



711142

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/26/2023	.	
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The Committee on Fiscal Policy (Grall) recommended 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



711142

11 provided restrooms and changing facilities for their exclusive  
12 use in order to maintain public safety, decency, and decorum.

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

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

18 (b) "Correctional institution" means any state correctional  
19 institution as defined in s. 944.02 or private correctional  
20 facility as defined in s. 944.710 or any other facility used for  
21 the detention of adults charged with or convicted of a crime.

22 (c) "Covered entity" means any:

23 1. Correctional institution;

24 2. Educational institution;

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

31 4. Public building.

32 (d) "Educational institution" means a K-12 educational  
33 institution or facility or a postsecondary educational  
34 institution or facility.

35 (e) "Female" means a person belonging, at birth, to the  
36 biological sex which has the specific reproductive role of  
37 producing eggs.

38 (f) "K-12 educational institution or facility" means:

39 1. A school as defined in s. 1003.01(2) operated under the



711142

40 control of a district school board as defined in s. 1003.01(1);  
41 2. The Florida School for the Deaf and the Blind as  
42 described in ss. 1000.04(4) and 1002.36;  
43 3. A developmental research (laboratory) school established  
44 pursuant to s. 1002.32(2);  
45 4. A charter school authorized under s. 1002.33; or  
46 5. A private school as defined in s. 1002.01(2).  
47 (g) "Male" means a person belonging, at birth, to the  
48 biological sex which has the specific reproductive role of  
49 producing sperm.  
50 (h) "Postsecondary educational institution or facility"  
51 means:  
52 1. A state university as defined in s. 1000.21(6);  
53 2. A Florida College System institution as defined in s.  
54 1000.21(3);  
55 3. A school district career center as described in s.  
56 1001.44(3);  
57 4. A college or university licensed by the Commission for  
58 Independent Education pursuant to s. 1005.31(1)(a); or  
59 5. An institution not under the jurisdiction or purview of  
60 the commission as identified in s. 1005.06(1)(b)-(f).  
61 (i) "Public building" means a building comfort-conditioned  
62 for occupancy which is owned or leased by the state, a state  
63 agency, or a political subdivision. The term does not include a  
64 correctional institution, an educational institution, a juvenile  
65 correctional facility or juvenile prison as described in s.  
66 985.465, a detention center or facility designated by the  
67 Department of Juvenile Justice to provide secure detention as  
68 defined in s. 985.03(18)(a), or any facility used for a



711142

69 residential program as described in s. 985.03(44)(b), (c), or  
70 (d).

71 (j) "Restroom" means a room that includes one or more water  
72 closets. This term does not include a unisex restroom.

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

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

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

90 (n) "Water closet" means a toilet or urinal.

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

93 (a) A restroom designated for exclusive use by females and  
94 a restroom designated for exclusive use by males; or

95 (b) A unisex restroom.

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



711142

98           (a) A changing facility designated for exclusive use by  
99 females and a changing facility designated for exclusive use by  
100 males; or

101           (b) A unisex changing facility.

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

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

110           (b) For law enforcement or governmental regulatory  
111 purposes;

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

115           (d) For custodial, maintenance, or inspection purposes,  
116 provided that the restroom or changing facility is not in use;  
117 or

118           (e) If the appropriate designated restroom or changing  
119 facility is out of order or under repair and the restroom or  
120 changing facility designated for the opposite sex contains no  
121 person of the opposite sex.

122           (7) (a) Each correctional institution shall establish  
123 disciplinary procedures for any prisoner who willfully enters,  
124 for a purpose other than those listed in subsection (6), a  
125 restroom or changing facility designated for the opposite sex on  
126 the premises of a correctional institution and refuses to depart



711142

127 when asked to do so by any employee of the Department of  
128 Corrections or an employee of the correctional institution.

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

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

146 (8) (a) Each educational institution shall, within its code  
147 of student conduct, establish disciplinary procedures for any  
148 student who willfully enters, for a purpose other than those  
149 listed in subsection (6), a restroom or changing facility  
150 designated for the opposite sex on the premises of the  
151 educational institution and refuses to depart when asked to do  
152 so by:

153 1. For a K-12 educational institution or facility, any  
154 instructional personnel as described in s. 1012.01(2),  
155 administrative personnel as described in s. 1012.01(3), or a



711142

156 safe-school officer as described in s. 1006.12(1)-(4) or, if the  
157 institution is a private school, any equivalent of such  
158 personnel or officer; or

159 2. For a postsecondary educational institution or facility,  
160 any administrative personnel, faculty member, security  
161 personnel, or law enforcement personnel.

162 (b) Instructional personnel or administrative personnel as  
163 those terms are described in s. 1012.01(2) and (3),  
164 respectively, for an educational institution, or the equivalent  
165 of such personnel for a private school, who willfully enter, for  
166 a purpose other than those listed in subsection (6), a restroom  
167 or changing facility designated for the opposite sex on the  
168 premises of the educational institution and refuse to depart  
169 when asked to do so by a person specified in subparagraph (a)1.  
170 or subparagraph (a)2. commit a violation of the Principles of  
171 Professional Conduct for the Education Profession and are  
172 subject to discipline pursuant to s. 1012.795.

173 (c) Instructional personnel or administrative personnel at  
174 a Florida College System institution or state university who  
175 willfully enter, for a purpose other than those listed in  
176 subsection (6), a restroom or changing facility designated for  
177 the opposite sex on the premises of the educational institution  
178 and refuse to depart when asked to do so by a person listed in  
179 subparagraph (a)2. are subject to disciplinary actions  
180 established in State Board of Education rule or Board of  
181 Governors regulation.

182 (d) Each postsecondary educational institution or facility  
183 defined under subparagraphs (3)(h)4. and 5. and private school  
184 defined under subparagraph (3)(f)5. shall establish a



711142

185 disciplinary policy for administrative personnel and  
186 instructional personnel who willfully enter, for a purpose other  
187 than those listed in subsection (6), a restroom or changing  
188 facility designated for the opposite sex on the premises of the  
189 educational institution and refuse to depart when asked to do so  
190 by a person specified in subparagraph(a)1. or subparagraph (a)2.

191 (e) Any person who willfully enters, for a purpose other  
192 than those listed in subsection (6), a restroom or changing  
193 facility designated for the opposite sex on the premises of an  
194 educational institution and refuses to depart when asked to do  
195 so by a person specified in subparagraph (a)1. or subparagraph  
196 (a)2. commits the offense of trespass as provided in s. 810.08.  
197 This paragraph does not apply to a student of the educational  
198 institution or to administrative personnel or instructional  
199 personnel of the educational institution.

200 (9)(a) Each juvenile correctional facility or juvenile  
201 prison as described in s. 985.465, each detention center or  
202 facility designated by the Department of Juvenile Justice to  
203 provide secure detention as defined in s. 985.03(18)(a), and  
204 each facility used for a residential program as described in s.  
205 985.03(44)(b), (c), or (d) shall establish disciplinary  
206 procedures for any juvenile as defined in s. 985.03(7) who  
207 willfully enters, for a purpose other than those listed in  
208 subsection (6), a restroom or changing facility designated for  
209 the opposite sex in such juvenile correctional facility,  
210 juvenile prison, secure detention center or facility, or  
211 residential program facility and refuses to depart when asked to  
212 do so by delinquency program staff, detention staff, or  
213 residential program staff.





711142

214       (b) Any delinquency program staff member, detention staff  
215 member, or residential program staff member who willfully  
216 enters, for a purpose other than those listed in subsection (6),  
217 a restroom or changing facility designated for the opposite sex  
218 in a juvenile correctional facility, juvenile prison, secure  
219 detention center or facility, or residential program facility  
220 and refuses to depart when asked to do so by another delinquency  
221 program staff member, detention staff member, or residential  
222 program staff member is subject to disciplinary action by the  
223 Department of Juvenile Justice.

224       (c) A person who willfully enters, for a purpose other than  
225 those listed in subsection (6), a restroom or changing facility  
226 designated for the opposite sex on the premises of a juvenile  
227 correctional facility, juvenile prison, secure detention center  
228 or facility, or residential program facility and refuses to  
229 depart when asked to do so by delinquency program staff,  
230 detention staff, or residential program staff commits the  
231 offense of trespass as provided in s. 810.08. This paragraph  
232 does not apply to juveniles as defined in s. 985.03(7),  
233 delinquency program staff, detention staff, or residential  
234 program staff.

235       (10) (a) The applicable governmental entity shall, for each  
236 public building under its jurisdiction, establish disciplinary  
237 procedures for any employee of the governmental entity who  
238 willfully enters, for a purpose other than those listed in  
239 subsection (6), a restroom or changing facility designated for  
240 the opposite sex at such public building and refuses to depart  
241 when asked to do so by any other employee of the governmental  
242 entity.



711142

243 (b) A person who willfully enters, for a purpose other than  
244 those listed in subsection (6), a restroom or changing facility  
245 designated for the opposite sex at a public building and refuses  
246 to depart when asked to do so by an employee of the governmental  
247 entity for the public building that is within the governmental  
248 entity's jurisdiction commits the offense of trespass as  
249 provided in s. 810.08. This paragraph does not apply to  
250 employees of governmental entities for such public building.

251 (11) A covered entity that is:

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

257 (b) A K-12 educational institution or facility, Florida  
258 College System institution as defined in s. 1000.21(3), or a  
259 school district career center as described in s. 1001.44(3)  
260 shall submit documentation to the State Board of Education  
261 regarding compliance with subsections (4) and (5), as  
262 applicable, within 1 year after being established or, if such  
263 institution, facility, or center was established before July 1,  
264 2023, no later than April 1, 2024.

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

270 (d) A postsecondary educational institution or facility as  
271 defined in subparagraph (3)(h)4. or subparagraph (3)(h)5. shall



711142

272 submit documentation to the Department of Education regarding  
273 compliance with subsections (4) and (5), as applicable, within 1  
274 year of being established or, if such institution or facility  
275 was established before July 1, 2023, no later than April 1,  
276 2024.

277 (e) A juvenile correctional facility or juvenile prison as  
278 described in s. 985.465, a detention center or facility  
279 designated by the Department of Juvenile Justice to provide  
280 secure detention as defined in s. 985.03(18)(a), or a facility  
281 used for a residential program as described in s. 985.03(44)(b),  
282 (c), or (d) shall submit documentation to the Department of  
283 Juvenile Justice regarding compliance with subsections (4) and  
284 (5), as applicable, within 1 year after being established or, if  
285 such institution or facility was established before July 1,  
286 2023, no later than April 1, 2024.

287 (12) Beginning July 1, 2024, a person may submit a  
288 complaint to the Attorney General alleging that a covered entity  
289 failed to meet the minimum requirements for restrooms and  
290 changing facilities under subsection (4) or subsection (5).

291 (13)(a) A covered entity that fails to comply with  
292 subsection (4) or subsection (5) is subject to penalties under  
293 paragraph (b) and to licensure or regulatory disciplinary  
294 action, as applicable.

295 (b) Beginning July 1, 2024, the Attorney General may bring  
296 a civil action to enforce this section against any covered  
297 entity. The Attorney General may seek injunctive relief, and,  
298 for any covered entity found to have willfully violated this  
299 section, the Attorney General may seek to impose a fine of up to  
300 \$10,000.



711142

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

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

308 (a) External biological sex characteristics that are  
309 unresolvably ambiguous.

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

315 (15) By January 1, 2024, the Department of Corrections, the  
316 Department of Juvenile Justice, and the State Board of Education  
317 shall each adopt rules, and the Board of Governors shall adopt  
318 regulations, establishing procedures to carry out this section  
319 and to ensure compliance with and enforcement of this section,  
320 including, but not limited to, the type, format, and method of  
321 delivery of the documentation required under subsection (11).

322 Section 2. If any provision of this act or its application  
323 to any person or circumstance is held invalid, the invalidity  
324 does not affect other provisions or applications of the act  
325 which can be given effect without the invalid provision or  
326 application, and to this end the provisions of this act are  
327 severable.

328 Section 3. This act shall take effect July 1, 2023.  
329



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

331 And the title is amended as follows:

332 Delete everything before the enacting clause

333 and insert:

334 A bill to be entitled

335 An act relating to facility requirements based on sex;  
336 creating s. 553.865, F.S.; providing a short title;  
337 providing legislative findings; defining terms;  
338 requiring certain entities that maintain water closets  
339 or changing facilities to meet specified requirements;  
340 authorizing persons to enter a restroom or changing  
341 facility designated for the opposite sex only under  
342 certain circumstances; requiring covered entities to  
343 establish disciplinary procedures relating to  
344 restrooms and changing facilities; providing that  
345 specified persons are subject to discipline for  
346 refusing to depart certain restrooms and changing  
347 facilities under certain circumstances; providing that  
348 specified persons who enter certain restrooms or  
349 changing facilities and refuse to depart when asked to  
350 do so commit the criminal offense of trespass;  
351 providing applicability; requiring covered entities to  
352 submit specified compliance documentation to specified  
353 entities; authorizing persons to submit complaints to  
354 the Attorney General after a specified date relating  
355 to covered entities that fail to meet specified  
356 requirements; authorizing the Attorney General to  
357 bring enforcement actions after a specified date;  
358 authorizing civil penalties; requiring that certain



711142

359 funds be deposited in the General Revenue Fund;  
360 providing applicability; requiring the Department of  
361 Corrections, the Department of Juvenile Justice, and  
362 the State Board of Education to adopt rules; requiring  
363 the Board of Governors to adopt regulations; providing  
364 severability; providing an effective date.