

593-146AX-27

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Alexander offered the following:

Amendment (with title amendment)

On page 34, between lines 26 and 27, of the bill

insert:

Section 40. Section 20.29, Florida Statutes, is repealed:

~~20.29 Department of Citrus.--The State Citrus Commission, created under chapter 601, is continued and renamed the Department of Citrus.~~

~~(1) The head of the Department of Citrus is the board, established by s. 601.04, and said board is hereby named the "Florida Citrus Commission."~~

~~(2) All of the powers, duties, and functions of the Florida Citrus Commission are continued in the board, as head of the department. The board shall derive all of its powers, duties, and functions from chapter 601.~~

~~(3) All of the personnel, records, property, and unexpended balances of appropriations and other funds are continued with the Department of Citrus as presently held.~~

1 Section 41. Section 601.01, Florida Statutes, is
2 reenacted and amended to read:

3 601.01 Creation of the Florida Citrus Authority ~~Short~~
4 ~~title.--~~

5 (1) This chapter may be known and cited as "the
6 Florida Citrus Code of 1949."

7 (2) There is hereby created the Florida Citrus
8 Authority, a public body corporate and politic and an
9 independent special district and instrumentality of the state,
10 under the supervision of the Florida Citrus Commission, for
11 the purposes and with the powers herein set forth. The
12 Florida Citrus Authority shall have perpetual succession and
13 sovereign immunity as provided in s. 768.28.

14 (3) The Florida Citrus Authority shall be a body
15 corporate, shall have power to contract and be contracted
16 with, and shall have and possess all the powers of a body
17 corporate for all purposes necessary to fully carry out the
18 provisions and requirements of this chapter. The Florida
19 Citrus Authority shall adopt a corporate seal with which it
20 shall authenticate its proceedings.

21 (4) All of the assets, personnel records, documents,
22 records, patents, trademarks, copyrights, real property,
23 intangible property, furniture, office equipment, supplies,
24 operating account balances, and unexpended balances of
25 appropriations shall be transferred from the Department of
26 Citrus to the Florida Citrus Authority and shall continue as
27 provided in this chapter. All liabilities of the Department
28 of Citrus shall become the responsibility of the Florida
29 Citrus Authority.

30 (5) The Legislature acknowledges that there are
31 currently many services that the Department of Citrus receives

1 by virtue of being an agency of the executive branch. These
2 services include, but are not limited to, payroll, purchasing,
3 computer services, accounting services, and insurance and
4 retirement benefits. The Florida Citrus Authority shall
5 continue to receive the same services from executive agencies
6 as the Department of Citrus until such time that the Florida
7 Citrus Authority has made the appropriate transition.

8 (6) All administrative rules of the Department of
9 Citrus in effect on the effective date of this act shall
10 become the adopted rules of the Florida Citrus Authority on
11 the effective date of this act.

12 (7) The Florida Citrus Authority is established as an
13 independent special district to be composed of three
14 subdistricts as provided in s. 601.09.

15 Section 42. Section 601.02, Florida Statutes, is
16 reenacted and amended to read:

17 601.02 Purposes.--The purpose of the Florida Citrus
18 Authority is to provide advertising, marketing, research, and
19 promotions for the benefit of the citrus industry, and to
20 implement and enforce the regulations regarding the quality of
21 citrus products. The goals of the Florida Citrus Authority
22 shall be ~~This chapter is passed:~~

23 ~~(1) In the exercise of the police power~~ To protect the
24 health and welfare and to stabilize and protect the citrus
25 industry of the state.

26 ~~(2) To help maximize~~ Because the planting, growing,
27 cultivating, spraying, pruning, and fertilizing of citrus
28 groves and the harvesting, hauling, processing, packing,
29 canning, and concentrating of the citrus crop produced thereon
30 is the major agricultural enterprise of Florida and, together
31 with the sale and distribution of the citrus ~~said~~ crop for the

1 benefit of the citrus industry., ~~affects the health, morals,~~
 2 ~~and general economy of a vast number of citizens of the state~~
 3 ~~who are either directly or indirectly dependent thereon for a~~
 4 ~~livelihood, and said business is therefore of vast public~~
 5 ~~interest.~~

6 (3) ~~Because it is wise, necessary, and expedient~~ To
 7 protect and enhance the quality and reputation of Florida
 8 citrus fruit and the canned and concentrated products thereof
 9 in domestic and foreign markets.

10 (4) To provide means whereby producers, packers,
 11 canners, and concentrators of citrus fruit and the canned and
 12 concentrated products thereof may secure prompt and efficient
 13 inspection and classification of grades of citrus fruit and
 14 the canned and concentrated products thereof at reasonable
 15 costs, it being hereby recognized that the standardization of
 16 the citrus fruit industry of Florida by the proper grading and
 17 classification of citrus fruit and the canned and concentrated
 18 products thereof by prompt and efficient inspection under
 19 competent authority is beneficial alike to producer, packer,
 20 shipper, canner, concentrator, carrier, receiver, and consumer
 21 in that it furnishes them prima facie evidence of the quality
 22 and condition of such products and informs the carrier and
 23 receiver of the quality of the products carried and received
 24 by them and assures the ultimate consumer of the quality of
 25 the products purchased.

26 (5) To enable the Florida Citrus Authority to assess
 27 citrus producers collectively to generate funds for to pay
 28 ~~assessments to fund marketing, and research, promotions and~~
 29 regulatory programs for the direct benefit of the citrus
 30 industry of this state. The Florida Citrus Authority shall
 31 collect and maintain the funds collected pursuant to chapter

1 189 and the Florida Citrus Code; however, provisions of ss.
 2 189.404(3)(n), 189.4045, 189.405, 189.4051, 189.415, and
 3 189.4155 shall not be applicable to the Florida Citrus
 4 Authority. No moneys collected by the Florida Citrus
 5 Authority shall become general revenue funds nor shall such
 6 moneys be subject to legislative appropriations. Assessments
 7 collected pursuant to the Florida Citrus Code shall not be
 8 used for the purpose of eradication of canker or other pest
 9 infestation. It is the intent of the Legislature that all
 10 funds collected under this chapter and the interest accrued on
 11 such funds are consideration for a social contract between the
 12 Florida Citrus Authority ~~state~~ and the citrus growers of the
 13 state whereby the Florida Citrus Authority ~~state~~ must hold and
 14 use such funds ~~in trust and inviolate and use them only~~ for
 15 the purposes prescribed in this chapter.

16 (6) To stabilize the Florida citrus industry and to
 17 protect the public against fraud, deception, and financial
 18 loss through unscrupulous practices and haphazard methods in
 19 connection with the processing and marketing of citrus fruit
 20 and the canned or concentrated products thereof.

21 ~~(7) Because said act is designed to promote the~~
 22 ~~general welfare of the Florida citrus industry, which in turn~~
 23 ~~will promote the general welfare and social and political~~
 24 ~~economy of the state.~~

25
 26 In the event any word, phrase, clause, sentence, paragraph, or
 27 section of this chapter is declared unconstitutional by any
 28 court of competent jurisdiction, then such declaration of such
 29 unconstitutionality shall not affect the remainder of this
 30 chapter, and the unconstitutional portion shall be considered
 31 severable, it being the intent of the Legislature that the

1 remainder of this chapter shall continue in full force and
2 effect.

3 Section 43. Section 601.03, Florida Statutes, is
4 reenacted and amended to read:

5 601.03 Definitions.--In construing this chapter, where
6 the context permits the word, phrase, or term:

7 (1) "Additive" means any foreign substance which, when
8 added to any citrus fruit juice, will change the amount of
9 total soluble solids or anhydrous citric acid therein, or the
10 color or taste thereof, or act as an artificial preservative
11 thereof;

12 (2) "Agent" means any person who, on behalf of any
13 citrus fruit dealer, negotiates the consignment, purchase, or
14 sale of citrus fruit, or weighs citrus fruit so that the
15 weight thereof may be used in computing the amount to be paid
16 therefor;

17 (3) "Broker" means any person engaged in the business
18 of negotiating the sale or purchase of citrus fruit for
19 others;

20 (4) "Canned products" means juices, segments, or
21 sections of citrus fruits sealed in hermetically sealed
22 containers at a concentration of not exceeding 20 degrees Brix
23 and sufficiently processed by heat to ensure preservation of
24 the product, and when regulated by the Florida Citrus
25 Authority ~~Department of Citrus~~, these same products packed in
26 any other manner or in any other type container;

27 (5) "Canning plant" means any building, structure, or
28 place where citrus fruit or the juice thereof is canned or
29 prepared for canning at a concentration of not exceeding 20
30 degrees Brix for market or shipment;

31 (6) "Cash buyer" means any person who purchases citrus

1 fruit in this state from the producer for the purpose of
2 resale;

3 (7) "Citrus fruit" means all varieties and regulated
4 hybrids of citrus fruit and also means processed citrus
5 products containing 20 percent or more citrus fruit or citrus
6 fruit juice, but, for the purposes of this chapter, shall not
7 mean limes, lemons, marmalade, jellies, preserves, candies, or
8 citrus hybrids for which no specific standards have been
9 established by the Florida Citrus Authority ~~Department of~~
10 ~~Citrus~~;

11 (8) "Citrus fruit dealer" means any consignor,
12 commission merchant, consignment shipper, cash buyer, broker,
13 association, cooperative association, express or gift fruit
14 shipper, or person who in any manner makes or attempts to make
15 money or other thing of value on citrus fruit in any manner
16 whatsoever, other than of growing or producing citrus fruit,
17 but the term shall not include retail establishments whose
18 sales are direct to consumers and not for resale or persons or
19 firms trading solely in citrus futures contracts on a
20 regulated commodity exchange;

21 (9) "Citrus producing area" means that part or parts
22 of the state in which citrus fruit is grown or produced;

23 (10) "Color-add" or "color-added" means the
24 application or use of any coloring matter to any citrus fruit;

25 (11) "Coloring matter" means any dye, or any liquid or
26 concentrate or material containing a dye or materials which
27 react to form a dye, used or intended to be used for the
28 purpose of enhancing the color of citrus fruit by the addition
29 of artificial color to the peel thereof; provided that said
30 term shall not include any process or treatment of fruit which
31 merely brings out or accelerates the natural color of the

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1 fruit;

2 (12) "Coloring room" means any room or place where
3 citrus fruit is placed, with or without the use of heat or any
4 gas, for the purpose of bringing out the natural color of the
5 fruit;

6 (13) "Florida Citrus Commission" or "commission" means
7 the 12-member board appointed by the Governor and confirmed by
8 the Senate that serves Florida Citrus Commission as the head
9 and governing body of the Florida Citrus Authority Department
10 of Citrus;

11 (14) "Florida Citrus Authority Department of
12 Agriculture" or "authority" means the Florida Citrus Authority
13 Department of Agriculture and Consumer Services of the State
14 of Florida;

15 (15) "Commission merchant" means any person engaged in
16 the business of receiving any citrus fruit for sale on
17 commission for or on behalf of another;

18 (16) "Concentrated products" means:

19 (a) Frozen citrus fruit juice frozen at a
20 concentration of exceeding 20 degrees Brix and kept at a
21 sufficiently freezing temperature to ensure preservation of
22 the product; and

23 (b) Citrus fruit juice sealed in hermetically sealed
24 containers at a concentration of exceeding 20 degrees Brix and
25 sufficiently processed by heat to ensure preservation of the
26 product;

27 (17) "Concentrating plant" means any building,
28 structure, or place where citrus fruit is canned, frozen, or
29 prepared for canning or freezing at a concentration of more
30 than 20 degrees Brix for market or shipment;

31 (18) "Consignment shipper" means any person who

1 contracts with the producer of citrus fruit for the marketing
2 thereof for the sole account and risk of such producer and who
3 agrees to pay such producer the net proceeds derived from such
4 sale;

5 (19) "Consignor" means any person, other than a
6 producer, who ships or delivers to any commission merchant or
7 dealer any citrus fruit for handling, sale, or resale;

8 (20) "Express or gift fruit shipper" means any person
9 having an established place of business who ships or delivers
10 for transportation in any manner, citrus fruit to a consumer
11 and not for the purpose of resale;

12 (21) "Fresh fruit juice distributor" means any person
13 extracting and preparing for market or shipment any citrus
14 fruit juice in fresh form;

15 (22) "Grapefruit" means the fruit *Citrus paradisi*
16 Macf., commonly called grapefruit and shall include white,
17 red, and pink meated varieties;

18 (23) "Handler" means any person engaged within this
19 state in the business of distributing citrus fruit in the
20 primary channel of trade or any person engaged as a processor
21 in the business of processing citrus fruit;

22 (24) "Manufacturer" means any person who shall
23 manufacture, sell or offer for sale, or license or offer for
24 license for use any coloring matter, or any soaps, oils,
25 waxes, gases, gas-forming material, or other similar
26 compositions, or the component parts thereof on or in the
27 processing of citrus fruits;

28 (25) "Oranges" means the fruit *Citrus sinensis* Osbeck,
29 commonly called sweet oranges;

30 (26) "Packinghouse" means any building, structure, or
31 place where citrus fruit is packed or otherwise prepared for

1 market or shipment in fresh form;

2 (27) "Person" means any natural person, partnership,
3 association, corporation, trust, estate, or other legal
4 entity;

5 (28) "Primary channel of trade" means that fruit shall
6 be deemed to have been delivered into the primary channel of
7 trade when it is sold or delivered for shipment in fresh form,
8 or when it is received and accepted at a canning,
9 concentrating, or processing plant for canning, concentrating,
10 or processing;

11 (29) "Producer" means any person growing or producing
12 citrus in this state for market;

13 (30) "Ship" or "shipping" means to move or cause
14 citrus fruit or the canned or concentrated products thereof to
15 be moved in intrastate, interstate, or foreign commerce by
16 rail, truck, boat, or airplane, or any other means;

17 (31) "Shipper" means any person engaged in shipping,
18 or causing to be shipped, citrus fruit or the canned or
19 concentrated products thereof in intrastate, interstate, or
20 foreign commerce, whether as owner, agent, or otherwise;

21 (32) "Shipping season" means that period of time
22 beginning August 1 of one year and ending July 31 of the
23 following year;

24 (33) "Standard packed box" means 1 3/5 bushels of
25 citrus fruit, whether in bulk or containers;

26 (34) "Tangerines" means the fruit Citrus reticulata
27 Blanco, commonly called tangerines;

28 (35) "Lemons" including "rough" lemons means the acid
29 lemons of Citrus limon, including the varieties eureka, genoa,
30 wheatley, amerfo, belair, and villafranca of the Eureka group;
31 varieties bonnie brae, kennedy, lisbon, messer, messina, and

1 sicily of the Lisbon group; varieties meyer, cuban, ponderosa,
2 and rough of the Anomalous group; varieties dorshapo and
3 millsweet of the Sweet Lemon group, and other varieties not
4 included above such as everbearing, palestine sweet, perrine,
5 and spheriola;

6 (36) "Sour oranges"--"sour" or "bitter" oranges means
7 the fruit of Citrus aurantium L. and contains several
8 subspecies. Among the most important are varieties african,
9 brazilian, rubidoux, and standard of the Normal group;
10 varieties daidai, goleta, bouquet of the Aberrant group;
11 variety chinooto of the Myrtifolia group; and varieties
12 bittersweet and paraguay of the Bittersweet group;

13 (37) "Citrus hybrids" means but shall not be limited
14 to hybrids between or among sour orange (C. aurantium),
15 pummelo (C. grandis), lemon (C. limon), lime (C.
16 aurantifolia), citron (C. medica), grapefruit (C. paradisi),
17 tangerine or mandarin orange (C. reticulata), sweet orange (C.
18 sinensis), tangelo (C. reticulata x C. paradisi or C.
19 grandis), tangor (C. reticulata x C. sinensis), kumquat
20 (Fortunella, species), trifoliate orange (Poncirus
21 trifoliata), and varieties of these species;

22 (38) "Processor" means any person engaged within this
23 state in the business of canning, concentrating, or otherwise
24 processing citrus fruit for market other than for shipment in
25 fresh fruit form.

26 Section 44. Section 601.04, Florida Statutes, is
27 reenacted and amended to read:

28 601.04 Florida Citrus Commission; creation and
29 membership.--

30 (1)(a) There is hereby created and established within
31 the Florida Citrus Authority ~~Department of Citrus~~ a board to

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1 be known and designated as the "Florida Citrus Commission" to
2 be composed of 12 practical citrus fruit persons who are
3 resident citizens of the state, each of whom is and has been
4 actively engaged in growing, growing and shipping, or growing
5 and processing of citrus fruit in the state for a period of at
6 least 5 years immediately prior to appointment to the said
7 commission and has, during said period, derived a major
8 portion of her or his income therefrom or, during said time,
9 has been the owner of, member of, officer of, or paid employee
10 of a corporation, firm, or partnership which has, during said
11 time, derived the major portion of its income from the
12 growing, growing and shipping, or growing and processing of
13 citrus fruit.

14 (b) Seven members of the commission shall be
15 designated as grower members and shall be primarily engaged in
16 the growing of citrus fruit as an individual owner; as the
17 owner of, or as stockholder of, a corporation; or as a member
18 of a firm or partnership primarily engaged in citrus growing.
19 None of such members shall receive any compensation from any
20 licensed citrus fruit dealer or handler, as defined in s.
21 601.03, other than gift fruit shippers, but any of the grower
22 members shall not be disqualified as a member if,
23 individually, or as the owner of, a member of, an officer of,
24 or a stockholder of a corporation, firm, or partnership
25 primarily engaged in citrus growing which processes, packs,
26 and markets its own fruit and whose business is primarily not
27 purchasing and handling fruit grown by others. Five members
28 of the commission shall be designated as grower-handler
29 members and shall be engaged as owners, or as paid officers or
30 employees, of a corporation, firm, partnership, or other
31 business unit engaged in handling citrus fruit. Two of such

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1 five grower-handler members shall be primarily engaged in the
2 fresh fruit business and three of such five grower-handler
3 members shall be primarily engaged in the processing of citrus
4 fruits.

5 (c) There shall be four members of the commission from
6 each of the three citrus subdistricts ~~districts~~. Each member
7 must reside in the subdistrict ~~district~~ from which she or he
8 was appointed. For the purposes of this section, the
9 residence of a member shall be the actual physical and
10 permanent residence of the member.

11 (2)(a) The members of such commission shall possess
12 the qualifications herein provided and shall be appointed by
13 the Governor for terms of 3 years each. Appointments shall be
14 made by February 1 preceding the commencement of the term and
15 shall be subject to confirmation by the Senate in the
16 following legislative session. Four members shall be
17 appointed each year. Such members shall serve until their
18 respective successors are appointed and qualified. The regular
19 terms shall begin on June 1 and shall end on May 31 of the
20 third year after such appointment.

21 (b) When appointments are made, the Governor shall
22 publicly announce the actual classification and subdistrict
23 ~~district~~ that each appointee represents. A majority of the
24 members of the commission shall constitute a quorum for the
25 transaction of all business and the carrying out of the duties
26 of the commission. Before entering upon the discharge of
27 their duties as members of the commission, each member shall
28 take and subscribe to the oath of office prescribed in s. 5,
29 Art. II of the State Constitution. The qualification of each
30 member as herein required shall continue throughout the
31 respective term of office, and in the event a member should,

1 after appointment, fail to meet the qualifications or
2 classification which she or he possessed at the time of
3 appointment as above set forth, such member shall resign or be
4 removed and be replaced with a member possessing the proper
5 qualifications and classification.

6 (c) When making an appointment to the commission, the
7 Governor shall announce the subdistrict ~~district~~ and
8 classification of the person appointed.

9 (3)(a) The commission is authorized to elect a chair
10 and vice chair and such other officers as it may deem
11 advisable.

12 (b) The chair, subject to commission concurrence, may
13 appoint such advisory committees or councils composed of
14 industry representatives as the chair deems appropriate,
15 setting forth areas of committee or council concern which are
16 consistent with the statutory powers and duties of the
17 commission and the Florida Citrus Authority ~~Department of~~
18 ~~Citrus~~.

19 (4) It is the intent of the Legislature that the
20 commission be redistricted every 5 years. Redistricting shall
21 be based on the total boxes produced from each of the three
22 subdistricts ~~districts~~ during that 5-year period.

23 Section 45. Section 601.05, Florida Statutes, is
24 repealed:

25 ~~601.05 Department of Citrus a body corporate.--The~~
26 ~~Department of Citrus shall be a body corporate, shall have~~
27 ~~power to contract and be contracted with, and shall have and~~
28 ~~possess all the powers of a body corporate for all purposes~~
29 ~~necessary for fully carrying out the provisions and~~
30 ~~requirements of this chapter. The Department of Citrus shall~~
31 ~~adopt a corporate seal with which it shall authenticate its~~

1 ~~proceedings.~~

2 Section 46. Section 601.06, Florida Statutes, is
3 reenacted and amended to read:

4 601.06 Compensation and expenses of commission
5 members.--Each member of the commission shall receive the sum
6 of \$25 per day for each day or fraction thereof spent while en
7 route to or from, or in actual attendance at, regular or
8 special meetings of the commission or meetings of committees
9 of the commission, or in transacting other business authorized
10 by the Florida Citrus Authority ~~Department of Citrus~~ in
11 addition to per diem and reimbursement of expenses as
12 authorized by law. All laws that are applicable to state
13 agencies and public officers and employees regarding per diem
14 and reimbursement shall be applicable to the Florida Citrus
15 Authority and the Florida Citrus Commission.

16 Section 47. Section 601.07, Florida Statutes, is
17 reenacted and amended to read:

18 601.07 Location of executive offices.--The executive
19 offices of the Florida Citrus Authority ~~Department of Citrus~~
20 shall be established and maintained at Lakeland.

21 Section 48. Section 601.08, Florida Statutes, is
22 reenacted and amended to read:

23 601.08 Authenticated copies of commission records as
24 evidence.--Copies of the proceedings, records, and acts of the
25 commission and certificates purporting to relate the facts
26 concerning such proceedings, records, and acts signed by the
27 chair of the commission and authenticated by the seal of the
28 Florida Citrus Authority ~~Department of Citrus~~ shall be prima
29 facie evidence thereof in all the courts of the state.

30 Section 49. Section 601.09, Florida Statutes, is
31 reenacted and amended to read:

1 601.09 Citrus subdistricts ~~districts~~.--The independent
 2 special district known as the Florida Citrus Authority citrus
 3 ~~belt of the state, for purposes of this chapter,~~ is divided
 4 into three subdistricts ~~districts~~ composed of the following
 5 counties:

6 (1) Citrus Subdistrict ~~District~~ One: Pasco, Pinellas,
 7 Sarasota, Hillsborough, Manatee, Hernando, Citrus, Sumter,
 8 Lake, Seminole, Marion, Levy, Alachua, Putnam, Flagler,
 9 Highlands, Orange, Polk, and St. Johns Counties.

10 (2) Citrus Subdistrict ~~District~~ Two: Hardee, DeSoto,
 11 Charlotte, Glades, Lee, Hendry, Collier, and Monroe Counties.

12 (3) Citrus Subdistrict ~~District~~ Three: Brevard,
 13 Indian River, St. Lucie, Martin, Okeechobee, Broward, Osceola,
 14 Dade, Volusia, and Palm Beach Counties.

15 Section 50. Section 601.091, Florida Statutes, is
 16 reenacted to read:

17 601.091 Florida SunRidge, Indian River, and Gulf
 18 production areas, boundaries and designation.--

19 (1) Unless otherwise specifically provided by final
 20 court order entered as a result of a legal proceeding
 21 instituted prior to July 1, 1976, only citrus fruit grown
 22 within the boundaries of a specified production area of this
 23 state, or processed citrus products prepared solely from such
 24 citrus fruit, may be identified, classified, labeled, or
 25 otherwise designated with the name of such production area or
 26 identified, classified, labeled, or otherwise designated in
 27 any manner so as to imply that such citrus fruit, or processed
 28 citrus product produced therefrom, was grown in the specified
 29 production area.

30 (2) The "Indian River" production area of this state
 31 shall encompass only that part of the state particularly

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1 described as follows: Beginning at a point on the shore of the
 2 Atlantic Ocean where the line between Flagler and Volusia
 3 Counties intersects said shore, thence follow the line between
 4 said two counties to the southwest corner of Section 23,
 5 Township 14 South, Range 31 East; thence continue south to the
 6 southwest corner of Section 35, Township 14 South, Range 31
 7 East; thence east to the northwest corner of Township 15
 8 South, Range 32 East; thence south to the southwest corner of
 9 Township 17 South, Range 32 East; thence east to the northwest
 10 corner of Township 18 South, Range 33 East; thence south to
 11 the St. Johns River, thence along the main channel of the St.
 12 Johns River and through Lake Harney, Lake Poinsett, Lake
 13 Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes
 14 to the range line between Ranges 35 East and 36 East; thence
 15 south to the south line of Brevard County; thence east to the
 16 line between Ranges 36 East and 37 East; thence south to the
 17 southwest corner of St. Lucie County; thence east to the line
 18 between Ranges 39 East and 40 East; thence south to the south
 19 line of Martin County; thence east to the line between Ranges
 20 40 East and 41 East; thence south to the West Palm Beach Canal
 21 (also known as the Okeechobee Canal); thence follow said canal
 22 eastward to the mouth thereof; thence east to the shore of the
 23 Atlantic Ocean; thence northerly along the shore of the
 24 Atlantic Ocean to the point of beginning.

25 (3) The "Gulf" production area of this state shall
 26 encompass all of Charlotte, Collier, Glades, Hendry, and Lee
 27 Counties.

28 (4) The "Florida SunRidge" production area of this
 29 state shall encompass all the area of the state not included
 30 within the boundaries established by subsections (2) and (3).

31 Section 51. Section 601.10, Florida Statutes, is

1 reenacted and amended to read:

2 601.10 Powers of the Florida Citrus Authority
3 ~~Department of Citrus.~~--The Florida Citrus Authority ~~Department~~
4 ~~of Citrus~~ shall have and shall exercise such general and
5 specific powers as are delegated to it by the Florida
6 Constitution, this chapter and other statutes of the state
7 regarding special taxing districts, which powers shall
8 include, but shall not be confined to, the following:

9 (1) To assess and collect taxes to conduct marketing,
10 advertising, research, regulatory, or promotional activities
11 for citrus products in the United States and foreign countries
12 with the intent of increasing the use, purchase, and
13 consumption of citrus products.

14 (2) To authorize, conduct, or participate in programs
15 and/or efforts designed to develop and protect the domestic
16 and foreign markets of citrus products.

17 (3) The Florida Citrus Authority shall plan and
18 conduct campaigns for commodity advertising, publicity, and
19 sales promotion, and may conduct campaigns to encourage
20 noncommodity advertising, to increase the consumption of
21 citrus fruits, and may contract for any such advertising,
22 publicity, and sales promotion service. To accomplish such
23 purpose, the Florida Citrus Authority shall have the powers
24 and duties:

25 (a) To disseminate information relating to:

26 1. Citrus fruits and the importance thereof in
27 preserving the public health, the economy thereof in the diet
28 of the people, and the importance thereof in the nutrition of
29 children;

30 2. The manner, method, and means used and employed in
31 the production and marketing of citrus fruits and information

1 relating to laws of the state regulating and safeguarding such
2 production and marketing;

3 3. The added cost to the producer and dealer in
4 producing and handling citrus fruits to meet the high
5 standards imposed by the state that ensure a pure and
6 wholesome product;

7 4. The effect upon the public health which would
8 result from a breakdown of the Florida citrus industry or any
9 part thereof;

10 5. The reasons why producers and dealers should
11 receive a reasonable return on their labor and investment;

12 6. The problem of furnishing the consumer at all times
13 with an abundant supply of fine quality citrus fruits at
14 reasonable prices;

15 7. Factors of instability peculiar to the citrus fruit
16 industry, such as unbalanced production, the effect of the
17 weather, the influence of consumer purchasing power, and price
18 relative to the cost of other items of food in the normal diet
19 of people, all to the end that an intelligent and increasing
20 consumer demand may be created;

21 8. The possibilities with particular reference to
22 increased consumption of citrus fruits; and

23 9. Such other, further, and additional information
24 which tends to promote increased consumption of citrus fruits
25 and which fosters a better understanding and more efficient
26 cooperation among producers, dealers, and the consuming
27 public; and

28 (b) To decide upon some distinctive and suggestive
29 trade name and to promote its use in all ways to advertise
30 Florida citrus fruit.

31 (4)(1) To adopt and, from time to time, alter,

1 rescind, modify, or amend all proper and necessary rules,
 2 regulations, and orders for the exercise of its powers and the
 3 performance of its duties under this chapter and other
 4 statutes of the state, which rules and regulations shall have
 5 the force and effect of law when not inconsistent therewith.
 6 In implementing, amending, and enforcing rules, the Florida
 7 Citrus Authority shall follow the provisions of chapter 120
 8 and subsequent amendments thereto.

9 (5)(2) To act as the general supervisory authority
 10 over the administration and enforcement of this chapter and to
 11 exercise such other powers and perform such other duties as
 12 may be imposed upon it by other laws of the state. The Florida
 13 Citrus Authority has the authority to appoint the Florida
 14 Citrus Commission members to serve as hearing officers
 15 regarding rulings and decisions of the Florida Citrus
 16 Authority and the Florida Citrus Commission.

17 (6)(a)(3) To employ and, at its pleasure, discharge an
 18 executive director, a secretary, and such attorneys, clerks,
 19 and employees as it deems necessary and to outline their
 20 powers and duties and fix their compensation.

21 (b) The Florida Citrus Authority shall have the
 22 authority to implement and amend rules and policies regarding,
 23 but not limited to, job designations, classifications, annual
 24 leave, sick leave, overtime, and compensatory time that are
 25 applicable to each Florida Citrus Authority employee. The
 26 Florida Citrus Authority shall utilize the provisions of
 27 chapter 110 and administrative rules regarding state and
 28 public employees as guidelines when adopting its own policies
 29 and procedures.

30 (c) The Florida Citrus Authority ~~Department of Citrus~~
 31 may pay, or participate in the payment of, premiums for

1 health, accident, and life insurance for its full-time
 2 employees, pursuant to such rules or regulations as it may
 3 adopt; and such payments shall be in addition to the regular
 4 salaries of such full-time employees. It is the intent of the
 5 Legislature that the Florida Citrus Authority will continue to
 6 participate in the Florida Retirement System and the state
 7 group health insurance plan based upon the fee and cost
 8 structure consistent with fees and costs assessed to state
 9 agencies and employees for participation in these programs.
 10 However, the Florida Citrus Authority is authorized and
 11 empowered to provide group insurance for its employees in the
 12 same manner and with the same provisions and limitations
 13 authorized for other employees by ss. 112.08, 112.09, 112.10,
 14 112.11, and 112.14.The payment of such or similar benefits to
 15 its employees in foreign countries, including, but not limited
 16 to, social security, retirement, and other similar fringe
 17 benefit costs, may be in accordance with laws in effect in the
 18 country of employment, except that no benefits will be payable
 19 to employees not authorized for other state employees, as
 20 provided in the Career Service System.

21 (d) The Florida Citrus Authority shall have the
 22 authority to establish policies and procedures regarding
 23 employees' rights to ownership of patents, trademarks,
 24 copyrights, or other intellectual property created or
 25 developed while employed by the Florida Citrus Authority.

26 (7)(a) The fiscal year of the Florida Citrus Authority
 27 created under the provisions of this chapter shall extend from
 28 October 1 of one year through September 30 of the following
 29 year. The executive director of the Florida Citrus Authority
 30 shall, on or before July 15 of each year, submit for
 31 consideration by the Florida Citrus Commission a tentative

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1 budget for the Florida Citrus Authority covering its proposed
2 operation and requirements for the ensuing fiscal year. The
3 budget shall set forth, classified by object and purpose, and
4 by fund if so designated, the proposed expenditures of the
5 Florida Citrus Authority or other debt for the conduct of the
6 affairs of the Florida Citrus Authority generally, and for
7 other purposes, to which may be added an amount to be held as
8 a reserve. Florida Citrus Authority administrative and
9 operating expenses must be identified in the budget and
10 allocated among programs.

11 (b) The budget shall also show the estimated amount
12 which will appear at the beginning of the fiscal year as
13 obligated upon commitments made but uncompleted. There shall
14 be shown the estimated unobligated or net balance which will
15 be on hand at the beginning of the fiscal year, and the
16 estimated amount to be raised by district taxes and from other
17 sources for meeting the requirements of the district.

18 (c) The meeting to finally adopt a budget shall be by
19 and before the Florida Citrus Commission and may be continued
20 from day to day until terminated by the Florida Citrus
21 Commission. The final budget for the Florida Citrus Authority
22 will thereupon be the operating and fiscal guide for the
23 Florida Citrus Authority for the ensuing year; however,
24 transfers of funds may be made within the budget by action of
25 the Florida Citrus Commission at a public meeting of the
26 Florida Citrus Commission. Should the Florida Citrus Authority
27 receive unanticipated funds after the adoption of the final
28 budget, the final budget may be amended by including such
29 funds. However, in the event of a disaster or an emergency
30 arising to prevent or avert the same, the Florida Citrus
31 Commission shall not be limited by the budget but shall have

1 authority to apply such funds as may be available therefor or
2 as may be procured for such purpose.

3 (d) The Florida Citrus Authority shall have an annual
4 financial audit of its accounts and records as provided in s.
5 11.45. A copy of the audit shall be filed with the Auditor
6 General and the Florida Citrus Commission.

7 (8)(a) To establish and amend purchasing and
8 contracting policies and procedures for the Florida Citrus
9 Authority. The Florida Citrus Authority is authorized to
10 establish procedures for disbursement of funds and such
11 amendments and in such a manner as prescribed by the Florida
12 Citrus Commission. The Florida Citrus Commission may
13 establish, by rule, a procedure for the disbursement of funds
14 by means of wire or electronic transfer. It is the intent of
15 the Legislature that the Florida Citrus Authority shall
16 utilize chapter 287 and other state administrative purchasing
17 rules as guidelines when adopting its own policies and
18 procedures.

19 (b) In order to provide for the works described by
20 this chapter, the Florida Citrus Authority, as approved by the
21 Florida Citrus Commission, is hereby authorized and empowered
22 to borrow money temporarily, from time to time, for a period
23 not to exceed 1 year at any one time, not including renewals
24 thereof, and to issue its promissory notes therefor upon such
25 terms and at such rates of interest as the Florida Citrus
26 Commission may deem advisable, payable from the taxes herein
27 levied and imposed, and the increment thereof. Any of such
28 notes may be used in payment of amounts due, or to become due,
29 upon contracts made or to be made by the Florida Citrus
30 Authority for carrying out the work authorized and provided
31 for herein, and the Florida Citrus Authority may, to secure

1 the payment of any of such notes, hypothecate bonds herein
 2 authorized to be issued, and may thereafter redeem such
 3 hypothecated bonds. Any of the notes so issued may be paid out
 4 of the proceeds of revenues authorized to be assessed by this
 5 chapter.

6 (9)~~(4)~~ To purchase or authorize the purchase of all
 7 office equipment and supplies and to incur all necessary
 8 expenses in connection with and required for the proper
 9 carrying out of the provisions of this chapter and other
 10 applicable laws.

11 (10)~~(5)~~ To investigate violations of the provisions of
 12 this chapter and other laws conferring powers and duties upon
 13 the Florida Citrus Authority ~~Department of Citrus~~, and to
 14 report its findings or recommendations in connection therewith
 15 to the Department of Agriculture and Consumer Services.

16 (11)~~(6)~~ To incur such reasonable obligations and
 17 expenses as may be necessary and proper for the discharge of
 18 its powers and duties under this or other laws, and to have
 19 such obligations and expenses paid out of the funds authorized
 20 by this chapter ~~law~~ to be collected and expended. The
 21 executive director of the Florida Citrus Authority ~~Department~~
 22 ~~of Citrus~~, or such other person specifically designated by the
 23 commission to act in the event the executive director is
 24 either unable or not available to act, is authorized to
 25 execute contracts and agreements previously approved by the
 26 commission during a regular or special meeting, on behalf of
 27 the Florida Citrus Authority ~~Department of Citrus~~; and the
 28 secretary or assistant secretary of the commission is
 29 authorized to attest to the signature of the executive
 30 director or other designated person.

31 (12)~~(7)~~ To adopt, promulgate, alter, rescind, modify,

1 amend, and enforce rules and regulations and establish minimum
 2 maturity and quality standards for citrus fruits not
 3 inconsistent with existing laws, to regulate and control
 4 methods and practices followed or used in harvesting, grading,
 5 packing, extracting, canning, concentrating, sectionizing, or
 6 otherwise processing citrus fruits or citrus juices or the
 7 products thereof for human consumption, including the addition
 8 or prohibition of any and all additives, and including
 9 application to or use of coloring matter thereon and coloring
 10 of fruit by placing in coloring room with or without use of
 11 heat or any form of gas in such process, to the end that such
 12 methods and practices as affect the eating and keeping
 13 qualities and depreciate the value of citrus fruits or the
 14 juices or other food products thereof in any form may be
 15 minimized to the greatest extent possible, if not altogether
 16 eliminated. The provisions of chapter 120 shall apply to the
 17 rulemaking activities of the Florida Citrus Authority.

18 (13)(8) To prepare and disseminate information of
 19 importance to citrus growers, handlers, shippers, processors,
 20 and industry-related and interested persons and organizations,
 21 relating to Florida Citrus Authority ~~Department of Citrus~~
 22 activities and the production, handling, shipping, processing,
 23 and marketing of citrus fruit and processed citrus products.
 24 Any information which consists of a trade secret as defined in
 25 s. 812.081(1)(c) is confidential and exempt from the
 26 provisions of s. 119.07(1), and shall not be disclosed. For
 27 referendum and other notice and informational purposes, the
 28 Florida Citrus Authority ~~Department of Citrus~~ may prepare and
 29 maintain, from the best available sources, a citrus grower
 30 mailing list. Such list shall be a public record available as
 31 other public records, but it shall not be subject to the

1 purging provisions of s. 283.55.

2 ~~(14)(a)(9)~~ The Florida Citrus Authority shall have the
3 authority to deposit funds, revenues, and/or assessments into
4 banks or saving associations. All deposits shall be in
5 accordance with chapter 280, and rule 4C-2, Florida
6 Administrative Code, and amendments thereto.

7 (b) When, in the opinion of the Florida Citrus
8 Authority ~~Department of Citrus~~, the funds and/or tax revenues
9 collected pursuant to this chapter, whether allocated for
10 research, advertising or promotion, reserve funds, advertising
11 incentive plans, regulatory programs, or other purposes, are
12 not immediately needed for the purpose for which such funds
13 are provided, the Florida Citrus Authority Treasurer ~~is~~
14 ~~authorized and shall, upon the request and approval of the~~
15 ~~Department of Citrus~~, or its executive director ~~general~~
16 ~~manager~~ if she or he has been given such authority, is
17 authorized to invest and reinvest the funds designated and for
18 the period of time specified in such request. In the
19 investment of such funds, the Florida Citrus Authority
20 ~~Treasurer~~ shall have the powers and be subject to the
21 limitations provided for in s. 18.125.

22 ~~(10) Subject to the concurrence of the Treasurer,~~
23 (15) Whenever the Florida Citrus Authority ~~department~~
24 contracts with a foreign entity for performance of services or
25 the purchase of materials, and such contract requires payment
26 in equivalent foreign currency, the Florida Citrus Authority
27 ~~department~~ may, for payment of such contract obligation,
28 deposit sufficient Florida Citrus Authority ~~state~~ funds in a
29 foreign bank, or purchase foreign currency at the current
30 market rate, up to an amount not in excess of the contract
31 obligation. ~~All payments from these funds must have prior~~

1 ~~audit approval from the office of the Comptroller.~~

2 (16)~~(11)~~ To conduct an annual merchandising and
3 management meeting in this state for department field
4 personnel and to make direct payment, by means of vendor
5 contracts approved by the commission, for all necessary
6 lodging, meals, facilities, and training expenses for
7 department employees attending such annual meeting, in lieu of
8 payment of individual employee per diem allowances as
9 established by s. 112.061.

10 ~~(12) Notwithstanding the provisions of part I of~~
11 ~~chapter 287, to promulgate rules for the purpose of entering~~
12 ~~into contracts which are primarily for promotional and~~
13 ~~advertising services and promotional events which may include~~
14 ~~commodities involving a service. Such rules shall include the~~
15 ~~authority to negotiate costs with the offerors of such~~
16 ~~services and commodities who have been determined to be~~
17 ~~qualified on the basis of technical merit, creative ability,~~
18 ~~and professional competency. Contracts pursuant to this~~
19 ~~subsection may provide for advance payments when the~~
20 ~~department determines that such provision is essential to~~
21 ~~acquiring the service.~~

22 (17) To maintain all Florida Citrus Authority records
23 in accordance with chapter 119.

24 (18) To conduct all meetings of the Florida Citrus
25 Authority, committees, and councils in accordance with the
26 public meetings law pursuant to chapter 286.

27 (19) To conduct all activities in accordance with the
28 Code of Ethics for Public Officers and Employees, part III of
29 chapter 112.

30 (20)~~(13)~~ To investigate or address the transportation
31 problems affecting the citrus industry.

1 (21)~~(14)~~ To investigate or research the mechanical
2 harvesting of citrus fruit grown in Florida.

3 (22) To advertise cattle feed and promote its use.

4 (23)~~(15)~~ To provide by rule a list of forms used in
5 conducting its business. The adoption of such rule
6 constitutes sufficient notice to the public of the existence
7 of the forms and negates the need to place specific citation
8 to such list throughout the related chapters of the Florida
9 Administrative Code.

10 Section 52. Section 601.101, Florida Statutes, is
11 reenacted and amended to read:

12 601.101 Ownership of rights under patent and trademark
13 laws developed or acquired pursuant to the authorities of this
14 chapter.--Notwithstanding any provision of chapter 286, the
15 legal title and every right, interest, claim, or demand of any
16 kind in and to any patent, trademark, copyright, certification
17 mark, or other right acquired under the patent and trademark
18 laws of the United States or this state or any foreign
19 country, or the application for the same, now, heretofore, or
20 as may be hereafter owned or held, acquired, or developed by
21 the Florida Citrus Authority ~~Department of Citrus~~, under the
22 authority and directions given it by this chapter, is vested
23 in the Florida Citrus Authority ~~Department of Citrus~~ for the
24 use, benefit, and purposes provided in this chapter. The
25 Florida Citrus Authority ~~Department of Citrus~~ is hereby vested
26 with and is authorized to exercise any and all of the normal
27 incidents of such ownership, including the receipt and
28 disposition of royalties. Any sums received as royalties from
29 any such rights are hereby appropriated to the Florida Citrus
30 Authority ~~Department of Citrus~~ for any and all of the purposes
31 and uses provided in this chapter.

1 Section 53. Section 601.11, Florida Statutes, is
2 reenacted and amended to read:
3 601.11 Power of Florida Citrus Authority ~~Department of~~
4 ~~Citrus~~ to establish standards.--The Florida Citrus Authority
5 ~~Department of Citrus~~ shall have full and plenary power to, and
6 may, establish state grades and minimum maturity and quality
7 standards not inconsistent with existing laws for citrus
8 fruits and food products thereof containing 20 percent or more
9 citrus or citrus juice, whether canned or concentrated, or
10 otherwise processed, including standards for frozen
11 concentrate for manufacturing purposes, and for containers
12 therefor, and shall prescribe rules or regulations governing
13 the marking, branding, labeling, tagging, or stamping of
14 citrus fruit, or products thereof whether canned or
15 concentrated, or otherwise processed, and upon containers
16 therefor for the purpose of showing the name and address of
17 the person marketing such citrus fruit or products thereof
18 whether canned or concentrated or otherwise processed; the
19 grade, quality, variety, type, or size of citrus fruit, the
20 grade, quality, variety, type, and amount of the products
21 thereof whether canned or concentrated or otherwise processed,
22 and the quality, type, size, dimensions, and shape of
23 containers therefor, and to regulate or prohibit the use of
24 containers which have been previously used for the sale,
25 transportation, or shipment of citrus fruit or the products
26 thereof whether canned or concentrated or otherwise processed,
27 or any other commodity; provided, however, that the use of
28 secondhand containers for sale and delivery of citrus fruit
29 for retail consumption within the state shall not be
30 prohibited; provided, however, that no standard, regulation,
31 rule, or order under this section which is repugnant to any

1 requirement made mandatory under federal law or regulations
 2 shall apply to citrus fruit, or the products thereof, whether
 3 canned or concentrated or otherwise processed, or to
 4 containers therefor, which are being shipped from this state
 5 in interstate commerce. All citrus fruit and the products
 6 thereof whether canned or concentrated or otherwise processed
 7 sold, or offered for sale, or offered for shipment within or
 8 without the state shall be graded and marked as required by
 9 this section and the regulations, rules, and orders adopted
 10 and made under authority of this section, which regulations,
 11 rules, and orders shall, when not inconsistent with state or
 12 federal law, have the force and effect of law.

13 Section 54. Section 601.111, Florida Statutes, is
 14 reenacted and amended to read:

15 601.111 Florida Citrus Authority ~~Department of Citrus~~
 16 authorized to lower maturity standards.--

17 (1) The Legislature of the state finds and declares
 18 that emergencies creating abnormal conditions in the Florida
 19 citrus industry, such as unusual climatic conditions that
 20 produce unusual growing conditions of citrus fruit, freezes
 21 and hurricanes, or other acts of God that may affect a
 22 substantial part of the citrus industry, require that the
 23 Florida Citrus Authority ~~Department of Citrus~~ be given the
 24 power and authority to lower the maturity standards
 25 established by law for citrus fruit or any variety thereof,
 26 not including oranges except as specified in subsection (2),
 27 under and subject to the limitations, conditions,
 28 restrictions, and provisions and within the standards
 29 hereinafter prescribed and established.

30 (2) In the event of an emergency such as is mentioned
 31 in subsection (1), the said Florida Citrus Authority

1 ~~Department of Citrus~~, in addition to all other powers and
2 authority which it now possesses, which have heretofore been
3 granted or delegated to it by the Legislature shall have the
4 additional power to issue rules and regulations to:

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

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

13 (c) Lower by not more than 10 percent the existing
14 minimum requirement for juice content of citrus fruit or any
15 variety or size thereof; and

16 (d) Lower by not more than 10 percent the existing
17 minimum requirement for the content of anhydrous citric acid
18 for oranges.

19
20 Any action under this subsection shall not be taken without
21 the consent of at least nine members of the Florida Citrus
22 Commission. Any regulation adopted pursuant to this section
23 shall be by the affirmative vote of at least nine members of
24 said Florida Citrus Commission, and every such regulation
25 shall contain an expiration date not later than 1 year from
26 its effective date.

27 (3) This act shall not repeal any other section or
28 part of this chapter, but shall be deemed as supplemental and
29 additional to the express power vested in the Florida Citrus
30 Authority ~~Department of Citrus~~, subject only to the
31 limitations, restrictions, conditions, provisions, and

1 standards herein set forth.

2 Section 55. Section 601.13, Florida Statutes, is
3 reenacted and amended to read:

4 601.13 Citrus research; administration by Florida
5 Citrus Authority ~~Department of Citrus~~; appropriation.--

6 (1) The administration of this section shall be vested
7 in the Florida Citrus Authority ~~Department of Citrus~~ which
8 shall prescribe suitable and reasonable rules and regulations
9 for the proper carrying out of the provisions hereof.

10 (2) It shall be the duty of the Florida Citrus
11 Authority ~~Department of Citrus~~, and it is empowered:

12 (a) To conduct or cause to be conducted a thorough and
13 comprehensive study of citrus fruit and the juices thereof

14 1. With respect to the quality and maturity of said
15 fruit and the juices thereof, including proper effort to
16 assemble data and arrive at a proper standard of quality,
17 grade, and maturity with reference to its texture, stability,
18 and general marketability and so far as possible reduce such
19 findings to specific and readily understood chemical,
20 mathematical, or descriptive terms, and

21 2. With respect to the nutritional and other value or
22 values of such fruit and the juices thereof

23
24 and to provide suitable facilities and equipment of every kind
25 whatsoever proper and necessary in connection with all such
26 work.

27 (b) To conduct or cause to be conducted such study and
28 research as is necessary to provide all the information and
29 data required to be disseminated pursuant to the provisions of
30 this section.

31 (c) To provide suitable and sufficient laboratory

1 facilities and equipment, making use of the laboratory
 2 facilities and equipment of the University of Florida, insofar
 3 as it is practicable for the purpose of conducting thorough
 4 and comprehensive study and research to determine all possible
 5 new and further uses for citrus fruit and citrus fruit juices
 6 and the products and byproducts into which the same can be
 7 converted or manufactured, as well as to determine and develop
 8 new and profitable methods and instruments of distribution
 9 thereof.

10 (d) To carry on, or cause to be carried on, suitable
 11 experiments in an effort to prove the commercial value of
 12 each, and determine and develop new and further use for citrus
 13 fruit and citrus fruit juices or the products and byproducts
 14 into which the same can be converted or manufactured.

15 (e) To carry on or cause to be carried on suitable
 16 experiments in an effort to prove the commercial value of any
 17 and all new profitable methods and instruments of distribution
 18 of citrus fruit and citrus fruit juices and the products and
 19 byproducts into which the same can be converted or
 20 manufactured.

21 (f) To carry on or cause to be carried on an economic
 22 and marketing research program relating to citrus fruits,
 23 products or byproducts thereof.

24 (g) To enter into any mutually satisfactory contracts
 25 or agreements with any person, firm, institution, corporation,
 26 or business unit, as well as any state or federal agency,
 27 which the Florida Citrus Authority ~~Department of Citrus~~ deems
 28 wise, necessary, and expedient in the carrying out of any of
 29 the provisions of this chapter.

30 (h) To incur and pay such expenses and obligations as
 31 are necessary in connection with and required for the proper

1 carrying out of the provisions of this chapter.

2 (3) There is hereby appropriated and made available
3 for defraying the expenses of the administration of this
4 section from the moneys derived from advertising excise taxes
5 levied on citrus fruit such amounts as the Florida Citrus
6 Authority ~~Department of Citrus~~ may deem necessary within the
7 percentage limitations imposed by s. 601.15.

8 Section 56. Section 601.15, Florida Statutes, is
9 reenacted and amended to read:

10 601.15 ~~Advertising campaign; methods of conducting;~~
11 Excise tax; emergency reserves ~~reserve fund~~; citrus
12 research.--

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

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

11 ~~(2) The Department of Citrus shall plan and conduct~~
 12 ~~campaigns for commodity advertising, publicity, and sales~~
 13 ~~promotion, and may conduct campaigns to encourage noncommodity~~
 14 ~~advertising, to increase the consumption of citrus fruits and~~
 15 ~~may contract for any such advertising, publicity, and sales~~
 16 ~~promotion service. To accomplish such purpose, the Department~~
 17 ~~of Citrus shall have power, and it shall be its duty:~~

18 ~~(a) To disseminate information relating to:~~

19 ~~1. Citrus fruits and the importance thereof in~~
 20 ~~preserving the public health, the economy thereof in the diet~~
 21 ~~of the people, and the importance thereof in the nutrition of~~
 22 ~~children;~~

23 ~~2. The manner, method, and means used and employed in~~
 24 ~~the production and marketing of citrus fruits and information~~
 25 ~~relating to laws of the state regulating and safeguarding such~~
 26 ~~production and marketing;~~

27 ~~3. The added cost to the producer and dealer in~~
 28 ~~producing and handling citrus fruits to meet the high~~
 29 ~~standards imposed by the state that ensure a pure and~~
 30 ~~wholesome product;~~

31 ~~4. The effect upon the public health which would~~

1 ~~result from a breakdown of the Florida citrus industry or any~~
2 ~~part thereof;~~

3 ~~5. The reasons why producers and dealers should~~
4 ~~receive a reasonable return on their labor and investment;~~

5 ~~6. The problem of furnishing the consumer at all times~~
6 ~~with an abundant supply of fine quality citrus fruits at~~
7 ~~reasonable prices;~~

8 ~~7. Factors of instability peculiar to the citrus fruit~~
9 ~~industry, such as unbalanced production, the effect of the~~
10 ~~weather, the influence of consumer purchasing power, and price~~
11 ~~relative to the cost of other items of food in the normal diet~~
12 ~~of people, all to the end that an intelligent and increasing~~
13 ~~consumer demand may be created;~~

14 ~~8. The possibilities with particular reference to~~
15 ~~increased consumption of citrus fruits; and~~

16 ~~9. Such other, further, and additional information~~
17 ~~which tends to promote increased consumption of citrus fruits~~
18 ~~and which fosters a better understanding and more efficient~~
19 ~~cooperation among producers, dealers, and the consuming~~
20 ~~public; and~~

21 ~~(b) To decide upon some distinctive and suggestive~~
22 ~~trade name and to promote its use in all ways to advertise~~
23 ~~Florida citrus fruit.~~

24 ~~(2)(3)(a) There is hereby levied and assessed imposed~~
25 ~~upon each standard-packed box of citrus fruit grown and placed~~
26 ~~into the primary channel of trade in this state an excise tax~~
27 ~~at annual rates for each citrus season as determined from the~~
28 ~~tables in this paragraph and based upon the previous season's~~
29 ~~actual statewide production as reported in the United States~~
30 ~~Department of Agriculture Citrus Crop Production Forecast as~~
31 ~~of June 1.~~

Amendment No. ____ (for drafter's use only)

1 1. The following tax rates, expressed in cents per
2 box, shall apply to grapefruit which enters the primary
3 channel of trade for use in fresh form:

4	5	6	7	8	9
Previous season	1995-	1996-	1997-	1998-	1999-
crop size	1996	1997	1998	1999	2000 and
(millions of boxes)					thereafter
80 and	33	34	35	36	37
greater					
75-79.99	35	36	37	38	39
70-74.99	37	38	39	41	42
65-69.99	40	41	42	44	45
60-64.99	43	44	46	47	49
55-59.99	47	48	50	51	53
50-54.99	51	53	55	56	58
45-49.99	57	59	60	62	64
40-44.99	63	65	67	69	71
Less than 40	72	74	76	79	81

19
20 2. The following tax rates, expressed in cents per
21 box, shall apply to grapefruit which enters the primary
22 channel of trade for use in processed forms:

23	24	25	26	27	28
Previous season	1995-	1996-	1997-	1998-	1999-
crop size	1996	1997	1998	1999	2000 and
(millions of boxes)					thereafter
80 and	23	24	25	25	26
greater					
75-79.99	25	25	26	27	28
70-74.99	26	27	28	29	30
65-69.99	28	29	30	31	32

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1	60-64.99	31	32	32	33	34
2	55-59.99	33	34	35	36	37
3	50-54.99	36	38	39	40	41
4	45-49.99	40	41	43	44	45
5	40-44.99	45	46	48	49	51
6	Less than 40	51	53	54	56	57

7
 8 3. The following tax rates, expressed in cents per
 9 box, shall apply to oranges which enter the primary channel of
 10 trade for use in fresh form:

12	Previous season	1995-	1996-	1997-	1998-	1999-
13	crop size	1996	1997	1998	1999	2000 and
14	(millions of boxes)					thereafter
15	255 and	23	24	25	26	26
16	greater					
17	245-254.9	24	25	26	27	27
18	235-244.9	25	26	27	28	28
19	225-234.9	26	27	28	29	30
20	215-224.9	28	28	29	30	31
21	205-214.9	29	30	31	32	33
22	195-204.9	30	31	32	33	34
23	185-194.9	32	33	34	35	36
24	175-184.9	34	35	36	37	38
25	165-174.9	36	37	38	39	40
26	155-164.9	38	39	40	41	43
27	Less than 155	41	42	43	44	46

28
 29 4. The following tax rates, expressed in cents per
 30 box, shall apply to oranges which enter the primary channel of
 31 trade for use in processed form:

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1	2	3	4	5	6	7
1	Previous season	1995-	1996-	1997-	1998-	1999-
2	crop size	1996	1997	1998	1999	2000 and
3	(millions of boxes)					thereafter
4	255 and	15	16	16	17	17
5	greater					
6	245-254.9	16	16	17	17	18
7	235-244.9	17	17	18	18	19
8	225-234.9	17	18	18	19	19
9	215-224.9	18	19	19	20	20
10	205-214.9	19	20	20	21	21
11	195-204.9	20	21	21	22	22
12	185-194.9	21	22	22	23	24
13	175-184.9	22	23	23	24	25
14	165-174.9	23	24	25	26	26
15	155-164.9	25	26	26	27	28
16	Less than 155	27	27	28	29	30

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5. The tax rate levied each year upon oranges which enter the primary channel of trade for use in processed form, pursuant to this paragraph and subsection (4), shall also apply in that year to tangerines and citrus hybrids regulated by the Florida Citrus Authority ~~Department of Citrus~~ which enter the primary channel of trade for use in processed form.

6. The following tax rates, expressed in cents per box, shall apply to tangerines and citrus hybrids regulated by the Florida Citrus Authority ~~Department of Citrus~~ which enter the primary channel of trade for use in fresh form:

1	Previous season	1995-	1996-	1997-	1998-	1999-
2	crop size	1996	1997	1998	1999	2000 and
3	(millions of boxes)					thereafter
4	13 and	24	24	25	26	27
5	greater					
6	12 - 12.99	26	26	27	28	29
7	11 - 11.99	28	29	30	30	31
8	10 - 10.99	31	31	32	33	34
9	9 - 9.99	34	35	36	37	38
10	8 - 8.99	38	39	40	41	42
11	7 - 7.99	43	44	45	47	48
12	Less than 7	49	51	52	54	56

13

14 (b) Whenever citrus fruit is purchased, acquired, or
 15 handled on a weight basis, the following weights shall be
 16 deemed the equivalent of one standard-packed box for tax
 17 purposes under this section:

- 18 1. Grapefruit, 85 pounds.
- 19 2. Oranges, 90 pounds.
- 20 3. Tangerines, 95 pounds.
- 21 4. Citrus hybrids, 90 pounds.

22 (c) The excise taxes imposed by this section do not
 23 apply to citrus fruit used for noncommercial domestic
 24 consumption on the premises where produced.

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

28 (e) The commission, upon an affirmative vote of nine
 29 of its members and by an order entered by it prior to August 1
 30 of any year, may reduce the tax rates specified in this
 31 subsection if the commission determines that the specified tax

1 rate will result in collection of funds, during the ensuing
 2 citrus season, which exceed projected needs. The reduction
 3 shall apply only to the citrus season which immediately
 4 follows entry of the order providing for reduction. Such tax
 5 reduction may be applied by variety and on the basis of
 6 whether the fruit enters the primary channel of trade for use
 7 in fresh or processed form.

8 (3)~~(4)~~ Every handler shall keep a complete and
 9 accurate record of all citrus fruit handled by her or him.
 10 Such record shall be in such form and contain such other
 11 information as the Florida Citrus Authority ~~Department of~~
 12 ~~Citrus~~ shall by rule or regulation prescribe. Such records
 13 shall be preserved by such handlers for a period of 1 year and
 14 shall be offered for inspection at any time upon oral or
 15 written demand by the Florida Citrus Authority ~~Department of~~
 16 ~~Citrus~~ or its duly authorized agents or representatives.

17 (4)~~(5)~~ Every handler shall, at such times and in such
 18 manner as the Florida Citrus Authority ~~Department of Citrus~~
 19 may by rule require, file with the Florida Citrus Authority
 20 ~~Department of Citrus~~ a return certified as true and correct,
 21 on forms furnished by the Florida Citrus Authority ~~Department~~
 22 ~~of Citrus~~, stating, in addition to other information, the
 23 number of standard-packed boxes of each kind of citrus fruit
 24 handled by such handler in the primary channel of trade during
 25 the period of time covered by the return. Full payment of all
 26 excise taxes due for the period reported shall accompany each
 27 handler's return.

28 (5)~~(6)~~(a) All excise taxes levied and imposed pursuant
 29 to the provisions of this section shall be due and payable and
 30 shall be paid, or the amount thereof guaranteed as hereinafter
 31 provided, at the time the citrus fruit is first handled in the

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1 primary channels of trade. All such taxes shall be paid, or
2 the payment thereof shall be guaranteed, to the Florida Citrus
3 Authority ~~Department of Citrus~~ by the person first handling
4 the fruit in the primary channel of trade, except that payment
5 of taxes on fruit delivered or sold for processing in this
6 state shall be paid, or payment thereof shall be guaranteed in
7 accordance with Florida Citrus Authority ~~Department of Citrus~~
8 rules, by the person processing such fruit.

9 (b) Periodic payment of excise taxes upon citrus fruit
10 by the person liable for such payment shall be permitted only
11 in accordance with Florida Citrus Authority ~~Department of~~
12 ~~Citrus~~ rules; and the payment thereof shall be guaranteed by
13 the posting of a good and sufficient cash bond, an appropriate
14 certificate of deposit, or an approved surety bond in an
15 amount and manner as prescribed by Florida Citrus Authority
16 ~~Department of Citrus~~ rule. Evidence of such guarantee of
17 payment of excise taxes shall be made on the grade certificate
18 in such manner and form as may be prescribed by Florida Citrus
19 Authority ~~Department of Citrus~~ rule.

20 (c) All taxes collected by the Florida Citrus
21 Authority ~~Department of Citrus~~ shall be delivered directly to
22 the Florida Citrus Authority ~~State Treasury~~ for payment into
23 the proper operating account ~~advertising fund~~.

24 ~~(6)(7)~~ All excise taxes levied and collected under the
25 provisions of this chapter shall be paid to the Florida Citrus
26 Authority ~~into the State Treasury~~ on or before the 15th day of
27 each month; such moneys shall be accounted for in the
28 operating accounts of ~~a special fund to be designated as the~~
29 Florida Citrus Authority ~~Florida Citrus Advertising Trust~~
30 ~~Fund~~, and all moneys in such accounts ~~fund~~ are to be hereby
31 appropriated to the Florida Citrus Authority ~~Department of~~

1 Citrus for the following purposes:

2 ~~(a) Three percent of all income of a revenue nature~~
3 ~~deposited in this fund, including transfers from any~~
4 ~~subsidiary accounts thereof and any interest income, shall be~~
5 ~~deposited in the General Revenue Fund pursuant to chapter 215.~~

6 ~~(a)(b)~~ Not more than 24 percent of such operating
7 accounts ~~trust fund~~ shall be expended for the activities
8 authorized by s. 601.13 and for the cost of those general
9 overhead, research and development, maintenance, salaries,
10 professional fees, enforcement costs, and other such expenses
11 which are not related to advertising, merchandising, public
12 relations, trade luncheons, publicity, and other associated
13 activities. The cost of general overhead, maintenance,
14 salaries, professional fees, enforcement costs, and other such
15 expenses which are related to advertising, merchandising,
16 public relations, trade luncheons, publicity, and associated
17 activities shall be paid from the balance of the operating
18 accounts ~~Citrus Advertising Trust Fund~~ and shall not be
19 included in the 24-percent limitation.

20 ~~(b)(c)~~ The balance of the moneys in the Florida Citrus
21 Authority operating accounts ~~Florida Citrus Advertising Trust~~
22 ~~Fund~~ shall be used by the Florida Citrus Authority ~~Department~~
23 ~~of Citrus~~ for defraying those expenses not included within the
24 24-percent limitation established by paragraph (b). After
25 payment of such expenses, the money levied and collected under
26 the provisions of subsection (3) shall be used exclusively for
27 commodity and noncommodity advertising, merchandising,
28 publicity, or sales promotion of citrus products in both fresh
29 form and processed form, including citrus cattle feed and all
30 other products of citrus fruits, produced in the state, in
31 such equitable manner and proration as the Florida Citrus

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1 Authority ~~Department of Citrus~~ may determine, but funds
2 expended for commodity advertising thereunder shall be
3 expended through an established advertising agency. A
4 proration of moneys between commodity programs and
5 noncommodity programs, and among types of citrus products,
6 shall be made on or before November 1 of each shipping season
7 and may not thereafter be modified for that shipping season
8 unless the department finds such action necessary to preserve
9 the economic welfare of the citrus industry.

10 (c)(d) The pro rata portion of moneys allocated to
11 each type of citrus product in noncommodity programs shall be
12 used by the department to encourage substantial increases in
13 the effectiveness, frequency, and volume of noncommodity
14 advertising, merchandising, publicity, and sales promotion of
15 such citrus products through rebates and incentive payments to
16 handlers and trade customers for these activities. The
17 Florida Citrus Authority ~~Department of Citrus~~ is authorized
18 and directed to adopt rules providing for the use of such
19 moneys. The rules shall establish alternate incentive
20 programs, including at least one incentive program for product
21 sold under advertised brands, one incentive program for
22 product sold under private label brands, and one incentive
23 program for product sold in bulk. For each incentive program,
24 the rules shall establish eligibility and performance
25 requirements and shall provide appropriate limitations on
26 amounts payable to a handler or trade customer for a
27 particular season. Such limitations may relate to the amount
28 of citrus excise taxes levied and collected on the citrus
29 product handled by such handler or trade customer during a
30 12-month representative period. The department may require
31 from participants in noncommodity advertising and promotional

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1 programs commercial information necessary to determine
2 eligibility for and performance in such programs. Any
3 information so required which constitutes a "trade secret" as
4 defined in s. 812.081 is confidential and exempt from the
5 provisions of s. 119.07(1).

6 (7)(8)(a) On certification by any employee of the
7 Florida Citrus Authority ~~Department of Citrus~~ that her or his
8 actual and necessary expenses on any particular day while
9 traveling outside the state exceeded the per diem provided by
10 law, such employee shall show such excess on her or his
11 regular expense voucher and support the same by the proof
12 required pursuant to rules and regulations to be promulgated
13 by the Florida Citrus Authority ~~Department of Citrus~~.

14 (b) The Florida Citrus Authority ~~Department of Citrus~~
15 is authorized to spend such amount as it deems advisable for
16 guests involved in promotional activities in the sale of
17 Florida citrus fruits and products.

18 (c) All obligations, expenses, and costs incurred
19 under the provisions of this section and other applicable
20 sections of this chapter shall be paid in the method and
21 manner established by the Florida Citrus Authority ~~out of the~~
22 ~~Citrus Advertising Fund upon warrant of the Comptroller when~~
23 ~~vouchers thereof, approved by the Department of Citrus, are~~
24 ~~exhibited.~~

25 (8)(9)(a) Any handler who fails to file a return or to
26 pay any tax within the time required shall thereby forfeit to
27 the Florida Citrus Authority ~~Department of Citrus~~ a penalty of
28 5 percent of the amount of tax determined to be due; but the
29 Florida Citrus Authority ~~Department of Citrus~~, if satisfied
30 that the delay was excusable, may remit all or any part of
31 such penalty. Such penalty shall be paid to the Florida

1 Citrus Authority ~~Department of Citrus~~ and disposed of as
2 provided with respect to moneys derived from the taxes levied
3 and imposed by subsection (3).

4 (b) The Florida Citrus Authority ~~Department of Citrus~~
5 may collect any taxes levied and assessed by this chapter in
6 any or all of the following methods:

7 1. By the voluntary payment by the person liable
8 therefor.

9 2. By a suit at law. All actions filed by or against
10 the Florida Citrus Authority shall be initiated in the courts
11 located in Polk County, Florida.

12 3. By a suit in equity to enjoin and restrain any
13 handler, citrus fruit dealer, or other person owing such taxes
14 from operating her or his business or engaging in business as
15 a citrus fruit dealer until the delinquent taxes are paid.
16 Such action may include an accounting to determine the amount
17 of taxes plus delinquencies due. In any such proceeding, it
18 is not necessary to allege or prove that an adequate remedy at
19 law does not exist.

20 (10) The powers and duties of the Florida Citrus
21 Authority are outlined in s. 601.10. ~~Department of Citrus~~
22 ~~include the following:~~

23 ~~(a) To adopt and from time to time alter, rescind,~~
24 ~~modify, and amend all proper and necessary rules, regulations,~~
25 ~~and orders for the exercise of its powers and the performance~~
26 ~~of its duties under this chapter.~~

27 ~~(b) To employ and at its pleasure discharge an~~
28 ~~advertising manager, agents, advertising agencies, and such~~
29 ~~clerical and other help as it deems necessary and to outline~~
30 ~~their powers and duties and fix their compensation.~~

31 ~~(c) To make in the name of the Department of Citrus~~

1 ~~such advertising contracts and other agreements as may be~~
2 ~~necessary.~~

3 ~~(d) To keep books, records, and accounts of all of its~~
4 ~~doings, which books, records, and accounts shall be open to~~
5 ~~inspection and audit by the Auditor General at all times.~~

6 ~~(e) To purchase or authorize the purchase of all~~
7 ~~office equipment and supplies and to incur all other~~
8 ~~reasonable and necessary expenses and obligations in~~
9 ~~connection with and required for the proper carrying out of~~
10 ~~the provisions of this chapter.~~

11 ~~(f) To conduct, and pay out of the Florida Citrus~~
12 ~~Advertising Trust Fund, premium and prize promotions designed~~
13 ~~to increase the use of citrus in any form.~~

14 ~~(g) To advertise citrus cattle feed and promote its~~
15 ~~use.~~

16 ~~(h) To conduct marketing activities in foreign~~
17 ~~countries and other programs designed to develop and protect~~
18 ~~domestic and international markets.~~

19 Section 57. Section 601.152, Florida Statutes, is
20 reenacted and amended to read:

21 601.152 Special marketing orders.--

22 (1)(a) Whenever, upon its own motion or upon petition
23 of any handler or producer or group or association of handlers
24 or producers of citrus fruit, the commission, upon affirmative
25 vote of nine of its members, determines:

26 1. That the conduct of a special advertising and
27 promotional marketing campaign or the conduct of market and
28 product research and development, in addition to the
29 advertising campaign being conducted pursuant to s. 601.15 and
30 the research being conducted pursuant to the other provisions
31 of the Florida Citrus Code, may substantially further increase

1 the consumer acceptance and consumption of, and strengthen the
 2 market for, any type, variety, or form of citrus fruit or
 3 processed citrus product by further increasing the number of
 4 families buying such citrus fruit or such processed citrus
 5 product or by further increasing the quantity of such citrus
 6 fruit or processed citrus product purchased by buying
 7 families; and

8 2. That such substantial further increase and
 9 strengthening may be of substantial benefit to handlers
 10 thereof, producers thereof, and to the economy and well-being
 11 of the state

12
 13 the commission shall direct that a proposed marketing order be
 14 formulated for a special marketing campaign of advertising and
 15 sales promotion, including, but not limited to, brand
 16 advertising rebate promotions or the conduct of market and
 17 product research and development for such type, variety, or
 18 form of citrus fruit or processed citrus product, and shall
 19 designate a public hearing to consider adoption and
 20 implementation of such proposed marketing order.

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

23 1. Mailed, not less than 10 days prior to such
 24 hearing, to each handler who, during the 12 months immediately
 25 preceding such mailing, has first handled in the primary
 26 channel of trade in Florida the type, variety, and form of
 27 citrus fruit or citrus product specified in the proposed
 28 marketing order, and to each handler who the Florida Citrus
 29 Authority ~~Department of Citrus~~ has good cause to believe will,
 30 during the period of time covered by the proposed marketing
 31 order, first handle in the primary channel of trade in Florida

1 the type, variety, and form of citrus fruit or processed
2 citrus product specified in such proposed marketing order.

3 2. Published in the Florida Administrative Weekly not
4 less than 10 days prior to such hearing.

5 (c) A full and complete record of all proceedings at
6 such public hearing shall be made and filed by the department
7 at its offices, which record, when signed by the chair of the
8 commission and authenticated by the seal of the department,
9 shall constitute prima facie evidence of such proceedings in
10 all courts of this state.

11 (d) Copies of the proposed marketing order shall be
12 made available to the public at the offices of the Florida
13 Citrus Authority ~~Department of Citrus~~ at Lakeland at least 5
14 days prior to such hearing and shall be in sufficient detail
15 to apprise all persons having an interest therein of the
16 approximate amount of moneys proposed to be expended; the
17 assessments to be levied thereunder; and the general details
18 of the proposed marketing order for a special marketing
19 campaign of advertising or sales promotion or market or
20 product research and development. Among the details so
21 specified shall be the period of time during which the
22 assessment imposed pursuant to subsection (8) will be levied
23 upon the privilege so assessed, which period may not be
24 greater than 2 years. The order may, however, provide that the
25 expenditure of the funds received from the imposition of such
26 assessments shall not be so confined, but may be expended
27 during such time or times as shall be specified in the
28 proposed marketing order, which may be either during the
29 shipping season immediately preceding the shipping seasons
30 during which such assessments are imposed or during, or at any
31 time subsequent to, the shipping seasons during which such

1 assessments are imposed. Nothing herein shall be construed to
2 prevent the imposition of a subsequent marketing order either
3 before, during, or after the expenditure of funds collected
4 pursuant to a previously imposed marketing order, provided the
5 aggregate of the assessments imposed may not exceed the
6 maximum permitted under subsection (8).

7 (e) A proposed marketing order shall specify the type,
8 variety, and form of citrus fruit or processed citrus product
9 to be covered by the order and whether it applies:

10 1. To such citrus fruit or processed citrus product if
11 it was so packed or processed from fruit first placed in the
12 primary channel of trade in Florida during the period of time
13 specified in the marketing order for the imposition of such
14 assessments, or

15 2. To such citrus fruit or processed citrus product if
16 it was so packed, processed, or shipped in such type, variety,
17 and form during the period of time specified in the marketing
18 order for the imposition of such assessments.

19 (f) If a marketing order provides for a brand
20 advertising rebate promotion, the details specified shall
21 include the requirements which must be met by the handler,
22 broker, distributor, or grower in order to be eligible for
23 rebate of advertising or promotional expenditures; the amount,
24 or a method for computing the amount, rebatable; and the
25 procedure for making rebates.

26 (g) Any marketing order may provide that policy
27 decisions with respect to details not specifically set forth
28 in such marketing order may be made either by the commission
29 upon its own motion or by the commission upon the
30 recommendation of any handlers' committee that may be
31 established by the order. Otherwise such policy decisions

1 shall be made by the commission.

2 (2) After such notice and hearing, the commission
3 shall determine whether or not implementation of the new
4 special marketing order, as originally proposed or as amended
5 at the public hearing, will substantially further increase the
6 consumer acceptance and consumption of the citrus fruit or
7 processed citrus product specified in such marketing order and
8 that such substantial further increase in the consumer
9 acceptance and consumption thereof will be of substantial
10 benefit to the handlers and producers thereof and to the
11 economy and well-being of the state. If the commission so
12 determines and if it adopts a marketing order, the commission
13 shall direct that such marketing order be subjected to a
14 referendum of the handlers who have, during a representative
15 period to be selected by the commission, handled in the
16 primary channel of trade in Florida the type, variety, and
17 form of citrus fruit or processed citrus product specified in
18 such marketing order.

19 (3) No marketing order adopted pursuant to this
20 section shall be effective unless and until the commission, at
21 a public meeting, determines such marketing order to have been
22 assented to by referendum by at least 67 percent of the
23 handlers covered by the marketing order who, during the
24 representative period determined by the commission, first
25 handled in the primary channel of trade in Florida not less
26 than 51 percent of the total volume of the type, variety, and
27 form of citrus fruit or processed citrus product specified in
28 the marketing order.

29 (4) The Florida Citrus Authority ~~Department of Citrus~~
30 is authorized to prescribe such procedures as it deems
31 necessary properly to conduct a referendum among handlers

1 covered by the marketing order to determine whether such
2 marketing order has been so assented to.

3 (5)(a) Any marketing order adopted pursuant to this
4 section and subsequently approved by referendum as provided
5 herein shall become effective 15 days after referendum
6 approval is officially determined by the commission. Chapter
7 120 does not apply to this section. Any such marketing order
8 shall be reviewable by any person adversely affected, by
9 certiorari to the district courts of appeal in the manner
10 prescribed by the Florida Rules of Appellate Procedure. The
11 venue of the proceeding for such review shall be the appellate
12 district which includes the county in which the hearings were
13 conducted or, if the venue cannot be thus determined, the
14 appellate district wherein the Florida Citrus Authority
15 ~~Department of Citrus~~ executive offices are located.

16 (b) In cases in which certiorari is granted pursuant
17 to this section, the court may issue its mandate or order with
18 directions to the agency to enter in the proceedings as is
19 appropriate on the record, or the court may remand the cause
20 for such further proceedings, including the taking of
21 testimony, as may to the court seem necessary or proper:

- 22 1. To accord the parties due process of law;
- 23 2. To establish a sufficient record for review;
- 24 3. To accord the parties their constitutional,
25 statutory, or procedural rights; or
- 26 4. To accomplish the purposes and objectives of the
27 law pursuant to which the administrative proceeding was
28 initiated.

29 (6) Any marketing order so implemented under this
30 section may be amended subsequent to its implementation,
31 provided such amendment has been formulated, published,

1 subjected to public hearing, determined by the commission to
2 meet the requirements set forth in the other subsections
3 hereof, and assented to in the same manner and in accordance
4 with all of the procedures and requirements set forth in this
5 section for implementation of the original marketing order.
6 Any such amendment may:
7 (a) Terminate, extend, accelerate, or defer the
8 conduct of the campaign.
9 (b) Defer for one or more shipping seasons the
10 imposition of assessments thereunder.
11 (c) Extend by not more than 2 additional years the
12 period of time during which the assessments imposed pursuant
13 to subsection (8) may be levied upon the privilege so
14 assessed.
15 (d) Increase (subject to the maximum limitations
16 imposed herein) or reduce the assessments or the amount of
17 moneys to be expended.
18 (e) Alter the general details of the campaign.
19 (f) Otherwise amend the originally implemented
20 marketing order.
21 (7) For the purpose of carrying out any and all
22 provisions of this section, the department, or its duly
23 authorized or designated representative or representatives,
24 may hold hearings, take testimony, and administer oaths.
25 Copies of the proceedings, records, and acts of the department
26 and the handlers' committee, if any, established by the
27 marketing order and certificates purporting to relate the
28 facts concerning such proceedings, records, and acts signed by
29 the chair of the commission and authenticated by the seal of
30 the department shall be prima facie evidence thereof in all
31 the courts of the state.

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1 (8)(a) Each person who, during the period of time
2 specified in any marketing order implemented pursuant to this
3 section, first handles in the primary channel of trade in
4 Florida any citrus fruit or processed citrus product of the
5 type, variety, and form specified in such marketing order
6 shall, for the privilege of so handling such citrus fruit or
7 such citrus product, pay to the Florida Citrus Authority
8 ~~Department of Citrus~~ such assessments as are levied and
9 imposed thereon by such marketing order, which funds shall be
10 used by the Florida Citrus Authority ~~Department of Citrus~~ to
11 defray the necessary expenses incurred in the formation,
12 issuance, administration, and enforcement of such marketing
13 order and in the conduct of the special marketing campaign or
14 market and product research and development provided for in
15 such marketing order. However, such assessments levied and
16 imposed pursuant hereto shall be at a rate not to exceed 8
17 cents per standard-packed box on citrus fruits in fresh form,
18 1.3 cents per gallon on single strength citrus juices or
19 sections, or 1.3 cents per pound of soluble citrus solids on
20 concentrated citrus juices.

21 (b) The Florida Citrus Authority ~~Department of Citrus~~
22 shall prescribe procedures for the assessment and collection
23 of such funds to defray the necessary expenses incurred, or
24 expected to be incurred, by the Florida Citrus Authority
25 ~~Department of Citrus~~ in the formation, issuance,
26 administration, and enforcement of any marketing order
27 implemented pursuant to the provisions of this section.

28 (c) Every handler shall, at such times as the
29 department may require, file with the Florida Citrus Authority
30 ~~Department of Citrus~~ a return, not under oath, on forms to be
31 prescribed and furnished by the Florida Citrus Authority

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1 ~~Department of Citrus~~, certified as true and correct, stating
2 the quantity of the type, variety, and form of citrus fruit or
3 citrus product specified in the marketing order first handled
4 in the primary channels of trade in Florida by such handler
5 during the period of time specified in the marketing order.
6 Such returns shall contain any further information deemed by
7 the Florida Citrus Authority ~~Department of Citrus~~ to be
8 reasonably necessary to properly administer or enforce the
9 provisions of this section or any marketing order implemented
10 hereunder. Information that, if disclosed, would reveal a
11 trade secret, as defined in s. 812.081, of any person subject
12 to a marketing order is confidential and exempt from the
13 provisions of s. 119.07(1).

14 (d) All assessments imposed under and pursuant to the
15 provisions of this section shall be due and payable and shall
16 be paid by such handlers at such times and in such
17 installments as the commission shall prescribe in such
18 marketing order, or the amount thereof shall be provided for
19 and guaranteed by giving a surety bond or cash deposit or as
20 the Florida Citrus Authority ~~Department of Citrus~~ may
21 otherwise prescribe.

22 (9)(a) All moneys collected by the Florida Citrus
23 Authority ~~Department of Citrus~~ under this section shall be set
24 aside in the operating accounts of the Florida Citrus
25 Authority. ~~Florida Citrus Advertising Trust Fund as a special~~
26 ~~fund to be known as the "Citrus Special Marketing Order Fund."~~
27 All moneys in such accounts ~~fund~~, ~~after deducting the service~~
28 ~~charge provided in s. 601.15(7)~~, are hereby appropriated to
29 the Florida Citrus Authority ~~Department of Citrus~~ for the
30 actual expenses incurred by the Florida Citrus Authority
31 ~~Department of Citrus~~ with respect to the formulation,

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1 issuance, administration, and enforcement of any marketing
2 order so implemented and in the conduct of the special
3 marketing campaign or market and product research and
4 development to be carried out pursuant to any such marketing
5 order so implemented. Upon the completion of the special
6 marketing campaign or market and product research and
7 development provided for pursuant to any marketing order so
8 implemented hereunder, any and all moneys remaining and not
9 required by the Florida Citrus Authority ~~Department of Citrus~~
10 to defray the expenses of such marketing order shall be
11 deposited to and made a part of the general operating accounts
12 of the Florida Citrus Authority ~~Florida Citrus Advertising~~
13 ~~Trust Fund~~ created by s. 601.15.

14 (b) If the Florida Citrus Authority ~~Department of~~
15 ~~Citrus~~ finds it necessary to do so, it may transfer to the
16 Citrus Special Marketing Order Fund from any other portion of
17 the Florida Citrus Authority operating accounts ~~Florida Citrus~~
18 ~~Advertising Trust Fund~~, including the emergency reserves
19 ~~Reserve Fund~~ and any other special or reserve fund, such sum
20 of money as the Florida Citrus Authority ~~Department of Citrus~~
21 determines is initially required to formulate, issue,
22 administer, and enforce any such marketing order and conduct
23 the special marketing campaign or market and product research
24 and development to be carried out pursuant to such marketing
25 order until moneys in the Citrus Special Marketing Order Fund
26 derived from assessments imposed and collected pursuant to
27 this section are sufficient for such purposes, and thereafter
28 repay such advance out of the Citrus Special Marketing Order
29 Fund.

30 (10)(a) Any handler who fails to file a return or to
31 pay any assessment within the time required shall thereby

1 forfeit to the Florida Citrus Authority ~~Department of Citrus~~ a
 2 penalty of 5 percent of the amount of assessment then due; but
 3 the Florida Citrus Authority ~~Department of Citrus~~, upon good
 4 cause shown, may waive all or any part of such penalty. Such
 5 penalty shall be paid to the Florida Citrus Authority
 6 ~~Department of Citrus~~ and disposed of as provided with respect
 7 to moneys derived from the assessments imposed pursuant to
 8 this section.

9 (b) The Florida Citrus Authority ~~Department of Citrus~~
 10 may collect the assessments imposed pursuant to this section
 11 in either or all of the following methods:

12 1. The voluntary payment by the handler liable
 13 therefor.†

14 2. By a suit at law. Any suit initiated by or filed
 15 against the Florida Citrus Authority, must be filed in the
 16 courts located in Polk County, Florida.†

17 3. By a suit in equity to enjoin and restrain any
 18 handler owing such assessments from operating his or her
 19 business or engaging in business as a citrus fruit dealer
 20 until the delinquent assessments are paid. Such action may
 21 include an accounting to determine the amount of assessments
 22 plus delinquencies due. In any such proceeding, it shall not
 23 be necessary to allege or prove that an adequate remedy at law
 24 does not exist.

25 (11) This section shall be liberally construed to
 26 effectuate the purposes set forth and as additional and
 27 supplemental powers vested in the Florida Citrus Authority
 28 ~~Department of Citrus~~ under the police power of this state.

29 Section 58. Section 601.154, Florida Statutes, is
 30 reenacted and amended to read:

31 601.154 Citrus Stabilization Act of Florida.--

- 1 (1) The purposes of this section are:
- 2 (a) To enable producers of oranges (*Citrus sinensis*
- 3 *Osbeck*), grapefruit (*Citrus paradisi* Macf.), tangerines
- 4 (*Citrus reticulata* Blanco), or citrus hybrids regulated by the
- 5 Florida Citrus Authority ~~Department of Citrus~~ in the State of
- 6 Florida, which producers deliver or cause such oranges,
- 7 grapefruit, tangerines, or citrus hybrids to be delivered into
- 8 the primary channel of trade, with the aid and under the
- 9 direction and control of the state, more effectively to
- 10 correlate the supply of their oranges, grapefruit, tangerines,
- 11 or citrus hybrids with market demands therefor.
- 12 (b) To establish and maintain orderly marketing of
- 13 oranges, grapefruit, tangerines, or citrus hybrids grown in
- 14 Florida or the products thereof.
- 15 (c) To provide methods and means for the development
- 16 of new and larger markets for oranges, grapefruit, tangerines,
- 17 or citrus hybrids grown in Florida, or the products thereof.
- 18 (d) To eliminate or reduce economic waste in the
- 19 production, handling, and marketing of oranges, grapefruit,
- 20 tangerines, or citrus hybrids grown in Florida.
- 21 (e) To restore and maintain adequate purchasing power
- 22 for orange, grapefruit, tangerine, or citrus hybrid producers
- 23 of Florida.
- 24 (f) To conserve the agricultural wealth of the state.
- 25 (g) To stabilize the production and marketing of
- 26 oranges, grapefruit, tangerines, or citrus hybrids and
- 27 products thereof in the Florida citrus industry, as the
- 28 Legislature finds it will promote and protect the health,
- 29 peace, safety, and general welfare of the people of this
- 30 state, which in turn will promote the general welfare and
- 31 social and political economy of this state.

1 (2)(a) The Florida Citrus Authority ~~Department of~~
2 ~~Citrus~~ shall administer and enforce the provisions of this
3 section. In order to effectuate the declared purposes of this
4 section, the Florida Citrus Authority ~~Department of Citrus~~ is
5 hereby authorized to issue, administer, and enforce the
6 provisions of marketing orders hereunder in the way and manner
7 hereinafter provided.

8 (b) Whenever the commission has reason to believe that
9 the issuance of a marketing order, or any amendment thereof
10 after its issuance, will tend to effectuate the declared
11 purposes of this section, it shall at a regular or special
12 meeting of the commission, either upon its own motion or upon
13 application of any producer or group or association of
14 producers of oranges, grapefruit, tangerines, or citrus
15 hybrids, provide for a public hearing upon a proposed
16 marketing order or amendment thereof.

17 (c) Due notice of any hearing called for such purpose
18 shall be given by the commission by publishing notice one time
19 of the time and place of such hearing in at least eight daily
20 newspapers of wide circulation within the citrus producing
21 area of the state to be selected by the commission. Such
22 notice shall be so published not fewer than 7 days or more
23 than 60 days prior to the date set for such hearing. A copy of
24 the proposed marketing order or amendment thereto shall be
25 available at the commission for examination or copying by any
26 interested party on or before the date of publication of
27 notice of hearing, and such notice shall so state. Such
28 hearing shall be open to the public. All testimony shall be
29 received under oath and a full and complete record of all
30 proceedings at any such hearing shall be made and filed by the
31 commission in its offices, which record signed by the chair of

1 the commission and authenticated by the seal of the commission
2 shall constitute prima facie evidence of such proceedings in
3 all courts of the state.

4 (3)(a) After such notice and hearing, the Florida
5 Citrus Authority ~~Department of Citrus~~ may issue a marketing
6 order or amendment as originally proposed or as the same may
7 be modified based on evidence submitted at the hearing if it
8 finds and sets forth in such marketing order or amendment that
9 such order or amendment, as the case may be, will tend to:

10 1. Return to producers of oranges, grapefruit,
11 tangerines, or citrus hybrids in Florida at least average cost
12 of production.

13 2. Prevent the unreasonable or unnecessary waste of
14 the wealth of the orange, grapefruit, tangerine, or citrus
15 hybrid industry and of the economy of the state.

16 3. Protect the interests of consumers of oranges,
17 grapefruit, tangerines, or citrus hybrids and the products
18 thereof.

19 (b) In making the findings set forth in this
20 subsection, the Florida Citrus Authority ~~Department of Citrus~~
21 shall take into consideration any and all relevant and
22 material facts available to it, including but not limited to
23 the following factors:

24 1. The quantity and quality of oranges, grapefruit,
25 tangerines, or citrus hybrids and products thereof available
26 for sale and distribution.

27 2. The quantity and quality of oranges, grapefruit,
28 tangerines, or citrus hybrids and products thereof being
29 purchased by consumers.

30 3. The cost of producing oranges, grapefruit,
31 tangerines, or citrus hybrids as determined by available

1 records, statistics, and surveys.

2 4. The level of prices of commodities which compete
3 with Florida oranges, grapefruit, tangerines, or citrus
4 hybrids and products thereof.

5 5. The level of prices of commodities, services, and
6 articles which orange, grapefruit, tangerine, or citrus hybrid
7 producers and handlers commonly buy and utilize.

8 (4)(a) Every marketing order issued pursuant to the
9 provisions of this section shall provide for an advisory
10 council to advise the Florida Citrus Authority ~~Department of~~
11 ~~Citrus~~ in the administration thereof. Two members of such
12 advisory council shall be appointed by the commission chair,
13 subject to commission concurrence, from each of the three
14 citrus districts as defined in s. 601.09 from producer
15 nominees submitted by producers on or before the date of the
16 hearing provided for in subsection (2). To qualify for
17 appointment, such producer nominees shall meet the same
18 qualifications as those for grower members of the commission
19 set forth in s. 601.04(1).

20 (b) If the marketing order contains provisions
21 authorized by paragraph (5)(c) or paragraph (5)(e) pertaining
22 to processed citrus products, six additional members of such
23 advisory council shall be appointed by the commission chair,
24 subject to commission concurrence, from processor nominees,
25 each of whom shall be experienced in and actively engaged in
26 an executive capacity as an officer, employee, or owner of a
27 corporation or other business unit engaged in processing the
28 type of processed orange, grapefruit, tangerine, or citrus
29 hybrid products to be purchased or marketed pursuant to the
30 provisions of such marketing order, which processor nominees
31 shall have been submitted by processors on or before the date

1 of such hearing.

2 (c) If the marketing order contains provisions
3 authorized by paragraph (5)(b) or paragraph (5)(e) pertaining
4 to fresh citrus fruits, six additional members of such
5 advisory council shall be appointed by the commission chair,
6 subject to commission concurrence, from shipper nominees, each
7 of whom shall be experienced in and actively engaged in an
8 executive capacity as an officer, employee, or owner of a
9 corporation or other business unit engaged in shipping fresh
10 oranges, grapefruit, tangerines, or citrus hybrids to be
11 purchased or marketed pursuant to the provisions of such
12 marketing order, which fresh fruit shipper nominees shall have
13 been submitted by fresh fruit shippers on or before the date
14 of such hearing.

15 (d) Members appointed pursuant to paragraph (a),
16 paragraph (b), or paragraph (c) shall initially include two
17 such members appointed for 4-year terms and two such members
18 appointed for 2-year terms. Thereafter, members shall be
19 appointed for 4-year terms. An appointment to fill a vacancy
20 shall be for the remainder of the unexpired term. Upon
21 expiration of the terms of members of existing advisory
22 councils created pursuant to this section, members shall be
23 appointed for 4-year terms.

24 (e) The advisory council shall elect annually a chair,
25 a vice chair, and a secretary. The advisory council shall
26 meet at the call of its chair, at the request of a majority of
27 its membership, at the request of the department, or at such
28 times as may be prescribed by its rules of procedure. A
29 complete record of the proceedings of each meeting shall be
30 kept, which shall show the names of the members present and
31 the actions taken.

1 (f) The Florida Citrus Authority ~~Department of Citrus~~
 2 may, if it sees fit, appoint one or more advisory committees
 3 to advise the department in the administration of each
 4 marketing order created pursuant to this section. The
 5 majority of the members of any such advisory committee or
 6 committees shall be producers.

7 (g) No member of the advisory council or advisory
 8 committees shall receive a salary, but each member of the
 9 advisory council shall be entitled to reimbursement for per
 10 diem and travel expenses as provided in s. 112.061.

11 (h) The Florida Citrus Authority ~~Department of Citrus~~
 12 may employ necessary personnel, including those performing or
 13 furnishing professional or technical services, fix their
 14 compensation and terms of employment, and may incur such
 15 expenses to be paid from moneys collected as hereinafter
 16 provided as the Florida Citrus Authority ~~Department of Citrus~~
 17 may deem necessary to perform properly such of its duties and
 18 those of the advisory council as are authorized herein. The
 19 duties of such advisory council shall include the following:

- 20 1. To recommend to the Florida Citrus Authority
 21 ~~Department of Citrus~~ administrative rules and regulations
 22 relating to the marketing order. With respect to rules and
 23 regulations relating to the provisions of paragraph (5)(c) or
 24 paragraph (5)(e), the same may be adopted by the Florida
 25 Citrus Authority ~~Department of Citrus~~ only upon the
 26 recommendation of the advisory council by a vote of both a
 27 majority of the producer members and a majority of the
 28 processor members of such advisory council. With respect to
 29 rules and regulations relating to paragraph (5)(b), the same
 30 may be adopted by the Florida Citrus Authority ~~Department of~~
 31 ~~Citrus~~ only upon the recommendation of the advisory council by

1 a vote of both a majority of the producer members and a
2 majority of the fresh orange, grapefruit, tangerine, or citrus
3 hybrid shipper members of such advisory council.

4 2. To receive and report to the Florida Citrus
5 Authority ~~Department of Citrus~~ any and all complaints with
6 respect to alleged violations of the marketing order and rules
7 and regulations thereunder.

8 3. To recommend to the Florida Citrus Authority
9 ~~Department of Citrus~~ amendments to the marketing order and
10 request a public hearing and referendum thereon.

11 4. To advise the Florida Citrus Authority ~~Department~~
12 ~~of Citrus~~ in the assessment and the collection of funds
13 hereunder.

14 5. To advise the Florida Citrus Authority ~~Department~~
15 ~~of Citrus~~ in the collection of such necessary information and
16 data as the Florida Citrus Authority ~~Department of Citrus~~ may
17 deem necessary to the proper administration of this section.

18 (5) Subject to the legislative restrictions and
19 limitations set forth herein, any marketing order issued by
20 the Florida Citrus Authority ~~Department of Citrus~~ pursuant to
21 this section may contain one or more of the following
22 provisions relating to oranges, grapefruit, tangerines, or
23 citrus hybrids, or products thereof, produced within this
24 state, but no others:

25 (a) Provisions for determining, or providing methods
26 for determining, the present and future existence and extent
27 of the supply of oranges, grapefruit, tangerines, or citrus
28 hybrids or products thereof.

29 (b) Provisions authorizing the imposition of quality
30 standards for oranges, grapefruit, tangerines, or citrus
31 hybrids, fixing the minimum ratios of total soluble solids of

1 the juice of such oranges, grapefruit, tangerines, or citrus
2 hybrids to the anhydrous citric acid thereof or the minimum
3 total soluble solids of the juice thereof or both at levels
4 higher than those provided in s. 601.20(1)-(31) or s. 601.17,
5 or in the Florida Citrus Authority ~~Department of Citrus~~ rules
6 governing the same.

7 (c) Provisions for the establishment of a reserve pool
8 of frozen concentrated orange or grapefruit juice or any other
9 type of processed orange or grapefruit product which can be
10 stored without expectation of significant quality loss for a
11 period of not less than 20 years, for disposition following
12 serious freezes, hurricanes, or other catastrophes which
13 result in a shortage of oranges or grapefruit or processed
14 orange or grapefruit products as hereinafter provided, and for
15 the renting or leasing of facilities for the storage thereof.

16 (d) Provisions for the establishing of assessments as
17 hereinafter provided on producers, or associations of
18 producers, to provide funds for the formulation, issuance,
19 administration, operation, and enforcement of any marketing
20 order promulgated hereunder.

21 (e) Provisions for underwriting or subsidizing the
22 development or expansion of markets for oranges, grapefruit,
23 tangerines, or citrus hybrids, or the products thereof.

24 (f) Provisions for the borrowing of money by the
25 Florida Citrus Authority ~~Department of Citrus~~ to effectuate
26 the particular marketing order.

27 (g) Provisions for the establishment of such plans or
28 programs for advertising, merchandising, and sales promotion
29 to create new or larger domestic or foreign markets for
30 oranges, grapefruit, tangerines, or citrus hybrids grown in
31 the state and the processed products and byproducts thereof as

1 circumstances may warrant.

2 (h) Provisions incidental to and not inconsistent with
3 the foregoing provisions.

4 (6)(a) No marketing order, or amendment thereto,
5 issued pursuant to this section shall become effective unless
6 and until the Florida Citrus Authority ~~Department of Citrus~~
7 finds that such order has been assented to in writing by at
8 least 65 percent of the producers voting in a referendum on
9 the marketing order. The marketing order must also be
10 consented to in writing by producers voting in the referendum
11 who, during a preceding representative shipping season
12 determined by the Florida Citrus Authority ~~Department of~~
13 ~~Citrus~~, produced and delivered or caused to be delivered into
14 the primary channel of trade not less than 65 percent of the
15 total number of standard-packed boxes of oranges, grapefruit,
16 tangerines, or citrus hybrids, or the equivalent thereof which
17 were found by the Florida Citrus Authority ~~Department of~~
18 ~~Citrus~~ to have been produced and delivered by such voting
19 producers into the primary channel of trade during such
20 representative period.

21 (b) No marketing order or amendment thereto issued
22 pursuant to this section which contains provisions authorized
23 by paragraph (5)(c) or paragraph (5)(e) pertaining to
24 processed citrus products shall become effective unless and
25 until such order has also been submitted to processors who,
26 during a preceding representative shipping season determined
27 by the Florida Citrus Authority ~~Department of Citrus~~, handled
28 in the primary channel of trade the type or types of processed
29 orange, grapefruit, tangerine, or citrus hybrid products
30 specified for purchase or marketing by the provisions of such
31 marketing order, and the Florida Citrus Authority ~~Department~~

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1 ~~of Citrus~~ finds that such order has been assented to in
2 writing by at least 51 percent of such processors voting in
3 such referendum who processed, from oranges, grapefruit,
4 tangerines, or citrus hybrids delivered into the primary
5 channels of trade during such representative period, not less
6 than 65 percent of the number of gallons of such processed
7 orange, grapefruit, tangerine, or citrus hybrid products,
8 expressed on a single-strength basis, so processed by such
9 voting processors from oranges, grapefruit, tangerines, or
10 citrus hybrids delivered into the primary channel of trade
11 during such representative period.

12 (c) No marketing order or amendment thereto issued
13 pursuant to this section which contains provisions authorized
14 by paragraph (5)(b) or paragraph (5)(e) pertaining to fresh
15 citrus fruit shall become effective unless and until such
16 order has also been submitted to shippers of fresh oranges,
17 grapefruit, tangerines, or citrus hybrids who, during a
18 preceding representative shipping season determined by the
19 Florida Citrus Authority ~~Department of Citrus~~, handled
20 oranges, grapefruit, tangerines, or citrus hybrids in the
21 primary channel of trade, and the Florida Citrus Authority
22 ~~Department of Citrus~~ finds that such order has been assented
23 to in writing by at least 51 percent of such shippers of fresh
24 oranges, grapefruit, tangerines, or citrus hybrids voting in
25 such referendum who, during such representative period,
26 handled in the primary channel of trade not less than 65
27 percent of the number of standard-packed boxes of such
28 oranges, grapefruit, tangerines, or citrus hybrids handled by
29 such voting shippers of fresh oranges, grapefruit, tangerines,
30 or citrus hybrids in the primary channel of trade during such
31 representative period.

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1 (7) The Florida Citrus Authority ~~Department of Citrus~~
2 is authorized to prescribe by rule or regulation such
3 procedures as it deems necessary or required to properly
4 conduct a referendum hereunder.

5 (8) Every marketing order and amendment thereto issued
6 by the Florida Citrus Authority ~~Department of Citrus~~, under
7 the provisions of this section, shall be published one time,
8 within 10 days after the same is adopted, in at least one
9 daily newspaper of general circulation in each of two cities
10 within the citrus-producing area of the state, to be selected
11 by the Florida Citrus Authority ~~Department of Citrus~~. All
12 such orders shall become effective 5 days after the orders are
13 found by the Florida Citrus Authority ~~Department of Citrus~~ to
14 be so assented to, unless the Florida Citrus Authority
15 ~~Department of Citrus~~ orders a later date. In case written
16 protest by any affected person shall be made to any such order
17 within 15 days after the Florida Citrus Authority ~~Department~~
18 ~~of Citrus~~ has found it so assented to, a hearing shall be
19 conducted at a place and time determined by the Florida Citrus
20 Authority ~~Department of Citrus~~ or its authorized agent or
21 representative; all interested persons shall have an
22 opportunity to be heard. Due notice of the time and place of
23 such hearing by the Florida Citrus Authority ~~Department of~~
24 ~~Citrus~~ or its designated agent, representative, or
25 administrative law judge shall be given to the persons making
26 such protest. In all cases such written protests shall be
27 filed with the Florida Citrus Authority ~~Department of Citrus~~;
28 however, the filing thereof shall not stay the effective date
29 of such order. The Florida Citrus Authority ~~Department of~~
30 ~~Citrus~~ may, on application of the protestant and for good
31 cause shown, stay the effective date of the order for such

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1 time as the Florida Citrus Authority ~~Department of Citrus~~ may
2 direct. Any action of the Florida Citrus Authority ~~Department~~
3 ~~of Citrus~~ refusing to modify the order protested or refusing
4 to stay the effective date of such order shall be subject to
5 review by any court of competent jurisdiction.

6 (9) For the purpose of carrying out any and all
7 provisions of this section, the commission, or its duly
8 authorized or designated representative or representatives,
9 may hold hearings, take testimony, and administer oaths and
10 may, after any marketing order has become final, subpoena
11 witnesses and issue subpoenas for the production of books,
12 records, or documents relevant and material to the marketing
13 order. Copies of the proceedings, records, and acts of the
14 commission and certificates purporting to relate the facts
15 concerning such proceedings, records, and acts, signed by the
16 chair of the commission and authenticated by the seal of the
17 commission, shall be prima facie evidence thereof in all the
18 courts of the state.

19 (10)(a) The Florida Citrus Authority ~~Department of~~
20 ~~Citrus~~ shall suspend or terminate any marketing order, or any
21 provision thereof, whenever it finds such order or provision
22 does not tend to effectuate the declared purposes of this
23 section within the standards and subject to the limitations
24 and restrictions herein imposed. Such suspension or
25 termination shall not be effective until the expiration of the
26 then-current marketing, shipping, or harvesting season, unless
27 otherwise provided in any such marketing order.

28 (b) If the Florida Citrus Authority ~~Department of~~
29 ~~Citrus~~ finds that the termination or suspension of any
30 marketing order is requested in writing by producers who
31 produced for market during the last preceding shipping season

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1 more than 51 percent of the total standard-packed boxes of the
2 variety of citrus fruit covered by the marketing order, the
3 Florida Citrus Authority ~~Department of Citrus~~ shall terminate
4 or suspend for a specified period such marketing order or
5 provision thereof.

6 (11) Upon the issuance of any order of suspension or
7 termination of any marketing order, a notice thereof shall be
8 published one time in at least one daily newspaper of general
9 circulation in each of two cities within the citrus-producing
10 area of the state to be selected by the Florida Citrus
11 Authority ~~Department of Citrus~~. No order of suspension or
12 termination shall become effective until the expiration of a
13 period of 5 days from the date of such publication.

14 (12) For the privilege of delivering the variety of
15 citrus fruit covered by a marketing order into the primary
16 channel of trade, every person so engaged shall pay to the
17 Florida Citrus Authority ~~Department of Citrus~~ an assessment
18 specified in the marketing order. However, the aggregate of
19 all assessments levied against any variety of citrus fruit
20 with respect to one or more marketing orders shall not exceed
21 10 cents per standard-packed box or the equivalent thereof
22 with respect to any shipping season in which such marketing
23 order or orders are in effect. The Florida Citrus Authority
24 ~~Department of Citrus~~ shall prescribe rules and regulations
25 with respect to the assessment and collection of such funds.

26 (13)(a) Every handler, producer, or other person
27 delivering oranges, grapefruit, tangerines, or citrus hybrids
28 to any handler or other person shall keep a complete and
29 accurate record of all oranges, grapefruit, tangerines, or
30 citrus hybrids handled by her or him. Such record shall be in
31 such form and contain such information as the Florida Citrus

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1 Authority ~~Department of Citrus~~ shall by rule or regulation
2 prescribe. Such records shall be preserved by all such persons
3 for a period of at least 1 year after the termination of the
4 marketing order to which such records relate and shall be
5 offered for inspection at any time upon oral or written demand
6 by the Florida Citrus Authority ~~Department of Citrus~~ or its
7 duly authorized agent or representative.

8 (b) Every handler shall, at such times as the Florida
9 Citrus Authority ~~Department of Citrus~~ may by rule or
10 regulation require, file with the Florida Citrus Authority
11 ~~Department of Citrus~~ a return on forms to be prescribed and
12 furnished by the Florida Citrus Authority ~~Department of Citrus~~
13 certifying the number of standard-packed boxes of the variety
14 of citrus fruit covered by a marketing order handled by her or
15 him in the primary channel of trade during the period of time
16 prescribed by the Florida Citrus Authority ~~Department of~~
17 ~~Citrus~~.

18 (c) All assessments levied and imposed under and
19 pursuant to the provisions of this section shall be due and
20 payable and shall be paid, or the amount thereof provided for
21 and guaranteed as hereinafter provided, at such times and in
22 such installments as the Florida Citrus Authority ~~Department~~
23 ~~of Citrus~~ shall by regulation prescribe. All such assessments
24 shall be paid by the producer or other person delivering the
25 oranges, grapefruit, tangerines, or citrus hybrids into the
26 primary channel of trade. However, the handler who receives
27 the citrus fruit in the primary channel of trade shall not be
28 construed to be the person delivering the citrus fruit into
29 the primary channel of trade, except when such handler and the
30 producer are one and the same person. Such assessments shall
31 be collected from the producer or other person delivering the

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1 oranges, grapefruit, tangerines, or citrus hybrids into the
 2 primary channel of trade by the handler first handling the
 3 citrus fruit in the primary channel of trade and shall be
 4 guaranteed and transmitted to the Florida Citrus Authority
 5 ~~Department of Citrus~~ by the handler so shipping or processing
 6 such citrus fruit by the giving of a security bond or cash
 7 deposit under rules and regulations promulgated by the Florida
 8 Citrus Authority ~~Department of Citrus~~. Such assessments shall
 9 not be absorbed by the handler, unless the handler is one and
 10 the same person as the producer, but shall be deducted by the
 11 handler from the price paid or to be paid by the handler to
 12 the producer or other person who delivered the citrus fruit
 13 into the primary channel of trade.

14 (14)(a) All money so collected by the Florida Citrus
 15 Authority ~~Department of Citrus~~ under this section, including
 16 the net proceeds received by the Florida Citrus Authority
 17 ~~Department of Citrus~~ from the sale of any processed orange
 18 product pursuant to paragraph (5)(c), shall be set aside in
 19 Florida Citrus Authority operating accounts. ~~the Florida~~
 20 ~~Citrus Advertising Trust Fund as a special fund to be known as~~
 21 ~~the "Citrus Stabilization Fund."~~ All moneys in such operating
 22 accounts fund, ~~after deducting the service charge provided in~~
 23 ~~s. 601.15(7)~~, are hereby appropriated to the Florida Citrus
 24 Authority ~~Department of Citrus~~ for the payment of the actual
 25 expenses incurred by the Florida Citrus Authority ~~Department~~
 26 ~~of Citrus~~ in the formulation, issuance, administration,
 27 enforcement, and operation of the marketing order pursuant to
 28 which such funds are so collected, except as hereinafter
 29 provided. The marketing order may provide that any moneys
 30 remaining in such fund upon the termination of a marketing
 31 order shall be refunded on a pro rata basis to all persons

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1 assessed pursuant to such marketing order; may provide that
2 such moneys may be used to pay expenses incurred by the
3 Florida Citrus Authority ~~Department of Citrus~~ in the
4 formulation, issuance, administration, enforcement, and
5 operation of any other marketing order issued pursuant to this
6 chapter; or may provide that such moneys may be deposited to
7 and made a part of Florida Citrus Authority operating accounts
8 which are funded ~~the Citrus Advertising Trust Fund~~ created by
9 s. 601.15. During the administration, enforcement, and
10 operation of any marketing order adopted hereunder, if the
11 commission determines that funds derived pursuant to that
12 marketing order exceed the requirements for the desired
13 operation of that marketing order, it may transfer such funds
14 as it determines by its vote are excess to operating accounts
15 which are funded by ~~the Florida Citrus Advertising Trust Fund~~
16 ~~established by~~ s. 601.15. Such transfer shall be for the
17 purposes of advertising and promoting, including brand
18 advertising rebate promotions, merchandising and research in
19 regard to the particular form of citrus fruit or processed
20 citrus product for which the funds were collected pursuant to
21 the marketing order. The commission may also transfer any
22 excess for the purpose of the formulation, issuance,
23 administrative enforcement, or operation of any other
24 marketing order adopted hereunder that is directed to the same
25 form of citrus fruit or processed citrus product. No such
26 transfer shall be accomplished without a public hearing and a
27 subsequent referendum being conducted to approve such a
28 transfer. If, after any such transfer of excess funds, it is
29 subsequently determined that additional funds are needed for
30 the administration, enforcement, and operation of the
31 marketing order from which funds were transferred, and there

1 are sufficient funds available in the fund which was the
2 recipient of the funds transferred, the commission, upon an
3 affirmative vote of nine of its members, may retransfer, from
4 the recipient fund to the original fund, an amount not to
5 exceed that originally transferred.

6 (b) If the commission finds it necessary to do so, it
7 may transfer to the Citrus Stabilization Fund from the Florida
8 Citrus Authority operating accounts ~~Florida Citrus Advertising~~
9 ~~Trust Fund created in this chapter~~ only such sum of money as
10 the commission determines is required to formulate and issue
11 any such marketing order until moneys in the Citrus
12 Stabilization Fund derived from assessments imposed and
13 collected pursuant to this section are sufficient to finance
14 the administration, enforcement, and operation of such
15 marketing order and to replace such transferred funds.

16 (15)(a) Any marketing order which contains provisions
17 authorized by paragraph (5)(c) shall include provisions
18 specifying:

19 1. The type and form of processed orange or grapefruit
20 product proposed to be purchased, stored, and sold.

21 2. The maximum price at which the processed orange or
22 grapefruit product to be pooled may be purchased or the
23 criteria to be used in computing such maximum price.

24 3. The criteria to be used in determining whether a
25 freeze, hurricane, or other catastrophe which results in a
26 shortage of oranges or grapefruit or processed orange or
27 grapefruit products is sufficiently serious to justify the
28 sale of all or part of the processed orange or grapefruit
29 products then held in the reserve pool.

30 4. The minimum price at which the pooled processed
31 orange or grapefruit product will be sold after a

1 determination pursuant to subparagraph 3., or the criteria to
2 be used in computing such minimum price.

3 5. The criteria to be used in determining upon what
4 basis or allocation, or both, and upon what time schedule the
5 pooled processed orange or grapefruit product may be sold to
6 Florida processors of processed orange or grapefruit products
7 after a determination pursuant to subparagraph 3.

8 6. The quality standards to which the processed orange
9 or grapefruit product to be pooled will be required to
10 conform.

11 7. The criteria for determining at what level the
12 quantity of processed orange or grapefruit products in the
13 reserve pool will be sufficient to accomplish the purposes
14 intended.

15 8. The criteria to be used in determining to what
16 limited extent processed orange or grapefruit products held in
17 such reserve pool may be sold to defray costs of storage at
18 such times when no other funds are available for such purpose.

19 (b) Notwithstanding any other provision of this
20 section, the provisions of any marketing order authorized by
21 paragraph (5)(c) may not, under any circumstances, be
22 suspended, terminated, or amended within 12 months following a
23 catastrophe which, under the criteria established pursuant to
24 subparagraph (a)3., is sufficiently serious to justify the
25 sale of all or part of the processed citrus products then held
26 in the reserve pool.

27 (16) Any person who violates any provision of this
28 section, any provision of any marketing order, or any rule or
29 regulation of the Florida Citrus Authority ~~Department of~~
30 ~~Citrus~~ relating thereto is guilty of a misdemeanor of the
31 second degree, punishable as provided in s. 775.082 or s.

1 775.083.

2 (17) The ~~several~~ circuit court ~~courts~~ in Polk County,
3 Florida, is of the state are hereby vested with jurisdiction
4 specifically to enforce and to enjoin and restrain any person
5 from violating any provisions of this section, or of any
6 marketing order, rules, or regulations duly issued by the
7 Florida Citrus Authority ~~Department of Citrus~~ hereunder, in
8 any proceeding brought by the Florida Citrus Authority
9 ~~Department of Citrus~~ in any of the circuit courts; and in any
10 such proceeding it shall not be necessary for the Florida
11 Citrus Authority ~~Department of Citrus~~ to post any bond or to
12 allege or prove that an adequate remedy at law does not exist.
13 The A circuit court may issue a temporary restraining order
14 and preliminary injunction, as in other actions for injunctive
15 relief, and, upon final hearing, if the final decree is in
16 favor of the Florida Citrus Authority ~~Department of Citrus~~,
17 the court shall permanently enjoin the defendant or defendants
18 from further violations, and any such final decree in favor of
19 the Florida Citrus Authority ~~Department of Citrus~~ shall
20 provide that the defendant or defendants pay it reasonable
21 costs of such suit, including reasonable attorney's fees. Any
22 such action may be commenced either in the county where the
23 defendant resides, or in the county where any other defendant
24 resides, if more than one defendant, or in the county where
25 any act or omission, or part thereof, complained of occurred.

26 (18) This section shall be liberally construed to
27 effectuate the purposes set forth and as additional and
28 supplemental powers vested in the Florida Citrus Authority
29 ~~Department of Citrus~~ under the police power of this state.

30 (19) Nothing herein shall be construed to authorize
31 the Florida Citrus Authority ~~Department of Citrus~~ in any

1 manner to fix prices of citrus.

2 Section 59. Section 601.155, Florida Statutes, is
3 reenacted and amended to read:

4 601.155 Equalizing excise tax; credit; exemption.--

5 (1) The first person who exercises in this state the
6 privilege of processing, reprocessing, blending, or mixing
7 processed orange products or processed grapefruit products or
8 the privilege of packaging or repackaging processed orange
9 products or processed grapefruit products into retail or
10 institutional size containers or, except as provided in
11 subsection (9) or except if a tax is levied and collected on
12 the exercise of one of the foregoing privileges, the first
13 person having title to or possession of any processed orange
14 product or any processed grapefruit product who exercises the
15 privilege in this state of storing such product or removing
16 any portion of such product from the original container in
17 which it arrived in this state for purposes other than
18 official inspection or direct consumption by the consumer and
19 not for resale shall be assessed and shall pay an excise tax
20 upon the exercise of such privilege at the rate described in
21 subsection (2).

22 ~~(2) Upon the exercise of any privilege described in~~
23 ~~subsection (1),~~The excise tax levied by this section may
24 ~~shall be set by the Florida Citrus Authority at a the same~~
25 rate not to exceed the rate per box of oranges or grapefruit
26 utilized in the initial production of the processed citrus
27 products so handled as that imposed, ~~at the time of exercise~~
28 ~~of the taxable privilege, by s. 601.15 per box of oranges. The~~
29 department shall set the rate for each citrus season by August
30 1 of each year.

31 (3) For the purposes of this section, the number of

1 boxes of oranges or grapefruit utilized in the initial
2 production of processed citrus products subject to the taxable
3 privilege shall be:

4 (a) The actual number of boxes so utilized, if known
5 and verified in accordance with Florida Citrus Authority
6 ~~Department of Citrus~~ rules; or

7 (b) An equivalent number established by Florida Citrus
8 Authority ~~Department of Citrus~~ rule which, on the basis of
9 existing data, reasonably equates to the quantity of citrus
10 contained in the product, when the actual number of boxes so
11 utilized is not known or properly verified.

12 (4) For purposes of this section:

13 (a) "Processed orange products" means products for
14 human consumption consisting of 20 percent or more single
15 strength equivalent orange juice; orange sections, segments,
16 or edible components; or whole peeled fruit.

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

21 (c) "Original container" includes any vessel, tanker
22 or tank car or other transport vehicle.

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

25 (5) All products subject to the taxable privileges
26 under this section, which products are produced in whole or in
27 part from citrus fruit grown within the United States, are
28 exempt from the tax imposed by this section to the extent that
29 the products are derived from oranges or grapefruit grown
30 within the United States. In the case of products made in part
31 from citrus fruit grown within the United States, it shall be

1 the burden of the persons liable for the excise tax to show
2 the Florida Citrus Authority ~~Department of Citrus~~, through
3 competent evidence, proof of that part which is not subject to
4 a taxable privilege.

5 (6) Every person liable for the excise tax imposed by
6 this section shall keep a complete and accurate record of the
7 receipt, storage, handling, exercise of any taxable privilege
8 under this section, and shipment of all products subject to
9 the tax imposed by this section. Such record shall be
10 preserved for a period of 1 year and shall be offered for
11 inspection upon oral or written request by the Florida Citrus
12 Authority ~~Department of Citrus~~ or its duly authorized agent.

13 (7) Every person liable for the excise tax imposed by
14 this section shall, at such times and in such manner as the
15 Florida Citrus Authority ~~Department of Citrus~~ may by rule
16 require, file with the Florida Citrus Authority ~~Department of~~
17 ~~Citrus~~ a return, certified as true and correct, on forms to be
18 prescribed and furnished by the Florida Citrus Authority
19 ~~Department of Citrus~~, stating, in addition to other
20 information reasonably required by the Florida Citrus
21 Authority ~~Department of Citrus~~, the number of units of
22 processed orange or grapefruit products subject to this
23 section upon which any taxable privilege under this section
24 was exercised during the period of time covered by the return.
25 Full payment of excise taxes due for the period reported shall
26 accompany each return.

27 (8) All taxes levied and imposed by this section shall
28 be due and payable within 61 days after the first of the
29 taxable privileges is exercised in this state. Periodic
30 payment of the excise taxes imposed by this section by the
31 person first exercising the taxable privileges and liable for

1 such payment shall be permitted only in accordance with
 2 Florida Citrus Authority ~~Department of Citrus~~ rules, and the
 3 payment thereof shall be guaranteed by the posting of an
 4 appropriate certificate of deposit, approved surety bond, or
 5 cash deposit in an amount and manner as prescribed by the
 6 Florida Citrus Authority ~~Department of Citrus~~.

7 (9) When any processed orange or grapefruit product is
 8 stored or removed from its original container as provided in
 9 subsection (1), the equalizing excise tax is levied on such
 10 storage or removal, and such product is subsequently shipped
 11 out of the state in a vessel, tanker or tank car, or container
 12 having a capacity greater than 10 gallons, the person who is
 13 liable for the tax shall be entitled to a tax refund, if such
 14 tax has been paid, or to a tax credit, provided she or he can
 15 provide satisfactory proof that such product has been shipped
 16 out of the state and that no privilege taxable under
 17 subsection (1) other than storage or removal from the original
 18 container was exercised prior to such shipment out of the
 19 state.

20 (10) All excise taxes levied and collected under the
 21 provisions of this section, including penalties, shall be paid
 22 directly to the Florida Citrus Authority ~~into the State~~
 23 ~~Treasury~~ to be made a part of the Florida Citrus Authority
 24 general operating accounts ~~Florida Citrus Advertising Trust~~
 25 ~~Fund~~ in the same manner, for the same purposes, and in the
 26 same proportions as set forth in s. 601.15(6)(7). Any person
 27 failing to file a return or pay any assessment within the time
 28 required shall thereby forfeit to the Florida Citrus Authority
 29 ~~Department of Citrus~~ a penalty of 5 percent of the amount of
 30 assessment then due; but the Florida Citrus Authority
 31 ~~Department of Citrus~~, on good cause shown, may waive all or

1 any part of such penalty.

2 (11) This section shall be liberally construed to
3 effectuate the purposes set forth and as additional and
4 supplemental powers vested in the Florida Citrus Authority
5 ~~Department of Citrus~~ under the police power of this state.

6 (12) Where a taxpayer claims a refund of citrus excise
7 taxes based upon reasons as provided in s. 215.26 and the
8 Florida Citrus Authority agrees with the claim, the authority
9 may enter into agreements with such taxpayer or third parties,
10 or both, to pay all or a portion of such refund by cash or
11 through the suspension of the authority's collection of citrus
12 excise taxes until the amount of such refund is returned or
13 credited to the claimant's benefit.

14 Section 60. Section 601.16, Florida Statutes, is
15 reenacted to read:

16 601.16 Grapefruit maturity standards; fresh and
17 processed.--

18 (1)(a) Seedless grapefruit for fresh use, except as
19 provided herein, shall not be deemed mature until:

20 1. Each fruit, after having been severed from the
21 tree, shows a break in color, with yellow color predominating
22 on not less than 25 percent of the fruit's surface in the
23 aggregate;

24 2. The total soluble solids (Brix) of the juice is not
25 less than 7.5 percent;

26 3. The ratio of the total soluble solids to anhydrous
27 citric acid meets the requirements of s. 601.17; and

28 4. The juice content of each fruit is not less than
29 the minimum requirements for the respective fruit size as set
30 forth in s. 601.18.

31 (b) Except for the period January 1 through July 31,

1 seedless grapefruit meeting minimum color break, ratio, and
2 juice content requirements of paragraph (a) shall be deemed
3 mature when the total soluble solids (Brix) of the juice is
4 not less than 7 percent.

5 (c) Except for the period April 15 through July 31,
6 seedless grapefruit meeting minimum color break, soluble
7 solids, and juice content requirements of paragraph (a) shall
8 be deemed mature when the ratio of soluble solids to anhydrous
9 citric acid is not less than six to one.

10 (d) Except the commission may, by rule, during the
11 period November 1 through July 31, lower by not more than 0.5
12 percent the minimum total soluble solids requirement
13 established by this section for pink and red seedless
14 grapefruit. Any such rule shall automatically expire on July
15 31 next following its adoption.

16 (2)(a) Seeded grapefruit for fresh use, except as
17 provided herein, shall not be deemed mature until:

18 1. Each fruit, after having been severed from the
19 tree, shows a break in color, with yellow color predominating
20 on not less than 25 percent of the fruit's surface in the
21 aggregate;

22 2. The total soluble solids (Brix) of the juice is not
23 less than 8 percent;

24 3. The ratio of the total soluble solids to anhydrous
25 citric acid meets the requirements of s. 601.17; and

26 4. The juice content of each fruit is not less than
27 the minimum requirements for the respective fruit size as set
28 forth in s. 601.18.

29 (b) Except for the period January 1 through July 31,
30 seeded grapefruit meeting minimum color break, ratio, and
31 juice content requirements of paragraph (a) shall be deemed

1 mature when the total soluble solids (Brix) of the juice is
2 not less than 7.5 percent.

3 (c) Except for the period April 15 through July 31,
4 seeded grapefruit meeting minimum color break, soluble solids,
5 and juice content requirements of paragraph (a) shall be
6 deemed mature when the ratio of soluble solids to anhydrous
7 citric acid is not less than six to one.

8 (3) Grapefruit for processing into juices and juice
9 products shall be deemed mature as follows:

10 (a) For the period August 1 through November 30,
11 maturity requirements for juice content, acid, and color break
12 shall be the same as established herein for grapefruit for
13 fresh use. After November 30, there shall be no minimum
14 requirement for juice content, acid, or color break.

15 (b) For the period August 1 through November 30, the
16 total soluble solids (Brix) of the juice from seedy grapefruit
17 shall be not less than 8 percent, and the minimum ratio of
18 total soluble solids to anhydrous citric acid shall be not
19 less than eight to one.

20 (c) For the period August 1 through November 30, the
21 total soluble solids (Brix) of the juice from seedless
22 grapefruit shall be not less than 7.5 percent, and the minimum
23 ratio of total soluble solids to anhydrous citric acid shall
24 be not less than eight to one.

25 (d) For the period December 1 through December 31, the
26 total soluble solids (Brix) of the juice from seedy and
27 seedless grapefruit shall be not less than 7 percent, and the
28 minimum ratio of total soluble solids to anhydrous citric acid
29 shall be not less than eight to one.

30 (e) For the period January 1 through January 31, the
31 total soluble solids (Brix) of the juice from seedy and

1 seedless grapefruit shall be not less than 6.5 percent, and
2 the minimum ratio of total soluble solids to anhydrous citric
3 acid shall be not less than eight to one.

4 (f) For the period February 1 through April 14, the
5 total soluble solids (Brix) of the juice from seedy and
6 seedless grapefruit shall be not less than 6.5 percent, and
7 the minimum ratio of total soluble solids to anhydrous citric
8 acid shall be not less than six and one-half to one.

9 (g) For the period April 15 through July 31, the total
10 soluble solids (Brix) of the juice from seedy and seedless
11 grapefruit shall be not less than 6.5 percent, and the minimum
12 ratio of total soluble solids to anhydrous citric acid shall
13 be not less than six to one.

14 (h) All grapefruit subject to inspection at a
15 registered packinghouse, eliminated from final packing, and
16 legally diverted from the packinghouse for processing into
17 juice and juice products shall be deemed mature as provided in
18 paragraphs (a)-(g), except that, for the period August 1
19 through January 31, the minimum ratio of total soluble solids
20 to anhydrous citric acid shall be not less than seven and
21 one-half to one. For the period August 1 through January 31,
22 such fruit failing to meet maturity standards as provided may
23 be used in the production of products as provided in s.
24 601.9906(2).

25 (i) Any grapefruit which is subject to inspection at a
26 registered citrus processing plant for processing into
27 grapefruit sections and salads, eliminated from processing
28 into grapefruit sections and salads, and diverted for
29 processing into juice and juice products shall be deemed
30 mature as provided in subsection (4).

31 (4) Grapefruit for processing into grapefruit sections

1 and salads shall be deemed mature as follows:

2 (a) For the period August 1 through November 30,
3 maturity requirements shall be the same as established herein
4 for grapefruit for fresh use.

5 (b) After November 30, there shall be no minimum
6 requirements for juice content, acid, or color break.

7 (c) For the period December 1 through December 31, the
8 total soluble solids (Brix) of the juice shall be not less
9 than 7 percent, and the minimum ratio of total soluble solids
10 to anhydrous citric acid shall meet the requirements of s.
11 601.17.

12 (d) For the period January 1 through April 14, the
13 total soluble solids (Brix) of the juice shall be not less
14 than 6.5 percent, and the minimum ratio of total soluble
15 solids to anhydrous citric acid shall be not less than six and
16 one-half to one.

17 (e) For the period April 15 through July 31, the total
18 soluble solids (Brix) of the juice shall be not less than 6.5
19 percent, and the minimum ratio of total soluble solids to
20 anhydrous citric acid shall be not less than six to one.

21 (5) The commission may, by rule, for the period April
22 15 through July 31, adjust any minimum total soluble solids
23 requirement for grapefruit for processing purposes established
24 by this section. Any such rule shall automatically expire on
25 July 31 following its adoption.

26 Section 61. Section 601.17, Florida Statutes, is
27 reenacted to read:

28 601.17 Grapefruit; minimum ratios of solids to
29 acid.--The minimum ratios of the total soluble solids of the
30 juice of grapefruit to the anhydrous citric acid shall be as
31 follows:

1 (1) When the total soluble solids of the juice is not
2 less than 6.5 percent and not more than 9.1 percent, the
3 minimum ratio of the total soluble solids to anhydrous citric
4 acid shall be 7 to 1.

5 (2) When the total soluble solids of the juice is not
6 less than 9.1 percent and not more than 9.2 percent, the
7 minimum ratio of the total soluble solids to anhydrous citric
8 acid shall be 6.95 to 1.

9 (3) When the total soluble solids of the juice is not
10 less than 9.2 percent and not more than 9.3 percent, the
11 minimum ratio of the total soluble solids to anhydrous citric
12 acid shall be 6.90 to 1.

13 (4) When the total soluble solids of the juice is not
14 less than 9.3 percent and not more than 9.4 percent, the
15 minimum ratio of the total soluble solids to anhydrous citric
16 acid shall be 6.85 to 1.

17 (5) When the total soluble solids of the juice is not
18 less than 9.4 percent and not more than 9.5 percent, the
19 minimum ratio of the total soluble solids to anhydrous citric
20 acid shall be 6.80 to 1.

21 (6) When the total soluble solids of the juice is not
22 less than 9.5 percent and not more than 9.6 percent, the
23 minimum ratio of the total soluble solids to anhydrous citric
24 acid shall be 6.75 to 1.

25 (7) When the total soluble solids of the juice is not
26 less than 9.6 percent and not more than 9.7 percent, the
27 minimum ratio of the total soluble solids to anhydrous citric
28 acid shall be 6.70 to 1.

29 (8) When the total soluble solids of the juice is not
30 less than 9.7 percent and not more than 9.8 percent, the
31 minimum ratio of the total soluble solids to anhydrous citric

1 acid shall be 6.65 to 1.

2 (9) When the total soluble solids of the juice is not
3 less than 9.8 percent and not more than 9.9 percent, the
4 minimum ratio of the total soluble solids to anhydrous citric
5 acid shall be 6.60 to 1.

6 (10) When the total soluble solids of the juice is not
7 less than 9.9 percent and not more than 10 percent, the
8 minimum ratio of the total soluble solids to anhydrous citric
9 acid shall be 6.55 to 1.

10 (11) When the total soluble solids of the juice is not
11 less than 10 percent and not more than 10.1 percent, the
12 minimum ratio of the total soluble solids to anhydrous citric
13 acid shall be 6.50 to 1.

14 (12) When the total soluble solids of the juice is not
15 less than 10.1 percent and not more than 10.2 percent, the
16 minimum ratio of the total soluble solids to anhydrous citric
17 acid shall be 6.475 to 1.

18 (13) When the total soluble solids of the juice is not
19 less than 10.2 percent and not more than 10.3 percent, the
20 minimum ratio of the total soluble solids to anhydrous citric
21 acid shall be 6.45 to 1.

22 (14) When the total soluble solids of the juice is not
23 less than 10.3 percent and not more than 10.4 percent, the
24 minimum ratio of the total soluble solids to anhydrous citric
25 acid shall be 6.425 to 1.

26 (15) When the total soluble solids of the juice is not
27 less than 10.4 percent and not more than 10.5 percent, the
28 minimum ratio of the total soluble solids to anhydrous citric
29 acid shall be 6.40 to 1.

30 (16) When the total soluble solids of the juice is not
31 less than 10.5 percent and not more than 10.6 percent, the

1 minimum ratio of the total soluble solids to anhydrous citric
2 acid shall be 6.375 to 1.

3 (17) When the total soluble solids of the juice is not
4 less than 10.6 percent and not more than 10.7 percent, the
5 minimum ratio of the total soluble solids to anhydrous citric
6 acid shall be 6.35 to 1.

7 (18) When the total soluble solids of the juice is not
8 less than 10.7 percent and not more than 10.8 percent, the
9 minimum ratio of the total soluble solids to anhydrous citric
10 acid shall be 6.325 to 1.

11 (19) When the total soluble solids of the juice is not
12 less than 10.8 percent and not more than 10.9 percent, the
13 minimum ratio of the total soluble solids to anhydrous citric
14 acid shall be 6.30 to 1.

15 (20) When the total soluble solids of the juice is not
16 less than 10.9 percent and not more than 11 percent, the
17 minimum ratio of the total soluble solids to anhydrous citric
18 acid shall be 6.275 to 1.

19 (21) When the total soluble solids of the juice is not
20 less than 11 percent and not more than 11.1 percent, the
21 minimum ratio of the total soluble solids to anhydrous citric
22 acid shall be 6.25 to 1.

23 (22) When the total soluble solids of the juice is not
24 less than 11.1 percent and not more than 11.2 percent, the
25 minimum ratio of the total soluble solids to anhydrous citric
26 acid shall be 6.225 to 1.

27 (23) When the total soluble solids of the juice is not
28 less than 11.2 percent and not more than 11.3 percent, the
29 minimum ratio of the total soluble solids to anhydrous citric
30 acid shall be 6.20 to 1.

31 (24) When the total soluble solids of the juice is not

1 less than 11.3 percent and not more than 11.4 percent, the
2 minimum ratio of the total soluble solids to anhydrous citric
3 acid shall be 6.175 to 1.

4 (25) When the total soluble solids of the juice is not
5 less than 11.4 percent and not more than 11.5 percent, the
6 minimum ratio of the total soluble solids to anhydrous citric
7 acid shall be 6.15 to 1.

8 (26) When the total soluble solids of the juice is not
9 less than 11.5 percent and not more than 11.6 percent, the
10 minimum ratio of the total soluble solids to anhydrous citric
11 acid shall be 6.125 to 1.

12 (27) When the total soluble solids of the juice is not
13 less than 11.6 percent and not more than 11.7 percent, the
14 minimum ratio of the total soluble solids to anhydrous citric
15 acid shall be 6.10 to 1.

16 (28) When the total soluble solids of the juice is not
17 less than 11.7 percent and not more than 11.8 percent, the
18 minimum ratio of the total soluble solids to anhydrous citric
19 acid shall be 6.075 to 1.

20 (29) When the total soluble solids of the juice is not
21 less than 11.8 percent and not more than 11.9 percent, the
22 minimum ratio of the total soluble solids to anhydrous citric
23 acid shall be 6.05 to 1.

24 (30) When the total soluble solids of the juice is not
25 less than 11.9 percent and not more than 12 percent, the
26 minimum ratio of the total soluble solids to anhydrous citric
27 acid shall be 6.025 to 1.

28 (31) When the total soluble solids of the juice is not
29 less than 12 percent or is more than 12 percent, the minimum
30 ratio of the total soluble solids to anhydrous citric acid
31 shall be 6 to 1.

1 Section 62. Section 601.18, Florida Statutes, is
2 reenacted and amended to read:
3 601.18 Grapefruit; minimum juice content.--
4 (1) During that period of time beginning with August 1
5 of each year and ending with November 15 of the same year,
6 both dates inclusive, the minimum juice content of the juice
7 of the respective sizes of grapefruit is as follows, each size
8 being designated by the commercial number assigned to it based
9 on the number of grapefruit of said size packed commercially
10 in a standard 4/5 Florida packed box of grapefruit:
11 (a) A grapefruit of size 14 shall contain not less
12 than 400 cubic centimeters of juice.
13 (b) A grapefruit of size 18 shall contain not less
14 than 350 cubic centimeters of juice.
15 (c) A grapefruit of size 23 shall contain not less
16 than 305 cubic centimeters of juice.
17 (d) A grapefruit of size 27 shall contain not less
18 than 275 cubic centimeters of juice.
19 (e) A grapefruit of size 32 shall contain not less
20 than 245 cubic centimeters of juice.
21 (f) A grapefruit of size 36 shall contain not less
22 than 230 cubic centimeters of juice.
23 (g) A grapefruit of size 40 shall contain not less
24 than 210 cubic centimeters of juice.
25 (h) A grapefruit of size 48 shall contain not less
26 than 185 cubic centimeters of juice.
27 (i) A grapefruit of size 56 shall contain not less
28 than 170 cubic centimeters of juice.
29 (j) A grapefruit of size 64 shall contain not less
30 than 165 cubic centimeters of juice.
31 (2) During that period of time beginning with November

1 16 of each year and ending with March 1 of the following year,
2 both dates inclusive, the minimum juice content of the juice
3 of the respective sizes of grapefruit shall be as follows:

4 (a) A grapefruit of size 14 shall contain not less
5 than 380 cubic centimeters of juice.

6 (b) A grapefruit of size 18 shall contain not less
7 than 335 cubic centimeters of juice.

8 (c) A grapefruit of size 23 shall contain not less
9 than 290 cubic centimeters of juice.

10 (d) A grapefruit of size 27 shall contain not less
11 than 265 cubic centimeters of juice.

12 (e) A grapefruit of size 32 shall contain not less
13 than 230 cubic centimeters of juice.

14 (f) A grapefruit of size 36 shall contain not less
15 than 220 cubic centimeters of juice.

16 (g) A grapefruit of size 40 shall contain not less
17 than 200 cubic centimeters of juice.

18 (h) A grapefruit of size 48 shall contain not less
19 than 180 cubic centimeters of juice.

20 (i) A grapefruit of size 56 shall contain not less
21 than 165 cubic centimeters of juice.

22 (j) A grapefruit of size 64 shall contain not less
23 than 160 cubic centimeters of juice.

24 (3) During that period of time beginning with March 2
25 of each year and ending with July 31 of the same year, both
26 dates inclusive, the minimum juice content of the juice of
27 respective sizes of grapefruit shall be as follows:

28 (a) A grapefruit of size 14 shall contain not less
29 than 360 cubic centimeters of juice.

30 (b) A grapefruit of size 18 shall contain not less
31 than 320 cubic centimeters of juice.

1 (c) A grapefruit of size 23 shall contain not less
2 than 275 cubic centimeters of juice.

3 (d) A grapefruit of size 27 shall contain not less
4 than 250 cubic centimeters of juice.

5 (e) A grapefruit of size 32 shall contain not less
6 than 220 cubic centimeters of juice.

7 (f) A grapefruit of size 36 shall contain not less
8 than 210 cubic centimeters of juice.

9 (g) A grapefruit of size 40 shall contain not less
10 than 190 cubic centimeters of juice.

11 (h) A grapefruit of size 48 shall contain not less
12 than 170 cubic centimeters of juice.

13 (i) A grapefruit of size 56 shall contain not less
14 than 155 cubic centimeters of juice.

15 (j) A grapefruit of size 64 shall contain not less
16 than 150 cubic centimeters of juice.

17 (4) Provided, however, that if the Florida Citrus
18 Authority ~~Department of Citrus~~ determines that unusual or
19 abnormal conditions exist and a change in the juice
20 requirements will be in the best interests of the citrus
21 industry, it may, by resolution, decrease the required juice
22 content of grapefruit, by varieties, during the period
23 beginning November 16 and ending March 1 of the following
24 year, both dates inclusive as provided in subsection (2), but
25 in no event shall the required juice content during this
26 period be less than the juice content required during the
27 period beginning March 2 of each year and ending July 31 of
28 the same year, as provided in subsection (3).

29 (5) Provided further, however, that the Florida Citrus
30 Authority ~~Department of Citrus~~ is hereby authorized to
31 establish by regulation different sizes, including changes in

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1 diameter ranges for existing sizes, for grapefruit based on
2 the number of grapefruit as packed commercially. At that time
3 it shall also fix for each period the minimum juice content
4 for the respective sizes so established, but in no event shall
5 the juice content, during any period, be proportionately less
6 than as above fixed.

7 Section 63. Section 601.19, Florida Statutes, is
8 reenacted and amended to read:

9 601.19 Oranges; maturity standards.--

10 (1) During that period of time beginning with August 1
11 of each year and ending with October 31 of the same year, both
12 dates inclusive, oranges shall be deemed to be mature only
13 when each orange, after having been clipped, picked, or
14 otherwise severed from the tree, shows a break in color, with
15 yellow color predominating on not less than 50 percent of the
16 fruit's surface in the aggregate, except that oranges of the
17 Parson Brown variety need show only such a break in color on
18 not less than 25 percent of the fruit's surface in the
19 aggregate; when the total soluble solids of the juice of the
20 sample thereof is not less than 9 percent; when the ratio of
21 total soluble solids of the juice of the sample thereof to the
22 anhydrous citric acid is as set forth in s. 601.20; when the
23 juice of the sample contains not less than 0.4 percent of
24 anhydrous citric acid; and when the juice content of said
25 orange sample is in an amount not less than at the rate of 4
26 1/2 gallons of juice per standard-packed box.

27 (2) During that period of time beginning with November
28 1 of each year and ending with November 15 of the same year,
29 both dates inclusive, oranges shall be deemed to be mature
30 only when each orange, after having been clipped, picked, or
31 otherwise severed from the tree, shows a break in color, with

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1 yellow color predominating on not less than 50 percent of the
2 fruit's surface in the aggregate, except that oranges of the
3 Parson Brown variety need show only such a break in color on
4 not less than 25 percent of the fruit's surface in the
5 aggregate; when the total soluble solids of the juice of the
6 sample thereof is not less than 8.7 percent; when the ratio of
7 total soluble solids of the juice of the sample thereof to the
8 anhydrous citric acid is as set forth in s. 601.20; when the
9 juice of the sample contains not less than 0.4 percent of
10 anhydrous citric acid; and when the juice content of said
11 orange sample is in an amount not less than at the rate of 4
12 1/2 gallons of juice per standard-packed box.

13 (3) During that period of time beginning with November
14 16 of each year and ending with July 31 of the following year,
15 both dates inclusive, oranges shall be deemed to be mature
16 only when each orange, after having been clipped, picked, or
17 otherwise severed from the tree, shows a break in color, with
18 yellow color predominating on not less than 25 percent of the
19 fruit's surface in the aggregate; when the total soluble
20 solids of the juice of the sample thereof is not less than 8.5
21 percent; when the ratio of the total soluble solids of the
22 juice of the sample thereof to the anhydrous citric acid is as
23 set forth in s. 601.20; when the juice of the sample contains
24 not less than 0.4 percent of anhydrous citric acid; and when
25 the juice content of said orange sample is in an amount not
26 less than at the rate of 4 1/2 gallons of juice per
27 standard-packed box. If in any particular shipping season it
28 shall appear to the Florida Citrus Authority ~~Department of~~
29 ~~Citrus~~, after a public hearing held not earlier than October 5
30 and called and held to determine such question, that oranges
31 are then maturing earlier than normally as herein defined in

1 this section, then the Florida Citrus Authority ~~Department of~~
2 ~~Citrus~~ may by order, rule, or regulation to be issued or
3 promulgated and to become effective not later than October 10,
4 declare and provide that during that period of time beginning
5 with August 1 and ending with October 16, both dates
6 inclusive, oranges meeting all other maturity standards shall
7 be deemed to be mature when the total soluble solids of the
8 juice of the sample thereof is not less than 9 percent, and
9 during that period of time beginning with October 17 and
10 ending with October 31, both dates inclusive, oranges meeting
11 all other maturity standards shall be deemed to be mature when
12 the total soluble solids of the juice of the sample thereof is
13 not less than 8.7 percent, and during that period of time
14 beginning with November 1 and ending July 31 of the following
15 year, both dates inclusive, oranges meeting all other maturity
16 standards shall be deemed to be mature when the total soluble
17 solids of the juice of the sample thereof is not less than 8.5
18 percent.

19 (4) However, from December 1 of each year to July 31
20 of the following year, both dates inclusive, oranges shall be
21 deemed to be mature for canning and concentrating purposes
22 when the total soluble solids of the juice thereof is not less
23 than 8 percent and when the minimum ratio of the total soluble
24 solids of the juice thereof to the anhydrous citric acid is as
25 set forth in s. 601.20, with no minimum requirement as to
26 juice content, acid, or color break.

27 Section 64. Section 601.20, Florida Statutes, is
28 reenacted to read:

29 601.20 Oranges; minimum ratios of solids to acid.--The
30 minimum ratios of the total soluble solids of the juice of
31 oranges to the anhydrous citric acid shall be as follows:

1 (1) When the total soluble solids of the juice is not
2 less than 8 percent and not more than 8.1 percent, the minimum
3 ratio of the total soluble solids to anhydrous citric acid
4 shall be 10.50 to 1.

5 (2) When the total soluble solids of the juice is not
6 less than 8.1 percent and not more than 8.2 percent, the
7 minimum ratio of the total soluble solids to anhydrous citric
8 acid shall be 10.45 to 1.

9 (3) When the total soluble solids of the juice is not
10 less than 8.2 percent and not more than 8.3 percent, the
11 minimum ratio of the total soluble solids to anhydrous citric
12 acid shall be 10.40 to 1.

13 (4) When the total soluble solids of the juice is not
14 less than 8.3 percent and not more than 8.4 percent, the
15 minimum ratio of the total soluble solids to anhydrous citric
16 acid shall be 10.35 to 1.

17 (5) When the total soluble solids of the juice is not
18 less than 8.4 percent and not more than 8.5 percent, the
19 minimum ratio of the total soluble solids to anhydrous citric
20 acid shall be 10.30 to 1.

21 (6) When the total soluble solids of the juice is not
22 less than 8.5 percent and not more than 8.6 percent, the
23 minimum ratio of the total soluble solids to anhydrous citric
24 acid shall be 10.25 to 1.

25 (7) When the total soluble solids of the juice is not
26 less than 8.6 percent and not more than 8.7 percent, the
27 minimum ratio of the total soluble solids to anhydrous citric
28 acid shall be 10.20 to 1.

29 (8) When the total soluble solids of the juice is not
30 less than 8.7 percent and not more than 8.8 percent, the
31 minimum ratio of the total soluble solids to anhydrous citric

1 acid shall be 10.15 to 1.

2 (9) When the total soluble solids of the juice is not
3 less than 8.8 percent and not more than 8.9 percent, the
4 minimum ratio of the total soluble solids to anhydrous citric
5 acid shall be 10.10 to 1.

6 (10) When the total soluble solids of the juice is not
7 less than 8.9 percent and not more than 9 percent, the minimum
8 ratio of the total soluble solids to anhydrous citric acid
9 shall be 10.05 to 1.

10 (11) When the total soluble solids of the juice is not
11 less than 9 percent and not more than 9.1 percent, the minimum
12 ratio of the total soluble solids to anhydrous citric acid
13 shall be 10 to 1.

14 (12) When the total soluble solids of the juice is not
15 less than 9.1 percent and not more than 9.2 percent, the
16 minimum ratio of the total soluble solids to anhydrous citric
17 acid shall be 9.95 to 1.

18 (13) When the total soluble solids of the juice is not
19 less than 9.2 percent and not more than 9.3 percent, the
20 minimum ratio of the total soluble solids to anhydrous citric
21 acid shall be 9.90 to 1.

22 (14) When the total soluble solids of the juice is not
23 less than 9.3 percent and not more than 9.4 percent, the
24 minimum ratio of the total soluble solids to anhydrous citric
25 acid shall be 9.85 to 1.

26 (15) When the total soluble solids of the juice is not
27 less than 9.4 percent and not more than 9.5 percent, the
28 minimum ratio of the total soluble solids to anhydrous citric
29 acid shall be 9.80 to 1.

30 (16) When the total soluble solids of the juice is not
31 less than 9.5 percent and not more than 9.6 percent, the

1 minimum ratio of the total soluble solids to anhydrous citric
2 acid shall be 9.75 to 1.

3 (17) When the total soluble solids of the juice is not
4 less than 9.6 percent and not more than 9.7 percent, the
5 minimum ratio of the total soluble solids to anhydrous citric
6 acid shall be 9.70 to 1.

7 (18) When the total soluble solids of the juice is not
8 less than 9.7 percent and not more than 9.8 percent, the
9 minimum ratio of the total soluble solids to anhydrous citric
10 acid shall be 9.65 to 1.

11 (19) When the total soluble solids of the juice is not
12 less than 9.8 percent and not more than 9.9 percent, the
13 minimum ratio of the total soluble solids to anhydrous citric
14 acid shall be 9.60 to 1.

15 (20) When the total soluble solids of the juice is not
16 less than 9.9 percent and not more than 10 percent, the
17 minimum ratio of the total soluble solids to anhydrous citric
18 acid shall be 9.55 to 1.

19 (21) When the total soluble solids of the juice is not
20 less than 10 percent and not more than 10.1 percent, the
21 minimum ratio of the total soluble solids to anhydrous citric
22 acid shall be 9.50 to 1.

23 (22) When the total soluble solids of the juice is not
24 less than 10.1 percent and not more than 10.2 percent, the
25 minimum ratio of the total soluble solids to anhydrous citric
26 acid shall be 9.45 to 1.

27 (23) When the total soluble solids of the juice is not
28 less than 10.2 percent and not more than 10.3 percent, the
29 minimum ratio of the total soluble solids to anhydrous citric
30 acid shall be 9.40 to 1.

31 (24) When the total soluble solids of the juice is not

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1 less than 10.3 percent and not more than 10.4 percent, the
2 minimum ratio of the total soluble solids to anhydrous citric
3 acid shall be 9.35 to 1.

4 (25) When the total soluble solids of the juice is not
5 less than 10.4 percent and not more than 10.5 percent, the
6 minimum ratio of the total soluble solids to anhydrous citric
7 acid shall be 9.30 to 1.

8 (26) When the total soluble solids of the juice is not
9 less than 10.5 percent and not more than 10.6 percent, the
10 minimum ratio of the total soluble solids to anhydrous citric
11 acid shall be 9.25 to 1.

12 (27) When the total soluble solids of the juice is not
13 less than 10.6 percent and not more than 10.7 percent, the
14 minimum ratio of the total soluble solids to anhydrous citric
15 acid shall be 9.20 to 1.

16 (28) When the total soluble solids of the juice is not
17 less than 10.7 percent and not more than 10.8 percent, the
18 minimum ratio of the total soluble solids to anhydrous citric
19 acid shall be 9.15 to 1.

20 (29) When the total soluble solids of the juice is not
21 less than 10.8 percent and not more than 10.9 percent, the
22 minimum ratio of the total soluble solids to anhydrous citric
23 acid shall be 9.10 to 1.

24 (30) When the total soluble solids of the juice is not
25 less than 10.9 percent and not more than 11 percent, the
26 minimum ratio of the total soluble solids to anhydrous citric
27 acid shall be 9.05 to 1.

28 (31) When the total soluble solids of the juice is 11
29 percent or more, the minimum ratio of the total soluble solids
30 to anhydrous citric acid shall be 9 to 1.

31 Section 65. Section 601.21, Florida Statutes, is

1 reenacted to read:

2 601.21 Tangerine maturity standards.--

3 (1) Tangerines shall be deemed to be mature only when
4 each tangerine after having been clipped, picked, or otherwise
5 severed from the tree, shows a break in color, with yellow
6 color predominating on not less than 50 percent of the fruit's
7 surface in the aggregate; when the total soluble solids of the
8 juice thereof is not less than 9 percent; and when the ratio
9 of total soluble solids of the juice thereof to the anhydrous
10 citric acid is as set forth in s. 601.22.

11 (2) From November 15th of each year to July 31st of
12 the following year, both dates inclusive, tangerines shall be
13 deemed to be mature only when each tangerine, after having
14 been clipped, picked, or otherwise severed from the tree,
15 shows a break in color, with yellow color predominating on not
16 less than 50 percent of the fruit's surface in the aggregate;
17 and when the total soluble solids of the juice thereof is not
18 less than 8.75 percent; and when the ratio of total soluble
19 solids of the juice thereof to the anhydrous citric acid is as
20 set forth in s. 601.22.

21 (3) From November 15th of each year to July 31 of the
22 following year, both dates inclusive, tangerines shall be
23 deemed to be mature for canning and concentrating purposes
24 when the total soluble solids of the juice thereof is not less
25 than 8.75 percent and when the minimum ratio of the juice
26 thereof to the anhydrous citric acid is as set forth in s.
27 601.22, with no minimum requirements as to juice content,
28 acid, or color break.

29 Section 66. Section 601.22, Florida Statutes, is
30 reenacted to read:

31 601.22 Tangerines; minimum ratios of solids to

1 acid.--The minimum ratios of the total soluble solids of the
2 juice of tangerines to the anhydrous citric acid shall be as
3 follows:

4 (1) When the total soluble solids of the juice is not
5 less than 9 percent and not more than 9.1 percent, the minimum
6 ratio of the total soluble solids to anhydrous citric acid
7 shall be 9 to 1.

8 (2) When the total soluble solids of the juice is not
9 less than 9.1 percent and not more than 9.2 percent, the
10 minimum ratio of the total soluble solids to anhydrous citric
11 acid shall be 8.9 to 1.

12 (3) When the total soluble solids of the juice is not
13 less than 9.2 percent and not more than 9.3 percent, the
14 minimum ratio of the total soluble solids to anhydrous citric
15 acid shall be 8.8 to 1.

16 (4) When the total soluble solids of the juice is not
17 less than 9.3 percent and not more than 9.4 percent, the
18 minimum ratio of the total soluble solids to anhydrous citric
19 acid shall be 8.7 to 1.

20 (5) When the total soluble solids of the juice is not
21 less than 9.4 percent and not more than 9.5 percent, the
22 minimum ratio of the total soluble solids to anhydrous citric
23 acid shall be 8.6 to 1.

24 (6) When the total soluble solids of the juice is not
25 less than 9.5 percent and not more than 9.6 percent, the
26 minimum ratio of the total soluble solids to anhydrous citric
27 acid shall be 8.5 to 1.

28 (7) When the total soluble solids of the juice is not
29 less than 9.6 percent and not more than 9.7 percent, the
30 minimum ratio of the total soluble solids to anhydrous citric
31 acid shall be 8.4 to 1.

- 1 (8) When the total soluble solids of the juice is not
2 less than 9.7 percent and not more than 9.8 percent, the
3 minimum ratio of the total soluble solids to anhydrous citric
4 acid shall be 8.3 to 1.
- 5 (9) When the total soluble solids of the juice is not
6 less than 9.8 percent and not more than 9.9 percent, the
7 minimum ratio of the total soluble solids to anhydrous citric
8 acid shall be 8.2 to 1.
- 9 (10) When the total soluble solids of the juice is not
10 less than 9.9 percent and not more than 10 percent, the
11 minimum ratio of the total soluble solids to anhydrous citric
12 acid shall be 8.1 to 1.
- 13 (11) When the total soluble solids of the juice is not
14 less than 10 percent and not more than 10.1 percent, the
15 minimum ratio of the total soluble solids to anhydrous citric
16 acid shall be 8 to 1.
- 17 (12) When the total soluble solids of the juice is not
18 less than 10.1 percent and not more than 10.2 percent, the
19 minimum ratio of the total soluble solids to anhydrous citric
20 acid shall be 7.9 to 1.
- 21 (13) When the total soluble solids of the juice is not
22 less than 10.2 percent and not more than 10.3 percent, the
23 minimum ratio of the total soluble solids to anhydrous citric
24 acid shall be 7.8 to 1.
- 25 (14) When the total soluble solids of the juice is not
26 less than 10.3 percent and not more than 10.4 percent, the
27 minimum ratio of the total soluble solids to anhydrous citric
28 acid shall be 7.7 to 1.
- 29 (15) When the total soluble solids of the juice is not
30 less than 10.4 percent and not more than 10.5 percent, the
31 minimum ratio of the total soluble solids to anhydrous citric

1 acid shall be 7.6 to 1.

2 (16) When the total soluble solids of the juice is not
3 less than 10.5 percent or is more than 10.5 percent, the
4 minimum ratio of the total soluble solids to anhydrous citric
5 acid shall be 7.5 to 1.

6 (17) Provided, however, that after November 15th of
7 each year to July 31st of the following year, both dates
8 inclusive, the minimum ratio of the total soluble solids of
9 the juice of tangerines to the anhydrous citric acid shall be
10 as follows:

11 (a) When the total soluble solids of the juice is not
12 less than 8.75 percent and not more than 8.80 percent, the
13 minimum ratio of the total soluble solids to anhydrous citric
14 acid shall be 8.75 to 1.

15 (b) When the total soluble solids of the juice is not
16 less than 8.80 percent and not more than 8.90 percent, the
17 minimum ratio of the total soluble solids to anhydrous citric
18 acid shall be 8.75 to 1.

19 (c) When the total soluble solids of the juice is not
20 less than 8.90 percent and not more than 9 percent, the
21 minimum ratio of the total soluble solids to anhydrous citric
22 acid shall be 8.75 to 1.

23 (d) When the total soluble solids of the juice is not
24 less than 9 percent and not more than 9.10 percent, the
25 minimum ratio of the total soluble solids to anhydrous citric
26 acid shall be 8.75 to 1.

27 (e) When the total soluble solids of the juice is not
28 less than 9.10 percent and not more than 9.20 percent, the
29 minimum ratio of the total soluble solids to anhydrous citric
30 acid shall be 8.65 to 1.

31 (f) When the total soluble solids of the juice is not

1 less than 9.20 percent and not more than 9.30 percent, the
2 minimum ratio of the total soluble solids to anhydrous citric
3 acid shall be 8.55 to 1.

4 (g) When the total soluble solids of the juice is not
5 less than 9.30 percent and not more than 9.40 percent, the
6 minimum ratio of the total soluble solids to anhydrous citric
7 acid shall be 8.45 to 1.

8 (h) When the total soluble solids of the juice is not
9 less than 9.40 percent and not more than 9.50 percent, the
10 minimum ratio of the total soluble solids to anhydrous citric
11 acid shall be 8.35 to 1.

12 (i) When the total soluble solids of the juice is not
13 less than 9.50 percent and not more than 9.60 percent, the
14 minimum ratio of the total soluble solids to anhydrous citric
15 acid shall be 8.25 to 1.

16 (j) When the total soluble solids of the juice is not
17 less than 9.60 percent and not more than 9.70 percent, the
18 minimum ratio of the total soluble solids to anhydrous citric
19 acid shall be 8.15 to 1.

20 (k) When the total soluble solids of the juice is not
21 less than 9.70 percent and not more than 9.80 percent, the
22 minimum ratio of the total soluble solids to anhydrous citric
23 acid shall be 8.05 to 1.

24 (l) When the total soluble solids of the juice is not
25 less than 9.80 percent and not more than 9.90 percent, the
26 minimum ratio of the total soluble solids to anhydrous citric
27 acid shall be 7.95 to 1.

28 (m) When the total soluble solids of the juice is not
29 less than 9.90 percent and not more than 10 percent, the
30 minimum ratio of the total soluble solids to anhydrous citric
31 acid shall be 7.85 to 1.

1 (n) When the total soluble solids of the juice is not
2 less than 10 percent and not more than 10.10 percent, the
3 minimum ratio of the total soluble solids to anhydrous citric
4 acid shall be 7.75 to 1.

5 (o) When the total soluble solids of the juice is not
6 less than 10.10 percent and not more than 10.20 percent, the
7 minimum ratio of the total soluble solids to anhydrous citric
8 acid shall be 7.65 to 1.

9 (p) When the total soluble solids of the juice is not
10 less than 10.20 percent and not more than 10.30 percent, the
11 minimum ratio of the total soluble solids to anhydrous citric
12 acid shall be 7.55 to 1.

13 (q) When the total soluble solids of the juice is not
14 less than 10.30 percent and not more than 10.40 percent, the
15 minimum ratio of the total soluble solids to anhydrous citric
16 acid shall be 7.45 to 1.

17 (r) When the total soluble solids of the juice is not
18 less than 10.40 percent and not more than 10.50 percent, the
19 minimum ratio of the total soluble solids to anhydrous citric
20 acid shall be 7.35 to 1.

21 (s) When the total soluble solids of the juice is not
22 less than 10.50 percent or is more than 10.50 percent the
23 minimum ratio of the total soluble solids to anhydrous citric
24 acid shall be 7.25 to 1.

25 Section 67. Section 601.24, Florida Statutes, is
26 reenacted and amended to read:

27 601.24 Florida Citrus Authority ~~Department of Citrus~~
28 to prescribe methods of testing and grading.--The Florida
29 Citrus Authority ~~Department of Citrus~~ shall by rule or
30 regulation provide the manner and method to be used in drawing
31 samples and the quantity to be used in testing and grading of

1 citrus fruit and the canned and concentrated products thereof
2 and shall provide specifications and methods for use of juice
3 extractors to be used in extracting juice for such tests and
4 grading purposes.

5 Section 68. Section 601.25, Florida Statutes, is
6 reenacted and amended to read:

7 601.25 Determination of soluble solids and acid.--The
8 Florida Citrus Authority ~~Department of Citrus~~ by rule or
9 regulation shall determine the method by which juice is tested
10 for percentage of total soluble solids, the method by which
11 juice is tested for acidity, and the method for testing fruit
12 for juice content. Until such time as the Florida Citrus
13 Authority ~~Department of Citrus~~ may see fit to determine such
14 method by rule or regulation, the Brix hydrometer shall be
15 used and the reading of the hydrometer corrected for
16 temperature shall be considered as the percent of the total
17 soluble solids; and anhydrous citric acid shall be determined
18 by titration of the juice using standard alkali and
19 phenolphthalein as indicator, the total acidity being
20 calculated as anhydrous citric acid.

21 Section 69. Section 601.27, Florida Statutes, is
22 reenacted and amended to read:

23 601.27 Department of Agriculture and Consumer
24 Services; citrus inspectors.--The inspection in the state of
25 all citrus fruit and the canned and concentrated products
26 thereof, and the certifying as to grades and qualifications
27 thereof, and the enforcement of all provisions of this chapter
28 and rules and orders made pursuant to and under authority of
29 this chapter shall be under the direction, supervision, and
30 control of the Department of Agriculture and Consumer
31 Services. The sampling, testing, and inspection of all

1 processed citrus products shall be done by authorized agents
2 or inspectors of the Department of Agriculture and Consumer
3 Services or pursuant to cooperative agreement between the
4 Department of Agriculture and Consumer Services and any agency
5 of the Federal Government.

6 Section 70. Section 601.28, Florida Statutes, is
7 reenacted and amended to read:

8 601.28 Inspection fees.--

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

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

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

24 2. A pro rata portion of the costs expected to be
25 incurred during the then-current shipping season by the Bureau
26 of Citrus License and Bond;

27 3. A pro rata portion of the costs expected to be
28 incurred during the then-current shipping season, by the
29 Department of Agriculture and Consumer Services through its
30 cooperative agreement with the United States Department of
31 Agriculture, which are directly attributable to the estimation

1 of the size of the citrus crop in Florida; and
 2 4. The amount, if any, by which the costs actually
 3 incurred with respect to the foregoing during the preceding
 4 shipping season may have exceeded the income received during
 5 that season, or less the amounts, if any, by which the income
 6 received during the preceding shipping season may have
 7 exceeded the costs actually incurred with respect to the
 8 foregoing during that season. For the purpose of this
 9 subparagraph, income received during the preceding season
 10 shall be deemed to include all fees collected under this
 11 paragraph, plus a pro rata portion of all fees collected under
 12 s. 601.59, plus a pro rata portion of all fines and penalties
 13 collected pursuant to this chapter, and plus all interest
 14 earned on the investment of the foregoing funds.

15 (b) Upon each unit, as defined by the Florida Citrus
 16 Authority ~~Department of Citrus~~, of citrus fruit inspected and
 17 certified for shipment in fresh form as gift fruit or for sale
 18 at roadside retail fruit stands, such fee, to be fixed
 19 annually promptly following the release by the United States
 20 Department of Agriculture of the October citrus crop estimate,
 21 as is determined by the Department of Agriculture and Consumer
 22 Services to be necessary to pay:

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

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

31 3. A pro rata portion of the costs expected to be

1 incurred during the then-current shipping season by the
 2 Department of Agriculture and Consumer Services through its
 3 cooperative agreement with the United States Department of
 4 Agriculture which are directly attributable to the estimation
 5 of the size of the citrus crop in Florida; and

6 4. The amount, if any, by which the costs actually
 7 incurred with respect to the foregoing during the preceding
 8 shipping season may have exceeded the income received during
 9 that season, or less the amounts, if any, by which the income
 10 received during the preceding shipping season may have
 11 exceeded the costs actually incurred with respect to the
 12 foregoing during that season. For the purpose of this
 13 subparagraph, income received during the preceding shipping
 14 season shall be deemed to include all fees collected under
 15 this paragraph, plus a pro rata portion of all fees collected
 16 under s. 601.59, plus a pro rata portion of all fines and
 17 penalties collected pursuant to this chapter, and all interest
 18 earned on the investment of the foregoing funds.

19 (c) Upon each standard-packed box or equivalent
 20 thereof of citrus fruit inspected and certified for
 21 processing, such fee, to be fixed annually promptly following
 22 the release by the United States Department of Agriculture of
 23 the October citrus crop estimate, as is determined by the
 24 Department of Agriculture and Consumer Services to be
 25 necessary to pay:

26 1. The costs expected to be incurred during the
 27 then-current shipping season by the Bureau of Citrus
 28 Inspection in performing its duties with respect to such
 29 citrus fruit and by the Bureau of Citrus Technical Control in
 30 performing its duties with respect to such citrus fruit;

31 2. A pro rata portion of the costs expected to be

1 incurred during the then-current shipping season by the Bureau
2 of Citrus License and Bond;

3 3. A pro rata portion of the costs expected to be
4 incurred during the then-current shipping season by the
5 Department of Agriculture and Consumer Services through its
6 cooperative agreement with the United States Department of
7 Agriculture directly attributable to the estimation of the
8 size of the citrus crop in Florida; and

9 4. The amount, if any, by which the costs actually
10 incurred with respect to the foregoing during the preceding
11 shipping season may have exceeded the income received during
12 that season, or less the amount, if any, by which the income
13 received during the preceding shipping season may have
14 exceeded the costs actually incurred with respect to the
15 foregoing during that season. For the purpose of this
16 subparagraph, income received during the preceding shipping
17 season shall be deemed to include all fees collected under
18 this paragraph, a pro rata portion of all fees collected under
19 s. 601.59, a pro rata portion of all fines and penalties
20 collected pursuant to this chapter, and all interest earned on
21 the investments of the foregoing funds.

22 (d) Upon each standard case of 24 No. 2 cans, or the
23 equivalent thereof, of processed citrus products inspected and
24 certified within this state, such fee, to be fixed annually
25 promptly following the release by the United States Department
26 of Agriculture of the October citrus crop estimate, as is
27 determined by the Department of Agriculture and Consumer
28 Services to be necessary to pay:

29 1. The costs expected to be incurred during the
30 then-current shipping season by the Bureau of Citrus
31 Inspection, through the cooperative agreement between the

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1 Department of Agriculture and Consumer Services and the United
2 States Department of Agriculture, in performing its duties
3 with respect to processed citrus products; and

4 2. The amount, if any, by which the costs actually
5 incurred with respect to the foregoing during the preceding
6 shipping season may have exceeded the fees collected under
7 this paragraph during that season, or less the amount, if any,
8 by which the fees collected under this paragraph during the
9 preceding shipping season may have exceeded the costs actually
10 incurred with respect to the foregoing during that season.

11 (2)(a) Costs and income required to be prorated under
12 the terms of paragraphs (a), (b), and (c) of subsection (1)
13 shall be prorated on the basis of the number of boxes on which
14 fees were assessed under the particular paragraph as compared
15 to the total number of boxes of citrus fruit delivered into
16 the primary channel of trade during the particular shipping
17 season. Expenditures of funds for estimation of the size of
18 the citrus crop in Florida by the Department of Agriculture
19 and Consumer Services through its cooperative agreement with
20 the United States Department of Agriculture shall be for
21 service and research work related to estimating and
22 forecasting citrus production in Florida, including, but not
23 limited to, tree counts, using aerial photography and ground
24 surveys, fruit counts, fruit measurement, maturity and yield
25 surveys, damage surveys, opinion surveys, season average price
26 determinations, and related activities.

27 (b) If, after the release of the October citrus crop
28 estimate, a subsequent citrus crop estimate is so
29 substantially different that any of the foregoing fees fixed
30 following the October estimate are determined by the
31 Department of Agriculture and Consumer Services to be

1 insufficient to pay the estimated costs expected to be
 2 incurred as set forth in the preceding paragraphs, then the
 3 Department of Agriculture and Consumer Services shall
 4 determine the fee necessary to pay such estimated costs based
 5 upon such revised citrus crop estimate and shall amend such
 6 fee accordingly.

7 (c) In fixing the foregoing fees, the Department of
 8 Agriculture and Consumer Services shall provide for adequate
 9 reserves to pay costs expected to be incurred during those
 10 periods when costs are expected to exceed income.

11 (d) The computations of the fees provided for herein
 12 and information as to the data upon which they are based shall
 13 be furnished by the Department of Agriculture and Consumer
 14 Services upon request to any person liable for fees hereunder.

15 (3)(a) All fees levied by this section shall be
 16 applicable retroactively to a date to be fixed by the
 17 Department of Agriculture and Consumer Services. Such fees
 18 shall be paid to the Department of Agriculture and Consumer
 19 Services or the payment thereof guaranteed by the person who
 20 is the owner or operator of the facility at which the citrus
 21 fruit or processed citrus products so certified are handled
 22 under the provisions of this chapter. Payment of such fees
 23 shall be due upon the certification of the citrus fruit or
 24 processed citrus products and shall be paid periodically under
 25 such rules and regulations as shall be prescribed by the
 26 Department of Agriculture and Consumer Services. Payment
 27 shall be secured by the filing and posting of a bond or cash
 28 deposit in the form and amount required by the Department of
 29 Agriculture and Consumer Services.

30 (b) All fees levied and collected under the provisions
 31 of this section shall be paid into the State Treasury on or

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1 before the 15th day of each month. Such moneys shall be
2 deposited to and made a part of the Citrus Inspection Trust
3 Fund and are hereby appropriated to the Department of
4 Agriculture and Consumer Services to be used to pay the costs
5 incurred in its performance of the duties of the Bureau of
6 Citrus Inspection and under the cooperative agreements
7 referred to in subsection (1) with respect to citrus fruit and
8 processed citrus products.

9 (4)(a) All persons liable for the fees imposed by this
10 section shall keep a complete and accurate record of the
11 receipt, sale, shipment, and processing of citrus fruit and
12 processed citrus products subject to the fees imposed hereby.
13 Such records shall be preserved by such persons for a period
14 of 1 year following the end of the shipping season to which
15 they pertain and shall be offered for inspection at any time
16 upon oral or written demand by the Department of Agriculture
17 and Consumer Services.

18 (b) All persons liable for the fees imposed by this
19 section shall, at such times as the Department of Agriculture
20 and Consumer Services may by rule or regulation require, file
21 with the Department of Agriculture and Consumer Services a
22 return certified as true and correct on forms to be prescribed
23 and furnished by the Department of Agriculture and Consumer
24 Services stating the number of applicable units of citrus
25 fruit and processed citrus products which were subject to fees
26 hereunder during the period of time covered by the return.

27 (5) The Department of Agriculture and Consumer
28 Services shall have the power to adopt rules providing for the
29 imposition of special fees for inspections conducted during
30 hours not contemplated by regular state work hours. Such
31 rules shall prescribe circumstances under which the fees

1 levied pursuant to paragraphs (1)(a) and (b) would not apply
2 and the fees imposed pursuant to such rules would apply. The
3 rules shall provide that said fees shall be levied when
4 specifically actuated by contract between the department and
5 persons liable for the fees created by this subsection. The
6 rules shall not allow fees to be charged which are in excess
7 of the department's actual cost of the inspection to be made,
8 nor shall such fees be less than those imposed by paragraphs
9 (1)(a) and (b).

10 (6) When any portion of the revenues deposited to the
11 Citrus Inspection Trust Fund is not immediately needed for the
12 purpose for which such funds are appropriated, the Treasurer
13 shall invest and reinvest such funds, and the earnings thereon
14 shall be deposited to and made a part of the Citrus Inspection
15 Trust Fund.

16 (7) The duties of the Department of Agriculture and
17 Consumer Services shall include the duty to conduct hearings,
18 through a hearing officer who shall be an attorney authorized
19 to practice law within this state, on violations of this
20 section and rules promulgated thereunder. Said hearing
21 officer shall be selected by the Commissioner of Agriculture
22 and shall be in addition to her or his regular legal staff
23 authorized by law. Said hearing officer shall, in addition to
24 conducting such hearings, be available to the Division of
25 Fruit and Vegetables for other legal services on matters
26 pertaining to violations of this chapter and rules promulgated
27 thereunder.

28 Section 71. Section 601.281, Florida Statutes, is
29 reenacted to read:

30 601.281 Road guard fees.--There is hereby levied upon
31 all citrus fruit upon which inspection fees are imposed by s.

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1 601.28 an additional fee in the amount of 1 mill per
 2 standard-packed box or the equivalent thereof. This additional
 3 fee shall be collected at the same time and in the same manner
 4 as citrus inspection fees imposed by s. 601.28. All fees
 5 levied and collected under the provisions of this section
 6 shall be paid into the State Treasury on or before the 15th
 7 day of each month. Such money shall be deposited in the
 8 General Inspection Trust Fund and is hereby appropriated to
 9 the Department of Agriculture and Consumer Services to defray
 10 that portion of the cost of operating road guard stations that
 11 is attributable to the services performed by the road guard
 12 stations with respect to citrus fruit. All such money not
 13 required to defray that portion of such costs shall be
 14 deposited in the Citrus Inspection Trust Fund and is hereby
 15 appropriated in the manner provided by s. 601.28(3)(b).

16 Section 72. Section 601.29, Florida Statutes, is
 17 reenacted and amended to read:

18 601.29 Powers of Department of Agriculture and
 19 Consumer Services.--The powers of the Department of
 20 Agriculture and Consumer Services or its authorized
 21 representative include, but are not limited to, the following:

22 (1) To enter and inspect any place within the state
 23 where citrus fruit is being prepared, colored, packed, loaded,
 24 or stored for shipment, either in fresh or processed form, and
 25 to stop and inspect any shipment of citrus fruit or processed
 26 citrus products.

27 (2) To enter and survey, at any reasonable hour of the
 28 day, all commercial citrus groves for the purpose of
 29 estimating and forecasting citrus production in Florida. The
 30 property owner or lessee shall not be liable for injury to any
 31 employee or agent during the course of entry.

1 (3) To forbid and prohibit the shipment or sale of any
2 citrus fruit or the canned or concentrated products thereof
3 found to be in violation of any of the provisions of this
4 chapter or order made or adopted under the authority of this
5 chapter.

6 (4) To provide complete and adequate inspection of
7 citrus fruit and canned and concentrated citrus products in
8 order to permit any shipper or canning or concentrating plant
9 to have citrus fruit or canned or concentrated citrus products
10 graded according to the standards fixed by the United States
11 Department of Agriculture and adopted by the Department of
12 Agriculture and Consumer Services by rule. The Department of
13 Agriculture and Consumer Services is authorized to enter into
14 all necessary contracts and agreements with the United States
15 Department of Agriculture to implement this section.

16 (5) To prosecute for violation of any of the citrus
17 laws or for violation of any rule, regulation, or order
18 promulgated by the commission or by the Department of
19 Agriculture and Consumer Services.

20 (6) To institute such action at law or in equity as
21 may appear necessary to enforce compliance with any provisions
22 of this chapter, or to enforce compliance with any rule,
23 regulation, or order of the Florida Citrus Authority
24 ~~Department of Citrus~~ or the Department of Agriculture and
25 Consumer Services made pursuant to the provisions of this
26 chapter, and, in addition to any other remedy, to apply to any
27 circuit court of this state for relief by injunction, if
28 necessary, to protect the public interest without being
29 compelled to allege or prove that an adequate remedy at law
30 does not exist.

31 (7) To employ and fix the compensation of attorneys as

1 it deems necessary to assist in exercising the powers and
2 discharging the duties conferred and imposed upon the
3 Department of Agriculture and Consumer Services by law, and
4 particularly by subsections (5) and (6).

5 Section 73. Section 601.31, Florida Statutes, is
6 reenacted and amended to read:

7 601.31 Citrus inspectors; employment.--The Department
8 of Agriculture and Consumer Services may in each year employ
9 as many citrus fruit inspectors for such period or periods,
10 not exceeding 1 year, as said Department of Agriculture shall
11 deem necessary for the effective enforcement of the citrus
12 fruit laws of this state. All persons authorized to inspect
13 and certify to the maturity and grade of citrus fruit shall be
14 governed in the discharge of their duties as such inspectors
15 by the provisions of law and by the rules and regulations
16 prescribed by the Florida Citrus Authority ~~Department of~~
17 ~~Citrus~~ and the Department of Agriculture and Consumer Services
18 and shall perform their duties under the direction and
19 supervision of the Department of Agriculture and Consumer
20 Services. ~~All citrus inspectors appointed for the enforcement~~
21 ~~of this chapter shall be persons who are duly licensed or~~
22 ~~certified by the United States Department of Agriculture as~~
23 ~~citrus fruit inspectors.~~

24 Section 74. Section 601.32, Florida Statutes, is
25 reenacted and amended to read:

26 601.32 Compensation of inspectors.--The salaries of
27 the chief citrus inspector, the chief laboratory inspector,
28 the district supervising inspectors, the junior and senior
29 inspectors, and all other necessary inspectors shall be in the
30 amount as determined and fixed by the Department of
31 Agriculture and Consumer Services and, in addition thereto,

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1 each of said inspectors shall be reimbursed for travel
2 expenses as provided in s. 112.061, which shall be paid upon
3 approval of accounts therefor by the Department of Agriculture
4 and Consumer Services. The Department of Agriculture and
5 Consumer Services may employ such additional field and other
6 agents and clerical assistance at such times and for such
7 periods and incur and pay any other expenses, including travel
8 expenses, as provided in s. 112.061, of the Department of
9 Agriculture and Consumer Services during the citrus fruit
10 season, as may be necessary for the effective enforcement of
11 the citrus fruit laws of this state and of the regulations of
12 the Florida Citrus Authority ~~Department of Citrus~~ and assure
13 the payments of the inspection fees imposed or that may be
14 imposed under the authority of law.

15 Section 75. Section 601.33, Florida Statutes, is
16 reenacted and amended to read:

17 601.33 Interference with inspectors.--It is unlawful
18 for any person to obstruct, hinder, resist, interfere with, or
19 attempt to obstruct, hinder, resist, or interfere with any
20 authorized inspector in the discharge of any duty imposed upon
21 or required of her or him by the provisions of law or by any
22 rule or regulation prescribed by the Florida Citrus Authority
23 ~~Department of Citrus~~ or the Department of Agriculture and
24 Consumer Services, or to change or attempt to change any
25 instrument, substance, article, or fluid used by such
26 inspector or emergency inspector in making tests of citrus
27 fruit or the canned or concentrated products thereof.

28 Section 76. Section 601.34, Florida Statutes, is
29 reenacted to read:

30 601.34 Duties of law enforcement officers.--Each state
31 or county law enforcement officer shall make arrests for

1 violations of the citrus fruit laws of this state or of any
 2 rule, regulation, or order promulgated by the commission or
 3 the Department of Agriculture and Consumer Services under
 4 authority of law when notified of such violation by the
 5 department or its duly authorized agent or representative.

6 Section 77. Section 601.35, Florida Statutes, is
 7 reenacted and amended to read:

8 601.35 Disputes as to quality, etc.; procedure.--When
 9 any dispute as to quality, grade, or condition of citrus fruit
 10 or the canned or concentrated products thereof arises, the
 11 shipper or any financially interested person may call in at
 12 his, her, or its expense an inspector licensed or certified
 13 only by the United States Department of Agriculture to inspect
 14 such citrus fruit or its canned or concentrated products.
 15 Such inspector shall issue a regular official certificate to
 16 the applicant showing the quality, grade, and condition
 17 thereof and, in all cases, such certificate shall be prima
 18 facie evidence. If such certificate shows the citrus fruit or
 19 the canned or concentrated products thereof therein-mentioned
 20 and described to conform to the provisions of this chapter and
 21 the rules, regulations, or orders of the Florida Citrus
 22 Authority ~~Department of Citrus~~ and of the Department of
 23 Agriculture and Consumer Services, such shipper or such
 24 financially interested person may present the original
 25 certificate to the person or representative of the person
 26 having charge of the vehicle of transportation by which such
 27 citrus fruit or the canned or concentrated products thereof is
 28 to be transported, which person or representative shall then
 29 accept such citrus fruit or the canned or concentrated
 30 products thereof for shipment provided that all other
 31 provisions of this chapter and of the rules, regulations, and

1 orders of the Florida Citrus Authority ~~Department of Citrus~~
2 and of the Department of Agriculture and Consumer Services
3 have been met and complied with.

4 Section 78. Section 601.36, Florida Statutes, is
5 reenacted to read:

6 601.36 Inspection information required when two or
7 more lots of fruit run simultaneously.--In the event that any
8 packinghouse packing citrus fruit or canning plant canning
9 citrus fruit or concentrating plant concentrating citrus fruit
10 shall have present therein or shall be packing, canning, or
11 concentrating two or more lots of fruit simultaneously, the
12 manager or other person in charge of said packinghouse or said
13 canning plant or said concentrating plant shall notify the
14 citrus fruit inspector conducting inspections at said
15 packinghouse or canning plant or concentrating plant of said
16 fact and furnish to said inspector full information as to the
17 source of said several lots of fruit and the number of boxes
18 in each several lots.

19 Section 79. Section 601.37, Florida Statutes, is
20 reenacted to read:

21 601.37 Unlawful acts of inspectors.--It is unlawful
22 for any authorized inspector to make or deliver a certificate
23 of inspection and maturity and quality of any citrus fruit or
24 the canned or concentrated products thereof upon which the
25 inspection fees and advertising taxes have not been paid or
26 the payment thereof guaranteed, or to make or issue any false
27 certificate as to inspection, maturity, quality, or payment of
28 inspection fees.

29 Section 80. Section 601.38, Florida Statutes, is
30 reenacted and amended to read:

31 601.38 Citrus inspectors; authority.--For the purpose

1 of enforcing the provisions of the citrus fruit laws of this
 2 state, as well as the regulations of the Florida Citrus
 3 Authority ~~Department of Citrus~~, citrus fruit inspectors may
 4 enter into any packinghouse or canning plant or concentrating
 5 plant at any hour of day or night and have and demand access
 6 and admission to any enclosed portion of said packinghouse,
 7 canning plant, or concentrating plant. Said citrus fruit
 8 inspectors may also inspect all packinghouse or canning plant
 9 records pertaining to receipts from groves and to details of
 10 receiving, handling, running, processing, packing, or canning
 11 citrus fruit.

12 Section 81. Section 601.39, Florida Statutes, is
 13 reenacted and amended to read:

14 601.39 Special inspectors.--In cases of emergency or
 15 necessity, when no citrus fruit inspector is available for
 16 inspection of a particular lot of citrus fruit or the canned
 17 or concentrated products thereof, the Department of
 18 Agriculture and Consumer Services may designate some fit and
 19 competent individual to inspect, test, and certify as to such
 20 lot of fruit or the canned or concentrated products thereof.
 21 Certificates made or issued by such designated individual
 22 shall be signed by her or him as "Special citrus fruit
 23 inspector." The designated individual shall not be required
 24 to give any bond, but shall be subject to the penalties
 25 imposed for violation of any of the provisions of the citrus
 26 fruit laws.

27 Section 82. Section 601.40, Florida Statutes, is
 28 reenacted and amended to read:

29 601.40 Registration of citrus packinghouses,
 30 processing plants with department.--The owner, manager, or
 31 operator of each packinghouse, canning plant, or concentrating

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1 plant, at which it is intended to pack, can, concentrate, or
2 prepare citrus fruit for market or transportation during the
3 then-present or the next ensuing citrus fruit shipping season,
4 shall register such packinghouse, canning plant, or
5 concentrating plant and its location, shipping point, and post
6 office with the Department of Agriculture and Consumer
7 Services not less than 10 days before packing, canning,
8 concentrating, or otherwise preparing any citrus fruit or the
9 canned or concentrated products thereof for sale or
10 transportation in or at such packinghouse, canning plant, or
11 concentrating plant; and she or he shall, in addition to such
12 registration, give the said Department of Agriculture and
13 Consumer Services not less than 7 days' written notice of the
14 date on which packing, canning, concentrating, or other
15 preparation for sale or transportation of citrus fruit of the
16 then-current or the next ensuing season's crop will be begun.
17 The Department of Agriculture and Consumer Services shall
18 issue a certificate of registration to each such packinghouse,
19 canning plant, or concentrating plant registering; provided,
20 however, that no such certificate of registration shall be
21 issued to any packinghouse, canning plant, or concentrating
22 plant unless the operator thereof shall have first applied for
23 and received her or his license as a citrus fruit dealer and
24 furnished a bond as such citrus fruit dealer in accordance
25 with law.

26 Section 83. Section 601.41, Florida Statutes, is
27 reenacted and amended to read:

28 601.41 Operation without registration unlawful.--It is
29 unlawful for any person to operate a citrus fruit
30 packinghouse, canning plant, or concentrating plant, or to
31 pack or otherwise prepare for sale or transportation any

1 citrus fruit at such packinghouse, canning plant, or
 2 concentrating plant without having previously registered said
 3 packinghouse, canning plant, or concentrating plant and given
 4 the notice required in s. 601.40 and having received and still
 5 having unrevoked from the Department of Agriculture and
 6 Consumer Services a certificate; provided, that no certificate
 7 of inspection and maturity of any fruit shall be issued by any
 8 authorized inspector except to a person who has registered
 9 with the Department of Agriculture and Consumer Services
 10 during the then-current year and has an unrevoked certificate
 11 of registration and has given to said Department of
 12 Agriculture and Consumer Services the notice required.

13 Section 84. Section 601.42, Florida Statutes, is
 14 reenacted and amended to read:

15 601.42 Revocation of registration.--Whenever the
 16 Department of Agriculture and Consumer Services shall issue a
 17 certificate of registration to any packinghouse, canning
 18 plant, or concentrating plant for the purpose of processing
 19 citrus fruit or citrus products, as provided by s. 601.40, and
 20 said Department of Agriculture and Consumer Services shall
 21 thereafter revoke or suspend the license of any citrus fruit
 22 dealer who may own, operate, or have any proprietary or
 23 ownership interest in any such packinghouse, canning plant, or
 24 concentrating plant aforesaid, the certificate of registration
 25 as provided for in s. 601.40 shall automatically and without
 26 further proceedings stand suspended or revoked during the
 27 entire period of the suspension or revocation of the citrus
 28 fruit dealer's license.

29 Section 85. Section 601.43, Florida Statutes, is
 30 reenacted and amended to read:

31 601.43 Immature and unfit citrus fruit; individual

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1 sampling.--Any oranges, grapefruit, and tangerines not
2 conforming to the minimum maturity requirements set forth in
3 this chapter and any citrus hybrids not conforming to the
4 minimum maturity requirements set forth in Florida Citrus
5 Authority ~~Department of Citrus~~ regulations shall be deemed and
6 held to be immature and unfit for human consumption. In the
7 testing of fruit to determine whether the same conforms to
8 such requirements, any inspector shall have the right and
9 authority to test the individual fruit in any given sample of
10 fruit drawn in the number and by the manner as prescribed by
11 regulations of the Florida Citrus Authority ~~Department of~~
12 ~~Citrus~~. If, upon the testing of the juice of said individual
13 fruit in any sample, more than 10 percent of said individual
14 fruit shall fail by more than one-half percentage point to
15 meet the minimum ratio of total soluble solids to anhydrous
16 citric acid which is required for such fruit, then all of the
17 fruit in the lot from which said sample was drawn shall be
18 deemed and held to be immature and unfit for human
19 consumption.

20 Section 86. Section 601.44, Florida Statutes, is
21 reenacted and amended to read:

22 601.44 Destruction of immature fruit.--All citrus
23 fruit or processed citrus products prepared for sale or
24 transportation, which is being prepared for such purpose, or
25 which has been or is being delivered for sale or
26 transportation that may be found immature or otherwise unfit
27 for human consumption upon inspection and testing shall be
28 seized and destroyed by a citrus fruit inspector or the
29 sheriff of the county where found as may be provided by
30 regulations prescribed by the Florida Citrus Authority
31 ~~Department of Citrus~~. Said determination of immaturity or

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1 unfitness for human consumption may be made by a citrus fruit
2 inspector at any place where such citrus fruit may be found
3 after severance from the tree, and such seizure and
4 destruction may likewise occur at any such place. However, in
5 the event of seizure of citrus fruit upon the grounds that
6 such citrus fruit fails to show a break in color required by
7 this chapter or Florida Citrus Authority ~~Department of Citrus~~
8 regulations for that particular variety of citrus fruit, the
9 owner or person in charge of such citrus fruit shall be
10 allowed to separate and retain for subsequent use, in
11 accordance with the provisions of this chapter or Florida
12 Citrus Authority ~~Department of Citrus~~ regulations, that
13 portion of such citrus fruit which shows a break in color
14 required by this chapter or Florida Citrus Authority
15 ~~Department of Citrus~~ regulations for that particular variety
16 and, in such case, only that portion thereof which fails to
17 show a break in color for such variety, as required by this
18 chapter or Florida Citrus Authority ~~Department of Citrus~~
19 regulations, shall be destroyed by a citrus fruit inspector or
20 the sheriff of the county, as may be prescribed by regulations
21 of the Florida Citrus Authority ~~Department of Citrus~~.

22 Section 87. Section 601.45, Florida Statutes, is
23 reenacted and amended to read:

24 601.45 Grading of fresh citrus fruit.--

25 (1) All citrus fruit, except as provided in s. 601.50,
26 sold or shipped, or offered for sale or shipment, for
27 consumption in fresh form shall be graded in a registered
28 packinghouse in this state according to standards established
29 by the Florida Citrus Authority ~~Department of Citrus~~, and the
30 grade of such fruit shall be indicated as hereinafter
31 provided.

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

- 4 (a) The actual grade thereof; or
- 5 (b) Brands or trademarks properly registered with the
- 6 Florida Citrus Authority ~~department~~ to represent state or U.S.
- 7 grades, as provided in subsection (4).

8 (3) For fresh citrus fruit being transported when
9 packed in a closed container approved or otherwise authorized
10 by the Florida Citrus Authority ~~Department of Citrus~~, it shall
11 be sufficient if the closed container has the grade indicated
12 thereon, in accordance with Florida Citrus Authority
13 ~~department~~ rules, by:

- 14 (a) Stamping the grade of the fruit on the container;
- 15 or
- 16 (b) Use of labels, brands, or trademarks properly
- 17 registered with the Florida Citrus Authority ~~department~~ to
- 18 represent state or U.S. grades, as provided in subsection (4).

19 (4) In accordance with such rules as the Florida
20 Citrus Authority ~~Department of Citrus~~ may prescribe, licensed
21 citrus fruit dealers in this state shall be entitled to
22 register labels, brands, or trademarks for grade
23 identification purposes. The Florida Citrus Authority
24 ~~department~~ shall maintain a record of all labels, brands, or
25 trademarks registered for grade identification purposes, which
26 record may be purged as necessary.

27 Section 88. Section 601.46, Florida Statutes, is
28 reenacted and amended to read:

29 601.46 Condition precedent to sale of citrus fruit.--

30 (1) It is unlawful, except as provided in s. 601.50,
31 for any person to sell or offer for sale, to transport,

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1 prepare, receive, or deliver for transportation or market any
2 citrus fruit in fresh form unless such fruit has matured in
3 accordance with the maturity standards and is accompanied by a
4 certificate of inspection and maturity thereof issued by a
5 duly authorized citrus fruit inspector of the Department of
6 Agriculture and Consumer Services. However, the Florida
7 Citrus Authority ~~Department of Citrus~~ may by regulation
8 provide that, in lieu of the accompaniment of such shipment by
9 a certificate of inspection and maturity, the fact of such
10 inspection may be shown by appropriate means on the manifest
11 or bill of lading covering such shipment.

12 (2) Inspection for maturity may be made at any time,
13 anywhere, after the fruit is severed from the tree until the
14 shipment, after inspection and certification, is accepted by
15 common carrier or until it has been transported beyond the
16 state lines where being transported other than by a common
17 carrier.

18 (3) Shipments in bulk, either by common carrier or
19 otherwise, to a packinghouse for repacking in Florida must be
20 reinspected and certified before final delivery to a carrier.
21 However, only one inspection fee shall be paid by the shipper.

22 (4) It shall be unlawful at any time for any person to
23 sell or offer for sale, transport, prepare, receive, or
24 deliver for transportation or market any citrus fruit which is
25 immature or otherwise unfit for human consumption, or for any
26 person to receive any such citrus fruit under a contract of
27 sale, or for the purpose of sale, offering for sale,
28 transportation, or delivery for transportation thereof.
29 However, these provisions shall not apply to sale of citrus
30 fruit "on the trees" or to common carriers or their agents
31 when the fruit accepted for transportation or transported by

1 any common carrier is accompanied by proper proof of
2 inspection, maturity, and grade.

3 Section 89. Section 601.461, Florida Statutes, is
4 reenacted to read:

5 601.461 Falsification of weights; penalty.--

6 (1) It shall be unlawful for any person, firm,
7 association, or corporation to falsify or alter any
8 certificate, slip, or other document evidencing or pretending
9 to evidence the weight of citrus fruit bought by weight or
10 knowingly to make, utter, or deliver any such certificate,
11 slip, or document which shall be false or to counsel, assist
12 in, or procure any such act.

13 (2) Any person, firm, association, or corporation
14 convicted of the violation of any provision of this section
15 shall be guilty of a misdemeanor of the second degree,
16 punishable as provided in s. 775.082 or s. 775.083.

17 Section 90. Section 601.47, Florida Statutes, is
18 reenacted and amended to read:

19 601.47 Condition precedent to processing citrus.--It
20 is unlawful for any person to can any citrus fruits or to can
21 or concentrate the juices thereof unless such fruit is mature
22 in accordance with the maturity standards and is accompanied
23 by a certificate of inspection and maturity thereof issued by
24 a duly authorized citrus fruit inspector of the Department of
25 Agriculture and Consumer Services. Inspection for maturity
26 shall be made at the canning or concentrating plant with the
27 further proviso that shipments either by common carrier or
28 otherwise to a canning plant or a concentrating plant in
29 Florida must be reinspected and recertified before use by the
30 canner or concentrator.

31 Section 91. Section 601.471, Florida Statutes, is

1 reenacted to read:

2 601.471 Definition of "canned or concentrated citrus
3 fruit products" expanded.--The term "canned or concentrated
4 citrus fruit products" when used in ss. 601.48-601.54 shall
5 include chilled citrus juice, chilled citrus sections, or
6 otherwise processed products of citrus fruit.

7 Section 92. Section 601.48, Florida Statutes, is
8 reenacted and amended to read:

9 601.48 Grading processed citrus products.--

10 ~~(1) All processed citrus products for which grade
11 standards may be established, if sold, shipped, or offered for
12 sale or shipment, except as provided in s. 601.50, shall be
13 inspected for grade in a registered processing plant, and
14 shall be graded according to standards established by the
15 Department of Citrus, and the grade of such processed citrus
16 products shall be designated on the immediate container
17 thereof in such manner as the Department of Citrus may by rule
18 prescribe.~~

19 (1)(2) If such processed citrus products meet the
20 requirements of the two highest grades as established by the
21 Florida Citrus Authority ~~Department of Citrus~~ or, at the
22 option of the processor, the two highest grades established by
23 the United States Department of Agriculture, the processor
24 shall have the privilege, ~~in lieu of the grade declaration~~
25 ~~requirements of subsection (1),~~ of using labels, brands, or
26 trademarks properly registered with the Florida Citrus
27 Authority ~~Department of Citrus~~, as provided in subsection
28 (2)(3), to represent state or U.S. grades.

29 (2)(3) In accordance with such rules as the Florida
30 Citrus Authority ~~Department of Citrus~~ may prescribe, licensed
31 citrus fruit dealers in this state shall be entitled to

1 register labels, brands, or trademarks for grade
 2 identification purposes. The Florida Citrus Authority
 3 ~~department~~ shall maintain a record of all labels, brands, and
 4 trademarks registered for grade identification purposes, which
 5 record may be purged as necessary.

6 (3)~~(4)~~ The grade labeling requirements of this section
 7 shall not apply to intrastate shipments of processed citrus
 8 products between licensed citrus fruit dealers who are
 9 operators of processing plants duly registered under s.
 10 601.40.

11 Section 93. Section 601.49, Florida Statutes, is
 12 reenacted and amended to read:

13 601.49 Condition precedent to selling processed citrus
 14 products.--It is unlawful for any person, except as provided
 15 in s. 601.50, to sell or offer for sale, to transport,
 16 receive, or deliver for transportation, or market any canned
 17 or concentrated products of citrus fruits unless the same has
 18 been inspected and is accompanied by a certificate of
 19 inspection issued by a duly authorized inspector of the
 20 Department of Agriculture and Consumer Services, provided,
 21 however, that the Florida Citrus Authority ~~Department of~~
 22 ~~Citrus~~ shall by regulation provide that in lieu of the
 23 accompaniment of such shipment by a certificate of inspection,
 24 the fact of such inspection may be shown by appropriate means
 25 on the manifest or bill of lading covering such shipment.

26 Section 94. Section 601.50, Florida Statutes, is
 27 reenacted and amended to read:

28 601.50 Exemptions; sale or shipment of citrus or
 29 citrus products for certain purposes.--Irrespective of the
 30 provisions of ss. 601.45, 601.46, 601.48, 601.49, 601.51, and
 31 601.52, the Florida Citrus Authority ~~Department of Citrus~~

1 under such precautionary rules and regulations as it may deem
2 expedient may permit sale or shipment of citrus fruit or the
3 canned or concentrated products thereof without the issuance
4 of and filing of inspection certificate and without the grade
5 being shown on the container thereof, of:

6 (1) Intrastate shipments of fresh citrus fruit for
7 consumption or use within the state;

8 (2) Shipments to be used for charitable or
9 unemployment relief purposes;

10 (3) Shipments to the United States Government or any
11 of its agencies and interstate shipments to any packinghouse,
12 canning plant, or concentrate plant for commercial processing,
13 as may be defined by the Florida Citrus Authority ~~Department~~
14 ~~of Citrus~~; or to fresh fruit juice distributors outside the
15 state;

16 (4) Shipments by any method of transportation by "gift
17 fruit shippers," as defined by the Florida Citrus Authority
18 ~~Department of Citrus~~, but such shipments shall not be for the
19 purpose of resale by the consignee thereof;

20
21 but, provided however that, no such rule or regulation issued
22 hereunder shall permit or allow the sale or shipment of citrus
23 fruit deemed by this section to be immature and unfit for
24 human consumption nor of canned or concentrated products
25 thereof prepared or made from citrus fruit deemed by this law
26 to be immature and unfit for human consumption; but, provided
27 further, that shipments under subsections (1) and (4) shall
28 meet such minimum grade standards as may, from time to time,
29 be established by the Florida Citrus Authority ~~Department of~~
30 ~~Citrus~~; and, provided further that such rules and regulations
31 shall provide for the due collection of any advertising taxes

1 and inspection fees that may be due thereon.

2 Section 95. Section 601.501, Florida Statutes, is
3 reenacted to read:

4 601.501 Charitable shipments tax exempt.--Shipments of
5 citrus fruit when permitted under s. 601.50 for charitable
6 purposes shall be exempt from all advertising taxes.

7 Section 96. Section 601.51, Florida Statutes, is
8 reenacted and amended to read:

9 601.51 Certification required for shipment of citrus
10 fruit or products.--No common carrier or other carrier or
11 person, except as provided in s. 601.50, shall accept for
12 shipment, ship, or transport any citrus fruit or the canned or
13 concentrated products thereof until a grade certificate is
14 issued showing the grade thereof, which certificate or a
15 duplicate thereof shall be filed with the carrier at the point
16 of shipment, nor shall any common carrier or other carrier or
17 person accept for shipment or ship any citrus fruit or the
18 canned or concentrated products thereof where written notice
19 has been given to such common carrier, other carrier or
20 person, or her or his representative or agent by the
21 Department of Agriculture and Consumer Services or its
22 authorized agent, employee, or inspector that said citrus
23 fruit or the canned or concentrated products thereof does not
24 comply with the provisions of law or the rules and regulations
25 promulgated by the Florida Citrus Authority ~~Department of~~
26 ~~Citrus~~ or the Department of Agriculture and Consumer Services;
27 provided that the shipper or handler of such citrus fruit or
28 the canned or concentrated products thereof shall have the
29 privilege of repacking or remarking, and that, if or when the
30 same shall have been repacked or remarked to conform to the
31 provisions of law or said rules, regulations, or orders

1 promulgated by the Florida Citrus Authority ~~Department of~~
 2 ~~Citrus~~ or the Department of Agriculture and Consumer Services,
 3 the Department of Agriculture and Consumer Services or its
 4 authorized inspector or agent shall notify said common
 5 carrier, other carrier or person, or her or his agent that
 6 such citrus fruit or the canned or concentrated products
 7 thereof may be accepted for shipment, and such shipper or
 8 handler shall not be considered as having violated this
 9 chapter or said rules, regulations, or orders, but provided
 10 further that this section shall be deemed to have been
 11 complied with if the shipper shall have conformed to
 12 regulations issued by the Florida Citrus Authority ~~Department~~
 13 ~~of Citrus~~ under the provisions of s. 601.49.

14 Section 97. Section 601.52, Florida Statutes, is
 15 reenacted to read:

16 601.52 Carriers not to accept fruit unless same bears
 17 evidence of payment of excise taxes.--No common carrier or
 18 other carrier or person, except as provided in s. 601.50,
 19 shall accept for shipment, ship, or transport any citrus fruit
 20 or processed citrus products unless the grade certificate,
 21 manifest, or bill of lading covering said citrus fruit or
 22 processed citrus products bears evidence of the payment, as
 23 provided by law, of the taxes, assessments, and fees imposed
 24 by this chapter.

25 Section 98. Section 601.53, Florida Statutes, is
 26 reenacted to read:

27 601.53 Unlawful to process unwholesome citrus.--It is
 28 unlawful for any person to can or concentrate, or buy for
 29 canning or concentrating purposes, or sell for canning or
 30 concentrating purposes in Florida any citrus fruit that is
 31 unwholesome or decomposed so that it is unfit for canning or

1 concentrating purposes.

2 Section 99. Section 601.54, Florida Statutes, is
3 reenacted and amended to read:

4 601.54 Seizure of unwholesome fruit by Department of
5 Agriculture and Consumer Services ~~Agriculture's~~ agents.--

6 (1) The Department of Agriculture and Consumer
7 Services or its duly authorized inspectors shall seize and
8 destroy all citrus fruit found by said Department of
9 Agriculture and Consumer Services or inspectors to be
10 unwholesome or decomposed so that it is unfit for canning or
11 concentrating purposes as defined by law or by any regulation
12 of the Florida Citrus Authority ~~Department of Citrus~~ pursuant
13 to authority given in this chapter and, in the event any
14 inspector shall find that any canner or concentrator is
15 canning or concentrating fruit prohibited to be used, she or
16 he may seize and destroy not only such fresh fruit found in
17 the canning or concentrating plant but also citrus fruit or
18 juice in the process of being canned or concentrated or which
19 has been canned or concentrated from the same lot or shipment
20 wherein the fresh fruit is found by said inspector to be
21 subject to seizure under the provisions of this section.

22 (2) Whenever any inspector finds citrus fruit in the
23 canning or concentrating plant which should be destroyed under
24 the provisions of this law, the operator, manager, or other
25 person in charge of the canning or concentrating plant shall
26 make known to the inspector the code number or other manner of
27 identifying any fruit or the canned or concentrated products
28 thereof that has been canned or concentrated from the same lot
29 or shipment wherein is found the said fruit subject to be
30 seized.

31 Section 100. Section 601.55, Florida Statutes, is

1 reenacted and amended to read:

2 601.55 Citrus fruit dealer; license required.--

3 (1) No person shall act as a citrus fruit dealer in
4 this state without first having applied for and obtained the
5 issuance of a current license for each shipping season, or
6 portion thereof.

7 (2) An application for a citrus fruit dealer's license
8 shall be within one of the following classifications, and any
9 license that may be issued upon such application shall have an
10 effective date as herein prescribed.

11 (a) A "repeat application" is defined as an
12 application filed by a dealer who held a valid license during
13 the season immediately preceding that for which application is
14 made; and, if the application is approved on or before August
15 1, such license shall be in effect for the period August 1
16 through July 31 of the shipping season applied for. Any
17 license issued upon approval of such application, if approval
18 is granted after August 1, shall be effective from the date of
19 license issuance through July 31 of the shipping season
20 applied for.

21 (b) Any application filed by an applicant who was not
22 licensed during the immediately preceding shipping season for
23 which the license application is made shall be considered a
24 "new application." Any license subsequently issued upon
25 approval of such application shall be effective from the date
26 of license issuance through July 31 of the shipping season
27 applied for.

28
29 The termination dates of citrus fruit dealers' licenses as set
30 forth above shall not apply to a temporary license approved
31 and issued in accordance with s. 601.57(3).

1 (3) An applicant shall be limited to the filing of one
2 application for each citrus shipping season, which application
3 may be amended if necessary to comply with the requirements of
4 this chapter and regulations of the Florida Citrus Authority
5 ~~Department of Citrus~~.

6 Section 101. Section 601.56, Florida Statutes, is
7 reenacted and amended to read:

8 601.56 Application for dealers' licenses;
9 requirements.--Any person desiring to engage in the business
10 of citrus fruit dealer in the state shall make application to
11 the Florida Citrus Authority ~~Department of Citrus~~ for a
12 license. The Florida Citrus Authority ~~Department of Citrus~~
13 shall by regulation prescribe the information to be contained
14 in such application.

15 (1) All such applications, in addition to other
16 information which may be prescribed by the Florida Citrus
17 Authority ~~Department of Citrus~~, must contain the following
18 information:

19 (a) Name and address of the individual, firm,
20 partnership, association, corporation, or other business unit
21 applying for a license;

22 (b) Names and addresses of the principal stockholders,
23 officers, partners, or other individuals belonging to or
24 connected with the applicant if the applicant for a license is
25 a firm, partnership, association, corporation, or other
26 business unit, whether it be for profit or otherwise;

27 (c) The length of time the applicant has been engaged
28 in the citrus fruit business in Florida in any manner
29 whatsoever;

30 (d) A statement of delinquent accounts growing out of
31 the ordinary course of business with producers, if any there

1 be;

2 (e) A financial statement of the applicant, if
3 required by the Florida Citrus Authority ~~Department of Citrus~~,
4 showing such information as the Florida Citrus Authority
5 ~~Department of Citrus~~ may prescribe regarding the financial
6 conditions of the applicant;

7 (f) Whether or not the applicant or any of its
8 officers, directors, or stockholders have previously been
9 licensed as a citrus fruit dealer, or connected with a
10 licensed citrus fruit dealer in the state and, if so, the date
11 all such licenses were obtained; and

12 (g) The number of boxes of citrus fruit, measured in
13 terms of standard-packed boxes, which the applicant intends to
14 deal with during the current or ensuing shipping season.

15 (2) If the applicant is an individual and is shown to
16 be a nonresident of the state, or is a copartnership and each
17 member is shown to be a nonresident of the state, in either
18 event, the said applicant shall designate some bona fide
19 resident of the state as such applicant's resident agent upon
20 whom process may be served. The service of process of any of
21 the courts of this state upon such resident agent shall be as
22 effectual and binding upon said applicant as if personally
23 served upon said applicant.

24 (3) If the applicant is a corporation, then such
25 corporation must be one organized and existing under the laws
26 of this state or having an unrevoked permit authorizing it to
27 transact business in this state.

28 (4) When a license application is submitted for a
29 person or business entity which has an unpaid balance due and
30 owing the Florida Citrus Authority ~~Department of Citrus~~ for
31 any citrus excise taxes or delinquency fees levied and imposed

1 under the authority of this chapter, the applicant shall be
 2 notified immediately by the department; and such application
 3 shall not be further processed or presented to the commission
 4 for action until such taxes and fees are paid in full.
 5 However, any applicant whose taxes are under review by the
 6 Florida Citrus Authority ~~Department of Citrus~~ or are contested
 7 in the appropriate administrative agency or court shall not
 8 have its application denied solely on the basis of owed taxes
 9 or fees, until the matter is determined by the department,
 10 agency, or court.

11 Section 102. Section 601.57, Florida Statutes, is
 12 reenacted and amended to read:

13 601.57 Examination of application; approval of
 14 dealers' licenses.--

15 (1) The Florida Citrus Authority ~~Department of Citrus~~
 16 shall, within a reasonable time, examine the application and
 17 consider the information submitted therewith, including the
 18 applicant's financial statement and the reputation of the
 19 applicant as shown by applicant's past and current history and
 20 activities, including applicant's method and manner of doing
 21 business. The Florida Citrus Authority ~~Department of Citrus~~
 22 shall also consider the past history of any applicant, either
 23 individually or in connection with any individual,
 24 copartnership, corporation, association, or other business
 25 unit with whom any applicant shall have been connected in any
 26 capacity, and may in proper cases impute to any individual,
 27 corporation, copartnership, association, or other business
 28 unit liability for any wrong or unlawful act previously done
 29 or performed by such individual, corporation, copartnership,
 30 association, or other business unit.

31 (2) If the Florida Citrus Commission shall, by a

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1 majority vote, be of the opinion that the applicant is
2 qualified and entitled to a license as a citrus fruit dealer,
3 the commission shall approve the application; otherwise the
4 application shall be disapproved. However, commission
5 approval of any application may be contingent upon such
6 reasonable conditions as may be endorsed thereon by the
7 commission, or commission action on an application may, by
8 majority vote, be deferred to a subsequent date.

9 (3) In cases of deferred action, as set forth in
10 subsection (2), if the applicant so requests and the factual
11 circumstances are deemed by the commission so to justify, the
12 commission may approve the granting of a temporary license to
13 be valid for a period to be set by the commission, not to
14 exceed 60 days. No more than one temporary license shall be
15 approved for any applicant during a shipping season. No
16 temporary license may be approved unless all requirements
17 relating to bonds or fees required to be posted or paid by the
18 applicant have been met the same as though the approval were
19 not of a temporary nature.

20 (4) Grounds for the disapproval of the application
21 include, but are not limited to:

22 (a) Any previous conduct of the applicant which would
23 have been grounds for revocation or suspension of a license as
24 hereinafter provided if the applicant had been licensed.

25 (b) Delinquent accounts of the applicant owing to and
26 growing out of the ordinary course of business with producers
27 and other persons or firms.

28 (c) Delinquent accounts of the applicant with any
29 person or persons with whom applicant has dealt in its
30 operations under a previous license.

31 (d) Failure of the applicant or its owners, partners,

1 officers, or agents to comply with any valid order of the
2 Department of Agriculture and Consumer Services or the Florida
3 Citrus Authority ~~Department of Citrus~~ relating to citrus fruit
4 laws or rules.

5 (e) Applicant's violation, or aiding or abetting in
6 the violation, of any federal or Florida law or governmental
7 agency rule or regulation governing or applicable to citrus
8 fruit dealers.

9 (5) When the applicant is a corporate or other
10 business entity, the term "applicant" as used in this section
11 shall be deemed to include within its meaning those
12 individuals who have been, or can reasonably be expected to
13 be, actively engaged in the managerial affairs of the
14 corporate or other business entity applicant.

15 (6) The Florida Citrus Authority ~~Department of Citrus~~
16 shall designate not more than three employees directly
17 involved in the processing of citrus fruit dealer license
18 applications, who shall be a part of, and shall have access
19 to, the criminal justice information system described in
20 chapter 943, for purposes of investigating license applicants.

21 (7) The Florida Citrus Authority ~~Department of Citrus~~
22 is authorized to establish by rule the procedure and
23 guidelines for granting interim conditional staff approval for
24 issuance of a conditional citrus fruit dealer's license, which
25 license shall at all times be subject to final approval or
26 other action by the commission at its next regular meeting.
27 Any license so issued shall clearly and conspicuously indicate
28 thereon the conditional nature of the approval and pendency of
29 final action.

30 Section 103. Section 601.58, Florida Statutes, is
31 reenacted to read:

1 601.58 Application approval or disapproval.--
2 (1) Each citrus fruit dealer's license application
3 which is approved, or approved subject to conditions, shall be
4 forwarded immediately to the Department of Agriculture and
5 Consumer Services, which shall, upon satisfaction of the
6 stated conditions, if any are endorsed thereon, issue to the
7 applicant an appropriate license as prescribed in s. 601.60.
8 (2) Each temporary license granted under s. 601.57(3),
9 license with conditions approved by the commission under s.
10 601.57(2), or conditional license issued upon interim staff
11 approval under s. 601.57(7) shall clearly and conspicuously
12 show thereon the specific conditions, or the temporary or
13 conditional nature, thereof.
14 (3) No license shall be issued to any applicant whose
15 application has been finally disapproved by the commission.
16 Once an application has been finally disapproved by the
17 commission, the application shall remain disapproved for the
18 remainder of the subject shipping season.
19 Section 104. Section 601.59, Florida Statutes, is
20 reenacted and amended to read:
21 601.59 Dealer's license fee; agent's registration
22 fee.--
23 (1) Each applicant who qualifies for a citrus fruit
24 dealer's license shall pay to the Department of Agriculture
25 and Consumer Services, prior to issuance of such license, a
26 license fee of \$25 per shipping season or portion thereof
27 covered by the license.
28 (2) A registration fee of \$10 per shipping season or
29 portion thereof covered by the dealer's license shall be paid
30 to the Department of Agriculture and Consumer Services for the
31 registration of each agent of a licensed citrus fruit dealer.

1 (3) All license and registration fees imposed and
 2 collected under the provisions of this section shall be paid
 3 to the State Treasury on or before the 15th day of each month.
 4 Such moneys shall be deposited in the Citrus Inspection Trust
 5 Fund and are hereby appropriated in the manner provided by s.
 6 601.28(3)(b).

7 Section 105. Section 601.60, Florida Statutes, is
 8 reenacted and amended to read:

9 601.60 Issuance of dealers' licenses.--

10 (1) Whenever an application bears the approved
 11 endorsement of the Florida Citrus Authority ~~Department of~~
 12 ~~Citrus~~ and satisfactions of conditions of approval, if any,
 13 and the applicant has paid the prescribed fee, the Department
 14 of Agriculture and Consumer Services shall issue to such
 15 applicant a license, as approved by the Florida Citrus
 16 Authority ~~Department of Citrus~~, which shall entitle the
 17 licensee to do business as a citrus fruit dealer during the
 18 effective term of such license in accordance with s. 601.55 or
 19 until such license may be suspended or revoked by the
 20 Department of Agriculture and Consumer Services in accordance
 21 with the provisions of law. The Department of Agriculture and
 22 Consumer Services may issue a provisional license for a period
 23 of no longer than 1 year to an applicant who is under
 24 investigation for an action that would constitute a violation
 25 of this chapter or has pending against such applicant an
 26 administrative or civil proceeding which alleges an action
 27 that would constitute a violation of this chapter. The
 28 department shall establish by rule requirements for renewal of
 29 a provisional license. When the investigation is complete or
 30 the pending proceeding has been disposed of, the department
 31 may issue a regular license under this section.

1 (2) If, during the effective term of such license,
2 there is any change in the ownership, officers, managership,
3 or stockholders of any copartnership, association,
4 corporation, or other business unit to which a license has
5 been issued, the licensee shall immediately notify the
6 Florida Citrus Authority ~~Department of Citrus~~ in writing
7 specifying the change in detail. The Florida Citrus
8 Authority ~~Department of Citrus~~ shall be entitled to receive,
9 and the licensee shall be required to promptly furnish, such
10 additional information as if the licensee were applying for a
11 new license. If, after investigating the facts and applying
12 the standards prescribed for the issuance of new licenses, the
13 commission finds that the licensee is not entitled to a citrus
14 fruit dealer's license, the commission shall recommend to the
15 Department of Agriculture and Consumer Services that such
16 existing license be suspended or revoked and, upon such
17 recommendation, the Department of Agriculture and Consumer
18 Services shall immediately take necessary steps to suspend or
19 revoke such existing license.

20 Section 106. Section 601.601, Florida Statutes, is
21 reenacted and amended to read:

22 601.601 Registration of dealers' agents.--Every
23 licensed citrus fruit dealer shall:

24 (1) Register with the Department of Agriculture and
25 Consumer Services each and every agent, as defined in s.
26 601.03(2), authorized to represent such dealer; make
27 application for registration of such agent or agents on a form
28 approved by the Department of Agriculture and Consumer
29 Services and filed with the Department of Agriculture and
30 Consumer Services not less than 5 days prior to the active
31 participation of the agent or agents on behalf of such dealer

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1 in any transaction described in s. 601.03(2); and be held
2 fully liable for and legally bound by all contracts and
3 agreements, verbal or written, involving the consignment,
4 purchase, or sale of citrus fruit executed by a duly
5 registered agent on the dealer's behalf during the entire
6 period of valid registration of such agent the same as though
7 such contracts or agreements were executed by the dealer.
8 Registration of each agent shall be for the entire shipping
9 season for which the applying dealer's license is issued;
10 however, a licensed dealer may cancel the registration of any
11 agent registered by her or him by returning the agent's
12 identification card to the Department of Agriculture and
13 Consumer Services and giving formal written notice to the
14 Department of Agriculture and Consumer Services of not less
15 than 10 days. In addition, such dealer shall make every
16 effort to alert the public to the fact that the agent is no
17 longer authorized to represent her or him. An agent may be
18 registered by more than one licensed dealer for the same
19 shipping season, provided that each licensed dealer shall
20 apply individually for registration of the agent and further
21 provided that written consent is given by each and every
22 dealer under whose license the agent has valid prior
23 registration.

24 (2) When the above requirements and such additional
25 requirements as may be set forth by regulations adopted by the
26 Florida Citrus Authority ~~Department of Citrus~~ for registration
27 of an agent have been met and the fee required by s. 601.59(2)
28 has been paid, the Department of Agriculture and Consumer
29 Services shall duly register the agent and issue an
30 identification card certifying such registration. The
31 identification card, among other things, shall show in a

- 1 prominent manner:
- 2 (a) The name and address of the agent;
- 3 (b) The authorizing dealer's name, address, and
- 4 license number;
- 5 (c) The effective date and season for which
- 6 registration is made;
- 7 (d)1. A space for signature of the agent;
- 8 2. A space to be countersigned by the licensed dealer;
- 9 3. A statement providing that the card is not valid
- 10 unless so signed and countersigned.

11

12 The Florida Citrus Authority ~~Department of Citrus~~ may, from

13 time to time, adopt additional requirements or conditions

14 relating to the registration of agents as may be necessary.

15 Section 107. Section 601.61, Florida Statutes, is

16 reenacted and amended to read:

17 601.61 Bond requirements of citrus fruit dealers.--

18 (1) Except as hereinafter provided, prior to the

19 approval of a citrus fruit dealer's license, the applicant

20 therefor must deliver to the Department of Agriculture and

21 Consumer Services a good and sufficient cash bond, appropriate

22 certificate of deposit, or a surety bond executed by the

23 applicant as principal and by a surety company qualified to do

24 business in this state as surety, in an amount as determined

25 by the Florida Citrus Authority ~~Department of Citrus~~. The

26 amount of such bond or certificate of deposit shall be

27 determined by taking into consideration any one or more of the

28 following: The number of standard packed boxes of citrus

29 fruit, or the equivalent thereof, which the applicant intends

30 to handle during the term of the license as set forth in the

31 application; the total volume of fruit handled by the dealer

1 the previous season; the highest month's volume handled the
2 previous season; the anticipated increase in the total citrus
3 crop during the season for which the application for license
4 is made; and other relevant factors based on the following
5 schedule:

- 6 (a) \$1,000 up to 2,000 boxes;
- 7 (b) \$2,000 up to 5,000 boxes;
- 8 (c) \$3,750 up to 7,500 boxes;
- 9 (d) \$5,000 up to 10,000 boxes;
- 10 (e) \$10,000 up to 20,000 boxes;
- 11 (f) \$1,000 for each additional 20,000 boxes or
12 fraction thereof in excess of 20,000 boxes, with a maximum
13 bond of \$100,000.

14
15 If a citrus fruit dealer during the term of her or his license
16 finds that she or he has handled, or can reasonably expect to
17 handle a volume of fruit greater than that covered by a posted
18 bond or certificate of deposit, the dealer shall have the
19 affirmative duty of immediately notifying the Department of
20 Agriculture and Consumer Services and initiating an increase
21 in such bond or certificate of deposit to an amount that will
22 meet the requirements set forth above.

23 (2) Said bond shall be in the form approved by the
24 Department of Agriculture and Consumer Services and shall be
25 conditioned as provided in s. 601.66(9), and also to fully
26 comply with the terms and conditions of all contracts, verbal
27 or written, made by the citrus fruit dealer with producers or
28 with other citrus fruit dealers, relative to the purchasing,
29 handling, sale, and accounting of purchases and sales of
30 citrus fruit, and upon the dealer accounting for the proceeds
31 from, and paying for, any citrus fruit purchased or contracted

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1 for, in accordance with the terms of the contracts with
2 producers, and upon the dealer accounting for any advance
3 payments or deposits made, and delivering all citrus fruit
4 contracted for, in accordance with the terms of the contracts
5 with other citrus fruit dealers. The commission may prescribe
6 by rule that such a producer contract contain information that
7 it considers necessary to protect the producer from deceptive
8 practices. For purposes of this chapter, every such contract
9 shall be conclusively deemed to have been made and entered
10 into during the shipping season in which the delivery of fruit
11 into the primary channel of trade is made.

12 (3) Said bond shall be to the Department of
13 Agriculture and Consumer Services, for the use and benefit of
14 every producer and of every citrus fruit dealer with whom the
15 dealer deals in the purchase, handling, sale, and accounting
16 of purchases and sales of citrus fruit. The aggregate
17 accumulative liability under any bond shall not exceed the
18 amount named therein. Said bond shall provide that the surety
19 company thereon shall not be liable to any citrus fruit dealer
20 claiming to be injured or damaged by the said dealer if the
21 aggregate of the amounts found to be due to producers pursuant
22 to the provisions of this chapter equals or exceeds the amount
23 of the bond, unless such citrus fruit dealer is also a
24 producer and is acting in the capacity of a producer and not
25 in the capacity of a citrus fruit dealer in the transaction
26 wherein she or he claims to have been injured or damaged by
27 applicant; but if the aggregate of such amounts is less than
28 the amount of the bond, then the surety may be held liable to
29 such citrus fruit dealers, but not in excess of the sum by
30 which the amount of the bond exceeds the aggregate of the
31 amounts found to be due to producers pursuant to the

1 provisions of this chapter.

2 (4) The Florida Citrus Authority ~~Department of Citrus~~
3 or the Department of Agriculture and Consumer Services, or any
4 officer or employee designated by the Florida Citrus Authority
5 ~~Department of Citrus~~ or the Department of Agriculture and
6 Consumer Services, shall have the right to inspect such
7 accounts and records of any citrus fruit dealer as may be
8 deemed necessary to determine whether a bond which has been
9 delivered to the Department of Agriculture and Consumer
10 Services is in the amount required by this section or whether
11 a previously licensed nonbonded dealer should be required to
12 furnish bond. If any such citrus fruit dealer refuses to
13 permit such inspection, the Department of Agriculture and
14 Consumer Services may publish the facts and circumstances and
15 by order suspend the license of the offender until permission
16 to make such inspection is given. Upon a finding by the
17 Department of Agriculture and Consumer Services that any
18 citrus fruit dealer has dealt or probably will deal with more
19 fruit during the season than shown by the application, the
20 Department of Agriculture and Consumer Services may order such
21 bond increased to such an amount as will meet the requirements
22 as set forth in the bond schedule of subsection (1). Upon
23 failure to file such increased bond within the time fixed by
24 the Department of Agriculture and Consumer Services, the
25 Department of Agriculture and Consumer Services may publish
26 the facts and circumstances and by order suspend the license
27 of such citrus fruit dealer until the said bond is increased
28 as ordered.

29 (5)(a) The following citrus fruit, subject to such
30 rules as may be prescribed by the Florida Citrus Authority
31 ~~Department of Citrus~~, shall not be considered as fruit with

1 which the applicant intends to deal for the purpose of
2 determining the amount of the bond required under subsection
3 (1);
4 1. Citrus fruit which the applicant produces.
5 2. Citrus fruit which is handled for its members by a
6 cooperative marketing association organized and existing under
7 the provisions of either chapter 618 or chapter 619.
8 3. Fresh citrus fruit handled by the applicant, which
9 has been prepared and packaged by a registered packinghouse
10 other than the applicant and has been inspected and certified
11 for shipment.
12 4. Citrus fruit handled by the applicant from citrus
13 groves for which applicant provides complete grove management
14 services under direct contract with the owner or producer.
15 5. Citrus fruit handled by a corporate or partnership
16 applicant that is from citrus groves owned by officers or
17 stockholders of the corporation or from citrus groves owned by
18 the partnership, the parent corporation, or a wholly owned
19 subsidiary corporation or its corporate officers or
20 stockholders, or any partner of a partnership; provided that
21 appropriate waivers of right to any claim against the bond
22 required to be posted by this section be attached to and made
23 a part of the application for license.
24 6. Processed citrus fruit handled by the applicant
25 which has been processed and packaged by a registered citrus
26 processing plant other than the applicant and has been
27 inspected and certified for shipment.
28 (b) If the applicant does not intend to deal with any
29 citrus fruit other than that which comes within the foregoing
30 classifications, the Department of Agriculture and Consumer
31 Services shall issue a license without the posting of a bond.

1 Such a license shall bear a descriptive statement to the
2 effect that the licensee is not a bonded citrus fruit dealer.

3 (c) A claim against any citrus fruit dealer's bond
4 required to be posted by this section shall not be accepted
5 with respect to any damages in connection with fruit handled
6 under the provisions of subparagraphs 1.-6. of paragraph (a)
7 if such claim is filed against the bond of the dealer who was
8 granted bond exempt status for said fruit.

9 (6) If any of the provisions of this act shall be held
10 to be unconstitutional or invalid for any reason by any court
11 of competent jurisdiction or if such court shall find or
12 declare that no applicant shall be required to furnish the
13 bond required by this act, then and in that event this entire
14 act shall be ineffective for any and all purposes and the laws
15 in effect on July 31, 1965, which are amended by this act,
16 shall not be deemed to be amended or repealed by this act but
17 shall instead remain in full force and effect it being the
18 intention of the Legislature that in such event this entire
19 act shall be ineffective for any and all purposes and the laws
20 in effect on July 31, 1965, which are amended or repealed by
21 this act shall instead not be deemed to be amended or repealed
22 by this act but shall remain in full force and effect.

23 Section 108. Section 601.611, Florida Statutes, is
24 reenacted to read:

25 601.611 Applicable law in event ch. 61-389 held
26 invalid.--If any of the provisions of s. 601.61 be held
27 unconstitutional or invalid for any reason by any court of
28 competent jurisdiction, or if any such court shall find or
29 declare that no applicant shall be required to furnish the
30 bond required by this act, then and in that event this entire
31 act, including s. 5 thereof, shall be ineffective for any and

1 all purposes, and the Laws of Florida in effect on August 1,
 2 1961, which are amended or repealed by this act shall not be
 3 deemed to be amended or repealed by this act but shall instead
 4 remain in full force and effect, it being the intention of the
 5 Legislature that in that event this entire act shall be
 6 ineffective for any and all purposes and the Laws of Florida
 7 in effect on August 1, 1961, including chapter 61-45, which
 8 are amended or repealed by this act shall not be deemed to be
 9 amended or repealed by this act but shall instead remain in
 10 full force and effect.

11 Section 109. Section 601.64, Florida Statutes, is
 12 reenacted and amended to read:

13 601.64 Citrus fruit dealers; unlawful acts.--It is
 14 unlawful in, or in connection with, any transaction relative
 15 to the purchase, handling, sale, and accounting of sales of
 16 citrus fruit:

17 (1) For any citrus fruit dealer to make or exact any
 18 fraudulent charge to or from any person;

19 (2) For any citrus fruit dealer to reject or fail to
 20 deliver in accordance with the terms of the contract without
 21 reasonable cause any citrus fruit bought, sold, or contracted
 22 to be bought or sold by such citrus fruit dealer;

23 (3) For any citrus fruit dealer to discard, dump, or
 24 destroy without reasonable cause any citrus fruit received by
 25 such citrus fruit dealer;

26 (4) For any citrus fruit dealer to make, for a
 27 fraudulent purpose, any false or misleading statement
 28 concerning the condition, quality, quantity, or disposition
 29 of, or the condition of the market for, any citrus fruit which
 30 is received by such citrus fruit dealer or bought or sold or
 31 contracted to be bought or sold by such citrus fruit dealer;

1 or the purchase or sale of which is negotiated by such citrus
 2 fruit dealer; or to fail or refuse truly and correctly to
 3 account and make full payment promptly in respect of any such
 4 transaction in any such citrus fruit to the person with whom
 5 such transaction is had, or to fail or refuse on such account
 6 to make full payment of such amounts as may be due thereon, or
 7 to fail without reasonable cause to perform any specification
 8 or duty express or implied arising out of any undertaking in
 9 connection with any such transaction;

10 (5) For any citrus fruit dealer to knowingly buy,
 11 sell, receive, process, or handle stolen citrus fruit;

12 (6) For any citrus fruit dealer to violate, or aid or
 13 abet in the violation of, any law of Florida governing or
 14 applicable to citrus fruit dealers, including any of the
 15 provisions of this chapter not herein specifically set forth;

16 (7) For any citrus fruit dealer to violate or aid or
 17 abet in the violation of any rule or regulation duly
 18 promulgated by the Florida Citrus Authority ~~Department of~~
 19 ~~Citrus~~.

20 Section 110. Section 601.641, Florida Statutes, is
 21 reenacted to read:

22 601.641 Fraudulent representations, penalties.--

23 (1) It shall be unlawful for any person, firm,
 24 association, or corporation to claim or represent to be a
 25 licensed citrus fruit dealer, licensed and bonded citrus
 26 dealer, or agent of a licensed citrus fruit dealer unless such
 27 person, firm, association, or corporation is licensed,
 28 licensed and bonded, or a registered agent of a licensed
 29 citrus fruit dealer under the Laws of Florida.

30 (2) It shall be unlawful for any person, firm,
 31 association, or corporation to advertise or in any way

1 represent falsely as to her or his status as a seller of
2 citrus fruit, to make any false claim as to the status of such
3 seller of citrus fruit, or to make any false claim as to the
4 condition, grade, quality, quantity, grove origin, or
5 producer's name and address of any citrus fruit sold by any
6 such person, firm, association, or corporation.

7 (3) It shall be unlawful for any person, firm,
8 association, or corporation licensed under this chapter to
9 advertise or to use on her or his letterhead, or on any
10 advertising material, or in any way pretend to be a bonded
11 shipper unless said person, firm, association, or corporation
12 has filed and had approved a performance bond in addition to
13 the bond required under this chapter.

14 (4) This section is supplemental, making provisions in
15 addition to any other provisions of law and shall be construed
16 liberally.

17 (5) Any person, firm, association, or corporation
18 violating any of the provisions of this section shall be
19 guilty of a misdemeanor of the second degree, punishable as
20 provided in s. 775.082 or s. 775.083. Such criminal penalties
21 shall be in addition to any other penalties provided by law.
22 If the violator be a licensed citrus fruit dealer, then such
23 license may be revoked or suspended in the manner provided by
24 s. 601.67.

25 Section 111. Section 601.65, Florida Statutes, is
26 reenacted and amended to read:

27 601.65 Liability of citrus fruit dealers.--If any
28 licensed citrus fruit dealer violates any provision of this
29 chapter, such dealer shall be liable to the person allegedly
30 injured thereby for the full amount of damages sustained in
31 consequence of such violation. Such liability may be enforced

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1 either by proceeding in an administrative action to and before
2 the Department of Agriculture and Consumer Services and
3 pursuing such action to its ultimate termination if desired or
4 by filing of a judicial suit at law in a court of competent
5 jurisdiction; however, in such court suit the bond of such
6 citrus fruit dealer theretofore posted with the Department of
7 Agriculture and Consumer Services pursuant to s. 601.61 shall
8 not be amenable or subject to any judgment or other legal
9 process issuing out of or from such court in connection with
10 such law suit, whether cash bond or surety company bond, but
11 such bonds shall be amenable to and enforceable only by and
12 through administrative proceedings before the Department of
13 Agriculture and Consumer Services, it being the intent and
14 purpose of the Legislature that such citrus dealer's bond so
15 posted with the Department of Agriculture and Consumer
16 Services shall be applicable and liable only for the payment
17 of claims duly adjudicated by order of the Department of
18 Agriculture and Consumer Services and the determination of
19 such adjudicated claim if and in the event such order is
20 appealed by any aggrieved party to the administrative
21 proceeding.

22 Section 112. Section 601.66, Florida Statutes, is
23 reenacted and amended to read:

24 601.66 Complaints of violations by citrus fruit
25 dealers; procedure; bond distribution; court action on bond.--

26 (1) Any person may complain of any violation of any of
27 the provisions of this chapter by any citrus fruit dealer
28 during any shipping season, by filing of a written complaint
29 with the Department of Agriculture and Consumer Services at
30 any time prior to May 1 of the year immediately following the
31 end of such shipping season. Said complaint shall briefly

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1 state the facts, and the Department of Agriculture and
2 Consumer Services shall thereupon, if the facts alleged prima
3 facie warrant such action, forward true copies of said
4 complaint to the dealer in question and also to the surety
5 company on the dealer's bond. The dealer at such time shall
6 be called upon, within a reasonable time to be prescribed by
7 the Department of Agriculture and Consumer Services, either to
8 satisfy the complaint or to answer the complaint in writing,
9 either admitting or denying the liability.

10 (2) If the dealer admits the violation but fails to
11 satisfy the complaint within the time fixed by the Department
12 of Agriculture and Consumer Services, the Department of
13 Agriculture and Consumer Services shall thereupon order
14 payment by the dealer of the damages sustained.

15 (3) If the dealer, in her or his answer to the
16 original complaint, denies the violation alleged, the
17 Department of Agriculture and Consumer Services shall
18 thereupon determine whether the facts and circumstances set
19 forth in the complaint have been established by competent
20 substantial evidence.

21 (4) If the Department of Agriculture and Consumer
22 Services determines that the complaint has not been so
23 established as aforesaid, the order shall, among other things,
24 dismiss the proceeding.

25 (5) If the Department of Agriculture and Consumer
26 Services determines that the allegations of the complaint have
27 been established as aforesaid, it shall make its findings of
28 fact accordingly and thereupon adjudicate the amount of
29 indebtedness or damages due to be paid by the dealer to the
30 complainant. The administrative order shall fix a reasonable
31 time within which said indebtedness shall be paid by the

1 dealer.
2 (6) Upon failure by a dealer to comply with an order
3 of the Department of Agriculture and Consumer Services
4 directing payment, the Department of Agriculture and Consumer
5 Services shall call upon the surety company to pay over to the
6 Department of Agriculture and Consumer Services, out of the
7 bond theretofore posted by the surety for such dealer, the
8 amount of damages sustained but not exceeding the amount of
9 the bond. The proceeds to the Department of Agriculture and
10 Consumer Services by the surety company shall, in the
11 discretion of the Department of Agriculture and Consumer
12 Services, be either paid to the original complainant or held
13 by the Department of Agriculture and Consumer Services for
14 later disbursement, depending upon the time during the
15 shipping season when the complaint was made, when liability
16 was admitted by the dealer, when the proceeds were so paid by
17 the surety company to the Department of Agriculture and
18 Consumer Services, the amount of other claims then pending
19 against the same dealer, the amount of other claims already
20 adjudicated against the dealer, and such other pertinent facts
21 as the Department of Agriculture and Consumer Services in its
22 discretion may consider material. The Department of
23 Agriculture and Consumer Services, if it decides to pay the
24 proceeds to the original complainant, has authority to order
25 an increase in the original bond of the dealer to such higher
26 sum as to the Department of Agriculture and Consumer Services
27 would be justified under all the circumstances so as to
28 protect other possible claimants and to exercise all powers
29 otherwise confided to it under this chapter to enforce the
30 posting of such increased bond. The Department of Agriculture
31 and Consumer Services also, in its discretion as the facts and

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1 circumstances might appear to it, may hold the amount of such
2 proceeds until such later time, up to the time when all claims
3 have been filed during the allotted period after the closing
4 of the shipping season and such claims adjudicated, and may
5 then disburse the total proceeds in its possession paid over
6 to it by the surety company on the dealer's bond as such
7 claims were adjudicated to the various claimants, paying first
8 to the producers the amount of their claims in full, if such
9 proceeds are sufficient for such purpose, and if not, then in
10 pro rata shares to such producer claimants; and if there then
11 exist additional proceeds in the hands of the Department of
12 Agriculture and Consumer Services, after all claims of
13 producers have been paid in full, the balance of such proceeds
14 shall be paid to claimants who are citrus fruit dealers,
15 either in whole or in pro rata portion, as the aggregate of
16 their claims may bear to the amount of such additional
17 proceeds.

18 (7) Upon failure of a surety company to comply with a
19 demand for payment of the proceeds of a citrus fruit dealer's
20 bond pursuant to administrative orders entered by the
21 Department of Agriculture and Consumer Services fixing amounts
22 due claimants, the department shall within a reasonable time
23 file in the Circuit Court in and for Polk County, an original
24 petition or complaint setting forth the administrative
25 proceedings before the Department of Agriculture and Consumer
26 Services and ask for final order of the court directing the
27 surety company to pay the proceeds of the said bond to the
28 Department of Agriculture and Consumer Services for
29 distribution to the claimants.

30 (8) In any court proceeding filed under subsection
31 (7), the findings of facts and orders of the Department of

1 Agriculture and Consumer Services shall be prima facie
 2 evidence of the facts therein stated, and if in such suit the
 3 Department of Agriculture and Consumer Services is successful
 4 and the court affirms the department's demand for payment from
 5 the surety company, the Department of Agriculture and Consumer
 6 Services shall be allowed all court costs incurred therein and
 7 also a reasonable attorney's fee to be fixed and collected as
 8 a part of the costs of the suit.

9 (9) The bond required to be posted by citrus fruit
 10 dealers under s. 601.61 shall be subject, and so conditioned
 11 therein, only to payment of claims duly adjudicated by the
 12 Department of Agriculture and Consumer Services. All proceeds
 13 from such bonds shall be paid over by the surety company
 14 directly to the Department of Agriculture and Consumer
 15 Services, to be disbursed by it to successful claimants in
 16 whose favor the Department of Agriculture and Consumer
 17 Services has entered administrative order or orders. Such
 18 funds shall be considered trust funds in the hands of the
 19 Department of Agriculture and Consumer Services for the
 20 exclusive purpose of satisfying orders of indebtedness duly
 21 adjudicated. Cash bonds which may be posted by citrus fruit
 22 dealers in lieu of surety company bonds shall occupy the same
 23 legal status as funds paid over by the surety company to the
 24 Department of Agriculture and Consumer Services for payment of
 25 claims.

26 Section 113. Section 601.67, Florida Statutes, is
 27 reenacted and amended to read:

28 601.67 Disciplinary action by Department of
 29 Agriculture and Consumer Services against citrus fruit
 30 dealers.--

31 (1) The Department of Agriculture and Consumer

1 Services may impose a fine not exceeding \$50,000 per violation
 2 against any licensed citrus fruit dealer for violation of any
 3 provision of this chapter and, in lieu of, or in addition to,
 4 such fine, may revoke or suspend the license of any such
 5 dealer when it has been satisfactorily shown that such dealer,
 6 in her or his activities as a citrus fruit dealer, has:

7 (a) Obtained a license by means of fraud,
 8 misrepresentation, or concealment;

9 (b) Violated or aided or abetted in the violation of
 10 any law of this state governing or applicable to citrus fruit
 11 dealers or any lawful rules of the Florida Citrus Authority
 12 ~~Department of Citrus~~;

13 (c) Been guilty of a crime against the laws of this or
 14 any other state or government involving moral turpitude or
 15 dishonest dealing, or has become legally incompetent to
 16 contract or be contracted with;

17 (d) Made, printed, published, distributed, or caused,
 18 authorized, or knowingly permitted the making, printing,
 19 publication, or distribution of false statements,
 20 descriptions, or promises of such a character as to reasonably
 21 induce any person to act to her or his damage or injury, if
 22 such citrus fruit dealer then knew, or, by the exercise of
 23 reasonable care and inquiry, could have known of the falsity
 24 of such statements, descriptions, or promises;

25 (e) Knowingly committed or been a party to any
 26 material fraud, misrepresentation, concealment, conspiracy,
 27 collusion, trick, scheme, or device whereby any other person
 28 lawfully relying upon the word, representation, or conduct of
 29 the citrus fruit dealer has acted to her or his injury or
 30 damage;

31 (f) Committed any act or conduct of the same or

1 different character of that hereinabove enumerated which
2 constitutes fraudulent or dishonest dealing; or
3 (g) Violated any of the provisions of ss.
4 506.19-506.28, both sections inclusive.
5 (2) The department may impose a fine not exceeding
6 \$100,000 per violation against any person who operates as a
7 citrus fruit dealer without a current citrus fruit dealer
8 license issued by the department pursuant to s. 601.60. In
9 addition, the department may order such person to cease and
10 desist operating as a citrus fruit dealer without a license.
11 An administrative order entered by the department under this
12 subsection may be enforced pursuant to s. 601.73.
13 (3) The department shall impose a fine of not less
14 than \$10,000 nor more than \$100,000 per violation against any
15 licensed citrus fruit dealer and shall suspend, for 60 days
16 during the first available period between September 1 and May
17 31, the license of any citrus fruit dealer who:
18 (a) Falsely labels or otherwise misrepresents that a
19 fresh citrus fruit was grown in a specific production area
20 specified in s. 601.091; or
21 (b) Knowingly, falsely labels or otherwise
22 misrepresents that a processed citrus fruit product was
23 prepared solely with citrus fruit grown in a specific
24 production area specified in s. 601.091.
25 (4) Any fine imposed pursuant to subsection (1),
26 subsection (2), or subsection (3), when paid, shall be
27 deposited by the Department of Agriculture and Consumer
28 Services into its General Inspection Trust Fund.
29 (5) Whenever any administrative order has been made
30 and entered by the Department of Agriculture and Consumer
31 Services which imposes a fine pursuant to this section, such

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1 order shall specify a time limit for payment of the fine, not
2 exceeding 15 days. The failure of the dealer involved to pay
3 the fine within that time shall result in the immediate
4 suspension of such citrus fruit dealer's current license, or
5 any subsequently issued license, until such time as the order
6 has been fully satisfied. Any order suspending a citrus fruit
7 dealer's license shall include a provision that such
8 suspension shall be for a specified period of time not to
9 exceed 60 days, and such period of suspension may commence at
10 any designated date within the current license period or
11 subsequent license period. Whenever an order has been entered
12 which suspends a citrus fruit dealer's license for a definite
13 period of time and that license, by law, expires during the
14 period of suspension, the suspension order shall continue
15 automatically and shall be effective against any subsequent
16 citrus fruit dealer's license issued to such dealer until such
17 time as the entire period of suspension has elapsed. Whenever
18 any such administrative order of the Department of Agriculture
19 and Consumer Services is sought to be reviewed by the
20 offending dealer involved in a court of competent
21 jurisdiction, if such court proceedings should finally
22 terminate in such administrative order being upheld or not
23 quashed, such order shall thereupon, upon the filing with the
24 Department of Agriculture and Consumer Services of a certified
25 copy of the mandate or other order of the last court having to
26 do with the matter in the judicial process, become immediately
27 effective and shall then be carried out and enforced
28 notwithstanding such time will be during a new and subsequent
29 shipping season from that during which the administrative
30 order was first originally entered by the Department of
31 Agriculture and Consumer Services.

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1 Section 114. Section 601.671, Florida Statutes, is
2 reenacted and amended to read:

3 601.671 Appropriation of fines collected.--All fines
4 imposed and collected by the Department of Agriculture and
5 Consumer Services under the provisions of this chapter are
6 hereby appropriated in the manner provided by s. 601.28(3)(b).

7 Section 115. Section 601.68, Florida Statutes, is
8 reenacted and amended to read:

9 601.68 Investigation of violations.--The Department of
10 Agriculture and Consumer Services may instigate and make
11 investigation of any citrus fruit dealer who it has reason to
12 believe has violated any law of this state governing and
13 applicable to citrus fruit dealers, and, whenever the
14 Department of Agriculture and Consumer Services determines
15 that any citrus fruit dealer has violated any law of the state
16 governing and applicable to citrus fruit dealers, it may
17 publish the facts and circumstances of such violation and
18 suspend the license of such offender for a specific period or
19 revoke the same or make such other appropriate order as it may
20 deem just and proper, and any such order shall specify the
21 effective date thereof and any order other than one suspending
22 or revoking a license shall automatically suspend such license
23 until said order is complied with. Any administrative order
24 of the Department of Agriculture and Consumer Services issued
25 under the provisions of ss. 601.66-601.68 or s. 601.70 shall
26 be deemed to have been issued in the county wherein the
27 licensee has her or his main office, as disclosed in the
28 licensee's application for citrus dealer's license.

29 Section 116. Section 601.69, Florida Statutes, is
30 reenacted and amended to read:

31 601.69 Records to be kept by citrus fruit

1 dealers.--Every citrus fruit dealer shall make and keep a
2 correct record showing in detail the following with reference
3 to the purchase, handling, sale, and accounting of sale of
4 citrus fruit handled by her or him, namely:

5 (1) The name and address of the producers or other
6 persons from whom the citrus fruit was procured, and, if same
7 was procured from some person other than a licensed citrus
8 fruit dealer, the name and address of the producer of said
9 fruit;

10 (2) The date citrus fruit is received, the amount
11 thereof, and the purchase price paid therefor if purchased for
12 the purpose of resale;

13 (3) The condition of such citrus fruit upon receipt by
14 the citrus fruit dealer;

15 (4) If the citrus fruit is handled on consignment for
16 the account of the producer, the date of sale and the selling
17 price;

18 (5) An itemized statement of the charges to be paid by
19 the producer in connection with any sale;

20 (6) A detailed statement of all claims made by
21 producers against the citrus fruit dealer, a copy of each when
22 received to be certified and filed with the Department of
23 Agriculture and Consumer Services;

24 (7) A copy of the record and account of sale of citrus
25 fruit handled on consignment or commission shall be delivered
26 to the producer upon the consummation of the sale, together
27 with all moneys received by the citrus fruit dealer in payment
28 for such transaction made upon account of the producer, less
29 the agreed commission and other charges which must be
30 separately itemized, and said payment and accounting must be
31 made by said citrus fruit dealer to the producer within 15

1 days after said citrus fruit dealer receives the money in
2 payment of said citrus fruit unless otherwise specified in
3 contract between citrus fruit dealers and producer;

4 (8) A detailed statement and record of the resale or
5 commercial disposition of citrus fruit so purchased by the
6 dealer for purpose of resale or other commercial disposition,
7 showing the number of boxes resold, the moneys received by
8 such dealer upon such resale of the fruit, the person or
9 dealer and address thereof to whom sold, the date of such
10 resale, and how delivered to such purchaser;

11 (9) Any other record or account required to be kept
12 and maintained by such dealer by rule or regulation of the
13 Florida Citrus Authority ~~Department of Citrus~~ duly
14 promulgated.

15 Section 117. Section 601.70, Florida Statutes, is
16 reenacted to read:

17 601.70 Inspection of records by Department of
18 Agriculture and Consumer Services.--The Department of
19 Agriculture and Consumer Services, or its duly authorized
20 agents, shall have the right to inspect all accounts, records,
21 and memoranda of any citrus fruit dealer required to be kept
22 pursuant to the provisions of this chapter. If any such
23 citrus fruit dealer refuses to permit such inspection, the
24 department may publish the facts and circumstances and by
25 order suspend the license of the offender until permission to
26 make such inspection is given.

27 Section 118. Section 601.701, Florida Statutes, is
28 reenacted and amended to read:

29 601.701 Penalty for failure to keep records.--

30 (1) It shall be unlawful to fail to keep any records
31 required to be kept under the provisions of the Florida Citrus

1 Code of 1949, or any amendments thereto, or required to be
 2 kept by any other law or by any authorized regulation of the
 3 Department of Agriculture and Consumer Services or the Florida
 4 Citrus Authority ~~Department of Citrus~~, or to falsify or cause
 5 the falsification of any such records or to keep false
 6 records.

7 (2) The violation of any of the provisions of this act
 8 shall constitute a misdemeanor of the first degree, punishable
 9 as provided in s. 775.082 or s. 775.083.

10 Section 119. Section 601.72, Florida Statutes, is
 11 reenacted to read:

12 601.72 Penalties for violations.--Any person who
 13 violates or aids or abets in the violation of any provision of
 14 this chapter shall for each offense be guilty of a misdemeanor
 15 of the first degree, punishable as provided in s. 775.082 or
 16 s. 775.083; provided further that a person shall be guilty
 17 hereunder upon conviction for nonpayment of a debt arising
 18 solely out of the purchase or sale of citrus fruits only when
 19 criminal fraud is proved. Civil suits against a citrus fruit
 20 dealer only, without resort to such dealer's bond as provided
 21 in s. 601.65, and also criminal prosecutions arising by
 22 violation of any of the provisions of this chapter as herein
 23 provided, may be instituted or prosecuted in the county where
 24 the said citrus fruit was received by the dealer or in the
 25 county wherein the principal place of business of such dealer
 26 is located within the state, or within the county in which the
 27 alleged violation occurred; and if such violation occurs in
 28 more than one county, then within the county wherein such
 29 violation or any part thereof occurred.

30 Section 120. Section 601.73, Florida Statutes, is
 31 reenacted and amended to read:

1 601.73 Additional methods of enforcement.--The several
 2 circuit courts of the state, sitting in chancery, are vested
 3 with jurisdiction specifically to enforce, and to enjoin and
 4 restrain any citrus fruit dealer from violating the provisions
 5 of this law, or any rule, regulation, or order made by the
 6 Department of Agriculture and Consumer Services, in any
 7 proceeding brought by the Department of Agriculture and
 8 Consumer Services in any of said circuit courts; and in any
 9 such proceeding it shall not be necessary for the Department
 10 of Agriculture and Consumer Services to allege or prove that
 11 an adequate remedy at law does not exist.

12 Section 121. Section 601.731, Florida Statutes, is
 13 reenacted and amended to read:

14 601.731 Transporting citrus on highways; name and
 15 dealer designation on vehicles; load identification;
 16 penalty.--

17 (1)(a) It is unlawful to operate any truck, tractor,
 18 trailer, or other motor vehicle hauling citrus fruit in bulk
 19 or in unclosed containers for commercial purposes on the
 20 highways of this state unless such truck, tractor, trailer, or
 21 other motor vehicle is:

22 1. Designated by a number assigned or permitted for
 23 use in the way and manner and to the extent prescribed by
 24 regulation of the Florida Citrus Authority ~~Department of~~
 25 ~~Citrus~~.

26 2. Identified by lettering plainly showing the name of
 27 the person owning same, or the name of any lessee or other
 28 person operating same. The lettering shall not be less than 3
 29 inches in height on both sides of the vehicle or on the front
 30 end and the rear end of the vehicle, except that lettering on
 31 flatbed semitrailers shall not be less than 1 1/2 inches in

1 height on the rear end of the trailer.

2 (b) If the truck, tractor, trailer, or other motor
3 vehicle is owned by a licensed fruit dealer under this
4 chapter, there shall also appear, except on the rear end of a
5 flatbed semitrailer or similar truck trailer, the words
6 "Licensed Citrus Fruit Dealer" by lettering of not less than 3
7 inches minimum in height under the name of the owner of such
8 vehicle. When both a tractor and trailer or when two units
9 are used in the operation of hauling, both of such units shall
10 be so marked.

11 (c) The designations aforesaid shall be painted or
12 affixed by decal upon the vehicle or units so as to be of a
13 permanent character, except that where vehicles are leased for
14 a period of not more than 30 days, it shall be sufficient if
15 the designations provided in paragraphs (a) and (b) are
16 clearly legible and affixed by temporary means.

17 (d) A motor vehicle which is not so marked that is so
18 hauling such citrus fruit on the highways of this state shall
19 prima facie be considered to be hauling commercial fruit with
20 intent to violate this section. The provisions of this
21 subsection do not apply to any such fruit being hauled from
22 the farm or grove by the producer of such fruit in her or his
23 own vehicle to market or place of first commercial handling
24 unless such producer is also a licensed citrus fruit dealer.

25 (2) Any person driving any truck, tractor, trailer, or
26 other motor vehicle hauling citrus fruit in bulk or in
27 unclosed containers for commercial purposes on the highways of
28 the state shall have on her or his person when driving such
29 vehicle a certificate or other paper showing the approximate
30 amount of fruit being hauled; the name of the owner and the
31 grove or other origin of such fruit; the number painted or

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1 affixed by decal, as well as the number of the motor vehicle
2 license tag, on the vehicle in which such fruit is being
3 hauled; and such other information and data as may be
4 prescribed by regulation of the Florida Citrus Authority
5 ~~Department of Citrus~~, and it is unlawful to drive any such
6 vehicle on the highways of this state without having such
7 certificate or other paper. The failure of any such person to
8 have such certificate or other paper on her or his person when
9 driving, as aforesaid, is prima facie evidence of intent to
10 violate and of the violation of this act.

11 (3)(a) A person who violates or fails to comply with
12 any of the provisions of subsection (1) is guilty of a
13 misdemeanor of the first degree, punishable as provided in s.
14 775.082 or s. 775.083.

15 (b) A person who violates or fails to comply with any
16 of the provisions of subsection (2) is, upon the first
17 conviction, guilty of a misdemeanor of the first degree,
18 punishable as provided in s. 775.082 or s. 775.083, and upon
19 any subsequent conviction, guilty of a felony of the third
20 degree, punishable as provided in s. 775.082 or s. 775.083.

21 Section 122. Section 601.74, Florida Statutes, is
22 reenacted to read:

23 601.74 Adoption of rules; fees for licensing and
24 analysis of processing materials.--The Department of
25 Agriculture and Consumer Services may adopt rules and set fees
26 with respect to the licensing and analysis of materials and
27 composition used on or in the packing of citrus fruits. Such
28 rules may include fees for permitting dyes and coloring
29 matter. Fees shall be not less than the amount of \$30 nor more
30 than \$100 for each manufacturer making application to the
31 department. All such license fees collected hereunder shall

1 be paid monthly by the Department of Agriculture and Consumer
2 Services into the State Treasury to the credit of the General
3 Inspection Trust Fund and shall be appropriated and made
4 available for defraying the expenses incurred in the
5 administration of this law.

6 Section 123. Section 601.75, Florida Statutes, is
7 reenacted to read:

8 601.75 Dyes and coloring matter for citrus fruit to be
9 certified prior to use.--The Department of Agriculture and
10 Consumer Services may adopt rules with respect to the
11 permitting and certification of dyes and coloring matter for
12 citrus fruit prior to use on any citrus fruit.

13 Section 124. Section 601.76, Florida Statutes, is
14 reenacted to read:

15 601.76 Manufacturer to furnish formula and other
16 information.--The Department of Agriculture and Consumer
17 Services may adopt rules with respect to requirements for
18 information which must be furnished by manufacturers of
19 coloring matter for use on citrus fruit. Such information may
20 include product formulas. Any formula required to be filed
21 with the Department of Agriculture and Consumer Services shall
22 be deemed a trade secret as defined in s. 812.081, is
23 confidential and exempt from the provisions of s. 119.07(1),
24 and shall only be divulged to the Department of Agriculture
25 and Consumer Services or to its duly authorized
26 representatives or upon orders of a court of competent
27 jurisdiction when necessary in the enforcement of this law. A
28 person who receives such a formula from the department under
29 this section shall maintain the confidentiality of the
30 formula.

31 Section 125. Section 601.77, Florida Statutes, is

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1 reenacted to read:

2 601.77 Subsequent analysis of coloring matter;
3 inspection of packinghouses for application.--The Department
4 of Agriculture and Consumer Services may, by rule, provide for
5 subsequent analysis of coloring matter, for inspection of
6 packinghouses or other places where coloring matter is applied
7 to citrus fruit, and for grounds for revocation of a license
8 to use coloring matter on fruit.

9 Section 126. Section 601.78, Florida Statutes, is
10 reenacted to read:

11 601.78 Manufacturer to post bond.--The Department of
12 Agriculture and Consumer Services may, by rule, require cash
13 or surety bonds to be posted by manufacturers of coloring
14 matter used on citrus fruit. The Department of Agriculture
15 and Consumer Services shall adopt rules prescribing the amount
16 and form of such bonds and the grounds and procedures for
17 forfeiture of same. The amount of the bond shall not exceed
18 \$5,000.

19 Section 127. Section 601.79, Florida Statutes, is
20 reenacted to read:

21 601.79 To color grapefruit and tangerines
22 prohibited.--It is unlawful for any person to use on
23 grapefruit or tangerines or apply thereto any coloring matter.

24 Section 128. Section 601.80, Florida Statutes, is
25 reenacted to read:

26 601.80 Unlawful to use uncertified coloring
27 matter.--It is unlawful for any person to use on oranges or
28 citrus hybrids any coloring matter which has not first
29 received the approval of the Department of Agriculture and
30 Consumer Services as provided by rule adopted pursuant to s.
31 601.76.

1 Section 129. Section 601.85, Florida Statutes, is
2 reenacted and amended to read;

3 601.85 Standard shipping box for fresh fruit.--The
4 specifications for the standard legal shipping box, crate, or
5 container to be used in shipping fresh citrus fruits shall be
6 as established by the Florida Citrus Authority ~~Department of~~
7 ~~Citrus~~; but provided that the unit of a standard-packed box,
8 commonly called 1 3/5 bushels, shall contain an inside
9 cubical measurement of 3,456 cubic inches.

10 Section 130. Section 601.86, Florida Statutes, is
11 reenacted to read:

12 601.86 Standard field boxes for fresh citrus
13 fruit.--All field boxes used in the purchase, sale, or
14 handling of citrus fruit from or for the grower by a citrus
15 fruit dealer in the state shall be of the uniform standard
16 size of 31 1/2 inches long, 13 inches high, and 12 inches
17 wide, inside measurements, and shall be divided into two
18 compartments by a center partition of at least three-fourths
19 inch thickness; and each of these compartments thus created
20 shall have a cubical capacity of not to exceed 2,400 cubic
21 inches.

22 Section 131. Section 601.87, Florida Statutes, is
23 reenacted to read:

24 601.87 Use of cleats on boxes.--The height of the end
25 heads and the center partition of field boxes shall in no case
26 be increased more than 1 1/4 inches by the addition of cleats
27 or any similar addition to the height so that the total height
28 of said boxes from the inside bottom to the top of said cleats
29 shall not exceed 14 1/4 inches. It is unlawful to place
30 cleats or any other device or thing on the bottom or top,
31 other than herein provided, of any standard citrus field box

1 whereby the space between the field boxes when stacked will be
2 greater than the space that exists between such standard field
3 boxes as herein defined.

4 Section 132. Section 601.88, Florida Statutes, is
5 reenacted to read:

6 601.88 Oversized boxes to be stamped.--

7 (1) It is unlawful to use any field box that exceeds
8 the total capacity of 4,900 cubic inches in the purchase,
9 sale, or handling of oranges, grapefruit, or tangerines by a
10 citrus fruit dealer from or for a grower, unless all field
11 boxes exceeding this dimension shall have plainly stamped on
12 both ends of the box in letters of the dimension of 1 inch in
13 height and width the word "oversize."

14 (2) It is unlawful to use any "tractor box" or other
15 bulk harvesting equipment or special type field box that
16 exceeds the total capacity of 4,900 cubic inches in the
17 purchase, sale, or handling of oranges, grapefruit, or
18 tangerines by a citrus fruit dealer from or for a grower,
19 unless such tractor box or other bulk harvesting equipment or
20 special type field box exceeding this dimension shall have
21 plainly stamped on both ends of the tractor box or other bulk
22 harvesting equipment or special type field box in letters of
23 the dimension of 1 inch in height and width the actual content
24 expressed in terms of standard field box equivalent as defined
25 in s. 601.86.

26 Section 133. Section 601.89, Florida Statutes, is
27 reenacted to read:

28 601.89 Citrus fruit; when damaged by freezing.--

29 (1) Citrus fruit shall be deemed "seriously" damaged
30 by freezing when such freezing causes:

31 (a) Marked dryness to extend into the segments of

1 oranges and grapefruit more than 1/2 inch at the stem end;
2 or into segments of mandarin or hybrid varieties more than
3 1/4 inch at the stem end; or more than an equivalent amount
4 by volume of dryness to occur in any other portions of the
5 fruit.

6 (b) Internal freeze-related injury, as defined in
7 subsection (3), when such condition or combination of
8 conditions is determined to affect the fruit to a degree equal
9 in seriousness to that described in paragraph (a).

10 (2) Citrus fruit shall be deemed "damaged" by freezing
11 when such freezing causes:

12 (a) Marked dryness to extend into the segments of
13 oranges and grapefruit more than 1/4 inch but less than 1/2
14 inch at the stem end; or into segments of mandarin or hybrid
15 varieties more than 1/8 inch but less than 1/4 inch at the
16 stem end; or more than an equivalent amount by volume of
17 dryness to occur in any portions of the fruit.

18 (b) Internal freeze-related injury, as defined by
19 subsection (3), when such condition or combination of
20 conditions is determined to affect the fruit to a degree equal
21 in seriousness to that described in paragraph (a).

22 (3) Internal freeze-related injury to citrus fruit,
23 caused by freezing, shall consist of any of the following:

- 24 (a) Wet cores or wet segment walls;
- 25 (b) Water soaking;
- 26 (c) Juice cell breakdown;
- 27 (d) Mushy condition;
- 28 (e) Honeycomb or open spaces in pulp; or
- 29 (f) Other evidence of internal breakdown, decay, or
30 moldy condition.

31 Section 134. Section 601.90, Florida Statutes, is

1 reenacted to read:

2 601.90 Freeze-damaged citrus fruit; power of
3 commission.--

4 (1) Whenever freezing temperatures of sufficient
5 degree to cause serious damage to citrus fruit occur in all
6 major citrus-producing areas of the state, the commission,
7 upon call of the chair and with such notice as may be
8 appropriate under the circumstances, shall meet within 96
9 hours of the last occurrence of such freezing temperatures to
10 determine whether or not such freezing temperatures have
11 caused damage to citrus fruit as defined in s. 601.03 and, if
12 so, the degree of such damage.

13 (2) If the commission, at such meeting, determines
14 that serious damage, as defined in s. 601.89(1), has occurred
15 to such citrus fruit, it may, upon majority vote, enter an
16 emergency quality assurance order providing for one or more of
17 the following:

18 (a) Prohibiting the preparation for market, sale,
19 offering for sale, or shipment of citrus fruit for a period
20 not to exceed 10 days after commencement of the order period.

21 (b) Prohibiting the sale, offering for sale, or
22 shipment of any citrus fruit showing "damage," as defined by
23 s. 601.89(2), for a period not to exceed 14 days after
24 commencement of the order period.

25 (c) Prohibiting the preparation for market, sale,
26 offering for sale, or shipment of citrus fruit for a period
27 not to exceed 10 days after commencement of the order period,
28 and further prohibiting the sale, offering for sale, or
29 shipment of citrus fruit showing "damage," as defined by s.
30 601.89(2), for a subsequent period not to exceed 14 additional
31 days.

1 (d) Prohibiting the sale, offering for sale, or
 2 shipment, in offshore export trade channels, of citrus fruit
 3 showing any degree of internal freeze-related injury, as
 4 defined by s. 601.89(3), for a period not to exceed 30 days
 5 from commencement of the order period.

6 (3) Any emergency order entered pursuant to this
 7 section shall become effective upon adoption by the
 8 commission, the provisions of chapter 120 to the contrary
 9 notwithstanding, and shall have the full force and effect of
 10 law. The order period shall commence at a time established by
 11 the commission in its order, but not sooner than 36 hours
 12 following adoption of the order.

13 (4) Emergency quality assurance orders shall not be
 14 applicable to any citrus fruit sold or transported to a citrus
 15 processing plant for processing purposes or to any citrus
 16 fruit inspected, packed, and certified for shipment prior to
 17 commencement of the order period; however, any such citrus
 18 fruit not shipped within 48 hours of commencement of the order
 19 period shall be reinspected, on a random basis, and
 20 recertified as damage-free.

21 (5) Any order may provide for reasonably extended
 22 packinghouse inspection hours prior to commencement of the
 23 order period.

24 Section 135. Section 601.901, Florida Statutes, is
 25 reenacted and amended to read:

26 601.901 Use of freeze-damaged fruit in frozen
 27 concentrated citrus products.--

28 (1) At any time subsequent to a commission
 29 determination, pursuant to s. 601.90, that serious damage has
 30 resulted to citrus fruit from freezing temperatures, the
 31 commission may, at a regular or special meeting, establish by

1 order the maximum degree of freeze damage or freeze-related
2 injury to be permitted in citrus fruit used in preparation of
3 any frozen concentrated products, including concentrate for
4 manufacturing purposes, for the purpose of protecting the
5 quality of such processed products.

6 (2) Notwithstanding the provisions of chapter 120, any
7 order adopted by the commission pursuant to this section shall
8 become effective at a time fixed by the commission, but not
9 less than 24 hours from the time of adoption, and shall expire
10 at a time fixed by the commission, but in no instance later
11 than the end of the current shipping season.

12 (3) This section shall not repeal any other authority
13 now or hereafter delegated to the Florida Citrus Authority
14 ~~Department of Citrus~~, but shall be deemed as additional and
15 supplemental authority vested in the Florida Citrus Authority
16 ~~Department of Citrus~~, and should any part of this section be
17 held to be unconstitutional or unenforceable by any court of
18 competent jurisdiction, the decision of such court shall not
19 affect the remaining portions of this section. It is the
20 intention of the Legislature that this section would have been
21 adopted had such unconstitutional or such unenforceable
22 provision not been included herein.

23 Section 136. Section 601.91, Florida Statutes, is
24 reenacted and amended to read:

25 601.91 Unlawful to sell, transport, prepare, receive,
26 or deliver freeze-damaged citrus.--

27 (1) It is unlawful at any time for any person to sell
28 or offer for sale, to transport, or to prepare, receive, or
29 deliver for transportation or market, except for canning,
30 concentrating, or byproduct purposes within the state, any
31 citrus fruit seriously damaged by freezing, as defined in s.

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1 601.89. Not more than 15 percent by count of the citrus fruit
2 in any one container or bulk lot may be seriously damaged by
3 freezing injury; but not more than one-third of this tolerance
4 shall be allowed for citrus fruit now or hereafter deemed
5 adulterated by federal law or regulation.

6 (2) No lot of citrus fruit seriously damaged by
7 freezing may be mixed with other lots of citrus fruit which
8 are free from damage by freezing resulting in concealment of
9 inferior fruit and thereby reducing the percentage of
10 defective fruit in the seriously damaged lot to within the
11 tolerance permitted for error in grading only.

12 (3) The manner and method of drawing samples and
13 conducting tests under this section shall be prescribed by
14 rules and regulations of the Florida Citrus Authority
15 ~~Department of Citrus~~. The inspection in the state of all
16 citrus fruits seriously damaged by freezing and the
17 enforcement of this section and of rules, regulations, and
18 orders made by the Florida Citrus Authority ~~Department of~~
19 ~~Citrus~~ pursuant to and under authority of this section shall
20 be under the direction, supervision, and control of the
21 Department of Agriculture and Consumer Services and its duly
22 authorized agents and inspectors who are qualified under
23 existing laws to inspect for grade and maturity; and all
24 citrus fruits that may be found to be seriously damaged by
25 freezing, as defined by s. 601.89, upon inspection and testing
26 shall be seized and may be confiscated and destroyed under the
27 supervision of the citrus fruit inspector at the expense of
28 the owner unless previous disposition is made by the owner or
29 other person who offered the same for inspection, all the
30 provisions of this section being subject to such reasonable
31 rules and regulations as may be promulgated by the Florida

1 Citrus Authority ~~Department of Citrus.~~

2 Section 137. Section 601.92, Florida Statutes, is
3 reenacted to read:

4 601.92 Use of arsenic in connection with
5 citrus.--Persons owning, managing, or tending and cultivating
6 citrus groves or trees shall not use arsenic or any of its
7 derivatives, or any combination, compound, or preparation
8 containing arsenic as a fertilizer or spray on bearing citrus
9 trees, except grapefruit trees.

10 Section 138. Section 601.93, Florida Statutes, is
11 reenacted to read:

12 601.93 Sale of citrus containing arsenic.--No person
13 shall sell or offer for sale, transport, prepare, secure, or
14 deliver for transportation or market any fruit of any variety
15 except grapefruit which contains any arsenic or any compound
16 or derivative of arsenic.

17 Section 139. Section 601.94, Florida Statutes, is
18 reenacted and amended to read:

19 601.94 Fruit containing arsenic; powers of
20 inspection.--Citrus fruit inspectors are authorized:

21 (1) To inspect citrus fruit, except grapefruit, for
22 arsenic content at any packinghouse, canning plant,
23 concentrating plant, or other place where citrus fruit, except
24 grapefruit, is being received or prepared for sale or
25 transportation, and

26 (2) To enforce the provisions of these arsenic laws
27 under the direction and supervision of the Department of
28 Agriculture and Consumer Services in accordance with the law
29 and rules and regulations prescribed by the said Department of
30 Agriculture and Consumer Services.

31 Section 140. Section 601.95, Florida Statutes, is

1 reenacted to read:

2 601.95 Seizure of citrus fruit containing
3 arsenic.--Whenever any citrus fruit inspector shall find
4 citrus fruit, except grapefruit, at any packinghouse, canning
5 plant, concentrating plant, or other place that the same is
6 being received or prepared for sale or transportation which
7 citrus fruit shall, when tested, show an abnormal and
8 excessively high ratio of total soluble solids of the juice
9 thereof to the anhydrous citric acid thereof indicating the
10 presence of arsenic therein, said inspector shall at once
11 seize and take possession of said citrus fruit, except
12 grapefruit, pending the procuring of the chemical analysis
13 provided for in this chapter notifying the manager or other
14 person in charge of said packinghouse, canning plant,
15 concentrating plant, or other place where the said fruit is
16 being received of such seizure. It is unlawful for the
17 manager of said packinghouse, canning plant, concentrating
18 plant, or other place where the fruit is being received, or
19 the owner of said citrus fruit, or any person whomsoever to
20 sell, transport, or in any way move or dispose of any of said
21 fruit from the time of seizure thereof until after the making
22 of said chemical analysis and the receipt of the chemist's
23 report thereon; provided that no citrus fruit so seized may be
24 held by any inspector more than 96 hours after the time of
25 seizure thereof unless the same shall be shown by the
26 chemist's analysis to contain arsenic.

27 Section 141. Section 601.96, Florida Statutes, is
28 reenacted and amended to read:

29 601.96 Seized fruit; taking samples for
30 analysis.--Upon the making of seizure of any citrus fruit as
31 provided in s. 601.95, the inspector making said seizure shall

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1 immediately draw samples therefrom, as shall be provided for
2 by regulations to be issued by the Department of Agriculture
3 and Consumer Services, drawing said samples either from the
4 packinghouse, canning plant, or concentrating plant bins, or
5 elsewhere in the packinghouse, canning plant, or concentrating
6 plant, or from field boxes or vehicles delivering said citrus
7 fruit to said packinghouse. Such samples so drawn by said
8 inspector shall be transported with all possible haste to such
9 chemist as may be designated by the Department of Agriculture
10 and Consumer Services for the making by such chemist of a
11 chemical analysis thereof to determine whether or not the said
12 citrus fruit contains arsenic. Said chemist shall make said
13 analysis with all the proper haste and report by the quickest
14 means available the result of said analysis as soon as the
15 same is completed to the inspector making the seizure. If the
16 said analysis shall show that the said citrus fruit contains
17 no arsenic, the inspector shall release the fruit from seizure
18 as soon as she or he receives the report of the chemist
19 thereon.

20 Section 142. Section 601.97, Florida Statutes, is
21 reenacted and amended to read:

22 601.97 Destruction of certain fruit containing
23 arsenic.--All citrus fruit, except grapefruit, prepared for
24 sale or transportation, or which is being prepared for such
25 purpose, or which has been or is being delivered for sale or
26 transportation that may be shown by the chemical analysis
27 provided for in s. 601.96 to contain arsenic, or any compound
28 or derivative of arsenic, shall be destroyed by the inspector
29 making seizure of the same, or by any citrus fruit inspector,
30 or by the sheriff of the county where found, as may be
31 provided by regulations prescribed by the Department of

1 Agriculture and Consumer Services. Regulations for the
2 application and enforcement of ss. 601.92-601.97, inclusive,
3 shall be promulgated by the Department of Agriculture and
4 Consumer Services.

5 Section 143. Section 601.98, Florida Statutes, is
6 reenacted to read:

7 601.98 Shipment, sale, or offer of imported citrus
8 fruit or citrus products.--

9 (1) It is unlawful for any person to quote, offer for
10 sale, sell, ship, or invoice in or from Florida any citrus
11 fruit or the canned or concentrated products thereof grown and
12 canned or concentrated in any other state or country other
13 than Florida in such manner as to indicate in any form
14 whatsoever that the citrus fruit or the canned or concentrated
15 products thereof were produced and canned in Florida.

16 (2) Every such person in Florida shall specifically
17 advise and notify the buyer of any citrus fruit or the canned
18 or concentrated product thereof produced and canned or
19 concentrated in any state or country other than Florida which
20 is being sold, quoted, offered for sale, or shipped to such
21 buyer that the citrus fruit or the canned or concentrated
22 products thereof were not produced in Florida; and the failure
23 to so notify and advise such buyer will be construed as a
24 violation of this section.

25 Section 144. Section 601.981, Florida Statutes, is
26 reenacted and amended to read:

27 601.981 Permits for export to foreign
28 countries.--During each shipping season the Florida Citrus
29 Authority ~~Department of Citrus~~ is authorized and empowered to
30 issue permits permitting citrus fruit grown in Florida,
31 whether color-added or otherwise, to be exported to all

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1 foreign countries, other than Canada and Mexico, when the
2 total soluble solids of the juice thereof and the minimum
3 ratio of the total soluble solids of the juice thereof to the
4 anhydrous citric acid and the juice content thereof is within
5 a tolerance not exceeding 10 percent of the standards
6 established by law, provided such citrus fruit is loaded on
7 chartered vessels at a Florida port. The Florida Citrus
8 Authority ~~Department of Citrus~~ shall promulgate such rules and
9 regulations as it may deem necessary or required to control
10 such permits.

11 Section 145. Section 601.99, Florida Statutes, is
12 reenacted to read:

13 601.99 Unlawful to misbrand wrappers or packages
14 containing citrus fruit.--It is unlawful for any person to
15 misbrand any package or any wrapper containing citrus fruits
16 or any container of the canned or concentrated products
17 thereof, and all citrus fruits and the canned or concentrated
18 products thereof shall be deemed misbranded if the package or
19 the wrapper or the container thereof shall bear any statement,
20 design, or device regarding the fruit therein contained which
21 is false or misleading either as to the name, size, quality,
22 or brand of such fruit or the canned or concentrated products
23 thereof or as to the locality in which it was grown.

24 Section 146. Section 601.9901, Florida Statutes, is
25 reenacted and amended to read:

26 601.9901 Certificates of inspection; form.--All
27 certificates of inspection prescribed by this chapter shall be
28 of such number, form, size, and character as the Florida
29 Citrus Authority ~~Department of Citrus~~ may by rule and
30 regulation prescribe and shall be used in such manner as to
31 identify the fruit or the canned or concentrated products

1 thereof to which they relate.

2 Section 147. Section 601.9902, Florida Statutes, is
3 reenacted and amended to read:

4 601.9902 Payment of salaries and expenses; Florida
5 Citrus Authority ~~Department of Citrus~~.--All salaries, costs,
6 and expenses incurred by the Florida Citrus Authority
7 ~~Department of Citrus~~ in the administration and the enforcement
8 of this chapter and in the performance of its duties and the
9 exercise of its powers under the laws of this state shall be
10 proratably paid from the moneys derived from the citrus
11 advertising taxes imposed on the various types of citrus fruit
12 in such proportion as the Florida Citrus Authority ~~Department~~
13 ~~of Citrus~~ may find each respective type is affected by such
14 expenditures.

15 Section 148. Section 601.9903, Florida Statutes, is
16 reenacted and amended to read:

17 601.9903 Annual report of Florida Citrus Authority
18 ~~Department of Citrus~~.--The Florida Citrus Authority ~~Department~~
19 ~~of Citrus~~ shall make an annual report to the Governor upon the
20 work of the Florida Citrus Authority ~~Department of Citrus~~. It
21 shall also make such special reports upon any phase of the
22 work of the Florida Citrus Authority ~~Department of Citrus~~ as
23 may be called for by the Governor or the Legislature or either
24 house thereof.

25 Section 149. Section 601.9904, Florida Statutes, is
26 reenacted and amended to read:

27 601.9904 Rules and regulations; frozen citrus
28 juices.--The Florida Citrus Authority ~~Department of Citrus~~ is
29 hereby authorized and required to promulgate and enforce rules
30 and regulations concerning the contents, preparation,
31 concentrating, other processing, and keeping or storing of

1 frozen concentrated fresh citrus juices, and such rules and
2 regulations may cover but are not limited to the sanitary
3 conditions under which such product is prepared, the type of
4 equipment and machinery used therein, and the manner and
5 method of storage within this state and the manner and method
6 of shipment.

7 Section 150. Section 601.9905, Florida Statutes, is
8 reenacted and amended to read:

9 601.9905 Canned orange juice; standards; labeling.--No
10 canned orange juice shall be sold or offered for sale or
11 shipped or offered for shipment which:

12 (1) Is prepared from raw juice containing before the
13 addition of any additive less than 8.5 percent total soluble
14 solids;

15 (2) When canned, contains less than 10 percent total
16 soluble solids;

17 (3) Has a ratio of total soluble solids to anhydrous
18 citric acid of less than 9 to 1;

19 (4) Contains less than 0.55 percent or more than 1.60
20 percent anhydrous citric acid;

21 (5) Contains more than 0.050 percent recoverable oil;
22 or

23 (6) Does not meet requirements to be established by
24 the Florida Citrus Authority ~~Department of Citrus~~ regarding
25 color, absence of defects, taste, and flavor; unless the
26 immediate container thereof shall be labeled in accordance
27 with regulations of the Florida Citrus Authority ~~Department of~~
28 ~~Citrus~~ and there shall appear on such label the word
29 "substandard" in bold type not less than 1/4 inch high
30 printed or stamped diagonally thereon.

31 Section 151. Section 601.9906, Florida Statutes, is

1 reenacted to read:

2 601.9906 Processed grapefruit juice products;
3 standards.--

4 (1) The grapefruit juice products to which this
5 section applies shall include canned grapefruit juice, chilled
6 grapefruit juice, frozen concentrated grapefruit juice,
7 concentrated grapefruit juice for manufacturing, and such
8 other grapefruit juice products as the commission may by rule
9 prescribe which may be consumed as juice or used to produce
10 other grapefruit juice products which may be consumed as
11 juice.

12 (2) This section shall not apply to any grapefruit
13 juice products to which have been added readily detectable
14 quantities of one or more readily detectable ingredients,
15 which the commission shall by rule specify, which ingredients
16 are impermissible in the grapefruit juice products described
17 in subsection (1) but are appropriate for use in one or more
18 other products which are not consumed as juice, such as
19 diluted fruit juice beverages or beverage bases used to
20 produce diluted fruit juice beverages.

21 (3) No grapefruit juice products shall be sold or
22 offered for sale or shipped or offered for shipment which have
23 a minimum ratio of total soluble solids to anhydrous citric
24 acid of less than seven and one-half to one, or such higher
25 ratio as the commission may by rule prescribe.

26 (4) The commission shall by rule prescribe quality
27 standards for grapefruit juice products. Such standards shall
28 be designed to further the acceptance and consumption of the
29 grapefruit juice products so regulated.

30 Section 152. Section 601.9907, Florida Statutes, is
31 reenacted and amended to read:

1 601.9907 Canned blended juice; standards;
2 labeling.--No canned blend of orange and grapefruit juice
3 shall be sold or offered for sale or shipped or offered for
4 shipment which:

5 (1) Is prepared from mixed raw juice of oranges and
6 grapefruit containing before the addition of any additive less
7 than 8 percent total soluble solids;

8 (2) When canned, contains less than 9.5 percent total
9 soluble solids;

10 (3) Has a ratio of total soluble solids to anhydrous
11 citric acid of less than 8 to 1;

12 (4) Contains less than 0.65 percent or more than 1.80
13 percent anhydrous citric acid;

14 (5) Contains more than 0.040 percent recoverable oil;
15 or

16 (6) Contains when mixed and before canning more or
17 less than the percentage of orange juice determined by rule or
18 regulation of the Florida Citrus Authority ~~Department of~~
19 ~~Citrus~~ required to be contained therein and does not meet
20 requirements to be established by the Florida Citrus Authority
21 ~~Department of Citrus~~ regarding color, absence of defects,
22 taste and flavor; unless the immediate container thereof shall
23 be labeled in accordance with regulations of the Florida
24 Citrus Authority ~~Department of Citrus~~, and there shall appear
25 on such label the word "substandard" in bold type not less
26 than 1/4 inch high printed or stamped diagonally thereon.

27 Section 153. Section 601.9908, Florida Statutes, is
28 reenacted and amended to read:

29 601.9908 Canned tangerine juice; standards;
30 labeling.--No canned tangerine juice shall be sold or offered
31 for sale or shipped or offered for shipment which:

- 1 (1) Is prepared from raw juice containing before the
2 addition of any additive less than 9 percent total soluble
3 solids;
- 4 (2) When canned, contains less than 10 percent total
5 soluble solids; or
- 6 (3) Has a ratio of total soluble solids to anhydrous
7 citric acid of less than 9 to 1;
- 8 (4) Contains less than 0.55 percent or more than 1.60
9 percent anhydrous citric acid;
- 10 (5) Contains more than 0.050 percent recoverable oil;
11 or
- 12 (6) Does not meet requirements to be established by
13 the Florida Citrus Authority ~~Department of Citrus~~ regarding
14 color, absence of defects, taste, and flavor; unless the
15 immediate container thereof shall be labeled in accordance
16 with regulations of the Florida Citrus Authority ~~Department of~~
17 ~~Citrus~~ and there shall appear on such label the word
18 "substandard" in bold type not less than 1/4 inch high printed
19 or stamped diagonally thereon.
- 20 Section 154. Section 601.9909, Florida Statutes, is
21 reenacted and amended to read:
- 22 601.9909 Frozen concentrated orange juice;
23 requirements; labeling.--Subject to the provisions of ss.
24 601.9913 and 601.9914, no frozen concentrated orange juice
25 shall be sold, offered for sale, shipped, or offered for
26 shipment which:
- 27 (1) Is concentrated to less than 41.8 or more than 47
28 degrees Brix. The Brix reading, if determined
29 refractometrically, shall include corrections for citric acid.
- 30 (2) Has a lower ratio of total soluble solids to
31 anhydrous citric acid of less than 12 to 1 or a higher ratio

1 of total soluble solids to anhydrous citric acid than 19.5 to
2 1.

3 (3) Contains more than 0.120 milliliters of
4 recoverable oil per 100 grams of concentrate.

5 (4) Contains any additives of any kind.

6 (5) Does not taste essentially the same as freshly
7 expressed orange juice of similar quality and is not
8 completely free of all fermented, cooked, terpeny, or other
9 off-flavors; or does not meet all requirements of the rules of
10 the Florida Citrus Authority ~~Department of Citrus~~ regarding
11 color, absence of defects, taste, and flavor; unless the
12 immediate container thereof shall be labeled in accordance
13 with rules of the Florida Citrus Authority ~~Department of~~
14 ~~Citrus~~, and there shall appear on such label the word
15 "substandard" in bold type not less than 1/4 inch high printed
16 or stamped diagonally thereon.

17 Section 155. Section 601.9910, Florida Statutes, is
18 reenacted and amended to read:

19 601.9910 Legislative findings of fact; strict
20 enforcement of maturity standard in public interest.--

21 (1) FINDINGS.--

22 (a) The Legislature finds and determines and so
23 declares that, for many years past, the shipment of raw,
24 immature citrus fruit, generally designated as "green fruit,"
25 from the state to consuming markets has caused the loss of
26 millions of dollars to the citrus growers of Florida; also has
27 resulted in the lowering of the standard of living of many of
28 its citizens; adversely affected the economic conditions of
29 the entire state; reduced the receipts in the collection of ad
30 valorem taxes, thereby reducing revenue needed by counties and
31 cities; caused financial loss to the growers and shippers and

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1 processors who did not engage in the shipment of green fruit;
2 and that such practice each year hurts the good name and
3 reputation of all Florida citrus.

4 (b) The Legislature, after extensive hearings
5 conducted annually, and after many hearings attended by its
6 citrus committees at various citrus industry meetings
7 throughout the citrus area; and after having had the advice
8 and counsel of the best qualified and most expert technical
9 advisers in the Florida citrus industry, and after having had
10 the benefit of the advice of some of the most expert and best
11 informed growers, shippers, and processors, and after having
12 made a careful study of the reaction of all citrus fruits by
13 reason of changes in climatic conditions, and having found
14 that regardless of the color of an orange or the color of a
15 grapefruit or regardless of the juice content of such fruit,
16 finds such fruit may be immature and unfit for human
17 consumption. It is also recognized by experts that there are
18 certain factors entering into the maturity of fruit which are
19 not now measurable by chemical tests. There is a change
20 brought about by time and nature in the blending of solids and
21 acids into juice which characterizes maturity but not in a
22 manner susceptible to chemical determination. Because of this,
23 it is scientifically sound that the minimum requirements for
24 solids and the ratio of solids to anhydrous citric acid in
25 determining maturity be relaxed as the season progresses and
26 the raw, immature flavor characteristic of fruit early in the
27 season has disappeared through the workings of time and
28 nature. Therefore, the Legislature hereby finds and determines
29 and so declares that, until nature has completed its process
30 of removing the raw, immature flavor, such citrus fruit will
31 still be immature and unfit for human consumption and, when

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1 marketed, will result in dissatisfied consumers who will cease
2 purchasing Florida citrus for some time and will classify that
3 fruit which they had purchased as "Florida green fruit."
4 (c) The Legislature finds and determines and so
5 declares that there is no better method of determining when
6 such raw and immature flavor leaves Florida citrus than by the
7 standards set forth in this chapter; and that experience has
8 demonstrated over a period of many years, by the best
9 available records and under various climatic conditions and
10 various seasonal changes, that generally speaking prior to
11 November 1 of each season oranges which do not have a total
12 soluble solids of 9 percent with a minimum ratio of total
13 soluble solids, as set forth in s. 601.20, still have a raw,
14 immature flavor; and that, beginning on or about November 1 of
15 each season, such raw, immature fruit flavor gradually
16 disappears from the orange and by November 15 the same orange
17 may have a still lower soluble solids percentage and not be
18 immature; and after November 15 can still have a further lower
19 soluble solids percentage without being immature; and by
20 December 1 nature has completed its process of removing the
21 raw, immature flavor which might have existed prior to that
22 time, provided such fruit meets the other minimum maturity
23 requirements set forth in this chapter. On December 1 oranges
24 meeting the requirements of s. 601.19(4), while not being
25 sufficiently mature to ship in fresh form, may be safely used
26 in some processed products without the finished product having
27 a raw, immature flavor. On December 1 grapefruit meeting the
28 requirements of s. 601.16(4), while not being sufficiently
29 mature to ship in fresh form, may be safely used in some
30 processed products without the finished product having a raw,
31 immature flavor.

1 (d) The Legislature finds and determines and so
 2 declares that the enforcement of the maturity standards, as
 3 set forth in this chapter, will not result in preventing any
 4 grower from marketing her or his fruit at some time during the
 5 marketing season, whenever nature has removed the raw,
 6 immature flavor; and, if there is a delay in such marketing,
 7 it will result in higher prices for the entire season,
 8 bringing additional millions of dollars to the growers of
 9 Florida and resulting in benefit to all growers, including the
 10 grower or growers who were delayed a short time in the
 11 shipment of their fruit.

12 (2) DECLARATION.--Therefore, the Legislature declares
 13 that the strict enforcement of the maturity standards, as set
 14 forth in this chapter, is definitely in the public's interest
 15 and for the public's welfare, and that no citrus should be
 16 shipped from Florida and sold in the consuming markets which
 17 has a raw, immature flavor, and which could be classed by the
 18 consuming public as "Florida green fruit."

19 (3) REGULATIONS REGARDING MATURITY STANDARDS FOR
 20 HYBRIDS.--The Legislature finds and determines that
 21 classifications of and maturity standards for citrus hybrids
 22 should be established by regulations promulgated by the
 23 Florida Citrus Authority ~~Department of Citrus~~ pursuant to this
 24 chapter.

25 Section 156. Section 601.9911, Florida Statutes, is
 26 reenacted and amended to read:

27 601.9911 Fruit may be sold or transported direct from
 28 producer.--Any citrus producer may transport her or his own
 29 citrus fruit or any citrus fruit may be sold or purchased and
 30 transported in interstate or intrastate commerce in truckload
 31 lots direct from a producer and any such fruit so sold,

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1 purchased, or transported need not be processed, handled by
2 any packinghouse, washed, polished, graded, stamped, labeled,
3 branded, placed in containers, or otherwise prepared for
4 market as may be provided herein. Such fruit shall be
5 certified at the time of inspection as tree run grade of
6 fruit, but shall otherwise remain subject to the maturity
7 standards and all other conditions, restrictions, emergency
8 quality assurance orders, and other requirements of this
9 chapter and shall be inspected for such compliance as all
10 other fruit is inspected at such convenient locations as may
11 be determined by the Department of Agriculture and Consumer
12 Services. Any such fruit violating any of the provisions of
13 this chapter, or any rule or regulation of the Florida Citrus
14 Authority ~~Department of Citrus~~ made pursuant to this chapter,
15 but not inconsistent with this section, may be seized,
16 condemned, and destroyed as provided herein. At the time of
17 such inspection, all fees, assessments, and excise taxes
18 provided in this chapter shall be paid and collected at the
19 same rate as paid by all other fresh fruit growers or
20 shippers.

21 Section 157. Section 601.9912, Florida Statutes, is
22 reenacted and amended to read:

23 601.9912 Penalties.--Any person violating any
24 provisions of this chapter or of the rules or regulations of
25 the Florida Citrus Authority ~~Department of Citrus~~ or the
26 Department of Agriculture and Consumer Services shall be
27 guilty of a misdemeanor of the first degree, punishable as
28 provided in s. 775.082 or s. 775.083.

29 Section 158. Section 601.9913, Florida Statutes, is
30 reenacted and amended to read:

31 601.9913 High-density frozen concentrated orange

1 juice; standards; labeling.--

2 (1) "High-density frozen concentrated orange juice" is
3 frozen concentrated orange juice which has been concentrated
4 to a density greater than 47 degrees Brix.

5 (2) All high-density frozen concentrated orange juice
6 sold or shipped, or offered for sale or shipment, in retail or
7 institutional size containers shall comply with all
8 requirements applicable to frozen concentrated orange juice in
9 retail or institutional size containers, except as to the
10 density of the concentrated food. The percent by weight of
11 orange juice soluble solids contained in the reconstituted
12 food made from high-density frozen concentrated orange juice
13 when the label directions for dilution are followed shall be
14 the same as is prescribed by the Florida Citrus Authority
15 ~~Department of Citrus~~ for frozen concentrated orange juice in
16 retail or institutional size containers.

17 (3) The name of high-density frozen concentrated
18 orange juice, when sold in retail or institutional size
19 containers, is "frozen concentrated orange juice, plus
20 1," the blank being filled in with the whole number showing
21 the dilution ratio in conspicuous type consistent with the
22 size of the container and in conjunction with the product
23 name. Where the label bears directions for making one quart
24 or multiples of a quart, the blank may be filled in with a
25 number that includes a fraction. The term "dilution ratio"
26 means the number of volumes of water per volume of
27 high-density frozen concentrated orange juice prescribed by
28 the label for reconstituting the food. The nomenclature
29 requirements of this subsection shall not apply to containers
30 for postmix dispenser use, or to retail containers designed
31 solely for use in foreign countries, provided the labeling

1 thereof contains mixing instructions adequate to inform the
2 institution or the consumer of the correct dilution ratio.

3 (4) The name of high-density frozen concentrated
4 orange juice, when sold in bulk size containers, is the name
5 provided in subsection (3), or "frozen concentrated orange
6 juice, Brix," the blank being filled in with the number
7 which expresses the percent by weight of orange juice soluble
8 solids contained in the food, in conspicuous size and in
9 conjunction with the product name.

10 (5) The compositional requirements applicable to
11 high-density frozen concentrated orange juice sold in bulk
12 size containers shall be prescribed by the Florida Citrus
13 Authority ~~Department of Citrus~~ by rule.

14 (6) The definition of retail, institutional, and bulk
15 size containers for high-density frozen concentrated orange
16 juice shall be prescribed by the department by rule.

17 (7) All high-density frozen concentrated orange juice
18 sold or shipped or offered for sale or shipment shall be
19 inspected as provided by law or rule for the inspection of
20 frozen concentrated orange juice, and all fees and taxes shall
21 be paid in the manner and as provided by law or rule.

22 Section 159. Section 601.9914, Florida Statutes, is
23 reenacted to read:

24 601.9914 Commission authorized to modify standards by
25 rule.--

26 (1) The commission may modify by rule, within the
27 limitations herein specified, the requirements of ss.
28 601.9905-601.9909 if the commission first, upon the
29 affirmative vote of nine members, determines that the adoption
30 of such rule is likely to further increase the acceptance and
31 consumption by a substantial segment of the consuming public

1 of the citrus product or products regulated by such proposed
2 rule and that such increase in acceptance and consumption will
3 be of substantial benefit to handlers and producers of citrus
4 fruit.

5 (2) The requirements of ss. 601.9905-601.9909 may be
6 modified by rule within the following limitations:

7 (a) The existing requirements with respect to minimum
8 or maximum Brix or the existing requirements with respect to
9 minimum percent of total soluble solids may be raised;

10 (b) The existing requirements with respect to minimum
11 ratio of total soluble solids to anhydrous citric acid may be
12 raised, and the requirements with respect to maximum ratio of
13 total soluble solids to anhydrous citric acid may be raised or
14 lowered;

15 (c) The existing requirements with respect to the
16 minimum or maximum amount of percentage of recoverable oil may
17 be raised or lowered; and

18 (d) The existing requirements with respect to the
19 minimum or maximum percentage of anhydrous citric acid may be
20 raised or lowered.

21 Section 160. Section 601.9916, Florida Statutes, is
22 reenacted and amended to read:

23 601.9916 Addition of optional nutritive sweetening
24 ingredients to concentrated orange juice; rules.--

25 (1) The Florida Citrus Authority ~~Department of Citrus~~,
26 upon the affirmative vote of not less than nine members of the
27 commission, is authorized to issue permits for the processing,
28 shipping, and sale of frozen concentrated orange juice or
29 concentrated orange juice for manufacturing to which has been
30 added any of the following optional nutritive sweetening
31 ingredients: sugar, sugar syrup, and invert sugar syrup.

1 (2) Each processor to whom a permit is issued pursuant
2 to this section shall comply with rules established by the
3 Florida Citrus Authority ~~Department of Citrus~~ which rules
4 shall provide that:

5 (a) Such product shall be inspected immediately prior
6 to the addition of the optional sweetening ingredient and
7 shall be reinspected promptly after the addition of the
8 optional sweetening ingredient.

9 (b) If such product is to be stored, sold, or shipped
10 in retail or institutional size containers of less than 1
11 gallon, it shall, when reconstituted according to label
12 directions, contain not less than 12.8 percent by weight of
13 orange juice soluble solids, exclusive of the weight of any
14 added optional nutritive sweetening ingredient, and shall,
15 each time it is inspected, fully conform to the rules and
16 standards of the Florida Citrus Authority ~~Department of Citrus~~
17 applicable to frozen concentrated orange juice in retail or
18 institutional size containers.

19 (c) If such product is to be stored, sold, or shipped
20 in bulk containers of 1 gallon or larger, it shall contain not
21 less than 47 percent by weight of orange juice soluble solids,
22 exclusive of the solids of any added optional sweetening
23 ingredient, and shall, when reconstituted according to label
24 directions, contain not less than 11.8 percent by weight of
25 orange juice soluble solids, exclusive of any added optional
26 nutritive sweetening ingredient, and shall, each time it is
27 inspected, fully conform to the rules and standards of the
28 Florida Citrus Authority ~~Department of Citrus~~ applicable to
29 concentrated orange juice for manufacturing.

30 (d) If any such product has been filled into bulk
31 containers of 1 gallon or larger, it shall not thereafter be

1 filled into retail or institutional size containers unless it
2 fully conforms to the requirements of paragraph (b).

3 (e) The product shall conform to such labeling
4 requirements as the Florida Citrus Authority ~~Department of~~
5 ~~Citrus~~ shall by rule prescribe.

6 (3) The privilege of processing any such product under
7 a permit issued hereunder shall expire at the end of the
8 shipping season for which such processing was authorized by
9 such permit but may be renewed annually upon the affirmative
10 vote of not less than nine members of the commission.

11 (4) In addition to the disciplinary action that may be
12 taken by the Department of Agriculture and Consumer Services
13 against a citrus fruit dealer for violations of this chapter,
14 the commission may temporarily suspend and may revoke any
15 permit issued hereunder for any violation of the provisions of
16 this section or of the rules promulgated hereunder.

17 Section 161. Section 601.9918, Florida Statutes, is
18 reenacted and amended to read:

19 601.9918 Rules related to issuance and use of
20 symbols.--In rules related to the issuance and voluntary use
21 of symbols, certification marks, service marks, or trademarks,
22 the commission may make general references to national or
23 state requirements that the license applicant would be
24 compelled to meet regardless of the Florida Citrus Authority's
25 ~~department's~~ issuance of the license applied for.

26 Section 162. Paragraph (d) of subsection (2) of
27 section 288.012, Florida Statutes, is amended to read:

28 288.012 State of Florida foreign offices.--The
29 Legislature finds that the expansion of international trade
30 and tourism is vital to the overall health and growth of the
31 economy of this state. This expansion is hampered by the lack

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1 of technical and business assistance, financial assistance,
2 and information services for businesses in this state. The
3 Legislature finds that these businesses could be assisted by
4 providing these services at State of Florida foreign offices.
5 The Legislature further finds that the accessibility and
6 provision of services at these offices can be enhanced through
7 cooperative agreements or strategic alliances between state
8 entities, local entities, foreign entities, and private
9 businesses.

10 (2) Each foreign office shall have in place an
11 operational plan approved by the participating boards or other
12 governing authority, a copy of which shall be provided to the
13 Office of Tourism, Trade, and Economic Development. These
14 operating plans shall be reviewed and updated each fiscal year
15 and shall include, at a minimum, the following:

16 (d) Identification of new and emerging market
17 opportunities for Florida businesses. Each foreign office
18 shall provide the Florida Trade Data Center with a compilation
19 of foreign buyers and importers in industry sector priority
20 areas on an annual basis. In return, the Florida Trade Data
21 Center shall make available to each foreign office, and to
22 Enterprise Florida, Inc., the Florida Commission on Tourism,
23 the Florida Ports Council, the Department of State, the
24 Florida Citrus Authority ~~Department of Citrus~~, and the
25 Department of Agriculture and Consumer Services, trade
26 industry, commodity, and opportunity information. This
27 information shall be provided to such offices and entities
28 either free of charge or on a fee basis with fees set only to
29 recover the costs of providing the information.

30 Section 163. Section 288.38, Florida Statutes, is
31 amended to read:

1 288.38 Applicability of state laws and rules
 2 concerning citrus fruit and products.--Any application for
 3 establishment of a foreign trade zone made pursuant hereto
 4 shall include a provision that all laws of this state and
 5 rules of the Florida ~~Department of Citrus~~ Authority applicable
 6 to citrus fruit and processed citrus products shall equally
 7 apply within any foreign trade zone so established.

8 Section 164. Paragraph (aa) of subsection (4) of
 9 section 215.20, Florida Statutes, is amended to read:

10 215.20 Certain income and certain trust funds to
 11 contribute to the General Revenue Fund.--

12 (4) The income of a revenue nature deposited in the
 13 following described trust funds, by whatever name designated,
 14 is that from which the deductions authorized by subsection (3)
 15 shall be made:

16 (aa) The operating accounts of the Florida Citrus
 17 Authority ~~Florida Citrus Advertising Trust Fund~~ created by s.
 18 601.15(6)(7), including transfers from any subsidiary accounts
 19 thereof, unless a different percentage is authorized in that
 20 section.

21 Section 165. Subsection (3) of section 600.041,
 22 Florida Statutes, is amended to read:

23 600.041 Definitions.--As used in this act, the
 24 following terms have the following meanings:

25 (3) "Citrus fruit" or "fruit" means and includes
 26 grapefruit, oranges, tangerines, Temples, tangelos, and
 27 murcott honey oranges grown in Florida as defined in and by s.
 28 601.03, and when regulated by the Florida Citrus Authority
 29 ~~Commission of the Department of Citrus~~, all other citrus fruit
 30 grown in Florida, including lemons, sour oranges, limes, and
 31 citrus hybrids.

1 Section 166. Citrus advertising trust funds are
2 appropriated for use, at the discretion of the Florida Citrus
3 Authority, to settle civil actions pending against the
4 Department of Citrus on the effective date of this act.

5 Section 167. The Florida Citrus Authority shall
6 collect dues, contributions, or any other financial payment
7 upon request by and on behalf of any not-for-profit
8 corporation and its related not-for-profit corporations
9 located in this state which receives payments or dues from
10 members. Such not-for-profit corporation must be engaged
11 solely in market news and grower education for citrus growers
12 in this state and must have at least 7,500 members and must
13 have at least 7,500 growers engaged in growing citrus in this
14 state.

15
16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 4, line 18,

20
21 after the semicolon insert:

22 protection; repealing s. 20.29, F.S.;

23 abolishing the Department of Citrus; reenacting

24 and amending s. 601.01, F. S.; titling ch. 601,

25 F.S., as "the Florida Citrus Code"; creating

26 the Florida Citrus Authority as an independent

27 special district under the supervision of the

28 Florida Citrus Commission; providing powers of

29 the authority; providing for the transfer of

30 all assets, personnel records, documents,

31 records, patents, trademarks, copyrights, real

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1 property, intangible property, furniture,
2 office equipment, supplies, operating account
3 balances, and unexpended balances of
4 legislative appropriations of the Department of
5 Citrus to the Florida Citrus Authority;
6 providing that all liabilities of the
7 Department of Citrus shall become the
8 responsibility of the Florida Citrus Authority;
9 providing for the continuation of specified
10 services from executive agencies; providing
11 that administrative rules of the Department of
12 Citrus shall become the administrative rules of
13 the Florida Citrus Authority; reenacting and
14 amending s. 601.02, F.S.; providing purposes of
15 the Florida Citrus Authority; providing that
16 the Florida Citrus Authority shall collect and
17 maintain the funds collected pursuant to the
18 Florida Citrus Code and ch. 189, F.S.;
19 providing for nonapplicability of specified
20 provisions of ch. 189, F.S.; providing that
21 moneys collected by the authority shall not
22 become general revenue of the state nor be
23 subject to legislative appropriations;
24 providing restrictions on the use of such
25 funds; reenacting and amending s. 601.03, F.S.;
26 providing definitions; reenacting and amending
27 s. 601.04, F.S., relating to the Florida Citrus
28 Commission, to conform; repealing s. 601.05,
29 F.S., relating to the powers of the Department
30 of Citrus; reenacting and amending s. 601.06,
31 F.S.; providing that all laws applicable to

1 state agencies and public officers and
2 employees regarding per diem and reimbursement
3 shall be applicable to the Florida Citrus
4 Authority and the Florida Citrus Commission;
5 reenacting and amending s. 601.07, F.S.,
6 relating to location of executive offices, to
7 conform; reenacting and amending s. 601.08,
8 F.S., relating to authenticated copies of
9 commission records as evidence, to conform;
10 reenacting s. 601.09, F.S.; establishing citrus
11 subdistricts of the authority; reenacting s.
12 601.091, F.S., relating to the designation and
13 boundaries of the Florida SunRidge, Indian
14 River, and Gulf production areas; reenacting
15 and amending s. 601.10, F.S.; providing powers
16 of the Florida Citrus Authority; reenacting and
17 amending s. 601.101, F.S., relating to
18 ownership of rights under patent and trademark
19 laws developed or acquired pursuant to the
20 authorities of the Florida Citrus Code, to
21 conform; reenacting and amending s. 601.11,
22 F.S., relating to the power of the Florida
23 Citrus Authority to establish standards, to
24 conform; reenacting and amending s. 601.111,
25 F.S., relating to the authority of the Florida
26 Citrus Authority to lower maturity standards,
27 to conform; reenacting and amending s. 601.13,
28 F.S., relating to the administration of citrus
29 research and appropriations for such research,
30 to conform; reenacting and amending s. 601.15,
31 F.S., relating to the excise tax on citrus

1 fruit, to conform; eliminating provisions
2 relating to the planning and conduct of
3 specified advertising campaigns, publicity, and
4 sales promotions; providing for the delivery of
5 all excise taxes directly to the Florida Citrus
6 Authority for payment into operating accounts;
7 providing for deposit of all excise taxes
8 levied and collected under the Florida Citrus
9 Code in the operating accounts of the Florida
10 Citrus Authority; revising distribution of
11 excise taxes; providing for the payment of
12 specified obligations, expenses, and costs in
13 the method and manner established by the
14 authority; providing venue for any action filed
15 by or against the authority; eliminating
16 duplicative provisions; reenacting and amending
17 s. 601.152, F.S., relating to special marketing
18 orders, to conform; providing for deposit of
19 specified moneys in the operating accounts of
20 the authority; providing venue for suits
21 initiated by or filed against the authority;
22 reenacting and amending s. 601.154, F.S.,
23 relating to the Citrus Stabilization Act of
24 Florida, to conform; providing for placement,
25 deposit, and transfer of specified funds into
26 authority operating accounts; providing
27 jurisdiction with respect to enforcement for
28 specified violations; reenacting and amending
29 s. 601.155, F.S., relating to the excise tax on
30 initial processing, reprocessing, blending, or
31 mixing of specified citrus products, the

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1 packaging or repackaging of specified processed
2 citrus products into retail or institutional
3 containers, or the storing or removal by
4 certain persons of specified processed citrus
5 products from their original container for
6 purposes other than official inspection or
7 direct consumption by the consumer and not for
8 resale; authorizing the authority to set the
9 tax at a specified rate annually; providing
10 conforming amendments; providing for payment of
11 such excise taxes directly to authority general
12 operating accounts; authorizing the authority
13 to enter into specified agreements to pay
14 excise tax refunds; reenacting s. 601.16, F.S.,
15 relating to maturity standards for fresh and
16 processed grapefruit; reenacting s. 601.17,
17 F.S., relating to minimum ratios of grapefruit
18 juice solids to acid; reenacting and amending
19 s. 601.18, F.S., relating to minimum juice
20 content for grapefruit, to conform; reenacting
21 and amending s. 601.19, F.S., relating to
22 maturity standards for oranges, to conform;
23 reenacting and amending s. 601.20, F.S.,
24 relating to minimum ratios of orange juice
25 solids to acid; reenacting s. 601.21, F.S.,
26 relating to maturity standards for tangerines;
27 reenacting s. 601.22, F.S., relating to minimum
28 ratios of tangerine juice solids to acid;
29 reenacting and amending s. 601.24, F.S.,
30 relating to prescribing methods of testing and
31 grading of citrus fruit and the canned and

1 concentrated products thereof, to conform;
2 reenacting and amending s. 601.25, F.S.,
3 relating to the determination of soluble solids
4 and acid, to conform; reenacting and amending
5 s. 601.27, F.S., relating to the inspection in
6 the state of all citrus fruit and the canned
7 and concentrated products thereof by citrus
8 inspectors; providing technical amendments;
9 reenacting and amending s. 601.28, F.S.,
10 relating to inspection fees for citrus fruit
11 and processed citrus products, to conform and
12 make technical changes; reenacting s. 601.281,
13 F.S., relating to additional fees levied upon
14 citrus fruit to cover costs of operating road
15 guard stations attributable to the services
16 performed by such stations with respect to
17 citrus fruit, and the deposit of such fees;
18 reenacting and amending s. 601.29, F.S.,
19 relating to the powers of the Department of
20 Agriculture and Consumer Services, to conform;
21 reenacting and amending s. 601.31, F.S.,
22 relating to the employment of citrus
23 inspectors, to conform and make technical
24 changes; eliminating a requirement of citrus
25 inspectors; reenacting and amending s. 601.32,
26 F.S., relating to compensation of citrus
27 inspectors, to conform and make technical
28 changes; reenacting and amending s. 601.33,
29 F.S., relating to interference with citrus
30 inspectors, to conform and make technical
31 changes; reenacting s. 601.34, F.S., relating

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1 to duties of law enforcement officers with
2 respect to violations of the citrus fruit laws
3 of the state; reenacting and amending s.
4 601.35, F.S., relating to disputes as to
5 quality, grade, or condition of citrus fruit or
6 the canned or concentrated products thereof, to
7 conform and make technical changes; reenacting
8 s. 601.36, F.S., relating to inspection
9 information required when two or more lots of
10 fruit run simultaneously; reenacting s. 601.37,
11 F.S., relating to unlawful acts of inspectors;
12 reenacting and amending s. 601.38, F.S.,
13 relating to authority of citrus inspectors, to
14 conform; reenacting and amending s. 601.39,
15 F.S., relating to special inspectors; providing
16 a technical change; reenacting and amending s.
17 601.40, F.S., relating to registration of
18 citrus packinghouses and processing plants;
19 providing technical changes; reenacting and
20 amending s. 601.41, F.S., relating to unlawful
21 operation of a citrus fruit packinghouse,
22 canning plant, or concentrating plant, or
23 unlawful packing or otherwise preparing for
24 sale or transportation any citrus fruit at such
25 packinghouse, canning plant, or concentrating
26 plant; providing technical changes; reenacting
27 and amending s. 601.42, F.S., relating to
28 revocation of registration of a packinghouse,
29 canning plant, or concentrating plant;
30 providing technical changes; reenacting and
31 amending s. 601.43, F.S., relating to immature

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1 and unfit citrus fruit, to conform; reenacting
2 and amending s. 601.44, F.S., relating to the
3 destruction of immature fruit, to conform;
4 reenacting and amending s. 601.45, F.S.,
5 relating to the grading of fresh citrus fruit,
6 to conform; reenacting and amending s. 601.46,
7 F.S., relating to conditions precedent to the
8 sale of citrus fruit, to conform; reenacting s.
9 601.461, F.S., relating to falsification of
10 weights; providing a penalty; reenacting and
11 amending s. 601.47, F.S., relating to
12 conditions precedent to processing citrus;
13 providing a technical change; reenacting s.
14 601.471, F.S., relating to a specified expanded
15 definition of "canned or concentrated citrus
16 fruit products"; reenacting and amending s.
17 601.48, F.S.; eliminating provisions relating
18 to inspection of processed citrus products for
19 grade and subsequent grading and designation
20 thereof; providing conforming amendments;
21 reenacting and amending s. 601.49, F.S.,
22 relating to conditions precedent to selling
23 processed citrus products, to conform; making a
24 technical change; reenacting and amending s.
25 601.50, F.S., relating to the permitted sale or
26 shipment of citrus fruit or the canned or
27 concentrated products thereof without the
28 issuance of and filing of inspection
29 certificate and without the grade being shown
30 on the container thereof, for specified
31 purposes, to conform; reenacting s. 601.501,

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1 F.S., relating to exemption from advertising
2 taxes for shipments of citrus fruit for
3 charitable purposes; reenacting and amending s.
4 601.51, F.S., relating to required
5 certification for shipment of citrus fruit or
6 products; providing conforming and technical
7 changes; reenacting s. 601.52, F.S., which
8 prohibits carriers from accepting fruit that
9 does not bear evidence of payment of excise
10 taxes; reenacting s. 601.53, F.S., which
11 prohibits the unlawful processing of
12 unwholesome citrus; reenacting and amending s.
13 601.54, F.S., relating to seizure of
14 unwholesome fruit, to conform; providing
15 technical changes; reenacting and amending s.
16 601.55, F.S., relating to required licensure of
17 citrus fruit dealers, to conform; reenacting
18 and amending s. 601.56, F.S., relating to
19 application for dealers' licenses, to conform;
20 reenacting and amending s. 601.57, F.S.,
21 relating to examination of applications and
22 approval of dealers' licenses, to conform;
23 reenacting s. 601.58, F.S., relating to
24 approval or disapproval of a citrus fruit
25 dealer's license application; reenacting and
26 amending s. 601.59, F.S., relating to dealer's
27 license fees and agent's registration fees;
28 providing technical changes; reenacting and
29 amending s. 601.60, F.S., relating to issuance
30 of dealers' licenses, to conform; reenacting
31 and amending s. 601.601, F.S., relating to

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1 registration of dealers' agents, to conform and
2 provide technical changes; reenacting and
3 amending s. 601.61, F.S., relating to bond
4 requirements of citrus fruit dealers, to
5 conform and provide technical changes;
6 reenacting s. 601.611, F.S., which prescribes
7 applicable law in the event that a specified
8 act is held unconstitutional or invalid;
9 reenacting and amending s. 601.64, F.S.,
10 relating to unlawful acts by citrus fruit
11 dealers, to conform; reenacting s. 601.641,
12 F.S., relating to fraudulent representations;
13 providing penalties; reenacting and amending s.
14 601.65, F.S., relating to liability of citrus
15 fruit dealers; providing technical changes;
16 reenacting and amending s. 601.66, F.S.,
17 relating to complaints of violations by citrus
18 fruit dealers, procedure, bond distribution,
19 and court action on bond; providing technical
20 changes; reenacting and amending s. 601.67,
21 F.S., relating to disciplinary action by the
22 Department of Agriculture and Consumer Services
23 against citrus fruit dealers, to conform;
24 reenacting and amending s. 601.671, F.S.,
25 relating to appropriation of fines collected;
26 providing a technical change; reenacting and
27 amending s. 601.68, F.S., relating to
28 investigation of violations; providing
29 technical changes; reenacting and amending s.
30 601.69, F.S., relating to records to be kept by
31 citrus fruit dealers, to conform; reenacting s.

1 601.70, F.S., relating to inspection of records
2 by the Department of Agriculture and Consumer
3 Services; reenacting and amending s. 601.701,
4 F.S., relating to penalty for failure to keep
5 records, to conform; reenacting s. 601.72,
6 F.S.; providing penalties; reenacting and
7 amending s. 601.73, F.S., relating to
8 additional methods of enforcement; providing
9 technical changes; reenacting and amending s.
10 601.731, F.S., relating to transporting citrus
11 on highways, name and dealer designation on
12 vehicles, and load identification, to conform;
13 providing penalties; reenacting s. 601.74,
14 F.S., which authorizes the department to adopt
15 rules and set fees with respect to the
16 licensing and analysis of materials and
17 composition used on or in the packing of citrus
18 fruits; reenacting s. 601.75, F.S., relating to
19 certification of dyes and coloring matter for
20 citrus fruit prior to use; reenacting s.
21 601.76, F.S., relating to the department's
22 authority to adopt rules requiring
23 manufacturers to furnish formulas and
24 information with respect to coloring matter for
25 use on citrus fruit; reenacting s. 601.77,
26 F.S., relating to subsequent analysis of
27 coloring matter and inspection of packinghouses
28 or other places where coloring matter is
29 applied; reenacting s. 601.78, F.S., relating
30 to requirements of manufacturers of coloring
31 matter used on citrus fruit to post bond;

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1 reenacting s. 601.79, F.S., which prohibits the
2 use or application of coloring matter to
3 grapefruit and tangerines; reenacting s.
4 601.80, F.S., relating to unlawful use of
5 uncertified coloring matter; reenacting and
6 amending s. 601.85, F.S., which provides
7 specifications for the standard legal shipping
8 box, crate, or container used for shipping
9 fresh citrus fruit, to conform; reenacting s.
10 601.86, F.S., which provides uniform standard
11 size for field boxes for fresh citrus fruit;
12 reenacting s. 601.87, F.S., relating to the use
13 of cleats on boxes; reenacting s. 601.88, F.S.,
14 relating to required stamping of oversized
15 boxes; reenacting s. 601.89, F.S., relating to
16 criteria by which citrus fruit shall be deemed
17 to be seriously damaged by freezing; reenacting
18 s. 601.90, F.S., relating to the power of the
19 Florida Citrus Commission with respect to
20 serious damage to the state's citrus by
21 freezing temperatures; reenacting and amending
22 s. 601.901, F.S., which provides for the use of
23 freeze-damaged fruit in frozen concentrated
24 citrus products, to conform; reenacting and
25 amending s. 601.91, F.S., relating to the
26 unlawful sale, transport, preparation, receipt,
27 or delivery of freeze-damaged citrus, to
28 conform; reenacting s. 601.92, F.S., relating
29 to the use of arsenic in connection with
30 citrus; reenacting s. 601.93, F.S., relating to
31 the prohibited sale of citrus containing

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1 arsenic; reenacting and amending s. 601.94,
2 F.S., relating to powers of inspection with
3 respect to fruit containing arsenic; providing
4 technical changes; reenacting s. 601.95, F.S.,
5 relating to seizure of citrus fruit containing
6 arsenic; reenacting and amending s. 601.96,
7 F.S., relating to taking samples of seized
8 fruit for analysis; providing technical
9 changes; reenacting and amending s. 601.97,
10 F.S., relating to destruction of certain fruit
11 containing arsenic; providing technical
12 changes; reenacting s. 601.98, F.S., relating
13 to the shipment, sale, or offer of imported
14 citrus fruit or citrus products; reenacting and
15 amending s. 601.981, F.S., relating to the
16 issuance of permits for export of citrus fruit
17 to foreign countries, to conform; reenacting s.
18 601.99, F.S., relating to the unlawful
19 misbranding of wrappers or packages containing
20 citrus fruit; reenacting and amending s.
21 601.9901, F.S., relating to the form of
22 certificates of inspection, to conform;
23 reenacting and amending s. 601.9902, F.S.,
24 relating to payment of salaries and expenses,
25 to conform; reenacting and amending s.
26 601.9903, F.S., relating to required annual and
27 special reports, to conform; reenacting and
28 amending s. 601.9904, F.S., relating to rules
29 and regulations with respect to frozen citrus
30 juices, to conform; reenacting and amending s.
31 601.9905, F.S., relating to standards and

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1 labeling for canned orange juice, to conform;
2 reenacting s. 601.9906, F.S., relating to
3 standards for processed grapefruit juice
4 products; reenacting and amending s. 601.9907,
5 F.S., relating to standards and labeling for
6 canned blended juice, to conform; reenacting
7 and amending s. 601.9908, F.S., relating to
8 standards and labeling for canned tangerine
9 juice, to conform; reenacting and amending s.
10 601.9909, F.S., relating to requirements for
11 frozen concentrated orange juice and specified
12 labeling thereof, to conform; reenacting and
13 amending s. 601.9910, F.S., relating to strict
14 enforcement of citrus fruit maturity standards
15 as being in the public interest and legislative
16 findings of fact with respect thereto, to
17 conform; reenacting and amending s. 601.9911,
18 F.S., relating to a citrus producer's authority
19 to sell or transport his or her own citrus
20 fruit, to conform; reenacting and amending s.
21 601.9912, F.S.; providing penalties; reenacting
22 and amending s. 601.9913, F.S., relating to
23 standards for high-density frozen concentrated
24 orange juice and required labeling, to conform;
25 reenacting s. 601.9914, F.S., relating to the
26 authority of the Florida Citrus Commission to
27 modify standards by rule; reenacting and
28 amending s. 601.9916, F.S., relating to the
29 addition of optional nutritive sweetening
30 ingredients to concentrated orange juice and
31 rules with respect thereto, to conform;

1 reenacting and amending s. 601.9918, F.S.,
2 relating to rules related to the issuance and
3 use of symbols, certification marks, service
4 marks, or trademarks, to conform; amending s.
5 288.012, F.S.; requiring the Florida Trade Data
6 Center to make specified information available
7 to the Florida Citrus Authority; amending s.
8 288.38, F.S.; providing that any application
9 for the establishment of a foreign trade zone
10 shall include a provision that all laws of the
11 state and rules of the Florida Citrus Authority
12 applicable to citrus fruit and processed citrus
13 products shall equally apply within any foreign
14 trade zone so established; amending ss. 215.20
15 and 600.041, F.S.; correcting cross references;
16 providing for the appropriation of specified
17 funds to settle pending actions against the
18 Department of Citrus; authorizing the Florida
19 Citrus Authority to collect dues,
20 contributions, or other financial payments from
21 specified entities; providing effective dates.

22
23 WHEREAS, the Governor of the State of Florida has
24 endorsed the concept of privatization of governmental
25 agencies, and

26 WHEREAS, in recognition of this initiative, the
27 Legislature determines that it is in the best interests of the
28 Department of Citrus to discontinue operation as an agency of
29 the executive branch of government, and

30 WHEREAS, effective July 1, 2001, the Department of
31 Citrus, created under section 20.29, Florida Statutes, shall

1 become a special taxing district of the State of Florida and
2 shall be renamed the Florida Citrus Authority, and

3 WHEREAS, the main purposes of the Florida Citrus
4 Authority are to promote, market, research, advertise, and
5 regulate the citrus industry in the State of Florida, and

6 WHEREAS, the head of the Florida Citrus Authority shall
7 be a twelve-member board, appointed by the Governor and
8 confirmed by the Florida Senate, known as the Florida Citrus
9 Commission, and

10 WHEREAS, it is the intent of the Legislature that the
11 powers and duties of the Florida Citrus Authority derive from
12 chapter 601, Florida Statutes, and, unless specifically
13 exempted, the provisions of chapter 189, Florida Statutes,
14 shall be applicable to the Florida Citrus Authority, and

15 WHEREAS, it is the further intent of the Legislature
16 that all assessments and funds collected by Florida Citrus
17 Authority not be considered general revenue of the State of
18 Florida and not be subject to legislative appropriations, and

19 WHEREAS, the Legislature acknowledges that the
20 eradication of canker and other pest infestation is a matter
21 which impacts the public health, safety, and welfare of the
22 entire State of Florida, and

23 WHEREAS, further, the Legislature acknowledges that
24 citrus canker and/or pest infestation has not been caused by
25 and is not caused by the Florida citrus industry, and

26 WHEREAS, additionally, the Legislature acknowledges
27 that the Florida Citrus Authority has no authority to assess
28 the citrus industry for eradication of canker and pest
29 infestation, and

30 WHEREAS, it is therefore the specific intent of the
31 Legislature that no funds collected by the Florida Citrus

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1 Authority shall be used for the purpose of eradication of
2 canker or other pest infestation and that all funding for
3 eradication of canker and other pest infestations shall be
4 funded by the Federal Government or from the general revenue
5 of the State of Florida, and
6 WHEREAS, it is the intent of the Legislature that all
7 of the assets, personnel records, documents, records, patents,
8 trademarks, copyrights, real property, intangible property,
9 furniture, office equipment, supplies, operating account
10 balances, and unexpended balances of legislative
11 appropriations be transferred from the Department of Citrus to
12 the Florida Citrus Authority and shall continue as outlined in
13 chapter 601, Florida Statutes, and that all liabilities of the
14 Department of Citrus shall become the responsibility of the
15 Florida Citrus Authority, and
16 WHEREAS, the Legislature acknowledges that there are
17 currently many services that the Department of Citrus receives
18 by virtue of being an agency of the executive branch, which
19 services include, but are not limited to, payroll, purchasing,
20 computer access, accounting programs, and insurance and
21 retirement benefits, and
22 WHEREAS, until such time that the Florida Citrus
23 Authority has made the appropriate transition, the authority
24 shall continue to receive the same services that the
25 Department of Citrus received from the executive agencies,
26 NOW, THEREFORE,
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31