

By Senator Latvala

19-1637-00

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

An act relating to the establishment of an Interstate Compact on Licensure of Participants in Live Horseracing with Pari-mutuel Wagering; providing the purposes; providing definitions; providing eligibility criteria; providing for the establishment of a compact committee; providing powers and duties; providing voting requirements; providing administrative and management criteria; providing rights and responsibilities of each party state; providing fee standards; providing construction and severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This compact may be cited as the "Interstate Compact on Licensure of Participants in Live Horseracing with Pari-mutuel Wagering."

Section 2. Purposes.--The purposes of this compact are to:

(1) Establish uniform requirements among the party states for the licensing of participants in live horseracing with pari-mutuel wagering, and ensure that all participants who are licensed under this compact meet a uniform minimum standard of honesty and integrity.

(2) Facilitate the growth of the horseracing industry in each party state and nationwide by simplifying the process for licensing participants in live racing, and reduce the duplicative and costly process of separate licensing by the

1 regulatory agency in each state that conducts live horseracing
2 with pari-mutuel wagering.

3 (3) Authorize the Department of Business and
4 Professional Regulation to participate in this compact.

5 (4) Provide for participation in this compact by
6 officials of the party states, and permit those officials,
7 through the compact committee established by this compact, to
8 enter into contracts with governmental agencies and
9 nongovernmental persons to carry out the purposes of this
10 compact.

11 (5) Establish the compact committee created by this
12 compact as an interstate governmental entity duly authorized
13 to request and receive criminal history record information
14 from the Federal Bureau of Investigation and other state and
15 local law enforcement agencies.

16 Section 3. Definitions.--As used in this compact, the
17 term:

18 (1) "Compact committee" means the organization of
19 officials from the party states that is authorized to carry
20 out the purposes of this compact.

21 (2) "Official" means the appointed, elected,
22 designated, or otherwise duly selected member of a racing
23 commission or its equivalent in a party state who represents
24 that party state as a member of the compact committee.

25 (3) "Participants in live racing" means participants
26 in live horseracing with pari-mutuel wagering in the party
27 states.

28 (4) "Party state" means each state that has enacted
29 this compact.

30 (5) "State" means each of the several states of the
31 United States, the District of Columbia, the Commonwealth of

1 Puerto Rico, and each territory or possession of the United
2 States.

3 Section 4. Entry into force.--This compact comes into
4 force when enacted by any four states. Thereafter, this
5 compact becomes effective as to any other state upon that
6 state's enactment of this compact and the affirmative vote of
7 a majority of the officials on the compact committee as
8 provided in section 9.

9 Section 5. States eligible to join compact.--Any state
10 that has adopted or authorized horseracing with pari-mutuel
11 wagering is eligible to become a party to this compact.

12 Section 6. Withdrawal from compact and impact on
13 effect of compact.--

14 (1) Any party state may withdraw from this compact by
15 enacting a statute repealing this compact, but the withdrawal
16 does not become effective until the Governor of the
17 withdrawing state has given notice in writing of the
18 withdrawal to the Governors of all other party states.

19 (2) If, as a result of withdrawals, participation in
20 this compact decreases to less than three party states, this
21 compact is no longer in force and effect until there are at
22 least three or more party states again participating in this
23 compact.

24 Section 7. Compact committee established.--

25 (1) There is created an interstate governmental entity
26 to be known as the "compact committee," which shall be
27 comprised of one official from the racing commission or its
28 equivalent in each party state, who shall be appointed, serve,
29 and be subject to removal in accordance with the laws of the
30 party state she or he represents. Under the laws of her or his
31 party state, each official shall have the assistance of her or

1 his state's racing commission or its equivalent in considering
2 issues related to licensing of participants in live racing and
3 in fulfilling her or his responsibilities as the
4 representative from her or his state to the compact committee.

5 (2) If an official is unable to perform any duty in
6 connection with the powers and duties of the compact
7 committee, the racing commission or its equivalent from her or
8 his state shall designate another of its members as an
9 alternate who shall serve in her or his place and represent
10 the party state as its official on the compact committee until
11 that racing commission or its equivalent determines that the
12 original representative official is able once again to perform
13 her or his duties as that party state's representative
14 official on the compact committee. The designation of an
15 alternate shall be communicated by the affected state's racing
16 commission or its equivalent to the compact committee as the
17 committee's bylaws may provide.

18 Section 8. Powers and duties of compact committee.--In
19 order to carry out the purposes of this compact, the compact
20 committee is granted the power and duty to:

21 (1) Determine which categories of participants in live
22 racing, including, but not limited to, owners, trainers,
23 jockeys, grooms, mutuel clerks, racing officials,
24 veterinarians, and farriers, should be licensed by the
25 committee, and establish the requirements for the initial
26 licensure of applicants in each such category, the term of the
27 license for each category, and the requirements for renewal of
28 licenses in each category. However, with regard to requests
29 for criminal history record information on each applicant for
30 a license, and with regard to the effect of a criminal record
31 on the issuance or renewal of a license, the compact committee

1 shall determine for each category of participants in live
2 racing which licensure requirements for that category are the
3 most restrictive licensure requirements of any party state for
4 that category and shall adopt licensure requirements for that
5 category that are comparable to those most restrictive
6 requirements.

7 (2) Investigate applicants for a license from the
8 compact committee and, as permitted by federal and state law,
9 gather information on the applicants, including criminal
10 history record information from the Federal Bureau of
11 Investigation and relevant state and local law enforcement
12 agencies, and, when appropriate, from the Royal Canadian
13 Mounted Police and law enforcement agencies of other
14 countries, necessary to determine whether a license should be
15 issued under the licensure requirements established by the
16 committee as provided in subsection (1). Only officials on,
17 and employees of, the compact committee may receive and review
18 criminal history record information, and those officials and
19 employees may use that information only for the purposes of
20 this compact. An official or employee may not disclose or
21 disseminate that information to any person or entity other
22 than another official on or employee of the compact committee.
23 The finger prints of each applicant for a license from the
24 compact committee shall be taken by the compact committee, its
25 employees, or its designee and, under Pub. L. No. 92-544 or
26 Pub. L. No. 100-413, shall be forwarded to a state
27 identification bureau, or to the Association of Racing
28 Commissioners, International, an association of state
29 officials regulating pari-mutuel wagering designated by the
30 Attorney General of the United States, for submission to the
31 Federal Bureau of Investigation for a criminal history record

1 check. Fingerprints may be submitted on a fingerprint card or
2 by electronic or other means authorized by the Federal Bureau
3 of Investigation or other receiving law enforcement agency.

4 (3) Issue licenses to, and renew the licenses of,
5 participants in live racing listed in subsection (1) who are
6 found by the committee to have met the licensure and renewal
7 requirements established by the committee. The compact
8 committee does not have the power or authority to deny a
9 license. If it determines that an applicant will not be
10 eligible for the issuance or renewal of a compact committee
11 license, the compact committee shall notify the applicant that
12 it will not be able to process her or his application further.
13 The notification does not constitute and may not be considered
14 to be the denial of a license. Any such applicant has the
15 right to present additional evidence to, and to be heard by,
16 the compact committee, but the final decision on issuance or
17 renewal of the license shall be made by the compact committee
18 using the requirements established under subsection (1).

19 (4) Enter into contracts or agreements with
20 governmental agencies and with nongovernmental persons to
21 provide personal services for its activities and such other
22 services as may be necessary to effectuate the purposes of
23 this compact.

24 (5) Create, appoint, and abolish those offices,
25 employments, and positions, including an executive director,
26 as it considers necessary for the purposes of this compact;
27 prescribe their powers, duties, and qualifications; hire
28 persons to fill those offices, employments, and positions; and
29 provide for the removal, term, tenure, compensation, fringe
30 benefits, retirement benefits, and other conditions of
31 employment of its officers, employees, and other positions.

1 (6) Borrow, accept, or contract for the services of
2 personnel from any state, the United States, or any other
3 governmental agency, or from any person, firm, association,
4 corporation, or other entity.

5 (7) Acquire, hold, and dispose of real and personal
6 property by gift, purchase, lease, license, or in other
7 similar manner, in furtherance of the purposes of this
8 compact.

9 (8) Charge a fee to each applicant for an initial
10 license or renewal of a license.

11 (9) Receive other funds through gifts, grants, and
12 appropriations.

13 Section 9. Voting requirements.--

14 (1) Each official is entitled to one vote on the
15 compact committee.

16 (2) All action taken by the compact committee with
17 regard to the addition of party states as provided in section
18 4, the licensure of participants in live racing, and the
19 receipt and disbursement of funds requires a majority vote of
20 the total number of officials or their alternates on the
21 committee. All other action by the compact committee requires
22 a majority vote of those officials or their alternates present
23 and voting.

24 (3) An action of the compact committee may not be
25 taken unless a quorum is present. A majority of the officials
26 or their alternates on the compact committee constitutes a
27 quorum.

28 Section 10. Administration and management.--

29 (1) The compact committee shall elect annually from
30 among its members a chair, a vice-chair, and a
31 secretary-treasurer.

1 (2) The compact committee shall adopt bylaws for the
2 conduct of its business by a two-thirds vote of the total
3 number of officials or their alternates on the committee at
4 that time and has the power by the same vote to amend and
5 rescind these bylaws. The committee shall publish its bylaws
6 in convenient form and shall file a copy thereof and a copy of
7 any amendments thereto with the secretary of state or
8 equivalent agency of each of the party states.

9 (3) The compact committee may delegate the day-to-day
10 management and administration of its duties and
11 responsibilities to an executive director and her or his
12 support staff.

13 (4) Employees of the compact committee shall be
14 considered governmental employees.

15 Section 11. Immunity from liability for performance of
16 official responsibilities and duties.--An official of a party
17 state or an employee of the compact committee may not be held
18 personally liable for any good faith act or omission that
19 occurs during the performance and within the scope of her or
20 his responsibilities and duties under this compact.

21 Section 12. Rights and responsibilities of each party
22 state.--

23 (1) By enacting this compact, each party state:

24 (a) Agrees to accept the decisions of the compact
25 committee regarding the issuance of compact committee licenses
26 to participants in live racing under the committee's licensure
27 requirements, and to reimburse or otherwise pay the expenses
28 of its official representative on the compact committee or her
29 or his alternate.

30 (b) Agrees not to treat a notification to an applicant
31 by the compact committee under subsection (3) of section 8

1 that the compact committee will not be able to process her or
2 his application further as the denial of a license, or to
3 penalize the applicant in any other way based solely on a
4 decision by the compact committee.

5 (c) Reserves the right to:

6 1. Charge a fee for the use of a compact committee
7 license in that state;

8 2. Apply its own standards in determining whether, on
9 the facts of a particular case, a compact committee license
10 should be suspended or revoked;

11 3. Apply its own standards in determining licensure
12 eligibility, under the laws of that party state, for
13 categories of participants in live racing that the compact
14 committee determines not to license and for individual
15 participants in live racing who do not meet the licensure
16 requirements of the compact committee; and

17 4. Establish its own licensure standards for the
18 licensure of nonracing employees at horse racetracks and
19 employees at separate satellite wagering facilities.

20
21 Any party state that suspends or revokes a compact committee
22 license shall, through its racing commission or the equivalent
23 thereof or otherwise, promptly notify the compact committee of
24 that suspension or revocation.

25 (2) A party state may not be held liable for the debts
26 or other financial obligations incurred by the compact
27 committee.

28 Section 13. Construction and severability.--

29 (1) This compact shall be liberally construed so as to
30 effectuate its purposes. The provisions of this compact are
31 severable, and, if any phrase, clause, sentence, or provision

1 of this compact is declared to be contrary to the constitution
2 of the United States or of any party state, or the
3 applicability of this compact to any government, agency,
4 person, or circumstance is held invalid, the validity of the
5 remainder of this compact and its applicability to any
6 government, agency, person, or circumstance is not affected
7 thereby.

8 (2) If all or some portion of this compact is held to
9 be contrary to the constitution of any party state, the
10 compact shall remain in full force and effect as to the
11 remaining party states and in full force and effect as to the
12 state affected as to all severable matters.

13 Section 14. This act shall take effect upon becoming a
14 law.

15
16 *****

17 SENATE SUMMARY

18 Creates the "Interstate Compact on Licensure of
19 Participants in Live Horseracing with Pari-mutuel
20 Wagering." Provides a process by which states can become
21 part of the compact and withdraw from the compact.
22 Establishes a compact committee and provides for its
23 powers and duties, including the power to license certain
24 categories of participants in live horseracing. Provides
25 for immunity from liability. Provides for the rights and
26 responsibilities of each party state.
27
28
29
30
31