

Florida Statutes -- Athlete Agents, Chapter 468, Part IX.

**CHAPTER 468, PART IX
ATHLETE AGENTS**

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468.451 Legislative findings and intent.-- The Legislature finds that dishonest or unscrupulous practices by agents who solicit representation of student athletes can cause significant harm to student athletes and the academic institutions for which they play. It is the intent of the Legislature to protect the interests of student athletes and academic institutions by regulating the activities of athlete agents which involve student athletes at colleges or universities in the state.

History.--s. 1, ch. 88-229.

468.452 Definitions.-- For purposes of ss. 468.451 -- 468.457, the term:

- (1) "Agent contract" means a contract or agreement pursuant to which a student athlete authorizes an athlete agent to represent him in the marketing of his athletic ability or reputation in a sport.
- (2) "Athlete agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who for a fee procures, offers, promises, or attempts to obtain employment for a student athlete with a professional sports team or as a professional athlete.
- (3) "Student athlete" means any athlete who practices for or otherwise participates in the intercollegiate athletics at any college or university that is located in the state.

History. --s. 2, ch. 88-229.

Note.--As enacted by s. 2, ch. 88-229, this section has also been compiled and published at s. 240.5337(1).

468.453 Registration.--

- (1) Each athlete agent must register biennially with the Department of Professional Regulation on forms to be provided by the department and, at the same time, pay to the department a registration fee not to exceed \$500, as set by rule of the department, for which the department shall issue a registration certificate entitling the holder to operate as an athlete agent for a period of 2 years.
- (2) When the business address of any athlete agent operating in this state is changed, the agent must notify the department within 30 days after the change of address.
- (3) It is unlawful for any person to operate as an athlete agent unless he is registered as provided in this section. Violation of this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History. --s. 3, ch. 88-229.

468. 454 Contracts.--

(1) A student athlete who is subject to the rules and regulations of the National Collegiate Athletic Association, National Association for the Intercollegiate Athletics, or National Junior College Athletic Association, and who enters into an agent contract with an athlete agent, or a contract pursuant to which an athlete is employed as a professional athlete, must notify the athletic director or the president of the college or university in which he is enrolled that he has entered into such a contract. Written notification of entering into a contract must be given prior to practicing for or participating in any athletic event on behalf of any college or university or within 72 hours after entering into the contract, whichever occurs first. Failure of the student athlete to provide this notification is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 77.084.

(2) An athletic agent who enters into an agent contract with a student athlete who is subject to the rules and regulations of the National Collegiate Athletic Association, National Association for Intercollegiate Athletics or National Junior College Athletic Association must notify the athletic director or the president of the college or university in which the student athlete is enrolled that the student athlete has entered into such a contract. Written notification of such a contract must be given prior to the student athlete's practicing for or participating in any athletic event on behalf of any college or university or within 72 hours after entering into said contract, whichever occurs first. Failure of the athlete agent to provide this notification is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.

(3) Any student athlete or athlete agent that entered into a contract prior to October 1, 1988, shall be subject to the notification requirement as of October 1, 1988.

(4) An agent contract between a student athlete and an athlete agent must have a notice printed near the space for the student athlete's signature which must contain the following statement in ten-point boldface type:

"WARNING: IF YOU AS A STUDENT ATHLETE SIGN THIS CONTRACT, YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. PURSUANT TO FLORIDA LAW, YOU MUST NOTIFY THE ATHLETIC DIRECTOR OR PRESIDENT OF YOUR COLLEGE OR UNIVERSITY IN WRITING PRIOR TO PRACTICING FOR OR PARTICIPATING IN ANY ATHLETIC EVENT ON BEHALF OF ANY COLLEGE OR UNIVERSITY OR WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT, WHICHEVER OCCURS FIRST. FAILURE TO PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE."

(5) An agent contract entered into between a student athlete and an athlete agent who failed to provide the notification required by this section is void and unenforceable.

(6) Any student athlete or athlete agent who enters into an agent contract and fails to provide the notification required by this section is liable for damages to the college or university in which the student athlete is enrolled that result from the student athlete's subsequent ineligibility. In addition to damages, if any, awarded pursuant to this section, treble damages may be assessed in an amount equal to three times the value of the athletic scholarship furnished by the institution to the student athlete during the student athlete's period of eligibility.

(7) Within 10 days after the date on which the contractual relationship between the athlete agent and the student athlete arises or after notification of such contractual relationship is received by the athletic director or president of the college or university in which the student is enrolled, whichever occurs later, the student athlete shall have the right to rescind the contract or any contractual relationship with the athlete agent by giving notice in writing of his intent to rescind. Such rescission shall be effective upon repayment by the student athlete to the athlete agent of any monetary amounts paid to the student athlete by the athlete agent,

exclusive of travel, lodging, meals and entertainment, or reimbursement therefor, furnished by the athlete agent to the student athlete. The student athlete may not under any circumstances effect a waiver of his right to rescind, and any attempt to do so shall be ineffective.

(8) Postdating of agent contracts is prohibited, and any such postdated contract is void and unenforceable. Execution of such postdated contract is a violation of ss. 468.451-468.457.

History. --ss. 4, 5, 6, ch. 88-229.

Note.--As enacted by ss. 4, 5, 6, ch. 88-229, this section has also been compiled and published at s. 240.5337(2)-(9).

Note.--Section 775.084 was amended by s. 6, ch. 88-131, deleting all reference to misdemeanors.

468.455 Suspension or revocation of registration.-- The department may suspend or revoke the registration of any athlete agent registered under s. 468.453 for failure to comply with the provisions of ss. 468.451-468.457.

History. --ss. 4, 5, 6, ch. 88-229.

468.456 Prohibited Acts.--

- (1) An agent shall not publish or cause to be published false or misleading information or advertisements, nor give any false information or make false promises to an athlete concerning employment.
- (2) An agent shall not accept as a client a student athlete referred by an employee of or a coach for a college or university located in this state in exchange for the rendition of free legal services, the rendition of legal services for a reduced fee or any other consideration.
- (3) An athlete agent shall not enter into any agreement, written or oral, by which the athlete agent offers anything of value to any employee of or coach for a college or university located in this state in return for the referral of any student athlete clients by that employee or coach.
- (4) An athlete agent shall not offer anything of value to induce a student athlete to enter into a agreement by which the agent will represent the student athlete. However, negotiations regarding the agent's fee shall not be considered an inducement.
- (5) An agent shall not conduct business as an athlete agent if his registration is suspended.

History. --s. 9, ch. 88-229.

468. 457 Rulemaking Authority.-- The department may adopt rules necessary to enforce ss. 468.451-468.456.