

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Sachs offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

9 61.046 Definitions.--As used in this chapter:

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

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

18 61.13002 Court-ordered electronic communication between a
19 parent and a child.--

20 (1) (a) In connection with proceedings under this chapter,
21 a court may order electronic communication between a parent and
22 a child. Before ordering electronic communication, a court must
23 consider:

24 1. Whether electronic communication is in a child's best
25 interests;

26 2. Whether communication equipment and technology to
27 provide electronic communication is reasonably available,
28 accessible, and affordable;

29 3. Each parent's history of substance abuse or domestic
30 violence; and

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

32 (b) Notwithstanding paragraph (a), a rebuttable
33 presumption is created providing that it is in the best
34 interests of a child for a parent and child to have reasonable
35 telephone communication. Unless this presumption is rebutted,
36 the court shall order telephone communication.

37 (c) The court may set safeguards or guidelines for
38 electronic communication.

39 (2) If the court finds that one or both parents will incur
40 additional costs in order to implement electronic communication
41 with the child, the court shall allocate such expenses arising
42 solely from the electronic communication between the parents

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43 after considering the respective parent's financial
44 circumstances.

45 (3) If the court enters an order granting electronic
46 communication, each parent shall furnish the other parent with
47 the access information necessary to facilitate electronic
48 communication. Each parent shall notify the other parent of any
49 change in the access information within 7 days after the change.

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

54 (5) A party to a child custody order that does not
55 prohibit electronic communication may move a court to order
56 electronic communication. Such a party need not prove a
57 substantial change in circumstances.

58 (6) The court may not consider the availability of
59 electronic communication as the sole determinative factor when
60 considering relocation.

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

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

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

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

69 Remove the entire title and insert:

70 A bill to be entitled

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HOUSE AMENDMENT

Bill No. HB 863

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71 An act relating to the use of technology to supplement
72 visitation; amending s. 61.046, F.S.; defining the term
73 "electronic communication"; creating s. 61.13002, F.S.;
74 authorizing a court to order electronic communication between a
75 parent and a child; specifying factors a court must consider
76 before ordering electronic communication; creating a rebuttable
77 presumption in favor of telephone communication; requiring each
78 parent to furnish the other parent with information necessary to
79 facilitate electronic communication; declaring that electronic
80 communication may be used only to supplement, not supplant, a
81 parent's face-to-face contact with his or her child; authorizing
82 a person to seek court-ordered electronic communication without
83 proving a substantial change in circumstances; prohibiting the
84 consideration of electronic communication as a factor in
85 determining child support; providing applicability; providing an
86 effective date.

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