

## 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> As of this month, USMS has replaced it with an interim policy that excludes swimmers from Recognition Programs “unless they are swimming in the competition category that aligns with their sex assigned at birth ....”<sup>2</sup> While this may appear to be a major step forward for common sense and the protection of women’s sports, I believe your new interim policy continues to allow men to compete against women in USMS competitions. And that is unacceptable under Florida law.

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 dictates that members must *self-*

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<sup>1</sup> *Policy on Transgender Swimmer Inclusion*, U.S. Master’s Swimming, December 2024, <https://www.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](https://www.usms.org/volunteer-central/policy-and-governance/usms-policies/interim-eligibility-policy)

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

*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 indicates that it “*may* investigate any circumstances that indicate actual or potential non-compliance with the policy.”<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 prevents men from receiving “competitive awards and rankings” when they do compete against women. 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 not extended this definition of “sex” to include so-called “gender identity and/or expression.” The legislature has clearly defined “sex” as “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> As currently stated, your policy doesn’t guarantee that men will not compete against women. Besides its fundamental unfairness,

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<sup>4</sup> *Id.* at (3).

<sup>5</sup> *Id.*

<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> *Love* at 263; see Florida Statutes §§ 1000.21(7), 456.001(8), and 553.865(3)(l).

this deprives women of the equal enjoyment, privileges, and advantages that fair competition affords.<sup>11</sup> 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 "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> 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, this policy has generated conditions that are injurious to our state's moral sensibilities 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 measures 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 for 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—

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

<sup>12</sup> § 823.05(1), Fla. Stat.

<sup>13</sup> *Orlando Sports Stadium, Inc.*, 262 So. 2d 881, 884 (Fla. 1970).

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

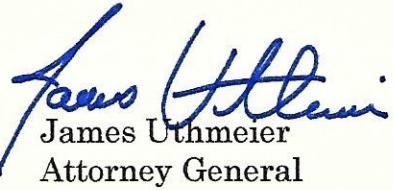
<sup>15</sup> *Id.* at (5)(c)

<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/

unequivocally—that you will abide by Florida law and keep male athletes out of female competitions. 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