

1 A bill to be entitled
 2 An act relating to restraint of juveniles; creating s.
 3 985.2125, F.S.; providing for development and maintenance
 4 of a protective action response policy by the Department
 5 of Juvenile Justice that consists of policies and
 6 procedures on the use of physical force and restraining
 7 devices; providing for certification of instructors;
 8 providing for training in the policy; creating s.
 9 985.2126, F.S.; providing legislative intent concerning
 10 mechanical restraint of juveniles; providing a definition;
 11 requiring authorization for such restraint; restricting
 12 when mechanical restraint may be used; prohibiting
 13 specified forms of restraint; limiting the period of
 14 restraint; providing requirements during the period of
 15 restraint; providing an effective date.

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

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 19 Section 1. Section 985.2125, Florida Statutes, is created
 20 to read:

21 985.2125 Protective action response policy.--

22 (1) The department shall develop and maintain a protective
 23 action response policy that includes policies and procedures on
 24 the use of physical force and restraining devices.

25 (2) The department shall certify trainers to provide
 26 training in the protective action response policy.

27 (3) Protective action response training shall be
 28 administered by protective action response certified trainers at

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29 department training programs and may also be administered by
30 certified trainers at any federal, state, or local law
31 enforcement training facility.

32 (4) All state and local law enforcement officers may take
33 protective action response training. It is the intent of the
34 Legislature that all state and local law enforcement officers be
35 strongly encouraged to take protective action response training.

36 Section 2. Section 985.2126, Florida Statutes, is created
37 to read:

38 985.2126 Mechanical restraint of juveniles.--

39 (1) It is the intent of the Legislature that mechanical
40 restraint of juveniles be used as a last-resort behavioral
41 intervention to prevent self-injury to a youth, injury to
42 others, or property damage.

43 (2) As used in this section, the term "mechanical
44 restraint" means the use of a physical device for the purpose of
45 restraining a person's limbs, head, or body.

46 (3) (a) The use of mechanical restraints on juveniles by
47 law enforcement officers shall be restricted to those occasions
48 when protective action response as provided in s. 985.2125 has
49 been used and proven to be insufficient and when it appears
50 absolutely necessary to prevent escape, serious injury to a
51 person, or damage to real property or to quell a riot or serious
52 disturbance.

53 (b) Mechanical restraint may not be used:

- 54 1. As punishment;
55 2. For the convenience of a law enforcement officer; or
56 3. To prevent a youth from yelling or making noise.

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57 (4) Prior to any use of a mechanical restraint,
58 authorization must be given by the supervisor of the law
59 enforcement officer who will apply the mechanical restraint or,
60 in the supervisor's absence, the individual in charge of the
61 officer who will apply the mechanical restraint.

62 (5) The following forms of mechanical restraint are
63 prohibited:

64 (a) Securing a youth to a fixed object.

65 (b) Binding hands to feet behind the back to prevent any
66 routine movement.

67 (c) Use of belly chains to bind hands and feet together in
68 front of the body, unless done loosely in a way that allows
69 routine movement such as walking.

70 (6) A youth may not be restrained for more than 1 hour
71 unless authorized by a supervisor after a medical or mental
72 health review.

73 (7) Throughout the period of time a youth is mechanically
74 restrained, officers shall:

75 (a) Continually monitor youth behavior for indications
76 that restraints are no longer necessary.

77 (b) Employ protective action response verbal techniques
78 designed to reduce the need for mechanical restraints.

79 Section 3. This act shall take effect October 1, 2006.