A bill to be entitled
An act relating to facility requirements based on sex;
creating s. 553.865, F.S.; providing a short title;
providing legislative findings; providing definitions;
providing requirements for exclusive use of restrooms
by gender; providing requirements for exclusive use of
changing facilities by gender; providing exceptions;
prohibiting willfully entering a restroom or changing
facility designated for the opposite sex and refusing
to immediately depart when asked to do so by another
person present there; providing criminal penalties;
providing requirements for exclusive use of domestic
violence centers by gender; providing requirements for
correctional institutions; requiring entities that
receive state licenses to submit compliance
documentation; authorizing the Attorney General to
bring enforcement actions; authorizing civil
penalties; providing for certain funds to be deposited
in the General Revenue Fund; providing an exception
for individuals born with certain genetically or
biochemically verifiable disorders of sex development;
providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
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 use in order to maintain public safety, decency, and decorum.

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

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

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

(c) "Covered entity" means any:

1. Educational institution, as defined in s. 768.38.
2. Public accommodations, as defined in s. 760.02(11).
3. Public shelter space under s. 252.385.
4. Service provider, as defined in s. 397.311(44).
5. Health care facility, which means any provider as defined in s. 408.803; a provider with an active health care clinic exemption under s. 400.9935; a continuing care facility with a certificate of authority under chapter 651; an optical establishment permitted under s. 484.007; a massage establishment licensed under s. 480.043, a pharmacy as defined in s. 465.003, an office described in s. 459.0138 which is required to register with the Department of Health; a pain-management clinic registered under s. 458.3265; an electrolysis facility licensed under 478.51; or any health care setting owned or operated by a health care practitioner as defined in s. 456.001 or a provider licensed under chapter 394, chapter 397, or part IV of chapter 468.

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

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

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

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

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

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

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

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

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

(b) A unisex restroom.

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

(a) A changing facility designated for exclusive use by females and a changing facility designated for exclusive use by males; or
(b) A unisex changing facility.

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

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

(b) For law enforcement or governmental regulatory purposes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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