

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND  
FOR SARASOTA COUNTY, FLORIDA**

**OFFICE OF THE ATTORNEY GENERAL,  
DEPARTMENT OF LEGAL AFFAIRS,  
STATE OF FLORIDA,**

*Plaintiff,*

v.

**Case No.:**

**UNITED STATES MASTERS SWIMMING,  
INC. and FLORIDA ASSOCIATION, LOCAL  
MASTERS SWIM COMMITTEE, INC.,**

*Defendants.*

**COMPLAINT**

Plaintiff, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL AFFAIRS, STATE OF FLORIDA, (hereinafter “Attorney General”), sues Defendants, UNITED STATES MASTERS SWIMMING, INC. (hereinafter “USMS”) and FLORIDA ASSOCIATION, LOCAL MASTERS SWIM COMMITTEE, INC. (“Florida LMSC”), and alleges:

1. In swimming, the difference between where athletes finish is often measured in tenths and even hundredths of seconds. For more than a decade, Katie Ledecky has been the most dominant female competitive swimmer ever seen. She has won fourteen Olympic medals, including nine gold medals. Ledecky has also won twenty-three gold medals at the World Aquatics Championships.<sup>1</sup> She holds

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<sup>1</sup> *Medals Breakdown*, WORLD AQUATICS, [worldaquatics.com/athletes/1002483/katie-ledecky/medals](http://worldaquatics.com/athletes/1002483/katie-ledecky/medals) (last visited Jan. 8, 2026).

world records, including for the long course 800 meter freestyle with a time of 8:04.12 in 2025.<sup>2</sup> Despite Ledecky’s dominance, her world record time in the 800 meter freestyle time is almost seventeen seconds slower than the 2028 Olympic “A” time, 7:47.04, needed to qualify for the **men’s** 800 meter freestyle.<sup>3</sup> This fact does not diminish Ledecky’s brilliance. Instead, it highlights the real and obvious biologic differences between males and females.

2. While it has not always been true, over the last thirty years, the United States has recognized the importance of women in sports. The tradition of recognizing women in sports began on February 3, 1987, with President Reagan’s proclamation of the first “National Women in Sports Day.”<sup>4</sup> For the past more than fifty years, female athletes have seen their opportunities grow steadily in sports. As of 2020, the average number of collegiate women’s sports teams has increased seven-fold since Congress passed Title IX of the Education Amendments of 1972.<sup>5</sup>

3. Recently, the inclusion of so-called transgender athletes in women’s sports has threatened the competitive balance in women’s sports and fairness to female athletes. Males possess physical advantages over females, such as greater

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<sup>2</sup> Issy Ronald, *Katie Ledecky Breaks 800m Freestyle World Record Almost a Decade After Last Setting It*, CNN (May 4, 2025), [cnn.com/2025/05/04/sport/katie-ledecky-800m-freestyle-world-record-spt-intl](https://cnn.com/2025/05/04/sport/katie-ledecky-800m-freestyle-world-record-spt-intl).

<sup>3</sup> *Qualification System Games of the XXXIV Olympiad – LA28*, OLYMPICS (Dec. 10, 2025), [stillmed.olympics.com/media/Documents/Olympic-Games/LA28/SWM-LA28-Qualification-System.pdf](https://stillmed.olympics.com/media/Documents/Olympic-Games/LA28/SWM-LA28-Qualification-System.pdf).

<sup>4</sup> Ronald Reagan, *Proclamation 5606 -- National Women in Sports Day, 1987*, RONALD REGAN PRESIDENTIAL LIBRARY & MUSEUM (Feb. 3, 1987), [reaganlibrary.gov/archives/speech/proclamation-5606-national-women-sports-day-1987](https://reaganlibrary.gov/archives/speech/proclamation-5606-national-women-sports-day-1987) (last visited Jan. 8, 2026).

<sup>5</sup> *Quick Facts About Title IX and Athletics*, NATIONAL WOMEN’S LAW CENTER (June 21, 2022), [nwlc.org/resource/quick-facts-about-title-ix-and-athletics/](https://nwlc.org/resource/quick-facts-about-title-ix-and-athletics/).

muscle mass and strength, and those biological advantages confer an obvious competitive edge. These indisputable advantages undermine the achievements and opportunities of female athletes when males—pretending to be women—are allowed to compete against females. In a recent study published in the *Journal of Applied Physiology*, scientists found “that the performance times of the transgender woman swimmer in the women’s NCAA category were outliers for each event distance and suggest that the transgender woman swimmer had superior performances relative to rank-matched swimmers.”<sup>6</sup> That conclusion is not an outlier as multiple other scientific journals have concluded that males, even those taking cross-sex hormones, retain muscle mass and hemoglobin levels significantly higher than that of women, with greater strength, muscle fiber density, muscle memory, and performance, in addition to longer limbs, greater bone mass, narrower pelvic structure, and greater cardiorespiratory size.<sup>7</sup> In other words, the weight of scientific study confirms what everyone already knows to be true: allowing men to compete against women is unfair and unjust.

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<sup>6</sup> Jonathon W. Senefeld, et al., *Case Studies in Physiology: Male to Female Transgender Swimmer in College Athletics*, 134 J. APPLIED PHYSIOLOGY 1032 (2023).

<sup>7</sup> Alison K. Heather, *Transwoman Elite Athletes: Their Extra Percentage Relative to Female Physiology*, 19 INT’L J. ENV’T. RSCH. PUB. HEALTH 1 (2022) (stating that “[w]ithout the sex division, females would have little chance of winning because males are faster, stronger, and have greater endurance capacity. Male physiology underpins their better athletic performance including increased muscle mass and strength, stronger bones, different skeletal structure, better adapted cardiorespiratory systems, and early developmental effects on brain networks that wires males to be inherently more competitive and aggressive.”); Taryn Knox, et al., *Transwomen in Elite Sport: Scientific and Ethical Consideration*, 45 J. MED. ETHICS 395 (2019) (concluding that the testosterone levels to <10 nmol/L for 12 months is an intolerable unfairness to women competitors).

4. In recognition of these biological differences, the NCAA now bars men from participating in women's sports.<sup>8</sup> Other bodies, including United States Swimming and World Aquatics, have done the same.<sup>9</sup>

5. The people of Florida have also squarely rejected the idea that men impersonating women should be allowed to compete in women's sports. In 2021, the Florida Legislature passed, and Governor DeSantis signed, SB1068, also known as the "Fairness in Women's Sports Act." When he signed this landmark legislation, Governor DeSantis stated: "Women have fought for decades to have equal opportunities in athletics, and we have to prevent those opportunities from being eroded as is happening in other states. It's common sense."<sup>10</sup> In addition, other Florida laws make it illegal to discriminate based on sex in a number of different settings, including in public accommodations.<sup>11</sup>

6. Despite common sense, a growing body of evidence, and a number of prominent organizations banning men from competing in women's sports, not all

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<sup>8</sup> Press Release, *NCAA Announces Transgender Student-Athlete Participation Policy Change*, NCCA (Feb. 6, 2025), [ncaa.org/news/2025/2/6/media-center-ncaa-announces-transgender-student-athlete-participation-policy-change.aspx](https://ncaa.org/news/2025/2/6/media-center-ncaa-announces-transgender-student-athlete-participation-policy-change.aspx).

<sup>9</sup> *Operating Policy Manual*, USA SWIMMING, (Nov. 2025), [https://www.usaswimming.org/docs/default-source/governance/governance-lsc-website/rules\\_policies/operating-policy-manual.pdf](https://www.usaswimming.org/docs/default-source/governance/governance-lsc-website/rules_policies/operating-policy-manual.pdf); *Policy on Eligibility for the Men's and Women's Competition Categories*, WORLD AQUATICS (June 19, 2022), <https://resources.fina.org/fina/document/2023/03/27/dbc3381c-91e9-4ea4-a743-84c8b06debef/Policy-on-Eligibility-for-the-Men-s-and-Women-s-Competiition-Categrories-Version-on-2023.03.24.pdf>.

<sup>10</sup> Press Release, *Governor Ron DeSantis Signs Fairness in Women's Sports Act*, EXECUTIVE OFFICE OF THE GOVERNOR (June 1, 2021), [flgov.com/eog/news/press/2021/governor-ron-desantis-signs-fairness-womens-sports-act](https://flgov.com/eog/news/press/2021/governor-ron-desantis-signs-fairness-womens-sports-act).

<sup>11</sup> See, e.g., § 760.01, Fla. Stat. *et seq.*

sport associations prohibit men from competing against women. One such organization is United States Masters Swimming, Inc. (“USMS”) and its regional affiliate, Florida Association, Local Masters Swim Committee, Inc. (“Florida LMSC”).

7. USMS and Florida LMSC have unfortunately failed female athletes at every turn. Namely, USMS and Florida LMSC actively discriminate against women by maintaining and utilizing a written policy that permits men who identify as women to compete and earn recognition in women’s swimming competitions. Moreover, in advertisements for its sanctioned swim competitions, USMS and Florida LMSC often falsely state that events are separated by sex between males and females at different age groups.

8. USMS’s initial transgender policy, which Florida LMSC followed, allowed “trans-female swimmers” to participate in the gender competition category in which they identified, and compete for recognition if they met certain criteria. After facing public pressure and outrage, USMS revised that policy and now purportedly prevents men who identify as women from earning recognition in women’s swimming competitions.

9. But the new policy does not fix the harm and discrimination that it inflicts on female athletes. USMS itself concedes that its policy still allows men who merely “identify” or “express” themselves as women to compete in women’s swimming competitions. And importantly, the new policy does not actually prevent men who identify as women from earning recognition in women’s swimming competitions.

10. Thus, USMS and Florida LMSC continue their discrimination against females by allowing males to compete and earn recognition in women's swimming competitions. And even after being given a chance to amend the new policy to stop this discrimination and public nuisance, USMS has refused to do so. To this day, USMS and Florida LMSC continue to falsely advertise their sanctioned meets as being divided between male and female events, even though USMS and Florida LMSC allow males to participate in female events. By all accounts, USMS and Florida LMSC have doubled down on their policies of disenfranchising women from the competitive rewards of athletic swimming so that they can pander to confused men. This is wrong. In Florida, it is also illegal. And it must end.

## **PARTIES**

11. The Plaintiff is the Attorney General, who brings this action pursuant to sections 501.203(2), 501.207, 760.08 and 823.01, Florida Statutes, and Florida's common law. Pursuant to section 501.207(2), the Attorney General has reviewed the matter and determined that it is in the public interest.

12. Defendant USMS is a non-profit corporation organized under the laws of the State of Florida. USMS's principal place of business is located at 8388 South Tamiami Trail, Sarasota, Florida 34238.

13. Defendant Florida LMSC is a non-profit corporation organized under the laws of the State of Florida. Florida LMSC's principal place of business is 11814 Fiore Lane, Sarasota, Florida 34238. Florida LMSC covers 55 of Florida's 67 counties.

## **JURISDICTION AND VENUE**

14. This Court has jurisdiction under section 26.012, Florida Statutes, because the amount in controversy exceeds \$50,000.

15. Venue is proper in Sarasota County, Florida, pursuant to section 47.051, Florida Statutes, because both USMS and Florida LMSC have, or usually keep, an office for transaction of their customary business in Sarasota County and Sarasota County is where the cause of action accrued.

## **FACTUAL ALLEGATIONS**

### **A. The USMS' Structure**

16. USMS “is a community of nearly 70,000 adult fitness swimmers across the country living a healthy and active lifestyle,” providing consumers with the opportunity to participate in 700 “pool and open water events, clinics, and camps.”<sup>12</sup> Across the country, USMS consists of “more than 1,500 USMS adult swimming programs.”<sup>13</sup>

17. USMS is divided up into ten “zones” spanning the entire United States, with 52 “committees,” or regions.<sup>14</sup> Florida is comprised of three different regions, including the: Florida LMSC, Florida Gold Coast LMSC, and Southeastern LMSC.<sup>15</sup>

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<sup>12</sup> *U.S. Masters Swimming Membership*, U.S. MASTERS SWIMMING, [tinyurl.com/4u37a9u2](http://tinyurl.com/4u37a9u2) (last visited Jan. 8, 2026).

<sup>13</sup> *Start a USMS Club*, U.S. MASTERS SWIMMING, [tinyurl.com/57yeax6z](http://tinyurl.com/57yeax6z) (last visited Jan. 8, 2026).

<sup>14</sup> *Local Masters Swimming Committees (LMSCs) and Zones*, U.S. MASTERS SWIMMING, [tinyurl.com/4tb8emrc](http://tinyurl.com/4tb8emrc) (last visited Jan. 8, 2026).

<sup>15</sup> *Id.*

And within each of those regions are “clubs,” which are the local bodies where swimmers participate.<sup>16</sup> In Sarasota County, there are four “clubs.”<sup>17</sup>

18. Each region is governed by a Local Masters Swimming Committee (“LMSC”), which sanctions all USMS events for its respective region.<sup>18</sup> Each region is required to follow USMS’ policies, including its transgender related policies.

19. Florida is an active area for USMS, with over 80 clubs and 3,000 members. And over the last five years, at least 50 different USMS sanctioned events have been held in Florida.<sup>19</sup> Unsurprisingly, thousands of Floridians have competed in USMS events.

20. USMS also sanctions or hosts swimming events, including the women’s Recognition Programs, at swimming pools, sports arenas, stadiums, or other places of exhibition or entertainment.

21. When USMS sanctions or hosts events, including the women’s Recognition Programs, USMS maintains or leases the facilities where the events are held.

## **B. USMS’ Recognition System**

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<sup>16</sup> *Club Finder*, U.S. MASTERS SWIMMING, [usms.org/clubs](http://usms.org/clubs) (last visited Jan. 8, 2026).

<sup>17</sup> *Id.*

<sup>18</sup> *Local Masters Swimming Committees (LMSCs) and Zones*, U.S. MASTERS SWIMMING, [tinyurl.com/4tb8emrc](http://tinyurl.com/4tb8emrc) (last visited Jan. 8, 2026).

<sup>19</sup> *Meet Results Database (Florida LMSC Meets)*, U.S. MASTERS SWIMMING, [usms.org/comp/meets/meetlist.php?CourseID=0&LMSCID=14](http://usms.org/comp/meets/meetlist.php?CourseID=0&LMSCID=14) (last visited Jan. 8, 2026); *Meet Results Database (Florida Gold Coast LMSC Meets)*, U.S. MASTERS SWIMMING, [usms.org/comp/meets/meetlist.php?CourseID=0&LMSCID=50](http://usms.org/comp/meets/meetlist.php?CourseID=0&LMSCID=50) (last visited Jan. 8, 2026); *Meet Results Database (Southeastern LMSC Meets)*, U.S. MASTERS SWIMMING, [usms.org/comp/meets/meetlist.php?CourseID=0&LMSCID=15](http://usms.org/comp/meets/meetlist.php?CourseID=0&LMSCID=15) (last visited Jan. 8, 2026).

22. As part of its programming, USMS offers a variety of methods in which swimmers can earn “recognition.”

23. Recognition through USMS is available through various “competitive recognition programs,” including, “USMS records, Top 10, [and] All-American.”<sup>20</sup> Swimmers can also earn recognition by being named an “All-Star.”<sup>21</sup>

24. The Top 10 consists of “the Top 10 times that have been swum in every individual and relay event for each of the three pool courses.”<sup>22</sup>

25. All-Star recognition is saved for those “who have achieved the most first place finishes in their age group during the year in Top Ten competition.”<sup>23</sup>

26. To obtain “All-American status, a swimmer must post the fastest time in an event/age group in at least one course of the three official courses as listed in the USMS Top 10 Tabulation or in one of the recognized Long Distance Championships.”<sup>24</sup>

27. To administer these recognitions, USMS maintains the necessary records of its swimmers. This includes “all records that have been properly documented and verified by the Records and Tabulations Committee.”<sup>25</sup>

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<sup>20</sup> *Interim USMS Eligibility Policy*, U.S. MASTERS SWIMMING (June 9, 2025), [tinyurl.com/muj2svnx](http://tinyurl.com/muj2svnx).

<sup>21</sup> *USMS All-Star Listings*, U.S. MASTERS SWIMMING, [usms.org/comp/as/](http://usms.org/comp/as/) (last visited Jan. 8, 2026).

<sup>22</sup> *USMS Top 10*, U.S. MASTERS SWIMMING, [tinyurl.com/3a22zw7u](http://tinyurl.com/3a22zw7u) (last visited Jan. 8, 2026).

<sup>23</sup> *USMS All-Star Listings*, U.S. MASTERS SWIMMING, [usms.org/comp/as/](http://usms.org/comp/as/) (last visited Jan. 8, 2026).

<sup>24</sup> *USMS All-American Listings*, U.S. MASTERS SWIMMING, [tinyurl.com/mpjjpvsk](http://tinyurl.com/mpjjpvsk) (last visited Jan. 8, 2026).

<sup>25</sup> *Pool USMS Records*, U.S. MASTERS SWIMMING, [tinyurl.com/m7fs6w4f](http://tinyurl.com/m7fs6w4f) (last visited Jan. 8, 2026).

28. As relevant here, USMS divides its programs into three categories: men, women, and combined. Yet until July 2025, USMS explicitly allowed men who identify as women to compete and earn recognition in women's swimming competitions.<sup>26</sup>

29. For example, based upon reports and a lawsuit by the Texas Attorney General, USMS allowed at least two males to compete against females.<sup>27</sup> One of those males won five gold medals. Upon information and belief, at least one female swimmer from the State of Florida was beaten by one of the males. Consumers would not know that men were competing in the women's events.

### **C. USMS' Discriminatory Interim Policy Allows Men to Compete and Earn Recognition in Women's Swimming Competitions**

30. In June 2025, after facing public pressure and outrage for allowing men who identify as women to compete against women, USMS ended its previous policy and enacted the "Interim USMS Eligibility Policy" ("the Interim Policy").<sup>28</sup> The Interim Policy went into effect on July 1, 2025, and is attached as **Exhibit A**.

31. The Interim Policy purports to change its existing policy to prevent men who identify as women from competing for recognition in women's swimming competitions. Yet the Interim Policy fails to remedy this issue.

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<sup>26</sup> *Policy on Transgender Swimmer Inclusion*, U.S. MASTER'S SWIMMING, (December 2024), [usms.org/volunteer-central/policy-and-governance/usms-policies/transgender-swimmer-inclusion](https://usms.org/volunteer-central/policy-and-governance/usms-policies/transgender-swimmer-inclusion).

<sup>27</sup> Dan D'Addona, *US Masters Swimming Under Investigation After Alleged Trans Athlete Wins Five Gold at Nationals*, SWIMMING WORLD (May 20, 2025), <https://www.swimmingworldmagazine.com/news/us-masters-swimming-under-investigation-after-alleged-trans-athlete-wins-five-gold-at-nationals/>.

<sup>28</sup> *Interim USMS Eligibility Policy*, U.S. MASTERS SWIMMING (June 9, 2025), [tinyurl.com/muj2svnx](https://tinyurl.com/muj2svnx).

32. More specifically, USMS explained that the Interim Policy “updates how U[SMS] determines eligibility for official competitive recognition programs that include USMS records, Top 10, All-American and All-Star status, placing and scoring of points at all sanctioned events, and all similar LMSC-level competitive recognition programs.”<sup>29</sup> And this new policy “applies to every USMS-sanctioned event.”<sup>30</sup>

33. USMS further explained that the Interim Policy was “intended to guide eligibility for participation in the men’s and women’s competition categories in USMS-sanctioned pool and open water competitions and separately guide eligibility for USMS recognition programs.”<sup>31</sup>

34. Regrettably, 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.”<sup>32</sup> USMS explicitly concedes that swimmers “can swim in the competition category that aligns with [their] gender identity.”<sup>33</sup> And USMS further explained that “[the Interim] policy does not limit participation in events. It only affects whether competitors are eligible for official competitive recognition programs.”<sup>34</sup>

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<sup>29</sup> *FAQs for USMS’s Interim Eligibility Policy*, U.S. MASTERS SWIMMING, [usms.org/volunteer-central/policy-and-governance/usms-policies/interim-eligibility-policy-faqs](http://usms.org/volunteer-central/policy-and-governance/usms-policies/interim-eligibility-policy-faqs) (last visited Jan. 8, 2026).

<sup>30</sup> *Id.*

<sup>31</sup> *Interim USMS Eligibility Policy*, U.S. MASTERS SWIMMING (June 9, 2025), [tinyurl.com/muj2svnx](http://tinyurl.com/muj2svnx).

<sup>32</sup> *Id.* (emphasis added).

<sup>33</sup> *FAQs for USMS’s Interim Eligibility Policy*, U.S. MASTERS SWIMMING, [usms.org/volunteer-central/policy-and-governance/usms-policies/interim-eligibility-policy-faqs](http://usms.org/volunteer-central/policy-and-governance/usms-policies/interim-eligibility-policy-faqs) (last visited Jan. 8, 2026).

<sup>34</sup> *Id.*

35. As for the Recognition Programs, the Policy explains that “swimmers will not be included in Recognition Programs … unless they are swimming in the competition category that aligns with their sex assigned at birth or they meet the eligibility requirements.”<sup>35</sup>

36. To be eligible for Recognition Programs in the women’s category, members must be a member of the female sex “regardless of their gender identity or gender expression.”<sup>36</sup> The Interim Policy further explains: “Female Sex’ means assignment of female sex at birth.”<sup>37</sup>

37. To ensure members seeking to compete in Recognition Programs are swimming in the competition category that aligns with their sex assigned at birth, the Interim Policy requires only that its members “certify their sex assigned at birth with USMS during member registration and during registration for sanctioned events.”<sup>38</sup> And “[f]ailure to do so, or provision of a false certification, will render the athlete ineligible for Recognition Programs.”<sup>39</sup>

38. But the self-certification requirement does not require any actual proof that the certified sex is indeed the swimmer’s sex assigned at birth. Consequently, the self-certification requirement amounts to an “honor system” that in no way ensures that men will not compete for recognition in women’s competitions.

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<sup>35</sup>*Interim USMS Eligibility Policy*, U.S. MASTERS SWIMMING (June 9, 2025), [tinyurl.com/muj2svnx](http://tinyurl.com/muj2svnx).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

39. Furthermore, to enforce the self-certification requirement, USMS merely “**reserves the right** to ask for documents” proving their sex assigned at birth.<sup>40</sup> Thus, USMS does not require members to present those documents when initially self-certifying sex.

40. USMS indicates that it “may investigate any circumstances that indicate actual or potential non-compliance with the policy,” but does not actually commit to actively policing compliance.<sup>41</sup> And even if USMS determines that an investigation is necessary, USMS can convene a panel of its own internal USMS leadership that “will provide further guidance.”<sup>42</sup>

41. Self-certification of sex validated only if USMS chooses to investigate, all while allowing members to continue to register for competition categories aligned with their gender identity, fails to prevent men from competing in women’s sports and harms women.

42. To make matters worse, the Interim Policy also appears to entirely circumvent the above eligibility requirements for Recognition Programs by allowing existing members that “**beg[an] a transition process** that would affect their eligibility under this policy,” to “**change their competition category of record** or re-register with a different member record in the new gender.”<sup>43</sup>

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<sup>40</sup> *Id.* (emphasis added).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* (emphasis added).

43. This “transition process”—which does not and cannot result in a change to someone’s **sex**—unlawfully enables a swimmer to compete in USMS programs against members of the opposite sex.

44. USMS, through its Interim Policy, therefore explicitly allows men to compete in women’s competitions and green lights men’s ability to also steal “competitive awards and rankings” away from women.

45. By allowing men who identify as women to compete and earn recognition in women’s swimming competitions, USMS has and is engaging in sex-based discrimination and a public nuisance.

46. To correct this injustice, on July 15, 2025, the Attorney General sent USMS a letter that outlined the above-mentioned issues and explained that USMS’ actions violated Florida law.<sup>44</sup> A copy of the Attorney General’s letter is attached as **Exhibit B.**

47. The letter pointed out the above-mentioned issues with the Interim Policy and explained that by allowing men who identify as women to compete and earn recognition in women’s swimming competitions, USMS was engaging in sex-based discrimination and a public nuisance. Ex. B.

48. The letter asked USMS to correct course by certifying to the Attorney General, in writing by July 29, 2025, that USMS will ensure, via necessary policy and

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<sup>44</sup> *Attorney General James Uthmeier Fights for Florida’s Female Athletes; Demands U.S. Masters Swimming Correct Unlawful Policy*, OFFICE OF ATTORNEY GENERAL (July 15, 2025), <https://www.myfloridalegal.com/newsrelease/attorney-general-james-uthmeier-fights-floridas-female-athletes-demands-us-masters>.

procedural changes, that men will no longer be permitted to compete or earn recognition in women’s competitions. *Id.*

49. USMS responded to the Attorney General’s letter by making a post on its website and by sending a letter to the Attorney General.

50. On its website, USMS announced that it will not correct course and will continue to allow men to compete against women in USMS competitions.<sup>45</sup>

51. USMS claimed that “[u]nder our interim eligibility policy, trans women are not eligible to receive competitive recognition in the female category ***but are allowed to participate.***”<sup>46</sup>

52. USMS, further claimed that “[s]elf-certification of sex assigned at birth is the most accurate and cost-effective method for our organization” and that USMS does not “want to require our members to submit to invasive medical testing just to be able to compete.”<sup>47</sup>

53. Finally, USMS brazenly concluded that “[w]e didn’t pick this fight, but we will take it head-on.”<sup>48</sup>

54. To garner public support, USMS also launched an online campaign called “#SwimsuitsNotLawsuits,” designed “to fight misinformation and focus on our mission.”<sup>49</sup>

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<sup>45</sup> #SwimsuitsNotLawsuits, U.S. MASTERS SWIMMING, [usms.org/about/marketing/swimsuits-not-lawsuits](http://usms.org/about/marketing/swimsuits-not-lawsuits) (last visited Jan. 8, 2026).

<sup>46</sup> *Id.* (emphasis added).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

55. In addition to posting on their website, USMS responded to the Attorney General with a letter that parroted the same talking points and refused to change the Interim Policy. USMS' letter to the Attorney General is attached as **Exhibit C**.

56. In the letter, USMS claimed that “[a]s of July 1, 2025, any transgender woman participating in the women’s category is not eligible for any type of competitive award or ranking offered by USMS, including records, top ten times, all-American honors, placing at events, or scoring at events.” Ex. C (emphasis in original).

57. In response to the Attorney General’s concerns about the self-certification requirement and its corresponding enforcement mechanism, USMS responded that “there is a framework in place to evaluate any potential misrepresentations to USMS” and that “[i]t is not feasible for a recreational organization that is largely volunteer-run to verify the biological sex of all its members.” *Id.*

58. As of the date this Complaint was filed, USMS and Florida LMSC continue to discriminate against women through its Interim Policy.

#### **D. USMS and Florida LMSC Upcoming Events Falsely Promote Women Only Divisions in Their Competitions.**

59. USMS and Florida LMSC sanction and host events in Florida. USMS and Florida LMSC advertise each event on the internet and through other methods.

60. For example, USMS and Florida LMSC are advertising a sanctioned USMS competition on January 30, 2026, through February 1, 2026, at the Rosen Aquatic Center, located at 8422 International Drive Orlando Florida 32819. The

event is known as the “Rowdy Gaines Masters Classic 17.” The event advertises separate men and women swimming events.<sup>50</sup> Nowhere on the USMS website or on the event website is there any disclosure that men may participate in women’s events at this competition.

61. Similarly, USMS and Florida LMSC are advertising a sanctioned USMS competition on April 3, 2026, through April 4, 2026, at Nathan Benderson Park, located at 5851 Nathan Benderson Circle, Sarasota, Florida 34235. The event is the USMS Open Water National Championships. The event advertises men and women swimming events. More specifically, it states: “For each distance, medals will be awarded to the top six men and women in each age group ....”<sup>51</sup> Nowhere on the USMS website or the event website is there any disclosure that men may participate in women’s events at this competition.

### CLAIMS FOR RELIEF

#### **COUNT I – VIOLATION OF FLORIDA’S DECEPTIVE AND UNFAIR TRADE PRACTICES ACT (“FDUTPA”) (§ 501.204, FLA. STAT.)**

62. Plaintiff realleges and incorporates by reference all the allegations set forth in paragraphs 1 through 61 above as if fully set forth herein.

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<sup>50</sup> *Rowdy Gaines Masters Classic 17*, U.S. MASTERS SWIMMING, usms-cdn.azureedge.net/-/media/usms/pdfs/events/sanction%20documents/2026a/2026%20Rowdy%20Gaines%20Masters%20Classic%2017%20-%20Meet%20Announcement (last visited Jan. 8, 2026).

<sup>51</sup> *2026 USMS Open Water National Championships*, U.S. MASTERS SWIMMING, usms.org/events/national-championships/open-water-national-championships/2026-open-water-national-championships/2026-usms-sprint-distance-and-long-distance-ownc/2026-usms-ownc-event-details (last visited Jan. 8, 2026).

63. Section 501.204(1), Florida Statutes, prohibits “[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce.”

64. “Trade or commerce” is “broadly defined in the statute” as “the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated” and includes “the conduct of any trade or commerce, however denominated, including any nonprofit or not-for-profit person or activity.”<sup>52</sup>

65. The FDUTPA provisions are to be “construed liberally to promote the” policy of “protect[ing] the consuming public and legitimate business enterprises from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce.”<sup>53</sup>

66. Accordingly, “courts have adopted broad definitions of the term ‘unfair trade practice.’”<sup>54</sup> “An unfair practice is ‘one that offends established public policy and one that is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers.’”<sup>55</sup>

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<sup>52</sup> *BJ's Wholesale Club, Inc. v. Bugliaro*, 319 So. 3d 711, 716 n.7 (Fla. 3d DCA 2021) (quoting § 501.203(8), Fla. Stat.).

<sup>53</sup> § 501.202(2), Fla. Stat.; see also *Diamond Aircraft Indus., Inc. v. Horowitch*, 107 So. 3d 362, 367 (Fla. 2013) (observing that “[t]he Legislature has specifically articulated that the provisions of FDUTPA are to be construed liberally”).

<sup>54</sup> *Bugliaro*, 319 So. at 716–17 (footnote omitted).

<sup>55</sup> *PNR, Inc. v. Beacon Prop. Mgmt., Inc.*, 842 So. 2d 773, 777 (Fla. 2003) (quoting *Samuels v. King Motor Co. of Fort Lauderdale*, 782 So. 2d 489, 499 (Fla. 4th DCA 2001)).

67. A “representation or omission” that is “likely to deceive a consumer acting reasonably in the same circumstances” constitutes an unfair trade practice.<sup>56</sup>

68. Because FDUTPA “is designed to protect not only the rights of litigants, but also the rights of the consuming public at large,” “a party asserting a deceptive trade practice claim need not show actual reliance on the representation or omission at issue.”<sup>57</sup>

69. “[A]n advertisement is considered deceptive if it has the capacity to convey misleading impressions to consumers even though nonmisleading interpretations may be possible.”<sup>58</sup>

70. “[A]ny person, firm, corporation, association, or entity, or any agent or employee of the foregoing, who is willfully using, or has willfully used, a method, act, or practice declared unlawful under s. 501.204 ... is liable for a civil penalty of not more than \$10,000 for each such violation.”<sup>59</sup> A violation is “willful” if the defendant “knew or should have known that [its] conduct was unfair or deceptive.”<sup>60</sup>

71. USMS and Florida LMSC have made false and misleading representations and omissions about the competitions that they sanction and host in Florida and specifically Sarasota County through many mediums, including their websites,

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<sup>56</sup> *Davis v. Powertel, Inc.*, 776 So. 2d 971, 974 (Fla. 1st DCA 2000).

<sup>57</sup> *State, Off. of Atty. Gen., Dep’t of Legal Affs. v. Wyndham Int’l, Inc.*, 869 So. 2d 592, 598 (Fla. 1st DCA 2004) (citing *Davis*, 776 So. 2d at 973); see also *Davis*, 776 So. 2d at 974 (“[T]he question is not whether the plaintiff actually relied on the alleged deceptive trade practice, but whether the practice was likely to deceive a consumer acting reasonably in the same circumstances.”).

<sup>58</sup> *Dep’t of Legal Affs. v. Father & Son Moving & Storage, Inc.*, 643 So. 2d 22, 26 (Fla. 4th DCA 1994) (citing *Chrysler Corp. v. F.T.C.*, 561 F.2d 357 (D.C. Cir. 1977)).

<sup>59</sup> § 501.2075, Fla. Stat.

<sup>60</sup> *Id.*

publications, and public statements, and through their members. Specifically, USMS and Florida LMSC continue to make statements regarding hosting **women's** competitions when in fact **men** can participate and compete in such competitions.

72. These representations are immoral, unethical, oppressive, and unscrupulous. They are also likely to mislead a consumer acting reasonably in the circumstances to believe that only women are competing in women's events. Thus, USMS' and Florida LMSC's claims constitute a deceptive and unfair trade practice.

73. USMS and Florida LMSC made these false and misleading representations to facilitate the conduct of their "trade or commerce." The representations were intended to and did aid the USMS and Florida LMSC in advertising, soliciting, providing, offering, and distributing memberships and the services that accompany membership including participating in competition events.

74. Each transmission of the false and misleading representation or omission constitutes a distinct violation of FDUTPA.<sup>61</sup>

75. USMS and Florida LMSC made these representations and omissions willfully. USMS and Florida LMSC knew or should have known that their conduct was unfair and deceptive.

## **COUNT II - DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION - VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT (§ 760.08, FLA. STAT.)**

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<sup>61</sup> See *3B TV, Inc. v. State, Off. of Att'y. Gen.*, 794 So. 2d 744, 751 (Fla. 1st DCA 2001) (citing *State v. Ell-Gee, Inc.*, 255 So. 2d 542, 545–46 (Fla. 3d DCA 1971) ("The fact that the same words were used and the same ... conduct was indulged in does not convert the separate activities into a continuous transaction or continuing activity.")).

76. Plaintiff realleges and incorporates by reference all the allegations set forth in paragraphs 1 through 61 above.

77. 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.”<sup>62</sup>

78. USMS’ and Florida LMSC’s events, including women’s Recognition Programs, are “public accommodations,” as defined under section 760.02, Florida Statutes.

79. Because USMS maintains a written discriminatory policy that permits men who identify as women to compete and earn recognition in women’s swimming competitions, USMS has engaged in a pattern or practice of discrimination and has discriminated against women, and such discrimination raises an issue of great public interest.

80. Because Florida LMSC has agreed to follow and follows USMS’ written discriminatory policy, Florida LMSC has also engaged in a pattern or practice of discrimination and has discriminated against women, and such discrimination raises an issue of great public interest.

81. By permitting men who identify as women to compete and earn recognition in women’s swimming competitions, USMS has and is currently denying Florida

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<sup>62</sup> § 760.08, Fla. Stat.

women the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations at USMS' events.

82. The Attorney General seeks all available relief under section 760.08, Florida Statutes, including but not limited to damages, penalties, injunctive relief, equitable relief, and attorney's fees and costs.

### **COUNT III - COMMON LAW PUBLIC NUISANCE**

83. This is an action against USMS and Florida LMSC under Florida common law for damages and abatement of the ongoing public nuisance created by USMS and Florida LMSC.

84. Plaintiff realleges and incorporates by reference all the allegations set forth in paragraphs 1 through 61 above.

85. The Attorney General alleges violations of Florida common law and, acting on its own behalf and on behalf of its residents, seeks monetary relief and abatement of the public nuisance created by USMS and Florida LMSC.

86. A public nuisance violates public rights; affects the health, morals, or safety of the community; causes any annoyance to the community or harm to public health; subverts public order, decency or morals; and causes inconvenience or damage to the public in general.

87. Throughout the State of Florida, USMS' and Florida LMSC's conduct has affected, and continues to affect, communities and a considerable number of people. USMS and Florida LMSC have caused widespread discrimination, shame, embarrassment, unfairness, fear, and immorality in Florida.

88. USMS' and Florida LMSC's conduct has injuriously affected public rights, including the right to be free from discriminatory practices, public health, safety, peace, comfort, and convenience, in communities throughout Florida.

89. Left unabated, this public nuisance will continue to threaten the health, safety, and morals of Florida residents. The Attorney General, acting on his own behalf and on behalf of Florida's residents, therefore seeks monetary and injunctive relief to abate this public nuisance and halt the threat of future harm.

#### **COUNT IV - STATUTORY PUBLIC NUISANCE (§ 823.01, FLA. STAT.)**

90. Plaintiff realleges and incorporates by reference all the allegations set forth in paragraphs 1 through 61 above.

91. The Attorney General alleges violations of sections 823.01 *et seq.*, Florida Statutes, and acting on his own behalf and on behalf of Florida's residents, seeks monetary relief and abatement of the on-going public nuisance created by USMS and Florida LMSC.

92. A public nuisance is any annoyance to the community or harm to public health that tends to annoy the community, injure the health of the citizens in general, or corrupt the public morals.

93. USMS and Florida LMSC have created a discriminatory nuisance—which constitutes a public nuisance—that has caused enormous public harm in Florida and continues to jeopardize the health and safety of Florida residents.

94. USMS and Florida LMSC have erected, established, continued, maintained, owned, occupied or leased places—including but not limited to swimming pools, sports arenas, stadiums, or other places of exhibition or entertainment—whose operation as described herein tends to annoy the community or injure the health of the community, or becomes manifestly injurious to the morals or manners of the people. Such places operated by USMS and Florida LMSC constitute nuisances that have harmed public health in Florida and are an annoyance to Florida communities.

95. USMS and Florida LMSC have erected, established, continued, maintained, owned, occupied or leased places—including but not limited to swimming pools, sports arenas, stadiums, or other places of exhibition or entertainment—where Florida law is violated. The law violated in such places includes the Florida Civil Rights Act section 760.08, Florida Statutes. Such places, as operated by USMS and Florida LMSC, constitute nuisances that have harmed public health in Florida and are an annoyance to Florida communities.

96. Throughout the State of Florida, USMS' and Florida LMSC's conduct has affected, and continues to affect, communities, and a considerable number of people. USMS and Florida LMSC have caused widespread discrimination, shame, embarrassment, unfairness, fear, and immorality.

97. USMS' and Florida LMSC's conduct has injuriously affected public rights, including the right to be free from discriminatory practices, public health, safety, peace, comfort, and convenience, in communities throughout Florida.

98. Left unabated, this public nuisance will continue to threaten the health, safety, and morals of Florida residents. The Attorney General, acting on his own behalf and on behalf of Florida's residents, therefore seeks monetary and injunctive relief to abate this public nuisance and halt the threat of future harm.

99. The Attorney General seeks all available relief under section 823.01, Florida Statutes, including but not limited to damages, injunctive relief, equitable relief, and attorney's fees and costs.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, the Attorney General, prays for the following relief:

- A. Enter judgment in favor of the Attorney General and against USMS and Florida LMSC;
- B. Declare and adjudge the acts described herein as unlawful, unfair, and deceptive under statutory and common law;
- C. Temporarily and permanently enjoin USMS and Florida LMSC from, either directly or indirectly through third parties, discriminating against women by permitting men who identify as women to compete and earn recognition in women's swimming competitions;
- D. Impose all measure of damages and penalties allowable under statutory and common law, including section 501.2075, Florida Statutes;
- E. Award the Attorney General attorney's fees and other costs as provided by law;

F. Issue an order abating the public nuisance and providing any injunctive relief that the Court finds appropriate under law; and

G. Issue an order granting such other and further relief as the Court deems appropriate.

///

Dated: January 13, 2026

Respectfully submitted,

James Uthmeier  
ATTORNEY GENERAL

David Dewhirst  
CHIEF DEPUTY ATTORNEY GENERAL

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SENIOR COUNSELOR TO ATTORNEY GENERAL

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/s/ Tracy P. Moye  
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## Interim USMS Eligibility Policy

### Interim USMS Policy on Participation in the Men's and Women's Competition Category and Eligibility for Official Recognition Programs

U.S. Masters Swimming exists to empower adults to improve their lives through swimming and strives to ensure our members feel included in all USMS programs. With its history dating back to a swim meet in 1970, USMS also recognizes the importance of fair competition in USMS events and recognition programs. Gender identity and differences in sexual development (DSD) create unique and complex challenges in creating a national policy that balances organizational values, the broad range of membership views and perspectives related to gender identity and competition, the applicable World Aquatics Policies, and various state and local regulations to which USMS is subject.

In accordance with USMS Code of Regulations and Rules of Competition Article 102.5.3, this USMS policy is intended to guide eligibility for participation in the men's and women's competition categories in USMS-sanctioned pool and open water competitions and separately guide eligibility for USMS recognition programs. As a member federation of World Aquatics, USMS modeled this policy after applicable parts of the World Aquatics' Policy on Eligibility for the Men's and Women's Competition Categories.

**EXHIBIT A**

This policy went into effect July 1, 2025. You can learn more about our policy by visiting [our FAQs page](#). You can find our previous policy [here](#).

## 1. Definitions

- a. "Female Sex" means assignment of female sex at birth.
- b. "Male Sex" means assignment of male sex at birth
- c. "Differences of Sexual Development" (DSD) are a group of conditions where external genital appearance is discordant with internal sex organs (testes and ovaries). This Policy is only concerned with 46 XY DSD (i.e., DSD affecting members with testes).
- d. The term "Transgender" refers to individuals whose gender identity and/or expression differs from the sex they were assigned at birth.
- e. USMS "Recognition Programs" are competitive awards and rankings offered within USMS. Examples include: USMS records, Top 10, All-American, placing and scoring of points at all sanctioned events, and all similar LMSC-level competitive recognition programs.

## 2. Participation:

- a. USMS 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. However, swimmers will not be included in Recognition Programs (as defined above) unless they are swimming in the competition category that aligns with their sex assigned at birth or they meet the eligibility requirements outlined below.

## 3. Certification:

Members must certify their sex assigned at birth with USMS during member registration and during registration for sanctioned events to be eligible for Recognition Programs. Failure to do so, or provision of a false certification, will render the athlete ineligible for Recognition Programs. USMS reserves the right to ask for documents, which may include but is not limited to birth certificate, government identification, or relevant medical tests to support a member's statements on their sex assigned at birth. Any cost will be the responsibility of the member. Results for members who seek to swim in a category that does not align with their sex assigned at birth and who are not otherwise eligible for Recognition Programs will be removed from Recognition Programs. Those results will remain in the results database.

USMS may investigate any circumstances that indicate actual or potential non-compliance with the policy. Should USMS, in its sole discretion, determine that an investigation is necessary, a panel will be convened made up of the Rules Committee Chair (or designee from the Rules Committee), the Long Distance Committee Chair (or designee from the Long Distance Committee), the Diversity and Inclusion Committee Chair (or designee from the Diversity and Inclusion Committee), the USMS Board President (or designee from the USMS Board of Directors), the USMS Legal Counsel, and the USMS Chief Executive Officer. Additional subject matter experts including, but not limited to, medical professionals and outside legal counsel, will provide further guidance.

#### 4. Eligibility for USMS Recognition Programs:

##### a. Eligibility for Recognition Programs in the Men's Category

- i. Members of the Male Sex, members who identify as male (i.e., transgender men), and members with 46 XY DSD are eligible for

Recognition Programs in the men's category, regardless of their gender identity or gender expression.

b. Eligibility for Recognition Programs in the Women's Category

- i. Members of the Female Sex are eligible for Recognition Programs in the women's category, regardless of their gender identity or gender expression.
- ii. Members with 46 XY DSD whose gender identity or gender expression is female are eligible for Recognition Programs in the women's category if they can establish to USMS's comfortable satisfaction that their sex assigned at birth is female.

5. Other Considerations:

- a. This policy will not determine the eligibility of members to compete in World Aquatics competitions or to set World Aquatics World Records. For the avoidance of doubt, World Aquatics Policies supersede USMS policy for World Aquatics records, World Aquatics events, and World Aquatics Top 10 recognition.
- b. An individual who is already a registered USMS member and begins a transition process that would affect their eligibility under this policy may change their competition category of record or re-register with a different member record in the new gender. This policy applies before, during, and after transition as it relates to Recognition Programs. In no case will a change in competition category as allowable under this policy include a change of prior results that were eligible for Recognition Programs. The individual is responsible for notifying USMS of any change in eligibility and may do so by emailing [eligibility@usmastersswimming.org](mailto:eligibility@usmastersswimming.org).

- c. Times from swims in recognized events (as defined in USMS Code of Regulations and Rules of Competition, Article 202.2) for swimmers who are also a USMS member but are ineligible for Recognition Programs because of this policy may be included in USMS results but those results will not be used for Recognition Programs. However, USMS policies on participation do not apply to recognized events, and specific event organizers may have differing guidelines. Please check event information or contact the event host of any events that are not USMS-sanctioned for more information.
- d. All USMS members and one-event registrants are subject to the USMS Code of Conduct.
- e. USMS article 402.4.6 addresses discrimination and that application of USMS Code of Regulations and Rules of Competition Part 1: Swimming Rules regarding age groups, sex or gender categories, swimwear, and guidelines for officiating swimmers with disabilities shall not be considered as violations of this article.
- f. USMS will continue to align with applicable World Aquatics Policy and will evaluate adjustments to the policy and associated procedures when World Aquatics Policy is amended or when additional information on transgender, non-binary, and DSD participation evolves. Questions on this policy and corresponding procedures shall be submitted to [rules@usmastersswimming.org](mailto:rules@usmastersswimming.org) and [eligibility@usmastersswimming.org](mailto:eligibility@usmastersswimming.org).

Approved by USMS Board of Directors and Rules Committee: June 9, 2025

Amended: December 2024, March 2022, September 2016, September 2012

Adopted: ca. 2005

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## 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.”<sup>1</sup> Early this month, USMS replaced it with an interim policy that purports to keep males out of female competitive events.<sup>2</sup> 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.”<sup>3</sup> Second, the interim policy curiously dictates that members must *self-certify* their “sex assigned at birth” when registering for sanctioned events.<sup>4</sup> 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.<sup>5</sup> Fourth, USMS

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<sup>1</sup> *Policy on Transgender Swimmer Inclusion*, U.S. Master’s Swimming, December 2024, [usms.org/volunteer-central/policy-and-governance/usms-policies/transgender-swimmer-inclusion](http://usms.org/volunteer-central/policy-and-governance/usms-policies/transgender-swimmer-inclusion).

<sup>2</sup> *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](http://usms.org/volunteer-central/policy-and-governance/usms-policies/interim-eligibility-policy).

<sup>3</sup> *Id.* at (2)(a).

<sup>4</sup> *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.

<sup>5</sup> *Interim USMS Policy* at (3).

EXHIBIT B

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.<sup>6</sup> 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.”<sup>7</sup> 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.<sup>8</sup>

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.”<sup>9</sup> 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.”<sup>10</sup> 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.<sup>11</sup> 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

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 5(b).

<sup>8</sup> §§ 760.08, 823.01, Fla. Stat.

<sup>9</sup> § 760.08, Fla. Stat.

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

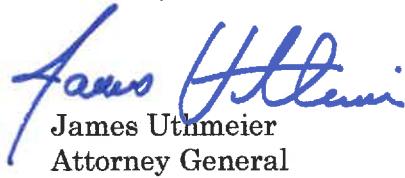
<sup>11</sup> *Sports Competitions*, SHEWON.ORG, shewon.org (detailing thousands of instances where women have been deprived of competitive sporting awards by men allowed to compete against them).

“becomes manifestly injurious to the morals and manners of the people.”<sup>12</sup> 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.”<sup>13</sup> Your policy allows men to compete and have scores recorded against women.<sup>14</sup> It invites men to be recognized in a competition designated exclusively for women.<sup>15</sup> 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.<sup>16</sup> 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.”<sup>17</sup> 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

<sup>12</sup> § 823.05(1), Fla. Stat.

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

<sup>14</sup> *Interim USMS Policy* at (1)(e).

<sup>15</sup> *Id.* at (5)(c).

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

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



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July 29, 2025

**VIA FACSIMILE – (850) 487-2564**  
**AND REGULAR U.S. MAIL DELIVERY**

James Uthmeier  
Attorney General  
STATE OF FLORIDA  
PL-01, The Capitol  
Tallahassee, Florida 32399-1050

Dear Attorney General Uthmeier:

McGuireWoods represents U.S. Masters Swimming (“USMS”), and we write in response to the letter that you posted on X on July 15, 2025, which USMS received in the mail on July 21, 2025.

We understand from your July 2025 press conference regarding USMS that you received information about USMS from the Independent Council on Women’s Sports (“ICONS”). Unfortunately, the information you received from ICONS is not accurate. USMS received an email from ICONS on July 11, 2025, which contains multiple factual misrepresentations about USMS. USMS’s response to ICONS’ email is attached hereto for your reference. It is unfortunate that ICONS’ serious misrepresentations to the State of Florida led us here, and we hope to resolve this matter with you amicably. USMS greatly values its relationship with the State of Florida and our Florida members.

As USMS explained to ICONS, USMS is not USA Swimming; it is not the National Collegiate Athletic Association (“NCAA”); it is not the Olympics or the United States Olympic and Paralympic Committee. USMS is a national membership nonprofit that does not receive state or federal funding<sup>1</sup> and its mission is “to empower adults to improve their lives through swimming.” USMS is comprised of members of all ability levels who want to get into shape, learn to swim or improve their swimming, exercise with a group, and make new friends. The vast majority of USMS members do not even participate in USMS swimming events.

USMS events do not have qualifying heats or events; there are not championship races where a winner is crowned; there is no medal ceremony or podium. Said another way, no one – man or woman – is taking anyone’s spot on a medal podium because there is no medal podium.<sup>2</sup> And no one is prohibiting anyone else from advancing to a further round of competition because there are no final heats or rounds of competition to advance to. If a swimmer chooses to participate in a

<sup>1</sup> Title IX of the Education Amendments of 1972 does not apply to USMS because it is not a recipient of federal financial assistance.

<sup>2</sup> And, as explained below, USMS policy ensures that any places, rankings, and recognitions are awarded based on sex assigned at birth.

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USMS swimming event (which, again, most members do not), the process is straightforward. You sign up for an event (including national championships) with no prequalification performance standards, you swim once in your event, and your time is then recorded. Swimmers within a given age group and sex category are then ranked by times recorded at the event.

Your letter asks USMS to certify that men are not permitted to compete against women in women's category events. As of July 1, 2025, any transgender woman participating in the women's category is not eligible for any type of competitive award or ranking offered by USMS, including records, top ten times, all-American honors, placing at events, or scoring at events. Members must certify their sex assigned at birth in order to register for USMS events, and USMS reserves the right to investigate any circumstances that indicate actual or potential non-compliance with its policy.<sup>3</sup> Practically speaking, this means USMS's policy is in line with the framework currently in place for NCAA events because transgender women are not in competition with other women for awards.<sup>4</sup> Indeed, under USMS's policy, female sex "means assignment of female sex at birth" and male sex "means assignment of male sex at birth." This definition aligns with the definition of sex contained in Executive Order 14168 and with the definition of sex assigned at birth in NCAA policy.<sup>5</sup>

We do not believe the statutes cited in your letter apply to USMS because USMS is not a public school in the State of Florida, USMS is not a health profession, USMS is not a "covered entity" under Fla. Stat. § 553.865, and USMS is not a place of public accommodation under the Florida Civil Rights Act. We also do not believe USMS is a public nuisance under Florida law. However, we do not go into detail on those issues here because we believe USMS is already doing what you are asking it to do.

Finally, USMS does not have a locker room policy. Locker room policy at USMS events is dictated by the facility where the event takes place, and USMS expects the facilities and places of public

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<sup>3</sup> Your letter states that self-certification is not acceptable. However, as noted above, there is a framework in place to evaluate any potential misrepresentations to USMS. It is not feasible for a recreational organization that is largely volunteer-run to verify the biological sex of all of its members, and USMS is not aware of any recreational organization in any state that does what you are suggesting. This type of administrative burden would have a significant impact on the ability of recreational organizations to function in Florida and in all other states.

<sup>4</sup> Under USMS's Policy on Transgender Swimmer Inclusion in place prior to July 1, 2025, transgender women had to meet certain eligibility criteria – including criteria related to hormone therapy and testosterone levels – before they could compete in the women's category. Moreover, USMS's policy provided a mechanism for members to challenge the eligibility of members swimming in their same sex category and age group, who participated in the same event during the same season. It is not -- and was not -- the case that transgender women could compete in the women's category without restriction. This prior policy was clearly set forth in USMS rules and regulations and on USMS's website.

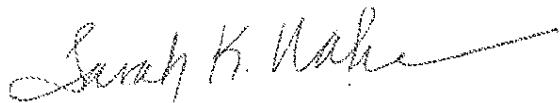
<sup>5</sup> Your letter refers to President Trump's Executive Order No. 14201, "Keeping Men Out of Women's Sports." The Executive Order speaks to education programs that receive federal funding. USMS is not an education program, and USMS does not receive federal financial assistance. Moreover, USMS believes that its policy does not violate the Executive Order, even if it did apply. Specifically, the Executive Order states: "It shall also be the policy of the United States to oppose male competitive participation in women's sports more broadly, as a matter of safety, fairness, dignity, and truth." USMS is not allowing "male competitive participation" in its women's events.

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accommodation where its events are held comply with any applicable state and local law on this issue, including laws of the State of Florida.

USMS hopes to resolve this matter with you amicably so that the organization can return its focus to its mission of empowering adults to improve their lives through swimming. We hope to speak with you on this topic soon.

Sincerely,



Sarah K. Wake



Mindy M. Sauter

SKW/MMS/jj

cc. Dawson Hughes, Chief Executive Officer  
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