

HB 773

2014

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 commission  
8           proceedings; amending s. 548.006, F.S.; providing the  
9           commission exclusive jurisdiction over approval of  
10          amateur mixed martial arts matches; amending s.  
11          548.007, F.S.; revising applicability of ch. 548,  
12          F.S.; repealing s. 548.015, F.S., relating to the  
13          authority of the commission to require a  
14          concessionaire to file a form of security with the  
15          commission; amending s. 548.017, F.S.; deleting a  
16          requirement for the licensure of concessionaires;  
17          amending s. 548.046, F.S.; providing for immediate  
18          license suspension and other disciplinary action if a  
19          participant fails or refuses to provide a urine sample  
20          or tests positive for specified prohibited substances;  
21          amending s. 548.054, F.S.; revising procedure and  
22          requirements for requesting a hearing following the  
23          withholding of a purse; amending s. 548.06, F.S.;  
24          specifying a circumstance under which a report is not  
25          required to be filed with the commission; revising the  
26          calculation of gross receipts that are required to be  
27          filed in a report to the commission; requiring  
28          promoters to retain specified documents and records;

29 | authorizing the commission and the Department of  
 30 | Business and Professional Regulation to audit  
 31 | specified records retained by a promoter; requiring  
 32 | the commission to adopt rules; amending s. 548.07,  
 33 | F.S.; revising the procedure for suspension of  
 34 | licensure; amending s. 548.073, F.S.; requiring that  
 35 | commission hearings be held in accordance with ch.  
 36 | 120, F.S.; providing an appropriation; providing an  
 37 | effective date.

38 |  
 39 | Be It Enacted by the Legislature of the State of Florida:

40 |  
 41 | Section 1. Section 548.002, Florida Statutes, is amended  
 42 | to read:

43 | 548.002 Definitions.—As used in this chapter, the term:

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

48 | (2) "Amateur sanctioning organization" means a ~~any~~  
 49 | business entity organized for sanctioning and supervising  
 50 | matches involving amateurs.

51 | (3) "Boxing" means the act, activity, or sport of fighting  
 52 | by striking with fists covered with approved padded gloves in a  
 53 | roped square ring, subject to this chapter and any rules adopted  
 54 | pursuant thereto ~~to compete with the fists~~.

55 | (4) "Commission" means the Florida State Boxing  
 56 | Commission.

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57 ~~(5) "Concessionaire" means any person or business entity~~  
58 ~~not licensed as a promoter which receives revenues or other~~  
59 ~~compensation from the sale of tickets or from the sale of~~  
60 ~~souvenirs, programs, broadcast rights, or any other concessions~~  
61 ~~in conjunction with the promotion of a match.~~

62 (5)-(6) "Contest" means a boxing, kickboxing, or mixed  
63 martial arts engagement in which participants ~~persons~~  
64 ~~participating~~ strive earnestly to win using, ~~but not necessarily~~  
65 ~~being limited to,~~ strikes and blows to the head or other full-  
66 contact maneuvers.

67 (6)-(7) "Department" means the Department of Business and  
68 Professional Regulation.

69 (7)-(8) "Event" means one or more matches comprising a  
70 show.

71 (8)-(9) "Exhibition" means a boxing, kickboxing, or mixed  
72 martial arts engagement in which participants ~~persons~~  
73 ~~participating~~ show or display their skill without necessarily  
74 striving to win using, ~~but not necessarily being limited to,~~  
75 strikes and blows to the head or other full-contact maneuvers.

76 (9) "Face value" means the dollar value of a ticket equal  
77 to the dollar amount that a customer is required to pay or, for  
78 complimentary tickets, would have been required to pay to  
79 purchase a ticket with equivalent seating priority in order to  
80 view the event. If the ticket specifies the amount of admission  
81 charges attributable to state or federal taxes, such taxes are  
82 not included in the face value.

83 (10) "Full contact" means the use of strikes and blows  
84 during a match which:

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

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

89 (c) Cause the receiving participant to move in response to  
 90 the strike or blow.

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

93 (11) "Judge" means a person licensed by the commission who  
 94 evaluates and scores a match using a designated scoring system  
 95 ~~who has a vote in determining the winner of any contest.~~

96 (12) "Kickboxing" means the act, activity, or sport of  
 97 fighting by striking to compete with the fists, hands, feet,  
 98 legs, or any combination thereof, in a roped square ring, and  
 99 includes "punchkick" and other similar competitions. The term  
 100 does not include any form of ground fighting techniques.

101 (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.

(14)

105 "Match" means a ~~any~~ contest or exhibition.

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

108 (16) "Mixed martial arts" means the act, activity, or  
 109 sport of unarmed combat involving the use, subject to any  
 110 applicable limitations set forth in this chapter, of a  
 111 combination of techniques, including, but not limited to,  
 112 grappling, kicking, and striking, and using techniques from

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113 different disciplines of the martial arts, including, but not  
114 limited to, boxing, kickboxing, Muay Thai, jujitsu, and  
115 wrestling, in either a roped square ring or a fenced-in fighting  
116 area ~~grappling, kicking, and striking.~~

117 (17) "Participant" means a person ~~professional~~ competing  
118 in a boxing, kickboxing, or mixed martial arts match.

119 (18) "Physician" means a person who is approved by the  
120 commission and an individual licensed to practice medicine under  
121 chapter 458 or chapter 459 and whose license is unencumbered and  
122 in good standing ~~to practice medicine and surgery in this state.~~

123 (19) "Professional" means a person who has received or  
124 competed for a ~~any~~ purse or other article of a value greater  
125 than \$50, either for the expenses of training or for  
126 participating in a ~~any~~ match.

127 (20) "Promoter" means a ~~any~~ person or entity, including an  
128 ~~and includes any~~ officer, director, trustee, partner ~~employee,~~  
129 or owner ~~stockholder~~ of a corporate promoter or promoter  
130 partnership, who produces, arranges, or stages a ~~any~~ match  
131 ~~involving a professional.~~

132 (21) "Purse" means the financial guarantee or other  
133 remuneration for which a professional is participating in a  
134 match and includes the professional's share of any payment  
135 received for radio broadcasting and, ~~and~~ television, including pay-  
136 per-view or closed circuit ~~and motion picture rights.~~

137 (22) "Second" or "cornerman" means a person who assists a  
138 ~~the match~~ participant in preparing for a match and between  
139 rounds, and who maintains the corner of a ~~the~~ participant during  
140 a ~~the~~ match.

141 (23) "Secretary" means the Secretary of Business and  
 142 Professional Regulation.

143 Section 2. Section 548.004, Florida Statutes, is amended  
 144 to read:

145 548.004 Executive director; duties, compensation,  
 146 administrative support.—

147 (1) The department shall employ an executive director with  
 148 the approval of the commission. The executive director shall  
 149 serve at the pleasure of the secretary. The executive director  
 150 or his or her designee shall perform the duties specified by the  
 151 commission, including conducting the functions of the commission  
 152 office; appointing event and commission officials; approving  
 153 licenses, permits, and matches; and performing any ~~keep a record~~  
 154 ~~of all proceedings of the commission; shall preserve all books,~~  
 155 ~~papers, and documents pertaining to the business of the~~  
 156 ~~commission; shall prepare any notices and papers required; shall~~  
 157 ~~appoint judges, referees, and other officials as delegated by~~  
 158 ~~the commission and pursuant to this chapter and rules of the~~  
 159 ~~commission; and shall perform such other duties as the~~  
 160 department or commission deems necessary ~~directs~~. The executive  
 161 director may issue subpoenas and administer oaths to witnesses  
 162 and licensees only.

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

165 (2)~~(3)~~ The department shall provide assistance in budget  
 166 development and budget submission for state funding requests.  
 167 The department shall submit an annual balanced legislative  
 168 budget for the commission which is based upon anticipated

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169 revenue. The department shall provide technical assistance and  
170 administrative support, if requested or determined necessary  
171 ~~needed~~, to the commission and its executive director on issues  
172 relating to personnel, contracting, property management, or  
173 other issues identified as important to performing the duties of  
174 this chapter and to protecting the interests of the state.

175 Section 3. Section 548.006, Florida Statutes, is amended  
176 to read:

177 548.006 Power of commission to control professional and  
178 amateur boxing, kickboxing, and mixed martial arts matches  
179 ~~pugilistic contests and exhibitions~~; certification of  
180 competitiveness of professional mixed martial arts and  
181 kickboxing matches.—

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

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

188 (3) The commission has exclusive jurisdiction over  
189 approval, disapproval, suspension of approval, and revocation of  
190 approval of all amateur sanctioning organizations for amateur  
191 boxing, and kickboxing, and mixed martial arts matches held in  
192 this state.

193 (4) Professional and amateur matches shall be held in  
194 accordance with this chapter and the rules adopted by the  
195 commission.

196 Section 4. Section 548.007, Florida Statutes, is amended

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197 to read:

198       548.007 Exemptions.~~—This chapter does~~ ~~Applicability of~~  
199 ~~provisions to amateur matches and certain other matches or~~  
200 ~~events.~~ ~~Sections 548.001-548.079 do not apply to~~ any of the  
201 following:

202       (1) An amateur ~~A match that does not allow full contact.~~  
203 ~~conducted or sponsored by a bona fide nonprofit school or~~  
204 ~~education program whose primary purpose is instruction in the~~  
205 ~~martial arts, boxing, or kickboxing, if the match held in~~  
206 ~~conjunction with the instruction is limited to amateur~~  
207 ~~participants who are students of the school or instructional~~  
208 ~~program;~~

209       (2) A match conducted or sponsored by a ~~any~~ company or  
210 detachment of the Florida National Guard, if the match is  
211 limited to amateurs ~~participants~~ who are members of a ~~the~~  
212 company or detachment of the Florida National Guard.~~;~~ ~~or~~

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

216       (4) A match conducted by or between public postsecondary  
217 educational institutions or public secondary schools, if the  
218 match is limited to amateurs who are members of a school-  
219 sponsored club or team.

220       (5) A match conducted by or between companies or  
221 detachments of a branch of the United States Armed Forces or  
222 National Guard, involving members thereof, if the match is  
223 limited to amateurs.

224       (6) A match conducted by the International Olympic



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225 Committee, the International Paralympic Committee, the Special  
 226 Olympics, or the Junior Olympics, if the match is limited to  
 227 amateurs who are competing in or attempting to qualify for the  
 228 Olympics, Paralympics, Special Olympics, or Junior Olympics.

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

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

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

238 548.017 Participants, managers, and other persons required  
 239 to have licenses.—

240 (1) A participant, manager, trainer, second, timekeeper,  
 241 referee, judge, announcer, physician, matchmaker,  
 242 ~~concessionaire,~~ or promoter booking agent or representative of a  
 243 promoter must booking agent shall be licensed before directly or  
 244 indirectly acting in such capacity in connection with any match  
 245 involving a participant. A physician approved by the commission  
 246 must be licensed pursuant to chapter 458 or chapter 459, must  
 247 maintain an unencumbered license in good standing, and must  
 248 demonstrate satisfactory medical training or experience in  
 249 boxing, or a combination of both, to the executive director  
 250 before ~~prior to~~ working as the ringside physician.

251 Section 7. Paragraph (c) of subsection (3) of section  
 252 548.046, Florida Statutes, is amended, and paragraph (d) is

253 added to that subsection, to read:

254 548.046 Physician's attendance at match; examinations;  
 255 cancellation of match.-

256 (3)

257 (c) The license of a participant who fails or refuses  
 258 ~~Failure or refusal~~ to provide a urine sample immediately upon  
 259 request shall be immediately revoked, and such failure or  
 260 refusal is grounds for additional disciplinary action result in  
 261 ~~the revocation of the participant's license. A~~ Any participant  
 262 who has been adjudged the loser of a match and who subsequently  
 263 refuses to or is unable to provide a urine sample is subject to  
 264 disciplinary action pursuant to this chapter and any rules  
 265 adopted pursuant thereto shall forfeit his or her share of the  
 266 ~~purse to the commission. A~~ Any participant who is adjudged the  
 267 winner of a match and who subsequently refuses to or is unable  
 268 to provide a urine sample forfeits ~~shall forfeit~~ the win and  
 269 ~~shall not be allowed to engage in any future match in the state.~~  
 270 The decision shall be changed to a no-decision result and shall  
 271 ~~be entered into the official record as the result of the match.~~  
 272 The purse shall be redistributed as though the participant found  
 273 to be in violation of this subsection had lost the match. ~~If~~  
 274 ~~redistribution of the purse is not necessary or after~~  
 275 ~~redistribution of the purse is completed, the participant found~~  
 276 ~~to be in violation of this subsection shall forfeit his or her~~  
 277 ~~share of the purse to the commission.~~

278 (d) The license of a participant who tests positive for a  
 279 prohibited substance as specified under commission rule shall be  
 280 immediately suspended, and the positive test result is grounds

281 for additional disciplinary action.

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

284 548.054 Withholding of purses; hearing; disposition of  
 285 withheld purse forfeiture.—

286 (2) Any purse so withheld shall be delivered by the  
 287 promoter to the commission upon demand. Within 10 days after the  
 288 match, the person from whom the sum was withheld may submit a  
 289 petition for a hearing to the commission ~~apply in writing to the~~  
 290 ~~commission for a hearing~~. Upon receipt of the petition  
 291 ~~application~~, the commission may hold ~~shall fix a date for a~~  
 292 hearing pursuant to ss. 120.569 and 120.57. ~~Within 10 days after~~  
 293 ~~the hearing or after 10 days following the match~~, If no petition  
 294 ~~application~~ for a hearing is filed, the commission shall meet  
 295 and determine the disposition ~~to be made~~ of the withheld purse.  
 296 If the commission finds the charges sufficient, it may declare  
 297 all or ~~any~~ part of the funds forfeited. If the commission finds  
 298 the charges insufficient ~~not sufficient upon which to base a~~  
 299 ~~withholding order~~, it shall immediately distribute the withheld  
 300 funds to the appropriate persons ~~entitled thereto~~.

301 Section 9. Section 548.06, Florida Statutes, is amended to  
 302 read:

303 548.06 Payments to state; exemptions; audit of records.—

304 (1) Unless the promoter pays the maximum tax amount  
 305 specified under subsection (3), a promoter holding a match  
 306 shall, within 72 hours after the match, file with the commission  
 307 a written report that ~~which~~ includes the number of tickets sold,  
 308 the amount of gross receipts, and any other facts the commission

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309 may require. For the purposes of this chapter, ~~total~~ gross  
310 receipts include each of the following:

311 (a) The gross price charged for the sale or lease of  
312 broadcasting, television, and pay-per-view ~~motion picture~~ rights  
313 of any match occurring within the state without any deductions  
314 for commissions, brokerage fees, distribution fees, advertising,  
315 or other expenses or charges.~~;~~

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

319 ~~(b)(e)~~ The face value of all tickets sold and  
320 complimentary tickets issued, provided, or given. A promoter may  
321 not issue complimentary tickets for more than 5 percent of the  
322 seats in the house, equally distributed between or among the  
323 price categories for which complimentary tickets are issued,  
324 without the commission's written authorization. The commission  
325 may not consider complimentary tickets that it authorizes under  
326 this section as part of the total gross receipts from admission  
327 fees.~~;~~ and

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

331 ~~(2) Where the rights to telecast a match or matches held~~  
332 ~~in this state under the supervision of the Florida State Boxing~~  
333 ~~Commission are in whole owned by, sold to, acquired by, or held~~  
334 ~~by any person who intends to or subsequently sells or, in some~~  
335 ~~other manner, extends such rights in part to another, such~~  
336 ~~person is deemed to be a promoter and must be licensed as such~~

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337 | ~~in this state. Such person shall, within 72 hours after the~~  
338 | ~~sale, transfer, or extension of such rights in whole or in part,~~  
339 | ~~file with the commission a written report that includes the~~  
340 | ~~number of tickets sold, the amount of gross receipts, and any~~  
341 | ~~other facts the commission may require.~~

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

346 | (2)~~(4)~~ A ~~Any~~ written report required to be filed with the  
347 | commission under this section must ~~shall~~ be postmarked within 72  
348 | hours after the conclusion of the match, and an additional 5  
349 | days is ~~shall be~~ allowed for mailing.

350 | (3)~~(5)~~ Each ~~the~~ written report must ~~shall~~ be accompanied  
351 | by a tax payment in the amount of 5 percent of the total gross  
352 | receipts exclusive of any federal taxes, except that the tax  
353 | payment derived from the gross price charged for the sale or  
354 | lease of broadcasting, television, and pay-per-view motion  
355 | picture rights of any match occurring within the state may ~~shall~~  
356 | not exceed \$40,000 for a ~~any~~ single event.

357 | (4)~~(6)~~ (a) A ~~Any~~ promoter who willfully makes a false and  
358 | fraudulent report under this section commits ~~is guilty of~~  
359 | perjury and, upon conviction, is subject to punishment as  
360 | provided by law. Such penalty is ~~shall be~~ in addition to any  
361 | other penalties imposed under ~~by~~ this chapter.

362 | (b) A ~~Any~~ promoter who willfully fails, neglects, or  
363 | refuses to make a report or to pay the taxes as prescribed or  
364 | who refuses to allow the commission to examine the books,

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365 papers, and records of a ~~any~~ promotion commits ~~is guilty of~~ a  
366 misdemeanor of the second degree, punishable as provided in s.  
367 775.082 or s. 775.083.

368 (5) A promoter shall retain a copy of the following  
369 records for 1 year and provide a copy of such records to the  
370 commission upon request:

371 (a) Records necessary to support each report submitted to  
372 the commission, including a copy of any report filed with the  
373 commission.

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

375 (6) Compliance with this section is subject to  
376 verification by department or commission audit. The commission  
377 may, upon reasonable notice to the promoter, audit a promoter's  
378 books and records relating to the promoter's operations under  
379 this chapter.

380 (7) The commission shall adopt rules establishing a  
381 procedure for auditing a promoter's records and resolving any  
382 inconsistencies revealed by an audit and shall adopt a rule  
383 imposing a late fee in the event of taxes owed.

384 Section 10. Section 548.07, Florida Statutes, is amended  
385 to read:

386 548.07 Suspension of license or permit by commissioner;  
387 hearing.—

388 (1) The commission, the commissioner, a commission  
389 designee, or the executive director or his or her designee may  
390 issue an emergency suspension-of-license order to any person  
391 licensed under this chapter who poses an immediate, serious  
392 danger to the health, safety, and welfare of the participants in

393 | a match and the general public.

394 |       (2) The department's Office of General Counsel shall  
 395 | review the grounds for each emergency suspension order issued  
 396 | and, if sufficient, shall file an administrative complaint  
 397 | against the licensee within 21 days after the issuance of the  
 398 | emergency suspension order.

399 |       (3) After service of the administrative complaint,  
 400 | pursuant to s. 455.275, the disciplinary process shall proceed  
 401 | pursuant to chapter 120. Notwithstanding any provision of  
 402 | chapter 120, any member of the commission may, upon her or his  
 403 | own motion or upon the verified written complaint of any person  
 404 | charging a licensee or permittee with violating this chapter,  
 405 | suspend any license or permit until final determination by the  
 406 | commission if such action is necessary to protect the public  
 407 | welfare and the best interests of the sport. The commission  
 408 | shall hold a hearing within 10 days after the date on which the  
 409 | license or permit is suspended.

410 |       Section 11. Section 548.073, Florida Statutes, is amended  
 411 | to read:

412 |       548.073 Commission hearings.—All hearings held under this  
 413 | chapter shall be held in accordance with chapter 120  
 414 | ~~Notwithstanding the provisions of chapter 120, any member of the~~  
 415 | ~~commission may conduct a hearing. Before any adjudication is~~  
 416 | ~~rendered, a majority of the members of the commission shall~~  
 417 | ~~examine the record and approve the adjudication and order.~~

418 |       Section 12. The sum of \$111,000 in recurring funds is  
 419 | appropriated from the General Revenue Fund to the Department of  
 420 | Business and Professional Regulation for the implementation of

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421 | this act by the Florida State Boxing Commission during the 2014-  
422 | 2015 fiscal year.

423 | Section 13. This act shall take effect July 1, 2014.