

CHAMBER ACTION

1 The Committee on Finance & Tax 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.
7 601.155, F.S.; requiring the department to develop a
8 process for persons liable for the equalizing excise tax
9 to elect to not pay a portion of the tax; prohibiting the
10 department from expending certain amounts of excise tax
11 moneys for advertising, marketing, or public relations
12 activities under certain circumstances; providing an
13 exception; providing for the dismissal of certain claims;
14 requiring the Florida Citrus Commission to include a
15 report by the department's internal auditor as an agenda
16 item at each regularly scheduled commission meeting;
17 providing an effective date.

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

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21 Section 1. Present subsections (10) and (11) of section
22 601.155, Florida Statutes, are renumbered as subsections (11)

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23 and (12), respectively, and a new subsection (10) is added to
24 said section, to read:

25 601.155 Equalizing excise tax; credit; exemption.--
26 (10) Notwithstanding any other provision of law, the
27 Department of Citrus shall develop a process by which any person
28 liable for the excise tax imposed under this section may
29 annually object to payment of the tax. Any such objection must
30 be allowed without discretion as to the validity thereof and
31 that person shall be granted the immediate right to elect not to
32 pay two-thirds of the applicable tax rate. The department may
33 not expend any of the remaining one-third of the applicable tax
34 rate on any advertising, marketing, or public relations
35 activities to which any person liable for the excise tax imposed
36 under this section objects, although such funds may be used for
37 research, administration, and regulatory activities. Effective
38 July 1, 2004, upon any necessary legislative appropriation of
39 moneys due under the settlement agreement of Consolidated Case
40 No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial
41 Circuit in Polk County, the plaintiffs shall agree to the
42 dismissal of their claim under the foreign commerce clause with
43 prejudice.

44 Section 2. The Florida Citrus Commission shall include as
45 an agenda item at each regularly scheduled meeting a report by
46 the internal auditor of the Department of Citrus.

47 Section 3. This act shall take effect July 1, 2004.