

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative(s) Zapata offered the following:

2
3 **Substitute Amendment for Amendment (165297) to the Senate**
4 **Bill (with title amendment)**

5 On page 1, between line(s) 21 and 22, insert:

6 Section 2. (1) (a) A video lottery retailer holding a
7 permit under chapter 550, Florida Statutes, to conduct pari-
8 mutuel wagering on live jai alai performances may not conduct
9 video lottery games unless the retailer has on file with the
10 Division of Pari-mutuel Wagering of the Department of Business
11 and Professional Regulation a binding collective bargaining
12 agreement with the International Jai Alai Players Association
13 that contains provisions dedicating percentages of net terminal
14 income, retained after the payment of the allocations required
15 under s. 24.127(7), Florida Statutes, to supplementing player
16 base salaries, supplementing retirement and pension funds, and
036187

5/2/2007 8:37:06 AM

Amendment No.

17 funding competitive purses for international tournaments or such
18 other binding agreement containing such provisions.

19 (b) If an impasse in the collective bargaining process
20 prevents the collective bargaining agreement required under
21 paragraph (a) from being filed with the Division of Pari-mutuel
22 Wagering in order to conduct video lottery games, or a
23 collective bargaining agreement is reached but does not contain
24 the required provisions specified in paragraph (a), the
25 provisions dedicating percentages of net terminal income to
26 supplementing player base salaries, supplementing retirement and
27 pension funds, and funding competitive purses for international
28 tournaments shall be subject to binding arbitration.

29 (c)1. If a collective bargaining impasse is reached, the
30 applicant shall immediately ask the American Arbitration
31 Association to furnish a list of 11 arbitrators, each of whom
32 shall have at least 5 years of commercial arbitration experience
33 and no financial interest in or prior relationship with any of
34 the parties or their affiliated or related entities or
35 principals. Each required party to the agreement shall select a
36 single arbitrator from the list provided by the American
37 Arbitration Association within 10 days after receipt, and the
38 individuals so selected shall choose an additional arbitrator
39 from the list within the next 10 days. The three arbitrators
40 selected shall constitute the panel that shall arbitrate the
41 dispute between the parties pursuant to the American Arbitration
42 Association Commercial Arbitration Rules and chapter 682.

43 2. At the conclusion of the proceedings, which shall be
44 within 60 days after the selection of the arbitration panel, the
036187

5/2/2007 8:37:06 AM

Amendment No.

45 panel shall present to the parties a proposed agreement that a
46 majority of the panel believes equitably balances the rights,
47 interests, obligations, and reasonable expectations of the
48 parties concerning the provisions described in paragraph (b).
49 The parties shall immediately enter into such agreement, which
50 shall be filed with the Division of Pari-mutuel Wagering and
51 which shall satisfy the requirements of paragraph (a) and permit
52 the conduct of video lottery games by the video lottery
53 retailer, notwithstanding that a collective bargaining agreement
54 may remain at impasse. The agreement produced by the arbitration
55 panel under this paragraph shall be effective until the
56 anniversary date of the initial issuance of the video lottery
57 retailer license and annually on the same date thereafter, or
58 until the parties enter into a different agreement concerning
59 such issues, including a collective bargaining agreement. Each
60 party shall pay its respective costs of arbitration and shall
61 pay one-half of the costs of the arbitration panel, unless the
62 parties otherwise agree.

63 (d) The Department of the Lottery shall suspend the
64 conduct of video lottery games if the agreement entered into by
65 the parties as a result of arbitration under subparagraph (c)2.
66 is terminated or otherwise ceases to operate or if the division
67 determines that the licensee is materially failing to comply
68 with the provisions of such agreement. Any such suspension shall
69 take place in accordance with chapter 120, Florida Statutes.

70 (2) If any provision of this section or its application to
71 any person or circumstance is held invalid, the invalidity does
72 not affect other provisions or applications of this section or

036187

5/2/2007 8:37:06 AM

Amendment No.

73 act which can be given effect without the invalid provision or
74 application, and to this end the provisions of this subsection
75 are severable.

76 Section 3. Subsection (11) is added to section 551.104,
77 Florida Statutes, to read:

78 551.104 License to conduct slot machine gaming.--

79 (11) (a) No slot machine license or renewal thereof shall
80 be issued to an applicant holding a permit under chapter 550 to
81 conduct pari-mutuel wagering on live jai alai performances
82 unless the applicant has on file with the division a binding
83 collective bargaining agreement with the International Jai Alai
84 Players Association that contains provisions dedicating
85 percentages of slot machine revenues, retained after the payment
86 of state tax pursuant to s. 551.106, to supplementing player
87 base salaries, supplementing retirement and pension funds, and
88 funding competitive purses for international tournaments or such
89 other binding agreement containing such provisions.

90 (b) If an impasse in the collective bargaining process
91 prevents the collective bargaining agreement required under
92 paragraph (a) from being filed with the division for a slot
93 machine license or renewal, the provisions dedicating
94 percentages of slot machine revenues to supplementing player
95 base salaries, supplementing retirement and pension funds, and
96 funding competitive purses for international tournaments shall
97 be subject to binding arbitration.

98 (c)1. If a collective bargaining impasse is reached, the
99 applicant shall immediately ask the American Arbitration
100 Association to furnish a list of 11 arbitrators, each of whom

036187

5/2/2007 8:37:06 AM

Amendment No.

101 shall have at least 5 years of commercial arbitration experience
102 and no financial interest in or prior relationship with any of
103 the parties or their affiliated or related entities or
104 principals. Each required party to the agreement shall select a
105 single arbitrator from the list provided by the American
106 Arbitration Association within 10 days after receipt, and the
107 individuals so selected shall choose an additional arbitrator
108 from the list within the next 10 days. The three arbitrators
109 selected shall constitute the panel that shall arbitrate the
110 dispute between the parties pursuant to the American Arbitration
111 Association Commercial Arbitration Rules and chapter 682.

112 2. At the conclusion of the proceedings, which shall be
113 within 60 days after the selection of the arbitration panel, the
114 panel shall present to the parties a proposed agreement that a
115 majority of the panel believes equitably balances the rights,
116 interests, obligations, and reasonable expectations of the
117 parties concerning the provisions described in paragraph (b).
118 The parties shall immediately enter into such agreement, which
119 shall be filed with the division and which shall satisfy the
120 requirements of paragraph (a) and permit issuance of the pending
121 initial slot machine license or renewal, notwithstanding that a
122 collective bargaining agreement may remain at impasse. The
123 agreement produced by the arbitration panel under this paragraph
124 shall be effective until the last day of the license or renewal
125 period or until the parties enter into a different agreement
126 concerning such issues, including a collective bargaining
127 agreement. Each party shall pay its respective costs of

036187

5/2/2007 8:37:06 AM

Amendment No.

128 arbitration and shall pay one-half of the costs of the
129 arbitration panel, unless the parties otherwise agree.

130 (d) The division shall suspend a slot machine license if
131 the agreement entered into by the parties as a result of
132 arbitration under subparagraph (c)2. is terminated or otherwise
133 ceases to operate or if the division determines that the
134 licensee is materially failing to comply with the provisions of
135 such agreement. Any such suspension shall take place in
136 accordance with chapter 120.

137 (e) If any provision of this subsection or its application
138 to any person or circumstance is held invalid, the invalidity
139 does not affect other provisions or applications of this
140 subsection or chapter which can be given effect without the
141 invalid provision or application, and to this end the provisions
142 of this subsection are severable.

143

144

145 ===== T I T L E A M E N D M E N T =====

146 On page 1, line(s) 8,

147 remove: All of that line

148

149 and insert:

150 trademark; requiring video lottery retailers who are jai alai

151 permitholders to execute agreements supplementing player

152 salaries, retirement and pension funds and funding certain

153 purses; amending s. 551.104, F.S.; providing licensing

154 conditions on holders of jai alai permits; providing an

155 effective date.

036187

5/2/2007 8:37:06 AM