

By Senator Dean

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A bill to be entitled
An act relating to public facilities; providing a
purpose and legislative findings; creating s. 398.01,
F.S.; defining terms; providing penalties for
specified crimes; providing for a private cause of
action for damages, costs, and fees; providing for
liability for an owner of public accommodations under
certain circumstances for damages, costs, and fees;
providing an effective date.

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

Section 1. Purpose; legislative findings.-

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

(2) The Legislature finds that:

(a) There is an expectation of privacy in public
facilities.

(b) Public facilities are places of increased vulnerability
and present the potential for crimes against individuals using
those facilities, including, but not limited to, harassment,
lewd behavior, assault, battery, molestation, rape, and
voyeurism.

Section 2. Section 398.01, Florida Statutes, is created to
read:

398.01 Privacy for persons using public facilities.-

(1) DEFINITIONS.-For purposes of this section, the term:

(a) "Public accommodations" means places of public
accommodation, lodgings, facilities principally engaged in

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30 selling food for consumption on the premises, gasoline stations,
31 places of exhibition or entertainment, and other covered
32 establishments. Each of the following establishments which
33 serves the public is a place of public accommodation within the
34 meaning of this section:

35 1. Any inn, hotel, motel, or other establishment which
36 provides lodging to transient guests, other than an
37 establishment located within a building which contains not more
38 than four rooms for rent or hire and which is actually occupied
39 by the proprietor of such establishment as his or her residence.

40 2. Any restaurant, cafeteria, lunchroom, lunch counter,
41 soda fountain, or other facility principally engaged in selling
42 food for consumption on the premises, including, but not limited
43 to, any such facility located on the premises of any retail
44 establishment, or any gasoline station.

45 3. Any motion picture theater, theater, concert hall,
46 sports arena, stadium, or other place of exhibition or
47 entertainment.

48 4. Any establishment which is physically located within the
49 premises of any establishment otherwise covered by this
50 subsection, or within the premises of which is physically
51 located in any such covered establishment, and which holds
52 itself out as serving patrons of such covered establishment.

53 (b) "Public facilities" means bathrooms, restrooms,
54 dressing rooms, fitting rooms, locker rooms, showers, and other
55 similar facilities where there is a reasonable expectation of
56 privacy; that are maintained by an owner of public
57 accommodations, a school, or a place of employment; and that are
58 designed or designated to be used by more than one person at a

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59 time.

60 (2) PROHIBITED CONDUCT.—A person who knowingly and
61 willfully enters a public facility with the intent to harass or
62 engage in harassment, lewd behavior, assault, battery,
63 molestation, rape, or voyeurism commits a felony of the second
64 degree, punishable as provided in s. 775.082 or s. 775.083.

65 (3) PRIVATE CAUSE OF ACTION.—

66 (a) A person who knowingly and willfully enters a public
67 facility with the intent to harass or engage in harassment, lewd
68 behavior, assault, battery, molestation, rape, or voyeurism is
69 liable in a civil action to any person who is using the public
70 facility at the time of the unlawful entry for the damages
71 caused by the unlawful entry, together with reasonable attorney
72 fees and costs.

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

81 Section 3. This act shall take effect October 1, 2015.

