

CHAPTER 88

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT

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PART I

GENERAL PROVISIONS

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88.011 Short title.—This act may be cited as the "Revised Uniform Reciprocal Enforcement of Support Act (1968)."

History.—s. 1, ch. 29901, 1955; s. 1, ch. 79-383.

88.012 Legislative intent.—Common-law and statutory procedures governing the remedies for the establishment and enforcement of orders of support for children by responsible parents under the Uniform Reciprocal Enforcement of Support Act have not proven sufficiently effective or efficient to cope with the increasing incidence of establishing and collecting child support obligations when the petitioner and respondent reside in different states. The state, therefore, exercising its police and sovereign powers, declares that the common-law and statutory remedies pertaining to family desertion and nonsupport of dependent children shall be augmented by the additional remedies directed to the resources of the responsible parents as mandated by the Florida IV-D program in chapter 409. In order to render resources more immediately available to satisfy child support orders, it is the legislative intent that the remedies provided herein shall be in addition to, and not in lieu of, existing remedies. It is declared to be the public policy of this state that this act shall be construed and administered to the end that children residing in this or some other state shall be maintained from the resources of responsible parents, whether the responsible parents live in this or some other state, thereby relieving, at least in part, the burden borne by the custodial parent or the general citizenry through public assistance programs. It is further the legislative intent that the Revised Uniform Reciprocal Enforcement of Support Act is an appropriate statute under which to collect child support arrearages after the child is no longer dependent.

History.—s. 2, ch. 79-383; s. 6, ch. 87-95.

88.021 Purpose.—The purpose of this act is to improve and extend by reciprocal legislation the enforcement of duties of support.

History.—s. 2, ch. 29901, 1955; s. 3, ch. 79-383.

88.031 Definitions.—As used in this chapter, unless the context requires otherwise:

(1) "Court" means the circuit court of this state and, when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(2) "Department" means the Department of Revenue.

(3) "Duty of support" means a duty of support whether imposed or imposable by law or by order, decree, or judgment of any court, whether interlocutory or final or whether incidental to an action for dissolution of marriage, separation, separate maintenance, or otherwise, and includes the duty to pay arrearages of support past due and unpaid.

(4) "Governor" includes any person performing the functions of governor or the executive authority of any state covered by this act.

(5) "Initiating court" means the court in which a proceeding is commenced.

(6) "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(7) "IV-D program" means the Child Support Enforcement Program operated pursuant to Title IV-D of the Social Security Act 42 U.S.C. s. 1302, 88 Stat. 2351, Pub. L. No. 93-647, and chapter 409.

(8) "Law" includes both common and statutory law.

(9) "Petitioner" means a person, including a state or political subdivision, to whom a duty of support is owed or a person, including a state or political subdivision, who has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

(10) "Petitioner's representative" means the Department of Revenue only in cases certified pursuant to Title IV-D of the Social Security Act. In non-IV-D cases, "petitioner's representative" means the petitioner or private counsel retained by the non-IV-D petitioner.

(11) "Program attorney" means an attorney employed by, or under contract with, the department to provide legal representation for the department in a proceeding related to determination of paternity or child support enforcement brought pursuant to law.

(12) "Register" means to record or file in the Registry of Foreign Support Orders.

(13) "Registering court" means any court of this state in which a support order of a rendering state is registered.

(14) "Rendering state" means a state in which the court has issued a support order for which registration is sought or granted in the court of another state.

(15) "Respondent" means any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

(16) "Responding court" means the court in which the responsive proceeding is commenced.

(17) "Responding state" means a state in which any responsive proceeding pursuant to the proceeding in the initiating state is commenced.

(18) "State" includes a state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, in which this or a substantially similar reciprocal law is in effect, and includes any foreign nation or state of a foreign nation declared pursuant to s. 88.0405 to have similar reciprocal provisions.

(19) "Support order" means any judgment, decree, or order of support in favor of a petitioner, whether temporary or final or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

(20) "Support" includes:

(a) Support for a child, or child and spouse, or former spouse who is living with the child or children, but only if a support obligation has been established for that spouse and the child support obligation is being enforced under Title IV-D of the Social Security Act; or

(b) Support for a child who is placed under the custody of someone other than the parent pursuant to s. 39.41.

History.—s. 3, ch. 29901, 1955; s. 1, ch. 73-300; s. 4, ch. 79-383; s. 1, ch. 81-86; s. 158, ch. 86-220; s. 7, ch. 87-95; s. 13, ch. 92-138; s. 10, ch. 94-124; s. 1376, ch. 95-147.

88.0405 Declaration of reciprocity; other nations.

(1) If the Attorney General finds that reciprocal provisions are available in a foreign nation or a state of a foreign nation for the enforcement of support orders issued in this state, the Attorney General may declare the foreign nation or state of a foreign nation to be a reciprocating state for the purpose of this chapter.

(2) A declaration made pursuant to this section may be revoked by the Attorney General.

History.—s. 2, ch. 81-86.

88.041 Remedies additional to those now existing.

The remedies herein provided are in addition to and not in substitution for any other remedies.

History.—s. 4, ch. 29901, 1955.

88.051 Extent of duties of support.—Duties of support arising under the law of this state, when applicable under s. 88.081, bind the respondent present in this state regardless of the presence or residence of the petitioner.

History.—s. 5, ch. 29901, 1955; s. 5, ch. 79-383.

88.0515 Alimony and child support; additional method for enforcing orders and judgments; costs; expenses.—

(1) An order or judgment for the payment of alimony or support entered by any court of this state may be enforced by another circuit court in this state in the following manner:

(a) The person to whom such alimony or support is payable or for whose benefit it is payable may file a certified copy of the order or judgment with a petition for enforcement or modification in the circuit court for the county in which the person resides or in the county where the person charged with the payment of the alimony or support resides or is found.

(b) If the pleadings seek to modify the amount of the alimony or support, the court shall have jurisdiction to hear and decide issues raised in the petition. The clerk of the circuit court in which the new order is entered shall transmit a certified copy of the new order or judgment to the court of original jurisdiction, and the new order or judgment shall be recorded and filed in the original action and become a part thereof. If the court determines that the action should be tried by the court entering the original order or judgment, it shall transfer the action to that court for determination.

(2) The court has jurisdiction to award costs and expenses as are equitable, including the cost of certifying and recording the judgment entered in the action in the court of original jurisdiction and reasonable attorney's fees.

(3) The entry of a judgment for arrearages for support, alimony, or fees and costs does not preclude a subsequent contempt proceeding or certification of a Title IV-D case for intercept by the United States Internal Revenue Service for that judgment, including costs, or for subsequent failure of an obligor to pay support, alimony, or fees. In Title IV-D cases, any costs or fees shall only be assessed against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees.

History.—s. 14, ch. 92-138.

PART II

CRIMINAL ENFORCEMENT

88.061 Interstate rendition.

88.065 Conditions of interstate rendition.

88.061 Interstate rendition.—The Governor of this state may:

(1) Demand of the governor of another state the surrender of a person found in that state who is charged in this state with failing to provide for the support of any person; or

(2) Surrender on demand by the governor of another state a person found in this state who is charged in that state with failing to provide for the support of any person.

The provisions for extradition of criminals not inconsistent with this act apply to the demand even if the person whose surrender is demanded was not in the demanding state at the time of the commission of the act and has not fled therefrom. The demand, the oath, and any proceedings for extradition pursuant to this section need not state or show that the person whose surrender

is demanded has fled from justice or at the time of the commission of the act was in the demanding state.

History.—s. 6, ch. 29901, 1955; s. 6, ch. 79-383.

88.065 Conditions of interstate rendition.—

(1) Before making demand upon the governor of another state for the surrender of a person charged in this state with failing to provide for the support of a person, the Governor of this state may require the petitioner's representative to satisfy him or her that at least 60 days prior thereto the petitioner initiated proceedings for support under this act or that any proceeding would be of no avail.

(2) If, under a substantially similar act, the governor of another state makes a demand upon the Governor of this state for the surrender of a person charged in that state with failure to provide for the support of a person, the Governor may require the petitioner's representative to investigate the demand and to report to him or her whether proceedings for support have been initiated or would be effective. If it appears to the Governor that a proceeding would be effective but has not been initiated, he or she may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(3) If proceedings have been initiated and the person demanded has prevailed therein, the Governor may decline to honor the demand. If the petitioner prevailed and the person demanded is subject to a support order, the Governor may decline to honor the demand if the person demanded is complying with the support order.

History.—s. 7, ch. 79-383; s. 129, ch. 86-220; s. 8, ch. 87-95; s. 460, ch. 95-147.

PART III

CIVIL ENFORCEMENT

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88.081 Choice of law.—Duties of support applicable under this act are those imposed under the laws of any state where the respondent was present for the period during which support is sought. The respondent is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

History.—s. 8, ch. 29901, 1955; s. 8, ch. 79-383.

88.091 Remedies of state or political subdivision furnishing support.—If a state or a political subdivision furnishes support to an individual petitioner, it has the same right to initiate a proceeding under this act as the individual petitioner for the purpose of securing reimbursement for support furnished and of obtaining continuing support.

History.—s. 9, ch. 29901, 1955; s. 9, ch. 79-383.

88.101 How duties of support are enforced.—All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under this act, including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the respondent.

History.—s. 10, ch. 29901, 1955; s. 10, ch. 79-383.

88.105 Jurisdiction.—Jurisdiction of any proceeding under this act is vested in the circuit court.

History.—s. 11, ch. 79-383.

88.111 Contents and filing of motion for support; venue.—

(1) The motion shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the respondent and the persons for whom support is sought and all other pertinent information. The petitioner may include in or attach to the motion any information which may help in locating or identifying the respondent, including a photograph of the respondent, a description of any distinguishing marks on the respondent's person, other names and aliases by which the respondent has been or is known, the name of his or her employer, his or her fingerprints, and his or her social security number.

(2) The motion may be filed in the appropriate court of any state in which the petitioner resides. The court shall not decline or refuse to accept and forward the motion on the ground that it should be filed with some other court of this or any other state where there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties or where another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

History.—s. 11, ch. 29901, 1955; s. 12, ch. 79-383; s. 461, ch. 95-147.

88.121 Officials to represent petitioner.—

(1) If this state is acting as an initiating state, the department shall represent the petitioner only in cases certified pursuant to Title IV-D of the Social Security Act in any proceeding under this act. In non-IV-D cases, the petitioner shall be represented by himself or herself or by private counsel.

(2) When the IV-D agency has undertaken an action to determine paternity, establish an obligation of support, or enforce an obligation of support, the IV-D agency shall be a party to the action only for those purposes allowed under Title IV-D of the Social Security Act. The program attorney shall be the attorney of record solely for the purposes of child support enforcement as authorized under Title IV-D and may prosecute only those activities which are eligible for federal financial participation under Title IV-D.

History.—s. 12, ch. 29901, 1955; ss. 19, 35, ch. 69-106; s. 1, ch. 69-268; s. 26, ch. 77-147; s. 13, ch. 79-383; s. 130, ch. 86-220; s. 9, ch. 87-95; s. 462, ch. 95-147.

88.131 Motion on behalf of a minor.—A motion on behalf of a minor petitioner may be executed and filed by a person having legal custody of the minor without appointment as guardian ad litem.

History.—s. 13, ch. 29901, 1955; s. 14, ch. 79-383.

88.141 Duty of initiating court.—If the initiating court finds that the motion sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the respondent or the respondent's property, it shall so certify and cause three copies of the motion and its certificate and one copy of this act to be sent to the responding court or the state information agency. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court are unknown and the responding state has an information agency comparable to that established in the initiating state, it shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court.

History.—s. 14, ch. 29901, 1955; s. 15, ch. 79-383; s. 463, ch. 95-147.

88.151 Costs and fees.—

(1) An initiating court shall not require prior payment of either a filing fee or other court costs from the petitioner but may request the responding court to assess filing fees, attorney's fees, court costs, and other administrative costs against the respondent and include this assessment as part of the order. A responding court shall not require prior payment of a filing fee or other court costs from the petitioner, but it may direct that all filing fees, attorney's fees, court costs, and other administrative costs requested by the initiating court and those fees and costs incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service, other administrative costs, or other service supplied to the respondent, be paid in whole or in part by the respondent.

(2) The department shall impose and collect an application fee pursuant to s. 409.2567 for services provided under this chapter.

History.—s. 15, ch. 29901, 1955; s. 1, ch. 57-405; s. 16, ch. 79-383; s. 131, ch. 86-220; s. 7, ch. 88-176.

88.161 Jurisdiction by arrest.—If the court of this state finds that the respondent may flee, it may:

(1) As an initiating court, request in its certificate that the responding court obtain the body of the respondent by appropriate process; or

(2) As a responding court, obtain the body of the respondent by appropriate process. Thereupon, it may release the respondent upon his or her own recognizance or upon the respondent's giving a bond in an amount set by the court to assure his or her appearance at the hearing.

History.—s. 16, ch. 29901, 1955; s. 17, ch. 79-383; s. 464, ch. 95-147.

88.171 State information agency.—

(1) The Department of Revenue is hereby designated as the state information agency under this act, and it shall:

(a) Compile a list of the courts and their addresses in this state having jurisdiction under this act and transmit it to the state information agency of every other state which has adopted this or a substantially similar act. Upon the adjournment of each session of the Legislature, the agency shall distribute copies of any amendments to the act and a statement of the effective dates thereof to all other state information agencies.

(b) Maintain a register of lists of courts received from other states and transmit copies thereof promptly to every court in this state having jurisdiction under this act.

(c) Forward to the court in this state which has jurisdiction over the respondent or the respondent's property motions, certificates, and copies of the acts it receives from courts or information agencies of other states.

(2) If the state information agency does not know the location of the respondent or the respondent's property in the state and no state location service is available, it shall use all means at its disposal to obtain this information, including the examination of official records in the state and other sources, such as telephone directories, real property records, vital statistics records, police records, requests for the name and address from employers who are able or willing to cooperate, records of motor vehicle license offices, requests made to the tax offices, both state and federal, when such offices are able to cooperate, and requests made to the Social Security Administration as permitted by the Social Security Act as amended.

(3) The depository established pursuant to s. 61.181 shall disburse collections made but not disbursed due to nonreceipt of a court order if the state information agency provides an affidavit to the depository certifying the payment destination.

History.—s. 17, ch. 29901, 1955; s. 1, ch. 65-208; ss. 11, 35, ch. 69-106; s. 18, ch. 79-383; s. 6, ch. 89-183; s. 11, ch. 94-124; s. 1377, ch. 95-147.

88.181 Duty of the court and officials of this state as responding state.—

(1) After the responding court receives copies of the motion, certificate, and act from the initiating court or state information agency, the clerk of the court shall docket the case and notify the petitioner's representative of his or her action.

(2) The petitioner's representative shall prosecute the case diligently. The petitioner's representative shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the respondent or the respondent's property and shall request the court to set a time and place for a hearing and give notice thereof to the respondent in accordance with law.

History.—s. 18, ch. 29901, 1955; s. 19, ch. 79-383; s. 132, ch. 86-220; s. 10, ch. 87-95; s. 465, ch. 95-147.

88.191 Further duties of court and officials in the responding state.—

(1) If, because of inaccuracies in the motion or otherwise, the court cannot obtain jurisdiction, the petitioner's representative shall inform the court of what it has done and request the court to continue the case pending receipt of more accurate information or an amended motion from the initiating court.

(2) If the respondent or the respondent's property is not found in the circuit, and the petitioner's representative discovers that the respondent or the respondent's property may be found in another circuit of this state or in another state, it shall so inform the court. Thereupon, the petitioner's representative shall forward the documents received from the initiating state to the other circuit or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this act apply to the recipient of the documents so forwarded. If the petitioner's representative of this state forwards documents to another court, he or she shall forthwith notify the initiating court.

(3) If the petitioner's representative has no information as to the location of the respondent or the respondent's property, it shall so inform the initiating court.

History.—s. 19, ch. 29901, 1955; s. 20, ch. 79-383; s. 133, ch. 86-220; s. 11, ch. 87-95; s. 466, ch. 95-147.

88.193 Hearing and continuance.—If the petitioner is not present at the hearing and the respondent denies owing the duty of support alleged in the motion or offers evidence constituting a defense, the court, upon request of either party, shall continue the hearing to permit evidence relative to the duty to be adduced by either party by deposition or by appearing in person before the court. The court may designate the judge of the initiating court as a person before whom a deposition may be taken.

History.—s. 21, ch. 79-383.

88.211 Order of support.—

(1) If the responding court finds a duty of support, it may order the respondent to furnish support or reimbursement therefor and subject the property of the respondent to the order. The court shall enter a separate order for income deduction pursuant to chapter 61. Support orders made pursuant to this act shall require that payments be made to the local depository for forwarding to the department in IV-D cases or to the initiating juris-

isdiction in non-IV-D cases. The court and the petitioner's representative have the same powers and duties to enforce the order as have those of the circuit in which it was first issued. If enforcement is impossible or cannot be completed in the circuit in which the order was issued, the petitioner's representative shall prosecute the order in any circuit in which it appears that proceedings to enforce the order would be effective. The petitioner's representative shall report the results of the proceedings to the court first issuing the order.

(2) In a judicial circuit with a work experience and job training pilot project, if the respondent is unemployed or has no income, then the court shall order the respondent to seek employment, if the respondent is able to engage in employment, and to immediately notify the court upon obtaining employment, upon obtaining any income, or upon obtaining any ownership of any asset with a value of \$500 or more. If the respondent is still unemployed 30 days after any order for support, the court may order the respondent to enroll in the work experience, job placement, and job training pilot program for noncustodial parents, as established in s. 409.2565, if the respondent is eligible for entrance into the pilot program.

History.—s. 21, ch. 29901, 1955; s. 22, ch. 79-383; s. 134, ch. 86-220; s. 12, ch. 87-95; s. 16, ch. 95-222.

88.221 Responding court to transmit copies to initiating court.—The responding court shall cause a copy of each support order to be sent to the initiating court and the state information agency.

History.—s. 22, ch. 29901, 1955; s. 23, ch. 79-383.

88.231 Additional powers of responding court.—In addition to the foregoing powers, a responding court may subject the respondent to any terms and conditions proper to assure compliance with its orders and in particular to:

(1) Require the respondent to furnish a cash deposit or a bond of a character and amount to assure payment of any amount due.

(2) Require the respondent to report personally and to make payments at specified intervals to the clerk of the court.

(3) Punish under the power of contempt the respondent who violates any order of the court.

History.—s. 23, ch. 29901, 1955; s. 24, ch. 79-383.

88.235 Paternity.—If the respondent asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise, the court may adjourn the hearing until the paternity issue has been adjudicated.

History.—s. 25, ch. 79-383.

88.241 Additional duties of responding court.—A responding court has the following duties which may be carried out through the clerk of the court:

(1) To transmit to the initiating court or the IV-D agency any payment made by the respondent pursuant to any order of the court or otherwise; and

(2) To furnish to the initiating court or the IV-D agency upon request a certified statement of all payments made by the respondent.

History.—s. 24, ch. 29901, 1955; s. 26, ch. 79-383.

88.251 Additional duty of initiating court.—An initiating court or the IV-D agency shall receive and disburse forthwith all payments made by the respondent or sent by the responding court. This duty may be carried out through the central governmental depository established pursuant to s. 61.181.

History.—s. 25, ch. 29901, 1955; s. 27, ch. 79-383; s. 135, ch. 86-220.

88.255 Proceedings not to be stayed.—A responding court shall not stay the proceeding or refuse a hearing under this act because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this or any other state. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof, it may require the respondent to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding and the judgment therein provides for the support demanded in the motion being heard, the court must conform its support order to the amount allowed in the other action or proceeding. Thereafter, the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.

History.—s. 28, ch. 79-383.

88.261 Evidence of husband and wife.—Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

History.—s. 26, ch. 29901, 1955; s. 29, ch. 79-383.

88.271 Rules of evidence.—In any hearing for the civil enforcement of this act, the court is governed by the rules of evidence applicable in a civil court action in the circuit court. If the action is based on a support order issued by another court, a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses available to a respondent concerning a substantial change in the circumstances of the parties relating to the obligations of support or with respect to paternity pursuant to s. 88.235 or to a defendant in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support owed to one petitioner is unaffected by any interference by another petitioner with rights of custody or visitation granted by a court.

History.—s. 27, ch. 29901, 1955; s. 30, ch. 79-383.

88.281 Application of payments.—A support order made by a court of this state pursuant to this act does not nullify and is not nullified by a support order made by a court of this state pursuant to any other law or by a support order made by a court of any other state pursuant to a substantially similar act or any other law, regardless of priority of issuance, unless otherwise spe-

cifically provided by the court. Amounts paid for a particular period pursuant to any support order made by the court of another state shall be credited against the amounts accruing or accrued for the same period under any support order made by the court of this state.

History.—s. 28, ch. 29901, 1955; s. 1, ch. 73-300; s. 31, ch. 79-383.

88.291 Effect of participation in proceedings.—Participation in any proceeding under this act does not confer jurisdiction upon any court over any of the parties thereto in any other proceeding.

History.—s. 29, ch. 29901, 1955; s. 32, ch. 79-383.

88.295 Intrastate application.—Cases entered into the Revised Uniform Reciprocal Enforcement of Support Act (1968) system which must be handled on an intrastate basis shall be transmitted to the appropriate program attorney to be filed and processed in accordance with the procedures specified in ss. 409.2554-409.2597.

History.—s. 33, ch. 79-383.

88.297 Appeals.—If the petitioner's representative is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, it may:

(1) Commence an appeal to the proper appellate court if the support order was issued by a court of this state; or

(2) If the support order was issued in another state, cause the appeal to be taken in the other state.

In either case, the expenses of an appeal of a IV-D case may be paid from funds appropriated for the IV-D program.

History.—s. 34, ch. 79-383; s. 136, ch. 86-220; s. 13, ch. 87-95.

88.311 Uniformity of interpretation.—This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

History.—s. 32, ch. 29901, 1955; s. 35, ch. 79-383.

PART IV

REGISTRATION OF FOREIGN SUPPORT ORDERS

- 88.321 Additional remedies.
- 88.331 Registration.
- 88.341 Registry of foreign support orders.
- 88.345 Official to represent petitioner.
- 88.351 Registration procedure; notice.
- 88.371 Effect of registration; enforcement procedure.

88.321 Additional remedies.—If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in ss. 88.331-88.371.

History.—s. 1, ch. 59-393.

88.331 Registration.—

(1) The obligee may register the foreign support order in a circuit court of this state in the manner, with the effect, and for the purposes herein provided.

(2) Registration of a Title IV-D case under these provisions shall allow the court the jurisdiction to address only those issues of support allowed under Title IV-D of the Social Security Act, and no other collateral issues.

History.—s. 1, ch. 59-393; s. 15, ch. 92-138.

88.341 Registry of foreign support orders.—The clerk of the circuit court shall maintain a registry of foreign support orders in which he or she shall record foreign support orders.

History.—s. 1, ch. 59-393; s. 467, ch. 95-147.

88.345 Official to represent petitioner.—If this state is acting either as a rendering or a registering state, the department shall represent the petitioner only in cases certified pursuant to Title IV-D of the Social Security Act in proceedings under this part. In non-IV-D cases, the petitioner shall be represented by himself or herself or by private counsel.

History.—s. 36, ch. 79-383; s. 137, ch. 86-220; s. 14, ch. 87-95; s. 468, ch. 95-147.

88.351 Registration procedure; notice.—

(1) A petitioner seeking to register a foreign support order in a circuit court of this state shall transmit to the clerk of the circuit court:

(a) Three certified copies of the order with all modifications thereof;

(b) One copy of the reciprocal enforcement of support act of the state in which the order was made; and

(c) A statement, verified and signed by the petitioner, showing the post-office address of the petitioner, the last known place of residence and post-office address of the respondent, the amount of support remaining unpaid, a description and the location of any property of the respondent available upon execution, and a list of the states in which the order is registered.

Upon receipt of these documents, the clerk of the circuit court, without payment of a filing fee or other cost to the petitioner, shall file them in the Registry of Foreign Support Orders. The filing constitutes registration under this act.

(2) Promptly upon registration, the clerk of the circuit court shall send by certified or registered mail to the respondent at the address given a notice of the registration with a copy of the registered support order and the post-office address of the petitioner. The clerk shall also

docket the case and notify the department of his or her action. The department shall proceed diligently to enforce the order.

History.—s. 1, ch. 59-393; s. 37, ch. 79-383; s. 138, ch. 86-220; s. 469, ch. 95-147.

88.371 Effect of registration; enforcement procedure.—

(1) Upon registration, the registered foreign support order shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner.

(2) The respondent has 25 days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. If the respondent does not so petition, the registered support order is confirmed.

(3) At the hearing to enforce the registered support order, the respondent may present only matters that would be available to him or her as defenses in an action to enforce a foreign money judgment and matters concerning a substantial change in the circumstances of the parties relating to the obligation of support. If the respondent shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the respondent has furnished security for payment of the support ordered as required by the rendering state. If the respondent shows to the court any ground upon which enforcement of a support order of this state may be stayed, the court shall stay enforcement of the order for an appropriate period if the respondent furnishes the same security for payment of the support ordered that is required for a support order of this state.

History.—s. 1, ch. 59-393; s. 38, ch. 79-383; s. 470, ch. 95-147.