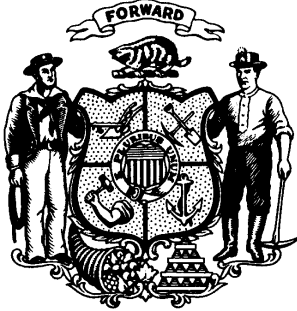


State of Wisconsin



2019 Senate Bill 117

Date of enactment: **March 3, 2020**
Date of publication*: **March 4, 2020**

2019 WISCONSIN ACT 180

AN ACT *to repeal* 440.99 (4), 440.996 (1) (c), 440.997 (2), 440.997 (3) and 440.997 (5); *to renumber* 440.994 (2) (a); *to renumber and amend* 440.9945 (1) and 440.996 (1) (b); *to amend* 440.99 (6), 440.99 (7), 440.99 (11), 440.991 (2) (b), 440.9915 (title), 440.9915 (1) (intro.), 440.9915 (1) (a), 440.9915 (1) (b), 440.9915 (1) (c), 440.9915 (1) (e), 440.9915 (1) (f), 440.9915 (1) (h), 440.9915 (1) (i), 440.9915 (1) (j), 440.9915 (1) (k), 440.9915 (1) (L), 440.992 (1), 440.992 (2) (intro.), 440.992 (2) (e), 440.992 (2) (f), 440.992 (2) (g), 440.992 (4), 440.9925 (1), 440.9925 (2), 440.994 (1), 440.994 (2) (intro.), 440.994 (3), 440.994 (4), 440.994 (5), 440.9945 (2), 440.995 (1), 440.995 (2), 440.995 (3), 440.9955 (1) (intro.), 440.9955 (1) (b), 440.9955 (1) (c), 440.9955 (2), 440.996 (1) (intro.), 440.996 (1) (a), 440.996 (2) (intro.), 440.996 (2) (a), 440.996 (2) (b), 440.996 (2) (g), 440.997 (1), 440.9975 and 440.998; *to repeal and recreate* 440.99 (2), 440.9915 (2), 440.992 (5) and 440.9985; and *to create* 440.99 (4r), 440.99 (5d), 440.99 (6c), 440.99 (6r), 440.99 (8c), 440.99 (9m), 440.9915 (1) (bm), 440.9915 (1) (gm), 440.9915 (1) (he), 440.9915 (1) (hm), 440.9915 (1) (hs), 440.9915 (1) (m), 440.9915 (1) (n), 440.9915 (1) (o), 440.9925 (1m), 440.994 (2) (ag), 440.994 (3m), 440.994 (6), 440.9945 (1g), 440.9945 (3), 440.9945 (4), 440.9945 (5), 440.9945 (6), 440.9945 (7), 440.9945 (8), 440.996 (1) (b) 1., 440.996 (1) (b) 2., 440.997 (2m) and 440.997 (3m) of the statutes; **relating to:** adopting revisions to the state's uniform athlete agents act and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.99 (2) of the statutes is repealed and recreated to read:

440.99 (2) (a) "Athlete agent" means an individual, whether or not registered under this act, who does any of the following:

1. Directly or indirectly recruits or solicits or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization.

2. For compensation or in anticipation of compensation in connection with a student athlete's participation in athletics, does any of the following:

a. Serves the student athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the educational institution for the benefit of the educational institution.

b. Manages the business affairs of the student athlete by providing assistance with bills, payments, contracts, or taxes.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

3. In anticipation of representing a student athlete for a purpose related to the student athlete's participation in athletics, does any of the following:

a. Gives consideration to the student athlete or another person.

b. Serves the student athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions.

c. Manages the business affairs of the student athlete by providing assistance with bills, payments, contracts, or taxes.

(b) "Athlete agent" does not include the following:

1. An individual who acts solely on behalf of a professional sports team or organization.

2. An individual who is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual does any of the following:

a. Recruits or solicits.

b. For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the student athlete as a professional athlete or member of a professional sports team or organization.

c. Receives consideration for providing the services, and the consideration is calculated using a different method than for an individual who is not a student athlete.

SECTION 2. 440.99 (4) of the statutes is repealed.

SECTION 3. 440.99 (4r) of the statutes is created to read:

440.99 (4r) "Educational institution" includes all of the following, whether public or private:

(a) An elementary school.

(b) A secondary school.

(c) A technical or vocational school.

(d) A community college.

(e) A college.

(f) A university.

SECTION 4. 440.99 (5d) of the statutes is created to read:

440.99 (5d) "Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.

SECTION 5. 440.99 (6) of the statutes is amended to read:

440.99 (6) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association ~~for the promotion or regulation of that promotes or regulates~~ collegiate athletics.

SECTION 6. 440.99 (6c) of the statutes is created to read:

440.99 (6c) "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges, or universities.

SECTION 7. 440.99 (6r) of the statutes is created to read:

440.99 (6r) "Licensed, registered, or certified professional" means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or other member of a profession, other than that of athlete agent, who is licensed, registered, or certified by this state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

SECTION 8. 440.99 (7) of the statutes is amended to read:

440.99 (7) "Professional-sports-services contract" means an agreement under which an individual is employed, ~~as a professional athlete~~ or agrees to render services, as a player on a professional sports team, ~~or with a professional sports organization, or as a professional athlete.~~

SECTION 9. 440.99 (8c) of the statutes is created to read:

440.99 (8c) "Recruit or solicit" means attempt to influence the choice of an athlete agent or the choice to enter into an agency contract or both by a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete. The term does not include giving advice with respect to the selection of a particular athlete agent or with respect to entering into an agency contract if the advice is given in a family, coaching, or social situation, unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from an athlete agent.

SECTION 10. 440.99 (9m) of the statutes is created to read:

440.99 (9m) "Sign" means any of the following, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol.

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

SECTION 11. 440.99 (11) of the statutes is amended to read:

440.99 (11) "Student athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. If an individual is permanently ineligible to participate in a particular interscholastic or intercollegiate sport, the individual is not a student athlete for purposes of that sport.

SECTION 12. 440.991 (2) (b) of the statutes is amended to read:

440.991 (2) (b) ~~Within Not later than~~ 7 days after an initial act that requires the individual to register as an athlete agent, ~~such as an effort to recruit or solicit a student athlete to enter into an agency contract,~~ the individual

submits an application for registration as an athlete agent in this state.

SECTION 13. 440.9915 (title) of the statutes is amended to read:

440.9915 (title) Registration as athlete agent; form; requirements; reciprocal registration.

SECTION 14. 440.9915 (1) (intro.) of the statutes is amended to read:

440.9915 (1) (intro.) An applicant for registration as an athlete agent shall submit an application for registration to the department in a form prescribed by the department. ~~The application must be in the name of applicant must be an individual, and, except as otherwise provided in sub. (2), the application must be signed or otherwise authenticated by the applicant under penalty of perjury and state or. The application must contain at least all of the following:~~

SECTION 15. 440.9915 (1) (a) of the statutes is amended to read:

440.9915 (1) (a) The name, ~~date, and place of birth~~ of the applicant ~~and; the address of the applicant's principal place of business; the work and mobile telephone numbers of the applicant; and means of communicating electronically with the applicant, including facsimile number, electronic mail address, and personal and business or employer Internet sites.~~

SECTION 16. 440.9915 (1) (b) of the statutes is amended to read:

440.9915 (1) (b) ~~The name~~ A description of the applicant's ~~each~~ business or employer, if applicable, ~~of the applicant, including the name, mailing address, telephone number, organization form, and nature of the business, of the applicant's business or employer.~~

SECTION 17. 440.9915 (1) (bm) of the statutes is created to read:

440.9915 (1) (bm) Each social media account with which the applicant or the applicant's business or employer is affiliated.

SECTION 18. 440.9915 (1) (c) of the statutes is amended to read:

440.9915 (1) (c) ~~Any~~ Each business or occupation in which the applicant engaged in ~~by the applicant for the within 5 years next preceeding before the date of submission of the application, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time.~~

SECTION 19. 440.9915 (1) (e) of the statutes is amended to read:

440.9915 (1) (e) The name, ~~or if the student athlete is a minor, the name of the parent or guardian of the minor,~~ sport, and last-known team for each individual for whom the applicant acted as an athlete agent ~~during the within 5 years next preceeding before the date of submission of the application.~~

SECTION 20. 440.9915 (1) (f) of the statutes is amended to read:

440.9915 (1) (f) If the athlete agent's business is not a corporation, the names and addresses of the partners, members, officers, managers, associates, or profit sharers of the business and of all persons directly or indirectly holding an equity interest of 5 percent or more of the business.

SECTION 21. 440.9915 (1) (gm) of the statutes is created to read:

440.9915 (1) (gm) A description of the status of any application by the applicant, or any person named under par. (f) or (g), for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license.

SECTION 22. 440.9915 (1) (h) of the statutes is amended to read:

440.9915 (1) (h) Whether the applicant or any person named pursuant to under par. (f) or (g) has been convicted of, or has charges pending for, a crime that, if committed in this state, would be a felony, and a description of the crime, the law enforcement agency involved, and, if applicable, the date of the conviction and the fine or penalty imposed.

SECTION 23. 440.9915 (1) (he) of the statutes is created to read:

440.9915 (1) (he) Whether, within 15 years before the date of the application, the applicant, or any person named under par. (f) or (g), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of incompetence and, if so, the date and a full explanation of each proceeding.

SECTION 24. 440.9915 (1) (hm) of the statutes is created to read:

440.9915 (1) (hm) Whether the applicant, or any person named under par. (f) or (g), has an unsatisfied judgment or a judgment of continuing effect, including for child or family support, maintenance, or spousal support that is not current at the date of the application.

SECTION 25. 440.9915 (1) (hs) of the statutes is created to read:

440.9915 (1) (hs) Whether, within 10 years before the date of the application, the applicant, or any person named under par. (f) or (g), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt.

SECTION 26. 440.9915 (1) (i) of the statutes is amended to read:

440.9915 (1) (i) Whether there has been any administrative or judicial determination that the applicant or any person named pursuant to under par. (f) or (g) has made

a false, misleading, deceptive, or fraudulent representation.

SECTION 27. 440.9915 (1) (j) of the statutes is amended to read:

440.9915 (1) (j) ~~Any~~ Each instance in which the conduct of the applicant or any person named pursuant to par. (f) or (g) resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic ~~or~~ intercollegiate athletic, or professional sports event on a student athlete or a sanction on an educational institution.

SECTION 28. 440.9915 (1) (k) of the statutes is amended to read:

440.9915 (1) (k) ~~Any~~ Each sanction, suspension, or disciplinary action taken against the applicant or any person named pursuant to under par. (f) or (g) arising out of occupational or professional conduct.

SECTION 29. 440.9915 (1) (L) of the statutes is amended to read:

440.9915 (1) (L) Whether there has been any denial of an application for, suspension or revocation of, ~~or~~ refusal to renew, or abandonment of, the registration ~~or~~ licensure of the applicant or any person named pursuant to under par. (f) or (g) as an athlete agent in any state.

SECTION 30. 440.9915 (1) (m) of the statutes is created to read:

440.9915 (1) (m) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent.

SECTION 31. 440.9915 (1) (n) of the statutes is created to read:

440.9915 (1) (n) If the applicant is certified or registered by a professional league or players association, all of the following:

1. The name of the league or association.
2. The date of certification or registration, and the date of expiration of the certification or registration, if any.
3. If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration.

SECTION 32. 440.9915 (1) (o) of the statutes is created to read:

440.9915 (1) (o) All additional information required by the department.

SECTION 33. 440.9915 (2) of the statutes is repealed and recreated to read:

440.9915 (2) (a) Instead of proceeding under sub. (1), an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the department all of the following:

1. A copy of the application for registration in the other state.

2. A statement that identifies any material change in the information on the application for registration in the other state or verifies there is no material change in the information, signed under penalty of perjury.

3. A copy of the certificate of registration from the other state.

(b) The department shall issue a certificate of registration to an individual who complies with par. (a) and pays the initial credential fee determined by the department under s. 440.03 (9) (a) if the department determines that all of the following are true:

1. The application and registration requirements of the other state are substantially similar to or more restrictive than this subchapter.

2. The registration of the other state has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

(c) For purposes of implementing par. (b), the department may do all of the following:

1. Cooperate with national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than this subchapter.

2. Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

SECTION 34. 440.992 (1) of the statutes is amended to read:

440.992 (1) Except as otherwise provided in sub. (2), the department shall issue a certificate of registration to an individual who complies with s. 440.9915 (1) ~~or whose application has been accepted under s. 440.9915 (2),~~ if the individual has paid the initial credential fee determined by the department under s. 440.03 (9) (a).

SECTION 35. 440.992 (2) (intro.) of the statutes is amended to read:

440.992 (2) (intro.) The department may refuse to issue a certificate of registration to an applicant for registration under s. 440.9915 (1) if the department determines that the applicant has engaged in conduct that ~~has a significant adverse effect~~ significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the department may consider whether the applicant has done any of the following:

SECTION 36. 440.992 (2) (e) of the statutes is amended to read:

440.992 (2) (e) Had a registration ~~or licensure~~ as an athlete agent suspended, revoked, or denied or been refused renewal of registration ~~or licensure~~ as an athlete agent in any state.

SECTION 37. 440.992 (2) (f) of the statutes is amended to read:

440.992 (2) (f) Engaged in conduct ~~the consequence of which was that~~ resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic ~~or~~ intercollegiate athletic ~~or professional sports~~ event ~~was imposed on a student athlete or a sanction on an~~ educational institution.

SECTION 38. 440.992 (2) (g) of the statutes is amended to read:

440.992 (2) (g) Engaged in conduct that ~~significantly~~ adversely reflects on the applicant's credibility, honesty, or integrity.

SECTION 39. 440.992 (4) of the statutes is amended to read:

440.992 (4) An athlete agent registered under sub. (1) may apply to renew ~~a~~ the registration by submitting an application for renewal in a form prescribed by the department. The applicant shall sign the application for renewal ~~must be signed by the applicant under~~ penalty of perjury and ~~must contain~~ include current information on all matters required in an original application for registration. Applications submitted under this subsection shall be open to inspection at all reasonable hours authorized by representatives of the department.

SECTION 40. 440.992 (5) of the statutes is repealed and recreated to read:

440.992 (5) An athlete agent registered under s. 440.9915 (2) may renew the registration by proceeding under sub. (4) or, if the registration in the other state has been renewed, by submitting to the department copies of the application for renewal in the other state and the renewed registration from the other state. The department shall renew the registration if it determines that all of the following are true:

(a) The registration requirements of the other state are substantially similar to or more restrictive than this subchapter.

(b) The renewed registration has not been suspended or revoked and no action involving the athlete agent's conduct as an athlete agent is pending against the athlete agent or his or her registration in any state.

SECTION 41. 440.9925 (1) of the statutes is amended to read:

440.9925 (1) The department may limit, suspend, revoke, or refuse to renew a registration of an individual issued a certificate of registration under s. 440.992 (1) for conduct that would ~~have justified denial~~ justify refusal to issue a certificate of registration under s. 440.992 (2).

SECTION 42. 440.9925 (1m) of the statutes is created to read:

440.9925 (1m) The department may suspend or revoke the registration of an individual issued a certificate of registration under s. 440.9915 (2) or renewed under s. 440.992 (5) for any reason for which the department could have refused to grant or renew registration or

for conduct that would justify refusal to issue a certificate of registration under s. 440.992 (2).

SECTION 43. 440.9925 (2) of the statutes is amended to read:

440.9925 (2) The department may deny, limit, suspend, revoke, or refuse to renew a certificate of registration ~~or licensure~~ only after proper notice and an opportunity for a hearing.

SECTION 44. 440.994 (1) of the statutes is amended to read:

440.994 (1) An agency contract must be in a record, signed ~~or otherwise authenticated~~ by the parties.

SECTION 45. 440.994 (2) (intro.) of the statutes is amended to read:

440.994 (2) (intro.) An agency contract must ~~state or~~ contain all of the following:

SECTION 46. 440.994 (2) (a) of the statutes is renumbered 440.994 (2) (ar).

SECTION 47. 440.994 (2) (ag) of the statutes is created to read:

440.994 (2) (ag) A statement that the athlete agent is registered as an athlete agent in this state and a list of all other states in which the athlete agent is registered as an athlete agent.

SECTION 48. 440.994 (3) of the statutes is amended to read:

440.994 (3) ~~An~~ Subject to sub. (6), an agency contract must contain, ~~in close proximity to the signature of the student athlete,~~ a conspicuous notice in boldface type and capital letters stating, in substantially the same form, the following:

WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU MAY PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

SECTION 49. 440.994 (3m) of the statutes is created to read:

440.994 (3m) An agency contract must be accompanied by a separate record signed by the student athlete or, if the student athlete is a minor, the parent or guardian of

the student athlete acknowledging that signing the contract may result in the loss of the student athlete's eligibility to participate in the student athlete's sport.

SECTION 50. 440.994 (4) of the statutes is amended to read:

440.994 (4) ~~An A student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete may void an~~ agency contract that does not conform to this section ~~is voidable by the student athlete. If a student athlete voids an agency contract, the student athlete is not required to pay the contract is voided,~~ any consideration ~~received from the athlete agent~~ under the contract or ~~to return any consideration received from the athlete agent to induce the student athlete to enter to influence entering into the contract is not required to be returned.~~

SECTION 51. 440.994 (5) of the statutes is amended to read:

440.994 (5) The ~~At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete a copy in a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution and the separate acknowledgement required under sub. (3m).~~

SECTION 52. 440.994 (6) of the statutes is created to read:

440.994 (6) If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by sub. (3) must be revised accordingly.

SECTION 53. 440.9945 (1) of the statutes is renumbered 440.9945 (1r) and amended to read:

440.9945 (1r) ~~Within~~ Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or the athlete agent has reasonable grounds to believe the student athlete intends to enroll.

SECTION 54. 440.9945 (1g) of the statutes is created to read:

440.9945 (1g) In this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record, or any other method that conveys or attempts to convey a message.

SECTION 55. 440.9945 (2) of the statutes is amended to read:

440.9945 (2) ~~Within~~ Not later than 72 hours after entering into an agency contract or before the next ~~scheduled~~ athletic event in which the student athlete may participate, whichever occurs first, the student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled that he or she has

entered into an agency contract and the name and contact information of the athlete agent.

SECTION 56. 440.9945 (3) of the statutes is created to read:

440.9945 (3) If an athlete agent enters into an agency contract with a student athlete and the student athlete subsequently enrolls at an educational institution, the athlete agent shall notify the athletic director of the educational institution of the existence of the contract not later than 72 hours after the athlete agent knew or should have known the student athlete enrolled.

SECTION 57. 440.9945 (4) of the statutes is created to read:

440.9945 (4) If an athlete agent has a relationship with a student athlete before the student athlete enrolls in an educational institution and receives an athletic scholarship from the educational institution, the athlete agent shall notify the educational institution of the relationship not later than 10 days after the enrollment if the athlete agent knows or should have known of the enrollment and any of the following is true:

(a) The relationship was motivated in whole or part by the intention of the athlete agent to recruit or solicit the student athlete for a future agency contract.

(b) The athlete agent directly or indirectly recruited or solicited the student athlete for the purpose of executing an agency contract before the enrollment.

SECTION 58. 440.9945 (5) of the statutes is created to read:

440.9945 (5) An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the athlete agent communicates or attempts to communicate with any of the following:

(a) The student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete, to influence the student athlete or parent or guardian to enter into an agency contract.

(b) Any individual not identified in par. (a) to have that individual influence the student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete, to enter into an agency contract.

SECTION 59. 440.9945 (6) of the statutes is created to read:

440.9945 (6) If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the student athlete, the athlete agent shall notify in a record the athletic director of any educational institution at which the student athlete is enrolled. The notification must be made not later than 10 days after the communication or attempt.

SECTION 60. 440.9945 (7) of the statutes is created to read:

440.9945 (7) A notice under subs. (1r) to (6) is exempt from disclosure under s. 19.35 (1).

SECTION 61. 440.9945 (8) of the statutes is created to read:

440.9945 (8) An educational institution that becomes aware of a violation of this subchapter by an athlete agent shall notify the department and any professional league or players association with which the educational institution is aware the athlete agent is licensed or registered of the violation.

SECTION 62. 440.995 (1) of the statutes is amended to read:

440.995 (1) A student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete may cancel an agency contract by giving notice in a record of the cancellation to the athlete agent ~~in a record within not later than~~ 14 days after the contract is signed.

SECTION 63. 440.995 (2) of the statutes is amended to read:

440.995 (2) A student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete may not waive the right to cancel an agency contract.

SECTION 64. 440.995 (3) of the statutes is amended to read:

440.995 (3) If a student athlete, parent, or guardian cancels an agency contract, the student athlete, parent, or guardian is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to ~~induce~~ influence the student athlete to enter into the contract.

SECTION 65. 440.9955 (1) (intro.) of the statutes is amended to read:

440.9955 (1) (intro.) An athlete agent shall create and retain for 5 years all of the following records ~~for a period of 5 years~~:

SECTION 66. 440.9955 (1) (b) of the statutes is amended to read:

440.9955 (1) (b) ~~Any~~ Each agency contract entered into by the athlete agent.

SECTION 67. 440.9955 (1) (c) of the statutes is amended to read:

440.9955 (1) (c) ~~Any~~ The direct costs incurred by the athlete agent in the recruitment or solicitation of ~~a each~~ student athlete ~~to enter into an agency contract~~.

SECTION 68. 440.9955 (2) of the statutes is amended to read:

440.9955 (2) Records ~~required by described in~~ sub. (1) ~~to be retained~~ are open to inspection by the department during normal business hours. Upon demand, an athlete agent shall provide a copy of such a record to the department.

SECTION 69. 440.996 (1) (intro.) of the statutes is amended to read:

440.996 (1) (intro.) An athlete agent, ~~with the intent to induce a student athlete to enter into an agency contract,~~ may not intentionally do any of the following or encourage another individual to do or assist another indi-

vidual in doing any of the following on behalf of the athlete agent:

SECTION 69c. 440.996 (1) (a) of the statutes is amended to read:

440.996 (1) (a) Give ~~any a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete~~ materially false or misleading information or make a materially false promise or representation with the intent to influence the student athlete, parent, or guardian to enter into an agency contract.

SECTION 69g. 440.996 (1) (b) of the statutes is renumbered 440.996 (1) (b) (intro.) and amended to read:

440.996 (1) (b) (intro.) Furnish ~~anything a thing~~ of value to a student athlete ~~before the student athlete enters into the agency contract, or another individual, if to do so may result in the loss of the student athlete's eligibility to participate in the student athlete's sport, unless both of the following apply:~~

SECTION 69n. 440.996 (1) (b) 1. of the statutes is created to read:

440.996 (1) (b) 1. The athlete agent notifies the athletic director of the educational institution at which the student athlete is enrolled or at which the athlete agent has reasonable grounds to believe the student athlete intends to enroll, not later than 72 hours after furnishing the thing of value.

SECTION 69r. 440.996 (1) (b) 2. of the statutes is created to read:

440.996 (1) (b) 2. The student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete acknowledges to the athlete agent in a record that receipt of the thing of value may result in the loss of the student athlete's eligibility to participate in the student athlete's sport.

SECTION 69w. 440.996 (1) (c) of the statutes is repealed.

SECTION 70. 440.996 (2) (intro.) of the statutes is amended to read:

440.996 (2) (intro.) An athlete agent may not intentionally do any of the following or encourage another individual to do or assist another individual in doing any of the following on behalf of the athlete agent:

SECTION 71. 440.996 (2) (a) of the statutes is amended to read:

440.996 (2) (a) Initiate contact, directly or indirectly, with a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete, to recruit or solicit the student athlete, parent, or guardian unless registered under this subchapter.

SECTION 72. 440.996 (2) (b) of the statutes is amended to read:

440.996 (2) (b) ~~Refuse or fail~~ Fail to create or retain or to permit inspection of the records required ~~to be~~ retained by s. 440.9955.

SECTION 73. 440.996 (2) (g) of the statutes is amended to read:

440.996 (2) (g) Fail to notify a student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete before the student athlete, parent, or guardian signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student athlete ineligible result in the loss of the student athlete's eligibility to participate as a student athlete in that in the student athlete's sport.

SECTION 74. 440.997 (1) of the statutes is amended to read:

440.997 (1) An educational institution or student athlete may bring an action against an athlete agent ~~for damages caused by a~~ if the educational institution or student athlete is adversely affected by an act or omission of the athlete agent in violation of this subchapter. In an action under this subsection, the court may award to the prevailing party costs and, notwithstanding s. 814.04, reasonable attorney fees. An educational institution or student athlete is adversely affected by an act or omission of the athlete agent only if, because of the act or omission, the educational institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution suffers financial damage or is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports.

SECTION 75. 440.997 (2) of the statutes is repealed.

SECTION 76. 440.997 (2m) of the statutes is created to read:

440.997 (2m) A plaintiff that prevails in an action under this section may recover actual damages, costs, and, notwithstanding s. 814.04, reasonable attorney fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the athlete agent by or on behalf of the student athlete.

SECTION 77. 440.997 (3) of the statutes is repealed.

SECTION 78. 440.997 (3m) of the statutes is created to read:

440.997 (3m) Any violation of this subchapter by an athlete agent is an unfair method of competition and unfair trade practice prohibited under s. 100.20.

SECTION 79. 440.997 (5) of the statutes is repealed.

SECTION 80. 440.9975 of the statutes is amended to read:

440.9975 Administrative forfeiture. The department may directly assess a forfeiture against an athlete agent of not more than \$25,000 \$50,000 for a violation of this subchapter.

SECTION 81. 440.998 of the statutes is amended to read:

440.998 Uniformity of application and construction. In applying and construing this subchapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact the Uniform Athlete Agents Act and Revised Uniform Athlete Agents Act (2015).

SECTION 82. 440.9985 of the statutes is repealed and recreated to read:

440.9985 Relation to Electronic Signatures in Global and National Commerce Act. This subchapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 USC 7001 to 7031, except that this subchapter does not modify, limit, or supersede 15 USC 7001 (c) or authorize electronic delivery of any of the notices described in 15 USC 7003 (b).

SECTION 83. Initial applicability.

(1) INITIAL APPLICATION PROCEDURES. The treatment of s. 440.9915 (1) (intro.), (a), (b), (bm), (c), (e), (f), (gm), (h), (he), (hm), (hs), (i), (j), (k), (L), (m), and (n) first applies to an application for registration under that section received by the department of safety and professional services on the effective date of this subsection.

(2) RECIPROCAL REGISTRATION. The treatment of s. 440.9915 (2) first applies to an application for reciprocal registration under that section received by the department of safety and professional services on the effective date of this subsection.

(3) RECIPROCAL REGISTRATION RENEWAL. The treatment of s. 440.992 (5) first applies to an application for renewal of a reciprocal registration received by the department of safety and professional services on the effective date of this subsection.

(4) AGENCY CONTRACTS. The treatment of s. 440.994 (1), (2) (intro.), (a), and (ag), (3), (3m), (4), (5), and (6) first applies to an agency contract executed on the effective date of this subsection.

(5) PROHIBITED CONDUCT. The treatment of s. 440.996 (1) (intro.) and (2) (intro.), (a), (b), and (g) first applies to conduct that occurs on the effective date of this subsection.

(6) CIVIL REMEDIES. The treatment of s. 440.997 (1), (2), (2m), (3), (3m), and (5) first applies to an action that accrues on the effective date of this subsection.

(7) ADMINISTRATIVE FORFEITURE. The treatment of s. 440.9975 first applies to a violation that occurs on the effective date of this subsection.

SECTION 84. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.