

By the Committees on Innovation, Industry, and Technology; and Education; and Senator Mayfield

580-03750A-20

2020646c2

1 A bill to be entitled
2 An act relating to intercollegiate athlete
3 compensation and rights; creating s. 1006.74, F.S.;
4 providing legislative findings; defining terms;
5 authorizing certain intercollegiate athletes to earn
6 compensation for the use of their names, images, or
7 likenesses; providing requirements for such
8 compensation; prohibiting postsecondary educational
9 institutions from adopting or maintaining contracts,
10 rules, regulations, standards, or other requirements
11 that prevent or unduly restrict intercollegiate
12 athletes from earning specified compensation;
13 providing that certain compensation does not affect
14 certain intercollegiate athlete eligibilities;
15 prohibiting a postsecondary educational institution
16 and other entities, institutions, and their employees
17 from compensating intercollegiate athletes or
18 prospective intercollegiate athletes for the use of
19 their names, images, or likenesses; prohibiting a
20 postsecondary educational institution from preventing
21 or unduly restricting intercollegiate athletes from
22 obtaining specified representation; requiring athlete
23 agents and attorneys to meet specified requirements;
24 providing that specified aid for intercollegiate
25 athletes is not compensation; prohibiting the
26 revocation or reduction of certain aid as a result of
27 intercollegiate athletes earning certain compensation
28 or obtaining specified representation; providing
29 approval requirements for certain contracts for

580-03750A-20

2020646c2

30 compensation for intercollegiate athletes who are
31 minors; providing contract requirements; prohibiting
32 intercollegiate athletes from entering into contracts
33 for specified compensation that conflict with terms of
34 her or his team contract; providing intercollegiate
35 athlete contract disclosure requirements; prohibiting
36 an intercollegiate athlete contract from extending
37 beyond a specified timeframe; requiring each
38 postsecondary institution to conduct a financial
39 literacy and life skills workshop for intercollegiate
40 athletes; requiring the Board of Governors and the
41 State Board of Education to adopt regulations and
42 rules, respectively; amending s. 468.453, F.S.;

43 providing requirements for certain athlete agents;
44 providing an effective date.

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

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48 Section 1. Section 1006.74 Florida Statutes, is created to
49 read:

50 1006.74 Intercollegiate athlete compensation and rights.-
51 The Legislature finds that intercollegiate athletics provide
52 intercollegiate athletes with significant educational
53 opportunities. However, participation in intercollegiate
54 athletics should not infringe upon an intercollegiate athlete's
55 ability to earn compensation for her or his name, image, or
56 likeness. An intercollegiate athlete must have an equal
57 opportunity to control and profit from the commercial use of her
58 or his name, image, or likeness, and be protected from

580-03750A-20

2020646c2

59 unauthorized appropriation and commercial exploitation of her or
60 his right to publicity, including her or his name, image, or
61 likeness.

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

63 (a) "Athletic program" means an intercollegiate athletic
64 program at a postsecondary educational institution.

65 (b) "Intercollegiate athlete" means a student who
66 participates in an athletic program.

67 (c) "Postsecondary educational institution" means a state
68 university, a Florida College System institution, or a private
69 college or university receiving aid under chapter 1009.

70 (2) INTERCOLLEGIATE ATHLETES' COMPENSATION AND RIGHTS AND
71 POSTSECONDARY EDUCATIONAL INSTITUTIONS RESPONSIBILITIES.—

72 (a) An intercollegiate athlete at a postsecondary
73 educational institution may earn compensation for the use of her
74 or his name, image, or likeness. Such compensation must be
75 commensurate with the market value of the authorized use of the
76 athlete's name, image, or likeness. To preserve the integrity,
77 quality, character, and amateur nature of intercollegiate
78 athletics and to maintain a clear separation between amateur
79 intercollegiate athletics and professional sports, such
80 compensation may not be provided in exchange for athletic
81 performance or attendance at a particular institution and may
82 only be provided by a third party unaffiliated with the
83 intercollegiate athlete's postsecondary educational institution.

84 (b) A postsecondary educational institution may not adopt
85 or maintain a contract, rule, regulation, standard, or other
86 requirement that prevents or unduly restricts an intercollegiate
87 athlete from earning compensation for the use of her or his

580-03750A-20

2020646c2

88 name, image, or likeness. Earning such compensation may not
89 affect the intercollegiate athlete's grant-in-aid or athletic
90 eligibility.

91 (c) A postsecondary educational institution, an entity
92 whose purpose includes supporting or benefitting the institution
93 or its athletic programs, or an officer, director, or employee
94 of such institution or entity may not compensate or cause
95 compensation to be directed to a current or prospective
96 intercollegiate athlete for her or his name, image, or likeness.

97 (d) A postsecondary educational institution may not prevent
98 or unduly restrict an intercollegiate athlete from obtaining
99 professional representation by an athlete agent or attorney
100 engaged for the purpose of securing compensation for the use of
101 her or his name, image, or likeness. Pursuant to s. 468.453(8),
102 an athlete agent representing an intercollegiate athlete for
103 purposes of securing compensation for the use of her or his
104 name, image, or likeness, must be licensed under part IX of
105 chapter 468. An attorney representing an intercollegiate athlete
106 for purposes of securing compensation for the use of her or his
107 name, image, or likeness must be a member in good standing of
108 The Florida Bar.

109 (e) A grant-in-aid, including cost of attendance, awarded
110 to an intercollegiate athlete by a postsecondary educational
111 institution is not compensation for the purposes of this
112 subsection, and may not be revoked or reduced as a result of an
113 intercollegiate athlete earning compensation or obtaining
114 professional representation under this subsection.

115 (f) An intercollegiate athlete under 18 years of age must
116 have any contract for compensation for the use of her or his

580-03750A-20

2020646c2

117 name, image, or likeness approved under ss. 743.08 and 743.09.

118 (g) An intercollegiate athlete's contract for compensation
119 for the use of her or his name, image, or likeness may not
120 violate this subsection.

121 (h) An intercollegiate athlete may not enter into a
122 contract for compensation for the use of her or his name, image,
123 or likeness if a term of the contract conflicts with a term of
124 the intercollegiate athlete's team contract. A postsecondary
125 educational institution asserting a conflict under this
126 paragraph must disclose each relevant contract term that
127 conflicts with the team contract to the intercollegiate athlete
128 or her or his representative.

129 (i) An intercollegiate athlete who enters into a contract
130 for compensation for the use of her or his name, image, or
131 likeness shall disclose the contract to the postsecondary
132 educational institution at which she or he is enrolled, in a
133 manner designated by the institution.

134 (j) The duration of a contract for representation of an
135 intercollegiate athlete or compensation for the use of an
136 intercollegiate athlete's name, image, or likeness may not
137 extend beyond her or his participation in an athletic program at
138 a postsecondary educational institution.

139 (k) A postsecondary institution shall conduct a financial
140 literacy and life skills workshop for a minimum of 5 hours at
141 the beginning of the intercollegiate athlete's first and third
142 academic years. The workshop shall, at a minimum, include
143 information concerning financial aid, debt management, and a
144 recommended budget for full and partial grant-in-aid
145 intercollegiate athletes based on the current academic year's

580-03750A-20

2020646c2

146 cost of attendance. The workshop shall also include information
147 on time management skills necessary for success as an
148 intercollegiate athlete and available academic resources. The
149 workshop may not include any marketing, advertising, referral,
150 or solicitation by providers of financial products or services.

151 (3) REGULATIONS AND RULES.—The Board of Governors and the
152 State Board of Education shall adopt regulations and rules,
153 respectively, to implement this section.

154 Section 2. Subsections (8) and (9) are added to section
155 468.453, Florida Statutes, to read:

156 468.453 Licensure required; qualifications; license
157 nontransferable; service of process; temporary license; license
158 or application from another state.—

159 (8) Notwithstanding subsection (3), a person must hold a
160 valid license as an athlete agent to act as an athlete agent
161 representing an intercollegiate athlete for purposes of
162 contracts authorized under s. 1006.74.

163 (9) Notwithstanding athletic conference or collegiate
164 athletic association rules, bylaws, regulations, and policies to
165 the contrary, an athlete agent may represent an intercollegiate
166 athlete in securing compensation for the use of her or his name,
167 image, or likeness under s. 1006.74.

168 Section 3. This act shall take effect July 1, 2021.