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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

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

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

29 | personal jurisdiction; creating s. 88.2111, F.S.;

30 | providing for continuing, exclusive jurisdiction to modify

31 | 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; creating s.

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

57 | 88.4021, F.S.; providing that certain tribunals of this
 58 | state may serve as responding tribunals in proceedings to
 59 | determine parentage of a child under certain provisions;
 60 | providing a directive to the Division of Statutory
 61 | Revision; amending s. 88.5011, F.S.; revising provisions
 62 | relating to an employer's receipt of an income-withholding
 63 | order from another state; amending ss. 88.50211, 88.5031,
 64 | 88.5041, and 88.5051, F.S.; revising terminology; amending
 65 | s. 88.5061, F.S.; revising provisions relating to a
 66 | contest by obligor; amending s. 88.5071, F.S.; revising
 67 | terminology; providing a directive to the Division of
 68 | Statutory Revision; amending s. 88.6011, F.S.; revising
 69 | terminology; amending s. 88.6021, F.S.; revising
 70 | provisions relating to the procedure to register order for
 71 | enforcement; amending s. 88.6031, F.S.; revising
 72 | terminology; amending s. 88.6041, F.S.; revising
 73 | provisions relating to choice of law; amending s. 88.6051,
 74 | F.S.; revising provisions relating to notice of
 75 | registration of order; amending s. 88.6061, F.S.; revising
 76 | provisions relating to the procedure to contest the
 77 | validity or enforcement of a registered order; amending s.
 78 | 88.6071, F.S.; revising provisions relating to the
 79 | contesting of registration or enforcement; amending s.
 80 | 88.6081, F.S.; revising terminology; amending s. 88.6091,
 81 | F.S.; correcting a cross-reference; amending s. 88.6111,
 82 | F.S.; revising provisions relating to modification of a
 83 | child support order of another state; amending s. 88.6121,
 84 | F.S.; revising provisions relating to recognition of a

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

85 | child support order modified in another state; creating s.
 86 | 88.6151, F.S.; providing for jurisdiction to modify a
 87 | child support order of a foreign country; creating s.
 88 | 88.6161, F.S.; providing procedures for registration of a
 89 | child support order of a foreign country for modification;
 90 | providing a directive to the Division of Statutory
 91 | Revision; repealing s. 88.7011, F.S., relating to a
 92 | proceeding to determine parentage of a child; creating s.
 93 | 88.70111, F.S.; providing definitions relating to a
 94 | support proceeding under the Convention on the
 95 | International Recovery of Child Support and Other Forms of
 96 | Family Maintenance; creating s. 88.7021, F.S.; providing
 97 | for applicability; creating s. 88.7031, F.S.; specifying
 98 | the relationship of the Department of Revenue to the
 99 | United States central authority; creating s. 88.7041,
 100 | F.S.; providing for initiation by the Department of
 101 | Revenue of support proceedings under the convention;
 102 | creating s. 88.7051, F.S.; providing for direct requests
 103 | to tribunals; creating s. 88.7061, F.S.; providing for
 104 | registration of convention support orders; creating s.
 105 | 88.7071, F.S.; providing for contest of registered
 106 | convention support orders; creating s. 88.7081, F.S.;
 107 | providing for recognition and enforcement of registered
 108 | convention support orders; creating s. 88.7091, F.S.;
 109 | providing for partial enforcement of convention support
 110 | orders; creating s. 88.7101, F.S.; providing requirements
 111 | for a foreign support agreement; creating s. 88.7111,
 112 | F.S.; providing for modification of convention child

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

113 support orders; creating s. 88.7121, F.S.; providing
 114 limits on the personal use of certain information;
 115 creating s. 88.7131, F.S.; requiring a record filed with a
 116 tribunal of this state under specified provisions to be in
 117 the original language and, if not in English, to be
 118 accompanied by an English translation; amending s.
 119 88.8011, F.S.; revising terminology; amending s. 88.9011,
 120 F.S.; revising provisions relating to the uniformity of
 121 application and construction of the act; creating s.
 122 88.9021, F.S.; providing applicability; amending s.
 123 88.9031, F.S.; revising terminology; amending ss. 61.13
 124 and 827.06, F.S.; correcting cross-references; directing
 125 the Department of Revenue to apply for a waiver; amending
 126 s. 61.08, F.S.; revising provisions relating to factors to
 127 be considered for alimony awards; revising provisions
 128 relating to awards of durational alimony; revising
 129 provisions relating to awards of permanent alimony;
 130 providing that the award of alimony may not leave the
 131 payor with significantly less net income than the net
 132 income of the recipient unless there are written findings
 133 of exceptional circumstances; providing for applicability
 134 of specified provisions; providing effective dates.

135
 136 Be It Enacted by the Legislature of the State of Florida:

137
 138 Section 1. Section 88.1011, Florida Statutes, is amended
 139 to read:

140 88.1011 Definitions.—As used in this act:

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

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

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

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

151 (4) ~~(3)~~ "Duty of support" means an obligation imposed or
 152 imposable by law to provide support for a child, spouse, or
 153 former spouse, including an unsatisfied obligation to provide
 154 support.

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

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

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

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

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

167 (6) "Foreign support order" means a support order of a
 168 foreign tribunal.

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

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

174 (8)-(4) "Home state" means the state or foreign country in
 175 which a child lived with a parent or a person acting as parent
 176 for at least 6 consecutive months immediately preceding the time
 177 of filing of a petition or comparable pleading for support and,
 178 if a child is less than 6 months old, the state or foreign
 179 country in which the child lived from birth with any of them. A
 180 period of temporary absence of any of them is counted as part of
 181 the 6-month or other period.

182 (9)-(5) "Income" includes earnings or other periodic
 183 entitlements to money from any source and any other property
 184 subject to withholding for support under the law of this state.

185 (10)-(6) "Income-withholding order" means an order or other
 186 legal process directed to an obligor's employer or other debtor,
 187 as defined by the income deduction law of this state, or payor
 188 as defined by s. 61.046, to withhold support from the income of
 189 the obligor.

190 ~~(7) "Initiating state" means a state from which a~~
 191 ~~proceeding is forwarded or in which a proceeding is filed for~~
 192 ~~forwarding to a responding state under this act or a law or~~
 193 ~~procedure substantially similar to this act, the Uniform~~
 194 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~
 195 ~~Reciprocal Enforcement of Support Act.~~

196 (11)-(8) "Initiating tribunal" means the authorized

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

197 tribunal of a state or foreign country from which a petition or
 198 comparable pleading is forwarded or in which a petition or
 199 comparable pleading is filed for forwarding to another state or
 200 foreign country in an initiating state.

201 (12) "Issuing foreign country" means the foreign country
 202 in which a tribunal issues a support order or a judgment
 203 determining parentage of a child.

204 (13)-(9) "Issuing state" means the state in which a
 205 tribunal issues a support order or renders a judgment
 206 determining parentage of a child.

207 (14)-(10) "Issuing tribunal" means the tribunal of a state
 208 or foreign country that issues a support order or ~~renders~~ a
 209 judgment determining parentage of a child.

210 (15)-(11) "Law" includes decisional and statutory law and
 211 rules and regulations having the force of law.

212 (16)-(12) "Obligee" means:

213 (a) An individual to whom a duty of support is or is
 214 alleged to be owed or in whose favor a support order ~~has been~~
 215 ~~issued~~ or a judgment determining parentage of a child has been
 216 issued rendered;

217 (b) A foreign country, state, or political subdivision of
 218 a state to which the rights under a duty of support or support
 219 order have been assigned or which has independent claims based
 220 on financial assistance provided to an individual obligee in
 221 place of child support; or

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

224 (d) A person that is a creditor in a proceeding under part

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

225 VII of this chapter.

226 ~~(17)-(13)~~ "Obligor" means an individual, or the estate of a
 227 decedent that:

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

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

231 (c) ~~Who~~ Is liable under a support order; or

232 (d) Is a debtor in a proceeding under part VII.

233 (18) "Outside this state" means a location in another
 234 state or a country other than the United States, whether or not
 235 the country is a foreign country.

236 (19) "Person" means an individual, corporation, business
 237 trust, estate, trust, partnership, limited liability company,
 238 association, joint venture, public corporation, government, or
 239 governmental subdivision, agency, or instrumentality or any
 240 other legal or commercial entity.

241 (20) "Record" means information that is inscribed on a
 242 tangible medium or that is stored in an electronic or other
 243 medium that is retrievable in perceivable form.

244 ~~(21)-(14)~~ "Register" means to record or file in a tribunal
 245 of this state a support order or judgment determining parentage
 246 of a child issued in another state or a foreign country in the
 247 ~~Registry of Foreign Support Orders of the circuit court, or~~
 248 ~~other appropriate location for the recording or filing of~~
 249 ~~foreign judgments generally or foreign support orders~~
 250 ~~specifically.~~

251 ~~(22)-(15)~~ "Registering tribunal" means a tribunal in which
 252 a support order or judgment determining parentage of a child is

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

253 registered.

254 (23)~~(16)~~ "Responding state" means a state in which a
 255 petition or comparable pleading for support or to determine
 256 parentage of a child proceeding is filed or to which a petition
 257 or comparable pleading proceeding is forwarded for filing from
 258 another state or a foreign country ~~an initiating state under~~
 259 ~~this act or a law or procedure substantially similar to this~~
 260 ~~act, the Uniform Reciprocal Enforcement of Support Act, or the~~
 261 ~~Revised Uniform Reciprocal Enforcement of Support Act.~~

262 (24)~~(17)~~ "Responding tribunal" means the authorized
 263 tribunal in a responding state or a foreign country.

264 (25)~~(18)~~ "Spousal-support order" means a support order for
 265 a spouse or former spouse of the obligor.

266 (26)~~(19)~~ "State" means a state of the United States, the
 267 District of Columbia, Puerto Rico, the United States Virgin
 268 Islands, or any territory or insular possession under ~~subject to~~
 269 the jurisdiction of the United States. The term includes:

270 ~~(a)~~ an Indian nation or tribe; ~~and~~

271 ~~(b)~~ ~~A foreign jurisdiction that has enacted a law or~~
 272 ~~established procedures for issuance and enforcement of support~~
 273 ~~orders which are substantially similar to the procedures under~~
 274 ~~this act, the Uniform Reciprocal Enforcement of Support Act, or~~
 275 ~~the Revised Uniform Reciprocal Enforcement of Support Act, as~~
 276 ~~determined by the Attorney General.~~

277 (27)~~(20)~~ "Support enforcement agency" means a public
 278 official, governmental entity, or private agency authorized to
 279 seek:

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

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

281 the duty of support;
 282 (b) Seek establishment or modification of child support;
 283 (c) Request determination of parentage of a child; ~~or~~
 284 (d) Attempt to locate obligors or their assets; or
 285 (e) Request determination of the controlling child support
 286 order.

287 ~~(28)-(21)~~ "Support order" means a judgment, decree, ~~or~~
 288 order, decision, or directive, whether temporary, final, or
 289 subject to modification, issued in a state or foreign country
 290 for the benefit of a child, a spouse, or a former spouse, which
 291 provides for monetary support, health care, arrearages,
 292 retroactive support, or reimbursement for financial assistance
 293 provided to an individual obligee in place of child support. The
 294 term, and may include related costs and fees, interest, income
 295 withholding, automatic adjustment, reasonable attorney's fees,
 296 and other relief.

297 ~~(29)-(22)~~ "Tribunal" means a court, administrative agency,
 298 or quasi-judicial entity authorized to establish, enforce, or
 299 modify support orders or to determine parentage of a child.

300 Section 2. Section 88.1021, Florida Statutes, is amended
 301 to read:

302 88.1021 ~~Tribunal of State~~ tribunal and support enforcement
 303 agency.-

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

307 (2) The Department of Revenue is the support enforcement
 308 agency of this state.

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

309 Section 3. Section 88.1031, Florida Statutes, is amended
 310 to read:

311 88.1031 Remedies cumulative.—

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

315 (2) This act does not:

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

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

321 Section 4. Section 88.1041, Florida Statutes, is created
 322 to read:

323 88.1041 Application of act to resident of foreign country
 324 and foreign support proceeding.—

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

328 (a) A foreign support order;

329 (b) A foreign tribunal; or

330 (c) An obligee, obligor, or child residing in a foreign
 331 country.

332 (2) A tribunal of this state that is requested to
 333 recognize and enforce a support order on the basis of comity may
 334 apply the procedural and substantive provisions of parts I
 335 through VI of this chapter.

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

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

340 Section 5. Section 88.2011, Florida Statutes, is amended
 341 to read:

342 88.2011 Bases for jurisdiction over nonresident.—

343 (1) In a proceeding to establish ~~or~~ enforce, ~~or modify~~ a
 344 support order or to determine parentage of a child, a tribunal
 345 of this state may exercise personal jurisdiction over a
 346 nonresident individual or the individual's guardian or
 347 conservator if:

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

350 (b)~~(2)~~ The individual submits to the jurisdiction of this
 351 state by consent in a record, by entering a general appearance,
 352 or by filing a responsive document having the effect of waiving
 353 any contest to personal jurisdiction;

354 (c)~~(3)~~ The individual resided with the child in this
 355 state;

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

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

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

363 (g)~~(7)~~ The individual asserted parentage of a child in a

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

364 tribunal or in a putative father registry maintained in this
 365 state by the appropriate agency; or

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

369 (2) The bases of personal jurisdiction set forth in
 370 subsection (1) or in any other law of this state may not be used
 371 to acquire personal jurisdiction for tribunal of this state to
 372 modify a child support order of another state unless the
 373 requirements of s. 88.6111 are met, or, in the case of a foreign
 374 support order, unless the requirements of s. 88.6151 are met.

375 Section 6. Section 88.2021, Florida Statutes, is amended
 376 to read:

377 88.2021 Duration of personal Procedure when exercising
 378 jurisdiction over nonresident. Personal jurisdiction acquired by
 379 a tribunal of this state in a proceeding under this act or other
 380 law of this state relating to a support order continues as long
 381 as a tribunal of this state has continuing, exclusive
 382 jurisdiction to modify its order or continuing jurisdiction to
 383 enforce its order as provided by ss. 88.2051, 88.2061, and
 384 88.2111 A tribunal of this state exercising personal
 385 jurisdiction over a nonresident under s. 88.2011 may apply s.
 386 88.3161 (special rules of evidence and procedure) to receive
 387 evidence from another state, and s. 88.3181 (assistance with
 388 discovery) to obtain discovery through a tribunal of another
 389 state. In all other respects, parts III through VII of this
 390 chapter do not apply and the tribunal shall apply the procedural
 391 and substantive law of this state, including the rules on choice

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

392 ~~of law other than those established by this act.~~

393 Section 7. Section 88.2031, Florida Statutes, is amended
394 to read:

395 88.2031 Initiating and responding tribunal of state.—Under
396 this act, a tribunal of this state may serve as an initiating
397 tribunal to forward proceedings to a tribunal of another state
398 and as a responding tribunal for proceedings initiated in
399 another state or a foreign country.

400 Section 8. Section 88.2041, Florida Statutes, is amended
401 to read:

402 88.2041 Simultaneous proceedings in another state.—

403 (1) A tribunal of this state may exercise jurisdiction to
404 establish a support order if the petition or comparable pleading
405 is filed after a petition or comparable pleading is filed in
406 another state or a foreign country only if:

407 (a) The petition or comparable pleading in this state is
408 filed before the expiration of the time allowed in the other
409 state or the foreign country for filing a responsive pleading
410 challenging the exercise of jurisdiction by the other state or
411 the foreign country;

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

414 (c) If relevant, this state is the home state of the
415 child.

416 (2) A tribunal of this state may not exercise jurisdiction
417 to establish a support order if the petition or comparable
418 pleading is filed before a petition or comparable pleading is
419 filed in another state or a foreign country if:

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

420 (a) The petition or comparable pleading in the other state
 421 or the foreign country is filed before the expiration of the
 422 time allowed in this state for filing a responsive pleading
 423 challenging the exercise of jurisdiction by this state;

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

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

428 Section 9. Section 88.2051, Florida Statutes, is amended
 429 to read:

430 88.2051 Continuing exclusive jurisdiction.—

431 (1) A tribunal of this state that has issued ~~issuing~~ a
 432 child support order consistent with the law of this state has
 433 and shall exercise continuing, exclusive jurisdiction to modify
 434 its ~~over a~~ child support order if the order is the controlling
 435 order and:

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

440 (b) Even if this state is not the residence of the
 441 obligor, the individual obligee, or the child for whose benefit
 442 the support order is issued, the parties consent in a record or
 443 in open court that the tribunal of this state may continue to
 444 exercise jurisdiction to modify its order ~~Until all of the~~
 445 ~~parties who are individuals have filed written consents with the~~
 446 ~~tribunal of this state for a tribunal of another state to modify~~
 447 ~~the order and assume continuing exclusive jurisdiction.~~

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

448 (2) A tribunal of this state that has issued ~~issuing~~ a
 449 child support order consistent with the law of this state may
 450 not exercise ~~its~~ continuing, exclusive jurisdiction to modify
 451 the order if: ~~the order has been modified by a tribunal of~~
 452 ~~another state pursuant to this act or a law substantially~~
 453 ~~similar to this act.~~

454 (a) All of the parties who are individuals file consent in
 455 a record with the tribunal of this state that a tribunal of
 456 another state that has jurisdiction over at least one of the
 457 parties who is an individual or that is located in the state of
 458 residence of the child may modify the order and assume
 459 continuing, exclusive jurisdiction; or

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

461 ~~(3) If a child support order of this state is modified by~~
 462 ~~a tribunal of another state pursuant to this act or a law~~
 463 ~~substantially similar to this act, a tribunal of this state~~
 464 ~~loses its continuing exclusive jurisdiction with regard to~~
 465 ~~prospective enforcement of the order issued in this state, and~~
 466 ~~may only:~~

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

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

470 ~~(c) Provide other appropriate relief for violations of~~
 471 ~~that order which occurred before the effective date of the~~
 472 ~~modification.~~

473 ~~(3)-(4) If a tribunal of this state shall recognize the~~
 474 ~~continuing exclusive jurisdiction of a tribunal of another state~~
 475 ~~which has issued a child support order pursuant to this act or a~~

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

476 law substantially similar to this act which modifies a child
 477 support order of a tribunal of this state, tribunals of this
 478 state shall recognize the continuing, exclusive jurisdiction of
 479 the tribunal of the other state.

480 (4) A tribunal of this state that lacks continuing,
 481 exclusive jurisdiction to modify a child support order may serve
 482 as an initiating tribunal to request a tribunal of another state
 483 to modify a support order issued in that state.

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

487 ~~(6) A tribunal of this state issuing a support order~~
 488 ~~consistent with the law of this state has continuing exclusive~~
 489 ~~jurisdiction over a spousal support order throughout the~~
 490 ~~existence of the support obligation. A tribunal of this state~~
 491 ~~may not modify a spousal support order issued by a tribunal of~~
 492 ~~another state having continuing exclusive jurisdiction over that~~
 493 ~~order under the law of that state.~~

494 Section 10. Section 88.2061, Florida Statutes, is amended
 495 to read:

496 88.2061 ~~Enforcement and modification of support order by~~
 497 ~~tribunal having~~ Continuing jurisdiction to enforce child support
 498 order.-

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

503 (a) The order if the order is the controlling order and

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

504 has not been modified by a tribunal of another state that
 505 assumed jurisdiction pursuant to the Uniform Interstate Family
 506 Support Act; or

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

510 (2) A tribunal of this state having continuing ~~exclusive~~
 511 jurisdiction over a support order may act as a responding
 512 tribunal to enforce ~~or modify~~ the order. ~~If a party subject to~~
 513 ~~the continuing exclusive jurisdiction of the tribunal no longer~~
 514 ~~resides in the issuing state, in subsequent proceedings the~~
 515 ~~tribunal may apply s. 88.3161 (special rules of evidence and~~
 516 ~~procedure) to receive evidence from another state and s. 88.3181~~
 517 ~~(assistance with discovery) to obtain discovery through a~~
 518 ~~tribunal of another state.~~

519 ~~(3) A tribunal of this state which lacks continuing~~
 520 ~~exclusive jurisdiction over a spousal support order may not~~
 521 ~~serve as a responding tribunal to modify a spousal support order~~
 522 ~~of another state.~~

523 Section 11. Section 88.2071, Florida Statutes, is amended
 524 to read:

525 88.2071 Determination ~~Recognition~~ of controlling child
 526 support order.—

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

530 (2) If a proceeding is brought under this act, and two or
 531 more child support orders have been issued by tribunals of this

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

532 | state, ~~or~~ another state, or a foreign country with regard to the
 533 | same obligor and the same child, a tribunal of this state having
 534 | personal jurisdiction over both the obligor and individual
 535 | obligee shall apply the following rules and by order shall
 536 | determine ~~in determining~~ which order controls and must be
 537 | recognized ~~to recognize for purposes of continuing, exclusive~~
 538 | jurisdiction:

539 | (a) If only one of the tribunals would have continuing,
 540 | exclusive jurisdiction under this act, the order of that
 541 | tribunal controls ~~and must be so recognized.~~

542 | (b) If more than one of the tribunals would have
 543 | continuing, exclusive jurisdiction under this act:7

544 | 1. An order issued by a tribunal in the current home state
 545 | of the child controls; or ~~and must be so recognized, but~~

546 | 2. If an order has not been issued in the current home
 547 | state of the child, the order most recently issued controls ~~and~~
 548 | ~~must be so recognized.~~

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

553 | (3) If two or more child support orders have been issued
 554 | for the same obligor and the same child, upon request of ~~and if~~
 555 | ~~the obligor or the individual obligee resides in this state,~~ a
 556 | party who is an individual or that is a support enforcement
 557 | agency, may request a tribunal of this state having personal
 558 | jurisdiction over both the obligor and the obligee who is an
 559 | individual shall ~~to~~ determine which order controls ~~and must be~~

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

560 ~~so recognized~~ under subsection (2). The request may be filed
 561 with a registration for enforcement or registration for
 562 modification pursuant to part VI of this chapter, or may be
 563 filed as a separate proceeding ~~must be accompanied by a~~
 564 ~~certified copy of every support order in effect. The requesting~~
 565 ~~party shall give notice of the request to each party whose~~
 566 ~~rights may be affected by the determination.~~

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

572 (5)-(4) The tribunal that issued the controlling order
 573 under subsection (1), subsection (2), or subsection (3) ~~is the~~
 574 ~~tribunal that~~ has continuing, ~~exclusive~~ jurisdiction to the
 575 extent provided in s. ~~under s.~~ 88.2051 or s. 88.2061.

576 (6)-(5) A tribunal of this state that ~~which~~ determines by
 577 order which is the identity of the controlling order under
 578 paragraph (2) (a), ~~or~~ paragraph (2) (b), or subsection (3) or that
 579 ~~which~~ issues a new controlling order under paragraph (2) (c)
 580 shall state in that order:

581 (a) The basis upon which the tribunal made its
 582 determination;~~:-~~

583 (b) The amount of prospective support, if any; and

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

587 (7)-(6) Within 30 days after issuance of an order

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

588 determining which is the identity of the controlling order, the
 589 party obtaining the order shall file a certified copy of it in
 590 ~~with~~ each tribunal that issued or registered an earlier order of
 591 child support. A party or support enforcement agency obtaining
 592 ~~who obtains~~ the order that ~~and~~ fails to file a certified copy is
 593 subject to appropriate sanctions by a tribunal in which the
 594 issue of failure to file arises. The failure to file does not
 595 affect the validity or enforceability of the controlling order.

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

600 Section 12. Section 88.2081, Florida Statutes, is amended
 601 to read:

602 88.2081 ~~Multiple~~ Child support orders for two or more
 603 obligees.—In responding to ~~multiple~~ registrations, petitions, or
 604 comparable pleadings for enforcement of two or more child
 605 support orders in effect at the same time with regard to the
 606 same obligor and different individual obligees, at least one of
 607 which was issued by a tribunal of another state or a foreign
 608 country, a tribunal of this state shall enforce those orders in
 609 the same manner as if the ~~multiple~~ orders had been issued by a
 610 tribunal of this state.

611 Section 13. Section 88.2091, Florida Statutes, is amended
 612 to read:

613 88.2091 Credit for payments.—A tribunal of this state
 614 shall credit amounts collected ~~and credited~~ for a particular
 615 period pursuant to any child support order against the amounts

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

616 owed for the same period under any other child support order for
 617 support of the same child ~~a support order issued by a tribunal~~
 618 ~~of another state must be credited against the amounts accruing~~
 619 ~~or accrued for the same period under a support order issued by~~
 620 the tribunal of this state, another state, or a foreign country.

621 Section 14. Section 88.2101, Florida Statutes, is created
 622 to read:

623 88.2101 Application of act to nonresident subject to
 624 personal jurisdiction.—A tribunal of this state exercising
 625 personal jurisdiction over a nonresident in a proceeding under
 626 this act, under another law of this state relating to a support
 627 order, or recognizing a foreign support order may receive
 628 evidence from outside this state pursuant to s. 88.3161,
 629 communicate with a tribunal outside this state pursuant to s.
 630 88.3171, and obtain discovery through a tribunal outside this
 631 state pursuant to s. 88.3181. In all other respects, parts III
 632 through VI of this chapter do not apply, and the tribunal shall
 633 apply the procedural and substantive law of this state.

634 Section 15. Section 88.2111, Florida Statutes, is created
 635 to read:

636 88.2111 Continuing, exclusive jurisdiction to modify
 637 spousal support order.—

638 (1) A tribunal of this state issuing a spousal support
 639 order consistent with the law of this state has continuing,
 640 exclusive jurisdiction to modify the spousal support order
 641 throughout the existence of the support obligation.

642 (2) A tribunal of this state may not modify a spousal
 643 support order issued by a tribunal of another state or foreign

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

644 country having continuing, exclusive jurisdiction over that
 645 order under the law of that state or foreign country.

646 (3) A tribunal of this state that has continuing,
 647 exclusive jurisdiction over a spousal support order may serve
 648 as:

649 (a) An initiating tribunal to request a tribunal of
 650 another state to enforce the spousal support order issued in
 651 this state; or

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

654 Section 16. Section 88.3011, Florida Statutes, is amended
 655 to read:

656 88.3011 Proceedings under this act.—

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

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

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

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

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

666 ~~(d) Modification of an order for child support or spousal~~
 667 ~~support issued by a tribunal of this state pursuant to ss.~~
 668 ~~88.2031-88.2061;~~

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

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

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

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

674 ~~(2)(3)~~ An individual petitioner or a support enforcement
 675 agency may initiate ~~commence~~ a proceeding authorized under this
 676 act by filing a petition or a comparable pleading in an
 677 initiating tribunal for forwarding to a responding tribunal or
 678 by filing a petition or a comparable pleading directly in a
 679 tribunal of another state or a foreign country which has or can
 680 obtain personal jurisdiction over the respondent.

681 Section 17. Section 88.3021, Florida Statutes, is amended
 682 to read:

683 88.3021 Proceeding ~~Action~~ by minor parent.—A minor parent,
 684 or a guardian or other legal representative of a minor parent,
 685 may maintain a proceeding on behalf of or for the benefit of the
 686 minor's child.

687 Section 18. Section 88.3031, Florida Statutes, is amended
 688 to read:

689 88.3031 Application of law of state.—Except as otherwise
 690 provided in ~~by~~ this act, a responding tribunal of this state
 691 shall:

692 (1) ~~Shall~~ Apply the procedural and substantive law⁷
 693 ~~including the rules on choice of law,~~ generally applicable to
 694 similar proceedings originating in this state and may exercise
 695 all powers and provide all remedies available in those
 696 proceedings; and

697 (2) ~~Shall~~ Determine the duty of support and the amount
 698 payable in accordance with the law and support guidelines of
 699 this state.

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

700 Section 19. Section 88.3041, Florida Statutes, is amended
 701 to read:

702 88.3041 Duties of initiating tribunal.—

703 (1) Upon the filing of a petition or comparable pleading
 704 authorized by this act, an initiating tribunal of this state
 705 shall forward ~~three copies of~~ the petition and its accompanying
 706 documents or a comparable pleading and its accompanying
 707 documents:

708 (a) To the responding tribunal or appropriate support
 709 enforcement agency in the responding state; or

710 (b) If the identity of the responding tribunal is unknown,
 711 to the state information agency of the responding state with a
 712 request that they be forwarded to the appropriate tribunal and
 713 that receipt be acknowledged.

714 (2) If requested by the responding tribunal ~~a responding~~
 715 ~~state has not enacted this act or a law or procedure~~
 716 ~~substantially similar to this act,~~ a tribunal of this state
 717 shall ~~may~~ issue a certificate or other document and make
 718 findings required by the law of the responding state. If the
 719 responding tribunal state is in a foreign country ~~jurisdiction,~~
 720 upon request the tribunal of this state shall ~~may~~ specify the
 721 amount of support sought, convert that amount into the
 722 equivalent amount in the foreign currency under applicable
 723 official or market exchange rate as publicly reported, and
 724 provide any other documents necessary to satisfy the
 725 requirements of the responding foreign tribunal ~~state.~~

726 Section 20. Section 88.3051, Florida Statutes, is amended
 727 to read:

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

728 88.3051 Duties and powers of responding tribunal.—
 729 (1) When a responding tribunal of this state receives a
 730 petition or comparable pleading from an initiating tribunal or
 731 directly pursuant to s. 88.3011 (2) ~~(3)~~, it shall cause the
 732 petition or comparable pleading to be filed and notify the
 733 petitioner where and when it was filed.
 734 (2) A responding tribunal of this state, to the extent not
 735 prohibited ~~otherwise authorized~~ by other law, may do one or more
 736 of the following:
 737 (a) Establish ~~Issue~~ or enforce a support order, modify a
 738 child support order, determine the controlling child support
 739 order, or ~~render a judgment to~~ determine parentage of a child.
 740 (b) Order an obligor to comply with a support order,
 741 specifying the amount and the manner of compliance.
 742 (c) Order income withholding.
 743 (d) Determine the amount of any arrearages, and specify a
 744 method of payment.
 745 (e) Enforce orders by civil or criminal contempt, or both.
 746 (f) Set aside property for satisfaction of the support
 747 order.
 748 (g) Place liens and order execution on the obligor's
 749 property.
 750 (h) Order an obligor to keep the tribunal informed of the
 751 obligor's current residential address, electronic mail address,
 752 telephone number, employer, address of employment, and telephone
 753 number at the place of employment.
 754 (i) Issue a bench warrant, capias, or writ of bodily
 755 attachment for an obligor who has failed after proper notice to

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

756 appear at a hearing ordered by the tribunal and enter the bench
757 warrant, *capias*, or writ of bodily attachment in any local and
758 state computer systems for criminal warrants.

759 (j) Order the obligor to seek appropriate employment by
760 specified methods.

761 (k) Award reasonable attorney's fees and other fees and
762 costs.

763 (l) Grant any other available remedy.

764 (3) A responding tribunal of this state shall include in a
765 support order issued under this act, or in the documents
766 accompanying the order, the calculations on which the support
767 order is based.

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

771 (5) If a responding tribunal of this state issues an order
772 under this act, the tribunal shall send a copy of the order to
773 the petitioner and the respondent and to the initiating
774 tribunal, if any.

775 (6) If requested to enforce a support order, arrears, or
776 judgment, or modify a support order stated in a foreign
777 currency, a responding tribunal of this state shall convert the
778 amount stated in the foreign currency to the equivalent amount
779 in dollars under the applicable official or market exchange rate
780 as publicly reported.

781 Section 21. Section 88.3061, Florida Statutes, is amended
782 to read:

783 88.3061 Inappropriate tribunal.—If a petition or

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

784 comparable pleading is received by an inappropriate tribunal of
 785 this state, the tribunal ~~it~~ shall forward the pleading and
 786 accompanying documents to an appropriate tribunal of ~~in~~ this
 787 state or another state and notify the petitioner where and when
 788 the pleading was sent.

789 Section 22. Section 88.3071, Florida Statutes, is amended
 790 to read:

791 88.3071 Duties of support enforcement agency.—

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

794 (a) Shall provide services to a petitioner residing in a
 795 state;

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

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

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

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

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

810 (c) Make a reasonable effort to obtain all relevant
 811 information, including information as to income and property of

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

812 the parties.

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

817 (e) Within 10 days, exclusive of Saturdays, Sundays, and
818 legal holidays, after receipt of a written communication from
819 the respondent or the respondent's attorney, send a copy of the
820 communication to the petitioner.

821 (f) Notify the petitioner if jurisdiction over the
822 respondent cannot be obtained.

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

826 (a) To ensure that the order to be registered is the
827 controlling order; or

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

832 (4) A support enforcement agency of this state that
833 requests registration and enforcement of a support order,
834 arrears, or judgment stated in a foreign currency shall convert
835 the amounts stated in the foreign currency into the equivalent
836 amounts in dollars under the applicable official or market
837 exchange rate as publicly reported.

838 (5) A support enforcement agency of this state shall issue
839 or request a tribunal of this state to issue a child support

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

840 order and an income-withholding order that redirect payment of
 841 current support, arrears, and interest if requested to do so by
 842 a support enforcement agency of another state pursuant to s.
 843 88.3191.

844 ~~(6)(3)~~ This act does not create or negate a relationship
 845 of attorney and client or other fiduciary relationship between a
 846 support enforcement agency or the attorney for the agency and
 847 the individual being assisted by the agency.

848 Section 23. Section 88.3081, Florida Statutes, is amended
 849 to read:

850 88.3081 Duty of Governor and Cabinet.—

851 (1) If the Governor and Cabinet determine that the support
 852 enforcement agency is neglecting or refusing to provide services
 853 to an individual, the Governor and Cabinet may order the agency
 854 to perform its duties under this act or may provide those
 855 services directly to the individual.

856 (2) The Governor and Cabinet may determine that a foreign
 857 country has established a reciprocal arrangement for child
 858 support with this state and take appropriate action for
 859 notification of the determination.

860 Section 24. Paragraph (c) of subsection (2) of section
 861 88.3101, Florida Statutes, is amended to read:

862 88.3101 Duties of state information agency.—

863 (2) The state information agency shall:

864 (c) Forward to the appropriate tribunal in the place in
 865 this state in which the ~~individual~~ obligee who is an individual
 866 or the obligor resides, or in which the obligor's property is
 867 believed to be located, all documents concerning a proceeding

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

868 | under this act received from another state or a foreign country
 869 | ~~an initiating tribunal or the state information agency of the~~
 870 | ~~initiating state.~~

871 | Section 25. Subsection (1) of section 88.3111, Florida
 872 | Statutes, is amended to read:

873 | 88.3111 Pleadings and accompanying documents.—

874 | (1) In a proceeding under this act, a petitioner seeking
 875 | to establish ~~or modify~~ a support order, ~~or~~ to determine
 876 | parentage of a child, or to register and modify a support order
 877 | of a tribunal of another state or a foreign country ~~in a~~
 878 | ~~proceeding under this act~~ must file a ~~verify the~~ petition or
 879 | comparable pleading. Unless otherwise ordered under s. 88.3121
 880 | ~~(nondisclosure of information in exceptional circumstances),~~ the
 881 | petition or comparable pleading or the documents accompanying
 882 | either the petition or comparable pleading must provide, so far
 883 | as known, the name, residential address, and social security
 884 | numbers of the obligor and the obligee or the parent and alleged
 885 | parent, and the name, sex, residential address, social security
 886 | number, and date of birth of each child for whose benefit ~~whom~~
 887 | support is sought or whose parentage of a child is to be
 888 | determined. Unless filed at the time of registration, the
 889 | petition must be accompanied by a ~~certified~~ copy of any support
 890 | order known to have been issued by another tribunal ~~in effect.~~
 891 | The petition may include any other information that may assist
 892 | in locating or identifying the respondent.

893 | Section 26. Section 88.3121, Florida Statutes, is amended
 894 | to read:

895 | 88.3121 Nondisclosure of information in exceptional

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

896 circumstances.—If a party alleges in an affidavit or a pleading
 897 under oath that the health, safety, or liberty of a party or
 898 child would be jeopardized by disclosure of specific identifying
 899 information, that information must be sealed and may not be
 900 disclosed to the other party or the public. After a hearing in
 901 which a tribunal takes into consideration the health, safety, or
 902 liberty of the party or child, the tribunal may order disclosure
 903 of information that the tribunal determines to be in the
 904 interest of justice ~~Upon a finding, which may be made ex parte,~~
 905 ~~that the health, safety, or liberty of a party or child would be~~
 906 ~~unreasonably put at risk by the disclosure of identifying~~
 907 ~~information, or if an existing order so provides, a tribunal~~
 908 ~~shall order that the address of the child or party or other~~
 909 ~~identifying information not be disclosed in a pleading or other~~
 910 ~~document filed in a proceeding under this act.~~

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

913 88.3131 Costs and fees.—

914 (2) If an obligee prevails, a responding tribunal of this
 915 state may assess against an obligor filing fees, reasonable
 916 attorney's fees, other costs, and necessary travel and other
 917 reasonable expenses incurred by the obligee and the obligee's
 918 witnesses. The tribunal may not assess fees, costs, or expenses
 919 against the obligee or the support enforcement agency of either
 920 the initiating or the responding state or foreign country,
 921 except as provided by other law. Attorney's fees may be taxed as
 922 costs, and may be ordered paid directly to the attorney, who may
 923 enforce the order in the attorney's own name. Payment of support

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

924 owed to the obligee has priority over fees, costs, and expenses.

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

927 88.3141 Limited immunity of petitioner.—

928 (1) Participation by a petitioner in a proceeding under
929 this act before a responding tribunal, whether in person, by
930 private attorney, or through services provided by the support
931 enforcement agency, does not confer personal jurisdiction over
932 the petitioner in another proceeding.

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

937 Section 29. Section 88.3161, Florida Statutes, is amended
938 to read:

939 88.3161 Special rules of evidence and procedure.—

940 (1) The physical presence of a nonresident party who is an
941 individual ~~the petitioner~~ in a ~~responding~~ tribunal of this state
942 is not required for the establishment, enforcement, or
943 modification of a support order or the rendition of a judgment
944 determining parentage of a child.

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

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

952 (3) A copy of the record of child support payments
 953 certified as a true copy of the original by the custodian of the
 954 record may be forwarded to a responding tribunal. The copy is
 955 evidence of facts asserted in it, and is admissible to show
 956 whether payments were made.

957 (4) Copies of bills for testing for parentage of a child,
 958 and for prenatal and postnatal health care of the mother and
 959 child, furnished to the adverse party at least 10 days before
 960 trial, are admissible in evidence to prove the amount of the
 961 charges billed and that the charges were reasonable, necessary,
 962 and customary.

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

968 (6) In a proceeding under this act, a tribunal of this
 969 state shall ~~may~~ permit a party or witness residing outside this
 970 ~~in another~~ state to be deposed or to testify by telephone,
 971 audiovisual means, or other electronic means at a designated
 972 tribunal or other location ~~in that state~~. A tribunal of this
 973 state shall cooperate with other tribunals ~~of other states~~ in
 974 designating an appropriate location for the deposition or
 975 testimony.

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

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

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

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

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

987 Section 30. Section 88.3171, Florida Statutes, is amended
 988 to read:

989 88.3171 Communications between tribunals.—A tribunal of
 990 this state may communicate with a tribunal outside this ~~of~~
 991 ~~another~~ state in a record writing, or by telephone, electronic
 992 mail, or other means, to obtain information concerning the laws
 993 of that state, the legal effect of a judgment, decree, or order
 994 of that tribunal, and the status of a proceeding ~~in the other~~
 995 ~~state~~. A tribunal of this state may furnish similar information
 996 by similar means to a tribunal outside this ~~of another~~ state.

997 Section 31. Section 88.3181, Florida Statutes, is amended
 998 to read:

999 88.3181 Assistance with discovery.—A tribunal of this
 1000 state may:

1001 (1) Request a tribunal outside this ~~of another~~ state to
 1002 assist in obtaining discovery.

1003 (2) Upon request, compel a person over which ~~whom~~ it has
 1004 jurisdiction to respond to a discovery order issued by a
 1005 tribunal outside this ~~of another~~ state.

1006 Section 32. Section 88.3191, Florida Statutes, is amended
 1007 to read:

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1008 88.3191 Receipt and disbursement of payments.—
 1009 (1) A support enforcement agency or tribunal of this state
 1010 shall disburse promptly any amounts received pursuant to a
 1011 support order, as directed by the order. The agency or tribunal
 1012 shall furnish to a requesting party or tribunal of another state
 1013 or a foreign country a certified statement by the custodian of
 1014 the record of the amounts and dates of all payments received.
 1015 (2) If neither the obligor, nor the obligee who is an
 1016 individual, nor the child resides in this state, upon request
 1017 from the support enforcement agency of this state or another
 1018 state, the support enforcement agency of this state or a
 1019 tribunal of this state shall:
 1020 (a) Direct that the support payment be made to the support
 1021 enforcement agency in the state in which the obligee is
 1022 receiving services; and
 1023 (b) Issue and send to the obligor's employer a conforming
 1024 income-withholding order or an administrative notice of change
 1025 of payee, reflecting the redirected payments.
 1026 (3) The support enforcement agency of this state receiving
 1027 redirected payments from another state pursuant to a law similar
 1028 to subsection (2) shall furnish to a requesting party or
 1029 tribunal of the other state a certified statement by the
 1030 custodian of the record of the amount and dates of all payments
 1031 received.
 1032 Section 33. Section 88.4011, Florida Statutes, is amended
 1033 to read:
 1034 88.4011 Establishment of ~~Petition to establish~~ support
 1035 order.—

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1036 (1) If a support order entitled to recognition under this
 1037 act has not been issued, a responding tribunal of this state
 1038 with personal jurisdiction over the parties may issue a support
 1039 order if:

1040 (a) The individual seeking the order resides outside this
 1041 ~~in another~~ state; or

1042 (b) The support enforcement agency seeking the order is
 1043 located outside this ~~in another~~ state.

1044 (2) The tribunal may issue a temporary child support order
 1045 if the tribunal determines that such an order is appropriate and
 1046 the individual ordered to pay is:

1047 (a) A presumed father of the child;

1048 (b) Petitioning to have his paternity adjudicated;

1049 (c) Identified as the father of the child through genetic
 1050 testing;

1051 (d) An alleged father who has declined to submit to
 1052 genetic testing;

1053 (e) Shown by clear and convincing evidence to be the
 1054 father of the child;

1055 (f) An acknowledged father as provided in s. 382.013, s.
 1056 382.016, or s. 742.10;

1057 (g) The mother of the child; or

1058 (h) An individual who has been ordered to pay child
 1059 support in a previous proceeding and the order has not been
 1060 reversed or vacated

1061 ~~(a) The respondent has signed a verified statement~~
 1062 ~~acknowledging parentage;~~

1063 ~~(b) The respondent has been determined by or pursuant to~~

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1064 ~~law to be the parent; or~~

1065 ~~(c) There is other clear and convincing evidence that the~~
 1066 ~~respondent is the child's parent.~~

1067 (3) Upon finding, after notice and opportunity to be
 1068 heard, that an obligor owes a duty of support, the tribunal
 1069 shall issue a support order directed to the obligor and may
 1070 issue other orders pursuant to s. 88.3051.

1071 Section 34. Section 88.4021, Florida Statutes, is created
 1072 to read:

1073 88.4021 Proceeding to determine parentage.—A tribunal of
 1074 this state authorized to determine parentage of a child may
 1075 serve as a responding tribunal in a proceeding to determine
 1076 parentage of a child brought under this act or a law or
 1077 procedure substantially similar to this act.

1078 Section 35. The Division of Statutory Revision is directed
 1079 to redesignate part V of chapter 88, Florida Statutes, as
 1080 "ENFORCEMENT OF SUPPORT ORDER OF ANOTHER STATE WITHOUT
 1081 REGISTRATION."

1082 Section 36. Section 88.5011, Florida Statutes, is amended
 1083 to read:

1084 88.5011 Employer's receipt of income-withholding order of
 1085 another state.—An income-withholding order issued in another
 1086 state may be sent by or on behalf of the obligee, or by the
 1087 support enforcement agency, to the person ~~or entity~~ defined as
 1088 the obligor's employer under the income deduction law of this
 1089 state or payor as defined by s. 61.046, without first filing a
 1090 petition or comparable pleading or registering the order with a
 1091 tribunal of this state.

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1092 Section 37. Paragraph (b) of subsection (3) of section
 1093 88.50211, Florida Statutes, is amended to read:

1094 88.50211 Employer's compliance with income-withholding
 1095 order of another state.—

1096 (3) Except as otherwise provided by subsection (4) and s.
 1097 88.5031, the employer shall withhold and distribute the funds as
 1098 directed in the withholding order by complying with the terms of
 1099 the order which specify:

1100 (b) The person ~~or agency~~ designated to receive payments
 1101 and the address to which the payments are to be forwarded;

1102 Section 38. Section 88.5031, Florida Statutes, is amended
 1103 to read:

1104 88.5031 Employer's compliance with two or more ~~multiple~~
 1105 income-withholding orders.—If the obligor's employer receives
 1106 two or more ~~multiple~~ income-withholding orders with respect to
 1107 the earnings of the same obligor, the employer satisfies the
 1108 terms of the ~~multiple~~ orders if the employer complies with the
 1109 law of the state of the obligor's principal place of employment
 1110 to establish the priorities for withholding and allocating
 1111 income withheld for two or more ~~multiple~~ child support obligees.

1112 Section 39. Section 88.5041, Florida Statutes, is amended
 1113 to read:

1114 88.5041 Immunity from civil liability.—An employer that
 1115 ~~who~~ complies with an income-withholding order issued in another
 1116 state in accordance with this article is not subject to civil
 1117 liability to an individual or agency with regard to the
 1118 employer's withholding of child support from the obligor's
 1119 income.

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1120 Section 40. Section 88.5051, Florida Statutes, is amended
 1121 to read:

1122 88.5051 Penalties for noncompliance.—An employer that ~~who~~
 1123 willfully fails to comply with an income-withholding order
 1124 issued by another state and received for enforcement is subject
 1125 to the same penalties that may be imposed for noncompliance with
 1126 an order issued by a tribunal of this state.

1127 Section 41. Section 88.5061, Florida Statutes, is amended
 1128 to read:

1129 88.5061 Contest by obligor.—

1130 (1) An obligor may contest the validity or enforcement of
 1131 an income-withholding order issued in another state and received
 1132 directly by an employer in this state by registering the order
 1133 in a tribunal of this state and filing a contest to that order
 1134 as provided in part VI of this chapter, or otherwise contesting
 1135 the order in the same manner as if the order had been issued by
 1136 a tribunal of this state. ~~Section 88.6041, choice of law,~~
 1137 ~~applies to the contest.~~

1138 (2) The obligor shall give notice of the contest to:

1139 (a) A support enforcement agency providing services to the
 1140 obligee;

1141 (b) Each employer that has directly received an income-
 1142 withholding order relating to the obligor; and

1143 (c) The person ~~or agency~~ designated to receive payments in
 1144 the income-withholding order, or if no person ~~or agency~~ is
 1145 designated, to the obligee.

1146 Section 42. Subsection (1) of section 88.5071, Florida
 1147 Statutes, is amended to read:

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1148 88.5071 Administrative enforcement of orders.—
 1149 (1) A party or support enforcement agency seeking to
 1150 enforce a support order or an income-withholding order, or both,
 1151 issued in by a tribunal of another state or a foreign support
 1152 order may send the documents required for registering the order
 1153 to a support enforcement agency of this state.

1154 Section 43. (1) The Division of Statutory Revision is
 1155 directed to redesignate part VI of chapter 88, Florida Statutes,
 1156 as "REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT
 1157 ORDER."

1158 (2) The Division of Statutory Revision is directed to
 1159 divide part VI of chapter 88, Florida Statutes, into subpart A,
 1160 consisting of ss. 88.6011-88.6041, Florida Statutes, to be
 1161 entitled "Registration and Enforcement of Support Order;"
 1162 subpart B, consisting of ss. 88.6051-88.6081, Florida Statutes,
 1163 to be entitled "Contest of Validity or Enforcement;" subpart C,
 1164 consisting of ss. 88.6091-88.6141, Florida Statutes, to be
 1165 entitled "Registration and Modification of Child Support Order
 1166 of Another State;" and subpart D, consisting of ss. 88.6151 and
 1167 88.6161, Florida Statutes, to be entitled "Registration and
 1168 Modification of Foreign Child Support Order."

1169 Section 44. Section 88.6011, Florida Statutes, is amended
 1170 to read:

1171 88.6011 Registration of order for enforcement.—A support
 1172 order or an income-withholding order issued in by a tribunal of
 1173 another state or a foreign support order may be registered in
 1174 this state for enforcement.

CODING: Words **stricken** are deletions; words **underlined** are additions.

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1175 Section 45. Section 88.6021, Florida Statutes, is amended
 1176 to read:

1177 88.6021 Procedure to register order for enforcement.—

1178 (1) Except as otherwise provided in s. 88.7061, a support
 1179 order or income-withholding order of another state or a foreign
 1180 support order may be registered in this state by sending the
 1181 following records ~~documents and information~~ to the appropriate
 1182 tribunal in this state:

1183 (a) A letter of transmittal to the tribunal requesting
 1184 registration and enforcement.

1185 (b) Two copies, including one certified copy, of the order
 1186 ~~all orders~~ to be registered, including any modification of the
 1187 ~~an~~ order.

1188 (c) A sworn statement by the person requesting party
 1189 ~~seeking~~ registration or a certified statement by the custodian
 1190 of the records showing the amount of any arrearage.

1191 (d) The name of the obligor and, if known:

- 1192 1. The obligor's address and social security number.
- 1193 2. The name and address of the obligor's employer and any
 1194 other source of income of the obligor.

- 1195 3. A description and the location of property of the
 1196 obligor in this state not exempt from execution.

1197 (e) Except as otherwise provided in s. 88.3121, the name
 1198 and address of the obligee and, if applicable, the ~~agency or~~
 1199 person to whom support payments are to be remitted.

1200 (2) On receipt of a request for registration, the
 1201 registering tribunal shall cause the order to be filed as an
 1202 order of a tribunal of another state or a foreign support order

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1203 ~~a foreign judgment~~, together with one copy of the documents and
 1204 information, regardless of their form.

1205 (3) A petition or comparable pleading seeking a remedy
 1206 that must be affirmatively sought under other law of this state
 1207 may be filed at the same time as the request for registration or
 1208 later. The pleading must specify the grounds for the remedy
 1209 sought.

1210 (4) If two or more orders are in effect, the person
 1211 requesting registration shall:

1212 (a) Furnish to the tribunal a copy of every support order
 1213 asserted to be in effect in addition to the documents specified
 1214 in this section;

1215 (b) Specify the order alleged to be the controlling order,
 1216 if any; and

1217 (c) Specify the amount of consolidated arrears, if any.

1218 (5) A request for a determination of which is the
 1219 controlling order may be filed separately or with a request for
 1220 registration and enforcement or for registration and
 1221 modification. The person requesting registration shall give
 1222 notice of the request to each party whose rights may be affected
 1223 by the determination.

1224 Section 46. Section 88.6031, Florida Statutes, is amended
 1225 to read:

1226 88.6031 Effect of registration for enforcement.—

1227 (1) A support order or income-withholding order issued in
 1228 another state or a foreign support order is registered when the
 1229 order is filed in the registering tribunal of this state.

1230 (2) A registered support order issued in another state or

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1231 a foreign country is enforceable in the same manner and is
 1232 subject to the same procedures as an order issued by a tribunal
 1233 of this state.

1234 (3) Except as otherwise provided in this act ~~article~~, a
 1235 tribunal of this state shall recognize and enforce, but may not
 1236 modify, a registered support order if the issuing tribunal had
 1237 jurisdiction.

1238 Section 47. Section 88.6041, Florida Statutes, is amended
 1239 to read:

1240 88.6041 Choice of law.—

1241 (1) Except as otherwise provided in subsection (4), the
 1242 law of the issuing state or foreign country governs:

1243 (a) The nature, extent, amount, and duration of current
 1244 payments under a registered support order; ~~and other obligations~~
 1245 ~~of support and~~

1246 (b) The computation and payment of arrearages and accrual
 1247 of interest on the arrearages under the order; and

1248 (c) The existence and satisfaction of other obligations
 1249 under the support order.

1250 (2) In a proceeding for arrears under a registered support
 1251 order ~~arrearages~~, the statute of limitation ~~under the laws~~ of
 1252 this state or of the issuing state or foreign country, whichever
 1253 is longer, applies.

1254 (3) A responding tribunal of this state shall apply the
 1255 procedures and remedies of this state to enforce current support
 1256 and collect arrears and interest due on a support order of
 1257 another state or foreign country registered in this state.

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1258 (4) After a tribunal of this or another state determines
 1259 which is the controlling order and issues an order consolidating
 1260 arrears, if any, a tribunal of this state shall prospectively
 1261 apply the law of the state or foreign country issuing the
 1262 controlling order, including its law on interest on arrears, on
 1263 current and future support, and on consolidated arrears.

1264 Section 48. Section 88.6051, Florida Statutes, is amended
 1265 to read:

1266 88.6051 Notice of registration of order.—

1267 (1) When a support order or income-withholding order
 1268 issued in another state or a foreign support order is
 1269 registered, the registering tribunal of this state shall notify
 1270 the nonregistering party. The notice must be accompanied by a
 1271 copy of the registered order and the documents and relevant
 1272 information accompanying the order.

1273 (2) A ~~The~~ notice must inform the nonregistering party:

1274 (a) That a registered order is enforceable as of the date
 1275 of registration in the same manner as an order issued by a
 1276 tribunal of this state.

1277 (b) That a hearing to contest the validity or enforcement
 1278 of the registered order must be requested within 20 days after
 1279 the date of mailing or personal service of the notice, unless
 1280 the registered order is under s. 88.7071.

1281 (c) That failure to contest the validity or enforcement of
 1282 the registered order in a timely manner will result in
 1283 confirmation of the order and enforcement of the order and the
 1284 alleged arrearages and precludes further contest of that order
 1285 with respect to any matter that could have been asserted.

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

- 1286 (d) Of the amount of any alleged arrearages.
- 1287 (3) If the registering party asserts that two or more
- 1288 orders are in effect, a notice must also:
- 1289 (a) Identify the two or more orders and the order alleged
- 1290 by the registering party to be the controlling order and the
- 1291 consolidated arrears, if any;
- 1292 (b) Notify the nonregistering party of the right to a
- 1293 determination of which is the controlling order;
- 1294 (c) State that the procedures provided in subsection (2)
- 1295 apply to the determination of which is the controlling order;
- 1296 and
- 1297 (d) State that failure to contest the validity or
- 1298 enforcement of the order alleged to be the controlling order in
- 1299 a timely manner may result in confirmation that the order is the
- 1300 controlling order.
- 1301 (4)-(3) Upon registration of an income-withholding order
- 1302 for enforcement, the support enforcement agency or the
- 1303 registering tribunal shall notify the obligor's employer
- 1304 pursuant to chapter 61 or other income deduction law of this
- 1305 state.

1306 Section 49. Subsections (1) and (2) of section 88.6061,
 1307 Florida Statutes, are amended to read:

1308 88.6061 Procedure to contest validity or enforcement of
 1309 registered order.—

- 1310 (1) A nonregistering party seeking to contest the validity
- 1311 or enforcement of a registered order in this state shall request
- 1312 a hearing within the time required by s. 88.6051 ~~20 days after~~
- 1313 ~~notice of the registration.~~ The nonregistering party may seek to

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1314 vacate the registration, to assert any defense to an allegation
 1315 of noncompliance with the registered order, or to contest the
 1316 remedies being sought or the amount of any alleged arrearages
 1317 pursuant to s. 88.6071.

1318 (2) If the nonregistering party fails to contest the
 1319 validity or enforcement of the registered support order in a
 1320 timely manner, the order is confirmed by operation of law.

1321 Section 50. Section 88.6071, Florida Statutes, is amended
 1322 to read:

1323 88.6071 Contest of registration or enforcement.—

1324 (1) A party contesting the validity or enforcement of a
 1325 registered support order or seeking to vacate the registration
 1326 has the burden of proving one or more of the following defenses:

1327 (a) The issuing tribunal lacked personal jurisdiction over
 1328 the contesting party;

1329 (b) The order was obtained by fraud;

1330 (c) The order has been vacated, suspended, or modified by
 1331 a later order;

1332 (d) The issuing tribunal has stayed the order pending
 1333 appeal;

1334 (e) There is a defense under the law of this state to the
 1335 remedy sought;

1336 (f) Full or partial payment has been made; ~~or~~

1337 (g) The statute of limitation under s. 88.6041 precludes
 1338 enforcement of some or all of the alleged arrearages; or

1339 (h) The alleged controlling order is not the controlling
 1340 order.

1341 (2) If a party presents evidence establishing a full or

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1342 partial defense under subsection (1), a tribunal may stay
 1343 enforcement of a ~~the~~ registered support order, continue the
 1344 proceeding to permit production of additional relevant evidence,
 1345 and issue other appropriate orders. An uncontested portion of
 1346 the registered support order may be enforced by all remedies
 1347 available under the law of this state.

1348 (3) If the contesting party does not establish a defense
 1349 under subsection (1) to the validity or enforcement of a
 1350 registered support ~~the~~ order, the registering tribunal shall
 1351 issue an order confirming the order.

1352 Section 51. Section 88.6081, Florida Statutes, is amended
 1353 to read:

1354 88.6081 Confirmed order.—Confirmation of a registered
 1355 support order, whether by operation of law or after notice and
 1356 hearing, precludes further contest of the order with respect to
 1357 any matter that could have been asserted at the time of
 1358 registration.

1359 Section 52. Section 88.6091, Florida Statutes, is amended
 1360 to read:

1361 88.6091 Procedure to register child support order of
 1362 another state for modification.—A party or support enforcement
 1363 agency seeking to modify, or to modify and enforce, a child
 1364 support order issued in another state shall register that order
 1365 in this state in the same manner provided in ss. 88.6011-88.6081
 1366 ~~88.6011-88.6041~~ if the order has not been registered. A petition
 1367 for modification may be filed at the same time as a request for
 1368 registration, or later. The pleading must specify the grounds
 1369 for modification.

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1370 Section 53. Section 88.6111, Florida Statutes, is amended
 1371 to read:

1372 88.6111 Modification of child support order of another
 1373 state.—

1374 (1) If s. 88.6131 does not apply, upon petition, a
 1375 tribunal of this state may modify ~~After~~ a child support order
 1376 issued in another state which is ~~has been~~ registered in this
 1377 state, ~~the responding tribunal of this state may modify that~~
 1378 ~~order only if, s. 88.6131 does not apply and~~ after notice and
 1379 hearing, the tribunal ~~it~~ finds that:

1380 (a) The following requirements are met:

1381 1. Neither the child, nor the ~~individual~~ obligee who is an
 1382 individual, nor ~~and~~ the obligor resides ~~do not reside~~ in the
 1383 issuing state;

1384 2. A petitioner who is a nonresident of this state seeks
 1385 modification; and

1386 3. The respondent is subject to the personal jurisdiction
 1387 of the tribunal of this state; or

1388 (b) This state is the state of residence of the child, or
 1389 a party who is an individual, is subject to the personal
 1390 jurisdiction of the tribunal of this state and all of the
 1391 parties who are individuals have filed ~~written~~ consents in a
 1392 record in the issuing tribunal for a tribunal of this state to
 1393 modify the support order and assume continuing exclusive
 1394 jurisdiction ~~over the order. However, if the issuing state is a~~
 1395 ~~foreign jurisdiction that has not enacted a law or established~~
 1396 ~~procedures substantially similar to the procedures under this~~
 1397 ~~act, the consent otherwise required of an individual residing in~~

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1398 ~~this state is not required for the tribunal to assume~~
 1399 ~~jurisdiction to modify the child support order.~~

1400 (2) Modification of a registered child support order is
 1401 subject to the same requirements, procedures, and defenses that
 1402 apply to the modification of an order issued by a tribunal of
 1403 this state and the order may be enforced and satisfied in the
 1404 same manner.

1405 (3) A tribunal of this state may not modify any aspect of
 1406 a child support order that may not be modified under the law of
 1407 the issuing state, including the duration of the obligation of
 1408 support. If two or more tribunals have issued child support
 1409 orders for the same obligor and same child, the order that
 1410 controls and must be so recognized under s. 88.2071 establishes
 1411 the aspects of the support order which are nonmodifiable.

1412 (4) In a proceeding to modify a child support order, the
 1413 law of the state that is determined to have issued the initial
 1414 controlling order governs the duration of the obligation of
 1415 support. The obligor's fulfillment of the duty of support
 1416 established by that order precludes imposition of a further
 1417 obligation of support by a tribunal of this state.

1418 ~~(5)-(4)~~ On issuance of an order by a tribunal of this state
 1419 modifying a child support order issued in another state, the a
 1420 tribunal of this state becomes the tribunal of continuing
 1421 exclusive jurisdiction.

1422 (6) Notwithstanding subsections (1)-(5) and s. 88.2011(2),
 1423 a tribunal of this state retains jurisdiction to modify an order
 1424 issued by a tribunal of this state if:

1425 (a) One party resides in another state; and

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1426 (b) The other party resides outside the United States.
 1427 Section 54. Section 88.6121, Florida Statutes, is amended
 1428 to read:
 1429 88.6121 Recognition of order modified in another state.—If
 1430 a child support order issued by a tribunal of this state is
 1431 modified shall recognize a modification of its earlier child
 1432 support order by a tribunal of another state which assumed
 1433 jurisdiction pursuant to the Uniform Interstate Family Support
 1434 Act, a tribunal of this state this act or a law substantially
 1435 similar to this act and, upon request, except as otherwise
 1436 provided in this act, shall:
 1437 (1) May enforce the order that was modified only as to
 1438 arrears and interest amounts accruing before the modification.
 1439 ~~(2) Enforce only nonmodifiable aspects of that order.~~
 1440 (2)(3) May provide ~~other~~ appropriate relief ~~only~~ for
 1441 violations of its that order which occurred before the effective
 1442 date of the modification.
 1443 (3)(4) Shall recognize the modifying order of the other
 1444 state, upon registration, for the purpose of enforcement.
 1445 Section 55. Section 88.6151, Florida Statutes, is created
 1446 to read:
 1447 88.6151 Jurisdiction to modify child support order of
 1448 foreign country.—
 1449 (1) Except as otherwise provided in s. 88.7111, if a
 1450 foreign country lacks or refuses to exercise jurisdiction to
 1451 modify its child support order pursuant to its laws, a tribunal
 1452 of this state may assume jurisdiction to modify the child
 1453 support order and bind all individuals subject to the personal

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1454 jurisdiction of the tribunal whether the consent to modification
 1455 of a child support order otherwise required of the individual
 1456 pursuant to s. 88.6111 has been given or whether the individual
 1457 seeking modification is a resident of this state or of the
 1458 foreign country.

1459 (2) An order issued by a tribunal of this state modifying
 1460 a foreign child support order pursuant to this section is the
 1461 controlling order.

1462 Section 56. Section 88.6161, Florida Statutes, is created
 1463 to read:

1464 88.6161 Procedure to register child support order of
 1465 foreign country for modification.—A party or support enforcement
 1466 agency seeking to modify, or to modify and enforce, a foreign
 1467 child support order not under the convention may register that
 1468 order in this state under ss. 88.6011-88.6081 if the order has
 1469 not been registered. A petition for modification may be filed at
 1470 the same time as a request for registration, or at another time.
 1471 The petition must specify the grounds for modification.

1472 Section 57. The Division of Statutory Revision is directed
 1473 to redesignate part VII of chapter 88, Florida Statutes, as
 1474 "SUPPORT PROCEEDING UNDER CONVENTION."

1475 Section 58. Section 88.7011, Florida Statutes, is
 1476 repealed.

1477 Section 59. Section 88.70111, Florida Statutes, is created
 1478 to read:

1479 88.70111 Definitions.—As used in this part, the term:

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1480 (1) "Application" means a request under the convention by
 1481 an obligee or obligor, or on behalf of a child, made through a
 1482 central authority for assistance from another central authority.

1483 (2) "Central authority" means the entity designated by the
 1484 United States or a foreign country described in s. 88.1011(5) (d)
 1485 to perform the functions specified in the convention.

1486 (3) "Convention support order" means a support order of a
 1487 tribunal of a foreign country described in s. 88.1011(5) (d).

1488 (4) "Direct request" means a petition filed by an
 1489 individual in a tribunal of this state in a proceeding involving
 1490 an obligee, obligor, or child residing outside the United
 1491 States.

1492 (5) "Foreign central authority" means the entity
 1493 designated by a foreign country described in s. 88.1011(5) (d) to
 1494 perform the functions specified in the convention.

1495 (6) "Foreign support agreement":

1496 (a) Means an agreement for support in a record that:

1497 1. Is enforceable as a support order in the country of
 1498 origin;

1499 2. Has been:

1500 a. Formally drawn up or registered as an authentic
 1501 instrument by a foreign tribunal; or

1502 b. Authenticated by or concluded, registered, or filed
 1503 with a foreign tribunal; and

1504 3. May be reviewed and modified by a foreign tribunal; and

1505 (b) Includes a maintenance arrangement or authentic
 1506 instrument under the convention.

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1507 (7) "United States central authority" means the Secretary
 1508 of the United States Department of Health and Human Services.

1509 Section 60. Section 88.7021, Florida Statutes, is created
 1510 to read:

1511 88.7021 Applicability.—This part applies only to a support
 1512 proceeding under the convention. In such a proceeding, if a
 1513 provision of this part is inconsistent with parts I through VI,
 1514 this part controls.

1515 Section 61. Section 88.7031, Florida Statutes, is created
 1516 to read:

1517 88.7031 Relationship of Department of Revenue to United
 1518 States central authority.—The Department of Revenue is
 1519 recognized as the agency designated by the United States central
 1520 authority to perform specific functions under the convention.

1521 Section 62. Section 88.7041, Florida Statutes, is created
 1522 to read:

1523 88.7041 Initiation by Department of Revenue of support
 1524 proceeding under convention.—

1525 (1) In a support proceeding under this part, the
 1526 Department of Revenue shall:

- 1527 (a) Transmit and receive applications; and
- 1528 (b) Initiate or facilitate the institution of a proceeding
 1529 regarding an application in a tribunal of this state.

1530 (2) The following support proceedings are available to an
 1531 obligee under the convention:

- 1532 (a) Recognition or recognition and enforcement of a
 1533 foreign support order.
- 1534 (b) Enforcement of a support order issued or recognized in

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1535 this state.

1536 (c) Establishment of a support order if there is no

1537 existing order, including, where necessary, determination of

1538 parentage of a child.

1539 (d) Establishment of a support order if recognition of a

1540 foreign support order is refused under s. 88.7081(2) (b), (d), or

1541 (i).

1542 (e) Modification of a support order of a tribunal of this

1543 state.

1544 (f) Modification of a support order of a tribunal of

1545 another state or a foreign country.

1546 (3) The following support proceedings are available under

1547 the convention to an obligor against whom there is an existing

1548 support order:

1549 (a) Recognition of an order suspending or limiting

1550 enforcement of an existing support order of a tribunal of this

1551 state.

1552 (b) Modification of a support order of a tribunal of this

1553 state.

1554 (c) Modification of a support order of a tribunal of

1555 another state or foreign country.

1556 (4) A tribunal of this state may not require security,

1557 bond, or deposit, however described, to guarantee the payment of

1558 costs and expenses in proceedings under the convention.

1559 Section 63. Section 88.7051, Florida Statutes, is created

1560 to read:

1561 88.7051 Direct request.—

1562 (1) A petitioner may file a direct request seeking

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1563 establishment or modification of a support order or
 1564 determination of parentage of a child. In the proceeding, the
 1565 law of this state applies.

1566 (2) A petitioner may file a direct request in a tribunal
 1567 of this state seeking recognition and enforcement of a support
 1568 order or support agreement. In such a proceeding, the provisions
 1569 of ss. 88.7061-88.7131 apply.

1570 (3) In a direct request for recognition and enforcement of
 1571 a convention support order or foreign support agreement:

1572 (a) A security, bond, or deposit is not required to
 1573 guarantee the payment of costs and expenses; and

1574 (b) An obligee or obligor that in the issuing country has
 1575 benefited from free legal assistance is entitled to benefit, at
 1576 least to the same extent, from any free legal assistance
 1577 provided for by the law of this state under the same
 1578 circumstances.

1579 (4) An individual filing a direct request is not entitled
 1580 to assistance from the Department of Revenue.

1581 (5) This part does not prevent the application of laws of
 1582 this state that provide simplified, more expeditious rules
 1583 regarding a direct request for recognition and enforcement of a
 1584 foreign support order or foreign support agreement.

1585 Section 64. Section 88.7061, Florida Statutes, is created
 1586 to read:

1587 88.7061 Registration of convention support order.—

1588 (1) Except as otherwise provided in this part, a party who
 1589 is an individual or a support enforcement agency seeking
 1590 recognition of a convention support order shall register the

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1591 order in this state as provided in part VI of this chapter.

1592 (2) Notwithstanding ss. 88.3111 and 88.6021(1), a request
 1593 for registration of a convention support order must be
 1594 accompanied by the following:

1595 (a) A complete text of the support order, or an abstract
 1596 or extract of the support order drawn up by the issuing foreign
 1597 tribunal, which may be in the form recommended by the Hague
 1598 Conference on Private International Law.

1599 (b) A record stating that the support order is enforceable
 1600 in the issuing country.

1601 (c) If the respondent did not appear and was not
 1602 represented in the proceedings in the issuing country, a record
 1603 attesting, as appropriate, either that the respondent had proper
 1604 notice of the proceedings and an opportunity to be heard, or
 1605 that the respondent had proper notice of the support order and
 1606 the opportunity to be heard in a challenge or appeal on fact or
 1607 law before a tribunal.

1608 (d) A record showing the amount of any arrears, and the
 1609 date the amount was calculated.

1610 (e) A record showing a requirement for automatic
 1611 adjustment of the amount of support, if any, and the information
 1612 necessary to make the appropriate calculations, if necessary.

1613 (f) A record showing the extent to which the applicant
 1614 received free legal assistance in the issuing country.

1615 (3) A request for registration of a convention support
 1616 order may seek recognition and partial enforcement of the order.

1617 (4) A tribunal of this state may vacate the registration
 1618 of a convention support order without the filing of a contest

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1619 under s. 88.7071 only if, acting on its own motion, the tribunal
 1620 finds that recognition and enforcement of the order would be
 1621 manifestly incompatible with public policy.

1622 (5) The tribunal shall promptly notify the parties of the
 1623 registration or the order vacating the registration of a
 1624 convention support order.

1625 Section 65. Section 88.7071, Florida Statutes, is created
 1626 to read:

1627 88.7071 Contest of registered convention support order.—

1628 (1) Except as otherwise provided in this part, ss.
 1629 88.6051-88.6081 apply to a contest of a registered convention
 1630 support order.

1631 (2) A party contesting a registered convention support
 1632 order shall file a contest not later than 30 days after notice
 1633 of the registration, but if the contesting party does not reside
 1634 in the United States, the contest must be filed not later than
 1635 60 days after notice of the registration.

1636 (3) If the nonregistering party fails to contest the
 1637 registered convention support order by the time specified in
 1638 subsection (2), the order is enforceable.

1639 (4) A contest of a registered convention support order may
 1640 be based only on grounds set forth in s. 88.7081. The contesting
 1641 party bears the burden of proof.

1642 (5) In a contest of a registered convention support order,
 1643 a tribunal of this state:

1644 (a) Is bound by the findings of fact on which the foreign
 1645 tribunal based its jurisdiction; and

1646 (b) May not review the merits of the order.

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1647 (6) A tribunal of this state deciding a contest of a
 1648 registered convention support order shall promptly notify the
 1649 parties of its decision.

1650 (7) A challenge or appeal, if any, does not stay the
 1651 enforcement of a convention support order unless there are
 1652 exceptional circumstances.

1653 Section 66. Section 88.7081, Florida Statutes, is created
 1654 to read:

1655 88.7081 Recognition and enforcement of convention support
 1656 order.—

1657 (1) Except as otherwise provided in subsection (2), a
 1658 tribunal of this state shall recognize and enforce a registered
 1659 convention support order.

1660 (2) The following grounds are the only grounds on which a
 1661 tribunal of this state may refuse recognition and enforcement of
 1662 a registered convention support order:

1663 (a) Recognition and enforcement of the order is manifestly
 1664 incompatible with public policy, including the failure of the
 1665 issuing tribunal to observe minimum standards of due process,
 1666 which include notice and an opportunity to be heard;

1667 (b) The issuing tribunal lacked personal jurisdiction
 1668 consistent with s. 88.2011;

1669 (c) The order is not enforceable in the issuing country;

1670 (d) The order was obtained by fraud in connection with a
 1671 matter of procedure;

1672 (e) A record transmitted in accordance with s. 88.7061
 1673 lacks authenticity or integrity;

1674 (f) A proceeding between the same parties and having the

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1675 same purpose is pending before a tribunal of this state and that
 1676 proceeding was the first to be filed;

1677 (g) The order is incompatible with a more recent support
 1678 order involving the same parties and having the same purpose if
 1679 the more recent support order is entitled to recognition and
 1680 enforcement under this act in this state;

1681 (h) Payment, to the extent alleged arrears have been paid
 1682 in whole or in part;

1683 (i) In a case in which the respondent neither appeared nor
 1684 was represented in the proceeding in the issuing foreign
 1685 country:

1686 1. If the law of that country provides for prior notice of
 1687 proceedings, the respondent did not have proper notice of the
 1688 proceedings and an opportunity to be heard; or

1689 2. If the law of that country does not provide for prior
 1690 notice of the proceedings, the respondent did not have proper
 1691 notice of the order and an opportunity to be heard in a
 1692 challenge or appeal on fact or law before a tribunal; or

1693 (j) The order was made in violation of s. 88.7111.

1694 (3) If a tribunal of this state does not recognize a
 1695 convention support order under paragraph (2) (b), (d), (f), or
 1696 (i):

1697 (a) The tribunal may not dismiss the proceeding without
 1698 allowing a reasonable time for a party to request the
 1699 establishment of a new convention support order; and

1700 (b) The Department of Revenue shall take all appropriate
 1701 measures to request a child support order for the obligee if the
 1702 application for recognition and enforcement was received under

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CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1703 s. 88.7041.

1704 Section 67. Section 88.7091, Florida Statutes, is created
1705 to read:

1706 88.7091 Partial enforcement.—If a tribunal of this state
1707 does not recognize and enforce a convention support order in its
1708 entirety, it shall enforce any severable part of the order. An
1709 application or direct request may seek recognition and partial
1710 enforcement of a convention support order.

1711 Section 68. Section 88.7101, Florida Statutes, is created
1712 to read:

1713 88.7101 Foreign support agreement.—

1714 (1) Except as provided in subsections (3) and (4), a
1715 tribunal of this state shall recognize and enforce a foreign
1716 support agreement registered in this state.

1717 (2) An application or direct request for recognition and
1718 enforcement of a foreign support agreement must be accompanied
1719 by:

1720 (a) A complete text of the foreign support agreement; and

1721 (b) A record stating that the foreign support agreement is
1722 enforceable as an order of support in the issuing country.

1723 (3) A tribunal of this state may vacate the registration
1724 of a foreign support agreement only if, acting on its own
1725 motion, the tribunal finds that recognition and enforcement
1726 would be manifestly incompatible with public policy.

1727 (4) In a contest of a foreign support agreement, a
1728 tribunal of this state may refuse recognition and enforcement of
1729 the agreement if it finds:

1730 (a) Recognition and enforcement of the agreement is

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1731 manifestly incompatible with public policy;
 1732 (b) The agreement was obtained by fraud or falsification;
 1733 (c) The agreement is incompatible with a support order
 1734 issued between the same parties and having the same purpose in
 1735 this state, another state, or a foreign country if the support
 1736 order is entitled to recognition in this state; or
 1737 (d) The record submitted under subsection (2) lacks
 1738 authenticity or integrity.
 1739 (5) A proceeding for recognition and enforcement of a
 1740 foreign support agreement must be suspended during the pendency
 1741 of a challenge to or appeal of the agreement before a tribunal
 1742 of another state or a foreign country.
 1743 Section 69. Section 88.7111, Florida Statutes, is created
 1744 to read:
 1745 88.7111 Modification of convention child support order.—
 1746 (1) A tribunal of this state may not modify a convention
 1747 child support order if the obligee remains a resident of the
 1748 foreign country where the support order was issued unless:
 1749 (a) The obligee submits to the jurisdiction of a tribunal
 1750 of this state, either expressly or by defending on the merits of
 1751 the case without objecting to the jurisdiction at the first
 1752 available opportunity; or
 1753 (b) The foreign tribunal lacks or refuses to exercise
 1754 jurisdiction to modify its support order or issue a new support
 1755 order.
 1756 (2) If a tribunal of this state does not modify a
 1757 convention child support order because the order is not
 1758 recognized in this state, the provisions of s. 88.7081(3) apply.

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1759 Section 70. Section 88.7121, Florida Statutes, is created
 1760 to read:

1761 88.7121 Personal information; limit on use.—Personal
 1762 information gathered or transmitted under this part may be used
 1763 only for the purposes for which it was gathered or transmitted.

1764 Section 71. Section 88.7131, Florida Statutes, is created
 1765 to read:

1766 88.7131 Record in original language; English translation.—
 1767 A record filed with a tribunal of this state under this part
 1768 must be in the original language and, if not in English, must be
 1769 accompanied by an English translation.

1770 Section 72. Paragraph (b) of subsection (2) of section
 1771 88.8011, Florida Statutes, is amended to read:

1772 88.8011 Grounds for rendition.—

1773 (2) The Governor of this state may:

1774 (b) On the demand of ~~by~~ the Governor of another state,
 1775 surrender an individual found in this state who is charged
 1776 criminally in the other state with having failed to provide for
 1777 the support of an obligee.

1778 Section 73. Section 88.9011, Florida Statutes, is amended
 1779 to read:

1780 88.9011 Uniformity of application and construction.—In
 1781 applying and construing this uniform act, consideration must be
 1782 given to the need to promote uniformity of ~~This act shall be~~
 1783 ~~applied and construed to effectuate its general purpose to make~~
 1784 ~~uniform~~ the law with respect to its ~~the~~ subject matter of this
 1785 ~~act~~ among states that enact ~~enacting~~ it.

1786 Section 74. Section 88.9021, Florida Statutes, is created

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1787 to read:

1788 88.9021 Transitional provision.—This act applies to
 1789 proceedings begun on or after the effective date of this act to
 1790 establish a support order or determine parentage of a child or
 1791 to register, recognize, enforce, or modify a prior support
 1792 order, determination, or agreement, whenever issued or entered.

1793 Section 75. Section 88.9031, Florida Statutes, is amended
 1794 to read:

1795 88.9031 Severability ~~clause~~.—If any provision of this act
 1796 or its application to any person or circumstance is held
 1797 invalid, the invalidity does not affect other provisions or
 1798 applications of this act which can be given effect without the
 1799 invalid provision or application, and to this end the provisions
 1800 of this act are severable.

1801 Section 76. Paragraph (a) of subsection (7) of section
 1802 61.13, Florida Statutes, is amended to read:

1803 61.13 Support of children; parenting and time-sharing;
 1804 powers of court.—

1805 (7) (a) Each party to any paternity or support proceeding
 1806 is required to file with the tribunal as defined in s.
 1807 ~~88.1011(22)~~ and State Case Registry upon entry of an order, and
 1808 to update as appropriate, information on location and identity
 1809 of the party, including social security number, residential and
 1810 mailing addresses, telephone number, driver's license number,
 1811 and name, address, and telephone number of employer. Each party
 1812 to any paternity or child support proceeding in a non-Title IV-D
 1813 case shall meet the above requirements for updating the tribunal
 1814 and State Case Registry.

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1815 Section 77. Paragraph (b) of subsection (5) of section
 1816 827.06, Florida Statutes, is amended to read:

1817 827.06 Nonsupport of dependents.—

1818 (5)

1819 (b) The element of knowledge may be proven by evidence
 1820 that a court or tribunal as defined by s. 88.1011~~(22)~~ has
 1821 entered an order that obligates the defendant to provide the
 1822 support.

1823 Section 78. Upon the passage of this bill, the Department
 1824 of Revenue is directed to apply for a waiver from the Federal
 1825 Office of Child Support Enforcement pursuant to the state plan
 1826 requirement under Title IV-D of the Social Security Act.

1827 Section 79. Effective July 1, 2011, subsection (9) of
 1828 section 61.08, Florida Statutes, is renumbered as subsection
 1829 (10), a new subsection (9) is added to that section, and
 1830 subsections (2), (7), and (8) of that section are amended, to
 1831 read:

1832 61.08 Alimony.—

1833 (2) In determining whether to award alimony or
 1834 maintenance, the court shall first make a specific factual
 1835 determination as to whether either party has an actual need for
 1836 alimony or maintenance and whether either party has the ability
 1837 to pay alimony or maintenance. If the court finds that a party
 1838 has a need for alimony or maintenance and that the other party
 1839 has the ability to pay alimony or maintenance, then in
 1840 determining the proper type and amount of alimony or maintenance
 1841 under subsections (5)-(8), the court shall consider all relevant
 1842 factors, including, but not limited to:

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

- 1843 (a) The standard of living established during the
- 1844 marriage.
- 1845 (b) The duration of the marriage.
- 1846 (c) The age and the physical and emotional condition of
- 1847 each party.
- 1848 (d) The financial resources of each party, including the
- 1849 nonmarital and the marital assets and liabilities distributed to
- 1850 each.
- 1851 (e) The earning capacities, educational levels, vocational
- 1852 skills, and employability of the parties and, when applicable,
- 1853 the time necessary for either party to acquire sufficient
- 1854 education or training to enable such party to find appropriate
- 1855 employment.
- 1856 (f) The contribution of each party to the marriage,
- 1857 including, but not limited to, services rendered in homemaking,
- 1858 child care, education, and career building of the other party.
- 1859 (g) The responsibilities each party will have with regard
- 1860 to any minor children they have in common.
- 1861 (h) The tax treatment and consequences to both parties of
- 1862 any alimony award, including the designation of all or a portion
- 1863 of the payment as a nontaxable, nondeductible payment.
- 1864 (i) All sources of income available to either party,
- 1865 including income available to either party through investments
- 1866 of any asset held by that party.
- 1867 (j) Any other factor necessary to do equity and justice
- 1868 between the parties.
- 1869 (7) Durational alimony may be awarded when permanent
- 1870 periodic alimony is inappropriate. The purpose of durational

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1871 alimony is to provide a party with economic assistance for a set
 1872 period of time following a marriage of short or moderate
 1873 duration or following a marriage of long duration if there is no
 1874 ongoing need for support on a permanent basis. An award of
 1875 durational alimony terminates upon the death of either party or
 1876 upon the remarriage of the party receiving alimony. The amount
 1877 of an award of durational alimony may be modified or terminated
 1878 based upon a substantial change in circumstances in accordance
 1879 with s. 61.14. However, the length of an award of durational
 1880 alimony may not be modified except under exceptional
 1881 circumstances and may not exceed the length of the marriage.

1882 (8) Permanent alimony may be awarded to provide for the
 1883 needs and necessities of life as they were established during
 1884 the marriage of the parties for a party who lacks the financial
 1885 ability to meet his or her needs and necessities of life
 1886 following a dissolution of marriage. Permanent alimony may be
 1887 awarded following a marriage of long duration if such an award
 1888 is appropriate upon consideration of the factors set forth in
 1889 subsection (2), following a marriage of moderate duration if
 1890 such an award is appropriate based upon clear and convincing
 1891 evidence after consideration of the factors set forth in
 1892 subsection (2), or following a marriage of short duration if
 1893 there are written findings of exceptional circumstances. In
 1894 awarding permanent alimony, the court shall include a finding
 1895 that no other form of alimony is fair and reasonable under the
 1896 circumstances of the parties. An award of permanent alimony
 1897 terminates upon the death of either party or upon the remarriage
 1898 of the party receiving alimony. An award may be modified or

ENROLLED

CS/CS/CS/HB 1111, Engrossed 2

2011 Legislature

1899 | terminated based upon a substantial change in circumstances or
 1900 | upon the existence of a supportive relationship in accordance
 1901 | with s. 61.14.

1902 | (9) The award of alimony may not leave the payor with
 1903 | significantly less net income than the net income of the
 1904 | recipient unless there are written findings of exceptional
 1905 | circumstances.

1906 | Section 80. Effective July 1, 2011, the amendments to s.
 1907 | 61.08, Florida Statutes, made by this act apply to all initial
 1908 | awards of alimony entered after July 1, 2011, and to all
 1909 | modifications of alimony of such awards made after July 1, 2011.
 1910 | Such amendments may not serve as a basis to modify awards
 1911 | entered before July 1, 2011, or as a basis to change amounts or
 1912 | duration of awards existing before July 1, 2011. The amendments
 1913 | to s. 61.08, Florida Statutes, made by this act are applicable
 1914 | to all cases pending on or filed after July 1, 2011.

1915 | Section 81. Except as otherwise expressly provided in this
 1916 | act, this act shall take effect upon the earlier of 90 days
 1917 | following Congress amending 42 U.S.C. s. 666(f) to allow or
 1918 | require states to adopt the 2008 version of the Uniform
 1919 | Interstate Family Support Act, or 90 days following the state
 1920 | obtaining a waiver of its state plan requirement under Title IV-
 1921 | D of the Social Security Act.