

26 553.865 Private spaces.—

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

29 (2) The Legislature finds that females and males should be
 30 provided restrooms and changing facilities for their exclusive
 31 use in order to maintain public safety, decency, and decorum.

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

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

37 (b) "Correctional institution" means any state
 38 correctional institution as defined in s. 944.02, juvenile
 39 detention center or residential program as described in s.
 40 985.03, county or municipal detention facility as defined in s.
 41 951.23, private correctional facility as defined in s. 944.710,
 42 or any other facility used for the detention of adults or
 43 juveniles charged with or convicted of a crime.

44 (c) "Covered entity" means any:

- 45 1. Educational institution, as defined in s. 768.38.
- 46 2. Public accommodations, as defined in s. 760.02(11).
- 47 3. Public shelter space under s. 252.385.
- 48 4. Service provider, as defined in s. 397.311(44).
- 49 5. Health care facility, which means any provider as
 50 defined in s. 408.803; a provider with an active health care

51 clinic exemption under s. 400.9935; a continuing care facility
52 with a certificate of authority under chapter 651; an optical
53 establishment permitted under s. 484.007; a massage
54 establishment licensed under s. 480.043, a pharmacy as defined
55 in s. 465.003, an office described in s. 459.0138 which is
56 required to register with the Department of Health; a pain-
57 management clinic registered under s. 458.3265; an electrolysis
58 facility licensed under 478.51; or any health care setting owned
59 or operated by a health care practitioner as defined in s.
60 456.001 or a provider licensed under chapter 394, chapter 397,
61 or part IV of chapter 468.

62 (d) "Female" means a person belonging, at birth, to the
63 biological sex which has the specific reproductive role of
64 producing eggs.

65 (e) "Male" means a person belonging, at birth, to the
66 biological sex which has the specific reproductive role of
67 producing sperm.

68 (f) "Restroom" means a room that includes one or more
69 water closets. This term does not include a unisex restroom.

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

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

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

87 (j) "Water closet" means a toilet or urinal.

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

90 (a) A restroom designated for exclusive use by females and
 91 a restroom designated for exclusive use by males; or

92 (b) A unisex restroom.

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

95 (a) A changing facility designated for exclusive use by
 96 females and a changing facility designated for exclusive use by
 97 males; or

98 (b) A unisex changing facility.

99 (6) For purposes of this section, a person may enter a
100 restroom or changing facility designated for the opposite sex
101 under the following circumstances:

102 (a) To accompany another person of the opposite sex for
103 the purpose of assisting or chaperoning a minor child, elderly
104 person, or disabled person.

105 (b) For law enforcement or governmental regulatory
106 purposes;

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

110 (d) For custodial, maintenance, or inspection purposes,
111 provided that the restroom or changing facility is not in use;
112 or

113 (e) If the appropriate designated restroom or changing
114 facility is out of order or under repair and the opposite
115 designated restroom or changing facility contains no person of
116 the opposite sex.

117 (7) A person 18 years of age or older who willfully
118 enters, for a purpose other than those listed in subsection (6),
119 a restroom or changing facility designated for the opposite sex
120 and refuses to immediately depart when asked to do so by another
121 person present in the restroom or changing facility commits a
122 misdemeanor of the second degree, punishable as provided in s.
123 775.082 or s. 775.083.

124 (8) Each educational institution shall establish in its
125 code of student conduct disciplinary procedures for any person
126 under 18 years of age who willfully enters, for a purpose other
127 than those listed in subsection (6), an educational institution
128 restroom or changing facility designated for the opposite sex
129 and refuses to immediately depart when asked to do so by another
130 person present in the restroom or changing facility.

131 (9) A domestic violence center under chapter 39 must
132 provide separate overnight accommodations for females and males
133 based on their sex. This requirement does not apply to mixed-sex
134 family units.

135 (10) A correctional institution must house females and
136 males in its custody separately, based on their sex. This
137 requirement applies to all housing assignments in a correctional
138 institution, including temporary assignments.

139 (11) (a) A covered entity that is required to obtain a
140 license to operate in the state shall submit documentation
141 regarding compliance with subsections (4) and (5), as
142 applicable, upon initial application for such license or on
143 first renewal after July 1, 2023.

144 (b) A covered entity that fails to comply with subsection
145 (4) or subsection (5) shall be subject to penalties under
146 paragraph (c) and is subject to licensure or regulatory
147 disciplinary action, as applicable.

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148 (c) The Attorney General may bring a civil action to
149 enforce this section against any covered entity. The Attorney
150 General may seek injunctive relief, and, for any covered entity
151 found to have willfully violated this section, the Attorney
152 General may seek to impose a fine of up to \$10,000.

153 (d) Fines collected pursuant to paragraph (c) must be
154 deposited in the General Revenue Fund.

155 Section 2. If any provision of this act or its application
156 to any person or circumstances is held invalid, the invalidity
157 does not affect other provisions or applications of the act
158 which can be given effect without the invalid provision or
159 application, and to this end the provisions of this act are
160 severable.

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