

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Combee offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 570.83, Florida Statutes, is amended to read:

570.83 Cattle Beef Market Development Act; definitions;
 Florida Cattle Enhancement Board Beef Council, Inc., creation,
 purposes, governing board, powers, and duties; ~~referendum on~~
~~assessments imposed on gross receipts from cattle sales;~~
 payments to organizations for services; ~~collecting and refunding~~
~~assessments; vote on continuing the act;~~ board council bylaws.-

(1) SHORT TITLE POPULAR NAME.—This section act may be cited as the "Cattle Beef Market Development Act."

(2) LEGISLATIVE INTENT.—The Legislature intends by this act to promote the growth of the cattle industry in this state;

Amendment No.

18 to assure the public an adequate and wholesome food supply; to
19 provide for the general economic welfare of producers and
20 consumers of beef and the state; and to provide the ~~beef~~ cattle
21 ~~production and feeding~~ industry of this state with the authority
22 to establish a ~~self-financed,~~ self-governed program to help
23 develop, maintain, and expand the state, national, and foreign
24 markets for beef and beef products that are produced, processed,
25 or manufactured in this state.

26 (3) DEFINITIONS.—As used in this section ~~act~~, the term:

27 (a) "Beef" or "beef products" means the products of beef
28 intended for human consumption which are derived from any bovine
29 animal, regardless of age, including, but not limited to, veal.

30 ~~(b)-(e)~~ "Board" or "Florida Cattle Enhancement Board"
31 "Council" means the Florida Cattle Enhancement Board ~~Beef~~
32 ~~Council~~, Inc.

33 ~~(c)-(b)~~ "Cattle" means such animals as are so designated by
34 federal law, including any marketing, promotion, and research
35 orders as are in effect. Unless such federal law provides to the
36 contrary, the term "cattle" includes all bovine animals,
37 regardless of age, including, but not limited to, calves. ~~A cow~~
38 ~~and nursing calf sold together are considered one unit.~~

39 ~~(e)~~ ~~"Collection agent" means a person who sells, offers~~
40 ~~for sale, markets, distributes, trades, or processes cattle that~~
41 ~~have been purchased or acquired from a producer or that are~~
42 ~~marketed on behalf of a producer. The term also includes~~
43 ~~meatpacking firms and their agents that purchase or consign to~~

Amendment No.

44 ~~purchase cattle.~~

45 (d) "Department" means the Department of Agriculture and
46 Consumer Services.

47 ~~(e)(f)~~ "Person" means any natural person, partnership,
48 corporation, company, association, society, trust, or other
49 business unit or organization.

50 ~~(f)(g)~~ "Producer" means a person that has owned or sold
51 cattle in the previous calendar year or presently owns cattle.

52 (4) FLORIDA CATTLE ENHANCEMENT BOARD ~~BEEF COUNCIL~~, INC. ;
53 CREATION; PURPOSES.—

54 (a) There is created the Florida Cattle Enhancement Board
55 ~~Beef Council~~, Inc., a not-for-profit corporation organized under
56 the laws of this state for the purpose of ~~and~~ operating as a
57 direct-support organization to ~~of~~ the department pursuant to
58 this section.

59 ~~(b) The council is authorized to impose an assessment of~~
60 ~~not more than \$1 on each head of cattle sold in the state if the~~
61 ~~imposition of the assessment is approved by referendum pursuant~~
62 ~~to subsection (6). The proceeds of the assessment shall be used~~
63 ~~to fund the activities of the council. The council shall:~~

64 1. ~~Establish the amount of the assessment at not more than~~
65 ~~\$1 per head of cattle.~~

66 2. ~~Develop, implement, and monitor a collection system for~~
67 ~~the assessment.~~

68 3. ~~Coordinate the collection of the assessment with other~~
69 ~~states.~~

Amendment No.

- 70 ~~4. Establish refund procedures.~~
- 71 ~~5. Conduct referenda under subsections (6) and (12).~~
- 72 ~~(c) The council shall:~~
- 73 ~~1. Plan, implement, and conduct programs of promotion,~~
74 ~~research, and consumer information or industry information which~~
75 ~~are designed to strengthen the cattle industry's market position~~
76 ~~in this state and in the nation and to maintain and expand~~
77 ~~domestic and foreign markets and expand uses for beef and beef~~
78 ~~products.~~
- 79 ~~2. Use the proceeds of the assessment for the purpose of~~
80 ~~funding cattle production and beef research, education,~~
81 ~~promotion, and consumer and industry information in this state~~
82 ~~and in the nation.~~
- 83 ~~3. Plan and implement a cattle and beef industry feedback~~
84 ~~program in this state.~~
- 85 ~~4. Coordinate research, education, promotion, industry,~~
86 ~~and consumer information programs with any national programs or~~
87 ~~programs of other states.~~
- 88 ~~5. Develop new uses and markets for beef and beef~~
89 ~~products.~~
- 90 ~~6. Develop and improve methods of distributing beef and~~
91 ~~beef products to the consumer.~~
- 92 ~~7. Develop methods of improving the quality of beef and~~
93 ~~beef products for the benefit of consumers.~~
- 94 ~~8. Inform and educate the public concerning the nutritive~~
95 ~~and economic values of beef and beef products.~~

Amendment No.

96 ~~9. Serve as a liaison within the beef and other food~~
97 ~~industries of the state and elsewhere in matters that would~~
98 ~~increase efficiencies that ultimately benefit both consumers and~~
99 ~~industry.~~

100 ~~10. Buy, sell, mortgage, rent, or improve, in any manner~~
101 ~~that the council considers expedient, real property or personal~~
102 ~~property, or both.~~

103 ~~11. Publish and distribute such papers or periodicals as~~
104 ~~the board of directors considers necessary to encourage and~~
105 ~~accomplish the purposes of the council.~~

106 ~~12. Do all other acts necessary or expedient for the~~
107 ~~administration of the affairs and attainment of the purposes of~~
108 ~~the council.~~

109 ~~13. Approve an annual plan, budget, and audit for the~~
110 ~~council.~~

111 ~~(b)(d)1.~~ The board ~~council~~ may not participate in or
112 intervene in any political campaign on behalf of or in
113 opposition to any candidate for public office. This restriction
114 includes, but is not limited to, a prohibition against
115 publishing or distributing any statements.

116 ~~(c)2.~~ No part of The net receipts of the board may not
117 ~~council shall~~ inure to the benefit of or be distributable to its
118 directors, its officers, or other private persons, except that
119 the board ~~council~~ may pay reasonable compensation for services
120 rendered by staff employees and may make payments and
121 distributions in furtherance of the purposes of this section

Amendment No.

122 act.

123 ~~(d)3.~~ Notwithstanding any other provision of law, the
124 board council may not carry on any other activities prohibited
125 for not permitted to be carried on:

126 ~~1.a.~~ By A corporation exempt from federal income tax under
127 s. 501(c) (3) of the Internal Revenue Code of 1986, as amended;
128 or

129 ~~2.b.~~ By A corporation to which contributions are
130 deductible under s. 170(c) (2) of the Internal Revenue Code of
131 1986, as amended.

132 ~~(e)4.~~ Notwithstanding any other statement of the purposes
133 and responsibilities of the board council, the board council may
134 not engage in any activities or exercise any powers that are not
135 in furtherance of its ~~specific and primary~~ purposes.

136 (5) GOVERNING BOARD.—

137 (a) The Florida Cattle Enhancement Board ~~Beef Council,~~
138 ~~Inc.,~~ shall be governed by a board of directors composed of 14
139 ~~13~~ members as follows:

140 ~~1. Eight, including 8~~ representatives of the Florida
141 Cattlemen's Association, of whom one is a representative of the
142 Florida Association of Livestock Markets and one is a practicing
143 order buyer.~~†~~

144 ~~2.~~ One ~~a~~ representative of the Dairy Farmers, Inc.~~†~~

145 ~~3.~~ One ~~a~~ representative of the Florida CattleWomen, Inc.~~†~~

146 ~~4.~~ One ~~a~~ representative of the Florida Farm Bureau
147 Federation.~~†~~

Amendment No.

148 5. One representative of an allied-industry.

149 6. One representative of the department. ~~representative;~~

150 ~~and~~

151 7. One representative of the ~~an~~ Institute of Food and
152 Agricultural Sciences ~~representative.~~

153 (b) The initial board of directors shall be appointed by
154 the Commissioner of Agriculture for staggered terms ~~a term~~ of 1
155 year for three members, 2 years for three members, 3 years for
156 four members, and 4 years for four members. Each subsequent
157 vacancy shall also be filled by the Commissioner of Agriculture
158 ~~in accordance with the bylaws of the council with.~~ Thereafter,
159 each ~~board~~ member of the board of directors ~~shall be~~ appointed
160 to serve a 3-year term and may be reappointed to serve an
161 additional consecutive term. A member may not serve more than
162 two consecutive terms. A member must be a resident of this state
163 and must be a producer who has been a producer for at least the
164 5 years immediately preceding the first day of his or her
165 service on the board, except that the representative of the
166 Florida Farm Bureau Federation, the allied-industry
167 representative, the department representative, and the Institute
168 of Food and Agricultural Sciences representative need not be
169 producers. All members of the ~~beef council~~ board of directors
170 ~~positions~~ shall serve without compensation but ~~be unsalaried;~~
171 ~~however, the board members~~ are entitled to reimbursement as
172 provided in s. 112.061 for travel and other expenses incurred in
173 carrying out ~~the intents and purposes of this~~ section act.

Amendment No.

174 (c) The Florida Cattle Enhancement Board ~~council~~ shall
175 provide for its officers through its bylaws, including the
176 ability to set forth offices and responsibilities and form
177 committees necessary for the implementation of this section ~~act~~.
178 ~~The Commissioner of Agriculture may designate an ex officio~~
179 ~~nonvoting member of the board of directors.~~

180 (d) If a member of the board of directors misses three
181 consecutive, officially called meetings, the board of directors
182 may declare that position vacant.

183 ~~(6) REFERENDUM ON ASSESSMENTS. All producers in this state~~
184 ~~shall have the opportunity to vote in a referendum to determine~~
185 ~~whether the council shall be authorized to impose an assessment~~
186 ~~of not more than \$1 per head on cattle sold in the state. The~~
187 ~~referendum shall pose the question: "Do you approve of an~~
188 ~~assessment program, up to \$1 per head of cattle pursuant to~~
189 ~~section 570.83, Florida Statutes, to be funded through specific~~
190 ~~contributions that are mandatory and refundable upon request?"~~

191 ~~(a) A referendum held under this section must be conducted~~
192 ~~by secret ballot at extension offices of the Institute of Food~~
193 ~~and Agricultural Sciences of the University of Florida or at~~
194 ~~offices of the United States Department of Agriculture with the~~
195 ~~cooperation of the department.~~

196 ~~(b) Notice of a referendum to be held under this act must~~
197 ~~be given at least once in trade publications, the public press,~~
198 ~~and statewide newspapers at least 30 days before the referendum~~
199 ~~is held.~~

Amendment No.

~~(c) Additional referenda may be held to authorize the council to increase the assessment to more than \$1 per head of cattle. Such referendum shall pose the question: "Do you approve of granting the Florida Beef Council, Inc., authority to increase the per head of cattle assessment pursuant to section 570.83, Florida Statutes, from ... (present rate)... to up to a maximum of ... (proposed rate)... per head?" Referenda may not be held more often than once every 3 years.~~

~~(d) Each cattle producer is entitled to only one vote in a referendum held under this section. Proof of identification and cattle ownership must be presented before voting.~~

~~(e) A simple majority of those casting ballots shall determine any issue that requires a referendum under this section.~~

~~(6) (7) POWERS AND DUTIES OF THE BOARD COUNCIL.~~

~~(a) The board council shall:~~

~~1. Serve as a liaison within the beef and other food industries of the state and elsewhere in matters that would increase efficiencies that ultimately benefit consumers and industry.~~

~~2. Buy, sell, mortgage, rent, or improve, in any manner that the board considers expedient, real property or personal property, or both.~~

~~3. Publish and distribute such papers or periodicals as the board of directors considers necessary to encourage and accomplish the purposes of the Florida Cattle Enhancement Board.~~

Amendment No.

226 ~~4.1.~~ Receive and disburse funds, ~~as prescribed elsewhere~~
227 ~~in this act,~~ to be used in administering and implementing this
228 section ~~the act.~~

229 ~~5.2.~~ Maintain a permanent record of its business
230 proceedings.

231 ~~6.3.~~ Maintain a permanent, detailed record of its
232 financial dealings.

233 ~~7.4.~~ Prepare periodic reports and an annual report of its
234 activities for the fiscal year, for review by the cattle ~~beef~~
235 industry in this state, and file its annual report with the
236 department.

237 ~~8.5.~~ Prepare, for review by the cattle ~~beef~~ industry in
238 this state, periodic reports and an annual accounting for each
239 fiscal year of all receipts and expenditures to be filed with
240 the department, and ~~shall~~ retain a certified public accountant
241 for this purpose.

242 ~~9.6.~~ Appoint a licensed banking institution to serve as
243 the depository for program funds and to handle disbursements of
244 those funds.

245 ~~7.~~ ~~Maintain frequent communication with officers and~~
246 ~~industry representatives at the state and national levels,~~
247 ~~including the department.~~

248 ~~10.8.~~ Maintain an office in this state.

249 (b) The board ~~council~~ may:

250 1. Conduct or contract for scientific research with any
251 accredited university, college, or similar institution, and

Amendment No.

252 enter into other contracts or agreements that will aid in
253 carrying out the purposes of the program, including contracts
254 for the purchase or acquisition of facilities or equipment
255 necessary to carry out the purposes of the program.

256 2. Disseminate reliable information benefiting the
257 consumer and the cattle ~~beef~~ industry on subjects such as, but
258 not limited to, the purchase, identification, care, storage,
259 handling, cookery, preparation, serving, and nutritive value of
260 beef and beef products.

261 3. Provide to government bodies, on request, information
262 relating to subjects of concern to the cattle ~~beef~~ industry, and
263 may act jointly or in cooperation with the state or Federal
264 Government, and agencies thereof, in the development or
265 administration of programs that the board ~~council~~ considers to
266 be consistent with the objectives of the program.

267 4. Sue and be sued as a board ~~council~~ without individual
268 liability of the members for acts of the council when acting
269 within the scope of the powers of this act and in the manner
270 prescribed by the laws of this state.

271 5. Borrow from licensed lending institutions money in
272 amounts that are not cumulatively greater than 50 percent of the
273 board's ~~council's~~ anticipated annual income.

274 ~~6. Maintain a financial reserve for emergency use, the~~
275 ~~total of which must not exceed 50 percent of the council's~~
276 ~~anticipated annual income.~~

277 ~~7. Appoint advisory groups composed of representatives~~

Amendment No.

278 ~~from organizations, institutions, governments, or businesses~~
279 ~~related to or interested in the welfare of the beef industry and~~
280 ~~the consuming public.~~

281 ~~6.8. Employ staff subordinate officers and employees of~~
282 ~~the council, prescribe their duties, and fix their compensation~~
283 ~~and terms of employment.~~

284 ~~7.9. Cooperate with any local, state, regional, or~~
285 ~~nationwide organization or agency engaged in work or activities~~
286 ~~consistent with the objectives of the program.~~

287 ~~10. Cause any duly authorized agent or representative to~~
288 ~~enter upon the premises of any market agency, market agent,~~
289 ~~collection agency, or collection agent and examine or cause to~~
290 ~~be examined by the authorized agent, only books, papers, and~~
291 ~~records that deal with the payment of the assessment provided~~
292 ~~for in this act or with the enforcement of this act.~~

293 ~~8.11. Do all other things necessary to further the intent~~
294 ~~of this act which are not prohibited by law.~~

295 ~~9. Fund cattle production and beef research, education,~~
296 ~~promotion, and consumer and industry information in this state~~
297 ~~and in the nation.~~

298 ~~10. Plan, implement, and conduct programs of promotion,~~
299 ~~research, and consumer information or industry information which~~
300 ~~are designed to strengthen the market position of the cattle~~
301 ~~industry in this state and in the nation and to maintain and~~
302 ~~expand domestic and foreign markets and expand uses for beef and~~
303 ~~beef products.~~

Amendment No.

304 11. Plan and implement a cattle industry feedback program
305 in this state.

306 12. Coordinate research, education, promotion, industry,
307 and consumer information programs with any national programs or
308 programs of other states.

309 ~~(7)(8)~~ ACCEPTANCE OF GRANTS AND GIFTS.—The board council
310 may accept grants, donations, contributions, or gifts from any
311 source if the use of such resources is not restricted in any
312 manner that the board council considers to be inconsistent with
313 the objectives of the program.

314 ~~(8)(9)~~ PAYMENTS TO ORGANIZATIONS.—

315 (a) The board council may pay funds to other organizations
316 for work or services performed which are consistent with the
317 objectives of the program.

318 (b) Before making payments pursuant to ~~described in~~ this
319 subsection, the board council must secure a written agreement
320 that the organization receiving payment will:

321 1. Furnish at least annually, or more frequently on
322 request of the board council, written or printed reports of
323 program activities and reports of financial data that are
324 relative to the board's council's funding of such activities;
325 and

326 2. Agree to have appropriate representatives attend
327 business meetings of the board council as reasonably requested
328 by the chairperson of the board council.

329 (c) The board council may require adequate proof of

Amendment No.

330 security bonding on such ~~said~~ funds to any individual, business,
331 or other organization.

332 ~~(10) COLLECTION OF MONEYS AT TIME OF MARKETING.—~~

333 ~~(a) Each collection agent may deduct from the gross~~
334 ~~receipts of the producer, at the time of sale, the assessment~~
335 ~~imposed by the council.~~

336 ~~(b) The collection agent shall collect all such moneys and~~
337 ~~forward them to the council periodically, at least once a month,~~
338 ~~and The council shall provide appropriate business forms for the~~
339 ~~convenience of the collecting agent in executing this duty.~~

340 ~~(c) The council shall maintain within its financial~~
341 ~~records a separate accounting of all moneys received under this~~
342 ~~section subsection.~~

343 ~~(d) The assessment is due and payable upon the sale of~~
344 ~~cattle in this state. The assessment constitutes a personal debt~~
345 ~~of the producer who is so assessed or who otherwise owes the~~
346 ~~assessment. If a producer fails to remit any properly due~~
347 ~~assessment, the council may bring a civil action against that~~
348 ~~person in the circuit court of any county for the collection~~
349 ~~thereof, and may add a penalty in the amount of 10 percent of~~
350 ~~the assessment owed, the cost of enforcing the collection of the~~
351 ~~assessment, court costs, and reasonable attorney's fees. The~~
352 ~~action shall be tried and judgment rendered as in any other~~
353 ~~cause of action for debts due and payable. All assessments,~~
354 ~~penalties, and enforcement costs are due and payable to the~~
355 ~~council.~~

Amendment No.

356 ~~(e) The council may adopt reciprocal agreements with other~~
357 ~~beef councils or similar organizations relating to moneys~~
358 ~~collected at Florida collection agents on cattle from other~~
359 ~~states and to Florida cattle sold at other state markets.~~

360 ~~(f) The collection agents shall be entitled to deduct 2.5~~
361 ~~percent of the amount collected to retain as a reasonable~~
362 ~~collection allowance prior to remitting the funds to the~~
363 ~~council.~~

364 ~~(11) REFUNDS.—~~

365 ~~(a) A producer who has had moneys deducted from his or her~~
366 ~~gross sales receipts under this act is entitled to a prompt and~~
367 ~~full refund on request.~~

368 ~~(b) The council shall make available to all collection~~
369 ~~agents business forms permitting request for refund, which forms~~
370 ~~are to be submitted by the objecting producer within 45 days~~
371 ~~after the sale transaction takes place.~~

372 ~~(c) A refund claim must include the claimant's signature,~~
373 ~~date of sale, place of sale, number of cattle, and amount of~~
374 ~~assessment deducted, and must have attached thereto proof of the~~
375 ~~assessment deducted.~~

376 ~~(d) If the council has reasonable doubt that a refund~~
377 ~~claim is valid, it may withhold payment and take such action as~~
378 ~~it considers necessary to determine the validity of the claim.~~
379 ~~Any dispute arising under this subsection shall be determined as~~
380 ~~specified in paragraph (10) (d).~~

381 ~~(e) The council shall take action on refund requests~~

Amendment No.

382 ~~within 30 calendar days following the date of receipt of the~~
383 ~~request.~~

384 ~~(f) Only the producer may initiate a request for refund.~~

385 ~~(12) VOTE ON CONTINUING THE ASSESSMENT. Upon the delivery~~
386 ~~by certified mail to the Florida Beef Council office of~~
387 ~~petitions from at least 1,800 producers or 10 percent of~~
388 ~~Florida's producers as determined by the department, whichever~~
389 ~~is less, and stating "Shall the assessment authorized by the~~
390 ~~Beef Market Development Act continue?" the council shall, within~~
391 ~~90 days, conduct a referendum to determine whether a majority of~~
392 ~~the producers voting in the referendum support the continuation~~
393 ~~of the Beef Market Development Act. All signatures must be~~
394 ~~collected within a 12-month period. A referendum held under this~~
395 ~~subsection may not be held more than one time in a 3-year~~
396 ~~period. Qualifications for signature and vote are the same as~~
397 ~~those required in subsection (6).~~

398 ~~(9)(13) BYLAWS.~~-The Florida Cattle Enhancement Board ~~Beef~~
399 ~~Council~~ shall, within 90 days after the governing board is
400 appointed ~~this act becomes a law~~, adopt bylaws to carry out the
401 intents and purposes of this section ~~act~~. ~~The~~ These bylaws may
402 be amended with a 30-day notice to governing board members at
403 any regular or special meeting called for such ~~this~~ purpose. The
404 bylaws must conform to the requirements of this section ~~act~~ but
405 may also address any matter not in conflict with the general
406 laws of this state.

