Bill No. CS for SB 348, 1st Eng.

Amendment No. ____ Barcode 285314

	CHAMBER ACTION Senate House
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11	Senator Geller moved the following amendment:
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13	Senate Amendment (with title amendment)
14	On page 53, between lines 15 and 16,
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16	insert:
17	Section 30. Subsections (4) through (17) of section
18	548.002, Florida Statutes, are renumbered as subsections (5)
19	through (17), respectively, present subsection (18) is
20	renumbered as subsection (19), and new subsections (4) and
21	(18) are added to said section to read:
22	548.002 DefinitionsAs used in this act, the term:
23	(4) "Concessionaire" means any person or business
24	entity not licensed as a promoter which receives revenues or
25	other compensation from the sale of tickets or from the sale
26	of souvenirs, programs, broadcast rights, or any other
27	concessions in conjunction with the promotion of a match.
28	(18) "Second" or "cornerman" means a person who
29	assists the fight participant between rounds and maintains the
30 31	corner of the participant during the match. Section 31. Section 548.015, Florida Statutes, is
эт	Section 31. Section 340.013, Fiorida Statutes, 18

created to read:

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548.015 Concessionaires; security.--The commission may require that before any license is issued or renewed to a concessionaire, or before the holding of a match, the concessionaire must file a surety bond, a cash deposit, or some other form of security with the commission in such reasonable amount as the commission determines.

Section 32. Subsections (1) and (2) of section 548.003, Florida Statutes, are amended to read:

548.003 Florida State Boxing Commission; <u>powers;</u> organization; meetings; accountability of commission members; compensation and travel expenses; association membership and participation.--

- (1) The Florida State Boxing Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The Florida State Boxing Commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate. One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years. Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs prior to the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.
 - (2) The Florida State Boxing Commission, as created by

subsection (1), shall administer the provisions of this		
chapter. The commission has authority to adopt rules pursuant		
to ss. 120.536(1) and 120.54 to implement the provisions of		
this chapter and to implement each of the duties and		
responsibilities conferred upon the commission, including, but		
not limited to:		
(a) Development of an ethical code of conduct for		
commissioners, commission staff, and commission officials;		

- (b) Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services
- 12 necessary for the conduct of a program of matches;
 - (c) Requirements regarding a participant's apparel, bandages, handwraps, gloves, mouthpiece, and appearance during a match;
 - (d) Requirements relating to a manager's
 participation, presence, and conduct during a match;

 - $\underline{\text{(f)}}$ Procedures for hearings and resolution of disputes;
 - $\underline{(g)}$ Qualifications for appointment of referees and judges;
 - (h) Qualifications for and appointment of chief inspectors and inspectors, and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter;
- 29 <u>(i) Designation and duties of a knockdown timekeeper;</u>
 30 and
 - (j) Setting fee and reimbursement schedules for

 $\underline{\text{referees and other}}$ officials appointed by the commission $\underline{\text{or}}$ the representative of the commission.

Section 33. The Florida State Boxing Commission shall conduct a review and analysis of boxing competitions not now regulated or sanctioned and shall provide recommendations to the Department of Business and Professional Regulation and the Legislature regarding any rules or legislation necessary to achieve effective regulation.

Section 34. Section 548.017, Florida Statutes, is amended to read:

548.017 Boxers, managers, and other persons required to have licenses.--

- (1) A professional participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, concessionaire, or booking agent or representative of a booking agent shall be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. A physician must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director prior to working as the ringside physician.
- (2) A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 35. Section 548.021, Florida Statutes, is amended to read:

548.021 Applications for licenses and permits.—
(1) An application for a license or a permit must:
(a)(1) Be in writing on a form supplied by the

commission which shall contain the applicant's social security number.

(b) Be verified by the applicant.

 $\underline{\text{(c)}}$ Be complete and have attached to the application any photographs and other exhibits required.

(2)(4) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(3) Any person who seeks to obtain a license by means of a knowingly false or fraudulent representation made in any application or who otherwise knowingly makes false statements concerning her or his medical history, boxing record, or other personal information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 36. Section 548.024, Florida Statutes, is created to read:

548.024 Background investigation of applicants for licensure.--

(1) The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 which provide for background investigations of applicants for licensure under this chapter for the purpose of ensuring the accuracy of the information provided in the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of this chapter. The background investigation may include, but is not limited to, the criminal and financial

history of the applicant.

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(2) If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

Section 37. Section 548.028, Florida Statutes, is amended to read:

548.028 Refusal to issue license.--The commission shall not issue a license to:

- (1) Any person or business entity that who in any jurisdiction has been convicted of any act, or who has a trustee, partner, officer, director, or owner that has been convicted of any act, which would constitute a violation of this chapter or which would constitute any of the grounds set forth in this chapter for suspension or revocation of a license or against whom such charges are pending before any regulatory body; or
- (2) Any person or business entity that who has been named in any an information or indictment, or who has a trustee, partner, officer, director, or owner that has been named in an information or indictment, for any act which would 31 constitute a violation of this chapter or a ground for

1	suspension or revocation of a license.
2	Section 38. Section 548.041, Florida Statutes, is
3	amended to read:
4	(Substantial rewording of section. See
5	s. 548.041, F.S., for present text.)
6	548.041 Age, condition, and suspension of boxers
7	(1) A person shall not be licensed as a participant,
8	and the license of any participant shall be suspended or
9	revoked, if such person:
10	(a) Is under the age of 18;
11	(b) Has participated in a match in this state which
12	was not sanctioned by the commission or sanctioned by a Native
13	American commission properly constituted under federal law; or
14	(c) Does not meet certain health and medical
15	examination conditions as required by rule of the commission.
16	(2)(a) A participant losing by knockout as a result of
17	being counted out in any jurisdiction shall be automatically
18	suspended for a period of time as determined by the attending
19	physician or commission representative, or 60 calendar days
20	from the date of the knockout, whichever is longer. A
21	participant shall not engage in any match, contact exhibition,
22	or contact sparring for training purposes during the
23	suspension period. After the suspension period and prior to
24	engaging in any match, contact exhibition, or contact sparring
25	for training purposes, the participant shall be examined by a
26	physician. The participant shall advise the physician of the
27	previous knockout or technical draw and shall provide medical
28	records or his or her permission for the physician to consult
29	with the treating physician at the time of the previous
30	knockout or technical draw. The results of this examination
31	shall be filed with the commission prior to any further

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matches being approved for the participant.

(b) A participant losing by technical knockout, technical draw, or disqualification shall be automatically suspended for a period of time to be determined by the physician or commission representative, or 30 calendar days from the date of the technical knockout, technical draw, or disqualification, whichever is longer. A participant shall not engage in any match, contact exhibition, or contact sparring for training purposes during the suspension period without the approval of the physician. After the suspension period and prior to engaging in any match, contact exhibition, or contact sparring for training purposes, the participant shall be examined by a physician. The participant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his or her permission for the physician to consult with the treating physician at the time of the previous knockout or technical draw. The results of this examination shall be filed with the commission prior to any further matches being approved for the participant. In the case of a disqualification, the commission representative shall determine whether a medical clearance shall be required following suspension.

(c) Any participant who has been suspended by any state as a result of a recent knockout or series of consecutive losses, an injury, requirement for a medical procedure, physician denial of certification, failure of a drug test, the use of false aliases, or the falsifying or attempting to falsify official identification cards or documents shall not be permitted to participate in this state until such time as the state in which the participant is suspended removes his or her name from the suspension list or

until the requirements of such suspension have been fulfilled and proof of such has been provided to this state. If a participant has been suspended in another state for any reason other than those stated in this paragraph, the participant may be permitted to participate if the state in which the participant is suspended is notified and consulted with by this state prior to the granting of approval to participate or the participant appeals to the Association of Boxing

Commissions and the association determines that the suspension of such participant was without sufficient grounds, for an improper purpose, or not related to the health and safety of the participant.

- (d) Any participant who fails to appear at a match or fails to appear at a match at the designated time for which the participant or the participant's manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.
- (e) The license of any participant shall be revoked and shall not be reinstated if such participant intentionally strikes, strikes at, or touches in any way or threatens to touch in any way, any official.

Section 39. Subsection (4) is added to section 548.043, Florida Statutes, to read:

548.043 Weights and classes, limitations; gloves.--

(4) Participants in a match shall be weighed on the same scale at a time and place to be determined by the commission or a commission representative. The weigh-in shall be conducted in the presence of the opponent of the participant and a commission representative. If a participant

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fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late-arriving participant will be permitted to be weighed without the late-arriving participant present. The participant who arrived at the weigh-in on time shall not lose his right of observing the weighing in of his opponent. The weigh-in shall occur no sooner than 4:00 p.m. on the day preceding the date of the program of matches or at such other time as designated by the commission or commission representative.

Section 40. Section 548.046, Florida Statutes, is amended to read:

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

- (1) The commission, or the commission representative, shall assign to each match at least one $\frac{1}{2}$ physician who shall observe the physical condition of the participants and advise the commissioner or commission representative deputy in charge and the referee of the participants' conditions before, and during, and after the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. The physician shall be considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.
- (2)(a) In addition to any other required examination, each participant shall be examined by the attending physician at the time of weigh-in. If the physician determines that a participant is physically or mentally unfit to proceed, the physician shall notify any commissioner or the commission 31 | representative who shall immediately cancel the match.

examination shall conform to rules adopted by the commission based on the advice of the medical advisory council. The result of the examination shall be reported in a writing signed by the physician and filed with the commission prior to completion of the weigh-in.

- participant to present to the commission representative at the time of the weigh-in an original copy of blood test results which demonstrate whether the participant is free from any communicable disease. If the rules of the commission require the presentation of such results and the blood test results are not presented as required by commission rule or reveal the participant has a communicable disease, the commission representative shall immediately cancel the match. The commission may adopt, by rule, protocols and procedures for the blood tests and the cancellation of a match, a list of communicable diseases covered by this paragraph, and a time period within which the blood test must be taken prior to the match.
- (3)(a) In a match which is a sanctioned championship title fight, or whenever the commission representative has reason to believe that a participant has ingested or used a prohibited drug or foreign substance, the commission representative shall request and the participant shall provide, under the supervision of the attending physician, commission representative, or inspector, a sample or samples of his or her urine taken not less than 1 hour before the commencement of the match nor more than 1 hour after the conclusion of the match. No participant shall use substances or methods which could alter the integrity of the urine sample. Urine samples shall be taken in accordance with the

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protocol as agreed upon in writing between the commission and the laboratory used for processing the urine samples.

- (b) The commission may require urine samples, as provided in paragraph (a), to be conducted randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.
- (c) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the participant's license. Any participant who has been adjudged the loser of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit his or her share of the purse to the commission. Any participant who is adjudged the winner of a match and who subsequently refuses to or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in Florida. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the participant found to be in violation of this subsection had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is completed, the participant found to be in violation of this subsection shall forfeit his or her share of the purse to the commission.
- (4) The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the purpose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the

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29 30 physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.

Section 41. Section 548.049, Florida Statutes, is amended to read:

548.049 Medical, surgical, and hospital insurance; life insurance.--

- (1) The commission shall, by rule, require participants to be covered by not less than $$20,000 \frac{$2,500}{}$ of insurance for medical, surgical, and hospital care required as a result of injuries sustained while engaged in matches. insured shall be the beneficiary of such policies. Any deductible associated with the insurance policy shall be paid by the promoter and shall not be paid by or charged to the participant.
- (2) The commission may also require participants to be covered by not less than \$20,000 \$5,000 of life insurance covering deaths caused by injuries received while engaged in matches.

Section 42. Subsection (1) of section 548.05, Florida Statutes, is amended to read:

548.05 Control of contracts.--

(1) The commission shall adopt rules governing the form and content of contracts executed in this state between managers between promoters, foreign copromoters, and 31 professionals. All such contracts shall be in writing and

shall contain all provisions specifically worded as required by rules of the commission. Contracts which do not contain all provisions specifically worded as required by rules of the commission shall be deemed to contain such provisions. A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.

Section 43. Subsections (6) through (11) are added to section 548.057, Florida Statutes, to read:

548.057 Attendance of Referee and judges; attendance at match; scoring; seconds.--

- (6) No judge licensed in this state shall act as a judge at any match in a state, territory, commonwealth, or Native American Reservation that is not regulated by a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law.
- (7) No judge shall also serve as a supervisor or on the ratings committee or recommend boxers to the ratings committee for a sanctioning body.
- (8) Any person whose application for a judge's license has been denied shall not be permitted to reapply for a judge's license for a period of 6 months. Any person whose application for a judge's license has been denied on three occasions shall not be permitted to reapply.
- (9) The number of judges shall be assigned in accordance with rules of the commission. The number of unofficial judges at each event shall be limited to three by the commission.
- (10) The judges shall be located in seats designated for them by the commission representative.
 - (11) In the event that sufficient judges are not

available, a referee shall be selected to act as a judge for that specific program of matches.

Section 44. Present subsections (2) and (3) of section 548.06, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and new subsections (2), (3), and (4) are added to said section to read:

548.06 Payments to state; exemptions.--

- (2) Where the rights to telecast a match or matches held in Florida to be viewed in Florida or outside of Florida are in whole owned by, sold to, acquired by, or held by any person who intends to sell, subsequently sells, or, in some other manner, extends such rights in part to another, such person is deemed to be a promoter and must be licensed as such in this state. Such person shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.
- (3) A concessionaire shall, within 72 hours after the match, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.
- (4) Any written report required to be filed with the commission under this section shall be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

Section 45. Section 548.074, Florida Statutes, is amended to read:

548.074 <u>Power to administer oaths, take depositions,</u> and issue subpoenas.—For the purpose of any investigation or proceeding conducted pursuant to this chapter, the department shall have the power to administer oaths, take depositions,

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make inspections when authorized by statute, issue subpoenas
   which shall be supported by affidavit, serve subpoenas and
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   other process, and compel the attendance of witnesses and the
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   production of books, papers, documents, and other evidence.
   The department shall exercise this power on its own initiative
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   or whenever requested by the commission. Challenges to, and
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   enforcement of, subpoenas and orders shall be handled as
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   provided in s. 120.569. In addition to the powers of subpoena
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   in chapter 120, each member of the commission may issue
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   subpoenas requiring the attendance and testimony of, or the
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   production of books and papers by, any person whom the
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   commission believes to have information or documents of
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   importance to any commission investigation.
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          Section 46. Section 548.075, Florida Statutes, is
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   amended to read:
          548.075 Administrative fines; citations.--
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          (1) The commission may impose a fine of not more than
   $5,000 for any violation of this chapter in lieu of or in
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   addition to any other punishment provided for such violation.
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          (2) The commission may adopt rules pursuant to ss.
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   120.54 and 120.536(1) to permit the issuance of citations for
   any violation of this chapter in lieu of or in addition to any
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   other punishment provided for such violation.
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          Section 47. Section 548.045, Florida Statutes, is
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   repealed.
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   (Redesignate subsequent sections.)
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   ======= T I T L E A M E N D M E N T =========
31 And the title is amended as follows:
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1	On page 3, line 18, after the semicolon,
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3	insert:
4	amending s. 548.002, F.S.; providing
5	definitions; authorizing the Florida State
6	Boxing Commission to require the posting of a
7	bond or other form of security by
8	concessionaires; amending s. 548.015, F.S.;
9	authorizing the Florida State Boxing Commission
10	to require surety bonds or other forms of
11	security; amending s. 548.003, F.S.; requiring
12	one member of the Florida State Boxing
13	Commission to be a licensed physician;
14	providing additional duties and
15	responsibilities of the Florida State Boxing
16	Commission; requiring the Florida State Boxing
17	Commission to make recommendations with respect
18	to unregulated and unsanctioned boxing
19	competition; amending s. 548.017, F.S.;
20	providing requirements for ringside physicians;
21	requiring concessionaires to be licensed;
22	amending s. 548.021, F.S.; providing a criminal
23	penalty for attempting to obtain a license by
24	means of fraudulent information; creating s.
25	548.024, F.S.; authorizing the Florida State
26	Boxing Commission to adopt rules which provide
27	for background investigations of applicants for
28	licensure; providing for the submission of
29	fingerprint cards; providing procedure for
30	processing fingerprint cards; amending s.
31	548.028, F.S.; expanding provisions with

1 respect to persons whom the Florida State 2 Boxing Commission shall not license; amending 3 s. 548.041, F.S.; providing requirements and 4 restrictions with respect to age, condition, 5 and suspension of boxers; providing for revocation of license under specified 6 7 circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the 8 9 weighing of participants in a boxing match; 10 amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at 11 12 boxing matches; providing state insurance 13 coverage and sovereign immunity protection for assigned physicians; requiring the provision of 14 15 urine samples by participants under specified circumstances; providing for revocation of 16 17 license for failure or refusal to provide a required urine sample; providing conditions 18 with respect to forfeiture and redistribution 19 20 of purse upon failure or refusal to provide a 21 required urine sample; specifying authority of physicians at boxing matches; providing 22 procedure in the event of injury of a referee; 23 24 authorizing blood tests of participants prior to a match; providing for cancellation of the 25 26 match for a test showing the presence of a 27 communicable disease or for failure to present blood test results, if required; authorizing 28 the Florida State Boxing Commission to adopt 29 30 rules relating to blood tests; amending s. 548.049, F.S.; increasing the minimum coverage 31

amount of required insurance for participants 1 2 in boxing matches; requiring promoters to pay 3 any deductible for such insurance policy; 4 amending s. 548.05, F.S.; providing additional 5 requirements with respect to contracts between 6 managers and professionals; amending s. 7 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing 8 9 requirements with respect to number and location of judges; amending s. 548.06, F.S.; 10 revising provisions relating to promoters and 11 12 payments to the state; amending s. 548.074, F.S.; providing that the department shall have 13 14 the power to administer oaths, take 15 depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and 16 other evidence; amending s. 548.075, F.S.; 17 authorizing the Florida State Boxing Commission 18 19 to adopt rules to permit the issuance of 20 citations; repealing s. 548.045, F.S., relating 21 to the creation, qualifications, compensation, and powers and duties of the medical advisory 22 23 council; 24 25 26 27 28 29 30

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