

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Snyder offered the following:

2
3 **Amendment (with directory amendment)**

4 Remove lines 1158-1265 and insert:

5 ~~(10)(a)1. No slot machine license or renewal thereof shall~~
6 ~~be issued to an applicant holding a permit under chapter 550 to~~
7 ~~conduct pari-mutuel wagering meets of thoroughbred racing unless~~
8 ~~the applicant has on file with the commission a binding written~~
9 ~~agreement between the applicant and the Florida Horsemen's~~
10 ~~Benevolent and Protective Association, Inc., governing the~~
11 ~~payment of purses on live thoroughbred races conducted at the~~
12 ~~licensee's pari-mutuel facility. In addition, no slot machine~~
13 ~~license or renewal thereof shall be issued to such an applicant~~

638313

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Amendment No.

14 ~~unless the applicant has on file with the commission a binding~~
15 ~~written agreement between the applicant and the Florida~~
16 ~~Thoroughbred Breeders' Association, Inc., governing the payment~~
17 ~~of breeders', stallion, and special racing awards on live~~
18 ~~thoroughbred races conducted at the licensee's pari-mutuel~~
19 ~~facility. The agreement governing purses and the agreement~~
20 ~~governing awards may direct the payment of such purses and~~
21 ~~awards from revenues generated by any wagering or gaming the~~
22 ~~applicant is authorized to conduct under Florida law. All purses~~
23 ~~and awards shall be subject to the terms of chapter 550. All~~
24 ~~sums for breeders', stallion, and special racing awards shall be~~
25 ~~remitted monthly to the Florida Thoroughbred Breeders'~~
26 ~~Association, Inc., for the payment of awards subject to the~~
27 ~~administrative fee authorized in s. 550.2625(3).~~

28 ~~2. No slot machine license or renewal thereof shall be~~
29 ~~issued to an applicant holding a permit under chapter 550 to~~
30 ~~conduct pari-mutuel wagering meets of quarter horse racing~~
31 ~~unless the applicant has on file with the commission a binding~~
32 ~~written agreement between the applicant and the Florida Quarter~~
33 ~~Horse Racing Association or the association representing a~~
34 ~~majority of the horse owners and trainers at the applicant's~~
35 ~~eligible facility, governing the payment of purses on live~~
36 ~~quarter horse races conducted at the licensee's pari-mutuel~~
37 ~~facility. The agreement governing purses may direct the payment~~
38 ~~of such purses from revenues generated by any wagering or gaming~~

638313

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Amendment No.

39 ~~the applicant is authorized to conduct under Florida law. All~~
40 ~~purses shall be subject to the terms of chapter 550.~~

41 ~~(b) The commission shall suspend a slot machine license if~~
42 ~~one or more of the agreements required under paragraph (a) are~~
43 ~~terminated or otherwise cease to operate or if the commission~~
44 ~~determines that the licensee is materially failing to comply~~
45 ~~with the terms of such an agreement. Any such suspension shall~~
46 ~~take place in accordance with chapter 120.~~

47 ~~(c)1. If an agreement required under paragraph (a) cannot~~
48 ~~be reached prior to the initial issuance of the slot machine~~
49 ~~license, either party may request arbitration or, in the case of~~
50 ~~a renewal, if an agreement required under paragraph (a) is not~~
51 ~~in place 120 days prior to the scheduled expiration date of the~~
52 ~~slot machine license, the applicant shall immediately ask the~~
53 ~~American Arbitration Association to furnish a list of 11~~
54 ~~arbitrators, each of whom shall have at least 5 years of~~
55 ~~commercial arbitration experience and no financial interest in~~
56 ~~or prior relationship with any of the parties or their~~
57 ~~affiliated or related entities or principals. Each required~~
58 ~~party to the agreement shall select a single arbitrator from the~~
59 ~~list provided by the American Arbitration Association within 10~~
60 ~~days of receipt, and the individuals so selected shall choose~~
61 ~~one additional arbitrator from the list within the next 10 days.~~

62 ~~2. If an agreement required under paragraph (a) is not in~~
63 ~~place 60 days after the request under subparagraph 1. in the~~

638313

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Amendment No.

64 ~~case of an initial slot machine license or, in the case of a~~
65 ~~renewal, 60 days prior to the scheduled expiration date of the~~
66 ~~slot machine license, the matter shall be immediately submitted~~
67 ~~to mandatory binding arbitration to resolve the disagreement~~
68 ~~between the parties. The three arbitrators selected pursuant to~~
69 ~~subparagraph 1. shall constitute the panel that shall arbitrate~~
70 ~~the dispute between the parties pursuant to the American~~
71 ~~Arbitration Association Commercial Arbitration Rules and chapter~~
72 ~~682.~~

73 ~~3. At the conclusion of the proceedings, which shall be no~~
74 ~~later than 90 days after the request under subparagraph 1. in~~
75 ~~the case of an initial slot machine license or, in the case of a~~
76 ~~renewal, 30 days prior to the scheduled expiration date of the~~
77 ~~slot machine license, the arbitration panel shall present to the~~
78 ~~parties a proposed agreement that the majority of the panel~~
79 ~~believes equitably balances the rights, interests, obligations,~~
80 ~~and reasonable expectations of the parties. The parties shall~~
81 ~~immediately enter into such agreement, which shall satisfy the~~
82 ~~requirements of paragraph (a) and permit issuance of the pending~~
83 ~~annual slot machine license or renewal. The agreement produced~~
84 ~~by the arbitration panel under this subparagraph shall be~~
85 ~~effective until the last day of the license or renewal period or~~
86 ~~until the parties enter into a different agreement. Each party~~
87 ~~shall pay its respective costs of arbitration and shall pay one-~~
88 ~~half of the costs of the arbitration panel, unless the parties~~

638313

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Amendment No.

89 ~~otherwise agree. If the agreement produced by the arbitration~~
90 ~~panel under this subparagraph remains in place 120 days prior to~~
91 ~~the scheduled issuance of the next annual license renewal, then~~
92 ~~the arbitration process established in this paragraph will begin~~
93 ~~again.~~

94 ~~4. In the event that neither of the agreements required~~
95 ~~under subparagraph (a)1. or the agreement required under~~
96 ~~subparagraph (a)2. are in place by the deadlines established in~~
97 ~~this paragraph, arbitration regarding each agreement will~~
98 ~~proceed independently, with separate lists of arbitrators,~~
99 ~~arbitration panels, arbitration proceedings, and resulting~~
100 ~~agreements.~~

101 ~~5. With respect to the agreements required under paragraph~~
102 ~~(a) governing the payment of purses, the arbitration and~~
103 ~~resulting agreement called for under this paragraph shall be~~
104 ~~limited to the payment of purses from slot machine revenues~~
105 ~~only.~~

106 ~~(d) If any provision of this subsection or its application~~
107 ~~to any person or circumstance is held invalid, the invalidity~~
108 ~~does not affect other provisions or applications of this~~
109 ~~subsection or chapter which can be given effect without the~~
110 ~~invalid provision or application, and to this end the provisions~~
111 ~~of this subsection are severable.~~

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Amendment No.

114 **D I R E C T O R Y A M E N D M E N T**

115 Remove line 1146 and insert:

116 **subsection (4) and subsection (10) of that section are amended**

117 **to read:**

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