

1                                   A bill to be entitled  
2           An act relating to pregnant women in custody;  
3           providing a short title; creating s. 907.033, F.S.;  
4           requiring that every female who is arrested and not  
5           released on bond within 72 hours after arrest be  
6           administered a pregnancy test within a specified  
7           timeframe, upon her request; requiring that each  
8           municipal or county detention facility notify each  
9           arrested female upon booking at the facility of her  
10          right to request a pregnancy test; providing for the  
11          types of pregnancy tests that may be given; defining  
12          the term "female"; creating s. 925.13, F.S.; defining  
13          the term "pregnant woman"; requiring that, if a  
14          pregnant woman is convicted of a crime and sentenced  
15          to incarceration of any length, the sentencing judge  
16          provide the pregnant woman the opportunity to defer  
17          the imposed sentence until a specified time after  
18          delivery; authorizing a sentencing judge to order a  
19          pregnant woman to comply with certain terms and  
20          conditions during the deferral period; requiring that,  
21          within 10 days after the deferral period ends and the  
22          woman is incarcerated, she be offered and receive,  
23          upon her request, specified services; authorizing  
24          sanctions for a new criminal conviction or violation  
25          of the terms and conditions ordered by the judge;

26 requiring municipal and county detention facilities to  
 27 collect and report to the Department of Corrections,  
 28 and the department to collect from its own  
 29 institutions, specified information; requiring the  
 30 department to quarterly compile and publish the  
 31 information on its public website; providing  
 32 requirements for publishing such information;  
 33 providing an effective date.

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

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37 Section 1. This act may be cited as "Ava's Law."

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

40 907.033 Pregnancy testing of female arrestees.—Every  
 41 female who is arrested and not released on bond within 72 hours  
 42 after arrest must, upon her request, be administered a pregnancy  
 43 test by the county or municipal detention facility as defined in  
 44 s. 951.23(1) in which she is being held within 24 hours after  
 45 the request. Upon her booking into the facility, the facility  
 46 must notify each such arrestee of her right to request a  
 47 pregnancy test 72 hours after arrest if she is still in custody.  
 48 The pregnancy test may be conducted by urine or blood tests,  
 49 ultrasound scan, or any other standard pregnancy testing  
 50 protocols adopted by the facility. As used in this section, the

51 term "female" includes a juvenile or adult woman.

52 Section 3. Section 925.13, Florida Statutes, is created to  
53 read:

54 925.13 Sentence deferral for pregnant women.—

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

59 (2) Notwithstanding any other law, the sentence of a  
60 pregnant woman who is convicted of a crime and sentenced to  
61 incarceration of any length must comply with all of the  
62 following requirements:

63 (a) The sentencing judge must provide a pregnant woman the  
64 opportunity to defer the imposed sentence until 12 weeks after  
65 delivery of the baby so that during the deferral period the  
66 pregnant woman may receive necessary health care for herself and  
67 the unborn child. If the pregnancy ends at any time before the  
68 delivery of the baby, the deferral period will end 12 weeks  
69 after the date the pregnancy ends. If the pregnant woman chooses  
70 not to defer her sentence, she must be incarcerated as directed  
71 by the judge.

72 (b) The sentencing judge may order a pregnant woman whose  
73 sentence is deferred to comply with any of the terms and  
74 conditions specified in s. 948.03 until such time as she is  
75 incarcerated.

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76        (c) Within 10 days after the deferral period ends and the  
77 woman is incarcerated to serve the sentence, she must be offered  
78 an appropriate assessment by a licensed health care practitioner  
79 or a telehealth provider as defined in s. 456.47(1) and, upon  
80 the request of the incarcerated woman, the licensed health care  
81 practitioner or telehealth provider shall provide a postpartum  
82 assessment, including the need for any necessary medical tests,  
83 procedures, lactation support, mental health support, or  
84 treatments associated with the mother's postpartum condition.  
85 The Department of Corrections and municipal and county detention  
86 facilities shall develop and offer such assessments and  
87 treatments in consultation with community support organizations,  
88 licensed health care practitioners, social services programs,  
89 and local and state government agencies, including nonprofit  
90 organizations.

91        (3) If, during the deferral period, the pregnant woman is  
92 convicted of a new crime or violates any of the conditions  
93 imposed by the sentencing judge, the judge may impose any  
94 sanction that may be imposed under s. 948.06, including an order  
95 requiring the incarceration of the pregnant woman to serve the  
96 sentence for which the deferral was granted.

97        (4)(a) The Department of Corrections shall collect from  
98 its own institutions, and each municipal and county detention  
99 facility, as defined in s. 951.23(1), shall collect and report  
100 to the department, all of the following information, which the

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101 department shall compile and publish quarterly on its public  
102 website:

103 1. The total number of pregnant women who receive a  
104 sentence deferral under paragraph (2) (a).

105 2. The total number of women who receive or who decline an  
106 assessment under paragraph (2) (c).

107 3. The total number of births, including the number of  
108 live births and stillbirths, to women whose sentences are  
109 deferred, and the gestational age and birth weight of each  
110 infant at the time of birth or stillbirth.

111 4. The total number of women who experience complications  
112 during pregnancy and the type of complications experienced.

113 5. The total number of women who experience miscarriages.

114 6. The total number of women who refuse to provide  
115 information regarding the outcome of their pregnancies as  
116 indicated in subparagraphs 3., 4., and 5.

117 (b) The information published pursuant to paragraph (a)  
118 must exclude personally identifying information and must comply  
119 with state and federal confidentiality laws.

120 Section 4. This act shall take effect July 1, 2023.