



432296

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2016	.	
	.	
	.	
	.	

The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete line 515

and insert:

Section 29. Section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

(1) Any of the following acts shall be grounds for the civil causes of action ~~disciplinary actions~~ and remedies as provided for in s. 468.4562 subsection (3):



432296

11 ~~(a) A violation of any law relating to the practice as an~~
12 ~~athlete agent including, but not limited to, violations of this~~
13 ~~part and chapter 455 and any rules promulgated thereunder.~~

14 ~~(a)(b)~~ Failure to account for or to pay, within a
15 reasonable time, not to exceed 30 days, assets belonging to
16 another which have come into the control of the athlete agent in
17 the course of conducting business as an athlete agent.

18 ~~(b)(e)~~ Any conduct as an athlete agent which demonstrates
19 bad faith or dishonesty.

20 ~~(c)(d)~~ Commingling money or property of another person with
21 the athlete agent's money or property. Every athlete agent shall
22 maintain a separate trust or escrow account in an insured bank
23 or savings and loan association located in this state in which
24 shall be deposited all proceeds received for another person
25 through the athlete agent.

26 ~~(d)(e)~~ Accepting as a client a student athlete referred by
27 and in exchange for any consideration made to an employee of or
28 a coach for a college or university located in this state.

29 ~~(e)(f)~~ Offering anything of value to any person to induce a
30 student athlete to enter into an agreement by which the agent
31 will represent the student athlete. However, negotiations
32 regarding the agent's fee shall not be considered an inducement.

33 ~~(g) Knowingly providing financial benefit from the~~
34 ~~licensee's conduct of business as an athlete agent to another~~
35 ~~athlete agent whose license to practice as an athlete agent is~~
36 ~~suspended or has been permanently revoked within the previous 5~~
37 ~~years.~~

38 ~~(f)(h)~~ Committing mismanagement or misconduct as an athlete
39 agent which causes financial harm to a student athlete or



432296

40 college or university.

41 ~~(i) Failing to include the athlete agent's name and license~~
42 ~~number in any advertising related to the business of an athlete~~
43 ~~agent. Advertising shall not include clothing or other novelty~~
44 ~~items.~~

45 ~~(j)~~ (g) Publishing or causing to be published false or
46 misleading information or advertisements, or giving any false
47 information or making false promises to a student athlete
48 concerning employment or financial services.

49 ~~(k)~~ (h) Violating or aiding and abetting another person to
50 violate the rules of the athletic conference or collegiate
51 athletic association governing a student athlete or student
52 athlete's college or university.

53 ~~(l)~~ (i) Having contact, as prohibited by this part, with a
54 student athlete.

55 ~~(m)~~ (j) Postdating agent contracts.

56 ~~(n) Having an athlete agent certification acted against by~~
57 ~~a professional athletic club or association.~~

58 ~~(o)~~ (k) Being employed to illegally recruit or solicit
59 student athletes by being utilized by or otherwise collaborating
60 with a person known to have been convicted or found guilty of,
61 or to have entered a plea of nolo contendere to, a violation of
62 s. 468.45615, regardless of adjudication.

63 (2) This part does not prohibit an athlete agent from:

64 (a) Sending to a student athlete written materials provided
65 that the athlete agent simultaneously sends an identical copy of
66 such written materials to the athletic director, or the
67 director's designee, of the college or university in which the
68 student athlete is enrolled or to which the student athlete has



69 provided a written intent to participate in intercollegiate
70 athletics; and

71 (b) Otherwise contacting a student athlete, provided that
72 the student athlete initiates the contact with the athlete
73 agent, and the athlete agent gives prior notice, as provided for
74 by rule of the department, to the college or university in which
75 the student athlete is enrolled or to which the student athlete
76 has provided a written intent to participate in intercollegiate
77 athletics.

78 ~~(3) When the department finds any person guilty of any of~~
79 ~~the prohibited acts set forth in subsection (1), the department~~
80 ~~may enter an order imposing one or more of the penalties~~
81 ~~provided for in s. 455.227, and an administrative fine not to~~
82 ~~exceed \$25,000 for each separate offense. In addition to any~~
83 ~~other penalties or disciplinary actions provided for in this~~
84 ~~part, the department shall suspend or revoke the license of any~~
85 ~~athlete agent licensed under this part who violates paragraph~~
86 ~~(1)(f) or paragraph (1)(e) or s. 468.45615.~~

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete lines 66 - 68

91 and insert:

92 contract is void and unenforceable; amending s.
93 468.456, F.S.; providing that certain actions are
94 grounds for civil causes of action and remedies;
95 deleting a provision authorizing the department to
96 impose certain penalties and fines; deleting the
97 requirement to suspend or revoke an athlete agent's



432296

98 license for certain violations; repealing s. 468.4561,
99 F.S., relating to