

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Regulatory Affairs  
 2 Committee

3 Representative Holder offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 548.002, Florida Statutes, is amended  
 8 to read:

9 548.002 Definitions.—As used in this chapter, the term:

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

14 (2) "Amateur sanctioning organization" means any business  
 15 entity organized for sanctioning and supervising matches  
 16 involving amateurs.

17 (3) "Boxing" means the practice of fighting with the fists  
 18 as a sport ~~to compete with the fists.~~

19 (4) "Commission" means the Florida State Boxing  
 20 Commission.

Amendment No. 1

21 ~~(5) "Concessionaire" means any person or business entity~~  
22 ~~not licensed as a promoter which receives revenues or other~~  
23 ~~compensation from the sale of tickets or from the sale of~~  
24 ~~souvenirs, programs, broadcast rights, or any other concessions~~  
25 ~~in conjunction with the promotion of a match.~~

26 ~~(5)-(6)~~ "Contest" means a boxing, kickboxing, or mixed  
27 martial arts engagement in which persons participating strive  
28 earnestly to win using, but not necessarily being limited to,  
29 strikes and blows to the head.

30 ~~(6)-(7)~~ "Department" means the Department of Business and  
31 Professional Regulation.

32 ~~(7)-(8)~~ "Event" means one or more matches comprising a  
33 show.

34 ~~(8)-(9)~~ "Exhibition" means a boxing, kickboxing, or mixed  
35 martial arts engagement in which persons participating show or  
36 display their skill without necessarily striving to win using,  
37 but not necessarily being limited to, strikes and blows to the  
38 head.

39 (9) "Face value" means the dollar value of a ticket which  
40 is equal to the dollar amount that a customer is required to pay  
41 or, for complimentary tickets, would have been required to pay  
42 to purchase a ticket with equivalent seating priority in order  
43 to view the event. If the ticket specifies the amount of  
44 admission charges attributable to state or federal taxes, such  
45 taxes shall not be included in the face value.

46 ~~(10) "Foreign copromoter" means a promoter who has no~~  
47 ~~place of business within this state.~~

## Amendment No. 1

48 (10) "Full contact" means the use of blows and strikes  
49 during a match or bout that:

50 (a) Are intended to break the plane of the receiving  
51 participant's body;

52 (b) Are delivered to the head, face, neck, or body of the  
53 receiving participant; and

54 (c) Cause the receiving participant to move in response to  
55 the blow or strike.

56 (11) "Judge" means a person who has a vote in determining  
57 the winner of any contest.

58 (12) "Kickboxing" means the practice of fighting to  
59 compete with the fists, hands, feet, legs, or any combination  
60 thereof as a sport, and includes "punchkick" and other similar  
61 competitions.

62 (13) "Manager" means any person who, directly or  
63 indirectly, controls or administers the boxing, kickboxing, or  
64 mixed martial arts affairs of any participant.

65 (14) "Match" means any contest or exhibition.

66 (15) "Matchmaker" means a person who brings together  
67 professionals or arranges matches for professionals.

68 (16) "Mixed martial arts" means full contact, unarmed  
69 combat involving the use, subject to any applicable limitations  
70 set forth in this chapter, of a combination of two or more  
71 techniques, including, but not limited to, grappling, kicking,  
72 and striking, from different disciplines of the martial arts,  
73 including, but not limited to, boxing, kickboxing, muay Thai,  
74 and Thai boxing grappling, kicking, and striking.

Amendment No. 1

75 (17) "Participant" means a professional competing in a  
76 boxing, kickboxing, or mixed martial arts match.

77 (18) "Physician" means a person ~~an individual~~ licensed as  
78 a physician under ch. 458 or licensed as an osteopathic  
79 physician under ch. 459 who must maintain an unencumbered  
80 license in good standing ~~to practice medicine and surgery in~~  
81 ~~this state.~~

82 (19) "Professional" means a person who has received or  
83 competed for any purse or other article of a value greater than  
84 \$50, either for the expenses of training or for participating in  
85 any match.

86 (20) "Promoter" means any person or entity, and includes  
87 any officer, director, trustee, partner or owner ~~employee, or~~  
88 ~~stockholder~~ of a corporate promoter or any promoter partnership,  
89 who produces, arranges, or stages any match involving a  
90 professional.

91 (21) "Purse" means the financial guarantee or other  
92 remuneration for which a professional is participating in a  
93 match and includes the professional's share of any payment  
94 received for radio broadcasting, television, and motion picture  
95 rights.

96 (22) "Second" or "cornerman" means a person who assists  
97 the match participant in preparation for the matches, between  
98 rounds, and maintains the corner of the participant during the  
99 match.

100 (23) "Secretary" means the Secretary of Business and  
101 Professional Regulation.

Amendment No. 1

102 Section 2. Section 548.004, Florida Statutes, is amended  
103 to read:

104 548.004 Executive director; duties, compensation,  
105 administrative support.—

106 (1) The department shall employ an executive director with  
107 the approval of the commission. The executive director shall  
108 serve at the pleasure of the secretary. The executive director  
109 or his or her designee shall perform duties and responsibilities  
110 as set forth by the commission, which shall include conducting  
111 the functions of the commission office; appointing event and  
112 commission officials; approving licenses, permits, matches; and  
113 performing any ~~keep a record of all proceedings of the~~  
114 ~~commission; shall preserve all books, papers, and documents~~  
115 ~~pertaining to the business of the commission; shall prepare any~~  
116 ~~notices and papers required; shall appoint judges, referees, and~~  
117 ~~other officials as delegated by the commission and pursuant to~~  
118 ~~this chapter and rules of the commission; and shall perform such~~  
119 other duties as the department or commission deems necessary  
120 ~~directs~~. The executive director may issue subpoenas and  
121 administer oaths.

122 ~~(2) The commission shall require electronic recording of~~  
123 ~~all scheduled proceedings of the commission.~~

124 ~~(2)(3)~~ The department shall provide assistance in budget  
125 development and budget submission for state funding requests.  
126 The department shall submit an annual balanced legislative  
127 budget for the commission which is based upon anticipated  
128 revenue. The department shall provide technical assistance and  
129 administrative support, if requested or determined necessary

Amendment No. 1

130 ~~needed~~, to the commission and its executive director on issues  
131 relating to personnel, contracting, property management, or  
132 other issues identified as important to performing the duties of  
133 this chapter and to protecting the interests of the state.

134 Section 3. Subsection (3) of section 548.006, Florida  
135 Statutes, is amended to read:

136 548.006 Power of commission to control professional and  
137 amateur boxing, kickboxing, and mixed martial arts matches  
138 ~~pugilistic contests and exhibitions~~; certification of  
139 competitiveness of professional mixed martial arts and  
140 kickboxing matches.—

141 (3) The commission has exclusive jurisdiction over  
142 approval, disapproval, suspension of approval, and revocation of  
143 approval of all amateur sanctioning organizations for amateur  
144 boxing, and kickboxing, and mixed martial arts matches held in  
145 this state.

146 Section 4. Section 548.007, Florida Statutes, is amended  
147 to read:

148 548.007 Exemptions.—This chapter does ~~Applicability of~~  
149 ~~provisions to amateur matches and certain other matches or~~  
150 ~~events.—Sections 548.001–548.079 do not apply to:~~

151 (1) A match that does not allow full contact ~~conducted or~~  
152 ~~sponsored by a bona fide nonprofit school or education program~~  
153 ~~whose primary purpose is instruction in the martial arts,~~  
154 ~~boxing, or kickboxing, if the match held in conjunction with the~~  
155 ~~instruction is limited to~~ amateurs. ~~amateur participants who are~~  
156 ~~students of the school or instructional program;~~

Amendment No. 1

157 (2) A match conducted or sponsored by any company or  
158 detachment of the Florida National Guard, if the match is  
159 limited to amateurs ~~participants~~ who are members of the company  
160 or detachment of the Florida National Guard. ~~;~~ ~~or~~

161 (3) A match conducted or sponsored by the Fraternal Order  
162 of Police, if the match is limited to amateurs ~~amateur~~  
163 ~~participants~~ and is held in conjunction with a charitable event.

164 (4) A match conducted by a public postsecondary education  
165 institution or a public secondary school, if the match is  
166 limited to amateurs who are students enrolled in the institution  
167 or school and members of a school-sponsored club or team.

168 (5) A match conducted by or between companies or  
169 detachments of the United States Army, Navy, Air Force, Marines,  
170 Coast Guard, or National Guard, if the match is limited to  
171 amateurs who are members of the United States Armed Forces.

172 (6) A match conducted by the International Olympic  
173 Committee, the International Paralympic Committee, the Special  
174 Olympics, or the Junior Olympics, if the match is limited to  
175 amateurs who are competing in or attempting to qualify for the  
176 Olympics, Paralympics, Special Olympics, or Junior Olympics.

177 (7) A professional or amateur martial arts activity. As  
178 used in this subsection, the term "martial arts" means any one  
179 of the traditional forms of self-defense or unarmed combat  
180 involving the use of physical skill and coordination including,  
181 but not limited to, karate, aikido, judo, and kung fu. The term  
182 does not include "mixed martial arts."

183 Section 5. Subsection (1) of section 548.017, Florida  
184 Statutes, is amended to read:

Amendment No. 1

185 548.017 Participants, managers, and other persons required  
186 to have licenses.-

187 (1) A participant, manager, trainer, second, timekeeper,  
188 referee, judge, announcer, physician, matchmaker,  
189 ~~concessionaire~~, or booking agent or representative of a booking  
190 agent shall be licensed before directly or indirectly acting in  
191 such capacity in connection with any match involving a  
192 participant. A physician must be licensed pursuant to chapter  
193 458 or chapter 459, must maintain an unencumbered license in  
194 good standing, and must demonstrate satisfactory medical  
195 training or experience in boxing, or a combination of both, to  
196 the executive director prior to working as the ringside  
197 physician.

198 Section 6. Paragraph (c) of subsection (3) of section  
199 548.046, Florida Statutes, is amended, and paragraph (d) is  
200 added to that subsection, to read:

201 548.046 Physician's attendance at match; examinations;  
202 cancellation of match.-

203 (3)

204 (c) Failure or refusal to provide a urine sample  
205 immediately upon request constitutes an immediate serious danger  
206 to the health, safety, and welfare of the participants and the  
207 public and shall result in the immediate suspension ~~revocation~~  
208 of the participant's license and constitute grounds for  
209 additional disciplinary action. Any participant who has been  
210 adjudged the loser of a match and who subsequently refuses to or  
211 is unable to provide a urine sample shall forfeit his or her  
212 share of the purse to the commission. Any participant who is



Amendment No. 1

213 adjudged the winner of a match and who subsequently refuses to  
214 or is unable to provide a urine sample shall forfeit the win and  
215 shall not be allowed to engage in any future match in the state.  
216 A no-decision result shall be entered into the official record  
217 as the result of the match. The purse shall be redistributed as  
218 though the participant found to be in violation of this  
219 subsection had lost the match. If redistribution of the purse is  
220 not necessary or after redistribution of the purse is completed,  
221 the participant found to be in violation of this subsection  
222 shall forfeit his or her share of the purse to the commission.

223 (d) Testing positive for any of the prohibited substances  
224 as set forth by commission rule constitutes an immediate serious  
225 danger to the health, safety, and welfare of the participants  
226 and the general public and shall result in the immediate  
227 suspension of the participant's license and constitute grounds  
228 for additional disciplinary action.

229 Section 7. Subsection (2) of section 548.054, Florida  
230 Statutes, is amended to read:

231 548.054 Withholding of purses; hearing; disposition of  
232 withheld purse forfeiture.-

233 (2) Any purse so withheld shall be delivered by the  
234 promoter to the commission upon demand. Within 10 days after the  
235 match, the person from whom the sum was withheld may submit a  
236 petition for a hearing to the commission ~~apply in writing to the~~  
237 ~~commission for a hearing~~. Upon receipt of the petition  
238 ~~application~~, the commission may hold ~~shall fix a date for a~~  
239 hearing pursuant to ss. 120.569 and 120.57. ~~Within 10 days after~~  
240 ~~the hearing or after 10 days following the match~~, If no petition

Amendment No. 1

241 ~~application~~ for a hearing is filed, the commission shall meet  
242 and determine the disposition to be made of the withheld purse.  
243 If the commission finds the charges sufficient, it may declare  
244 all or ~~any~~ part of the funds forfeited. If the commission finds  
245 the charges not sufficient upon which to base a withholding  
246 order, it shall immediately distribute the withheld funds to the  
247 persons entitled thereto.

248 Section 8. Subsections (1), (3) and (5) of section 548.06,  
249 Florida Statutes, is amended, and subsections (7), (8), and (9)  
250 are added to that section, to read:

251 548.06 Payments to state; exemptions; audit of records.—

252 (1) A promoter holding a match shall, within 72 hours after  
253 the match, file with the commission a written report which  
254 includes the number of tickets sold, the amount of gross  
255 receipts, and any other facts the commission may require. For  
256 the purposes of this chapter, ~~total~~ gross receipts include each  
257 of the following:

258 (a) The gross price charged for the sale or lease of  
259 broadcasting, television, and pay-per-view rights of any match  
260 occurring within the state of Florida, ~~motion picture rights~~  
261 without any deductions for commissions, brokerage fees,  
262 distribution fees, advertising, or other expenses or charges.†

263 ~~(b) The portion of the receipts from the sale of~~  
264 ~~souvenirs, programs, and other concessions received by the~~  
265 ~~promoter;~~

266 (b)(e) The face value of all tickets sold and  
267 complimentary tickets issued, provided, or given. However, the  
268 face value of complimentary tickets issued, provided, or given

Amendment No. 1

269 up to 4 percent of the seating capacity of the premises where  
270 the match is held, may be deducted from the calculation of gross  
271 receipts. To the extent that the complimentary tickets issued,  
272 provided, or given exceed 4 percent of the seating capacity, the  
273 deduction is to be calculated based on the proportion among the  
274 price categories for which complimentary tickets were issued,  
275 provided, or given. Tax payments made on complimentary tickets  
276 issued, provided, or given above 4 percent shall be calculated  
277 based on actual face value of the complimentary tickets, in  
278 direct proportion to the price categories for which the tickets  
279 were issued, provided, or given. ~~and~~

280 (c)~~(d)~~ The face value of any seat or seating issued,  
281 provided, or given in exchange for advertising, sponsorships, or  
282 anything of value to the promotion of an event.

283 ~~(3) A concessionaire shall, within 72 hours after the~~  
284 ~~match, file with the commission a written report that includes~~  
285 ~~the number of tickets sold, the amount of gross receipts, and~~  
286 ~~any other facts the commission may require.~~

287 (5) Each ~~The~~ written report shall be accompanied by a tax  
288 payment in the amount of 5 percent of the total gross receipts  
289 exclusive of any federal taxes, except that the tax payment  
290 derived from the gross price charged for the sale or lease of  
291 broadcasting, television, and motion picture rights shall not  
292 exceed \$40,000 for any single event.

293 (7) The promoter shall retain a copy of the following  
294 records for a period of 1 year and shall provide a copy of such  
295 records to the commission upon request:

Amendment No. 1

296 (a) Records necessary to justify and support each report  
297 submitted to the commission including a copy of the report filed  
298 with the commission.

299 (b) A copy of each independently prepared ticket manifest.

300 (8) Compliance with the requirements of this section is  
301 subject to verification by department or commission audit. The  
302 commission shall have the right, upon reasonable notice to the  
303 promoter, to audit the promoter's books and records relating to  
304 the promoter's operations under this chapter.

305 (9) The commission shall adopt rules establishing a  
306 procedure for auditing a promoter's records and resolving any  
307 inconsistencies revealed by an audit, such as excessive taxes  
308 paid or taxes owed by the filing promoter, and shall adopt a  
309 rule imposing a late fee in the event of taxes owed.

310 Section 9. Section 548.07, Florida Statutes, is amended to  
311 read:

312 548.07 Suspension of license or permit by commissioner;  
313 hearing. ~~Notwithstanding any provision of chapter 120, any~~  
314 ~~member of the commission may, upon her or his own motion or upon~~  
315 ~~the verified written complaint of any person charging a licensee~~  
316 ~~or permittee with violating this chapter, suspend any license or~~  
317 ~~permit until final determination by the commission if such~~  
318 ~~action is necessary to protect the public welfare and the best~~  
319 ~~interests of the sport. The commission shall hold a hearing~~  
320 ~~within 10 days after the date on which the license or permit is~~  
321 ~~suspended.~~

322 (1) The commission, any commissioner, any commission  
323 designee, or the executive director or his or her designee may

Amendment No. 1

324 issue an emergency suspension of license order to any person  
325 licensed under this chapter who poses an immediate serious  
326 danger to the health, safety, and welfare of the participants  
327 and the general public.

328 (2) The department's Office of General Counsel shall  
329 review the grounds for each emergency suspension order issued  
330 and file an administrative complaint against the licensee within  
331 21 days after the issuance of the emergency suspension order.

332 (3) Following service of the administrative complaint,  
333 pursuant to procedures set forth in s. 455.275, the disciplinary  
334 process shall proceed pursuant to chapter 120.

335 Section 10. Section 548.073, Florida Statutes, is amended  
336 to read:

337 548.073 Commission hearings.—All hearings held under this  
338 chapter must be held in accordance with chapter 120  
339 ~~Notwithstanding the provisions of chapter 120, any member of the~~  
340 ~~commission may conduct a hearing. Before any adjudication is~~  
341 ~~rendered, a majority of the members of the commission shall~~  
342 ~~examine the record and approve the adjudication and order.~~

343 Section 11. The sum of \$111,000 in recurring funds from  
344 the General Revenue Fund is appropriated to the Department of  
345 Business and Professional Regulation for implementation of this  
346 act by the Florida Boxing Commission.

347 Section 12. This act shall take effect July 1, 2013.

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351 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1067 (2013)

Amendment No. 1

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to pugilistic exhibitions; amending s. 548.002, F.S.; revising definitions; amending s. 548.004, F.S.; revising the duties and responsibilities of the executive director of the Florida State Boxing Commission; deleting a provision requiring the electronic recording of all scheduled Florida State Boxing Commission proceedings; amending s. 548.006, F.S.; providing the commission exclusive jurisdiction over approval of amateur mixed martial arts matches; amending s. 548.007, F.S.; revising nonapplicability of ch. 548, F.S.; amending s. 548.017, F.S.; revising required license type; amending s. 548.046, F.S.; providing for immediate license suspension and other disciplinary action if a participant fails or refuses to provide a urine sample or tests positive for specified prohibited substances; amending s. 548.054, F.S.; revising procedure and requirements for requesting a hearing following the withholding of a purse; amending s. 548.06, F.S.; revising the calculator of gross receipts; revising required reporting; requiring promoters to retain specified documents and records; authorizing the commission and the Department of Business and Professional Regulation to audit specified records retained by a promoter; requiring the commission to adopt rules; amending s. 548.07, F.S.; revising the procedure for suspension of licensure by specified persons; amending s. 548.073, F.S.; revising rules of procedure governing commission hearings; providing an effective date.