

By Representatives Spratt and Putnam

1 A bill to be entitled
2 An act relating to citrus; amending ss. 601.02,
3 601.15, F.S.; clarifying the use of funds
4 collected under s. 601.15, F.S.; amending s.
5 601.28, F.S.; providing for fresh citrus fruit
6 inspection rates fees to be set by hourly
7 equivalents to per-box fees; amending s.
8 601.67, F.S.; authorizing the Department of
9 Agriculture and Consumer Services to impose a
10 fine and suspend the license of a fruit dealer
11 who commingles fresh citrus fruit; providing an
12 effective date.

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

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16 Section 1. Present subsections (5) and (6) of section
17 601.02, Florida Statutes, are redesignated as subsections (6)
18 and (7), respectively, and a new subsection (5) is added to
19 that section, to read:

20 601.02 Purposes.--This chapter is passed:
21 (5) To enable citrus producers collectively to pay
22 assessments to fund marketing and research programs for the
23 direct benefit of the citrus industry of this state. It is
24 the intent of the Legislature that all funds collected under
25 this chapter and the interest accrued on such funds are
26 consideration for a social contract between the state and the
27 citrus growers of the state whereby the state must hold such
28 funds in trust and inviolate and use them only for the
29 purposes prescribed in this chapter.

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1 In the event any word, phrase, clause, sentence, paragraph, or
2 section of this chapter is declared unconstitutional by any
3 court of competent jurisdiction, then such declaration of such
4 unconstitutionality shall not affect the remainder of this
5 chapter, and the unconstitutional portion shall be considered
6 severable, it being the intent of the Legislature that the
7 remainder of this chapter shall continue in full force and
8 effect.

9 Section 2. Subsection (1) of section 601.15, Florida
10 Statutes, 1996 Supplement, is amended to read:

11 601.15 Advertising campaign; methods of conducting;
12 excise tax; emergency reserve fund; citrus research.--

13 (1) The administration of this section shall be vested
14 in the Department of Citrus, which shall prescribe suitable
15 and reasonable rules and regulations for the enforcement
16 hereof, and the Department of Citrus shall administer the
17 taxes levied and imposed hereby. All funds collected under
18 this section and the interest accrued on such funds are
19 consideration for a social contract between the state and the
20 citrus growers of the state whereby the state must hold such
21 funds in trust and inviolate and use them only for the
22 purposes prescribed in this chapter. The Department of Citrus
23 shall have power to cause its duly authorized agent or
24 representative to enter upon the premises of any handler of
25 citrus fruits and to examine or cause to be examined any
26 books, papers, records, or memoranda bearing on the amount of
27 taxes payable and to secure other information directly or
28 indirectly concerned in the enforcement hereof. Any person
29 who is required to pay the taxes levied and imposed and who by
30 any practice or evasion makes it difficult to enforce the
31 provisions hereof by inspection, or any person who, after

1 demand by the Department of Citrus or any agent or
2 representative designated by it for that purpose, refuses to
3 allow full inspection of the premises or any part thereof or
4 any books, records, documents, or other instruments in any
5 manner relating to the liability of the taxpayer for the tax
6 imposed or hinders or in anywise delays or prevents such
7 inspection, is guilty of a misdemeanor of the second degree,
8 punishable as provided in s. 775.082 or s. 775.083.

9 Section 3. Paragraph (a) of subsection (1) of section
10 601.28, Florida Statutes, is amended to read:

11 601.28 Inspection fees.--

12 (1) There is hereby levied upon citrus fruit and
13 processed citrus products the following inspection fees:

14 (a) Upon each standard-packed box or equivalent,
15 including hourly rate equivalent, thereof of citrus fruit
16 inspected and certified for shipment in fresh form other than
17 fruit on which a fee is imposed by paragraph (b), such fee, to
18 be fixed annually promptly following the release by the United
19 States Department of Agriculture of the October citrus crop
20 estimate, as is determined by the Department of Agriculture to
21 be necessary to pay:

22 1. The costs expected to be incurred during the then
23 current shipping season by the Bureau of Citrus Inspection in
24 performing its duties with respect to such citrus fruit and by
25 the Bureau of Citrus Technical Control in performing its
26 duties with respect to such citrus fruit;

27 2. A pro rata portion of the costs expected to be
28 incurred during the then current shipping season by the Bureau
29 of Citrus License and Bond;

30 3. A pro rata portion of the costs expected to be
31 incurred during the then current shipping season, by the

1 Department of Agriculture through its cooperative agreement
2 with the United States Department of Agriculture, which are
3 directly attributable to the estimation of the size of the
4 citrus crop in Florida; and
5 4. The amount, if any, by which the costs actually
6 incurred with respect to the foregoing during the preceding
7 shipping season may have exceeded the income received during
8 that season, or less the amounts, if any, by which the income
9 received during the preceding shipping season may have
10 exceeded the costs actually incurred with respect to the
11 foregoing during that season. For the purpose of this
12 subparagraph, income received during the preceding season
13 shall be deemed to include all fees collected under this
14 paragraph, plus a pro rata portion of all fees collected under
15 s. 601.59, plus a pro rata portion of all fines and penalties
16 collected pursuant to this chapter, and plus all interest
17 earned on the investment of the foregoing funds.
18 Section 4. Subsection (2) of section 601.67, Florida
19 Statutes, is amended to read:
20 601.67 Disciplinary action by Department of
21 Agriculture and Consumer Services against citrus fruit
22 dealers.--
23 (2) The department shall impose a fine of not less
24 than \$10,000 nor more than \$100,000 per violation against any
25 licensed citrus fruit dealer and shall suspend, for 60 days
26 during the first available period between September 1 and May
27 31, the license of any citrus fruit dealer who: ~~knowingly,~~
28 (a) Falsely labels or otherwise misrepresents that a
29 fresh citrus fruit was grown in a specific production area
30 specified in s. 601.091; or
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1 (b) Knowingly, falsely labels or otherwise
2 misrepresents that a processed citrus fruit product was
3 prepared solely with ~~from such~~ citrus fruit grown in a
4 specific production area specified in s. 601.091.

5 Section 5. This act shall take effect July 1, 1997.

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8 SENATE SUMMARY

9 Clarifies that funds collected by the Department of
10 Citrus under s. 601.15, F.S., are trust funds and must be
11 used only for the purposes prescribed in ch. 601, F.S.
12 Provides for fresh citrus fruit inspection rates fees to
13 be set by hourly equivalents to per-box fees. Prohibits
14 certain acts by citrus fruit dealers. Provides for the
15 imposition of a fine and suspension of license of a fruit
16 dealer who performs such acts.