

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.:	RULE TITLE:
61G7-5.001	Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language regarding initial licensure application submissions.

SUBJECT AREA TO BE ADDRESSED: Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing.

RULEMAKING AUTHORITY: 468.522, 468.524, 468.5245 FS.

LAW IMPLEMENTED: 455.213(11), 455.2281, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.:	RULE TITLE:
61G7-5.0012	Historical Sketch

PURPOSE AND EFFECT: The Board proposes the rule amendment to update incorporated materials in the rule.

SUBJECT AREA TO BE ADDRESSED: Historical Sketch.

RULEMAKING AUTHORITY: 468.522, 468.524(2), 468.5245 FS.

LAW IMPLEMENTED: 468.524(2), 468.5245 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.004	Certificates of Public Convenience and Necessity
25-4.005	Transfer of Certificate of Public Convenience and Necessity As to All or Portion of Service Area

PURPOSE AND EFFECT: These rules are amended to implement statutory changes to chapter 364, FS, made by the Regulatory Reform Act of 2011.

Docket No. 120241-TP

SUMMARY: As a result of the amendments to chapter 364, FS, made by the Regulatory Reform Act of 2011, all applications concerning the granting and transfer of certificates of authority for all telecommunications companies, as defined by chapter 364, FS, will be regulated by Rules 25-4.004 and 25-4.005, F.A.C., and separate sets of rules on this topic for shared tenant service, alternative access vendor service, and competitive local exchange service are repealed. Rules 25-4.004 and 25-4.005 are amended in order to implement these changes by incorporating provisions necessary to regulate the granting and transfer of certificates of authority for all telecommunications companies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2) FS.
 LAW IMPLEMENTED: 350.113, 350.127(1), 364.33, 364.335, 364.336 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

~~25-4.004 Certificates of Public Convenience and Necessity or Authority: Application.~~

~~(1) No person shall provide telecommunications services to the public without either a certificate of necessity issued prior to July 1, 2011, or a certificate of authority issued after July 1, 2011. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of a certificate. However, marketing and development activities may begin prior to the effective date of the certificate at the applicant's risk that the certificate may not be granted. Prior to certification, the applicant must advise the public in any customer contacts or advertisements that certification has not and may not be granted.~~

~~(2) Each applicant for a certificate of authority shall submit an application on Form PSC/TEL 162 (X/XX), entitled "Application Form for Authority to Provide Telecommunications Company Service Within the State of Florida," which is incorporated into this rule by reference and which is available at http://www.flrules.org/Gateway/reference.asp?No_Ref - XXXXX, from the Commission's website at www.floridapsc.com/utilities/telecomm/, or by contacting the Commission's Office of Telecommunications. A non-refundable application fee of \$500.00 must accompany the filing of each application.~~

~~(3) An application for certificate of authority shall be filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

~~(4) Each holder of a certificate of necessity or authority shall file with the Commission's Office of Commission Clerk updated information for the following items within ten days after a change occurs:~~

~~(a) The street address of the certificate holder including number, street name, city, state and zip code, and the mailing address if it differs from the street address.~~

~~(b) Name, title, and phone number of the individual responsible for contact with the Commission.~~

~~Except as provided in Chapter 364, F.S., no person shall begin the construction or operation of any telephone line, plant or system or an extension thereof or acquire ownership or control thereof, either directly or indirectly, without first obtaining from the Florida Public Service Commission a certificate that the present or future public convenience and necessity require or will require such construction, operation or acquisition.~~

Rulemaking Authority 350.127(2) FS. Law Implemented 350.127(1), 364.33, 364.335 FS. History—Revised 12-1-68, Formerly 25-4.04, Amended _____.

~~25-4.005 Transfer of Certificate of Public Convenience and Necessity or Authority As to All or Portion of Service Area.~~

~~(1) Except as provided in section 364.33, F.S., a certificate holder and the person seeking to obtain the certificate by transfer from the holder shall submit a joint application on Commission Form PSC/TEL 162 (X/XX), entitled "Application Form for Authority to Provide Telecommunications Company Service Within the State of Florida," incorporated by reference into Rule 25-4.004, F.A.C. The application shall be filed with the Office of Commission Clerk. A nonrefundable application fee of \$500.00 must accompany the filing of each application to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for transfer of a certificate will be granted.~~

~~(2) The company transferring the certificate shall pay to the Commission all regulatory assessment fees owed pursuant to sections 350.113 and 364.336, F.S., and Rule 25-4.0161, Florida Administrative Code.~~

~~(1) Request for approval by the Commission of transfer of any certificate of public convenience and necessity (or portion thereof) shall be made by joint petition of the certificate holder and transferee after reasonable notice has been given to all subscribers affected by the proposed transfer. Requests for approval shall be accompanied by an affidavit that notice of intention to file the petition has been given:~~

~~(a) By mail or personal delivery to the governing bodies of the counties and municipalities affected, to the public counsel, and to the Commission;~~

~~(b) By a legal advertisement in a newspaper of general circulation in the area affected and published on two (2) separate occasions at least two (2) weeks prior to the filing of the joint petition on the proposed transfer, and~~

~~(c) By written notice subject to Commission approval, issued to each subscriber in the area to be transferred concurrent with the filing of the petition.~~

~~(2) Upon approving a transfer of certificate, or portion thereof, the Commission will cancel same and reissue in the name of the transferee or amend the description of the service area or both.~~

~~(3) Such joint petitions shall include detailed descriptions of the affected boundaries; the number of subscribers, if any, in each petitioned area; changes in rates; service being provided by either petitioner in areas to be transferred; pending applications for service held by either petitioner; changes in calling scope; customers to be transferred; deposits and deposit interest; any financial exchange or consideration for the proposed change, and a list by name and telephone number of all customers who will be exempt from the proposed change.~~

~~(4) Any subscriber or group of subscribers of a telephone company may petition the Commission for transfer from the service area of such telephone company to that of another telephone company serving contiguous territory.~~

~~(5) If a customer survey is conducted by a telephone company among customers affected by the proposed transfer, return postage shall be paid by the company serving the affected customer and survey ballots shall be returnable to the Public Service Commission, Attention: Division of Regulatory Analysis, for tabulation.~~

Rulemaking Authority 350.127(2) FS. Law Implemented ~~350.113, 364.335, 364.336~~ FS. History—New 12-1-68, Amended 5-4-81, Formerly 25-4.05, Amended 9-16-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Catherine Beard

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number 23, June 8, 2012.

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-6.019	Notification of Accidents
25-6.0345	Safety Standards for Construction of New Transmission and Distribution Facilities
25-6.0346	Quarterly Reports of Work Orders and Safety Compliance
25-6.060	Meter Test – Referee

PURPOSE AND EFFECT: To update and clarify the rules and to remove duplicative and unnecessary language.

Docket No. 110313-PU

SUMMARY: Rule 25-6.019 is amended to update and clarify language and to add two forms for notification of events involving injury and damages. Rule 25-6.0345 is amended to update materials incorporated by reference to the most current versions, to eliminate duplication and conflict with other rules, and to move certain provisions into a new rule. Rule 25-6.0346 is adopted to make existing rule provisions currently in Rule 25-6.0345(2) and (4) easier to locate by moving them to this

new rule. Rule 25-6.060 is amended to clarify the rule title, allow oral requests for customer meter tests, and require such tests to be witnessed by a Commission representative.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.04(2)(f), (6), 366.05(1), (3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.019 Notification of Events Accidents.

(1) Form PSC/ENG 159 (XX/XX), entitled “Electric Utility Event Report – Injury,” is incorporated in this rule by reference and may be obtained from the Commission’s Division of Administrative Services and is also available at [Dept of State hyperlink]. As soon as practicable, but no later than two business day after it learns of the occurrence, each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall notify the Commission’s Bureau of Safety, in writing, using Form PSC/ENG 159 (XX/XX), Commission of any event involving accident occurring in connection with any part of the electrical system which:

(a) No change.

(b) No change.

(2) Form PSC/ENG 158 (XX/XX) entitled “Electric Utility Event Report – Damages,” is incorporated into this rule by reference and may be obtained from the Commission’s Division of Administrative Services and is also available at [Dept of State hyperlink]. Each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall report, in writing, to the Commission’s Bureau of Safety, using

~~Form PSC/ENG 158 (XX/XX), Commission~~ within 30 days of learning of any event malfunction of or accident involving any part of the electrical system, fire, or explosion, that:

(a) Involves damage to the property of others for an amount in excess of ~~\$10,000~~ \$5000, or,

(b) ~~Causes~~ Cause significant damage, in the judgment of the utility, to the utility's facilities.

(3) ~~Unless requested by the Bureau of Safety,~~ Reports are not required with respect to personal injury, death, or property damage resulting from vehicular equipment striking poles and/or other utility property or events directly caused by:

- (a) A storm named by the National Hurricane Center;
- (b) A tornado recorded by the National Weather Service;
- (c) Ice on line;
- (d) An extreme weather or fire event causing activation of the county emergency operation center.

~~Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f), (6), 366.05(1) FS. History--New 7-29-69, Amended 4-13-80, Formerly 25-6.19, Amended _____.~~

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(4) The Commission adopts and incorporates by reference the ~~2012~~ 2002 edition of the National Electrical Safety Code (ANSI C-2) [NESC], as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. ~~For electrical facilities constructed on or after February 1, 2007, the 2007 NESC shall apply. Electrical facilities constructed prior to February 1, 2007, shall be governed by the edition of the NESC specified by subsections 013.B.1, 013.B.2, and 013.B.3 of the 2007 NESC.~~ Each investor-owned electric utility, rural electric cooperative, and municipal electric system shall, at a minimum, comply with the standards in these provisions. A copy of the 2007 NESC, ISBN number 0-7381-4893-8, may be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE), 3 Park Avenue, New York, NY, 10016-5997.

~~(2) Each investor owned electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders, whether completed by the utility or one of its contractors, at the end of each quarter of the year. The report shall be filed with the Director of the Commission's Division of Regulatory Compliance and Consumer Assistance no later than the 30th working day after the last day of the reporting quarter, and shall contain, at a minimum, the following information for each work order:~~

- ~~(a) Work order number/project/job;~~
- ~~(b) Brief title outlining the general nature of the work;~~
- ~~(c) Estimated cost in dollars, rounded to nearest thousand and;~~
- ~~(d) Location of project.~~

(3) The quarterly report shall be filed in standard DBase or compatible format, DOS ASCII text, or hard copy, as follows:

- (a) DBase Format
 - Field Name Field Type Digits
 - 1. Work orders Character 20
 - 2. Brief title Character 30
 - 3. Cost Numeric 8
 - 4. Location Character 50

(b) DOS ASCII Text:

1. Columns shall be the same type and in the same order as listed under Field Names above.

2. A comma (,) shall be placed between data fields.

3. Character data fields shall be placed between quotation marks ("...").

4. Numeric data fields shall be right justified.

5. Blank spaces shall be used to fill the data fields to the indicated number of digits.

(c) Hard Copy:

The following format is preferred, but not required:

Completed Electrical Work Orders For PSC Inspection

Work Order	Brief Title	Estimated Cost	Location

~~(4) In its quarterly report, each utility shall identify all transmission and distribution facilities subject to the Commission's safety jurisdiction, and shall certify to the Commission that they meet or exceed the applicable standards. Compliance inspections by the Commission shall be made on a random basis or as appropriate.~~

~~(5) As soon as practicable, but by the end of the next business day after it learns of the occurrence, each investor owned electric utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report to the Commission any accident occurring in connection with any part of its transmission or distribution facilities which:~~

~~(a) Involves death or injury requiring hospitalization of nonutility persons; or~~

~~(b) Is significant from a safety standpoint in the judgment of the utility even though it is not required by subsection (a).~~

~~(6) Each investor owned electric utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report each accident or malfunction, occurring in connection with any part of its transmission or distribution facilities, to the Commission within 30 days after it learns of the occurrence, provided the accident or malfunction:~~

~~(a) Involves damage to the property of others in an amount in excess of \$5000; or~~

~~(b) Causes significant damage in the judgment of the utility to the utility's facilities.~~

~~(7) Unless requested by the Commission, reports are not required with respect to personal injury, death, or property damage resulting from vehicles striking poles or other utility property.~~

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f), (6) FS. History–New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02, 2-1-07, _____.

25-6.0346 Quarterly Reports of Work Orders and Safety Compliance

(1) Each investor-owned electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders, relating to the construction and/or maintenance of transmission and distribution facilities, whether completed by the utility or one of its contractors, at the end of each quarter of the year. The report shall be electronically filed with the Commission’s Bureau of Safety no later than the 30th working day after the last day of the reporting quarter using Form PSC/ENG 157 (xx/12), “PSC Quarterly Report of Completed Work Orders,” which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>. This form is incorporated into this rule by reference and may also be obtained from the Commission’s Division of Administrative Services.

(2) In its quarterly report, each utility shall certify to the Commission that all work described in the completed work orders listed in the quarterly report meets or exceeds the applicable standards. Compliance inspections by the Commission shall be made on a random basis or as appropriate.

Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f), (6), 366.05(1) FS. History–New _____.

25-6.060 Meter Test – Refereed Dispute Referee.

(1) In the event of a dispute, upon request written application to the Commission by any customer, a test of the customer’s meter shall will be made by the utility as soon as practicable. Said test shall will be supervised and witnessed by a representative of the Commission.

(2) through (4) No change.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(3), 366.08 FS. History–New 7-29-69, Formerly 25-6.60, Amended 7-3-06, _____.

Posting of the 2012 edition of the National Electrical Safety Code on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These materials are available for public inspection and examination at the Florida Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, and the Florida Public Service Commission , 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Moses

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 37, No. 45, November 10, 2011, and, Vol. 38, No. 15, April 13, 2012

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-24.565	Certificate of Public Convenience and Necessity Required
25-24.567	Application for Certificate
25-24.568	Improper Use of a Certificate
25-24.569	Application for Approval of Sale, Assignment or Transfer of Certificate
25-24.572	Cancellation of a Certificate
25-24.705	Scope and Waiver
25-24.710	Terms and Definitions
25-24.715	Certificate of Public Convenience and Necessity Required
25-24.720	Application for Certificate
25-24.725	Certificates Not Transferable
25-24.730	Application for Approval of Sale, Assignment, or Transfer of Certificate
25-24.735	Cancellation of a Certificate
25-24.745	Records and Reports; Rules Incorporated
25-24.800	Scope
25-24.805	Certificate of Public Convenience and Necessity Required
25-24.810	Application for Certificate
25-24.815	Application for Approval of Sale, Assignment or Transfer of Certificate
25-24.820	Revocation of a Certificate

PURPOSE AND EFFECT: These rules are repealed consistent with amendments made to Chapter 364, F.S., by the Regulatory Reform Act of 2011.

Docket No. 120241-TP

SUMMARY: The rules repealed relate to the application, transfer and cancellation or revocation of certificates of public convenience and necessity for shared tenant service, alternative access vendor service, and competitive local exchange service. As a result of changes made to chapter 364, FS, by the Regulatory Reform Act of 2011, the existing three separate sets of rules concerning certificates which regulate these three types of companies are obsolete, and are replaced by one set of rules in Chapter 25-4, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 350.127(1), 364.01, 364.016, 364.02, 364.17, 364.18, 364.183, 364.185, 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.565 Certificate of Public Convenience and Necessity Required.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339 FS. History–New 1-28-91, Amended 7-29-97, Repealed.

25-24.567 Application for Certificate.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History–New 1-28-91, Amended 5-8-91, 11-20-91, 7-29-97, 1-5-06, 5-29-08, Repealed.

25-24.568 Improper Use of a Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History–New 1-28-91, Amended 7-29-97, Repealed.

25-24.569 Application for Approval of Sale, Assignment or Transfer of Certificate.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 FS. History–New 1-28-91, Amended 11-20-91, 7-29-97, 1-5-06, 5-29-08, Repealed.

25-24.572 Cancellation of a Certificate.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.339, 364.345 FS. History–New 1-28-91, Amended 7-29-97, Repealed.

25-24.705 Scope and Waiver.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.337(1), (2), (6) FS. History–New 1-8-95, Repealed.

25-24.710 Terms and Definitions.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.337 FS. History–New 1-8-95, Repealed.

25-24.715 Certificate of Public Convenience and Necessity Required.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337 FS. History–New 1-8-95, Repealed.

25-24.720 Application for Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS. History–New 1-8-95, Amended 1-5-06, 5-29-08, Repealed.

25-24.725 Certificate Not Transferrable.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS. History–New 1-8-95, Repealed.

25-24.730 Application for Approval of Sale, Assignment or Transfer of Certificate.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History–New 1-8-95, Amended 1-5-06, 5-29-08, Repealed.

25-24.735 Cancellation of a Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS. History–New 1-8-95, Repealed.

25-24.745 Records and Reports: Rules Incorporated.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.016, 364.17, 364.18, 364.183, 364.185, 364.337 FS. History–New 1-8-95, Amended 11-13-95, Repealed.

25-24.800 Scope.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.337 FS. History–New 12-27-95, Amended 2-1-99, Repealed.

25-24.805 Certificate of Public Convenience and Necessity Required.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.337 FS. History–New 12-27-95, Repealed.

25-24.810 Application for Certificate.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.335 FS. History–New 12-27-95, Amended 1-5-06, 5-29-08, Repealed_____.

25-24.815 Application for Approval of Sale, Assignment or Transfer of Certificate.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.335, 364.345(2) FS. History–New 12-27-95, Amended 1-5-06, 5-29-08, Repealed_____.

25-24.820 Revocation of a Certificate.

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 364.345 FS. History–New 12-27-95, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Catherine Beard

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number 38, July 13, 2012, and, Vol. 38, No. 23, June 8, 2012.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-1.001	Purpose, Applicability and Scope of Rules
61K1-1.0027	District Coordinators, Duties and Responsibilities
61K1-1.0028	Chief Inspector, Inspectors, Duties and Responsibilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal Rules 61K1-1.001, 61K1-1.0027, and 61K1-1.028, F.A.C., which were identified during the comprehensive rule review required by Executive Order 11-01 as not statutorily authorized and unnecessary.

SUMMARY: The proposed rulemaking repeals rules which were identified during the comprehensive rule review required by Executive Order 11-01 as not statutorily authorized and unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Commission conducted an analysis of the proposed rules' potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 548.003(8), 548.006(4) FS.
LAW IMPLEMENTED: 548.004, 548.006, 548.007, 548.046, 548.057, 548.061 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULE IS:

61K1-1.001 Purpose, Applicability and Scope of Rules.

Rulemaking Specific Authority 548.003(8), 548.006(4) FS. Law Implemented 548.004, 548.006, 548.007, 548.061 FS. History–New 2-7-85, Formerly 7F-1.01, Amended 4-6-89, 1-1-90, Formerly 7F-1.001, Amended 9-10-95, 4-3-00, 6-1-04, 2-27-07, Repealed_____.

61K1-1.0027 District Coordinators, Duties and Responsibilities.

Rulemaking Specific Authority 548.003 FS. Law Implemented 548.006, 548.046, 548.057 FS. History–New 4-6-89, Amended 8-28-89, 1-1-90, 5-13-90, Formerly 7F-1.0027, Amended 9-10-95, 4-3-00, 6-1-04, Repealed_____.

61K1-1.0028 Chief Inspector, Inspectors, Duties and Responsibilities.

Rulemaking Specific Authority 548.003 FS. Law Implemented 548.006 FS. History–New 4-6-89, Amended 8-28-89, Formerly 7F-1.0028, Amended 4-3-00, 6-1-04, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida State Boxing Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida State Boxing Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-1.002	Definitions
61K1-1.0024	Code of Conduct for Commissioners, Commission Staff, and Commission Officials
61K1-1.0025	Executive Director, Duties and Responsibilities
61K1-1.050	Method of Payment
61K1-1.070	Administrative Complaints

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify the obligations of the commission, the commission staff, and commission officials and terminology used in Chapter 548 and the rules, and removes unnecessary and burdensome language.

SUMMARY: The proposed rules clarify the obligations of the commission, the commission staff, and commission officials and terminology used in Chapter 548 and the rules, and removes unnecessary and burdensome language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Commission conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 548.003 FS.

LAW IMPLEMENTED: 548.002, 548.003, 548.004, 548.006, 548.007, 548.011, 548.013, 548.017, 548.021, 548.046, 548.056, 548.057, 548.06, 548.06 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULE IS:

61K1-1.002 Definitions.

The definitions contained in Section 548.002, F.S., apply equally herein unless expressly indicated otherwise. As used in the rules adopted by the commission this chapter the term:

(1) “Announcer” means an individual who has the authority to make all announcements during a pugilistic event.
(2) “Bonafide nonprofit school or education program”, for the purposes of Section 548.007, F.S., means a non-profit organization granted 501(c)(3) status by the Internal Revenue Service. The school or education program must be at a fixed physical address in a physical building with standard hours of operation and standard instructional courses in boxing or kickboxing, and/or martial arts.

(3) “Booking Agent” means an individual who engages in participant or management company activities for pugilistic performances.

(1) “Broadcast” means any audio or visual image sent by radio or television signals.

(2) “Closed Circuit Telecast” means any telecast which is not intended to be available for viewing without the payment of a fee, collected for or based upon each event viewed, for the privilege of viewing the telecast and includes the term “pay per view”. Examples of locations where a closed circuit telecast could occur include arenas, bars, clubs, entertainment or meeting centers and private residences.

(4) “Commission Official” means an individual who is designated by the commission to represent the commission in an official capacity for specific purposes. Commission Officials include event coordinators, timekeepers, chief inspectors, and inspectors.

(5)(3) “Contact Exhibition” means any exhibition in which the participants intend, are allowed, or are expected to hit, punch, or contact each other in any way.

(6)(4) “Counted Out” means that a participant has been knocked down and the referee and knockdown timekeeper have performed the appropriate count as set forth in these rules, and the completion of such count signifies that the participant has been knocked out.

(7) “Employee of the Commission” or “Commission Staff” means the executive director, and, to the extent they are assigned to work for the commission, any full time or part time salaried employees of the Department of Business and Professional Regulation, and all OPS employees of the Department of Business and Professional Regulation, except those OPS employees determined to be independent contractors and who are not involved in making policy decisions for the commission. This definition is only for the purposes of implementing Chapter 548, F.S., Rule Chapter 61K1, F.A.C., and does not confer employee status for any other purpose.

(8) “Event Official” means an individual who is licensed by the commission and assigned by the commission office to work in their licensed capacity at an event. Event Officials include referees, timekeepers, judges, and ringside physicians.

(9)(5) “Face Value” means the dollar value of a ticket which value shall reflect the dollar amount that the customer is required to pay or, for complimentary tickets, would have been required to pay to purchase a ticket with equivalent seating priority, in order to view the match or program of matches. It shall include any charges or fees, such as dinner, gratuity, parking, surcharges or any other charges or fees which must be incurred in order to be allowed to view the match. However, if the ticket specifies the amount of admission charges attributable to state or federal taxes, such taxes shall not be included in face value.

(10)(6) “Fight Card” means a program of matches collectively, all of the matches that are scheduled or proposed to be scheduled under the same permit.

(7) “Gross Receipts” means the gross price charged for the sale or lease of broadcasting, television and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges; the portion of the receipts from the sale of souvenirs, programs and other concessions received by the promoter or concessionaire; and the face value of all tickets sold and complimentary tickets issued.

(8) “Kickboxing” means to compete with the fists, feet, legs, or any combination thereof. Offensive full-contact professional karate punching, kicking, and striking techniques, with the exception of those techniques identified herein as fouls, are appropriate.

(11)(9) “Main Event” means the principal match or matches within a program of matches.

(12) “Matches held in conjunction with instruction”, for the purposes of Section 548.007, F.S., means a practice bout or sparring session used to display skills obtained from instruction in the techniques used in boxing, kickboxing, and/or martial arts. The instruction is received both prior to the match as well as during the match from trainers and/or the referee. The matches shall be between two students of the school. The term “matches held in conjunction with instruction” does not mean matches that have any of the following:

- (a) The use of a third party promoter;
- (b) Advertising of the match;
- (c) Sales of tickets to the general public to attend the match;
- (d) The use of judges;
- (e) Scoring;
- (f) Time constraints, including numbers of rounds required;
- (g) Sponsors for the matches.

(10) “Mixed Martial Arts” means unarmed combat that includes, but is not limited to, a combination of skills such as wrestling, grappling, kickboxing, boxing and other martial arts. Variations of kickboxing that include strikes using forearms or knees are included in this definition for permitting purposes only and shall be referenced using their known titles such as, but not limited to, Muay Thai or Thai Boxing.

(11) “Person” means an individual, group of individuals, business, corporation, partnership or any other individual or collective entity.

(12) “Physician” means an individual licensed under Chapter 458 or 459, F.S., to provide medical services to participants and other persons under the jurisdiction of the commission before, during, and after matches pursuant to Chapter 548, F.S.

(13) “Program of Matches” means, collectively, all of the matches that are scheduled or proposed to be scheduled under the same permit.

(14) “Cable System Operator” means any person who broadcasts or telecasts a closed circuit telecast regardless of the technology used to transmit or receive the broadcast or telecast.

(15) “Employee of the Commission” means the executive director, the commission’s legal counsel, and, to the extent that they are assigned to work for the commission, any full time or part time salaried employee of the Department of Business and Professional Regulation, and all OPS employees of the Department of Business and Professional Regulation, except those OPS employees determined to be independent contractors and who are not involved in making policy decisions for the commission. This definition is only for the purposes of implementing Chapter 548, F.S., Rule Chapter 61K1, Florida Administrative Code, and Pub. L. 104-272, October 9, 1996, as set forth in Title 15, Section 6301-6313, USCA, and does not confer employee status for any other purpose.

(13) “Purchasing Agent” means an individual employed by or designated by the commission as responsible for purchasing materials, supplies, equipment, and other articles for the commission.

(14) “Referee” means an individual who enforces the rules relating to the conduct of a bout.

(15) “Ringside” means within the first row of spectator seats or closer to the ropes of the ring or the outside edge of the cage.

(16) “Registry” means any central repository or collection of match records that is subsequently approved by the commission.

(17) “Sparring” or “To Spar” means to compete with a participant or an amateur in a practice bout without scoring.

(18) “Student of the school or instructional program”, for the purposes of Section 548.007, F.S., means the student/amateur who receives instruction at the physical

address of the school, in boxing, kickboxing, and/or martial arts, by instructors employed by the school qualifying for exemption under Section 548.007(1), F.S.

(19) "Timekeeper" means an individual who is assigned the duties to maintain the time for each round during a pugilistic event.

(20) "Trainer" means an individual who prepares the participant for the match in which he or she is to engage.

Rulemaking Authority 548.003 FS. Law Implemented 548.002, 548.006, 548.007, 548.013, 548.017, 548.021, 548.046, 548.057, 548.06, 548.061 FS. History—New 2-7-85, Formerly 7F-1.02, Amended 4-6-89, Formerly 7F-1.002, Amended 9-10-95, 11-20-95, 4-3-00, 6-1-04, _____.

61K1-1.0024 Code of Conduct for Commissioners, Commission Staff, and Commission Officials.

In conformity with Section 548.003(2)(a), the commission adopts and incorporates Chapter 112, Part III, Florida Statutes, Code of Ethics for Public Officers and Employees.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2)(a). History—New _____.

61K1-1.0025 Executive Director, Duties and Responsibilities.

(1) The executive director shall:

~~(a) Maintain offices in the official headquarters of the commission located in Tallahassee, Florida;~~

~~(a)(b) Perform all administrative functions to ensure that the commission operates and conducts its business in a lawful manner;~~

~~(b)(e) Be the custodian of records for the commission;~~

~~(c)(d) Ensure that proper notice and recording is made of all meetings of the commission;~~

~~(d)(e) Attend all meetings of the commission;~~

~~(e)(f) Tentatively approve, issue, withhold or deny licenses and permits according to the provisions of Chapter 548, F.S., and the rules adopted by the commission set forth herein ;~~

~~(f)(g) Be present at all matches and act as the commission representative in charge or, in the executive director's absence, appoint an assistant executive director or an employee or staff member of the commission to be the commission representative in charge;~~

~~(g)(h) Ensure that all matches are conducted in accordance with the provisions of Chapter 548, F.S., and the rules adopted by the commission set forth herein. This shall include appointing or causing to be appointed licensed match event officials, in accordance with the criteria established within these rules, and reviewing and approving or disapproving a match or fight card based on, but not limited to, the prospective participant's weight, ability, record, and physical condition. The executive director shall not approve a match where it is reasonable to believe, based on weights, abilities, records, or~~

physical condition of the prospective participants, that the match would not be competitive, would be physically unsafe for one or both participants, would be in conflict with the suspension requirements imposed by any other jurisdiction's boxing commission against one or both participants, ~~except as provided for in Pub. L. 104-272, October 9, 1996, as set forth in Title 15, section 6306(b), USCA, or would not be in the best interest of the sport or the welfare of the public;~~

~~(h)(i) Issue or cause to be issued administrative complaints and citations as set forth herein; and~~

~~(i)(j) Shall have the authority to affix the executive director's signature to documents which attest to or represent official commission action.~~

~~(2) The executive director or any other employee of the commission shall not have any financial or pecuniary interest in any person under the jurisdiction of the commission.~~

~~(2)(3) The executive director shall be responsible for notifying the commission of any violation which would be grounds for suspension or revocation of any person's license, of violations that could cause the cancellation of a match or any matter which could reasonably be anticipated to negatively affect the health of a participant, the safety and welfare of the public or result in legal action being taken against the commission.~~

~~(4) The executive director, employees, and commission representatives, while acting in their official capacity, shall be reimbursed for travel, food, and lodging expenses as provided for in Section 112.061, F.S.~~

Rulemaking Authority 548.003 FS. Law Implemented 548.004, 548.006, 548.011, 548.056 FS. History—New 4-6-89, Amended 1-1-90, Formerly 7F-1.0025, Amended 9-10-95, 4-3-00, 6-1-04, _____.

61K1-1.050 Method of Payment.

(1) Payment of fees and taxes shall be made by cash, check, cashier's check or money order.

(2) If a check is returned for non-sufficient funds the commission shall:

(a) Advise the issuer at his last known address of the non-sufficient funds check and allow him 10 business days to provide a cashier's check or money order in an amount equal to the non-sufficient funds check and the returned check processing fee;

(b) If the issuer fails to provide the commission with a cashier's check or money order for the correct amount within the prescribed time, the commission shall cancel any licenses or permits issued or tentatively approved for which the non-sufficient funds check was presented. ~~If the non-sufficient funds check was for the payment of taxes for a program of matches or closed circuit telecast, a fine of 10 percent of the payment due or \$25, whichever is greater, shall also be assessed for each day that the non-sufficient funds check and~~

~~returned check processing fee remain unpaid after notification.~~
Further, the commission shall recover the debt using the means available to the state to collect debts due the state.

(c) If a non-sufficient funds check is corrected within the prescribed time, the commission shall continue to accept checks from the issuer. However, any person who submits two non-sufficient funds checks within a 12-month period shall not be allowed to make payments to the commission in the form of a check for a period of 12 months.

Rulemaking Authority 548.003 FS. Law Implemented 548.006 FS. History—New 4-6-89, Formerly 7F-1.050, Amended 9-10-95, Repromulgated 6-1-04, Amended _____.

61K1-1.070 Administrative Complaints.

(1) The ~~department has authority to find probable cause and shall executive director shall~~ issue or cause to be issued all administrative complaints.

(2) The commission shall issue all final orders, provided however that the executive director shall be delegated the authority to affix his signature to documents which attest to or represent official commission action.

Rulemaking Authority 548.003 FS. Law Implemented 548.004, 548.006 FS. History—New 4-6-89, Formerly 7F-1.070, Amended 9-10-95, 4-3-00, Repromulgated 6-1-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida State Boxing Commission
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida State Boxing Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-3.001	Participant; License; Conduct and Other Requirements.
61K1-3.002	Judge; License and Duties.
61K1-3.003	Announcer; License and Duties.
61K1-3.004	Timekeeper or Knockdown Timekeeper; License and Duties.
61K1-3.005	Second; License and Duties.
61K1-3.006	Referee; License and Duties.
61K1-3.007	Trainer; License and Conduct.
61K1-3.008	Booking Agent, Representative of Booking Agent; License.
61K1-3.009	Promoter and Matchmaker; Licensing and Bond; Duties and Conduct.
61K1-3.010	Concessionaire; License; Bond
61K1-3.011	Manager; License; Contract Between Manager and Participant.

61K1-3.012	Contracts Between Manager and Participant.
61K1-3.013	Insurance Requirements.
61K1-3.014	Weight Classes; Weight-In.
61K1-3.015	Equipment Requirements.
61K1-3.016	Participants' Apparel and Appearance.
61K1-3.0165	Weigh-In
61K1-3.017	Bandages and Handwraps.
61K1-3.018	Gloves
61K1-3.020	Scoring.
61K1-3.021	Conduct of Bout.
61K1-3.022	Post-Match Physical Requirements; Suspension.
61K1-3.023	Post-Match Reports Required to be Filed; Penalty for Late Filing.
61K1-3.024	Notices of Non-Compliance
61K1-3.025	Records
61K1-3.026	Disciplinary Guidelines
61K1-3.027	Boxing Weight Classes
61K1-3.028	Boxing Participants' Apparel
61K1-3.029	Boxing Bandages and Handwraps; Gloves
61K1-3.030	Boxing Conduct of Bout; Rounds
61K1-3.031	Boxing Scoring
61K1-3.032	Kickboxing Weight Classes
61K1-3.033	Kickboxing Participants' Apparel
61K1-3.034	Kickboxing Bandages and Handwraps; Gloves
61K1-3.035	Kickboxing Conduct of Bout; Rounds
61K1-3.036	Kickboxing Scoring
61K1-3.037	Mixed Martial Arts Weight Classes
61K1-3.038	Mixed Martial Arts Participants' Apparel
61K1-3.039	Mixed Martial Arts Bandages and Handwraps; Gloves
61K1-3.040	Mixed Martial Arts Conduct of Bout; Rounds
61K1-3.041	Mixed Martial Arts Scoring

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to set forth the obligations of professional licensees licensed under Chapter 548, F.S., by moving the requirements to a chapter designated strictly for professional licensees and updating the rules to match industry standards.

SUMMARY: The proposed rules set forth the obligations of professional licensees licensed under Chapter 548, F.S., by moving the requirements to a chapter designated strictly for professional licensees and updating the rules to match industry standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Commission conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 120.569, 548.003, F.S.

LAW IMPLEMENTED: 120.569, 548.002, 548.003(2), 548.004, 548.006, 548.011, 548.012, 548.013, 548.014, 548.017, 548.021, 548.025, 548.026, 548.028, 548.032, 548.035, 548.037, 548.041(1), 548.043, 548.046, 548.047, 548.049, 548.05, 548.052, 548.053, 548.054, 548.056, 548.057, 548.058, 548.06, 548.066, 548.066, 548.07, 548.071, 548.075, 548.079, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULE IS:

61K1-3.001 Licenses, Permits; Requirement, Procedure and Period, Fees, Bout Card Approval.

(1) License; Requirement, Procedure and Period, Fee.

(a) Any person licensed as an individual shall have sole ownership of such license, and such license shall not be transferable or assignable to another. If such person is no longer in business, the license shall become void.

(b) Licensing Procedure and Period.

1. All applications for a license shall be in writing on a form provided by the commission, verified by the applicant, with any required attachments, and accompanied by the required fee.

2. Upon receipt of an application for a license, the application shall be reviewed by the executive director, assistant executive director, or commission representative and, if the application is in compliance with the requirements of Chapter 548, F.S., and the rules adopted by the commission, a

temporary license shall be issued pending final approval. If it is determined that the application is not in compliance, the applicant shall be notified and advised of the reasons for the finding that the application is not in compliance.

3. A license issued pursuant to Chapter 548, F.S., and these rules shall be valid from the date of issuance until December 31 of the year in which the license was issued. An application for the renewal of a license shall be submitted on the initial application and all of the requirements, standards, and criteria used to approve or disapprove an application for a new or initial license shall be used to approve or disapprove the application for the renewal of a license.

4. If a licensee changes it’s name or other legally identifying information, the licensee shall notify the commission of the change of legally identifiable information within thirty (30) days of the change of the information.

(c) License Fees. The following non-refundable fee shall accompany each application for a license:

<u>1. Announcer</u>	<u>\$100.00</u>
<u>2. Booking Agent</u>	<u>\$100.00</u>
<u>3. Judge</u>	<u>\$100.00</u>
<u>4. Manager</u>	<u>\$100.00</u>
<u>5. Matchmaker</u>	<u>\$250.00</u>
<u>6. Participant</u>	<u>\$100.00</u>
<u>7. Promoter/Foreign Copromoter</u>	<u>\$250.00</u>
<u>8. Referee</u>	<u>\$100.00</u>
<u>9. Representative of a Booking Agent</u>	<u>\$100.00</u>
<u>10. Second</u>	<u>\$100.00</u>
<u>11. Timekeeper</u>	<u>\$100.00</u>
<u>12. Trainer</u>	<u>\$100.00</u>
<u>13. Concessionaire</u>	<u>\$100.00</u>
<u>14. Physician</u>	<u>\$100.00</u>

(2) Permit; Requirement, Procedure and Period, Fee.

(a) Permit Requirement - Live Events Held in This State

1. No promoter shall present a program of matches or no promoter, foreign copromoter or concessionaire shall broadcast a program of matches unless a permit has been approved by the Executive Director.

(b) Issuance of Permits.

1. To obtain a permit for a live event, the promoter must submit:

- a. A copy of the promoter’s Florida Promoters License;
- b. Complete permit application on Form BPR-0009-454 “Application for Permit”, effective October 2012, adopted and incorporated herein, which may be obtained on the “Boxing, Kickboxing, & Mixed Martial Arts” link at <http://www.myfloridalicense.com/intentions2.asp>;
- c. Name and license number of the matchmaker who will be used for the event;
- d. The permit fee of _____;
- e. The date of the event.

2. No promoter, foreign copromoter, or concessionaire shall be given tentative approval for or issued a permit if such person has an unpaid fine or any obligation owed to the commission.

(c) The application shall be submitted no later than 30 days prior to the event date. The commission office may accept permit applications up to 10 days prior to the event date upon approval from the executive director.

(d) Upon receipt of the application for permit for a live event held in this state, the executive director shall review the application and, if the application is in compliance with the requirements of Chapter 548, F.S., and the rules adopted by the commission, the executive director shall give tentative approval to the promoter for the proposed date of the program. If the executive director determines that the application for permit is not in compliance with Chapter 548, F.S., or the rules as adopted by the commission, the executive director shall immediately advise the promoter that the application for permit has been disapproved and shall state the reasons that the application is not in compliance. The executive director may deny an application for permit if another program of matches has previously been scheduled for the same date, and the executive director has determined that adequate staff would not be available to properly supervise both programs of matches or if the executive director determines adequate staff would not be available to properly supervise a single program of matches even if another program of matches is not scheduled for the same day.

(e) The promoter or matchmaker shall provide the proposed fight card and supporting fight records of participants not later than 7 calendar days prior to the proposed date of the program. Once a promoter has identified a licensed matchmaker for a specific program of matches, any proposed matches submitted by the promoter will be deemed to be received from the matchmaker. The promoter or matchmaker will be allowed to propose additional matches until 12 noon on the day prior to the scheduled program of matches. After such time, matches may only be proposed if records can be verified to the satisfaction of the executive director and prior to the conclusion of the weigh-in. At the conclusion of the weigh-in no further matches may be proposed or approved. The executive director shall review the proposed fight card and, if he or she determines that all the proposed matches meet the requirements of Chapter 548, F.S., and the rules adopted by the commission, he shall approve the proposed fight card or match(es). If the executive director determines that the proposed fight card or match(es) is not in compliance with Chapter 548, F.S., or the rules adopted by the commission, the executive director shall not approve the proposed fight card and shall advise the promoter or matchmaker that the proposed fight card has been denied and the reasons for denial. Approvals and denials may be communicated for individual matches comprising the proposed fight card.

(f) All other pre-match requirements of the promoter described in Chapter 548, F.S., and the rules adopted by the commission shall be accomplished before final approval is given and the permit issued. If the executive director or commission representative determines that the promoter is not in compliance with the requirements adopted by the commission, the executive director or commission representative shall rescind the tentative approval of the permit and the program of matches shall be cancelled. If the program of matches is cancelled, all tickets shall be refunded in accordance with the refund provisions set forth in Section 548.066, F.S.

(g) A permit shall only be valid for the program of matches for which it was issued.

(h) Permits shall not be issued if the program of matches is not comprised of an acceptable number of scheduled rounds in order to protect purchasers of tickets. The executive director may take into account whether or not the live event permit application for a particular sport is combined with another live event permit application for a different sport and scheduled for the same date and venue in making a determination relative to the minimum number of rounds as a condition of approval for each permit application.

(2) Fight Card Approval.

(a) No promoter shall present a program of matches or no promoter, foreign copromoter or concessionaire shall broadcast a program of matches unless a fight card has been approved by the executive director.

(b) To obtain approval of a fight card for a live event, the promoter must submit:

1. Form BPR-00009-456, "Proposed Fight Card", effective October 2012, adopted and incorporated herein, which may be found at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>, no less than 7 days prior to the scheduled event. Each proposed bout card must have a minimum of 24 rounds boxing, and 21 rounds for mixed martial arts events.

2. A copy of each participant's official fight record. If the fighters official fight record reflects the participant is suspended the suspension must be lifted by the suspending state, jurisdiction, or entity prior to the final approval of the match by the commission office.

(c) Each proposed Pro Debut participant shall complete Form BPR-0009-480 "Pro Debut Information Sheet", effective October 2012, incorporated and adopted herein, which may be found at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>, and shall submit supporting document of five (5) amateur bouts by an amateur sanctioning organization along with the other required Fight Card Approval documentation.

Rulemaking Authority 548.003 FS. Law Implemented 548.006, 548.011, 548.012, 548.013, 548.014, 548.017, 548.021, 548.025, 548.026, 548.028, 548.032, 548.035, 548.046, 548.057, 548.066 FS. History—New _____.

61K1-3.002 Promoter and Matchmaker; Licensing and Bond; Duties and Conduct.

(1) Licensing and Bond.

(a) Any person desiring to become licensed as a promoter shall submit to the commission Form DBPR-FSBC 07, "Application for License, Promoter", effective October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at

(b) Any person desiring to become licensed as a matchmaker shall submit to the commission Form DBPR-FSBC 04, "Application for License, General", effective October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at

(c) For the purposes of this chapter, the requirements and responsibilities of a foreign copromoter shall be the same as that of a promoter, and wherever the term promoter is used it is deemed to include the term foreign copromoter.

(d) No licensed promoter or matchmaker shall act as a promoter or matchmaker for any match in this state unless the match is sanctioned by the commission.

(e) No person or business entity not licensed as a promoter shall receive revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a professional match without first having obtained the appropriate license.

(f) Ownership of Promoter License.

1. Any license issued to and in the name of a corporation shall not be transferable or assignable to another corporation or entity. If such corporation is no longer in business or no longer operates as the corporation, the licensee shall, within 10 calendar days, notify the commission. If the corporation dissolves and is no longer an entity, the license shall not be used by any individual or individuals, whether affiliated with the previous corporation or not. If any officer of the corporation is added or deleted, the licensee shall, within 10 calendar days, notify the commission of such addition or deletion. A newly added officer shall be required to submit an Application for Promoter or Foreign Copromoter License.

2. Any license issued to a partnership shall not be transferable or assignable to another. If the partnership is no longer in business or no longer operates as the partnership, the licensee shall, within 10 calendar days, notify the commission. If the business continues to operate but does not operate as a partnership and the sole remaining person was one of the licensed partners and all other previous licensed partners have, in writing, authorized such sole remaining person to have

control and use of the licensed name, then the license may be utilized by the remaining individual until its expiration date, at which time the person shall apply as an individual.

(g) No promoter shall also be licensed as a booking agent, representative of a booking agent, matchmaker, manager, second, trainer, judge, or referee. A promoter may be licensed as a manager if the licenses are held in different sports and participants under contract to the manager are not also being promoted by the same licensee within the same sport.

(h) Bond or Other Security, Requirements.

1. An applicant for a promoter license shall deposit with the commission a surety bond, cash, or certified check in the amount of \$15,000 prior to being issued a promoter license. If, at any time and for whatever reason, the security is not maintained in full force and effect, the license shall be automatically void.

2. If it is determined that the projected liability for a match may exceed \$15,000, the commission shall require the deposit of an additional bond, cash, or certified check as additional security for the match. The additional security shall be required and used only for the designated match and shall be released or returned 90 calendar days after the date of the match unless, as a result of violations or suspected violations, the commission determines that the additional security shall be retained for a longer period.

3. The bond and other security, or additional bond and additional security shall be filed with the commission for the purpose of providing security that the promoter will and does faithfully perform and fulfill his obligations as described in Chapter 548, F.S., and the rules adopted by the commission. Any fault, negligence, error or omission, failure to fulfill contractual obligations, violation of any rules of the commission or any other act or failure to act shall result in a claim for recovery from the bond and recovery from the other security. When the amount of recovery cannot be determined by the commission due to the failure of the promoter to perform as required by Chapter 548, F.S., or the rules adopted by the commission, the commission shall recover the face value of the bond and other security and the additional bond and additional security, as appropriate, provided, however, that the recovery shall not be greater than the amount of the bond and other security required to be deposited with the commission.

4. A bond or additional bond shall be acceptable if the following conditions are met:

a. The bond or additional bond shall be on a form provided by the commission and shall have attached a power of attorney, which power of attorney shall not have an expiration date. The promoter shall use Form BPR-0009-465, "Surety Bond for Promoter", effective October 2012, adopted and incorporated herein by reference, and shall use Form BPR-0009-472, "Additional Surety Bond for Promoter", effective October 2012, adopted and incorporated herein by reference; both

forms may be found at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html> or at _____;

b. The bond and additional bond shall provide surety in an amount equal to the face amount of the bond and additional bond and the aggregate annual liability shall be for the face amount of the bond and additional bond;

c. The bond and additional bond shall be made out in the name of the Florida State Boxing Commission and shall be negotiable on the sole authority of the executive director;

d. The bond and additional bond may not be cancelled, for any reason, unless the following conditions have been met, provided however, when an additional bond is required, as referenced above, (II) below shall not apply:

(I) The surety company has provided the commission at least a 60-calendar day written notice of intent to cancel; and

(II) The promoter's license has expired or the license has been returned to the commission with a request to cancel such license and cancelled by the commission and the promoter has not filed an application for renewal of the license; and

(III) A period of 90 calendar days has elapsed since the most recent match of the promoter.

5. Other security may be provided in lieu of the bond or additional bond provided the following conditions are met:

a. The security must be in the form of cash, a certified check or direct obligations of the United States or this state;

b. The certified check shall be made payable to the Florida State Boxing Commission, and the certified check and the direct obligations of the United States or this state shall be negotiable on the sole authority of the executive director;

c. The commission shall not pay interest or other charges or fees to the promoter;

d. The security may not be cancelled or requested to be returned, for any reason, unless the following conditions have been met, provided however, when an additional security is required, as referenced above, (II) below shall not apply:

(I) The promoter has provided the commission at least a 30-calendar day written notice of request for return or release of the security; and

(II) The promoter's license has expired or the license has been returned to the commission with a request for cancellation and cancelled by the commission and the promoter has not filed an application for renewal of the license, or the promoter has substituted a bond for the security and such bond indicates on its face that it shall retroactively cover the promoter for all times and for all obligations of the promoter covered by the security for which the bond is being substituted. In the event of substitution of a bond for the security on deposit with the commission, (III) below shall not apply; and

(III) A period of 90 calendar days has elapsed since the most recent match of the promoter.

e. The promoter shall use Form BPR-08-468, "Security in Lieu of Bond for Promoter", effective JaOctober 2012, adopted and incorporated herein by reference, and shall use Form BPR-08-471, "Additional Security in Lieu of Bond for Promoter", effective October 2012, adopted and incorporated herein by reference; both forms may be found at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>, or at _____.

(2) Duties and Conduct.

(a) More than one promoter may be involved in the promotion of a single program of matches. The promoter to whom the permit is issued shall be considered as the promoter of record, and such promoter shall be responsible for ensuring that all the requirements and responsibilities of the promoter are accomplished as adopted by the commission, provided however that the bonds or other securities deposited with the Commission of all promoters involved in the promotion of the program of matches shall be liable and used as surety against any claim or obligation involving the program of matches.

(b) A matchmaker shall make matches in which the participants are of similar ability and skill. The matchmaker shall certify as to the competitiveness of each match based upon weight, skill level, number of fights and discipline by facsimile or e-mail.

(c) A matchmaker or promoter shall not contract with or negotiate with any person licensed under Chapter 548, F.S., who is under suspension or whose license has been revoked in Florida or any other state.

(d) Contracts between participants and the promoter for each bout shall be filed with the commission no later than at the time of weigh-in and shall contain:

1. The name of each licensed promoter and both participants;

2. The date of the contest to which the contract applies;

3. The location of the contest to which the contract applies;

4. The number of rounds to be fought in the contest to which the contract applies;

5. The weight at which each fighter is to qualify for the contest to which the contract applies;

6. The amount, to be set forth in American dollars, that will be paid to each participant for the contest to which the contract applies and a statement that the designated amount shall be paid directly to each participant;

7. The affixed signatures of the promoter and each participant in the contest to which the contract applies, however, the licensed manager of a participant may be authorized by the participant to sign the contract; and

8. The contracts for each participant in the same contest must include the same terms regarding the conduct of the contest, but are permitted to provide for different amounts of consideration provided to the participant.

(e) Once the contracts are filed and after determination that they are in compliance with these rules, each contract will be affixed with the signature of the commission representative.

(f) Contracts for broadcasting of a proposed match shall be filed with the commission within 14 business days after such contract is received by the promoter or when the Post Event Tax Report and 5% tax payment are filed, whichever is later, provided however that if the promoter pays to the commission the maximum amount of \$40,000, the contract is not required to be filed.

(g) After the application for a permit has been tentatively approved and a proposed match has been approved, the promoter may provide the names of the participants for the approved match to the media. Under no circumstances shall a promoter advertise, sell or cause to be sold any tickets, distribute or cause to be distributed any complimentary tickets, enter into any contracts or in any way make any obligations, commitments or announcements relative to a match or program of matches unless the match or program of matches has been approved and the permit has been tentatively approved by the executive director or commission representative.

(h) The promoter shall, in the case of a substitution in a main event participant or participants, post in a conspicuous place in front of the arena or directly over the cashier windows, notice of the substitution, and if time permits, shall advertise the substitution by radio and in a newspaper expected to have the widest circulation for the intended audience.

(i) The promoter shall be responsible for ensuring that each participant scheduled to be engaged in a match shall have received any medical examination deemed necessary by the commission through its executive director, and that an ophthalmic examination has been performed within the immediate past 12-month period.

(j) The commission representative shall, if there is cause to believe that a participant may have suffered cardiac or neurological injury, direct the participant to undergo an EKG, EEG, neurological examination, MRI, CT scan, or any other exam deemed by a physician licensed by the commission as medically necessary. The interpretation and diagnosis shall be filed with the commission. It is the responsibility of the promoter to ensure that this requirement is satisfied.

(k) The promoter shall be responsible for acquiring insurance for participants' medical, surgical and hospital care for injuries sustained while engaged in a match.

(l) The promoter shall advise all managers and participants under contract for a match or program of matches of the time and place of the weigh-in as designated by the commission representative and of the time and place of their appearance for the match or program of matches.

(m) The promoter shall be responsible for appointing a licensed announcer.

(n) The executive director shall appoint a minimum of one physician for the weigh-in and a minimum of two physicians for the program of matches. Each physician who is assigned to be present at the weigh-in and program of matches shall be compensated no less than \$700 by the promoter. Each physician who is assigned to be present at either the weigh-in or the program of matches, but not both, shall be compensated no less than \$150, at the discretion of the executive director.

(o) Each referee who is required to be present shall be compensated by the promoter. If the match is not televised, the promoter shall compensate the referee at a value not less than \$150. If the match is televised, the promoter shall compensate the referee at a value not less than \$300.

(p) Each judge who is required to be present shall be compensated by the promoter. If the match is not televised, the promoter shall compensate the judge at a value not less than \$125. If the match is televised, the promoter shall compensate the judge at a value not less than \$250.

(q) Any above referenced official who must travel a distance greater than 30 miles from his home to the premises of the program of matches shall be compensated an additional amount as determined by the executive director. This additional amount shall be paid by the promoter.

(r) No promoter shall pay, contribute to the pay of, or provide any gift or other gratuity to any participant, referee, judge or other licensed official other than specifically provided in these rules.

(s) The promoter shall be responsible for providing the proper arena equipment, seating and services, facilities, personnel, ushers, ticket sellers, security and other equipment, services or personnel necessary to provide for the correct handling of the program of matches. The promoter is solely responsible for ensuring that adequate security is on site and prepared to immediately respond to any situation. If the seating capacity relative to a live event permit is filed with a seating capacity of 2,000 or greater, the promoter shall ensure that, in addition to other regular security, a minimum of 2 certified law enforcement officers are located immediately adjacent to each of the red and blue corners and that additional certified law enforcement officers are located within the premises of the program of matches in positions to have a clear and unobstructed view of the ring and are able to immediately respond to their fellow officers at ringside.

(t) The promoter shall ensure that all tickets have clearly printed on them the admission price, and no ticket shall be sold for a price higher than the price shown on its face. In the case of generic tickets that are not printed with the ticket prices, each differently priced ticket shall be a different color. Each complimentary ticket shall by some distinguishing mark indicate the face value of the ticket, and in no case shall the dollar value of a complimentary ticket be less than the lowest ticket price available for sale to the general public.

(u) No promoter shall sell or issue, or cause to be sold or issued more tickets of admission for any match or program of matches than can be accommodated by the seating capacity of the premises where the match or program of matches is to be held.

(v) The promoter or concessionaire shall retain all records necessary to justify and support the information submitted on any reports required by the commission for a period of 2 years following the date of the match or program of matches.

Rulemaking Authority 548.003 FS. Law Implemented 548.006, 548.011, 548.012, 548.013, 548.014, 548.017, 548.028, 548.032, 548.037, 548.046, 548.049, 548.05, 548.052, 548.053, 548.054, 548.056, 548.058, 548.06, 548.064, 548.066, 548.071 FS. History—New _____.

61K1-3.003 Concessionaire; License.

(1) License

(a) Any person desiring to become licensed as a concessionaire shall submit Form DBPR-FSBC 03, "Application for License, Concessionaire/Manager," effective October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(b) No concessionaire shall also be licensed as a judge, referee, or timekeeper and shall not act as a judge, referee or timekeeper.

Rulemaking Authority 548.003 FS. Law Implemented 548.002, 548.011, 548.015, 548.025, 548.026, 548.028, 548.06, 548.064, 548.071 FS. History—New _____.

61K1-3.004 Physician; License and Duties; Authority.

(1) License.

(a) No physician shall have a financial or pecuniary interest in any participant or commissioner under the jurisdiction of the commission.

(b) No physician shall also be licensed as a booking agent, promoter, foreign copromoter, concessionaire, manager, matchmaker or representative of a booking agent and shall not act as a booking agent, manager, matchmaker or representative of a booking agent.

(c) Any person desiring to become licensed as a ringside physician shall submit Form DBPR-FSBC 05, "Application for License, Physician", effective October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) In addition to the duties, responsibilities and authority outlined in these rules, a physician shall also have the following duties, responsibilities, and authority:

(b) Physicians shall be physically capable of fulfilling their duties in the ring, ringside, and any other location they are required to fulfill their duties. (a) In order to conduct pre-match

or post-match physicals of participants, the physician conducting the physical must be licensed as a ringside physician by the commission.

(c) Two physicians shall be present at each match and render service and assistance as provided for in these rules. A physician shall be located near each participant's corner in a designated seat for the duration of each match. No match shall be allowed to begin or continue unless at least one physician is in his designated seat.

(d) If, at any time during the match, the physician is of the opinion that a participant has received severe punishment or injury, or that to continue the match would pose the threat of unreasonable harm or injury to a participant, the physician shall advise the referee that the match should be terminated. In this event, however, the referee, the executive director, or commission representative are the only individuals authorized to stop a match.

(e) In the event of injury to or illness of any person under the jurisdiction of the commission and while located on the premises where a program of matches is being conducted, the physician shall have complete charge of such person, shall provide medical assistance, and shall be accorded the full cooperation of all commission representatives and licensees present.

(f) The physician shall not leave the premises until after the decision in the final match has been rendered, the physician is satisfied that his or her services are no longer necessary and the executive director or commission representative has cleared the participants to leave.

(g) In order to maintain licensure, all ringside physicians shall obtain 12 hours of continuing medical education units relating to trauma or ringside medical treatment as part of their biannual continuing medical education requirements required by the Florida Board of Medicine. Failure to obtain and maintain the required continuing medical education units by January 1, 2014, shall subject licensed ringside physicians to discipline and shall be grounds for denial of initial licensure as a ringside physician.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.057(3), 548.017 FS. History—New _____.

61K1-3.005 Manager; License.

(1) License.

(a) No manager shall also be licensed as a judge, physician, promoter or referee and shall not act as a judge, physician, promoter or referee. A manager can be licensed as a promoter if the licenses are held in different sports and participants under contract to the manager are not also being promoted by the same licensee within the same sport.

(b) No licensed manager shall act as a manager in any match in this state unless the match is sanctioned by the commission.

(c) Any person desiring to become licensed as a manager shall submit Form DBPR-FSBC 03, "Application for License, Concessionaire/Manager," effective October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) Conduct of Manager.

(a) No manager shall attempt to select or insist upon the selection of any referee or judge in a match in which a participant under his or her management is to appear, nor shall a manager have the name of any such referee or judge written into the contract governing such match.

(b) No manager shall pay or contribute to the pay of or provide any gift or gratuity to any opposing participant, referee, judge, physician or any licensed official.

(c) Other than provided in these rules no participant, referee, judge, physician or any licensed official shall accept any pay, gift or gratuity from any manager or promoter.

(d) A manager may verbally coach a participant during a round. A manager shall not excessively coach his or her participant while working in the corner. The executive director or commission representative shall determine whether a manager's coaching or behavior is excessive, inappropriate, disruptive, or otherwise unbecoming a sportsman. A manager attempting by word or action to heckle or annoy his or her participant's opponent or any official is strictly prohibited. A manager shall not enter the corner ring, or fenced area at any time during the match and not interfere with the conduct of a match during the match. If any manager enters the ring or fenced area during any match, the match shall be temporarily stopped and the manager shall be immediately ejected by the referee, and the referee shall order the match to continue. If any manager reenters the ring or fenced area during any match after being ejected once, the match shall be forfeited to the opposing participant. Whenever a person licensed as a manager in this state desires to work in the corner of a participant under contract to the manager, the manager shall be designated a second and shall be deemed to be a second for that specific bout without the need to apply for a second license. When working in such capacity, the manager shall comply with the requirements set forth for seconds in Rule 61K1-3.011, F.A.C.

(e) Prior to a participant's debut, the manager may be required to certify to the commission that the debut participant is physically competent and possesses the skills of a trained participant including, but not limited to:

1. Competence in the elements of offense and defense;
2. Clean hitting;
3. Ring generalship; and
4. Physical stamina to fight at least the minimum number of scheduled rounds and duration.

(f) Professional debut certification shall be made to the executive director or commission representative prior to or at the time of the weigh-in by completing and signing Form BPR-0009-481, "Pro Debut Certification and Release," effective October 2012, adopted and incorporated by reference herein, which may be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>, or at _____.

(g) A manager shall be issued a citation for the first occurrence if the debut participant is not able to demonstrate the competence and skills listed above.

(h) A manager shall be issued a citation and fined the manager's share of the purse for the second occurrence if the debut participant is not able to demonstrate the competence and skills listed above.

(i) A manager's license may be suspended or revoked for the third occurrence and beyond.

Rulemaking Authority 548.003 FS, Law Implemented 548.006, 548.053, 548.054, 548.056, 548.058 FS, History—New _____.

61K1-3.006 Contracts Between Managers and Participants.

(1) Licensure status:

(a) No unlicensed manager, unlicensed agent, or other unlicensed person shall negotiate or contract for or on behalf of any participant with any promoter or matchmaker under the jurisdiction of the commission. No contract or negotiation entered into by such unlicensed person shall be valid.

(b) If a manager is not licensed because the license has been revoked or suspended for 60 calendar days or more by the commission, all contracts with the manager shall become void on the 30th day after the date of the order of revocation or suspension unless a court of competent jurisdiction, upon notice to the commission, issues an order staying the commission's order within the 30 day period.

(c) If a manager is not licensed because the license has been suspended by the commission for less than 60 calendar days, all contracts with the manager are voidable by the participant if written notice is given by the participant to the manager and to the commission within the period of license suspension.

(2) Execution of Contract.

(a) Contracts between Managers and Participants in the State of Florida shall be termed "Letters of Agreement".

(b) Unless otherwise directly by the commission, a contract between a participant and a manager is not valid unless signed by both parties and notarized at the time of the signing.

(c) To be valid, all contracts shall be in writing and shall be filed with the commission within thirty (30) calendar days of execution.

(d) No contract shall be approved by the commission between a manager and participant for a period exceeding five years.

(e) All contracts shall list the weight of the participant.

(3) Changes to the Contract; Release from Contract

(a) The commission and all parties to the contract shall be notified immediately of any changes in contractual status, which change shall be in writing, signed by all parties to the contract, notarized, and filed with the commission within 7 calendar days of execution.

(b) Release of a participant from a participant or manager contract by a manager shall be in writing and filed with the commission. All parties to the contract shall be notified in writing of the release from the contract.

(4) No contract shall be entered into which entitles a manager or group of managers to a total fee in excess of 33 1/3 percent of the gross earnings of the participant, and no contract containing such a provision shall be valid or binding.

(5) No manager of a participant shall sell, assign, transfer any interest, or in any way encumber, or attempt to sell, assign, transfer any interest, or in any way encumber in whole or in part, which he holds in any contract for the services of such participant without notice to and written consent of such participant and without notice to and written consent of the commission. The commission shall not approve an assignment or transfer of interest to any unlicensed, unnamed person.

(6) All contracts entered into in Florida between a manager and a participant, and all such contracts entered into outside of Florida involving participants and managers licensed by or subsequently licensed by the commission, shall expressly contain all provisions specifically as worded in Form BPR-0009-451, "Letter of Agreement Between Participant and Manager", effective October 2012, adopted and incorporated herein by reference, which may be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>.

(a) Contracts between Participant and Manager must be filed on Form BPR-0009-451, "Letter of Agreement Between Participant and Manager". An agreement that is received from managers but is not on the provided commission form is considered an addendum.

(b) Upon receipt of the Contract between Participant and Manager, the commission office shall:

1. Verify that the contract was filed with the commission within thirty (30) days of execution;

2. Verify the status of the manager's license. The manager listed in a contract shall have a current and active license to practice as a manager in the state of Florida;

3. Verify the status of the participant's license. The participant listed in a contract shall have a current and active license to practice as a participant in the state of Florida;

4. Verify the date of the manager's license listed in the contract;

5. Check if there is another contract filed with the Commission listing the participant as a party;

6. Verify that the contract is the original, with original signatures of both manager and participant;

7. Verify that the contract contains the beginning and ending date of the agreement, manager's and participant's names, terms of agreement, and participant's monetary percentage. The participant is required to make at least 66 2/3% of the purse and the manager, no greater than 33 1/3%.

8. Contact the manager informing him or her of when the contract has been approved and filed.

9. Contact the manager requesting additional information if the contract is deficient in the required information.

(c) Managers that have a contract on file have 30 days from the end of the calendar year to renew their manager license to keep any contracts that are filed with the commission valid. If the manager does not renew within the 30 day timeframe, all of the contracts on file with the commission will become void.

(d) The original contract and any additional information pertaining to the contract between a manager and participant are maintained by the Commission office.

(e) When the participant or manager desires the contract to be released:

1. The party who wishes to be released, must contact the commission with an explanation for the release.

2. If both parties agree, the contract shall be released, and the commission staff will provide documentation to that effect.

3. If one party does not wish to release the contract, the Commission staff shall place the issue on the next available Commission meeting agenda for determination by the commission.

4. The commission's decision is final.

5. The commission staff will provide a letter documenting the commission's decision to both parties.

Rulemaking Authority 548.003 FS, Law Implemented 548.006, 548.05, 548.056, 548.058 FS History--New _____.

61K1-3.007 Participant; License; Conduct and Other Requirements.

(1) License.

(a) No participant shall also be licensed as a judge, physician or referee and no participant shall act as a judge, physician or referee.

(b) No person shall be licensed as a participant if such person:

1. Is under 18 years of age;

2. Has had cardiac surgery. An exception may be made with prior approval from the commission based on sufficient documentation from a licensed cardiologist which indicates

that the surgery poses no risk to the health, safety, or wellbeing of the participant while participating in boxing, kickboxing, or mixed martial arts;

3. Has not received an ophthalmic examination within the immediate 12-month period prior to the date of the scheduled match and the results of the examination filed with the commission;

4. Is found to have any blindness or whose vision is so poor as to cause a significant health hazard or impairment to his ability to effectively participate in a match;

5. Has suffered cerebral hemorrhage or any other serious head injury. The commission representative shall, if the commission representative has cause to believe that a participant may have suffered neurological injury, direct the participant to undergo an EEG, complete neurological exam, EKG, MRI, CT scan, or other medical examination deemed necessary by the ringside physician. The interpretation and diagnosis shall be filed with the commission; or

6. Is no longer able to competently perform as determined by the commission. A determination that a participant is no longer able to competently perform shall be based on participant's win/lose/draw record; participant's previous opponents and the results of such matches; participant's proposed opponent; the results of the matches between participant's proposed opponent and others; participant's physical condition; and participant's ability to perform effectively.

7. Has failed to comply with the physical requirements in these rules, including the pre-match physical and post-match physical requirements.

(c) Any person desiring to become licensed as a participant shall submit Form DBPR-FSBC 02, "Application for License, Participant," effective October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at

(2) Conduct and Other Requirements.

(a) No participant whose most recent match was eight rounds or more in duration, shall engage in a match with less than 7 calendar days between matches. No participant whose most recent match was less than 8 rounds in duration, shall engage in a match with less than 48 hours between matches.

(b) Any participant who fails to appear at a match or fails to appear timely at a match for which he or his manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be issued a citation by the commission representative, indefinitely suspended by the executive director, fined or any combination thereof for a period to be determined by the commission. In making this determination, the commission shall consider the following factors:

1. The relative importance of the match;

2. The participant's past record of punctuality and tardiness; and

3. The reasons for his failure to appear or appear timely.

Rulemaking Authority 548.003, 548.041 FS. Law Implemented 548.006, 548.041, 548.046, 548.056, 548.071 FS. History--New _____.

61K1-3.008 Judge; License and Duties.

(1) A judge shall not also be licensed as a booking agent, manager, promoter, matchmaker, participant, representative of a booking agent, second, or trainer.

(2) Qualifications

(a) Any person desiring to become licensed as a judge shall submit Form DBPR-FSBC 04, "Application for License, General," effective October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at

(b) Applications for a judge license will be reviewed, evaluated, and processed in the following manner:

1. All applicants for a judge license must first be issued a temporary certificate by the executive director. To obtain a temporary certificate, the applicant must demonstrate that he or she has completed the scoring of a minimum of 300 rounds of amateur boxing, kickboxing, or mixed martial arts and has been judging for a minimum of two years for an amateur sanctioning organization. Temporary certificates are required for any person desiring to unofficially score a match for evaluation purposes.

2. The application for licensure as a judge shall include a certification from the executive director attesting that the applicant has completed the unofficial scoring of a minimum of 350 rounds of professional boxing, kickboxing, or mixed martial arts held in this state and has been unofficially judging in this state for a minimum of eighteen months with a temporary certificate issued by the commission which is in good standing. The scoring must be of the sport for which the judge is attempting to obtain licensure. The applicant must have a demonstrated record and evidence that he/she has the ability to perform the duties outlined below.

3. Applicants who are licensed as a judge by another state who wish to apply for licensure in Florida shall submit with their application documentation evidencing that the applicant has completed the scoring of a minimum of 350 rounds of professional boxing, kickboxing, or mixed martial arts in a state that regulates professional boxing, kickboxing, or mixed martial arts, a certified copy of licensure or a letter of good standing indicating initial licensure date from another state and a letter from the other regulating body indicating that the applicant has been judging for a minimum of eighteen months in that state. The scoring must be of the sport for which the judge is attempting to obtain licensure.

4. The executive director may issue a temporary license pending final action by the commission. The commission shall render a decision as to whether or not the application for judge license shall be approved, which decision is solely that of the commission. If a license application is not granted by the commission, the commission shall set forth the reasons for not granting the license.

(c) Foreign licensed officials may score a bout if they are licensed by the commission to do so. Foreign licensed officials may be temporarily licensed by the executive director upon demonstrating an ability to perform the duties outlined below. The foreign licensed official's record and ability shall be verified by obtaining records from a central repository and any such other information as the executive director deems necessary to qualify the official. After issuance of a temporary license, the chairman of the commission shall approve or disapprove the license, in accordance with these rules.

(e) The executive director shall limit to three the number of unofficial judges at each event. The commission will make arrangements for unofficial judges to enter the premises of the program of matches free of charge and have an appropriate seat from which to judge the contests, provided however that in the case of television and such other events which by their nature severely limit ringside access, permission to sit and judge at ringside will not be authorized. In the case that the event is sold out, authorization will not be granted to attend the event free of charge. Travel and other expenses of the unofficial judge shall be borne solely by the unofficial judge. Unofficial judges must present their scorecards to the commission representative prior to the announcement of the result by the announcer and all contests within one program of matches must be judged by the unofficial judge in order for any contest within that program of matches to be included in the judge's statistical record.(d) At its first meeting after November 1 of each year, the commission shall review the performance of each licensed judge in Florida and shall approve or disapprove any application for renewal or subsequent application.

(3) It shall be the duty of each judge to:

(a) Be fully informed of and conversant with the rules, regulations, standards, guidelines and policies of Chapter 548, F.S., the rules adopted by the commission;

(b) Observe carefully at all times during the match the performance of the participants;

(c) Appraise such performance fairly, accurately and expertly using Chapter 548, F.S., and the rules adopted by the commission;

(d) Inscribe the result of such appraisal after each round on the round score card or match score card, whichever is appropriate, according to the scoring system adopted herein; and

(e) Complete and sign the round or match score card and deliver it to the referee, executive director or commission representative at the conclusion of each round.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.017, 548.056, 548.057 FS. History—New

61K1-3.009 Announcer; License and Duties.

(1) License

(a) No licensed announcer shall act as an announcer at any match in a state without a state boxing commission or similar governmental authority unless the match is sanctioned by a national or international organization recognized by the commission, or at any match held in this state unless the match is sanctioned by the commission.

(b) Any person desiring to become licensed as an announcer shall submit Form DBPR-FSBC 04, "Application for License, General," effective October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at

(2) Duties.

(a) The announcer shall make all announcements in the English language unless approved to do otherwise by the executive director or commission representative.

(b) Announcers shall be neatly and appropriately dressed while discharging their duties.

(c) The announcer shall be at all times subject and responsible to the commission representative in the discharge of his duties and shall accept directions only from the commission representative.

(d) Announcers shall not make unauthorized announcements or introductions of persons other than the participants and officials unless the commission representative has determined that the announcement or introduction is appropriate for the match. Under no circumstances shall an individual be introduced if his license has been revoked or is currently under suspension.

(e) After participants and their chief seconds are in the ring, the announcer shall announce the name of each participant, his weight as determined at the weigh-in, and such other announcements as directed by the commission representative.

(f) An announcer shall display strict impartiality in word and action while performing his duties.

(g) The number of the round shall be announced at the 1-minute interval between rounds.

(h) At the conclusion of each match, the announcer shall make the announcement of the result in the manner and at such time as directed by the commission representative.

(i) In the event of a knockout or a technical knockout, the announcer shall obtain the result and the official time of the termination of the match from the commission representative, and shall announce the result, the time and the round in which the knockout or technical knockout occurred.

(j) At the conclusion of each match and immediately after the announcements have been made, the announcer shall submit to the commission representative any match score cards used by the judges and the referee that he may have in his possession.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.017, 548.057 FS. History–New _____.

61K1-3.010 Timekeeper or Knockdown Timekeeper: License and Duties.

(1) License.

(a) No licensed timekeeper shall act as a timekeeper at any match in a state without a state boxing commission or similar governmental authority unless the match is sanctioned by a national or international organization recognized by the commission, or at any match held in this state unless the match is sanctioned by the commission.

(b) Any person desiring to become licensed as a timekeeper shall submit Form DBPR-FSBC 04, “Application for License, General,” effective October 2012, adopted and incorporated herein, which may be obtained on the “Boxing, Kickboxing, & Mixed Martial Arts” link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) Duties for Timekeeper:

(a) The timekeeper shall possess during the performance of assigned duties a whistle, bell, horn, or gong, and a stopwatch.

(b) The timekeeper shall be located within his arm length of the bell in a seat designated by the commission representative. No match shall begin or continue unless the timekeeper is in his designated seat.

(c) The timekeeper shall not use the whistle, bell, or other instrument during the progress of a round except in the manner and at the time authorized herein.

(d) Ten seconds before the beginning of each round, the timekeeper shall give warning to the seconds of each participant by blowing the whistle. Ten seconds before the end of each round, the timekeeper shall give warning by pounding the table three times in succession with a hammer, block of wood or similar object.

(e) If directed by the referee, the timekeeper shall take time out.

(f) The timekeeper shall strike the bell to signify the beginning and ending of each round.

(g) If a match ends before the scheduled number of rounds, the timekeeper shall inform the referee and the commission representative of the exact duration of the match.

(h) The timekeeper shall be familiar with and perform such other duties as set forth in these rules.

(i) In the event that an automatic timekeeping machine is available, its use is authorized, provided however, that manual timekeeping is maintained in the event of equipment failure.

(3) Duties, Knockdown Timekeeper.

(a) The knockdown timekeeper shall be located adjacent to the timekeeper in a seat designated by the commission representative. No match shall begin or continue unless the knockdown timekeeper is in the designated seat.

(b) The knockdown timekeeper shall count each second for knockdowns by striking the floor of the ring or a suitable wooden striking-board with a substantially constructed hammer or wooden mallet and, by stating in a loud voice, the elapse of each second until such time as the referee has taken over the count, at which time the knockdown timekeeper shall no longer call the count aloud.

(c) The knockdown timekeeper shall be familiar with and perform such other duties as set forth in these rules.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.017, 548.057 FS. History–New _____.

61K1-3.011 Second; License and Duties.

(1) License

(a) A licensed manager may be designated as one of his or her participant’s seconds.

(b) No second shall also be licensed as a judge, physician, promoter or referee and shall not act as a judge, physician, promoter or referee.

(c) No licensed second shall act as a second in any match in this state unless the match is sanctioned by the commission.

(d) Any person desiring to become licensed as a second shall submit Form DBPR-FSBC 04, “Application for License, General,” effective October 2012, adopted and incorporated herein, which may be obtained on the “Boxing, Kickboxing, & Mixed Martial Arts” link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) Duties.

(a) Each participant shall be allowed no more than three seconds in his or her corner, one of whom shall be designated the chief second, provided however that in the case of a championship match, each participant shall be allowed no more than four seconds. The chief second shall be in charge of the participant’s corner and be responsible for the conduct of all seconds, and shall be held responsible for any violation committed by any second.

(b) The chief second of any participant shall have with him at the ringside the following articles:

1. One pair of scissors;
2. One towel;
3. One clean water bucket;
4. One container of drinking water;
5. The necessary tape and bandages; and
6. Proper caustics to stop bleeding of minor cuts and lacerations.

(c) First aid and other ring equipment of a second shall in all cases and at all times before, during, and after use, be available for inspection by the physician, inspector, and the commission representative. The commission representative's decision shall be final as to the propriety of its use.

(d) Seconds may verbally coach a participant during a round. A second shall not excessively coach his or her participant. The executive director or commission representative shall determine whether a second's coaching is excessive, inappropriate, disruptive, or otherwise unbecoming a sportsman. A second attempting by word or action to heckle or annoy his or her participant's opponent or any official is strictly prohibited. Seconds shall remain seated in place during the fight period of any round and shall not knock or pound on the ring floor, cage fence, or apron.

(e) No second shall attempt to render aid to a participant who has been counted out during the course of a match before the physician has examined the participant.

(f) If any second steps up onto the ring apron during any fight period of any match unless ordered to do so by the referee, the participant for whom that second is performing as a second shall be immediately determined as the losing participant and the opponent shall be declared the winner by technical knockout, unless the executive director or commission representative at ringside determines the act was done to avoid the fighter losing by knockout, in which case the executive director or commission representative may order the result be announced and recorded as a knockout and administer the appropriate suspension accordingly.

(g) Only one second shall be allowed in the ring. No second shall enter the ring until the timekeeper has indicated the end of a round. He shall leave the ring at the sound of the timekeeper's whistle indicating the beginning of the next round is imminent. Prior to the beginning of each round, the entire ring platform and ropes shall be cleared of all obstructions, including buckets, stools, towels, and other articles; and none of these articles shall again be placed on the ring platform until the bell has sounded indicating the end of the round.

(h) No second shall harass, threaten or touch opposing participants, managers, or seconds. A second who violates this rule shall be immediately ejected from the premises and shall be automatically banned from any involvement with boxing, kickboxing, and mixed martial arts in this state unless the commission decides otherwise.

Rulemaking Authority 548.003 FS. Law Implemented 548.002, 548.003(2), 548.006, 548.011, 548.017, 548.046, 548.056, 548.057 FS. History—New _____.

61K1-3.012 Referee: License and Duties.

(1) License.

(a) Any person desiring to become licensed as a referee shall submit Form DBPR-FSBC 08, "Application for License, Referee," effective October 2012, adopted and incorporated

herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at

(b) No referee shall also be licensed as a booking agent, manager, promoter, matchmaker, participant, representative of a booking agent, second or trainer and shall not act as a booking agent, manager, promoter, matchmaker, participant, representative of a booking agent, second or trainer.

(c) No referee licensed in this state shall act as a referee at any match in a state without a state boxing commission or similar governmental authority unless the match is supervised by a state boxing commission or similar governmental authority.

(d) No referee shall also serve as a supervisor or serve on the ratings committee or recommend participants to the ratings committee for a sanctioning body.

(2) Applicants for a referee's license will be reviewed, evaluated, and processed in the following manner:

(a) Any person desiring to become licensed for the first time as a referee shall submit the appropriate application as adopted by the commission for licensure.

(b) At its first meeting after November 1 of each year and following the submittal of the application for license, the commission shall render a decision as to whether or not the license will be granted.

(c) Applicants for a referee license will be permitted to officiate at the discretion of the executive director for observation purposes. The executive director shall cause to be issued a temporary certificate for this purpose by collecting a license application and fee from the applicant. The executive director shall be cognizant of the relative importance of the match, the number of scheduled rounds and any other factors that may contribute to the health, safety and well being of participants or the referee, or any difficult set of circumstances for a referee early in his career. To obtain a temporary certificate, the applicant must demonstrate that he or she has refereed a minimum of 300 rounds of amateur boxing, kickboxing, or mixed martial arts and has been refereeing for a minimum of two years for an amateur sanctioning organization.

(d) Applicants for a referee license will be admitted free of charge to professional event venues for the purpose of observing and interacting with licensed referees, provided however, that in the case of television events and such other events which by their nature severely limit ringside access, permission to sit at ringside will not be authorized. In the case that an event is sold out, authorization will not be granted to attend the event. Travel and other expenses will be borne solely by the applicant.

(e) At its first meeting after November 1 of each year, the executive director shall recommend to the commission a list of referees to be licensed or renewed as officials in this state and the commission shall approve or disapprove the recommendations.

(f) The applicant must have a demonstrated record and evidence that he/she has the ability to perform the duties outlined in this section.

(3) Duties.

(a) A referee shall submit to an annual physical examination and submit the results of that physical examination to the commission office at the time of application each year, to establish physical fitness. The result of this examination shall be filed with the commission. The executive director or commission representative may require the referee to be examined by a physician immediately prior to officiating a match at his discretion.

(b) Prior to the beginning of each match, and periodically for the duration of the match, the referee shall examine the participants' gloves, equipment, and person to ensure that no unsafe or improper condition exists.

(c) When a participant receives an injury which the referee believes may incapacitate the participant, the referee shall call time out and consult with the physician as to the advisability of allowing the match to continue. If a participant has been counted out during the course of a match, no person, including the referee, shall attempt to render aid to or move a participant other than what may be required to move the participant inside the ropes before the physician has examined the participant.

(d) The referee shall have the authority to:

1. Terminate a match at any time when the referee determines that one of the participants has such superior skills or ability as to make such match unreasonably dangerous to the other participant and shall be recorded as a technical knockout;

2. Disqualify a participant who commits an intentional foul and award the decision to the opponent;

3. Terminate a match and disqualify either or both participants if the referee determines that either or both participants are not competing in earnest;

4. Terminate a match if either participant has been injured and is in such condition that to continue the match might subject the participant to a debilitating or life threatening injury;

5. Temporarily or permanently halt a match if the referee believes that a significant health hazard exists, when such hazard could reasonably be anticipated to create a significant danger to the participants or the public; and

6. Enforce discipline and the rules, as adopted by the commission, pertaining to the conduct and behavior of participants, managers, trainers, and seconds.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.017, 548.056, 548.057, 548.058 FS. History—New _____.

61K1-3.013 Trainer; License and Conduct.

(1) License.

(a) No trainer shall also be licensed as a judge, referee, physician or promoter and shall not act as a judge, referee, physician or promoter.

(b) No licensed trainer shall act as a trainer in any match in this state unless the match is sanctioned by the commission.

(c) Any person desiring to become licensed as a trainer shall submit Form DBPR-FSBC 06, "Application for License, Trainer," effective October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) Conduct.

(a) All applicants for trainer licensure and all trainers licensed by the commission shall obtain and maintain CPR certification from a nationally recognized entity. Failure to obtain and maintain the certification by February 1, 2013, shall subject the licensee to disciplinary action.

(b) The trainer shall prepare the participant for the match in which he or she is to engage and shall provide information and direction so as to ensure that the participant is in good physical condition and is prepared to utilize and display his or her skills to the best of his or her ability.

(c) A trainer may verbally coach a participant during a round. The executive director or commission representative shall determine whether a trainer's coaching or behavior is excessive, inappropriate, disruptive, or otherwise unbecoming a sportsman. A trainer shall not excessively coach his or her participant while working in the corner. The executive director or commission representative shall determine whether a trainer's coaching or behavior is excessive, inappropriate, disruptive, or otherwise unbecoming a sportsman. A trainer attempting by word or action to heckle or annoy his or her participant's opponent or any official is strictly prohibited.

(e) If any trainer steps up onto the apron during any match, the participant for whom the trainer is performing as a trainer shall be immediately determined as the loser and the opponent shall be declared the winner by technical knockout. (d) A trainer shall not enter the corner or the ring or fenced area at any time during the match and shall remain seated in place during the fight period of any round and shall not knock or pound on the ring floor or apron.

(f) No trainer shall verbally abuse, harass or threaten, or physically abuse, harass, threaten or touch opposing participants, trainers, managers, seconds, or cornermen. A trainer who violates this rule shall be immediately ejected from the premises and shall be automatically suspended until a final determination is made by the commission.

(g) Upon the proposal of a debut participant, the trainer may be required to certify to the commission that the debut participant is physically competent and possesses the skills of a trained participant including, but not limited to:

1. Competence in the elements of offense and defense;
2. Clean hitting;
3. Ring generalship; and
4. Physical stamina to fight at least the minimum number of scheduled rounds and duration.

(h) Professional debut certification shall be made to the executive director or commission representative prior to or at the time of the weigh-in by completing and signing Form BPR-0009-481, "Pro Debut Certification and Release," effective January 2010, which may be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>, or at _____.

(i) A trainer shall be issued a citation for the first occurrence if the debut participant is not able to demonstrate the competence and skills listed above.

(j) A trainer shall be issued a citation and fined the trainer's share of the purse for the second occurrence if the debut participant is not able to demonstrate the competence and skills listed above.

(k) A trainer's license may be suspended or revoked for the third occurrence and beyond.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.017, 548.056 FS. History—New _____.

61K1-3.014 Booking Agent, Representative of Booking Agent; License.

(1) No person shall act as a booking agent or representative of a booking agent without first having obtained the appropriate license. Any person desiring to become licensed as a booking agent shall submit Form DBPR-FSBC 04, "Application for License, General," effective October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) No booking agent or representative of a booking agent shall also be licensed as a judge, physician, referee or promoter and shall not act as a judge, physician, referee or promoter.

(3) No licensed booking agent or representative of a booking agent shall act as a booking agent or representative of a booking agent for any match in this state unless the match is sanctioned by the commission.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.017 FS. History—New _____.

61K1-3.015 Insurance Requirements.

(1) The promoter of a program of matches shall be ensure that each participant in a match held in Florida is covered by insurance for medical, surgical and hospital care for injuries

sustained while engaged in a match as described in Section 548.049, F.S., for an amount not less than \$20,000 for each participant.

(2) In addition, the promoter of a program of matches shall provide life insurance for an amount not less than \$20,000 covering death caused by injuries received while engaged in a match for each participant.

(3) The promoter of a program of matches shall be responsible for providing evidence of the insurance coverage described above and filing with the commission written evidence of insurance no later than the weigh-in. Such evidence of insurance shall specify, at a minimum, the name of the insurance company, the insurance policy number, the effective date of the coverage and evidence that each participant is covered by the insurance.

(4) If, at the time of weigh-in, the promoter fails to provide evidence of insurance as required above, the permit shall not be issued or, if issued, shall be suspended and the program of matches shall be cancelled.

(5) The promoter shall ensure that insurance coverage is valid through the duration of the match. If the event lasts more than one calendar day, the promoter shall ensure that the insurance coverage extends to the next calendar day to cover each match.

Rulemaking Authority 548.003 FS. Law Implemented 548.006, 548.049, 548.071 FS. History—New _____.

61K1-3.016 Pre-Match Physical of Participant and Referee.

(1) Each participant shall, at the time of the weigh-in, be examined by a physician. The physician shall certify in writing the participant's physical condition and a professional assessment as to whether or not the participant may engage in the match. The physician shall, prior to the match, file with the commission representative a written report of examination of the participant, which report shall state whether or not, in the opinion of the physician, the participant is physically fit to engage in the match. No participant shall be permitted to engage in a match unless he or she has been examined and pronounced fit to do so by a physician.

(2) Ringside physicians shall have a suitable place or room in which to make their examinations prior to each match.

(3) The examination given all participants shall include the following:

- (a) Temperature;
- (b) Pulse; sitting, standing and running;
- (c) Lungs;
- (d) Heart;
- (e) Blood pressure;
- (f) Vision;
- (g) Weight;
- (h) Skin.

(4) No participant shall be allowed to engage in any match if any of the following conditions are found by the physician:

- (a) Hernia;
- (b) Organic heart murmurs;
- (c) Active pulmonary lesions;
- (d) Abnormal temperature as determined by the physician;
- (e) Systolic pressure over 140;
- (f) Infectious skin lesions, such as boils or infected wounds;

(g) Recent wounds, especially on face and ears;

(h) Hand injuries, and fractures less than 6 weeks old, if, in the physician's opinion, the injury would be detrimental to the participant's health or ability to effectively compete;

(i) An indication that the participant is using or is under the influence of narcotics, drugs, stimulants, depressants, alcohol, local anesthetics or such a high level of analgesics as to render the participant unable to recognize if he or she is seriously injured. If the physician finds any indication or evidence that the participant is using, is under the influence of unauthorized drugs or foreign substances such that the physician cannot make a definitive determination and therefore allows the match to proceed, the physician shall immediately advise the commission representative who shall ensure that a urine sample is taken and processed in accordance with Rule 61K1-3.017, F.A.C.;

(j) Retinopathy or detached retina; provided however, that the applicant shall be permitted to participate in a fight if the participant provides, at or before the weigh-in, the written statement of a licensed ophthalmologist stating that the applicant's retina is completely healed and that in the ophthalmologist's medical opinion, no unusual or extraordinary risk to the applicant is anticipated as a result of the retinopathy or a previously detached retina.

(k) Dental abscess;

(l) Ophthalmological problem;

(m) History of epilepsy or seizures;

(n) Blindness;

(o) History of kidney problems;

(p) Altered gait or balance; or

(q) History of any abnormality in a computerized axial tomography (CAT) scan, electroencephalogram (EEG), electrocardiogram (EKG), magnetic resonance imaging (MRI) scan, or other similar medical tests.

(5) Each participant shall be required to submit to any medical examination or test ordered by the executive director or the commission. Such medical examination or test must be original or a certified copy of the results which were performed by an M.D., D.O., or laboratory no earlier than 30 days before the date on which the results are presented to the commission or its executive director.

(6) Each participant shall provide the commission with hepatitis B surface antigen lab results and hepatitis C antibody lab results indicating no infection. Negative results will be acceptable for a period of up to 1 year. After 1 year, the participant will need to be re-tested and provide the commission with current lab results.

(7) Each participant shall provide the commission with rapid HIV test results indicating no infection with the human immunodeficiency virus/AIDS. Negative results will be acceptable for a period of up to 1 year. After 1 year, the participant will need to be re-tested and provide the commission with current lab results.

(8) Each participant shall submit to an ophthalmological examination conducted by a licensed ophthalmologist. The Participant and ophthalmologist shall complete Form BPR-0009-665, "Dilated Ophthalmological Examination", effective October 2012, adopted and incorporated herein by reference, which may be found at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>, and shall be submitted to the commission with the application for licensure.

(9) Lab results filed with other commissions or jurisdictions in the United States may be verified in writing by them to the executive director in lieu of requiring a subsequent blood test for this purpose.

(10) In addition to the above, participants 40 years and older shall submit satisfactory results from the following prior to being approved for participation:

(a) A normal EKG dated no greater than six months prior to the match and a letter from the participant's personal physician licensed as an M.D. or D.O., clearing them to compete.

(b) Test results indicating that the participant has a CBC, PT, and PTT in normal range.

(c) A letter or documentation from an ophthalmologist indicating an eye exam without evidence of disease.

(d) A normal MRI of the brain without contrast;

(e) A letter from a general practitioner physician licensed as an M.D. or D.O., indicating the participant had a clean physical.

(11) All participants with cuts and abrasions that require dressing, bandages, or band-aids must be approved to fight by physician prior to being cleared to participate.

(12) Female participants are limited to participation with additional medical restrictions. If any of the following conditions exist, the athlete is not permitted to participate:

(a) Painful pelvic disease states such as symptomatic endometriosis;

(b) Abnormal vaginal bleeding of undetermined etiology;

(c) Recent secondary amenorrhea of undetermined cause;

(d) Recent breast bleeding;

(e) Recently discovered breast masses;

(f) Recent breast dysfunction previously not present.

(g) A positive pregnancy test, conducted at the time of the pre-match physical and signed off on by the physician conducting the physical.

(13) Participation in subsequent matches:

(a) Any participant who loses by way of a TKO (technical knock out) shall not participate in any match for a minimum of thirty (30) days.

(b) Any participants who loses by way of KO (knock out) shall not participate in any match for a minimum of sixty (60) days.

(c) Any participant who is suspended and issued Form BPR-0009-478, "Order of Automatic Suspension", effective October 2012, as adopted in Rule 61K1-3.020, F.A.C., by the executive director, or any similar suspension issued by any other jurisdiction shall not participate until cleared by a physician licensed as an M.D. or D.O. A physician may extend a medical suspension any time he or she believes it to be in the best interest for the safety of a participant. In all cases, the decision by the physician at the pre-match physical to issue or extend a medical suspension is final and not reviewable.

(d) Participants shall receive a mandatory seven-day rest period after competing in a match. Day 1 of the mandatory rest period shall commence on the first day following the event.

(14) Whenever a participant is unable due to illness or injuries to take part in a match for which he is under contract, he (or his manager) shall immediately report that fact to the commission, and the participant shall be required to submit to an examination by a physician designated by the commission prior to future participation in matches in the State of Florida.

(15) The examination fee of the physician shall be paid by the participant for the pre-match physical.

(16) The executive director or commission representative shall, whenever necessary, require that a referee undergo a physical examination prior to acting as a referee in any match.

(17) If at any time prior to the match, evidence is revealed that indicates that the match may be unusually adverse to the health of a participant or referee, the executive director or commission representative shall order a medical examination to be given to the participant or referee, the report of which examination shall be made to the executive director or commission representative.

Rulemaking Authority 548.003 FS. Law Implemented 548.006, 548.043, 548.046, 548.071, 548.075 FS. History—New _____.

61K1-3.0165 Weigh-In.

(1) Failure of a participant to be present at the weigh-in, at the time and place designated by the executive director or commission representative, shall result in the following penalties on the licensee who is deemed by the executive director or commission representative as the responsible party

for the participant's delayed presence at the weigh-in. These penalties are in addition to their loss of right to be present at the official weigh-in of the participant's opponent:

(a) In lieu of suspension or revocation of the license(s) for the first occurrence, the executive director or commission representative shall issue a citation and assess a fine of \$50 per licensee;

(b) In lieu of suspension or revocation of a license for the second occurrence, the executive director or commission representative shall issue a citation and assess a fine of \$75 per licensee;

(c) The third occurrence shall result in the loss of the participant engaging in the program of matches of the weigh-in violation, and the suspension of the license(s) of the licensee(s) in violation of this rule for a period of time to be determined by the commission; and

(d) The fourth occurrence shall result in the revocation of the license(s) of the participant and or licensee(s).

(2) If, at the time of the official weigh-in, the weight of any participant in a match fails to meet the weight parameters of the rules set forth herein, the participant shall have 2 additional hours to meet such weight parameters.

(3) A participant is not permitted to lose more than 3 percent of the initial body weight as recorded by the commission during the two additional hours established in paragraph (c) above.

(4) At the time of weigh-in, each participant in a match shall be required to provide to the commission representative for inspection an identification card issued by the Association of Boxing Commissions (ABC).

(a) Such identification card shall contain a recent photograph of the participant, the participant's social security number, and a personal identification number assigned to the participant by the Association of Boxing Commissions' official boxer registry for boxers.

(b) In order to obtain an identification card issued by Florida, the participant must present to the commission a picture identification issued by a federal, state, or local unit of government or other similar authority, or a passport issued by the United States of America or a foreign government.

(c) This identification card must be renewed prior to the expiration date.

(d) If a participant presents fictitious identification to the commission, the commission shall, upon the first occurrence disallow the participant from participating in a match for a period of one year.

(e) Upon the second occurrence, the participant shall be permanently banned from participating in a match in Florida.

(f) For a boxing or kickboxing participant to obtain the identification card, the participant must fill out Form "Boxer's Federal Identification Card Application", adopted and incorporated herein by reference, which may be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>.

(g) For a mixed martial arts participant to obtain the identification card, the participant must fill out Form "Mixed Martial Arts National Identification Card Application form", effective September 2008, adopted and incorporated herein by reference, which may be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>.

(5) The weigh-in shall be documented on Form BPR-0009-455, "Participant Information and Medical Sheet", effective October 2012, adopted and incorporated herein by reference, which may be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>, and which shall be completed by the participant and the ringside physician conducting the weigh-in. Any participant who refuses to complete this form shall not be allowed to engage in any match in Florida.

(6) Each person identified on the participant information form by the participant as an authorized person to work in the participant's corner shall affirm to the commission that he or she has no personal knowledge as to why the participant should not compete in the match due to an accident or injury sustained prior to the match while training or sparring. If a recent accident or injury is disclosed, the executive director shall consult with the physician in determining whether or not the participant should be permitted to compete.

Rulemaking Authority 548.003 FS, Law Implemented 548.006, 548.043, 548.046, 548.071, 548.075 FS. History—New _____.

61K1 3.017 Drugs and Foreign Substances; Penalties.

(1) Drugs and Foreign Substances Ingested or Designed to be Ingested.

(a) No participant shall at any time use or be under the influence of any drug or foreign substance that would unfairly increase or decrease his performance, or impair his or the physician's ability to recognize a potentially serious injury or physical condition. No substance, other than plain drinking water or any commission approved sports drink shall be given to or ingested by a participant during the course of a match.

(b) A laboratory confirmed positive test for any of the following substances shall be conclusive evidence of a violation of subsection (a) and constitutes grounds for which disciplinary action may be taken, except as otherwise indicated:

1. Stimulants – All stimulants are banned with the following exceptions:

a. Caffeine – provided, however, that an amount greater than 12 mcg/ml in the urine is prohibited;

b. Beta 2 Agonist – provided it is selected from the following list and is in aerosol or inhalant form only:

Drug Chemical Brand Name

<u>(I) Bitolterol Mesylate</u>	<u>Tornalate</u>
<u>(II) Metaproterenol Sulfate</u>	<u>Alupent, Metaprel</u>
<u>(III) Albuterol Sulfate</u>	<u>Ventolin, Proventil</u>
<u>(IV) Terbutaline Sulfate</u>	<u>Brethaire;</u>

2. Narcotics;

3. Anabolic Steroids, including human growth hormone;

4. Diuretics;

5. Local Anesthetics;

6. Corticosteroids;

7. Cannabinoids;

9. Masking agents; 8. Peptide hormones;

10. Anti-estrogenic agents.

(c) After each match the physician shall advise the commission representative whether or not he observed any behavior or other signs that would indicate the advisability of processing a urine sample. The commission representative shall make the final decision as to the processing of the urine sample.

(d) The executive director or a commission representative shall request a participant submit to a blood or urine test if reasonable suspicion is present that may indicate the potential use of anabolic steroids. Such test shall be performed within 7 days of the request and the cost of the examination shall be the responsibility of a participant.

(2) Drugs or Foreign Substances Used Externally or Designed for External Use.

(a) No drug or foreign substance shall be used unless expressly provided for in these rules or as directed by the physician.

(b) The following drugs or foreign substances may be used by participants under the conditions described herein:

1. Petroleum Jelly – The discretionary use of petroleum jelly shall be allowed around the eyes. However, the use of petroleum jelly on the arms, legs and body of a participant is prohibited.

2. The discretionary use of Thrombin or a 1/1000 solution of Adrenalin and Avitine, or their generic equivalents, as approved by the physician, shall be allowed between rounds to stop bleeding of minor cuts and lacerations sustained by a participant.

(3) The following penalties shall be assessed against any participant found to be in violation of this rule or Section 548.046, F.S.:

(a) The first occurrence shall result in the suspension of the participant's license and the banning of participant's participation in any manner, in any match, for a period of 180 calendar days, and by assessing a fine of not more than \$5,000;

(b) The second occurrence shall result in the suspension of the participant's license and the banning of participant's participation in any manner, in any match for a period of 1 year, and the assessment of a fine of not more than \$5,000;

(c) The third occurrence shall result in the revocation of the participant's license and the permanent banning of participant's participation in any manner, in any match or activity regulated by Chapter 548, F.S.

(4) No person licensed by the commission shall participate in or contribute to the act of violating this rule. Any violation shall be grounds for suspension or revocation of all licenses held by such person(s). Any person(s) found to be in violation shall forfeit their share of the purse or other compensation to the commission and shall be assessed the following penalty(ies):

(a) The first occurrence shall result in the suspension of the person's license and the banning of the licensee's participation in any manner, in any match, for a period of 180 calendar days, and the assessment of a fine of not more than \$5,000:

(b) The second occurrence shall result in the suspension of the person's license and the banning of the licensee's participation in any manner, in any match, for a period of 1 year, and by assessing a fine in the amount of that share of the purse to which the licensee is entitled or \$500, whichever is greater:

(c) The third occurrence shall result in the permanent revocation of the person's license and the permanent banning of the licensee's participation in any manner, in any match or activity regulated by Chapter 548, F.S., and the assessment of a fine in the amount of that share of the purse to which the licensee is entitled or \$1,000, whichever is greater.

(5) Drugs, containers and other equipment used in conjunction with the match, regardless of why or how they are used or where they are located, shall at all times be available for inspection by the physician, referee, inspector, or commission representative and shall be seized if there is any evidence that they may have been used to violate or are in violation of any provision of Chapter 548, F.S., or the rules promulgated herein.

Rulemaking Authority 548.003 FS. Law Implemented 548.006, 548.046, 548.047, 548.053, 548.054, 548.058, 548.071, 548.075, 548.079 FS. History—New _____.

61K1-3.018 Emergency Equipment, Other Equipment and Services

(1) Emergency Medical Equipment and Services.

(a) It shall be the responsibility of the promoter to provide the following at each match:

1. A portable resuscitator with all additional equipment necessary for its operation:

2. An ambulance on site, with two paramedics or one paramedic and one Emergency Medical Technician (EMT), with at least one paramedic stationed ringside while the competition is occurring. If an athlete needs to be transported via ambulance to the hospital, another unit must arrive before the competition can continue:

3. A clean backboard and clean blanket, to be located along with the ambulance attendants, located ringside.

4. A minimum of two (2) commission-approved physicians shall have seats at the immediate ringside of all matches.

i. The physician shall hold a license in good standing to practice medicine as an M.D. or a D.O., and be capable of initiating life-saving procedures and demonstrate education training or practical experience in sports medicine, trauma, neurology, or as a ringside physician.

i. The physician shall not leave the premises until after the final match has been conducted, all participants participating have been cleared by the physician(s), and the executive director or commission representative has cleared the physician to leave.

ii. Physicians shall be prepared to assist if any serious emergency shall arise, and shall render temporary or emergency treatments for cuts and minor injuries sustained by the participants.

5. Three (3) portable oxygen supplies shall be present.

i. One portable oxygen supply shall be in each dressing room or locker room used by the participants:

ii. One portable oxygen supply shall be immediately accessible to the ringside physician.

6. If an athlete needs to be transported via ambulance to the hospital, another unit must arrive before the competition can continue.

(b) No match shall begin or continue unless such equipment and personnel are on the premises in a state of readiness and in a pre-designated readily accessible location known to the referee, physicians and the executive director or commission representative.

(2) Other Equipment and Services.

(a) It shall be the responsibility of the promoter to have available at all times during the progress of a program of matches a person or persons capable of making emergency repairs, corrections and adjustments to the ring, lights and other necessary fixtures.

(b) The promoter shall supply the following items which shall be in good working order and available for use as needed:

1. A public address system;

2. Chairs, properly located in accordance with the floor plan and elevated to allow for unobstructed view as detailed in this section;

3. Five stools or chairs, a clean water bucket and a clean water container for drinking purposes for each participant's corner;

4. A spit bucket and three clean towels per corner; and

5. A complete set of numbered round cards, which shall be of such size as to make them clearly legible from all parts of the arena.

(c) The promoter shall ensure that all food and beverages are dispensed in paper or plastic plates or cups and that only plastic utensils are provided to individuals intending or

allowed to enter the arena area. The serving of food or beverages in cans, glass bottles or plates, or the use of metal utensils is prohibited. This requirement is not applicable to skybox or other premium seating areas that are considered separate areas from the arena area.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.032, 548.046, 548.057 FS. History—New _____.

61K1-3.019 Arena Equipment; Ring Requirements; Floor Plan and Apron Seating.

(1) Boxing, Kickboxing, and Mixed Martial Arts Ring Requirements.

(a) The ring shall be not less than 18 feet nor more than 22 feet square inside the ropes.

(b) The ring floor or apron shall extend beyond the ropes not less than 18 inches.

(c) The ring shall be formed of four posts and at least four ropes for boxing and kickboxing, except for San Shou or Sanda style kickboxing. The ring shall be formed of four posts and at least five ropes for San Shou or Sanda style kickboxing and mixed martial arts. The ropes shall extend in parallel lines 18, 30, 42, and 54 inches in height above the ring floor. The top three ropes shall be not less than 1 inch in diameter, and the lowest rope shall be not less than 1 1/2 inches in diameter. The lowest rope must be no higher than six inches from the ring floor. All ropes shall be wrapped in velvet or other similarly soft material. Ropes shall be properly adjusted and sufficiently taut to inhibit the participant from falling between the ropes. An additional tie rope shall be centered on all four sides of the ring surrounding the ring ropes to prevent excessive separation of the ring ropes. The juncture of the ropes at each corner shall be padded with at least an inch and one half of foam rubber or other similar padding.

(d) Ring posts shall be not less than 3 inches in diameter and shall extend from the floor of the ring to a height of no more than 58 inches.

(e) The ring platform shall not be more than 4 feet above the surrounding floor and shall be provided with steps for use of the participant in each participant's corner. Steps shall also be provided in a neutral corner for use by the announcer, referee, round card carrier and physicians.

(f) The ring platform shall not be less than twelve (12) feet below the surrounding ceiling.

(g) The ring floor, both inside and outside the ropes, shall be padded to a thickness of at least 1 inch and the padding shall consist of a soft material such as "Ensolite Ring Pad" or similar material applied over a 1-inch base of Celotex building board number two or a material which has similar impact absorbing characteristics. There shall be a top covering of canvas, duck, or equivalent material tightly stretched and laced to the ring platform.

(h) If the match or program of matches is being held outdoors, the ring, apron and seating for all officials shall be protected from inclement weather by use of a heavy duty weatherproof tarpaulin or cover of similar material. The covering shall be erected in such a manner as to ensure that the ring, apron and seating do not become wet. Under no circumstances will the referee or the commission representative allow a match to continue if the condition of the ring floor deteriorates such that its condition poses a hazard to the participants or the referee.

(i) Ring posts must be properly padded in a manner approved by the commission.

(j) The ropes of the rings shall be no less than six (6) feet from the nearest row of the audience.

(2) Kickboxing and Martial Arts Fenced Area Requirements.

(a) The fenced area shall not be less than 18 feet wide nor more than 32 feet wide inside the fencing;

(b) The fenced area within the fencing must be padded with Ensolite or similar closed-cell foam with at least a 1 inch layer of foam padding;

(c) The fenced area padding must be covered with canvas, duck or similar material tightly stretched and laced to the platform. Any covering that is slippery or deemed by the commission as unsafe will not be allowed. Material that tends to gather in lumps or ridges must not be used;

(d) The fenced area platform must not be more than 4 feet above the surrounding floor and shall be provided with steps for use of the participants. In addition to the participants' steps, a neutral set of steps shall also be provided for use by the announcer, referee, round card carrier and physicians;

(e) Ring posts shall be made of metal with dimensions of not less than 3 inches nor more than 6 inches in diameter and shall extend from the floor of the building to a height of no less than 60 inches nor more than 84 inches above the floor of the fenced area. Ring posts must be properly padded in a manner approved by the commission. Ring posts padding shall not include abrasive, sharp or potentially injuring materials;

(f) Fencing must be made of a material that will prevent a participant from falling out of the fenced area or breaking through the fenced area onto the floor of the building or onto the spectators, including, without limitation, chain link fence coated with vinyl;

(g) Any metal portion of the fenced area must be covered and padded in a manner approved by the commission and must not be abrasive to the participants;

(h) When the fenced area is comprised of equal sections or panels of fencing, metal tubing or pipes are permissible along the outer dimensions or perimeter of the panels for structural purposes. No metal tubing or pipes are allowed within each individual panel running horizontally or vertically from one panel perimeter to another. Each panel should have four sides with no metal tubing or pipes within each individual square;

(i) There must not be an obstruction on any part of the fence surrounding the fenced area in which the participants are competing.

(j) Each door must be secured by a latch and pin mechanism or another approved dual locking system.

(3) Other Fight Mediums for Kickboxing and Mixed Martial Arts.

(a) Fight mediums other than a ring as described in subsection (1) above or a fenced area as described in subsection (2) above may be proposed to the commission at least 45 days prior to the proposed date of the live event. At a minimum, detailed specifications regarding dimensions and materials used must be provided to the executive director. Any other information, including but not limited to video footage, requested by the executive director must be provided no later than 30 days prior to the proposed date of the live event;

(b) Proposals are subject to approval by the executive director or commission representative.

(4) Boxing, Kickboxing, and Mixed Martial Arts Floor Plan and Apron Seating.

(a) The executive director or commission representative shall determine the seating arrangements and space requirements for each location at which a match or program of matches is to be held and shall advise the promoter of the floor plan to be used.

(b) The executive director or commission representative shall designate seating at the ring apron as provided in these rules. Ring apron seating on all four sides of the ring shall be exclusively controlled by the commission and no person shall be permitted to be seated or have access to the apron without the approval of the executive director or assigned commission representative. The commission's control of the apron is for the purpose of providing for appropriate control of the event including participant, staff, and audience safety, ensuring that only those officials assigned by the commission are seated at the apron and ensuring that adequate seating for working officials is available at the apron. Apron seating not designated by the executive director or assigned commission representative may be utilized as desired by the promoter, provided however that such use does not interfere with any of the officials or commission representatives seated at the ring apron. Alcoholic beverages shall not be consumed by anyone seated at the ring apron. The following seating shall be provided at the ring apron for all matches:

1. The appropriate number of seats for judges in such location and at such height that will allow them a clear and unobstructed view of the ring or fenced area and its floor;

2. A seat for the timekeeper shall be located in a neutral position and in such location that the timekeeper has access to a power outlet and at such height that the timekeeper and the referee shall have visual contact at all times during the match and that he shall have immediate and unobstructed access to the bell;

3. A seat for the knockdown or assistant timekeeper shall be located in a neutral position, adjacent to the timekeeper and at such height that the knockdown or assistant timekeeper and the timekeeper and referee shall have visual contact at all times during the match and that the knockdown or assistant timekeeper shall have immediate and unobstructed access to the instrument being used for the knockdown count;

4. Seats for the executive director, commission representatives, and each commissioner present shall be located in such location and at such height that the executive director, commission representatives, and the commissioners shall have a clear and unobstructed view of the ring, ring floor, referee, and timekeeper;

5. A seat for each physician shall be located adjacent to each participant's corner in such location and at such height that each physician shall have a clear and unobstructed view of the ring, ring floor, the participant's corner, and the referee. If a fenced area is used, the physicians shall be seated at the door where the participants enter and exit.

(c) No match shall begin or continue unless three judges, the timekeeper, knockdown timekeeper, and at least one physician are located in their designated seats, and the referee is in the ring.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.032, 548.046, 548.057 FS. History—New _____.

61K1-3.020 Post-Match Physical Requirements: Suspensions.

(1) As a result of injuries or suspected injuries sustained or suspected to have been sustained in any match, the commission representative shall order a medical examination to be given to any participant or referee at any time, if he has cause to believe that the health or safety of the participant or referee is in jeopardy.

(2) Ringside physicians shall have a suitable place or room in which to make their examinations after each match.

(3) The examination given all participants shall address the following:

(a) Any injuries sustained during the match;

(b) Dehydration;

(c) Signs or symptoms of concussion;

(d) Vision.

(e) Possible limited access to healthcare services once the participant leaves the event venue;

(f) The need to prepare a suspension form, suspending the participant from participating in future matches until cleared by a physician.

(4) When it appears to a ringside physician, for whatever reason and regardless of how the injury was sustained, that a participant or referee is no longer able to safely continue to compete or officiate, the physician shall report such findings, in writing, to the commission representative. If the physician

has so recommended, the participant or referee shall not be permitted to participate until such time as he is certified as fit to participate by a commission licensed ringside physician.

(5) Whenever a knockout occurs in any match, the physician shall examine the knocked out participant at the time of the knockout and in the dressing room immediately after the match. In the event of a knockout or other serious injury, the physician shall remain on the premises to provide medical attention as needed. When the physician is satisfied that the injured or knocked out participant has recovered to the extent that the physician releases the participant from the physician's care, the physician shall, prior to releasing participant, instruct participant as to the danger signs of which the participant should be aware and which would indicate the need to seek immediate medical attention. The physician shall give to the injured participant Form BPR-0009-458, entitled "Post-Match Physical Examination Report" (1/10), effective January 2010, adopted and incorporated herein by reference, which can be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>.

(7) Pursuant to s. 548.046(3)(a), F.S., if the commission representative has requested a urine sample be collected for testing to determine whether a participant has taken a prohibited drug, the participant shall be responsible for the cost of the drug test. (6) When a participant is suspended from participating in boxing, kickboxing, or mixed martial arts, the ringside physician who performs the post-match physical shall complete Form BPR-0009-478, "Order of Automatic Suspension", effective October 2012, adopted and incorporated herein by reference, which may be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>. The order shall be signed by the executive director. A copy of the "Order of Automatic Suspension" shall be provided to the participant, and the commission representative. A physician may issue a medical suspension any time he/she believes it to be in the best interest for the safety of a participant.

Rulemaking Authority 548.003 FS. Law Implemented 548.006, 548.046, 548.071, 548.046(3), FS. History—New _____.

61K1-3.021 Professional Post-Match Reports Required to be Filed; Penalty for Late Filing.

(1) The promoter shall retain a copy of a written statement showing the distribution of the purse, which statement shall include each item of receipt and each expenditure or deduction, certified by the promoter to be correct, with receipted vouchers for all expenditures and deductions for a period of twenty-four (24) months and shall provide such copy to the commission if requested to do so.

(2) The manager shall retain a copy of the manager's statement of distribution of the purse to the participant, certified by the manager to be correct, with receipted vouchers

for all expenditures and deductions for a period of 6 months and shall provide such copy to the commission if requested to do so.

(3) Following a program of matches held in Florida, the promoter shall file with the commission as required by Section 548.06, F.S., a written report of gross receipts on Form BPR-0009-453, "Post Event Tax Report for Live Event", effective January 2010, adopted and incorporated herein by reference, which can be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>.

(4)(a) Failure to file either or both the report and tax payment within the time frame described in Section 548.06, F.S., shall result in a daily fine of 10 percent of the amount of the tax payment due or \$25, whichever is greater. If the fine is calculated based upon the 10 percent of the tax payment due, such fine shall not exceed \$5,000. The fine shall begin the day following the end of the timeframe described above and shall continue for each day that either or both the report is not filed or the tax payment remains unpaid.

(b) If the report and tax payment filed with the commission is determined to be understated, the fine assessment shall apply to the balance remaining after crediting the tax payment filed. The fine shall commence 72 hours following receipt of notice of the underpayment by the promoter responsible for the tax payment.

Rulemaking Authority 548.003 FS. Law Implemented 548.053, 548.06, 548.075 FS. History—New _____.

61K1-3.022 Unprofessional or Unethical Conduct.

Unprofessional or unethical conduct, for professional licensees, as described in Section 548.071(4), FS, shall include, but is not limited to:

(1) Making misleading, deceptive, or fraudulent representation in or related to the practice of the licensee's profession;

(2) Misappropriating, misallocating, or mismanaging funds in relation to the practice of the licensee's profession;

(3) Abandoning contractual obligations in relation to the practice of the licensee's profession;

(4) Delegating or contracting for the performance of professional responsibility by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them;

(5) Falsifying or altering of records, applications, contracts, or other documents in the practice of the licensee's profession;

(6) Practicing or offering to practice beyond the scope permitted by law or accepting and performing the professional responsibilities the licensee knows, or has reason to know, the licensee is not competent and/or properly licensed to perform;

(7) Discriminating on the basis of race, creed, religion, sex, age or national origin, in the in the practice of a licensee's profession as it relates to human rights and dignity of the individuals;

(8) Exercising influence on any person in the practice of a licensee's profession for the purpose of financial gain of the licensee or a third party;

(9) Failing to report in writing to the commission or to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph.

(10) Impersonating another licensed practitioner, or permitting another person to use his or her license;

(11) Providing false or incorrect information regarding the status of the license;

(12) Testing positive for any drugs listed under Rule 61K1-3.017, F.A.C. prior to or following any match;

(13) Failing or attempting to fail to perform any statutory or legal obligation placed upon a licensee;

(14) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to the chapter regulating the profession, or the Rules of the department or the commission;

(15) Attempting to obtain, obtaining, or renewing a licensee to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the commission;

(16) Violating any rule adopted by the commission or the department;

(17) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding;

(18) Repeatedly violating health and safety standards as laid out in these rules, or permitting other licensees or other individuals to repeatedly violate health and safety standards as laid out in these rules;

(19) Refusing access to an event or program, or full access to the site of an event or match, including dressing rooms to any Departmental or commission staff or independent contractors designated by the Department or executive director to attend events or matches;

(20) Having a license or the authority to practice a profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement,

offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license;

(21) Failing to report a change of address or other legally identifiable information to the Department within thirty (30) days of the date that the address or information was changed.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.071 FS. History--New _____.

61K1-3.023 Citations.

(1) Definitions. As used in this rule:

(a) "Citation" means an instrument which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule;

(b) "Subject" means the licensee, applicant, person, partnership, corporation, or other entity alleged to have committed a violation designated in this rule.

(2) In lieu of the disciplinary procedures contained in Section 548.071, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) Citations shall be issued for the first offense violations only unless otherwise specified.

(4) The commission hereby designates the following as citation violations for professional licensees, which shall result in a penalty of twenty-five dollars (\$25.00):

(a) Failure to pay fees as required by contract in a timely manner;

(b) Failure of participant to possess an Identification card at weigh-in;

(c) Possession of improper equipment or apparel, and/or failure to have the proper equipment or apparel

(d) Participating in a match in the state of Florida while under suspension in another state or under another suspension from another recognized licensing authority;

(e) Failure to submit required post-match documentation to the commission, as required by statute or rule;

(5) The commission hereby designates the following as citation violations for professional licensees, which shall result in a penalty of fifty dollars (\$50.00):

(a) Failure of a participant to be present at the weigh-in, first offense; participant and or any other licensee deemed by the executive director or commission representative as a responsible party relative to the participant's timely presence shall be issued this citation;

(b) Failure on the part of a manager for the first occurrence if the debut participant is not able to demonstrate the competence and skills listed in Rule 61K1-3.013(2)(f), F.A.C. as requested by the commission representative;

(c) Failure on the part of a trainer for the first occurrence if the debut participant is not able to demonstrate the competence and skills listed in Rule 61K1-3.013(2)(f), F.A.C. as requested by the commission representative.

(6) The commission hereby designates the following as citation violations for professional licensees, which shall result in a penalty of seventy-five dollars (\$75.00):

(a) Failure of a participant to be present at the weigh-in, second offense; participant and or any other licensee deemed by the executive director or commission representative as a responsible party relative to the participant's timely presence shall be issued this citation;

(7) The commission hereby designates the following as citation violations for professional licensees, which shall result in a penalty of one hundred dollars (\$100.00):

(a) Failure on the part of a manager for the second occurrence if the debut participant is not able to demonstrate the competence and skills listed in Rule 61K1-3.013(2)(f), F.A.C. as requested by the commission representative;

(b) Failure on the part of a trainer for the second occurrence if the debut participant is not able to demonstrate the competence and skills listed in Rule 61K1-3.013(2)(f), F.A.C. as requested by the commission representative.

(8) The commission hereby designates citation violations for professional licensees which shall result in a penalty ranging from fifty dollars (\$50.00) to five thousand dollars (\$5000.00) range, for unethical or unprofessional conduct, amount determined by the commission representative based on seriousness of the violation and the risk to the health, safety, and welfare of participants and/or the public.

(9) Any issuance of a citation based on the violation of the health and safety standards that constitutes as a threat to public welfare, safety and wellbeing of any participant or spectator, or best interests of the sport must be corrected prior to the licensee being permitted to continue in the activity.

Rulemaking Authority 548.003, 548.075 FS. Law Implemented 548.003(2), 548.07, 548.075 FS. History—New _____.

61K1-3.024 Notices of Non-Compliance

(1) In accordance with Section 120.695(1), F.S., the agency shall provide a licensee with a notice of non compliance for an initial offense of a minor violation. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings. "Minor violations" as used in Section 120.695(1), F.S., are defined as follows:

(a) Apparel violations that do not constitute a safety risk to participants;

(b) Equipment violations that do not constitute a safety risk to participants;

(c) Sanitation violations that do not constitute a safety risk to participants;

(d) Locker room/Cage-side protocol violations that do not constitute a safety risk to participants.

Rulemaking Authority 120.695 FS. Law Implemented 120.695 FS. History—New _____.

61K1-3.025 Records.

(1) All licensees shall maintain a full, true, and accurate set of books and records in connection with all licensed activities. The records shall be made at or near the time of the occurrence recorded by a person with knowledge of the matters recorded. These records and any other documents required by statute or commission rule shall be kept for at least five years and shall be open to inspection and audit by representatives of the department or commission upon reasonable notice.

(2) The following is a non-exhaustive list that includes records that must be maintained by professional licensees under this provision.

(a) Bout cards and all supporting documentation submitted to commission office to obtain approval of bout card;

(b) Participant medical records submitted by participant prior to a match;

(c) Promoter/participant contracts;

(d) Insurance documentation obtained per contract and/or for matches;

(e) Event tax reports;

(f) Ticket sale reports;

(g) Revenue records related to each match approved of by commission;

(h) Receipts of payment based on contractual obligation;

(i) Post fight reports;

(j) Injury reports;

(k) Post-event tax forms and documentation used to create post event tax forms;

(l) Release of medical records obtained from participants related to medical records obtained prior to participating in matches.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.004, 548.006, 548.011 FS. History—New _____.

61K1-3.026 Disciplinary Guidelines

(1) The commission shall act in accordance with the following guidelines when it finds the enumerated violations in disciplinary cases. The commission shall impose the applicable penalty as set forth below unless the commission finds an aggravating or mitigating circumstance, in which case the commission may deviate from the guideline penalty. The following disciplinary guidelines shall be followed by the commission in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

(a) Being guilty of violating Chapter 548, F.S. or the rules of the commission. (Section 548.071(1),F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$250 fine</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$5000 fine and</u> <u>suspension</u> <u>to be followed by a term</u> <u>of</u> <u>probation</u>
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<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>denial of licensure or</u> <u>revocation</u>
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(b) Having committed fraud or deceit in securing any license or permit. (Section 548.071(2), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$1000 fine and probation</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$5000 fine and suspension</u> <u>to be followed by a term of</u> <u>probation</u>
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<u>SECOND OFFENSE</u>	<u>\$5000 fine and suspension</u>	<u>denial of licensure</u> <u>or \$5000 fine and</u> <u>revocation</u>
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(c) Having been convicted of, having pleaded guilty to, or having entered a plea of nolo contendere to, or having been found guilty of a crime involving moral turpitude in any jurisdiction within 10 years preceding the suspension or revocation. (Section 548.071(3), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$500 fine and probation</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$1000 fine and suspension</u> <u>to be followed by a term of</u> <u>probation</u>
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<u>SECOND OFFENSE</u>	<u>\$1000 fine and suspension</u>	<u>denial of licensure</u> <u>or \$5000 fine and</u> <u>revocation</u>
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(d) Being guilty of unprofessional or unethical conduct. (Section 548.071(4), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$250 fine</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$5000 fine and suspension</u> <u>to be followed by a term of</u> <u>probation</u>
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<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>denial of licensure or</u> <u>\$5000 fine and revocation</u>
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(e) Having made a misstatement of a material fact, fraudulently concealed a material fact, or induced or aided another person in misstating or concealing any material fact in any application or other proceeding under Chapter 548, F.S. (Section 548.071(5), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$1000 fine</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$5000 fine and suspension</u> <u>to be followed by a term of</u> <u>probation</u>
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<u>SECOND OFFENSE</u>	<u>\$2000 fine and probation</u>	<u>denial of licensure or</u> <u>\$5000 fine and revocation</u>
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(f) Having failed to account for or pay over moneys belonging to others which have come into his or her possession in connection with a match. (Section 548.071(6), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$1000 fine</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$2000 fine and suspension</u> <u>followed by probation</u>
<u>SECOND OFFENSE</u>	<u>\$3000 fine and probation</u>	<u>denial of licensure or</u> <u>\$5000 fine and revocation</u>

(g) Having failed to furnish to the proper party a copy of any contract or statement required by Chapter 548, F.S., or having breached such contract. (Section 548.071(7), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$500 fine</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$500 fine and suspension</u> <u>to be followed by a term of</u> <u>probation</u>
<u>SECOND OFFENSE</u>	<u>\$1000 fine and probation</u>	<u>denial of licensure or</u> <u>\$1,000 fine and revocation</u>

(h) Having paid or agreed to pay any money or article of value to any licensee or permittee for soliciting or for business secured or for rendering any service or the doing of any of the acts forbidden by Chapter 548, F.S. and the rules adopted thereunder. (Section 548.071(8), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$1000 fine</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$3000 fine, and</u> <u>suspension</u> <u>to be followed by a term</u> <u>of probation</u>
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<u>SECOND OFFENSE</u>	<u>\$1000 fine, and suspension to be</u> <u>Followed by a term of</u> <u>probation</u>	<u>denial of licensure and</u> <u>\$2,000 fine and</u> <u>revocation</u>
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(i) Having loaned her or his license or permit to another person or having borrowed or used the license or permit of another. (Section 548.071(9), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$1000 fine and probation</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$2000 fine and suspension</u> <u>to be followed by a term of</u> <u>probation</u>
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<u>SECOND OFFENSE</u>	<u>\$300 fine and suspension</u>	<u>denial of licensure or</u> <u>\$5000 fine and revocation</u>
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(j) Having employed a person who does not hold a license or permit as required by law. (Section 548.071(10), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$500 fine</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$1000 fine and suspension</u> <u>to be followed by a term of</u> <u>probation</u>
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<u>SECOND OFFENSE</u>	<u>\$3000 fine and probation</u>	<u>denial of licensure or</u> <u>\$5000 fine and revocation</u>
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(k) Having failed to maintain in force the bond required by Chapter 548, F.S. or having failed to deposit with the commission the required cash, check, or securities. (Section 548.071(11), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$1000 fine</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$3000 fine and suspension</u> <u>to be followed by a term of</u> <u>probation</u>
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<u>SECOND OFFENSE</u>	<u>\$3000 fine and probation</u>	<u>denial of licensure or</u> <u>\$5000 fine and revocation</u>
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(l) Having been disciplined by the commission or similar agency or body of any jurisdiction. (Section 548.071(12), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$1000 fine and same penalty</u> <u>imposed by the other</u> <u>jurisdiction</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$5000 fine and suspension</u> <u>to be followed by a term of</u> <u>probation</u>
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<u>SECOND OFFENSE</u>	<u>\$3000 fine and same penalty</u> <u>imposed by the other</u> <u>jurisdiction</u>	<u>denial of licensure or</u> <u>\$5000 fine and</u> <u>revocation</u>
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(m) Having failed to pay a fine imposed under Chapter 548, F.S. (Section 548.071(13), F.S.)

<u>FIRST OFFENSE</u>	<u>MINIMUM</u> <u>\$1000 fine</u>	<u>MAXIMUM</u> <u>denial of licensure or</u> <u>\$3000 fine and suspension</u> <u>to be followed by a term of</u> <u>probation</u>
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SECOND OFFENSE

\$5000 fine and probation

denial of licensure or
\$5000 fine and revocation

(2) Based upon consideration of the following factors, the commission may impose disciplinary action other than the penalties recommended above:

- (a) The danger to the public;
- (b) The length of time since date of violation;
- (c) The number of complaints filed against the licensee;
- (d) The length of time licensee or registrant has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee's or registrant's livelihood;
- (h) Any efforts for rehabilitation;
- (i) The actual knowledge of the licensee or registrant pertaining to the violation;
- (j) Attempts by licensee or registrant to correct or stop violations or refusal by licensee or registrant to correct or stop violations;
- (k) Related violations against a licensee or registrant in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (l) Actual negligence of the licensee or registrant pertaining to any violations;

(m) Any other mitigating or aggravating circumstances.

(3) The provisions of subsections (1) through (3) above shall not be construed so as to prohibit civil action or criminal prosecution., and the provisions of subsections (1) through (3) above shall not be construed so as to limit the ability of the commission to enter into binding stipulations with accused parties as per Section 120.57(3), F.S.

(4) In every case the commission imposes a monetary fine, it shall also suspend the Respondent's license(s). However, to enable the Respondent to pay the fine, the suspension shall be stayed for the time period specified in the commission's final order. If the fine is paid within that time period, the suspension shall not take effect; if the fine is not paid within that time period, then the stay shall expire and the suspension shall take effect. Thereafter, upon payment of the fine, the suspension shall be lifted.

Rulemaking Authority 548.003 FS. Law Implemented 548.071, 548.075 FS. History--New _____.

61K1-3.027 Boxing Weight Classes.

(1) Weight Classes:

<u>Name</u>	<u>Weight (lbs)</u>	<u>Weight Differential (lbs)</u>
<u>Flyweight</u>	<u>Up to 112</u>	<u>6</u>
<u>Bantamweight</u>	<u>113 to 118</u>	<u>6</u>
<u>Featherweight</u>	<u>119 to 126</u>	<u>6</u>
<u>Junior Lightweight</u>	<u>127 to 130</u>	<u>6</u>
<u>Lightweight</u>	<u>131 to 135</u>	<u>6</u>
<u>Junior Welterweight</u>	<u>136 to 140</u>	<u>8</u>
<u>Welterweight</u>	<u>141 to 147</u>	<u>8</u>
<u>Junior Middleweight</u>	<u>148 to 154</u>	<u>10</u>
<u>Middleweight</u>	<u>155 to 160</u>	<u>10</u>
<u>Light Heavyweight</u>	<u>161 to 175</u>	<u>12</u>
<u>Cruiserweight</u>	<u>176 to 190</u>	<u>14</u>
<u>Heavyweight</u>	<u>191 and above</u>	<u>No limit</u>

(2) No boxing match shall be permitted with a weight difference greater than the weight differentials listed above.

Rulemaking Authority 548.003 FS. Law Implemented 548.006, 548.043, 548.046, 548.071, 548.075 FS. History--New _____.

61K1-3.028 Boxing Participants' Apparel.

(1) Each male boxing participant shall wear the following:

- (a) Traditional boxing trunks, the belt of which shall not extend above the waistline;
- (b) A groin protector, or protective cup, which shall be firmly adjusted before entering the ring;

(c) An individually fitted mouthpiece, which mouthpiece shall be in the participant's mouth at all times during the fight period of each round. Each mouthpiece shall be approved of by the ringside physician prior the match beginning. Participants shall have a second mouthpiece ringside ready for use at all times during the match;

(d) Shoes made for the purpose of boxing; and

(e) An abdominal guard of standard type which provides sufficient protection to withstand any low blow without inhibiting an opponent's ability to land a legal blow.

(2) Each female boxing participant shall wear the following:

(a) Traditional boxing trunks, the belt of which shall not extend above the waistline;

(b) An individually fitted mouthpiece, which mouthpiece shall be in the participant's mouth at all times during the fight period of each round. Each mouthpiece shall be approved of by the ringside physician prior the match beginning. Participants shall have a second mouthpiece ringside ready for use at all times during the match;

(c) Shoes made for the purpose of boxing; and

(d) An abdominal guard of standard type which provides sufficient protection to withstand any low blow without inhibiting an opponent's ability to land a legal blow.

(e) A close fitting tank or halter type top;

(f) A protective cup or protective pelvic girdle to cover the pubic area, ovaries, coccyx and sides of the hips;

(g) Breast protectors.

(3) Prohibited apparel:

(a) Eyeglasses;

(b) Shoes with spikes, tassels, cleats, or heels;

(c) Any type of apparel with metal straps or buckles;

(d) Necklaces or any other type of jewelry or piercings.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.046, 548.071 FS. History—New _____.

61K1-3.029 Boxing Bandages and Handwraps; Gloves.

(1) Bandages and Handwraps:

(a) All bandages and handwraps applied to each hand of a participant shall be restricted to soft cloth (gauze), not more than 10 yards in length and 2 inches in width, held in place by not more than 5 yards of 1 inch surgical tape. No tape may be applied across the knuckles of any participant.

(b) All bandages and handwraps shall be applied and adjusted in the dressing room in the presence of the inspector. The inspector shall initial or in some other manner mark the bandage or handwrap on each hand so as to be able to determine at the conclusion of the match whether or not the bandage or handwrap was tampered with after the inspector initially examined the bandage or handwrap.

(2) Gloves:

(a) When the lighter of the two participants in a boxing match weighs 154 pounds or less, both participants shall use 8 ounce gloves.

(b) When the lighter of the two participants in a boxing match weighs more than 154 pounds, both participants shall use 10 ounce gloves.

(c) Where the weights of the two participants are such that, based upon these rules, one would wear 8 ounce gloves and one would wear 10 ounce gloves, the lighter of the two participants shall make the decision as to the weight of the gloves to be used, and both participants shall wear the same weight gloves.

(d) Both participants shall use the same manufacturer of gloves.

(e) Prior to the beginning of each match each glove of each participant shall be examined and approved or disapproved by the chief inspector and the referee. Any glove intended to be used by a participant in a match shall be whole, clean, in sanitary condition and shall have the thumb attached. Gloves shall be in good condition. If the padding in a glove is found to be misplaced or lumpy, or if the glove shows evidence of breaking, roughing or twisting, the glove shall be disapproved and not used. The match shall not begin or continue unless an approved glove has been substituted for the disapproved glove.

(f) Laces of gloves shall be knotted on the back of the wrist and tape shall be applied over the laces so as to prevent injury to the opponent. Velcro shall be located on the back of the wrist and tape shall be applied over the Velcro.

(g) Gloves shall be adjusted in the ring or the dressing room under the supervision of the inspector.

(h) Participants shall not supply their own gloves.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.043, 548.046 FS. History—New _____.

61K1-3.030 Boxing Conduct of Bout; Rounds

(1) If advertising is conducted, the advertising shall clearly indicate the matches are professional.

(2) No event shall include both amateur and professional matches.

(3) Pre-Match Conduct.

(a) Participants shall report to the commission representative in charge of dressing rooms at least two hours before the scheduled time of the first match.

(b) The referee shall call participants together, either in the ring or in another appropriate location before each event for final instructions, at which time each participant shall be accompanied by his or her seconds, trainer, or manager.

(4) Mouthpiece ejection requirements: The referee shall handle the ejection of the mouthpiece from the participant's mouth in the following manner:

(a) If the referee believes that the mouthpiece was ejected from the participant's mouth as a result of natural fight action, the referee shall not charge the participant with the loss of a point. The referee shall wait until the flurry during which the mouthpiece was ejected has subsided. The referee shall then take time out, direct the participant whose mouthpiece remains in place to retire to a neutral corner, and take the other participant to the participant's own corner. The referee shall direct that the mouthpiece be rinsed and replaced in the participant's mouth. The referee shall direct that the fight period immediately continue; or

(b) If the referee believes that the participant spit out or allowed the mouthpiece to fall out of the mouth the referee shall:

1. Upon the first occurrence, wait until the flurry during which the mouthpiece was ejected has subsided. Referee shall then take time out, direct the participant whose mouthpiece remains in place to retire to a neutral corner, and take the other participant to his or her own corner. The referee shall direct that the mouthpiece be rinsed and replaced in the participant's mouth and warn the participant that a point will be deducted if participant subsequently spits out or allows the mouthpiece to fall out. The referee shall direct that the fight period immediately continue.

2. Upon the second occurrence, wait until the flurry during which the mouthpiece was ejected has subsided. Referee shall then take time out, direct the participant whose mouthpiece remains in place to retire to a neutral corner, and take the other participant to his or her own corner. The referee shall direct that the mouthpiece be rinsed and replaced in the participant's mouth and warn the participant that participant will be disqualified if participant subsequently spits out or allows the mouthpiece to fall out. The referee shall direct each judge to deduct a point from the participant's score. The referee shall direct that the fight period immediately continue.

3. Upon the third occurrence, the referee may disqualify the participant who spit out or allowed his mouthpiece to fall out. The opponent of such participant shall be declared the winner due to disqualification of his or her opponent. The commission representative shall immediately advise the promoter that the purse of such participant shall be forfeited and paid over to the commission.

(5) Conduct during Match.

(a) No persons other than the participants and referee may be in the ring during the progress of a round.

(b) Matches between a male participant and female participant are not permitted.

(c) No more than two participants shall participate in any match.

(d) No match shall begin or continue unless three judges are in their designated seats.

(e) The only fair punch is a punch delivered with the padded knuckle part of the glove to the front or side of the head or body above the belt, and the participant who delivers such a punch shall be awarded points in proportion to its damaging effects.

(f) Only the referee, the ringside physician, and the executive director or his designee are authorized to stop a contest.

(6) Knockdown.

(a) A participant shall be considered to be knocked down when:

1. As determined by the referee, a participant touches the ground with any part of his or her body other than the soles of the feet as the result of a damaging strike.

2. He or she is hanging helplessly over the ropes;

3. He or she is rising from a down position; or

4. At the conclusion of a round in a match, he leaves the ring and fails to be in the ring when the bell sounds indicating the beginning of the next round.

(b) The following procedure shall be followed after a knockdown has occurred:

1. When a participant is knocked down, the referee shall order the opponent to retire to the farthest neutral corner of the ring by pointing to that corner, and shall immediately begin a 10-second count over the participant who is down. He shall announce the passing of the seconds, accompanying the count with a downward motion of his arm. The knockdown timekeeper, by effective signaling, shall provide the referee the correct one second interval for his count. The referee's count is the official count.

2. If the participant taking the count is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that the participant has been knocked out, provided however, that if the participant is counted out by virtue of his failure to be in the ring when the bell sounds indicating the beginning of the next round, the match shall be terminated and the participant who was counted out shall be declared the loser by technical knockout.

3. If a participant is knocked down and is down at the time the bell rings to end the round, the timekeeper shall continue to keep time and the referee shall continue to count. If the downed participant fails to rise before the count of 10, the participant shall be considered to have been knocked out in the next subsequent round. If the participant rises before the count of 10 and the referee determines that the contest can continue, both participants shall be afforded the full one minute rest period between rounds, beginning when one of their seconds comes onto the ring apron, regardless of the amount of time used during the knockdown and subsequent counting by the referee. If a participant is knocked down and is down at the time the bell rings in the final round, the timekeeper shall continue to keep time and the referee shall continue to count. If the downed participant fails to rise before the count of 10, the participant shall be considered to have been knocked out in the final round.

4. If both participants are knocked down at the same time, counting shall be continued as long as either remains down. If both participants remain down until the count of 10, the match shall be terminated and the decision shall be a technical draw.

5. A participant who has been knocked down shall be required to take a count of eight whether or not he has regained his feet before the count of eight has been reached.

6. If a participant who is down arises before the count of 10 is reached, and then goes down immediately, without being struck, the referee shall resume the count where he previously stopped counting.

7. When a participant is knocked out, the referee shall perform a full 10 second count before terminating the match, provided however that if, in the opinion of the referee or physician, the participant requires immediate medical attention, the referee shall not be required to count to 10.

8. If a participant is knocked out of or has fallen out of the ring the referee shall immediately begin a count of 20. The referee shall not allow the match to resume until he has at least counted to 18.

9. If the participant who is not down and who has been ordered to a neutral corner, fails to stay in the neutral corner, the referee and knockdown timekeeper shall cease the count and shall not resume the count until the participant has retired to the neutral corner.

(c) If a participant slips, falls down or is pushed down, the referee shall order him to his feet immediately.

(d) Before allowing a match to continue after a participant has been knocked down, the referee shall wipe clean the surface of the gloves of the participant who was knocked down.

(7) Fouls.

(a) The referee shall not tolerate continual and repeated commission of fouls by a participant. The referee shall give warning to a participant who commits multiple fouls and when, in the opinion of the referee, the participant has displayed persistent disregard for the rule governing the commission of fouls, the referee shall disqualify the participant, terminate the match and provide such findings to the commission for appropriate action.

(b) The following actions are considered to be fouls, the committing of which may result in a deduction of points:

1. Punching below the belt;

2. Punching an opponent who is down or is getting up after being down;

3. Holding an opponent with one hand and punching with the other;

4. Holding or deliberately maintaining a clinch after several warnings;

5. Wrestling or kicking;

6. Butting with the head or shoulder or using the knee;

7. Punching with an open glove, or with the butt of the hand, the wrist or elbow and all backhand punches;

8. Striking deliberately at that part of the back near the spine and over the kidneys;

9. The deliberate use of the rabbit punch or any punch struck at the back of the neck near the base of the skull and which is not the result of the opponent turning his head to avoid a punch;

10. Jabbing the opponent's eyes with the thumb of the glove;

11. Any unsportsmanlike trick or action causing injury to an opponent;

12. Punching on the break;

13. Punching after the bell has sounded ending the round;

14. Roughing at the ropes;

15. Pushing an opponent around the ring or into the ropes;

16. Tripping or stepping on the opponent's foot; or

17. Spitting out of the mouthpiece or allowing the mouthpiece to fall out of the mouth. Referees shall handle ejection of the mouthpiece in the manner described in subsection (3) above.

18. Punching or flicking with the open glove; and

19. Clinching after warning has been given.

(c) If at any time during the match the referee determines that a participant has bitten an opponent, the match will be halted and that participant shall be disqualified.

(d) Unintentional foul:

1. When a bout is interrupted due to an injury caused by an unintentional foul, the referee, in consultation with the ringside physician, shall determine whether the boxer who has been fouled can continue or not. If the referee sees, or if after consultation with the judges, determines that a boxer is unintentionally fouled and if the boxer's chance of winning has not been seriously jeopardized as a result of a foul, the referee may order the bout continued after a reasonable interval. If the referee determines that the participant is unable to continue the match as a result of an unintentional foul, the referee will give the injured participant five (5) minutes in which to recover and continue. If at the end of the five (5) minute recovery period the fouled participant is unable to continue the boxing match, the fouled participant shall be declared the loser by technical knockout. During the five (5) minute recovery period neither participants' seconds may assist the participants in any way, unless deemed necessary by the referee.

2. If the referee and/or the ringside physician determines that the bout may not continue due to an injury suffered as the result of an unintentional foul or because of an injury inflicted by an unintentional foul which later becomes aggravated by fair blows, the outcome shall be determined by scoring the completed rounds and the round during which the referee or ringside physician stopped the bout.

(f) Sweeps must be obvious attempts to unbalance the opponent and not an attempt to injure the leg of the opponent. Sweeps must be executed with the arch part of the foot and delivered to the outside portion of the forward leg only.

(g) The referee shall have the power to stop a contest at any stage if he or she considers it too one-sided, or if either participant is in such condition that might subject him or her to serious injury.

(h) No licensee shall verbally or physically abuse an official or commission representative.

(8) Rounds.

(a) The duration of each round of a men's boxing match shall be 3 minutes with 1-minute rest intervals between rounds.

(b) The duration of each round of a women's boxing contests shall be 2 minutes with 1-minute rest intervals between rounds.

(c) A match shall be scheduled for four, five, six, eight, ten, or twelve rounds, depending upon the experience of the participants and whether or not the match is a main event.

(d) Championship matches

1. Men's championship matches shall be scheduled for 12 rounds.

2. Women's championship matches may be scheduled for no less than 10 rounds.

(e) A schedule of matches shall be a minimum of 5 matches 24 rounds.

Rulemaking Authority 548.003 FS, Law Implemented 548.003(2), 548.006, 548.011, 548.041(1)(c), 548.057, 548.058, 548.071 FS, History—New

61K1-3.031 Boxing Scoring.

(1) Scoring shall be by the "10 point must" system. The winner of any round shall be awarded 10 points. The loser of any round shall be awarded one to nine points. When a round is even, each participant shall be awarded 10 points. Partial or incomplete rounds shall be scored. Any point deduction occurring during the partial round will be deducted as if a complete round were being tabulated.

(2) Scoring, Criteria:

(a) The awarding or deducting of points by the judges and referee, the determination as to the occurrence of knockdowns, knockouts and fouls and the procedure to be used following such occurrence shall be accomplished in the following manner and based on the following criteria:

1. The only fair punch is a punch delivered with the padded knuckle part of the glove to the front or side of the head or body above the belt, and the participant who delivers such a punch shall be awarded points in proportion to its damaging effects.

2. A clean knockdown, as defined in these rules, shall be highly scored. A knockdown is scored as soon as it occurs. The participant who takes advantage of the full 9-second count shall be credited with ring generalship that would not be credited to him if he arose immediately and, in a groggy condition, tried to continue. If the participant who is down arises during the count, the referee may, if he deems it advisable, step between the participants for such period of time to assure himself that the participant who has just arisen is able to continue. When so assured, he shall, without loss of time, order both participants to proceed with the match.

3. An unintentional foul may result in a deduction of a point, as determined by the referee. The referee shall determine whether or not a point is to be deducted, using as his criteria the severity of the foul and its effect upon the opponent. When the referee determines that he shall deduct a point from a participant, he shall immediately advise the participants,

judges, and commission representative supervising the event of such action. The referee shall not tolerate continual and repeated commission of fouls by a participant. Points for fouls shall only be deducted in the round in which the fouls occurred. A participant shall not be penalized in a subsequent round for fouls that occurred in a previous round.

a. If an intentional foul causes an injury, and the injury is severe enough to terminate the bout immediately, the participant causing the injury shall lose by disqualification.4. Except in the case of biting or punching while the opponent is down, when the referee determines that a participant has intentionally committed a foul, the referee shall deduct one or more points. Point deductions for intentional fouls shall be accomplished in the same manner as above.

b. If an intentional foul causes an injury, and the injury results in the bout being stopped in a subsequent round, the injured participant shall be declared the winner by technical decision if the injured participant is ahead on a majority of the judges' score cards and if not, the bout will be declared a technical draw.

c. The first offense of punching while down shall result in the deduction of 2 points from the score of the participant who punches his opponent while his opponent is down, unless the first offense, as determined by the referee, is blatant and a clear disregard of the rule. If such determination is made by the referee, the participant committing the foul shall be immediately disqualified and his opponent shall be declared the winner by disqualification. The second offense of punching while down shall result in the disqualification of the participant committing the offense and his opponent shall be declared the winner by disqualification.

5. Points for aggressiveness shall be awarded to the participant who sustains the actions of a round by the greatest number of skillful attacks;

6. Consideration shall be given for sportsmanlike conduct, close adherence to the rules and refraining from taking technical advantage of situations which are unfair to his opponent. Points shall be deducted from a participant for unsportsmanlike conduct, disregard of the rules and taking technical advantage of situations which are unfair to his opponent;

7. Consideration shall be given for clever defensive work such as avoiding or blocking a punch;

8. Consideration shall be given where ring generalship is conspicuous. Ring generalship includes the ability to:

i. Quickly recognize and take advantage of every opportunity presented;

ii. Cope with a diversity of situations;

iii. Anticipate and neutralize an opponent's form of attack; and

iv. Force an opponent to adopt a style at which he is not particularly skillful;

9. Points shall be deducted when a participant persistently delays the action of a match by clinching, holding or lack of aggressiveness.

(3) Determination of Win or Draw.

(a) A participant who knocks out his opponent shall be declared the winner of the match.

(b) If both participants are knocked down at the same time and both participants remain down until the count of 10, the match shall be considered a technical draw.

(c) A participant who is awarded a technical knockout shall be declared the winner of the match.

(d) When the winner of a match is to be determined by the number of points awarded or deducted or by the number of rounds awarded to each participant, the three judges scores for all the rounds shall be compiled using the following criteria:

1. Three wins shall be declared a win by unanimous decision;

2. Two wins and one draw shall be declared a win by majority decision;

3. Two wins and one loss shall be declared a win by split decision;

4. One win and two draws shall be declared a draw announced as a majority draw;

5. One win, one draw and one loss shall be declared a draw announced as a draw;

6. One win and two losses shall be declared a loss;

7. Three draws shall be declared a draw;

8. Two draws and one loss shall be declared a draw;

9. One draw and two losses shall be declared a loss; and

10. Three losses shall be declared a loss.

(e) A participant shall not be declared the winner of a match on a claim of low blow foul, and a participant shall not lose a match by reason of an unintentional low blow foul.

(f) Any participant guilty of an intentional foul shall be penalized one or more points as determined by the referee. If the injured participant is unable to continue, the offending participant shall be disqualified, his or her purse may be withheld, and he or she may be subject to suspension by the commission following investigation. Disposition of the purse and the penalty to be imposed up on the participant shall be determined by action of the commission.

(g) When an unintentional foul causes the bout to be interrupted for the purpose of allowing the injured participant time to recover, the referee may penalize the participant guilty of the foul one or more points.

(h) No participant shall be awarded a match based on an unintentional foul unless the foul was unintentional butting. If a participant is unintentionally butted in a match so that he cannot continue, the referee shall declare the result of the match using the following criteria:

1. During a four round match, if the unintentional butt occurs prior to the scoring of the third round and the fouled participant is unable to continue, the result shall be a no decision;

2. During a six, eight, ten or twelve round match, if the unintentional butt occurs prior to the scoring of the fourth round and the fouled participant is unable to continue, the result shall be a no decision;

3. During a four round match, if the unintentional butt occurs in any round subsequent to the scoring of the third round or occurs prior to the scoring of third round but the participant is not determined to be unable to continue until after the scoring of the third round, the determination of win, loss or draw shall be based upon the score cards of the judges as a technical decision whereby partial rounds will be scored;

4. During a six, eight, ten or twelve round match, if the unintentional butt occurs in any round subsequent to the scoring of the fourth round or occurs prior to the scoring of fourth round but the participant is not determined to be unable to continue until after the scoring of the fourth round, the determination of win, loss or draw shall be based upon the score cards of the judges as a technical decision whereby partial rounds will be scored;

(i) The referee may penalize any participant who fouls his or her opponent during a contest, but charging such participant with the loss of points, whether such fouls be intentional or unintentional. However the referee shall use his or her own discretion in determining the number of points, if any, chargeable against the participant in each instance, depending upon the severity or harmlessness of the foul and its effect on the opponent.

1. The referee does not have discretion as to whether an action constitutes a foul. If it is listed as a foul in Rule 61K1-4.005, F.A.C, it is a foul, and shall not be permitted to continue after the referee observes the foul.

2. The referee shall, at the time of the foul, inform each judge and the supervising commission representative of the nature of the foul, the identity of the offending participant, and the number of points deducted.

3. At the conclusion of the round, the referee shall verify with the judges the identity of the participant causing the foul and the number of points deducted in accordance with the referee's determination.

(j) When an injury is produced by a fair punch but because of the severity of the injury the match cannot continue, the injured participant shall be declared the loser by a technical knockout.

(k) If a participant refuses to continue a match while physically able to do so, the referee shall disqualify him, award the match to his opponent, and shall direct that the purse be withheld. The referee shall provide a written report to the commission. If the commission determines that the participant refused to continue a match while physically able to do so, the

commission shall require that the participant's purse shall be forfeited to the commission and shall impose a period of suspension for a period not less than 6 months.

(l) In any case where the executive director or his designee determines that both participants are not honestly competing, that a takedown is intentional and predetermined by both parties or a foul has been pre-arranged so as to cause the match to be terminated, he shall terminate the match not later than the end of the round and order the promoter to surrender the purses of both participants to the commission representative pending an investigation of the alleged violation. The announcer or referee shall inform the audience that no decision has been rendered.

(m) If, in the opinion of the physician, the referee has received an injury, the seriousness of which prevents him from continuing to officiate, and the commission representative is unable to locate another qualified person to act as referee, the match shall be terminated, no decision shall be rendered and the purses of both participants shall be withheld. The commission shall then rule as to the disposition of the purses.

(4) Decision Final, Exceptions.

(a) A decision rendered at the conclusion or termination of any match is final and shall not be changed unless it is determined that any of the following occurred:

1. There was collusion affecting the result of any match;
2. The compilation of the round or match score cards of the referee and judges shows an error which indicates that the decision was awarded to the wrong participant;
3. There was a violation of Rule 61K1-3.017, F.A.C., relating to drugs or foreign substances; or
4. There was a violation of Chapter 548, F.S., or the rules set forth herein which violation affected the result of the match.

(b) If it is determined that any of the above occurred, the decision rendered shall be changed as directed by the commission.

Rulemaking Authority 548.003 FS, Law Implemented 548.003(2), 548.006, 548.011, 548.041(1)(c), 548.054, 548.057, 548.058, 548.071 FS, History--New _____.

61K1-3.032 Kickboxing Weight Classes.

(1) Weight Classes:

Name	Weight (lbs)	Weight Differential (lbs)
Atomweight	Less than 108	4
Super Atomweight	109 to 111	4
Flyweight	112 to 114	4
Super Flyweight	115-117	4
Bantamweight	118-120	5
Super Bantamweight	121-124	5
Featherweight	125-128	5
Lightweight	129-132	6
Super Lightweight	133-137	6
Light Welterweight	138-142	6
Welterweight	143-147	7
Super Welterweight	148-153	7
Light Middleweight	154-159	7
Middleweight	160-165	8
Super Middleweight	166-172	8
Light Heavyweight	173-179	8
Light Cruiserweight	180-186	9
Cruiserweight	187-194	9
Super Cruiserweight	195-207	12
Heavyweight	208-223	15
Super Heavyweight	224 and above	unlimited

(2) No kickboxing match shall be permitted with a weight difference greater than the weight differentials listed above.

Rulemaking Authority 548.003 FS, Law Implemented 548.006, 548.043, 548.046, 548.071, 548.075 FS, History--New _____.

61K1-3.033 Kickboxing Participants' Apparel.

(1) Each male kickboxing participant shall wear the following:

(a) Trunks: traditional boxing trunks or Thai boxing shorts, the belt of which shall not extend above the waistline;

(b) A groin protector, or protective cup, which shall be firmly adjusted before entering the ring;

(c) An individually fitted mouthpiece, which mouthpiece shall be in the participant's mouth at all times during the fight period of each round. Each mouthpiece shall be approved of by the ringside physician prior the match beginning. Participants shall have a second mouthpiece ringside ready for use at all times during the match.

(2) Each female kickboxing participant shall wear the following:

(a) Trunks: traditional boxing trunks or Thai boxing shorts, the belt of which shall not extend above the waistline;

(b) An individually fitted mouthpiece, which mouthpiece shall be in the participant's mouth at all times during the fight period of each round. Each mouthpiece shall be approved of by the ringside physician prior the match beginning. Participants shall have a second mouthpiece ringside ready for use at all times during the match;

(c) A close fitting tank or halter type top;

(d) A protective cup or protective pelvic girdle to cover the pubic area, ovaries, coccyx and sides of the hips is optional.

(5) Prohibited apparel:

(a) Eyeglasses;

(b) Any type of apparel with metal straps or buckles;

(c) Necklaces or any other type of jewelry;

(d) Shoes.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.046, 548.071 FS. History—New _____.

61K1-3.034 Kickboxing Bandages and Handwraps: Gloves

(1) Bandages and handwraps:

(a) All bandages and handwraps applied to each hand of a participant shall be restricted to soft cloth (gauze), not more than 10 yards in length and 2 inches in width, held in place by not more than 5 yards of 1 inch surgical tape. No tape may be applied across the knuckles of any participant.

(b) All bandages and handwraps shall be applied and adjusted in the dressing room in the presence of the inspector. The inspector shall initial or in some other manner mark the bandage or handwrap on each hand so as to be able to determine at the conclusion of the match whether or not the bandage or handwrap was tampered with after the inspector initially examined the bandage or handwrap.

(2) Gloves:

(a) When the lighter of the two participants in a kickboxing match weighs 154 pounds or less, both participants shall use 8 ounce gloves.

(b) When the lighter of the two participants in a kickboxing match weighs more than 154 pounds, both participants shall use 10 ounce gloves.

(c) Where the weights of the two participants are such that, based upon these rules, one would wear 8 ounce gloves and one would wear 10 ounce gloves, the lighter of the two participants shall make the decision as to the weight of the gloves to be used, and both participants shall wear the same weight gloves. Both participants shall use the same manufacturer of gloves.

(d) Prior to the beginning of each match each glove of each participant shall be examined and approved or disapproved by the chief inspector and the referee. Any glove intended to be used by a participant in a match shall be whole,

clean, in sanitary condition and shall have the thumb attached. Gloves shall be in good condition. If the padding in a glove is found to be misplaced or lumpy, or if the glove shows evidence of breaking, roughing or twisting, the glove shall be disapproved and shall not be used. The match shall not begin or continue unless an approved glove has been substituted for the disapproved glove.

(e) Laces of gloves shall be knotted on the back of the wrist and tape shall be applied over the laces so as to prevent injury to the opponent. Velcro shall be located on the back of the wrist and tape shall be applied over the Velcro.

(f) Gloves shall be adjusted in the ring or the dressing room under the supervision of the inspector.

(g) Participants shall not supply their own gloves.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.043 FS. History—New _____.

61K1-3.035 Kickboxing Conduct of Bout: Rounds

(1) If advertising is conducted, the advertising shall clearly indicate the matches are professional.

(2) No event shall include both amateur and professional matches.

(3) Pre-Match Conduct

(a) Participants shall report to the commission representative in charge of dressing rooms at least two hours before the scheduled time of the first match.

(b) The referee shall call participants together, either in the ring or in another appropriate location before each event for final instructions, at which time each participant shall be accompanied by his or her seconds, trainer, or manager.

(4) Mouthpiece ejection requirements: The referee shall handle the ejection of the mouthpiece from the participant's mouth in the following manner:

(a) If the referee believes that the mouthpiece was ejected from the participant's mouth as a result of natural fight action, the referee shall not charge the participant with the loss of a point. The referee shall wait until the flurry during which the mouthpiece was ejected has subsided. The referee shall then take time out, direct the participant whose mouthpiece remains in place to retire to a neutral corner, and take the other participant to the participant's own corner. The referee shall direct that the mouthpiece be rinsed and replaced in the participant's mouth. The referee shall direct that the fight period immediately continue; or

(b) If the referee believes that the participant spit out or allowed the mouthpiece to fall out of the mouth the referee shall:

1. Upon the first occurrence, wait until the flurry during which the mouthpiece was ejected has subsided. Referee shall then take time out, direct the participant whose mouthpiece remains in place to retire to a neutral corner, and take the other participant to his or her own corner. The referee shall direct that the mouthpiece be rinsed and replaced in the participant's

mouth and warn the participant that a point will be deducted if participant subsequently spits out or allows the mouthpiece to fall out. The referee shall direct that the fight period immediately continue.

2. Upon the second occurrence, wait until the flurry during which the mouthpiece was ejected has subsided. Referee shall then take time out, direct the participant whose mouthpiece remains in place to retire to a neutral corner, and take the other participant to his or her own corner. The referee shall direct that the mouthpiece be rinsed and replaced in the participant's mouth and warn the participant that participant will be disqualified if participant subsequently spits out or allows the mouthpiece to fall out. The referee shall direct each judge to deduct a point from the participant's score. The referee shall direct that the fight period immediately continue.

3. Upon the third occurrence, the referee may disqualify the participant who spit out or allowed his mouthpiece to fall out. The opponent of such participant shall be declared the winner due to disqualification of his or her opponent. The commission representative shall immediately advise the promoter that the purse of such participant shall be forfeited and paid over to the commission.

(5) Conduct during Match

(a) No persons other than the participants and referee may be in the ring during the progress of a round.

(b) Matches between a male participant and female participant are not permitted.

(c) No more than two participants shall participate in any match.

(d) No match shall begin or continue unless three judges are in their designated seats.

(e) The only fair punch is a punch delivered with the padded knuckle part of the glove to the front or side of the head or body above the belt, and the participant who delivers such a punch shall be awarded points in proportion to its damaging effects, with the exception of the spinning backfist.

(f) Only the referee, the ringside physician, and the executive director or his designee are authorized to stop a contest.

(6) Knockdown.

(a) A participant shall be considered to be knocked down when:

1. As determined by the referee, a participant touches the ground with any part of his or her body other than the soles of the feet as the result of a damaging strike.

2. He or she is hanging helplessly over the ropes;

3. He or she is rising from a down position; or

4. At the conclusion of a round in a match, he leaves the ring and fails to be in the ring when the bell sounds indicating the beginning of the next round.

(b) The following procedure shall be followed after a knockdown has occurred:

1. When a participant is knocked down, the referee shall order the opponent to retire to the farthest neutral corner of the ring by pointing to that corner, and shall immediately begin a 10-second count over the participant who is down. He shall announce the passing of the seconds, accompanying the count with a downward motion of his arm. The knockdown timekeeper, by effective signaling, shall provide the referee the correct one second interval for his count. The referee's count is the official count.

2. If the participant taking the count is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that the participant has been knocked out, provided however, that if the participant is counted out by virtue of his failure to be in the ring when the bell sounds indicating the beginning of the next round, the match shall be terminated and the participant who was counted out shall be declared the loser by technical knockout.

3. If a participant is knocked down and is down at the time the bell rings to end the round, the timekeeper shall continue to keep time and the referee shall continue to count. If the downed participant fails to rise before the count of 10, the participant shall be considered to have been knocked out in the next subsequent round. If the participant rises before the count of 10 and the referee determines that the contest can continue, both participants shall be afforded the full one minute rest period between rounds, beginning when one of their seconds comes onto the ring apron, regardless of the amount of time used during the knockdown and subsequent counting by the referee. If a participant is knocked down and is down at the time the bell rings in the final round, the timekeeper shall continue to keep time and the referee shall continue to count. If the downed participant fails to rise before the count of 10, the participant shall be considered to have been knocked out in the final round.

4. If both participants are knocked down at the same time, counting shall be continued as long as either remains down. If both participants remain down until the count of 10, the match shall be terminated and the decision shall be a technical draw.

5. A participant who has been knocked down shall be required to take a count of eight whether or not he has regained his feet before the count of eight has been reached.

6. If a participant who is down arises before the count of 10 is reached, and then goes down immediately, without being struck, the referee shall resume the count where he previously stopped counting.

7. When a participant is knocked out, the referee shall perform a full 10 second count before terminating the match, provided however that if, in the opinion of the referee or physician, the participant requires immediate medical attention, the referee shall not be required to count to 10.

8. If a participant is knocked out of or has fallen out of the ring the referee shall immediately begin a count of 20. The referee shall not allow the match to resume until he has at least counted to 18.

9. If the participant who is not down and who has been ordered to a neutral corner, fails to stay in the neutral corner, the referee and knockdown timekeeper shall cease the count and shall not resume the count until the participant has retired to the neutral corner.

(c) If a participant slips, falls down or is pushed down, the referee shall order him to his feet immediately.

(d) Before allowing a match to continue after a participant has been knocked down, the referee shall wipe clean the surface of the gloves of the participant who was knocked down.

(6) Fouls

(f) The referee shall not tolerate continual and repeated commission of fouls by a participant. The referee shall give warning to a participant who commits multiple fouls and when, in the opinion of the referee, the participant has displayed persistent disregard for the rule governing the commission of fouls, the referee shall disqualify the participant, terminate the match and provide such findings to the commission for appropriate action.

(g) In recognition of the fact that kickboxing encompasses numerous styles of combat, the following actions are considered to be fouls in all styles of kickboxing, the committing of which may result in a deduction of points:

1. Punching below the belt;

2. Punching an opponent who is down or is getting up after being down;

3. Holding an opponent with one hand and punching with the other;

4. Holding or deliberately maintaining a clinch after several warnings;

5. Wrestling;

6. Butting with the head or shoulder;

7. Punching with an open glove, or with the butt of the hand, the wrist or elbow and all backhand punches, with the exception of the spinning backfist;

8. Striking deliberately at that part of the back near the spine and over the kidneys;

9. The deliberate use of the rabbit punch or any punch struck at the back of the neck near the base of the skull and which is not the result of the opponent turning his head to avoid a punch;

10. Jabbing the opponent's eyes with the thumb of the glove;

11. Any unsportsmanlike trick or action causing injury to an opponent;

12. Punching on the break;

13. Punching after the bell has sounded ending the round;

14. Roughing at the ropes;

15. Pushing an opponent around the ring or into the ropes;

16. Tripping or stepping on the opponent's foot; or

17. Spitting out of the mouthpiece or allowing the mouthpiece to fall out of the mouth.

18. Punching or flicking with the open glove;

19. Clinching after warning has been given; and

20. Anti-joint techniques which is the act of striking or applying leverage against any joint; and

21. Holding the ropes with one hand while kicking, punching, or defending with the other hand or the legs.

(h) If at any time during the match the referee determines that a participant has bitten an opponent, the match will be halted and that participant shall be disqualified.

(i) Unintentional foul:

1. When a bout is interrupted due to an injury caused by an unintentional foul, the referee, in consultation with the ringside physician, shall determine whether the boxer who has been fouled can continue or not. If the referee sees, or if after consultation with the judges, determines that a boxer is unintentionally fouled and if the boxer's chance of winning has not been seriously jeopardized as a result of a foul, the referee may order the bout continued after a reasonable interval. If the referee determines that the participant is unable to continue the match as a result of an unintentional foul other than for butting, the referee will give the injured participant five (5) minutes in which to recover and continue. If at the end of the five (5) minute recovery period the fouled participant is unable to continue the match, the fouled participant shall be declared the loser by technical knockout. During the five (5) minute recovery period neither participants' seconds may assist the participants in any way, unless deemed necessary by the referee.

2. If the referee and/or the ringside physician determines that the bout may not continue due to an injury suffered as the result of an unintentional foul or because of an injury inflicted by an unintentional foul which later becomes aggravated by fair blows, the outcome shall be determined by scoring the completed rounds and the round during which the referee or ringside physician stopped the bout.

(j) Sweeps must be obvious attempts to unbalance the opponent and not an attempt to injure the leg of the opponent. Sweeps must be executed with the arch part of the foot and delivered to the outside portion of the forward leg only.

(k) The referee shall have the power to stop a contest at any stage if he or she considers it too one-sided, or if either participant is in such condition that might subject him or her to serious injury.

(l) No licensee shall verbally or physically abuse an official or commission representative.

(7) Rounds.

(a) The duration of each round of a kickboxing match shall be no more than 3 minutes with 1-minute rest intervals between rounds.

(b) A match shall be scheduled for not more than twelve rounds if the rounds are two-minute rounds, depending on whether or not the match is a main event or title bout and upon the experience of the participants. The number of rounds up to twelve (12) shall be at the discretion of the executive director.

(c) A match shall be scheduled for not more than five rounds if the rounds are three-minute rounds, depending on whether or not the match is a main event or title bout and upon the experience of the participants. The number of rounds up to five (5) shall be at the discretion of the executive director.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.041(1)(c), 548.057, 548.058, 548.071 FS. History—New _____.

61K1-3.036 Kickboxing Scoring.

(1) Scoring shall be by the “10 point must” system. The winner of any round shall be awarded 10 points. The loser of any round shall be awarded one to nine points. When a round is even, each participant shall be awarded 10 points. Partial or incomplete rounds shall be scored. Any point deduction occurring during the partial round will be deducted as if a complete round were being tabulated. Points may be deducted from the points earned from each of the scoring judges for failure to execute the number of required kicks.

(2) Scoring, Criteria.

(a) The awarding or deducting of points by the judges and referee, the determination as to the occurrence of knockdowns, knockouts and fouls and the procedure to be used following such occurrence shall be accomplished in the following manner and based on the following criteria:

1. A clean knockdown, as defined in these rules, shall be highly scored. A knockdown is scored as soon as it occurs. The participant who takes advantage of the full 9-second count shall be credited with ring generalship that would not be credited to him if he arose immediately and, in a groggy condition, tried to continue. If the participant who is down arises during the count, the referee may, if he deems it advisable, step between the participants for such period of time to assure himself that the participant who has just arisen is able to continue. When so assured, he shall, without loss of time, order both participants to proceed with the match.

2. An unintentional foul may result in a deduction of a point, as determined by the referee. The referee shall determine whether or not a point is to be deducted, using as his criteria the severity of the foul and its effect upon the opponent. When the referee determines that he shall deduct a point from a participant, he shall immediately advise the participants, judges, and commission representative supervising the event of such action. The referee shall not tolerate continual and repeated commission of fouls by a participant. Points for fouls

shall only be deducted in the round in which the fouls occurred. A participant shall not be penalized in a subsequent round for fouls that occurred in a previous round.

a. If an intentional foul causes an injury, and the injury is severe enough to terminate the bout immediately, the participant causing the injury shall lose by disqualification.3. Except in the case of biting or punching while the opponent is down, when the referee determines that a participant has intentionally committed a foul, the referee shall deduct one or more points. Point deductions for intentional fouls shall be accomplished in the same manner as above.

b. If an intentional foul causes an injury, and the injury results in the bout being stopped in a subsequent round, the injured participant shall be declared the winner by technical decision if the injured participant is ahead on a majority of the judges’ score cards and if not, the bout will be declared a technical draw.

c. The first offense of punching while down shall result in the deduction of 2 points from the score of the participant who punches his opponent while his opponent is down, unless the first offense, as determined by the referee, is blatant and a clear disregard of the rule. If such determination is made by the referee, the participant committing the foul shall be immediately disqualified and his opponent shall be declared the winner by disqualification. The second offense of punching while down shall result in the disqualification of the participant committing the offense and his opponent shall be declared the winner by disqualification.

4. Points for aggressiveness shall be awarded to the participant who sustains the actions of a round by the greatest number of skillful attacks;

5. Consideration shall be given for sportsmanlike conduct, close adherence to the rules and refraining from taking technical advantage of situations which are unfair to his opponent. Points shall be deducted from a participant for unsportsmanlike conduct, disregard of the rules and taking technical advantage of situations which are unfair to his opponent;

6. Consideration shall be given for clever defensive work such as avoiding or blocking a punch;

7. Consideration shall be given where ring generalship is conspicuous. Ring generalship includes the ability to:

i. Quickly recognize and take advantage of every opportunity presented;

ii. Cope with a diversity of situations;

iii. Anticipate and neutralize an opponent’s form of attack; and

iv. Force an opponent to adopt a style at which he is not particularly skillful;

8. Points shall be deducted when a participant persistently delays the action of a match by clinching, holding or lack of aggressiveness.

(3) Determination of Win or Draw.

(a) A participant who knocks out his opponent shall be declared the winner of the match.

(b) If both participants are knocked down at the same time and both participants remain down until the count of 10, the match shall be considered a technical draw.

(c) A participant who is awarded a technical knockout shall be declared the winner of the match.

(d) When the winner of a match is to be determined by the number of points awarded or deducted or by the number of rounds awarded to each participant, the three judges scores for all the rounds shall be compiled using the following criteria:

1. Three wins shall be declared a win by unanimous decision;

2. Two wins and one draw shall be declared a win by majority decision;

3. Two wins and one loss shall be declared a win by split decision;

4. One win and two draws shall be declared a draw announced as a majority draw;

5. One win, one draw and one loss shall be declared a draw announced as a draw;

6. One win and two losses shall be declared a loss;

7. Three draws shall be declared a draw;

8. Two draws and one loss shall be declared a draw;

9. One draw and two losses shall be declared a loss; and

10. Three losses shall be declared a loss.

(e) A participant shall not be declared the winner of a match on a claim of low blow foul, and a participant shall not lose a match by reason of an unintentional low blow foul.

(f) Any participant guilty of an intentional foul shall be penalized one or more points as determined by the referee. If the injured participant is unable to continue, the offending participant shall be disqualified, his or her purse may be withheld, and he or she may be subject to suspension by the commission following investigation. Disposition of the purse and the penalty to be imposed up on the participant shall be determined by action of the commission.

(g) When an unintentional foul causes the bout to be interrupted for the purpose of allowing the injured participant time to recover, the referee may penalize the participant guilty of the foul one or more points.

(h) No participant shall be awarded a match based on an unintentional foul unless the foul was unintentional butting. If a participant is unintentionally butted in a match so that he cannot continue, the referee shall declare the result of the match using the following criteria:

1. During a four round match, if the unintentional butt occurs prior to the scoring of the third round and the fouled participant is unable to continue, the result shall be a no decision;

2. During a six, eight, ten or twelve round match, if the unintentional butt occurs prior to the scoring of the fourth round and the fouled participant is unable to continue, the result shall be a no decision;

3. During a four round match, if the unintentional butt occurs in any round subsequent to the scoring of the third round or occurs prior to the scoring of third round but the participant is not determined to be unable to continue until after the scoring of the third round, the determination of win, loss or draw shall be based upon the score cards of the judges as a technical decision whereby partial rounds will be scored;

4. During a six, eight, ten or twelve round match, if the unintentional butt occurs in any round subsequent to the scoring of the fourth round or occurs prior to the scoring of fourth round but the participant is not determined to be unable to continue until after the scoring of the fourth round, the determination of win, loss or draw shall be based upon the score cards of the judges as a technical decision whereby partial rounds will be scored;

(i) The referee may penalize any participant who fouls his or her opponent during a contest, but charging such participant with the loss of points, whether such fouls be intentional or unintentional. However the referee shall use his or her own discretion in determining the number of points, if any, chargeable against the participant in each instance, depending upon the severity or harmlessness of the foul and its effect on the opponent.

1. The referee does not have discretion as to whether an action constitutes a foul. If it is listed as a foul above, it is a foul, and shall not be permitted to continue after the referee observes the foul.

2. The referee shall, at the time of the foul, inform each judge and the supervising commission representative of the nature of the foul, the identity of the offending participant, and the number of points deducted.

3. At the conclusion of the round, the referee shall verify with the judges the identity of the participant causing the foul and the number of points deducted in accordance with the referee's determination.

(j) When an injury is produced by a fair punch but because of the severity of the injury the match cannot continue, the injured participant shall be declared the loser by a technical knockout.

(k) If a participant refuses to continue a match while physically able to do so, the referee shall disqualify him, award the match to his opponent, and shall direct that the purse be withheld. The referee shall provide a written report to the commission. If the commission determines that the participant refused to continue a match while physically able to do so, the commission shall require that the participant's purse shall be forfeited to the commission and shall impose a period of suspension for a period not less than 6 months.

(l) In any case where the executive director or his designee determines that both participants are not honestly competing, that a takedown is intentional and predetermined by both parties or a foul has been pre-arranged so as to cause the match to be terminated, he shall terminate the match not later than the end of the round and order the promoter to surrender the purses of both participants to the commission representative pending an investigation of the alleged violation. The announcer or referee shall inform the audience that no decision has been rendered.

(m) If, in the opinion of the physician, the referee has received an injury, the seriousness of which prevents him from continuing to officiate, and the commission representative is unable to locate another qualified person to act as referee, the match shall be terminated, no decision shall be rendered and the purses of both participants shall be withheld. The commission shall then rule as to the disposition of the purses.

(4) Decision Final. Exceptions.

(a) A decision rendered at the conclusion or termination of any match is final and shall not be changed unless it is determined that any of the following occurred:

1. There was collusion affecting the result of any match;
2. The compilation of the round or match score cards of the referee and judges shows an error which indicates that the decision was awarded to the wrong participant;
3. There was a violation of these rules, relating to drugs or foreign substances; or
4. There was a violation of Chapter 548, F.S., or the rules set forth herein which violation affected the result of the match.

(b) If it is determined that any of the above occurred, the decision rendered shall be changed as directed by the commission.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.041(1)(c), 548.054, 548.057, 548.058, 548.071 FS. History—New _____.

61K1-3.037 Mixed Martial Arts Weight Classes.

(1) Weight Classes:

<u>Name</u>	<u>Weight (lbs)</u>	<u>Weight Differentials (lbs)</u>
<u>Flyweight</u>	<u>Up to 125</u>	<u>8</u>
<u>Bantamweight</u>	<u>126 to 135</u>	<u>10</u>
<u>Featherweight</u>	<u>136 to 145</u>	<u>10</u>
<u>Lightweight</u>	<u>146 to 155</u>	<u>10</u>
<u>Welterweight</u>	<u>156 to 170</u>	<u>15</u>
<u>Middleweight</u>	<u>171 to 185</u>	<u>15</u>
<u>Light Heavyweight</u>	<u>186 to 205</u>	<u>20</u>
<u>Heavyweight</u>	<u>206 to 265</u>	<u>20</u>
<u>Super Heavyweight</u>	<u>Over 266</u>	<u>No limit</u>

(2) No mixed martial arts contest shall be permitted when there is a difference of weights between the two participants as listed above.

Rulemaking Authority 548.003 FS. Law Implemented 548.006, 548.043, 548.046, 548.071, 548.075 FS. History—New _____.

61K1-3.038 Mixed Martial Arts Participants' Apparel.

(1) Each male participant shall wear the following:

- (a) Shorts approved by the executive director or the commission representative;
- (b) A groin protector, or protective cup, which shall be in place before entering the ring;
- (c) Knee or ankle support that is form-fitting with no rigid structural or abrasive materials is optional;
- (d) An individually fitted mouthpiece, which mouthpiece shall be in the participant's mouth at all times during the fight period of each round. Each mouthpiece shall be approved of by the ringside physician prior the match beginning. Participants shall have a second mouthpiece ringside ready for use at all times during the match.

(2) Each female participant shall wear the following:

- (a) A close fitting tank or halter type top;
- (b) Shorts approved by the executive director or the commission representative;
- (c) An individually fitted mouthpiece, which mouthpiece shall be in the participant's mouth at all times during the fight period of each round. Each mouthpiece shall be approved of by the ringside physician prior the match beginning. Participants shall have a second mouthpiece ringside ready for use at all times during the match;
- (d) Knee or ankle support that is form-fitting with no rigid structural or abrasive materials is optional;

(e) Breast protectors are optional;

(f) A protective cup or protective pelvic girdle to cover the pubic area, ovaries, coccyx and sides of the hips is optional.

(3) Prohibited apparel:

- (a) Eyeglasses;
- (b) Any type of apparel with metal straps or buckles;
- (c) Necklaces or any other type of jewelry;
- (d) Shoes.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.046, 548.071 FS. History—New _____.

61K1-3.039 Mixed Martial Arts Bandages and Handwraps; Gloves

(1) Bandages and Handwraps:

(a) All bandages and handwraps applied to each hand of a participant shall be restricted to soft cloth (gauze), not more than 10 yards in length and 2 inches in width, held in place by not more than 5 yards of 1 inch surgical tape. No tape may be applied across the knuckles of any participant.

(b) All bandages and handwraps shall be applied and adjusted in the dressing room in the presence of the inspector. The inspector shall initial or in some other manner mark the bandage or handwrap on each hand so as to be able to determine at the conclusion of the match whether or not the bandage or handwrap was tampered with after the inspector initially examined the bandage or handwrap.

(2) Gloves.

(a) Gloves shall weigh no less than 4 ounces nor more than 8 ounces; however, both participants shall wear the same weight gloves and use the same manufacturer of gloves as provided by the promoter unless both participants agree to use different manufacturers of gloves.

(b) Prior to the beginning of each match each glove of each participant shall be examined and approved or disapproved by the chief inspector or inspector and the referee. Any glove intended to be used by a participant in a match shall be whole, clean, in sanitary condition. Gloves shall be in good condition. If the padding in a glove is found to be misplaced or lumpy, or if the glove shows evidence of breaking, roughing or twisting, the glove shall be disapproved and shall not be used. The match shall not begin or continue unless an approved glove has been substituted for the disapproved glove.

(c) If laces are present, laces of gloves shall be knotted on the back of the wrist and tape shall be applied over the laces so as to prevent injury to the opponent. If velcro is present, the chief inspector may require the use of tape to prevent injury or to prevent loosening of the gloves during the match. Whenever the chief inspector decides to require tape, both corners must be subject to the same requirement.

(d) Gloves shall be adjusted in the ring or the dressing room under the supervision of the inspector.

(e) Participants shall not supply their own gloves.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.043, 548.046 FS. History—New _____.

61K1-3.040 Mixed Martial Arts Conduct of Bout; Rounds

(1) All matches are to be designated as professional.

(a) If advertising is conducted, the advertising shall clearly indicate the matches are professional.

(b) No event shall have both amateur and professional matches.

(2) Pre-Match Conduct.

(a) Participants shall report to the commission representative in charge of dressing rooms at least two hours before the scheduled time of the first match.

(b) The referee shall call participants together, either in the ring or in another appropriate location before each event for final instructions, at which time each participant shall be accompanied by his or her seconds, trainers, and managers.

(3) Mouthpiece requirements.

(a) Participants must wear a mouthpiece during competition. The mouthpiece shall be subject to examination and approval by the ringside physician.

(b) Participants shall have a spare mouthpiece ringside during the match.

(c) The referee shall handle the ejection of the mouthpiece from the participant's mouth in the following manner:

1. If the referee believes that the mouthpiece was ejected from the participant's mouth as a result of natural fight action, the referee shall not charge the participant with the loss of a point. The referee shall wait until the action during which the mouthpiece was ejected has subsided. The referee shall then take time out, direct both participants to their own corners. The referee shall direct that the mouthpiece be rinsed and replaced in the participant's mouth. The referee may demand the use of a second mouthpiece. The referee shall direct that the fight period immediately continue; or

2. If the referee believes that the participant spit out or allowed the mouthpiece to fall out of the mouth the referee shall:

a. Upon the first occurrence, wait until the action during which the mouthpiece was ejected has subsided. The referee shall direct that the mouthpiece be rinsed and replaced in the participant's mouth and warn the participant that a point will be deducted if participant subsequently spits out or allows the mouthpiece to fall out. The referee shall direct that the fight period immediately continue.

b. Upon the second occurrence, the referee may disqualify the participant who spit out or allowed his mouthpiece to fall out. The opponent of such participant shall be declared the winner due to disqualification of his or her opponent. The commission representative shall immediately advise the promoter that the purse of such participant shall be forfeited and paid over to the commission.

(4) Conduct during Match.

(a) No persons other than the participants and referee may be in the ring during the progress of a round.

(b) Matches between a male participant and female participant are not permitted.

(c) No more than two participants shall participate in any match.

(d) No licensee shall verbally or physically abuse an official or commission representative.

(e) Unless written approval is obtained from the commission, a participant who has competed in a bout or match event with three rounds, anywhere in the world shall not be allowed to compete in the State of Florida until seven (7) days have elapsed from the date of that bout or match.

(f) Unless written approval is obtained from the commission, a participant who has competed in a bout or match event with five rounds, anywhere in the world shall not be allowed to compete in the State of Florida until ten (10) days have elapsed from the date of that bout or match.

(5) Takedown/Knockdown

(a) A participant shall be considered to be taken down when:

1. When, as determined by the referee, a participant touches the ground with any part of their body other than the soles of their feet as the result of a damaging strike;

2. He is hanging helplessly over the ropes, if fought in a ring;

3. He is rising from a down position.

(6) Fouls

(a) The referee shall not tolerate continual and repeated commission of fouls by a participant. The referee shall give warning to a participant who continually and repeatedly commits fouls and when, in the opinion of the referee, the participant has displayed persistent disregard for the rule governing the commission of fouls, the referee shall disqualify the participant, terminate the match and provide such findings to the commission for appropriate action.

(b) The referee does not have the discretion as to whether an action constitutes a foul. If it is listed as a foul, it is a foul, and shall not be permitted to continue after the referee observes the foul.

(c) If at any time during the match the referee determines that a participant has bitten an opponent, the match will be halted and that participant shall be disqualified.

(d) Unintentional foul:

1. When a bout is interrupted due to an injury caused by an unintentional foul, the referee, in consultation with the ringside physician, shall determine whether the participant who has been fouled can continue or not. If the referee sees, or if after consultation with the judges, determines that a participant is unintentionally fouled and if the participant's chance of winning has not been seriously jeopardized as a result of a foul, the referee may order the bout continued after a reasonable interval. If the referee determines that the participant is unable to continue the match as a result of an unintentional foul, the referee will give the injured participant five (5) minutes in which to recover and continue. If at the end of the five (5) minute recovery period the fouled participant is unable to continue the match, the fouled participant shall be declared the loser by technical knockout. During the five (5) minute recovery period neither participants' seconds may assist the participants in any way unless deemed necessary by the referee.

2. If the referee and/or the ringside physician determines that the bout may not continue due to an injury suffered as the result of an unintentional foul or because of an injury inflicted by an unintentional foul which later becomes aggravated by fair blows, the outcome shall be determined by scoring the completed rounds and the round during which the referee or ringside physician stopped the bout.

(e) The referee shall have the power to stop a contest at any stage if he or she considers it too one-sided, or if either participant is in such condition that might subject him or her to serious injury.

(f) Only the referee, the ring side physician, and executive director or his designee are authorized to stop a contest.

(g) If an injury occurs due to a suspected foul that the referee was unable to see, the referee may, in his or her sole discretion, confer with the judges to determine where the foul may be placed. He or she may consider any, all, or none of the opinions expressed in making his determination. The referee may, in his sole discretion, ask for a replay, if television equipment is available, of the technique in question before rendering his decision.

(h) The conditions of the match for any mixed martial arts match as proposed to the executive director shall be deemed to include the following as fouls:

1. Butting with the head;

2. Eye-gouging of any kind;

3. Biting;

4. Hair pulling;

5. Fish-hooking;

6. Groin attacks of any kind;

7. Small joint manipulation to include fingers and toes;

8. Putting a finger into any orifice, cut, or laceration on an opponent;

9. Striking to the spine or back of the head;

10. Striking downward using the point of the elbow;

11. Throat strikes or grabs of any kind to include, without limitation, grabbing the trachea;

12. Clawing, pinching, twisting of the flesh;

13. Grabbing the clavicle;

14. Kicking or kneeing to the head of a grounded opponent;

15. Stomping a grounded opponent;

16. Kicking to the kidney with the heel of the foot;

17. Spiking an opponent to the canvas on the head, crown of the head, or neck;

18. Throwing an opponent out of the ring or fenced area;

19. Holding the shorts or gloves of your opponent;

20. Spitting at your opponent;

21. Engaging in any unsportsmanlike conduct that causes injury to an opponent;

22. Holding the ropes or fencing;

23. Attacking an opponent during the rest period, while under the care of the referee or ringside physician, or after the bell has sounded the end of a round;

24. Flagrant disregard for instructions of the referee;

25. Timidity to include, without limitation, avoiding contact with an opponent, intentionally spitting or consistently dropping the mouthpiece, or faking an injury;

26. Interference by the corner:

27. Throwing in the towel by the corner:

28. Punching below the belt:

29. The deliberate use of the rabbit punch or any punch struck at the back of the neck near the base of the skull and which is not the result of the opponent turning his head to avoid a punch:

30. Any unsportsmanlike trick or action causing injury to an opponent:

31. Punching on the break:

32. Punching after the bell has sounded ending the round:

33. Spitting out of the mouthpiece or allowing the mouthpiece to fall out of the mouth.

(7) Rounds.

(a) The duration of each round of a professional mixed martial arts match shall be 5 minutes with 1-minute rest intervals between rounds.

(b) Under no circumstances can the total fight time for a match exceed 36 minutes.

(c) Matches may only be scheduled for 3 or 5 rounds.

(d) A schedule of matches shall be a minimum of 3 matches, 21 rounds.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.041(1)(c), 548.057, 548.058, 548.071 FS. History—New _____.

61K1-3.041 Mixed Martial Arts Scoring.

(1) Scoring shall be by the “10 point must” system. The winner of any round shall be awarded 10 points. The loser of any round shall be awarded one to nine points. When a round is even, each participant shall be awarded 10 points. Partial or incomplete rounds shall be scored. Any point deduction occurring during the partial round will be deducted as if a complete round were being tabulated.

(2) Scoring. Criteria: Takedowns, Fouls. The awarding or deducting of points by the judges and referee, the determination as to the occurrence of takedowns, knockouts and fouls and the procedure to be used following such occurrence shall be accomplished in the following manner and based on the following criteria:

(a) Unintentional fouls:

1. The first unintentional foul results in a warning.

2. Any additional unintentional foul shall result in a deduction of a point, as determined by the referee. The referee shall determine whether or not a point is to be deducted, using as his criteria the severity of the foul and its effect upon the opponent.

3. When the referee determines that he shall deduct a point from a participant, he shall immediately advise the participants, judges, and commission representative supervising the event of such action, the identity of the offending participant, and the number of points deducted.

4. Points for fouls shall only be deducted in the round in which the fouls occurred.

5. When an unintentional foul causes the bout to be interrupted for the purpose of allowing the injured fighter time to recover, the referee may penalize the fighter guilty of the foul one or more points.

(b) Intentional Fouls:

1. Except in the case of biting, when the referee determines that a participant has intentionally committed a foul, the referee shall deduct one or more points.

2. If an intentional foul causes an injury, and the injury is severe enough to terminate the bout immediately, the participant causing the injury shall lose by disqualification.

3. If an intentional foul causes an injury, and the injury results in the bout being stopped in a subsequent round, the injured participant shall be declared the winner by technical decision if the injured participant is ahead on a majority of the judges’ score cards and if not, the bout will be declared a technical draw.

4. A mandatory 1 point deduction will be standard for any intentional foul that produces an injury.

(c) Points for aggressiveness shall be awarded to the participant who sustains the actions of a round by the greatest number of skillful attacks:

(d) Points shall be deducted from a participant for unsportsmanlike conduct, disregard of the rules and taking technical advantage of situations which are unfair to his opponent:

(e) Consideration shall be given for effective defensive work such as avoiding or blocking a punch:

(f) Consideration shall be given where ring generalship is conspicuous. Ring generalship includes the ability to:

1. Quickly recognize and take advantage of every opportunity presented;

2. Cope with a diversity of situations;

3. Anticipate and neutralize an opponent’s form of attack; and

4. Force an opponent to adopt a style at which he is not particularly skillful;

(i) If the referee determines that the injured fighter was responsible for his own injury, the referee will not penalize his opponent in any manner. In this case, if the referee or ring physician determines that the injured fighter is unable to continue, he will lose by “technical knockout”. If the referee determines that no fault was attributable to either fighter, the referee shall allow the injured fighter 5 minutes to recover. If at the end of the recovery period, the referee or ringside physician determines that the injured fighter cannot continue, the bout will be decided on the score cards if a majority of the rounds have been completed (including the round in which the injury occurred) or, if a majority of the rounds have not been completed, the bout will be called a technical draw.

(3) Determination of Win or Draw.

(a) A participant who knocks out his opponent shall be declared the winner of the match.

(b) If both participants are knocked down at the same time and both participants remain down until the count of 10, the match shall be considered a technical draw.

(c) A participant who is awarded a technical knockout shall be declared the winner of the match.

(d) When the winner of a match is to be determined by the number of points awarded or deducted or by the number of rounds awarded to each participant, the three judges scores for all the rounds shall be compiled using the following criteria:

1. Three wins shall be declared a win by unanimous decision;

2. Two wins and one draw shall be declared a win by majority decision;

3. Two wins and one loss shall be declared a win by split decision;

4. One win and two draws shall be declared a draw announced as a majority draw;

5. One win, one draw and one loss shall be declared a draw announced as a draw;

6. One win and two losses shall be declared a loss;

7. Three draws shall be declared a draw;

8. Two draws and one loss shall be declared a draw;

9. One draw and two losses shall be declared a loss; and

10. Three losses shall be declared a loss.

(e) A participant shall not be declared the winner of a match on a claim of low blow foul, and a participant shall not lose a match by reason of an unintentional low blow foul.

(f) Any participant guilty of an intentional foul shall be penalized one or more points as determined by the referee. If the injured participant is unable to continue, the offending participant shall be disqualified, his or her purse may be withheld, and he or she may be subject to suspension by the commission following investigation. Disposition of the purse and the penalty to be imposed up on the participant shall be determined by action of the commission.

(g) When an unintentional foul causes the bout to be interrupted for the purpose of allowing the injured participant time to recover, the referee shall penalize the participant guilty of the foul one or more points.

(i) When an injury is produced by a fair technique but because of the severity of the injury the match cannot continue, the injured participant shall be declared the loser by a technical knockout. (h) No participant shall be awarded a match based on an unintentional foul. During a five round match, if the unintentional foul occurs in any round subsequent to the scoring of the third round or occurs prior to the scoring of fourth round but the participant is not determined to be unable to continue until after the scoring of the fourth round, the

determination of win, loss or draw shall be based upon the score cards of the judges as a technical decision whereby partial rounds will be scored.

(j) If a participant refuses to continue a match while physically able to do so, the referee shall disqualify him, award the match to his opponent, and shall direct that the purse be withheld. The referee shall provide a written report to the commission. If the commission determines that the participant refused to continue a match while physically able to do so, the commission shall require that the participant's purse shall be forfeited to the commission and shall impose a period of suspension for a period not less than 6 months.

(k) If, in the opinion of the physician, the referee has received an injury, the seriousness of which prevents him from continuing to officiate, and the commission representative is unable to locate another qualified person to act as referee, the match shall be terminated, no decision shall be rendered and the purses of both participants shall be withheld. The commission shall then rule as to the disposition of the purses.

(l) In any case where the executive director or his designee determines that both participants are not honestly competing, that a takedown is intentional and predetermined by both parties or a foul has been pre-arranged so as to cause the match to be terminated, he shall terminate the match not later than the end of the round and order the promoter to surrender the purses of both participants to the commission representative pending an investigation of the alleged violation. The announcer or referee shall inform the audience that no decision has been rendered.

(4) Decision Final, Exceptions.

(a) A decision rendered at the conclusion or termination of any match is final and shall not be changed unless it is determined that any of the following occurred:

1. There was collusion affecting the result of any match;

2. The compilation of the round or match score cards of the referee and judges shows an error which indicates that the decision was awarded to the wrong participant;

3. There was a violation of Rule 61K1-3.017, F.A.C., relating to drugs or foreign substances; or

4. There was a violation of Chapter 548, F.S., or the rules adopted by the commission which violation affected the result of the match.

(b) If it is determined that any of the above occurred, the decision rendered shall be changed as directed by the commission.

Rulemaking Authority 548.003 FS. Law Implemented 548.003(2), 548.006, 548.011, 548.041(1)(c), 548.054, 548.057, 548.058, 548.071 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida State Boxing Commission

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Florida State Boxing Commission

DATES PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2012 and October 11, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 27, 2012 and August 31, 2012

Section III Notices of Changes, Corrections and Withdrawals

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-7.059	Use of Meters
25-7.071	Measuring Customer Service

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 30, July 27, 2012 issue of the Florida Administrative Register.

The changes have been made to the proposed rules to address comments made by the staff of the Joint Administrative Procedures Committee. Docket No. 110313-PU

Subsections (1), (2), and (3) of Rule 25-7.059 are changed as follows:

(1) All gas sold by a utility and all gas consumed by the utility shall be metered except in case of emergency, ~~or when otherwise authorized by the Commission.~~

(2) ~~Unless otherwise authorized by the Commission,~~ Each utility shall provide and install at its own expense and shall continue to own, operate, and maintain all equipment necessary for the pressure control and measurement of gas to its customers.

(3) Prepayment meters shall not be used, ~~except where otherwise authorized by the Commission.~~

Subsection (3)(a) of Rule 25-7.071 is changed as follows:

(3)(a) Where individual metering is not required under subparagraph (2)(a)3. and master metering is used in lieu thereof, sub-metering may be used by the customer of record/owner of such facility solely for the purpose of allocating the cost of the gas billed by the utility. The term "cost", as used herein represents only those charges specifically authorized by the gas utility's tariff including but not limited to the customer, energy, purchased gas adjustment, and conservation charges made by the gas utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term cannot be construed to include late payment charges, returned check charges, the cost of the distribution system behind the master meter, or the cost for billing, ~~and other such costs.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-42.001	Definitions
61-42.002	Investigations and Legal Services
61-42.003	Unsanctioned Amateur Events
61-42.004	Mediation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 30, July 27, 2012 issue of the Florida Administrative Register.

61-42.001 Definitions

No change.

61-42.002 ~~Investigative~~ Investigations and Legal Services

(1)(a) The department shall investigate, on behalf of the commission, any complaint that is filed with the department in writing, signed by the complainant, legally sufficient, and under the jurisdiction of the State of Florida. A complaint is legally sufficient if it contains facts that show a violation of ~~Chapter 548, F.S. or the rules of the commission this chapter, or any of the practice acts~~ relating to the professions regulated by the commission, ~~or of any rule adopted by the commission.~~ In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate and take appropriate final action on a complaint even though the original complaint is withdrawn or the complainant indicates a desire not to cause the complaint to be investigated or prosecuted to completion.

(1)(b) through (11) No change.

(12) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the ~~Professional Regulation Trust Fund Florida State Boxing Commission Trust Fund~~ for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

Rulemaking Specific Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History–New _____.

61-42.003 Unsanctioned Amateur Events

(1) through (2) No change.

(3)(a) The department may issue citations to the subject for intending to sanction or supervise amateur matches or events without being licensed to do so. The citations shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure in Rule ~~61-42.002~~ 61-41.002, F.A.C. If the subject disputes the matter in the citation, the

procedures set forth in Rule 61-41.002, F.A.C. must be followed. The penalty shall be a fine of not less than \$500 or more than \$5,000 or other conditions as established by rule.

(b) through (f) No change.

(g) The Department shall open a complaint against any individual or organization issued a citation for intending to sanction or supervise an amateur match without being licensed to do so, who does not immediately cease the activity, or who has sanctioned or supervised an amateur match without being licensed to do so. Furthermore, criminal violations shall be forwarded to the proper prosecuting authority and are punishable as provided in the Department shall forward notice of criminal violations to the proper prosecuting authority in accordance with Section 548.008, F.S.

(h) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(i) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the Professional Regulation Trust Fund Florida State Boxing Commission Trust Fund for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

Rulemaking Specific Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History–New _____.

61-42.004 Procedure for Mediation.

(1) through (8) No change.

(9) To determine whether the department will approve a licensee's participation in the mediation process more than three times, the department shall consider factors including the subject, date, disposition, and number of complaints against the licensee, and the licensee's history of compliance with commission board or department orders.

Rulemaking Specific Authority 548.003(8) FS. Law Implemented 548.003(8) FS. History–New _____.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: RULE TITLE:
64B11-2.003 Fees; Application
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Register.

These changes are being made pursuant to comments received from the Joint Administrative Procedures Committee: The changes to the form and the rule are as follows:

Page one: Title 42 USCS § 666(a)(13) has been changed to Title 42 USC § 666(a)(13).

Page two: The requirement of a photograph has been deleted from the application.

Section 3. The spelling of “correspondence” has been corrected.

Page three: Section 7.A. “Occupational Therapist Assistant” has been changed to “Occupational Therapy Assistant.”

The text in the instructions, on page 7 of the application, has been revised to include language conforming to language in subsection 468.213(2), Florida Statutes.

Page four: Section 11.B, “Have you ever been notified to appear before any licensing authority on a complaint of any nature, including, but not limited to, a charge or violation for unprofessional or unethical conduct?” has been deleted.

Section 11.C, “have you ever been named or sued for malpractice?” has been changed to “have you ever been found guilty of malpractice?”

Page five: Section 16. STATEMENT OF APPLICANT – the phrase “and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct” has been removed.

Page seven: The language relating to Section 468.213 has been revised to conform to the statute while maintaining instructions that will be understandable to the applicant to expedite the application process.

The phrase “rather than a temporary permit, and the license is later ratified by the Board” has been removed for clarity.

Page eight: The requirement for a photograph has been removed.

Page ten: This clarification has been added to page 7, and does not need to be repeated here.

Page fourteen: The requirement for a photograph on the checklist has been removed, and the check list has been renumbered.

Page fifteen: The question about licensure revocation has been restated.

The question about derogatory information has been restated.

On-Line application:

An applicant does not have to qualify for an on-line application. The qualification language was removed.

Footer:

The date in the footer of each page of the form has been updated to 07/12.

64B11-2.003 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. This application fee is nonrefundable and may not be used for more than one year

from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required for any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form Occupational Therapy Application, DH-MQA 1152 (revised 07-12 ~~10-10~~), hereby adopted and incorporated by reference, ~~and can be obtained from the Board of Occupational Therapy's website~~ available at <http://www.doh.state.fl.us/mqa/occupational/> or you may choose qualify to apply through the on-line application located at <https://ww2.doh.state.fl.us/DOHInitialApp/login.aspx>. THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Allen Hall, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-3.001
 RULE TITLE: Fees; Application
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Register.

These changes are being made pursuant to comments received from the Joint Administrative Procedures Committee: The changes to the form and to the rule are as follows:

Page one: Title 42 USCS § 666(a)(13) has been changed to Title 42 USC § 666(a)(13).

Page two: The requirement of a photograph has been deleted from the application.

Section 3. The spelling of "correspondence" has been corrected.

Page three: Section 7.A. "Occupational Therapist Assistant" has been changed to "Occupational Therapy Assistant."

The text in the instructions, on page 7 of the application, has been revised to include language conforming to language in subsection 468.213(2), Florida Statutes.

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Section 11.C, "have you ever been named or sued for malpractice?" has been changed to "have you ever been found guilty of malpractice?"

Page five: Section 16. STATEMENT OF APPLICANT – the phrase "and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct" has been removed.

Page seven: The language relating to Section 468.213 has been revised to conform to the statute while maintaining instructions that will be understandable to the applicant to expedite the application process.

The phrase "rather than a temporary permit, and the license is later ratified by the Board" has been removed for clarity.

Page eight: The requirement for a photograph has been removed.

Page ten: This clarification has been added to page 7, and does not need to be repeated here.

Page fourteen: The requirement for a photograph on the checklist has been removed, and the check list has been renumbered.

Page fifteen: The question about licensure revocation has been restated.

The question about derogatory information has been restated.

On-Line application:

An applicant does not have to qualify for an on-line application. The qualification language was removed.

Footer:

The date in the footer of each page of the form has been updated to 07/12.

64B11-3.001 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form Occupational Therapy Application, DH-MQA 1152 (revised 07-12 ~~10-10~~), hereby adopted and incorporated by reference, available ~~and can be obtained from the Board of Occupational Therapy's website~~ at <http://www.doh.state.fl.us/mqa/occupational/> or you may choose qualify to apply through the on-line application located at <https://ww2.doh.state.fl.us/DOHInitialApp/login.aspx>.

THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Allen Hall, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On October 02, 2012 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Paragraph 61C-4.010(7) Florida Administrative Code and Paragraph 61C-4.010(6), Florida Administrative Code from Carolina Catering Company located in Naples. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within another establishment for use by customers only.

The Petition for this variance was published in Vol. 38/46 on October 09, 2012. The Order for this Petition was signed on October 15, 2012 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within JFX Automotive are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of JFX Automotive changes, an updated signed agreement for use of the bathroom facilities is required immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011

DEPARTMENT OF HEALTH
Division of Environmental Health
RULE NO.: RULE TITLE:

64E-16.002: Definitions

64E-16.004: Storage and Containment

NOTICE IS HEREBY GIVEN that on October 10, 2012, the Department of Health, received a petition for Variance from Florida Administrative Code Rule 64E-16.004(2)(a) and 16E-.002(15), from Teri Donaldson, Petitioner, on behalf of Stericycle, Inc. These rules prescribe that packages of biomedical waste shall remain sealed until treatment and define packages as any material that completely envelops biomedical waste, including red bags, sharps containers, and outer containers. The Petitioner requests a variance from the rules to allow the Petitioner to open packages of biomedical waste and consolidate and transfer the biomedical waste into large outer containers for transportation to another permitted storage or treatment facility. Comments on this petition should be filed with Althea Gaines, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Penny Barwick, Bureau of Environmental Health, Facility Programs Section, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4277.

DEPARTMENT OF HEALTH
Division of Environmental Health
RULE NO.: RULE TITLE:

64E-5.502: General Requirements

NOTICE IS HEREBY GIVEN that on October 02, 2012, the Department of Health, Bureau of Radiation Control, received a petition for the Alachua County Sheriff's Office. The petitioner is seeking a variance from subparagraph 64E-5.502(1)(a)6, F.A.C., which prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Philip Thoma, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Orange Park, Florida 32073, 904-278-5730. Comments on this petition should be filed with the Bureau of Radiation Control within 14 days of this notice.

DEPARTMENT OF HEALTH
Division of Environmental Health
RULE NO.: RULE TITLE:

64E-5.502: General Requirements

NOTICE IS HEREBY GIVEN that on September 24, 2012, the Department of Health, Bureau of Radiation Control, received a petition for the Marion County Sheriff's Office. The petitioner is seeking a variance from subparagraph 64E-5.502(1)(a)6.,

F.A.C., which prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Philip Thoma, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Orange Park, Florida 32073, 904-278-5730. Comments on this petition should be filed with the Bureau of Radiation Control within 14 days of this notice.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-5.502: General Requirements

NOTICE IS HEREBY GIVEN that on October 4, 2012, the Department of Health, Bureau of Radiation Control, received a petition for the Polk County Sheriff's Office. The petitioner is seeking a variance from subparagraph 64E-5.502(1)(a)6., F.A.C., which prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Philip Thoma, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Orange Park, Florida 32073, 904-278-5730. Comments on this petition should be filed with the Bureau of Radiation Control within 14 days of this notice.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

The Florida Elections Commission announces a public meeting to which all persons are invited.

DATE AND TIME: November 14-15, 2012; 9:00 a.m.

PLACE: Senate Office Building, 404 South Monroe Street, Room # TBA (please call 850-922-4539 for Room Number), Tallahassee, FL 32399-6526.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agency matters. Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports. Rules Review. The Commission will also interview applicants being considered for the position of Executive Director. Portions of this meeting are confidential and closed to the public.

A copy of the agenda may be obtained by contacting: Donna Ann Malphurs, Agency Clerk, (850) 922-4539, ext. 102, by e-mail: FEC@myfloridalegal.com or write: 107 W Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Malphurs at (850) 922-4539, ext. 102, by e-mail: FEC@myfloridalegal.com or write: 107 W Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Malphurs at (850) 922-4539, ext. 102, by e-mail: FEC@myfloridalegal.com or write: 107 W Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050.

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

The Florida Elections Commission (CANCELLED) announces a public meeting to which all persons are invited.

DATE AND TIME: October 23-25, 2012; 9:00 a.m. until adjourned (CANCELLED)

PLACE: Office of Attorney General – Ft Lauderdale Office, 110 Towers, 110 SE 6th Street (8th and 10th Floors) Video Conference Rooms, Ft. Lauderdale, Florida 33301-5000. by video teleconference, and at the Office of the Attorney General 107 W. Gaines St., Suite 224, Tallahassee, FL 32399-1050 by video teleconference.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Elections Commission has CANCELLED the previously noticed public meeting to conduct a formal hearing before the commission.

A copy of the agenda may be obtained by contacting:

For more information, you may contact: Donna Ann Malphurs, Commission Clerk at (850) 922-4539, donna.malphurs@myfloridalegal.com, or by visiting the website at www.fec.state.fl.us.

DEPARTMENT OF TRANSPORTATION

The Department of Transportation District 2 announces a hearing to which all persons are invited.

DATE AND TIME: October 30, 2012 from 4:00 p.m. to 6:30 p.m.

PLACE: Florida Department of Transportation, Training Facility, 2198 Edison Avenue, Jacksonville, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This subsequent public hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID: 213304-1, otherwise known as the I-95 Overland Bridge Replacement Project. The I-95 Overland Bridge carries both northbound and southbound traffic on I-95 and spans Hendricks Avenue, Kings Avenue, and Montana Avenue in downtown Jacksonville. The project begins 2300 feet south of San Diego Road and ends at the St. Johns River. The bridge is being replaced due to structural deterioration which is causing the need for frequent repairs. A previous public hearing was held on this project in January 2011. A Design/Build team has now been awarded the project. They have proposed minor adjustments to the highway geometry and maintenance of traffic during construction. The Department would like to receive your input on these modifications. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PUBLIC SERVICE COMMISSION NOTICE OF SECURITIES APPLICATION

The Florida Public Service Commission will consider at its November 27, 2012 Commission Conference, Docket No. 120242-EI, Application for authority to issue and sell securities during 12 months ending December 31, 2013, by Progress Energy Florida, Inc. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell or otherwise incur during 2013 up to \$1.5 billion of any combination of equity securities and long-term debt securities and other long-term obligations. Additionally, the Company requests authority to issue, sell or otherwise incur during 2013 and 2014 up to \$1.5 billion outstanding at any time of short-term debt securities and other obligations, which amount shall be in addition to and in excess of the amount the Company is authorized to issue pursuant to Section 366.04,

Florida Statutes, which permits the Company to issue short-term securities aggregating to not more than five percent of the par value of the Company's other outstanding securities. DATE AND TIME: Tuesday, November 27, 2012. The Commission Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850.

GENERAL SUBJECT MATTER: To take final action in Docket No. 120242-EI.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service. For more information, please contact Martha F. Barrera, Office of the General Counsel, (850) 413-6212.

EXECUTIVE OFFICE OF THE GOVERNOR

The Executive Office of the Governor, Office of Policy and Budget announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 31, 2012

PLACE: Knott Building – Rooms 116 and 117, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Representatives from the departments listed below will present an overview of the agency's Legislative Budget Request for Fiscal Year 2013-2014 and Long-Range Program Plan for Fiscal Year 2013-2014 through Fiscal Year 2017-2018, and will be available for public questions and comments.

The times and locations are provided below for each policy area/agency:

Health and Human Services - Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Families, Department of Elder Affairs, Department of Health, and Department of Veterans' Affairs – 9:00 a.m. – 11:30 a.m. in 117 Knott Building.

Environmental - Department of Agriculture and Consumer Services, Department of Citrus, Department of Environmental Protection, Fish and Wildlife Conservation Commission, and Public Service Commission – 12:00 p.m. – 1:30 p.m. in 117 Knott Building.

General Government – Department of Business and Professional Regulation, Department of Financial Services, Office of Financial Regulation, Office of Insurance Regulation, Department of Lottery, Department of Management Services, Division of Administrative Hearings, Northwood Shared Resource Center, Southwood Shared

Resource Center, Department of Military Affairs, and Department of Revenue – 2:00 p.m. – 4:30 p.m. in 117 Knott Building.

Public Safety - Department of Corrections, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs, Justice Administrative Commission, and Parole Commission – 9:00 a.m. – 11:30 a.m. in 116 Knott Building.

Education - Department of Education, Office of Early Learning, and Board of Governors – 12:00 p.m. – 1:30 p.m. in 116 Knott Building.

Transportation and Economic Development - Department of Economic Opportunity, Department of Highway Safety and Motor Vehicles, Department of State, Department of Transportation, and Division of Emergency Management – 2:00 p.m. – 4:30 p.m. in 116 Knott Building.

A copy of the agenda may be obtained by contacting: Office of Policy and Budget, (850) 487-1880

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Office of Policy and Budget, (850) 487-1880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Written comments may be submitted to the representatives of the Office of Policy and Budget at the proceedings or mailed to the Executive Office of the Governor, Office of Policy and Budget, 1702 The Capitol, Tallahassee, Florida 32399-0001, and received by close of business Tuesday, October 30, 2012.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 1, 2012 at 10:00am or soon thereafter.

PLACE: Conference Call: 1(888)670.3525, Conference Code: 2938723619.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 7 days before the workshop/meeting by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-9.002: Standards of Professional Practice for Appraisal Management companies; Development and Communications of Real Estate Appraisals

The Rules Committee of the Florida Real Estate Appraisal Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 31, 2012, 10:00 a.m., Eastern Standard Time

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801 or contact Lori Crawford for the phone number and passcode to participate via teleconference.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee proposes to develop proposed rule language for Appraisal Management Company regulations and standards for the development and communications of real estate appraisals for full Board consideration at its next available General meeting.

A copy of the agenda may be obtained by contacting: Lori Crawford at lori.crawford@dbpr.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: November 1, 2012, 6:00 p.m.

PLACE: Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a technical meeting to discuss issues related to the Suwannee River Basin Management Action Plan (BMAP). The primary topic of discussion during this meeting will be the

Suwannee River BMAP development process. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs).

A copy of the agenda may be obtained by contacting: Terry Hansen, Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Terry Hansen at (850) 245-8561. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 31, 2012, 9:30 a.m.

PLACE: Formal Conference Room, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Committee meeting for RFP 2012-04 Extremely Low Income Household (ELI) will be to discuss the proposals and ranking and to possibly make a clarification of the preliminary ranking and recommendation to Florida Housing's Board of Directors.

A copy of the agenda may be obtained by contacting: Sherry Green (850) 488-4197 or sherry.green@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sherry Green (850) 488-4197 or sherry.green@floridahousing.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: 7:00 P.M. Tuesday, October 30, 2012

PLACE: Kennedy Multi-Purpose Room, 1000 Kennedy Blvd., Brooksville, FL, 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: PURPOSE: To receive public comment regarding considerations for FWC's ten-year Management Plan for the Chinsegut Wildlife and Environmental Area (CWEA).

This hearing is being held EXCLUSIVELY for discussion of the DRAFT Chinsegut WEA Management Plan. This meeting is not being held to discuss area hunting or fishing regulations. For more information on the process for FWC rule and regulation development go online to: myfwc.com/about/rules-regulations/rule-changes/ or call (850) 487-1764.

A copy of the agenda may be obtained by contacting: A Management Prospectus for Chinsegut WEA and copy of the agenda is available upon request from the Florida Fish and Wildlife Conservation Commission, Land Conservation and Planning Group, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Telephone: (850) 487-9982 or (850) 487-9767 or by e-mail at Rebecca.Shelton@MyFWC.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

The Department of Economic Opportunity (f/k/a the Agency for Workforce Innovation) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 2, 2012, 9:00 a.m. - 1:00 p.m.

PLACE: Department of Revenue, 2450 Shumard Oak Boulevard, Building 2, Room 1250, Tallahassee, FL 32399; Conference Call: 1(888) 670-3525, Passcode: 6974438117#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the fifth meeting of the work group created by the 2012 Legislature to study Florida's reemployment assistance contribution as specified in Section 443.131 Florida Statutes.

A copy of the agenda may be obtained by contacting: http://www.floridajobs.org/calendar.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Monique Manns (850) 921-3870. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ECONOMIC OPPORTUNITY

The Department of Economic Opportunity (f/k/a the Agency for Workforce Innovation), Reemployment Assistance Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 14, 2012. 10:30 a.m. - 12:00 noon

PLACE: Caldwell Building, Conference room B-49, 107 E. Madison Street, Tallahassee, Florida 32399 or by conference call: 1 (888) 670-3525 Passcode 1188081993 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/calendar>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Christina Murphy at 850-245-7114. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NORTHWOOD SHARED RESOURCE CENTER

The Northwood Shared Resource Center Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 1, 2012, 1:30-3:30 p.m.

PLACE: Department of Business & Professional Regulation, 1940 N. Monroe Street, Professions Board Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Monica Cash 921-4479. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Medicine

Notice is hereby given that the Board of Medicine has received a Petition for Declaratory Statement filed on behalf of Stephen Haire, M.D., on October 19, 2012. The Petitioner seeks the Board's interpretation of Rule 64B8-9.014, F.A.C., and asks whether a physician group may establish a telemedicine/telehealth consulting service for company employees based upon the arrangements outlined in the

Petition. The Board will consider this petition at its meeting currently scheduled for November 30, 2012. Copies of the petition may be obtained by writing Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

University of South Florida

NOTICE FOR PROFESSIONAL SERVICES

The University of South Florida announces that continuing professional services are required for the following discipline: Asbestos Abatement Consultants (up to 2) (Tampa Campus with ability to include other campuses as required).

PROJECT DESCRIPTION:

Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction, and additions for University facilities that have an asbestos abatement construction budget that does not exceed \$2,000,000 or survey or studies for which the fee for professional services that does not exceed \$200,000. Projects for University facilities may include Teaching, Research, Health, Academic, Administrative, Recreation and Residence Life Facilities, as well as Infrastructure and Utility projects. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for an initial period of one (1) year with an Owner's option to renew for one (1) additional year at a time, up to a total of two (2) additional years. This selection is based upon Asbestos Abatement Consultant services only. Other services (including architectural, structural, etc.) that may be required for specific projects shall be provided as part of basic services through the selected Asbestos Abatement Consultant based upon project need. Use of USF Continuing Service Consultants by the selected Asbestos Abatement Consultants shall be encouraged for other services if required. A consultant receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional continuing service professionals under contract during the same time period. Blanket professional liability insurance in the amount of \$1,000,000 shall be required for the contract. Services required to be provided under the Continuing Service Contracts include the development of record drawings by the Continuing Service Consultant for projects designed by that consultant to reflect as-built conditions to facilitate the University's space management program. Any new construction projects should have the ability to be USGBC LEED certified, to a minimum certification level of Silver, if required by the Owner and shall be included as part of basic services and will not be considered as an additional service.

INSTRUCTIONS:

Firms desiring to provide professional services shall submit one (1) original submittal and three (3) spiral bound copies consisting of the information as required in the "SUBMITTAL REQUIREMENTS" of the Project Fact Sheet including a letter of interest and a completed "USF Professional Qualifications Supplement for Asbestos Abatement Consultant" form dated October 2012 and any required or additional information within the proposal limits as described in the PQS General Instructions. Submittals that do not comply with these requirements or do not include the requested data may not be considered. No submittal material will be returned. Submittals become part of the public record. An applicant must be

properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida. The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Submittals are not to exceed 40 pages, including the "USF Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively.

PROJECT SELECTION CRITERIA:

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability, design ability, past performance, workload, volume of USF work (including USF Foundation), and location. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. MBE participation information by the Consultant for this contract shall be provided by the Consultant in response to a periodic request from the University's Supplier Diversity Manager's office. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The "USF Professional Qualifications Supplement for Asbestos Abatement Consultant", dated October 2012 and "Project Fact Sheet" which include project information may be obtained by contacting: Kathy Bennett, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, e-mail: kbennett@admin.usf.edu, phone: (813)974-3098, (813)974-2625 or Fax: (813)974-3542. All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 3pm (Eastern Time), Wednesday, November 14, 2012,

at the University of South Florida, Tampa Campus, Facilities Planning and Construction Conference Room 109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. (Directions and parking information can be obtained at the Campus Information Center at the Fowler entrance, at the campus map website: <http://www.usf.edu/Locations/Maps-Directions/tampa.asp> and at the parking information website: http://usfweb2.usf.edu/parking_services/default.asp. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the applicants and the employees of University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above e-mail address.

One (1) original and three (3) spiral bound copies of the above required proposal data shall be submitted to: John Thomas McCaffrey, Architect, Facilities Planning and Construction, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application material will not be returned. Submittals are to be received at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, FL 33620-7550), to the Attention: John-Thomas McCaffrey, Architect, by 2 pm (Eastern Time), on Friday, November 30, 2012. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Faberge Group, LLC, for the line-make SANY

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Alliance-sym, Inc., intends to allow the establishment of Faberge Group LLC, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (line-make SANY) at 3485 Domestic Avenue, Suite AB, Naples, (Collier County), Florida 34104, on or after November 23, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Faberge Group, LLC, are dealer operator(s): Rita Sherman, 3485 Domestic Avenue, Suite AB, Naples, Florida 34104; principal investor(s): Rita Sherman, 3485 Domestic Avenue, Suite AB, Naples, Florida 34104.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Gene Chang, Alliance-sym, Inc., 3788 Milliken Avenue, Suite C, Mira Loma, California 91752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HEALTH

Board of Dentistry

Notice of Emergency Action

On October 15, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Miriam R. Rubano, DN, License # DN 17016. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On October 15, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Nancy S. Palmore, ARNP, License # ARNP 9249352. This Emergency Suspension Order was predicated

upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On October 15, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Lauryn A. Young, C.N.A., License # CNA 196920. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

FSC – Financial Institution Regulation

Financial Institutions

NOTICE OF FILINGS

Financial Services Commission

Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without

requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		General Counsel’s Office
Tallahassee, Florida 32314-8050		The Fletcher Building, Suite 118
Phone (850) 410-9800		101 East Gaines Street,
Fax: (850) 410-9548		Tallahassee, Florida 32399-0379
		Phone: (850) 410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., November 12, 2012):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Legacy Bank of Florida, Boca Raton, Florida

Proposed Purchasers: Martin D. Alvarez, Mexico D.F.; Mr.

Alejandro R. Blanco, Key Biscayne, Florida and Mr. Miguel

A. Capriles Lopez, Caracas Miranda, Venezuela

Received: October 18, 2012

Distribution: (Publication Not Required)

Federal Deposit Insurance Corporation, Atlanta, GA

Federal Reserve Bank of Atlanta, Atlanta, GA

Comptroller of the Currency, Atlanta, GA

Florida Bankers Association, Tallahassee, FL

Jonathan S. Hightower

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN October 15, 2012
 and October 19, 2012

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

19B-4.001	10/16/12	11/5/12	38/37	
19B-4.005	10/16/12	11/5/12	38/37	
19B-6.001	10/16/12	11/5/12	38/37	
19B-16.001	10/16/12	11/5/12	38/37	
19B-16.002	10/16/12	11/5/12	38/37	

DEPARTMENT OF CORRECTIONS

33-103.002	10/18/12	11/7/12	38/33	
33-103.005	10/18/12	11/7/12	38/33	
33-103.006	10/18/12	11/7/12	38/33	
33-103.007	10/18/12	11/7/12	38/33	38/38
33-103.011	10/18/12	11/7/12	38/33	
33-103.014	10/18/12	11/7/12	38/33	
33-103.015	10/18/12	11/7/12	38/33	
33-103.016	10/18/12	11/7/12	38/33	
33-103.018	10/18/12	11/7/12	38/33	
33-103.019	10/18/12	11/7/12	38/33	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

61H1-33.003	10/18/12	11/7/12	38/37	
61H1-33.0033	10/18/12	11/7/12	38/37	

Florida Real Estate Commission

61J2-10.022	10/16/12	11/5/12	38/33	
61J2-20.009	10/19/12	11/8/12	38/34	

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

64B6-5.002	10/18/12	11/7/12	38/37	
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Board of Osteopathic Medicine

64B15-13.001	10/17/12	11/6/12	38/37	
64B15-13.003	10/17/12	11/6/12	38/37	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.716	10/15/12	11/4/12	38/37	
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DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-58.001	10/15/12	11/4/12	38/30	
69A-58.002	10/15/12	11/4/12	38/30	
69A-58.003	10/15/12	11/4/12	38/30	
69A-58.0031	10/15/12	11/4/12	38/30	
69A-58.004	10/15/12	11/4/12	38/30	
69A-58.0041	10/15/12	11/4/12	38/30	
69A-58.005	10/15/12	11/4/12	38/30	
69A-58.007	10/15/12	11/4/12	38/30	
69A-58.0083	10/15/12	11/4/12	38/30	
69A-58.0084	10/15/12	11/4/12	38/30	
69A-58.009	10/15/12	11/4/12	38/30	

Division of Accounting Auditing

69I-23.003	10/19/12	11/8/12	38/34	
69I-23.005	10/19/12	11/8/12	38/34	

FINANCIAL SERVICE COMMISSION

Financial Institution Regulation

69U-110.005	10/16/12	11/5/12	38/27	
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL
 PURSUANT TO (CHAPTER 2010-279, LAWS OF
 FLORIDA)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.300	3/2/11	*****	38/3	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-7.020	10/24/11	*****	37/24	37/3
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