By Senator Grall

	29-00992-23 20231674
1	A bill to be entitled
2	An act relating to facility requirements based on sex;
3	creating s. 553.865, F.S.; providing a short title;
4	providing legislative findings; providing definitions;
5	providing requirements for exclusive use of restrooms
6	by gender; providing requirements for exclusive use of
7	changing facilities by gender; providing exceptions;
8	prohibiting willfully entering a restroom or changing
9	facility designated for the opposite sex and refusing
10	to immediately depart when asked to do so by another
11	person present there; providing criminal penalties;
12	providing requirements for exclusive use of domestic
13	violence centers by gender; providing requirements for
14	correctional institutions; requiring entities that
15	receive state licenses to submit compliance
16	documentation; authorizing the Attorney General to
17	bring enforcement actions; authorizing civil
18	penalties; providing for certain funds to be deposited
19	in the General Revenue Fund; providing severability;
20	providing an effective date.
21	
22	Be It Enacted by the Legislature of the State of Florida:
23	
24	Section 1. Section 553.865, Florida Statutes, is created to
25	read:
26	553.865 Private spaces
27	(1) This section may be cited as the "Safety in Private
28	Spaces Act."
29	(2) The Legislature finds that females and males should be
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30	provided restrooms and changing facilities for their exclusive
31	use in order to maintain public safety, decency, and decorum.
32	(3) As used in this section, the term:
33	(a) "Changing facility" means a room in which two or more
34	persons may be in a state of undress in the presence of others,
35	including, but not limited to, a dressing room, fitting room,
36	locker room, changing room, or shower room.
37	(b) "Correctional institution" means any state correctional
38	institution as defined in s. 944.02, juvenile detention center
39	or residential program as described in s. 985.03, county or
40	municipal detention facility as defined in s. 951.23, private
41	correctional facility as defined in s. 944.710, or any other
42	facility used for the detention of adults or juveniles charged
43	with or convicted of a crime.
44	(c) "Covered entity" means any:
45	1. Educational institution, as defined in s. 768.38.
46	2. Public accommodations, as defined in s. 760.02(11).
47	3. Public shelter space under s. 252.385.
48	4. Service provider, as defined in s. 397.311(44).
49	5. Health care facility, which means any provider as
50	defined in s. 408.803; a provider with an active health care
51	clinic exemption under s. 400.9935; a continuing care facility
52	with a certificate of authority under chapter 651; an optical
53	establishment permitted under s. 484.007; a massage
54	establishment licensed under s. 480.043; a pharmacy as defined
55	in s. 465.003; an office described in s. 459.0138 which is
56	required to register with the Department of Health; a pain-
57	management clinic registered under s. 458.3265; an electrolysis
58	facility licensed under 478.51; or any health care setting owned

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59 or operated by a health care practitioner as defined in s. 60 456.001 or a provider licensed under chapter 394, chapter 397, 61 or part IV of chapter 468. 62 (d) "Female" means a person belonging, at birth, to the 63 biological sex which has the specific reproductive role of 64 producing eggs. 65 (e) "Male" means a person belonging, at birth, to the 66 biological sex which has the specific reproductive role of 67 producing sperm. 68 (f) "Restroom" means a room that includes one or more water 69 closets. This term does not include a unisex restroom. 70 (g) "Sex" means the classification of a person as either 71 female or male based on the organization of the body of such 72 person for a specific reproductive role, as indicated by the 73 person for a specific reproductive role, as indicated for a 74 internal and external genitalia present at birth. 75 (h) "Unisex changing facility" means a room that includes one or 76 single-occupant or a family in which one or more persons may be 76 in a state of undress, including, but not limited to, a dressing 70 r		29-00992-23 20231674
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86 individual from entering while the room is in use.	84	family, and the room is enclosed in floor-to-ceiling walls and
	85	accessed by a full door with a secure lock that prevents another
87 (j) "Water closet" means a toilet or urinal.	86	individual from entering while the room is in use.
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88 (4) A covered entity that maintains a water closet must, at 89 a minimum, have: 90 (a) A restroom designated for exclusive use by females and 91 a restroom designated for exclusive use by males; or 92 (b) A unisex restroom. 93 (5) A covered entity that maintains a changing facility 94 must, at a minimum, have: 95 (a) A changing facility designated for exclusive use by 96 females and a changing facility. 97 males; or 98 (b) A unisex changing facility. 99 (6) For purposes of this section, a person may enter a 90 restroom or changing facility designated for the opposite sex 91 under the following circumstances: 92 (a) To accompany another person of the opposite sex for the 93 purpose of assisting or chaperoning a minor child, elderly 94 person, or disabled person; 95 (b) For law enforcement or governmental regulatory 94 purposes; 95 (c) For the purpose of rendering emergency situation 96 where the health or safety of another person is at risk; 97 (d) For cu		29-00992-23 20231674
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94 must, at a minimum, have: 95 (a) A changing facility designated for exclusive use by 96 females and a changing facility designated for exclusive use by 97 males; or 98 (b) A unisex changing facility. 99 (6) For purposes of this section, a person may enter a 100 restroom or changing facility designated for the opposite sex 101 under the following circumstances: 102 (a) To accompany another person of the opposite sex for the 103 purpose of assisting or chaperoning a minor child, elderly 104 person, or disabled person; 105 (b) For law enforcement or governmental regulatory 106 purposes; 107 (c) For the purpose of rendering emergency medical 108 assistance or to intervene in any other emergency situation 109 where the health or safety of another person is at risk; 110 (d) For custodial, maintenance, or inspection purposes, 111 provided that the restroom or changing facility is not in use; 112 or 113 (e) If the appropriate designated restroom or changing 114 facility is out of order or under repair and the	92	(b) A unisex restroom.
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112 <u>or</u> 113 <u>(e) If the appropriate designated restroom or changing</u> 114 <u>facility is out of order or under repair and the opposite</u> 115 <u>designated restroom or changing facility contains no person of</u>	110	(d) For custodial, maintenance, or inspection purposes,
(e) If the appropriate designated restroom or changing facility is out of order or under repair and the opposite designated restroom or changing facility contains no person of	111	provided that the restroom or changing facility is not in use;
114 <u>facility is out of order or under repair and the opposite</u> 115 <u>designated restroom or changing facility contains no person of</u>	112	or
115 designated restroom or changing facility contains no person of	113	(e) If the appropriate designated restroom or changing
	114	facility is out of order or under repair and the opposite
116 the opposite sex.	115	designated restroom or changing facility contains no person of
	116	the opposite sex.

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117	(7) A person 18 years of age or older who willfully enters,
118	for a purpose other than those listed in subsection (6), a
119	restroom or changing facility designated for the opposite sex
120	and refuses to immediately depart when asked to do so by another
121	person present in the restroom or changing facility commits a
122	misdemeanor of the second degree, punishable as provided in s.
123	775.082 or s. 775.083.
124	(8) Each educational institution shall establish in its
125	code of student conduct disciplinary procedures for any person
126	under 18 years of age who willfully enters, for a purpose other
127	than those listed in subsection (6), an educational institution
128	restroom or changing facility designated for the opposite sex
129	and refuses to immediately depart when asked to do so by another
130	person present in the restroom or changing facility.
131	(9) A domestic violence center under chapter 39 must
132	provide separate overnight accommodations for females and males
133	based on their sex. This requirement does not apply to mixed-sex
134	family units.
135	(10) A correctional institution must house females and
136	males in its custody separately, based on their sex. This
137	requirement applies to all housing assignments in a correctional
138	institution, including temporary assignments.
139	(11) (a) A covered entity that is required to obtain a
140	license to operate in the state shall submit documentation
141	regarding compliance with subsections (4) and (5), as
142	applicable, upon initial application for such license or on
143	first renewal after July 1, 2023.
144	(b) A covered entity that fails to comply with subsection
145	(4) or subsection (5) shall be subject to penalties under

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146	paragraph (c) and is subject to licensure or regulatory
147	disciplinary action, as applicable.
148	(c) The Attorney General may bring a civil action to
149	enforce this section against any covered entity. The Attorney
150	General may seek injunctive relief, and, for any covered entity
151	found to have willfully violated this section, the Attorney
152	General may seek to impose a fine of up to \$10,000.
153	(d) Fines collected pursuant to paragraph (c) must be
154	deposited in the General Revenue Fund.
155	Section 2. If any provision of this act or its application
156	to any person or circumstances is held invalid, the invalidity
157	does not affect other provisions or applications of the act
158	which can be given effect without the invalid provision or
159	application, and to this end the provisions of this act are
160	severable.
161	Section 3. This act shall take effect July 1, 2023.

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