

Committee on Rules

CS/HB 1521 — Facility Requirements Based on Sex

by Regulatory Reform and Economic Development Subcommittee and Rep. Plakon and others
(CS/SB 1674 by Fiscal Policy Committee and Senators Grall and Perry)

The bill creates s. 553.865, F.S., the “Safety in Private Spaces Act,” and states the legislative purpose and intent of the bill as providing restrooms and changing facilities for exclusive use by females or males, respective to their sex, in order to maintain public safety, decency, decorum, and privacy.

The bill:

- Establishes a procedure for individuals to notify authorized persons for the public sector entities subject to the bill (the covered entities described below), that a person of the opposite sex has entered into a restroom or changing facility designated for exclusive use for females or males. The bill does not apply to persons born with a medically verifiable genetic disorder of sexual development under treatment by a physician, with specified conditions.
- Defines these terms:
 - “Female” means “a person belonging, at birth, to the biological sex which has the specific reproductive role of producing eggs”; and
 - “Male” means “a person belonging, at birth, to the biological sex which has the specific reproductive role of producing sperm.”
- Specifies the term “covered entities” means state adult correctional institutions, educational facilities (K-12 to university level), juvenile correctional facilities and secure detention centers, county and city detention facilities (jails), and public buildings that are owned or leased by the state, a state agency, or a county, city, or special district.
- Sets forth the circumstances in which entry to a restroom or changing facility designated for the opposite sex on the premises of a covered entity is appropriate:
 - To accompany a person of the opposite sex to assist or chaperone a child under 12 years of age, an elderly person, or a person with a disability or developmental disability;
 - For law enforcement or governmental regulatory purposes;
 - For rendering emergency medical assistance or intervening in any other emergency situation where the health or safety of another person is at risk;
 - For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or
 - If the appropriate designated restroom or changing facility is out of order or under repair, and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.
- Specifies by type of covered entity, the persons who are authorized to request another person depart from restrooms or changing facilities designated for the opposite sex on the premises of a covered entity.

- Requires covered entities that maintain a water closet (toilet or urinal) or a changing facility (dressing room, fitting room, locker room, changing room, or shower room) to have, at a minimum:
 - Restrooms or changing facilities that are designated for exclusive use by females and for exclusive use by males; or
 - A unisex restroom or changing facility (intended for a single-occupant or a family in which a person may be in a state of undress, enclosed in floor-to-ceiling walls and accessed by a full door with a secure lock that prevents someone from entering while the room is in use).
- Requires each type of covered entity to apply existing disciplinary procedures or establish disciplinary procedures or policies, as applicable, for employees, certain persons under its control, and other personnel described in the bill who willfully enter a restroom or changing facility designated for the opposite sex on the premises of the covered entity, for a purpose other than the authorized uses listed in the bill, and who refuse to depart when asked to do so by an authorized person.
- Provides that any person who willfully enters a restroom or changing facility designated for the opposite sex on the premises of a covered entity, for a purpose other than the authorized uses listed in the bill, who refuses to depart when asked to do so by a person authorized to make such a request, commits the criminal offense of trespass. Certain employees, staff, and others authorized to be on the premises of a covered entity are not subject to this provision.
- Requires each educational institution to establish in its code of student conduct disciplinary procedures for any student who willfully enters a restroom or changing facility designated for the opposite sex on the premises of the educational institution, for a purpose other than the authorized uses listed in the bill, and refuses to depart when asked to do so by an authorized person.
- Requires covered entities to submit documentation regarding compliance with the minimum requirements for restrooms and changing facilities, if applicable, within one year after being established or, if the institution or facility was established before July 1, 2023, no later than April 1, 2024, to the Board of Governors, the Department of Corrections, the Department of Juvenile Justice, or the State Board of Education, as applicable.
- Provides that beginning July 1, 2024, a person may submit a complaint to the Attorney General alleging that a covered entity failed to meet the minimum requirements for restrooms and changing facilities required by the bill, and that failure to comply with the minimum requirements for restrooms and changing facilities subjects a covered entity to licensure or regulatory disciplinary action.
- Authorizes the Attorney General to take enforcement action against covered entities through the judicial system beginning July 1, 2024, by seeking injunctive relief, and by seeking a fine of up to \$10,000 for any covered entity found to have willfully violated the requirements in the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

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Vote: Senate 26-12; House 80-36