A bill to be entitled

An act relating to intercollegiate athlete compensation and rights; creating s. 1006.72, 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 eligibility; prohibiting a postsecondary educational institution from compensating 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 of certain aid as a result of intercollegiate athletes

earning certain compensation; 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; 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; prohibiting a postsecondary educational institution from membership in specified associations, conferences, or organizations; 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 1006.72, Florida Statutes, is created to read:

1006.72 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, as long as the compensation is 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 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, likeness, or persona. Earning such compensation may not affect the intercollegiate athlete's grant-in-aid or athletic eligibility.

(c) A postsecondary educational institution may not

compensate 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 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. 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.

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.

(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) PROHIBITION OF MEMBERSHIP.—A postsecondary educational institution may not be a member of any association, conference, or organization that requires its members to comply with bylaws, regulations, or policies that are inconsistent with this section.

(5) 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. 1006.72.

(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. 1006.72.

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