

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 49 — Incarcerated Women

by Criminal Justice Subcommittee and Reps. Jones, Mercado, and others (CS/SB 332 by Criminal Justice Committee and Senators Pizzo, Rodriguez, Book, Thurston, Taddeo, Farmer, Brandes, Gibson, Torres, Rouson, Braynon, Perry, and Bracy)

The bill is cited as the “Dignity for Incarcerated Women Act.”

The bill requires all correctional facilities to make “health care products” available to each incarcerated woman. The bill defines “correctional facility” to mean 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. Additionally, the bill defines “health care products” to include the following:

- Feminine hygiene products, including tampons.
- Moisturizing soap that is not lye-based.
- Toothbrushes.
- Toothpaste.
- Any other health care product the correctional facility deems appropriate.

These items must be available in common housing areas and medical care facilities, at no cost, and in a quantity that is appropriate to the needs of the woman.

Additionally, the bill provides that a male correctional facility employee:

- Is prohibited from conducting a pat-down or body cavity search on an incarcerated woman except in situations where the incarcerated woman is presenting an immediate risk of harm and a female correctional facility employee is not available to do the search;
- Must announce his presence upon entering a housing unit for incarcerated women; and
- With the exception of specified circumstances, must not enter specified areas of the correctional facility in which an incarcerated woman may be in a state of undress or an area where an incarcerated woman in a state of undress may be viewed.

The bill requires male correctional employees to document any incident that violates the above-mentioned provisions within three days. Such documentation must include details of the circumstances that necessitated the employee’s actions.

The bill defines additional terms to provide clarity to the provisions of the act, including “correctional facility employee” and “state of undress.”

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 37-0; House 114-0