

By Senator Flores

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

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

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

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the public; authorizing the tribunal to disclose the information after a hearing; amending ss. 88.3131 and 88.3141, F.S.; conforming provisions to changes made by the act; amending s. 88.3161, F.S.; providing for special rules of evidence and procedures for nonresident parties; providing that a voluntary acknowledgment of paternity is admissible to establish parentage of a child; amending ss. 88.3171 and 88.3181, F.S.; conforming provisions to changes made by the act; amending s. 88.3191, F.S.; providing for the receipt and disbursement of payments; requiring that if the obligor, obligee, and child reside in this state, upon request from the support enforcement agency of this or another state, the support enforcement agency or tribunal direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments; amending s. 88.4011, F.S.; providing for the establishment of a support order under certain circumstances; providing that the tribunal may issue a temporary child support order under certain circumstances; amending ss. 88.5011, 88.5031, 88.5041, and 88.5051, F.S.; conforming provisions to changes made by the act; amending s. 88.5061, F.S.; providing that an obligor may contest the validity or enforcement of an income-withholding order issued in

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another state and received directly by an employer in
this state by registering the order in a tribunal of
this state and filing a contest to that order;
amending ss. 88.5071 and 88.6011, F.S.; conforming
provisions to changes made by the act; amending s.
88.6021, F.S.; specifying procedures to register a
support order; providing procedures if two or more
support orders are in effect; amending s. 88.6031,
F.S.; revising provisions to conform to changes made
by the act; amending s. 88.6041, F.S.; providing that
the law of the state that issues the order governs the
law of the case; providing for an exception; amending
s. 88.6051, F.S.; specifying the content of the notice
of the registration of a support order; amending s.
88.6061, F.S.; providing procedures to contest the
validity or enforcement of a registered support order;
amending ss. 88.6071, 88.6081, and 88.6101, F.S.;
conforming provisions to changes made by the act;
amending s. 88.6111, F.S.; providing for modifying a
child support order; providing that the law of the
state that issued the controlling order governs the
duration of the obligation of support; amending s.
88.6121, F.S.; providing that if a child support order
issued by a tribunal of this state is modified by a
tribunal of another state which assumed jurisdiction
pursuant to the Uniform Interstate Family Support Act,
a tribunal of this state may enforce the order that
was modified only as to arrears and interest accruing
before the modification; creating s. 88.6151, F.S.;

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

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the registration request; creating s. 88.7071, F.S.;
providing procedures to contest the validity of a
foreign support order; creating s. 88.7081, F.S.;
providing for the recognition and enforcement of
foreign support orders; creating s. 88.7091, F.S.;
providing procedures for a tribunal to refuse to
recognize or enforce a foreign support order; creating
s. 88.7101, F.S.; directing a tribunal of this state
to recognize and enforce a foreign support agreement
registered in this state; requiring an application or
direct request for recognition and enforcement of a
foreign support agreement to be accompanied by certain
documents; creating s. 88.7111, F.S.; prohibiting a
tribunal of this state from modifying a foreign child
support order if the obligee remains a resident of the
foreign country where the support order was issued;
providing exceptions; creating s. 88.7112, F.S.;
providing for personal jurisdiction in spousal support
proceedings; amending s. 88.9011, F.S.; providing for
uniform construction of the act; creating s. 88.9021,
F.S.; directing that the act applies to proceedings
begun on or after a specified date to establish a
support order, determine parentage of a child, or
register, recognize, enforce, or modify a prior
support order, determination, or agreement, whenever
issued or entered; amending ss. 61.13 and 827.06,
F.S.; conforming cross-references to changes made by
the act; providing an effective date.

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

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

88.1011 Definitions.—As used in this act:

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

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

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

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

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

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

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

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former spouse, including an unsatisfied obligation to provide support.

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

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

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

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

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

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

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

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

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

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

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

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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.

~~(13)(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
the 6-month or other period.

~~(14)(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.

~~(15)(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.~~

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

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foreign country ~~in an initiating state.~~

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

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

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

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

(21) ~~(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 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 who is a creditor in a proceeding under part VII of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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filed or to which a petition or other 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.~~

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

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

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

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

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

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

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

(b) Seek establishment or modification of child support;

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

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

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

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

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

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

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

88.1021 State tribunal and support enforcement agency ~~of state.~~

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

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

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

88.1031 Remedies cumulative.—

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

410 (2) This act does not:

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

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

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

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

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

423 (a) A foreign support order;

424 (b) A foreign tribunal; or

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

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

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

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

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436 read:

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

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

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

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

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

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

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

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

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

462
463 The bases of personal jurisdiction set forth in this section or
464 in any other law of this state may not be used to acquire

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

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

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

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

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

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another state or foreign country.

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

88.2041 Simultaneous proceedings in another state.—

(1) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state or 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 foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or foreign country;

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

(a) The petition or comparable pleading in the other state or 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 foreign country is the home state of the child.

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

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523 read:

524 88.2051 Continuing exclusive jurisdiction to modify child
525 support order.—

526 (1) A tribunal of this state issuing a child support order
527 consistent with the law of this state has and shall exercise
528 continuing exclusive jurisdiction to modify its ~~over a~~ child
529 support order if the order is the controlling order and:

530 (a) At the time of the filing of a request for
531 modification, as long as this state is the ~~remains the~~ residence
532 of the obligor, the individual obligee, or the child for whose
533 benefit the support order is issued; or

534 (b) If this state is not the residence of the obligor, the
535 individual obligee, or the child for whose benefit the support
536 order is issued, the parties consent in a record or in open
537 court that the tribunal of this state may continue to exercise
538 jurisdiction to modify its order. ~~Until all of the parties who~~
539 ~~are individuals have filed written consents with the tribunal of~~
540 ~~this state for a tribunal of another state to modify the order~~
541 ~~and assume continuing exclusive jurisdiction.~~

542 (2) A tribunal of this state issuing a child support order
543 consistent with the law of this state may not exercise ~~its~~
544 continuing, exclusive jurisdiction to modify the order if: ~~the~~
545 ~~order has been modified by a tribunal of another state pursuant~~
546 ~~to this act or a law substantially similar to this act.~~

547 (a) All of the parties who are individuals consent to a
548 tribunal of another state assuming continuing, exclusive
549 jurisdiction and such consent is filed in a record with the
550 tribunal of this state. The tribunal of the other state must
551 have jurisdiction over at least one of the parties who is an

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

(b) The order is not the controlling order.

(3) If a tribunal of another state has issued a child support order pursuant to this act or a law substantially similar to that 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. ~~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.~~

(4) A tribunal of this state which 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 which has issued a child support order consistent with the law of this state. ~~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~~

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581 ~~similar to this act.~~

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

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

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

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

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

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

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

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

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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 (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 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

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continuing, exclusive jurisdiction under this act:7

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88.3011 Proceedings under this act.—

(1) Except as otherwise provided in this act, this section ~~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~~

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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 foreign country that ~~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, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

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

88.3031 Application of law of state.—Except as otherwise

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

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

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

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

88.3041 Duties of initiating tribunal.—

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

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

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

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

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

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

88.3051 Duties and powers of responding tribunal.—

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

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

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

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

(c) Order income withholding.

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

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

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

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

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property.

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

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

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

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

(1) Grant any other available remedy.

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

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

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

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

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

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

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

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

884 88.3071 Duties of support enforcement agency.—

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

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

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

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

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

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

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

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

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

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

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

(3) The support enforcement agency of this state which 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 which 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 amount in dollars under the applicable official or market

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929 exchange rate as publicly reported.

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

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

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

942 88.3081 Duty of Governor and Cabinet.—

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

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

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

954 88.3101 Duties of state information agency.—

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

957 (2) The state information agency shall:

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

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

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

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

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

983 88.3111 Pleadings and accompanying documents.—

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

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

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

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

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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 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. Section 88.3131, Florida Statutes, is amended to read:

88.3131 Costs and fees.—

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

(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.

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

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

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

1049 88.3141 Limited immunity of petitioner.—

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

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

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

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

1064 88.3161 Special rules of evidence and procedure.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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to read:

88.3191 Receipt and disbursement of payments.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Petitioning to have his paternity adjudicated;

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

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

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

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

(g) The mother of the child; or

(h) A person 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~~

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~~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. Section 88.5011, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

1233 88.5061 Contest by obligor.—

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

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

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

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

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

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

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

88.5071 Administrative enforcement of orders.—

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

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

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

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

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

88.6021 Procedure to register order for enforcement.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1324 88.6031 Effect of registration for enforcement.—

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

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

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

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jurisdiction.

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

88.6041 Choice of law.—

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

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

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

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

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

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

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

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

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88.6051 Notice of registration of order.—

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

(2) The notice must inform the nonregistering party:

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

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

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

(d) Of the amount of any alleged arrearages.

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

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

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

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

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

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

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

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

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

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

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

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

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1422 hearing.

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

1425 88.6071 Contest of registration or enforcement.—

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

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

1431 (b) The order was obtained by fraud;

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 49. 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 and except as otherwise
provided in s. 88.615, 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 if, 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:

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(a) The following requirements are met:

1. The child, the individual obligee, and the obligor 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 residence of the child, or a party who is an individual, is subject to the personal 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 child, the order that controls

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

(5) In a proceeding to modify a child support order, the law of the state that is determined to have issued the 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.

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

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

(a) One party resides in another state; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Transmit and receive applications; and

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

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

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

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

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

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

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

(f) Modification of a foreign support order.

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

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

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

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

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

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

88.7051 Direct request.—

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

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the law of this state applies.

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

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

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

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

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

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

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

88.7061 Registration of support order subject to convention.—

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

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part VI of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1703 or

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

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

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

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

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

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1712 notify the parties of its decision.

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

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

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

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

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

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

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

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

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

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

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

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foreign support order.

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

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

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

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

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

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

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

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

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

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

Section 62. Section 88.7101, Florida Statutes, is created

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to read:

88.7101 Foreign support agreement subject to convention.—

(1) Except as provided in subsection (4), a tribunal of this state shall recognize and enforce a foreign support agreement registered in this state.

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

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

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

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

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

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

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

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

(d) The record submitted under paragraph (b) lacks authenticity or integrity.

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

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

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

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

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

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

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

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

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

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

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

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

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1828 objecting.

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

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

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

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

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

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

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

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requirements for updating the tribunal and State Case Registry.

Section 68. 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(34) ~~s. 88.1011(22)~~ has entered an order that obligates the defendant to provide the support.

Section 69. This act shall take effect July 1, 2011.