

Bill No. CS for SB 994

Barcode 021524

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: RCS
04/25/2006 01:52 PM

.
. .
. .
. .
. .
. .

The Committee on General Government Appropriations (Baker)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (7) of section 193.461, Florida
Statutes, is amended to read:

193.461 Agricultural lands; classification and
assessment; mandated eradication or quarantine program.--

(7) Lands classified for assessment purposes as
agricultural lands which are taken out of production by any
state or federal eradication or quarantine program shall
continue to be classified as agricultural lands for the
duration of such program or successor programs. Lands under
these programs which are converted to fallow, or otherwise
nonincome-producing uses shall continue to be classified as
agricultural lands and shall be assessed at a de minimis value
of no more than \$50 per acre, on a single year assessment
methodology; however, lands converted to other

Bill No. CS for SB 994

Barcode 021524

1 income-producing agricultural uses permissible under such
 2 programs shall be assessed pursuant to this section. Land
 3 under a mandated eradication or quarantine program which is
 4 diverted from an agricultural to a nonagricultural use shall
 5 be assessed under ~~the provisions of s. 193.011.~~

6 Section 2. Section 581.184, Florida Statutes, is
 7 amended to read:

8 581.184 Adoption of rules; citrus disease management
 9 ~~canker eradication; voluntary destruction agreements.--~~

10 (1) The department shall adopt by rule, pursuant to
 11 ss. 120.536(1) and 120.54, and implement a comprehensive
 12 citrus health plan to minimize the impact of exotic citrus
 13 pests and diseases to citrus production and to allow for the
 14 orderly marketing of citrus fruit in other states and
 15 countries. As used in this section, the term:

16 (a) ~~"Infected or infested" means citrus trees~~
 17 ~~harboring the citrus canker bacteria and exhibiting visible~~
 18 ~~symptoms of the disease.~~

19 (b) ~~"Exposed to infection" means citrus trees located~~
 20 ~~within 1,900 feet of an infected tree.~~

21 (2)(a) ~~The department shall remove and destroy all~~
 22 ~~infected citrus trees and all citrus trees exposed to~~
 23 ~~infection. The department may destroy, by chipping, trees~~
 24 ~~removed pursuant to this section. Notice of the removal of~~
 25 ~~such trees, by immediate final order, shall be provided to the~~
 26 ~~owner of the property on which such trees are located. An~~
 27 ~~immediate final order issued by the department pursuant to~~
 28 ~~this section shall notify the property owner that the citrus~~
 29 ~~trees that are the subject of the immediate final order will~~
 30 ~~be removed and destroyed unless the property owner, no later~~
 31 ~~than 10 days after delivery of the immediate final order~~

1 ~~pursuant to subsection (3), requests and obtains a stay of the~~
 2 ~~immediate final order from the district court of appeal with~~
 3 ~~jurisdiction to review such requests. The property owner shall~~
 4 ~~not be required to seek a stay of the immediate final order by~~
 5 ~~the department prior to seeking the stay from the district~~
 6 ~~court of appeal.~~

7 ~~(2)(b)~~ Regulation of the removal or destruction of
 8 citrus trees pursuant to this section is hereby preempted to
 9 the state. No county, municipal, or other local ordinance or
 10 other regulation that would otherwise impose requirements,
 11 restrictions, or conditions upon the department or its
 12 contractors with respect to the removal or destruction of
 13 citrus trees pursuant to this section shall be enforceable
 14 against the department or its contractors.

15 ~~(3) Any immediate final order issued by the department~~
 16 ~~pursuant to this section:~~

17 ~~(a) May be delivered in person, by certified mail, or~~
 18 ~~by attaching the order to a conspicuous place on the property~~
 19 ~~on which a citrus tree to be removed is located.~~

20 ~~(b) Is not required to be adopted by the department as~~
 21 ~~a rule.~~

22 ~~(4) Simultaneously with the delivery of an immediate~~
 23 ~~final order, the department shall also provide the following~~
 24 ~~information to a property owner:~~

25 ~~(a) The physical location of the infected tree which~~
 26 ~~has necessitated removal and destruction of the property~~
 27 ~~owner's tree.~~

28 ~~(b) The diagnostic report that resulted in the~~
 29 ~~determination that the infected tree is infected with the~~
 30 ~~citrus canker.~~

31 ~~(3)(5)~~ The department shall ~~is directed to~~ adopt

Bill No. CS for SB 994

Barcode 021524

1 rules, pursuant to ss. 120.536(1) and 120.54, regarding the
2 conditions under which citrus plants, ~~other than those that~~
3 ~~are infected or exposed to infection,~~ can be grown, moved, and
4 planted in this state as may be necessary for the ~~eradication,~~
5 control, or prevention of the dissemination of citrus diseases
6 ~~canker~~. Such rules shall be in effect for any period during
7 which, in the judgment of the Commissioner of Agriculture,
8 there is the threat of the spread of citrus diseases ~~canker~~
9 ~~disease~~ in the state. ~~Such rules may provide for the conduct~~
10 ~~of any activity regulated by such rules subject to an~~
11 ~~agreement by persons wishing to engage in such activity to~~
12 ~~voluntarily destroy, at their own expense, citrus plants~~
13 ~~declared by the department to be imminently dangerous by~~
14 ~~reason of being infected or infested with citrus canker or~~
15 ~~exposed to infection and likely to communicate same. The terms~~
16 ~~of such agreement may also require the destruction of healthy~~
17 ~~plants under specified conditions. Any such destruction shall~~
18 ~~be done after reasonable notice in a manner pursuant to and~~
19 ~~under conditions set forth in the agreement. Such agreements~~
20 ~~may include releases and waivers of liability and may require~~
21 ~~the agreement of other persons.~~

22 ~~(4)(6)~~ The department shall develop by rule, pursuant
23 to ss. 120.536(1) and 120.54, a statewide program of
24 decontamination to prevent and limit the spread of citrus
25 canker disease. Such program shall address the application of
26 decontamination procedures and practices to all citrus plants
27 and plant products, vehicles, equipment, machinery, tools,
28 objects, and persons who could in any way spread or aid in the
29 spreading of citrus canker in this state. In order to prevent
30 contamination of soil and water, such rules shall be developed
31 in consultation with the Department of Environmental

Bill No. CS for SB 994

Barcode 021524

1 Protection. The department may develop compliance and other
2 agreements which it determines can aid in the carrying out of
3 the purposes of this section, and enter into such agreements
4 with any person or entity.

5 ~~(5)(7)~~ Owners or ~~and/or~~ operators of nonproduction
6 vehicles and equipment shall follow the department guidelines
7 for citrus canker decontamination effective June 15, 2000. ~~The~~
8 ~~department shall publish the guidelines in the Florida~~
9 ~~Administrative Weekly and on the department Internet website.~~
10 ~~The guidelines shall be posted no later than May 15, 2000.~~

11 ~~(6)(8)~~ Notwithstanding any provision of law, the
12 Department of Environmental Protection is not authorized to
13 institute proceedings against any person under the provisions
14 of s. 376.307(5) to recover any costs or damages associated
15 with contamination of soil or water, or the evaluation,
16 assessment, or remediation of contamination of soil or water,
17 including sampling, analysis, and restoration of soil or
18 potable water supplies, where the contamination of soil or
19 water is determined to be the result of a program of
20 decontamination to prevent and limit the spread of citrus
21 canker disease pursuant to rules developed under this section.
22 This subsection does not limit regulatory authority under a
23 federally delegated or approved program.

24 ~~(7)(9)~~ Upon request of the department, the sheriff or
25 chief law enforcement officer of each county in the state
26 shall provide assistance in obtaining access to private
27 property for the purpose of enforcing the provisions of this
28 section. The sheriff or chief law enforcement officer shall be
29 responsible for maintaining public order during the citrus
30 disease management ~~eradication~~ process and protecting the
31 safety of department employees, representatives, and agents

Bill No. CS for SB 994

Barcode 021524

1 charged with implementing and enforcing the provisions of this
2 section. The department may reimburse the sheriff or chief law
3 enforcement officer for the reasonable costs of implementing
4 the provisions of this subsection.

5 ~~(10) Posting of an order on the property on which~~
6 ~~citrus trees are to be cut pursuant to the citrus canker~~
7 ~~eradication program shall meet the notice requirement of s.~~
8 ~~120.569(1).~~

9 Section 3. Section 581.1843, Florida Statutes, is
10 created to read:

11 581.1843 Citrus nursery stock propagation and
12 production and the establishment of regulated areas around
13 citrus nurseries.--

14 (1) As used in this section, the term "commercial
15 citrus grove" means a solid set planting of 40 or more citrus
16 trees.

17 (2) Effective January 1, 2007, it is unlawful for any
18 person to propagate for sale or movement any citrus nursery
19 stock that was not propagated or grown on a site and within a
20 protective structure approved by the department and that is
21 not at least 1 mile away from commercial citrus groves. A
22 citrus nursery registered with the department prior to April
23 1, 2006, shall not be required to comply with the 1-mile
24 setback from commercial citrus groves while continuously
25 operating at the same location for which it was registered.
26 However, the nursery shall be required to propagate citrus
27 within a protective structure approved by the department.
28 Effective January 1, 2008, it shall be unlawful to distribute
29 any citrus nursery stock that was not produced in a protective
30 structure approved by the department.

31 (3) The department shall adopt rules pursuant to ss.

Bill No. CS for SB 994

Barcode 021524

1 120.536(1) and 120.54 which set forth the conditions under
 2 which citrus nursery stock can be propagated, grown, sold, or
 3 moved and the specifications for the approved site and
 4 protective structure.

5 (4) Under the provisions of this chapter, the
 6 department shall adopt rules that are consistent with
 7 scientific findings and recommendations of the Citrus Budwood
 8 Technical Advisory Committee to regulate all genera of the
 9 Rutaceae subfamilies Aurantioideae, Rutoideae, and
 10 Toddalioideae that pose a threat of introducing or spreading a
 11 citrus plant pest.

12 (5) The department shall establish regulated areas
 13 around the perimeter of commercial citrus nurseries that were
 14 established on sites after April 1, 2006, not to exceed a
 15 radius of 1 mile. The planting of citrus in an established
 16 regulated area is prohibited. The planting of citrus within a
 17 1-mile radius of commercial citrus nurseries that were
 18 established on sites prior to April 1, 2006, must be approved
 19 by the department. Citrus plants planted within a regulated
 20 area prior to the establishment of the regulated area may
 21 remain in the regulated area unless the department determines
 22 the citrus plants to be infected or infested with citrus
 23 canker or citrus greening. The department shall require the
 24 removal of infected or infested citrus, nonapproved planted
 25 citrus, and citrus that has sprouted by natural means in
 26 regulated areas. The property owner shall be responsible for
 27 the removal of citrus planted without proper approval. Notice
 28 of the removal of citrus trees, by immediate final order of
 29 the department, shall be provided to the owner of the property
 30 on which the trees are located. An immediate final order
 31 issued by the department under this section shall notify the

Bill No. CS for SB 994

Barcode 021524

1 property owner that the citrus trees, which are the subject of
 2 the immediate final order, must be removed and destroyed
 3 unless the property owner, no later than 10 days after
 4 delivery of the immediate final order, requests and obtains a
 5 stay of the immediate final order from the district court of
 6 appeal with jurisdiction to review such requests. The property
 7 owner shall not be required to seek a stay from the department
 8 of the immediate final order prior to seeking a stay from the
 9 district court of appeal.

10 (6) Regulation of the removal or destruction of citrus
 11 plants under this section is preempted to the state. No
 12 county, municipal, or other local ordinance or other
 13 regulation that would otherwise impose requirements,
 14 restrictions, or conditions upon the department or its
 15 contractors with respect to the removal or destruction of
 16 citrus trees under this section shall be enforceable against
 17 the department or its contractors.

18 (7) The department shall relocate foundation source
 19 trees maintained by the Division of Plant Industry from
 20 various locations, including those in Dundee and Winter Haven,
 21 to protective structures at the Division of Forestry nursery
 22 in Chiefland or to other protective sites located a minimum of
 23 10 miles from any commercial citrus grove. The department is
 24 authorized to expend existing funds from its Contracts and
 25 Grants Trust Fund for this purpose.

26 Section 4. Subsection (1) of section 581.1845, Florida
 27 Statutes, is amended, and subsection (6) is added to that
 28 section, to read:

29 581.1845 Citrus canker eradication; compensation to
 30 homeowners whose trees have been removed.--

31 (1) The Department of Agriculture and Consumer

Bill No. CS for SB 994

Barcode 021524

1 Services shall provide compensation to eligible homeowners
 2 whose citrus trees have been removed under a citrus canker
 3 eradication program. Funds to pay this compensation may be
 4 derived from both state and federal matching sources and shall
 5 be specifically appropriated by law. Eligible homeowners shall
 6 be compensated subject to the availability of ~~appropriated~~
 7 funds specifically appropriated for such purpose in the
 8 2006-2007 fiscal year or prior fiscal years.

9 (6) Any claim for compensation under this section or
 10 under the Shade Dade or Shade Florida programs must be filed
 11 with the department no later than December 31, 2007. Effective
 12 January 1, 2008, all unfiled claims shall expire.

13 Section 5. Paragraph (c) of subsection (2) of section
 14 120.80, Florida Statutes, is amended to read:

15 120.80 Exceptions and special requirements;
 16 agencies.--

17 (2) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--

18 ~~(c) The provisions of ss. 120.54 and 120.56 shall not~~
 19 ~~apply to any statement or action by the department in~~
 20 ~~furtherance of its duties pursuant to s. 581.184(2).~~

21 Section 6. Subsection (2) of section 348.0008, Florida
 22 Statutes, is amended to read:

23 348.0008 Acquisition of lands and property.--

24 (2) An authority and its authorized agents,
 25 contractors, and employees are authorized to enter upon any
 26 lands, waters, and premises, upon giving reasonable notice to
 27 the landowner, for the purpose of making surveys, soundings,
 28 drillings, appraisals, environmental assessments including
 29 phase I and phase II environmental surveys, archaeological
 30 assessments, and such other examinations as are necessary for
 31 the acquisition of private or public property and property

Bill No. CS for SB 994

Barcode 021524

1 rights, including rights of access, air, view, and light, by
 2 gift, devise, purchase, or condemnation by eminent domain
 3 proceedings or as are necessary for the authority to perform
 4 its duties and functions; and any such entry shall not be
 5 deemed a trespass or an entry that would constitute a taking
 6 in an eminent domain proceeding. An expressway authority shall
 7 make reimbursement for any actual damage to such lands, water,
 8 and premises as a result of such activities. Any entry
 9 authorized by this subsection shall be in compliance with the
 10 premises protections and landowner liability provisions
 11 contained in s. ~~ss.~~ 472.029 ~~and 581.184.~~

12 Section 7. Section 933.02, Florida Statutes, is
 13 amended to read:

14 933.02 Grounds for issuance of search warrant.--Upon
 15 proper affidavits being made, a search warrant may be issued
 16 under the provisions of this chapter upon any of the following
 17 grounds:

18 (1) When the property shall have been stolen or
 19 embezzled in violation of law;

20 (2) When any property shall have been used:

21 (a) As a means to commit any crime;~~;~~

22 (b) In connection with gambling, gambling implements
 23 and appliances;~~;~~ or

24 (c) In violation of s. 847.011 or other laws in
 25 reference to obscene prints and literature;

26 (3) When any property constitutes evidence relevant to
 27 proving that a felony has been committed;

28 (4) When any property is being held or possessed:

29 (a) In violation of any of the laws prohibiting the
 30 manufacture, sale, and transportation of intoxicating
 31 liquors;~~;~~ or

Bill No. CS for SB 994

Barcode 021524

1 (b) In violation of the fish and game laws; ~~or~~

2 (c) In violation of the laws relative to food and
3 drug; ~~or~~

4 (d) In violation of the laws relative to citrus
5 disease ~~a quarantine for citrus canker~~ pursuant to ss. s.
6 581.184 and 581.1845, ~~or~~

7 ~~(e) Which may be inspected, treated, seized, or~~
8 ~~destroyed pursuant to s. 581.184; or~~

9 (5) When the laws in relation to cruelty to animals,
10 as provided in chapter 828, have been or are violated in any
11 particular building or place.

12
13 This section also applies to any papers or documents used as a
14 means of or in aid of the commission of any offense against
15 the laws of the state.

16 Section 8. Paragraph (f) of subsection (1) and
17 paragraph (b) of subsection (3) of section 933.40, Florida
18 Statutes, are amended to read:

19 933.40 Agriculture warrants.--

20 (1) As used in this section:

21 (f) "Plant pest" means any plant pest, noxious weed,
22 or arthropod declared a nuisance by the department pursuant to
23 s. 581.031(6), ~~or any plant infected or exposed to infection~~
24 ~~as defined in s. 581.184(1).~~

25 (3) An agriculture warrant shall be issued only upon
26 probable cause. In determining the existence of probable cause
27 for the issuance of one or more agriculture warrants, one or
28 more of the following findings may be sufficient to support a
29 determination of probable cause:

30 (b) Under all of the circumstances set forth in the
31 affidavit, there is a fair probability the property subject to

Bill No. CS for SB 994

Barcode 021524

1 the agriculture warrant:

2 1. Contains a plant pest;

3 2. Is located in an area that ~~which~~ may reasonably be
4 suspected of being infested or infected with a plant pest due
5 to its proximity to a known infestation, or if it is
6 reasonably exposed to infestation;

7 ~~3. Is located in a Section in which the department has~~
8 ~~diagnosed the presence of one or more plants infected with~~
9 ~~citrus canker as defined in s. 581.184(1)(a) or is located in~~
10 ~~a Section adjacent thereto;~~

11 ~~3.4.~~ Contains animals affected with any animal pest or
12 which have been exposed to and are liable to spread the animal
13 pest; or

14 ~~4.5.~~ Contains any other property that is liable to
15 convey an animal pest.

16 Section 9. The sum of \$10,197,063 is appropriated from
17 the Agricultural Emergency Eradication Trust Fund to the
18 Department of Agriculture and Consumer Services, and the sum
19 of \$16,706,310 is appropriated from the Contracts and Grants
20 Trust Fund to the Department of Agriculture and Consumer
21 Services, for the 2006-2007 fiscal year to implement the
22 provisions of ss. 581.184, 581.1843, and 581.1845, Florida
23 Statutes, as amended by this act.

24 Section 10. Subsections (3) and (7) of section 601.15,
25 Florida Statutes, are amended to read:

26 601.15 Advertising campaign; methods of conducting;
27 excise tax; emergency reserve fund; citrus research.--

28 (3)(a) There is hereby levied and imposed upon each
29 standard-packed box of citrus fruit grown and placed into the
30 primary channel of trade in this state an excise tax at
31 maximum annual rates for each citrus season as determined from

Bill No. CS for SB 994

Barcode 021524

1 the tables in this paragraph and based upon the previous
 2 season's actual statewide production as reported in the United
 3 States Department of Agriculture Citrus Crop Production
 4 Forecast as of June 1. The rates may be set at any lower rate
 5 in any year pursuant to paragraph (e).

6 1. The following maximum tax rates, expressed in cents
 7 per box, shall apply to grapefruit which enters the primary
 8 channel of trade for use in fresh form:

9

10 Previous season	1995-	1996-	1997-	1998-	1999-
11 crop size	1996	1997	1998	1999	2000 and
12 (millions of boxes)					thereafter
13 80 and	33	34	35	36	37
14 greater					
15 75-79.99	35	36	37	38	39
16 70-74.99	37	38	39	41	42
17 65-69.99	40	41	42	44	45
18 60-64.99	43	44	46	47	49
19 55-59.99	47	48	50	51	53
20 50-54.99	51	53	55	56	58
21 45-49.99	57	59	60	62	64
22 40-44.99	63	65	67	69	71
23 Less than 40	72	74	76	79	81

24

25 2. The following maximum tax rates, expressed in cents
 26 per box, shall apply to grapefruit which enters the primary
 27 channel of trade for use in processed forms:

28

29 Previous season	1995-	1996-	1997-	1998-	1999-
30 crop size	1996	1997	1998	1999	2000 and
31 (millions of boxes)					thereafter

Bill No. CS for SB 994

Barcode 021524

1	80 and	23	24	25	25	26
2	greater					
3	75-79.99	25	25	26	27	28
4	70-74.99	26	27	28	29	30
5	65-69.99	28	29	30	31	32
6	60-64.99	31	32	32	33	34
7	55-59.99	33	34	35	36	37
8	50-54.99	36	38	39	40	41
9	45-49.99	40	41	43	44	45
10	40-44.99	45	46	48	49	51
11	Less than 40	51	53	54	56	57

12
 13 3. The following maximum tax rates, expressed in cents
 14 per box, shall apply to oranges which enter the primary
 15 channel of trade for use in fresh form:

16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
	Previous season	1995-	1996-	1997-	1998-	1999-									
	crop size	1996	1997	1998	1999	2000 and									
	(millions of boxes)					thereafter									
20	255 and	23	24	25	26	26									
21	greater														
22	245-254.9	24	25	26	27	27									
23	235-244.9	25	26	27	28	28									
24	225-234.9	26	27	28	29	30									
25	215-224.9	28	28	29	30	31									
26	205-214.9	29	30	31	32	33									
27	195-204.9	30	31	32	33	34									
28	185-194.9	32	33	34	35	36									
29	175-184.9	34	35	36	37	38									
30	165-174.9	36	37	38	39	40									
31	155-164.9	38	39	40	41	43									

Bill No. CS for SB 994

Barcode 021524

1 Less than 155 41 42 43 44 46

2

3 4. The following maximum tax rates, expressed in cents
4 per box, shall apply to oranges which enter the primary
5 channel of trade for use in processed form:

6

7 Previous season	1995-	1996-	1997-	1998-	1999-
8 crop size	1996	1997	1998	1999	2000 and
9 (millions of boxes)					thereafter

10 255 and 15 16 16 17 17

11 greater

12 245-254.9 16 16 17 17 18

13 235-244.9 17 17 18 18 19

14 225-234.9 17 18 18 19 19

15 215-224.9 18 19 19 20 20

16 205-214.9 19 20 20 21 21

17 195-204.9 20 21 21 22 22

18 185-194.9 21 22 22 23 24

19 175-184.9 22 23 23 24 25

20 165-174.9 23 24 25 26 26

21 155-164.9 25 26 26 27 28

22 Less than 155 27 27 28 29 30

23

24 5. The actual tax rate levied each year upon oranges
25 which enter the primary channel of trade for use in processed
26 form, pursuant to this paragraph, paragraph (e), and
27 subsection (4), shall also apply in that year to tangerines
28 and citrus hybrids regulated by the Department of Citrus which
29 enter the primary channel of trade for use in processed form.

30 6. The following maximum tax rates, expressed in cents
31 per box, shall apply to tangerines and citrus hybrids

Bill No. CS for SB 994

Barcode 021524

1 regulated by the Department of Citrus which enter the primary
2 channel of trade for use in fresh form:

3	4	5	6	7	8	9
10	11	12	13	14	15	16
Previous season	1995-	1996-	1997-	1998-	1999-	
crop size	1996	1997	1998	1999	2000 and	thereafter
(millions of boxes)						
13 and	24	24	25	26	27	
greater						
12 - 12.99	26	26	27	28	29	
11 - 11.99	28	29	30	30	31	
10 - 10.99	31	31	32	33	34	
9 - 9.99	34	35	36	37	38	
8 - 8.99	38	39	40	41	42	
7 - 7.99	43	44	45	47	48	
Less than 7	49	51	52	54	56	

17 (b) Whenever citrus fruit is purchased, acquired, or
18 handled on a weight basis, the following weights shall be
19 deemed the equivalent of one standard-packed box for tax
20 purposes under this section:

- 21 1. Grapefruit, 85 pounds.
- 22 2. Oranges, 90 pounds.
- 23 3. Tangerines, 95 pounds.
- 24 4. Citrus hybrids, 90 pounds.

25 (c) The excise taxes imposed by this section do not
26 apply to citrus fruit used for noncommercial domestic
27 consumption on the premises where produced.

28 (d) For purposes of this subsection, a citrus season
29 begins on August 1 of a year and ends on July 31 of the
30 following year.

31 (e) The commission, upon an affirmative vote of a

Bill No. CS for SB 994

Barcode 021524

1 majority ~~nine~~ of its members and by an order entered by it
2 prior to August 1 of any year, may set ~~reduce~~ the tax rates up
3 to the maximum rates specified in this subsection if the
4 commission determines that the specified tax rate will result
5 in collection of funds, during the ensuing citrus season,
6 which exceed projected needs, including all legal obligations.
7 The tax rate ~~reduction~~ shall apply only to the citrus season
8 which immediately follows entry of the order setting the rate
9 ~~providing for reduction~~. Such tax rate ~~reduction~~ may be
10 applied by variety and on the basis of whether the fruit
11 enters the primary channel of trade for use in fresh or
12 processed form.

13 (7) All excise taxes levied and collected under the
14 provisions of this chapter shall be paid into the State
15 Treasury on or before the 15th day of each month; such moneys
16 shall be accounted for in a special fund to be designated as
17 the Florida Citrus Advertising Trust Fund, and all moneys in
18 such fund are hereby appropriated to the Department of Citrus
19 for the following purposes:

20 (a) Three percent of all income of a revenue nature
21 deposited in this fund, including transfers from any
22 subsidiary accounts thereof and any interest income, shall be
23 deposited in the General Revenue Fund pursuant to chapter 215.

24 (b) Moneys in the Florida Citrus Advertising Trust
25 Fund ~~Not more than 24 percent of such trust fund~~ shall be
26 expended for the activities authorized by s. 601.13 and for
27 the cost of those general overhead, research and development,
28 maintenance, salaries, professional fees, enforcement costs,
29 and other such expenses which are not related to advertising,
30 merchandising, public relations, trade luncheons, publicity,
31 and other associated activities. The cost of general

Bill No. CS for SB 994

Barcode 021524

1 overhead, maintenance, salaries, professional fees,
 2 enforcement costs, and other such expenses which are related
 3 to advertising, merchandising, public relations, trade
 4 luncheons, publicity, and associated activities shall be paid
 5 from the balance of the Florida Citrus Advertising Trust Fund
 6 ~~and shall not be included in the 24-percent limitation.~~

7 (c) ~~The balance of the~~ Moneys in the Florida Citrus
 8 Advertising Trust Fund shall also be used by the Department of
 9 Citrus for defraying those expenses not included in ~~within the~~
 10 ~~24-percent limitation established by~~ paragraph (b). After
 11 payment of such expenses, the money levied and collected under
 12 the provisions of subsection (3) shall be used exclusively for
 13 commodity and noncommodity advertising, merchandising,
 14 publicity, or sales promotion of citrus products in both fresh
 15 form and processed form, including citrus cattle feed and all
 16 other products of citrus fruits, produced in the state, in
 17 such equitable manner and proration as the Department of
 18 Citrus may determine, but funds expended for commodity
 19 advertising thereunder shall be expended through an
 20 established advertising agency. A proration of moneys between
 21 commodity programs and noncommodity programs, and among types
 22 of citrus products, shall be made on or before November 1 of
 23 each shipping season and may not thereafter be modified for
 24 that shipping season unless the department finds such action
 25 necessary to preserve the economic welfare of the citrus
 26 industry.

27 (d) The pro rata portion of moneys allocated to each
 28 type of citrus product in noncommodity programs shall be used
 29 by the department to encourage substantial increases in the
 30 effectiveness, frequency, and volume of noncommodity
 31 advertising, merchandising, publicity, and sales promotion of

Bill No. CS for SB 994

Barcode 021524

1 such citrus products through rebates and incentive payments to
2 handlers and trade customers for these activities. The
3 Department of Citrus is authorized and directed to adopt rules
4 providing for the use of such moneys. The rules shall
5 establish alternate incentive programs, including at least one
6 incentive program for product sold under advertised brands,
7 one incentive program for product sold under private label
8 brands, and one incentive program for product sold in bulk.
9 For each incentive program, the rules shall establish
10 eligibility and performance requirements and shall provide
11 appropriate limitations on amounts payable to a handler or
12 trade customer for a particular season. Such limitations may
13 relate to the amount of citrus excise taxes levied and
14 collected on the citrus product handled by such handler or
15 trade customer during a 12-month representative period. The
16 department may require from participants in noncommodity
17 advertising and promotional programs commercial information
18 necessary to determine eligibility for and performance in such
19 programs. Any information so required which constitutes a
20 "trade secret" as defined in s. 812.081 is confidential and
21 exempt from the provisions of s. 119.07(1).

22 Section 11. This act shall take effect July 1, 2006.

25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete everything before the enacting clause

28
29 and insert:

30 A bill to be entitled

31 An act relating to citrus; amending s. 193.461,

Bill No. CS for SB 994

Barcode 021524

1 F.S.; providing that certain lands are
2 classified as agricultural lands for the
3 duration of certain successor programs;
4 amending s. 581.184, F.S; requiring the
5 Department of Agriculture and Consumer Services
6 to implement a citrus health plan for certain
7 purposes; eliminating the authority of the
8 department to remove and destroy certain citrus
9 trees; deleting definitions and provisions
10 relating to immediate final orders, notice to
11 property owners, rulemaking authority, and the
12 posting of certain orders, to conform;
13 requiring certain law enforcement officers to
14 maintain order under certain circumstances
15 involving the citrus canker disease management
16 process; creating s. 581.1843, F.S.; making it
17 unlawful to propagate certain citrus nursery
18 stock on or after January 1, 2007, at sites and
19 under certain conditions not approved by the
20 department; providing exceptions; providing
21 rulemaking authority; specifying regulation of
22 certain varieties of citrus plants; providing
23 exceptions; requiring the department to
24 establish certain regulated areas around
25 commercial citrus nurseries; providing
26 exceptions; providing for notice to property
27 owners by immediate final order prior to
28 removal of certain citrus trees; providing an
29 appeal process for an immediate final order;
30 providing for preemption to the state to
31 regulate the removal and destruction of certain

Bill No. CS for SB 994

Barcode 021524

1 citrus plants; requiring the department to
2 relocate certain trees to certain locations;
3 amending s. 581.1845, F.S., relating to
4 compensation to homeowners whose trees have
5 been removed; clarifying that such compensation
6 is subject to appropriation; requiring that
7 certain compensation claims be filed by
8 December 31, 2007; providing for the expiration
9 of compensation claims not filed prior to
10 January 1, 2008; amending ss. 120.80, 348.0008,
11 933.02, and 933.40, F.S.; deleting provisions
12 and cross-references, to conform; providing
13 appropriations; amending s. 601.15, F.S.;
14 clarifying provisions relating to the excise
15 tax on citrus; establishing maximum rates and
16 providing procedures by which the Florida
17 Citrus Commission may set rates lower than the
18 maximums; providing an effective date.

19
20
21
22
23
24
25
26
27
28
29
30
31