

## CHAPTER 2011-92

### Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 1111

An act relating to family law; amending s. 88.1011, F.S.; revising and providing definitions; amending s. 88.1021, F.S.; designating the Department of Revenue as the support enforcement agency of this state; amending s. 88.1031, F.S.; revising provisions relating to remedies provided by the act; creating s. 88.1041, F.S.; providing for applicability of provisions to residents of foreign counties and foreign support proceedings; amending s. 88.2011, F.S.; providing that specified bases of personal jurisdiction may not be used to acquire personal jurisdiction for certain purposes unless specified requirements are met; amending s. 88.2021, F.S.; providing for duration of personal jurisdiction; deleting provisions relating to procedure when exercising jurisdiction over nonresident; amending ss. 88.2031 and 88.2041, F.S.; conforming provisions to changes made by the act; amending s. 88.2051, F.S.; revising provisions relating to continuation of exclusive jurisdiction; amending s. 88.2061, F.S.; providing for continuing jurisdiction to enforce child support orders; amending s. 88.2071, F.S.; revising provisions relating to determination of a controlling child support order; amending s. 88.2081, F.S.; revising language relating to child support orders for two or more obligees; amending s. 88.2091, F.S.; revising language relating to credit for child support payments; creating s. 88.2101, F.S.; providing for application of the act to a nonresident subject to personal jurisdiction; creating s. 88.2111, F.S.; providing for continuing, exclusive jurisdiction to modify a spousal support order; amending s. 88.3011, F.S.; revising provisions relating to applicability of the act; amending ss. 88.3021 and 88.3031, F.S.; revising terminology; amending s. 88.3041, F.S.; revising provisions relating to duties of an initiating tribunal; amending s. 88.3051, F.S.; revising provisions relating to duties and powers of a responding tribunal; amending s. 88.3061, F.S.; revising terminology; amending s. 88.3071, F.S.; revising provisions relating to the duties of a support enforcement agency; amending s. 88.3081, F.S.; providing that the Governor and Cabinet may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination; amending s. 88.3101, F.S.; revising terminology; amending s. 88.3111, F.S.; revising provisions relating to pleadings and accompanying documents; amending s. 88.3121, F.S.; revising requirements for nondisclosure of certain information; amending ss. 88.3131 and 88.3141, F.S.; revising terminology; amending s. 88.3161, F.S.; revising provisions relating to special rules of evidence and procedure; amending ss. 88.3171 and 88.3181, F.S.; revising terminology; amending s. 88.3191, F.S.; revising provisions relating to receipt and disbursement of payments; amending s. 88.4011, F.S.; revising provisions relating to establishment of a support order; creating s. 88.4021, F.S.; providing that certain tribunals of this state may serve as responding tribunals in proceedings to determine parentage of a

child under certain provisions; providing a directive to the Division of Statutory Revision; amending s. 88.5011, F.S.; revising provisions relating to an employer's receipt of an income-withholding order from another state; amending ss. 88.50211, 88.5031, 88.5041, and 88.5051, F.S.; revising terminology; amending s. 88.5061, F.S.; revising provisions relating to a contest by obligor; amending s. 88.5071, F.S.; revising terminology; providing a directive to the Division of Statutory Revision; amending s. 88.6011, F.S.; revising terminology; amending s. 88.6021, F.S.; revising provisions relating to the procedure to register order for enforcement; amending s. 88.6031, F.S.; revising terminology; amending s. 88.6041, F.S.; revising provisions relating to choice of law; amending s. 88.6051, F.S.; revising provisions relating to notice of registration of order; amending s. 88.6061, F.S.; revising provisions relating to the procedure to contest the validity or enforcement of a registered order; amending s. 88.6071, F.S.; revising provisions relating to the contesting of registration or enforcement; amending s. 88.6081, F.S.; revising terminology; amending s. 88.6091, F.S.; correcting a cross-reference; amending s. 88.6111, F.S.; revising provisions relating to modification of a child support order of another state; amending s. 88.6121, F.S.; revising provisions relating to recognition of a child support order modified in another state; creating s. 88.6151, F.S.; providing for jurisdiction to modify a child support order of a foreign country; creating s. 88.6161, F.S.; providing procedures for registration of a child support order of a foreign country for modification; providing a directive to the Division of Statutory Revision; repealing s. 88.7011, F.S., relating to a proceeding to determine parentage of a child; creating s. 88.70111, F.S.; providing definitions relating to a support proceeding under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance; creating s. 88.7021, F.S.; providing for applicability; creating s. 88.7031, F.S.; specifying the relationship of the Department of Revenue to the United States central authority; creating s. 88.7041, F.S.; providing for initiation by the Department of Revenue of support proceedings under the convention; creating s. 88.7051, F.S.; providing for direct requests to tribunals; creating s. 88.7061, F.S.; providing for registration of convention support orders; creating s. 88.7071, F.S.; providing for contest of registered convention support orders; creating s. 88.7081, F.S.; providing for recognition and enforcement of registered convention support orders; creating s. 88.7091, F.S.; providing for partial enforcement of convention support orders; creating s. 88.7101, F.S.; providing requirements for a foreign support agreement; creating s. 88.7111, F.S.; providing for modification of convention child support orders; creating s. 88.7121, F.S.; providing limits on the personal use of certain information; creating s. 88.7131, F.S.; requiring a record filed with a tribunal of this state under specified provisions to be in the original language and, if not in English, to be accompanied by an English translation; amending s. 88.8011, F.S.; revising terminology; amending s. 88.9011, F.S.; revising provisions relating to the uniformity of application and construction of the act; creating s. 88.9021, F.S.; providing applicability; amending s. 88.9031, F.S.; revising terminology; amending ss. 61.13 and 827.06, F.S.; correcting

cross-references; directing the Department of Revenue to apply for a waiver; amending s. 61.08, F.S.; revising provisions relating to factors to be considered for alimony awards; revising provisions relating to awards of durational alimony; revising provisions relating to awards of permanent alimony; providing that the award of alimony may not leave the payor with significantly less net income than the net income of the recipient unless there are written findings of exceptional circumstances; providing for applicability of specified provisions; providing effective dates.

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

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

88.1011 Definitions.—As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

(9)(5) “Income” includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

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

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

(11)(8) “Initiating tribunal” means the authorized tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country in an initiating state.

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

(13)(9) “Issuing state” means the state in which a tribunal issues a support order or renders a judgment determining parentage of a child.

(14)(10) “Issuing tribunal” means the tribunal of a state or foreign country that issues a support order or renders a judgment determining parentage of a child.

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

(16)(12) “Obligee” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(23)~~(16) "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child proceeding is filed or to which a petition or comparable pleading proceeding is forwarded for filing from another state or a foreign country ~~an initiating state under this act or a law or procedure substantially similar to this act, the~~

~~Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~

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

~~(25)(18)~~ “Spousal-support order” means a support order for a spouse or former spouse of the obligor.

~~(26)(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.~~

~~(27)(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 of a child; ~~or~~

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

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

~~(28)(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.

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

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

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

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

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

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

88.1031 Remedies cumulative.—

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

(2) This act does not:

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

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

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

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

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

(a) A foreign support order;

(b) A foreign tribunal; or

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

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

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

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

88.2011 Bases for jurisdiction over nonresident.—

(1) In a proceeding to establish ~~or~~, enforce, ~~or modify~~ a support order or to determine parentage of a child, a tribunal of this state may exercise personal

jurisdiction over a nonresident individual or the individual's guardian or conservator if:

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

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

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

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

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

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

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

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

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

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

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

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

88.2031 Initiating and responding tribunal of state.—Under this act, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or a 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 a foreign country only if:

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

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

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

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

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

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

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

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

88.2051 Continuing exclusive jurisdiction.—

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

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

(b) Even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties

~~consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order~~ Until all of the parties who are individuals have filed written consents with the tribunal of this state for a tribunal of another state to modify the order and assume continuing exclusive jurisdiction.

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

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

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

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

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

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

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

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

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

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

~~(6) A tribunal of this state issuing a support order consistent with the law of this state has continuing exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another~~

~~state having continuing exclusive jurisdiction over that order under the law of that state.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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, upon request of and if the obligor or the individual obligee resides in this state, 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 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 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.

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

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

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

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

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

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

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

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

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 any child support order against the amounts owed for the same period under any other child support order for support of the same child a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state, another state, or a foreign country.

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

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

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

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

(1) A tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support 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 that 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 part applies to all proceedings under this act.~~

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

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

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

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

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

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

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

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

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

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

88.3021 ~~Proceeding Action~~ by minor parent.—A minor parent, 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 provided in 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 responding tribunal a responding state has not enacted this act or a law or procedure substantially similar to this act, a tribunal of this state shall may issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal state is in a foreign country jurisdiction, upon request the tribunal of this state shall may specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding foreign tribunal state.~~

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

88.3051 Duties and powers of responding tribunal.—

(1) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to s.

88.3011(2)(3), it shall cause the petition or comparable pleading to be filed and notify the petitioner where and when it was filed.

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

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

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

(c) Order income withholding.

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

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

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

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

(h) Order an obligor to keep the tribunal informed of the obligor's current residential address, 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.

(l) 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 stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

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

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

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

88.3071 Duties of support enforcement agency.—

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

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

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

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

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

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

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

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

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

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

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

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

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

88.3081 Duty of Governor and Cabinet.—

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

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

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

88.3101 Duties of state information agency.—

(2) The state information agency shall:

(c) Forward to the appropriate tribunal in the place in this state in which the individual obligee who is an individual or the obligor resides, or in which

the obligor’s property is believed to be located, all documents concerning a proceeding under this act received from another state or a foreign country an initiating tribunal or the state information agency of the initiating state.

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

88.3111 Pleadings and accompanying documents.—

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

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

88.3121 Nondisclosure of information in exceptional circumstances.—If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this act.

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

88.3131 Costs and fees.—

(2) If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney’s fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and

the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

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

88.3141 Limited immunity of petitioner.—

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

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

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

88.3161 Special rules of evidence and procedure.—

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

(2) ~~An A verified petition or other comparable pleading, affidavit, a document substantially complying with federally mandated forms, or and a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if 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-incriminating, the trier of fact may draw an adverse inference from the refusal.

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

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

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

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

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

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

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

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

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

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

88.3191 Receipt and disbursement of payments.—

(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 or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

(2) If neither the obligor, nor the obligee who is an individual, nor the child resides 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 act has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if:

(a) The individual seeking the order resides 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 individual ordered to pay is:

(a) A presumed father of the child;

(b) Petitioning to have his paternity adjudicated;

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

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

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

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

(g) The mother of the child; or

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

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

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

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

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

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

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

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

Section 36. 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 37. Paragraph (b) of subsection (3) of section 88.50211, Florida Statutes, is amended to read:

88.50211 Employer’s compliance with income-withholding order of another state.—

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

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

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

88.5031 Employer's compliance with two or more multiple income-withholding orders.—If the obligor's employer receives two or more multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~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 39. Section 88.5041, Florida Statutes, is amended to read:

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

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

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

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

88.5061 Contest by obligor.—

(1) An obligor may contest the validity or enforcement of an income-withholding order issued in 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 as provided in part VI of this chapter, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state. ~~Section 88.6041, choice of law, applies to the contest.~~

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

- (a) A support enforcement agency providing services to the obligee;
- (b) Each employer that has directly received an income-withholding order relating to the obligor; and
- (c) The person ~~or agency~~ designated to receive payments in the income-withholding order, or if no person ~~or agency~~ is designated, to the obligee.

Section 42. Subsection (1) of 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.

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

(2) The Division of Statutory Revision is directed to divide part VI of chapter 88, Florida Statutes, into subpart A, consisting of ss. 88.6011-88.6041, Florida Statutes, to be entitled “Registration and Enforcement of Support Order;” subpart B, consisting of ss. 88.6051-88.6081, Florida Statutes, to be entitled “Contest of Validity or Enforcement;” subpart C, consisting of ss. 88.6091-88.6141, Florida Statutes, to be entitled “Registration and Modification of Child Support Order of Another State;” and subpart D, consisting of ss. 88.6151 and 88.6161, Florida Statutes, to be entitled “Registration and Modification of Foreign Child Support Order.”

Section 44. 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 45. 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 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 later. The pleading must specify the grounds for the remedy sought.

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

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

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

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

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

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

88.6031 Effect of registration for enforcement.—

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

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

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

Section 47. 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 or foreign country governs:

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

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

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

(2) In a proceeding for arrears under a registered support order arrearages, 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 48. Section 88.6051, Florida Statutes, is amended to read:

88.6051 Notice of registration of order.—

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

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

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

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

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

(d) Of the amount of any alleged arrearages.

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

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

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

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

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

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

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

88.6061 Procedure to contest validity or enforcement of registered order.

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

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

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

88.6071 Contest of registration or enforcement.—

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

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

(b) The order was obtained by fraud;

- (c) The order has been vacated, suspended, or modified by a later order;
- (d) The issuing tribunal has stayed the order pending appeal;
- (e) There is a defense under the law of this state to the remedy sought;
- (f) Full or partial payment has been made; ~~or~~
- (g) The statute of limitation under s. 88.6041 precludes enforcement of some or all of the alleged arrearages; or
- (h) The alleged controlling order is not the controlling order.

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

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

Section 51. 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 52. Section 88.6091, Florida Statutes, is amended to read:

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

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

88.6111 Modification of child support order of another state.—

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

- (a) The following requirements are met:

1. Neither the child, nor the individual obligee who is an individual, nor and the obligor resides do not reside in the issuing state;
2. A petitioner who is a nonresident of this state seeks modification; and
3. The respondent is subject to the personal jurisdiction of the tribunal of this state; or

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

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

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

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

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

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

- (a) One party resides in another state; and
- (b) The other party resides outside the United States.

Section 54. 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 the Uniform Interstate Family Support Act, a tribunal of this state this act or a law substantially similar to this act and, upon request, except as otherwise provided in this act, shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) “Convention support order” means a support order of a tribunal of a foreign country described in s. 88.1011(5)(d).

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

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

(6) “Foreign support agreement”:

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

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

2. Has been:

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

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

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

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

(7) “United States central authority” means the Secretary of the United States Department of Health and Human Services.

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

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

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

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

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

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

(1) In a support proceeding under this part, the Department of Revenue 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.

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

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

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

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

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

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

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

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

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

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

88.7051 Direct request.—

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

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

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

(a) A security, bond, or deposit is not required to guarantee the payment of costs and expenses; and

(b) An obligee or obligor that 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) An individual filing a direct request is not entitled to assistance from the Department of Revenue.

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

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

88.7061 Registration of convention support order.—

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

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

(a) A 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, either 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 be heard in a challenge or appeal on fact or law before a tribunal.

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

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

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

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

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

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

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

88.7071 Contest of registered convention support order.—

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

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

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

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

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

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

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

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

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

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

88.7081 Recognition and enforcement of convention support order.—

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

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

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

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

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

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

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

(f) 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 filed;

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

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

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

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

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

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

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

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

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

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

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

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

88.7101 Foreign support agreement.—

(1) Except as provided in subsections (3) and (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 must be accompanied by:

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

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

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

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

(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 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 subsection (2) lacks authenticity or integrity.

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

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

88.7111 Modification of convention child support order.—

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

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

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

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

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

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

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

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

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

88.8011 Grounds for rendition.—

(2) The Governor of this state may:

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

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

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

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

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

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

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

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

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

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

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

827.06 Nonsupport of dependents.—

(5)

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

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

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

61.08 Alimony.—

(2) In determining whether to award alimony or maintenance, the court shall first make a specific factual determination as to whether either party has an actual need for alimony or maintenance and whether either party has the ability to pay alimony or maintenance. If the court finds that a party has a need for alimony or maintenance and that the other party has the ability to pay alimony or maintenance, then in determining the proper type and amount of alimony or maintenance under subsections (5)-(8), the court shall consider all relevant factors, including, but not limited to:

- (a) The standard of living established during the marriage.
- (b) The duration of the marriage.
- (c) The age and the physical and emotional condition of each party.
- (d) The financial resources of each party, including the nonmarital and the marital assets and liabilities distributed to each.
- (e) The earning capacities, educational levels, vocational skills, and employability of the parties and, when applicable, the time necessary for either party to acquire sufficient education or training to enable such party to find appropriate employment.
- (f) The contribution of each party to the marriage, including, but not limited to, services rendered in homemaking, child care, education, and career building of the other party.
- (g) The responsibilities each party will have with regard to any minor children they have in common.
- (h) The tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as a nontaxable, nondeductible payment.

(i) All sources of income available to either party, including income available to either party through investments of any asset held by that party.

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

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

(8) Permanent alimony may be awarded to provide for the needs and necessities of life as they were established during the marriage of the parties for a party who lacks the financial ability to meet his or her needs and necessities of life following a dissolution of marriage. Permanent alimony may be awarded following a marriage of long duration if such an award is appropriate upon consideration of the factors set forth in subsection (2), following a marriage of moderate duration if such an award is appropriate based upon clear and convincing evidence after consideration of the factors set forth in subsection (2), or following a marriage of short duration if there are written findings of exceptional circumstances. In awarding permanent alimony, the court shall include a finding that no other form of alimony is fair and reasonable under the circumstances of the parties. An award of permanent alimony terminates upon the death of either party or upon the remarriage of the party receiving alimony. An award may be modified or terminated based upon a substantial change in circumstances or upon the existence of a supportive relationship in accordance with s. 61.14.

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

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

Section 81. Except as otherwise expressly provided in this act, this act shall take effect upon the earlier of 90 days following Congress amending 42

U.S.C. s. 666(f) to allow or require states to adopt the 2008 version of the Uniform Interstate Family Support Act, or 90 days following the state obtaining a waiver of its state plan requirement under Title IV-D of the Social Security Act.

Approved by the Governor May 31, 2011.

Filed in Office Secretary of State May 31, 2011.