

By the Committee on Children, Families, and Elder Affairs; and
Senator Flores

586-03208-11

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1 A bill to be entitled
2 An act relating to family support; amending s.
3 88.1011, F.S.; revising and defining terms; amending
4 s. 88.1021, F.S.; designating the courts and other
5 entities as the tribunals of the state and designating
6 the Department of Revenue as the support enforcement
7 agency of the state; amending s. 88.1031, F.S.;
8 clarifying that the Uniform Interstate Family Support
9 Act is not the exclusive method to establish or
10 enforce a support order in this state; creating s.
11 88.1041, F.S.; providing for the application of
12 certain parts of ch. 88, F.S., to a foreign support
13 order, a foreign tribunal, or an obligee, obligor, or
14 child residing in a foreign country; amending s.
15 88.2011, F.S.; providing a basis for personal
16 jurisdiction over nonresidents in support cases;
17 amending s. 88.2021, F.S.; providing that personal
18 jurisdiction acquired by a tribunal of this state in a
19 proceeding under ch. 88, F.S., or other law of this
20 state relating to a support order continues under
21 certain circumstances; amending s. 88.2031, F.S.;
22 authorizing a tribunal of this state to serve as an
23 initiating tribunal to forward proceedings to a
24 tribunal of another state and as a responding tribunal
25 for proceedings initiated in another state or foreign
26 country; amending s. 88.2041, F.S.; providing that a
27 tribunal of this state may exercise jurisdiction to
28 establish a support order in a foreign country under
29 certain circumstances; amending s. 88.2051, F.S.;

586-03208-11

20111622c1

30 providing that a tribunal of this state may continue
31 its exclusive jurisdiction to modify a child support
32 order only under certain circumstances; amending s.
33 88.2061, F.S.; providing that a tribunal of this state
34 may continue its jurisdiction to enforce a child
35 support order or money judgment under certain
36 circumstances; amending s. 88.2071, F.S.; providing
37 procedures for determining which child support order
38 is recognized as the controlling support order;
39 requiring the party requesting a determination of the
40 controlling support order to provide a copy of every
41 child support order in effect, the applicable record
42 of payments, and other specified documents; requiring
43 that the parties recognize as the controlling support
44 order any order made pursuant to the procedures of the
45 act; amending s. 88.2081, F.S.; conforming provisions
46 to changes made by the act; amending s. 88.2091, F.S.;
47 requiring a tribunal of this state to credit support
48 amounts collected for a particular period pursuant to
49 a child support order against the amount owed for the
50 same period under any other child support order;
51 creating s. 88.2101, F.S.; authorizing a tribunal of
52 this state exercising personal jurisdiction over a
53 nonresident in a proceeding under the act to receive
54 evidence from outside this state and communicate with
55 a tribunal outside this state; creating s. 88.2111,
56 F.S.; providing that a tribunal of this state issuing
57 a spousal support order consistent with the law of
58 this state has continuing, exclusive jurisdiction to

586-03208-11

20111622c1

59 modify the spousal support order throughout the
60 existence of the obligation; prohibiting the tribunal
61 from modifying a spousal support order issued by a
62 tribunal of another state or foreign country having
63 continuing, exclusive jurisdiction over that order;
64 amending ss. 88.3011, 88.3021, and 88.3031, F.S.;
65 conforming provisions to changes made by the act;
66 amending s. 88.3041, F.S.; providing for the duties of
67 the initiating tribunal when forwarding documents to a
68 foreign tribunal; amending s. 88.3051, F.S.; providing
69 for the duties and powers of a responding tribunal
70 when requested to enforce a support order, arrears, or
71 judgment or to modify a support order; amending s.
72 88.3061, F.S.; conforming provisions to changes made
73 by the act; amending s. 88.3071, F.S.; specifying the
74 duties of a support enforcement agency in this state;
75 amending s. 88.3081, F.S.; authorizing the Governor
76 and Cabinet to determine that a foreign country has
77 established a reciprocal arrangement for child support
78 with this state and take appropriate action for
79 notification of the determination; amending s.
80 88.3101, F.S.; setting forth the duties of the
81 Department of Revenue as the state information agency;
82 amending s. 88.3111, F.S.; requiring a petitioner to
83 verify a petition filed with the tribunal; amending s.
84 88.3121, F.S.; revising provisions prohibiting the
85 disclosure of specific identifying information under
86 certain circumstances; requiring that such information
87 be sealed and not be disclosed to the other party or

586-03208-11

20111622c1

88 the public; authorizing the tribunal to disclose the
89 information after a hearing; amending ss. 88.3131 and
90 88.3141, F.S.; conforming provisions to changes made
91 by the act; amending s. 88.3161, F.S.; providing for
92 special rules of evidence and procedures for
93 nonresident parties; providing that a voluntary
94 acknowledgment of paternity is admissible to establish
95 parentage of a child; amending ss. 88.3171 and
96 88.3181, F.S.; conforming provisions to changes made
97 by the act; amending s. 88.3191, F.S.; providing for
98 the receipt and disbursement of payments; requiring
99 that if the obligor, obligee, and child reside in this
100 state, upon request from the support enforcement
101 agency of this or another state, the support
102 enforcement agency or tribunal direct that the support
103 payment be made to the support enforcement agency in
104 the state in which the obligee is receiving services
105 and send to the obligor's employer a conforming
106 income-withholding order or an administrative notice
107 of change of payee, reflecting the redirected
108 payments; amending s. 88.4011, F.S.; providing for the
109 establishment of a support order under certain
110 circumstances; providing that the tribunal may issue a
111 temporary child support order under certain
112 circumstances; amending ss. 88.5011, 88.5031, 88.5041,
113 and 88.5051, F.S.; conforming provisions to changes
114 made by the act; amending s. 88.5061, F.S.; providing
115 that an obligor may contest the validity or
116 enforcement of an income-withholding order issued in

586-03208-11

20111622c1

117 another state and received directly by an employer in
118 this state by registering the order in a tribunal of
119 this state and filing a contest to that order;
120 amending ss. 88.5071 and 88.6011, F.S.; conforming
121 provisions to changes made by the act; amending s.
122 88.6021, F.S.; specifying procedures to register a
123 support order; providing procedures if two or more
124 support orders are in effect; amending s. 88.6031,
125 F.S.; revising provisions to conform to changes made
126 by the act; amending s. 88.6041, F.S.; providing that
127 the law of the state that issues the order governs the
128 law of the case; providing for an exception; amending
129 s. 88.6051, F.S.; specifying the content of the notice
130 of the registration of a support order; amending s.
131 88.6061, F.S.; providing procedures to contest the
132 validity or enforcement of a registered support order;
133 amending ss. 88.6071, 88.6081, and 88.6101, F.S.;
134 conforming provisions to changes made by the act;
135 amending s. 88.6111, F.S.; providing for modifying a
136 child support order; providing that the law of the
137 state that issued the controlling order governs the
138 duration of the obligation of support; amending s.
139 88.6121, F.S.; providing that if a child support order
140 issued by a tribunal of this state is modified by a
141 tribunal of another state which assumed jurisdiction
142 pursuant to the Uniform Interstate Family Support Act,
143 a tribunal of this state may enforce the order that
144 was modified only as to arrears and interest accruing
145 before the modification; creating s. 88.6151, F.S.;

586-03208-11

20111622c1

146 providing that if a foreign country lacks jurisdiction
147 or refuses to exercise jurisdiction to modify its
148 child support order, a tribunal of this state may
149 assume jurisdiction to modify the child support order
150 and bind all persons subject to the personal
151 jurisdiction of the tribunal whether or not the person
152 consents to modification of the child support order;
153 creating s. 88.6161, F.S.; specifying procedures to
154 register a child support order; repealing s. 88.7011,
155 F.S., relating to proceeding to determine parentage of
156 a child; creating s. 88.7021, F.S.; providing that
157 part VII of ch. 88, F.S., applies only to support
158 proceedings involving a foreign country in which the
159 convention is in force with respect to the United
160 States; creating s. 88.7031, F.S.; designating the
161 Department of Children and Family Services as the
162 agency designated by the United States Central
163 Authority to perform specific functions under the
164 convention in this state; creating s. 88.7041, F.S.;
165 designating the procedures the governmental entity
166 must follow to initiate support proceedings under the
167 convention; creating s. 88.7051, F.S.; authorizing a
168 petitioner to file a direct request in a tribunal of
169 this state to establish or modify a support order or
170 determination of parentage; setting forth procedures
171 for filing direct requests; creating s. 88.7061, F.S.;
172 designating procedures for individuals and support
173 enforcement agencies to register foreign support
174 orders; specifying the documents to be included with

586-03208-11

20111622c1

175 the registration request; creating s. 88.7071, F.S.;

176 providing procedures to contest the validity of a

177 foreign support order; creating s. 88.7081, F.S.;

178 providing for the recognition and enforcement of

179 foreign support orders; creating s. 88.7091, F.S.;

180 providing procedures for a tribunal to refuse to

181 recognize or enforce a foreign support order; creating

182 s. 88.7101, F.S.; directing a tribunal of this state

183 to recognize and enforce a foreign support agreement

184 registered in this state; requiring an application or

185 direct request for recognition and enforcement of a

186 foreign support agreement to be accompanied by certain

187 documents; creating s. 88.7111, F.S.; prohibiting a

188 tribunal of this state from modifying a foreign child

189 support order if the obligee remains a resident of the

190 foreign country where the support order was issued;

191 providing exceptions; creating s. 88.7112, F.S.;

192 providing for personal jurisdiction in spousal support

193 proceedings; amending s. 88.9011, F.S.; providing for

194 uniform construction of the act; creating s. 88.9021,

195 F.S.; directing that the act applies to proceedings

196 begun on or after a specified date to establish a

197 support order, determine parentage of a child, or

198 register, recognize, enforce, or modify a prior

199 support order, determination, or agreement, whenever

200 issued or entered; amending ss. 61.13 and 827.06,

201 F.S.; conforming cross-references to changes made by

202 the act; providing a contingent effective date.

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586-03208-11

20111622c1

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

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

208 88.1011 Definitions.—As used in this act:

209 (1) "Application" means a request under The Hague
210 Convention on the International Recovery of Child Support and
211 Other Forms of Family Maintenance by an obligee or obligor, or
212 on behalf of a child, which is made through a central authority
213 for assistance from another central authority.

214 (2) "Central authority" means the entity designated by a
215 country to perform the functions specified in the convention.

216 (3)~~(1)~~ "Child" means an individual, whether over or under
217 the age of majority, who is or is alleged to be owed a duty of
218 support by the individual's parent or who is or is alleged to be
219 the beneficiary of a support order directed to the parent.

220 (4)~~(2)~~ "Child support order" means a support order for a
221 child, including a child who has attained the age of majority
222 under the law of the issuing state.

223 (5) "Convention" means The Hague Convention on the
224 International Recovery of Child Support and Other Forms of
225 Family Maintenance, adopted by The Hague Conference on Private
226 International Law on November 23, 2007.

227 (6) "Direct request" means a petition filed by an
228 individual in a tribunal of this state in a proceeding involving
229 an obligee, an obligor, or a child residing outside the United
230 States.

231 (7)~~(3)~~ "Duty of support" means an obligation imposed or
232 imposable by law to provide support for a child, spouse, or

586-03208-11

20111622c1

233 former spouse, including an unsatisfied obligation to provide
234 support.

235 (8) "Foreign central authority" means the entity designated
236 by a foreign country in which the convention is in force with
237 respect to the United States to perform the functions specified
238 in the convention.

239 (9) "Foreign country" means a country, including a
240 political subdivision thereof, other than the United States,
241 which authorizes the issuance of support orders and which:

242 (a) Has been declared under the law of the United States to
243 be a foreign reciprocating country;

244 (b) Has established a reciprocal arrangement for child
245 support with this state as provided in s. 88.3081; and

246 (c) Has enacted a law or established procedures for the
247 issuance and enforcement of support orders which are
248 substantially similar to the procedures under this chapter and
249 are in force with respect to the United States.

250 (10) "Foreign support agreement" means an agreement for
251 support in a record, also known as a maintenance arrangement in
252 the convention, which:

253 (a) Is enforceable as a support order in the country of
254 origin;

255 (b) Has been formally drawn up, registered, or
256 authenticated by, or concluded, registered, or filed with, a
257 foreign tribunal; and

258 (c) May be reviewed and modified by a foreign tribunal.

259 (11) "Foreign support order" means a support order of a
260 foreign tribunal in which the convention is in force.

261 (12) "Foreign tribunal" means a court, administrative

586-03208-11

20111622c1

262 agency, or quasi-judicial entity of a foreign country which is
263 authorized to establish, enforce, or modify support orders or to
264 determine parentage of a child. The term includes a competent
265 authority under the convention.

266 (13)~~(4)~~ "Home state" means the state or foreign country in
267 which a child lived with a parent or a person acting as parent
268 for at least 6 consecutive months immediately preceding the time
269 of filing of a petition or comparable pleading for support and,
270 if a child is less than 6 months old, the state or foreign
271 country in which the child lived from birth with any of them. A
272 period of temporary absence of any of them is counted as part of
273 the 6-month or other period.

274 (14)~~(5)~~ "Income" includes earnings or other periodic
275 entitlements to money from any source and any other property
276 subject to withholding for support under the law of this state.

277 (15)~~(6)~~ "Income-withholding order" means an order or other
278 legal process directed to an obligor's employer or other debtor,
279 as defined by the income deduction law of this state, or payor
280 as defined by s. 61.046, to withhold support from the income of
281 the obligor.

282 ~~(7) "Initiating state" means a state from which a~~
283 ~~proceeding is forwarded or in which a proceeding is filed for~~
284 ~~forwarding to a responding state under this act or a law or~~
285 ~~procedure substantially similar to this act, the Uniform~~
286 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~
287 ~~Reciprocal Enforcement of Support Act.~~

288 (16)~~(8)~~ "Initiating tribunal" means the ~~authorized~~ tribunal
289 of a state or foreign country from which a petition or
290 comparable pleading is filed for forwarding to another state or

586-03208-11

20111622c1

291 foreign country in an initiating state.

292 (17) "Issuing foreign country" means the foreign country in
293 which a tribunal issues a support order or a judgment
294 determining parentage of a child.

295 (18)~~(9)~~ "Issuing state" means the state in which a tribunal
296 issues a support order or renders a judgment determining
297 parentage.

298 (19)~~(10)~~ "Issuing tribunal" means the tribunal of a state
299 or foreign country which ~~that~~ issues a support order or renders
300 a judgment determining parentage of a child.

301 (20)~~(11)~~ "Law" includes decisional and statutory law and
302 rules and regulations having the force of law.

303 (21)~~(12)~~ "Obligee" means:

304 (a) An individual to whom a duty of support is or is
305 alleged to be owed or in whose favor a support order has been
306 issued or a judgment determining parentage of a child has been
307 rendered;

308 (b) A foreign country, state, or political subdivision of a
309 state to which the rights under a duty of support or support
310 order have been assigned or which has independent claims based
311 on financial assistance provided to an individual obligee in
312 place of child support; or

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

315 (d) A person who is a creditor in a proceeding under part
316 VII of this chapter.

317 (22)~~(13)~~ "Obligor" means an individual, or the estate of a
318 decedent who:

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

586-03208-11

20111622c1

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

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

323 (d) Is a debtor in a proceeding under part VII of this
324 chapter.

325 (23) "Outside this state" means a location in another state
326 or country other than the United States, whether or not the
327 country is a foreign country.

328 (24) "Person" means an individual, corporation, business
329 trust, estate, trust, partnership, limited liability company,
330 association, joint venture, public corporation, government,
331 governmental subdivision, agency, instrumentality, or any other
332 legal or commercial entity.

333 (25) "Record" means information that is inscribed on a
334 tangible medium or that is stored in an electronic format or
335 other medium that can be retrieved in another perceivable form.

336 (26)~~(14)~~ "Register" means to record or file in a tribunal
337 of this state of a support order or judgment determining
338 parentage of a child issued in another state or a foreign
339 country in the Registry of Foreign Support Orders of the circuit
340 court, or other appropriate location for the recording or filing
341 of foreign judgments generally or foreign support orders
342 specifically.

343 (27)~~(15)~~ "Registering tribunal" means a tribunal in which a
344 support order or judgment determining parentage of a child is
345 registered.

346 (28)~~(16)~~ "Responding state" means a state in which a
347 proceeding is filed or to which a petition or comparable
348 pleading for support or to determine parentage of a child is

586-03208-11

20111622c1

349 filed or to which a petition or other comparable pleading
350 ~~proceeding~~ is forwarded for filing from another state or a
351 foreign country an initiating state under this act or a law or
352 ~~procedure substantially similar to this act, the Uniform~~
353 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~
354 ~~Reciprocal Enforcement of Support Act.~~

355 (29)~~(17)~~ "Responding tribunal" means the authorized
356 tribunal in a responding state.

357 (30)~~(18)~~ "Spousal-support order" means a support order for
358 a spouse or former spouse of the obligor.

359 (31)~~(19)~~ "State" means a state of the United States, the
360 District of Columbia, Puerto Rico, the United States Virgin
361 Islands, or any territory or insular possession under ~~subject to~~
362 the jurisdiction of the United States. The term includes:

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

364 ~~(b) A foreign jurisdiction that has enacted a law or~~
365 ~~established procedures for issuance and enforcement of support~~
366 ~~orders which are substantially similar to the procedures under~~
367 ~~this act, the Uniform Reciprocal Enforcement of Support Act, or~~
368 ~~the Revised Uniform Reciprocal Enforcement of Support Act, as~~
369 ~~determined by the Attorney General.~~

370 (32)~~(20)~~ "Support enforcement agency" means a public
371 official, governmental entity, or private agency authorized to
372 seek:

373 (a) Seek enforcement of support orders or laws relating to
374 the duty of support;

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

376 (c) Request determination of parentage; ~~or~~

377 (d) Attempt to locate obligors or their assets; ~~or.~~

586-03208-11

20111622c1

378 (e) Request determination of the controlling child support
379 order.

380 (33)~~(21)~~ "Support order" means a judgment, decree, ~~or~~
381 order, decision, or directive, whether temporary, final, or
382 subject to modification, issued in a state or foreign country
383 for the benefit of a child, a spouse, or a former spouse, which
384 provides for monetary support, health care, arrearages,
385 retroactive support, or reimbursement for financial assistance
386 provided to an individual obligee in place of child support. The
387 term, and may include related costs and fees, interest, income
388 withholding, automatic adjustment, reasonable attorney's fees,
389 and other relief.

390 (34)~~(22)~~ "Tribunal" means a court, administrative agency,
391 or quasi-judicial entity authorized to establish, enforce, or
392 modify support orders or to determine parentage.

393 (35) "United States Central Authority" means the Secretary
394 of the United States Department of Health and Human Services.

395 Section 2. Section 88.1021, Florida Statutes, is amended to
396 read:

397 88.1021 State tribunal and support enforcement agency of
398 state.-

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

402 (2) The Department of Revenue is the support enforcement
403 agency of this state.

404 Section 3. Section 88.1031, Florida Statutes, is amended to
405 read:

406 88.1031 Remedies cumulative.-

586-03208-11

20111622c1

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

410 (2) This act does not:

411 (a) Provide the exclusive method of establishing or
412 enforcing a support under the law of this state; or

413 (b) Grant a tribunal of this state jurisdiction to render
414 judgment or issue an order relating to child custody or
415 visitation in a proceeding under this chapter.

416 Section 4. Section 88.1041, Florida Statutes, is created to
417 read:

418 88.1041 Application of act to resident of foreign country
419 and foreign support proceeding.—

420 (1) A tribunal of this state shall apply parts I-VI of this
421 chapter and, as applicable, part VII of this chapter to a
422 support proceeding involving:

423 (a) A foreign support order;

424 (b) A foreign tribunal; or

425 (c) An obligee, obligor, or child residing in a foreign
426 country.

427 (2) A tribunal of this state which is requested to
428 recognize and enforce a support order on the basis of comity may
429 apply the procedural and substantive provision of parts I-VI of
430 this chapter.

431 (3) Part VII of this chapter applies only to a support
432 proceeding under the convention. In such a proceeding, if a
433 provision of part VII of this chapter is inconsistent with parts
434 I-VI of this chapter, part VII of this chapter controls.

435 Section 5. Section 88.2011, Florida Statutes, is amended to

586-03208-11

20111622c1

436 read:

437 88.2011 Bases for jurisdiction over nonresident.—In a
438 proceeding to establish, enforce, or modify a support order or
439 to determine parentage of a child, a tribunal of this state may
440 exercise personal jurisdiction over a nonresident individual or
441 the individual's guardian or conservator if:

442 (1) The individual is personally served with citation,
443 summons, or notice within this state;

444 (2) The individual submits to the jurisdiction of this
445 state by consent, by entering a general appearance, or by filing
446 a responsive document having the effect of waiving any contest
447 to personal jurisdiction;

448 (3) The individual resided with the child in this state;

449 (4) The individual resided in this state and provided
450 prenatal expenses or support for the child;

451 (5) The child resides in this state as a result of the acts
452 or directives of the individual;

453 (6) The individual engaged in sexual intercourse in this
454 state and the child may have been conceived by that act of
455 intercourse;

456 (7) The individual asserted parentage in a tribunal or in a
457 putative father registry maintained in this state by the
458 appropriate agency; or

459 (8) There is any other basis consistent with the
460 constitutions of this state and the United States for the
461 exercise of personal jurisdiction.

462

463 The bases of personal jurisdiction set forth in this section or
464 in any other law of this state may not be used to acquire

586-03208-11

20111622c1

465 personal jurisdiction in order for a tribunal of this state to
466 modify a child support order of a tribunal of another state
467 unless the requirements of s. 88.6111 are met, or, in the case
468 of a foreign support order, unless the requirements of s.
469 88.6151 are met.

470 Section 6. Section 88.2021, Florida Statutes, is amended to
471 read:

472 88.2021 Duration of personal Procedure when exercising
473 jurisdiction over nonresident. Personal jurisdiction acquired by
474 a tribunal of this state in a proceeding under this act or other
475 law of this state relating to a support order continues so long
476 as a tribunal of this state has continuing, exclusive
477 jurisdiction to modify its child support order or continuing
478 jurisdiction to enforce its order as provided by ss. 88.2051,
479 88.2061, and 88.2111. A tribunal of this state exercising
480 personal jurisdiction over a nonresident under s. 88.2011 may
481 apply s. 88.3161 (special rules of evidence and procedure) to
482 receive evidence from another state, and s. 88.3181 (assistance
483 with discovery) to obtain discovery through a tribunal of
484 another state. In all other respects, parts III through VII of
485 this chapter do not apply and the tribunal shall apply the
486 procedural and substantive law of this state, including the
487 rules on choice of law other than those established by this act.

488 Section 7. Section 88.2031, Florida Statutes, is amended to
489 read:

490 88.2031 Initiating and responding tribunal of state. Under
491 this act, a tribunal of this state may serve as an initiating
492 tribunal to forward proceedings to a tribunal of another state
493 and as a responding tribunal for proceedings initiated in

586-03208-11

20111622c1

494 another state or foreign country.

495 Section 8. Section 88.2041, Florida Statutes, is amended to
496 read:

497 88.2041 Simultaneous proceedings in another state.—

498 (1) A tribunal of this state may exercise jurisdiction to
499 establish a support order if the petition or comparable pleading
500 is filed after a petition or comparable pleading is filed in
501 another state or foreign country only if:

502 (a) The petition or comparable pleading in this state is
503 filed before the expiration of the time allowed in the other
504 state or foreign country for filing a responsive pleading
505 challenging the exercise of jurisdiction by the other state or
506 foreign country;

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

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

510 (2) A tribunal of this state may not exercise jurisdiction
511 to establish a support order if the petition or comparable
512 pleading is filed before a petition or comparable pleading is
513 filed in another state or foreign country if:

514 (a) The petition or comparable pleading in the other state
515 or foreign country is filed before the expiration of the time
516 allowed in this state for filing a responsive pleading
517 challenging the exercise of jurisdiction by this state;

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

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

522 Section 9. Section 88.2051, Florida Statutes, is amended to

586-03208-11

20111622c1

523 read:

524 88.2051 Continuing exclusive jurisdiction to modify child
525 support order.—526 (1) A tribunal of this state issuing a child support order
527 consistent with the law of this state has and shall exercise
528 continuing exclusive jurisdiction to modify its ~~over a~~ child
529 support order if the order is the controlling order and:530 (a) At the time of the filing of a request for
531 modification, as long as this state is the ~~remains the~~ residence
532 of the obligor, the individual obligee, or the child for whose
533 benefit the support order is issued; or534 (b) If this state is not the residence of the obligor, the
535 individual obligee, or the child for whose benefit the support
536 order is issued, the parties consent in a record or in open
537 court that the tribunal of this state may continue to exercise
538 jurisdiction to modify its order. ~~Until all of the parties who~~
539 ~~are individuals have filed written consents with the tribunal of~~
540 ~~this state for a tribunal of another state to modify the order~~
541 ~~and assume continuing exclusive jurisdiction.~~542 (2) A tribunal of this state issuing a child support order
543 consistent with the law of this state may not exercise ~~its~~
544 continuing, exclusive jurisdiction to modify the order if: ~~the~~
545 ~~order has been modified by a tribunal of another state pursuant~~
546 ~~to this act or a law substantially similar to this act.~~547 (a) All of the parties who are individuals consent to a
548 tribunal of another state assuming continuing, exclusive
549 jurisdiction and such consent is filed in a record with the
550 tribunal of this state. The tribunal of the other state must
551 have jurisdiction over at least one of the parties who is an

586-03208-11

20111622c1

552 individual or be located in the state of residence of the child.
553 Such tribunal may modify the order and assume continuing,
554 exclusive jurisdiction; or

555 (b) The order is not the controlling order.

556 (3) If a tribunal of another state has issued a child
557 support order pursuant to this act or a law substantially
558 similar to that act which modifies a child support order of a
559 tribunal of this state, tribunals of this state shall recognize
560 the continuing, exclusive jurisdiction of the tribunal of the
561 other state. If a child support order of this state is modified
562 by a tribunal of another state pursuant to this act or a law
563 substantially similar to this act, a tribunal of this state
564 loses its continuing exclusive jurisdiction with regard to
565 prospective enforcement of the order issued in this state, and
566 may only:

567 (a) Enforce the order that was modified as to amounts
568 accruing before the modification;

569 (b) Enforce nonmodifiable aspects of that order; and

570 (c) Provide other appropriate relief for violations of that
571 order which occurred before the effective date of the
572 modification.

573 (4) A tribunal of this state which lacks continuing,
574 exclusive jurisdiction to modify a child support order may serve
575 as an initiating tribunal to request a tribunal of another state
576 to modify a support order issued in that state which has issued
577 a child support order consistent with the law of this state. A
578 tribunal of this state shall recognize the continuing exclusive
579 jurisdiction of a tribunal of another state which has issued a
580 child support order pursuant to this act or a law substantially

586-03208-11

20111622c1

581 ~~similar to this act.~~

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

585 ~~(6) A tribunal of this state issuing a support order~~
586 ~~consistent with the law of this state has continuing exclusive~~
587 ~~jurisdiction over a spousal support order throughout the~~
588 ~~existence of the support obligation. A tribunal of this state~~
589 ~~may not modify a spousal support order issued by a tribunal of~~
590 ~~another state having continuing exclusive jurisdiction over that~~
591 ~~order under the law of that state.~~

592 Section 10. Section 88.2061, Florida Statutes, is amended
593 to read:

594 88.2061 ~~Enforcement and modification of support order by~~
595 ~~tribunal having~~ Continuing jurisdiction to enforce a child
596 support order.-

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

601 (a) The order if it is the controlling order and has not
602 been modified by a tribunal of another state which assumed
603 jurisdiction pursuant to this act; or

604 (b) A money judgment for arrears of support and interest on
605 the order which accrued before a determination that an order of
606 a tribunal of another state is the controlling order.

607 (2) A tribunal of this state having continuing ~~exclusive~~
608 jurisdiction over a support order may act as a responding
609 tribunal to enforce ~~or modify~~ the order. ~~If a party subject to~~

586-03208-11

20111622c1

610 ~~the continuing exclusive jurisdiction of the tribunal no longer~~
611 ~~resides in the issuing state, in subsequent proceedings the~~
612 ~~tribunal may apply s. 88.3161 (special rules of evidence and~~
613 ~~procedure) to receive evidence from another state and s. 88.3181~~
614 ~~(assistance with discovery) to obtain discovery through a~~
615 ~~tribunal of another state.~~

616 ~~(3) A tribunal of this state which lacks continuing~~
617 ~~exclusive jurisdiction over a spousal support order may not~~
618 ~~serve as a responding tribunal to modify a spousal support order~~
619 ~~of another state.~~

620 Section 11. Section 88.2071, Florida Statutes, is amended
621 to read:

622 88.2071 Determination ~~Recognition~~ of controlling child
623 support order.—

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

627 (2) If a proceeding is brought under this act, and two or
628 more child support orders have been issued by tribunals of this
629 state, ~~or~~ another state, or a foreign country with regard to the
630 same obligor and child, a tribunal of this state having personal
631 jurisdiction over both the obligor and individual obligee shall
632 apply the following rules and by order shall determine ~~in~~
633 ~~determining~~ which order controls and must be recognized. ~~to~~
634 ~~recognize for purposes of continuing, exclusive jurisdiction:~~

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

638 (b) If more than one of the tribunals would have

586-03208-11

20111622c1

639 continuing, exclusive jurisdiction under this act:7

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

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

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

649 (3) If two or more child support orders have been issued
650 for the same obligor and the same child ~~and if the obligor or~~
651 ~~the individual obligee resides in this state,~~ upon request of a
652 party who is an individual or that is a support enforcement
653 agency, may request a tribunal of this state having personal
654 jurisdiction over both the obligor and the obligee who is an
655 individual shall ~~to~~ determine which order is the controlling
656 order ~~controls and must be so recognized~~ under subsection (2).
657 The request may be filed with a registration for enforcement or
658 registration for modification pursuant to part VI of this
659 chapter or may be filed as a separate proceeding ~~must be~~
660 ~~accompanied by a certified copy of every support order in~~
661 ~~effect. The requesting party shall give notice of the request to~~
662 ~~each party whose rights may be affected by the determination.~~

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

586-03208-11

20111622c1

668 (5)~~(4)~~ The tribunal that issued the controlling order under
669 subsection (1), subsection (2), or subsection (3) ~~is the~~
670 ~~tribunal that~~ has continuing, ~~exclusive~~ jurisdiction to the
671 extent provided under s. 88.2051 or s. 88.2061.

672 (6)~~(5)~~ A tribunal of this state which determines by order
673 which is the identity of the controlling order under paragraph
674 (2) (a) or paragraph (2) (b) or which issues a new controlling
675 order under paragraph (2) (c) shall state in that order:

676 (a) The basis upon which the tribunal made its
677 determination;

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

679 (c) The total amount of consolidated arrears and accrued
680 interest, if any, under all of the orders after all payments
681 made are credited as provided in s. 88.2091.

682 (7)~~(6)~~ Within 30 days after issuance of an order
683 determining which is the identity of the controlling order, the
684 party obtaining the order shall file a certified copy of it with
685 each tribunal that issued or registered an earlier order of
686 child support. A party or support enforcement agency that ~~who~~
687 obtains the order and fails to file a certified copy is subject
688 to appropriate sanctions by a tribunal in which the issue of
689 failure to file arises. The failure to file does not affect the
690 validity or enforceability of the controlling order.

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

695 Section 12. Section 88.2081, Florida Statutes, is amended
696 to read:

586-03208-11

20111622c1

697 88.2081 ~~Multiple~~ Child support orders for two or more
698 obligees.—In responding to multiple registrations, petitions, or
699 comparable pleadings for enforcement of two or more child
700 support orders in effect at the same time with regard to the
701 same obligor and different individual obligees, at least one of
702 which was issued by a tribunal of another state or a foreign
703 country, a tribunal of this state shall enforce those orders in
704 the same manner as if the multiple orders had been issued by a
705 tribunal of this state.

706 Section 13. Section 88.2091, Florida Statutes, is amended
707 to read:

708 88.2091 Credit for payments.—A tribunal of this state shall
709 credit amounts collected ~~and credited~~ for a particular period
710 pursuant to a child support order against the amount owed issued
711 ~~by a tribunal of another state must be credited against the~~
712 ~~amounts accruing or accrued~~ for the same period under any other
713 child a support order for support of the same child issued by
714 the tribunal of this state, another state, or a foreign country.

715 Section 14. Section 88.2101, Florida Statutes, is created
716 to read:

717 88.2101 Application to nonresident subject to personal
718 jurisdiction.—A tribunal of this state exercising personal
719 jurisdiction over a nonresident in a proceeding under this act,
720 under another law of this state relating to a support order, or
721 recognizing a foreign support order may receive evidence from
722 outside this state pursuant to s. 88.3161, may communicate with
723 a tribunal outside this state pursuant to s. 88.3171, and may
724 obtain discovery through a tribunal outside this state pursuant
725 to s. 88.3181. In all other respects, parts III-VI of this

586-03208-11

20111622c1

726 chapter do not apply and the tribunal shall apply the procedural
727 and substantive law of this state.

728 Section 15. Section 88.2111, Florida Statutes, is created
729 to read:

730 88.2111 Continuing, exclusive jurisdiction to modify
731 spousal support orders.—

732 (1) A tribunal of this state issuing a spousal support
733 order consistent with the law of this state has continuing,
734 exclusive jurisdiction to modify the spousal support order
735 throughout the existence of the obligation.

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

740 (3) A tribunal of this state which has continuing,
741 exclusive jurisdiction over a spousal support order may serve
742 as:

743 (a) An initiating tribunal to request a tribunal of another
744 state to enforce the spousal support order issued in this state;
745 or

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

748 Section 16. Section 88.3011, Florida Statutes, is amended
749 to read:

750 88.3011 Proceedings under this act.—

751 (1) Except as otherwise provided in this act, this section
752 ~~article~~ applies to all proceedings under this act.

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

754 ~~(a) Establishment of an order for spousal support or child~~

586-03208-11

20111622c1

755 ~~support pursuant to part IV;~~

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

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

760 ~~(d) Modification of an order for child support or spousal~~
761 ~~support issued by a tribunal of this state pursuant to ss.~~
762 ~~88.2031-88.2061;~~

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

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

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

768 ~~(2)(3)~~ An individual petitioner or a support enforcement
769 agency may initiate ~~commence~~ a proceeding authorized under this
770 act by filing a petition or a comparable pleading in an
771 initiating tribunal for forwarding to a responding tribunal or
772 by filing a petition or a comparable pleading directly in a
773 tribunal of another state or foreign country that ~~which~~ has or
774 can obtain personal jurisdiction over the respondent.

775 Section 17. Section 88.3021, Florida Statutes, is amended
776 to read:

777 88.3021 Proceeding ~~Action~~ by minor parent.—A minor parent,
778 or a guardian or other legal representative of a minor parent,
779 may maintain a proceeding on behalf of or for the benefit of the
780 minor's child.

781 Section 18. Section 88.3031, Florida Statutes, is amended
782 to read:

783 88.3031 Application of law of state.—Except as otherwise

586-03208-11

20111622c1

784 provided by this act, a responding tribunal of this state shall:

785 (1) ~~Shall~~ Apply the procedural and substantive law,
786 including the rules on choice of law, generally applicable to
787 similar proceedings originating in this state and may exercise
788 all powers and provide all remedies available in those
789 proceedings; and

790 (2) ~~Shall~~ Determine the duty of support and the amount
791 payable in accordance with the law and support guidelines of
792 this state.

793 Section 19. Section 88.3041, Florida Statutes, is amended
794 to read:

795 88.3041 Duties of initiating tribunal.-

796 (1) Upon the filing of a petition or comparable pleading
797 authorized by this act, an initiating tribunal of this state
798 shall forward ~~three copies of~~ the petition and its accompanying
799 documents or a comparable pleading and its accompanying
800 documents:

801 (a) To the responding tribunal or appropriate support
802 enforcement agency in the responding state; or

803 (b) If the identity of the responding tribunal is unknown,
804 to the state information agency of the responding state with a
805 request that they be forwarded to the appropriate tribunal and
806 that receipt be acknowledged.

807 (2) If requested by the a responding tribunal ~~state has not~~
808 ~~enacted this act or a law or procedure substantially similar to~~
809 ~~this act~~, a tribunal of this state shall ~~may~~ issue a certificate
810 or other document and make findings required by the law of the
811 responding state. If the responding tribunal is in a foreign
812 country, upon request ~~state is a foreign jurisdiction, the~~

586-03208-11

20111622c1

813 tribunal of this state shall ~~may~~ specify the amount of support
814 sought, convert that amount into the equivalent amount in the
815 foreign currency under applicable official or market exchange
816 rate as publicly reported, and provide other documents necessary
817 to satisfy the requirements of the responding foreign tribunal
818 state.

819 Section 20. Section 88.3051, Florida Statutes, is amended
820 to read:

821 88.3051 Duties and powers of responding tribunal.—

822 (1) When a responding tribunal of this state receives a
823 petition or comparable pleading from an initiating tribunal or
824 directly pursuant to s. 88.3011(2) ~~s. 88.3011(3)~~, it shall cause
825 the petition or comparable pleading to be filed and notify the
826 petitioner where and when it was filed.

827 (2) A responding tribunal of this state, to the extent not
828 prohibited ~~otherwise authorized~~ by law, may do one or more of
829 the following:

830 (a) Establish Issue or enforce a support order, modify a
831 child support order, determine the controlling child support
832 order, or ~~render a judgment to~~ determine parentage of a child.

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

835 (c) Order income withholding.

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

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

839 (f) Set aside property for satisfaction of the support
840 order.

841 (g) Place liens and order execution on the obligor's

586-03208-11

20111622c1

842 property.

843 (h) Order an obligor to keep the tribunal informed of the
844 obligor's current residential address, electronic mail address,
845 telephone number, employer, address of employment, and telephone
846 number at the place of employment.

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

852 (j) Order the obligor to seek appropriate employment by
853 specified methods.

854 (k) Award reasonable attorney's fees and other fees and
855 costs.

856 (1) Grant any other available remedy.

857 (3) A responding tribunal of this state shall include in a
858 support order issued under this act, or in the documents
859 accompanying the order, the calculations on which the support
860 order is based.

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

864 (5) If a responding tribunal of this state issues an order
865 under this act, the tribunal shall send a copy of the order to
866 the petitioner and the respondent and to the initiating
867 tribunal, if any.

868 (6) If requested to enforce a support order, arrears, or
869 judgment or modify a support order stated in a foreign currency,
870 a responding tribunal of this state shall convert the amount

586-03208-11

20111622c1

871 stated in the foreign currency to the equivalent amount in
872 dollars under the applicable official or market exchange rate as
873 publicly reported.

874 Section 21. Section 88.3061, Florida Statutes, is amended
875 to read:

876 88.3061 Inappropriate tribunal.—If a petition or comparable
877 pleading is received by an inappropriate tribunal of this state,
878 the tribunal ~~it~~ shall forward the pleading and accompanying
879 documents to an appropriate tribunal of ~~in~~ this state or another
880 state and notify the petitioner where and when the pleading was
881 sent.

882 Section 22. Section 88.3071, Florida Statutes, is amended
883 to read:

884 88.3071 Duties of support enforcement agency.—

885 (1) In a proceeding under this act, the support enforcement
886 agency of this state, upon request:

887 (a) Shall provide services to a petitioner residing in a
888 state;

889 (b) Shall provide services to a petitioner requesting
890 services through a central authority of a foreign country; and

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

895 (2) A support enforcement agency of this state which ~~that~~
896 is providing services to the petitioner ~~as appropriate~~ shall:

897 (a) Take all steps necessary to enable an appropriate
898 tribunal of ~~in~~ this state, ~~or~~ another state, or a foreign
899 country to obtain jurisdiction over the respondent.

586-03208-11

20111622c1

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

902 (c) Make a reasonable effort to obtain all relevant
903 information, including information as to income and property of
904 the parties.

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

909 (e) Within 10 days, exclusive of Saturdays, Sundays, and
910 legal holidays, after receipt of a written communication from
911 the respondent or the respondent's attorney, send a copy of the
912 communication to the petitioner.

913 (f) Notify the petitioner if jurisdiction over the
914 respondent cannot be obtained.

915 (3) The support enforcement agency of this state which
916 requests registration of a child support order in this state for
917 enforcement or for modification shall make reasonable efforts:

918 (a) To ensure that the order to be registered is the
919 controlling order; or

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

924 (4) A support enforcement agency of this state which
925 requests registration and enforcement of a support order,
926 arrears, or judgment stated in a foreign currency shall convert
927 the amounts stated in the foreign currency into the equivalent
928 amount in dollars under the applicable official or market

586-03208-11

20111622c1

929 exchange rate as publicly reported.

930 (5) A support enforcement agency of this state shall issue
931 or request a tribunal of this state to issue a child support
932 order and an income-withholding order that redirect payment of
933 current support, arrears, and interest if requested to do so by
934 a support enforcement agency of another state pursuant to s.
935 88.3191.

936 (6)~~(3)~~ This act does not create or negate a relationship of
937 attorney and client or other fiduciary relationship between a
938 support enforcement agency or the attorney for the agency and
939 the individual being assisted by the agency.

940 Section 23. Section 88.3081, Florida Statutes, is amended
941 to read:

942 88.3081 Duty of Governor and Cabinet.—

943 (1) If the Governor and Cabinet determine that the support
944 enforcement agency is neglecting or refusing to provide services
945 to an individual, the Governor and Cabinet may order the agency
946 to perform its duties under this act or may provide those
947 services directly to the individual.

948 (2) The Governor and Cabinet may determine that a foreign
949 country has established reciprocal arrangements for child
950 support with this state and take appropriate action for
951 notification of the determination.

952 Section 24. Section 88.3101, Florida Statutes, is amended
953 to read:

954 88.3101 Duties of state information agency.—

955 (1) The Department of Revenue is the state information
956 agency under this act.

957 (2) The state information agency shall:

586-03208-11

20111622c1

958 (a) Compile and maintain a current list, including
959 addresses, of the tribunals in this state which have
960 jurisdiction under this act and any support enforcement agencies
961 in this state and transmit a copy to the state information
962 agency of every other state.

963 (b) Maintain a register of names and addresses of tribunals
964 and support enforcement agencies received from other states.

965 (c) Forward to the appropriate tribunal in the place in
966 this state in which the ~~individual~~ obligee, who is an
967 individual, or the obligor resides, or in which the obligor's
968 property is believed to be located, all documents concerning a
969 proceeding under this act received from another state or foreign
970 country ~~an initiating tribunal or the state information agency~~
971 ~~of the initiating state~~.

972 (3) Obtain information concerning the location of the
973 obligor and the obligor's property within this state not exempt
974 from execution, by such means as postal verification and federal
975 or state locator services, examination of telephone directories,
976 requests for the obligor's address from employers, and
977 examination of governmental records, including, to the extent
978 not prohibited by other law, those relating to real property,
979 vital statistics, law enforcement, taxation, motor vehicles,
980 driver's licenses, and social security.

981 Section 25. Section 88.3111, Florida Statutes, is amended
982 to read:

983 88.3111 Pleadings and accompanying documents.—

984 (1) In a proceeding under this act, a petitioner seeking to
985 establish ~~or modify~~ a support order, ~~or~~ to determine parentage
986 of a child, or to register and modify a support order of a

586-03208-11

20111622c1

987 tribunal of another state or foreign country shall in a
988 ~~proceeding under this act must~~ verify the petition or comparable
989 pleading. Unless otherwise ordered under s. 88.3121
990 ~~(nondisclosure of information in exceptional circumstances)~~, the
991 petition or comparable pleading or the documents accompanying
992 ~~either~~ the petition or comparable pleading must provide, so far
993 as known, the name, residential address, and social security
994 numbers of the obligor and the obligee, or the parent and
995 alleged parent, and the name, sex, residential address, social
996 security number, and date of birth of each child for whom
997 support is sought or whose parentage is to be determined. Unless
998 filed at the time of registration, the petition must be
999 accompanied by a ~~certified~~ copy of any support order known to
1000 have been issued by another tribunal in effect. The petition may
1001 include any other information that may assist in locating or
1002 identifying the respondent.

1003 (2) The petition must specify the relief sought. The
1004 petition and accompanying documents must conform substantially
1005 with the requirements imposed by the forms mandated by federal
1006 law for use in cases filed by a support enforcement agency.

1007 Section 26. Section 88.3121, Florida Statutes, is amended
1008 to read:

1009 88.3121 Nondisclosure of information in exceptional
1010 circumstances.—If a party alleges in an affidavit or a pleading
1011 under oath that the health, safety, or liberty of a party or
1012 child would be jeopardized by disclosure of specific identifying
1013 information, that information must be sealed and may not be
1014 disclosed to the other party or the public. After a hearing in
1015 which a tribunal takes into consideration the health, safety, or

586-03208-11

20111622c1

1016 liberty of the party or child, the tribunal may order disclosure
1017 of information that the tribunal determines to be in the
1018 interest of justice. ~~Upon a finding, which may be made ex parte,~~
1019 ~~that the health, safety, or liberty of a party or child would be~~
1020 ~~unreasonably put at risk by the disclosure of identifying~~
1021 ~~information, or if an existing order so provides, a tribunal~~
1022 ~~shall order that the address of the child or party or other~~
1023 ~~identifying information not be disclosed in a pleading or other~~
1024 ~~document filed in a proceeding under this act.~~

1025 Section 27. Section 88.3131, Florida Statutes, is amended
1026 to read:

1027 88.3131 Costs and fees.—

1028 (1) The petitioner may not be required to pay a filing fee
1029 or other costs.

1030 (2) If an obligee prevails, a responding tribunal of this
1031 state may assess against an obligor filing fees, reasonable
1032 attorney's fees, other costs, and necessary travel and other
1033 reasonable expenses incurred by the obligee and the obligee's
1034 witnesses. The tribunal may not assess fees, costs, or expenses
1035 against the obligee or the support enforcement agency of either
1036 the initiating or the responding state or foreign country,
1037 except as provided by other law. Attorney's fees may be taxed as
1038 costs, and may be ordered paid directly to the attorney, who may
1039 enforce the order in the attorney's own name. Payment of support
1040 owed to the obligee has priority over fees, costs, and expenses.

1041 (3) The tribunal shall order the payment of costs and
1042 reasonable attorney's fees if it determines that a hearing was
1043 requested primarily for delay. In a proceeding under part VI of
1044 this chapter, a hearing is presumed to have been requested

586-03208-11

20111622c1

1045 primarily for delay if a registered support order is confirmed
1046 or enforced without change.

1047 Section 28. Section 88.3141, Florida Statutes, is amended
1048 to read:

1049 88.3141 Limited immunity of petitioner.—

1050 (1) Participation by a petitioner in a proceeding under
1051 this act before a responding tribunal, whether in person, by
1052 private attorney, or through services provided by the support
1053 enforcement agency, does not confer personal jurisdiction over
1054 the petitioner in another proceeding.

1055 (2) A petitioner is not amenable to service of civil
1056 process while physically present in this state to participate in
1057 a proceeding under this act.

1058 (3) The immunity granted by this section does not extend to
1059 civil litigation based on acts unrelated to a proceeding under
1060 this act committed by a party while present in this state to
1061 participate in the proceeding.

1062 Section 29. Section 88.3161, Florida Statutes, is amended
1063 to read:

1064 88.3161 Special rules of evidence and procedure.—

1065 (1) The physical presence of a nonresident party who is an
1066 individual ~~the petitioner~~ in a ~~responding~~ tribunal of this state
1067 is not required for the establishment, enforcement, or
1068 modification of a support order or the rendition of a judgment
1069 determining parentage of a child.

1070 (2) ~~An A-verified petition or other comparable pleading,~~
1071 affidavit ~~or,~~ document substantially complying with federally
1072 mandated forms, and a document incorporated by reference in any
1073 of them, which would not be excluded under the hearsay rule if

586-03208-11

20111622c1

1074 given in person, is admissible in evidence if given under
1075 penalty of perjury ~~oath~~ by a party or witness residing outside
1076 this in another state.

1077 (3) A copy of the record of child support payments
1078 certified as a true copy of the original by the custodian of the
1079 record may be forwarded to a responding tribunal. The copy is
1080 evidence of facts asserted in it, and is admissible to show
1081 whether payments were made.

1082 (4) Copies of bills for testing for parentage of a child,
1083 and for prenatal and postnatal health care of the mother and
1084 child, furnished to the adverse party at least 10 days before
1085 trial, are admissible in evidence to prove the amount of the
1086 charges billed and that the charges were reasonable, necessary,
1087 and customary.

1088 (5) Documentary evidence transmitted from outside this
1089 ~~another~~ state to a tribunal of this state by telephone,
1090 telecopier, or other electronic means that do not provide an
1091 original record ~~writing~~ may not be excluded from evidence on an
1092 objection based on the means of transmission.

1093 (6) In a proceeding under this act, a tribunal of this
1094 state shall ~~may~~ permit a party or witness residing outside this
1095 ~~in another~~ state to be deposed or to testify by telephone,
1096 audiovisual means, or other electronic means at a designated
1097 tribunal or other location ~~in that state~~. A tribunal of this
1098 state shall cooperate with other tribunals ~~of other states~~ in
1099 designating an appropriate location for the deposition or
1100 testimony.

1101 (7) If a party called to testify at a civil hearing refuses
1102 to answer on the ground that the testimony may be self-

586-03208-11

20111622c1

1103 incriminating, the trier of fact may draw an adverse inference
1104 from the refusal.

1105 (8) A privilege against disclosure of communications
1106 between spouses does not apply in a proceeding under this act.

1107 (9) The defense of immunity based on the relationship of
1108 husband and wife or parent and child does not apply in a
1109 proceeding under this act.

1110 (10) A voluntary acknowledgment of paternity, certified as
1111 a true copy, is admissible to establish parentage of a child.

1112 Section 30. Section 88.3171, Florida Statutes, is amended
1113 to read:

1114 88.3171 Communications between tribunals.—A tribunal of
1115 this state may communicate with a tribunal outside this ~~of~~
1116 ~~another~~ state in a record writing, or by telephone, electronic
1117 mail, or other means, to obtain information concerning the laws
1118 of that state, the legal effect of a judgment, decree, or order
1119 of that tribunal, and the status of a proceeding ~~in the other~~
1120 ~~state~~. A tribunal of this state may furnish similar information
1121 by similar means to a tribunal outside this ~~of another~~ state.

1122 Section 31. Section 88.3181, Florida Statutes, is amended
1123 to read:

1124 88.3181 Assistance with discovery.—A tribunal of this state
1125 may:

1126 (1) Request a tribunal outside this ~~of another~~ state to
1127 assist in obtaining discovery.

1128 (2) Upon request, compel a person over whom it has
1129 jurisdiction to respond to a discovery order issued by a
1130 tribunal outside this ~~of another~~ state.

1131 Section 32. Section 88.3191, Florida Statutes, is amended

586-03208-11

20111622c1

1132 to read:

1133 88.3191 Receipt and disbursement of payments.—

1134 (1) A support enforcement agency or tribunal of this state
1135 shall disburse promptly any amounts received pursuant to a
1136 support order, as directed by the order. The agency or tribunal
1137 shall furnish to a requesting party or tribunal of another state
1138 a certified statement by the custodian of the record of the
1139 amounts and dates of all payments received.

1140 (2) If the obligor, obligee, and child reside in this
1141 state, upon request from the support enforcement agency of this
1142 state or another state, the support enforcement agency of this
1143 state or a tribunal of this state shall:

1144 (a) Direct that the support payment be made to the support
1145 enforcement agency in the state in which the obligee is
1146 receiving services; and

1147 (b) Issue and send to the obligor's employer a conforming
1148 income-withholding order or an administrative notice of change
1149 of payee, reflecting the redirected payments.

1150 (3) The support enforcement agency of this state receiving
1151 redirected payments from another state pursuant to a law similar
1152 to subsection (2) shall furnish to a requesting party or
1153 tribunal of the other state a certified statement by the
1154 custodian of the record of the amount and dates of all payments
1155 received.

1156 Section 33. Section 88.4011, Florida Statutes, is amended
1157 to read:

1158 88.4011 Establishment of ~~Petition to establish~~ support
1159 order.—

1160 (1) If a support order entitled to recognition under this

586-03208-11

20111622c1

1161 act has not been issued, a responding tribunal of this state
1162 having personal jurisdiction over the parties may issue a
1163 support order if:

1164 (a) The individual seeking the order resides outside this
1165 ~~in another~~ state; or

1166 (b) The support enforcement agency seeking the order is
1167 located outside this ~~in another~~ state.

1168 (2) The tribunal may issue a temporary child support order
1169 if the tribunal determines that such an order is appropriate and
1170 the person who is ordered to pay is:

1171 (a) Presumed to be the father of the child;

1172 (b) Petitioning to have his paternity adjudicated;

1173 (c) Identified as the father of the child through genetic
1174 testing;

1175 (d) An alleged father who has declined to submit to genetic
1176 testing;

1177 (e) Shown by clear and convincing evidence to be the father
1178 of the child;

1179 (f) An acknowledged father as provided by applicable state
1180 law;

1181 (g) The mother of the child; or

1182 (h) A person who has been ordered to pay child support in a
1183 previous proceeding and the order has not been reversed or
1184 vacated.

1185 ~~(a) The respondent has signed a verified statement~~
1186 ~~acknowledging parentage;~~

1187 ~~(b) The respondent has been determined by or pursuant to~~
1188 ~~law to be the parent; or~~

1189 ~~(c) There is other clear and convincing evidence that the~~

586-03208-11

20111622c1

1190 ~~respondent is the child's parent.~~

1191 (3) Upon finding, after notice and opportunity to be heard,
1192 that an obligor owes a duty of support, the tribunal shall issue
1193 a support order directed to the obligor and may issue other
1194 orders pursuant to s. 88.3051.

1195 Section 34. Section 88.5011, Florida Statutes, is amended
1196 to read:

1197 88.5011 Employer's receipt of income-withholding order of
1198 another state.—An income-withholding order issued in another
1199 state may be sent by or on behalf of the obligee, or by the
1200 support enforcement agency, to the person or entity defined as
1201 the obligor's employer under the income deduction law of this
1202 state or payor as defined by s. 61.046, without first filing a
1203 petition or comparable pleading or registering the order with a
1204 tribunal of this state.

1205 Section 35. Section 88.5031, Florida Statutes, is amended
1206 to read:

1207 88.5031 Employer's compliance with two or more ~~multiple~~
1208 income-withholding orders.—If an ~~the~~ obligor's employer receives
1209 multiple income-withholding orders with respect to the earnings
1210 of the same obligor, the employer satisfies the terms of the two
1211 or more ~~multiple~~ orders if the employer complies with the law of
1212 the state of the obligor's principal place of employment to
1213 establish the priorities for withholding and allocating income
1214 withheld for two or more ~~multiple~~ child support obligees.

1215 Section 36. Section 88.5041, Florida Statutes, is amended
1216 to read:

1217 88.5041 Immunity from civil liability.—An employer who
1218 complies with an income-withholding order issued outside this ~~in~~

586-03208-11

20111622c1

1219 ~~another~~ state in accordance with this article is not subject to
1220 civil liability to an individual or agency with regard to the
1221 employer's withholding of child support from the obligor's
1222 income.

1223 Section 37. Section 88.5051, Florida Statutes, is amended
1224 to read:

1225 88.5051 Penalties for noncompliance.—An employer who
1226 willfully fails to comply with an income-withholding order
1227 issued outside this ~~by another~~ state and received for
1228 enforcement is subject to the same penalties that may be imposed
1229 for noncompliance with an order issued by a tribunal of this
1230 state.

1231 Section 38. Section 88.5061, Florida Statutes, is amended
1232 to read:

1233 88.5061 Contest by obligor.—

1234 (1) An obligor may contest the validity or enforcement of
1235 an income-withholding order issued in another state and received
1236 directly by an employer in this state by registering the order
1237 in a tribunal of this state and filing a contest to that order
1238 as provided in part VI of this chapter, or otherwise contesting
1239 the order in the same manner as if the order had been issued by
1240 a tribunal of this state. ~~Section 88.6041, choice of law,~~
1241 ~~applies to the contest.~~

1242 (2) The obligor shall give notice of the contest to:

1243 (a) A support enforcement agency providing services to the
1244 obligee;

1245 (b) Each employer that has directly received an income-
1246 withholding order relating to the obligor; and

1247 (c) The person ~~or agency~~ designated to receive payments in

586-03208-11

20111622c1

1248 the income-withholding order, or if no person ~~or agency~~ is
1249 designated, to the obligee.

1250 Section 39. Section 88.5071, Florida Statutes, is amended
1251 to read:

1252 88.5071 Administrative enforcement of orders.—

1253 (1) A party or support enforcement agency seeking to
1254 enforce a support order or an income-withholding order, or both,
1255 issued in ~~by a tribunal of~~ another state or a foreign support
1256 order may send the documents required for registering the order
1257 to a support enforcement agency of this state.

1258 (2) Upon receipt of the documents, the support enforcement
1259 agency, without initially seeking to register the order, shall
1260 consider and, if appropriate, use any administrative procedure
1261 authorized by the law of this state to enforce a support order
1262 or an income-withholding order, or both. If the obligor does not
1263 contest administrative enforcement, the order need not be
1264 registered. If the obligor contests the validity or
1265 administrative enforcement of the order, the support enforcement
1266 agency shall register the order pursuant to this act.

1267 Section 40. Section 88.6011, Florida Statutes, is amended
1268 to read:

1269 88.6011 Registration of order for enforcement.—A support
1270 order or an income-withholding order issued in ~~by a tribunal of~~
1271 another state or a foreign support order may be registered in
1272 this state for enforcement.

1273 Section 41. Section 88.6021, Florida Statutes, is amended
1274 to read:

1275 88.6021 Procedure to register order for enforcement.—

1276 (1) Except as otherwise provided in s. 88.7061, a support

586-03208-11

20111622c1

1277 order or income-withholding order of another state or a foreign
1278 support order may be registered in this state by sending the
1279 following records ~~documents and information~~ to the appropriate
1280 tribunal in this state:

1281 (a) A letter of transmittal to the tribunal requesting
1282 registration and enforcement.

1283 (b) Two copies, including one certified copy, of the order
1284 ~~all orders~~ to be registered, including any modification of the
1285 ~~an~~ order.

1286 (c) A sworn statement by the person requesting ~~party~~
1287 ~~seeking~~ registration or a certified statement by the custodian
1288 of the records showing the amount of any arrearage.

1289 (d) The name of the obligor and, if known:

- 1290 1. The obligor's address and social security number.
- 1291 2. The name and address of the obligor's employer and any
1292 other source of income of the obligor.
- 1293 3. A description and the location of property of the
1294 obligor in this state not exempt from execution.

1295 (e) Except as otherwise provided in s. 88.3121, the name
1296 and address of the obligee and, if applicable, the ~~agency or~~
1297 person to whom support payments are to be remitted.

1298 (2) On receipt of a request for registration, the
1299 registering tribunal shall cause the order to be filed as an
1300 order of a tribunal of another state or a foreign support order
1301 ~~a foreign judgment~~, together with one copy of the documents and
1302 information, regardless of their form.

1303 (3) A petition or comparable pleading seeking a remedy that
1304 must be affirmatively sought under other law of this state may
1305 be filed at the same time as the request for registration or

586-03208-11

20111622c1

1306 later. The pleading must specify the grounds for the remedy
1307 sought.

1308 (4) If two or more orders are in effect, the person
1309 requesting registration shall:

1310 (a) Furnish to the tribunal a copy of every support order
1311 asserted to be in effect in addition to the documents specified
1312 in this section;

1313 (b) Specify the order alleged to be the controlling order,
1314 if any; and

1315 (c) Specify the amount of consolidated arrears, if any.

1316 (5) A request for a determination of which is the
1317 controlling order may be filed separately, may be filed with a
1318 request for registration and enforcement, or may be filed with a
1319 request for registration and modification. The person requesting
1320 registration shall give notice of the request to each party
1321 whose rights may be affected by the determination.

1322 Section 42. Section 88.6031, Florida Statutes, is amended
1323 to read:

1324 88.6031 Effect of registration for enforcement.—

1325 (1) A support order or income-withholding order issued in
1326 another state or a foreign support order is registered when the
1327 order is filed in the registering tribunal of this state.

1328 (2) A registered support order issued in another state or
1329 in a foreign country is enforceable in the same manner and is
1330 subject to the same procedures as an order issued by a tribunal
1331 of this state.

1332 (3) Except as otherwise provided in this act ~~article~~, a
1333 tribunal of this state shall recognize and enforce, but may not
1334 modify, a registered support order if the issuing tribunal had

586-03208-11

20111622c1

1335 jurisdiction.

1336 Section 43. Section 88.6041, Florida Statutes, is amended
1337 to read:

1338 88.6041 Choice of law.—

1339 (1) Except as otherwise provided in subsection (4), the law
1340 of the issuing state governs:

1341 (a) The nature, extent, amount, and duration of current
1342 payments and other obligations of support and the payment of
1343 arrearages under a registered ~~the~~ order.

1344 (b) The computation and payment of arrearages and accrual
1345 of interest on the arrearages under the support order.

1346 (c) The existence and satisfaction of other obligations
1347 under the support order.

1348 (2) In a proceeding for arrearages under a registered
1349 support order, the statute of limitation ~~under the laws~~ of this
1350 state or of the issuing state or foreign country, whichever is
1351 longer, applies.

1352 (3) A responding tribunal of this state shall apply the
1353 procedures and remedies of this state to enforce current support
1354 and collect arrears and interest due on a support order of
1355 another state or foreign country registered in this state.

1356 (4) After a tribunal of this or another state determines
1357 which is the controlling order and issues an order consolidating
1358 arrears, if any, a tribunal of this state shall prospectively
1359 apply the law of the state or foreign country issuing the
1360 controlling order, including its law on interest on arrears, on
1361 current and future support, and on consolidated arrears.

1362 Section 44. Section 88.6051, Florida Statutes, is amended
1363 to read:

586-03208-11

20111622c1

1364 88.6051 Notice of registration of order.—

1365 (1) When a support order or income-withholding order issued
1366 in another state or foreign country is registered, the
1367 registering tribunal of this state shall notify the
1368 nonregistering party. The notice must be accompanied by a copy
1369 of the registered order and the documents and relevant
1370 information accompanying the order.

1371 (2) The notice must inform the nonregistering party:

1372 (a) That a registered order is enforceable as of the date
1373 of registration in the same manner as an order issued by a
1374 tribunal of this state.

1375 (b) That a hearing to contest the validity or enforcement
1376 of the registered order must be requested within 20 days after
1377 notice unless the registered order is contested under s. 88.7071
1378 ~~the date of mailing or personal service of the notice.~~

1379 (c) That failure to contest the validity or enforcement of
1380 the registered order in a timely manner will result in
1381 confirmation of the order and enforcement of the order and the
1382 alleged arrearages ~~and precludes further contest of that order~~
1383 ~~with respect to any matter that could have been asserted.~~

1384 (d) Of the amount of any alleged arrearages.

1385 (3) If the registering party asserts that two or more
1386 orders are in effect, a notice must also:

1387 (a) Identify the two or more orders and the order alleged
1388 by the registering party to be the controlling order and the
1389 consolidated arrears, if any;

1390 (b) Notify the nonregistering party of the right to a
1391 determination of which is the controlling order;

1392 (c) State that the procedures provided in paragraph (b)

586-03208-11

20111622c1

1393 apply to the determination of which is the controlling order;
1394 and

1395 (d) State that failure to contest the validity or
1396 enforcement of the order alleged to be the controlling order in
1397 a timely manner may result in confirmation that the order is the
1398 controlling order.

1399 (4)~~(3)~~ Upon registration of an income-withholding order for
1400 enforcement, the support enforcement agency or the registering
1401 tribunal shall notify the obligor's employer pursuant to chapter
1402 61 or other income deduction law of this state.

1403 Section 45. Section 88.6061, Florida Statutes, is amended
1404 to read:

1405 88.6061 Procedure to contest validity or enforcement of
1406 registered order.—

1407 (1) A nonregistering party seeking to contest the validity
1408 or enforcement of a registered order in this state shall request
1409 a hearing within the time required by s. 88.6051 ~~20 days after~~
1410 ~~notice of the registration.~~ The nonregistering party may seek to
1411 vacate the registration, to assert any defense to an allegation
1412 of noncompliance with the registered order, or to contest the
1413 remedies being sought or the amount of any alleged arrearages
1414 pursuant to s. 88.6071.

1415 (2) If the nonregistering party fails to contest the
1416 validity or enforcement of the registered support order in a
1417 timely manner, the order is confirmed by operation of law.

1418 (3) If a nonregistering party requests a hearing to contest
1419 the validity or enforcement of the registered support order, the
1420 registering tribunal shall schedule the matter for hearing and
1421 give notice to the parties of the date, time, and place of the

586-03208-11

20111622c1

1422 hearing.

1423 Section 46. Section 88.6071, Florida Statutes, is amended
1424 to read:

1425 88.6071 Contest of registration or enforcement.—

1426 (1) A party contesting the validity or enforcement of a
1427 registered support order or seeking to vacate the registration
1428 has the burden of proving one or more of the following defenses:

1429 (a) The issuing tribunal lacked personal jurisdiction over
1430 the contesting party;

1431 (b) The order was obtained by fraud;

1432 (c) The order has been vacated, suspended, or modified by a
1433 later order;

1434 (d) The issuing tribunal has stayed the order pending
1435 appeal;

1436 (e) There is a defense under the law of this state to the
1437 remedy sought;

1438 (f) Full or partial payment has been made; ~~or~~

1439 (g) The statute of limitation under s. 88.6041 precludes
1440 enforcement of some or all of the alleged arrearages; or

1441 (h) The alleged controlling order is not the controlling
1442 order.

1443 (2) If a party presents evidence establishing a full or
1444 partial defense under subsection (1), a tribunal may stay
1445 enforcement of the registered support order, continue the
1446 proceeding to permit production of additional relevant evidence,
1447 and issue other appropriate orders. An uncontested portion of
1448 the registered support order may be enforced by all remedies
1449 available under the law of this state.

1450 (3) If the contesting party does not establish a defense

586-03208-11

20111622c1

1451 under subsection (1) to the validity or enforcement of the
1452 registered support order, the registering tribunal shall issue
1453 an order confirming the order.

1454 Section 47. Section 88.6081, Florida Statutes, is amended
1455 to read:

1456 88.6081 Confirmed order.—Confirmation of a registered
1457 support order, whether by operation of law or after notice and
1458 hearing, precludes further contest of the order with respect to
1459 any matter that could have been asserted at the time of
1460 registration.

1461 Section 48. Section 88.6101, Florida Statutes, is amended
1462 to read:

1463 88.6101 Effect of registration for modification.—A tribunal
1464 of this state may enforce a child support order of another state
1465 registered for purposes of modification, in the same manner as
1466 if the order had been issued by a tribunal of this state, but
1467 the registered support order may be modified only if the
1468 requirements of s. 88.6111 or s. 88.6131 have been met.

1469 Section 49. Section 88.6111, Florida Statutes, is amended
1470 to read:

1471 88.6111 Modification of child support order of another
1472 state.—

1473 (1) If s. 88.6131 does not apply and except as otherwise
1474 provided in s. 88.615, upon petition, a tribunal of this state
1475 may modify ~~After~~ a child support order issued in another state
1476 which is has been registered in this state if, the responding
1477 ~~tribunal of this state may modify that order only if s. 88.6131~~
1478 ~~does not apply and~~ after notice and hearing, the tribunal ~~it~~
1479 finds that:

586-03208-11

20111622c1

1480 (a) The following requirements are met:

1481 1. The child, the individual obligee, and the obligor do
1482 not reside in the issuing state;

1483 2. A petitioner who is a nonresident of this state seeks
1484 modification; and

1485 3. The respondent is subject to the personal jurisdiction
1486 of the tribunal of this state; or

1487 (b) This state is the residence of the child, or a party
1488 who is an individual, is subject to the personal jurisdiction of
1489 the tribunal of this state and all of the parties who are
1490 individuals have filed written consents in a record in the
1491 issuing tribunal for a tribunal of this state to modify the
1492 support order and assume continuing exclusive jurisdiction over
1493 ~~the order. However, if the issuing state is a foreign~~
1494 ~~jurisdiction that has not enacted a law or established~~
1495 ~~procedures substantially similar to the procedures under this~~
1496 ~~act, the consent otherwise required of an individual residing in~~
1497 ~~this state is not required for the tribunal to assume~~
1498 ~~jurisdiction to modify the child support order.~~

1499 (2) Modification of a registered child support order is
1500 subject to the same requirements, procedures, and defenses that
1501 apply to the modification of an order issued by a tribunal of
1502 this state and the order may be enforced and satisfied in the
1503 same manner.

1504 (3) A tribunal of this state may not modify any aspect of a
1505 child support order that may not be modified under the law of
1506 the issuing state, including the duration of the obligation of
1507 support. If two or more tribunals have issued child support
1508 orders for the same obligor and child, the order that controls

586-03208-11

20111622c1

1509 and must be so recognized under s. 88.2071 establishes the
1510 aspects of the support order which are nonmodifiable.

1511 (5) In a proceeding to modify a child support order, the
1512 law of the state that is determined to have issued the
1513 controlling order governs the duration of the obligation of
1514 support. The obligor's fulfillment of the duty of support
1515 established by that order precludes imposition of a further
1516 obligation of support by a tribunal of this state.

1517 (6) ~~(4)~~ On the issuance of an order by a tribunal of this
1518 state modifying a child support order issued in another state, a
1519 tribunal of this state becomes the tribunal of continuing
1520 exclusive jurisdiction.

1521 (7) Notwithstanding subsections (1)-(5) or s. 88.2011(2), a
1522 tribunal of this state retains jurisdiction to modify an order
1523 issued by a tribunal of this state if:

1524 (a) One party resides in another state; and

1525 (b) The other party resides outside the United States.

1526 Section 50. Section 88.6121, Florida Statutes, is amended
1527 to read:

1528 88.6121 Recognition of order modified in another state.—If
1529 a child support order issued by a tribunal of this state is
1530 modified shall recognize a modification of its earlier child
1531 support order by a tribunal of another state which assumed
1532 jurisdiction pursuant to this act, a tribunal of this state act
1533 er a law substantially similar to this act and, upon request,
1534 except as otherwise provided in this act, shall:

1535 (1) May enforce the order that was modified only as to
1536 arrears and interest amounts accruing before the modification.

1537 ~~(2) Enforce only nonmodifiable aspects of that order.~~

586-03208-11

20111622c1

1538 ~~(2)(3)~~ May provide other appropriate relief only for
1539 violations of that order which occurred before the effective
1540 date of the modification.

1541 ~~(3)(4)~~ Shall recognize the modifying order of the other
1542 state, upon registration, for the purpose of enforcement.

1543 Section 51. Section 88.6151, Florida Statutes, is created
1544 to read:

1545 88.6151 Jurisdiction to modify a child support order of a
1546 foreign country.—Except as otherwise provided in s. 88.7111, if
1547 a foreign country lacks jurisdiction or refuses to exercise
1548 jurisdiction to modify its child support order pursuant to its
1549 laws, a tribunal of this state may assume jurisdiction to modify
1550 the child support order and bind all persons subject to the
1551 personal jurisdiction of the tribunal whether or not the consent
1552 to modification of a child support order otherwise required of
1553 the person pursuant to s. 88.6111 has been given or whether the
1554 person seeking modification is a resident of this state or of
1555 the foreign country.

1556 Section 52. Section 88.6161, Florida Statutes, is created
1557 to read:

1558 88.6161 Procedure to register child support order of
1559 foreign country for modification.—A party or support enforcement
1560 agency seeking to modify, or to modify and enforce, a foreign
1561 child support order may register that order in this state as
1562 provided in ss. 88.6011-88.6081, if the order has not been
1563 registered. A petition for modification may be filed at the same
1564 time as a request for registration or at another time. The
1565 petition must specify the grounds for modification.

1566 Section 53. Section 88.7011, Florida Statutes, is repealed.

586-03208-11

20111622c1

1567 Section 54. Section 88.7021, Florida Statutes, is created
1568 to read:

1569 88.7021 Applicability.—This part applies only to a support
1570 proceeding involving a foreign country in which the convention
1571 is in force with respect to the United States. In such a
1572 proceeding, if a provision of this part is inconsistent with a
1573 provision in parts I-VI, this part controls.

1574 Section 55. Section 88.7031, Florida Statutes, is created
1575 to read:

1576 88.7031 Relationship of the Department of Children and
1577 Family Services to United States Central Authority.—The
1578 Department of Children and Family Services of this state is
1579 recognized as the agency designated by the United States Central
1580 Authority to perform specific functions under the convention.

1581 Section 56. Section 88.7041, Florida Statutes, is created
1582 to read:

1583 88.7041 Initiation by governmental entity of support
1584 proceedings subject to convention.—

1585 (1) In a proceeding subject to the convention, the
1586 governmental entity of this state shall:

1587 (a) Transmit and receive applications; and

1588 (b) Initiate or facilitate the institution of a proceeding
1589 regarding an application in a tribunal of this state.

1590 (2) The following support proceedings are available to an
1591 obligee under the convention:

1592 (a) Recognition or recognition and enforcement of a foreign
1593 support order;

1594 (b) Enforcement of a support order issued or recognized in
1595 this state;

586-03208-11

20111622c1

1596 (c) Establishment of a support order if there is no
1597 existing order, including, where necessary, determination of
1598 parentage;

1599 (d) Establishment of a support order if recognition of a
1600 foreign support order is not possible or is refused because of
1601 the lack of a basis for recognition and enforcement under s.
1602 88.7081 or on grounds specified in s. 88.7091(2) or (5);

1603 (e) Modification of a support order made by a tribunal of
1604 this state; and

1605 (f) Modification of a foreign support order.

1606 (3) The following support proceedings are available under
1607 the convention to an obligor against whom there is an existing
1608 support order:

1609 (a) Recognition of an order suspending or limiting
1610 enforcement of an existing support order of a tribunal of this
1611 state;

1612 (b) Modification of a support order of a tribunal of this
1613 state; and

1614 (c) Modification of a support order of a tribunal of
1615 another state or foreign country.

1616 (4) A tribunal of this state may not require security,
1617 bond, or deposit, however described, to guarantee the payment of
1618 costs and expenses in proceedings under the convention.

1619 Section 57. Section 88.7051, Florida Statutes, is created
1620 to read:

1621 88.7051 Direct request.—

1622 (1) A petitioner may file a direct request in a tribunal of
1623 this state seeking the establishment or modification of a
1624 support order or determination of parentage. In the proceeding,

586-03208-11

20111622c1

1625 the law of this state applies.

1626 (2) A petitioner may file a direct request in a tribunal of
1627 this state seeking the recognition and enforcement of a support
1628 order or support agreement. In such a proceeding, the provisions
1629 of ss. 88.7061-88.7121 apply.

1630 (3) In a direct request for recognition and enforcement of
1631 a foreign support order or agreement:

1632 (a) Security, bond, or deposit is not required to guarantee
1633 the payment of costs and expenses related to the proceedings;
1634 and

1635 (b) The obligee or obligor, who in the issuing country has
1636 benefited from free legal assistance, is entitled to benefit, at
1637 least to the same extent, from any free legal assistance
1638 provided for by the law of this state under the same
1639 circumstances.

1640 (4) A person filing directly to a tribunal may not receive
1641 assistance from the governmental entity.

1642 (5) This part does not prevent the application of laws of
1643 this state which provide simplified, more expeditious rules
1644 regarding a direct request for recognition and enforcement of a
1645 foreign support order or support agreement.

1646 Section 58. Section 88.7061, Florida Statutes, is created
1647 to read:

1648 88.7061 Registration of support order subject to
1649 convention.-

1650 (1) Except as otherwise provided in this part VII of this
1651 chapter, a party who is a person or a support enforcement agency
1652 seeking recognition of a foreign support order subject to the
1653 convention shall register the order in this state as provided in

586-03208-11

20111622c1

1654 part VI of this chapter.

1655 (2) Notwithstanding ss. 88.3111 and 88.6021, a request for
1656 registration of a foreign support order subject to the
1657 convention shall be accompanied by:

1658 (a) The complete text of the support order, or an abstract
1659 or extract of the support order drawn up by the issuing foreign
1660 tribunal, which may be in the form recommended by the Hague
1661 Conference on Private International Law;

1662 (b) A record stating that the support order is enforceable
1663 in the issuing country;

1664 (c) If the respondent did not appear and was not
1665 represented in the proceedings in the issuing country, a record
1666 attesting, as appropriate, that the respondent had proper notice
1667 of the proceedings and an opportunity to be heard or that the
1668 respondent had proper notice of the support order and the
1669 opportunity to challenge or appeal it on fact and law;

1670 (d) If necessary, a record showing the amount of any
1671 arrears, and the date the amount was calculated;

1672 (e) If necessary, a record showing a requirement for
1673 automatic adjustment of the amount of support, if any, and the
1674 information necessary to make the appropriate calculations; and

1675 (f) If necessary, a record showing the extent to which the
1676 applicant received free legal assistance in the issuing country.

1677 (3) A request for registration of a foreign support order
1678 may seek recognition and partial enforcement of the order.

1679 (4) A tribunal of this state may refuse to register a
1680 foreign support order only if recognition and enforcement of the
1681 order is manifestly incompatible with public policy.

1682 (5) The tribunal shall promptly notify the parties of the

586-03208-11

20111622c1

1683 registration or the refusal to register a foreign support order.

1684 Section 59. Section 88.7071, Florida Statutes, is created
1685 to read:

1686 88.7071 Contest of validity of foreign support order
1687 subject to the convention.-

1688 (1) Except as otherwise provided in this part, ss. 88.6051-
1689 88.6081 apply to a contest of the validity of a registered
1690 foreign support order subject to the convention.

1691 (2) A party contesting the recognition and enforcement of a
1692 registered foreign support order subject to the convention must
1693 file a contest within 30 days after notice of the registration
1694 unless the contesting party does not reside in the United States
1695 or a state, in which case the contest must be filed within 60
1696 days after notice.

1697 (3) A contest of a registered foreign support order may be
1698 based only on:

1699 (a) The authenticity or integrity of any record transmitted
1700 in accordance with s. 88.7061;

1701 (b) The lack of a basis for enforcement under s. 88.7081;

1702 (c) The grounds for refusing enforcement under s. 88.7091;

1703 or

1704 (d) The payment in part or whole of the alleged arrears.

1705 (4) In a contest of the validity of a registered foreign
1706 support order, a tribunal of this state:

1707 (a) Is bound by the findings of fact on which the foreign
1708 tribunal based its jurisdiction; and

1709 (b) May not review the merits of the support order.

1710 (5) A tribunal of this state deciding a contest of the
1711 validity of a registered foreign support order shall promptly

586-03208-11

20111622c1

1712 notify the parties of its decision.

1713 (6) An appeal, if any, does not stay the enforcement of a
1714 foreign support order unless there are exceptional
1715 circumstances.

1716 Section 60. Section 88.7081, Florida Statutes, is created
1717 to read:

1718 88.7081 Recognition and enforcement of foreign support
1719 order subject to convention.-

1720 (1) A tribunal of this state shall recognize and enforce a
1721 foreign support order subject to the convention if:

1722 (a) The issuing tribunal had personal jurisdiction
1723 consistent with s. 88.2011; and

1724 (b) The order is enforceable in the issuing country.

1725 (2) If a tribunal of this state does not recognize a
1726 foreign support order because under similar facts the tribunal
1727 would not have had personal jurisdiction consistent with s.
1728 88.2011:

1729 (a) The tribunal must allow a reasonable time for a party
1730 to request the tribunal to establish a support order;

1731 (b) The tribunal may not use its refusal to recognize the
1732 foreign support order as a basis for dismissing the request; and

1733 (c) The governmental entity shall take all appropriate
1734 measures to request a child support order for the obligee if the
1735 application for recognition and enforcement was received under
1736 s. 88.7041(1).

1737 (3) If a tribunal of this state is unable to recognize and
1738 enforce the whole of a foreign support order, it shall enforce
1739 any severable part of the order. An application or direct
1740 request may seek recognition and partial enforcement of a

586-03208-11

20111622c1

1741 foreign support order.

1742 Section 61. Section 88.7091, Florida Statutes, is created
1743 to read:

1744 88.7091 Refusal of recognition and enforcement of foreign
1745 support order subject to convention.—A tribunal of this state
1746 may refuse recognition and enforcement of a foreign support
1747 order subject to the convention if:

1748 (1) Recognition and enforcement of the order is manifestly
1749 incompatible with public policy.

1750 (2) The order was obtained by fraud in connection with a
1751 matter of procedure.

1752 (3) A proceeding between the same parties and having the
1753 same purpose is pending before a tribunal of this state and that
1754 proceeding was the first to be instituted.

1755 (4) The order is incompatible with a more recent support
1756 order issued between the same parties and having the same
1757 purpose if the more recent support order is entitled to
1758 recognition and enforcement in this state.

1759 (5) In a case in which the respondent neither appeared nor
1760 was represented in the proceeding in the issuing foreign country
1761 when the law of the country:

1762 (a) Provides for notice of proceedings, the respondent did
1763 not have proper notice of the proceedings and an opportunity to
1764 be heard; or

1765 (b) Does not provide for notice of the proceedings, the
1766 respondent did not have proper notice of the order, and the
1767 opportunity to challenge or appeal it on fact and law.

1768 (6) The order was made in violation of s. 88.7111.

1769 Section 62. Section 88.7101, Florida Statutes, is created

586-03208-11

20111622c1

1770 to read:

1771 88.7101 Foreign support agreement subject to convention.-1772 (1) Except as provided in subsection (4), a tribunal of
1773 this state shall recognize and enforce a foreign support
1774 agreement registered in this state.1775 (2) An application or direct request for recognition and
1776 enforcement of a foreign support agreement shall be accompanied
1777 by:1778 (a) The complete text of the foreign support agreement; and1779 (b) A record stating that the foreign support agreement is
1780 enforceable as a decision in the issuing foreign country.1781 (3) A tribunal of this state may refuse to register a
1782 foreign support agreement only if registration is manifestly
1783 incompatible with public policy.1784 (4) A tribunal of this state may refuse recognition and
1785 enforcement of a foreign support agreement if it finds that:1786 (a) Recognition and enforcement of the agreement is
1787 manifestly incompatible with public policy;1788 (b) The agreement was obtained by fraud or falsification;1789 (c) The agreement is incompatible with a support order
1790 issued between the same parties and having the same purpose, and
1791 issued in this state, another state, or a foreign country if the
1792 support order is entitled to recognition in this state; or1793 (d) The record submitted under paragraph (b) lacks
1794 authenticity or integrity.1795 (5) A proceeding for recognition and enforcement of a
1796 foreign support agreement shall be suspended during the pendency
1797 of a challenge to the agreement before a tribunal of another
1798 state or foreign country.

586-03208-11

20111622c1

1799 Section 63. Section 88.7111, Florida Statutes, is created
1800 to read:

1801 88.7111 Modification of foreign child support order subject
1802 to convention.-

1803 (1) A tribunal of this state may not modify a foreign child
1804 support order if the obligee remains a resident of the foreign
1805 country where the support order was issued unless:

1806 (a) The obligee submits to the jurisdiction of a tribunal
1807 of this state, either expressly or by defending on the merits of
1808 the case without objecting to the jurisdiction at the first
1809 available opportunity; or

1810 (b) The foreign tribunal lacks or refuses to exercise
1811 jurisdiction to modify its support order or issue a new support
1812 order.

1813 (2) If a tribunal of this state does not modify the foreign
1814 child support order because the order is not recognized in this
1815 state, the provisions of s. 88.7081 apply.

1816 Section 64. Section 88.7112, Florida Statutes, is created
1817 to read:

1818 88.7112 Jurisdiction to modify spousal support order of
1819 foreign country.-A tribunal of this state having personal
1820 jurisdiction over the parties may modify a spousal support order
1821 of a foreign tribunal if:

1822 (1) The foreign tribunal lacks or refuses to exercise
1823 jurisdiction to modify its order pursuant to its laws;

1824 (2) There is agreement in writing between the parties to
1825 the jurisdiction of the tribunal of this state; or

1826 (3) The parties submit to the jurisdiction of the tribunal
1827 of this state expressly or by defending on the merits without

586-03208-11

20111622c1

1828 objecting.

1829 Section 65. Section 88.9011, Florida Statutes, is amended
1830 to read:

1831 88.9011 Uniformity of application and construction.—In
1832 applying and construing this uniform act, consideration must be
1833 given to the need to promote uniformity of ~~This act shall be~~
1834 ~~applied and construed to effectuate its general purpose to make~~
1835 ~~uniform~~ the law with respect to the subject matter ~~of this act~~
1836 among states that enact ~~enacting~~ it.

1837 Section 66. Section 88.9021, Florida Statutes, is created
1838 to read:

1839 88.9021 Transitional provision.—This act applies to
1840 proceedings begun on or after July 1, 2011, to establish a
1841 support order or determine parentage of a child or to register,
1842 recognize, enforce, or modify a prior support order,
1843 determination, or agreement, whenever issued or entered.

1844 Section 67. Paragraph (a) of subsection (7) of section
1845 61.13, Florida Statutes, is amended to read:

1846 61.13 Support of children; parenting and time-sharing;
1847 powers of court.—

1848 (7) (a) Each party to any paternity or support proceeding is
1849 required to file with the tribunal as defined in s. 88.1011(34)
1850 ~~s. 88.1011(22)~~ and State Case Registry upon entry of an order,
1851 and to update as appropriate, information on location and
1852 identity of the party, including social security number,
1853 residential and mailing addresses, telephone number, driver's
1854 license number, and name, address, and telephone number of
1855 employer. Each party to any paternity or child support
1856 proceeding in a non-Title IV-D case shall meet the above

586-03208-11

20111622c1

1857 requirements for updating the tribunal and State Case Registry.

1858 Section 68. Paragraph (b) of subsection (5) of section
1859 827.06, Florida Statutes, is amended to read:

1860 827.06 Nonsupport of dependents.—

1861 (5)

1862 (b) The element of knowledge may be proven by evidence that
1863 a court or tribunal as defined by s. 88.1011(34) ~~s. 88.1011(22)~~
1864 has entered an order that obligates the defendant to provide the
1865 support.

1866 Section 69. This act shall take effect upon the earlier of
1867 90 days following Congress amending 42 U.S.C. s. 666(f) to allow
1868 or require states to adopt the 2008 version of the Uniform
1869 Interstate Family Support Act, or 90 days following the state
1870 obtaining a waiver of its state plan requirement under Title IV-
1871 D of the Social Security Act.