

1                   A bill to be entitled  
2           An act relating to intercollegiate athlete  
3           compensation and rights; creating s. 1006.72, F.S.;  
4           providing legislative findings; providing definitions;  
5           authorizing certain intercollegiate athletes to earn  
6           compensation for their names, images, likenesses, and  
7           personas; providing requirements for such  
8           compensation; prohibiting postsecondary educational  
9           institutions from adopting or maintaining rules,  
10          regulations, standards, or other requirements that  
11          prevents or unduly restricts intercollegiate athletes  
12          from earning specified compensation; providing that  
13          certain compensation does not affect certain  
14          intercollegiate athlete eligibilities; prohibiting a  
15          postsecondary educational institution from  
16          compensating intercollegiate athletes or prospective  
17          intercollegiate athletes for their names, images,  
18          likenesses, or personas; prohibiting a postsecondary  
19          educational institution from preventing or unduly  
20          restricting intercollegiate athletes from obtaining  
21          specified representation; requiring athlete agents and  
22          attorneys to meet specified requirements; providing  
23          that specified aid for intercollegiate athletes is not  
24          considered compensation; prohibiting the revocation or  
25          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  
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; requiring  
35 postsecondary educational institutions to maintain  
36 certain insurance for intercollegiate athletes;  
37 providing requirements for such insurance; requiring  
38 postsecondary educational institutions to provide  
39 specified grant-in-aid to intercollegiate athletes  
40 under certain circumstances and provide a specified  
41 workshop; providing requirements for such grant-in-aid  
42 and workshop; providing applicability; prohibiting the  
43 use of state funds for specified purposes; providing  
44 requirements for reporting certain injuries and claims  
45 for benefits related to certain injuries; providing  
46 requirements for certain disability compensation  
47 benefits; prohibiting a postsecondary educational  
48 institution from membership in specified associations,  
49 conferences, or organizations; requiring the Board of  
50 Governors and the State Board of Education to adopt

51 regulations and rules, respectively; amending s.  
 52 468.453, F.S.; providing requirements for certain  
 53 athlete agents; providing an effective date.

54  
 55 Be It Enacted by the Legislature of the State of Florida:

56  
 57 Section 1. Section 1006.72, Florida Statutes, is created  
 58 to read:

59 1006.72 Intercollegiate athlete compensation and rights.-

60 The Legislature finds that intercollegiate athletics provide  
 61 intercollegiate athletes with significant educational  
 62 opportunities. However, participation in intercollegiate  
 63 athletics should not infringe upon an intercollegiate athlete's  
 64 ability to earn compensation for her or his name, image,  
 65 likeness, or persona. An intercollegiate athlete must have an  
 66 equal opportunity to control and profit from the commercial use  
 67 of her or his name, image, likeness, and persona and be  
 68 protected from unauthorized appropriation and commercial  
 69 exploitation of her or his right to publicity, including her or  
 70 his name, image, likeness, and persona. Moreover, an  
 71 intercollegiate athlete's inability to participate in  
 72 intercollegiate athletics due to an injury should not impair her  
 73 or his future health or academic success.

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

75 (a) "Athletic program" means an intercollegiate athletic

76 | program at a postsecondary educational institution.

77 |       (b) "Disability insurance" means insurance covering  
78 | disability compensation benefits for an intercollegiate athlete  
79 | participating in an athletic program.

80 |       (c) "Health insurance" means primary health insurance  
81 | covering injuries resulting from the intercollegiate athlete's  
82 | participation in an athletic program that provides for all  
83 | medically necessary treatment and care until the intercollegiate  
84 | athlete is restored to her or his condition before the injury.

85 |       (d) "Injury" means an injury sustained by an  
86 | intercollegiate athlete while participating in an athletic  
87 | program's activities.

88 |       (e) "Insurance" means health insurance and disability  
89 | insurance.

90 |       (f) "Intercollegiate athlete" means a student who  
91 | participates in an athletic program. The term includes a former  
92 | intercollegiate athlete who suffered an injury.

93 |       (g) "Partial disability" means the intercollegiate  
94 | athlete's incapacity because of the injury to earn full-time  
95 | wages.

96 |       (h) "Physician" means a physician licensed under chapter  
97 | 458, an osteopathic physician licensed under chapter 459, a  
98 | podiatric physician licensed under chapter 461, or an  
99 | optometrist licensed under chapter 463.

100 |       (i) "Postsecondary educational institution" means a state

101 university, a Florida College System institution, or a private  
102 college or university receiving aid under chapter 1009.

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

105 (2) INTERCOLLEGIATE ATHLETES' COMPENSATION AND RIGHTS AND  
106 POSTSECONDARY EDUCATIONAL INSTITUTIONS RESPONSIBILITIES.—

107 (a) An intercollegiate athlete at a postsecondary  
108 educational institution may earn compensation for her or his  
109 name, image, likeness, or persona. Such compensation must be  
110 commensurate with the market value of the services provided. To  
111 preserve the integrity, quality, character, and amateur nature  
112 of intercollegiate athletics and to maintain a clear separation  
113 between amateur intercollegiate athletics and professional  
114 sports, such compensation may not be provided in exchange for  
115 athletic performance or attendance at a particular institution  
116 and may only be provided by a third party unaffiliated with the  
117 intercollegiate athlete's postsecondary educational institution.

118 (b) A postsecondary educational institution may not adopt  
119 or maintain a contract, rule, regulation, standard, or other  
120 requirement that prevents or unduly restricts an intercollegiate  
121 athlete from earning compensation for the use of her or his  
122 name, image, likeness, or persona. Earning such compensation may  
123 not affect the intercollegiate athlete's grant-in-aid or  
124 athletic eligibility.

125 (c) A postsecondary educational institution may not

126 compensate a current or prospective intercollegiate athlete for  
127 her or his name, image, likeness, or persona.

128 (d) A postsecondary educational institution may not  
129 prevent or unduly restrict an intercollegiate athlete from  
130 obtaining professional representation by an athlete agent or  
131 attorney engaged for the purpose of securing compensation for  
132 her or his name, image, likeness, or persona. Pursuant to s.  
133 468.453(8), an athlete agent representing an intercollegiate  
134 athlete for purposes of securing compensation for her or his  
135 name, image, likeness, or persona must be licensed under part IX  
136 of chapter 468. An attorney representing an intercollegiate  
137 athlete for purposes of securing compensation for her or his  
138 name, image, likeness, or persona must be a member in good  
139 standing of The Florida Bar.

140 (e) Grant-in-aid, including cost of attendance, awarded to  
141 an intercollegiate athlete by a postsecondary educational  
142 institution is not compensation for the purposes of this  
143 subsection, and may not be revoked or reduced as a result of an  
144 intercollegiate athlete earning compensation or obtaining  
145 professional representation under this subsection.

146 (f) An intercollegiate athlete under the age of 18 years  
147 must have any contract for compensation for her or his name,  
148 image, likeness, or persona approved under ss. 743.08 and  
149 743.09.

150 (g) An intercollegiate athlete's contract for compensation

151 for her or his name, image, likeness, or persona may not violate  
152 this subsection.

153 (h) An intercollegiate athlete may not enter into a  
154 contract for compensation for her or his name, image, likeness,  
155 or persona if a term of the contract conflicts with a term of  
156 the intercollegiate athlete's team contract. A postsecondary  
157 educational institution asserting a conflict under this  
158 paragraph must disclose each relevant contract term that  
159 conflicts with the team contract to the intercollegiate athlete  
160 or her or his representative.

161 (i) An intercollegiate athlete who enters into a contract  
162 for compensation for her or his name, image, likeness, or  
163 persona shall disclose the contract to the postsecondary  
164 educational institution at which she or he is enrolled, in a  
165 manner designated by the institution.

166 (j) The duration of a contract for representation of an  
167 intercollegiate athlete or compensation of an intercollegiate  
168 athlete's name, image, likeness, or persona may not extend  
169 beyond her or his participation in an athletic program at a  
170 postsecondary educational institution.

171 (k) Each postsecondary educational institution shall:

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

175 I. Verifying that the intercollegiate athlete is provided

176 | the benefits required by this section by her or his own  
177 | insurance or insurance provided by an immediate family member;  
178 | II. Providing insurance covering the intercollegiate  
179 | athlete;  
180 | III. Participating in an insurance program, which provides  
181 | at least the benefits required by this section, offered by an  
182 | intercollegiate athletics sanctioning body or intercollegiate  
183 | athletics association of which the postsecondary educational  
184 | institution is a member; or  
185 | IV. Any combination of sub-sub-subparagraphs I.-III.  
186 | b. If the intercollegiate athlete's insurance under sub-  
187 | sub-subparagraph I. lapses or does not provide the required  
188 | medical benefits, the postsecondary educational institution must  
189 | provide coverage under sub-sub-subparagraph II. or sub-sub-  
190 | subparagraph III., or a combination thereof, beginning with the  
191 | first dollar of a claim. If coverage is secured under sub-sub-  
192 | subparagraph I., any deductible, copay, or coinsurance amounts  
193 | must be paid by the postsecondary educational institution. If  
194 | coverage is secured under sub-sub-subparagraph II. or sub-sub-  
195 | subparagraph III., or a combination thereof, the entire premium  
196 | and any deductible, copay, or coinsurance amounts must be paid  
197 | by the postsecondary educational institution.  
198 | c. Health insurance under sub-subparagraph a. must include  
199 | dental benefits for dental conditions related to the injury,  
200 | medically necessary emergency and nonemergency medical



201 transportation, professional and nonprofessional attendant care,  
202 prosthetics, orthotics, durable medical equipment, and medically  
203 necessary physical rehabilitation and vocational rehabilitation  
204 benefits.

205 d. Disability insurance under sub-subparagraphs a. must  
206 provide at least \$400 per month for the first 12 months of total  
207 disability and \$2,700 per month for each month of total  
208 disability beyond the first 12 months of total disability; at  
209 least \$270 per month for the first 12 months of partial  
210 disability and \$1,800 per month for each month of partial  
211 disability beyond the first 12 months of partial disability; and  
212 a death benefit of at least \$25,000.

213 2. Provide an intercollegiate athlete who was receiving  
214 athletic related grant-in-aid and is in good standing, an  
215 equivalent grant-in-aid for:

216 a. Up to one academic year or until the intercollegiate  
217 athlete completes her or his primary undergraduate degree,  
218 whichever is shorter, if the intercollegiate athlete has  
219 exhausted athletic eligibility.

220 b. Up to five academic years or until the intercollegiate  
221 athlete completes her or his primary undergraduate degree,  
222 whichever is shorter, if the intercollegiate athlete suffered an  
223 injury, and an independent physician with a specialty  
224 appropriate to each applicable injury determines that she or he  
225 is medically ineligible to participate in intercollegiate

226 athletics.

227 3. Conduct a financial literacy and life skills workshop  
228 for a minimum of 5 hours at the beginning of the intercollegiate  
229 athlete's first and third academic years. The workshop shall, at  
230 a minimum, include information concerning financial aid, debt  
231 management, and a recommended budget for full and partial grant-  
232 in-aid intercollegiate athletes based on the current academic  
233 year's cost of attendance. The workshop shall also include  
234 information on time management skills necessary for success as  
235 an intercollegiate athlete and available academic resources.

236 (3) LIMITATIONS.-

237 (a) This section does not require the medical treatment of  
238 a preexisting medical condition except to the extent that the  
239 preexisting medical condition is aggravated by the injury or  
240 treatment of the preexisting medical condition is medically  
241 necessary to the treatment of the injury.

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

244 (c) An injury must be reported by the earlier of the 30th  
245 day after occurrence of the injury, the 30th day after the  
246 intercollegiate athlete knew or should have known that an injury  
247 existed, or 2 years after the intercollegiate athlete separates  
248 from the postsecondary educational institution.

249 (d) An intercollegiate athlete's claim for benefits  
250 related to an injury is barred after 2 years after the report of

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251 injury or 2 years after provision of compensable medical  
252 treatment, whichever is later.

253 (e) For a former intercollegiate athlete receiving  
254 disability compensation benefits under this section who is  
255 earning wages while receiving such benefits or is determined by  
256 a functional capacity expert to be capable of earning wages,  
257 beginning 12 months after the date of the injury, the benefit  
258 shall be reduced by an amount equal to one half of the former  
259 intercollegiate athlete's after tax earnings in excess of the  
260 base amount. The base amount shall be \$1,000 for the first 12  
261 months the reduction provided by this paragraph is applied and  
262 shall increase by 2.5 percent annually thereafter. If the former  
263 intercollegiate athlete is determined by a functional capacity  
264 expert to have a wage earning capacity, but is not earning  
265 wages, the disability compensation benefit shall be reduced by  
266 one-half for any period more than 12 months after the date of  
267 the injury that the former intercollegiate athlete is not  
268 earning wages, unless the former intercollegiate athlete  
269 documents her or his employment search, which must include at  
270 least four employment applications submitted monthly.

271 (4) PROHIBITION OF MEMBERSHIP.—A postsecondary educational  
272 institution may not be a member of any association, conference,  
273 or organization that requires its members to comply with bylaws,  
274 regulations, or policies that are inconsistent with this  
275 section.

276        (5) REGULATIONS AND RULES.—The Board of Governors and the  
277        State Board of Education shall adopt regulations and rules,  
278        respectively, to implement this section.

279            Section 2. Subsections (8) and (9) are added to section  
280        468.453, Florida Statutes, to read:

281            468.453    Licensure required; qualifications; license  
282        nontransferable; service of process; temporary license; license  
283        or application from another state.—

284            (8) Notwithstanding subsection (3), a person must hold a  
285        valid license as an athlete agent to act as an athlete agent  
286        representing an intercollegiate athlete for purposes of  
287        contracts authorized under s. 1006.72.

288            (9) Notwithstanding athletic conference or collegiate  
289        athletic association rules, bylaws, regulations, and policies to  
290        the contrary, an athlete agent may represent an intercollegiate  
291        athlete in securing compensation for use of her or his name,  
292        image, likeness, and persona under s. 1006.72.

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