

By Senator Jones

35-01379-21

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1                   A bill to be entitled  
2           An act relating to pregnant women in custody; creating  
3           s. 907.033, F.S.; requiring that every female who is  
4           arrested and not released on bond within 72 hours  
5           after arrest be administered a pregnancy test within a  
6           certain amount of time, if so requested; requiring  
7           that each facility notify each arrested female upon  
8           booking of her right to request a pregnancy test;  
9           providing for the kinds of pregnancy tests that may be  
10          given; defining the term "female"; creating s. 925.13,  
11          F.S.; defining the term "pregnant woman"; requiring  
12          that, if a pregnant woman is convicted of a crime and  
13          sentenced to incarceration of any length, the pregnant  
14          woman's sentence be deferred until a certain time  
15          after delivery; requiring that, within 10 days after  
16          the deferral period ends and the woman is  
17          incarcerated, she be offered and receive specified  
18          services; requiring municipal and county detention  
19          facilities to collect and report specified information  
20          to the Department of Corrections, which must  
21          incorporate such information from its facilities;  
22          requiring the department to publish the information on  
23          its public website and update it on a quarterly basis;  
24          providing requirements for the report; providing an  
25          effective date.

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

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29          Section 1. Section 907.033, Florida Statutes, is created to

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30 read:

31 907.033 Pregnancy testing of female arrestees.—Every female  
32 who is arrested and not released on bond within 72 hours after  
33 arrest, upon her request, must be administered a pregnancy test  
34 by the facility where she is being held within 24 hours after  
35 the request. The facility must notify each such arrestee upon  
36 booking of her right to request a pregnancy test. The pregnancy  
37 test may be conducted through urine or blood tests, by  
38 ultrasound scan, or by any other standard pregnancy testing  
39 protocols adopted by the facility. As used in this section, the  
40 term "female" includes a juvenile or adult woman.

41 Section 2. Section 925.13, Florida Statutes, is created to  
42 read:

43 925.13 Sentence deferral for pregnant women.—

44 (1) As used in this section, the term "pregnant woman"  
45 means a juvenile or adult woman whose pregnancy has been  
46 verified by a pregnancy test or through a medical examination  
47 conducted by a physician.

48 (2) Notwithstanding any other law, the sentence of a  
49 pregnant woman who is convicted of a crime and sentenced to  
50 incarceration of any length must comply with the following  
51 requirements:

52 (a) The pregnant woman's sentence must be deferred until 12  
53 weeks after delivery of the baby so that during the deferral  
54 period, the pregnant woman may receive necessary health care for  
55 herself and the unborn child.

56 (b) Within 10 days after the deferral period ends and the  
57 woman is incarcerated to serve the sentence, she must be offered  
58 appropriate assessment by a licensed health care provider during

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59 the postpartum period and, upon the request of the incarcerated  
60 woman, the licensed health care provider shall provide a  
61 postpartum pregnancy assessment, including information regarding  
62 any necessary medical tests, procedures, lactation support, or  
63 treatments associated with her postpartum condition. Such  
64 assessments and treatments must be developed and offered in  
65 consultation with community support organizations, licensed  
66 health care professionals, social services programs, and local  
67 and state government agencies, including nonprofit  
68 organizations.

69 (3) (a) Each municipal and county detention facility, as  
70 those terms are defined in s. 951.23, shall collect all of the  
71 following information and report it to the department, which  
72 shall compile it with such information from its own institutions  
73 and publish it quarterly on its public website:

74 1. The total number of pregnant women who receive a  
75 sentence deferral under paragraph (2) (a);

76 2. The total number of women who receive and who decline  
77 assistance under paragraph (2) (b);

78 3. The total number of births, including the number of live  
79 births and stillbirths, to women whose sentences are deferred,  
80 and the gestational age and birth weight of each infant at the  
81 time of birth or stillbirth;

82 4. The total number of such women who experience  
83 complications during pregnancy and type of complications  
84 experienced; and

85 5. The total number of such women who experience  
86 miscarriages.

87 (b) The information published pursuant to paragraph (a)

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88 must exclude patient identifying information and must comply  
89 with state and federal confidentiality laws.

90 Section 3. This act shall take effect July 1, 2021.