

1                                   A bill to be entitled  
 2           An act relating to the use of technology to supplement  
 3           visitation; amending s. 61.046, F.S.; defining the term  
 4           "electronic communication"; amending s. 61.13, F.S.;  
 5           providing that electronic communication be used to  
 6           supplement, not replace, visitation; requiring the court  
 7           to evaluate certain factors prior to granting parents  
 8           electronic communication; prohibiting the consideration of  
 9           electronic communication as a factor in a contested  
 10          relocation of a child; providing for allocation of costs;  
 11          amending s. 61.17, F.S.; prohibiting the consideration of  
 12          electronic communication as a factor in determining child  
 13          support; providing applicability; providing an effective  
 14          date.

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 16   Be It Enacted by the Legislature of the State of Florida:

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

22           61.046 Definitions.--As used in this chapter:

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

29 Section 2. Paragraphs (d) through (i) are added to  
 30 subsection (2) of section 61.13, Florida Statutes, to read:

31 61.13 Custody and support of children; visitation rights;  
 32 power of court in making orders.--

33 (2)

34 (d) There is established a rebuttable presumption that it  
 35 is in the best interests of the child that a parent and child  
 36 shall have reasonable telephone communication. Unless this  
 37 presumption is rebutted, the court shall order telephone  
 38 communication. Electronic communication may be used only to  
 39 supplement a parent's face-to-face contact with his or her minor  
 40 child. Electronic communication shall not be used as a  
 41 replacement or substitute for face-to-face contact with the  
 42 parent's minor child who is the subject of proceedings under  
 43 this chapter.

44 (e) In granting a parent electronic communication, the  
 45 court shall consider all of the following factors:

46 1. Whether electronic communication is in the child's best  
 47 interests.

48 2. Whether the communication equipment and technology for  
 49 providing electronic communication is reasonably available,  
 50 accessible, and affordable to both parents.

51 3. Whether there is a history of substance abuse or  
 52 domestic violence as defined in s. 741.28 or that meets the  
 53 criteria of s. 39.806(1)(d) by either parent, including a  
 54 consideration of the severity of such conduct and the failure or  
 55 success of any attempts at rehabilitation.

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

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57        (f) The party seeking electronic communication shall not  
58 be required to prove a substantial change in circumstances.  
59 Consistent with s. 61.13001(7), the court shall not consider the  
60 availability of electronic communication as solely determinative  
61 in considering relocation.

62        (g) If the court finds that either or both parents will  
63 incur additional costs necessary to implement electronic  
64 communication, it shall allocate such expenses arising solely  
65 from the electronic communication by and between the parents  
66 after consideration of their respective financial circumstances.

67        (h) The court may implement safeguards or guidelines for  
68 electronic communication.

69        (i) If the court enters an order granting electronic  
70 communication, each parent shall furnish the other parent with  
71 the access information necessary to facilitate electronic  
72 communication. Each parent shall notify the other parent of any  
73 change in the access information within 7 days of the change.

74        Section 3. Subsections (4) and (5) are added to section  
75 61.17, Florida Statutes, to read:

76        61.17 Alimony and child support; additional method for  
77 enforcing orders and judgments; costs, expenses.--

78        (4) The extent or amount of time that electronic  
79 communication is ordered pursuant to s. 61.13 shall not be a  
80 factor in the calculation of child support. The provisions of  
81 this subsection shall not apply to any judgments or orders  
82 entered prior to October 1, 2007. However, any party to a  
83 judgment or order entered prior to October 1, 2007, may seek to

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84 have the court effectuate electronic communication by pleading  
85 and proof consistent with the requirements of this subsection.

86 Section 4. This act shall take effect October 1, 2007, and  
87 shall apply to all cases pending on or after that date.