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CHAMBER ACTION

Senate

House

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Floor: WD/2R  
4/28/2008 4:28 PM

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1 Senator Rich moved the following **amendment**:

2  
3 **Senate Amendment (with title amendment)**

4 Between lines 317 and 318

5 insert:

6 Section 15. Subsections (2) and (15) of section 916.106,  
7 Florida Statutes, are amended to read:

8 916.106 Definitions.--For the purposes of this chapter, the  
9 term:

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



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

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

27           (b) "Adaptive behavior" means the effectiveness or degree  
28 with which an individual meets the standards of personal  
29 independence and social responsibility expected of his or her  
30 age, cultural group, and community ~~has the same meaning as in s.~~  
31 ~~393.063.~~

32           Section 16. Subsection (2) of section 916.301, Florida  
33 Statutes, is amended to read:

34           916.301 Appointment of experts.--

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

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

41           (b) A psychologist selected by the agency who is licensed  
42 or authorized by law to practice in this state, with experience  
43 in evaluating persons suspected of having retardation or autism,  
44 and a social service professional, with experience in working  
45 with persons with retardation or autism.

46           1. The psychologist shall evaluate whether the defendant  
47 meets the definition of retardation or autism and, if so, whether



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48 | the defendant is incompetent to proceed due to retardation or  
49 | autism.

50 |       2. The social service professional shall provide a social  
51 | and developmental history of the defendant.

52 |  
53 | ===== T I T L E   A M E N D M E N T =====

54 | And the title is amended as follows:

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56 |       On line 17, after the semicolon,

57 | insert:

58 |       amending s. 916.106, F.S.; revising definitions;  
59 |       redefining the terms "autism" and "retardation"; amending  
60 |       s. 916.301, F.S.; revising requirements regarding the  
61 |       appointment of experts if a defendant's suspected mental  
62 |       condition is retardation or autism;