

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 458

INTRODUCER: Senator Wise

SUBJECT: Pugilistic Matches/Fraternal Order of Police

DATE: February 6, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides an exemption to the licensing and regulatory requirements of ch. 548, F.S., for amateur boxing matches sponsored by the Fraternal Order of Police if the match is limited to amateur participants and is held in conjunction with a charitable event.

This bill substantially amends section 548.007, Florida Statutes.

II. Present Situation:

The Florida State Boxing Commission (commission) is created and assigned to the Department of Business and Professional Regulation by s. 548.003, F.S. The commission consists of five members who are appointed by the Governor subject to Senate confirmation. The commission is the agency responsible for the enforcement of ch. 548, F.S., relating to the regulation of pugilistic exhibitions. Section 548.001, F.S., provides that the provisions constituting ch. 548, F.S., shall be known and may be cited as the "Joe Lang Kershaw Act."¹

Section 548.006(1), F.S., grants the commission exclusive jurisdiction over every match held within the state which involves a professional, including boxing, kickboxing, and mixed martial arts. The commission has exclusive jurisdiction of all amateur sanctioning organizations of amateur boxing and kickboxing matches. Section 548.006(4), F.S., also provides that professional and amateur matches shall be held in accordance with ch. 548, F.S., and the rules adopted by the commission.

¹ In 1968, Joe Lang Kershaw became the first African-American elected to the Florida Legislature in the 20th Century.

Chapter 548, F.S., requires the licensure or permits for promoters,² and foreign co-promoters³. A permit is also required for any participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, concessionaire, or booking agent or representative of a booking agent.⁴ The physician must be licensed pursuant to ch. 458, F.S., or ch. 459, F.S. (pertaining to automobile race meets), the license must be in good standing, and the physician must have medical training or experience in boxing.

Definitions

Section 548.002(1), F.S., defines the term “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 in value or less.

Section 548.002(2), F.S., defines the term “amateur sanctioning organization” to mean “any business entity organized for sanctioning and supervising matches involving amateurs.”

Section 548.002(3), F.S., defines the term “boxing” to mean a competition with fists.

Section 548.002(6), F.S., defines the term “contest” to mean:

a boxing, kickboxing, or mixed martial arts engagement in which the persons participating strive earnestly to win using, but not necessarily being limited to, strikes and blows to the head.

Section 548.002(8), F.S., defines the term “exhibition” to mean:

a boxing, kickboxing, or mixed martial arts engagement in which the persons participating show or display their skill without necessarily striving to win using, but not necessarily being limited to, strikes and blows to the head.

Section 548.002(11), F.S., defines the term “kickboxing” to mean “... to compete with the fists, feet, legs, or any combination thereof, and includes "punchkick" and other similar competitions.”

Section 548.002(15), F.S., defines the term “mixed martial arts” to mean:

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.

² Section 548.012, F.S.

³ Section 548.013, F.S.

⁴ Section.548.017, F.S.

Amateur Matches

Section s. 548.0065, F.S., provides the standards and requirements for the regulation of amateur matches by the commission.

Section 548.0065(1), F.S., prohibits amateur matches in this state, unless the match is sanctioned and supervised by an amateur sanctioning organization approved by the commission. It provides that an amateur sanctioning organization may only sanction and supervise a contest or exhibition in the particular sports or sports in which it has expertise and for which it is approved by the commission.

Section 548.0065(2), F.S., provides that the commission may not approve any amateur boxing organization unless it has adopted and agreed to enforce a set of standards that applies to all matches. Those standards must adequately protect the health and safety of the amateur participants and the public. The organization must also demonstrate to the commission that it has sufficient background, training, and experience in sanctioning and supervising matches for which the organization is approved.

Section 548.0065(3), F.S., provides for periodic compliance checks by the commission to ensure enforcement of approved health and safety standards and supervision of matches by approved amateur sanctioning organizations.

Section 548.0065(4), F.S., provides that any member 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. Any member of the commission, or commission representative, may immediately stop a 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. It provides that law enforcement personnel may assist any member of the commission, or commission representative, to enforce the order to stop the match.

Section 548.0065(5), F.S., provides that the commission shall review at least biennially its approval of an amateur sanctioning organization. It may also review the organization more frequently if it determines that it is necessary based upon periodic compliance checks or complaints to the commission. The commission is also authorized to continue an approval or to suspend or revoke approval based upon the organization's compliance with the approved sanctioning standards and its ability to supervise matches in this state.

Amateur Sanctioning Organizations

United States Amateur Boxing, Inc. (USA Boxing) is a national governing body for Olympic-style boxing. It is the United States' member organization of the International Amateur Boxing Association. USA Boxing administers, develops, and promotes Olympic-style boxing in the United States. USA Boxing is a non-profit organization and is overseen by a Board of Directors. Formerly known as the United States Amateur Boxing Federation, it has governed men's amateur boxing in the United States since 1888. Its headquarters is in Colorado Springs, Colorado.

The following organizations are USA Boxing-approved member organizations that abide by USA Boxing's official rules, regulations, and policies:⁵

- Golden Gloves Association of America, Inc.
- National Association of Police Athletic Leagues
- National Collegiate Boxing Association
- Native American Sports Council
- Silver Gloves Association

Moreover, USA Boxing recognizes each branch of the U.S. Armed Forces as a member.⁶

International Sport Kickboxing Association (ISKA) is an international governing body for amateur and professional kickboxing. ISKA administers, develops, and promotes kickboxing in the United States. It has been sanctioning and regulating events in men's and women's amateur kickboxing in the United States since 1986. It maintains its headquarters in Gainesville, Florida.

Exceptions

Section 548.007, F.S., provides that, with the exception of s. 548.008, F.S., the provisions of ch. 548, F.S., do not apply to the following:

- (1) 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; or
- (2) 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.

The effect of the exemptions in s. 548.007, F.S., is to remove the listed types of matches from the regulatory jurisdiction of the commission. Section 548.008, F.S., prohibits amateur matches that utilize, but are not necessarily limited to, strikes or blows to the head unless the matches are sanctioned and supervised by an amateur sanctioning organization approved by the commission as required by this chapter. It also prohibits amateur mixed martial arts matches.

Enacted during the 2004 Regular Session, ch. 2004-69, L.O.F., provided for the regulation of amateur boxing and kickboxing matches held in this state. It also deleted the regulatory exemption for the following types of matches, i.e., these matches were made subject to the ch. 548, F.S., and the commission's regulation:

- Any match conducted or sponsored by a university, college, or secondary school if all the participants are students regularly enrolled in the institution;

⁵ United States Amateur Boxing, Inc., *Official Rules 2002*.

⁶ *Id.*

- Any match conducted or sponsored by a nationally chartered veterans' organization registered with the state;
- Any official Olympic event.

III. Effect of Proposed Changes:

The bill provides an exemption to the licensing and regulatory requirements of ch. 548, F.S., for amateur pugilistic matches sponsored by the Fraternal Order of Police if the match is limited to amateur participants and is held in conjunction with a charitable event.

Under this bill, the Fraternal Order of Police could conduct amateur boxing matches that would not be sanctioned and supervised by an approved amateur sanctioning organization. These matches would also not have to comply with commission-approved health and safety standards.

The bill provides an effective date of July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
