

By Senator Galvano

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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 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

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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 to
42 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~~ business
49 entity organized for sanctioning and supervising matches
50 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 Commission.

56 ~~(5) "Concessionaire" means any person or business entity~~
57 ~~not licensed as a promoter which receives revenues or other~~
58 ~~compensation from the sale of tickets or from the sale of~~

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59 ~~souvenirs, programs, broadcast rights, or any other concessions~~
60 ~~in conjunction with the promotion of a match.~~

61 (5)~~(6)~~ "Contest" means a boxing, kickboxing, or mixed
62 martial arts engagement in which participants ~~persons~~
63 ~~participating~~ strive earnestly to win using, ~~but not necessarily~~
64 ~~being limited to,~~ strikes and blows to the head or other full-
65 contact maneuvers.

66 (6)~~(7)~~ "Department" means the Department of Business and
67 Professional Regulation.

68 (7)~~(8)~~ "Event" means one or more matches comprising a show.

69 (8)~~(9)~~ "Exhibition" means a boxing, kickboxing, or mixed
70 martial arts engagement in which participants ~~persons~~
71 ~~participating~~ show or display their skill without necessarily
72 striving to win using, ~~but not necessarily being limited to,~~
73 strikes and blows to the head or other full-contact maneuvers.

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

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

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

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

87 (c) Cause the receiving participant to move in response to

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88 the strike or blow.

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

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

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

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

102 (14) "Match" means a any contest or exhibition.

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

105 (16) "Mixed martial arts" means the act, activity, or sport
106 of unarmed combat involving the use, subject to any applicable
107 limitations set forth in this chapter, of a combination of
108 techniques, including, but not limited to, grappling, kicking,
109 and striking, and using techniques from different disciplines of
110 the martial arts, including, but not limited to, boxing,
111 kickboxing, Muay Thai, jujitsu, and wrestling, in either a roped
112 square ring or a fenced-in fighting area grappling, kicking, and
113 striking.

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

116 (18) "Physician" means a person who is approved by the

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117 commission and an individual licensed to practice medicine under
118 chapter 458 or chapter 459 and whose license is unencumbered and
119 in good standing to practice medicine and surgery in this state.

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

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

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

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

138 (23) "Secretary" means the Secretary of Business and
139 Professional Regulation.

140 Section 2. Section 548.004, Florida Statutes, is amended to
141 read:

142 548.004 Executive director; duties, compensation,
143 administrative support.-

144 (1) The department shall employ an executive director with
145 the approval of the commission. The executive director shall

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

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

162 ~~(2)(3)~~ The department shall provide assistance in budget
163 development and budget submission for state funding requests.
164 The department shall submit an annual balanced legislative
165 budget for the commission which is based upon anticipated
166 revenue. The department shall provide technical assistance and
167 administrative support, if requested or determined necessary
168 ~~needed~~, to the commission and its executive director on issues
169 relating to personnel, contracting, property management, or
170 other issues identified as important to performing the duties of
171 this chapter and to protecting the interests of the state.

172 Section 3. Section 548.006, Florida Statutes, is amended to
173 read:

174 548.006 Power of commission to control professional and

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175 amateur boxing, kickboxing, and mixed martial arts matches
176 ~~pugilistic contests and exhibitions~~; certification of
177 competitiveness of professional mixed martial arts and
178 kickboxing matches.—

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

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

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

190 (4) Professional and amateur matches shall be held in
191 accordance with this chapter and the rules adopted by the
192 commission.

193 Section 4. Section 548.007, Florida Statutes, is amended to
194 read:

195 548.007 Exemptions.—This chapter does ~~Applicability of~~
196 ~~provisions to amateur matches and certain other matches or~~
197 ~~events. Sections 548.001-548.079 do not apply to~~ any of the
198 following:

199 (1) An amateur ~~A match that does not allow full contact.~~
200 ~~conducted or sponsored by a bona fide nonprofit school or~~
201 ~~education program whose primary purpose is instruction in the~~
202 ~~martial arts, boxing, or kickboxing, if the match held in~~
203 ~~conjunction with the instruction is limited to amateur~~

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204 ~~participants who are students of the school or instructional~~
205 ~~program;~~

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

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

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

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

221 (6) A match conducted by the International Olympic
222 Committee, the International Paralympic Committee, the Special
223 Olympics, or the Junior Olympics, if the match is limited to
224 amateurs who are competing in or attempting to qualify for the
225 Olympics, Paralympics, Special Olympics, or Junior Olympics.

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

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

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

235 548.017 Participants, managers, and other persons required
236 to have licenses.-

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

248 Section 7. Paragraph (c) of subsection (3) of section
249 548.046, Florida Statutes, is amended, and paragraph (d) is
250 added to that subsection, to read:

251 548.046 Physician's attendance at match; examinations;
252 cancellation of match.-

253 (3)

254 (c) The license of a participant who fails or refuses
255 ~~Failure or refusal~~ to provide a urine sample immediately upon
256 request shall be immediately revoked, and such failure or
257 refusal is grounds for additional disciplinary action ~~result in~~
258 ~~the revocation of the participant's license.~~ A Any participant
259 who has been adjudged the loser of a match and who subsequently
260 refuses to or is unable to provide a urine sample is subject to
261 disciplinary action pursuant to this chapter and any rules

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262 ~~adopted pursuant thereto shall forfeit his or her share of the~~
 263 ~~purse to the commission. A Any participant who is adjudged the~~
 264 ~~winner of a match and who subsequently refuses to or is unable~~
 265 ~~to provide a urine sample forfeits shall forfeit the win and~~
 266 ~~shall not be allowed to engage in any future match in the state.~~
 267 ~~The decision shall be changed to a no-decision result and shall~~
 268 ~~be entered into the official record as the result of the match.~~
 269 ~~The purse shall be redistributed as though the participant found~~
 270 ~~to be in violation of this subsection had lost the match. If~~
 271 ~~redistribution of the purse is not necessary or after~~
 272 ~~redistribution of the purse is completed, the participant found~~
 273 ~~to be in violation of this subsection shall forfeit his or her~~
 274 ~~share of the purse to the commission.~~

275 (d) The license of a participant who tests positive for a
 276 prohibited substance as specified under commission rule shall be
 277 immediately suspended, and the positive test result is grounds
 278 for additional disciplinary action.

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

281 548.054 Withholding of purses; hearing; disposition of
 282 withheld purse forfeiture.-

283 (2) Any purse so withheld shall be delivered by the
 284 promoter to the commission upon demand. Within 10 days after the
 285 match, the person from whom the sum was withheld may submit a
 286 petition for a hearing to the commission ~~apply in writing to the~~
 287 ~~commission for a hearing.~~ Upon receipt of the petition
 288 application, the commission may hold ~~shall fix a date for a~~
 289 hearing pursuant to ss. 120.569 and 120.57. ~~Within 10 days after~~
 290 ~~the hearing or after 10 days following the match, If no petition~~

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291 ~~application~~ for a hearing is filed, the commission shall meet
292 and determine the disposition ~~to be made~~ of the withheld purse.
293 If the commission finds the charges sufficient, it may declare
294 all or ~~any~~ part of the funds forfeited. If the commission finds
295 the charges insufficient ~~not sufficient upon which to base a~~
296 ~~withholding order~~, it shall immediately distribute the withheld
297 funds to the appropriate persons ~~entitled thereto~~.

298 Section 9. Section 548.06, Florida Statutes, is amended to
299 read:

300 548.06 Payments to state; exemptions; audit of records.-

301 (1) Unless the promoter pays the maximum tax amount
302 specified under subsection (3), a promoter holding a match
303 shall, within 72 hours after the match, file with the commission
304 a written report that ~~which~~ includes the number of tickets sold,
305 the amount of gross receipts, and any other facts the commission
306 may require. For the purposes of this chapter, ~~total~~ gross
307 receipts include each of the following:

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

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

315 (b)(e) The face value of all tickets sold and complimentary
316 tickets issued, provided, or given. A promoter may not issue
317 complimentary tickets for more than 5 percent of the seats in
318 the house, equally distributed between or among the price
319 categories for which complimentary tickets are issued, without

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320 the commission's written authorization. The commission may not
321 consider complimentary tickets that it authorizes under this
322 section as part of the total gross receipts from admission
323 fees.; and

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

327 ~~(2) Where the rights to telecast a match or matches held in~~
328 ~~this state under the supervision of the Florida State Boxing~~
329 ~~Commission are in whole owned by, sold to, acquired by, or held~~
330 ~~by any person who intends to or subsequently sells or, in some~~
331 ~~other manner, extends such rights in part to another, such~~
332 ~~person is deemed to be a promoter and must be licensed as such~~
333 ~~in this state. Such person shall, within 72 hours after the~~
334 ~~sale, transfer, or extension of such rights in whole or in part,~~
335 ~~file with the commission a written report that includes the~~
336 ~~number of tickets sold, the amount of gross receipts, and any~~
337 ~~other facts the commission may require.~~

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

342 (2) ~~(4)~~ A ~~Any~~ written report required to be filed with the
343 commission under this section must ~~shall~~ be postmarked within 72
344 hours after the conclusion of the match, and an additional 5
345 days is ~~shall be~~ allowed for mailing.

346 (3) ~~(5)~~ Each ~~the~~ written report must ~~shall~~ be accompanied by
347 a tax payment in the amount of 5 percent of the total gross
348 receipts exclusive of any federal taxes, except that the tax

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349 payment derived from the gross price charged for the sale or
350 lease of broadcasting, television, and pay-per-view motion
351 picture rights of any match occurring within the state may shall
352 not exceed \$40,000 for a any single event.

353 (4) (6) (a) A Any promoter who willfully makes a false and
354 fraudulent report under this section commits is guilty of
355 perjury and, upon conviction, is subject to punishment as
356 provided by law. Such penalty is shall be in addition to any
357 other penalties imposed under by this chapter.

358 (b) A Any promoter who willfully fails, neglects, or
359 refuses to make a report or to pay the taxes as prescribed or
360 who refuses to allow the commission to examine the books,
361 papers, and records of a any promotion commits is guilty of a
362 misdemeanor of the second degree, punishable as provided in s.
363 775.082 or s. 775.083.

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

367 (a) Records necessary to support each report submitted to
368 the commission, including a copy of any report filed with the
369 commission.

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

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

376 (7) The commission shall adopt rules establishing a
377 procedure for auditing a promoter's records and resolving any

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378 inconsistencies revealed by an audit and shall adopt a rule
379 imposing a late fee in the event of taxes owed.

380 Section 10. Section 548.07, Florida Statutes, is amended to
381 read:

382 548.07 Suspension of license or permit by commissioner;
383 hearing.—

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

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

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

406 Section 11. Section 548.073, Florida Statutes, is amended

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407 to read:

408 548.073 Commission hearings. All hearings held under this
409 chapter shall be held in accordance with chapter 120410 ~~Notwithstanding the provisions of chapter 120, any member of the~~
411 ~~commission may conduct a hearing. Before any adjudication is~~
412 ~~rendered, a majority of the members of the commission shall~~
413 ~~examine the record and approve the adjudication and order.~~414 Section 12. The sum of \$111,000 in recurring funds is
415 appropriated from the General Revenue Fund to the Department of
416 Business and Professional Regulation for the implementation of
417 this act by the Florida State Boxing Commission during the 2014-
418 2015 fiscal year.

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