

By Senator Rodriguez

40-00573-26

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

14 Section 1. Paragraph (c) of subsection (25) of section
15 39.301, Florida Statutes, as created by SB 1144 or similar
16 legislation, is amended to read:

17 39.301 Initiation of protective investigations.—
18 (25)

19 (c) 1. A recording created pursuant to this section must be
20 retained for at least 5 years.

21 2. Recordings created pursuant to this section are
22 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
23 of the State Constitution. A copy of a recording made
24 confidential and exempt under this subparagraph may be released
25 only:

26 a. To persons conducting an investigation under this part,
27 who must maintain the confidentiality of the recording; or
28 b. Upon request in connection with a judicial proceeding,
29 to the caregiver of the child subject to the protective

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30 investigation for which the interview took place, except as
31 otherwise provided by court order.

32 3. Subparagraph 2. is subject to the Open Government Sunset
33 Review Act in accordance with s. 119.15 and shall stand repealed
34 on October 2, 2031, unless reviewed and saved from repeal
35 through reenactment by the Legislature.

36 Section 2. The Legislature finds that it is a public
37 necessity that recordings of interviews conducted as part of a
38 protective investigation by the Department of Children and
39 Families be made confidential and exempt from s. 119.07(1),
40 Florida Statutes, and s. 24(a), Article I of the State
41 Constitution. The Legislature finds that the recordings of such
42 interviews must be protected from public disclosure to protect
43 the privacy and identity of victims of and witnesses to acts of
44 child abuse, abandonment, and neglect. These interviews include
45 discussions of very sensitive topics, including physical abuse,
46 sexual abuse, and neglect. Confidentiality is necessary to
47 maintain a safe environment for children who have experienced
48 trauma and to preserve the integrity of investigations and
49 potential prosecution. The Legislature further finds that this
50 exemption aligns with federal law requiring the states to
51 preserve the confidentiality of all child abuse and neglect
52 reports and records to protect the rights of children and their
53 parents and guardians. The Legislature finds that the harm that
54 may result from the release of such recordings outweighs the
55 public benefit that may be derived from the disclosure of the
56 recordings.

57 Section 3. This act shall take effect on the same date that
58 SB 1144 or similar legislation takes effect, if such legislation

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59 is adopted in the same legislative session or an extension
60 thereof and becomes a law.