

By the Committees on Appropriations; and 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.; 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

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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 to
38 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 Commission.

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

55 (5) ~~(6)~~ "Contest" means a boxing, kickboxing, or mixed
56 martial arts engagement in which persons participating strive
57 earnestly to win using, but not necessarily being limited to,
58 strikes and blows to the head.

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59 ~~(6)(7)~~ "Department" means the Department of Business and
60 Professional Regulation.

61 ~~(7)(8)~~ "Event" means one or more matches comprising a show.

62 ~~(8)(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 (9) "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 (10) "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 ~~(10) "Foreign copromoter" means a promoter who has no place~~
83 ~~of business within this state.~~

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

86 (12) "Kickboxing" means the practice of fighting to compete
87 with the fists, hands, feet, legs, or any combination thereof as

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88 ~~a sport, and includes "punchkick" and other similar~~
89 ~~competitions.~~

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

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

96 (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, grappling, kicking,
100 and striking, from different disciplines of the martial arts,
101 including, but not limited to, boxing, kickboxing, muay Thai,
102 and Thai boxing ~~grappling, kicking, and striking.~~

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

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

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

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

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117 professional.

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

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

127 (23) "Secretary" means the Secretary of Business and
128 Professional Regulation.

129 Section 2. Section 548.004, Florida Statutes, is amended to
130 read:

131 548.004 Executive director; duties, compensation,
132 administrative support.—

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

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146 other duties as the department or commission deems necessary
147 ~~directs~~. The executive director may issue subpoenas and
148 administer oaths.

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

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

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

163 548.006 Power of commission to control professional and
164 amateur boxing, kickboxing, and mixed martial arts matches
165 ~~pugilistic contests and exhibitions~~; certification of
166 competitiveness of professional mixed martial arts and
167 kickboxing matches.-

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

173 Section 4. Section 548.007, Florida Statutes, is amended to
174 read:

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175 548.007 Exemptions.~~This chapter does~~ Applicability of
176 ~~provisions to amateur matches and certain other matches or~~
177 ~~events. Sections 548.001-548.079 do not apply to:~~

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

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

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

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

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

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

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

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

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

213 548.017 Participants, managers, and other persons required
214 to have licenses.—

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

226 Section 7. Paragraph (c) of subsection (3) of section
227 548.046, Florida Statutes, is amended, and paragraph (d) is
228 added to that subsection, to read:

229 548.046 Physician's attendance at match; examinations;
230 cancellation of match.—

231 (3)

232 (c) Failure or refusal to provide a urine sample

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

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

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

259 548.054 Withholding of purses; hearing; disposition of
260 withheld purse forfeiture.—

261 (2) Any purse so withheld shall be delivered by the

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

276 Section 9. Section 548.06, Florida Statutes, is amended to
277 read:

278 548.06 Payments to state; exemptions; audit of records.—

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

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

290 ~~(b) The portion of the receipts from the sale of souvenirs,~~

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291 ~~programs, and other concessions received by the promoter;~~

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

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

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

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

324 (3)~~(4)~~ Any written report required to be filed with the
325 commission under this section shall be postmarked within 72
326 hours after the conclusion of the match, and an additional 5
327 days shall be allowed for mailing.

328 (4)~~(5)~~ Each ~~the~~ written report shall be accompanied by a
329 tax payment in the amount of 5 percent of the total gross
330 receipts exclusive of any federal taxes, except that the tax
331 payment derived from the gross price charged for the sale or
332 lease of broadcasting, television, and pay-per-view motion
333 picture rights of any match occurring within the state shall not
334 exceed \$40,000 for any single event.

335 (5)~~(6)~~(a) Any promoter who willfully makes a false and
336 fraudulent report under this section is guilty of perjury and,
337 upon conviction, is subject to punishment as provided by law.
338 Such penalty shall be in addition to any other penalties imposed
339 by this chapter.

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

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

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349 (a) Records necessary to justify and support each report
350 submitted to the commission, including a copy of any report
351 filed with the commission.

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

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

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

363 Section 10. Section 548.07, Florida Statutes, is amended to
364 read:

365 548.07 Suspension of license or permit by commissioner;
366 hearing. ~~Notwithstanding any provision of chapter 120, any~~
367 ~~member of the commission may, upon her or his own motion or upon~~
368 ~~the verified written complaint of any person charging a licensee~~
369 ~~or permittee with violating this chapter, suspend any license or~~
370 ~~permit until final determination by the commission if such~~
371 ~~action is necessary to protect the public welfare and the best~~
372 ~~interests of the sport. The commission shall hold a hearing~~
373 ~~within 10 days after the date on which the license or permit is~~
374 ~~suspended.~~

375 (1) The commission, any commissioner, any commission
376 designee, or the executive director or his or her designee may
377 issue an emergency suspension of license order to any person

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378 licensed under this chapter who poses an immediate serious
379 danger to the health, safety, and welfare of the participants
380 and the general public.

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

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

388 Section 11. Section 548.073, Florida Statutes, is amended
389 to read:

390 548.073 Commission hearings.—All hearings held under this
391 chapter must be held in accordance with chapter 120
392 ~~Notwithstanding the provisions of chapter 120, any member of the~~
393 ~~commission may conduct a hearing. Before any adjudication is~~
394 ~~rendered, a majority of the members of the commission shall~~
395 ~~examine the record and approve the adjudication and order.~~

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

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