



730228

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
05/02/2023 06:02 PM	.	05/03/2023 03:56 PM
	.	

Senator Grall moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 553.865, Florida Statutes, is created to
read:

553.865 Private spaces.—

(1) This section may be cited as the "Safety in Private
Spaces Act."

(2) The Legislature finds that females and males should be
provided restrooms and changing facilities for their exclusive



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12 use, respective to their sex, in order to maintain public
13 safety, decency, decorum, and privacy.

14 (3) As used in this section, the term:

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

19 (b) "Correctional institution" means any state correctional
20 institution as defined in s. 944.02 or private correctional
21 facility as defined in s. 944.710.

22 (c) "Covered entity" means any:

23 1. Correctional institution;

24 2. Detention facility;

25 3. Educational institution;

26 4. Juvenile correctional facility or juvenile prison as
27 described in s. 985.465, any detention center or facility
28 designated by the Department of Juvenile Justice to provide
29 secure detention as defined in s. 985.03(18)(a), and any
30 facility used for a residential program as described in s.
31 985.03(44)(b), (c), or (d); or

32 5. Public building.

33 (d) "Detention facility" means a county detention facility
34 or municipal detention facility as those terms are defined in s.
35 951.23.

36 (e) "Educational institution" means a K-12 educational
37 institution or facility or a postsecondary educational
38 institution or facility.

39 (f) "Female" means a person belonging, at birth, to the
40 biological sex which has the specific reproductive role of



41 producing eggs.

42 (g) "K-12 educational institution or facility" means:

43 1. A school as defined in s. 1003.01(2) operated under the
44 control of a district school board as defined in s. 1003.01(1);

45 2. The Florida School for the Deaf and the Blind as
46 described in ss. 1000.04(4) and 1002.36;

47 3. A developmental research (laboratory) school established
48 pursuant to s. 1002.32(2);

49 4. A charter school authorized under s. 1002.33; or

50 5. A private school as defined in s. 1002.01(2).

51 (h) "Male" means a person belonging, at birth, to the
52 biological sex which has the specific reproductive role of
53 producing sperm.

54 (i) "Postsecondary educational institution or facility"
55 means:

56 1. A state university as defined in s. 1000.21(6);

57 2. A Florida College System institution as defined in s.
58 1000.21(3);

59 3. A school district career center as described in s.
60 1001.44(3);

61 4. A college or university licensed by the Commission for
62 Independent Education pursuant to s. 1005.31(1)(a); or

63 5. An institution not under the jurisdiction or purview of
64 the commission as identified in s. 1005.06(1)(b)-(f).

65 (j) "Public building" means a building comfort-conditioned
66 for occupancy which is owned or leased by the state, a state
67 agency, or a political subdivision. The term does not include a
68 correctional institution, a detention facility, an educational
69 institution, a juvenile correctional facility or juvenile prison



70 as described in s. 985.465, a detention center or facility
71 designated by the Department of Juvenile Justice to provide
72 secure detention as defined in s. 985.03(18)(a), or any facility
73 used for a residential program as described in s. 985.03(44)(b),
74 (c), or (d).

75 (k) "Restroom" means a room that includes one or more water
76 closets. This term does not include a unisex restroom.

77 (l) "Sex" means the classification of a person as either
78 female or male based on the organization of the body of such
79 person for a specific reproductive role, as indicated by the
80 person's sex chromosomes, naturally occurring sex hormones, and
81 internal and external genitalia present at birth.

82 (m) "Unisex changing facility" means a room intended for a
83 single occupant or a family in which one or more persons may be
84 in a state of undress, including, but not limited to, a dressing
85 room, fitting room, locker room, changing room, or shower room
86 that is enclosed by floor-to-ceiling walls and accessed by a
87 full door with a secure lock that prevents another individual
88 from entering while the changing facility is in use.

89 (n) "Unisex restroom" means a room that includes one or
90 more water closets and that is intended for a single occupant or
91 a family, is enclosed by floor-to-ceiling walls, and is accessed
92 by a full door with a secure lock that prevents another
93 individual from entering while the room is in use.

94 (o) "Water closet" means a toilet or urinal.

95 (4) A covered entity that maintains a water closet must, at
96 a minimum, have:

97 (a) A restroom designated for exclusive use by females and
98 a restroom designated for exclusive use by males; or



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99 (b) A unisex restroom.

100 (5) A covered entity that maintains a changing facility
101 must, at a minimum, have:

102 (a) A changing facility designated for exclusive use by
103 females and a changing facility designated for exclusive use by
104 males; or

105 (b) A unisex changing facility.

106 (6) For purposes of this section, a person may only enter a
107 restroom or changing facility designated for the opposite sex
108 under the following circumstances:

109 (a) To accompany a person of the opposite sex for the
110 purpose of assisting or chaperoning a child under the age of 12,
111 an elderly person as defined in s. 825.101, or a person with a
112 disability as defined in s. 760.22 or a developmental disability
113 as defined in s. 393.063;

114 (b) For law enforcement or governmental regulatory
115 purposes;

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

119 (d) For custodial, maintenance, or inspection purposes,
120 provided that the restroom or changing facility is not in use;
121 or

122 (e) If the appropriate designated restroom or changing
123 facility is out of order or under repair and the restroom or
124 changing facility designated for the opposite sex contains no
125 person of the opposite sex.

126 (7) (a) Each correctional institution shall establish
127 disciplinary procedures for any prisoner who willfully enters,



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128 for a purpose other than those listed in subsection (6), a
129 restroom or changing facility designated for the opposite sex on
130 the premises of the correctional institution and refuses to
131 depart when asked to do so by any employee of the Department of
132 Corrections or an employee of the correctional institution.

133 (b) Any Department of Corrections employee or correctional
134 institution employee who willfully enters, for a purpose other
135 than those listed in subsection (6), a restroom or changing
136 facility designated for the opposite sex on the premises of a
137 correctional institution and refuses to depart when asked to do
138 so by another Department of Corrections employee or correctional
139 institution employee is subject to disciplinary action by the
140 Department of Corrections.

141 (c) A person who willfully enters, for a purpose other than
142 those listed in subsection (6), a restroom or changing facility
143 designated for the opposite sex on the premises of a
144 correctional institution and refuses to depart when asked to do
145 so by an employee of the Department of Corrections or an
146 employee of the correctional institution commits the offense of
147 trespass as provided in s. 810.08. This paragraph does not apply
148 to prisoners, Department of Corrections employees, or
149 correctional institution employees.

150 (8) (a) Each detention facility shall establish disciplinary
151 procedures for any prisoner who willfully enters, for a purpose
152 other than those listed in subsection (6), a restroom or
153 changing facility designated for the opposite sex on the
154 premises of the detention facility and refuses to depart when
155 asked to do so by any employee of the detention facility.

156 (b) Any detention facility employee who willfully enters,



157 for a purpose other than those listed in subsection (6), a
158 restroom or changing facility designated for the opposite sex on
159 the premises of a detention facility and refuses to depart when
160 asked to do so by another detention facility employee is subject
161 to disciplinary action by the managing body of the detention
162 facility.

163 (c) A person who willfully enters, for a purpose other than
164 those listed in subsection (6), a restroom or changing facility
165 designated for the opposite sex on the premises of a detention
166 facility and refuses to depart when asked to do so by an
167 employee of the detention facility commits the offense of
168 trespass as provided in s. 810.08. This paragraph does not apply
169 to prisoners, detention facility employees, or staff of the
170 entity operating the detention facility.

171 (9) (a) Each educational institution shall, within its code
172 of student conduct, establish disciplinary procedures for any
173 student who willfully enters, for a purpose other than those
174 listed in subsection (6), a restroom or changing facility
175 designated for the opposite sex on the premises of the
176 educational institution and refuses to depart when asked to do
177 so by:

178 1. For a K-12 educational institution or facility, any
179 instructional personnel as described in s. 1012.01(2),
180 administrative personnel as described in s. 1012.01(3), or a
181 safe-school officer as described in s. 1006.12(1)-(4) or, if the
182 institution is a private school, any equivalent of such
183 personnel or officer; or

184 2. For a postsecondary educational institution or facility,
185 any administrative personnel, faculty member, security



186 personnel, or law enforcement personnel.

187 (b) Instructional personnel or administrative personnel as
188 those terms are described in s. 1012.01(2) and (3),
189 respectively, for an educational institution, or the equivalent
190 of such personnel for a private school, who willfully enter, for
191 a purpose other than those listed in subsection (6), a restroom
192 or changing facility designated for the opposite sex on the
193 premises of the educational institution and refuse to depart
194 when asked to do so by a person specified in subparagraph (a)1.
195 or subparagraph (a)2. commit a violation of the Principles of
196 Professional Conduct for the Education Profession and are
197 subject to discipline pursuant to s. 1012.795.

198 (c) Instructional personnel or administrative personnel at
199 a Florida College System institution or state university who
200 willfully enter, for a purpose other than those listed in
201 subsection (6), a restroom or changing facility designated for
202 the opposite sex on the premises of the educational institution
203 and refuse to depart when asked to do so by a person listed in
204 subparagraph (a)2. are subject to disciplinary actions
205 established in State Board of Education rule or Board of
206 Governors regulation.

207 (d) Each postsecondary educational institution or facility
208 defined under subparagraphs (3)(i)4. and 5. and private school
209 defined under subparagraph (3)(g)5. shall establish a
210 disciplinary policy for administrative personnel and
211 instructional personnel who willfully enter, for a purpose other
212 than those listed in subsection (6), a restroom or changing
213 facility designated for the opposite sex on the premises of the
214 educational institution and refuse to depart when asked to do so



215 by a person specified in subparagraph(a)1. or subparagraph (a)2.

216 (e) Any person who willfully enters, for a purpose other
217 than those listed in subsection (6), a restroom or changing
218 facility designated for the opposite sex on the premises of an
219 educational institution and refuses to depart when asked to do
220 so by a person specified in subparagraph (a)1. or subparagraph
221 (a)2. commits the offense of trespass as provided in s. 810.08.
222 This paragraph does not apply to a student of the educational
223 institution or to administrative personnel or instructional
224 personnel of the educational institution.

225 (10) (a) Each juvenile correctional facility or juvenile
226 prison as described in s. 985.465, each detention center or
227 facility designated by the Department of Juvenile Justice to
228 provide secure detention as defined in s. 985.03(18) (a), and
229 each facility used for a residential program as described in s.
230 985.03(44) (b), (c), or (d) shall establish disciplinary
231 procedures for any juvenile as defined in s. 985.03(7) who
232 willfully enters, for a purpose other than those listed in
233 subsection (6), a restroom or changing facility designated for
234 the opposite sex in such juvenile correctional facility,
235 juvenile prison, secure detention center or facility, or
236 residential program facility and refuses to depart when asked to
237 do so by delinquency program staff, detention staff, or
238 residential program staff.

239 (b) Any delinquency program staff member, detention staff
240 member, or residential program staff member who willfully
241 enters, for a purpose other than those listed in subsection (6),
242 a restroom or changing facility designated for the opposite sex
243 in a juvenile correctional facility, juvenile prison, secure



244 detention center or facility, or residential program facility
245 and refuses to depart when asked to do so by another delinquency
246 program staff member, detention staff member, or residential
247 program staff member is subject to disciplinary action by the
248 Department of Juvenile Justice.

249 (c) A person who willfully enters, for a purpose other than
250 those listed in subsection (6), a restroom or changing facility
251 designated for the opposite sex on the premises of a juvenile
252 correctional facility, juvenile prison, secure detention center
253 or facility, or residential program facility and refuses to
254 depart when asked to do so by delinquency program staff,
255 detention staff, or residential program staff commits the
256 offense of trespass as provided in s. 810.08. This paragraph
257 does not apply to juveniles as defined in s. 985.03(7),
258 delinquency program staff, detention staff, or residential
259 program staff.

260 (11) (a) The applicable governmental entity shall, for each
261 public building under its jurisdiction, establish disciplinary
262 procedures for any employee of the governmental entity who
263 willfully enters, for a purpose other than those listed in
264 subsection (6), a restroom or changing facility designated for
265 the opposite sex at such public building and refuses to depart
266 when asked to do so by any other employee of the governmental
267 entity.

268 (b) A person who willfully enters, for a purpose other than
269 those listed in subsection (6), a restroom or changing facility
270 designated for the opposite sex at a public building and refuses
271 to depart when asked to do so by an employee of the governmental
272 entity for the public building that is within the governmental



273 entity's jurisdiction commits the offense of trespass as
274 provided in s. 810.08. This paragraph does not apply to
275 employees of governmental entities for such public building.

276 (12) A covered entity that is:

277 (a) A correctional institution shall submit documentation
278 to the Department of Corrections regarding compliance with
279 subsections (4) and (5), as applicable, within 1 year after
280 being established or, if such institution was established before
281 July 1, 2023, no later than April 1, 2024.

282 (b) A detention facility shall submit documentation to the
283 applicable governing body of the county or municipality
284 regarding compliance with subsections (4) and (5), as
285 applicable, within 1 year after being established or, if such
286 facility was established before July 1, 2023, no later than
287 April 1, 2024.

288 (c) A K-12 educational institution or facility, Florida
289 College System institution as defined in s. 1000.21(3), or a
290 school district career center as described in s. 1001.44(3)
291 shall submit documentation to the State Board of Education
292 regarding compliance with subsections (4) and (5), as
293 applicable, within 1 year after being established or, if such
294 institution, facility, or center was established before July 1,
295 2023, no later than April 1, 2024.

296 (d) A state university as defined in s. 1000.21(6) shall
297 submit documentation to the Board of Governors regarding
298 compliance with subsections (4) and (5), as applicable, within 1
299 year after being established or, if such institution was
300 established before July 1, 2023, no later than April 1, 2024.

301 (e) A postsecondary educational institution or facility as



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302 defined in subparagraph (3)(i)4. or subparagraph (3)(i)5. shall
303 submit documentation to the Department of Education regarding
304 compliance with subsections (4) and (5), as applicable, within 1
305 year of being established or, if such institution or facility
306 was established before July 1, 2023, no later than April 1,
307 2024.

308 (f) A juvenile correctional facility or juvenile prison as
309 described in s. 985.465, a detention center or facility
310 designated by the Department of Juvenile Justice to provide
311 secure detention as defined in s. 985.03(18)(a), or a facility
312 used for a residential program as described in s. 985.03(44)(b),
313 (c), or (d) shall submit documentation to the Department of
314 Juvenile Justice regarding compliance with subsections (4) and
315 (5), as applicable, within 1 year after being established or, if
316 such institution or facility was established before July 1,
317 2023, no later than April 1, 2024.

318 (13) Beginning July 1, 2024, a person may submit a
319 complaint to the Attorney General alleging that a covered entity
320 failed to meet the minimum requirements for restrooms and
321 changing facilities under subsection (4) or subsection (5).

322 (14)(a) A covered entity that fails to comply with
323 subsection (4) or subsection (5) is subject to penalties under
324 paragraph (b) and to licensure or regulatory disciplinary
325 action, as applicable.

326 (b) Beginning July 1, 2024, the Attorney General may bring
327 a civil action to enforce this section against any covered
328 entity. The Attorney General may seek injunctive relief, and,
329 for any covered entity found to have willfully violated this
330 section, the Attorney General may seek to impose a fine of up to



331 \$10,000.

332 (c) Fines collected pursuant to paragraph (b) must be
333 deposited in the General Revenue Fund.

334 (15) This section does not apply to an individual who is or
335 has been under treatment by a physician who, in his or her good
336 faith clinical judgment, performs procedures upon or provides
337 therapies to a minor born with a medically verifiable genetic
338 disorder of sexual development, including any of the following:

339 (a) External biological sex characteristics that are
340 unresolvably ambiguous.

341 (b) A disorder of sexual development in which the physician
342 has determined through genetic or biochemical testing that the
343 patient does not have a normal sex chromosome structure, sex
344 steroid hormone production, or sex steroid hormone action for a
345 male or female, as applicable.

346 (16) By January 1, 2024, the Department of Corrections, the
347 Department of Juvenile Justice, and the State Board of Education
348 shall each adopt rules establishing procedures, the Board of
349 Governors shall adopt regulations establishing procedures, and
350 the applicable governing body of a county or municipality in
351 which a detention facility is located shall establish policies,
352 to carry out this section and to ensure compliance with and
353 enforcement of this section, including, but not limited to, the
354 type, format, and method of delivery of the documentation
355 required under subsection (12).

356 Section 2. If any provision of this act or its application
357 to any person or circumstance is held invalid, the invalidity
358 does not affect other provisions or applications of the act
359 which can be given effect without the invalid provision or



360 application, and to this end the provisions of this act are
361 severable.

362 Section 3. This act shall take effect July 1, 2023.
363

364 ===== T I T L E A M E N D M E N T =====

365 And the title is amended as follows:

366 Delete everything before the enacting clause
367 and insert:

368 A bill to be entitled
369 An act relating to facility requirements based on sex;
370 creating s. 553.865, F.S.; providing a short title;
371 providing legislative findings; defining terms;
372 requiring certain entities that maintain water closets
373 or changing facilities to meet specified requirements;
374 authorizing persons to enter a restroom or changing
375 facility designated for the opposite sex only under
376 certain circumstances; requiring covered entities to
377 establish disciplinary procedures relating to
378 restrooms and changing facilities; providing that
379 specified persons are subject to discipline for
380 refusing to depart certain restrooms and changing
381 facilities under certain circumstances; providing that
382 specified persons who enter certain restrooms or
383 changing facilities and refuse to depart when asked to
384 do so commit the criminal offense of trespass;
385 providing applicability; requiring covered entities to
386 submit specified compliance documentation to specified
387 entities; authorizing persons to submit complaints to
388 the Attorney General after a specified date relating



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389 to covered entities that fail to meet specified
390 requirements; authorizing the Attorney General to
391 bring enforcement actions after a specified date;
392 authorizing civil penalties; requiring that certain
393 funds be deposited in the General Revenue Fund;
394 providing applicability; requiring the Department of
395 Corrections, the Department of Juvenile Justice, and
396 the State Board of Education to adopt rules; requiring
397 the Board of Governors to adopt regulations; requiring
398 certain governing bodies of counties or municipalities
399 to establish specified procedures; providing
400 severability; providing an effective date.