

By the Committee on Fiscal Policy; and Senators Grall and Perry

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1 A bill to be entitled
2 An act relating to facility requirements based on sex;
3 creating s. 553.865, F.S.; providing a short title;
4 providing legislative findings; defining terms;
5 requiring certain entities that maintain water closets
6 or changing facilities to meet specified requirements;
7 authorizing persons to enter a restroom or changing
8 facility designated for the opposite sex only under
9 certain circumstances; requiring covered entities to
10 establish disciplinary procedures relating to
11 restrooms and changing facilities; providing that
12 specified persons are subject to discipline for
13 refusing to depart certain restrooms and changing
14 facilities under certain circumstances; providing that
15 specified persons who enter certain restrooms or
16 changing facilities and refuse to depart when asked to
17 do so commit the criminal offense of trespass;
18 providing applicability; requiring covered entities to
19 submit specified compliance documentation to specified
20 entities; authorizing persons to submit complaints to
21 the Attorney General after a specified date relating
22 to covered entities that fail to meet specified
23 requirements; authorizing the Attorney General to
24 bring enforcement actions after a specified date;
25 authorizing civil penalties; requiring that certain
26 funds be deposited in the General Revenue Fund;
27 providing applicability; requiring the Department of
28 Corrections, the Department of Juvenile Justice, and
29 the State Board of Education to adopt rules; requiring

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30 the Board of Governors to adopt regulations; providing
31 severability; providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Section 553.865, Florida Statutes, is created to
36 read:

37 553.865 Private spaces.-

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

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

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

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

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

52 (c) "Covered entity" means any:

53 1. Correctional institution;

54 2. Educational institution;

55 3. Juvenile correctional facility or juvenile prison as
56 described in s. 985.465, any detention center or facility
57 designated by the Department of Juvenile Justice to provide
58 secure detention as defined in s. 985.03(18)(a), and any

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59 facility used for a residential program as described in s.
60 985.03(44) (b), (c), or (d); or

61 4. Public building.

62 (d) "Educational institution" means a K-12 educational
63 institution or facility or a postsecondary educational
64 institution or facility.

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

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

69 1. A school as defined in s. 1003.01(2) operated under the
70 control of a district school board as defined in s. 1003.01(1);

71 2. The Florida School for the Deaf and the Blind as
72 described in ss. 1000.04(4) and 1002.36;

73 3. A developmental research (laboratory) school established
74 pursuant to s. 1002.32(2);

75 4. A charter school authorized under s. 1002.33; or

76 5. A private school as defined in s. 1002.01(2).

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

80 (h) "Postsecondary educational institution or facility"
81 means:

82 1. A state university as defined in s. 1000.21(6);

83 2. A Florida College System institution as defined in s.
84 1000.21(3);

85 3. A school district career center as described in s.
86 1001.44(3);

87 4. A college or university licensed by the Commission for

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88 Independent Education pursuant to s. 1005.31(1)(a); or

89 5. An institution not under the jurisdiction or purview of
90 the commission as identified in s. 1005.06(1)(b)-(f).

91 (i) "Public building" means a building comfort-conditioned
92 for occupancy which is owned or leased by the state, a state
93 agency, or a political subdivision. The term does not include a
94 correctional institution, an educational institution, a juvenile
95 correctional facility or juvenile prison as described in s.
96 985.465, a detention center or facility designated by the
97 Department of Juvenile Justice to provide secure detention as
98 defined in s. 985.03(18)(a), or any facility used for a
99 residential program as described in s. 985.03(44)(b), (c), or
100 (d).

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

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

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

115 (m) "Unisex restroom" means a room that includes one or
116 more water closets and that is intended for a single occupant or

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117 a family, is enclosed by floor-to-ceiling walls, and is accessed
118 by a full door with a secure lock that prevents another
119 individual from entering while the room is in use.

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

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

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

125 (b) A unisex restroom.

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

128 (a) A changing facility designated for exclusive use by
129 females and a changing facility designated for exclusive use by
130 males; or

131 (b) A unisex changing facility.

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

135 (a) To accompany a person of the opposite sex for the
136 purpose of assisting or chaperoning a child under the age of 12,
137 an elderly person as defined in s. 825.101, or a person with a
138 disability as defined in s. 760.22 or a developmental disability
139 as defined in s. 393.063;

140 (b) For law enforcement or governmental regulatory
141 purposes;

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

145 (d) For custodial, maintenance, or inspection purposes,

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146 provided that the restroom or changing facility is not in use;
147 or

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

152 (7) (a) Each correctional institution shall establish
153 disciplinary procedures for any prisoner who willfully enters,
154 for a purpose other than those listed in subsection (6), a
155 restroom or changing facility designated for the opposite sex on
156 the premises of a correctional institution and refuses to depart
157 when asked to do so by any employee of the Department of
158 Corrections or an employee of the correctional institution.

159 (b) Any Department of Corrections employee or correctional
160 institution employee who willfully enters, for a purpose other
161 than those listed in subsection (6), a restroom or changing
162 facility designated for the opposite sex on the premises of a
163 correctional institution and refuses to depart when asked to do
164 so by another Department of Corrections employee or correctional
165 institution employee is subject to disciplinary action by the
166 Department of Corrections.

167 (c) A person who willfully enters, for a purpose other than
168 those listed in subsection (6), a restroom or changing facility
169 designated for the opposite sex on the premises of a
170 correctional institution and refuses to depart when asked to do
171 so by an employee of the Department of Corrections or an
172 employee of the correctional institution commits the offense of
173 trespass as provided in s. 810.08. This paragraph does not apply
174 to prisoners, Department of Corrections employees, or

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175 correctional institution employees.

176 (8) (a) Each educational institution shall, within its code
177 of student conduct, establish disciplinary procedures for any
178 student who willfully enters, for a purpose other than those
179 listed in subsection (6), a restroom or changing facility
180 designated for the opposite sex on the premises of the
181 educational institution and refuses to depart when asked to do
182 so by:

183 1. For a K-12 educational institution or facility, any
184 instructional personnel as described in s. 1012.01(2),
185 administrative personnel as described in s. 1012.01(3), or a
186 safe-school officer as described in s. 1006.12(1)-(4) or, if the
187 institution is a private school, any equivalent of such
188 personnel or officer; or

189 2. For a postsecondary educational institution or facility,
190 any administrative personnel, faculty member, security
191 personnel, or law enforcement personnel.

192 (b) Instructional personnel or administrative personnel as
193 those terms are described in s. 1012.01(2) and (3),
194 respectively, for an educational institution, or the equivalent
195 of such personnel for a private school, who willfully enter, for
196 a purpose other than those listed in subsection (6), a restroom
197 or changing facility designated for the opposite sex on the
198 premises of the educational institution and refuse to depart
199 when asked to do so by a person specified in subparagraph (a)1.
200 or subparagraph (a)2. commit a violation of the Principles of
201 Professional Conduct for the Education Profession and are
202 subject to discipline pursuant to s. 1012.795.

203 (c) Instructional personnel or administrative personnel at

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204 a Florida College System institution or state university who
205 willfully enter, for a purpose other than those listed in
206 subsection (6), a restroom or changing facility designated for
207 the opposite sex on the premises of the educational institution
208 and refuse to depart when asked to do so by a person listed in
209 subparagraph (a)2. are subject to disciplinary actions
210 established in State Board of Education rule or Board of
211 Governors regulation.

212 (d) Each postsecondary educational institution or facility
213 defined under subparagraphs (3)(h)4. and 5. and private school
214 defined under subparagraph (3)(f)5. shall establish a
215 disciplinary policy for administrative personnel and
216 instructional personnel who willfully enter, for a purpose other
217 than those listed in subsection (6), a restroom or changing
218 facility designated for the opposite sex on the premises of the
219 educational institution and refuse to depart when asked to do so
220 by a person specified in subparagraph(a)1. or subparagraph (a)2.

221 (e) Any person who willfully enters, for a purpose other
222 than those listed in subsection (6), a restroom or changing
223 facility designated for the opposite sex on the premises of an
224 educational institution and refuses to depart when asked to do
225 so by a person specified in subparagraph (a)1. or subparagraph
226 (a)2. commits the offense of trespass as provided in s. 810.08.
227 This paragraph does not apply to a student of the educational
228 institution or to administrative personnel or instructional
229 personnel of the educational institution.

230 (9) (a) Each juvenile correctional facility or juvenile
231 prison as described in s. 985.465, each detention center or
232 facility designated by the Department of Juvenile Justice to

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233 provide secure detention as defined in s. 985.03(18)(a), and
234 each facility used for a residential program as described in s.
235 985.03(44)(b), (c), or (d) shall establish disciplinary
236 procedures for any juvenile as defined in s. 985.03(7) who
237 willfully enters, for a purpose other than those listed in
238 subsection (6), a restroom or changing facility designated for
239 the opposite sex in such juvenile correctional facility,
240 juvenile prison, secure detention center or facility, or
241 residential program facility and refuses to depart when asked to
242 do so by delinquency program staff, detention staff, or
243 residential program staff.

244 (b) Any delinquency program staff member, detention staff
245 member, or residential program staff member who willfully
246 enters, for a purpose other than those listed in subsection (6),
247 a restroom or changing facility designated for the opposite sex
248 in a juvenile correctional facility, juvenile prison, secure
249 detention center or facility, or residential program facility
250 and refuses to depart when asked to do so by another delinquency
251 program staff member, detention staff member, or residential
252 program staff member is subject to disciplinary action by the
253 Department of Juvenile Justice.

254 (c) A person who willfully enters, for a purpose other than
255 those listed in subsection (6), a restroom or changing facility
256 designated for the opposite sex on the premises of a juvenile
257 correctional facility, juvenile prison, secure detention center
258 or facility, or residential program facility and refuses to
259 depart when asked to do so by delinquency program staff,
260 detention staff, or residential program staff commits the
261 offense of trespass as provided in s. 810.08. This paragraph

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262 does not apply to juveniles as defined in s. 985.03(7),
263 delinquency program staff, detention staff, or residential
264 program staff.

265 (10) (a) The applicable governmental entity shall, for each
266 public building under its jurisdiction, establish disciplinary
267 procedures for any employee of the governmental entity who
268 willfully enters, for a purpose other than those listed in
269 subsection (6), a restroom or changing facility designated for
270 the opposite sex at such public building and refuses to depart
271 when asked to do so by any other employee of the governmental
272 entity.

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

281 (11) A covered entity that is:

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

287 (b) A K-12 educational institution or facility, Florida
288 College System institution as defined in s. 1000.21(3), or a
289 school district career center as described in s. 1001.44(3)
290 shall submit documentation to the State Board of Education

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291 regarding compliance with subsections (4) and (5), as
292 applicable, within 1 year after being established or, if such
293 institution, facility, or center was established before July 1,
294 2023, no later than April 1, 2024.

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

300 (d) A postsecondary educational institution or facility as
301 defined in subparagraph (3)(h)4. or subparagraph (3)(h)5. shall
302 submit documentation to the Department of Education regarding
303 compliance with subsections (4) and (5), as applicable, within 1
304 year of being established or, if such institution or facility
305 was established before July 1, 2023, no later than April 1,
306 2024.

307 (e) A juvenile correctional facility or juvenile prison as
308 described in s. 985.465, a detention center or facility
309 designated by the Department of Juvenile Justice to provide
310 secure detention as defined in s. 985.03(18)(a), or a facility
311 used for a residential program as described in s. 985.03(44)(b),
312 (c), or (d) shall submit documentation to the Department of
313 Juvenile Justice regarding compliance with subsections (4) and
314 (5), as applicable, within 1 year after being established or, if
315 such institution or facility was established before July 1,
316 2023, no later than April 1, 2024.

317 (12) Beginning July 1, 2024, a person may submit a
318 complaint to the Attorney General alleging that a covered entity
319 failed to meet the minimum requirements for restrooms and

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320 changing facilities under subsection (4) or subsection (5).

321 (13) (a) A covered entity that fails to comply with
322 subsection (4) or subsection (5) is subject to penalties under
323 paragraph (b) and to licensure or regulatory disciplinary
324 action, as applicable.

325 (b) Beginning July 1, 2024, the Attorney General may bring
326 a civil action to enforce this section against any covered
327 entity. The Attorney General may seek injunctive relief, and,
328 for any covered entity found to have willfully violated this
329 section, the Attorney General may seek to impose a fine of up to
330 \$10,000.

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

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

338 (a) External biological sex characteristics that are
339 unresolvably ambiguous.

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

345 (15) By January 1, 2024, the Department of Corrections, the
346 Department of Juvenile Justice, and the State Board of Education
347 shall each adopt rules, and the Board of Governors shall adopt
348 regulations, establishing procedures to carry out this section

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349 and to ensure compliance with and enforcement of this section,
350 including, but not limited to, the type, format, and method of
351 delivery of the documentation required under subsection (11).

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

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