

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7051 (2020)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative LaMarca offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "Intercollegiate
7 Athlete Bill of Rights."

8 Section 2. Section 1006.74, Florida Statutes, is created
9 to read:

10 1006.74 Intercollegiate athlete compensation and rights.-
11 The Legislature finds that intercollegiate athletics provide
12 intercollegiate athletes with significant educational
13 opportunities. However, participation in intercollegiate
14 athletics should not infringe upon an intercollegiate athlete's
15 ability to earn compensation for her or his name, image,
16 likeness, or persona. An intercollegiate athlete must have an

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17 equal opportunity to control and profit from the commercial use
18 of her or his name, image, likeness, and persona and be
19 protected from unauthorized appropriation and commercial
20 exploitation of her or his right to publicity, including her or
21 his name, image, likeness, and persona. Moreover, an
22 intercollegiate athlete's inability to participate in
23 intercollegiate athletics due to an injury should not impair her
24 or his future health or academic success.

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

26 (a) "Athletic program" means an intercollegiate athletic
27 program at a postsecondary educational institution.

28 (b) "Disability insurance" means insurance covering
29 disability compensation benefits for an intercollegiate athlete
30 participating in an athletic program.

31 (c) "Health insurance" means primary health insurance
32 covering injuries resulting from the intercollegiate athlete's
33 participation in an athletic program that provides for all
34 medically necessary treatment and care until the intercollegiate
35 athlete is restored to her or his condition before the injury.

36 (d) "Injury" means an injury sustained by an
37 intercollegiate athlete while participating in an athletic
38 program's activities.

39 (e) "Insurance" means health insurance and disability
40 insurance.

41 (f) "Intercollegiate athlete" means a student who

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42 participates in an athletic program. The term includes a former
43 intercollegiate athlete who suffered an injury.

44 (g) "Partial disability" means the intercollegiate
45 athlete's incapacity because of the injury to earn full-time
46 wages.

47 (h) "Physician" means a physician licensed under chapter
48 458, an osteopathic physician licensed under chapter 459, a
49 podiatric physician licensed under chapter 461, or an
50 optometrist licensed under chapter 463.

51 (i) "Postsecondary educational institution" means a state
52 university, a Florida College System institution, or a private
53 college or university receiving aid under chapter 1009.

54 (j) "Total disability" means an intercollegiate athlete's
55 inability to earn wages because of an injury.

56 (2) INTERCOLLEGIATE ATHLETES' COMPENSATION AND RIGHTS AND
57 POSTSECONDARY EDUCATIONAL INSTITUTIONS RESPONSIBILITIES.-

58 (a) An intercollegiate athlete at a postsecondary
59 educational institution may earn compensation for her or his
60 name, image, likeness, or persona. Such compensation must be
61 commensurate with the market value of the services provided. To
62 preserve the integrity, quality, character, and amateur nature
63 of intercollegiate athletics and to maintain a clear separation
64 between amateur intercollegiate athletics and professional
65 sports, such compensation may not be provided in exchange for
66 athletic performance or attendance at a particular institution.

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67 (b) A postsecondary educational institution may not adopt
68 or maintain a contract, rule, regulation, standard, or other
69 requirement that prevents or unduly restricts an intercollegiate
70 athlete from earning compensation for the use of her or his
71 name, image, likeness, or persona. Earning such compensation may
72 not affect the intercollegiate athlete's grant-in-aid or
73 athletic eligibility.

74 (c) A postsecondary educational institution, an entity
75 whose purpose includes supporting or benefitting the institution
76 or its athletic programs, or an officer, director, or employee
77 of such institution or entity may not compensate or cause
78 compensation to be directed to a current or prospective
79 intercollegiate athlete for her or his name, image, likeness, or
80 persona.

81 (d) A postsecondary educational institution may not
82 prevent or unduly restrict an intercollegiate athlete from
83 obtaining professional representation by an athlete agent or
84 attorney engaged for the purpose of securing compensation for
85 her or his name, image, likeness, or persona. Pursuant to s.
86 468.453(8), an athlete agent representing an intercollegiate
87 athlete for purposes of securing compensation for her or his
88 name, image, likeness, or persona must be licensed under part IX
89 of chapter 468. An attorney representing an intercollegiate
90 athlete for purposes of securing compensation for her or his
91 name, image, likeness, or persona must be a member in good

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92 standing of The Florida Bar.

93 (e) Grant-in-aid, including cost of attendance, awarded to
94 an intercollegiate athlete by a postsecondary educational
95 institution is not compensation for the purposes of this
96 subsection, and may not be revoked or reduced as a result of an
97 intercollegiate athlete earning compensation or obtaining
98 professional representation under this subsection.

99 (f) An intercollegiate athlete under the age of 18 years
100 must have any contract for compensation for her or his name,
101 image, likeness, or persona approved under ss. 743.08 and
102 743.09.

103 (g) An intercollegiate athlete's contract for compensation
104 for her or his name, image, likeness, or persona may not violate
105 this subsection.

106 (h) An intercollegiate athlete may not enter into a
107 contract for compensation for her or his name, image, likeness,
108 or persona if a term of the contract materially conflicts with a
109 term of the intercollegiate athlete's team contract. A
110 postsecondary educational institution asserting a conflict under
111 this paragraph must disclose each relevant contract term that
112 conflicts with the team contract to the intercollegiate athlete
113 or her or his representative.

114 (i) An intercollegiate athlete who enters into a contract
115 for compensation for her or his name, image, likeness, or
116 persona shall disclose the contract to the postsecondary

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117 educational institution at which she or he is enrolled, in a
118 manner designated by the institution.

119 (j) The duration of a contract for representation of an
120 intercollegiate athlete or compensation of an intercollegiate
121 athlete's name, image, likeness, or persona may not extend
122 beyond her or his participation in an athletic program at a
123 postsecondary educational institution.

124 (k) Each postsecondary educational institution shall:

125 1.a. Maintain for each intercollegiate athlete health
126 insurance and disability insurance that meets the requirements
127 of sub-subparagraphs c. and d., respectively, by:

128 I. Verifying that the intercollegiate athlete is provided
129 the benefits required by this section by her or his own
130 insurance or insurance provided by an immediate family member;

131 II. Providing insurance covering the intercollegiate
132 athlete;

133 III. Participating in an insurance program, which provides
134 at least the benefits required by this section, offered by an
135 intercollegiate athletics sanctioning body or intercollegiate
136 athletics association of which the postsecondary educational
137 institution is a member; or

138 IV. Any combination of sub-sub-subparagraphs I.-III.

139 b. If the intercollegiate athlete's insurance under sub-
140 sub-subparagraph I. lapses or does not provide the required
141 medical benefits, the postsecondary educational institution must

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142 provide coverage under sub-sub-subparagraph II. or sub-sub-
143 subparagraph III., or a combination thereof, beginning with the
144 first dollar of a claim. If coverage is secured under sub-sub-
145 subparagraph I., any deductible, copay, or coinsurance amounts
146 must be paid by the postsecondary educational institution or an
147 intercollegiate athletics association, conference, or
148 organization of which the postsecondary educational institution
149 is a member. If coverage is secured under sub-sub-subparagraph
150 II. or sub-sub-subparagraph III., or a combination thereof, the
151 entire premium and any deductible, copay, or coinsurance amounts
152 must be paid by the postsecondary educational institution or an
153 intercollegiate athletics association, conference, or
154 organization of which the postsecondary educational institution
155 is a member.

156 c. Health insurance under sub-subparagraph a. must include
157 dental benefits for dental conditions related to the injury,
158 medically necessary emergency and nonemergency medical
159 transportation, professional and nonprofessional attendant care,
160 prosthetics, orthotics, durable medical equipment, and medically
161 necessary physical rehabilitation and vocational rehabilitation
162 benefits.

163 d. Disability insurance under sub-subparagraphs a. must
164 provide at least \$400 per month for the first 12 months of total
165 disability and \$2,700 per month for each month of total
166 disability beyond the first 12 months of total disability; at

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167 least \$270 per month for the first 12 months of partial
168 disability and \$1,800 per month for each month of partial
169 disability beyond the first 12 months of partial disability; and
170 a death benefit of at least \$25,000.

171 2. Provide an intercollegiate athlete who was receiving
172 athletic related grant-in-aid and is in good standing, an
173 equivalent grant-in-aid for:

174 a. Up to one academic year or until the intercollegiate
175 athlete completes her or his primary undergraduate degree,
176 whichever is shorter, if the intercollegiate athlete has
177 exhausted athletic eligibility.

178 b. Up to five academic years or until the intercollegiate
179 athlete completes her or his primary undergraduate degree,
180 whichever is shorter, if the intercollegiate athlete suffered an
181 injury, and an independent physician with a specialty
182 appropriate to each applicable injury determines that she or he
183 is medically ineligible to participate in intercollegiate
184 athletics.

185 3. Conduct a financial literacy and life skills workshop
186 for a minimum of 5 hours at the beginning of the intercollegiate
187 athlete's first and third academic years. The workshop shall, at
188 a minimum, include information concerning financial aid, debt
189 management, and a recommended budget for full and partial grant-
190 in-aid intercollegiate athletes based on the current academic
191 year's cost of attendance. The workshop shall also include

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192 information on time management skills necessary for success as
193 an intercollegiate athlete and available academic resources. The
194 workshop may not include any marketing, advertising, referral,
195 or solicitation by providers of financial products or services.

196 (3) LIMITATIONS.-

197 (a) This section does not require the medical treatment of
198 a preexisting medical condition except to the extent that the
199 preexisting medical condition is aggravated by the injury or
200 treatment of the preexisting medical condition is medically
201 necessary to the treatment of the injury.

202 (b) State funds may not be used to comply with the
203 requirements of this section.

204 (c) An injury must be reported by the earlier of the 30th
205 day after occurrence of the injury, the 30th day after the
206 intercollegiate athlete knew or should have known that an injury
207 existed, or 2 years after the intercollegiate athlete separates
208 from the postsecondary educational institution.

209 (d) An intercollegiate athlete's claim for benefits
210 related to an injury is barred after 2 years after the report of
211 injury or 2 years after provision of compensable medical
212 treatment, whichever is later.

213 (e) For a former intercollegiate athlete receiving
214 disability compensation benefits under this section who is
215 earning wages while receiving such benefits or is determined by
216 a functional capacity expert to be capable of earning wages,

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217 beginning 12 months after the date of the injury, the benefit
218 shall be reduced by an amount equal to one half of the former
219 intercollegiate athlete's after tax earnings in excess of the
220 base amount. The base amount shall be \$1,000 for the first 12
221 months the reduction provided by this paragraph is applied and
222 shall increase by 2.5 percent annually thereafter. If the former
223 intercollegiate athlete is determined by a functional capacity
224 expert to have a wage earning capacity, but is not earning
225 wages, the disability compensation benefit shall be reduced by
226 one-half for any period more than 12 months after the date of
227 the injury that the former intercollegiate athlete is not
228 earning wages, unless the former intercollegiate athlete
229 documents her or his employment search, which must include at
230 least four employment applications submitted monthly.

231 (4) REGULATIONS AND RULES.—The Board of Governors and the
232 State Board of Education shall adopt regulations and rules,
233 respectively, to implement this section.

234 Section 3. Subsections (8) and (9) are added to section
235 468.453, Florida Statutes, to read:

236 468.453 Licensure required; qualifications; license
237 nontransferable; service of process; temporary license; license
238 or application from another state.—

239 (8) Notwithstanding subsection (3), a person must hold a
240 valid license as an athlete agent to act as an athlete agent

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241 representing an intercollegiate athlete for purposes of
242 contracts authorized under s. 1006.74.

243 (9) Notwithstanding athletic conference or collegiate
244 athletic association rules, bylaws, regulations, and policies to
245 the contrary, an athlete agent may represent an intercollegiate
246 athlete in securing compensation for use of her or his name,
247 image, likeness, and persona under s. 1006.74.

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

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250 -----

251 **T I T L E A M E N D M E N T**

252 Remove everything before the enacting clause and insert:

253 An act relating to intercollegiate athlete
254 compensation and rights; providing a short title;
255 creating s. 1006.74, F.S.; providing legislative
256 findings; providing definitions; authorizing certain
257 intercollegiate athletes to earn compensation for
258 their names, images, likenesses, and personas;
259 providing requirements for such compensation;
260 prohibiting postsecondary educational institutions
261 from adopting or maintaining rules, regulations,
262 standards, or other requirements that prevents or
263 unduly restricts intercollegiate athletes from earning
264 specified compensation; providing that certain
265 compensation does not affect certain intercollegiate

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266 athlete eligibilities; prohibiting a postsecondary
267 educational institution from compensating
268 intercollegiate athletes or prospective
269 intercollegiate athletes for their names, images,
270 likenesses, or personas; prohibiting a postsecondary
271 educational institution from preventing or unduly
272 restricting intercollegiate athletes from obtaining
273 specified representation; requiring athlete agents and
274 attorneys to meet specified requirements; providing
275 that specified aid for intercollegiate athletes is not
276 considered compensation; prohibiting the revocation or
277 reduction of certain aid as a result of
278 intercollegiate athletes earning certain compensation
279 or obtaining specified representation; providing
280 approval requirements for certain contracts for
281 compensation for intercollegiate athletes who are
282 minors; providing contract requirements; prohibiting
283 intercollegiate athletes from entering into contracts
284 for specified compensation that materially conflict
285 with terms of her or his team contract; providing
286 intercollegiate athlete contract disclosure
287 requirements; requiring postsecondary educational
288 institutions to maintain certain insurance for
289 intercollegiate athletes; providing requirements for
290 such insurance; requiring postsecondary educational

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291 institutions to provide specified grant-in-aid to
292 intercollegiate athletes under certain circumstances
293 and provide a specified workshop; providing
294 requirements for such grant-in-aid and workshop;
295 providing applicability; prohibiting the use of state
296 funds for specified purposes; providing requirements
297 for reporting certain injuries and claims for benefits
298 related to certain injuries; providing requirements
299 for certain disability compensation benefits;
300 requiring the Board of Governors and the State Board
301 of Education to adopt regulations and rules,
302 respectively; amending s. 468.453, F.S.; providing
303 requirements for certain athlete agents; providing an
304 effective date.