



1           (b) A less restrictive alternative is not available  
2 which would prevent physical harm, including, but not limited  
3 to, the presence of personnel of the department, a law  
4 enforcement officer, or a bailiff; or

5           (c) The child has a history of disruptive behavior in  
6 the courtroom which places others in potentially harmful  
7 situations or presents a substantial risk of inflicting bodily  
8 harm on others as evidenced by recent behavior.

9  
10 The department must comply with the Protective Action Response  
11 policy adopted under s. 985.645(2) whenever mechanical  
12 restraints are used.

13           ~~(6)(5)~~ If the court finds that the child named in a  
14 petition has committed a delinquent act or violation of law,  
15 but elects not to proceed under subsection~~(5)(4)~~, it shall  
16 incorporate that finding in an order of adjudication of  
17 delinquency entered in the case, briefly stating the facts  
18 upon which the finding is made, and the court shall thereafter  
19 have full authority under this chapter to deal with the child  
20 as adjudicated.

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

23           985.483 Intensive residential treatment program for  
24 offenders less than 13 years of age.--

25           (2) DETERMINATION.--After a child has been adjudicated  
26 delinquent under s. 985.35(6) ~~s. 985.35(5)~~, the court shall  
27 determine whether the child is eligible for an intensive  
28 residential treatment program for offenders less than 13 years  
29 of age under subsection (1). If the court determines that the  
30 child does not meet the criteria, ss. 985.435, 985.437,  
31 985.439, 985.441, 985.445, 985.45, and 985.455 shall apply.

1           Section 3. Section 985.602, Florida Statutes, is  
2 created to read:

3           985.602 Use of restraints during court proceedings  
4 prohibited; exceptions--.

5           (1) Instruments of restraint, such as handcuffs,  
6 chains, irons, or straitjackets, may not be used on a child  
7 during any court proceeding and must be removed when the child  
8 appears before the court unless the court finds that:

9           (a) Restraints are necessary to prevent physical harm  
10 to the child or another person;

11           (b) A less restrictive alternative is not available  
12 which would prevent physical harm, including, but not limited  
13 to, the presence of personnel of the department, a law  
14 enforcement officer, or a bailiff; or

15           (c) The child has a history of disruptive behavior in  
16 the courtroom which places others in potentially harmful  
17 situations or presents a substantial risk of inflicting bodily  
18 harm on others as evidenced by recent behavior.

19           (2) The department must comply with the Protective  
20 Action Response policy adopted under s. 985.645(2) whenever  
21 mechanical restraints are used.

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

23  
24 \*\*\*\*\*

25           SENATE SUMMARY

26           Prohibits the use of instruments of restraint on a child  
27           during court proceedings or elsewhere in a courthouse.  
28           Provides specified exceptions. Requires the Department of  
29           Juvenile Justice to comply with the Protective Action  
30           Response policy whenever mechanical restraints are used.  
31