

1 A bill to be entitled
2 An act relating to postsecondary student athletes;
3 providing a short title; amending s. 743.08, F.S.;
4 providing requirements for contracts made by a minor
5 or his or her parent or guardian relating to the
6 licensing of such minor's name, image, or likeness
7 while participating in intercollegiate athletics;
8 creating s. 1004.098, F.S.; prohibiting a
9 postsecondary educational institution from preventing
10 students participating in intercollegiate athletics
11 from earning specified compensation; prohibiting
12 certain organizations from preventing such students
13 from earning specified compensation; prohibiting
14 certain organizations from preventing postsecondary
15 educational institutions from participating in
16 intercollegiate athletics under certain circumstances;
17 prohibiting postsecondary educational institutions
18 from providing compensation to prospective students;
19 prohibiting certain entities from preventing students
20 participating in intercollegiate athletics from
21 obtaining professional representation; providing
22 requirements for such representation; providing that
23 specified scholarships are not considered
24 compensation; prohibiting the revocation of
25 scholarship for specified reasons; prohibiting

26 students participating in intercollegiate athletics
27 from entering into contracts that meet certain
28 criteria; providing student disclosure requirements
29 for certain contracts; providing requirements for such
30 disclosure; providing postsecondary education
31 institution requirements for conflicts with specified
32 contracts; providing requirements for specified
33 contracts; providing definitions; requiring
34 regulations and rulemaking; providing an effective
35 date.

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

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39 Section 1. This act may be cited as the "Student Athlete
40 Achievement Act."

41 Section 2. Paragraph (a) of subsection (1) of section
42 743.08, Florida Statutes, is amended to read:

43 743.08 Removal of disabilities of minors; artistic or
44 creative services; professional sports contracts; judicial
45 approval.—

46 (1) A contract made by a minor or made by a parent or
47 guardian of a minor, or a contract proposed to be so made, may
48 be approved by the probate division of the circuit court or any
49 other division of the circuit court that has guardianship
50 jurisdiction, where the minor is a resident of this state or the

51 services of the minor are to be performed or rendered in this
52 state, where the contract sought to be approved is one under
53 which:

54 (a) The minor is to perform or render artistic or creative
55 services or license his or her name, image, or likeness while
56 participating in intercollegiate athletics as a student athlete
57 pursuant to s. 1004.098, including, but not limited to, services
58 as an actor, actress, dancer, musician, vocalist, model, stunt
59 person, conductor, or other performing artist.

60 Section 3. Section 1004.098, Florida Statutes, is created
61 to read:

62 1004.098 Compensation for postsecondary student athletes.—

63 (1) (a) A postsecondary educational institution may not
64 uphold any rule, requirement, standard, or other limitation that
65 prevents a student of that institution from participating in
66 intercollegiate athletics from earning compensation as a result
67 of the use of the student's name, image, or likeness. Earning
68 compensation from the use of a student's name, image, or
69 likeness may not affect the student's scholarship eligibility.

70 (b) An athletic association, conference, or other group or
71 organization with authority over intercollegiate athletics,
72 including, but not limited to, the National Collegiate Athletic
73 Association (NCAA), may not prevent a student athlete from
74 earning compensation as a result of the use of the student's
75 name, image, or likeness.

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

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

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

96 (b) Professional representation obtained by a student
97 athlete must be from persons licensed by the state.
98 Notwithstanding s. 468.453(3), an athlete agent representing a
99 student athlete for purposes of earning compensation as a result
100 of a third party's use of the student's name, image, or likeness

101 must be licensed under part IX of chapter 468. An attorney
102 representing a student athlete for purposes of earning
103 compensation as a result of a third party's use of the student's
104 name, image, or likeness must be licensed to practice in the
105 state and a member in good standing with the Florida Bar.

106 (c) An athlete agent representing a student athlete shall
107 comply with the federal Sports Agent Responsibility and Trust
108 Act in Chapter 104 (commencing with s. 7801) of Title 15 U.S.C.
109 in his or her relationship with the student.

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

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

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

125 (b) A student athlete who enters into a contract providing

126 compensation to the student for use of the student's name,
127 image, or likeness shall disclose the contract to an official of
128 the postsecondary educational institution in which he or she is
129 enrolled, to be designated by the institution.

130 (6) If a student athlete is under the age of 18 years, any
131 contract he or she enters into under this section must be
132 approved pursuant to ss. 743.08 and 743.09.

133 (7) A team contract of a postsecondary educational
134 institution's athletic program may not prevent a student athlete
135 from using the student's name, image, or likeness for a
136 commercial purpose when the student is not engaged in official
137 team activities. This subsection applies only to contracts
138 entered into, modified, or renewed on or after January 1, 2020.

139 (8) For purposes of this section:

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

143 (b) The term "student athlete" means a student enrolled in
144 a postsecondary educational institution who participates in
145 intercollegiate athletics.

146 (9) The Board of Governors and the State Board of
147 Education shall adopt regulations and rules, respectively, to
148 administer this section.

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