

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Artiles offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. (1) The purpose of this act is to secure
 7 privacy and safety for all individuals using single-sex public
 8 facilities.

9 (2) The Legislature finds that:

10 (a) There is a longstanding history of restricting access
 11 to single-sex public facilities on the basis of sex.

12 (b) There is an expectation of privacy in single-sex
 13 public facilities.

14 (c) Users of single-sex public facilities reasonably
 15 expect not to be exposed to individuals of the other sex while
 16 using those facilities.

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17 (d) Single-sex public facilities are places of increased
18 vulnerability and present the potential for crimes against
19 individuals using those facilities, including, but not limited
20 to, assault, battery, molestation, rape, voyeurism, and
21 exhibitionism.

22 Section 2. Section 760.55, Florida Statutes, is created to
23 read:

24 760.55 Privacy for persons using single-sex public
25 facilities.-

26 (1) DEFINITIONS.-As used in this section, the term:

27 (a) "Female" means a biological female or a person who has
28 a valid driver license or United States passport that describes
29 the person as female on the license or passport.

30 (b) "Male" means a biological male or a person who has a
31 valid driver license or United States passport that describes
32 the person as male on the license or passport.

33 (c) "Person" means a natural person or human being.

34 (d) "Public accommodations" has the same meaning provided
35 in s. 760.02.

36 (e) "Single-sex public facilities" means bathrooms,
37 restrooms, dressing rooms, fitting rooms, locker rooms, showers,
38 and other similar facilities where there is a reasonable
39 expectation of privacy; that are maintained by an owner of
40 public accommodations, a school, or a place of employment; that
41 are conspicuously designated with appropriate signage for use by
42 persons of only one sex; and that are designed or designated to

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43 be used by more than one person at a time.

44 (f) "Sex" means a person's gender as male or female.

45 (2) PROHIBITED CONDUCT.—

46 (a) Single-sex public facilities designated for females
47 shall be restricted to females.

48 (b) Single-sex public facilities designated for males
49 shall be restricted to males.

50 (c) A person who knowingly and willfully enters a single-
51 sex public facility designated for or restricted to persons of
52 the other sex commits a misdemeanor of the second degree,
53 punishable as provided in s. 775.082 or s. 775.083.

54 (3) PRIVATE CAUSE OF ACTION.—

55 (a) A person who knowingly and willfully enters a single-
56 sex public facility designated for the other sex is liable in a
57 civil action to any person who is lawfully using the same
58 single-sex public facility at the time of the unlawful entry for
59 the damages caused by the unlawful entry, together with
60 reasonable attorney fees and costs.

61 (b) An owner of public accommodations, a school, or a
62 place of employment who maintains single-sex public facilities
63 and knowingly advertises, promotes, or encourages use of those
64 facilities in violation of subsection (2), or fails to take
65 reasonable remedial measures after learning of such use, is
66 liable in a civil action to any person who is lawfully using
67 those facilities at the time of the unlawful entry for the
68 damages caused by the unlawful entry, together with reasonable

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69 attorney fees and costs.

70 (4) EXEMPTIONS.—This section does not apply to:

71 (a) Gender-neutral public facilities or public facilities
72 that are conspicuously designated for unisex use or family use.

73 (b) Public facilities that are designated to be used by
74 only one person at a time.

75 (c) A person of one sex who uses a single-sex facility
76 designated for the opposite sex, if such single-sex facility is
77 the only facility, single-sex, gender neutral, or otherwise,
78 reasonably available at the time of the person's use of the
79 facility.

80 (d) A family member or legal guardian of a person who
81 reasonably needs assistance in using a single-sex facility, or
82 someone designated by a family member or legal guardian of the
83 person, if the family member or legal guardian or his or her
84 designee enters a single-sex public facility that is designated
85 for the sex of the person in need of assistance in order to
86 assist the person in need of assistance.

87 (e) A person who needs assistance in using a single-sex
88 facility when the person in need of assistance enters a single-
89 sex facility that is designated for the opposite sex, if the
90 person in need of assistance enters a single-sex facility with a
91 family member or legal guardian or his or her designee who is
92 the designated sex of the single-sex facility in order to assist
93 the person in need of assistance.

94 (f) A person who enters an unoccupied single-sex facility

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95 that is designated for the opposite sex while another person
96 waits outside the entrance to the facility notifying others that
97 a person of the opposite sex is using the facility.

98 (g) A person employed to clean or maintain a single-sex
99 facility.

100 (5) RELATION TO OTHER LAWS.—

101 (a) This section does not require any place of public
102 accommodation, school, or place of employment to construct or
103 maintain single-sex public facilities or to modify existing
104 public facilities.

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

108 (6) PREEMPTION.—This section preempts any law, regulation,
109 policy, or decree enacted or adopted by any city, county,
110 municipality, or other political subdivision within the state
111 that purports to permit or require owners of public
112 accommodations, schools, or places of employment to permit use
113 of single-sex public facilities by persons whose sex is
114 different from the sex for which such facilities are designated.

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

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118 **T I T L E A M E N D M E N T**

119 Remove everything before the enacting clause and insert:

120 A bill to be entitled

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121 An act relating to single-sex public facilities;
122 providing purpose and legislative findings; creating
123 s. 760.55, F.S.; providing definitions; requiring that
124 use of single-sex public facilities be restricted to
125 persons of the sex for which the facility is
126 designated; prohibiting knowingly and willfully
127 entering a single-sex public facility designated for
128 or restricted to persons of the other sex; providing
129 criminal penalties; providing a private cause of
130 action against violators; providing exemptions;
131 providing applicability with respect to other laws;
132 providing for preemption; providing an effective date.