HB 1273

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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				
4	"intellectual disability" as it relates to defendants				
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				
10	incompetent to proceed with application to the long-				
11	term care managed care program; providing an effective				
12	date.				
13					
14	Be It Enacted by the Legislature of the State of Florida:				
15					
16	Section 1. Subsection (13) of section 916.106, Florida				
17	Statutes, is amended to read:				
18	916.106 DefinitionsFor the purposes of this chapter, the				
19	term:				
20	(13) "Intellectual disability" means significantly				
21	subaverage general intellectual functioning existing				
22	concurrently with deficits in adaptive behavior which manifests				
23	before the age of 18, or significantly deficient in adaptive				
24	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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51	been found incompetent to proceed due to an intellectual
52	disability caused by a traumatic brain injury, the agency must
53	assist the defendant with application to the long-term care
54	managed care program described in ss. 409.978-409.985.
55	Section 3. This act shall take effect July 1, 2022.

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