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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

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

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

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

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

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

128 88.1011 Definitions.—As used in this act:

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

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

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

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

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former spouse, including an unsatisfied obligation to provide 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 or foreign country 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 or foreign country 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

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the 6-month or other period.

(9)~~(5)~~ "Income" includes earnings or other periodic 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 of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country 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 of a child.

(14)~~(10)~~ "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or ~~renders a~~

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judgment determining parentage of a child.

~~(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 issued~~ or a judgment determining parentage of a child has been issued ~~rendered~~;

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

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

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

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

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

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

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

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

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

(19) "Person" means an individual, corporation, business

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trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality or any other legal or commercial entity.

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

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

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

~~(23)(16)~~ "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child proceeding is filed or to which a petition or comparable pleading 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.~~

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

~~(25)(18)~~ "Spousal-support order" means a support order for

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253 a spouse or former spouse of the obligor.

254 ~~(26)~~~~(19)~~ "State" means a state of the United States, the
255 District of Columbia, Puerto Rico, the United States Virgin
256 Islands, or any territory or insular possession under ~~subject to~~
257 the jurisdiction of the United States. The term includes:

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

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

265 ~~(27)~~~~(20)~~ "Support enforcement agency" means a public
266 official, governmental entity, or private agency authorized to
267 seek:

268 (a) Seek enforcement of support orders or laws relating to
269 the duty of support;

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

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

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

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

275 ~~(28)~~~~(21)~~ "Support order" means a judgment, decree, ~~or~~
276 order, decision, or directive, whether temporary, final, or
277 subject to modification, issued in a state or foreign country
278 for the benefit of a child, a spouse, or a former spouse, which
279 provides for monetary support, health care, arrearages,
280 retroactive support, or reimbursement for financial assistance

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281 provided to an individual obligee in place of child support. The
282 term,~~and~~ may include related costs and fees, interest, income
283 withholding, automatic adjustment, reasonable attorney's fees,
284 and other relief.

285 ~~(29)-(22)-~~ "Tribunal" means a court, administrative agency,
286 or quasi-judicial entity authorized to establish, enforce, or
287 modify support orders or to determine parentage of a child.

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

290 88.1021 ~~Tribunal of State~~ tribunal and support enforcement
291 agency.—

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

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

297 Section 3. Section 88.1031, Florida Statutes, is amended
298 to read:

299 88.1031 Remedies cumulative.—

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

303 (2) This act does not:

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

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

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

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

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

(a) A foreign support order;

(b) A foreign tribunal; or

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

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

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

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

88.2011 Bases for jurisdiction over nonresident.—

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

(a) ~~(1)~~ The individual is personally served with citation,

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summons, or notice within this state;

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

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

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

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

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

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

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365 88.2021 Duration of personal ~~Procedure when exercising~~
366 jurisdiction ~~over nonresident.~~ Personal jurisdiction acquired by
367 a tribunal of this state in a proceeding under this act or other
368 law of this state relating to a support order continues as long
369 as a tribunal of this state has continuing, exclusive
370 jurisdiction to modify its order or continuing jurisdiction to
371 enforce its order as provided by ss. 88.2051, 88.2061, and
372 88.2111 ~~A tribunal of this state exercising personal~~
373 ~~jurisdiction over a nonresident under s. 88.2011 may apply s.~~
374 ~~88.3161 (special rules of evidence and procedure) to receive~~
375 ~~evidence from another state, and s. 88.3181 (assistance with~~
376 ~~discovery) to obtain discovery through a tribunal of another~~
377 ~~state. In all other respects, parts III through VII of this~~
378 ~~chapter do not apply and the tribunal shall apply the procedural~~
379 ~~and substantive law of this state, including the rules on choice~~
380 ~~of law other than those established by this act.~~

381 Section 7. Section 88.2031, Florida Statutes, is amended
382 to read:

383 88.2031 Initiating and responding tribunal of state.—Under
384 this act, a tribunal of this state may serve as an initiating
385 tribunal to forward proceedings to a tribunal of another state
386 and as a responding tribunal for proceedings initiated in
387 another state or a foreign country.

388 Section 8. Section 88.2041, Florida Statutes, is amended
389 to read:

390 88.2041 Simultaneous proceedings in another state.—

391 (1) A tribunal of this state may exercise jurisdiction to
392 establish a support order if the petition or comparable pleading

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is filed after a petition or comparable pleading is filed in another state or a foreign country only if:

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

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

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

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

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

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

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

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

88.2051 Continuing exclusive jurisdiction.—

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

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421 and shall exercise continuing, exclusive jurisdiction to modify
422 its ~~over~~ a child support order if the order is the controlling
423 order and:

424 (a) At the time of the filing of a request for
425 modification, As long as this state is remains the residence of
426 the obligor, the individual obligee, or the child for whose
427 benefit the support order is issued; or

428 (b) Even if this state is not the residence of the
429 obligor, the individual obligee, or the child for whose benefit
430 the support order is issued, the parties consent in a record or
431 in open court that the tribunal of this state may continue to
432 exercise jurisdiction to modify its order ~~Until all of the~~
433 ~~parties who are individuals have filed written consents with the~~
434 ~~tribunal of this state for a tribunal of another state to modify~~
435 ~~the order and assume continuing exclusive jurisdiction.~~

436 (2) A tribunal of this state that has issued ~~issuing~~ a
437 child support order consistent with the law of this state may
438 not exercise ~~its~~ continuing, exclusive jurisdiction to modify
439 the order if: ~~the order has been modified by a tribunal of~~
440 ~~another state pursuant to this act or a law substantially~~
441 ~~similar to this act.~~

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

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

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~~(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 state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.~~

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

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

~~(6) A tribunal of this state issuing a support order consistent with the law of this state has continuing exclusive~~

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~~jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing exclusive jurisdiction over that order under the law of that state.~~

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

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

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

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

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

(2) A tribunal of this state having continuing ~~exclusive~~ jurisdiction over a support order may act as a responding tribunal to enforce ~~or modify~~ the order. ~~If a party subject to the continuing exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply s. 88.3161 (special rules of evidence and procedure) to receive evidence from another state and s. 88.3181~~

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~~(assistance with discovery) to obtain discovery through a tribunal of another state.~~

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

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

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

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

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

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

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

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533 of the child controls; or ~~and must be so recognized, but~~

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

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

541 (3) If two or more child support orders have been issued
542 for the same obligor and the same child, upon request of ~~and if~~
543 ~~the obligor or the individual obligee resides in this state, a~~
544 party who is an individual or that is a support enforcement
545 agency, may request a tribunal of this state having personal
546 jurisdiction over both the obligor and the obligee who is an
547 individual shall ~~to~~ determine which order controls ~~and must be~~
548 ~~so recognized~~ under subsection (2). The request may be filed
549 with a registration for enforcement or registration for
550 modification pursuant to part VI of this chapter, or may be
551 filed as a separate proceeding ~~must be accompanied by a~~
552 ~~certified copy of every support order in effect. The requesting~~
553 ~~party shall give notice of the request to each party whose~~
554 ~~rights may be affected by the determination.~~

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

560 (5)-(4) The tribunal that issued the controlling order

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561 under subsection (1), subsection (2), or subsection (3) ~~is the~~
562 ~~tribunal that~~ has continuing, ~~exclusive~~ jurisdiction to the
563 extent provided in s. ~~under s.~~ 88.2051 or s. 88.2061.

564 (6)(5) A tribunal of this state that ~~which~~ determines by
565 order which is the identity of the controlling order under
566 paragraph (2)(a), ~~or~~ paragraph (2)(b), or subsection (3) or that
567 ~~which~~ issues a new controlling order under paragraph (2)(c)
568 shall state in that order:

569 (a) The basis upon which the tribunal made its
570 determination;

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

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

575 (7)(6) Within 30 days after issuance of an order
576 determining which is the identity of the controlling order, the
577 party obtaining the order shall file a certified copy of it in
578 ~~with~~ each tribunal that issued or registered an earlier order of
579 child support. A party or support enforcement agency obtaining
580 ~~who obtains~~ the order that ~~and~~ fails to file a certified copy is
581 subject to appropriate sanctions by a tribunal in which the
582 issue of failure to file arises. The failure to file does not
583 affect the validity or enforceability of the controlling order.

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

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588 Section 12. Section 88.2081, Florida Statutes, is amended
589 to read:

590 88.2081 ~~Multiple~~ Child support orders for two or more
591 obligees.—In responding to ~~multiple~~ registrations, petitions, or
592 comparable pleadings for enforcement of two or more child
593 support orders in effect at the same time with regard to the
594 same obligor and different individual obligees, at least one of
595 which was issued by a tribunal of another state or a foreign
596 country, a tribunal of this state shall enforce those orders in
597 the same manner as if the ~~multiple~~ orders had been issued by a
598 tribunal of this state.

599 Section 13. Section 88.2091, Florida Statutes, is amended
600 to read:

601 88.2091 Credit for payments.—A tribunal of this state
602 shall credit amounts collected ~~and credited~~ for a particular
603 period pursuant to any child support order against the amounts
604 owed for the same period under any other child support order for
605 support of the same child ~~a support order issued by a tribunal~~
606 ~~of another state must be credited against the amounts accruing~~
607 ~~or accrued for the same period under a support order issued by~~
608 the tribunal of this state, another state, or a foreign country.

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

611 88.2101 Application of act to nonresident subject to
612 personal jurisdiction.—A tribunal of this state exercising
613 personal jurisdiction over a nonresident in a proceeding under
614 this act, under another law of this state relating to a support
615 order, or recognizing a foreign support order may receive

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616 evidence from outside this state pursuant to s. 88.3161,
617 communicate with a tribunal outside this state pursuant to s.
618 88.3171, and obtain discovery through a tribunal outside this
619 state pursuant to s. 88.3181. In all other respects, parts III
620 through VI of this chapter do not apply, and the tribunal shall
621 apply the procedural and substantive law of this state.

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

624 88.2111 Continuing, exclusive jurisdiction to modify
625 spousal support order.—

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

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

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

637 (a) An initiating tribunal to request a tribunal of
638 another state to enforce the spousal support order issued in
639 this state; or

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

642 Section 16. Section 88.3011, Florida Statutes, is amended
643 to read:

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88.3011 Proceedings under this act.—

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

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

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

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

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

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

~~88.2031–88.2061;~~

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

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

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

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

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

88.3021 Proceeding ~~Action~~ by minor parent.—A minor parent,

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672 or a guardian or other legal representative of a minor parent,
673 may maintain a proceeding on behalf of or for the benefit of the
674 minor's child.

675 Section 18. Section 88.3031, Florida Statutes, is amended
676 to read:

677 88.3031 Application of law of state.—Except as otherwise
678 provided in ~~by~~ this act, a responding tribunal of this state
679 shall:

680 (1) ~~Shall~~ Apply the procedural and substantive law~~7~~
681 ~~including the rules on choice of law7~~, generally applicable to
682 similar proceedings originating in this state and may exercise
683 all powers and provide all remedies available in those
684 proceedings; and

685 (2) ~~Shall~~ Determine the duty of support and the amount
686 payable in accordance with the law and support guidelines of
687 this state.

688 Section 19. Section 88.3041, Florida Statutes, is amended
689 to read:

690 88.3041 Duties of initiating tribunal.—

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

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

698 (b) If the identity of the responding tribunal is unknown,
699 to the state information agency of the responding state with a

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700 request that they be forwarded to the appropriate tribunal and
701 that receipt be acknowledged.

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

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

716 88.3051 Duties and powers of responding tribunal.—

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

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

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

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- 728 (b) Order an obligor to comply with a support order,
729 specifying the amount and the manner of compliance.
- 730 (c) Order income withholding.
- 731 (d) Determine the amount of any arrearages, and specify a
732 method of payment.
- 733 (e) Enforce orders by civil or criminal contempt, or both.
- 734 (f) Set aside property for satisfaction of the support
735 order.
- 736 (g) Place liens and order execution on the obligor's
737 property.
- 738 (h) Order an obligor to keep the tribunal informed of the
739 obligor's current residential address, electronic mail address,
740 telephone number, employer, address of employment, and telephone
741 number at the place of employment.
- 742 (i) Issue a bench warrant, capias, or writ of bodily
743 attachment for an obligor who has failed after proper notice to
744 appear at a hearing ordered by the tribunal and enter the bench
745 warrant, capias, or writ of bodily attachment in any local and
746 state computer systems for criminal warrants.
- 747 (j) Order the obligor to seek appropriate employment by
748 specified methods.
- 749 (k) Award reasonable attorney's fees and other fees and
750 costs.
- 751 (l) Grant any other available remedy.
- 752 (3) A responding tribunal of this state shall include in a
753 support order issued under this act, or in the documents
754 accompanying the order, the calculations on which the support
755 order is based.

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

759 (5) If a responding tribunal of this state issues an order
760 under this act, the tribunal shall send a copy of the order to
761 the petitioner and the respondent and to the initiating
762 tribunal, if any.

763 (6) If requested to enforce a support order, arrears, or
764 judgment, or modify a support order stated in a foreign
765 currency, a responding tribunal of this state shall convert the
766 amount stated in the foreign currency to the equivalent amount
767 in dollars under the applicable official or market exchange rate
768 as publicly reported.

769 Section 21. Section 88.3061, Florida Statutes, is amended
770 to read:

771 88.3061 Inappropriate tribunal.—If a petition or
772 comparable pleading is received by an inappropriate tribunal of
773 this state, the tribunal ~~it~~ shall forward the pleading and
774 accompanying documents to an appropriate tribunal of ~~in~~ this
775 state or another state and notify the petitioner where and when
776 the pleading was sent.

777 Section 22. Section 88.3071, Florida Statutes, is amended
778 to read:

779 88.3071 Duties of support enforcement agency.—

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

782 (a) Shall provide services to a petitioner residing in a
783 state;

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

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

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

793 (a) Take all steps necessary to enable an appropriate
794 tribunal in this state, or another state, or a foreign country
795 to obtain jurisdiction over the respondent.

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

798 (c) Make a reasonable effort to obtain all relevant
799 information, including information as to income and property of
800 the parties.

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

805 (e) Within 10 days, exclusive of Saturdays, Sundays, and
806 legal holidays, after receipt of a written communication from
807 the respondent or the respondent's attorney, send a copy of the
808 communication to the petitioner.

809 (f) Notify the petitioner if jurisdiction over the
810 respondent cannot be obtained.

811 (3) A support enforcement agency of this state that

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requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts:

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

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

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

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

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

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

88.3081 Duty of Governor and Cabinet.—

(1) If the Governor and Cabinet determine that the support

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enforcement agency is neglecting or refusing to provide services to an individual, the Governor and Cabinet may order the agency to perform its duties under this act or may provide those services directly to the individual.

(2) 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.

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

88.3101 Duties of state information agency.—

(2) The state information agency shall:

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

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~~(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 of a child 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 child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice ~~Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal~~

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~~shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this act.~~

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

88.3131 Costs and fees.—

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

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

88.3141 Limited immunity of petitioner.—

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

(3) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this act committed by a party while physically present in

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924 this state to participate in the proceeding.

925 Section 29. Section 88.3161, Florida Statutes, is amended
926 to read:

927 88.3161 Special rules of evidence and procedure.—

928 (1) The physical presence of a nonresident party who is an
929 individual ~~the petitioner~~ in a ~~responding~~ tribunal of this state
930 is not required for the establishment, enforcement, or
931 modification of a support order or the rendition of a judgment
932 determining parentage of a child.

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

940 (3) A copy of the record of child support payments
941 certified as a true copy of the original by the custodian of the
942 record may be forwarded to a responding tribunal. The copy is
943 evidence of facts asserted in it, and is admissible to show
944 whether payments were made.

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

951 (5) Documentary evidence transmitted from outside this

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952 ~~another~~ state to a tribunal of this state by telephone,
953 telecopier, or other electronic means that do not provide an
954 original record writing may not be excluded from evidence on an
955 objection based on the means of transmission.

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

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

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

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

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

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

977 88.3171 Communications between tribunals.—A tribunal of
978 this state may communicate with a tribunal outside this ~~of~~
979 ~~another~~ state in a record writing, or by telephone, electronic

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980 mail, or other means, to obtain information concerning the laws
981 of that state, the legal effect of a judgment, decree, or order
982 of that tribunal, and the status of a proceeding ~~in the other~~
983 ~~state~~. A tribunal of this state may furnish similar information
984 by similar means to a tribunal outside this ~~of another~~ state.

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

987 88.3181 Assistance with discovery.—A tribunal of this
988 state may:

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

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

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

996 88.3191 Receipt and disbursement of payments.—

997 (1) A support enforcement agency or tribunal of this state
998 shall disburse promptly any amounts received pursuant to a
999 support order, as directed by the order. The agency or tribunal
1000 shall furnish to a requesting party or tribunal of another state
1001 or a foreign country a certified statement by the custodian of
1002 the record of the amounts and dates of all payments received.

1003 (2) If neither the obligor, nor the obligee who is an
1004 individual, nor the child resides in this state, upon request
1005 from the support enforcement agency of this state or another
1006 state, the support enforcement agency of this state or a
1007 tribunal of this state shall:

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1008 (a) Direct that the support payment be made to the support
1009 enforcement agency in the state in which the obligee is
1010 receiving services; and

1011 (b) Issue and send to the obligor's employer a conforming
1012 income-withholding order or an administrative notice of change
1013 of payee, reflecting the redirected payments.

1014 (3) The support enforcement agency of this state receiving
1015 redirected payments from another state pursuant to a law similar
1016 to subsection (2) shall furnish to a requesting party or
1017 tribunal of the other state a certified statement by the
1018 custodian of the record of the amount and dates of all payments
1019 received.

1020 Section 33. Section 88.4011, Florida Statutes, is amended
1021 to read:

1022 88.4011 Establishment of ~~Petition to establish~~ support
1023 order.—

1024 (1) If a support order entitled to recognition under this
1025 act has not been issued, a responding tribunal of this state
1026 with personal jurisdiction over the parties may issue a support
1027 order if:

1028 (a) The individual seeking the order resides outside this
1029 ~~in another~~ state; or

1030 (b) The support enforcement agency seeking the order is
1031 located outside this ~~in another~~ state.

1032 (2) The tribunal may issue a temporary child support order
1033 if the tribunal determines that such an order is appropriate and
1034 the individual ordered to pay is:

1035 (a) A presumed father of the child;

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(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~~

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

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

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

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1063 Section 35. Section 88.5011, Florida Statutes, is amended
1064 to read:

1065 88.5011 Employer's receipt of income-withholding order of
1066 another state.—An income-withholding order issued in another
1067 state may be sent by or on behalf of the obligee, or by the
1068 support enforcement agency, to the person ~~or entity~~ defined as
1069 the obligor's employer under the income deduction law of this
1070 state or payor as defined by s. 61.046, without first filing a
1071 petition or comparable pleading or registering the order with a
1072 tribunal of this state.

1073 Section 36. Paragraph (b) of subsection (3) of section
1074 88.50211, Florida Statutes, is amended to read:

1075 88.50211 Employer's compliance with income-withholding
1076 order of another state.—

1077 (3) Except as otherwise provided by subsection (4) and s.
1078 88.5031, the employer shall withhold and distribute the funds as
1079 directed in the withholding order by complying with the terms of
1080 the order which specify:

1081 (b) The person ~~or agency~~ designated to receive payments
1082 and the address to which the payments are to be forwarded;

1083 Section 37. Section 88.5031, Florida Statutes, is amended
1084 to read:

1085 88.5031 Employer's compliance with two or more ~~multiple~~
1086 income-withholding orders.—If the obligor's employer receives
1087 two or more ~~multiple~~ income-withholding orders with respect to
1088 the earnings of the same obligor, the employer satisfies the
1089 terms of the ~~multiple~~ orders if the employer complies with the
1090 law of the state of the obligor's principal place of employment

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1091 to establish the priorities for withholding and allocating
1092 income withheld for two or more ~~multiple~~ child support obligees.

1093 Section 38. Section 88.5041, Florida Statutes, is amended
1094 to read:

1095 88.5041 Immunity from civil liability.—An employer that
1096 ~~who~~ complies with an income-withholding order issued in another
1097 state in accordance with this article is not subject to civil
1098 liability to an individual or agency with regard to the
1099 employer's withholding of child support from the obligor's
1100 income.

1101 Section 39. Section 88.5051, Florida Statutes, is amended
1102 to read:

1103 88.5051 Penalties for noncompliance.—An employer that ~~who~~
1104 willfully fails to comply with an income-withholding order
1105 issued by another state and received for enforcement is subject
1106 to the same penalties that may be imposed for noncompliance with
1107 an order issued by a tribunal of this state.

1108 Section 40. Section 88.5061, Florida Statutes, is amended
1109 to read:

1110 88.5061 Contest by obligor.—

1111 (1) An obligor may contest the validity or enforcement of
1112 an income-withholding order issued in another state and received
1113 directly by an employer in this state by registering the order
1114 in a tribunal of this state and filing a contest to that order
1115 as provided in part VI of this chapter, or otherwise contesting
1116 the order in the same manner as if the order had been issued by
1117 a tribunal of this state. ~~Section 88.6041, choice of law,~~
1118 ~~applies to the contest.~~

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1119 (2) The obligor shall give notice of the contest to:

1120 (a) A support enforcement agency providing services to the
1121 obligee;

1122 (b) Each employer that has directly received an income-
1123 withholding order relating to the obligor; and

1124 (c) The person ~~or agency~~ designated to receive payments in
1125 the income-withholding order, or if no person ~~or agency~~ is
1126 designated, to the obligee.

1127 Section 41. Subsection (1) of section 88.5071, Florida
1128 Statutes, is amended to read:

1129 88.5071 Administrative enforcement of orders.—

1130 (1) A party or support enforcement agency seeking to
1131 enforce a support order or an income-withholding order, or both,
1132 issued in ~~by a tribunal of~~ another state or a foreign support
1133 order may send the documents required for registering the order
1134 to a support enforcement agency of this state.

1135 Section 42. (1) The Division of Statutory Revision is
1136 directed to redesignate part VI of chapter 88, Florida Statutes,
1137 as "REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT
1138 ORDER."

1139 (2) The Division of Statutory Revision is directed to
1140 divide part VI of chapter 88, Florida Statutes, into subpart A,
1141 consisting of ss. 88.6011-88.6041, Florida Statutes, to be
1142 entitled "Registration and Enforcement of Support Order;"
1143 subpart B, consisting of ss. 88.6051-88.6081, Florida Statutes,
1144 to be entitled "Contest of Validity or Enforcement;" subpart C,
1145 consisting of ss. 88.6091-88.6141, Florida Statutes, to be
1146 entitled "Registration and Modification of Child Support Order

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1147 of Another State;" and subpart D, consisting of ss. 88.6151 and
1148 88.6161, Florida Statutes, to be entitled "Registration and
1149 Modification of Foreign Child Support Order."

1150 Section 43. Section 88.6011, Florida Statutes, is amended
1151 to read:

1152 88.6011 Registration of order for enforcement.—A support
1153 order or an income-withholding order issued in ~~by a tribunal of~~
1154 another state or a foreign support order may be registered in
1155 this state for enforcement.

1156 Section 44. Section 88.6021, Florida Statutes, is amended
1157 to read:

1158 88.6021 Procedure to register order for enforcement.—

1159 (1) Except as otherwise provided in s. 88.7061, a support
1160 order or income-withholding order of another state or a foreign
1161 support order may be registered in this state by sending the
1162 following records ~~documents and information~~ to the appropriate
1163 tribunal in this state:

1164 (a) A letter of transmittal to the tribunal requesting
1165 registration and enforcement.

1166 (b) Two copies, including one certified copy, of the order
1167 ~~all orders~~ to be registered, including any modification of the
1168 ~~an~~ order.

1169 (c) A sworn statement by the person requesting party
1170 ~~seeking~~ registration or a certified statement by the custodian
1171 of the records showing the amount of any arrearage.

1172 (d) The name of the obligor and, if known:

1173 1. The obligor's address and social security number.

1174 2. The name and address of the obligor's employer and any

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1175 other source of income of the obligor.

1176 3. A description and the location of property of the
1177 obligor in this state not exempt from execution.

1178 (e) Except as otherwise provided in s. 88.3121, the name
1179 and address of the obligee and, if applicable, the ~~agency or~~
1180 person to whom support payments are to be remitted.

1181 (2) On receipt of a request for registration, the
1182 registering tribunal shall cause the order to be filed as an
1183 order of a tribunal of another state or a foreign support order
1184 ~~a foreign judgment~~, together with one copy of the documents and
1185 information, regardless of their form.

1186 (3) A petition or comparable pleading seeking a remedy
1187 that must be affirmatively sought under other law of this state
1188 may be filed at the same time as the request for registration or
1189 later. The pleading must specify the grounds for the remedy
1190 sought.

1191 (4) If two or more orders are in effect, the person
1192 requesting registration shall:

1193 (a) Furnish to the tribunal a copy of every support order
1194 asserted to be in effect in addition to the documents specified
1195 in this section;

1196 (b) Specify the order alleged to be the controlling order,
1197 if any; and

1198 (c) Specify the amount of consolidated arrears, if any.

1199 (5) A request for a determination of which is the
1200 controlling order may be filed separately or with a request for
1201 registration and enforcement or for registration and
1202 modification. The person requesting registration shall give

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1203 notice of the request to each party whose rights may be affected
1204 by the determination.

1205 Section 45. Section 88.6031, Florida Statutes, is amended
1206 to read:

1207 88.6031 Effect of registration for enforcement.—

1208 (1) A support order or income-withholding order issued in
1209 another state or a foreign support order is registered when the
1210 order is filed in the registering tribunal of this state.

1211 (2) A registered support order issued in another state or
1212 a foreign country is enforceable in the same manner and is
1213 subject to the same procedures as an order issued by a tribunal
1214 of this state.

1215 (3) Except as otherwise provided in this act ~~article~~, a
1216 tribunal of this state shall recognize and enforce, but may not
1217 modify, a registered support order if the issuing tribunal had
1218 jurisdiction.

1219 Section 46. Section 88.6041, Florida Statutes, is amended
1220 to read:

1221 88.6041 Choice of law.—

1222 (1) Except as otherwise provided in subsection (4), the
1223 law of the issuing state or foreign country governs:

1224 (a) The nature, extent, amount, and duration of current
1225 payments under a registered support order; ~~and other obligations~~
1226 ~~of support and~~

1227 (b) The computation and payment of arrearages and accrual
1228 of interest on the arrearages under the order; and

1229 (c) The existence and satisfaction of other obligations
1230 under the support order.

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1231 (2) In a proceeding for arrears under a registered support
1232 order ~~arrearages~~, the statute of limitation ~~under the laws of~~
1233 this state or of the issuing state or foreign country, whichever
1234 is longer, applies.

1235 (3) A responding tribunal of this state shall apply the
1236 procedures and remedies of this state to enforce current support
1237 and collect arrears and interest due on a support order of
1238 another state or foreign country registered in this state.

1239 (4) After a tribunal of this or another state determines
1240 which is the controlling order and issues an order consolidating
1241 arrears, if any, a tribunal of this state shall prospectively
1242 apply the law of the state or foreign country issuing the
1243 controlling order, including its law on interest on arrears, on
1244 current and future support, and on consolidated arrears.

1245 Section 47. Section 88.6051, Florida Statutes, is amended
1246 to read:

1247 88.6051 Notice of registration of order.—

1248 (1) When a support order or income-withholding order
1249 issued in another state or a foreign support order is
1250 registered, the registering tribunal of this state shall notify
1251 the nonregistering party. The notice must be accompanied by a
1252 copy of the registered order and the documents and relevant
1253 information accompanying the order.

1254 (2) A ~~The~~ notice must inform the nonregistering party:

1255 (a) That a registered order is enforceable as of the date
1256 of registration in the same manner as an order issued by a
1257 tribunal of this state.

1258 (b) That a hearing to contest the validity or enforcement

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1259 of the registered order must be requested within 20 days after
1260 the date of mailing or personal service of the notice, unless
1261 the registered order is under s. 88.7071.

1262 (c) That failure to contest the validity or enforcement of
1263 the registered order in a timely manner will result in
1264 confirmation of the order and enforcement of the order and the
1265 alleged arrearages and precludes further contest of that order
1266 with respect to any matter that could have been asserted.

1267 (d) Of the amount of any alleged arrearages.

1268 (3) If the registering party asserts that two or more
1269 orders are in effect, a notice must also:

1270 (a) Identify the two or more orders and the order alleged
1271 by the registering party to be the controlling order and the
1272 consolidated arrears, if any;

1273 (b) Notify the nonregistering party of the right to a
1274 determination of which is the controlling order;

1275 (c) State that the procedures provided in subsection (2)
1276 apply to the determination of which is the controlling order;
1277 and

1278 (d) State that failure to contest the validity or
1279 enforcement of the order alleged to be the controlling order in
1280 a timely manner may result in confirmation that the order is the
1281 controlling order.

1282 (4) ~~(3)~~ Upon registration of an income-withholding order
1283 for enforcement, the support enforcement agency or the
1284 registering tribunal shall notify the obligor's employer
1285 pursuant to chapter 61 or other income deduction law of this
1286 state.

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1287 Section 48. Subsections (1) and (2) of section 88.6061,
1288 Florida Statutes, are amended to read:

1289 88.6061 Procedure to contest validity or enforcement of
1290 registered order.—

1291 (1) A nonregistering party seeking to contest the validity
1292 or enforcement of a registered order in this state shall request
1293 a hearing within the time required by s. 88.6051 ~~20 days after~~
1294 ~~notice of the registration~~. The nonregistering party may seek to
1295 vacate the registration, to assert any defense to an allegation
1296 of noncompliance with the registered order, or to contest the
1297 remedies being sought or the amount of any alleged arrearages
1298 pursuant to s. 88.6071.

1299 (2) If the nonregistering party fails to contest the
1300 validity or enforcement of the registered support order in a
1301 timely manner, the order is confirmed by operation of law.

1302 Section 49. Section 88.6071, Florida Statutes, is amended
1303 to read:

1304 88.6071 Contest of registration or enforcement.—

1305 (1) A party contesting the validity or enforcement of a
1306 registered support order or seeking to vacate the registration
1307 has the burden of proving one or more of the following defenses:

1308 (a) The issuing tribunal lacked personal jurisdiction over
1309 the contesting party;

1310 (b) The order was obtained by fraud;

1311 (c) The order has been vacated, suspended, or modified by
1312 a later order;

1313 (d) The issuing tribunal has stayed the order pending
1314 appeal;

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1315 (e) There is a defense under the law of this state to the
1316 remedy sought;

1317 (f) Full or partial payment has been made; ~~or~~

1318 (g) The statute of limitation under s. 88.6041 precludes
1319 enforcement of some or all of the alleged arrearages; or

1320 (h) The alleged controlling order is not the controlling
1321 order.

1322 (2) If a party presents evidence establishing a full or
1323 partial defense under subsection (1), a tribunal may stay
1324 enforcement of a ~~the~~ registered support order, continue the
1325 proceeding to permit production of additional relevant evidence,
1326 and issue other appropriate orders. An uncontested portion of
1327 the registered support order may be enforced by all remedies
1328 available under the law of this state.

1329 (3) If the contesting party does not establish a defense
1330 under subsection (1) to the validity or enforcement of a
1331 registered support ~~the~~ order, the registering tribunal shall
1332 issue an order confirming the order.

1333 Section 50. Section 88.6081, Florida Statutes, is amended
1334 to read:

1335 88.6081 Confirmed order.—Confirmation of a registered
1336 support order, whether by operation of law or after notice and
1337 hearing, precludes further contest of the order with respect to
1338 any matter that could have been asserted at the time of
1339 registration.

1340 Section 51. Section 88.6091, Florida Statutes, is amended
1341 to read:

1342 88.6091 Procedure to register child support order of

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

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

88.6111 Modification of child support order of another state.—

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

(a) The following requirements are met:

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

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

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

(b) This state is the state of residence of the child, or a party who is an individual, is subject to the personal

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jurisdiction of the tribunal of this state and all of the parties who are individuals have filed ~~written~~ consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing exclusive jurisdiction ~~over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this act, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.~~

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

(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.

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1399 (5)~~(4)~~ On issuance of an order by a tribunal of this state
1400 modifying a child support order issued in another state, the a
1401 tribunal of this state becomes the tribunal of continuing
1402 exclusive jurisdiction.

1403 (6) Notwithstanding subsections (1)-(5) and s. 88.2011(2),
1404 a tribunal of this state retains jurisdiction to modify an order
1405 issued by a tribunal of this state if:

1406 (a) One party resides in another state; and

1407 (b) The other party resides outside the United States.

1408 Section 53. Section 88.6121, Florida Statutes, is amended
1409 to read:

1410 88.6121 Recognition of order modified in another state.—If
1411 a child support order issued by a tribunal of this state is
1412 modified shall recognize a modification of its earlier child
1413 support order by a tribunal of another state which assumed
1414 jurisdiction pursuant to the Uniform Interstate Family Support
1415 Act, a tribunal of this state this act or a law substantially
1416 similar to this act and, upon request, except as otherwise
1417 provided in this act, shall:

1418 (1) May enforce the order that was modified only as to
1419 arrears and interest amounts accruing before the modification.

1420 ~~(2) Enforce only nonmodifiable aspects of that order.~~

1421 (2)(3) May provide ~~other~~ appropriate relief ~~only~~ for
1422 violations of its ~~that~~ order which occurred before the effective
1423 date of the modification.

1424 (3)(4) Shall recognize the modifying order of the other
1425 state, upon registration, for the purpose of enforcement.

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1426 Section 54. Section 88.6151, Florida Statutes, is created
1427 to read:

1428 88.6151 Jurisdiction to modify child support order of
1429 foreign country.—

1430 (1) Except as otherwise provided in s. 88.7111, if a
1431 foreign country lacks or refuses to exercise jurisdiction to
1432 modify its child support order pursuant to its laws, a tribunal
1433 of this state may assume jurisdiction to modify the child
1434 support order and bind all individuals subject to the personal
1435 jurisdiction of the tribunal whether the consent to modification
1436 of a child support order otherwise required of the individual
1437 pursuant to s. 88.6111 has been given or whether the individual
1438 seeking modification is a resident of this state or of the
1439 foreign country.

1440 (2) An order issued by a tribunal of this state modifying
1441 a foreign child support order pursuant to this section is the
1442 controlling order.

1443 Section 55. Section 88.6161, Florida Statutes, is created
1444 to read:

1445 88.6161 Procedure to register child support order of
1446 foreign country for modification.—A party or support enforcement
1447 agency seeking to modify, or to modify and enforce, a foreign
1448 child support order not under the convention may register that
1449 order in this state under ss. 88.6011-88.6081 if the order has
1450 not been registered. A petition for modification may be filed at
1451 the same time as a request for registration, or at another time.
1452 The petition must specify the grounds for modification.

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1453 Section 56. The Division of Statutory Revision is directed
1454 to redesignate part VII of chapter 88, Florida Statutes, as
1455 "SUPPORT PROCEEDING UNDER CONVENTION."

1456 Section 57. Section 88.7011, Florida Statutes, is
1457 repealed.

1458 Section 58. Section 88.70111, Florida Statutes, is created
1459 to read:

1460 88.70111 Definitions.—As used in this part, the term:

1461 (1) "Application" means a request under the convention by
1462 an obligee or obligor, or on behalf of a child, made through a
1463 central authority for assistance from another central authority.

1464 (2) "Central authority" means the entity designated by the
1465 United States or a foreign country described in s. 88.102(5)(d)
1466 to perform the functions specified in the convention.

1467 (3) "Convention support order" means a support order of a
1468 tribunal of a foreign country described in s. 88.102(5)(d).

1469 (4) "Direct request" means a petition filed by an
1470 individual in a tribunal of this state in a proceeding involving
1471 an obligee, obligor, or child residing outside the United
1472 States.

1473 (5) "Foreign central authority" means the entity
1474 designated by a foreign country described in s. 88.102(5)(d) to
1475 perform the functions specified in the convention.

1476 (6) "Foreign support agreement":

1477 (a) Means an agreement for support in a record that:

1478 1. Is enforceable as a support order in the country of
1479 origin;

1480 2. Has been:

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1481 a. Formally drawn up or registered as an authentic
1482 instrument by a foreign tribunal; or

1483 b. Authenticated by or concluded, registered, or filed
1484 with a foreign tribunal; and

1485 3. May be reviewed and modified by a foreign tribunal; and

1486 (b) Includes a maintenance arrangement or authentic
1487 instrument under the convention.

1488 (7) "United States central authority" means the Secretary
1489 of the United States Department of Health and Human Services.

1490 Section 59. Section 88.7021, Florida Statutes, is created
1491 to read:

1492 88.7021 Applicability.—This part applies only to a support
1493 proceeding under the convention. In such a proceeding, if a
1494 provision of this part is inconsistent with parts I through VI,
1495 this part controls.

1496 Section 60. Section 88.7031, Florida Statutes, is created
1497 to read:

1498 88.7031 Relationship of Department of Revenue to United
1499 States central authority.—The Department of Revenue is
1500 recognized as the agency designated by the United States central
1501 authority to perform specific functions under the convention.

1502 Section 61. Section 88.7041, Florida Statutes, is created
1503 to read:

1504 88.7041 Initiation by Department of Revenue of support
1505 proceeding subject to convention.—

1506 (1) In a proceeding subject to the convention, the
1507 Department of Revenue shall:

1508 (a) Transmit and receive applications; and

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1509 (b) Initiate or facilitate the institution of a proceeding
1510 regarding an application in a tribunal of this state.

1511 (2) The following support proceedings are available to an
1512 obligee under the convention:

1513 (a) Recognition or recognition and enforcement of a
1514 foreign support order.

1515 (b) Enforcement of a support order issued or recognized in
1516 this state.

1517 (c) Establishment of a support order if there is no
1518 existing order, including, where necessary, determination of
1519 parentage of a child.

1520 (d) Establishment of a support order if recognition of a
1521 foreign support order is not possible or is refused because of
1522 the lack of a basis for recognition and enforcement under s.
1523 88.7081 or on grounds specified in s. 88.7091(2) or s.
1524 88.7091(5).

1525 (e) Modification of a support order made by a tribunal of
1526 this state.

1527 (f) Modification of a foreign support order.

1528 (3) The following support proceedings are available under
1529 the convention to an obligor against whom there is an existing
1530 support order:

1531 (a) Recognition of an order suspending or limiting
1532 enforcement of an existing support order of a tribunal of this
1533 state.

1534 (b) Modification of a support order of a tribunal of this
1535 state.

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1536 (c) Modification of a support order of a tribunal of
1537 another state or foreign country.

1538 (4) A tribunal of this state may not require security,
1539 bond, or deposit, however described, to guarantee the payment of
1540 costs and expenses in proceedings under the convention.

1541 Section 62. Section 88.7051, Florida Statutes, is created
1542 to read:

1543 88.7051 Direct request.—

1544 (1) A petitioner may file a direct request in a tribunal
1545 of this state seeking the establishment or modification of a
1546 support order or determination of parentage of a child. In such
1547 a proceeding, the law of this state applies.

1548 (2) A petitioner may file a direct request in a tribunal
1549 of this state seeking the recognition and enforcement of a
1550 support order or support agreement. In such a proceeding, the
1551 provisions of ss. 88.7061-88.7121 apply.

1552 (3) In a direct request for recognition and enforcement of
1553 a foreign support order or agreement:

1554 (a) No security, bond, or deposit shall be required to
1555 guarantee the payment of costs and expenses related to the
1556 proceedings; and

1557 (b) The obligee or obligor, who in the issuing country has
1558 benefited from free legal assistance, shall be entitled to
1559 benefit, at least to the same extent, from any free legal
1560 assistance provided for by the law of this state under the same
1561 circumstances.

1562 (4) An individual filing directly to a tribunal will not
1563 receive assistance from the Department of Revenue.

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1564 (5) Nothing in this part prevents the application of laws
1565 of this state that provide simplified, more expeditious rules
1566 regarding a direct request for recognition and enforcement of a
1567 foreign support order or support agreement.

1568 Section 63. Section 88.7061, Florida Statutes, is created
1569 to read:

1570 88.7061 Registration of support order subject to
1571 convention.—

1572 (1) Except as otherwise provided in this part, a party who
1573 is an individual or a support enforcement agency seeking
1574 recognition of a foreign support order subject to the convention
1575 shall register the order in this state as provided in part VI of
1576 this chapter.

1577 (2) Notwithstanding ss. 88.3111 and 88.6021, a request for
1578 registration of a foreign support order subject to the
1579 convention shall be accompanied by the following:

1580 (a) A complete text of the support order, or an abstract
1581 or extract of the support order drawn up by the issuing foreign
1582 tribunal, which may be in the form recommended by the Hague
1583 Conference on Private International Law.

1584 (b) A record stating that the support order is enforceable
1585 in the issuing country.

1586 (c) If the respondent did not appear and was not
1587 represented in the proceedings in the issuing country, a record
1588 attesting, as appropriate, either that the respondent had proper
1589 notice of the proceedings and an opportunity to be heard, or
1590 that the respondent had proper notice of the support order and
1591 the opportunity to challenge or appeal it on fact and law.

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1592 (d) If necessary, a record showing the amount of any
1593 arrears, and the date the amount was calculated.

1594 (e) If necessary, a record showing a requirement for
1595 automatic adjustment of the amount of support, if any, and the
1596 information necessary to make the appropriate calculations.

1597 (f) If necessary, a record showing the extent to which the
1598 applicant received free legal assistance in the issuing country.

1599 (3) A request for registration of a foreign support order
1600 may seek recognition and partial enforcement of the order.

1601 (4) A tribunal of this state may refuse to register a
1602 foreign support order only if recognition and enforcement of the
1603 order is manifestly incompatible with public policy.

1604 (5) The tribunal shall promptly notify the parties of the
1605 registration or the refusal to register a foreign support order.

1606 Section 64. Section 88.7071, Florida Statutes, is created
1607 to read:

1608 88.7071 Contest of validity of foreign support order
1609 subject to convention.—

1610 (1) Except as otherwise provided in this part, ss.
1611 88.6051-88.6081 apply to a contest of the validity of a
1612 registered foreign support order subject to the convention.

1613 (2) A party contesting the recognition and enforcement of
1614 a registered foreign support order subject to the convention
1615 must file a contest within 30 days after notice of the
1616 registration unless the contesting party does not reside in the
1617 United States or a state, in which case the contest must be
1618 filed within 60 days after notice.

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1619 (3) A contest of a registered foreign support order may be
1620 based only on:

1621 (a) The authenticity or integrity of any record
1622 transmitted in accordance with s. 88.7061;

1623 (b) The lack of a basis for enforcement under s. 88.7081;

1624 (c) The grounds for refusing enforcement under s. 88.7091;

1625 or

1626 (d) The payment in part or in whole of the alleged
1627 arrears.

1628 (4) In a contest of the validity of a registered foreign
1629 support order, a tribunal of this state:

1630 (a) Is bound by the findings of fact on which the foreign
1631 tribunal based its jurisdiction; and

1632 (b) May not review the merits of the support order.

1633 (5) A tribunal of this state deciding a contest of the
1634 validity of a registered foreign support order shall promptly
1635 notify the parties of its decision.

1636 (6) An appeal, if any, does not stay the enforcement of a
1637 foreign support order unless there are exceptional
1638 circumstances.

1639 Section 65. Section 88.7081, Florida Statutes, is created
1640 to read:

1641 88.7081 Recognition and enforcement of foreign support
1642 order subject to convention.—

1643 (1) A tribunal of this state shall recognize and enforce a
1644 foreign support order subject to the convention if:

1645 (a) The issuing tribunal had personal jurisdiction
1646 consistent with s. 88.2011; and

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1647 (b) The order is enforceable in the issuing country.

1648 (2) If a tribunal of this state may not recognize a
1649 foreign support order because under similar facts the tribunal
1650 would not have had personal jurisdiction consistent with s.
1651 88.2011:

1652 (a) The tribunal must allow a reasonable time for a party
1653 to request the tribunal to establish a support order;

1654 (b) The tribunal may not use its refusal to recognize the
1655 foreign support order as a basis for dismissing the request;

1656 (c) The Department of Revenue shall take all appropriate
1657 measures to request a child support order for the obligee if the
1658 application for recognition and enforcement was received under
1659 s. 88.7041(1).

1660 (3) If a tribunal of this state may not recognize and
1661 enforce the whole of a foreign support order, it shall enforce
1662 any severable part of the order. An application or direct
1663 request may seek recognition and partial enforcement of a
1664 foreign support order.

1665 Section 66. Section 88.7091, Florida Statutes, is created
1666 to read:

1667 88.7091 Refusal of recognition and enforcement of foreign
1668 support order subject to convention.—A tribunal of this state
1669 may refuse recognition and enforcement of a foreign support
1670 order subject to the convention if:

1671 (1) Recognition and enforcement of the order is manifestly
1672 incompatible with public policy;

1673 (2) The order was obtained by fraud in connection with a
1674 matter of procedure;

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1675 (3) A proceeding between the same parties and having the
1676 same purpose is pending before a tribunal of this state and that
1677 proceeding was the first to be instituted;

1678 (4) The order is incompatible with a more recent support
1679 order issued between the same parties and having the same
1680 purpose if the more recent support order is entitled to
1681 recognition and enforcement in this state;

1682 (5) In a case in which the respondent neither appeared nor
1683 was represented in the proceeding in the issuing foreign country
1684 when the law of the country:

1685 (a) Provides for notice of proceedings, the respondent did
1686 not have proper notice of the proceedings and an opportunity to
1687 be heard; or

1688 (b) Does not provide for notice of the proceedings, the
1689 respondent did not have proper notice of the order and the
1690 opportunity to challenge or appeal it on fact and law; or

1691 (6) The order was made in violation of s. 88.7111.

1692 Section 67. Section 88.7101, Florida Statutes, is created
1693 to read:

1694 88.7101 Foreign support agreement subject to convention.-

1695 (1) Except as provided in subsections (3) and (4), a
1696 tribunal of this state shall recognize and enforce a foreign
1697 support agreement registered in this state.

1698 (2) An application or direct request for recognition and
1699 enforcement of a foreign support agreement shall be accompanied
1700 by the following:

1701 (a) A complete text of the foreign support agreement.

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1702 (b) A record stating that the foreign support agreement is
1703 enforceable as a decision in the issuing country.

1704 (3) A tribunal of this state may refuse to register a
1705 foreign support agreement only if registration is manifestly
1706 incompatible with public policy.

1707 (4) A tribunal of this state may refuse recognition and
1708 enforcement of a foreign support agreement if it finds:

1709 (a) Recognition and enforcement of the agreement is
1710 manifestly incompatible with public policy;

1711 (b) The agreement was obtained by fraud or falsification;

1712 (c) The agreement is incompatible with a support order
1713 issued between the same parties and having the same purpose,
1714 either in this state, another state, or a foreign country if the
1715 support order is entitled to recognition in this state; or

1716 (d) The record submitted under subsection (2) lacks
1717 authenticity or integrity.

1718 (5) A proceeding for recognition and enforcement of a
1719 foreign support agreement shall be suspended during the pendency
1720 of a challenge to the agreement before a tribunal of another
1721 state or foreign country.

1722 Section 68. Section 88.7111, Florida Statutes, is created
1723 to read:

1724 88.7111 Modification of foreign child support order
1725 subject to convention.—

1726 (1) A tribunal of this state may not modify a foreign
1727 child support order if the obligee remains a resident of the
1728 foreign country where the support order was issued unless:

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1729 (a) The obligee submits to the jurisdiction of a tribunal
1730 of this state, either expressly or by defending on the merits of
1731 the case without objecting to the jurisdiction at the first
1732 available opportunity; or

1733 (b) The foreign tribunal lacks or refuses to exercise
1734 jurisdiction to modify its support order or issue a new support
1735 order.

1736 (2) If a tribunal of this state does not modify the
1737 foreign child support order because the order may not be
1738 recognized in this state, the provisions of s. 88.7081 apply.

1739 Section 69. Section 88.7121, Florida Statutes, is created
1740 to read:

1741 88.7121 Jurisdiction to modify spousal support order of
1742 foreign country.—A tribunal of this state with personal
1743 jurisdiction over the parties may modify a spousal support order
1744 of a foreign tribunal if:

1745 (1) The foreign tribunal lacks or refuses to exercise
1746 jurisdiction to modify its order pursuant to its laws;

1747 (2) There is agreement in writing between the parties to
1748 the jurisdiction of the tribunal of this state; or

1749 (3) The parties submit to the jurisdiction of the tribunal
1750 of this state expressly or by defending on the merits without
1751 objecting.

1752 Section 70. Paragraph (b) of subsection (2) of section
1753 88.8011, Florida Statutes, is amended to read:

1754 88.8011 Grounds for rendition.—

1755 (2) The Governor of this state may:

1756 (b) On the demand of ~~by~~ the Governor of another state,

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1757 surrender an individual found in this state who is charged
1758 criminally in the other state with having failed to provide for
1759 the support of an obligee.

1760 Section 71. Section 88.9011, Florida Statutes, is amended
1761 to read:

1762 88.9011 Uniformity of application and construction.—In
1763 applying and construing this uniform act, consideration must be
1764 given to the need to promote uniformity of ~~This act shall be~~
1765 ~~applied and construed to effectuate its general purpose to make~~
1766 ~~uniform~~ the law with respect to its ~~the~~ subject matter ~~of this~~
1767 ~~act~~ among states that enact ~~enacting~~ it.

1768 Section 72. Section 88.9031, Florida Statutes, is amended
1769 to read:

1770 88.9031 Severability ~~clause~~.—If any provision of this act
1771 or its application to any person or circumstance is held
1772 invalid, the invalidity does not affect other provisions or
1773 applications of this act which can be given effect without the
1774 invalid provision or application, and to this end the provisions
1775 of this act are severable.

1776 Section 73. Paragraph (a) of subsection (7) of section
1777 61.13, Florida Statutes, is amended to read:

1778 61.13 Support of children; parenting and time-sharing;
1779 powers of court.—

1780 (7) (a) Each party to any paternity or support proceeding
1781 is required to file with the tribunal as defined in s.
1782 88.1011~~(22)~~ and State Case Registry upon entry of an order, and
1783 to update as appropriate, information on location and identity
1784 of the party, including social security number, residential and

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

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