

By the Committees on General Government Appropriations;
Agriculture; and Senator Alexander

601-2381-06

1 A bill to be entitled
2 An act relating to citrus; amending s. 193.461,
3 F.S.; providing that certain lands are
4 classified as agricultural lands for the
5 duration of certain successor programs;
6 amending s. 581.184, F.S.; requiring the
7 Department of Agriculture and Consumer Services
8 to implement a citrus health plan for certain
9 purposes; eliminating the authority of the
10 department to remove and destroy certain citrus
11 trees; deleting definitions and provisions
12 relating to immediate final orders, notice to
13 property owners, rulemaking authority, and the
14 posting of certain orders, to conform;
15 requiring certain law enforcement officers to
16 maintain order under certain circumstances
17 involving the citrus canker disease management
18 process; creating s. 581.1843, F.S.; making it
19 unlawful to propagate certain citrus nursery
20 stock on or after January 1, 2007, at sites and
21 under certain conditions not approved by the
22 department; providing exceptions; providing
23 rulemaking authority; specifying regulation of
24 certain varieties of citrus plants; providing
25 exceptions; requiring the department to
26 establish certain regulated areas around
27 commercial citrus nurseries; providing
28 exceptions; providing for notice to property
29 owners by immediate final order prior to
30 removal of certain citrus trees; providing an
31 appeal process for an immediate final order;

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

21
22 Be It Enacted by the Legislature of the State of Florida:
23

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

26 193.461 Agricultural lands; classification and
27 assessment; mandated eradication or quarantine program.--

28 (7) Lands classified for assessment purposes as
29 agricultural lands which are taken out of production by any
30 state or federal eradication or quarantine program shall
31 continue to be classified as agricultural lands for the

1 duration of such program or successor programs. Lands under
2 these programs which are converted to fallow, or otherwise
3 nonincome-producing uses shall continue to be classified as
4 agricultural lands and shall be assessed at a de minimis value
5 of no more than \$50 per acre, on a single year assessment
6 methodology; however, lands converted to other
7 income-producing agricultural uses permissible under such
8 programs shall be assessed pursuant to this section. Land
9 under a mandated eradication or quarantine program which is
10 diverted from an agricultural to a nonagricultural use shall
11 be assessed under ~~the provisions of s. 193.011.~~

12 Section 2. Section 581.184, Florida Statutes, is
13 amended to read:

14 581.184 Adoption of rules; citrus disease management
15 ~~canker eradication; voluntary destruction agreements.~~--

16 (1) The department shall adopt by rule, pursuant to
17 ss. 120.536(1) and 120.54, and implement a comprehensive
18 citrus health plan to minimize the impact of exotic citrus
19 pests and diseases to citrus production and to allow for the
20 orderly marketing of citrus fruit in other states and
21 countries. As used in this section, the term:

22 ~~(a) "Infected or infested" means citrus trees~~
23 ~~harboring the citrus canker bacteria and exhibiting visible~~
24 ~~symptoms of the disease.~~

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

27 ~~(2)(a) The department shall remove and destroy all~~
28 ~~infected citrus trees and all citrus trees exposed to~~
29 ~~infection. The department may destroy, by chipping, trees~~
30 ~~removed pursuant to this section. Notice of the removal of~~
31 ~~such trees, by immediate final order, shall be provided to the~~

1 ~~owner of the property on which such trees are located. An~~
2 ~~immediate final order issued by the department pursuant to~~
3 ~~this section shall notify the property owner that the citrus~~
4 ~~trees that are the subject of the immediate final order will~~
5 ~~be removed and destroyed unless the property owner, no later~~
6 ~~than 10 days after delivery of the immediate final order~~
7 ~~pursuant to subsection (3), requests and obtains a stay of the~~
8 ~~immediate final order from the district court of appeal with~~
9 ~~jurisdiction to review such requests. The property owner shall~~
10 ~~not be required to seek a stay of the immediate final order by~~
11 ~~the department prior to seeking the stay from the district~~
12 ~~court of appeal.~~

13 (2)(b) Regulation of the removal or destruction of
14 citrus trees pursuant to this section is hereby preempted to
15 the state. No county, municipal, or other local ordinance or
16 other regulation that would otherwise impose requirements,
17 restrictions, or conditions upon the department or its
18 contractors with respect to the removal or destruction of
19 citrus trees pursuant to this section shall be enforceable
20 against the department or its contractors.

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

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

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

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

31

1 ~~(a) The physical location of the infected tree which~~
2 ~~has necessitated removal and destruction of the property~~
3 ~~owner's tree.~~

4 ~~(b) The diagnostic report that resulted in the~~
5 ~~determination that the infected tree is infected with the~~
6 ~~citrus canker.~~

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

29 ~~(4)(6)~~ The department shall develop by rule, pursuant
30 to ss. 120.536(1) and 120.54, a statewide program of
31 decontamination to prevent and limit the spread of citrus

1 | canker disease. Such program shall address the application of
2 | decontamination procedures and practices to all citrus plants
3 | and plant products, vehicles, equipment, machinery, tools,
4 | objects, and persons who could in any way spread or aid in the
5 | spreading of citrus canker in this state. In order to prevent
6 | contamination of soil and water, such rules shall be developed
7 | in consultation with the Department of Environmental
8 | Protection. The department may develop compliance and other
9 | agreements which it determines can aid in the carrying out of
10 | the purposes of this section, and enter into such agreements
11 | with any person or entity.

12 | ~~(5)(7)~~ Owners or ~~and/or~~ operators of nonproduction
13 | vehicles and equipment shall follow the department guidelines
14 | for citrus canker decontamination effective June 15, 2000. ~~The~~
15 | ~~department shall publish the guidelines in the Florida~~
16 | ~~Administrative Weekly and on the department Internet website.~~
17 | ~~The guidelines shall be posted no later than May 15, 2000.~~

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

31 |

1 ~~(7)(9)~~ Upon request of the department, the sheriff or
2 chief law enforcement officer of each county in the state
3 shall provide assistance in obtaining access to private
4 property for the purpose of enforcing the provisions of this
5 section. The sheriff or chief law enforcement officer shall be
6 responsible for maintaining public order during the citrus
7 disease management eradication process and protecting the
8 safety of department employees, representatives, and agents
9 charged with implementing and enforcing the provisions of this
10 section. The department may reimburse the sheriff or chief law
11 enforcement officer for the reasonable costs of implementing
12 the provisions of this subsection.

13 ~~(10) Posting of an order on the property on which~~
14 ~~citrus trees are to be cut pursuant to the citrus canker~~
15 ~~eradication program shall meet the notice requirement of s.~~
16 ~~120.569(1).~~

17 Section 3. Section 581.1843, Florida Statutes, is
18 created to read:

19 581.1843 Citrus nursery stock propagation and
20 production and the establishment of regulated areas around
21 citrus nurseries.--

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

25 (2) Effective January 1, 2007, it is unlawful for any
26 person to propagate for sale or movement any citrus nursery
27 stock that was not propagated or grown on a site and within a
28 protective structure approved by the department and that is
29 not at least 1 mile away from commercial citrus groves. A
30 citrus nursery registered with the department prior to April
31 1, 2006, shall not be required to comply with the 1-mile

1 setback from commercial citrus groves while continuously
2 operating at the same location for which it was registered.
3 However, the nursery shall be required to propagate citrus
4 within a protective structure approved by the department.
5 Effective January 1, 2008, it shall be unlawful to distribute
6 any citrus nursery stock that was not produced in a protective
7 structure approved by the department.

8 (3) The department shall adopt rules pursuant to ss.
9 120.536(1) and 120.54 which set forth the conditions under
10 which citrus nursery stock can be propagated, grown, sold, or
11 moved and the specifications for the approved site and
12 protective structure.

13 (4) Under the provisions of this chapter, the
14 department shall adopt rules that are consistent with
15 scientific findings and recommendations of the Citrus Budwood
16 Technical Advisory Committee to regulate all genera of the
17 Rutaceae subfamilies Aurantioideae, Rutoideae, and
18 Toddalioideae that pose a threat of introducing or spreading a
19 citrus plant pest.

20 (5) The department shall establish regulated areas
21 around the perimeter of commercial citrus nurseries that were
22 established on sites after April 1, 2006, not to exceed a
23 radius of 1 mile. The planting of citrus in an established
24 regulated area is prohibited. The planting of citrus within a
25 1-mile radius of commercial citrus nurseries that were
26 established on sites prior to April 1, 2006, must be approved
27 by the department. Citrus plants planted within a regulated
28 area prior to the establishment of the regulated area may
29 remain in the regulated area unless the department determines
30 the citrus plants to be infected or infested with citrus
31 canker or citrus greening. The department shall require the

1 removal of infected or infested citrus, nonapproved planted
2 citrus, and citrus that has sprouted by natural means in
3 regulated areas. The property owner shall be responsible for
4 the removal of citrus planted without proper approval. Notice
5 of the removal of citrus trees, by immediate final order of
6 the department, shall be provided to the owner of the property
7 on which the trees are located. An immediate final order
8 issued by the department under this section shall notify the
9 property owner that the citrus trees, which are the subject of
10 the immediate final order, must be removed and destroyed
11 unless the property owner, no later than 10 days after
12 delivery of the immediate final order, requests and obtains a
13 stay of the immediate final order from the district court of
14 appeal with jurisdiction to review such requests. The property
15 owner shall not be required to seek a stay from the department
16 of the immediate final order prior to seeking a stay from the
17 district court of appeal.

18 (6) Regulation of the removal or destruction of citrus
19 plants under this section is preempted to the state. No
20 county, municipal, or other local ordinance or other
21 regulation that would otherwise impose requirements,
22 restrictions, or conditions upon the department or its
23 contractors with respect to the removal or destruction of
24 citrus trees under this section shall be enforceable against
25 the department or its contractors.

26 (7) The department shall relocate foundation source
27 trees maintained by the Division of Plant Industry from
28 various locations, including those in Dundee and Winter Haven,
29 to protective structures at the Division of Forestry nursery
30 in Chiefland or to other protective sites located a minimum of
31 10 miles from any commercial citrus grove. The department is

1 authorized to expend existing funds from its Contracts and
2 Grants Trust Fund for this purpose.

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

6 581.1845 Citrus canker eradication; compensation to
7 homeowners whose trees have been removed.--

8 (1) The Department of Agriculture and Consumer
9 Services shall provide compensation to eligible homeowners
10 whose citrus trees have been removed under a citrus canker
11 eradication program. Funds to pay this compensation may be
12 derived from both state and federal matching sources and shall
13 be specifically appropriated by law. Eligible homeowners shall
14 be compensated subject to the availability of ~~appropriated~~
15 funds specifically appropriated for such purpose in the
16 2006-2007 fiscal year or prior fiscal years.

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

21 Section 5. Paragraph (c) of subsection (2) of section
22 120.80, Florida Statutes, is amended to read:

23 120.80 Exceptions and special requirements;
24 agencies.--

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

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

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

31 348.0008 Acquisition of lands and property.--

1 (2) An authority and its authorized agents,
2 contractors, and employees are authorized to enter upon any
3 lands, waters, and premises, upon giving reasonable notice to
4 the landowner, for the purpose of making surveys, soundings,
5 drillings, appraisals, environmental assessments including
6 phase I and phase II environmental surveys, archaeological
7 assessments, and such other examinations as are necessary for
8 the acquisition of private or public property and property
9 rights, including rights of access, air, view, and light, by
10 gift, devise, purchase, or condemnation by eminent domain
11 proceedings or as are necessary for the authority to perform
12 its duties and functions; and any such entry shall not be
13 deemed a trespass or an entry that would constitute a taking
14 in an eminent domain proceeding. An expressway authority shall
15 make reimbursement for any actual damage to such lands, water,
16 and premises as a result of such activities. Any entry
17 authorized by this subsection shall be in compliance with the
18 premises protections and landowner liability provisions
19 contained in s. ss. 472.029 ~~and 581.184~~.

20 Section 7. Section 933.02, Florida Statutes, is
21 amended to read:

22 933.02 Grounds for issuance of search warrant.--Upon
23 proper affidavits being made, a search warrant may be issued
24 under the provisions of this chapter upon any of the following
25 grounds:

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

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

29 (a) As a means to commit any crime;17

30 (b) In connection with gambling, gambling implements
31 and appliances;17 or

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

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

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

6 (a) In violation of any of the laws prohibiting the
7 manufacture, sale, and transportation of intoxicating
8 liquors;~~i, or~~

9 (b) In violation of the fish and game laws;~~i, or~~

10 (c) In violation of the laws relative to food and
11 drug;~~i, or~~

12 (d) In violation of the laws relative to citrus
13 disease ~~a quarantine for citrus canker pursuant to ss. s.~~
14 ~~581.184 and 581.1845, or~~

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

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

20
21 This section also applies to any papers or documents used as a
22 means of or in aid of the commission of any offense against
23 the laws of the state.

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

27 933.40 Agriculture warrants.--

28 (1) As used in this section:

29 (f) "Plant pest" means any plant pest, noxious weed,
30 or arthropod declared a nuisance by the department pursuant to
31

1 s. 581.031(6), ~~or any plant infected or exposed to infection~~
2 ~~as defined in s. 581.184(1).~~

3 (3) An agriculture warrant shall be issued only upon
4 probable cause. In determining the existence of probable cause
5 for the issuance of one or more agriculture warrants, one or
6 more of the following findings may be sufficient to support a
7 determination of probable cause:

8 (b) Under all of the circumstances set forth in the
9 affidavit, there is a fair probability the property subject to
10 the agriculture warrant:

11 1. Contains a plant pest;

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

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

20 ~~3.4.~~ Contains animals affected with any animal pest or
21 which have been exposed to and are liable to spread the animal
22 pest; or

23 ~~4.5.~~ Contains any other property that is liable to
24 convey an animal pest.

25 Section 9. The sum of \$10,197,063 is appropriated from
26 the Agricultural Emergency Eradication Trust Fund to the
27 Department of Agriculture and Consumer Services, and the sum
28 of \$16,706,310 is appropriated from the Contracts and Grants
29 Trust Fund to the Department of Agriculture and Consumer
30 Services, for the 2006-2007 fiscal year to implement the

31

1 provisions of ss. 581.184, 581.1843, and 581.1845, Florida
2 Statutes, as amended by this act.

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

5 601.15 Advertising campaign; methods of conducting;
6 excise tax; emergency reserve fund; citrus research.--

7 (3)(a) There is hereby levied and imposed upon each
8 standard-packed box of citrus fruit grown and placed into the
9 primary channel of trade in this state an excise tax at
10 maximum annual rates for each citrus season as determined from
11 the tables in this paragraph and based upon the previous
12 season's actual statewide production as reported in the United
13 States Department of Agriculture Citrus Crop Production
14 Forecast as of June 1. The rates may be set at any lower rate
15 in any year pursuant to paragraph (e).

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

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						
	80 and	33	34	35	36	37						
	greater											
	75-79.99	35	36	37	38	39						
	70-74.99	37	38	39	41	42						
	65-69.99	40	41	42	44	45						
	60-64.99	43	44	46	47	49						
	55-59.99	47	48	50	51	53						
	50-54.99	51	53	55	56	58						
	45-49.99	57	59	60	62	64						

1	40-44.99	63	65	67	69	71
2	Less than 40	72	74	76	79	81

3

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

7

8	Previous season	1995-	1996-	1997-	1998-	1999-
9	crop size	1996	1997	1998	1999	2000 and
10	(millions of boxes)					thereafter
11	80 and	23	24	25	25	26
12	greater					
13	75-79.99	25	25	26	27	28
14	70-74.99	26	27	28	29	30
15	65-69.99	28	29	30	31	32
16	60-64.99	31	32	32	33	34
17	55-59.99	33	34	35	36	37
18	50-54.99	36	38	39	40	41
19	45-49.99	40	41	43	44	45
20	40-44.99	45	46	48	49	51
21	Less than 40	51	53	54	56	57

22

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

26

27	Previous season	1995-	1996-	1997-	1998-	1999-
28	crop size	1996	1997	1998	1999	2000 and
29	(millions of boxes)					thereafter
30	255 and	23	24	25	26	26
31	greater					

1	245-254.9	24	25	26	27	27
2	235-244.9	25	26	27	28	28
3	225-234.9	26	27	28	29	30
4	215-224.9	28	28	29	30	31
5	205-214.9	29	30	31	32	33
6	195-204.9	30	31	32	33	34
7	185-194.9	32	33	34	35	36
8	175-184.9	34	35	36	37	38
9	165-174.9	36	37	38	39	40
10	155-164.9	38	39	40	41	43
11	Less than 155	41	42	43	44	46

12

13 4. 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 processed form:

16

17	Previous season	1995-	1996-	1997-	1998-	1999-
18	crop size	1996	1997	1998	1999	2000 and
19	(millions of boxes)					thereafter
20	255 and	15	16	16	17	17
21	greater					
22	245-254.9	16	16	17	17	18
23	235-244.9	17	17	18	18	19
24	225-234.9	17	18	18	19	19
25	215-224.9	18	19	19	20	20
26	205-214.9	19	20	20	21	21
27	195-204.9	20	21	21	22	22
28	185-194.9	21	22	22	23	24
29	175-184.9	22	23	23	24	25
30	165-174.9	23	24	25	26	26
31	155-164.9	25	26	26	27	28

1 Less than 155 27 27 28 29 30

2

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

9 6. The following maximum tax rates, expressed in cents
10 per box, shall apply to tangerines and citrus hybrids
11 regulated by the Department of Citrus which enter the primary
12 channel of trade for use in fresh form:

13

14 Previous season	1995-	1996-	1997-	1998-	1999-
15 crop size	1996	1997	1998	1999	2000 and
16 (millions of boxes)					thereafter
17 13 and	24	24	25	26	27
18 greater					
19 12 - 12.99	26	26	27	28	29
20 11 - 11.99	28	29	30	30	31
21 10 - 10.99	31	31	32	33	34
22 9 - 9.99	34	35	36	37	38
23 8 - 8.99	38	39	40	41	42
24 7 - 7.99	43	44	45	47	48
25 Less than 7	49	51	52	54	56

26

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

31 1. Grapefruit, 85 pounds.

- 1 2. Oranges, 90 pounds.
2 3. Tangerines, 95 pounds.
3 4. Citrus hybrids, 90 pounds.

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

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

10 (e) The commission, upon an affirmative vote of a
11 majority ~~nine~~ of its members and by an order entered by it
12 prior to August 1 of any year, may set ~~reduce~~ the tax rates up
13 to the maximum rates specified in this subsection if the
14 commission determines that the specified tax rate will result
15 in collection of funds, during the ensuing citrus season,
16 which exceed projected needs, including all legal obligations.
17 The tax rate reduction shall apply only to the citrus season
18 which immediately follows entry of the order setting the rate
19 ~~providing for reduction~~. Such tax rate reduction may be
20 applied by variety and on the basis of whether the fruit
21 enters the primary channel of trade for use in fresh or
22 processed form.

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

30 (a) Three percent of all income of a revenue nature
31 deposited in this fund, including transfers from any

1 subsidiary accounts thereof and any interest income, shall be
2 deposited in the General Revenue Fund pursuant to chapter 215.

3 (b) Moneys in the Florida Citrus Advertising Trust
4 Fund ~~Not more than 24 percent of such trust fund~~ shall be
5 expended for the activities authorized by s. 601.13 and for
6 the cost of those general overhead, research and development,
7 maintenance, salaries, professional fees, enforcement costs,
8 and other such expenses which are not related to advertising,
9 merchandising, public relations, trade luncheons, publicity,
10 and other associated activities. The cost of general
11 overhead, maintenance, salaries, professional fees,
12 enforcement costs, and other such expenses which are related
13 to advertising, merchandising, public relations, trade
14 luncheons, publicity, and associated activities shall be paid
15 from the balance of the Florida Citrus Advertising Trust Fund
16 ~~and shall not be included in the 24 percent limitation.~~

17 (c) ~~The balance of the~~ Moneys in the Florida Citrus
18 Advertising Trust Fund shall also be used by the Department of
19 Citrus for defraying those expenses not included in within the
20 ~~24 percent limitation established by~~ paragraph (b). After
21 payment of such expenses, the money levied and collected under
22 the provisions of subsection (3) shall be used exclusively for
23 commodity and noncommodity advertising, merchandising,
24 publicity, or sales promotion of citrus products in both fresh
25 form and processed form, including citrus cattle feed and all
26 other products of citrus fruits, produced in the state, in
27 such equitable manner and proration as the Department of
28 Citrus may determine, but funds expended for commodity
29 advertising thereunder shall be expended through an
30 established advertising agency. A proration of moneys between
31 commodity programs and noncommodity programs, and among types

1 of citrus products, shall be made on or before November 1 of
2 each shipping season and may not thereafter be modified for
3 that shipping season unless the department finds such action
4 necessary to preserve the economic welfare of the citrus
5 industry.

6 (d) The pro rata portion of moneys allocated to each
7 type of citrus product in noncommodity programs shall be used
8 by the department to encourage substantial increases in the
9 effectiveness, frequency, and volume of noncommodity
10 advertising, merchandising, publicity, and sales promotion of
11 such citrus products through rebates and incentive payments to
12 handlers and trade customers for these activities. The
13 Department of Citrus is authorized and directed to adopt rules
14 providing for the use of such moneys. The rules shall
15 establish alternate incentive programs, including at least one
16 incentive program for product sold under advertised brands,
17 one incentive program for product sold under private label
18 brands, and one incentive program for product sold in bulk.
19 For each incentive program, the rules shall establish
20 eligibility and performance requirements and shall provide
21 appropriate limitations on amounts payable to a handler or
22 trade customer for a particular season. Such limitations may
23 relate to the amount of citrus excise taxes levied and
24 collected on the citrus product handled by such handler or
25 trade customer during a 12-month representative period. The
26 department may require from participants in noncommodity
27 advertising and promotional programs commercial information
28 necessary to determine eligibility for and performance in such
29 programs. Any information so required which constitutes a
30 "trade secret" as defined in s. 812.081 is confidential and
31 exempt from the provisions of s. 119.07(1).

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

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 CS for SB 994

6

6 Provides rule-making authority and guidance for the Department
7 of Agriculture and Consumer Services to regulate citrus
8 nursery stock propagation and production and for the
9 establishment of regulated areas around citrus nurseries.

8

9 Requires that claims for compensation for trees cut under the
10 citrus canker eradication program be filed by December 31,
11 2007, with payment subject to availability of funds
12 specifically appropriated through the 2006-2007 fiscal year.

10

11 Revises references and terms relating to the citrus canker
12 eradication program so that they apply to successor programs,
13 or deletes them if no longer applicable.

11

13 Appropriates \$10,197,063 from the Agriculture Emergency
14 Eradication Trust and \$16,706,310 from the Contracts and
15 Grants Trust Fund to be used to implement a comprehensive
16 citrus health program.

15

16 Gives authority to the Florida Citrus Commission to reduce the
17 excise tax on a box of citrus and removes provisions requiring
18 a certain percent of funds be spent on specified items.

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