A bill to be entitled
An act relating to intercollegiate athlete
compensation and rights; providing a short title;
creating s. 1006.74, F.S.; providing legislative
findings; providing definitions; authorizing certain
intercollegiate athletes to earn compensation for
their names, images, likenesses, and personas;
providing requirements for such compensation;
prohibiting postsecondary educational institutions
from adopting or maintaining rules, regulations,
standards, or other requirements that prevents or
unduly restricts intercollegiate athletes from earning
specified compensation; providing that certain
compensation does not affect certain intercollegiate
athlete eligibilities; prohibiting a postsecondary
educational institution, certain entities, and
specified individuals from compensating or causing
compensation to be directed to intercollegiate
athletes or prospective intercollegiate athletes for
their names, images, likenesses, or personas;
prohibiting a postsecondary educational institution
from preventing or unduly restricting intercollegiate
athletes from obtaining specified representation;
requiring athlete agents and attorneys to meet
specified requirements; providing that specified aid
for intercollegiate athletes is not considered compensation; prohibiting the revocation or reduction of certain aid as a result of intercollegiate athletes earning certain compensation or obtaining specified representation; providing approval requirements for certain contracts for compensation for intercollegiate athletes who are minors; providing contract requirements; prohibiting intercollegiate athletes from entering into contracts for specified compensation that materially conflict with terms of her or his team contract; providing intercollegiate athlete contract disclosure requirements; requiring postsecondary educational institutions to maintain certain insurance for intercollegiate athletes; providing requirements for such insurance; requiring postsecondary educational institutions to provide specified grant-in-aid to intercollegiate athletes under certain circumstances and provide a specified workshop; providing requirements for such grant-in-aid and workshop; providing applicability; prohibiting the use of state funds for specified purposes; providing requirements for reporting certain injuries and claims for benefits related to certain injuries; providing requirements for certain disability compensation benefits; requiring the Board of Governors and the
State Board of Education to adopt regulations and rules, respectively; amending s. 468.453, F.S.; providing requirements for certain athlete agents; providing an effective date.

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

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

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

1006.74 Intercollegiate athlete compensation and rights.—
The Legislature finds that intercollegiate athletics provide intercollegiate athletes with significant educational opportunities. However, participation in intercollegiate athletics should not infringe upon an intercollegiate athlete's ability to earn compensation for her or his name, image, likeness, or persona. An intercollegiate athlete must have an equal opportunity to control and profit from the commercial use of her or his name, image, likeness, and persona and be protected from unauthorized appropriation and commercial exploitation of her or his right to publicity, including her or his name, image, likeness, and persona. Moreover, an intercollegiate athlete's inability to participate in intercollegiate athletics due to an injury should not impair her
or his future health or academic success.

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

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

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

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

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

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

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

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

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

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

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

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

(a) An intercollegiate athlete at a postsecondary 
educational institution may earn compensation for her or his 
name, image, likeness, or persona. Such compensation must be 
commensurate with the market value of the services provided. To 
preserve the integrity, quality, character, and amateur nature 
of intercollegiate athletics and to maintain a clear separation 
between amateur intercollegiate athletics and professional 
sports, such compensation may not be provided in exchange for 
athletic performance or attendance at a particular institution.

(b) A postsecondary educational institution may not adopt 
or maintain a contract, rule, regulation, standard, or other 
requirement that prevents or unduly restricts an intercollegiate 
athlete from earning compensation for the use of her or his 
name, image, likeness, or persona. Earning such compensation may 
not affect the intercollegiate athlete's grant-in-aid or 
athletic eligibility.
(c) A postsecondary educational institution, an entity whose purpose includes supporting or benefitting the institution or its athletic programs, or an officer, director, or employee of such institution or entity may not compensate or cause compensation to be directed to a current or prospective intercollegiate athlete for her or his name, image, likeness, or persona.

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

(e) Grant-in-aid, including cost of attendance, awarded to an intercollegiate athlete by a postsecondary educational institution is not compensation for the purposes of this subsection, and may not be revoked or reduced as a result of an intercollegiate athlete earning compensation or obtaining professional representation under this subsection.
(f) An intercollegiate athlete under the age of 18 years must have any contract for compensation for her or his name, image, likeness, or persona approved under ss. 743.08 and 743.09.

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

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

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

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

1. a. Maintain for each intercollegiate athlete health insurance and disability insurance that meets the requirements of sub-subparagraphs c. and d., respectively, by:

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

II. Providing insurance covering the intercollegiate athlete;

III. Participating in an insurance program, which provides at least the benefits required by this section, offered by an intercollegiate athletics sanctioning body or intercollegiate athletics association of which the postsecondary educational institution is a member; or

IV. Any combination of sub-sub-subparagraphs I.-III.

b. If the intercollegiate athlete's insurance under sub-sub-subparagraph I. lapses or does not provide the required medical benefits, the postsecondary educational institution must provide coverage under sub-sub-subparagraph II. or sub-sub-subparagraph III., or a combination thereof, beginning with the first dollar of a claim. If coverage is secured under sub-sub-subparagraph I., any deductible, copay, or coinsurance amounts must be paid by the postsecondary educational institution or an intercollegiate athletics association, conference, or organization of which the postsecondary educational institution
is a member. If coverage is secured under sub-sub-subparagraph II. or sub-sub-subparagraph III., or a combination thereof, the entire premium and any deductible, copay, or coinsurance amounts must be paid by the postsecondary educational institution or an intercollegiate athletics association, conference, or organization of which the postsecondary educational institution is a member.

c. Health insurance under sub-subparagraph a. must include dental benefits for dental conditions related to the injury, medically necessary emergency and nonemergency medical transportation, professional and nonprofessional attendant care, prosthetics, orthotics, durable medical equipment, and medically necessary physical rehabilitation and vocational rehabilitation benefits.

d. Disability insurance under sub-subparagraphs a. must provide at least $400 per month for the first 12 months of total disability and $2,700 per month for each month of total disability beyond the first 12 months of total disability; at least $270 per month for the first 12 months of partial disability and $1,800 per month for each month of partial disability beyond the first 12 months of partial disability; and a death benefit of at least $25,000.

2. Provide an intercollegiate athlete who was receiving athletic related grant-in-aid and is in good standing, an equivalent grant-in-aid for:
a. Up to one academic year or until the intercollegiate athlete completes her or his primary undergraduate degree, whichever is shorter, if the intercollegiate athlete has exhausted athletic eligibility.

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

3. 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 shall, at a minimum, include information concerning financial aid, debt management, and a recommended budget for full and partial grant-in-aid intercollegiate athletes based on the current academic year's cost of attendance. The workshop shall also include information on time management skills necessary for success as an intercollegiate athlete and available academic resources. The workshop may not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

(3) LIMITATIONS.—

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

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

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

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

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

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

Section 3. Subsections (8) and (9) are added to section
468.453, Florida Statutes, 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
valid license as an athlete agent to act as an athlete agent
representing an intercollegiate athlete for purposes of
contracts authorized under s. 1006.74.

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

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