



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

July 15, 2025

Dawson Hughes
Chief Executive Officer
U.S. Masters Swimming
8388 South Tamiami Trail, Suite 221
Sarasota, FL 34238

Dear Mr. Hughes:

It has come to my attention that your organization, United States Masters Swimming (“USMS”), replaced its December 2024 Policy that “allow[ed] transgender swimmers to participate in the gender competition category in which they identify, and ... be recognized for accomplishments.”¹ Early this month, USMS replaced it with an interim policy that purports to keep males out of female competitive events.² While this may appear to be a major step forward for common sense, the protection of women, and the integrity of women’s sports, it is not. Your new interim policy continues to allow men to compete against women in USMS competitions. And that is unacceptable under Florida law.

At the outset, the interim policy still “allows members to register for the competition category that aligns with their gender identity and/or expression and to participate in sanctioned events in that category.”³ Second, the interim policy curiously dictates that members must *self-certify* their “sex assigned at birth” when registering for sanctioned events.⁴ Third, USMS merely *reserves the right* to request documents proving actual sex, and it doesn’t require members to present those documents when self-certifying sex.⁵ Fourth, USMS

¹ *Policy on Transgender Swimmer Inclusion*, U.S. Master’s Swimming, December 2024, usms.org/volunteer-central/policy-and-governance/usms-policies/transgender-swimmer-inclusion.

² *Interim USMS Policy on Participation in the Men’s and Women’s Competition Category and Eligibility for Official Recognition Programs*, U.S. Master’s Swimming, June 2025, usms.org/volunteer-central/policy-and-governance/usms-policies/interim-eligibility-policy.

³ *Id.* at (2)(a).

⁴ *Id.* at (3). Note that even the interim policy’s definition of “sex” misses the mark. Florida law clearly defines “sex” as an immutable characteristic that reflects biological, anatomical, and genetic realities. See §§ 1000.21(7), 456.001(8), and 553.865(3)(l), Fla. Stat. At the very least, that binomial definition should form the touchstone of your policy.

⁵ *Interim USMS Policy* at (3).

indicates that it “*may* investigate any circumstances that indicate actual or potential non-compliance with the policy,” but it doesn’t commit to actively policing compliance.⁶ And finally, the interim policy indicates that existing members may “begin[] a transition process that would affect their eligibility under this policy,” and “change their competition category of record or re-register with a different member record in the new gender.”⁷ This seems to suggest that a “transition process”—which in no universe results in a change to someone’s sex—might nevertheless enable a swimmer to compete in USMS programs against members of the opposite sex.

Sex self-certification, validated only if USMS chooses to ferret out the truth or investigate, all while allowing members to continue to register for competition categories aligned with their gender identity, simply doesn’t cut it. Notably, nothing in the interim policy prevents men from competing against women; it merely purports to prevent men from receiving “competitive awards and rankings” when they do compete against women—with no guarantee that USMS will actually stop men from competing in women’s category events. The interim policy’s equivocal, imprecise measures are doubly suspect given USMS’s very recent policy and practice of allowing men to steal competitive opportunities from women. In short, the interim policy raises more questions than answers, and indicates that USMS will continue to permit men to compete against women in Recognition Programs. And this means your interim policy continues to unlawfully discriminate against women and constitutes a public nuisance.⁸

Allowing men to compete in women’s swimming competitions results in sex-based discrimination. Florida law provides that women are entitled to the “full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation on the ground of ... sex.”⁹ Florida courts have refused to extend this definition of “sex” to include so-called “gender identity and/or expression.” “Sex,” under Florida law, means “the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person’s sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.”¹⁰ Your interim policy doesn’t guarantee that men will not compete against women. Besides its fundamental unfairness, this deprives women of the equal enjoyment, privileges, and advantages that fair competition affords.¹¹ And if these men are using women’s locker rooms at USMS events, then that opens USMS to liability for sexual harassment, yet another violation of state civil rights law. Here in Florida, that is unacceptable.

A policy that allows men to compete in women’s swimming competitions also constitutes a public nuisance. Florida law provides that a public nuisance occurs when a person maintains a “place that tends to annoy the community,” injures the health of the community, or

⁶ *Id.*

⁷ *Id.* at 5(b).

⁸ §§ 760.08, 823.01, Fla. Stat.

⁹ § 760.08, Fla. Stat.

¹⁰ §§ 1000.21(7), 456.001(8), and 553.865(3)(l), Fla. Stat.

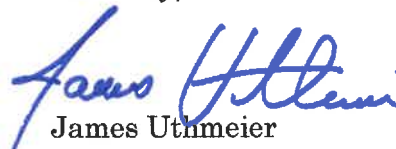
¹¹ *Sports Competitions*, SHEWON.ORG, shewon.org (detailing thousands of instances where women have been deprived of competitive sporting awards by men allowed to compete against them).

“becomes manifestly injurious to the morals and manners of the people.”¹² A public nuisance has been defined as one that “violates public rights, subverts public order, decency, or morals, or causes inconvenience or damage to the public generally.”¹³ Your policy allows men to compete and have scores recorded against women.¹⁴ It invites men to be recognized in a competition designated exclusively for women.¹⁵ And it exposes women competitors to unfair and unsafe conditions. Moreover, your policy is not retroactive, forever immortalizing the medals men have stolen from women. By permitting men to participate in women’s swimming competitions, your prior and current policies have generated conditions that are immoral and detrimental to the public interest. These effects, taken together, reflect the type of sustained, community-level disruption that Florida law recognizes as a public nuisance.

This policy has already sparked public outrage. In Texas, a trans-identified male swimmer came first in each of the five USMS races he entered, beating women in the 50 and 100-yard breaststroke, the 50 and 100-yard freestyle, and the 100-yard individual medley.¹⁶ Both this swimmer and another trans-identified male swimmer competed against biological women in the recent Spring Nationals, which included at least two Florida competitors. As Attorney General, I will take all necessary steps to safeguard the rights and interests of Florida’s female competitors against this harmful and unjust policy. I will not allow men to steal the recognition that women rightfully earn through their hard work, skill, and preparation.

My office will enforce President Trump’s Executive Order No. 14201 “Keeping Men Out of Women’s Sports,” which calls upon State Attorneys General to “identify best practices in defining and enforcing equal opportunities for women to participate in sports.”¹⁷ As Attorney General, I will protect the rights of Florida women who deserve fairness in sports. Your policy must be corrected immediately to guarantee—unequivocally—that you will abide by Florida law and keep male athletes out of female competitions and locker rooms. Please certify to me in writing by July 29, 2025 that USMS ensures, via necessary policy and procedural changes, that no men will any longer be permitted to compete against women in women’s category events. Should USMS refuse, my office will take all necessary action to protect Florida women and vindicate their rights under Florida law.

Sincerely,



James Uthmeier
Attorney General

¹² § 823.05(1), Fla. Stat.

¹³ *Orlando Sports Stadium, Inc v. State ex rel. Powell*, 262 So. 2d 881, 884 (Fla. 1972).

¹⁴ *Interim USMS Policy* at (1)(e).

¹⁵ *Id.* at (5)(c).

¹⁶ Anna Slatz, *Trans-Identified Male Swimmer Dominates Women’s Events At The U.S. Masters Spring Championships*, Reduuxx, Apr. 28, 2025, reduxx.info/trans-identified-male-swimmer-dominates-womens-events-at-the-u-s-masters-spring-championships/.

¹⁷ Exec. Order No. 14201, 90 FR 9279 (2025), whitehouse.gov/presidential-actions/2025/02/keeping-men-out-of-womens-sports/.