

ENROLLED

CS/HB 49, Engrossed 1

2019 Legislature

1
 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 health care
 6 products, subject to certain requirements; requiring a
 7 correctional facility to make health care products
 8 available in common housing areas and in medical care
 9 facilities; providing requirements for male
 10 correctional facility employees in certain
 11 circumstances; requiring documentation of certain
 12 incidents involving male correctional facility
 13 employees; requiring the correctional facility to
 14 review and retain such documentation; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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

21 Section 2. Section 944.242, Florida Statutes, is created
 22 to read:

23 944.242 Dignity for women in correctional facilities.-

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

25 (a) "Correctional facility" means any part of the

ENROLLED

CS/HB 49, Engrossed 1

2019 Legislature

26 correctional system, any county detention facility, juvenile
 27 detention center or residential facility, temporary holding
 28 center, or other criminal detention facility operated by or on
 29 behalf of the state or any political subdivision.

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

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

33 1. Feminine hygiene products, including tampons.

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

35 3. Toothbrushes.

36 4. Toothpaste.

37 5. Any other health care product the correctional facility
 38 deems appropriate.

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

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

50 (3) MALE CORRECTIONAL FACILITY EMPLOYEES.—

ENROLLED

CS/HB 49, Engrossed 1

2019 Legislature

51 (a) A male correctional facility employee may not conduct
52 a pat-down search or body cavity search on an incarcerated woman
53 unless the woman presents an immediate risk of harm to herself
54 or others and a female correctional facility employee is not
55 available to do the search.

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

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

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

ENROLLED

CS/HB 49, Engrossed 1

2019 Legislature

76 | 3 days after the incident. The correctional facility shall
77 | review and retain all documentation.

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