



179092

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2021	.	
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The Committee on Children, Families, and Elder Affairs (Farmer) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (13) of section 916.106, Florida
Statutes, is amended to read:

916.106 Definitions.—

(13) "Intellectual disability" means significantly
subaverage general intellectual functioning existing
concurrently with deficits in adaptive behavior which manifests



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11 before the age of 18, or significantly deficient adaptive
12 functioning resulting from a traumatic brain injury, which can
13 reasonably be expected to continue indefinitely. For the
14 purposes of this definition, the term:

15 (a) "Adaptive behavior" means the effectiveness or degree
16 with which an individual meets the standards of personal
17 independence and social responsibility expected of his or her
18 age, cultural group, and community.

19 (b) "Significantly deficient in adaptive functioning" means
20 the extreme limitation of one, or marked limitation of two, of
21 the following areas of mental functioning:

- 22 1. Understand, remember, or apply information;
23 2. Interact with others;
24 3. Concentrate, persist, or maintain pace; or
25 4. Adapt or manage oneself.

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

30 (d) "Traumatic brain injury" means a disruption in the
31 normal function of the brain which can be caused by a bump,
32 blow, or jolt to the head or a penetrating head injury ~~has the~~
33 ~~same meaning as in s. 393.063.~~

34 Section 2. Section 916.303, Florida Statutes, is amended to
35 read:

36 916.303 Determination of incompetency; dismissal of
37 charges.—

38 (4) If the charges are dismissed and the defendant has been
39 found incompetent to proceed due to an intellectual disability



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40 caused by a traumatic brain injury, the agency must assist the
41 defendant with application to the long-term managed care program
42 described in ss. 409.978-409.985.

43 Section 3. This act shall take effect July 1, 2021.

44 ===== T I T L E A M E N D M E N T =====

45 And the title is amended as follows:

46 Delete everything before the enacting clause
47 and insert:

48 A bill to be entitled

49 An act relating to defendants with a traumatic brain
50 injury; revising the definition of the term
51 "intellectual disability" as it relates to defendants
52 found incompetent to proceed; adding the terms
53 "significantly deficient in adaptive functioning" and
54 "traumatic brain injury" to the current definition of
55 "intellectual disability"; requiring the Agency for
56 Persons with Disabilities to assist certain defendants
57 found incompetent to proceed with application to the
58 long-term care managed care program; providing an
59 effective date.