

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1234

SPONSOR: Regulated Industries Committee & Senator Sebesta

SUBJECT: Florida State Boxing Commission

DATE: March 28, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	RI	Favorable/CS
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides the Florida State Boxing Commission more specific administrative and enforcement authority under Chapter 548, F.S.

The bill substantially amends the following sections of the Florida Statutes: 548.002, 548.003, 548.008, 548.017, 548.021, 548.028, 548.041, 548.043, 548.046, 548.049, 548.05, 548.057, 548.06, 548.074, and 548.075. It also creates sections 548.015 and 548.024 and repeals section 548.045 of the Florida Statutes.

II. Present Situation:

Chapter 548, F.S., governs pugilistic exhibitions in the state. The Chapter was substantially amended in the 1999 Regular Session to vest the Florida State Boxing Commission with broad oversight and enforcement authority regarding the state’s boxing industry. *See*, Chapter 99-251, Laws of Florida. The Commission’s responsibilities include licensing and regulating all individuals involved in conducting professional boxing and kickboxing matches in Florida, issuing permits for live matches and pay-for-view matches, establishing and administering medical guidelines, and collecting fees and taxes.

Section 548.003, F.S., provides general rulemaking authority for the Commission and the Department pursuant to ss. 120.536(1) and 120.54, F.S., to implement their respective duties and responsibilities in carrying out the provisions of the Chapter 548, F.S. However, the Joint Administrative Procedures Committee has advised the Commission that more specific rule making authority may be necessary to ensure the Commission’s ability to fulfill its oversight responsibilities.

III. Effect of Proposed Changes:

Section 1 amends s. 548.002, F.S., to add definitions. A “concessionaire” is any person who is not licensed as a promoter and who receives revenue or other compensation from the sale of tickets or the sale of souvenirs, programs, broadcast rights, or other concessions. Also, a “second” or “cornerman” is a person who assists a fight participant at ringside.

Section 2 creates s. 548.015, F.S., to require that concessionaires file a surety bond or other security before getting a license.

Section 3 amends s. 548.003, F.S., to require one member of the five-member Commission to be a physician licensed under Chapter 458, F.S., or Chapter 459, F.S., who holds an unencumbered license and has practiced for at least five years.

This section also provides the Commission specific rule making authority to administer the provisions of Chapter 548, F.S. The bill extends the Commission’s authority to establishing:

- facility and safety requirements;
- participant’s apparel and equipment requirements;
- manager participation guidelines;
- the duties and responsibilities of licensees;
- appointment procedures and duties for inspectors; and
- procedures for designating a knockdown timekeeper and the duties thereof.

Section 4 amends s. 548.008, F.S., to provide that upon certification by the Commission that a violation of the toughman or badman competition law has occurred, local law enforcement shall take appropriate action. Further, the section increases the current penalty for a violation from a second-degree misdemeanor to a third-degree felony. The penalties for a second-degree misdemeanor are imprisonment not to exceed 60 days and a fine not to exceed \$500. The penalties for a third-degree felony are imprisonment not to exceed 5 years and a fine not to exceed \$5,000.

Section 5 amends s. 548.017, F.S., to require that concessionaires be licensed and establish licensing criteria for a physician. A physician must be licensed, and must demonstrate satisfactory medical training or experience in boxing to the executive director prior to working as the ringside physician.

Section 6 amends s. 548.021, F.S., to provide that persons seeking to obtain a license by knowingly false or fraudulent means commit a second-degree misdemeanor.

Section 7 creates s. 548.024, F.S., to grant the Commission specific authority to adopt rules that provide for background investigations of applicants for licensure.

Section 8 amends s. 548.028, F.S., to expand the Commission’s authority to refuse to issue licenses to certain persons or business entities.

Section 9 amends s. 548.041, F.S., to provide the Commission more specific authority regarding the health and safety of fight participants. It provides that a person under the age of 18 may not be a fight participant. Persons found to have participated in non-sanctioned matches and persons who do not meet the health and medical examination requirements are likewise prohibited from participation.

The section provides specific guidelines relating to suspensions resulting from knockouts, technical knockouts, and disqualifications. Fight participants are required to submit to medical examinations prior to reinstatement.

The section provides specific guidelines relating to the licensure or reinstatement of participants that have been suspended in other states.

Failure to appear in a timely fashion may result in a suspension of the participant's license.

This section also provides that a participant's license shall be revoked if the participant intentionally strikes, strikes at, or intentionally touches or threatens to touch, an official.

Section 10 amends s. 548.043 to provide specific criteria regarding the proper weigh-in procedure.

Section 11 amends s. 548.046, F.S., to require the attendance of at least one physician at a match and to require that the physician observe the physical condition of the participant not only before and during the match, but also after the match. The physician is considered an agent of the commission in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28, F.S.

The section contains specific drug testing provisions. Refusal to provide a urine sample results in the revocation of the participant's license. Random drug testing is authorized, provided that both participants in a match are tested.

The section also provides that the attending physician shall provide medical assistance at the facility and shall be accorded the cooperation of all Commission representatives and licensees present for the purpose of performing his or her medical duties. The section also provides procedures when a referee is injured during a match.

Section 12 amends s. 548.049, F.S., to require that participants be covered by no less than \$20,000 of insurance for medical, surgical, and hospital care. Any deductible associated with the policy shall be paid by the promoter and may not be charged to the participant.

Section 13 amends s. 548.04, F.S., to require that contracts executed in this state between managers and professionals contain all the provisions required by Commission rule. Contracts that do not contain such provisions will be deemed to contain them. Copies of all such contracts must be filed with the Commission within seven days after execution.

Section 14 amends s. 548.057, F.S., to prohibit judges from judging bouts that are not supervised by a state boxing commission or a Native American Commission. Judges are also prohibited

from serving as supervisors or rating committee members, and from recommending boxers to the ratings committee for a sanctioning body. A person whose application for a judge license has been denied may not reapply for a judge license within six months of the denial. Any person whose application has been denied three times never may reapply. An event may not have more than three unofficial judges, and the number of judges shall be assigned pursuant to Commission rules.

Section 15 amends s. 548.06, F.S., to deem certain holders of broadcast rights to be promoters and to require licensure. Both these persons and concessionaires are required to file a gross receipts report and to pay 5 percent of gross receipts as taxes.

Section 16 amends s. 548.074, F.S., to allow the Department to administer oaths, take depositions, and issue subpoenas. Challenges to the enforcement of subpoenas and orders shall be governed by s. 120.569, F.S.

Section 17 amends s. 548.075, F.S., to provide that the Commission may adopt rules to permit the issuance of citations for any violation of this Chapter in lieu of or in addition to any other punishment provided for such violation.

Section 18 repeals 548.045, F.S., which provides for a medical advisory council.

Section 19 provides that the act takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

More specific statutory guidelines and requirements should benefit boxing industry licensees and fight participants. Fight participants should benefit from increased involvement of physicians and from the automatic suspension provisions. Background investigations should

provide greater protection to industry participants. The drug testing provisions will help keep participants from using illegal substances. People engaging in toughman or badman competitions will face stricter criminal penalties.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
