

By the Committee on Regulated Industries and Senator Sebesta

315-1929A-99

1 A bill to be entitled
2 An act relating to the State Athletic
3 Commission; amending s. 548.002, F.S.;
4 providing definitions; amending s. 548.003,
5 F.S.; providing procedures for filling
6 vacancies on the commission; authorizing the
7 commission to adopt additional rules; deleting
8 the commission's authority to maintain branch
9 offices; providing for removal of members from
10 the commission; providing accountability for
11 commission members; requiring the department to
12 provide legal and investigative services;
13 amending s. 548.004, F.S.; providing for an
14 executive director of the commission, employed
15 by the department; providing for the
16 appointment of judges, referees, and other
17 officials; requiring electronic recording of
18 commission proceedings; providing for
19 submission of legislative budget; amending s.
20 548.006, F.S.; providing for the adoption of
21 rules governing pugilistic contests and
22 exhibitions; amending s. 548.007, F.S.;
23 revising the applicability of certain
24 provisions to amateur matches and other matches
25 or events; amending s. 548.008, F.S.;
26 prohibiting professional or amateur toughman
27 and badman competitions; amending s. 548.014,
28 F.S.; revising requirements for promoters and
29 foreign copromoters; revising requirements for
30 the posting of bonds; amending s. 548.025,
31 F.S.; deleting provisions authorizing the

1 issuance of licenses without charge; amending
2 s. 548.041, F.S.; deleting provisions
3 authorizing certain amateur boxing matches;
4 amending s. 548.042, F.S.; prohibiting any
5 participation in a match under a fictitious
6 name; amending s. 548.043, F.S.; revising
7 requirements for classifying boxers; revising
8 requirements for boxing gloves; amending s.
9 548.045, F.S.; revising terms of office for the
10 medical advisory council; amending s. 548.046,
11 F.S.; revising requirements for the examination
12 of match participants by a physician; amending
13 s. 548.05, F.S., relating to control of
14 contracts; conforming provisions to changes
15 made by the act; amending s. 548.053, F.S.;
16 revising requirements for statements showing
17 the distribution of purses; amending s.
18 548.054, F.S.; revising requirements for the
19 withholding of purses; amending s. 548.057,
20 F.S.; providing for the appointment of judges
21 for boxing contests; amending ss. 548.071,
22 548.077, F.S., relating to the suspension or
23 revocation of a license or permit and the
24 collection and disposition of moneys by the
25 commission; conforming provisions to changes
26 made by the act; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 548.002, Florida Statutes, is
31 amended to read:

1 548.002 Definitions.--As used in this act, the term:

2 (1) "Amateur" means a person who has never received
3 nor competed for any purse or other article of value, either
4 for the expenses of training or for participating in a match,
5 other than a prize of \$50 in value or less.

6 (2) "Boxing" means to compete with the fists.

7 (3) "Commission" means the Florida State Athletic
8 Commission.

9 (4) "Contest" means a boxing, kickboxing, or martial
10 arts engagement in which the participants strive earnestly to
11 win.

12 (5) "Department" means the Department of Business and
13 Professional Regulation.

14 ~~(6)(5)~~ "Exhibition" means a boxing, kickboxing, or
15 martial arts engagement in which the participants show or
16 display their skill without necessarily striving to win.

17 ~~(7)(6)~~ "Foreign copromoter" means a promoter who has
18 no place of business within this state.

19 ~~(8)(7)~~ "Judge" means a person who has a vote in
20 determining the winner of any contest.

21 ~~(9)(8)~~ "Kickboxing" means to compete with the fists,
22 feet, legs, or any combination thereof, and includes
23 "punchkick" and other similar competitions.

24 ~~(10)(9)~~ "Manager" means any person who, directly or
25 indirectly, controls or administers the boxing, kickboxing, or
26 martial arts affairs of any participant.

27 ~~(11)(10)~~ "Match" means any contest or exhibition.

28 ~~(12)(11)~~ "Matchmaker" means a person who brings
29 together professionals or arranges matches for professionals.

30 ~~(13)(12)~~ "Physician" means an individual licensed to
31 practice medicine and surgery in this state.

1 ~~(14)~~~~(13)~~ "Professional" means a person who has
2 received or competed for any purse or other article of a value
3 greater than \$50, either for the expenses of training or for
4 participating in any match.

5 ~~(15)~~~~(14)~~ "Promoter" means any person, and includes any
6 officer, director, employee, or stockholder of a corporate
7 promoter, who produces, arranges, or stages any match
8 involving a professional.

9 ~~(16)~~~~(15)~~ "Purse" means the financial guarantee or
10 other remuneration for which a professional is participating
11 in a match and includes the professional's share of any
12 payment received for radio broadcasting, television, and
13 motion picture rights.

14 ~~(17)~~ "Secretary" means the Secretary of Business and
15 Professional Regulation.

16 Section 2. Section 548.003, Florida Statutes, 1998
17 Supplement, is amended to read:

18 548.003 Florida State Athletic Commission.--

19 (1) The Florida State Athletic Commission is created
20 under the Department of Business and Professional Regulation.
21 The Florida State Athletic Commission shall consist of five
22 members appointed by the Governor, subject to confirmation by
23 the Senate. Upon the expiration of the term of a commissioner,
24 the Governor shall appoint a successor to serve for a 4-year
25 term. A commissioner whose term has expired shall continue to
26 serve on the commission until a replacement is appointed. If a
27 vacancy on the commission occurs prior to the expiration of
28 the term, it shall be filled for the unexpired portion of the
29 term in the same manner as the original appointment.

30 (2) The Florida State Athletic Commission, as created
31 by subsection (1), shall administer the provisions of this

1 chapter. The commission has authority to adopt rules pursuant
2 to ss. 120.536(1) and 120.54 to implement the provisions of
3 this chapter, including, but not limited to, each of the
4 duties and responsibilities conferred upon the commission;
5 qualifications for the appointment of referees and judges;
6 setting fee and reimbursement schedules for officials
7 appointed by the commission; and the development of an ethical
8 code of conduct for commissioners, commission staff, and
9 commission officials.

10 (3) The commission shall maintain an office in
11 Tallahassee ~~and any necessary branch offices.~~ At the first
12 meeting of the commission after June 1 of each year, the
13 commission shall select a chair and a vice chair from among
14 its membership. Three members shall constitute a quorum and
15 the concurrence of at least three members is necessary for
16 official commission action.

17 (4) Three consecutive unexcused absences or absences
18 constituting 50 percent or more of the commission's meetings
19 within any 12-month period shall cause the commission
20 membership of the member in question to become void, and the
21 position shall be considered vacant. The commission shall, by
22 rule, define unexcused absences.

23 (5) Each commission member shall be accountable to the
24 Governor for the proper performance of duties as a member of
25 the commission. The Governor shall cause to be investigated
26 any complaint or unfavorable report received by the Governor
27 or the department concerning an action of the commission or
28 any member and shall take appropriate action thereon. The
29 Governor may remove from office any member for malfeasance,
30 unethical conduct, misfeasance, neglect of duty, incompetence,
31 permanent inability to perform official duties, or pleading

1 guilty or nolo contendere to or being found guilty of a
2 felony.

3 (6)(4) Each member of the commission shall be
4 compensated at the rate of \$50~~\$25~~ for each day she or he
5 attends a commission meeting and shall be reimbursed for other
6 expenses as provided in s. 112.061.

7 (7) The department shall provide all legal and
8 investigative services necessary to implement this chapter.
9 The department may adopt rules as provided in ss. 120.54 and
10 120.536(1) to carry out its duties under this chapter.

11 Section 3. Section 548.004, Florida Statutes, is
12 amended to read:

13 548.004 Executive director ~~secretary; deputies;~~
14 ~~duties, compensation.--~~

15 (1) The department ~~commission~~ shall employ an
16 executive director of the commission ~~secretary who shall~~
17 ~~receive a salary to be fixed by the commission with the~~
18 ~~approval of the Governor.~~ The executive director ~~secretary~~
19 shall keep a record of all proceedings of the commission;
20 shall preserve all books, papers, and documents pertaining to
21 the business of the commission; shall prepare any notices and
22 papers required; shall appoint judges, referees, and other
23 officials, as delegated by the commission and pursuant to this
24 chapter and the rules of the commission;and shall perform
25 such other duties as the department ~~commission~~ directs. ~~The~~
26 ~~executive secretary may issue witness subpoenas and administer~~
27 ~~oaths.~~

28 (2) The commission shall require electronic recording
29 of all scheduled proceedings of the commission.

30 (3) The department shall submit an annual balanced
31 legislative budget to be based upon anticipated revenue.

1 ~~(2) The commission may appoint any deputies that are~~
2 ~~necessary, whose compensation shall be the same as that of the~~
3 ~~commissioners. A deputy shall, on the order of the~~
4 ~~commission, represent the commission at a boxing match.~~

5 Section 4. Section 548.006, Florida Statutes, is
6 amended to read:

7 548.006 Power of commission to control pugilistic
8 contests and exhibitions.--The commission has exclusive
9 jurisdiction over every match held within the state which
10 involves a professional. Matches shall be held only in
11 accordance with this chapter and the rules adopted under this
12 chapter.

13 Section 5. Section 548.007, Florida Statutes, is
14 amended to read:

15 548.007 Applicability of act to amateur matches and
16 certain other matches or events.--With the exception of s.
17 548.008, ss. Sections 548.001-548.079 do not apply to:

18 (1) Any match in which the participants are amateurs;

19 (2) Any match conducted or sponsored by a university,
20 college, or secondary school if all the participants are
21 students regularly enrolled in the institution;

22 (3) Any match conducted or sponsored by a nationally
23 chartered veterans' organization registered with the state;

24 (4) Any match conducted or sponsored by any company or
25 detachment of the Florida National Guard; or

26 (5) Any official Olympic event.

27 Section 6. Section 548.008, Florida Statutes, is
28 amended to read:

29 548.008 Toughman and badman competition prohibited.--

30 (1) A professional or amateur ~~No~~ toughman or badman
31 match, as described in this section, may not be held in this

1 state. Such competition includes any contest or exhibition
2 where participants compete by using a combination of fighting
3 skills. Such skills may include, but are not limited to,
4 boxing, wrestling, kicking, or martial arts skills.

5 Notwithstanding the above, this section does ~~shall~~ not
6 preclude kickboxing as regulated by this chapter.

7 (2) Any person participating in or promoting a
8 professional or amateur toughman or badman match commits is
9 ~~guilty of~~ a misdemeanor of the second degree, punishable as
10 provided in s. 775.082 or s. 775.083.

11 Section 7. Section 548.014, Florida Statutes, is
12 amended to read:

13 548.014 Promoters and foreign copromoters; bonds or
14 other security.--

15 (1)(a) Before any license is issued or renewed to a
16 promoter or foreign copromoter and before any permit is issued
17 to a promoter or foreign copromoter, she or he must file a
18 surety bond with the commission in such reasonable amount, but
19 not less than \$15,000 ~~\$3,000~~, as the commission determines.

20 (b) All bonds must ~~shall~~ be upon forms approved ~~by the~~
21 ~~Department of Legal Affairs~~ and supplied by the commission.

22 (c) The sufficiency of any surety is subject to
23 approval of the commission ~~and the Department of Legal~~
24 ~~Affairs.~~

25 (d) The surety bond must ~~shall~~ be conditioned upon the
26 faithful performance by the promoter or foreign copromoter of
27 her or his obligations under this chapter and upon the
28 fulfillment of her or his contracts with any other licensees
29 under this chapter. However, the aggregate annual liability
30 of the surety for all obligations and fees may ~~shall~~ not
31 exceed the amount of the bond.

1 (2) In lieu of a surety bond, the promoter or foreign
2 copromoter may deposit with the commission cash or~~a~~
3 certified check, ~~or direct obligations of the United States or~~
4 ~~this state~~ which are acceptable to the commission in an
5 equivalent amount and subject to the same conditions as the
6 bond. ~~No~~ Such security may not be returned to the promoter
7 until 1 year after the date on which it was deposited with the
8 commission unless a surety bond is substituted for it. If no
9 claim against the deposit is outstanding, it shall be returned
10 to the depositor 1 year after ~~from~~ the date it was deposited.

11 ~~(3) A filing fee of \$10 shall accompany each bond,~~
12 ~~cash, or security deposited under this section.~~

13 (3)~~(4)~~ Recovery may be made against any bond, cash, or
14 other security in the same manner as penalties are recoverable
15 at law.

16 Section 8. Section 548.025, Florida Statutes, is
17 amended to read:

18 548.025 License fees.--

19 ~~(1)~~ The commission shall set license fees as follows:

20 (1)~~(a)~~ Promoter, matchmaker--not to exceed \$500.

21 (2)~~(b)~~ Any other license--not to exceed \$100.

22 ~~(2) The commission may issue licenses, without charge,~~
23 ~~to referees and physicians authorizing them to officiate only~~
24 ~~at matches involving amateurs.~~

25 Section 9. Section 548.041, Florida Statutes, is
26 amended to read:

27 548.041 Age of boxers.--A person under 18 years of age
28 may not participate in any match, ~~except that an amateur who~~
29 ~~is 16 or 17 years of age may participate in matches with other~~
30 ~~amateurs who are 16 or 17 years of age under rules adopted by~~
31 ~~the commission.~~

1 Section 10. Section 548.042, Florida Statutes, is
2 amended to read:

3 548.042 Participation under fictitious name.--A person
4 may not participate under a fictitious or assumed name in any
5 match ~~involving an amateur~~ unless she or he has registered the
6 name with the commission.

7 Section 11. Section 548.043, Florida Statutes, is
8 amended to read:

9 548.043 Weights and classes, limitations; gloves.--

10 (1) The commission shall establish classes of boxers
11 based upon weights.

12 (2) The commission shall establish by rule the
13 acceptable ~~No boxing match shall be held in which the~~
14 difference in weight between of the participants; however, the
15 maximum difference in weight may not exceed 12 ~~exceeds 10~~
16 pounds, except matches in the cruiserweight ~~light-heavyweight~~
17 and heavyweight classes and exhibitions held solely for
18 training purposes.

19 (3) The commission shall establish by rule the
20 appropriate weight of boxing gloves to be used in each boxing
21 match; however, all participants in boxing matches shall wear
22 boxing gloves weighing not less than 8 6 ounces each.
23 Participants ~~in all other types of matches~~ shall wear such
24 protective devices as the commission deems necessary.

25 Section 12. Subsections (1) and (2) of section
26 548.045, Florida Statutes, are amended to read:

27 548.045 Medical advisory council; qualifications,
28 compensation, powers and duties.--

29 (1) A medical advisory council, which shall consist of
30 five members appointed by the Governor, is created. Each
31 member must be licensed to practice medicine in this state and

1 must, at the time of her or his appointment, have practiced
2 medicine at least 5 years.

3 (2) ~~Initially, two of the members shall be appointed~~
4 ~~for terms of 1 year, one member shall be appointed for a term~~
5 ~~of 2 years, one member shall be appointed for a term of 3~~
6 ~~years, and one member shall be appointed for a term of 4~~
7 ~~years.~~The term of each member ~~thereafter~~ appointed, except to
8 fill a vacancy, shall be 2 ~~4~~ years.

9 Section 13. Subsection (2) of section 548.046, Florida
10 Statutes, is amended to read:

11 548.046 Physician's attendance at match; examinations;
12 cancellation of match.--

13 (2) In addition to any other required examination,
14 each participant shall be examined by the attending physician
15 at the time of weigh-in within 12 hours before she or he
16 ~~enters the ring.~~ If the physician determines that a
17 participant is physically or mentally unfit to proceed, the
18 physician shall notify any commissioner or the deputy in
19 charge who shall immediately cancel the match. The
20 examination shall conform to rules adopted by the commission
21 based on the advice of the medical advisory council. The
22 result of the examination shall be reported in a writing
23 signed by the physician and filed with the commission prior to
24 completion of the weigh-in within 72 hours after the match.

25 Section 14. Subsections (3) and (4) of section 548.05,
26 Florida Statutes, are amended to read:

27 548.05 Control of contracts.--

28 (3) The commission may require that each contract
29 contain language authorizing the Florida State Athletic
30 Commission to withhold any or all of any manager's share of a
31 purse in the event of a contractual dispute as to entitlement

1 to any portion of a purse. The commission may establish rules
2 governing the manner of resolution of such dispute. In
3 addition, if the commission deems it appropriate, the
4 commission is hereby authorized to implead interested parties
5 over any disputed funds into the appropriate circuit court for
6 resolution of the dispute prior to release of all or any part
7 of the funds.

8 (4) Each contract subject to this section shall
9 contain the following clause: "This agreement is subject to
10 the provisions of chapter 548, Florida Statutes, and to the
11 rules of the Florida State Athletic Commission and to any
12 future amendments of either."

13 Section 15. Section 548.053, Florida Statutes, is
14 amended to read:

15 548.053 Distribution of purses to participants;
16 statements.--

17 (1) Unless otherwise directed by a representative of
18 the commission, all purses shall be distributed by the
19 promoter no later than 24 hours after the match. A written
20 statement showing the distribution of the purse, including
21 each item of receipt and each expenditure or deduction, shall
22 be furnished to the participant and her or his manager,
23 together with the participant's share of the purse. The
24 promoter shall retain file a copy of the statement, certified
25 by her or him to be correct, with receipted vouchers for all
26 expenditures and deductions, for a period to be designated by
27 the commission, which copy must be provided to the commission
28 upon demand ~~with the commission no later than 72 hours after~~
29 ~~the match.~~

30 (2) Unless otherwise directed by a representative of
31 the commission, a manager shall furnish to the participant she

1 or he manages a statement of distribution, together with the
2 participant's share of the purse, no later than 24 hours after
3 the manager receives the purse and statement from the
4 promoter. The manager shall retain ~~file~~ a copy of the
5 statement, certified by her or him to be correct, with
6 receipted vouchers for all expenditures and deductions, for a
7 period to be designated by the commission, which copy must be
8 provided to the commission upon demand ~~with the commission no~~
9 ~~later than 72 hours after the manager receives the~~
10 ~~distribution from the promoter.~~

11 Section 16. Subsection (1) of section 548.054, Florida
12 Statutes, is amended to read:

13 548.054 Withholding of purses; hearing; disposition of
14 withheld purse forfeiture.--

15 (1) A member of the commission, the executive director
16 ~~deputy in charge~~, or the referee may order a promoter to
17 surrender to the commission ~~withhold~~ any purse or other funds
18 payable to a participant, or to withhold the share of any
19 manager, if it appears that:

20 (a) The participant is not competing honestly, or is
21 intentionally not competing to the best of her or his ability
22 and skill, in a match represented to be a contest; or

23 (b) The participant, her or his manager, or any of the
24 participant's seconds has violated this chapter.

25 Section 17. Subsections (2) and (3) of section
26 548.057, Florida Statutes, are amended to read:

27 548.057 Attendance of referee and judges at match;
28 scoring; seconds.--

29 (2) At each boxing contest, at the expense of the
30 promoters, three judges who are appointed by the executive
31 director, as delegated by and with the consent of, the

1 commission shall attend and shall render their individual
2 decisions in writing on scorecards supplied by the commission
3 ~~at the end of each contest which continues for the scheduled~~
4 ~~number of rounds.~~ Each judge shall have one vote, and a
5 majority of the votes cast shall determine the winner.

6 (3) The commission shall ensure that all referees,
7 judges, and other officials are officials licensed in this
8 state who are qualified under rules of the commission and that
9 a sanctioning organization or promoter has not influenced the
10 appointment of any official, and shall prescribe the methods
11 of scoring.

12 Section 18. Subsection (12) of section 548.071,
13 Florida Statutes, is amended to read:

14 548.071 Suspension or revocation of license or permit
15 by commission.--The commission may suspend or revoke a license
16 or permit if the commission finds that the licensee or
17 permittee:

18 (12) Has been disciplined by the Florida State
19 Athletic Commission or similar agency or body of any
20 jurisdiction.

21 Section 19. Section 548.077, Florida Statutes, is
22 amended to read:

23 548.077 Florida State Athletic Commission; collection
24 and disposition of moneys.--All fees, fines, forfeitures, and
25 other moneys collected under the provisions of this chapter
26 shall be paid by the commission to the State Treasurer who,
27 after the expenses of the commission are paid, shall deposit
28 them in the Professional Regulation Trust Fund to be used for
29 the administration and operation of the commission and to
30 enforce the laws and rules under its jurisdiction. In the
31 event the unexpended balance of such moneys collected under

1 the provisions of this chapter exceeds \$250,000, any excess of
2 that amount shall be deposited in the General Revenue Fund.

3 Section 20. This act shall take effect upon becoming a
4 law.

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 2454

9 Retains the State Athletic Commission in the Department of
10 Business and Professional Regulation instead of moving it to
the Office of Tourism, Trade, and Economic Development;

11 Makes commission members accountable to the Governor for the
12 proper performance of duties and authorizes the Governor to
have a commissioner investigated and to remove a commissioner
13 for specified grounds;

14 Requires the Department to provide all necessary legal and
investigative services;

15 Includes in the duties of the commission the development of an
16 ethical code of conduct for commissioners, commission staff,
and commission officials;

17 Increases compensation for commissioners from \$25 for each day
18 of attendance at a commission meeting to \$50 for each day of
attendance;

19 Deletes the authority for branch commission offices;

20 Provides that the commission's executive officer is to be an
21 executive director employed by the Department, not the
commission;

22 Requires the Department to submit an annual balanced
23 legislative budget based upon anticipated revenue;

24 Requires the commission to electronically record all scheduled
commission proceedings;

25 Increases the amount of the bond that a foreign copromoter
26 must file from \$3,000 to \$15,000 and requires that promoters
file the bond as well; and

27 Deletes a \$10 filing fee on the filing of each bond.
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