

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No.

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 11 | Senator Kirkpatrick moved the following amendment to amendment | | |
| 12 | (553475): | | |
| 13 | | | |
| 14 | Senate Amendment (with title amendment) | | |
| 15 | On page 168, between lines 26 and 27, | | |
| 16 | | | |
| 17 | insert: | | |
| 18 | Section 71. Subsections (3), (4), (5), and (9) of | | |
| 19 | section 548.002, Florida Statutes, are amended, present | | |
| 20 | subsections (5) through (15) are renumbered as subsections (6) | | |
| 21 | through (16), respectively, and new subsections (5) and (17) | | |
| 22 | are added to that section, to read: | | |
| 23 | 548.002 Definitions.--As used in this act, the term: | | |
| 24 | (3) "Commission" means the <u>Florida State Boxing</u> | | |
| 25 | <u>Athletic Commission.</u> | | |
| 26 | (4) "Contest" means a boxing <u>or</u> kickboxing, or | | |
| 27 | martial arts engagement in which the participants strive | | |
| 28 | earnestly to win. | | |
| 29 | (5) " <u>Department</u> " means the <u>Department of Business and</u> | | |
| 30 | <u>Professional Regulation.</u> | | |
| 31 | <u>(6)</u> (5) "Exhibition" means a boxing <u>or</u> kickboxing, or | | |

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 ~~martial arts~~ engagement in which the participants show or
 2 display their skill without necessarily striving to win.

3 (10)(9) "Manager" means any person who, directly or
 4 indirectly, controls or administers the boxing ~~or~~kickboxing,
 5 ~~or martial arts~~ affairs of any participant.

6 (17) "Secretary" means the Secretary of Business and
 7 Professional Regulation.

8 Section 72. Section 548.003, Florida Statutes, 1998
 9 Supplement, is amended to read:

10 548.003 Florida State Boxing Athletic Commission;
 11 organization; meetings; accountability of commission members;
 12 compensation and travel expenses; association membership and
 13 participation.--

14 (1) The Florida State Boxing Athletic Commission is
 15 created and is assigned to ~~under~~ the Department of Business
 16 and Professional Regulation for administrative and fiscal
 17 accountability purposes only. The Florida State Boxing
 18 ~~Athletic~~ Commission shall consist of five members appointed by
 19 the Governor, subject to confirmation by the Senate. Upon the
 20 expiration of the term of a commissioner, the Governor shall
 21 appoint a successor to serve for a 4-year term. A commissioner
 22 whose term has expired shall continue to serve on the
 23 commission until such time as a replacement is appointed. If
 24 a vacancy on the commission occurs prior to the expiration of
 25 the term, it shall be filled for the unexpired portion of the
 26 term in the same manner as the original appointment.

27 (2) The Florida State Boxing Athletic Commission, as
 28 created by subsection (1), shall administer the provisions of
 29 this chapter. The commission has authority to adopt rules
 30 pursuant to ss. 120.536(1) and 120.54 to implement the
 31 provisions of this chapter and to implement each of the duties

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 and responsibilities conferred upon the commission, including,
2 but not limited to: development of an ethical code of conduct
3 for commissioners, commission staff, and commission officials;
4 procedures for hearings and resolution of disputes;
5 qualifications for appointment of referees and judges; and
6 setting fee and reimbursement schedules for officials
7 appointed by the commission.

8 (3) The commission shall maintain an office in
9 Tallahassee ~~and any necessary branch offices.~~ At the first
10 meeting of the commission after June 1 of each year, the
11 commission shall select a chair and a vice chair from among
12 its membership. Three members shall constitute a quorum and
13 the concurrence of at least three members is necessary for
14 official commission action.

15 (4) Three consecutive unexcused absences or absences
16 constituting 50 percent or more of the commission's meetings
17 within any 12-month period shall cause the commission
18 membership of the member in question to become void, and the
19 position shall be considered vacant. The commission shall, by
20 rule, define unexcused absences.

21 (5) Each commission member shall be accountable to the
22 Governor for the proper performance of duties as a member of
23 the commission. The Governor shall cause to be investigated
24 any complaint or unfavorable report received by the Governor
25 or the department concerning an action of the commission or
26 any member and shall take appropriate action thereon. The
27 Governor may remove from office any member for malfeasance,
28 unethical conduct, misfeasance, neglect of duty, incompetence,
29 permanent inability to perform official duties, or pleading
30 guilty or nolo contendere to or being found guilty of a
31 felony.

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 ~~(6)~~(4) Each member of the commission shall be
2 compensated at the rate of ~~\$50~~\$25 for each day she or he
3 attends a commission meeting and shall be reimbursed for other
4 expenses as provided in s. 112.061.

5 (7) The commission shall be authorized to join and
6 participate in the activities of the Association of Boxing
7 Commissions (ABC).

8 (8) The department shall provide all legal and
9 investigative services necessary to implement this chapter.
10 The department may adopt rules as provided in ss. 120.54 and
11 120.536(1) to carry out its duties under this chapter.

12 Section 73. Section 548.004, Florida Statutes, is
13 amended to read:

14 548.004 Executive director ~~secretary; deputies;~~
15 ~~duties, compensation, administrative support.--~~

16 (1) The department ~~commission~~ shall employ an
17 executive director with the approval of the commission. The
18 executive director shall serve at the pleasure of the
19 ~~secretary who shall receive a salary to be fixed by the~~
20 ~~commission with the approval of the Governor. The executive~~
21 ~~secretary shall keep a record of all proceedings of the~~
22 ~~commission; shall preserve all books, papers, and documents~~
23 ~~pertaining to the business of the commission; shall prepare~~
24 ~~any notices and papers required; shall appoint judges,~~
25 referees, and other officials as delegated by the commission
26 and pursuant to this chapter and rules of the commission;and
27 shall perform such other duties as the department or
28 commission directs. The executive director ~~secretary~~ may
29 issue ~~witness~~ subpoenas and administer oaths.

30 (2) The commission shall require electronic recording
31 of all scheduled proceedings of the commission.

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 (3) The department shall provide assistance in budget
2 development and budget submission for state funding requests.
3 The department shall submit an annual balanced legislative
4 budget for the commission which is based upon anticipated
5 revenue. The department shall provide technical assistance and
6 administrative support, if requested or determined needed, to
7 the commission and its executive director on issues relating
8 to personnel, contracting, property management, or other
9 issues identified as important to performing the duties of
10 this chapter and to protecting the interests of the state.

11 ~~(2) The commission may appoint any deputies that are~~
12 ~~necessary, whose compensation shall be the same as that of the~~
13 ~~commissioners. A deputy shall, on the order of the~~
14 ~~commission, represent the commission at a boxing match.~~

15 Section 74. Section 548.005, Florida Statutes, is
16 created to read:

17 548.005 Oversight of the commission; long-range policy
18 planning; plans, reports, and recommendations.--

19 (1) The department shall exercise oversight of the
20 activities of the commission to the extent necessary to
21 facilitate the requirements of this section.

22 (2) To facilitate efficient and cost-effective
23 regulation, the commission and the department, where
24 appropriate, shall develop and implement a long-range policy
25 planning and monitoring process to include recommendations
26 specific to the commission. Included in the plan shall be
27 specific recommendations regarding performance standards and
28 measurable outcomes for the commission. Such process shall
29 include estimates of revenues, expenditures, cash balances,
30 and performance statistics for the commission. The period
31 covered shall not be less than 5 years. The commission, with

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 assistance from the department, shall develop the long-range
2 plan which must be approved by the Governor. The department
3 shall monitor compliance with the approved long-range plan and
4 shall assist the commission in annually updating the plan for
5 approval by the Governor. The department shall provide concise
6 management reports to the commission and the Governor
7 quarterly. As part of the review process, the department shall
8 evaluate:

9 (a) Whether the commission is operating efficiently
10 and effectively and if there is need for assistance to help
11 the commission in ensuring cost-effective regulation.

12 (b) How and why pugilistic exhibitions and contests
13 are regulated.

14 (c) Whether there is a need to continue regulation,
15 and to what degree.

16 (d) Whether or not licensee and consumer protection is
17 adequate, and how it can be improved.

18 (e) Whether unlicensed activity is adequately
19 enforced.

20
21 Such plans should include conclusions and recommendations on
22 these and other issues as appropriate. Such plans shall be
23 provided to the Governor and the Legislature by November 1 of
24 each year.

25 Section 75. Section 548.006, Florida Statutes, is
26 amended to read:

27 548.006 Power of commission to control pugilistic
28 contests and exhibitions.--The commission has exclusive
29 jurisdiction over every match held within the state which
30 involves a professional. Matches shall be held ~~only~~ in
31 accordance with this chapter and the rules adopted by the

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 commission.

2 Section 76. Section 548.007, Florida Statutes, is
3 amended to read:

4 548.007 Applicability of act to amateur matches and
5 certain other matches or events.--With the exception of s.
6 548.008,sections 548.001-548.079 do not apply to:

7 (1) Any match in which the participants are amateurs;

8 (2) Any match conducted or sponsored by a university,
9 college, or secondary school if all the participants are
10 students regularly enrolled in the institution;

11 (3) Any match conducted or sponsored by a nationally
12 chartered veterans' organization registered with the state;

13 (4) Any match conducted or sponsored by any company or
14 detachment of the Florida National Guard; or

15 (5) Any official Olympic event.

16 Section 77. Section 548.008, Florida Statutes, is
17 amended to read:

18 548.008 Toughman and badman competition prohibited.--

19 (1) No professional or amateur toughman or badman
20 match, as described in this section, may be held in this
21 state. Such competition includes any contest or exhibition
22 where participants compete by using a combination of fighting
23 skills. Such skills may include, but are not limited to,
24 boxing, wrestling, kicking, or martial arts skills.

25 Notwithstanding the above, this section shall not preclude
26 kickboxing as regulated by this chapter.

27 (2) Any person participating in or promoting a
28 professional or amateur toughman or badman match is guilty of
29 a misdemeanor of the second degree, punishable as provided in
30 s. 775.082 or s. 775.083.

31 Section 78. Section 548.014, Florida Statutes, is

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 amended to read:

2 548.014 Promoters and foreign copromoters; bonds or
3 other security.--

4 (1)(a) Before any license is issued or renewed to a
5 promoter or foreign copromoter and before any permit is issued
6 to a promoter or foreign copromoter, she or he must file a
7 surety bond with the commission in such reasonable amount, but
8 not less than \$15,000~~\$3,000~~, as the commission determines.

9 (b) All bonds must ~~shall~~ be upon forms approved by the
10 ~~Department of Legal Affairs~~ and supplied by the commission.

11 (c) The sufficiency of any surety is subject to
12 approval of the commission ~~and the Department of Legal~~
13 ~~Affairs~~.

14 (d) The surety bond must ~~shall~~ be conditioned upon the
15 faithful performance by the promoter or foreign copromoter of
16 her or his obligations under this chapter and upon the
17 fulfillment of her or his contracts with any other licensees
18 under this chapter. However, the aggregate annual liability
19 of the surety for all obligations and fees may ~~shall~~ not
20 exceed the amount of the bond.

21 (2) In lieu of a surety bond, the promoter or foreign
22 copromoter may deposit with the commission cash or~~a~~
23 ~~certified check, or direct obligations of the United States or~~
24 ~~this state which are acceptable to the commission~~ in an
25 equivalent amount and subject to the same conditions as the
26 bond. ~~No~~ Such security may not be returned to the promoter
27 until 1 year after the date on which it was deposited with the
28 commission unless a surety bond is substituted for it. If no
29 claim against the deposit is outstanding, it shall be returned
30 to the depositor 1 year after ~~from~~ the date it was deposited.

31 ~~(3) A filing fee of \$10 shall accompany each bond,~~

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 ~~cash, or security deposited under this section.~~

2 (3)~~(4)~~ Recovery may be made against any bond, cash, or
3 other security in the same manner as penalties are recoverable
4 at law.

5 Section 79. Section 548.025, Florida Statutes, is
6 amended to read:

7 548.025 License fees.--

8 ~~(1)~~ The commission shall set license fees as follows:

9 (1)~~(a)~~ Promoter, matchmaker--not to exceed \$500.

10 (2)~~(b)~~ Any other license--not to exceed \$100.

11 ~~(2) The commission may issue licenses, without charge,
12 to referees and physicians authorizing them to officiate only
13 at matches involving amateurs.~~

14 Section 80. Section 548.041, Florida Statutes, is
15 amended to read:

16 548.041 Age of boxers.--A person under 18 years of age
17 may not participate in any match, ~~except that an amateur who
18 is 16 or 17 years of age may participate in matches with other
19 amateurs who are 16 or 17 years of age under rules adopted by
20 the commission.~~

21 Section 81. Section 548.042, Florida Statutes, is
22 amended to read:

23 548.042 Participation under fictitious name.--A person
24 may not participate under a fictitious or assumed name in any
25 match ~~involving an amateur~~ unless she or he has registered the
26 name with the commission.

27 Section 82. Subsections (2) and (3) of section
28 548.043, Florida Statutes, are amended to read:

29 548.043 Weights and classes, limitations; gloves.--

30 (2) The commission shall establish by rule the
31 acceptable ~~No boxing match shall be held in which the~~

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 difference in weight between ~~of the~~ participants; however, the
2 maximum difference in weight shall not exceed 12 ~~exceeds 10~~
3 pounds, except matches in the cruiserweight ~~light-heavyweight~~
4 and heavyweight classes and exhibitions held solely for
5 training purposes.

6 (3) The commission shall establish by rule the
7 appropriate weight of boxing gloves to be used in each boxing
8 match; however, all participants in boxing matches shall wear
9 boxing gloves weighing not less than 8 ~~6~~ ounces each.
10 ~~Participants in all other types of matches shall wear such~~
11 ~~protective devices as the commission deems necessary.~~

12 Section 83. Subsections (1), (2), and (3) of section
13 548.045, Florida Statutes, are amended to read:

14 548.045 Medical advisory council; qualifications,
15 compensation, powers and duties.--

16 (1) A medical advisory council, which shall consist of
17 five members appointed by the Governor, is created. Each
18 member must be licensed to practice medicine in this state,
19 must maintain an unencumbered license in good standing, and
20 must, at the time of her or his appointment, have practiced
21 medicine at least 5 years.

22 (2) ~~Initially, two of the members shall be appointed~~
23 ~~for terms of 1 year, one member shall be appointed for a term~~
24 ~~of 2 years, one member shall be appointed for a term of 3~~
25 ~~years, and one member shall be appointed for a term of 4~~
26 ~~years. The term of each member thereafter appointed, except to~~
27 ~~fill a vacancy, shall be 2~~ ~~4~~ years.

28 (3) The Governor shall designate one of the members of
29 the council as its chair.

30 Section 84. Subsection (2) of section 548.046, Florida
31 Statutes, is amended to read:

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 548.046 Physician's attendance at match; examinations;
2 cancellation of match.--

3 (2) In addition to any other required examination,
4 each participant shall be examined by the attending physician
5 at the time of weigh-in within 12 hours before she or he
6 ~~enters the ring~~. If the physician determines that a
7 participant is physically or mentally unfit to proceed, the
8 physician shall notify any commissioner or the commission
9 representative deputy in charge who shall immediately cancel
10 the match. The examination shall conform to rules adopted by
11 the commission based on the advice of the medical advisory
12 council. The result of the examination shall be reported in a
13 writing signed by the physician and filed with the commission
14 prior to completion of the weigh-in within 72 hours after the
15 match.

16 Section 85. Subsections (3) and (4) of section 548.05,
17 Florida Statutes, are amended to read:

18 548.05 Control of contracts.--

19 (3) The commission may require that each contract
20 contain language authorizing the Florida State Boxing Athletic
21 Commission to withhold any or all of any manager's share of a
22 purse in the event of a contractual dispute as to entitlement
23 to any portion of a purse. The commission may establish rules
24 governing the manner of resolution of such dispute. In
25 addition, if the commission deems it appropriate, the
26 commission is hereby authorized to implead interested parties
27 over any disputed funds into the appropriate circuit court for
28 resolution of the dispute prior to release of all or any part
29 of the funds.

30 (4) Each contract subject to this section shall
31 contain the following clause: "This agreement is subject to

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 the provisions of chapter 548, Florida Statutes, and to the
2 rules of the Florida State Boxing Athletic Commission and to
3 any future amendments of either."

4 Section 86. Section 548.053, Florida Statutes, is
5 amended to read:

6 548.053 Distribution of purses to participants;
7 statements.--

8 (1) Unless otherwise directed by a representative of
9 the commission, all purses shall be distributed by the
10 promoter no later than 24 hours after the match. A written
11 statement showing the distribution of the purse, including
12 each item of receipt and each expenditure or deduction, shall
13 be furnished to the participant and her or his manager,
14 together with the participant's share of the purse. The
15 promoter shall retain file a copy of the statement, certified
16 by her or him to be correct, with receipted vouchers for all
17 expenditures and deductions, for a period to be designated by
18 the commission, which copy shall be provided to the commission
19 upon demand ~~with the commission no later than 72 hours after~~
20 ~~the match.~~

21 (2) Unless otherwise directed by a representative of
22 the commission, a manager shall furnish to the participant she
23 or he manages a statement of distribution, together with the
24 participant's share of the purse, no later than 24 hours after
25 the manager receives the purse and statement from the
26 promoter. The manager shall retain file a copy of the
27 statement, certified by her or him to be correct, with
28 receipted vouchers for all expenditures and deductions, for a
29 period to be designated by the commission, which copy shall be
30 provided to the commission upon demand ~~with the commission no~~
31 ~~later than 72 hours after the manager receives the~~

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 ~~distribution from the promoter.~~

2 Section 87. Subsection (1) of section 548.054, Florida
3 Statutes, is amended to read:

4 548.054 Withholding of purses; hearing; disposition of
5 withheld purse forfeiture.--

6 (1) A member of the commission, the commission
7 representative ~~the deputy in charge~~, or the referee may order
8 a promoter to surrender to the commission ~~withhold~~ any purse
9 or other funds payable to a participant, or to withhold the
10 share of any manager, if it appears that:

11 (a) The participant is not competing honestly, or is
12 intentionally not competing to the best of her or his ability
13 and skill, in a match represented to be a contest; or

14 (b) The participant, her or his manager, or any of the
15 participant's seconds has violated this chapter.

16 Section 88. Subsections (2) and (3) of section
17 548.057, Florida Statutes, are amended to read:

18 548.057 Attendance of referee and judges at match;
19 scoring; seconds.--

20 (2) At each boxing contest, at the expense of the
21 promoters, three judges appointed by the executive director as
22 delegated by the commission shall attend and shall render
23 their individual decisions in writing on scorecards supplied
24 by the commission ~~at the end of each contest which continues~~
25 ~~for the scheduled number of rounds.~~ Each judge shall have one
26 vote, and a majority of the votes cast shall determine the
27 winner.

28 (3) The commission shall ensure that all referees,
29 judges, and other officials are Florida-licensed officials
30 qualified pursuant to rules of the commission and that no
31 sanctioning organization or promoter has been permitted to

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 influence the appointment of any officials, and shall
2 prescribe the methods of scoring.

3 Section 89. Subsection (12) of section 548.071,
4 Florida Statutes, is amended to read:

5 548.071 Suspension or revocation of license or permit
6 by commission.--The commission may suspend or revoke a license
7 or permit if the commission finds that the licensee or
8 permittee:

9 (12) Has been disciplined by the Florida State Boxing
10 ~~Athletic~~ Commission or similar agency or body of any
11 jurisdiction.

12 Section 90. Section 548.077, Florida Statutes, is
13 amended to read:

14 548.077 Florida State Boxing Athletic Commission;
15 collection and disposition of moneys.--All fees, fines,
16 forfeitures, and other moneys collected under the provisions
17 of this chapter shall be paid by the commission to the State
18 Treasurer who, after the expenses of the commission are paid,
19 shall deposit them in the Professional Regulation Trust Fund
20 to be used for the administration and operation of the
21 commission and to enforce the laws and rules under its
22 jurisdiction. In the event the unexpended balance of such
23 moneys collected under the provisions of this chapter exceeds
24 \$250,000, any excess of that amount shall be deposited in the
25 General Revenue Fund.

26
27 (Redesignate subsequent sections.)

28
29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 On page 181, line 31, after the semicolon
2
3 insert:
4 amending s. 548.002, F.S.; providing
5 definitions; amending s. 548.003, F.S.;
6 changing the name of the commission to the
7 Florida State Boxing Commission; assigning the
8 commission to the Department of Business and
9 Professional Regulation for administrative and
10 fiscal accountability purposes only; providing
11 procedures for filling vacancies on commission;
12 expanding scope of rules; eliminating branch
13 offices; requiring selection of vice chair;
14 providing for removal of commission members for
15 specified absences; providing accountability
16 for commission members; increasing compensation
17 rate for attendance of meetings; authorizing
18 membership and participation by the commission
19 in specified associations; providing rulemaking
20 authority; amending s. 548.004, F.S.; providing
21 for an executive director employed by the
22 department; providing additional duties of the
23 executive director; eliminating the appointment
24 of deputies; requiring electronic recording of
25 commission proceedings; requiring the
26 department to provide assistance to the
27 commission under certain circumstances;
28 creating s. 548.005, F.S.; requiring the
29 department to oversee the activities of the
30 commission; providing for long-range policy
31 planning, and preparation of plans, reports,

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

1 and recommendations; requiring submission to
2 the Governor and Legislature; amending s.
3 548.006, F.S.; providing that matches shall be
4 held in accordance with commission rules;
5 amending s. 548.007, F.S.; providing for
6 applicability of the act to toughman and badman
7 competitions; amending s. 548.008, F.S.;
8 prohibiting professional or amateur toughman
9 and badman competitions; providing a penalty;
10 amending s. 548.014, F.S.; requiring surety
11 bond to apply to promoters or foreign
12 copromoters; increasing the minimum amount for
13 surety bond; revising options to surety bond;
14 eliminating a filing fee; amending ss. 548.025,
15 548.041, and 548.042, F.S.; removing provisions
16 relating to amateurs and amateur matches;
17 amending s. 548.043, F.S.; revising provisions
18 regulating weights, classes, and gloves;
19 amending s. 548.045, F.S.; revising provisions
20 relating to the medical advisory council;
21 revising terms of council members; amending s.
22 548.046, F.S.; revising the time for
23 examination of participants by physician and
24 filing of physician report; amending s.
25 548.053, F.S.; revising provisions relating to
26 distribution of purses to participants;
27 requiring promoters and managers to retain
28 certain information for a designated time;
29 amending s. 548.054, F.S.; designating those
30 persons authorized to order the surrender of a
31 purse or the withholding of a manager's share;

Bill No. CS for CS for SB 1566, 1st Eng.

Amendment No. ____

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amending s. 548.057, F.S.; providing for
appointment of judges at a boxing match;
requiring certain qualifications for referees,
judges, and officials; removing the requirement
that scorecards be turned in at the end of each
contest; amending ss. 548.05, 548.071, and
548.077, F.S., to conform;