

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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 WITHDRAWN (Y/N)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

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Combee offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 570.83, Florida Statutes, is amended to
 8 read:

9 570.83 Cattle ~~Beef~~ Market Development Act; definitions;
 10 Florida Cattle Enhancement Board ~~Beef Council~~, Inc., creation,
 11 purposes, governing board, powers, and duties; ~~referendum on~~
 12 ~~assessments imposed on gross receipts from cattle sales;~~
 13 payments to organizations for services; ~~collecting and refunding~~
 14 ~~assessments; vote on continuing the act; board council~~ bylaws.-

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

17 (2) LEGISLATIVE INTENT.—The Legislature intends by this

Amendment No.

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

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

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

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

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

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

Amendment No.

44 ~~meatpacking firms and their agents that purchase or consign to~~
45 ~~purchase cattle.~~

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

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

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

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

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

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

65 ~~1. Establish the amount of the assessment at not more than~~
66 ~~\$1 per head of cattle.~~

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

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

Amendment No.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 917 (2015)

Amendment No.

96 ~~and economic values of beef and beef products.~~

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

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

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

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

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

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

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

423231 - HB 917 strike all Amendment.docx

Published On: 4/1/2015 5:09:48 PM

Amendment No.

122 distributions in furtherance ~~of the purposes~~ of this section
123 ~~act~~.

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

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

130 ~~2.b.~~ By A corporation to which contributions are
131 deductible under s. 170(c) (2) of the Internal Revenue Code of
132 1986, as amended.

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

137 (5) GOVERNING BOARD.—

138 (a) The Florida Cattle Enhancement Board ~~Beef Council~~,
139 ~~Inc.~~ shall be governed by a board of directors composed of 14
140 ~~13~~ members as follows:

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

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

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

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

Amendment No.

148 Federation.~~;~~

149 5. One representative of an allied-industry.

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

151 and

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

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

Amendment No.

174 carrying out ~~the intents and purposes of this~~ section act.

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

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

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

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

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

Amendment No.

200 ~~is held.~~

201 ~~(c) Additional referenda may be held to authorize the~~
202 ~~council to increase the assessment to more than \$1 per head of~~
203 ~~cattle. Such referendum shall pose the question: "Do you approve~~
204 ~~of granting the Florida Beef Council, Inc., authority to~~
205 ~~increase the per head of cattle assessment pursuant to section~~
206 ~~570.83, Florida Statutes, from ... (present rate) ... to up to a~~
207 ~~maximum of ... (proposed rate) ... per head?" Referenda may not be~~
208 ~~held more often than once every 3 years.~~

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

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

215 ~~(6)(7) POWERS AND DUTIES OF THE BOARD COUNCIL.~~

216 (a) The board council shall:

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

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

224 3. Publish and distribute such papers or periodicals as
225 the board of directors considers necessary to encourage and

Amendment No.

226 accomplish the purposes of the Florida Cattle Enhancement Board.

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

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

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

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

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

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

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

249 ~~10.8. Maintain an office in this state.~~

250 (b) The board council may:

251 1. Conduct or contract for scientific research with any

Amendment No.

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

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

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

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

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

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

Amendment No.

278 ~~7. Appoint advisory groups composed of representatives~~
279 ~~from organizations, institutions, governments, or businesses~~
280 ~~related to or interested in the welfare of the beef industry and~~
281 ~~the consuming public.~~

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

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

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

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

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

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

Amendment No.

304 beef products.

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

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

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

315 (8)-(9) PAYMENTS TO ORGANIZATIONS.—

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

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

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

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

Amendment No.

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

333 ~~(10) COLLECTION OF MONEYS AT TIME OF MARKETING.--~~

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

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

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

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

Amendment No.

356 ~~council.~~

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

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

365 ~~(11) REFUNDS.—~~

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

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

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

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

Amendment No.

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

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

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

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

