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MEMORANDUM

TO: Florida College System Presidents

FROM: Kathy Hebda

DATE: June 23, 2020

SUBJECT: SB 646 – Intercollegiate Athlete Compensation and Rights

Senate Bill (SB) 646 creates section (s.) 1006.74, Florida Statutes (F.S.) and amends s. 468.453 F.S., to establish the compensatory rights of intercollegiate athletes and the related responsibilities for their postsecondary educational institutions. The Board of Governors and the State Board of Education will adopt regulations and rules to implement the provisions to comply with the effective date of July 1, 2021.

Specifically, intercollegiate student athletes:

- May earn compensation for the use of their name, image and likeness (NIL) if the compensation is provided by a third party unaffiliated with the athlete's postsecondary educational institution. Compensation may not extend beyond the students' participation in the intercollegiate athletic program.
- Who are under the age of 18 must have any contract for compensation for the use of their NIL approved pursuant to ss. 743.08 and 743.09, F.S.
- Who enter into a contract for compensation for their NIL must adhere to s. 1006.74(2), F.S.
- May not enter into a contract for compensation for their NIL if the contract conflicts with a clause found in the student athlete's team contract.
- Must notify their postsecondary educational institution of a contract for compensation for their NIL, in a manner designated by the postsecondary educational institutions.

Postsecondary educational institutions:

- May not prevent or restrict an intercollegiate athlete from earning compensation for their NIL. This compensation may not affect the athlete's grant-in-aid or athletic eligibility.
- May not compensate or cause compensation to be directed to any prospective or current intercollegiate athlete for use of their NIL. This requirement extends to organizations that support the postsecondary institution, its athletic programs, officers, directors, or employees

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FLORIDA COLLEGE SYSTEM CHANCELLOR

of said organizations.

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- May not prevent or restrict an intercollegiate athlete from obtaining professional representation for the purpose of securing compensation for the use of their NIL. Athletic agents must be licensed pursuant to Part IX Chapter 468 of F.S. and attorneys must be in good standing with the Florida Bar.
- Shall conduct financial literacy and life skills workshops at the beginning of athletes' first and third academic years, covering topics including financial aid, debt management and a recommended budget.

The Division of Florida Colleges will engage institutions in the rule development process in summer-fall 2020. Locally, colleges with intercollegiate athletics programs should review the statutory requirements and be prepared to update existing or prepare new policies to comply with provisions outlined in the bill.

KH/chh

Attachment

cc: Council of Business Affairs