

Committee Substitute for Senate Bill No. 1770

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

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

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

61.046 Definitions.—As used in this chapter:

(6) “Electronic communication” means contact, other than face-to-face contact, facilitated by tools such as telephones, electronic mail or e-mail, web cams, video-conferencing equipment and software or other wired or wireless technologies, or other means of communication to supplement face-to-face contact between a parent and that parent’s minor child.

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

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

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

1. Whether electronic communication is in a child’s best interests;
2. Whether communication equipment and technology to provide electronic communication is reasonably available, accessible, and affordable;
3. Each parent’s history of substance abuse or domestic violence; and
4. Any other factor that the court considers material.

(b) Notwithstanding paragraph (a), a rebuttable presumption is created providing that it is in the best interests of a child for a parent and child to

have reasonable telephone communication. Unless this presumption is rebutted, the court shall order telephone communication.

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

(2) If the court finds that one or both parents will incur additional costs in order to implement electronic communication with the child, the court shall allocate such expenses arising solely from the electronic communication between the parents after considering the respective parent's financial circumstances.

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

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

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

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

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

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

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

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.