

RON DESANTIS

# Federal judge sides with DeSantis on transgender athletes, upholds ban on biological males on female teams

Trump-appointed judge delivers DeSantis' 'Fairness in Women's Sports Act' a win in federal court this week



By **Danielle Wallace** · Fox News

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## Haley, DeSantis attacked Trump more 'aggressively' in third debate: Bryan Llenas

FOX News' Bryan Llenas reports on GOP candidates' stances on former President Donald Trump as he held a rally during the third primary debate.

A federal judge in Miami sided with [Florida Gov. Ron DeSantis](#) in the transgender athlete debate,

DeSantis, now running for president in 2024, signed the Fairness in Women's Sports Act back in 2021, championing the legislation for empowering women and girls in Florida to continue to "compete on a level playing field" and ensuring "opportunities like college scholarships will be protected for female athletes for years to come."

Also known as SB 1028, DeSantis said the state law was based off "[biology, not based off ideology.](#)"

In a 39-page decision dated Monday, U.S. District Judge Roy Altman, an appointee of former President Trump, determined that the law, which "separates public-school sports teams by biological sex," does not violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution because it is "sex-based classifications are substantially related to the state's important interest in promoting women's athletics."

**WHITE HOUSE HINTS ON 'YES OR NO ANSWER' TO TRANSGENDER ATHLETES PLAYING FEMALE**



Florida Gov. Ron DeSantis arrives to participate in the Republican primary presidential debate hosted by NBC News in Miami on Wednesday, Nov. 8, 2023. (Eva Marie Uzcategui/Bloomberg via Getty Images)

A Broward County teen student, identified in court documents as D.N., had brought a lawsuit through the Washington, D.C.-based group Human Rights Campaign challenging the constitutionality of the law. Altman acknowledged on Monday that the plaintiff is "right to say that the statute treats transgender girls differently from both cisgender girls and transgender boys." Under the law, the judge noted, "biological females (whether cis or trans) can play on both girls' and boys' sports teams."

"[Transgender girls](#), by contrast, considered male by birth, cannot play on girls' sports teams," Altman wrote. "But not all gender-based classifications violate the Equal Protection Clause."

The judge also rejected the student's arguments that the law [violated Title IX](#), a federal statute that prohibits sex-based discrimination on the part of educational institutions that receive federal aid, and Altman shot down D.N.'s claim with prejudice that the legislation violates the due process right to privacy.

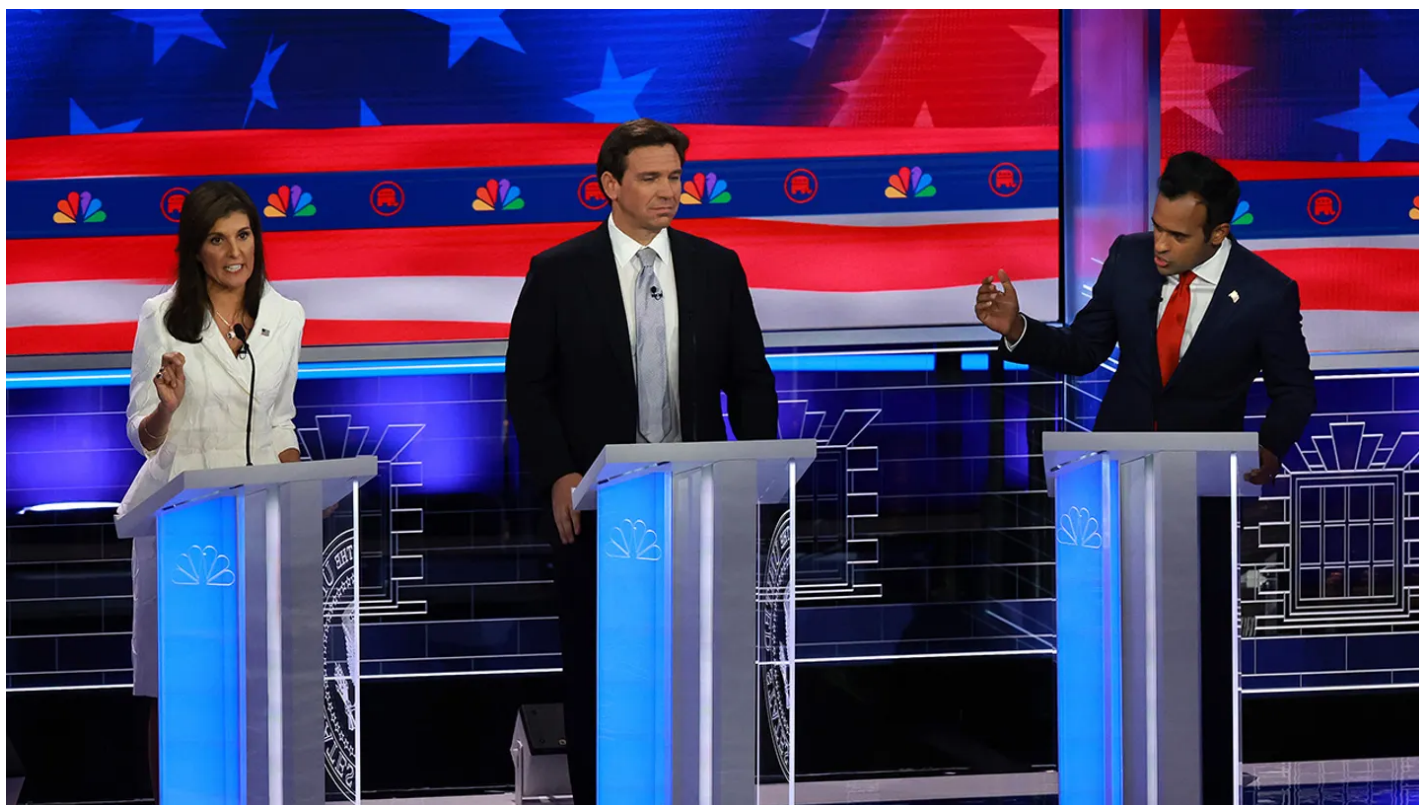


A group of attendees listens to a speaker during the #ProtectTransKids rally outside Orlando City Hall on June 1, 2021, in Orlando, Florida. (Lizzie Heintz/Orlando Sentinel/Tribune News Service via Getty Images)

Altman had tabled the lawsuit to wait for a ruling in the U.S. Court of Appeals for the Eleventh Circuit regarding application of the state's transgender bathroom law in St. John's County, the Orlando Sun-Sentinel reported. That court ruled Title IX's reference to "sex" does not include "gender identity."

### **'THAT IS A FRAUD': GOV. DESANTIS CALLS OUT LIA THOMAS, BIOLOGICAL MEN COMPETING IN WOMEN'S SPORTS**

The judge noted the Broward County student "argues that the 'Defendants' enforcement of the law would require Plaintiff to disclose sensitive medical information that would otherwise not be available, including to third parties, parents and other students who might file claims under this law." "This potential injury – if we can call it that – is so speculative (and lies so far down a hypothetical chain of imaginary future events) that it cannot support D.N.'s Article III standing here," Altman wrote.



From left to right, Republican presidential candidates former U.N. Ambassador Nikki Haley, Florida Gov. Ron DeSantis and Vivek Ramaswamy participate in the NBC News Republican Presidential Primary Debate on Nov. 8, 2023 in Miami. (Joe Raedle/Getty Images)

The judge gave the teen, as well as the student's parents signed on as co-plaintiffs, until Nov. 21 to file an amended complaint that demonstrating how "Title IX prohibits the state from treating D.N., as a biological male, differently than biological females." Altman wrote that the student, who played on a girls' soccer team in middle school but was prevented from joining the girls' high school team due to the legislation, could refile the equal protection claim arguing for "discriminatory animus."

In a public rebuke of DeSantis, who is named as the main defendant in the lawsuit, the Broward County School Board issued a statement when the law was first signed in June 2021, saying it

the LGBTQ+ community." The school board proclaimed, "transgender youth are among the most misunderstood and marginalized within our schools and community."

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The Human Rights Campaign told the Sun Sentinel its litigation team "is actively working with the plaintiffs on potential next steps."

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- s Scatter081** ⋮



5 hours ago

Thank you Governor DeSantis for protecting young women and girls in our Great State of Florida. You want your kids protected? You need to talk to your representatives in your states to get this done or move to states that protect your female children's rights to an even playing field.

Reply ·  39  1 · Share
- o OrwellWasRight942** ⋮

5 hours ago

A win for all women!

Reply ·  18  1 · Share



4 hours ago

It's a sad day in America when we need a judge to decide a basic common sense matter. A win for real women. So, at least one judge knows there is a difference between men and women and that there is a basic human right for both to be protected from those who seek to do harm. Women are in physical ...

**See more**Reply ·  8  · Share**Emma** ...

5 hours ago

This is one area that I'm in the Republican camp on. Men do NOT belong in our sports!

If I had to compete against men in high school or college in volleyball and soccer when I played, I would have refused to play.

Reply ·  26  1 · Share**hobknobbob** ...

4 hours ago

Glad you agree. Too bad you support open borders, defund the police, limitless spending, and vaxx mandates.

Reply ·  5  · Share**floridatexican** ...

5 hours ago

Finally, a step in the right direction.

Reply ·  35  1 · Share**FailedPolicies2024** ...

4 hours ago

Why was this a hard decision to make? It's the only right thing to do. Males on all male teams and females on all female teams. Decision is made at birth. Not complicated.

Reply ·  17  · Share**thisisnolongerfunny** ...

5 hours ago

Well done, Mr. DeSantis. Thank you!

Reply ·  25  1 · Share

As it should be. As it should have always been. The rights of the many outweigh the wants of the few.

Reply · 8 · Share

**L littlebro** ...

5 hours ago

It is nice to know that there are still some sane judges out there.

Reply · 26 1 · Share

**M marcus** ...

4 hours ago

It's too bad there isn't one presiding over President Trump's trial. He even looks insane. His statements make it obvious that the way he looks is a fair representation of how his mind works. However, since he has been purchased like any other commodity; it really doesn't matter.

Reply · 4 · Share

**widescreen** ...

4 hours ago

It's so unfortunate that our society has devolved to the point where judges have to decide what common sense should already have decided. And there are far too many radical leftist judges who want to overturn basic truth and reality. I'm sure this will be appealed to a higher court. Hope it turns...

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**Tenshi** ...

4 hours ago

All remaining states should reference this Judge's decision to TERMINATE MALE PARTICIPATION IN FEMALE SPORTS.

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