

By Senator Bracy

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1 A bill to be entitled
2 An act relating to students participating in
3 intercollegiate athletics; creating s. 1004.098, F.S.;
4 prohibiting a postsecondary educational institution
5 from upholding any rule, requirement, standard, or
6 limitation that prevents students participating in
7 intercollegiate athletics from earning specified
8 compensation; prohibiting certain organizations from
9 preventing such students from earning specified
10 compensation; prohibiting certain organizations from
11 preventing postsecondary educational institutions from
12 participating in intercollegiate athletics under
13 certain circumstances; prohibiting postsecondary
14 educational institutions and certain organizations
15 from providing compensation to prospective students
16 under certain conditions; prohibiting certain entities
17 from preventing students participating in
18 intercollegiate athletics from obtaining professional
19 representation; providing requirements for such
20 representation; providing that specified scholarships
21 are not considered compensation; prohibiting the
22 revocation of scholarships for specified reasons;
23 prohibiting students participating in intercollegiate
24 athletics from entering into contracts that meet
25 certain criteria; providing student disclosure
26 requirements for certain contracts; providing
27 requirements for such disclosure; providing
28 postsecondary education institution requirements for
29 conflicts with specified contracts; providing

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30 requirements for specified contracts; providing
31 applicability; providing definitions; providing for
32 regulations and rulemaking; requiring the Chancellor
33 of the Florida College System to convene a College
34 System Athlete Name, Image, and Likeness Task Force;
35 providing membership, meeting requirements, and duties
36 of the task force; requiring the task force to submit
37 a report by a certain date; providing for the
38 expiration of the task force; providing an effective
39 date.

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

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43 Section 1. Section 1004.098, Florida Statutes, is created
44 to read:

45 1004.098 Compensation for students participating in
46 intercollegiate athletics.-

47 (1) (a) A postsecondary educational institution may not
48 uphold any rule, requirement, standard, or other limitation that
49 prevents a student of that institution from participating in
50 intercollegiate athletics from earning compensation as a result
51 of the use of the student's name, image, or likeness. Earning
52 compensation from the use of a student's name, image, or
53 likeness may not affect the student's scholarship eligibility.

54 (b) An athletic association, conference, or other group or
55 organization with authority over intercollegiate athletics,
56 including, but not limited to, the National Collegiate Athletic
57 Association (NCAA), may not prevent a student athlete from
58 earning compensation as a result of the use of the student's

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59 name, image, or likeness.

60 (c) An athletic association, conference, or other group or
61 organization with authority over intercollegiate athletics,
62 including, but not limited to, the NCAA, may not prevent a
63 postsecondary educational institution from participating in
64 intercollegiate athletics as a result of the compensation of a
65 student athlete for the use of the student's name, image, or
66 likeness.

67 (2) A postsecondary educational institution, athletic
68 association, conference, or other group or organization with
69 authority over intercollegiate athletics may not provide a
70 prospective student who may participate in intercollegiate
71 athletics with compensation in relation to the student's name,
72 image, or likeness.

73 (3) (a) A postsecondary educational institution, athletic
74 association, conference, or other group or organization with
75 authority over intercollegiate athletics may not prevent a
76 student athlete in this state from obtaining professional
77 representation in relation to contracts or legal matters,
78 including, but not limited to, representation provided by an
79 athlete agent or legal representation provided by an attorney.

80 (b) Professional representation obtained by a student
81 athlete must be from persons licensed by the state.
82 Notwithstanding s. 468.453(3), an athlete agent representing a
83 student athlete for purposes of earning compensation as a result
84 of the use of the student's name, image, or likeness must be
85 licensed under part IX of chapter 468. An attorney representing
86 a student athlete for purposes of earning compensation as a
87 result of the use of the student's name, image, or likeness must

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88 be licensed to practice in the state.

89 (c) An athlete agent representing a student athlete shall
90 comply with the federal Sports Agent Responsibility and Trust
91 Act in 15 U.S.C. ss. 7801-7807 in their relationships with the
92 student.

93 (4) A scholarship from the postsecondary educational
94 institution in which a student is enrolled that meets the cost
95 of attendance is not compensation for purposes of this section,
96 and a scholarship may not be revoked as a result of the student
97 earning compensation or obtaining professional or legal
98 representation under this section.

99 (5) (a) 1. A student athlete may not enter into a contract
100 providing compensation to the student for use of the student's
101 name, image, or likeness if a provision of such contract is in
102 conflict with a provision of the student's team contract.

103 2. A postsecondary educational institution asserting a
104 conflict under subparagraph 1. must disclose the relevant
105 contractual provisions that are in conflict with a provision of
106 the student's team contract to the student athlete or his or her
107 representation.

108 (b) A student athlete who enters into a contract providing
109 compensation to the student for use of the student's name,
110 image, or likeness shall disclose the contract to an official of
111 the postsecondary educational institution in which he or she is
112 enrolled, to be designated by the institution.

113 (6) A team contract of a postsecondary educational
114 institution's athletic program may not prevent a student athlete
115 from using the student's name, image, or likeness for a
116 commercial purpose when the student is not engaged in official

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117 team activities. This subsection applies only to contracts
118 entered into, modified, or renewed on or after January 1, 2023.

119 (7) For purposes of this section:

120 (a) The term "postsecondary educational institution" means
121 a state university, a Florida College System institution, or a
122 private college or university.

123 (b) The term "student athlete" means a student of a
124 postsecondary educational institution who participates in
125 intercollegiate athletics.

126 (8) The Board of Governors and the State Board of Education
127 shall adopt regulations and rules, respectively, to administer
128 this section.

129 (9) This section shall take effect on January 1, 2023.

130 Section 2. (1) The Chancellor of the Florida College System
131 shall convene a College System Athlete Name, Image, and Likeness
132 Task Force, a task force as defined in s. 20.03(8), Florida
133 Statutes. Except as otherwise provided in this section, the task
134 force shall operate in a manner consistent with s. 20.052,
135 Florida Statutes. The task force shall be composed of the
136 following members:

137 (a) One member appointed by the President of the Senate.

138 (b) One member appointed by the Speaker of the House of
139 Representatives.

140 (c) One member appointed by the Chancellor of the Florida
141 College System.

142 (d) One member appointed by the President of the Florida
143 College System Activities Association.

144 (e) Two members appointed by the Chancellor of the Florida
145 College System who are Florida College System institution

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146 students who participate in intercollegiate athletics.

147 (f) One member appointed by the Chancellor of the Florida
148 College System who is a Florida College System institution
149 athletic administrator.

150 (g) One member appointed by the Chancellor of the Florida
151 College System who is a Florida College System institution
152 athletic coach.

153 (h) One member appointed by the Chancellor of the Florida
154 College System who is a Florida College System student
155 government association representative.

156
157 All appointments to the task force shall be completed on or
158 before December 1, 2020.

159 (2) The task force shall meet at least twice and elect a
160 chair and vice chair. A quorum shall consist of a majority of
161 the group's members.

162 (3) The task force shall:

163 (a) Review existing Florida College System Activities
164 Association bylaws, state and federal laws, and national
165 athletic association bylaws regarding the use of a Florida
166 College System institution student's name, image, and likeness
167 for compensation if he or she participates in intercollegiate
168 athletics.

169 (b) On or before December 1, 2021, submit a report to the
170 President of the Senate, the Speaker of the House of
171 Representatives, the Chancellor of the Florida College System,
172 and the Florida College System Activities Association containing
173 its findings and policy recommendations.

174 (4) Upon submission of its report pursuant to paragraph

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175 (3) (b), the task force shall expire.

176 Section 3. This act shall take effect July 1, 2020.