

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Mayfield offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 1504-1767 and insert:

5 88.7041 Initiation by Department of Revenue of support
6 proceeding under convention.-

7 (1) In a support proceeding under this part, the
8 Department of Revenue shall:

9 (a) Transmit and receive applications; and

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

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

14 (a) Recognition or recognition and enforcement of a
15 foreign support order.

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16 (b) Enforcement of a support order issued or recognized in
17 this state.

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

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

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

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

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

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

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

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

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

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

43 88.7051 Direct request.—

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

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

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

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

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

61 (4) An individual filing a direct request is not entitled
62 to assistance from the Department of Revenue.

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

67 Section 63. Section 88.7061, Florida Statutes, is created
68 to read:

69 88.7061 Registration of convention support order.-

70 (1) Except as otherwise provided in this part, a party who
71 is an individual or a support enforcement agency seeking

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72 recognition of a convention support order shall register the
73 order in this state as provided in part VI of this chapter.

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

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

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

83 (c) If the respondent did not appear and was not
84 represented in the proceedings in the issuing country, a record
85 attesting, as appropriate, either that the respondent had proper
86 notice of the proceedings and an opportunity to be heard, or
87 that the respondent had proper notice of the support order and
88 the opportunity to be heard in a challenge or appeal on fact or
89 law before a tribunal.

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

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

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

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

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

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

107 Section 64. Section 88.7071, Florida Statutes, is created
108 to read:

109 88.7071 Contest of registered convention support order.—

110 (1) Except as otherwise provided in this part, ss.
111 88.6051-88.6081 apply to a contest of a registered convention
112 support order.

113 (2) A party contesting a registered convention support
114 order shall file a contest not later than 30 days after notice
115 of the registration, but if the contesting party does not reside
116 in the United States, the contest must be filed not later than
117 60 days after notice of the registration.

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

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

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

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

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

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

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

135 Section 65. Section 88.7081, Florida Statutes, is created
136 to read:

137 88.7081 Recognition and enforcement of convention support
138 order.-

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

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

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

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

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

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

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

156 (f) A proceeding between the same parties and having the
157 same purpose is pending before a tribunal of this state and that
158 proceeding was the first to be filed;

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

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

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

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

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

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

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

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

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

186 Section 66. Section 88.7091, Florida Statutes, is created
187 to read:

188 88.7091 Partial enforcement.—If a tribunal of this state
189 does not recognize and enforce a convention support order in its
190 entirety, it shall enforce any severable part of the order. An
191 application or direct request may seek recognition and partial
192 enforcement of a convention support order.

193 Section 67. Section 88.7101, Florida Statutes, is created
194 to read:

195 88.7101 Foreign support agreement.—

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

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

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

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

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

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

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

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

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

219 (d) The record submitted under subsection (2) lacks
220 authenticity or integrity.

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

225 Section 68. Section 88.7111, Florida Statutes, is created
226 to read:

227 88.7111 Modification of convention child support order.-

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

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

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

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

241 Section 69. Section 88.7121, Florida Statutes, is created
242 to read:

243 88.7121 Personal information; limit on use.—Personal
244 information gathered or transmitted under this part may be used
245 only for the purposes for which it was gathered or transmitted.

246 Section 70. Section 88.7131, Florida Statutes, is created
247 to read:

248 88.7131 Record in original language; English translation.—
249 A record filed with a tribunal of this state under this part
250 must be in the original language and, if not in English, must be
251 accompanied by an English translation.

252 Section 71. Paragraph (b) of subsection (2) of section
253 88.8011, Florida Statutes, is amended to read:

254 88.8011 Grounds for rendition.—

255 (2) The Governor of this state may:

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

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

262 88.9011 Uniformity of application and construction.—In
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263 applying and construing this uniform act, consideration must be
264 given to the need to promote uniformity of ~~This act shall be~~
265 ~~applied and construed to effectuate its general purpose to make~~
266 ~~uniform~~ the law with respect to its ~~the~~ subject matter ~~of this~~
267 ~~act~~ among states that enact ~~enacting~~ it.

268 Section 72. Section 88.9021, Florida Statutes, is created
269 to read:

270 88.9021 Transitional provision.—This act applies to
271 proceedings begun on or after the effective date of this act to
272 establish a support order or determine parentage of a child or
273 to register, recognize, enforce, or modify a prior support
274 order, determination, or agreement, whenever issued or entered.

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T I T L E A M E N D M E N T

279 Remove lines 98-118 and insert:
280 Revenue of support proceedings under the convention; creating s.
281 88.7051, F.S.; providing for direct requests to tribunals;
282 creating s. 88.7061, F.S.; providing for registration of
283 convention support orders; creating s. 88.7071, F.S.; providing
284 for contest of registered convention support orders; creating s.
285 88.7081, F.S.; providing for recognition and enforcement of
286 registered convention support orders; creating s. 88.7091, F.S.;
287 providing for partial enforcement of convention support orders;
288 creating s. 88.7101, F.S.; providing requirements for a foreign
289 support agreement; creating s. 88.7111, F.S.; providing for
290 modification of convention child support orders; creating s.

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291 88.7121, F.S.; providing limits on the personal use of certain
292 information; creating s. 88.7131, F.S.; requiring a record filed
293 with a tribunal of this state under specified provisions to be
294 in the original language and, if not in English, to be
295 accompanied by an English translation; amending s. 88.8011,
296 F.S.; revising terminology; amending s. 88.9011, F.S.; revising
297 provisions relating to the uniformity of application and
298 construction of the act; creating s. 88.9021, F.S.; providing
299 applicability; amending s. 88.9031, F.S.;

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