

By the Committees on Judiciary, Regulated Industries and
Senator King

308-2189-00

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.

14
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) Being employed to illegally recruit or solicit
24 student athletes by being utilized by or otherwise
25 collaborating with a person known to have been convicted or
26 found guilty of, or to have entered a plea of nolo contendere
27 to, a violation of s. 468.45615, regardless of adjudication.

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

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

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

17
18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 CS/SB 2468

21 Clarifies that a person commits a second degree felony if he
22 or she is employed for the purpose of illegally recruiting or
23 soliciting a student athlete through use by or collaboration
24 with a person who has been previously convicted or pled nolo
25 contendere to an illegal inducement of a student athlete to
26 enter into a contract.

27 Clarifies that a person who has been previously convicted or
28 pled nolo contendere to illegal inducement of a student
29 athlete to enter into a contract commits a second degree
30 felony if he or she employs, uses or collaborates with a
31 licensed or unlicensed athlete agent in order to illegally
recruit or solicit a student athlete.

Clarifies that a person commits a second degree felony if he
or she knowingly assists a person to illegally recruit or
solicit student athletes if such person has been previously
convicted or has pled nolo contendere to illegal inducement of
a student athlete, or to illegally recruit a student athlete.