A bill to be entitled
An act relating to sex-specific student athletic teams
or sports; creating s. 1006.205, F.S.; providing a
short title; providing legislative intent; requiring
that certain athletic teams or sports sponsored by
certain educational institutions be designated on the
basis of students' biological sex; prohibiting
athletic teams or sports designated for female
students to be open to male students; requiring that a
student's school or institution, as applicable,
resolve disputes regarding the student's sex;
requiring the school or institution to request a
certain health examination and consent form or other
statement from the student's health care provider to
verify the student's biological sex under certain
circumstances; requiring the State Board of Education
to adopt rules regarding the resolution of such
disputes; providing protections for educational
institutions from certain adverse actions taken by a
governmental entity, any licensing or accrediting
organization, or any athletic association or
organization; providing civil remedies for students
and educational institutions; providing a statute of
limitation; providing for damages; providing an
effective date.
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 maintain 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;
2. Females, women, or girls; or
3. Coed or mixed.

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

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

1. The student's reproductive anatomy;

2. The student's genetic makeup; or

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

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

(4) PROTECTION FOR EDUCATIONAL INSTITUTIONS.—A governmental entity, any licensing or accrediting organization, or any athletic association or organization may not entertain a complaint, open an investigation, or take any other adverse action against any school or public postsecondary institution for maintaining separate interscholastic, intercollegiate,
intramural, or club athletic teams or sports for students of the female sex.

(5) CAUSE OF ACTION; CIVIL REMEDIES.—

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

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

(c) Any school or public postsecondary institution that suffers any direct or indirect harm as a result of a violation of this section shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the governmental entity, licensing or accrediting organization, or athletic association or organization.
(d) All civil actions brought under this section must be initiated within 2 years after the alleged harm occurred. Persons or organizations who prevail on a claim brought under this section shall be entitled to monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney fees and costs, and any other appropriate relief.

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