

CHAMBER ACTION

1 The Committee on Agriculture recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Department of Citrus; amending s.
7 601.04, F.S.; requiring the Florida Citrus Commission to
8 establish an executive committee for certain purposes;
9 providing for membership, terms, meetings, and
10 responsibilities of the committee; requiring committee
11 meetings to be open to the public; amending s. 601.155,
12 F.S.; requiring the department to develop a process for
13 persons liable for the equalizing excise tax to elect to
14 not pay a portion of the tax; prohibiting the department
15 from expending certain amounts of excise tax moneys for
16 advertising, marketing, or public relations activities
17 under certain circumstances; providing an exception;
18 providing for the dismissal of certain claims; requiring
19 the commission to include a report by the department's
20 internal auditor as an agenda item at each regularly
21 scheduled commission meeting; providing an effective date.

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

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Section 1. Section 601.04, Florida Statutes, is amended to read:

601.04 Florida Citrus Commission; creation and membership; executive committee.--

(1)(a) There is hereby created and established within the Department of Citrus a board to be known and designated as the "Florida Citrus Commission" to be composed of 12 practical citrus fruit persons who are resident citizens of the state, each of whom is and has been actively engaged in growing, growing and shipping, or growing and processing of citrus fruit in the state for a period of at least 5 years immediately prior to appointment to the said commission and has, during said period, derived a major portion of her or his income therefrom or, during said time, has been the owner of, member of, officer of, or paid employee of a corporation, firm, or partnership which has, during said time, derived the major portion of its income from the growing, growing and shipping, or growing and processing of citrus fruit.

(b) Seven members of the commission shall be designated as grower members and shall be primarily engaged in the growing of citrus fruit as an individual owner; as the owner of, or as stockholder of, a corporation; or as a member of a firm or partnership primarily engaged in citrus growing. None of such members shall receive any compensation from any licensed citrus fruit dealer or handler, as defined in s. 601.03, other than gift fruit shippers, but any of the grower members shall not be disqualified as a member if, individually, or as the owner of, a

52 member of, an officer of, or a stockholder of a corporation,
53 firm, or partnership primarily engaged in citrus growing which
54 processes, packs, and markets its own fruit and whose business
55 is primarily not purchasing and handling fruit grown by others.
56 Five members of the commission shall be designated as grower-
57 handler members and shall be engaged as owners, or as paid
58 officers or employees, of a corporation, firm, partnership, or
59 other business unit engaged in handling citrus fruit. Two of
60 such five grower-handler members shall be primarily engaged in
61 the fresh fruit business and three of such five grower-handler
62 members shall be primarily engaged in the processing of citrus
63 fruits.

64 (c) There shall be four members of the commission from
65 each of the three citrus districts. Each member must reside in
66 the district from which she or he was appointed. For the
67 purposes of this section, the residence of a member shall be the
68 actual physical and permanent residence of the member.

69 (2)(a) The members of such commission shall possess the
70 qualifications herein provided and shall be appointed by the
71 Governor for terms of 3 years each. Appointments shall be made
72 by February 1 preceding the commencement of the term and shall
73 be subject to confirmation by the Senate in the following
74 legislative session. Four members shall be appointed each year.
75 Such members shall serve until their respective successors are
76 appointed and qualified. The regular terms shall begin on June 1
77 and shall end on May 31 of the third year after such
78 appointment.

79 (b) When appointments are made, the Governor shall
80 publicly announce the actual classification and district that
81 each appointee represents. A majority of the members of the
82 commission shall constitute a quorum for the transaction of all
83 business and the carrying out of the duties of the commission.
84 Before entering upon the discharge of their duties as members of
85 the commission, each member shall take and subscribe to the oath
86 of office prescribed in s. 5, Art. II of the State Constitution.
87 The qualification of each member as herein required shall
88 continue throughout the respective term of office, and in the
89 event a member should, after appointment, fail to meet the
90 qualifications or classification which she or he possessed at
91 the time of appointment as above set forth, such member shall
92 resign or be removed and be replaced with a member possessing
93 the proper qualifications and classification.

94 (c) When making an appointment to the commission, the
95 Governor shall announce the district and classification of the
96 person appointed.

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

99 (b) The chair, subject to commission concurrence, may
100 appoint such advisory committees or councils composed of
101 industry representatives as the chair deems appropriate, setting
102 forth areas of committee or council concern which are consistent
103 with the statutory powers and duties of the commission and the
104 Department of Citrus.

105 (4)(a) The commission shall establish an executive
106 committee, which shall consist of the chair of the commission

107 and two additional members of the commission. The members of the
 108 executive committee shall be elected for a term of 1 year at the
 109 same meeting at which the chair of the commission is elected,
 110 except that the initial executive committee shall be elected at
 111 the first commission meeting held following the effective date
 112 of this act.

113 (b) Any matter that is to be considered by the commission
 114 or by the executive director of the Department of Citrus must be
 115 submitted in advance to the executive committee for approval,
 116 rejection, or modification. The executive committee shall meet
 117 no later than 10 days before each meeting of the commission in
 118 order to consider, at a minimum, any item on the agenda for the
 119 upcoming commission meeting. All meetings of the executive
 120 committee shall be open to the public and governed by chapter
 121 286.

122 (5)(4) It is the intent of the Legislature that the
 123 commission be redistricted every 5 years. Redistricting shall be
 124 based on the total boxes produced from each of the three
 125 districts during that 5-year period.

126 Section 2. Present subsections (10) and (11) of section
 127 601.155, Florida Statutes, are renumbered as subsections (11)
 128 and (12), respectively, and a new subsection (10) is added to
 129 said section, to read:

130 601.155 Equalizing excise tax; credit; exemption.--

131 (10) Notwithstanding any other provision of law, the
 132 Department of Citrus shall develop a process by which any person
 133 liable for the excise tax imposed under this section may
 134 annually object to payment of the tax. Any such objection must

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135 be allowed without discretion as to the validity thereof and
136 that person shall be granted the immediate right to elect not to
137 pay two-thirds of the applicable tax rate. The department may
138 not expend any of the remaining one-third of the applicable tax
139 rate on any advertising, marketing, or public relations
140 activities to which any person liable for the excise tax imposed
141 under this section objects, although such funds may be used for
142 research, administration, and regulatory activities. Effective
143 July 1, 2004, upon any necessary legislative appropriation of
144 moneys due under the settlement agreement of Consolidated Case
145 No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial
146 Circuit in Polk County, the plaintiffs shall agree to the
147 dismissal of their claim under the foreign commerce clause with
148 prejudice.

149 Section 3. The Florida Citrus Commission shall include as
150 an agenda item at each regularly scheduled meeting a report by
151 the internal auditor of the Department of Citrus.

152 Section 4. This act shall take effect July 1, 2004.