

By the Committees on Appropriations; Agriculture; and Senator Alexander

309-2675-04

1 A bill to be entitled

2 An act relating to the Department of Citrus;

3 amending s. 601.155, F.S.; requiring the

4 department to develop a process for persons

5 liable for the equalizing excise tax to elect

6 to not pay a portion of the tax; prohibiting

7 the department from expending any remaining

8 amount of excise tax moneys for advertising,

9 marketing, or public-relations activities;

10 providing for the dismissal of certain claims;

11 requiring the Florida Citrus Commission to

12 include a report by the internal auditor of the

13 Department of Citrus as an agenda item at each

14 regularly scheduled meeting; providing an

15 effective date.

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

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19 Section 1. Present subsections (10) and (11) of

20 section 601.155, Florida Statutes, are redesignated as

21 subsections (11) and (12), respectively, and a new subsection

22 (10) is added to that section, to read:

23 601.155 Equalizing excise tax; credit; exemption.--

24 (10) Notwithstanding any other provision of law, the

25 Department of Citrus shall develop a process by which any

26 person liable for the excise tax imposed under this section

27 may annually object to payment of the tax. Any such objection

28 must be allowed without discretion as to the validity thereof

29 and that person shall be granted the immediate right to elect

30 not to pay two-thirds of the applicable tax rate. The

31 Department of Citrus may not expend any of the remaining

1 one-third of the applicable tax rate on any advertising,
2 marketing, or public-relations activities to which any person
3 liable for the excise tax imposed under this section objects;
4 however, such funds may be used for research, administrative,
5 and regulatory activities. Effective July 1, 2004, upon any
6 necessary legislative appropriation of moneys due under the
7 settlement agreement of Consolidated Case No. 2002-CA-4686 in
8 the Circuit Court of the Tenth Judicial Circuit in Polk
9 County, the plaintiffs shall agree to the dismissal of their
10 claim under the foreign commerce clause with prejudice.

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

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

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 CS for SB 96

19 The committee substitute removes language that would have
20 required the Florida Citrus Commission to establish an
21 executive committee to review, approve, or modify any matter
22 to be considered by the Executive Director of the Department
23 of Citrus or the Florida Citrus Commission.
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