

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 127 w/CS Pugilistic Contests and Exhibitions  
**SPONSOR(S):** Clarke, Brutus, and others  
**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 538 (I)

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Commerce</u>	<u>19 Y, 0 N w/CS</u>	<u>McDonald</u>	<u>Billmeier</u>
2) <u>Public Safety &amp; Crime Prevention</u>	<u></u>	<u></u>	<u></u>
3) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

The bill, to be known as the "Stacy Young Act", expands the jurisdiction of the Florida State Boxing Commission (Commission) to amateur as well as professional boxing and kickboxing matches and provides exclusive jurisdiction over all amateur sanctioning organizations for amateur boxing and kickboxing matches held in the state. The bill provides that the expansion of powers and jurisdiction is being done to help ensure the health, safety, and well-being of amateurs participating in matches in this state. An "amateur sanctioning organization" is defined as any business entity organized for sanctioning and supervising matches involving amateurs. The Commission rulemaking authority is expanded to include the establishment of criteria for amateur sanctioning organizations for amateur boxing and kickboxing matches held in this state. The bill amends s. 548.007, F.S., to limit types of matches that are excluded from jurisdiction under ch. 548, F.S.

The bill prohibits an amateur match that involves, but is not limited to, strikes or blows to the head from being held in the state unless sanctioned and supervised by an amateur sanctioning organization approved by the Commission. The bill prohibits the Commission from approving an amateur sanctioning organization unless the organization has adopted and agreed to enforce a defined set of standards that applies to all matches which will adequately protect the health and safety of the amateurs participating in the matches and the public, and can demonstrate that principals of the organization have sufficient background, training, and experience in sanctioning and supervising matches for which the organization is seeking approval. Periodic compliance checks are required to ensure enforcement of approved health and safety standards and of supervision of matches by the approved amateur sanctioning organization. Procedures for suspension of approval of a sanctioning organization and for emergency suspension of a match or matches are provided. Finally, the Commission must review its approval of sanctioning organizations at least biennially and may approve, suspend or revoke approval based upon compliance with required standards.

The bill deletes references to "toughman" or "badman." Instead the bill addresses listed prohibited competitions and provides penalties for both participants who knowingly participate in prohibited matches and for any person holding, promoting, or sponsoring a prohibited match.

The bill deletes promoters from the list of persons restricted from having a financial interest in a match participant.

According to the Commission, the bill will require no additional appropriation or FTE. See "Fiscal Comments".

The bill takes effect upon becoming a law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0127a.com.doc  
**DATE:** March 25, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |  |   |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

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

The bill does not reduce government but adds responsibility for amateur boxing and kickboxing to the existing responsibilities of the Florida State Boxing Commission (Commission). The bill now requires amateurs to participate in matches that are sanctioned by an amateur sanctioning organization approved by the Commission; thereby, possibly reducing individual freedom of choice and personal responsibility. According to the Commission, this action, however, is being done to protect the health and safety of the amateurs involved in boxing and kickboxing.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background:**

##### ***Current Regulation of Boxing, Kickboxing, and Mixed Martial Arts in Florida – Professional***

Chapter 548, F.S., governs pugilistic matches in the state, which include professional boxing, kickboxing, and mixed martial arts. By definition, “boxing” means to compete with the fists; “kickboxing” means to compete with fist, feet, legs, or any combination thereof, and includes ‘punchkick’ and other similar competitions; and “mixed martial arts” means unarmed combat involving the use, subject to any applicable limitations set forth in this chapter, of a combination of techniques from different disciplines of the martial arts, including, but not limited to, grappling, kicking, and striking.<sup>1</sup>

The Florida State Boxing Commission (Commission), composed of five members appointed by the Governor, has the statutory responsibility for the regulation of persons participating in exhibitions and contests as well as the regulation of the events themselves. The Commission is assigned to the Department of Business and Professional Regulation (DBPR) for administrative and fiscal accountability purposes only. Section 548.003, F.S., requires DBPR to provide all legal and investigative services necessary to implement Ch 548, F.S.

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

<sup>1</sup> See s. 548.002(2), (10), and (14), F.S. Other definitions as used in Ch 548, F.S., are provided in that section.

Section 548.006, F.S., grants the Commission exclusive jurisdiction over professional matches in the state, thereby preempting all regulation to the state.

Section 548.003, F.S., provides general rulemaking authority for the Commission and DBPR pursuant to ss. 120.536(1) and 120.54, F.S., to implement their respective duties and responsibilities in carrying out the provisions of the chapter.

### EXEMPTIONS FROM REGULATION BY THE FLORIDA STATE BOXING COMMISSION

Section 548.007, F.S., lists specific exemptions from regulation under Ch 548, F.S.

- Any match in which the participants are amateurs;
- Any match conducted or sponsored by a university, college, or secondary school if all the participants are regularly enrolled in the institution;
- Any match conducted or sponsored by a nationally chartered veterans' organization registered with the state;
- Any match conducted or sponsored by any company or detachment of the Florida National Guard; or
- Any official Olympic event.

### ***Regulation of Boxing, Kickboxing, and Mixed Martial Arts in Florida – Amateur***

#### STATE REGULATION:

Section 548.002(1), F.S., does define an "amateur" to mean:

...a person who has never received nor competed for any purse or other article of value, either for expenses of training or for participating in a match, other than a prize of \$50 or less.

Florida does not regulate amateur boxing or kickboxing in the state. In fact, the regulation of amateur matches is specifically excluded from regulation under Ch 548, F.S., by s. 548.007(1), F.S., as stated above.

Since the Commission does not regulate amateur matches, preemption to the state like exists for professional matches under s. 548.006, F.S., does not exist for amateurs.

Florida does prohibit amateur mixed martial arts under s. 548.008, F.S. Violation of that provision is a second degree misdemeanor.

#### LOCAL REGULATION:

In response to the death of a 23 year old Jacksonville man who was knocked unconscious at a bar "fight night" on May 3, 2002 and died three days later, the City of Jacksonville adopted Ordinance 2002-516-E to have local regulations to govern "fight nights" or other such amateur boxing activities, particularly when promoted by and held in establishments license for and serving alcoholic beverages.<sup>2</sup>

In response to the death of Stacy Young on June 14, 2003 as a result of injuries sustained in an amateur boxing bout in Sarasota, the Sarasota Board of County Commissioners approved Ordinance 2003-064 in September 2003 to require a permit for any amateur boxing, kickboxing, and martial arts match or exhibition conducted in any premises licensed to sell alcohol or where an admission fee is

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<sup>2</sup> Clay County also passed a similar ordinance in 2003.

charged.<sup>3</sup> The Sarasota ordinance requires that the match must be governed by a sanctioning body such as USA Boxing, Amateur Athletic Union, or other body approved by the county administrator. Promoters of amateur boxing, kickboxing, and martial arts matches are required to have a licensed doctor at ringside and have a waiting ambulance with at least two emergency technicians on site. Contestants have to register and be matched with their opponent at least two days before the match and must receive a pr-match and post-match physical by a licensed physician.

On September 17, 2003, Polk County Commissioners rejected, by a 3-2 vote, a toughman ordinance creating rules to protect amateur boxers in bars.<sup>4</sup>

### ***Toughman/Badman Events***

#### **FLORIDA:**

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

...competition includes any contest or exhibition where participants compete by using a combination of skills. Such skills may include, but are not limited to, boxing, wrestling, kicking, or martial arts skills. Notwithstanding the above, this section shall not preclude kickboxing or mixed martial arts a regulated by this chapter.

### ***Amateur Sanctioning Organizations***

#### **UNITED STATES AMATEUR BOXING, INC. (USA BOXING)**

USA Boxing is a charitable, non-profit organization that is governed by a board of directors of 12 to 13 members and a board of governors. It is headquartered in Colorado Springs, Colorado.

USA Boxing is the national governing body for the United States Olympic Committee (USOC). As such represents the United States in the International Amateur Boxing Association (AIBA). The purpose of USA Boxing is to foster, develop, promote and coordinate recreational and competitive amateur boxing opportunities for all member athletes and supportive participants, and to supervise such other amateur boxing matter as may properly come within its purview. Over 1600 amateur boxing events a year are sanctioned by USA Boxing. USA Boxing requires a certified doctor (MD or DO) be present at ringside for every event, athletes are given thorough pre and post-bout physicals, an ambulance must be present on site and all sanctioned events adhere to strict weight classifications. All bouts are tracked for each athlete in a passbook that is presented to event coordinators before every bout. Athletes are evenly matched based on skill and experience, and safe conditions are kept in the ring at all times. All USA Boxing events use properly fitted equipment that meets the highest safety standards as well as trained and experienced coaches, officials and judges.<sup>5</sup>

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<sup>3</sup> The boxing matches were held under the auspices of Art Dore Enterprises and touted as "toughman". However, these were, in fact, only amateur boxing matches and, therefore, not under the jurisdiction of the Florida State Boxing Commission or state law. According to published reports, Mrs. Young had no prior fight experience, was matched against a woman with prior fight experience, and sustained several traumas to the head during the match. Her death was ruled an accident by the Pinellas County Medical Examiner's Office.

<sup>4</sup> "Polk County commissioners reject Toughman ordinance", Associated Press, Thursday, September 18, 2003.

<sup>5</sup> Official Rules 2002 (updated with 2003 revisions), USA Boxing, Colorado Springs, Colorado; USA Boxing's Statement on Amateur Boxing Safety.

Members of USA Boxing include the following:

- Armed Forces including US Army, Navy, Air Force, and Marines and encompasses the Active, Guard, and Reserve components of the respective Armed Forces;
- Golden Glove Association of America, Inc.
- National Association of Police Athletic Leagues (PAL)
- National Collegiate Boxing Association (NCBA)
- Native American Sports Council
- Silver Gloves Association

INTERNATIONAL SPORT KICKBOXING ASSOCIATION (ISKA)

ISKA is an international governing body for amateur and professional kickboxing that is headquartered in Gainesville, Florida. ISKA administers, develops, and promotes kickboxing in the United States. Since 1986, it has been sanctioning and regulating events in men's and women's amateur kickboxing.

**Effect of Proposed Changes:**

The bill, to be known as the "Stacy Young Act", expands the jurisdiction of the Florida State Boxing Commission (Commission) to amateur as well as professional boxing and kickboxing matches and provides exclusive jurisdiction over all amateur sanctioning organizations for amateur boxing and kickboxing matches held in the state. The bill provides that the expansion of powers and jurisdiction is being done to help ensure the health, safety, and well-being of amateurs participating in matches in this state. An "amateur sanctioning organization" is defined as any business entity organized for sanctioning and supervising matches involving amateurs.

The rulemaking authority of the Commission is also expanded to include the establishment of criteria for approval, disapproval, suspension of approval, and revocation of approval of amateur sanctioning organizations for amateur boxing and kickboxing matches held in this state. The Commission may adopt by rule the health and safety standards of USA Boxing and the International Sport Kickboxing Association as the minimum standards to be used by the Commission for all amateur sanctioning organizations approved in Florida. These standards are permitted to be adopted by reference into the Commission's rules. The Commission is required to review rules at least every 2 years for necessary revision. The bill provides for adoption of emergency rules to administer the requirement for establishment of criteria for amateur sanctioning organizations.

The bill creates s. 548.0065, F.S., which prohibits an amateur match that involves, but is not limited to, strikes or blows to the head from being held in the state unless sanctioned and supervised by an amateur sanctioning organization approved by the Commission. An amateur sanctioning organization's authority is limited to the sport for which it has expertise and for which it is approved. The bill prohibits the Commission from approving an amateur sanctioning organization unless the organization:

- Has adopted and agreed to enforce a defined set of standards that applies to all matches which will adequately protect the health and safety of the amateurs participating in the matches and the public; and
- Can demonstrate that principals of the organization have sufficient background, training, and experience in sanctioning and supervising matches for which the organization is seeking approval.

The section requires periodic compliance checks to ensure enforcement of approved health and safety standards and supervision of matches by the approved amateur sanctioning organization.

Any member of the Commission or the executive director of the Commission may suspend the approval of a sanctioning organization for failure to supervise the amateur matches or to enforce the approved

health and safety standards. The suspension must comply with the suspension procedures in s. 120.60(6), F.S. The Commission must hold a hearing within 10 days after the date on which the approval is suspended. The bill also provides that any member of the Commission or any Commission representative may immediately stop an amateur boxing or kickboxing match if it appears the match violates the health and safety standards required by rule as required by ch. 548, F.S. The bill provides that law enforcement personnel may assist any member of the Commission or Commission representative to enforce the order to stop the match.

The Commission is required to review at least biennially the approval of sanctioning organizations. The Commission can continue approval or may suspend or revoke approval based upon compliance of the organization with the approved sanctioning standards and its ability to supervise matches in the state.

The bill amends s. 548.008, F.S., to delete any reference to the terms “toughman” and “badman” and instead to prohibit certain amateur matches unless sanctioned and supervised by an approved amateur sanctioning organization, any amateur mixed martial arts match, and any professional match from being held unless it meets the requirements of law and rules. The section also provides that any person participating in a match that is prohibited, knowing the match to be prohibited, commits a second degree misdemeanor. Any person holding, promoting, or sponsoring a match prohibited under this section commits a third degree felony.

The bill amends s. 548.007, F.S., to exempt from the provisions of ch. 548, F.S., matches conducted or sponsored by a bona fide nonprofit school or education program whose primary purpose is instruction in the martial arts, boxing, or kickboxing, if the match held in conjunction with the instruction is limited to amateur participants who are students of the school or instructional program, and to exempt a match conducted or sponsored by any company or detachment of the Florida National Guard, if the match is limited to participants who are members of the company or detachment of the Florida National Guard.

Finally, the bill deletes promoters from the list of persons restricted from having a financial interest in a match participant.

#### C. SECTION DIRECTORY:

**Section 1.** Provides a popular name for the act: “Stacy Young Act.”

**Section 2.** Amends s. 548.002, F.S., relating to definitions, to provide a definition for “amateur sanctioning organization” and to amend the definitions for “contest” and “exhibition” to apply amateurs as well as professionals and to state that such contest or exhibition uses, but is not necessarily limited to, strikes and blows to the head.

**Section 3.** Amends s. 548.003(2), F.S., relating to the Florida State Boxing Commission, to expand the rule-making authority of the Florida State Boxing Commission to include criteria for amateur sanctioning organizations for amateur boxing and kickboxing matches held in the state; provides for emergency rule-making under certain circumstances.

**Section 4.** Amends s. 548.056, F.S., relating to prohibited financial interests in participant and penalties, to delete promoters from the list of persons restricted from having a financial interest in professional match participant.

**Section 5.** Amends s. 548.006, F.S., relating to the power of the Commission to control pugilistic contests and exhibitions, to expand the power and jurisdiction of the Commission as it relates to amateur matches and amateur sanctioning organizations.

**Section 6.** Creates s. 548.0065, F.S., relating to amateur matches, which prohibits certain amateur matches from being held unless sanctioned and supervised by an approved amateur sanctioning organization; provides certain requirements for Commission approval of amateur sanctioning

organization; provides for periodic compliance checks; provides for suspension of approval of organizations under certain circumstances; provides for hearing; provides for immediate suspension of a match or matches for health and safety reasons; provides for biennial review of approval; provides for actions by Commission.

**Section 7.** Amends s. 548.007, F.S., relating to applicability of act to amateur matches and certain other matches or events, to limit the types of matches and events that are exempt from regulation by the Commission.

**Section 8.** Amends s. 548.008, F.S., relating to toughman and badman competition prohibited, to change directory title to delete reference to toughman and badman; to prohibit certain matches considered prohibited competitions; and to provide penalties.

**Section 9.** Provides an effective date of becoming a law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

See "Fiscal Comments".

#### 2. Expenditures:

See "Fiscal Comments".

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

See "Fiscal Comments".

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

Unable to be determined. It is not known how many places are currently holding amateur events that would not meet the standards of a sanctioning body such as USA Boxing or ISKA and what, if any, economic impact it would have on such businesses. Likewise, it could positively impact on the amateur participants and their families through uniform protections.

### D. FISCAL COMMENTS:

According to the Florida State Boxing Commission and the Department of Business and Professional Regulation (DBPR), the fiscal impact of the bill on the Commission and the department will be minimal and will require no additional appropriation or FTE. The Executive Director, Assistant Executive Director, Chief Inspectors, and Inspectors for the Commission may be used to perform compliance checks.

The Commission estimates that no more than 10 amateur sanctioning organizations will register for approval with the state, including USA Boxing, International Kickboxing Federation (IFK), and International Sport Kickboxing Association (ISKA). A compliance check is estimated to cost \$100. The bill requires biennial compliance checks; therefore, if all 10 are registered, and only one compliance

check is performed in the two year period for each sanctioning organization, the cost would be \$1,000 every other year. Initially, more than one compliance check may be necessary to establish that an adequate level of safety standards are met by sanctioning organizations when applying for approval for the first time.

DBPR states that complaints and investigations may occur once the amateur boxing and kickboxing sanctioning organizations are under the jurisdiction of the Commission. However, DBPR and the Commission assume that USA Boxing, ISKA, and similar existing organizations already have infrastructure in place to handle the requirements relative to the health and safety of its participants and supervision of activities in general. Additionally, potential litigation may be generated if an amateur sanctioning organization is denied approval or has its approval suspended or revoked. As with the complaints and investigations, this is estimated to have a minimal fiscal impact.

The bill does provide for a third degree felony for any person holding, promoting, or sponsoring a match prohibited under section 6 of the bill. The Criminal Justice Impact Conference has not yet determined the impact of this provision.

The cost to local governments is unable to be determined at this time. The ability to have amateur boxing and kickboxing only performed if sanctioned by a state approved sanctioning body could possibly serve as a cost savings in terms of having to investigate the legitimacy of and health and safety requirements used by such organizations putting on contests and exhibitions in the local communities, especially in government owned facilities. Additionally, there could be a potential cost to local law enforcement and the court system regarding events being promoted or held without being sanctioned by an approved sanctioning organization.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

The bill does not require expenditure of funds by local governments, does not reduce the authority to raise revenue, nor reduce the percentage of state tax shared with local governments.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

Section 3 of the bill expands the current rule-making authority of the Florida State Boxing Commission to include the establishment of criteria for approval, disapproval, suspension of approval, and revocation of approval of amateur sanctioning organizations for amateur boxing and kickboxing matches held in this state. The bill also provides for emergency rulemaking.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

### **Florida State Boxing Commission and Department of Business and Professional Regulation**

Comments received from the Florida State Boxing Commission and the Department of Business and Professional Regulation in an analysis of the legislation were as follows:

- Patron/barroom and Toughman-type events are being held in Florida under the guise of "amateur boxing." These types of events have proven to be extremely dangerous due to the

lack of experience and training of the participants and the unsupervised circumstances under which the events are conducted with little or no medical requirements.

- Legitimate amateur boxing and kickboxing events are being held under the auspices of organizations such as USA Boxing and ISKA.
- The bill would close current loopholes and protect the public through requiring sanctioned events and providing a penalty of a 3<sup>rd</sup> degree felony for any promoter or sponsor of an unsanctioned amateur event.<sup>6</sup>

#### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 24, 2004, the Committee on Commerce adopted a strike-all amendment to HB 127 and then passed it with a committee substitute. The committee substitute differs from the original bill in the following ways:

- Amends s. 548.003(k), F.S., to allow the Florida State Boxing Commission (Commission) to adopt by rule the health and safety standards of USA Boxing and the International Sport Kickboxing Association. Requires a review of such rules at least every 2 years for necessary revision, permits adoption of standards by reference into rule, and provides for adoption of emergency rules to administer the requirement for establishment of criteria for amateur sanctioning organizations.
- Deletes the requirement that the Commission health and safety standards for amateur boxing and kickboxing must be no less stringent than the health and safety standards of USA Boxing and the International Sport Kickboxing Association.
- Amends s. 548.065(5), F.S., to require that suspension of approval of an amateur sanctioning organization must comply with suspension procedures in s. 120.60(6), F.S.
- Amends s. 548.065(5), F.S., to authorize any member of the Commission or commission representative to immediately stop an amateur boxing or kickboxing contest if the match appears to violate the health and safety standards required by rule, to authorize law enforcement personnel to assist to enforce the order to stop the contest.
- Amends s. 548.07, F.S., to exempt a match conducted or sponsored by a bona fide nonprofit school or education program whose primary purpose is instruction in the martial arts, boxing, or kickboxing, if the match held in conjunction with the instruction is limited to amateur participants who are students of the school or instructional program, and to exempt a match conducted or sponsored by any company or detachment of the Florida National Guard, if the match is limited to participants who are members of the company or detachment of the Florida National Guard.
- Amends s. 548.56, F.S., to delete promoters from the list of persons restricted from having a financial interest in a match participant.

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<sup>6</sup> Legislative Analysis Form for HB 127, DBPR, p. 2.