

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2396

SPONSOR: Committee on Regulated Industries and Senator Sebesta

SUBJECT: Florida State Boxing Commission

DATE: March 29, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wimsett</u>	<u>Guthrie</u>	<u>RI</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

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

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 548.002, 548.003, 548.008, 548.017, 548.021, 548.024, 548.028, 548.041, 548.043, 548.046, 548.049, 548.05, 548.057, 548.074, 548.075, 548.045.

**II. Present Situation:**

Chapter 548, F.S., governs pugilistic exhibitions in the state. The Chapter was substantially amended last year 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 define a "second" or "cornerman" as 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 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 Commission's authority extends to establishing:

- an ethical code of conduct for commissioners, commission staff, and commission officials;
- facility safety requirements;
- apparel and equipment requirements;
- manager participation guidelines;
- the duties and responsibilities of licensees;
- appointment procedures and duties for inspectors;
- procedures for designating a knockdown timekeeper and the duties thereof;
- procedures for hearings and resolution of disputes;
- qualifications for the appointment of referees and judges; and
- fee and reimbursement schedules for referees and other officials appointed by the commission or its designee.

**Section 3** 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 provides that it is a third degree felony, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S., to participate in or promote a toughman or badman competition.

**Section 4** amends s. 548.017, F.S., to provide that 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 5** amends s. 548.021, F.S., to provide penalties for persons seeking to obtain a license by false or fraudulent means. A violation of this section is a second degree misdemeanor.

**Section 6** 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 7** amends s. 548.028, F.S., to expand the Commission's authority to refuse to issue licenses to certain persons or business entities.

**Section 8** 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 9** amends s. 548.043 to provide specific criteria regarding the proper weigh-in procedure.

**Section 10** amends s. 548.046, F.S., to require the attendance of at least one physician at a match. The physician must observe the physical condition of the participant before, during, and after the match.

The section contains specific drug testing provisions. Refusal to provide a urine sample shall result in the revocation of the participant's license. Random drug testing is authorized, provided that both participants 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 11** amends s. 548.049, F.S., to require that participants be covered by no less than \$5,000 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 12** 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 7 days after execution.

**Section 13** 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. 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 14** 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 15** 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 16** repeals 548.045, F.S., which provided for a medical advisory council.

**Section 17** provides that the act shall take 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 inure to the benefit of 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:**

The Florida State Boxing Commission will have clearer rule making and enforcement authority regarding many aspects of the boxing industry. The bill should facilitate the Commission's administrative responsibilities regarding Chapter 548, F.S.

**VIII. Amendments:**

None.

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

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