

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Education

[s00646.hms]

BILL: CS/CS/SB 646 (1st Eng.)

INTRODUCER: Innovation, Industry, and Technology Committee; Education Committee; and Senator Mayfield

SUBJECT: Intercollegiate Athlete Compensation and Rights

DATE: March 12, 2020

I. Amendments Contained in Message:

House Amendment 1 - 370715 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 maintains the following provisions in the Senate Bill, with some modifications. The amendment retains the following provisions:

- Defines “athletic program” and “postsecondary educational institution.”
- Authorizes an intercollegiate athlete at a postsecondary educational institution to earn compensation for the use of her or his name, image, or likeness.
- Stipulates that such compensation must be commensurate with the market value and may not be provided in exchange for athletic performance or attendance at a particular institution and may only be provided by a third party unaffiliated with the athlete’s postsecondary educational institution.
- Prohibits a postsecondary educational institution from adopting or maintaining a contract, rule, regulation, standard, or other requirement that prevents or unduly restricts an intercollegiate athlete from earning compensation for the use of her or his name, image or likeness.
- Stipulates that earning such compensation may not affect the intercollegiate athlete’s grant-in-aid or athletic eligibility.
- Prohibits a postsecondary educational institution, an entity whose purpose includes supporting or benefitting the institution or its athletic programs, or an officer, director, or employee of such institution or entity from compensating or causing compensation to be directed to a current or prospective intercollegiate athlete for her or his name, image, or likeness.
- Prohibits a postsecondary educational institution from preventing or unduly restricting an intercollegiate athlete from obtaining professional representation by an athlete agent or attorney engaged for the purpose of securing compensation for the use of her or his name, image, or likeness.
- Requires an athlete agent representing an intercollegiate athlete for purposes of securing compensation for the use of her or his name, image, or likeness, to be licensed under part IX of chapter 468.

- Requires an attorney representing an intercollegiate athlete for purposes of securing compensation for the use of her or his name, image, or likeness must be a member in good standing of The Florida Bar.
- Specifies that grant-in-aid, including cost of attendance, awarded to an intercollegiate athlete by a postsecondary educational institution is not compensation for the purposes of name, image, or likeness, and may not be revoked or reduced as a result of an intercollegiate athlete earning compensation or obtaining professional representation for the purpose of name, image, or likeness.
- Requires an intercollegiate athlete under 18 years of age to have any contract for compensation for the use of her or his name, image, or likeness approved under law.
- Prohibits an intercollegiate athlete from entering into a contract for compensation for the use of her or his name, image, or likeness if a term of the contract conflicts with a term of the intercollegiate athlete's team contract.
- Requires a postsecondary educational institution asserting a conflict to disclose each relevant contract term that conflicts with the team contract to the intercollegiate athlete or her or his representative.
- Requires an intercollegiate athlete who enters into a contract for compensation for the use of her or his name, image, or likeness to disclose the contract to the postsecondary educational institution at which she or he is enrolled, in a manner designated by the institution.
- Specifies that the duration of a contract for representation of an intercollegiate athlete or compensation for the use of an intercollegiate athlete's name, image, or likeness may not extend beyond her or his participation in an athletic program at a postsecondary educational institution.
- Requires each postsecondary institution to conduct a financial literacy and life skills workshop for a minimum of 5 hours at the beginning of the intercollegiate athlete's first and third academic years, and requires such workshop to:
 - Include information concerning financial aid, debt management, and a recommended budget for full and partial grant-in-aid intercollegiate athletes based on the current academic year's cost of attendance.
 - Include information on time management skills necessary for success as an intercollegiate athlete and available academic resources.
 - Not include any marketing, advertising, referral, or solicitation by providers of financial products or services.
- Requires the Board of Governors and the State Board of Education to adopt regulations and rules relevant to implementation.
- Requires a person to hold a valid license as an athlete agent to act as an athlete agent representing an intercollegiate athlete for purposes of contracts authorized under law.
- Authorizes an athlete agent to represent an intercollegiate athlete in securing compensation for the use of her or his name, image, or likeness under law, notwithstanding athletic conference or collegiate athletic association rules, bylaws, regulations, and policies to the contrary.

The amendment adds to the bill:

- Authorization for the act to be cited as the "Intercollegiate Athlete Bill of Rights."

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- Provisions defining “disability insurance,” “health insurance,” “injury,” “insurance,” “partial disability,” “physician,” and “total disability,” and expands the definition of “intercollegiate athlete.”
 - Requirements for postsecondary educational institutions to maintain health insurance and disability insurance meeting specified criteria under specified conditions for each intercollegiate athlete, or pay for such insurance if it lapses.
 - Provisions related to student athletes’ health and medical conditions.
 - Requirements for a postsecondary educational institution to continue to provide an intercollegiate athlete in good standing grant-in-aid for a specified duration if the intercollegiate athlete has exhausted athletic eligibility or suffered an injury.