks or refuses to exercise  
 1727 jurisdiction to modify its order pursuant to its laws;

1728 (2) There is agreement in writing between the parties to  
 1729 the jurisdiction of the tribunal of this state; or

1730 (3) The parties submit to the jurisdiction of the tribunal  
 1731 of this state expressly or by defending on the merits without  
 1732 objecting.

1733 Section 70. Paragraph (b) of subsection (2) of section  
 1734 88.8011, Florida Statutes, is amended to read:

1735 88.8011 Grounds for rendition.—

1736 (2) The Governor of this state may:

1737 (b) On the demand of ~~by~~ the Governor of another state,  
 1738 surrender an individual found in this state who is charged  
 1739 criminally in the other state with having failed to provide for  
 1740 the support of an obligee.

1741 Section 71. Section 88.9011, Florida Statutes, is amended  
 1742 to read:

1743 88.9011 Uniformity of application and construction.—In  
 1744 applying and construing this uniform act, consideration must be  
 1745 given to the need to promote uniformity of ~~This act shall be~~  
 1746 ~~applied and construed to effectuate its general purpose to make~~  
 1747 ~~uniform~~ the law with respect to its ~~the~~ subject matter ~~of this~~  
 1748 ~~act~~ among states that enact ~~enacting~~ it.

1749 Section 72. Section 88.9031, Florida Statutes, is amended  
 1750 to read:

1751 88.9031 Severability ~~clause~~.—If any provision of this act

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1752 or its application to any person or circumstance is held  
 1753 invalid, the invalidity does not affect other provisions or  
 1754 applications of this act which can be given effect without the  
 1755 invalid provision or application, and to this end the provisions  
 1756 of this act are severable.

1757 Section 73. Paragraph (a) of subsection (7) of section  
 1758 61.13, Florida Statutes, is amended to read:

1759 61.13 Support of children; parenting and time-sharing;  
 1760 powers of court.—

1761 (7) (a) Each party to any paternity or support proceeding  
 1762 is required to file with the tribunal as defined in s.  
 1763 88.1011~~(22)~~ and State Case Registry upon entry of an order, and  
 1764 to update as appropriate, information on location and identity  
 1765 of the party, including social security number, residential and  
 1766 mailing addresses, telephone number, driver's license number,  
 1767 and name, address, and telephone number of employer. Each party  
 1768 to any paternity or child support proceeding in a non-Title IV-D  
 1769 case shall meet the above requirements for updating the tribunal  
 1770 and State Case Registry.

1771 Section 74. Paragraph (b) of subsection (5) of section  
 1772 827.06, Florida Statutes, is amended to read:

1773 827.06 Nonsupport of dependents.—

1774 (5)

1775 (b) The element of knowledge may be proven by evidence  
 1776 that a court or tribunal as defined by s. 88.1011~~(22)~~ has  
 1777 entered an order that obligates the defendant to provide the  
 1778 support.

1779 Section 75. Upon the passage of this bill, the Department



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1780 of Revenue is directed to apply for a waiver from the Federal  
1781 Office of Child Support Enforcement pursuant to the state plan  
1782 requirement under Title IV-D of the Social Security Act.

1783       Section 76. This act shall take effect upon the earlier of  
1784 90 days following Congress amending 42 U.S.C. s. 666(f) to allow  
1785 or require states to adopt the 2008 version of the Uniform  
1786 Interstate Family Support Act, or 90 days following the state  
1787 obtaining a waiver of its state plan requirement under Title IV-  
1788 D of the Social Security Act.