



609018

LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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03/03/2016 12:17 PM

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Senator Sobel moved the following:

Senate Amendment (with title amendment)

Delete lines 25 - 61

and insert:

Section 1. The amendments made by this act to s. 943.0439, Florida Statutes, may be cited as "The Wes Kleinert Fair Interview Act."

Section 2. Effective October 1, 2016, paragraph (c) is added to subsection (8) of section 322.051, Florida Statutes, to read:

322.051 Identification cards.—



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12 (8)

13 (c)1. Upon request by a person who has a developmental
14 disability, or by a parent or guardian of a child or ward who
15 has a developmental disability, the department shall issue an
16 identification card exhibiting a capital "D" for the person,
17 child, or ward if the person or the parent or guardian of the
18 child or ward submits:

19 a. Payment of an additional \$1 fee; and

20 b. Proof acceptable to the department of a diagnosis by a
21 licensed physician of a developmental disability as defined in
22 s. 393.063.

23 2. The department shall deposit the additional \$1 fee into
24 the Agency for Persons with Disabilities Operations and
25 Maintenance Trust Fund under s. 20.1971(2).

26 3. A replacement identification card that includes the
27 designation may be issued without payment of the fee required
28 under s. 322.21(1)(f).

29 4. The department shall develop rules to facilitate the
30 issuance, requirements, and oversight of developmental
31 disability identification cards under this section.

32 Section 3. Effective October 1, 2016, the amendments made
33 by this act to s. 322.051, Florida Statutes, shall apply upon
34 implementation of new designs for the driver license and
35 identification card by the Department of Highway Safety and
36 Motor Vehicles.

37 Section 4. Section 943.0439, Florida Statutes, is created
38 to read:

39 943.0439 Interviews of victims, suspects, or defendants
40 with autism or an autism spectrum disorder.—A law enforcement



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41 officer, a correctional officer, or another public safety
42 official shall, upon the request of an individual diagnosed with
43 autism or an autism spectrum disorder or his or her parent or
44 guardian, make a good faith effort to ensure that a
45 psychiatrist, psychologist, mental health counselor, special
46 education instructor, clinical social worker, or related
47 professional is present at all interviews of the individual. The
48 professional must have experience treating, teaching, or
49 assisting patients or clients who have been diagnosed with
50 autism or an autism spectrum disorder or related developmental
51 disability or must be certified in special education with a
52 concentration focused on persons with autism or an autism
53 spectrum disorder. All expenses related to the attendance of the
54 professional at interviews shall be borne by the requesting
55 parent, guardian, or individual. If the individual is a victim,
56 the defendant shall reimburse the victim for all expenses
57 related to the attendance of the professional at the interview,
58 in addition to other restitution or penalties provided by law,
59 upon conviction of the offense of which the individual is a
60 victim. Failure to have a professional as defined by this
61 subsection present at the time of the interview is not a basis
62 for suppression of the statement or the contents of the
63 interview or for a cause of action against the law enforcement
64 officer or agency. This subsection applies to such an individual
65 who is the victim, a suspect, or a defendant formally accused of
66 a crime.

67 (2) Each law enforcement agency must ensure that
68 appropriate policies are developed which implement this section
69 and that training is provided to its law enforcement and



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70 correctional officers based on those policies.

71 Section 5. Except as otherwise expressly provided in this
72 act, this act shall take effect July 1, 2016.

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74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Delete lines 2 - 21

77 and insert:

78 An act relating to persons with disabilities;
79 providing a short title; amending s. 322.051, F.S.;
80 requiring the Department of Highway Safety and Motor
81 Vehicles to issue an identification card exhibiting a
82 special designation for a person who has a
83 developmental disability under certain circumstances;
84 requiring payment of an additional fee and proof of
85 diagnosis by a licensed physician; requiring the fee
86 to be deposited into the Agency for Persons with
87 Disabilities Operations and Maintenance Trust Fund;
88 authorizing issuance of a replacement identification
89 card that includes the special designation without
90 payment of a specified fee; requiring the department
91 to develop rules to facilitate the issuance,
92 requirements, and oversight of developmental
93 disability identification cards; providing
94 applicability; creating s. 943.0439, F.S.; requiring a
95 law enforcement officer, correctional officer, or
96 another public safety official to make a good faith
97 effort, upon the request of a parent, a guardian, or
98 the individual, to ensure that specified professionals



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99 are present at all interviews of an individual
100 diagnosed with autism or an autism spectrum disorder;
101 providing specifications for the professional;
102 specifying that the parent, guardian, or individual
103 bears the expense of hiring the professional;
104 requiring a convicted defendant to pay for the
105 professional under certain circumstances; specifying
106 that not having a professional present is not a basis
107 for suppressing statements or for bringing a cause of
108 action; providing applicability; requiring law
109 enforcement agencies to develop and implement
110 appropriate policies and provide training; providing
111 effective dates.