

By the Committee on Regulated Industries and Senator King

315-1971-00

1                                   A bill to be entitled  
2           An act relating to athlete agents; amending s.  
3           468.456, F.S.; providing an additional  
4           prohibited act as grounds for disciplinary  
5           action; requiring suspension or revocation of  
6           license for certain violations; creating s.  
7           468.45615, F.S.; prohibiting the provision of  
8           illegal inducements to athletes; providing  
9           penalties; amending s. 468.4562, F.S.;  
10          providing for the award of treble damages to  
11          colleges or universities that prevail in civil  
12          actions with respect to illegal acts by athlete  
13          agents; providing an effective date.

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

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17           Section 1. Paragraph (o) is added to subsection (1) of  
18 section 468.456, Florida Statutes, and subsection (3) of that  
19 section is amended to read:

20           468.456 Prohibited acts.--

21           (1) The following acts shall be grounds for the  
22 disciplinary actions provided for in subsection (3):

23           (o) Knowingly being employed by, being utilized by, or  
24 otherwise collaborating with a person to recruit a student  
25 athlete who has been convicted or found guilty of, or who has  
26 entered a plea of nolo contendere to, regardless of  
27 adjudication, a violation of s. 468.45615.

28           (3) When the department finds any person guilty of any  
29 of the prohibited acts set forth in subsection (1), the  
30 department may enter an order imposing one or more of the  
31 penalties provided for in s. 455.227. In addition to any other

1 penalties or disciplinary actions provided for in this part,  
2 the department shall suspend or revoke the license of any  
3 athlete agent licensed under this part who violates paragraph  
4 (f) or paragraph (o) or s. 468.45615.

5 Section 2. Section 468.45615, Florida Statutes, is  
6 created to read:

7 468.45615 Provision of illegal inducements to athletes  
8 prohibited; penalties; license suspension.--

9 (1) Any person who violates s. 468.456(1)(f) is guilty  
10 of a felony of the second degree, punishable as provided in s.  
11 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091.

12 (2)(a) Any person convicted or found guilty of, or  
13 entering a plea of nolo contendere to, regardless of  
14 adjudication, the violation described in subsection (1) shall  
15 not employ, utilize, or otherwise collaborate with a licensed  
16 or unlicensed athlete agent in Florida to recruit student  
17 athletes. Any person who violates the provisions of this  
18 subsection is guilty of a felony of the second degree,  
19 punishable as provided in s. 775.082, s. 775.083, s. 775.084,  
20 s. 775.089, or s. 775.091.

21 (b) Any person who knowingly actively assists in the  
22 recruitment of student athletes for a person who has been  
23 convicted or found guilty of, or entered a plea of nolo  
24 contendere to, regardless of adjudication, a violation of this  
25 section is guilty of a felony of the second degree, punishable  
26 as provided in s. 775.082, s. 775.083, s. 775.084, s. 775.089,  
27 or s. 775.091.

28 (3) In addition to any other penalties provided in  
29 this section, the court may automatically suspend the license  
30 of the person pending the outcome of any administrative action  
31 against the person by the department.

1           Section 3. Subsections (1) and (3) of section  
2 468.4562, Florida Statutes, are amended to read:

3           468.4562 Civil action by institution.--

4           (1) A college or university may sue for damages, as  
5 provided by this section, any person who violates this part.  
6 A college or university may seek equitable relief to prevent  
7 or minimize harm arising from acts or omissions which are or  
8 would be a violation of this part.

9           (3) An institution that prevails in a suit brought  
10 under this section may recover:

11           (a) Actual damages;

12           (b) Punitive damages;

13           (c) Treble damages;

14           (d)~~(e)~~ Court costs; and

15           (e)~~(d)~~ Reasonable attorney's fees.

16           Section 4. This act shall take effect October 1, 2000.

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18           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19           COMMITTEE SUBSTITUTE FOR  
20           Senate Bill 2468

21 The Committee Substitute for Senate Bill 2468 provides that  
22 athlete agents, as well as those who collaborate with athlete  
23 agents, who provide illegal inducements to student athletes,  
24 are guilty of a second degree felony. The bill provides new  
25 civil and administrative penalties. The bill also allows  
26 colleges and universities that prevail in civil suits to  
27 recover treble damages rather than actual damages.  
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