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DEPARTMENT OF LEGAL AFFAIRS

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

DECLARATION OF RECIPROCITY

Pursuant to s. 88.0405, F.S., and for the reasons set forth in the attached opinion, I hereby declare Jamaica to be a reciprocating state for the purposes of Ch. 88, F.S., the Revised Uniform Reciprocal Enforcement of Support Act (1968), commencing February 10, 1988.



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State of Florida

February 10, 1988

Mr. Gregory L. Coler
Secretary
Department of Health and
Rehabilitative Services
1317 Winewood Boulevard
Tallahassee, Florida 32399-0700

Dear Secretary Coler:

This is in response to your request that this office declare Jamaica to be a reciprocating state for purposes of Ch. 88, F.S., the Revised Uniform Reciprocal Enforcement of Support Act (1968).

Section 88.0405(1), F.S., provides that the Attorney General may declare a foreign nation or state of a foreign nation to be a reciprocating state for purposes of Ch. 88, F.S. Such a declaration is dependent upon a finding by the Attorney General that reciprocal provisions are available in the foreign nation or state for the enforcement of support orders issued in the State of Florida.¹

You have furnished this office with a copy of the Maintenance Orders (Facilities for Enforcement) Act, 1987, which is an act regarding the reciprocal enforcement of maintenance orders. I find, based on my examination of the Jamaica Act, that reciprocal provisions are available in Jamaica for the enforcement of support orders issued in the State of Florida and, therefore, under the provisions of s. 88.0405, F.S., Jamaica may be declared a reciprocating state.

Section 3 of the Jamaica Maintenance Orders Act, 1987, provides for the registration of maintenance orders made abroad. This section states that where a maintenance order has been made against a person by a court in a reciprocating state and a certified copy of such order has been received by the Minister, a certified copy of the order shall be registered by the designated officer of the court. The act makes provision for confirmation of provisional maintenance orders (i.e., orders which have no effect until confirmed by a court in Jamaica).² An order

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registered or confirmed by a court in Jamaica has the same force and effect and shall be enforceable as if it had originally been made by that court and as if that court had jurisdiction to make it.³

It, therefore, appears that reciprocal provisions for the enforcement of support orders issued in the State of Florida are available under Jamaica's Maintenance Orders Act, 1987, provided that the State of Florida is declared to be a reciprocating state.⁴ Since such reciprocal provisions are available under the Jamaica Act, I am of the opinion that Jamaica may be declared to be a reciprocating state pursuant to s. 88.0405, F.S.

Sincerely,



Robert A. Butterworth
Attorney General

RAB/tgk

¹ See also, s. 88.031(18), F.S., defining "State" for purposes of Ch. 88, F.S., to include "any foreign nation or state of a foreign nation declared pursuant to s. 88.0405 to have similar reciprocal provisions."

² Section 4, The Maintenance Orders (Facilities For Enforcement) Act, 1987.

³ Section 7, supra.

⁴ See, s. 2, supra, defining a "reciprocating state" as one declared to be a reciprocating state under s. 20 of the Jamaica Act; and s. 20, supra, stating that "[w]here the Minister is satisfied that reciprocal provisions have been or will be made by any state for the enforcement in that state of maintenance orders made in Jamaica, the Minister may, by order, declare that state to be a reciprocating state for the purposes of this Act."