## Florida Senate - 2007

By the Committee on Judiciary; and Senator Lynn

590-2503-07

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"; creating s. 61.13002, F.S.;
6	authorizing a court to order electronic
7	communication between a parent and a child;
8	specifying factors a court must consider before
9	ordering electronic communication; creating a
10	rebuttable presumption in favor of telephone
11	communication; requiring each parent to furnish
12	the other parent with information necessary to
13	facilitate electronic communication; declaring
14	that electronic communication may be used only
15	to supplement, not supplant, a parent's
16	face-to-face contact with his or her child;
17	authorizing a person to seek court-ordered
18	electronic communication without proving a
19	substantial change in circumstances;
20	prohibiting the consideration of electronic
21	communication as a factor in determining child
22	support; providing applicability; providing an
23	effective date.
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25	Be It Enacted by the Legislature of the State of Florida:
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27	Section 1. Subsections (6) through (20) of section
28	61.046, Florida Statutes, are renumbered as subsections (7)
29	through (21), respectively, and a new subsection (6) is added
30	to that section, to read:
31	61.046 DefinitionsAs used in this chapter:
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1	(6) "Electronic communication" means contact, other
2	than face-to-face contact, facilitated by tools such as
3	<u>telephones, electronic mail or e-mail, web cams,</u>
4	video-conferencing equipment and software or other wired or
5	wireless technologies, or other means of communication to
6	supplement face-to-face contact between a parent and that
7	parent's minor child.
8	Section 2. Section 61.13002, Florida Statutes, is
9	created to read:
10	61.13002 Court-ordered electronic communication
11	between a parent and a child
12	(1)(a) In connection with proceedings under this
13	chapter, a court may order electronic communication between a
14	parent and a child. Before ordering electronic communication,
15	<u>a court must consider:</u>
16	1. Whether electronic communication is in a child's
17	<u>best interests;</u>
18	2. Whether communication equipment and technology to
19	provide electronic communication is reasonably available,
20	accessible, and affordable;
21	3. Each parent's history of substance abuse or
22	domestic violence; and
23	4. Any other factor that the court considers material.
24	(b) Notwithstanding paragraph (a), a rebuttable
25	presumption is created providing that it is in the best
26	interests of a child for a parent and child to have reasonable
27	telephone communication. Unless this presumption is rebutted,
28	the court shall order telephone communication.
29	(c) The court may set safequards or quidelines for
30	electronic communication.
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1	(2) If the court finds that one or both parents will
2	incur additional costs in order to implement electronic
3	communication with the child, the court shall allocate such
4	expenses arising solely from the electronic communication
5	between the parents after considering the respective parent's
6	financial circumstances.
7	(3) If the court enters an order granting electronic
8	communication, each parent shall furnish the other parent with
9	the access information necessary to facilitate electronic
10	communication. Each parent shall notify the other parent of
11	any change in the access information within 7 days after the
12	change.
13	(4) Electronic communication may be used only to
14	supplement a parent's face-to-face contact with his or her
15	minor child. Electronic communication may not be used to
16	replace or as a substitute for face-to-face contact.
17	(5) A party to a child custody order that does not
18	prohibit electronic communication may move a court to order
19	electronic communication. Such a party need not prove a
20	substantial change in circumstances.
21	(6) The court may not consider the availability of
22	electronic communication as the sole determinative factor when
23	considering relocation.
24	(7) The extent or amount of time that electronic
25	communication with the child is ordered under s. 61.13 may not
26	be used as a factor when the court calculates child support.
27	(8) This section does not apply to any judgment or
28	order issued before October 1, 2007.
29	Section 3. This act shall take effect October 1, 2007.
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**Florida Senate - 2007** 590-2503-07 CS for SB 1770

1		STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2		COMMITTEE SUBSTITUTE FOR <u>SB 1770</u>
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4	This that	committee substitute differs from the underlying bill in
5		Reorganizes and codifies the substantive provisions of
6		the underlying bill in a new section of the Florida Statutes; and
7		Provides that the bill does not apply to custody orders
8		in existence on October 1, 2007.
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