



118168

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/16/2022	.	
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Appropriations Subcommittee on Health and Human Services
(Farmer) recommended the following:

1 **Senate Amendment to Amendment (774274) (with title**
2 **amendment)**

3
4 Between lines 15 and 16
5 insert:

6 (13) "Intellectual disability" means significantly
7 subaverage general intellectual functioning existing
8 concurrently with deficits in adaptive behavior which manifests
9 before the age of 18, or significantly deficient adaptive
10 functioning resulting from a traumatic brain injury, and which



118168

11 can reasonably be expected to continue indefinitely. For the
12 purposes of this definition, the term:

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

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

- 20 1. Understanding, remembering, or applying information;
21 2. Interacting with others;
22 3. Concentrating, persisting, or maintaining pace; or
23 4. Adapting or managing oneself.

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

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

32 Section 2. Subsection (4) is added to section 916.303,
33 Florida Statutes, to read:

34 916.303 Determination of incompetency; dismissal of
35 charges.—

36 (4) If the charges are dismissed and the defendant has been
37 found incompetent to proceed due to an intellectual disability
38 caused by a traumatic brain injury, the agency must assist the
39 defendant with application to the long-term care managed care



118168

40 program described in ss. 409.978-409.985.

41

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

43 And the title is amended as follows:

44 Delete line 35

45 and insert:

46 facility"; redefining the term "intellectual
47 disability" as it relates to defendants who have been
48 found to be incompetent to proceed by adding the terms
49 "significantly deficient adaptive functioning" and
50 "traumatic brain injury"; amending s. 916.303, F.S.;
51 requiring the Agency for Persons with Disabilities to
52 assist certain defendants found incompetent to proceed
53 with application to the long-term care managed care
54 program; amending s. 916.13, F.S.; providing that