

By Representative Spratt

1                                   A bill to be entitled  
 2           An act relating to rulemaking authority with  
 3           respect to the regulation of the citrus  
 4           industry; amending s. 601.10, F.S.; authorizing  
 5           the Department of Citrus to adopt a rule  
 6           listing forms to be used in conducting its  
 7           business; amending s. 601.61, F.S., relating to  
 8           bond requirements of citrus fruit dealers;  
 9           allowing the Florida Citrus Commission to  
 10          prescribe certain terms of producer contracts;  
 11          creating s. 601.9918, F.S.; authorizing the  
 12          Florida Citrus Commission to refer to national  
 13          or state requirements in rules relating to  
 14          issuance and use of symbols, certification  
 15          marks, service marks, or trademarks; providing  
 16          an effective date.

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

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 20           Section 1. Subsection (15) is added to section 601.10,  
 21 Florida Statutes, to read:

22           601.10 Powers of the Department of Citrus.--The  
 23 Department of Citrus shall have and shall exercise such  
 24 general and specific powers as are delegated to it by this  
 25 chapter and other statutes of the state, which powers shall  
 26 include, but shall not be confined to, the following:

27           (15) To provide by rule a list of forms used in  
 28 conducting its business. The adoption of such rule  
 29 constitutes sufficient notice to the public of the existence  
 30 of the forms and negates the need to place specific citation

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1 to such list throughout the related chapters of the Florida  
2 Administrative Code.

3 Section 2. Subsection (2) of section 601.61, Florida  
4 Statutes, is amended to read:

5 601.61 Bond requirements of citrus fruit dealers.--

6 (2) Said bond shall be in the form approved by the  
7 Department of Agriculture and Consumer Services and shall be  
8 conditioned as provided in s. 601.66(9), and also to fully  
9 comply with the terms and conditions of all contracts, verbal  
10 or written, made by the citrus fruit dealer with producers or  
11 with other citrus fruit dealers, relative to the purchasing,  
12 handling, sale, and accounting of purchases and sales of  
13 citrus fruit, and upon the dealer accounting for the proceeds  
14 from, and paying for, any citrus fruit purchased or contracted  
15 for, in accordance with the terms of the contracts with  
16 producers, and upon the dealer accounting for any advance  
17 payments or deposits made, and delivering all citrus fruit  
18 contracted for, in accordance with the terms of the contracts  
19 with other citrus fruit dealers. The commission may prescribe  
20 by rule that such a producer contract contain information that  
21 it considers necessary to protect the producer from deceptive  
22 practices.For purposes of this chapter, every such contract  
23 shall be conclusively deemed to have been made and entered  
24 into during the shipping season in which the delivery of fruit  
25 into the primary channel of trade is made.

26 Section 3. Section 601.9918, Florida Statutes, is  
27 created to read:

28 601.9918 Rules related to issuance and use of  
29 symbols.--In rules related to the issuance and voluntary use  
30 of symbols, certification marks, service marks, or trademarks,  
31 the commission may make general references to national or

1 state requirements that the license applicant would be  
2 compelled to meet regardless of the department's issuance of  
3 the license applied for.

4 Section 4. This act shall take effect upon becoming a  
5 law.

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8 HOUSE SUMMARY

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10 Authorizes the Department of Citrus to adopt a rule  
11 listing the forms used in conducting its business. Allows  
12 the Florida Citrus Commission to prescribe by rule that a  
13 producer contract must contain information that the  
14 commission considers necessary for the protection of the  
15 producer from deceptive practices. Authorizes the  
16 Florida Citrus Commission to make general reference to  
17 national or state requirements in its rules relating to  
18 issuance and use of symbols, certification marks, service  
19 marks, or trademarks if a license applicant would be  
20 required to comply with those requirements regardless of  
21 the Department of Citrus' action with respect to issuance  
22 of the license applied for.  
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