

1 A bill to be entitled
2 An act relating to sex-specific student athletic teams
3 or sports; creating s. 1006.205, F.S.; providing a
4 short title; providing legislative intent; requiring
5 that certain athletic teams or sports sponsored by
6 certain educational institutions be designated on the
7 basis of students' biological sex; prohibiting
8 athletic teams or sports designated for female
9 students to be open to male students; requiring that a
10 student's school or institution, as applicable,
11 resolve disputes regarding the student's sex;
12 requiring the school or institution to request a
13 certain health examination and consent form or other
14 statement from the student's health care provider to
15 verify the student's biological sex under certain
16 circumstances; requiring the State Board of Education
17 to adopt rules regarding the resolution of such
18 disputes; providing protections for educational
19 institutions from certain adverse actions taken by a
20 governmental entity, any licensing or accrediting
21 organization, or any athletic association or
22 organization; providing civil remedies for students
23 and educational institutions; providing a statute of
24 limitation; providing for damages; providing an
25 effective date.

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

Section 1. Section 1006.205, Florida Statutes, is created to read:

1006.205 Fairness in Women's Sports Act.-

(1) SHORT TITLE.-This section may be cited as the "Fairness in Women's Sports Act."

(2) LEGISLATIVE INTENT.-It is the intent of the Legislature to provide opportunities for female athletes to demonstrate their skill, strength, and athletic abilities while also providing them with opportunities to obtain recognition and accolades, college scholarships, and the numerous other long-term benefits that result from success in athletic endeavors and to promote sex equality by requiring the designation of separate sex-specific athletic teams or sports.

(3) DESIGNATION OF ATHLETIC TEAMS OR SPORTS.-

(a) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public, primary or secondary school, a public postsecondary institution, or any school or institution whose students or teams compete against a public school or public postsecondary institution shall be expressly designated as one of the following based on biological

sex:

1. Males, men, or boys;

51 2. Females, women, or girls; or

52 3. Coed or mixed.

53 (b) Athletic teams or sports designated for females,
 54 women, or girls may not be open to students of the male sex.

55 (c) A dispute regarding a student's sex shall be resolved
 56 by the student's school or institution by requesting that the
 57 student provide a health examination and consent form or other
 58 statement signed by the student's personal health care provider
 59 which must verify the student's biological sex. The health care
 60 provider may verify the student's biological sex as part of a
 61 routine sports physical examination by relying only on one or
 62 more of the following:

63 1. The student's reproductive anatomy;

64 2. The student's genetic makeup; or

65 3. The student's normal endogenously produced testosterone
 66 levels.

67 (d) The State Board of Education shall adopt rules
 68 regarding the receipt and timely resolution of disputes by
 69 schools and institutions consistent with this subsection.

70 (4) PROTECTION FOR EDUCATIONAL INSTITUTIONS.—A
 71 governmental entity, any licensing or accrediting organization,
 72 or any athletic association or organization may not entertain a
 73 complaint, open an investigation, or take any other adverse
 74 action against any school or public postsecondary institution
 75 for maintaining separate interscholastic, intercollegiate,

76 intramural, or club athletic teams or sports for students of the
 77 female sex.

78 (5) CAUSE OF ACTION; CIVIL REMEDIES.—

79 (a) Any student who is deprived of an athletic opportunity
 80 or suffers any direct or indirect harm as a result of a
 81 violation of this section shall have a private cause of action
 82 for injunctive relief, damages, and any other relief available
 83 under law against the school or public postsecondary
 84 institution.

85 (b) Any student who is subject to retaliation or other
 86 adverse action by a school, public postsecondary institution, or
 87 athletic association or organization as a result of reporting a
 88 violation of this section to an employee or representative of
 89 the school, institution, or athletic association or
 90 organization, or to any state or federal agency with oversight
 91 of schools or public postsecondary institutions in the state,
 92 shall have a private cause of action for injunctive relief,
 93 damages, and any other relief available under law against the
 94 school, institution, or athletic association or organization.

95 (c) Any school or public postsecondary institution that
 96 suffers any direct or indirect harm as a result of a violation
 97 of this section shall have a private cause of action for
 98 injunctive relief, damages, and any other relief available under
 99 law against the governmental entity, licensing or accrediting
 100 organization, or athletic association or organization.

101 (d) All civil actions brought under this section must be
102 initiated within 2 years after the alleged harm occurred.
103 Persons or organizations who prevail on a claim brought under
104 this section shall be entitled to monetary damages, including
105 for any psychological, emotional, or physical harm suffered,
106 reasonable attorney fees and costs, and any other appropriate
107 relief.

108 Section 2. This act shall take effect July 1, 2021.