



FLORIDA STATE UNIVERSITY Compliance Office *STUDENT-ATHLETE AGENT POLICY*

I. Purpose & Applicability: This document outlines the policies and procedures applicable to student-athletes at Florida State University [hereafter referred to as “FSU”] and agents to ensure compliance with the rules of the National Collegiate Athletic Association [hereafter referred to as “NCAA”], State of Florida law governing athlete-agent conduct, Florida’s Intercollegiate Athlete Compensation and Rights law [hereafter referred to as “Florida’s NIL law”], and each specific professional sport’s player association rules and regulations (e.g., NFLPA, NBPA, etc.).

II. Philosophy: The policies and procedures described below are designed to comply with laws governing athlete-agent conduct in the State of Florida, Florida’s NIL Law, and to provide both student-athletes and agents with specific guidelines to protect the NCAA eligibility of FSU student-athletes. Further, these policies and procedures address the needs of both student-athletes and the agents who seek to represent them.

III. NCAA Bylaws Governing Interaction between Student-Athletes and Agents

A. 12.02: Definitions and Applications.

1. 12.02.1 Agent. An agent is any individual who, directly or indirectly:
 - a. Represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain; or
 - b. Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.
2. 12.02.1.1 Application. An agent may include, but is not limited to, a certified contract advisor, financial advisor, marketing representative, brand manager or anyone who is employed or associated with such persons.
3. 12.02.1.2 NCAA Certification Requirement – Men’s Basketball. In men’s basketball, any individual who solicits a prospective or enrolled student-athlete to enter into an agency contract or attempts to obtain employment for an individual with a professional sports team or organization or as a professional athlete must be certified and maintain active certification per the policies and procedures of the NCAA agent certification program. An NBPA-certified agent is considered an NCAA-certified agent until the NCAA agent certification program is operational, which will not be later than August 1, 2020.

B. 12.3.1 General Rule. An individual shall be ineligible for participation in an intercollegiate sport if he or she has ever agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or particular sport shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.

1. 12.3.1.1 Exception – Baseball & Men’s Ice Hockey – Prior to Full-Time College Enrollment. In baseball and men’s ice hockey, prior to full-time collegiate enrollment, an individual who is drafted by a professional baseball or men’s ice hockey team may be represented by an agent or attorney during contract negotiations. The individual may not receive benefits (other than representation) from the agent or attorney and must pay the going rate for the representation. If the individual does not sign a contract with the

professional team, the agreement for representation with the agent or attorney must be terminated prior to full-time collegiate enrollment.

2. 12.3.1.2 Exception – NCAA-Certified Agents – Men’s Basketball.
 - a. 12.3.1.2.1 Elite Senior Prospective Student-Athletes. In men’s basketball, on or after July 1 immediately before his senior year in high school, a prospective student-athlete identified as an elite senior by USA Basketball may be represented by an NCAA-certified agent.
 - b. 12.3.1.2.2 Enrolled Student-Athletes and Two-Year College Prospective Student-Athletes. In men’s basketball, after the conclusion of the playing season, a student-athlete or a two-year college prospective student-athlete who has requested an evaluation from the NBA Undergraduate Advisory Committee may be represented by an NCAA-certified agent.
3. 12.3.1.2.3 Expenses From an NCAA-Certified Agent
 - a. 12.3.1.2.3.1 Expenses Before Agreement. Before signing a written agreement with an NCAA-certified agent, a prospective student-athlete or student-athlete (and family members) who is eligible to be represented by an NCAA-certified agent may receive transportation and meals from an NCAA-certified agent in the locale where the prospective student-athlete or student-athlete is located (e.g., locale of home or institution) in conjunction with the process to select an agent.
 - b. 12.3.1.2.3.2 Expenses After Agreement. After signing a written agreement with an NCAA-certified agent, the agent may provide the prospective or enrolled student-athlete (and his family members) with transportation, lodging and meals associated with meeting with the agent or a professional team.
4. 12.3.1.4 Benefits from Prospective Agents. An individual shall be ineligible if he or she (or his or her family members or friends) accepts transportation or other benefits from:
 - a. Any person who represents any individual in the marketing of his or her athletics ability. The receipt of such expenses constitutes compensation based on athletics skill and is an extra benefit not available to the student body in general:
or
 - b. An agent, even if the agent has indicated that he or she has no interest in representing the student-athlete in the marketing of his or her athletics ability or reputation and does not represent individuals in the student-athlete’s sport.

C. 12.3.2 Legal Counsel. Securing advice from a lawyer concerning a proposed professional sports contract shall not be considered contracting for representation by an agent under this rule, unless the lawyer also represents the individual in negotiations for such a contract.

1. 12.3.2.1 Presence of a Lawyer at Negotiations. A lawyer may not be present during discussions of a contract offer with a professional sports organization or have any direct contact (i.e., in person, by telephone, by mail, or by e-mail) with a professional sports organization on behalf of the individual. A lawyer’s presence during such a discussion is considered representation by an agent.

IV. State of Florida Law Governing Interaction between Student-Athletes and Athlete Agents regulations are governed by State of Florida statute Chapter 468, Part IX

A. Definition of a Student-Athlete. A student-athlete is anyone who lives in, or plans to live in, Florida and who participates in or has written to a college or university of their intention to participate in a school's inter-collegiate athletics.

B. Definition of an Athlete Agent. An athlete agent is anyone:

1. Who directly or indirectly recruits or solicits a student-athlete for any type of financial gain or to enter into a contract.
2. Who procures, offers, promises or attempts to obtain employment, promotional fees or benefits for a student-athlete with a professional sports team or a promoter.
3. Who markets or attempts to market the student-athlete's athletic ability or athletic reputation.

C. Agent Registration. All agents who recruit (e.g., face to face contact, call, email, text) student-athletes in Florida must have a State of Florida Athlete Agent License. Licensed must be renewed each year. Please visit www.myfloridalicense.com or call 850-487-1395 to register.

D. Agent Contact. Any time a registered agent contacts or provides material to student-athletes the agent must contact the University Compliance Office.

V. Intercollegiate Athlete Compensation and Rights are governed by State of Florida Section 1006.74

A. A postsecondary educational institution may not prevent or unduly restrict an intercollegiate athlete from obtaining professional representation by an athlete agent or attorney engaged for the purpose of securing compensation for her or his name, image, likeness, or persona.

B. Pursuant to 468.453(8), an athlete agent representing an intercollegiate athlete for purposes of securing compensation for her or his name, image, likeness, or persona must be licensed under part IX of chapter 468.

C. An attorney representing an intercollegiate athlete for purposes of securing compensation for her or his name, image, likeness, or persona must be a member in good standing of The Florida Bar.

VI. Professional League and Player Association Rules (Applies to Professional Sports opportunities)

A. Football: Only certified agents by the NFL Players Association (NFLPA) may have contact and negotiate contracts for athletes.

B. Men's Basketball: Only certified Agents by the NBA Players Association (NBPA) and the NCAA Agent Certification Program may negotiate or provide assistance concerning athlete contracts.

C. Women's Basketball: Only certified Agents by the WNBA Players Association (WNBPA) may negotiate or provide assistance concerning athlete contracts.

D. Baseball: Only General Certified Agents by the MLB Players Association (MLBPA) may contact and negotiate contracts for athletes. However, a Limited Certified Agent by the MLBPA may act on behalf of agent to recruit or provide client maintenance services but may not negotiate contacts for athletes.

VII. FSU Agent Policy

Agent Registration

A. Prior to contacting any FSU student-athlete for potential professional sports opportunities, all agents must be registered with the State of Florida, their respective sport players association, the NCAA (if applicable), and FSU. Each agent should renew registration with each group every year. To obtain FSU Agent Registration please contact the Compliance Office at 850-644-4272 or at jescue@fsu.edu.

B. Prior to contacting any FSU student-athlete for potential name, image and likeness opportunities, all agents must be registered with FSU and with the State of Florida or licensed with the Florida Bar. Each agent should renew registration with each group every year. To obtain FSU Agent Registration please contact the Compliance Office at 850-644-4272 or at jescue@fsu.edu.

Contact Between Registered Agents and Student-Athletes

A. Student-Athlete Initiating Contact. A student-athlete or a student-athlete's parent or legal guardian or third party may contact an agent to communicate (e.g., email, telephone call, text) or schedule a meeting, provided the student-athlete notifies FSU Athletics Compliance Office prior to initiating contact for the first time. Per State of Florida law an Athlete Agent should notify FSU Athletics Compliance Office of any contact initiated to or by an FSU student-athletes to ensure agent is registered with all applicable groups. See Non-Registered Agent Contact below for more information.

B. Agent Initiating Contact. FSU permits athlete agents to send correspondence regarding their services to student-athletes provided a copy of such correspondence is also submitted to FSU Athletics Compliances Office. Agents are otherwise prohibited from initiating contact with student-athletes without notifying FSU Athletics Compliance Office prior to the contact. Upon receipt of an agent's statement of intent, FSU Athletics Compliance Office will advise the individual of relevant NCAA rules.

Contact Between Non-Registered Agents and Student-Athletes

A. FSU Athletics Compliance Office requires an individual to register in the State of Florida, with the appropriate sport's players association, and FSU prior to contacting an enrolled student-athlete. For the purposes of name, image, and likeness only, an agent may be a member of the Florida Bar or registered with the State of Florida.

B. If those individuals contact an FSU student-athlete without a current registration, FSU Athletics Compliance will notify the Department of Business and Professional Regulation and the applicable sport's player association. Also, in the cases of name, image, and likeness FSU athletics will notify the Florida Bar if an individual contacts an FSU student-athlete without a current registration.

C. All non-FSU registered agents must complete the registration in 7 business days. In addition, the individual will not be permitted to participate in any on-campus interviews with FSU student-

athletes until he or she has registered under the Department of Business and Professional Regulation, players association, Florida Bar (if applicable), and resolved any disciplinary issues.

VIII. Student-Athlete/Agent Interviews for Professional Sports Opportunities. The interviews must be conducted on campus during the off-season training period prior to the student-athlete's final season of eligibility or at the conclusion of the student-athlete's season. Student-athletes will request in writing to the FSU Compliance Office what agents they would like to interview.

A. In conjunction with a student-athlete's request FSU will designate dates in the summer and spring for student-athlete/agent interviews.

B. FSU Athletics Compliance Office will notify certified agents who conform to all of the applicable rules of any scheduled interviews. All agents must have an active registration with the State of Florida at the time of the interview in order to participate. Nonregistered parties will be not permitted to participate in any interviews.

C. The interviews will be conducted on campus.

E. The interviews may take place in the presence of a third-party designated by the FSU Athletics Compliance.

F. All participating agents are required to sign a form acknowledging their receipt of this policy and the laws of the State of Florida and NCAA rules outlined within. In addition, agents must acknowledge that any violation of these rules could result in a permanent ban from FSU and additional penalties as determined by the Department of Business and Professional Regulation in the State of Florida and the applicable sport player's association.

IX. Student-Athlete/Agent Interviews for Name, Image, and Likeness Opportunities.

A. Prior to contacting any FSU student-athlete for potential name, image, and likeness opportunities, all agents must be registered with FSU and with the State of Florida or licensed with the Florida Bar. Each agent should renew registration with each group every year. To obtain FSU Agent Registration please contact the Compliance Office at 850-644-4272 or at jescue@fsu.edu.

B. A student-athlete must disclose a contract with an individual for the purposes of commercializing her or his name, image, and likeness with the FSU Compliance Office.

X. Violations of NCAA rules. Any agent or individual working on behalf of an agent whose interactions with an FSU student-athlete result in a violation of NCAA rules or Florida law will be subject to exclusion from future athlete-agent interviews conducted by FSU. In addition, FSU will report such incidents to the Department of Business and Professional Regulation for appropriate disciplinary measures.