

1 A bill to be entitled
2 An act relating to pugilistic exhibitions; amending s.
3 548.002, F.S.; revising definitions; amending s.
4 548.004, F.S.; revising the duties and
5 responsibilities of the executive director of the
6 Florida State Boxing Commission; deleting a provision
7 requiring the electronic recording of all scheduled
8 Florida State Boxing Commission proceedings; amending
9 s. 548.006, F.S.; providing the commission exclusive
10 jurisdiction over approval of amateur mixed martial
11 arts matches; amending s. 548.007, F.S.; revising
12 nonapplicability of ch. 548, F.S.; amending s.
13 548.046, F.S.; providing for immediate license
14 suspension and other disciplinary action if a
15 participant fails or refuses to provide a urine sample
16 or tests positive for specified prohibited substances;
17 amending s. 548.054, F.S.; revising procedure and
18 requirements for requesting a hearing following the
19 withholding of a purse; amending s. 548.06, F.S.;
20 requiring promoters to retain specified documents and
21 records; authorizing the commission and the Department
22 of Business and Professional Regulation to audit
23 specified records retained by a promoter; requiring
24 the commission to adopt rules; amending s. 548.07,
25 F.S.; revising the procedure for suspension of
26 licensure by specified persons; amending s. 548.073,
27 F.S.; revising rules of procedure governing commission
28 hearings; providing an effective date.

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

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

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

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

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

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

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

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

(6) "Concessions" means souvenirs, programs, drinks, food, alcohol, clothing, or other tangible objects sold to the general public during matches.

(7) ~~(6)~~ "Contest" means a boxing, kickboxing, or mixed martial arts engagement in which persons participating strive earnestly to win using, but not necessarily being limited to,

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57 strikes and blows to the head.

58 ~~(8)(7)~~ "Department" means the Department of Business and
59 Professional Regulation.

60 ~~(9)(8)~~ "Event" means one or more matches comprising a
61 show.

62 ~~(10)(9)~~ "Exhibition" means a boxing, kickboxing, or mixed
63 martial arts engagement in which persons participating show or
64 display their skill without necessarily striving to win using,
65 but not necessarily being limited to, strikes and blows to the
66 head.

67 (11) "Face value" means the dollar value of a ticket which
68 is equal to the dollar amount that a customer is required to pay
69 or, for complimentary tickets, would have been required to pay
70 to purchase a ticket with equivalent seating priority in order
71 to view the event. If the ticket specifies the amount of
72 admission charges attributable to state or federal taxes, such
73 taxes shall not be included in the face value.

74 ~~(12)(10)~~ "Foreign copromoter" means a promoter who has no
75 place of business within this state.

76 (13) "Full contact" means the use of blows and strikes
77 during a match or bout that:

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

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

82 (c) Cause the receiving participant to move in response to
83 the blow or strike.

84 ~~(14)(11)~~ "Judge" means a person who has a vote in

85 determining the winner of any contest.

86 ~~(15)-(12)~~ "Kickboxing" means the practice of fighting to
 87 ~~compete~~ with the fists, hands, feet, legs, or any combination
 88 thereof as a sport, and includes "punchkick" and other similar
 89 competitions.

90 ~~(16)-(13)~~ "Manager" means any person who, directly or
 91 indirectly, controls or administers the boxing, kickboxing, or
 92 mixed martial arts affairs of any participant.

93 ~~(17)-(14)~~ "Match" means any contest or exhibition.

94 ~~(18)-(15)~~ "Matchmaker" means a person who brings together
 95 professionals or arranges matches for professionals.

96 ~~(19)-(16)~~ "Mixed martial arts" means full contact, unarmed
 97 combat involving the use, ~~subject to any applicable limitations~~
 98 ~~set forth in this chapter,~~ of a combination of two or more
 99 techniques, including, but not limited to, wrestling, grappling,
 100 kicking, and striking, from different disciplines of the martial
 101 arts, including, but not limited to, boxing, kickboxing, muay
 102 Thai, and Thai boxing ~~grappling, kicking, and striking.~~

103 ~~(20)-(17)~~ "Participant" means a professional competing in a
 104 boxing, kickboxing, or mixed martial arts match.

105 ~~(21)-(18)~~ "Physician" means a person an individual licensed
 106 as a medical doctor or doctor of osteopathy ~~to practice medicine~~
 107 ~~and surgery in this state.~~

108 ~~(22)-(19)~~ "Professional" means a person who has received or
 109 competed for any purse or other article of a value greater than
 110 \$50, either for the expenses of training or for participating in
 111 any match.

112 ~~(23)-(20)~~ "Promoter" means any person, and includes any

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113 officer, director, employee, or stockholder of a corporate
114 promoter, who produces, arranges, or stages any match involving
115 a professional.

116 ~~(24)~~~~(21)~~ "Purse" means the financial guarantee or other
117 remuneration for which a professional is participating in a
118 match and includes the professional's share of any payment
119 received for radio broadcasting, television, and motion picture
120 rights.

121 ~~(25)~~~~(22)~~ "Second" or "cornerman" means a person who
122 assists the match participant between rounds and maintains the
123 corner of the participant during the match.

124 ~~(26)~~~~(23)~~ "Secretary" means the Secretary of Business and
125 Professional Regulation.

126 Section 2. Section 548.004, Florida Statutes, is amended
127 to read:

128 548.004 Executive director; duties, compensation,
129 administrative support.—

130 (1) The department shall employ an executive director with
131 the approval of the commission. The executive director shall
132 serve at the pleasure of the secretary. The executive director
133 or his or her designee shall perform duties and responsibilities
134 as set forth by the commission, which shall include conducting
135 the functions of the commission office; appointing event and
136 commission officials; approving licenses, permits, matches, and
137 fight cards; and performing any ~~keep a record of all proceedings~~
138 ~~of the commission; shall preserve all books, papers, and~~
139 ~~documents pertaining to the business of the commission; shall~~
140 ~~prepare any notices and papers required; shall appoint judges,~~

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141 ~~referees, and other officials as delegated by the commission and~~
142 ~~pursuant to this chapter and rules of the commission; and shall~~
143 ~~perform such~~ other duties as the department or commission deems
144 necessary ~~directs~~. The executive director may issue subpoenas
145 and administer oaths.

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

148 (2)~~(3)~~ The department shall provide assistance in budget
149 development and budget submission for state funding requests.
150 The department shall submit an annual balanced legislative
151 budget for the commission which is based upon anticipated
152 revenue. The department shall provide technical assistance and
153 administrative support, if requested or determined necessary
154 ~~needed~~, to the commission and its executive director on issues
155 relating to personnel, contracting, property management, or
156 other issues identified as important to performing the duties of
157 this chapter and to protecting the interests of the state.

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

160 548.006 Power of commission to control professional and
161 amateur pugilistic matches ~~contests and exhibitions;~~
162 certification of competitiveness of professional mixed martial
163 arts and kickboxing matches.—

164 (3) The commission has exclusive jurisdiction over
165 approval, disapproval, suspension of approval, and revocation of
166 approval of all amateur sanctioning organizations for amateur
167 boxing, and kickboxing, and mixed martial arts matches held in
168 this state.

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169 Section 4. Section 548.007, Florida Statutes, is amended
170 to read:

171 548.007 Exemptions.~~This chapter does~~ ~~Applicability of~~
172 ~~provisions to amateur matches and certain other matches or~~
173 ~~events. Sections 548.001-548.079 do not apply to:~~

174 (1) A match that does not allow full contact match
175 ~~conducted or sponsored by a bona fide nonprofit school or~~
176 ~~education program whose primary purpose is instruction in the~~
177 ~~martial arts, boxing, or kickboxing, if the match held in~~
178 ~~conjunction with the instruction is limited to amateurs. amateur~~
179 ~~participants who are students of the school or instructional~~
180 ~~program;~~

181 (2) A match conducted or sponsored by any company or
182 detachment of the Florida National Guard, if the match is
183 limited to amateurs participants who are members of the company
184 or detachment of the Florida National Guard.~~;~~ ~~or~~

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

188 (4) A match conducted by a public postsecondary education
189 institution or a public secondary school, if the match is
190 limited to amateurs who are students enrolled in the institution
191 or school and members of a school-sponsored boxing club or team.

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

196 (6) A match conducted by the International Olympic

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197 Committee, the International Paralympic Committee, the Special
 198 Olympics, or the Junior Olympics, if the match is limited to
 199 amateurs who are competing in or attempting to qualify for the
 200 Olympics, Paralympics, Special Olympics, or Junior Olympics.

201 (7) A professional or amateur martial arts activity. As
 202 used in this subsection, the term "martial arts" means any one
 203 of the traditional forms of self-defense or unarmed combat
 204 involving the use of physical skill and coordination that are
 205 taught and advanced on a belt system, including, but not limited
 206 to, karate, aikido, judo, and kung fu. The term does not include
 207 "mixed martial arts."

208 Section 5. Paragraph (c) of subsection (3) of section
 209 548.046, Florida Statutes, is amended, and paragraph (d) is
 210 added to that subsection, to read:

211 548.046 Physician's attendance at match; examinations;
 212 cancellation of match.-

213 (3)

214 (c) Failure or refusal to provide a urine sample
 215 immediately upon request constitutes an immediate serious danger
 216 to the health, safety, and welfare of the participants and the
 217 public and shall result in the immediate suspension ~~revocation~~
 218 of the participant's license and constitute grounds for
 219 additional disciplinary action. Any participant who has been
 220 adjudged the loser of a match and who subsequently refuses to or
 221 is unable to provide a urine sample shall forfeit his or her
 222 share of the purse to the commission. Any participant who is
 223 adjudged the winner of a match and who subsequently refuses to
 224 or is unable to provide a urine sample shall forfeit the win and

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225 shall not be allowed to engage in any future match in the state.
226 A no-decision result shall be entered into the official record
227 as the result of the match. The purse shall be redistributed as
228 though the participant found to be in violation of this
229 subsection had lost the match. If redistribution of the purse is
230 not necessary or after redistribution of the purse is completed,
231 the participant found to be in violation of this subsection
232 shall forfeit his or her share of the purse to the commission.

233 (d) Testing positive for any of the prohibited substances
234 as set forth by commission rule constitutes an immediate serious
235 danger to the health, safety, and welfare of the participants
236 and the general public and shall result in the immediate
237 suspension of the participant's license and constitute grounds
238 for additional disciplinary action.

239 Section 6. Subsection (2) of section 548.054, Florida
240 Statutes, is amended to read:

241 548.054 Withholding of purses; hearing; disposition of
242 withheld purse forfeiture.—

243 (2) Any purse so withheld shall be delivered by the
244 promoter to the commission upon demand. Within 10 days after the
245 match, the person from whom the sum was withheld may submit a
246 petition for a hearing to the commission ~~apply in writing to the~~
247 ~~commission for a hearing~~. Upon receipt of the petition
248 ~~application~~, the commission may hold ~~shall fix a date for a~~
249 hearing pursuant to ss. 120.569 and 120.57. ~~Within 10 days after~~
250 ~~the hearing or after 10 days following the match~~, If no petition
251 ~~application~~ for a hearing is filed, the commission shall meet
252 and determine the disposition to be made of the withheld purse.

253 If the commission finds the charges sufficient, it may declare
 254 all or ~~any~~ part of the funds forfeited. If the commission finds
 255 the charges not sufficient upon which to base a withholding
 256 order, it shall immediately distribute the withheld funds to the
 257 persons entitled thereto.

258 Section 7. Subsection (1) of section 548.06, Florida
 259 Statutes, is amended, and subsections (7), (8), and (9) are
 260 added to that section, to read:

261 548.06 Payments to state; exemptions; audit of records.—

262 (1) A promoter holding a match shall, within 72 hours after
 263 the match, file with the commission a written report which
 264 includes the number of tickets sold, the amount of gross
 265 receipts, and any other facts the commission may require. For
 266 the purposes of this chapter, ~~total~~ gross receipts include:

267 (a) The gross price charged for the sale or lease of
 268 broadcasting, television, and motion picture rights without any
 269 deductions for commissions, brokerage fees, distribution fees,
 270 advertising, or other expenses or charges;

271 (b) The portion of the receipts from the sale of
 272 souvenirs, programs, and other concessions received by the
 273 promoter;

274 (c) The face value of all tickets sold and complimentary
 275 tickets issued, provided, or given, less federal and state
 276 taxes, if applicable; and

277 (d) The face value of any seat or seating issued,
 278 provided, or given in exchange for advertising, sponsorships, or
 279 anything of value to the promotion of an event.

280 (7) The promoter shall retain a copy of the following

281 records for a period of 7 years and shall provide a copy of such
 282 records to the commission upon request:

283 (a) Records necessary to justify and support each report
 284 submitted to the commission.

285 (b) A copy of each report filed with the commission,
 286 certified by the professional or amateur promoter to be correct.

287 (c) Copies of all gross receipts.

288 (d) A copy of the independently prepared ticket manifest.

289 (e) Receipted vouchers for all expenditures and
 290 deductions.

291 (8) Compliance with the requirements of this section is
 292 subject to verification by department or commission audit. The
 293 commission shall have the right, upon reasonable notice to the
 294 promoter, to audit the promoter's books and records relating to
 295 the promoter's operations under this chapter.

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

301 Section 8. Section 548.07, Florida Statutes, is amended to
 302 read:

303 548.07 Suspension of license or permit by commissioner;
 304 hearing. ~~Notwithstanding any provision of chapter 120, any~~
 305 ~~member of the commission may, upon her or his own motion or upon~~
 306 ~~the verified written complaint of any person charging a licensee~~
 307 ~~or permittee with violating this chapter, suspend any license or~~
 308 ~~permit until final determination by the commission if such~~

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309 ~~action is necessary to protect the public welfare and the best~~
310 ~~interests of the sport. The commission shall hold a hearing~~
311 ~~within 10 days after the date on which the license or permit is~~
312 ~~suspended.~~

313 (1) The commission, any commissioner, any commission
314 designee, or the executive director or his or her designee may
315 issue an emergency suspension of license order to any person
316 licensed under this chapter who poses an immediate serious
317 danger to the health, safety, and welfare of the participants
318 and the general public.

319 (2) The department's Office of General Counsel shall
320 review the grounds for each emergency suspension order issued
321 and file an administrative complaint against the licensee within
322 21 days after the issuance of the emergency suspension order.

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

326 Section 9. Section 548.073, Florida Statutes, is amended
327 to read:

328 548.073 Commission hearings.—All hearings held under this
329 chapter must be held in accordance with chapter 120
330 ~~Notwithstanding the provisions of chapter 120, any member of the~~
331 ~~commission may conduct a hearing. Before any adjudication is~~
332 ~~rendered, a majority of the members of the commission shall~~
333 ~~examine the record and approve the adjudication and order.~~

334 Section 10. This act shall take effect July 1, 2013.