

**By** the Committee on Criminal Justice; and Senators Pizzo, Rodriguez, Book, Thurston, Taddeo, Farmer, Brandes, Gibson, and Torres

591-02313-19

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A bill to be entitled

An act relating to incarcerated women; providing a short title; creating s. 944.242, F.S.; providing definitions; requiring correctional facilities to provide incarcerated women with certain health care products, subject to certain requirements; requiring a correctional facility to make health care products available in common housing areas and in medical care facilities; providing requirements for male correctional facility employees in certain circumstances; requiring documentation of certain incidents involving male correctional facility employees; requiring the correctional facility to review and retain such documentation; providing an effective date.

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

Section 1. This act may be cited as the "Dignity for Incarcerated Women Act."

Section 2. Section 944.242, Florida Statutes, is created to read:

944.242 Dignity for women in correctional facilities.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Correctional facility" means any part of the correctional system, any county detention facility, juvenile detention center or residential facility, temporary holding center, or other criminal detention facility operated by or on behalf of the state or any political subdivision.

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30 (b) "Correctional facility employee" means a correctional  
31 officer employed by a correctional facility.

32 (c) "Health care products" includes the following:

33 1. Feminine hygiene products, including tampons.

34 2. Moisturizing soap that is not lye-based.

35 3. Toothbrushes.

36 4. Toothpaste.

37 5. Any other health care product the correctional facility  
38 deems appropriate.

39 (d) "State of undress" means not dressed or not fully  
40 dressed.

41 (2) HEALTH CARE PRODUCTS.—A correctional facility shall  
42 make available health care products to each woman incarcerated  
43 in the facility at no cost to the woman in a quantity that is  
44 appropriate to the needs of the woman without a medical  
45 referral. A correctional facility may not require that a woman  
46 be diagnosed with an illness in order to access health care  
47 products. A correctional facility shall make health care  
48 products available in common housing areas and in medical care  
49 facilities.

50 (3) MALE CORRECTIONAL FACILITY EMPLOYEES.—

51 (a) A male correctional facility employee may not conduct a  
52 pat-down search or body cavity search on an incarcerated woman  
53 unless the woman presents an immediate risk of harm to herself  
54 or others and a female correctional facility employee is not  
55 available to do the search.

56 (b) A male correctional facility employee shall announce  
57 his presence upon entering a housing unit for incarcerated  
58 women.

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59       (c) A male correctional facility employee may not enter an  
60 area of the correctional facility in which an incarcerated woman  
61 may be in a state of undress or an area where an incarcerated  
62 woman in a state of undress may be viewed, including, but not  
63 limited to, restrooms, shower areas, and medical treatment  
64 areas. If a female correctional facility employee is not  
65 available or if a female correctional facility employee requires  
66 assistance, a male correctional facility employee may enter such  
67 area only in the event of a medical emergency or if an  
68 incarcerated woman presents an immediate risk of harm to herself  
69 or others.

70       (d) If a male correctional facility employee conducts a  
71 pat-down search or body cavity search or enters a prohibited  
72 area in an emergency situation as provided in paragraph (a) or  
73 paragraph (c), the male correctional facility employee shall  
74 document the incident, including the circumstances necessitating  
75 the male correctional facility employee's actions, no later than  
76 3 days after the incident. The correctional facility shall  
77 review and retain all documentation.

78       Section 3. This act shall take effect July 1, 2019.