

By the Committee on Fiscal Policy; and Senators Grimsley, Evers,  
and Soto

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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 providing for a \$1 per head  
10 assessment and referenda; providing for the  
11 Commissioner of Agriculture to appoint a voting member  
12 rather than an ex officio, nonvoting member to the  
13 governing board of the Cattle Enhancement Board;  
14 providing for staggered terms of governing board  
15 members; providing for initial and subsequent  
16 appointment of governing board members; removing  
17 provisions requiring the board to maintain frequent  
18 communication with officers and industry  
19 representatives at the state and national levels;  
20 revising the authority of the board; revising the date  
21 of the scheduled repeal of the act; making technical  
22 changes; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Section 570.83, Florida Statutes, is amended to  
27 read:

28 570.83 Cattle ~~Beef~~ Market Development Act; definitions;  
29 Florida Cattle Enhancement Board ~~Beef Council~~, Inc., creation,

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30 purposes, governing board, powers, and duties; ~~referendum on~~  
 31 ~~assessments imposed on gross receipts from cattle sales;~~  
 32 payments to organizations for services; ~~collecting and refunding~~  
 33 ~~assessments;~~ vote on continuing the act; board ~~council~~ bylaws.-

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

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

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

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

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

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

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59 (d) "Department" means the Department of Agriculture and  
60 Consumer Services.

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

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

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

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

74 (a) There is created the Florida Cattle Enhancement Board  
75 ~~Beef Council~~, Inc., a not-for-profit corporation organized under  
76 the laws of this state for the purpose of ~~and~~ operating as a  
77 direct-support organization to ~~of~~ the department pursuant to  
78 this section.

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

84 1. ~~Establish the amount of the assessment at not more than~~  
85 ~~\$1 per head of cattle.~~

86 2. ~~Develop, implement, and monitor a collection system for~~  
87 ~~the assessment.~~

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88 ~~3. Coordinate the collection of the assessment with other~~  
89 ~~states.~~

90 ~~4. Establish refund procedures.~~

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

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

93 ~~1. Plan, implement, and conduct programs of promotion,~~  
94 ~~research, and consumer information or industry information which~~  
95 ~~are designed to strengthen the cattle industry's market position~~  
96 ~~in this state and in the nation and to maintain and expand~~  
97 ~~domestic and foreign markets and expand uses for beef and beef~~  
98 ~~products.~~

99 ~~2. Use the proceeds of the assessment for the purpose of~~  
100 ~~funding cattle production and beef research, education,~~  
101 ~~promotion, and consumer and industry information in this state~~  
102 ~~and in the nation.~~

103 ~~3. Plan and implement a cattle and beef industry feedback~~  
104 ~~program in this state.~~

105 ~~4. Coordinate research, education, promotion, industry, and~~  
106 ~~consumer information programs with any national programs or~~  
107 ~~programs of other states.~~

108 ~~5. Develop new uses and markets for beef and beef products.~~

109 ~~6. Develop and improve methods of distributing beef and~~  
110 ~~beef products to the consumer.~~

111 ~~7. Develop methods of improving the quality of beef and~~  
112 ~~beef products for the benefit of consumers.~~

113 ~~8. Inform and educate the public concerning the nutritive~~  
114 ~~and economic values of beef and beef products.~~

115 ~~9. Serve as a liaison within the beef and other food~~  
116 ~~industries of the state and elsewhere in matters that would~~

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117 ~~increase efficiencies that ultimately benefit both consumers and~~  
118 ~~industry.~~

119 ~~10. Buy, sell, mortgage, rent, or improve, in any manner~~  
120 ~~that the council considers expedient, real property or personal~~  
121 ~~property, or both.~~

122 ~~11. Publish and distribute such papers or periodicals as~~  
123 ~~the board of directors considers necessary to encourage and~~  
124 ~~accomplish the purposes of the council.~~

125 ~~12. Do all other acts necessary or expedient for the~~  
126 ~~administration of the affairs and attainment of the purposes of~~  
127 ~~the council.~~

128 ~~13. Approve an annual plan, budget, and audit for the~~  
129 ~~council.~~

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

135 ~~(c)2.~~ No part of The net receipts of the board may not  
136 ~~council~~ shall inure to the benefit of or be distributable to its  
137 directors, its officers, or other private persons, except that  
138 the board ~~council~~ may pay reasonable compensation for services  
139 rendered by staff employees and may make payments and  
140 distributions in furtherance of the purposes of this section  
141 act.

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

145 1.a. ~~By~~ A corporation exempt from federal income tax under

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146 s. 501(c) (3) of the Internal Revenue Code of 1986, as amended;  
 147 or

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

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

155 (5) GOVERNING BOARD.—

156 (a) The Florida Cattle Enhancement Board ~~Beef Council,~~  
 157 ~~Inc.,~~ shall be governed by a board of directors composed of 14  
 158 ~~13~~ members as follows:

159 1. Eight, ~~including 8~~ representatives of the Florida  
 160 Cattlemen’s Association, of whom one is a representative of the  
 161 Florida Association of Livestock Markets and one is a practicing  
 162 order buyer.~~†~~

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

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

165 4. One ~~a~~ representative of the Florida Farm Bureau  
 166 Federation.~~†~~

167 5. One representative of an allied-industry.

168 6. One representative of the department. ~~representative;~~  
 169 and

170 7. One representative of the ~~an~~ Institute of Food and  
 171 Agricultural Sciences ~~representative.~~

172 (b) The initial board of directors shall be appointed by  
 173 the Commissioner of Agriculture for staggered terms ~~a term~~ of 1  
 174 year for three members, 2 years for three members, 3 years for

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175 four members, and 4 years for four members. Each subsequent  
176 vacancy shall also be filled by the Commissioner of Agriculture  
177 with in accordance with the bylaws of the council. ~~Thereafter,~~  
178 each ~~board~~ member of the board of directors ~~shall be~~ appointed  
179 to serve a 3-year term and may be reappointed to serve an  
180 additional consecutive term. A member may not serve more than  
181 two consecutive terms. A member must be a resident of this state  
182 and must be a producer who has been a producer for at least the  
183 5 years immediately preceding the first day of his or her  
184 service on the board, except that the representative of the  
185 Florida Farm Bureau Federation, the allied-industry  
186 representative, the department representative, and the Institute  
187 of Food and Agricultural Sciences representative need not be  
188 producers. All members of the beef council board of directors  
189 ~~positions~~ shall serve without compensation but be unsalaried;  
190 ~~however, the board members~~ are entitled to reimbursement as  
191 provided in s. 112.061 for travel and other expenses incurred in  
192 carrying out ~~the intents and purposes of this section act.~~

193 (c) The Florida Cattle Enhancement Board ~~council~~ shall  
194 provide for its officers through its bylaws, including the  
195 ability to set forth offices and responsibilities and form  
196 committees necessary for the implementation of this section act.  
197 ~~The Commissioner of Agriculture may designate an ex officio~~  
198 ~~nonvoting member of the board of directors.~~

199 (d) If a member of the board of directors misses three  
200 consecutive, officially called meetings, the board of directors  
201 may declare that position vacant.

202 ~~(6) REFERENDUM ON ASSESSMENTS.— All producers in this state~~  
203 ~~shall have the opportunity to vote in a referendum to determine~~

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204 ~~whether the council shall be authorized to impose an assessment~~  
205 ~~of not more than \$1 per head on cattle sold in the state. The~~  
206 ~~referendum shall pose the question: "Do you approve of an~~  
207 ~~assessment program, up to \$1 per head of cattle pursuant to~~  
208 ~~section 570.83, Florida Statutes, to be funded through specific~~  
209 ~~contributions that are mandatory and refundable upon request?"~~

210 ~~(a) A referendum held under this section must be conducted~~  
211 ~~by secret ballot at extension offices of the Institute of Food~~  
212 ~~and Agricultural Sciences of the University of Florida or at~~  
213 ~~offices of the United States Department of Agriculture with the~~  
214 ~~cooperation of the department.~~

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

219 ~~(c) Additional referenda may be held to authorize the~~  
220 ~~council to increase the assessment to more than \$1 per head of~~  
221 ~~cattle. Such referendum shall pose the question: "Do you approve~~  
222 ~~of granting the Florida Beef Council, Inc., authority to~~  
223 ~~increase the per head of cattle assessment pursuant to section~~  
224 ~~570.83, Florida Statutes, from ... (present rate)... to up to a~~  
225 ~~maximum of ... (proposed rate)... per head?" Referenda may not be~~  
226 ~~held more often than once every 3 years.~~

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

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



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233 (6)~~(7)~~ POWERS AND DUTIES OF THE BOARD ~~COUNCIL~~.—

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

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

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

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

245 ~~4.1. Receive and disburse funds, as prescribed elsewhere in~~  
246 ~~this act, to be used in administering and implementing this~~  
247 ~~section the act.~~

248 ~~5.2. Maintain a permanent record of its business~~  
249 ~~proceedings.~~

250 ~~6.3. Maintain a permanent, detailed record of its financial~~  
251 ~~dealings.~~

252 ~~7.4. Prepare periodic reports and an annual report of its~~  
253 ~~activities for the fiscal year, for review by the beef industry~~  
254 ~~in this state, and file its annual report with the department.~~

255 ~~8.5. Prepare, for review by the beef industry in this~~  
256 ~~state, periodic reports and an annual accounting for each fiscal~~  
257 ~~year of all receipts and expenditures to be filed with the~~  
258 ~~department, and shall retain a certified public accountant for~~  
259 ~~this purpose.~~

260 ~~9.6. Appoint a licensed banking institution to serve as the~~  
261 ~~depository for program funds and to handle disbursements of~~

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262 those funds.

263 ~~7. Maintain frequent communication with officers and~~  
264 ~~industry representatives at the state and national levels,~~  
265 ~~including the department.~~

266 10.8. Maintain an office in this state.

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

268 1. Conduct or contract for scientific research with any  
269 accredited university, college, or similar institution, and  
270 enter into other contracts or agreements that will aid in  
271 carrying out the purposes of the program, including contracts  
272 for the purchase or acquisition of facilities or equipment  
273 necessary to carry out the purposes of the program.

274 2. Disseminate reliable information benefiting the consumer  
275 and the cattle ~~beef~~ industry on subjects such as, but not  
276 limited to, the purchase, identification, care, storage,  
277 handling, cookery, preparation, serving, and nutritive value of  
278 beef and beef products.

279 3. Provide to government bodies, on request, information  
280 relating to subjects of concern to the cattle ~~beef~~ industry, and  
281 may act jointly or in cooperation with the state or Federal  
282 Government, and agencies thereof, in the development or  
283 administration of programs that the board ~~council~~ considers to  
284 be consistent with the objectives of the program.

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

289 5. Borrow from licensed lending institutions money in  
290 amounts that are not cumulatively greater than 50 percent of the

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291 board's ~~council's~~ anticipated annual income.

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

295 ~~7. Appoint advisory groups composed of representatives from~~  
296 ~~organizations, institutions, governments, or businesses related~~  
297 ~~to or interested in the welfare of the beef industry and the~~  
298 ~~consuming public.~~

299 ~~6.8. Employ staff subordinate officers and employees of the~~  
300 ~~council, prescribe their duties, and fix their compensation and~~  
301 ~~terms of employment.~~

302 ~~7.9. Cooperate with any local, state, regional, or~~  
303 ~~nationwide organization or agency engaged in work or activities~~  
304 ~~consistent with the objectives of the program.~~

305 ~~10. Cause any duly authorized agent or representative to~~  
306 ~~enter upon the premises of any market agency, market agent,~~  
307 ~~collection agency, or collection agent and examine or cause to~~  
308 ~~be examined by the authorized agent only books, papers, and~~  
309 ~~records that deal with the payment of the assessment provided~~  
310 ~~for in this act or with the enforcement of this act.~~

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

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

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320       10. Plan and implement a cattle and beef industry feedback  
321 program in this state.

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

325       ~~12.11.~~ Do all other things necessary to further the intent  
326 of this act which are not prohibited by law.

327       ~~(7)(8)~~ ACCEPTANCE OF GRANTS AND GIFTS.—The board council  
328 may accept grants, donations, contributions, or gifts from any  
329 source if the use of such resources is not restricted in any  
330 manner that the board council considers to be inconsistent with  
331 the objectives of the program.

332       ~~(8)(9)~~ PAYMENTS TO ORGANIZATIONS.—

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

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

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

343       2. Agree to have appropriate representatives attend  
344 business meetings of the board council as reasonably requested  
345 by the chairperson of the board council.

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

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349 ~~(10) COLLECTION OF MONEYS AT TIME OF MARKETING.~~

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

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

357 ~~(c) The council shall maintain within its financial records~~  
358 ~~a separate accounting of all moneys received under this~~  
359 ~~subsection.~~

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

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

377 ~~(f) The collection agents shall be entitled to deduct 2.5~~

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378 ~~percent of the amount collected to retain as a reasonable~~  
379 ~~collection allowance prior to remitting the funds to the~~  
380 ~~council.~~

381 ~~(11) REFUNDS.—~~

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

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

389 ~~(c) A refund claim must include the claimant's signature,~~  
390 ~~date of sale, place of sale, number of cattle, and amount of~~  
391 ~~assessment deducted, and must have attached thereto proof of the~~  
392 ~~assessment deducted.~~

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

398 ~~(e) The council shall take action on refund requests within~~  
399 ~~30 calendar days following the date of receipt of the request.~~

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

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

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407 ~~90 days, conduct a referendum to determine whether a majority of~~  
408 ~~the producers voting in the referendum support the continuation~~  
409 ~~of the Beef Market Development Act. All signatures must be~~  
410 ~~collected within a 12-month period. A referendum held under this~~  
411 ~~subsection may not be held more than one time in a 3-year~~  
412 ~~period. Qualifications for signature and vote are the same as~~  
413 ~~those required in subsection (6).~~

414 (9) ~~(13)~~ BYLAWS.—The Florida Cattle Enhancement Board Beef  
415 Council shall, within 90 days after the governing board is  
416 appointed ~~this act becomes a law~~, adopt bylaws to carry out the  
417 intents and purposes of this section ~~act~~. The ~~These~~ bylaws may  
418 be amended with a 30-day notice to governing board members at  
419 any regular or special meeting called for such ~~this~~ purpose. The  
420 bylaws must conform to the requirements of this section ~~act~~ but  
421 may also address any matter not in conflict with the general  
422 laws of this state.

423 (10) ~~(14)~~ REPEAL.—This section is repealed October 1, 2020  
424 ~~2019~~, unless reviewed and saved from repeal by the Legislature.

425 Section 2. This act shall take effect July 1, 2015.