

1 A bill to be entitled
2 An act relating to intercollegiate athlete
3 compensation and rights; providing a short title;
4 creating s. 1006.74, F.S.; providing legislative
5 findings; providing definitions; authorizing certain
6 intercollegiate athletes to earn compensation for
7 their names, images, likenesses, and personas;
8 providing requirements for such compensation;
9 prohibiting postsecondary educational institutions
10 from adopting or maintaining rules, regulations,
11 standards, or other requirements that prevents or
12 unduly restricts intercollegiate athletes from earning
13 specified compensation; providing that certain
14 compensation does not affect certain intercollegiate
15 athlete eligibilities; prohibiting a postsecondary
16 educational institution, certain entities, and
17 specified individuals from compensating or causing
18 compensation to be directed to intercollegiate
19 athletes or prospective intercollegiate athletes for
20 their names, images, likenesses, or personas;
21 prohibiting a postsecondary educational institution
22 from preventing or unduly restricting intercollegiate
23 athletes from obtaining specified representation;
24 requiring athlete agents and attorneys to meet
25 specified requirements; providing that specified aid

26 | for intercollegiate athletes is not considered
27 | compensation; prohibiting the revocation or reduction
28 | of certain aid as a result of intercollegiate athletes
29 | earning certain compensation or obtaining specified
30 | representation; providing approval requirements for
31 | certain contracts for compensation for intercollegiate
32 | athletes who are minors; providing contract
33 | requirements; prohibiting intercollegiate athletes
34 | from entering into contracts for specified
35 | compensation that materially conflict with terms of
36 | her or his team contract; providing intercollegiate
37 | athlete contract disclosure requirements; requiring
38 | postsecondary educational institutions to maintain
39 | certain insurance for intercollegiate athletes;
40 | providing requirements for such insurance; requiring
41 | postsecondary educational institutions to provide
42 | specified grant-in-aid to intercollegiate athletes
43 | under certain circumstances and provide a specified
44 | workshop; providing requirements for such grant-in-aid
45 | and workshop; providing applicability; prohibiting the
46 | use of state funds for specified purposes; providing
47 | requirements for reporting certain injuries and claims
48 | for benefits related to certain injuries; providing
49 | requirements for certain disability compensation
50 | benefits; requiring the Board of Governors and the

51 State Board of Education to adopt regulations and
52 rules, respectively; amending s. 468.453, F.S.;
53 providing requirements for certain athlete agents;
54 providing an effective date.

55

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

57

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

60 Section 2. Section 1006.74, Florida Statutes, is created
61 to read:

62 1006.74 Intercollegiate athlete compensation and rights.-
63 The Legislature finds that intercollegiate athletics provide
64 intercollegiate athletes with significant educational
65 opportunities. However, participation in intercollegiate
66 athletics should not infringe upon an intercollegiate athlete's
67 ability to earn compensation for her or his name, image,
68 likeness, or persona. An intercollegiate athlete must have an
69 equal opportunity to control and profit from the commercial use
70 of her or his name, image, likeness, and persona and be
71 protected from unauthorized appropriation and commercial
72 exploitation of her or his right to publicity, including her or
73 his name, image, likeness, and persona. Moreover, an
74 intercollegiate athlete's inability to participate in
75 intercollegiate athletics due to an injury should not impair her

76 | or his future health or academic success.

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

78 | (a) "Athletic program" means an intercollegiate athletic
79 | program at a postsecondary educational institution.

80 | (b) "Disability insurance" means insurance covering
81 | disability compensation benefits for an intercollegiate athlete
82 | participating in an athletic program.

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

88 | (d) "Injury" means an injury sustained by an
89 | intercollegiate athlete while participating in an athletic
90 | program's activities.

91 | (e) "Insurance" means health insurance and disability
92 | insurance.

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

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

99 | (h) "Physician" means a physician licensed under chapter
100 | 458, an osteopathic physician licensed under chapter 459, a

101 podiatric physician licensed under chapter 461, or an
102 optometrist licensed under chapter 463.

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

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

108 (2) INTERCOLLEGIATE ATHLETES' COMPENSATION AND RIGHTS AND
109 POSTSECONDARY EDUCATIONAL INSTITUTIONS RESPONSIBILITIES.—

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

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

126 (c) A postsecondary educational institution, an entity
127 whose purpose includes supporting or benefitting the institution
128 or its athletic programs, or an officer, director, or employee
129 of such institution or entity may not compensate or cause
130 compensation to be directed to a current or prospective
131 intercollegiate athlete for her or his name, image, likeness, or
132 persona.

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

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

151 (f) An intercollegiate athlete under the age of 18 years
152 must have any contract for compensation for her or his name,
153 image, likeness, or persona approved under ss. 743.08 and
154 743.09.

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

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

166 (i) An intercollegiate athlete who enters into a contract
167 for compensation for her or his name, image, likeness, or
168 persona shall disclose the contract to the postsecondary
169 educational institution at which she or he is enrolled, in a
170 manner designated by the institution.

171 (j) The duration of a contract for representation of an
172 intercollegiate athlete or compensation of an intercollegiate
173 athlete's name, image, likeness, or persona may not extend
174 beyond her or his participation in an athletic program at a
175 postsecondary educational institution.

176 (k) Each postsecondary educational institution shall:
177 1.a. Maintain for each intercollegiate athlete health
178 insurance and disability insurance that meets the requirements
179 of sub-subparagraphs c. and d., respectively, by:
180 I. Verifying that the intercollegiate athlete is provided
181 the benefits required by this section by her or his own
182 insurance or insurance provided by an immediate family member;
183 II. Providing insurance covering the intercollegiate
184 athlete;
185 III. Participating in an insurance program, which provides
186 at least the benefits required by this section, offered by an
187 intercollegiate athletics sanctioning body or intercollegiate
188 athletics association of which the postsecondary educational
189 institution is a member; or
190 IV. Any combination of sub-sub-subparagraphs I.-III.
191 b. If the intercollegiate athlete's insurance under sub-
192 sub-subparagraph I. lapses or does not provide the required
193 medical benefits, the postsecondary educational institution must
194 provide coverage under sub-sub-subparagraph II. or sub-sub-
195 subparagraph III., or a combination thereof, beginning with the
196 first dollar of a claim. If coverage is secured under sub-sub-
197 subparagraph I., any deductible, copay, or coinsurance amounts
198 must be paid by the postsecondary educational institution or an
199 intercollegiate athletics association, conference, or
200 organization of which the postsecondary educational institution

201 is a member. If coverage is secured under sub-sub-subparagraph
202 II. or sub-sub-subparagraph III., or a combination thereof, the
203 entire premium and any deductible, copay, or coinsurance amounts
204 must be paid by the postsecondary educational institution or an
205 intercollegiate athletics association, conference, or
206 organization of which the postsecondary educational institution
207 is a member.

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

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

223 2. Provide an intercollegiate athlete who was receiving
224 athletic related grant-in-aid and is in good standing, an
225 equivalent grant-in-aid for:

226 a. Up to one academic year or until the intercollegiate
227 athlete completes her or his primary undergraduate degree,
228 whichever is shorter, if the intercollegiate athlete has
229 exhausted athletic eligibility.

230 b. Up to five academic years or until the intercollegiate
231 athlete completes her or his primary undergraduate degree,
232 whichever is shorter, if the intercollegiate athlete suffered an
233 injury, and an independent physician with a specialty
234 appropriate to each applicable injury determines that she or he
235 is medically ineligible to participate in intercollegiate
236 athletics.

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

248 (3) LIMITATIONS.-

249 (a) This section does not require the medical treatment of
250 a preexisting medical condition except to the extent that the

251 preexisting medical condition is aggravated by the injury or
252 treatment of the preexisting medical condition is medically
253 necessary to the treatment of the injury.

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

256 (c) An injury must be reported by the earlier of the 30th
257 day after occurrence of the injury, the 30th day after the
258 intercollegiate athlete knew or should have known that an injury
259 existed, or 2 years after the intercollegiate athlete separates
260 from the postsecondary educational institution.

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

265 (e) For a former intercollegiate athlete receiving
266 disability compensation benefits under this section who is
267 earning wages while receiving such benefits or is determined by
268 a functional capacity expert to be capable of earning wages,
269 beginning 12 months after the date of the injury, the benefit
270 shall be reduced by an amount equal to one half of the former
271 intercollegiate athlete's after tax earnings in excess of the
272 base amount. The base amount shall be \$1,000 for the first 12
273 months the reduction provided by this paragraph is applied and
274 shall increase by 2.5 percent annually thereafter. If the former
275 intercollegiate athlete is determined by a functional capacity

276 expert to have a wage earning capacity, but is not earning
277 wages, the disability compensation benefit shall be reduced by
278 one-half for any period more than 12 months after the date of
279 the injury that the former intercollegiate athlete is not
280 earning wages, unless the former intercollegiate athlete
281 documents her or his employment search, which must include at
282 least four employment applications submitted monthly.

283 (4) 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 3. 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. 1006.74.

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. 1006.74.

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