

By Senator Grall

29-01004-24

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1 A bill to be entitled
2 An act relating to child protective investigations;
3 amending s. 39.01, F.S.; revising the definition of
4 the term "abuse"; amending s. 39.301, F.S.;
5 prohibiting the initiation of a child protective
6 investigation or removal of a child from his or her
7 residence solely based on a parent's religious beliefs
8 or ideology; revising the information that child
9 protective investigators must give to the subject of
10 an investigation; requiring the investigator to submit
11 a written summary to the subject of the investigation
12 confirming certain information; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (2) of section 39.01, Florida
18 Statutes, is amended to read:

19 39.01 Definitions.—When used in this chapter, unless the
20 context otherwise requires:

21 (2) "Abuse" means any willful act or threatened act that
22 results in any physical, mental, or sexual abuse, injury, or
23 harm that causes or is likely to cause the child's physical,
24 mental, or emotional health to be significantly impaired. Abuse
25 of a child includes the birth of a new child into a family
26 during the course of an open dependency case when the parent or
27 caregiver has been determined to lack the protective capacity to
28 safely care for the children in the home and has not
29 substantially complied with the case plan towards successful

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30 reunification or met the conditions for return of the children
31 into the home. Abuse of a child includes acts or omissions.
32 Corporal discipline of a child by a parent or legal custodian
33 for disciplinary purposes does not in itself constitute abuse
34 when it does not result in harm to the child. Referring to and
35 raising a child in a manner consistent with the child's
36 biological sex, including related mental health or medical
37 decisions, does not in itself constitute abuse.

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

42 39.301 Initiation of protective investigations.—

43 (1)

44 (c) A child protective investigation may not be initiated,
45 and a determination that a child be removed from his or her
46 residence may not be made, solely on the basis of a parent's
47 religious or ideological beliefs.

48 (5)(a) Upon commencing an investigation under this part,
49 the child protective investigator shall inform any subject of
50 the investigation of the following:

51 1. The names of the investigators and identifying
52 credentials from the department.

53 2. The purpose of the investigation.

54 3. The right to obtain his or her own attorney and ways
55 that the information provided by the subject may be used.

56 4. The possible outcomes and services of the department's
57 response.

58 5. The right of the parent or legal custodian to be engaged

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59 to the fullest extent possible in determining the nature of the
60 allegation and the nature of any identified problem and the
61 remedy.

62 6. The duty of the parent or legal custodian to report any
63 change in the residence or location of the child to the
64 investigator and that the duty to report continues until the
65 investigation is closed.

66 7. The rights guaranteed by the Fourth Amendment to the
67 United States Constitution and other rights, including:

68 a. The right against self-incrimination.

69 b. The right to have a court-appointed attorney if the
70 person is indigent.

71 c. The right to refuse to allow the investigator to enter
72 the home or interview the child without legal counsel present.

73 d. The right to withhold consent to the release of any
74 medical or mental health records.

75 e. The right to withhold consent to any medical or
76 psychological examination of the child.

77 f. The right to refuse to submit to a drug or urine test.

78 g. The right to consult with legal counsel before agreeing
79 to any proposed voluntary safety plan.

80 8. The department's procedures for conducting an
81 investigation of alleged child abuse, abandonment, or neglect.

82 9. A description of the circumstances under which the
83 department would request to remove the child from the home.

84 10. The department's duty to refer all reports of alleged
85 child abuse, abandonment, or neglect to a law enforcement agency
86 for a separate determination of whether a criminal violation
87 occurred.

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88 11. The right to file a complaint with the department or to
89 review of the findings made by the department in the
90 investigation.

91 12. The statutory and regulatory provisions governing
92 investigations of alleged child abuse, abandonment, or neglect
93 and how to obtain that information.

94 13. The status of the person who reported the alleged child
95 abuse, abandonment, or neglect as known or anonymous.

96 (c) The investigator shall submit a written summary to the
97 subject of the investigation to confirm that the subject has
98 received and understood all the information provided to them by
99 the investigator as required pursuant to paragraph (a).

100 Section 3. This act shall take effect July 1, 2024.