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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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