

# Currently Taking All Bets On the Future of Florida's Sports Betting

by Kristine DeSoiza and Jesse Drawas

This past May, the U.S. Supreme Court struck down a federal prohibition on sports betting. The Professional and Amateur Sports Protection Act (PASPA), a federal law enacted in 1992, prohibited states from legalizing sports betting. In *Murphy v. National Collegiate Athletic Association*, the court concluded the law violated the 10th Amendment of the U.S. Constitution.

Although the Court's ruling marked a large defeat for the NCAA, NHL, and NFL, the NCAA has kept its head held high in the face of defeat by not only announcing its support of the Supreme Court's decision in *Murphy*, specifically, by announcing that it will support a federal model on legalized sports gambling, but also using this opportunity to lift its ban on holding championship events in states that allowed legalized sports betting.

Paul M. Aloise, Jr., Esq., a team member of the 2013 BCS National Champion Florida State Seminoles, believes the recent decision in *Murphy* will have a huge ripple effect on the age-old question of whether college athletes should be paid.

In the last decade, the conversations and arguments about collegiate athletes being paid has reached an all-time high due to the ever-increasing salary of head coaches. For example, Jimbo Fisher recently decided to take

his talents to Texas A&M and signed the highest paid contract to date for a head coach. Coaches are not the only ones who could be profiting off of college athletes, Aloise says.

"The fact that everyday fans may profit off of the NCAA's college athletes means that these players need to have rights to their own likeness so that they too can go out and get endorsements and book appearances. This would allow college athletes to seek compensation for their services from companies as big as Nike, all the way down to your local Mom and Pop's store."

On the other hand, for those who wonder if the NCAA plans to establish an "integrity fee," which would allow sports leagues to receive revenue from betting, think again. One of the NCAA's main concerns is that, with such a system, college athletes' unpaid status may encourage corruption.

Another of the NCAA's primary concerns is ensuring the integrity of the games. To that end, Donald Remy, the NCAA's chief legal officer, recently announced that the NCAA will create a team of experts to evaluate the impact of sports betting on NCAA members and determine how betting can best be monitored.

In any event, what is a sure bet is that *Murphy* has only opened the doors for lawmakers. Because Florida's compact

with the Seminole Tribe is currently in limbo, sports betting could benefit negotiations. Also, *Murphy*, in effect, increases the pressure on Florida's legislature to update Florida's gaming laws, which have not been touched in over a decade.

Complicating any prediction is a proposal before voters on the November ballot. The Voter Control of Gambling Amendment would require a voter referendum before any additional gambling in Florida is allowed. Therefore, your bet is as good as mine as to what the future holds. **B**



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