

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Justice Appropriations  
2 Subcommittee

3 Representative Hager offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove lines 15-35 and insert:

7 943.0439 Interviews of victims, suspects, or defendants  
8 with autism spectrum disorder.-

9 (1) As used in this section, the term:

10 (a) "Autism spectrum disorder" has the same meaning as  
11 provided in s. 627.6686.

12 (b) "Conviction" means a finding of guilt or the acceptance  
13 of a plea of guilty or nolo contendere, regardless of whether  
14 adjudication is withheld.

15 (c) "Correctional officer" has the same meaning as  
16 provided in s. 943.10.

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17 (d) "Law enforcement officer" has the same meaning as  
18 provided in s. 943.10.

19 (e) "Qualified professional" means a mental health  
20 counselor, a behavioral therapist, or a related professional  
21 with professional experience in teaching, treating, or caring  
22 for patients or clients with autism spectrum disorder or a  
23 similar disorder, or a psychiatrist or a psychologist.

24 (2) A law enforcement officer, correctional officer, or  
25 other public safety official shall make a good faith effort to  
26 ensure that a qualified professional or a relative or a  
27 caretaker of an individual who has been diagnosed with autism  
28 spectrum disorder is present at all interviews of such  
29 individual, if:

30 (a) The presence of a qualified professional, a relative,  
31 or a caretaker is practicable;

32 (b) The law enforcement officer, correctional officer, or  
33 other public safety official knows or should know that the  
34 individual has been diagnosed with autism spectrum disorder; and

35 (c) The individual is a victim, a suspect, or a defendant  
36 formally accused of a crime.

37 (3) All expenses related to the attendance of a qualified  
38 professional at an interview shall be borne by the individual  
39 who has been diagnosed with autism spectrum disorder or the  
40 parent or guardian of such individual. If the individual is a  
41 victim, the defendant shall reimburse the victim for all  
42 expenses related to the attendance of the qualified

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43 professional, in addition to other restitution or penalties  
44 provided by law, upon conviction of the offense for which the  
45 individual is a victim.

46 (4) Failure to have a qualified professional, a relative,  
47 or a caretaker present as provided by this section is not a  
48 basis for suppression of the statement or the contents of the  
49 interview or for a cause of action against a law enforcement  
50 officer, a correctional officer, or other public safety  
51 official, or an agency employing such officer or official.

52 (5) Each agency employing law enforcement officers,  
53 correctional officers, or other public safety officials must  
54 develop appropriate policies and procedures to implement this  
55 section and provide training to its officers and officials.

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58 **T I T L E A M E N D M E N T**

59 Remove lines 2-7 and insert:

60 An act relating to interviews of victims, suspects, or  
61 defendants with autism spectrum disorder; providing a short  
62 title; creating s. 943.0439, F.S.; providing definitions;  
63 requiring a qualified professional, relative, or caretaker to  
64 assist a law enforcement officer, correctional officer, or other  
65 public safety official during interviews in specified  
66 circumstances; providing responsibility for payment of related  
67 expenses; specifying that absence of a qualified professional,  
68 relative, or caretaker may not be a basis for specified actions;

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69 requiring agencies to develop and implement appropriate policies  
70 and provide training; providing an effective date.