A bill to be entitled
An act relating to students participating in
intercollegiate athletics; creating s. 1004.098, F.S.;
prohibiting a postsecondary educational institution
from preventing students participating in
intercollegiate athletics from earning specified
compensation; prohibiting certain organizations from
preventing such students from earning specified
compensation; prohibiting certain organizations from
preventing postsecondary educational institutions from
participating in intercollegiate athletics under
certain circumstances; prohibiting postsecondary
educational institutions from providing compensation
to prospective students; prohibiting certain entities
from preventing students participating in
intercollegiate athletics from obtaining professional
representation; providing requirements for such
representation; providing that specified scholarships
are not considered compensation; prohibiting the
revocation of scholarship for specified reasons;
prohibiting students participating in intercollegiate
athletics from entering into contracts that meet
certain criteria; providing student disclosure
requirements for certain contracts; providing
requirements for such disclosure; providing
postsecondary education institution requirements for conflicts with specified contracts; providing requirements for specified contracts; providing definitions; providing for regulations and rulemaking; requiring the Chancellor of the Florida College System to convene a College System Athlete Name, Image, and Likeness Task Force; providing membership, meeting requirements, and duties of the task force; requiring the task force to submit a report by a date certain; providing for the expiration of the task force; providing an effective date.

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

Section 1. Section 1004.098, Florida Statutes, is created to read:

1004.098 Compensation for students participating in intercollegiate athletics.—

(1)(a) A postsecondary educational institution may not uphold any rule, requirement, standard, or other limitation that prevents a student of that institution from participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness may not affect the student's scholarship eligibility.
(b) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to, the National Collegiate Athletic Association (NCAA), may not prevent a student athlete from earning compensation as a result of the use of the student's name, image, or likeness.

(c) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to, the NCAA, may not prevent a postsecondary educational institution from participating in intercollegiate athletics as a result of the compensation of a student athlete for the use of the student's name, image, or likeness.

(2) A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics may not provide a prospective student who may participate in intercollegiate athletics with compensation in relation to the student's name, image, or likeness.

(3)(a) A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics may not prevent a student athlete in this state from obtaining professional representation in relation to contracts or legal matters, including, but not limited to, representation provided by an
athlete agent or legal representation provided by an attorney.

(b) Professional representation obtained by a student athlete must be from persons licensed by the state. Notwithstanding s. 468.453(3), an athlete agent representing a student athlete for purposes of earning compensation as a result of the use of the student's name, image, or likeness must be licensed under part IX of chapter 468. An attorney representing a student athlete for purposes of earning compensation as a result of the use of the student's name, image, or likeness must be licensed to practice in the state.

(c) An athlete agent representing a student athlete shall comply with the federal Sports Agent Responsibility and Trust Act in Chapter 104 (commencing with s. 7801) of Title 15 U.S.C. in their relationships with the student.

(4) A scholarship from the postsecondary educational institution in which a student is enrolled that meets the cost of attendance is not compensation for purposes of this section, and a scholarship may not be revoked as a result of the student earning compensation or obtaining professional or legal representation under this section.

(5)(a)1. A student athlete may not enter into a contract providing compensation to the student for use of the student's name, image, or likeness if a provision of such contract is in conflict with a provision of the student's team contract.

2. A postsecondary educational institution asserting a
conflict under subparagraph 1. must disclose the relevant
contractual provisions that are in conflict with a provision of
the student's team contract to the student athlete or his or her
representation.

(b) A student athlete who enters into a contract providing
compensation to the student for use of the student's name,
image, or likeness shall disclose the contract to an official of
the postsecondary educational institution in which he or she is
enrolled, to be designated by the institution.

(6) A team contract of a postsecondary educational
institution's athletic program may not prevent a student athlete
from using the student's name, image, or likeness for a
commercial purpose when the student is not engaged in official
team activities. This subsection applies only to contracts
entered into, modified, or renewed on or after January 1, 2023.

(7) For purposes of this section:

(a) The term "postsecondary educational institution" means
a state university, a Florida College System institution, or a
private college or university.

(b) The term "student athlete" means a student of a
postsecondary educational institution who participates in
intercollegiate athletics.

(8) The Board of Governors and the State Board of
Education shall adopt regulations and rules, respectively, to
administer this section.
(9) This section shall take effect on January 1, 2023.

Section 2. (1) The Chancellor of the Florida College System shall convene a College System Athlete Name, Image, and Likeness Task Force, a task force as defined in s. 20.03(8), Florida Statutes. Except as otherwise provided in this section, the task force shall operate in a manner consistent with s. 20.052, Florida Statutes. The task force shall be composed of the following members:

(a) One member appointed by the President of the Senate.

(b) One member appointed by the Speaker of the House of Representatives.

(c) One member appointed by the Chancellor of the Florida College System.

(d) One member appointed by the President of the Florida College System Activities Association.

(e) Two members appointed by the Chancellor of the Florida College System who are Florida College System institution students who participate in intercollegiate athletics.

(f) One member appointed by the Chancellor of the Florida College System who is a Florida College System institution athletic administrator.

(g) One member appointed by the Chancellor of the Florida College System who is a Florida College System institution athletic coach.

(h) One member appointed by the Chancellor of the Florida College System.
College System who is a Florida College System student government association representative.

All appointments to the task force shall be completed on or before December 1, 2020.

(2) The task force shall meet at least twice and elect a chair and vice chair. A quorum shall consist of a majority of the group's members.

(3) The task force shall:
   (a) Review existing Florida College System Activities Association bylaws, state and federal laws, and national athletic association bylaws regarding the use of a Florida College System institution student's name, image, and likeness for compensation if he or she participates in intercollegiate athletics.
   (b) On or before December 1, 2021, submit a report to the President of the Senate, the Speaker of the House of Representatives, the Chancellor of the Florida College System, and the Florida College System Activities Association containing its findings and policy recommendations.

(4) Upon submission of its report pursuant to paragraph (3)(b), the task force shall expire.

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