

By Senator Alexander

17-01925B-10

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1                                   A bill to be entitled  
2           An act relating to agriculture; amending s. 193.461,  
3           F.S.; clarifying that land that is classified as  
4           agricultural retains that classification when offered  
5           for sale; providing for retroactivity; amending s.  
6           573.112, F.S.; providing that the Citrus Research and  
7           Development Foundation shall provide advice to the  
8           Department of Agriculture and Consumer Services with  
9           respect to citrus research marketing orders; amending  
10          s. 573.118, F.S.; providing for the deposit of certain  
11          agricultural assessments; revising the assessment rate  
12          on citrus fruit; amending s. 581.031, F.S.; expanding  
13          the type of research projects which may be conducted  
14          by the department; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Paragraph (b) of subsection (3) of section  
19           193.461, Florida Statutes, is amended to read:

20           193.461 Agricultural lands; classification and assessment;  
21           mandated eradication or quarantine program.—

22           (3)

23           (b) Subject to the restrictions specified ~~set out~~ in this  
24           section, only lands that ~~which~~ are used primarily for bona fide  
25           agricultural purposes shall be classified agricultural. The term  
26           "bona fide agricultural purposes" means good faith commercial  
27           agricultural use of the land.

28           1. In determining whether the use of the land for  
29           agricultural purposes is bona fide, the following factors may be

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30 taken into consideration:

31 ~~a.1.~~ The length of time the land has been so used.

32 ~~b.2.~~ Whether the use has been continuous.

33 ~~c.3.~~ The purchase price paid.

34 ~~d.4.~~ Size, as it relates to specific agricultural use, but  
35 ~~in no event shall~~ a minimum acreage may not be required for  
36 agricultural assessment.

37 ~~e.5.~~ Whether an indicated effort has been made to care  
38 sufficiently and adequately for the land in accordance with  
39 accepted commercial agricultural practices, including, without  
40 limitation, fertilizing, liming, tilling, mowing, reforesting,  
41 and other accepted agricultural practices.

42 ~~f.6.~~ Whether the ~~such~~ land is under lease and, if so, the  
43 effective length, terms, and conditions of the lease.

44 ~~g.7.~~ Such other factors as may ~~from time to time~~ become  
45 applicable.

46 2. Offering property for sale does not constitute a primary  
47 use of land and may not be the basis for denying its  
48 agricultural classification if the land continues to be used  
49 primarily for bona fide agricultural purposes while it is being  
50 offered for sale.

51 Section 2. The amendment to paragraph (b) of subsection (3)  
52 of section 193.461, Florida Statutes, by this act is intended to  
53 be remedial and clarifying in nature and applies retroactively  
54 to all parcels for which a final court order has not yet been  
55 entered as of the effective date of this act.

56 Section 3. Subsection (7) is added to section 573.112,  
57 Florida Statutes, to read:

58 573.112 Advisory council.—

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59       (7) Notwithstanding the provisions of this section, the  
60 Citrus Research and Development Foundation, Inc., a direct-  
61 support organization of the University of Florida established  
62 pursuant to s. 1004.28, shall serve as the advisory council for  
63 a citrus research marketing order, provide the department with  
64 advice on administering the order, and, in accordance with the  
65 order, conduct citrus research and perform other duties assigned  
66 by the department. Notwithstanding s. 1004.28(3), the  
67 foundation's board of directors shall be composed of 13 members,  
68 including 10 citrus growers, 2 representatives of the  
69 university's Institute of Food and Agricultural Sciences, and 1  
70 member appointed by the Commissioner of Agriculture.

71       Section 4. Subsections (1) and (6) of section 573.118,  
72 Florida Statutes, are amended to read:

73       573.118 Assessment; funds; audit; loans.—

74       (1) To provide funds to defray the necessary expenses  
75 incurred by the department in the formulation, issuance,  
76 administration, and enforcement of any marketing order, every  
77 person engaged in the production, distributing, or handling of  
78 agricultural commodities within this state, and directly  
79 affected by any marketing order, shall pay to the department, at  
80 such times and in such installments as the department may  
81 prescribe, such person's pro rata share of necessary expenses.  
82 Each person's share of expenses shall be that proportion which  
83 the total volume of agricultural commodities produced,  
84 distributed, or handled by the person during the current  
85 marketing season, or part thereof covered by such marketing  
86 order, is of the total volume of the commodities produced,  
87 distributed, or handled by all such persons during the same

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88 current marketing season or part thereof. The department, after  
89 receiving the recommendations of the advisory council, shall fix  
90 the rate of assessment on the volume of agricultural commodities  
91 sold or some other equitable basis. For convenience of  
92 collection, upon request of the department, handlers of the  
93 commodities shall pay any producer assessments. Handlers paying  
94 assessments for and on behalf of any producers may ~~shall, at~~  
95 ~~their discretion,~~ collect the producer assessments from any  
96 moneys owed by the handlers to the producers. The collected  
97 assessments shall be deposited into the appropriate ~~General~~  
98 ~~Inspection~~ trust fund and ~~shall be~~ used for the sole purpose of  
99 implementing the marketing order for which the assessment was  
100 collected. The department is not subject to ~~the procedures found~~  
101 ~~in~~ s. 287.057 in the expenditure of these funds. However, the  
102 director of the Division of Marketing and Development shall file  
103 with the internal auditor of the department a certification of  
104 conditions and circumstances justifying each contract or  
105 agreement entered into without competitive bidding.

106 (6) An ~~Any~~ assessment levied upon citrus fruit under this  
107 section may not exceed the rate established in the marketing  
108 order and ~~shall be at a rate not to exceed 1 cent per standard-~~  
109 ~~packed box of citrus fruit grown and placed into the primary~~  
110 ~~channel of trade in this state. All revenues from such~~  
111 ~~assessment collected by the department shall be deposited into~~  
112 the Citrus Inspection Trust Fund.

113 Section 5. Subsection (32) of section 581.031, Florida  
114 Statutes, is amended to read:

115 581.031 Department; powers and duties.—The department has  
116 the following powers and duties:

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117           (32) To ~~The Department of Agriculture and Consumer Services~~  
118 ~~shall~~ conduct or cause to be conducted ~~these~~ research projects  
119 ~~on citrus diseases~~, including, but not limited to, citrus canker  
120 and citrus greening, which are recommended by the Florida Citrus  
121 Production Research Advisory Council, within the limits of  
122 appropriations made specifically for such purpose.

123           Section 6. This act shall take effect upon becoming a law.