

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to the recording of protective
3 investigations; amending s. 39.301, F.S.; requiring
4 that certain interviews be audio and video recorded;
5 providing exceptions; providing that a person charged
6 with a certain criminal offense does not have standing
7 to object to an investigator's failure to record such
8 an interview; providing that an investigator's failure
9 to record such an interview is not grounds for
10 precluding certain statements from certain
11 proceedings; providing an effective date.

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

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15 Section 1. Subsection (25) is added to section 39.301,
16 Florida Statutes, to read:

17 39.301 Initiation of protective investigations.—

18 (25) (a) Any interview conducted pursuant to this section
19 must be audio and video recorded except in the following
20 circumstances:

21 1. The recording equipment malfunctions, and the
22 malfunction is not the result of a failure to maintain the
23 equipment properly or to provide adequate supplies for the
24 equipment.

25 2. Due to circumstances that could not reasonably be
26 foreseen by the investigator, he or she does not have the
27 necessary recording equipment available.

28 (b) A person who is charged with a criminal offense
29 involving the abuse or neglect of a child does not have standing

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30 to object to an investigator's failure to comply with paragraph
31 (a). An investigator's failure to comply with paragraph (a) is
32 not grounds for precluding any statements made during an
33 interview which are otherwise admissible in a legal proceeding,
34 including a criminal or dependency proceeding.

35 Section 2. This act shall take effect July 1, 2025.