

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 detention facility or county detention  
9           facility notify each arrested female upon booking at  
10          the facility of her right to request a pregnancy test;  
11          specifying the methods of conducting the pregnancy  
12          test; defining the term "female"; creating s. 925.13,  
13          F.S.; defining the term "pregnant woman"; authorizing  
14          a sentencing court to stay the beginning of the period  
15          of incarceration for up to a certain amount of time  
16          for a pregnant woman convicted of any offense;  
17          requiring the court to consider specified factors in  
18          determining whether to grant a pregnant woman's  
19          request to stay the beginning of the period of  
20          incarceration; requiring the court to explain in  
21          writing its reasons for granting a stay of  
22          incarceration; authorizing a sentencing court to order  
23          a pregnant woman to comply with specified terms and  
24          conditions during the stay of incarceration; requiring  
25          that, within 10 days after the end of the stay of

26 incarceration and the commencement of the woman's  
27 incarceration, she be offered and receive, upon her  
28 request, a specified assessment and services;  
29 authorizing a judge to impose specified sanctions for  
30 another criminal conviction or a violation of any of  
31 the terms and conditions imposed by the sentencing  
32 judge; requiring municipal and county detention  
33 facilities to collect and report to the Department of  
34 Corrections, and requiring the department to collect  
35 from its own institutions, specified information;  
36 requiring the department to compile such information  
37 and publish it on its public website; providing  
38 requirements for such publication; providing an  
39 effective date.

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

42  
43 **Section 1.** This act may be cited as "Ava's Law."

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

46 907.033 Pregnancy testing of female arrestees.—Every  
47 female who is arrested and not released on bond within 72 hours  
48 after arrest must, upon her request, be administered a pregnancy  
49 test by the municipal detention facility or county detention  
50 facility, as those terms are defined in s. 951.23(1), where she

51 is being held within 24 hours after the request. During booking  
52 into the facility, the facility must notify each such arrestee  
53 of her right to request that a pregnancy test be administered  
54 within 72 hours after arrest if she is still in custody. The  
55 pregnancy test may be conducted by using urine or blood samples,  
56 by ultrasound scan, or by any other standard pregnancy testing  
57 protocols adopted by the facility. As used in this section, the  
58 term "female" means a juvenile or an adult woman.

59 **Section 3. Section 925.13, Florida Statutes, is created to**  
60 **read:**

61 925.13 Staying of sentence for pregnant women.-

62 (1) As used in this section, the term "pregnant woman"  
63 means a juvenile or an adult woman whose pregnancy has been  
64 verified by a pregnancy test or through a medical examination  
65 conducted by a health care practitioner.

66 (2) Notwithstanding any other law, after a pregnant woman  
67 is convicted of any offense and the sentencing court pronounces  
68 a sentence of incarceration, the court has the discretion to  
69 stay the beginning of the period of incarceration for up to 12  
70 weeks after the pregnant woman gives birth or is no longer  
71 pregnant. In determining whether to grant a pregnant woman's  
72 request to stay the beginning of the period of incarceration,  
73 the court must consider all of the following:

74 (a) The severity of the offense for which the defendant is  
75 convicted.

76 (b) Whether the defendant was previously convicted of a  
77 felony.

78 (c) Whether other felony charges are pending against the  
79 defendant.

80 (d) The state's interest in deterring and punishing  
81 criminal activity and protecting the public.

82 (e) The rights of the victim of the defendant's crime,  
83 consistent with s. 16, Art. I of the State Constitution and s.  
84 960.0021.

85 (f) Whether staying the incarceration is consistent with  
86 protecting the life, health, and safety of the unborn child and  
87 his or her life during the first 12 weeks after birth. In  
88 considering this factor, the court shall consider the existence  
89 of any prior substance abuse by the defendant, whether any other  
90 children of the defendant have been adjudicated dependent, and  
91 any other information relevant to the health and safety of the  
92 unborn child.

93  
94 If the court grants the request to stay the incarceration, it  
95 must explain its reasons in writing.

96 (3) The sentencing court may order a pregnant woman whose  
97 incarceration is stayed to comply with any of the terms and  
98 conditions specified in s. 948.03 until she is incarcerated.

99 (4) Within 10 days after the end of the stay of  
100 incarceration and the commencement of the woman's incarceration

101 to serve the sentence, she must be offered an appropriate  
102 assessment by a licensed health care practitioner or a  
103 telehealth provider, as defined in s. 456.47(1), and, upon her  
104 request, the licensed health care practitioner or telehealth  
105 provider shall provide a postpartum assessment, including the  
106 need for any necessary medical tests, procedures, lactation  
107 support, mental health support, or treatments associated with  
108 her postpartum condition. The Department of Corrections and  
109 municipal and county detention facilities shall develop and  
110 offer such assessments and treatments in consultation with  
111 community support organizations, licensed health care  
112 practitioners, social services programs, and local and state  
113 government agencies, including nonprofit organizations.

114 (5) If, during the stay of incarceration, the pregnant  
115 woman is convicted of another crime or violates any of the  
116 conditions imposed by the sentencing judge, the judge may impose  
117 any sanction under s. 948.06, including an order requiring the  
118 incarceration of the pregnant woman to serve the sentence for  
119 which the stay was granted.

120 (6) (a) The Department of Corrections shall collect from  
121 its own institutions, and each municipal and county detention  
122 facility shall collect and report to the department, all of the  
123 following information, which the department shall compile and  
124 publish quarterly on its public website:

125 1. The total number of pregnant women whose sentences are

126 stayed under subsection (2).

127 2. The total number of births, including the number of  
128 live births and stillbirths, to women whose sentences are  
129 stayed, and the gestational age and birth weight of each infant  
130 at the time of birth or stillbirth.

131 3. The total number of women who experience complications  
132 during pregnancy and the type of complications experienced.

133 4. The total number of women who experience miscarriages.

134 5. The total number of women who refuse to provide  
135 information regarding the outcome of their pregnancies as  
136 provided in subparagraphs 2., 3., and 4.

137 (b) The information published pursuant to paragraph (a)  
138 must exclude personal identifying information and must comply  
139 with state and federal confidentiality laws.

140 **Section 4.** This act shall take effect July 1, 2025.