

CS/HB 1521

2023

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

28 553.865 Private spaces.—

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

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

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

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

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

46 (c) "Covered entity" means any:

- 47 1. Educational institution, as defined in s. 768.38.
- 48 2. Public accommodations, as defined in s. 760.02(11).
- 49 3. Public shelter space under s. 252.385.
- 50 4. Service provider, as defined in s. 397.311(44).

51 5. Health care facility, which means any provider as
52 defined in s. 408.803; a provider with an active health care
53 clinic exemption under s. 400.9935; a continuing care facility
54 with a certificate of authority under chapter 651; an optical
55 establishment permitted under s. 484.007; a massage
56 establishment licensed under s. 480.043, a pharmacy as defined
57 in s. 465.003, an office described in s. 459.0138 which is
58 required to register with the Department of Health; a pain-
59 management clinic registered under s. 458.3265; an electrolysis
60 facility licensed under 478.51; or any health care setting owned
61 or operated by a health care practitioner as defined in s.
62 456.001 or a provider licensed under chapter 394, chapter 397,
63 or part IV of chapter 468.

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

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

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

72 (g) "Sex" means the classification of a person as either
73 female or male based on the organization of the body of such
74 person for a specific reproductive role, as indicated by the

75 person's sex chromosomes, naturally occurring sex hormones, and
76 internal and external genitalia present at birth.

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

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

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

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

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

94 (b) A unisex restroom.

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

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

100 (b) A unisex changing facility.

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

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

107 (b) For law enforcement or governmental regulatory
 108 purposes;

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

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

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

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

124 misdemeanor of the second degree, punishable as provided in s.
125 775.082 or s. 775.083.

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

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

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

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

146 (b) A covered entity that fails to comply with subsection
147 (4) or subsection (5) shall be subject to penalties under

148 paragraph (c) and is subject to licensure or regulatory
149 disciplinary action, as applicable.

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

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

157 (12) This section does not apply to an individual born
158 with a genetically or biochemically verifiable disorder of sex
159 development, including, but not limited to, 46,XX disorder of
160 sex development; 46,XY disorder of sex development; sex
161 chromosome disorder of sex development; XX or XY sex reversal;
162 and ovotesticular disorder.

163 Section 2. If any provision of this act or its application
164 to any person or circumstances is held invalid, the invalidity
165 does not affect other provisions or applications of the act
166 which can be given effect without the invalid provision or
167 application, and to this end the provisions of this act are
168 severable.

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