

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; requiring
17 postsecondary educational institutions to conduct a
18 specified workshop for intercollegiate athletes each
19 academic year; requiring postsecondary educational
20 institutions to conduct such workshop within a
21 specified time after an intercollegiate athlete
22 transfers to such institution; requiring such workshop
23 to include specified information; prohibiting certain
24 parties from using a postsecondary educational
25 institution's mark without written consent of such

26 institution or its designee; authorizing postsecondary
 27 educational institutions to provide specified services
 28 to intercollegiate athletes; providing requirements
 29 for professionals providing such services; providing
 30 an effective date.

31

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

33

34 Section 1. Paragraph (c) of subsection (1) of section
 35 1006.74, Florida Statutes, is redesignated as paragraph (d),
 36 subsection (3) is renumbered as subsection (4), paragraphs (a),
 37 (c), (h), and (k) of subsection (2) are amended, a new paragraph
 38 (c) is added to subsection (1), paragraph (1) is added to
 39 subsection (2), and a new subsection (3) is added to that
 40 section, to 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) DEFINITIONS.—As used in this section, the term:

54 (c) "Mark" means any trademark, service mark,
55 certification mark, or collective mark entitled to registration
56 under chapter 495 or the Trademark Act of 1946, as amended,
57 regardless of whether it is registered, or any other trademark,
58 indicia, logo, uniform, or landmark associated with a
59 postsecondary educational institution.

60 (2) INTERCOLLEGIATE ATHLETE COMPENSATION AND RIGHTS AND
61 POSTSECONDARY EDUCATIONAL INSTITUTION RESPONSIBILITIES.—

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

74 (c) A postsecondary educational institution; an entity
75 whose purpose includes supporting or benefiting the institution

76 | or its athletic programs; or an officer, director, or employee
 77 | of such institution or entity may not compensate ~~or cause~~
 78 | ~~compensation to be directed to~~ a current or prospective
 79 | intercollegiate athlete for her or his name, image, or likeness.
 80 | However, such institution, entity, or officer, director, or
 81 | employee of such institution or entity may, through an act that
 82 | does not conflict with any provision of this section, cause
 83 | compensation to be directed to a current intercollegiate athlete
 84 | for her or his name, image, or likeness. An entity that, by
 85 | contract or other agreement with a postsecondary educational
 86 | institution, provides disclosures, compliance, or educational
 87 | services under this section for a postsecondary educational
 88 | institution or an officer, director, or employee of such entity
 89 | may not cause compensation to be directed to a current or
 90 | prospective intercollegiate athlete for her or his name, image,
 91 | or likeness.

92 | (h) An intercollegiate athlete may not enter into a
 93 | contract for compensation for the use of her or his name, image,
 94 | or likeness if a term of the contract conflicts with a term of
 95 | the intercollegiate athlete's athletic program or postsecondary
 96 | educational institution team contract. A postsecondary
 97 | educational institution asserting a conflict under this
 98 | paragraph must disclose each relevant contract term that
 99 | conflicts with the athletic program or postsecondary educational
 100 | institution team contract to the intercollegiate athlete or her

101 or his representative.

102 (k) A postsecondary institution shall conduct a financial
103 literacy, entrepreneurship, and life skills workshop for a
104 minimum of 5 hours during each ~~at the beginning~~ of the
105 intercollegiate athlete's ~~first and third~~ academic years.
106 Beginning with the 2023-2024 academic year, a postsecondary
107 educational institution shall conduct such financial literacy,
108 entrepreneurship, and life skills workshop within 120 days after
109 an intercollegiate athlete transfers to the postsecondary
110 educational institution. The workshop shall, at a minimum,
111 include information concerning entrepreneurship, financial aid,
112 debt management, and a recommended budget for full and partial
113 grant-in-aid intercollegiate athletes based on the current
114 academic year's cost of attendance. The workshop shall also
115 include information on time management skills necessary for
116 success as an intercollegiate athlete and available academic
117 resources. The workshop may not include any marketing,
118 advertising, referral, or solicitation by providers of financial
119 products or services.

120 (l) Any party in an agreement to compensate an
121 intercollegiate athlete for the use of her or his name, image,
122 or likeness may not use a postsecondary educational
123 institution's mark without the express written consent of such
124 postsecondary educational institution or the institution's
125 designee.

CS/HB 99

2023

126 (3) SUPPORT SERVICES FOR INTERCOLLEGIATE ATHLETES.—A
127 postsecondary educational institution may provide contract
128 review, tax preparation, and financial advisor services for all
129 intercollegiate athletes. Any professional providing such
130 services may not charge an intercollegiate athlete any fees or
131 commissions or require any compensation from such athlete. If
132 the professional is an employee of the postsecondary educational
133 institution, such professional may not be employed by, or have a
134 conflicting contractual relationship with, a third party.

135 Section 2. This act shall take effect upon becoming a law.