



BOARD OF COUNTY COMMISSIONERS

Review:

POLICY

Number: BCC-62

Cancels: N/A

Approved: _____, 2024

Originator: Facilities/Human Resources

Review: _____, 2027

TITLE: Restrooms and Changing Facilities in County Buildings

I. Objective

To promulgate the requirements of section 553.865, Florida Statutes (CS/HB1521, known as "Safety in Private Spaces Act") regarding restrooms and changing facilities in public buildings.

II. Definitions and References

- 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. "County building" means a building comfort-conditioned for occupancy which is owned or leased by the County.
- C. "Developmental disability" means a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.
- D. "Disability" means a person has a physical or mental impairment which substantially limits one or more major life activities, or he or she has a record of having, or is regarded as having, such physical or mental impairment.
- E. "Elderly person" means a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired.
- F. "Governmental entity" means the Board of County Commissioners or a County officer (Clerk of the Court, Sheriff, Property Appraiser, Supervisor of Elections, Tax Collector) or other government agency occupying or collocated in a County building.
- G. "Female" means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing eggs.
- H. "Male" means a person belonging, at birth, to the biological sex which has the

specific reproductive role of producing sperm.

- I. "Restroom" means a room that includes one or more water closets. This term does not include a unisex restroom.
- J. "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.
- K. "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 by 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.
- L. "Unisex restroom" means a room that includes one or more water closets and that is intended for a single occupant or a family, is enclosed by floor-to-ceiling walls, and is accessed by a full door with a secure lock that prevents another individual from entering while the room is in use.
- M. "Water closet" means a toilet or urinal.
- N. Section 553.865, Florida Statutes – "Safety in Private Spaces Act"

III. Directives

- A. All County buildings in which a water closet is maintained must, at a minimum, have a restroom designated for exclusive use by females and a restroom designated for exclusive use by males, or a unisex restroom.
- B. All County buildings in which a changing facility is maintained must, at a minimum, have a changing facility designated for exclusive use by females and a changing facility designated for exclusive use by males, or a unisex changing facility.
- C. Pursuant to section 553.865(6), Florida Statutes, a person may only enter a restroom or changing facility designated for the opposite sex under the following circumstances:
 - a. To accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person, or a person with a disability or a developmental disability;
 - 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 restroom or changing facility designated for the opposite sex contains no person of the opposite sex.

- D. Pursuant to section 553.865(11)(b), Florida Statutes, a person who willfully enters, for a purpose other than those listed in subsection C., a restroom or changing facility designated for the opposite sex at a County building and refuses to depart when asked to do so by an employee of the governmental entity for the County building commits the offense of trespass as provided in section 810.08, Florida Statutes. This paragraph does not apply to employees of governmental entities for such County building.

~~If a County employee asks that a person depart from a restroom or changing facility designated for the opposite sex and the person refuses to do so, the employee shall inform their department director or other person designated by the department director to manage the control and use of the County building. The department director or designee may make a report to the law enforcement agency with jurisdiction for the County building if appropriate.~~

Under no circumstance shall an employee detain any person pursuant to this policy. Violations of section 553.865(11)(b), Florida Statutes, are to be enforced only by a law enforcement officer whose agency has jurisdiction for the County building.

- E. A County employee who willfully enters, for a purpose other than those listed in subsection C., a restroom or changing facility designated for the opposite sex at a County building and refuses to depart when asked to do so by another employee, or who otherwise violates this policy, ~~may be subject to discipline pursuant to the Merit System Policies, up to and including termination~~ shall be terminated from their County employment.

IV. Reservation of Authority

The authority to issue and/or revise this policy is reserved to the Board of County Commissioners.

Rachel Sadoff, Clerk
Board of County Commissioners

Jason Steele, Chair
As approved by the Board on _____