

CHAPTER 2016-175

Committee Substitute for Committee Substitute for Senate Bill No. 936

An act relating to persons with disabilities; providing a short title; amending s. 322.051, F.S.; requiring the Department of Highway Safety and Motor Vehicles to issue an identification card exhibiting a special designation for a person who has a developmental disability under certain circumstances; requiring payment of an additional fee and proof of diagnosis by a licensed physician; requiring the fee to be deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund; authorizing issuance of a replacement identification card that includes the special designation without payment of a specified fee; requiring the department to develop rules to facilitate the issuance, requirements, and oversight of developmental disability identification cards; providing applicability; 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; requiring a convicted defendant to pay for the professional under certain circumstances; 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 effective dates.

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

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.—

(8)

(c)1. Upon request by a person who has a developmental disability, or by a parent or guardian of a child or ward who has a developmental disability, the department shall issue an identification card exhibiting a capital “D” for the person, child, or ward if the person or the parent or guardian of the child or ward submits:

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

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

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

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

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

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

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

943.0439 Interviews of victims, suspects, or defendants with autism or an autism spectrum disorder.—A law enforcement officer, a correctional officer, or another public safety official shall, upon the request of an individual diagnosed with autism or an autism spectrum disorder or his or her parent or guardian, make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional is present at all interviews of the individual. The professional must have experience treating, teaching, or assisting patients or clients who have been diagnosed with autism or an autism spectrum disorder or related developmental disability or must be certified in special education with a concentration focused on persons with autism or an autism spectrum disorder. All expenses related to the attendance of the professional at interviews shall be borne by the requesting parent, guardian, or individual. If the individual is a victim, the defendant shall reimburse the victim for all expenses related to the attendance of the professional at the interview, in addition to other restitution or penalties provided by law, upon conviction of the offense of which the individual is a victim. Failure to have a professional as defined by this subsection present at the time of the interview is not a basis for suppression of the statement or the contents of the interview or for a cause of action against the law enforcement officer or agency. This subsection applies to such an individual who is the victim, a suspect, or a defendant formally accused of a crime.

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

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

Approved by the Governor April 1, 2016.

Filed in Office Secretary of State April 1, 2016.