

By Senator Powell

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1 A bill to be entitled
2 An act relating to incarcerated women with newborn
3 children; amending ss. 944.24 and 951.175, F.S.;
4 requiring certain women inmates within the state and
5 county correctional systems who have newborn children
6 to be allowed specified visitation and physical touch
7 privileges with their newborn children; prohibiting
8 such inmates from being relocated during the term of
9 their imprisonment except under certain circumstances;
10 amending s. 944.09, F.S.; authorizing the Department
11 of Corrections to adopt rules relating to the visiting
12 hours and privileges of such inmates; amending s.
13 944.611, F.S.; providing legislative intent regarding
14 the location of such inmates for the term of their
15 imprisonment; amending s. 951.23, F.S.; requiring
16 sheriffs and chief correctional officers to adopt
17 model standards relating to such inmates; deleting
18 obsolete language; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsection (6) of section 944.24, Florida
23 Statutes, is amended, and subsection (7) is added to that
24 section, to read:

25 944.24 Administration of correctional institutions for
26 women.—

27 (6) Any woman inmate who gives birth to a child during her
28 term of imprisonment may be temporarily taken to a hospital
29 outside the prison for the purpose of childbirth, and the charge

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30 for hospital and medical care ~~must~~ shall be charged against the
31 funds allocated to the institution. The department shall provide
32 for the care of any child so born, in compliance with the rights
33 afforded to the inmate under subsection (7), and shall pay for
34 the child's care until the child is suitably placed outside the
35 prison system.

36 (7) Any woman inmate who has given birth up to 1 month
37 before being detained or sentenced or within 9 months after
38 being detained or sentenced:

39 (a) Must be allowed the following visitation hours with the
40 child, unless such visitation is prohibited by s.

41 944.09(1)(n)2.:

42 1. For 6 weeks after the child's birth, visitation hours
43 with the child every day; and

44 2. After the first 6 weeks after the child's birth,
45 visitation hours with the child at least 4 days a week until the
46 child reaches 1 year of age. After the child reaches 1 year of
47 age, normal visitation hours apply;

48 (b) Must be allowed to make physical contact with the
49 child, including, but not limited to, holding, hugging, kissing,
50 breastfeeding, cleaning the child, and changing the child's
51 clothes, unless such contact is prohibited by s. 944.09(1)(n)2.;
52 and

53 (c) May not be relocated from a Department of Corrections
54 facility during the length of her imprisonment, unless one of
55 the following subparagraphs applies:

56 1. The inmate:

57 a. Requires specific medical or mental health treatment
58 under ss. 945.12 and 945.43-945.45;

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59 b. Is forced to relocate due to her classification status
60 under ss. 944.17 and 944.1905; or

61 c. Requires access to the programs or services listed under
62 ss. 944.473, 944.705-944.707, and 944.803.

63 2. The inmate's child is relocated during the inmate's
64 detention.

65 Section 2. Subsection (5) of section 951.175, Florida
66 Statutes, is amended, and subsection (6) is added to that
67 section, to read:

68 951.175 Provision of programs for women.—

69 (5) Any woman inmate who gives birth to a child during her
70 term of imprisonment may be temporarily taken to a hospital
71 outside the detention facility for the purpose of childbirth,
72 and the charge for hospital and medical care shall be charged
73 against the funds allocated to the detention facility. The
74 county shall provide for the care, in compliance with the rights
75 afforded to the inmate under subsection (7), of any child so
76 born and shall pay for the child's care until the child is
77 suitably placed outside the prison system.

78 (6) Any woman inmate who has given birth up to 1 month
79 before being detained or sentenced or within 9 months after
80 being detained or sentenced:

81 (a) Must be allowed the following visitation hours with the
82 child, unless such visitation is otherwise prohibited by law:

83 1. For 6 weeks after the child's birth, visitation hours
84 with the child every day; and

85 2. After the first 6 weeks after the child's birth,
86 visitation hours with the child at least 4 days a week until the
87 child reaches 1 year of age. After the child reaches 1 year of

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88 age, normal visitation hours apply.

89 (b) Must be allowed to make physical contact with the
90 child, including, but not limited to, holding, hugging, kissing,
91 breastfeeding, cleaning the child, and changing the child's
92 clothes, unless such contact is otherwise prohibited by law.

93 Section 3. Paragraph (n) of subsection (1) of section
94 944.09, Florida Statutes, is amended to read:

95 944.09 Rules of the department; offenders, probationers,
96 and parolees.—

97 (1) The department has authority to adopt rules pursuant to
98 ss. 120.536(1) and 120.54 to implement its statutory authority.
99 The rules must include rules relating to:

100 (n) Visiting hours and privileges. The rules must ~~shall~~
101 provide that:

102 1. Except as provided in subparagraph 2., any woman inmate
103 who has given birth up to 1 month before being detained or
104 sentenced or within 9 months after being detained or sentenced
105 be provided with visitation hours with the newborn child
106 pursuant to s. 944.24(7) (a) and be allowed to make physical
107 contact with her child pursuant to s. 944.24(7) (b).

108 2. Any inmate with a current or prior conviction for any
109 offense contained in chapter 794, chapter 800, chapter 827, or
110 chapter 847 for committing or attempting to commit aggravated
111 child abuse or committing or attempting to commit a sex act on,
112 in the presence of, or against a child under the age of 16
113 years, may ~~shall~~ not be allowed visitation with anyone under the
114 age of 18 years, unless special visitation is approved by the
115 warden. The authorization for special visitation must ~~shall~~ be
116 based on extenuating circumstances that serve the interest of

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117 the children. If visiting is restricted by court order,
 118 permission for special visitation may be granted only by the
 119 judge issuing the order.

120 Section 4. Paragraph (e) is added to subsection (2) of
 121 section 944.611, Florida Statutes, to read:

122 944.611 Legislative intent.—The Legislature finds and
 123 declares that:

124 (2) It is the intent of the Legislature that:

125 (e) Any woman inmate who has given birth up to 1 month
 126 before being detained or sentenced or within 9 months after
 127 being detained or sentenced must be placed in and not be moved
 128 from the institution or facility nearest the permanent residence
 129 of the inmate's newborn child or the inmate's county of
 130 commitment during the length of her term of imprisonment, unless
 131 one of the following subparagraphs applies:

132 1. The inmate:

133 a. Requires specific medical or mental health treatment
 134 under ss. 945.12 and 945.43-945.45;

135 b. Is forced to relocate due to her classification status
 136 under ss. 944.17 and 944.1905; or

137 c. Requires access to the programs or services listed under
 138 ss. 944.473, 944.705-944.707, and 944.803.

139 2. The inmate's child is relocated during the inmate's
 140 detention.

141 Section 5. Paragraph (a) of subsection (4) of section
 142 951.23, Florida Statutes, is amended to read:

143 951.23 County and municipal detention facilities;
 144 definitions; administration; standards and requirements.—

145 (4) STANDARDS FOR SHERIFFS AND CHIEF CORRECTIONAL

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146 OFFICERS.—

147 (a) ~~There shall be established~~ A five-member working group
148 is established, which consists ~~consisting~~ of three persons
149 appointed by the Florida Sheriffs Association and two persons
150 appointed by the Florida Association of Counties to develop
151 model standards for county and municipal detention facilities.
152 At a minimum ~~By October 1, 1996,~~ each sheriff and chief
153 correctional officer shall adopt, ~~at a minimum,~~ the model
154 standards with reference to:

155 1.a. The construction, equipping, maintenance, and
156 operation of county and municipal detention facilities.

157 b. The cleanliness and sanitation of county and municipal
158 detention facilities; the number of county and municipal
159 prisoners who may be housed therein per specified unit of floor
160 space; the quality, quantity, and supply of bedding furnished to
161 such prisoners; the quality, quantity, and diversity of food
162 served to them and the manner in which it is served; the
163 furnishing to them of medical attention and health and comfort
164 items; and the disciplinary treatment that ~~which~~ may be meted
165 out to them.

166
167 Notwithstanding the provisions of the otherwise applicable
168 building code, a reduced custody housing area may be occupied by
169 inmates or may be used for sleeping purposes as allowed in
170 subsection (7). The sheriff or chief correctional officer shall
171 provide that a reduced custody housing area shall be governed by
172 fire and life safety standards which do not interfere with the
173 normal use of the facility and which affect a reasonable degree
174 of compliance with rules of the State Fire Marshal for

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175 correctional facilities.

176 2. The confinement of prisoners by classification and
177 providing, whenever possible, for classifications which separate
178 males from females, juveniles from adults, felons from
179 misdemeanants, and those awaiting trial from those convicted
180 and, in addition, providing for the separation of special risk
181 prisoners, such as the mentally ill, alcohol or narcotic
182 addicts, sex deviates, suicide risks, and any other
183 classification which the local unit may deem necessary for the
184 safety of the prisoners and the operation of the facility
185 pursuant to degree of risk and danger criteria. Nondangerous
186 felons may be housed with misdemeanants.

187 3. The rights afforded under s. 951.175 to woman inmates
188 who have given birth up to 1 month before being detained or
189 sentenced or within 9 months after being detained or sentenced.

190 Section 6. This act shall take effect July 1, 2019.