

26 | of a child includes the birth of a new child into a family
 27 | during the course of an open dependency case when the parent or
 28 | caregiver has been determined to lack the protective capacity to
 29 | safely care for the children in the home and has not
 30 | substantially complied with the case plan towards successful
 31 | reunification or met the conditions for return of the children
 32 | into the home. Abuse of a child includes acts or omissions.
 33 | Corporal discipline of a child by a parent or legal custodian
 34 | for disciplinary purposes does not in itself constitute abuse
 35 | when it does not result in harm to the child. Referring to and
 36 | raising a child in a manner consistent with the child's
 37 | biological sex, including any related mental health or medical
 38 | decisions, may not in itself constitute abuse.

39 | Section 2. Subsection (5) of section 39.301, Florida
 40 | Statutes, is amended, and paragraph (c) is added to subsection
 41 | (1) of that section, to read:

42 | 39.301 Initiation of protective investigations.—

43 | (1)

44 | (c) The department may not initiate a protective
 45 | investigation or otherwise infringe on a parent's parental
 46 | rights solely on the basis of the parent's religious beliefs or
 47 | ideology.

48 | (5)(a) Upon commencing an investigation under this part,
 49 | the child protective investigator shall, upon first contact,
 50 | provide the parent or legal custodian who is the ~~inform~~ any

51 subject of the investigation all of the following:

52 1. A brief summary written in a language that the parent
53 or legal custodian understands which contains all of the
54 following information:

55 a. The names of the investigators and identifying
56 credentials from the department.

57 b.2. The purpose of the investigation and the department's
58 procedures for conducting such investigation, including a
59 description of the circumstances under which the department
60 could remove the child from the home through the judicial system
61 and an explanation that the department must refer all reports of
62 alleged child abuse, abandonment, or neglect to a law
63 enforcement agency for a separate determination of whether a
64 criminal violation occurred.

65 c.3. The right to obtain his or her own attorney and ways
66 that the information provided by the parent or legal custodian
67 subject may be used.

68 d.4. The possible outcomes and services of the
69 department's response.

70 e.5. The right of the parent or legal custodian to be
71 engaged to the fullest extent possible in determining the nature
72 of the allegation and the nature of any identified problem and
73 the remedy. This includes the right of the parent or legal
74 custodian to review all records of the investigation unless such
75 review would jeopardize an ongoing criminal investigation or the

76 child's safety.

77 ~~f.6.~~ The duty of the parent or legal custodian to report
78 any change in the residence or location of the child to the
79 investigator and that the duty to report continues until the
80 investigation is closed.

81 g. The parent's or legal custodian's right to file a
82 complaint with the department or to request a review of the
83 findings made by the department in the investigation.

84 h. The statutory and regulatory provisions of law
85 governing child abuse, abandonment, or neglect and how the
86 parent or legal custodian may obtain copies of such provisions.

87 i. The process by which the parent or legal custodian may
88 access the child if the child is removed from the home.

89 j. The parent's or legal custodian's rights provided in
90 subparagraph 2.

91
92 If the parent or legal custodian is unable to read or write, the
93 child protective investigator must read the summary required
94 under this subparagraph to the parent or legal custodian in a
95 language that the parent or legal custodian understand.

96 2. Verbal notification in a language that the parent or
97 legal custodian understands explaining that the parent or legal
98 custodian is protected by the Fourth Amendment to the United
99 States Constitution and has the right to:

100 a. Exercise his or her right against self-incrimination

101 and not speak with the investigator or any other agent of the
102 department without an attorney present.

103 b. Have assistance from a private attorney or a court-
104 appointed attorney if the parent or legal custodian is indigent.

105 c. Record any interaction or interview with the
106 investigator as long as the parent or legal custodian
107 understands that the recording may be subject to disclosure to
108 the department, a law enforcement agency, or other party
109 pursuant to court order.

110 d. Refuse to allow the investigator to enter the home or
111 interview the child without an attorney present.

112 e. Withhold consent to the release of medical or mental
113 health records or medical or psychological examinations of the
114 child.

115 f. Refuse to submit to a drug or urine test.

116 g. Consult with an attorney before agreeing to any
117 proposed voluntary safety plan.

118 3. A verbal or written summary in a language that the
119 parent or legal custodian understands of the allegations made
120 against him or her and whether such allegations were made by an
121 anonymous reporter.

122 (b) The department shall adopt by rule a form to verify
123 that a parent or legal custodian who is the subject of a
124 protective investigation received the brief summary, verbal
125 notification, and verbal or written summary required by this

HB 1663

2024

126 | ~~subsection investigator shall fully inform parents or legal~~
127 | ~~eustodians of their rights and options, including opportunities~~
128 | ~~for audio or video recording of investigators' interviews with~~
129 | ~~parents or legal custodians or children.~~

130 | Section 3. The amendments made by this act to s.
131 | 39.301(5), Florida Statutes, apply only to reports of known or
132 | suspected child abuse, abandonment, or neglect made on or after
133 | July 1, 2024.

134 | Section 4. This act shall take effect July 1, 2024.