

By Senator Hutson

7-01553-22

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1 A bill to be entitled
2 An act relating to intercollegiate athlete
3 compensation and rights; amending s. 1006.74, F.S.;
4 defining the term "mark"; deleting a requirement that
5 compensation to an intercollegiate athlete be provided
6 by certain third parties; authorizing certain entities
7 and persons to cause compensation to be directed to a
8 current intercollegiate athlete; prohibiting entities
9 and persons who provide specified services to a
10 postsecondary educational institution from causing
11 compensation to be directed to a current or
12 prospective intercollegiate athlete; prohibiting an
13 intercollegiate athlete from entering into a
14 compensation contract that conflicts with her or his
15 athletic program or postsecondary educational
16 institution, rather than team, contract; prohibiting
17 certain parties from using a postsecondary educational
18 institution's mark without written consent of the
19 institution or its designee; providing an effective
20 date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Present paragraph (c) of subsection (1) of
25 section 1006.74, Florida Statutes, is redesignated as paragraph
26 (d), a new paragraph (c) is added to that subsection and
27 paragraph (1) is added to subsection (2) of that section, and
28 paragraphs (a), (c), and (h) of subsection (2) of that section
29 are amended, to read:

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30 1006.74 Intercollegiate athlete compensation and rights.—
31 The Legislature finds that intercollegiate athletics provide
32 intercollegiate athletes with significant educational
33 opportunities. However, participation in intercollegiate
34 athletics should not infringe upon an intercollegiate athlete's
35 ability to earn compensation for her or his name, image, or
36 likeness. An intercollegiate athlete must have an equal
37 opportunity to control and profit from the commercial use of her
38 or his name, image, or likeness, and be protected from
39 unauthorized appropriation and commercial exploitation of her or
40 his right to publicity, including her or his name, image, or
41 likeness.

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

43 (c) "Mark" means any trademark, service mark, certification
44 mark, or collective mark entitled to registration under chapter
45 495 or the Trademark Act of 1946, as amended, whether or not
46 registered, or any other trademark, indicia, logo, uniform, or
47 landmark associated with a postsecondary educational
48 institution.

49 (2) INTERCOLLEGIATE ATHLETE COMPENSATION AND RIGHTS AND
50 POSTSECONDARY EDUCATIONAL INSTITUTION RESPONSIBILITIES.—

51 (a) An intercollegiate athlete at a postsecondary
52 educational institution may earn compensation for the use of her
53 or his name, image, or likeness. Such compensation must be
54 commensurate with the market value of the authorized use of the
55 athlete's name, image, or likeness. To preserve the integrity,
56 quality, character, and amateur nature of intercollegiate
57 athletics and to maintain a clear separation between amateur
58 intercollegiate athletics and professional sports, such

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59 compensation may not be provided in exchange for athletic
60 performance or attendance at a particular institution ~~and may~~
61 ~~only be provided by a third party unaffiliated with the~~
62 ~~intercollegiate athlete's postsecondary educational institution.~~

63 (c) A postsecondary educational institution; an entity
64 whose purpose includes supporting or benefiting the institution
65 or its athletic programs; or an officer, director, or employee
66 of such institution or entity may not compensate ~~or cause~~
67 ~~compensation to be directed to~~ a current or prospective
68 intercollegiate athlete for her or his name, image, or likeness.
69 However, such institution, entity, or officer, director, or
70 employee of such institution or entity may, through an act that
71 does not conflict with this section, cause compensation to be
72 directed to a current intercollegiate athlete. An entity that,
73 by contract or other agreement with a postsecondary educational
74 institution, provides disclosures, compliance, or educational
75 services under this section for a postsecondary educational
76 institution or an officer, director, or employee of such entity
77 may not cause compensation to be directed to a current or
78 prospective intercollegiate athlete for her or his name, image,
79 or likeness.

80 (h) An intercollegiate athlete may not enter into a
81 contract for compensation for the use of her or his name, image,
82 or likeness if a term of the contract conflicts with a term of
83 the intercollegiate athlete's athletic program or postsecondary
84 educational institution ~~team~~ contract. A postsecondary
85 educational institution asserting a conflict under this
86 paragraph must disclose each relevant contract term that
87 conflicts with the athletic program or postsecondary educational

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88 institution ~~team~~ contract to the intercollegiate athlete or her
89 or his representative.

90 (1) Any party in an agreement to compensate an
91 intercollegiate athlete for the use of her or his name, image,
92 or likeness may not use a postsecondary educational
93 institution's mark without the express written consent of the
94 institution or its designee.

95 Section 2. This act shall take effect July 1, 2022.