

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Grant, J. offered the following:

Substitute Amendment for Amendment (370715) (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. This act may be cited as the "Intercollegiate Athlete Bill of Rights."

Section 2. Section 1006.74, Florida Statutes, is created to read:

1006.74 Intercollegiate athlete compensation and rights.-
The Legislature finds that intercollegiate athletics provide intercollegiate athletes with significant educational opportunities. However, participation in intercollegiate

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14 athletics should not infringe upon an intercollegiate athlete's
15 ability to earn compensation for her or his name, image,
16 likeness, or persona. An intercollegiate athlete must have an
17 equal opportunity to control and profit from the commercial use
18 of her or his name, image, likeness, and persona and be
19 protected from unauthorized appropriation and commercial
20 exploitation of her or his right to publicity, including her or
21 his name, image, likeness, and persona. Moreover, an
22 intercollegiate athlete's inability to participate in
23 intercollegiate athletics due to an injury should not impair her
24 or his future health or academic success.

25 (1) DEFINITIONS.—As used in this section, the term:

26 (a) "Athletic program" means an intercollegiate athletic
27 program at a postsecondary educational institution.

28 (b) "Disability insurance" means insurance covering
29 disability compensation benefits for an intercollegiate athlete
30 participating in an athletic program.

31 (c) "Health insurance" means primary health insurance
32 covering injuries resulting from the intercollegiate athlete's
33 participation in an athletic program that provides for all
34 medically necessary treatment and care until the intercollegiate
35 athlete is restored to her or his condition before the injury.

36 (d) "Injury" means an injury sustained by an
37 intercollegiate athlete while participating in an athletic
38 program's activities.

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39 (e) "Insurance" means health insurance and disability
40 insurance.

41 (f) "Intercollegiate athlete" means a student who
42 participates in an athletic program. The term includes a former
43 intercollegiate athlete who suffered an injury.

44 (g) "Partial disability" means the intercollegiate
45 athlete's incapacity because of the injury to earn full-time
46 wages.

47 (h) "Physician" means a physician licensed under chapter
48 458, an osteopathic physician licensed under chapter 459, a
49 podiatric physician licensed under chapter 461, or an
50 optometrist licensed under chapter 463.

51 (i) "Postsecondary educational institution" means a state
52 university, a Florida College System institution, or a private
53 college or university receiving aid under chapter 1009.

54 (j) "Total disability" means an intercollegiate athlete's
55 inability to earn wages because of an injury.

56 (2) INTERCOLLEGIATE ATHLETES' COMPENSATION AND RIGHTS AND
57 POSTSECONDARY EDUCATIONAL INSTITUTIONS RESPONSIBILITIES.-
58 Effective July 1, 2021:

59 (a) An intercollegiate athlete at a postsecondary
60 educational institution may earn compensation for her or his
61 name, image, likeness, or persona. Such compensation must be
62 commensurate with the market value of the services provided. To
63 preserve the integrity, quality, character, and amateur nature

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64 of intercollegiate athletics and to maintain a clear separation
65 between amateur intercollegiate athletics and professional
66 sports, such compensation may not be provided in exchange for
67 athletic performance or attendance at a particular institution.

68 (b) A postsecondary educational institution may not adopt
69 or maintain a contract, rule, regulation, standard, or other
70 requirement that prevents or unduly restricts an intercollegiate
71 athlete from earning compensation for the use of her or his
72 name, image, likeness, or persona. Earning such compensation may
73 not affect the intercollegiate athlete's grant-in-aid or
74 athletic eligibility.

75 (c) A postsecondary educational institution, an entity
76 whose purpose includes supporting or benefitting the institution
77 or its athletic programs, or an officer, director, or employee
78 of such institution or entity may not compensate or cause
79 compensation to be directed to a current or prospective
80 intercollegiate athlete for her or his name, image, likeness, or
81 persona.

82 (d) A postsecondary educational institution may not
83 prevent or unduly restrict an intercollegiate athlete from
84 obtaining professional representation by an athlete agent or
85 attorney engaged for the purpose of securing compensation for
86 her or his name, image, likeness, or persona. Pursuant to s.
87 468.453(8), an athlete agent representing an intercollegiate
88 athlete for purposes of securing compensation for her or his

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89 name, image, likeness, or persona must be licensed under part IX
90 of chapter 468. An attorney representing an intercollegiate
91 athlete for purposes of securing compensation for her or his
92 name, image, likeness, or persona must be a member in good
93 standing of The Florida Bar.

94 (e) Grant-in-aid, including cost of attendance, awarded to
95 an intercollegiate athlete by a postsecondary educational
96 institution is not compensation for the purposes of this
97 subsection, and may not be revoked or reduced as a result of an
98 intercollegiate athlete earning compensation or obtaining
99 professional representation under this subsection.

100 (f) An intercollegiate athlete under the age of 18 years
101 must have any contract for compensation for her or his name,
102 image, likeness, or persona approved under ss. 743.08 and
103 743.09.

104 (g) An intercollegiate athlete's contract for compensation
105 for her or his name, image, likeness, or persona may not violate
106 this subsection.

107 (h) An intercollegiate athlete may not enter into a
108 contract for compensation for her or his name, image, likeness,
109 or persona if a term of the contract materially conflicts with a
110 term of the intercollegiate athlete's team contract. A
111 postsecondary educational institution asserting a conflict under
112 this paragraph must disclose each relevant contract term that

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113 conflicts with the team contract to the intercollegiate athlete
114 or her or his representative.

115 (i) An intercollegiate athlete who enters into a contract
116 for compensation for her or his name, image, likeness, or
117 persona shall disclose the contract to the postsecondary
118 educational institution at which she or he is enrolled, in a
119 manner designated by the institution.

120 (j) The duration of a contract for representation of an
121 intercollegiate athlete or compensation of an intercollegiate
122 athlete's name, image, likeness, or persona may not extend
123 beyond her or his participation in an athletic program at a
124 postsecondary educational institution.

125 (3) POSTSECONDARY EDUCATIONAL INSTITUTION HEALTH AND
126 DISABILITY INSURANCE REQUIREMENTS.—Each postsecondary
127 educational institution shall:

128 (a)1. Maintain for each intercollegiate athlete health
129 insurance and disability insurance that meets the requirements
130 of subparagraphs 3. and 4., respectively, by:

131 a. Verifying that the intercollegiate athlete is provided
132 the benefits required by this section by her or his own
133 insurance or insurance provided by an immediate family member;

134 b. Providing insurance covering the intercollegiate
135 athlete;

136 c. Participating in an insurance program, which provides
137 at least the benefits required by this section, offered by an

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138 intercollegiate athletics sanctioning body or intercollegiate
139 athletics association of which the postsecondary educational
140 institution is a member; or

141 d. Any combination of sub-subparagraphs a.-c.

142 2. If the intercollegiate athlete's insurance under sub-
143 subparagraph 1.a. lapses or does not provide the required
144 medical benefits, the postsecondary educational institution must
145 provide coverage under sub-subparagraph 1.b. or sub-subparagraph
146 1.c., or a combination thereof, beginning with the first dollar
147 of a claim. If coverage is secured under sub-subparagraph 1.a.,
148 any deductible, copay, or coinsurance amounts must be paid by
149 the postsecondary educational institution or an intercollegiate
150 athletics association, conference, or organization of which the
151 postsecondary educational institution is a member. If coverage
152 is secured under sub-subparagraph 1.b. or sub-subparagraph 1.c.,
153 or a combination thereof, the entire premium and any deductible,
154 copay, or coinsurance amounts must be paid by the postsecondary
155 educational institution or an intercollegiate athletics
156 association, conference, or organization of which the
157 postsecondary educational institution is a member.

158 3. Health insurance under subparagraph 1. must include
159 dental benefits for dental conditions related to the injury,
160 medically necessary emergency and nonemergency medical
161 transportation, professional and nonprofessional attendant care,
162 prosthetics, orthotics, durable medical equipment, and medically

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163 necessary physical rehabilitation and vocational rehabilitation
164 benefits.

165 4. Disability insurance under subparagraph 1. must provide
166 at least \$400 per month for the first 12 months of total
167 disability and \$2,700 per month for each month of total
168 disability beyond the first 12 months of total disability; at
169 least \$270 per month for the first 12 months of partial
170 disability and \$1,800 per month for each month of partial
171 disability beyond the first 12 months of partial disability; and
172 a death benefit of at least \$25,000.

173 (b) Provide an intercollegiate athlete who was receiving
174 athletic related grant-in-aid and is in good standing, an
175 equivalent grant-in-aid for:

176 1. Up to one academic year or until the intercollegiate
177 athlete completes her or his primary undergraduate degree,
178 whichever is shorter, if the intercollegiate athlete has
179 exhausted athletic eligibility.

180 2. Up to five academic years or until the intercollegiate
181 athlete completes her or his primary undergraduate degree,
182 whichever is shorter, if the intercollegiate athlete suffered an
183 injury, and an independent physician with a specialty
184 appropriate to each applicable injury determines that she or he
185 is medically ineligible to participate in intercollegiate
186 athletics.

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187 (c) Conduct a financial literacy and life skills workshop
188 for a minimum of 5 hours at the beginning of the intercollegiate
189 athlete's first and third academic years. The workshop shall, at
190 a minimum, include information concerning financial aid, debt
191 management, and a recommended budget for full and partial grant-
192 in-aid intercollegiate athletes based on the current academic
193 year's cost of attendance. The workshop shall also include
194 information on time management skills necessary for success as
195 an intercollegiate athlete and available academic resources. The
196 workshop may not include any marketing, advertising, referral,
197 or solicitation by providers of financial products or services.

198 (4) LIMITATIONS.-

199 (a) This section does not require the medical treatment of
200 a preexisting medical condition except to the extent that the
201 preexisting medical condition is aggravated by the injury or
202 treatment of the preexisting medical condition is medically
203 necessary to the treatment of the injury.

204 (b) State funds may not be used to comply with the
205 requirements of this section.

206 (c) An injury must be reported by the earlier of the 30th
207 day after occurrence of the injury, the 30th day after the
208 intercollegiate athlete knew or should have known that an injury
209 existed, or 2 years after the intercollegiate athlete separates
210 from the postsecondary educational institution.

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211 (d) An intercollegiate athlete's claim for benefits
212 related to an injury is barred after 2 years after the report of
213 injury or 2 years after provision of compensable medical
214 treatment, whichever is later.

215 (e) For a former intercollegiate athlete receiving
216 disability compensation benefits under this section who is
217 earning wages while receiving such benefits or is determined by
218 a functional capacity expert to be capable of earning wages,
219 beginning 12 months after the date of the injury, the benefit
220 shall be reduced by an amount equal to one half of the former
221 intercollegiate athlete's after tax earnings in excess of the
222 base amount. The base amount shall be \$1,000 for the first 12
223 months the reduction provided by this paragraph is applied and
224 shall increase by 2.5 percent annually thereafter. If the former
225 intercollegiate athlete is determined by a functional capacity
226 expert to have a wage earning capacity, but is not earning
227 wages, the disability compensation benefit shall be reduced by
228 one-half for any period more than 12 months after the date of
229 the injury that the former intercollegiate athlete is not
230 earning wages, unless the former intercollegiate athlete
231 documents her or his employment search, which must include at
232 least four employment applications submitted monthly.

233 (5) REGULATIONS AND RULES.—The Board of Governors and the
234 State Board of Education shall adopt regulations and rules,
235 respectively, to implement this section.

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236 Section 3. Subsections (8) and (9) are added to section
237 468.453, Florida Statutes, to read:

238 468.453 Licensure required; qualifications; license
239 nontransferable; service of process; temporary license; license
240 or application from another state.—

241 (8) Notwithstanding subsection (3), a person must hold a
242 valid license as an athlete agent to act as an athlete agent
243 representing an intercollegiate athlete for purposes of
244 contracts authorized under s. 1006.74.

245 (9) Notwithstanding athletic conference or collegiate
246 athletic association rules, bylaws, regulations, and policies to
247 the contrary, an athlete agent may represent an intercollegiate
248 athlete in securing compensation for use of her or his name,
249 image, likeness, and persona under s. 1006.74. An athlete agent
250 is not subject to discipline under s. 468.456(1)(k) for
251 representing an intercollegiate athlete under s. 1006.74.

252 Section 4. Paragraph (d) of subsection (6) of section
253 212.20, Florida Statutes, is amended to read:

254 212.20 Funds collected, disposition; additional powers of
255 department; operational expense; refund of taxes adjudicated
256 unconstitutionally collected.—

257 (6) Distribution of all proceeds under this chapter and
258 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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259 (d) The proceeds of all other taxes and fees imposed
260 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
261 and (2)(b) shall be distributed as follows:

262 1. In any fiscal year, the greater of \$500 million, minus
263 an amount equal to 4.6 percent of the proceeds of the taxes
264 collected pursuant to chapter 201, or 5.2 percent of all other
265 taxes and fees imposed pursuant to this chapter or remitted
266 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
267 monthly installments into the General Revenue Fund.

268 2. After the distribution under subparagraph 1., 8.9744
269 percent of the amount remitted by a sales tax dealer located
270 within a participating county pursuant to s. 218.61 shall be
271 transferred into the Local Government Half-cent Sales Tax
272 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
273 transferred shall be reduced by 0.1 percent, and the department
274 shall distribute this amount to the Public Employees Relations
275 Commission Trust Fund less \$5,000 each month, which shall be
276 added to the amount calculated in subparagraph 3. and
277 distributed accordingly.

278 3. After the distribution under subparagraphs 1. and 2.,
279 0.0966 percent shall be transferred to the Local Government
280 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
281 to s. 218.65.

282 4. After the distributions under subparagraphs 1., 2., and
283 3., 2.0810 percent of the available proceeds shall be

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284 transferred monthly to the Revenue Sharing Trust Fund for
285 Counties pursuant to s. 218.215.

286 5. After the distributions under subparagraphs 1., 2., and
287 3., 1.3653 percent of the available proceeds shall be
288 transferred monthly to the Revenue Sharing Trust Fund for
289 Municipalities pursuant to s. 218.215. If the total revenue to
290 be distributed pursuant to this subparagraph is at least as
291 great as the amount due from the Revenue Sharing Trust Fund for
292 Municipalities and the former Municipal Financial Assistance
293 Trust Fund in state fiscal year 1999-2000, no municipality shall
294 receive less than the amount due from the Revenue Sharing Trust
295 Fund for Municipalities and the former Municipal Financial
296 Assistance Trust Fund in state fiscal year 1999-2000. If the
297 total proceeds to be distributed are less than the amount
298 received in combination from the Revenue Sharing Trust Fund for
299 Municipalities and the former Municipal Financial Assistance
300 Trust Fund in state fiscal year 1999-2000, each municipality
301 shall receive an amount proportionate to the amount it was due
302 in state fiscal year 1999-2000.

303 6. Of the remaining proceeds:

304 a. In each fiscal year, the sum of \$29,915,500 shall be
305 divided into as many equal parts as there are counties in the
306 state, and one part shall be distributed to each county. The
307 distribution among the several counties must begin each fiscal
308 year on or before January 5th and continue monthly for a total

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309 of 4 months. If a local or special law required that any moneys
310 accruing to a county in fiscal year 1999-2000 under the then-
311 existing provisions of s. 550.135 be paid directly to the
312 district school board, special district, or a municipal
313 government, such payment must continue until the local or
314 special law is amended or repealed. The state covenants with
315 holders of bonds or other instruments of indebtedness issued by
316 local governments, special districts, or district school boards
317 before July 1, 2000, that it is not the intent of this
318 subparagraph to adversely affect the rights of those holders or
319 relieve local governments, special districts, or district school
320 boards of the duty to meet their obligations as a result of
321 previous pledges or assignments or trusts entered into which
322 obligated funds received from the distribution to county
323 governments under then-existing s. 550.135. This distribution
324 specifically is in lieu of funds distributed under s. 550.135
325 before July 1, 2000.

326 b.(I) The department shall distribute \$166,667 monthly to
327 each applicant certified as a facility for a new or retained
328 professional sports franchise pursuant to s. 288.1162. Up to
329 \$41,667 shall be distributed monthly by the department to each
330 certified applicant as defined in s. 288.11621 for a facility
331 for a spring training franchise. However, not more than \$416,670
332 may be distributed monthly in the aggregate to all certified
333 applicants for facilities for spring training franchises.

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334 Distributions begin 60 days after such certification and
335 continue for not more than 30 years, except as otherwise
336 provided in s. 288.11621. A certified applicant identified in
337 this sub-subparagraph may not receive more in distributions than
338 expended by the applicant for the public purposes provided in s.
339 288.1162(5) or s. 288.11621(3).

340 (II) A certified applicant whose:

341 (A) Sports franchise is a part of the National Football
342 League must allow student athletes directly out of high school
343 to enter the NFL Draft and ensure that the National Collegiate
344 Athletic Association expands its College Football Playoff to an
345 eight team playoff structure to maintain its eligibility for
346 funds under this section.

347 (B) Sports franchise is a part of Major League Baseball
348 must require the Commissioner of Major League Baseball to
349 reinstate Pete Rose into the league, to ensure his selection
350 into the National Baseball Hall of Fame, and ensure that Major
351 League Baseball repeals the Designated Hitter Rule, to maintain
352 its eligibility for funds under this section.

353 (C) Sports franchise is a part of the National Basketball
354 Association must allow student athletes directly out of high
355 school to enter the NBA Draft and ensure that the National
356 Basketball Association implements a 4-point line to maintain its
357 eligibility for funds under this section.

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358 (D) Sports franchise is part of the Professional Golfers'
359 Association must ensure that the state hosts a United States
360 Open Championship to maintain its eligibility for funds under
361 this section.

362 c. Beginning 30 days after notice by the Department of
363 Economic Opportunity to the Department of Revenue that an
364 applicant has been certified as the professional golf hall of
365 fame pursuant to s. 288.1168 and is open to the public, \$166,667
366 shall be distributed monthly, for up to 300 months, to the
367 applicant.

368 d. Beginning 30 days after notice by the Department of
369 Economic Opportunity to the Department of Revenue that the
370 applicant has been certified as the International Game Fish
371 Association World Center facility pursuant to s. 288.1169, and
372 the facility is open to the public, \$83,333 shall be distributed
373 monthly, for up to 168 months, to the applicant. This
374 distribution is subject to reduction pursuant to s. 288.1169. A
375 lump sum payment of \$999,996 shall be made after certification
376 and before July 1, 2000.

377 e. The department shall distribute up to \$83,333 monthly
378 to each certified applicant as defined in s. 288.11631 for a
379 facility used by a single spring training franchise, or up to
380 \$166,667 monthly to each certified applicant as defined in s.
381 288.11631 for a facility used by more than one spring training
382 franchise. Monthly distributions begin 60 days after such

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383 certification or July 1, 2016, whichever is later, and continue
384 for not more than 20 years to each certified applicant as
385 defined in s. 288.11631 for a facility used by a single spring
386 training franchise or not more than 25 years to each certified
387 applicant as defined in s. 288.11631 for a facility used by more
388 than one spring training franchise. A certified applicant
389 identified in this sub-subparagraph may not receive more in
390 distributions than expended by the applicant for the public
391 purposes provided in s. 288.11631(3).

392 f. Beginning 45 days after notice by the Department of
393 Economic Opportunity to the Department of Revenue that an
394 applicant has been approved by the Legislature and certified by
395 the Department of Economic Opportunity under s. 288.11625 or
396 upon a date specified by the Department of Economic Opportunity
397 as provided under s. 288.11625(6)(d), the department shall
398 distribute each month an amount equal to one-twelfth of the
399 annual distribution amount certified by the Department of
400 Economic Opportunity for the applicant. The department may not
401 distribute more than \$7 million in the 2014-2015 fiscal year or
402 more than \$13 million annually thereafter under this sub-
403 subparagraph.

404 g. Beginning December 1, 2015, and ending June 30, 2016,
405 the department shall distribute \$26,286 monthly to the State
406 Transportation Trust Fund. Beginning July 1, 2016, the

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407 department shall distribute \$15,333 monthly to the State
408 Transportation Trust Fund.

409 7. All other proceeds must remain in the General Revenue
410 Fund.

411 Section 5. This act shall take effect July 1, 2020.

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414 -----

415 **T I T L E A M E N D M E N T**

416 Remove everything before the enacting clause and insert:

417 A bill to be entitled

418 An act relating to intercollegiate athlete

419 compensation and rights; providing a short title;

420 creating s. 1006.74, F.S.; providing legislative

421 findings; providing definitions; authorizing certain

422 intercollegiate athletes to earn compensation for

423 their names, images, likenesses, and personas

424 beginning on a date certain; providing requirements

425 for such compensation; prohibiting postsecondary

426 educational institutions from adopting or maintaining

427 rules, regulations, standards, or other requirements

428 that prevents or unduly restricts intercollegiate

429 athletes from earning specified compensation;

430 providing that certain compensation does not affect

431 certain intercollegiate athlete eligibilities;

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432 prohibiting a postsecondary educational institution,
433 certain entities, and specified individuals from
434 compensating or causing compensation to be directed to
435 intercollegiate athletes or prospective
436 intercollegiate athletes for their names, images,
437 likenesses, or personas; prohibiting a postsecondary
438 educational institution from preventing or unduly
439 restricting intercollegiate athletes from obtaining
440 specified representation; requiring athlete agents and
441 attorneys to meet specified requirements; providing
442 that specified aid for intercollegiate athletes is not
443 considered compensation; prohibiting the revocation or
444 reduction of certain aid as a result of
445 intercollegiate athletes earning certain compensation
446 or obtaining specified representation; providing
447 approval requirements for certain contracts for
448 compensation for intercollegiate athletes who are
449 minors; providing contract requirements; prohibiting
450 intercollegiate athletes from entering into contracts
451 for specified compensation that materially conflict
452 with terms of her or his team contract; providing
453 intercollegiate athlete contract disclosure
454 requirements; requiring postsecondary educational
455 institutions to maintain certain insurance for
456 intercollegiate athletes; providing requirements for

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457 such insurance; requiring postsecondary educational
458 institutions to provide specified grant-in-aid to
459 intercollegiate athletes under certain circumstances
460 and provide a specified workshop; providing
461 requirements for such grant-in-aid and workshop;
462 providing applicability; prohibiting the use of state
463 funds for specified purposes; providing requirements
464 for reporting certain injuries and claims for benefits
465 related to certain injuries; providing requirements
466 for certain disability compensation benefits;
467 requiring the Board of Governors and the State Board
468 of Education to adopt regulations and rules,
469 respectively; amending s. 468.453, F.S.; providing
470 requirements for certain athlete agents; providing an
471 exemption from specified disciplinary actions;
472 amending s. 212.20, F.S.; requiring certain entities
473 relating to professional sports franchises to meet
474 specified requirements to remain eligible for certain
475 state funds; providing an effective date.

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