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1 A bill to be entitled
2 An act relating to persons with disabilities;
3 providing a short title; amending s. 322.051, F.S.;
4 requiring the Department of Highway Safety and Motor
5 Vehicles to issue an identification card exhibiting a
6 special designation for a person who has a
7 developmental disability under certain circumstances;
8 requiring payment of an additional fee and proof of
9 diagnosis by a licensed physician; requiring the fee
10 to be deposited into the Agency for Persons with
11 Disabilities Operations and Maintenance Trust Fund;
12 authorizing issuance of a replacement identification
13 card that includes the special designation without
14 payment of a specified fee; requiring the department
15 to develop rules to facilitate the issuance,
16 requirements, and oversight of developmental
17 disability identification cards; providing
18 applicability; creating s. 943.0439, F.S.; requiring a
19 law enforcement officer, correctional officer, or
20 another public safety official to make a good faith
21 effort, upon the request of a parent, a guardian, or
22 the individual, to ensure that specified professionals
23 are present at all interviews of an individual
24 diagnosed with autism or an autism spectrum disorder;
25 providing specifications for the professional;
26 specifying that the parent, guardian, or individual
27 bears the expense of hiring the professional;
28 requiring a convicted defendant to pay for the
29 professional under certain circumstances; specifying

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30 that not having a professional present is not a basis
31 for suppressing statements or for bringing a cause of
32 action; providing applicability; requiring law
33 enforcement agencies to develop and implement
34 appropriate policies and provide training; providing
35 effective dates.

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

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

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

45 322.051 Identification cards.—

46 (8)

47 (c)1. Upon request by a person who has a developmental
48 disability, or by a parent or guardian of a child or ward who
49 has a developmental disability, the department shall issue an
50 identification card exhibiting a capital "D" for the person,
51 child, or ward if the person or the parent or guardian of the
52 child or ward submits:

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

54 b. Proof acceptable to the department of a diagnosis by a
55 licensed physician of a developmental disability as defined in
56 s. 393.063.

57 2. The department shall deposit the additional \$1 fee into
58 the Agency for Persons with Disabilities Operations and

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59 Maintenance Trust Fund under s. 20.1971(2).

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

63 4. The department shall develop rules to facilitate the
64 issuance, requirements, and oversight of developmental
65 disability identification cards under this section.

66 Section 3. Effective October 1, 2016, the amendments made
67 by this act to s. 322.051, Florida Statutes, shall apply upon
68 implementation of new designs for the driver license and
69 identification card by the Department of Highway Safety and
70 Motor Vehicles.

71 Section 4. Section 943.0439, Florida Statutes, is created
72 to read:

73 943.0439 Interviews of victims, suspects, or defendants
74 with autism or an autism spectrum disorder.—A law enforcement
75 officer, a correctional officer, or another public safety
76 official shall, upon the request of an individual diagnosed with
77 autism or an autism spectrum disorder or his or her parent or
78 guardian, make a good faith effort to ensure that a
79 psychiatrist, psychologist, mental health counselor, special
80 education instructor, clinical social worker, or related
81 professional is present at all interviews of the individual. The
82 professional must have experience treating, teaching, or
83 assisting patients or clients who have been diagnosed with
84 autism or an autism spectrum disorder or related developmental
85 disability or must be certified in special education with a
86 concentration focused on persons with autism or an autism
87 spectrum disorder. All expenses related to the attendance of the

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88 professional at interviews shall be borne by the requesting
89 parent, guardian, or individual. If the individual is a victim,
90 the defendant shall reimburse the victim for all expenses
91 related to the attendance of the professional at the interview,
92 in addition to other restitution or penalties provided by law,
93 upon conviction of the offense of which the individual is a
94 victim. Failure to have a professional as defined by this
95 subsection present at the time of the interview is not a basis
96 for suppression of the statement or the contents of the
97 interview or for a cause of action against the law enforcement
98 officer or agency. This subsection applies to such an individual
99 who is the victim, a suspect, or a defendant formally accused of
100 a crime.

101 (2) Each law enforcement agency must ensure that
102 appropriate policies are developed which implement this section
103 and that training is provided to its law enforcement and
104 correctional officers based on those policies.

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