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LEGISLATIVE ACTION

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

Senate Amendment (with directory and title amendments)

Between lines 29 and 30

insert:

(13) "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior which manifests before the age of 18, or significantly deficient adaptive functioning resulting from a traumatic brain injury, and which can reasonably be expected to continue indefinitely. For the



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11 purposes of this definition, the term:

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

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

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

23 (c) "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 the rules of the agency.

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

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

33 916.303 Determination of incompetency; dismissal of
34 charges.—

35 (4) If the charges are dismissed and the defendant has been
36 found incompetent to proceed due to an intellectual disability
37 caused by a traumatic brain injury, the agency must assist the
38 defendant with application to the long-term care managed care
39 program described in ss. 409.978-409.985.



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41 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

42 And the directory clause is amended as follows:

43 Delete lines 15 - 16

44 and insert:

45 Section 1. Subsections (10) and (13) of section 916.106,
46 Florida Statutes, are amended to read:

47
48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete line 5

51 and insert:

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