

By Senator Jones

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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, upon her request, every female
5 arrested and not released on bond within 72 hours
6 after arrest be administered a pregnancy test within a
7 specified timeframe; requiring each municipal
8 detention facility or county detention facility to
9 notify each arrested female upon booking at the
10 facility of her right to request a pregnancy test;
11 providing for the types of pregnancy tests that may be
12 given; 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 and the
26 commencement of the woman's incarceration, she be
27 offered and, upon her request, receive a specified
28 assessment and services; authorizing a judge to impose
29 specified sanctions for another criminal conviction or

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30 a violation of the terms and conditions ordered by the
31 judge; requiring municipal detention facilities and
32 county detention facilities to collect and report to
33 the Department of Corrections, and the department to
34 collect from its own institutions, specified
35 information; requiring the department to quarterly
36 compile and publish the information on its public
37 website; providing requirements for publishing such
38 information; providing an effective date.

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

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

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

45 907.033 Pregnancy testing of female arrestees.—Upon her
46 request, every female arrested and not released on bond within
47 72 hours after arrest must be administered a pregnancy test by
48 the municipal detention facility or county detention facility,
49 as those terms are defined in s. 951.23, where she is being held
50 within 24 hours after the request. During booking into the
51 facility, the facility must notify each such arrestee of her
52 right to request that she be administered a pregnancy test
53 within 72 hours after arrest if she is still in custody. The
54 pregnancy test may be administered by collection of urine or
55 blood samples, by ultrasound scan, or by any other standard
56 pregnancy testing protocols adopted by the facility. As used in
57 this section, the term "female" means a juvenile girl or an
58 adult woman.

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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 girl 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, when a pregnant woman is
67 convicted of any offense and the sentencing court pronounces a
68 sentence of incarceration, the court has the discretion to stay
69 the beginning of the period of incarceration for up to 12 weeks
70 after the pregnant woman gives birth or is no longer pregnant.
71 In determining whether to grant a pregnant woman’s request to
72 stay the beginning of the period of incarceration, the court
73 shall 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 its life during the first 12 weeks after birth. In considering

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88 this factor, the court shall consider the existence of any prior
89 substance abuse by the defendant, whether any other children of
90 the defendant have been adjudicated dependent, and any other
91 information relevant to the health and safety of the unborn
92 child.

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94 If the court grants a request to stay incarceration, it must
95 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 such time as she is
99 incarcerated.

100 (4) Within 10 days after the end of the stay of
101 incarceration and the commencement of the woman's incarceration
102 to serve the sentence, she must be offered an appropriate
103 assessment by a licensed health care practitioner or a
104 telehealth provider as defined in s. 456.47 who, upon her
105 request, shall provide a postpartum assessment, including any
106 necessary medical tests, procedures, lactation support, mental
107 health support, or treatments associated with her postpartum
108 condition. The Department of Corrections, municipal detention
109 facilities, 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 governmental 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

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117 any sanction under s. 948.06, including an order requiring the
118 incarceration of the pregnant woman for the purpose of serving
119 the sentence for which the stay was granted.

120 (6) (a) The Department of Corrections shall collect from its
121 own institutions, and each municipal detention facility and
122 county detention facility as those terms are defined in s.
123 951.23 shall collect and report to the department, all of the
124 following information, which the department shall compile and
125 publish quarterly on its public website:

126 1. The total number of pregnant women whose sentences are
127 stayed under subsection (2);

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

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

134 4. The total number of women who experience miscarriages;
135 and

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

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

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