

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 or an
194 | intercollegiate athletics association, conference, or
195 | organization of which the postsecondary educational institution
196 | is a member. If coverage is secured under sub-sub-subparagraph
197 | II. or sub-sub-subparagraph III., or a combination thereof, the
198 | entire premium and any deductible, copay, or coinsurance amounts
199 | must be paid by the postsecondary educational institution or an
200 | intercollegiate athletics association, conference, or

201 organization of which the postsecondary educational institution
202 is a member.

203 c. Health insurance under sub-subparagraph a. must include
204 dental benefits for dental conditions related to the injury,
205 medically necessary emergency and nonemergency medical
206 transportation, professional and nonprofessional attendant care,
207 prosthetics, orthotics, durable medical equipment, and medically
208 necessary physical rehabilitation and vocational rehabilitation
209 benefits.

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

218 2. Provide an intercollegiate athlete who was receiving
219 athletic related grant-in-aid and is in good standing, an
220 equivalent grant-in-aid for:

221 a. Up to one academic year or until the intercollegiate
222 athlete completes her or his primary undergraduate degree,
223 whichever is shorter, if the intercollegiate athlete has
224 exhausted athletic eligibility.

225 b. Up to five academic years or until the intercollegiate

226 athlete completes her or his primary undergraduate degree,
227 whichever is shorter, if the intercollegiate athlete suffered an
228 injury, and an independent physician with a specialty
229 appropriate to each applicable injury determines that she or he
230 is medically ineligible to participate in intercollegiate
231 athletics.

232 3. Conduct a financial literacy and life skills workshop
233 for a minimum of 5 hours at the beginning of the intercollegiate
234 athlete's first and third academic years. The workshop shall, at
235 a minimum, include information concerning financial aid, debt
236 management, and a recommended budget for full and partial grant-
237 in-aid intercollegiate athletes based on the current academic
238 year's cost of attendance. The workshop shall also include
239 information on time management skills necessary for success as
240 an intercollegiate athlete and available academic resources. The
241 workshop may not include any marketing, advertising, referral,
242 or solicitation by providers of financial products or services.

243 (3) LIMITATIONS.-

244 (a) This section does not require the medical treatment of
245 a preexisting medical condition except to the extent that the
246 preexisting medical condition is aggravated by the injury or
247 treatment of the preexisting medical condition is medically
248 necessary to the treatment of the injury.

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

251 (c) An injury must be reported by the earlier of the 30th
252 day after occurrence of the injury, the 30th day after the
253 intercollegiate athlete knew or should have known that an injury
254 existed, or 2 years after the intercollegiate athlete separates
255 from the postsecondary educational institution.

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

260 (e) For a former intercollegiate athlete receiving
261 disability compensation benefits under this section who is
262 earning wages while receiving such benefits or is determined by
263 a functional capacity expert to be capable of earning wages,
264 beginning 12 months after the date of the injury, the benefit
265 shall be reduced by an amount equal to one half of the former
266 intercollegiate athlete's after tax earnings in excess of the
267 base amount. The base amount shall be \$1,000 for the first 12
268 months the reduction provided by this paragraph is applied and
269 shall increase by 2.5 percent annually thereafter. If the former
270 intercollegiate athlete is determined by a functional capacity
271 expert to have a wage earning capacity, but is not earning
272 wages, the disability compensation benefit shall be reduced by
273 one-half for any period more than 12 months after the date of
274 the injury that the former intercollegiate athlete is not
275 earning wages, unless the former intercollegiate athlete

276 documents her or his employment search, which must include at
277 least four employment applications submitted monthly.

278 (4) PROHIBITION OF MEMBERSHIP.—A postsecondary educational
279 institution may not be a member of any association, conference,
280 or organization that requires its members to comply with bylaws,
281 regulations, or policies that are inconsistent with this
282 section.

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

286 Section 2. Subsections (8) and (9) are added to section
287 468.453, Florida Statutes, to read:

288 468.453 Licensure required; qualifications; license
289 nontransferable; service of process; temporary license; license
290 or application from another state.—

291 (8) Notwithstanding subsection (3), a person must hold a
292 valid license as an athlete agent to act as an athlete agent
293 representing an intercollegiate athlete for purposes of
294 contracts authorized under s. 1006.72.

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

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