

27 (d) Single-sex public facilities are places of increased
 28 vulnerability and present the potential for crimes against
 29 individuals using those facilities, including, but not limited
 30 to, assault, battery, molestation, rape, voyeurism, and
 31 exhibitionism.

32 Section 2. Section 760.55, Florida Statutes, is created to
 33 read:

34 760.55 Privacy for persons using single-sex public
 35 facilities.—

36 (1) DEFINITIONS.—For purposes of this section:

37 (a) "Person" means a natural person or human being.

38 (b) "Public accommodations" has the same meaning provided
 39 in s. 760.02.

40 (c) "Single-sex public facilities" means bathrooms,
 41 restrooms, dressing rooms, fitting rooms, locker rooms, showers,
 42 and other similar facilities where there is a reasonable
 43 expectation of privacy; that are maintained by an owner of
 44 public accommodations, a school, or a place of employment; that
 45 are conspicuously designated with appropriate signage for use by
 46 persons of only one sex; and that are designed or designated to
 47 be used by more than one person at a time.

48 (d) "Sex" means a person's biological sex, either male or
 49 female, at birth. For purposes of this paragraph, the term
 50 "male" means a person born as a biological male and the term
 51 "female" means a person born as a biological female.

52 (2) PROHIBITED CONDUCT.—

53 (a) Single-sex public facilities designated for girls,
54 women, ladies, or persons of the female sex shall be restricted
55 to persons who are biological females.

56 (b) Single-sex public facilities designated for boys, men,
57 gentlemen, or persons of the male sex shall be restricted to
58 persons who are biological males.

59 (c) A person who knowingly and willfully enters a single-
60 sex public facility designated for or restricted to persons of
61 the other biological sex commits a misdemeanor of the first
62 degree, punishable as provided in s. 775.082 or s. 775.083.

63 (3) EXEMPTIONS.—

64 (a) This section does not apply to public facilities that
65 are conspicuously designated for unisex or family use.

66 (b) This section does not apply to public facilities that
67 are designated to be used by only one person at a time.

68 (c) This section does not require any place of public
69 accommodation, school, or place of employment to construct or
70 maintain single-sex public facilities or to modify existing
71 public facilities.

72 (d) Restricting access to single-sex public facilities in
73 the manner required by subsection (2) may not be deemed unlawful
74 discrimination under s. 760.08.

75 (4) PRIVATE CAUSE OF ACTION.—

76 (a) A person who knowingly and willfully enters a single-
77 sex public facility designated for the other biological sex is
78 liable in a civil action to any person who is lawfully using the

79 same single-sex public facility at the time of the unlawful
80 entry for the damages caused by the unlawful entry, together
81 with reasonable attorney fees and costs.

82 (b) An owner of public accommodations, a school, or a
83 place of employment who maintains single-sex public facilities
84 and advertises, promotes, or encourages use of those facilities
85 in violation of subsection (2), or fails to take reasonable
86 remedial measures after learning of such use, is liable in a
87 civil action to any person who is lawfully using those
88 facilities at the time of the unlawful entry for the damages
89 caused by the unlawful entry, together with reasonable attorney
90 fees and costs.

91 (5) PREEMPTION.—This section preempts any law, regulation,
92 policy, or decree enacted or adopted by any city, county,
93 municipality, or other political subdivision within the state
94 that purports to permit or require owners of public
95 accommodations, schools, or places of employment to permit use
96 of single-sex public facilities by persons whose biological sex
97 is different from the sex for which such facilities are
98 designated.

99 Section 3. This act shall take effect July 1, 2015.