



549324

576-03709-16

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to criminal justice system interviews of individuals with autism or an autism spectrum disorder; providing a short title; creating s. 943.0439, F.S.; requiring a law enforcement officer, correctional officer, or another public safety official to make a good faith effort, upon the request of a parent, a guardian, or the individual, to ensure that specified professionals are present at all interviews of an individual diagnosed with autism or an autism spectrum disorder; providing specifications for the professional; specifying that the parent, guardian, or individual bears the expense of hiring the professional; specifying that not having a professional present is not a basis for suppressing statements or for bringing a cause of action; providing applicability; requiring law enforcement agencies to develop and implement appropriate policies and provide training; providing an effective date.

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

Section 1. This act may be cited as "The Wes Kleinert Fair Interview Act."

Section 2. Section 943.0439, Florida Statutes, is created to read:

943.0439 Interviews of victims, suspects, or defendants



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28 with autism or an autism spectrum disorder.—A law enforcement  
29 officer, a correctional officer, or another public safety  
30 official shall, upon the request of an individual diagnosed with  
31 autism or an autism spectrum disorder or his or her parent or  
32 guardian, make a good faith effort to ensure that a  
33 psychiatrist, psychologist, mental health counselor, special  
34 education instructor, clinical social worker, or related  
35 professional is present at all interviews of the individual. The  
36 professional must have experience treating, teaching, or  
37 assisting patients or clients who have been diagnosed with  
38 autism or an autism spectrum disorder or related developmental  
39 disability or must be certified in special education with a  
40 concentration focused on persons with autism or an autism  
41 spectrum disorder. All expenses related to the attendance of the  
42 professional at interviews shall be borne by the requesting  
43 parent, guardian, or individual. Failure to have a professional  
44 as defined by this subsection present at the time of the  
45 interview is not a basis for suppression of the statement or the  
46 contents of the interview or for a cause of action against the  
47 law enforcement officer or agency. This subsection applies to  
48 such an individual who is the victim, a suspect, or a defendant  
49 formally accused of a crime.

50 (2) Each law enforcement agency must ensure that  
51 appropriate policies are developed which implement this section  
52 and that training is provided to its law enforcement and  
53 correctional officers based on those policies.

54 Section 3. This act shall take effect July 1, 2016.