

By Senator Siplin

19-877-05

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled

An act relating to delinquency proceedings;  
amending s. 985.228, F.S.; requiring the  
Department of Juvenile Justice to adopt rules  
governing the procedures that may be used to  
restrain a child before and during an  
adjudicatory hearing; prohibiting unreasonable  
restraint or extended periods of isolation;  
providing an effective date.

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

Section 1. Subsection (1) of section 985.228, Florida  
Statutes, is amended to read:

985.228 Adjudicatory hearings; withheld adjudications;  
orders of adjudication.--

(1) The adjudicatory hearing must be held as soon as  
practicable after the petition alleging that a child has  
committed a delinquent act or violation of law is filed and in  
accordance with the Florida Rules of Juvenile Procedure; but  
reasonable delay for the purpose of investigation, discovery,  
or procuring counsel or witnesses shall be granted. If the  
child is being detained, the time limitations provided for in  
s. 985.215(5)(c) and (d) apply. The department shall adopt by  
rule procedures for restraining a child before and during an  
adjudicatory hearing. The rules must prohibit the use of  
mechanical devices or unreasonable restraints. In addition, a  
child may not be subject to extended periods of isolation.

Section 2. This act shall take effect July 1, 2005.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Requires that the Department of Juvenile Justice adopt rules to provide procedures for restraining a child before and during an adjudicatory hearing.