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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2013	.	
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The Committee on Appropriations (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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



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13 entity organized for sanctioning and supervising matches  
14 involving amateurs.

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

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

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

23 ~~(5)(6)~~ "Contest" means a boxing, kickboxing, or mixed  
24 martial arts engagement in which persons participating strive  
25 earnestly to win using, but not necessarily being limited to,  
26 strikes and blows to the head.

27 ~~(6)(7)~~ "Department" means the Department of Business and  
28 Professional Regulation.

29 ~~(7)(8)~~ "Event" means one or more matches comprising a show.

30 ~~(8)(9)~~ "Exhibition" means a boxing, kickboxing, or mixed  
31 martial arts engagement in which persons participating show or  
32 display their skill without necessarily striving to win using,  
33 but not necessarily being limited to, strikes and blows to the  
34 head.

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



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

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

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

48           (c) Cause the receiving participant to move in response to  
49 the blow or strike.

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

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

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

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

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

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

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



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

73 (18) "Physician" means a person ~~an individual~~ licensed to  
74 practice medicine under chapter 458 or chapter 459 whose license  
75 is unencumbered and in good standing ~~to practice medicine and~~  
76 ~~surgery in this state.~~

77 (19) "Professional" means a person who has received or  
78 competed for any purse or other article of a value greater than  
79 \$50, either for the expenses of training or for participating in  
80 any match.

81 (20) "Promoter" means any person or entity, and includes  
82 any officer, director, trustee, partner ~~employee~~, or owner  
83 ~~stockholder~~ of a corporate promoter or any promoter partnership,  
84 who produces, arranges, or stages any match involving a  
85 professional.

86 (21) "Purse" means the financial guarantee or other  
87 remuneration for which a professional is participating in a  
88 match and includes the professional's share of any payment  
89 received for radio broadcasting, television, and motion picture  
90 rights.

91 (22) "Second" or "cornerman" means a person who assists a  
92 ~~the match~~ participant in preparation for a match and between  
93 rounds, and who maintains the corner of a ~~the~~ participant during  
94 a ~~the~~ match.

95 (23) "Secretary" means the Secretary of Business and  
96 Professional Regulation.

97 Section 2. Section 548.004, Florida Statutes, is amended to  
98 read:

99 548.004 Executive director; duties, compensation,



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100 administrative support.-

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

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

119 (2)~~(3)~~ The department shall provide assistance in budget  
120 development and budget submission for state funding requests.  
121 The department shall submit an annual balanced legislative  
122 budget for the commission which is based upon anticipated  
123 revenue. The department shall provide technical assistance and  
124 administrative support, if requested or determined necessary  
125 ~~needed~~, to the commission and its executive director on issues  
126 relating to personnel, contracting, property management, or  
127 other issues identified as important to performing the duties of  
128 this chapter and to protecting the interests of the state.



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

131 548.006 Power of commission to control professional and  
132 amateur boxing, kickboxing, and mixed martial arts matches  
133 ~~pugilistic contests and exhibitions~~; certification of  
134 competitiveness of professional mixed martial arts and  
135 kickboxing matches.-

136 (3) The commission has exclusive jurisdiction over  
137 approval, disapproval, suspension of approval, and revocation of  
138 approval of all amateur sanctioning organizations for amateur  
139 boxing, and kickboxing, and mixed martial arts matches held in  
140 this state.

141 Section 4. Section 548.007, Florida Statutes, is amended to  
142 read:

143 548.007 Exemptions.-~~This chapter does~~ Applicability of  
144 ~~provisions to amateur matches and certain other matches or~~  
145 ~~events.~~ ~~Sections 548.001-548.079 do not apply to:~~

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

152 (2) A match conducted or sponsored by any company or  
153 detachment of the Florida National Guard, if the match is  
154 limited to amateurs ~~participants~~ who are members of the company  
155 or detachment of the Florida National Guard.; ~~or~~

156 (3) A match conducted or sponsored by the Fraternal Order  
157 of Police, if the match is limited to amateurs ~~amateur~~



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158 ~~participants~~ and is held in conjunction with a charitable event.

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

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

167 (6) A match conducted by the International Olympic  
168 Committee, the International Paralympic Committee, the Special  
169 Olympics, or the Junior Olympics, if the match is limited to  
170 amateurs who are competing in or attempting to qualify for the  
171 Olympics, Paralympics, Special Olympics, or Junior Olympics.

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

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

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

181 548.017 Participants, managers, and other persons required  
182 to have licenses.-

183 (1) A participant, manager, trainer, second, timekeeper,  
184 referee, judge, announcer, physician, matchmaker,  
185 ~~concessionaire~~, or booking agent or representative of a booking  
186 agent shall be licensed before directly or indirectly acting in



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187 such capacity in connection with any match involving a  
188 participant. A physician must be licensed pursuant to chapter  
189 458 or chapter 459, must maintain an unencumbered license in  
190 good standing, and must demonstrate satisfactory medical  
191 training or experience in boxing, or a combination of both, to  
192 the executive director prior to working as the ringside  
193 physician.

194 Section 7. Paragraph (c) of subsection (3) of section  
195 548.046, Florida Statutes, is amended, and paragraph (d) is  
196 added to that subsection, to read:

197 548.046 Physician's attendance at match; examinations;  
198 cancellation of match.-

199 (3)

200 (c) Failure or refusal to provide a urine sample  
201 immediately upon request constitutes an immediate serious danger  
202 to the health, safety, and welfare of the participants and the  
203 public and shall result in the immediate suspension ~~revocation~~  
204 of the participant's license and constitute grounds for  
205 additional disciplinary action. Any participant who has been  
206 adjudged the loser of a match and who subsequently refuses to or  
207 is unable to provide a urine sample shall forfeit his or her  
208 share of the purse to the commission. Any participant who is  
209 adjudged the winner of a match and who subsequently refuses to  
210 or is unable to provide a urine sample shall forfeit the win and  
211 shall not be allowed to engage in any future match in the state.  
212 A no-decision result shall be entered into the official record  
213 as the result of the match. The purse shall be redistributed as  
214 though the participant found to be in violation of this  
215 subsection had lost the match. If redistribution of the purse is





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216 not necessary or after redistribution of the purse is completed,  
217 the participant found to be in violation of this subsection  
218 shall forfeit his or her share of the purse to the commission.

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

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

227 548.054 Withholding of purses; hearing; disposition of  
228 withheld purse forfeiture.-

229 (2) Any purse so withheld shall be delivered by the  
230 promoter to the commission upon demand. Within 10 days after the  
231 match, the person from whom the sum was withheld may submit a  
232 petition for a hearing to the commission ~~apply in writing to the~~  
233 ~~commission for a hearing~~. Upon receipt of the petition  
234 application, the commission may hold ~~shall fix a date for a~~  
235 hearing pursuant to ss. 120.569 and 120.57. ~~Within 10 days after~~  
236 ~~the hearing or after 10 days following the match,~~ If no petition  
237 ~~application~~ for a hearing is filed, the commission shall meet  
238 and determine the disposition to be made of the withheld purse.  
239 If the commission finds the charges sufficient, it may declare  
240 all or ~~any~~ part of the funds forfeited. If the commission finds  
241 the charges not sufficient upon which to base a withholding  
242 order, it shall immediately distribute the withheld funds to the  
243 persons entitled thereto.

244 Section 9. Section 548.06, Florida Statutes, is amended to



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245 read:

246 548.06 Payments to state; exemptions; audit of records.—

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

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

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

260 (b)(e) The face value of all tickets sold and complimentary  
261 tickets issued, provided, or given. However, the face value of  
262 complimentary tickets issued, provided, or given of up to 4  
263 percent of the seating capacity of the premises where the match  
264 is held may be deducted from the calculation of gross receipts.  
265 To the extent that complimentary tickets issued, provided, or  
266 given exceed 4 percent of the seating capacity, the deduction  
267 shall be calculated based on the proportion among the price  
268 categories for which complimentary tickets were issued,  
269 provided, or given. Tax payments made on complimentary tickets  
270 issued, provided, or given above 4 percent shall be calculated  
271 based on actual face value of the complimentary tickets, in  
272 direct proportion to the price categories for which the tickets  
273 were issued, provided, or given.†—and



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

277        (2) Where the rights to telecast a match or matches held in  
278 this state under the supervision of the Florida State Boxing  
279 Commission are in whole owned by, sold to, acquired by, or held  
280 by any person who intends to or subsequently sells or, in some  
281 other manner, extends such rights in part to another, such  
282 person is deemed to be a promoter and must be licensed as such  
283 in this state. Such person shall, within 72 hours after the  
284 sale, transfer, or extension of such rights in whole or in part,  
285 file with the commission a written report that includes the  
286 number of tickets sold, the amount of gross receipts, and any  
287 other facts the commission may require.

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

292        (3)~~(4)~~ Any written report required to be filed with the  
293 commission under this section shall be postmarked within 72  
294 hours after the conclusion of the match, and an additional 5  
295 days shall be allowed for mailing.

296        (4)~~(5)~~ Each ~~the~~ written report shall be accompanied by a  
297 tax payment in the amount of 5 percent of the total gross  
298 receipts exclusive of any federal taxes, except that the tax  
299 payment derived from the gross price charged for the sale or  
300 lease of broadcasting, television, and pay-per-view motion  
301 picture rights of any match occurring within the state shall not  
302 exceed \$40,000 for any single event.



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303        (5)~~(6)~~(a) Any promoter who willfully makes a false and  
304 fraudulent report under this section is guilty of perjury and,  
305 upon conviction, is subject to punishment as provided by law.  
306 Such penalty shall be in addition to any other penalties imposed  
307 by this chapter.

308        (b) Any promoter who willfully fails, neglects, or refuses  
309 to make a report or to pay the taxes as prescribed or who  
310 refuses to allow the commission to examine the books, papers,  
311 and records of any promotion is guilty of a misdemeanor of the  
312 second degree, punishable as provided in s. 775.082 or s.  
313 775.083.

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

317        (a) Records necessary to justify and support each report  
318 submitted to the commission, including a copy of any report  
319 filed with the commission.

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

321        (7) Compliance with the requirements of this section is  
322 subject to verification by department or commission audit. The  
323 commission shall have the right, upon reasonable notice to the  
324 promoter, to audit the promoter's books and records relating to  
325 the promoter's operations under this chapter.

326        (8) The commission shall adopt rules establishing a  
327 procedure for auditing a promoter's records and resolving any  
328 inconsistencies revealed by an audit, such as excessive taxes  
329 paid or taxes owed by the filing promoter, and shall adopt a  
330 rule imposing a late fee in the event of taxes owed.

331        Section 10. Section 548.07, Florida Statutes, is amended to



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332 read:

333 548.07 Suspension of license or permit by commissioner;  
334 hearing. ~~Notwithstanding any provision of chapter 120, any~~  
335 ~~member of the commission may, upon her or his own motion or upon~~  
336 ~~the verified written complaint of any person charging a licensee~~  
337 ~~or permittee with violating this chapter, suspend any license or~~  
338 ~~permit until final determination by the commission if such~~  
339 ~~action is necessary to protect the public welfare and the best~~  
340 ~~interests of the sport. The commission shall hold a hearing~~  
341 ~~within 10 days after the date on which the license or permit is~~  
342 ~~suspended.~~

343 (1) The commission, any commissioner, any commission  
344 designee, or the executive director or his or her designee may  
345 issue an emergency suspension of license order to any person  
346 licensed under this chapter who poses an immediate serious  
347 danger to the health, safety, and welfare of the participants  
348 and the general public.

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

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

356 Section 11. Section 548.073, Florida Statutes, is amended  
357 to read:

358 548.073 Commission hearings. All hearings held under this  
359 chapter must be held in accordance with chapter 120  
360 ~~Notwithstanding the provisions of chapter 120, any member of the~~



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361 ~~commission may conduct a hearing. Before any adjudication is~~  
362 ~~rendered, a majority of the members of the commission shall~~  
363 ~~examine the record and approve the adjudication and order.~~

364       Section 12. The sum of \$111,000 in recurring funds is  
365 appropriated from the General Revenue Fund to the Department of  
366 Business and Professional Regulation for the implementation of  
367 this act by the Florida State Boxing Commission during the 2013-  
368 2014 fiscal year.

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

370

371 ===== T I T L E   A M E N D M E N T =====

372 And the title is amended as follows:

373       Delete everything before the enacting clause  
374 and insert:

375                               A bill to be entitled  
376       An act relating to pugilistic exhibitions; amending s.  
377       548.002, F.S.; revising definitions; amending s.  
378       548.004, F.S.; revising the duties and  
379       responsibilities of the executive director of the  
380       Florida State Boxing Commission; deleting a provision  
381       requiring the electronic recording of all scheduled  
382       Florida State Boxing Commission proceedings; amending  
383       s. 548.006, F.S.; providing the commission exclusive  
384       jurisdiction over approval of amateur mixed martial  
385       arts matches; amending s. 548.007, F.S.; revising  
386       nonapplicability of ch. 548, F.S.; repealing s.  
387       548.015, F.S., which requires licensed concessionaires  
388       to obtain a security, to conform; amending s. 548.017,  
389       F.S.; deleting a requirement for the licensure of



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390 concessionaires; amending s. 548.046, F.S.; providing  
391 for immediate license suspension and other  
392 disciplinary action if a participant fails or refuses  
393 to provide a urine sample or tests positive for  
394 specified prohibited substances; amending s. 548.054,  
395 F.S.; revising procedure and requirements for  
396 requesting a hearing following the withholding of a  
397 purse; amending s. 548.06, F.S.; revising the  
398 calculation of gross receipts; requiring promoters to  
399 retain specified documents and records; authorizing  
400 the commission and the Department of Business and  
401 Professional Regulation to audit specified records  
402 retained by a promoter; requiring the commission to  
403 adopt rules; amending s. 548.07, F.S.; revising the  
404 procedure for suspension of licensure by specified  
405 persons; amending s. 548.073, F.S.; revising rules of  
406 procedure governing commission hearings; providing an  
407 appropriation; providing an effective date.