



Board of Directors Meeting – Agenda Item

Date of BOD Meeting: 6/3-4/24 Submitted by: FHSAA Staff BOD Committee Ind.

For which Committee: Finance Governance Operations Appeals

Item is for: Action Discussion Information only

For General Business Meeting Item is: Action Discussion Information only

Data Source: FHSAA Bylaws (i.e. FHSAA Bylaw/Policy, Fla. Statute, etc.)

Topic:

The Florida High School Athletic Association (FHSAA) recognizes the importance of maintaining amateurism in high school athletics. Compliance with this bylaw does not ensure maintenance of eligibility under the eligibility standards of other athletic organizations, such as, but not limited to, the National Collegiate Athletic Association (NCAA), National Association of Intercollegiate Athletics (NAIA), National Junior College Athletic Association (NJCAA), or the governing body for a particular sport. Student-athletes are encouraged to communicate with those organizations to ensure any activity associated with Name, Image, and Likeness (NIL) complies with eligibility standards. Student-athletes and their families are encouraged to seek legal counsel and tax advice when considering NIL activity.

Detailed Information (brief statement--background, observations, data, etc.):

The new language in FHSAA Policy 9.9, allows high school student-athletes in the state of Florida to monetize their NIL while maintaining their eligibility. Student-athletes and their parents/guardians will be required to negotiate any NIL activities independent of their school, school district, or the FHSAA. Student-athletes will be prohibited from monetizing their name, image, and likeness with the use of their school's uniform, equipment, logo, name, proprietary patents, products and/or copyrights associated with an FHSAA member school and/or school district, either in public, print or social media platforms.

Provide attachment(s) as applicable

Executive Director Recommendation:

Rationale & Impact:

NIL allows high school student-athletes to monetize their name, image and likeness while maintaining their high school athletic eligibility. As of October 4, 2023, thirty (30) states and the District of Columbia allow high school student-athletes who compete in interscholastic athletics to receive NIL compensation.

Alternative to Recommendation:

Printed Name of Individual/Committee Submitting Item

Craig Damon

Signature

Printed Name of FHSAA Staff Member Presenting Item

Signature

9.9 AMATEURISM AND NAME, IMAGE, AND LIKENESS (NIL)

The Florida High School Athletic Association (FHSAA) recognizes the importance of maintaining amateurism in high school athletics. Compliance with this bylaw does not ensure maintenance of eligibility under the eligibility standards of other athletic organizations, such as, but not limited to, the National Collegiate Athletic Association (NCAA), National Association of Intercollegiate Athletics (NAIA), National Junior College Athletic Association (NJCAA), or the governing body for a particular sport. Student-athletes are encouraged to communicate with those organizations to ensure any activity associated with Name, Image, and Likeness (NIL) complies with eligibility standards. Student-athletes and their families are encouraged to seek legal counsel and tax advice when considering NIL activity.

The FHSAA ~~is committed to~~ supports NIL education, which prepares student-athletes to make informed decisions. By providing student-athletes with knowledge about potential legal and financial drawbacks associated with NIL activities, high schools can contribute to the overall welfare of their student-athletes. The FHSAA stands ready to help its student-athletes succeed in this new sports and business landscape. By being informed and educated, student-athletes can avoid potential legal or eligibility issues.

NIL allows high school student-athletes to monetize their name, image and likeness while maintaining their high school athletic eligibility. As of October 4, 2023, thirty (30) states and the District of Columbia allow high school student-athletes who compete in interscholastic athletics to receive NIL compensation.

The new language in FHSAA Bylaw 9.9, allows high school student-athletes in the state of Florida to monetize their NIL while maintaining their eligibility. Student-athletes and their parents/guardians will be required to negotiate any NIL activities independent of their school, school district, or the FHSAA. ~~Student-athletes will be prohibited from monetizing their name, image, and likeness with the use of their school's uniform, equipment, logo, name, proprietary patents, products and/or copyrights associated with an FHSAA member school and/or school district, either in public, print or social media platforms.~~ Student-athletes will be prohibited from monetizing their name, image, and likeness with the use of their school's uniform, equipment, logo, name, proprietary patents, products and/or copyrights associated with an FHSAA member school, NFHS and/or school district, either in public, print, or social media platforms, unless granted authorization by prior written consent from the school, district, or Association, respectively.

The following provisions shall determine the eligibility of students who participate in interscholastic athletics for FHSAA member schools.

9.9.1 General Principles. A student-athlete may not participate in an athletic activity of this Association the FHSAA unless he/she is an amateur. An amateur is one who engages in athletic competition solely for the physical, mental, social, and pleasure **benefits** derived from the activity.

9.9.2 Activities that may Impact Amateur Status. ~~A student-athlete forfeits amateur status in a particular sport for one year by:~~ The following activities may impact a student-athlete's amateur status:

- (a) Competing for money or other monetary compensations;
- (b) Receiving any award or prize of monetary value which has not been approved by the FHSAA;
- (c) Capitalizing on athletic fame **or performance** by receiving money or gifts of a monetary nature;

- (d) Signing a professional playing contract in any sport or hiring an registered agent to manage his/her athletic career, other than for the purpose of advising on NIL related matters;
- (e) Competing under an assumed name.
- (f) Accepting a Name, Image, and Likeness (NIL) agreement that does not adhere to FHSAA Bylaw 9.9.

9.9.3 Permissible Awards, Gifts, or Other Compensation. A student-athlete will not forfeit his/her amateur status for accepting:

- (a) Symbolic awards such as school letters, medals, trophies, plaques, pins, keys, or ribbons of small monetary value purchased from an established award company;
- (b) Rings, sweaters, jackets, or award blankets if they are provided by the school which they represent and do not exceed the value of the purchase price from an established award company;
- (c) Remuneration of "essential expenses" for any game in which a student-athlete participates as a player; limited to meals, lodging, and transportation;
- (d) A College scholarship offers.
- (e) A Name, Image, And Likeness (NIL) agreement as defined in FHSAA Bylaw 9.9.

9.9.4 Name, Image, And Likeness (NIL). A student-athlete may profit from the use of their own name, image, and likeness subject to their compliance with FHSAA Bylaw 9.9. Permissible activities include, but are not limited to, commercial endorsements, promotional activities, social media presence, product, or service advertisements.

9.9.4.1 Name, Image, and Likeness Agreement. An NIL agreement is a fully executed, written contract that allows for student-athletes to profit from or be compensated for promoting, partnering, and/or representing product endorsements and other activities as defined in FHSAA Bylaw 9.9. an approved FHSAA organization. An NIL agreement is limited to a student-athlete's high school period of athletic eligibility and shall not extend beyond a student-athlete's high school graduation date.

9.9.4.2 Use of Member School, FHSAA, or NFHS Markings. Student-athletes are prohibited from making any reference to and will not otherwise use or authorize others to use the uniforms, logos, mascots, insignia, or identifying marks of a member school, the FHSAA, the NFHS, and/or any FHSAA, NFHS, or member school event, game, or championship when engaging in any NIL activity. Student-athletes will be prohibited from monetizing their name, image, and likeness with the use of their school's uniform, equipment, logo, name, proprietary patents, products and/or copyrights associated with an FHSAA member school, NFHS and/or school district, either in public, print, or social media platforms, unless granted authorization by prior written consent from the school, district, or Association, respectively.

9.9.4.2.1 Student-athletes may not endorse or promote any third-party entities, goods, or services during school/district-sponsored activities or FHSAA activities.

9.9.4.2.2 No reference to FHSAA, NFHS, school, school district accolades, or championships may be used in the student's NIL activities for which they are compensated.

~~9.9.4.1 Student-athletes may not endorse or promote any third party entities, goods, or services during school sponsored activities or FHSAA activities.~~

~~9.9.4.2 No reference to FHSAA or NFHS activities or championships may be used in the student-athletes NIL activities for which they are compensated.~~

9.9.4.3 Prohibited NIL Engagements. Student-athletes are prohibited from engaging in any NIL activities involving the following categories of products and services:

- (a) Adult entertainment products and services;
- (b) Alcohol, tobacco, vaping, and nicotine products;

- (c) Cannabis products;
- (d) Controlled substances;
- (e) Prescription pharmaceuticals;
- (f) Gambling, including sports betting, the lottery, and betting in connection with video games, on-line games, and mobile devices;
- (g) Weapons, firearms, and ammunition; and
- (h) NIL Collectives.

9.9.4.4 Representative of a School's Athletic Interest. No school employee, athletic department, staff member, or representative of a school's athletic interests, including athletic boosters and booster clubs, and NIL Collectives, which include, but are not limited to, groups, organizations, or cooperative enterprises that exist to collect funds from donors and businesses, to help facilitate NIL deals for student-athletes, and/or create ways for athletes to monetize from their NIL, may form, direct, offer, provide, or otherwise engage in any activity outlined in FHSAA Bylaw 9.9.

9.9.4.5 Must Not Be Used to Recruit. NIL activities shall not be used to pressure, urge, or entice a student-athlete to attend a school for the purpose of participating in interscholastic athletics. The NIL agreement shall not be used as a guise for athletic recruiting (reference Policies 36 and 37).

9.9.4.6 Student Transfers. A student-athlete who transfers in season to another member school, shall be prohibited from securing an NIL Agreement that season, unless a Good Cause Exemption is granted by the District.

~~**9.9.4.7 NIL Collectives.** NIL Collectives include, but are not limited to, groups, organizations, or cooperative enterprises that exist to collect funds from donors and businesses, to help facilitate NIL deals for student-athletes, and/or create ways for athletes to monetize from their NIL.~~

9.9.5 Penalties.

9.9.5.1 Penalties Assessed to Schools. Failure to comply with FHSAA Bylaw 9.9.4 may result in the assessment of disciplinary measures outlined in Policy 36.5.3 and/or Policy 37.3.3.

9.9.5.2 Penalties Assessed to School Employees and Contractors. Failure to comply with FHSAA Bylaw 9.9.4 may result in the assessment of penalties outlined in Policy 36.5.4 and/or Policy 37.3.4 (§1006.20(2)(b)2, F.S.).

9.9.5.3 Eligibility Effect of Violation. Any violation by a student-athlete of the provisions of FHSAA Bylaw 9.9 shall result in escalating sanctions as follows:

9.9.5.3.1 For a first offense, the student-athlete shall receive a formal warning. If applicable, the student shall immediately terminate/modify the NIL agreement, remove any advertisement, promotional activity, or endorsement, and return any awards, gifts, or other compensation.

9.9.5.3.2 For a second offense, the student-athlete will be ineligible to represent any member school for a period of one year from the date of discovery.

9.9.5.3.3 For a third offense, the student-athlete will be ineligible to compete in any interscholastic athletic contest in any sport for the duration of the student-athlete's high school career.