

6A-14.00612 Designation of Restrooms and Changing Facilities in Postsecondary Institution Facilities

(1) Purpose. The purpose of this rule is to provide requirements regarding restroom and changing facilities at Florida College System institutions pursuant to section (s.) 553.865, Florida Statutes (F.S.)

(2) Compliance. Florida College System institutions must comply with all applicable requirements of s. 553.865, F.S., and update policies and procedures pertaining to the use of restrooms and changing facilities by males or females, based on biological sex at birth. This includes but is not limited to the following:

(a) That restrooms are designated for exclusive use by males or females, as defined by s. 553.865(3), F.S., or that there is a unisex restroom.

(b) That changing facilities are designated for exclusive use by males or females, as defined by s. 553.865(3), F.S., or that there is a unisex changing facility.

(c) That disciplinary procedures for employees have been established that comply with s. 553.865(9)(c), F.S., and subsection (4) of this rule.

(d) That the institution's student handbook, disciplinary procedures, and code of conduct have been updated according to s. 553.865(9)(a), F.S.

(e) That the institution's employee handbook, disciplinary procedures, and code of conduct have been updated according to s. 553.865(9)(c), F.S.

(f) That the institution's student and employee handbooks and codes of conduct provide notice to students, administrative personnel, faculty members, security personnel, and law enforcement personnel of the right to file a complaint with the Attorney General alleging that the educational institution has failed to meet the minimum requirements for restrooms and changing facilities under s. 553.865(4) and (5), F.S.

(g) That procedures have been established for when any person, not a student or employee of the institution, improperly enters a restroom or changing facility designated for the opposite sex on the institution's premises and refuses to depart when asked to do so by administrative personnel, faculty, security personnel, or law enforcement.

(3) Reporting. By April 1, 2024, the president of each Florida College System institution must submit the Safety in Private Spaces Act Compliance Certification form, Form FCS-SPSA (DOS Link), effective September 2023, which is hereby incorporated by reference, to the Department via email at ChancellorFCS@fldoe.org, certifying that the institution maintains restrooms or changing facilities that meet the requirements of s. 553.865(4) and (5), F.S. The certification submitted by the institution will encompass all facilities on all campuses, centers, and special

purpose centers. Student housing facilities owned or operated by the institution or by the institution's direct support organization are also subject to this rule and must be included in the certification. If a new facility is established or acquired after July 1, 2023, the president must submit Form FCS-SPSA within one year of establishment or acquisition.

(4) Institutional Disciplinary Actions.

(a) Florida College System institutions must establish a disciplinary policy for administrative personnel and instructional personnel who violate s. 553.865(9)(c), F.S., that complies with the following parameters:

1. Institutions must investigate each complaint regarding violations of s. 553.865(9)(c), F.S., and must have an established procedure for such investigations;

2. Disciplinary actions may utilize a progressive discipline process that includes verbal warnings, written reprimands, suspension without pay, and termination;

3. The disciplinary action taken should be based on the specific circumstances of the offense; however, a second documented offense must result in a termination; and

4. Institutions must document violations of s. 553.865(9)(c), F.S., and retain such documentation according to the institution's records retention policies. Such documentation must, at minimum, include the name of the offender, the person that asked the offender to leave the restroom, and the circumstances of the event sufficient to establish a violation.

(b) Nothing in this rule prohibits an institution from immediately terminating an employee for such a violation.

(5) An individual certified by the Florida Department of Education may face discipline relating to that certificate pursuant to s. 1012.795, F.S. for violating any provision of s. 553.865, F.S.

Rulemaking Authority 553.865(9)(c), (16), 1000.05(6)(a), 1001.02(1), (2)(n) FS. Law Implemented 553.865, 1000.05(3), 1001.64(8)(f), (16) FS. History—New