

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 state correctional facilities
 5 to 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; amending s. 951.23,
 10 F.S.; requiring a working group on standards for
 11 county and municipal detention facilities to adopt
 12 certain model standards for female prisoners;
 13 providing an effective date.

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

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

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

21 944.242 Dignity for women in correctional facilities.—

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

23 (a) "Correctional facility" means any part of the state
 24 correctional system, juvenile detention center or facility,
 25 temporary holding center, or other criminal detention facility

26 | operated by or on behalf of the state where women are confined
 27 | or detained. The term does not include a county detention
 28 | facility as defined in s. 951.23.

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

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

32 | 1. Feminine hygiene products, if needed for an active
 33 | menstrual cycle.

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

35 | 3. Toothbrushes.

36 | 4. Toothpaste.

37 | 5. Any other healthcare product the correctional facility
 38 | deems appropriate.

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

41 | (2) HEALTHCARE PRODUCTS.—A correctional facility shall
 42 | make available healthcare products to each woman incarcerated in
 43 | 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 shall not require that a woman
 46 | be diagnosed with an illness to access healthcare products. A
 47 | correctional facility shall make healthcare products available
 48 | in common housing areas and in medical care facilities.

49 | (3) MALE CORRECTIONAL FACILITY EMPLOYEES.—

50 | (a) A male correctional facility employee shall not

51 conduct a pat-down search, strip search, or body cavity search
52 on an incarcerated woman unless she presents an immediate risk
53 of harm to herself or others and a female correctional facility
54 employee is not available.

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

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

69 (d) If a male correctional facility employee conducts a
70 pat-down search, strip search, or body cavity search or enters a
71 prohibited area in an emergency situation as provided in
72 paragraph (a) or paragraph (c), he shall document the incident,
73 including the circumstances necessitating his actions, no later
74 than 3 days after the incident.

75 Section 3. Paragraph (a) of subsection (4) of section

76 | 951.23, Florida Statutes, is amended to read:

77 | 951.23 County and municipal detention facilities;
78 | definitions; administration; standards and requirements.—

79 | (4) STANDARDS FOR SHERIFFS AND CHIEF CORRECTIONAL
80 | OFFICERS.—

81 | (a) There shall be established a five-member working group
82 | consisting of three persons appointed by the Florida Sheriffs
83 | Association and two persons appointed by the Florida Association
84 | of Counties to develop model standards for county and municipal
85 | detention facilities. ~~By October 1, 1996,~~ Each sheriff and chief
86 | correctional officer shall adopt, at a minimum, the model
87 | standards with reference to:

88 | 1.a. The construction, equipping, maintenance, and
89 | operation of county and municipal detention facilities.

90 | b. The cleanliness and sanitation of county and municipal
91 | detention facilities; the number of county and municipal
92 | prisoners who may be housed therein per specified unit of floor
93 | space; the quality, quantity, and supply of bedding furnished to
94 | such prisoners; the quality, quantity, and diversity of food
95 | served to them and the manner in which it is served; the
96 | furnishing to them of medical attention and health and comfort
97 | items; and the disciplinary treatment which may be meted out to
98 | them.

99 | c. Providing healthcare products as defined in s. 944.242
100 | to female prisoners.

101 d. Procedures for admitting, processing, searching, and
102 housing female prisoners.
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104 Notwithstanding the provisions of the otherwise applicable
105 building code, a reduced custody housing area may be occupied by
106 inmates or may be used for sleeping purposes as allowed in
107 subsection (7). The sheriff or chief correctional officer shall
108 provide that a reduced custody housing area shall be governed by
109 fire and life safety standards which do not interfere with the
110 normal use of the facility and which affect a reasonable degree
111 of compliance with rules of the State Fire Marshal for
112 correctional facilities.

113 2. The confinement of prisoners by classification and
114 providing, whenever possible, for classifications which separate
115 males from females, juveniles from adults, felons from
116 misdemeanants, and those awaiting trial from those convicted
117 and, in addition, providing for the separation of special risk
118 prisoners, such as the mentally ill, alcohol or narcotic
119 addicts, sex deviates, suicide risks, and any other
120 classification which the local unit may deem necessary for the
121 safety of the prisoners and the operation of the facility
122 pursuant to degree of risk and danger criteria. Nondangerous
123 felons may be housed with misdemeanants.

124 Section 4. This act shall take effect October 1, 2019.