

By Senator Grall

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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; providing definitions;  
5 providing requirements for exclusive use of restrooms  
6 by gender; providing requirements for exclusive use of  
7 changing facilities by gender; providing exceptions;  
8 prohibiting willfully entering a restroom or changing  
9 facility designated for the opposite sex and refusing  
10 to immediately depart when asked to do so by another  
11 person present there; providing criminal penalties;  
12 providing requirements for exclusive use of domestic  
13 violence centers by gender; providing requirements for  
14 correctional institutions; requiring entities that  
15 receive state licenses to submit compliance  
16 documentation; authorizing the Attorney General to  
17 bring enforcement actions; authorizing civil  
18 penalties; providing for certain funds to be deposited  
19 in the General Revenue Fund; providing severability;  
20 providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Section 553.865, Florida Statutes, is created to  
25 read:

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

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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 correctional  
38 institution as defined in s. 944.02, juvenile detention center  
39 or residential program as described in s. 985.03, county or  
40 municipal detention facility as defined in s. 951.23, private  
41 correctional facility as defined in s. 944.710, or any other  
42 facility used for the detention of adults or juveniles charged  
43 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

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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 water  
69 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.

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88           (4) A covered entity that maintains a water closet must, at  
89 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 the  
103 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.

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117 (7) A person 18 years of age or older who willfully enters,  
118 for a purpose other than those listed in subsection (6), a  
119 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

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

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.