HB 1273 2022

1 A bill to be entitled 2 An act relating to defendants with a traumatic brain 3 injury; amending s. 916.106, F.S.; redefining the term "intellectual disability" as it relates to defendants 4 5 who have been found to be incompetent to proceed by 6 adding the terms "significantly deficient in adaptive 7 functioning" and "traumatic brain injury"; amending s. 8 916.303, F.S.; requiring the Agency for Persons with 9 Disabilities to assist certain defendants found incompetent to proceed with application to the long-10 11 term care managed care program; providing an effective 12 date.

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

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

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(13)

916.106 Definitions.—For the purposes of this chapter, the term:

"Intellectual disability" means significantly

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subaverage general intellectual functioning existing

concurrently with deficits in adaptive behavior which manifests

before the age of 18, or significantly deficient in adaptive

functioning resulting from a traumatic brain injury, and which

25 can reasonably be expected to continue indefinitely. For the

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26	purposes of this definition, the term:
27	(a) "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.
31	(b) "Significantly deficient in adaptive functioning"
32	means the extreme limitation of one, or marked limitation of
33	two, of the following areas of mental functioning:
34	1. Understanding, remembering, or applying information;
35	2. Interacting with others;
36	3. Concentrating, persisting, or maintaining pace; or
37	4. Adapting or managing oneself.
38	(c) "Significantly subaverage general intellectual
39	functioning" means performance that is two or more standard
40	deviations from the mean score on a standardized intelligence
41	test specified in the rules of the agency.
42	(d) "Traumatic brain injury" means a disruption in the
43	normal function of the brain which can be caused by a bump,
44	blow, or jolt to the head or a penetrating head injury has the
45	same meaning as in s. 393.063.
46	Section 2. Subsection (4) is added to section 916.303,
47	Florida Statutes, to read:
48	916.303 Determination of incompetency; dismissal of
49	charges.—
50	(4) If the charges are dismissed and the defendant has

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