

1 A bill to be entitled
 2 An act relating to restraint of juveniles; amending s.
 3 985.35, F.S.; prohibiting use of certain restraints on
 4 children in adjudicatory hearings; providing exceptions;
 5 amending s. 985.483, F.S.; conforming a cross-reference;
 6 creating s. 985.602, F.S.; prohibiting use of certain
 7 restraints on children in court proceedings; providing
 8 exceptions; providing an effective date.

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

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 12 Section 1. Subsections (3), (4), (6), and (7) of section
 13 985.35, Florida Statutes, are renumbered as subsections (4),
 14 (5), (7), and (8), respectively, present subsection (5) is
 15 renumbered as subsection (6) and amended, and a new subsection
 16 (3) is added to that section, to read:

17 985.35 Adjudicatory hearings; withheld adjudications;
 18 orders of adjudication.--

19 (3) (a) Instruments of restraint, such as handcuffs,
 20 chains, irons, or straitjackets, may not be used on a child
 21 during court proceedings and must be removed prior to the
 22 child's appearance before the court unless the court finds that:

23 1. Instruments of restraint are necessary to prevent
 24 physical harm to the child or another person.

25 2. There are no less restrictive alternatives to prevent
 26 physical harm to the child or another person, including, but not
 27 limited to, the presence of department personnel, law
 28 enforcement officers, or bailiffs.

29 3. The child has a history of disruptive courtroom
 30 behavior that has placed others in potentially harmful
 31 situations or presents a substantial risk of inflicting physical
 32 harm on himself or herself or others as evidenced by recent
 33 behavior.

34 (b) In using instruments of restraint, the department
 35 shall comply with its Protective Action Response policy adopted
 36 under s. 985.645(2) (a).

37 (6)~~(5)~~ If the court finds that the child named in a
 38 petition has committed a delinquent act or violation of law, but
 39 elects not to proceed under subsection (5) ~~(4)~~, it shall
 40 incorporate that finding in an order of adjudication of
 41 delinquency entered in the case, briefly stating the facts upon
 42 which the finding is made, and the court shall thereafter have
 43 full authority under this chapter to deal with the child as
 44 adjudicated.

45 Section 2. Subsection (2) of section 985.483, Florida
 46 Statutes, is amended to read:

47 985.483 Intensive residential treatment program for
 48 offenders less than 13 years of age.--

49 (2) DETERMINATION.--After a child has been adjudicated
 50 delinquent under s. 985.35(6)~~(5)~~, the court shall determine
 51 whether the child is eligible for an intensive residential
 52 treatment program for offenders less than 13 years of age under
 53 subsection (1). If the court determines that the child does not
 54 meet the criteria, ss. 985.435, 985.437, 985.439, 985.441,
 55 985.445, 985.45, and 985.455 shall apply.

56 Section 3. Section 985.602, Florida Statutes, is created
 57 to read:

58 985.602 Use of restraints during court proceedings
 59 prohibited; exceptions.--

60 (1) Instruments of restraint, such as handcuffs, chains,
 61 irons, or straitjackets, may not be used on a child during court
 62 proceedings and must be removed prior to the child's appearance
 63 before the court unless the court finds that:

64 (a) Instruments of restraint are necessary to prevent
 65 physical harm to the child or another person.

66 (b) There are no less restrictive alternatives to prevent
 67 physical harm to the child or another person, including, but not
 68 limited to, the presence of department personnel, law
 69 enforcement officers, or bailiffs.

70 (c) The child has a history of disruptive courtroom
 71 behavior that has placed others in potentially harmful
 72 situations or presents a substantial risk of inflicting physical
 73 harm on himself or herself or others as evidenced by recent
 74 behavior.

75 (2) In using instruments of restraint, the department
 76 shall comply with its Protective Action Response policy adopted
 77 under s. 985.645(2)(a).

78 Section 4. This act shall take effect July 1, 2007.