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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 Definitions.--As used in this chapter:

1 (6) "Electronic communication" means contact, other
2 than face-to-face contact, facilitated by tools such as
3 telephones, electronic mail or e-mail, web cams,
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 a court must consider:

16 1. Whether electronic communication is in a child's
17 best interests;

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 safeguards or guidelines 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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