

**Florida Administrative Code -- Athlete Agents, Rules 21-24.**

**ATHLETE AGENTS  
RULES 21-24**

**FLORIDA ADMINISTRATIVE CODE**

NAME OF THE AGENCY: DEPARTMENT OF PROFESSIONAL REGULATION  
RULE TITLE: ATHLETE AGENTS  
RULE NUMBER: 21-24.001 THROUGH 21-24.011  
THE FULL TEXT OF THE PROPOSED RULE IS:

**21-24.001 Purpose.**

The Department of Professional Regulation is responsible by authority of the Legislature pursuant to the provisions of Sections 1 and 3, Chapter 88-229, Laws of Florida, for the protection of the economic and educational interest of Florida's student athletes as well as the Florida educational institutions which they attend and for which they play. The Department shall meet this responsibility through regulation of athlete agents.

**Specific Authority:** 468.457, Florida Statutes.

**Law Implemented:** 468.451, Florida Statutes.

**History --New 1/4/89.**

**21-24.002 Application Requirements.**

Each athlete agent who wishes to obtain a registration shall submit a completed application form, as prescribed in this rule by the department, together with the registration fee as specified in *Rule 21-24.005, Florida Administrative Code*. **Specific Authority:** 468.457, Florida Statutes.

**Law Implemented:** 468.453, Florida Statutes.

**History --New 1/4/89.**

**21-24.003 Renewal.**

All registrations for athlete agents shall be renewed by March 31 of each even-numbered year on the form, as prescribed in this rule by the Department. Renewals shall be accompanied by a registration renewal fee as specified in *Rule 21-24.006, Florida Administrative Code*. The Department shall notify all registrants of the expiration of their registration not less than sixty (60) days prior to the renewal date.

**Specific Authority:** 468.457, Florida Statutes.

**Law Implemented:** 468.453, Florida Statutes.

**History --New 1/4/89.**

**21-24.004 Collection and Payment of Fees.**

All fees indicated by the schedule below shall be paid in the form of check, bank draft or money order made payable to the Department of Professional Regulation. Unless specifically authorized by rule, all fees are non-refundable.

**Specific Authority:** 468.457, Florida Statutes.

**Law Implemented:** 468.453, Florida Statutes.

**History--**New 1/4/89.

**21-24.005 Initial Fee for Registration.**

The initial fee for registration shall be \$500.00.

**Specific Authority:** 468.457, Florida Statutes.

**Law Implemented:** 468.453, Florida Statutes.

**History--**New 1/4/89.

**21-24.006 Biennial Registration Fee.**

The fee for biennial renewal of registration shall be \$440.00.

**Specific Authority:** 468.457, Florida Statutes.

**Law Implemented:** 468.453, Florida Statutes.

**History--**New 1/4/89.

**21-24.007 Miscellaneous Provisions.**

(1) Upon the initial registration of an athlete agent not previously registered, or upon the renewal of an athlete agent previously registered who has failed to renew his registration as required by law, the Department shall receive the payment of previously unpaid registration fees for all biennial periods during which the athlete agent was subject to the provisions of Chapter 468, Part IV.

(2) Registration issued by the Department prior to March 31, 1990, shall expire on March 31, 1990, and each subsequent registration shall expire on March 31 of each even-numbered year.

**Specific Authority:** 468.457, Florida Statutes.

**Law Implemented:** 468.453(1), Florida Statutes.

**History--**New 1/4/89.

**21-24.008 Probable Cause Determination.**

Pursuant to the provisions of Chapter 120, Florida Statutes and *Section 455.225(3), Florida Statutes*, the Secretary of the Department or his designee shall make the determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 468, Part IV, Florida Statutes, has occurred.

**Specific Authority:** 455.457, Florida Statutes.

**Law Implemented:** Section 468.455, 468.456, Florida Statutes.

**History**--New 1/4/89.

**21-24.009 Grounds for Disciplinary Proceedings.**

(1) Pursuant to *Section 468.456, Florida Statutes*, the Department, to the extent not otherwise set forth in Florida Statutes, hereby specifies that the following acts or omissions are grounds for disciplinary proceedings pursuant to Sections 468.455 and 455.225(3), Florida Statutes.

(2) Publishing or causing to be published false or misleading information or advertisements, or giving any false information or making false promises to a student athlete concerning employment. For the purposes of this rule, the terms "false" and "misleading" as provided in *Section 468.456, Florida Statutes*, shall include without limitation representations or statement that:

(a) involve a material misrepresentation of facts;

(b) involve failure to state any material fact necessary to make a statement, in the light of all circumstances, not misleading;

(c) are intended or are likely to create an unjustified expectation;

(d) represent that beneficial results from any representation of a student athlete will be guaranteed;

(e) involve express or implied representations that the athlete agent has greater experience or resources for representation of the student athlete than actually exist at the time those representations are made;

(f) involve a representation or implication that is likely to cause an ordinary prudent person to misunderstand or be deceived or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive;

(g) includes falsification or misrepresentations of the extent of the athlete agent's education, training or experience to any person or to the public at large, tending to establish or imply qualification for selection for employment as an athlete agent or modification of an existing agent contract and responsibility in or for the subject matter of a prior representation; and

(h) in any brochure or other presentation made to any person or to the public at large, incident to the solicitation of employment as an athlete agent, misrepresent pertinent facts concerning an athlete agent's clients, employer, employees, associates, joint ventures or his or their past accomplishments with the intent and purpose of enhancing his or their qualifications and works.

(3) Failing to register with the Department or failing to renew an athlete agent's registrations as provided in Rule 21-24.003.

(4) Failing to notify the Department of a change in business address as provided in Section 468.053(2), Florida Statutes.

(5) Operating as an athlete agent without being registered.

(6) Violation of the provisions of *Section 468.454, Florida Statutes*.

(7) Violation of the provisions of *Section 468.456, Florida Statutes*.

**Specific Authority:** 468.457, Florida Statutes.

**Law Implemented:** Section 468.453, 468.454, 468.456, Florida Statutes.

**History** --New 1/4/89.

### **21-24.010 Disciplinary Guidelines.**

(1) When the Department finds a registrant whom it regulates under Chapter 468, Part IX, Florida Statutes, has committed any of the acts as set forth in *Rule 21-24.009, Florida Administrative Code*, or Sections 468.453, 468.454 and 468.456, Florida Statutes, it shall issue a Final Order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) Publishing or causing to be published false or misleading information or advertisements, or giving any false information or making false promises to a student athlete concerning employment; the usual recommended penalty shall be suspension or revocation of the athlete agent's registration. Suspension shall not exceed four years or two renewal periods, whichever is shorter. Revocation shall be permanent with provision for future registration.

(b) Failing to register with the Department or failing to renew an athlete agent's registration as provided in Rule 21-24.003; the usual recommended penalty shall be suspension or revocation of the athlete agent's registration. Suspension shall be for a period of time to be determined by the Secretary of the Department or his designee. The period of suspension shall not exceed four years or two renewal periods, whichever is shorter. Revocation shall be permanent with no provisions for future registration.

(c) Failing to notify the Department of a change in business address as provided in Section 468.053(2), Florida Statutes; the usual recommended penalty shall be suspension of the athlete agent's registration for a period of time to be determined by the Secretary of the Department or his designee. The period of suspension shall not exceed four years or two renewal periods, whichever is shorter.

(d) Violating any of the provisions in *Section 468.454, Florida Statutes*; the usual recommended penalty shall be immediate revocation of the athlete agent's registration with no provision for future registration.

(e) Violating any of the provisions in *Section 468.456, Florida Statutes*; the usual recommended penalty shall be immediate revocation of the athlete agent's registrations. Suspension shall be for a period of time to be determined by the Secretary of the Department or his designee. The period of suspension shall not exceed four years or two renewal periods, whichever is shorter. Revocation shall be permanent with no provision for future registration.

(2) The Department shall consider the following factors in determining appropriate periods of suspension or revocation:

(a) the severity of the offense;

(b) the danger to the public;

(c) the number of repetitions of offenses;

(d) the length of time since the date of previous violations;

(e) the number of complaints filed against the registrant;

(f) the length of time the registrant has practiced;

(g) the actual harm, economic or otherwise, to the student athlete or the academic institution involved;

(h) the deterrent effect of the penalty imposed;

(i) the effect of the penalty on the registrant's livelihood;

(j) any efforts for rehabilitation;

(k) the actual knowledge of the registrant pertaining to the violation;

(l) attempts by the registrant to correct or stop violations or refusal by the registrant to correct or stop the violations;

(m) related violations against a registrant in another jurisdiction, including findings of guilt or innocence, penalties imposed and penalties served;

(n) any other mitigating or aggravating circumstances.

(3) Penalties imposed by the Department pursuant to *Rule 21-24.010(1), Florida Administrative Code*, may be imposed in combination or individually but may not exceed the limitations enumerated below:

(a) revocation, after a hearing, of a registration, either temporarily or permanently;

(b) suspension, after a hearing, of a registration for a period of up to five (5) years;

(c) immediate suspension of a registration pursuant to the provisions of *Section 120.60(8), Florida Statutes*.

(4) The provisions of Sections (1) through (3), above, shall not be construed so as to prohibit civil action or criminal prosecution as provided in Section 468.453(3) or *Section 455.228, Florida Statutes*, and the provisions of Sections (1) through (3), above, shall not be construed so as to limit the ability of the Department to enter into binding stipulations with accused parties pursuant to the provisions of *section 120.57(3), Florida Statutes*.

**Specific Authority:** 468.457, Florida Statutes.

**Law Implemented:** 468.453(3), 468.455, Florida Statutes.

**History--**New 1/4/89.

#### **21-24.011 Return of Certificates and Registrations.**

Any certificate or registration issued by the Department which is subsequently suspended or revoked by the Department shall be returned to the Department within thirty (30) days following filing, with the Clerk of the Department, of the Final Order imposing that revocation or suspension.

**Specific Authority:** 468.457, Florida Statutes.

**Law Implemented:** 468.455, Florida Statutes.

**History--**New 1/4/89.