

1 A bill to be entitled
2 An act relating to agriculture and consumer
3 services; amending s. 120.80, F.S.; providing
4 that marketing orders under ch. 527, F.S., are
5 not rules; amending s. 121.0515, F.S.; adding
6 to the Special Risk Class of membership certain
7 aerial firefighting surveillance positions;
8 amending s. 125.27, F.S.; authorizing the
9 Department of Agriculture and Consumer Services
10 to lease or loan equipment to governmental
11 entities that have fire/rescue
12 responsibilities; limiting liability for civil
13 damages resulting from use or possession of
14 such equipment; amending s. 201.15, F.S.;
15 authorizing the department to adopt rules
16 regarding the distribution of funds for best
17 management practices; amending s. 232.246,
18 F.S.; allowing agriscience to count as a
19 science course; amending s. 316.228, F.S.;
20 revising requirements for lamps on projecting
21 loads; amending s. 320.08, F.S.; revising
22 definition of a truck known as a "goat";
23 creating s. 373.621, F.S.; providing conditions
24 for agricultural water conservation; amending
25 s. 403.714, F.S.; deleting requirement that the
26 department coordinate development of uniform
27 product specifications for compost used by
28 state agencies; amending s. 487.041, F.S.;
29 authorizing the department to require and
30 review data relating to the claims of pesticide
31 products used as preventive treatment for

1 termites; authorizing the department to adopt
2 rules; amending s. 500.09, F.S.; authorizing
3 fees for certain reinspection of food
4 establishments; amending s. 500.12, F.S.;
5 increasing the maximum food establishment
6 operating permit fee; providing use of such
7 fee; amending ss. 502.012 and 502.014, F.S.;
8 revising references relating to the pasteurized
9 milk ordinance and milk sanitation; deleting
10 requirement that a copy of a federal temporary
11 marketing permit for milk and milk products be
12 forwarded to the department; amending s.
13 502.053, F.S.; clarifying milk testing
14 requirements; amending s. 502.091, F.S.;
15 authorizing the department to forgo the grading
16 of certain milk products in an emergency;
17 providing for labeling; amending s. 503.041,
18 F.S.; providing that attempting to transfer a
19 frozen dessert plant license is grounds for
20 license suspension or revocation; repealing ss.
21 536.20, 536.21, and 536.22, F.S., relating to
22 timber and lumber; repealing s. 570.381, F.S.,
23 relating to Appaloosa racing; amending ss.
24 550.2625 and 550.2633, F.S.; correcting cross
25 references; repealing ss. 504.21, 504.22,
26 504.23, 504.24, 504.25, 504.26, 504.27, 504.28,
27 504.29, 504.31, 504.32, 504.33, 504.34, 504.35,
28 and 504.36, F.S.; eliminating the Florida
29 Organic Farming and Food Law; providing an
30 effective date. amending s. 570.07, F.S.;
31 authorizing the department to repair or build

1 structures; providing restrictions; authorizing
2 the department to conduct investigations of
3 violations of laws relating to consumer
4 protection; amending s. 503.071, F.S.;
5 providing for the embargo, detainment, or
6 destruction of food or food processing
7 equipment of a frozen dessert manufacturer;
8 creating s. 570.080, F.S.; providing for an
9 agricultural water conservation program;
10 amending s. 570.244, F.S.; clarifying powers
11 and duties of the department relating to the
12 development of agribusinesses; amending s.
13 570.249, F.S.; clarifying aquacultural crops
14 eligible for Agricultural Economic Development
15 Program disaster loans; revising loan
16 application requirements; directing the
17 department to establish an agribusiness market
18 development grant program; amending s. 570.38,
19 F.S.; increasing membership of the Animal
20 Industry Technical Council; amending s.
21 580.031, F.S.; revising definitions; amending
22 s. 580.051, F.S.; revising label requirements
23 for commercial feed; providing a penalty;
24 amending s. 580.065, F.S.; revising feed
25 laboratory standards and procedures; amending
26 s. 580.091, F.S.; removing intent language
27 regarding feed sampling and analysis; revising
28 department procedures relating to approval of a
29 quality-assurance/quality-control plan;
30 amending s. 580.112, F.S.; prohibiting
31 distribution of a feed or feedstuff that is

1 prohibited by federal law or regulation;
 2 amending s. 581.211, F.S.; providing a penalty
 3 for violation of rules relating to plant
 4 industry; amending s. 585.145, F.S.; providing
 5 for qualification of accredited veterinarians
 6 to provide official certificates of veterinary
 7 inspection; providing conditions for denial of
 8 authority to issue such certificates; amending
 9 s. 585.155, F.S.; revising vaccination
 10 requirements for calves; amending s. 589.19,
 11 F.S.; naming a state forest; amending s.
 12 616.242, F.S.; providing additional exemptions
 13 from amusement ride safety standards; amending
 14 s. 633.557, F.S.; revising exemptions from
 15 contractor requirements for certain farm
 16 buildings; amending s. 828.22, F.S.; creating
 17 the "Humane Slaughter Act"; revising provisions
 18 relating to humane slaughter and livestock
 19 euthanasia; amending s. 828.23, F.S.; revising
 20 definitions; amending s. 828.24, F.S.; revising
 21 provisions relating to prohibited acts;
 22 amending s. 828.25, F.S.; revising provisions
 23 relating to administration of the act by the
 24 department; creating s. 828.251, F.S.;
 25 directing the department to make current
 26 technical information available to
 27 slaughterers; creating s. 828.252, F.S.;
 28 providing for humane treatment of nonambulatory
 29 animals; amending s. 828.26, F.S.; revising
 30 penalties; amending ss. 427.804 and 559.921,
 31 F.S.; correcting cross references; repealing s.

1 570.544(10) and (11), F.S., relating to
2 authority of the Division of Consumer Services
3 of the department to conduct investigations of
4 violations of laws relating to consumer
5 protection; repealing s. 20.29, F.S.;
6 abolishing the Department of Citrus; reenacting
7 and amending s. 601.01, F. S.; titling ch. 601,
8 F.S., as "the Florida Citrus Code"; creating
9 the Florida Citrus Authority as an independent
10 special district under the supervision of the
11 Florida Citrus Commission; providing powers of
12 the authority; providing for the transfer of
13 all assets, personnel records, documents,
14 records, patents, trademarks, copyrights, real
15 property, intangible property, furniture,
16 office equipment, supplies, operating account
17 balances, and unexpended balances of
18 legislative appropriations of the Department of
19 Citrus to the Florida Citrus Authority;
20 providing that all liabilities of the
21 Department of Citrus shall become the
22 responsibility of the Florida Citrus Authority;
23 providing for the continuation of specified
24 services from executive agencies; providing
25 that administrative rules of the Department of
26 Citrus shall become the administrative rules of
27 the Florida Citrus Authority; reenacting and
28 amending s. 601.02, F.S.; providing purposes of
29 the Florida Citrus Authority; providing that
30 the Florida Citrus Authority shall collect and
31 maintain the funds collected pursuant to the

1 Florida Citrus Code and ch. 189, F.S. ;
 2 providing for nonapplicability of specified
 3 provisions of ch. 189, F.S. ; providing that
 4 moneys collected by the authority shall not
 5 become general revenue of the state nor be
 6 subject to legislative appropriations ;
 7 providing restrictions on the use of such
 8 funds ; reenacting and amending s. 601.03, F.S. ;
 9 providing definitions ; reenacting and amending
 10 s. 601.04, F.S. , relating to the Florida Citrus
 11 Commission, to conform ; repealing s. 601.05,
 12 F.S. , relating to the powers of the Department
 13 of Citrus ; reenacting and amending s. 601.06,
 14 F.S. ; providing that all laws applicable to
 15 state agencies and public officers and
 16 employees regarding per diem and reimbursement
 17 shall be applicable to the Florida Citrus
 18 Authority and the Florida Citrus Commission ;
 19 reenacting and amending s. 601.07, F.S. ,
 20 relating to location of executive offices, to
 21 conform ; reenacting and amending s. 601.08,
 22 F.S. , relating to authenticated copies of
 23 commission records as evidence, to conform ;
 24 reenacting s. 601.09, F.S. ; establishing citrus
 25 subdistricts of the authority ; reenacting s.
 26 601.091, F.S. , relating to the designation and
 27 boundaries of the Florida SunRidge, Indian
 28 River, and Gulf production areas ; reenacting
 29 and amending s. 601.10, F.S. ; providing powers
 30 of the Florida Citrus Authority ; reenacting and
 31 amending s. 601.101, F.S. , relating to

1 ownership of rights under patent and trademark
 2 laws developed or acquired pursuant to the
 3 authorities of the Florida Citrus Code, to
 4 conform; reenacting and amending s. 601.11,
 5 F.S., relating to the power of the Florida
 6 Citrus Authority to establish standards, to
 7 conform; reenacting and amending s. 601.111,
 8 F.S., relating to the authority of the Florida
 9 Citrus Authority to lower maturity standards,
 10 to conform; reenacting and amending s. 601.13,
 11 F.S., relating to the administration of citrus
 12 research and appropriations for such research,
 13 to conform; reenacting and amending s. 601.15,
 14 F.S., relating to the excise tax on citrus
 15 fruit, to conform; eliminating provisions
 16 relating to the planning and conduct of
 17 specified advertising campaigns, publicity, and
 18 sales promotions; providing for the delivery of
 19 all excise taxes directly to the Florida Citrus
 20 Authority for payment into operating accounts;
 21 providing for deposit of all excise taxes
 22 levied and collected under the Florida Citrus
 23 Code in the operating accounts of the Florida
 24 Citrus Authority; revising distribution of
 25 excise taxes; providing for the payment of
 26 specified obligations, expenses, and costs in
 27 the method and manner established by the
 28 authority; providing venue for any action filed
 29 by or against the authority; eliminating
 30 duplicative provisions; reenacting and amending
 31 s. 601.152, F.S., relating to special marketing

1 orders, to conform; providing for deposit of
 2 specified moneys in the operating accounts of
 3 the authority; providing venue for suits
 4 initiated by or filed against the authority;
 5 reenacting and amending s. 601.154, F.S.,
 6 relating to the Citrus Stabilization Act of
 7 Florida, to conform; providing for placement,
 8 deposit, and transfer of specified funds into
 9 authority operating accounts; providing
 10 jurisdiction with respect to enforcement for
 11 specified violations; reenacting and amending
 12 s. 601.155, F.S., relating to the excise tax on
 13 initial processing, reprocessing, blending, or
 14 mixing of specified citrus products, the
 15 packaging or repackaging of specified processed
 16 citrus products into retail or institutional
 17 containers, or the storing or removal by
 18 certain persons of specified processed citrus
 19 products from their original container for
 20 purposes other than official inspection or
 21 direct consumption by the consumer and not for
 22 resale; authorizing the authority to set the
 23 tax at a specified rate annually; providing
 24 conforming amendments; providing for payment of
 25 such excise taxes directly to authority general
 26 operating accounts; authorizing the authority
 27 to enter into specified agreements to pay
 28 excise tax refunds; reenacting s. 601.16, F.S.,
 29 relating to maturity standards for fresh and
 30 processed grapefruit; reenacting s. 601.17,
 31 F.S., relating to minimum ratios of grapefruit

1 juice solids to acid; reenacting and amending
2 s. 601.18, F.S., relating to minimum juice
3 content for grapefruit, to conform; reenacting
4 and amending s. 601.19, F.S., relating to
5 maturity standards for oranges, to conform;
6 reenacting and amending s. 601.20, F.S.,
7 relating to minimum ratios of orange juice
8 solids to acid; reenacting s. 601.21, F.S.,
9 relating to maturity standards for tangerines;
10 reenacting s. 601.22, F.S., relating to minimum
11 ratios of tangerine juice solids to acid;
12 reenacting and amending s. 601.24, F.S.,
13 relating to prescribing methods of testing and
14 grading of citrus fruit and the canned and
15 concentrated products thereof, to conform;
16 reenacting and amending s. 601.25, F.S.,
17 relating to the determination of soluble solids
18 and acid, to conform; reenacting and amending
19 s. 601.27, F.S., relating to the inspection in
20 the state of all citrus fruit and the canned
21 and concentrated products thereof by citrus
22 inspectors; providing technical amendments;
23 reenacting and amending s. 601.28, F.S.,
24 relating to inspection fees for citrus fruit
25 and processed citrus products, to conform and
26 make technical changes; reenacting s. 601.281,
27 F.S., relating to additional fees levied upon
28 citrus fruit to cover costs of operating road
29 guard stations attributable to the services
30 performed by such stations with respect to
31 citrus fruit, and the deposit of such fees;

1 reenacting and amending s. 601.29, F.S.,
 2 relating to the powers of the Department of
 3 Agriculture and Consumer Services, to conform;
 4 reenacting and amending s. 601.31, F.S.,
 5 relating to the employment of citrus
 6 inspectors, to conform and make technical
 7 changes; eliminating a requirement of citrus
 8 inspectors; reenacting and amending s. 601.32,
 9 F.S., relating to compensation of citrus
 10 inspectors, to conform and make technical
 11 changes; reenacting and amending s. 601.33,
 12 F.S., relating to interference with citrus
 13 inspectors, to conform and make technical
 14 changes; reenacting s. 601.34, F.S., relating
 15 to duties of law enforcement officers with
 16 respect to violations of the citrus fruit laws
 17 of the state; reenacting and amending s.
 18 601.35, F.S., relating to disputes as to
 19 quality, grade, or condition of citrus fruit or
 20 the canned or concentrated products thereof, to
 21 conform and make technical changes; reenacting
 22 s. 601.36, F.S., relating to inspection
 23 information required when two or more lots of
 24 fruit run simultaneously; reenacting s. 601.37,
 25 F.S., relating to unlawful acts of inspectors;
 26 reenacting and amending s. 601.38, F.S.,
 27 relating to authority of citrus inspectors, to
 28 conform; reenacting and amending s. 601.39,
 29 F.S., relating to special inspectors; providing
 30 a technical change; reenacting and amending s.
 31 601.40, F.S., relating to registration of

1 citrus packinghouses and processing plants;
 2 providing technical changes; reenacting and
 3 amending s. 601.41, F.S., relating to unlawful
 4 operation of a citrus fruit packinghouse,
 5 canning plant, or concentrating plant, or
 6 unlawful packing or otherwise preparing for
 7 sale or transportation any citrus fruit at such
 8 packinghouse, canning plant, or concentrating
 9 plant; providing technical changes; reenacting
 10 and amending s. 601.42, F.S., relating to
 11 revocation of registration of a packinghouse,
 12 canning plant, or concentrating plant;
 13 providing technical changes; reenacting and
 14 amending s. 601.43, F.S., relating to immature
 15 and unfit citrus fruit, to conform; reenacting
 16 and amending s. 601.44, F.S., relating to the
 17 destruction of immature fruit, to conform;
 18 reenacting and amending s. 601.45, F.S.,
 19 relating to the grading of fresh citrus fruit,
 20 to conform; reenacting and amending s. 601.46,
 21 F.S., relating to conditions precedent to the
 22 sale of citrus fruit, to conform; reenacting s.
 23 601.461, F.S., relating to falsification of
 24 weights; providing a penalty; reenacting and
 25 amending s. 601.47, F.S., relating to
 26 conditions precedent to processing citrus;
 27 providing a technical change; reenacting s.
 28 601.471, F.S., relating to a specified expanded
 29 definition of "canned or concentrated citrus
 30 fruit products"; reenacting and amending s.
 31 601.48, F.S.; eliminating provisions relating

1 to inspection of processed citrus products for
 2 grade and subsequent grading and designation
 3 thereof; providing conforming amendments;
 4 reenacting and amending s. 601.49, F.S.,
 5 relating to conditions precedent to selling
 6 processed citrus products, to conform; making a
 7 technical change; reenacting and amending s.
 8 601.50, F.S., relating to the permitted sale or
 9 shipment of citrus fruit or the canned or
 10 concentrated products thereof without the
 11 issuance of and filing of inspection
 12 certificate and without the grade being shown
 13 on the container thereof, for specified
 14 purposes, to conform; reenacting s. 601.501,
 15 F.S., relating to exemption from advertising
 16 taxes for shipments of citrus fruit for
 17 charitable purposes; reenacting and amending s.
 18 601.51, F.S., relating to required
 19 certification for shipment of citrus fruit or
 20 products; providing conforming and technical
 21 changes; reenacting s. 601.52, F.S., which
 22 prohibits carriers from accepting fruit that
 23 does not bear evidence of payment of excise
 24 taxes; reenacting s. 601.53, F.S., which
 25 prohibits the unlawful processing of
 26 unwholesome citrus; reenacting and amending s.
 27 601.54, F.S., relating to seizure of
 28 unwholesome fruit, to conform; providing
 29 technical changes; reenacting and amending s.
 30 601.55, F.S., relating to required licensure of
 31 citrus fruit dealers, to conform; reenacting

1 and amending s. 601.56, F.S., relating to
 2 application for dealers' licenses, to conform;
 3 reenacting and amending s. 601.57, F.S.,
 4 relating to examination of applications and
 5 approval of dealers' licenses, to conform;
 6 reenacting s. 601.58, F.S., relating to
 7 approval or disapproval of a citrus fruit
 8 dealer's license application; reenacting and
 9 amending s. 601.59, F.S., relating to dealer's
 10 license fees and agent's registration fees;
 11 providing technical changes; reenacting and
 12 amending s. 601.60, F.S., relating to issuance
 13 of dealers' licenses, to conform; reenacting
 14 and amending s. 601.601, F.S., relating to
 15 registration of dealers' agents, to conform and
 16 provide technical changes; reenacting and
 17 amending s. 601.61, F.S., relating to bond
 18 requirements of citrus fruit dealers, to
 19 conform and provide technical changes;
 20 reenacting s. 601.611, F.S., which prescribes
 21 applicable law in the event that a specified
 22 act is held unconstitutional or invalid;
 23 reenacting and amending s. 601.64, F.S.,
 24 relating to unlawful acts by citrus fruit
 25 dealers, to conform; reenacting s. 601.641,
 26 F.S., relating to fraudulent representations;
 27 providing penalties; reenacting and amending s.
 28 601.65, F.S., relating to liability of citrus
 29 fruit dealers; providing technical changes;
 30 reenacting and amending s. 601.66, F.S.,
 31 relating to complaints of violations by citrus

1 fruit dealers, procedure, bond distribution,
 2 and court action on bond; providing technical
 3 changes; reenacting and amending s. 601.67,
 4 F.S., relating to disciplinary action by the
 5 Department of Agriculture and Consumer Services
 6 against citrus fruit dealers, to conform;
 7 reenacting and amending s. 601.671, F.S.,
 8 relating to appropriation of fines collected;
 9 providing a technical change; reenacting and
 10 amending s. 601.68, F.S., relating to
 11 investigation of violations; providing
 12 technical changes; reenacting and amending s.
 13 601.69, F.S., relating to records to be kept by
 14 citrus fruit dealers, to conform; reenacting s.
 15 601.70, F.S., relating to inspection of records
 16 by the Department of Agriculture and Consumer
 17 Services; reenacting and amending s. 601.701,
 18 F.S., relating to penalty for failure to keep
 19 records, to conform; reenacting s. 601.72,
 20 F.S.; providing penalties; reenacting and
 21 amending s. 601.73, F.S., relating to
 22 additional methods of enforcement; providing
 23 technical changes; reenacting and amending s.
 24 601.731, F.S., relating to transporting citrus
 25 on highways, name and dealer designation on
 26 vehicles, and load identification, to conform;
 27 providing penalties; reenacting s. 601.74,
 28 F.S., which authorizes the department to adopt
 29 rules and set fees with respect to the
 30 licensing and analysis of materials and
 31 composition used on or in the packing of citrus

1 fruits; reenacting s. 601.75, F.S., relating to
 2 certification of dyes and coloring matter for
 3 citrus fruit prior to use; reenacting s.
 4 601.76, F.S., relating to the department's
 5 authority to adopt rules requiring
 6 manufacturers to furnish formulas and
 7 information with respect to coloring matter for
 8 use on citrus fruit; reenacting s. 601.77,
 9 F.S., relating to subsequent analysis of
 10 coloring matter and inspection of packinghouses
 11 or other places where coloring matter is
 12 applied; reenacting s. 601.78, F.S., relating
 13 to requirements of manufacturers of coloring
 14 matter used on citrus fruit to post bond;
 15 reenacting s. 601.79, F.S., which prohibits the
 16 use or application of coloring matter to
 17 grapefruit and tangerines; reenacting s.
 18 601.80, F.S., relating to unlawful use of
 19 uncertified coloring matter; reenacting and
 20 amending s. 601.85, F.S., which provides
 21 specifications for the standard legal shipping
 22 box, crate, or container used for shipping
 23 fresh citrus fruit, to conform; reenacting s.
 24 601.86, F.S., which provides uniform standard
 25 size for field boxes for fresh citrus fruit;
 26 reenacting s. 601.87, F.S., relating to the use
 27 of cleats on boxes; reenacting s. 601.88, F.S.,
 28 relating to required stamping of oversized
 29 boxes; reenacting s. 601.89, F.S., relating to
 30 criteria by which citrus fruit shall be deemed
 31 to be seriously damaged by freezing; reenacting

1 s. 601.90, F.S., relating to the power of the
 2 Florida Citrus Commission with respect to
 3 serious damage to the state's citrus by
 4 freezing temperatures; reenacting and amending
 5 s. 601.901, F.S., which provides for the use of
 6 freeze-damaged fruit in frozen concentrated
 7 citrus products, to conform; reenacting and
 8 amending s. 601.91, F.S., relating to the
 9 unlawful sale, transport, preparation, receipt,
 10 or delivery of freeze-damaged citrus, to
 11 conform; reenacting s. 601.92, F.S., relating
 12 to the use of arsenic in connection with
 13 citrus; reenacting s. 601.93, F.S., relating to
 14 the prohibited sale of citrus containing
 15 arsenic; reenacting and amending s. 601.94,
 16 F.S., relating to powers of inspection with
 17 respect to fruit containing arsenic; providing
 18 technical changes; reenacting s. 601.95, F.S.,
 19 relating to seizure of citrus fruit containing
 20 arsenic; reenacting and amending s. 601.96,
 21 F.S., relating to taking samples of seized
 22 fruit for analysis; providing technical
 23 changes; reenacting and amending s. 601.97,
 24 F.S., relating to destruction of certain fruit
 25 containing arsenic; providing technical
 26 changes; reenacting s. 601.98, F.S., relating
 27 to the shipment, sale, or offer of imported
 28 citrus fruit or citrus products; reenacting and
 29 amending s. 601.981, F.S., relating to the
 30 issuance of permits for export of citrus fruit
 31 to foreign countries, to conform; reenacting s.

1 601.99, F.S., relating to the unlawful
2 misbranding of wrappers or packages containing
3 citrus fruit; reenacting and amending s.
4 601.9901, F.S., relating to the form of
5 certificates of inspection, to conform;
6 reenacting and amending s. 601.9902, F.S.,
7 relating to payment of salaries and expenses,
8 to conform; reenacting and amending s.
9 601.9903, F.S., relating to required annual and
10 special reports, to conform; reenacting and
11 amending s. 601.9904, F.S., relating to rules
12 and regulations with respect to frozen citrus
13 juices, to conform; reenacting and amending s.
14 601.9905, F.S., relating to standards and
15 labeling for canned orange juice, to conform;
16 reenacting s. 601.9906, F.S., relating to
17 standards for processed grapefruit juice
18 products; reenacting and amending s. 601.9907,
19 F.S., relating to standards and labeling for
20 canned blended juice, to conform; reenacting
21 and amending s. 601.9908, F.S., relating to
22 standards and labeling for canned tangerine
23 juice, to conform; reenacting and amending s.
24 601.9909, F.S., relating to requirements for
25 frozen concentrated orange juice and specified
26 labeling thereof, to conform; reenacting and
27 amending s. 601.9910, F.S., relating to strict
28 enforcement of citrus fruit maturity standards
29 as being in the public interest and legislative
30 findings of fact with respect thereto, to
31 conform; reenacting and amending s. 601.9911,

1 F.S., relating to a citrus producer's authority
 2 to sell or transport his or her own citrus
 3 fruit, to conform; reenacting and amending s.
 4 601.9912, F.S.; providing penalties; reenacting
 5 and amending s. 601.9913, F.S., relating to
 6 standards for high-density frozen concentrated
 7 orange juice and required labeling, to conform;
 8 reenacting s. 601.9914, F.S., relating to the
 9 authority of the Florida Citrus Commission to
 10 modify standards by rule; reenacting and
 11 amending s. 601.9916, F.S., relating to the
 12 addition of optional nutritive sweetening
 13 ingredients to concentrated orange juice and
 14 rules with respect thereto, to conform;
 15 reenacting and amending s. 601.9918, F.S.,
 16 relating to rules related to the issuance and
 17 use of symbols, certification marks, service
 18 marks, or trademarks, to conform; amending s.
 19 288.012, F.S.; requiring the Florida Trade Data
 20 Center to make specified information available
 21 to the Florida Citrus Authority; amending s.
 22 288.38, F.S.; providing that any application
 23 for the establishment of a foreign trade zone
 24 shall include a provision that all laws of the
 25 state and rules of the Florida Citrus Authority
 26 applicable to citrus fruit and processed citrus
 27 products shall equally apply within any foreign
 28 trade zone so established; amending ss. 215.20
 29 and 600.041, F.S.; correcting cross references;
 30 providing for the appropriation of specified
 31 funds to settle pending actions against the

1 Department of Citrus; authorizing the Florida
2 Citrus Authority to collect dues,
3 contributions, or other financial payments from
4 specified entities; directing that changes in
5 terminology in the Florida Statutes be made;
6 providing effective dates.
7

8 WHEREAS, the Governor of the State of Florida has
9 endorsed the concept of privatization of governmental
10 agencies, and

11 WHEREAS, in recognition of this initiative, the
12 Legislature determines that it is in the best interests of the
13 Department of Citrus to discontinue operation as an agency of
14 the executive branch of government, and

15 WHEREAS, effective July 1, 2001, the Department of
16 Citrus, created under section 20.29, Florida Statutes, shall
17 become a special taxing district of the State of Florida and
18 shall be renamed the Florida Citrus Authority, and

19 WHEREAS, the main purposes of the Florida Citrus
20 Authority are to promote, market, research, advertise, and
21 regulate the citrus industry in the State of Florida, and

22 WHEREAS, the head of the Florida Citrus Authority shall
23 be a twelve-member board, appointed by the Governor and
24 confirmed by the Florida Senate, known as the Florida Citrus
25 Commission, and

26 WHEREAS, it is the intent of the Legislature that the
27 powers and duties of the Florida Citrus Authority derive from
28 chapter 601, Florida Statutes, and, unless specifically
29 exempted, the provisions of chapter 189, Florida Statutes,
30 shall be applicable to the Florida Citrus Authority, and
31

1 WHEREAS, it is the further intent of the Legislature
2 that all assessments and funds collected by Florida Citrus
3 Authority not be considered general revenue of the State of
4 Florida and not be subject to legislative appropriations, and

5 WHEREAS, the Legislature acknowledges that the
6 eradication of canker and other pest infestation is a matter
7 which impacts the public health, safety, and welfare of the
8 entire State of Florida, and

9 WHEREAS, further, the Legislature acknowledges that
10 citrus canker and/or pest infestation has not been caused by
11 and is not caused by the Florida citrus industry, and

12 WHEREAS, additionally, the Legislature acknowledges
13 that the Florida Citrus Authority has no authority to assess
14 the citrus industry for eradication of canker and pest
15 infestation, and

16 WHEREAS, it is therefore the specific intent of the
17 Legislature that no funds collected by the Florida Citrus
18 Authority shall be used for the purpose of eradication of
19 canker or other pest infestation and that all funding for
20 eradication of canker and other pest infestations shall be
21 funded by the Federal Government or from the general revenue
22 of the State of Florida, and

23 WHEREAS, it is the intent of the Legislature that all
24 of the assets, personnel records, documents, records, patents,
25 trademarks, copyrights, real property, intangible property,
26 furniture, office equipment, supplies, operating account
27 balances, and unexpended balances of legislative
28 appropriations be transferred from the Department of Citrus to
29 the Florida Citrus Authority and shall continue as outlined in
30 chapter 601, Florida Statutes, and that all liabilities of the
31

1 Department of Citrus shall become the responsibility of the
2 Florida Citrus Authority, and

3 WHEREAS, the Legislature acknowledges that there are
4 currently many services that the Department of Citrus receives
5 by virtue of being an agency of the executive branch, which
6 services include, but are not limited to, payroll, purchasing,
7 computer access, accounting programs, and insurance and
8 retirement benefits, and

9 WHEREAS, until such time that the Florida Citrus
10 Authority has made the appropriate transition, the authority
11 shall continue to receive the same services that the
12 Department of Citrus received from the executive agencies,
13 NOW, THEREFORE,

14

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

16

17 Section 1. Subsection (2) of section 120.80, Florida
18 Statutes, is amended to read:

19 120.80 Exceptions and special requirements;
20 agencies.--

21 (2) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--

22 (a) Any ~~Agricultural~~ marketing orders under chapter
23 527, chapter 573, or chapter 601 are not rules.

24 Section 2. Paragraph (b) of subsection (2) of section
25 121.0515, Florida Statutes, is amended to read:

26 121.0515 Special risk membership.--

27 (2) CRITERIA.--A member, to be designated as a special
28 risk member, must meet the following criteria:

29 (b) The member must be employed as a firefighter and
30 be certified, or required to be certified, in compliance with
31 s. 633.35 and be employed solely within the fire department of

1 a local government ~~the~~ employer or an agency of state
 2 government with firefighting responsibilities. In addition,
 3 the member's duties and responsibilities must include
 4 on-the-scene fighting of fires or direct supervision of
 5 firefighting units or aerial firefighting surveillance
 6 performed by fixed-wing pilots employed by the Department of
 7 Agriculture and Consumer Services, Division of Forestry, or
 8 the member must be the supervisor or command officer of a
 9 member or members who have such responsibilities; provided,
 10 however, administrative support personnel, including, but not
 11 limited to, those whose primary duties and responsibilities
 12 are in accounting, purchasing, legal, and personnel, shall not
 13 be included;

14 Section 3. Subsection (3) is added to section 125.27,
 15 Florida Statutes, to read:

16 125.27 Countywide forest fire protection; authority of
 17 the Division of Forestry; state funding; county fire control
 18 assessments; supplemental agreements; lease or donation of
 19 equipment, etc ~~disposition~~--

20 (3) The Department of Agriculture and Consumer
 21 Services may lease, loan, or otherwise make available to
 22 state, county, and local governmental entities that have
 23 fire/rescue responsibilities, new or used fire protection
 24 equipment, vehicles, or supplies, which shall include all such
 25 items received from public or private entities. The
 26 department, and those private or public entities providing
 27 such items for loan or lease through the department, shall not
 28 be held liable for civil damages resulting from use or
 29 possession of such items. Private or public entities that
 30 donate fire/rescue equipment, vehicles, or supplies directly
 31 to state, county, or local governmental entities having

1 fire/rescue responsibilities shall not be held liable for
2 civil damages resulting from use or possession of such items.

3 Section 4. Subsection (8) of section 201.15, Florida
4 Statutes, as amended by chapters 99-247, 2000-151, 2000-170,
5 and 2000-197, Laws of Florida, is amended to read:

6 201.15 Distribution of taxes collected.--All taxes
7 collected under this chapter shall be distributed as follows
8 and shall be subject to the service charge imposed in s.
9 215.20(1), except that such service charge shall not be levied
10 against any portion of taxes pledged to debt service on bonds
11 to the extent that the amount of the service charge is
12 required to pay any amounts relating to the bonds:

13 (8) One-half of one percent of the remaining taxes
14 collected under this chapter shall be paid into the State
15 Treasury and divided equally to the credit of the Department
16 of Environmental Protection Water Quality Assurance Trust Fund
17 to address water quality impacts associated with
18 nonagricultural nonpoint sources and to the credit of the
19 Department of Agriculture and Consumer Services General
20 Inspection Trust Fund to address water quality impacts
21 associated with agricultural nonpoint sources, respectively.
22 These funds shall be used for research, development,
23 demonstration, and implementation of suitable best management
24 practices or other measures used to achieve water quality
25 standards in surface waters and water segments identified
26 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.
27 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
28 management practices and other measures may include cost-share
29 grants, technical assistance, implementation tracking, and
30 conservation leases or other agreements for water quality
31 improvement. The Department of Environmental Protection and

1 the Department of Agriculture and Consumer Services may adopt
2 rules governing the distribution of funds for implementation
3 of best management practices.The unobligated balance of funds
4 received from the distribution of taxes collected under this
5 chapter to address water quality impacts associated with
6 nonagricultural nonpoint sources will be excluded when
7 calculating the unobligated balance of the Water Quality
8 Assurance Trust Fund as it relates to the determination of the
9 applicable excise tax rate.

10 Section 5. Paragraph (c) of subsection (1) of section
11 232.246, Florida Statutes, is amended to read:

12 232.246 General requirements for high school
13 graduation.--

14 (1) Graduation requires successful completion of
15 either a minimum of 24 academic credits in grades 9 through 12
16 or an International Baccalaureate curriculum. The 24 credits
17 shall be distributed as follows:

18 (c) Three credits in science, two of which must have a
19 laboratory component. The State Board of Education may grant
20 an annual waiver of the laboratory requirement to a school
21 district that certifies that its laboratory facilities are
22 inadequate, provided the district submits a capital outlay
23 plan to provide adequate facilities and makes the funding of
24 this plan a priority of the school board. Effective July 1,
25 2001, Agriscience Foundations I, the core course in secondary
26 Agriscience and Natural Resources programs, counts as one of
27 the science credits.

28 Section 6. Subsection (2) of section 316.228, Florida
29 Statutes, is amended to read:

30 316.228 Lamps or flags on projecting load.--

31

1 (2) Any commercial motor vehicle or trailer, ~~except as~~
 2 ~~stated in s. 316.515(7)~~, transporting a load of unprocessed
 3 logs or, long pulpwood, poles, or posts which load extends
 4 ~~extend~~ more than 4 feet beyond the rear of the body or bed of
 5 such vehicle, must have securely fixed as close as practicable
 6 ~~practical~~ to the end of any such projection one amber
 7 strobe-type lamp equipped with a multidirectional type lens so
 8 mounted as to be visible from the rear and both sides of the
 9 projecting load. If the mounting of one strobe lamp cannot be
 10 accomplished so that it is visible from the rear and both
 11 sides of the projecting load, multiple strobe lamps must be
 12 used to meet the visibility requirements of this subsection.
 13 The strobe lamp must flash at a rate of at least 60 flashes
 14 per minute and must be plainly visible from a distance of at
 15 least 500 feet to the rear and sides of the projecting load at
 16 any time of the day or night. The lamp must be operating at
 17 any time of the day or night when the vehicle is operated on
 18 any highway or parked on the shoulder or immediately adjacent
 19 to the traveled portion of any public roadway. The projecting
 20 load must also be marked with a red flag as described in
 21 subsection (1).

22 Section 7. Paragraph (d) of subsection (3) of section
 23 320.08, Florida Statutes, is amended to read:

24 320.08 License taxes.--Except as otherwise provided
 25 herein, there are hereby levied and imposed annual license
 26 taxes for the operation of motor vehicles, mopeds, motorized
 27 bicycles as defined in s. 316.003(2), and mobile homes, as
 28 defined in s. 320.01, which shall be paid to and collected by
 29 the department or its agent upon the registration or renewal
 30 of registration of the following:

31 (3) TRUCKS.--

1 (d) A truck defined as a "goat," or any other vehicle
2 when used in the field by a farmer or in the woods for the
3 purpose of harvesting a crop, including naval stores, during
4 such harvesting operations, and which is not principally
5 operated upon the roads of the state: \$7.50 flat. A "goat" is
6 a motor vehicle designed, constructed, and used principally
7 for the transportation of citrus fruit within citrus groves or
8 crops on farms, and may also be used for the hauling of
9 associated equipment or supplies, including required sanitary
10 equipment, and the towing of farm trailers.

11 Section 8. Section 373.621, Florida Statutes, is
12 created to read:

13 373.621 Water conservation.--The Legislature
14 recognizes the significant value of water conservation in the
15 protection and efficient use of water resources. Accordingly,
16 consideration in the administration of s. 373.223, s. 373.233,
17 and s. 373.236 shall be given to applicants who implement
18 water conservation practices pursuant to s. 570.080 or other
19 applicable water conservation measures as determined by the
20 Department or a water management district.

21 Section 9. Subsection (3) of section 403.714, Florida
22 Statutes, is amended to read:

23 403.714 Duties of state agencies.--

24 (3) All state agencies, including, but not limited to,
25 the Department of Transportation, the department, and the
26 Department of Management Services and local governments, are
27 required to procure compost products when they can be
28 substituted for, and cost no more than, regular soil amendment
29 products, provided the compost products meet all applicable
30 state standards, specifications, and regulations. ~~The~~
31 ~~Department of Agriculture and Consumer Services shall~~

1 ~~coordinate the development of uniform product specifications~~
 2 ~~for procurement and use of compost by all state agencies. This~~
 3 ~~product preference shall apply to, but not be limited to, the~~
 4 ~~construction of highway projects, road rights-of-way, highway~~
 5 ~~planting projects, recultivation and erosion control programs,~~
 6 ~~and other projects. The Department of Agriculture and Consumer~~
 7 ~~Services shall prepare an annual summary on the use of compost~~
 8 ~~products by any state agency, political subdivision, or agency~~
 9 ~~of a political subdivision which is using state funds, or any~~
 10 ~~person contracting with such agency with respect to work~~
 11 ~~performed under contract. Such summary shall describe the use~~
 12 ~~of compost products in relation to similar products such as~~
 13 ~~top soil, fill dirt, sand, peat, and fertilizer. The~~
 14 ~~Department of Agriculture and Consumer Services shall~~
 15 ~~establish a work group of state agency and local government~~
 16 ~~personnel to design an appropriate reporting mechanism. The~~
 17 ~~report shall be submitted to the Governor, the President of~~
 18 ~~the Senate, and the Speaker of the House of Representatives.~~

19 Section 10. Paragraph (e) is added to subsection (4)
 20 of section 487.041, Florida Statutes, to read:

21 487.041 Registration.--

22 (4) The department, in addition to its other duties
 23 under this section, has the power to:

24 (e) Require data demonstrating the efficacy of
 25 pesticide products containing label statements that include
 26 directions for use as preventive treatments for termites for
 27 new construction. The department shall review the data and
 28 determine if the data supports label claims of termite
 29 prevention or protection from termite damage. Label claims for
 30 protection from damage must be supported by data that shows
 31 the product will prevent damage to a structure and its

1 contents for a minimum of 5 years under Florida conditions. If
2 the data does not support such label claims, then the product
3 cannot be registered or reregistered. The department shall
4 adopt rules specifying performance standards and acceptable
5 test conditions for data submitted in support of an efficacy
6 claim, or may reference such performance standards and test
7 conditions established by the United States Environmental
8 Protection Agency.

9 Section 11. Subsection (7) of section 500.09, Florida
10 Statutes, is amended to read:

11 500.09 Rulemaking; analytical work.--

12 (7) The department may establish and collect
13 reasonable fees for laboratory services performed pursuant to
14 subsection (6) or to recover the cost of each reinspection of
15 a food establishment when the reinspection is conducted for
16 the purpose of verifying compliance with the provisions of
17 this chapter or rules promulgated thereunder. Such fees shall
18 be deposited in the department's General Inspection Trust Fund
19 and shall be used solely for the recovery of costs for the
20 services provided.

21 Section 12. Paragraph (b) of subsection (1) of section
22 500.12, Florida Statutes, is amended to read:

23 500.12 Food permits; building permits.--

24 (1)

25 (b) An application for a food permit from the
26 department must be accompanied by a fee in an amount
27 determined by department rule, which may not exceed \$500 and
28 shall be used solely for the recovery of costs for the
29 services provided~~\$350~~, except that the fee accompanying an
30 application for a food permit for operating a bottled water
31 plant may not exceed \$1,000 and the fee accompanying an

1 application for a food permit for operating a packaged ice
2 plant may not exceed \$250. The fee for operating a bottled
3 water plant or a packaged ice plant shall be set by rule of
4 the department. Food permits must be renewed annually on or
5 before January 1. If an application for renewal of a food
6 permit is not received by the department within 30 days after
7 its due date, a late fee, in an amount not exceeding \$100,
8 must be paid in addition to the food permit fee before the
9 department may issue the food permit. The moneys collected
10 shall be deposited in the General Inspection Trust Fund.

11 Section 13. Subsection (15) of section 502.012,
12 Florida Statutes, is amended to read:

13 502.012 Definitions.--The following definitions shall
14 apply in the interpretation and enforcement of this law:

15 (15) "Pasteurized milk ordinance" means the ~~Grade A~~
16 Pasteurized Milk Ordinance, 1993 Recommendations of United
17 States Public Health Service/Food and Drug Administration
18 Publication No. 229, including and all associated appendices,
19 as adopted by department rule.

20 Section 14. Paragraph (b) of subsection (2) and
21 subsection (5) of section 502.014, Florida Statutes, are
22 amended to read:

23 502.014 Powers and duties.--

24 (2)

25 (b) The department shall designate employees who shall
26 be certified by the United States Food and Drug Administration
27 as state milk sanitation rating officers, sampling
28 surveillance officers, and laboratory evaluation officers in
29 accordance with the requirements published in "Methods of
30 Making Sanitation Ratings of Milk Supplies, ~~1989 Revision,~~"
31 "Evaluation of Milk Laboratories, ~~1985 Revision,~~" and

1 "Procedures Governing the Cooperative State-Public Health
2 Service/Food and Drug Administration Program for Certification
3 of Interstate Milk Shippers, ~~1991 Revision,~~" respectively, as
4 adopted by department rule. These officers shall conduct
5 routine sanitation compliance survey ratings of milk
6 producers, milk plants, laboratories, receiving stations,
7 transfer stations, and manufacturers of single-service
8 containers for milk and milk products. These ratings shall be
9 made in accordance with the recommendations of the United
10 States Food and Drug Administration published in Standard
11 Methods for the Examination of Dairy Products.

12 ~~(5)(a) A person who obtains a temporary marketing~~
13 ~~permit from the United States Food and Drug Administration for~~
14 ~~milk and milk products that do not conform to existing~~
15 ~~standards and definitions shall immediately forward a copy of~~
16 ~~the permit to the department. The department may allow the~~
17 ~~person to operate in the state under the authority of the~~
18 ~~federal permit if the department determines that it is in the~~
19 ~~interest of the state to do so.~~

20 ~~(a)(b)~~ The department shall adopt criteria for
21 issuance of a state temporary marketing permit for milk and
22 milk products that do not conform to existing standards and
23 definitions.

24 ~~(b)(c)~~ The department shall establish a fee, not to
25 exceed \$100, for the issuance of a state temporary marketing
26 permit or the use of a federal permit in the state. The fee
27 shall cover all costs of issuing the state permit or
28 processing the federal permit.

29 Section 15. Paragraph (c) of subsection (2) of section
30 502.053, Florida Statutes, is amended to read:

31

1 502.053 Permits; requirements; exemptions; temporary
2 permits.--

3 (2) REQUIREMENTS.--

4 (c) In addition to the testing required in ~~Appendix N~~
5 ~~of the pasteurized milk ordinance~~ and its appendices, each
6 milk plant operator in the state shall be responsible for
7 routine testing and inspection of raw milk shipped from
8 outside the state prior to processing and shall notify the
9 department when such testing and inspection indicates a
10 violation of the standards contained in the pasteurized milk
11 ordinance.

12 Section 16. Paragraph (a) of subsection (1) of section
13 502.091, Florida Statutes, is amended to read:

14 502.091 Milk and milk products which may be sold.--

15 (1) Only Grade A pasteurized milk and milk products or
16 certified pasteurized milk shall be sold to the final consumer
17 or to restaurants, soda fountains, grocery stores, or similar
18 establishments.

19 (a) In an emergency, however, the department may
20 authorize the sale of reconstituted pasteurized milk products,
21 or pasteurized milk and milk products which have not been
22 graded, or the grade of which is unknown, in which case such
23 milk and milk products shall be appropriately labeled, as
24 determined by the department. ~~"ungraded."~~

25 Section 17. Subsection (1) of section 503.041, Florida
26 Statutes, is amended to read:

27 503.041 License fee; report required; penalty.--

28 (1) Each frozen dessert plant that manufactures frozen
29 desserts or other products defined in this chapter, or offers
30 these products for sale in this state must hold a valid
31

1 license. Any attempted or purported transfer of such license
2 is grounds for suspension or revocation of such license.

3 Section 18. Effective upon becoming a law, sections
4 536.20, 536.21, and 536.22, Florida Statutes, are repealed.

5 Section 19. Effective upon becoming a law, section
6 570.381, Florida Statutes, is repealed.

7 Section 20. Effective upon becoming a law, paragraph
8 (b) of subsection (7) of section 550.2625, Florida Statutes,
9 is amended to read:

10 550.2625 Horseracing; minimum purse requirement,
11 Florida breeders' and owners' awards.--

12 (7)

13 (b) The division shall deposit these collections to
14 the credit of the Florida Quarter Horse Racing Promotion Trust
15 Fund in a special account to be known as the "Florida
16 Appaloosa Racing Promotion Fund." The Department of
17 Agriculture and Consumer Services shall administer the funds
18 and adopt suitable and reasonable rules for the administration
19 thereof. The moneys in the Florida Appaloosa Racing Promotion
20 Fund shall be allocated solely for supplementing and
21 augmenting purses and prizes and for the general promotion of
22 owning and breeding of racing Appaloosas in this state; and
23 such moneys may not be used to defray any expense of the
24 Department of Agriculture and Consumer Services in the
25 administration of this chapter, ~~except that the moneys~~
26 ~~generated by Appaloosa registration fees received pursuant to~~
27 ~~s. 570.381 may be used as provided in paragraph (5)(b) of that~~
28 ~~section.~~

29 Section 21. Effective upon becoming a law, subsection
30 (2) of section 550.2633, Florida Statutes, is amended to read:

31

1 550.2633 Horseracing; distribution of abandoned
2 interest in or contributions to pari-mutuel pools.--

3 (2) All moneys or other property which has escheated
4 to and become the property of the state as provided herein and
5 which is held by a permitholder authorized to conduct
6 pari-mutuel pools in this state shall be paid annually by the
7 permitholder to the recipient designated in this subsection
8 within 60 days after the close of the race meeting of the
9 permitholder. Section 550.1645 notwithstanding, such moneys
10 shall be paid by the permitholder as follows:

11 (a) Funds from any harness horse races shall be paid
12 to the Florida Standardbred Breeders and Owners Association
13 and shall be used for the payment of breeders' awards,
14 stallion awards, stallion stakes, additional purses, and
15 prizes for, and for the general promotion of owning and
16 breeding of, Florida-bred standardbred horses, as provided for
17 in s. 550.2625.

18 (b) Except as provided in paragraphs (c) ~~and (d)~~,
19 funds from quarter horse races shall be paid to the Florida
20 Quarter Horse Breeders and Owners Association and shall be
21 allocated solely for supplementing and augmenting purses and
22 prizes and for the general promotion of owning and breeding of
23 racing quarter horses in this state, as provided for in s.
24 550.2625.

25 ~~(c) Funds for Appaloosa races conducted under a~~
26 ~~quarter horse racing permit shall be deposited into the~~
27 ~~Florida Quarter Horse Racing Promotion Trust Fund in a special~~
28 ~~account to be known as the "Florida Appaloosa Racing Promotion~~
29 ~~Fund" and shall be used for the payment of breeders' awards~~
30 ~~and stallion awards as provided for in s. 570.381.~~

31

1 ~~(c)(d)~~ Funds for Arabian horse races conducted under a
2 quarter horse racing permit shall be deposited into the
3 Florida Quarter Horse Racing Promotion Trust Fund in a special
4 account to be known as the "Florida Arabian Horse Racing
5 Promotion Fund" and shall be used for the payment of breeders'
6 awards and stallion awards as provided for in s. 570.382.

7 Section 22. Effective December 31, 2002, sections
8 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27,
9 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, and
10 504.36, Florida Statutes, are repealed.

11 Section 23. Subsections (36), (37), and (38) are added
12 to section 570.07, Florida Statutes, to read:

13 570.07 Department of Agriculture and Consumer
14 Services; functions, powers, and duties.--The department shall
15 have and exercise the following functions, powers, and duties:

16 (36) To repair or build structures from existing
17 appropriation authority, notwithstanding chapters 216 and 255,
18 not to exceed a cost of \$250,000 per structure. These
19 structures must meet all applicable building codes.

20 (37) If the department, by its own inquiry or as a
21 result of complaints, has reason to believe that a violation
22 of the laws of the state relating to consumer protection has
23 occurred or is occurring, the department may conduct an
24 investigation, subpoena witnesses and evidence, and administer
25 oaths and affirmations. If, as a result of the investigation,
26 the department has reason to believe a violation of chapter
27 501 has occurred, the department with the coordination of the
28 Department of Legal Affairs and any state attorney, if the
29 violation has occurred or is occurring within her or his
30 judicial circuit, shall have the authority to bring an action
31 in accordance with the provisions of chapter 501.

1 (38) If the department, by its own inquiry or as a
2 result of complaints, has reason to believe that a violation
3 of the laws of the state relating to consumer protection has
4 occurred or is occurring, that the interests of the consumers
5 of this state have been damaged or are being damaged, or that
6 the public health, safety, or welfare is endangered or is
7 likely to be endangered by any consumer product or service,
8 the department may commence legal proceedings in circuit court
9 to enjoin the act or practice or the sale of the product or
10 service and may seek appropriate relief on behalf of
11 consumers. Upon application by the department, a hearing shall
12 be held within 3 days after the commencement of the
13 proceedings.

14 Section 24. Subsection (6) is added to section
15 503.071, Florida Statutes, to read:

16 503.071 Penalty, injunction, and administrative
17 fines.--

18 (6) Frozen dessert manufacturers are subject to the
19 provisions of s. 500.172, relating to embargoing, detaining,
20 or destroying food or food processing equipment, as well as
21 the provisions of this section.

22 Section 25. Section 570.080, Florida Statutes, is
23 created to read:

24 570.080 Department of Agriculture and Consumer
25 Services; agricultural water conservation.--The department
26 shall establish an agricultural water conservation program
27 which includes the following:

28 (1) A cost share program, coordinated where
29 appropriate with the United States Department of Agriculture
30 and other federal, state, regional, and local agencies, for
31 irrigation system retrofit and application of mobile

1 irrigation laboratory evaluations for water conservation as
2 provided in this section and, where applicable, for water
3 quality improvement pursuant to s. 403.067(7)(d).

4 (2) The development and implementation of voluntary
5 interim measures or best management practices adopted by rule,
6 which provide for increased efficiencies in the utilization
7 and management of water for agricultural production. In the
8 process of developing and adopting rules for interim measures
9 or best management practices, the department shall consult
10 with the Department of Environmental Protection and the water
11 management districts. Such rules may also include a system to
12 assure the implementation of the practices, including
13 recordkeeping requirements. As new information regarding
14 efficient agricultural water use and management becomes
15 available the department shall reevaluate, and revise as
16 needed, the interim measures or best management practices. The
17 interim measures or best management practices may include
18 irrigation retrofit, implementation of mobile irrigation
19 laboratory evaluations and recommendations, water resource
20 augmentation, and integrated water management systems for
21 drought management and flood control and should, to the
22 maximum extent practicable, be designed to qualify for
23 regulatory and other incentives as determined by the agency
24 having applicable statutory authority.

25 (3) Provision of assistance to the water management
26 districts in the development and implementation of a
27 consistent, to the extent practicable, methodology for the
28 efficient allocation of water for agricultural irrigation.

29 Section 26. Subsection (4) of section 570.244, Florida
30 Statutes, is amended to read:

31

1 570.244 Department of Agriculture and Consumer
2 Services; powers and duties.--For the accomplishment of the
3 purposes specified in this act, the department shall have all
4 powers and duties necessary, including, but not limited to,
5 the power and duty to:

6 (4) Facilitate economic growth through the development
7 of ~~new~~ agribusinesses such as value-added processing plants
8 and associated enterprises using raw products which are
9 produced in the state.

10 Section 27. Effective upon this act becoming a law,
11 paragraph (d) of subsection (2) and subsections (4) and (5) of
12 section 570.249, Florida Statutes, are amended, and subsection
13 (7) is added to said section, to read:

14 570.249 Agricultural Economic Development Program
15 disaster loans and grants and aid.--

16 (2) ELIGIBLE CROPS.--Crops eligible for the emergency
17 loan program include:

18 (d) Specialty crops, such as seafood and aquaculture,
19 including, but not limited to, the products of shellfish
20 cultivation and harvesting, ornamental fish farming, and
21 commercial fishing; aquacultural, floricultural, or ornamental
22 nursery crops; Christmas trees; turf for sod; industrial
23 crops; and seed crops used to produce eligible crops.

24 (4) LOAN APPLICATION.--In order to qualify for a loan
25 under this section, an applicant must submit an application to
26 the department committee within 90 ~~30~~ days after the date the
27 natural disaster or socioeconomic condition or event occurs or
28 the crop damage becomes apparent. An applicant must be a
29 citizen of the United States, a bona fide resident of the
30 state, ~~and, together with the applicant's spouse and their~~
31 ~~dependents, have a total net worth of less than \$100,000. The~~

1 ~~value of any residential homestead owned by the applicant must~~
2 ~~not be included in determining the applicant's net worth. An~~
3 ~~applicant must also demonstrate the need for economic~~
4 ~~assistance, be worthy of credit according to standards~~
5 ~~established by the commissioner, prove that he or she cannot~~
6 ~~obtain commercial credit, and demonstrate that he or she has~~
7 ~~the ability to repay the loan.~~

8 (5) LOAN SECURITY REQUIREMENTS.--All loans must be
9 secured ~~fully collateralized~~. A first lien is required on all
10 property or product acquired, produced, or refinanced with
11 loan funds. The specific type of collateral required may vary
12 depending upon the loan purpose, repayment ability, and the
13 particular circumstances of the applicant.

14 (7) GRANTS AND AID.--The department shall establish a
15 grant program to provide aid to agribusinesses to assist in
16 market development.

17 Section 28. Subsection (1) of section 570.38, Florida
18 Statutes, is amended to read:

19 570.38 Animal Industry Technical Council.--

20 (1) COMPOSITION.--The Animal Industry Technical
21 Council is hereby created in the department and shall be
22 composed of 14 ~~11~~ members as follows:

23 (a) The beef cattle, swine, dairy, horse, independent
24 agricultural markets, meat processing and packing
25 establishments, veterinary medicine, and poultry
26 representatives who serve on the State Agricultural Advisory
27 Council and three additional representatives from the beef
28 cattle industry, as well as three at-large members
29 representing other animal industries in the state, who shall
30 be appointed by the commissioner for 4-year terms or until
31 their successors are duly qualified and appointed.

1 (b) Each additional beef cattle representative shall
2 be appointed subject to the qualifications and by the
3 procedure as prescribed in s. 570.23 for membership to the
4 council by the beef cattle representative. If a vacancy
5 occurs in these three positions, it shall be filled for the
6 remainder of the term in the same manner as an initial
7 appointment.

8 Section 29. Subsections (2) and (10) of section
9 580.031, Florida Statutes, are amended to read:

10 580.031 Definitions of words and terms.--As used in
11 this chapter, the term:

12 (2) "Commercial feed" means all materials or
13 combinations of materials that are distributed or intended to
14 be distributed for use as feed or for mixing in a feed for
15 animals other than humans, except:

16 (a) Unmixed whole seeds, including physically altered
17 entire unmixed seeds, when such seeds are not chemically
18 changed or are not adulterated within the meaning of s.
19 580.071.

20 (b) Unground hay, straw, stover, silage, cobs, husks,
21 and hulls, and individual chemical compounds or substances,
22 when such commodities, compounds, or substances are unmixed
23 with other substances and are not adulterated within the
24 meaning of s. 580.071.

25 (c) Feed mixed by the consumer for the consumer's own
26 use made entirely or in part from products raised on the
27 consumer's farm, except as is provided by rules of the
28 department.

29 ~~(d) Any material or combination of materials that is~~
30 ~~distributed for use as feed for domestic pets such as but not~~
31

1 ~~limited to: dogs, cats, gerbils, hamsters, birds, fish,~~
2 ~~reptiles, and amphibians.~~

3 (10) "Feedstuff" means edible materials, other than
4 commercial feed, which are distributed for animal consumption
5 and which contribute energy or nutrients, or both, to an
6 animal diet. The term includes ingredients as defined in this
7 section. ~~The term does not include any material or combination~~
8 ~~of materials that is distributed for use as feed for domestic~~
9 ~~pets such as but not limited to: dogs, cats, gerbils,~~
10 ~~hamsters, birds, fish, reptiles, and amphibians.~~

11 Section 30. Section 580.051, Florida Statutes, is
12 amended to read:

13 580.051 Labels; requirements; penalty.--

14 (1) Any commercial feed distributed in this state,
15 except a customer-formula feed and feed distributed through an
16 integrated poultry operation or by a cooperative to its
17 members, shall be accompanied by a legible label bearing all
18 information required by the United States Food and Drug
19 Administration and the following information:

20 (a) An accurate statement of the net weight.

21 (b) The name and principal address of the registrant.

22 (c) The brand name and product name, if any, under
23 which the commercial feed is distributed. The word "medicated"
24 shall be incorporated as part of the brand or product name if
25 the commercial feed contains a drug.

26 1. The department may require feeding directions and
27 precautionary statements to be placed on the label for the
28 safe and effective use of medicated and other feed as deemed
29 necessary.

30 2. Labels on medicated feed shall include all of the
31 following:

1 a. Any feeding directions prescribed by the department
2 to ensure safe usage.

3 b. The stated purpose of the medication contained in
4 the feed as stated in the claim statement.

5 c. The established name of each active drug
6 ingredient.

7 d. The level of each drug used in the final mixture
8 expressed in metric units as well as the required avoirdupois.

9 (d) The date of manufacture or expiration date of
10 commercial feed sold at retail as the department may by rule
11 require.

12 (e) The guaranteed analysis stated in terms that
13 advise the consumer of the composition of the feed or
14 feedstuff or support claims made in the labeling. In all
15 cases, the elements or compounds listed in the analysis must
16 be determinable by laboratory methods approved by the
17 department.

18 1. The guaranteed analysis, listing the minimum
19 percentage of crude protein, minimum percentage of crude fat,
20 and maximum percentage of crude fiber and, when more than 10
21 percent mineral ingredients are present, the minimum or
22 maximum percentages of mineral elements or compounds as
23 provided by rule.

24 2. Vitamin ingredients, when guaranteed, shall be
25 shown in amounts and terms provided by rule. For mineral feed,
26 the list shall include the following: maximum or minimum
27 percentages of calcium (Ca), phosphorus (P), salt (NaCl), iron
28 (Fe), copper (Cu), cobalt (Co), magnesium (Mg), manganese
29 (Mn), potassium (K), selenium (Se), zinc (Zn), and fluorine
30 (F) if ingredients used as sources of any of these
31 constituents are declared. All mixtures that contain mineral

1 or vitamin ingredients generally regarded as dietary factors
2 essential for the normal nutrition of animals and that are
3 sold or represented for the primary purpose of supplying these
4 minerals or vitamins as additions to rations in which these
5 same mineral or vitamin factors may be deficient shall be
6 classified as mineral or vitamin supplements. Products sold
7 solely as mineral or vitamin supplements and guaranteed as
8 specified in this section need not show guarantees for
9 protein, fat, and fiber.

10 3. Other nutritional substances or elements
11 determinable by laboratory methods may be guaranteed by
12 permission of, or shall be guaranteed at the request of, the
13 department as may be provided by rule.

14 (f) The common or usual name of each ingredient used
15 in the manufacture of the commercial feed; however, for all
16 commercial feed except horse feed, the department by rule may
17 permit the use of collective terms for a group of ingredients
18 which perform a similar nutritional function.

19 (2) Customer-formula feed shall be accompanied by a
20 label, invoice, delivery slip, or other shipping document,
21 bearing all information required by the United States Food and
22 Drug Administration and the following:

23 (a) The name and address of the manufacturer.

24 (b) The name and address of the customer ordering the
25 feed.

26 (c) The date of delivery.

27 (d) The product name and net weight of each commercial
28 feed and each other ingredient used in the mixture.

29 (e) Adequate directions and precautionary statements
30 for the safe and effective use of all customer-formula feed
31 that is medicated.

1 (3) Feed distributed by an integrated poultry
2 operation or by a cooperative to its members shall be
3 accompanied by a legible label bearing the information
4 required by the United States Food and Drug Administration.

5 ~~(4)(3)~~ When a commercial feed is distributed in this
6 state in bags or other containers, a label shall be placed on
7 or affixed to each container; when a commercial feed is
8 distributed in bulk, a label shall accompany delivery and be
9 furnished to the customer at time of delivery.

10 ~~(5)(4)~~ The amount of \$100 shall be paid to the
11 department as penalty for the distribution of any commercial
12 feed that is not accompanied with the label required under
13 this chapter. The proceeds from any such penalty payments
14 shall be deposited by the department in the General Inspection
15 Trust Fund.

16 Section 31. Subsections (1), (2), and (3) of section
17 580.065, Florida Statutes, are amended to read:

18 580.065 Laboratory certifications; application; fees;
19 requirements; reporting; refusal or cancellation of
20 certification.--

21 (1)(a) The department by rule shall establish the
22 standards that a laboratory must meet to become certified in
23 any of the following areas of testing:

- 24 1. Nutrient.
- 25 2. Mycotoxins.
- 26 3. Microbiological organisms.
- 27 4. Pesticide residues.
- 28 5. Drugs ~~Drug residues~~.

29 (b) The department shall be guided by the methods
30 published by the Association of Official Analytical Chemists,
31 the United States Environmental Protection Agency, the United

1 States Food and Drug Administration, or other generally
2 recognized authorities in developing the standards for these
3 laboratory certifications.

4 (2)(a) Any laboratory wanting to be certified by the
5 department in any of the testing categories must complete and
6 return an application with a \$100 application fee and a \$300
7 fee for each of the desired certifications. A single
8 application may be used to apply for more than one
9 certification. The department shall furnish the application
10 forms, which must require the distributor to state that the
11 laboratory will comply with all provisions of this chapter and
12 applicable rules. The registration form shall identify the
13 laboratory's name, the name of the owner or owners of the
14 business, the location of the laboratory, and other
15 information as required by rule of the department. The form
16 shall be signed by the owner, a partner, if a partnership, or
17 an authorized officer or agent, if a corporation.

18 (b) The department shall mail a certificate for each
19 certification granted to the laboratory to signify that
20 administrative requirements have been met.

21 (c) Each laboratory that is certified in any area of
22 testing must renew each certification annually. Renewal must
23 be submitted on a form provided by the department at least 30
24 days prior to the expiration date of the current certificate.
25 The laboratory must complete and return the renewal form with
26 the appropriate fee for the desired annual certification as
27 indicated on the form. Failure to timely renew certification
28 shall result in the expiration of the certification on the
29 date stated on the certificate. Any renewal received after the
30 expiration date on the certificate shall be accompanied by a
31 \$50 late charge. Any renewal received 30 days or more beyond

1 the expiration date on the certificate shall be returned to
2 the laboratory, and the laboratory shall apply to the
3 department as if it were the initial application for
4 certification.

5 (d) Certification shall be conditioned on the
6 laboratory's compliance with all provisions of this chapter
7 and rules thereof, including:

8 1. Submitting quarterly reports to the department
9 containing the results of the commercial feed and feedstuff
10 analyses for that quarter, including, but not limited to, the
11 results of each sample submitted for analysis by each
12 registrant, the registration number of the registrant
13 submitting the samples, the number of violative samples, and
14 any additional information the department may require by rule.

15 2. Reporting immediately to the department each sample
16 that is found to be in violation of the standards in this
17 chapter and in the rules thereof.

18 3. Participating in the quarterly check-sample program
19 administered by the department, when required.

20 4. Maintaining a bookkeeping system and records that
21 will allow the department to verify the accuracy of the
22 reports required in this chapter and to examine such records
23 at reasonable times.

24 (e) Failure to submit reports as required in this
25 subsection may result in the suspension or revocation of one
26 or more of the laboratory's testing certifications.

27 (3) The department may ~~shall~~ operate a check-sample
28 program for all testing certifications. If 30 percent or more
29 of a laboratory's check-sample results are outside the
30 acceptable variation established by rule for each check-sample
31 test, the laboratory must pay a \$100 fine and shall be placed

1 on probation for the next quarter. The laboratory may ~~shall~~ be
2 required to process additional check samples during the
3 probationary period. If 20 percent or more of the results of
4 the laboratory's check samples are outside the acceptable
5 variation level during the probationary period, that test
6 category certification shall be revoked and the laboratory may
7 not apply again for the same certification for 1 year after
8 the date of the revocation.

9 Section 32. Subsection (2) and paragraphs (a) and (b)
10 of subsection (5) of section 580.091, Florida Statutes, are
11 amended to read:

12 580.091 Inspection; sampling; analysis; exemption.--

13 (2) All registrants must have samples of their feed
14 and feed ingredients tested by a laboratory that has been
15 certified by the department or must be exempt from the
16 certified laboratory testing requirements, as provided in this
17 chapter, to ensure that all commercial feed and feedstuff
18 comply with the provisions of this chapter. The sampling
19 frequency and analysis requirements shall be determined by
20 rule of the department for poultry, dairy cow, beef cattle,
21 horse, swine, and other ~~agriculture~~ feed.

22 (a) Unless otherwise provided in this chapter, the
23 department shall not require distributors of 300 tons or less
24 of poultry, dairy cow, beef cattle, horse, swine, or other
25 ~~agriculture~~ feed per year to submit more than one sample of
26 each such feed per year for analysis.

27 ~~(d) It is the intent of the Legislature that the~~
28 ~~department not require sampling and analysis any more rigorous~~
29 ~~than the level of sampling and analysis reflected in the Feed~~
30 ~~Laboratory Quarterly Reports or official department records.~~

31

1 (5) A registrant may apply for an exemption from the
2 certified laboratory testing requirements by submitting its
3 quality-assurance/quality-control plan, including laboratory
4 testing protocols, to the department for review and approval
5 or disapproval. The department shall furnish the form for
6 requesting the exemption, which form shall require the
7 registrant to comply with all applicable provisions of this
8 chapter and related rules.

9 (a) Upon approval of a registrant's
10 quality-assurance/quality-control plan, the department ~~shall~~
11 ~~conduct an evaluation of the registrant's facility to verify~~
12 ~~compliance with the plan and the testing protocols submitted.~~
13 The department shall send the registrant a letter of exemption
14 if it finds that adequate measures are in place to assure
15 compliance with the material submitted and with this chapter.

16 (b) The registrant's quality-assurance/quality-control
17 plan ~~laboratory facility~~ shall be subject to evaluation every
18 3 years. Application for renewal must be submitted on a form
19 provided by the department at least 30 days prior to the
20 expiration date of the current approval letter. Any renewal
21 application received after the expiration date on the approval
22 letter shall be accompanied by a \$50 late charge. Failure to
23 timely renew certification shall result in the expiration of
24 the approval and imposition of the requirement to have all
25 feed samples tested by a department-certified laboratory.

26 Section 33. Subsection (14) is added to section
27 580.112, Florida Statutes, to read:

28 580.112 Certain acts prohibited.--The following acts,
29 or the causing thereof knowingly, within the state are
30 prohibited:
31

1 (14) The distribution of a feed or feedstuff that is
2 prohibited by federal law or regulation.

3 Section 34. Paragraph (a) of subsection (1) of section
4 581.211, Florida Statutes, is amended to read:

5 581.211 Penalties for violations.--

6 (1) Any person who:

7 (a) Violates any provision of this chapter or the
8 rules adopted under this chapter;

9
10 commits a misdemeanor of the first degree, punishable as
11 provided in s. 775.082 or s. 775.083.

12 Section 35. Subsection (3) of section 585.145, Florida
13 Statutes, is renumbered as subsection (4), and a new
14 subsection (3) is added to said section to read:

15 585.145 Control of animal diseases.--

16 (3) Official certificates of veterinary inspection may
17 only be completed by a veterinarian accredited under the
18 National Veterinary Accreditation Program. The department may,
19 as prescribed by rule, deny a veterinarian the authority to
20 issue such certificates for the importation, movement, or
21 transfer of ownership of animals into or within the state as
22 required by this section for one of the following causes:

23 (a) The revocation of such veterinarian's license to
24 practice veterinary medicine in the state;

25 (b) The forgery, counterfeiting, alteration, or
26 misrepresentation of an official certificate of veterinary
27 inspection; or

28 (c) The failure to report or the negligent handling of
29 any reportable disease.

30 Section 36. Paragraphs (a) and (c) of subsection (2)
31 of section 585.155, Florida Statutes, are amended to read:

1 585.155 Whole-herd and calf vaccination.--

2 (2)(a) All calves officially vaccinated with Brucella
3 abortus vaccine shall be permanently identified at the time of
4 vaccination with the official shield tattoo "V," registered by
5 the United States Department of Agriculture, in the right ear,
6 preceded by the numeral of the quarter of the year and
7 followed by the last numeral of the year.

8 ~~(c) Heifer calves must be vaccinated when not less~~
9 ~~than 4 months and not more than 10 months of age.~~

10 Section 37. Section 589.19, Florida Statutes, is
11 amended to read:

12 589.19 Creation of certain state forests; naming of
13 certain state forests.--

14 (1) When the Board of Trustees of the Internal
15 Improvement Trust Fund, any state agency, or any agency
16 created by state law, authorized to accept reforestation lands
17 in the name of the state, approve the recommendations of the
18 Division of Forestry in reference to the acquisition of land
19 and acquire such land, the said board, state agency, or agency
20 created by state law, may formally designate and dedicate any
21 area as a reforestation project, or state forest, and where so
22 designated and dedicated such area shall be under the
23 administration of the division which shall be authorized to
24 manage and administer said area according to the purpose for
25 which it was designated and dedicated.

26 (2) The first state forest acquired by the Board of
27 Trustees of the Internal Improvement Trust Fund in Baker
28 County is to be named the John M. Bethea State Forest. This
29 is to honor Mr. John M. Bethea who was Florida's fourth state
30 forester and whose distinguished career in state government
31 spanned 46 years and who is a native of Baker County.

1 Section 38. Paragraph (a) of subsection (10) of
2 section 616.242, Florida Statutes, is amended to read:

3 616.242 Safety standards for amusement rides.--

4 (10) EXEMPTIONS.--

5 (a) This section does not apply to:

6 1. Permanent facilities that employ at least 1,000
7 full-time employees and that maintain full-time, in-house
8 safety inspectors. Furthermore, the permanent facilities must
9 file an affidavit of the annual inspection with the
10 department, on a form prescribed by rule of the department.
11 Additionally, the Department of Agriculture and Consumer
12 Services may consult annually with the permanent facilities
13 regarding industry safety programs.

14 2. Any playground operated by a school, local
15 government, or business licensed under chapter 509, if the
16 playground is an incidental amenity and the operating entity
17 is not primarily engaged in providing amusement, pleasure,
18 thrills, or excitement.

19 3. Museums or other institutions principally devoted
20 to the exhibition of products of agriculture, industry,
21 education, science, religion, or the arts.

22 4. Conventions or trade shows for the sale or exhibit
23 of amusement rides if there are a minimum of 15 amusement
24 rides on display or exhibition, and if any operation of such
25 amusement rides is limited to the registered attendees of the
26 convention or trade show.

27 5. Skating rinks, arcades, lazer or paint ball war
28 games, bowling alleys, miniature golf courses, mechanical
29 bulls, inflatable rides, trampolines, ball crawls, exercise
30 equipment, jet skis, paddle boats, air boats, helicopters,
31 airplanes, parasails, hot air or helium balloons whether

1 tethered or untethered, theatres, batting cages, stationary
2 spring-mounted fixtures, rider-propelled merry-go-rounds,
3 games, side shows, live animal rides, or live animal shows.

4 6. Go-karts operated in competitive sporting events if
5 participation is not open to the public.

6 7. Nonmotorized playground equipment that is not
7 required to have a manager.

8 8. Coin-actuated amusement rides designed to be
9 operated by depositing coins, tokens, credit cards, debit
10 cards, bills, or other cash money and which are not required
11 to have a manager, and which have a capacity of six persons or
12 less.

13 9. Facilities described in s. 549.09(1)(a) when such
14 facilities are operating cars, trucks, or motorcycles only.

15 10. Battery-powered cars or other vehicles that are
16 designed to be operated by children 7 years of age or under
17 and that do not exceed a speed of 4 miles per hour.

18 11. Mechanically driven vehicles that pull train cars,
19 carts, wagons, or other similar vehicles, that are not
20 confined to a metal track or confined to an area but are
21 steered by an operator and do not exceed a speed of 4 miles
22 per hour.

23 Section 39. Subsection (1) of section 633.557, Florida
24 Statutes, is amended to read:

25 633.557 Exemptions; nonresidential farm buildings ~~farm~~
26 ~~outbuildings~~; standpipe systems installed by plumbing
27 contractors.--

28 (1) This act does not apply to owners of property who
29 are building or improving nonresidential farm buildings as
30 defined in s. 604.50 ~~farm outbuildings~~. The Department of
31 Agriculture and Consumer Services shall have exclusive

1 authority to adopt by rule, pursuant to chapter 120,
2 exceptions to nonresidential farm buildings exempted by this
3 subsection when reasonably necessary to preserve public
4 health, safety, and welfare.

5 Section 40. Section 828.22, Florida Statutes, is
6 amended to read:

7 828.22 Humane Slaughter Act; humane slaughter and
8 livestock euthanasia; requirements ~~requirement~~.--

9 (1) Sections 828.22-828.26 may be cited as the "Humane
10 Slaughter Act."

11 (2)(a)~~(1)~~ The Legislature of this state finds that the
12 use of humane methods in the killing ~~slaughter~~ of livestock
13 prevents needless suffering, results in safer and better
14 working conditions for persons engaged in the slaughtering
15 industry or other livestock operations, brings about
16 improvement of products and economy in slaughtering or other
17 livestock operations, and produces other benefits for
18 producers, processors, and consumers which tend to expedite
19 the orderly flow of livestock and their products.

20 (b)~~(2)~~ It is therefore declared to be the policy of
21 this state to require that the slaughter of all livestock and
22 the handling of livestock in connection with slaughter shall
23 be carried out only by humane methods and to provide that
24 methods of slaughter shall conform generally to those employed
25 in other states where humane slaughter is required by law and
26 to those authorized by the Federal Humane Slaughter Act of
27 1958, and regulations thereunder.

28 (3) Nothing in ss. 828.22-828.26 ~~this act~~ shall be
29 construed to prohibit, abridge, or in any way hinder the
30 religious freedom of any person or group. Notwithstanding any
31 other provision of ss. 828.22-828.26 ~~this act~~, in order to

1 protect freedom of religion, ritual slaughter and the handling
2 or other preparation of livestock for ritual slaughter are
3 exempted from the terms of ss. 828.22-828.26 ~~this act~~. For
4 the purposes of this action the term "ritual slaughter" means
5 slaughter in accordance with s. 828.23~~(3)(7)(b)~~.

6 Section 41. Section 828.23, Florida Statutes, is
7 amended to read:

8 828.23 Definitions; ss. 828.22-828.26.--As used in ss.
9 828.22-828.26, the following words shall have the meaning
10 indicated:

11 (1) "Department" means the Department of Agriculture
12 and Consumer Services.

13 (2) "Person" means any individual, partnership,
14 corporation, or association doing business in this state, in
15 whole or in part.

16 (3) "Slaughter" means the act of killing one or more
17 livestock animals for any purpose.

18 ~~(4)(3) "Slaughterer" means any person other than a~~
19 ~~licensed veterinarian, or an employee of a humane society or~~
20 ~~animal control agency, who kills regularly engaged in the~~
21 ~~commercial slaughtering of livestock.~~

22 ~~(5)(4) "Livestock" means cattle, calves, sheep, swine,~~
23 ~~horses, mules, goats, ostriches, ruelas, emus, and any other~~
24 ~~domestic animal which can or may be used in the preparation of~~
25 ~~animal and for the preparation of meat or meat products. For~~
26 ~~the purposes of ss. 828.22-828.26, "livestock" does not~~
27 ~~include poultry and aquatic species.~~

28 ~~(5) "Packer" means any person engaged in the business~~
29 ~~of slaughtering, or of manufacturing or preparing meat or meat~~
30 ~~products for sale, either by such person or others; or of~~
31

1 ~~manufacturing or preparing livestock products for sale by such~~
2 ~~person or others.~~

3 ~~(6) "Stockyard" means any place, establishment, or~~
4 ~~facility commonly known as a stockyard, conducted or operated~~
5 ~~for compensation or profit as a public market, consisting of~~
6 ~~pens, or other enclosures, and their appurtenances, for the~~
7 ~~handling, keeping, and holding of livestock for the purpose of~~
8 ~~sale or shipment.~~

9 ~~(6)(7)~~ "Humane method" means ~~either~~:

10 (a) A method whereby the animal is rapidly and
11 effectively rendered insensitive to pain by electrical or
12 chemical means or by a penetrating captive bolt or gunshot
13 with appropriate caliber and placement ~~rendered insensible to~~
14 ~~pain by mechanical, electrical, chemical, or other means that~~
15 ~~are rapid and effective, before being shackled, hoisted,~~
16 ~~thrown, cast, or cut; or~~

17 (b) A method in accordance with ritual requirements of
18 any religious faith whereby the animal suffers loss of
19 consciousness by anemia of the brain caused by the
20 simultaneous and instantaneous severance of the carotid
21 arteries with a sharp instrument.

22 Section 42. Section 828.24, Florida Statutes, is
23 amended to read:

24 828.24 Prohibited acts; exemption.--

25 (1) No person shall kill an animal in any way except
26 by an approved humane method ~~slaughterer, packer, or stockyard~~
27 ~~operator shall shackle, hoist, or otherwise bring livestock~~
28 ~~into position for slaughter, by any method which shall cause~~
29 ~~injury or pain.~~

30 (2) No person shall shackle or hoist with intent to
31 kill any animal prior to rendering the animal insensitive to

1 ~~pain slaughterer, packer, or stockyard operator shall bleed or~~
2 ~~slaughter any livestock except by a humane method.~~

3 (3) Nothing in this section precludes the enforcement
4 of s. 828.12 relating to cruelty to animals ~~This act shall not~~
5 ~~apply to any person, firm or corporation slaughtering or~~
6 ~~processing for sale within the state not more than 20 head of~~
7 ~~cattle nor more than 35 head of hogs per week.~~

8 Section 43. Section 828.25, Florida Statutes, is
9 amended to read:

10 828.25 Administration; rules ~~and regulations~~;
11 inspection; fees.--

12 (1) The department shall administer the provisions of
13 ss. 828.22-828.26 ~~this act~~. It shall promulgate and may from
14 time to time revise rules ~~and regulations~~ which shall conform
15 substantially to and are not less restrictive than the rules
16 and regulations promulgated by the Secretary of Agriculture of
17 the United States pursuant to the Federal Humane Slaughter Act
18 of 1958, Pub. L. No. 85-765, 72 Stat. 862, and any amendments
19 thereto; ~~provided, however, that the use of a manually~~
20 ~~operated hammer, sledge or poleax is declared to be an~~
21 ~~inhumane method of slaughter within the meaning of this act.~~

22 (2) The department may appoint any member of its staff
23 as an official inspector for the purposes of ss. 828.22-828.26
24 ~~this act~~. Such inspector shall have the power to enter the
25 premises of any slaughterer for the purposes of verifying
26 compliance or noncompliance with the provisions of ss.
27 828.22-828.26 ~~this act~~.

28 (3) The department has the authority to conduct
29 inspections of the premises of slaughterers at random
30 intervals. ~~As soon as practicable after October 1, 1961, an~~
31 ~~inspection shall be made of the premises of each slaughterer.~~

1 ~~Additional inspections shall be made not less frequently than~~
2 ~~quarterly. No fee shall be charged for such inspection.~~

3 Section 44. Section 828.251, Florida Statutes, is
4 created to read:

5 828.251 Instruction.--The department, in conjunction
6 with the State University System, the American Veterinary
7 Medical Association, and humane animal groups, shall make
8 available to slaughterers the most current technical
9 information. Such information may be in video or manual
10 format, or another widely accepted media format.

11 Section 45. Section 828.252, Florida Statutes, is
12 created to read:

13 828.252 Nonambulatory animals.--This section
14 acknowledges that natural emergencies may arise or, even under
15 recognized best management practices, injury may result. In
16 all cases, nonambulatory animals shall be dealt with in a
17 humane manner.

18 (1) As used in this section, the term "nonambulatory
19 animal" means any livestock that is unable to stand and walk
20 unassisted.

21 (2) No person shall buy, sell, give, receive,
22 transfer, market, hold without providing proper care within 24
23 hours, or drag any nonambulatory animal unless the
24 nonambulatory animal has been humanely euthanized, except in
25 such cases where providing proper care requires that the
26 animal be moved.

27 Section 46. Section 828.26, Florida Statutes, is
28 amended to read:

29 828.26 Penalties ~~Penalty~~.--

30 (1) Any person who violates the provisions of ss.
31 828.22-828.26 and any rule associated with said sections shall

1 be subject to an administrative fine of up to \$10,000 for each
2 violation.~~No slaughterer found by the department in~~
3 ~~accordance with the above not to be in compliance with the~~
4 ~~provisions of this act shall sell any meat or meat products to~~
5 ~~any public agency in the state, or to any institution~~
6 ~~supported by state, county, or municipal funds. Failure to~~
7 ~~comply with this provision shall be a misdemeanor of the~~
8 ~~second degree, punishable as provided in s. 775.083.~~

9 (2) Unless otherwise provided, any person violating
10 any provision of ss. 828.22-828.26 commits a misdemeanor of
11 the second degree, punishable as provided in s. 775.082 or s.
12 775.083.~~Upon failure to be in compliance with the provisions~~
13 ~~of this act after a period of 1 year from the date of the~~
14 ~~first inspection required under s. 828.25, the department~~
15 ~~shall direct the slaughterer to cease slaughtering livestock.~~
16 ~~Failure to comply with this directive shall be a misdemeanor~~
17 ~~of the second degree, punishable as provided in s. 775.083,~~
18 ~~and constituting a separate offense for each day of continued~~
19 ~~slaughtering operations beyond the first week following~~
20 ~~mailing of such directive to the slaughterer by the~~
21 ~~department.~~

22 (3) Nothing in this section precludes the enforcement
23 of s. 828.12, relating to cruelty to animals.

24 Section 47. Subsection (10) of section 427.804,
25 Florida Statutes, is amended to read:

26 427.804 Repair of nonconforming assistive technology
27 devices; refund or replacement of devices after attempt to
28 repair; sale or lease of returned device; arbitration;
29 investigation; limitation of rights.--

30 (10) The department shall process consumer complaints
31 pursuant to ss. 570.07 and ~~s.~~570.544.

1 Section 48. Subsection (2) of section 559.921, Florida
2 Statutes, is amended to read:

3 559.921 Remedies.--

4 (2) The department shall process consumer complaints
5 according to ss. 570.07 and ~~§~~570.544.

6 Section 49. Subsections (10) and (11) of section
7 570.544, Florida Statutes, are repealed.

8 Section 50. Section 20.29, Florida Statutes, is
9 repealed:

10 ~~20.29 Department of Citrus.--The State Citrus~~
11 ~~Commission, created under chapter 601, is continued and~~
12 ~~renamed the Department of Citrus.~~

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

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

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

23 Section 51. Section 601.01, Florida Statutes, is
24 reenacted and amended to read:

25 601.01 Creation of the Florida Citrus Authority Short
26 title.--

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

29 (2) There is hereby created the Florida Citrus
30 Authority, a public body corporate and politic and an
31 independent special district and instrumentality of the state,

1 under the supervision of the Florida Citrus Commission, for
2 the purposes and with the powers herein set forth. The
3 Florida Citrus Authority shall have perpetual succession and
4 sovereign immunity as provided in s. 768.28.

5 (3) The Florida Citrus Authority shall be a body
6 corporate, shall have power to contract and be contracted
7 with, and shall have and possess all the powers of a body
8 corporate for all purposes necessary to fully carry out the
9 provisions and requirements of this chapter. The Florida
10 Citrus Authority shall adopt a corporate seal with which it
11 shall authenticate its proceedings.

12 (4) All of the assets, personnel records, documents,
13 records, patents, trademarks, copyrights, real property,
14 intangible property, furniture, office equipment, supplies,
15 operating account balances, and unexpended balances of
16 appropriations shall be transferred from the Department of
17 Citrus to the Florida Citrus Authority and shall continue as
18 provided in this chapter. All liabilities of the Department
19 of Citrus shall become the responsibility of the Florida
20 Citrus Authority.

21 (5) The Legislature acknowledges that there are
22 currently many services that the Department of Citrus receives
23 by virtue of being an agency of the executive branch. These
24 services include, but are not limited to, payroll, purchasing,
25 computer services, accounting services, and insurance and
26 retirement benefits. The Florida Citrus Authority shall
27 continue to receive the same services from executive agencies
28 as the Department of Citrus until such time that the Florida
29 Citrus Authority has made the appropriate transition.

30 (6) All administrative rules of the Department of
31 Citrus in effect on the effective date of this act shall

1 become the adopted rules of the Florida Citrus Authority on
2 the effective date of this act.

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

6 Section 52. Section 601.02, Florida Statutes, is
7 reenacted and amended to read:

8 601.02 Purposes.--The purpose of the Florida Citrus
9 Authority is to provide advertising, marketing, research, and
10 promotions for the benefit of the citrus industry, and to
11 implement and enforce the regulations regarding the quality of
12 citrus products. The goals of the Florida Citrus Authority
13 shall be ~~This chapter is passed:~~

14 (1) ~~In the exercise of the police power~~ To protect the
15 health and welfare and to stabilize and protect the citrus
16 industry of the state.

17 (2) To help maximize ~~Because the planting, growing,~~
18 ~~cultivating, spraying, pruning, and fertilizing of citrus~~
19 ~~groves and the harvesting, hauling, processing, packing,~~
20 ~~canning, and concentrating of the citrus crop produced thereon~~
21 ~~is the major agricultural enterprise of Florida and, together~~
22 ~~with the sale and distribution of the citrus~~ said crop for the
23 benefit of the citrus industry., ~~affects the health, morals,~~
24 ~~and general economy of a vast number of citizens of the state~~
25 ~~who are either directly or indirectly dependent thereon for a~~
26 ~~livelihood, and said business is therefore of vast public~~
27 ~~interest.~~

28 (3) ~~Because it is wise, necessary, and expedient~~ To
29 protect and enhance the quality and reputation of Florida
30 citrus fruit and the canned and concentrated products thereof
31 in domestic and foreign markets.

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

17 (5) To enable the Florida Citrus Authority to assess
 18 citrus producers collectively to generate funds for ~~to pay~~
 19 ~~assessments to fund~~ marketing, and research, promotions and
 20 regulatory programs for the direct benefit of the citrus
 21 industry of this state. The Florida Citrus Authority shall
 22 collect and maintain the funds collected pursuant to chapter
 23 189 and the Florida Citrus Code; however, provisions of ss.
 24 189.404(3)(n), 189.4045, 189.405, 189.4051, 189.415, and
 25 189.4155 shall not be applicable to the Florida Citrus
 26 Authority. No moneys collected by the Florida Citrus
 27 Authority shall become general revenue funds nor shall such
 28 moneys be subject to legislative appropriations. Assessments
 29 collected pursuant to the Florida Citrus Code shall not be
 30 used for the purpose of eradication of canker or other pest
 31 infestation. It is the intent of the Legislature that all

1 funds collected under this chapter and the interest accrued on
2 such funds are consideration for a social contract between the
3 Florida Citrus Authority ~~state~~ and the citrus growers of the
4 state whereby the Florida Citrus Authority ~~state~~ must hold and
5 use such funds ~~in trust and inviolate and use them only~~ for
6 the purposes prescribed in this chapter.

7 (6) To stabilize the Florida citrus industry and to
8 protect the public against fraud, deception, and financial
9 loss through unscrupulous practices and haphazard methods in
10 connection with the processing and marketing of citrus fruit
11 and the canned or concentrated products thereof.

12 ~~(7) Because said act is designed to promote the~~
13 ~~general welfare of the Florida citrus industry, which in turn~~
14 ~~will promote the general welfare and social and political~~
15 ~~economy of the state.~~

16
17 In the event any word, phrase, clause, sentence, paragraph, or
18 section of this chapter is declared unconstitutional by any
19 court of competent jurisdiction, then such declaration of such
20 unconstitutionality shall not affect the remainder of this
21 chapter, and the unconstitutional portion shall be considered
22 severable, it being the intent of the Legislature that the
23 remainder of this chapter shall continue in full force and
24 effect.

25 Section 53. Section 601.03, Florida Statutes, is
26 reenacted and amended to read:

27 601.03 Definitions.--In construing this chapter, where
28 the context permits the word, phrase, or term:

29 (1) "Additive" means any foreign substance which, when
30 added to any citrus fruit juice, will change the amount of
31 total soluble solids or anhydrous citric acid therein, or the

1 color or taste thereof, or act as an artificial preservative
2 thereof;

3 (2) "Agent" means any person who, on behalf of any
4 citrus fruit dealer, negotiates the consignment, purchase, or
5 sale of citrus fruit, or weighs citrus fruit so that the
6 weight thereof may be used in computing the amount to be paid
7 therefor;

8 (3) "Broker" means any person engaged in the business
9 of negotiating the sale or purchase of citrus fruit for
10 others;

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

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

22 (6) "Cash buyer" means any person who purchases citrus
23 fruit in this state from the producer for the purpose of
24 resale;

25 (7) "Citrus fruit" means all varieties and regulated
26 hybrids of citrus fruit and also means processed citrus
27 products containing 20 percent or more citrus fruit or citrus
28 fruit juice, but, for the purposes of this chapter, shall not
29 mean limes, lemons, marmalade, jellies, preserves, candies, or
30 citrus hybrids for which no specific standards have been
31

1 established by the Florida Citrus Authority ~~Department of~~
2 ~~Citrus~~;

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

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

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

17 (11) "Coloring matter" means any dye, or any liquid or
18 concentrate or material containing a dye or materials which
19 react to form a dye, used or intended to be used for the
20 purpose of enhancing the color of citrus fruit by the addition
21 of artificial color to the peel thereof; provided that said
22 term shall not include any process or treatment of fruit which
23 merely brings out or accelerates the natural color of the
24 fruit;

25 (12) "Coloring room" means any room or place where
26 citrus fruit is placed, with or without the use of heat or any
27 gas, for the purpose of bringing out the natural color of the
28 fruit;

29 (13) "Florida Citrus Commission or "commission" means
30 the 12-member board appointed by the Governor and confirmed by
31 the Senate that serves ~~Florida Citrus Commission~~ as the head

1 and governing body of the Florida Citrus Authority ~~Department~~
2 ~~of Citrus;~~

3 (14) "Florida Citrus Authority ~~Department of~~
4 ~~Agriculture~~" or "authority" means the Florida Citrus Authority
5 ~~Department of Agriculture and Consumer Services~~ of the State
6 of Florida;

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

10 (16) "Concentrated products" means:

11 (a) Frozen citrus fruit juice frozen at a
12 concentration of exceeding 20 degrees Brix and kept at a
13 sufficiently freezing temperature to ensure preservation of
14 the product; and

15 (b) Citrus fruit juice sealed in hermetically sealed
16 containers at a concentration of exceeding 20 degrees Brix and
17 sufficiently processed by heat to ensure preservation of the
18 product;

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

23 (18) "Consignment shipper" means any person who
24 contracts with the producer of citrus fruit for the marketing
25 thereof for the sole account and risk of such producer and who
26 agrees to pay such producer the net proceeds derived from such
27 sale;

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

31

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

5 (21) "Fresh fruit juice distributor" means any person
6 extracting and preparing for market or shipment any citrus
7 fruit juice in fresh form;

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

11 (23) "Handler" means any person engaged within this
12 state in the business of distributing citrus fruit in the
13 primary channel of trade or any person engaged as a processor
14 in the business of processing citrus fruit;

15 (24) "Manufacturer" means any person who shall
16 manufacture, sell or offer for sale, or license or offer for
17 license for use any coloring matter, or any soaps, oils,
18 waxes, gases, gas-forming material, or other similar
19 compositions, or the component parts thereof on or in the
20 processing of citrus fruits;

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

23 (26) "Packinghouse" means any building, structure, or
24 place where citrus fruit is packed or otherwise prepared for
25 market or shipment in fresh form;

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

29 (28) "Primary channel of trade" means that fruit shall
30 be deemed to have been delivered into the primary channel of
31 trade when it is sold or delivered for shipment in fresh form,

1 or when it is received and accepted at a canning,
2 concentrating, or processing plant for canning, concentrating,
3 or processing;

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

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

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

14 (32) "Shipping season" means that period of time
15 beginning August 1 of one year and ending July 31 of the
16 following year;

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

19 (34) "Tangerines" means the fruit *Citrus reticulata*
20 Blanco, commonly called tangerines;

21 (35) "Lemons" including "rough" lemons means the acid
22 lemons of *Citrus limon*, including the varieties eureka, genoa,
23 wheatley, amerfo, belair, and villafranca of the Eureka group;
24 varieties bonnie brae, kennedy, lisbon, messer, messina, and
25 sicily of the Lisbon group; varieties meyer, cuban, ponderosa,
26 and rough of the Anomalous group; varieties dorshapo and
27 millsweet of the Sweet Lemon group, and other varieties not
28 included above such as everbearing, palestine sweet, perrine,
29 and spheriola;

30 (36) "Sour oranges"--"sour" or "bitter" oranges means
31 the fruit of *Citrus aurantium* L. and contains several

1 subspecies. Among the most important are varieties african,
2 brazilian, rubidoux, and standard of the Normal group;
3 varieties daidai, goleta, bouquet of the Aberrant group;
4 variety chinooto of the Myrtifolia group; and varieties
5 bittersweet and paraguay of the Bittersweet group;

6 (37) "Citrus hybrids" means but shall not be limited
7 to hybrids between or among sour orange (C. aurantium),
8 pummelo (C. grandis), lemon (C. limon), lime (C.
9 aurantifolia), citron (C. medica), grapefruit (C. paradisi),
10 tangerine or mandarin orange (C. reticulata), sweet orange (C.
11 sinensis), tangelo (C. reticulata x C. paradisi or C.
12 grandis), tangor (C. reticulata x C. sinensis), kumquat
13 (Fortunella, species), trifoliate orange (Poncirus
14 trifoliata), and varieties of these species;

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

19 Section 54. Section 601.04, Florida Statutes, is
20 reenacted and amended to read:

21 601.04 Florida Citrus Commission; creation and
22 membership.--

23 (1)(a) There is hereby created and established within
24 the Florida Citrus Authority ~~Department of Citrus~~ a board to
25 be known and designated as the "Florida Citrus Commission" to
26 be composed of 12 practical citrus fruit persons who are
27 resident citizens of the state, each of whom is and has been
28 actively engaged in growing, growing and shipping, or growing
29 and processing of citrus fruit in the state for a period of at
30 least 5 years immediately prior to appointment to the said
31 commission and has, during said period, derived a major

1 portion of her or his income therefrom or, during said time,
 2 has been the owner of, member of, officer of, or paid employee
 3 of a corporation, firm, or partnership which has, during said
 4 time, derived the major portion of its income from the
 5 growing, growing and shipping, or growing and processing of
 6 citrus fruit.

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

29 (c) There shall be four members of the commission from
 30 each of the three citrus subdistricts ~~districts~~. Each member
 31 must reside in the subdistrict ~~district~~ from which she or he

1 was appointed. For the purposes of this section, the
2 residence of a member shall be the actual physical and
3 permanent residence of the member.

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

14 (b) When appointments are made, the Governor shall
15 publicly announce the actual classification and subdistrict
16 ~~district~~ that each appointee represents. A majority of the
17 members of the commission shall constitute a quorum for the
18 transaction of all business and the carrying out of the duties
19 of the commission. Before entering upon the discharge of
20 their duties as members of the commission, each member shall
21 take and subscribe to the oath of office prescribed in s. 5,
22 Art. II of the State Constitution. The qualification of each
23 member as herein required shall continue throughout the
24 respective term of office, and in the event a member should,
25 after appointment, fail to meet the qualifications or
26 classification which she or he possessed at the time of
27 appointment as above set forth, such member shall resign or be
28 removed and be replaced with a member possessing the proper
29 qualifications and classification.

30
31

1 (c) When making an appointment to the commission, the
2 Governor shall announce the subdistrict ~~district~~ and
3 classification of the person appointed.

4 (3)(a) The commission is authorized to elect a chair
5 and vice chair and such other officers as it may deem
6 advisable.

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

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

18 Section 55. Section 601.05, Florida Statutes, is
19 repealed:

20 ~~601.05 Department of Citrus a body corporate.--The~~
21 ~~Department of Citrus shall be a body corporate, shall have~~
22 ~~power to contract and be contracted with, and shall have and~~
23 ~~possess all the powers of a body corporate for all purposes~~
24 ~~necessary for fully carrying out the provisions and~~
25 ~~requirements of this chapter. The Department of Citrus shall~~
26 ~~adopt a corporate seal with which it shall authenticate its~~
27 ~~proceedings.~~

28 Section 56. Section 601.06, Florida Statutes, is
29 reenacted and amended to read:

30 601.06 Compensation and expenses of commission
31 members.--Each member of the commission shall receive the sum

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

11 Section 57. Section 601.07, Florida Statutes, is
12 reenacted and amended to read:

13 601.07 Location of executive offices.--The executive
14 offices of the Florida Citrus Authority ~~Department of Citrus~~
15 shall be established and maintained at Lakeland.

16 Section 58. Section 601.08, Florida Statutes, is
17 reenacted and amended to read:

18 601.08 Authenticated copies of commission records as
19 evidence.--Copies of the proceedings, records, and acts of the
20 commission and certificates purporting to relate the facts
21 concerning such proceedings, records, and acts signed by the
22 chair of the commission and authenticated by the seal of the
23 Florida Citrus Authority ~~Department of Citrus~~ shall be prima
24 facie evidence thereof in all the courts of the state.

25 Section 59. Section 601.09, Florida Statutes, is
26 reenacted and amended to read:

27 601.09 Citrus subdistricts ~~districts~~.--The independent
28 special district known as the Florida Citrus Authority citrus
29 ~~belt of the state, for purposes of this chapter,~~ is divided
30 into three subdistricts ~~districts~~ composed of the following
31 counties:

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

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

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

10 Section 60. Section 601.091, Florida Statutes, is
11 reenacted to read:

12 601.091 Florida SunRidge, Indian River, and Gulf
13 production areas, boundaries and designation.--

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

25 (2) The "Indian River" production area of this state
26 shall encompass only that part of the state particularly
27 described as follows: Beginning at a point on the shore of the
28 Atlantic Ocean where the line between Flagler and Volusia
29 Counties intersects said shore, thence follow the line between
30 said two counties to the southwest corner of Section 23,
31 Township 14 South, Range 31 East; thence continue south to the

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

20 (3) The "Gulf" production area of this state shall
21 encompass all of Charlotte, Collier, Glades, Hendry, and Lee
22 Counties.

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

26 Section 61. Section 601.10, Florida Statutes, is
27 reenacted and amended to read:

28 601.10 Powers of the Florida Citrus Authority
29 ~~Department of Citrus.~~--The Florida Citrus Authority ~~Department~~
30 ~~of Citrus~~ shall have and shall exercise such general and
31 specific powers as are delegated to it by the Florida

1 Constitution, this chapter and other statutes of the state
2 regarding special taxing districts, which powers shall
3 include, but shall not be confined to, the following:

4 (1) To assess and collect taxes to conduct marketing,
5 advertising, research, regulatory, or promotional activities
6 for citrus products in the United States and foreign countries
7 with the intent of increasing the use, purchase, and
8 consumption of citrus products.

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

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

20 (a) To disseminate information relating to:

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

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

29 3. The added cost to the producer and dealer in
30 producing and handling citrus fruits to meet the high
31

1 standards imposed by the state that ensure a pure and
2 wholesome product;

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

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

8 6. The problem of furnishing the consumer at all times
9 with an abundant supply of fine quality citrus fruits at
10 reasonable prices;

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

17 8. The possibilities with particular reference to
18 increased consumption of citrus fruits; and

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

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

27 (4)(1) To adopt and, from time to time, alter,
28 rescind, modify, or amend all proper and necessary rules,
29 regulations, and orders for the exercise of its powers and the
30 performance of its duties under this chapter and other
31 statutes of the state, which rules and regulations shall have

1 the force and effect of law when not inconsistent therewith.
2 In implementing, amending, and enforcing rules, the Florida
3 Citrus Authority shall follow the provisions of chapter 120
4 and subsequent amendments thereto.

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

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

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

26 (c) The Florida Citrus Authority ~~Department of Citrus~~
27 may pay, or participate in the payment of, premiums for
28 health, accident, and life insurance for its full-time
29 employees, pursuant to such rules or regulations as it may
30 adopt; and such payments shall be in addition to the regular
31 salaries of such full-time employees. It is the intent of the

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

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

22 (7)(a) The fiscal year of the Florida Citrus Authority
 23 created under the provisions of this chapter shall extend from
 24 October 1 of one year through September 30 of the following
 25 year. The executive director of the Florida Citrus Authority
 26 shall, on or before July 15 of each year, submit for
 27 consideration by the Florida Citrus Commission a tentative
 28 budget for the Florida Citrus Authority covering its proposed
 29 operation and requirements for the ensuing fiscal year. The
 30 budget shall set forth, classified by object and purpose, and
 31 by fund if so designated, the proposed expenditures of the

1 Florida Citrus Authority or other debt for the conduct of the
 2 affairs of the Florida Citrus Authority generally, and for
 3 other purposes, to which may be added an amount to be held as
 4 a reserve. Florida Citrus Authority administrative and
 5 operating expenses must be identified in the budget and
 6 allocated among programs.

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

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

30 (d) The Florida Citrus Authority shall have an annual
 31 financial audit of its accounts and records as provided in s.

1 11.45. A copy of the audit shall be filed with the Auditor
2 General and the Florida Citrus Commission.

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

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

31

1 of the proceeds of revenues authorized to be assessed by this
2 chapter.

3 (9)~~(4)~~ To purchase or authorize the purchase of all
4 office equipment and supplies and to incur all necessary
5 expenses in connection with and required for the proper
6 carrying out of the provisions of this chapter and other
7 applicable laws.

8 (10)~~(5)~~ To investigate violations of the provisions of
9 this chapter and other laws conferring powers and duties upon
10 the Florida Citrus Authority ~~Department of Citrus~~, and to
11 report its findings or recommendations in connection therewith
12 to the Department of Agriculture and Consumer Services.

13 (11)~~(6)~~ To incur such reasonable obligations and
14 expenses as may be necessary and proper for the discharge of
15 its powers and duties under this or other laws, and to have
16 such obligations and expenses paid out of the funds authorized
17 by this chapter ~~law~~ to be collected and expended. The
18 executive director of the Florida Citrus Authority ~~Department~~
19 ~~of Citrus~~, or such other person specifically designated by the
20 commission to act in the event the executive director is
21 either unable or not available to act, is authorized to
22 execute contracts and agreements previously approved by the
23 commission during a regular or special meeting, on behalf of
24 the Florida Citrus Authority ~~Department of Citrus~~; and the
25 secretary or assistant secretary of the commission is
26 authorized to attest to the signature of the executive
27 director or other designated person.

28 (12)~~(7)~~ To adopt, promulgate, alter, rescind, modify,
29 amend, and enforce rules and regulations and establish minimum
30 maturity and quality standards for citrus fruits not
31 inconsistent with existing laws, to regulate and control

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

15 (13)~~(8)~~ To prepare and disseminate information of
 16 importance to citrus growers, handlers, shippers, processors,
 17 and industry-related and interested persons and organizations,
 18 relating to Florida Citrus Authority ~~Department of Citrus~~
 19 activities and the production, handling, shipping, processing,
 20 and marketing of citrus fruit and processed citrus products.
 21 Any information which consists of a trade secret as defined in
 22 s. 812.081(1)(c) is confidential and exempt from the
 23 provisions of s. 119.07(1), and shall not be disclosed. For
 24 referendum and other notice and informational purposes, the
 25 Florida Citrus Authority ~~Department of Citrus~~ may prepare and
 26 maintain, from the best available sources, a citrus grower
 27 mailing list. Such list shall be a public record available as
 28 other public records, but it shall not be subject to the
 29 purging provisions of s. 283.55.

30 (14)(a)~~(9)~~ The Florida Citrus Authority shall have the
 31 authority to deposit funds, revenues, and/or assessments into

1 banks or saving associations. All deposits shall be in
 2 accordance with chapter 280, and rule 4C-2, Florida
 3 Administrative Code, and amendments thereto.

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

19 ~~(10) Subject to the concurrence of the Treasurer,~~

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

30 (16)~~(11)~~ To conduct an annual merchandising and
 31 management meeting in this state for department field

1 personnel and to make direct payment, by means of vendor
2 contracts approved by the commission, for all necessary
3 lodging, meals, facilities, and training expenses for
4 department employees attending such annual meeting, in lieu of
5 payment of individual employee per diem allowances as
6 established by s. 112.061.

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

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

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

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

27 ~~(20)~~~~(13)~~ To investigate or address the transportation
28 problems affecting the citrus industry.

29 ~~(21)~~~~(14)~~ To investigate or research the mechanical
30 harvesting of citrus fruit grown in Florida.

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

1 (23)(15) To provide by rule a list of forms used in
2 conducting its business. The adoption of such rule
3 constitutes sufficient notice to the public of the existence
4 of the forms and negates the need to place specific citation
5 to such list throughout the related chapters of the Florida
6 Administrative Code.

7 Section 62. Section 601.101, Florida Statutes, is
8 reenacted and amended to read:

9 601.101 Ownership of rights under patent and trademark
10 laws developed or acquired pursuant to the authorities of this
11 chapter.--Notwithstanding any provision of chapter 286, the
12 legal title and every right, interest, claim, or demand of any
13 kind in and to any patent, trademark, copyright, certification
14 mark, or other right acquired under the patent and trademark
15 laws of the United States or this state or any foreign
16 country, or the application for the same, now, heretofore, or
17 as may be hereafter owned or held, acquired, or developed by
18 the Florida Citrus Authority ~~Department of Citrus~~, under the
19 authority and directions given it by this chapter, is vested
20 in the Florida Citrus Authority ~~Department of Citrus~~ for the
21 use, benefit, and purposes provided in this chapter. The
22 Florida Citrus Authority ~~Department of Citrus~~ is hereby vested
23 with and is authorized to exercise any and all of the normal
24 incidents of such ownership, including the receipt and
25 disposition of royalties. Any sums received as royalties from
26 any such rights are hereby appropriated to the Florida Citrus
27 Authority ~~Department of Citrus~~ for any and all of the purposes
28 and uses provided in this chapter.

29 Section 63. Section 601.11, Florida Statutes, is
30 reenacted and amended to read:

31

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

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

11 | Section 64. Section 601.111, Florida Statutes, is
12 | reenacted and amended to read:

13 | 601.111 Florida Citrus Authority ~~Department of Citrus~~
14 | authorized to lower maturity standards.--

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

28 | (2) In the event of an emergency such as is mentioned
29 | in subsection (1), the said Florida Citrus Authority
30 | ~~Department of Citrus~~, in addition to all other powers and
31 | authority which it now possesses, which have heretofore been

1 granted or delegated to it by the Legislature shall have the
2 additional power to issue rules and regulations to:

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

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

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

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

17
18 Any action under this subsection shall not be taken without
19 the consent of at least nine members of the Florida Citrus
20 Commission. Any regulation adopted pursuant to this section
21 shall be by the affirmative vote of at least nine members of
22 said Florida Citrus Commission, and every such regulation
23 shall contain an expiration date not later than 1 year from
24 its effective date.

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

31

1 Section 65. Section 601.13, Florida Statutes, is
2 reenacted and amended to read:

3 601.13 Citrus research; administration by Florida
4 Citrus Authority ~~Department of Citrus~~; appropriation.--

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

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

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

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

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

22
23 and to provide suitable facilities and equipment of every kind
24 whatsoever proper and necessary in connection with all such
25 work.

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

30 (c) To provide suitable and sufficient laboratory
31 facilities and equipment, making use of the laboratory

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

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

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

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

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

29 (h) To incur and pay such expenses and obligations as
30 are necessary in connection with and required for the proper
31 carrying out of the provisions of this chapter.

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

7 Section 66. Section 601.15, Florida Statutes, is
8 reenacted and amended to read:

9 601.15 ~~Advertising campaign; methods of conducting;~~
10 Excise tax; emergency reserves ~~reserve fund;~~ citrus
11 research.--

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

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

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

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

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

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

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

30
31

1 ~~4. The effect upon the public health which would~~
2 ~~result from a breakdown of the Florida citrus industry or any~~
3 ~~part thereof;~~

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

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

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

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

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

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

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

1 Department of Agriculture Citrus Crop Production Forecast as
 2 of June 1.

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

6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Previous season	1995-	1996-	1997-	1998-	1999-									
crop size	1996	1997	1998	1999	2000 and									
(millions of boxes)					thereafter									
10 80 and	33	34	35	36	37									
11 greater														
12 75-79.99	35	36	37	38	39									
13 70-74.99	37	38	39	41	42									
14 65-69.99	40	41	42	44	45									
15 60-64.99	43	44	46	47	49									
16 55-59.99	47	48	50	51	53									
17 50-54.99	51	53	55	56	58									
18 45-49.99	57	59	60	62	64									
19 40-44.99	63	65	67	69	71									
20 Less than 40	72	74	76	79	81									

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

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

1	70-74.99	26	27	28	29	30
2	65-69.99	28	29	30	31	32
3	60-64.99	31	32	32	33	34
4	55-59.99	33	34	35	36	37
5	50-54.99	36	38	39	40	41
6	45-49.99	40	41	43	44	45
7	40-44.99	45	46	48	49	51
8	Less than 40	51	53	54	56	57

9

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

13

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

30

31

1 4. The following tax rates, expressed in cents per
 2 box, shall apply to oranges which enter the primary channel of
 3 trade for use in processed 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
8 255 and	15	16	16	17	17
9 greater					
10 245-254.9	16	16	17	17	18
11 235-244.9	17	17	18	18	19
12 225-234.9	17	18	18	19	19
13 215-224.9	18	19	19	20	20
14 205-214.9	19	20	20	21	21
15 195-204.9	20	21	21	22	22
16 185-194.9	21	22	22	23	24
17 175-184.9	22	23	23	24	25
18 165-174.9	23	24	25	26	26
19 155-164.9	25	26	26	27	28
20 Less than 155	27	27	28	29	30

21
 22 5. The tax rate levied each year upon oranges which
 23 enter the primary channel of trade for use in processed form,
 24 pursuant to this paragraph and subsection (4), shall also
 25 apply in that year to tangerines and citrus hybrids regulated
 26 by the Florida Citrus Authority ~~Department of Citrus~~ which
 27 enter the primary channel of trade for use in processed form.

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

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	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

14

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

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

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

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

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

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

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

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

29 (5)~~(6)~~(a) All excise taxes levied and imposed pursuant
 30 to the provisions of this section shall be due and payable and
 31 shall be paid, or the amount thereof guaranteed as hereinafter

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

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

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

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

1 appropriated to the Florida Citrus Authority ~~Department of~~
2 ~~Citrus~~ for the following purposes:

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

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

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

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

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

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

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

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

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

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

1 such penalty. Such penalty shall be paid to the Florida
2 Citrus Authority ~~Department of Citrus~~ and disposed of as
3 provided with respect to moneys derived from the taxes levied
4 and imposed by subsection (3).

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

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

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

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

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

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

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

1 ~~(c) To make in the name of the Department of Citrus~~
2 ~~such advertising contracts and other agreements as may be~~
3 ~~necessary.~~

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

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

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

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

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

20 Section 67. Section 601.152, Florida Statutes, is
21 reenacted and amended to read:

22 601.152 Special marketing orders.--

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

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

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

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

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

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

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

1 order, first handle in the primary channel of trade in Florida
2 the type, variety, and form of citrus fruit or processed
3 citrus product specified in such proposed marketing order.

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

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

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

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

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

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

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

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

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

1 established by the order. Otherwise such policy decisions
2 shall be made by the commission.

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

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

30 (4) The Florida Citrus Authority ~~Department of Citrus~~
31 is authorized to prescribe such procedures as it deems

1 necessary properly to conduct a referendum among handlers
2 covered by the marketing order to determine whether such
3 marketing order has been so assented to.

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

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

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

30 (6) Any marketing order so implemented under this
31 section may be amended subsequent to its implementation,

1 provided such amendment has been formulated, published,
2 subjected to public hearing, determined by the commission to
3 meet the requirements set forth in the other subsections
4 hereof, and assented to in the same manner and in accordance
5 with all of the procedures and requirements set forth in this
6 section for implementation of the original marketing order.

7 Any such amendment may:

8 (a) Terminate, extend, accelerate, or defer the
9 conduct of the campaign.

10 (b) Defer for one or more shipping seasons the
11 imposition of assessments thereunder.

12 (c) Extend by not more than 2 additional years the
13 period of time during which the assessments imposed pursuant
14 to subsection (8) may be levied upon the privilege so
15 assessed.

16 (d) Increase (subject to the maximum limitations
17 imposed herein) or reduce the assessments or the amount of
18 moneys to be expended.

19 (e) Alter the general details of the campaign.

20 (f) Otherwise amend the originally implemented
21 marketing order.

22 (7) For the purpose of carrying out any and all
23 provisions of this section, the department, or its duly
24 authorized or designated representative or representatives,
25 may hold hearings, take testimony, and administer oaths.
26 Copies of the proceedings, records, and acts of the department
27 and the handlers' committee, if any, established by the
28 marketing order and certificates purporting to relate the
29 facts concerning such proceedings, records, and acts signed by
30 the chair of the commission and authenticated by the seal of
31

1 the department shall be prima facie evidence thereof in all
 2 the courts of the state.

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

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

30 (c) Every handler shall, at such times as the
 31 department may require, file with the Florida Citrus Authority

1 ~~Department of Citrus~~ a return, not under oath, on forms to be
 2 prescribed and furnished by the Florida Citrus Authority
 3 ~~Department of Citrus~~, certified as true and correct, stating
 4 the quantity of the type, variety, and form of citrus fruit or
 5 citrus product specified in the marketing order first handled
 6 in the primary channels of trade in Florida by such handler
 7 during the period of time specified in the marketing order.
 8 Such returns shall contain any further information deemed by
 9 the Florida Citrus Authority ~~Department of Citrus~~ to be
 10 reasonably necessary to properly administer or enforce the
 11 provisions of this section or any marketing order implemented
 12 hereunder. Information that, if disclosed, would reveal a
 13 trade secret, as defined in s. 812.081, of any person subject
 14 to a marketing order is confidential and exempt from the
 15 provisions of s. 119.07(1).

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

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

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

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

1 (10)(a) Any handler who fails to file a return or to
2 pay any assessment within the time required shall thereby
3 forfeit to the Florida Citrus Authority ~~Department of Citrus~~ a
4 penalty of 5 percent of the amount of assessment then due; but
5 the Florida Citrus Authority ~~Department of Citrus~~, upon good
6 cause shown, may waive all or any part of such penalty. Such
7 penalty shall be paid to the Florida Citrus Authority
8 ~~Department of Citrus~~ and disposed of as provided with respect
9 to moneys derived from the assessments imposed pursuant to
10 this section.

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

14 1. The voluntary payment by the handler liable
15 therefor.†

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

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

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

31

1 Section 68. Section 601.154, Florida Statutes, is
2 reenacted and amended to read:

3 601.154 Citrus Stabilization Act of Florida.--

4 (1) The purposes of this section are:

5 (a) To enable producers of oranges (*Citrus sinensis*
6 *Osbeck*), grapefruit (*Citrus paradisi* Macf.), tangerines
7 (*Citrus reticulata* Blanco), or citrus hybrids regulated by the
8 Florida Citrus Authority ~~Department of Citrus~~ in the State of
9 Florida, which producers deliver or cause such oranges,
10 grapefruit, tangerines, or citrus hybrids to be delivered into
11 the primary channel of trade, with the aid and under the
12 direction and control of the state, more effectively to
13 correlate the supply of their oranges, grapefruit, tangerines,
14 or citrus hybrids with market demands therefor.

15 (b) To establish and maintain orderly marketing of
16 oranges, grapefruit, tangerines, or citrus hybrids grown in
17 Florida or the products thereof.

18 (c) To provide methods and means for the development
19 of new and larger markets for oranges, grapefruit, tangerines,
20 or citrus hybrids grown in Florida, or the products thereof.

21 (d) To eliminate or reduce economic waste in the
22 production, handling, and marketing of oranges, grapefruit,
23 tangerines, or citrus hybrids grown in Florida.

24 (e) To restore and maintain adequate purchasing power
25 for orange, grapefruit, tangerine, or citrus hybrid producers
26 of Florida.

27 (f) To conserve the agricultural wealth of the state.

28 (g) To stabilize the production and marketing of
29 oranges, grapefruit, tangerines, or citrus hybrids and
30 products thereof in the Florida citrus industry, as the
31 Legislature finds it will promote and protect the health,

1 peace, safety, and general welfare of the people of this
2 state, which in turn will promote the general welfare and
3 social and political economy of this state.

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

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

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

1 received under oath and a full and complete record of all
2 proceedings at any such hearing shall be made and filed by the
3 commission in its offices, which record signed by the chair of
4 the commission and authenticated by the seal of the commission
5 shall constitute prima facie evidence of such proceedings in
6 all courts of the state.

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

13 1. Return to producers of oranges, grapefruit,
14 tangerines, or citrus hybrids in Florida at least average cost
15 of production.

16 2. Prevent the unreasonable or unnecessary waste of
17 the wealth of the orange, grapefruit, tangerine, or citrus
18 hybrid industry and of the economy of the state.

19 3. Protect the interests of consumers of oranges,
20 grapefruit, tangerines, or citrus hybrids and the products
21 thereof.

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

27 1. The quantity and quality of oranges, grapefruit,
28 tangerines, or citrus hybrids and products thereof available
29 for sale and distribution.
30
31

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

4 3. The cost of producing oranges, grapefruit,
5 tangerines, or citrus hybrids as determined by available
6 records, statistics, and surveys.

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

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

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

25 (b) If the marketing order contains provisions
26 authorized by paragraph (5)(c) or paragraph (5)(e) pertaining
27 to processed citrus products, six additional members of such
28 advisory council shall be appointed by the commission chair,
29 subject to commission concurrence, from processor nominees,
30 each of whom shall be experienced in and actively engaged in
31 an executive capacity as an officer, employee, or owner of a

1 corporation or other business unit engaged in processing the
 2 type of processed orange, grapefruit, tangerine, or citrus
 3 hybrid products to be purchased or marketed pursuant to the
 4 provisions of such marketing order, which processor nominees
 5 shall have been submitted by processors on or before the date
 6 of such hearing.

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

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

29 (e) The advisory council shall elect annually a chair,
 30 a vice chair, and a secretary. The advisory council shall
 31 meet at the call of its chair, at the request of a majority of

1 its membership, at the request of the department, or at such
 2 times as may be prescribed by its rules of procedure. A
 3 complete record of the proceedings of each meeting shall be
 4 kept, which shall show the names of the members present and
 5 the actions taken.

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

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

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

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

1 majority of the producer members and a majority of the
2 processor members of such advisory council. With respect to
3 rules and regulations relating to paragraph (5)(b), the same
4 may be adopted by the Florida Citrus Authority ~~Department of~~
5 ~~Citrus~~ only upon the recommendation of the advisory council by
6 a vote of both a majority of the producer members and a
7 majority of the fresh orange, grapefruit, tangerine, or citrus
8 hybrid shipper members of such advisory council.

9 2. To receive and report to the Florida Citrus
10 Authority ~~Department of Citrus~~ any and all complaints with
11 respect to alleged violations of the marketing order and rules
12 and regulations thereunder.

13 3. To recommend to the Florida Citrus Authority
14 ~~Department of Citrus~~ amendments to the marketing order and
15 request a public hearing and referendum thereon.

16 4. To advise the Florida Citrus Authority ~~Department~~
17 ~~of Citrus~~ in the assessment and the collection of funds
18 hereunder.

19 5. To advise the Florida Citrus Authority ~~Department~~
20 ~~of Citrus~~ in the collection of such necessary information and
21 data as the Florida Citrus Authority ~~Department of Citrus~~ may
22 deem necessary to the proper administration of this section.

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

30 (a) Provisions for determining, or providing methods
31 for determining, the present and future existence and extent

1 of the supply of oranges, grapefruit, tangerines, or citrus
2 hybrids or products thereof.

3 (b) Provisions authorizing the imposition of quality
4 standards for oranges, grapefruit, tangerines, or citrus
5 hybrids, fixing the minimum ratios of total soluble solids of
6 the juice of such oranges, grapefruit, tangerines, or citrus
7 hybrids to the anhydrous citric acid thereof or the minimum
8 total soluble solids of the juice thereof or both at levels
9 higher than those provided in s. 601.20(1)-(31) or s. 601.17,
10 or in the Florida Citrus Authority ~~Department of Citrus~~ rules
11 governing the same.

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

21 (d) Provisions for the establishing of assessments as
22 hereinafter provided on producers, or associations of
23 producers, to provide funds for the formulation, issuance,
24 administration, operation, and enforcement of any marketing
25 order promulgated hereunder.

26 (e) Provisions for underwriting or subsidizing the
27 development or expansion of markets for oranges, grapefruit,
28 tangerines, or citrus hybrids, or the products thereof.

29 (f) Provisions for the borrowing of money by the
30 Florida Citrus Authority ~~Department of Citrus~~ to effectuate
31 the particular marketing order.

1 (g) Provisions for the establishment of such plans or
2 programs for advertising, merchandising, and sales promotion
3 to create new or larger domestic or foreign markets for
4 oranges, grapefruit, tangerines, or citrus hybrids grown in
5 the state and the processed products and byproducts thereof as
6 circumstances may warrant.

7 (h) Provisions incidental to and not inconsistent with
8 the foregoing provisions.

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

26 (b) No marketing order or amendment thereto issued
27 pursuant to this section which contains provisions authorized
28 by paragraph (5)(c) or paragraph (5)(e) pertaining to
29 processed citrus products shall become effective unless and
30 until such order has also been submitted to processors who,
31 during a preceding representative shipping season determined

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

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

1 percent of the number of standard-packed boxes of such
 2 oranges, grapefruit, tangerines, or citrus hybrids handled by
 3 such voting shippers of fresh oranges, grapefruit, tangerines,
 4 or citrus hybrids in the primary channel of trade during such
 5 representative period.

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

10 (8) Every marketing order and amendment thereto issued
 11 by the Florida Citrus Authority ~~Department of Citrus~~, under
 12 the provisions of this section, shall be published one time,
 13 within 10 days after the same is adopted, in at least one
 14 daily newspaper of general circulation in each of two cities
 15 within the citrus-producing area of the state, to be selected
 16 by the Florida Citrus Authority ~~Department of Citrus~~. All
 17 such orders shall become effective 5 days after the orders are
 18 found by the Florida Citrus Authority ~~Department of Citrus~~ to
 19 be so assented to, unless the Florida Citrus Authority
 20 ~~Department of Citrus~~ orders a later date. In case written
 21 protest by any affected person shall be made to any such order
 22 within 15 days after the Florida Citrus Authority ~~Department~~
 23 ~~of Citrus~~ has found it so assented to, a hearing shall be
 24 conducted at a place and time determined by the Florida Citrus
 25 Authority ~~Department of Citrus~~ or its authorized agent or
 26 representative; all interested persons shall have an
 27 opportunity to be heard. Due notice of the time and place of
 28 such hearing by the Florida Citrus Authority ~~Department of~~
 29 ~~Citrus~~ or its designated agent, representative, or
 30 administrative law judge shall be given to the persons making
 31 such protest. In all cases such written protests shall be

1 filed with the Florida Citrus Authority ~~Department of Citrus~~;
 2 however, the filing thereof shall not stay the effective date
 3 of such order. The Florida Citrus Authority ~~Department of~~
 4 ~~Citrus~~ may, on application of the protestant and for good
 5 cause shown, stay the effective date of the order for such
 6 time as the Florida Citrus Authority ~~Department of Citrus~~ may
 7 direct. Any action of the Florida Citrus Authority ~~Department~~
 8 ~~of Citrus~~ refusing to modify the order protested or refusing
 9 to stay the effective date of such order shall be subject to
 10 review by any court of competent jurisdiction.

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

24 (10)(a) The Florida Citrus Authority ~~Department of~~
 25 ~~Citrus~~ shall suspend or terminate any marketing order, or any
 26 provision thereof, whenever it finds such order or provision
 27 does not tend to effectuate the declared purposes of this
 28 section within the standards and subject to the limitations
 29 and restrictions herein imposed. Such suspension or
 30 termination shall not be effective until the expiration of the
 31

1 then-current marketing, shipping, or harvesting season, unless
2 otherwise provided in any such marketing order.

3 (b) If the Florida Citrus Authority ~~Department of~~
4 ~~Citrus~~ finds that the termination or suspension of any
5 marketing order is requested in writing by producers who
6 produced for market during the last preceding shipping season
7 more than 51 percent of the total standard-packed boxes of the
8 variety of citrus fruit covered by the marketing order, the
9 Florida Citrus Authority ~~Department of Citrus~~ shall terminate
10 or suspend for a specified period such marketing order or
11 provision thereof.

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

20 (12) For the privilege of delivering the variety of
21 citrus fruit covered by a marketing order into the primary
22 channel of trade, every person so engaged shall pay to the
23 Florida Citrus Authority ~~Department of Citrus~~ an assessment
24 specified in the marketing order. However, the aggregate of
25 all assessments levied against any variety of citrus fruit
26 with respect to one or more marketing orders shall not exceed
27 10 cents per standard-packed box or the equivalent thereof
28 with respect to any shipping season in which such marketing
29 order or orders are in effect. The Florida Citrus Authority
30 ~~Department of Citrus~~ shall prescribe rules and regulations
31 with respect to the assessment and collection of such funds.

1 (13)(a) Every handler, producer, or other person
 2 delivering oranges, grapefruit, tangerines, or citrus hybrids
 3 to any handler or other person shall keep a complete and
 4 accurate record of all oranges, grapefruit, tangerines, or
 5 citrus hybrids handled by her or him. Such record shall be in
 6 such form and contain such information as the Florida Citrus
 7 Authority ~~Department of Citrus~~ shall by rule or regulation
 8 prescribe. Such records shall be preserved by all such persons
 9 for a period of at least 1 year after the termination of the
 10 marketing order to which such records relate and shall be
 11 offered for inspection at any time upon oral or written demand
 12 by the Florida Citrus Authority ~~Department of Citrus~~ or its
 13 duly authorized agent or representative.

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

24 (c) All assessments levied and imposed under and
 25 pursuant to the provisions of this section shall be due and
 26 payable and shall be paid, or the amount thereof provided for
 27 and guaranteed as hereinafter provided, at such times and in
 28 such installments as the Florida Citrus Authority ~~Department~~
 29 ~~of Citrus~~ shall by regulation prescribe. All such assessments
 30 shall be paid by the producer or other person delivering the
 31 oranges, grapefruit, tangerines, or citrus hybrids into the

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

20 (14)(a) All money so collected by the Florida Citrus
21 Authority ~~Department of Citrus~~ under this section, including
22 the net proceeds received by the Florida Citrus Authority
23 ~~Department of Citrus~~ from the sale of any processed orange
24 product pursuant to paragraph (5)(c), shall be set aside in
25 Florida Citrus Authority operating accounts.~~the Florida~~
26 ~~Citrus Advertising Trust Fund as a special fund to be known as~~
27 ~~the "Citrus Stabilization Fund."~~All moneys in such operating
28 accounts fund, ~~after deducting the service charge provided in~~
29 ~~s. 601.15(7),~~are hereby appropriated to the Florida Citrus
30 Authority ~~Department of Citrus~~ for the payment of the actual
31 expenses incurred by the Florida Citrus Authority ~~Department~~

1 ~~of Citrus~~ in the formulation, issuance, administration,
2 enforcement, and operation of the marketing order pursuant to
3 which such funds are so collected, except as hereinafter
4 provided. The marketing order may provide that any moneys
5 remaining in such fund upon the termination of a marketing
6 order shall be refunded on a pro rata basis to all persons
7 assessed pursuant to such marketing order; may provide that
8 such moneys may be used to pay expenses incurred by the
9 Florida Citrus Authority ~~Department of Citrus~~ in the
10 formulation, issuance, administration, enforcement, and
11 operation of any other marketing order issued pursuant to this
12 chapter; or may provide that such moneys may be deposited to
13 and made a part of Florida Citrus Authority operating accounts
14 which are funded ~~the Citrus Advertising Trust Fund~~ created by
15 s. 601.15. During the administration, enforcement, and
16 operation of any marketing order adopted hereunder, if the
17 commission determines that funds derived pursuant to that
18 marketing order exceed the requirements for the desired
19 operation of that marketing order, it may transfer such funds
20 as it determines by its vote are excess to operating accounts
21 which are funded by ~~the Florida Citrus Advertising Trust Fund~~
22 ~~established by~~ s. 601.15. Such transfer shall be for the
23 purposes of advertising and promoting, including brand
24 advertising rebate promotions, merchandising and research in
25 regard to the particular form of citrus fruit or processed
26 citrus product for which the funds were collected pursuant to
27 the marketing order. The commission may also transfer any
28 excess for the purpose of the formulation, issuance,
29 administrative enforcement, or operation of any other
30 marketing order adopted hereunder that is directed to the same
31 form of citrus fruit or processed citrus product. No such

1 transfer shall be accomplished without a public hearing and a
2 subsequent referendum being conducted to approve such a
3 transfer. If, after any such transfer of excess funds, it is
4 subsequently determined that additional funds are needed for
5 the administration, enforcement, and operation of the
6 marketing order from which funds were transferred, and there
7 are sufficient funds available in the fund which was the
8 recipient of the funds transferred, the commission, upon an
9 affirmative vote of nine of its members, may retransfer, from
10 the recipient fund to the original fund, an amount not to
11 exceed that originally transferred.

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

22 (15)(a) Any marketing order which contains provisions
23 authorized by paragraph (5)(c) shall include provisions
24 specifying:

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

27 2. The maximum price at which the processed orange or
28 grapefruit product to be pooled may be purchased or the
29 criteria to be used in computing such maximum price.

30 3. The criteria to be used in determining whether a
31 freeze, hurricane, or other catastrophe which results in a

1 shortage of oranges or grapefruit or processed orange or
2 grapefruit products is sufficiently serious to justify the
3 sale of all or part of the processed orange or grapefruit
4 products then held in the reserve pool.

5 4. The minimum price at which the pooled processed
6 orange or grapefruit product will be sold after a
7 determination pursuant to subparagraph 3., or the criteria to
8 be used in computing such minimum price.

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

14 6. The quality standards to which the processed orange
15 or grapefruit product to be pooled will be required to
16 conform.

17 7. The criteria for determining at what level the
18 quantity of processed orange or grapefruit products in the
19 reserve pool will be sufficient to accomplish the purposes
20 intended.

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

25 (b) Notwithstanding any other provision of this
26 section, the provisions of any marketing order authorized by
27 paragraph (5)(c) may not, under any circumstances, be
28 suspended, terminated, or amended within 12 months following a
29 catastrophe which, under the criteria established pursuant to
30 subparagraph (a)3., is sufficiently serious to justify the
31

1 sale of all or part of the processed citrus products then held
 2 in the reserve pool.

3 (16) Any person who violates any provision of this
 4 section, any provision of any marketing order, or any rule or
 5 regulation of the Florida Citrus Authority ~~Department of~~
 6 ~~Citrus~~ relating thereto is guilty of a misdemeanor of the
 7 second degree, punishable as provided in s. 775.082 or s.
 8 775.083.

9 (17) The ~~several~~ circuit court ~~courts~~ in Polk County,
 10 Florida, is of the state are hereby vested with jurisdiction
 11 specifically to enforce and to enjoin and restrain any person
 12 from violating any provisions of this section, or of any
 13 marketing order, rules, or regulations duly issued by the
 14 Florida Citrus Authority ~~Department of Citrus~~ hereunder, in
 15 any proceeding brought by the Florida Citrus Authority
 16 ~~Department of Citrus~~ in any of the circuit courts; and in any
 17 such proceeding it shall not be necessary for the Florida
 18 Citrus Authority ~~Department of Citrus~~ to post any bond or to
 19 allege or prove that an adequate remedy at law does not exist.
 20 The ~~A~~ circuit court may issue a temporary restraining order
 21 and preliminary injunction, as in other actions for injunctive
 22 relief, and, upon final hearing, if the final decree is in
 23 favor of the Florida Citrus Authority ~~Department of Citrus~~,
 24 the court shall permanently enjoin the defendant or defendants
 25 from further violations, and any such final decree in favor of
 26 the Florida Citrus Authority ~~Department of Citrus~~ shall
 27 provide that the defendant or defendants pay it reasonable
 28 costs of such suit, including reasonable attorney's fees. Any
 29 such action may be commenced either in the county where the
 30 defendant resides, or in the county where any other defendant
 31

1 resides, if more than one defendant, or in the county where
2 any act or omission, or part thereof, complained of occurred.

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

7 (19) Nothing herein shall be construed to authorize
8 the Florida Citrus Authority ~~Department of Citrus~~ in any
9 manner to fix prices of citrus.

10 Section 69. Section 601.155, Florida Statutes, is
11 reenacted and amended to read:

12 601.155 Equalizing excise tax; credit; exemption.--

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

30 (2) ~~Upon the exercise of any privilege described in~~
31 ~~subsection (1),~~The excise tax levied by this section may

1 ~~shall be set by the Florida Citrus Authority at a the same~~
2 rate not to exceed the rate per box of oranges or grapefruit
3 utilized in the initial production of the processed citrus
4 products so handled as that imposed, ~~at the time of exercise~~
5 ~~of the taxable privilege, by s. 601.15 per box of oranges.~~ The
6 department shall set the rate for each citrus season by August
7 1 of each year.

8 (3) For the purposes of this section, the number of
9 boxes of oranges or grapefruit utilized in the initial
10 production of processed citrus products subject to the taxable
11 privilege shall be:

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

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

20 (4) For purposes of this section:

21 (a) "Processed orange products" means products for
22 human consumption consisting of 20 percent or more single
23 strength equivalent orange juice; orange sections, segments,
24 or edible components; or whole peeled fruit.

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

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

31

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

3 (5) All products subject to the taxable privileges
4 under this section, which products are produced in whole or in
5 part from citrus fruit grown within the United States, are
6 exempt from the tax imposed by this section to the extent that
7 the products are derived from oranges or grapefruit grown
8 within the United States. In the case of products made in part
9 from citrus fruit grown within the United States, it shall be
10 the burden of the persons liable for the excise tax to show
11 the Florida Citrus Authority ~~Department of Citrus~~, through
12 competent evidence, proof of that part which is not subject to
13 a taxable privilege.

14 (6) Every person liable for the excise tax imposed by
15 this section shall keep a complete and accurate record of the
16 receipt, storage, handling, exercise of any taxable privilege
17 under this section, and shipment of all products subject to
18 the tax imposed by this section. Such record shall be
19 preserved for a period of 1 year and shall be offered for
20 inspection upon oral or written request by the Florida Citrus
21 Authority ~~Department of Citrus~~ or its duly authorized agent.

22 (7) Every person liable for the excise tax imposed by
23 this section shall, at such times and in such manner as the
24 Florida Citrus Authority ~~Department of Citrus~~ may by rule
25 require, file with the Florida Citrus Authority ~~Department of~~
26 ~~Citrus~~ a return, certified as true and correct, on forms to be
27 prescribed and furnished by the Florida Citrus Authority
28 ~~Department of Citrus~~, stating, in addition to other
29 information reasonably required by the Florida Citrus
30 Authority ~~Department of Citrus~~, the number of units of
31 processed orange or grapefruit products subject to this

1 section upon which any taxable privilege under this section
 2 was exercised during the period of time covered by the return.
 3 Full payment of excise taxes due for the period reported shall
 4 accompany each return.

5 (8) All taxes levied and imposed by this section shall
 6 be due and payable within 61 days after the first of the
 7 taxable privileges is exercised in this state. Periodic
 8 payment of the excise taxes imposed by this section by the
 9 person first exercising the taxable privileges and liable for
 10 such payment shall be permitted only in accordance with
 11 Florida Citrus Authority ~~Department of Citrus~~ rules, and the
 12 payment thereof shall be guaranteed by the posting of an
 13 appropriate certificate of deposit, approved surety bond, or
 14 cash deposit in an amount and manner as prescribed by the
 15 Florida Citrus Authority ~~Department of Citrus~~.

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

29 (10) All excise taxes levied and collected under the
 30 provisions of this section, including penalties, shall be paid
 31 directly to the Florida Citrus Authority ~~into the State~~

1 ~~Treasury~~ to be made a part of the Florida Citrus Authority
 2 general operating accounts ~~Florida Citrus Advertising Trust~~
 3 ~~Fund~~ in the same manner, for the same purposes, and in the
 4 same proportions as set forth in s. 601.15(6)~~(7)~~. Any person
 5 failing to file a return or pay any assessment within the time
 6 required shall thereby forfeit to the Florida Citrus Authority
 7 ~~Department of Citrus~~ a penalty of 5 percent of the amount of
 8 assessment then due; but the Florida Citrus Authority
 9 ~~Department of Citrus~~, on good cause shown, may waive all or
 10 any part of such penalty.

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

15 (12) Where a taxpayer claims a refund of citrus excise
 16 taxes based upon reasons as provided in s. 215.26 and the
 17 Florida Citrus Authority agrees with the claim, the authority
 18 may enter into agreements with such taxpayer or third parties,
 19 or both, to pay all or a portion of such refund by cash or
 20 through the suspension of the authority's collection of citrus
 21 excise taxes until the amount of such refund is returned or
 22 credited to the claimant's benefit.

23 Section 70. Section 601.16, Florida Statutes, is
 24 reenacted to read:

25 601.16 Grapefruit maturity standards; fresh and
 26 processed.--

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

29 1. Each fruit, after having been severed from the
 30 tree, shows a break in color, with yellow color predominating

31

1 on not less than 25 percent of the fruit's surface in the
2 aggregate;

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

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

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

10 (b) Except for the period January 1 through July 31,
11 seedless grapefruit meeting minimum color break, ratio, and
12 juice content requirements of paragraph (a) shall be deemed
13 mature when the total soluble solids (Brix) of the juice is
14 not less than 7 percent.

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

20 (d) Except the commission may, by rule, during the
21 period November 1 through July 31, lower by not more than 0.5
22 percent the minimum total soluble solids requirement
23 established by this section for pink and red seedless
24 grapefruit. Any such rule shall automatically expire on July
25 31 next following its adoption.

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

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

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

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

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

8 (b) Except for the period January 1 through July 31,
9 seeded grapefruit meeting minimum color break, ratio, and
10 juice content requirements of paragraph (a) shall be deemed
11 mature when the total soluble solids (Brix) of the juice is
12 not less than 7.5 percent.

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

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

20 (a) For the period August 1 through November 30,
21 maturity requirements for juice content, acid, and color break
22 shall be the same as established herein for grapefruit for
23 fresh use. After November 30, there shall be no minimum
24 requirement for juice content, acid, or color break.

25 (b) For the period August 1 through November 30, the
26 total soluble solids (Brix) of the juice from seedy grapefruit
27 shall be not less than 8 percent, and the minimum ratio of
28 total soluble solids to anhydrous citric acid shall be not
29 less than eight to one.

30 (c) For the period August 1 through November 30, the
31 total soluble solids (Brix) of the juice from seedless

1 grapefruit shall be not less than 7.5 percent, and the minimum
2 ratio of total soluble solids to anhydrous citric acid shall
3 be not less than eight to one.

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

9 (e) For the period January 1 through January 31, the
10 total soluble solids (Brix) of the juice from seedy and
11 seedless grapefruit shall be not less than 6.5 percent, and
12 the minimum ratio of total soluble solids to anhydrous citric
13 acid shall be not less than eight to one.

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

19 (g) For the period April 15 through July 31, the total
20 soluble solids (Brix) of the juice from seedy and seedless
21 grapefruit shall be not less than 6.5 percent, and the minimum
22 ratio of total soluble solids to anhydrous citric acid shall
23 be not less than six to one.

24 (h) All grapefruit subject to inspection at a
25 registered packinghouse, eliminated from final packing, and
26 legally diverted from the packinghouse for processing into
27 juice and juice products shall be deemed mature as provided in
28 paragraphs (a)-(g), except that, for the period August 1
29 through January 31, the minimum ratio of total soluble solids
30 to anhydrous citric acid shall be not less than seven and
31 one-half to one. For the period August 1 through January 31,

1 such fruit failing to meet maturity standards as provided may
2 be used in the production of products as provided in s.
3 601.9906(2).

4 (i) Any grapefruit which is subject to inspection at a
5 registered citrus processing plant for processing into
6 grapefruit sections and salads, eliminated from processing
7 into grapefruit sections and salads, and diverted for
8 processing into juice and juice products shall be deemed
9 mature as provided in subsection (4).

10 (4) Grapefruit for processing into grapefruit sections
11 and salads shall be deemed mature as follows:

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

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

17 (c) For the period December 1 through December 31, the
18 total soluble solids (Brix) of the juice shall be not less
19 than 7 percent, and the minimum ratio of total soluble solids
20 to anhydrous citric acid shall meet the requirements of s.
21 601.17.

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

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

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1 (5) The commission may, by rule, for the period April
2 15 through July 31, adjust any minimum total soluble solids
3 requirement for grapefruit for processing purposes established
4 by this section. Any such rule shall automatically expire on
5 July 31 following its adoption.

6 Section 71. Section 601.17, Florida Statutes, is
7 reenacted to read:

8 601.17 Grapefruit; minimum ratios of solids to
9 acid.--The minimum ratios of the total soluble solids of the
10 juice of grapefruit to the anhydrous citric acid shall be as
11 follows:

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

16 (2) When the total soluble solids of the juice is not
17 less than 9.1 percent and not more than 9.2 percent, the
18 minimum ratio of the total soluble solids to anhydrous citric
19 acid shall be 6.95 to 1.

20 (3) When the total soluble solids of the juice is not
21 less than 9.2 percent and not more than 9.3 percent, the
22 minimum ratio of the total soluble solids to anhydrous citric
23 acid shall be 6.90 to 1.

24 (4) When the total soluble solids of the juice is not
25 less than 9.3 percent and not more than 9.4 percent, the
26 minimum ratio of the total soluble solids to anhydrous citric
27 acid shall be 6.85 to 1.

28 (5) When the total soluble solids of the juice is not
29 less than 9.4 percent and not more than 9.5 percent, the
30 minimum ratio of the total soluble solids to anhydrous citric
31 acid shall be 6.80 to 1.

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

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

9 (8) When the total soluble solids of the juice is not
10 less than 9.7 percent and not more than 9.8 percent, the
11 minimum ratio of the total soluble solids to anhydrous citric
12 acid shall be 6.65 to 1.

13 (9) When the total soluble solids of the juice is not
14 less than 9.8 percent and not more than 9.9 percent, the
15 minimum ratio of the total soluble solids to anhydrous citric
16 acid shall be 6.60 to 1.

17 (10) When the total soluble solids of the juice is not
18 less than 9.9 percent and not more than 10 percent, the
19 minimum ratio of the total soluble solids to anhydrous citric
20 acid shall be 6.55 to 1.

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

25 (12) When the total soluble solids of the juice is not
26 less than 10.1 percent and not more than 10.2 percent, the
27 minimum ratio of the total soluble solids to anhydrous citric
28 acid shall be 6.475 to 1.

29 (13) When the total soluble solids of the juice is not
30 less than 10.2 percent and not more than 10.3 percent, the
31

1 minimum ratio of the total soluble solids to anhydrous citric
2 acid shall be 6.45 to 1.

3 (14) When the total soluble solids of the juice is not
4 less than 10.3 percent and not more than 10.4 percent, the
5 minimum ratio of the total soluble solids to anhydrous citric
6 acid shall be 6.425 to 1.

7 (15) When the total soluble solids of the juice is not
8 less than 10.4 percent and not more than 10.5 percent, the
9 minimum ratio of the total soluble solids to anhydrous citric
10 acid shall be 6.40 to 1.

11 (16) When the total soluble solids of the juice is not
12 less than 10.5 percent and not more than 10.6 percent, the
13 minimum ratio of the total soluble solids to anhydrous citric
14 acid shall be 6.375 to 1.

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

19 (18) When the total soluble solids of the juice is not
20 less than 10.7 percent and not more than 10.8 percent, the
21 minimum ratio of the total soluble solids to anhydrous citric
22 acid shall be 6.325 to 1.

23 (19) When the total soluble solids of the juice is not
24 less than 10.8 percent and not more than 10.9 percent, the
25 minimum ratio of the total soluble solids to anhydrous citric
26 acid shall be 6.30 to 1.

27 (20) When the total soluble solids of the juice is not
28 less than 10.9 percent and not more than 11 percent, the
29 minimum ratio of the total soluble solids to anhydrous citric
30 acid shall be 6.275 to 1.

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

5 (22) When the total soluble solids of the juice is not
6 less than 11.1 percent and not more than 11.2 percent, the
7 minimum ratio of the total soluble solids to anhydrous citric
8 acid shall be 6.225 to 1.

9 (23) When the total soluble solids of the juice is not
10 less than 11.2 percent and not more than 11.3 percent, the
11 minimum ratio of the total soluble solids to anhydrous citric
12 acid shall be 6.20 to 1.

13 (24) When the total soluble solids of the juice is not
14 less than 11.3 percent and not more than 11.4 percent, the
15 minimum ratio of the total soluble solids to anhydrous citric
16 acid shall be 6.175 to 1.

17 (25) When the total soluble solids of the juice is not
18 less than 11.4 percent and not more than 11.5 percent, the
19 minimum ratio of the total soluble solids to anhydrous citric
20 acid shall be 6.15 to 1.

21 (26) When the total soluble solids of the juice is not
22 less than 11.5 percent and not more than 11.6 percent, the
23 minimum ratio of the total soluble solids to anhydrous citric
24 acid shall be 6.125 to 1.

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

29 (28) When the total soluble solids of the juice is not
30 less than 11.7 percent and not more than 11.8 percent, the
31

1 minimum ratio of the total soluble solids to anhydrous citric
2 acid shall be 6.075 to 1.

3 (29) When the total soluble solids of the juice is not
4 less than 11.8 percent and not more than 11.9 percent, the
5 minimum ratio of the total soluble solids to anhydrous citric
6 acid shall be 6.05 to 1.

7 (30) When the total soluble solids of the juice is not
8 less than 11.9 percent and not more than 12 percent, the
9 minimum ratio of the total soluble solids to anhydrous citric
10 acid shall be 6.025 to 1.

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

15 Section 72. Section 601.18, Florida Statutes, is
16 reenacted and amended to read:

17 601.18 Grapefruit; minimum juice content.--

18 (1) During that period of time beginning with August 1
19 of each year and ending with November 15 of the same year,
20 both dates inclusive, the minimum juice content of the juice
21 of the respective sizes of grapefruit is as follows, each size
22 being designated by the commercial number assigned to it based
23 on the number of grapefruit of said size packed commercially
24 in a standard 4/5 Florida packed box of grapefruit:

25 (a) A grapefruit of size 14 shall contain not less
26 than 400 cubic centimeters of juice.

27 (b) A grapefruit of size 18 shall contain not less
28 than 350 cubic centimeters of juice.

29 (c) A grapefruit of size 23 shall contain not less
30 than 305 cubic centimeters of juice.

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1 (d) A grapefruit of size 27 shall contain not less
2 than 275 cubic centimeters of juice.

3 (e) A grapefruit of size 32 shall contain not less
4 than 245 cubic centimeters of juice.

5 (f) A grapefruit of size 36 shall contain not less
6 than 230 cubic centimeters of juice.

7 (g) A grapefruit of size 40 shall contain not less
8 than 210 cubic centimeters of juice.

9 (h) A grapefruit of size 48 shall contain not less
10 than 185 cubic centimeters of juice.

11 (i) A grapefruit of size 56 shall contain not less
12 than 170 cubic centimeters of juice.

13 (j) A grapefruit of size 64 shall contain not less
14 than 165 cubic centimeters of juice.

15 (2) During that period of time beginning with November
16 16 of each year and ending with March 1 of the following year,
17 both dates inclusive, the minimum juice content of the juice
18 of the respective sizes of grapefruit shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (4) Provided, however, that if the Florida Citrus
4 Authority ~~Department of Citrus~~ determines that unusual or
5 abnormal conditions exist and a change in the juice
6 requirements will be in the best interests of the citrus
7 industry, it may, by resolution, decrease the required juice
8 content of grapefruit, by varieties, during the period
9 beginning November 16 and ending March 1 of the following
10 year, both dates inclusive as provided in subsection (2), but
11 in no event shall the required juice content during this
12 period be less than the juice content required during the
13 period beginning March 2 of each year and ending July 31 of
14 the same year, as provided in subsection (3).

15 (5) Provided further, however, that the Florida Citrus
16 Authority ~~Department of Citrus~~ is hereby authorized to
17 establish by regulation different sizes, including changes in
18 diameter ranges for existing sizes, for grapefruit based on
19 the number of grapefruit as packed commercially. At that time
20 it shall also fix for each period the minimum juice content
21 for the respective sizes so established, but in no event shall
22 the juice content, during any period, be proportionately less
23 than as above fixed.

24 Section 73. Section 601.19, Florida Statutes, is
25 reenacted and amended to read:

26 601.19 Oranges; maturity standards.--

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

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 9 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 (2) During that period of time beginning with November
 14 1 of each year and ending with November 15 of the same 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 50 percent of the
 19 fruit's surface in the aggregate, except that oranges of the
 20 Parson Brown variety need show only such a break in color on
 21 not less than 25 percent of the fruit's surface in the
 22 aggregate; when the total soluble solids of the juice of the
 23 sample thereof is not less than 8.7 percent; when the ratio of
 24 total soluble solids of the juice of the sample thereof to the
 25 anhydrous citric acid is as set forth in s. 601.20; when the
 26 juice of the sample contains not less than 0.4 percent of
 27 anhydrous citric acid; and when the juice content of said
 28 orange sample is in an amount not less than at the rate of 4
 29 1/2 gallons of juice per standard-packed box.

30 (3) During that period of time beginning with November
 31 16 of each year and ending with July 31 of the following year,

1 both dates inclusive, oranges shall be deemed to be mature
2 only when each orange, after having been clipped, picked, or
3 otherwise severed from the tree, shows a break in color, with
4 yellow color predominating on not less than 25 percent of the
5 fruit's surface in the aggregate; when the total soluble
6 solids of the juice of the sample thereof is not less than 8.5
7 percent; when the ratio of the total soluble solids of the
8 juice of the sample thereof to the anhydrous citric acid is as
9 set forth in s. 601.20; when the juice of the sample contains
10 not less than 0.4 percent of anhydrous citric acid; and when
11 the juice content of said orange sample is in an amount not
12 less than at the rate of 4 1/2 gallons of juice per
13 standard-packed box. If in any particular shipping season it
14 shall appear to the Florida Citrus Authority ~~Department of~~
15 ~~Citrus~~, after a public hearing held not earlier than October 5
16 and called and held to determine such question, that oranges
17 are then maturing earlier than normally as herein defined in
18 this section, then the Florida Citrus Authority ~~Department of~~
19 ~~Citrus~~ may by order, rule, or regulation to be issued or
20 promulgated and to become effective not later than October 10,
21 declare and provide that during that period of time beginning
22 with August 1 and ending with October 16, both dates
23 inclusive, oranges meeting all other maturity standards shall
24 be deemed to be mature when the total soluble solids of the
25 juice of the sample thereof is not less than 9 percent, and
26 during that period of time beginning with October 17 and
27 ending with October 31, both dates inclusive, oranges meeting
28 all other maturity standards shall be deemed to be mature when
29 the total soluble solids of the juice of the sample thereof is
30 not less than 8.7 percent, and during that period of time
31 beginning with November 1 and ending July 31 of the following

1 year, both dates inclusive, oranges meeting all other maturity
2 standards shall be deemed to be mature when the total soluble
3 solids of the juice of the sample thereof is not less than 8.5
4 percent.

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

13 Section 74. Section 601.20, Florida Statutes, is
14 reenacted to read:

15 601.20 Oranges; minimum ratios of solids to acid.--The
16 minimum ratios of the total soluble solids of the juice of
17 oranges to the anhydrous citric acid shall be as follows:

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

22 (2) When the total soluble solids of the juice is not
23 less than 8.1 percent and not more than 8.2 percent, the
24 minimum ratio of the total soluble solids to anhydrous citric
25 acid shall be 10.45 to 1.

26 (3) When the total soluble solids of the juice is not
27 less than 8.2 percent and not more than 8.3 percent, the
28 minimum ratio of the total soluble solids to anhydrous citric
29 acid shall be 10.40 to 1.

30 (4) When the total soluble solids of the juice is not
31 less than 8.3 percent and not more than 8.4 percent, the

1 minimum ratio of the total soluble solids to anhydrous citric
2 acid shall be 10.35 to 1.

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

7 (6) When the total soluble solids of the juice is not
8 less than 8.5 percent and not more than 8.6 percent, the
9 minimum ratio of the total soluble solids to anhydrous citric
10 acid shall be 10.25 to 1.

11 (7) When the total soluble solids of the juice is not
12 less than 8.6 percent and not more than 8.7 percent, the
13 minimum ratio of the total soluble solids to anhydrous citric
14 acid shall be 10.20 to 1.

15 (8) When the total soluble solids of the juice is not
16 less than 8.7 percent and not more than 8.8 percent, the
17 minimum ratio of the total soluble solids to anhydrous citric
18 acid shall be 10.15 to 1.

19 (9) When the total soluble solids of the juice is not
20 less than 8.8 percent and not more than 8.9 percent, the
21 minimum ratio of the total soluble solids to anhydrous citric
22 acid shall be 10.10 to 1.

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

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

31

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

5 (13) When the total soluble solids of the juice is not
6 less than 9.2 percent and not more than 9.3 percent, the
7 minimum ratio of the total soluble solids to anhydrous citric
8 acid shall be 9.90 to 1.

9 (14) When the total soluble solids of the juice is not
10 less than 9.3 percent and not more than 9.4 percent, the
11 minimum ratio of the total soluble solids to anhydrous citric
12 acid shall be 9.85 to 1.

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

17 (16) When the total soluble solids of the juice is not
18 less than 9.5 percent and not more than 9.6 percent, the
19 minimum ratio of the total soluble solids to anhydrous citric
20 acid shall be 9.75 to 1.

21 (17) When the total soluble solids of the juice is not
22 less than 9.6 percent and not more than 9.7 percent, the
23 minimum ratio of the total soluble solids to anhydrous citric
24 acid shall be 9.70 to 1.

25 (18) When the total soluble solids of the juice is not
26 less than 9.7 percent and not more than 9.8 percent, the
27 minimum ratio of the total soluble solids to anhydrous citric
28 acid shall be 9.65 to 1.

29 (19) When the total soluble solids of the juice is not
30 less than 9.8 percent and not more than 9.9 percent, the
31

1 minimum ratio of the total soluble solids to anhydrous citric
2 acid shall be 9.60 to 1.

3 (20) When the total soluble solids of the juice is not
4 less than 9.9 percent and not more than 10 percent, the
5 minimum ratio of the total soluble solids to anhydrous citric
6 acid shall be 9.55 to 1.

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

11 (22) When the total soluble solids of the juice is not
12 less than 10.1 percent and not more than 10.2 percent, the
13 minimum ratio of the total soluble solids to anhydrous citric
14 acid shall be 9.45 to 1.

15 (23) When the total soluble solids of the juice is not
16 less than 10.2 percent and not more than 10.3 percent, the
17 minimum ratio of the total soluble solids to anhydrous citric
18 acid shall be 9.40 to 1.

19 (24) When the total soluble solids of the juice is not
20 less than 10.3 percent and not more than 10.4 percent, the
21 minimum ratio of the total soluble solids to anhydrous citric
22 acid shall be 9.35 to 1.

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

27 (26) When the total soluble solids of the juice is not
28 less than 10.5 percent and not more than 10.6 percent, the
29 minimum ratio of the total soluble solids to anhydrous citric
30 acid shall be 9.25 to 1.

31

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

5 (28) When the total soluble solids of the juice is not
6 less than 10.7 percent and not more than 10.8 percent, the
7 minimum ratio of the total soluble solids to anhydrous citric
8 acid shall be 9.15 to 1.

9 (29) When the total soluble solids of the juice is not
10 less than 10.8 percent and not more than 10.9 percent, the
11 minimum ratio of the total soluble solids to anhydrous citric
12 acid shall be 9.10 to 1.

13 (30) When the total soluble solids of the juice is not
14 less than 10.9 percent and not more than 11 percent, the
15 minimum ratio of the total soluble solids to anhydrous citric
16 acid shall be 9.05 to 1.

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

20 Section 75. Section 601.21, Florida Statutes, is
21 reenacted to read:

22 601.21 Tangerine maturity standards.--

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

31

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

11 (3) From November 15th of each year to July 31 of the
12 following year, both dates inclusive, tangerines shall be
13 deemed to be mature for canning and concentrating purposes
14 when the total soluble solids of the juice thereof is not less
15 than 8.75 percent and when the minimum ratio of the juice
16 thereof to the anhydrous citric acid is as set forth in s.
17 601.22, with no minimum requirements as to juice content,
18 acid, or color break.

19 Section 76. Section 601.22, Florida Statutes, is
20 reenacted to read:

21 601.22 Tangerines; minimum ratios of solids to
22 acid.--The minimum ratios of the total soluble solids of the
23 juice of tangerines to the anhydrous citric acid shall be as
24 follows:

25 (1) When the total soluble solids of the juice is not
26 less than 9 percent and not more than 9.1 percent, the minimum
27 ratio of the total soluble solids to anhydrous citric acid
28 shall be 9 to 1.

29 (2) When the total soluble solids of the juice is not
30 less than 9.1 percent and not more than 9.2 percent, the
31

1 minimum ratio of the total soluble solids to anhydrous citric
2 acid shall be 8.9 to 1.

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

7 (4) When the total soluble solids of the juice is not
8 less than 9.3 percent and not more than 9.4 percent, the
9 minimum ratio of the total soluble solids to anhydrous citric
10 acid shall be 8.7 to 1.

11 (5) When the total soluble solids of the juice is not
12 less than 9.4 percent and not more than 9.5 percent, the
13 minimum ratio of the total soluble solids to anhydrous citric
14 acid shall be 8.6 to 1.

15 (6) When the total soluble solids of the juice is not
16 less than 9.5 percent and not more than 9.6 percent, the
17 minimum ratio of the total soluble solids to anhydrous citric
18 acid shall be 8.5 to 1.

19 (7) When the total soluble solids of the juice is not
20 less than 9.6 percent and not more than 9.7 percent, the
21 minimum ratio of the total soluble solids to anhydrous citric
22 acid shall be 8.4 to 1.

23 (8) When the total soluble solids of the juice is not
24 less than 9.7 percent and not more than 9.8 percent, the
25 minimum ratio of the total soluble solids to anhydrous citric
26 acid shall be 8.3 to 1.

27 (9) When the total soluble solids of the juice is not
28 less than 9.8 percent and not more than 9.9 percent, the
29 minimum ratio of the total soluble solids to anhydrous citric
30 acid shall be 8.2 to 1.

31

1 (10) When the total soluble solids of the juice is not
2 less than 9.9 percent and not more than 10 percent, the
3 minimum ratio of the total soluble solids to anhydrous citric
4 acid shall be 8.1 to 1.

5 (11) When the total soluble solids of the juice is not
6 less than 10 percent and not more than 10.1 percent, the
7 minimum ratio of the total soluble solids to anhydrous citric
8 acid shall be 8 to 1.

9 (12) When the total soluble solids of the juice is not
10 less than 10.1 percent and not more than 10.2 percent, the
11 minimum ratio of the total soluble solids to anhydrous citric
12 acid shall be 7.9 to 1.

13 (13) When the total soluble solids of the juice is not
14 less than 10.2 percent and not more than 10.3 percent, the
15 minimum ratio of the total soluble solids to anhydrous citric
16 acid shall be 7.8 to 1.

17 (14) When the total soluble solids of the juice is not
18 less than 10.3 percent and not more than 10.4 percent, the
19 minimum ratio of the total soluble solids to anhydrous citric
20 acid shall be 7.7 to 1.

21 (15) When the total soluble solids of the juice is not
22 less than 10.4 percent and not more than 10.5 percent, the
23 minimum ratio of the total soluble solids to anhydrous citric
24 acid shall be 7.6 to 1.

25 (16) When the total soluble solids of the juice is not
26 less than 10.5 percent or is more than 10.5 percent, the
27 minimum ratio of the total soluble solids to anhydrous citric
28 acid shall be 7.5 to 1.

29 (17) Provided, however, that after November 15th of
30 each year to July 31st of the following year, both dates
31 inclusive, the minimum ratio of the total soluble solids of

1 the juice of tangerines to the anhydrous citric acid shall be
2 as follows:

3 (a) When the total soluble solids of the juice is not
4 less than 8.75 percent and not more than 8.80 percent, the
5 minimum ratio of the total soluble solids to anhydrous citric
6 acid shall be 8.75 to 1.

7 (b) When the total soluble solids of the juice is not
8 less than 8.80 percent and not more than 8.90 percent, the
9 minimum ratio of the total soluble solids to anhydrous citric
10 acid shall be 8.75 to 1.

11 (c) When the total soluble solids of the juice is not
12 less than 8.90 percent and not more than 9 percent, the
13 minimum ratio of the total soluble solids to anhydrous citric
14 acid shall be 8.75 to 1.

15 (d) When the total soluble solids of the juice is not
16 less than 9 percent and not more than 9.10 percent, the
17 minimum ratio of the total soluble solids to anhydrous citric
18 acid shall be 8.75 to 1.

19 (e) When the total soluble solids of the juice is not
20 less than 9.10 percent and not more than 9.20 percent, the
21 minimum ratio of the total soluble solids to anhydrous citric
22 acid shall be 8.65 to 1.

23 (f) When the total soluble solids of the juice is not
24 less than 9.20 percent and not more than 9.30 percent, the
25 minimum ratio of the total soluble solids to anhydrous citric
26 acid shall be 8.55 to 1.

27 (g) When the total soluble solids of the juice is not
28 less than 9.30 percent and not more than 9.40 percent, the
29 minimum ratio of the total soluble solids to anhydrous citric
30 acid shall be 8.45 to 1.

31

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

5 (i) When the total soluble solids of the juice is not
6 less than 9.50 percent and not more than 9.60 percent, the
7 minimum ratio of the total soluble solids to anhydrous citric
8 acid shall be 8.25 to 1.

9 (j) When the total soluble solids of the juice is not
10 less than 9.60 percent and not more than 9.70 percent, the
11 minimum ratio of the total soluble solids to anhydrous citric
12 acid shall be 8.15 to 1.

13 (k) When the total soluble solids of the juice is not
14 less than 9.70 percent and not more than 9.80 percent, the
15 minimum ratio of the total soluble solids to anhydrous citric
16 acid shall be 8.05 to 1.

17 (l) When the total soluble solids of the juice is not
18 less than 9.80 percent and not more than 9.90 percent, the
19 minimum ratio of the total soluble solids to anhydrous citric
20 acid shall be 7.95 to 1.

21 (m) When the total soluble solids of the juice is not
22 less than 9.90 percent and not more than 10 percent, the
23 minimum ratio of the total soluble solids to anhydrous citric
24 acid shall be 7.85 to 1.

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

29 (o) When the total soluble solids of the juice is not
30 less than 10.10 percent and not more than 10.20 percent, the
31

1 minimum ratio of the total soluble solids to anhydrous citric
2 acid shall be 7.65 to 1.

3 (p) When the total soluble solids of the juice is not
4 less than 10.20 percent and not more than 10.30 percent, the
5 minimum ratio of the total soluble solids to anhydrous citric
6 acid shall be 7.55 to 1.

7 (q) When the total soluble solids of the juice is not
8 less than 10.30 percent and not more than 10.40 percent, the
9 minimum ratio of the total soluble solids to anhydrous citric
10 acid shall be 7.45 to 1.

11 (r) When the total soluble solids of the juice is not
12 less than 10.40 percent and not more than 10.50 percent, the
13 minimum ratio of the total soluble solids to anhydrous citric
14 acid shall be 7.35 to 1.

15 (s) When the total soluble solids of the juice is not
16 less than 10.50 percent or is more than 10.50 percent the
17 minimum ratio of the total soluble solids to anhydrous citric
18 acid shall be 7.25 to 1.

19 Section 77. Section 601.24, Florida Statutes, is
20 reenacted and amended to read:

21 601.24 Florida Citrus Authority ~~Department of Citrus~~
22 to prescribe methods of testing and grading.--The Florida
23 Citrus Authority ~~Department of Citrus~~ shall by rule or
24 regulation provide the manner and method to be used in drawing
25 samples and the quantity to be used in testing and grading of
26 citrus fruit and the canned and concentrated products thereof
27 and shall provide specifications and methods for use of juice
28 extractors to be used in extracting juice for such tests and
29 grading purposes.

30 Section 78. Section 601.25, Florida Statutes, is
31 reenacted and amended to read:

1 601.25 Determination of soluble solids and acid.--The
 2 Florida Citrus Authority ~~Department of Citrus~~ by rule or
 3 regulation shall determine the method by which juice is tested
 4 for percentage of total soluble solids, the method by which
 5 juice is tested for acidity, and the method for testing fruit
 6 for juice content. Until such time as the Florida Citrus
 7 Authority ~~Department of Citrus~~ may see fit to determine such
 8 method by rule or regulation, the Brix hydrometer shall be
 9 used and the reading of the hydrometer corrected for
 10 temperature shall be considered as the percent of the total
 11 soluble solids; and anhydrous citric acid shall be determined
 12 by titration of the juice using standard alkali and
 13 phenolphthalein as indicator, the total acidity being
 14 calculated as anhydrous citric acid.

15 Section 79. Section 601.27, Florida Statutes, is
 16 reenacted and amended to read:

17 601.27 Department of Agriculture and Consumer
 18 Services; citrus inspectors.--The inspection in the state of
 19 all citrus fruit and the canned and concentrated products
 20 thereof, and the certifying as to grades and qualifications
 21 thereof, and the enforcement of all provisions of this chapter
 22 and rules and orders made pursuant to and under authority of
 23 this chapter shall be under the direction, supervision, and
 24 control of the Department of Agriculture and Consumer
 25 Services. The sampling, testing, and inspection of all
 26 processed citrus products shall be done by authorized agents
 27 or inspectors of the Department of Agriculture and Consumer
 28 Services or pursuant to cooperative agreement between the
 29 Department of Agriculture and Consumer Services and any agency
 30 of the Federal Government.

31

1 Section 80. Section 601.28, Florida Statutes, is
2 reenacted and amended to read:

3 601.28 Inspection fees.--

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

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

14 1. The costs expected to be incurred during the
15 then-current shipping season by the Bureau of Citrus
16 Inspection in performing its duties with respect to such
17 citrus fruit and by the Bureau of Citrus Technical Control in
18 performing its duties with respect to such citrus fruit;

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

22 3. A pro rata portion of the costs expected to be
23 incurred during the then-current shipping season, by the
24 Department of Agriculture and Consumer Services through its
25 cooperative agreement with the United States Department of
26 Agriculture, which are directly attributable to the estimation
27 of the size of the citrus crop in Florida; and

28 4. The amount, if any, by which the costs actually
29 incurred with respect to the foregoing during the preceding
30 shipping season may have exceeded the income received during
31 that season, or less the amounts, if any, by which the income

1 received during the preceding shipping season may have
 2 exceeded the costs actually incurred with respect to the
 3 foregoing during that season. For the purpose of this
 4 subparagraph, income received during the preceding season
 5 shall be deemed to include all fees collected under this
 6 paragraph, plus a pro rata portion of all fees collected under
 7 s. 601.59, plus a pro rata portion of all fines and penalties
 8 collected pursuant to this chapter, and plus all interest
 9 earned on the investment of the foregoing funds.

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

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

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

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

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

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

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

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

29 3. A pro rata portion of the costs expected to be
30 incurred during the then-current shipping season by the
31 Department of Agriculture and Consumer Services through its

1 cooperative agreement with the United States Department of
2 Agriculture directly attributable to the estimation of the
3 size of the citrus crop in Florida; and

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

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

24 1. The costs expected to be incurred during the
25 then-current shipping season by the Bureau of Citrus
26 Inspection, through the cooperative agreement between the
27 Department of Agriculture and Consumer Services and the United
28 States Department of Agriculture, in performing its duties
29 with respect to processed citrus products; and

30 2. The amount, if any, by which the costs actually
31 incurred with respect to the foregoing during the preceding

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

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

22 (b) If, after the release of the October citrus crop
 23 estimate, a subsequent citrus crop estimate is so
 24 substantially different that any of the foregoing fees fixed
 25 following the October estimate are determined by the
 26 Department of Agriculture and Consumer Services to be
 27 insufficient to pay the estimated costs expected to be
 28 incurred as set forth in the preceding paragraphs, then the
 29 Department of Agriculture and Consumer Services shall
 30 determine the fee necessary to pay such estimated costs based
 31

1 upon such revised citrus crop estimate and shall amend such
2 fee accordingly.

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

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

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

26 (b) All fees levied and collected under the provisions
27 of this section shall be paid into the State Treasury on or
28 before the 15th day of each month. Such moneys shall be
29 deposited to and made a part of the Citrus Inspection Trust
30 Fund and are hereby appropriated to the Department of
31 Agriculture and Consumer Services to be used to pay the costs

1 incurred in its performance of the duties of the Bureau of
2 Citrus Inspection and under the cooperative agreements
3 referred to in subsection (1) with respect to citrus fruit and
4 processed citrus products.

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

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

23 (5) The Department of Agriculture and Consumer
24 Services shall have the power to adopt rules providing for the
25 imposition of special fees for inspections conducted during
26 hours not contemplated by regular state work hours. Such
27 rules shall prescribe circumstances under which the fees
28 levied pursuant to paragraphs (1)(a) and (b) would not apply
29 and the fees imposed pursuant to such rules would apply. The
30 rules shall provide that said fees shall be levied when
31 specifically actuated by contract between the department and

1 persons liable for the fees created by this subsection. The
2 rules shall not allow fees to be charged which are in excess
3 of the department's actual cost of the inspection to be made,
4 nor shall such fees be less than those imposed by paragraphs
5 (1)(a) and (b).

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

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

24 Section 81. Section 601.281, Florida Statutes, is
25 reenacted to read:

26 601.281 Road guard fees.--There is hereby levied upon
27 all citrus fruit upon which inspection fees are imposed by s.
28 601.28 an additional fee in the amount of 1 mill per
29 standard-packed box or the equivalent thereof. This additional
30 fee shall be collected at the same time and in the same manner
31 as citrus inspection fees imposed by s. 601.28. All fees

1 levied and collected under the provisions of this section
2 shall be paid into the State Treasury on or before the 15th
3 day of each month. Such money shall be deposited in the
4 General Inspection Trust Fund and is hereby appropriated to
5 the Department of Agriculture and Consumer Services to defray
6 that portion of the cost of operating road guard stations that
7 is attributable to the services performed by the road guard
8 stations with respect to citrus fruit. All such money not
9 required to defray that portion of such costs shall be
10 deposited in the Citrus Inspection Trust Fund and is hereby
11 appropriated in the manner provided by s. 601.28(3)(b).

12 Section 82. Section 601.29, Florida Statutes, is
13 reenacted and amended to read:

14 601.29 Powers of Department of Agriculture and
15 Consumer Services.--The powers of the Department of
16 Agriculture and Consumer Services or its authorized
17 representative include, but are not limited to, the following:

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

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

28 (3) To forbid and prohibit the shipment or sale of any
29 citrus fruit or the canned or concentrated products thereof
30 found to be in violation of any of the provisions of this
31

1 chapter or order made or adopted under the authority of this
2 chapter.

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

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

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

28 (7) To employ and fix the compensation of attorneys as
29 it deems necessary to assist in exercising the powers and
30 discharging the duties conferred and imposed upon the
31

1 Department of Agriculture and Consumer Services by law, and
2 particularly by subsections (5) and (6).

3 Section 83. Section 601.31, Florida Statutes, is
4 reenacted and amended to read:

5 601.31 Citrus inspectors; employment.--The Department
6 of Agriculture and Consumer Services may in each year employ
7 as many citrus fruit inspectors for such period or periods,
8 not exceeding 1 year, as said Department of Agriculture shall
9 deem necessary for the effective enforcement of the citrus
10 fruit laws of this state. All persons authorized to inspect
11 and certify to the maturity and grade of citrus fruit shall be
12 governed in the discharge of their duties as such inspectors
13 by the provisions of law and by the rules and regulations
14 prescribed by the Florida Citrus Authority ~~Department of~~
15 ~~Citrus~~ and the Department of Agriculture and Consumer Services
16 and shall perform their duties under the direction and
17 supervision of the Department of Agriculture and Consumer
18 Services. ~~All citrus inspectors appointed for the enforcement~~
19 ~~of this chapter shall be persons who are duly licensed or~~
20 ~~certified by the United States Department of Agriculture as~~
21 ~~citrus fruit inspectors.~~

22 Section 84. Section 601.32, Florida Statutes, is
23 reenacted and amended to read:

24 601.32 Compensation of inspectors.--The salaries of
25 the chief citrus inspector, the chief laboratory inspector,
26 the district supervising inspectors, the junior and senior
27 inspectors, and all other necessary inspectors shall be in the
28 amount as determined and fixed by the Department of
29 Agriculture and Consumer Services and, in addition thereto,
30 each of said inspectors shall be reimbursed for travel
31 expenses as provided in s. 112.061, which shall be paid upon

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

13 Section 85. Section 601.33, Florida Statutes, is
 14 reenacted and amended to read:

15 601.33 Interference with inspectors.--It is unlawful
 16 for any person to obstruct, hinder, resist, interfere with, or
 17 attempt to obstruct, hinder, resist, or interfere with any
 18 authorized inspector in the discharge of any duty imposed upon
 19 or required of her or him by the provisions of law or by any
 20 rule or regulation prescribed by the Florida Citrus Authority
 21 ~~Department of Citrus~~ or the Department of Agriculture and
 22 Consumer Services, or to change or attempt to change any
 23 instrument, substance, article, or fluid used by such
 24 inspector or emergency inspector in making tests of citrus
 25 fruit or the canned or concentrated products thereof.

26 Section 86. Section 601.34, Florida Statutes, is
 27 reenacted to read:

28 601.34 Duties of law enforcement officers.--Each state
 29 or county law enforcement officer shall make arrests for
 30 violations of the citrus fruit laws of this state or of any
 31 rule, regulation, or order promulgated by the commission or

1 the Department of Agriculture and Consumer Services under
2 authority of law when notified of such violation by the
3 department or its duly authorized agent or representative.

4 Section 87. Section 601.35, Florida Statutes, is
5 reenacted and amended to read:

6 601.35 Disputes as to quality, etc.; procedure.--When
7 any dispute as to quality, grade, or condition of citrus fruit
8 or the canned or concentrated products thereof arises, the
9 shipper or any financially interested person may call in at
10 his, her, or its expense an inspector licensed or certified
11 only by the United States Department of Agriculture to inspect
12 such citrus fruit or its canned or concentrated products.

13 Such inspector shall issue a regular official certificate to
14 the applicant showing the quality, grade, and condition
15 thereof and, in all cases, such certificate shall be prima
16 facie evidence. If such certificate shows the citrus fruit or
17 the canned or concentrated products thereof therein-mentioned
18 and described to conform to the provisions of this chapter and
19 the rules, regulations, or orders of the Florida Citrus
20 Authority ~~Department of Citrus~~ and of the Department of
21 Agriculture and Consumer Services, such shipper or such
22 financially interested person may present the original
23 certificate to the person or representative of the person
24 having charge of the vehicle of transportation by which such
25 citrus fruit or the canned or concentrated products thereof is
26 to be transported, which person or representative shall then
27 accept such citrus fruit or the canned or concentrated
28 products thereof for shipment provided that all other
29 provisions of this chapter and of the rules, regulations, and
30 orders of the Florida Citrus Authority ~~Department of Citrus~~

31

1 and of the Department of Agriculture and Consumer Services
2 have been met and complied with.

3 Section 88. Section 601.36, Florida Statutes, is
4 reenacted to read:

5 601.36 Inspection information required when two or
6 more lots of fruit run simultaneously.--In the event that any
7 packinghouse packing citrus fruit or canning plant canning
8 citrus fruit or concentrating plant concentrating citrus fruit
9 shall have present therein or shall be packing, canning, or
10 concentrating two or more lots of fruit simultaneously, the
11 manager or other person in charge of said packinghouse or said
12 canning plant or said concentrating plant shall notify the
13 citrus fruit inspector conducting inspections at said
14 packinghouse or canning plant or concentrating plant of said
15 fact and furnish to said inspector full information as to the
16 source of said several lots of fruit and the number of boxes
17 in each several lots.

18 Section 89. Section 601.37, Florida Statutes, is
19 reenacted to read:

20 601.37 Unlawful acts of inspectors.--It is unlawful
21 for any authorized inspector to make or deliver a certificate
22 of inspection and maturity and quality of any citrus fruit or
23 the canned or concentrated products thereof upon which the
24 inspection fees and advertising taxes have not been paid or
25 the payment thereof guaranteed, or to make or issue any false
26 certificate as to inspection, maturity, quality, or payment of
27 inspection fees.

28 Section 90. Section 601.38, Florida Statutes, is
29 reenacted and amended to read:

30 601.38 Citrus inspectors; authority.--For the purpose
31 of enforcing the provisions of the citrus fruit laws of this

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

11 Section 91. Section 601.39, Florida Statutes, is
12 reenacted and amended to read:

13 601.39 Special inspectors.--In cases of emergency or
14 necessity, when no citrus fruit inspector is available for
15 inspection of a particular lot of citrus fruit or the canned
16 or concentrated products thereof, the Department of
17 Agriculture and Consumer Services may designate some fit and
18 competent individual to inspect, test, and certify as to such
19 lot of fruit or the canned or concentrated products thereof.
20 Certificates made or issued by such designated individual
21 shall be signed by her or him as "Special citrus fruit
22 inspector." The designated individual shall not be required
23 to give any bond, but shall be subject to the penalties
24 imposed for violation of any of the provisions of the citrus
25 fruit laws.

26 Section 92. Section 601.40, Florida Statutes, is
27 reenacted and amended to read:

28 601.40 Registration of citrus packinghouses,
29 processing plants with department.--The owner, manager, or
30 operator of each packinghouse, canning plant, or concentrating
31 plant, at which it is intended to pack, can, concentrate, or

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

25 Section 93. Section 601.41, Florida Statutes, is
 26 reenacted and amended to read:

27 601.41 Operation without registration unlawful.--It is
 28 unlawful for any person to operate a citrus fruit
 29 packinghouse, canning plant, or concentrating plant, or to
 30 pack or otherwise prepare for sale or transportation any
 31 citrus fruit at such packinghouse, canning plant, or

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

12 Section 94. Section 601.42, Florida Statutes, is
13 reenacted and amended to read:

14 601.42 Revocation of registration.--Whenever the
15 Department of Agriculture and Consumer Services shall issue a
16 certificate of registration to any packinghouse, canning
17 plant, or concentrating plant for the purpose of processing
18 citrus fruit or citrus products, as provided by s. 601.40, and
19 said Department of Agriculture and Consumer Services shall
20 thereafter revoke or suspend the license of any citrus fruit
21 dealer who may own, operate, or have any proprietary or
22 ownership interest in any such packinghouse, canning plant, or
23 concentrating plant aforesaid, the certificate of registration
24 as provided for in s. 601.40 shall automatically and without
25 further proceedings stand suspended or revoked during the
26 entire period of the suspension or revocation of the citrus
27 fruit dealer's license.

28 Section 95. Section 601.43, Florida Statutes, is
29 reenacted and amended to read:

30 601.43 Immature and unfit citrus fruit; individual
31 sampling.--Any oranges, grapefruit, and tangerines not

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

19 Section 96. Section 601.44, Florida Statutes, is
 20 reenacted and amended to read:

21 601.44 Destruction of immature fruit.--All citrus
 22 fruit or processed citrus products prepared for sale or
 23 transportation, which is being prepared for such purpose, or
 24 which has been or is being delivered for sale or
 25 transportation that may be found immature or otherwise unfit
 26 for human consumption upon inspection and testing shall be
 27 seized and destroyed by a citrus fruit inspector or the
 28 sheriff of the county where found as may be provided by
 29 regulations prescribed by the Florida Citrus Authority
 30 ~~Department of Citrus~~. Said determination of immaturity or
 31 unfitness for human consumption may be made by a citrus fruit

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

21 Section 97. Section 601.45, Florida Statutes, is
22 reenacted and amended to read:

23 601.45 Grading of fresh citrus fruit.--

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

31

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 98. 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,

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 99. 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 100. 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

1 Section 101. Section 601.471, Florida Statutes, is
2 reenacted to read:

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

8 Section 102. Section 601.48, Florida Statutes, is
9 reenacted and amended to read:

10 601.48 Grading processed citrus products.--

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

20 (1)(2) If such processed citrus products meet the
21 requirements of the two highest grades as established by the
22 Florida Citrus Authority ~~Department of Citrus~~ or, at the
23 option of the processor, the two highest grades established by
24 the United States Department of Agriculture, the processor
25 shall have the privilege, ~~in lieu of the grade declaration~~
26 ~~requirements of subsection (1),~~ of using labels, brands, or
27 trademarks properly registered with the Florida Citrus
28 Authority ~~Department of Citrus~~, as provided in subsection
29 (2)(3), to represent state or U.S. grades.

30 (2)(3) In accordance with such rules as the Florida
31 Citrus Authority ~~Department of Citrus~~ may prescribe, licensed

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

7 (3)~~(4)~~ The grade labeling requirements of this section
8 shall not apply to intrastate shipments of processed citrus
9 products between licensed citrus fruit dealers who are
10 operators of processing plants duly registered under s.
11 601.40.

12 Section 103. Section 601.49, Florida Statutes, is
13 reenacted and amended to read:

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

27 Section 104. Section 601.50, Florida Statutes, is
28 reenacted and amended to read:

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

1 601.52, the Florida Citrus Authority ~~Department of Citrus~~
2 under such precautionary rules and regulations as it may deem
3 expedient may permit sale or shipment of citrus fruit or the
4 canned or concentrated products thereof without the issuance
5 of and filing of inspection certificate and without the grade
6 being shown on the container thereof, of:

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

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

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

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

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

1 shall provide for the due collection of any advertising taxes
2 and inspection fees that may be due thereon.

3 Section 105. Section 601.501, Florida Statutes, is
4 reenacted to read:

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

8 Section 106. Section 601.51, Florida Statutes, is
9 reenacted and amended to read:

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

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

15 Section 107. Section 601.52, Florida Statutes, is
16 reenacted to read:

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

26 Section 108. Section 601.53, Florida Statutes, is
27 reenacted to read:

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

1 unwholesome or decomposed so that it is unfit for canning or
2 concentrating purposes.

3 Section 109. Section 601.54, Florida Statutes, is
4 reenacted and amended to read:

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

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

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

1 Section 110. Section 601.55, Florida Statutes, is
2 reenacted and amended to read:

3 601.55 Citrus fruit dealer; license required.--

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

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

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

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

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

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

9 Section 111. Section 601.56, Florida Statutes, is
10 reenacted and amended to read:

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

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

22 (a) Name and address of the individual, firm,
23 partnership, association, corporation, or other business unit
24 applying for a license;

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

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1 (c) The length of time the applicant has been engaged
2 in the citrus fruit business in Florida in any manner
3 whatsoever;

4 (d) A statement of delinquent accounts growing out of
5 the ordinary course of business with producers, if any there
6 be;

7 (e) A financial statement of the applicant, if
8 required by the Florida Citrus Authority ~~Department of Citrus~~,
9 showing such information as the Florida Citrus Authority
10 ~~Department of Citrus~~ may prescribe regarding the financial
11 conditions of the applicant;

12 (f) Whether or not the applicant or any of its
13 officers, directors, or stockholders have previously been
14 licensed as a citrus fruit dealer, or connected with a
15 licensed citrus fruit dealer in the state and, if so, the date
16 all such licenses were obtained; and

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

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

29 (3) If the applicant is a corporation, then such
30 corporation must be one organized and existing under the laws
31

1 of this state or having an unrevoked permit authorizing it to
2 transact business in this state.

3 (4) When a license application is submitted for a
4 person or business entity which has an unpaid balance due and
5 owing the Florida Citrus Authority ~~Department of Citrus~~ for
6 any citrus excise taxes or delinquency fees levied and imposed
7 under the authority of this chapter, the applicant shall be
8 notified immediately by the department; and such application
9 shall not be further processed or presented to the commission
10 for action until such taxes and fees are paid in full.

11 However, any applicant whose taxes are under review by the
12 Florida Citrus Authority ~~Department of Citrus~~ or are contested
13 in the appropriate administrative agency or court shall not
14 have its application denied solely on the basis of owed taxes
15 or fees, until the matter is determined by the department,
16 agency, or court.

17 Section 112. Section 601.57, Florida Statutes, is
18 reenacted and amended to read:

19 601.57 Examination of application; approval of
20 dealers' licenses.--

21 (1) The Florida Citrus Authority ~~Department of Citrus~~
22 shall, within a reasonable time, examine the application and
23 consider the information submitted therewith, including the
24 applicant's financial statement and the reputation of the
25 applicant as shown by applicant's past and current history and
26 activities, including applicant's method and manner of doing
27 business. The Florida Citrus Authority ~~Department of Citrus~~
28 shall also consider the past history of any applicant, either
29 individually or in connection with any individual,
30 copartnership, corporation, association, or other business
31 unit with whom any applicant shall have been connected in any

1 capacity, and may in proper cases impute to any individual,
2 corporation, copartnership, association, or other business
3 unit liability for any wrong or unlawful act previously done
4 or performed by such individual, corporation, copartnership,
5 association, or other business unit.

6 (2) If the Florida Citrus Commission shall, by a
7 majority vote, be of the opinion that the applicant is
8 qualified and entitled to a license as a citrus fruit dealer,
9 the commission shall approve the application; otherwise the
10 application shall be disapproved. However, commission
11 approval of any application may be contingent upon such
12 reasonable conditions as may be endorsed thereon by the
13 commission, or commission action on an application may, by
14 majority vote, be deferred to a subsequent date.

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

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

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

31

1 (b) Delinquent accounts of the applicant owing to and
2 growing out of the ordinary course of business with producers
3 and other persons or firms.

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

7 (d) Failure of the applicant or its owners, partners,
8 officers, or agents to comply with any valid order of the
9 Department of Agriculture and Consumer Services or the Florida
10 Citrus Authority ~~Department of Citrus~~ relating to citrus fruit
11 laws or rules.

12 (e) Applicant's violation, or aiding or abetting in
13 the violation, of any federal or Florida law or governmental
14 agency rule or regulation governing or applicable to citrus
15 fruit dealers.

16 (5) When the applicant is a corporate or other
17 business entity, the term "applicant" as used in this section
18 shall be deemed to include within its meaning those
19 individuals who have been, or can reasonably be expected to
20 be, actively engaged in the managerial affairs of the
21 corporate or other business entity applicant.

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

28 (7) The Florida Citrus Authority ~~Department of Citrus~~
29 is authorized to establish by rule the procedure and
30 guidelines for granting interim conditional staff approval for
31 issuance of a conditional citrus fruit dealer's license, which

1 license shall at all times be subject to final approval or
2 other action by the commission at its next regular meeting.
3 Any license so issued shall clearly and conspicuously indicate
4 thereon the conditional nature of the approval and pendency of
5 final action.

6 Section 113. Section 601.58, Florida Statutes, is
7 reenacted to read:

8 601.58 Application approval or disapproval.--

9 (1) Each citrus fruit dealer's license application
10 which is approved, or approved subject to conditions, shall be
11 forwarded immediately to the Department of Agriculture and
12 Consumer Services, which shall, upon satisfaction of the
13 stated conditions, if any are endorsed thereon, issue to the
14 applicant an appropriate license as prescribed in s. 601.60.

15 (2) Each temporary license granted under s. 601.57(3),
16 license with conditions approved by the commission under s.
17 601.57(2), or conditional license issued upon interim staff
18 approval under s. 601.57(7) shall clearly and conspicuously
19 show thereon the specific conditions, or the temporary or
20 conditional nature, thereof.

21 (3) No license shall be issued to any applicant whose
22 application has been finally disapproved by the commission.
23 Once an application has been finally disapproved by the
24 commission, the application shall remain disapproved for the
25 remainder of the subject shipping season.

26 Section 114. Section 601.59, Florida Statutes, is
27 reenacted and amended to read:

28 601.59 Dealer's license fee; agent's registration
29 fee.--

30 (1) Each applicant who qualifies for a citrus fruit
31 dealer's license shall pay to the Department of Agriculture

1 and Consumer Services, prior to issuance of such license, a
2 license fee of \$25 per shipping season or portion thereof
3 covered by the license.

4 (2) A registration fee of \$10 per shipping season or
5 portion thereof covered by the dealer's license shall be paid
6 to the Department of Agriculture and Consumer Services for the
7 registration of each agent of a licensed citrus fruit dealer.

8 (3) All license and registration fees imposed and
9 collected under the provisions of this section shall be paid
10 to the State Treasury on or before the 15th day of each month.
11 Such moneys shall be deposited in the Citrus Inspection Trust
12 Fund and are hereby appropriated in the manner provided by s.
13 601.28(3)(b).

14 Section 115. Section 601.60, Florida Statutes, is
15 reenacted and amended to read:

16 601.60 Issuance of dealers' licenses.--

17 (1) Whenever an application bears the approved
18 endorsement of the Florida Citrus Authority ~~Department of~~
19 ~~Citrus~~ and satisfactions of conditions of approval, if any,
20 and the applicant has paid the prescribed fee, the Department
21 of Agriculture and Consumer Services shall issue to such
22 applicant a license, as approved by the Florida Citrus
23 Authority ~~Department of Citrus~~, which shall entitle the
24 licensee to do business as a citrus fruit dealer during the
25 effective term of such license in accordance with s. 601.55 or
26 until such license may be suspended or revoked by the
27 Department of Agriculture and Consumer Services in accordance
28 with the provisions of law. The Department of Agriculture and
29 Consumer Services may issue a provisional license for a period
30 of no longer than 1 year to an applicant who is under
31 investigation for an action that would constitute a violation

1 of this chapter or has pending against such applicant an
 2 administrative or civil proceeding which alleges an action
 3 that would constitute a violation of this chapter. The
 4 department shall establish by rule requirements for renewal of
 5 a provisional license. When the investigation is complete or
 6 the pending proceeding has been disposed of, the department
 7 may issue a regular license under this section.

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

27 Section 116. Section 601.601, Florida Statutes, is
 28 reenacted and amended to read:

29 601.601 Registration of dealers' agents.--Every
 30 licensed citrus fruit dealer shall:

31

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

1 (2) When the above requirements and such additional
2 requirements as may be set forth by regulations adopted by the
3 Florida Citrus Authority ~~Department of Citrus~~ for registration
4 of an agent have been met and the fee required by s. 601.59(2)
5 has been paid, the Department of Agriculture and Consumer
6 Services shall duly register the agent and issue an
7 identification card certifying such registration. The
8 identification card, among other things, shall show in a
9 prominent manner:

10 (a) The name and address of the agent;

11 (b) The authorizing dealer's name, address, and
12 license number;

13 (c) The effective date and season for which
14 registration is made;

15 (d)1. A space for signature of the agent;

16 2. A space to be countersigned by the licensed dealer;

17 3. A statement providing that the card is not valid
18 unless so signed and countersigned.

19
20 The Florida Citrus Authority ~~Department of Citrus~~ may, from
21 time to time, adopt additional requirements or conditions
22 relating to the registration of agents as may be necessary.

23 Section 117. Section 601.61, Florida Statutes, is
24 reenacted and amended to read:

25 601.61 Bond requirements of citrus fruit dealers.--

26 (1) Except as hereinafter provided, prior to the
27 approval of a citrus fruit dealer's license, the applicant
28 therefor must deliver to the Department of Agriculture and
29 Consumer Services a good and sufficient cash bond, appropriate
30 certificate of deposit, or a surety bond executed by the
31 applicant as principal and by a surety company qualified to do

1 business in this state as surety, in an amount as determined
 2 by the Florida Citrus Authority ~~Department of Citrus~~. The
 3 amount of such bond or certificate of deposit shall be
 4 determined by taking into consideration any one or more of the
 5 following: The number of standard packed boxes of citrus
 6 fruit, or the equivalent thereof, which the applicant intends
 7 to handle during the term of the license as set forth in the
 8 application; the total volume of fruit handled by the dealer
 9 the previous season; the highest month's volume handled the
 10 previous season; the anticipated increase in the total citrus
 11 crop during the season for which the application for license
 12 is made; and other relevant factors based on the following
 13 schedule:

- 14 (a) \$1,000 up to 2,000 boxes;
- 15 (b) \$2,000 up to 5,000 boxes;
- 16 (c) \$3,750 up to 7,500 boxes;
- 17 (d) \$5,000 up to 10,000 boxes;
- 18 (e) \$10,000 up to 20,000 boxes;
- 19 (f) \$1,000 for each additional 20,000 boxes or
 20 fraction thereof in excess of 20,000 boxes, with a maximum
 21 bond of \$100,000.

22
 23 If a citrus fruit dealer during the term of her or his license
 24 finds that she or he has handled, or can reasonably expect to
 25 handle a volume of fruit greater than that covered by a posted
 26 bond or certificate of deposit, the dealer shall have the
 27 affirmative duty of immediately notifying the Department of
 28 Agriculture and Consumer Services and initiating an increase
 29 in such bond or certificate of deposit to an amount that will
 30 meet the requirements set forth above.

31

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

21 (3) Said bond shall be to the Department of
22 Agriculture and Consumer Services, for the use and benefit of
23 every producer and of every citrus fruit dealer with whom the
24 dealer deals in the purchase, handling, sale, and accounting
25 of purchases and sales of citrus fruit. The aggregate
26 accumulative liability under any bond shall not exceed the
27 amount named therein. Said bond shall provide that the surety
28 company thereon shall not be liable to any citrus fruit dealer
29 claiming to be injured or damaged by the said dealer if the
30 aggregate of the amounts found to be due to producers pursuant
31 to the provisions of this chapter equals or exceeds the amount

1 of the bond, unless such citrus fruit dealer is also a
2 producer and is acting in the capacity of a producer and not
3 in the capacity of a citrus fruit dealer in the transaction
4 wherein she or he claims to have been injured or damaged by
5 applicant; but if the aggregate of such amounts is less than
6 the amount of the bond, then the surety may be held liable to
7 such citrus fruit dealers, but not in excess of the sum by
8 which the amount of the bond exceeds the aggregate of the
9 amounts found to be due to producers pursuant to the
10 provisions of this chapter.

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

1 failure to file such increased bond within the time fixed by
2 the Department of Agriculture and Consumer Services, the
3 Department of Agriculture and Consumer Services may publish
4 the facts and circumstances and by order suspend the license
5 of such citrus fruit dealer until the said bond is increased
6 as ordered.

7 (5)(a) The following citrus fruit, subject to such
8 rules as may be prescribed by the Florida Citrus Authority
9 ~~Department of Citrus~~, shall not be considered as fruit with
10 which the applicant intends to deal for the purpose of
11 determining the amount of the bond required under subsection
12 (1);

13 1. Citrus fruit which the applicant produces.

14 2. Citrus fruit which is handled for its members by a
15 cooperative marketing association organized and existing under
16 the provisions of either chapter 618 or chapter 619.

17 3. Fresh citrus fruit handled by the applicant, which
18 has been prepared and packaged by a registered packinghouse
19 other than the applicant and has been inspected and certified
20 for shipment.

21 4. Citrus fruit handled by the applicant from citrus
22 groves for which applicant provides complete grove management
23 services under direct contract with the owner or producer.

24 5. Citrus fruit handled by a corporate or partnership
25 applicant that is from citrus groves owned by officers or
26 stockholders of the corporation or from citrus groves owned by
27 the partnership, the parent corporation, or a wholly owned
28 subsidiary corporation or its corporate officers or
29 stockholders, or any partner of a partnership; provided that
30 appropriate waivers of right to any claim against the bond
31

1 required to be posted by this section be attached to and made
2 a part of the application for license.

3 6. Processed citrus fruit handled by the applicant
4 which has been processed and packaged by a registered citrus
5 processing plant other than the applicant and has been
6 inspected and certified for shipment.

7 (b) If the applicant does not intend to deal with any
8 citrus fruit other than that which comes within the foregoing
9 classifications, the Department of Agriculture and Consumer
10 Services shall issue a license without the posting of a bond.
11 Such a license shall bear a descriptive statement to the
12 effect that the licensee is not a bonded citrus fruit dealer.

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

19 (6) If any of the provisions of this act shall be held
20 to be unconstitutional or invalid for any reason by any court
21 of competent jurisdiction or if such court shall find or
22 declare that no applicant shall be required to furnish the
23 bond required by this act, then and in that event this entire
24 act shall be ineffective for any and all purposes and the laws
25 in effect on July 31, 1965, which are amended by this act,
26 shall not be deemed to be amended or repealed by this act but
27 shall instead remain in full force and effect it being the
28 intention of the Legislature that in such event this entire
29 act shall be ineffective for any and all purposes and the laws
30 in effect on July 31, 1965, which are amended or repealed by
31

1 this act shall instead not be deemed to be amended or repealed
2 by this act but shall remain in full force and effect.

3 Section 118. Section 601.611, Florida Statutes, is
4 reenacted to read:

5 601.611 Applicable law in event ch. 61-389 held
6 invalid.--If any of the provisions of s. 601.61 be held
7 unconstitutional or invalid for any reason by any court of
8 competent jurisdiction, or if any such court shall find or
9 declare that no applicant shall be required to furnish the
10 bond required by this act, then and in that event this entire
11 act, including s. 5 thereof, shall be ineffective for any and
12 all purposes, and the Laws of Florida in effect on August 1,
13 1961, which are amended or repealed by this act shall not be
14 deemed to be amended or repealed by this act but shall instead
15 remain in full force and effect, it being the intention of the
16 Legislature that in that event this entire act shall be
17 ineffective for any and all purposes and the Laws of Florida
18 in effect on August 1, 1961, including chapter 61-45, which
19 are amended or repealed by this act shall not be deemed to be
20 amended or repealed by this act but shall instead remain in
21 full force and effect.

22 Section 119. Section 601.64, Florida Statutes, is
23 reenacted and amended to read:

24 601.64 Citrus fruit dealers; unlawful acts.--It is
25 unlawful in, or in connection with, any transaction relative
26 to the purchase, handling, sale, and accounting of sales of
27 citrus fruit:

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

30 (2) For any citrus fruit dealer to reject or fail to
31 deliver in accordance with the terms of the contract without

1 reasonable cause any citrus fruit bought, sold, or contracted
2 to be bought or sold by such citrus fruit dealer;

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

6 (4) For any citrus fruit dealer to make, for a
7 fraudulent purpose, any false or misleading statement
8 concerning the condition, quality, quantity, or disposition
9 of, or the condition of the market for, any citrus fruit which
10 is received by such citrus fruit dealer or bought or sold or
11 contracted to be bought or sold by such citrus fruit dealer;
12 or the purchase or sale of which is negotiated by such citrus
13 fruit dealer; or to fail or refuse truly and correctly to
14 account and make full payment promptly in respect of any such
15 transaction in any such citrus fruit to the person with whom
16 such transaction is had, or to fail or refuse on such account
17 to make full payment of such amounts as may be due thereon, or
18 to fail without reasonable cause to perform any specification
19 or duty express or implied arising out of any undertaking in
20 connection with any such transaction;

21 (5) For any citrus fruit dealer to knowingly buy,
22 sell, receive, process, or handle stolen citrus fruit;

23 (6) For any citrus fruit dealer to violate, or aid or
24 abet in the violation of, any law of Florida governing or
25 applicable to citrus fruit dealers, including any of the
26 provisions of this chapter not herein specifically set forth;

27 (7) For any citrus fruit dealer to violate or aid or
28 abet in the violation of any rule or regulation duly
29 promulgated by the Florida Citrus Authority ~~Department of~~
30 Citrus.

31

1 Section 120. Section 601.641, Florida Statutes, is
2 reenacted to read:

3 601.641 Fraudulent representations, penalties.--

4 (1) It shall be unlawful for any person, firm,
5 association, or corporation to claim or represent to be a
6 licensed citrus fruit dealer, licensed and bonded citrus
7 dealer, or agent of a licensed citrus fruit dealer unless such
8 person, firm, association, or corporation is licensed,
9 licensed and bonded, or a registered agent of a licensed
10 citrus fruit dealer under the Laws of Florida.

11 (2) It shall be unlawful for any person, firm,
12 association, or corporation to advertise or in any way
13 represent falsely as to her or his status as a seller of
14 citrus fruit, to make any false claim as to the status of such
15 seller of citrus fruit, or to make any false claim as to the
16 condition, grade, quality, quantity, grove origin, or
17 producer's name and address of any citrus fruit sold by any
18 such person, firm, association, or corporation.

19 (3) It shall be unlawful for any person, firm,
20 association, or corporation licensed under this chapter to
21 advertise or to use on her or his letterhead, or on any
22 advertising material, or in any way pretend to be a bonded
23 shipper unless said person, firm, association, or corporation
24 has filed and had approved a performance bond in addition to
25 the bond required under this chapter.

26 (4) This section is supplemental, making provisions in
27 addition to any other provisions of law and shall be construed
28 liberally.

29 (5) Any person, firm, association, or corporation
30 violating any of the provisions of this section shall be
31 guilty of a misdemeanor of the second degree, punishable as

1 provided in s. 775.082 or s. 775.083. Such criminal penalties
 2 shall be in addition to any other penalties provided by law.
 3 If the violator be a licensed citrus fruit dealer, then such
 4 license may be revoked or suspended in the manner provided by
 5 s. 601.67.

6 Section 121. Section 601.65, Florida Statutes, is
 7 reenacted and amended to read:

8 601.65 Liability of citrus fruit dealers.--If any
 9 licensed citrus fruit dealer violates any provision of this
 10 chapter, such dealer shall be liable to the person allegedly
 11 injured thereby for the full amount of damages sustained in
 12 consequence of such violation. Such liability may be enforced
 13 either by proceeding in an administrative action to and before
 14 the Department of Agriculture and Consumer Services and
 15 pursuing such action to its ultimate termination if desired or
 16 by filing of a judicial suit at law in a court of competent
 17 jurisdiction; however, in such court suit the bond of such
 18 citrus fruit dealer theretofore posted with the Department of
 19 Agriculture and Consumer Services pursuant to s. 601.61 shall
 20 not be amenable or subject to any judgment or other legal
 21 process issuing out of or from such court in connection with
 22 such law suit, whether cash bond or surety company bond, but
 23 such bonds shall be amenable to and enforceable only by and
 24 through administrative proceedings before the Department of
 25 Agriculture and Consumer Services, it being the intent and
 26 purpose of the Legislature that such citrus dealer's bond so
 27 posted with the Department of Agriculture and Consumer
 28 Services shall be applicable and liable only for the payment
 29 of claims duly adjudicated by order of the Department of
 30 Agriculture and Consumer Services and the determination of
 31 such adjudicated claim if and in the event such order is

1 appealed by any aggrieved party to the administrative
2 proceeding.

3 Section 122. Section 601.66, Florida Statutes, is
4 reenacted and amended to read:

5 601.66 Complaints of violations by citrus fruit
6 dealers; procedure; bond distribution; court action on bond.--

7 (1) Any person may complain of any violation of any of
8 the provisions of this chapter by any citrus fruit dealer
9 during any shipping season, by filing of a written complaint
10 with the Department of Agriculture and Consumer Services at
11 any time prior to May 1 of the year immediately following the
12 end of such shipping season. Said complaint shall briefly
13 state the facts, and the Department of Agriculture and
14 Consumer Services shall thereupon, if the facts alleged prima
15 facie warrant such action, forward true copies of said
16 complaint to the dealer in question and also to the surety
17 company on the dealer's bond. The dealer at such time shall
18 be called upon, within a reasonable time to be prescribed by
19 the Department of Agriculture and Consumer Services, either to
20 satisfy the complaint or to answer the complaint in writing,
21 either admitting or denying the liability.

22 (2) If the dealer admits the violation but fails to
23 satisfy the complaint within the time fixed by the Department
24 of Agriculture and Consumer Services, the Department of
25 Agriculture and Consumer Services shall thereupon order
26 payment by the dealer of the damages sustained.

27 (3) If the dealer, in her or his answer to the
28 original complaint, denies the violation alleged, the
29 Department of Agriculture and Consumer Services shall
30 thereupon determine whether the facts and circumstances set
31

1 forth in the complaint have been established by competent
2 substantial evidence.

3 (4) If the Department of Agriculture and Consumer
4 Services determines that the complaint has not been so
5 established as aforesaid, the order shall, among other things,
6 dismiss the proceeding.

7 (5) If the Department of Agriculture and Consumer
8 Services determines that the allegations of the complaint have
9 been established as aforesaid, it shall make its findings of
10 fact accordingly and thereupon adjudicate the amount of
11 indebtedness or damages due to be paid by the dealer to the
12 complainant. The administrative order shall fix a reasonable
13 time within which said indebtedness shall be paid by the
14 dealer.

15 (6) Upon failure by a dealer to comply with an order
16 of the Department of Agriculture and Consumer Services
17 directing payment, the Department of Agriculture and Consumer
18 Services shall call upon the surety company to pay over to the
19 Department of Agriculture and Consumer Services, out of the
20 bond theretofore posted by the surety for such dealer, the
21 amount of damages sustained but not exceeding the amount of
22 the bond. The proceeds to the Department of Agriculture and
23 Consumer Services by the surety company shall, in the
24 discretion of the Department of Agriculture and Consumer
25 Services, be either paid to the original complainant or held
26 by the Department of Agriculture and Consumer Services for
27 later disbursement, depending upon the time during the
28 shipping season when the complaint was made, when liability
29 was admitted by the dealer, when the proceeds were so paid by
30 the surety company to the Department of Agriculture and
31 Consumer Services, the amount of other claims then pending

1 against the same dealer, the amount of other claims already
2 adjudicated against the dealer, and such other pertinent facts
3 as the Department of Agriculture and Consumer Services in its
4 discretion may consider material. The Department of
5 Agriculture and Consumer Services, if it decides to pay the
6 proceeds to the original complainant, has authority to order
7 an increase in the original bond of the dealer to such higher
8 sum as to the Department of Agriculture and Consumer Services
9 would be justified under all the circumstances so as to
10 protect other possible claimants and to exercise all powers
11 otherwise confided to it under this chapter to enforce the
12 posting of such increased bond. The Department of Agriculture
13 and Consumer Services also, in its discretion as the facts and
14 circumstances might appear to it, may hold the amount of such
15 proceeds until such later time, up to the time when all claims
16 have been filed during the allotted period after the closing
17 of the shipping season and such claims adjudicated, and may
18 then disburse the total proceeds in its possession paid over
19 to it by the surety company on the dealer's bond as such
20 claims were adjudicated to the various claimants, paying first
21 to the producers the amount of their claims in full, if such
22 proceeds are sufficient for such purpose, and if not, then in
23 pro rata shares to such producer claimants; and if there then
24 exist additional proceeds in the hands of the Department of
25 Agriculture and Consumer Services, after all claims of
26 producers have been paid in full, the balance of such proceeds
27 shall be paid to claimants who are citrus fruit dealers,
28 either in whole or in pro rata portion, as the aggregate of
29 their claims may bear to the amount of such additional
30 proceeds.
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1 (7) Upon failure of a surety company to comply with a
2 demand for payment of the proceeds of a citrus fruit dealer's
3 bond pursuant to administrative orders entered by the
4 Department of Agriculture and Consumer Services fixing amounts
5 due claimants, the department shall within a reasonable time
6 file in the Circuit Court in and for Polk County, an original
7 petition or complaint setting forth the administrative
8 proceedings before the Department of Agriculture and Consumer
9 Services and ask for final order of the court directing the
10 surety company to pay the proceeds of the said bond to the
11 Department of Agriculture and Consumer Services for
12 distribution to the claimants.

13 (8) In any court proceeding filed under subsection
14 (7), the findings of facts and orders of the Department of
15 Agriculture and Consumer Services shall be prima facie
16 evidence of the facts therein stated, and if in such suit the
17 Department of Agriculture and Consumer Services is successful
18 and the court affirms the department's demand for payment from
19 the surety company, the Department of Agriculture and Consumer
20 Services shall be allowed all court costs incurred therein and
21 also a reasonable attorney's fee to be fixed and collected as
22 a part of the costs of the suit.

23 (9) The bond required to be posted by citrus fruit
24 dealers under s. 601.61 shall be subject, and so conditioned
25 therein, only to payment of claims duly adjudicated by the
26 Department of Agriculture and Consumer Services. All proceeds
27 from such bonds shall be paid over by the surety company
28 directly to the Department of Agriculture and Consumer
29 Services, to be disbursed by it to successful claimants in
30 whose favor the Department of Agriculture and Consumer
31 Services has entered administrative order or orders. Such

1 funds shall be considered trust funds in the hands of the
2 Department of Agriculture and Consumer Services for the
3 exclusive purpose of satisfying orders of indebtedness duly
4 adjudicated. Cash bonds which may be posted by citrus fruit
5 dealers in lieu of surety company bonds shall occupy the same
6 legal status as funds paid over by the surety company to the
7 Department of Agriculture and Consumer Services for payment of
8 claims.

9 Section 123. Section 601.67, Florida Statutes, is
10 reenacted and amended to read:

11 601.67 Disciplinary action by Department of
12 Agriculture and Consumer Services against citrus fruit
13 dealers.--

14 (1) The Department of Agriculture and Consumer
15 Services may impose a fine not exceeding \$50,000 per violation
16 against any licensed citrus fruit dealer for violation of any
17 provision of this chapter and, in lieu of, or in addition to,
18 such fine, may revoke or suspend the license of any such
19 dealer when it has been satisfactorily shown that such dealer,
20 in her or his activities as a citrus fruit dealer, has:

21 (a) Obtained a license by means of fraud,
22 misrepresentation, or concealment;

23 (b) Violated or aided or abetted in the violation of
24 any law of this state governing or applicable to citrus fruit
25 dealers or any lawful rules of the Florida Citrus Authority
26 ~~Department of Citrus~~;

27 (c) Been guilty of a crime against the laws of this or
28 any other state or government involving moral turpitude or
29 dishonest dealing, or has become legally incompetent to
30 contract or be contracted with;

31

1 (d) Made, printed, published, distributed, or caused,
2 authorized, or knowingly permitted the making, printing,
3 publication, or distribution of false statements,
4 descriptions, or promises of such a character as to reasonably
5 induce any person to act to her or his damage or injury, if
6 such citrus fruit dealer then knew, or, by the exercise of
7 reasonable care and inquiry, could have known of the falsity
8 of such statements, descriptions, or promises;

9 (e) Knowingly committed or been a party to any
10 material fraud, misrepresentation, concealment, conspiracy,
11 collusion, trick, scheme, or device whereby any other person
12 lawfully relying upon the word, representation, or conduct of
13 the citrus fruit dealer has acted to her or his injury or
14 damage;

15 (f) Committed any act or conduct of the same or
16 different character of that hereinabove enumerated which
17 constitutes fraudulent or dishonest dealing; or

18 (g) Violated any of the provisions of ss.
19 506.19-506.28, both sections inclusive.

20 (2) The department may impose a fine not exceeding
21 \$100,000 per violation against any person who operates as a
22 citrus fruit dealer without a current citrus fruit dealer
23 license issued by the department pursuant to s. 601.60. In
24 addition, the department may order such person to cease and
25 desist operating as a citrus fruit dealer without a license.
26 An administrative order entered by the department under this
27 subsection may be enforced pursuant to s. 601.73.

28 (3) The department shall impose a fine of not less
29 than \$10,000 nor more than \$100,000 per violation against any
30 licensed citrus fruit dealer and shall suspend, for 60 days
31

1 during the first available period between September 1 and May
2 31, the license of any citrus fruit dealer who:

3 (a) Falsely labels or otherwise misrepresents that a
4 fresh citrus fruit was grown in a specific production area
5 specified in s. 601.091; or

6 (b) Knowingly, falsely labels or otherwise
7 misrepresents that a processed citrus fruit product was
8 prepared solely with citrus fruit grown in a specific
9 production area specified in s. 601.091.

10 (4) Any fine imposed pursuant to subsection (1),
11 subsection (2), or subsection (3), when paid, shall be
12 deposited by the Department of Agriculture and Consumer
13 Services into its General Inspection Trust Fund.

14 (5) Whenever any administrative order has been made
15 and entered by the Department of Agriculture and Consumer
16 Services which imposes a fine pursuant to this section, such
17 order shall specify a time limit for payment of the fine, not
18 exceeding 15 days. The failure of the dealer involved to pay
19 the fine within that time shall result in the immediate
20 suspension of such citrus fruit dealer's current license, or
21 any subsequently issued license, until such time as the order
22 has been fully satisfied. Any order suspending a citrus fruit
23 dealer's license shall include a provision that such
24 suspension shall be for a specified period of time not to
25 exceed 60 days, and such period of suspension may commence at
26 any designated date within the current license period or
27 subsequent license period. Whenever an order has been entered
28 which suspends a citrus fruit dealer's license for a definite
29 period of time and that license, by law, expires during the
30 period of suspension, the suspension order shall continue
31 automatically and shall be effective against any subsequent

1 citrus fruit dealer's license issued to such dealer until such
 2 time as the entire period of suspension has elapsed. Whenever
 3 any such administrative order of the Department of Agriculture
 4 and Consumer Services is sought to be reviewed by the
 5 offending dealer involved in a court of competent
 6 jurisdiction, if such court proceedings should finally
 7 terminate in such administrative order being upheld or not
 8 quashed, such order shall thereupon, upon the filing with the
 9 Department of Agriculture and Consumer Services of a certified
 10 copy of the mandate or other order of the last court having to
 11 do with the matter in the judicial process, become immediately
 12 effective and shall then be carried out and enforced
 13 notwithstanding such time will be during a new and subsequent
 14 shipping season from that during which the administrative
 15 order was first originally entered by the Department of
 16 Agriculture and Consumer Services.

17 Section 124. Section 601.671, Florida Statutes, is
 18 reenacted and amended to read:

19 601.671 Appropriation of fines collected.--All fines
 20 imposed and collected by the Department of Agriculture and
 21 Consumer Services under the provisions of this chapter are
 22 hereby appropriated in the manner provided by s. 601.28(3)(b).

23 Section 125. Section 601.68, Florida Statutes, is
 24 reenacted and amended to read:

25 601.68 Investigation of violations.--The Department of
 26 Agriculture and Consumer Services may instigate and make
 27 investigation of any citrus fruit dealer who it has reason to
 28 believe has violated any law of this state governing and
 29 applicable to citrus fruit dealers, and, whenever the
 30 Department of Agriculture and Consumer Services determines
 31 that any citrus fruit dealer has violated any law of the state

1 governing and applicable to citrus fruit dealers, it may
2 publish the facts and circumstances of such violation and
3 suspend the license of such offender for a specific period or
4 revoke the same or make such other appropriate order as it may
5 deem just and proper, and any such order shall specify the
6 effective date thereof and any order other than one suspending
7 or revoking a license shall automatically suspend such license
8 until said order is complied with. Any administrative order
9 of the Department of Agriculture and Consumer Services issued
10 under the provisions of ss. 601.66-601.68 or s. 601.70 shall
11 be deemed to have been issued in the county wherein the
12 licensee has her or his main office, as disclosed in the
13 licensee's application for citrus dealer's license.

14 Section 126. Section 601.69, Florida Statutes, is
15 reenacted and amended to read:

16 601.69 Records to be kept by citrus fruit
17 dealers.--Every citrus fruit dealer shall make and keep a
18 correct record showing in detail the following with reference
19 to the purchase, handling, sale, and accounting of sale of
20 citrus fruit handled by her or him, namely:

21 (1) The name and address of the producers or other
22 persons from whom the citrus fruit was procured, and, if same
23 was procured from some person other than a licensed citrus
24 fruit dealer, the name and address of the producer of said
25 fruit;

26 (2) The date citrus fruit is received, the amount
27 thereof, and the purchase price paid therefor if purchased for
28 the purpose of resale;

29 (3) The condition of such citrus fruit upon receipt by
30 the citrus fruit dealer;

31

1 (4) If the citrus fruit is handled on consignment for
2 the account of the producer, the date of sale and the selling
3 price;

4 (5) An itemized statement of the charges to be paid by
5 the producer in connection with any sale;

6 (6) A detailed statement of all claims made by
7 producers against the citrus fruit dealer, a copy of each when
8 received to be certified and filed with the Department of
9 Agriculture and Consumer Services;

10 (7) A copy of the record and account of sale of citrus
11 fruit handled on consignment or commission shall be delivered
12 to the producer upon the consummation of the sale, together
13 with all moneys received by the citrus fruit dealer in payment
14 for such transaction made upon account of the producer, less
15 the agreed commission and other charges which must be
16 separately itemized, and said payment and accounting must be
17 made by said citrus fruit dealer to the producer within 15
18 days after said citrus fruit dealer receives the money in
19 payment of said citrus fruit unless otherwise specified in
20 contract between citrus fruit dealers and producer;

21 (8) A detailed statement and record of the resale or
22 commercial disposition of citrus fruit so purchased by the
23 dealer for purpose of resale or other commercial disposition,
24 showing the number of boxes resold, the moneys received by
25 such dealer upon such resale of the fruit, the person or
26 dealer and address thereof to whom sold, the date of such
27 resale, and how delivered to such purchaser;

28 (9) Any other record or account required to be kept
29 and maintained by such dealer by rule or regulation of the
30 Florida Citrus Authority ~~Department of Citrus~~ duly
31 promulgated.

1 Section 127. Section 601.70, Florida Statutes, is
2 reenacted to read:

3 601.70 Inspection of records by Department of
4 Agriculture and Consumer Services.--The Department of
5 Agriculture and Consumer Services, or its duly authorized
6 agents, shall have the right to inspect all accounts, records,
7 and memoranda of any citrus fruit dealer required to be kept
8 pursuant to the provisions of this chapter. If any such
9 citrus fruit dealer refuses to permit such inspection, the
10 department may publish the facts and circumstances and by
11 order suspend the license of the offender until permission to
12 make such inspection is given.

13 Section 128. Section 601.701, Florida Statutes, is
14 reenacted and amended to read:

15 601.701 Penalty for failure to keep records.--

16 (1) It shall be unlawful to fail to keep any records
17 required to be kept under the provisions of the Florida Citrus
18 Code of 1949, or any amendments thereto, or required to be
19 kept by any other law or by any authorized regulation of the
20 Department of Agriculture and Consumer Services or the Florida
21 Citrus Authority ~~Department of Citrus~~, or to falsify or cause
22 the falsification of any such records or to keep false
23 records.

24 (2) The violation of any of the provisions of this act
25 shall constitute a misdemeanor of the first degree, punishable
26 as provided in s. 775.082 or s. 775.083.

27 Section 129. Section 601.72, Florida Statutes, is
28 reenacted to read:

29 601.72 Penalties for violations.--Any person who
30 violates or aids or abets in the violation of any provision of
31 this chapter shall for each offense be guilty of a misdemeanor

1 of the first degree, punishable as provided in s. 775.082 or
 2 s. 775.083; provided further that a person shall be guilty
 3 hereunder upon conviction for nonpayment of a debt arising
 4 solely out of the purchase or sale of citrus fruits only when
 5 criminal fraud is proved. Civil suits against a citrus fruit
 6 dealer only, without resort to such dealer's bond as provided
 7 in s. 601.65, and also criminal prosecutions arising by
 8 violation of any of the provisions of this chapter as herein
 9 provided, may be instituted or prosecuted in the county where
 10 the said citrus fruit was received by the dealer or in the
 11 county wherein the principal place of business of such dealer
 12 is located within the state, or within the county in which the
 13 alleged violation occurred; and if such violation occurs in
 14 more than one county, then within the county wherein such
 15 violation or any part thereof occurred.

16 Section 130. Section 601.73, Florida Statutes, is
 17 reenacted and amended to read:

18 601.73 Additional methods of enforcement.--The several
 19 circuit courts of the state, sitting in chancery, are vested
 20 with jurisdiction specifically to enforce, and to enjoin and
 21 restrain any citrus fruit dealer from violating the provisions
 22 of this law, or any rule, regulation, or order made by the
 23 Department of Agriculture and Consumer Services, in any
 24 proceeding brought by the Department of Agriculture and
 25 Consumer Services in any of said circuit courts; and in any
 26 such proceeding it shall not be necessary for the Department
 27 of Agriculture and Consumer Services to allege or prove that
 28 an adequate remedy at law does not exist.

29 Section 131. Section 601.731, Florida Statutes, is
 30 reenacted and amended to read:

31

1 601.731 Transporting citrus on highways; name and
2 dealer designation on vehicles; load identification;
3 penalty.--

4 (1)(a) It is unlawful to operate any truck, tractor,
5 trailer, or other motor vehicle hauling citrus fruit in bulk
6 or in unclosed containers for commercial purposes on the
7 highways of this state unless such truck, tractor, trailer, or
8 other motor vehicle is:

9 1. Designated by a number assigned or permitted for
10 use in the way and manner and to the extent prescribed by
11 regulation of the Florida Citrus Authority ~~Department of~~
12 ~~Citrus~~.

13 2. Identified by lettering plainly showing the name of
14 the person owning same, or the name of any lessee or other
15 person operating same. The lettering shall not be less than 3
16 inches in height on both sides of the vehicle or on the front
17 end and the rear end of the vehicle, except that lettering on
18 flatbed semitrailers shall not be less than 1 1/2 inches in
19 height on the rear end of the trailer.

20 (b) If the truck, tractor, trailer, or other motor
21 vehicle is owned by a licensed fruit dealer under this
22 chapter, there shall also appear, except on the rear end of a
23 flatbed semitrailer or similar truck trailer, the words
24 "Licensed Citrus Fruit Dealer" by lettering of not less than 3
25 inches minimum in height under the name of the owner of such
26 vehicle. When both a tractor and trailer or when two units
27 are used in the operation of hauling, both of such units shall
28 be so marked.

29 (c) The designations aforesaid shall be painted or
30 affixed by decal upon the vehicle or units so as to be of a
31 permanent character, except that where vehicles are leased for

1 a period of not more than 30 days, it shall be sufficient if
2 the designations provided in paragraphs (a) and (b) are
3 clearly legible and affixed by temporary means.

4 (d) A motor vehicle which is not so marked that is so
5 hauling such citrus fruit on the highways of this state shall
6 prima facie be considered to be hauling commercial fruit with
7 intent to violate this section. The provisions of this
8 subsection do not apply to any such fruit being hauled from
9 the farm or grove by the producer of such fruit in her or his
10 own vehicle to market or place of first commercial handling
11 unless such producer is also a licensed citrus fruit dealer.

12 (2) Any person driving any truck, tractor, trailer, or
13 other motor vehicle hauling citrus fruit in bulk or in
14 unclosed containers for commercial purposes on the highways of
15 the state shall have on her or his person when driving such
16 vehicle a certificate or other paper showing the approximate
17 amount of fruit being hauled; the name of the owner and the
18 grove or other origin of such fruit; the number painted or
19 affixed by decal, as well as the number of the motor vehicle
20 license tag, on the vehicle in which such fruit is being
21 hauled; and such other information and data as may be
22 prescribed by regulation of the Florida Citrus Authority
23 ~~Department of Citrus~~, and it is unlawful to drive any such
24 vehicle on the highways of this state without having such
25 certificate or other paper. The failure of any such person to
26 have such certificate or other paper on her or his person when
27 driving, as aforesaid, is prima facie evidence of intent to
28 violate and of the violation of this act.

29 (3)(a) A person who violates or fails to comply with
30 any of the provisions of subsection (1) is guilty of a
31

1 misdemeanor of the first degree, punishable as provided in s.
2 775.082 or s. 775.083.

3 (b) A person who violates or fails to comply with any
4 of the provisions of subsection (2) is, upon the first
5 conviction, guilty of a misdemeanor of the first degree,
6 punishable as provided in s. 775.082 or s. 775.083, and upon
7 any subsequent conviction, guilty of a felony of the third
8 degree, punishable as provided in s. 775.082 or s. 775.083.

9 Section 132. Section 601.74, Florida Statutes, is
10 reenacted to read:

11 601.74 Adoption of rules; fees for licensing and
12 analysis of processing materials.--The Department of
13 Agriculture and Consumer Services may adopt rules and set fees
14 with respect to the licensing and analysis of materials and
15 composition used on or in the packing of citrus fruits. Such
16 rules may include fees for permitting dyes and coloring
17 matter. Fees shall be not less than the amount of \$30 nor more
18 than \$100 for each manufacturer making application to the
19 department. All such license fees collected hereunder shall
20 be paid monthly by the Department of Agriculture and Consumer
21 Services into the State Treasury to the credit of the General
22 Inspection Trust Fund and shall be appropriated and made
23 available for defraying the expenses incurred in the
24 administration of this law.

25 Section 133. Section 601.75, Florida Statutes, is
26 reenacted to read:

27 601.75 Dyes and coloring matter for citrus fruit to be
28 certified prior to use.--The Department of Agriculture and
29 Consumer Services may adopt rules with respect to the
30 permitting and certification of dyes and coloring matter for
31 citrus fruit prior to use on any citrus fruit.

1 Section 134. Section 601.76, Florida Statutes, is
2 reenacted to read:

3 601.76 Manufacturer to furnish formula and other
4 information.--The Department of Agriculture and Consumer
5 Services may adopt rules with respect to requirements for
6 information which must be furnished by manufacturers of
7 coloring matter for use on citrus fruit. Such information may
8 include product formulas. Any formula required to be filed
9 with the Department of Agriculture and Consumer Services shall
10 be deemed a trade secret as defined in s. 812.081, is
11 confidential and exempt from the provisions of s. 119.07(1),
12 and shall only be divulged to the Department of Agriculture
13 and Consumer Services or to its duly authorized
14 representatives or upon orders of a court of competent
15 jurisdiction when necessary in the enforcement of this law. A
16 person who receives such a formula from the department under
17 this section shall maintain the confidentiality of the
18 formula.

19 Section 135. Section 601.77, Florida Statutes, is
20 reenacted to read:

21 601.77 Subsequent analysis of coloring matter;
22 inspection of packinghouses for application.--The Department
23 of Agriculture and Consumer Services may, by rule, provide for
24 subsequent analysis of coloring matter, for inspection of
25 packinghouses or other places where coloring matter is applied
26 to citrus fruit, and for grounds for revocation of a license
27 to use coloring matter on fruit.

28 Section 136. Section 601.78, Florida Statutes, is
29 reenacted to read:

30 601.78 Manufacturer to post bond.--The Department of
31 Agriculture and Consumer Services may, by rule, require cash

1 or surety bonds to be posted by manufacturers of coloring
2 matter used on citrus fruit. The Department of Agriculture
3 and Consumer Services shall adopt rules prescribing the amount
4 and form of such bonds and the grounds and procedures for
5 forfeiture of same. The amount of the bond shall not exceed
6 \$5,000.

7 Section 137. Section 601.79, Florida Statutes, is
8 reenacted to read:

9 601.79 To color grapefruit and tangerines
10 prohibited.--It is unlawful for any person to use on
11 grapefruit or tangerines or apply thereto any coloring matter.

12 Section 138. Section 601.80, Florida Statutes, is
13 reenacted to read:

14 601.80 Unlawful to use uncertified coloring
15 matter.--It is unlawful for any person to use on oranges or
16 citrus hybrids any coloring matter which has not first
17 received the approval of the Department of Agriculture and
18 Consumer Services as provided by rule adopted pursuant to s.
19 601.76.

20 Section 139. Section 601.85, Florida Statutes, is
21 reenacted and amended to read;

22 601.85 Standard shipping box for fresh fruit.--The
23 specifications for the standard legal shipping box, crate, or
24 container to be used in shipping fresh citrus fruits shall be
25 as established by the Florida Citrus Authority ~~Department of~~
26 ~~Citrus~~; but provided that the unit of a standard-packed box,
27 commonly called 1 3/5 bushels, shall contain an inside
28 cubical measurement of 3,456 cubic inches.

29 Section 140. Section 601.86, Florida Statutes, is
30 reenacted to read:

31

1 601.86 Standard field boxes for fresh citrus
2 fruit.--All field boxes used in the purchase, sale, or
3 handling of citrus fruit from or for the grower by a citrus
4 fruit dealer in the state shall be of the uniform standard
5 size of 31 1/2 inches long, 13 inches high, and 12 inches
6 wide, inside measurements, and shall be divided into two
7 compartments by a center partition of at least three-fourths
8 inch thickness; and each of these compartments thus created
9 shall have a cubical capacity of not to exceed 2,400 cubic
10 inches.

11 Section 141. Section 601.87, Florida Statutes, is
12 reenacted to read:

13 601.87 Use of cleats on boxes.--The height of the end
14 heads and the center partition of field boxes shall in no case
15 be increased more than 1 1/4 inches by the addition of cleats
16 or any similar addition to the height so that the total height
17 of said boxes from the inside bottom to the top of said cleats
18 shall not exceed 14 1/4 inches. It is unlawful to place
19 cleats or any other device or thing on the bottom or top,
20 other than herein provided, of any standard citrus field box
21 whereby the space between the field boxes when stacked will be
22 greater than the space that exists between such standard field
23 boxes as herein defined.

24 Section 142. Section 601.88, Florida Statutes, is
25 reenacted to read:

26 601.88 Oversized boxes to be stamped.--

27 (1) It is unlawful to use any field box that exceeds
28 the total capacity of 4,900 cubic inches in the purchase,
29 sale, or handling of oranges, grapefruit, or tangerines by a
30 citrus fruit dealer from or for a grower, unless all field
31 boxes exceeding this dimension shall have plainly stamped on

1 both ends of the box in letters of the dimension of 1 inch in
2 height and width the word "oversize."

3 (2) It is unlawful to use any "tractor box" or other
4 bulk harvesting equipment or special type field box that
5 exceeds the total capacity of 4,900 cubic inches in the
6 purchase, sale, or handling of oranges, grapefruit, or
7 tangerines by a citrus fruit dealer from or for a grower,
8 unless such tractor box or other bulk harvesting equipment or
9 special type field box exceeding this dimension shall have
10 plainly stamped on both ends of the tractor box or other bulk
11 harvesting equipment or special type field box in letters of
12 the dimension of 1 inch in height and width the actual content
13 expressed in terms of standard field box equivalent as defined
14 in s. 601.86.

15 Section 143. Section 601.89, Florida Statutes, is
16 reenacted to read:

17 601.89 Citrus fruit; when damaged by freezing.--

18 (1) Citrus fruit shall be deemed "seriously" damaged
19 by freezing when such freezing causes:

20 (a) Marked dryness to extend into the segments of
21 oranges and grapefruit more than 1/2 inch at the stem end;
22 or into segments of mandarin or hybrid varieties more than
23 1/4 inch at the stem end; or more than an equivalent amount
24 by volume of dryness to occur in any other portions of the
25 fruit.

26 (b) Internal freeze-related injury, as defined in
27 subsection (3), when such condition or combination of
28 conditions is determined to affect the fruit to a degree equal
29 in seriousness to that described in paragraph (a).

30 (2) Citrus fruit shall be deemed "damaged" by freezing
31 when such freezing causes:

1 (a) Marked dryness to extend into the segments of
2 oranges and grapefruit more than 1/4 inch but less than 1/2
3 inch at the stem end; or into segments of mandarin or hybrid
4 varieties more than 1/8 inch but less than 1/4 inch at the
5 stem end; or more than an equivalent amount by volume of
6 dryness to occur in any portions of the fruit.

7 (b) Internal freeze-related injury, as defined by
8 subsection (3), when such condition or combination of
9 conditions is determined to affect the fruit to a degree equal
10 in seriousness to that described in paragraph (a).

11 (3) Internal freeze-related injury to citrus fruit,
12 caused by freezing, shall consist of any of the following:

- 13 (a) Wet cores or wet segment walls;
14 (b) Water soaking;
15 (c) Juice cell breakdown;
16 (d) Mushy condition;
17 (e) Honeycomb or open spaces in pulp; or
18 (f) Other evidence of internal breakdown, decay, or
19 moldy condition.

20 Section 144. Section 601.90, Florida Statutes, is
21 reenacted to read:

22 601.90 Freeze-damaged citrus fruit; power of
23 commission.--

24 (1) Whenever freezing temperatures of sufficient
25 degree to cause serious damage to citrus fruit occur in all
26 major citrus-producing areas of the state, the commission,
27 upon call of the chair and with such notice as may be
28 appropriate under the circumstances, shall meet within 96
29 hours of the last occurrence of such freezing temperatures to
30 determine whether or not such freezing temperatures have
31

1 caused damage to citrus fruit as defined in s. 601.03 and, if
2 so, the degree of such damage.

3 (2) If the commission, at such meeting, determines
4 that serious damage, as defined in s. 601.89(1), has occurred
5 to such citrus fruit, it may, upon majority vote, enter an
6 emergency quality assurance order providing for one or more of
7 the following:

8 (a) Prohibiting the preparation for market, sale,
9 offering for sale, or shipment of citrus fruit for a period
10 not to exceed 10 days after commencement of the order period.

11 (b) Prohibiting the sale, offering for sale, or
12 shipment of any citrus fruit showing "damage," as defined by
13 s. 601.89(2), for a period not to exceed 14 days after
14 commencement of the order period.

15 (c) Prohibiting the preparation for market, sale,
16 offering for sale, or shipment of citrus fruit for a period
17 not to exceed 10 days after commencement of the order period,
18 and further prohibiting the sale, offering for sale, or
19 shipment of citrus fruit showing "damage," as defined by s.
20 601.89(2), for a subsequent period not to exceed 14 additional
21 days.

22 (d) Prohibiting the sale, offering for sale, or
23 shipment, in offshore export trade channels, of citrus fruit
24 showing any degree of internal freeze-related injury, as
25 defined by s. 601.89(3), for a period not to exceed 30 days
26 from commencement of the order period.

27 (3) Any emergency order entered pursuant to this
28 section shall become effective upon adoption by the
29 commission, the provisions of chapter 120 to the contrary
30 notwithstanding, and shall have the full force and effect of
31 law. The order period shall commence at a time established by

1 the commission in its order, but not sooner than 36 hours
2 following adoption of the order.

3 (4) Emergency quality assurance orders shall not be
4 applicable to any citrus fruit sold or transported to a citrus
5 processing plant for processing purposes or to any citrus
6 fruit inspected, packed, and certified for shipment prior to
7 commencement of the order period; however, any such citrus
8 fruit not shipped within 48 hours of commencement of the order
9 period shall be reinspected, on a random basis, and
10 recertified as damage-free.

11 (5) Any order may provide for reasonably extended
12 packinghouse inspection hours prior to commencement of the
13 order period.

14 Section 145. Section 601.901, Florida Statutes, is
15 reenacted and amended to read:

16 601.901 Use of freeze-damaged fruit in frozen
17 concentrated citrus products.--

18 (1) At any time subsequent to a commission
19 determination, pursuant to s. 601.90, that serious damage has
20 resulted to citrus fruit from freezing temperatures, the
21 commission may, at a regular or special meeting, establish by
22 order the maximum degree of freeze damage or freeze-related
23 injury to be permitted in citrus fruit used in preparation of
24 any frozen concentrated products, including concentrate for
25 manufacturing purposes, for the purpose of protecting the
26 quality of such processed products.

27 (2) Notwithstanding the provisions of chapter 120, any
28 order adopted by the commission pursuant to this section shall
29 become effective at a time fixed by the commission, but not
30 less than 24 hours from the time of adoption, and shall expire
31

1 at a time fixed by the commission, but in no instance later
2 than the end of the current shipping season.

3 (3) This section shall not repeal any other authority
4 now or hereafter delegated to the Florida Citrus Authority
5 ~~Department of Citrus~~, but shall be deemed as additional and
6 supplemental authority vested in the Florida Citrus Authority
7 ~~Department of Citrus~~, and should any part of this section be
8 held to be unconstitutional or unenforceable by any court of
9 competent jurisdiction, the decision of such court shall not
10 affect the remaining portions of this section. It is the
11 intention of the Legislature that this section would have been
12 adopted had such unconstitutional or such unenforceable
13 provision not been included herein.

14 Section 146. Section 601.91, Florida Statutes, is
15 reenacted and amended to read:

16 601.91 Unlawful to sell, transport, prepare, receive,
17 or deliver freeze-damaged citrus.--

18 (1) It is unlawful at any time for any person to sell
19 or offer for sale, to transport, or to prepare, receive, or
20 deliver for transportation or market, except for canning,
21 concentrating, or byproduct purposes within the state, any
22 citrus fruit seriously damaged by freezing, as defined in s.
23 601.89. Not more than 15 percent by count of the citrus fruit
24 in any one container or bulk lot may be seriously damaged by
25 freezing injury; but not more than one-third of this tolerance
26 shall be allowed for citrus fruit now or hereafter deemed
27 adulterated by federal law or regulation.

28 (2) No lot of citrus fruit seriously damaged by
29 freezing may be mixed with other lots of citrus fruit which
30 are free from damage by freezing resulting in concealment of
31 inferior fruit and thereby reducing the percentage of

1 defective fruit in the seriously damaged lot to within the
 2 tolerance permitted for error in grading only.

3 (3) The manner and method of drawing samples and
 4 conducting tests under this section shall be prescribed by
 5 rules and regulations of the Florida Citrus Authority
 6 ~~Department of Citrus~~. The inspection in the state of all
 7 citrus fruits seriously damaged by freezing and the
 8 enforcement of this section and of rules, regulations, and
 9 orders made by the Florida Citrus Authority ~~Department of~~
 10 ~~Citrus~~ pursuant to and under authority of this section shall
 11 be under the direction, supervision, and control of the
 12 Department of Agriculture and Consumer Services and its duly
 13 authorized agents and inspectors who are qualified under
 14 existing laws to inspect for grade and maturity; and all
 15 citrus fruits that may be found to be seriously damaged by
 16 freezing, as defined by s. 601.89, upon inspection and testing
 17 shall be seized and may be confiscated and destroyed under the
 18 supervision of the citrus fruit inspector at the expense of
 19 the owner unless previous disposition is made by the owner or
 20 other person who offered the same for inspection, all the
 21 provisions of this section being subject to such reasonable
 22 rules and regulations as may be promulgated by the Florida
 23 Citrus Authority ~~Department of Citrus~~.

24 Section 147. Section 601.92, Florida Statutes, is
 25 reenacted to read:

26 601.92 Use of arsenic in connection with
 27 citrus.--Persons owning, managing, or tending and cultivating
 28 citrus groves or trees shall not use arsenic or any of its
 29 derivatives, or any combination, compound, or preparation
 30 containing arsenic as a fertilizer or spray on bearing citrus
 31 trees, except grapefruit trees.

1 Section 148. Section 601.93, Florida Statutes, is
2 reenacted to read:

3 601.93 Sale of citrus containing arsenic.--No person
4 shall sell or offer for sale, transport, prepare, secure, or
5 deliver for transportation or market any fruit of any variety
6 except grapefruit which contains any arsenic or any compound
7 or derivative of arsenic.

8 Section 149. Section 601.94, Florida Statutes, is
9 reenacted and amended to read:

10 601.94 Fruit containing arsenic; powers of
11 inspection.--Citrus fruit inspectors are authorized:

12 (1) To inspect citrus fruit, except grapefruit, for
13 arsenic content at any packinghouse, canning plant,
14 concentrating plant, or other place where citrus fruit, except
15 grapefruit, is being received or prepared for sale or
16 transportation, and

17 (2) To enforce the provisions of these arsenic laws
18 under the direction and supervision of the Department of
19 Agriculture and Consumer Services in accordance with the law
20 and rules and regulations prescribed by the said Department of
21 Agriculture and Consumer Services.

22 Section 150. Section 601.95, Florida Statutes, is
23 reenacted to read:

24 601.95 Seizure of citrus fruit containing
25 arsenic.--Whenever any citrus fruit inspector shall find
26 citrus fruit, except grapefruit, at any packinghouse, canning
27 plant, concentrating plant, or other place that the same is
28 being received or prepared for sale or transportation which
29 citrus fruit shall, when tested, show an abnormal and
30 excessively high ratio of total soluble solids of the juice
31 thereof to the anhydrous citric acid thereof indicating the

1 presence of arsenic therein, said inspector shall at once
2 seize and take possession of said citrus fruit, except
3 grapefruit, pending the procuring of the chemical analysis
4 provided for in this chapter notifying the manager or other
5 person in charge of said packinghouse, canning plant,
6 concentrating plant, or other place where the said fruit is
7 being received of such seizure. It is unlawful for the
8 manager of said packinghouse, canning plant, concentrating
9 plant, or other place where the fruit is being received, or
10 the owner of said citrus fruit, or any person whomsoever to
11 sell, transport, or in any way move or dispose of any of said
12 fruit from the time of seizure thereof until after the making
13 of said chemical analysis and the receipt of the chemist's
14 report thereon; provided that no citrus fruit so seized may be
15 held by any inspector more than 96 hours after the time of
16 seizure thereof unless the same shall be shown by the
17 chemist's analysis to contain arsenic.

18 Section 151. Section 601.96, Florida Statutes, is
19 reenacted and amended to read:

20 601.96 Seized fruit; taking samples for
21 analysis.--Upon the making of seizure of any citrus fruit as
22 provided in s. 601.95, the inspector making said seizure shall
23 immediately draw samples therefrom, as shall be provided for
24 by regulations to be issued by the Department of Agriculture
25 and Consumer Services, drawing said samples either from the
26 packinghouse, canning plant, or concentrating plant bins, or
27 elsewhere in the packinghouse, canning plant, or concentrating
28 plant, or from field boxes or vehicles delivering said citrus
29 fruit to said packinghouse. Such samples so drawn by said
30 inspector shall be transported with all possible haste to such
31 chemist as may be designated by the Department of Agriculture

1 and Consumer Services for the making by such chemist of a
2 chemical analysis thereof to determine whether or not the said
3 citrus fruit contains arsenic. Said chemist shall make said
4 analysis with all the proper haste and report by the quickest
5 means available the result of said analysis as soon as the
6 same is completed to the inspector making the seizure. If the
7 said analysis shall show that the said citrus fruit contains
8 no arsenic, the inspector shall release the fruit from seizure
9 as soon as she or he receives the report of the chemist
10 thereon.

11 Section 152. Section 601.97, Florida Statutes, is
12 reenacted and amended to read:

13 601.97 Destruction of certain fruit containing
14 arsenic.--All citrus fruit, except grapefruit, prepared for
15 sale or transportation, or which is being prepared for such
16 purpose, or which has been or is being delivered for sale or
17 transportation that may be shown by the chemical analysis
18 provided for in s. 601.96 to contain arsenic, or any compound
19 or derivative of arsenic, shall be destroyed by the inspector
20 making seizure of the same, or by any citrus fruit inspector,
21 or by the sheriff of the county where found, as may be
22 provided by regulations prescribed by the Department of
23 Agriculture and Consumer Services. Regulations for the
24 application and enforcement of ss. 601.92-601.97, inclusive,
25 shall be promulgated by the Department of Agriculture and
26 Consumer Services.

27 Section 153. Section 601.98, Florida Statutes, is
28 reenacted to read:

29 601.98 Shipment, sale, or offer of imported citrus
30 fruit or citrus products.--

31

1 (1) It is unlawful for any person to quote, offer for
2 sale, sell, ship, or invoice in or from Florida any citrus
3 fruit or the canned or concentrated products thereof grown and
4 canned or concentrated in any other state or country other
5 than Florida in such manner as to indicate in any form
6 whatsoever that the citrus fruit or the canned or concentrated
7 products thereof were produced and canned in Florida.

8 (2) Every such person in Florida shall specifically
9 advise and notify the buyer of any citrus fruit or the canned
10 or concentrated product thereof produced and canned or
11 concentrated in any state or country other than Florida which
12 is being sold, quoted, offered for sale, or shipped to such
13 buyer that the citrus fruit or the canned or concentrated
14 products thereof were not produced in Florida; and the failure
15 to so notify and advise such buyer will be construed as a
16 violation of this section.

17 Section 154. Section 601.981, Florida Statutes, is
18 reenacted and amended to read:

19 601.981 Permits for export to foreign
20 countries.--During each shipping season the Florida Citrus
21 Authority ~~Department of Citrus~~ is authorized and empowered to
22 issue permits permitting citrus fruit grown in Florida,
23 whether color-added or otherwise, to be exported to all
24 foreign countries, other than Canada and Mexico, when the
25 total soluble solids of the juice thereof and the minimum
26 ratio of the total soluble solids of the juice thereof to the
27 anhydrous citric acid and the juice content thereof is within
28 a tolerance not exceeding 10 percent of the standards
29 established by law, provided such citrus fruit is loaded on
30 chartered vessels at a Florida port. The Florida Citrus
31 Authority ~~Department of Citrus~~ shall promulgate such rules and

1 regulations as it may deem necessary or required to control
2 such permits.

3 Section 155. Section 601.99, Florida Statutes, is
4 reenacted to read:

5 601.99 Unlawful to misbrand wrappers or packages
6 containing citrus fruit.--It is unlawful for any person to
7 misbrand any package or any wrapper containing citrus fruits
8 or any container of the canned or concentrated products
9 thereof, and all citrus fruits and the canned or concentrated
10 products thereof shall be deemed misbranded if the package or
11 the wrapper or the container thereof shall bear any statement,
12 design, or device regarding the fruit therein contained which
13 is false or misleading either as to the name, size, quality,
14 or brand of such fruit or the canned or concentrated products
15 thereof or as to the locality in which it was grown.

16 Section 156. Section 601.9901, Florida Statutes, is
17 reenacted and amended to read:

18 601.9901 Certificates of inspection; form.--All
19 certificates of inspection prescribed by this chapter shall be
20 of such number, form, size, and character as the Florida
21 Citrus Authority ~~Department of Citrus~~ may by rule and
22 regulation prescribe and shall be used in such manner as to
23 identify the fruit or the canned or concentrated products
24 thereof to which they relate.

25 Section 157. Section 601.9902, Florida Statutes, is
26 reenacted and amended to read:

27 601.9902 Payment of salaries and expenses; Florida
28 Citrus Authority ~~Department of Citrus~~.--All salaries, costs,
29 and expenses incurred by the Florida Citrus Authority
30 ~~Department of Citrus~~ in the administration and the enforcement
31 of this chapter and in the performance of its duties and the

1 exercise of its powers under the laws of this state shall be
2 proratably paid from the moneys derived from the citrus
3 advertising taxes imposed on the various types of citrus fruit
4 in such proportion as the Florida Citrus Authority ~~Department~~
5 ~~of Citrus~~ may find each respective type is affected by such
6 expenditures.

7 Section 158. Section 601.9903, Florida Statutes, is
8 reenacted and amended to read:

9 601.9903 Annual report of Florida Citrus Authority
10 ~~Department of Citrus~~.--The Florida Citrus Authority ~~Department~~
11 ~~of Citrus~~ shall make an annual report to the Governor upon the
12 work of the Florida Citrus Authority ~~Department of Citrus~~. It
13 shall also make such special reports upon any phase of the
14 work of the Florida Citrus Authority ~~Department of Citrus~~ as
15 may be called for by the Governor or the Legislature or either
16 house thereof.

17 Section 159. Section 601.9904, Florida Statutes, is
18 reenacted and amended to read:

19 601.9904 Rules and regulations; frozen citrus
20 juices.--The Florida Citrus Authority ~~Department of Citrus~~ is
21 hereby authorized and required to promulgate and enforce rules
22 and regulations concerning the contents, preparation,
23 concentrating, other processing, and keeping or storing of
24 frozen concentrated fresh citrus juices, and such rules and
25 regulations may cover but are not limited to the sanitary
26 conditions under which such product is prepared, the type of
27 equipment and machinery used therein, and the manner and
28 method of storage within this state and the manner and method
29 of shipment.

30 Section 160. Section 601.9905, Florida Statutes, is
31 reenacted and amended to read:

1 601.9905 Canned orange juice; standards; labeling.--No
2 canned orange juice shall be sold or offered for sale or
3 shipped or offered for shipment which:

4 (1) Is prepared from raw juice containing before the
5 addition of any additive less than 8.5 percent total soluble
6 solids;

7 (2) When canned, contains less than 10 percent total
8 soluble solids;

9 (3) Has a ratio of total soluble solids to anhydrous
10 citric acid of less than 9 to 1;

11 (4) Contains less than 0.55 percent or more than 1.60
12 percent anhydrous citric acid;

13 (5) Contains more than 0.050 percent recoverable oil;
14 or

15 (6) Does not meet requirements to be established by
16 the Florida Citrus Authority ~~Department of Citrus~~ regarding
17 color, absence of defects, taste, and flavor; unless the
18 immediate container thereof shall be labeled in accordance
19 with regulations of the Florida Citrus Authority ~~Department of~~
20 ~~Citrus~~ and there shall appear on such label the word
21 "substandard" in bold type not less than 1/4 inch high
22 printed or stamped diagonally thereon.

23 Section 161. Section 601.9906, Florida Statutes, is
24 reenacted to read:

25 601.9906 Processed grapefruit juice products;
26 standards.--

27 (1) The grapefruit juice products to which this
28 section applies shall include canned grapefruit juice, chilled
29 grapefruit juice, frozen concentrated grapefruit juice,
30 concentrated grapefruit juice for manufacturing, and such
31 other grapefruit juice products as the commission may by rule

1 prescribe which may be consumed as juice or used to produce
2 other grapefruit juice products which may be consumed as
3 juice.

4 (2) This section shall not apply to any grapefruit
5 juice products to which have been added readily detectable
6 quantities of one or more readily detectable ingredients,
7 which the commission shall by rule specify, which ingredients
8 are impermissible in the grapefruit juice products described
9 in subsection (1) but are appropriate for use in one or more
10 other products which are not consumed as juice, such as
11 diluted fruit juice beverages or beverage bases used to
12 produce diluted fruit juice beverages.

13 (3) No grapefruit juice products shall be sold or
14 offered for sale or shipped or offered for shipment which have
15 a minimum ratio of total soluble solids to anhydrous citric
16 acid of less than seven and one-half to one, or such higher
17 ratio as the commission may by rule prescribe.

18 (4) The commission shall by rule prescribe quality
19 standards for grapefruit juice products. Such standards shall
20 be designed to further the acceptance and consumption of the
21 grapefruit juice products so regulated.

22 Section 162. Section 601.9907, Florida Statutes, is
23 reenacted and amended to read:

24 601.9907 Canned blended juice; standards;
25 labeling.--No canned blend of orange and grapefruit juice
26 shall be sold or offered for sale or shipped or offered for
27 shipment which:

28 (1) Is prepared from mixed raw juice of oranges and
29 grapefruit containing before the addition of any additive less
30 than 8 percent total soluble solids;

31

1 (2) When canned, contains less than 9.5 percent total
2 soluble solids;

3 (3) Has a ratio of total soluble solids to anhydrous
4 citric acid of less than 8 to 1;

5 (4) Contains less than 0.65 percent or more than 1.80
6 percent anhydrous citric acid;

7 (5) Contains more than 0.040 percent recoverable oil;
8 or

9 (6) Contains when mixed and before canning more or
10 less than the percentage of orange juice determined by rule or
11 regulation of the Florida Citrus Authority ~~Department of~~
12 ~~Citrus~~ required to be contained therein and does not meet
13 requirements to be established by the Florida Citrus Authority
14 ~~Department of Citrus~~ regarding color, absence of defects,
15 taste and flavor; unless the immediate container thereof shall
16 be labeled in accordance with regulations of the Florida
17 Citrus Authority ~~Department of Citrus~~, and there shall appear
18 on such label the word "substandard" in bold type not less
19 than 1/4 inch high printed or stamped diagonally thereon.

20 Section 163. Section 601.9908, Florida Statutes, is
21 reenacted and amended to read:

22 601.9908 Canned tangerine juice; standards;
23 labeling.--No canned tangerine juice shall be sold or offered
24 for sale or shipped or offered for shipment which:

25 (1) Is prepared from raw juice containing before the
26 addition of any additive less than 9 percent total soluble
27 solids;

28 (2) When canned, contains less than 10 percent total
29 soluble solids; or

30 (3) Has a ratio of total soluble solids to anhydrous
31 citric acid of less than 9 to 1;

1 (4) Contains less than 0.55 percent or more than 1.60
2 percent anhydrous citric acid;

3 (5) Contains more than 0.050 percent recoverable oil;
4 or

5 (6) Does not meet requirements to be established by
6 the Florida Citrus Authority ~~Department of Citrus~~ regarding
7 color, absence of defects, taste, and flavor; unless the
8 immediate container thereof shall be labeled in accordance
9 with regulations of the Florida Citrus Authority ~~Department of~~
10 ~~Citrus~~ and there shall appear on such label the word
11 "substandard" in bold type not less than 1/4 inch high printed
12 or stamped diagonally thereon.

13 Section 164. Section 601.9909, Florida Statutes, is
14 reenacted and amended to read:

15 601.9909 Frozen concentrated orange juice;
16 requirements; labeling.--Subject to the provisions of ss.
17 601.9913 and 601.9914, no frozen concentrated orange juice
18 shall be sold, offered for sale, shipped, or offered for
19 shipment which:

20 (1) Is concentrated to less than 41.8 or more than 47
21 degrees Brix. The Brix reading, if determined
22 refractometrically, shall include corrections for citric acid.

23 (2) Has a lower ratio of total soluble solids to
24 anhydrous citric acid of less than 12 to 1 or a higher ratio
25 of total soluble solids to anhydrous citric acid than 19.5 to
26 1.

27 (3) Contains more than 0.120 milliliters of
28 recoverable oil per 100 grams of concentrate.

29 (4) Contains any additives of any kind.

30 (5) Does not taste essentially the same as freshly
31 expressed orange juice of similar quality and is not

1 completely free of all fermented, cooked, terpeny, or other
2 off-flavors; or does not meet all requirements of the rules of
3 the Florida Citrus Authority ~~Department of Citrus~~ regarding
4 color, absence of defects, taste, and flavor; unless the
5 immediate container thereof shall be labeled in accordance
6 with rules of the Florida Citrus Authority ~~Department of~~
7 ~~Citrus~~, and there shall appear on such label the word
8 "substandard" in bold type not less than 1/4 inch high printed
9 or stamped diagonally thereon.

10 Section 165. Section 601.9910, Florida Statutes, is
11 reenacted and amended to read:

12 601.9910 Legislative findings of fact; strict
13 enforcement of maturity standard in public interest.--

14 (1) FINDINGS.--

15 (a) The Legislature finds and determines and so
16 declares that, for many years past, the shipment of raw,
17 immature citrus fruit, generally designated as "green fruit,"
18 from the state to consuming markets has caused the loss of
19 millions of dollars to the citrus growers of Florida; also has
20 resulted in the lowering of the standard of living of many of
21 its citizens; adversely affected the economic conditions of
22 the entire state; reduced the receipts in the collection of ad
23 valorem taxes, thereby reducing revenue needed by counties and
24 cities; caused financial loss to the growers and shippers and
25 processors who did not engage in the shipment of green fruit;
26 and that such practice each year hurts the good name and
27 reputation of all Florida citrus.

28 (b) The Legislature, after extensive hearings
29 conducted annually, and after many hearings attended by its
30 citrus committees at various citrus industry meetings
31 throughout the citrus area; and after having had the advice

1 and counsel of the best qualified and most expert technical
2 advisers in the Florida citrus industry, and after having had
3 the benefit of the advice of some of the most expert and best
4 informed growers, shippers, and processors, and after having
5 made a careful study of the reaction of all citrus fruits by
6 reason of changes in climatic conditions, and having found
7 that regardless of the color of an orange or the color of a
8 grapefruit or regardless of the juice content of such fruit,
9 finds such fruit may be immature and unfit for human
10 consumption. It is also recognized by experts that there are
11 certain factors entering into the maturity of fruit which are
12 not now measurable by chemical tests. There is a change
13 brought about by time and nature in the blending of solids and
14 acids into juice which characterizes maturity but not in a
15 manner susceptible to chemical determination. Because of this,
16 it is scientifically sound that the minimum requirements for
17 solids and the ratio of solids to anhydrous citric acid in
18 determining maturity be relaxed as the season progresses and
19 the raw, immature flavor characteristic of fruit early in the
20 season has disappeared through the workings of time and
21 nature. Therefore, the Legislature hereby finds and determines
22 and so declares that, until nature has completed its process
23 of removing the raw, immature flavor, such citrus fruit will
24 still be immature and unfit for human consumption and, when
25 marketed, will result in dissatisfied consumers who will cease
26 purchasing Florida citrus for some time and will classify that
27 fruit which they had purchased as "Florida green fruit."

28 (c) The Legislature finds and determines and so
29 declares that there is no better method of determining when
30 such raw and immature flavor leaves Florida citrus than by the
31 standards set forth in this chapter; and that experience has

1 demonstrated over a period of many years, by the best
2 available records and under various climatic conditions and
3 various seasonal changes, that generally speaking prior to
4 November 1 of each season oranges which do not have a total
5 soluble solids of 9 percent with a minimum ratio of total
6 soluble solids, as set forth in s. 601.20, still have a raw,
7 immature flavor; and that, beginning on or about November 1 of
8 each season, such raw, immature fruit flavor gradually
9 disappears from the orange and by November 15 the same orange
10 may have a still lower soluble solids percentage and not be
11 immature; and after November 15 can still have a further lower
12 soluble solids percentage without being immature; and by
13 December 1 nature has completed its process of removing the
14 raw, immature flavor which might have existed prior to that
15 time, provided such fruit meets the other minimum maturity
16 requirements set forth in this chapter. On December 1 oranges
17 meeting the requirements of s. 601.19(4), while not being
18 sufficiently mature to ship in fresh form, may be safely used
19 in some processed products without the finished product having
20 a raw, immature flavor. On December 1 grapefruit meeting the
21 requirements of s. 601.16(4), while not being sufficiently
22 mature to ship in fresh form, may be safely used in some
23 processed products without the finished product having a raw,
24 immature flavor.

25 (d) The Legislature finds and determines and so
26 declares that the enforcement of the maturity standards, as
27 set forth in this chapter, will not result in preventing any
28 grower from marketing her or his fruit at some time during the
29 marketing season, whenever nature has removed the raw,
30 immature flavor; and, if there is a delay in such marketing,
31 it will result in higher prices for the entire season,

1 bringing additional millions of dollars to the growers of
2 Florida and resulting in benefit to all growers, including the
3 grower or growers who were delayed a short time in the
4 shipment of their fruit.

5 (2) DECLARATION.--Therefore, the Legislature declares
6 that the strict enforcement of the maturity standards, as set
7 forth in this chapter, is definitely in the public's interest
8 and for the public's welfare, and that no citrus should be
9 shipped from Florida and sold in the consuming markets which
10 has a raw, immature flavor, and which could be classed by the
11 consuming public as "Florida green fruit."

12 (3) REGULATIONS REGARDING MATURITY STANDARDS FOR
13 HYBRIDS.--The Legislature finds and determines that
14 classifications of and maturity standards for citrus hybrids
15 should be established by regulations promulgated by the
16 Florida Citrus Authority ~~Department of Citrus~~ pursuant to this
17 chapter.

18 Section 166. Section 601.9911, Florida Statutes, is
19 reenacted and amended to read:

20 601.9911 Fruit may be sold or transported direct from
21 producer.--Any citrus producer may transport her or his own
22 citrus fruit or any citrus fruit may be sold or purchased and
23 transported in interstate or intrastate commerce in truckload
24 lots direct from a producer and any such fruit so sold,
25 purchased, or transported need not be processed, handled by
26 any packinghouse, washed, polished, graded, stamped, labeled,
27 branded, placed in containers, or otherwise prepared for
28 market as may be provided herein. Such fruit shall be
29 certified at the time of inspection as tree run grade of
30 fruit, but shall otherwise remain subject to the maturity
31 standards and all other conditions, restrictions, emergency

1 quality assurance orders, and other requirements of this
2 chapter and shall be inspected for such compliance as all
3 other fruit is inspected at such convenient locations as may
4 be determined by the Department of Agriculture and Consumer
5 Services. Any such fruit violating any of the provisions of
6 this chapter, or any rule or regulation of the Florida Citrus
7 Authority ~~Department of Citrus~~ made pursuant to this chapter,
8 but not inconsistent with this section, may be seized,
9 condemned, and destroyed as provided herein. At the time of
10 such inspection, all fees, assessments, and excise taxes
11 provided in this chapter shall be paid and collected at the
12 same rate as paid by all other fresh fruit growers or
13 shippers.

14 Section 167. Section 601.9912, Florida Statutes, is
15 reenacted and amended to read:

16 601.9912 Penalties.--Any person violating any
17 provisions of this chapter or of the rules or regulations of
18 the Florida Citrus Authority ~~Department of Citrus~~ or the
19 Department of Agriculture and Consumer Services shall be
20 guilty of a misdemeanor of the first degree, punishable as
21 provided in s. 775.082 or s. 775.083.

22 Section 168. Section 601.9913, Florida Statutes, is
23 reenacted and amended to read:

24 601.9913 High-density frozen concentrated orange
25 juice; standards; labeling.--

26 (1) "High-density frozen concentrated orange juice" is
27 frozen concentrated orange juice which has been concentrated
28 to a density greater than 47 degrees Brix.

29 (2) All high-density frozen concentrated orange juice
30 sold or shipped, or offered for sale or shipment, in retail or
31 institutional size containers shall comply with all

1 requirements applicable to frozen concentrated orange juice in
 2 retail or institutional size containers, except as to the
 3 density of the concentrated food. The percent by weight of
 4 orange juice soluble solids contained in the reconstituted
 5 food made from high-density frozen concentrated orange juice
 6 when the label directions for dilution are followed shall be
 7 the same as is prescribed by the Florida Citrus Authority
 8 ~~Department of Citrus~~ for frozen concentrated orange juice in
 9 retail or institutional size containers.

10 (3) The name of high-density frozen concentrated
 11 orange juice, when sold in retail or institutional size
 12 containers, is "frozen concentrated orange juice, plus
 13 1," the blank being filled in with the whole number showing
 14 the dilution ratio in conspicuous type consistent with the
 15 size of the container and in conjunction with the product
 16 name. Where the label bears directions for making one quart
 17 or multiples of a quart, the blank may be filled in with a
 18 number that includes a fraction. The term "dilution ratio"
 19 means the number of volumes of water per volume of
 20 high-density frozen concentrated orange juice prescribed by
 21 the label for reconstituting the food. The nomenclature
 22 requirements of this subsection shall not apply to containers
 23 for postmix dispenser use, or to retail containers designed
 24 solely for use in foreign countries, provided the labeling
 25 thereof contains mixing instructions adequate to inform the
 26 institution or the consumer of the correct dilution ratio.

27 (4) The name of high-density frozen concentrated
 28 orange juice, when sold in bulk size containers, is the name
 29 provided in subsection (3), or "frozen concentrated orange
 30 juice, Brix," the blank being filled in with the number
 31 which expresses the percent by weight of orange juice soluble

1 solids contained in the food, in conspicuous size and in
2 conjunction with the product name.

3 (5) The compositional requirements applicable to
4 high-density frozen concentrated orange juice sold in bulk
5 size containers shall be prescribed by the Florida Citrus
6 Authority ~~Department of Citrus~~ by rule.

7 (6) The definition of retail, institutional, and bulk
8 size containers for high-density frozen concentrated orange
9 juice shall be prescribed by the department by rule.

10 (7) All high-density frozen concentrated orange juice
11 sold or shipped or offered for sale or shipment shall be
12 inspected as provided by law or rule for the inspection of
13 frozen concentrated orange juice, and all fees and taxes shall
14 be paid in the manner and as provided by law or rule.

15 Section 169. Section 601.9914, Florida Statutes, is
16 reenacted to read:

17 601.9914 Commission authorized to modify standards by
18 rule.--

19 (1) The commission may modify by rule, within the
20 limitations herein specified, the requirements of ss.
21 601.9905-601.9909 if the commission first, upon the
22 affirmative vote of nine members, determines that the adoption
23 of such rule is likely to further increase the acceptance and
24 consumption by a substantial segment of the consuming public
25 of the citrus product or products regulated by such proposed
26 rule and that such increase in acceptance and consumption will
27 be of substantial benefit to handlers and producers of citrus
28 fruit.

29 (2) The requirements of ss. 601.9905-601.9909 may be
30 modified by rule within the following limitations:

31

1 (a) The existing requirements with respect to minimum
2 or maximum Brix or the existing requirements with respect to
3 minimum percent of total soluble solids may be raised;

4 (b) The existing requirements with respect to minimum
5 ratio of total soluble solids to anhydrous citric acid may be
6 raised, and the requirements with respect to maximum ratio of
7 total soluble solids to anhydrous citric acid may be raised or
8 lowered;

9 (c) The existing requirements with respect to the
10 minimum or maximum amount of percentage of recoverable oil may
11 be raised or lowered; and

12 (d) The existing requirements with respect to the
13 minimum or maximum percentage of anhydrous citric acid may be
14 raised or lowered.

15 Section 170. Section 601.9916, Florida Statutes, is
16 reenacted and amended to read:

17 601.9916 Addition of optional nutritive sweetening
18 ingredients to concentrated orange juice; rules.--

19 (1) The Florida Citrus Authority ~~Department of Citrus~~,
20 upon the affirmative vote of not less than nine members of the
21 commission, is authorized to issue permits for the processing,
22 shipping, and sale of frozen concentrated orange juice or
23 concentrated orange juice for manufacturing to which has been
24 added any of the following optional nutritive sweetening
25 ingredients: sugar, sugar syrup, and invert sugar syrup.

26 (2) Each processor to whom a permit is issued pursuant
27 to this section shall comply with rules established by the
28 Florida Citrus Authority ~~Department of Citrus~~ which rules
29 shall provide that:

30 (a) Such product shall be inspected immediately prior
31 to the addition of the optional sweetening ingredient and

1 shall be reinspected promptly after the addition of the
2 optional sweetening ingredient.

3 (b) If such product is to be stored, sold, or shipped
4 in retail or institutional size containers of less than 1
5 gallon, it shall, when reconstituted according to label
6 directions, contain not less than 12.8 percent by weight of
7 orange juice soluble solids, exclusive of the weight of any
8 added optional nutritive sweetening ingredient, and shall,
9 each time it is inspected, fully conform to the rules and
10 standards of the Florida Citrus Authority ~~Department of Citrus~~
11 applicable to frozen concentrated orange juice in retail or
12 institutional size containers.

13 (c) If such product is to be stored, sold, or shipped
14 in bulk containers of 1 gallon or larger, it shall contain not
15 less than 47 percent by weight of orange juice soluble solids,
16 exclusive of the solids of any added optional sweetening
17 ingredient, and shall, when reconstituted according to label
18 directions, contain not less than 11.8 percent by weight of
19 orange juice soluble solids, exclusive of any added optional
20 nutritive sweetening ingredient, and shall, each time it is
21 inspected, fully conform to the rules and standards of the
22 Florida Citrus Authority ~~Department of Citrus~~ applicable to
23 concentrated orange juice for manufacturing.

24 (d) If any such product has been filled into bulk
25 containers of 1 gallon or larger, it shall not thereafter be
26 filled into retail or institutional size containers unless it
27 fully conforms to the requirements of paragraph (b).

28 (e) The product shall conform to such labeling
29 requirements as the Florida Citrus Authority ~~Department of~~
30 ~~Citrus~~ shall by rule prescribe.

31

1 (3) The privilege of processing any such product under
2 a permit issued hereunder shall expire at the end of the
3 shipping season for which such processing was authorized by
4 such permit but may be renewed annually upon the affirmative
5 vote of not less than nine members of the commission.

6 (4) In addition to the disciplinary action that may be
7 taken by the Department of Agriculture and Consumer Services
8 against a citrus fruit dealer for violations of this chapter,
9 the commission may temporarily suspend and may revoke any
10 permit issued hereunder for any violation of the provisions of
11 this section or of the rules promulgated hereunder.

12 Section 171. Section 601.9918, Florida Statutes, is
13 reenacted and amended to read:

14 601.9918 Rules related to issuance and use of
15 symbols.--In rules related to the issuance and voluntary use
16 of symbols, certification marks, service marks, or trademarks,
17 the commission may make general references to national or
18 state requirements that the license applicant would be
19 compelled to meet regardless of the Florida Citrus Authority's
20 ~~department's~~ issuance of the license applied for.

21 Section 172. Paragraph (d) of subsection (2) of
22 section 288.012, Florida Statutes, is amended to read:

23 288.012 State of Florida foreign offices.--The
24 Legislature finds that the expansion of international trade
25 and tourism is vital to the overall health and growth of the
26 economy of this state. This expansion is hampered by the lack
27 of technical and business assistance, financial assistance,
28 and information services for businesses in this state. The
29 Legislature finds that these businesses could be assisted by
30 providing these services at State of Florida foreign offices.
31 The Legislature further finds that the accessibility and

1 provision of services at these offices can be enhanced through
2 cooperative agreements or strategic alliances between state
3 entities, local entities, foreign entities, and private
4 businesses.

5 (2) Each foreign office shall have in place an
6 operational plan approved by the participating boards or other
7 governing authority, a copy of which shall be provided to the
8 Office of Tourism, Trade, and Economic Development. These
9 operating plans shall be reviewed and updated each fiscal year
10 and shall include, at a minimum, the following:

11 (d) Identification of new and emerging market
12 opportunities for Florida businesses. Each foreign office
13 shall provide the Florida Trade Data Center with a compilation
14 of foreign buyers and importers in industry sector priority
15 areas on an annual basis. In return, the Florida Trade Data
16 Center shall make available to each foreign office, and to
17 Enterprise Florida, Inc., the Florida Commission on Tourism,
18 the Florida Ports Council, the Department of State, the
19 Florida Citrus Authority ~~Department of Citrus~~, and the
20 Department of Agriculture and Consumer Services, trade
21 industry, commodity, and opportunity information. This
22 information shall be provided to such offices and entities
23 either free of charge or on a fee basis with fees set only to
24 recover the costs of providing the information.

25 Section 173. Section 288.38, Florida Statutes, is
26 amended to read:

27 288.38 Applicability of state laws and rules
28 concerning citrus fruit and products.--Any application for
29 establishment of a foreign trade zone made pursuant hereto
30 shall include a provision that all laws of this state and
31 rules of the Florida ~~Department of Citrus~~ Authority applicable

1 to citrus fruit and processed citrus products shall equally
2 apply within any foreign trade zone so established.

3 Section 174. Paragraph (aa) of subsection (4) of
4 section 215.20, Florida Statutes, is amended to read:

5 215.20 Certain income and certain trust funds to
6 contribute to the General Revenue Fund.--

7 (4) The income of a revenue nature deposited in the
8 following described trust funds, by whatever name designated,
9 is that from which the deductions authorized by subsection (3)
10 shall be made:

11 (aa) The operating accounts of the Florida Citrus
12 Authority ~~Florida Citrus Advertising Trust Fund~~ created by s.
13 601.15(6)(7), including transfers from any subsidiary accounts
14 thereof, unless a different percentage is authorized in that
15 section.

16 Section 175. Subsection (3) of section 600.041,
17 Florida Statutes, is amended to read:

18 600.041 Definitions.--As used in this act, the
19 following terms have the following meanings:

20 (3) "Citrus fruit" or "fruit" means and includes
21 grapefruit, oranges, tangerines, Temples, tangelos, and
22 murcott honey oranges grown in Florida as defined in and by s.
23 601.03, and when regulated by the Florida Citrus Authority
24 ~~Commission of the Department of Citrus~~, all other citrus fruit
25 grown in Florida, including lemons, sour oranges, limes, and
26 citrus hybrids.

27 Section 176. Citrus advertising trust funds are
28 appropriated for use, at the discretion of the Florida Citrus
29 Authority, to settle civil actions pending against the
30 Department of Citrus on the effective date of this act.

31

1 Section 177. The Florida Citrus Authority shall
2 collect dues, contributions, or any other financial payment
3 upon request by and on behalf of any not-for-profit
4 corporation and its related not-for-profit corporations
5 located in this state which receives payments or dues from
6 members. Such not-for-profit corporation must be engaged
7 solely in market news and grower education for citrus growers
8 in this state and must have at least 7,500 members and must
9 have at least 7,500 growers engaged in growing citrus in this
10 state.

11 Section 178. In editing manuscript for the next
12 edition of the official Florida Statutes, the Division of
13 Statutory Revision of the Office of Legislative Services shall
14 change "department" to "authority" wherever the same appears
15 in chapter 601, Florida Statutes.

16 Section 179. Except as otherwise provided herein, this
17 act shall take effect July 1, 2001.

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