

By Senator Rodriguez

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A bill to be entitled
An act relating to public records; amending s. 39.301,
F.S.; providing an exemption from public records
requirements for recordings of interviews conducted as
part of a protective investigation by the Department
of Children and Families; authorizing the release of
such recordings to certain persons; providing for
future legislative review and repeal of the exemption;
providing a statement of public necessity; providing a
contingent effective date.

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

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

39.301 Initiation of protective investigations.—
(25)

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

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

a. To persons conducting an investigation under this part,
who must maintain the confidentiality of the recording; or

b. Upon request in connection with a judicial proceeding,
to the caregiver of the child subject to the protective

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

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Review Act in accordance with s. 119.15 and shall stand repealed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

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

Section 3. This act shall take effect on the same date that
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.