

By Representative Jones

1 A bill to be entitled
2 An act relating to pari-mutuel wagering;
3 creating the Interstate Compact on Licensure of
4 Participants in Live Horseracing with
5 Pari-Mutuel Wagering; providing purposes;
6 providing definitions; providing for entry into
7 force; providing eligibility criteria;
8 providing for withdrawal; providing the
9 establishment of a compact committee; providing
10 powers and duties; providing voting
11 requirements; providing administrative and
12 management criteria; providing for immunity
13 from liability; providing rights and
14 responsibilities of each party state; providing
15 fee standards; providing construction and
16 severability; providing an effective date.

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

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20 Section 1. Interstate Compact on Licensure of
21 Participants in Live Horseracing with Pari-Mutuel
22 Wagering.--There is hereby created the Interstate Compact on
23 Licensure of Participants in Live Horseracing with Pari-Mutuel
24 Wagering.

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

27 (1) Establish uniform requirements among the party
28 states for the licensing of participants in live horseracing
29 with pari-mutuel wagering, and ensure that all licensed
30 participants meet a uniform minimum standard of honesty and
31 integrity.

1 (2) Facilitate the growth of the horseracing industry
2 in each party state and nationwide by simplifying the process
3 for licensing participants in live horseracing, and reduce the
4 duplicative and costly process of separate licensing by the
5 regulatory agency in each state that conducts live horseracing
6 with pari-mutuel wagering.

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

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

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

20 Section 3. Definitions.--

21 (1) "Compact committee" means the organization of
22 officials from the party states that is authorized and
23 empowered to carry out the purposes of this compact.

24 (2) "Official" means the appointed, elected,
25 designated, or otherwise duly selected member of a racing
26 commission, or the equivalent thereof, in a party state who
27 represents that party state as a member of the compact
28 committee.

29 (3) "Participants in live racing" means participants
30 in live horseracing with pari-mutuel wagering in the party
31 states.

1 (4) "Party state" means each state that has enacted
2 this compact.

3 (5) "State" means each of the several states of the
4 United States, the District of Columbia, the Commonwealth of
5 Puerto Rico, and each territory or possession of the United
6 States.

7 Section 4. Entry into force.--This compact shall come
8 into force when enacted by any four states. Thereafter, this
9 compact shall become effective in any other state upon that
10 state's enactment of this compact and upon the affirmative
11 vote of a majority of the officials on the compact committee
12 as provided in section 9.

13 Section 5. States eligible to join compact.--Any state
14 that has adopted or authorized horseracing with pari-mutuel
15 wagering shall be eligible to become party to this compact.

16 Section 6. Withdrawal from compact; impact on force
17 and effect.--

18 (1) Any party state may withdraw from this compact by
19 enacting a statute repealing this compact, but no such
20 withdrawal shall become effective until the head of the
21 executive branch of the withdrawing party state has given
22 notice in writing of such withdrawal to the head of the
23 executive branch of all other party states.

24 (2) If, as a result of withdrawals, participation in
25 this compact decreases to fewer than three party states, this
26 compact shall no longer be in force and effect until
27 participation in this compact increases to three or more party
28 states.

29 Section 7. Compact committee.--

30 (1) There is hereby created an interstate governmental
31 entity to be known as the "compact committee," which shall be

1 comprised of one official from the racing commission, or the
2 equivalent thereof, in each party state who shall be
3 appointed, serve, and be subject to removal in accordance with
4 the laws of the party state she or he represents. Pursuant to
5 the laws of her or his party state, each official shall have
6 the assistance of her or his state's racing commission, or the
7 equivalent thereof, in considering issues related to licensing
8 of participants in live racing and in fulfilling her or his
9 responsibilities as the representative from her or his state
10 to the compact committee.

11 (2) If an official is unable to perform any of her or
12 his duties as a member of the compact committee, the racing
13 commission, or the equivalent thereof, from her or his state
14 shall designate another of its members as an alternate who
15 shall serve in her or his place and represent the party state
16 as its official on the compact committee, until that racing
17 commission, or the equivalent thereof, determines that the
18 original representative official is once again able to perform
19 her or his duties as that party state's representative
20 official on the compact committee. The designation of an
21 alternate shall be communicated by the affected state's racing
22 commission, or the equivalent thereof, to the compact
23 committee as the committee's bylaws may provide.

24 Section 8. Powers and duties of compact committee.--In
25 order to carry out the purposes of this compact, the compact
26 committee is hereby granted the power and duty to:

27 (1)(a) Determine which categories of participants in
28 live racing, including, but not limited to, owners, trainers,
29 jockeys, grooms, mutuel clerks, racing officials,
30 veterinarians, and farriers, should be licensed by the
31 committee, and establish the requirements for the initial

1 licensure of applicants in each category, the term of the
2 license for each category, and the requirements for renewal of
3 licenses in each category.

4 (b) With regard to requests for criminal history
5 record information on each applicant for a license, and with
6 regard to the effect of a criminal record on the issuance or
7 renewal of a license, determine for each category of
8 participants in live racing which licensure requirements for
9 that category are, in its judgment, the most restrictive
10 licensure requirements of any party state for that category
11 and adopt licensure requirements for that category that are,
12 in its judgment, comparable to those most restrictive
13 requirements.

14 (2) Investigate applicants for licensure by the
15 compact committee and, as permitted by federal and state law,
16 gather information on such applicants, including criminal
17 history record information from the Federal Bureau of
18 Investigation and relevant state and local law enforcement
19 agencies, and, where appropriate, from the Royal Canadian
20 Mounted Police and law enforcement agencies of other
21 countries, which is necessary to determine whether a license
22 should be issued under the licensure requirements established
23 by the committee pursuant to subsection (1). Only officials
24 on, and employees of, the compact committee may receive and
25 review such criminal history record information, and those
26 officials and employees may use that information only for the
27 purposes of this compact. No such official or employee may
28 disclose or disseminate such information to any person or
29 entity other than another official on or employee of the
30 compact committee. The fingerprints of each applicant for
31 licensure by the compact committee shall be taken by the

1 compact committee, its employees, or its designee and,
2 pursuant to Pub. L. No. 92-544 or Pub. L. No. 100-413, shall
3 be forwarded to a state identification bureau, or to the
4 Association of Racing Commissioners International, Inc., for
5 submission to the Federal Bureau of Investigation for a
6 criminal history record check. Such fingerprints may be
7 submitted on a fingerprint card or by electronic or other
8 means authorized by the Federal Bureau of Investigation or
9 other receiving law enforcement agency.

10 (3) Issue licenses to, and renew the licenses of,
11 participants in live racing who are found by the committee to
12 have met the licensure and renewal requirements established by
13 the committee pursuant to subsection (1). The compact
14 committee shall not have the power or authority to deny a
15 license. If the compact committee determines that an
16 applicant is not eligible for the issuance or renewal of a
17 compact committee license, the compact committee shall notify
18 the applicant that her or his application will not be
19 processed further. Such notification does not constitute and
20 shall not be considered to be the denial of a license. Any
21 such applicant shall have the right to present additional
22 evidence to, and be heard by, the compact committee, but the
23 final decision on issuance or renewal of the license shall be
24 made by the compact committee using the requirements
25 established pursuant to subsection (1).

26 (4) Enter into contracts or agreements with
27 governmental agencies and nongovernmental persons to provide
28 personal services for its activities and such other services
29 as may be necessary to effectuate the purposes of this
30 compact.

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1 (5) Create, appoint, and abolish those offices,
2 employments, and positions, including that of executive
3 director, that it deems necessary for the purposes of this
4 compact; prescribe the powers, duties, and qualifications of,
5 and hire persons to fill, such offices, employments, and
6 positions; and provide for the removal, term, tenure,
7 compensation, fringe benefits, retirement benefits, and other
8 conditions of employment of persons filling such offices,
9 employments, and positions.

10 (6) Borrow, accept, or contract for the services of
11 personnel from any state, the United States, or any other
12 governmental agency, or from any person, firm, association,
13 corporation, or other entity.

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

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

20 (9) Receive other funds through gifts, grants, and
21 appropriations.

22 Section 9. Voting requirements.--

23 (1) Each member of the compact committee shall be
24 entitled to one vote.

25 (2) All action taken by the compact committee with
26 regard to the addition of party states as provided in section
27 4, the licensure of participants in live racing, and the
28 receipt and disbursement of funds shall require a majority
29 vote of the members of the compact committee, or their
30 alternates. All other action by the compact committee shall
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1 require a majority vote of the members present, or their
2 alternates.

3 (3) No action of the compact committee may be taken
4 unless a quorum is present. A majority of the members of the
5 compact committee, or their alternates, shall constitute a
6 quorum.

7 Section 10. Administration and management.--

8 (1) The compact committee shall elect annually from
9 among its members a chair, a vice chair, and a
10 secretary/treasurer.

11 (2) The compact committee shall adopt bylaws for the
12 conduct of its business by a two-thirds vote of the members of
13 the committee, or their alternates, and shall have the power
14 by the same vote to amend and rescind these bylaws. The
15 compact committee shall publish its bylaws in convenient form
16 and shall file a copy thereof and a copy of any amendments
17 thereto with the secretary of state or equivalent agency of
18 each of the party states.

19 (3) The compact committee may delegate the day-to-day
20 management and administration of its duties and
21 responsibilities to an executive director and her or his
22 support staff.

23 (4) Employees of the compact committee shall be
24 considered governmental employees.

25 Section 11. Immunity from liability for performance of
26 official responsibilities and duties.--No member or employee
27 of the compact committee shall be held personally liable for
28 any good faith act or omission that occurs during the
29 performance and within the scope of her or his
30 responsibilities and duties under this compact.

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1 Section 12. Rights and responsibilities of each party
2 state.--
3 (1) By enacting this compact, each party state:
4 (a) Agrees to:
5 1. Accept the decisions of the compact committee
6 regarding the issuance of compact committee licenses to
7 participants in live racing pursuant to the committee's
8 licensure requirements.
9 2. Reimburse or otherwise pay the expenses of its
10 official representative on the compact committee or her or his
11 alternate.
12 (b) Agrees not to treat a notification to an applicant
13 by the compact committee described in subsection (3) of
14 section 8 as the denial of a license, or to penalize such an
15 applicant in any other way based solely on such a decision by
16 the compact committee.
17 (c) Reserves the right to:
18 1. Charge a fee for the use of a compact committee
19 license in that state.
20 2. Apply its own standards in determining whether, on
21 the facts of a particular case, a compact committee license
22 should be suspended or revoked. Any party state that suspends
23 or revokes a compact committee license shall, through its
24 racing commission, or the equivalent thereof, or otherwise,
25 promptly notify the compact committee of that suspension or
26 revocation.
27 3. Apply its own standards in determining licensure
28 eligibility, under the laws of that party state, for
29 categories of participants in live racing that the compact
30 committee determines not to license and for individual
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1 participants in live racing who do not meet the licensure
2 requirements of the compact committee.

3 4. Establish its own licensure standards for the
4 licensure of non-racing employees at horse racetracks and
5 employees at separate satellite wagering facilities.

6 (2) No party state shall be held liable for the debts
7 or other financial obligations incurred by the compact
8 committee.

9 Section 13. Construction and severability.--

10 (1) This compact shall be liberally construed so as to
11 effectuate its purposes. The provisions of this compact shall
12 be severable, and, if any phrase, clause, sentence, or
13 provision of this compact is declared to be contrary to the
14 Constitution of the United States or of any party state, or
15 the applicability of this compact to any government, agency,
16 person, or circumstance is held invalid, the validity of the
17 remainder of this compact and the applicability thereof to any
18 government, agency, person, or circumstance shall not be
19 affected thereby.

20 (2) If all or some portion of this compact is held to
21 be contrary to the constitution of any party state, the
22 compact shall remain in full force and effect as to the
23 remaining party states and in full force and effect as to the
24 state affected as to all severable matters.

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

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HOUSE SUMMARY

Creates the Interstate Compact on Licensure of
Participants in Live Horseracing with Pari-Mutuel
Wagering to establish uniform requirements among the
party states for licensure of participants and to ensure
that all such participants meet a uniform minimum
standard of honesty and integrity. See bill for details.