

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Criminal Justice

[2020h01259.hms]

BILL: CS/CS/HB 1259 (CS/CS/SB 852)

INTRODUCER: Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Rep. Jones and others (Appropriations Committee; Criminal Justice Committee; and Senator Pizzo and others)

SUBJECT: Restrictive Housing for Incarcerated Pregnant Women

DATE: March 13, 2020

I. Amendments Contained in Message:

House Amendment 1 – 436717 to Senate Amendment 1 – 252236

II. Summary of Amendments Contained in Message:

House Amendment 1 makes the following changes to the Senate amendment:

- Modifies the definition of “invasive body cavity search”; adds the definition of “pregnant prisoner”; and changes part of the definition of “restrictive housing”.
- Replaces the provision in the Senate amendment for use of restraints on pregnant prisoners with current law.
- Provides a different standard for when a prisoner who is known to be pregnant may be involuntarily placed in restrictive housing, specifying that it is permissible if the corrections official makes an individualized determination that such housing is necessary to protect the health and safety of the prisoner or others or to preserve the security and order of the institution and there are no less restrictive means available.
- Provides different reporting requirements for corrections officials who place a pregnant prisoner into restrictive housing to include the reason restrictive housing is necessary, reason less restrictive means are not available, and whether the qualified healthcare professional at the correctional institution objects to the placement.
- Requires that a pregnant prisoner placed in restrictive housing must be seen by a qualified healthcare provider at least every 24 hours, rather than every 12 hours that is required in the Senate amendment.
- Requires that a pregnant prisoner be observed by a correctional officer at least every hour.
- Requires every county or municipal detention facility and each detention facility operated by a private entity to adopt written policies and procedures related to the use of restraints and the performance of invasive body searches.