

1 A bill to be entitled
2 An act relating to students participating in
3 intercollegiate athletics; creating s. 1004.098, F.S.;
4 prohibiting a postsecondary educational institution
5 from preventing students participating in
6 intercollegiate athletics from earning specified
7 compensation; prohibiting certain organizations from
8 preventing such students from earning specified
9 compensation; prohibiting certain organizations from
10 preventing postsecondary educational institutions from
11 participating in intercollegiate athletics under
12 certain circumstances; prohibiting postsecondary
13 educational institutions from providing compensation
14 to prospective students; prohibiting certain entities
15 from preventing students participating in
16 intercollegiate athletics from obtaining professional
17 representation; providing requirements for such
18 representation; providing that specified scholarships
19 are not considered compensation; prohibiting the
20 revocation of scholarship for specified reasons;
21 prohibiting students participating in intercollegiate
22 athletics from entering into contracts that meet
23 certain criteria; providing student disclosure
24 requirements for certain contracts; providing
25 requirements for such disclosure; providing

26 postsecondary education institution requirements for
27 conflicts with specified contracts; providing
28 requirements for specified contracts; providing
29 definitions; providing for regulations and rulemaking;
30 requiring the Chancellor of the Florida College System
31 to convene a College System Athlete Name, Image, and
32 Likeness Task Force; providing membership, meeting
33 requirements, and duties of the task force; requiring
34 the task force to submit a report by a date certain;
35 providing for the expiration of the task force;
36 providing an effective date.

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38 Be It Enacted by the Legislature of the State of Florida:

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40 Section 1. Section 1004.098, Florida Statutes, is created
41 to read:

42 1004.098 Compensation for students participating in
43 intercollegiate athletics.-

44 (1) (a) A postsecondary educational institution may not
45 uphold any rule, requirement, standard, or other limitation that
46 prevents a student of that institution from participating in
47 intercollegiate athletics from earning compensation as a result
48 of the use of the student's name, image, or likeness. Earning
49 compensation from the use of a student's name, image, or
50 likeness may not affect the student's scholarship eligibility.

51 (b) An athletic association, conference, or other group or
52 organization with authority over intercollegiate athletics,
53 including, but not limited to, the National Collegiate Athletic
54 Association (NCAA), may not prevent a student athlete from
55 earning compensation as a result of the use of the student's
56 name, image, or likeness.

57 (c) An athletic association, conference, or other group or
58 organization with authority over intercollegiate athletics,
59 including, but not limited to, the NCAA, may not prevent a
60 postsecondary educational institution from participating in
61 intercollegiate athletics as a result of the compensation of a
62 student athlete for the use of the student's name, image, or
63 likeness.

64 (2) A postsecondary educational institution, athletic
65 association, conference, or other group or organization with
66 authority over intercollegiate athletics may not provide a
67 prospective student who may participate in intercollegiate
68 athletics with compensation in relation to the student's name,
69 image, or likeness.

70 (3) (a) A postsecondary educational institution, athletic
71 association, conference, or other group or organization with
72 authority over intercollegiate athletics may not prevent a
73 student athlete in this state from obtaining professional
74 representation in relation to contracts or legal matters,
75 including, but not limited to, representation provided by an

76 athlete agent or legal representation provided by an attorney.

77 (b) Professional representation obtained by a student
78 athlete must be from persons licensed by the state.

79 Notwithstanding s. 468.453(3), an athlete agent representing a
80 student athlete for purposes of earning compensation as a result
81 of the use of the student's name, image, or likeness must be
82 licensed under part IX of chapter 468. An attorney representing
83 a student athlete for purposes of earning compensation as a
84 result of the use of the student's name, image, or likeness must
85 be licensed to practice in the state.

86 (c) An athlete agent representing a student athlete shall
87 comply with the federal Sports Agent Responsibility and Trust
88 Act in Chapter 104 (commencing with s. 7801) of Title 15 U.S.C.
89 in their relationships with the student.

90 (4) A scholarship from the postsecondary educational
91 institution in which a student is enrolled that meets the cost
92 of attendance is not compensation for purposes of this section,
93 and a scholarship may not be revoked as a result of the student
94 earning compensation or obtaining professional or legal
95 representation under this section.

96 (5) (a) 1. A student athlete may not enter into a contract
97 providing compensation to the student for use of the student's
98 name, image, or likeness if a provision of such contract is in
99 conflict with a provision of the student's team contract.

100 2. A postsecondary educational institution asserting a

101 conflict under subparagraph 1. must disclose the relevant
102 contractual provisions that are in conflict with a provision of
103 the student's team contract to the student athlete or his or her
104 representation.

105 (b) A student athlete who enters into a contract providing
106 compensation to the student for use of the student's name,
107 image, or likeness shall disclose the contract to an official of
108 the postsecondary educational institution in which he or she is
109 enrolled, to be designated by the institution.

110 (6) A team contract of a postsecondary educational
111 institution's athletic program may not prevent a student athlete
112 from using the student's name, image, or likeness for a
113 commercial purpose when the student is not engaged in official
114 team activities. This subsection applies only to contracts
115 entered into, modified, or renewed on or after January 1, 2023.

116 (7) For purposes of this section:

117 (a) The term "postsecondary educational institution" means
118 a state university, a Florida College System institution, or a
119 private college or university.

120 (b) The term "student athlete" means a student of a
121 postsecondary educational institution who participates in
122 intercollegiate athletics.

123 (8) The Board of Governors and the State Board of
124 Education shall adopt regulations and rules, respectively, to
125 administer this section.

126 (9) This section shall take effect on January 1, 2023.

127 Section 2. (1) The Chancellor of the Florida College
128 System shall convene a College System Athlete Name, Image, and
129 Likeness Task Force, a task force as defined in s. 20.03(8),
130 Florida Statutes. Except as otherwise provided in this section,
131 the task force shall operate in a manner consistent with s.
132 20.052, Florida Statutes. The task force shall be composed of
133 the following members:

134 (a) One member appointed by the President of the Senate.

135 (b) One member appointed by the Speaker of the House of
136 Representatives.

137 (c) One member appointed by the Chancellor of the Florida
138 College System.

139 (d) One member appointed by the President of the Florida
140 College System Activities Association.

141 (e) Two members appointed by the Chancellor of the Florida
142 College System who are Florida College System institution
143 students who participate in intercollegiate athletics.

144 (f) One member appointed by the Chancellor of the Florida
145 College System who is a Florida College System institution
146 athletic administrator.

147 (g) One member appointed by the Chancellor of the Florida
148 College System who is a Florida College System institution
149 athletic coach.

150 (h) One member appointed by the Chancellor of the Florida

151 College System who is a Florida College System student
152 government association representative.

153
154 All appointments to the task force shall be completed on or
155 before December 1, 2020.

156 (2) The task force shall meet at least twice and elect a
157 chair and vice chair. A quorum shall consist of a majority of
158 the group's members.

159 (3) The task force shall:

160 (a) Review existing Florida College System Activities
161 Association bylaws, state and federal laws, and national
162 athletic association bylaws regarding the use of a Florida
163 College System institution student's name, image, and likeness
164 for compensation if he or she participates in intercollegiate
165 athletics.

166 (b) On or before December 1, 2021, submit a report to the
167 President of the Senate, the Speaker of the House of
168 Representatives, the Chancellor of the Florida College System,
169 and the Florida College System Activities Association containing
170 its findings and policy recommendations.

171 (4) Upon submission of its report pursuant to paragraph
172 (3)(b), the task force shall expire.

173 Section 3. This act shall take effect July 1, 2020.