

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Rayner-Goolsby offered the following:

Amendment (with title amendment)

Remove lines 31-157 and insert:

(2) As used in this section, the term:

(a) "Changing facility" means a room in which two or more persons may be in a state of undress in the presence of others, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room.

(b) "Correctional institution" means any state correctional institution as defined in s. 944.02, juvenile detention center or residential program as described in s. 985.03, county or municipal detention facility as defined in s.

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14 951.23, private correctional facility as defined in s. 944.710,
15 or any other facility used for the detention of adults or
16 juveniles charged with or convicted of a crime.

17 (c) "Covered entity" means any:

18 1. Educational institution, as defined in s. 768.38.

19 2. Public accommodations, as defined in s. 760.02(11).

20 3. Public shelter space under s. 252.385.

21 4. Service provider, as defined in s. 397.311(44).

22 5. Health care facility, which means any provider as
23 defined in s. 408.803; a provider with an active health care
24 clinic exemption under s. 400.9935; a continuing care facility
25 with a certificate of authority under chapter 651; an optical
26 establishment permitted under s. 484.007; a massage
27 establishment licensed under s. 480.043, a pharmacy as defined
28 in s. 465.003, an office described in s. 459.0138 which is
29 required to register with the Department of Health; a pain-
30 management clinic registered under s. 458.3265; an electrolysis
31 facility licensed under 478.51; or any health care setting owned
32 or operated by a health care practitioner as defined in s.
33 456.001 or a provider licensed under chapter 394, chapter 397,
34 or part IV of chapter 468.

35 (d) "Female" means a person belonging, at birth, to the
36 biological sex which has the specific reproductive role of
37 producing eggs.

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38 (e) "Male" means a person belonging, at birth, to the
39 biological sex which has the specific reproductive role of
40 producing sperm.

41 (f) "Restroom" means a room that includes one or more
42 water closets. This term does not include a unisex restroom.

43 (g) "Sex" means the classification of a person as either
44 female or male based on the organization of the body of such
45 person for a specific reproductive role, as indicated by the
46 person's sex chromosomes, naturally occurring sex hormones, and
47 internal and external genitalia present at birth.

48 (h) "Unisex changing facility" means a room intended for a
49 single-occupant or a family in which one or more persons may be
50 in a state of undress, including, but not limited to, a dressing
51 room, fitting room, locker room, changing room, or shower room
52 that is enclosed in floor-to-ceiling walls and accessed by a
53 full door with a secure lock that prevents another individual
54 from entering while the changing facility is in use.

55 (i) "Unisex restroom" means a room that includes one or
56 more water closets that is intended for a single-occupant, or a
57 family, and the room is enclosed in floor-to-ceiling walls and
58 accessed by a full door with a secure lock that prevents another
59 individual from entering while the room is in use.

60 (j) "Water closet" means a toilet or urinal.

61 (3) A covered entity that maintains a water closet must,
62 at a minimum, have:

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63 (a) A restroom designated for exclusive use by females and
64 a restroom designated for exclusive use by males; or

65 (b) A unisex restroom.

66 (4) A covered entity that maintains a changing facility
67 must, at a minimum, have:

68 (a) A changing facility designated for exclusive use by
69 females and a changing facility designated for exclusive use by
70 males; or

71 (b) A unisex changing facility.

72 (5) For purposes of this section, a person may enter a
73 restroom or changing facility designated for the opposite sex
74 under the following circumstances:

75 (a) To accompany another person of the opposite sex for
76 the purpose of assisting or chaperoning a minor child, elderly
77 person, or disabled person.

78 (b) For law enforcement or governmental regulatory
79 purposes;

80 (c) For the purpose of rendering emergency medical
81 assistance or to intervene in any other emergency situation
82 where the health or safety of another person is at risk;

83 (d) For custodial, maintenance, or inspection purposes,
84 provided that the restroom or changing facility is not in use;
85 or

86 (e) If the appropriate designated restroom or changing
87 facility is out of order or under repair and the opposite

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88 designated restroom or changing facility contains no person of
89 the opposite sex.

90 (6) A person 18 years of age or older who willfully enters
91 into a restroom or changing facility designated for the opposite
92 sex for the purpose of arousing or gratifying a sexual desire of
93 himself or herself or any other person, while knowing a minor of
94 the opposite sex is present in the restroom or changing
95 facility, commits a misdemeanor of the first degree, punishable
96 as provided in s. 775.082 or s. 775.083.

97 (7) Each educational institution shall establish in its
98 code of student conduct disciplinary procedures for any person
99 under 18 years of age who willfully enters an educational
100 institution's restroom or changing facility designated for the
101 opposite sex for the purpose of arousing or gratifying a sexual
102 desire of himself or herself or any other person.

103 (8) A domestic violence center under chapter 39 must
104 provide separate overnight accommodations for females and males
105 based on their sex. This requirement does not apply to mixed-sex
106 family units.

107 (9) A correctional institution must house females and
108 males in its custody separately, based on their sex. This
109 requirement applies to all housing assignments in a correctional
110 institution, including temporary assignments.

111 (10) (a) The Attorney General may bring a civil action to
112 enforce this section against any covered entity. The Attorney

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113 General may seek injunctive relief, and, for any covered entity
114 found to have willfully violated this section, the Attorney
115 General may seek to impose a fine of up to \$10,000.

116 (b) Fines collected pursuant to paragraph (a) must be
117 deposited in the General Revenue Fund.

118 (11) This section does not apply to an individual born

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121 **T I T L E A M E N D M E N T**

122 Remove lines 4-16 and insert:

123 providing definitions; providing requirements for exclusive
124 use of restrooms by gender; providing requirements for
125 exclusive use of changing facilities by gender; providing
126 exceptions; prohibiting willfully entering a restroom or
127 changing facility designated for the opposite sex for
128 specified purposes; providing criminal penalties; providing
129 requirements for exclusive use of domestic violence centers
130 by gender; providing requirements for correctional
131 institutions; authorizing the Attorney General to

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