



OFFICE OF THE ATTORNEY GENERAL

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DEPARTMENT OF LEGAL AFFAIRS

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

ROBERT A. BUTTERWORTH

Attorney General  
State of Florida

July 6, 1988

*declaration of reciprocity / Bermuda*

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

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OFFICE OF THE SECRETARY

Dear Secretary Coler:

This is in response to your request that this office declare Bermuda 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.<sup>1</sup>

You have furnished this office with a copy of The Maintenance Orders (Reciprocal Enforcement) Act 1974 (hereafter the Act), which is an act regarding the reciprocal enforcement of maintenance orders. I find, based on my examination of the Bermuda Act, that reciprocal provisions are available in Bermuda for the enforcement of support orders issued in the State of Florida, and, therefore, under the provisions of s. 88.0405, F.S., Bermuda may be declared a reciprocating state provided that the State of Florida is declared to be a reciprocating state by Bermuda.<sup>2</sup>

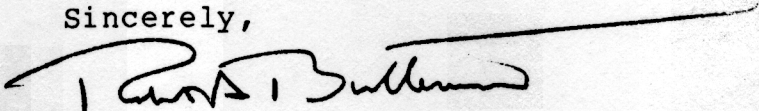
Section 5 of the Act provides for the registration of maintenance orders made by a court in a reciprocating country.<sup>3</sup> This section provides that where a certified copy of a maintenance order is received by the Governor of Bermuda from the responsible authority in a reciprocating country, and it appears to the Governor that the payer under the order is residing in Bermuda he or she shall send the copy of order to the prescribed officer of the magistrates' court in Bermuda.<sup>4</sup> When the prescribed

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officer of the magistrates' court receives a certified copy of maintenance order from the Governor, he or she shall register the order as prescribed by that court.<sup>5</sup> Pursuant to the Act, a registered order may be enforced in Bermuda as if it had been made by the registering court and as if that court had had jurisdiction to make it.<sup>6</sup>

It, therefore, appears that reciprocal provisions for the enforcement of support orders issued in the State of Florida are available under the Maintenance Orders (Reciprocal Enforcement) Act of 1974, provided that the State of Florida is declared to be a reciprocating state.<sup>7</sup> Since such reciprocal provisions are available under the Bermuda Act, I am of the opinion that Bermuda may be declared to be a reciprocating state pursuant to s. 88.0405, F.S.

Sincerely,



Robert A. Butterworth  
Attorney General

RAB/tgk

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<sup>1</sup> 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."

<sup>2</sup> Section 15.(1) and (2), The Maintenance Orders (Reciprocal Enforcement) Act 1974 (hereafter the Act), provides for designation of reciprocating countries by order of the Governor of Bermuda.

<sup>3</sup> Section 5.(1), the Act.

<sup>4</sup> Section 5.(2), the Act.

<sup>5</sup> Section 5.(3), the Act.

<sup>6</sup> Section 7.(1), the Act.

<sup>7</sup> Supra at footnote 2.





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## DECLARATION OF RECIPROCITY

Pursuant to s. 88.0405, F.S., and for the reasons set forth in the attached opinion, I hereby declare Bermuda to be a reciprocating state for the purposes of Ch. 88, F.S., the Revised Uniform Reciprocal Enforcement of Support Act (1968), commencing July 6, 1988.

ROBERT A. BUTTERWORTH  
ATTORNEY GENERAL