

1                                   A bill to be entitled  
2           An act relating to the Cattle Market Development Act;  
3           amending s. 570.83, F.S.; renaming the Beef Market  
4           Development Act as the Cattle Market Development Act;  
5           renaming the Florida Beef Council, Inc., as the  
6           Florida Cattle Enhancement Board, Inc.; conforming  
7           intent and definitions; removing a provision that  
8           deems a cow and nursing calf sold together as one  
9           unit; removing provisions authorizing the Cattle  
10          Enhancement Board to hold referenda on per-head-of-  
11          cattle assessments and to collect and refund such  
12          assessments; removing provisions requiring that the  
13          Cattle Enhancement Board develop new uses for beef  
14          products and improve methods for distribution of such  
15          products; revising membership and providing staggered  
16          terms for members of the Cattle Enhancement Board's  
17          governing board; requiring the initial and subsequent  
18          appointment of governing board members by the  
19          Commissioner of Agriculture; removing provisions  
20          requiring that the Cattle Enhancement Board maintain  
21          frequent communication with officers and industry  
22          representatives at the state and national levels;  
23          removing provisions authorizing the Cattle Enhancement  
24          Board to maintain a financial reserve for emergency  
25          use, appoint advisory groups, and examine certain  
26          records; directing the Cattle Enhancement Board to

27 adopt bylaws within a specified timeframe; revising  
 28 the date of the scheduled repeal of the act; providing  
 29 an effective date.

30  
 31 Be It Enacted by the Legislature of the State of Florida:

32  
 33 Section 1. Section 570.83, Florida Statutes, is amended to  
 34 read:

35 570.83 Cattle Beef Market Development Act; definitions;  
 36 Florida Cattle Enhancement Board ~~Beef Council~~, Inc., creation,  
 37 purposes, governing board, powers, and duties; ~~referendum on~~  
 38 ~~assessments imposed on gross receipts from cattle sales;~~  
 39 payments to organizations for services; ~~collecting and refunding~~  
 40 ~~assessments; vote on continuing the act;~~ board council bylaws.-

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

43 (2) LEGISLATIVE INTENT.—The Legislature intends by this  
 44 act to promote the growth of the cattle industry in this state;  
 45 to assure the public an adequate and wholesome food supply; to  
 46 provide for the general economic welfare of producers and  
 47 consumers of beef and the state; and to provide the ~~beef~~ cattle  
 48 ~~production and feeding~~ industry of this state with the authority  
 49 to establish a self-financed, self-governed program to help  
 50 develop, maintain, and expand the state, national, and foreign  
 51 markets for beef and beef products that are produced, processed,  
 52 or manufactured in this state.

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

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

57 (b) ~~(e)~~ "Board" or "Florida Cattle Enhancement Board"  
58 "Council" means the Florida Cattle Enhancement Board ~~Beef~~  
59 ~~Council~~, Inc.

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

66 (d) "Department" means the Department of Agriculture and  
67 Consumer Services.

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

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

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

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

81 (a) There is created the Florida Cattle Enhancement Board  
 82 ~~Beef Council~~, Inc., a not-for-profit corporation organized under  
 83 the laws of this state for the purpose of ~~and~~ operating as a  
 84 direct-support organization to ~~of~~ the department pursuant to  
 85 this section.

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

91 1. ~~Establish the amount of the assessment at not more than~~  
 92 ~~\$1 per head of cattle.~~

93 2. ~~Develop, implement, and monitor a collection system for~~  
 94 ~~the assessment.~~

95 3. ~~Coordinate the collection of the assessment with other~~  
 96 ~~states.~~

97 4. ~~Establish refund procedures.~~

98 5. ~~Conduct referenda under subsections (6) and (12).~~

99 ~~(c) The council shall:~~

100 1. ~~Plan, implement, and conduct programs of promotion,~~  
 101 ~~research, and consumer information or industry information which~~  
 102 ~~are designed to strengthen the cattle industry's market position~~  
 103 ~~in this state and in the nation and to maintain and expand~~  
 104 ~~domestic and foreign markets and expand uses for beef and beef~~

105 ~~products.~~

106 ~~2. Use the proceeds of the assessment for the purpose of~~  
 107 ~~funding cattle production and beef research, education,~~  
 108 ~~promotion, and consumer and industry information in this state~~  
 109 ~~and in the nation.~~

110 ~~3. Plan and implement a cattle and beef industry feedback~~  
 111 ~~program in this state.~~

112 ~~4. Coordinate research, education, promotion, industry,~~  
 113 ~~and consumer information programs with any national programs or~~  
 114 ~~programs of other states.~~

115 ~~5. Develop new uses and markets for beef and beef~~  
 116 ~~products.~~

117 ~~6. Develop and improve methods of distributing beef and~~  
 118 ~~beef products to the consumer.~~

119 ~~7. Develop methods of improving the quality of beef and~~  
 120 ~~beef products for the benefit of consumers.~~

121 ~~8. Inform and educate the public concerning the nutritive~~  
 122 ~~and economic values of beef and beef products.~~

123 ~~9. Serve as a liaison within the beef and other food~~  
 124 ~~industries of the state and elsewhere in matters that would~~  
 125 ~~increase efficiencies that ultimately benefit both consumers and~~  
 126 ~~industry.~~

127 ~~10. Buy, sell, mortgage, rent, or improve, in any manner~~  
 128 ~~that the council considers expedient, real property or personal~~  
 129 ~~property, or both.~~

130 ~~11. Publish and distribute such papers or periodicals as~~

131 ~~the board of directors considers necessary to encourage and~~  
 132 ~~accomplish the purposes of the council.~~

133 ~~12. Do all other acts necessary or expedient for the~~  
 134 ~~administration of the affairs and attainment of the purposes of~~  
 135 ~~the council.~~

136 ~~13. Approve an annual plan, budget, and audit for the~~  
 137 ~~council.~~

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

143 ~~(c) 2.~~ ~~No part of~~ The net receipts of the board may not  
 144 ~~council shall~~ inure to the benefit of or be distributable to its  
 145 directors, its officers, or other private persons, except that  
 146 the board ~~council~~ may pay reasonable compensation for services  
 147 rendered by staff employees and may make payments and  
 148 distributions in furtherance ~~of the purposes~~ of this section  
 149 ~~act.~~

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

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

156 ~~2.b.~~ ~~By~~ A corporation to which contributions are

157 deductible under s. 170(c)(2) of the Internal Revenue Code of  
 158 1986, as amended.

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

163 (5) GOVERNING BOARD.—

164 (a) The Florida Cattle Enhancement Board ~~Beef Council,~~  
 165 ~~Inc.~~, shall be governed by a board of directors composed of 14  
 166 ~~13~~ members as follows:

167 1. Eight,~~including 8~~ representatives of the Florida  
 168 Cattlemen's Association, of whom one is a representative of the  
 169 Florida Association of Livestock Markets and one is a practicing  
 170 order buyer.~~†~~

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

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

173 4. One ~~a~~ representative of the Florida Farm Bureau  
 174 Federation.~~†~~

175 5. One representative of an allied-industry.

176 6. One representative of the department.~~† and~~

177 7. One representative of the ~~an~~ Institute of Food and  
 178 Agricultural Sciences ~~representative.~~

179 (b) The initial board of directors shall be appointed by  
 180 the Commissioner of Agriculture for staggered terms ~~a term~~ of 1  
 181 year for three members, 2 years for three members, 3 years for  
 182 four members, and 4 years for four members. The Commissioner of

183 Agriculture shall fill each subsequent vacancy with a ~~shall be~~  
 184 ~~filled in accordance with the bylaws of the council. Thereafter,~~  
 185 ~~each board member shall be~~ appointed to serve a 3-year term and  
 186 may reappoint a member ~~be reappointed~~ to serve an additional  
 187 consecutive term. A member may not serve more than two  
 188 consecutive terms. A member must be a resident of this state and  
 189 must be a producer who has been a producer for at least the 5  
 190 years immediately preceding the first day of his or her service  
 191 on the board, except that the representative of the Florida Farm  
 192 Bureau Federation, the allied-industry representative, the  
 193 department representative, and the Institute of Food and  
 194 Agricultural Sciences representative need not be producers. All  
 195 members of the ~~beef council~~ board of directors ~~positions~~ shall  
 196 serve without compensation but be unsalaried; ~~however, the board~~  
 197 ~~members~~ are entitled to reimbursement as provided in s. 112.061  
 198 for travel and other expenses incurred in carrying out ~~the~~  
 199 ~~intents and purposes of this section act.~~

200 (c) The Florida Cattle Enhancement Board ~~council~~ shall  
 201 provide for its officers through its bylaws, including the  
 202 ability to set forth offices and responsibilities and form  
 203 committees necessary for the implementation of this section ~~act~~.  
 204 ~~The Commissioner of Agriculture may designate an ex officio~~  
 205 ~~nonvoting member of the board of directors.~~

206 (d) If a member of the board of directors misses three  
 207 consecutive, officially called meetings, the board of directors  
 208 may declare that position vacant.



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

217       ~~(a) A referendum held under this section must be conducted~~  
 218 ~~by secret ballot at extension offices of the Institute of Food~~  
 219 ~~and Agricultural Sciences of the University of Florida or at~~  
 220 ~~offices of the United States Department of Agriculture with the~~  
 221 ~~cooperation of the department.~~

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

226       ~~(c) Additional referenda may be held to authorize the~~  
 227 ~~council to increase the assessment to more than \$1 per head of~~  
 228 ~~cattle. Such referendum shall pose the question: "Do you approve~~  
 229 ~~of granting the Florida Beef Council, Inc., authority to~~  
 230 ~~increase the per-head-of-cattle assessment pursuant to section~~  
 231 ~~570.83, Florida Statutes, from ... (present rate)... to up to a~~  
 232 ~~maximum of ... (proposed rate)... per head?" Referenda may not be~~  
 233 ~~held more often than once every 3 years.~~

234       ~~(d) Each cattle producer is entitled to only one vote in a~~

235 ~~referendum held under this section. Proof of identification and~~  
 236 ~~cattle ownership must be presented before voting.~~

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

240 (6)~~(7)~~ POWERS AND DUTIES OF THE BOARD COUNCIL.-

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

242 1. Serve as a liaison within the cattle and other food  
 243 industries of the state and elsewhere in matters that would  
 244 increase efficiencies that ultimately benefit consumers and  
 245 industry.

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

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

252 ~~4.1. Receive and disburse funds, as prescribed elsewhere~~  
 253 ~~in this act, to be used in administering and implementing this~~  
 254 ~~section the act.~~

255 ~~5.2. Maintain a permanent record of its business~~  
 256 ~~proceedings.~~

257 ~~6.3. Maintain a permanent, detailed record of its~~  
 258 ~~financial dealings.~~

259 ~~7.4. Prepare periodic reports and an annual report of its~~  
 260 ~~activities for the fiscal year, for review by the cattle beef~~

261 industry in this state, and file its annual report with the  
262 department.

263 ~~8.5.~~ Prepare, for review by the cattle ~~beef~~ industry in  
264 this state, periodic reports and an annual accounting for each  
265 fiscal year of all receipts and expenditures to be filed with  
266 the department, and ~~shall~~ retain a certified public accountant  
267 for this purpose.

268 ~~9.6.~~ Appoint a licensed banking institution to serve as  
269 the depository for program funds and to handle disbursements of  
270 those funds.

271 ~~7. Maintain frequent communication with officers and~~  
272 ~~industry representatives at the state and national levels,~~  
273 ~~including the department.~~

274 ~~10.8.~~ Maintain an office in this state.

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

276 1. Conduct or contract for scientific research with any  
277 accredited university, college, or similar institution, and  
278 enter into other contracts or agreements that will aid in  
279 carrying out the purposes of the program, including contracts  
280 for the purchase or acquisition of facilities or equipment  
281 necessary to carry out the purposes of the program.

282 2. Disseminate reliable information benefiting the  
283 consumer and the cattle ~~beef~~ industry on subjects such as, but  
284 not limited to, the purchase, identification, care, storage,  
285 handling, cookery, preparation, serving, and nutritive value of  
286 beef and beef products.

287           3. Provide to government bodies, on request, information  
 288 relating to subjects of concern to the cattle ~~beef~~ industry, and  
 289 may act jointly or in cooperation with the state or Federal  
 290 Government, and agencies thereof, in the development or  
 291 administration of programs that the board ~~council~~ considers to  
 292 be consistent with the objectives of the program.

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

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

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

303           ~~7. Appoint advisory groups composed of representatives~~  
 304 ~~from organizations, institutions, governments, or businesses~~  
 305 ~~related to or interested in the welfare of the beef industry and~~  
 306 ~~the consuming public.~~

307           ~~6.8.~~ Employ staff ~~subordinate officers and employees of~~  
 308 ~~the council~~, prescribe their duties, and fix their compensation  
 309 and terms of employment.

310           ~~7.9.~~ Cooperate with any local, state, regional, or  
 311 nationwide organization or agency engaged in work or activities  
 312 consistent with the objectives of the program.

313 8. Fund cattle production and beef research, education,  
 314 promotion, and consumer and industry information in this state  
 315 and in the nation.

316 9. Plan, implement, and conduct research, education,  
 317 promotion, and consumer and industry information programs which  
 318 are designed to strengthen the market position of the cattle  
 319 industry in this state and in the nation and to maintain and  
 320 expand domestic and foreign markets and expand uses for beef and  
 321 beef products.

322 10. Plan and implement a cattle industry feedback program  
 323 in this state.

324 11. Coordinate research, education, promotion, and  
 325 consumer and industry information programs with any national  
 326 programs or programs of other states.

327 ~~10. Cause any duly authorized agent or representative to~~  
 328 ~~enter upon the premises of any market agency, market agent,~~  
 329 ~~collection agency, or collection agent and examine or cause to~~  
 330 ~~be examined by the authorized agent only books, papers, and~~  
 331 ~~records that deal with the payment of the assessment provided~~  
 332 ~~for in this act or with the enforcement of this act.~~

333 ~~12.11.~~ Do all other things necessary to further the intent  
 334 of this act which are not prohibited by law.

335 ~~(7)(8)~~ ACCEPTANCE OF GRANTS AND GIFTS.—The board council  
 336 may accept grants, donations, contributions, or gifts from any  
 337 source if the use of such resources is not restricted in any  
 338 manner that the board council considers to be inconsistent with

339 the objectives of the program.

340 ~~(8)-(9)~~ PAYMENTS TO ORGANIZATIONS.—

341 (a) The board ~~council~~ may pay funds to other organizations  
 342 for work or services performed which are consistent with the  
 343 objectives of the program.

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

347 1. Furnish at least annually, or more frequently on  
 348 request of the board ~~council~~, written or printed reports of  
 349 program activities and reports of financial data that are  
 350 relative to the board's ~~council's~~ funding of such activities;  
 351 and

352 2. Agree to have appropriate representatives attend  
 353 business meetings of the board ~~council~~ as reasonably requested  
 354 by the chairperson of the board ~~council~~.

355 (c) The board ~~council~~ may require adequate proof of  
 356 security bonding on such ~~said~~ funds to any individual, business,  
 357 or other organization.

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

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

362 ~~(b) The collection agent shall collect all such moneys and~~  
 363 ~~forward them to the council periodically, at least once a month,~~  
 364 ~~and The council shall provide appropriate business forms for the~~

365 ~~convenience of the collecting agent in executing this duty.~~

366 ~~(c) The council shall maintain within its financial~~  
367 ~~records a separate accounting of all moneys received under this~~  
368 ~~subsection.~~

369 ~~(d) The assessment is due and payable upon the sale of~~  
370 ~~cattle in this state. The assessment constitutes a personal debt~~  
371 ~~of the producer who is so assessed or who otherwise owes the~~  
372 ~~assessment. If a producer fails to remit any properly due~~  
373 ~~assessment, the council may bring a civil action against that~~  
374 ~~person in the circuit court of any county for the collection~~  
375 ~~thereof, and may add a penalty in the amount of 10 percent of~~  
376 ~~the assessment owed, the cost of enforcing the collection of the~~  
377 ~~assessment, court costs, and reasonable attorney's fees. The~~  
378 ~~action shall be tried and judgment rendered as in any other~~  
379 ~~cause of action for debts due and payable. All assessments,~~  
380 ~~penalties, and enforcement costs are due and payable to the~~  
381 ~~council.~~

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

386 ~~(f) The collection agents shall be entitled to deduct 2.5~~  
387 ~~percent of the amount collected to retain as a reasonable~~  
388 ~~collection allowance prior to remitting the funds to the~~  
389 ~~council.~~

390 ~~(11) REFUNDS.—~~

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

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

398 ~~(c) A refund claim must include the claimant's signature,~~  
 399 ~~date of sale, place of sale, number of cattle, and amount of~~  
 400 ~~assessment deducted, and must have attached thereto proof of the~~  
 401 ~~assessment deducted.~~

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

407 ~~(e) The council shall take action on refund requests~~  
 408 ~~within 30 calendar days following the date of receipt of the~~  
 409 ~~request.~~

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

411 ~~(12) VOTE ON CONTINUING THE ASSESSMENT. Upon the delivery~~  
 412 ~~by certified mail to the Florida Beef Council office of~~  
 413 ~~petitions from at least 1,800 producers or 10 percent of~~  
 414 ~~Florida's producers as determined by the department, whichever~~  
 415 ~~is less, and stating "Shall the assessment authorized by the~~  
 416 ~~Beef Market Development Act continue?" the council shall, within~~



417 ~~90 days, conduct a referendum to determine whether a majority of~~  
 418 ~~the producers voting in the referendum support the continuation~~  
 419 ~~of the Beef Market Development Act. All signatures must be~~  
 420 ~~collected within a 12-month period. A referendum held under this~~  
 421 ~~subsection may not be held more than one time in a 3-year~~  
 422 ~~period. Qualifications for signature and vote are the same as~~  
 423 ~~those required in subsection (6).~~

424 (9) ~~(13)~~ BYLAWS.—The Florida Cattle Enhancement Board ~~Beef~~  
 425 ~~Council~~ shall, within 90 days after the governing board is  
 426 appointed ~~this act becomes a law~~, adopt bylaws to carry out the  
 427 intents and purposes of this section ~~act~~. The ~~These~~ bylaws may  
 428 be amended with a 30-day notice to governing board members at  
 429 any regular or special meeting called for such ~~this~~ purpose. The  
 430 bylaws must conform to the requirements of this section ~~act~~ but  
 431 may also address any matter not in conflict with the general  
 432 laws of this state.

433 (10) ~~(14)~~ REPEAL.—This section is repealed October 1, 2020  
 434 ~~2019~~, unless reviewed and saved from repeal by the Legislature.  
 435 Section 2. This act shall take effect July 1, 2015.