

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 (h) A journalist or media representative entering a
114 single-sex facility, including, but not limited to, an athletic
115 team's locker room, for bona fide journalistic purposes such as
116 interviewing athletes or gathering information.

117 (5) RELATION TO OTHER LAWS.—

118 (a) This section does not require any place of public
119 accommodation, school, or place of employment to construct or
120 maintain single-sex public facilities or to modify existing
121 public facilities.

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

125 (6) PREEMPTION.—This section preempts any law, regulation,
126 policy, or decree enacted or adopted by any city, county,
127 municipality, or other political subdivision within the state
128 that purports to permit or require owners of public
129 accommodations, schools, or places of employment to permit use
130 of single-sex public facilities by persons whose sex is

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131 | different from the sex for which such facilities are designated.

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