

1 A bill to be entitled
2 An act relating to the Department of Citrus; amending
3 s. 601.152, F.S.; deleting an obsolete reference;
4 amending ss. 601.9918 and 601.992, F.S.; reverting
5 certain references to the Department of Citrus that
6 were changed to references to the Department of
7 Agriculture and Consumer Services by chapter 2012-182,
8 Laws of Florida; providing for applicability;
9 providing for retroactive application of specified
10 rules of the Department of Citrus; providing for
11 repeal of specified rules of the Department of
12 Agriculture and Consumer Services; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (d) of subsection (1) of section
18 601.152, Florida Statutes, is amended to read:

19 601.152 Special marketing orders.—

20 (1)

21 (d) Copies of the proposed marketing order shall be made
22 available to the public at the offices of the department ~~at~~
23 ~~Lakeland~~ at least 5 days before such hearing and shall be in
24 sufficient detail to apprise all persons having an interest
25 therein of the approximate amount of moneys proposed to be
26 expended; the assessments to be levied thereunder; and the
27 general details of the proposed marketing order for a special
28 marketing campaign of advertising or sales promotion or market

29 | or product research and development. Among the details so
30 | specified shall be the period of time during which the
31 | assessment imposed pursuant to subsection (8) will be levied
32 | upon the privilege so assessed, which period may not be greater
33 | than 2 years. The order may, however, provide that the
34 | expenditure of the funds received from the imposition of such
35 | assessments shall not be so confined but may be expended during
36 | such time or times as shall be specified in the proposed
37 | marketing order, which may be either during the shipping season
38 | immediately preceding the shipping seasons during which such
39 | assessments are imposed or during, or at any time subsequent to,
40 | the shipping seasons during which such assessments are imposed.
41 | This section does not prevent the imposition of a subsequent
42 | marketing order before, during, or after the expenditure of
43 | funds collected under a previously imposed marketing order,
44 | provided the aggregate of the assessments imposed may not exceed
45 | the maximum permitted under subsection (8).

46 | Section 2. Section 601.9918, Florida Statutes, is amended
47 | to read:

48 | 601.9918 Rules related to issuance and use of symbols.—In
49 | rules related to the issuance and voluntary use of symbols,
50 | certification marks, service marks, or trademarks, the
51 | commission may make general references to national or state
52 | requirements that the license applicant would be compelled to
53 | meet regardless of the department's ~~Department of Agriculture's~~
54 | issuance of the license applied for.

55 | Section 3. Section 601.992, Florida Statutes, is amended
56 | to read:

57 | 601.992 Collection of dues and other payments on behalf of
58 | certain nonprofit corporations engaged in market news and grower
59 | education.—The Department of Citrus or the Department of
60 | Agriculture or their successors may collect or compel the
61 | entities regulated by the Department of Citrus ~~Agriculture~~ to
62 | collect dues, contributions, or any other financial payment upon
63 | request by, and on behalf of, any not-for-profit corporation and
64 | its related not-for-profit corporations located in this state
65 | that receive payments or dues from their members. Such not-for-
66 | profit corporation must be engaged, to the exclusion of
67 | agricultural commodities other than citrus, in market news and
68 | grower education solely for citrus growers, and must have at
69 | least 5,000 members who are engaged in growing citrus in this
70 | state for commercial sale. The Department of Citrus ~~Agriculture~~
71 | may adopt rules to administer this section. The rules may
72 | establish indemnity requirements for the requesting corporation
73 | and for fees to be charged to the corporation that are
74 | sufficient but do not exceed the amount necessary to ensure that
75 | any direct costs incurred by the Department of Citrus
76 | ~~Agriculture~~ in implementing this section are borne by the
77 | requesting corporation and not by the Department of Citrus
78 | ~~Agriculture~~.

79 | Section 4. (1) The amendments made by this act to ss.
80 | 601.9918 and 601.992, Florida Statutes, are remedial in nature
81 | and apply retroactively to July 1, 2012.

82 | (2) (a) Rules 20-109.005 and 20-112.003, Florida
83 | Administrative Code, adopted by the Department of Citrus to
84 | implement s. 601.9918, Florida Statutes, and rules 20-7.001, 20-

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85 7.002, 20-7.003, 20-7.004, and 20-7.005, Florida Administrative
86 Code, adopted by the Department of Citrus to implement s.
87 601.992, Florida Statutes, all of which were in effect on July
88 1, 2012, shall remain in effect until modified pursuant to s.
89 120.54, Florida Statutes. This paragraph applies retroactively
90 to July 1, 2012.

91 (b) Rules adopted by the Department of Agriculture and
92 Consumer Services to implement s. 601.9918, Florida Statutes, or
93 s. 601.992, Florida Statutes, between July 1, 2012, and the
94 effective date of this act are repealed.

95 Section 5. This act shall take effect upon becoming a law.