

Bill No. HB 1977, 1st Eng.

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Lee and Sebesta moved the following amendment:

**Senate Amendment (with title amendment)**

On page 12, between lines 27 and 28,

insert:

Section 8. Subsections (3), (4), (5), and (9) of section 548.002, Florida Statutes, are amended, present subsections (5) through (15) are renumbered as subsections (6) through (16), respectively, and new subsections (5) and (17) are added to that section, to read:

548.002 Definitions.--As used in this act, the term:

(3) "Commission" means the Florida State Boxing Athletic Commission.

(4) "Contest" means a boxing ~~or kickboxing, or martial arts~~ engagement in which the participants strive earnestly to win.

(5) "Department" means the Department of Business and Professional Regulation.

(6)~~(5)~~ "Exhibition" means a boxing ~~or kickboxing, or martial arts~~ engagement in which the participants show or

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1 display their skill without necessarily striving to win.  
 2 (10)(9) "Manager" means any person who, directly or  
 3 indirectly, controls or administers the boxing or,kickboxing,  
 4 ~~or martial arts~~ affairs of any participant.

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

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

9 548.003 Florida State Boxing Athletic Commission;  
 10 organization; meetings; accountability of commission members;  
 11 compensation and travel expenses; association membership and  
 12 participation.--

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

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

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

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

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

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

31           ~~(6)~~(4) Each member of the commission shall be

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

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

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

11 Section 10. Section 548.004, Florida Statutes, is  
12 amended to read:

13 548.004 Executive director ~~secretary; deputies;~~  
14 ~~duties, compensation, administrative support.--~~

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

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

31 (3) The department shall provide assistance in budget

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

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

14 Section 11. Section 548.005, Florida Statutes, is  
15 created to read:

16 548.005 Oversight of the commission; long-range policy  
17 planning; plans, reports, and recommendations.--

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

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

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

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

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

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

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

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

19  
20 Such plans should include conclusions and recommendations on  
21 these and other issues as appropriate. Such plans shall be  
22 provided to the Governor and the Legislature by November 1 of  
23 each year.

24 Section 12. Section 548.006, Florida Statutes, is  
25 amended to read:

26 548.006 Power of commission to control pugilistic  
27 contests and exhibitions.--The commission has exclusive  
28 jurisdiction over every match held within the state which  
29 involves a professional. Matches shall be held ~~only~~ in  
30 accordance with this chapter and the rules adopted by the  
31 commission.

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1           Section 13. Section 548.007, Florida Statutes, is  
2 amended to read:

3           548.007 Applicability of act to amateur matches and  
4 certain other matches or events.--With the exception of s.  
5 548.008, sections 548.001-548.079 do not apply to:

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

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

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

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

14          (5) Any official Olympic event.

15          Section 14. Section 548.008, Florida Statutes, is  
16 amended to read:

17          548.008 Toughman and badman competition prohibited.--

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

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

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

30          Section 15. Section 548.014, Florida Statutes, is  
31 amended to read:

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1           548.014 Promoters and foreign copromoters; bonds or  
2 other security.--

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

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

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

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

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

30           ~~(3) A filing fee of \$10 shall accompany each bond,~~  
31 ~~cash, or security deposited under this section.~~



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1           ~~(3)(4)~~ Recovery may be made against any bond, cash, or  
2 other security in the same manner as penalties are recoverable  
3 at law.

4           Section 16. Section 548.025, Florida Statutes, is  
5 amended to read:

6           548.025 License fees.--

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

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

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

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

13          Section 17. Section 548.041, Florida Statutes, is  
14 amended to read:

15          548.041 Age of boxers.--A person under 18 years of age  
16 may not participate in any match, ~~except that an amateur who  
17 is 16 or 17 years of age may participate in matches with other  
18 amateurs who are 16 or 17 years of age under rules adopted by  
19 the commission.~~

20          Section 18. Section 548.042, Florida Statutes, is  
21 amended to read:

22          548.042 Participation under fictitious name.--A person  
23 may not participate under a fictitious or assumed name in any  
24 match ~~involving an amateur~~ unless she or he has registered the  
25 name with the commission.

26          Section 19. Subsections (2) and (3) of section  
27 548.043, Florida Statutes, are amended to read:

28          548.043 Weights and classes, limitations; gloves.--

29          (2) The commission shall establish by rule the  
30 acceptable ~~No boxing match shall be held in which the~~  
31 difference in weight between of the participants; however, the

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

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

11 Section 20. Subsections (1), (2), and (3) of section  
 12 548.045, Florida Statutes, are amended to read:

13 548.045 Medical advisory council; qualifications,  
 14 compensation, powers and duties.--

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

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

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

29 Section 21. Subsection (2) of section 548.046, Florida  
 30 Statutes, is amended to read:

31 548.046 Physician's attendance at match; examinations;

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1 cancellation of match.--

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

15 Section 22. Subsections (3) and (4) of section 548.05,  
16 Florida Statutes, are amended to read:

17 548.05 Control of contracts.--

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

29 (4) Each contract subject to this section shall  
30 contain the following clause: "This agreement is subject to  
31 the provisions of chapter 548, Florida Statutes, and to the

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1 rules of the Florida State Boxing Athletic Commission and to  
2 any future amendments of either."

3 Section 23. Section 548.053, Florida Statutes, is  
4 amended to read:

5 548.053 Distribution of purses to participants;  
6 statements.--

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

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

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1           Section 24. Subsection (1) of section 548.054, Florida  
2 Statutes, is amended to read:

3           548.054 Withholding of purses; hearing; disposition of  
4 withheld purse forfeiture.--

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

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

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

15           Section 25. Subsections (2) and (3) of section  
16 548.057, Florida Statutes, are amended to read:

17           548.057 Attendance of referee and judges at match;  
18 scoring; seconds.--

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

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

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1 prescribe the methods of scoring.

2 Section 26. Subsection (12) of section 548.071,  
3 Florida Statutes, is amended to read:

4 548.071 Suspension or revocation of license or permit  
5 by commission.--The commission may suspend or revoke a license  
6 or permit if the commission finds that the licensee or  
7 permittee:

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

11 Section 27. Section 548.077, Florida Statutes, is  
12 amended to read:

13 548.077 Florida State Boxing ~~Athletic~~ Commission;  
14 collection and disposition of moneys.--All fees, fines,  
15 forfeitures, and other moneys collected under the provisions  
16 of this chapter shall be paid by the commission to the State  
17 Treasurer who, after the expenses of the commission are paid,  
18 shall deposit them in the Professional Regulation Trust Fund  
19 to be used for the administration and operation of the  
20 commission and to enforce the laws and rules under its  
21 jurisdiction. In the event the unexpended balance of such  
22 moneys collected under the provisions of this chapter exceeds  
23 \$250,000, any excess of that amount shall be deposited in the  
24 General Revenue Fund.

25  
26 (Redesignate subsequent sections.)  
27  
28

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

30 And the title is amended as follows:

31 On page 2, line 22, after the semicolon,

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

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1           548.006, F.S.; providing that matches shall be  
2 held in accordance with commission rules;  
3 amending s. 548.007, F.S.; providing for  
4 applicability of the act to toughman and badman  
5 competitions; amending s. 548.008, F.S.;  
6 prohibiting professional or amateur toughman  
7 and badman competitions; providing a penalty;  
8 amending s. 548.014, F.S.; requiring surety  
9 bond to apply to promoters or foreign  
10 copromoters; increasing the minimum amount for  
11 surety bond; revising options to surety bond;  
12 eliminating a filing fee; amending ss. 548.025,  
13 548.041, and 548.042, F.S.; removing provisions  
14 relating to amateurs and amateur matches;  
15 amending s. 548.043, F.S.; revising provisions  
16 regulating weights, classes, and gloves;  
17 amending s. 548.045, F.S.; revising provisions  
18 relating to the medical advisory council;  
19 revising terms of council members; amending s.  
20 548.046, F.S.; revising the time for  
21 examination of participants by physician and  
22 filing of physician report; amending s.  
23 548.053, F.S.; revising provisions relating to  
24 distribution of purses to participants;  
25 requiring promoters and managers to retain  
26 certain information for a designated time;  
27 amending s. 548.054, F.S.; designating those  
28 persons authorized to order the surrender of a  
29 purse or the withholding of a manager's share;  
30 amending s. 548.057, F.S.; providing for  
31 appointment of judges at a boxing match;



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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;