



102020

CHAMBER ACTION

Senate

House

.
. .
. .
. .

Floor: 1/AD/3R
4/29/2008 4:36 PM

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.



102020

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



102020

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:

55 |
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;

63 |