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1 A bill to be entitled
2 An act relating to the Department of Citrus; amending
3 s. 20.29, F.S.; providing for the appointment,
4 compensation, and powers and duties of the
5 department's executive director; deleting and
6 conforming obsolete provisions relating to the Florida
7 Citrus Commission; amending ss. 570.55 and 600.041,
8 F.S.; conforming cross-references; amending s. 601.01,
9 F.S.; revising a short title; amending s. 601.03,
10 F.S.; defining the term "department" and conforming
11 definitions for purposes of the Florida Citrus Code;
12 amending s. 601.04, F.S.; revising the qualifications
13 and terms of members of the Florida Citrus Commission;
14 providing for staggered terms of members appointed
15 from each citrus district; providing for shortened
16 terms of current members; specifying that members are
17 eligible for reappointment; deleting obsolete
18 provisions; requiring the commission to elect a chair
19 and secretary; deleting legislative intent relating to
20 redistricting of the commission; amending ss. 601.045,
21 601.05, 601.06, 601.07, and 601.08, F.S.; conforming
22 provisions; amending s. 601.09, F.S.; providing
23 legislative intent; authorizing the commission to
24 submit recommendations to the Legislature for
25 redistricting of the state's citrus districts;
26 amending s. 601.10, F.S.; revising the department's
27 powers; deleting provisions relating to the
28 appointment, discharge, compensation, and powers and

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29 | duties of the department's executive director;
30 | establishing staffing requirements for the department;
31 | deleting requirements relating to the days, hours, and
32 | other conditions of employment for department
33 | employees; conforming provisions; amending s. 601.101,
34 | F.S.; conforming provisions; amending s. 601.11, F.S.;
35 | revising the powers and duties of the department to
36 | adopt maturity and quality standards for citrus fruit
37 | and food products thereof; authorizing the department
38 | to issue permits for the export of citrus fruit grown
39 | in the state to certain foreign countries; authorizing
40 | the department to issue permits for processors of
41 | concentrated orange juice into which nutritive
42 | sweetening ingredients are added and to suspend or
43 | revoke the permits of processors that violate certain
44 | rules; authorizing the department to issue emergency
45 | quality assurance orders upon determining that
46 | freezing temperatures have caused damage or freeze-
47 | related injury to citrus fruit; authorizing the
48 | department to limit increases in spacing between
49 | stacked field boxes caused by the placement of cleats
50 | or other devices on the field boxes; requiring the
51 | department to adopt rules; amending s. 601.111, F.S.;
52 | revising the department's authority to modify maturity
53 | standards for citrus fruit and the number of
54 | commission members required to approve such
55 | modifications; revising legislative intent;
56 | authorizing the department to adopt emergency rules

57 | under certain conditions; amending s. 601.13, F.S.;

58 | revising the department's powers and duties for citrus

59 | research; providing for research related to disease

60 | and crop efficiency; conforming provisions; amending

61 | s. 601.15, F.S.; redesignating the advertising excise

62 | tax on citrus fruit as an assessment; revising the

63 | maximum rates of such assessments; revising the

64 | guarantee requirements for assessment payments;

65 | conforming provisions; amending s. 601.152, F.S.;

66 | revising the number of commission members required to

67 | issue marketing orders for special marketing campaigns

68 | and impose assessments upon citrus handlers to defray

69 | the expenses of such campaigns; conforming provisions;

70 | amending s. 601.155, F.S.; redesignating the

71 | equalizing excise tax on processed orange and

72 | grapefruit products as an assessment; revising the

73 | guarantee requirements for assessment payments;

74 | conforming provisions; amending ss. 601.24, 601.25,

75 | 601.28, 601.31, 601.32, 601.33, 601.34, 601.35,

76 | 601.37, 601.38, 601.40, 601.43, 601.44, 601.45,

77 | 601.46, 601.49, 601.50, 601.501, 601.51, 601.52,

78 | 601.54, 601.55, 601.56, 601.57, 601.58, 601.60, and

79 | 601.601, F.S.; conforming provisions and cross-

80 | references; amending s. 601.61, F.S.; specifying that

81 | the amount of bonds or certificates of deposit that

82 | must be furnished by citrus fruit dealer licensees

83 | shall be determined by the department pursuant to

84 | department rules; deleting obsolete provisions

85 relating to the applicability and effect of certain
86 provisions if such provisions had been determined
87 invalid; amending ss. 601.64, 601.66, 601.67, 601.69,
88 601.70, 601.701, 601.731, 601.74, 601.75, 601.76,
89 601.77, 601.78, and 601.80, F.S.; conforming
90 provisions; amending ss. 601.85 and 601.86, F.S.;
91 specifying dimensions for standard shipping boxes and
92 standard field boxes for fresh citrus fruit; revising
93 circumstances under which such standard boxes must be
94 used; amending ss. 601.91, 601.9901, 601.9902,
95 601.9903, and 601.99035, F.S.; conforming provisions;
96 amending s. 601.99036, F.S.; revising requirements for
97 the commission's approval of changes in the salaries
98 of certain employees; amending ss. 601.9904, 601.9908,
99 601.9910, 601.9911, 601.9918, and 601.992, F.S.;
100 conforming provisions; amending s. 603.161, F.S.;
101 conforming a cross-reference; repealing ss. 601.16,
102 601.17, 601.18, 601.19, 601.20, 601.21, and 601.22,
103 F.S., relating to maturity and quality standards for
104 grapefruit, oranges, and tangerines; repealing s.
105 601.87, F.S., relating to limits on increased spacing
106 between stacked field boxes caused by the placement of
107 cleats or other devices on the field boxes; repealing
108 ss. 601.90 and 601.901, F.S., relating to the issuance
109 of emergency quality assurance orders following
110 freezing temperatures that cause damage or freeze-
111 related injury to citrus fruit and the use of such
112 freeze-damaged citrus fruit in frozen concentrated

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113 products; repealing s. 601.981, F.S., relating to
114 permits for the export to certain foreign countries of
115 citrus fruit grown in the state and quality standards
116 for such exported fruit; repealing s. 601.9905, F.S.,
117 relating to quality standards and labeling
118 requirements for canned orange juice; repealing s.
119 601.9906, F.S., relating to quality standards for
120 certain grapefruit juice products; repealing ss.
121 601.9907, 601.9909, and 601.9913, F.S., relating to
122 quality standards and labeling requirements for canned
123 blends of orange juice and grapefruit juice, frozen
124 concentrated orange juice, and high-density frozen
125 concentrated orange juice sold in retail,
126 institutional, or bulk size containers; repealing s.
127 601.9914, F.S., relating to authority of the
128 commission to adopt rules modifying citrus juice
129 quality standards for specified purposes; repealing s.
130 601.9916, F.S., relating to the issuance of permits
131 for the processing, shipping, and sale of frozen
132 concentrated orange juice or concentrated orange juice
133 for manufacturing into which certain nutritive
134 sweetening ingredients are added, the inspection of
135 such processors, and quality standards and labeling
136 requirements for such concentrated orange juice;
137 providing effective dates.

138

139 Be It Enacted by the Legislature of the State of Florida:

140

141 Section 1. Section 20.29, Florida Statutes, is amended to
 142 read:

143 (Substantial rewording of section. See
 144 s. 20.29, F.S., for present text.)

145 20.29 Department of Citrus; Florida Citrus Commission;
 146 executive director.—

147 (1) The head of the Department of Citrus is the Florida
 148 Citrus Commission created under s. 601.04.

149 (2) The executive director of the Department of Citrus
 150 shall be appointed by a majority vote of, and serves at the
 151 pleasure of, the Florida Citrus Commission. The Florida Citrus
 152 Commission shall fix the executive director's compensation and,
 153 in addition to any powers and duties assigned to the executive
 154 director by law, shall assign the executive director's powers
 155 and duties.

156 Section 2. Paragraph (h) of subsection (3) of section
 157 570.55, Florida Statutes, is amended to read:

158 570.55 Identification of sellers or handlers of tropical
 159 or subtropical fruit and vegetables; containers specified;
 160 penalties.—

161 (3) DEFINITIONS.—As used in this section:

162 (h) "Tropical or subtropical fruit" means avocados,
 163 bananas, calamondins, carambolas, guavas, kumquats, limes,
 164 longans, loquats, lychees, mameys, mangoes, papayas, passion
 165 fruit, sapodillas, and fruit that must be grown in tropical or
 166 semitropical regions, except citrus fruit as defined in s.
 167 601.03~~(7)~~.

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168 Section 3. Subsection (11) of section 600.041, Florida
 169 Statutes, is amended to read:

170 600.041 Definitions.—As used in this act, the following
 171 terms have the following meanings:

172 (11) "Standard-packed box" has the same meaning ~~means a~~
 173 ~~unit of measure~~ as provided ~~defined~~ in s. 601.03(33).

174 Section 4. Section 601.01, Florida Statutes, is amended to
 175 read:

176 601.01 Short title.—This chapter may be ~~known and~~ cited as
 177 the "Florida ~~"The Florida Citrus Code of 1949."~~

178 Section 5. Section 601.03, Florida Statutes, is amended to
 179 read:

180 601.03 Definitions.—As used in ~~construing~~ this chapter,
 181 ~~where the context permits the word, phrase, or term:~~

182 (1) "Additive" means any foreign substance which, when
 183 added to any citrus fruit juice, will change the amount of total
 184 soluble solids or anhydrous citric acid therein, or the color or
 185 taste thereof, or act as an artificial preservative thereof.†

186 (2) "Agent" means any person who, on behalf of any citrus
 187 fruit dealer, negotiates the consignment, purchase, or sale of
 188 citrus fruit, or weighs citrus fruit so that the weight thereof
 189 may be used in computing the amount to be paid therefor.†

190 (3) "Broker" means any person engaged in the business of
 191 negotiating the sale or purchase of citrus fruit for others.†

192 (4) "Canned products" means juices, segments, or sections
 193 of citrus fruits sealed in hermetically sealed containers at a
 194 concentration that does ~~of~~ not exceed ~~exceeding~~ 20 degrees Brix
 195 and sufficiently processed by heat to ensure preservation of the

196 product, and when regulated by the department ~~of Citrus~~, these
 197 same products packed in any other manner or in any other type
 198 container.†

199 (5) "Canning plant" means any building, structure, or
 200 place where citrus fruit or the juice thereof is canned or
 201 prepared for canning at a concentration that does of not exceed
 202 ~~exceeding~~ 20 degrees Brix for market or shipment.†

203 (6) "Cash buyer" means any person who purchases citrus
 204 fruit in this state from the producer for the purpose of
 205 resale.†

206 (7) "Citrus fruit" means all varieties and regulated
 207 hybrids of citrus fruit and also means processed citrus products
 208 containing 20 percent or more citrus fruit or citrus fruit
 209 juice. The term does not, ~~but~~, for the purposes of this chapter,
 210 ~~shall not~~ mean limes, lemons, marmalade, jellies, preserves,
 211 candies, or citrus hybrids for which ~~no~~ specific standards have
 212 not been established by the department. ~~of Citrus;~~

213 (8) "Citrus fruit dealer" means any consignor, commission
 214 merchant, consignment shipper, cash buyer, broker, association,
 215 cooperative association, express or gift fruit shipper, or
 216 person who in any manner makes or attempts to make money or
 217 other thing of value on citrus fruit in any manner whatsoever,
 218 other than of growing or producing citrus fruit.† ~~but~~ The term
 219 does shall not include retail establishments whose sales are
 220 direct to consumers and not for resale or persons or firms
 221 trading solely in citrus futures contracts on a regulated
 222 commodity exchange.†

223 ~~(9)-(37)~~ "Citrus hybrids" includes, ~~means~~ but is shall not

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224 ~~be~~ limited to, hybrids between or among sour orange (C.
 225 aurantium), pummelo (C. grandis), lemon (C. limon), lime (C.
 226 aurantifolia), citron (C. medica), grapefruit (C. paradisi),
 227 tangerine or mandarin orange (C. reticulata), sweet orange (C.
 228 sinensis), tangelo (C. reticulata x C. paradisi or C. grandis),
 229 tangor (C. reticulata x C. sinensis), kumquat (Fortunella,
 230 species), trifoliolate orange (Poncirus trifoliata), and varieties
 231 of these species.†

232 (10)~~(9)~~ "Citrus producing area" means that part or parts
 233 of the state in which citrus fruit is grown or produced.†

234 (11)~~(10)~~ "Color-add" or "color-added" means the
 235 application or use of any coloring matter to any citrus fruit.†

236 (12)~~(11)~~ "Coloring matter" means any dye, or any liquid or
 237 concentrate or material containing a dye or materials that ~~which~~
 238 react to form a dye, used or intended to be used for the purpose
 239 of enhancing the color of citrus fruit by the addition of
 240 artificial color to the peel thereof. ~~The; provided that said~~
 241 term does ~~shall~~ not include any process or treatment of fruit
 242 that ~~which~~ merely brings out or accelerates the natural color of
 243 the fruit.†

244 (13) "Commission" means the Florida Citrus Commission as
 245 head of the department. ~~of Citrus;~~

246 (14)~~(15)~~ "Commission merchant" means any person engaged in
 247 the business of receiving any citrus fruit for sale on
 248 commission for or on behalf of another.†

249 (15)~~(16)~~ "Concentrated products" means:

250 (a) Frozen citrus fruit juice frozen that has ~~at~~ a
 251 concentration that exceeds ~~of exceeding~~ 20 degrees Brix and is

252 kept at a sufficiently freezing temperature to ensure
 253 preservation of the product; or ~~and~~

254 (b) Citrus fruit juice that is sealed in hermetically
 255 sealed containers at a concentration that exceeds ~~of exceeding~~
 256 20 degrees Brix and is sufficiently processed by heat to ensure
 257 preservation of the product.†

258 (16) ~~(17)~~ "Concentrating plant" means any building,
 259 structure, or place where citrus fruit is canned, frozen, or
 260 prepared for canning or freezing at a concentration that exceeds
 261 ~~of more than~~ 20 degrees Brix for market or shipment.†

262 (17) ~~(18)~~ "Consignment shipper" means any person who
 263 contracts with the producer of citrus fruit for the marketing
 264 thereof for the sole account and risk of such producer and who
 265 agrees to pay such producer the net proceeds derived from such
 266 sale.†

267 (18) ~~(19)~~ "Consignor" means any person, other than a
 268 producer, who ships or delivers to any commission merchant or
 269 dealer any citrus fruit for handling, sale, or resale.†

270 (19) ~~(12)~~ "Degreening ~~Coloring~~ room" means any room or
 271 place where citrus fruit is placed, with or without the use of
 272 heat or any gas, for the purpose of bringing out the natural
 273 color of the fruit.†

274 (20) "Department" means the Department of Citrus.

275 (21) ~~(14)~~ "Department of Agriculture" means the Department
 276 of Agriculture and Consumer Services. ~~of the State of Florida;†~~

277 (22) ~~(20)~~ "Express or gift fruit shipper" means any person
 278 having an established place of business who ships or delivers
 279 for transportation in any manner, citrus fruit to a consumer and

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280 not for the purpose of resale.†

281 ~~(23)-(21)~~ "Fresh fruit juice distributor" means any person
 282 extracting and preparing for market or shipment any citrus fruit
 283 juice in fresh form.†

284 ~~(24)-(22)~~ "Grapefruit" means the fruit Citrus paradisi
 285 Macf., commonly called grapefruit. The term includes the ~~and~~
 286 ~~shall include~~ white, red, and pink meated varieties of
 287 grapefruit.†

288 ~~(25)-(23)~~ "Handler" means any person engaged within this
 289 state in the business of distributing citrus fruit in the
 290 primary channel of trade or any person engaged as a processor in
 291 the business of processing citrus fruit.†

292 ~~(26)-(35)~~ "Lemons or rough lemons" ~~including "rough"~~
 293 ~~lemons~~ means the acid lemons of Citrus limon, including the
 294 varieties eureka, genoa, wheatley, amerfo, belair, and
 295 villafranca of the Eureka group; varieties bonnie brae, kennedy,
 296 lisbon, messer, messina, and sicily of the Lisbon group;
 297 varieties meyer, cuban, ponderosa, and rough of the Anomalous
 298 group; varieties dorshapo and millsweet of the Sweet Lemon
 299 group;† and other varieties not included in this subsection,
 300 ~~above~~ such as everbearing, palestine sweet, perrine, and
 301 spheriola.†

302 ~~(27)-(24)~~ "Manufacturer" means any person who manufactures
 303 ~~shall manufacture,~~ sells ~~sell~~ or offers ~~offer~~ for sale, or
 304 licenses ~~license~~ or offers ~~offer~~ for license for use any
 305 coloring matter, or any soaps, oils, waxes, gases, gas-forming
 306 material, or other similar compositions, or the component parts
 307 thereof on or in the processing of citrus fruits.†

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308 ~~(28)~~~~(25)~~ "Oranges" means the fruit Citrus sinensis Osbeck,
 309 commonly called sweet oranges.†

310 ~~(29)~~~~(26)~~ "Packinghouse" means any building, structure, or
 311 place where citrus fruit is packed or otherwise prepared for
 312 market or shipment in fresh form.†

313 ~~(30)~~~~(27)~~ "Person" means any natural person, partnership,
 314 association, corporation, trust, estate, or other legal entity.†

315 ~~(31)~~~~(28)~~ "Primary channel of trade" means the routes
 316 through which citrus fruit is marketed. Citrus ~~that~~ fruit is
 317 ~~shall be~~ deemed to be ~~have been~~ delivered into the primary
 318 channel of trade when it is sold or delivered for shipment in
 319 fresh form, or when it is received and accepted at a canning,
 320 concentrating, or processing plant for canning, concentrating,
 321 or processing.†

322 ~~(32)~~~~(38)~~ "Processor" means any person engaged within this
 323 state in the business of canning, concentrating, or otherwise
 324 processing citrus fruit for market other than for shipment in
 325 fresh fruit form.

326 ~~(33)~~~~(29)~~ "Producer" means any person growing or producing
 327 citrus in this state for market.†

328 ~~(34)~~~~(30)~~ "Ship" or "shipping" means to move, or cause to
 329 be moved, citrus fruit or the canned or concentrated products
 330 thereof ~~to be moved~~ in intrastate, interstate, or foreign
 331 commerce by rail, truck, boat, ~~or~~ airplane, or any other means.†

332 ~~(35)~~~~(31)~~ "Shipper" means any person engaged in shipping,
 333 or causing to be shipped, citrus fruit or the canned or
 334 concentrated products thereof in intrastate, interstate, or
 335 foreign commerce, whether as owner, agent, or otherwise.†

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336 ~~(36)~~~~(32)~~ "Shipping season" means that period ~~of time~~
 337 beginning August 1 of one year and ending July 31 of the
 338 following year.~~†~~

339 ~~(37)~~~~(36)~~ "Sour or bitter oranges" ~~"sour" or "bitter"~~
 340 ~~oranges~~ means the fruit of Citrus aurantium L. and contains
 341 several subspecies. Among the most important are varieties
 342 african, brazilian, rubidoux, and standard of the Normal group;
 343 varieties daidai, goleta, and bouquet of the Aberrant group;
 344 variety chinooto of the Myrtifolia group; and varieties
 345 bittersweet and paraguay of the Bittersweet group.~~†~~

346 ~~(38)~~~~(33)~~ "Standard packed box" means 1 3/5 bushels of
 347 citrus fruit, whether in bulk or containers.~~†~~

348 ~~(39)~~~~(34)~~ "Tangerines" means the fruit Citrus reticulata
 349 Blanco, commonly called tangerines.~~†~~

350 Section 6. Section 601.04, Florida Statutes, is amended to
 351 read:

352 601.04 Florida Citrus Commission; creation and
 353 membership.-

354 (1) (a) There is created ~~and established~~ within the
 355 department ~~of Citrus a board to be known and designated as the~~
 356 "Florida Citrus Commission," which shall ~~to~~ be composed of nine
 357 members appointed by the Governor. Each member must be a
 358 ~~practical citrus fruit persons who are resident~~ citizen ~~citizens~~
 359 of the state who, ~~each of whom~~ is and has been actively engaged
 360 in the growing, growing and shipping, or growing and processing
 361 of citrus fruit in the state for ~~a period of~~ at least 5 years
 362 immediately before ~~prior to~~ appointment to the ~~said~~ commission
 363 and has, during that 5-year ~~said~~ period:~~†~~

364 1. Derived a major portion of her or his income from such
 365 growing, growing and shipping, or growing and processing of
 366 citrus fruit; therefrom or, during said time, has

367 2. Been the owner of, member of, officer of, or paid
 368 employee of a corporation, firm, or partnership that ~~which~~ has,
 369 during that 5-year period ~~said time~~, derived the major portion
 370 of its income from such ~~the~~ growing, growing and shipping, or
 371 growing and processing of citrus fruit.

372 (b)1. Six members of the commission shall be classified
 373 ~~designated~~ as grower members and shall be primarily engaged in
 374 the growing of citrus fruit as an individual owner; as the owner
 375 of, or as stockholder of, a corporation; or as a member of a
 376 firm or partnership primarily engaged in citrus growing. ~~None of~~
 377 Such members may not ~~shall~~ receive any compensation from any
 378 licensed citrus fruit dealer or handler, as defined in s.
 379 601.03, other than gift fruit shippers, but any of the grower
 380 members shall not be disqualified as a member if, individually,
 381 or as the owner of, a member of, an officer of, or a stockholder
 382 of a corporation, firm, or partnership primarily engaged in
 383 citrus growing which processes, packs, and markets its own fruit
 384 and whose business is primarily not purchasing and handling
 385 fruit grown by others.

386 2. Three members of the commission shall be classified
 387 ~~designated~~ as grower-handler members and shall be engaged as
 388 owners, or as paid officers or employees, of a corporation,
 389 firm, partnership, or other business unit engaged in handling
 390 citrus fruit. One ~~of~~ such member ~~three grower-handler members~~
 391 shall be primarily engaged in the fresh fruit business, and two

392 ~~of such three grower handler~~ members shall be primarily engaged
 393 in the processing of citrus fruits.

394 (2) (a) (c) There shall be Three commission members shall be
 395 appointed of the commission from each of the three citrus
 396 districts designated in s. 601.09. Members appointed from the
 397 same citrus district shall serve staggered terms, such that the
 398 term of one of the district's three members expires each year.
 399 Each member must reside in the district from which she or he was
 400 appointed. For the purposes of this section, a member's the
 401 residence is her or his of a member shall be the actual physical
 402 and permanent residence ~~of the member.~~

403 (b) (2) (a) The Members of such commission shall possess the
 404 qualifications herein provided and shall be appointed to by the
 405 Governor for terms of 3 years each, except that, to establish
 406 staggered terms of members from each citrus district, the terms
 407 of members appointed before July 1, 2012, shall be shortened as
 408 follows:

409 1. The term of one member from each citrus district shall
 410 expire June 30, 2012, and her or his successor shall be
 411 appointed to a term beginning July 1, 2012, and expiring May 31,
 412 2015.

413 2. The term of one member from each citrus district shall
 414 expire June 30, 2013, and her or his successor shall be
 415 appointed to a term beginning July 1, 2013, and expiring May 31,
 416 2016.

417 3. The term of one member from each citrus district shall
 418 expire June 30, 2014, and her or his successor shall be
 419 appointed to a term beginning July 1, 2014, and ending May 31,

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420 2017.421 4. Subsequent appointments shall be made in accordance
422 with this section.

423

424 Appointments shall be made by February 1 preceding the
425 commencement of the term and are ~~shall be~~ subject to
426 confirmation by the Senate in the following legislative session.427 Each member is eligible for reappointment and ~~Four members shall~~428 ~~be appointed each year. Such members~~ shall serve until her or
429 his successor is ~~their respective successors~~ are appointed and430 qualified. The regular terms ~~shall~~ begin on June 1 and expire
431 ~~shall end~~ on May 31 of the third year after such appointment.432 ~~Effective July 1, 2011, the terms of all members of the~~433 ~~commission appointed on or before May 1, 2011, are terminated~~
434 ~~and the Governor shall appoint the members of the commission in~~
435 ~~accordance with the provisions of this act.~~436 (c) ~~(b)~~ When appointments are made, the Governor shall
437 publicly announce the actual classification and district that
438 each appointee represents. A majority of the members of the
439 commission shall constitute a quorum for the transaction of all
440 business and the carrying out of the duties of the commission.
441 Before entering upon the discharge of their duties as members of
442 the commission, each member shall take and subscribe to the oath
443 of office prescribed in s. 5, Art. II of the State Constitution.
444 The qualifications and classification required ~~qualification~~ of
445 each member by this section continue to be ~~as herein~~ required
446 ~~shall continue~~ throughout the respective term of office, and if
447 ~~in the event~~ a member ~~should~~, after appointment, fails ~~fail~~ to

448 meet the qualifications or classification that ~~which~~ she or he
 449 possessed at the time of appointment ~~as above set forth,~~ the
 450 ~~such~~ member must ~~shall~~ resign or be removed and be replaced with
 451 a member possessing the proper qualifications and
 452 classification.

453 ~~(d)-(e)~~ When making an appointment to the commission, the
 454 Governor shall announce the district, ~~and~~ classification, and
 455 term of the person appointed.

456 (3) (a) The commission shall ~~is authorized to~~ elect a chair
 457 and secretary and may elect a vice chair and such other officers
 458 as the commission deems ~~it may deem~~ advisable.

459 (b) The chair, subject to commission concurrence, may
 460 appoint such advisory committees or councils composed of
 461 industry representatives as the chair deems appropriate, setting
 462 forth the areas of committee or council concerns that concern
 463 ~~which~~ are consistent with the statutory powers and duties of the
 464 commission and the department ~~of Citrus.~~

465 ~~(4) It is the intent of the Legislature that the~~
 466 ~~commission be redistricted every 5 years. Redistricting shall be~~
 467 ~~based on the total boxes produced from each of the three~~
 468 ~~districts during that 5-year period.~~

469 Section 7. Section 601.045, Florida Statutes, is amended
 470 to read:

471 601.045 ~~Department auditor's report;~~ Commission meetings;
 472 report of department's internal auditor meeting agenda item.—The
 473 ~~Florida Citrus~~ commission shall include as an agenda item at
 474 each regularly scheduled meeting a report by the department's
 475 internal auditor ~~of the department of Citrus.~~

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476 Section 8. Section 601.05, Florida Statutes, is amended to
 477 read:

478 601.05 Department of Citrus a body corporate.—The
 479 department ~~of Citrus~~ shall be a body corporate, shall have power
 480 to contract and be contracted with, and shall have and possess
 481 all the powers of a body corporate for all purposes necessary
 482 for fully carrying out the provisions and requirements of this
 483 chapter. The department ~~of Citrus~~ shall adopt a corporate seal
 484 with which it shall authenticate its proceedings.

485 Section 9. Section 601.06, Florida Statutes, is amended to
 486 read:

487 601.06 Compensation and expenses of commission members.—
 488 Each member of the commission shall receive the sum of \$25 per
 489 day for each day or fraction thereof spent while en route to or
 490 from, or in actual attendance at, regular or special meetings of
 491 the commission or meetings of committees of the commission, or
 492 in transacting other business authorized by the department ~~of~~
 493 ~~Citrus~~ in addition to per diem and reimbursement of expenses as
 494 authorized by law.

495 Section 10. Section 601.07, Florida Statutes, is amended
 496 to read:

497 601.07 Location of executive offices.—The department's
 498 executive offices ~~of the Department of Citrus~~ shall be
 499 established and maintained at Bartow.

500 Section 11. Section 601.08, Florida Statutes, is amended
 501 to read:

502 601.08 Authenticated copies of commission records as
 503 evidence.—Copies of the proceedings, records, and acts of the

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504 commission and certificates purporting to relate the facts
 505 concerning such proceedings, records, and acts signed by the
 506 chair of the commission and authenticated by the department's
 507 ~~seal of the Department of Citrus~~ shall be prima facie evidence
 508 thereof in all the courts of the state.

509 Section 12. Section 601.09, Florida Statutes, is amended
 510 to read:

511 601.09 Citrus districts.—

512 (1) For purposes of this chapter, the state is divided
 513 into three districts composed of:

514 (a) ~~(1)~~ Citrus District One: Levy, Alachua, Brevard,
 515 Putnam, St. Johns, St. Lucie, Flagler, Indian River, Marion,
 516 Seminole, Orange, Okeechobee, Polk, Volusia, and Osceola
 517 Counties.

518 (b) ~~(2)~~ Citrus District Two: Hardee, DeSoto, Highlands, and
 519 Glades Counties.

520 (c) ~~(3)~~ Citrus District Three: Charlotte, Citrus, Collier,
 521 Hernando, Hendry, Hillsborough, Lake, Lee, Manatee, Monroe,
 522 Martin, Pasco, Palm Beach, Pinellas, Sarasota, Sumter, Broward,
 523 and Miami-Dade Counties.

524 (2) The Legislature intends that the citrus districts be
 525 reviewed and, if necessary to maintain substantially equal
 526 volumes of citrus production within each district, redistricted
 527 every 5 years. The commission may, once every 5 years, review
 528 the citrus districts based on the total boxes produced within
 529 each district during the preceding 5 years and, based on the
 530 commission's findings, submit recommendations to the Legislature
 531 for redistricting in accordance with this subsection.

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532 Section 13. Section 601.10, Florida Statutes, is amended
533 to read:

534 601.10 Powers of the Department of Citrus.—The department
535 ~~of Citrus~~ shall have and shall exercise such general and
536 specific powers as are delegated to it by this chapter and other
537 statutes of the state, which powers shall include, but are ~~shall~~
538 not limited ~~be confined~~ to, the following:

539 (1) To adopt and periodically, ~~from time to time~~, alter,
540 rescind, modify, or amend all proper and necessary rules,
541 ~~regulations~~, and orders for the exercise of its powers and the
542 performance of its duties under this chapter and other statutes
543 of the state, which rules and orders ~~regulations~~ shall have the
544 force and effect of law when not inconsistent therewith.

545 (2) To act as the general supervisory authority over the
546 administration and enforcement of this chapter and to exercise
547 such other powers and perform such other duties as may be
548 imposed upon it by other laws of the state.

549 (3) ~~To employ and, at its pleasure, discharge an executive~~
550 ~~director as it deems necessary and to outline his or her powers~~
551 ~~and duties and fix his or her compensation.~~

552 ~~(a) The executive director of the department shall be~~
553 ~~appointed by a majority vote of the commission for a term of 4~~
554 ~~years, except for the initial term, and the executive director~~
555 ~~shall be subject to confirmation by the Senate in the~~
556 ~~legislative session following appointment.~~

557 ~~1. The initial term of the executive director ends June~~
558 ~~30, 2011, and each subsequent 4-year term begins July 1, and~~
559 ~~shall be filled in the same manner as the original appointment.~~

560 ~~2. A vacancy for the executive director shall be filled~~
 561 ~~for the unexpired portion of the term in the same manner as the~~
 562 ~~original appointment.~~

563 ~~(a) (b) To~~ The department of Citrus may pay, or participate
 564 in the payment of, premiums for health, accident, and life
 565 insurance for its full-time employees, pursuant to such rules ~~or~~
 566 ~~regulations~~ as the department ~~it~~ may adopt,; ~~and such payments~~
 567 ~~are~~ in addition to the regular salaries of such full-time
 568 employees. The payment of such or similar benefits to its
 569 employees in foreign countries, including, but not limited to,
 570 social security, retirement, and other similar fringe benefit
 571 costs, may be in accordance with laws in effect in the country
 572 of employment, except that no benefits will be payable to
 573 employees not authorized for other state employees, as provided
 574 in the Career Service System.

575 (b) Subject to all applicable rules adopted by the
 576 Department of Management Services, the department shall be
 577 staffed 5 days per week, 40 hours per week, as necessary to
 578 accommodate industry inquiries. However, the executive director,
 579 with the commission's approval, may establish alternative
 580 schedules for individual department employees to ensure maximum
 581 efficiencies.

582 ~~(c) Employees of the department shall work a 5-day, 40-~~
 583 ~~hour week. Unless an employee is on approved leave, an~~
 584 ~~employee's salary shall be decreased by 20 percent for each day~~
 585 ~~not worked during the 5-day work week if the employee chooses to~~
 586 ~~regularly work less than a 5-day work week.~~

587 (4) To purchase or authorize the purchase of all office

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588 equipment and supplies and to incur all necessary expenses in
 589 connection with and required for the proper administration
 590 ~~carrying out of the provisions of this chapter and other~~
 591 applicable laws.

592 (5) To investigate violations of ~~the provisions of this~~
 593 chapter and other laws conferring powers and duties upon the
 594 department ~~of Citrus,~~ and to report its findings or
 595 recommendations in connection therewith to the Department of
 596 Agriculture ~~and Consumer Services.~~

597 (6) To incur such reasonable obligations and expenses as
 598 may be necessary and proper for the discharge of its powers and
 599 duties under this or other laws, and to have such obligations
 600 and expenses paid out of the funds authorized by law to be
 601 collected and expended. The department's executive director ~~of~~
 602 ~~the Department of Citrus,~~ or such other person specifically
 603 designated by the commission to act in the event the executive
 604 director is either unable or not available to act, is authorized
 605 to execute, on behalf of the department, contracts and
 606 agreements previously approved by the commission during a
 607 regular or special meeting, ~~on behalf of the Department of~~
 608 ~~Citrus,~~ and the secretary or assistant secretary of the
 609 commission is authorized to attest to the signature of the
 610 executive director or other designated person.

611 (7) To adopt, repeal ~~promulgate, alter, rescind, modify,~~
 612 and amend under chapter 120, and to enforce, rules that ~~and~~
 613 ~~regulations and~~ establish minimum maturity and quality standards
 614 for citrus fruits not inconsistent with existing laws or that,
 615 ~~to~~ regulate and control methods and practices followed or used

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616 in harvesting, grading, packing, extracting, canning,
 617 concentrating, sectionizing, or otherwise processing citrus
 618 fruits or citrus juices or the products thereof for human
 619 consumption, including the addition or prohibition of any and
 620 all additives, and including application to or use of coloring
 621 matter thereon and coloring of fruit by placing in a degreening
 622 ~~coloring~~ room with or without use of heat or any form of gas in
 623 such process, to the end that such methods and practices as
 624 affect the eating and keeping qualities and depreciate the value
 625 of citrus fruits or the juices or other food products thereof in
 626 any form may be minimized to the greatest extent possible, if
 627 not altogether eliminated.

628 (8) To prepare and disseminate information of importance
 629 to citrus growers, handlers, shippers, processors, and industry-
 630 related and interested persons and organizations, relating to
 631 department ~~of Citrus~~ activities and the production, handling,
 632 shipping, processing, and marketing of citrus fruit and
 633 processed citrus products. Any information that constitutes
 634 ~~which consists of~~ a trade secret as defined in s. 812.081(1)(c)
 635 is confidential and exempt from ~~the provisions of~~ s. 119.07(1),
 636 and shall not be disclosed. For referendum and other notice and
 637 informational purposes, the department ~~of Citrus~~ may prepare and
 638 maintain, from the best available sources, a citrus grower
 639 mailing list. Such list shall be a public record available as
 640 other public records, but it shall not be subject to the purging
 641 provisions of s. 283.55.

642 (9) When, in the opinion of the department ~~of Citrus~~, the
 643 ~~tax~~ revenues collected pursuant to assessments levied under this

644 chapter, whether allocated for research, advertising or
 645 promotion, reserve funds, advertising incentive plans, or other
 646 purposes, are not immediately needed for the purpose for which
 647 such funds are provided, the Chief Financial Officer is
 648 authorized and shall, upon the request and approval of the
 649 department ~~of Citrus~~, or its executive director ~~general manager~~
 650 if she or he has been given such authority, invest and reinvest
 651 the funds designated and for the period of time specified in
 652 such request. In the investment of such funds, the Chief
 653 Financial Officer has ~~shall have~~ the powers and is ~~be~~ subject to
 654 the limitations provided for in s. 17.61.

655 (10) Subject to the concurrence of the Chief Financial
 656 Officer, whenever the department contracts with a foreign entity
 657 for performance of services or the purchase of materials, and
 658 such contract requires payment in equivalent foreign currency,
 659 the department may, for payment of such contract obligation,
 660 deposit sufficient state funds in a foreign bank, or purchase
 661 foreign currency at the current market rate, up to an amount not
 662 in excess of the contract obligation. All payments from these
 663 funds must have prior audit approval from the office of the
 664 Chief Financial Officer.

665 (11) To conduct an annual merchandising and management
 666 meeting in this state for department field personnel and to make
 667 direct payment, by means of vendor contracts approved by the
 668 commission, for all necessary lodging, meals, facilities, and
 669 training expenses for department employees attending such annual
 670 meeting, in lieu of payment of individual employee per diem
 671 allowances as established by s. 112.061.

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672 (12) Notwithstanding ~~the provisions of~~ part I of chapter
 673 287, to adopt ~~promulgate~~ rules for the purpose of entering into
 674 contracts that ~~which~~ are primarily for promotional and
 675 advertising services and promotional events, which may include
 676 commodities involving a service. Such rules shall include the
 677 authority to negotiate costs with the offerors of such services
 678 and commodities who have been determined to be qualified on the
 679 basis of technical merit, creative ability, and professional
 680 competency. Contracts pursuant to this subsection may provide
 681 for advance payments when the department determines that such
 682 provision is essential to acquiring the service.

683 (13) To investigate or address the transportation problems
 684 affecting the citrus industry.

685 (14) To investigate or research the mechanical harvesting
 686 of citrus fruit grown in the state Florida.

687 (15) To provide by rule a list of forms used in conducting
 688 its business. The adoption of such rule constitutes sufficient
 689 notice to the public of the existence of the forms and negates
 690 the need to place specific citation to such list throughout the
 691 related chapters of the Florida Administrative Code.

692 Section 14. Section 601.101, Florida Statutes, is amended
 693 to read:

694 601.101 Ownership of rights under patent and trademark
 695 laws developed or acquired under ~~pursuant to the authorities of~~
 696 this chapter. ~~Notwithstanding any provision of~~ chapter 286, the
 697 legal title and every right, interest, claim, or demand of any
 698 kind in and to any patent, trademark, copyright, certification
 699 mark, or other right acquired under the patent and trademark

700 laws of the United States, ~~or~~ this state, or any foreign
 701 country, or the application therefor ~~for the same~~, ~~now~~,
 702 ~~heretofore~~, or that is or as may subsequently be ~~hereafter~~ owned
 703 or held, acquired, or developed by the department ~~of Citrus~~,
 704 under ~~the authority and directions given it by~~ this chapter, is
 705 vested in the department ~~of Citrus~~ for the use, benefit, and
 706 purposes provided in this chapter. The department ~~of Citrus~~ is
 707 ~~hereby~~ vested with and may ~~is authorized to~~ exercise any ~~and all~~
 708 of the normal incidents of such ownership, including the receipt
 709 and disposition of royalties. Any sums received as royalties
 710 from any such rights are ~~hereby~~ appropriated to the department
 711 ~~of Citrus~~ for ~~any and all of~~ the purposes and uses provided in
 712 this chapter.

713 Section 15. Section 601.11, Florida Statutes, is amended
 714 to read:

715 601.11 ~~Power of~~ Department of Citrus; power to establish
 716 standards; rulemaking authority.-

717 (1) The department ~~of Citrus~~ shall have full and plenary
 718 ~~power to~~, and may adopt rules that:

719 (a) Establish state grades and minimum maturity and
 720 quality standards not inconsistent with existing laws for citrus
 721 fruits and food products thereof containing 20 percent or more
 722 citrus or citrus juice, whether canned, ~~or~~ concentrated, or
 723 otherwise processed, including standards for frozen concentrate
 724 for manufacturing purposes, and for containers therefor. These
 725 standards must be designed to increase the acceptance and
 726 consumption by the consuming public of such regulated citrus
 727 fruits and food products thereof and may include, but are not

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728 limited to, standards for:

729 1. Color break, predominant color, total soluble solids,
730 juice content, and ratio of soluble solids of the juice to
731 anhydrous citric acid of oranges, grapefruit, and tangerines.

732 2. Total soluble solids, juice content, and ratio of
733 soluble solids of the juice to anhydrous citric acid of citrus
734 fruit grown in the state for export to foreign countries other
735 than Canada and Mexico.

736 3. Canned orange juice or frozen concentrated orange juice
737 that is sold, offered for sale, shipped, or offered for
738 shipment, including, but not limited to, standards for total
739 soluble solids, ratio of soluble solids of juice to anhydrous
740 citric acid, amount of anhydrous citric acid, amount of
741 recoverable oil, color, taste, flavor, and absence of additives
742 or defects, and labeling requirements for substandard juice.
743 These standards may establish separate density, compositional,
744 labeling, and inspection requirements for high-density frozen
745 concentrated orange juice that is sold, offered for sale,
746 shipped, or offered for shipment in retail, institutional, or
747 bulk size containers.

748 4. The processing, shipping, and sale of frozen
749 concentrated orange juice and concentrated orange juice for
750 manufacturing to which nutritive sweetening ingredients are
751 added, including, but not limited to, total soluble solids of
752 orange juice exclusive of the added nutritive sweetening
753 ingredients; labeling requirements; and requirements for the
754 inspection and reinspection of such concentrated orange juice
755 before and after nutritive sweetening ingredients are added.

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756 5. Grapefruit juice products, including, but not limited
757 to, standards for the ratio of soluble solids of juice to
758 anhydrous citric acid and any other standards designed to
759 increase the acceptance and consumption by the consuming public
760 of such regulated grapefruit juice products.

761 6. Canned blends of orange juice and grapefruit juice that
762 are sold, offered for sale, shipped, or offered for shipment,
763 including, but not limited to, standards for total soluble
764 solids, ratio of soluble solids of juice to anhydrous citric
765 acid, amount of anhydrous citric acid, amount of recoverable
766 oil, color, taste, flavor, absence of defects, and labeling
767 requirements for substandard juice blends.

768 (b) Authorize the department to issue permits for the
769 export to foreign countries other than Canada and Mexico of
770 citrus fruit grown in the state that complies with rules adopted
771 under subparagraph (a)2.

772 (c) Authorize the commission to issue and renew permits
773 for processors of frozen concentrated orange juice and
774 concentrated orange juice for manufacturing to which nutritive
775 sweetening ingredients are added and, in addition to
776 disciplinary action that may be taken by the Department of
777 Agriculture against a citrus fruit dealer for violations of this
778 chapter, to suspend or revoke the permit of any processor that
779 does not comply with rules adopted under subparagraph (a)4.

780 (d) Authorize the commission to determine whether freezing
781 temperatures have caused damage or freeze-related injury as
782 described in s. 601.89 to citrus fruit and, if the commission
783 determines that such damage has been caused, issue emergency

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784 quality assurance orders that:

785 1. Temporarily prohibit the preparation for market, sale,
786 offer for sale, or shipment of any citrus fruit showing freeze
787 damage or freeze-related injury.

788 2. Establish the degree of freeze damage or freeze-related
789 injury that is temporarily permitted in citrus fruit used in
790 frozen concentrated products, including concentrate for
791 manufacturing purposes.

792 (e) Establish standards limiting any increase of spacing
793 between stacked field boxes caused by the placement of cleats or
794 other devices on the field boxes.

795 (2) The department shall adopt ~~prescribe~~ rules or
796 ~~regulations~~ governing:

797 (a) The marking, branding, labeling, tagging, or stamping
798 of citrus fruit, or products thereof, whether canned, or
799 concentrated, or otherwise processed, and upon containers
800 therefor for the purpose of showing the name and address of the
801 person marketing such citrus fruit or products thereof, whether
802 canned, or concentrated, or otherwise processed.

803 (b) The grade, quality, variety, type, or size of citrus
804 fruit; the grade, quality, variety, type, and amount of the
805 products thereof, whether canned, or concentrated, or otherwise
806 processed; and the quality, type, size, dimensions, and shape
807 of containers therefor.

808 (c) The regulation and to regulate or prohibition of
809 ~~prohibit~~ the use of containers that which have been previously
810 have been used for the sale, transportation, or shipment of
811 citrus fruit or the products thereof, whether canned, or

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812 concentrated, or otherwise processed, or any other commodity. ~~†~~
813 ~~provided,~~ However, the department may not prohibit ~~that~~ the use
814 of secondhand containers for the sale or ~~and~~ delivery of citrus
815 fruit for retail consumption within the state. ~~shall not be~~
816 ~~prohibited;~~

817 (3) The department may not adopt any ~~provided, however,~~
818 ~~that no~~ standard, ~~regulation,~~ rule, or order under this section
819 ~~that which~~ is inconsistent with ~~repugnant to~~ any requirement of
820 ~~made mandatory under~~ federal law or regulations that applies
821 ~~shall apply~~ to citrus fruit, or the products thereof, whether
822 canned, ~~or~~ concentrated, or otherwise processed, or to
823 containers therefor, that ~~which~~ are being shipped from this
824 state in interstate commerce.

825 (4) (a) All citrus fruit and the products thereof, whether
826 canned, ~~or~~ concentrated, or otherwise processed, sold, ~~or~~
827 offered for sale, or offered for shipment within or without the
828 state shall be graded and marked as required by this section.
829 ~~and~~

830 (b) The ~~regulations,~~ rules, and orders adopted ~~and made~~
831 under ~~authority of~~ this section, to the extent that they are
832 ~~which regulations, rules, and orders shall,~~ when not
833 inconsistent with state or federal law, shall have the force and
834 effect of law.

835 (5) In accordance with the Administrative Procedure Act,
836 rules adopted under this section must be adopted, amended, or
837 repealed pursuant to chapter 120.

838 Section 16. Section 601.111, Florida Statutes, is amended
839 to read:

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840 601.111 ~~Department of Citrus authorized to lower~~ Maturity
 841 standards; modification by emergency rule.-

842 (1) The Legislature ~~of the state~~ finds and ~~declares~~ that
 843 emergencies creating abnormal conditions in the state's Florida
 844 citrus industry, which may include, but are not limited to, such
 845 ~~as~~ unusual climatic conditions that produce unusual growing
 846 conditions of citrus fruit, freezes and hurricanes, or other
 847 acts of God that may affect a substantial part of the citrus
 848 industry, require that the department have ~~of Citrus be given~~
 849 the power and authority to modify lower the maturity standards
 850 established by rule law for citrus fruit or any variety thereof,
 851 ~~not including oranges except as specified in subsection (2),~~
 852 ~~under and subject to the limitations, conditions, restrictions,~~
 853 ~~and provisions and within the standards hereinafter prescribed~~
 854 ~~and established.~~

855 (2) (a) Upon the determination by the department that ~~in~~
 856 the event of an emergency exists that creates abnormal
 857 conditions in the state's citrus industry such as is mentioned
 858 in subsection (1), the said department of Citrus, in addition to
 859 all other powers and authority provided by law, may adopt
 860 emergency which it now possesses, which have heretofore been
 861 granted or delegated to it by the Legislature shall have the
 862 additional power to issue rules pursuant to s. 120.54(4) that
 863 temporarily modify the maturity standards previously adopted by
 864 rule and regulations to:

865 ~~(a) Lower by not more than 10 percent the existing minimum~~
 866 ~~requirement as to the total soluble solids of the juice of~~
 867 ~~citrus fruit or any variety, except oranges, or size thereof;~~

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868 ~~(b) Lower by not more than 10 percent the existing ratio~~
 869 ~~of total soluble solids of the juice of citrus fruit or any~~
 870 ~~variety thereof, except oranges, to the anhydrous citric acid;~~

871 ~~(c) Lower by not more than 10 percent the existing minimum~~
 872 ~~requirement for juice content of citrus fruit or any variety or~~
 873 ~~size thereof; and~~

874 ~~(d) Lower by not more than 10 percent the existing minimum~~
 875 ~~requirement for the content of anhydrous citric acid for~~
 876 ~~oranges.~~

877 (b) An emergency rule adopted ~~Any action~~ under this
 878 subsection does shall not take effect unless the emergency rule
 879 is be taken without the consent of at least nine members of the
 880 ~~Florida Citrus Commission. Any regulation adopted pursuant to~~
 881 ~~this section shall be~~ by the affirmative vote of at least seven
 882 nine members of the said Florida Citrus commission, and each
 883 every such emergency rule must ~~regulation shall~~ contain an
 884 expiration date of not later than 1 year after ~~from~~ its
 885 effective date.

886 (3) This section does ~~act shall~~ not repeal any other
 887 section or part of this chapter and, ~~but~~ shall be deemed as
 888 supplemental and additional to the express power vested in the
 889 department ~~of Citrus,~~ subject only to the limitations,
 890 restrictions, conditions, provisions, and standards provided in
 891 this section ~~herein set forth.~~

892 Section 17. Section 601.13, Florida Statutes, is amended
 893 to read:

894 601.13 Citrus research; administration by Department of
 895 Citrus; appropriation.-

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896 (1) The department shall administer ~~administration of this~~
 897 section and shall be vested in the department of Citrus which
 898 ~~shall~~ prescribe suitable and reasonable rules to properly
 899 implement this section ~~and regulations for the proper carrying~~
 900 ~~out of the provisions hereof.~~

901 (2) ~~It shall be the duty of~~ The department shall ~~of~~
 902 Citrus, ~~and it is empowered:~~

903 (a) 1. ~~To~~ Conduct or cause to be conducted a thorough and
 904 comprehensive study of citrus fruit and the juices thereof:

905 a.1. ~~With respect to the quality and maturity of such said~~
 906 fruit and the juices thereof, including proper effort to
 907 assemble data and arrive at a proper standard of quality, grade,
 908 and maturity with reference to its texture, stability, and
 909 general marketability and so far as possible reduce such
 910 findings to specific and readily understood chemical,
 911 mathematical, or descriptive terms; and

912 b.2. ~~With respect to the nutritional and other value or~~
 913 values of such fruit and the juices thereof.

914 2. ~~and to~~ Provide suitable facilities and equipment of
 915 every kind whatsoever proper and necessary in connection with
 916 all such work.

917 (b) ~~To~~ Conduct or cause to be conducted such study and
 918 research as is necessary to provide all the information and data
 919 required to be disseminated pursuant to ~~the provisions of this~~
 920 section.

921 (c) ~~To~~ Provide suitable and sufficient laboratory
 922 facilities and equipment, making use of the laboratory
 923 facilities and equipment of the University of Florida, insofar

924 as it is practicable for the purpose of conducting thorough and
 925 comprehensive study and research to determine all possible new
 926 and further uses for citrus fruit and citrus fruit juices and
 927 the products and byproducts into which the same can be converted
 928 or manufactured, as well as to determine and develop new and
 929 profitable methods and instruments of distribution thereof.

930 (d) ~~To~~ Carry on, or cause to be carried on, suitable
 931 experiments in an effort to prove the commercial value of each,
 932 and determine and develop new and further use for citrus fruit
 933 and citrus fruit juices or the products and byproducts into
 934 which the same can be converted or manufactured.

935 (e) ~~To~~ Carry on or cause to be carried on suitable
 936 experiments in an effort to prove the commercial value of any
 937 and all new profitable methods and instruments of distribution
 938 of citrus fruit and citrus fruit juices and the products and
 939 byproducts into which the same can be converted or manufactured.

940 (f) ~~To~~ Carry on or cause to be carried on an economic and
 941 marketing research program relating to citrus fruits and~~r~~
 942 products or byproducts thereof.

943 (g) ~~To~~ Enter into any mutually satisfactory contracts or
 944 agreements with any person, firm, institution, corporation, or
 945 business unit, as well as any state or federal agency, that
 946 ~~which~~ the department ~~of Citrus~~ deems wise, necessary, and
 947 expedient in the administration ~~carrying out of any of the~~
 948 ~~provisions of this chapter.~~

949 (h) ~~To~~ Incur and pay such expenses and obligations as are
 950 necessary in connection with and required for the proper
 951 administration ~~carrying out of the provisions of this chapter.~~

952 (i) Conduct or cause to be conducted any research related
 953 to disease and crop efficiency that would advance the purposes
 954 of the state's citrus industry and commercialization related to
 955 advancing such research.

956 (3) There is ~~hereby~~ appropriated and made available for
 957 defraying the expenses of the administration of this section
 958 from the moneys derived from advertising assessments ~~excise~~
 959 ~~taxes~~ levied on citrus fruit such amounts as the department ~~of~~
 960 ~~Citrus~~ may deem necessary within the percentage limitations
 961 imposed by s. 601.15.

962 Section 18. Section 601.15, Florida Statutes, is amended
 963 to read:

964 601.15 Advertising campaign; methods of conducting;
 965 assessments ~~excise tax~~; emergency reserve fund; citrus
 966 research.—

967 (1) The department shall administer ~~administration of~~ this
 968 section ~~shall be vested in the Department of Citrus, which shall~~
 969 ~~prescribe suitable and reasonable rules and regulations for the~~
 970 ~~enforcement of this section hereof, and the Department of Citrus~~
 971 ~~shall administer the~~ assessments ~~taxes~~ levied and imposed under
 972 this section hereby. All funds collected under this section and
 973 the interest accrued on such funds are consideration for a
 974 social contract between the state and the citrus growers of the
 975 state whereby the state must hold such funds in trust and
 976 inviolate and use them only for the purposes prescribed in this
 977 chapter. The department may ~~of Citrus shall have power to~~ cause
 978 its duly authorized agent or representative to enter upon the
 979 premises of any handler of citrus fruits and to examine or cause

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980 to be examined any books, papers, records, or memoranda bearing
 981 on the amount of assessments ~~taxes~~ payable and to secure other
 982 information directly or indirectly concerned in the enforcement
 983 of this section ~~hereof~~. Any person who is required to pay the
 984 assessments ~~taxes~~ levied and imposed and who by any practice or
 985 evasion makes it difficult to enforce this section ~~the~~
 986 ~~provisions hereof~~ by inspection, or any person who, after demand
 987 by the department ~~of Citrus~~ or any agent or representative
 988 designated by it for that purpose, refuses to allow full
 989 inspection of the premises or any part thereof or any books,
 990 records, documents, or other instruments in any manner relating
 991 to the liability of the person or entity liable ~~taxpayer~~ for the
 992 assessment tax imposed or hinders, ~~or in anywise delays,~~ or
 993 prevents such inspection, commits ~~is guilty of~~ a misdemeanor of
 994 the second degree, punishable as provided in s. 775.082 or s.
 995 775.083.

996 (2) The department ~~of Citrus~~ shall plan and conduct
 997 campaigns for commodity advertising, publicity, and sales
 998 promotion, and may conduct campaigns to encourage noncommodity
 999 advertising, to increase the consumption of citrus fruits and
 1000 may contract for any such advertising, publicity, and sales
 1001 promotion service. To accomplish such purpose, the department ~~of~~
 1002 ~~Citrus~~ shall ~~have power, and it shall be its duty:~~

- 1003 (a) ~~To~~ Disseminate information relating to:
- 1004 1. Citrus fruits and the importance thereof in preserving
 1005 the public health, the economy thereof in the diet of the
 1006 people, and the importance thereof in the nutrition of
 1007 children.†

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1008 2. The manner, method, and means used and employed in the
 1009 production and marketing of citrus fruits and information
 1010 relating to laws of the state regulating and safeguarding such
 1011 production and marketing.†

1012 3. The added cost to the producer and dealer in producing
 1013 and handling citrus fruits to meet the high standards imposed by
 1014 the state that ensure a pure and wholesome product.†

1015 4. The effect upon the public health that ~~which~~ would
 1016 result from a breakdown of the state's ~~Florida~~ citrus industry
 1017 or any part thereof.†

1018 5. The reasons that ~~why~~ producers and dealers should
 1019 receive a reasonable return on their labor and investment.†

1020 6. The problem of furnishing the consumer at all times
 1021 with an abundant supply of fine quality citrus fruits at
 1022 reasonable prices.†

1023 7. Factors of instability peculiar to the citrus fruit
 1024 industry, such as unbalanced production, the effect of the
 1025 weather, the influence of consumer purchasing power, and price
 1026 relative to the cost of other items of food in the normal diet
 1027 of people, all to the end that an intelligent and increasing
 1028 consumer demand may be created.†

1029 8. The possibilities with particular reference to
 1030 increased consumption of citrus fruits.†~~and~~

1031 9. Such ~~other, further, and~~ additional information that
 1032 ~~which~~ tends to promote increased consumption of citrus fruits
 1033 and that ~~which~~ fosters a better understanding and more efficient
 1034 cooperation among producers, dealers, and the consuming public.†
 1035 ~~and~~

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1036 (b) ~~To~~ Decide upon some distinctive and suggestive trade
 1037 name and to promote its use in all ways to advertise Florida
 1038 citrus fruit.

1039 (3) (a) There is ~~hereby~~ levied and imposed upon each
 1040 standard-packed box of citrus fruit grown and placed into the
 1041 primary channel of trade in this state an assessment ~~excise tax~~
 1042 at maximum annual rates for each citrus season as provided
 1043 ~~determined from the tables~~ in this paragraph and ~~based upon the~~
 1044 ~~previous season's actual statewide production as reported in the~~
 1045 ~~United States Department of Agriculture Citrus Crop Production~~
 1046 ~~Forecast as of June 1~~. The rates may be set at any lower rate in
 1047 any year pursuant to paragraph (e).

1048 1. The ~~following~~ maximum assessment for tax rates,
 1049 ~~expressed in cents per box, shall apply to~~ grapefruit that which
 1050 enters the primary channel of trade for use in fresh form may
 1051 not exceed 36 cents per box.÷

Previous	1995-	1996-	1997-	1998-	1999-2000
season	1996	1997	1998	1999	and
crop size					thereafter
(millions of					
boxes)					

80 and	33	34	35	36	37
greater					

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1056	75-79.99	35	36	37	38	39
1057	70-74.99	37	38	39	41	42
1058	65-69.99	40	41	42	44	45
1059	60-64.99	43	44	46	47	49
1060	55-59.99	47	48	50	51	53
1061	50-54.99	51	53	55	56	58
1062	45-49.99	57	59	60	62	64
1063	40-44.99	63	65	67	69	71
1064	Less than 40	72	74	76	79	81
1066	However, effective July 1, 2011, the tax rate per box on					
1067	grapefruit that enters the primary channel of trade for use in					
1068	fresh form may not exceed the tax rate per box in effect on May					
1069	1, 2011.					
1070	2. The following maximum <u>assessment for tax rates,</u>					
1071	expressed in cents per box, shall apply to grapefruit <u>that</u> which					
1072	enters the primary channel of trade for use in processed <u>form</u>					
1073	<u>may not exceed 36 cents per box.</u> forms.					

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	1995	1996	1997	1998	1999-2000
Previous season crop size (millions of boxes)	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	and thereafter
1075					
1076					
80 and greater	23	24	25	25	26
1077					
75-79.99	25	25	26	27	28
1078					
70-74.99	26	27	28	29	30
1079					
65-69.99	28	29	30	31	32
1080					
60-64.99	31	32	32	33	34
1081					
55-59.99	33	34	35	36	37
1082					
50-54.99	36	38	39	40	41
1083					
45-49.99	40	41	43	44	45
1084					
40-44.99	45	46	48	49	51
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~~Less than 40~~ ~~51~~ ~~53~~ ~~54~~ ~~56~~ ~~57~~

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~~However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in processed forms may not exceed the tax rate per box in effect on May 1, 2011.~~

3. ~~The following maximum assessment for tax rates, expressed in cents per box, shall apply to oranges that which enter the primary channel of trade for use in fresh form may not exceed 7 cents per box.~~

Previous	1995-	1996-	1997-	1998-	1999-2000
season	1996	1997	1998	1999	and
crop size					and
(millions of					thereafter
boxes)					

255 and	23	24	25	26	26
greater					
245-254.9	24	25	26	27	27
235-244.9	25	26	27	28	28

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225-234.9	26	27	28	29	30
215-224.9	28	28	29	30	31
205-214.9	29	30	31	32	33
195-204.9	30	31	32	33	34
185-194.9	32	33	34	35	36
175-184.9	34	35	36	37	38
165-174.9	36	37	38	39	40
155-164.9	38	39	40	41	43
Less than 155	41	42	43	44	46

~~However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.~~

4. The following maximum assessment for tax rates, expressed in cents per box, shall apply to oranges that which enter the primary channel of trade for use in processed form may not exceed 25 cents per box.÷

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	Previous	1995	1996	1997	1998	1999-2000
	season	1996	1997	1998	1999	and
	crop size					thereafter
	(millions of					
	boxes)					
1120						
1121	255 and	15	16	16	17	17
	greater					
1122	245-254.9	16	16	17	17	18
1123	235-244.9	17	17	18	18	19
1124	225-234.9	17	18	18	19	19
1125	215-224.9	18	19	19	20	20
1126	205-214.9	19	20	20	21	21
1127	195-204.9	20	21	21	22	22
1128	185-194.9	21	22	22	23	24
1129	175-184.9	22	23	23	24	25
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165-174.9	23	24	25	26	26
155-164.9	25	26	26	27	28
Less than 155	27	27	28	29	30

~~However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in processed form may not exceed 25 cents per box.~~

5. The actual assessment ~~tax rate~~ levied each year upon oranges which enter the primary channel of trade for use in processed form, pursuant to this paragraph, paragraph (c), and subsection (4), shall also apply in that year to tangerines and citrus hybrids regulated by the department that ~~of Citrus~~ which enter the primary channel of trade for use in processed form may not exceed 25 cents per box.

6. The ~~following~~ maximum assessment for tax rates, expressed in cents per box, shall apply to tangerines and citrus hybrids regulated by the department that ~~of Citrus~~ which enter the primary channel of trade for use in fresh form may not exceed 16 cents per box.÷

Previous	1995-	1996-	1997-	1998-	1999-2000
season	1996	1997	1998	1999	and
crop size					thereafter
(millions of					

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1151	boxes)					
1152	13 and	24	24	25	26	27
1153	greater					
1154	12 - 12.99	26	26	27	28	29
1155	11 - 11.99	28	29	30	30	31
1156	10 - 10.99	31	31	32	33	34
1157	9 - 9.99	34	35	36	37	38
1158	8 - 8.99	38	39	40	41	42
1159	7 - 7.99	43	44	45	47	48
1160	Less than 7	49	51	52	54	56
1161						
1162	However, effective July 1, 2011, the tax rate per box on					
1163	tangerines and citrus hybrids regulated by the Department of					
1164	Citrus which enter the primary channel of trade for use in fresh					
1165	form may not exceed the tax rate per box in effect on May 1,					
1166	2011.					
1167	(b) Whenever citrus fruit is purchased, acquired, or					

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1168 handled on a weight basis, the following weights are ~~shall be~~
 1169 deemed the equivalent of one standard-packed box for assessment
 1170 ~~tax~~ purposes under this section:

- 1171 1. Grapefruit, 85 pounds.
- 1172 2. Oranges, 90 pounds.
- 1173 3. Tangerines, 95 pounds.
- 1174 4. Citrus hybrids, 90 pounds.

1175 (c) The assessments ~~excise taxes~~ imposed by this section
 1176 do not apply to citrus fruit used for noncommercial domestic
 1177 consumption on the premises where produced.

1178 (d) For purposes of this subsection, a citrus season
 1179 begins on August 1 of a year and ends on July 31 of the
 1180 following year.

1181 (e) The commission, upon an affirmative vote of a majority
 1182 of its members and by an order entered by it before ~~prior to~~
 1183 November 1 of any year, may set the assessments ~~tax rates~~ up to
 1184 the maximum rates specified in this subsection. The assessment
 1185 ~~tax rate~~ shall apply only to the citrus season that ~~which~~ began
 1186 on August 1 of the same calendar year. Such assessment ~~tax rate~~
 1187 may be applied by variety and on the basis of whether the fruit
 1188 enters the primary channel of trade for use in fresh or
 1189 processed form. If the commission cannot agree on a box
 1190 assessment ~~tax rate~~, the assessment ~~tax rate~~ for the previous
 1191 year shall remain in effect until the commission approves a new
 1192 assessment ~~rate~~.

1193 (4) Every handler shall keep a complete and accurate
 1194 record of all citrus fruit handled by her or him. Such record
 1195 shall be in such form and contain such other information as the

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1196 department ~~of Citrus~~ shall by rule ~~or regulation~~ prescribe. Such
 1197 records shall be preserved by such handlers for a period of 1
 1198 year and shall be offered for inspection at any time upon oral
 1199 or written demand by the department ~~of Citrus~~ or its duly
 1200 authorized agents or representatives.

1201 (5) Every handler shall, at such times and in such manner
 1202 as the department ~~of Citrus~~ may by rule require, file with the
 1203 department ~~of Citrus~~ a return certified as true and correct, on
 1204 forms furnished by the department ~~of Citrus~~, stating, in
 1205 addition to other information, the number of standard-packed
 1206 boxes of each kind of citrus fruit handled by such handler in
 1207 the primary channel of trade during the period of time covered
 1208 by the return. Full payment of all assessments ~~excise taxes~~ due
 1209 for the period reported shall accompany each handler's return.

1210 (6) (a) All assessments ~~excise taxes~~ levied and imposed
 1211 pursuant to ~~the provisions of~~ this section are ~~shall be~~ due and
 1212 payable and shall be paid, or the amount thereof guaranteed as
 1213 ~~hereinafter~~ provided in this subsection, at the time the citrus
 1214 fruit is first handled in the primary channels of trade. All
 1215 such assessments ~~taxes~~ shall be paid, or the payment thereof
 1216 shall be guaranteed, to the department ~~of Citrus~~ by the person
 1217 first handling the fruit in the primary channel of trade, except
 1218 that payment of assessments ~~taxes~~ on fruit delivered or sold for
 1219 processing in this state shall be paid, or payment thereof shall
 1220 be guaranteed in accordance with department ~~of Citrus~~ rules, by
 1221 the person processing such fruit.

1222 (b) Periodic payment of assessments ~~excise taxes~~ upon
 1223 citrus fruit by the person liable for such payment is ~~shall be~~

1224 permitted only in accordance with department ~~of Citrus~~ rules, ⁺
 1225 and the payment thereof shall be guaranteed by the posting of a
 1226 good and sufficient letter of credit from an issuing bank
 1227 located in the United States, a cash bond, an appropriate
 1228 certificate of deposit, or an approved surety bond in an amount
 1229 and manner as prescribed by department ~~of Citrus~~ rule. Evidence
 1230 of such guarantee of payment of assessments must ~~excise taxes~~
 1231 ~~shall~~ be made on the grade certificate in such manner and form
 1232 as may be prescribed by department ~~of Citrus~~ rule.

1233 (c) All assessments ~~taxes~~ collected by the department ~~of~~
 1234 ~~Citrus~~ shall be delivered to the State Treasury for payment into
 1235 the proper advertising fund.

1236 (7) All assessments ~~excise taxes~~ levied and collected
 1237 under ~~the provisions of~~ this chapter shall be paid into the
 1238 State Treasury on or before the 15th day of each month. ⁺ Such
 1239 moneys shall be accounted for in a special fund to be designated
 1240 as the Florida Citrus Advertising Trust Fund, and all moneys in
 1241 such fund are ~~hereby~~ appropriated to the department ~~of Citrus~~
 1242 for the following purposes:

1243 (a) Four percent of all income of a revenue nature
 1244 deposited in this fund, including transfers from any subsidiary
 1245 accounts thereof and any interest income, shall be deposited in
 1246 the General Revenue Fund pursuant to chapter 215.

1247 (b) Moneys in the Florida Citrus Advertising Trust Fund
 1248 shall be expended for the activities authorized by s. 601.13 and
 1249 for the cost of those general overhead, research and
 1250 development, maintenance, salaries, professional fees,
 1251 enforcement costs, and other such expenses that ~~which~~ are not

1252 related to advertising, merchandising, public relations, trade
 1253 luncheons, publicity, and other associated activities. The cost
 1254 of general overhead, maintenance, salaries, professional fees,
 1255 enforcement costs, and other such expenses that ~~which~~ are
 1256 related to advertising, merchandising, public relations, trade
 1257 luncheons, publicity, and associated activities shall be paid
 1258 from the balance of the Florida Citrus Advertising Trust Fund.

1259 (c) Moneys in the Florida Citrus Advertising Trust Fund
 1260 shall also be used by the department ~~of Citrus~~ for defraying
 1261 those expenses not included in paragraph (b). After payment of
 1262 such expenses, the money levied and collected under ~~the~~
 1263 ~~provisions of~~ subsection (3) shall be used exclusively for
 1264 commodity and noncommodity advertising, merchandising,
 1265 publicity, or sales promotion of citrus products in both fresh
 1266 form and processed form, including citrus cattle feed and all
 1267 other products of citrus fruits, produced in the state, in such
 1268 equitable manner and proration as the department ~~of Citrus~~ may
 1269 determine, but funds expended for commodity advertising
 1270 thereunder shall be expended through an established advertising
 1271 agency. A proration of moneys between commodity programs and
 1272 noncommodity programs~~7~~ and among types of citrus products~~7~~ shall
 1273 be made on or before November 1 of each shipping season and may
 1274 not thereafter be modified for that shipping season unless the
 1275 department finds such action necessary to preserve the economic
 1276 welfare of the citrus industry.

1277 (d) The pro rata portion of moneys allocated to each type
 1278 of citrus product in noncommodity programs shall be used by the
 1279 department to encourage substantial increases in the

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1280 effectiveness, frequency, and volume of noncommodity
 1281 advertising, merchandising, publicity, and sales promotion of
 1282 such citrus products through rebates and incentive payments to
 1283 handlers and trade customers for these activities. The
 1284 department shall ~~of Citrus is authorized and directed to~~ adopt
 1285 rules providing for the use of such moneys. The rules shall
 1286 establish alternate incentive programs, including at least one
 1287 incentive program for product sold under advertised brands, one
 1288 incentive program for product sold under private label brands,
 1289 and one incentive program for product sold in bulk. For each
 1290 incentive program, the rules shall establish eligibility and
 1291 performance requirements and shall provide appropriate
 1292 limitations on amounts payable to a handler or trade customer
 1293 for a particular season. Such limitations may relate to the
 1294 amount of citrus assessments ~~excise taxes~~ levied and collected
 1295 on the citrus product handled by such handler or trade customer
 1296 during a 12-month representative period. The department may
 1297 require from participants in noncommodity advertising and
 1298 promotional programs commercial information necessary to
 1299 determine eligibility for and performance in such programs. Any
 1300 information so required that ~~which~~ constitutes a "trade secret"
 1301 as defined in s. 812.081 is confidential and exempt from ~~the~~
 1302 ~~provisions of~~ s. 119.07(1).

1303 (8) (a) On certification by any employee of the department
 1304 ~~of Citrus~~ that her or his actual and necessary expenses on any
 1305 particular day while traveling outside the state exceeded the
 1306 per diem provided by law, such employee shall show such excess
 1307 on her or his regular expense voucher and support the same by

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1308 the proof required pursuant to rules adopted and ~~regulations to~~
 1309 ~~be promulgated~~ by the department ~~of Citrus~~.

1310 (b) The department ~~of Citrus~~ is authorized to spend such
 1311 amount as it deems advisable for guests involved in promotional
 1312 activities in the sale of Florida citrus fruits and products.

1313 (c) All obligations, expenses, and costs incurred under
 1314 ~~the provisions of~~ this section shall be paid out of the Citrus
 1315 Advertising Fund upon warrant of the Chief Financial Officer
 1316 when vouchers thereof, approved by the department ~~of Citrus~~, are
 1317 exhibited.

1318 (9) (a) Any handler who fails to file a return or to pay
 1319 any assessment tax within the time required shall thereby
 1320 forfeit to the department ~~of Citrus~~ a penalty of 5 percent of
 1321 the amount of assessment tax determined to be due,^r but the
 1322 department ~~of Citrus~~, if satisfied that the delay was excusable,
 1323 may remit all or any part of such penalty. Such penalty shall be
 1324 paid to the department ~~of Citrus~~ and disposed of as provided
 1325 with respect to moneys derived from the assessments taxes levied
 1326 and imposed by subsection (3).

1327 (b) The department ~~of Citrus~~ may collect any assessments
 1328 ~~taxes~~ levied and assessed by this chapter in any or all of the
 1329 following methods:

- 1330 1. By the voluntary payment by the person liable therefor.
- 1331 2. By a suit at law.
- 1332 3. By a suit in equity to enjoin and restrain any handler,
 1333 citrus fruit dealer, or other person owing such assessments
 1334 ~~taxes~~ from operating her or his business or engaging in business
 1335 as a citrus fruit dealer until the delinquent assessments taxes

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1336 are paid. Such action may include an accounting to determine the
 1337 amount of assessments ~~taxes~~ plus delinquencies due. In any such
 1338 proceeding, it is not necessary to allege or prove that an
 1339 adequate remedy at law does not exist.

1340 (10) The powers and duties of the department ~~of Citrus~~
 1341 include the following:

1342 (a) To adopt and periodically ~~from time to time~~ alter,
 1343 rescind, modify, and amend all proper and necessary rules,
 1344 ~~regulations,~~ and orders for the exercise of its powers and the
 1345 performance of its duties under this chapter.

1346 (b) To employ and at its pleasure discharge an advertising
 1347 manager, agents, advertising agencies, and such clerical and
 1348 other help as it deems necessary and to outline their powers and
 1349 duties and fix their compensation.

1350 (c) To make in the name of the department ~~of Citrus~~ such
 1351 advertising contracts and other agreements as may be necessary.

1352 (d) To keep books, records, and accounts of all of its
 1353 activities, which books, records, and accounts shall be open to
 1354 inspection, audit, and examination by the Auditor General and
 1355 the Office of Program Policy Analysis and Government
 1356 Accountability.

1357 (e) To purchase or authorize the purchase of all office
 1358 equipment and supplies and to incur all other reasonable and
 1359 necessary expenses and obligations in connection with and
 1360 required for the proper administration ~~carrying out~~ of the
 1361 ~~provisions~~ of this chapter.

1362 (f) To conduct, and pay out of the Florida Citrus
 1363 Advertising Trust Fund, premium and prize promotions designed to

1364 increase the use of citrus in any form.

1365 (g) To advertise citrus cattle feed and promote its use.

1366 (h) To conduct marketing activities in foreign countries
 1367 and other programs designed to develop and protect domestic and
 1368 international markets.

1369 Section 19. Paragraphs (a), (b), and (d) of subsection
 1370 (1), subsection (4), paragraph (a) of subsection (5), and
 1371 subsections (8) through (11) of section 601.152, Florida
 1372 Statutes, are amended to read:

1373 601.152 Special marketing orders.—

1374 (1) (a) Whenever, upon its own motion or upon petition of
 1375 any handler or producer or group or association of handlers or
 1376 producers of citrus fruit, the commission, upon affirmative vote
 1377 of seven ~~nine~~ of its members, determines:

1378 1. That the conduct of a special advertising and
 1379 promotional marketing campaign or the conduct of market and
 1380 product research and development, in addition to the advertising
 1381 campaign being conducted pursuant to s. 601.15 and the research
 1382 being conducted pursuant to the other provisions of the Florida
 1383 Citrus Code, may substantially further increase the consumer
 1384 acceptance and consumption of, and strengthen the market for,
 1385 any type, variety, or form of citrus fruit or processed citrus
 1386 product by further increasing the number of families buying such
 1387 citrus fruit or such processed citrus product or by further
 1388 increasing the quantity of such citrus fruit or processed citrus
 1389 product purchased by buying families; and

1390 2. That such substantial further increase and
 1391 strengthening may be of substantial benefit to handlers thereof,

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1392 producers thereof, and to the economy and well-being of the
 1393 state,

1394
 1395 the commission shall direct that a proposed marketing order be
 1396 formulated for a special marketing campaign of advertising and
 1397 sales promotion, including, but not limited to, brand
 1398 advertising rebate promotions or the conduct of market and
 1399 product research and development for such type, variety, or form
 1400 of citrus fruit or processed citrus product, and shall designate
 1401 a public hearing to consider adoption and implementation of such
 1402 proposed marketing order.

1403 (b) Notice of the time, place, and purpose of such public
 1404 hearing shall be:

1405 1. Mailed, at least ~~not less than~~ 10 days before ~~prior to~~
 1406 such hearing, to each handler who, during the 12 months
 1407 immediately before ~~preceding~~ such mailing, has first handled in
 1408 the primary channel of trade in the state ~~Florida~~ the type,
 1409 variety, and form of citrus fruit or citrus product specified in
 1410 the proposed marketing order, and to each handler who the
 1411 department ~~of Citrus~~ has good cause to believe will, during the
 1412 period of time covered by the proposed marketing order, first
 1413 handle in the primary channel of trade in the state ~~Florida~~ the
 1414 type, variety, and form of citrus fruit or processed citrus
 1415 product specified in such proposed marketing order.

1416 2. Published in the Florida Administrative Weekly at least
 1417 ~~not less than~~ 10 days before ~~prior to~~ such hearing.

1418 (d) Copies of the proposed marketing order shall be made
 1419 available to the public at the offices of the department ~~of~~

1420 ~~Citrus~~ at Lakeland at least 5 days before ~~prior to~~ such hearing
 1421 and shall be in sufficient detail to apprise all persons having
 1422 an interest therein of the approximate amount of moneys proposed
 1423 to be expended; the assessments to be levied thereunder; and the
 1424 general details of the proposed marketing order for a special
 1425 marketing campaign of advertising or sales promotion or market
 1426 or product research and development. Among the details so
 1427 specified shall be the period of time during which the
 1428 assessment imposed pursuant to subsection (8) will be levied
 1429 upon the privilege so assessed, which period may not be greater
 1430 than 2 years. The order may, however, provide that the
 1431 expenditure of the funds received from the imposition of such
 1432 assessments shall not be so confined, but may be expended during
 1433 such time or times as shall be specified in the proposed
 1434 marketing order, which may be either during the shipping season
 1435 immediately preceding the shipping seasons during which such
 1436 assessments are imposed or during, or at any time subsequent to,
 1437 the shipping seasons during which such assessments are imposed.
 1438 This section does not ~~Nothing herein shall be construed to~~
 1439 prevent the imposition of a subsequent marketing order ~~either~~
 1440 before, during, or after the expenditure of funds collected
 1441 under ~~pursuant to~~ a previously imposed marketing order, provided
 1442 the aggregate of the assessments imposed may not exceed the
 1443 maximum permitted under subsection (8).

1444 (4) The department may ~~of Citrus is authorized to~~
 1445 prescribe such procedures as it deems necessary properly to
 1446 conduct a referendum among handlers covered by the marketing
 1447 order to determine whether such marketing order has been so

1448 | assented to.

1449 | (5) (a) Any marketing order adopted under ~~pursuant to~~ this
 1450 | section and subsequently approved by referendum as provided in
 1451 | this section ~~herein~~ shall take effect ~~become effective~~ 15 days
 1452 | after referendum approval is officially determined by the
 1453 | commission. Chapter 120 does not apply to this section. Any such
 1454 | marketing order is ~~shall be~~ reviewable by any person adversely
 1455 | affected, by certiorari to the district courts of appeal in the
 1456 | manner prescribed by the Florida Rules of Appellate Procedure.
 1457 | The venue of the proceeding for such review shall be the
 1458 | appellate district that ~~which~~ includes the county in which the
 1459 | hearings were conducted or, if the venue cannot be ~~thus~~
 1460 | determined, the appellate district in which ~~wherein~~ the
 1461 | department's ~~Department of Citrus~~ executive offices are located.

1462 | (8) (a) Each person who, during the period ~~of time~~
 1463 | specified in any marketing order implemented under ~~pursuant to~~
 1464 | this section, first handles in the primary channel of trade in
 1465 | the state ~~Florida~~ any citrus fruit or processed citrus product
 1466 | of the type, variety, and form specified in such marketing order
 1467 | shall, for the privilege of so handling such citrus fruit or
 1468 | such citrus product, pay to the department ~~of Citrus~~ such
 1469 | assessments as are levied and imposed thereon by such marketing
 1470 | order, which funds shall be used by the department ~~of Citrus~~ to
 1471 | defray the necessary expenses incurred in the formation,
 1472 | issuance, administration, and enforcement of such marketing
 1473 | order and in the conduct of the special marketing campaign or
 1474 | market and product research and development provided for in such
 1475 | marketing order. However, such assessments levied and imposed

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1476 under this section may ~~pursuant hereto shall be at a rate~~ not to
 1477 exceed 8 cents per standard-packed box on citrus fruits in fresh
 1478 form, 1.3 cents per gallon on single strength citrus juices or
 1479 sections, or 1.3 cents per pound of soluble citrus solids on
 1480 concentrated citrus juices.

1481 (b) The department ~~of Citrus~~ shall prescribe procedures
 1482 for the assessment and collection of such funds to defray the
 1483 necessary expenses incurred, or expected to be incurred, by the
 1484 department ~~of Citrus~~ in the formation, issuance, administration,
 1485 and enforcement of any marketing order implemented under
 1486 ~~pursuant to the provisions of~~ this section.

1487 (c) Every handler shall, at such times as the department
 1488 may require, file with the department ~~of Citrus~~ a return, not
 1489 under oath, on forms to be prescribed and furnished by the
 1490 department ~~of Citrus~~, certified as true and correct, stating the
 1491 quantity of the type, variety, and form of citrus fruit or
 1492 citrus product specified in the marketing order first handled in
 1493 the primary channels of trade in the state Florida ~~by such~~
 1494 handler during the period of time specified in the marketing
 1495 order. Such returns shall contain any further information deemed
 1496 by the department ~~of Citrus~~ to be reasonably necessary to
 1497 properly administer or enforce ~~the provisions of~~ this section or
 1498 any marketing order implemented under this section hereunder.
 1499 Information that, if disclosed, would reveal a trade secret, as
 1500 defined in s. 812.081, of any person subject to a marketing
 1501 order is confidential and exempt from ~~the provisions of~~ s.
 1502 119.07(1).

1503 (d) All assessments imposed under ~~and pursuant to the~~

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1504 ~~provisions of this section~~ are ~~shall be~~ due and payable and
 1505 shall be paid by such handlers at such times and in such
 1506 installments as the commission prescribes ~~shall prescribe~~ in
 1507 such marketing order, or the amount thereof shall be provided
 1508 for and guaranteed by giving a surety bond or cash deposit or as
 1509 the department ~~of Citrus may~~ otherwise prescribes ~~prescribe~~.

1510 (9) (a) All moneys collected by the department ~~of Citrus~~
 1511 under this section shall be set aside in the Florida Citrus
 1512 Advertising Trust Fund as a special fund to be known as the
 1513 "Citrus Special Marketing Order Fund." All moneys in such fund,
 1514 after deducting the service charge provided in s. 601.15(7), are
 1515 ~~hereby~~ appropriated to the department ~~of Citrus~~ for the actual
 1516 expenses incurred by the department for ~~of Citrus with respect~~
 1517 ~~to~~ the formulation, issuance, administration, and enforcement of
 1518 any marketing order so implemented and in the conduct of the
 1519 special marketing campaign or market and product research and
 1520 development to be carried out pursuant to any such marketing
 1521 order so implemented. Upon the completion of the special
 1522 marketing campaign or market and product research and
 1523 development provided for pursuant to any marketing order so
 1524 implemented ~~hereunder~~, any and all moneys remaining and not
 1525 required by the department ~~of Citrus~~ to defray the expenses of
 1526 such marketing order shall be deposited to and made a part of
 1527 the Florida Citrus Advertising Trust Fund created by s. 601.15.

1528 (b) If the department ~~of Citrus~~ finds it necessary ~~to do~~
 1529 ~~so~~, the department ~~it~~ may transfer to the Citrus Special
 1530 Marketing Order Fund from any other portion of the Florida
 1531 Citrus Advertising Trust Fund, including the Emergency Reserve

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1532 Fund and any other special or reserve fund, such sum of money as
 1533 the department ~~of Citrus~~ determines is initially required to
 1534 formulate, issue, administer, and enforce any such marketing
 1535 order and conduct the special marketing campaign or market and
 1536 product research and development to be carried out pursuant to
 1537 such marketing order until moneys in the Citrus Special
 1538 Marketing Order Fund derived from assessments imposed and
 1539 collected pursuant to this section are sufficient for such
 1540 purposes, and thereafter repay such advance out of the Citrus
 1541 Special Marketing Order Fund.

1542 (10) (a) Any handler who fails to file a return or to pay
 1543 any assessment within the time required shall thereby forfeit to
 1544 the department ~~of Citrus~~ a penalty of 5 percent of the amount of
 1545 assessment then due, † but the department ~~of Citrus~~, upon good
 1546 cause shown, may waive all or any part of such penalty. Such
 1547 penalty shall be paid to the department ~~of Citrus~~ and disposed
 1548 of as provided with respect to moneys derived from the
 1549 assessments imposed under ~~pursuant to~~ this section.

1550 (b) The department ~~of Citrus~~ may collect the assessments
 1551 imposed under ~~pursuant to~~ this section by any ~~in either or all~~
 1552 of the following methods:

- 1553 1. The voluntary payment by the handler liable therefor. †
- 1554 2. By a suit at law. †
- 1555 3. By a suit in equity to enjoin and restrain any handler
 1556 owing such assessments from operating his or her business or
 1557 engaging in business as a citrus fruit dealer until the
 1558 delinquent assessments are paid. Such action may include an
 1559 accounting to determine the amount of assessments plus

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1560 delinquencies due. In any such proceeding, it shall not be
 1561 necessary to allege or prove that an adequate remedy at law does
 1562 not exist.

1563 (11) This section shall be liberally construed to
 1564 effectuate the purposes set forth and as additional and
 1565 supplemental powers vested in the department ~~of Citrus~~ under the
 1566 police power of this state.

1567 Section 20. Section 601.155, Florida Statutes, is amended
 1568 to read:

1569 601.155 Equalizing assessment ~~excise tax~~; credit;
 1570 exemption.—

1571 (1) The first person who exercises in this state the
 1572 privilege of processing, reprocessing, blending, or mixing
 1573 processed orange products or processed grapefruit products or
 1574 the privilege of packaging or repackaging processed orange
 1575 products or processed grapefruit products into retail or
 1576 institutional size containers or, except as provided in
 1577 subsection (9) or except if an assessment ~~a tax~~ is levied and
 1578 collected on the exercise of one of the foregoing privileges,
 1579 the first person having title to or possession of any processed
 1580 orange product or any processed grapefruit product who exercises
 1581 the privilege in this state of storing such product or removing
 1582 any portion of such product from the original container in which
 1583 it arrived in this state for purposes other than official
 1584 inspection or direct consumption by the consumer and not for
 1585 resale shall be assessed and shall pay an assessment ~~excise tax~~
 1586 upon the exercise of such privilege at the rate described in
 1587 subsection (2).

1588 (2) Upon the exercise of any privilege described in
 1589 subsection (1), the assessment ~~excise tax~~ levied by this section
 1590 shall be at the same rate per box of oranges or grapefruit
 1591 utilized in the initial production of the processed citrus
 1592 products so handled as that imposed, at the time of exercise of
 1593 the assessable ~~taxable~~ privilege, by s. 601.15 per box of
 1594 oranges.

1595 (3) For the purposes of this section, the number of boxes
 1596 of oranges or grapefruit utilized in the initial production of
 1597 processed citrus products subject to the assessable ~~taxable~~
 1598 privilege shall be:

1599 (a) The actual number of boxes so utilized, if known and
 1600 verified in accordance with department ~~of Citrus~~ rules; or

1601 (b) An equivalent number established by department ~~of~~
 1602 ~~Citrus~~ rule which, on the basis of existing data, reasonably
 1603 equates to the quantity of citrus contained in the product, when
 1604 the actual number of boxes so utilized is not known or properly
 1605 verified.

1606 (4) For purposes of this section:

1607 (a) "Processed orange products" means products for human
 1608 consumption consisting of 20 percent or more single strength
 1609 equivalent orange juice; orange sections, segments, or edible
 1610 components; or whole peeled fruit.

1611 (b) "Processed grapefruit products" means products for
 1612 human consumption consisting of 20 percent or more single
 1613 strength equivalent grapefruit juice; grapefruit sections,
 1614 segments, or edible components; or whole peeled fruit.

1615 (c) "Original container" includes any vessel, tanker or

1616 tank car, or other transport vehicle.

1617 (d) "Retail or institutional container" means a container
 1618 having a capacity of 10 gallons or less.

1619 (5) Products made in whole or in part from citrus fruit on
 1620 which an equivalent assessment ~~tax~~ is levied pursuant to s.
 1621 601.15 are exempt from the assessment ~~tax~~ imposed by this
 1622 section. In the case of products made in part from citrus fruit
 1623 exempt from the assessment ~~tax~~ imposed by this section, it shall
 1624 be the burden of the persons liable for the assessment ~~excise~~
 1625 ~~tax~~ to show the department ~~of Citrus~~, through competent
 1626 evidence, proof of that part which is not subject to an
 1627 assessable ~~a taxable~~ privilege.

1628 (6) Every person liable for the assessment ~~excise tax~~
 1629 imposed by this section shall keep a complete and accurate
 1630 record of the receipt, storage, handling, exercise of any
 1631 assessable ~~taxable~~ privilege under this section, and shipment of
 1632 all products subject to the assessment ~~tax~~ imposed by this
 1633 section. Such record shall be preserved for a period of 1 year
 1634 and shall be offered for inspection upon oral or written request
 1635 by the department ~~of Citrus~~ or its duly authorized agent.

1636 (7) Every person liable for the assessment ~~excise tax~~
 1637 imposed by this section shall, at such times and in such manner
 1638 as the department ~~of Citrus~~ may by rule require, file with the
 1639 department ~~of Citrus~~ a return, certified as true and correct, on
 1640 forms to be prescribed and furnished by the department ~~of~~
 1641 ~~Citrus~~, stating, in addition to other information reasonably
 1642 required by the department ~~of Citrus~~, the number of units of
 1643 processed orange or grapefruit products subject to this section

1644 upon which any assessable ~~taxable~~ privilege under this section
 1645 was exercised during the period of time covered by the return.
 1646 Full payment of assessments ~~excise taxes~~ due for the period
 1647 reported shall accompany each return.

1648 (8) All assessments ~~taxes~~ levied and imposed by this
 1649 section shall be due and payable within 61 days after the first
 1650 of the assessable ~~taxable~~ privileges is exercised in this state.
 1651 Periodic payment of the assessments ~~excise taxes~~ imposed by this
 1652 section by the person first exercising the assessable ~~taxable~~
 1653 privileges and liable for such payment shall be permitted only
 1654 in accordance with department ~~of Citrus~~ rules, and the payment
 1655 thereof shall be guaranteed by the posting of an appropriate
 1656 certificate of deposit, approved surety bond, letter of credit
 1657 from an issuing bank located in the United States, or cash
 1658 deposit in an amount and manner as prescribed by the department
 1659 ~~of Citrus~~.

1660 (9) When any processed orange or grapefruit product is
 1661 stored or removed from its original container as provided in
 1662 subsection (1), the equalizing assessment ~~excise tax~~ is levied
 1663 on such storage or removal, and such product is subsequently
 1664 shipped out of the state in a vessel, tanker or tank car, or
 1665 container having a capacity greater than 10 gallons, the person
 1666 who is liable for the assessment ~~tax~~ shall be entitled to an
 1667 assessment ~~a tax~~ refund, if such assessment ~~tax~~ has been paid,
 1668 or to an assessment ~~a tax~~ credit, provided she or he can provide
 1669 satisfactory proof that such product has been shipped out of the
 1670 state and that no privilege assessable ~~taxable~~ under subsection
 1671 (1) other than storage or removal from the original container

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1672 was exercised before ~~prior to~~ such shipment out of the state.

1673 (10) Notwithstanding any ~~other~~ provision of law, the
 1674 department ~~of Citrus~~ shall develop a process by which any person
 1675 liable for the assessment ~~excise tax~~ imposed under this section
 1676 may annually object to payment of the assessment ~~tax~~. Any such
 1677 objection must be allowed without discretion as to the validity
 1678 thereof, and that person shall be granted the immediate right to
 1679 elect not to pay two-thirds of the applicable assessment ~~tax~~
 1680 ~~rate~~. The department ~~of Citrus~~ may not expend any of the
 1681 remaining one-third of the applicable assessment ~~tax rate~~ on any
 1682 advertising, marketing, or public relations activities to which
 1683 any person liable for the assessment ~~excise tax~~ imposed under
 1684 this section objects; however, such funds may be used for
 1685 research, administrative, and regulatory activities. Effective
 1686 July 1, 2004, upon any necessary legislative appropriation of
 1687 moneys due under the settlement agreement of Consolidated Case
 1688 No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial
 1689 Circuit in Polk County, the plaintiffs shall agree to the
 1690 dismissal of their claim under the foreign commerce clause with
 1691 prejudice.

1692 (11) All assessments ~~excise taxes~~ levied and collected
 1693 under ~~the provisions of~~ this section, including penalties, shall
 1694 be paid into the State Treasury to be made a part of the Florida
 1695 Citrus Advertising Trust Fund in the same manner, for the same
 1696 purposes, and in the same proportions as set forth in s.
 1697 601.15(7). Any person failing to file a return or pay any
 1698 assessment within the time required shall thereby forfeit to the
 1699 department ~~of Citrus~~ a penalty of 5 percent of the amount of

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1700 assessment then due,¹ but the department ~~of Citrus~~, on good
 1701 cause shown, may waive all or any part of such penalty.

1702 (12) This section shall be liberally construed to
 1703 effectuate the purposes set forth and as additional and
 1704 supplemental powers vested in the department ~~of Citrus~~ under the
 1705 police power of this state.

1706 Section 21. Section 601.24, Florida Statutes, is amended
 1707 to read:

1708 601.24 Department of Citrus to prescribe methods of
 1709 testing and grading.—The department ~~of Citrus~~ shall adopt rules
 1710 providing ~~by rule or regulation provide~~ the manner and method to
 1711 be used in drawing samples and the quantity to be used in
 1712 testing and grading of citrus fruit and the canned and
 1713 concentrated products thereof and shall provide specifications
 1714 and methods for use of juice extractors to be used in extracting
 1715 juice for such tests and grading purposes.

1716 Section 22. Section 601.25, Florida Statutes, is amended
 1717 to read:

1718 601.25 Determination of soluble solids and acid.—The
 1719 department ~~of Citrus by rule or regulation~~ shall adopt rules
 1720 determining ~~determine~~ the method by which juice is tested for
 1721 percentage of total soluble solids, the method by which juice is
 1722 tested for acidity, and the method for testing fruit for juice
 1723 content. Until ~~such time as~~ the department determines ~~of Citrus~~
 1724 ~~may see fit to determine~~ such method by rule ~~or regulation~~, the
 1725 Brix hydrometer shall be used and the reading of the hydrometer
 1726 corrected for temperature shall be considered as the percent of
 1727 the total soluble solids,¹ and anhydrous citric acid shall be

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1728 | determined by titration of the juice using standard alkali and
 1729 | phenolphthalein as indicator, the total acidity being calculated
 1730 | as anhydrous citric acid.

1731 | Section 23. Subsections (5) and (7) of section 601.28,
 1732 | Florida Statutes, are amended to read:

1733 | 601.28 Inspection fees.—

1734 | (5) The Department of Agriculture may ~~shall have the power~~
 1735 | ~~to~~ adopt rules providing for the imposition of special fees for
 1736 | inspections conducted during hours not contemplated by regular
 1737 | state work hours. The ~~Such~~ rules shall prescribe circumstances
 1738 | under which the fees levied pursuant to paragraphs (1)(a) and
 1739 | (b) would not apply and the fees imposed pursuant to such rules
 1740 | would apply. The rules shall require ~~provide~~ that such ~~said~~ fees
 1741 | ~~shall~~ be levied when specifically actuated by contract between
 1742 | the Department of Agriculture and persons liable for the fees
 1743 | created by this subsection. The rules may ~~shall~~ not authorize
 1744 | ~~allow~~ fees that exceed ~~to be charged which are in excess of the~~
 1745 | Department of Agriculture's ~~department's~~ actual cost of the
 1746 | inspection to be made, nor may ~~shall~~ such fees be less than
 1747 | those imposed by paragraphs (1)(a) and (b).

1748 | (7) The duties of the Department of Agriculture ~~and~~
 1749 | ~~Consumer Services~~ shall include the duty to conduct hearings,
 1750 | through a hearing officer who shall be an attorney authorized to
 1751 | practice law within this state, on violations of this section
 1752 | and rules adopted ~~promulgated~~ thereunder. The ~~Said~~ hearing
 1753 | officer shall be selected by the Commissioner of Agriculture and
 1754 | shall be in addition to her or his regular legal staff
 1755 | authorized by law. The ~~Said~~ hearing officer shall, in addition

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1756 to conducting such hearings, be available to the Division of
 1757 Fruit and Vegetables for other legal services on matters
 1758 pertaining to violations of this chapter and rules adopted
 1759 ~~promulgated~~ thereunder.

1760 Section 24. Section 601.31, Florida Statutes, is amended
 1761 to read:

1762 601.31 Citrus inspectors; employment.—The Department of
 1763 Agriculture may in each year employ as many citrus fruit
 1764 inspectors for such period or periods, not exceeding 1 year, as
 1765 the ~~said~~ Department of Agriculture shall deem necessary for the
 1766 effective enforcement of the citrus fruit laws of this state.
 1767 All persons authorized to inspect and certify to the maturity
 1768 and grade of citrus fruit shall be governed in the discharge of
 1769 their duties as such inspectors by the provisions of law and by
 1770 the rules adopted ~~and regulations prescribed~~ by the Department
 1771 of Citrus and the Department of Agriculture and shall perform
 1772 their duties under the direction and supervision of the
 1773 Department of Agriculture. All citrus inspectors appointed for
 1774 the enforcement of this chapter shall be persons who are duly
 1775 licensed or certified by the United States Department of
 1776 Agriculture as citrus fruit inspectors.

1777 Section 25. Section 601.32, Florida Statutes, is amended
 1778 to read:

1779 601.32 Compensation of inspectors.—The salaries of the
 1780 chief citrus inspector, the chief laboratory inspector, the
 1781 district supervising inspectors, the junior and senior
 1782 inspectors, and all other necessary inspectors shall be in the
 1783 amount as determined and fixed by the Department of Agriculture,

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1784 and, in addition thereto, each such inspector ~~of said inspectors~~
 1785 shall be reimbursed for travel expenses as provided in s.
 1786 112.061, which shall be paid upon approval of accounts therefor
 1787 by the Department of Agriculture. The Department of Agriculture
 1788 may employ such additional field and other agents and clerical
 1789 assistance at such times and for such periods and incur and pay
 1790 any other expenses, including travel expenses, as provided in s.
 1791 112.061, of the Department of Agriculture during the citrus
 1792 fruit season, as may be necessary for the effective enforcement
 1793 of the citrus fruit laws of this state and of the rules
 1794 ~~regulations~~ of the Department of Citrus and ensure ~~assure~~ the
 1795 payments of the inspection fees imposed or that may be imposed
 1796 under the authority of law.

1797 Section 26. Section 601.33, Florida Statutes, is amended
 1798 to read:

1799 601.33 Interference with inspectors.—~~A It is unlawful for~~
 1800 ~~any person~~ may not ~~to~~ obstruct, hinder, resist, interfere with,
 1801 or attempt to obstruct, hinder, resist, or interfere with any
 1802 authorized inspector in the discharge of any duty imposed upon
 1803 or required of her or him by the provisions of law or by any
 1804 rule adopted ~~or regulation prescribed~~ by the Department of
 1805 Citrus or the Department of Agriculture, or ~~to~~ change or attempt
 1806 to change any instrument, substance, article, or fluid used by
 1807 such inspector or emergency inspector in making tests of citrus
 1808 fruit or the canned or concentrated products thereof.

1809 Section 27. Section 601.34, Florida Statutes, is amended
 1810 to read:

1811 601.34 Duties of law enforcement officers.—Each state or

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1812 county law enforcement officer shall make arrests for violations
 1813 of the citrus fruit laws of this state or of any rule,
 1814 ~~regulation,~~ or order of promulgated by the commission or the
 1815 Department of Agriculture ~~and Consumer Services~~ under authority
 1816 of law when notified of such violation by the Department of
 1817 Agriculture or its duly authorized agent or representative.

1818 Section 28. Section 601.35, Florida Statutes, is amended
 1819 to read:

1820 601.35 Disputes as to quality, etc.; procedure.—When any
 1821 dispute as to quality, grade, or condition of citrus fruit or
 1822 the canned or concentrated products thereof arises, the shipper
 1823 or any financially interested person may call in at his, her, or
 1824 its expense an inspector licensed or certified only by the
 1825 United States Department of Agriculture to inspect such citrus
 1826 fruit or its canned or concentrated products. Such inspector
 1827 shall issue a regular official certificate to the applicant
 1828 showing the quality, grade, and condition thereof, and, in all
 1829 cases, such certificate shall be prima facie evidence. If such
 1830 certificate shows that the citrus fruit or the canned or
 1831 concentrated products thereof conforms ~~therein-mentioned and~~
 1832 ~~described to conform~~ to the requirements ~~provisions~~ of this
 1833 chapter and the rules, ~~regulations,~~ or orders of the Department
 1834 of Citrus and of the Department of Agriculture, such shipper or
 1835 such financially interested person may present the original
 1836 certificate to the person or representative of the person having
 1837 charge of the vehicle of transportation by which such citrus
 1838 fruit or the canned or concentrated products thereof are ~~is~~ to
 1839 be transported, which person or representative shall then accept

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1840 such citrus fruit or the canned or concentrated products thereof
 1841 for shipment provided that all other provisions of this chapter
 1842 and of the rules, ~~regulations,~~ and orders of the Department of
 1843 Citrus and of the Department of Agriculture have been met and
 1844 complied with.

1845 Section 29. Section 601.37, Florida Statutes, is amended
 1846 to read:

1847 601.37 Unlawful acts of inspectors. ~~An It is unlawful for~~
 1848 ~~any~~ authorized inspector may not ~~to~~ make or deliver a
 1849 certificate of inspection and maturity and quality of any citrus
 1850 fruit or the canned or concentrated products thereof upon which
 1851 the inspection fees and advertising assessments ~~taxes~~ have not
 1852 been paid or the payment thereof guaranteed, or ~~to~~ make or issue
 1853 any false certificate as to inspection, maturity, quality, or
 1854 payment of inspection fees.

1855 Section 30. Section 601.38, Florida Statutes, is amended
 1856 to read:

1857 601.38 Citrus inspectors; authority. ~~For the purpose of~~
 1858 enforcing ~~the provisions of~~ the citrus fruit laws of this state,
 1859 as well as rules ~~the regulations~~ of the department ~~of Citrus,~~
 1860 citrus fruit inspectors may enter into any packinghouse, ~~or~~
 1861 canning plant, or concentrating plant at any hour of day or
 1862 night and have and demand access and admission to any enclosed
 1863 portion of such ~~said~~ packinghouse, canning plant, or
 1864 concentrating plant. Such ~~said~~ citrus fruit inspectors may also
 1865 inspect all packinghouse or canning plant records pertaining to
 1866 receipts from groves and to details of receiving, handling,
 1867 running, processing, packing, or canning citrus fruit.

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1868 Section 31. Section 601.40, Florida Statutes, is amended
 1869 to read:
 1870 601.40 Registration of citrus packinghouses, processing
 1871 plants with Department of Agriculture.—The owner, manager, or
 1872 operator of each packinghouse, canning plant, or concentrating
 1873 plant, ~~at~~ at which it is intended to pack, can, concentrate, or
 1874 prepare citrus fruit for market or transportation during the
 1875 then-present or the next ensuing citrus fruit shipping season, ~~and~~
 1876 shall register such packinghouse, canning plant, or
 1877 concentrating plant and its location, shipping point, and post
 1878 office with the Department of Agriculture at least ~~not less than~~
 1879 10 days before packing, canning, concentrating, or otherwise
 1880 preparing any citrus fruit or the canned or concentrated
 1881 products thereof for sale or transportation in or at such
 1882 packinghouse, canning plant, or concentrating plant, ~~and~~ and she or
 1883 he shall, in addition to such registration, give the ~~said~~
 1884 Department of Agriculture at least ~~not less than~~ 7 days' written
 1885 notice of the date on which packing, canning, concentrating, or
 1886 other preparation for sale or transportation of citrus fruit of
 1887 the then-current or the next ensuing season's crop will begin ~~be~~
 1888 ~~begun~~. The Department of Agriculture shall issue a certificate
 1889 of registration to each such packinghouse, canning plant, or
 1890 concentrating plant registering, ~~provided,~~ However, ~~that no~~
 1891 such certificate of registration may not ~~shall~~ be issued to any
 1892 packinghouse, canning plant, or concentrating plant unless the
 1893 operator thereof has ~~shall have first~~ applied for and received
 1894 her or his license as a citrus fruit dealer and furnished a bond
 1895 as such citrus fruit dealer in accordance with law.

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1896 Section 32. Section 601.43, Florida Statutes, is amended
 1897 to read:

1898 601.43 Immature and unfit citrus fruit; individual
 1899 sampling.—Any oranges, grapefruit, ~~and tangerines, not~~
 1900 ~~conforming to the minimum maturity requirements set forth in~~
 1901 ~~this chapter~~ and any citrus hybrids not conforming to the
 1902 minimum maturity requirements set forth in department rules are
 1903 ~~of Citrus regulations shall be~~ deemed and held to be immature
 1904 and unfit for human consumption. In the testing of fruit to
 1905 determine whether the same conforms to such requirements, any
 1906 inspector has ~~shall have~~ the right and authority to test the
 1907 individual fruit in any given sample of fruit drawn in the
 1908 number and by the manner as prescribed by ~~regulations of the~~
 1909 department rules of Citrus. If, upon ~~the~~ testing ~~of~~ the juice of
 1910 ~~said~~ individual fruit in any sample, more than 10 percent of
 1911 such ~~said~~ individual fruit ~~shall~~ fail by more than one-half
 1912 percentage point to meet the minimum ratio of total soluble
 1913 solids to anhydrous citric acid that ~~which~~ is required for such
 1914 fruit, ~~then~~ all of the fruit in the lot from which the ~~said~~
 1915 sample was drawn is ~~shall be~~ deemed and shall be held to be
 1916 immature and unfit for human consumption.

1917 Section 33. Section 601.44, Florida Statutes, is amended
 1918 to read:

1919 601.44 Destruction of immature fruit.—All citrus fruit or
 1920 processed citrus products prepared for sale or transportation,
 1921 that are ~~which is~~ being prepared for such purpose, or that have
 1922 ~~which has~~ been or are ~~is~~ being delivered for sale or
 1923 transportation that may be found immature or otherwise unfit for

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1924 human consumption upon inspection and testing shall be seized
 1925 and destroyed by a citrus fruit inspector or the sheriff of the
 1926 county where found as may be provided by ~~regulations prescribed~~
 1927 ~~by the~~ department rules of ~~Citrus~~. Such ~~Said~~ determination of
 1928 immaturity or unfitness for human consumption may be made by a
 1929 citrus fruit inspector at any place where such citrus fruit may
 1930 be found after severance from the tree, and such seizure and
 1931 destruction may likewise occur at any such place. However, in
 1932 the event of seizure of citrus fruit upon the grounds that such
 1933 citrus fruit fails to show a break in color required by this
 1934 chapter or department rules of ~~Citrus regulations~~ for that
 1935 particular variety of citrus fruit, the owner or person in
 1936 charge of such citrus fruit shall be allowed to separate and
 1937 retain for subsequent use, in accordance with ~~the provisions of~~
 1938 this chapter or department rules of ~~Citrus regulations~~, that
 1939 portion of such citrus fruit which shows a break in color
 1940 required by this chapter or department rules of ~~Citrus~~
 1941 ~~regulations~~ for that particular variety, and, in such case, only
 1942 that portion thereof which fails to show a break in color for
 1943 such variety, as required by this chapter or department rules of
 1944 ~~Citrus regulations~~, shall be destroyed by a citrus fruit
 1945 inspector or the sheriff of the county, as may be prescribed by
 1946 ~~regulations of the~~ department rules of ~~Citrus~~.

1947 Section 34. Section 601.45, Florida Statutes, is amended
 1948 to read:

1949 601.45 Grading of fresh citrus fruit.—

1950 (1) All citrus fruit, except as provided in s. 601.50,
 1951 sold or shipped, or offered for sale or shipment, for

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1952 consumption in fresh form shall be graded in a registered
 1953 packinghouse in this state according to standards established by
 1954 the department ~~of Citrus~~, and the grade of such fruit shall be
 1955 indicated as ~~hereinafter~~ provided in this section.

1956 (2) Fresh citrus fruit being transported in bulk form
 1957 shall have stamped upon such fruit, subject to department rules:

1958 (a) The actual grade thereof; or

1959 (b) Brands or trademarks properly registered with the
 1960 department to represent state or U.S. grades, as provided in
 1961 subsection (4).

1962 (3) For fresh citrus fruit being transported when packed
 1963 in a closed container approved or otherwise authorized by the
 1964 department ~~of Citrus~~, it shall be sufficient if the closed
 1965 container has the grade indicated thereon, in accordance with
 1966 department rules, by:

1967 (a) Stamping the grade of the fruit on the container; or

1968 (b) Use of labels, brands, or trademarks properly
 1969 registered with the department to represent state or U.S.
 1970 grades, as provided in subsection (4).

1971 (4) In accordance with such rules as the department ~~of~~
 1972 ~~Citrus~~ may prescribe, licensed citrus fruit dealers in this
 1973 state are ~~shall be~~ entitled to register labels, brands, or
 1974 trademarks for grade identification purposes. The department
 1975 shall maintain a record of all labels, brands, or trademarks
 1976 registered for grade identification purposes, which record may
 1977 be purged as necessary.

1978 Section 35. Subsection (1) of section 601.46, Florida
 1979 Statutes, is amended to read:

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1980 601.46 Condition precedent to sale of citrus fruit.—

1981 (1) It is unlawful, except as provided in s. 601.50, for
 1982 any person to sell or offer for sale, ~~to~~ transport, prepare,
 1983 receive, or deliver for transportation or market any citrus
 1984 fruit in fresh form unless such fruit has matured in accordance
 1985 with the maturity standards and is accompanied by a certificate
 1986 of inspection and maturity thereof issued by a duly authorized
 1987 citrus fruit inspector of the Department of Agriculture ~~and~~
 1988 ~~Consumer Services~~. However, the Department of Citrus may adopt
 1989 rules providing ~~by regulation provide~~ that, in lieu of the
 1990 accompaniment of such shipment by a certificate of inspection
 1991 and maturity, the fact of such inspection may be shown by
 1992 appropriate means on the manifest or bill of lading covering
 1993 such shipment.

1994 Section 36. Section 601.49, Florida Statutes, is amended
 1995 to read:

1996 601.49 Condition precedent to selling processed citrus
 1997 products.—A ~~It is unlawful for any person, except as provided in~~
 1998 s. 601.50, may not ~~to~~ sell or offer for sale, ~~to~~ transport,
 1999 receive, or deliver for transportation, or market any canned or
 2000 concentrated products of citrus fruits unless such products have
 2001 ~~the same has~~ been inspected and are ~~is~~ accompanied by a
 2002 certificate of inspection issued by a duly authorized inspector
 2003 of the Department of Agriculture. ~~, provided, However, that the~~
 2004 ~~Department of Citrus shall by regulation provide that in lieu of~~
 2005 ~~the accompaniment of such shipment by a certificate of~~
 2006 inspection, proof ~~the fact~~ of such inspection may be shown,
 2007 pursuant to rules adopted by the Department of Citrus, by

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2008 appropriate means on the manifest or bill of lading covering
 2009 such shipment.

2010 Section 37. Section 601.50, Florida Statutes, is amended
 2011 to read:

2012 601.50 Exemptions; sale or shipment of citrus or citrus
 2013 products for certain purposes.-

2014 (1) ~~Notwithstanding Irrespective of the provisions of ss.~~
 2015 601.45, 601.46, 601.48, 601.49, 601.51, and 601.52, the
 2016 department may adopt ~~of Citrus under~~ such precautionary rules
 2017 that ~~and regulations as it deems may deem~~ expedient to ~~may~~
 2018 permit the sale or shipment of citrus fruit or the canned or
 2019 concentrated products thereof without the issuance of and filing
 2020 of an inspection certificate and without the grade being shown
 2021 on the container thereof, of:

2022 (a) ~~(1)~~ Intrastate shipments of fresh citrus fruit for
 2023 consumption or use within the state. †

2024 (b) ~~(2)~~ Shipments to be used for charitable or unemployment
 2025 relief purposes. †

2026 (c) ~~(3)~~ Shipments to the United States Government or any of
 2027 its agencies and interstate shipments to any packinghouse,
 2028 canning plant, or concentrate plant for commercial processing,
 2029 as may be defined by the department, † ~~of Citrus;~~ or to fresh
 2030 fruit juice distributors outside the state. †

2031 (d) ~~(4)~~ Shipments by any method of transportation by "gift
 2032 fruit shippers," as defined by the department ~~of Citrus,~~ but
 2033 such shipments shall not be for the purpose of resale by the
 2034 consignee thereof. † ~~but, provided~~

2035 (2) However ~~that,~~ any ~~no~~ such rule adopted under this

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2036 section may not ~~or regulation issued hereunder shall~~ permit or
 2037 allow the sale or shipment of citrus fruit deemed by this
 2038 section to be immature and unfit for human consumption or ~~nor~~ of
 2039 canned or concentrated products thereof prepared or made from
 2040 citrus fruit deemed by this law to be immature and unfit for
 2041 human consumption. In addition; ~~but, provided further, that~~
 2042 shipments under paragraphs (1) (a) and (d) must ~~subsections (1)~~
 2043 ~~and (4) shall~~ meet such minimum grade standards as may
 2044 periodically, ~~from time to time,~~ be established by the
 2045 department, ~~of Citrus;~~ and, ~~provided further that~~ such rules
 2046 must ~~and regulations shall~~ provide for the due collection of any
 2047 advertising assessments ~~taxes~~ and inspection fees that may be
 2048 due thereon.

2049 Section 38. Section 601.501, Florida Statutes, is amended
 2050 to read:

2051 601.501 Charitable shipments exempt from assessments tax-
 2052 ~~exempt.~~ Shipments of citrus fruit when permitted under s. 601.50
 2053 for charitable purposes are ~~shall be~~ exempt from all advertising
 2054 assessments ~~taxes~~.

2055 Section 39. Section 601.51, Florida Statutes, is amended
 2056 to read:

2057 601.51 Certification required for shipment of citrus fruit
 2058 or products.-

2059 (1) A person, including a ~~No~~ common carrier or other
 2060 carrier, may not: ~~or person,~~

2061 (a) Except as provided in s. 601.50, ~~shall~~ accept for
 2062 shipment, ship, or transport any citrus fruit or the canned or
 2063 concentrated products thereof until a grade certificate is

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2064 issued showing the grade thereof, which certificate or a
 2065 duplicate thereof must ~~shall~~ be filed with the carrier at the
 2066 point of shipment, ~~nor shall any common carrier or other~~
 2067 ~~carrier or person~~

2068 (b) Accept for shipment or ship any citrus fruit or the
 2069 canned or concentrated products thereof where written notice has
 2070 been given to such person, common carrier, or other carrier ~~or~~
 2071 ~~person~~, or her or his representative or agent, by the Department
 2072 of Agriculture or its authorized agent, employee, or inspector
 2073 that such ~~said~~ citrus fruit or the canned or concentrated
 2074 products thereof do ~~does~~ not comply with the provisions of law
 2075 or ~~the~~ rules adopted and ~~regulations promulgated~~ by the
 2076 Department of Citrus or the Department of Agriculture. ~~†~~

2077 (2) (a) A ~~provided that the~~ shipper or handler of such
 2078 citrus fruit or the canned or concentrated products thereof has
 2079 ~~shall have~~ the privilege of repacking or remarking, and ~~that~~, if
 2080 or when such citrus fruit or the canned or concentrated products
 2081 thereof are the same ~~shall have been~~ repacked or remarked to
 2082 conform to the provisions of law or ~~said rules, regulations, or~~
 2083 ~~orders of promulgated by~~ the Department of Citrus or the
 2084 Department of Agriculture, the Department of Agriculture or its
 2085 authorized inspector or agent shall notify such person, ~~said~~
 2086 common carrier, or other carrier ~~or person~~, or her or his agent,
 2087 that such citrus fruit or the canned or concentrated products
 2088 thereof may be accepted for shipment, and such shipper or
 2089 handler is ~~shall~~ not be considered as having violated this
 2090 chapter or such ~~said~~ rules, ~~regulations, or orders.~~ but
 2091 ~~provided further that this section shall be deemed to have been~~

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2092 ~~complied with~~

2093 (b) If a the shipper conforms shall have conformed to the
 2094 rules adopted regulations issued by the Department of Citrus
 2095 under the provisions of s. 601.49, the shipper is deemed to have
 2096 complied with this section.

2097 Section 40. Section 601.52, Florida Statutes, is amended
 2098 to read:

2099 601.52 Carriers not to accept fruit without unless same
 2100 ~~bears~~ evidence of payment of assessments and fees ~~excise taxes.-~~
 2101 A ~~No~~ common carrier or other carrier or person, except as
 2102 provided in s. 601.50, may not shall accept for shipment, ship,
 2103 or transport any citrus fruit or processed citrus products
 2104 unless the grade certificate, manifest, or bill of lading
 2105 covering such said citrus fruit or processed citrus products
 2106 bears evidence of the payment, as provided by law, of the ~~taxes,~~
 2107 ~~assessments,~~ and fees imposed by this chapter.

2108 Section 41. Subsection (1) of section 601.54, Florida
 2109 Statutes, is amended to read:

2110 601.54 Seizure of unwholesome fruit by Department of
 2111 Agriculture's agents.-

2112 (1) The Department of Agriculture or its duly authorized
 2113 inspectors shall seize and destroy all citrus fruit found by the
 2114 ~~said~~ Department of Agriculture or inspectors to be unwholesome
 2115 or decomposed so that it is unfit for canning or concentrating
 2116 purposes as defined by law or by any rule adopted by regulation
 2117 ~~of~~ the Department of Citrus under pursuant to authority given in
 2118 this chapter, ~~and,~~ in the event any inspector finds shall find
 2119 that any canner or concentrator is canning or concentrating

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2120 fruit prohibited to be used, she or he may seize and destroy not
 2121 only such fresh fruit found in the canning or concentrating
 2122 plant but also citrus fruit or juice in the process of being
 2123 canned or concentrated or that ~~which~~ has been canned or
 2124 concentrated from the same lot or shipment wherein the fresh
 2125 fruit is found by such ~~said~~ inspector to be subject to seizure
 2126 under ~~the provisions of~~ this section.

2127 Section 42. Subsection (3) of section 601.55, Florida
 2128 Statutes, is amended to read:

2129 601.55 Citrus fruit dealer; license required.—

2130 (3) An applicant is ~~shall be~~ limited to the filing of one
 2131 application for each citrus shipping season, which application
 2132 may be amended if necessary to comply with the requirements of
 2133 this chapter and ~~regulations of the department~~ rules of Citrus.

2134 Section 43. Section 601.56, Florida Statutes, is amended
 2135 to read:

2136 601.56 Application for dealers' licenses; requirements.—
 2137 Any person desiring to engage in the business of a citrus fruit
 2138 dealer in the state must apply ~~shall make application~~ to the
 2139 department ~~of Citrus~~ for a license. The department ~~of Citrus~~
 2140 shall adopt rules prescribing ~~by regulation prescribe~~ the
 2141 information to be contained in such application.

2142 (1) All such applications, in addition to other
 2143 information that ~~which~~ may be prescribed by the department ~~of~~
 2144 ~~Citrus~~, must contain the following information:

2145 (a) Name and address of the individual, firm, partnership,
 2146 association, corporation, or other business unit applying for a
 2147 license.†

2148 (b) Names and addresses of the principal stockholders,
 2149 officers, partners, or other individuals belonging to or
 2150 connected with the applicant if the applicant for a license is a
 2151 firm, partnership, association, corporation, or other business
 2152 unit, whether it be for profit or otherwise.†

2153 (c) The length of time the applicant has been engaged in
 2154 the citrus fruit business in the state ~~Florida~~ in any manner
 2155 whatsoever.†

2156 (d) A statement of delinquent accounts, if any, growing
 2157 out of the ordinary course of business with producers.† ~~if any~~
 2158 ~~there be.~~

2159 (e) A financial statement of the applicant, if required by
 2160 the department ~~of Citrus~~, showing such information as the
 2161 department ~~of Citrus~~ may prescribe regarding the financial
 2162 conditions of the applicant.†

2163 (f) Whether or not the applicant or any of its officers,
 2164 directors, or stockholders have previously been licensed as a
 2165 citrus fruit dealer~~†~~ or connected with a licensed citrus fruit
 2166 dealer in the state and, if so, the date all such licenses were
 2167 obtained.† ~~and~~

2168 (g) The number of boxes of citrus fruit, measured in terms
 2169 of standard-packed boxes, that ~~which~~ the applicant intends to
 2170 deal with during the current or ensuing shipping season.

2171 (2) If the applicant is an individual and is shown to be a
 2172 nonresident of the state~~†~~ or is a copartnership and each member
 2173 is shown to be a nonresident of the state, ~~in either event~~, the
 2174 ~~said~~ applicant shall designate some bona fide resident of the
 2175 state as such applicant's resident agent upon whom process may

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2176 | be served. The service of process of any of the courts of this
 2177 | state upon such resident agent shall be as effectual and binding
 2178 | upon such ~~said~~ applicant as if personally served upon such ~~said~~
 2179 | applicant.

2180 | (3) If the applicant is a corporation, ~~then~~ such
 2181 | corporation must be one organized and existing under the laws of
 2182 | this state or having an unrevoked permit authorizing it to
 2183 | transact business in this state.

2184 | (4) When a license application is submitted for a person
 2185 | or business entity that ~~which~~ has an unpaid balance due and
 2186 | owing the department ~~of Citrus~~ for any citrus assessments ~~excise~~
 2187 | ~~taxes~~ or delinquency fees levied and imposed under the authority
 2188 | of this chapter, the applicant shall be notified immediately by
 2189 | the department, ~~+~~ and such application may ~~shall~~ not be further
 2190 | processed or presented to the commission for action until such
 2191 | assessments ~~taxes~~ and fees are paid in full. However, any
 2192 | applicant whose assessments ~~taxes~~ are under review by the
 2193 | department ~~of Citrus~~ or are contested in the appropriate
 2194 | administrative agency or court shall not have its application
 2195 | denied solely on the basis of owed assessments ~~taxes~~ or fees,
 2196 | until the matter is determined by the department, agency, or
 2197 | court.

2198 | Section 44. Subsections (1), (6), and (7) of section
 2199 | 601.57, Florida Statutes, are amended to read:

2200 | 601.57 Examination of application; approval of dealers'
 2201 | licenses.—

2202 | (1) The department ~~of Citrus~~ shall, within a reasonable
 2203 | time, examine the application and consider the information

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2204 submitted therewith, including the applicant's financial
2205 statement and the reputation of the applicant as shown by
2206 applicant's past and current history and activities, including
2207 applicant's method and manner of doing business. The department
2208 ~~of Citrus~~ shall also consider the past history of any applicant,
2209 either individually or in connection with any individual,
2210 copartnership, corporation, association, or other business unit
2211 with whom any applicant has ~~shall have~~ been connected in any
2212 capacity, and may in proper cases impute to any individual,
2213 corporation, copartnership, association, or other business unit
2214 liability for any wrong or unlawful act previously done or
2215 performed by such individual, corporation, copartnership,
2216 association, or other business unit.

2217 (6) The department ~~of Citrus~~ shall designate not more than
2218 three employees directly involved in the processing of citrus
2219 fruit dealer license applications, who shall be a part of, and
2220 shall have access to, the criminal justice information system
2221 described in chapter 943, for purposes of investigating license
2222 applicants.

2223 (7) The department may adopt rules establishing ~~of Citrus~~
2224 ~~is authorized to establish by rule~~ the procedure and guidelines
2225 for granting interim conditional staff approval for issuance of
2226 a conditional citrus fruit dealer's license, which license shall
2227 at all times be subject to final approval or other action by the
2228 commission at its next regular meeting. Any license so issued
2229 shall clearly and conspicuously indicate thereon the conditional
2230 nature of the approval and pendency of final action.

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2231 Section 45. Subsection (1) of section 601.58, Florida
 2232 Statutes, is amended to read:

2233 601.58 Application approval or disapproval.—

2234 (1) Each citrus fruit dealer's license application that
 2235 ~~which~~ is approved, or approved subject to conditions, shall be
 2236 forwarded immediately to the Department of Agriculture ~~and~~
 2237 ~~Consumer Services~~, which shall, upon satisfaction of the stated
 2238 conditions, if any are endorsed thereon, issue to the applicant
 2239 an appropriate license as prescribed in s. 601.60.

2240 Section 46. Section 601.60, Florida Statutes, is amended
 2241 to read:

2242 601.60 Issuance of dealers' licenses.—

2243 (1) Whenever an application bears the approved endorsement
 2244 of the Department of Citrus and satisfactions of conditions of
 2245 approval, if any, and the applicant has paid the prescribed fee,
 2246 the Department of Agriculture ~~and Consumer Services~~ shall issue
 2247 to such applicant a license, as approved by the Department of
 2248 Citrus, which shall entitle the licensee to do business as a
 2249 citrus fruit dealer during the effective term of such license in
 2250 accordance with s. 601.55 or, if applicable, until such license
 2251 is ~~may be~~ suspended or revoked by the Department of Agriculture
 2252 ~~and Consumer Services~~ in accordance with ~~the provisions of~~ law.
 2253 The Department of Agriculture ~~and Consumer Services~~ may issue a
 2254 provisional license for a period of no longer than 1 year to an
 2255 applicant who is under investigation for an action that would
 2256 constitute a violation of this chapter or has pending against
 2257 such applicant an administrative or civil proceeding that ~~which~~
 2258 alleges an action that would constitute a violation of this

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2259 chapter. The department shall establish by rule requirements for
 2260 renewal of a provisional license. When the investigation is
 2261 complete or the pending proceeding has been disposed of, the
 2262 Department of Agriculture may issue a regular license under this
 2263 section.

2264 (2) If, during the effective term of such license, there
 2265 is any change in the ownership, officers, managership, or
 2266 stockholders of any copartnership, association, corporation, or
 2267 other business unit to which a license has been issued, the
 2268 licensee shall immediately notify the Department of Citrus in
 2269 writing specifying the change in detail. The Department of
 2270 Citrus may ~~shall be entitled to~~ receive, and the licensee must
 2271 ~~shall be required to~~ promptly furnish, such additional
 2272 information as if the licensee were applying for a new license.
 2273 If, after investigating the facts and applying the standards
 2274 prescribed for the issuance of new licenses, the commission
 2275 finds that the licensee is not entitled to a citrus fruit
 2276 dealer's license, the commission shall recommend to the
 2277 Department of Agriculture ~~and Consumer Services~~ that such
 2278 existing license be suspended or revoked, and, upon such
 2279 recommendation, the Department of Agriculture ~~and Consumer~~
 2280 ~~Services~~ shall immediately take necessary steps to suspend or
 2281 revoke such existing license.

2282 Section 47. Section 601.601, Florida Statutes, is amended
 2283 to read:

2284 601.601 Registration of dealers' agents.—Each ~~Every~~
 2285 licensed citrus fruit dealer shall:

2286 (1) Register with the Department of Agriculture each ~~and~~

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2287 ~~every~~ agent, as defined in s. 601.03(2), who is authorized to
 2288 represent such dealer; apply ~~make application~~ for registration
 2289 of such agent or agents on a form approved by the Department of
 2290 Agriculture and filed with the Department of Agriculture at
 2291 least ~~not less than~~ 5 days before ~~prior to~~ the active
 2292 participation of the agent or agents on behalf of such dealer in
 2293 any transaction described in s. 601.03(2); and be held fully
 2294 liable for and legally bound by all contracts and agreements,
 2295 verbal or written, involving the consignment, purchase, or sale
 2296 of citrus fruit executed by a duly registered agent on the
 2297 dealer's behalf during the entire period of valid registration
 2298 of such agent the same as though such contracts or agreements
 2299 were executed by the dealer. Registration of each agent shall be
 2300 for the entire shipping season for which the applying dealer's
 2301 license is issued; however, a licensed dealer may cancel the
 2302 registration of any agent registered by her or him by returning
 2303 the agent's identification card to the Department of Agriculture
 2304 and giving formal written notice to the Department of
 2305 Agriculture of at least ~~not less than~~ 10 days. In addition, such
 2306 dealer shall make every effort to alert the public to the fact
 2307 that the agent is no longer authorized to represent her or him.
 2308 An agent may be registered by more than one licensed dealer for
 2309 the same shipping season, provided that each licensed dealer
 2310 applies ~~shall apply~~ individually for registration of the agent
 2311 and further provided that written consent is given by each and
 2312 every dealer under whose license the agent has valid prior
 2313 registration.

2314 (2) When the ~~above~~ requirements of subsection (1) and such

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2315 additional requirements ~~as may be~~ set forth by rules ~~regulations~~
 2316 adopted by the Department of Citrus for registration of an agent
 2317 are ~~have been~~ met and the fee required by s. 601.59(2) is ~~has~~
 2318 ~~been~~ paid, the Department of Agriculture shall duly register the
 2319 agent and issue an identification card certifying such
 2320 registration. The identification card, among other things, shall
 2321 show in a prominent manner:

- 2322 (a) The name and address of the agent.†
- 2323 (b) The authorizing dealer's name, address, and license
 2324 number.†
- 2325 (c) The effective date and season for which registration
 2326 is made.†
- 2327 (d)1. A space for signature of the agent.†
- 2328 2. A space to be countersigned by the licensed dealer.†
- 2329 3. A statement providing that the card is not valid unless
 2330 so signed and countersigned.

2331
 2332 The department ~~of Citrus~~ may periodically, ~~from time to time~~,
 2333 adopt, as necessary, additional requirements or conditions
 2334 relating to the registration of agents ~~as may be necessary~~.

2335 Section 48. Section 601.61, Florida Statutes, is amended
 2336 to read:

2337 601.61 Bond requirements of citrus fruit dealers.—
 2338 (1) (a) Except as ~~hereinafter~~ provided in this section,
 2339 before ~~prior to~~ the approval of a citrus fruit dealer's license,
 2340 the applicant ~~therefor~~ must deliver to the Department of
 2341 Agriculture ~~and Consumer Services~~ a good and sufficient cash
 2342 bond, an appropriate certificate of deposit, or a surety bond

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2343 | executed by the applicant as principal and by a surety company
 2344 | qualified to do business in this state as surety, in an amount
 2345 | ~~as~~ determined by the Department of Citrus pursuant to rules
 2346 | adopted by the department under chapter 120. The rules shall
 2347 | allow the department to consider any of following factors for
 2348 | determining the amount of such bonds or certificates of deposit
 2349 | ~~amount of such bond or certificate of deposit shall be~~
 2350 | ~~determined by taking into consideration any one or more of the~~
 2351 | ~~following:~~ the number of standard packed boxes of citrus fruit,
 2352 | or the equivalent thereof, that ~~which~~ the applicant intends to
 2353 | handle during the term of the license as set forth in the
 2354 | application; the total volume of fruit handled by the dealer the
 2355 | previous season; the highest month's volume handled the previous
 2356 | season; the anticipated increase in the total citrus crop during
 2357 | the season for which the application for license is made; or ~~and~~
 2358 | other relevant factors ~~based on the following schedule:~~

- 2359 | ~~(a) \$1,000 up to 2,000 boxes;~~
- 2360 | ~~(b) \$2,000 up to 5,000 boxes;~~
- 2361 | ~~(c) \$3,750 up to 7,500 boxes;~~
- 2362 | ~~(d) \$5,000 up to 10,000 boxes;~~
- 2363 | ~~(e) \$10,000 up to 20,000 boxes;~~
- 2364 | ~~(f) \$1,000 for each additional 20,000 boxes or fraction~~
 2365 | ~~thereof in excess of 20,000 boxes, with a maximum bond of~~
 2366 | ~~\$100,000.~~

2367 | (b) If a citrus fruit dealer during the term of her or his
 2368 | license finds that she or he has handled, or can reasonably
 2369 | expect to handle, a volume of fruit greater than that covered by
 2370 | a posted bond or certificate of deposit, the dealer has ~~shall~~

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2371 ~~have~~ the affirmative duty ~~to~~ of immediately notify ~~notifying~~ the
 2372 Department of Agriculture ~~and Consumer Services~~ and initiate a
 2373 review by the Department of Citrus to determine any ~~initiating~~
 2374 ~~an~~ increase required in the amount of such bond or certificate
 2375 of deposit to comply with the department's rules for determining
 2376 the ~~an~~ amount of such bonds or certificates of deposit ~~that will~~
 2377 ~~meet the requirements set forth above.~~

2378 (2) Such ~~Said~~ bond shall be in the form approved by the
 2379 Department of Agriculture ~~and Consumer Services~~ and shall be
 2380 conditioned as provided in s. 601.66(9); ~~and also~~ to fully
 2381 comply with the terms and conditions of all contracts, verbal or
 2382 written, made by the citrus fruit dealer with producers or with
 2383 other citrus fruit dealers, relative to the purchasing,
 2384 handling, sale, and accounting of purchases and sales of citrus
 2385 fruit; ~~and~~ upon the dealer's ~~dealer~~ accounting for the proceeds
 2386 from, and paying for, any citrus fruit purchased or contracted
 2387 for, in accordance with the terms of the contracts with
 2388 producers; ~~and~~ upon the dealer's ~~dealer~~ accounting for any
 2389 advance payments or deposits made, and delivering all citrus
 2390 fruit contracted for, in accordance with the terms of the
 2391 contracts with other citrus fruit dealers. The commission may
 2392 prescribe by rule that such a producer contract contain
 2393 information that it considers necessary to protect the producer
 2394 from deceptive practices. For purposes of this chapter, every
 2395 such contract shall be conclusively deemed to have been made and
 2396 entered into during the shipping season in which the delivery of
 2397 fruit into the primary channel of trade is made.

2398 (3) Such ~~Said~~ bond shall be to the Department of

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2399 Agriculture, for the use and benefit of every producer and of
 2400 every citrus fruit dealer with whom the dealer deals in the
 2401 purchase, handling, sale, and accounting of purchases and sales
 2402 of citrus fruit. The aggregate accumulative liability under any
 2403 bond may ~~shall~~ not exceed the amount of the bond ~~named therein~~.
 2404 Such said bond shall provide that the surety company executing
 2405 the bond is ~~thereon shall~~ not be liable to any citrus fruit
 2406 dealer claiming to be injured or damaged by such ~~the said~~ dealer
 2407 if the aggregate of the amounts found to be due to producers
 2408 pursuant to ~~the provisions of~~ this chapter equals or exceeds the
 2409 amount of the bond, unless such citrus fruit dealer is also a
 2410 producer and is acting in the capacity of a producer and not in
 2411 the capacity of a citrus fruit dealer in the transaction wherein
 2412 she or he claims to have been injured or damaged by applicant;
 2413 however, ~~but~~ if the aggregate of such amounts is less than the
 2414 amount of the bond, ~~then~~ the surety may be held liable to such
 2415 citrus fruit dealers, but not in excess of the sum by which the
 2416 amount of the bond exceeds the aggregate of the amounts found to
 2417 be due to producers pursuant to ~~the provisions of~~ this chapter.

2418 (4) The Department of Citrus or the Department of
 2419 Agriculture, or any officer or employee designated by the
 2420 Department of Citrus or the Department of Agriculture, is
 2421 authorized ~~shall have the right to~~ inspect such accounts and
 2422 records of any citrus fruit dealer as may be deemed necessary to
 2423 determine whether a bond that ~~which~~ has been delivered to the
 2424 Department of Agriculture is in the amount required by this
 2425 section or whether a previously licensed nonbonded dealer should
 2426 be required to furnish bond. If any such citrus fruit dealer

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2427 | refuses to permit such inspection, the Department of Agriculture
 2428 | may publish the facts and circumstances and by order suspend the
 2429 | license of the offender until permission to make such inspection
 2430 | is given. Upon a finding by the Department of Agriculture that
 2431 | any citrus fruit dealer has dealt or probably will deal with
 2432 | more fruit during the season than shown by the application, the
 2433 | Department of Agriculture may order such bond increased to such
 2434 | an amount as will meet the requirements ~~as~~ set forth in the
 2435 | rules adopted by the Department of Citrus for determining the
 2436 | amount bond schedule of such bonds subsection (1). Upon failure
 2437 | to file such increased bond within the time fixed by the
 2438 | Department of Agriculture, the Department of Agriculture may
 2439 | publish the facts and circumstances and by order suspend the
 2440 | license of such citrus fruit dealer until such ~~the said~~ bond is
 2441 | increased as ordered.

2442 | (5) (a) The following citrus fruit, subject to such rules
 2443 | as may be prescribed by the Department of Citrus, is ~~shall~~ not
 2444 | ~~be~~ considered ~~as~~ fruit with which the applicant intends to deal
 2445 | for the purpose of determining the amount of the bond required
 2446 | under subsection (1) ~~:~~ →

2447 | 1. Citrus fruit that ~~which~~ the applicant produces.

2448 | 2. Citrus fruit that ~~which~~ is handled for its members by a
 2449 | cooperative marketing association organized and existing under
 2450 | ~~the provisions of either~~ chapter 618 or chapter 619.

2451 | 3. Fresh citrus fruit handled by the applicant that, ~~which~~
 2452 | has been prepared and packaged by a registered packinghouse
 2453 | other than the applicant and has been inspected and certified
 2454 | for shipment.

2455 4. Citrus fruit handled by the applicant from citrus
 2456 groves for which the applicant provides complete grove
 2457 management services under direct contract with the owner or
 2458 producer.

2459 5. Citrus fruit handled by a corporate or partnership
 2460 applicant that is from citrus groves owned by officers or
 2461 stockholders of the corporation or from citrus groves owned by
 2462 the partnership, the parent corporation, or a wholly owned
 2463 subsidiary corporation or its corporate officers or
 2464 stockholders, or any partner of a partnership, if; ~~provided that~~
 2465 appropriate waivers of right to any claim against the bond
 2466 required to be posted by this section are ~~be~~ attached to and
 2467 made a part of the license application ~~for license~~.

2468 6. Processed citrus fruit handled by the applicant that
 2469 ~~which~~ has been processed and packaged by a registered citrus
 2470 processing plant other than the applicant and has been inspected
 2471 and certified for shipment.

2472 (b) If the applicant does not intend to deal with any
 2473 citrus fruit other than that described in paragraph (a) ~~which~~
 2474 ~~comes within the foregoing classifications~~, the Department of
 2475 Agriculture ~~and Consumer Services~~ shall issue a license without
 2476 the posting of a bond. Such a license shall bear a descriptive
 2477 statement to the effect that the licensee is not a bonded citrus
 2478 fruit dealer.

2479 (c) A claim against any citrus fruit dealer's bond
 2480 required to be posted by this section shall not be accepted with
 2481 respect to any damages in connection with fruit handled under
 2482 ~~the provisions of subparagraphs (a)1.-6. of paragraph (a)~~ if

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2483 such claim is filed against the bond of the dealer who was
 2484 granted bond exempt status for such ~~said~~ fruit.

2485 ~~(6) If any of the provisions of this act shall be held to~~
 2486 ~~be unconstitutional or invalid for any reason by any court of~~
 2487 ~~competent jurisdiction or if such court shall find or declare~~
 2488 ~~that no applicant shall be required to furnish the bond required~~
 2489 ~~by this act, then and in that event this entire act shall be~~
 2490 ~~ineffective for any and all purposes and the laws in effect on~~
 2491 ~~July 31, 1965, which are amended by this act, shall not be~~
 2492 ~~deemed to be amended or repealed by this act but shall instead~~
 2493 ~~remain in full force and effect it being the intention of the~~
 2494 ~~Legislature that in such event this entire act shall be~~
 2495 ~~ineffective for any and all purposes and the laws in effect on~~
 2496 ~~July 31, 1965, which are amended or repealed by this act shall~~
 2497 ~~instead not be deemed to be amended or repealed by this act but~~
 2498 ~~shall remain in full force and effect.~~

2499 Section 49. Subsection (7) of section 601.64, Florida
 2500 Statutes, is amended to read:

2501 601.64 Citrus fruit dealers; unlawful acts.—It is unlawful
 2502 in, or in connection with, any transaction relative to the
 2503 purchase, handling, sale, and accounting of sales of citrus
 2504 fruit:

2505 (7) For any citrus fruit dealer to violate or aid or abet
 2506 in the violation of any rule adopted ~~or regulation duly~~
 2507 ~~promulgated~~ by the department of Citrus.

2508 Section 50. Subsections (1), (6), (7), and (8) of section
 2509 601.66, Florida Statutes, are amended to read:

2510 601.66 Complaints of violations by citrus fruit dealers;

2511 procedure; bond distribution; court action on bond.-

2512 (1) Any person may complain of any violation of ~~any of the~~
 2513 ~~provisions of~~ this chapter by any citrus fruit dealer during any
 2514 shipping season, by filing of a written complaint with the
 2515 Department of Agriculture ~~and Consumer Services~~ at any time
 2516 before ~~prior to~~ May 1 of the year immediately after ~~following~~
 2517 the end of such shipping season. Such ~~said~~ complaint shall
 2518 briefly state the facts, and the Department of Agriculture ~~and~~
 2519 ~~Consumer Services~~ shall thereupon, if the facts alleged prima
 2520 facie warrant such action, forward true copies of such ~~said~~
 2521 complaint to the dealer in question and also to the surety
 2522 company on the dealer's bond. The dealer at such time shall be
 2523 called upon, within a reasonable time to be prescribed by the
 2524 Department of Agriculture ~~and Consumer Services~~, either to
 2525 satisfy the complaint or to answer the complaint in writing,
 2526 either admitting or denying the liability.

2527 (6) Upon failure by a dealer to comply with an order of
 2528 the Department of Agriculture ~~and Consumer Services~~ directing
 2529 payment, the Department of Agriculture ~~and Consumer Services~~
 2530 shall call upon the surety company to pay over to the Department
 2531 of Agriculture ~~and Consumer Services~~, out of the bond
 2532 theretofore posted by the surety for such dealer, the amount of
 2533 damages sustained but not exceeding the amount of the bond. The
 2534 proceeds to the Department of Agriculture ~~and Consumer Services~~
 2535 by the surety company shall, in the discretion of the Department
 2536 of Agriculture ~~and Consumer Services~~, be ~~either~~ paid to the
 2537 original complainant or held by the Department of Agriculture
 2538 ~~and Consumer Services~~ for later disbursement, depending upon the

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2539 | time during the shipping season when the complaint was made,
 2540 | when liability was admitted by the dealer, when the proceeds
 2541 | were so paid by the surety company to the Department of
 2542 | Agriculture ~~and Consumer Services~~, the amount of other claims
 2543 | then pending against the same dealer, the amount of other claims
 2544 | already adjudicated against the dealer, and such other pertinent
 2545 | facts as the Department of Agriculture ~~and Consumer Services~~ in
 2546 | its discretion may consider material. The Department of
 2547 | Agriculture ~~and Consumer Services~~, if it decides to pay the
 2548 | proceeds to the original complainant, may ~~has authority to~~ order
 2549 | an increase in the original bond of the dealer to such higher
 2550 | sum as ~~to~~ the Department of Agriculture ~~and Consumer Services~~
 2551 | would be justified under all the circumstances so as to protect
 2552 | other possible claimants and to exercise all powers otherwise
 2553 | confided to it under this chapter to enforce the posting of such
 2554 | increased bond. The Department of Agriculture ~~and Consumer~~
 2555 | ~~Services~~ also, in its discretion as the facts and circumstances
 2556 | might appear to it, may hold the amount of such proceeds until
 2557 | such later time, up to the time when all claims have been filed
 2558 | during the allotted period after the closing of the shipping
 2559 | season and such claims adjudicated, and may ~~then~~ disburse the
 2560 | total proceeds in its possession paid over to it by the surety
 2561 | company on the dealer's bond as such claims were adjudicated to
 2562 | the various claimants, paying first to the producers the amount
 2563 | of their claims in full, if such proceeds are sufficient for
 2564 | such purpose, and if not, then in pro rata shares to such
 2565 | producer claimants. The balance of any; ~~and if there then exist~~
 2566 | additional proceeds in the hands of the Department of

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2567 Agriculture ~~and Consumer Services~~, after all claims of producers
 2568 have been paid in full, ~~the balance of such proceeds~~ shall be
 2569 paid to claimants who are citrus fruit dealers, either in whole
 2570 or in pro rata portion, as the aggregate of their claims may
 2571 bear to the amount of such additional proceeds.

2572 (7) Upon failure of a surety company to comply with a
 2573 demand for payment of the proceeds of a citrus fruit dealer's
 2574 bond pursuant to administrative orders entered by the Department
 2575 of Agriculture fixing amounts due claimants, the Department of
 2576 Agriculture shall within a reasonable time file in the Circuit
 2577 Court in and for Polk County, an original petition or complaint
 2578 setting forth the administrative proceedings before the
 2579 Department of Agriculture and ask for final order of the court
 2580 directing the surety company to pay the proceeds of the ~~said~~
 2581 bond to the Department of Agriculture for distribution to the
 2582 claimants.

2583 (8) In any court proceeding filed under subsection (7),
 2584 the findings of facts and orders of the Department of
 2585 Agriculture shall be prima facie evidence of the facts therein
 2586 stated, and if in such suit the Department of Agriculture is
 2587 successful and the court affirms the Department of Agriculture's
 2588 ~~department's~~ demand for payment from the surety company, the
 2589 Department of Agriculture shall be allowed all court costs
 2590 incurred therein and also a reasonable attorney fees ~~attorney's~~
 2591 ~~fee~~ to be fixed and collected as a part of the costs of the
 2592 suit.

2593 Section 51. Section 601.67, Florida Statutes, is amended
 2594 to read:

2595 601.67 Disciplinary action by Department of Agriculture
 2596 ~~and Consumer Services~~ against citrus fruit dealers.—

2597 (1) The Department of Agriculture ~~and Consumer Services~~
 2598 may impose a fine not exceeding \$50,000 per violation against
 2599 any licensed citrus fruit dealer for violation of any provision
 2600 of this chapter and, in lieu of, or in addition to, such fine,
 2601 may revoke or suspend the license of any such dealer when it has
 2602 been satisfactorily shown that such dealer, in her or his
 2603 activities as a citrus fruit dealer, has:

2604 (a) Obtained a license by means of fraud,
 2605 misrepresentation, or concealment;

2606 (b) Violated or aided or abetted in the violation of any
 2607 law of this state governing or applicable to citrus fruit
 2608 dealers or any lawful rules of the Department of Citrus;

2609 (c) Been guilty of a crime against the laws of this or any
 2610 other state or government involving moral turpitude or dishonest
 2611 dealing~~7~~ or has become legally incompetent to contract or be
 2612 contracted with;

2613 (d) Made, printed, published, distributed, or caused,
 2614 authorized, or knowingly permitted the making, printing,
 2615 publication, or distribution of false statements, descriptions,
 2616 or promises of such a character as to reasonably induce any
 2617 person to act to her or his damage or injury, if such citrus
 2618 fruit dealer then knew, or~~7~~ by the exercise of reasonable care
 2619 and inquiry~~7~~ could have known~~7~~ of the falsity of such
 2620 statements, descriptions, or promises;

2621 (e) Knowingly committed or been a party to any material
 2622 fraud, misrepresentation, concealment, conspiracy, collusion,

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2623 | trick, scheme, or device whereby any other person lawfully
 2624 | relying upon the word, representation, or conduct of the citrus
 2625 | fruit dealer has acted to her or his injury or damage;

2626 | (f) Committed any act or conduct of the same or different
 2627 | character of that hereinabove enumerated which constitutes
 2628 | fraudulent or dishonest dealing; or

2629 | (g) Violated any of the provisions of ss. 506.19-506.28,
 2630 | both sections inclusive.

2631 | (2) The Department of Agriculture may impose a fine not
 2632 | exceeding \$100,000 per violation against any person who operates
 2633 | as a citrus fruit dealer without a current citrus fruit dealer
 2634 | license issued by the Department of Agriculture pursuant to s.
 2635 | 601.60. In addition, the Department of Agriculture may order
 2636 | such person to cease and desist operating as a citrus fruit
 2637 | dealer without a license. An administrative order entered by the
 2638 | Department of Agriculture under this subsection may be enforced
 2639 | pursuant to s. 601.73.

2640 | (3) The Department of Agriculture shall impose a fine of
 2641 | not less than \$10,000 nor more than \$100,000 per violation
 2642 | against any licensed citrus fruit dealer and shall suspend, for
 2643 | 60 days during the first available period between September 1
 2644 | and May 31, the license of any citrus fruit dealer who:

2645 | (a) Falsely labels or otherwise misrepresents that a fresh
 2646 | citrus fruit was grown in a specific production area specified
 2647 | in s. 601.091; or

2648 | (b) Knowingly, falsely labels or otherwise misrepresents
 2649 | that a processed citrus fruit product was prepared solely with
 2650 | citrus fruit grown in a specific production area specified in s.

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2651 | 601.091.

2652 | (4) Any fine imposed pursuant to subsection (1),
 2653 | subsection (2), or subsection (3), when paid, shall be deposited
 2654 | by the Department of Agriculture ~~and Consumer Services~~ into its
 2655 | General Inspection Trust Fund.

2656 | (5) Whenever any administrative order has been made and
 2657 | entered by the Department of Agriculture that ~~and Consumer~~
 2658 | ~~Services which~~ imposes a fine pursuant to this section, such
 2659 | order shall specify a time limit for payment of the fine, not
 2660 | exceeding 15 days. The failure of the dealer involved to pay the
 2661 | fine within that time shall result in the immediate suspension
 2662 | of such citrus fruit dealer's current license, or any
 2663 | subsequently issued license, until such time as the order has
 2664 | been fully satisfied. Any order suspending a citrus fruit
 2665 | dealer's license shall include a provision that such suspension
 2666 | shall be for a specified period of time not to exceed 60 days,
 2667 | and such period of suspension may commence at any designated
 2668 | date within the current license period or subsequent license
 2669 | period. Whenever an order has been entered that ~~which~~ suspends a
 2670 | citrus fruit dealer's license for a definite period of time and
 2671 | that license, by law, expires during the period of suspension,
 2672 | the suspension order shall continue automatically and shall be
 2673 | effective against any subsequent citrus fruit dealer's license
 2674 | issued to such dealer until such time as the entire period of
 2675 | suspension has elapsed. Whenever any such administrative order
 2676 | of the Department of Agriculture ~~and Consumer Services~~ is sought
 2677 | to be reviewed by the offending dealer involved in a court of
 2678 | competent jurisdiction, if such court proceedings should finally

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2679 terminate in such administrative order being upheld or not
 2680 quashed, such order shall thereupon, upon the filing with the
 2681 Department of Agriculture ~~and Consumer Services~~ of a certified
 2682 copy of the mandate or other order of the last court having to
 2683 do with the matter in the judicial process, become immediately
 2684 effective and shall then be carried out and enforced
 2685 notwithstanding such time will be during a new and subsequent
 2686 shipping season from that during which the administrative order
 2687 was first originally entered by the Department of Agriculture
 2688 ~~and Consumer Services~~.

2689 Section 52. Subsection (9) of section 601.69, Florida
 2690 Statutes, is amended to read:

2691 601.69 Records to be kept by citrus fruit dealers.—Every
 2692 citrus fruit dealer shall make and keep a correct record showing
 2693 in detail the following with reference to the purchase,
 2694 handling, sale, and accounting of sale of citrus fruit handled
 2695 by her or him, namely:

2696 (9) Any other record or account required to be kept and
 2697 maintained by such dealer by rule adopted by ~~or regulation of~~
 2698 the department ~~of Citrus~~ duly promulgated.

2699 Section 53. Section 601.70, Florida Statutes, is amended
 2700 to read:

2701 601.70 Inspection of records by Department of Agriculture
 2702 ~~and Consumer Services~~.—The Department of Agriculture ~~and~~
 2703 ~~Consumer Services~~, or its duly authorized agents, ~~shall~~ have the
 2704 right to inspect all accounts, records, and memoranda of any
 2705 citrus fruit dealer required to be kept under ~~pursuant to the~~
 2706 ~~provisions of~~ this chapter. If any such citrus fruit dealer

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2707 | refuses to permit such inspection, the Department of Agriculture
 2708 | may publish the facts and circumstances and by order suspend the
 2709 | license of the offender until permission to make such inspection
 2710 | is given.

2711 | Section 54. Subsection (1) of section 601.701, Florida
 2712 | Statutes, is amended to read:

2713 | 601.701 Penalty for failure to keep records.—

2714 | (1) It is ~~shall be~~ unlawful to fail to keep any records
 2715 | required to be kept under ~~the provisions of~~ the Florida Citrus
 2716 | Code ~~of 1949, or any amendments thereto,~~ or required to be kept
 2717 | by any other law or by any rule adopted by ~~authorized regulation~~
 2718 | ~~of~~ the Department of Agriculture or the Department of Citrus, or
 2719 | to falsify or cause the falsification of any such records or to
 2720 | keep false records.

2721 | Section 55. Paragraph (a) of subsection (1) and subsection
 2722 | (2) of section 601.731, Florida Statutes, are amended to read:

2723 | 601.731 Transporting citrus on highways; name and dealer
 2724 | designation on vehicles; load identification; penalty.—

2725 | (1)(a) It is unlawful to operate any truck, tractor,
 2726 | trailer, or other motor vehicle hauling citrus fruit in bulk or
 2727 | in unclosed containers for commercial purposes on the highways
 2728 | of this state unless such truck, tractor, trailer, or other
 2729 | motor vehicle is:

2730 | 1. Designated by a number assigned or permitted for use in
 2731 | the way and manner and to the extent prescribed by ~~regulation of~~
 2732 | ~~the department~~ rule of Citrus.

2733 | 2. Identified by lettering plainly showing the name of the
 2734 | person owning same, or the name of any lessee or other person

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2735 operating same. The lettering shall not be less than 3 inches in
 2736 height on both sides of the vehicle or on the front end and the
 2737 rear end of the vehicle, except that lettering on flatbed
 2738 semitrailers shall not be less than 1 1/2 inches in height on
 2739 the rear end of the trailer.

2740 (2) Any person driving any truck, tractor, trailer, or
 2741 other motor vehicle hauling citrus fruit in bulk or in unclosed
 2742 containers for commercial purposes on the highways of the state
 2743 must ~~shall~~ have on her or his person while ~~when~~ driving such
 2744 vehicle a certificate or other paper showing the approximate
 2745 amount of fruit being hauled; the name of the owner and the
 2746 grove or other origin of such fruit; the number painted or
 2747 affixed by decal, as well as the number of the motor vehicle
 2748 license tag, on the vehicle in which such fruit is being hauled;
 2749 and such other information and data as may be prescribed by
 2750 ~~regulation of the~~ department rule ~~of Citrus~~, and it is unlawful
 2751 to drive any such vehicle on the highways of this state without
 2752 having such certificate or other paper. The failure of any such
 2753 person to have such certificate or other paper on her or his
 2754 person while ~~when~~ driving such vehicle, ~~as aforesaid~~, is prima
 2755 facie evidence of intent to violate and of the violation of this
 2756 section ~~act~~.

2757 Section 56. Section 601.74, Florida Statutes, is amended
 2758 to read:

2759 601.74 Adoption of rules; fees for licensing and analysis
 2760 of processing materials.—The Department of Agriculture ~~and~~
 2761 ~~Consumer Services~~ may adopt rules and set fees with respect to
 2762 the licensing and analysis of materials and composition used on

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2763 or in the packing of citrus fruits. Such rules may include fees
 2764 for permitting dyes and coloring matter. Fees shall be not less
 2765 than ~~the amount of~~ \$30 nor more than \$100 for each manufacturer
 2766 applying making application to the Department of Agriculture.
 2767 All such license fees collected under this section hereunder
 2768 shall be paid monthly by the Department of Agriculture ~~and~~
 2769 ~~Consumer Services~~ into the State Treasury to the credit of the
 2770 General Inspection Trust Fund and shall be appropriated and made
 2771 available for defraying the expenses incurred in the
 2772 administration of this law.

2773 Section 57. Section 601.75, Florida Statutes, is amended
 2774 to read:

2775 601.75 Dyes and coloring matter for citrus fruit to be
 2776 certified prior to use.—The Department of Agriculture ~~and~~
 2777 ~~Consumer Services~~ may adopt rules with respect to the permitting
 2778 and certification of dyes and coloring matter for citrus fruit
 2779 prior to use on any citrus fruit.

2780 Section 58. Section 601.76, Florida Statutes, is amended
 2781 to read:

2782 601.76 Manufacturer to furnish formula and other
 2783 information.—The Department of Agriculture ~~and Consumer Services~~
 2784 may adopt rules with respect to requirements for information
 2785 that which must be furnished by manufacturers of coloring matter
 2786 for use on citrus fruit. Such information may include product
 2787 formulas. Any formula required to be filed with the Department
 2788 of Agriculture ~~and Consumer Services~~ shall be deemed a trade
 2789 secret as defined in s. 812.081, is confidential and exempt from
 2790 ~~the provisions of~~ s. 119.07(1), and shall only be divulged to

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2791 the Department of Agriculture ~~and Consumer Services~~ or to its
 2792 duly authorized representatives or upon orders of a court of
 2793 competent jurisdiction when necessary in the enforcement of this
 2794 law. A person who receives such a formula from the Department of
 2795 Agriculture under this section shall maintain the
 2796 confidentiality of the formula.

2797 Section 59. Section 601.77, Florida Statutes, is amended
 2798 to read:

2799 601.77 Subsequent analysis of coloring matter; inspection
 2800 of packinghouses for application.—The Department of Agriculture
 2801 ~~and Consumer Services~~ may, by rule, provide for subsequent
 2802 analysis of coloring matter, for inspection of packinghouses or
 2803 other places where coloring matter is applied to citrus fruit,
 2804 and for grounds for revocation of a license to use coloring
 2805 matter on fruit.

2806 Section 60. Section 601.78, Florida Statutes, is amended
 2807 to read:

2808 601.78 Manufacturer to post bond.—The Department of
 2809 Agriculture ~~and Consumer Services~~ may, by rule, require cash or
 2810 surety bonds to be posted by manufacturers of coloring matter
 2811 used on citrus fruit. The Department of Agriculture ~~and Consumer~~
 2812 ~~Services~~ shall adopt rules prescribing the amount and form of
 2813 such bonds and the grounds and procedures for forfeiture of
 2814 same. The amount of the bond may ~~shall~~ not exceed \$5,000.

2815 Section 61. Section 601.80, Florida Statutes, is amended
 2816 to read:

2817 601.80 Unlawful to use uncertified coloring matter.—It is
 2818 unlawful for any person to use on oranges or citrus hybrids any

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2819 coloring matter which has not first received the approval of the
 2820 Department of Agriculture ~~and Consumer Services~~ as provided by
 2821 rule adopted under ~~pursuant to~~ s. 601.76.

2822 Section 62. Section 601.85, Florida Statutes, is amended
 2823 to read:

2824 601.85 Standard shipping box for fresh fruit.—The
 2825 specifications for the standard ~~legal~~ shipping box, when crate,
 2826 ~~or container to be used as a unit of trade or for reporting~~
 2827 purposes, in shipping fresh citrus fruits shall be as
 2828 established by the department, ~~of Citrus;~~ but ~~provided that~~ the
 2829 unit of a standard-packed box, commonly called 1 3/5 bushels,
 2830 shall contain an inside cubical measurement of 3,456 cubic
 2831 inches.

2832 Section 63. Section 601.86, Florida Statutes, is amended
 2833 to read:

2834 601.86 Standard field boxes for fresh citrus fruit.—The
 2835 standard field box or its equivalent, when used as a unit of
 2836 trade or for reporting purposes, ~~All field boxes used in the~~
 2837 ~~purchase, sale, or handling of citrus fruit from or for the~~
 2838 ~~grower by a citrus fruit dealer in the state~~ shall be of the
 2839 uniform standard size of 31 1/2 inches long, 13 inches high, and
 2840 12 inches wide, inside measurements, and shall be divided into
 2841 two compartments by a center partition of at least three-fourths
 2842 inch thickness, ~~and~~ and each of these compartments thus created
 2843 shall have a cubical capacity that does ~~of not to~~ exceed 2,400
 2844 cubic inches.

2845 Section 64. Subsection (3) of section 601.91, Florida
 2846 Statutes, is amended to read:

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2847 601.91 Unlawful to sell, transport, prepare, receive, or
2848 deliver freeze-damaged citrus.—

2849 (3) The manner and method of drawing samples and
2850 conducting tests under this section shall be prescribed by rules
2851 ~~and regulations~~ of the Department of Citrus. The inspection in
2852 the state of all citrus fruits seriously damaged by freezing and
2853 the enforcement of this section and of rules, ~~regulations,~~ and
2854 orders of ~~made by~~ the department ~~of Citrus~~ pursuant to and under
2855 authority of this section shall be under the direction,
2856 supervision, and control of the Department of Agriculture and
2857 its duly authorized agents and inspectors who are qualified
2858 under existing laws to inspect for grade and maturity, † and all
2859 citrus fruits that may be found to be seriously damaged by
2860 freezing, as defined by s. 601.89, upon inspection and testing
2861 shall be seized and may be confiscated and destroyed under the
2862 supervision of the citrus fruit inspector at the expense of the
2863 owner unless previous disposition is made by the owner or other
2864 person who offered the same for inspection, all the provisions
2865 of this section being subject to such reasonable rules ~~and~~
2866 ~~regulations~~ as may be adopted ~~promulgated~~ by the Department of
2867 Citrus.

2868 Section 65. Section 601.9901, Florida Statutes, is amended
2869 to read:

2870 601.9901 Certificates of inspection; form.—All
2871 certificates of inspection prescribed by this chapter shall be
2872 of such number, form, size, and character as the department ~~of~~
2873 ~~Citrus~~ may by rule ~~and regulation~~ prescribe and shall be used in
2874 such manner as to identify the fruit or the canned or

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2875 concentrated products thereof to which they relate.

2876 Section 66. Section 601.9902, Florida Statutes, is amended
2877 to read:

2878 601.9902 Payment of salaries and expenses; Department of
2879 Citrus.—All salaries, costs, and expenses incurred by the
2880 department ~~of Citrus~~ in the administration and ~~the~~ enforcement
2881 of this chapter and in the performance of the department's ~~its~~
2882 duties and the exercise of its powers under the laws of this
2883 state shall be proratably paid from the moneys derived from the
2884 citrus advertising assessments ~~taxes~~ imposed on the various
2885 types of citrus fruit in such proportion as the department ~~of~~
2886 ~~Citrus~~ may find each respective type ~~is~~ affected by such
2887 expenditures.

2888 Section 67. Section 601.9903, Florida Statutes, is amended
2889 to read:

2890 601.9903 Annual report of Department of Citrus.—The
2891 department ~~of Citrus~~ shall submit ~~make~~ an annual report to the
2892 Governor concerning ~~upon~~ the work of the department ~~of Citrus~~.
2893 The department ~~It~~ shall also submit ~~make~~ such special reports
2894 concerning ~~upon~~ any phase of the department's work ~~of the~~
2895 ~~Department of Citrus~~ as may be requested ~~called for~~ by the
2896 Governor or the Legislature or either house thereof.

2897 Section 68. Section 601.99035, Florida Statutes, is
2898 amended to read:

2899 601.99035 Annual travel report of Department of Citrus.—
2900 The department ~~of Citrus~~ shall, at the end of each fiscal year,
2901 publish an annual travel report that states, for each department
2902 staff member ~~of the Department of Citrus~~ and each commission

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2903 member ~~of the Florida Citrus Commission~~ who has traveled during
 2904 that year, the name of the person, the person's position title,
 2905 the date on which a claim for reimbursement was submitted, the
 2906 dates of travel, the destinations, the purpose of the travel,
 2907 and all expenditures that resulted from the travel.

2908 Section 69. Section 601.99036, Florida Statutes, is
 2909 amended to read:

2910 601.99036 Approval of specified salary changes.—Any change
 2911 in the annual salary of an employee of the department who earns
 2912 ~~of Citrus which is at or above \$100,000 or more~~ annually must be
 2913 approved by a majority ~~the full membership~~ of the Florida Citrus
 2914 commission ~~at the meeting of the commission in July 2003, or at~~
 2915 ~~the first subsequent meeting, and before~~ the any subsequent
 2916 salary adjustment is made.

2917 Section 70. Section 601.9904, Florida Statutes, is amended
 2918 to read:

2919 601.9904 ~~Rules and regulations;~~ Frozen citrus juices;
 2920 rules of Department of Citrus.—The department shall adopt ~~of~~
 2921 ~~Citrus is hereby authorized and required to promulgate and~~
 2922 enforce rules ~~and regulations~~ concerning the contents,
 2923 preparation, concentrating, other processing, and keeping or
 2924 storing of frozen concentrated fresh citrus juices, and such
 2925 rules ~~and regulations~~ may govern, ~~cover~~ but are not limited to,
 2926 the sanitary conditions under which such product is prepared,
 2927 the type of equipment and machinery used therein, ~~and~~ the manner
 2928 and method of storage within this state, and the manner and
 2929 method of shipment.

2930 Section 71. Subsection (6) of section 601.9908, Florida
 2931 Statutes, is amended to read:

2932 601.9908 Canned tangerine juice; standards; labeling.—No
 2933 canned tangerine juice shall be sold or offered for sale or
 2934 shipped or offered for shipment which:

2935 (6) Does not meet requirements to be established by the
 2936 department ~~of Citrus~~ regarding color, absence of defects, taste,
 2937 and flavor; unless the immediate container thereof shall be
 2938 labeled in accordance with regulations of the department ~~of~~
 2939 ~~Citrus~~ and there shall appear on such label the word
 2940 "substandard" in bold type not less than 1/4 inch high printed
 2941 or stamped diagonally thereon.

2942 Section 72. Paragraphs (c) and (d) of subsection (1) and
 2943 subsections (2) and (3) of section 601.9910, Florida Statutes,
 2944 are amended to read:

2945 601.9910 Legislative findings of fact; strict enforcement
 2946 of maturity standard in public interest.—

2947 (1) FINDINGS.—

2948 (c) The Legislature finds and determines and so declares
 2949 that there is no better method of determining when such raw and
 2950 immature flavor leaves Florida citrus than by the standards
 2951 authorized by set forth in this chapter and set forth in
 2952 department rule; and that experience has demonstrated over a
 2953 period of many years, by the best available records and under
 2954 various climatic conditions and various seasonal changes, that
 2955 generally speaking, before prior to November 1 of each season,
 2956 oranges that ~~which~~ do not have a total soluble solids of 9
 2957 percent with a minimum ratio of total soluble solids, as set

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2958 | forth in department rule s. 601.20, still have a raw, immature
 2959 | flavor; ~~and that,~~ beginning on or about November 1 of each
 2960 | season, such raw, immature fruit flavor gradually disappears
 2961 | from the orange, and by November 15 the same orange may have a
 2962 | still lower soluble solids percentage and not be immature; that
 2963 | ~~and~~ after November 15 the same orange can still have a further
 2964 | lower soluble solids percentage without being immature; and that
 2965 | by December 1 nature has completed its process of removing the
 2966 | raw, immature flavor that ~~which~~ might have existed before ~~prior~~
 2967 | ~~to~~ that time, provided such fruit meets the other minimum
 2968 | maturity requirements authorized by ~~set forth in~~ this chapter
 2969 | and set forth in department rule. On December 1 oranges meeting
 2970 | the requirements set forth in department rule of s. 601.19(4),
 2971 | while not being sufficiently mature to ship in fresh form, may
 2972 | be safely used in some processed products without the finished
 2973 | product having a raw, immature flavor. On December 1 grapefruit
 2974 | meeting the requirements set forth in department rule of s.
 2975 | ~~601.16(4)~~, while not being sufficiently mature to ship in fresh
 2976 | form, may be safely used in some processed products without the
 2977 | finished product having a raw, immature flavor.

2978 | (d) The Legislature finds and determines and so declares
 2979 | that the enforcement of the maturity standards, authorized by ~~as~~
 2980 | ~~set forth in~~ this chapter and set forth in department rule, will
 2981 | not result in preventing any grower from marketing her or his
 2982 | fruit at some time during the marketing season, whenever nature
 2983 | has removed the raw, immature flavor, ~~and,~~ if there is a delay
 2984 | in such marketing, it will result in higher prices for the
 2985 | entire season, bringing additional millions of dollars to the

2986 state's growers of ~~Florida~~ and resulting in benefit to all
 2987 growers, including the grower or growers who were delayed a
 2988 short time in the shipment of their fruit.

2989 (2) DECLARATION.—Therefore, the Legislature declares that
 2990 the strict enforcement of the maturity standards authorized by
 2991 ~~as set forth in~~ this chapter and set forth in department rule
 2992 is definitely in the public's interest and for the public's
 2993 welfare, and that no citrus that ~~should be shipped from Florida~~
 2994 ~~and sold in the consuming markets which~~ has a raw, immature
 2995 flavor, and that ~~which~~ could be classed by the consuming public
 2996 as "Florida green fruit." should be shipped from the state and
 2997 sold in consuming markets.

2998 (3) RULES SETTING FORTH REGULATIONS REGARDING MATURITY
 2999 STANDARDS FOR HYBRIDS.—The Legislature finds and determines that
 3000 the classifications of and maturity standards for citrus hybrids
 3001 should be established by rules adopted ~~regulations promulgated~~
 3002 by the department ~~of Citrus~~ pursuant to this chapter.

3003 Section 73. Section 601.9911, Florida Statutes, is amended
 3004 to read:

3005 601.9911 Fruit may be sold or transported direct from
 3006 producer.—Any citrus producer may transport her or his own
 3007 citrus fruit or any citrus fruit may be sold or purchased and
 3008 transported in interstate or intrastate commerce in truckload
 3009 lots direct from a producer, and any such fruit so sold,
 3010 purchased, or transported need not be processed, handled by any
 3011 packinghouse, washed, polished, graded, stamped, labeled,
 3012 branded, placed in containers, or otherwise prepared for market
 3013 as ~~may be provided~~ in this chapter herein. Such fruit shall be

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3014 certified at the time of inspection as tree run grade of fruit,
 3015 but shall otherwise remain subject to the maturity standards and
 3016 all other conditions, restrictions, emergency quality assurance
 3017 orders, and other requirements of this chapter and shall be
 3018 inspected for such compliance as all other fruit is inspected at
 3019 such convenient locations as may be determined by the Department
 3020 of Agriculture. Any such fruit violating any provision of ~~the~~
 3021 ~~provisions~~ of this chapter, or any rule adopted by ~~or regulation~~
 3022 ~~of the department under of Citrus made pursuant to~~ this chapter,
 3023 but not inconsistent with this section, may be seized,
 3024 condemned, and destroyed as provided in this chapter ~~herein~~. At
 3025 the time of such inspection, all fees and, ~~assessments, and~~
 3026 ~~excise taxes~~ provided in this chapter shall be paid and
 3027 collected at the same rate as paid by all other fresh fruit
 3028 growers or shippers.

3029 Section 74. Section 601.9918, Florida Statutes, is amended
 3030 to read:

3031 601.9918 Rules related to issuance and use of symbols.—In
 3032 rules related to the issuance and voluntary use of symbols,
 3033 certification marks, service marks, or trademarks, the
 3034 commission may make general references to national or state
 3035 requirements that the license applicant would be compelled to
 3036 meet regardless of the Department of Agriculture's ~~department's~~
 3037 issuance of the license applied for.

3038 Section 75. Section 601.992, Florida Statutes, is amended
 3039 to read:

3040 601.992 Collection of dues and other payments on behalf of
 3041 certain nonprofit corporations engaged in market news and grower

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3042 education.—The ~~Florida~~ Department of Citrus or the Department of
 3043 Agriculture ~~and Consumer Services~~ or their successors may
 3044 collect or compel the entities regulated by the Department of
 3045 Agriculture to collect dues, contributions, or any other
 3046 financial payment upon request by, and on behalf of, any not-
 3047 for-profit corporation~~,~~ and its related not-for-profit
 3048 corporations~~,~~ located in this state that receive ~~which receives~~
 3049 payments or dues from their ~~its~~ members. Such not-for-profit
 3050 corporation must be engaged, to the exclusion of agricultural
 3051 commodities other than citrus, in market news and grower
 3052 education solely for citrus growers, and must have at least
 3053 5,000 members who are engaged in growing citrus in this state
 3054 for commercial sale. The Department of Agriculture may adopt
 3055 rules under chapter 120 ~~pursuant to ss. 120.536(1) and 120.54~~ to
 3056 administer ~~implement~~ this section. The rules may establish
 3057 indemnity requirements for the requesting corporation and for
 3058 fees to be charged to the corporation that ~~which~~ are sufficient
 3059 but do not exceed the amount necessary to ensure that any direct
 3060 costs incurred by the Department of Agriculture in implementing
 3061 this section are borne by the requesting corporation and not by
 3062 the Department of Agriculture.

3063 Section 76. Subsection (1) of section 603.161, Florida
 3064 Statutes, is amended to read:

3065 603.161 Sales certificates, work orders to accompany
 3066 certain fruit.—

3067 (1) This section applies to tropical or subtropical fruit.
 3068 "Tropical or subtropical fruit" means avocados, bananas,
 3069 calamondins, carambolas, guavas, kumquats, limes, longans,

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3070 loquats, lychees, mameys, mangoes, papayas, passion fruit,
3071 sapodillas, and fruit that must be grown in tropical or
3072 semitropical regions, except citrus fruit as defined in s.
3073 601.03~~(7)~~.

3074 Section 77. Effective January 1, 2013, sections 601.16,
3075 601.17, 601.18, 601.19, 601.20, 601.21, 601.22, 601.87, 601.90,
3076 601.901, 601.981, 601.9905, 601.9906, 601.9907, 601.9909,
3077 601.9913, 601.9914, and 601.9916, Florida Statutes, are
3078 repealed.

3079 Section 78. Except as otherwise expressly provided in this
3080 act, this act shall take effect July 1, 2012.