

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Jones offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

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

11 944.242 Dignity for women in correctional facilities.-

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

13 (a) "Correctional facility" means any part of the state

14 correctional system, juvenile detention center or facility,

15 temporary holding center, or other criminal detention facility

16 operated by or on behalf of the state where women are confined

Amendment No.

17 or detained. The term does not include a county detention  
18 facility as defined in s. 951.23(1)(a).

19 (b) "Correctional facility employee" means a correctional  
20 officer employed by a correctional facility.

21 (c) "Healthcare products" includes the following:

22 1. Feminine hygiene products, if needed for an active  
23 menstrual cycle.

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

25 3. Toothbrushes.

26 4. Toothpaste.

27 5. Any other healthcare product the correctional facility  
28 deems appropriate.

29 (d) "State of undress" means not dressed or not fully  
30 dressed.

31 (2) HEALTHCARE PRODUCTS.—A correctional facility shall  
32 make available healthcare products to each woman incarcerated in  
33 the facility at no cost to the woman in a quantity that is  
34 appropriate to the needs of the woman without a medical  
35 referral. A correctional facility shall not require that a woman  
36 be diagnosed with an illness to access healthcare products. A  
37 correctional facility shall make healthcare products available  
38 in common housing areas and in medical care facilities.

39 (3) MALE CORRECTIONAL FACILITY EMPLOYEES.—

40 (a) A male correctional facility employee shall not  
41 conduct a pat-down search, strip search, or body cavity search

Amendment No.

42 on an incarcerated woman unless she presents an immediate risk  
43 of harm to herself or others and a female correctional facility  
44 employee is not available.

45 (b) A male correctional facility employee shall announce  
46 his presence upon entering a housing unit for incarcerated  
47 women.

48 (c) A male correctional facility employee shall not enter  
49 into an area of the correctional facility in which an  
50 incarcerated woman can reasonably be expected to be in a state  
51 of undress or an area where an incarcerated woman in a state of  
52 undress may be viewed, including, but not limited to, restrooms,  
53 shower areas, and medical treatment areas. If a female  
54 correctional facility employee is not available or requires  
55 assistance, a male correctional facility employee may enter into  
56 such an area only in the event of a medical emergency or if an  
57 incarcerated woman presents an immediate risk of harm to herself  
58 or others.

59 (d) If a male correctional facility employee conducts a  
60 pat-down search, strip search, or body cavity search or enters a  
61 prohibited area in an emergency situation as provided in  
62 paragraph (a) or paragraph (c), he shall document the incident,  
63 including the circumstances necessitating his actions, no later  
64 than 3 days after the incident.

65 Section 3. Paragraph (a) of subsection (4) of Section  
66 951.23, F.S., is amended to read:

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Amendment No.

67 (4) STANDARDS FOR SHERIFFS AND CHIEF CORRECTIONAL  
68 OFFICERS.—

69 (a) There shall be established a five-member working group  
70 consisting of three persons appointed by the Florida Sheriffs  
71 Association and two persons appointed by the Florida Association  
72 of Counties to develop model standards for county and municipal  
73 detention facilities. ~~By October 1, 1996,~~ Each sheriff and chief  
74 correctional officer shall adopt, at a minimum, the model  
75 standards with reference to:

76 1.a. The construction, equipping, maintenance, and  
77 operation of county and municipal detention facilities.

78 b. The cleanliness and sanitation of county and municipal  
79 detention facilities; the number of county and municipal  
80 prisoners who may be housed therein per specified unit of floor  
81 space; the quality, quantity, and supply of bedding furnished to  
82 such prisoners; the quality, quantity, and diversity of food  
83 served to them and the manner in which it is served; the  
84 furnishing to them of medical attention and health and comfort  
85 items; and the disciplinary treatment which may be meted out to  
86 them.

87 c. Providing healthcare products as defined in s.  
88 944.242(1)(c) to female prisoners.

89 d. Procedures for admitting, processing, searching, and  
90 housing female prisoners.

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251077 - h0049-strike.docx

Published On: 3/18/2019 7:28:23 PM

Amendment No.

92 Notwithstanding the provisions of the otherwise applicable  
93 building code, a reduced custody housing area may be occupied by  
94 inmates or may be used for sleeping purposes as allowed in  
95 subsection (7). The sheriff or chief correctional officer shall  
96 provide that a reduced custody housing area shall be governed by  
97 fire and life safety standards which do not interfere with the  
98 normal use of the facility and which affect a reasonable degree  
99 of compliance with rules of the State Fire Marshal for  
100 correctional facilities.

101 2. The confinement of prisoners by classification and  
102 providing, whenever possible, for classifications which separate  
103 males from females, juveniles from adults, felons from  
104 misdemeanants, and those awaiting trial from those convicted  
105 and, in addition, providing for the separation of special risk  
106 prisoners, such as the mentally ill, alcohol or narcotic  
107 addicts, sex deviates, suicide risks, and any other  
108 classification which the local unit may deem necessary for the  
109 safety of the prisoners and the operation of the facility  
110 pursuant to degree of risk and danger criteria. Nondangerous  
111 felons may be housed with misdemeanants.

112 Section 4. This act shall take effect October 1, 2019.  
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**T I T L E A M E N D M E N T**

Amendment No.

117 Remove everything before the enacting clause and insert:  
118 An act relating to incarcerated women; providing a  
119 short title; creating s. 944.242, F.S.; providing  
120 definitions; requiring correctional facilities to  
121 provide incarcerated women with certain healthcare  
122 products; providing requirements for male correctional  
123 facility employees in certain circumstances; requiring  
124 documentation of certain incidents involving male  
125 correctional facility employees; amending s. 951.23,  
126 F.S.; requiring sheriffs to adopt certain model  
127 standards for female prisoners; providing an effective  
128 date.