

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Tuck offered the following:

Amendment to Amendment (357618) (with title amendment)

Between lines 1621 and 1622, insert:

Section 12. 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 AND FINDINGS.-

(a) It is the intent of the Legislature to maintain opportunities for female athletes to demonstrate their strength, skills, and athletic abilities and to provide them with

649221

Approved For Filing: 4/28/2021 4:38:31 PM

Amendment No.

14 opportunities to obtain recognition and accolades, college
15 scholarships, and the numerous other long-term benefits that
16 result from participating and competing in athletic endeavors.

17 (b) The Legislature finds that maintaining the fairness
18 for women athletic opportunities is an important state interest.
19 The Legislature finds that requiring the designation of separate
20 sex-specific athletic teams or sports is necessary to maintain
21 fairness for women's athletic opportunities.

22 (3) DESIGNATION OF ATHLETIC TEAMS OR SPORTS.—

23 (a) Interscholastic, intercollegiate, intramural, or club
24 athletic teams or sports that are sponsored by a public
25 secondary school or public postsecondary institution must be
26 expressly designated as one of the following based on the
27 biological sex at birth of team members:

- 28 1. Males, men, or boys;
- 29 2. Females, women, or girls; or
- 30 3. Coed or mixed, including both males and females.

31 (b) Athletic teams or sports designated for males, men, or
32 boys may be open to students of the female sex.

33 (c) Athletic teams or sports designated for females,
34 women, or girls may not be open to students of the male sex.

35 (d) For purposes of this section, a statement of a
36 student's biological sex on the student's official birth
37 certificate is considered to have correctly stated the student's

649221

Approved For Filing: 4/28/2021 4:38:31 PM

Amendment No.

38 biological sex at birth if the statement was filed at or near
39 the time of the student's birth.

40 (4) CAUSE OF ACTION; CIVIL REMEDIES.-

41 (a) Any student who is deprived of an athletic opportunity
42 or suffers any direct or indirect harm as a result of a
43 violation of this section shall have a private cause of action
44 for injunctive relief, damages, and any other relief available
45 under law against the school or public postsecondary
46 institution.

47 (b) Any student who is subject to retaliation or other
48 adverse action by a school, public postsecondary institution, or
49 athletic association or organization as a result of reporting a
50 violation of this section to an employee or representative of
51 the school, institution, or athletic association or
52 organization, or to any state or federal agency with oversight
53 of schools or public postsecondary institutions in the state,
54 shall have a private cause of action for injunctive relief,
55 damages, and any other relief available under law against the
56 school, institution, or athletic association or organization.

57 (c) Any school or public postsecondary institution that
58 suffers any direct or indirect harm as a result of a violation
59 of this section shall have a private cause of action for
60 injunctive relief, damages, and any other relief available under
61 law against the governmental entity, licensing or accrediting
62 organization, or athletic association or organization.

649221

Approved For Filing: 4/28/2021 4:38:31 PM

Amendment No.

63 (d) All civil actions brought under this section must be
64 initiated within 2 years after the alleged harm occurred.
65 Persons or organizations who prevail on a claim brought under
66 this section shall be entitled to monetary damages, including
67 for any psychological, emotional, or physical harm suffered,
68 reasonable attorney fees and costs, and any other appropriate
69 relief.

70

71

72

T I T L E A M E N D M E N T

73

Remove line 1993 and insert:

74

comply with a specified provision; creating s.

75

1006.205, F.S.; providing a short title; providing

76

legislative intent; requiring that certain athletic

77

teams or sports sponsored by certain educational

78

institutions be designated on the basis of students'

79

biological sex at birth; authorizing athletic teams or

80

sports designated for male students to be open to

81

female students; prohibiting athletic teams or sports

82

designated for female students to be open to male

83

students; providing civil remedies for students and

84

educational institutions for certain violations of

85

this section; providing a statute of limitation;

86

providing for damages; amending s.

649221

Approved For Filing: 4/28/2021 4:38:31 PM