

## CHAPTER 2020-28

### Committee Substitute for Committee Substitute for Senate Bill No. 646

An act relating to intercollegiate athlete compensation and rights; creating s. 1006.74, F.S.; providing legislative findings; defining terms; authorizing certain intercollegiate athletes to earn compensation for the use of their names, images, or likenesses; providing requirements for such compensation; prohibiting postsecondary educational institutions from adopting or maintaining contracts, rules, regulations, standards, or other requirements that prevent or unduly restrict intercollegiate athletes from earning specified compensation; providing that certain compensation does not affect certain intercollegiate athlete eligibilities; prohibiting a postsecondary educational institution and other entities, institutions, and their employees from compensating intercollegiate athletes or prospective intercollegiate athletes for the use of their names, images, or likenesses; 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 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 conflict with terms of her or his team contract; providing intercollegiate athlete contract disclosure requirements; prohibiting an intercollegiate athlete contract from extending beyond a specified timeframe; requiring each postsecondary institution to conduct a financial literacy and life skills workshop for intercollegiate athletes; 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. 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, or likeness. An intercollegiate athlete must have an equal opportunity to control and profit from the commercial use of her or his name, image, or likeness, and be

protected from unauthorized appropriation and commercial exploitation of her or his right to publicity, including her or his name, image, or likeness.

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

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

(b) “Intercollegiate athlete” means a student who participates in an athletic program.

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

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

(a) An intercollegiate athlete at a postsecondary educational institution may earn compensation for the use of her or his name, image, or likeness. Such compensation must be commensurate with the market value of the authorized use of the athlete’s name, image, or likeness. 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 and may only be provided by a third party unaffiliated with the intercollegiate athlete’s postsecondary educational 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, or likeness. 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, or likeness.

(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 the use of her or his name, image, or likeness. Pursuant to s. 468.453(8), an athlete agent representing an intercollegiate athlete for purposes of securing compensation for the use of her or his name, image, or likeness, must be licensed under part IX of chapter 468. An attorney representing an intercollegiate athlete for purposes of securing

compensation for the use of her or his name, image, or likeness must be a member in good standing of The Florida Bar.

(e) A 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 18 years of age must have any contract for compensation for the use of her or his name, image, or likeness approved under ss. 743.08 and 743.09.

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

(h) An intercollegiate athlete may not enter into a contract for compensation for the use of her or his name, image, or likeness if a term of the contract 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 the use of her or his name, image, or likeness 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 for the use of an intercollegiate athlete's name, image, or likeness may not extend beyond her or his participation in an athletic program at a postsecondary educational institution.

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

Section 2. 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 the use of her or his name, image, or likeness under s. 1006.74.

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

Approved by the Governor June 12, 2020.

Filed in Office Secretary of State June 12, 2020.