

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative LaMarca offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. This act may be cited as the "Intercollegiate  
6 Athlete Bill of Rights."

7 Section 2. Section 1006.74, Florida Statutes, is created  
8 to read:

9 1006.74 Intercollegiate athlete compensation and rights.-  
10 The Legislature finds that intercollegiate athletics provide  
11 intercollegiate athletes with significant educational  
12 opportunities. However, participation in intercollegiate  
13 athletics should not infringe upon an intercollegiate athlete's

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14 ability to earn compensation for her or his name, image,  
15 likeness, or persona. An intercollegiate athlete must have an  
16 equal opportunity to control and profit from the commercial use  
17 of her or his name, image, likeness, and persona and be  
18 protected from unauthorized appropriation and commercial  
19 exploitation of her or his right to publicity, including her or  
20 his name, image, likeness, and persona. Moreover, an  
21 intercollegiate athlete's inability to participate in  
22 intercollegiate athletics due to an injury should not impair her  
23 or his future health or academic success.

24 (1) DEFINITIONS.—As used in this section, the term:

25 (a) "Athletic program" means an intercollegiate athletic  
26 program at a postsecondary educational institution.

27 (b) "Disability insurance" means insurance covering  
28 disability compensation benefits for an intercollegiate athlete  
29 participating in an athletic program.

30 (c) "Health insurance" means primary health insurance  
31 covering injuries resulting from the intercollegiate athlete's  
32 participation in an athletic program that provides for all  
33 medically necessary treatment and care until the intercollegiate  
34 athlete is restored to her or his condition before the injury.

35 (d) "Injury" means an injury sustained by an  
36 intercollegiate athlete while participating in an athletic  
37 program's activities.

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38 (e) "Insurance" means health insurance and disability  
39 insurance.

40 (f) "Intercollegiate athlete" means a student who  
41 participates in an athletic program. The term includes a former  
42 intercollegiate athlete who suffered an injury.

43 (g) "Partial disability" means the intercollegiate  
44 athlete's incapacity because of the injury to earn full-time  
45 wages.

46 (h) "Physician" means a physician licensed under chapter  
47 458, an osteopathic physician licensed under chapter 459, a  
48 podiatric physician licensed under chapter 461, or an  
49 optometrist licensed under chapter 463.

50 (i) "Postsecondary educational institution" means a state  
51 university, a Florida College System institution, or a private  
52 college or university receiving aid under chapter 1009.

53 (j) "Total disability" means an intercollegiate athlete's  
54 inability to earn wages because of an injury.

55 (2) INTERCOLLEGIATE ATHLETES' COMPENSATION AND RIGHTS AND  
56 POSTSECONDARY EDUCATIONAL INSTITUTIONS RESPONSIBILITIES.-  
57 Effective July 1, 2021:

58 (a) An intercollegiate athlete at a postsecondary  
59 educational institution may earn compensation for her or his  
60 name, image, likeness, or persona. Such compensation must be  
61 commensurate with the market value of the services provided. To  
62 preserve the integrity, quality, character, and amateur nature

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63 of intercollegiate athletics and to maintain a clear separation  
64 between amateur intercollegiate athletics and professional  
65 sports, such compensation may not be provided in exchange for  
66 athletic performance or attendance at a particular institution.

67 (b) A postsecondary educational institution may not adopt  
68 or maintain a contract, rule, regulation, standard, or other  
69 requirement that prevents or unduly restricts an intercollegiate  
70 athlete from earning compensation for the use of her or his  
71 name, image, likeness, or persona. Earning such compensation may  
72 not affect the intercollegiate athlete's grant-in-aid or  
73 athletic eligibility.

74 (c) A postsecondary educational institution, an entity  
75 whose purpose includes supporting or benefitting the institution  
76 or its athletic programs, or an officer, director, or employee  
77 of such institution or entity may not compensate or cause  
78 compensation to be directed to a current or prospective  
79 intercollegiate athlete for her or his name, image, likeness, or  
80 persona.

81 (d) A postsecondary educational institution may not  
82 prevent or unduly restrict an intercollegiate athlete from  
83 obtaining professional representation by an athlete agent or  
84 attorney engaged for the purpose of securing compensation for  
85 her or his name, image, likeness, or persona. Pursuant to s.  
86 468.453(8), an athlete agent representing an intercollegiate  
87 athlete for purposes of securing compensation for her or his

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88 name, image, likeness, or persona must be licensed under part IX  
89 of chapter 468. An attorney representing an intercollegiate  
90 athlete for purposes of securing compensation for her or his  
91 name, image, likeness, or persona must be a member in good  
92 standing of The Florida Bar.

93 (e) Grant-in-aid, including cost of attendance, awarded to  
94 an intercollegiate athlete by a postsecondary educational  
95 institution is not compensation for the purposes of this  
96 subsection, and may not be revoked or reduced as a result of an  
97 intercollegiate athlete earning compensation or obtaining  
98 professional representation under this subsection.

99 (f) An intercollegiate athlete under the age of 18 years  
100 must have any contract for compensation for her or his name,  
101 image, likeness, or persona approved under ss. 743.08 and  
102 743.09.

103 (g) An intercollegiate athlete's contract for compensation  
104 for her or his name, image, likeness, or persona may not violate  
105 this subsection.

106 (h) An intercollegiate athlete may not enter into a  
107 contract for compensation for her or his name, image, likeness,  
108 or persona if a term of the contract materially conflicts with a  
109 term of the intercollegiate athlete's team contract. A  
110 postsecondary educational institution asserting a conflict under  
111 this paragraph must disclose each relevant contract term that

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112 conflicts with the team contract to the intercollegiate athlete  
113 or her or his representative.

114 (i) An intercollegiate athlete who enters into a contract  
115 for compensation for her or his name, image, likeness, or  
116 persona shall disclose the contract to the postsecondary  
117 educational institution at which she or he is enrolled, in a  
118 manner designated by the institution.

119 (j) The duration of a contract for representation of an  
120 intercollegiate athlete or compensation of an intercollegiate  
121 athlete's name, image, likeness, or persona may not extend  
122 beyond her or his participation in an athletic program at a  
123 postsecondary educational institution.

124 (3) POSTSECONDARY EDUCATIONAL INSTITUTION HEALTH AND  
125 DISABILITY INSURANCE REQUIREMENTS.—Each postsecondary  
126 educational institution shall:

127 (a)1. Maintain for each intercollegiate athlete health  
128 insurance and disability insurance that meets the requirements  
129 of subparagraphs 3. and 4., respectively, by:

130 a. Verifying that the intercollegiate athlete is provided  
131 the benefits required by this section by her or his own  
132 insurance or insurance provided by an immediate family member;

133 b. Providing insurance covering the intercollegiate  
134 athlete;

135 c. Participating in an insurance program, which provides  
136 at least the benefits required by this section, offered by an

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137 intercollegiate athletics sanctioning body or intercollegiate  
138 athletics association of which the postsecondary educational  
139 institution is a member; or

140 d. Any combination of sub-subparagraphs a.-c.

141 2. If the intercollegiate athlete's insurance under sub-  
142 subparagraph 1.a. lapses or does not provide the required  
143 medical benefits, the postsecondary educational institution must  
144 provide coverage under sub-subparagraph 1.b. or sub-subparagraph  
145 1.c., or a combination thereof, beginning with the first dollar  
146 of a claim. If coverage is secured under sub-subparagraph 1.a.,  
147 any deductible, copay, or coinsurance amounts must be paid by  
148 the postsecondary educational institution or an intercollegiate  
149 athletics association, conference, or organization of which the  
150 postsecondary educational institution is a member. If coverage  
151 is secured under sub-subparagraph 1.b. or sub-subparagraph 1.c.,  
152 or a combination thereof, the entire premium and any deductible,  
153 copay, or coinsurance amounts must be paid by the postsecondary  
154 educational institution or an intercollegiate athletics  
155 association, conference, or organization of which the  
156 postsecondary educational institution is a member.

157 3. Health insurance under subparagraph 1. must include  
158 dental benefits for dental conditions related to the injury,  
159 medically necessary emergency and nonemergency medical  
160 transportation, professional and nonprofessional attendant care,  
161 prosthetics, orthotics, durable medical equipment, and medically

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162 necessary physical rehabilitation and vocational rehabilitation  
163 benefits.

164 4. Disability insurance under subparagraph 1. must provide  
165 at least \$400 per month for the first 12 months of total  
166 disability and \$2,700 per month for each month of total  
167 disability beyond the first 12 months of total disability; at  
168 least \$270 per month for the first 12 months of partial  
169 disability and \$1,800 per month for each month of partial  
170 disability beyond the first 12 months of partial disability; and  
171 a death benefit of at least \$25,000.

172 (b) Provide an intercollegiate athlete who was receiving  
173 athletic related grant-in-aid and is in good standing, an  
174 equivalent grant-in-aid for:

175 1. Up to one academic year or until the intercollegiate  
176 athlete completes her or his primary undergraduate degree,  
177 whichever is shorter, if the intercollegiate athlete has  
178 exhausted athletic eligibility.

179 2. Up to five academic years or until the intercollegiate  
180 athlete completes her or his primary undergraduate degree,  
181 whichever is shorter, if the intercollegiate athlete suffered an  
182 injury, and an independent physician with a specialty  
183 appropriate to each applicable injury determines that she or he  
184 is medically ineligible to participate in intercollegiate  
185 athletics.

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186 (c) Conduct a financial literacy and life skills workshop  
187 for a minimum of 5 hours at the beginning of the intercollegiate  
188 athlete's first and third academic years. The workshop shall, at  
189 a minimum, include information concerning financial aid, debt  
190 management, and a recommended budget for full and partial grant-  
191 in-aid intercollegiate athletes based on the current academic  
192 year's cost of attendance. The workshop shall also include  
193 information on time management skills necessary for success as  
194 an intercollegiate athlete and available academic resources. The  
195 workshop may not include any marketing, advertising, referral,  
196 or solicitation by providers of financial products or services.

197 (4) LIMITATIONS.-

198 (a) This section does not require the medical treatment of  
199 a preexisting medical condition except to the extent that the  
200 preexisting medical condition is aggravated by the injury or  
201 treatment of the preexisting medical condition is medically  
202 necessary to the treatment of the injury.

203 (b) State funds may not be used to comply with the  
204 requirements of this section.

205 (c) An injury must be reported by the earlier of the 30th  
206 day after occurrence of the injury, the 30th day after the  
207 intercollegiate athlete knew or should have known that an injury  
208 existed, or 2 years after the intercollegiate athlete separates  
209 from the postsecondary educational institution.

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210 (d) An intercollegiate athlete's claim for benefits  
211 related to an injury is barred after 2 years after the report of  
212 injury or 2 years after provision of compensable medical  
213 treatment, whichever is later.

214 (e) For a former intercollegiate athlete receiving  
215 disability compensation benefits under this section who is  
216 earning wages while receiving such benefits or is determined by  
217 a functional capacity expert to be capable of earning wages,  
218 beginning 12 months after the date of the injury, the benefit  
219 shall be reduced by an amount equal to one half of the former  
220 intercollegiate athlete's after tax earnings in excess of the  
221 base amount. The base amount shall be \$1,000 for the first 12  
222 months the reduction provided by this paragraph is applied and  
223 shall increase by 2.5 percent annually thereafter. If the former  
224 intercollegiate athlete is determined by a functional capacity  
225 expert to have a wage earning capacity, but is not earning  
226 wages, the disability compensation benefit shall be reduced by  
227 one-half for any period more than 12 months after the date of  
228 the injury that the former intercollegiate athlete is not  
229 earning wages, unless the former intercollegiate athlete  
230 documents her or his employment search, which must include at  
231 least four employment applications submitted monthly.

232 (5) REGULATIONS AND RULES.—The Board of Governors and the  
233 State Board of Education shall adopt regulations and rules,  
234 respectively, to implement this section.

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235 Section 3. Subsections (8) and (9) are added to section  
236 468.453, Florida Statutes, to read:

237 468.453 Licensure required; qualifications; license  
238 nontransferable; service of process; temporary license; license  
239 or application from another state.—

240 (8) Notwithstanding subsection (3), a person must hold a  
241 valid license as an athlete agent to act as an athlete agent  
242 representing an intercollegiate athlete for purposes of  
243 contracts authorized under s. 1006.74.

244 (9) Notwithstanding athletic conference or collegiate  
245 athletic association rules, bylaws, regulations, and policies to  
246 the contrary, an athlete agent may represent an intercollegiate  
247 athlete in securing compensation for use of her or his name,  
248 image, likeness, and persona under s. 1006.74. An athlete agent  
249 is not subject to discipline under s. 468.456(1)(k) for  
250 representing an intercollegiate athlete under s. 1006.74.

251 Section 4. This act shall take effect July 1, 2020.

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254 **T I T L E A M E N D M E N T**

255 Remove everything before the enacting clause and insert:

256 A bill to be entitled

257 An act relating to intercollegiate athlete  
258 compensation and rights; providing a short title;  
259 creating s. 1006.74, F.S.; providing legislative

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260 findings; providing definitions; authorizing certain  
261 intercollegiate athletes to earn compensation for  
262 their names, images, likenesses, and personas  
263 beginning on a date certain; providing requirements  
264 for such compensation; prohibiting postsecondary  
265 educational institutions from adopting or maintaining  
266 rules, regulations, standards, or other requirements  
267 that prevents or unduly restricts intercollegiate  
268 athletes from earning specified compensation;  
269 providing that certain compensation does not affect  
270 certain intercollegiate athlete eligibilities;  
271 prohibiting a postsecondary educational institution,  
272 certain entities, and specified individuals from  
273 compensating or causing compensation to be directed to  
274 intercollegiate athletes or prospective  
275 intercollegiate athletes for their names, images,  
276 likenesses, or personas; prohibiting a postsecondary  
277 educational institution from preventing or unduly  
278 restricting intercollegiate athletes from obtaining  
279 specified representation; requiring athlete agents and  
280 attorneys to meet specified requirements; providing  
281 that specified aid for intercollegiate athletes is not  
282 considered compensation; prohibiting the revocation or  
283 reduction of certain aid as a result of  
284 intercollegiate athletes earning certain compensation

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285 or obtaining specified representation; providing  
286 approval requirements for certain contracts for  
287 compensation for intercollegiate athletes who are  
288 minors; providing contract requirements; prohibiting  
289 intercollegiate athletes from entering into contracts  
290 for specified compensation that materially conflict  
291 with terms of her or his team contract; providing  
292 intercollegiate athlete contract disclosure  
293 requirements; requiring postsecondary educational  
294 institutions to maintain certain insurance for  
295 intercollegiate athletes; providing requirements for  
296 such insurance; requiring postsecondary educational  
297 institutions to provide specified grant-in-aid to  
298 intercollegiate athletes under certain circumstances  
299 and provide a specified workshop; providing  
300 requirements for such grant-in-aid and workshop;  
301 providing applicability; prohibiting the use of state  
302 funds for specified purposes; providing requirements  
303 for reporting certain injuries and claims for benefits  
304 related to certain injuries; providing requirements  
305 for certain disability compensation benefits;  
306 requiring the Board of Governors and the State Board  
307 of Education to adopt regulations and rules,  
308 respectively; amending s. 468.453, F.S.; providing  
309 requirements for certain athlete agents; providing an

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310 exemption from specified disciplinary actions;  
311 providing an effective date.

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