Improving Health and Safety for College Football Players in Florida

John Henry Vansant

Prepared for the College Football Players Association

April 4, 2025

Table of Contents

Executive Summary

Current and former college football players, alongside other college athletes, suffer from inadequate safety protections and insufficient healthcare programs. These problems extend beyond the inherent risks of football. From coaches' interference with athletes' medical care to injuries during practice, players suffer from symptoms of a broader system that deprioritizes their wellbeing. As explained below, college athletics has developed into a "cartel" led by the National Collegiate Athletic Association (NCAA), member universities, and athletic conferences. This cartel has allowed these parties to minimize labor costs, such as medical benefits and safety protections, while pursuing greater revenue. The amateurism defense has reinforced this model, as the "student athlete" ideal has been invoked to distinguish players from "employees" and to avoid liability under antitrust, labor, and employment laws. At the same time, policymakers and judges have refrained from intervening. These root causes have directly informed policies and practices that exclude players from workers' compensation, health insurance, and other benefits while deterring athletic programs from investing in safety measures.

To support the College Football Players Association (CFBPA) and its lobbying efforts in Florida, this technical report proposes and evaluates three policy alternatives that could address these systemic issues. Alternative #1 features the codification of CFBPA's top health and safety policies into Florida's state statutes and enforcement of those policies through a private right of action. Meanwhile, Alternative #2 amends Florida's existing public-sector collective bargaining laws to include college athletes at public universities as "employees." This would allow them to bargain and form collective bargaining agreements that include health and safety protections. Finally, Alternative #3 presents a novel "sectoral co-regulation" scheme in which representatives of players, universities, athlete organizations, and athletic associations would negotiate statewide standards that are enforceable through a centralized grievance and arbitration process. Appendices A, B, C include bill drafts for all three alternatives. This report then evaluates these policy proposals based on the following criteria: 1) effectiveness,

including a quantitative analysis of reductions in players' injuries and fatalities; 2) cost; 3) feasibility; and 4) stability in labor relations.

Comparing the three alternatives based on these criteria demonstrates that sectoral co-regulation, despite its novelty, is likely the most effective and feasible option. To varying degrees, all three policies would disrupt the "cartel" model by impeding the NCAA and universities' ability to unilaterally set labor costs. But only Alternatives #2 and #3 upend the amateurism myth by applying labor policies to establish player bargaining power. And while the quantitative estimates are low-confidence ballparks, they indicate that Alternative #3's effect on injuries and fatalities could be more than double the reductions under Alternatives #1 and #2. This stems from the "union safety effect" that emerges under bargaining models and standards enforced through grievance and arbitration. But unlike Alternative #2, Alternative #3 features statewide coverage and does not suffer from the same take-up challenges as firm-level collective bargaining. As for costs, Alternative #2 projects to be the least costly alternative for the state and stakeholders, particularly universities. But as discussed below, the key takeaway is that the different models of bargaining under Alternatives #2 and #3 allow parties to negotiate and augment policies, reflecting a cost fungibility that is absent in Alternative #1.

Beyond these quantitative analyses, Alternative #3 faces the fewest headwinds and best promotes stable relations between athletes and universities. All three alternatives could be passed under the "regulatory competition" theory. Since improved player protections helps Florida universities recruit the best prospects and generate more revenue from successful teams, stakeholders have an incentive to support these schemes. But Alternative #1 is a form of government intervention that mirrors the sort of workplace policies that national and local Republicans oppose. And Alternative #2 designates athletes as "employees," a controversial distinction that Republican lawmakers reject. Although it is unprecedented, Alternative #3 is designed to circumvent these foreseeable challenges. Its bargaining scheme allows stakeholders to negotiate standards between themselves, and as the bill draft illustrates,

there is no “employee” designation for college athletes. Through its statewide coverage and grievance process, Alternative #3 will also stabilize stakeholder relations in college athletics and minimize litigation. Of course, successful implementation will require parties, including universities and athletic associations, to bargain in good faith and participate in the board process. To address these implementation challenges, the bill draft includes language that permits impasse mediation and punishes refusals to bargain. But beyond policy mechanisms, players will have to organize around sectoral co-regulation and persuade both policymakers and other stakeholders that the new scheme is preferable to incessant conflict and an unfair, collapsing status quo.

Disclaimers

The author conducted this study as part of the program of professional education at the Frank Batten School of Leadership and Public Policy, University of Virginia. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Batten School, by the University of Virginia, or by any other agency.

Furthermore, this report constitutes academic work product. It does not constitute legal advice or legal work product for the College Football Players Association. No legal services have been sought or provided. And the report was not prepared for use in legal proceedings or for the furtherance of legal representation.

Acknowledgements

I would like to thank Jason Stahl and Justin Falcinelli for agreeing to work with me on this project, for taking the time to talk with me, and for reviewing my work throughout the project. Furthermore, I am appreciative of Prof. Michael McCann, Dr. David Lynch, Tammi Gaw, and Scott Anderson for speaking with me about my research. These interviews were formative for how I approached this complicated problem and how I crafted my policy proposals. I would also like to thank Professors Christopher Ruhm and Benjamin Castleman for all of their mentorship and guidance on my research. Their constructive feedback helped me learn how to clearly present ambitious policy proposals and multifaceted analysis for a diverse audience. And I am grateful for my peers at the University of Virginia Batten School of Leadership & Public Policy and the School of Law for their insights on my project.

Finally, I would like to thank my fiancée, Charlotte, and my family for all of their love and support.

I. Introduction

Debates over the future of college athletics have blossomed in recent years, yet health and safety issues have flown under the radar. This lack of focus on health and safety is troubling for the College Football Players Association (CFBPA), as these issues ranks among its members' top concerns. Seeking to capitalize on momentum for reform, CFBPA has requested assistance with crafting policy proposals that protect athletes from harmful practices and bad actors. This technical report analyzes these issues and proposes innovative alternatives to ameliorate the problem and its root causes.

II. Problem Statement and Data

Current and former college football players, alongside other college athletes, suffer from inadequate safety protections and insufficient healthcare programs. Estimates based on data from 2009-10 through 2013-14 project that 47,199 injuries per year occur during football practices and competition (Kerr et al., 2015). These problems have persisted for decades, even as universities and the National Collegiate Athletics Association (NCAA) have built a multi-billion dollar industry on the backs of football players (Zimbalist, 2023). Of course, football is a uniquely risky sport due to its high levels of contact. But as Figure 1 illustrates, players face an array of acute issues that exacerbate the sport's dangers.

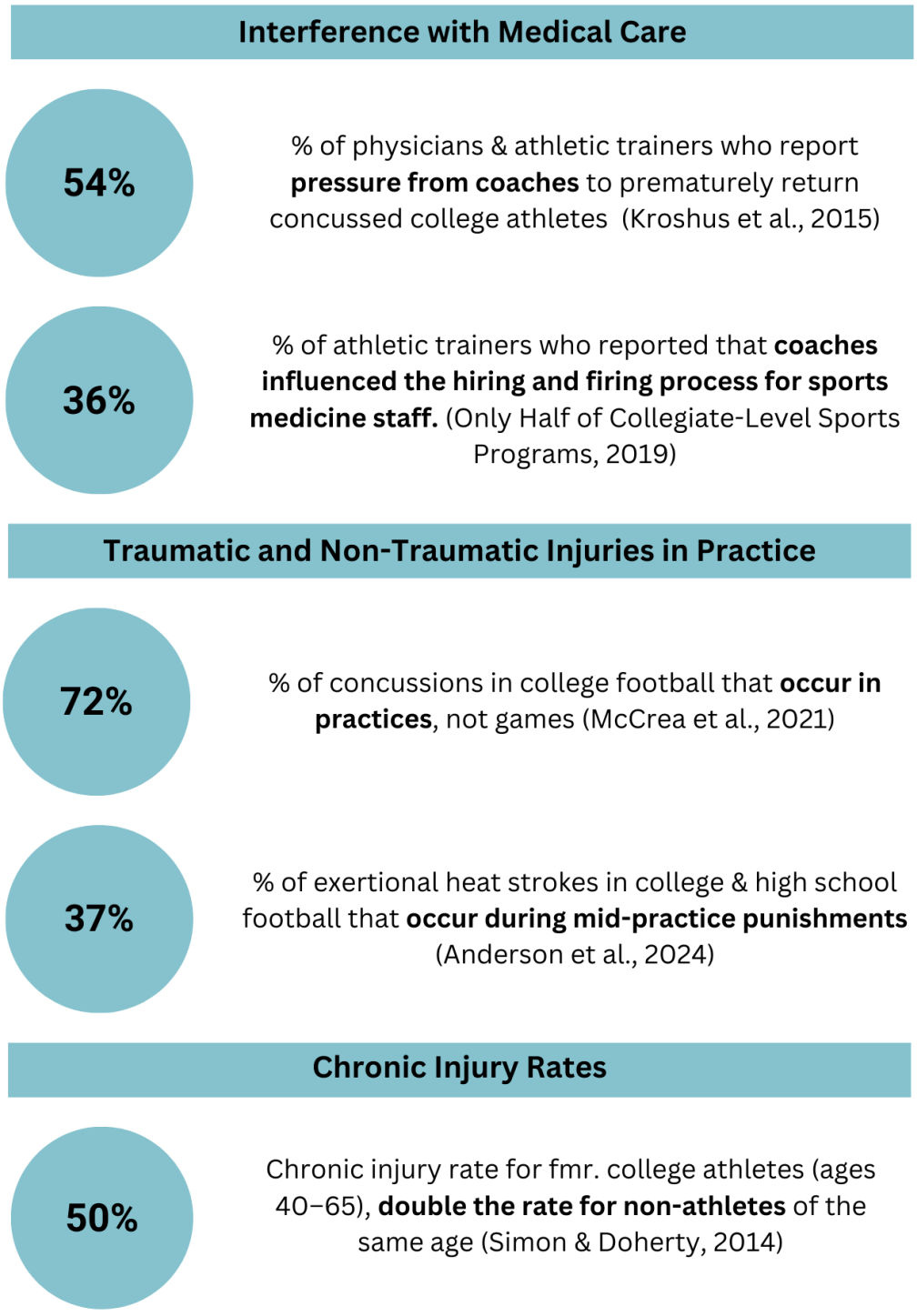


Figure 1 – Symptoms of Inadequate Health and Safety Measures

These “symptoms” are not immutable characteristics of football. For instance, concussions in practices and preseason training occur in controlled environments that coaches and universities can easily adjust (Nowinski & Cantu, 2021). And concussion rates in collegiate practices and preseason training far outpace the non-competition concussion rates in the National Football League (NFL) because the professional league has taken action to transform its practices (Blinder, 2021; Nowinski & Cantu, 2021; Stahl, 2021). After the National Football Players Association negotiated with the NFL to limit severe contact during practices, non-competition concussions have plummeted (Nowinski & Cantu, 2021). The relative inaction in college athletics thus suggests that the NCAA and its member universities have failed to enact or enforce rules that curb harmful activities and make football safer. And as chronic injury rates show, the injuries and stresses that athletes bear in college manifest in long-term health challenges. But the NCAA has only recently guaranteed two years of health insurance for former athletes (*DI Board of Directors*, 2023), far less than the NFL’s benefits for former players (*NFL Players Association Benefits Book*, n.d.). The multitudinous issues facing college football players thus indicate a systemic problem with the sport, one that calls for policy intervention.

III. Client Overview

The College Football Players Association (CFBPA) “was founded to represent past, present and future college football players nationwide” (*About CFBPA*, n.d.). It is a “member-led” organization seeking to organize players and ensure that they can co-determine governing policies over college football. CFBPA’s core values explicitly center health and safety in its work, as more than half of CFBPA’s platform planks focus on these issues (*Platform Planks*, n.d.). So, this problem drives CFBPA’s organizing and informs its mission.

Momentum for reform illustrates the importance of tackling this issue now. Recent court rulings against the NCAA’s existing rules have opened the floodgates for challenging the status quo (*NCAA v. Alston*, 2021; *Johnson v. NCAA*, 2024). Outside of the judiciary, state and federal policymakers are actively debating the future of college athletics as well (Libit, 2024; *Hearing on “Taking the Buzzer Beater to the Bank”*, 2023). And the organization is well-positioned to

lead efforts to protect college football players' health and safety. Through media and political outreach, CFBPA plays a leading role in advocating for players' health and safety (Stahl, 2020; Stahl, 2021; *Hearing on "Taking the Buzzer Beater to the Bank"*, 2023). Their inclusion in congressional hearings reflects their prominence as a lobbying force and national representative of players' interests.

IV. The Root Causes of College Football's Health and Safety Problem

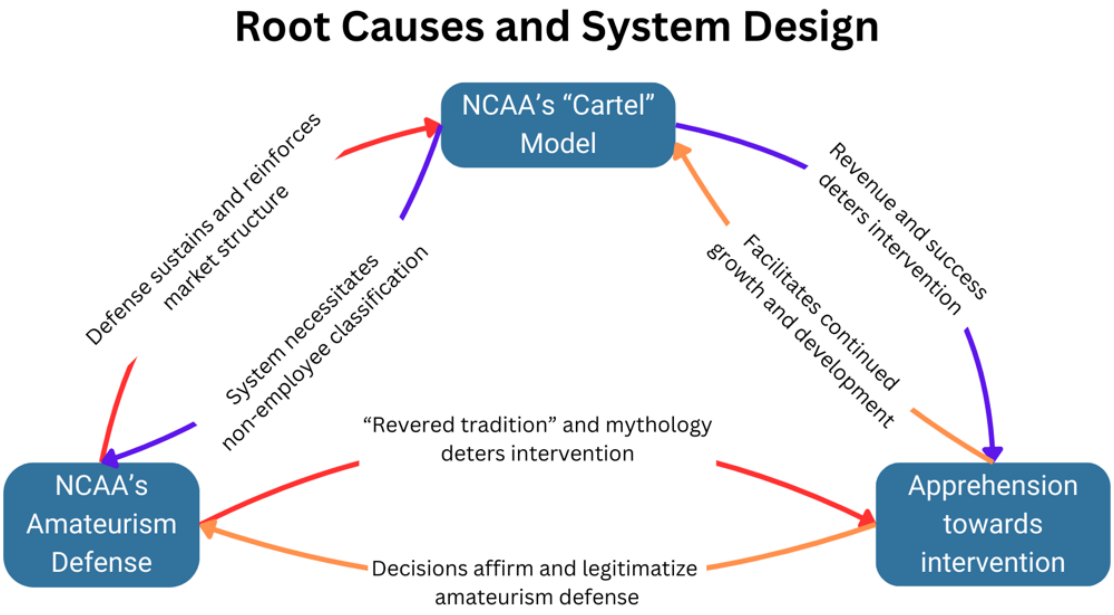


Figure 2: The (Interrelated) Root Causes

a. Root causes: a cartel and its "amateurs"

As outlined in Figure 2, the problems that athletes face emerge from the system design of college athletics, the legal defenses that uphold this system, and policymakers' apprehension towards intervention. The NCAA was originally founded to promote player safety (Edelman et al., 2024). However, the NCAA and its member institutions have instead focused on building a

"cartel" oriented around maximizing revenue for universities while controlling costs and boxing out competition (Holden et al., 2024; *NCAA v. Alston*, 2021; Sanderson & Siegfried, 2018). This structure disincentivizes measures that increase direct labor costs, such as medical insurance and disability benefits. Analysis of the rent generated by football players' performances that institutions divert to coaches' salaries, administrators, and other university programs exemplify how the cartel model stifles the formation of a competitive labor market (Garthweite et al., 2020). And this emphasis on setting low labor costs has resulted in insufficient incentives to encourage compliance with existing policies (Edelman et al., 2024; Holden et al., 2024).

To uphold a "cartel" that avoids liability under anti-trust, labor, and employment laws, the NCAA has successfully crafted a legal defense that distinguishes college athletics from regulated industries. During the 1950's, colleges faced lawsuits from injured athletes seeking workers' compensation (Edelman et al., 2024). To avoid liability under workers' compensation laws, the schools argued that those players were not eligible "employees." Instead, they were amateur "student-athletes," and because of that status, no "employment relationship" existed between the athlete, their institution, or the NCAA (Edelman et al., 2024; McMann, 2024a). The NCAA supplemented these legal responses with a broader marketing campaign to distinguish "student-athletes" from professional players (Edelman et al., 2024). The combination of the legal defense and the marketing ploy worked. The "student-athlete" framing has blossomed into a larger "amateurism defense" that the NCAA's own leaders have characterized as "economic camouflage for monopoly practice" (Edelman et al., 2024).

As college athletics has developed into a multi-billion dollar industry, judges and policymakers have refrained from intervening. In the 1980's, the Supreme Court stated that "the NCAA plays a critical role in the maintenance of a revered tradition of amateurism in college sports," and that "it needs ample latitude to play that role" (*NCAA v. Bd. of Regents of Univ. of Oklahoma*, 1984). Ironically, that statement came in a decision that curtailed a proposed television deal. But this language has been cited by lower courts to exempt the

NCAA from antitrust analysis (*Gaines v. NCAA*, 1990; *Banks v. NCAA*, 1992), and to deny athletes coverage under the Fair Labor Standards Act (FLSA) (*Berger v. NCAA*, 2016; *Dawson v. NCAA*, 2017; Edelman et al., 2024). From these judges' perspectives, finding that college athletes are "employees" and thus entitled to wages under the FLSA would disrupt this "tradition" and the relationship between athletes, their schools, and the NCAA. In 2015, this concern also influenced the National Labor Relation Board's (NLRB) refusal to permit Northwestern University football players to proceed with a union election (*Northwestern Univ.*, 2015; Edelman et al., 2024). Although the NLRB did not decide whether college athletes are employees under the National Labor Relations Act (NLRA), it nevertheless refrained from intervening because "it would not promote stability in labor relations to assert jurisdiction in this case" (*Northwestern Univ.*, 2015). Throughout its decision, the Board focused on athletes' status as students and distinguished college athletics from professional sports analogues. And this apprehension to intervene and disrupt the "tradition" of college athletics also informs legislative efforts to block other institutions from reforming college athletics through judicial or administrative means (Williams and Auerbach, 2024).

As courts begin to reverse decades of nonintervention, these root causes have been exposed and highlighted as impetuses for reform. In his concurring opinion in *NCAA v. Alston*, Justice Brett Kavanaugh succinctly stated the unjust circular logic underlying college athletics: "Businesses like the NCAA cannot avoid the consequences of price-fixing labor by incorporating price-fixed labor into the definition of the product" (*NCAA v. Alston*, 2021). And in 2024, the 3rd Circuit called out the amateurism defense, asserting that the "'frayed tradition' of amateurism" does not preclude a finding that college athletes are employees of the NCAA or their universities under the FLSA (*Johnson v. NCAA*, 2024). These decisions reflect a growing consensus that college athletes, especially football players, deserve legal protections and benefits for the economically valuable services that they perform.

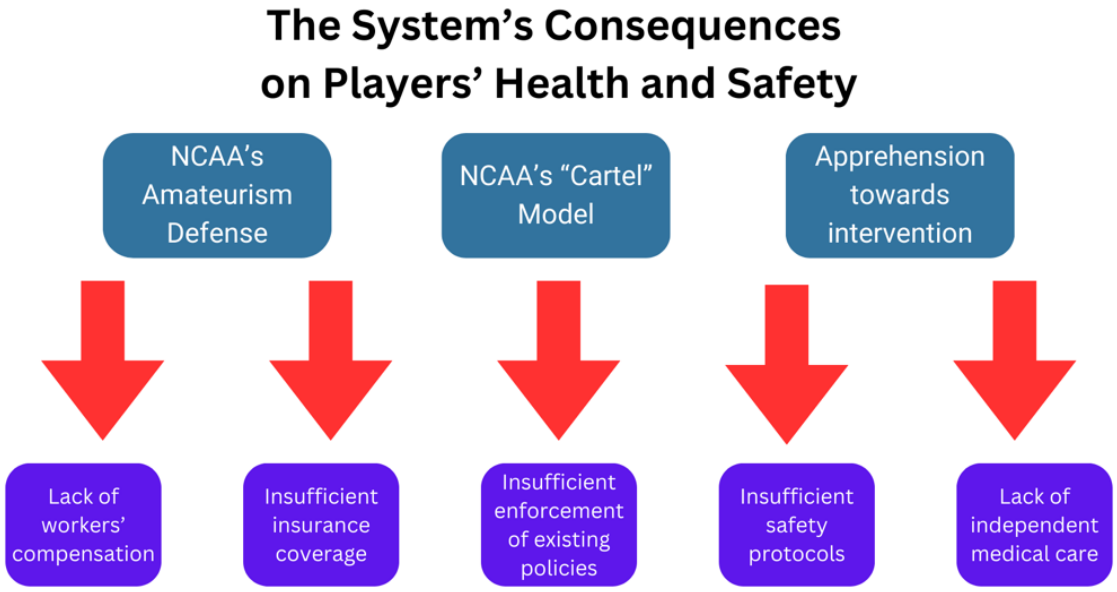


Figure 3: The System's Consequences on Players' Health and Safety

b. The consequences of the college football's system design

As illustrated in Figure 3, these root causes have resulted in policies and practices that deny players' adequate medical care and safety protections. For instance, college football players are still excluded from coverage under workers' compensation laws due to the amateurism defense (McCann, 2024). In the absence of workers' compensation, disabled players must rely on a patchwork of limited catastrophic injury benefits and "loss-of-value" insurance provided by the NCAA and its member institutions (Dart, 2021; Lens & Lens, 2014; Libit & Novy-Williams, 2021; Libit, 2022). Fortunately, the rise of name, image, and likeness (NIL) payments and simpler forms of "critical injury insurance" have alleviated some of the financial burden on players to secure insurance and has expanded the insured pool beyond elite players (Libit, 2022). Despite these advancements, players' exclusion from workers' compensation and the NCAA's amalgamation of policies both reflect concerted efforts by the NCAA and universities to minimize direct labor costs and limit comprehensive benefits for players.

This market pressure also animates athletes' historic struggle to have sufficient health insurance. The NCAA only began to require athletes to carry health insurance in 2005 (Lens & Lens, 2014; *NCAA Student-Athlete Medical Insurance Legislation*, n.d.), and the NCAA did not force universities to provide insurance to their players until August 2024 (*NCAA Insurance Legislation FAQs*, n.d.; *D1 Board of Directors*, 2023). The new policy now requires colleges to cover out-of-pocket medical expenses "during a student-athlete's playing career" and provide "medical coverage for athletically related injuries for at least two years after graduation" (*D1 Board of Directors*, 2023). But it is unclear how the NCAA will prevent colleges from passing premiums and other costs onto players or curtailing the services provided to players. And as discussed above, former athletes suffer debilitating conditions that affect their quality of life decades after their college careers (McMahan, 2017; Simon and Docherty, 2014). The two-year medical coverage does not address chronic injuries that emerge decades after playing, and the policy is less generous than the NFL's insurance coverage and disability benefits for former players with chronic injuries (*NFL Players Association Benefits Book*, n.d.).

The lack of independent medical care further exemplifies how the "cartel" orientation towards revenue maximization can fuel toxic efforts to deprioritize athletes' health in favor of on-field success. Only 52% of college sports programs follow the NCAA's "independent medical model of care," according to a survey of athletic trainers (*Only Half of Collegiate-Level Sports Programs*, 2019). And as highlighted earlier, significant numbers of athletic trainers have reported pressure from coaches when deciding to authorize the return of a concussed player, as well as the hiring and firing of sports medicine staff (Kroshus et al., 2015; *Only Half of Collegiate-Level Sports Programs*, 2019). Dr. Scott Lynch's successful lawsuit against Penn State's orthopedic services provider for retaliation illustrates how pressure from athletic programs can lead medical providers to determine treatments based on the team's needs, not the athlete's wellbeing (*Lynch v. Milton Hershey Med. Ctr.*, 2024; Complaint, 2019). The prioritization of maximizing success and profit from college football, at the expense of proper healthcare and other "labor costs," ultimately encourages coaches and athletic departments to intervene in medical decisions.

Meanwhile, these root causes help explain why the NCAA and its member institutions have not clamped down on injuries during practice like the NFL. While the NCAA has issued guidelines and recommendations on practices, it has not crafted rules that curb harmful activity or enforce guidelines to punish bad actors (Blinder, 2021; Nowinski & Cantu, 2021). Instead, the NCAA continues to minimize its liability; it has even argued in legal filings that it does not owe a legal duty to protect its athletes (Nowinski & Cantu, 2021). And CFBPA's own reporting illustrates how coaches pressure players into over-exertion or skirt limits on offseason practices without oversight from their universities (Stahl, 2020; Stahl 2021). This lack of enforcement is not surprising given the economic system fostered by the NCAA and its member institutions. Actual enforcement of existing policies would impose costs on programs, so there is little incentive for universities and programs to implement measures that could interfere with their teams and their potential revenue. Furthermore, uncertain protections under the NLRA and exclusion from state labor laws hinder athletes' ability to protest harmful practices (*Northwestern Univ.*, 2015; 29 U.S.C. §158(a)(1)–(3); Public Employment Relations Act, 2024). Due to apprehension from legal and political actors to disrupt the status quo, athletes do not have the necessary legal protections to organize against bad actors and enforce safety standards on their own.

V. Alternatives

a. Codifying Health and Safety Standards

CFBPA could promote the codification of health and safety standards into state law. The Lystedt Law illustrates how states passed mandates to ensure that concussed high-school athletes receive medical care before returning to play (Boden et al., 2023). States could similarly codify standards for college athletes.

Appendix A features model legislation based on CFBPA's priority reforms. If passed by the state legislature, the bill would establish:

- Statutory duties requiring institutions of higher education to provide independent medical care, ensure adequate trainer staffing, pay for athletes' medical care, and prevent "abusive" practices within athletic programs;
- A medical clearance requirement for athletes who suffer concussions or severe nontraumatic injuries;
- Workers' compensation and medical benefits for current and former athletes;
- Anti-retaliation protections for athletes; and
- A private right of action.

The bill language draws from the proposed College Athlete Protection (CAP) Act in California, Michigan's Lystedt Law, and interviews with CFBPA's advisors (The College Athlete Protection Act, 2024; Act 368, 2018).

Coupled with a private right of action and state enforcement, statutory rights would deter harmful practices in college football. If an individual or university could face legal liability for supervisors' actions that injure a player or otherwise violate a duty, they will implement measures to reduce the risk of litigation. In turn, the reduction of harmful behaviors or customs should theoretically decrease injuries, interference with medical care, and other problems impacting athletes' health and wellbeing. And requiring universities to implement medical benefits for current and former athletes would help them afford and receive medical care for their injuries.

b. Integrating College Athletes into Existing Collective Bargaining Laws

CFBPA could also lobby a legislature to allow college athletes to organize and collectively bargain under the state's collective bargaining laws. This would provide athletes with statutory protections for organizing and joining unions, as well as legal recognition of collective bargaining between athletes and their universities. Due to federal labor law's exclusion of public sector employees and its preemption of state regulations concerning

private-sector labor relations (Andrias & Rogers, 2018), this alternative would only apply to college athletes at public universities.

The "union safety effect" informs the theory of change underlying the alternative. If unionization is associated with reduced injuries and safer workplaces, permitting college athletes to join unions and negotiate collective bargaining agreements with their universities will facilitate unionization. The resulting agreements will likely include medical benefits and safety protections that athletes could enforce through their unions and contracts, changing harmful practices within their athletic programs and improving health outcomes.

Florida has existing collective bargaining laws that could extend to college athletes at public universities. Meanwhile, Michigan legislators have already proposed legislation to define college athletes as "employees" under their public sector bargaining laws (LeBlanc, 2023). So, Appendix B provides model legislation on how Florida could amend its definition of "public employees" to include college athletes at state institutions.

c. Establishing Sectoral Co-Regulation Board to Facilitate Sectoral Bargaining

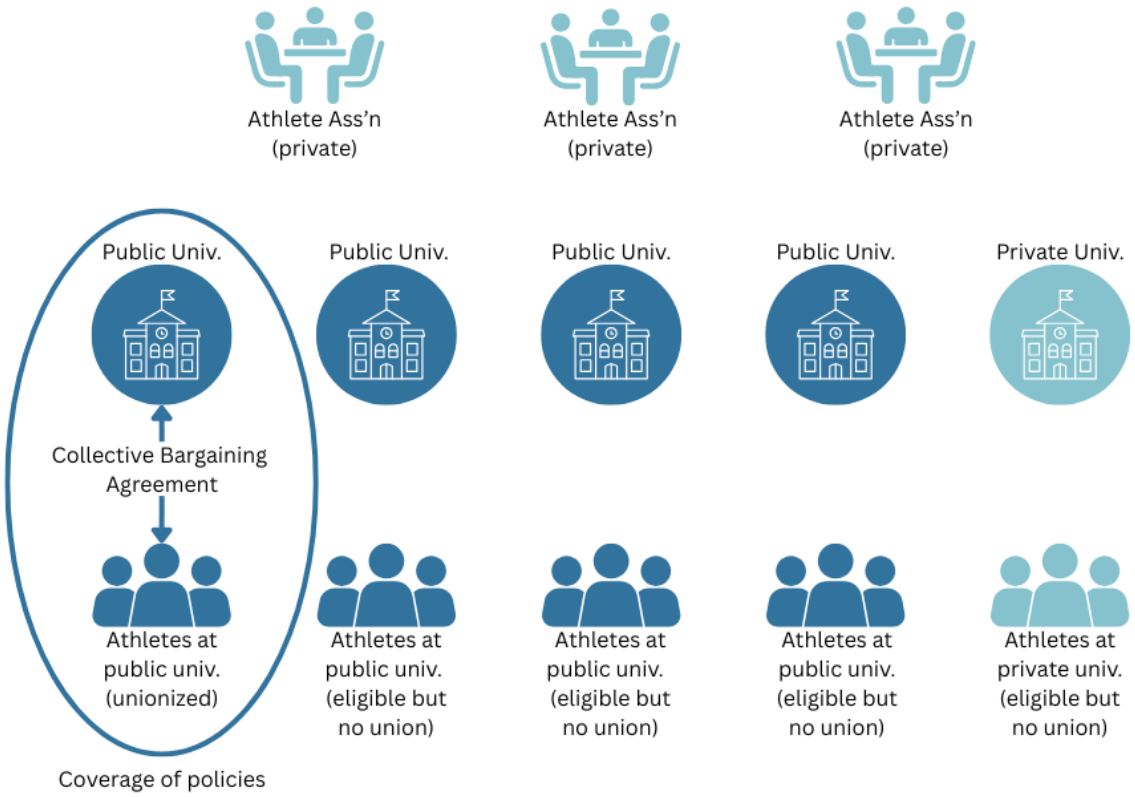
Building upon innovative solutions in other industries, CFBPA could advocate for the establishment of a sectoral co-regulation board. Although the board would be a government apparatus, its membership would be composed of athletes, university officials, and representatives of athletic associations and athlete organizations. Thus, the board is designed to foster bargaining between athletes and those who control college athletics. But unlike collective bargaining on the enterprise level, agreements would cover all universities and athletic associations in the state. Through the state's regulatory infrastructure, the "contract" achieves the same coverage as state laws and regulations.

Appendix C includes model legislation for how a state legislature can establish and implement a sectoral co-regulation board for college athletes. Notably, it does not build upon existing collective bargaining laws and does not classify athletes as "employees." Instead, the bill:

- Establishes a board composed of athletes and management representatives that would negotiate and pass "health, safety, and welfare" standards for all college athletes;
- Creates an advisory panel of experts, including those with medical knowledge, to provide information to the board and assist with forming standards;
- Codifies athletes' right to organize and participate in board proceedings free of retaliation;
- Directs the board to craft a grievance and arbitration process for handling disputes and ensuring enforcement; and
- Requires information sharing and data reporting to facilitate fair bargaining.

The bill draws upon language and inspiration from California's "fast food council" legislation, the CAP Act, research on South African bargaining councils, and a sample collective bargaining agreement (Fast Food Restaurant Industry, 2023; The College Athlete Protection Act, 2024; National Labor Relations Act, 2025; *Principles of Sectoral Bargaining*, 2022; *Service Unit Contract*, 2020).

Building upon evidence-based merits of sectoral co-regulation (see Appendix D), this bill would facilitate bargaining on health and safety issues while achieving statewide coverage. The membership of the board, its duty to regularly negotiate standards, the protections for athlete organizing, and the grievance and arbitration process all draw upon collective bargaining. And in theory, both the bargaining of health and safety standards and the player-driven enforcement should draw upon mechanisms that explain the "union safety effect." But unlike enterprise bargaining, these standards would apply to all athletes and state agencies would help implement standards. So, the board's rules could function like state laws that regulate athletes' health and safety, reducing injuries and ensuring benefits for all athletes.



- Contracts only cover athletes (the "employees") at their university (the "employer")
- CBA policies thus only regulate athletes at those unionized programs
- Not all programs will unionize, so coverage across the market will be limited
- Private entities are not covered (unless joint employer status is extended)

Figure 4: Visualization of Systemwide Policy Coverage Under Existing Collective Bargaining Laws (Alternative #2 as drafted in Appendix B)

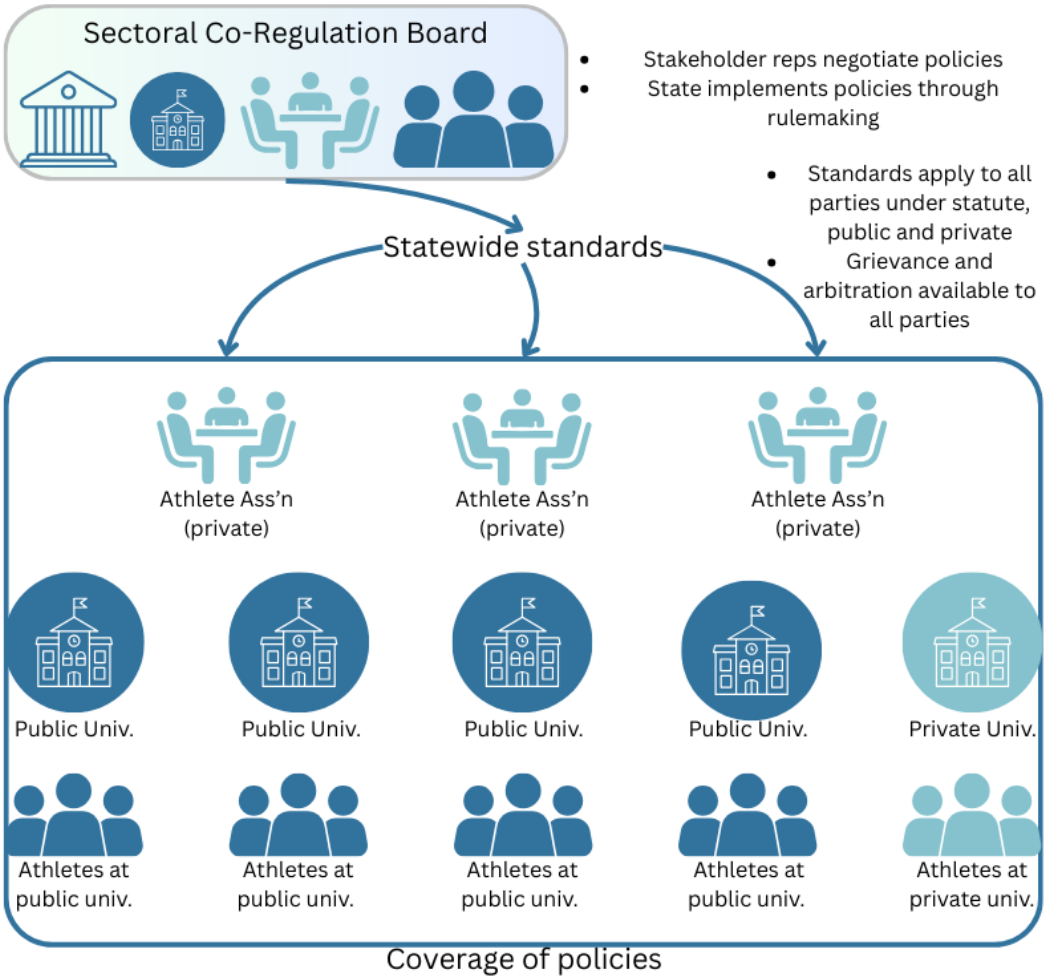


Figure 5: Visualization of Systemwide Policy Coverage Under Sectoral Co-Regulation Proposal (Alternative #3 as drafted in Appendix C)

Figures 4 and 5 illustrate the differences between Alternatives #2 and #3. If the public-sector collective bargaining regime in Florida is amended to include college athletes, athletes could only organize within their university and negotiate a collective bargaining agreement with their institution. So, new policies would only cover athletes in that individual collective bargaining relationship, and private entities like athletic associations and private universities would be excluded from coverage. Under sectoral co-regulation, a government apparatus composed of representatives across college athletics would negotiate standards that become enforceable regulations through the state's rulemaking process. Since these are statewide

standards, the policies thus apply to all parties. Appendix D explains these differences in greater detail.

VI. Criteria

a. Effectiveness

"Effectiveness" analysis will consider how each proposed bill achieves the following outcomes:

1. Changes to Root Causes

Given CFBPA's emphasis on process and the lack of concrete data on injury rates, assessing effectiveness will include legal and economic analyses of how each alternative breaks down the "cartel model" and amateurism that have suppressed labor expenses in college athletics.

2. Reductions in Injuries and Deaths

Reductions in injuries and deaths for current athletes will be the primary metric for the quantitative assessment of effectiveness. Estimates will draw upon research concerning analogous laws for high school athletes and unionization's effects in dangerous industries.

b. Cost

Costs will include expenses that parties must make to implement each alternative. The categories of cost include:

- "Direct" – Expenses that the government would incur
- "External" – Expenses that third parties would incur
- "Determinate" – Expenses that are certain and can be estimated with existing data
- "Indeterminate" – Expenses that are highly variable and defy concrete estimation

Cost Examples		
	Determinate	**Indeterminate**
Direct	*Government expenses for implementation*	*Litigation expenses*
External	*Implementation of codified standards (ex. health insurance)*	*Sectoral/collective bargaining proposals and policy implementation* *Litigation and arbitration expenses*

Table 1: Cost Taxonomy

Importantly, "costs" include transfers between parties. For instance, benefits provided to players will count as an external cost in this analysis, so "costs" are not necessarily negative or undesired.

c. Feasibility

"Feasibility" considers whether the alternative will be enacted, implemented, and effectuated by policymakers and stakeholders. The criterion will include two subcategories:

1. Political feasibility

"Political feasibility" considers whether policymakers will adopt the alternative.

2. Community buy-in

"Community buy-in" measures support from college athletes, universities, and other affected stakeholders to participate in an alternative's administration and enforcement.

d. Stability in College Athletics ("Stability")

"Stability" considers whether the alternative promotes stability in college athletics through uniform standards, broad coverage, and mechanisms for conflict resolution. Conversely, "stability" also factors in the risk of litigation between affected parties.

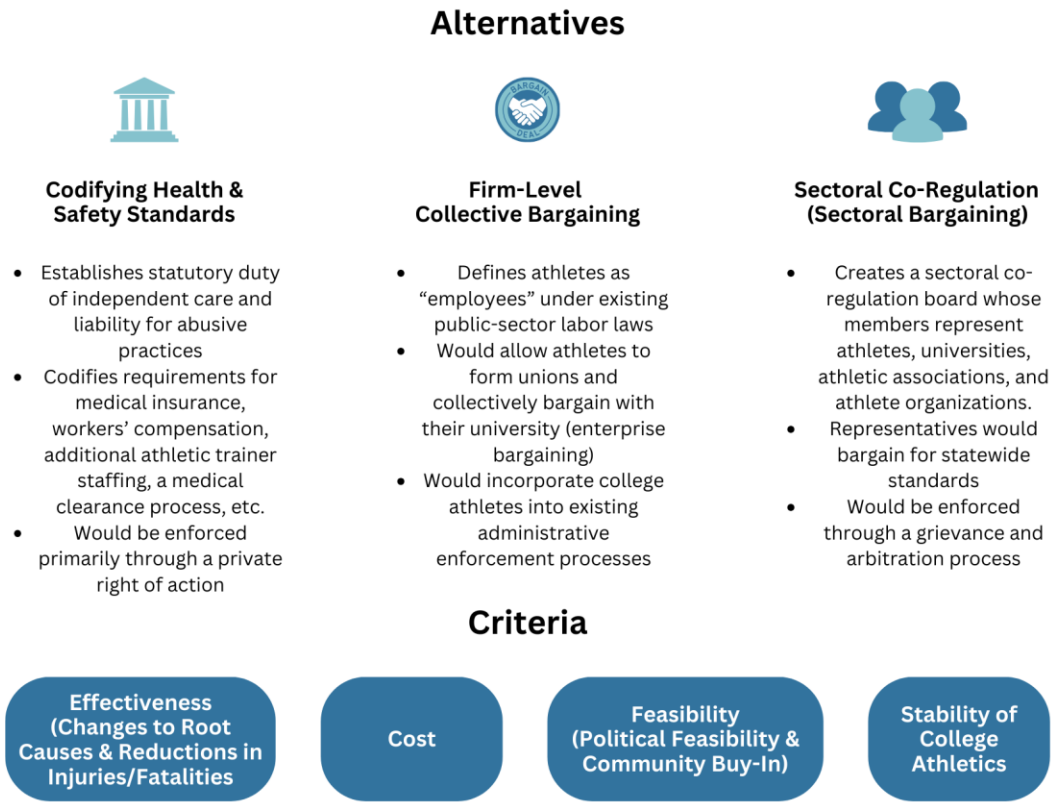


Figure 6: Alternatives and Criteria Summary

VII. Evaluations

a. Effectiveness

The proposed alternatives are novel solutions to a problem that judges and policymakers have only begun to confront in the last few years. Given the lack of quality data and precedents, the following analysis proceeds in two parts. First, it compares the alternatives on how they could directly address the root causes of college athletes' health and safety issues. Then, it presents estimates drawn from studies of injury and fatality rates in college athletics and other contexts.

1. Changes to root causes

To varying extents, all three alternatives will help deconstruct the "cartel model" of college athletics. Codifying health and safety standards would force universities and associations to increase labor expenses, such as health insurance and workers' compensation, disrupting the push to minimize direct labor costs. Although insurance, workers' compensation, and other benefits are external costs, they are effectively transfers of revenue and resources from universities and the NCAA to players. But under Alternative #1, universities and the NCAA would still retain control over price-setting and can drive costs as low as possible under new regulations. And since enforcement depends heavily on the private right of action, the government's intervention does not empower players to assume authority over their programs' conditions outside of litigation. Meanwhile, both collective bargaining on the enterprise level and sectoral co-regulation could facilitate similar transfers of resources and disrupt the price-setting process by introducing new actors who can negotiate for benefits.

As for disrupting the "amateurism" myth that camouflages the "cartel" model, only Alternatives #2 and #3 would upend the NCAA and universities' conception of athletes as amateurs who are indistinguishable from other students. Classifying college athletes at public institutions as "employees" under existing collective bargaining laws would directly threaten

the amateurism myth. Meanwhile, sectoral co-regulation would indirectly challenge the myth by applying a labor relations policy to college athletes, even if there is no formal "employee" designation (see Appendix D). On the other hand, codifying health and safety standards does not disrupt this myth, as the government regularly regulates high school athletes and students without treating them as employees.

Finally, all three alternatives reverse decades of hesitancy from policymakers to intervene in college athletics. But collective and sectoral bargaining would be less aggressive forms of government intervention, as parties within college athletics would be able to negotiate over their own standards.

2. Reduced injuries and fatalities

Appendix E includes a table detailing each study that was factored into the calculations, including the values used to craft each alternative's estimate, and a discussion of how the estimates were formulated. Due to heavy use of descriptive analyses and correlational data from other contexts, the estimates presented are not meant to serve as concrete, high-confidence predictions. Instead, they serve primarily as ballpark figures to inform comparison.

Alternative	Estimated Effect on Injury and Fatality Rates
Alternative #1 – Codifying Health and Safety Standards	**Overall Estimate: 9% reduction in injury rate; 8-20% reduction in fatality rate.** • Effect from medical clearance: 1.00% reduction in injury rate (primarily from prevention of recurrent injuries) • Effect from mandated insurance: Indirect reduction of injury rate due to improved access to medical care and better treatment to prevent recurrent injuries.

	• Effect from athletic trainer (AT) or clinician staffing mandate: 9% reduction in injury rate due to increased clinician care; disputed effect from AT mandate because increased reporting and decreased injuries from better care will produce countervailing effects on injury rate. • Effect from tort liability: negligible. • Effect of workers' compensation: 8-20% reduction in *fatality* rate.
Alternative #2 – Adding Athletes to Public Sector Labor Laws (Enterprise-Level Collective Bargaining)	**Overall Estimate: 4% reduction in traumatic injury rate; 5-10% reduction in fatality rate; disputed effect on overall and nontraumatic injury rates** • Consistent findings indicate reduction in fatality rate due to "union safety effect." But effect on injury rates is disputed. • But these effects will be reduced due to foreseeably low union density due to low take-up.
Alternative #3 – Sectoral Co-Regulation (Sectoral Bargaining)	**Overall Estimate: 20% reduction in traumatic injury rate; 25-50% reduction in fatality rate; disputed effect on overall and nontraumatic injury rates** • "Union safety effect" likely carries over to sectoral co-regulation due to grievance and arbitration process for enforcing statewide standards. • Statewide coverage of sectoral co-regulation eliminates take-up challenges that impede enterprise model of collective standards.

Table 2: Estimates for Alternatives' Effects on Injury and Fatality Rates

Reasoning for Estimates – Alternative #1

Alternative #1, as reflected in its bill draft, will primarily affect injury and fatality rates primarily through the following codified policies:

- The medical clearance requirements for traumatic and non-traumatic injuries;
- The health insurance mandate placed on universities with total annual revenues from sports exceeding $30 million;
- The inclusion of college athletes in the state's workers' compensation system;
- The requirements for athletic trainer staffing and increased clinician care; and
- The statutory duty of reasonable care placed on universities and the ensuing tort liability for violations of that duty of care.

Crafting an overall estimate thus required a survey of each of these policies and how they have affected injury and fatality rates in analogous contexts and across workplaces. Based on the studies outlined above, the primary driver of injury rate reductions will be the staffing mandates. This intervention had the most direct and significant effect on athletes' recovery from injuries, even if rates may rise nominally due to increased reporting (Baugh, Kerr, et al., 2020; Baugh, Kroshus, et al., 2020). Meanwhile, the medical clearance requirement probably will have a small effect on injury rates due to the minimal impact on incident (first-time) injuries (Arrakal et al., 2020; Boden et al., 2023). And any effect that would likely occur would result from increased injury detection and care from athletic trainers and clinicians who would be hired under the law's mandates. Since research indicates that increased trainer and clinician staffing reduces injuries partly because athletes are withheld from competition and practice for longer periods (Baugh, Kroshus, et al., 2020), this effect is likely subsumed in the impact of staffing. Meanwhile, medical insurance may reduce injury rates indirectly, as insurance is associated with increased medical care utilization and improved health status months after the initial "health shock" (Hadley, 2007; McQuiston et al., 2016). But given the indirect effects on injury and fatality rates from health insurance, this policy did not affect the estimate of Alternative #1's direct effects. As for the statutory duty of care, the legal theory

suggests that this policy should have an indirect effect on injury and fatality rates through deterrence, as schools should adopt practices that decrease the probability of injury and litigation. But while some studies indicate that this deterrence effect produces tangible decreases in adverse incidents in other contexts (Zabinski & Black, 2022), the research primarily indicates that this deterrence effect may be negligible (Mello et al., 2020). And given the difficulties surrounding successful litigation for sports injuries (McArdle & DeMartini, 2024), tort liability will likely fail to be a significant mechanism for systemic reductions in injuries and fatalities across college athletics.

Separately, studies have illustrated a strong association between workers' compensation and fatality rates (Moore & Viscusi, 1989; Klos et al., 2021; Viscusi & Gentry, 2019). The data supports the theory that workers' compensation incentivizes businesses to invest in employees' safety, and in the case of college athletes, workers' compensation liability would similarly encourage colleges to improve player safety and to reduce compensable injuries. Given the strength of these measured effects versus the paucity of research measuring direct effects of workers' compensation on injury rates, workers' compensation was singled out from the rest of the policies under Alternative #1. The estimate range provided above thus stems from the findings of the Klos and Moore & Viscusi studies.

Reasoning for Estimates – Alternative #2

The "union safety effect" is a well-established phenomenon (Rodriguez-Franco et al., 2024). The research on labor unions and their effect on health outcomes indicates that unionization is positively associated with improvements in workplace safety and broader determinants of workers' health, including economic factors (Leigh & Chakalov, 2021). Studies of COVID-19 infection rates, which found a strong association between unionization and both reduced infections and increased mask mandates, affirm both unions' effects on workplace safety (Dean et al., 2022; Dean et al., 2021). Unionization is also associated with greater utilization of benefits, including paid sick days, which indicates increases in reporting for injuries and illnesses. And research has generally found that unionization is strongly associated with

reductions in fatality rates (Leigh & Chakalov, 2021; Rodriguez-Franco et al., 2024). As discussed below, several studies provide concrete figures that can be used to estimate how unionization would reduce fatality rates among college athletes. But findings on unionization's effect on injury rates, particularly nontraumatic injury rates, are disputed (Leigh & Chakalov, 2021). In fact, several studies have found that unionization is associated with an increase in injury rates (Altassan et al., 2018; Morantz, 2013; Leigh & Chakalov, 2021). But collective bargaining agreements generally contain measures specifically designed to reduce injuries and improve workplace safety (Hagedorn et al., 2016). So, the observed positive association is likely due to increased reporting and disclosure as a result of union organizing, the grievance and arbitration process, and benefits that necessitate disclosure of an injury (Atlassan et al., 2018; Morantz, 2013; Leigh & Chakalov, 2021). There are also endogeneity concerns, as unionization has historically flourished in hazardous jobs. So, overall injury rates may be less helpful than fatality rates or traumatic injury rates for measuring the desired outcome of reduced injuries and fatalities. After all, fatalities and traumatic injuries are difficult to conceal.

Research indicates that unionization has a strong effect on reducing fatalities in dangerous workplaces, such as mining and firefighting, and that labor union strength is strongly associated with lower fatality rates (Zoorab, 2018; Morantz, 2013; Wells, 2022). The Zoorab study provides a particularly useful metric for calculating unionization's direct effect on fatality rates based on the likely unionization rate. And Morantz' study provides an upper bound if college athletes could achieve the same union density as mineworkers. In this ideal environment, an estimate of 20% reduction in traumatic injury rate and a 30-50% reduction in fatality rate can be derived by adopting the Morantz figures and multiplying the ratio of unionization to fatalities from the Zoorab study by five – the unionization rate of the mineworking industry (*Union Membership (Annual) News Release - 2024 A01 Results*, 2025).

But union density will not approach 5% in college athletics because only a few athletes will try to unionize under Alternative #2. Organizing resources will be very limited, as CFBPA is one of

a handful organizations seeking to represent college athletes in bargaining. And athletes may not want to unionize under collective bargaining laws that deem them as "employees." Given the lack of resources and the difficulties with organizing, the only teams that could foreseeably unionize are those in revenue sports at Division I FBS institutions. Given a likely unionization rate equal or less than 1% of all eligible athletes at public universities, the estimates are discounted by 80% to account for this notable take-up problem.

Reasoning for Estimates – Alternative #3

Sectoral co-regulation has been under-utilized in the United States and has primarily focused on economic benefits, such as wages (Estlund, 2024a; Estlund, 2024b; Madland, 2024). So, the research on the health impacts of sectoral co-regulation and sectoral bargaining in the United States is understandably scarce. But OECD's research of collective bargaining across the globe, including countries with sectoral bargaining regimes in lieu of the United States' enterprise approach, has nevertheless found global evidence for the "union safety effect" (OECD, 2019). Furthermore, the bill draft for Alternative #3 shows how it would adopt the contours of a collective bargaining agreement and implement it statewide. It expressly includes a grievance and arbitration process that would be available to all college athletes. Furthermore, the bill expressly empowers representatives to negotiate the same health and safety policies that one would expect in a standard collective bargaining agreement (Hagedorn et al., 2016; Lin, K.H. et al., 2018; Gilbride, 2019). So, the mechanisms that explain unionization's association with improved safety and health outcomes will apply to Alternative #3 and should thus operate similarly to Alternative #2.

The estimates for Alternative #3 draw upon the calculations for Alternative #2, but the figures are much higher because of the "take-up" gap between the two policies, not the treatment itself. Alternative #3 establishes policy coverage over all college athletes. There is no need to establish contracts school-by-school because the co-regulation board negotiates a statewide "contract" of standards and policies that are enacted through the state' regulatory regime. So, neither the take-up problem nor the exclusion of athletes at private institutions apply to

Alternative #3. Although an industry governed by sectoral co-regulation will differ from a "unionized industry" with considerable collective bargaining coverage, the estimates for Alternative #3 thus adopt the application of the Zoorab and Morantz studies to college athletics. Accordingly, the figures for Alternative #3 suggest a 20% reduction in traumatic injury rate and a 30-50% reduction in fatality rate. While this low-confidence calculation assumes that sectoral co-regulation will function like unionization, the estimates are useful for illustrating how the effects of sectoral co-regulation, as amplified by broad policy coverage, could exceed Alternative #2's impact and even surpass the efficacy of Alternative #1.

Overall, the efficacy analysis illustrates the synergistic value of Alternative #3. While Alternative #1 codifies empirically-backed interventions into state law, agreements and standards under Alternatives #2 and #3 will likely adopt these policies as well and provide effective enforcement mechanism that are common in collective bargaining setting (Hagedorn et al., 2016). But unlike Alternative #2, which effects are limited to the few athletes who take the initiative to organize and form contracts with their institutions, Alternative #3 would provide these mechanisms to all athletes through a statewide "contract" and grievance process. Although Alternative #3 rests on the greatest number of assumptions due to its novelty, it presents the greatest upside for reducing injuries and fatalities.

b. Cost

The alternatives' novelty also requires any cost analysis to draw upon analogous regulatory and bargaining contexts. While Table 3 provides estimates for the determinate costs, fungibility may be the most important factor to consider when evaluating each alternative's overall cost. In this case, "fungibility" refers to the ability for parties to alter costs through negotiations and adjustments to policies that regulate players' health and safety. External costs are more fixed under codified standards than under either collective or sectoral bargaining, as parties can negotiate and augment policies more frequently than what is possible through the legislative process. And generally, parties in bargaining settings are legally required to bargain in good faith. Alternative #3 even enshrines this "duty to bargain"

in its bill language (see Appendix C). Given this requirement, parties will likely adjust their demands in accordance with information provided to them from the other side, resulting in costs that will shift based on what parties can afford and what they can accept in an agreement.

Kinds of Determinate Costs	Alternative #1: Codifying Health & Safety Standards	Alternative #2: Integration into Existing CB Laws	Alternative #3: Sectoral Co-Regulation
Direct Costs	Determinate costs $0.00 (de minimus – no rulemaking or government implementation required) *Indeterminate costs:* *Litigation costs*	Determinate costs $0.00 (de minimus – no rulemaking or government implementation required) *Indeterminate costs:* *Litigation costs*	Determinate costs Government implementation: $4,000,000 (per year) *Indeterminate costs:* *Litigation costs*
External Costs	Determinate costs Med. clearance: $0.00 (de minimus) Annual contributions to med. insurance premiums: $24,012,803.70 (per year) Workers' compensation: $1,194,246.93 (per year) Additional staffing: $1,216,424.48 (per year) *Indeterminate costs*	Determinate costs: Administration and staffing for universities: $1,329,175.47 (per year) *Indeterminate costs:* *CBA policies (insurance, safety protections, etc.)* *Athlete union bargaining costs,*	*Indeterminate costs:* *CBA policies (insurance, safety protections, etc.)* *Athlete organization dues, costs for engaging in sectoral bargaining process, and grievance/arbitration costs* *University and athletic association costs for engaging in sectoral bargaining process and*

	Medical expense coverage *Record-keeping and data reporting costs*	*dues, and arbitration costs*	*grievance/arbitration costs*
Total Det. Costs	**$26,423,475.11 (per year)**	**$1,329,175.47 (per year)**	**$4,000,000 (per year)**

Table 3: Estimates for Alternatives' Determinate Costs (Division I FBS Schools Only)

For the sake of simplifying the cost analysis and comparing costs across alternatives, calculated cost estimates were limited to Division I FBS schools, since these institutions are the most impacted across all three alternatives. This means that the external cost estimates, particularly for the first two alternatives, do not capture the entire impact of these policies, particularly for institutions with smaller athletic programs. Appendix F includes the calculations for each cost, tables outlining those calculations, and explanations for how each cost was estimated.

c. Feasibility

1. Political feasibility

All three alternatives are potentially viable under a theory of regulatory competition. States will adopt policies that improve their universities' ability to recruit athletes and compete with institutions in other states. The surge in name, image, and likeness (NIL) legislation after California's novel 2019 law illustrates how legislators across the political spectrum will embrace bold changes if it can improve their state's teams (Dellenger, 2021a). This regulatory competition theory also reflects the "carrots" for universities and athletic associations. If states change their laws to court top recruits, athletic programs will improve from the influx of new talent. And more successful programs can result in greater revenue for universities and athletic associations, So, the positive effects of out-competing other states for players could entice wary stakeholders.

But Alternatives #1 and #2 are rated "low" for political feasibility because securing bipartisan support to ensure the passage of these groundbreaking reforms is highly improbable. Unlike NIL, Alternative #1 is a mandate that directly increases costs for universities without empowering them to augment policies through frequent negotiations or bargaining. Combined with universities' likely opposition to concrete policies, recent Republican resistance to Congressional hearings on the codification of athletes' rights portends opposition to the alternative (Dellenger, 2021b). And in Florida, recent efforts to withdraw from the federal occupational health and safety plan illustrates a local apprehension towards government intervention in workplace safety (Saunders, 2022). Integrating athletes into existing collective bargaining laws will attract similar opposition because it will trigger the ongoing partisan debate of whether college athletes are employees. The specific concern of classifying college athletes as "employees" under federal labor and employment law has pitted Republicans and Democrats against each other (Walberg & Allen, 2025; College Athlete Right to Organize Act, 2023). Since Republicans in Congress are firmly against designating college athletes as "employees," state Republicans will not likely support the "employee" designation under state law. Plus, recent legislation to constrain public sector labor unions indicate a lack of willingness to extend Florida's existing collective bargaining regime to college athletes (Rivero, 2024).

Sectoral co-regulation is rated slightly higher because it is designed to avoid foreseeable, partisan debates over government intervention and college athletics. From coaches like Tony Bennett to university administrators, there is a growing consensus among non-players that some sort of bargaining should occur (Christovich, 2024; Dellenger, 2023; *Name, Image, and Likeness and the Future of College Sports*, 2023). Alternative #3 allows all parties to negotiate on standards without government mandates or an "employee" designation (see Appendix C). In turn, the policy builds upon the "regulatory competition" that states engage in to support their schools' recruitment without triggering other concerns and debates. The policy has the largest direct cost to the government, which could generate political opposition or require additional lobbying in the appropriations process. But sectoral co-regulation provides an

avenue for policymakers and stakeholders to move forward with a bargaining system that they can accept.

2. Community buy-in

Alternative #3 is the only alternative that does not have "low" prospects of community buy-in. CFBPA has publicly argued that players may not have the appetite for either employee designation or extensive litigation to secure employment rights (Stahl, 2024). This hesitancy suggests that the community buy-in for Alternative #2 would be low. And any apprehension towards litigation likely signals low player buy-in for Alternative #1, since litigation would have to be the primary mechanism for players to enforce statutory rights. Meanwhile, parties across the debate want to bargain (Stahl, 2024; Christovich, 2024; Dellenger, 2023; *Name, Image, and Likeness and the Future of College Sports*, 2023). Alternative #3 thus benefits from the greatest likelihood of community buy-in, as it honors what parties ultimately want while decentering the employment debate and the overreliance on litigation to change college athletics.

d. Stability of College Athletics

While Alternative #1 would apply to all athletic programs, both state enforcement and the private right of action will foreseeably invite litigation. Meanwhile, existing collective bargaining laws won't create universal coverage across all schools, so labor relations will be uneven between public and private schools. This could destabilize athletics within the state and create inequities between athletes at public versus private institutions, a factor that has dissuaded prior government intervention (*Northwestern University*, 2015; Vansant, 2024). Existing collective bargaining laws may also result in unfair labor charges and administrative proceedings, further heightening tensions between athletes and universities. In comparison to Alternatives #1 and #2, sectoral co-regulation provides statewide coverage but mitigates the cost and burden of litigation by employing a statewide grievance and arbitration system, which is less formal that standard litigation and administrative proceedings. And the scheme's

novelty allows for greater creativity in how to cover all athletes and how to resolve conflicts without extensive litigation.

VIII. Implementation

The findings indicate that Alternative #3 has the potential for the greatest efficacy and feasibility. But as illustrated by Figure 7, numerous assumptions must pan out for a sectoral co-regulation board to implement policies that improve athletes' health and safety outcomes.

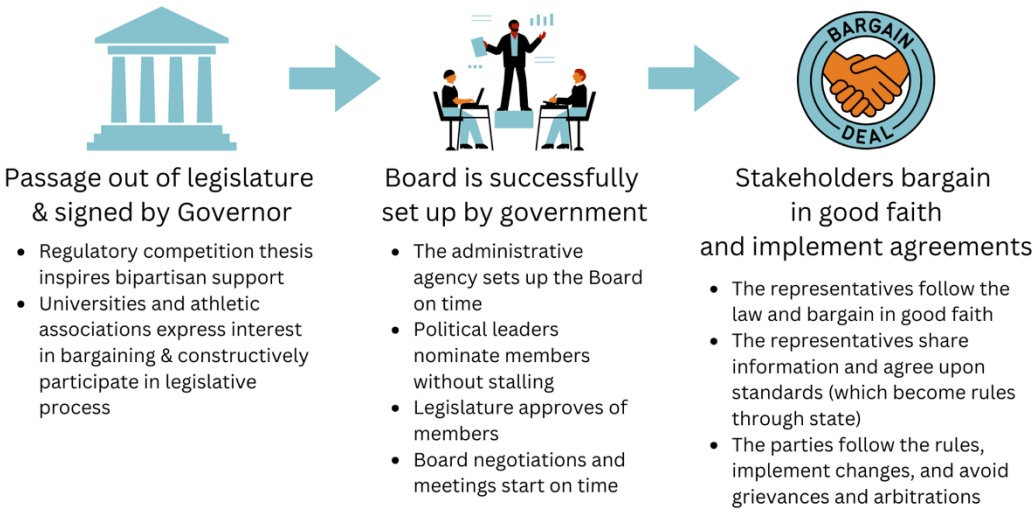


Figure 7: Key Activities and Dependencies for Successful Implementation

The key assumption that underlies these steps is that the stakeholders will accept that the status quo is untenable and that a novel bargaining regime can secure the changes all parties seek. From players to coaches to administrators, few parties are content with the current landscape of college athletics. The *House* settlement is evidence that universities, athletic associations, and players share a basic understanding that college athletics must change (McCann, 2025). As the tide turns against the "cartel" model, parties can either accept an unstable status quo or participate in a bargaining system that would allow all parties to negotiate changes. If policymakers and stakeholders believe that college athletics would

improve under a novel regime of sectoral co-regulation, then the board will be able to succeed in fostering good-faith bargaining and forming agreements. In turn, these agreements can establish feasible, agreed-upon reforms that support athletes' health and wellbeing.

Of course, numerous risks threaten the successful of this novel policy. While the *House* settlement and prospect of compensation indicates a willingness from stakeholders to transform college athletics (McCann, 2025), policymakers may decide that the status quo is worth preserving (Dellenger, 2021b; Walberg & Allen, 2025). And while some administrators and coaches have signaled support for bargaining, universities and the NCAA may nevertheless reject any formal system of bargaining that applies to all schools and associations. These decisions would threaten the alternative's political feasibility. Furthermore, board members could stymie negotiations through bad-faith bargaining, and parties could refuse to implement the board's agreed-upon standards.

As illustrated by the bill draft in Appendix C, Alternative #3 includes multiple mechanisms to ensure compliance and mitigate risks to the board's functionality. Section 0002(h) of the bill draft specifies that the state can establish procedures to enforce the law, including a mediation process to end impasses in negotiations. And Section 0005(b)(5) establishes a duty of good-faith bargaining and prohibits representatives from refusing to bargain. Furthermore, the grievance and arbitration processes allow parties to enforce negotiated standards without pursuing costly litigation. If representatives from universities and athletic associations refuse to participate in board negotiations, they could therefore face legal challenges, penalties if found liable, and a mediated contract that does not reflect their viewpoints.

While these policies should facilitate implementation, supporters will nevertheless need to organize a grassroots campaign to pressure policymakers and other stakeholders. Community buy-in, particularly from players, is critical for persuading other parties to accept a novel bargaining regime as preferrable to the status quo. Players must believe that their representatives will negotiate in accordance with their desires, and while the political appointment process could facilitate the removal of representatives, supporters must earn

players' confidence in their representation. Supporters must then engage in media outreach and political organizing to persuade legislative authorities and leaders in college athletics to embrace this solution. In particular, advocates must emphasize that while this alternative is designed to deconstruct the "cartel model" of college athletics, the prospect of bargaining and concessions from all parties is preferrable to the present moment's uncertainty.

IX. Recommendation

	Effectiveness	Costs	Feasibility	Stability
Alternative #1: Codify Health & Safety Standards	9% reduction in inj. rate. 8-20% reduction in fatality rate.	$26,423,475.11 (per year)	Low political feasibility Low community buy-in	Statewide coverage Increases litigation
Alternative #2: Integrate Athletes into Existing CB Laws	4% reduction in traumatic inj. rate. 5-10% reduction in fatality rate. Disputed effect on overall injury rates.	$1,329,175.47 (per year)	Low political feasibility Low community buy-in	Non-statewide coverage Potential increase in administrative proceedings and litigation
Alternative #3: Establish Sectoral Co-Regulation Scheme	20% reduction in traumatic inj. rate. 25-50% reduction in fatality rate Disputed effect on overall injury rates.	$4,000,000.00 (per year)	Low to medium political feasibility Medium community buy-in	Statewide coverage Diversion of disputes to arbitration rather than litigation

Table 4: Recommendation Matrix (recommended policy in light blue)

Appendix A – Alternative #1 Bill Draft

Florida House/Senate – XXX HB/SB XXX

By _____

A bill to be entitled

An act relating to the establishment of "The College Athlete Health and Safety Standards Act" under section XXX.XXX

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

SECTION 1. Section XXX.XXX is amended to read:

0001 – Definitions.

For purposes of this chapter, the following definitions apply:

(a) "Affiliated medical personnel" means individuals who provide medical, rehabilitation, or athletic training diagnoses, opinions, or services to college athletes, in collaboration with an institution of higher education. "Affiliated medical personnel" include, but are not limited to, physicians, mental health professionals, physical therapists, and athletic trainers. Individuals do not have to receive compensation from an institution of higher education to be affiliated medical personnel.

(b) "Athletic association" means any organization that is responsible for governing intercollegiate athletic programs.

(c) "Athletic program" means an intercollegiate athletic program sponsored by an institution of higher education or officially affiliated with an institution of higher education.

(d) "Board" means the State Board of Education.

(e) "College athlete" means a student who is enrolled at an institution of higher education and is listed as a member of an intercollegiate athletics team at the institution. A

student's participation in club or intramural sports at an institution does not meet the definition of college athlete.

(f) "Institution of higher education" or "institution" means any campus of the University of Florida, the Florida State University, any community college, or any other educational institution as defined by 20 U.S.C. § 1001(a), that maintains an athletic program.

(g) "NCAA" means the National Collegiate Athletic Association.

(h) "Office for Civil Rights" means the Office for Civil Rights within the United States Department of Education.

(i) "Title IX" means Title IX of the federal Education Amendments of 1972 (20 U.S.C. 1681 et seq.)

0002 – Independent Medical Care

(a) Except as determined by a college athlete, affiliated medical personnel shall have the autonomous, unchallengeable authority to determine medical management and return-to-play decisions for the college athlete. Coaches and athletic program personnel who are not affiliated medical personnel shall not give the college athlete medical advice or attempt to influence or disregard affiliated medical personnel decisions.

(b) Affiliated medical personnel shall be supervised and held accountable to comply with the health and safety standards adopted pursuant to this chapter by an organization of college athletes at the institution and their representatives.

(1) If there is no organization of college athletes at an institution, affiliated medical personnel shall be supervised and held accountable to comply with the health and safety standards adopted pursuant to this chapter a department that is independent of the institution's athletic department.

0003 – Statutory Requirements for Institutions; Provision of Medical Care

(a) Institutions of higher education have a statutory duty to:

(1) Provide at least one affiliated medical personnel for each athletic program sponsored by the institution to provide medical care and mitigate injuries during all athletic activity supervised or otherwise directed by the athletic program or a representative of the institution of higher education.

(A) Affiliated medical personnel shall travel with their assigned athletic program for all athletic activity.

(2) Make payments for medical coverage and expenses for all college athletes who participate in sponsored athletic programs.

(3) Implement health and safety standards to prevent serious sports-related injuries, abuse, health conditions, and death, including, but not limited to, those related to traumatic brain injury, sexual harassment and abuse, athlete mistreatment, interpersonal violence, mental health, heat illnesses, sickle cell trait, rhabdomyolysis, asthma, cardiac health, weight management, non-traumatic injuries, recovery time from injuries, and pain management.

(A) Standards shall apply to all activity that is supervised or directed by an athletic program and coaches or other representatives of an athletic program or an institution of higher education.

(B) Standards shall adopt and build upon existing health and safety guidelines of relevant entities, including, but not limited to, the National Collegiate Athletic Association, intercollegiate athletic conferences, professional sports leagues, and the National Athletic Trainers' Association.

(4) Provide all injury treatment options to college athletes and present up-to-date information about sports-related health risks.

(5) Ensure that physician, physical therapy, and athletic training records for all treatments of a college athlete by athletic program personnel in the course of

the college athlete's participation in an athletic program are maintained for a period of 10 years after the college athlete leaves the athletic program.

(A) These records shall be provided to the college athlete or former college athlete in a timely manner upon request.

(6) Ensure college athletes, athletic program personnel, and affiliated medical personnel are informed about their rights and responsibilities under this section.

(7) Prevent deceptive, fraudulent, or abusive practices that harm college athletes.

(b) An institution of higher education presumptively violates its statutory duties under this section if a coach or another employee of the institution directs an athlete to perform physical activity as a punishment and an injury occurs during the course of the punishment.

0004 – Development of concussion awareness training program; severe nontraumatic injury awareness training program

(a) Before July 1, XXXX, the Board shall develop, adopt, or approve educational materials on the nature and risk of concussions.

(b) Before July 1, XXXX, the Board shall develop, adopt, or approve a concussion awareness training program in an electronic format that includes all of the following:

(1) The nature and risk of concussions.

(2) The criteria for the removal of a college athlete from physical participation in an athletic activity due to a suspected concussion and his or her return to that athletic activity.

(3) The risks to a college athlete of not reporting a suspected concussion and continuing to physically participate in the athletic activity.

(c) Before July 1, XXXX, the Board shall develop, adopt, or approve a severe nontraumatic injury awareness training program in an electronic format that includes all of the following:

(1) The nature and risk of severe nontraumatic injuries.

(2) The criteria for the removal of a college athlete from physical participation in an athletic activity due to a suspected severe nontraumatic injury and his or her return to that athletic activity.

(3) The risks to a college athlete of not reporting a suspected severe nontraumatic injury and continuing to physically participate in the athletic activity.

(d) As soon as they are available, the Board shall make the educational materials and training programs required under this section available to the public on the Board's internet website. The Board shall make the training programs available to all individuals required to participate in the program under Fla. Stat. § XXX.XXX and to any interested individual including school personnel, coaches, parents, students, and athletes. The Board shall periodically review the training program required under this section and, for purposes of Fla. Stat. § XXX.XXX, make recommendations regarding the frequency of the training program based on changes to the training program that are developed, adopted, or approved by the Board.

(e) As used in this section and Fla. Stat. § XXX.XXX:

(1) "Appropriate medical professional" means a medical professional who is licensed or otherwise authorized to engage in a health profession and whose scope of practice within that health profession includes the recognition, treatment, and management of concussions or severe nontraumatic injuries.

(2) "Athletic activity" means a program or event, including practice and competition, during which college athletes participate or practice to participate in an organized athletic game or competition against another team, club, entity, or individual.

(3) "Concussion" means a type of traumatic brain injury as recognized by the Centers for Disease Control and Prevention. A concussion may cause a change in an individual's mental status at the time of the injury, including, but not limited to, feeling dazed, disoriented, or confused, and may or may not involve a loss of consciousness. A concussion may be caused by any type of accident or injury including, but not limited to, the following:

(A) A fall.

(B) A blow, bump, or jolt to the head or body.

(C) The shaking or spinning of the head or body.

(D) The acceleration and deceleration of the head.

(4) “Severe non-traumatic injury” means an ailment, medical condition, damage, or harm to the body and its functions that is not caused by external physical contact. Severe non-traumatic injuries include heat illness, cardiac arrest, status asthmaticus, and any other non-traumatic injury in which the athlete is at-risk of death or significant harm to the athlete’s body and its functions.

0005 – Removal of athletes; written clearance

(a) An institution of higher education shall ensure that it complies with this section before it sponsors or operates an athletic activity in which college athletes will participate, if that athletic activity is subject to this section.

(b) Before a college athlete may participate in an athletic activity sponsored by or operated under the auspices of an institution of higher education, the institution shall do all of the following:

(1) Comply with all the requirements of this section with regard to its coaches, affiliated medical personnel, employees, volunteers, and other adults who are involved with the participation of college athletes in athletic activity sponsored by or operated under the auspices of the institution of higher education and

who are required to participate in the concussion awareness training program and severe nontraumatic injury awareness training program developed under section 0004.

(2) Ensure that each coach, employee, volunteer, and other adult who is required to participate in the concussion awareness training program and severe nontraumatic injury awareness training program developed under section 0004 completes the training program once every 3 years, unless the Board recommends more frequent training.

(3) Provide the educational materials developed under section 0004 to each college athlete who participates in an athletic activity sponsored by or operated under the auspices of the institution of higher education.

(4) Obtain a statement signed by each college athlete acknowledging receipt of the educational material developed under section 0004. The institution of higher education shall maintain the statement obtained under this subdivision in a permanent file for the duration of that college athlete's participation in athletic activity sponsored by or operated under the auspices of that institution. Upon request, the institution of higher education shall make the statements obtained under this subdivision available to the Board.

(c) A coach or other adult employed by, volunteering for, or otherwise acting on behalf of an institution of higher education during an athletic event, including practices and other non-competitive events, sponsored by or operated under the auspices of the institution of higher education shall immediately remove from physical participation in an athletic activity a college athlete who is suspected of sustaining a concussion or a severe non-traumatic injury during the athletic activity.

(d) A college athlete who has been removed from physical participation in an athletic activity under this subsection shall not return to physical activity until he or she has been evaluated by an appropriate medical professional and receives written clearance

from that health professional authorizing the college athlete's return to physical participation in the athletic activity.

(1) The institution of higher education shall maintain a written clearance obtained under this subsection in a permanent file for the duration of that college athlete's participation in athletic activity sponsored by or operated under the auspices of that institution. Upon request, the institution of higher education shall make the statements obtained under this subdivision available to the Board.

(2) The medical professional who evaluates the injured athlete shall have the autonomous, unchallengeable authority to determine the evaluation and clear the athlete for return.

(3) Coaches and athletic program personnel who are not affiliated medical personnel shall not give the college athlete medical advice or attempt to influence or disregard affiliated medical personnel decisions.

(e) This section does not apply to an athletic activity sponsored by or operated under the auspices of an institution of higher education if the primary focus of the athletic program or event sponsored by or operated under the auspices of that institution is not the participation in an organized athletic game, competition, practice, training session, or other activity relating to an intercollegiate athletic program, but that athletic participation is only incidental to the primary focus of the program or event.

0006 – Workers' Compensation

(a) College athletes shall be entitled to workers' compensation as established by Fla. Stat. §§ 440.01 – 440.60 for any injury arising from their athletic activity on behalf of an institution of higher education.

(b) By January 15, XXXX, the Division on Workers' Compensation shall publish and promulgate regulations on the coverage of college athletes under workers' compensation, including:

(1) The definition of injuries arising out of and in the course of participation in athletic activity on behalf of an institution of higher education.

(2) The appropriate test for determining whether an injury arose out of and in the course of participation in athletic activity on behalf of an institution of higher education.

(3) The distinction between an athlete's athletic activity on behalf of an institution of higher education and recreational activity that is not covered by workers' compensation.

(4) The remedies available to college athletes who file a claim for workers' compensation.

0007 – Medical Insurance and Benefits

(a) (1) An institution of higher education that reports thirty million dollars ($30,000,000) or more in annual revenue to the United States Department of Education shall be financially responsible for the out-of-pocket sports-related medical expenses of each college athlete at the institution, and during the two-year period beginning on the date on which the college athlete officially becomes a former college athlete.

(2) Paragraph (1) shall not apply to a college athlete who transfers to another institution of higher education or out-of-state higher education institution college or university and participates on an intercollegiate athletics team at that institution.

(3) Paragraph (1) shall not apply to a college athlete's medical expenses for medical conditions unrelated to the college athlete's intercollegiate sports

participation that arise after the expiration of the college athlete's intercollegiate athletics eligibility.

(b) (1) An institution of higher education that reports thirty million dollars ($30,000,000) or more in annual revenue to the United States Department of Education shall comply with both of the following:

(A). Offer nationally portable primary medical insurance to each college athlete who is enrolled at the institution. This insurance shall be paid for by the institution. The institution shall not discourage a college athlete from accepting this insurance.

(B). Pay the out-of-pocket sports-related medical expenses of each college athlete at the institution, and during the four-year period beginning on the date the college athlete officially becomes a former college athlete.

(3) Paragraph (1) shall not apply to a college athlete that transfers to another institution of higher education or out-of-state college or university and participates on an intercollegiate athletics team at that institution.

(4) Paragraph (1) shall not apply to a college athlete's medical expenses for medical conditions unrelated to the college athlete's intercollegiate sports participation that arise after the expiration of the college athlete's intercollegiate athletics eligibility.

(c) If a college athlete at an institution of higher education that is responsible for the college athlete's medical expenses pursuant to subdivision (a) or (b) chooses to receive medical care that is not provided pursuant to subdivision (a) or (b) or is not otherwise provided or paid for by the institution, the institution shall offer to the college athlete to pay an amount that is the lesser of the following:

(1) The out-of-pocket expenses for that medical care.

(2) The amount the institution would have paid if the college athlete had received the medical care provided or paid for by the institution.

(d) (1) An institution of higher education shall pay for a college athlete to obtain an independent second opinion on an athletic program-related injury or medical condition endured by the college athlete.

(2) Institution of higher education personnel and affiliated medical personnel shall not withhold a college athlete's medical or athletic training records if the college athlete requests that those records be released to obtain an independent second opinion pursuant to paragraph (1), or otherwise impede a college athlete's right to obtain an independent second opinion pursuant to paragraph (1).

(e) (1) No later than three days after the end of a college athlete's team's season in the final year of the college athlete's intercollegiate athletics eligibility, or in the case of a transfer, no later than three days after the institution's receipt of a college athlete's notice of intent to transfer to another college or university, an institution of higher education shall provide the college athlete notice of, and an opportunity to undergo, a physical examination within or independent of the institution for the purpose of diagnosing an athletic program-related injury or medical condition.

(2) Institution of higher education personnel and affiliated medical personnel shall not discourage a college athlete or former college athlete from obtaining a physical examination pursuant to paragraph (1).

(3) A former college athlete shall be provided no less than 60 days to complete a physical examination pursuant to paragraph (1).

0008– Retaliation

(a) An institution of higher education shall not uphold any rule, requirement, standard, or other limitation that prevents a college athlete at the institution from fully participating in intercollegiate athletics without penalty for any of the following:

(1) For receiving food, shelter, medical expenses, or medical or disability insurance from any source.

(b) An institution of higher education and the institution's employees, coaches, and affiliated medical personnel shall not retaliate against a college athlete for filing a complaint or reporting a violation of a college athlete's rights under this chapter.

(c) For purposes of this chapter, "retaliation" shall include all of the following:

(1) A reduction in or loss of playing time that is not justified by objective measures of athletic performance or compliance with team or the institution of higher education's policies that do not conflict with this chapter or any federal or state laws.

(2) A reduction in or loss of any education benefits, including athletic grants, merit-based scholarships, or any other compensation.

(3) A reduction in or loss of any meal benefits provided to the college athlete.

(4) A reduction in or loss of any housing benefits provided to the college athlete, including the relocation of the college athlete's housing owned by the institution of higher education.

(5) A reduction in or loss of athletics or team communications, academic support or records, access to training facilities, or medical treatment.

(6) Pressure to not file a complaint or to withdraw a complaint.

(7) Threats, ridicule, or physical punishment.

0009 – Notice

(a) An institution of higher education shall distribute a notice to each college athlete at the institution containing all of the following information:

(1) A college athlete's rights pursuant to Title IX of the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

(2) An individual notice stating: “All students have the right to report a sexual assault, without retaliation, to law enforcement, the office of the Attorney General, the United States Department of Education’s Office for Civil Rights, (insert name of institution)’s mandated reporters, (insert name of institution)’s Title IX office, and the College Athlete Protection Program director.”

(3) A college athlete’s rights pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Sec. 1092(f)).

(4) A college athlete’s rights under this chapter.

(5) Additional rights that the state affords specifically to college athletes.

(b) The notice distributed pursuant to subdivision (a) shall contain sufficient information to enable a college athlete to file a complaint for a violation of any of the rights identified in the notice. This information shall include, but is not limited to, all of the following:

(6) The telephone number used by the Office for Civil Rights for complaint reporting intake, and the telephone number of the Office for Civil Rights’ regional enforcement office.

(7) The internet website address of the Office for Civil Rights’ online complaint form for Title IX complaint reporting.

(8) The internet website address used by the United States Department of Education for reporting violations of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Sec. 1092(f)).

(9) A list of the job classifications employed by the institution that are deemed mandated reporters pursuant to Section 11165.7 of the Penal Code and the obligations of these mandated reporters.

(10) The telephone number of the Attorney General.

(c) An institution of higher education shall post on campus in conspicuous locations frequented by college athletes, including, but not limited to, the institution's athletic training facilities, the notice distributed pursuant to this section.

(d) Upon the commencement of each academic year, the institution of higher education shall provide each college athlete a copy of the notice described in this section.

0010 – Private Right of Action

(a) Any person who is aggrieved by a violation of this chapter may bring a civil action against another individual, athletic association, or institution of higher education, and is entitled to punitive damages and equitable, injunctive, and restitutionary relief.

(b) Any person may bring a civil action on behalf of the public to enforce this chapter, but an individual bringing forward such a claim can only recover equitable, injunctive and restitutionary relief.

0011 – Injury Data and Reporting

(a) Institutions of higher education and their athletic programs shall record all injuries that occur during any athletic activity supervised or otherwise directed by the athletic program or a representative of the institution of higher education.

(b) Institutions of higher education shall provide aggregated data of all injuries to the Board by July 1st of each year.

    (1) Data shall not include confidential patient information for injured athletes.

(c) The Board shall provide data collected from institutions of higher education to independent researchers and other individuals upon request.

    (1) Data shall be provided within 90 days of a request.

0012 – Enforcement Authority

This chapter does not limit the enforcement authority of any state or federal agency or shield violators of this chapter from liability.

0013 – Severability

The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Appendix B – Alternative #2 Bill Draft

Florida House/Senate – XXX HB/SB XXX

By _____

A bill to be entitled

An act relating to the definition of “employees” under section 447.203

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

Section 1. Subsection (3) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(3) “Public employee” means any person employed by a public employer except:

(a) Those persons appointed by the Governor or elected by the people, agency heads, and members of boards and commissions.

(b) Those persons holding positions by appointment or employment in the organized militia.

(c) Those individuals acting as negotiating representatives for employer authorities.

(d) Those persons who are designated by the commission as managerial or confidential employees pursuant to criteria contained herein.

(e) Those persons holding positions of employment with the Florida Legislature.

(f) Those persons who have been convicted of a crime and are inmates confined to institutions within the state.

(g) Those persons appointed to inspection positions in federal/state fruit and vegetable inspection service whose conditions of appointment are affected by the following:

1. Federal license requirement.

2. Federal autonomy regarding investigation and disciplining of appointees.

3. Frequent transfers due to harvesting conditions.

(h) Those persons employed by the Public Employees Relations Commission.

(i) Those persons enrolled as undergraduate students in a state university who perform part-time work for the state university.

1. This exception does not apply to college athletes at a state university. College athletes are public employees only for the purposes of this chapter.

Section 2. Subsection (19) is added to section 447.203, Florida Statutes, to read:

447.203 Definitions.—As used in this part:

(19) "College athlete" means a student who is enrolled at an institution of higher education and is listed as a member of an intercollegiate athletics team at the institution. A student's participation in club or intramural sports at an institution does not meet the definition of college athlete.

Section 3. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Appendix C – Alternative #3 Bill Draft

Florida House/Senate – XXX HB/SB XXX

By _____

A bill to be entitled

An act relating to the establishment of "The College Athlete Council Act" under section XXX.XXX

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

SECTION 1. Section XXX is amended to read:

0001 – Definitions

(a) "Athlete organization" means any organization of any kind, or any agency or college athlete representation committee or plan, in which athletes participate and which exists for the purpose, in whole or in part, of dealing with athletic associations and institutions of higher education concerning grievances, disputes, compensation, hours of athletic activity, or conditions of athletic performance.

(b) "Athletic association" means any organization that is responsible for governing intercollegiate athletic programs, including athletic conferences.

(c) "Athletic program" means an intercollegiate athletic program sponsored by an institution of higher education or officially affiliated with an institution of higher education.

(d) "College athlete" means a student who is enrolled at an institution of higher education and is listed as a member of an intercollegiate athletics team at the institution. A student's participation in club or intramural sports at an institution does not meet the definition of college athlete.

(e) "Conditions of athletic performance" include, but are not limited to, conditions affecting college athletes' health and safety, security in the workplace, payments for

name, image, and likeness, forms of compensation, the formation of athlete associations, the right to be free from discrimination and harassment while participating in their athletic program, the right to exercise statutory rights, and the right to participate in Council proceedings.

(f) "Council" means the College Athletics Council.

(g) "Institution of higher education" or "institution" means any campus of the University of Florida, the Florida State University, any community college, or any other educational institution as defined by 20 U.S.C. § 1001(a), that maintains an athletic program.

(h) "NCAA" means the National Collegiate Athletic Association.

0002 – College Athletics Council

(a) The College Athletics Council is hereby established within the Department of Education.

1. The Council shall consist of the following seventeen voting members:
    A. Four representatives of athletic associations.
    B. Four representatives of institutions of higher education.
        1. At least one of the representatives must be from an institution of higher education that does not primarily participate in NCAA Division I athletics.
    C. Six representatives of current college athletes.
        1. Three representatives must come from men's sports and three representatives must come from women's sports, as defined by NCAA rules and policies.
        2. Two representatives must participate in a football program
        3. Two representatives must participate in a basketball program

4. Two representatives must participate in athletic programs that are not football or basketball teams.
5. At least one of the representatives must participate in an athletic program that does not compete in NCAA Division I athletics.

D. Two representatives of athlete organizations or other advocates for college athletes.
1. One must be a representative of an organization that advocates for college football players.
2. Appointed representatives of an athlete organization or other advocates for college athletes must not have a conflict of interest that impedes their ability to represent college athletes.

E. One unaffiliated member of the public who is not an official or employee of the NCAA or another athletic association; who is not an official or employee of an institution of higher education; who is not a college athlete; who is not a member or official of an athlete organization representing college athletes franchisee; who is not an advocate for college athletes in a professional capacity; and who has not received income or other forms of compensation from participation or involvement in college athletics for a period of five years prior to appointment.

2. In addition to the voting members, the council shall include the following nonvoting members:
A. One representative from the Department of Management Services.
B. One representative from the Department of Business and Professional Development.
C. Two representatives from the College Athlete Protection Panel

3. The gender and geographic diversity of the state shall be considered by the appointing authority when appointing council members.

4. The Governor shall appoint the representatives of current college athletes, athletic associations, institutions of higher education, and the member of the public. The House and the Senate Committee on Rules shall each appoint one representative of an athlete organization or another advocate for college athletes.
5. The appointments shall be at the will of each appointing power and each member of the council shall serve for a term of four years. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term. A council member shall not serve more than two consecutive terms.
6. The unaffiliated member of the public shall be the chairperson of the council. The chairperson shall be responsible for convening the council. The chairperson shall designate a member of the council to act as chairperson in their absence.
7. Each member of the council shall receive one hundred dollars ($100) for each day of their actual attendance at meetings of the council and other official business of the council, in addition to their actual necessary traveling expenses incurred in the performance of their duties as a member.
8. The council may employ necessary assistants, officers, experts, and other employees as it deems necessary, subject to appropriation. All personnel of the council shall be under the supervision of the chairperson or an executive officer to whom the chairperson delegates such responsibility.
9. All meetings of the council shall be subject to Fla. Stat. 286.011.
10. This subdivision does not preclude any institution of higher education or athletic association that sponsors, supervises, directs, or otherwise regulate an athletic program from establishing higher standards than those passed by the Council.

(b) The council's purposes are to develop, negotiate, establish, and bargain for athletic program minimum standards on health and safety standards, practice hours, payments for name, image, and likeness, forms of compensation, and other conditions adequate to ensure and maintain the health, safety, and welfare of, and to supply the necessary cost of proper living to, college athletes and to ensure and effect interagency coordination and prompt agency responses regarding issues affecting the health, safety, and welfare of college athletes.

(c) The council shall provide direction to, and coordinate with, state agencies regarding the health, safety, and welfare of college athletes.

1. The council shall convene its first meeting by no later than XXX 15, XXXX.

(d) The council is charged with developing and negotiating minimum standards for athletic programs and intercollegiate athletics, including, as appropriate, health and safety protections, medical personnel staffing, independent medical care for college athletes, facility conditions, treatment of athletes by coaches and employees of institutions of higher education, practices, scheduling, payments for name, image, and likeness, and other forms of compensation for college athletes, as are reasonably necessary or appropriate to protect and ensure the welfare, including the physical well-being and security, of college athletes or to otherwise meet the purposes of this section. In developing these standards, the council may take account of differences between institutions of higher education, divisions of college athletics, costs to institutions of higher education, and revenue generated by college athletics. Any change developed by the council to existing standards, rules, or regulations shall not be less protective of or less beneficial to the health, safety, welfare of college athletes than the immediately preceding standard, rule, or regulation. To the extent there is a conflict between standards, rules, or regulations issued pursuant to this subdivision and those previously issued by an athletic association, an institution of higher education, or a state agency, the standards, rules, or regulations issued pursuant to this subdivision shall override those prior standards.

1. Decisions by the council regarding standards, rules, or regulations shall be made by an affirmative vote of at least nine of the council members.
2. All standards, rules, and regulations developed by the council shall be issued, amended, or repealed, as applicable, in the manner prescribed in Fla. Stat. § 120.54, subject to the provisions of clause (A) to (C), inclusive, of this subparagraph.
    A. As directed by the council, the Department of Education Commissioner shall be responsible for issuing, amending, or repealing standards developed by the council pursuant to the requirements of this subparagraph.
    B. The council shall send proposed written standards to the Department of Education Commissioner and request that the commissioner prepare a notice of proposed rulemaking action regarding the proposed regulatory text.
    C. Upon receiving a request to prepare a notice of proposed rulemaking action, the Department of Education Commissioner shall determine whether the proposed written standards are consistent with the council's authority and consistent with the criteria identified in Fla. Stat. § 120.545, and, if it so determines, the commissioner shall prepare and submit a notice of proposed rulemaking action and the required materials identified in Fla. Stat. § 120.54. If the commissioner determines either that the proposed standards are not consistent with the council's authority, or not consistent with the criteria identified in Fla. Stat. § 120.545, the commissioner shall, within 60 days of receiving the council's request to issue a notice of proposed rulemaking, provide the council with a written explanation of the reasons for that determination so the council may modify its proposed standards as

appropriate. The commissioner shall also have responsibility and authority to carry out the requirements of Fla. Stat. §§ 120.50 – 120.82.

3. The council may develop written emergency standards and send the proposed written emergency standards to the Department of Education Commissioner and request that the commissioner promulgate such standards pursuant to Fla. Stat. §§ 120.50 – 120.82.
4. The council shall provide information as requested by the appropriate committees of the Legislature on labor and education to facilitate a review of the council's performance and standards under this section, which review may be conducted in a joint hearing held every three years or as otherwise designated by the appropriate committees of the Legislature on labor and education.
5. Nothing in this section shall be construed to give the council the authority to create or amend statutes.

(e) The council has the authority to develop and establish standards, rules, and regulations that apply to all institutions of higher education, athletic associations, and athletic programs within the state.

(f) The council shall conduct a full review of the adequacy of the minimum college athlete health, safety, and welfare standards at least once every three years. Upon that review, the council shall develop, bargain for, and seek the issuance of any college athlete health, safety, or welfare standard applicable to athletic programs, institutions of higher education, and athletic associations, or a portion of any such standard, as appropriate to meet the purposes of this section, pursuant to the procedures set forth in subdivision (d).

(g) The council shall hold meetings or hearings no less than every six months that are open to the public, at which the public, including college athletes, shall have the opportunity to be heard on issues of college athletes' health, safety, and welfare conditions. The council shall provide advance public notice of these meetings or

hearings that is reasonably calculated to advise college athletes, athletic programs, institutions of higher education, athletic associations, community members, and other stakeholders of the opportunity to participate in the meetings or hearings. The location of the meetings or hearings shall rotate among major metropolitan areas throughout the state to provide college athletes, athletic programs, institutions of higher education, athletic associations, community members, and other stakeholders throughout the state a reasonable opportunity to participate in a meeting or hearing at least once per each three-year review.

(h) The Department of Education Commissioner is authorized to issue any other rules, regulations, and guidance necessary for the enforcement of this part consistent with its authority under Fla. Stat. § 1001.02.

    1. This authority includes the establishment of a process to settle any impasse through mediation and arbitration.

(i) No ordinance or regulation applicable to college athletes that sets minimum standards for the health, safety, and welfare of college athletes shall be enacted or enforced by any city, county, or city and county, including charter cities, charter counties, and charter cities and counties.

    1. This subdivision does not preclude a city, county, or city and county, including charter cities, charter counties, and charter cities and counties, from establishing health, safety, welfare, and educational standards that is generally applicable to the public.
    2. This subdivision does not preclude any athletic program, institution of higher education, or athletic association from establishing stronger standards for the health, safety, and welfare of college athletes who are controlled, coached, governed or otherwise supervised by that entity

0003 – Statewide Regulation

The Legislature finds and declares that establishing uniform statewide regulation of certain aspects of college athletics, to the extent set forth in Section **0002**, is a matter of statewide concern. Therefore, Section **0002** of this act applies to all cities, including charter cities, counties, and school boards.

0004 – College Athlete Protection Panel

(a) The College Athlete Protection (CAP) Panel is hereby established within the Department of Management Services for purposes of this chapter.

(b) The CAP Panel shall consist of the following eleven members:

1. One member with expertise in sports medicine and traumatic brain injury.
2. One member with expertise in athletic training or physical therapy in sports.
3. One member with expertise in mental health.
4. One member with expertise in workplace health and safety compliance and investigations.
5. One member with expertise in sexual misconduct investigations.
6. One member with expertise in health care administration, medical claims, and the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).
7. One member with expertise in compliance with Title IX in athletics.
8. One member who is a certified public accountant with expertise in corporate financial audits and corporate compliance investigations.
9. One member with expertise in arbitration.
10. One member with expertise in grievance and appeals processes.
11. One member with expertise in producing educational materials.

(c) The CAP Panel shall have the following duties:

1. Provide neutral information and advice to the Council during negotiations and the development of Councilmembers' proposals

2. Create educational and other informational materials to present to the Council during Council meetings.
3. Attend council meetings and provide neutral information upon request.
4. Draft and distribute a report, on or before January 15, XXXX, and each year thereafter, an annual report to each institution of higher education, intercollegiate athletic conference, athletic association, and the Legislature, pursuant to Section XXXX, on the state of college athlete protections established pursuant to this chapter.
    A. In addition to other topics, the report should cover:
        1. Compliance with Title IX and the Council's standards
        2. Data reporting from institutions of higher education and athletic associations.
        3. The efficacy of established council standards in improving the health, safety, and welfare of college athletes
        4. The cost-effectiveness of established council standards
        5. The prevention of serious sports-related injuries, abuse, health conditions, and death, including, but not limited to, those related to traumatic brain injury, sexual harassment and abuse, athlete mistreatment, interpersonal violence, mental health, heat illnesses, sickle cell trait, rhabdomyolysis, asthma, cardiac health, weight management, non-traumatic injuries, recovery time from injuries, and pain management.
5. Hold quarterly meetings.

(d) Each member of the CAP Panel shall receive one hundred dollars ($100) for each day of their actual attendance at meetings of the council and other official business of the council, in addition to their actual necessary traveling expenses incurred in the performance of their duties as a member.

(e) Two members shall be appointed by a majority vote of the CAP Panel's members to serve as nonvoting representatives on the College Athlete Council under subsection (a)(2)(C) of Section 0002.

(f) The eleven member CAP Panel shall be appointed as follows:

(i) Five members appointed by the Governor.

(ii) Three members appointed by the House Speaker.

(iii) Three members appointed by the Senate Committee on Education Postsecondary.

(g) A CAP Panel member on the initial eleven-member board shall serve a four-year, five-year, or six-year term, as determined by the appointing authority. It is the intent of the Legislature that the eleven-member CAP Panel's members serve staggered terms.

1. All subsequent appointments made after the initial 21-member CAP Panel is appointed shall be six-year terms with no term limits.
2. A CAP Panel member may be reappointed to their position or appointed to a new position pursuant to this subdivision.

(h) A CAP Panel member shall not have served, within five years of being appointed as a CAP Panel member, as an affiliated medical personnel, employee, or member of a governing body of an institution of higher education, an out-of-state college or university that has an intercollegiate sports program, or an intercollegiate athletic association.

0005 – Right to Organize; Unfair Practice; Retaliation

(a) College athletes shall have the right to self-organization, to form, join, or assist athlete organizations, to bargain collectively through the council's bargaining process as outlined in Section 0002, to participate in the process through representatives of their own choosing, and to engage in other concerted activities for the purpose of sectoral

bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities.

(b) It shall be an unfair practice under this chapter to:

1. To interfere with, restrain, or coerce college athletes in the exercise of the rights guaranteed in subsection (a);
2. To dominate or interfere with the formation or administration of any athlete organization or contribute financial or other support to it;
    A. An institution of higher education or athletic association shall not be prohibited from permitting athletes to confer with coaches, officials, or employees of an entity during working hours without loss of any benefits or playing time.
3. To discourage membership in any athlete organization by retaliation or discrimination in regard to recruitment or tenure of participation in an athletic program;
    A. It is an unfair practice for a college athlete or an athlete organization to cause or attempt to cause an institution of higher education, athletic program, or athletic association to discriminate against a college athlete in violation of subsection (b)(3) or to discriminate against a college athlete because their membership in an athlete organization has been denied or has lapsed on some ground other than their failure to tender dues or an initiation fee.
4. To expel, retaliate, or otherwise discriminate against a college athlete because they have filed a grievance or given testimony under this subchapter and Section 0006;
5. To refuse to bargain through the council process as outlined in Section 0002;
6. To omit evidence, conceal or obscure wrongdoing, undermine an investigation, or undermine the grievance and arbitration process under Section 0006.

(c) For purposes of this chapter, “discrimination” and “retaliation” shall include all of the following:

1. A reduction in or loss of playing time that is not justified by objective measures of athletic performance or compliance with team or the institution of higher education’s policies that do not conflict with this chapter or any federal or state laws.
2. A reduction in or loss of any education benefits, including athletic grants, merit-based scholarships, or any other compensation.
3. A reduction in or loss of any meal benefits provided to the college athlete.
4. A reduction in or loss of any housing benefits provided to the college athlete, including the relocation of the college athlete’s housing owned by the institution of higher education.
5. A reduction in or loss of athletics or team communications, academic support or records, access to training facilities, or medical treatment.
6. Pressure to not file a complaint or to withdraw a complaint.
7. Threats, ridicule, or physical punishment.

(d) All unfair practices shall be arbitrated under Section 0006 of this Act.

0006 – Enforcement of Rights

(a) For the purposes of this section:

1. “Grievance” means a written complaint filed by an individual college athlete, a group of college athletes, an athlete organization representing an individual college athlete, an official or employee of an institution of higher education, an official or employee of an athletic program, or an official or employee of an athletic association that alleges a specific violation of the standards passed by the council, an unfair practice under Section 0005, or a violation of this chapter.

2. “Group grievances” are defined as, and limited to, grievances which cover more than one athlete or party, and which involve like circumstances and facts for the grievance involved. Grievances that are group grievances must be so designated on the grievance form at the first step of the grievance process, and all parties covered by the grievance must be indicated on the grievance form. If an aggrieved party wishes to withdraw from a group grievance, they must notify the council and all parties involved in the group grievance.
3. Grievances or group grievances shall only cover one subject matter. A violation does not equal a subject matter.
4. Grievances or group grievances must contain a clear and concise statement of the grievance by indicating the issue involved, the relief sought, the date of the incident or alleged violation, and the specific standards or statutes implicated by the incident or alleged violation.
5. Grievances or group grievances must be presented in compliance with procedures established by the council and must be filed no later than thirty calendar days from the date the grievant or group of grievants first became aware of, or should have become aware of with the exercise of reasonable diligence, the alleged violation of the statute or standards. Grievances not presented within this thirty calendar day period shall be considered untimely and ineligible for processing through any grievance and arbitration procedure established by this section and the council.

(b) By July 1, XXXX, the council shall develop and establish procedures to process and arbitrate grievances concerning unfair practices, violations of this chapter, or violations of standards agreed upon by the council.

(c) The grievance and arbitration process shall include standards, rules, and regulations that establish the following:

1. A procedure for individuals, including those represented by an athlete organization, to file grievances with the council;

2. A procedure for filing group grievances with the council;
3. A multi-step grievance process facilitated by the council, including:
    A. A first step, in which the grievant submits an individual or group grievance to the council, the council notifies the respondent of the grievance and the alleged violation, and the respondent submits a response to the council and the grievant.
        i. At this step, the parties may resolve the grievance through the informal review and resolution process. The respondent may also deny the grievance at this step.
        ii. The respondent must respond to the grievance through the official or employee who was named in the grievance and who was involved in the alleged violation.
    B. A second step, in which a grievant appeals the respondent's denial of their grievance, submits the appeal to the council and the respondent, and the respondent submits a response to the council and the grievant.
        i. At this step, the parties may resolve the appealed grievance through the formal mediation process. The respondent may also deny the appealed grievance at this step.
        ii. The respondent must respond to the appealed grievance through an official or employee of the party who was not involved in the alleged violation and was not named in the grievance.
    C. A third step, in which a grievant appeals the respondent's denial of their Step 2 grievance, submits the appeal to the council and the respondent, and the respondent submits a response to the council and the grievant/

i. At this step, the parties may resolve the appealed grievance through the formal mediation process. The respondent may also deny the appealed grievance at this step.

ii. The respondent must respond to the appealed grievance through an supervisory official, a managerial employee, or a supervisor employed by the party. This individual shall not be named as an individual involved in the alleged violation.

iii. If their grievance is denied by the respondent at Step 3, the grievant may appeal the grievance to arbitration.

4. An arbitration process facilitated by the council, including:
    A. Procedures for timely filing an appeal to arbitration and intra-party communications during the arbitration process.
    B. Procedures for selecting arbitrators from the American Arbitration Association in a neutral manner, including time limits and a process for when parties cannot agree to an arbitrator.
    C. Procedures for scheduling arbitration hearings, including time limits and a process for when parties cannot agree to a date.
    D. Subject matter limitations on what may be heard during an arbitration hearing.
    E. Procedures for arbitration hearings, including rules governing opening statements, witness examinations, cross-examinations, and closing statements.
    F. Evidentiary rules for arbitration hearings under this chapter.
    G. Time limits and schedules for submitting evidentiary exhibits, briefs, and other documentation from the parties.
    H. The arbitrator’s subpoena power over the parties
    I. Time limits and schedules for an arbitrator to release their decision to the parties.

J. Procedures for administering and enforcing remedies determined by the arbitrator.

K. Procedures and requirements for sharing arbitrator costs, hearing expenses, and attorneys' between the parties, as well as any policies regarding state funding for representation in the grievance and arbitration process.

L. Procedures for settlements and mediation during the arbitration process.

M. Procedures for appealing an arbitration decision to a court of law under subsections (f) and (g).

5. A form for parties to complete in order to file a grievance or to advance an existing grievance through the multi-step grievance process or to arbitration.
6. Dates and times to file responses to grievances, and rules on the extension of time limits except for the initial thirty calendar day requirement for grievances to be filed.
7. An informal review and resolution process to resolve grievances after an initial filing and prior to the second step in the grievance and arbitration process.
8. A formal mediation process to resolve grievances or arbitration cases after a grievance has advanced past the initial filing and the respondent's Step 1 response.
9. A right of appeal to a state appellate court with jurisdiction over the parties.

(d) Through the arbitration process, prevailing parties are entitled to punitive damages, attorney's fees, and equitable, injunctive, and restitutionary relief.

(e) Throughout the grievance and arbitration process, parties shall have the right to be represented by legal counsel, an athlete organization, a member of the group in a group grievance, or another representative of the party's choosing.

1. Parties may also represent themselves in the grievance and arbitration process.

(f) Any person or entity who is a named party in an arbitration decision authorized under subsection (c) may appeal the decision to a state appellate court for judicial review of the decision and any remedies.

1. Prevailing parties are entitled to punitive damages, attorney's fees, and equitable, injunctive, and restitutionary relief.

0007 – Lifetime ban

(a) An individual shall be banned for life from being involved in intercollegiate athletics at any institution of higher education if the individual has been found by an arbitrator or a court of law to have done any of the following:

1. Caused a life-threatening medical condition, sexual abuse, or death due to noncompliance with a health and safety standard adopted pursuant to this chapter.
2. Caused a life-threatening medical condition, sexual abuse, or death by failing to address noncompliance with a health and safety standard adopted pursuant to this chapter.
3. Threatened or retaliated against a college athlete or any individual or entity that reported noncompliance with a standard adopted pursuant to this section that caused a life-threatening medical condition, sexual abuse, or death.
4. Obstructed or knowingly provided false information related to an investigation of noncompliance with a health and safety standard adopted pursuant to this chapter that caused a life-threatening medical condition, sexual abuse, or death.

(b) Before a ban may be imposed pursuant to subsection (a), the individual shall be provided adequate notice and an opportunity for an arbitration hearing conducted by an arbitrator under this section. At this hearing, the individual shall have the right to defend themselves against any allegation of a violation described in subsection (a).

0008 – Notice

(a) An institution of higher education shall distribute a notice to each college athlete at the institution containing all of the following information:

1. A college athlete's rights pursuant to Title IX of the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).
2. An individual notice stating: "All students have the right to report a sexual assault, without retaliation, to law enforcement, the office of the Attorney General, the United States Department of Education's Office for Civil Rights, (insert name of institution)'s mandated reporters, (insert name of institution)'s Title IX office, and the College Athlete Protection Program director."
3. A college athlete's rights pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Sec. 1092(f)).
4. A college athlete's rights under this chapter.
5. Additional rights that the state affords specifically to college athletes.

(b) The notice distributed pursuant to subdivision (a) shall contain sufficient information to enable a college athlete to file a complaint for a violation of any of the rights identified in the notice. This information shall include, but is not limited to, all of the following:

1. The telephone number used by the Office of Civil Rights for complaint reporting intake, and the telephone number of the Office of Civil Rights' regional enforcement office.
2. The internet website address of the Office of Civil Rights' online complaint form for Title IX complaint reporting.
3. The internet website address used by the United States Department of Education for reporting violations of the federal Jeanne Clery Disclosure of

Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Sec. 1092(f)).

4. A list of the job classifications employed by the institution that are deemed mandated reporters pursuant to Fla. Stat. § 39.205.
5. The telephone number and internet website address for the council, once the program is operational pursuant to this chapter.
6. The telephone number of the Attorney General.

(c) An institution of higher education shall post on campus in conspicuous locations frequented by college athletes, including, but not limited to, the institution's athletic training facilities, the notice distributed pursuant to this section.

(d) Upon the commencement of each academic year, the institution of higher education shall provide each college athlete a copy of the notice described in this section.

0009 – Injury Data and Reporting

(a) Institutions of higher education and their athletic programs shall record all injuries that occur during any athletic activity supervised or otherwise directed by the athletic program or a representative of the institution of higher education.

(b) Institutions of higher education shall provide aggregated data of all injuries to the council and CAP Panel by July 1st of each year.

1. Data shall not include confidential patient information for injured athletes.

(c) The CAP Panel shall provide data collected from institutions of higher education to independent researchers and other individuals upon request.

1. Data shall be provided within 90 days of a request.

0010 – Enforcement Authority

This chapter does not limit the enforcement authority of any state or federal agency or shield violators of this chapter from liability.

0011 – Severability

The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Appendix D – A Primer on Sectoral Co-Regulation and its Divergence from Firm-Level Collective Bargaining

Research on collective bargaining in the United States generally assumes an "firm-based" model of bargaining. This is sensible, as it is the dominant form of collective bargaining in American labor law (Andrias, 2016; Andrias & Rogers, 2018). But college athletes at private universities have not been recognized as "employees" under the NLRA (*Northwestern University*, 2015; Edelman et al., 2024; Vansant, 2024). And even if college athletes were recognized under the NLRA, the law may not apply to athletes at public universities, as these employers are exempted from the NLRA (*Northwestern University*, 2015; Vansant, 2024). The NLRA could hypothetically cover athletes at public universities if the NLRB found that the NCAA and athletic conferences are "joint employers" alongside universities (Edelman, 2017; Edelman et al., 2024; Vansant, 2024). The NLRB's new joint employer rule covers entities that "reserve" "control" over employees regardless of how that "control" is exercised, so it could possibly cover these private entities if athletes are employees (Standard for Determining Joint Employer Status, 2023; Edelman et al., 2024; Vansant, 2024). But this rule is already embroiled in litigation (*Chamber of Commerce of United States*, 2024). So, the application of that rule to college athletes would subject proponents to years of legal battles in the NLRB and federal courts.

Given the NLRA's uncertain application to college athletes across private and public universities, policies inspired by sectoral bargaining could serve as an alternative to the NLRA and the firm-based bargaining model. States have begun to experiment with forms of "sectoral co-regulation" in which government agencies empower workers to set sectoral policies beyond minimum working standards (Estlund, 2024a; Estlund, 2024b). Policymakers have targeted industries where the numerosity of firms makes it impractical to affect industrial practices through firm-based bargaining. In 2024, California's "fast food council" began to operate, bringing executives and workers to a state-managed committee to bargain over workplace standards (Kuang, 2024). California's intervention mirrors boards in five other

states and three localities that similarly bring together laborers and employers in industries that are difficult to unionize (Madland, 2024). Scholars disagree over whether "sectoral co-regulation," in which government forums lead negotiations and scaffold worker representation, should be distinguished from sectoral bargaining, as negotiations are not purely between sector-wide unions and employer representatives (Estlund, 2024a; Estlund, 2024b; Jacobs et al., 2021; Slinn, 2019). For the purposes of this project, "sectoral co-regulation" falls under the broader umbrella of "sectoral bargaining," as workers and their unions can formally negotiate with management to co-determine binding legal standards for an entire sector (Jacobs et al., 2021; Kuang, 2024; Madland, 2024; Warino, 2023).

Research on international systems of sectoral bargaining illustrate how these policies can transform workplace standards across firms without destabilizing entire industries. OECD countries that predominantly rely on sectoral bargaining have broader, more stable coverage of workers under labor contracts than nations that rely on firm-based bargaining (OECD, 2019; Madland, 2022; Warino, 2023; Madland, 2024). And sectoral bargaining, through the extension of agreements to all firms in a sector, can standardize health and safety practices across employers (OECD, 2019; Warino, 2023). This correlation between sectoral bargaining and contract coverage thus means that workers in countries that depend on sectoral bargaining are more likely to be covered by contracts that regulate workplace conditions and mitigate bad actors than countries that rely on firm-based bargaining (OECD, 2019; Madland, 2022; Warino, 2023). Research on compensation and firm productivity further substantiate this relationship, as studies and analyses show that sectoral bargaining establishes a floor for firms to implement best practices and deters both harmful practices and labor strife (Thelen, 2001; Blau & Kahn, 2003; Madland, 2022).

Data on the effects of U.S. sectoral co-regulation is limited, but early research indicates that boards can establish sectoral floors for workers without undercutting employment or union organizing. A simulation of 102 possible wage standards for seventeen industries found that sectoral wage-setting could lower wage inequality within a sector and benefit middle-wage

workers, not only those at the bottom (Dube, 2019). Initial difference-in-difference analysis of California's new $20/hr minimum wage for fast food workers has similarly found that average worker wages increased by eighteen percent without any significant offsets in employment (Reich & Sosinskiy, 2024). But this policy was established through the California General Assembly, not the fast food council. Although the effects should remain the same regardless of the body that passed the policy, the data does not cleanly support the council as a negotiating body. But analysis of American worker movements in other jurisdictions with sectoral co-regulation found that those boards allowed workers who are excluded from federal labor laws to establish standards that other workers can negotiate under conventional firm-based bargaining (Jacobs et al., 2021). This study also found that sectoral co-regulation did not produce a "free-rider problem," as union membership continued to grow among organizations involved in sectoral standard negotiations. While more research is needed, early data indicates that these governmental forums can serve as an effective tool for workers and their unions to establish sectoral standards.

Given this legal and empirical analysis of sectoral bargaining, an apparatus similar to California's "fast food council" could work for college athletes. Like the fast food industry, it may be too onerous to organize athletic programs on a firm-by-firm basis, and it could lead to a web of agreements that disrupt college athletics without advancing athletes' interests. Sectoral co-regulation would conversely allow athletes and their representatives to bargain with universities, athletic directors, and conference representatives to set baseline terms for all schools in a jurisdiction. This would seemingly bypass the NLRA's exclusion of public universities and the "joint employer" quandary. Furthermore, a statewide "co-regulation" board is likely not preempted by federal labor law (Estlund, 2024b; Reid, 2023). So, sectoral bargaining and co-regulation is an evidence-based, feasible approach that marries elements of government-backed mandates with bargaining between stakeholders.

Appendix E – Research and Reasoning for Effectiveness Estimates

Codification of health and safety standards (Lystedt Law, etc.)		
Study Authors	**Study overview**	**Measured Effect**
Boden et al., 2023	Regression-based analysis of traumatic brain injuries pre- and post-Lystedt Law	No decrease
Arrakal et al., 2020	Piecewise regression model to examine longitudinal trends in nationwide incident and recurrent concussion rates.	1.08% decrease in incident concussion rates after Lystedt Laws' passage; greater decrease in recurrent concussion rates
McQuiston et al., 2016	Multivariable regression analysis measuring relationship between race, insurance status, and treatment outcomes of traumatic brain injuries.	Patients with Medicare or without insurance were 90% as likely to have procedures performed during their hospital stay for a brain injury as the privately insured. Discharge to rehabilitation rates were 7% among the uninsured, eight percentage points less than other groups. Privately insured patients also had

		shorter hospital stays than uninsured populations.
Hadley, 2007	Multivariate logistic regression analysis of medical care use and changes in short-term health outcomes following a health shock.	Medical care utilization rates following a health shock were about 10 percentage points lower among uninsured people than insured people. Overall, the rate of worsened health status 3.5 months after the health shock was approximately 1/3 lower among uninsured individuals versus insured individuals.
Baugh, Kerr, et al., 2020	Mixed-methods study of college hockey teams and the relationship between athletic trainer staffing and injury-related outcomes	No measured difference between high-staff and low-staff groups for overall injury rates, but this is because of wash-outs due to countervailing differences in competition injury rates and practice injury rates.
Baugh, Kerr, et al., 2020	Regression analysis measuring the effect of clinicians assigned per	Schools with a standard deviation “above the average number of clinicians

	college athlete on injury rates	per athlete" had "9.5% lower rate of injuries," "2.7% of reinjuries," "16% more days of time loss" due to being withheld from practice and competitions, and "6.7% lower rate of concussions."
Baugh, Meehan, et al., 2020	Telephone survey of athletic departments to determine how the ratio of athletic trainers to college athletes vary across NCAA institutions.	Ratio of athletic trainers to college athletes varied widely across NCAA institutions, particularly across divisions. The results suggest that injury rates and outcomes vary if considering broader literature connecting clinician-to-patient ratios in context of college athletics.
Viscusi & Gentry, 2019	Fixed-effects OLS regression measuring the effects of workers' compensation policy changes on fatality rates across industries	Median decrease in fatality rates that increased workers' compensation benefits was 0.44 fatalities per 100,000 full time workers, approximately a 7.5 percentage point decrease (and statistically significant)

Klos et al., 2021	Linear regression analysis that examined how minimum wage and workers compensation values for lost extremities were associated with occupational fatality rates.	"A standard deviation increase in average workers' compensation benefits was associated with an 8.3% reduction in fatality rates."
Moore & Viscusi, 1989	Regression analysis of panel data to measure the effect of workers' compensation benefits on fatality rates	"In the absence of workers' compensation, fatality rates would increase by over 20%."
Zabinski & Black, 2022	Difference-in-difference model measuring effect of adopting medical malpractice caps (and limiting tort liability) on injury rates	15% increase in adverse "non-fatal patient safety events" after states limited tort liability through medical malpractice caps.
Mello et al., 2020	Meta-analysis of studies examining the effects of tort liability on patient injury rates in the medical malpractice context.	"Most studies found no association between measures of malpractice liability risk" and adverse outcomes, particularly patient injuries.
McArdle & DeMartini, 2024	Legal analysis of sports injury cases that explored the efficacy of tort liability in	Legal mechanisms suggest that tort liability and personal injury litigation for

	improving safety outcomes for athletes.	sports injuries will not systematically curb adverse outcomes.
Collective Bargaining and the "Union Safety Effect"		
Hagedorn et al., 2016	Cross-sectional, mixed-methods study measuring the inclusion of health policies in collective bargaining agreements across industries	"Most" or "all" observed agreements included measures ensuring medical insurance, health and safety regulations, union access to worksite, employer-paid training, protective clothing/equipment, and reporting requirements for workplace injuries and hazards.
Rodriguez-Franco et al., 2024	Layered cross-tabulation model measuring the association between unionization and fatalities in the electrical trades due to contacts with electricity	Strong association between unionization and reduced fatality rates.
Leigh & Chakalov, 2021	Literature review of studies measuring unions' effects on economic and health outcomes.	Unions directly and indirectly improve determinants of health, improve workplace safety,

		and decrease job-related fatalities. Disputed findings over non-fatal work-related injuries or illnesses, but unions reduce workplace hazards. Unions increase reported sick days, suggesting effect on likelihood to report injury or illness.
Morantz, 2013	Negative binomial regression model measuring the relationship between unionization and both injury and fatality rates among mine workers.	Unionization associated with 20+% decrease in traumatic injuries and 50+% decrease in fatal injuries. But unionization was associated with a 25+% increase in nontraumatic injuries. Author suggests that these findings suggest an increase in reporting due to unionization, which explains overall and nontraumatic injury increases and decreases among traumatic and fatal injuries.
Wells, 2022	A zero-inflated negative binomial regression	Duty-to-bargain rights are strongly associated with a

	measuring the relationship between duty-to-bargain rights for firefighters and statewide fatality rates.	decrease in predicted firefighter fatalities in a state by one (0.7). For context, the average firefighter fatality rate across all states is 1.83 fatalities per year.
Zoorob, 2018	Two-way fixed effects regression models estimating the effect of unionization on occupational mortality rates in states using right-to-work laws as an instrument.	Local average treatment effect of a 5% increase in occupational fatalities per 1% decrease in unionization.
Dean et al., 2022	Negative binomial regression model measuring the relationship between unionization and COVID-19 infection rates among nursing home workers across U.S.	Unionization was associated with a 6.8% decrease in COVID-19 infection rates among nursing home workers.
Dean et al., 2021	Cross-sectional ordinary least squares regression models measuring the association between teacher unionization and school district's mask mandates	A standard deviation increase in teacher union density was strongly associated with a 12.5% greater likelihood that the school district adopted a

	during the height of the COVID-19 pandemic.	mask mandate during the pandemic.
Altassan et al., 2018	Longitudinal study measuring the effect of union status on injury risk amongst industrial workers.	Union status was associated with higher injury risk. Explanations may include the endogeneity of hazard in unionized workplaces and differences in reporting.
Sectoral Bargaining and Workplace Health and Safety		
OECD, 2019	Literature review of research on unionization and its effects.	Research conducted worldwide generally shows a positive association between unionization and injury rates, but this is likely a "reverse causality" due to unions' prevalence in dangerous industries and their efforts to promote reporting through grievance mechanisms and other procedures.

Table 5: Research Matrix for Effectiveness Evaluations

Appendix F – Cost Calculations, Tables, and Reasoning

Alternative #1: Codifying Health Standards

The following tables illustrate the calculations for Alternative 1's policies that produce determinate costs that are significantly more than zero: medical insurance, workers' compensation, and additional staffing. Alternative #1 does not feature any direct determinate costs from the government because the bill language in Appendix A directly establishes the standards as statutes rather than depending on agency rulemaking. It thus does not require government staffing or expenditures beyond the legislative process to craft and implement the standards. Although the government may choose to enforce the law through litigation brought by state officials, the primary enforcement mechanism is a private right of action. So, the bill should not have a fiscal impact on the government. Furthermore, the medical clearance requirement has been treated as a negligible cost in analogous contexts, including the Lystedt Law (Angelotti & Summers, 2012). So this external cost has been deemed negligible under Alternative #1. Other external costs, such as medical expense coverage, record-keeping, and data reporting, have been deemed indeterminate at this time because those costs are fungible under the law and may shift depending on each school's unique circumstances.

Number of athletes at Division I - FBS Schools		
University	**# of athletes – unduplicated count**	**# of NCAA varsity teams**
Fla. Atlantic	430	18
Fla. Int'l	418	16

Fla. State	499	20
Univ. of Cent. Fla.	440	15
Univ. of Fla.	552	19
Univ. of Miami	420	16
Univ. of S. Fla.	456	18
Source for unduplicated athlete count: *Equity in Athletics Data Analysis Cutting Tool*, 2022. Sources for NCAA varsity team count: *Florida Atlantic University Profile*, 2025; *Florida International University Profile*, 2025; *Florida State University Profile*, 2025; *University of Central Florida Profile*, 2025; *University of Florida Profile*, 2025; *University of Miami Profile*, 2025; *University of South Florida Profile*, 2025.		

Table 6: Number of athletes at Division I – FBS Schools in Florida

Annual cost of providing medical insurance to all athletes (Division I – FBS Schools)		
University	**# of athletes**	**Total annual employer contribution to insurance premiums (no. of athletes x avg. annual employer contribution to insurance premiums) (2023 dollars):**
Fla. Atlantic	430	$3,024,620
Fla. Int'l	418	$2,940,212

Fla. State	499	$3,509,966
Univ. of Cent. Fla.	440	$3,094,960
Univ. of Fla.	552	$3,882,768
Univ. of Miami	420	$2,954,280
Univ. of S. Fla.	456	$3,207,504
Total Annual Cost (2023 dollars)		$22,614,310 per year
Total Annual Cost (2025 dollars)		**$24,012,803.70 per year**
Average annual employer contribution to insurance premiums (2023 dollars): $7,034 Source: “2023 Employer Health Benefits Survey – Summary of Findings,” 2023		

Table 7: Calculations for annual cost of providing medical insurance to athletes (Division I – FBS Schools in Florida)

Annual cost of providing workers' compensation to athletes (Division I – FBS Schools)		
University	**# of athletes (EADA Data)**	**Total annual employer contribution to insurance premiums (no. of athletes x annual employer cost for workers' compensation) (2023 dollars):**
Fla. Atlantic	430	$155,075.20
Fla. Int'l	418	$150,747.52
Fla. State	499	$179,959.36
Univ. of Cent. Fla.	440	$158,681.60
Univ. of Fla.	552	$199,073.28
Univ. of Miami	420	$151,468.80
Univ. of S. Fla.	456	$164,451.84
Total Annual Cost (2024 dollars)		$1,159,457.60 per year
Total Annual Cost (2025 dollars)		**$1,194,246.93 per year**
Average employer cost for workers' compensation for civilian workers (per hour) (2024 dollars): $0.46/hr. *This is a lower bound because college football is likely riskier than the average industry, so average employer costs will likely be higher for universities.* Expected annual hours of athletic activity: 784 hours (this is a sum of the average hours of athletic activity for Division I athletics during an estimated sixteen week season and the		

maximum hours permitted by the NCAA during an estimated thirty-two week offseason, with four weeks off due to final exams and holidays).

Annual employer cost (hourly rate x expected annual hours of athletic activity): $360.64

Sources: *Employer Costs for Employee Compensation Summary - 2024 Q03 Results*, 2024; *Time Management: What Student-Athletes Should Expect*, 2024; *NCAA Division I 2024-25 Manual*, 2024.

Table 8: Calculations for annual cost of providing workers' compensation to athletes (Division I – FBS Schools in Florida)

Annual cost of additional athletic trainer (Division I – FBS Schools)					
Universities	**# of varsity teams**	**# of trainers currently on staff**	**Salary (Avg. Salary or Recent Job Posting) (2025 dollars)**	**Number of additional trainers needed to dedicate one trainer to each varsity team**	**Cost of additional trainers (no. of trainers x salary) (2025 dollars)**
Fla. Atlantic	18	36	$54,500.00	5	$272,500.00
Fla. Int'l	16	22	$58,995.28	3	$176,985.84
Fla. State	20	11	$58,995.28	3	$176,985.84

Univ. of Cent. Fla.	18	13	$58,995.28	2	$117,990.56
Univ. of Fla.	23	10	$58,995.28	2	$117,990.56
Univ. of Miami	16	16	$58,995.28	4	$235,981.12
Univ. of S. Fla.	18	16	$58,995.28	2	$117,990.56
Total Annual Cost of Additional Staffing (2025 Dollars)					**$1,216,424.48**
Sources for athletic training staffing: *FAU Staff Directory*, 2025; *FIU Staff Directory*, 2025; *FSU Staff Directory*, n.d.; *UCF Staff Directory*, n.d.; *UF Staff Directory*, 2025; *University of Miami Athletics Staff Directory*, 2025; *USF Staff Directory*, 2025. Sources for entry level or average salaries: *Assistant Athletic Trainer – Florida Atlantic University*, 2025; *Occupational Employment and Wages, May 2023 – 29-9091 Athletic Trainers*, 2024.					

Table 9: Calculations for annual cost of staffing additional athletic trainers (Division I – FBS Schools in Florida)

These direct costs for Alternative #1 were calculated using data from the Department of Education's Office of Postsecondary Education, the Bureau of Labor Statistics, other relevant data from universities, and metrics from third-party sources. Each table outlines the sources used for the calculations per each policy and lays out the factors involved in those calculations. All of the costs account for inflation and are stated in 2025 dollars.

Alternative #2: Collective Bargaining Under Public-Sector Bargaining Laws

Based on the fiscal analysis for analogous Michigan legislation to incorporate college athletes into existing public-sector collective bargaining laws (Kuhn & Zielak, 2023), direct costs will be

minimal because all bargaining and enforcement occurs through collective bargaining agreements. Since no government rulemaking or implementation is required, direct costs will be zero or negligible. Furthermore, it is difficult to project what the external costs would be. Policies will depend on what the parties bargain for during negotiations, so these costs are indeterminate. And since it is unclear what kind of athlete unions would emerge, the dues that athletes would pay and the costs that unions would incur from bargaining are also indeterminate.

But the cost of administration and staffing for universities can be estimated from how they currently engage in public-sector collective bargaining. Unlike sectoral co-regulation, in which the government bears the cost of facilitating bargaining, the parties have to pay for their own bargaining alongside grievance and arbitration costs. And universities have existing labor relations and human resource departments that can inform an estimate of how much it would cost for them to bargain with new athlete unions. There are seven public universities have Division I athletic programs with FBS football in Florida (Equity in Athletics Data Analysis Cutting Tool, 2022.). Due to their participation in the top tier of college athletics, these are the schools most likely to garner attention from organizers and most likely to unionize in the short-term. To estimate staffing increases due to a novel union on campus, it is assumed that if a new union for athletes was formed, the number of staff would increase proportionally to the existing relationship of labor relations staff to unions on campus. Calculating the ratio of the number of unions on campus to the number of staff in the university's labor relations or human resources department thus informs a calculation for the staffing increase that would be necessary for the university to engage with a new athlete union. While this figure may overestimate the staffing increase for universities' labor relations and human resource departments, it does not account for new athletic department staff and other personnel who may be hired to handle this novel form of collective bargaining. And although it overestimates the costs for universities with fewer unions, it likely underestimates the costs that marquee athletic programs, such as Florida and Florida State, would incur. Given these countervailing

forces, the total estimate serves as a reasonable benchmark for understanding these determinate external costs.

Annual cost of additional staffing due to Alternative #2 (Division I FBS Schools Only)					
University	**No. of Unions on Campus**	**No. of Lab. Rels. or Human Resources Staff**	**Avg. Salary of Lab. Rels./Human Resources Staff (2025 dollars)**	**Est. FTE increase due to new union (Staff per union)**	**Annual Cost (adj. avg. salary x est. FTE increase) (2025 dollars)**
Fla. Atlantic	Two	Four (Empl. Rels.)	$87,140.00	2.00	$174,280.00
Fla. Int'l	Two	Eight (Empl. & Lab. Rels.)	$87,140.00	4.00	$348,560.00
Fla. State	Three	Seven (Empl. & Lab. Rels.)	$87,140.00	2.33	$203,326.67
Univ. of Cent. Fla.	Three	Two (Empl. Rels.)	$87,140.00	0.67	$58,383.80
Univ. of Fla.	Three	Six (Emp. Rels. – Main Campus)	$87,140.00	2.00	$174,280.00

Univ. of Miami	Two	Six (H.R. Generalists/Specialists – Coral Gables/Marine Campus)	$87,140.00	3.00	$261,420.00
Univ. of S. Fla.	Five	Four (Empl. & Lab. Rels.)	$87,140.00	1.25	$108,925.00
Total Determinate External Costs for Universities					**$1,329,175.47**

Sources for union count: *FAU Department of Human Resources – Collective Bargaining*, 2025; *Working at FIU*, 2025; *FSU Office of Human Resources – Collective Bargaining*, n.d.; *Collective Bargaining – Employee Relations & HR Compliance*, n.d.; *Union Negotiations*, 2025; *Cleaners And Landscapers At The University Of Miami Ratify New Contract With Wage Hikes And Improved Benefits*, 2013; *RELEASE*, n.d.; *Local Chapters – United Faculty of Florida*, n.d..

Sources for labor relations staff: *Department of Human Resources – Directory*, 2024; *Division of Human Resources – Organizational Tree*, 2025; *Contacts*, n.d.; *Employee Relations & HR Compliance*, n.d.; *Employee Relations*, 2025; *Human Resources*, 2025; *HR Directory*, 2025.

Source for average salary: *Occupational Employment and Wages, May 2023 – 13-1075 Labor Relations Specialists*, 2024.

Table 10: Calculations for annual cost of staffing additional labor relations staff (Division I – FBS Schools in Florida)

Alternative #3: Sectoral Co-Regulation

The sectoral co-regulation alternative draws significant language from California's fast food council legislation. Prior fiscal analysis of the legislation thus provides a reasonable estimate of governmental costs for launching and maintaining a sectoral co-regulation board.

California's fast food council has been forecasted to cost $4 million (Vindiola, 2023). These "net annual administrative costs" include staffing, "legal workload," and meeting operations. The College Athlete Council is nearly double the size of the fast food council; it has seventeen members, versus the fast food council's nine members, and the alternative includes an additional advisory board. Plus, the figure was calculated in 2023. But the board members under Alternative #3 are per diem positions, not staff positions. And unlike the fast food council, private parties will incur the costs of enforcement rather than the government. Given these differences and countervailing effects on the cost of the board, the $4 million figure is adopted as a ballpark estimate of the direct determinate cost for Alternative #3.

Like Alternative #2, the actual policy costs are fungible and thus indeterminate. Under a novel sectoral co-regulation scheme, it is unclear what parties will bargain for and what they will agree upon. While it is likely that they negotiate for insurance and basic safety protections, the uncertainty problematizes any attempt to estimate the external costs. Athlete organization dues, costs for engaging in sectoral bargaining process, and grievance/arbitration costs are also fungible and unpredictable prior to the alternative's passage. Similarly, it is not clear if university and athletic association will incur similar costs for engaging in the sectoral bargaining process or the grievance and arbitration process. While it may be reasonable to assume that these costs could be notable, they are fungible and thus indeterminate at this time.

X. References

About CFBPA - College Football Players Association Mission and Vision. (n.d.). CFBPA — College Football Players Association. Retrieved November 24, 2024, from https://www.cfbpa.org/about.

Act 368, Pub. L. No. Public Act 137 of 2017, Mich. Comp. L. §§ 333.9155–333.9156 Michigan Compiled Laws (2018). https://www.legislature.mi.gov/Bills/Bill?ObjectName=2012-HB-5697.

Altassan, K. A., Sakr, C. J., Galusha, D., Slade, M. D., Tessier-Sherman, B., & Cantley, L. F. (2018). Risk of Injury by Unionization: Survival Analysis of a Large Industrial Cohort. *Journal of Occupational and Environmental Medicine*, *60*(9), 827–831. https://doi.org/10.1097/JOM.0000000000001347.

Anderson, S. A., Eichner, E. R., Bennett, S., Boden, B. P., Colgate, B., Courson, R., Davis, J. K., Elkins, G. A., Judge, L. W., Krueger, M., Kucera, K. L., Niehoff, K., Rooks, Y., Tucker, J. B., & Roberts, W. O. (2024). Preventing Exertional Heat Stroke in Football: Time for a Paradigm Shift. *Sports Health*, 19417381241260045. https://doi.org/10.1177/19417381241260045.

Andrias, K. (2016). The New Labor Law. *Yale Law Journal*, *126*(1), 2–100.

Andrias, K., & Rogers, B. (2018). *Rebuilding Worker Voice in Today's Economy* (p. https://rooseveltinstitute.org/wp-content/uploads/2020/07/RI-Rebuilding-Worker-Voice-201808.pdf). The Roosevelt Institute. https://rooseveltinstitute.org/publications/rebuilding-worker-voice-in-todays-economy/.

Angelotti, S., & Summers, K. (2012, November 15). *Bill Analysis – S.B. 1122 & H.B. 5697: Summary as enacted*. Michigan Senate Fiscal Agency. https://www.legislature.mi.gov/documents/2011-2012/billanalysis/Senate/pdf/2011-SFA-1122-N.pdf.

Arakkal, A. T., Barón, A. E., Lamb, M. M., Fields, S. K., & Comstock, R. D. (2020). Evaluating the effectiveness of traumatic brain injury state laws among high school athletes. *Injury Epidemiology*, *7*, 12. https://doi.org/10.1186/s40621-020-00241-6.

Assistant Athletic Trainer – Florida Atlantic University. (2025). LinkedIn. https://www.linkedin.com/jobs/view/assistant-athletic-trainer-at-florida-atlantic-university-4119040063/.

Banks v. Nat'l Collegiate Athletic Ass'n, 977 F.2d 1081 (7th Cir. 1992).

Berger v. Nat'l Collegiate Athletic Ass'n, 162 F. Supp. 3d 845 (S.D. Ind.), *aff'd*, 843 F.3d 285 (7th Cir. 2016).

Baugh, C. M., Kerr, Z. Y., Kroshus, E., Lanser, B. L., Lindley, T. R., & Meehan, W. P. (2020). Sports Medicine Staffing Patterns and Incidence of Injury in Collegiate Men's Ice Hockey. *Journal of Athletic Training*, *55*(6), 587–593. https://doi.org/10.4085/1062-6050-0464.19.

Baugh, C. M., Kroshus, E., Lanser, B. L., Lindley, T. R., & Meehan, W. P., III. (2020). Sports Medicine Staffing Across National Collegiate Athletic Association Division I, II, and III Schools: Evidence for the Medical Model. *Journal of Athletic Training*, *55*(6), 573–579. https://doi.org/10.4085/1062-6050-0463-19.

Baugh, C. M., Meehan, W. P., McGuire, T. G., & Hatfield, L. A. (2020). Staffing, Financial, and Administrative Oversight Models and Rates of Injury in Collegiate Athletes. *Journal of Athletic Training*, *55*(6), 580–586. https://doi.org/10.4085/1062-6050-0517.19.

Berger v. Nat'l Collegiate Athletic Ass'n, 162 F. Supp. 3d 845 (S.D. Ind.), *aff'd*, 843 F.3d 285 (7th Cir. 2016).

Blau, F. D., & Kahn, L. M. (2003). Understanding International Differences in the Gender Pay Gap. *Journal of Labor Economics*, *21*(1), 106–144. https://doi.org/10.1086/344125.

Blinder, A. (2021, February 1). Football Practices Pose More Concussion Risk Than Games, Study Suggests. *The New York Times*. https://www.nytimes.com/2021/02/01/sports/concussions-college-football-practice.html.

Boden, B. P., Brown, I. D. J., Huckleby, J. M., Ahmed, A. E., & Anderson, S. A. (2023). Sport-related Structural Brain Injury in High School and College American Football Athletes, 2002-2020: Effect of Lystedt Law. *Sports Health*, *15*(5), 718–726. https://doi.org/10.1177/19417381221134112.

Chamber of Com. of United States v. Nat'l Lab. Rels. Bd., 2024 WL 1203056 (E.D. Tex. Mar. 18, 2024).

Christovich, A. (2024, October 18). Tony Bennett Retirement Stunner Is About NCAA: 'Not in a Healthy Spot.' *Front Office Sports*. https://frontofficesports.com/tony-bennett-virginia-retirement-ncaa/.

Cleaners And Landscapers At The University Of Miami Ratify New Contract With Wage Hikes And Improved Benefits. (2013, September 3). SEIU 32BJ. https://www.seiu32bj.org/press-release/cleaners-and-landscapers-at-the-university-of-miami-ratify-new-contract-with-wage-hikes-and-improved-benefits/.

The College Athlete Protection Act, AB-252, California State Legislature 2024 Legislative Session (2024). https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB252&search_keywords=College+Athlete+Protection+Act.

College Athlete Right to Organize Act, S. 3415, Congress 118th (2023). https://www.congress.gov/bill/118th-congress/senate-bill/3415/text.

Collective Bargaining – Employee Relations & HR Compliance. (n.d.). UCF Human Resources. https://hr.ucf.edu/current-employees/employee-relations-and-hr-compliance/collective-bargaining/.

Complaint, *Lynch v. Milton Hershey Med. Ctr.*, No. 2019-cv-6337, 2024 WL 3290981 (Pa. Ct. Com. Pl. Dauphin Cnty. May 29, 2024).

Contacts. (n.d.). FSU Office of Human Resources. https://hr.fsu.edu/about-us/contacts?tid=66.

Dart, T. (2021, September 6). College athletes are unpaid. What if injury ruins their chance of turning pro? *The Guardian*. https://www.theguardian.com/sport/2021/sep/06/college-athletes-are-unpaid-what-if-injury-ruins-their-chance-of-turning-pro.

Dawson v. Nat'l Collegiate Athletic Ass'n, 250 F. Supp. 3d 401 (N.D. Cal. 2017), *aff'd*, 932 F.3d 905 (9th Cir. 2019).

Dean, A., McCallum, J., Kimmel, S. D., & Venkataramani, A. S. (2022). Resident Mortality And Worker Infection Rates From COVID-19 Lower In Union Than Nonunion US Nursing Homes, 2020–21. *Health Affairs*, *41*(5), 751–759. https://doi.org/10.1377/hlthaff.2021.01687.

Dean, A., McCallum, J., Kimmel, S., & Venkataramani, A. (2021). Iowa School Districts Were More Likely To Adopt COVID-19 Mask Mandates Where Teachers Were Unionized. *Health Affairs*, *40*(8), 1270–1276. https://doi.org/10.1377/hlthaff.2020.02518.

Dellenger, R. (2021a, March 4). *With Recruiting in Mind, States Jockey to One-Up Each Other in Chaotic Race for NIL Laws*. Sports Illustrated. https://www.si.com/college/2021/03/04/name-image-likeness-state-laws-congress-ncaa.

Dellenger, R. (2021b, June 16). *Key Republican Senators to Skip Athletes' Rights Hearing as NIL Talks Hit Another Snag*. Sports Illustrated. https://www.si.com/college/2021/06/16/ncaa-nil-federal-hearing-senators-skip.

Dellenger, R. (2023, October 17). *Would collective bargaining solve college sports' NIL issues?*

Notre Dame AD: "You've got to create something new." Yahoo Sports. https://sports.yahoo.com/would-collective-bargaining-solve-college-sports-nil-issues-notre-dame-ad-youve-got-to-create-something-new-214936402.html.

Department of Human Resources – Directory. (2024, January). Florida Atlantic University. https://www.fau.edu/hr/documents/hr-department-contact-list-01.2024.pdf.

Division of Human Resources – Organizational Tree. (2025, February). Florida International University. https://hr.fiu.edu/wp-content/uploads/2025/02/Division-of-HR-org-Chart-as-of-February-2025.pdf.

Dube, A. (2019, February). *Using Wage Boards to Raise Pay*. Economists for Inclusive Prosperity. https://econfip.org/policy-briefs/using-wage-boards-to-raise-pay/.

D1 Board of Directors increases benefits for college athletes. (2023, April 26). NCAA.Org. https://www.ncaa.org/news/2023/4/26/media-center-di-board-of-directors-increases-benefits-for-college-athletes.aspx.

Edelman, M. (2017). The Future of College Athlete Players Unions: Lessons Learned from Northwestern University and Potential Next Steps in the College Athletes' Rights Movement. *Cardozo Law Review*, *38*(5), 1627–1662.

Edelman, M., McCann, M. A., & Holden, J. T. (2024). The Collegiate Employee-Athlete. *Illinois Law Review*, *2024*, 1–54.

Employee Relations. (2025). UF Human Resources. https://hr.ufl.edu/contacts/staff-directory/employee-relations/.

Employee Relations & HR Compliance. (n.d.). UCF Human Resources. https://hr.ucf.edu/current-employees/employee-relations-and-hr-compliance/.

Employer Costs for Employee Compensation Summary—2024 Q03 Results. (2024, December 17). Bureau of Labor Statistics. https://www.bls.gov/news.release/ecec.nr0.htm.

Estlund, C. (2024a, May 21). *Part I: The Case for Sectoral Co-Regulation*. OnLabor. https://onlabor.org/the-case-for-sectoral-co-regulation.

Estlund, C. (2024b, May 22). *Part II: Why Sectoral Co-Regulation?* OnLabor. https://onlabor.org/part-ii-why-sectoral-co-regulation.

Equity in Athletics Data Analysis Cutting Tool. (2022). Equity in Athletics Data Analysis. Retrieved March 1, 2025, from https://ope.ed.gov/athletics/#/.

Fast Food Restaurant Industry: Fast Food Council: Health, Safety, Employment, and Minimum Wage., AB 1228, California State Legislature 2023 Legislative Session (2023). https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1228.

FAU Department of Human Resources – Collective Bargaining. (2025). Florida Atlantic University. https://www.fau.edu/hr/employee-relations/collective-bargaining/.

FAU Staff Directory. (2025). Florida Atlantic University Athletics. https://fausports.com/staff-directory.

FIU Staff Directory. (2025). FIU Athletics. https://fiusports.com/staff-directory.

FSU Staff Directory. (n.d.). Florida State University. Retrieved April 2, 2025, from https://seminoles.com/staff-directory#sports-medicine.

Florida Atlantic University Profile. (2025). FloridaShines. https://courses.flvc.org/College/Florida-Atlantic.

Florida International University Profile. (2025). FloridaShines. https://courses.flvc.org/College/Florida-International.

Florida State University Profile. (2025). FloridaShines. https://courses.flvc.org/College/Florida-State.

FSU Office of Human Resources – Collective Bargaining. (n.d.). Florida State University Office of Human Resources. Retrieved April 2, 2025, from https://hr.fsu.edu/sections/employee-labor-relations/collective-bargaining.

Gaines v. Nat'l Collegiate Athletic Ass'n, 746 F. Supp. 738 (M.D. Tenn. 1990).

Garthwaite, C., Keener, J., Notowidigdo, M. J., & Ozminkowski, N. F. (2020). *Who Profits From Amateurism? Rent-Sharing in Modern College Sports* (Working Paper 27734). National Bureau of Economic Research. https://doi.org/10.3386/w27734.

Gilbride, K. (2019, May 30). *"Forced" is never fair: What labor arbitration teaches us about arbitration done right—and wrong*. Economic Policy Institute. https://www.epi.org/blog/forced-is-never-fair-what-labor-arbitration-teaches-us-about-arbitration-done-right-and-wrong/.

Hadley, J. (2007). Insurance Coverage, Medical Care Use, and Short-term Health Changes Following an Unintentional Injury or the Onset of a Chronic Condition. *JAMA*, *297*(10), 1073–1084. https://doi.org/10.1001/jama.297.10.1073.

Hagedorn, J., Paras, C. A., Greenwich, H., & Hagopian, A. (2016). The Role of Labor Unions in

Creating Working Conditions That Promote Public Health. *American Journal of Public Health*, *106*(6), 989. https://doi.org/10.2105/AJPH.2016.303138.

Hearing on "Taking the Buzzer Beater to the Bank: Protecting College Athletes' NIL Dealmaking Rights": Hearing before the Subcommittee on Innovation, Data, and Commerce of the Committee on Energy and Commerce, Congress 118th (2023). https://docs.house.gov/meetings/IF/IF17/20230329/115579/HHRG-118-IF17-Wstate-StahlJ-20230329.pdf.

Holden, J. T., Edelman, M., & McCann, M. (2024). *(Still) Anticompetitive College Sports* (SSRN Scholarly Paper 4929874). https://doi.org/10.2139/ssrn.4929874.

HR Directory. (2025). USF Human Resources. https://cloud.usf.edu/human-resources/resources/directory.

Human Resources. (2025). University of Miami – People. https://people.miami.edu/administration/human-resources/index.html.

Jacobs, K., Smith, R., & McBride, J. (2021). State and Local Policies and Sectoral Labor Standards: From Individual Rights to Collective Power. *ILR Review*, *74*(5), 1132–1154. https://doi.org/10.1177/00197939211020706.

Johnson v. Nat'l Collegiate Athletic Ass'n, 108 F.4th 163 (3d Cir. 2024).

Kerr, Z. Y., Marshall, S. W., Dompier, T. P., Corlette, J., Klossner, D. A., & Gilchrist, J. (2015). *College Sports–Related Injuries—United States, 2009–10 Through 2013–14 Academic Years* (64(48); Morbidity and Mortality Weekly Report (MMWR)). U.S. Centers for Disease Control & Prevention. https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6448a2.htm.

Klos, L. S., Giordano, F. B., Stoffregen, S. A., Azuma, M. C., & Lee, J. (2021). It may cost an arm and a leg: Workers value and occupational fatality rates in the U.S. *BMC Public Health*, *21*, 1133. https://doi.org/10.1186/s12889-021-11117-9.

Kroshus, E., Baugh, C. M., Daneshvar, D. H., Stamm, J. M., Laursen, R. M., & Austin, S. B. (2015). Pressure on Sports Medicine Clinicians to Prematurely Return Collegiate Athletes to Play After Concussion. *Journal of Athletic Training, 50(9)*, 944. https://doi.org/10.4085/1062-6050-50.6.03.

Kuang, J. (2024, January 29). California gave fast food workers a seat at the table. What comes next? *CalMatters*. http://calmatters.org/california-divide/2024/01/california-fast-food-council-2/.

Kuhn, H., & Zielak, P. (2023, May 10). *Legislative Analysis – Expand Definition of a Public*

Employee Under PERA. Michigan House Fiscal Agency. https://www.legislature.mi.gov/documents/2023-2024/billanalysis/House/pdf/2023-HLA-0185-4B84349C.pdf.

LeBlanc, B. (2023, June 15). *College athletes could unionize under bill being considered by Michigan House*. The Detroit News. https://www.detroitnews.com/story/news/politics/michigan/2023/06/15/college-athletes-at-public-universities-would-be-free-to-unionize-under-a-bill-currently-under-consi/70327676007/.

Lens, J. W., & Lens, J. (2014). Insurance Coverage for Elite Student-Athletes. *Mississippi Law Journal*, *84*(1), 127–176.

Libit, D. (2022, September 2). Critical Injury Insurance Gains Value Amid NIL, NCAA Changes. *Sportico.Com*. https://www.sportico.com/leagues/college-sports/2022/college-athlete-critical-injury-1234687267/.

Libit, D. (2024, June 27). California College Athlete Bill Dies as NCAA Scores Reprieve. *Sportico.Com*. https://www.sportico.com/leagues/college-sports/2024/california-college-athlete-protection-act-ncaa-holden-1234785845/.

Libit, D., & Novy-Williams, E. (2021, February 9). Lost LOV: A Once-Bustling Market for College-Athlete Insurance Falls on Hard Times. *Sportico.Com*. https://www.sportico.com/business/commerce/2021/loss-of-value-insurance-hard-times-1234621989/.

Lin, K.-H., Bondurant, S., & Messamore, A. (2018). Union, Premium Cost, and the Provision of Employment-based Health Insurance. *Socius*, *4*, 2378023118798502. https://doi.org/10.1177/2378023118798502.

Local Chapters – United Faculty of Florida. (n.d.). United Faculty of Florida. Retrieved April 3, 2025, from https://myuff.org/local-chapters-new/.

Lynch v. Milton Hershey Med. Ctr., No. 2019-cv-6337, 2024 WL 3290981 (Pa. Ct. Com. Pl. Dauphin Cnty. May 29, 2024).

Madland, D. (2022). *Lessons From New Zealand's New Sectoral Bargaining Law*. Center for American Progress. https://www.americanprogress.org/article/lessons-from-new-zealands-new-sectoral-bargaining-law/.

Madland, D. (2024). *Sectoral Bargaining Can Support High Union Membership*. Center for American Progress. https://www.americanprogress.org/article/sectoral-bargaining-can-support-high-union-membership/.

McArdle, D., & DeMartini, A. L. (2024). Litigation and liability in concussion research and

collaboration. *Sport, Ethics and Philosophy*, *18*(3–4), 338–357. https://doi.org/10.1080/17511321.2024.2361909.

McCann, M. (2024a, June 17). College Athlete Pay Could Trigger Workers' Compensation Coverage. *Sportico*. https://www.sportico.com/law/analysis/2024/college-athlete-pay-workers-compensation-1234784341/

McCann, M. (2024b, November 8). 10 Reasons Why GOP Takeover Won't Stop College Athletes as Employees. *Sportico*. https://www.sportico.com/law/analysis/2024/trump-congress-college-athletes-employees-1234804247/

McCann, M. (2025, January 31). NCAA Settles State NIL Case to Boost House Settlement. *Sportico*. https://www.sportico.com/law/analysis/2025/ncaa-settles-states-nil-case-house-settlement-1234826276/.

McCrea, M. A., Shah, A., Duma, S., Rowson, S., Harezlak, J., McAllister, T. W., Broglio, S. P., Giza, C. C., Goldman, J., Cameron, K. L., Houston, M. N., McGinty, G., Jackson, J. C., Guskiewicz, K., Mihalik, J. P., Brooks, M. A., Pasquina, P., & Stemper, B. D. (2021). Opportunities for Prevention of Concussion and Repetitive Head Impact Exposure in College Football Players: A Concussion Assessment, Research, and Education (CARE) Consortium Study. *JAMA Neurology*, *78*(3), 346–350. https://doi.org/10.1001/jamaneurol.2020.5193.

McQuistion, K., Zens, T., Jung, H. S., Beems, M., Leverson, G., Liepert, A., Scarborough, J., & Agarwal, S. (2016). Insurance status and race affect treatment and outcome of traumatic brain injury. *The Journal of Surgical Research*, *205*(2), 261–271. https://doi.org/10.1016/j.jss.2016.06.087.

Mello, M. M., Frakes, M. D., Blumenkranz, E., & Studdert, D. M. (2020). Malpractice Liability and Health Care Quality: A Review. *JAMA*, *323*(4), 352–366. https://doi.org/10.1001/jama.2019.21411.

Moore, M. J., & Viscusi, W. K. (1989). Promoting Safety Through Workers' Compensation: The Efficacy and Net Wage Costs of Injury Insurance. *The RAND Journal of Economics*, *20*(4), 499–515. https://doi.org/10.2307/2555730.

Morantz, A. D. (2013). Coal Mine Safety: Do Unions Make a Difference? *ILR Review*, *66*(1), 88–116. https://doi.org/10.1177/001979391306600104.

Name, Image, and Likeness and the Future of College Sports: Hearing before the Senate Committee on Judiciary, 118th Congress 1st Session (2023). https://www.judiciary.senate.gov/download/2023-10-17-testimony-swarbrick?download=1.

Nat'l Collegiate Athletic Ass'n v. Alston, 141 S. Ct. 2141 (2021).

Nat'l Collegiate Athletic Ass'n v. Bd. of Regents of Univ. of Oklahoma, 468 U.S. 85, 120 (1984).

National Labor Relations Act, 29 U.S.C. §§ 157–158 U.S. Code (2025).

NCAA Division I 2024-25 Manual. (2024, August 9). NCAA. https://www.ncaapublications.com/productdownloads/D125.pdf.

NCAA Insurance Legislation FAQs. (n.d.). NCAA.Org. Retrieved October 2, 2024, from https://www.ncaa.org/sports/2019/2/18/ncaa-insurance-legislation-faqs.aspx.

NCAA Student-Athlete Medical Insurance Legislation. (n.d.). NCAA.Org. Retrieved October 2, 2024, from https://www.ncaa.org/sports/2013/11/22/ncaa-student-athlete-medical-insurance-legislation.aspx.

NFL Players Association Benefits Book. (n.d.). NFL Players Association. Retrieved December 3, 2024, from https://nflpaweb.blob.core.windows.net/website/Departments/Player-Affairs/Player-Reps/2017-Benefits-Booklet.pdf.

Northwestern University, 362 NLRB 1350 (N.L.R.B. 2015).

Nowinski, C. J., & Cantu, R. C. (2021). Who Will Protect the Brains of College Football Players? *JAMA Neurology*, *78*(3), 273–274. https://doi.org/10.1001/jamaneurol.2020.4740.

Occupational Employment and Wages, May 2023 – 13-1075 Labor Relations Specialists. (2024, April 3). Bureau of Labor Statistics. https://www.bls.gov/oes/2023/may/oes131075.htm.

Occupational Employment and Wages, May 2023 – 29-9091 Athletic Trainers. (2024, April 3). Bureau of Labor Statistics. https://www.bls.gov/oes/2023/may/oes299091.htm#(1)

OECD. (2019). Negotiating Our Way Up: Collective Bargaining in a Changing World of Work. OECD Publishing, Paris. https://doi.org/10.1787/1fd2da34-en.

Only Half of Collegiate-Level Sports Programs Follow Medical Model of Care for Student Athletes, Survey Finds. (2019, June 26). NATA. https://www.nata.org/press-release/062619/only-half-collegiate-level-sports-programs-follow-medical-model-care-student.

Platform Planks. (n.d.). CFBPA — College Football Players Association. Retrieved September 13, 2024, from https://www.cfbpa.org/platform-planks.

Principles of Sectoral Bargaining: A Reference Guide for Designing Federal, State, and Local Laws in the U.S. (2022, December 2). Center for Labor & A Just Economy. https://clje.law.harvard.edu/principles-of-sectoral-bargaining-a-reference-guide-for-designing-federal-state-and-local-laws-in-the-u-s/.

Public Employment Relations Act, Mich. Comp. Laws Ann. §§ 423.201–217 (West) (2024).

Reich, M., & Sosinskiy, D. (2024). *Sectoral Wage-Setting in California* (IRLE Working Paper #104-24). Institute for Research on Labor and Employment. https://irle.berkeley.edu/publications/working-papers/sectoral-wage-setting-in-california/.

Reid, A. (2023). More Than They Bargained For: AB 257 and an Alternative Approach to Labor Law in California's Fast-Food Industry. *University of Cincinnati Law Review*, *91*(4), 1210–1216.

RELEASE: University of Miami Hospital and 1199SEIU Caregivers Announce Partnership to Invest in Quality Care and Quality Jobs. (n.d.). SEIU 1199. Retrieved April 3, 2025, from https://www.1199seiu.org/press/university_of_miami_hospital_and_1199seiu_caregivers_announce_partnership_to_invest_in_quality_care_and_quality_jobs.

Rivero, D. (2024, August 30). *More than 63,000 Florida workers have lost union representation due to new law*. WLRN Public Media. https://www.wlrn.org/government-politics/2024-08-30/public-sector-unions-florida-workers-decertification.

Rodriguez-Franco, O., Zreiqat, M., Wachter, J. K., & Janicak, C. (2024). Fatalities in electrical occupations, unionization, and associated factors. *Journal of Safety Research*, *91*, 283–293. https://doi.org/10.1016/j.jsr.2024.09.008.

Sanderson, A. R., & Siegfried, J. J. (2018). The National Collegiate Athletic Association Cartel: Why it Exists, How it Works, and What it Does. *Review of Industrial Organization*, *52*(2), 185–209.

Saunders, J. (2022, January 28). *A Florida shift away from OSHA could take 9 years*. Tampa Bay Times. https://www.tampabay.com/news/florida-politics/2022/01/28/a-florida-shift-away-from-osha-could-take-9-years/.

Service Unit Contract. (2020). AFSCME Local 3299. https://afscme3299.org/wp-content/uploads/2021/10/AFSCME-3299-SX-Contract-2020-2024.pdf.

Simon, J. E., & Docherty, C. L. (2014). Current Health-Related Quality of Life Is Lower in Former Division I Collegiate Athletes Than in Non–Collegiate Athletes. *The American Journal of Sports Medicine*, *42*(2), 423–429. https://doi.org/10.1177/0363546513510393.

Slinn, S. J. (2019). *Wage Boards for the 21st Century: Revisiting Sectoral Standard-Setting Mechanisms for the Workplace* (SSRN Scholarly Paper 3488079). Social Science Research Network. https://doi.org/10.2139/ssrn.3488079.

Sportico's Intercollegiate Finance Database. (2023, August 7). *Sportico*.

https://www.sportico.com/leagues/college-sports/2023/college-sports-finances-database-intercollegiate-1234646029/.

Stahl, J. (2020, October 7). The Disappeared [Substack newsletter]. *Jason Stahl's Newsletter*. https://jasonstahl.substack.com/p/the-disappeared.

Stahl, J. (2021, February 9). The Off-Season Black Box [Substack newsletter]. *Jason Stahl's Newsletter*. *https://jasonstahl.substack.com/p/the-off-season-black-box*.

Stahl, J. (2024, May 6). We Need a New Type of Collective Bargaining for College Athletes [Substack newsletter]. *Jason Stahl's Newsletter*. https://jasonstahl.substack.com/p/we-need-a-new-type-of-collective.

Standard for Determining Joint Employer Status, 88 FR 73946 Federal Register 73946 (2023). https://www.federalregister.gov/documents/2023/10/27/2023-23573/standard-for-determining-joint-employer-status.

Thelen, K. (2001). Varieties of Labor Politics in the Developed Democracies. In P. A. Hall & D. Soskice (Eds.), *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage* (pp. 71–103). Oxford University Press. https://doi.org/10.1093/0199247757.003.0002.

Time Management: What Student-Athletes Should Expect. (2024, August). NCAA Eligibility Center. http://fs.ncaa.org/Docs/eligibility_center/Student_Resources/Time_Management_DI_DII_DIII.pdf.

29 U.S.C. § 158(a)(1)–(3).

2023 Employer Health Benefits Survey – Summary of Findings. (2023, October 18). *KFF*. https://www.kff.org/report-section/ehbs-2023-summary-of-findings/.

UCF Staff Directory. (n.d.). UCF Athletics - Official Athletics Website. Retrieved April 2, 2025, from https://ucfknights.com/staff-directory.

UF Staff Directory. (2025). Florida Gators. https://floridagators.com/staff-directory.

Union Membership (Annual) News Release—2024 A01 Results. (2025, January 28). Bureau of Labor Statistics. https://www.bls.gov/news.release/union2.htm.

Union Negotiations. (2025). UF Human Resources. https://admin.hr.ufl.edu/compliance/employee-relations-and-ethics/union-negotiations/.

University of Central Florida Profile. (2025). FloridaShines.

https://courses.flvc.org/College/Central-Florida.

University of Florida Profile. (2025). FloridaShines. https://courses.flvc.org/College/Florida.

University of Miami Athletics Staff Directory. (2025). University of Miami Athletics. https://miamihurricanes.com/.

University of Miami Profile. (2025). FloridaShines. https://courses.flvc.org/College/University-of-Miami.

University of South Florida Profile. (2025). FloridaShines. https://courses.flvc.org/College/USF.

USF Staff Directory. (2025). USF Athletics. https://gousfbulls.com/staff-directory.

Vansant, J. H. (2024). Standing Shoulder Pad to Shoulder Pad: Collective Bargaining in College Athletics. *Virginia Law Review Online*, 110, 89–118.

Vindiola, M. (2023, September 11). *Assembly Floor Analysis of AB-1228*. Assembly Floor Analysis Unit – Office of Chief Clerk, California State Assembly. https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240AB1228#.

Viscusi, W., & Gentry, E. (2019). Asymmetric Effects on Fatality Rates of Changes in Workers' Compensation Laws. *American Law and Economics Review*, 21, 307.

Walberg, T., & Allen, R. (2025, February 28). *How Much Taxpayer Money Did Biden-Harris Spend Trying to Unionize Student Athletes*. https://republicans-edlabor.house.gov/UploadedFiles/02.27.25_Student-Athletes_Litigation_Letter_to_NLRB_Chair_and_Acting_GC.pdf.

Warino, N. (2023, October 10). What the Nordics Can Teach California About Sector Bargaining. *People's Policy Project*. https://www.peoplespolicyproject.org/2023/10/10/what-the-nordics-can-teach-california-about-sector-bargaining/.

Wells, D. D. (2022). Do collective bargaining rights save lives? A rare event analysis of firefighter fatalities in the United States. *Risk, Hazards & Crisis in Public Policy*, *13*(2), 100–117. https://doi.org/10.1002/rhc3.12224.

Williams, J., & Auerbach, N. (2024, June 13). Bill seeking to block college athletes from employee status advances to House of Representatives. *The New York Times.* https://www.nytimes.com/athletic/5563017/2024/06/13/college-athlete-employmentstatus-house-ncaa/.

Working at FIU. (2025). FIU Human Resources. https://hr.fiu.edu/.

Zabinski, Z., & Black, B. S. (2022). The deterrent effect of tort law: Evidence from medical malpractice reform. *Journal of Health Economics*, *84*, 102638. https://doi.org/10.1016/j.jhealeco.2022.102638.

Zimbalist, A. (2023, January 22). *Who Wins With College Sports?* EconoFact. https://econofact.org/who-wins-with-college-sports.

Zoorob, M. (2018). Does 'right to work' imperil the right to health? The effect of labour unions on workplace fatalities. *Occupational and Environmental Medicine*, *75*(10), 736–738. https://doi.org/10.1136/oemed-2017-104747.