

By the Committee on Education Postsecondary; and 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.; deleting definitions;
8 deleting requirements regarding the compensation that
9 intercollegiate athletes may receive; deleting certain
10 requirements for postsecondary educational
11 institutions whose intercollegiate athletes seek to
12 earn compensation or to have professional
13 representation; requiring a postsecondary educational
14 institution to conduct at least two financial
15 literacy, life skills, and entrepreneurship workshops
16 under certain conditions; making technical changes;
17 providing that postsecondary educational institutions
18 and specified individuals are not liable for damages
19 under certain circumstances; providing an effective
20 date.

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

23
24 Section 1. Subsections (8) and (9) of section 468.453,
25 Florida Statutes, are amended to read:

26 468.453 Licensure required; qualifications; license
27 nontransferable; service of process; temporary license; license
28 or application from another state.—

29 (8) Notwithstanding subsection (3), a person must hold a

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30 valid license as an athlete agent to act as an athlete agent
31 representing an intercollegiate athlete for purposes of
32 contracts that allow an intercollegiate athlete to profit from
33 the commercial use of her or his name, image, or likeness and to
34 be protected from unauthorized appropriation and commercial
35 exploitation of her or his right to publicity, including her or
36 his name, image, or likeness authorized under s. 1006.74.

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

42 Section 2. Section 1006.74, Florida Statutes, is amended to
43 read:

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

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

58 ~~(a) "Athletic program" means an intercollegiate athletic~~

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59 ~~program at a postsecondary educational institution.~~

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

62 ~~(c) "Postsecondary educational institution" means a state~~
63 ~~university, a Florida College System institution, or a private~~
64 ~~college or university receiving aid under chapter 1009.~~

65 ~~(2) INTERCOLLEGIATE ATHLETE COMPENSATION AND RIGHTS AND~~
66 ~~POSTSECONDARY EDUCATIONAL INSTITUTION RESPONSIBILITIES.—~~

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

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

86 ~~(c) A postsecondary educational institution; an entity~~
87 ~~whose purpose includes supporting or benefiting the institution~~

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88 ~~or its athletic programs; or an officer, director, or employee~~
89 ~~of such institution or entity may not compensate or cause~~
90 ~~compensation to be directed to a current or prospective~~
91 ~~intercollegiate athlete for her or his name, image, or likeness.~~

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

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

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

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

116 ~~(h) An intercollegiate athlete may not enter into a~~

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117 ~~contract for compensation for the use of her or his name, image,~~
118 ~~or likeness if a term of the contract conflicts with a term of~~
119 ~~the intercollegiate athlete's team contract. A postsecondary~~
120 ~~educational institution asserting a conflict under this~~
121 ~~paragraph must disclose each relevant contract term that~~
122 ~~conflicts with the team contract to the intercollegiate athlete~~
123 ~~or her or his representative.~~

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

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

134 ~~(k) A postsecondary educational institution must ~~shall~~~~
135 ~~conduct at least two a financial literacy, and life skills, and~~
136 ~~entrepreneurship workshops, each workshop for a minimum of 5~~
137 ~~hours, before the graduation of an intercollegiate athlete at~~
138 ~~the beginning of the intercollegiate athlete's first and third~~
139 ~~academic years. The workshops may not be identical, and the~~
140 ~~second workshop must include more rigorous instruction. The~~
141 ~~workshops may not be conducted in the same semester. Each ~~The~~~~
142 ~~workshop must ~~shall~~, at a minimum, include information~~
143 ~~concerning entrepreneurship, financial aid, debt management, and~~
144 ~~a recommended budget for full and partial grant-in-aid~~
145 ~~intercollegiate athletes based on the current academic year's~~

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146 cost of attendance. Each ~~The~~ workshop must ~~shall~~ also include
147 information on time management skills necessary for success as
148 an intercollegiate athlete and available academic resources.
149 Each ~~The~~ workshop may not include any marketing, advertising,
150 referral, or solicitation by providers of financial products or
151 services.

152 (3) A postsecondary educational institution or an employee
153 of such institution, including an athletic coach, is not liable
154 for any damages to an intercollegiate athlete's ability to earn
155 compensation for the use of her or his name, image, or likeness
156 resulting from decisions and actions routinely taken in the
157 course of intercollegiate athletics.

158 (4) REGULATIONS AND RULES.—The Board of Governors and the
159 State Board of Education shall adopt regulations and rules,
160 respectively, to implement this section.

161 Section 3. This act shall take effect upon becoming a law.