

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 a 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 such
19 institution or its designee; providing an effective
20 date.

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

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24 Section 1. Paragraph (c) of subsection (1) of section
25 1006.74, Florida Statutes, is redesignated as paragraph (d),

26 paragraphs (a), (c), and (h) of subsection (2) are amended, a
 27 new paragraph (c) is added to subsection (1), and paragraph (1)
 28 is added to subsection (2) of that section, to read:

29 1006.74 Intercollegiate athlete compensation and rights.—
 30 The Legislature finds that intercollegiate athletics provide
 31 intercollegiate athletes with significant educational
 32 opportunities. However, participation in intercollegiate
 33 athletics should not infringe upon an intercollegiate athlete's
 34 ability to earn compensation for her or his name, image, or
 35 likeness. An intercollegiate athlete must have an equal
 36 opportunity to control and profit from the commercial use of her
 37 or his name, image, or likeness, and be protected from
 38 unauthorized appropriation and commercial exploitation of her or
 39 his right to publicity, including her or his name, image, or
 40 likeness.

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

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

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

50 (a) An intercollegiate athlete at a postsecondary

51 | educational institution may earn compensation for the use of her
52 | or his name, image, or likeness. Such compensation must be
53 | commensurate with the market value of the authorized use of the
54 | athlete's name, image, or likeness. To preserve the integrity,
55 | quality, character, and amateur nature of intercollegiate
56 | athletics and to maintain a clear separation between amateur
57 | intercollegiate athletics and professional sports, such
58 | compensation may not be provided in exchange for athletic
59 | performance or attendance at a particular institution ~~and may~~
60 | ~~only be provided by a third party unaffiliated with the~~
61 | ~~intercollegiate athlete's postsecondary educational institution.~~

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

76 or employee of such entity may not cause compensation to be
77 directed to a current or prospective intercollegiate athlete for
78 her or his name, image, or likeness.

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

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

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