

By Senator Rodriguez

40-00250A-26

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A bill to be entitled

An act relating to the recording of protective investigations; amending s. 39.301, F.S.; requiring that interviews conducted pursuant to protective investigations be audio or video recorded; providing exceptions; providing that persons charged with certain criminal offenses do not have standing to object to an investigator's failure to record such an interview; providing that an investigator's failure to record such an interview is not grounds for precluding certain statements from certain proceedings; requiring the retention of certain recordings for a specified period; providing an effective date.

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

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

39.301 Initiation of protective investigations.—

(25) (a) An interview conducted pursuant to this section must be audio or video recorded, using a body camera or other reasonable means of recording, except in any of the following circumstances:

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

2. Due to circumstances that could not reasonably be foreseen by the investigator, he or she does not have the

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30 necessary recording equipment available.

31 (b) A person who is charged with a criminal offense
32 involving the abuse or neglect of a child does not have standing
33 to object to an investigator's failure to comply with paragraph
34 (a). An investigator's failure to comply with paragraph (a) is
35 not grounds for precluding any statements made during an
36 interview which are otherwise admissible in a legal proceeding,
37 including a criminal or dependency proceeding.

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

40 Section 2. This act shall take effect July 1, 2026.