

By the Committee on Education; and Senator Mayfield

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1 A bill to be entitled
2 An act relating to intercollegiate athlete
3 compensation and rights; creating s. 1006.74, F.S.;
4 providing legislative findings; defining terms;
5 authorizing certain intercollegiate athletes to earn
6 compensation for the use of their names, images, or
7 likenesses; providing requirements for such
8 compensation; prohibiting postsecondary educational
9 institutions from adopting or maintaining contracts,
10 rules, regulations, standards, or other requirements
11 that prevent or unduly restrict intercollegiate
12 athletes from earning specified compensation;
13 providing that certain compensation does not affect
14 certain intercollegiate athlete eligibilities;
15 prohibiting a postsecondary educational institution
16 from compensating intercollegiate athletes or
17 prospective intercollegiate athletes for the use of
18 their names, images, or likenesses; prohibiting a
19 postsecondary educational institution from preventing
20 or unduly restricting intercollegiate athletes from
21 obtaining specified representation; requiring athlete
22 agents and attorneys to meet specified requirements;
23 providing that specified aid for intercollegiate
24 athletes is not compensation; prohibiting the
25 revocation or reduction of certain aid as a result of
26 intercollegiate athletes earning certain compensation
27 or obtaining specified representation; providing
28 approval requirements for certain contracts for
29 compensation for intercollegiate athletes who are

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30 minors; providing contract requirements; prohibiting
31 intercollegiate athletes from entering into contracts
32 for specified compensation that conflict with terms of
33 her or his team contract; providing intercollegiate
34 athlete contract disclosure requirements; prohibiting
35 an intercollegiate athlete contract from extending
36 beyond a specified timeframe; requiring the Board of
37 Governors and the State Board of Education to adopt
38 regulations and rules, respectively; amending s.
39 468.453, F.S.; providing requirements for certain
40 athlete agents; providing an effective date.

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

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

46 1006.74 Intercollegiate athlete compensation and rights.-
47 The Legislature finds that intercollegiate athletics provide
48 intercollegiate athletes with significant educational
49 opportunities. However, participation in intercollegiate
50 athletics should not infringe upon an intercollegiate athlete's
51 ability to earn compensation for her or his name, image, or
52 likeness. An intercollegiate athlete must have an equal
53 opportunity to control and profit from the commercial use of her
54 or his name, image, or likeness, and be protected from
55 unauthorized appropriation and commercial exploitation of her or
56 his right to publicity, including her or his name, image, or
57 likeness.

58 (1) DEFINITIONS.-As used in this section, the term:

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59 (a) "Athletic program" means an intercollegiate athletic
60 program at a postsecondary educational institution.

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

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

66 (2) INTERCOLLEGIATE ATHLETES' COMPENSATION AND RIGHTS AND
67 POSTSECONDARY EDUCATIONAL INSTITUTIONS RESPONSIBILITIES.-

68 (a) An intercollegiate athlete at a postsecondary
69 educational institution may earn compensation for the use of her
70 or his name, image, or likeness. Such compensation must be
71 commensurate with the market value of the authorized use of the
72 athlete's name, image, or likeness. To preserve the integrity,
73 quality, character, and amateur nature of intercollegiate
74 athletics and to maintain a clear separation between amateur
75 intercollegiate athletics and professional sports, such
76 compensation may not be provided in exchange for athletic
77 performance or attendance at a particular institution and may
78 only be provided by a third party unaffiliated with the
79 intercollegiate athlete's postsecondary educational institution.

80 (b) A postsecondary educational institution may not adopt
81 or maintain a contract, rule, regulation, standard, or other
82 requirement that prevents or unduly restricts an intercollegiate
83 athlete from earning compensation for the use of her or his
84 name, image, or likeness. Earning such compensation may not
85 affect the intercollegiate athlete's grant-in-aid or athletic
86 eligibility.

87 (c) A postsecondary educational institution may not

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88 compensate a current or prospective intercollegiate athlete for
89 the use of her or his name, image, or likeness.

90 (d) A postsecondary educational institution may not prevent
91 or unduly restrict an intercollegiate athlete from obtaining
92 professional representation by an athlete agent or attorney
93 engaged for the purpose of securing compensation for the use of
94 her or his name, image, or likeness. Pursuant to s. 468.453(8),
95 an athlete agent representing an intercollegiate athlete for
96 purposes of securing compensation for the use of her or his
97 name, image, or likeness, must be licensed under part IX of
98 chapter 468. An attorney representing an intercollegiate athlete
99 for purposes of securing compensation for the use of her or his
100 name, image, or likeness must be a member in good standing of
101 The Florida Bar.

102 (e) A grant-in-aid, including cost of attendance, awarded
103 to an intercollegiate athlete by a postsecondary educational
104 institution is not compensation for the purposes of this
105 subsection, and may not be revoked or reduced as a result of an
106 intercollegiate athlete earning compensation or obtaining
107 professional representation under this subsection.

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

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

114 (h) An intercollegiate athlete may not enter into a
115 contract for compensation for the use of her or his name, image,
116 or likeness if a term of the contract conflicts with a term of

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117 the intercollegiate athlete's team contract. A postsecondary
118 educational institution asserting a conflict under this
119 paragraph must disclose each relevant contract term that
120 conflicts with the team contract to the intercollegiate athlete
121 or her or his representative.

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

127 (j) The duration of a contract for representation of an
128 intercollegiate athlete or compensation for the use of an
129 intercollegiate athlete's name, image, or likeness may not
130 extend beyond her or his participation in an athletic program at
131 a postsecondary educational institution.

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

135 Section 2. Subsections (8) and (9) are added to section
136 468.453, Florida Statutes, to read:

137 468.453 Licensure required; qualifications; license
138 nontransferable; service of process; temporary license; license
139 or application from another state.—

140 (8) Notwithstanding subsection (3), a person must hold a
141 valid license as an athlete agent to act as an athlete agent
142 representing an intercollegiate athlete for purposes of
143 contracts authorized under s. 1006.74.

144 (9) Notwithstanding athletic conference or collegiate
145 athletic association rules, bylaws, regulations, and policies to

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146 the contrary, an athlete agent may represent an intercollegiate
147 athlete in securing compensation for the use of her or his name,
148 image, or likeness under s. 1006.74.

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