

By the Committee on Children, Families, and Elder Affairs; and
Senator Rich

586-05901-08

20081950c1

1 A bill to be entitled

2 An act relating to forensic services for persons who are
3 retarded or autistic; amending s. 916.106, F.S.; revising
4 definitions; redefining the terms "autism" and
5 "retardation"; amending s. 916.301, F.S.; revising
6 requirements regarding the appointment of experts if a
7 defendant's suspected mental condition is retardation or
8 autism; providing an effective date.

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

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12 Section 1. Subsections (2) and (15) of section 916.106,
13 Florida Statutes, are amended to read:

14 916.106 Definitions.--For the purposes of this chapter, the
15 term:

16 (2) "Autism" means a pervasive, neurologically based
17 developmental disability of extended duration which causes severe
18 learning, communication, and behavior disorders, with age of
19 onset during infancy or childhood. Individuals who have autism
20 exhibit impairment in reciprocal social interaction, impairment
21 in verbal and nonverbal communication and imaginative ability,
22 and a markedly restricted repertoire of activities and interests
23 ~~has the same meaning as in s. 393.063.~~

24 (15) "Retardation" means significantly subaverage general
25 intellectual functioning existing concurrently with deficits in
26 adaptive behavior which manifests before the age of 18, and which
27 can reasonably be expected to continue indefinitely. For the
28 purpose of this definition:

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29 (a) "Significantly subaverage general intellectual
30 functioning" means performance that is two or more standard
31 deviations from the mean score on a standardized intelligence
32 test specified in rules of the agency.

33 (b) "Adaptive behavior" means the effectiveness or degree
34 with which an individual meets the standards of personal
35 independence and social responsibility expected of his or her
36 age, cultural group, and community ~~has the same meaning as in s.~~
37 ~~393.063.~~

38 Section 2. Subsection (2) of section 916.301, Florida
39 Statutes, is amended to read:

40 916.301 Appointment of experts.--

41 (2) If a defendant's suspected mental condition is
42 retardation or autism, the court shall appoint the following:

43 (a) At least one, or at the request of any party, two
44 experts to evaluate whether the defendant meets the definition of
45 retardation or autism and, if so, whether the defendant is
46 competent to proceed; and—

47 (b) A psychologist selected by the agency who is licensed
48 or authorized by law to practice in this state, with experience
49 in evaluating persons suspected of having retardation or autism,
50 and a social service professional, with experience in working
51 with persons with retardation or autism.

52 1. The psychologist shall evaluate whether the defendant
53 meets the definition of retardation or autism and, if so, whether
54 the defendant is incompetent to proceed due to retardation or
55 autism.

56 2. The social service professional shall provide a social
57 and developmental history of the defendant.

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58 | Section 3. This act shall take effect July 1, 2008.