

# 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 1268

SPONSOR: Regulated Industries Committee and Senator Campbell

SUBJECT: Florida State Boxing Commission

DATE: January 30, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaccaro	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 ch. 548, F.S., including regulation of mixed martial arts.

The bill substantially amends the following sections of the Florida Statutes: 548.002, 548.003, 548.006, 548.008, 548.017, 548.021, 548.028, 548.035, 548.041, 548.043, 548.046, 548.049, 548.05, 548.052, 548.057, 548.06, 548.061, 548.074, and 548.075. It also creates sections 548.015 and 548.024 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 (Commission) with broad oversight and enforcement authority regarding the state's boxing industry. *See*, ch. 99-251, L.O.F. 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 of Business and Professional Regulation (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 ch. 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 expand and add certain definitions. The bill expands the definitions of “contest,” “exhibition,” “manager,” and adds the definition of “participant” to include mixed martial arts. The bill defines “mixed martial arts” as unarmed combat involving the use, subject to applicable limitations, of a combination of techniques from different disciplines of the martial arts, including, but not limited to, grappling, kicking, and striking. 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** amends s. 548.003, F.S., to require one member of the five-member Commission to be a physician licensed under ch. 458, F.S., or ch. 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 ch. 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;
- qualifications, appointment procedures, and duties and responsibilities for inspectors;
- designation and duties of knockdown timekeeper; and
- fee and reimbursement schedules for referees and Commission representatives.

**Section 3** subdivides s. 548.006, F.S., and creates subsection (2) to require certification of competitiveness of mixed martial arts and boxing matches until a central repository of records for each exists and is approved by the commission.

**Section 4** amends s. 548.008, F.S., to preclude mixed martial arts from the prohibition of toughman and badman competitions.

**Section 5** creates s. 548.015, F.S., to require that concessionaires file a surety bond or other security before getting a license.

**Section 6** amends s. 548.017, F.S., to change references regarding “boxers” to “participants,” and make technical changes to conform to definitions. The bill requires that concessionaires be licensed and establishes licensing criteria for physicians. 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 7** 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 8** creates s. 548.024, F.S., to grant the Commission specific authority to adopt rules that provide for background investigations of applicants for licensure to ensure no civil or criminal indictments and to ensure satisfaction of all requirements under ch. 548, F.S. The bill also directs the Commission to require fingerprint cards when a background criminal history investigation is required.

**Section 9** amends s. 548.028, F.S., to expand the Commission's authority to refuse to issue licenses to certain persons or business entities.

**Section 10** amends s. 548.035, F.S., to require a minimum fee for mixed martial arts events in the amount of \$5,000 per event. The term "event" means one or more matches comprising a show.

**Section 11** 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. If suspension results from a knockout, consecutive losses, physical condition, failure of drug tests, use of aliases, or falsification of records, the participant cannot participate in a match until the suspension is lifted or any requirements are satisfied. Suspension for any other reason requires consultation between the other state and Florida prior to participation in any matches.

This section also provides that failure to appear at a match, or failure to appear in a timely fashion, may result in a suspension of the participant's license.

Finally, this section 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 12** amends s. 548.043, F.S., to provide specific criteria regarding the proper weigh-in procedure, to conform to definitions, and to specify glove-weight requirements for mixed martial arts participants.

**Section 13** 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 physician may be assigned by a representative of the Commission.

The section contains specific drug testing provisions. The Commission may require the participant to present a blood-test result regarding communicable diseases prior to the match, and the Commission representative is required to cancel the match if the results are not presented or reveal a communicable disease. 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 for when a referee is injured during a match.

**Section 14** 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 15** amends s. 548.05, F.S., to conform terms to definitions, 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 16** amends s. 548.052, F.S., to make conforming changes.

**Section 17** amends s. 548.057, F.S., to prohibit judges from judging matches 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. A referee shall be selected as a judge when sufficient judges are unavailable

**Section 18** amends s. 548.06, F.S., to deem certain holders of broadcast rights to be promoters and to require licensure. Holders of broadcast rights and concessionaires are required to file a report regarding the tickets sold and the gross receipts. Gross receipts include the value of any seat issued, provided, or given in exchange for advertising, sponsorships, or anything of value to the promotion of an event.

**Section 19** amends 548.061, F.S., to make conforming changes.

**Section 20** amends s. 548.074, F.S., to allow the Department to administer oaths, take depositions, make inspections, issue subpoenas, and compel attendance of witnesses and production of documents. Challenges to the enforcement of subpoenas and orders shall be governed by s. 120.569, F.S.

**Section 21** amends s. 548. 075, F.S., to provide that the Commission may adopt rules to permit the issuance of citations for any violation of ch. 548, F.S., in lieu of or in addition to any other punishment provided for such violation.

**Section 22** 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 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.

---