

1 A bill to be entitled  
 2 An act relating to single-sex public facilities;  
 3 providing purpose and legislative findings; creating  
 4 s. 760.55, F.S.; providing definitions; requiring that  
 5 use of single-sex public facilities be restricted to  
 6 persons of the sex for which the facility is  
 7 designated; prohibiting knowingly and willfully  
 8 entering a single-sex public facility designated for  
 9 or restricted to persons of the other sex; providing  
 10 criminal penalties; providing a private cause of  
 11 action against violators; providing exemptions;  
 12 providing applicability with respect to other laws;  
 13 providing for preemption; providing an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:  
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17 Section 1. (1) The purpose of this act is to secure  
 18 privacy and safety for all individuals using single-sex public  
 19 facilities.

20 (2) The Legislature finds that:

21 (a) There is a longstanding history of restricting access  
 22 to single-sex public facilities on the basis of sex.

23 (b) There is an expectation of privacy in single-sex  
 24 public facilities.

25 (c) Users of single-sex public facilities reasonably  
 26 expect not to be exposed to individuals of the other sex while

27 using those facilities.

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

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

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

37 (1) DEFINITIONS.—As used in this section, the term:

38 (a) "Female" means a biological female or a person who has  
39 a valid driver license or United States passport that describes  
40 the person as female on the license or passport.

41 (b) "Male" means a biological male or a person who has a  
42 valid driver license or United States passport that describes  
43 the person as male on the license or passport.

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

45 (d) "Public accommodations" has the same meaning provided  
46 in s. 760.02.

47 (e) "Single-sex public facilities" means bathrooms,  
48 restrooms, dressing rooms, fitting rooms, locker rooms, showers,  
49 and other similar facilities where there is a reasonable  
50 expectation of privacy; that are maintained by a government or  
51 an owner of public accommodations, a school, or a place of  
52 employment; that are conspicuously designated with appropriate

53 signage for use by persons of only one sex; and that are  
54 designed or designated to be used by more than one person at a  
55 time.

56 (f) "Sex" means a person's gender as male or female.

57 (2) PROHIBITED CONDUCT.—

58 (a) Single-sex public facilities designated for females  
59 shall be restricted to females.

60 (b) Single-sex public facilities designated for males  
61 shall be restricted to males.

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

66 (3) PRIVATE CAUSE OF ACTION.—

67 (a) A person who knowingly and willfully enters a single-  
68 sex public facility designated for the other sex is liable in a  
69 civil action to any person who is lawfully using the same  
70 single-sex public facility at the time of the unlawful entry for  
71 the damages caused by the unlawful entry, together with  
72 reasonable attorney fees and costs.

73 (b) An owner of public accommodations, a school, or a  
74 place of employment who maintains single-sex public facilities  
75 and knowingly advertises, promotes, or encourages use of those  
76 facilities in violation of subsection (2), or fails to take  
77 reasonable remedial measures after learning of such use, is  
78 liable in a civil action to any person who is lawfully using

79 those facilities at the time of the unlawful entry for the  
 80 damages caused by the unlawful entry, together with reasonable  
 81 attorney fees and costs.

82 (4) EXEMPTIONS.—This section does not apply to:

83 (a) Gender-neutral public facilities or public facilities  
 84 that are conspicuously designated for unisex use or family use.

85 (b) Public facilities that are designated to be used by  
 86 only one person at a time.

87 (c) A person of one sex who uses a single-sex facility  
 88 designated for the opposite sex, if such single-sex facility is  
 89 the only facility, single-sex, gender neutral, or otherwise,  
 90 reasonably available at the time of the person's use of the  
 91 facility.

92 (d) A family member or legal guardian of a person who  
 93 reasonably needs assistance in using a single-sex facility, or  
 94 someone designated by a family member or legal guardian of the  
 95 person, if the family member or legal guardian or his or her  
 96 designee enters a single-sex public facility that is designated  
 97 for the sex of the person in need of assistance in order to  
 98 assist the person in need of assistance.

99 (e) A person who needs assistance in using a single-sex  
 100 facility when the person in need of assistance enters a single-  
 101 sex facility that is designated for the opposite sex, if the  
 102 person in need of assistance enters a single-sex facility with a  
 103 family member or legal guardian or his or her designee who is  
 104 the designated sex of the single-sex facility in order to assist

105 the person in need of assistance.

106 (f) A person who enters an unoccupied single-sex facility  
107 that is designated for the opposite sex and either locks the  
108 door or while another person waits outside the entrance to the  
109 facility notifying others that a person of the opposite sex is  
110 using the facility.

111 (g) A person employed to clean or maintain a single-sex  
112 facility.

113 (5) RELATION TO OTHER LAWS.—

114 (a) This section does not require any place of public  
115 accommodation, school, or place of employment to construct or  
116 maintain single-sex public facilities or to modify existing  
117 public facilities.

118 (b) Restricting access to single-sex public facilities in  
119 the manner required by subsection (2) is not unlawful  
120 discrimination under s. 760.08.

121 (6) PREEMPTION.—This section preempts any law, regulation,  
122 policy, or decree enacted or adopted by any city, county,  
123 municipality, or other political subdivision within the state  
124 that purports to permit or require owners of public  
125 accommodations, schools, or places of employment to permit use  
126 of single-sex public facilities by persons whose sex is  
127 different from the sex for which such facilities are designated.

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