



108472

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2015	.	
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The Committee on Fiscal Policy (Hays) recommended the following:

**Senate Amendment (with title amendment)**

Delete 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~~



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12 ~~assessments~~; vote on continuing the act; board council bylaws.-

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

15 (2) LEGISLATIVE INTENT.—The Legislature intends by this act  
16 to promote the growth of the cattle industry in this state; to  
17 assure the public an adequate and wholesome food supply; to  
18 provide for the general economic welfare of producers and  
19 consumers of beef and the state; and to provide the ~~beef~~ cattle  
20 ~~production and feeding~~ industry of this state with the authority  
21 to establish a ~~self-financed~~, self-governed program to help  
22 develop, maintain, and expand the state, national, and foreign  
23 markets for beef and beef products that are produced, processed,  
24 or manufactured in this state.

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

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

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

35 ~~(b) (e)~~ "Board" or "Florida Cattle Enhancement Board"  
36 "Council" means the Florida Cattle Enhancement Board Beef  
37 Council, Inc.

38 (d) "Department" means the Department of Agriculture and  
39 Consumer Services.

40 ~~(e) "Collection agent" means a person who sells, offers for~~



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41 ~~sale, markets, distributes, trades, or processes cattle that~~  
42 ~~have been purchased or acquired from a producer or that are~~  
43 ~~marketed on behalf of a producer. The term also includes~~  
44 ~~meatpacking firms and their agents that purchase or consign to~~  
45 ~~purchase cattle.~~

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

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

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

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

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

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

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

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

69 4. ~~Establish refund procedures.~~



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



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99 ~~that the council considers expedient, real property or personal~~  
100 ~~property, or both.~~

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

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

107 ~~13. Approve an annual plan, budget, and audit for the~~  
108 ~~council.~~

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

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

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

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

127 ~~2.b.~~ By A corporation to which contributions are deductible



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128 under s. 170(c)(2) of the Internal Revenue Code of 1986, as  
129 amended.

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

134 (5) GOVERNING BOARD.—

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

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

142 2. One † representative of the Dairy Farmers, Inc.†

143 3. One † representative of the Florida CattleWomen, Inc.†

144 4. One † representative of the Florida Farm Bureau  
145 Federation.†

146 5. One representative of an allied-industry.

147 6. One representative of the department. ~~representative;~~  
148 ~~and~~

149 7. One representative of the † ~~an~~ Institute of Food and  
150 Agricultural Sciences ~~representative.~~

151 (b) The initial board of directors shall be appointed by  
152 the Commissioner of Agriculture for staggered terms ~~a term~~ of 1  
153 year for three members, 2 years for three members, 3 years for  
154 four members, and 4 years for four members. Each subsequent  
155 vacancy shall also be filled by the Commissioner of Agriculture  
156 with ~~in accordance with the bylaws of the council. Thereafter,~~



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157 each ~~board~~ member of the board of directors ~~shall be~~ appointed  
158 to serve a 3-year term and may be reappointed to serve an  
159 additional consecutive term. A member may not serve more than  
160 two consecutive terms. A member must be a resident of this state  
161 and must be a producer who has been a producer for at least the  
162 5 years immediately preceding the first day of his or her  
163 service on the board, except that the representative of the  
164 Florida Farm Bureau Federation, the allied-industry  
165 representative, the department representative, and the Institute  
166 of Food and Agricultural Sciences representative need not be  
167 producers. All members of the ~~beef council~~ board of directors  
168 ~~positions~~ shall serve without compensation but be unsalaried ;  
169 ~~however, the board members~~ are entitled to reimbursement as  
170 provided in s. 112.061 for travel and other expenses incurred in  
171 carrying out ~~the intents and purposes of this~~ section act.

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

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

181 ~~(6) REFERENDUM ON ASSESSMENTS. All producers in this state~~  
182 ~~shall have the opportunity to vote in a referendum to determine~~  
183 ~~whether the council shall be authorized to impose an assessment~~  
184 ~~of not more than \$1 per head on cattle sold in the state. The~~  
185 ~~referendum shall pose the question: "Do you approve of an~~



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186 ~~assessment program, up to \$1 per head of cattle pursuant to~~  
187 ~~section 570.83, Florida Statutes, to be funded through specific~~  
188 ~~contributions that are mandatory and refundable upon request?"~~

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

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

198 ~~(c) Additional referenda may be held to authorize the~~  
199 ~~council to increase the assessment to more than \$1 per head of~~  
200 ~~cattle. Such referendum shall pose the question: "Do you approve~~  
201 ~~of granting the Florida Beef Council, Inc., authority to~~  
202 ~~increase the per-head-of-cattle assessment pursuant to section~~  
203 ~~570.83, Florida Statutes, from ... (present rate)... to up to a~~  
204 ~~maximum of ... (proposed rate)... per head?" Referenda may not be~~  
205 ~~held more often than once every 3 years.~~

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

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

212 ~~(6) (7) POWERS AND DUTIES OF THE BOARD COUNCIL.~~

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

214 ~~1. Serve as a liaison within the beef and other food~~





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215 industries of the state and elsewhere in matters that would  
216 increase efficiencies that ultimately benefit consumers and the  
217 industry.

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

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

224 4.1. Receive and disburse funds, as prescribed elsewhere in  
225 this act, to be used in administering and implementing this  
226 section the act.

227 5.2. Maintain a permanent record of its business  
228 proceedings.

229 6.3. Maintain a permanent, detailed record of its financial  
230 dealings.

231 7.4. Prepare periodic reports and an annual report of its  
232 activities for the fiscal year, for review by the beef industry  
233 in this state, and file its annual report with the department.

234 8.5. Prepare, for review by the beef industry in this  
235 state, periodic reports and an annual accounting for each fiscal  
236 year of all receipts and expenditures to be filed with the  
237 department, and shall retain a certified public accountant for  
238 this purpose.

239 9.6. Appoint a licensed banking institution to serve as the  
240 depository for program funds and to handle disbursements of  
241 those funds.

242 7. Maintain frequent communication with officers and  
243 industry representatives at the state and national levels,



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244 ~~including the department.~~

245 ~~10.8.~~ Maintain an office in this state.

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

247 1. Conduct or contract for scientific research with any  
248 accredited university, college, or similar institution, and  
249 enter into other contracts or agreements that will aid in  
250 carrying out the purposes of the program, including contracts  
251 for the purchase or acquisition of facilities or equipment  
252 necessary to carry out the purposes of the program.

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

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

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

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

271 ~~6. Maintain a financial reserve for emergency use, the~~  
272 ~~total of which must not exceed 50 percent of the council's~~



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273 ~~anticipated annual income.~~

274 ~~7. Appoint advisory groups composed of representatives from~~  
275 ~~organizations, institutions, governments, or businesses related~~  
276 ~~to or interested in the welfare of the beef industry and the~~  
277 ~~consuming public.~~

278 ~~6.8. Employ staff subordinate officers and employees of the~~  
279 ~~council, prescribe their duties, and fix their compensation and~~  
280 ~~terms of employment.~~

281 ~~7.9. Cooperate with any local, state, regional, or~~  
282 ~~nationwide organization or agency engaged in work or activities~~  
283 ~~consistent with the objectives of the program.~~

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

290 8. Fund cattle production and beef research, education,  
291 promotion, and consumer and industry information in this state  
292 and in the nation.

293 9. Plan, implement, and conduct programs of promotion,  
294 research, and consumer and industry information which are  
295 designed to strengthen the market position of the cattle  
296 industry in this state and in the nation and to maintain and  
297 expand domestic and foreign markets and expand uses for beef and  
298 beef products.

299 10. Plan and implement a cattle and beef industry feedback  
300 program in this state.

301 11. Coordinate research, education, promotion, industry,



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302 and consumer information programs with any national programs or  
303 programs of other states.

304 ~~12.11.~~ Do all other things necessary to further the intent  
305 of this act which are not prohibited by law.

306 ~~(7)(8)~~ ACCEPTANCE OF GRANTS AND GIFTS.—The board council  
307 may accept grants, donations, contributions, or gifts from any  
308 source if the use of such resources is not restricted in any  
309 manner that the board council considers to be inconsistent with  
310 the objectives of the program.

311 ~~(8)(9)~~ PAYMENTS TO ORGANIZATIONS.—

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

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

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

322 2. Agree to have appropriate representatives attend  
323 business meetings of the board council as reasonably requested  
324 by the chairperson of the board council.

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

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

329 ~~(a) Each collection agent may deduct from the gross~~  
330 ~~receipts of the producer, at the time of sale, the assessment~~



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331 ~~imposed by the council.~~

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

336 ~~(c) The council shall maintain within its financial records~~  
337 ~~a separate accounting of all moneys received under this~~  
338 ~~subsection.~~

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

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

356 ~~(f) The collection agents shall be entitled to deduct 2.5~~  
357 ~~percent of the amount collected to retain as a reasonable~~  
358 ~~collection allowance prior to remitting the funds to the~~  
359 ~~council.~~



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360           ~~(11) REFUNDS.—~~  
361           ~~(a) A producer who has had moneys deducted from his or her~~  
362 ~~gross sales receipts under this act is entitled to a prompt and~~  
363 ~~full refund on request.~~  
364           ~~(b) The council shall make available to all collection~~  
365 ~~agents business forms permitting request for refund, which forms~~  
366 ~~are to be submitted by the objecting producer within 45 days~~  
367 ~~after the sale transaction takes place.~~  
368           ~~(c) A refund claim must include the claimant's signature,~~  
369 ~~date of sale, place of sale, number of cattle, and amount of~~  
370 ~~assessment deducted, and must have attached thereto proof of the~~  
371 ~~assessment deducted.~~  
372           ~~(d) If the council has reasonable doubt that a refund claim~~  
373 ~~is valid, it may withhold payment and take such action as it~~  
374 ~~considers necessary to determine the validity of the claim. Any~~  
375 ~~dispute arising under this subsection shall be determined as~~  
376 ~~specified in paragraph (10) (d).~~  
377           ~~(e) The council shall take action on refund requests within~~  
378 ~~30 calendar days following the date of receipt of the request.~~  
379           ~~(f) Only the producer may initiate a request for refund.~~  
380           ~~(12) VOTE ON CONTINUING THE ASSESSMENT.—Upon the delivery~~  
381 ~~by certified mail to the Florida Beef Council office of~~  
382 ~~petitions from at least 1,800 producers or 10 percent of~~  
383 ~~Florida's producers as determined by the department, whichever~~  
384 ~~is less, and stating "Shall the assessment authorized by the~~  
385 ~~Beef Market Development Act continue?" the council shall, within~~  
386 ~~90 days, conduct a referendum to determine whether a majority of~~  
387 ~~the producers voting in the referendum support the continuation~~  
388 ~~of the Beef Market Development Act. All signatures must be~~



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389 ~~collected within a 12-month period. A referendum held under this~~  
390 ~~subsection may not be held more than one time in a 3-year~~  
391 ~~period. Qualifications for signature and vote are the same as~~  
392 ~~those required in subsection (6).~~

393       (9)(13) BYLAWS.—The Florida Cattle Enhancement Board ~~Beef~~  
394 ~~Council~~ shall, within 90 days after the governing board is  
395 appointed ~~this act becomes a law~~, adopt bylaws to carry out the  
396 intents and purposes of this section ~~act~~. The ~~These~~ bylaws may  
397 be amended with a 30-day notice to governing board members at  
398 any regular or special meeting called for such ~~this~~ purpose. The  
399 bylaws must conform to the requirements of this section ~~act~~ but  
400 may also address any matter not in conflict with the general  
401 laws of this state.

402       (10)(14) REPEAL.—This section is repealed October 1, 2020  
403 ~~2019~~, unless reviewed and saved from repeal by the Legislature.  
404       Section 2. This act shall take effect July 1, 2015.

406 ===== T I T L E   A M E N D M E N T =====

407 And the title is amended as follows:

408       Delete everything before the enacting clause  
409 and insert:

410                               A bill to be entitled  
411       An act relating to the Cattle Market Development Act;  
412       amending s. 570.83, F.S.; renaming the Beef Market  
413       Development Act as the Cattle Market Development Act;  
414       renaming the Florida Beef Council, Inc., as the  
415       Florida Cattle Enhancement Board, Inc.; conforming  
416       intent and definitions; removing a provision that  
417       deems a cow and nursing calf sold together as one



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418 unit; removing provisions providing for a \$1 per head  
419 assessment and referenda; providing for the  
420 Commissioner of Agriculture to appoint a voting member  
421 rather than an ex officio, nonvoting member to the  
422 governing board of the Cattle Enhancement Board;  
423 providing for staggered terms of governing board  
424 members; providing for initial and subsequent  
425 appointment of governing board members; removing  
426 provisions requiring the board to maintain frequent  
427 communication with officers and industry  
428 representatives at the state and national levels;  
429 revising the authority of the board; revising the date  
430 of the scheduled repeal of the act; making technical  
431 changes; providing an effective date.