

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Criminal Justice Committee

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BILL: SB 524
INTRODUCER: Senators Joyner and Bullard
SUBJECT: Restraint of Incarcerated Pregnant Women
DATE: March 6, 2012

I. Amendments Contained in Message:

House Amendment 1 – 603303 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 and SB 524 both provide that certain restraints should not be used during the third trimester of pregnancy or when requested by the treating physician. The amendment gives the Department of Corrections (DOC) discretion to override this for security reasons, but SB 524 does not.

House Amendment 1 and SB 524 both allow a “correctional official” to order use of upper body restraints during labor, delivery, or postpartum recovery in extraordinary circumstances. The bill requires removal of the restraints upon the physician’s request, but the amendment gives the correctional officer or staff accompanying the prisoner discretion to keep the restraints on if he or she determines that there is an “extraordinary public safety risk.”

House Amendment 1 changes the definition of “post partum recovery” to add that the period after delivery is determined by the physician and to make the default period 24 hours after delivery. It also removes “shackles” from the definition of “restraints.”

House Amendment 1 allows prisoners to file a grievance according to the rules of their correctional institution, with a 45-day extension if requested. For inmates in DOC custody, this changes SB 524’s one year grievance filing period to the standard grievance period under DOC rule (a “reasonable time” for an informal grievance, and 15 days after receiving the response to an informal grievance for a formal grievance).

House Amendment 1 removes the public inspection of documents provision to ensure compliance with HIPAA regarding confidentiality of medical records. It also removes the DOC and Department of Juvenile Justice annual reporting requirement.