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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2021	.	
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The Committee on Criminal Justice (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited at the "Protecting the Dignity
of Women and Infants Act."

Section 2. Section 907.033, Florida Statutes, is created to
read:

907.033 Pregnancy testing of female arrestees.—Every female
who is arrested and not released on bond within 72 hours after



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11 arrest, upon her request, must be administered a pregnancy test
12 by the municipal or county detention facility as defined in s.
13 951.23, where she is being held within 24 hours after the
14 request. Upon booking into the facility, the facility must
15 notify each such arrestee of her right to request a pregnancy
16 test 72 hours after her arrest if she is still in custody. The
17 pregnancy test may be conducted through urine or blood tests, by
18 ultrasound scan, or by any other standard pregnancy testing
19 protocols adopted by the facility. As used in this section, the
20 term "female" includes a juvenile or adult woman.

21 Section 3. Section 925.13, Florida Statutes, is created to
22 read:

23 925.13 Sentence deferral for pregnant women.—

24 (1) As used in this section, the term "pregnant woman"
25 means a juvenile or adult woman whose pregnancy has been
26 verified by a pregnancy test or through a medical examination
27 conducted by a health care practitioner.

28 (2) Notwithstanding any other law, the sentence of a
29 pregnant woman who is convicted of a crime and sentenced to
30 incarceration of any length must comply with the following
31 requirements:

32 (a) The sentencing judge must provide a pregnant woman the
33 opportunity to defer the imposed sentence until 12 weeks after
34 delivery of the baby so that during the deferral period, the
35 pregnant woman may receive necessary health care for herself and
36 the unborn child. If the pregnancy ends at any time prior to the
37 delivery of the baby, the deferral period will end 12 weeks from
38 the date the pregnancy ends. If the pregnant woman chooses not
39 to defer her sentence, she must be incarcerated as directed by



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40 the judge.

41 (b) The sentencing judge may order a pregnant woman, whose
42 sentence is deferred, to comply with any of the terms and
43 conditions listed in s. 948.03, until such time that she is
44 incarcerated.

45 (c) Within 10 days after the deferral period ends and the
46 woman is incarcerated to serve the sentence, she must be offered
47 an appropriate assessment by a licensed health care practitioner
48 or a telehealth provider as defined in s. 456.47, and, upon the
49 request of the incarcerated woman, the licensed health care
50 practitioner shall provide a postpartum assessment, including
51 the need for any necessary medical tests, procedures, lactation
52 support, mental health support, or treatments associated with
53 her postpartum condition. The Department of Corrections and
54 municipal and county detention facilities must develop and offer
55 such assessments and treatments in consultation with community
56 support organizations, licensed health care practitioners,
57 social services programs, and local and state government
58 agencies, including nonprofit organizations.

59 (3) If, during the deferral period, the pregnant woman is
60 convicted of a new crime or violates any of the conditions
61 imposed by the sentencing judge, the judge may impose any
62 sanction that may be imposed under s. 948.06, including an order
63 requiring the pregnant woman to be incarcerated to serve the
64 sentence for which the deferral was granted.

65 (4) (a) The Department of Corrections shall collect from its
66 own institutions, and each municipal and county detention
67 facility, as those terms are defined in s. 951.23, shall collect
68 and report to the department, all of the following information,



69 which the department shall compile and publish quarterly on its
70 public website:

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

73 2. The total number of women who receive and who decline
74 assistance under paragraph (2) (c);

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

79 4. The total number of such women who experience
80 complications during pregnancy and type of complications
81 experienced;

82 5. The total number of such women who experience
83 miscarriages; and

84 6. The total number of such women who refuse to provide
85 information regarding the outcome of their pregnancies as
86 indicated in subparagraphs 3., 4., and 5.

87 (b) The information published pursuant to paragraph (a)
88 must exclude patient identifying information and must comply
89 with state and federal confidentiality laws.

90 Section 4. This act shall take effect July 1, 2021.

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93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete everything before the enacting clause
96 and insert:

97 A bill to be entitled



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98 An act relating to pregnant women in custody;
99 providing a short title; creating s. 907.033, F.S.;
100 requiring that every female who is arrested and not
101 released on bond within 72 hours after arrest be
102 administered a pregnancy test within a certain amount
103 of time, if so requested; requiring that each facility
104 notify each arrested female upon booking of her right
105 to request a pregnancy test; providing for the kinds
106 of pregnancy tests that may be given; defining the
107 term "female"; creating s. 925.13, F.S.; defining the
108 term "pregnant woman"; requiring that, if a pregnant
109 woman is convicted of a crime and sentenced to
110 incarceration of any length, the sentencing judge
111 provide the pregnant woman the opportunity to defer
112 the imposed sentence until a certain time after
113 delivery; requiring that, within 10 days after the
114 deferral period ends and the woman is incarcerated,
115 she be offered and receive specified services;
116 authorizing a sentencing judge to order terms and
117 conditions with which the pregnant must comply during
118 the deferral; providing for sanctions for a new
119 criminal conviction or violation of the terms and
120 conditions ordered by the judge; requiring municipal
121 and county detention facilities to collect and report
122 specified information to the Department of
123 Corrections, which must incorporate such information
124 from its facilities; requiring the department to
125 publish the information on its public website and
126 update it on a quarterly basis; providing requirements



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for the report; providing an effective date.