

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/CS/HB 981](#)

TITLE: Athlete Representation and Compensation

SPONSOR(S): Benarroch

COMPANION BILL: [SB 1584](#) (Simon)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Industries & Professional
Activities](#)

15 Y, 1 N, As CS



[Education & Employment](#)

17 Y, 0 N, As CS



[Commerce](#)

SUMMARY

Effect of the Bill:

The bill protects student athletes from excessive athlete agent fees in name, image, and likeness (NIL) contracts with NIL collectives, prohibits registration of high school NIL compensation, and allows high school student athletes to seek advice regarding NIL compensation from registered advisors, such as their high school athletic coach.

Fiscal or Economic Impact:

The bill will likely have a positive fiscal impact on student athletes due to the cap on agent fees and a negative fiscal impact on athlete agents.

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ANALYSIS

EFFECT OF THE BILL:

The bill protects collegiate student athletes and high school student athletes from excessive [agent fees](#). Specifically, beginning on July 1, 2025, the bill limits [athlete agent](#) fees to no more than 5 percent in deals with [NIL](#) collectives. (Sections [1](#)).

The bill prohibits [Florida High School Athletic Association \(FHSAA\) Bylaws](#) from requiring a high school student athlete to register compensation with the FHSAA, an FHSAA member school, or any other entity. (Section [3](#)).

The bill authorizes a high school student athlete to earn NIL [compensation](#). If such student athlete is under the age of 18, he or she must obtain written permission from his or her [parent](#).¹ The bill prohibits such athletes from entering into NIL contracts involving the following: adult entertainment products and services; alcohol, tobacco, vaping, and nicotine products; controlled substances; prescription pharmaceuticals; gambling, including sports betting, the lottery, and betting in connection with video games, online games, and mobile devices; weapons, firearms, and ammunition; and NIL Collectives. (Section [4](#)).

The bill also permits high school student athletes to consult with registered advisors, such as the student athlete's coach, academic advisor, or other designated school employee. A student athlete under the age of 18 must obtain written permission from a parent to consult with an advisor. The bill requires all persons advising student athletes to notify the school principal or designated school administrator of their role in advising the student athlete. Each public high school with a student athlete pursuing NIL compensation must maintain a list of all registered advisors. The bill also encourages such schools to provide educational resources to assist student athletes in understanding NIL opportunities, financial literacy, and contractual obligations as they transition to college. (Section [4](#)).

¹ The Florida Early Learning-20 Education Code defines the term, 'parent' to include, "either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent." Section [1000.21\(6\), F.S.](#)

STORAGE NAME: h0981b.EEC

DATE: 4/3/2025

The bill's sections relating high school NIL are cited as "The Florida High School Name, Image, and Likeness Act." (Sections [2](#) through [4](#)).

The effective date of the bill is July 1, 2025. (Section [5](#)).

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

Indeterminate. The bill will likely have a positive fiscal impact on student athletes due to the cap on agent fees and a negative fiscal impact on athlete agents. The extent to which student athletes and agents will be impacted is unknown.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Athlete Agents](#)

Florida law defines an athlete agent as a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation.² The term includes all employees and other persons acting on behalf of an athlete agent. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.

Athlete agents representing intercollegiate student athletes for purposes of NIL must be licensed by DBPR.³ Among the licensure requirements is that athlete agent be of good moral character and undergo a criminal history records check. DBPR maintains a publicly searchable list of registered athlete agents on its website.

[Athlete Agent Compensation Limits](#)

The National Football League Players Association (NFLPA) regulations limit athlete agent fees for player contracts to 3 percent, with limited exceptions.⁴ Similarly, the National Basketball Association Players Association (NBPA) regulations limit athlete agent fees for player contracts to 4 percent, with limited exceptions.⁵ These limits are applicable to player contracts; in other words, contracts between the player and the team. Professional athletes often supplement their income through endorsement deals, and in such cases, agent fees may be higher than the limits set by the NFLPA and NBPA for player contracts.

Currently, a student athlete's educational institution or team is prohibited from directly providing NIL compensation to the student athlete. As such, any NIL compensation a student athlete receives must come from a third-party NIL deal. Currently, Florida law does not place any limits on athlete agent fees for NIL compensation.

[NCAA NIL Bylaws](#)

National Collegiate Athletic Association (NCAA) Bylaws⁶ authorize an individual to receive compensation for the use of his or her NIL, provided such compensation include the following:

- *Quid pro quo* (e.g., compensation for work performed);
- Not be contingent upon initial or continued enrollment at a particular institution (no recruiting inducement); and

² S. [468.452\(2\), F.S.](#)

³ S. [468.453, F.S.](#)

⁴ National Football League Players Association, *NFLPA Regulations Governing Contract Advisors*, at 12, available at <https://nflpaweb.blob.core.windows.net/website/RegulationsAmendedAugust2016.pdf>.

⁵ National Basketball Association Players Association, *NBPA Regulations Governing Player Agents*, at 30, available at <https://cosmic-s3.imgix.net/fec8eea0-dbd1-11e9-a097-0b637a5431fa-Agent-Regulations--Final--2019.pdf>.

⁶ NCAA Bylaw 22.

- Not be in return for athletics participation or achievement (no ‘pay-for-play’).

Currently, NCAA is not enforcing its Bylaw prohibiting NIL recruiting inducements.⁷

Florida High School Athletics Association

The FHSAA is statutorily designated as the governing nonprofit organization for interscholastic athletics for grades 6 through 12 in Florida public schools. Any high school, middle school, or combination school,⁸ including charter schools, virtual schools, private schools, and home education cooperatives,⁹ may become a member of the FHSAA. The FHSAA is prohibited from denying or discouraging interscholastic competition between its member schools and non-FHSAA member schools in Florida and may not take discriminatory or retributory action against a member school that engages in interscholastic competition with non-FHSAA member schools.¹⁰

The executive and legislative authority of the FHSAA is vested in its board of directors, which is composed of 13 members, 8 of whom are appointed by the Governor and confirmed by the Senate, 4 of whom are elected from among FHSAA members and the Commissioner of Education (commissioner).¹¹ The FHSAA is required to adopt bylaws regulating, among other topics, student eligibility, recruiting, and member schools’ interscholastic competition in accordance with applicable law.¹² The commissioner may direct the FHSAA to revise its bylaws at any time.¹³ Bylaws adopted by the FHSAA Board of Directors must be ratified by the State Board of Education and are not effective until ratified.¹⁴

Florida High School Athletic Association Name, Image, and Likeness Bylaw

In June 2024, the FHSAA amended its bylaws to authorize Florida high school athletes to benefit from NIL agreements.¹⁵ The bylaw was approved by the State Board of Education in July 2024.¹⁶ The FHSAA NIL bylaws took effect beginning with the 2024-25 school year.¹⁷

The FHSAA bylaw defines an NIL agreement as a fully executed, written contract that allows for student-athletes to profit from or be [compensated](#) for promoting, partnering, and/or representing product endorsements and other activities, as permitted by the bylaw, and that is limited to a student-athlete’s high school period of athletic eligibility and shall not extend beyond a student-athlete’s high school graduation date.¹⁸ Upon entering into an NIL agreement the student athlete and his or her [parent](#) agrees to release their school, its district or governing body, and FHSAA from any liability related to, or arising from the NIL agreement and to hold harmless their school, its district or governing body, and FHSAA from any liability related to, or arising from the NIL agreement.¹⁹

Additionally, a student who engages in any NIL activity must sign an "Affidavit of Compliance with the Regulations on Amateurism and Interscholastic Athletic Eligibility." The affidavit will be accompanied by an explanation of the

⁷ Dan Murphy, *NCAA can't enforce NIL rules after judge grants injunction*, ESPN, (Feb. 23, 2024),

https://www.espn.com/college-sports/story/_/id/39585390/ncaa-enforce-nil-rules-judge-grants-injunction (last visited March 15, 2025).

⁸ A “combination school” is any school that provides instruction to students in high school and the middle school grades; elementary, middle or high school grades combined; or elementary and middle grades combined (e.g. K-12; K-8; 6-12; or 7-12). Bylaw 3.2.2.3, FHSAA.

⁹ A “home education cooperative” is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12. Bylaw 3.2.2.4, FHSAA.

¹⁰ S. [1006.20\(1\), F.S.](#)

¹¹ S. [1006.20\(4\)\(a\), F.S.](#)

¹² S. [1006.20\(2\), F.S.](#)

¹³ S. [1006.20\(2\)\(a\), F.S.](#)

¹⁴ S. [1006.20\(2\)\(a\)1.-2., F.S.](#)

¹⁵ Bylaw 9.9.4, FHSAA. See FHSAA, *Amateurism and Name, Image & Likeness (NIL)*,

https://fhsaa.com/sports/2024/8/12/ABOUT_NILResources.aspx (last visited March 13, 2025)

¹⁶ Florida Department of Education, *2024 Archived Meetings July 24, 2024 – Meeting Agenda*,

<https://www.fldoe.org/policy/state-board-of-edu/meetings/2024/2024-07-24/> (last visited March 13, 2025).

¹⁷ See FHSAA, *Bylaws of the Florida High School Athletic Association, Inc. 2024-25 Edition*, available at

https://s3.amazonaws.com/fhsaa.org/documents/2024/10/2/2425_handbook_update_10124.pdf.

¹⁸ Bylaw 9.9.4.1, FHSAA.

¹⁹ Bylaw 9.9.4.1.1-2, FHSAA.

FHSAA Bylaw on Amateurism, including the penalties for violating the bylaw, as well as the consequences of making a false statement on the affidavit. The student/parent must complete, obtain all applicable signatures and submit this form to the school within 5 business days of signing a NIL agreement.²⁰

A student athlete is prohibited from making any reference to and will not otherwise use or authorize others to use the uniforms, logos, mascots, insignia, or identifying marks of a member school, the FHSAA, the National Federation of State High School Associations (NFHS), and/or any FHSAA, NFHS, or member school event, game, or championship when engaging in any NIL activity unless they receive prior written consent for such use.²¹ Student athletes are also prohibited from endorsing or promoting any third-party entities, goods, or services during school-/district-sponsored activities or FHSAA activities and may not reference FHSAA, NFHS, school, or school district accolades or championships in the student's NIL activities for which they are compensated.²²

Student athletes are prohibited from entering into NIL Agreements with any of the following categories of products or services:²³

- Adult entertainment products and services;
- Alcohol, tobacco, vaping, and nicotine products;
- Cannabis products;
- Controlled substances;
- Prescription pharmaceuticals;
- Gambling, including sports betting, the lottery, and betting in connection with video games, online games, and mobile devices;
- Weapons, firearms, and ammunition;
- Political or social activism; and
- NIL Collectives.²⁴

No school employee, athletic department staff member, or representative of a school's athletic interests may form, direct, offer, provide, or otherwise engage in any activity outlined in the NIL bylaw, including the use of NIL opportunities to recruit student athletes.²⁵

A student-athlete who transfers after starting a sport, is prohibited from securing a NIL agreement that season, unless the student-athlete:²⁶

- continues to compete at their original school, while maintaining eligibility to do so;
- is the dependent child of active-duty military personnel whose move resulted from military orders;
- relocated due to a foster care placement in a different school zone;
- moved due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent; or
- is authorized for good cause in district, private or charter school board policy.

FHSAA member institution and their employees are subject to penalties, in accordance with FHSAA bylaws, for violations of the NIL bylaw.²⁷ The eligibility of student-athletes shall be impacted by violations of the NIL bylaw in the following ways:²⁸

²⁰ Bylaw 9.9.5, FHSAA.

²¹ Bylaw 9.9.4.3, FHSAA.

²² Bylaw 9.9.4.3.1-2, FHSAA.

²³ Bylaw 9.9.4.4, FHSAA.

²⁴ The bylaw defines a NIL Collective to include groups, organizations, or cooperative enterprises that exist to collect funds from donors, individuals, or business to: help facilitate NIL deals for student-athletes; facilitate payments to or transfers funds to student-athletes; create ways for athletes to monetize from their NIL; and/or otherwise promote NIL for schools or student-athletes. Bylaw 9.9.4.2, FHSAA.

²⁵ Bylaw 9.9.4.5-6, FHSAA.

²⁶ Bylaw 9.9.4.7, FHSAA. See bylaw 9.3.2.2, FHSAA.

²⁷ Bylaw 9.9.6.1-2, FHSAA.

²⁸ Bylaw 9.9.6.3, FHSAA.

- For a first offense, the student-athlete shall receive a formal warning. If applicable, the student shall immediately terminate/modify the NIL agreement, remove any advertisement, promotional activity, or endorsement, and return any awards, gifts, or other compensation.
- For a second offense, the student-athlete will be ineligible to represent any member school for a period of one year from the date of discovery.
- For a third offense, the student-athlete will be ineligible to compete in any interscholastic athletic contest in any sport for the duration of the student-athlete’s high school career.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023B	HB 7B	LaMarca	Hutson	Effective February 16, 2023

OTHER RESOURCES:

[High School NIL: State-by-state regulations for name, image and likeness rights](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	15 Y, 1 N, As CS	3/19/2025	Anstead	Thompson
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Made the cap on athlete agent compensation apply prospectively. • Made the athlete agent cap apply to contracts with NIL collectives. • Allowed any high school student who is being recruited to receive NIL. Not just seniors. • Lined up the list of prohibited NIL deals with the FHSAA Bylaw, but does not include political or social activism. • Lined up the definition of “name, image, and likeness collective” to the FHSAA bylaw. • Allowed a person other than a coach or academic advisor to advise high school athletes, provided they are registered with school. • Removed the Department of Education auditing requirement. 			
Education & Employment Committee	17 Y, 0 N, As CS	4/2/2025	Hassell	Kiner
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Removed the “endorsement deals” and “promotional activities” modifiers from the 5 percent cap section. • Removed the section requiring DBPR to create an athlete agent database. The DBPR currently maintains such a publicly searchable database. • Broadens the high school student population that may seek NIL compensation from “a high school athlete who is preparing to enter into collegiate sports” to “a high school athlete,” consistent with FHSAA policy. • Removed superfluous language referencing “rulemaking.” 			
Commerce Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

