

1 A bill to be entitled
 2 An act relating to incarcerated women; providing a
 3 short title; creating s. 944.242, F.S.; providing
 4 definitions; requiring correctional facilities to
 5 provide incarcerated women with certain healthcare
 6 products; providing requirements for male correctional
 7 facility employees in certain circumstances; requiring
 8 documentation of certain incidents involving male
 9 correctional facility employees; providing an
 10 effective date.

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

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

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

18 944.242 Dignity for women in correctional facilities.-

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

20 (a) "Correctional facility" means any part of the
 21 correctional system and any jail, juvenile detention center or
 22 facility, temporary holding center, or other criminal detention
 23 facility operated by or on behalf of the state or any political
 24 subdivision.

25 (b) "Correctional facility employee" means any employee of

26 | a correctional facility.

27 | (c) "Healthcare products" includes the following:

28 | 1. Feminine hygiene products.

29 | 2. Moisturizing soap that is not lye-based.

30 | 3. Toothbrushes.

31 | 4. Toothpaste.

32 | 5. Any other healthcare product the correctional facility
33 | deems appropriate.

34 | (d) "State of undress" means not dressed or not fully
35 | dressed.

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

44 | (3) MALE CORRECTIONAL FACILITY EMPLOYEES.—

45 | (a) A male correctional facility employee shall not
46 | conduct a pat-down search or body cavity search on an
47 | incarcerated woman unless the woman presents an immediate risk
48 | of harm to herself or others and a female correctional facility
49 | employee is not available.

50 | (b) A male correctional facility employee shall announce

51 his presence upon entering a housing unit for incarcerated
52 women.

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

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

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