

**STORAGE NAME:** h3623s1.tu  
**DATE:** March 12, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TOURISM  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 3623

**RELATING TO:** The State Athletic Commission

**SPONSOR(S):** The Committee on Tourism and Representative Tamargo

**COMPANION BILL(S):** SB 1318 (I)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) TOURISM YEAS 9 NAYS 0
  - (2) GENERAL GOVERNMENT APPROPRIATIONS
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

Committee Substitute for House Bill 3623 enables the State Athletic Commission, which is responsible for providing oversight and regulation of pugilistic exhibitions under the Department of Business and Professional Regulation, to relocate its office from Tallahassee to Tampa. This will not have a fiscal impact on the operations of the commission since the commission has been effectively operating at the Tampa location for the past year.

This bill also amends several provisions of the Joe Lang Kershaw Act which regulates pugilistic competitions in the State. The bill amends the provisions of this act which prohibit toughman and badman competitions to provide that amateur as well as professional toughman or badman competitions will be prohibited and subject to 2nd degree misdemeanor charges.

The bill amends the licensing provisions of the act by setting the expiration of such licenses at 1 year following the date of issuance instead of the set date of December 31 of each year to allow a full 12 months validity for each license.

Finally, this bill revises the limitations prescribed for acceptable differences in weight classes by resetting the statutory maximum and by providing that the commission will establish by rule the acceptable difference for each class. Similarly, this bill provides that the commission will establish by rule the appropriate weight of boxing gloves for each match while still maintaining the statutory minimum of 6 ounces.

The commission reports that the additional oversight responsibilities for assuring the prohibition of amateur toughman and badman competitions could cause the commission to incur additional costs and the need for increased annual budget authority.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Chapter 548, F.S., provides for the regulation and licensing of pugilistic exhibitions in Florida. Section 548.003, F.S., establishes the State Athletic Commission and charges the commission with administering the provisions of this chapter. The Athletic Commission's responsibilities include: oversight and regulation of contests and exhibitions, implementing licensing requirements, establishing and administering medical guidelines, oversight of the state's financial and tax collection interests, and oversight of ticket policies.

Section 548.003, F.S., requires the commission to maintain an office in Tallahassee and authorizes the commission to establish any other necessary branch offices. Currently, the commission maintains a part-time, OPS position in its Tallahassee office, and does the bulk of its work from the commission's branch office in Tampa. The executive director of the commission reports that during 1997, there were 37 events held in South Florida, 13 events held in Central Florida, and 6 events held in North Florida. During 1998, 13 events have been scheduled for South Florida, 2 for Central Florida and 2 for North Florida. Due to the locales in which the volume of the commission's work is conducted, the executive director has expressed the opinion that moving the commission to Tampa would be " a positive move for the boxing community since Tampa is a city centrally located within the State and more boxing occurs in this area than in Tallahassee."

Section 548.008, F.S., prohibits the holding of any toughman or badman competitions in Florida, and provides that a violation of this provision is punishable as a second degree misdemeanor. The State Athletic Commission reports that there is an increasing number of amateur toughman and badman matches occurring in the State, and due to the no-holds-barred nature of this type of competition, there is a growing public safety concern. Although the commission has the authority to oversee the prohibition of toughman and badman competitions, s. 548.007, F.S., provides that the Joe Lang Kershaw Act (ss. 548.001-548.079, F.S.) does not apply to amateur matches, nationally chartered veterans' organization matches, Florida National Guard matches, or Olympic competitions.

Other safety issues of concern to the commission relate to the allowable difference in weight for each class of contestants, and the allowable weight of the gloves for each match. Currently, s. 548.043, F.S., establishes 10 pounds as the maximum difference in weight allowable between contestants in any match except the light-heavyweight and heavyweight classes and training exhibitions. These specifications broadly control the allowable class weight differences and glove weight requirements. The commission feels that for safety reasons it would like to have the authority to specifically establish by rule varying weight differences for each class and varying glove weights by match.

All pugilistic exhibition professional contestants, managers, trainers, seconds, timekeepers, referees, judges, announcers, physicians, matchmakers, or booking agents wishing to practice in Florida must be licensed by the State under Chapter 548, F.S. Section 548.026, F.S., sets the expiration of such a license at December 31 of each year regardless of the date of issuance. License fees are set by the commission within the parameters of not more than \$500 for promoters and matchmakers and not more than

\$100 for all others. With a set expiration date of December 31, if a licensee is issued a license in November, it is only good for one month. The commission feels that it would be a benefit to licensees for all licenses to be valid for one year from the date of issuance.

**B. EFFECT OF PROPOSED CHANGES:**

This bill amends s. 548.003, F.S., to enable the State Athletic Commission to relocate its office to Tampa from Tallahassee. Tampa was initially classified as one of the commission's branches, but has been the main office for the past year as budgetary changes resulted in all other branch offices being consolidated. Currently, there is an office in Tallahassee as required by s. 548.003, F.S., which would be dissolved once this bill makes the Tampa location official.

This bill also amends several provisions of the Joe Lang Kershaw Act which regulates pugilistic competitions in the State. The bill amends s. 548.007, F.S., to make an exception to the applicability of the act to professional competitions by referencing s. 548.008, F.S., which refers to toughman and badman competitions. Section 548.008, F.S., is then amended to provide that amateur as well as professional toughman or badman competitions will be prohibited and subject to oversight of the commission. A violation of this section is punishable as a 2nd degree misdemeanor.

The bill amends s. 548.026, F.S., relating to the duration of licenses to set the expiration of such licenses at 1 year following the date of issuance instead of the set date of December 31 of each year to allow a full 12 months validity for each license.

Finally, this bill amends s. 548.043, F.S., to revise the limitations prescribed for acceptable differences in weight classes by resetting the statutory maximum and by providing that the commission will establish by rule the acceptable difference for each class. Similarly, this bill provides that the commission will establish by rule the appropriate weight of boxing gloves for each match while still maintaining the statutory minimum of 6 ounces.

The commission reports that the additional oversight responsibilities for assuring the prohibition of amateur toughman and badman competitions could cause the commission to incur additional costs and the need for increased annual budget authority.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

Yes, the bill authorizes the State Athletic Commission to make rules to specifically set weight differences for each weight class of contestants and to make rules to specifically set the weight of boxing gloves for each match.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, the bill authorizes the State Athletic Commission to have oversight over the prohibition of amateur as well as professional toughman and badman competitions.

- (3) any entitlement to a government service or benefit?

No

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Yes, the bill prohibits amateur toughman and badman competitions.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 548.003, 548.007, 548.008, 548.026, and 548.043, F.S.

E. SECTION-BY-SECTION RESEARCH:

A section-by-section analysis is not required.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate at this time.

2. Recurring Effects:

Indeterminate at this time.

3. Long Run Effects Other Than Normal Growth:

Indeterminate at this time.

4. Total Revenues and Expenditures:

Indeterminate at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee Substitute passed by the Committee on Tourism on Wednesday, March 11, 1998, expands the original bill by adding provisions to:

1. Provide an exception to the limiting of the commission's oversight authority over certain amateur matches and events;
2. Prohibit amateur toughman and badman competitions in Florida;
3. Set the duration of pugilistic licenses at one year from the date of issuance; and,
4. Authorize the State Athletic Commission to establish rules to set specific weight differences for each class of competitors and to establish by rule set glove weights for each match.

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VII. SIGNATURES:

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