

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TOURISM  
ANALYSIS**

**BILL #:** HB 617

**RELATING TO:** The Florida State Boxing Commission

**SPONSOR(S):** Representative Pickens

**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) TOURISM
  - (2) BUSINESS REGULATION
  - (3) COUNCIL FOR COMPETITIVE COMMERCE
  - (4)
  - (5)
- 

**I. SUMMARY:**

The bill expands general rulemaking authority of the Florida State Boxing Commission (Commission), authorizes rulemaking in the areas of background investigation, blood testing, and issuance of citations. The bill amends various provisions of Chapter 548, F.S., to provide greater protection for participants in boxing matches through health safety measures and through improved regulatory provisions. Also, the bill provides that promoters and concessionaires must file certain reports on matches held in the state and that when a person sells the rights to telecast a match supervised by the Commission, such person is deemed to be a promoter and must be licensed in the state.

The bill requires a concessionaire to file a surety bond, cash deposit, or some other form of security with the Commission before issuing or renewing a concessionaire license. The bill requires the Commission to conduct a review and analysis of boxing competitions not currently regulated or sanctioned and to provide recommendations to the Department of Business and Professional Regulation (DBPR) and the Legislature on rules or legislation needed for effective regulation. The bill provides that someone seeking licensure by providing certain false or fraudulent information on Commission documents is guilty of a second degree misdemeanor. The bill prohibits licensure of any person or business entity who, or who has a trustee, partner, officer, director, or owner, who, has been convicted of any act or has been named in any information or indictment for any act that would violate Chapter 548, F.S.

The bill requires a Commission member be a Florida licensed physician, in good standing, who has practiced medicine for at least five years. It requires a ringside physician to be Florida licensed, in good standing, and have medical training or experience in boxing or both. For state insurance coverage and sovereign immunity protection, a ringside physician is considered an agent of the Commission.

The bill provides for denial, suspension or revocation of a license if a participant is less than 18 years of age, has participated in an unsanctioned match, does not meet health criteria, or has been suspended in another state. Suspension and fines are required for failure to appear at a match or to appear on time; revocation is required for striking an official; and time certain suspension is required when a boxer has lost a fight by knockout, technical knockout, technical draw or disqualification. Additionally, the bill includes an increase in insurance coverage for participants; conditions for weigh-ins and examinations; conditions for obtaining urine samples; increased physician authority; conditions regarding judges; and, authorization for DBPR to administer oaths, take depositions, and issue subpoenas.

The bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill expands existing regulatory provisions and creates new provisions including expanded rulemaking authority, additional licensure requirements, and mandatory insurance coverage for participants. Many of these provisions codify existing practices and/or pending administrative rules.

B. PRESENT SITUATION:

Chapter 548, F.S., governs pugilistic exhibitions in the state. The Florida State Boxing Commission (Commission) has the statutory responsibility for carrying out the regulation of both persons participating in the exhibitions as well as the events themselves. Qualifications for Commission membership are not delineated in statute. The Commission is assigned to the Department of Business and Professional Regulation (DBPR) for administrative and fiscal accountability purposes only. Section 548.003, F.S., requires DBPR to provide all legal and investigative services necessary to implement Chapter 548, F.S.

The Commission's statutory responsibilities are wide ranging and include licensing and regulating all individuals involved in conducting professional boxing and kickboxing matches in the state, issuing permits for live matches and pay per view matches, establishing and administering medical guidelines, and collecting fees and taxes levied by Chapter 548, F.S. Personnel of the Commission supervise all aspects of all live bouts, including the licensing of participants not previously licensed and the weigh-in of participants, and also act as the official scorekeeper of all matches. The Commission maintains a database that contains all relevant information on all individuals licensed by the Commission. Prior to each event, Commission personnel verify that all participants are currently licensed, not under suspension in Florida or any other state, and meet all other requirements to be eligible to participate in boxing in Florida.

Toughman and badman competitions, whether amateur or professional, are prohibited by s. 548.008, F.S. The penalty for promoting or participating in this type of competition is a second degree misdemeanor.

Section 548.003, F.S., provides general rulemaking authority for the Commission and DBPR pursuant to ss. 120.536(1) and 120.54, F.S., to implement their respective duties and responsibilities in carrying out the provisions of the chapter. In a February 22, 1999, letter from the Joint Administrative Procedure Committee (JAPC) to DBPR, several instances were noted by JAPC that DBPR's and the Commission's proposed rules regarding boxing lacked specific rulemaking authority. Traditionally, rules are promulgated after specific rulemaking authority is granted. The

proposed rules regarding certain sections of Chapter 548, F.S., are currently pending. If the Commission is granted specific rulemaking authority, the Commission and DBPR will proceed with the rule promulgation process.

Physicians selected by the Commission to attend matches are not protected by sovereign immunity. The Commission and DBPR have indicated that it is very difficult to find qualified individuals to be responsible at a match because of the exposure of liability to the individual.

Requirements for the reporting and payment of tax on gross receipts are included in ss. 548.06 and 548.061, F.S. According to the Commission and DBPR, there has been some confusion over which section applies to certain situations and under what circumstances.

During the 2001 Legislative Session, CS/HB 501, 3rd ENG, (2001-89, L.O.F.) repealed the Medical Advisory Council for the Florida State Boxing Commission.

#### C. EFFECT OF PROPOSED CHANGES:

The bill amends various provisions in Chapter 548, F.S., to provide greater protections for participants in boxing matches through health safety measures and through improved regulatory provisions related to licensure. Revisions address additional penalties under certain circumstances related to fraudulent information related to licensure.

Specifically, the bill provides definitions for "concessionaire" and "second" or "cornerman", respectively. The bill requires that a concessionaire be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. Additionally, the Florida State Boxing Commission (Commission) may require that before any concessionaire's license is issued or renewed, 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. The amount of such bond, deposit, or security is determined by the Commission.

The bill also requires that one member of the Commission be a physician who is licensed pursuant to Chapter 458, F.S., or Chapter 459, F.S., who maintains an unencumbered license in good standing, and who, at the time of his or her appointment, has practiced medicine for at least five years. The bill requires that prior to working as a ringside physician, a physician must be licensed under Chapter 458, F.S., or Chapter 459, F.S., 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 a ringside physician.

The Commission's general rulemaking authority is expanded to include requirements for the following: facility and safety requirements for ring, floor plan and apron seating; emergency medical equipment and services, and other equipment and services necessary for a program of matches; participant apparel, bandages, hand wraps, gloves, mouthpiece and appearance; manager's participation, presence, and conduct during a match; duties and responsibilities of all licensees; qualifications for appointment of chief inspectors and inspectors as well as their duties; designation and duties of a knockdown timekeeper; and setting fee and reimbursement schedules of referees and other officials.

In section 4 of the bill, the Commission is required to conduct a review and analysis of boxing competitions not currently regulated or sanctioned, and to provide recommendations to DBPR and the Legislature regarding rules or legislation needed to achieve effective regulation.

With regard to licensure, the bill provides that any person who seeks to obtain a license by means of false or fraudulent representation made in any application or who otherwise makes false statements concerning medical history, boxing record, or other personal information is guilty of a misdemeanor of the second degree punishable as provided in ss. 775.082 or 775.083, F.S.

The bill also authorizes the Commission to adopt rules regarding background investigations of licensure applicants for the purpose of ensuring truthfulness and accuracy of 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 the chapter. Background investigations may include, but are not limited to, criminal and financial history of the applicant.

In addition, language is added to s. 548.024, F.S., providing that a fingerprint card may be required in background checks. The Division of Criminal Justice Information Systems with the Department of Law Enforcement and the Federal Bureau of Investigation will receive the card and determine if the applicant has a criminal history record. The information will then be sent to DBPR to determine if the applicant is statutorily qualified for licensure.

The bill prohibits the licensure of any person or business entity who, or who has a trustee, partner, officer, director, or owner who, has been convicted of any act or has been named in any information or indictment for any act that would constitute a violation of Chapter 548, F.S., or a ground for suspension or revocation of a license.

The bill requires denial, suspension or revocation of a license if a participant is less than 18 years of age, has participated in an unsanctioned match, does not meet health criteria, or has been suspended in another state. The bill also requires that a participant losing by a knockout as a result of being counted out in any jurisdiction, will automatically be suspended for a period of time as determined by the attending physician or Commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition or contact sparring for training purposes during the suspension period. 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 will advise the physician of the previous knockout or technical draw and provide medical records or permission for the physician to consult with the physician who treated him or her at the time of the previous knockout or technical draw. The examination results will be filed with the Commission prior to any further matches being approved for the participant.

Further, the bill provides that a participant losing by technical knockout, technical draw or disqualification shall be automatically suspended for a period of time determined by the physician or Commission representative or 30 calendar days from the date of the technical knockout, whichever is longer. Finally, a participant shall not engage in any match, contact exhibition or contact sparring for training purposes during the suspension period without approval of the physician.

The bill prohibits any participant who has been suspended in another state as a result of a knockout, consecutive losses, injury, medical procedure, physician denial of certification, failure of drug test, false alias, or falsifying identification cards from participating in this state until the suspension is removed. If the suspension is for other reasons than stated, the participant is allowed to participate in the state if the state in which the participant is suspended is notified and grants approval or the participant appeals to the Association of Boxing Commissions and certain determinations are made by that Association.

Failure of a participant to appear at a match or to appear at the designated time, unless there is a valid reason or physician's certificate, shall result in suspension of the participant's license, a fine, or both, as determined by the Commission. License revocation is required for a participant intentionally striking, striking at, or threatening an official.

The bill requires that participants in matches be weighed on the same scale at a time and place to be determined by the Commission or a Commission representative, in the presence of the opponent and a Commission representative. If a participant 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 does not lose his or her right of observing the weighing in of his or her opponent. The weigh-in has to occur no sooner than 4:00 p.m. the preceding day of the match or has to occur at another time designated by the Commission or Commission representative.

The bill requires the Commission or the Commission representative to assign at least one physician to observe the physical condition of the participants and to advise the Commission or the Commission representative about the participants' condition before, during, and after the match. The physician is considered an agent of the Commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 248.31 and 768.28, F.S.

The Commission may require, by rule, each 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. The Commission may adopt, by rule, protocols and procedures for the blood test and the cancellation of a match, a list of communicable diseases and a time period within which the blood test must be taken prior to the match. If blood tests are required by the Commission and the test results are not presented as required by rule or if the test reveals the participant has a communicable disease, the Commission representative is required to cancel the match.

The bill requires that in a match which is a sanctioned championship title fight or whenever the Commission representative has reason to believe that a participant has ingested a prohibited drug or foreign substance, the Commission representative must request and the participant must provide, under the supervision of the attending physician, Commission representative, or inspector, a urine sample no less than one hour before the commencement of the match or within one hour after the conclusion of the match. Failure or refusal to provide a sample when requested shall result in the revocation of the participant's license. Any participant, who is adjudged the loser of a match and subsequently refuses to or is unable to provide a sample, will forfeit his share of the purse to the Commission. Any participant who is adjudged the winner of a match and who refuses to provide a sample shall forfeit the win and not be allowed to engage in any future match in Florida.

The bill requires the attending physician to provide medical assistance at the facility, to the Commission representative, and medical advice to the referee during the match. The physician is to receive cooperation of all present in performing her or his duties. If the referee has received an injury that prohibits the referee from continuing to officiate, the physician must notify the Commission representative who will temporarily halt the match. The physician is required to attend to the referee until no longer in danger or care has been transferred. The Commission representative is responsible for directing a match to continue and under what referee.

The bill increases the Commission required medical insurance from \$2,500 to \$20,000. Language is added to provide that any deductible associated with the insurance policy shall be paid by the promoter. The bill also increases the amount of life insurance for participants that may be required by the Commission from \$5,000 to \$20,000.

The bill requires that all contracts executed in this state between managers and professionals contain all provisions specifically worded as required by rules of the Commission. If they do not, they will be deemed to contain the provisions. A copy of all these contracts must be filed with the Commission within 7 calendar days of execution.

The bill requires that no judge licensed in this state shall act as a judge at any match in any state or place without a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law; no judge can serve as a supervisor or serve on the ratings committee or recommend participants to the ratings committee for a sanctioning body; any person whose application for a judge's license has been denied is prohibited from reapplying for a judge's license for a period of six months; any person whose application for a judge's license has been denied on three occasions is prohibited from reapplying; the number of unofficial judges at each event is limited to three; the number of judges shall be assigned in accordance with rules of the Commission; if sufficient judges are not available, a referee will be selected to act as a judge for that specific program of matches; and judges must be in seats designated for them by the Commission representative.

The bill provides that a promoter holding a match shall, within 72 hours after the match, file with the Commission a written report which includes, along with other information, the face value of any seat or seating issued, provided, or given in exchange for advertising, sponsorships, or anything of value to the promotion of an event.

In addition, where the rights to telecast a match or matches held in this state under the supervision of the Commission are in whole owned by, sold, acquired by, or held by any person who intends to or 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 sale, transfer, or extension of such rights in whole or in part, 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.

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.

Any written report required to be filed with the Commission must be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

The bill authorizes DBPR to administer oaths, take depositions, make inspections, issue subpoenas, compel witnesses, and produce documents. DBPR can exercise this power on its own initiative or upon request of the Commission. Challenges are to be handled pursuant to s. 120.569, F.S. Language referring to the powers of subpoena is deleted.

Finally, the bill authorizes the Commission to adopt rules to permit the issuance of citations for any violation of Chapter 548, F.S., in lieu of or in addition to any other punishment provided.

#### D. SECTION-BY-SECTION ANALYSIS:

**Section 1.** Subsections (4) and (18) are added to s. 548.002, F.S., to provide a definition for "concessionaire" and "second" or "cornerman", respectively.

**Section 2.** Section 548.015, F.S., is created to authorize that 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 an amount as the Commission determines.

**Section 3.** Section 548.003, F.S., is amended to require that one member of the Commission must be a physician licensed pursuant to Chapter 458, F.S., or Chapter 459, F.S., who must maintain an unencumbered license in good standing, and who must, at the time of his or her appointment, have

practiced medicine for at least five years. The section is also amended to expand the Commission's general rulemaking authority to include requirements for the following: facility and safety requirements for ring, floor plan and apron seating; emergency medical equipment and services, and other equipment and services necessary for a program of matches; participant apparel, bandages, hand wraps, gloves, mouthpiece and appearance; manager's participation, presence, and conduct during a match; duties and responsibilities of all licensees; qualifications for appointment of chief inspectors and inspectors as well as their duties; designation and duties of a knockdown timekeeper; and setting fee and reimbursement schedules of referees and other officials.

**Section 4.** This section is created to require the Commission to conduct a review and analysis of boxing competitions not currently regulated or sanctioned, and to provide recommendation to DBPR and the Legislature regarding rules or legislation needed for effective regulation.

**Section 5.** Section 548.017, F.S., is amended to require a concessionaire to be licensed before directly or indirectly acting in such capacity in connection with any match involving a professional. The section is also amended to require that prior to working as a ringside physician, a physician must be licensed under Chapter 458, F.S., or Chapter 459, F.S., 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 a ringside physician.

**Section 6.** Section 548.021, F.S., is amended to require that any person who seeks to obtain a license by means of false or fraudulent representation made in any application or who otherwise makes false statements concerning medical history, boxing record, or other personal information is guilty of a misdemeanor of the second degree punishable as provided in ss. 775.082 or 775.083, F.S.

**Section 7.** Section 548.024, F.S., is created to authorize the Commission to adopt rules regarding background investigations of licensure applicants for the purpose of ensuring truthfulness and accuracy of 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 the chapter. Background investigations may include, but are not limited to, criminal and financial history of the applicant.

In addition, language is added to s. 548.024, F.S., requiring a fingerprint card when a background criminal history investigation is required. The Division of Criminal Justice Information Systems with the Department of Law Enforcement and the Federal Bureau of Investigation will receive the card and determine if the applicant has a criminal history record. The information will then be sent to DBPR to determine if the applicant is statutorily qualified for licensure.

**Section 8.** Section 548.028, F.S., is amended to prohibit the licensure of any person or business entity who, or who has a trustee, partner, officer, director, or owner who, has been convicted of any act or has been named in any information or indictment for any act that would constitute a violation of Chapter 548, F.S., or a ground for suspension or revocation of a license.

**Section 9.** Section 548.041, F.S., is amended to require denial, suspension or revocation of a license if a participant is less than 18 years of age, has participated in an unsanctioned match, does not meet health criteria, or has been suspended in another state.

The bill also requires that a participant losing by a knockout as a result of being counted out in any jurisdiction, will automatically be suspended for a period of time as determined by the attending physician or Commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition or contact sparring for training purposes during the suspension period. 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 will advise the physician of the previous knockout or technical draw and provide medical records or permission for the physician to consult with the physician who treated him or her at the time of the previous knockout or technical draw. The examination results will be filed with the Commission prior to any further matches being approved for the participant.

Further, the section requires that a participant losing by technical knockout, technical draw or disqualification shall be automatically suspended for a period of time determined by the physician or Commission representative or 30 calendar days from the date of the technical knockout, whichever is longer. Finally, a participant is prohibited from engaging in any match, contact exhibition or contact sparring for training purposes during the suspension period without approval of the physician.

The section prohibits any participant who has been suspended in another state as a result of a knockout, consecutive losses, injury, medical procedure, physician denial of certification, failure of drug test, false alias, or falsifying identification cards from participating in this state until the suspension is removed. If the suspension is for other reasons than stated, the participant is allowed to participate in the state if the state in which the participant is suspended is notified and grants approval or the participant appeals to the Association of Boxing Commissions and certain decisions about the suspension have been made by the Association.

Failure of a participant to appear at a match or to appear at the designated time, unless there is a valid reason or physician's certificate, shall result in suspension of the participant's license, a fine, or both, as determined by the Commission. License revocation is required for a participant intentionally striking, striking at, or threatening an official.

**Section 10.** Subsection (4) is added to s. 548.043, F.S., to require that participants in matches be weighed on the same scale at a time and place to be determined by the Commission or a Commission representative, in the presence of the opponent and a Commission representative. If a participant 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 does not lose his or her right of observing the weighing in of his or her opponent. The weigh-in has to occur no sooner than 4:00 p.m. the preceding day of the match or has to occur at another time designated by the Commission or Commission representative.

**Section 11.** Section 548.046, F.S., requires the Commission or the Commission representative to assign at least one physician to observe the physical condition of the participants and to advise the Commissioner or the Commission representative about the participants' condition before, during, and after the match. The physician is considered an agent of the Commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 248.31 and 768.28, F.S.

The Commission may require, by rule, each 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 required by the Commission 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 test and the cancellation of a match, a list of communicable diseases and a time period within which the blood test must be taken prior to the match.



The section also requires that in a match which is a sanctioned championship title fight or whenever the Commission representative has reason to believe that a participant has ingested a prohibited drug or foreign substance, the Commission representative must request and the participant must provide, under the supervision of the attending physician, Commission representative, or inspector, a urine sample no less than one hour before the commencement of the match or within one hour after the conclusion of the match. Failure or refusal to provide a sample when requested shall result in the revocation of the participant's license. Any participant, who is adjudged the loser of a match and subsequently refuses to or is unable to provide a sample, will forfeit his share of the purse to the Commission. Any participant who is adjudged the winner of a match and who refuses to provide a sample shall forfeit the win and not be allowed to engage in any future match in Florida.

The section requires the attending physician to provide medical assistance at the facility, to the Commission representative, and medical advice to the referee during the match. The physician is to receive cooperation of all present in performing her or his duties. If the referee has received an injury that prohibits the referee from continuing to officiate, the physician must notify the Commission representative who will temporarily halt the match. The physician is required to attend to the referee until no longer in danger or care has been transferred. The Commission representative is responsible for directing a match to continue and under what referee.

**Section 12.** Section 548.049, F.S., is amended to increase the Commission required medical insurance from \$2,500 to \$20,000. Any deductible associated with the insurance policy must be paid by the promoter. The section also increases the amount of life insurance for participants that may be required by the Commission from \$5,000 to \$20,000.

**Section 13.** Section 548.05, F.S., is amended to require that all contracts executed in this state between managers and professionals contain all provisions specifically worded as required by rules of the Commission. If they do not, they will be deemed to contain the provisions. A copy of all these contracts must be filed with the Commission within 7 calendar days of execution.

**Section 14.** Subsections (6) through (11) are added to s. 548.057, F.S., to require that no judge licensed in this state shall act as a judge at any match in any state or place without a state boxing commission unless the match is supervised by a state boxing commission or a Native American commission properly constituted under federal law; no judge can serve as a supervisor or serve on the ratings committee or recommend participants to the ratings committee for a sanctioning body; any person whose application for a judge's license has been denied is prohibited from reapplying for a judge's license for a period of six months; any person whose application for a judge's license has been denied on three occasions is prohibited from reapplying; the number of unofficial judges at each event is limited to three; the number of judges shall be assigned in accordance with rules of the Commission; if sufficient judges are not available, a referee will be selected to act as a judge for that specific program of matches; and judges must be in seats designated for them by the Commission representative.

**Section 15.** Section 548.06, F.S., is amended to require that a promoter holding a match must, within 72 hours after the match, file with the Commission a written report which includes, along with other information, the face value of any seat or seating issued, provided, or given in exchange for advertising, sponsorships, or anything of value to the promotion of an event.

In addition, where the rights to telecast a match or matches held in this state under the supervision of the Commission are in whole owned by, sold, acquired by, or held by any person who intends to or 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 sale, transfer, or extension of such rights in whole or in part, 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.

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.

Any written report required to be filed with the Commission must be postmarked within 72 hours after the conclusion of the match, and an additional 5 days shall be allowed for mailing.

**Section 16.** Section 548.074, F.S., is amended to authorize DBPR to administer oaths, take depositions, make inspections, issue subpoenas, compel witnesses, and produce documents. DBPR can exercise this power on its own initiative or upon request of the Commission. Challenges are to be handled pursuant to s. 120.569, F.S. Language referring to the powers of subpoena is deleted.

**Section 17.** Subsections (1) and (2) of s. 548.075, F.S., are amended to authorize the Commission to adopt rules to permit the issuance of citations for any violation of Chapter 548, F.S., in lieu of or in addition to any other punishment for the violation.

**Section 18.** Provides that the bill becomes effective upon becoming a law.

### III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The increased medical insurance requirements provided for in the legislation, from \$2,500 to \$20,000 and a requirement that any deductible be paid by the promoter, will be a significant economic benefit to participants requiring medical attention.

#### D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Currently, Chapter 548, F.S., provides general rulemaking authority. The bill provides the Commission with specific statutory authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the provisions of Chapter 548, F.S., and to implement each of the duties and responsibilities conferred upon the Commission. The Commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., which provide for background investigations of applicants for licensure under the chapter. Additionally, the Commission may adopt rules pursuant to ss. 120.54 and 120.536(1), F.S., to permit the issuance of citations for any violation of the chapter.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON TOURISM:

Prepared by:

Staff Director:

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Monique H. Cheek

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Judy C. McDonald