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1                           A bill to be entitled

2       An act relating to the Uniform Interstate Family Support

3       Act; amending s. 88.1011, F.S.; revising and providing

4       definitions; amending s. 88.1021, F.S.; designating the

5       Department of Revenue as the support enforcement agency of

6       this state; amending s. 88.1031, F.S.; revising provisions

7       relating to remedies provided by the act; creating s.

8       88.1041, F.S.; providing for applicability of provisions

9       to residents of foreign counties and foreign support

10      proceedings; amending s. 88.2011, F.S.; providing that

11      specified bases of personal jurisdiction may not be used

12      to acquire personal jurisdiction for certain purposes

13      unless specified requirements are met; amending s.

14      88.2021, F.S.; providing for duration of personal

15      jurisdiction; deleting provisions relating to procedure

16      when exercising jurisdiction over nonresident; amending

17      ss. 88.2031 and 88.2041, F.S.; conforming provisions to

18      changes made by the act; amending s. 88.2051, F.S.;

19      revising provisions relating to continuation of exclusive

20      jurisdiction; amending s. 88.2061, F.S.; providing for

21      continuing jurisdiction to enforce child support orders;

22      amending s. 88.2071, F.S.; revising provisions relating to

23      determination of a controlling child support order;

24      amending s. 88.2081, F.S.; revising language relating to

25      child support orders for two or more obligees; amending s.

26      88.2091, F.S.; revising language relating to credit for

27      child support payments; creating s. 88.2101, F.S.;

28      providing for application of the act to a nonresident

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subject to personal jurisdiction; creating s. 88.2111, F.S.; providing for continuing, exclusive jurisdiction to modify a spousal support order; amending s. 88.3011, F.S.; revising provisions relating to applicability of the act; amending ss. 88.3021 and 88.3031, F.S.; revising terminology; amending s. 88.3041, F.S.; revising provisions relating to duties of an initiating tribunal; amending s. 88.3051, F.S.; revising provisions relating to duties and powers of a responding tribunal; amending s. 88.3061, F.S.; revising terminology; amending s. 88.3071, F.S.; revising provisions relating to the duties of a support enforcement agency; amending s. 88.3081, F.S.; providing that the Governor and Cabinet may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination; amending s. 88.3101, F.S.; revising terminology; amending s. 88.3111, F.S.; revising provisions relating to pleadings and accompanying documents; amending s. 88.3121, F.S.; revising requirements for nondisclosure of certain information; amending ss. 88.3131 and 88.3141, F.S.; revising terminology; amending s. 88.3161, F.S.; revising provisions relating to special rules of evidence and procedure; amending ss. 88.3171 and 88.3181, F.S.; revising terminology; amending s. 88.3191, F.S.; revising provisions relating to receipt and disbursement of payments; amending s. 88.4011, F.S.; revising provisions relating to establishment of a support order; providing a

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

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

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88.7121, F.S.; providing jurisdiction to modify a spousal support order of a foreign country; amending s. 88.8011, F.S.; revising terminology; amending s. 88.9011, F.S.; revising provisions relating to the uniformity of application and construction of the act; amending s. 88.9031, F.S.; revising terminology; amending ss. 61.13 and 827.06, F.S.; correcting cross-references; directing the Department of Revenue to apply for a waiver; providing a contingent effective date.

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

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

88.1011 Definitions.—As used in this act:

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

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

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

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

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support.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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the duty of support;

(b) Seek establishment or modification of child support;

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

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

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

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

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

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

88.1021 ~~Tribunal of State~~ tribunal and support enforcement agency.—

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

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

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

283 88.1031 Remedies cumulative.—

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

287 (2) This act does not:

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

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

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

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

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

300 (a) A foreign support order;

301 (b) A foreign tribunal; or

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

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

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

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

314       88.2011 Bases for jurisdiction over nonresident.—

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

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

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

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

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

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

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

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

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appropriate agency; or

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

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

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

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

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

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

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

373 88.2041 Simultaneous proceedings in another state.—

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

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

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

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

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

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

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

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

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

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

401 88.2051 Continuing exclusive jurisdiction.—

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

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

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

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

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

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

(b) Its order is not the controlling order.

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

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

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

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

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



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

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

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

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

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

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

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

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

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476 Support Act; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

625       88.3011 Proceedings under this act.—

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

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

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

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

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

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

637 ~~88.2031–88.2061;~~

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

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

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

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

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

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

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

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

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

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

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



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88.3041 Duties of initiating tribunal.—

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

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

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

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

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

88.3051 Duties and powers of responding tribunal.—

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

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

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

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

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

(c) Order income withholding.

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

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

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

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

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

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

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727 state computer systems for criminal warrants.

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

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

732 (1) Grant any other available remedy.

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

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

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

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

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

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

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

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

760 88.3071 Duties of support enforcement agency.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

819 88.3081 Duty of Governor and Cabinet.—

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

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

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

831 88.3101 Duties of state information agency.—

832 (2) The state information agency shall:

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

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initiating state.

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

88.3111 Pleadings and accompanying documents.—

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

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

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

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

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

882       88.3131 Costs and fees.—

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



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

896 88.3141 Limited immunity of petitioner.—

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

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

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

908 88.3161 Special rules of evidence and procedure.—

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

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

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

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

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

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

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

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

(8) A privilege against disclosure of communications

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

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

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

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

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

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

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

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

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

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

88.3191 Receipt and disbursement of payments.—

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

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

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

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

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

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

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

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

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

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

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

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

(a) A presumed father of the child;

(b) Petitioning to have his paternity adjudicated;

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

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

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

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

(g) The mother of the child; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1091 88.5061 Contest by obligor.—

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

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

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

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

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

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

1110 88.5071 Administrative enforcement of orders.—

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



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

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

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

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

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

1139           88.6021 Procedure to register order for enforcement.—

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

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tribunal in this state:

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

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

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

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

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

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

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

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

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

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

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1172       (4) If two or more orders are in effect, the person  
1173 requesting registration shall:

1174       (a) Furnish to the tribunal a copy of every support order  
1175 asserted to be in effect in addition to the documents specified  
1176 in this section;

1177       (b) Specify the order alleged to be the controlling order,  
1178 if any; and

1179       (c) Specify the amount of consolidated arrears, if any.

1180       (5) A request for a determination of which is the  
1181 controlling order may be filed separately or with a request for  
1182 registration and enforcement or for registration and  
1183 modification. The person requesting registration shall give  
1184 notice of the request to each party whose rights may be affected  
1185 by the determination.

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

1188       88.6031 Effect of registration for enforcement.—

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

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

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

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

1202 88.6041 Choice of law.—

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

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

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

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

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

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

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

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

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88.6051 Notice of registration of order.—

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

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

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

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

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

(d) Of the amount of any alleged arrearages.

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

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

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

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

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

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

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

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

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

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

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

1285 88.6071 Contest of registration or enforcement.—

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

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

1291 (b) The order was obtained by fraud;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

1342 (a) The following requirements are met:

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

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

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

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

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

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

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

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

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

(a) One party resides in another state; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1457       (6) "Foreign support agreement":

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

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

1461       2. Has been:

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

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

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

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

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

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

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

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

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

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

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

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

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

1489 (a) Transmit and receive applications; and

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

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

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

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

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

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

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

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

(f) Modification of a foreign support order.

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

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

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

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

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

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

88.7051 Direct request.—

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1605       (c) The grounds for refusing enforcement under s. 88.7091;  
1606 or

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

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

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

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1613        (b) May not review the merits of the support order.

1614        (5) A tribunal of this state deciding a contest of the  
1615 validity of a registered foreign support order shall promptly  
1616 notify the parties of its decision.

1617        (6) An appeal, if any, does not stay the enforcement of a  
1618 foreign support order unless there are exceptional  
1619 circumstances.

1620        Section 65. Section 88.7081, Florida Statutes, is created  
1621 to read:

1622        88.7081 Recognition and enforcement of foreign support  
1623 order subject to convention.—

1624        (1) A tribunal of this state shall recognize and enforce a  
1625 foreign support order subject to the convention if:

1626        (a) The issuing tribunal had personal jurisdiction  
1627 consistent with s. 88.2011; and

1628        (b) The order is enforceable in the issuing country.

1629        (2) If a tribunal of this state may not recognize a  
1630 foreign support order because under similar facts the tribunal  
1631 would not have had personal jurisdiction consistent with s.  
1632 88.2011:

1633        (a) The tribunal must allow a reasonable time for a party  
1634 to request the tribunal to establish a support order;

1635        (b) The tribunal may not use its refusal to recognize the  
1636 foreign support order as a basis for dismissing the request;

1637        (c) The Department of Revenue shall take all appropriate  
1638 measures to request a child support order for the obligee if the  
1639 application for recognition and enforcement was received under  
1640 s. 88.7041(1).

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

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

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

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

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

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

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

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

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

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

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

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

1675        88.7101 Foreign support agreement subject to convention.-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88.8011 Grounds for rendition.—

(2) The Governor of this state may:

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

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

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

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

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

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

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

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

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

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

827.06 Nonsupport of dependents.—

(5)

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

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



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

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