

By the Committee on Regulated Industries and Senator Sebesta

315-1882-00

1                                   A bill to be entitled  
2           An act relating to the Florida State Boxing  
3           Commission; amending s. 548.002, F.S.;  
4           providing a definition; amending s. 548.003,  
5           F.S.; requiring one member of the Florida State  
6           Boxing Commission to be a licensed physician;  
7           providing additional duties and  
8           responsibilities of the commission; amending s.  
9           548.008, F.S.; increasing the penalty for  
10          participating in or promoting a toughman or  
11          badman competition; providing for certification  
12          of violations; amending s. 548.017, F.S.;  
13          providing requirements for ringside physicians;  
14          amending s. 548.021, F.S.; providing a criminal  
15          penalty for attempting to obtain a license by  
16          means of fraudulent information; creating s.  
17          548.024, F.S.; authorizing the commission to  
18          adopt rules providing for background  
19          investigations of applicants for licensure;  
20          authorizing the commission to require  
21          submission of fingerprint cards; providing  
22          procedure for processing fingerprint cards;  
23          amending s. 548.028, F.S.; expanding provisions  
24          with respect to persons whom the commission may  
25          not license; amending s. 548.041, F.S.;  
26          providing requirements and restrictions with  
27          respect to age, condition, and suspension of  
28          boxers; providing for revocation of license  
29          under specified circumstances; amending s.  
30          548.043, F.S.; providing requirements and  
31          procedure for the weighing of participants in a

1 boxing match; amending s. 548.046, F.S.;

2 revising provisions with respect to physicians'

3 attendance at boxing matches; requiring the

4 provision of urine samples by participants

5 under specified circumstances; providing for

6 revocation of license for failure or refusal to

7 provide a required urine sample; providing

8 conditions with respect to forfeiture and

9 redistribution of purse upon failure or refusal

10 to provide a required urine sample; specifying

11 authority of physicians at boxing matches;

12 providing procedure in the event of injury of a

13 referee; amending s. 548.049, F.S.; increasing

14 the minimum coverage amount of required

15 insurance for participants in boxing matches;

16 requiring promoters to pay any deductible for

17 such insurance policy; amending s. 548.05,

18 F.S.; providing additional requirements with

19 respect to contracts between managers and

20 professionals; amending s. 548.057, F.S.;

21 placing specified restrictions on judges of

22 boxing matches; providing requirements with

23 respect to number and location of judges;

24 amending s. 548.074, F.S.; providing that the

25 department shall have the power to administer

26 oaths, take depositions, make inspections,

27 serve subpoenas, and compel the attendance of

28 witnesses and other evidence; amending s.

29 548.075, F.S.; authorizing the commission to

30 adopt rules to permit the issuance of

31 citations; repealing s. 548.045, F.S., relating

1 to the creation, qualifications, compensation,  
2 and powers and duties of the medical advisory  
3 council; providing an effective date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Present subsection (17) of section 548.002,  
8 Florida Statutes, is redesignated as subsection (18), and a  
9 new subsection (17) is added to that section to read:

10 548.002 Definitions.--As used in this act, the term:

11 (17) "Second" or "cornerman" means a person who  
12 assists the fight participant between rounds and maintains the  
13 corner of the participant during the match.

14 Section 2. Subsections (1) and (2) of section 548.003,  
15 Florida Statutes, are amended to read:

16 548.003 Florida State Boxing Commission; powers;  
17 organization; meetings; accountability of commission members;  
18 compensation and travel expenses; association membership and  
19 participation.--

20 (1) The Florida State Boxing Commission is created and  
21 is assigned to the Department of Business and Professional  
22 Regulation for administrative and fiscal accountability  
23 purposes only. The Florida State Boxing Commission shall  
24 consist of five members appointed by the Governor, subject to  
25 confirmation by the Senate. One member must be a physician  
26 licensed pursuant to chapter 458 or chapter 459, who must  
27 maintain an unencumbered license in good standing, and who  
28 must, at the time of her or his appointment, have practiced  
29 medicine for at least 5 years. Upon the expiration of the term  
30 of a commissioner, the Governor shall appoint a successor to  
31 serve for a 4-year term. A commissioner whose term has expired

1 shall continue to serve on the commission until such time as a  
2 replacement is appointed. If a vacancy on the commission  
3 occurs prior to the expiration of the term, it shall be filled  
4 for the unexpired portion of the term in the same manner as  
5 the original appointment.

6 (2) The Florida State Boxing Commission, as created by  
7 subsection (1), shall administer the provisions of this  
8 chapter. The commission has authority to adopt rules pursuant  
9 to ss. 120.536(1) and 120.54 to implement the provisions of  
10 this chapter and to implement each of the duties and  
11 responsibilities conferred upon the commission, including, but  
12 not limited to:

13 (a) Development of an ethical code of conduct for  
14 commissioners, commission staff, and commission officials;

15 (b) Facility and safety requirements relating to the  
16 ring, floor plan and apron seating, emergency medical  
17 equipment and services, and other equipment and services  
18 necessary for the conduct of a program of matches;

19 (c) Requirements regarding a participant's apparel,  
20 bandages, handwraps, gloves, mouthpiece, and appearance during  
21 a match;

22 (d) Requirements relating to a manager's  
23 participation, presence, and conduct during a match;

24 (e) Duties and responsibilities of all licensees under  
25 this chapter;

26 (f) Procedures for hearings and resolution of  
27 disputes;

28 (g) Qualifications for appointment of referees and  
29 judges;

30 (h) Qualifications for and appointment of chief  
31 inspectors and inspectors, and duties and responsibilities of

1 chief inspectors and inspectors with respect to oversight and  
2 coordination of activities for each program of matches  
3 regulated under this chapter;

4 (i) Designation and duties of a knockdown timekeeper;  
5 and

6 (j) Setting fee and reimbursement schedules for  
7 referees and other officials appointed by the commission or  
8 the representative of the commission.

9 Section 3. Section 548.008, Florida Statutes, is  
10 amended to read:

11 548.008 Toughman and badman competition prohibited.--

12 (1) No professional or amateur toughman or badman  
13 match, as described in this section, may be held in this  
14 state. Such competition includes any contest or exhibition  
15 where participants compete by using a combination of fighting  
16 skills. Such skills may include, but are not limited to,  
17 boxing, wrestling, kicking, or martial arts skills.  
18 Notwithstanding the above, this section shall not preclude  
19 kickboxing as regulated by this chapter.

20 (2) Any person participating in or promoting a  
21 professional or amateur toughman or badman match is guilty of  
22 a felony of the third degree ~~misdemeanor of the second degree,~~  
23 punishable as provided in s. 775.082 or s. 775.083.

24 (3) Upon certification by the commission that a  
25 violation of this section has occurred or may occur, local law  
26 enforcement shall take action pursuant to this section. The  
27 commission may delegate its authority to certify a violation  
28 to the executive director.

29 Section 4. Section 548.017, Florida Statutes, is  
30 amended to read:

31

1           548.017 Boxers, managers, and other persons required  
2 to have licenses.--

3           (1) A professional participant, manager, trainer,  
4 second, timekeeper, referee, judge, announcer, physician,  
5 matchmaker, or booking agent or representative of a booking  
6 agent shall be licensed before directly or indirectly acting  
7 in such capacity in connection with any match involving a  
8 professional. A physician must be licensed pursuant to chapter  
9 458 or chapter 459, must maintain an unencumbered license in  
10 good standing, and must demonstrate satisfactory medical  
11 training or experience in boxing, or a combination of both, to  
12 the executive director prior to working as the ringside  
13 physician.

14           (2) A violation of this section is a misdemeanor of  
15 the second degree, punishable as provided in s. 775.082 or s.  
16 775.083.

17           Section 5. Section 548.021, Florida Statutes, is  
18 amended to read:

19           548.021 Applications for licenses and permits.--

20           (1) An application for a license or a permit must:

21           (a)~~(1)~~ Be in writing on a form supplied by the  
22 commission which shall contain the applicant's social security  
23 number.

24           (b)~~(2)~~ Be verified by the applicant.

25           (c)~~(3)~~ Be complete and have attached to the  
26 application any photographs and other exhibits required.

27           (2)~~(4)~~ Pursuant to the federal Personal Responsibility  
28 and Work Opportunity Reconciliation Act of 1996, each party is  
29 required to provide his or her social security number in  
30 accordance with this section. Disclosure of social security  
31 numbers obtained through this requirement shall be limited to

1 the purpose of administration of the Title IV-D program for  
2 child support enforcement.

3 (3) Any person who seeks to obtain a license by means  
4 of false or fraudulent representations made in any application  
5 or who otherwise makes false statements concerning her or his  
6 medical history, boxing record, or other personal information  
7 commits a misdemeanor of the second degree, punishable as  
8 provided in s. 775.082 or s. 775.083.

9 Section 6. Section 548.024, Florida Statutes, is  
10 created to read:

11 548.024 Background investigation of applicants for  
12 licensure.--

13 (1) The commission is authorized to adopt rules  
14 pursuant to ss. 120.536(1) and 120.54 which provide for  
15 background investigations of applicants for licensure under  
16 this chapter for the purpose of ensuring the accuracy of the  
17 information provided in the application; ensuring that there  
18 are no active or pending criminal or civil indictments against  
19 the applicant; and ensuring satisfaction of all other  
20 requirements of this chapter. The background investigation may  
21 include, but is not limited to, the criminal and financial  
22 history of the applicant.

23 (2) If the commission requires a background criminal  
24 history investigation of any applicant, it may require the  
25 applicant to submit to the department a fingerprint card for  
26 this purpose. The fingerprint card shall be forwarded to the  
27 Division of Criminal Justice Information Systems within the  
28 Department of Law Enforcement and the Federal Bureau of  
29 Investigation for purposes of processing the fingerprint card  
30 to determine if the applicant has a criminal history record.  
31 The information obtained by the processing of the fingerprint

1 card by the Department of Law Enforcement and the Federal  
2 Bureau of Investigation shall be sent to the department for  
3 the purpose of determining if the applicant is statutorily  
4 qualified for licensure.

5 Section 7. Section 548.028, Florida Statutes, is  
6 amended to read:

7 548.028 Refusal to issue license.--The commission  
8 shall not issue a license to:

9 (1) Any person or business entity that ~~who in any~~  
10 ~~jurisdiction~~ has been convicted of any act, or who has a  
11 trustee, partner, officer, director, or owner that has been  
12 convicted of any act, which would constitute a violation of  
13 this chapter or which would constitute any of the grounds set  
14 forth in this chapter for suspension or revocation of a  
15 license or against whom such charges are pending before any  
16 regulatory body; or

17 (2) Any person or business entity that ~~who~~ has been  
18 named in any an information or indictment, or who has a  
19 trustee, partner, officer, director, or owner that has been  
20 named in an information or indictment, for any act which would  
21 constitute a violation of this chapter or a ground for  
22 suspension or revocation of a license.

23 Section 8. Section 548.041, Florida Statutes, is  
24 amended to read:

25 (Substantial rewording of section. See  
26 s. 548.041, F.S., for present text.)

27 548.041 Age, condition, and suspension of boxers.--

28 (1) A person shall not be licensed as a participant,  
29 and the license of any participant shall be suspended or  
30 revoked, if such person:

31 (a) Is under the age of 18;



1           (b) Has participated in a match in this state which  
2 was not sanctioned by the commission or by a Native American  
3 commission properly constituted under federal law; or

4           (c) Does not meet certain health and medical  
5 examination conditions as required by rule of the commission.

6           (2)(a) A participant losing by knockout as a result of  
7 being counted out in any jurisdiction shall be automatically  
8 suspended for a period of time as determined by the attending  
9 physician or commission representative, or 60 calendar days  
10 from the date of the knockout, whichever is longer. A  
11 participant shall not engage in any match, contact exhibition,  
12 or contact sparring for training purposes during the  
13 suspension period. After the suspension period and prior to  
14 engaging in any match, contact exhibition, or contact sparring  
15 for training purposes, the participant shall be examined by a  
16 physician. The participant shall advise the physician of the  
17 previous knockout or technical draw and shall provide medical  
18 records or his or her permission for the physician to consult  
19 with the treating physician at the time of the previous  
20 knockout or technical draw. The results of this examination  
21 shall be filed with the commission prior to any further  
22 matches being approved for the participant.

23           (b) A participant losing by technical knockout,  
24 technical draw, or disqualification shall be automatically  
25 suspended for a period of time to be determined by the  
26 physician or commission representative, or 30 calendar days  
27 from the date of the technical knockout, technical draw, or  
28 disqualification, whichever is longer. A participant shall not  
29 engage in any match, contact exhibition, or contact sparring  
30 for training purposes during the suspension period without the  
31 approval of the physician. After the suspension period and

1 prior to engaging in any match, contact exhibition, or contact  
2 sparring for training purposes, the participant shall be  
3 examined by a physician. The participant shall advise the  
4 physician of the previous knockout or technical draw and shall  
5 provide medical records or his or her permission for the  
6 physician to consult with the treating physician at the time  
7 of the previous knockout or technical draw. The results of  
8 this examination shall be filed with the commission prior to  
9 any further matches being approved for the participant. In the  
10 case of a disqualification, the commission representative  
11 shall determine whether a medical clearance shall be required  
12 following suspension.

13 (c) Any participant who has been suspended by any  
14 state as a result of a recent knockout or series of  
15 consecutive losses, an injury, requirement for a medical  
16 procedure, physician denial of certification, failure of a  
17 drug test, the use of false aliases, or the falsifying or  
18 attempting to falsify official identification cards or  
19 documents shall not be permitted to participate in this state  
20 until such time as the state in which the participant is  
21 suspended removes his or her name from the suspension list or  
22 until the requirements of such suspension have been fulfilled  
23 and proof of such has been provided to this state. If a  
24 participant has been suspended in another state for any reason  
25 other than those stated in this paragraph, the participant may  
26 be permitted to participate if the state in which the  
27 participant is suspended is notified and consulted with by  
28 this state prior to the granting of approval to participate or  
29 the participant appeals to the Association of Boxing  
30 Commissions and the association determines that the suspension  
31 of such participant was without sufficient grounds, for an

1 improper purpose, or not related to the health and safety of  
2 the participant.

3 (d) Any participant who fails to appear at a match or  
4 fails to appear at a match at the designated time for which  
5 the participant or the participant's manager has contracted  
6 and does not provide a valid reason or, in the case of  
7 physical disability, furnish a physician's certificate, shall  
8 be suspended for a period to be determined by the commission  
9 or shall be fined, or both, as determined by the commission.

10 (e) The license of any participant shall be revoked  
11 and shall not be reinstated if such participant intentionally  
12 strikes, strikes at, or touches in any way or threatens to  
13 touch in any way, any official.

14 Section 9. Subsection (4) is added to section 548.043,  
15 Florida Statutes, to read:

16 548.043 Weights and classes, limitations; gloves.--

17 (4) Participants in a match shall be weighed on the  
18 same scale at a time and place to be determined by the  
19 commission or a commission representative. The weigh-in shall  
20 be conducted in the presence of the opponent of the  
21 participant and a commission representative. If a participant  
22 fails to arrive at the weigh-in at the scheduled time and  
23 place, the opponent of the late-arriving participant will be  
24 permitted to be weighed without the late-arriving participant  
25 present. The participant who arrived at the weigh-in on time  
26 shall not lose his right of observing the weighing in of his  
27 opponent. The weigh-in shall occur no sooner than 4:00 p.m.  
28 on the day preceding the date of the program of matches or at  
29 such other time as designated by the commission or commission  
30 representative.

31

1           Section 10. Section 548.046, Florida Statutes, is  
2 amended to read:

3           548.046 Physician's attendance at match; examinations;  
4 cancellation of match.--

5           (1) The commission, or the commission representative,  
6 shall assign to each match at least one ~~a~~ physician who shall  
7 observe the physical condition of the participants and advise  
8 the commissioner or commission representative ~~deputy~~ in charge  
9 and the referee of the participants' conditions before, and  
10 during, and after the match. The commission shall establish a  
11 schedule of fees for the physician's services. The  
12 physician's fee shall be paid by the promoter of the match  
13 attended by the physician.

14           (2) In addition to any other required examination,  
15 each participant shall be examined by the attending physician  
16 at the time of weigh-in. If the physician determines that a  
17 participant is physically or mentally unfit to proceed, the  
18 physician shall notify any commissioner or the commission  
19 representative 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.

25           (3)(a) Whenever the commission representative has  
26 reason to believe that a participant has ingested or used a  
27 prohibited drug or foreign substance, the commission  
28 representative shall request and the participant shall  
29 provide, under the supervision of the attending physician,  
30 commission representative, or inspector, a sample of his or  
31 her urine taken not more than 1 hour after the conclusion of

1 the match. No participant shall use substances or methods  
2 which could alter the integrity of the urine sample. Urine  
3 samples shall be taken in accordance with the protocol as  
4 agreed upon in writing between the commission and the  
5 laboratory used for processing the urine samples.

6 (b) The commission may require urine samples to be  
7 tested randomly as provided in paragraph (a). If one  
8 participant in a match is tested randomly, the other  
9 participant in the match must also be tested.

10 (c) Failure or refusal to provide a urine sample  
11 immediately upon request shall result in the revocation of the  
12 participant's license. Any participant who has been adjudged  
13 the loser of a match and who subsequently refuses to or is  
14 unable to provide a urine sample shall forfeit his or her  
15 share of the purse to the commission. Any participant who is  
16 adjudged the winner of a match and who subsequently refuses to  
17 or is unable to provide a urine sample shall forfeit the win  
18 and shall not be allowed to engage in any future match in  
19 Florida. A no decision result shall be entered into the  
20 official record as the result of the match. The purse shall be  
21 redistributed as though the participant found to be in  
22 violation of this subsection had lost the match. If  
23 redistribution of the purse is not necessary or after  
24 redistribution of the purse is completed, the participant  
25 found to be in violation of this subsection shall forfeit his  
26 or her share of the purse to the commission.

27 (4) The attending physician or physicians shall  
28 provide medical assistance at the facility to the commission  
29 representative and medical advice to the referee during the  
30 match, and shall be accorded the cooperation of all commission  
31 representatives and licensees present for the purpose of

1 performing his or her medical duties. If, in the opinion of  
2 the attending physician, the referee has received an injury  
3 that prohibits the referee from continuing to officiate, the  
4 physician shall notify the commission representative, who  
5 shall temporarily halt the match. The injured referee shall  
6 be attended to by the physician until the referee is no longer  
7 in danger or has been transferred to the care of another  
8 qualified person. The commission representative shall then  
9 direct that the match continue under the supervision of the  
10 referee or under the supervision of another referee if the  
11 referee cannot continue.

12 Section 11. Section 548.049, Florida Statutes, is  
13 amended to read:

14 548.049 Medical, surgical, and hospital insurance;  
15 life insurance.--

16 (1) The commission shall, by rule, require  
17 participants to be covered by not less than \$5,000~~\$2,500~~ of  
18 insurance for medical, surgical, and hospital care required as  
19 a result of injuries sustained while engaged in matches. The  
20 insured shall be the beneficiary of such policies. Any  
21 deductible associated with the insurance policy shall be paid  
22 by the promoter and shall not be paid by or charged to the  
23 participant.

24 (2) The commission may also require participants to be  
25 covered by not less than \$5,000 of life insurance covering  
26 deaths caused by injuries received while engaged in matches.

27 Section 12. Subsection (1) of section 548.05, Florida  
28 Statutes, is amended to read:

29 548.05 Control of contracts.--

30 (1) The commission shall adopt rules governing the  
31 form and content of contracts executed in this state between

1 ~~managers between promoters, foreign copromoters, and~~  
2 professionals. All such contracts shall be in writing and  
3 shall contain all provisions specifically worded as required  
4 by rules of the commission. Contracts which do not contain all  
5 provisions specifically worded as required by rules of the  
6 commission shall be deemed to contain such provisions. A copy  
7 of all such contracts must be filed with the commission within  
8 7 days after execution.

9 Section 13. Subsections (6) through (11) are added to  
10 section 548.057, Florida Statutes, to read:

11 548.057 Attendance of referee and judges at match;  
12 scoring; seconds.--

13 (6) No judge licensed in this state shall act as a  
14 judge at any match in a state, territory, commonwealth, or  
15 Native American Reservation that is not regulated by a state  
16 boxing commission unless the match is supervised by a state  
17 boxing commission or a Native American commission properly  
18 constituted under federal law.

19 (7) No judge shall also serve as a supervisor or on  
20 the ratings committee or recommend boxers to the ratings  
21 committee for a sanctioning body.

22 (8) Any person whose application for a judge's license  
23 has been denied shall not be permitted to reapply for a  
24 judge's license for a period of 6 months. Any person whose  
25 application for a judge's license has been denied on three  
26 occasions shall not be permitted to reapply.

27 (9) The number of judges shall be assigned in  
28 accordance with rules of the commission. The number of  
29 unofficial judges at each event shall be limited to three by  
30 the commission.

31

1           (10) The judges shall be located in seats designated  
2 for them by the commission representative.

3           (11) In the event that sufficient judges are not  
4 available, a referee shall be selected to act as a judge for  
5 that specific program of matches.

6           Section 14. Section 548.074, Florida Statutes, is  
7 amended to read:

8           548.074 Power to administer oaths, take depositions,  
9 and issue subpoenas.--For the purpose of any investigation or  
10 proceeding conducted pursuant to this chapter, the department  
11 shall have the power to administer oaths, take depositions,  
12 make inspections when authorized by statute, issue subpoenas  
13 which shall be supported by affidavit, serve subpoenas and  
14 other process, and compel the attendance of witnesses and the  
15 production of books, papers, documents, and other evidence.  
16 The department shall exercise this power on its own initiative  
17 or whenever requested by the commission. Challenges to, and  
18 enforcement of, subpoenas and orders shall be handled as  
19 provided in s. 120.569.~~In addition to the powers of subpoena~~  
20 ~~in chapter 120, each member of the commission may issue~~  
21 ~~subpoenas requiring the attendance and testimony of, or the~~  
22 ~~production of books and papers by, any person whom the~~  
23 ~~commission believes to have information or documents of~~  
24 ~~importance to any commission investigation.~~

25           Section 15. Section 548.075, Florida Statutes, is  
26 amended to read:

27           548.075 Administrative fines; citations.--

28           (1) The commission may impose a fine of not more than  
29 \$5,000 for any violation of this chapter in lieu of or in  
30 addition to any other punishment provided for such violation.

31



1           (2) The commission may adopt rules pursuant to ss.  
2 120.54 and 120.536(1) to permit the issuance of citations for  
3 any violation of this chapter in lieu of or in addition to any  
4 other punishment provided for such violation.

5           Section 16. Section 548.045, Florida Statutes, is  
6 repealed.

7           Section 17. This act shall take effect upon becoming a  
8 law.

9  
10                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11   COMMITTEE SUBSTITUTE FOR  
12   Senate Bill 2396

13 The Committee Substitute:

- 14 -       Modifies the definition of "second" to include the term  
15 "cornerman";
- 16 -       Clarifies provisions relating to toughman and badman  
17 competitions;
- 18 -       Requires a ringside physician to demonstrate to the  
19 executive director a sufficient level of training or  
20 experience in boxing;
- 21 -       Expands the Commission's authority to refuse to issue  
22 licenses to certain persons or business entities;
- 23 -       Clarifies that a participant's license shall be revoked  
24 if the participant intentionally strikes, strikes at, or  
25 intentionally touches or threatens to touch, an  
26 official;
- 27 -       Provides for random drug testing;
- 28 -       Clarifies the attending physician's role at ring side;
- 29 -       Clarifies provisions relating to contracts executed in  
30 this state between managers and professionals;
- 31 -       Clarifies that a Native American Commission shall be  
treated as a state boxing commission; and
- Provides that the Commission may issue citations for  
violations of Chapter 548, F.S., in lieu of or in  
addition to any other punishment provided for such  
violation.