

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative LaMarca offered the following:

Amendment (with title amendment)

Remove lines 109-283 and insert:

POSTSECONDARY EDUCATIONAL INSTITUTIONS RESPONSIBILITIES.-

Effective July 1, 2021:

(a) An intercollegiate athlete at a postsecondary educational institution may earn compensation for her or his name, image, likeness, or persona. Such compensation must be commensurate with the market value of the services provided. To preserve the integrity, quality, character, and amateur nature of intercollegiate athletics and to maintain a clear separation between amateur intercollegiate athletics and professional

890111

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Amendment No.

14 sports, such compensation may not be provided in exchange for
15 athletic performance or attendance at a particular institution.

16 (b) A postsecondary educational institution may not adopt
17 or maintain a contract, rule, regulation, standard, or other
18 requirement that prevents or unduly restricts an intercollegiate
19 athlete from earning compensation for the use of her or his
20 name, image, likeness, or persona. Earning such compensation may
21 not affect the intercollegiate athlete's grant-in-aid or
22 athletic eligibility.

23 (c) A postsecondary educational institution, an entity
24 whose purpose includes supporting or benefitting the institution
25 or its athletic programs, or an officer, director, or employee
26 of such institution or entity may not compensate or cause
27 compensation to be directed to a current or prospective
28 intercollegiate athlete for her or his name, image, likeness, or
29 persona.

30 (d) A postsecondary educational institution may not
31 prevent or unduly restrict an intercollegiate athlete from
32 obtaining professional representation by an athlete agent or
33 attorney engaged for the purpose of securing compensation for
34 her or his name, image, likeness, or persona. Pursuant to s.
35 468.453(8), an athlete agent representing an intercollegiate
36 athlete for purposes of securing compensation for her or his
37 name, image, likeness, or persona must be licensed under part IX
38 of chapter 468. An attorney representing an intercollegiate

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Amendment No.

39 athlete for purposes of securing compensation for her or his
40 name, image, likeness, or persona must be a member in good
41 standing of The Florida Bar.

42 (e) Grant-in-aid, including cost of attendance, awarded to
43 an intercollegiate athlete by a postsecondary educational
44 institution is not compensation for the purposes of this
45 subsection, and may not be revoked or reduced as a result of an
46 intercollegiate athlete earning compensation or obtaining
47 professional representation under this subsection.

48 (f) An intercollegiate athlete under the age of 18 years
49 must have any contract for compensation for her or his name,
50 image, likeness, or persona approved under ss. 743.08 and
51 743.09.

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

55 (h) An intercollegiate athlete may not enter into a
56 contract for compensation for her or his name, image, likeness,
57 or persona if a term of the contract materially conflicts with a
58 term of the intercollegiate athlete's team contract. A
59 postsecondary educational institution asserting a conflict under
60 this paragraph must disclose each relevant contract term that
61 conflicts with the team contract to the intercollegiate athlete
62 or her or his representative.

890111

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Amendment No.

63 (i) An intercollegiate athlete who enters into a contract
64 for compensation for her or his name, image, likeness, or
65 persona shall disclose the contract to the postsecondary
66 educational institution at which she or he is enrolled, in a
67 manner designated by the institution.

68 (j) The duration of a contract for representation of an
69 intercollegiate athlete or compensation of an intercollegiate
70 athlete's name, image, likeness, or persona may not extend
71 beyond her or his participation in an athletic program at a
72 postsecondary educational institution.

73 (3) POSTSECONDARY EDUCATIONAL INSTITUTION HEALTH AND
74 DISABILITY INSURANCE REQUIREMENTS.—Each postsecondary
75 educational institution shall:

76 (a)1. Maintain for each intercollegiate athlete health
77 insurance and disability insurance that meets the requirements
78 of subparagraphs 3. and 4., respectively, by:

79 a. Verifying that the intercollegiate athlete is provided
80 the benefits required by this section by her or his own
81 insurance or insurance provided by an immediate family member;

82 b. Providing insurance covering the intercollegiate
83 athlete;

84 c. Participating in an insurance program, which provides
85 at least the benefits required by this section, offered by an
86 intercollegiate athletics sanctioning body or intercollegiate

890111

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Amendment No.

87 athletics association of which the postsecondary educational
88 institution is a member; or

89 d. Any combination of sub-subparagraphs a.-c.

90 2. If the intercollegiate athlete's insurance under sub-
91 subparagraph a. lapses or does not provide the required medical
92 benefits, the postsecondary educational institution must provide
93 coverage under sub-subparagraph b. or sub-subparagraph c., or a
94 combination thereof, beginning with the first dollar of a claim.

95 If coverage is secured under sub-subparagraph a., any
96 deductible, copay, or coinsurance amounts must be paid by the
97 postsecondary educational institution or an intercollegiate
98 athletics association, conference, or organization of which the
99 postsecondary educational institution is a member. If coverage
100 is secured under sub-subparagraph b. or sub-subparagraph c., or
101 a combination thereof, the entire premium and any deductible,
102 copay, or coinsurance amounts must be paid by the postsecondary
103 educational institution or an intercollegiate athletics
104 association, conference, or organization of which the
105 postsecondary educational institution is a member.

106 3. Health insurance under subparagraph 1. must include
107 dental benefits for dental conditions related to the injury,
108 medically necessary emergency and nonemergency medical
109 transportation, professional and nonprofessional attendant care,
110 prosthetics, orthotics, durable medical equipment, and medically

890111

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Amendment No.

111 necessary physical rehabilitation and vocational rehabilitation
112 benefits.

113 4. Disability insurance under subparagraph 1. must provide
114 at least \$400 per month for the first 12 months of total
115 disability and \$2,700 per month for each month of total
116 disability beyond the first 12 months of total disability; at
117 least \$270 per month for the first 12 months of partial
118 disability and \$1,800 per month for each month of partial
119 disability beyond the first 12 months of partial disability; and
120 a death benefit of at least \$25,000.

121 (b) Provide an intercollegiate athlete who was receiving
122 athletic related grant-in-aid and is in good standing, an
123 equivalent grant-in-aid for:

124 1. Up to one academic year or until the intercollegiate
125 athlete completes her or his primary undergraduate degree,
126 whichever is shorter, if the intercollegiate athlete has
127 exhausted athletic eligibility.

128 2. Up to five academic years or until the intercollegiate
129 athlete completes her or his primary undergraduate degree,
130 whichever is shorter, if the intercollegiate athlete suffered an
131 injury, and an independent physician with a specialty
132 appropriate to each applicable injury determines that she or he
133 is medically ineligible to participate in intercollegiate
134 athletics.

890111

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Amendment No.

135 (c) Conduct a financial literacy and life skills workshop
136 for a minimum of 5 hours at the beginning of the intercollegiate
137 athlete's first and third academic years. The workshop shall, at
138 a minimum, include information concerning financial aid, debt
139 management, and a recommended budget for full and partial grant-
140 in-aid intercollegiate athletes based on the current academic
141 year's cost of attendance. The workshop shall also include
142 information on time management skills necessary for success as
143 an intercollegiate athlete and available academic resources. The
144 workshop may not include any marketing, advertising, referral,
145 or solicitation by providers of financial products or services.

146 (4) LIMITATIONS.-

147 (a) This section does not require the medical treatment of
148 a preexisting medical condition except to the extent that the
149 preexisting medical condition is aggravated by the injury or
150 treatment of the preexisting medical condition is medically
151 necessary to the treatment of the injury.

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

154 (c) An injury must be reported by the earlier of the 30th
155 day after occurrence of the injury, the 30th day after the
156 intercollegiate athlete knew or should have known that an injury
157 existed, or 2 years after the intercollegiate athlete separates
158 from the postsecondary educational institution.

890111

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Amendment No.

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

163 (e) For a former intercollegiate athlete receiving
164 disability compensation benefits under this section who is
165 earning wages while receiving such benefits or is determined by
166 a functional capacity expert to be capable of earning wages,
167 beginning 12 months after the date of the injury, the benefit
168 shall be reduced by an amount equal to one half of the former
169 intercollegiate athlete's after tax earnings in excess of the
170 base amount. The base amount shall be \$1,000 for the first 12
171 months the reduction provided by this paragraph is applied and
172 shall increase by 2.5 percent annually thereafter. If the former
173 intercollegiate athlete is determined by a functional capacity
174 expert to have a wage earning capacity, but is not earning
175 wages, the disability compensation benefit shall be reduced by
176 one-half for any period more than 12 months after the date of
177 the injury that the former intercollegiate athlete is not
178 earning wages, unless the former intercollegiate athlete
179 documents her or his employment search, which must include at
180 least four employment applications submitted monthly.

181 (5) REGULATIONS AND RULES.—The Board of Governors and the
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Amendment No.

184

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

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Remove line 7 and insert:

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their names, images, likenesses, and personas

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beginning on a date certain;

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