

## CHAPTER 2019-65

### Committee Substitute for House Bill No. 49

An act relating to incarcerated women; providing a short title; creating s. 944.242, F.S.; providing definitions; requiring correctional facilities to provide incarcerated women with certain health care products, subject to certain requirements; requiring a correctional facility to make health care products available in common housing areas and in medical care facilities; providing requirements for male correctional facility employees in certain circumstances; requiring documentation of certain incidents involving male correctional facility employees; requiring the correctional facility to review and retain such documentation; providing an effective date.

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

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 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.

(b) “Correctional facility employee” means a correctional officer employed by a correctional facility.

(c) “Health care products” includes the following:

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

(d) “State of undress” means not dressed or not fully dressed.

(2) HEALTH CARE PRODUCTS.—A correctional facility shall make available health care products to each woman incarcerated in the facility at no cost to the woman in a quantity that is appropriate to the needs of the

woman without a medical referral. A correctional facility may not require that a woman be diagnosed with an illness in order to access health care products. A correctional facility shall make health care products available in common housing areas and in medical care facilities.

(3) MALE CORRECTIONAL FACILITY EMPLOYEES.—

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

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

(c) A male correctional facility employee may not enter an area 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, including, but not limited to, restrooms, shower areas, and medical treatment areas. If a female correctional facility employee is not available or if a female correctional facility employee requires assistance, a male correctional facility employee may enter such area only in the event of a medical emergency or if an incarcerated woman presents an immediate risk of harm to herself or others.

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

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

Approved by the Governor June 7, 2019.

Filed in Office Secretary of State June 7, 2019.