

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Regulated Industries

---

BILL: SB 810

INTRODUCER: Senator Galvano

SUBJECT: Pugilistic Exhibitions

DATE: March 10, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	<b>Pre-meeting</b>
2.			GO	
3.			JU	
4.			RC	

**I. Summary:**

SB 810 relates to pugilistic exhibitions, such as boxing, kickboxing, and the martial arts, which are regulated by the Florida Boxing Commission within the Department of Business and Professional Regulation under ch. 548, F.S.

The bill provides an \$111,000 appropriation in recurring funds from the General Revenue Fund to the department for the implementation of this act during the 2013-2014 fiscal year.

The bill repeals the concessionaire license requirement, and eliminates requirements for concessionaires to report and pay taxes. It also repeals the license and tax reporting requirements for persons who have the right to telecast matches.

The bill limits the amount of taxes that promoters' must report and pay based on 5 percent tax on gross receipts, including gross receipts derived from the gross price charged for the sale of broadcasting, television and motion picture rights, to a maximum of \$40,000 for a single event.

The bill also deletes the requirement that promoters report and pay the 5 percent tax on gross receipts based on the portion of the receipts from the sale of souvenirs, programs, and other concessions received by the promoter.

The bill also:

- Revises current definitions and defines new terms;
- Requires that amateur and professional participants must be licensed;
- Clarifies the duties and responsibilities of the executive director of the commission;
- Deletes a duplicative requirement that the commission must electronically record of all its scheduled proceedings;

- Authorizes the commission to approve, suspend, or revoke its approval of amateur sanctioning organizations for mixed martial arts matches;
- Exempts several types of matches from regulation by the state, including amateur matches conducted by public postsecondary institutions, public secondary schools and the Florida National Guard and U.S. Armed Forces, and matches conducted by the International Olympic Committee, the Special Olympics, or the Junior Olympics, and professional or amateur martial arts activity;
- Provides that a participant's failure or refusal to provide a urine sample upon request results in the license being immediately revoked, and such failure is grounds for additional disciplinary action;
- Provides that the loser of a match who does not provide a urine sample is subject to disciplinary action, and deletes the provision that he or she forfeits the share of the purse;
- Provides the commission's hearings related to the withholding of purses must be held pursuant to ch. 120, F.S., the Administrative Procedures Act;
- Permits promoters to deduct the face value of complimentary tickets issued, provided or given. The promoters may deduct complimentary tickets, up to 4 percent of the seating capacity where a match is held, from the calculation of gross receipts;
- Requires promoters to keep specified records for one year;
- Requires audits to verify compliance with promoter reporting requirements;
- Requires the commission to establish by rule the procedure for auditing a promoter's records, and for resolving any inconsistencies revealed in an audit, and for imposing late fees if taxes are owed; and
- Provides the procedure for emergency license suspensions and requires the general counsel of the department to review the grounds for emergency suspension orders and to file an administrative complaint against the licensee within 21 days after issuance of the suspension order.

The bill would take effect on July 1, 2014.

## II. Present Situation:

### **Florida State Boxing Commission**

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing, and mixed martial arts by the Florida State Boxing Commission (commission) within the Department of Business and Professional Regulation (department).

Section 548.006(3), F.S., provides the commission with exclusive jurisdiction over every professional boxing match and professional mixed martial arts and kickboxing matches. Professional matches held in this state must meet the requirements for holding the match ch. 548, F.S., and the rules adopted by the commission.

The commission's jurisdiction over amateur matches is limited to the approval, disapproval, suspension of approval, and revocation of approval of all amateur sanctioning organizations for boxing and kickboxing matches held in the state.<sup>1</sup> Amateur sanctioning organizations are

---

<sup>1</sup> Section 548.006(3), F.S.

business entities organized for sanctioning and supervising matches involving amateurs.<sup>2</sup> This jurisdiction does not extend to amateur sanctioning organizations for mixed martial arts.

According to the department, the commission's primary duty is to ensure all matches comply with the laws and rules and the matches are competitive and physically safe for the participants. For the most recent period for which data is available, the commission licensed 1,224 professionals in FY 2011-12 and processed 51 live event permits.<sup>3</sup> According to the department, it had 1,056 licensed professional and processed 39 live permits for FY 2012-2013.

In addition to its daily processing of applications for licensure and the approval or denial of live event permits, the commission coordinates live event schedules and evaluates proposed fight cards. It also evaluates the assignment of officials (referees, judges, physicians) and event staff (event coordinator, chief inspector, inspectors, and timekeeper).

A department representative or commission representative is assigned to attend each official weigh-in and live event. This person attends the official weigh-in during which the application is processed, license fees are collected, the results of participant medical examinations are verified, pre-fight physicals are conducted by physicians, the promoter/participant contracts are collected, participants' weights are recorded, officials' (referee, judges, and physicians) pay from the promoter are collected, and the required accidental death and health insurance for each of the participants is verified. The department or commission representative is also accompanied to the event by the department's OPS event staff, i.e., the event coordinator, timekeeper, and inspector. The OPS event staff and the representative from the department or commission also inspect the ring for safety standards, verify that emergency medical personnel and an ambulance are on-site, assign inspectors to each of the fighters, conduct match timekeeping, verify assigned officials are present, distribute officials' pay following the event, and conduct participant drug tests, if necessary.

### **Definitions**

Section 548.002(3), F.S., defines the term "boxing" to mean "to compete with the fists."

Section 548.002(5), F.S., defines the term "concessionaire" to mean

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.

Section 548.002(6), F.S., defines the term "contest" to mean "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."

Section 548.002(9), F.S., defines the term "exhibition" to mean:

---

<sup>2</sup> Section 548.002(2), F.S.

<sup>3</sup> See *Annual Report, Fiscal Year 2011-2012*, Florida State Boxing Commission, Department of Business and Professional Regulation. A copy is available at: <http://www.myfloridalicense.com/dbpr/os/documents/SBCAR2012v6.pdf> (Last visited March 8, 2014).

a boxing, kickboxing, or mixed martial arts engagement in which persons participating show or display their skill without necessarily striving to win using, but not necessarily being limited to, strikes and blows to the head.

Section 548.002(12), F.S., defines the term “kickboxing” to mean to “compete with the fists, feet, legs, or any combination thereof, and includes “punchkick” and other similar competitions.”

Section 548.002(16), F.S., defines the term “mixed martial arts” to mean:

unarmed combat involving the use, subject to any applicable limitations set forth in this chapter, of a combination of techniques from different disciplines of the martial arts, including, but not limited to, grappling, kicking, and striking.

Section 548.006(17), F.S., defines a “participant” to mean “a professional competing in a boxing, kickboxing, or mixed martial arts match.”

Section 548.006(19), F.S., defines the term “professional” to

a person who has received or competed for any purse or other article of a value greater than \$50, either for the expenses of training or for participating in any match.

Section 548.002(20), F.S., defines the term “promoter” to mean:

any person, and includes any officer, director, employee, or stockholder of a corporate promoter, who produces, arranges, or stages any match involving a professional.

Section 548.002(21), F.S., defines the term “purse” to mean:

the financial guarantee or other remuneration for which a professional is participating in a match and includes the professional’s share of any payment received for radio broadcasting, television, and motion picture rights.

### **Executive Director**

Section 548.004(1), F.S., requires the department, with the approval of the commission, to employ an executive director. The duties and responsibilities of the executive director include:

- Keeping a record of all proceedings of the commission;
- Preserving all books, papers, and documents pertaining to the business of the commission;
- Preparing any notices and papers required;
- Appointing judges, referees, and other officials as delegated by the commission and pursuant to ch. 548, F.S., and the rules of the commission; and
- Performing any other duties as the department or commission directs.

**Recording of Commission Proceedings**

Section 548.004(2), F.S., requires the commission to electronically record all of its scheduled proceedings. Section 455.203(7), F.S., also requires the department to electronically record all of its proceedings.

**Licenses**

Several professions are licensed by the commission. A license is required to be the promoter of a match.<sup>4</sup> Before acting in any capacity in a match, a license is required to be a participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, concessionaire, or booking agent or representative of a booking agent.<sup>5</sup> Prior to working as the ringside physician, a physician must be licensed under ch. 458, F.S., or ch. 459, F.S., must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director. The commission also licenses the concessionaires.<sup>6</sup>

**Exceptions**

The commission's jurisdiction does not extend to:

- A match conducted or sponsored by a bona fide non-profit school or education program whose primary purpose is instruction in martial arts, boxing, or kickboxing if the match is held in conjunction with the instruction, and is limited to amateur participants who are students of the school or instructional program;
- A match conducted or sponsored by any company or detachment of the Florida National Guard, if the match is limited to participants who are members of the Florida National Guard; or
- A match conducted or sponsored by the Fraternal Order of Police, if the match is limited to amateur participants and is held in conjunction with a charitable event.<sup>7</sup>

**Revocation and Suspension of a License**

Section 548.046(3)(c), F.S., provides that the failure or refusal to provide a urine sample, immediately upon request, results in the revocation of the participant's license.

**Withholding of Purses**

Section 548.054, F.S., provides the procedure for the withholding of prize purses. A member of the commission, a commission representative, or the referee may order a promoter to surrender any purse or other funds payable to a participant, or to withhold the share of any manager, if it appears that:

- The participant is not competing honestly, or is intentionally not competing to the best of his or her ability and skill in a match represented to be a contest; or

---

<sup>4</sup> See s. 548.012(1), F.S.

<sup>5</sup> Section 548.017, F.S.

<sup>6</sup> See 548.015, F.S.

<sup>7</sup> See s. 548.007, F.S.

- The participant, his or her manager, or any of the participant's seconds has violated ch. 548, F.S.<sup>8</sup>

In the event a purse is withheld, the purse must be delivered to the commission by the promoter.<sup>9</sup> Within ten days after the match, the person from whom the purse was withheld may apply, in writing, to the commission for a hearing.<sup>10</sup> Upon receipt of the application, the commission must set the date for a hearing. Within ten days after the hearing or after ten days following the match, if no application for a hearing is filed, the commission is required to meet and determine the disposition of the withheld purse.<sup>11</sup> If the commission finds the charges sufficient, it may decide that all or a part of the funds be forfeited.<sup>12</sup> Conversely, if the commission does not find the charges sufficient, it must distribute the withheld funds immediately.<sup>13</sup>

### **Reporting and Tax Requirement**

Within seventy-two hours after a match, the promoter of that match must file a written report with the commission.<sup>14</sup> The report must include information about the number of tickets sold, the amount of gross receipts, and any other facts that the commission requires.<sup>15</sup> Chapter 548, F.S., does not require the promoter to retain a copy of the written report.

The term “gross receipts” includes:

- The gross price charged for the sale or lease of broadcasting, television, and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising or other expenses or charges;
- The portion of the receipts from the sale of souvenirs, programs, and other concessions received by the promoter;
- The face value of all tickets sold and complimentary tickets issued, provided, or given; and
- The face value of any seat or seating issued, provided, or given in exchange for advertising sponsorships, or anything of value to the promotion of an event.<sup>16</sup>

According to the department, the current definition of “gross receipts” has led to some confusion in the industry because licensees are not sure whether to include state and federal taxes within the face value of a ticket.

Promoters include persons who have rights to telecast a match or matches held in this state under the supervision of the Florida State Boxing Commission. Such persons must be licensed as a promoter, and must, within 72 hours after the sale, transfer, or extension of such rights in whole

---

<sup>8</sup> Section 548.054(1), F.S.

<sup>9</sup> Section 548.054(2), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Section 548.06(1), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 548.06(1), F.S.

or in part, file with the commission a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.<sup>17</sup>

Concessionaire must also file with the commission, within 72 hours after the match, a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.<sup>18</sup>

Any written report that must be filed with the commission and postmarked within 72 hours after the conclusion of the match with an additional 5 days allowed for mailing.<sup>19</sup> According to the department, the report is required to enable the commission to verify the accuracy of the post-event tax payment for both tickets sold and broadcasting/television rights.

Section 548.015, F.S., requires that a concessionaire must file a surety bond, cash deposit, or other security in an amount determined by the commission. The security is required before licensure, license renewal, or before a match.

These written reports must be accompanied with a tax payment in the amount of 5 percent of the total gross receipts exclusive of any federal taxes. The tax payment for the sale or lease of broadcasting, television, and motion picture rights cannot exceed \$40,000 for any single event.<sup>20</sup>

### **Commission Hearings**

Section 548.073, F.S., provides any member of the commission may conduct a hearing. Notwithstanding, the provisions of ch. 120, F.S., the Administrative Procedures Act, before any adjudication is rendered, a majority of the commission must examine the record and approve the adjudication and order.

## **III. Effect of Proposed Changes:**

### **Section 1 - Definitions**

The bill amends s. 548.002, F.S., to revise current definitions and to define new terms. Specifically, the bill:

- Amends the definition of the term “boxing” in s. 548.002(3), F.S., to mean the act, activity, or sport of fighting by striking with fists covered with approved padded gloves in a roped square ring, subject to ch. 548, F.S., and the rules adopted pursuant to this chapter.
- Deletes the definition for the term “concessionaire” in s. 548.002(5), F.S.;
- Amends the definition of the terms “contest” and “exhibition” in ss. 548.002(5) and (8), F.S., to include the participants’ use other full-contact maneuvers;
- Creates s. 548.002(11), F.S., to define the term “face value” to mean the dollar value which is equal to what the customer is required to pay, or would be required to pay, if it is a complimentary ticket. Taxes are not included in the face value if the ticket specifies the amount of admission charges attributable to state or federal taxes;

---

<sup>17</sup> Section 548.06(2), F.S.

<sup>18</sup> Section 548.06(3), F.S.

<sup>19</sup> Section 548.06(4), F.S.

<sup>20</sup> Section 548.06(5), F.S.

- Creates s. 548.002(13), F.S., to define the term “full contact” to mean the use of strikes and blows during a match in which the strikes and blows are intended to break the plane of the participant’s body, are delivered to the head, face, neck, or body of the receiving participant’s body, or cause the receiving participant to move in response to the strikes and blows;
- Deletes the definition for the term “foreign copromoter” in s. 548.002(10), F.S.;
- Amends the definition of the term “judge” in s. 548.002(11), F.S., to provide that the judge is licensed by the commission and scores a match using a designated scoring system;
- Amends the definition of the term “kickboxing” in s. 548.002(12), F.S., to include the act, activity, or sport of fighting with the use of fists, hands, feet, legs or any combination thereof in a roped ring. It provides that the term does not include any form of ground fighting techniques;<sup>21</sup>
- Amends s. 548.002(16), F.S., to define the term “mixed martial arts” to mean the act, activity, or sport of unarmed combat involving the use of a combination of techniques, including, but not limited to, wrestling, grappling, kicking, and striking, and other techniques from different disciplines of the martial arts. The term may include, but is not limited to, boxing, kickboxing, Muay Thai,<sup>22</sup> jujitsu, and wrestling in a roped square ring or a fenced –in area;
- Amends the definition of the term “physician” in s. 548.002(18), F.S., to mean a person licensed to practice medicine under ch. 458, F.S. or ch. 459, F.S., whose license is unencumbered and in good standing;
- Amends the definition of the term “promoter” in s. 548.002(20), F.S., to include “any entity” in addition to “any person” in current law. It also amends the definition to include the trustee or partner of a corporate partner or any promoter partnership. Current law does not reference promoter partnerships;
- Amends the definition of the term “purse” in s. 548.002(21), F.S., to include the professional’s share of any payment from pay-per-view or closed circuit. Current law is limited to payment from radio broadcasts and television; and
- Amends the definition of the term “second” or cornerman” in s. 548.002(22), F.S., to mean a person who assists a participant in preparing for a match and between rounds. Current law limits the definition to a person who assists the match participant between rounds.

The bill amends s. 548.002(17), F.S., to amend the definition of the term “participant” to replace the term “professional” with the term “person.” The effect of this provision is unclear. The amendment to the term “participant” appears to require a license for both amateur and professional participants because s. 548.017(1), F.S., requires that participants must be licensed. The amendment to s. 548.002(17), F.S., appears to be inconsistent with s. 548.007, F.S., which exempts amateur matches from ch. 548, F.S. In effect, the bill appears to require that the participant’s in amateur matches must be licensed, but that the amateur matches would not be

<sup>21</sup> Ground fighting involves hand-to-hand combat with the combatants are on the ground. This type of combat generally involving grappling. *See* [http://en.wikipedia.org/wiki/Ground\\_fighting](http://en.wikipedia.org/wiki/Ground_fighting) [Last visited March 8, 2014].

<sup>22</sup> Muay Thai is a combat sport from the muay martial arts of Thailand. *See* <http://www.wmcmuaythai.org/about> (Last visited March 18, 2013).



subject to commission oversight, except as related to the approval of amateur sanctioning organization under s. 548.0065, F.S.

### **Section 2 - Executive Director**

The bill amends s. 548.004(1), F.S., to require the executive director or his or her designee to perform the duties or responsibilities set forth by the commission, including conducting the functions of the commission office, appointing event and commission officials, approving licenses, permits, and matches. It deletes the requirement that the executive director must keep a record of all proceedings of the commission, preserve all books, papers, and documents pertaining to the business of the commission, prepare any notices and papers required, appoint judges, referees, and other officials as the commission or department deem necessary.

In addition, the bill deletes the requirement in s. 548.004(2), F.S., that the commission require electronic recording of all its scheduled proceedings. Under current law, s. 455.203(7), F.S., requires all proceedings conducted by the department be electronically recorded.

### **Section 3 - Jurisdiction of the Commission**

The bill amends s. 548.006(3), F.S., to include, within the commission's authority, the approval and suspension or revocation of approval of amateur sanctioning organizations for mixed martial arts matches.

### **Section 4 - Exceptions**

The bill amends s. 548.007(1), F.S., to exempt from regulation under ch. 548, F.S., matches that do not allow full contact if the match is limited to amateurs. The bill deletes the exemption in this subsection for matches conducted or sponsored by a bona fide non-profit school or education program whose primary purpose is instruction in martial arts, boxing, or kickboxing if the match is held in conjunction with the instruction, and is limited to amateur participants who are students of the school or instructional program.

The bill also provides the following additional exemptions from ch. 548, F.S.:

- Amateur matches conducted by public post secondary education institutions or public secondary schools;
- Amateur matches conducted by the Florida National Guard and U.S. Armed Forces involving its amateur members;
- Matches conducted by the International Olympic Committee, the Special Olympics, or the Junior Olympics; and
- Professional or amateur martial arts activity.

Section 548.007(7), F.S., defines the term "martial arts" to mean any traditional form of self-defense taught by masters which uses physical skill and coordination, including, but is not limited to, karate, aikido, judo, and kung fu. The term does not include "mixed martial arts," which is defined in s. 548.002(16), F.S.

### **Section 5. Concessionaires – Security**

The bill repeals s. 548.015, F.S., which authorizes the commission to require that concessionaires file a surety bond as a condition for a license.

**Section 6. Persons Required to be Licensed**

The bill amends s. 548.017, F.S., to delete the requirement that concessionaires must be licensed by the commission.

**Section 7 - Immediate Suspension**

The bill amends s. 548.046(3)(c), F.S., to provide a participant's failure or refusal to provide a urine sample is grounds for immediate license revocation. It authorizes the commission to suspend the participant's license and to subject the participant to additional disciplinary action.

The loser of the match who subsequently does not provide a urine sample is subject to disciplinary action, but does not lose his or her share of the purse.

The bill creates s. 548.046(3)(d), F.S., to provide that testing positive for any substance prohibited by commission rule<sup>23</sup> will also result in the immediate suspension of the participant's license and constitute grounds for additional disciplinary action.

**Section 8 - Withholding of Purses**

The bill amends s. 548.054(2), F.S., to provide the commission must hold a hearing pursuant to s. 120.569, F.S., and s. 120.57, F.S., for hearings related to the withholding of purses. The hearing procedures in s. 120.569, F.S., relate to proceedings in which the substantial interests of a party are determined by an agency. The hearing procedures in s. 120.57, F.S., relate to proceedings that involve disputed material issues of fact before the Division of Administrative Hearings.

Also, the bill deletes the requirement that the commission must fix a date for the hearing and meet to determine the disposition of the withheld purse within 10 days after the hearing.

**Section 9 - Promoter Recordkeeping Requirement**

The bill amends s. 548.06(1)(a), F.S., to provide that promoters' reporting and payment of the 5 percent tax on gross receipts, including gross receipts derived from the gross price charged for the sale of broadcasting, television and pay-per-view rights, may not exceed the maximum specified in s. 548.06(3), F.S., which is \$40,000 for a single event.

The bill deletes the requirement in s. 548.06(1)(b), F.S., that the promoter report and pay the 5 percent tax on gross receipts based on the portion of the receipts from the sale of souvenirs, programs, and other concessions received by the promoter.

The bill amends s. 548.06(1)(b), F.S., to prohibit the promoter from issuing complimentary tickets for more than 5 percent of the seats in the house, equally distributed between or among the price categories for which they were issued, without the commission's written authorization. It prohibits the commission from considering complimentary tickets that it authorizes as part of the total gross receipts from admission.

---

<sup>23</sup> See rule 61K1-1.0043, F.A.C.

The bill's only criteria for the commission's authorization of complimentary tickets are the limitation that complimentary tickets may not exceed 5 percent of the seats in the house and the requirement that the complimentary tickets must be equally distributed between, or among, price categories. The purpose of the commission's involvement in the authorization complimentary tickets is unclear.

The bill deletes the provision in s. 548.06(2), F.S., that classifies as promoters the persons who have rights to telecast a match or matches held in this state, that requires that they must be licensed as a promoter, and requires that they file with the commission a written report of the number of tickets sold, the amount of gross receipts within 72 hours after the sale, transfer, or extension of such rights in whole or in part.

The bill deletes the provision in s. 548.06(3), F.S., that requires concessionaires to file with the commission, within 72 hours after the match, a written report that includes the number of tickets sold, the amount of gross receipts, and any other facts the commission may require.

The bill amends s. 548.06(3), F.S., this provision to include pay-per-view rights in place of motion picture rights. It also amends the provision to limit the provision to matches occurring within the state.

The bill creates s. 548.06(5), F.S., to require the promoter to keep a copy of specified records for a period of one year, including records necessary to justify and support the reports submitted to the commission, and copies of independently prepared ticket manifests. It is not clear if one year is sufficient for the commission to be able to conduct audits of the records. Current law does not require promoters to retain records relating to the reporting of gross receipts under s. 548.06, F.S.

The bill creates s. 548.06(6), F.S., to provide that compliance with the reporting requirements in s. 548.06, F.S., is subject to verification by department or commission audit. It provides the commission has the right to audit a promoter's books and records relating to the promoter's operations upon reasonable notice.

The bill creates s. 548.06(7), F.S., to direct the commission to adopt rules to establish a procedure for auditing a promoter's records, and for resolving any inconsistencies revealed in the audit, and to impose late fees if taxes are owed.<sup>24</sup>

### **Section 10 - Emergency Suspension of License**

The bill amends s. 548.07, F.S., to provide an emergency license suspension procedure. The bill authorizes the commission, any commissioner, the executive director or his or her designee, or any commission designee to issue an emergency suspension of a licensee's license when the licensee poses an immediate and serious danger to the health, safety, and welfare of the public, a licensee, or a participant.

In addition, the bill requires the general counsel of the department to review the grounds for the emergency suspension order and to file an administrative complaint against the licensee within

---

<sup>24</sup> Section 548.075(1), F.S., authorizes the commission to impose a fine of not more than \$5,000 for any violation of ch. 548, F.S., in lieu of or in addition to any other punishment provided for such violation.

21 days after issuance of the suspension order. The bill deletes the current suspension procedure, including the requirement that the commission must hold a hearing within 10 days after the date on which the license or permit is suspended.

The disciplinary process would proceed under ch. 120, F.S., after the administrative complaint is served on the licensee as provided in s. 455.275, F.S.<sup>25</sup>

### **Section 11 - Commission Hearings**

The bill amends s. 548.073, F.S., to provide the hearing held under ch. 548, F.S., must be pursuant to ch. 120, F.S. The bill deletes the provision that any member of the commission may hold a hearing. It also deletes the requirement that, before any adjudication is rendered, a majority of the members of the commission shall examine the record and approve the adjudication and order.

### **Appropriation**

The bill provides an appropriation of \$111,000 in recurring funds from the General Revenue Fund to the department for the implementation of this act during the 2014-2015 fiscal year.

### **Section 13 - Effective Date**

The bill would take effect on July 1, 2014.

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

## **IV. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

---

<sup>25</sup> Section 455.275, F.S., provides the procedure for service of a complaint on a licensee of the department. For administrative complaints, s. 455.275(3), F.S., the department is required to serve the licensee by regular mail to the licensee's last known address of record, by certified mail to the last known address of record, and, if possible, by e-mail. If the department is unable to serve the licensee by these methods, the department must call the last known telephone number of record and cause a short, plain notice to the licensee to be posted on the front page of the department's website and must also send notice via e-mail to all newspapers of general circulation and all news departments of broadcast network affiliates in the county of the licensee's last known address of record.

**B. Private Sector Impact:**

The bill would require amateur participant in pugilistic matches to pay a license fee. The current amount of the fee is \$25, but the commission may charge a fee not to exceed \$100.<sup>26</sup>

The bill deletes the licensure requirement for concessionaires. The current license fee for concessionaires is \$100. Concessionaires would also not be required to report and pay taxes on gross receipts.

The bill repeals the license requirement for persons who have the right to telecast matches.

**C. Government Sector Impact:**

According to the department, the amount of revenues from the licensure of amateur participants is indeterminate. The department collects \$600 annually from the licensure of concessionaires. The department estimates a reduction of approximately \$40,000 in post-event taxes for complimentary tickets and \$60,000 in post-event taxes from concessions.

The bill provides a \$111,000 appropriation from the General Revenue Fund.

**V. Technical Deficiencies**

None.

**VI. Related Issues:**

None.

**VII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 548.002, 548.004, 548.006, 548.007, 548.015, 548.017, 548.046, 548.054, 548.06, 548.07, and 548.073.

**VIII. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

---

<sup>26</sup> See s. 548.025(2), which set the maximum fee at \$100 for persons other than promoters and matchmakers, and rule 61K1-1.003, F.S., which provides license fee \$25 for participants.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---