

By Senator Hutson

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1 A bill to be entitled
2 An act relating to intercollegiate athlete
3 compensation and rights; amending s. 468.453, F.S.;
4 revising requirements for athlete agents representing
5 intercollegiate athletes for certain purposes;
6 conforming provisions to changes made by the act;
7 amending s. 1006.74, F.S.; revising and deleting
8 definitions; deleting requirements regarding the
9 compensation that intercollegiate athletes may
10 receive; deleting certain requirements for
11 postsecondary educational institutions whose
12 intercollegiate athletes seek to earn compensation or
13 to have professional representation; requiring a
14 postsecondary educational institution to conduct a
15 financial literacy and life skills workshop under
16 certain conditions; making technical changes;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsections (8) and (9) of section 468.453,
22 Florida Statutes, are amended to read:

23 468.453 Licensure required; qualifications; license
24 nontransferable; service of process; temporary license; license
25 or application from another state.—

26 (8) Notwithstanding subsection (3), a person must hold a
27 valid license as an athlete agent to act as an athlete agent
28 representing an intercollegiate athlete for purposes of
29 contracts that allow an intercollegiate athlete to profit from

7-00654-23

2023200__

30 the commercial use of her or his name, image, or likeness and to
31 be protected from unauthorized appropriation and commercial
32 exploitation of her or his right to publicity, including her or
33 his name, image, or likeness authorized under s. 1006.74.

34 ~~(9) Notwithstanding athletic conference or collegiate~~
35 ~~athletic association rules, bylaws, regulations, and policies to~~
36 ~~the contrary, an athlete agent may represent an intercollegiate~~
37 ~~athlete in securing compensation for the use of her or his name,~~
38 ~~image, or likeness under s. 1006.74.~~

39 Section 2. Section 1006.74, Florida Statutes, is amended to
40 read:

41 1006.74 Intercollegiate athlete compensation and rights.—
42 The Legislature finds that intercollegiate athletics provide
43 intercollegiate athletes with significant educational
44 opportunities. However, participation in intercollegiate
45 athletics should not infringe upon an intercollegiate athlete's
46 ability to earn compensation for her or his name, image, or
47 likeness. An intercollegiate athlete must have an equal
48 opportunity to control and profit from the commercial use of her
49 or his name, image, or likeness, and be protected from
50 unauthorized appropriation and commercial exploitation of her or
51 his right to publicity, including her or his name, image, or
52 likeness.

53 (1) For the purpose of DEFINITIONS. ~~As used in this~~
54 ~~section, the term:~~

55 ~~(a) "Athletic program" means an intercollegiate athletic~~
56 ~~program at a postsecondary educational institution.~~

57 ~~(b) "Intercollegiate athlete" means a student who~~
58 ~~participates in an athletic program.~~

7-00654-23

2023200__

59 ~~(e)~~ "Postsecondary educational institution" means a state
60 university, a Florida College System institution, or a private
61 college or university receiving aid under chapter 1009.

62 (2) ~~INTERCOLLEGIATE ATHLETE COMPENSATION AND RIGHTS AND~~
63 ~~POSTSECONDARY EDUCATIONAL INSTITUTION RESPONSIBILITIES.~~

64 ~~(a) An intercollegiate athlete at a postsecondary~~
65 ~~educational institution may earn compensation for the use of her~~
66 ~~or his name, image, or likeness. Such compensation must be~~
67 ~~commensurate with the market value of the authorized use of the~~
68 ~~athlete's name, image, or likeness. To preserve the integrity,~~
69 ~~quality, character, and amateur nature of intercollegiate~~
70 ~~athletics and to maintain a clear separation between amateur~~
71 ~~intercollegiate athletics and professional sports, such~~
72 ~~compensation may not be provided in exchange for athletic~~
73 ~~performance or attendance at a particular institution and may~~
74 ~~only be provided by a third party unaffiliated with the~~
75 ~~intercollegiate athlete's postsecondary educational institution.~~

76 ~~(b) A postsecondary educational institution may not adopt~~
77 ~~or maintain a contract, rule, regulation, standard, or other~~
78 ~~requirement that prevents or unduly restricts an intercollegiate~~
79 ~~athlete from earning compensation for the use of her or his~~
80 ~~name, image, or likeness. Earning such compensation may not~~
81 ~~affect the intercollegiate athlete's grant-in-aid or athletic~~
82 ~~eligibility.~~

83 ~~(c) A postsecondary educational institution; an entity~~
84 ~~whose purpose includes supporting or benefiting the institution~~
85 ~~or its athletic programs; or an officer, director, or employee~~
86 ~~of such institution or entity may not compensate or cause~~
87 ~~compensation to be directed to a current or prospective~~

7-00654-23

2023200__

88 ~~intercollegiate athlete for her or his name, image, or likeness.~~

89 ~~(d) A postsecondary educational institution may not prevent~~
90 ~~or unduly restrict an intercollegiate athlete from obtaining~~
91 ~~professional representation by an athlete agent or attorney~~
92 ~~engaged for the purpose of securing compensation for the use of~~
93 ~~her or his name, image, or likeness. Pursuant to s. 468.453(8),~~
94 ~~an athlete agent representing an intercollegiate athlete for~~
95 ~~purposes of securing compensation for the use of her or his~~
96 ~~name, image, or likeness must be licensed under part IX of~~
97 ~~chapter 468. An attorney representing an intercollegiate athlete~~
98 ~~for purposes of securing compensation for the use of her or his~~
99 ~~name, image, or likeness must be a member in good standing of~~
100 ~~The Florida Bar.~~

101 ~~(e) A grant-in-aid, including cost of attendance, awarded~~
102 ~~to an intercollegiate athlete by a postsecondary educational~~
103 ~~institution is not compensation for the purposes of this~~
104 ~~subsection and may not be revoked or reduced as a result of an~~
105 ~~intercollegiate athlete earning compensation or obtaining~~
106 ~~professional representation under this subsection.~~

107 ~~(f) An intercollegiate athlete under 18 years of age must~~
108 ~~have any contract for compensation for the use of her or his~~
109 ~~name, image, or likeness approved under ss. 743.08 and 743.09.~~

110 ~~(g) An intercollegiate athlete's contract for compensation~~
111 ~~for the use of her or his name, image, or likeness may not~~
112 ~~violate this subsection.~~

113 ~~(h) An intercollegiate athlete may not enter into a~~
114 ~~contract for compensation for the use of her or his name, image,~~
115 ~~or likeness if a term of the contract conflicts with a term of~~
116 ~~the intercollegiate athlete's team contract. A postsecondary~~

7-00654-23

2023200__

117 ~~educational institution asserting a conflict under this~~
118 ~~paragraph must disclose each relevant contract term that~~
119 ~~conflicts with the team contract to the intercollegiate athlete~~
120 ~~or her or his representative.~~

121 ~~(i) An intercollegiate athlete who enters into a contract~~
122 ~~for compensation for the use of her or his name, image, or~~
123 ~~likeness shall disclose the contract to the postsecondary~~
124 ~~educational institution at which she or he is enrolled, in a~~
125 ~~manner designated by the institution.~~

126 ~~(j) The duration of a contract for representation of an~~
127 ~~intercollegiate athlete or compensation for the use of an~~
128 ~~intercollegiate athlete's name, image, or likeness may not~~
129 ~~extend beyond her or his participation in an athletic program at~~
130 ~~a postsecondary educational institution.~~

131 ~~(k) If the intercollegiate athletic association of which~~
132 ~~the postsecondary educational institution is a member does not~~
133 ~~include a requirement that intercollegiate athletes receive~~
134 ~~instruction in financial literacy, a postsecondary educational~~
135 ~~institution must ~~shall~~ conduct a financial literacy and life~~
136 ~~skills workshop for a minimum of 5 hours at the beginning of the~~
137 ~~intercollegiate athlete's first and third academic years. The~~
138 ~~workshop must ~~shall~~, at a minimum, include information~~
139 ~~concerning financial aid, debt management, and a recommended~~
140 ~~budget for full and partial grant-in-aid intercollegiate~~
141 ~~athletes based on the current academic year's cost of~~
142 ~~attendance. The workshop must ~~shall~~ also include information on~~
143 ~~time management skills necessary for success as an~~
144 ~~intercollegiate athlete and available academic resources. The~~
145 ~~workshop may not include any marketing, advertising, referral,~~

7-00654-23

2023200__

146 or solicitation by providers of financial products or services.

147 (3) ~~REGULATIONS AND RULES.~~ The Board of Governors and the
148 State Board of Education shall adopt regulations and rules,
149 respectively, to implement this section.

150 Section 3. This act shall take effect July 1, 2023.