

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.; repealing s.
13 548.015, F.S., which requires licensed concessionaires
14 to obtain a security, to conform; amending s. 548.017,
15 F.S.; deleting a requirement for the licensure of
16 concessionaires; amending s. 548.046, F.S.; providing
17 for immediate license suspension and other
18 disciplinary action if a participant fails or refuses
19 to provide a urine sample or tests positive for
20 specified prohibited substances; amending s. 548.054,
21 F.S.; revising procedure and requirements for
22 requesting a hearing following the withholding of a
23 purse; amending s. 548.06, F.S.; revising the
24 calculation of gross receipts; requiring promoters to
25 retain specified documents and records; authorizing
26 the commission and the Department of Business and
27 Professional Regulation to audit specified records
28 retained by a promoter; requiring the commission to

29 | adopt rules; amending s. 548.07, F.S.; revising the
 30 | procedure for suspension of licensure by specified
 31 | persons; amending s. 548.073, F.S.; revising rules of
 32 | procedure governing commission hearings; providing an
 33 | appropriation; providing an effective date.

34 |

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

36 |

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

39 | 548.002 Definitions.—As used in this chapter, the term:

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

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

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

49 | (4) "Commission" means the Florida State Boxing
 50 | Commission.

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

56 | (5)-(6) "Contest" means a boxing, kickboxing, or mixed

57 martial arts engagement in which persons participating strive
 58 earnestly to win using, but not necessarily being limited to,
 59 strikes and blows to the head.

60 ~~(6)-(7)~~ "Department" means the Department of Business and
 61 Professional Regulation.

62 ~~(7)-(8)~~ "Event" means one or more matches comprising a
 63 show.

64 ~~(8)-(9)~~ "Exhibition" means a boxing, kickboxing, or mixed
 65 martial arts engagement in which persons participating show or
 66 display their skill without necessarily striving to win using,
 67 but not necessarily being limited to, strikes and blows to the
 68 head.

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

76 (10) "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 ~~(10) "Foreign copromoter" means a promoter who has no~~

85 | ~~place of business within this state.~~

86 | (11) "Judge" means a person who has a vote in determining
87 | the winner of any contest.

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

92 | (13) "Manager" means any person who, directly or
93 | indirectly, controls or administers the boxing, kickboxing, or
94 | mixed martial arts affairs of any participant.

95 | (14) "Match" means any contest or exhibition.

96 | (15) "Matchmaker" means a person who brings together
97 | professionals or arranges matches for professionals.

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

105 | (17) "Participant" means a professional competing in a
106 | boxing, kickboxing, or mixed martial arts match.

107 | (18) "Physician" means a person ~~an individual~~ licensed to
108 | practice medicine under chapter 458 or chapter 459 whose license
109 | is unencumbered and in good standing ~~to practice medicine and~~
110 | ~~surgery in this state.~~

111 | (19) "Professional" means a person who has received or
112 | competed for any purse or other article of a value greater than

113 \$50, either for the expenses of training or for participating in
 114 any match.

115 (20) "Promoter" means any person or entity, and includes
 116 any officer, director, trustee, partner ~~employee~~, or owner
 117 ~~stockholder~~ of a corporate promoter or any promoter partnership,
 118 who produces, arranges, or stages any match involving a
 119 professional.

120 (21) "Purse" means the financial guarantee or other
 121 remuneration for which a professional is participating in a
 122 match and includes the professional's share of any payment
 123 received for radio broadcasting, television, and motion picture
 124 rights.

125 (22) "Second" or "cornerman" means a person who assists a
 126 ~~the match~~ participant in preparation for a match and between
 127 rounds, and who maintains the corner of a ~~the~~ participant during
 128 a ~~the~~ match.

129 (23) "Secretary" means the Secretary of Business and
 130 Professional Regulation.

131 Section 2. Section 548.004, Florida Statutes, is amended
 132 to read:

133 548.004 Executive director; duties, compensation,
 134 administrative support.—

135 (1) The department shall employ an executive director with
 136 the approval of the commission. The executive director shall
 137 serve at the pleasure of the secretary. The executive director
 138 or his or her designee shall perform duties and responsibilities
 139 as set forth by the commission, which shall include conducting
 140 the functions of the commission office; appointing event and

141 commission officials; approving licenses, permits, and matches;
142 and performing any ~~keep a record of all proceedings of the~~
143 ~~commission; shall preserve all books, papers, and documents~~
144 ~~pertaining to the business of the commission; shall prepare any~~
145 ~~notices and papers required; shall appoint judges, referees, and~~
146 ~~other officials as delegated by the commission and pursuant to~~
147 ~~this chapter and rules of the commission; and shall perform such~~
148 other duties as the department or commission deems necessary
149 ~~directs~~. The executive director may issue subpoenas and
150 administer oaths.

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

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

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

165 548.006 Power of commission to control professional and
166 amateur boxing, kickboxing, and mixed martial arts matches
167 ~~pugilistic contests and exhibitions; certification of~~
168 competitiveness of professional mixed martial arts and

169 kickboxing matches.—

170 (3) The commission has exclusive jurisdiction over
 171 approval, disapproval, suspension of approval, and revocation of
 172 approval of all amateur sanctioning organizations for amateur
 173 boxing, ~~and kickboxing, and mixed martial arts~~ matches held in
 174 this state.

175 Section 4. Section 548.007, Florida Statutes, is amended
 176 to read:

177 548.007 Exemptions.—~~This chapter does Applicability of~~
 178 ~~provisions to amateur matches and certain other matches or~~
 179 ~~events. Sections 548.001-548.079 do not apply to:~~

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

186 (2) A match conducted or sponsored by any company or
 187 detachment of the Florida National Guard, if the match is
 188 limited to amateurs ~~participants~~ who are members of the company
 189 or detachment of the Florida National Guard. ~~;~~ ~~or~~

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

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

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

201 (6) A match conducted by the International Olympic
202 Committee, the International Paralympic Committee, the Special
203 Olympics, or the Junior Olympics, if the match is limited to
204 amateurs who are competing in or attempting to qualify for the
205 Olympics, Paralympics, Special Olympics, or Junior Olympics.

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

212 Section 5. Section 548.015, Florida Statutes, is repealed.

213 Section 6. Subsection (1) of section 548.017, Florida
214 Statutes, is amended to read:

215 548.017 Participants, managers, and other persons required
216 to have licenses.—

217 (1) A participant, manager, trainer, second, timekeeper,
218 referee, judge, announcer, physician, matchmaker,
219 ~~concessionaire,~~ or booking agent or representative of a booking
220 agent shall be licensed before directly or indirectly acting in
221 such capacity in connection with any match involving a
222 participant. A physician must be licensed pursuant to chapter
223 458 or chapter 459, must maintain an unencumbered license in
224 good standing, and must demonstrate satisfactory medical

225 training or experience in boxing, or a combination of both, to
226 the executive director prior to working as the ringside
227 physician.

228 Section 7. Paragraph (c) of subsection (3) of section
229 548.046, Florida Statutes, is amended, and paragraph (d) is
230 added to that subsection, to read:

231 548.046 Physician's attendance at match; examinations;
232 cancellation of match.—

233 (3)

234 (c) Failure or refusal to provide a urine sample
235 immediately upon request constitutes an immediate serious danger
236 to the health, safety, and welfare of the participants and the
237 public and shall result in the immediate suspension ~~revocation~~
238 of the participant's license and constitute grounds for
239 additional disciplinary action. Any participant who has been
240 adjudged the loser of a match and who subsequently refuses to or
241 is unable to provide a urine sample shall forfeit his or her
242 share of the purse to the commission. Any participant who is
243 adjudged the winner of a match and who subsequently refuses to
244 or is unable to provide a urine sample shall forfeit the win and
245 shall not be allowed to engage in any future match in the state.
246 A no-decision result shall be entered into the official record
247 as the result of the match. The purse shall be redistributed as
248 though the participant found to be in violation of this
249 subsection had lost the match. If redistribution of the purse is
250 not necessary or after redistribution of the purse is completed,
251 the participant found to be in violation of this subsection
252 shall forfeit his or her share of the purse to the commission.

253 (d) Testing positive for any of the prohibited substances
 254 as set forth by commission rule constitutes an immediate serious
 255 danger to the health, safety, and welfare of the participants
 256 and the general public and shall result in the immediate
 257 suspension of the participant's license and constitute grounds
 258 for additional disciplinary action.

259 Section 8. Subsection (2) of section 548.054, Florida
 260 Statutes, is amended to read:

261 548.054 Withholding of purses; hearing; disposition of
 262 withheld purse forfeiture.—

263 (2) Any purse so withheld shall be delivered by the
 264 promoter to the commission upon demand. Within 10 days after the
 265 match, the person from whom the sum was withheld may submit a
 266 petition for a hearing to the commission ~~apply in writing to the~~
 267 ~~commission for a hearing~~. Upon receipt of the petition
 268 ~~application~~, the commission may hold ~~shall fix a date for a~~
 269 ~~hearing pursuant to ss. 120.569 and 120.57. Within 10 days after~~
 270 ~~the hearing or after 10 days following the match~~, If no petition
 271 ~~application~~ for a hearing is filed, the commission shall meet
 272 and determine the disposition to be made of the withheld purse.
 273 If the commission finds the charges sufficient, it may declare
 274 all or ~~any~~ part of the funds forfeited. If the commission finds
 275 the charges not sufficient upon which to base a withholding
 276 order, it shall immediately distribute the withheld funds to the
 277 persons entitled thereto.

278 Section 9. Section 548.06, Florida Statutes, is amended to
 279 read:

280 548.06 Payments to state; exemptions; audit of records.—

281 (1) A promoter holding a match shall, within 72 hours
282 after the match, file with the commission a written report which
283 includes the number of tickets sold, the amount of gross
284 receipts, and any other facts the commission may require. For
285 the purposes of this chapter, ~~total~~ gross receipts include each
286 of the following:

287 (a) The gross price charged for the sale or lease of
288 broadcasting, television, and pay-per-view ~~motion picture~~ rights
289 of any match occurring within the state without any deductions
290 for commissions, brokerage fees, distribution fees, advertising,
291 or other expenses or charges.~~†~~

292 ~~(b) The portion of the receipts from the sale of~~
293 ~~souvenirs, programs, and other concessions received by the~~
294 ~~promoter;~~

295 (b)(e) The face value of all tickets sold and
296 complimentary tickets issued, provided, or given. However, the
297 face value of complimentary tickets issued, provided, or given
298 of up to 4 percent of the seating capacity of the premises where
299 the match is held may be deducted from the calculation of gross
300 receipts. To the extent that complimentary tickets issued,
301 provided, or given exceed 4 percent of the seating capacity, the
302 deduction shall be calculated based on the proportion among the
303 price categories for which complimentary tickets were issued,
304 provided, or given. Tax payments made on complimentary tickets
305 issued, provided, or given above 4 percent shall be calculated
306 based on actual face value of the complimentary tickets, in
307 direct proportion to the price categories for which the tickets
308 were issued, provided, or given.~~† and~~

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

312 (2) Where the rights to telecast a match or matches held
313 in this state under the supervision of the Florida State Boxing
314 Commission are in whole owned by, sold to, acquired by, or held
315 by any person who intends to or subsequently sells or, in some
316 other manner, extends such rights in part to another, such
317 person is deemed to be a promoter and must be licensed as such
318 in this state. Such person shall, within 72 hours after the
319 sale, transfer, or extension of such rights in whole or in part,
320 file with the commission a written report that includes the
321 number of tickets sold, the amount of gross receipts, and any
322 other facts the commission may require.

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

327 ~~(3)-(4)~~ Any written report required to be filed with the
328 commission under this section shall be postmarked within 72
329 hours after the conclusion of the match, and an additional 5
330 days shall be allowed for mailing.

331 ~~(4)-(5)~~ Each ~~the~~ written report shall be accompanied by a
332 tax payment in the amount of 5 percent of the total gross
333 receipts exclusive of any federal taxes, except that the tax
334 payment derived from the gross price charged for the sale or
335 lease of broadcasting, television, and pay-per-view motion
336 picture rights of any match occurring within the state shall not

337 exceed \$40,000 for any single event.

338 (5)~~(6)~~(a) Any promoter who willfully makes a false and
 339 fraudulent report under this section is guilty of perjury and,
 340 upon conviction, is subject to punishment as provided by law.
 341 Such penalty shall be in addition to any other penalties imposed
 342 by this chapter.

343 (b) Any promoter who willfully fails, neglects, or refuses
 344 to make a report or to pay the taxes as prescribed or who
 345 refuses to allow the commission to examine the books, papers,
 346 and records of any promotion is guilty of a misdemeanor of the
 347 second degree, punishable as provided in s. 775.082 or s.
 348 775.083.

349 (6) The promoter shall retain a copy of the following
 350 records for a period of 1 year and shall provide a copy of such
 351 records to the commission upon request:

352 (a) Records necessary to justify and support each report
 353 submitted to the commission, including a copy of any report
 354 filed with the commission.

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

356 (7) Compliance with the requirements of this section is
 357 subject to verification by department or commission audit. The
 358 commission shall have the right, upon reasonable notice to the
 359 promoter, to audit the promoter's books and records relating to
 360 the promoter's operations under this chapter.

361 (8) The commission shall adopt rules establishing a
 362 procedure for auditing a promoter's records and resolving any
 363 inconsistencies revealed by an audit, such as excessive taxes
 364 paid or taxes owed by the filing promoter, and shall adopt a

365 rule imposing a late fee in the event of taxes owed.

366 Section 10. Section 548.07, Florida Statutes, is amended
367 to read:

368 548.07 Suspension of license or permit by commissioner;
369 hearing. ~~Notwithstanding any provision of chapter 120, any~~
370 ~~member of the commission may, upon her or his own motion or upon~~
371 ~~the verified written complaint of any person charging a licensee~~
372 ~~or permittee with violating this chapter, suspend any license or~~
373 ~~permit until final determination by the commission if such~~
374 ~~action is necessary to protect the public welfare and the best~~
375 ~~interests of the sport. The commission shall hold a hearing~~
376 ~~within 10 days after the date on which the license or permit is~~
377 ~~suspended.~~

378 (1) The commission, any commissioner, any commission
379 designee, or the executive director or his or her designee may
380 issue an emergency suspension of license order to any person
381 licensed under this chapter who poses an immediate serious
382 danger to the health, safety, and welfare of the participants
383 and the general public.

384 (2) The department's Office of General Counsel shall
385 review the grounds for each emergency suspension order issued
386 and file an administrative complaint against the licensee within
387 21 days after the issuance of the emergency suspension order.

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

391 Section 11. Section 548.073, Florida Statutes, is amended
392 to read:

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393 548.073 Commission hearings.—All hearings held under this
394 chapter must be held in accordance with chapter 120
395 ~~Notwithstanding the provisions of chapter 120, any member of the~~
396 ~~commission may conduct a hearing. Before any adjudication is~~
397 ~~rendered, a majority of the members of the commission shall~~
398 ~~examine the record and approve the adjudication and order.~~

399 Section 12. The sum of \$111,000 in recurring funds is
400 appropriated from the General Revenue Fund to the Department of
401 Business and Professional Regulation for the implementation of
402 this act by the Florida State Boxing Commission during the 2013-
403 2014 fiscal year.

404 Section 13. This act shall take effect July 1, 2013.