

Bill No. SB 1770

Barcode 084546

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Baker) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (6) through (20) of section 61.046, Florida Statutes, are renumbered as subsections (7) through (21), respectively, and a new subsection (6) is added to that section to read:

61.046 Definitions.--As used in this chapter:

(6) "Electronic communication" means contact, other than face-to-face contact, facilitated by tools such as telephones, electronic mail (e-mail), web cams, video-conferencing equipment and software or other wired or wireless technologies, or other means of communication to supplement face-to-face contact between a parent and that parent's minor child.

Section 2. Section 61.13002, Florida Statutes, is created to read:

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1 61.13002 Court-ordered electronic communication
2 between a parent and a child.--

3 (1)(a) In connection with proceedings under this
4 chapter, a court may order electronic communication between a
5 parent and a child. Before ordering electronic communication,
6 a court must consider:

7 1. Whether electronic communication is in a child's
8 best interests;

9 2. Whether communication equipment and technology to
10 provide electronic communication is reasonably available,
11 accessible, and affordable;

12 3. Each parent's history of substance abuse or
13 domestic violence; and

14 4. Any other factor that the court considers material.

15 (b) Notwithstanding paragraph (a), a rebuttable
16 presumption is created providing that it is in the best
17 interests of a child for a parent and child to have reasonable
18 telephone communication. Unless this presumption is rebutted,
19 the court shall order telephone communication.

20 (c) The court may set safeguards or guidelines for
21 electronic communication.

22 (2) If the court finds that one or both parents will
23 incur additional costs in order to implement electronic
24 communication with the child, the court shall allocate such
25 expenses arising solely from the electronic communication
26 between the parents after considering the respective parent's
27 financial circumstances.

28 (3) If the court enters an order granting electronic
29 communication, each parent shall furnish the other parent with
30 the access information necessary to facilitate electronic
31 communication. Each parent shall notify the other parent of

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1 any change in the access information within 7 days after the
2 change.

3 (4) Electronic communication may be used only to
4 supplement a parent's face-to-face contact with his or her
5 minor child. Electronic communication may not be used to
6 replace or as a substitute for face-to-face contact.

7 (5) A party to a child custody order that does not
8 prohibit electronic communication may move a court to order
9 electronic communication. Such a party need not prove a
10 substantial change in circumstances.

11 (6) The court may not consider the availability of
12 electronic communication as the sole determinative factor when
13 considering relocation.

14 (7) The extent or amount of time that electronic
15 communication with the child is ordered under s. 61.13 may not
16 be used as a factor when the court calculates child support.

17 (8) This section does not apply to any judgment or
18 order issued before October 1, 2007.

19 Section 3. This act shall take effect October 1, 2007.

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

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25
26 and insert:

27 A bill to be entitled
28 An act relating to the use of technology to
29 supplement visitation; amending s. 61.046,
30 F.S.; defining the term "electronic
31 communication"; creating s. 61.13002, F.S.;

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1 authorizing a court to order electronic
2 communication between a parent and a child;
3 specifying factors a court must consider before
4 ordering electronic communication; creating a
5 rebuttable presumption in favor of telephone
6 communication; requiring each parent to furnish
7 the other parent with information necessary to
8 facilitate electronic communication; declaring
9 that electronic communication may be used only
10 to supplement, not supplant, a parent's
11 face-to-face contact with his or her child;
12 authorizing a person to seek court-ordered
13 electronic communication without proving a
14 substantial change in circumstances;
15 prohibiting the consideration of electronic
16 communication as a factor in determining child
17 support; providing applicability; providing an
18 effective date.

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