

By the Committee on Regulated Industries; and Senator Altman

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

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

34 548.002 Definitions.—As used in this chapter, the term:

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

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

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

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

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

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

53 (7) ~~(6)~~ "Contest" means a boxing, kickboxing, or mixed
54 martial arts engagement in which persons participating strive
55 earnestly to win using, but not necessarily being limited to,
56 strikes and blows to the head.

57 (8) ~~(7)~~ "Department" means the Department of Business and
58 Professional Regulation.

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59 (9)~~(8)~~ "Event" means one or more matches comprising a show.

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

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

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

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

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

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

80 (c) Cause the receiving participant to move in response to
81 the blow or strike.

82 (14)~~(11)~~ "Judge" means a person who has a vote in
83 determining the winner of any contest.

84 (15)~~(12)~~ "Kickboxing" means the practice of fighting to
85 compete with the fists, hands, feet, legs, or any combination
86 thereof as a sport, and includes "punchkick" and other similar
87 competitions.

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88 (16)~~(13)~~ "Manager" means any person who, directly or
89 indirectly, controls or administers the boxing, kickboxing, or
90 mixed martial arts affairs of any participant.

91 (17)~~(14)~~ "Match" means any contest or exhibition.

92 (18)~~(15)~~ "Matchmaker" means a person who brings together
93 professionals or arranges matches for professionals.

94 (19)~~(16)~~ "Mixed martial arts" means full contact, unarmed
95 combat involving the use, ~~subject to any applicable limitations~~
96 ~~set forth in this chapter~~, of a combination of two or more
97 techniques, including, but not limited to, wrestling, grappling,
98 kicking, and striking, from different disciplines of the martial
99 arts, including, but not limited to, boxing, kickboxing, muay
100 Thai, and Thai boxing ~~grappling, kicking, and striking~~.

101 (20)~~(17)~~ "Participant" means a professional competing in a
102 boxing, kickboxing, or mixed martial arts match.

103 (21)~~(18)~~ "Physician" means a person ~~an individual~~ licensed
104 as a physician under ch. 458 or licensed as an osteopathic
105 physician under ch. 459 or holding an equivalent license from
106 another jurisdiction ~~to practice medicine and surgery in this~~
107 ~~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
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

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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 assists
122 the match participant between rounds and maintains the corner of
123 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 to
127 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,~~
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.

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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.

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

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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 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
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

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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
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.

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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.-

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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 souvenirs,
272 programs, and other concessions received by the promoter;

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

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

279 (7) The promoter shall retain a copy of the following
280 records for a period of 7 years and shall provide a copy of such
281 records to the commission upon request:

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

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

286 (c) Copies of all gross receipts.

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

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

289 (8) Compliance with the requirements of this section is
290 subject to verification by department or commission audit. The

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291 commission shall have the right, upon reasonable notice to the
292 promoter, to audit the promoter's books and records relating to
293 the promoter's operations under this chapter.

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

299 Section 8. Section 548.07, Florida Statutes, is amended to
300 read:

301 548.07 Suspension of license or permit by commissioner;
302 hearing. ~~Notwithstanding any provision of chapter 120, any~~
303 ~~member of the commission may, upon her or his own motion or upon~~
304 ~~the verified written complaint of any person charging a licensee~~
305 ~~or permittee with violating this chapter, suspend any license or~~
306 ~~permit until final determination by the commission if such~~
307 ~~action is necessary to protect the public welfare and the best~~
308 ~~interests of the sport. The commission shall hold a hearing~~
309 ~~within 10 days after the date on which the license or permit is~~
310 ~~suspended.~~

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

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

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320 after the issuance of the emergency suspension order.

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

324 Section 9. Section 548.073, Florida Statutes, is amended to
325 read:

326 548.073 Commission hearings.—All hearings held under this
327 chapter must be held in accordance with chapter 120

328 ~~Notwithstanding the provisions of chapter 120, any member of the~~
329 ~~commission may conduct a hearing. Before any adjudication is~~
330 ~~rendered, a majority of the members of the commission shall~~
331 ~~examine the record and approve the adjudication and order.~~

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