

Amendment No. 3

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WITHDRAWN (Y/N)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: Commerce Committee
2 Representative Raburn offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 1312 and 1313, insert:

6 Section 30. Section 534.47, Florida Statutes, is amended to
7 read:

8 534.47 Definitions.—As used in ss. 534.48-534.54 ~~534.48-~~
9 ~~534.53~~:

10 (1) "Department" means the Department of Agriculture and
11 Consumer Services.

12 (2) "Dealer" means any person, not a market agency, engaged
13 in the business of buying or selling in commerce livestock,
14 either on his own account or as the employee or agent of the
15 vendor or purchaser.

16 (3) "Livestock" has the same meaning as in s. 585.01(13).

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17 (4)-(2) "Livestock market" means any location in the state
18 where livestock is assembled and sold at public auction or on a
19 commission basis during regularly scheduled or special sales.
20 The term "livestock market" shall not include private farms or
21 ranches or sales made at livestock shows, fairs, exhibitions, or
22 special breed association sales.

23 (5) "Packer" means any person engaged in the business of
24 buying livestock in commerce for purposes of slaughter, or of
25 manufacturing or preparing meats or meat food products for sale
26 or shipment in commerce, or of marketing meats, meat food
27 products, or livestock products in an unmanufactured form acting
28 as a wholesaler broker, dealer, or distributor in commerce.

29 (6) "Purchaser" means any person, partnership, firm,
30 corporation, or other organization owning, managing, producing,
31 or dealing in livestock, including, but not limited to,
32 "packers" and "dealers", that buys livestock for breeding,
33 feeding, reselling, slaughter, or other purpose.

34 (7) "Registered and approved livestock market" means a
35 livestock market fully registered, bonded, and approved as a
36 "market agency" pursuant to the Stockyards Act and governing
37 regulations by the United States Department of Agriculture Grain
38 Inspection, Packers, and Stockyards Administration.

39 (8) "Seller" means " means any person, partnership, firm,
40 corporation, or other organization owning, managing, producing,
41 financing, or dealing in livestock, including, but not limited
42 to, "Registered and approved livestock market" as consignee and

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43 "dealers", that sell livestock for breeding, feeding, reselling,
44 slaughter, or other purpose.

45 (9) "Stockyards Act" means the Packers And Stockyards Act
46 of 1921, 7 U.S.C. ss. 181-229 and the regulations promulgated
47 pursuant to that act, 9 C.F.R. part 201.

48 ~~(3) "Buyer" means the party to whom title of livestock~~
49 ~~passes or who is responsible for the purchase price of~~
50 ~~livestock, including, but not limited to, producers, dealers,~~
51 ~~meat packers, or order buyers.~~

52 Section 31. Section 534.49, Florida Statutes, is amended to
53 read:

54 534.49 Livestock drafts; effect.—For the purposes of this
55 section, a livestock draft given as payment at a livestock
56 auction market for a livestock purchase shall not be deemed an
57 express extension of credit to the purchaser ~~buyer~~ and shall not
58 defeat the creation of a lien on such an animal and its carcass
59 and all products therefrom and proceeds thereof, to secure all
60 or a part of its sales price, as provided in s. 534.54(4).

61 Section 32. Section 534.50, Florida Statutes, is repealed.

62 Section 33. Section 534.501, Florida Statutes, is amended
63 to read:

64 534.501 ~~Livestock draft; Unlawful to delay or failure in~~
65 ~~payment.—It is shall be~~ unlawful for the purchaser of livestock
66 to delay or fail in rendering payment for livestock to any
67 seller of cattle as provided in s. 534.54. A person who violates
68 this section commits an unfair or deceptive act or practice as

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69 ~~specified in s. 501.204 payment of the livestock draft upon~~
70 ~~presentation of said draft at the payor's bank. Nothing~~
71 ~~contained in this section shall be construed to preclude a~~
72 ~~payor's right to refuse payment of an unauthorized draft.~~

73 Section 34. Section 534.51, Florida Statutes, is repealed.

74 Section 35. Section 534.54, Florida Statutes, is amended to
75 read:

76 534.54 Cattle or hog processors; prompt payment; penalty;
77 lien.-

78 ~~(1) As used in this section:~~

79 ~~(a) "Livestock" means cattle or hogs.~~

80 ~~(b) "Meat processor" means a person, corporation,~~
81 ~~association, or other legal entity engaged in the business of~~
82 ~~slaughtering cattle or hogs.~~

83 (1)-(2) (a) A purchaser meat processor who purchases
84 livestock from a seller must, ~~or any person, corporation,~~
85 ~~association, or other legal entity who purchases livestock from~~
86 ~~a seller for slaughter,~~ shall make payment by cash or check for
87 the purchase price of the livestock and actually deliver the
88 cash or check to the seller or her or his representative at the
89 location where the purchaser takes physical possession of the
90 livestock on the day the transfer of possession occurs or shall
91 wire transfer of funds on the business day within which the
92 possession of said livestock is transferred. However, if the
93 transfer of possession is accomplished after normal banking
94 hours, said payment shall be made in the manner herein provided

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95 not later than the close of the first business day following
96 said transfer of possession. In the case of "grade and yield"
97 selling, the purchaser shall make payment by wire transfer of
98 funds or by personal or cashier's check by registered mail
99 postmarked not later than the close of the first business day
100 following determination of "grade and yield."

101 (b) All instruments issued in payment hereunder shall be
102 drawn on banking institutions which are so located as not
103 artificially to delay collection of funds through the mail or
104 otherwise cause an undue lapse of time in the clearance process.

105 ~~(2)(3)~~ A purchaser of livestock ~~for slaughter~~ that fails to
106 comply with (1) or artificially delays collection of funds for
107 the payment of the livestock, shall be liable to pay the seller
108 ~~owner~~ of the livestock, in addition to the price of the
109 livestock:

110 (a) Twelve percent damages on the amount of the price.

111 (b) Interest on the purchase price of the livestock at the
112 highest legal rate from and after the transfer of possession
113 until payment is made as required by this section.

114 (c) ~~A Reasonable attorney~~ fees, court costs, and expenses
115 ~~fee~~ for the prosecution of collection of the payment.

116 ~~(3)(4)~~(a) Any seller ~~person, partnership, firm,~~
117 ~~corporation, or other organization~~ which sells livestock to any
118 purchaser shall have a lien on such animal and its carcass, all
119 products therefrom, and any and all proceeds thereof to secure
120 all or a part of its sales price.

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121 (b) The lien provided in this subsection shall be deemed to
122 have attached and to be perfected upon delivery of the livestock
123 to the purchaser without further action, and such lien shall
124 continue in the livestock and its carcass, all products
125 therefrom, and proceeds thereof without regard to possession
126 thereof by the party entitled to such lien without further
127 perfection.

128 (c) If the livestock or its carcass or products therefrom
129 are so commingled with other livestock, carcasses, or products
130 so that the identity thereof is lost, then the lien granted in
131 this subsection shall extend to the same effect as if same had
132 been perfected originally in all such animals, carcasses, and
133 products with which it has become commingled. However, all liens
134 so extended under this paragraph to such commingled livestock,
135 carcasses, and products shall be on a parity with one another,
136 and, with respect to such commingled carcasses or products upon
137 which a lien or liens have been so extended under this
138 paragraph, no such lien shall be enforceable as against any
139 purchaser without actual knowledge thereof purchasing one or
140 more of such carcasses or products in the ordinary course of
141 trade or business from the party having commingled such
142 carcasses or products or against any subsequent transferee from
143 such purchaser, but in the event of such sale, such lien shall
144 instead extend to the proceeds of such sale.

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

Remove line 92 and insert:
instruments or devices; amending s. 534.47, F.S.;
revising definitions; amending s. 534.49, F.S.;
conforming provisions to changes made by the act;
repealing s. 534.50, F.S., relating to reporting and
notice requirements for dishonored checks and drafts
for payment of livestock purchases; amending s.
534.501, F.S.; providing that delaying or failing to
make payment for certain livestock is an unfair and
deceptive act; repealing s. 534.51, F.S., relating to
the prohibition of the filing of complaints by certain
livestock markets; amending s. 534.54, F.S.; providing
that purchasers who delay or fail to render payment
for purchased livestock are liable for certain fees,
costs, and expenses; conforming provisions to changes
made by the act; amending s. 570.07, F.S.;