

Amendment No.

CHAMBER ACTION

Senate

House



1 Representative(s) Altman, Cusack, Dean, and Reagan offered the  
2 following:

3  
4 **Amendment to Amendment (036187) (with directory and title**  
5 **amendments)**

6 Remove line(s) 6-142 and insert:

7 Section 2. (1) (a) A video lottery retailer holding a  
8 permit under chapter 550, Florida Statutes, to conduct pari-  
9 mutuel wagering on live races or games may not conduct video  
10 lottery games unless the retailer has on file with the Division  
11 of Pari-mutuel Wagering of the Department of Business and  
12 Professional Regulation a binding collective bargaining  
13 agreement with the Florida Horsemen's Benevolent and Protective  
14 Association, Inc., the Florida Standardbred Breeders and Owners  
15 Association, the Florida Greyhound Association, Inc., or the  
16 International Jai Alai Players Association that contains

222435

5/2/2007 1:26:50 PM

Amendment No.

17 provisions dedicating percentages of net terminal income,  
18 retained after the payment of the allocations required under s.  
19 24.127(7), Florida Statutes, to supplementing base salaries,  
20 supplementing retirement and pension funds, and funding  
21 competitive purses or such other binding agreement containing  
22 such provisions.

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

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

222435

5/2/2007 1:26:50 PM

Amendment No.

45 dispute between the parties pursuant to the American Arbitration  
46 Association Commercial Arbitration Rules and chapter 682,  
47 Florida Statutes.

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

68 (d) The Department of the Lottery shall suspend the  
69 conduct of video lottery games if the agreement entered into by  
70 the parties as a result of arbitration under subparagraph (c)2.  
71 is terminated or otherwise ceases to operate or if the division  
72 determines that the licensee is materially failing to comply

222435

5/2/2007 1:26:50 PM

Amendment No.

73 | with the provisions of such agreement. Any such suspension shall  
74 | take place in accordance with chapter 120, Florida Statutes.

75 | (2) If any provision of this section or its application to  
76 | any person or circumstance is held invalid, the invalidity does  
77 | not affect other provisions or applications of this section or  
78 | act which can be given effect without the invalid provision or  
79 | application, and to this end the provisions of this section are  
80 | severable.

81 | Section 3. Paragraph (a) of subsection (10) of section  
82 | 551.104, Florida Statutes, is amended to read:

83 | 551.104 License to conduct slot machine gaming.--

84 | (10)(a) No slot machine license or renewal thereof shall  
85 | be issued to an applicant holding a permit under chapter 550 to  
86 | conduct pari-mutuel wagering meets of ~~thoroughbred~~ racing or  
87 | games unless the applicant has on file with the division a  
88 | binding written agreement between the applicant and the Florida  
89 | Horsemen's Benevolent and Protective Association, Inc., the  
90 | Florida Standardbred Breeders and Owners Association, the  
91 | Florida Greyhound Association, Inc., or the International Jai  
92 | Alai Players Association governing the payment of purses and  
93 | awards on live ~~thoroughbred~~ races or games conducted at the  
94 | licensee's pari-mutuel facility. In addition, no slot machine  
95 | license or renewal thereof shall be issued to such an applicant  
96 | unless the applicant has on file with the division a binding  
97 | written agreement between the applicant and the Florida  
98 | Thoroughbred Breeders' Association, Inc., governing the payment  
99 | of breeders', stallion, and special racing awards on live  
100 | thoroughbred races conducted at the licensee's pari-mutuel  
222435

5/2/2007 1:26:50 PM

Amendment No.

101 facility, or between the applicant and the Florida Standardbred  
102 Breeders and Owners Association, the Florida Greyhound  
103 Association, Inc., or the International Jai Alai Players  
104 Association governing the payment of purses and awards on live  
105 races or games conducted at the licensee's pari-mutuel facility.

106 The agreement governing purses and the agreement governing  
107 awards may direct the payment of such purses and awards from  
108 revenues generated by any wagering or gaming the applicant is  
109 authorized to conduct under Florida law. All purses and awards  
110 shall be subject to the terms of chapter 550. All sums for  
111 breeders', stallion, and special racing awards shall be remitted  
112 monthly to the Florida Thoroughbred Breeders' Association, Inc.,  
113 for the payment of awards subject to the administrative fee  
114 authorized in s. 550.2625(3).

115

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

117 Remove line(s) 150-155 and insert:

118 trademark; requiring video lottery retailers who to execute  
119 agreements supplementing salaries, supplementing retirement and  
120 pension funds, and funding certain purses; amending s. 551.104,  
121 F.S.; revising conditions for issuance or renewal of a slot  
122 machine license; requiring certain agreements be in effect and  
123 on file with the Division of Pari-mutuel Wagering; providing an  
124 effective date.