

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 631
SPONSOR(S): Davis
TIED BILLS:

Amateur Matches

IDEN./SIM. BILLS: SB 458

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Business Regulation</u>	_____	<u>Livingston/Smith</u>	<u>Liepshutz</u>
2) <u>Jobs & Entrepreneurship Council</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The jurisdiction of the Florida State Boxing Commission (commission) includes oversight of 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 powers and jurisdiction of the commission are authorized 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 includes the establishment of qualifying criteria for amateur sanctioning organizations.

Currently, exemptions from regulation apply to the following:

- 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
- 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 these exemptions is to remove the listed types of matches from the regulatory jurisdiction of the commission but continue to require the approval and supervision of the matches by an amateur sanctioning organization.

- **The bill** is designed to provide an additional exemption to the licensing and regulatory requirements. The exemption applies to amateur matches conducted or sponsored by the Fraternal Order of Police if the match is limited to amateur participants and is held in conjunction with a charitable event.

The Department of Business and Professional Regulation does not foresee any costs or revenues associated with this legislation.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government/Promote personal responsibility

The bill is designed to provide an additional exemption to certain pugilistic licensing and regulatory requirements for amateur matches conducted or sponsored by the Fraternal Order of Police.

B. EFFECT OF PROPOSED CHANGES:

Present situation

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.

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 chapter 548, F.S.

The commission's statutory responsibilities are wide ranging and include licensing and regulating 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 chapter 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 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.

Section 548.007, F.S., exempts from the provisions of chapter 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
- matches 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.

Section 548.008, F.S., prohibits 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.

Effect of proposed changes

The bill is designed to provide an additional exemption to the licensing and regulatory requirements for amateur matches conducted or sponsored by the Fraternal Order of Police if the match is limited to amateur participants and is held in conjunction with a charitable event.

C. SECTION DIRECTORY:

Section 1. Amends s. 548.008, F.S., to reference amateur matches conducted or sponsored by the Fraternal Order of Police for purposes of creating certain exemption status.

Section 2. Effective date - July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The exemptions for amateur and charitable events could spur an increase in the number of these types of events.

D. FISCAL COMMENTS:

Because the legislation creates exemptions for certain types of events, the department does not anticipate any costs or workload increases related to this bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, does not appear to reduce the authority that counties or municipalities have to

raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None noted.

B. RULE-MAKING AUTHORITY:

NA

C. DRAFTING ISSUES OR OTHER COMMENTS:

D. STATEMENT OF THE SPONSOR

HB 631 provides an important exemption for the Fraternal Order of Police so that they may continue to conduct their amateur boxing match annually, which results in a significant donation to the charity of their choosing.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES