



795286

LEGISLATIVE ACTION

Senate

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House

Senator Pizzo moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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12 correctional system, any county detention facility, juvenile
13 detention center or residential facility, temporary holding
14 center, or other criminal detention facility operated by or on
15 behalf of the state or any political subdivision.

16 (b) "Correctional facility employee" means a correctional
17 officer employed by a correctional facility.

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

19 1. Feminine hygiene products, including tampons.

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

21 3. Toothbrushes.

22 4. Toothpaste.

23 5. Any other health care product the correctional facility
24 deems appropriate.

25 (d) "State of undress" means not dressed or not fully
26 dressed.

27 (2) HEALTH CARE PRODUCTS.—A correctional facility shall
28 make available health care products to each woman incarcerated
29 in the facility at no cost to the woman in a quantity that is
30 appropriate to the needs of the woman without a medical
31 referral. A correctional facility may not require that a woman
32 be diagnosed with an illness in order to access health care
33 products. A correctional facility shall make health care
34 products available in common housing areas and in medical care
35 facilities.

36 (3) MALE CORRECTIONAL FACILITY EMPLOYEES.—

37 (a) A male correctional facility employee may not conduct a
38 pat-down search or body cavity search on an incarcerated woman
39 unless the woman presents an immediate risk of harm to herself
40 or others and a female correctional facility employee is not



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41 available to do the search.

42 (b) A male correctional facility employee shall announce
43 his presence upon entering a housing unit for incarcerated
44 women.

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

56 (d) If a male correctional facility employee conducts a
57 pat-down search or body cavity search or enters a prohibited
58 area in an emergency situation as provided in paragraph (a) or
59 paragraph (c), the male correctional facility employee shall
60 document the incident, including the circumstances necessitating
61 the male correctional facility employee's actions, no later than
62 3 days after the incident. The correctional facility shall
63 review and retain all documentation.

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

65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete everything before the enacting clause
68 and insert:

69 A bill to be entitled



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70 An act relating to incarcerated women; providing a
71 short title; creating s. 944.242, F.S.; providing
72 definitions; requiring correctional facilities to
73 provide incarcerated women with certain health care
74 products, subject to certain requirements; requiring a
75 correctional facility to make health care products
76 available in common housing areas and in medical care
77 facilities; providing requirements for male
78 correctional facility employees in certain
79 circumstances; requiring documentation of certain
80 incidents involving male correctional facility
81 employees; requiring the correctional facility to
82 review and retain such documentation; providing an
83 effective date.