A bill to be entitled
An act relating to single-sex public facilities;
providing purpose and legislative findings; creating
s. 760.55, F.S.; providing definitions; requiring that
use of single-sex public facilities be restricted to
persons of the sex for which the facility is
designated; prohibiting knowingly and willfully
entering a single-sex public facility designated for
or restricted to persons of the other biological sex;
providing criminal penalties; providing exemptions;
providing private cause of action against violators;
providing for preemption; providing an effective date.

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

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

(2) The Legislature finds that:
(a) There is a longstanding history of restricting access
to single-sex public facilities on the basis of sex.
(b) There is an expectation of privacy in single-sex
public facilities.
(c) Users of single-sex public facilities reasonably
expect not to be exposed to individuals of the other sex while
using those facilities.
(d) Single-sex public facilities are places of increased vulnerability and present the potential for crimes against individuals using those facilities, including, but not limited to, assault, battery, molestation, rape, voyeurism, and exhibitionism.

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

760.55 Privacy for persons using single-sex public facilities.—

(1) DEFINITIONS.—For purposes of this section:
(a) "Person" means a natural person or human being.
(b) "Public accommodations" has the same meaning provided in s. 760.02.
(c) "Single-sex public facilities" means bathrooms, restrooms, dressing rooms, fitting rooms, locker rooms, showers, and other similar facilities where there is a reasonable expectation of privacy; that are maintained by an owner of public accommodations, a school, or a place of employment; that are conspicuously designated with appropriate signage for use by persons of only one sex; and that are designed or designated to be used by more than one person at a time.
(d) "Sex" means a person's biological sex, either male or female, at birth. For purposes of this paragraph, the term "male" means a person born as a biological male and the term "female" means a person born as a biological female.

(2) PROHIBITED CONDUCT.—
(a) Single-sex public facilities designated for girls, women, ladies, or persons of the female sex shall be restricted to persons who are biological females.

(b) Single-sex public facilities designated for boys, men, gentlemen, or persons of the male sex shall be restricted to persons who are biological males.

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

(3) EXEMPTIONS.—

(a) This section does not apply to public facilities that are conspicuously designated for unisex or family use.

(b) This section does not apply to public facilities that are designated to be used by only one person at a time.

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

(d) Restricting access to single-sex public facilities in the manner required by subsection (2) may not be deemed unlawful discrimination under s. 760.08.

(4) PRIVATE CAUSE OF ACTION.—

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

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

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

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