

By the Committee on Agriculture; and Senator Alexander

303-2143-04

1 A bill to be entitled
2 An act relating to the Department of Citrus;
3 amending s. 601.04, F.S.; requiring the
4 commission to establish an executive committee
5 from among its members; providing for the
6 selection of executive committee members and
7 for terms of office; requiring that matters to
8 be considered by the Florida Citrus Commission
9 or executive director of the Department of
10 Citrus be submitted in advance to the executive
11 committee for approval, rejection, or
12 modification; providing requirements for
13 meetings of the executive committee; requiring
14 that meetings of the executive committee be
15 open to the public and governed by ch. 286,
16 F.S., relating to public meetings and records;
17 amending s. 601.155, F.S.; requiring the
18 department to develop a process for persons
19 liable for the equalizing excise tax to elect
20 to not pay a portion of the tax; prohibiting
21 the department from expending any remaining
22 amount of excise tax moneys for advertising,
23 marketing, or public-relations activities;
24 providing for the dismissal of certain claims;
25 requiring the Florida Citrus Commission to
26 include a report by the internal auditor of the
27 Department of Citrus as an agenda item at each
28 regularly scheduled meeting; providing an
29 effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

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

3 601.04 Florida Citrus Commission; creation and
4 membership; executive committee.--

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

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

1 purchasing and handling fruit grown by others. Five members
2 of the commission shall be designated as grower-handler
3 members and shall be engaged as owners, or as paid officers or
4 employees, of a corporation, firm, partnership, or other
5 business unit engaged in handling citrus fruit. Two of such
6 five grower-handler members shall be primarily engaged in the
7 fresh fruit business and three of such five grower-handler
8 members shall be primarily engaged in the processing of citrus
9 fruits.

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

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

25 (b) When appointments are made, the Governor shall
26 publicly announce the actual classification and district that
27 each appointee represents. A majority of the members of the
28 commission shall constitute a quorum for the transaction of
29 all business and the carrying out of the duties of the
30 commission. Before entering upon the discharge of their
31 duties as members of the commission, each member shall take

1 and subscribe to the oath of office prescribed in s. 5, Art.
2 II of the State Constitution. The qualification of each
3 member as herein required shall continue throughout the
4 respective term of office, and in the event a member should,
5 after appointment, fail to meet the qualifications or
6 classification which she or he possessed at the time of
7 appointment as above set forth, such member shall resign or be
8 removed and be replaced with a member possessing the proper
9 qualifications and classification.

10 (c) When making an appointment to the commission, the
11 Governor shall announce the district and classification of the
12 person appointed.

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

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

22 (4)(a) The commission shall establish an executive
23 committee, which shall consist of the chair of the commission
24 and two additional commission members elected by a majority
25 vote of the members of the commission. The members of the
26 executive committee shall be elected for a term of 1 year at
27 the same meeting at which the chair of the commission is
28 elected, except that the initial executive committee shall be
29 elected at the first commission meeting held following the
30 effective date of this act.

31

1 (b) Any matter that is to be considered by the Florida
2 Citrus Commission or by the executive director of the
3 Department of Citrus must be submitted in advance to the
4 executive committee for approval, rejection, or modification.
5 The executive committee shall meet no later than 10 days
6 before each meeting of the Florida Citrus Commission in order
7 to consider, at a minimum, any item on the agenda for the
8 upcoming commission meeting. All meetings of the executive
9 committee shall be open to the public and governed by chapter
10 286.

11 ~~(5)(4)~~ It is the intent of the Legislature that the
12 commission be redistricted every 5 years. Redistricting shall
13 be based on the total boxes produced from each of the three
14 districts during that 5-year period.

15 Section 2. Present subsections (10) and (11) of
16 section 601.155, Florida Statutes, are redesignated as
17 subsections (11) and (12), respectively, and a new subsection
18 (10) is added to that section, to read:

19 601.155 Equalizing excise tax; credit; exemption.--

20 (10) Notwithstanding any other provision of law, the
21 Department of Citrus shall develop a process by which any
22 person liable for the excise tax imposed under this section
23 may annually object to payment of the tax. Any such objection
24 must be allowed without discretion as to the validity thereof
25 and that person shall be granted the immediate right to elect
26 not to pay two-thirds of the applicable tax rate. The
27 Department of Citrus may not expend any of the remaining
28 one-third of the applicable tax rate on any advertising,
29 marketing, or public-relations activities to which any person
30 liable for the excise tax imposed under this section objects;
31 however, such funds may be used for research, administrative,

1 and regulatory activities. Effective July 1, 2004, upon any
2 necessary legislative appropriation of moneys due under the
3 settlement agreement of Consolidated Case No. 2002-CA-4686 in
4 the Circuit Court of the Tenth Judicial Circuit in Polk
5 County, the plaintiffs shall agree to the dismissal of their
6 claim under the foreign commerce clause with prejudice.

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

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

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 96

15 Committee Substitute for Senate Bill 96 is different from
16 Senate Bill 96 in that it:

- 17 1. Directs the Florida Citrus Commission to establish an
18 executive committee from among its members. Requires
19 that matters to be considered by the Commission or
20 executive director of the Department of Citrus be
21 submitted in advance to the executive committee for
22 approval, rejection or modification. Directs the
23 executive committee to meet no later than 10 days before
24 each meeting of the Florida Citrus Commission in order to
25 consider, at a minimum, any item on the agenda for the
26 upcoming Commission meeting. Requires all meetings of
27 the executive committee to be open to the public and
28 governed by chapter 286, F.S.
- 29 2. Requires the Florida Citrus Commission to include as an
30 agenda item at each regularly scheduled meeting a report
31 by the internal auditor of the Department of Citrus.
3. Prohibits the Department of Citrus to spend certain
excise tax moneys on advertising, marketing, or
public-relations activities. Allows such funds to be used
for research, administrative and regulatory activities.