



783574

LEGISLATIVE ACTION

Senate

House

.
. .
. .
. .
. .
. .

Floor: 1/AD/2R

05/06/2011 12:48 PM

Senator Flores moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

88.1011 Definitions.—As used in this act:

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

(2) "Child support order" means a support order for a
child, including a child who has attained the age of majority



783574

14 under the law of the issuing state or foreign country.

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

18 (4)~~(3)~~ "Duty of support" means an obligation imposed or
19 imposable by law to provide support for a child, spouse, or
20 former spouse, including an unsatisfied obligation to provide
21 support.

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

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

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

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

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

34 (6) "Foreign support order" means a support order of a
35 foreign tribunal.

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

41 (8)~~(4)~~ "Home state" means the state or foreign country in
42 which a child lived with a parent or a person acting as parent



783574

43 for at least 6 consecutive months immediately preceding the time
44 of filing of a petition or comparable pleading for support and,
45 if a child is less than 6 months old, the state or foreign
46 country in which the child lived from birth with any of them. A
47 period of temporary absence of any of them is counted as part of
48 the 6-month or other period.

49 ~~(9)-(5)~~ "Income" includes earnings or other periodic
50 entitlements to money from any source and any other property
51 subject to withholding for support under the law of this state.

52 ~~(10)-(6)~~ "Income-withholding order" means an order or other
53 legal process directed to an obligor's employer or other debtor,
54 as defined by the income deduction law of this state, or payor
55 as defined by s. 61.046, to withhold support from the income of
56 the obligor.

57 ~~(7) "Initiating state" means a state from which a~~
58 ~~proceeding is forwarded or in which a proceeding is filed for~~
59 ~~forwarding to a responding state under this act or a law or~~
60 ~~procedure substantially similar to this act, the Uniform~~
61 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~
62 ~~Reciprocal Enforcement of Support Act.~~

63 ~~(11)-(8)~~ "Initiating tribunal" means the ~~authorized~~ tribunal
64 of a state or foreign country from which a petition or
65 comparable pleading is forwarded or in which a petition or
66 comparable pleading is filed for forwarding to another state or
67 foreign country in an initiating state.

68 ~~(12)~~ "Issuing foreign country" means the foreign country in
69 which a tribunal issues a support order or a judgment
70 determining parentage of a child.

71 ~~(13)-(9)~~ "Issuing state" means the state in which a tribunal



783574

72 issues a support order or renders a judgment determining
73 parentage of a child.

74 ~~(14)-(10)~~ "Issuing tribunal" means the tribunal of a state
75 or foreign country that issues a support order or ~~renders~~ a
76 judgment determining parentage of a child.

77 ~~(15)-(11)~~ "Law" includes decisional and statutory law and
78 rules and regulations having the force of law.

79 ~~(16)-(12)~~ "Obligee" means:

80 (a) An individual to whom a duty of support is or is
81 alleged to be owed or in whose favor a support order ~~has been~~
82 ~~issued~~ or a judgment determining parentage of a child has been
83 issued ~~rendered~~;

84 (b) A foreign country, state, or political subdivision of a
85 state to which the rights under a duty of support or support
86 order have been assigned or which has independent claims based
87 on financial assistance provided to an individual obligee in
88 place of child support; ~~or~~

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

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

93 ~~(17)-(13)~~ "Obligor" means an individual, or the estate of a
94 decedent that:

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

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

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

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

100 (18) "Outside this state" means a location in another state



783574

101 or a country other than the United States, whether or not the
102 country is a foreign country.

103 (19) "Person" means an individual, corporation, business
104 trust, estate, trust, partnership, limited liability company,
105 association, joint venture, public corporation, government, or
106 governmental subdivision, agency, or instrumentality or any
107 other legal or commercial entity.

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

111 (21)-(14) "Register" means to record or file in a tribunal
112 of this state a support order or judgment determining parentage
113 of a child issued in another state or a foreign country in the
114 Registry of Foreign Support Orders of the circuit court, or
115 other appropriate location for the recording or filing of
116 foreign judgments generally or foreign support orders
117 specifically.

118 (22)-(15) "Registering tribunal" means a tribunal in which a
119 support order or judgment determining parentage of a child is
120 registered.

121 (23)-(16) "Responding state" means a state in which a
122 petition or comparable pleading for support or to determine
123 parentage of a child proceeding is filed or to which a petition
124 or comparable pleading proceeding is forwarded for filing from
125 another state or a foreign country an initiating state under
126 this act or a law or procedure substantially similar to this
127 act, the Uniform Reciprocal Enforcement of Support Act, or the
128 Revised Uniform Reciprocal Enforcement of Support Act.

129 (24)-(17) "Responding tribunal" means the authorized



783574

130 tribunal in a responding state or a foreign country.

131 ~~(25)(18)~~ "Spousal-support order" means a support order for
132 a spouse or former spouse of the obligor.

133 ~~(26)(19)~~ "State" means a state of the United States, the
134 District of Columbia, Puerto Rico, the United States Virgin
135 Islands, or any territory or insular possession under ~~subject to~~
136 the jurisdiction of the United States. The term includes:

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

138 ~~(b)~~ ~~A foreign jurisdiction that has enacted a law or~~
139 ~~established procedures for issuance and enforcement of support~~
140 ~~orders which are substantially similar to the procedures under~~
141 ~~this act, the Uniform Reciprocal Enforcement of Support Act, or~~
142 ~~the Revised Uniform Reciprocal Enforcement of Support Act, as~~
143 ~~determined by the Attorney General.~~

144 ~~(27)(20)~~ "Support enforcement agency" means a public
145 official, governmental entity, or private agency authorized to
146 seek:

147 (a) Seek enforcement of support orders or laws relating to
148 the duty of support;

149 (b) Seek establishment or modification of child support;

150 (c) Request determination of parentage of a child; ~~or~~

151 (d) Attempt to locate obligors or their assets; or

152 (e) Request determination of the controlling child support
153 order.

154 ~~(28)(21)~~ "Support order" means a judgment, decree, ~~or~~
155 order, decision, or directive, whether temporary, final, or
156 subject to modification, issued in a state or foreign country
157 for the benefit of a child, a spouse, or a former spouse, which
158 provides for monetary support, health care, arrearages,



783574

159 retroactive support, or reimbursement for financial assistance
160 provided to an individual obligee in place of child support. The
161 term, and may include related costs and fees, interest, income
162 withholding, automatic adjustment, reasonable attorney's fees,
163 and other relief.

164 (29) (22) "Tribunal" means a court, administrative agency,
165 or quasi-judicial entity authorized to establish, enforce, or
166 modify support orders or to determine parentage of a child.

167 Section 2. Section 88.1021, Florida Statutes, is amended to
168 read:

169 88.1021 ~~Tribunal of State~~ tribunal and support enforcement
170 agency.-

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

174 (2) The Department of Revenue is the support enforcement
175 agency of this state.

176 Section 3. Section 88.1031, Florida Statutes, is amended to
177 read:

178 88.1031 Remedies cumulative.-

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

182 (2) This act does not:

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

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



783574

188 Section 4. Section 88.1041, Florida Statutes, is created to
189 read:

190 88.1041 Application of act to resident of foreign country
191 and foreign support proceeding.-

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

195 (a) A foreign support order;

196 (b) A foreign tribunal; or

197 (c) An obligee, obligor, or child residing in a foreign
198 country.

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

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

207 Section 5. Section 88.2011, Florida Statutes, is amended to
208 read:

209 88.2011 Bases for jurisdiction over nonresident.-

210 (1) In a proceeding to establish ~~or~~, enforce, ~~or modify~~ a
211 support order or to determine parentage of a child, a tribunal
212 of this state may exercise personal jurisdiction over a
213 nonresident individual or the individual's guardian or
214 conservator if:

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



783574

217 **(b)**~~(2)~~ The individual submits to the jurisdiction of this
218 state by consent in a record, by entering a general appearance,
219 or by filing a responsive document having the effect of waiving
220 any contest to personal jurisdiction;

221 **(c)**~~(3)~~ The individual resided with the child in this state;

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

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

226 **(f)**~~(6)~~ The individual engaged in sexual intercourse in this
227 state and the child may have been conceived by that act of
228 intercourse;

229 **(g)**~~(7)~~ The individual asserted parentage of a child in a
230 tribunal or in a putative father registry maintained in this
231 state by the appropriate agency; or

232 **(h)**~~(8)~~ There is any other basis consistent with the
233 constitutions of this state and the United States for the
234 exercise of personal jurisdiction.

235 **(2)** The bases of personal jurisdiction set forth in
236 subsection (1) or in any other law of this state may not be used
237 to acquire personal jurisdiction for tribunal of this state to
238 modify a child support order of another state unless the
239 requirements of s. 88.6111 are met, or, in the case of a foreign
240 support order, unless the requirements of s. 88.6151 are met.

241 Section 6. Section 88.2021, Florida Statutes, is amended to
242 read:

243 88.2021 Duration of personal Procedure when exercising
244 jurisdiction over nonresident.—Personal jurisdiction acquired by
245 a tribunal of this state in a proceeding under this act or other



783574

246 law of this state relating to a support order continues as long
247 as a tribunal of this state has continuing, exclusive
248 jurisdiction to modify its order or continuing jurisdiction to
249 enforce its order as provided by ss. 88.2051, 88.2061, and
250 88.2111 ~~A tribunal of this state exercising personal~~
251 ~~jurisdiction over a nonresident under s. 88.2011 may apply s.~~
252 ~~88.3161 (special rules of evidence and procedure) to receive~~
253 ~~evidence from another state, and s. 88.3181 (assistance with~~
254 ~~discovery) to obtain discovery through a tribunal of another~~
255 ~~state. In all other respects, parts III through VII of this~~
256 ~~chapter do not apply and the tribunal shall apply the procedural~~
257 ~~and substantive law of this state, including the rules on choice~~
258 ~~of law other than those established by this act.~~

259 Section 7. Section 88.2031, Florida Statutes, is amended to
260 read:

261 88.2031 Initiating and responding tribunal of state.—Under
262 this act, a tribunal of this state may serve as an initiating
263 tribunal to forward proceedings to a tribunal of another state
264 and as a responding tribunal for proceedings initiated in
265 another state or a foreign country.

266 Section 8. Section 88.2041, Florida Statutes, is amended to
267 read:

268 88.2041 Simultaneous proceedings in another state.—

269 (1) A tribunal of this state may exercise jurisdiction to
270 establish a support order if the petition or comparable pleading
271 is filed after a petition or comparable pleading is filed in
272 another state or a foreign country only if:

273 (a) The petition or comparable pleading in this state is
274 filed before the expiration of the time allowed in the other



783574

275 state or the foreign country for filing a responsive pleading
276 challenging the exercise of jurisdiction by the other state or
277 the foreign country;

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

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

281 (2) A tribunal of this state may not exercise jurisdiction
282 to establish a support order if the petition or comparable
283 pleading is filed before a petition or comparable pleading is
284 filed in another state or a foreign country if:

285 (a) The petition or comparable pleading in the other state
286 or the foreign country is filed before the expiration of the
287 time allowed in this state for filing a responsive pleading
288 challenging the exercise of jurisdiction by this state;

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

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

293 Section 9. Section 88.2051, Florida Statutes, is amended to
294 read:

295 88.2051 Continuing exclusive jurisdiction.—

296 (1) A tribunal of this state that has issued ~~issuing~~ a
297 child support order consistent with the law of this state has
298 and shall exercise continuing, exclusive jurisdiction to modify
299 its ~~over~~ a child support order if the order is the controlling
300 order and:

301 (a) At the time of the filing of a request for
302 modification, ~~As long as~~ this state is ~~remains~~ the residence of
303 the obligor, the individual obligee, or the child for whose



783574

304 benefit the support order is issued; or

305 (b) Even if this state is not the residence of the obligor,
306 the individual obligee, or the child for whose benefit the
307 support order is issued, the parties consent in a record or in
308 open court that the tribunal of this state may continue to
309 exercise jurisdiction to modify its order ~~Until all of the~~
310 ~~parties who are individuals have filed written consents with the~~
311 ~~tribunal of this state for a tribunal of another state to modify~~
312 ~~the order and assume continuing exclusive jurisdiction.~~

313 (2) A tribunal of this state that has issued ~~issuing~~ a
314 child support order consistent with the law of this state may
315 not exercise ~~its~~ continuing, exclusive jurisdiction to modify
316 the order if: ~~the order has been modified by a tribunal of~~
317 ~~another state pursuant to this act or a law substantially~~
318 ~~similar to this act.~~

319 (a) All of the parties who are individuals file consent in
320 a record with the tribunal of this state that a tribunal of
321 another state that has jurisdiction over at least one of the
322 parties who is an individual or that is located in the state of
323 residence of the child may modify the order and assume
324 continuing, exclusive jurisdiction; or

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

326 ~~(3) If a child support order of this state is modified by a~~
327 ~~tribunal of another state pursuant to this act or a law~~
328 ~~substantially similar to this act, a tribunal of this state~~
329 ~~loses its continuing exclusive jurisdiction with regard to~~
330 ~~prospective enforcement of the order issued in this state, and~~
331 ~~may only:~~

332 ~~(a) Enforce the order that was modified as to amounts~~



783574

333 ~~accruing before the modification;~~

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

335 ~~(c) Provide other appropriate relief for violations of that~~
336 ~~order which occurred before the effective date of the~~
337 ~~modification.~~

338 ~~(3)(4) If a tribunal of this state shall recognize the~~
339 ~~continuing exclusive jurisdiction of a tribunal of another state~~
340 ~~which has issued a child support order pursuant to this act or a~~
341 ~~law substantially similar to this act which modifies a child~~
342 ~~support order of a tribunal of this state, tribunals of this~~
343 ~~state shall recognize the continuing, exclusive jurisdiction of~~
344 ~~the tribunal of the other state.~~

345 ~~(4) A tribunal of this state that lacks continuing,~~
346 ~~exclusive jurisdiction to modify a child support order may serve~~
347 ~~as an initiating tribunal to request a tribunal of another state~~
348 ~~to modify a support order issued in that state.~~

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

352 ~~(6) A tribunal of this state issuing a support order~~
353 ~~consistent with the law of this state has continuing exclusive~~
354 ~~jurisdiction over a spousal support order throughout the~~
355 ~~existence of the support obligation. A tribunal of this state~~
356 ~~may not modify a spousal support order issued by a tribunal of~~
357 ~~another state having continuing exclusive jurisdiction over that~~
358 ~~order under the law of that state.~~

359 Section 10. Section 88.2061, Florida Statutes, is amended
360 to read:

361 88.2061 ~~Enforcement and modification of support order by~~



783574

362 ~~tribunal having~~ Continuing jurisdiction to enforce child support
363 order.-

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

368 (a) The order if the order is the controlling order and has
369 not been modified by a tribunal of another state that assumed
370 jurisdiction pursuant to the Uniform Interstate Family Support
371 Act; or

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

375 (2) A tribunal of this state having continuing ~~exclusive~~
376 jurisdiction over a support order may act as a responding
377 tribunal to enforce ~~or modify~~ the order. ~~If a party subject to~~
378 ~~the continuing exclusive jurisdiction of the tribunal no longer~~
379 ~~resides in the issuing state, in subsequent proceedings the~~
380 ~~tribunal may apply s. 88.3161 (special rules of evidence and~~
381 ~~procedure) to receive evidence from another state and s. 88.3181~~
382 ~~(assistance with discovery) to obtain discovery through a~~
383 ~~tribunal of another state.~~

384 (3) ~~A tribunal of this state which lacks continuing~~
385 ~~exclusive jurisdiction over a spousal support order may not~~
386 ~~serve as a responding tribunal to modify a spousal support order~~
387 ~~of another state.~~

388 Section 11. Section 88.2071, Florida Statutes, is amended
389 to read:

390 88.2071 Determination Recognition of controlling child



783574

391 support order.-

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

395 (2) If a proceeding is brought under this act, and two or
396 more child support orders have been issued by tribunals of this
397 state, ~~or~~ another state, or a foreign country with regard to the
398 same obligor and the same child, a tribunal of this state having
399 personal jurisdiction over both the obligor and individual
400 obligee shall apply the following rules and by order shall
401 determine in determining which order controls and must be
402 recognized to recognize for purposes of continuing, exclusive
403 jurisdiction:

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

407 (b) If more than one of the tribunals would have
408 continuing, exclusive jurisdiction under this act:r

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

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

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

418 (3) If two or more child support orders have been issued
419 for the same obligor and the same child, upon request of ~~and if~~



783574

420 ~~the obligor or the individual obligee resides in this state, a~~
421 ~~party who is an individual or that is a support enforcement~~
422 ~~agency, may request a tribunal of this state having personal~~
423 ~~jurisdiction over both the obligor and the obligee who is an~~
424 ~~individual shall to determine which order controls and must be~~
425 ~~so recognized under subsection (2). The request may be filed~~
426 ~~with a registration for enforcement or registration for~~
427 ~~modification pursuant to part VI of this chapter, or may be~~
428 ~~filed as a separate proceeding must be accompanied by a~~
429 ~~certified copy of every support order in effect. The requesting~~
430 ~~party shall give notice of the request to each party whose~~
431 ~~rights may be affected by the determination.~~

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

437 (5)~~(4)~~ The tribunal that issued the controlling order under
438 subsection (1), subsection (2), or subsection (3) is the
439 ~~tribunal that~~ has continuing, exclusive jurisdiction to the
440 extent provided in s. ~~under s.~~ 88.2051 or s. 88.2061.

441 (6)~~(5)~~ A tribunal of this state that which determines by
442 order which is the identity of the controlling order under
443 paragraph (2) (a), ~~or~~ paragraph (2) (b), or subsection (3) or that
444 ~~which~~ issues a new controlling order under paragraph (2) (c)
445 shall state in that order:

446 (a) The basis upon which the tribunal made its
447 determination;—

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



783574

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

452 (7)(6) Within 30 days after issuance of an order
453 determining which is the identity of the controlling order, the
454 party obtaining the order shall file a certified copy of it in
455 with each tribunal that issued or registered an earlier order of
456 child support. A party or support enforcement agency obtaining
457 who obtains the order that ~~and~~ fails to file a certified copy is
458 subject to appropriate sanctions by a tribunal in which the
459 issue of failure to file arises. The failure to file does not
460 affect the validity or enforceability of the controlling order.

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

465 Section 12. Section 88.2081, Florida Statutes, is amended
466 to read:

467 88.2081 ~~Multiple~~ Child support orders for two or more
468 obligees.—In responding to ~~multiple~~ registrations, petitions, or
469 comparable pleadings for enforcement of two or more child
470 support orders in effect at the same time with regard to the
471 same obligor and different individual obligees, at least one of
472 which was issued by a tribunal of another state or a foreign
473 country, a tribunal of this state shall enforce those orders in
474 the same manner as if the ~~multiple~~ orders had been issued by a
475 tribunal of this state.

476 Section 13. Section 88.2091, Florida Statutes, is amended
477 to read:



783574

478 88.2091 Credit for payments.—A tribunal of this state shall
479 credit amounts collected and credited for a particular period
480 pursuant to any child support order against the amounts owed for
481 the same period under any other child support order for support
482 of the same child a support order issued by a tribunal of
483 another state must be credited against the amounts accruing or
484 accrued for the same period under a support order issued by the
485 tribunal of this state, another state, or a foreign country.

486 Section 14. Section 88.2101, Florida Statutes, is created
487 to read:

488 88.2101 Application of act to nonresident subject to
489 personal jurisdiction.—A tribunal of this state exercising
490 personal jurisdiction over a nonresident in a proceeding under
491 this act, under another law of this state relating to a support
492 order, or recognizing a foreign support order may receive
493 evidence from outside this state pursuant to s. 88.3161,
494 communicate with a tribunal outside this state pursuant to s.
495 88.3171, and obtain discovery through a tribunal outside this
496 state pursuant to s. 88.3181. In all other respects, parts III
497 through VI of this chapter do not apply, and the tribunal shall
498 apply the procedural and substantive law of this state.

499 Section 15. Section 88.2111, Florida Statutes, is created
500 to read:

501 88.2111 Continuing, exclusive jurisdiction to modify
502 spousal support order.—

503 (1) A tribunal of this state issuing a spousal support
504 order consistent with the law of this state has continuing,
505 exclusive jurisdiction to modify the spousal support order
506 throughout the existence of the support obligation.



783574

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

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

513 (a) An initiating tribunal to request a tribunal of another
514 state to enforce the spousal support order issued in this state;
515 or

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

518 Section 16. Section 88.3011, Florida Statutes, is amended
519 to read:

520 88.3011 Proceedings under this act.—

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

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

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

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

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

530 ~~(d) Modification of an order for child support or spousal~~
531 ~~support issued by a tribunal of this state pursuant to ss.~~
532 ~~88.2031-88.2061;~~

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

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



783574

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

538 ~~(2)(3)~~ An individual petitioner or a support enforcement
539 agency may initiate ~~commence~~ a proceeding authorized under this
540 act by filing a petition or a comparable pleading in an
541 initiating tribunal for forwarding to a responding tribunal or
542 by filing a petition or a comparable pleading directly in a
543 tribunal of another state or a foreign country which has or can
544 obtain personal jurisdiction over the respondent.

545 Section 17. Section 88.3021, Florida Statutes, is amended
546 to read:

547 88.3021 Proceeding Action by minor parent.—A minor parent,
548 or a guardian or other legal representative of a minor parent,
549 may maintain a proceeding on behalf of or for the benefit of the
550 minor's child.

551 Section 18. Section 88.3031, Florida Statutes, is amended
552 to read:

553 88.3031 Application of law of state.—Except as otherwise
554 provided in ~~by~~ this act, a responding tribunal of this state
555 shall:

556 (1) ~~Shall~~ Apply the procedural and substantive law,
557 ~~including the rules on choice of law,~~ generally applicable to
558 similar proceedings originating in this state and may exercise
559 all powers and provide all remedies available in those
560 proceedings; and

561 (2) ~~Shall~~ Determine the duty of support and the amount
562 payable in accordance with the law and support guidelines of
563 this state.

564 Section 19. Section 88.3041, Florida Statutes, is amended



783574

565 to read:

566 88.3041 Duties of initiating tribunal.—

567 (1) Upon the filing of a petition or comparable pleading
568 authorized by this act, an initiating tribunal of this state
569 shall forward ~~three copies of~~ the petition and its accompanying
570 documents or a comparable pleading and its accompanying
571 documents:

572 (a) To the responding tribunal or appropriate support
573 enforcement agency in the responding state; or

574 (b) If the identity of the responding tribunal is unknown,
575 to the state information agency of the responding state with a
576 request that they be forwarded to the appropriate tribunal and
577 that receipt be acknowledged.

578 (2) If requested by the responding tribunal ~~a responding~~
579 ~~state has not enacted this act or a law or procedure~~
580 ~~substantially similar to this act~~, a tribunal of this state
581 shall may issue a certificate or other document and make
582 findings required by the law of the responding state. If the
583 responding tribunal state is in a foreign country jurisdiction,
584 upon request the tribunal of this state shall may specify the
585 amount of support sought, convert that amount into the
586 equivalent amount in the foreign currency under applicable
587 official or market exchange rate as publicly reported, and
588 provide any other documents necessary to satisfy the
589 requirements of the responding foreign tribunal state.

590 Section 20. Section 88.3051, Florida Statutes, is amended
591 to read:

592 88.3051 Duties and powers of responding tribunal.—

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



783574

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

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

601 (a) Establish ~~Issue~~ or enforce a support order, modify a
602 child support order, determine the controlling child support
603 order, or ~~render a judgment to~~ determine parentage of a child.

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

606 (c) Order income withholding.

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

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

610 (f) Set aside property for satisfaction of the support
611 order.

612 (g) Place liens and order execution on the obligor's
613 property.

614 (h) Order an obligor to keep the tribunal informed of the
615 obligor's current residential address, electronic mail address,
616 telephone number, employer, address of employment, and telephone
617 number at the place of employment.

618 (i) Issue a bench warrant, *capias*, or writ of bodily
619 attachment for an obligor who has failed after proper notice to
620 appear at a hearing ordered by the tribunal and enter the bench
621 warrant, *capias*, or writ of bodily attachment in any local and
622 state computer systems for criminal warrants.



783574

623 (j) Order the obligor to seek appropriate employment by
624 specified methods.

625 (k) Award reasonable attorney's fees and other fees and
626 costs.

627 (l) Grant any other available remedy.

628 (3) A responding tribunal of this state shall include in a
629 support order issued under this act, or in the documents
630 accompanying the order, the calculations on which the support
631 order is based.

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

635 (5) If a responding tribunal of this state issues an order
636 under this act, the tribunal shall send a copy of the order to
637 the petitioner and the respondent and to the initiating
638 tribunal, if any.

639 (6) If requested to enforce a support order, arrears, or
640 judgment, or modify a support order stated in a foreign
641 currency, a responding tribunal of this state shall convert the
642 amount stated in the foreign currency to the equivalent amount
643 in dollars under the applicable official or market exchange rate
644 as publicly reported.

645 Section 21. Section 88.3061, Florida Statutes, is amended
646 to read:

647 88.3061 Inappropriate tribunal.—If a petition or comparable
648 pleading is received by an inappropriate tribunal of this state,
649 the tribunal ~~it~~ shall forward the pleading and accompanying
650 documents to an appropriate tribunal of ~~in~~ this state or another
651 state and notify the petitioner where and when the pleading was



783574

652 sent.

653 Section 22. Section 88.3071, Florida Statutes, is amended
654 to read:

655 88.3071 Duties of support enforcement agency.—

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

658 (a) Shall provide services to a petitioner residing in a
659 state;

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

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

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

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

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

674 (c) Make a reasonable effort to obtain all relevant
675 information, including information as to income and property of
676 the parties.

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



783574

681 (e) Within 10 days, exclusive of Saturdays, Sundays, and
682 legal holidays, after receipt of a written communication from
683 the respondent or the respondent's attorney, send a copy of the
684 communication to the petitioner.

685 (f) Notify the petitioner if jurisdiction over the
686 respondent cannot be obtained.

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

690 (a) To ensure that the order to be registered is the
691 controlling order; or

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

696 (4) A support enforcement agency of this state that
697 requests registration and enforcement of a support order,
698 arrears, or judgment stated in a foreign currency shall convert
699 the amounts stated in the foreign currency into the equivalent
700 amounts in dollars under the applicable official or market
701 exchange rate as publicly reported.

702 (5) A support enforcement agency of this state shall issue
703 or request a tribunal of this state to issue a child support
704 order and an income-withholding order that redirect payment of
705 current support, arrears, and interest if requested to do so by
706 a support enforcement agency of another state pursuant to s.
707 88.3191.

708 (6) ~~(3)~~ This act does not create or negate a relationship of
709 attorney and client or other fiduciary relationship between a



783574

710 support enforcement agency or the attorney for the agency and
711 the individual being assisted by the agency.

712 Section 23. Section 88.3081, Florida Statutes, is amended
713 to read:

714 88.3081 Duty of Governor and Cabinet.—

715 (1) If the Governor and Cabinet determine that the support
716 enforcement agency is neglecting or refusing to provide services
717 to an individual, the Governor and Cabinet may order the agency
718 to perform its duties under this act or may provide those
719 services directly to the individual.

720 (2) The Governor and Cabinet may determine that a foreign
721 country has established a reciprocal arrangement for child
722 support with this state and take appropriate action for
723 notification of the determination.

724 Section 24. Paragraph (c) of subsection (2) of section
725 88.3101, Florida Statutes, is amended to read:

726 88.3101 Duties of state information agency.—

727 (2) The state information agency shall:

728 (c) Forward to the appropriate tribunal in the place in
729 this state in which the ~~individual~~ obligee who is an individual
730 or the obligor resides, or in which the obligor's property is
731 believed to be located, all documents concerning a proceeding
732 under this act received from another state or a foreign country
733 ~~an initiating tribunal or the state information agency of the~~
734 ~~initiating state.~~

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

737 88.3111 Pleadings and accompanying documents.—

738 (1) In a proceeding under this act, a petitioner seeking to



783574

739 establish ~~or modify~~ a support order, ~~or~~ to determine parentage
740 of a child, or to register and modify a support order of a
741 tribunal of another state or a foreign country in a proceeding
742 ~~under this act~~ must file a ~~verify the~~ petition or comparable
743 pleading. Unless otherwise ordered under s. 88.3121
744 ~~(nondisclosure of information in exceptional circumstances)~~, the
745 petition or comparable pleading or the documents accompanying
746 either the petition or comparable pleading must provide, so far
747 as known, the name, residential address, and social security
748 numbers of the obligor and the obligee or the parent and alleged
749 parent, and the name, sex, residential address, social security
750 number, and date of birth of each child for whose benefit ~~whom~~
751 support is sought or whose parentage of a child is to be
752 determined. Unless filed at the time of registration, the
753 petition must be accompanied by a ~~certified~~ copy of any support
754 order known to have been issued by another tribunal in effect.
755 The petition may include any other information that may assist
756 in locating or identifying the respondent.

757 Section 26. Section 88.3121, Florida Statutes, is amended
758 to read:

759 88.3121 Nondisclosure of information in exceptional
760 circumstances.—If a party alleges in an affidavit or a pleading
761 under oath that the health, safety, or liberty of a party or
762 child would be jeopardized by disclosure of specific identifying
763 information, that information must be sealed and may not be
764 disclosed to the other party or the public. After a hearing in
765 which a tribunal takes into consideration the health, safety, or
766 liberty of the party or child, the tribunal may order disclosure
767 of information that the tribunal determines to be in the



783574

768 interest of justice ~~Upon a finding, which may be made ex parte,~~
769 ~~that the health, safety, or liberty of a party or child would be~~
770 ~~unreasonably put at risk by the disclosure of identifying~~
771 ~~information, or if an existing order so provides, a tribunal~~
772 ~~shall order that the address of the child or party or other~~
773 ~~identifying information not be disclosed in a pleading or other~~
774 ~~document filed in a proceeding under this act.~~

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

777 88.3131 Costs and fees.—

778 (2) If an obligee prevails, a responding tribunal of this
779 state may assess against an obligor filing fees, reasonable
780 attorney's fees, other costs, and necessary travel and other
781 reasonable expenses incurred by the obligee and the obligee's
782 witnesses. The tribunal may not assess fees, costs, or expenses
783 against the obligee or the support enforcement agency of either
784 the initiating or the responding state or foreign country,
785 except as provided by other law. Attorney's fees may be taxed as
786 costs, and may be ordered paid directly to the attorney, who may
787 enforce the order in the attorney's own name. Payment of support
788 owed to the obligee has priority over fees, costs, and expenses.

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

791 88.3141 Limited immunity of petitioner.—

792 (1) Participation by a petitioner in a proceeding under
793 this act before a responding tribunal, whether in person, by
794 private attorney, or through services provided by the support
795 enforcement agency, does not confer personal jurisdiction over
796 the petitioner in another proceeding.



783574

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

801 Section 29. Section 88.3161, Florida Statutes, is amended
802 to read:

803 88.3161 Special rules of evidence and procedure.—

804 (1) The physical presence of a nonresident party who is an
805 individual ~~the petitioner~~ in a ~~responding~~ tribunal of this state
806 is not required for the establishment, enforcement, or
807 modification of a support order or the rendition of a judgment
808 determining parentage of a child.

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

816 (3) A copy of the record of child support payments
817 certified as a true copy of the original by the custodian of the
818 record may be forwarded to a responding tribunal. The copy is
819 evidence of facts asserted in it, and is admissible to show
820 whether payments were made.

821 (4) Copies of bills for testing for parentage of a child,
822 and for prenatal and postnatal health care of the mother and
823 child, furnished to the adverse party at least 10 days before
824 trial, are admissible in evidence to prove the amount of the
825 charges billed and that the charges were reasonable, necessary,



783574

826 and customary.

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

832 (6) In a proceeding under this act, a tribunal of this
833 state shall ~~may~~ permit a party or witness residing outside this
834 ~~in another~~ state to be deposed or to testify by telephone,
835 audiovisual means, or other electronic means at a designated
836 tribunal or other location ~~in that state~~. A tribunal of this
837 state shall cooperate with other tribunals ~~of other states~~ in
838 designating an appropriate location for the deposition or
839 testimony.

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

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

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

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

851 Section 30. Section 88.3171, Florida Statutes, is amended
852 to read:

853 88.3171 Communications between tribunals.—A tribunal of
854 this state may communicate with a tribunal outside this ~~of~~



783574

855 ~~another~~ state in a record writing, or by telephone, electronic
856 mail, or other means, to obtain information concerning the laws
857 of that state, the legal effect of a judgment, decree, or order
858 of that tribunal, and the status of a proceeding ~~in the other~~
859 ~~state~~. A tribunal of this state may furnish similar information
860 by similar means to a tribunal outside this ~~of another~~ state.

861 Section 31. Section 88.3181, Florida Statutes, is amended
862 to read:

863 88.3181 Assistance with discovery.—A tribunal of this state
864 may:

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

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

870 Section 32. Section 88.3191, Florida Statutes, is amended
871 to read:

872 88.3191 Receipt and disbursement of payments.—

873 (1) A support enforcement agency or tribunal of this state
874 shall disburse promptly any amounts received pursuant to a
875 support order, as directed by the order. The agency or tribunal
876 shall furnish to a requesting party or tribunal of another state
877 or a foreign country a certified statement by the custodian of
878 the record of the amounts and dates of all payments received.

879 (2) If neither the obligor, nor the obligee who is an
880 individual, nor the child resides in this state, upon request
881 from the support enforcement agency of this state or another
882 state, the support enforcement agency of this state or a
883 tribunal of this state shall:



783574

884 (a) Direct that the support payment be made to the support
885 enforcement agency in the state in which the obligee is
886 receiving services; and

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

890 (3) The support enforcement agency of this state receiving
891 redirected payments from another state pursuant to a law similar
892 to subsection (2) shall furnish to a requesting party or
893 tribunal of the other state a certified statement by the
894 custodian of the record of the amount and dates of all payments
895 received.

896 Section 33. Section 88.4011, Florida Statutes, is amended
897 to read:

898 88.4011 Establishment of ~~Petition to establish~~ support
899 order.—

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

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

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

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

911 (a) A presumed father of the child;

912 (b) Petitioning to have his paternity adjudicated;



783574

913 (c) Identified as the father of the child through genetic
914 testing;

915 (d) An alleged father who has declined to submit to genetic
916 testing;

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

919 (f) An acknowledged father as provided in s. 382.013, s.
920 382.016, or s. 742.10;

921 (g) The mother of the child; or

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

925 ~~(a) The respondent has signed a verified statement~~
926 ~~acknowledging parentage;~~

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

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

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

935 Section 34. Section 88.4021, Florida Statutes, is created
936 to read:

937 88.4021 Proceeding to determine parentage.—A tribunal of
938 this state authorized to determine parentage of a child may
939 serve as a responding tribunal in a proceeding to determine
940 parentage of a child brought under this act or a law or
941 procedure substantially similar to this act.



783574

942 Section 35. The Division of Statutory Revision is directed
943 to redesignate part V of chapter 88, Florida Statutes, as
944 "ENFORCEMENT OF SUPPORT ORDER OF ANOTHER STATE WITHOUT
945 REGISTRATION."

946 Section 36. Section 88.5011, Florida Statutes, is amended
947 to read:

948 88.5011 Employer's receipt of income-withholding order of
949 another state.—An income-withholding order issued in another
950 state may be sent by or on behalf of the obligee, or by the
951 support enforcement agency, to the person ~~or entity~~ defined as
952 the obligor's employer under the income deduction law of this
953 state or payor as defined by s. 61.046, without first filing a
954 petition or comparable pleading or registering the order with a
955 tribunal of this state.

956 Section 37. Paragraph (b) of subsection (3) of section
957 88.50211, Florida Statutes, is amended to read:

958 88.50211 Employer's compliance with income-withholding
959 order of another state.—

960 (3) Except as otherwise provided by subsection (4) and s.
961 88.5031, the employer shall withhold and distribute the funds as
962 directed in the withholding order by complying with the terms of
963 the order which specify:

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

966 Section 38. Section 88.5031, Florida Statutes, is amended
967 to read:

968 88.5031 Employer's compliance with two or more ~~multiple~~
969 income-withholding orders.—If the obligor's employer receives
970 two or more ~~multiple~~ income-withholding orders with respect to



783574

971 the earnings of the same obligor, the employer satisfies the
972 terms of the ~~multiple~~ orders if the employer complies with the
973 law of the state of the obligor's principal place of employment
974 to establish the priorities for withholding and allocating
975 income withheld for two or more ~~multiple~~ child support obligees.

976 Section 39. Section 88.5041, Florida Statutes, is amended
977 to read:

978 88.5041 Immunity from civil liability.—An employer that ~~who~~
979 complies with an income-withholding order issued in another
980 state in accordance with this article is not subject to civil
981 liability to an individual or agency with regard to the
982 employer's withholding of child support from the obligor's
983 income.

984 Section 40. Section 88.5051, Florida Statutes, is amended
985 to read:

986 88.5051 Penalties for noncompliance.—An employer that ~~who~~
987 willfully fails to comply with an income-withholding order
988 issued by another state and received for enforcement is subject
989 to the same penalties that may be imposed for noncompliance with
990 an order issued by a tribunal of this state.

991 Section 41. Section 88.5061, Florida Statutes, is amended
992 to read:

993 88.5061 Contest by obligor.—

994 (1) An obligor may contest the validity or enforcement of
995 an income-withholding order issued in another state and received
996 directly by an employer in this state by registering the order
997 in a tribunal of this state and filing a contest to that order
998 as provided in part VI of this chapter, or otherwise contesting
999 the order in the same manner as if the order had been issued by



783574

1000 a tribunal of this state. ~~Section 88.6041, choice of law,~~
1001 ~~applies to the contest.~~

1002 (2) The obligor shall give notice of the contest to:

1003 (a) A support enforcement agency providing services to the
1004 obligee;

1005 (b) Each employer that has directly received an income-
1006 withholding order relating to the obligor; and

1007 (c) The person ~~or agency~~ designated to receive payments in
1008 the income-withholding order, or if no person ~~or agency~~ is
1009 designated, to the obligee.

1010 Section 42. Subsection (1) of section 88.5071, Florida
1011 Statutes, is amended to read:

1012 88.5071 Administrative enforcement of orders.—

1013 (1) A party or support enforcement agency seeking to
1014 enforce a support order or an income-withholding order, or both,
1015 issued in by a tribunal of another state or a foreign support
1016 order may send the documents required for registering the order
1017 to a support enforcement agency of this state.

1018 Section 43. (1) The Division of Statutory Revision is
1019 directed to redesignate part VI of chapter 88, Florida Statutes,
1020 as "REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT
1021 ORDER."

1022 (2) The Division of Statutory Revision is directed to
1023 divide part VI of chapter 88, Florida Statutes, into subpart A,
1024 consisting of ss. 88.6011-88.6041, Florida Statutes, to be
1025 entitled "Registration and Enforcement of Support Order;"
1026 subpart B, consisting of ss. 88.6051-88.6081, Florida Statutes,
1027 to be entitled "Contest of Validity or Enforcement;" subpart C,
1028 consisting of ss. 88.6091-88.6141, Florida Statutes, to be



783574

1029 entitled "Registration and Modification of Child Support Order
1030 of Another State;" and subpart D, consisting of ss. 88.6151 and
1031 88.6161, Florida Statutes, to be entitled "Registration and
1032 Modification of Foreign Child Support Order."

1033 Section 44. Section 88.6011, Florida Statutes, is amended
1034 to read:

1035 88.6011 Registration of order for enforcement.—A support
1036 order or an income-withholding order issued in ~~by a tribunal of~~
1037 another state or a foreign support order may be registered in
1038 this state for enforcement.

1039 Section 45. Section 88.6021, Florida Statutes, is amended
1040 to read:

1041 88.6021 Procedure to register order for enforcement.—

1042 (1) Except as otherwise provided in s. 88.7061, a support
1043 order or income-withholding order of another state or a foreign
1044 support order may be registered in this state by sending the
1045 following records ~~documents and information~~ to the appropriate
1046 tribunal in this state:

1047 (a) A letter of transmittal to the tribunal requesting
1048 registration and enforcement.

1049 (b) Two copies, including one certified copy, of the order
1050 ~~all orders~~ to be registered, including any modification of the
1051 ~~an~~ order.

1052 (c) A sworn statement by the person requesting party
1053 ~~seeking~~ registration or a certified statement by the custodian
1054 of the records showing the amount of any arrearage.

1055 (d) The name of the obligor and, if known:

- 1056 1. The obligor's address and social security number.
1057 2. The name and address of the obligor's employer and any



783574

1058 other source of income of the obligor.

1059 3. A description and the location of property of the
1060 obligor in this state not exempt from execution.

1061 (e) Except as otherwise provided in s. 88.3121, the name
1062 and address of the obligee and, if applicable, the ~~agency or~~
1063 person to whom support payments are to be remitted.

1064 (2) On receipt of a request for registration, the
1065 registering tribunal shall cause the order to be filed as an
1066 order of a tribunal of another state or a foreign support order
1067 ~~a foreign judgment~~, together with one copy of the documents and
1068 information, regardless of their form.

1069 (3) A petition or comparable pleading seeking a remedy that
1070 must be affirmatively sought under other law of this state may
1071 be filed at the same time as the request for registration or
1072 later. The pleading must specify the grounds for the remedy
1073 sought.

1074 (4) If two or more orders are in effect, the person
1075 requesting registration shall:

1076 (a) Furnish to the tribunal a copy of every support order
1077 asserted to be in effect in addition to the documents specified
1078 in this section;

1079 (b) Specify the order alleged to be the controlling order,
1080 if any; and

1081 (c) Specify the amount of consolidated arrears, if any.

1082 (5) A request for a determination of which is the
1083 controlling order may be filed separately or with a request for
1084 registration and enforcement or for registration and
1085 modification. The person requesting registration shall give
1086 notice of the request to each party whose rights may be affected



783574

1087 by the determination.

1088 Section 46. Section 88.6031, Florida Statutes, is amended
1089 to read:

1090 88.6031 Effect of registration for enforcement.—

1091 (1) A support order or income-withholding order issued in
1092 another state or a foreign support order is registered when the
1093 order is filed in the registering tribunal of this state.

1094 (2) A registered support order issued in another state or a
1095 foreign country is enforceable in the same manner and is subject
1096 to the same procedures as an order issued by a tribunal of this
1097 state.

1098 (3) Except as otherwise provided in this act ~~article~~, a
1099 tribunal of this state shall recognize and enforce, but may not
1100 modify, a registered support order if the issuing tribunal had
1101 jurisdiction.

1102 Section 47. Section 88.6041, Florida Statutes, is amended
1103 to read:

1104 88.6041 Choice of law.—

1105 (1) Except as otherwise provided in subsection (4), the law
1106 of the issuing state or foreign country governs:

1107 (a) The nature, extent, amount, and duration of current
1108 payments under a registered support order; ~~and other obligations~~
1109 ~~of support and~~

1110 (b) The computation and payment of arrearages and accrual
1111 of interest on the arrearages under the order; and

1112 (c) The existence and satisfaction of other obligations
1113 under the support order.

1114 (2) In a proceeding for arrears under a registered support
1115 order ~~arrearages~~, the statute of limitation ~~under the laws~~ of



783574

1116 this state or of the issuing state or foreign country, whichever
1117 is longer, applies.

1118 (3) A responding tribunal of this state shall apply the
1119 procedures and remedies of this state to enforce current support
1120 and collect arrears and interest due on a support order of
1121 another state or foreign country registered in this state.

1122 (4) After a tribunal of this or another state determines
1123 which is the controlling order and issues an order consolidating
1124 arrears, if any, a tribunal of this state shall prospectively
1125 apply the law of the state or foreign country issuing the
1126 controlling order, including its law on interest on arrears, on
1127 current and future support, and on consolidated arrears.

1128 Section 48. Section 88.6051, Florida Statutes, is amended
1129 to read:

1130 88.6051 Notice of registration of order.—

1131 (1) When a support order or income-withholding order issued
1132 in another state or a foreign support order is registered, the
1133 registering tribunal of this state shall notify the
1134 nonregistering party. The notice must be accompanied by a copy
1135 of the registered order and the documents and relevant
1136 information accompanying the order.

1137 (2) A ~~The~~ notice must inform the nonregistering party:

1138 (a) That a registered order is enforceable as of the date
1139 of registration in the same manner as an order issued by a
1140 tribunal of this state.

1141 (b) That a hearing to contest the validity or enforcement
1142 of the registered order must be requested within 20 days after
1143 the date of mailing or personal service of the notice, unless
1144 the registered order is under s. 88.7071.



783574

1145 (c) That failure to contest the validity or enforcement of
1146 the registered order in a timely manner will result in
1147 confirmation of the order and enforcement of the order and the
1148 alleged arrearages and precludes further contest of that order
1149 with respect to any matter that could have been asserted.

1150 (d) Of the amount of any alleged arrearages.

1151 (3) If the registering party asserts that two or more
1152 orders are in effect, a notice must also:

1153 (a) Identify the two or more orders and the order alleged
1154 by the registering party to be the controlling order and the
1155 consolidated arrears, if any;

1156 (b) Notify the nonregistering party of the right to a
1157 determination of which is the controlling order;

1158 (c) State that the procedures provided in subsection (2)
1159 apply to the determination of which is the controlling order;
1160 and

1161 (d) State that failure to contest the validity or
1162 enforcement of the order alleged to be the controlling order in
1163 a timely manner may result in confirmation that the order is the
1164 controlling order.

1165 (4)~~(3)~~ Upon registration of an income-withholding order for
1166 enforcement, the support enforcement agency or the registering
1167 tribunal shall notify the obligor's employer pursuant to chapter
1168 61 or other income deduction law of this state.

1169 Section 49. Subsections (1) and (2) of section 88.6061,
1170 Florida Statutes, are amended to read:

1171 88.6061 Procedure to contest validity or enforcement of
1172 registered order.—

1173 (1) A nonregistering party seeking to contest the validity



783574

1174 or enforcement of a registered order in this state shall request
1175 a hearing within the time required by s. 88.6051 ~~20 days after~~
1176 ~~notice of the registration~~. The nonregistering party may seek to
1177 vacate the registration, to assert any defense to an allegation
1178 of noncompliance with the registered order, or to contest the
1179 remedies being sought or the amount of any alleged arrearages
1180 pursuant to s. 88.6071.

1181 (2) If the nonregistering party fails to contest the
1182 validity or enforcement of the registered support order in a
1183 timely manner, the order is confirmed by operation of law.

1184 Section 50. Section 88.6071, Florida Statutes, is amended
1185 to read:

1186 88.6071 Contest of registration or enforcement.—

1187 (1) A party contesting the validity or enforcement of a
1188 registered support order or seeking to vacate the registration
1189 has the burden of proving one or more of the following defenses:

1190 (a) The issuing tribunal lacked personal jurisdiction over
1191 the contesting party;

1192 (b) The order was obtained by fraud;

1193 (c) The order has been vacated, suspended, or modified by a
1194 later order;

1195 (d) The issuing tribunal has stayed the order pending
1196 appeal;

1197 (e) There is a defense under the law of this state to the
1198 remedy sought;

1199 (f) Full or partial payment has been made; ~~or~~

1200 (g) The statute of limitation under s. 88.6041 precludes
1201 enforcement of some or all of the alleged arrearages; or

1202 (h) The alleged controlling order is not the controlling



783574

1203 order.

1204 (2) If a party presents evidence establishing a full or
1205 partial defense under subsection (1), a tribunal may stay
1206 enforcement of a ~~the~~ registered support order, continue the
1207 proceeding to permit production of additional relevant evidence,
1208 and issue other appropriate orders. An uncontested portion of
1209 the registered support order may be enforced by all remedies
1210 available under the law of this state.

1211 (3) If the contesting party does not establish a defense
1212 under subsection (1) to the validity or enforcement of a
1213 registered support ~~the~~ order, the registering tribunal shall
1214 issue an order confirming the order.

1215 Section 51. Section 88.6081, Florida Statutes, is amended
1216 to read:

1217 88.6081 Confirmed order.—Confirmation of a registered
1218 support order, whether by operation of law or after notice and
1219 hearing, precludes further contest of the order with respect to
1220 any matter that could have been asserted at the time of
1221 registration.

1222 Section 52. Section 88.6091, Florida Statutes, is amended
1223 to read:

1224 88.6091 Procedure to register child support order of
1225 another state for modification.—A party or support enforcement
1226 agency seeking to modify, or to modify and enforce, a child
1227 support order issued in another state shall register that order
1228 in this state in the same manner provided in ss. 88.6011-88.6081
1229 ~~88.6011-88.6041~~ if the order has not been registered. A petition
1230 for modification may be filed at the same time as a request for
1231 registration, or later. The pleading must specify the grounds



783574

1232 for modification.

1233 Section 53. Section 88.6111, Florida Statutes, is amended
1234 to read:

1235 88.6111 Modification of child support order of another
1236 state.—

1237 (1) If s. 88.6131 does not apply, upon petition, a tribunal
1238 of this state may modify ~~After~~ a child support order issued in
1239 another state which is ~~has been~~ registered in this state, ~~the~~
1240 ~~responding tribunal of this state may modify that order only if,~~
1241 ~~s. 88.6131 does not apply and after notice and hearing, the~~
1242 tribunal ~~it~~ finds that:

1243 (a) The following requirements are met:

1244 1. Neither the child, nor the ~~individual~~ obligee who is an
1245 individual, nor ~~and~~ the obligor resides ~~do not reside~~ in the
1246 issuing state;

1247 2. A petitioner who is a nonresident of this state seeks
1248 modification; and

1249 3. The respondent is subject to the personal jurisdiction
1250 of the tribunal of this state; or

1251 (b) This state is the state of residence of the child, or a
1252 party who is an individual, is subject to the personal
1253 jurisdiction of the tribunal of this state and all of the
1254 parties who are individuals have filed ~~written~~ consents in a
1255 record in the issuing tribunal for a tribunal of this state to
1256 modify the support order and assume continuing exclusive
1257 jurisdiction ~~over the order. However, if the issuing state is a~~
1258 ~~foreign jurisdiction that has not enacted a law or established~~
1259 ~~procedures substantially similar to the procedures under this~~
1260 ~~act, the consent otherwise required of an individual residing in~~



783574

1261 ~~this state is not required for the tribunal to assume~~
1262 ~~jurisdiction to modify the child support order.~~

1263 (2) Modification of a registered child support order is
1264 subject to the same requirements, procedures, and defenses that
1265 apply to the modification of an order issued by a tribunal of
1266 this state and the order may be enforced and satisfied in the
1267 same manner.

1268 (3) A tribunal of this state may not modify any aspect of a
1269 child support order that may not be modified under the law of
1270 the issuing state, including the duration of the obligation of
1271 support. If two or more tribunals have issued child support
1272 orders for the same obligor and same child, the order that
1273 controls and must be so recognized under s. 88.2071 establishes
1274 the aspects of the support order which are nonmodifiable.

1275 (4) In a proceeding to modify a child support order, the
1276 law of the state that is determined to have issued the initial
1277 controlling order governs the duration of the obligation of
1278 support. The obligor's fulfillment of the duty of support
1279 established by that order precludes imposition of a further
1280 obligation of support by a tribunal of this state.

1281 (5)-(4) On issuance of an order by a tribunal of this state
1282 modifying a child support order issued in another state, the a
1283 tribunal of this state becomes the tribunal of continuing
1284 exclusive jurisdiction.

1285 (6) Notwithstanding subsections (1)-(5) and s. 88.2011(2),
1286 a tribunal of this state retains jurisdiction to modify an order
1287 issued by a tribunal of this state if:

1288 (a) One party resides in another state; and

1289 (b) The other party resides outside the United States.



783574

1290 Section 54. Section 88.6121, Florida Statutes, is amended
1291 to read:

1292 88.6121 Recognition of order modified in another state.—If
1293 a child support order issued by a tribunal of this state is
1294 modified shall recognize a modification of its earlier child
1295 support order by a tribunal of another state which assumed
1296 jurisdiction pursuant to the Uniform Interstate Family Support
1297 Act, a tribunal of this state this act or a law substantially
1298 similar to this act and, upon request, except as otherwise
1299 provided in this act, shall:

1300 (1) May enforce the order that was modified only as to
1301 arrears and interest amounts accruing before the modification.

1302 ~~(2) Enforce only nonmodifiable aspects of that order.~~

1303 ~~(2)~~(3) May provide ~~other~~ appropriate relief ~~only~~ for
1304 violations of its that order which occurred before the effective
1305 date of the modification.

1306 ~~(3)~~(4) Shall recognize the modifying order of the other
1307 state, upon registration, for the purpose of enforcement.

1308 Section 55. Section 88.6151, Florida Statutes, is created
1309 to read:

1310 88.6151 Jurisdiction to modify child support order of
1311 foreign country.—

1312 (1) Except as otherwise provided in s. 88.7111, if a
1313 foreign country lacks or refuses to exercise jurisdiction to
1314 modify its child support order pursuant to its laws, a tribunal
1315 of this state may assume jurisdiction to modify the child
1316 support order and bind all individuals subject to the personal
1317 jurisdiction of the tribunal whether the consent to modification
1318 of a child support order otherwise required of the individual



783574

1319 pursuant to s. 88.6111 has been given or whether the individual
1320 seeking modification is a resident of this state or of the
1321 foreign country.

1322 (2) An order issued by a tribunal of this state modifying a
1323 foreign child support order pursuant to this section is the
1324 controlling order.

1325 Section 56. Section 88.6161, Florida Statutes, is created
1326 to read:

1327 88.6161 Procedure to register child support order of
1328 foreign country for modification.—A party or support enforcement
1329 agency seeking to modify, or to modify and enforce, a foreign
1330 child support order not under the convention may register that
1331 order in this state under ss. 88.6011-88.6081 if the order has
1332 not been registered. A petition for modification may be filed at
1333 the same time as a request for registration, or at another time.
1334 The petition must specify the grounds for modification.

1335 Section 57. The Division of Statutory Revision is directed
1336 to redesignate part VII of chapter 88, Florida Statutes, as
1337 “SUPPORT PROCEEDING UNDER CONVENTION.”

1338 Section 58. Section 88.7011, Florida Statutes, is repealed.

1339 Section 59. Section 88.70111, Florida Statutes, is created
1340 to read:

1341 88.70111 Definitions.—As used in this part, the term:

1342 (1) “Application” means a request under the convention by
1343 an obligee or obligor, or on behalf of a child, made through a
1344 central authority for assistance from another central authority.

1345 (2) “Central authority” means the entity designated by the
1346 United States or a foreign country described in s. 88.1011(5)(d)
1347 to perform the functions specified in the convention.



783574

1348 (3) "Convention support order" means a support order of a
1349 tribunal of a foreign country described in s. 88.1011(5)(d).

1350 (4) "Direct request" means a petition filed by an
1351 individual in a tribunal of this state in a proceeding involving
1352 an obligee, obligor, or child residing outside the United
1353 States.

1354 (5) "Foreign central authority" means the entity designated
1355 by a foreign country described in s. 88.1011(5)(d) to
1356 perform the functions specified in the convention.

1357 (6) "Foreign support agreement":

1358 (a) Means an agreement for support in a record that:

1359 1. Is enforceable as a support order in the country of
1360 origin;

1361 2. Has been:

1362 a. Formally drawn up or registered as an authentic
1363 instrument by a foreign tribunal; or

1364 b. Authenticated by or concluded, registered, or filed with
1365 a foreign tribunal; and

1366 3. May be reviewed and modified by a foreign tribunal; and

1367 (b) Includes a maintenance arrangement or authentic
1368 instrument under the convention.

1369 (7) "United States central authority" means the Secretary
1370 of the United States Department of Health and Human Services.

1371 Section 60. Section 88.7021, Florida Statutes, is created
1372 to read:

1373 88.7021 Applicability.—This part applies only to a support
1374 proceeding under the convention. In such a proceeding, if a
1375 provision of this part is inconsistent with parts I through VI,
1376 this part controls.



783574

1377 Section 61. Section 88.7031, Florida Statutes, is created
1378 to read:

1379 88.7031 Relationship of Department of Revenue to United
1380 States central authority.—The Department of Revenue is
1381 recognized as the agency designated by the United States central
1382 authority to perform specific functions under the convention.

1383 Section 62. Section 88.7041, Florida Statutes, is created
1384 to read:

1385 88.7041 Initiation by Department of Revenue of support
1386 proceeding under convention.—

1387 (1) In a support proceeding under this part, the Department
1388 of Revenue shall:

1389 (a) Transmit and receive applications; and

1390 (b) Initiate or facilitate the institution of a proceeding
1391 regarding an application in a tribunal of this state.

1392 (2) The following support proceedings are available to an
1393 obligee under the convention:

1394 (a) Recognition or recognition and enforcement of a foreign
1395 support order.

1396 (b) Enforcement of a support order issued or recognized in
1397 this state.

1398 (c) Establishment of a support order if there is no
1399 existing order, including, where necessary, determination of
1400 parentage of a child.

1401 (d) Establishment of a support order if recognition of a
1402 foreign support order is refused under s. 88.7081(2)(b), (d), or
1403 (i).

1404 (e) Modification of a support order of a tribunal of this
1405 state.



783574

1406 (f) Modification of a support order of a tribunal of
1407 another state or a foreign country.

1408 (3) The following support proceedings are available under
1409 the convention to an obligor against whom there is an existing
1410 support order:

1411 (a) Recognition of an order suspending or limiting
1412 enforcement of an existing support order of a tribunal of this
1413 state.

1414 (b) Modification of a support order of a tribunal of this
1415 state.

1416 (c) Modification of a support order of a tribunal of
1417 another state or foreign country.

1418 (4) A tribunal of this state may not require security,
1419 bond, or deposit, however described, to guarantee the payment of
1420 costs and expenses in proceedings under the convention.

1421 Section 63. Section 88.7051, Florida Statutes, is created
1422 to read:

1423 88.7051 Direct request.—

1424 (1) A petitioner may file a direct request seeking
1425 establishment or modification of a support order or
1426 determination of parentage of a child. In the proceeding, the
1427 law of this state applies.

1428 (2) A petitioner may file a direct request in a tribunal of
1429 this state seeking recognition and enforcement of a support
1430 order or support agreement. In such a proceeding, the provisions
1431 of ss. 88.7061-88.7131 apply.

1432 (3) In a direct request for recognition and enforcement of
1433 a convention support order or foreign support agreement:

1434 (a) A security, bond, or deposit is not required to



783574

1435 guarantee the payment of costs and expenses; and

1436 (b) An obligee or obligor that in the issuing country has
1437 benefited from free legal assistance is entitled to benefit, at
1438 least to the same extent, from any free legal assistance
1439 provided for by the law of this state under the same
1440 circumstances.

1441 (4) An individual filing a direct request is not entitled
1442 to assistance from the Department of Revenue.

1443 (5) This part does not prevent the application of laws of
1444 this state that provide simplified, more expeditious rules
1445 regarding a direct request for recognition and enforcement of a
1446 foreign support order or foreign support agreement.

1447 Section 64. Section 88.7061, Florida Statutes, is created
1448 to read:

1449 88.7061 Registration of convention support order.—

1450 (1) Except as otherwise provided in this part, a party who
1451 is an individual or a support enforcement agency seeking
1452 recognition of a convention support order shall register the
1453 order in this state as provided in part VI of this chapter.

1454 (2) Notwithstanding ss. 88.3111 and 88.6021(1), a request
1455 for registration of a convention support order must be
1456 accompanied by the following:

1457 (a) A complete text of the support order, or an abstract or
1458 extract of the support order drawn up by the issuing foreign
1459 tribunal, which may be in the form recommended by the Hague
1460 Conference on Private International Law.

1461 (b) A record stating that the support order is enforceable
1462 in the issuing country.

1463 (c) If the respondent did not appear and was not



783574

1464 represented in the proceedings in the issuing country, a record
1465 attesting, as appropriate, either that the respondent had proper
1466 notice of the proceedings and an opportunity to be heard, or
1467 that the respondent had proper notice of the support order and
1468 the opportunity to be heard in a challenge or appeal on fact or
1469 law before a tribunal.

1470 (d) A record showing the amount of any arrears, and the
1471 date the amount was calculated.

1472 (e) A record showing a requirement for automatic adjustment
1473 of the amount of support, if any, and the information necessary
1474 to make the appropriate calculations, if necessary.

1475 (f) A record showing the extent to which the applicant
1476 received free legal assistance in the issuing country.

1477 (3) A request for registration of a convention support
1478 order may seek recognition and partial enforcement of the order.

1479 (4) A tribunal of this state may vacate the registration of
1480 a convention support order without the filing of a contest under
1481 s. 88.7071 only if, acting on its own motion, the tribunal finds
1482 that recognition and enforcement of the order would be
1483 manifestly incompatible with public policy.

1484 (5) The tribunal shall promptly notify the parties of the
1485 registration or the order vacating the registration of a
1486 convention support order.

1487 Section 65. Section 88.7071, Florida Statutes, is created
1488 to read:

1489 88.7071 Contest of registered convention support order.—

1490 (1) Except as otherwise provided in this part, ss. 88.6051-
1491 88.6081 apply to a contest of a registered convention support
1492 order.



783574

1493 (2) A party contesting a registered convention support
1494 order shall file a contest not later than 30 days after notice
1495 of the registration, but if the contesting party does not reside
1496 in the United States, the contest must be filed not later than
1497 60 days after notice of the registration.

1498 (3) If the nonregistering party fails to contest the
1499 registered convention support order by the time specified in
1500 subsection (2), the order is enforceable.

1501 (4) A contest of a registered convention support order may
1502 be based only on grounds set forth in s. 88.7081. The contesting
1503 party bears the burden of proof.

1504 (5) In a contest of a registered convention support order,
1505 a tribunal of this state:

1506 (a) Is bound by the findings of fact on which the foreign
1507 tribunal based its jurisdiction; and

1508 (b) May not review the merits of the order.

1509 (6) A tribunal of this state deciding a contest of a
1510 registered convention support order shall promptly notify the
1511 parties of its decision.

1512 (7) A challenge or appeal, if any, does not stay the
1513 enforcement of a convention support order unless there are
1514 exceptional circumstances.

1515 Section 66. Section 88.7081, Florida Statutes, is created
1516 to read:

1517 88.7081 Recognition and enforcement of convention support
1518 order.—

1519 (1) Except as otherwise provided in subsection (2), a
1520 tribunal of this state shall recognize and enforce a registered
1521 convention support order.



783574

1522 (2) The following grounds are the only grounds on which a
1523 tribunal of this state may refuse recognition and enforcement of
1524 a registered convention support order:

1525 (a) Recognition and enforcement of the order is manifestly
1526 incompatible with public policy, including the failure of the
1527 issuing tribunal to observe minimum standards of due process,
1528 which include notice and an opportunity to be heard;

1529 (b) The issuing tribunal lacked personal jurisdiction
1530 consistent with s. 88.2011;

1531 (c) The order is not enforceable in the issuing country;

1532 (d) The order was obtained by fraud in connection with a matter
1533 of procedure;

1534 (e) A record transmitted in accordance with s. 88.7061
1535 lacks authenticity or integrity;

1536 (f) A proceeding between the same parties and having the
1537 same purpose is pending before a tribunal of this state and that
1538 proceeding was the first to be filed;

1539 (g) The order is incompatible with a more recent support
1540 order involving the same parties and having the same purpose if
1541 the more recent support order is entitled to recognition and
1542 enforcement under this act in this state;

1543 (h) Payment, to the extent alleged arrears have been paid
1544 in whole or in part;

1545 (i) In a case in which the respondent neither appeared nor
1546 was represented in the proceeding in the issuing foreign
1547 country:

1548 1. If the law of that country provides for prior notice of
1549 proceedings, the respondent did not have proper notice of the
1550 proceedings and an opportunity to be heard; or



783574

1551 2. If the law of that country does not provide for prior
1552 notice of the proceedings, the respondent did not have proper
1553 notice of the order and an opportunity to be heard in a
1554 challenge or appeal on fact or law before a tribunal; or

1555 (j) The order was made in violation of s. 88.7111.

1556 (3) If a tribunal of this state does not recognize a
1557 convention support order under paragraph (2) (b), (d), (f), or
1558 (i):

1559 (a) The tribunal may not dismiss the proceeding without
1560 allowing a reasonable time for a party to request the
1561 establishment of a new convention support order; and

1562 (b) The Department of Revenue shall take all appropriate
1563 measures to request a child support order for the obligee if the
1564 application for recognition and enforcement was received under
1565 s. 88.7041.

1566 Section 67. Section 88.7091, Florida Statutes, is created
1567 to read:

1568 88.7091 Partial enforcement.—If a tribunal of this state
1569 does not recognize and enforce a convention support order in its
1570 entirety, it shall enforce any severable part of the order. An
1571 application or direct request may seek recognition and partial
1572 enforcement of a convention support order.

1573 Section 68. Section 88.7101, Florida Statutes, is created
1574 to read:

1575 88.7101 Foreign support agreement.—

1576 (1) Except as provided in subsections (3) and (4), a
1577 tribunal of this state shall recognize and enforce a foreign
1578 support agreement registered in this state.

1579 (2) An application or direct request for recognition and



783574

1580 enforcement of a foreign support agreement must be accompanied
1581 by:

1582 (a) A complete text of the foreign support agreement; and

1583 (b) A record stating that the foreign support agreement is
1584 enforceable as an order of support in the issuing country.

1585 (3) A tribunal of this state may vacate the registration of
1586 a foreign support agreement only if, acting on its own motion,
1587 the tribunal finds that recognition and enforcement would be
1588 manifestly incompatible with public policy.

1589 (4) In a contest of a foreign support agreement, a tribunal
1590 of this state may refuse recognition and enforcement of the
1591 agreement if it finds:

1592 (a) Recognition and enforcement of the agreement is
1593 manifestly incompatible with public policy;

1594 (b) The agreement was obtained by fraud or falsification;

1595 (c) The agreement is incompatible with a support order
1596 issued between the same parties and having the same purpose in
1597 this state, another state, or a foreign country if the support
1598 order is entitled to recognition in this state; or

1599 (d) The record submitted under subsection (2) lacks
1600 authenticity or integrity.

1601 (5) A proceeding for recognition and enforcement of a
1602 foreign support agreement must be suspended during the pendency
1603 of a challenge to or appeal of the agreement before a tribunal
1604 of another state or a foreign country.

1605 Section 69. Section 88.7111, Florida Statutes, is created
1606 to read:

1607 88.7111 Modification of convention child support order.—

1608 (1) A tribunal of this state may not modify a convention



783574

1609 child support order if the obligee remains a resident of the
1610 foreign country where the support order was issued unless:

1611 (a) The obligee submits to the jurisdiction of a tribunal
1612 of this state, either expressly or by defending on the merits of
1613 the case without objecting to the jurisdiction at the first
1614 available opportunity; or

1615 (b) The foreign tribunal lacks or refuses to exercise
1616 jurisdiction to modify its support order or issue a new support
1617 order.

1618 (2) If a tribunal of this state does not modify a
1619 convention child support order because the order is not
1620 recognized in this state, the provisions of s. 88.7081(3) apply.

1621 Section 70. Section 88.7121, Florida Statutes, is created
1622 to read:

1623 88.7121 Personal information; limit on use.—Personal
1624 information gathered or transmitted under this part may be used
1625 only for the purposes for which it was gathered or transmitted.

1626 Section 71. Section 88.7131, Florida Statutes, is created
1627 to read:

1628 88.7131 Record in original language; English translation.—A
1629 record filed with a tribunal of this state under this part must
1630 be in the original language and, if not in English, must be
1631 accompanied by an English translation.

1632 Section 72. Paragraph (b) of subsection (2) of section
1633 88.8011, Florida Statutes, is amended to read:

1634 88.8011 Grounds for rendition.—

1635 (2) The Governor of this state may:

1636 (b) On the demand of ~~by~~ the Governor of another state,
1637 surrender an individual found in this state who is charged



783574

1638 criminally in the other state with having failed to provide for
1639 the support of an obligee.

1640 Section 73. Section 88.9011, Florida Statutes, is amended
1641 to read:

1642 88.9011 Uniformity of application and construction.—In
1643 applying and construing this uniform act, consideration must be
1644 given to the need to promote uniformity of ~~This act shall be~~
1645 ~~applied and construed to effectuate its general purpose to make~~
1646 ~~uniform~~ the law with respect to its ~~the~~ subject matter ~~of this~~
1647 ~~act~~ among states that enact ~~enacting~~ it.

1648 Section 74. Section 88.9021, Florida Statutes, is created
1649 to read:

1650 88.9021 Transitional provision.—This act applies to
1651 proceedings begun on or after the effective date of this act to
1652 establish a support order or determine parentage of a child or
1653 to register, recognize, enforce, or modify a prior support
1654 order, determination, or agreement, whenever issued or entered.

1655 Section 75. Section 88.9031, Florida Statutes, is amended
1656 to read:

1657 88.9031 Severability ~~clause~~.—If any provision of this act
1658 or its application to any person or circumstance is held
1659 invalid, the invalidity does not affect other provisions or
1660 applications of this act which can be given effect without the
1661 invalid provision or application, and to this end the provisions
1662 of this act are severable.

1663 Section 76. Paragraph (a) of subsection (7) of section
1664 61.13, Florida Statutes, is amended to read:

1665 61.13 Support of children; parenting and time-sharing;
1666 powers of court.—



783574

1667 (7) (a) Each party to any paternity or support proceeding is
1668 required to file with the tribunal as defined in s. 88.1011~~(22)~~
1669 and State Case Registry upon entry of an order, and to update as
1670 appropriate, information on location and identity of the party,
1671 including social security number, residential and mailing
1672 addresses, telephone number, driver's license number, and name,
1673 address, and telephone number of employer. Each party to any
1674 paternity or child support proceeding in a non-Title IV-D case
1675 shall meet the above requirements for updating the tribunal and
1676 State Case Registry.

1677 Section 77. Paragraph (b) of subsection (5) of section
1678 827.06, Florida Statutes, is amended to read:

1679 827.06 Nonsupport of dependents.—

1680 (5)

1681 (b) The element of knowledge may be proven by evidence that
1682 a court or tribunal as defined by s. 88.1011~~(22)~~ has entered an
1683 order that obligates the defendant to provide the support.

1684 Section 78. Upon the passage of this bill, the Department
1685 of Revenue is directed to apply for a waiver from the Federal
1686 Office of Child Support Enforcement pursuant to the state plan
1687 requirement under Title IV-D of the Social Security Act.

1688 Section 79. Effective July 1, 2011, subsection (9) of
1689 section 61.08, Florida Statutes, is renumbered as subsection
1690 (10), a new subsection (9) is added to that section, and
1691 subsections (2), (7), and (8) of that section are amended, to
1692 read:

1693 61.08 Alimony.—

1694 (2) In determining whether to award alimony or maintenance,
1695 the court shall first make a specific factual determination as



783574

1696 to whether either party has an actual need for alimony or
1697 maintenance and whether either party has the ability to pay
1698 alimony or maintenance. If the court finds that a party has a
1699 need for alimony or maintenance and that the other party has the
1700 ability to pay alimony or maintenance, then in determining the
1701 proper type and amount of alimony or maintenance under
1702 subsections (5)-(8), the court shall consider all relevant
1703 factors, including, but not limited to:

1704 (a) The standard of living established during the marriage.

1705 (b) The duration of the marriage.

1706 (c) The age and the physical and emotional condition of
1707 each party.

1708 (d) The financial resources of each party, including the
1709 nonmarital and the marital assets and liabilities distributed to
1710 each.

1711 (e) The earning capacities, educational levels, vocational
1712 skills, and employability of the parties and, when applicable,
1713 the time necessary for either party to acquire sufficient
1714 education or training to enable such party to find appropriate
1715 employment.

1716 (f) The contribution of each party to the marriage,
1717 including, but not limited to, services rendered in homemaking,
1718 child care, education, and career building of the other party.

1719 (g) The responsibilities each party will have with regard
1720 to any minor children they have in common.

1721 (h) The tax treatment and consequences to both parties of
1722 any alimony award, including the designation of all or a portion
1723 of the payment as a nontaxable, nondeductible payment.

1724 (i) All sources of income available to either party,



783574

1725 including income available to either party through investments
1726 of any asset held by that party.

1727 (j) Any other factor necessary to do equity and justice
1728 between the parties.

1729 (7) Durational alimony may be awarded when permanent
1730 periodic alimony is inappropriate. The purpose of durational
1731 alimony is to provide a party with economic assistance for a set
1732 period of time following a marriage of short or moderate
1733 duration or following a marriage of long duration if there is no
1734 ongoing need for support on a permanent basis. An award of
1735 durational alimony terminates upon the death of either party or
1736 upon the remarriage of the party receiving alimony. The amount
1737 of an award of durational alimony may be modified or terminated
1738 based upon a substantial change in circumstances in accordance
1739 with s. 61.14. However, the length of an award of durational
1740 alimony may not be modified except under exceptional
1741 circumstances and may not exceed the length of the marriage.

1742 (8) Permanent alimony may be awarded to provide for the
1743 needs and necessities of life as they were established during
1744 the marriage of the parties for a party who lacks the financial
1745 ability to meet his or her needs and necessities of life
1746 following a dissolution of marriage. Permanent alimony may be
1747 awarded following a marriage of long duration if such an award
1748 is appropriate upon consideration of the factors set forth in
1749 subsection (2), following a marriage of moderate duration if
1750 such an award is appropriate based upon clear and convincing
1751 evidence after consideration of the factors set forth in
1752 subsection (2), or following a marriage of short duration if
1753 there are written findings of exceptional circumstances. In



783574

1754 awarding permanent alimony, the court shall include a finding
1755 that no other form of alimony is fair and reasonable under the
1756 circumstances of the parties. An award of permanent alimony
1757 terminates upon the death of either party or upon the remarriage
1758 of the party receiving alimony. An award may be modified or
1759 terminated based upon a substantial change in circumstances or
1760 upon the existence of a supportive relationship in accordance
1761 with s. 61.14.

1762 (9) The award of alimony may not leave the payor with
1763 significantly less net income than the net income of the
1764 recipient unless there are written findings of exceptional
1765 circumstances.

1766 Section 80. Effective July 1, 2011, the amendments to s.
1767 61.08, Florida Statutes, made by this act apply to all initial
1768 awards of alimony entered after July 1, 2011, and to all
1769 modifications of alimony of such awards made after July 1, 2011.
1770 Such amendments may not serve as a basis to modify awards
1771 entered before July 1, 2011, or as a basis to change amounts or
1772 duration of awards existing before July 1, 2011. The amendments
1773 to s. 61.08, Florida Statutes, made by this act are applicable
1774 to all cases pending on or filed after July 1, 2011.

1775 Section 81. Except as otherwise expressly provided in this
1776 act, this act shall take effect upon the earlier of 90 days
1777 following Congress amending 42 U.S.C. s. 666(f) to allow or
1778 require states to adopt the 2008 version of the Uniform
1779 Interstate Family Support Act, or 90 days following the state
1780 obtaining a waiver of its state plan requirement under Title IV-
1781 D of the Social Security Act.

1782



783574

1783 ===== T I T L E A M E N D M E N T =====

1784 And the title is amended as follows:

1785 Delete everything before the enacting clause
1786 and insert:

1787 A bill to be entitled
1788 An act relating to family law; amending s. 88.1011,
1789 F.S.; revising and providing definitions; amending s.
1790 88.1021, F.S.; designating the Department of Revenue
1791 as the support enforcement agency of this state;
1792 amending s. 88.1031, F.S.; revising provisions
1793 relating to remedies provided by the act; creating s.
1794 88.1041, F.S.; providing for applicability of
1795 provisions to residents of foreign counties and
1796 foreign support proceedings; amending s. 88.2011,
1797 F.S.; providing that specified bases of personal
1798 jurisdiction may not be used to acquire personal
1799 jurisdiction for certain purposes unless specified
1800 requirements are met; amending s. 88.2021, F.S.;
1801 providing for duration of personal jurisdiction;
1802 deleting provisions relating to procedure when
1803 exercising jurisdiction over nonresident; amending ss.
1804 88.2031 and 88.2041, F.S.; conforming provisions to
1805 changes made by the act; amending s. 88.2051, F.S.;
1806 revising provisions relating to continuation of
1807 exclusive jurisdiction; amending s. 88.2061, F.S.;
1808 providing for continuing jurisdiction to enforce child
1809 support orders; amending s. 88.2071, F.S.; revising
1810 provisions relating to determination of a controlling
1811 child support order; amending s. 88.2081, F.S.;



783574

1812 revising language relating to child support orders for
1813 two or more obligees; amending s. 88.2091, F.S.;

1814 revising language relating to credit for child support
1815 payments; creating s. 88.2101, F.S.; providing for
1816 application of the act to a nonresident subject to
1817 personal jurisdiction; creating s. 88.2111, F.S.;

1818 providing for continuing, exclusive jurisdiction to
1819 modify a spousal support order; amending s. 88.3011,
1820 F.S.; revising provisions relating to applicability of
1821 the act; amending ss. 88.3021 and 88.3031, F.S.;

1822 revising terminology; amending s. 88.3041, F.S.;

1823 revising provisions relating to duties of an
1824 initiating tribunal; amending s. 88.3051, F.S.;

1825 revising provisions relating to duties and powers of a
1826 responding tribunal; amending s. 88.3061, F.S.;

1827 revising terminology; amending s. 88.3071, F.S.;

1828 revising provisions relating to the duties of a
1829 support enforcement agency; amending s. 88.3081, F.S.;

1830 providing that the Governor and Cabinet may determine
1831 that a foreign country has established a reciprocal
1832 arrangement for child support with this state and take
1833 appropriate action for notification of the
1834 determination; amending s. 88.3101, F.S.; revising
1835 terminology; amending s. 88.3111, F.S.; revising
1836 provisions relating to pleadings and accompanying
1837 documents; amending s. 88.3121, F.S.; revising
1838 requirements for nondisclosure of certain information;
1839 amending ss. 88.3131 and 88.3141, F.S.; revising
1840 terminology; amending s. 88.3161, F.S.; revising



783574

1841 provisions relating to special rules of evidence and
1842 procedure; amending ss. 88.3171 and 88.3181, F.S.;
1843 revising terminology; amending s. 88.3191, F.S.;
1844 revising provisions relating to receipt and
1845 disbursement of payments; amending s. 88.4011, F.S.;
1846 revising provisions relating to establishment of a
1847 support order; creating s. 88.4021, F.S.; providing
1848 that certain tribunals of this state may serve as
1849 responding tribunals in proceedings to determine
1850 parentage of a child under certain provisions;
1851 providing a directive to the Division of Statutory
1852 Revision; amending s. 88.5011, F.S.; revising
1853 provisions relating to an employer's receipt of an
1854 income-withholding order from another state; amending
1855 ss. 88.50211, 88.5031, 88.5041, and 88.5051, F.S.;
1856 revising terminology; amending s. 88.5061, F.S.;
1857 revising provisions relating to a contest by obligor;
1858 amending s. 88.5071, F.S.; revising terminology;
1859 providing a directive to the Division of Statutory
1860 Revision; amending s. 88.6011, F.S.; revising
1861 terminology; amending s. 88.6021, F.S.; revising
1862 provisions relating to the procedure to register order
1863 for enforcement; amending s. 88.6031, F.S.; revising
1864 terminology; amending s. 88.6041, F.S.; revising
1865 provisions relating to choice of law; amending s.
1866 88.6051, F.S.; revising provisions relating to notice
1867 of registration of order; amending s. 88.6061, F.S.;
1868 revising provisions relating to the procedure to
1869 contest the validity or enforcement of a registered



783574

1870 order; amending s. 88.6071, F.S.; revising provisions
1871 relating to the contesting of registration or
1872 enforcement; amending s. 88.6081, F.S.; revising
1873 terminology; amending s. 88.6091, F.S.; correcting a
1874 cross-reference; amending s. 88.6111, F.S.; revising
1875 provisions relating to modification of a child support
1876 order of another state; amending s. 88.6121, F.S.;
1877 revising provisions relating to recognition of a child
1878 support order modified in another state; creating s.
1879 88.6151, F.S.; providing for jurisdiction to modify a
1880 child support order of a foreign country; creating s.
1881 88.6161, F.S.; providing procedures for registration
1882 of a child support order of a foreign country for
1883 modification; providing a directive to the Division of
1884 Statutory Revision; repealing s. 88.7011, F.S.,
1885 relating to a proceeding to determine parentage of a
1886 child; creating s. 88.70111, F.S.; providing
1887 definitions relating to a support proceeding under the
1888 Convention on the International Recovery of Child
1889 Support and Other Forms of Family Maintenance;
1890 creating s. 88.7021, F.S.; providing for
1891 applicability; creating s. 88.7031, F.S.; specifying
1892 the relationship of the Department of Revenue to the
1893 United States central authority; creating s. 88.7041,
1894 F.S.; providing for initiation by the Department of
1895 Revenue of support proceedings under the convention;
1896 creating s. 88.7051, F.S.; providing for direct
1897 requests to tribunals; creating s. 88.7061, F.S.;
1898 providing for registration of convention support



783574

1899 orders; creating s. 88.7071, F.S.; providing for
1900 contest of registered convention support orders;
1901 creating s. 88.7081, F.S.; providing for recognition
1902 and enforcement of registered convention support
1903 orders; creating s. 88.7091, F.S.; providing for
1904 partial enforcement of convention support orders;
1905 creating s. 88.7101, F.S.; providing requirements for
1906 a foreign support agreement; creating s. 88.7111,
1907 F.S.; providing for modification of convention child
1908 support orders; creating s. 88.7121, F.S.; providing
1909 limits on the personal use of certain information;
1910 creating s. 88.7131, F.S.; requiring a record filed
1911 with a tribunal of this state under specified
1912 provisions to be in the original language and, if not
1913 in English, to be accompanied by an English
1914 translation; amending s. 88.8011, F.S.; revising
1915 terminology; amending s. 88.9011, F.S.; revising
1916 provisions relating to the uniformity of application
1917 and construction of the act; creating s. 88.9021,
1918 F.S.; providing applicability; amending s. 88.9031,
1919 F.S.; revising terminology; amending ss. 61.13 and
1920 827.06, F.S.; correcting cross-references; directing
1921 the Department of Revenue to apply for a waiver;
1922 amending s. 61.08, F.S.; revising provisions relating
1923 to factors to be considered for alimony awards;
1924 revising provisions relating to awards of durational
1925 alimony; revising provisions relating to awards of
1926 permanent alimony; providing that the award of alimony
1927 may not leave the payor with significantly less net



783574

1928 income than the net income of the recipient unless
1929 there are written findings of exceptional
1930 circumstances; providing for applicability of
1931 specified provisions; providing effective dates.