

Tab 1	SB 200 by Hutson; (Compare to CS/H 00099) Intercollegiate Athlete Compensation and Rights				
103246	D	S	RCS	HE, Hutson	Delete everything after 02/08 10:04 AM

Tab 2	SB 274 by Avila (CO-INTRODUCERS) Burgess, Osgood; (Identical to H 00517) Nursing Education Pathway for Military Combat Medics				
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION POSTSECONDARY
Senator Grall, Chair
Senator Stewart, Vice Chair

MEETING DATE: Wednesday, February 8, 2023
TIME: 9:30—11:30 a.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Grall, Chair; Senator Stewart, Vice Chair; Senators Book, Collins, Garcia, Harrell, Jones, Perry, Simon, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 200 Hutson (Compare CS/H 99)	Intercollegiate Athlete Compensation and Rights; Revising requirements for athlete agents representing intercollegiate athletes for certain purposes; deleting requirements regarding the compensation that intercollegiate athletes may receive; deleting certain requirements for postsecondary educational institutions whose intercollegiate athletes seek to earn compensation or to have professional representation; requiring a postsecondary educational institution to conduct a financial literacy and life skills workshop under certain conditions, etc. HE 02/08/2023 Fav/CS RC	Fav/CS Yeas 9 Nays 0
2	SB 274 Avila (Identical H 517)	Nursing Education Pathway for Military Combat Medics; Revising a primary goal of the Florida Center for Nursing to provide that development of a statewide plan for nursing manpower must include the encouragement and coordination of the development of partnerships with hospitals which provide opportunities for nursing students to obtain clinical experience; requiring that the Articulation Coordinating Committee convene a workgroup to establish a process for determining postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded in accredited nursing education programs for military training and education required for service in specified positions; authorizing the award of additional postsecondary credit or career education clock hours, etc. HE 02/08/2023 Favorable HP RC	Favorable Yeas 9 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Postsecondary

BILL: CS/SB 200

INTRODUCER: Education Postsecondary Committee and Senator Hutson

SUBJECT: Intercollegiate Athlete Compensation and Rights

DATE: February 8, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	Fav/CS
2.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 200 modifies provisions relating to intercollegiate athlete compensation and rights in Florida. The bill removes:

- Requirements regarding compensation that intercollegiate athletes may earn from the use of their NIL and restrictions on institutional involvement in NIL activities.
- Requirements and prohibitions for postsecondary educational institutions whose intercollegiate athletes seek to earn compensation or to have professional representation.
- Restrictions relating to contracts for the use of an intercollegiate athlete's NIL.

The bill retains the requirement that institutions offer a financial literacy and life skills workshop for intercollegiate athletes, but requires each workshop to include entrepreneurship, modifies the timing of the training, and requires the second workshop to be more rigorous than the first.

The bill protects postsecondary institutions and their staff from liability related to loss of an athlete's ability to NIL compensation due to routine decisions taken in the course of intercollegiate athletics.

Additionally, the bill removes an unnecessary provision relating to an athlete agent representing an intercollegiate athlete for NIL purposes. However, the bill maintains in statute the requirement that an athlete agent must be licensed for the purposes of contracts that allow an intercollegiate athlete to profit from the commercial use of her or his NIL, and be protected from unauthorized appropriation and commercial exploitation of her or his right to publicity.

The bill is effective upon becoming a law.

II. Present Situation:

National Collegiate Athletic Association

The National Collegiate Athletic Association (NCAA) is a voluntary, self-governing organization of four-year colleges, universities, and conferences. The basic purpose of the NCAA is to support and promote healthy and safe intercollegiate athletics, including national championships, as an integral part of the education program and the student-athlete as an integral part of the student body.¹

The NCAA governance structure consists of legislative bodies made up of volunteers from member schools. These legislative bodies, as well as a group of committees, govern each division and set NCAA-wide policies regarding sports rules, championships, and athlete health and safety. The Board of Governors, the NCAA's highest governing body, consists primarily of presidents and chancellors from each division. The board provides strategic planning for the NCAA as a whole, such as adopting and implementing policies to resolve core issues and other Association-wide matters.² It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the NCAA.³

Name, Image, and Likeness

"Name, image, and likeness" (NIL) is synonymous with the established legal doctrine known as the Right of Publicity. The Right of Publicity concerns itself with the right to control the commercial use of one's identity.⁴

NIL in college athletics refers to a student athlete's ability to receive compensation for their NIL through promotional and marketing activities.

NCAA Interim Rules and Guidelines

For much of its history, the NCAA maintained that student athletes' participation should be motivated primarily by education and by the physical, mental, and social benefits. NCAA policy forbade compensation for student athletes, in order to protect student athletes from exploitation by professional and commercial enterprises.⁵ NCAA bylaws held that a student athlete may lose eligibility if that athlete received payment in any form resulting from his or her athletic skill, or entered into an agreement with an agent.⁶

¹ National Collegiate Athletic Association, *2022-2023 NCAA Division I Manual* (2022), Preamble, available at <https://web3.ncaa.org/lstdbi/reports/getReport/90008>, at 1.

² National Collegiate Athletic Association, *Governance*, <https://www.ncaa.org/sports/2021/2/9/governance.aspx> (last visited Jan. 30, 2023).

³ National Collegiate Athletic Association, *2022-2023 NCAA Division I Manual* (2022), Preamble, available at <https://web3.ncaa.org/lstdbi/reports/getReport/90008>, at 12.

⁴ Right of Publicity, *A Concise History of the Right of Publicity*, <https://rightofpublicity.com/brief-history-of-rop> (last visited Jan. 30, 2023).

⁵ National Collegiate Athletic Association, *2017-2018 NCAA Division I Manual* (2017), Art. 2.9, available at <https://www.ncaapublications.com/productdownloads/D118.pdf>.

⁶ *Id.* at Bylaw 12.1.2.

However, facing increasing pressure from student athletes, states, Congress, and the courts, in July 2021, the NCAA adopted an NIL Interim Policy that granted intercollegiate athletes the opportunity to benefit from their NIL, which applied to Divisions I-III for incoming and current student athletes.⁷ The policy provided that:

- Individuals can engage in NIL activities that are consistent with the law of the state where the school is located.
- Individuals can use a professional services provider (e.g., athlete agents, attorneys, and financial advisors) for NIL activities.
- College athletes who attend a school in a state without an NIL law can engage in NIL activity without violating NCAA rules related to NIL.

Under the Interim Policy, however, an NIL agreement may not be guaranteed or promised contingent upon initial or continued enrollment at a particular institution (recruitment), or may not be provided as compensation or incentive for athletic performance or membership on a team (pay-for-play).⁸

In May 2022, the NCAA issued additional guidance to clarify issues related to “booster” involvement. Boosters are individuals or entities who are known (or should have been known) by a member of the institution’s executive or athletic administration to have participated in promoting the institution’s intercollegiate program or to have provided benefits to student athletes or their families.⁹ The NCAA precludes such groups from recruiting activities on behalf of the school and from providing benefits to prospective student athletes (PSAs). The guidance also prohibited institutional staff members from involvement with the provision of benefits to a PSA.¹⁰ However, the guidance did not specifically extend this prohibition to institutional involvement with NIL activities for currently enrolled student athletes.¹¹

Additional guidance on October 26, 2022, applied NCAA Bylaws and Interim Policy to institution involvement in current student-athlete NIL activities.¹² For example:¹³

- Schools may inform student athletes of NIL opportunities and assist in matching students and opportunities, but may not negotiate on behalf of an NIL entity or student athlete for a specific NIL opportunity.
- Schools may request donors to provide funds to collectives or other NIL entities, but such requests may not be directed toward a specific sport or athlete.

⁷ National Collegiate Athletic Association, *Name, Image, and Likeness Interim Policy*, <https://www.ncaa.org/sports/2021/2/8/about-taking-action.aspx> (last visited Jan. 30, 2023).

⁸ National Collegiate Athletic Association, *Interim Name, Image and Likeness Policy Guidance Regarding Third Party Involvement* (2022), available at https://ncaaorg.s3.amazonaws.com/ncaa/NIL/May2022NIL_Guidance.pdf.

⁹ *Id.*

¹⁰ *Id.*

¹¹ National Collegiate Athletic Association, *NCAA Division I Institutional Involvement in a Student-Athlete’s Name, Image and Likeness Activities* (2022), available at https://ncaaorg.s3.amazonaws.com/ncaa/NIL/D1NIL_InstitutionalInvolvementNILActivities.pdf, at 1.

¹² *Id.*

¹³ National Collegiate Athletic Association, *DI board approves clarifications for interim NIL policy*, <https://www.ncaa.org/news/2022/10/26/media-center-di-board-approves-clarifications-for-interim-nil-policy.aspx> (last visited Jan. 30, 2023).

The NCAA NIL rules do not supersede state laws or college, university, or conference NIL policies. A college or university in a state that does not have a law in effect must develop its own policies based on the NCAA guidelines designed to prevent pay-for-play deals and payments that are used as recruiting inducements.¹⁴

Other Intercollegiate Athletic Associations

The National Association of Intercollegiate Athletics (NAIA) is a governing body of over 250 small athletics programs,¹⁵ comprised mostly of smaller private institutions that are a four-year college or university or upper-level, two-year institution that awards a bachelor's degree, or its equivalent.¹⁶ There are nine private colleges and universities in Florida that are members of the NAIA.¹⁷ The NAIA athletic competition is comparable to NCAA Division II and III.¹⁸

The National Christian College Athletic Association (NCCAA) was established in 1968, and includes 89 member institutions.¹⁹ There are six private colleges and universities in Florida that are members of the NCCAA.²⁰

The National Junior College Athletic Association (NJCAA) is a governing body for two-year collegiate athletics.²¹ The NJCAA is the second-largest national intercollegiate athletic organization in the United States with over 500 member schools in 44 states. The NJCAA is comprised of Division I, II, II and non-divisional level of competition.²² Twenty-five of the Florida College System institutions are members of the NJCAA.

Both the NAIA²³ and NJCAA²⁴ bylaws permit student athletes to receive compensation for use of their NIL to promote any commercial product or enterprise, or public or media appearance.

¹⁴ National Collegiate Athletic Association, *Interim Name, Image and Likeness Policy, Question and Answer* (2021), available at https://ncaaorg.s3.amazonaws.com/ncaa/NIL/NIL_QandA.pdf.

¹⁵ National Association of Intercollegiate Athletics, *Why NAIA, NAIA Member Schools*, [https://www.naia.org/why-naia/member-schools?utm_source=google&utm_medium=cpc&utm_campaign=NAIA22%20Search%20\(US\)%20-%20Consideration&utm_term=&gclid=Cj0KCQiA2-2eBhCIARIsAGLQ2Rk5CzM-ckA6V4FY2AwHch87cV65CufUF4EI3CPiG_pIhneLriC-4IaAnq7EALw_wcB](https://www.naia.org/why-naia/member-schools?utm_source=google&utm_medium=cpc&utm_campaign=NAIA22%20Search%20(US)%20-%20Consideration&utm_term=&gclid=Cj0KCQiA2-2eBhCIARIsAGLQ2Rk5CzM-ckA6V4FY2AwHch87cV65CufUF4EI3CPiG_pIhneLriC-4IaAnq7EALw_wcB) (last visited Feb. 2, 2023).

¹⁶ National Association of Intercollegiate Athletics, *NAIA Handbook 2022-2023* (2022), available at https://d2o2figo6ddd0g.cloudfront.net/t/6/9wuekvoa39wlhz/D_NAIA_Official_Handbook_Bylaws_Articles1-10_BW.pdf.

¹⁷ The nine private Florida colleges and universities that are NAIA member institutions are Ave Maria University, Florida College, Florida Memorial University, Florida National University, Keiser University, Southeastern University, St. Thomas University, Warner University, and Webber International University. National Association of Intercollegiate Athletics, *2022-23 NAIA Member Institutions* (2022), available at https://www.naia.org/schools/files/2022-23_NAIA_Institutions.pdf.

¹⁸ U.S. News, *Playing a Sport in Each NCAA Division: What to Know*, <https://www.usnews.com/education/articles/playing-a-sport-in-each-ncaa-division-what-to-know> (last visited Feb. 2, 2023).

¹⁹ National Christian College Athletic Association, *About Us*, available at <https://thenccaa.org/tournaments/?id=567>.

²⁰ Johnson University Florida, Pensacola Christian College, Trinity Baptist College, Trinity College of Florida, University of Ft. Lauderdale, Warner University.

²¹ National Junior College Athletic Association, *2021-22 NJCAA Annual Report* (2022), available at https://d2o2figo6ddd0g.cloudfront.net/h/z/x5oxckgwtxf4r/2021-22_NJCAA_Annual_Report_09-28-22.pdf.

²² *Id.*

²³ National Association of Intercollegiate Athletics, *Why NAIA, NAIA Member Schools*, [https://www.naia.org/why-naia/member-schools?utm_source=google&utm_medium=cpc&utm_campaign=NAIA22%20Search%20\(US\)%20-%20Consideration&utm_term=&gclid=Cj0KCQiA2-2eBhCIARIsAGLQ2Rk5CzM-ckA6V4FY2AwHch87cV65CufUF4EI3CPiG_pIhneLriC-4IaAnq7EALw_wcB](https://www.naia.org/why-naia/member-schools?utm_source=google&utm_medium=cpc&utm_campaign=NAIA22%20Search%20(US)%20-%20Consideration&utm_term=&gclid=Cj0KCQiA2-2eBhCIARIsAGLQ2Rk5CzM-ckA6V4FY2AwHch87cV65CufUF4EI3CPiG_pIhneLriC-4IaAnq7EALw_wcB) (last visited Feb. 2, 2023).

²⁴ National Junior College Athletic Association, *NJCAA Handbook Bylaws 2022-2023* (2022), available at https://d2o2figo6ddd0g.cloudfront.net/7/i/y6putkurxwhob3/NJCAA_Handbook_-_Bylaws_12-05-22.pdf.

The NAIA also requires the student athlete to notify their institution's athletics director in writing of any compensation the student receives from the use of their NIL.

Florida Law

Florida was one of the first states to pass an NIL law for its colleges and universities.²⁵ The law, effective on July 1, 2021, specified that an intercollegiate athlete must have an equal opportunity to control and profit from the commercial use of her or his NIL, and be protected from unauthorized appropriation and commercial exploitation of her or his right to publicity.²⁶

Florida law specifies that a postsecondary institution may not adopt or maintain a rule or other requirement that prevents or restricts the ability of an intercollegiate athlete from earning compensation for the use of her or his NIL. Additionally, earning such compensation may not affect the intercollegiate athlete's grant-in-aid²⁷ or athletic eligibility.²⁸

Relating to compensation for an athlete's NIL, Florida law specifies that:

- Compensation for an athlete's NIL may not be provided in exchange for athletic performance or attendance at a particular institution, which is consistent with NCAA Interim Rules.²⁹
- Compensation may only be provided by a third party unaffiliated with the intercollegiate athlete's postsecondary educational institution.³⁰
- A postsecondary institution and an institution or athletic program support organization, including employees of such institutions or organizations, may not compensate or cause compensation to be directed to a current or prospective intercollegiate athlete for her or his NIL.³¹
- Compensation must be commensurate with the market value of the authorized use of the athlete's NIL.³²

Florida law specifies that a postsecondary institution may not prevent or unduly restrict an intercollegiate athlete from obtaining professional representation by an athlete agent or attorney for the purpose of securing compensation for the use of her or his NIL. An athlete's grant-in-aid may not be revoked or reduced based on such representation.³³ However, an athlete agent representing an intercollegiate athlete for purposes of securing compensation for the use of her or his NIL must be licensed, and must be a member in good standing of The Florida Bar.³⁴

²⁵ Section 1006.74, F.S., created in ch. 2020-28, s. 1, Laws of Fla. Florida has 13 college and university athletic programs in the NCAA Division I, and 13 in Division II. There are no Florida institution athletic programs in the NCAA Division III.

²⁶ Section 1006.74, F.S.

²⁷ A "grant-in-aid" is financial aid that consists of tuition and fees, room and board, books and other expenses related to attendance at the institution up to the cost of attendance. National Collegiate Athletic Association, *2022-2023 Division I Manual* (Aug. 1, 2022), available at <https://web3.ncaa.org/lstdbi/reports/getReport/90008>, at Bylaw 15.02.6.

²⁸ Section 1006.74(2)(b), F.S.

²⁹ Section 1006.74(2)(a), F.S..

³⁰ *Id.*

³¹ Section 1006.74(2)(c), F.S.

³² Section 1006.74(2)(a), F.S.

³³ Section 1006.74(2)(d) and (e), F.S.

³⁴ Section 1006.74(2)(d), F.S. *See also* s. 468.453(8), F.S.

Provisions in Florida law relating to contracts for an intercollegiate athlete's NIL include the following:

- An athlete who enters into a contract for compensation for the use of her or his NIL must disclose the contract to the postsecondary institution at which she or he is enrolled, in a manner designated by the institution.³⁵
- An athlete may not enter into a contract for compensation for the use of her or his NIL if a term of the contract conflicts with a term of the intercollegiate athlete's team contract.³⁶
- An athlete under 18 years of age must have any contract for compensation for the use of her or his NIL approved under ss. 743.08 and 743.09, Florida Statutes.³⁷
- The duration of an NIL contract may not extend beyond the athlete's participation in an athletic program at a postsecondary institution.³⁸

Finally, Florida law requires each postsecondary institution to conduct a financial literacy and life skills workshop for a minimum of 5 hours at the beginning of the intercollegiate athlete's first and third academic years. The workshop must include information on financial planning, time management, and academic resources. The workshop may not include any marketing, advertising, referral, or solicitation by providers of financial products or services.³⁹

NIL Legislation in Other States

The majority of states have passed legislation allowing athletes to receive compensation for their NIL.⁴⁰ However, some states are considering modifications or repealing their NIL laws, due to concerns that existing laws could be more restrictive for athletes than NCAA guidelines.⁴¹ After the NCAA released its Interim Rules, seven states have amended their NIL laws,⁴² generally to provide more flexibility to institutions in arranging NIL deals for their student athletes or to address institution trademark issues. Two states, Alabama and South Carolina, have repealed or suspended their NIL laws.⁴³

³⁵ Section 1006.74(2)(i), F.S.

³⁶ Section 1006.74(2)(h), F.S.

³⁷ Section 1006.74(2)(f), F.S.

³⁸ Section 1006.74(2)(j), F.S.

³⁹ Section 1006.74(2)(k), F.S.

⁴⁰ States that have active laws authorizing student athletes to be compensated for their NIL are Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky (Executive Order), Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, and Virginia. Opendorse, *NIL Incoming: Comparing State Laws and Proposed Legislation*, <https://biz.opendorse.com/blog/comparing-state-nil-laws-proposed-legislation/> (last visited Jan. 30, 2023).

⁴¹ National Conference of State Legislatures, *Student-Athlete Compensation*, <https://www.ncsl.org/research/education/student-athlete-compensation.aspx> (last visited Jan. 30, 2023).

⁴² Connecticut, Illinois, Mississippi, Nebraska, Oregon, Pennsylvania, Tennessee. Opendorse, *NIL Incoming: Comparing State Laws and Proposed Legislation*, <https://biz.opendorse.com/blog/comparing-state-nil-laws-proposed-legislation/> (last visited Jan. 30, 2023).

⁴³ *Id.*

Liability

Illinois⁴⁴ and Mississippi⁴⁵ have included in their NIL laws a broad protection from liability for postsecondary educational institutions related to the implementation and enforcement of each state's law regarding compensation for use of an athlete's NIL.

Student Athlete Development Programs

The NCAA requires each Division I institution to conduct a life skills program on its campus for intercollegiate athletes.⁴⁶ Despite only being required at Division I institutions, many Division II and III institutions have adopted aspects of a life skills program or have implemented entire curricula.⁴⁷ However, the NCAA does not prescribe the content of each institution's program. In 2016, the NCAA partnered with the National Association of Academic Advisors for Athletics (N4A), for daily oversight and operation of programming for student-athletes and life skills professionals at NCAA member institutions.⁴⁸

The NAIA provides a student athlete development program through the Student-Athlete Wellness Center. The NAIA's program promotes developing a healthy mental approach to the experience as a student-athlete, creating a healthy, balanced lifestyle to engage in a high level of competition, and character and leadership development.⁴⁹ The NAIA program does not specifically require training in financial literacy.

Licensing of Athlete Agents

The licensing and regulation of athlete agents in Florida is administered by the Department of Business and Professional Regulation (DBPR). An athlete agent is a person who:⁵⁰

- Recruits or solicits a student athlete to enter into an agent contract,⁵¹ directly or indirectly;
- 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, for any type of financial gain; or
- Markets or attempts to market the student athlete's athletic ability or athletic reputation with any promoter.

In order to be licensed as an athlete agent, an applicant must be at least 18 years of age, be of good moral character, and submit a completed the application form with fingerprints for a

⁴⁴ 110 Ill. Comp. Stat. 190/35.

⁴⁵ Miss. Code. s. 37-97-109.

⁴⁶ National Collegiate Athletic Association, *2022-2023 Division I Manual* (Aug. 1, 2022), available at <https://web3.ncaa.org/lstdbi/reports/getReport/90008>, at Bylaw 16.3.1.2.

⁴⁷ National Association of Academic & Student-Athlete Development Professionals, *N4A 2022 SADV Task Force White Paper Outline*, at page 5 (2022), available at https://s3.us-east-2.amazonaws.com/sidearm.nextgen.sites/nacda.com/documents/2022/6/14/N4A_2022_SADV_White_Paper.pdf.

⁴⁸ National Collegiate Athletic Association, *Life Skills*, <https://www.ncaa.org/sports/2014/10/20/life-skills.aspx> (last visited Feb. 2, 2023).

⁴⁹ National Association of Intercollegiate Athletics, *Student-Athlete Wellness Center*, <https://www.naia.org/student-athlete-wellness-center/index> (last visited Jan. 31, 2023).

⁵⁰ Section 468.452(2), F.S.

⁵¹ An agent contract is the contract or agreement in which a student athlete authorizes an athlete agent to represent the student in the marketing of the student's athletic ability or athletic reputation. Section 468.452(1), F.S.

background check.⁵² In the 2020-2021 fiscal year, there were 438 licensed athlete agents in Florida.⁵³

An unlicensed person is generally prohibited from acting as an athlete agent.⁵⁴ However, an unlicensed individual may act as an athlete agent if:⁵⁵

- A student athlete or person acting on the student athlete's behalf initiates communication with the individual; and
- The individual submits an application for licensure within seven days after an initial act as an athlete agent.

Contrary to any athletic association rules or policies, an athlete agent may represent an intercollegiate athlete in securing compensation for the use of her or his NIL.⁵⁶ However, a person must be licensed as an athlete agent to represent an intercollegiate athlete for purposes of contracts regarding the use of her or his NIL.⁵⁷

III. Effect of Proposed Changes:

CS/SB 200 amends s. 1006.74, F.S., relating to intercollegiate athlete compensation and rights. The bill retains the Legislative finding that intercollegiate athletes must be able to profit from the commercial use of their name, image, and likeness (NIL), and be protected from unauthorized use of and commercial exploitation of his or her NIL. However, the bill removes:

- Requirements regarding compensation that intercollegiate athletes may earn from the use of their NIL and restrictions on institutional involvement in NIL activities.
- Requirements and prohibitions for postsecondary educational institutions whose intercollegiate athletes seek to earn compensation or to have professional representation.
- Restrictions relating to contracts for the use of an intercollegiate athlete's NIL.

The bill retains, with some modifications, a requirement for an institution to conduct five-hour financial literacy and life skills workshops with specified topics. The bill:

- Requires the institution to conduct at least two workshops, but specifies the workshops must be conducted prior to an athlete's graduation, and does not specify a workshop in the athlete's first and third academic years.
- Adds entrepreneurship as a workshop topic.
- Specifies that the workshops may not be identical, and the second must include more rigorous instruction. The workshops may not be conducted in the same semester.

The bill protects postsecondary institutions and their staff from liability related to loss of an athlete's ability to NIL compensation due to routine decisions taken in the course of intercollegiate athletics.

⁵² Fla. Admin Code R. 61-24.004.

⁵³ Florida Department of Business and Professional Regulation, *Fiscal Year 2020-2021 Annual Report* (2021), page 20, available at http://www.myfloridalicense.com/DBPR/os/documents/divisionannualreport_FY2021.pdf.

⁵⁴ Section 468.4561, F.S.

⁵⁵ Section 468.453(3), F.S.

⁵⁶ Section 468.453(9), F.S.

⁵⁷ Section 468.453(8), F.S.

Regarding athlete agents, the bill modifies s. 468.453, F.S., to remove the provision relating to an athlete agent representing an intercollegiate athlete for NIL purposes, which is unnecessary because of a similar authorization under NCAA Interim Rules. However, the bill maintains the requirement that an athlete agent be licensed for the purposes of contracts that allow an intercollegiate athlete to profit from the commercial use of her or his NIL, and be protected from unauthorized appropriation and commercial exploitation of her or his right to publicity, including her or his NIL.

Removing Florida's law addressing compensation for the use of an athlete's NIL would authorize a student to engage in NIL activities, subject to institution rules and policies, without impact on NCAA eligibility bylaws. However, other NCAA rules including prohibitions on pay-for-play and improper recruiting inducements would remain in effect.

The bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 468.453 and 1006.74 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Postsecondary on February 8, 2023:

The committee substitute retains from the bill the following provisions:

- Removes requirements regarding compensation that intercollegiate athletes may earn from the use of their NIL and restrictions on institutional involvement in NIL activities.
- Removes requirements and prohibitions for postsecondary educational institutions whose intercollegiate athletes seek to earn compensation or to have professional representation.
- Removes restrictions relating to contracts for the use of an intercollegiate athlete's NIL.
- Requires that an athlete agent be licensed for the purposes of contracts related to NIL activities.

However, the committee substitute:

- Modifies the required financial literacy and life skills workshop for intercollegiate athletes to require each workshop to include entrepreneurship, require two workshops prior to an athlete's graduation, and require that the second workshop be more rigorous than the first.
- Protects postsecondary institutions and their staff from liability related to loss of an athlete's ability to NIL compensation due to routine decisions taken in the course of intercollegiate athletics.
- Makes the bill effective upon becoming law.

B. Amendments:

None.



103246

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2023	.	
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The Committee on Education Postsecondary (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

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



103246

11 valid license as an athlete agent to act as an athlete agent
12 representing an intercollegiate athlete for purposes of
13 contracts that allow an intercollegiate athlete to profit from
14 the commercial use of her or his name, image, or likeness and to
15 be protected from unauthorized appropriation and commercial
16 exploitation of her or his right to publicity, including her or
17 his name, image, or likeness authorized under s. 1006.74.

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

23 Section 2. Section 1006.74, Florida Statutes, is amended to
24 read:

25 1006.74 Intercollegiate athlete compensation and rights.—
26 The Legislature finds that intercollegiate athletics provide
27 intercollegiate athletes with significant educational
28 opportunities. However, participation in intercollegiate
29 athletics should not infringe upon an intercollegiate athlete's
30 ability to earn compensation for her or his name, image, or
31 likeness. An intercollegiate athlete must have an equal
32 opportunity to control and profit from the commercial use of her
33 or his name, image, or likeness, and be protected from
34 unauthorized appropriation and commercial exploitation of her or
35 his right to publicity, including her or his name, image, or
36 likeness.

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

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



103246

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

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

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

46 ~~(2) INTERCOLLEGIATE ATHLETE COMPENSATION AND RIGHTS AND~~
47 ~~POSTSECONDARY EDUCATIONAL INSTITUTION RESPONSIBILITIES.—~~

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

60 ~~(b) A postsecondary educational institution may not adopt~~
61 ~~or maintain a contract, rule, regulation, standard, or other~~
62 ~~requirement that prevents or unduly restricts an intercollegiate~~
63 ~~athlete from earning compensation for the use of her or his~~
64 ~~name, image, or likeness. Earning such compensation may not~~
65 ~~affect the intercollegiate athlete's grant-in-aid or athletic~~
66 ~~eligibility.~~

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



103246

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

73 ~~(d) A postsecondary educational institution may not prevent~~
74 ~~or unduly restrict an intercollegiate athlete from obtaining~~
75 ~~professional representation by an athlete agent or attorney~~
76 ~~engaged for the purpose of securing compensation for the use of~~
77 ~~her or his name, image, or likeness. Pursuant to s. 468.453(8),~~
78 ~~an athlete agent representing an intercollegiate athlete for~~
79 ~~purposes of securing compensation for the use of her or his~~
80 ~~name, image, or likeness must be licensed under part IX of~~
81 ~~chapter 468. An attorney representing an intercollegiate athlete~~
82 ~~for purposes of securing compensation for the use of her or his~~
83 ~~name, image, or likeness must be a member in good standing of~~
84 ~~The Florida Bar.~~

85 ~~(e) A grant-in-aid, including cost of attendance, awarded~~
86 ~~to an intercollegiate athlete by a postsecondary educational~~
87 ~~institution is not compensation for the purposes of this~~
88 ~~subsection and may not be revoked or reduced as a result of an~~
89 ~~intercollegiate athlete earning compensation or obtaining~~
90 ~~professional representation under this subsection.~~

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

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

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



103246

98 ~~contract for compensation for the use of her or his name, image,~~
99 ~~or likeness if a term of the contract conflicts with a term of~~
100 ~~the intercollegiate athlete's team contract. A postsecondary~~
101 ~~educational institution asserting a conflict under this~~
102 ~~paragraph must disclose each relevant contract term that~~
103 ~~conflicts with the team contract to the intercollegiate athlete~~
104 ~~or her or his representative.~~

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

110 ~~(j) The duration of a contract for representation of an~~
111 ~~intercollegiate athlete or compensation for the use of an~~
112 ~~intercollegiate athlete's name, image, or likeness may not~~
113 ~~extend beyond her or his participation in an athletic program at~~
114 ~~a postsecondary educational institution.~~

115 ~~(k) A postsecondary educational institution must ~~shall~~~~
116 ~~conduct at least two a financial literacy, and life skills, and~~
117 ~~entrepreneurship workshops, each workshop for a minimum of 5~~
118 ~~hours, before the graduation of an intercollegiate athlete at~~
119 ~~the beginning of the intercollegiate athlete's first and third~~
120 ~~academic years. The workshops may not be identical, and the~~
121 ~~second workshop must include more rigorous instruction. The~~
122 ~~workshops may not be conducted in the same semester. Each The~~
123 ~~workshop must ~~shall~~, at a minimum, include information~~
124 ~~concerning entrepreneurship, financial aid, debt management, and~~
125 ~~a recommended budget for full and partial grant-in-aid~~
126 ~~intercollegiate athletes based on the current academic year's~~



103246

127 cost of attendance. Each ~~The~~ workshop must ~~shall~~ also include
128 information on time management skills necessary for success as
129 an intercollegiate athlete and available academic resources.
130 Each ~~The~~ workshop may not include any marketing, advertising,
131 referral, or solicitation by providers of financial products or
132 services.

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

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

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

143 ===== T I T L E A M E N D M E N T =====

144 And the title is amended as follows:

145 Delete everything before the enacting clause
146 and insert:

147 A bill to be entitled
148 An act relating to intercollegiate athlete
149 compensation and rights; amending s. 468.453, F.S.;
150 revising requirements for athlete agents representing
151 intercollegiate athletes for certain purposes;
152 conforming provisions to changes made by the act;
153 amending s. 1006.74, F.S.; deleting definitions;
154 deleting requirements regarding the compensation that
155 intercollegiate athletes may receive; deleting certain



103246

156 requirements for postsecondary educational
157 institutions whose intercollegiate athletes seek to
158 earn compensation or to have professional
159 representation; requiring a postsecondary educational
160 institution to conduct at least two financial
161 literacy, life skills, and entrepreneurship workshops
162 under certain conditions; making technical changes;
163 providing that postsecondary educational institutions
164 and specified individuals are not liable for damages
165 under certain circumstances; providing an effective
166 date.

By Senator Hutson

7-00654-23

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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:

20
 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

Page 1 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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.~~

Page 2 of 6

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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~~

Page 3 of 6

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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~~

Page 4 of 6

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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,~~

Page 5 of 6

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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.

Page 6 of 6

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Postsecondary

BILL: SB 274

INTRODUCER: Senator Avila

SUBJECT: Nursing Education Pathway for Military Combat Medics

DATE: February 7, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	Favorable
2.			HP	
3.			RC	

I. Summary:

SB 274 creates the “Pathway for Military Combat Medics Act.” The bill expands the award of postsecondary credit for military training and education courses to promote uniformity in the application of military combat medic training and education toward postsecondary credit (credit) or career education clock hours (clock hours) by public postsecondary educational institutions. Specifically, the bill requires:

- The Articulation Coordinating Committee (ACC) to convene a workgroup to establish a process for prioritizing and determining postsecondary course equivalencies and the minimum credit or clock hours that must be awarded in an accredited nursing education program for military training and education required for service in specified positions. The process must be approved by the Board of Governors of the State University System (BOG) and the State Board of Education (SBE).
- The ACC to approve a list of postsecondary course equivalencies and credit and clock hours awarded for such courses and training, which must be approved by the BOG and SBE in the statewide articulation agreement.
- State universities, Florida College System (FCS) institutions, and career centers to award credit or clock hours based on the approved list.

Additionally, the bill revises a primary goal of the Florida Center for Nursing to provide that, under its strategic statewide plan for nursing manpower, the encouragement and coordination of the development of partnerships must include partnerships with hospitals that provide opportunities for nursing students to obtain clinical experience.

The bill has no state fiscal impact.

This bill takes effect upon becoming law.

II. Present Situation:

Postsecondary Credit for Military Training and Education Courses

The Board of Governors of the State University System (BOG) and the State Board of Education (SBE), in consultation with the Department of Veterans' Affairs, are required to adopt regulations and rules, respectively, to create a system for the uniform award of credit or clock hours based on military training and education.¹

The Articulation Coordinating Committee (ACC) must approve a prioritized list of postsecondary course equivalencies and the minimum credit or clock hours that must be awarded for courses taken or occupations held by individuals during their service in the military. The list must then be adopted in the statewide articulation agreement by the BOG and SBE. The list must be updated annually.²

The current list includes credit or clock hour equivalencies for 46 military occupations, which include Practical Nurse, Combat Medic Specialist, and Special Operations Combat Medic.³ The American Council on Education (ACE) Military Guide⁴ was used as a foundation to determine equivalences, including courses for military occupations. For example, military veterans that served as a Combat Medic Specialist can currently receive a minimum of 29 credit hours for courses in the system such as Medical Emergencies (3 credit hours), Advanced Pre-Hospital Trauma (4 credit hours), and Fundamentals of Nursing (7 credit hours).⁵

State universities, Florida College System (FCS) institutions, and career centers operated by school districts must award credit or clock hours, as applicable, for approved courses and occupations included in the list, if the credit or clock hours are applicable to the student's degree or certificate. Institutions may also grant additional credit or clock hours, if appropriate. Credit awarded on these bases is guaranteed to transfer to other public postsecondary institutions as if the credit was earned at the receiving institution.⁶

Articulation Coordinating Committee

The Commissioner of Education, in consultation with the Chancellor of the State University System, establishes the Articulation Coordinating Committee (ACC), whose primary role is to recommend statewide articulation policies.⁷ Specifically, the ACC must monitor articulation between education systems, propose guidelines for articulation agreements, publish lists of

¹ Section 1004.096, F.S.; *see also* Board of Governors Regulation 6.013 and Rule 6A-10.024, F.A.C.

² *Id.*

³ Articulation Coordinating Committee, *Credit or Clock Hour for Military Experience Equivalency List* (Sept. 2022), available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/MilExpEquiv.pdf>.

⁴ American Council on Education, *The ACE Military Guide*, https://www.acenet.edu/Programs-Services/Pages/Credit-Transcripts/Military-Guide-Online.aspx?gclid=CjwKCAiA_vKeBhAdEiwAFb_nrZ8jsFyi7IgkhcHOCpUFzOhUZb8bDy0M_FWMQDEOU_YpBGwrpEPdwhoC5MUQAvD_BwE (last visited Feb. 3, 2023).

⁵ Board of Governors, *2023 Legislative Bill Analysis for SB 274* (Feb. 1, 2023).

⁶ Articulation Coordinating Committee, *Credit or Clock Hour for Military Experience Equivalency List* (Sept. 2022), available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/MilExpEquiv.pdf>.

⁷ Section 1007.01(3), F.S.

general education and common prerequisite courses, establish dual enrollment course equivalencies to high school credit, and annually review the Statewide Articulation Agreement.⁸ The Office of K-20 Articulation within the Florida Department of Education provides administrative support to the ACC.⁹

Statewide Articulation Agreement

The SBE and the BOG are required to enter into a statewide articulation agreement, which the SBE must adopt by rule.¹⁰ The agreement must preserve Florida's "2+2" system of articulation and facilitate the seamless articulation of student credit across and among Florida's educational entities. Specifically, the statewide articulation agreement includes provisions that govern:

- Articulation between secondary and postsecondary education;
- The admission of associate in arts degree graduates to the upper division of a state university;
- Articulation of career credit to academic credit programs;
- The application of acceleration mechanisms to postsecondary credit; and
- General education requirements.

Florida Postsecondary Nursing Education Programs

Florida's postsecondary education institutions offer a variety of nursing education programs that prepare students for varying levels of licensure. Licensed practical nurse (LPN) clock-hour programs are offered at 28 career centers and 13 FCS institutions, while all 28 FCS institutions offer associate of science in nursing (ASN) and bachelor of science in nursing (BSN) programs. Ten state universities offer 20 pre-licensure nursing education programs. Seventeen of the 30 Independent Colleges and Universities of Florida (ICUF) member institutions offer nursing education programs.¹¹

Approved versus Accredited Nursing Education Programs

Educational institutions that wish to conduct a program in the state of Florida for the prelicensure education of professional or practical nurses must meet specified requirements to be approved by the Florida Board of Nursing (BON).¹²

An "approved" nursing education program is a program for the prelicensure education of professional or practical nurses that is conducted in the state of Florida at an educational institution and that is approved and regulated by the state of Florida.¹³

An "accredited" nursing education program is a program for the prelicensure education of professional or practical nurses that is conducted in the United States at an educational institution, whether in Florida, another state, or the District of Columbia, and that is accredited

⁸ Section 1007.01(3)(a) and (b), F.S.

⁹ Section 1007.01(3), F.S.; s. 20.15(3)(h), F.S.

¹⁰ Section 1007.23(1), F.S. *See also* Rule 6A-10.024, F.A.C.

¹¹ Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 5201 (2022)*.

¹² Section. 464.019, F.S. and Florida Board of Nursing, *Education and Training Programs*, <https://floridasnursing.gov/education-and-training-programs/> (last visited Feb. 2, 2023).

¹³ Section 464.019, F.S. and s. 464.003(4), F.S.

by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education to accredit nursing education programs.¹⁴ Accredited programs do not have to meet requirements related to program application, approval, or submission of annual reports to the BON.¹⁵

All approved and accredited programs must meet accountability requirements related to graduate passage rate on the National Council of State Boards of Nursing Licensing Examination.

All approved nursing programs, except those specifically excluded,¹⁶ must seek accreditation within five years of enrolling the program's first students.¹⁷

Florida Center for Nursing

The Florida Center for Nursing (center) was established by the Legislature in 2001, to address the issues of supply and demand for nursing, including the recruitment, retention, and utilization of nurse workforce resources.¹⁸ The center's primary goals are to:¹⁹

- Develop a strategic statewide plan for nursing manpower in this state by:
 - Conducting a statistically valid biennial data-driven gap analysis of the supply and demand of the healthcare workforce. Demand must align with the Labor Market Estimating Conference.
 - Developing recommendations to increase nurse faculty and clinical preceptors, support nurse faculty development, and promote advanced nurse education.
 - Developing best practices in the academic preparation and continuing education needs of qualified nurse educators, nurse faculty, and clinical preceptors.
 - Collecting data on nurse faculty, employment, distribution, and retention.
 - Piloting innovative projects to support the recruitment, development, and retention of qualified nurse faculty and clinical preceptors.
 - Encouraging and coordinating the development of academic-practice partnerships to support nurse faculty employment and advancement.
 - Developing distance learning infrastructure for nursing education and advancing faculty competencies in the pedagogy of teaching and the evidence-based use of technology, simulation, and distance learning techniques.
- Enhance and promote recognition, reward, and renewal activities for nurses in the state by:
 - Promoting nursing excellence programs such as magnet recognition by the American Nurses Credentialing Center.
 - Proposing and creating additional reward, recognition, and renewal activities for nurses.
 - Promoting media and positive image-building efforts for nursing.

¹⁴ Section 464.003(1), F.S. Eligible nursing associations are: Accreditation Commission for Education in Nursing (ACEN), Commission on Collegiate Nursing Education (CCNE) or National League for Nursing Commission for Nursing Education Accreditation (NLN CNEA). Florida Board of Nursing, *What is the difference between an "approved" and an "accredited" prelicensure nursing education program in Florida?* <https://floridasnursing.gov/help-center/what-is-the-difference-between-an-approved-and-an-accredited-pre-licensure-nursing-education-program-in-florida/> (last visited Feb. 3. 2023).

¹⁵ Section 464.019(9), F.S.

¹⁶ Excluded institutions are those exempt from licensure by the Commission of Independent Education under s. 1005.06(1), F.S. Section 464.019(11)(d), F.S.

¹⁷ Section 464.019(11)(a)-(d), F.S.

¹⁸ Chapter 2001-277, s. 97, Laws of Fla. and s. 464.0195, F.S.

¹⁹ Section 464.0195, F.S.

III. Effect of Proposed Changes:

Postsecondary Credit for Military Training and Education Courses

SB 274 creates the “Pathway for Military Combat Medics Act.” The bill expands s. 1004.096, F.S., to promote uniformity in the application of military combat medic training and education toward postsecondary credit (credit) or career education clock hours (clock hours) by public postsecondary educational institutions. The bill establishes a process similar to those established for the award of postsecondary credit for military training and education and for law enforcement training.

The bill requires the Articulation Coordinating Committee (ACC) to, by July 15, 2023, convene a workgroup to establish a process for determining postsecondary course equivalencies and the minimum credit or clock hours that must be awarded in an accredited nursing education program for military training and education required for service in as an Army Combat Medic Specialist, a Navy or Fleet Marine Force Hospital Corpsman, an Air Force or Space Force Aerospace Medical Service Technician, or a Coast Guard Health Services Technician.

The workgroup must consist of the following 13 members:

- The chair of the ACC, or his or her designee, serving as chair;
- Four members representing academic affairs administrators and faculty from state universities, appointed by the chair of the Board of Governors (BOG);
- Four members representing academic affairs administrators and faculty from Florida College System (FCS) institutions, appointed by the chair of the State Board of Education (SBE);
- Two members representing faculty from career centers, appointed by the SBE; and
- Two members representing veterans, appointed by the executive director of the Florida Department of Veterans Affairs.

The Office of K-20 Articulation must provide administrative support for the workgroup.

The workgroup must ensure that the award of credit or clock hours does not impair an accredited program’s ability to comply with requirements relating to the state approval of nursing education programs. The workgroup must provide recommendations regarding the determination process for awarding credit or clock hours to the BOG and the SBE by December 1, 2023, for approval at each board’s next meeting that allows for adequate public notice.

Upon the BOG and the SBE approval of the workgroup’s process recommendations, the ACC must facilitate a review of military training and education for the specified military occupations to determine postsecondary course equivalencies and the minimum credit or clock hours that must be awarded.

Within one year after BOG and SBE approval of the ACC workgroup recommended process, the ACC must approve a prioritized list of postsecondary course equivalencies and the minimum credit or clock hours that must be awarded in an accredited program for such military training and education. The list must then be adopted in the statewide articulation agreement by the BOG and SBE at the next meeting of each board allowing for adequate public notice. The list must be updated annually.

The bill requires state universities, FCS institutions, and career centers to award credit or clock hours, as applicable, for such military training and education based on the adopted list, if the credit or clock hours are applicable to the student's degree or certificate. Institutions may also grant additional credit or clock hours, if appropriate. Credit or clock hours awarded on these bases are guaranteed to transfer from one state university, FCS institution, or career center to another.

Florida Center for Nursing

The bill modifies s. 464.0195, F.S., by revising a primary goal of the Florida Center for Nursing to provide that, under its strategic statewide plan for nursing manpower, the encouragement and coordination of the development of academic-practice partnerships must include partnerships with hospitals that provide opportunities for nursing students to obtain clinical experience.

This bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Should the workgroup process result in identifying additional equivalencies for military training and experience, students may be eligible to receive postsecondary credit toward

an accredited pre-licensure nursing program. Credits from this experience may save the student time and the cost of receiving a nursing degree at a state university.²⁰

C. **Government Sector Impact:**

The bill has no impact on state expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 464.019 and 1004.096 of the Florida Statutes.

IX. Additional Information:

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁰ Board of Governors, *2023 Legislative Bill Analysis for SB 274* (Feb. 1, 2023).

By Senator Avila

39-00236B-23

2023274__

1 A bill to be entitled
 2 An act relating to nursing education pathway for
 3 military combat medics; providing a short title;
 4 amending s. 464.0195, F.S.; revising a primary goal of
 5 the Florida Center for Nursing to provide that
 6 development of a statewide plan for nursing manpower
 7 must include the encouragement and coordination of the
 8 development of partnerships with hospitals which
 9 provide opportunities for nursing students to obtain
 10 clinical experience; amending s. 1004.096, F.S.;
 11 defining the term "accredited program"; requiring that
 12 the Articulation Coordinating Committee convene a
 13 workgroup to establish a process for determining
 14 postsecondary course equivalencies and the minimum
 15 postsecondary credit or career education clock hours
 16 that must be awarded in accredited nursing education
 17 programs for military training and education required
 18 for service in specified positions; providing for the
 19 composition of and the provision of administrative
 20 support to the workgroup; requiring that the workgroup
 21 ensure that the award of credit for military training
 22 and education does not impair a nursing education
 23 program's ability to comply with requirements relating
 24 to the approval of nursing education programs;
 25 requiring the workgroup to provide, by a specified
 26 date, recommendations regarding the determination
 27 process to the Board of Governors and State Board of
 28 Education for approval; requiring that, upon approval
 29 of the recommendations, the Articulation Coordinating

Page 1 of 6

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39-00236B-23

2023274__

30 Committee facilitate the review of military training
 31 and education received by individuals who served in
 32 specified positions and the determination of minimum
 33 postsecondary credit or career education clock hours
 34 awarded for specified military training and education;
 35 requiring that the Articulation Coordinating
 36 Committee, within a specified timeframe and annually
 37 thereafter, approve a prioritized list of
 38 postsecondary course equivalencies and the minimum
 39 postsecondary credit or career education clock hours
 40 that must be awarded for such training and education;
 41 requiring the Board of Governors and State Board of
 42 Education to adopt the prioritized list; requiring
 43 that the minimum postsecondary credit or career
 44 education clock hours be delineated in a required
 45 statewide articulation agreement; requiring state
 46 universities, Florida College System institutions, and
 47 career centers to award postsecondary credit or career
 48 education clock hours in nursing education programs
 49 based on the prioritized list; authorizing the award
 50 of additional postsecondary credit or career education
 51 clock hours; providing that such postsecondary credit
 52 or career education clock hours are transferable;
 53 providing an effective date.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. This act may be cited as the "Pathway for
 58 Military Combat Medics Act."

Page 2 of 6

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39-00236B-23

2023274__

59 Section 2. Paragraph (a) of subsection (2) of section
60 464.0195, Florida Statutes, is amended to read:

61 464.0195 Florida Center for Nursing; goals.-

62 (2) The primary goals for the center shall be to:

63 (a) Develop a strategic statewide plan for nursing manpower
64 in this state by:

65 1. Conducting a statistically valid biennial data-driven
66 gap analysis of the supply and demand of the health care
67 workforce. Demand must align with the Labor Market Estimating
68 Conference created in s. 216.136. The center shall:

69 a. Establish and maintain a database on nursing supply and
70 demand in the state, to include current supply and demand.

71 b. Analyze the current and future supply and demand in the
72 state and the impact of this state's participation in the Nurse
73 Licensure Compact under s. 464.0095.

74 2. Developing recommendations to increase nurse faculty and
75 clinical preceptors, support nurse faculty development, and
76 promote advanced nurse education.

77 3. Developing best practices in the academic preparation
78 and continuing education needs of qualified nurse educators,
79 nurse faculty, and clinical preceptors.

80 4. Collecting data on nurse faculty, employment,
81 distribution, and retention.

82 5. Piloting innovative projects to support the recruitment,
83 development, and retention of qualified nurse faculty and
84 clinical preceptors.

85 6. Encouraging and coordinating the development of
86 academic-practice partnerships, including partnerships with
87 hospitals which provide opportunities for nursing students to

39-00236B-23

2023274__

88 obtain clinical experience, to support nurse faculty employment
89 and advancement.

90 7. Developing distance learning infrastructure for nursing
91 education and advancing faculty competencies in the pedagogy of
92 teaching and the evidence-based use of technology, simulation,
93 and distance learning techniques.

94 Section 3. Subsection (3) is added to section 1004.096,
95 Florida Statutes, to read:

96 1004.096 Postsecondary credit for military training and
97 education courses.-

98 (3) (a) For purposes of this subsection, the term
99 "accredited program" has the same meaning as in s. 464.003.

100 (b) By July 15, 2023, the Articulation Coordinating
101 Committee shall convene a workgroup that is responsible for
102 establishing a process for determining postsecondary course
103 equivalencies and the minimum postsecondary credit or career
104 education clock hours that must be awarded in an accredited
105 program for military training and education required for service
106 as an Army Combat Medic Specialist, a Navy or Fleet Marine Force
107 Hospital Corpsman, an Air Force or Space Force Aerospace Medical
108 Service Technician, or a Coast Guard Health Services Technician.

109 1. The composition of the workgroup and the provision of
110 administrative support to the workgroup must be as provided in
111 paragraphs (2) (a) and (b). The workgroup shall ensure that the
112 award of postsecondary credit or career education clock hours
113 does not impair an accredited program's ability to comply with
114 the requirements identified in s. 464.019.

115 2. The workgroup shall provide its recommendations
116 regarding the process for awarding postsecondary credit or

39-00236B-23

2023274

117 career education clock hours to the Board of Governors and the
 118 State Board of Education by December 1, 2023, for approval at
 119 the next meeting of each board to allow for adequate public
 120 notice.

121 3.a. Upon approval of the workgroup's recommendations by
 122 the Board of Governors and the State Board of Education, the
 123 Articulation Coordinating Committee shall facilitate the review
 124 of the military training and education received by individuals
 125 who served as an Army Combat Medic Specialist, a Navy or Fleet
 126 Marine Force Hospital Corpsman, an Air Force or Space Force
 127 Aerospace Medical Service Technician, or a Coast Guard Health
 128 Services Technician for postsecondary course equivalencies and
 129 the minimum postsecondary credit or career education clock hours
 130 that must be awarded for that training and education.

131 b. Within 1 year after such approval, the Articulation
 132 Coordinating Committee shall approve a prioritized list of
 133 postsecondary course equivalencies, and the minimum
 134 postsecondary credit or career education clock hours that must
 135 be awarded in an accredited program for such military training
 136 and education. The list must be updated annually. The Board of
 137 Governors and the State Board of Education shall adopt the list
 138 approved by the Articulation Coordinating Committee at their
 139 next respective meetings. For the purpose of statewide
 140 application, postsecondary course equivalencies and the minimum
 141 postsecondary credit or career education clock hours that must
 142 be awarded in an accredited program for such military training
 143 and education must be delineated by the State Board of Education
 144 and the Board of Governors in the statewide articulation
 145 agreement required by s. 1007.23(1).

Page 5 of 6

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39-00236B-23

2023274

146 4. State universities, Florida College System institutions,
 147 and career centers shall award postsecondary credit or career
 148 education clock hours for such military training and education
 149 based on the list adopted pursuant to sub-subparagraph 3.b. if
 150 the credit or career education clock hours are applicable toward
 151 the student's degree or certificate and may award additional
 152 postsecondary credit or career education clock hours as
 153 appropriate. Postsecondary credit or career education clock
 154 hours awarded under this subsection are transferable from one
 155 state university, Florida College System institution, or career
 156 center to another.

157 Section 4. This act shall take effect upon becoming a law.

Page 6 of 6

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CourtSmart Tag Report

Room: SB 110
Caption: Senate Education Postsecondary Committee

Case No.:

Type:
Judge:

Started: 2/8/2023 9:30:34 AM
Ends: 2/8/2023 9:47:24 AM **Length:** 00:16:51

9:30:36 AM Meeting called to order, roll call
9:30:57 AM Quorum is present
9:31:04 AM Chair Grall makes opening remarks
9:31:08 AM Tab 1- SB 200, Intercollegiate Athlete Compensation and Rights
9:31:37 AM Amendment 103246
9:31:38 AM Senator Hutson presents
9:31:47 AM Chair Grall speaks
9:32:39 AM Questions:
9:32:48 AM Senator Jones
9:32:50 AM Senator Hutson
9:33:23 AM Chair Grall adopts amendment
9:34:22 AM Chair Grall reads cards waiving in support
9:34:43 AM Senator Hutson waives closes
9:35:00 AM Roll call on SB 200
9:35:26 AM Chair Grall reports bill favorably
9:35:36 AM Tab 2- SB 274, Nursing Education Pathway for Military Combat Medics
9:35:49 AM Senator Avila presents
9:36:24 AM Chair Grall speaks
9:37:24 AM Questions:
9:37:27 AM Senator Collins
9:37:31 AM Senator Avila
9:37:43 AM Senator Harrell
9:38:05 AM Senator Avila
9:38:49 AM Senator Harrell
9:39:45 AM Senator Jones
9:40:02 AM Senator Avila
9:40:36 AM Chair Grall reads cards waiving in support
9:41:37 AM Debate:
9:41:58 AM Senator Harrell
9:42:05 AM Senator Collins
9:44:03 AM Vice Chair Stewart
9:45:03 AM Senator Avila closes on bill
9:45:36 AM Roll call on SB 274
9:46:24 AM Chair Grall reports SB 274 favorably
9:46:48 AM Senator Book records vote for SB 200
9:47:00 AM Meeting adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Children, Families, and Elder Affairs, *Chair*
Appropriations Committee on Health and
Human Services, *Vice Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Education Postsecondary
Ethics and Elections
Fiscal Policy
Health Policy
Rules

SENATOR ILEANA GARCIA

36th District

February 8, 2023

Senator Grall, Chair
Senate Committee on Postsecondary Education
415 Knott Building
Tallahassee FL 32399

Dear Chair Grall:

By this letter I am requesting an excused absence for the committee meeting scheduled for Feb 8, 2023. I regret that other matters conflicted with this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Ileana Garcia", with a long horizontal flourish extending to the right.

Ileana Garcia
Senator

REPLY TO:

- 2828 Coral Way, Suite 208, Miami, Florida 33145 (305) 442-6841
- 322 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flisenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore