## Florida Senate - 2007

By Senator Lynn

	7-1341-07 See HB
1	A bill to be entitled
2	An act relating to the use of technology to
3	supplement visitation; amending s. 61.046,
4	F.S.; defining the term "electronic
5	communication"; amending s. 61.13, F.S.;
6	providing that electronic communication be used
7	to supplement, not replace, visitation;
8	requiring the court to evaluate certain factors
9	prior to granting parents electronic
10	communication; prohibiting the consideration of
11	electronic communication as a factor in a
12	contested relocation of a child; providing for
13	allocation of costs; amending s. 61.17, F.S.;
14	prohibiting the consideration of electronic
15	communication as a factor in determining child
16	support; providing applicability; providing an
17	effective date.
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19	Be It Enacted by the Legislature of the State of Florida:
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21	Section 1. Subsections (6) through (20) of section
22	61.046, Florida Statutes, are renumbered as subsections (7)
23	through (21), respectively, and a new subsection (6) is added
24	to that section to read:
25	61.046 DefinitionsAs used in this chapter:
26	(6) "Electronic communication" means contact, other
27	than face-to-face contact, facilitated by tools such as
28	telephones, electronic mail (e-mail), web cams,
29	video-conferencing equipment and software or other wired or
30	wireless technologies, or other means of communication to
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**Florida Senate - 2007** 7-1341-07

1 supplement face-to-face contact between a parent and that 2 parent's minor child. Section 2. Paragraphs (d) through (i) are added to 3 subsection (2) of section 61.13, Florida Statutes, to read: 4 5 61.13 Custody and support of children; visitation б rights; power of court in making orders .--7 (2) 8 (d) There is established a rebuttable presumption that it is in the best interests of the child that a parent and 9 10 child shall have reasonable telephone communication. Unless this presumption is rebutted, the court shall order telephone 11 12 communication. Electronic communication may be used only to 13 supplement a parent's face-to-face contact with his or her minor child. Electronic communication shall not be used as a 14 replacement or substitute for face-to-face contact with the 15 parent's minor child who is the subject of proceedings under 16 17 this chapter. 18 (e) In granting a parent electronic communication, the court shall consider all of the following factors: 19 20 1. Whether electronic communication is in the child's 21 best interests. 22 2. Whether the communication equipment and technology 23 for providing electronic communication is reasonably available, accessible, and affordable to both parents. 2.4 3. Whether there is a history of substance abuse or 25 domestic violence as defined in s. 741.28 or that meets the 26 27 criteria of s. 39.806(1)(d) by either parent, including a 2.8 consideration of the severity of such conduct and the failure or success of any attempts at rehabilitation. 29 30 4. Any other factor that the court considers material. 31

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**Florida Senate - 2007** 7-1341-07

1	(f) The party seeking electronic communication shall
2	not be required to prove a substantial change in
3	circumstances. Consistent with s. 61.13001(7), the court shall
4	not consider the availability of electronic communication as
5	solely determinative in considering relocation.
6	(g) If the court finds that either or both parents
7	will incur additional costs necessary to implement electronic
8	communication, it shall allocate such expenses arising solely
9	from the electronic communication by and between the parents
10	after consideration of their respective financial
11	circumstances.
12	(h) The court may implement safequards or quidelines
13	for electronic communication.
14	(i) If the court enters an order granting electronic
15	communication, each parent shall furnish the other parent with
16	the access information necessary to facilitate electronic
17	communication. Each parent shall notify the other parent of
18	any change in the access information within 7 days of the
19	change.
20	Section 3. Subsection (4) is added to section 61.17,
21	Florida Statutes, to read:
22	61.17 Alimony and child support; additional method for
23	enforcing orders and judgments; costs, expenses
24	(4) The extent or amount of time that electronic
25	communication is ordered pursuant to s. 61.13 shall not be a
26	factor in the calculation of child support. The provisions of
27	this subsection shall not apply to any judgments or orders
28	entered prior to October 1, 2007. However, any party to a
29	judgment or order entered prior to October 1, 2007, may seek
30	to have the court effectuate electronic communication by
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**Florida Senate - 2007** 7-1341-07 **SB 1770** See HB

1	pleading and proof consistent with the requirements of this
2	subsection.
3	Section 4. This act shall take effect October 1, 2007,
4	and shall apply to all cases pending on or after that date.
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