

By Senator Powell

30-00211-20

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1 A bill to be entitled
2 An act relating to incarcerated women with newborn
3 children; amending s. 944.24, F.S.; requiring certain
4 women inmates within the state correctional system who
5 have newborn children to be allowed specified
6 visitation and physical touch privileges with their
7 newborn children; amending s. 944.09, F.S.;
8 authorizing the Department of Corrections to adopt
9 rules relating to the visiting hours and privileges of
10 certain inmates; providing an effective date.

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

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14 Section 1. Subsection (6) of section 944.24, Florida
15 Statutes, is amended, and subsection (7) is added to that
16 section, to read:

17 944.24 Administration of correctional institutions for
18 women.—

19 (6) Any woman inmate who gives birth to a child during her
20 term of imprisonment may be temporarily taken to a hospital
21 outside the prison for the purpose of childbirth, and the charge
22 for hospital and medical care must ~~shall~~ be charged against the
23 funds allocated to the institution. The department shall provide
24 for the care of any child so born, in compliance with the rights
25 afforded to the inmate under subsection (7), and shall pay for
26 the child's care until the child is suitably placed outside the
27 prison system.

28 (7) Any woman inmate who has given birth up to 1 month
29 before being detained or sentenced or within 9 months after

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30 being detained or sentenced must:

31 (a) Unless such visitation is prohibited by s.
32 944.09(1)(n)2., be allowed visitation hours with the child at
33 least 4 days a week and for at least 1-2 hours per visit until
34 the child reaches 1 year of age. If a facility is unable to
35 consistently provide the required visitation hours per day, the
36 facility may make reasonable accommodations to provide
37 consistent visitation; and

38 (b) Unless such contact is prohibited by s. 944.09(1)(n)2.,
39 be allowed to make physical contact with the child, including,
40 but not limited to, holding, hugging, kissing, breastfeeding,
41 cleaning the child, and changing the child's clothes.

42 Section 2. Paragraph (n) of subsection (1) of section
43 944.09, Florida Statutes, is amended to read:

44 944.09 Rules of the department; offenders, probationers,
45 and parolees.—

46 (1) The department has authority to adopt rules pursuant to
47 ss. 120.536(1) and 120.54 to implement its statutory authority.
48 The rules must include rules relating to:

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

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

57 2. Any inmate with a current or prior conviction for any
58 offense contained in chapter 794, chapter 800, chapter 827, or

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59 chapter 847 for committing or attempting to commit aggravated
60 child abuse or committing or attempting to commit a sex act on,
61 in the presence of, or against a child under the age of 16
62 years, may ~~shall~~ not be allowed visitation with anyone under the
63 age of 18 years, unless special visitation is approved by the
64 warden. The authorization for special visitation must ~~shall~~ be
65 based on extenuating circumstances that serve the interest of
66 the children. If visiting is restricted by court order,
67 permission for special visitation may be granted only by the
68 judge issuing the order.

69 Section 3. This act shall take effect July 1, 2020.