

STORAGE NAME: h2097.grr

DATE: April 3, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL RULES & REGULATIONS
ANALYSIS**

BILL #: HB 2097 (PCB TU 00-04)

RELATING TO: Florida State Boxing Commission

SPONSOR(S): Committee on Tourism, Representative Starks, and others

TIED BILL(S):

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

- (1) TOURISM YEAS 6 NAYS 0
 - (2) GOVERNMENTAL RULES & REGULATIONS
 - (3) GENERAL GOVERNMENT APPROPRIATIONS
-

I. SUMMARY:

HB 2097 amends various provisions in Chapter 548, F.S., to provide greater protections for participants in boxing matches through health safety measures and through improved regulatory provisions related to licensure. Revisions address both increases in and the addition of penalties under certain circumstances related to unlawful matches and providing fraudulent information related to licensure. The bill expands the general rulemaking authority of the Florida State Boxing Commission (Commission) to include requirements for ring, floor plan, emergency medical equipment and services and other equipment and services; participant's apparel, gloves, mouthpiece and appearance; manager's participation during a match; duties and responsibilities of all licensees; qualifications and duties of chief inspectors and inspectors; designation and duties of a knockdown timekeeper; setting fee and reimbursement schedules of referees and other officials; and background investigations.

In the area of penalty provisions, the bill increases the existing second degree misdemeanor for promotion of a professional or amateur toughman or badman match to a third degree felony and provides for local law enforcement to take action against such competitions. The bill provides that someone who seeks licensure by false or fraudulent information on Commission documents concerning medical history, boxing record or other personal information is guilty of a second degree misdemeanor. The bill authorizes the Commission to adopt rules for background investigations of applicants and to issue citations for failure to comply with rules and regulations. The bill prohibits licensure of any person or business entity who, or who has a trustee, partner, officer, director, or owner, who has been convicted of any act or has been named in any information or indictment for an act that would violate ch. 548, F.S.

The bill provides for denial, suspension or revocation of a license if a boxer is less than 18 years of age, has participated in an unsanctioned match, does not meet health criteria, has been suspended in another state, or fails to appear at a match. License revocation is required for a boxer intentionally striking an official. License suspension is required for a time certain when the boxer has lost a fight by knockout, technical knockout, technical draw or disqualification. Other provisions include an increase in insurance coverage for boxers, conditions for weigh-ins and examinations after matches, and increased physician authority. The bill authorizes the Commission to obtain urine samples of participants if there is probable cause that a participant has ingested a prohibited substance and provides consequences for failure to provide a sample. The bill adds conditions regarding judges and authorizes Department of Business & Professional Regulation (DBPR) to administer oaths, take depositions, and issue subpoenas.

The bill abolishes the Medical Advisory Council. The bill also provides that one member of the Commission is to be a Florida licensed physician in good standing and have practiced medicine for at least five years and that the ringside physician must be licensed and in good standing and have medical training or experience in boxing or both.

There is no fiscal impact to this bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Chapter 548, F.S., governs pugilistic exhibitions in the state. The Florida State Boxing Commission, formerly the State Athletic Commission, has the statutory responsibility for carrying out the regulation of both persons participating in the exhibitions as well as the events themselves. Qualifications for Commission membership are not delineated in statute. 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 all individuals involved in conducting professional boxing and kickboxing matches in the State of Florida, issuing permits for live matches and pay for 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, the weigh-in of boxers, and also act as the official scorekeeper of all matches. The Commission maintains a data base 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.

Toughman and badman competitions, whether amateur or professional, are prohibited by s. 548.008, F.S. The penalty for promoting or participating in this type of competition is a second degree misdemeanor.

Section 548.003, F.S., provides general rulemaking authority for the Commission and DBPR 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. In a February 22, 1999, letter from the Joint Administrative Procedure Committee (JAPC) to DBPR, several instances were noted by JAPC that DBPR's and the Commission's proposed rules regarding boxing lacked specific rulemaking authority. Traditionally, rules are promulgated after specific rulemaking authority is granted. The proposed rules regarding certain sections of Chapter 548, F.S., are currently pending. If the Commission is granted specific rulemaking authority, the Commission and DBPR will proceed with the rule promulgation process.

C. EFFECT OF PROPOSED CHANGES:

The bill amends various provisions in Chapter 548, F.S., to provide greater protections for participants in boxing matches through health safety measures and through improved regulatory provisions related to licensure. Revisions address both the increases and the addition of penalties under certain circumstances related to unlawful matches and to providing fraudulent information related to licensure. Additionally, the bill expands provisions of rulemaking authority to address issues not specifically covered in general provisions. The bill provides for the addition of a definition of a "second" or "cornerman."

The bill expands the Florida State Boxing Commission's general rulemaking authority to include requirements for ring, floor plan, seating, emergency medical equipment and services and other equipment and services necessary for a program of matches; participant's apparel, bandages, handwraps, gloves, mouthpiece and appearance; manager's participation, presence, and conduct during a match; duties and responsibilities of all licensees; qualifications for appointment of chief inspectors and inspectors and their duties; designation and duties of a knockdown timekeeper; and setting fee and reimbursement schedules of referees and other officials. Additionally, the Commission is authorized to adopt rules pursuant to ss.120.536(1) and 120.54, F.S., for background investigation of applicants for licensure for the purpose of ensuring accuracy of the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of the chapter. Background investigations may include, but not be limited to, criminal and financial history of the applicant.

The bill provides for an increase in the penalty of participating in or promoting a professional or amateur toughman or badman match from a misdemeanor in the second degree to a felony of the third degree. The bill also requires local law enforcement to take action against toughman or badman competitions upon certification of the Commission that a violation has or may occur.

The bill provides that someone who seeks licensure by false or fraudulent information on Commission documents or who otherwise makes false statements concerning medical history, boxing record or other personal information is guilty of a second degree misdemeanor.

The bill provides for denial, suspension or revocation of a license if a boxer is less than 18 years of age, has participated in an unsanctioned match, does not meet health criteria, has been suspended in another state, or fails to appear at a match. License revocation is required for a boxer intentionally striking, striking at, or threatening an official. The bill also provides that a participant losing by a knockout as a result of being counted out in any jurisdiction will automatically be suspended for a period of time as determined by the attending physician or Commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition or contact sparring for training purposes, the participant will be examined by a physician. The participant will advise the physician of the previous knockout or technical draw and provide medical records or permission for the physician to consult with the physician who treated him or her at the time of the previous knockout or technical draw. The examination results will be filed with the Commission prior to any further matches being approved for the participant. Further, the bill provides that a participant losing by technical knockout,

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technical draw or disqualification will be automatically suspended for a period of time determined by the physician or Commission representative or 30 calendar days from the date of the technical knock out, whichever is longer. Finally, a participant shall not engage in any match, contact exhibition or contact sparring for training purposes during the suspension period without approval of the physician.

The bill prohibits the licensure of any person or business entity who, or who has a trustee, partner, officer, director, or owner who, has been convicted of any act or has been named in any information or indictment for any act that would constitute a violation of Chapter 548, F.S., or a ground for suspension or revocation of a license.

Language is added to provide that participants in matches will be weighed on the same scale at a time and place to be determined by the Commission or the representative in the presence of the opponent and a Commission representative. Language also is added regarding the time and place for participants to have weigh-ins and consequences of failure to arrive or being late in arriving.

Language is added to provide that a Commission representative, as well as the Commission, must assign at least one physician to observe the physical condition of the participants and to advise the Commission or the Commission's representative on the participants' condition after the match as well as before and during, as is currently the requirement. The bill provides that the ringside physician must be licensed under Chapter 458, F.S., or Chapter 459, F.S., must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing or a combination of both to the executive director prior to working as the ringside physician.

The bill adds language to authorize the Commission to obtain urine samples of a participant when the Commission representative has probable cause that a participant has ingested a prohibited drug or foreign substance and provides consequences if a participant fails to provide a sample.

The bill increases the required amount of medical insurance to be maintained for participants in matches from not less than \$2,500 to \$5,000. Language is added to provide that any deductible associated with the insurance policy is to be paid by the promoter.

Current provisions in Chapter 548, F.S., relating to judges are amended to provide that:

- No judge licensed in this state shall act as a judge in any location without a state boxing commission unless the match is supervised by a state boxing commission.
- No judge shall also serve as a supervisor or serve on the ratings committee or recommend boxers to the rating committee for a sanctioning body.
- Any person whose application for a judge's license has been denied is not permitted to reapply for a judge's license for a period of six months. If the application for a judge's license is denied on three occasions, the applicant is not permitted to reapply.
- The number of unofficial judges at each event is limited to three.
- If there are not enough judges, a referee is to be selected to act as a judge for that specific program of matches.

- Judges shall be located in seats designated for them by the Commission representative.

The bill amends Chapter 548, F.S., to authorize DBPR to administer oaths, take depositions, make inspections, issue subpoenas, compel witnesses, and produce documents during investigations. DBPR shall exercise this power on its own initiative or upon request by the Commission. Challenges will be handled as provided in s. 120.569, F.S. Language referring to subpoena powers is deleted.

The bill also authorizes rulemaking for the issuance of citations for any violation of this chapter in lieu of or in addition to any other punishment provided for such violation.

Finally, the bill repeals s. 548.045, F.S., abolishing the Medical Advisory Council and removes language in s. 548.046, F.S., relating to the Council. Section 548.003, F.S., is amended to require one member of the Commission to be a physician who is licensed pursuant to Chapter 458, F.S., or Chapter 459, F.S., who maintains an unencumbered license, and who must, at the time of her or his appointment, have practiced medicine for at least five years.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Adds subsection (18) to s. 548.002, F.S., to add a definition for “second” or “cornerman.”

Section 2. Section 548.003, F.S., is amended to require that one member of the commission must be a physician who is licensed pursuant to Chapter 458, F.S., or Chapter 459, F.S., who must maintain an unencumbered license in good standing, and who must, at the time of his or her appointment, have practiced medicine for at least five years. The section is also amended to expand the Florida State Boxing Commission’s general rulemaking authority to include requirements for ring, floor plan, seating, emergency medical equipment and services, and other equipment and services necessary for a program of matches; participant apparel, bandages, handwraps, gloves, mouthpiece and appearance; manager’s participation, presence, and conduct during a match; duties and responsibilities of all licensees; qualifications for appointment of chief inspectors and inspectors as well as their duties; designation and duties of a knockdown timekeeper; and setting fee and reimbursement schedules of referees and other officials.

Section 3. Section 548.008, F.S., is amended to increase the penalty of participation in or promotion of a professional or amateur toughman or badman match to a felony of the third degree instead of a misdemeanor in the second degree, to require local law enforcement to take action against toughman or badman competitions upon certification of the Commission that a violation has or may occur, and to permit the Commission to delegate its authority to certify a violation to the executive director.

Section 4. Section 548.017, F.S., is amended to require that prior to working as a ringside physician, a physician must be licensed under Chapter 458, F.S., or Chapter 459, F.S., must maintain an unencumbered license in good standing, and must demonstrate

satisfactory medical training or experience in boxing or a combination of both to the executive director prior to working as the ringside physician.

Section 5. Section 548.021, F.S., is amended to require that any person who seeks to obtain a license by means of false representation made on the application concerning medical history, boxing record, or other personal information is guilty of a misdemeanor of the second degree punishable as provided in ss. 775.082 or 775.083, F.S.

Section 6. Section 548.024, F.S., authorizes background investigations for licensure applicants. The Commission is authorized to adopt rules regarding background investigations of licensure applicants for the purpose of ensuring truthfulness and accuracy of the application; ensuring that there are no active or pending criminal or civil indictments against the applicant; and ensuring satisfaction of all other requirements of the chapter. Background investigations may include, but are not limited to, criminal and financial history of the applicant.

In addition, language is added to s. 548.024, F.S., providing that a fingerprint card may be required in background checks. The Division of Criminal Justice Information Systems with the Department of Law Enforcement and the Federal Bureau of Investigation will receive the card and determine if the applicant has a criminal history record. The information will then be sent to DBPR to determine if the applicant is statutorily qualified for licensure.

Section 7. Section 548.028, F.S., is amended to prohibit the licensure of any person or business entity who, or who has a trustee, partner, officer, director, or owner who, has been convicted of any act or has been named in any information or indictment for any act that would constitute a violation of Chapter 548, F.S., or a ground for suspension or revocation of a license.

Section 8. Section 548.041, F.S., is amended to require denial, suspension or revocation of a license if a boxer is less than 18 years of age, has participated in an unsanctioned match, does not meet health criteria, has been suspended in another state, or fails to appear at a match. License revocation is required for a boxer intentionally striking, striking at, or threatening an official. The bill also requires that a participant losing by a knockout as a result of being counted out in any jurisdiction, will automatically be suspended for a period of time as determined by the attending physician or Commission representative, or 60 calendar days from the date of the knockout, whichever is longer. A participant shall not engage in any match, contact exhibition or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition or contact sparring for training purposes, the participant shall be examined by a physician. The participant will advise the physician of the previous knockout or technical draw and provide medical records or permission for the physician to consult with the physician who treated him or her at the time of the previous knockout or technical draw. The examination results will be filed with the Commission prior to any further matches being approved for the participant. Further, the section provides that a participant losing by technical knockout, technical draw or disqualification shall be automatically suspended for a period of time determined by the physician or Commission representative or 30 calendar days from the date of the technical knockout, whichever is longer. Finally, a participant shall not engage in any match, contact exhibition or contact sparring for training purposes during the suspension period without approval of the physician.

The section prohibits any participant who has been suspended in another state as a result of a knockout, consecutive losses, injury, medical procedure, physician denial of

certification, failure of drug test, false alias, or falsifying identification cards from participating in this state until the suspension is removed. If the suspension is for other reasons than stated, the participant is allowed to participate in the state if the state in which the participant is suspended is notified and grants approval or the participant appeals to the Association of Boxing Commissions.

Section 9. Subsection (4) is added to s. 548.043, F.S., to require that participants in matches be weighed on the same scale at a time and place to be determined by the Commission or the representative, in the presence of the opponent and a Commission representative. If a participant fails to arrive at the weigh-in at the scheduled time and place, the opponent of the late arriving participant will be permitted to be weighed without the late arriving participant present. The participant who arrived at the weigh-in on time does not lose his or her right of observing the weighing in of his or her opponent. The weigh-in has to occur no sooner than 4:00 p.m. the preceding day of the match or has to occur at another time designated by the Commission.

Section 10. Section 548.046, F.S., requires the Commission or its designee to assign at least one physician to observe the physical condition of the participants and to advise the Commission or the Commission's representative about the participants' condition before, during, and after the match.

The section also requires that whenever the Commission representative has reason to believe that a participant has ingested a prohibited drug or foreign substance, the Commission representative must request and the participant must provide, under the supervision of the physician, a urine sample within one hour after the match. Failure or refusal to provide a sample when requested shall result in the revocation of the participant's license. Any participant who is adjudged the loser of a match and subsequently refuses to or is unable to provide a sample, will forfeit his share of the purse to the Commission. Any participant who is adjudged the winner of a match and who refuses to provide a sample shall forfeit the win and not be allowed to engage in any future match in Florida.

The section requires the attending physician to provide medical assistance at the facility. If the referee has received an injury which prohibits the referee from continuing to officiate, the physician must notify the Commission representative who will temporarily halt the match.

Finally, the section is amended to remove language referring to the Medical Advisory Council.

Section 11. Section 548.049, F.S., is amended to require that the Commission required medical insurance be increased from \$2,500 to \$5,000. Language is added to provide that any deductible associated with the insurance policy shall be paid by the promoter.

Section 12. Section 548.05, F.S., is amended to require that all contracts contain all provisions specifically worded as required by rules of the Commission. If they do not, they will be deemed to contain the provisions.

Section 13. Subsections (6) through (11) are added to s. 548.057, F.S., to require that: no judge licensed in this state shall act as a judge at any match in any state or place without a state boxing commission unless the match is supervised by a state boxing commission; no judge can serve as a supervisor or serve on the ratings committee or recommend boxers to the rating committee for a sanctioning body; any person whose application for a judge's

license has been denied is prohibited from reapplying for a judge's license for a period of six months; any person whose application for a judge's license has been denied on three occasions is prohibited from reapplying; the number of unofficial judges at each event is limited to three; the number of judges shall be assigned in accordance with rules of the Commission; if sufficient judges are not available, a referee will be selected to act as a judge for that specific program of matches; and judges must be in seats designated for them by the Commission representative.

Section 14. Section 548.074, F.S., is amended to authorize DBPR to administer oaths, take depositions, make inspections, issue subpoenas, compel witnesses, and produce documents. DBPR can exercise this power on its own initiative or upon request of the Commission. Challenges are to be handled pursuant to s. 120.569, F.S. Language referring to the powers of subpoena is deleted.

Section 15. Amends subsections (1) and (2) of s. 548.075, F.S., to authorize the Commission to issue citations to its licensees for failure to comply with rules and regulations and to authorize rulemaking to permit the issuance of citations.

Section 16. Repeals s. 548.045, F.S., abolishing the Medical Advisory Council.

Section 17. Provides that the bill becomes effective upon becoming a law.

FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

E. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

F. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

G. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

H. FISCAL COMMENTS:

None.

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

I. APPLICABILITY OF THE MANDATES PROVISION:

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

J. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

III. COMMENTS:

None.

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Currently, Chapter 548, F.S., provides general rulemaking authority. The bill provides the Commission with specific statutory authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the provisions of Chapter 548, F.S., and to implement each of the duties and responsibilities conferred upon the Commission.

C. OTHER COMMENTS:

None.

IV. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

V. SIGNATURES:

COMMITTEE ON TOURISM:

Prepared by:

Staff Director:

Monique H. Cheek

Judy C. McDonald

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AS REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS:

Prepared by:

Staff Director:

Shari Z. Whittier

David M. Greenbaum