

By Senator Altman

16-01069-13

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1 A bill to be entitled
2 An act relating to pugilistic exhibitions; amending s.
3 548.002, F.S.; providing new definitions and revising
4 existing definitions; amending s. 548.004, F.S.;
5 revising the duties of the Executive Director of the
6 Florida State Boxing Commission; amending s. 548.006,
7 F.S.; clarifying provisions and providing exclusive
8 jurisdiction to the commission relating to sanctioning
9 bodies for mixed martial arts matches; amending s.
10 548.007, F.S.; providing exemptions from regulation
11 for matches conducted by certain educational,
12 military, and other organizations; amending s.
13 548.046, F.S.; providing sanctions for certain
14 violations related to required testing for prohibited
15 substances; amending s. 548.054, F.S.; clarifying
16 provisions relating to hearings relating to the
17 withholding of purses by promoters; amending s.
18 548.06, F.S.; providing financial recordkeeping
19 requirements for promoters; providing for inspections
20 and the adoption of rules by the commission; amending
21 s. 548.07, F.S.; revising procedures relating to the
22 suspension of licenses by the commission; providing
23 for review by the General Counsel of the Department of
24 Business and Professional Regulation; amending s.
25 548.073, F.S.; requiring all hearings to be held
26 pursuant to ch. 120, F.S.; providing an effective
27 date.

28
29 Be It Enacted by the Legislature of the State of Florida:

16-01069-13

20131686__

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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 a ~~any~~ business entity organized for sanctioning and supervising matches involving amateurs.

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

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

(5) "Concessionaire" means a ~~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 a match.

~~(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, strikes and blows to the head.

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

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

16-01069-13

20131686__

59 ~~(10)(9)~~ "Exhibition" means a boxing, kickboxing, or mixed
60 martial arts engagement in which persons participating show or
61 display their skill without necessarily striving to win using,
62 but not necessarily being limited to, strikes and blows to the
63 head.

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

71 ~~(12)(10)~~ "Foreign copromoter" means a promoter who has no
72 place of business within this state.

73 (13) "Full contact" means a match or a bout during which
74 the blows or strikes that are delivered:

75 (a) Are intended to cause injury;

76 (b) Are intended to break the plane of the receiving
77 participant's body;

78 (c) Are delivered to the head, face, neck, or body of the
79 receiving participant; or

80 (d) Cause the receiving participant to move in response to
81 the blow.

82 (14) "Gross receipts" means:

83 (a) The gross price charged for the sale or lease of
84 broadcasting, television, and motion picture rights, without any
85 deduction for commissions, brokerage fees, distribution fees,
86 advertising, or other expenses or charges;

87 (b) The portion of the receipts from the sale of

16-01069-13

20131686__

88 concessions received by the promoter; and

89 (c) The face value of all tickets sold and complimentary
90 tickets issued.

91

92 The term does not include any amount charged for federal and
93 state taxes.

94 (15)-(11) "Judge" means a person who has a vote in
95 determining the winner of any contest.

96 (16)-(12) "Kickboxing" means to compete in any form of
97 boxing in which blows are delivered with the hands, fists, any
98 part of the legs, including the feet, with the fists, feet,
99 legs, or any combination thereof, and includes "punchkick" and
100 other similar competitions.

101 (17)-(13) "Manager" means a any person who, directly or
102 indirectly, controls or administers the boxing, kickboxing, or
103 mixed martial arts affairs of a any participant.

104 (18) "Martial arts" means any traditional form of self-
105 defense taught by masters which uses physical skill and
106 coordination, is taught and advanced on a belt system, and may
107 include, but is not limited to, karate, aikido, judo, and kung
108 fu. The term does not mean a combination of any of the
109 traditional forms or the techniques used in the traditional
110 forms of self-defense or unarmed combat.

111 (19)-(14) "Match" means any contest or exhibition.

112 (20) "Match held in conjunction with instruction" means a
113 practice bout or sparring session between two students of the
114 same school or instructional facility which is used to display
115 skills obtained from instruction and which is conducted over a
116 period of more than 30 days in the techniques used in boxing,

16-01069-13

20131686__

117 kickboxing, and martial arts. The instruction may be received
118 before the match or during the match from a trainer or the
119 referee.

120 (21)-(15) "Matchmaker" means a person who brings together
121 professionals or arranges matches for professionals.

122 (22)-(16) "Mixed martial arts" means unarmed combat
123 involving the use, subject to any applicable limitations ~~set~~
124 ~~forth~~ in this chapter, of a combination of two or more
125 techniques, including, but not limited to, wrestling, grappling,
126 kicking, and striking, from different disciplines of the martial
127 arts, including, but not limited to, kickboxing, boxing, Muay
128 Thai, and Thai boxing ~~grappling, kicking, and striking.~~

129 (23)-(17) "Participant" means a professional competing in a
130 boxing, kickboxing, or mixed martial arts match.

131 (24)-(18) "Physician" means an individual licensed as a
132 physician, as defined in chapter 458, or an osteopathic
133 physician, as defined in chapter 459, to practice medicine and
134 surgery in this state.

135 (25)-(19) "Professional" means a person who has received or
136 competed for any purse or other article of a value greater than
137 \$50, either for the expenses of training or for participating in
138 any match.

139 (26)-(20) "Promoter" means any person, and includes any
140 officer, director, employee, or stockholder of a corporate
141 promoter, who produces, arranges, or stages any match involving
142 a professional.

143 (27)-(21) "Purse" means the financial guarantee or other
144 remuneration for which a professional is participating in a
145 match and includes the professional's share of any payment

16-01069-13

20131686__

146 received for radio broadcasting, television, and motion picture
147 rights.

148 ~~(28)~~~~(22)~~ "Second" or "cornerman" means a person who assists
149 the match participant between rounds and maintains the corner of
150 the participant during the match.

151 ~~(29)~~~~(23)~~ "Secretary" means the Secretary of Business and
152 Professional Regulation.

153 Section 2. Section 548.004, Florida Statutes, is amended to
154 read:

155 548.004 Executive director; duties, compensation,
156 administrative support.—

157 (1) The department shall employ an executive director with
158 the approval of the commission. The executive director shall
159 serve at the pleasure of the secretary. The executive director
160 or his or her designee shall comply with any duties or
161 responsibilities specified by the commission, including
162 conducting the functions of the commission office, appointing
163 event and commission officials, approving licenses, permits,
164 matches, and fight cards, ~~keep a record of all proceedings of~~
165 ~~the commission; shall preserve all books, papers, and documents~~
166 ~~pertaining to the business of the commission; shall prepare any~~
167 ~~notices and papers required; shall appoint judges, referees, and~~
168 ~~other officials as delegated by the commission and pursuant to~~
169 ~~this chapter and rules of the commission; and performing shall~~
170 ~~perform~~ such other duties as the department or commission deems
171 necessary ~~directs~~. The executive director may issue subpoenas
172 and administer oaths.

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

16-01069-13

20131686__

175 (2)~~(3)~~ The department shall provide assistance in budget
176 development and budget submission for state funding requests.
177 The department shall submit an annual balanced legislative
178 budget for the commission which is based upon anticipated
179 revenue. The department shall provide technical assistance and
180 administrative support, if requested or determined necessary
181 ~~needed~~, to the commission and its executive director on issues
182 relating to personnel, contracting, property management, or
183 other issues identified as important to performing the duties of
184 this chapter and to protecting the interests of the state.

185 Section 3. Section 548.006, Florida Statutes, is amended to
186 read:

187 548.006 Power of commission to control professional and
188 amateur pugilistic ~~contests and exhibitions; certification of~~
189 ~~competitiveness of professional mixed martial arts and~~
190 ~~kickboxing~~ matches.—

191 (1) The commission has exclusive jurisdiction over every
192 match held within the state which involves a professional.

193 (2) As to professional mixed martial arts and kickboxing,
194 until a central repository of match records for each exists and
195 is approved by the commission, the matchmaker shall certify as
196 to the competitiveness of each match.

197 (3) The commission has exclusive jurisdiction over
198 approval, disapproval, suspension of approval, and revocation of
199 approval of all amateur sanctioning organizations for amateur
200 boxing, ~~and~~ kickboxing, and mixed martial arts matches held in
201 this state.

202 (4) Professional and amateur matches shall be held in
203 accordance with this chapter and the rules adopted by the

16-01069-13

20131686__

204 commission.

205 Section 4. Section 548.007, Florida Statutes, is amended to
206 read:

207 548.007 Exceptions ~~Applicability of provisions to amateur~~
208 ~~matches and certain other matches or events.~~ Sections 548.001-
209 548.079 do not apply to:

210 (1) A match conducted or sponsored by a bona fide nonprofit
211 school or education program whose primary purpose is instruction
212 in the martial arts, boxing, or kickboxing, if the match held in
213 conjunction with the instruction is limited to amateur
214 participants who are students of the school or instructional
215 program and if the school or program is located at only one
216 physical address;

217 (2) A match conducted or sponsored by any company or
218 detachment of the Florida National Guard, if the match is
219 limited to amateur participants who are members of the company
220 or detachment of the Florida National Guard; ~~or~~

221 (3) A match conducted or sponsored by the Fraternal Order
222 of Police, if the match is limited to amateur participants and
223 is held in conjunction with a charitable event; ~~-~~

224 (4) A match conducted by a university, college, community
225 college, junior college, high school, or junior high school; or
226 a match limited to amateur participants who are enrolled
227 students at the university, college, community college, junior
228 college, high school, or junior high school that is conducting
229 the match;

230 (5) A match conducted by a company or detachment of the
231 United States Army, Navy, Air Force, Marine Corps, Coast Guard,
232 or National Guard, if the match is limited to amateur

16-01069-13

20131686__

233 participants who are members of the United States Armed Forces;

234 (6) A match conducted by the International Olympic
235 Committee, the International Paralympic Committee, the Special
236 Olympics, or the Junior Olympics, if the match is limited to
237 amateur participants who are competing or qualifying for the
238 Olympics, the Paralympics, the Special Olympics, or the Junior
239 Olympics; or

240 (7) A match conducted by an entity in connection with the
241 motion picture, fashion photography, theatrical, or television
242 industry, if the match is intended for entertainment purposes,
243 does not allow full contact, and contains all of the following
244 factors:

245 (a) Predetermined winners.

246 (b) Celebrity participants.

247 (c) "Pillow-fight" gloves, which weigh no less than 24
248 ounces.

249 (d) Headgear.

250 (e) Rounds lasting no more than 1 minute, with at least 1-
251 minute rest intervals.

252 (f) No purse.

253 Section 5. Paragraph (c) of subsection (3) of section
254 548.046, Florida Statutes, is amended, and paragraph (d) is
255 added to that subsection, to read:

256 548.046 Physician's attendance at match; examinations;
257 cancellation of match.-

258 (3)

259 (c) Failure or refusal to provide a urine sample
260 immediately upon request is an immediate and serious risk to the
261 health, safety, and welfare of the participants and the public

16-01069-13

20131686__

262 and shall result in the immediate suspension ~~revocation~~ of the
263 participant's license and subject the participant to
264 disciplinary action. ~~A Any~~ participant who has been adjudged the
265 loser of a match and who subsequently refuses to or is unable to
266 provide a urine sample shall forfeit his or her share of the
267 purse to the commission. ~~A Any~~ participant who is adjudged the
268 winner of a match and who subsequently refuses to or is unable
269 to provide a urine sample shall forfeit the win and may shall
270 ~~not be allowed to~~ engage in any future match in the state. A no-
271 decision result shall be entered into the official record as the
272 result of the match. The purse shall be redistributed as though
273 the participant found to be in violation of this subsection had
274 lost the match. If redistribution of the purse is not necessary
275 or after redistribution of the purse is completed, the
276 participant found to be in violation of this subsection shall
277 forfeit his or her share of the purse to the commission.

278 (d) Testing positive for a prohibited substance specified
279 in a commission rule is an immediate and serious danger to the
280 health, safety, and welfare of the participants and the general
281 public. A professional participant who tests positive on a
282 verified drug test for a prohibited drug or substance is subject
283 to disciplinary action.

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

286 548.054 Withholding of purses; hearing; disposition of
287 withheld purse forfeiture.—

288 (2) Any purse so withheld shall be delivered by the
289 promoter to the commission upon demand. Within 10 days after the
290 match, the person from whom the sum was withheld may submit to

16-01069-13

20131686__

291 ~~the commission a petition for hearing apply in writing to the~~
292 ~~commission for a hearing.~~ Upon receipt of the petition
293 ~~application,~~ the commission may hold a hearing pursuant to s.
294 120.569 or s. 120.57 ~~shall fix a date for a hearing. Within 10~~
295 ~~days after the hearing or after 10 days following the match,~~ If
296 no petition application for a hearing is filed, the commission
297 shall meet and determine the disposition to be made of the
298 withheld purse. If the commission finds the charges sufficient,
299 it may declare all or any part of the funds forfeited. If the
300 commission finds the charges not sufficient upon which to base a
301 withholding order, it shall immediately distribute the withheld
302 funds to the persons entitled thereto.

303 Section 7. Subsections (7) through (9) are added to section
304 548.06, Florida Statutes, to read:

305 548.06 Payments to state; exemptions.-

306 (7) A promoter shall retain a copy of the following records
307 for 7 years and shall provide copies to the commission, upon
308 request:

309 (a) Records necessary to justify and support the reports
310 submitted to the commission;

311 (b) Filed reports, certified by the promoter;

312 (c) Copies of all gross receipts;

313 (d) Independently prepared ticket manifests; and

314 (e) Receipted vouchers for all expenditures and deductions.

315 (8) Compliance with this section is subject to verification
316 by commission audit. The commission may, upon reasonable notice
317 to the promoter, audit the promoter's books and records relating
318 to the promoter's operations under this section.

319 (9) The commission shall adopt rules, including actions to

16-01069-13

20131686__

320 be taken by the commission if an audit reflects excessive taxes
321 paid or taxes owed by the promoter, including a late fee if
322 taxes are owed.

323 Section 8. Section 548.07, Florida Statutes, is amended to
324 read:

325 548.07 Suspension of license or permit by commissioner;
326 hearing.—

327 (1) The commission, any commissioner, the executive
328 director or his or her designee, or any commission designee may
329 issue an emergency suspension of the license of a licensee who
330 poses an immediate and serious danger to the health, safety, and
331 welfare of the public, a licensee, or a participant.

332 (2) The general counsel of the department shall review the
333 grounds for the emergency suspension order and shall file an
334 administrative complaint against the licensee within 21 days
335 after issuance of the order ~~Notwithstanding any provision of~~
336 ~~chapter 120, any member of the commission may, upon her or his~~
337 ~~own motion or upon the verified written complaint of any person~~
338 ~~charging a licensee or permittee with violating this chapter,~~
339 ~~suspend any license or permit until final determination by the~~
340 ~~commission if such action is necessary to protect the public~~
341 ~~welfare and the best interests of the sport. The commission~~
342 ~~shall hold a hearing within 10 days after the date on which the~~
343 ~~license or permit is suspended.~~

344 Section 9. Section 548.073, Florida Statutes, is amended to
345 read:

346 548.073 Commission hearings.—Hearings held under this
347 chapter must be pursuant to chapter 120. ~~Notwithstanding the~~
348 ~~provisions of chapter 120, any member of the commission may~~

16-01069-13

20131686__

349 ~~conduct a hearing. Before any adjudication is rendered, a~~
350 ~~majority of the members of the commission shall examine the~~
351 ~~record and approve the adjudication and order.~~

352 Section 10. This act shall take effect upon becoming a law.