

By Senator Mayfield

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1 A bill to be entitled
2 An act relating to postsecondary student athletes;
3 providing a short title; amending s. 743.08, F.S.;
4 providing requirements for contracts made by a minor
5 or his or her parent or guardian relating to the
6 licensing of the minor's name, image, or likeness
7 while participating in intercollegiate athletics;
8 creating s. 1004.098, F.S.; prohibiting a
9 postsecondary educational institution from preventing
10 students participating in intercollegiate athletics
11 from earning specified compensation; prohibiting
12 certain organizations from preventing such students
13 from earning specified compensation; prohibiting
14 certain organizations from preventing postsecondary
15 educational institutions from participating in
16 intercollegiate athletics under certain circumstances;
17 prohibiting certain entities from providing
18 compensation to prospective students under certain
19 conditions; prohibiting certain entities from
20 preventing students participating in intercollegiate
21 athletics from obtaining professional representation;
22 providing requirements for such representation;
23 providing that specified scholarships are not
24 considered compensation; prohibiting the revocation of
25 scholarships for specified reasons; prohibiting
26 students participating in intercollegiate athletics
27 from entering into contracts that meet certain
28 criteria; providing student disclosure requirements
29 for certain contracts; providing requirements for such

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30 disclosure; providing postsecondary education
31 institution requirements for conflicts with specified
32 contracts; providing requirements for specified
33 contracts; providing for retroactive application;
34 defining terms; requiring the Board of Governors and
35 the State Board of Education to adopt regulations and
36 rules, respectively; providing an effective date.
37

38 Be It Enacted by the Legislature of the State of Florida:
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40 Section 1. This act may be cited as the "Student Athlete
41 Achievement Act."

42 Section 2. Paragraph (a) of subsection (1) of section
43 743.08, Florida Statutes, is amended to read:

44 743.08 Removal of disabilities of minors; artistic or
45 creative services; professional sports contracts; judicial
46 approval.—

47 (1) A contract made by a minor or made by a parent or
48 guardian of a minor, or a contract proposed to be so made, may
49 be approved by the probate division of the circuit court or any
50 other division of the circuit court that has guardianship
51 jurisdiction, where the minor is a resident of this state or the
52 services of the minor are to be performed or rendered in this
53 state, where the contract sought to be approved is one under
54 which:

55 (a) The minor is to perform or render artistic or creative
56 services or license his or her name, image, or likeness while
57 participating in intercollegiate athletics as a student athlete
58 pursuant to s. 1004.098, including, but not limited to, services

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59 as an actor, actress, dancer, musician, vocalist, model, stunt
60 person, conductor, or other performing artist.

61 Section 3. Section 1004.098, Florida Statutes, is created
62 to read:

63 1004.098 Compensation for postsecondary student athletes.-

64 (1) (a) A postsecondary educational institution may not
65 uphold any rule, requirement, standard, or other limitation that
66 prevents a student of that institution from participating in
67 intercollegiate athletics from earning compensation as a result
68 of the use of the student's name, image, or likeness. Earning
69 compensation from the use of a student's name, image, or
70 likeness may not affect the student's scholarship eligibility.

71 (b) An athletic association, conference, or other group or
72 organization with authority over intercollegiate athletics,
73 including, but not limited to, the National Collegiate Athletic
74 Association (NCAA), may not prevent a student athlete from
75 earning compensation as a result of the use of the student's
76 name, image, or likeness.

77 (c) An athletic association, conference, or other group or
78 organization with authority over intercollegiate athletics,
79 including, but not limited to, the NCAA, may not prevent a
80 postsecondary educational institution from participating in
81 intercollegiate athletics as a result of the compensation of a
82 student athlete for the use of the student's name, image, or
83 likeness.

84 (2) A postsecondary educational institution, athletic
85 association, conference, or other group or organization with
86 authority over intercollegiate athletics may not provide or
87 offer to provide a prospective student who may participate in

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88 intercollegiate athletics with compensation in relation to the
89 student's name, image, or likeness.

90 (3) (a) A postsecondary educational institution, athletic
91 association, conference, or other group or organization with
92 authority over intercollegiate athletics may not prevent a
93 student athlete in this state from obtaining professional
94 representation in relation to contracts or legal matters,
95 including, but not limited to, representation provided by an
96 athlete agent or legal representation provided by an attorney.

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

99 Notwithstanding s. 468.453(3), an athlete agent representing a
100 student athlete for purposes of earning compensation as a result
101 of a third party's use of the student's name, image, or likeness
102 must be licensed under part IX of chapter 468. An attorney
103 representing a student athlete for purposes of earning
104 compensation as a result of a third party's use of the student's
105 name, image, or likeness must be licensed to practice in the
106 state and a member in good standing with The Florida Bar.

107 (c) An athlete agent representing a student athlete shall
108 comply with the federal Sports Agent Responsibility and Trust
109 Act, 15 U.S.C. ss. 7801-7807 in his or her relationship with the
110 student.

111 (4) A scholarship from the postsecondary educational
112 institution in which a student is enrolled that meets the cost
113 of attendance is not compensation for purposes of this section,
114 and a scholarship may not be revoked as a result of the student
115 earning compensation or obtaining professional or legal
116 representation under this section.

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

121 2. A postsecondary educational institution asserting a
122 conflict under subparagraph 1. must disclose the relevant
123 contractual provisions that are in conflict with a provision of
124 the student's team contract to the student athlete or his or her
125 representation.

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

131 (6) If a student athlete is under the age of 18 years, any
132 contract he or she enters into under this section must be
133 approved pursuant to ss. 743.08 and 743.09.

134 (7) A team contract of a postsecondary educational
135 institution's athletic program may not prevent a student athlete
136 from using the student's name, image, or likeness for a
137 commercial purpose when the student is not engaged in official
138 team activities. This subsection applies only to contracts
139 entered into, modified, or renewed on or after January 1, 2020.

140 (8) For purposes of this section:

141 (a) The term "postsecondary educational institution" means
142 a state university, a Florida College System institution, or a
143 private college or university.

144 (b) The term "student athlete" means a student enrolled in
145 a postsecondary educational institution who participates in

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146 intercollegiate athletics.

147 (9) The Board of Governors and the State Board of Education
148 shall adopt regulations and rules, respectively, to administer
149 this section.

150 Section 4. This act shall take effect July 1, 2020.