



395416

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2020	.	
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The Committee on Education (Mayfield) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 1006.74 Florida Statutes, is created to  
read:

1006.74 Intercollegiate athlete compensation and rights.-  
The Legislature finds that intercollegiate athletics provide  
intercollegiate athletes with significant educational  
opportunities. However, participation in intercollegiate



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12 athletics should not infringe upon an intercollegiate athlete's  
13 ability to earn compensation for her or his name, image, or  
14 likeness. An intercollegiate athlete must have an equal  
15 opportunity to control and profit from the commercial use of her  
16 or his name, image, or likeness, and be protected from  
17 unauthorized appropriation and commercial exploitation of her or  
18 his right to publicity, including her or his name, image, or  
19 likeness.

20 (1) DEFINITIONS.—As used in this section, the term:

21 (a) "Athletic program" means an intercollegiate athletic  
22 program at a postsecondary educational institution.

23 (b) "Intercollegiate athlete" means a student who  
24 participates in an athletic program.

25 (c) "Postsecondary educational institution" means a state  
26 university, a Florida College System institution, or a private  
27 college or university receiving aid under chapter 1009.

28 (2) INTERCOLLEGIATE ATHLETES' COMPENSATION AND RIGHTS AND  
29 POSTSECONDARY EDUCATIONAL INSTITUTIONS RESPONSIBILITIES.—

30 (a) An intercollegiate athlete at a postsecondary  
31 educational institution may earn compensation for the use of her  
32 or his name, image, or likeness. Such compensation must be  
33 commensurate with the market value the market value of the  
34 authorized use of the athlete's name, image, or likeness. To  
35 preserve the integrity, quality, character, and amateur nature  
36 of intercollegiate athletics and to maintain a clear separation  
37 between amateur intercollegiate athletics and professional  
38 sports, such compensation may not be provided in exchange for  
39 athletic performance or attendance at a particular institution  
40 and may only be provided by a third party unaffiliated with the



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41 intercollegiate athlete's postsecondary educational institution.

42 (b) A postsecondary educational institution may not adopt  
43 or maintain a contract, rule, regulation, standard, or other  
44 requirement that prevents or unduly restricts an intercollegiate  
45 athlete from earning compensation for the use of her or his  
46 name, image, or likeness. Earning such compensation may not  
47 affect the intercollegiate athlete's grant-in-aid or athletic  
48 eligibility.

49 (c) A postsecondary educational institution may not  
50 compensate a current or prospective intercollegiate athlete for  
51 the use of her or his name, image, or likeness.

52 (d) A postsecondary educational institution may not prevent  
53 or unduly restrict an intercollegiate athlete from obtaining  
54 professional representation by an athlete agent or attorney  
55 engaged for the purpose of securing compensation for the use of  
56 her or his name, image, or likeness. Pursuant to s. 468.453(8),  
57 an athlete agent representing an intercollegiate athlete for  
58 purposes of securing compensation for the use of her or his  
59 name, image, or likeness, must be licensed under part IX of  
60 chapter 468. An attorney representing an intercollegiate athlete  
61 for purposes of securing compensation for the use of her or his  
62 name, image, or likeness must be a member in good standing of  
63 The Florida Bar.

64 (e) A grant-in-aid, including cost of attendance, awarded  
65 to an intercollegiate athlete by a postsecondary educational  
66 institution is not compensation for the purposes of this  
67 subsection, and may not be revoked or reduced as a result of an  
68 intercollegiate athlete earning compensation or obtaining  
69 professional representation under this subsection.



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70       (f) An intercollegiate athlete under 18 years of age must  
71 have any contract for compensation for the use of her or his  
72 name, image, or likeness approved under ss. 743.08 and 743.09.

73       (g) An intercollegiate athlete's contract for compensation  
74 for the use of her or his name, image, or likeness may not  
75 violate this subsection.

76       (h) An intercollegiate athlete may not enter into a  
77 contract for compensation for the use of her or his name, image,  
78 or likeness if a term of the contract conflicts with a term of  
79 the intercollegiate athlete's team contract. A postsecondary  
80 educational institution asserting a conflict under this  
81 paragraph must disclose each relevant contract term that  
82 conflicts with the team contract to the intercollegiate athlete  
83 or her or his representative.

84       (i) An intercollegiate athlete who enters into a contract  
85 for compensation for the use of her or his name, image, or  
86 likeness shall disclose the contract to the postsecondary  
87 educational institution at which she or he is enrolled, in a  
88 manner designated by the institution.

89       (j) The duration of a contract for representation of an  
90 intercollegiate athlete or compensation for the use of an  
91 intercollegiate athlete's name, image, or likeness may not  
92 extend beyond her or his participation in an athletic program at  
93 a postsecondary educational institution.

94       (3) REGULATIONS AND RULES.—The Board of Governors and the  
95 State Board of Education shall adopt regulations and rules,  
96 respectively, to implement this section.

97       Section 2. Subsections (8) and (9) are added to section  
98 468.453, Florida Statutes, to read:



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99 468.453 Licensure required; qualifications; license  
100 nontransferable; service of process; temporary license; license  
101 or application from another state.—

102 (8) Notwithstanding subsection (3), a person must hold a  
103 valid license as an athlete agent to act as an athlete agent  
104 representing an intercollegiate athlete for purposes of  
105 contracts authorized under s. 1006.74.

106 (9) Notwithstanding athletic conference or collegiate  
107 athletic association rules, bylaws, regulations, and policies to  
108 the contrary, an athlete agent may represent an intercollegiate  
109 athlete in securing compensation for the use of her or his name,  
110 image, or likeness under s. 1006.74.

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

112  
113 ===== T I T L E A M E N D M E N T =====

114 And the title is amended as follows:

115 Delete everything before the enacting clause  
116 and insert:

117 A bill to be entitled  
118 An act relating to intercollegiate athlete  
119 compensation and rights; creating s. 1006.74, F.S.;;  
120 providing legislative findings; defining terms;  
121 authorizing certain intercollegiate athletes to earn  
122 compensation for the use of their names, images, or  
123 likenesses; providing requirements for such  
124 compensation; prohibiting postsecondary educational  
125 institutions from adopting or maintaining contracts,  
126 rules, regulations, standards, or other requirements  
127 that prevent or unduly restrict intercollegiate



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128 athletes from earning specified compensation;  
129 providing that certain compensation does not affect  
130 certain intercollegiate athlete eligibilities;  
131 prohibiting a postsecondary educational institution  
132 from compensating intercollegiate athletes or  
133 prospective intercollegiate athletes for the use of  
134 their names, images, or likenesses; prohibiting a  
135 postsecondary educational institution from preventing  
136 or unduly restricting intercollegiate athletes from  
137 obtaining specified representation; requiring athlete  
138 agents and attorneys to meet specified requirements;  
139 providing that specified aid for intercollegiate  
140 athletes is not compensation; prohibiting the  
141 revocation or reduction of certain aid as a result of  
142 intercollegiate athletes earning certain compensation  
143 or obtaining specified representation; providing  
144 approval requirements for certain contracts for  
145 compensation for intercollegiate athletes who are  
146 minors; providing contract requirements; prohibiting  
147 intercollegiate athletes from entering into contracts  
148 for specified compensation that conflict with terms of  
149 her or his team contract; providing intercollegiate  
150 athlete contract disclosure requirements; prohibiting  
151 an intercollegiate athlete contract from extending  
152 beyond a specified timeframe; requiring the Board of  
153 Governors and the State Board of Education to adopt  
154 regulations and rules, respectively; amending s.  
155 468.453, F.S.; providing requirements for certain  
156 athlete agents; providing an effective date.