

1 A bill to be entitled
2 An act relating to the Department of Citrus; amending
3 s. 20.29, F.S.; providing for the appointment,
4 compensation, and powers and duties of the
5 department's executive director; deleting and
6 conforming obsolete provisions relating to the Florida
7 Citrus Commission; amending ss. 570.55 and 600.041,
8 F.S.; conforming cross-references; amending s. 601.01,
9 F.S.; revising a short title; amending s. 601.03,
10 F.S.; defining the term "department" and conforming
11 definitions for purposes of the Florida Citrus Code;
12 amending s. 601.04, F.S.; revising the qualifications
13 and terms of members of the Florida Citrus Commission;
14 providing for staggered terms of members appointed
15 from each citrus district; providing for shortened
16 terms of current members; specifying that members are
17 eligible for reappointment; deleting obsolete
18 provisions; requiring the commission to elect a chair
19 and secretary; deleting legislative intent relating to
20 redistricting of the commission; amending ss. 601.045,
21 601.05, 601.06, 601.07, and 601.08, F.S.; conforming
22 provisions; amending s. 601.09, F.S.; providing
23 legislative intent; authorizing the commission to
24 submit recommendations to the Legislature for
25 redistricting of the state's citrus districts;
26 amending s. 601.10, F.S.; revising the department's
27 powers; deleting provisions relating to the
28 appointment, discharge, compensation, and powers and

29 | duties of the department's executive director;
30 | establishing staffing requirements for the department;
31 | deleting requirements relating to the days, hours, and
32 | other conditions of employment for department
33 | employees; conforming provisions; amending s. 601.101,
34 | F.S.; conforming provisions; amending s. 601.11, F.S.;
35 | revising the powers and duties of the department to
36 | adopt maturity and quality standards for citrus fruit
37 | and food products thereof; authorizing the department
38 | to issue permits for the export of citrus fruit grown
39 | in the state to certain foreign countries; authorizing
40 | the department to limit increases in spacing between
41 | stacked field boxes caused by the placement of cleats
42 | or other devices on the field boxes; requiring the
43 | commission to issue permits for processors of
44 | concentrated orange juice into which nutritive
45 | sweetening ingredients are added and to suspend or
46 | revoke the permits of processors that violate certain
47 | rules; requiring the commission to issue emergency
48 | quality assurance orders upon determining that
49 | freezing temperatures have caused damage or freeze-
50 | related injury to citrus fruit; requiring the
51 | department to adopt rules; amending s. 601.111, F.S.;
52 | revising the department's authority to modify maturity
53 | standards for citrus fruit and the number of
54 | commission members required to approve such
55 | modifications; revising legislative intent;
56 | authorizing the department to adopt emergency rules

57 | under certain conditions; amending s. 601.13, F.S.;

58 | revising the department's powers and duties for citrus

59 | research; providing for research related to disease

60 | and crop efficiency; conforming provisions; amending

61 | s. 601.15, F.S.; redesignating the advertising excise

62 | tax on citrus fruit as an assessment; revising the

63 | maximum rates of such assessments; revising the

64 | guarantee requirements for assessment payments;

65 | conforming provisions; amending s. 601.152, F.S.;

66 | revising the number of commission members required to

67 | issue marketing orders for special marketing campaigns

68 | and impose assessments upon citrus handlers to defray

69 | the expenses of such campaigns; conforming provisions;

70 | amending s. 601.155, F.S.; redesignating the

71 | equalizing excise tax on processed orange and

72 | grapefruit products as an assessment; revising the

73 | guarantee requirements for assessment payments;

74 | conforming provisions; amending ss. 601.24, 601.25,

75 | 601.28, 601.31, 601.32, 601.33, 601.34, 601.35,

76 | 601.37, 601.38, 601.40, 601.43, 601.44, 601.45,

77 | 601.46, 601.49, 601.50, 601.501, 601.51, 601.52,

78 | 601.54, 601.55, 601.56, 601.57, 601.58, 601.60, and

79 | 601.601, F.S.; conforming provisions and cross-

80 | references; amending s. 601.61, F.S.; specifying that

81 | the amount of bonds or certificates of deposit that

82 | must be furnished by citrus fruit dealer licensees

83 | shall be determined by the department pursuant to

84 | department rules; deleting obsolete provisions

85 relating to the applicability and effect of certain
 86 provisions if such provisions had been determined
 87 invalid; amending ss. 601.64, 601.66, 601.67, 601.69,
 88 601.70, 601.701, 601.731, 601.74, 601.75, 601.76,
 89 601.77, 601.78, and 601.80, F.S.; conforming
 90 provisions; amending ss. 601.85 and 601.86, F.S.;
 91 specifying dimensions for standard shipping boxes and
 92 standard field boxes for fresh citrus fruit; revising
 93 circumstances under which such standard boxes must be
 94 used; amending ss. 601.91, 601.9901, 601.9902,
 95 601.9903, and 601.99035, F.S.; conforming provisions;
 96 amending s. 601.99036, F.S.; revising requirements for
 97 the commission's approval of changes in the salaries
 98 of certain employees; amending ss. 601.9904, 601.9908,
 99 601.9910, 601.9911, 601.9918, and 601.992, F.S.;
 100 conforming provisions; amending s. 603.161, F.S.;
 101 conforming a cross-reference; repealing ss. 601.16,
 102 601.17, 601.18, 601.19, 601.20, 601.21, and 601.22,
 103 F.S., relating to maturity and quality standards for
 104 grapefruit, oranges, and tangerines; repealing s.
 105 601.87, F.S., relating to limits on increased spacing
 106 between stacked field boxes caused by the placement of
 107 cleats or other devices on the field boxes; repealing
 108 ss. 601.90 and 601.901, F.S., relating to the issuance
 109 of emergency quality assurance orders following
 110 freezing temperatures that cause damage or freeze-
 111 related injury to citrus fruit and the use of such
 112 freeze-damaged citrus fruit in frozen concentrated

113 products; repealing s. 601.981, F.S., relating to
 114 permits for the export to certain foreign countries of
 115 citrus fruit grown in the state and quality standards
 116 for such exported fruit; repealing s. 601.9905, F.S.,
 117 relating to quality standards and labeling
 118 requirements for canned orange juice; repealing s.
 119 601.9906, F.S., relating to quality standards for
 120 certain grapefruit juice products; repealing ss.
 121 601.9907, 601.9909, and 601.9913, F.S., relating to
 122 quality standards and labeling requirements for canned
 123 blends of orange juice and grapefruit juice, frozen
 124 concentrated orange juice, and high-density frozen
 125 concentrated orange juice sold in retail,
 126 institutional, or bulk size containers; repealing s.
 127 601.9914, F.S., relating to authority of the
 128 commission to adopt rules modifying citrus juice
 129 quality standards for specified purposes; repealing s.
 130 601.9916, F.S., relating to the issuance of permits
 131 for the processing, shipping, and sale of frozen
 132 concentrated orange juice or concentrated orange juice
 133 for manufacturing into which certain nutritive
 134 sweetening ingredients are added, the inspection of
 135 such processors, and quality standards and labeling
 136 requirements for such concentrated orange juice;
 137 providing effective dates.

138
 139 Be It Enacted by the Legislature of the State of Florida:
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141 Section 1. Section 20.29, Florida Statutes, is amended to
 142 read:

143 (Substantial rewording of section. See
 144 s. 20.29, F.S., for present text.)

145 20.29 Department of Citrus; Florida Citrus Commission;
 146 executive director.—

147 (1) The head of the Department of Citrus is the Florida
 148 Citrus Commission created under s. 601.04.

149 (2) The executive director of the Department of Citrus
 150 shall be appointed by a majority vote of, and serves at the
 151 pleasure of, the Florida Citrus Commission. The Florida Citrus
 152 Commission shall fix the executive director's compensation and,
 153 in addition to any powers and duties assigned to the executive
 154 director by law, shall assign the executive director's powers
 155 and duties.

156 Section 2. Paragraph (h) of subsection (3) of section
 157 570.55, Florida Statutes, is amended to read:

158 570.55 Identification of sellers or handlers of tropical
 159 or subtropical fruit and vegetables; containers specified;
 160 penalties.—

161 (3) DEFINITIONS.—As used in this section:

162 (h) "Tropical or subtropical fruit" means avocados,
 163 bananas, calamondins, carambolas, guavas, kumquats, limes,
 164 longans, loquats, lychees, mameys, mangoes, papayas, passion
 165 fruit, sapodillas, and fruit that must be grown in tropical or
 166 semitropical regions, except citrus fruit as defined in s.
 167 601.03~~(7)~~.

168 Section 3. Subsection (11) of section 600.041, Florida
 169 Statutes, is amended to read:

170 600.041 Definitions.—As used in this act, the following
 171 terms have the following meanings:

172 (11) "Standard-packed box" has the same meaning ~~means a~~
 173 ~~unit of measure~~ as provided ~~defined~~ in s. 601.03(33).

174 Section 4. Section 601.01, Florida Statutes, is amended to
 175 read:

176 601.01 Short title.—This chapter may be ~~known and~~ cited as
 177 the "Florida ~~"The Florida Citrus Code of 1949."~~

178 Section 5. Section 601.03, Florida Statutes, is amended to
 179 read:

180 601.03 Definitions.—As used in ~~construing~~ this chapter,
 181 ~~where the context permits the word, phrase, or term:~~

182 (1) "Additive" means any foreign substance which, when
 183 added to any citrus fruit juice, will change the amount of total
 184 soluble solids or anhydrous citric acid therein, or the color or
 185 taste thereof, or act as an artificial preservative thereof. †

186 (2) "Agent" means any person who, on behalf of any citrus
 187 fruit dealer, negotiates the consignment, purchase, or sale of
 188 citrus fruit, or weighs citrus fruit so that the weight thereof
 189 may be used in computing the amount to be paid therefor. †

190 (3) "Broker" means any person engaged in the business of
 191 negotiating the sale or purchase of citrus fruit for others. †

192 (4) "Canned products" means juices, segments, or sections
 193 of citrus fruits sealed in hermetically sealed containers at a
 194 concentration that does ~~of~~ not exceed ~~exceeding~~ 20 degrees Brix
 195 and sufficiently processed by heat to ensure preservation of the

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196 product, and when regulated by the department ~~of Citrus~~, these
 197 same products packed in any other manner or in any other type
 198 container.†

199 (5) "Canning plant" means any building, structure, or
 200 place where citrus fruit or the juice thereof is canned or
 201 prepared for canning at a concentration that does of not exceed
 202 ~~exceeding~~ 20 degrees Brix for market or shipment.†

203 (6) "Cash buyer" means any person who purchases citrus
 204 fruit in this state from the producer for the purpose of
 205 resale.†

206 (7) "Citrus fruit" means all varieties and regulated
 207 hybrids of citrus fruit and also means processed citrus products
 208 containing 20 percent or more citrus fruit or citrus fruit
 209 juice. The term does not, ~~but~~, for the purposes of this chapter,
 210 ~~shall not~~ mean limes, lemons, marmalade, jellies, preserves,
 211 candies, or citrus hybrids for which ~~no~~ specific standards have
 212 not been established by the department. ~~of Citrus;~~

213 (8) "Citrus fruit dealer" means any consignor, commission
 214 merchant, consignment shipper, cash buyer, broker, association,
 215 cooperative association, express or gift fruit shipper, or
 216 person who in any manner makes or attempts to make money or
 217 other thing of value on citrus fruit in any manner whatsoever,
 218 other than of growing or producing citrus fruit.† ~~but~~ The term
 219 does shall not include retail establishments whose sales are
 220 direct to consumers and not for resale or persons or firms
 221 trading solely in citrus futures contracts on a regulated
 222 commodity exchange.†

223 ~~(9)(37)~~ "Citrus hybrids" includes, ~~means~~ but is shall not

224 ~~be~~ limited to, hybrids between or among sour orange (C.
 225 aurantium), pummelo (C. grandis), lemon (C. limon), lime (C.
 226 aurantifolia), citron (C. medica), grapefruit (C. paradisi),
 227 tangerine or mandarin orange (C. reticulata), sweet orange (C.
 228 sinensis), tangelo (C. reticulata x C. paradisi or C. grandis),
 229 tangor (C. reticulata x C. sinensis), kumquat (Fortunella,
 230 species), trifoliolate orange (Poncirus trifoliata), and varieties
 231 of these species.†

232 ~~(10)-(9)~~ "Citrus producing area" means that part or parts
 233 of the state in which citrus fruit is grown or produced.†

234 ~~(11)-(10)~~ "Color-add" or "color-added" means the
 235 application or use of any coloring matter to any citrus fruit.†

236 ~~(12)-(11)~~ "Coloring matter" means any dye, or any liquid or
 237 concentrate or material containing a dye or materials that ~~which~~
 238 react to form a dye, used or intended to be used for the purpose
 239 of enhancing the color of citrus fruit by the addition of
 240 artificial color to the peel thereof. ~~The; provided that said~~
 241 term does ~~shall~~ not include any process or treatment of fruit
 242 that ~~which~~ merely brings out or accelerates the natural color of
 243 the fruit.†

244 (13) "Commission" means the Florida Citrus Commission as
 245 head of the department. ~~of Citrus;~~

246 ~~(14)-(15)~~ "Commission merchant" means any person engaged in
 247 the business of receiving any citrus fruit for sale on
 248 commission for or on behalf of another.†

249 ~~(15)-(16)~~ "Concentrated products" means:

250 (a) Frozen citrus fruit juice frozen that has ~~at~~ a
 251 concentration that exceeds ~~of exceeding~~ 20 degrees Brix and is

252 kept at a sufficiently freezing temperature to ensure
 253 preservation of the product; or ~~and~~

254 (b) Citrus fruit juice that is sealed in hermetically
 255 sealed containers at a concentration that exceeds ~~of exceeding~~
 256 20 degrees Brix and is sufficiently processed by heat to ensure
 257 preservation of the product.†

258 (16) ~~(17)~~ "Concentrating plant" means any building,
 259 structure, or place where citrus fruit is canned, frozen, or
 260 prepared for canning or freezing at a concentration that exceeds
 261 ~~of more than~~ 20 degrees Brix for market or shipment.†

262 (17) ~~(18)~~ "Consignment shipper" means any person who
 263 contracts with the producer of citrus fruit for the marketing
 264 thereof for the sole account and risk of such producer and who
 265 agrees to pay such producer the net proceeds derived from such
 266 sale.†

267 (18) ~~(19)~~ "Consignor" means any person, other than a
 268 producer, who ships or delivers to any commission merchant or
 269 dealer any citrus fruit for handling, sale, or resale.†

270 (19) ~~(12)~~ "Degreening ~~Coloring~~ room" means any room or
 271 place where citrus fruit is placed, with or without the use of
 272 heat or any gas, for the purpose of bringing out the natural
 273 color of the fruit.†

274 (20) "Department" means the Department of Citrus.

275 (21) ~~(14)~~ "Department of Agriculture" means the Department
 276 of Agriculture and Consumer Services. ~~of the State of Florida;†~~

277 (22) ~~(20)~~ "Express or gift fruit shipper" means any person
 278 having an established place of business who ships or delivers
 279 for transportation in any manner,† citrus fruit to a consumer and

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280 not for the purpose of resale.†

281 (23)~~(21)~~ "Fresh fruit juice distributor" means any person
 282 extracting and preparing for market or shipment any citrus fruit
 283 juice in fresh form.†

284 (24)~~(22)~~ "Grapefruit" means the fruit Citrus paradisi
 285 Macf., commonly called grapefruit. The term includes the ~~and~~
 286 ~~shall include~~ white, red, and pink meated varieties of
 287 grapefruit.†

288 (25)~~(23)~~ "Handler" means any person engaged within this
 289 state in the business of distributing citrus fruit in the
 290 primary channel of trade or any person engaged as a processor in
 291 the business of processing citrus fruit.†

292 (26)~~(35)~~ "Lemons" or "rough lemons" ~~including "rough"~~
 293 ~~lemons~~ means the acid lemons of Citrus limon, including the
 294 varieties eureka, genoa, wheatley, amerfo, belair, and
 295 villafranca of the Eureka group; varieties bonnie brae, kennedy,
 296 lisbon, messer, messina, and sicily of the Lisbon group;
 297 varieties meyer, cuban, ponderosa, and rough of the Anomalous
 298 group; varieties dorshapo and millsweet of the Sweet Lemon
 299 group;† and other varieties not included in this subsection,
 300 ~~above~~ such as everbearing, palestine sweet, perrine, and
 301 spheriola.†

302 (27)~~(24)~~ "Manufacturer" means any person who manufactures
 303 ~~shall manufacture,~~ sells ~~sell~~ or offers ~~offer~~ for sale, or
 304 licenses ~~license~~ or offers ~~offer~~ for license for use any
 305 coloring matter, or any soaps, oils, waxes, gases, gas-forming
 306 material, or other similar compositions, or the component parts
 307 thereof on or in the processing of citrus fruits.†

308 ~~(28)~~~~(25)~~ "Oranges" means the fruit Citrus sinensis Osbeck,
 309 commonly called sweet oranges.~~†~~

310 ~~(29)~~~~(26)~~ "Packinghouse" means any building, structure, or
 311 place where citrus fruit is packed or otherwise prepared for
 312 market or shipment in fresh form.~~†~~

313 ~~(30)~~~~(27)~~ "Person" means any natural person, partnership,
 314 association, corporation, trust, estate, or other legal entity.~~†~~

315 ~~(31)~~~~(28)~~ "Primary channel of trade" means the routes
 316 through which citrus fruit is marketed. Citrus ~~that~~ fruit is
 317 ~~shall be~~ deemed to be ~~have been~~ delivered into the primary
 318 channel of trade when it is sold or delivered for shipment in
 319 fresh form~~†~~, or when it is received and accepted at a canning,
 320 concentrating, or processing plant for canning, concentrating,
 321 or processing.~~†~~

322 ~~(32)~~~~(38)~~ "Processor" means any person engaged within this
 323 state in the business of canning, concentrating, or otherwise
 324 processing citrus fruit for market other than for shipment in
 325 fresh fruit form.

326 ~~(33)~~~~(29)~~ "Producer" means any person growing or producing
 327 citrus in this state for market.~~†~~

328 ~~(34)~~~~(30)~~ "Ship" or "shipping" means to move, or cause to
 329 be moved, citrus fruit or the canned or concentrated products
 330 thereof ~~to be moved~~ in intrastate, interstate, or foreign
 331 commerce by rail, truck, boat, ~~or~~ airplane, or any other means.~~†~~

332 ~~(35)~~~~(31)~~ "Shipper" means any person engaged in shipping,
 333 or causing to be shipped, citrus fruit or the canned or
 334 concentrated products thereof in intrastate, interstate, or
 335 foreign commerce, whether as owner, agent, or otherwise.~~†~~

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336 ~~(36)~~~~(32)~~ "Shipping season" means that period ~~of time~~
 337 beginning August 1 of one year and ending July 31 of the
 338 following year.~~†~~

339 ~~(37)~~~~(36)~~ "Sour or bitter oranges" ~~"sour" or "bitter"~~
 340 ~~oranges~~ means the fruit of Citrus aurantium L. and contains
 341 several subspecies. Among the most important are varieties
 342 african, brazilian, rubidoux, and standard of the Normal group;
 343 varieties daidai, goleta, and bouquet of the Aberrant group;
 344 variety chinooto of the Myrtifolia group; and varieties
 345 bittersweet and paraguay of the Bittersweet group.~~†~~

346 ~~(38)~~~~(33)~~ "Standard packed box" means 1 3/5 bushels of
 347 citrus fruit, whether in bulk or containers.~~†~~

348 ~~(39)~~~~(34)~~ "Tangerines" means the fruit Citrus reticulata
 349 Blanco, commonly called tangerines.~~†~~

350 Section 6. Section 601.04, Florida Statutes, is amended to
 351 read:

352 601.04 Florida Citrus Commission; creation and
 353 membership.-

354 (1) (a) There is created ~~and established~~ within the
 355 department ~~of Citrus a board to be known and designated as the~~
 356 "Florida Citrus Commission," which shall ~~to~~ be composed of nine
 357 members appointed by the Governor. Each member must be a
 358 ~~practical citrus fruit persons who are resident~~ citizen ~~citizens~~
 359 of the state who, ~~each of whom~~ is and has been actively engaged
 360 in the growing, growing and shipping, or growing and processing
 361 of citrus fruit in the state for ~~a period of~~ at least 5 years
 362 immediately before ~~prior to~~ appointment to the ~~said~~ commission
 363 and has, during that 5-year ~~said~~ period:~~†~~

364 1. Derived a major portion of her or his income from such
 365 growing, growing and shipping, or growing and processing of
 366 citrus fruit; therefrom or, during said time, has

367 2. Been the owner of, member of, officer of, or paid
 368 employee of a corporation, firm, or partnership that ~~which~~ has,
 369 during that 5-year period ~~said time~~, derived the major portion
 370 of its income from such ~~the~~ growing, growing and shipping, or
 371 growing and processing of citrus fruit.

372 (b)1. Six members of the commission shall be classified
 373 ~~designated~~ as grower members and shall be primarily engaged in
 374 the growing of citrus fruit as an individual owner; as the owner
 375 of, or as stockholder of, a corporation; or as a member of a
 376 firm or partnership primarily engaged in citrus growing. ~~None of~~
 377 Such members may not ~~shall~~ receive any compensation from any
 378 licensed citrus fruit dealer or handler, as defined in s.
 379 601.03, other than gift fruit shippers, but any of the grower
 380 members shall not be disqualified as a member if, individually,
 381 or as the owner of, a member of, an officer of, or a stockholder
 382 of a corporation, firm, or partnership primarily engaged in
 383 citrus growing which processes, packs, and markets its own fruit
 384 and whose business is primarily not purchasing and handling
 385 fruit grown by others.

386 2. Three members of the commission shall be classified
 387 ~~designated~~ as grower-handler members and shall be engaged as
 388 owners, or as paid officers or employees, of a corporation,
 389 firm, partnership, or other business unit engaged in handling
 390 citrus fruit. One ~~of~~ such member ~~three grower-handler members~~
 391 shall be primarily engaged in the fresh fruit business, and two

392 ~~of such three grower handler~~ members shall be primarily engaged
 393 in the processing of citrus fruits.

394 (2) (a) (c) There shall be Three commission members shall be
 395 appointed of the commission from each of the three citrus
 396 districts designated in s. 601.09. Members appointed from the
 397 same citrus district shall serve staggered terms, such that the
 398 term of one of the district's three members expires each year.
 399 Each member must reside in the district from which she or he was
 400 appointed. For the purposes of this section, a member's the
 401 residence is her or his of a member shall be the actual physical
 402 and permanent residence ~~of the member.~~

403 (b) (2) (a) The Members of such commission shall possess the
 404 qualifications herein provided and shall be appointed to by the
 405 Governor for terms of 3 years each, except that, to establish
 406 staggered terms of members from each citrus district, the terms
 407 of members appointed before July 1, 2012, shall be shortened as
 408 follows:

409 1. The term of one member from each citrus district shall
 410 expire June 30, 2012, and her or his successor shall be
 411 appointed to a term beginning July 1, 2012, and expiring May 31,
 412 2015.

413 2. The term of one member from each citrus district shall
 414 expire June 30, 2013, and her or his successor shall be
 415 appointed to a term beginning July 1, 2013, and expiring May 31,
 416 2016.

417 3. The term of one member from each citrus district shall
 418 expire June 30, 2014, and her or his successor shall be
 419 appointed to a term beginning July 1, 2014, and ending May 31,

420 2017.

421 4. Subsequent appointments shall be made in accordance
 422 with this section.

423
 424 Appointments shall be made by February 1 preceding the
 425 commencement of the term and are ~~shall be~~ subject to
 426 confirmation by the Senate in the following legislative session.
 427 Each member is eligible for reappointment and ~~Four members shall~~
 428 ~~be appointed each year. Such members~~ shall serve until her or
 429 his successor is ~~their respective successors~~ are appointed and
 430 qualified. The regular terms ~~shall~~ begin on June 1 and expire
 431 ~~shall end~~ on May 31 of the third year after such appointment.
 432 ~~Effective July 1, 2011, the terms of all members of the~~
 433 ~~commission appointed on or before May 1, 2011, are terminated~~
 434 ~~and the Governor shall appoint the members of the commission in~~
 435 ~~accordance with the provisions of this act.~~

436 (c) ~~(b)~~ When appointments are made, the Governor shall
 437 publicly announce the actual classification and district that
 438 each appointee represents. A majority of the members of the
 439 commission shall constitute a quorum for the transaction of all
 440 business and the carrying out of the duties of the commission.
 441 Before entering upon the discharge of their duties as members of
 442 the commission, each member shall take and subscribe to the oath
 443 of office prescribed in s. 5, Art. II of the State Constitution.
 444 The qualifications and classification required ~~qualification~~ of
 445 each member by this section continue to be ~~as herein~~ required
 446 ~~shall continue~~ throughout the respective term of office, and if
 447 ~~in the event~~ a member ~~should~~, after appointment, fails ~~fail~~ to

448 meet the qualifications or classification that ~~which~~ she or he
 449 possessed at the time of appointment ~~as above set forth,~~ the
 450 ~~such~~ member must ~~shall~~ resign or be removed and be replaced with
 451 a member possessing the proper qualifications and
 452 classification.

453 ~~(d)-(e)~~ When making an appointment to the commission, the
 454 Governor shall announce the district, ~~and~~ classification, and
 455 term of the person appointed.

456 (3) (a) The commission shall ~~is authorized to~~ elect a chair
 457 and secretary and may elect a vice chair and such other officers
 458 as the commission deems ~~it may deem~~ advisable.

459 (b) The chair, subject to commission concurrence, may
 460 appoint such advisory committees or councils composed of
 461 industry representatives as the chair deems appropriate, setting
 462 forth the areas of committee or council concerns that concern
 463 ~~which~~ are consistent with the statutory powers and duties of the
 464 commission and the department ~~of Citrus.~~

465 ~~(4) It is the intent of the Legislature that the~~
 466 ~~commission be redistricted every 5 years. Redistricting shall be~~
 467 ~~based on the total boxes produced from each of the three~~
 468 ~~districts during that 5-year period.~~

469 Section 7. Section 601.045, Florida Statutes, is amended
 470 to read:

471 601.045 ~~Department auditor's report;~~ Commission meetings;
 472 report of department's internal auditor meeting agenda item.—The
 473 ~~Florida Citrus~~ commission shall include as an agenda item at
 474 each regularly scheduled meeting a report by the department's
 475 internal auditor ~~of the department of Citrus.~~

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476 Section 8. Section 601.05, Florida Statutes, is amended to
 477 read:

478 601.05 Department of Citrus a body corporate.—The
 479 department ~~of Citrus~~ shall be a body corporate, shall have power
 480 to contract and be contracted with, and shall have and possess
 481 all the powers of a body corporate for all purposes necessary
 482 for fully carrying out the provisions and requirements of this
 483 chapter. The department ~~of Citrus~~ shall adopt a corporate seal
 484 with which it shall authenticate its proceedings.

485 Section 9. Section 601.06, Florida Statutes, is amended to
 486 read:

487 601.06 Compensation and expenses of commission members.—
 488 Each member of the commission shall receive the sum of \$25 per
 489 day for each day or fraction thereof spent while en route to or
 490 from, or in actual attendance at, regular or special meetings of
 491 the commission or meetings of committees of the commission, or
 492 in transacting other business authorized by the department ~~of~~
 493 ~~Citrus~~ in addition to per diem and reimbursement of expenses as
 494 authorized by law.

495 Section 10. Section 601.07, Florida Statutes, is amended
 496 to read:

497 601.07 Location of executive offices.—The department's
 498 executive offices ~~of the Department of Citrus~~ shall be
 499 established and maintained at Bartow.

500 Section 11. Section 601.08, Florida Statutes, is amended
 501 to read:

502 601.08 Authenticated copies of commission records as
 503 evidence.—Copies of the proceedings, records, and acts of the

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504 commission and certificates purporting to relate the facts
 505 concerning such proceedings, records, and acts signed by the
 506 chair of the commission and authenticated by the department's
 507 ~~seal of the Department of Citrus~~ shall be prima facie evidence
 508 thereof in all the courts of the state.

509 Section 12. Section 601.09, Florida Statutes, is amended
 510 to read:

511 601.09 Citrus districts.—

512 (1) For purposes of this chapter, the state is divided
 513 into three districts composed of:

514 (a) ~~(1)~~ Citrus District One: Levy, Alachua, Brevard,
 515 Putnam, St. Johns, St. Lucie, Flagler, Indian River, Marion,
 516 Seminole, Orange, Okeechobee, Polk, Volusia, and Osceola
 517 Counties.

518 (b) ~~(2)~~ Citrus District Two: Hardee, DeSoto, Highlands, and
 519 Glades Counties.

520 (c) ~~(3)~~ Citrus District Three: Charlotte, Citrus, Collier,
 521 Hernando, Hendry, Hillsborough, Lake, Lee, Manatee, Monroe,
 522 Martin, Pasco, Palm Beach, Pinellas, Sarasota, Sumter, Broward,
 523 and Miami-Dade Counties.

524 (2) The Legislature intends that the citrus districts be
 525 reviewed and, if necessary to maintain substantially equal
 526 volumes of citrus production within each district, redistricted
 527 every 5 years. The commission may, once every 5 years, review
 528 the citrus districts based on the total boxes produced within
 529 each district during the preceding 5 years and, based on the
 530 commission's findings, submit recommendations to the Legislature
 531 for redistricting in accordance with this subsection.

532 Section 13. Section 601.10, Florida Statutes, is amended
533 to read:

534 601.10 Powers of the Department of Citrus.—The department
535 ~~of Citrus~~ shall have and shall exercise such general and
536 specific powers as are delegated to it by this chapter and other
537 statutes of the state, which powers shall include, but are ~~shall~~
538 not limited ~~be confined~~ to, the following:

539 (1) To adopt and periodically, ~~from time to time~~, alter,
540 rescind, modify, or amend all proper and necessary rules,
541 ~~regulations~~, and orders for the exercise of its powers and the
542 performance of its duties under this chapter and other statutes
543 of the state, which rules and orders ~~regulations~~ shall have the
544 force and effect of law when not inconsistent therewith.

545 (2) To act as the general supervisory authority over the
546 administration and enforcement of this chapter and to exercise
547 such other powers and perform such other duties as may be
548 imposed upon it by other laws of the state.

549 (3) ~~To employ and, at its pleasure, discharge an executive~~
550 ~~director as it deems necessary and to outline his or her powers~~
551 ~~and duties and fix his or her compensation.~~

552 ~~(a) The executive director of the department shall be~~
553 ~~appointed by a majority vote of the commission for a term of 4~~
554 ~~years, except for the initial term, and the executive director~~
555 ~~shall be subject to confirmation by the Senate in the~~
556 ~~legislative session following appointment.~~

557 ~~1. The initial term of the executive director ends June~~
558 ~~30, 2011, and each subsequent 4-year term begins July 1, and~~
559 ~~shall be filled in the same manner as the original appointment.~~

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560 ~~2. A vacancy for the executive director shall be filled~~
561 ~~for the unexpired portion of the term in the same manner as the~~
562 ~~original appointment.~~

563 ~~(a) (b) To~~ The department of Citrus may pay, or participate
564 in the payment of, premiums for health, accident, and life
565 insurance for its full-time employees, pursuant to such rules ~~or~~
566 ~~regulations~~ as the department ~~it~~ may adopt,~~;~~ and such payments
567 ~~are~~ in addition to the regular salaries of such full-time
568 employees. The payment of such or similar benefits to its
569 employees in foreign countries, including, but not limited to,
570 social security, retirement, and other similar fringe benefit
571 costs, may be in accordance with laws in effect in the country
572 of employment, except that no benefits will be payable to
573 employees not authorized for other state employees, as provided
574 in the Career Service System.

575 (b) Subject to all applicable rules adopted by the
576 Department of Management Services, the department shall be
577 staffed 5 days per week, 40 hours per week, as necessary to
578 accommodate industry inquiries. However, the executive director,
579 with the commission's approval, may establish alternative
580 schedules for individual department employees to ensure maximum
581 efficiencies.

582 ~~(c) Employees of the department shall work a 5-day, 40-~~
583 ~~hour week. Unless an employee is on approved leave, an~~
584 ~~employee's salary shall be decreased by 20 percent for each day~~
585 ~~not worked during the 5-day work week if the employee chooses to~~
586 ~~regularly work less than a 5-day work week.~~

587 (4) To purchase or authorize the purchase of all office

588 equipment and supplies and to incur all necessary expenses in
 589 connection with and required for the proper administration
 590 ~~carrying out of the provisions of this chapter and other~~
 591 applicable laws.

592 (5) To investigate violations of ~~the provisions of this~~
 593 chapter and other laws conferring powers and duties upon the
 594 department ~~of Citrus,~~ and to report its findings or
 595 recommendations in connection therewith to the Department of
 596 Agriculture ~~and Consumer Services.~~

597 (6) To incur such reasonable obligations and expenses as
 598 may be necessary and proper for the discharge of its powers and
 599 duties under this or other laws, and to have such obligations
 600 and expenses paid out of the funds authorized by law to be
 601 collected and expended. The department's executive director ~~of~~
 602 ~~the Department of Citrus,~~ or such other person specifically
 603 designated by the commission to act in the event the executive
 604 director is either unable or not available to act, is authorized
 605 to execute, on behalf of the department, contracts and
 606 agreements previously approved by the commission during a
 607 regular or special meeting, ~~on behalf of the Department of~~
 608 ~~Citrus,~~ and the secretary or assistant secretary of the
 609 commission is authorized to attest to the signature of the
 610 executive director or other designated person.

611 (7) To adopt, ~~promulgate, alter, rescind, modify,~~ amend or
 612 repeal, and enforce rules that ~~and regulations and~~ establish
 613 minimum maturity and quality standards for citrus fruits not
 614 inconsistent with existing laws or that, ~~to~~ regulate and control
 615 methods and practices followed or used in harvesting, grading,

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616 packing, extracting, canning, concentrating, sectionizing, or
617 otherwise processing citrus fruits or citrus juices or the
618 products thereof for human consumption, including the addition
619 or prohibition of any and all additives, and including
620 application to or use of coloring matter thereon and coloring of
621 fruit by placing in a degreening ~~coloring~~ room with or without
622 use of heat or any form of gas in such process, to the end that
623 such methods and practices as affect the eating and keeping
624 qualities and depreciate the value of citrus fruits or the
625 juices or other food products thereof in any form may be
626 minimized to the greatest extent possible, if not altogether
627 eliminated.

628 (8) To prepare and disseminate information of importance
629 to citrus growers, handlers, shippers, processors, and industry-
630 related and interested persons and organizations, ~~relating to~~
631 ~~department of Citrus~~ activities and the production, handling,
632 shipping, processing, and marketing of citrus fruit and
633 processed citrus products. Any information that constitutes
634 ~~which consists of~~ a trade secret as defined in s. 812.081(1)(c)
635 is confidential and exempt from ~~the provisions of~~ s. 119.07(1),
636 and shall not be disclosed. For referendum and other notice and
637 informational purposes, the department ~~of Citrus~~ may prepare and
638 maintain, from the best available sources, a citrus grower
639 mailing list. Such list shall be a public record available as
640 other public records, but it shall not be subject to the purging
641 provisions of s. 283.55.

642 (9) When, in the opinion of the department ~~of Citrus~~, the
643 ~~tax~~ revenues collected pursuant to assessments levied under this

644 chapter, whether allocated for research, advertising or
 645 promotion, reserve funds, advertising incentive plans, or other
 646 purposes, are not immediately needed for the purpose for which
 647 such funds are provided, the Chief Financial Officer is
 648 authorized and shall, upon the request and approval of the
 649 department ~~of Citrus~~, or its executive director ~~general manager~~
 650 if she or he has been given such authority, invest and reinvest
 651 the funds designated and for the period of time specified in
 652 such request. In the investment of such funds, the Chief
 653 Financial Officer has ~~shall have~~ the powers and is ~~be~~ subject to
 654 the limitations provided for in s. 17.61.

655 (10) Subject to the concurrence of the Chief Financial
 656 Officer, whenever the department contracts with a foreign entity
 657 for performance of services or the purchase of materials, and
 658 such contract requires payment in equivalent foreign currency,
 659 the department may, for payment of such contract obligation,
 660 deposit sufficient state funds in a foreign bank, or purchase
 661 foreign currency at the current market rate, up to an amount not
 662 in excess of the contract obligation. All payments from these
 663 funds must have prior audit approval from the office of the
 664 Chief Financial Officer.

665 (11) To conduct an annual merchandising and management
 666 meeting in this state for department field personnel and to make
 667 direct payment, by means of vendor contracts approved by the
 668 commission, for all necessary lodging, meals, facilities, and
 669 training expenses for department employees attending such annual
 670 meeting, in lieu of payment of individual employee per diem
 671 allowances as established by s. 112.061.

672 (12) Notwithstanding ~~the provisions of~~ part I of chapter
 673 287, to adopt ~~promulgate~~ rules for the purpose of entering into
 674 contracts that ~~which~~ are primarily for promotional and
 675 advertising services and promotional events, which may include
 676 commodities involving a service. Such rules shall include the
 677 authority to negotiate costs with the offerors of such services
 678 and commodities who have been determined to be qualified on the
 679 basis of technical merit, creative ability, and professional
 680 competency. Contracts pursuant to this subsection may provide
 681 for advance payments when the department determines that such
 682 provision is essential to acquiring the service.

683 (13) To investigate or address the transportation problems
 684 affecting the citrus industry.

685 (14) To investigate or research the mechanical harvesting
 686 of citrus fruit grown in the state Florida.

687 (15) To provide by rule a list of forms used in conducting
 688 its business. The adoption of such rule constitutes sufficient
 689 notice to the public of the existence of the forms and negates
 690 the need to place specific citation to such list throughout the
 691 related chapters of the Florida Administrative Code.

692 Section 14. Section 601.101, Florida Statutes, is amended
 693 to read:

694 601.101 Ownership of rights under patent and trademark
 695 laws developed or acquired under ~~pursuant to the authorities of~~
 696 this chapter. ~~Notwithstanding any provision of~~ chapter 286, the
 697 legal title and every right, interest, claim, or demand of any
 698 kind in and to any patent, trademark, copyright, certification
 699 mark, or other right acquired under the patent and trademark

700 laws of the United States, ~~or~~ this state, or any foreign
 701 country, or the application therefor ~~for the same~~, ~~now~~,
 702 ~~heretofore~~, or that is or as may subsequently be ~~hereafter~~ owned
 703 or held, acquired, or developed by the department ~~of Citrus~~,
 704 under ~~the authority and directions given it by~~ this chapter, is
 705 vested in the department ~~of Citrus~~ for the use, benefit, and
 706 purposes provided in this chapter. The department ~~of Citrus~~ is
 707 ~~hereby~~ vested with and may ~~is authorized to~~ exercise any ~~and all~~
 708 of the normal incidents of such ownership, including the receipt
 709 and disposition of royalties. Any sums received as royalties
 710 from any such rights are ~~hereby~~ appropriated to the department
 711 ~~of Citrus~~ for ~~any and all of~~ the purposes and uses provided in
 712 this chapter.

713 Section 15. Section 601.11, Florida Statutes, is amended
 714 to read:

715 601.11 ~~Power of~~ Department of Citrus; power to establish
 716 standards; rulemaking authority.-

717 (1) The department ~~of Citrus~~ shall have the full and
 718 ~~plenary~~ power to: ~~and may~~,

719 (a) Establish state grades and minimum maturity and
 720 quality standards not inconsistent with existing laws for citrus
 721 fruits and food products thereof containing 20 percent or more
 722 citrus or citrus juice, whether canned, ~~or~~ concentrated, or
 723 otherwise processed, including standards for frozen concentrate
 724 for manufacturing purposes, and for containers therefor. These
 725 standards must be designed to increase the acceptance and
 726 consumption by the consuming public of such regulated citrus
 727 fruits and food products thereof and may include, but are not

728 limited to, standards for:

729 1. Color break, predominant color, total soluble solids,
730 juice content, and ratio of soluble solids of the juice to
731 anhydrous citric acid of oranges, grapefruit, and tangerines.

732 2. Total soluble solids, juice content, and ratio of
733 soluble solids of the juice to anhydrous citric acid of citrus
734 fruit grown in the state for export to foreign countries other
735 than Canada and Mexico.

736 3. Canned orange juice or frozen concentrated orange juice
737 that is sold, offered for sale, shipped, or offered for
738 shipment, including, but not limited to, standards for total
739 soluble solids, ratio of soluble solids of juice to anhydrous
740 citric acid, amount of anhydrous citric acid, amount of
741 recoverable oil, color, taste, flavor, and absence of additives
742 or defects, and labeling requirements for substandard juice.
743 These standards may establish separate density, compositional,
744 labeling, and inspection requirements for high-density frozen
745 concentrated orange juice that is sold, offered for sale,
746 shipped, or offered for shipment in retail, institutional, or
747 bulk size containers.

748 4. The processing, shipping, and sale of frozen
749 concentrated orange juice and concentrated orange juice for
750 manufacturing to which nutritive sweetening ingredients are
751 added, including, but not limited to, total soluble solids of
752 orange juice exclusive of the added nutritive sweetening
753 ingredients; labeling requirements; and requirements for the
754 inspection and reinspection of such concentrated orange juice
755 before and after nutritive sweetening ingredients are added.

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756 5. Grapefruit juice products, including, but not limited
757 to, standards for the ratio of soluble solids of juice to
758 anhydrous citric acid and any other standards designed to
759 increase the acceptance and consumption by the consuming public
760 of such regulated grapefruit juice products.

761 6. Canned blends of orange juice and grapefruit juice that
762 are sold, offered for sale, shipped, or offered for shipment,
763 including, but not limited to, standards for total soluble
764 solids, ratio of soluble solids of juice to anhydrous citric
765 acid, amount of anhydrous citric acid, amount of recoverable
766 oil, color, taste, flavor, absence of defects, and labeling
767 requirements for substandard juice blends.

768 (b) Issue permits for the export to foreign countries
769 other than Canada and Mexico of citrus fruit grown in the state
770 that complies with the standards established under subparagraph
771 (a)2.

772 (c) Establish standards limiting any increase of spacing
773 between stacked field boxes caused by the placement of cleats or
774 other devices on the field boxes.

775 (2) The commission shall:

776 (a) Issue and renew permits for processors of frozen
777 concentrated orange juice and concentrated orange juice for
778 manufacturing to which nutritive sweetening ingredients are
779 added and, in addition to disciplinary action that may be taken
780 by the Department of Agriculture against a citrus fruit dealer
781 for violations of this chapter, suspend or revoke the permit of
782 any processor that does not comply with the standards
783 established under subparagraph (1) (a)4.

784 (b) Determine whether freezing temperatures have caused
 785 damage or freeze-related injury as described in s. 601.89 to
 786 citrus fruit and, if the commission determines that such damage
 787 has been caused, issue emergency quality assurance orders that:

788 1. Temporarily prohibit the preparation for market, sale,
 789 offer for sale, or shipment of any citrus fruit showing freeze
 790 damage or freeze-related injury.

791 2. Establish the degree of freeze damage or freeze-related
 792 injury that is temporarily permitted in citrus fruit used in
 793 frozen concentrated products, including concentrate for
 794 manufacturing purposes.

795 (3) The department shall adopt ~~prescribe~~ rules or
 796 ~~regulations~~ governing:

797 (a) The marking, branding, labeling, tagging, or stamping
 798 of citrus fruit, or products thereof, whether canned, or
 799 concentrated, or otherwise processed, and upon containers
 800 therefor for the purpose of showing the name and address of the
 801 person marketing such citrus fruit or products thereof, whether
 802 canned, or concentrated, or otherwise processed.

803 (b) The grade, quality, variety, type, or size of citrus
 804 fruit; the grade, quality, variety, type, and amount of the
 805 products thereof, whether canned, or concentrated, or otherwise
 806 processed; and the quality, type, size, dimensions, and shape
 807 of containers therefor.

808 (c) The regulation and to regulate or prohibition of
 809 ~~prohibit~~ the use of containers that which have been previously
 810 have been used for the sale, transportation, or shipment of
 811 citrus fruit or the products thereof, whether canned, or

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812 concentrated, or otherwise processed, or any other commodity. ~~+~~
 813 ~~provided,~~ However, the department may not prohibit ~~that~~ the use
 814 of secondhand containers for the sale or ~~and~~ delivery of citrus
 815 fruit for retail consumption within the state. ~~shall not be~~
 816 ~~prohibited;~~

817 (4) The department may not adopt any ~~provided, however,~~
 818 ~~that no~~ standard, ~~regulation,~~ rule, or order under this section
 819 ~~that which~~ is inconsistent with ~~repugnant to~~ any requirement of
 820 ~~made mandatory under~~ federal law or regulations that applies
 821 ~~shall apply~~ to citrus fruit, or the products thereof, whether
 822 canned, ~~or~~ concentrated, or otherwise processed, or to
 823 containers therefor, that ~~which~~ are being shipped from this
 824 state in interstate commerce.

825 (5) (a) All citrus fruit and the products thereof, whether
 826 canned, ~~or~~ concentrated, or otherwise processed, sold, ~~or~~
 827 offered for sale, or offered for shipment within or without the
 828 state shall be graded and marked as required by this section.
 829 ~~and~~

830 (b) The ~~regulations,~~ rules, and orders adopted ~~and made~~
 831 under ~~authority of~~ this section, to the extent that they are
 832 ~~which regulations, rules, and orders shall,~~ when not
 833 inconsistent with state or federal law, shall have the force and
 834 effect of law.

835 Section 16. Section 601.111, Florida Statutes, is amended
 836 to read:

837 601.111 ~~Department of Citrus authorized to lower Maturity~~
 838 standards; modification by emergency rule.-

839 (1) The Legislature ~~of the state~~ finds and ~~declares~~ that

840 emergencies creating abnormal conditions in the state's Florida
 841 citrus industry, which may include, but are not limited to, such
 842 ~~as~~ unusual climatic conditions that produce unusual growing
 843 conditions of citrus fruit, freezes and hurricanes, or other
 844 acts of God that may affect a substantial part of the citrus
 845 industry, require that the department have ~~of Citrus be given~~
 846 the power and authority to modify ~~lower~~ the maturity standards
 847 established by rule ~~law~~ for citrus fruit or any variety thereof,
 848 ~~not including oranges except as specified in subsection (2),~~
 849 ~~under and subject to the limitations, conditions, restrictions,~~
 850 ~~and provisions and within the standards hereinafter prescribed~~
 851 ~~and established.~~

852 (2) (a) Upon the determination by the department that ~~In~~
 853 ~~the event of an emergency~~ exists that creates abnormal
 854 conditions in the state's citrus industry ~~such as is mentioned~~
 855 ~~in subsection (1), the said department of Citrus, in addition to~~
 856 all other powers and authority provided by law, may adopt
 857 emergency ~~which it now possesses, which have heretofore been~~
 858 ~~granted or delegated to it by the Legislature shall have the~~
 859 ~~additional power to issue rules~~ pursuant to s. 120.54(4) that
 860 temporarily modify the maturity standards previously adopted by
 861 rule and regulations to:

862 ~~(a) Lower by not more than 10 percent the existing minimum~~
 863 ~~requirement as to the total soluble solids of the juice of~~
 864 ~~citrus fruit or any variety, except oranges, or size thereof;~~

865 ~~(b) Lower by not more than 10 percent the existing ratio~~
 866 ~~of total soluble solids of the juice of citrus fruit or any~~
 867 ~~variety thereof, except oranges, to the anhydrous citric acid;~~

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868 ~~(c) Lower by not more than 10 percent the existing minimum~~
 869 ~~requirement for juice content of citrus fruit or any variety or~~
 870 ~~size thereof; and~~

871 ~~(d) Lower by not more than 10 percent the existing minimum~~
 872 ~~requirement for the content of anhydrous citric acid for~~
 873 ~~oranges.~~

874 (b) An emergency rule adopted ~~Any action~~ under this
 875 subsection does shall not take effect unless the emergency rule
 876 is be taken without the consent of at least nine members of the
 877 Florida Citrus Commission. Any regulation adopted pursuant to
 878 this section shall be by the affirmative vote of at least seven
 879 nine members of the said Florida Citrus commission.

880 Notwithstanding the limitation on the effective period for
 881 emergency rules in s. 120.54(4)(c), each, and every such
 882 emergency rule adopted under this section must ~~regulation shall~~
 883 contain an expiration date of not later than 1 year after ~~from~~
 884 its effective date.

885 (3) This section does ~~act shall~~ not repeal any other
 886 section or part of this chapter and, ~~but~~ shall be deemed as
 887 supplemental and additional to the express power vested in the
 888 department ~~of Citrus~~, subject only to the limitations,
 889 restrictions, conditions, provisions, and standards provided in
 890 this section herein set forth.

891 Section 17. Section 601.13, Florida Statutes, is amended
 892 to read:

893 601.13 Citrus research; administration by Department of
 894 Citrus; appropriation.—

895 (1) The department shall administer ~~administration of~~ this

896 | section and ~~shall be vested in the department of Citrus which~~
 897 | ~~shall~~ prescribe suitable and reasonable rules to properly
 898 | implement this section and regulations for the proper carrying
 899 | ~~out of the provisions hereof.~~

900 | (2) ~~It shall be the duty of~~ The department shall ~~of~~
 901 | ~~Citrus, and it is empowered:~~

902 | (a) 1. ~~To~~ Conduct or cause to be conducted a thorough and
 903 | comprehensive study of citrus fruit and the juices thereof:

904 | a.1. ~~With respect to the quality and maturity of such said~~
 905 | ~~fruit and the juices thereof, including proper effort to~~
 906 | ~~assemble data and arrive at a proper standard of quality, grade,~~
 907 | ~~and maturity with reference to its texture, stability, and~~
 908 | ~~general marketability and so far as possible reduce such~~
 909 | ~~findings to specific and readily understood chemical,~~
 910 | ~~mathematical, or descriptive terms;~~ and

911 | b.2. ~~With respect to the nutritional and other value or~~
 912 | ~~values of such fruit and the juices thereof.~~

913 | 2. ~~and to~~ Provide suitable facilities and equipment of
 914 | every kind whatsoever proper and necessary in connection with
 915 | all such work.

916 | (b) ~~To~~ Conduct or cause to be conducted such study and
 917 | research as is necessary to provide all the information and data
 918 | required to be disseminated pursuant to ~~the provisions of this~~
 919 | ~~section.~~

920 | (c) ~~To~~ Provide suitable and sufficient laboratory
 921 | facilities and equipment, making use of the laboratory
 922 | facilities and equipment of the University of Florida, insofar
 923 | as it is practicable for the purpose of conducting thorough and

924 comprehensive study and research to determine all possible new
 925 and further uses for citrus fruit and citrus fruit juices and
 926 the products and byproducts into which the same can be converted
 927 or manufactured, as well as to determine and develop new and
 928 profitable methods and instruments of distribution thereof.

929 (d) ~~To~~ Carry on, or cause to be carried on, suitable
 930 experiments in an effort to prove the commercial value of each,
 931 and determine and develop new and further use for citrus fruit
 932 and citrus fruit juices or the products and byproducts into
 933 which the same can be converted or manufactured.

934 (e) ~~To~~ Carry on or cause to be carried on suitable
 935 experiments in an effort to prove the commercial value of any
 936 and all new profitable methods and instruments of distribution
 937 of citrus fruit and citrus fruit juices and the products and
 938 byproducts into which the same can be converted or manufactured.

939 (f) ~~To~~ Carry on or cause to be carried on an economic and
 940 marketing research program relating to citrus fruits and~~r~~
 941 products or byproducts thereof.

942 (g) ~~To~~ Enter into any mutually satisfactory contracts or
 943 agreements with any person, firm, institution, corporation, or
 944 business unit, as well as any state or federal agency, that
 945 ~~which~~ the department ~~of Citrus~~ deems wise, necessary, and
 946 expedient in the administration ~~carrying out of any of the~~
 947 ~~provisions of~~ this chapter.

948 (h) ~~To~~ Incur and pay such expenses and obligations as are
 949 necessary in connection with and required for the proper
 950 administration ~~carrying out of the provisions of~~ this chapter.

951 (i) Conduct or cause to be conducted any research related

952 to disease and crop efficiency that would advance the purposes
 953 of the state's citrus industry and commercialization related to
 954 advancing such research.

955 (3) There is ~~hereby~~ appropriated and made available for
 956 defraying the expenses of the administration of this section
 957 from the moneys derived from advertising assessments ~~excise~~
 958 ~~taxes~~ levied on citrus fruit such amounts as the department ~~of~~
 959 ~~Citrus~~ may deem necessary within the percentage limitations
 960 imposed by s. 601.15.

961 Section 18. Section 601.15, Florida Statutes, is amended
 962 to read:

963 601.15 Advertising campaign; methods of conducting;
 964 assessments ~~excise tax~~; emergency reserve fund; citrus
 965 research.—

966 (1) The department shall administer ~~administration of this~~
 967 ~~section shall be vested in the Department of Citrus, which shall~~
 968 prescribe suitable and reasonable rules ~~and regulations~~ for the
 969 enforcement of this section hereof, and ~~the Department of Citrus~~
 970 ~~shall~~ administer the assessments ~~taxes~~ levied and imposed under
 971 this section hereby. All funds collected under this section and
 972 the interest accrued on such funds are consideration for a
 973 social contract between the state and the citrus growers of the
 974 state whereby the state must hold such funds in trust and
 975 inviolate and use them only for the purposes prescribed in this
 976 chapter. The department may ~~of Citrus shall have power to~~ cause
 977 its duly authorized agent or representative to enter upon the
 978 premises of any handler of citrus fruits and to examine or cause
 979 to be examined any books, papers, records, or memoranda bearing

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980 on the amount of assessments ~~taxes~~ payable and to secure other
 981 information directly or indirectly concerned in the enforcement
 982 of this section hereof. Any person who is required to pay the
 983 assessments ~~taxes~~ levied and imposed and who by any practice or
 984 evasion makes it difficult to enforce this section ~~the~~
 985 ~~provisions hereof~~ by inspection, or any person who, after demand
 986 by the department ~~of Citrus~~ or any agent or representative
 987 designated by it for that purpose, refuses to allow full
 988 inspection of the premises or any part thereof or any books,
 989 records, documents, or other instruments in any manner relating
 990 to the liability of the person or entity liable ~~taxpayer~~ for the
 991 assessment ~~tax~~ imposed or hinders, ~~or in anywise~~ delays, or
 992 prevents such inspection, commits ~~is guilty of~~ a misdemeanor of
 993 the second degree, punishable as provided in s. 775.082 or s.
 994 775.083.

995 (2) The department ~~of Citrus~~ shall plan and conduct
 996 campaigns for commodity advertising, publicity, and sales
 997 promotion, and may conduct campaigns to encourage noncommodity
 998 advertising, to increase the consumption of citrus fruits and
 999 may contract for any such advertising, publicity, and sales
 1000 promotion service. To accomplish such purpose, the department ~~of~~
 1001 ~~Citrus~~ shall ~~have power, and it shall be its duty:~~

- 1002 (a) ~~to~~ Disseminate information relating to:
- 1003 1. Citrus fruits and the importance thereof in preserving
 - 1004 the public health, the economy thereof in the diet of the
 - 1005 people, and the importance thereof in the nutrition of
 - 1006 children.†
 - 1007 2. The manner, method, and means used and employed in the

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1008 production and marketing of citrus fruits and information
 1009 relating to laws of the state regulating and safeguarding such
 1010 production and marketing.†

1011 3. The added cost to the producer and dealer in producing
 1012 and handling citrus fruits to meet the high standards imposed by
 1013 the state that ensure a pure and wholesome product.†

1014 4. The effect upon the public health that ~~which~~ would
 1015 result from a breakdown of the state's ~~Florida~~ citrus industry
 1016 or any part thereof.†

1017 5. The reasons that ~~why~~ producers and dealers should
 1018 receive a reasonable return on their labor and investment.†

1019 6. The problem of furnishing the consumer at all times
 1020 with an abundant supply of fine quality citrus fruits at
 1021 reasonable prices.†

1022 7. Factors of instability peculiar to the citrus fruit
 1023 industry, such as unbalanced production, the effect of the
 1024 weather, the influence of consumer purchasing power, and price
 1025 relative to the cost of other items of food in the normal diet
 1026 of people, all to the end that an intelligent and increasing
 1027 consumer demand may be created.†

1028 8. The possibilities with particular reference to
 1029 increased consumption of citrus fruits.†~~and~~

1030 9. Such ~~other, further, and~~ additional information that
 1031 ~~which~~ tends to promote increased consumption of citrus fruits
 1032 and that ~~which~~ fosters a better understanding and more efficient
 1033 cooperation among producers, dealers, and the consuming public.†
 1034 and

1035 (b) ~~¶~~ Decide upon some distinctive and suggestive trade

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1036 name and to promote its use in all ways to advertise Florida
1037 citrus fruit.

1038 (3) (a) There is ~~hereby~~ levied and imposed upon each
1039 standard-packed box of citrus fruit grown and placed into the
1040 primary channel of trade in this state an assessment ~~excise tax~~
1041 at maximum annual rates for each citrus season as provided
1042 ~~determined from the tables~~ in this paragraph and ~~based upon the~~
1043 ~~previous season's actual statewide production as reported in the~~
1044 ~~United States Department of Agriculture Citrus Crop Production~~
1045 ~~Forecast as of June 1~~. The rates may be set at any lower rate in
1046 any year pursuant to paragraph (e).

1047 1. The ~~following~~ maximum assessment for tax rates,
1048 ~~expressed in cents per box, shall apply to~~ grapefruit that which
1049 enters the primary channel of trade for use in fresh form may
1050 not exceed 36 cents per box.†

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

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1053 ~~80 and~~ 33 34 35 36 37

1054 ~~greater~~

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1055	75-79.99	35	36	37	38	39
1056	70-74.99	37	38	39	41	42
1057	65-69.99	40	41	42	44	45
1058	60-64.99	43	44	46	47	49
1059	55-59.99	47	48	50	51	53
1060	50-54.99	51	53	55	56	58
1061	45-49.99	57	59	60	62	64
1062	40-44.99	63	65	67	69	71
1063	Less than 40	72	74	76	79	81

1065 ~~However, effective July 1, 2011, the tax rate per box on~~
 1066 ~~grapefruit that enters the primary channel of trade for use in~~
 1067 ~~fresh form may not exceed the tax rate per box in effect on May~~
 1068 ~~1, 2011.~~

1069 2. The ~~following~~ maximum assessment for tax rates,
 1070 ~~expressed in cents per box, shall apply to grapefruit that~~ which
 1071 ~~enters the primary channel of trade for use in processed~~ form
 1072 may not exceed 36 cents per box. ~~forms.~~

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	1995	1996	1997	1998	1999-2000
Previous season crop size (millions of boxes)	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	and thereafter
1074					
1075					
80 and greater	23	24	25	25	26
1076					
75-79.99	25	25	26	27	28
1077					
70-74.99	26	27	28	29	30
1078					
65-69.99	28	29	30	31	32
1079					
60-64.99	31	32	32	33	34
1080					
55-59.99	33	34	35	36	37
1081					
50-54.99	36	38	39	40	41
1082					
45-49.99	40	41	43	44	45
1083					
40-44.99	45	46	48	49	51
1084					

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~~Less than 40~~ ~~51~~ ~~53~~ ~~54~~ ~~56~~ ~~57~~

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~~However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in processed forms may not exceed the tax rate per box in effect on May 1, 2011.~~

3. The ~~following~~ maximum assessment for tax rates, ~~expressed in cents per box,~~ shall apply to oranges that which enter the primary channel of trade for use in fresh form may not exceed 7 cents per box.÷

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

255 and greater	23	24	25	26	26
245-254.9	24	25	26	27	27
235-244.9	25	26	27	28	28

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1101	225-234.9	26	27	28	29	30
1102	215-224.9	28	28	29	30	31
1103	205-214.9	29	30	31	32	33
1104	195-204.9	30	31	32	33	34
1105	185-194.9	32	33	34	35	36
1106	175-184.9	34	35	36	37	38
1107	165-174.9	36	37	38	39	40
1108	155-164.9	38	39	40	41	43
1109	Less than 155	41	42	43	44	46
1110						
1111	However, effective July 1, 2011, the tax rate per box on oranges					
1112	that enter the primary channel of trade for use in fresh form					
1113	may not exceed the tax rate per box in effect on May 1, 2011.					
1114	4. The following maximum <u>assessment for tax rates,</u>					
1115	expressed in cents per box, shall apply to oranges <u>that</u> which					
1116	enter the primary channel of trade for use in processed form <u>may</u>					
1117	<u>not exceed 25 cents per box.</u> ÷					
1118						

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	Previous	1995	1996	1997	1998	1999-2000
	season	1996	1997	1998	1999	and
	crop size					thereafter
	(millions of					
	boxes)					
1119						
1120	255 and	15	16	16	17	17
	greater					
1121	245-254.9	16	16	17	17	18
1122	235-244.9	17	17	18	18	19
1123	225-234.9	17	18	18	19	19
1124	215-224.9	18	19	19	20	20
1125	205-214.9	19	20	20	21	21
1126	195-204.9	20	21	21	22	22
1127	185-194.9	21	22	22	23	24
1128	175-184.9	22	23	23	24	25
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165-174.9	23	24	25	26	26
155-164.9	25	26	26	27	28
Less than 155	27	27	28	29	30

~~However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in processed form may not exceed 25 cents per box.~~

5. The actual assessment tax rate levied each year upon oranges which enter the primary channel of trade for use in processed form, pursuant to this paragraph, paragraph (c), and subsection (4), shall also apply in that year to tangerines and citrus hybrids regulated by the department that of Citrus which enter the primary channel of trade for use in processed form may not exceed 25 cents per box.

6. The ~~following~~ maximum assessment for tax rates, expressed in cents per box, shall apply to tangerines and citrus hybrids regulated by the department that of Citrus which enter the primary channel of trade for use in fresh form may not exceed 16 cents per box.÷

Previous	1995-	1996-	1997-	1998-	1999-2000
season	1996	1997	1998	1999	and
crop size					thereafter
(millions of					

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1150	boxes)					
1151	13 and	24	24	25	26	27
1152	greater					
1153	12 - 12.99	26	26	27	28	29
1154	11 - 11.99	28	29	30	30	31
1155	10 - 10.99	31	31	32	33	34
1156	9 - 9.99	34	35	36	37	38
1157	8 - 8.99	38	39	40	41	42
1158	7 - 7.99	43	44	45	47	48
1159	Less than 7	49	51	52	54	56
1160						
1161	However, effective July 1, 2011, the tax rate per box on					
1162	tangerines and citrus hybrids regulated by the Department of					
1163	Citrus which enter the primary channel of trade for use in fresh					
1164	form may not exceed the tax rate per box in effect on May 1,					
1165	2011.					
1166	(b) Whenever citrus fruit is purchased, acquired, or					

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1167 handled on a weight basis, the following weights are ~~shall be~~
 1168 deemed the equivalent of one standard-packed box for assessment
 1169 ~~tax~~ purposes under this section:

- 1170 1. Grapefruit, 85 pounds.
- 1171 2. Oranges, 90 pounds.
- 1172 3. Tangerines, 95 pounds.
- 1173 4. Citrus hybrids, 90 pounds.

1174 (c) The assessments ~~excise taxes~~ imposed by this section
 1175 do not apply to citrus fruit used for noncommercial domestic
 1176 consumption on the premises where produced.

1177 (d) For purposes of this subsection, a citrus season
 1178 begins on August 1 of a year and ends on July 31 of the
 1179 following year.

1180 (e) The commission, upon an affirmative vote of a majority
 1181 of its members and by an order entered by it before ~~prior to~~
 1182 November 1 of any year, may set the assessments ~~tax rates~~ up to
 1183 the maximum rates specified in this subsection. The assessment
 1184 ~~tax rate~~ shall apply only to the citrus season that ~~which~~ began
 1185 on August 1 of the same calendar year. Such assessment ~~tax rate~~
 1186 may be applied by variety and on the basis of whether the fruit
 1187 enters the primary channel of trade for use in fresh or
 1188 processed form. If the commission cannot agree on a box
 1189 assessment ~~tax rate~~, the assessment ~~tax rate~~ for the previous
 1190 year shall remain in effect until the commission approves a new
 1191 assessment ~~rate~~.

1192 (4) Every handler shall keep a complete and accurate
 1193 record of all citrus fruit handled by her or him. Such record
 1194 shall be in such form and contain such other information as the

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1195 department ~~of Citrus~~ shall by rule ~~or regulation~~ prescribe. Such
 1196 records shall be preserved by such handlers for a period of 1
 1197 year and shall be offered for inspection at any time upon oral
 1198 or written demand by the department ~~of Citrus~~ or its duly
 1199 authorized agents or representatives.

1200 (5) Every handler shall, at such times and in such manner
 1201 as the department ~~of Citrus~~ may by rule require, file with the
 1202 department ~~of Citrus~~ a return certified as true and correct, on
 1203 forms furnished by the department ~~of Citrus~~, stating, in
 1204 addition to other information, the number of standard-packed
 1205 boxes of each kind of citrus fruit handled by such handler in
 1206 the primary channel of trade during the period of time covered
 1207 by the return. Full payment of all assessments ~~excise taxes~~ due
 1208 for the period reported shall accompany each handler's return.

1209 (6) (a) All assessments ~~excise taxes~~ levied and imposed
 1210 pursuant to ~~the provisions of~~ this section are ~~shall be~~ due and
 1211 payable and shall be paid, or the amount thereof guaranteed as
 1212 ~~hereinafter~~ provided in this subsection, at the time the citrus
 1213 fruit is first handled in the primary channels of trade. All
 1214 such assessments ~~taxes~~ shall be paid, or the payment thereof
 1215 shall be guaranteed, to the department ~~of Citrus~~ by the person
 1216 first handling the fruit in the primary channel of trade, except
 1217 that payment of assessments ~~taxes~~ on fruit delivered or sold for
 1218 processing in this state shall be paid, or payment thereof shall
 1219 be guaranteed in accordance with department ~~of Citrus~~ rules, by
 1220 the person processing such fruit.

1221 (b) Periodic payment of assessments ~~excise taxes~~ upon
 1222 citrus fruit by the person liable for such payment is ~~shall be~~

1223 permitted only in accordance with department ~~of Citrus~~ rules, ⁺
 1224 and the payment thereof shall be guaranteed by the posting of a
 1225 good and sufficient letter of credit from an issuing bank
 1226 located in the United States, a cash bond, an appropriate
 1227 certificate of deposit, or an approved surety bond in an amount
 1228 and manner as prescribed by department ~~of Citrus~~ rule. Evidence
 1229 of such guarantee of payment of assessments must ~~excise taxes~~
 1230 ~~shall~~ be made on the grade certificate in such manner and form
 1231 as may be prescribed by department ~~of Citrus~~ rule.

1232 (c) All assessments ~~taxes~~ collected by the department ~~of~~
 1233 ~~Citrus~~ shall be delivered to the State Treasury for payment into
 1234 the proper advertising fund.

1235 (7) All assessments ~~excise taxes~~ levied and collected
 1236 under ~~the provisions of~~ this chapter shall be paid into the
 1237 State Treasury on or before the 15th day of each month. ⁺ Such
 1238 moneys shall be accounted for in a special fund to be designated
 1239 as the Florida Citrus Advertising Trust Fund, and all moneys in
 1240 such fund are ~~hereby~~ appropriated to the department ~~of Citrus~~
 1241 for the following purposes:

1242 (a) Four percent of all income of a revenue nature
 1243 deposited in this fund, including transfers from any subsidiary
 1244 accounts thereof and any interest income, shall be deposited in
 1245 the General Revenue Fund pursuant to chapter 215.

1246 (b) Moneys in the Florida Citrus Advertising Trust Fund
 1247 shall be expended for the activities authorized by s. 601.13 and
 1248 for the cost of those general overhead, research and
 1249 development, maintenance, salaries, professional fees,
 1250 enforcement costs, and other such expenses that ~~which~~ are not

1251 related to advertising, merchandising, public relations, trade
 1252 luncheons, publicity, and other associated activities. The cost
 1253 of general overhead, maintenance, salaries, professional fees,
 1254 enforcement costs, and other such expenses that ~~which~~ are
 1255 related to advertising, merchandising, public relations, trade
 1256 luncheons, publicity, and associated activities shall be paid
 1257 from the balance of the Florida Citrus Advertising Trust Fund.

1258 (c) Moneys in the Florida Citrus Advertising Trust Fund
 1259 shall also be used by the department ~~of Citrus~~ for defraying
 1260 those expenses not included in paragraph (b). After payment of
 1261 such expenses, the money levied and collected under ~~the~~
 1262 ~~provisions of~~ subsection (3) shall be used exclusively for
 1263 commodity and noncommodity advertising, merchandising,
 1264 publicity, or sales promotion of citrus products in both fresh
 1265 form and processed form, including citrus cattle feed and all
 1266 other products of citrus fruits, produced in the state, in such
 1267 equitable manner and proration as the department ~~of Citrus~~ may
 1268 determine, but funds expended for commodity advertising
 1269 thereunder shall be expended through an established advertising
 1270 agency. A proration of moneys between commodity programs and
 1271 noncommodity programs~~7~~ and among types of citrus products~~7~~ shall
 1272 be made on or before November 1 of each shipping season and may
 1273 not thereafter be modified for that shipping season unless the
 1274 department finds such action necessary to preserve the economic
 1275 welfare of the citrus industry.

1276 (d) The pro rata portion of moneys allocated to each type
 1277 of citrus product in noncommodity programs shall be used by the
 1278 department to encourage substantial increases in the

1279 effectiveness, frequency, and volume of noncommodity
 1280 advertising, merchandising, publicity, and sales promotion of
 1281 such citrus products through rebates and incentive payments to
 1282 handlers and trade customers for these activities. The
 1283 department shall ~~of Citrus is authorized and directed to~~ adopt
 1284 rules providing for the use of such moneys. The rules shall
 1285 establish alternate incentive programs, including at least one
 1286 incentive program for product sold under advertised brands, one
 1287 incentive program for product sold under private label brands,
 1288 and one incentive program for product sold in bulk. For each
 1289 incentive program, the rules shall establish eligibility and
 1290 performance requirements and shall provide appropriate
 1291 limitations on amounts payable to a handler or trade customer
 1292 for a particular season. Such limitations may relate to the
 1293 amount of citrus assessments ~~excise taxes~~ levied and collected
 1294 on the citrus product handled by such handler or trade customer
 1295 during a 12-month representative period. The department may
 1296 require from participants in noncommodity advertising and
 1297 promotional programs commercial information necessary to
 1298 determine eligibility for and performance in such programs. Any
 1299 information so required that ~~which~~ constitutes a "trade secret"
 1300 as defined in s. 812.081 is confidential and exempt from ~~the~~
 1301 ~~provisions of~~ s. 119.07(1).

1302 (8) (a) On certification by any employee of the department
 1303 ~~of Citrus~~ that her or his actual and necessary expenses on any
 1304 particular day while traveling outside the state exceeded the
 1305 per diem provided by law, such employee shall show such excess
 1306 on her or his regular expense voucher and support the same by

1307 the proof required pursuant to rules adopted and ~~regulations to~~
 1308 ~~be promulgated~~ by the department ~~of Citrus~~.

1309 (b) The department ~~of Citrus~~ is authorized to spend such
 1310 amount as it deems advisable for guests involved in promotional
 1311 activities in the sale of Florida citrus fruits and products.

1312 (c) All obligations, expenses, and costs incurred under
 1313 ~~the provisions of~~ this section shall be paid out of the Citrus
 1314 Advertising Fund upon warrant of the Chief Financial Officer
 1315 when vouchers thereof, approved by the department ~~of Citrus~~, are
 1316 exhibited.

1317 (9) (a) Any handler who fails to file a return or to pay
 1318 any assessment tax within the time required shall thereby
 1319 forfeit to the department ~~of Citrus~~ a penalty of 5 percent of
 1320 the amount of assessment tax determined to be due,^r but the
 1321 department ~~of Citrus~~, if satisfied that the delay was excusable,
 1322 may remit all or any part of such penalty. Such penalty shall be
 1323 paid to the department ~~of Citrus~~ and disposed of as provided
 1324 with respect to moneys derived from the assessments taxes levied
 1325 and imposed by subsection (3).

1326 (b) The department ~~of Citrus~~ may collect any assessments
 1327 ~~taxes~~ levied and assessed by this chapter in any or all of the
 1328 following methods:

- 1329 1. By the voluntary payment by the person liable therefor.
- 1330 2. By a suit at law.
- 1331 3. By a suit in equity to enjoin and restrain any handler,
 1332 citrus fruit dealer, or other person owing such assessments
 1333 ~~taxes~~ from operating her or his business or engaging in business
 1334 as a citrus fruit dealer until the delinquent assessments taxes

1335 are paid. Such action may include an accounting to determine the
 1336 amount of assessments ~~taxes~~ plus delinquencies due. In any such
 1337 proceeding, it is not necessary to allege or prove that an
 1338 adequate remedy at law does not exist.

1339 (10) The powers and duties of the department ~~of Citrus~~
 1340 include the following:

1341 (a) To adopt and periodically ~~from time to time~~ alter,
 1342 rescind, modify, and amend all proper and necessary rules,
 1343 ~~regulations,~~ and orders for the exercise of its powers and the
 1344 performance of its duties under this chapter.

1345 (b) To employ and at its pleasure discharge an advertising
 1346 manager, agents, advertising agencies, and such clerical and
 1347 other help as it deems necessary and to outline their powers and
 1348 duties and fix their compensation.

1349 (c) To make in the name of the department ~~of Citrus~~ such
 1350 advertising contracts and other agreements as may be necessary.

1351 (d) To keep books, records, and accounts of all of its
 1352 activities, which books, records, and accounts shall be open to
 1353 inspection, audit, and examination by the Auditor General and
 1354 the Office of Program Policy Analysis and Government
 1355 Accountability.

1356 (e) To purchase or authorize the purchase of all office
 1357 equipment and supplies and to incur all other reasonable and
 1358 necessary expenses and obligations in connection with and
 1359 required for the proper administration ~~carrying out~~ of the
 1360 ~~provisions~~ of this chapter.

1361 (f) To conduct, and pay out of the Florida Citrus
 1362 Advertising Trust Fund, premium and prize promotions designed to

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1363 increase the use of citrus in any form.

1364 (g) To advertise citrus cattle feed and promote its use.

1365 (h) To conduct marketing activities in foreign countries
 1366 and other programs designed to develop and protect domestic and
 1367 international markets.

1368 Section 19. Paragraphs (a), (b), and (d) of subsection
 1369 (1), subsection (4), paragraph (a) of subsection (5), and
 1370 subsections (8) through (11) of section 601.152, Florida
 1371 Statutes, are amended to read:

1372 601.152 Special marketing orders.—

1373 (1) (a) Whenever, upon its own motion or upon petition of
 1374 any handler or producer or group or association of handlers or
 1375 producers of citrus fruit, the commission, upon affirmative vote
 1376 of seven ~~nine~~ of its members, determines:

1377 1. That the conduct of a special advertising and
 1378 promotional marketing campaign or the conduct of market and
 1379 product research and development, in addition to the advertising
 1380 campaign being conducted pursuant to s. 601.15 and the research
 1381 being conducted pursuant to the other provisions of the Florida
 1382 Citrus Code, may substantially further increase the consumer
 1383 acceptance and consumption of, and strengthen the market for,
 1384 any type, variety, or form of citrus fruit or processed citrus
 1385 product by further increasing the number of families buying such
 1386 citrus fruit or such processed citrus product or by further
 1387 increasing the quantity of such citrus fruit or processed citrus
 1388 product purchased by buying families; and

1389 2. That such substantial further increase and
 1390 strengthening may be of substantial benefit to handlers thereof,

1391 producers thereof, and to the economy and well-being of the
 1392 state,

1393
 1394 the commission shall direct that a proposed marketing order be
 1395 formulated for a special marketing campaign of advertising and
 1396 sales promotion, including, but not limited to, brand
 1397 advertising rebate promotions or the conduct of market and
 1398 product research and development for such type, variety, or form
 1399 of citrus fruit or processed citrus product, and shall designate
 1400 a public hearing to consider adoption and implementation of such
 1401 proposed marketing order.

1402 (b) Notice of the time, place, and purpose of such public
 1403 hearing shall be:

1404 1. Mailed, at least ~~not less than~~ 10 days before ~~prior to~~
 1405 such hearing, to each handler who, during the 12 months
 1406 immediately before ~~preceding~~ such mailing, has first handled in
 1407 the primary channel of trade in the state ~~Florida~~ the type,
 1408 variety, and form of citrus fruit or citrus product specified in
 1409 the proposed marketing order, and to each handler who the
 1410 department ~~of Citrus~~ has good cause to believe will, during the
 1411 period of time covered by the proposed marketing order, first
 1412 handle in the primary channel of trade in the state ~~Florida~~ the
 1413 type, variety, and form of citrus fruit or processed citrus
 1414 product specified in such proposed marketing order.

1415 2. Published in the Florida Administrative Weekly at least
 1416 ~~not less than~~ 10 days before ~~prior to~~ such hearing.

1417 (d) Copies of the proposed marketing order shall be made
 1418 available to the public at the offices of the department ~~of~~

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1419 ~~Citrus~~ at Lakeland at least 5 days before ~~prior to~~ such hearing
 1420 and shall be in sufficient detail to apprise all persons having
 1421 an interest therein of the approximate amount of moneys proposed
 1422 to be expended; the assessments to be levied thereunder; and the
 1423 general details of the proposed marketing order for a special
 1424 marketing campaign of advertising or sales promotion or market
 1425 or product research and development. Among the details so
 1426 specified shall be the period of time during which the
 1427 assessment imposed pursuant to subsection (8) will be levied
 1428 upon the privilege so assessed, which period may not be greater
 1429 than 2 years. The order may, however, provide that the
 1430 expenditure of the funds received from the imposition of such
 1431 assessments shall not be so confined, but may be expended during
 1432 such time or times as shall be specified in the proposed
 1433 marketing order, which may be either during the shipping season
 1434 immediately preceding the shipping seasons during which such
 1435 assessments are imposed or during, or at any time subsequent to,
 1436 the shipping seasons during which such assessments are imposed.
 1437 This section does not ~~Nothing herein shall be construed to~~
 1438 prevent the imposition of a subsequent marketing order ~~either~~
 1439 before, during, or after the expenditure of funds collected
 1440 under ~~pursuant to~~ a previously imposed marketing order, provided
 1441 the aggregate of the assessments imposed may not exceed the
 1442 maximum permitted under subsection (8).

1443 (4) The department may ~~of Citrus is authorized to~~
 1444 prescribe such procedures as it deems necessary properly to
 1445 conduct a referendum among handlers covered by the marketing
 1446 order to determine whether such marketing order has been so

1447 assented to.

1448 (5) (a) Any marketing order adopted under ~~pursuant to~~ this
 1449 section and subsequently approved by referendum as provided in
 1450 this section ~~herein~~ shall take effect ~~become effective~~ 15 days
 1451 after referendum approval is officially determined by the
 1452 commission. Chapter 120 does not apply to this section. Any such
 1453 marketing order is ~~shall be~~ reviewable by any person adversely
 1454 affected, by certiorari to the district courts of appeal in the
 1455 manner prescribed by the Florida Rules of Appellate Procedure.
 1456 The venue of the proceeding for such review shall be the
 1457 appellate district that ~~which~~ includes the county in which the
 1458 hearings were conducted or, if the venue cannot be ~~thus~~
 1459 determined, the appellate district in which ~~wherein~~ the
 1460 department's ~~Department of Citrus~~ executive offices are located.

1461 (8) (a) Each person who, during the period ~~of time~~
 1462 specified in any marketing order implemented under ~~pursuant to~~
 1463 this section, first handles in the primary channel of trade in
 1464 the state ~~Florida~~ any citrus fruit or processed citrus product
 1465 of the type, variety, and form specified in such marketing order
 1466 shall, for the privilege of so handling such citrus fruit or
 1467 such citrus product, pay to the department ~~of Citrus~~ such
 1468 assessments as are levied and imposed thereon by such marketing
 1469 order, which funds shall be used by the department ~~of Citrus~~ to
 1470 defray the necessary expenses incurred in the formation,
 1471 issuance, administration, and enforcement of such marketing
 1472 order and in the conduct of the special marketing campaign or
 1473 market and product research and development provided for in such
 1474 marketing order. However, such assessments levied and imposed

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1475 under this section may ~~pursuant hereto shall be at a rate~~ not to
 1476 exceed 8 cents per standard-packed box on citrus fruits in fresh
 1477 form, 1.3 cents per gallon on single strength citrus juices or
 1478 sections, or 1.3 cents per pound of soluble citrus solids on
 1479 concentrated citrus juices.

1480 (b) The department ~~of Citrus~~ shall prescribe procedures
 1481 for the assessment and collection of such funds to defray the
 1482 necessary expenses incurred, or expected to be incurred, by the
 1483 department ~~of Citrus~~ in the formation, issuance, administration,
 1484 and enforcement of any marketing order implemented under
 1485 ~~pursuant to the provisions of~~ this section.

1486 (c) Every handler shall, at such times as the department
 1487 may require, file with the department ~~of Citrus~~ a return, not
 1488 under oath, on forms to be prescribed and furnished by the
 1489 department ~~of Citrus~~, certified as true and correct, stating the
 1490 quantity of the type, variety, and form of citrus fruit or
 1491 citrus product specified in the marketing order first handled in
 1492 the primary channels of trade in the state Florida by such
 1493 handler during the period of time specified in the marketing
 1494 order. Such returns shall contain any further information deemed
 1495 by the department ~~of Citrus~~ to be reasonably necessary to
 1496 properly administer or enforce ~~the provisions of~~ this section or
 1497 any marketing order implemented under this section hereunder.
 1498 Information that, if disclosed, would reveal a trade secret, as
 1499 defined in s. 812.081, of any person subject to a marketing
 1500 order is confidential and exempt from ~~the provisions of~~ s.
 1501 119.07(1).

1502 (d) All assessments imposed under ~~and pursuant to the~~

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1503 ~~provisions of this section are shall be~~ due and payable and
 1504 shall be paid by such handlers at such times and in such
 1505 installments as the commission prescribes ~~shall prescribe~~ in
 1506 such marketing order, or the amount thereof shall be provided
 1507 for and guaranteed by giving a surety bond or cash deposit or as
 1508 the department ~~of Citrus may~~ otherwise prescribes ~~prescribe~~.

1509 (9) (a) All moneys collected by the department ~~of Citrus~~
 1510 under this section shall be set aside in the Florida Citrus
 1511 Advertising Trust Fund as a special fund to be known as the
 1512 "Citrus Special Marketing Order Fund." All moneys in such fund,
 1513 after deducting the service charge provided in s. 601.15(7), are
 1514 ~~hereby~~ appropriated to the department ~~of Citrus~~ for the actual
 1515 expenses incurred by the department for ~~of Citrus with respect~~
 1516 ~~to~~ the formulation, issuance, administration, and enforcement of
 1517 any marketing order so implemented and in the conduct of the
 1518 special marketing campaign or market and product research and
 1519 development to be carried out pursuant to any such marketing
 1520 order so implemented. Upon the completion of the special
 1521 marketing campaign or market and product research and
 1522 development provided for pursuant to any marketing order so
 1523 implemented ~~hereunder~~, any and all moneys remaining and not
 1524 required by the department ~~of Citrus~~ to defray the expenses of
 1525 such marketing order shall be deposited to and made a part of
 1526 the Florida Citrus Advertising Trust Fund created by s. 601.15.

1527 (b) If the department ~~of Citrus~~ finds it necessary ~~to do~~
 1528 ~~so~~, the department ~~it~~ may transfer to the Citrus Special
 1529 Marketing Order Fund from any other portion of the Florida
 1530 Citrus Advertising Trust Fund, including the Emergency Reserve

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1531 Fund and any other special or reserve fund, such sum of money as
 1532 the department ~~of Citrus~~ determines is initially required to
 1533 formulate, issue, administer, and enforce any such marketing
 1534 order and conduct the special marketing campaign or market and
 1535 product research and development to be carried out pursuant to
 1536 such marketing order until moneys in the Citrus Special
 1537 Marketing Order Fund derived from assessments imposed and
 1538 collected pursuant to this section are sufficient for such
 1539 purposes, and thereafter repay such advance out of the Citrus
 1540 Special Marketing Order Fund.

1541 (10) (a) Any handler who fails to file a return or to pay
 1542 any assessment within the time required shall thereby forfeit to
 1543 the department ~~of Citrus~~ a penalty of 5 percent of the amount of
 1544 assessment then due, † but the department ~~of Citrus~~, upon good
 1545 cause shown, may waive all or any part of such penalty. Such
 1546 penalty shall be paid to the department ~~of Citrus~~ and disposed
 1547 of as provided with respect to moneys derived from the
 1548 assessments imposed under ~~pursuant to~~ this section.

1549 (b) The department ~~of Citrus~~ may collect the assessments
 1550 imposed under ~~pursuant to~~ this section by any ~~in either or all~~
 1551 of the following methods:

- 1552 1. The voluntary payment by the handler liable therefor. †
- 1553 2. By a suit at law. †
- 1554 3. By a suit in equity to enjoin and restrain any handler
 1555 owing such assessments from operating his or her business or
 1556 engaging in business as a citrus fruit dealer until the
 1557 delinquent assessments are paid. Such action may include an
 1558 accounting to determine the amount of assessments plus

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1559 delinquencies due. In any such proceeding, it shall not be
 1560 necessary to allege or prove that an adequate remedy at law does
 1561 not exist.

1562 (11) This section shall be liberally construed to
 1563 effectuate the purposes set forth and as additional and
 1564 supplemental powers vested in the department ~~of Citrus~~ under the
 1565 police power of this state.

1566 Section 20. Section 601.155, Florida Statutes, is amended
 1567 to read:

1568 601.155 Equalizing assessment ~~excise tax~~; credit;
 1569 exemption.—

1570 (1) The first person who exercises in this state the
 1571 privilege of processing, reprocessing, blending, or mixing
 1572 processed orange products or processed grapefruit products or
 1573 the privilege of packaging or repackaging processed orange
 1574 products or processed grapefruit products into retail or
 1575 institutional size containers or, except as provided in
 1576 subsection (9) or except if an assessment ~~a tax~~ is levied and
 1577 collected on the exercise of one of the foregoing privileges,
 1578 the first person having title to or possession of any processed
 1579 orange product or any processed grapefruit product who exercises
 1580 the privilege in this state of storing such product or removing
 1581 any portion of such product from the original container in which
 1582 it arrived in this state for purposes other than official
 1583 inspection or direct consumption by the consumer and not for
 1584 resale shall be assessed and shall pay an assessment ~~excise tax~~
 1585 upon the exercise of such privilege at the rate described in
 1586 subsection (2).

1587 (2) Upon the exercise of any privilege described in
 1588 subsection (1), the assessment ~~excise tax~~ levied by this section
 1589 shall be at the same rate per box of oranges or grapefruit
 1590 utilized in the initial production of the processed citrus
 1591 products so handled as that imposed, at the time of exercise of
 1592 the assessable ~~taxable~~ privilege, by s. 601.15 per box of
 1593 oranges.

1594 (3) For the purposes of this section, the number of boxes
 1595 of oranges or grapefruit utilized in the initial production of
 1596 processed citrus products subject to the assessable ~~taxable~~
 1597 privilege shall be:

1598 (a) The actual number of boxes so utilized, if known and
 1599 verified in accordance with department ~~of Citrus~~ rules; or

1600 (b) An equivalent number established by department ~~of~~
 1601 ~~Citrus~~ rule which, on the basis of existing data, reasonably
 1602 equates to the quantity of citrus contained in the product, when
 1603 the actual number of boxes so utilized is not known or properly
 1604 verified.

1605 (4) For purposes of this section:

1606 (a) "Processed orange products" means products for human
 1607 consumption consisting of 20 percent or more single strength
 1608 equivalent orange juice; orange sections, segments, or edible
 1609 components; or whole peeled fruit.

1610 (b) "Processed grapefruit products" means products for
 1611 human consumption consisting of 20 percent or more single
 1612 strength equivalent grapefruit juice; grapefruit sections,
 1613 segments, or edible components; or whole peeled fruit.

1614 (c) "Original container" includes any vessel, tanker or

1615 tank car, or other transport vehicle.

1616 (d) "Retail or institutional container" means a container
 1617 having a capacity of 10 gallons or less.

1618 (5) Products made in whole or in part from citrus fruit on
 1619 which an equivalent assessment ~~tax~~ is levied pursuant to s.
 1620 601.15 are exempt from the assessment ~~tax~~ imposed by this
 1621 section. In the case of products made in part from citrus fruit
 1622 exempt from the assessment ~~tax~~ imposed by this section, it shall
 1623 be the burden of the persons liable for the assessment ~~excise~~
 1624 ~~tax~~ to show the department ~~of Citrus~~, through competent
 1625 evidence, proof of that part which is not subject to an
 1626 assessable ~~a taxable~~ privilege.

1627 (6) Every person liable for the assessment ~~excise tax~~
 1628 imposed by this section shall keep a complete and accurate
 1629 record of the receipt, storage, handling, exercise of any
 1630 assessable ~~taxable~~ privilege under this section, and shipment of
 1631 all products subject to the assessment ~~tax~~ imposed by this
 1632 section. Such record shall be preserved for a period of 1 year
 1633 and shall be offered for inspection upon oral or written request
 1634 by the department ~~of Citrus~~ or its duly authorized agent.

1635 (7) Every person liable for the assessment ~~excise tax~~
 1636 imposed by this section shall, at such times and in such manner
 1637 as the department ~~of Citrus~~ may by rule require, file with the
 1638 department ~~of Citrus~~ a return, certified as true and correct, on
 1639 forms to be prescribed and furnished by the department ~~of~~
 1640 ~~Citrus~~, stating, in addition to other information reasonably
 1641 required by the department ~~of Citrus~~, the number of units of
 1642 processed orange or grapefruit products subject to this section

1643 upon which any assessable ~~taxable~~ privilege under this section
 1644 was exercised during the period of time covered by the return.
 1645 Full payment of assessments ~~excise taxes~~ due for the period
 1646 reported shall accompany each return.

1647 (8) All assessments ~~taxes~~ levied and imposed by this
 1648 section shall be due and payable within 61 days after the first
 1649 of the assessable ~~taxable~~ privileges is exercised in this state.
 1650 Periodic payment of the assessments ~~excise taxes~~ imposed by this
 1651 section by the person first exercising the assessable ~~taxable~~
 1652 privileges and liable for such payment shall be permitted only
 1653 in accordance with department ~~of Citrus~~ rules, and the payment
 1654 thereof shall be guaranteed by the posting of an appropriate
 1655 certificate of deposit, approved surety bond, letter of credit
 1656 from an issuing bank located in the United States, or cash
 1657 deposit in an amount and manner as prescribed by the department
 1658 ~~of Citrus~~.

1659 (9) When any processed orange or grapefruit product is
 1660 stored or removed from its original container as provided in
 1661 subsection (1), the equalizing assessment ~~excise tax~~ is levied
 1662 on such storage or removal, and such product is subsequently
 1663 shipped out of the state in a vessel, tanker or tank car, or
 1664 container having a capacity greater than 10 gallons, the person
 1665 who is liable for the assessment ~~tax~~ shall be entitled to an
 1666 assessment ~~a tax~~ refund, if such assessment ~~tax~~ has been paid,
 1667 or to an assessment ~~a tax~~ credit, provided she or he can provide
 1668 satisfactory proof that such product has been shipped out of the
 1669 state and that no privilege assessable ~~taxable~~ under subsection
 1670 (1) other than storage or removal from the original container

1671 was exercised before ~~prior to~~ such shipment out of the state.

1672 (10) Notwithstanding any ~~other~~ provision of law, the
 1673 department ~~of Citrus~~ shall develop a process by which any person
 1674 liable for the assessment ~~excise tax~~ imposed under this section
 1675 may annually object to payment of the assessment ~~tax~~. Any such
 1676 objection must be allowed without discretion as to the validity
 1677 thereof, and that person shall be granted the immediate right to
 1678 elect not to pay two-thirds of the applicable assessment ~~tax~~
 1679 ~~rate~~. The department ~~of Citrus~~ may not expend any of the
 1680 remaining one-third of the applicable assessment ~~tax rate~~ on any
 1681 advertising, marketing, or public relations activities to which
 1682 any person liable for the assessment ~~excise tax~~ imposed under
 1683 this section objects; however, such funds may be used for
 1684 research, administrative, and regulatory activities. Effective
 1685 July 1, 2004, upon any necessary legislative appropriation of
 1686 moneys due under the settlement agreement of Consolidated Case
 1687 No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial
 1688 Circuit in Polk County, the plaintiffs shall agree to the
 1689 dismissal of their claim under the foreign commerce clause with
 1690 prejudice.

1691 (11) All assessments ~~excise taxes~~ levied and collected
 1692 under ~~the provisions of~~ this section, including penalties, shall
 1693 be paid into the State Treasury to be made a part of the Florida
 1694 Citrus Advertising Trust Fund in the same manner, for the same
 1695 purposes, and in the same proportions as set forth in s.
 1696 601.15(7). Any person failing to file a return or pay any
 1697 assessment within the time required shall thereby forfeit to the
 1698 department ~~of Citrus~~ a penalty of 5 percent of the amount of

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1699 assessment then due,¹ but the department ~~of Citrus~~, on good
 1700 cause shown, may waive all or any part of such penalty.

1701 (12) This section shall be liberally construed to
 1702 effectuate the purposes set forth and as additional and
 1703 supplemental powers vested in the department ~~of Citrus~~ under the
 1704 police power of this state.

1705 Section 21. Section 601.24, Florida Statutes, is amended
 1706 to read:

1707 601.24 Department of Citrus to prescribe methods of
 1708 testing and grading.—The department ~~of Citrus~~ shall adopt rules
 1709 providing ~~by rule or regulation provide~~ the manner and method to
 1710 be used in drawing samples and the quantity to be used in
 1711 testing and grading of citrus fruit and the canned and
 1712 concentrated products thereof and shall provide specifications
 1713 and methods for use of juice extractors to be used in extracting
 1714 juice for such tests and grading purposes.

1715 Section 22. Section 601.25, Florida Statutes, is amended
 1716 to read:

1717 601.25 Determination of soluble solids and acid.—The
 1718 department ~~of Citrus by rule or regulation~~ shall adopt rules
 1719 determining ~~determine~~ the method by which juice is tested for
 1720 percentage of total soluble solids, the method by which juice is
 1721 tested for acidity, and the method for testing fruit for juice
 1722 content. Until ~~such time as~~ the department determines ~~of Citrus~~
 1723 ~~may see fit to determine~~ such method by rule ~~or regulation~~, the
 1724 Brix hydrometer shall be used and the reading of the hydrometer
 1725 corrected for temperature shall be considered as the percent of
 1726 the total soluble solids,¹ and anhydrous citric acid shall be

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1727 determined by titration of the juice using standard alkali and
 1728 phenolphthalein as indicator, the total acidity being calculated
 1729 as anhydrous citric acid.

1730 Section 23. Subsections (5) and (7) of section 601.28,
 1731 Florida Statutes, are amended to read:

1732 601.28 Inspection fees.—

1733 (5) The Department of Agriculture may ~~shall have the power~~
 1734 ~~to~~ adopt rules providing for the imposition of special fees for
 1735 inspections conducted during hours not contemplated by regular
 1736 state work hours. The ~~Such~~ rules shall prescribe circumstances
 1737 under which the fees levied pursuant to paragraphs (1)(a) and
 1738 (b) would not apply and the fees imposed pursuant to such rules
 1739 would apply. The rules shall require ~~provide~~ that such ~~said~~ fees
 1740 ~~shall~~ be levied when specifically actuated by contract between
 1741 the Department of Agriculture and persons liable for the fees
 1742 created by this subsection. The rules may ~~shall~~ not authorize
 1743 ~~allow~~ fees that exceed ~~to be charged which are in excess of the~~
 1744 Department of Agriculture's ~~department's~~ actual cost of the
 1745 inspection to be made, nor may ~~shall~~ such fees be less than
 1746 those imposed by paragraphs (1)(a) and (b).

1747 (7) The duties of the Department of Agriculture ~~and~~
 1748 ~~Consumer Services~~ shall include the duty to conduct hearings,
 1749 through a hearing officer who shall be an attorney authorized to
 1750 practice law within this state, on violations of this section
 1751 and rules adopted ~~promulgated~~ thereunder. The ~~Said~~ hearing
 1752 officer shall be selected by the Commissioner of Agriculture and
 1753 shall be in addition to her or his regular legal staff
 1754 authorized by law. The ~~Said~~ hearing officer shall, in addition

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1755 to conducting such hearings, be available to the Division of
 1756 Fruit and Vegetables for other legal services on matters
 1757 pertaining to violations of this chapter and rules adopted
 1758 ~~promulgated~~ thereunder.

1759 Section 24. Section 601.31, Florida Statutes, is amended
 1760 to read:

1761 601.31 Citrus inspectors; employment.—The Department of
 1762 Agriculture may in each year employ as many citrus fruit
 1763 inspectors for such period or periods, not exceeding 1 year, as
 1764 the said Department of Agriculture shall deem necessary for the
 1765 effective enforcement of the citrus fruit laws of this state.
 1766 All persons authorized to inspect and certify to the maturity
 1767 and grade of citrus fruit shall be governed in the discharge of
 1768 their duties as such inspectors by the provisions of law and by
 1769 the rules adopted ~~and regulations prescribed~~ by the Department
 1770 of Citrus and the Department of Agriculture and shall perform
 1771 their duties under the direction and supervision of the
 1772 Department of Agriculture. All citrus inspectors appointed for
 1773 the enforcement of this chapter shall be persons who are duly
 1774 licensed or certified by the United States Department of
 1775 Agriculture as citrus fruit inspectors.

1776 Section 25. Section 601.32, Florida Statutes, is amended
 1777 to read:

1778 601.32 Compensation of inspectors.—The salaries of the
 1779 chief citrus inspector, the chief laboratory inspector, the
 1780 district supervising inspectors, the junior and senior
 1781 inspectors, and all other necessary inspectors shall be in the
 1782 amount as determined and fixed by the Department of Agriculture,

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1783 and, in addition thereto, each such inspector ~~of said inspectors~~
 1784 shall be reimbursed for travel expenses as provided in s.
 1785 112.061, which shall be paid upon approval of accounts therefor
 1786 by the Department of Agriculture. The Department of Agriculture
 1787 may employ such additional field and other agents and clerical
 1788 assistance at such times and for such periods and incur and pay
 1789 any other expenses, including travel expenses, as provided in s.
 1790 112.061, of the Department of Agriculture during the citrus
 1791 fruit season, as may be necessary for the effective enforcement
 1792 of the citrus fruit laws of this state and of the rules
 1793 ~~regulations~~ of the Department of Citrus and ensure ~~assure~~ the
 1794 payments of the inspection fees imposed or that may be imposed
 1795 under the authority of law.

1796 Section 26. Section 601.33, Florida Statutes, is amended
 1797 to read:

1798 601.33 Interference with inspectors.—A ~~It is unlawful for~~
 1799 ~~any person~~ may not ~~to~~ obstruct, hinder, resist, interfere with,
 1800 or attempt to obstruct, hinder, resist, or interfere with any
 1801 authorized inspector in the discharge of any duty imposed upon
 1802 or required of her or him by the provisions of law or by any
 1803 rule adopted ~~or regulation prescribed~~ by the Department of
 1804 Citrus or the Department of Agriculture, or ~~to~~ change or attempt
 1805 to change any instrument, substance, article, or fluid used by
 1806 such inspector or emergency inspector in making tests of citrus
 1807 fruit or the canned or concentrated products thereof.

1808 Section 27. Section 601.34, Florida Statutes, is amended
 1809 to read:

1810 601.34 Duties of law enforcement officers.—Each state or

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1811 county law enforcement officer shall make arrests for violations
 1812 of the citrus fruit laws of this state or of any rule,
 1813 ~~regulation,~~ or order of promulgated by the commission or the
 1814 Department of Agriculture ~~and Consumer Services~~ under authority
 1815 of law when notified of such violation by the Department of
 1816 Agriculture or its duly authorized agent or representative.

1817 Section 28. Section 601.35, Florida Statutes, is amended
 1818 to read:

1819 601.35 Disputes as to quality, etc.; procedure.—When any
 1820 dispute as to quality, grade, or condition of citrus fruit or
 1821 the canned or concentrated products thereof arises, the shipper
 1822 or any financially interested person may call in at his, her, or
 1823 its expense an inspector licensed or certified only by the
 1824 United States Department of Agriculture to inspect such citrus
 1825 fruit or its canned or concentrated products. Such inspector
 1826 shall issue a regular official certificate to the applicant
 1827 showing the quality, grade, and condition thereof, and, in all
 1828 cases, such certificate shall be prima facie evidence. If such
 1829 certificate shows that the citrus fruit or the canned or
 1830 concentrated products thereof conforms ~~therein-mentioned and~~
 1831 ~~described to conform~~ to the requirements ~~provisions~~ of this
 1832 chapter and the rules, ~~regulations,~~ or orders of the Department
 1833 of Citrus and of the Department of Agriculture, such shipper or
 1834 such financially interested person may present the original
 1835 certificate to the person or representative of the person having
 1836 charge of the vehicle of transportation by which such citrus
 1837 fruit or the canned or concentrated products thereof are ~~is~~ to
 1838 be transported, which person or representative shall then accept

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1839 such citrus fruit or the canned or concentrated products thereof
 1840 for shipment provided that all other provisions of this chapter
 1841 and of the rules, ~~regulations,~~ and orders of the Department of
 1842 Citrus and of the Department of Agriculture have been met and
 1843 complied with.

1844 Section 29. Section 601.37, Florida Statutes, is amended
 1845 to read:

1846 601.37 Unlawful acts of inspectors. ~~An It is unlawful for~~
 1847 ~~any~~ authorized inspector may not ~~to~~ make or deliver a
 1848 certificate of inspection and maturity and quality of any citrus
 1849 fruit or the canned or concentrated products thereof upon which
 1850 the inspection fees and advertising assessments ~~taxes~~ have not
 1851 been paid or the payment thereof guaranteed, or ~~to~~ make or issue
 1852 any false certificate as to inspection, maturity, quality, or
 1853 payment of inspection fees.

1854 Section 30. Section 601.38, Florida Statutes, is amended
 1855 to read:

1856 601.38 Citrus inspectors; authority. ~~For the purpose of~~
 1857 enforcing ~~the provisions of~~ the citrus fruit laws of this state,
 1858 as well as rules ~~the regulations~~ of the department ~~of Citrus,~~
 1859 citrus fruit inspectors may enter into any packinghouse, ~~or~~
 1860 canning plant, or concentrating plant at any hour of day or
 1861 night and have and demand access and admission to any enclosed
 1862 portion of such ~~said~~ packinghouse, canning plant, or
 1863 concentrating plant. Such ~~said~~ citrus fruit inspectors may also
 1864 inspect all packinghouse or canning plant records pertaining to
 1865 receipts from groves and to details of receiving, handling,
 1866 running, processing, packing, or canning citrus fruit.

1867 Section 31. Section 601.40, Florida Statutes, is amended
 1868 to read:
 1869 601.40 Registration of citrus packinghouses, processing
 1870 plants with Department of Agriculture.—The owner, manager, or
 1871 operator of each packinghouse, canning plant, or concentrating
 1872 plant, ~~at~~ at which it is intended to pack, can, concentrate, or
 1873 prepare citrus fruit for market or transportation during the
 1874 then-present or the next ensuing citrus fruit shipping season, ~~and~~
 1875 shall register such packinghouse, canning plant, or
 1876 concentrating plant and its location, shipping point, and post
 1877 office with the Department of Agriculture at least ~~not less than~~
 1878 10 days before packing, canning, concentrating, or otherwise
 1879 preparing any citrus fruit or the canned or concentrated
 1880 products thereof for sale or transportation in or at such
 1881 packinghouse, canning plant, or concentrating plant, ~~and~~ and she or
 1882 he shall, in addition to such registration, give the ~~said~~
 1883 Department of Agriculture at least ~~not less than~~ 7 days' written
 1884 notice of the date on which packing, canning, concentrating, or
 1885 other preparation for sale or transportation of citrus fruit of
 1886 the then-current or the next ensuing season's crop will begin ~~be~~
 1887 ~~begun~~. The Department of Agriculture shall issue a certificate
 1888 of registration to each such packinghouse, canning plant, or
 1889 concentrating plant registering, ~~provided,~~ However, ~~that no~~
 1890 such certificate of registration may not ~~shall~~ be issued to any
 1891 packinghouse, canning plant, or concentrating plant unless the
 1892 operator thereof has ~~shall have first~~ applied for and received
 1893 her or his license as a citrus fruit dealer and furnished a bond
 1894 as such citrus fruit dealer in accordance with law.

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1895 Section 32. Section 601.43, Florida Statutes, is amended
 1896 to read:

1897 601.43 Immature and unfit citrus fruit; individual
 1898 sampling.—Any oranges, grapefruit, ~~and tangerines, not~~
 1899 ~~conforming to the minimum maturity requirements set forth in~~
 1900 ~~this chapter~~ and any citrus hybrids not conforming to the
 1901 minimum maturity requirements set forth in department rules are
 1902 ~~of Citrus regulations shall be~~ deemed and held to be immature
 1903 and unfit for human consumption. In the testing of fruit to
 1904 determine whether the same conforms to such requirements, any
 1905 inspector has ~~shall have~~ the right and authority to test the
 1906 individual fruit in any given sample of fruit drawn in the
 1907 number and by the manner as prescribed by ~~regulations of the~~
 1908 department rules of Citrus. If, upon ~~the~~ testing ~~of~~ the juice of
 1909 ~~said~~ individual fruit in any sample, more than 10 percent of
 1910 such ~~said~~ individual fruit ~~shall~~ fail by more than one-half
 1911 percentage point to meet the minimum ratio of total soluble
 1912 solids to anhydrous citric acid that ~~which~~ is required for such
 1913 fruit, ~~then~~ all of the fruit in the lot from which the ~~said~~
 1914 sample was drawn is ~~shall be~~ deemed and shall be held to be
 1915 immature and unfit for human consumption.

1916 Section 33. Section 601.44, Florida Statutes, is amended
 1917 to read:

1918 601.44 Destruction of immature fruit.—All citrus fruit or
 1919 processed citrus products prepared for sale or transportation,
 1920 that are ~~which is~~ being prepared for such purpose, or that have
 1921 ~~which has~~ been or are ~~is~~ being delivered for sale or
 1922 transportation that may be found immature or otherwise unfit for

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1923 human consumption upon inspection and testing shall be seized
 1924 and destroyed by a citrus fruit inspector or the sheriff of the
 1925 county where found as may be provided by ~~regulations prescribed~~
 1926 ~~by the~~ department rules of ~~Citrus~~. Such ~~Said~~ determination of
 1927 immaturity or unfitness for human consumption may be made by a
 1928 citrus fruit inspector at any place where such citrus fruit may
 1929 be found after severance from the tree, and such seizure and
 1930 destruction may likewise occur at any such place. However, in
 1931 the event of seizure of citrus fruit upon the grounds that such
 1932 citrus fruit fails to show a break in color required by this
 1933 chapter or department rules of ~~Citrus regulations~~ for that
 1934 particular variety of citrus fruit, the owner or person in
 1935 charge of such citrus fruit shall be allowed to separate and
 1936 retain for subsequent use, in accordance with ~~the provisions of~~
 1937 this chapter or department rules of ~~Citrus regulations~~, that
 1938 portion of such citrus fruit which shows a break in color
 1939 required by this chapter or department rules of ~~Citrus~~
 1940 ~~regulations~~ for that particular variety, and, in such case, only
 1941 that portion thereof which fails to show a break in color for
 1942 such variety, as required by this chapter or department rules of
 1943 ~~Citrus regulations~~, shall be destroyed by a citrus fruit
 1944 inspector or the sheriff of the county, as may be prescribed by
 1945 ~~regulations of the~~ department rules of ~~Citrus~~.

1946 Section 34. Section 601.45, Florida Statutes, is amended
 1947 to read:

1948 601.45 Grading of fresh citrus fruit.—

1949 (1) All citrus fruit, except as provided in s. 601.50,
 1950 sold or shipped, or offered for sale or shipment, for

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1951 consumption in fresh form shall be graded in a registered
 1952 packinghouse in this state according to standards established by
 1953 the department ~~of Citrus~~, and the grade of such fruit shall be
 1954 indicated as ~~hereinafter~~ provided in this section.

1955 (2) Fresh citrus fruit being transported in bulk form
 1956 shall have stamped upon such fruit, subject to department rules:

1957 (a) The actual grade thereof; or

1958 (b) Brands or trademarks properly registered with the
 1959 department to represent state or U.S. grades, as provided in
 1960 subsection (4).

1961 (3) For fresh citrus fruit being transported when packed
 1962 in a closed container approved or otherwise authorized by the
 1963 department ~~of Citrus~~, it shall be sufficient if the closed
 1964 container has the grade indicated thereon, in accordance with
 1965 department rules, by:

1966 (a) Stamping the grade of the fruit on the container; or

1967 (b) Use of labels, brands, or trademarks properly
 1968 registered with the department to represent state or U.S.
 1969 grades, as provided in subsection (4).

1970 (4) In accordance with such rules as the department ~~of~~
 1971 ~~Citrus~~ may prescribe, licensed citrus fruit dealers in this
 1972 state are ~~shall be~~ entitled to register labels, brands, or
 1973 trademarks for grade identification purposes. The department
 1974 shall maintain a record of all labels, brands, or trademarks
 1975 registered for grade identification purposes, which record may
 1976 be purged as necessary.

1977 Section 35. Subsection (1) of section 601.46, Florida
 1978 Statutes, is amended to read:

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1979 | 601.46 Condition precedent to sale of citrus fruit.-

1980 | (1) It is unlawful, except as provided in s. 601.50, for
 1981 | any person to sell or offer for sale, ~~to~~ transport, prepare,
 1982 | receive, or deliver for transportation or market any citrus
 1983 | fruit in fresh form unless such fruit has matured in accordance
 1984 | with the maturity standards and is accompanied by a certificate
 1985 | of inspection and maturity thereof issued by a duly authorized
 1986 | citrus fruit inspector of the Department of Agriculture ~~and~~
 1987 | ~~Consumer Services~~. However, the Department of Citrus may adopt
 1988 | rules providing ~~by regulation provide~~ that, in lieu of the
 1989 | accompaniment of such shipment by a certificate of inspection
 1990 | and maturity, the fact of such inspection may be shown by
 1991 | appropriate means on the manifest or bill of lading covering
 1992 | such shipment.

1993 | Section 36. Section 601.49, Florida Statutes, is amended
 1994 | to read:

1995 | 601.49 Condition precedent to selling processed citrus
 1996 | products.-A ~~It is unlawful for any person, except as provided in~~
 1997 | s. 601.50, may not ~~to~~ sell or offer for sale, ~~to~~ transport,
 1998 | receive, or deliver for transportation, or market any canned or
 1999 | concentrated products of citrus fruits unless such products have
 2000 | ~~the same has~~ been inspected and are ~~is~~ accompanied by a
 2001 | certificate of inspection issued by a duly authorized inspector
 2002 | of the Department of Agriculture. ~~, provided, However, that the~~
 2003 | ~~Department of Citrus shall by regulation provide that in lieu of~~
 2004 | ~~the accompaniment of such shipment by a certificate of~~
 2005 | inspection, proof ~~the fact~~ of such inspection may be shown,
 2006 | pursuant to rules adopted by the Department of Citrus, by

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2007 appropriate means on the manifest or bill of lading covering
 2008 such shipment.

2009 Section 37. Section 601.50, Florida Statutes, is amended
 2010 to read:

2011 601.50 Exemptions; sale or shipment of citrus or citrus
 2012 products for certain purposes.-

2013 (1) ~~Notwithstanding Irrespective of the provisions of ss.~~
 2014 601.45, 601.46, 601.48, 601.49, 601.51, and 601.52, the
 2015 department may adopt ~~of Citrus under~~ such precautionary rules
 2016 that ~~and regulations as it deems may deem~~ expedient to ~~may~~
 2017 permit the sale or shipment of citrus fruit or the canned or
 2018 concentrated products thereof without the issuance of and filing
 2019 of an inspection certificate and without the grade being shown
 2020 on the container thereof, of:

2021 (a) ~~(1)~~ Intrastate shipments of fresh citrus fruit for
 2022 consumption or use within the state. †

2023 (b) ~~(2)~~ Shipments to be used for charitable or unemployment
 2024 relief purposes. †

2025 (c) ~~(3)~~ Shipments to the United States Government or any of
 2026 its agencies and interstate shipments to any packinghouse,
 2027 canning plant, or concentrate plant for commercial processing,
 2028 as may be defined by the department, of Citrus; or to fresh
 2029 fruit juice distributors outside the state. †

2030 (d) ~~(4)~~ Shipments by any method of transportation by "gift
 2031 fruit shippers," as defined by the department ~~of Citrus~~, but
 2032 such shipments shall not be for the purpose of resale by the
 2033 consignee thereof. † ~~but, provided~~

2034 (2) However ~~that~~, any ~~no~~ such rule adopted under this

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2035 section may not ~~or regulation issued hereunder shall~~ permit or
 2036 allow the sale or shipment of citrus fruit deemed by this
 2037 section to be immature and unfit for human consumption or ~~nor~~ of
 2038 canned or concentrated products thereof prepared or made from
 2039 citrus fruit deemed by this law to be immature and unfit for
 2040 human consumption. In addition; ~~but, provided further, that~~
 2041 shipments under paragraphs (1) (a) and (d) must ~~subsections (1)~~
 2042 ~~and (4) shall~~ meet such minimum grade standards as may
 2043 periodically, ~~from time to time,~~ be established by the
 2044 department, of Citrus; ~~and, provided further that~~ such rules
 2045 must ~~and regulations shall~~ provide for the due collection of any
 2046 advertising assessments ~~taxes~~ and inspection fees that may be
 2047 due thereon.

2048 Section 38. Section 601.501, Florida Statutes, is amended
 2049 to read:

2050 601.501 Charitable shipments exempt from assessments tax-
 2051 ~~exempt.~~ Shipments of citrus fruit when permitted under s. 601.50
 2052 for charitable purposes are ~~shall be~~ exempt from all advertising
 2053 assessments ~~taxes~~.

2054 Section 39. Section 601.51, Florida Statutes, is amended
 2055 to read:

2056 601.51 Certification required for shipment of citrus fruit
 2057 or products.-

2058 (1) A person, including a ~~No~~ common carrier or other
 2059 carrier, ~~or person,~~

2060 (a) Except as provided in s. 601.50, ~~shall~~ accept for
 2061 shipment, ship, or transport any citrus fruit or the canned or
 2062 concentrated products thereof until a grade certificate is

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2063 issued showing the grade thereof, which certificate or a
 2064 duplicate thereof must ~~shall~~ be filed with the carrier at the
 2065 point of shipment, ~~nor shall any common carrier or other~~
 2066 ~~carrier or person~~

2067 (b) Accept for shipment or ship any citrus fruit or the
 2068 canned or concentrated products thereof where written notice has
 2069 been given to such person, common carrier, or other carrier ~~or~~
 2070 ~~person~~, or her or his representative or agent, by the Department
 2071 of Agriculture or its authorized agent, employee, or inspector
 2072 that such ~~said~~ citrus fruit or the canned or concentrated
 2073 products thereof do ~~does~~ not comply with the provisions of law
 2074 or ~~the~~ rules adopted and ~~regulations promulgated~~ by the
 2075 Department of Citrus or the Department of Agriculture. ~~†~~

2076 (2) (a) A ~~provided that the~~ shipper or handler of such
 2077 citrus fruit or the canned or concentrated products thereof has
 2078 ~~shall have~~ the privilege of repacking or remarking, and ~~that~~, if
 2079 or when such citrus fruit or the canned or concentrated products
 2080 thereof are the same ~~shall have been~~ repacked or remarked to
 2081 conform to the provisions of law or ~~said rules, regulations, or~~
 2082 ~~orders of promulgated by~~ the Department of Citrus or the
 2083 Department of Agriculture, the Department of Agriculture or its
 2084 authorized inspector or agent shall notify such person, ~~said~~
 2085 common carrier, or other carrier ~~or person~~, or her or his agent,
 2086 that such citrus fruit or the canned or concentrated products
 2087 thereof may be accepted for shipment, and such shipper or
 2088 handler is ~~shall~~ not be considered as having violated this
 2089 chapter or such ~~said~~ rules, ~~regulations, or orders.~~, ~~but~~
 2090 ~~provided further that this section shall be deemed to have been~~

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2091 ~~complied with~~
 2092 (b) If a the shipper conforms shall have conformed to the
 2093 rules adopted regulations issued by the Department of Citrus
 2094 under the provisions of s. 601.49, the shipper is deemed to have
 2095 complied with this section.

2096 Section 40. Section 601.52, Florida Statutes, is amended
 2097 to read:

2098 601.52 Carriers not to accept fruit without unless same
 2099 ~~bears~~ evidence of payment of assessments and fees ~~excise taxes.-~~
 2100 A ~~No~~ common carrier or other carrier or person, except as
 2101 provided in s. 601.50, may not shall accept for shipment, ship,
 2102 or transport any citrus fruit or processed citrus products
 2103 unless the grade certificate, manifest, or bill of lading
 2104 covering such said citrus fruit or processed citrus products
 2105 bears evidence of the payment, as provided by law, of the ~~taxes,~~
 2106 ~~assessments,~~ and fees imposed by this chapter.

2107 Section 41. Subsection (1) of section 601.54, Florida
 2108 Statutes, is amended to read:

2109 601.54 Seizure of unwholesome fruit by Department of
 2110 Agriculture's agents.-

2111 (1) The Department of Agriculture or its duly authorized
 2112 inspectors shall seize and destroy all citrus fruit found by the
 2113 ~~said~~ Department of Agriculture or inspectors to be unwholesome
 2114 or decomposed so that it is unfit for canning or concentrating
 2115 purposes as defined by law or by any rule adopted by regulation
 2116 ~~of~~ the Department of Citrus under pursuant to authority given in
 2117 this chapter, ~~and,~~ in the event any inspector finds shall find
 2118 that any canner or concentrator is canning or concentrating

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2119 fruit prohibited to be used, she or he may seize and destroy not
 2120 only such fresh fruit found in the canning or concentrating
 2121 plant but also citrus fruit or juice in the process of being
 2122 canned or concentrated or that ~~which~~ has been canned or
 2123 concentrated from the same lot or shipment wherein the fresh
 2124 fruit is found by such ~~said~~ inspector to be subject to seizure
 2125 under ~~the provisions of~~ this section.

2126 Section 42. Subsection (3) of section 601.55, Florida
 2127 Statutes, is amended to read:

2128 601.55 Citrus fruit dealer; license required.—

2129 (3) An applicant is ~~shall be~~ limited to the filing of one
 2130 application for each citrus shipping season, which application
 2131 may be amended if necessary to comply with the requirements of
 2132 this chapter and ~~regulations of the department~~ rules of Citrus.

2133 Section 43. Section 601.56, Florida Statutes, is amended
 2134 to read:

2135 601.56 Application for dealers' licenses; requirements.—

2136 Any person desiring to engage in the business of a citrus fruit
 2137 dealer in the state must apply ~~shall make application~~ to the
 2138 department ~~of Citrus~~ for a license. The department ~~of Citrus~~
 2139 shall adopt rules prescribing ~~by regulation prescribe~~ the
 2140 information to be contained in such application.

2141 (1) All such applications, in addition to other
 2142 information that ~~which~~ may be prescribed by the department ~~of~~
 2143 ~~Citrus~~, must contain the following information:

2144 (a) Name and address of the individual, firm, partnership,
 2145 association, corporation, or other business unit applying for a
 2146 license.†

2147 (b) Names and addresses of the principal stockholders,
 2148 officers, partners, or other individuals belonging to or
 2149 connected with the applicant if the applicant for a license is a
 2150 firm, partnership, association, corporation, or other business
 2151 unit, whether it be for profit or otherwise.†

2152 (c) The length of time the applicant has been engaged in
 2153 the citrus fruit business in the state ~~Florida~~ in any manner
 2154 whatsoever.†

2155 (d) A statement of delinquent accounts, if any, growing
 2156 out of the ordinary course of business with producers.† ~~if any~~
 2157 ~~there be.~~

2158 (e) A financial statement of the applicant, if required by
 2159 the department ~~of Citrus~~, showing such information as the
 2160 department ~~of Citrus~~ may prescribe regarding the financial
 2161 conditions of the applicant.†

2162 (f) Whether or not the applicant or any of its officers,
 2163 directors, or stockholders have previously been licensed as a
 2164 citrus fruit dealer~~†~~ or connected with a licensed citrus fruit
 2165 dealer in the state and, if so, the date all such licenses were
 2166 obtained.† ~~and~~

2167 (g) The number of boxes of citrus fruit, measured in terms
 2168 of standard-packed boxes, that ~~which~~ the applicant intends to
 2169 deal with during the current or ensuing shipping season.

2170 (2) If the applicant is an individual and is shown to be a
 2171 nonresident of the state~~†~~ or is a copartnership and each member
 2172 is shown to be a nonresident of the state, ~~in either event~~, the
 2173 ~~said~~ applicant shall designate some bona fide resident of the
 2174 state as such applicant's resident agent upon whom process may

2175 | be served. The service of process of any of the courts of this
 2176 | state upon such resident agent shall be as effectual and binding
 2177 | upon such ~~said~~ applicant as if personally served upon such ~~said~~
 2178 | applicant.

2179 | (3) If the applicant is a corporation, ~~then~~ such
 2180 | corporation must be one organized and existing under the laws of
 2181 | this state or having an unrevoked permit authorizing it to
 2182 | transact business in this state.

2183 | (4) When a license application is submitted for a person
 2184 | or business entity that ~~which~~ has an unpaid balance due and
 2185 | owing the department ~~of Citrus~~ for any citrus assessments ~~excise~~
 2186 | ~~taxes~~ or delinquency fees levied and imposed under the authority
 2187 | of this chapter, the applicant shall be notified immediately by
 2188 | the department, ~~+~~ and such application may ~~shall~~ not be further
 2189 | processed or presented to the commission for action until such
 2190 | assessments ~~taxes~~ and fees are paid in full. However, any
 2191 | applicant whose assessments ~~taxes~~ are under review by the
 2192 | department ~~of Citrus~~ or are contested in the appropriate
 2193 | administrative agency or court shall not have its application
 2194 | denied solely on the basis of owed assessments ~~taxes~~ or fees,
 2195 | until the matter is determined by the department, agency, or
 2196 | court.

2197 | Section 44. Subsections (1), (6), and (7) of section
 2198 | 601.57, Florida Statutes, are amended to read:

2199 | 601.57 Examination of application; approval of dealers'
 2200 | licenses.—

2201 | (1) The department ~~of Citrus~~ shall, within a reasonable
 2202 | time, examine the application and consider the information

2203 submitted therewith, including the applicant's financial
 2204 statement and the reputation of the applicant as shown by
 2205 applicant's past and current history and activities, including
 2206 applicant's method and manner of doing business. The department
 2207 ~~of Citrus~~ shall also consider the past history of any applicant,
 2208 either individually or in connection with any individual,
 2209 copartnership, corporation, association, or other business unit
 2210 with whom any applicant has ~~shall have~~ been connected in any
 2211 capacity, and may in proper cases impute to any individual,
 2212 corporation, copartnership, association, or other business unit
 2213 liability for any wrong or unlawful act previously done or
 2214 performed by such individual, corporation, copartnership,
 2215 association, or other business unit.

2216 (6) The department ~~of Citrus~~ shall designate not more than
 2217 three employees directly involved in the processing of citrus
 2218 fruit dealer license applications, who shall be a part of, and
 2219 shall have access to, the criminal justice information system
 2220 described in chapter 943, for purposes of investigating license
 2221 applicants.

2222 (7) The department may adopt rules establishing ~~of Citrus~~
 2223 ~~is authorized to establish by rule~~ the procedure and guidelines
 2224 for granting interim conditional staff approval for issuance of
 2225 a conditional citrus fruit dealer's license, which license shall
 2226 at all times be subject to final approval or other action by the
 2227 commission at its next regular meeting. Any license so issued
 2228 shall clearly and conspicuously indicate thereon the conditional
 2229 nature of the approval and pendency of final action.

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2230 Section 45. Subsection (1) of section 601.58, Florida
 2231 Statutes, is amended to read:

2232 601.58 Application approval or disapproval.—

2233 (1) Each citrus fruit dealer's license application that
 2234 ~~which~~ is approved, or approved subject to conditions, shall be
 2235 forwarded immediately to the Department of Agriculture ~~and~~
 2236 ~~Consumer Services~~, which shall, upon satisfaction of the stated
 2237 conditions, if any are endorsed thereon, issue to the applicant
 2238 an appropriate license as prescribed in s. 601.60.

2239 Section 46. Section 601.60, Florida Statutes, is amended
 2240 to read:

2241 601.60 Issuance of dealers' licenses.—

2242 (1) Whenever an application bears the approved endorsement
 2243 of the Department of Citrus and satisfactions of conditions of
 2244 approval, if any, and the applicant has paid the prescribed fee,
 2245 the Department of Agriculture ~~and Consumer Services~~ shall issue
 2246 to such applicant a license, as approved by the Department of
 2247 Citrus, which shall entitle the licensee to do business as a
 2248 citrus fruit dealer during the effective term of such license in
 2249 accordance with s. 601.55 or, if applicable, until such license
 2250 ~~is may be~~ suspended or revoked by the Department of Agriculture
 2251 ~~and Consumer Services~~ in accordance with ~~the provisions of~~ law.
 2252 The Department of Agriculture ~~and Consumer Services~~ may issue a
 2253 provisional license for a period of no longer than 1 year to an
 2254 applicant who is under investigation for an action that would
 2255 constitute a violation of this chapter or has pending against
 2256 such applicant an administrative or civil proceeding that ~~which~~
 2257 alleges an action that would constitute a violation of this

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2258 chapter. The department shall establish by rule requirements for
 2259 renewal of a provisional license. When the investigation is
 2260 complete or the pending proceeding has been disposed of, the
 2261 Department of Agriculture may issue a regular license under this
 2262 section.

2263 (2) If, during the effective term of such license, there
 2264 is any change in the ownership, officers, managership, or
 2265 stockholders of any copartnership, association, corporation, or
 2266 other business unit to which a license has been issued, the
 2267 licensee shall immediately notify the Department of Citrus in
 2268 writing specifying the change in detail. The Department of
 2269 Citrus may ~~shall be entitled to~~ receive, and the licensee must
 2270 ~~shall be required to~~ promptly furnish, such additional
 2271 information as if the licensee were applying for a new license.
 2272 If, after investigating the facts and applying the standards
 2273 prescribed for the issuance of new licenses, the commission
 2274 finds that the licensee is not entitled to a citrus fruit
 2275 dealer's license, the commission shall recommend to the
 2276 Department of Agriculture ~~and Consumer Services~~ that such
 2277 existing license be suspended or revoked, and, upon such
 2278 recommendation, the Department of Agriculture ~~and Consumer~~
 2279 ~~Services~~ shall immediately take necessary steps to suspend or
 2280 revoke such existing license.

2281 Section 47. Section 601.601, Florida Statutes, is amended
 2282 to read:

2283 601.601 Registration of dealers' agents.—Each ~~Every~~
 2284 licensed citrus fruit dealer shall:

2285 (1) Register with the Department of Agriculture each ~~and~~

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2286 ~~every~~ agent, as defined in s. 601.03(2), who is authorized to
 2287 represent such dealer; apply ~~make application~~ for registration
 2288 of such agent or agents on a form approved by the Department of
 2289 Agriculture and filed with the Department of Agriculture at
 2290 least ~~not less than~~ 5 days before ~~prior to~~ the active
 2291 participation of the agent or agents on behalf of such dealer in
 2292 any transaction described in s. 601.03(2); and be held fully
 2293 liable for and legally bound by all contracts and agreements,
 2294 verbal or written, involving the consignment, purchase, or sale
 2295 of citrus fruit executed by a duly registered agent on the
 2296 dealer's behalf during the entire period of valid registration
 2297 of such agent the same as though such contracts or agreements
 2298 were executed by the dealer. Registration of each agent shall be
 2299 for the entire shipping season for which the applying dealer's
 2300 license is issued; however, a licensed dealer may cancel the
 2301 registration of any agent registered by her or him by returning
 2302 the agent's identification card to the Department of Agriculture
 2303 and giving formal written notice to the Department of
 2304 Agriculture of at least ~~not less than~~ 10 days. In addition, such
 2305 dealer shall make every effort to alert the public to the fact
 2306 that the agent is no longer authorized to represent her or him.
 2307 An agent may be registered by more than one licensed dealer for
 2308 the same shipping season, provided that each licensed dealer
 2309 applies ~~shall apply~~ individually for registration of the agent
 2310 and further provided that written consent is given by each and
 2311 every dealer under whose license the agent has valid prior
 2312 registration.

2313 (2) When the ~~above~~ requirements of subsection (1) and such

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2314 additional requirements ~~as may be~~ set forth by rules ~~regulations~~
 2315 adopted by the Department of Citrus for registration of an agent
 2316 are ~~have been~~ met and the fee required by s. 601.59(2) is ~~has~~
 2317 ~~been~~ paid, the Department of Agriculture shall duly register the
 2318 agent and issue an identification card certifying such
 2319 registration. The identification card, among other things, shall
 2320 show in a prominent manner:

- 2321 (a) The name and address of the agent.†
- 2322 (b) The authorizing dealer's name, address, and license
 2323 number.†
- 2324 (c) The effective date and season for which registration
 2325 is made.†
- 2326 (d)1. A space for signature of the agent.†
- 2327 2. A space to be countersigned by the licensed dealer.†
- 2328 3. A statement providing that the card is not valid unless
 2329 so signed and countersigned.

2330
 2331 The department ~~of Citrus~~ may periodically, ~~from time to time~~,
 2332 adopt, as necessary, additional requirements or conditions
 2333 relating to the registration of agents ~~as may be necessary~~.

2334 Section 48. Section 601.61, Florida Statutes, is amended
 2335 to read:

2336 601.61 Bond requirements of citrus fruit dealers.—
 2337 (1) (a) Except as ~~hereinafter~~ provided in this section,
 2338 before ~~prior to~~ the approval of a citrus fruit dealer's license,
 2339 the applicant ~~therefor~~ must deliver to the Department of
 2340 Agriculture ~~and Consumer Services~~ a good and sufficient cash
 2341 bond, an appropriate certificate of deposit, or a surety bond

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2342 | executed by the applicant as principal and by a surety company
 2343 | qualified to do business in this state as surety, in an amount
 2344 | ~~as~~ determined by the Department of Citrus pursuant to rules
 2345 | adopted by the department. The rules shall allow the department
 2346 | to consider any of following factors for determining the amount
 2347 | of such bonds or certificates of deposit ~~amount of such bond or~~
 2348 | ~~certificate of deposit shall be determined by taking into~~
 2349 | ~~consideration any one or more of the following:~~ the number of
 2350 | standard packed boxes of citrus fruit, or the equivalent
 2351 | thereof, that ~~which~~ the applicant intends to handle during the
 2352 | term of the license as set forth in the application; the total
 2353 | volume of fruit handled by the dealer the previous season; the
 2354 | highest month's volume handled the previous season; the
 2355 | anticipated increase in the total citrus crop during the season
 2356 | for which the application for license is made; or ~~and~~ other
 2357 | relevant factors ~~based on the following schedule:~~

- 2358 | ~~(a) \$1,000 up to 2,000 boxes;~~
- 2359 | ~~(b) \$2,000 up to 5,000 boxes;~~
- 2360 | ~~(c) \$3,750 up to 7,500 boxes;~~
- 2361 | ~~(d) \$5,000 up to 10,000 boxes;~~
- 2362 | ~~(e) \$10,000 up to 20,000 boxes;~~
- 2363 | ~~(f) \$1,000 for each additional 20,000 boxes or fraction~~
 2364 | ~~thereof in excess of 20,000 boxes, with a maximum bond of~~
 2365 | ~~\$100,000.~~

2366 | (b) If a citrus fruit dealer during the term of her or his
 2367 | license finds that she or he has handled, or can reasonably
 2368 | expect to handle, a volume of fruit greater than that covered by
 2369 | a posted bond or certificate of deposit, the dealer has ~~shall~~

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2370 | ~~have~~ the affirmative duty ~~to~~ of immediately notify ~~notifying~~ the
 2371 | Department of Agriculture ~~and Consumer Services~~ and initiate a
 2372 | review by the Department of Citrus to determine any ~~initiating~~
 2373 | ~~an~~ increase required in the amount of such bond or certificate
 2374 | of deposit to comply with the department's rules for determining
 2375 | the ~~an~~ amount of such bonds or certificates of deposit ~~that will~~
 2376 | ~~meet the requirements set forth above.~~

2377 | (2) Such ~~Said~~ bond shall be in the form approved by the
 2378 | Department of Agriculture ~~and Consumer Services~~ and shall be
 2379 | conditioned as provided in s. 601.66(9); ; ~~and also~~ to fully
 2380 | comply with the terms and conditions of all contracts, verbal or
 2381 | written, made by the citrus fruit dealer with producers or with
 2382 | other citrus fruit dealers; ; relative to the purchasing,
 2383 | handling, sale, and accounting of purchases and sales of citrus
 2384 | fruit; ; ~~and upon the dealer's~~ dealer accounting for the proceeds
 2385 | from, and paying for, any citrus fruit purchased or contracted
 2386 | for; ; in accordance with the terms of the contracts with
 2387 | producers; ; and upon the dealer's ~~dealer~~ accounting for any
 2388 | advance payments or deposits made, and delivering all citrus
 2389 | fruit contracted for, in accordance with the terms of the
 2390 | contracts with other citrus fruit dealers. The commission may
 2391 | prescribe by rule that such a producer contract contain
 2392 | information that it considers necessary to protect the producer
 2393 | from deceptive practices. For purposes of this chapter, every
 2394 | such contract shall be conclusively deemed to have been made and
 2395 | entered into during the shipping season in which the delivery of
 2396 | fruit into the primary channel of trade is made.

2397 | (3) Such ~~Said~~ bond shall be to the Department of

2398 Agriculture, for the use and benefit of every producer and of
 2399 every citrus fruit dealer with whom the dealer deals in the
 2400 purchase, handling, sale, and accounting of purchases and sales
 2401 of citrus fruit. The aggregate accumulative liability under any
 2402 bond may ~~shall~~ not exceed the amount of the bond ~~named therein~~.
 2403 Such said bond shall provide that the surety company executing
 2404 the bond is ~~thereon shall~~ not be liable to any citrus fruit
 2405 dealer claiming to be injured or damaged by such ~~the said~~ dealer
 2406 if the aggregate of the amounts found to be due to producers
 2407 pursuant to ~~the provisions of~~ this chapter equals or exceeds the
 2408 amount of the bond, unless such citrus fruit dealer is also a
 2409 producer and is acting in the capacity of a producer and not in
 2410 the capacity of a citrus fruit dealer in the transaction wherein
 2411 she or he claims to have been injured or damaged by applicant;
 2412 however, ~~but~~ if the aggregate of such amounts is less than the
 2413 amount of the bond, ~~then~~ the surety may be held liable to such
 2414 citrus fruit dealers, but not in excess of the sum by which the
 2415 amount of the bond exceeds the aggregate of the amounts found to
 2416 be due to producers pursuant to ~~the provisions of~~ this chapter.

2417 (4) The Department of Citrus or the Department of
 2418 Agriculture, or any officer or employee designated by the
 2419 Department of Citrus or the Department of Agriculture, is
 2420 authorized ~~shall have the right to~~ inspect such accounts and
 2421 records of any citrus fruit dealer as may be deemed necessary to
 2422 determine whether a bond that ~~which~~ has been delivered to the
 2423 Department of Agriculture is in the amount required by this
 2424 section or whether a previously licensed nonbonded dealer should
 2425 be required to furnish bond. If any such citrus fruit dealer

2426 | refuses to permit such inspection, the Department of Agriculture
 2427 | may publish the facts and circumstances and by order suspend the
 2428 | license of the offender until permission to make such inspection
 2429 | is given. Upon a finding by the Department of Agriculture that
 2430 | any citrus fruit dealer has dealt or probably will deal with
 2431 | more fruit during the season than shown by the application, the
 2432 | Department of Agriculture may order such bond increased to such
 2433 | an amount as will meet the requirements ~~as~~ set forth in the
 2434 | rules adopted by the Department of Citrus for determining the
 2435 | amount bond schedule of such bonds subsection (1). Upon failure
 2436 | to file such increased bond within the time fixed by the
 2437 | Department of Agriculture, the Department of Agriculture may
 2438 | publish the facts and circumstances and by order suspend the
 2439 | license of such citrus fruit dealer until such ~~the said~~ bond is
 2440 | increased as ordered.

2441 | (5) (a) The following citrus fruit, subject to such rules
 2442 | as may be prescribed by the Department of Citrus, is ~~shall~~ not
 2443 | ~~be~~ considered ~~as~~ fruit with which the applicant intends to deal
 2444 | for the purpose of determining the amount of the bond required
 2445 | under subsection (1) ~~:~~ ;

2446 | 1. Citrus fruit that ~~which~~ the applicant produces.

2447 | 2. Citrus fruit that ~~which~~ is handled for its members by a
 2448 | cooperative marketing association organized and existing under
 2449 | ~~the provisions of either~~ chapter 618 or chapter 619.

2450 | 3. Fresh citrus fruit handled by the applicant that, ~~which~~
 2451 | has been prepared and packaged by a registered packinghouse
 2452 | other than the applicant and has been inspected and certified
 2453 | for shipment.

2454 4. Citrus fruit handled by the applicant from citrus
 2455 groves for which the applicant provides complete grove
 2456 management services under direct contract with the owner or
 2457 producer.

2458 5. Citrus fruit handled by a corporate or partnership
 2459 applicant that is from citrus groves owned by officers or
 2460 stockholders of the corporation or from citrus groves owned by
 2461 the partnership, the parent corporation, or a wholly owned
 2462 subsidiary corporation or its corporate officers or
 2463 stockholders, or any partner of a partnership, if; ~~provided that~~
 2464 appropriate waivers of right to any claim against the bond
 2465 required to be posted by this section are ~~be~~ attached to and
 2466 made a part of the license application ~~for license~~.

2467 6. Processed citrus fruit handled by the applicant that
 2468 ~~which~~ has been processed and packaged by a registered citrus
 2469 processing plant other than the applicant and has been inspected
 2470 and certified for shipment.

2471 (b) If the applicant does not intend to deal with any
 2472 citrus fruit other than that described in paragraph (a) ~~which~~
 2473 ~~comes within the foregoing classifications~~, the Department of
 2474 Agriculture ~~and Consumer Services~~ shall issue a license without
 2475 the posting of a bond. Such a license shall bear a descriptive
 2476 statement to the effect that the licensee is not a bonded citrus
 2477 fruit dealer.

2478 (c) A claim against any citrus fruit dealer's bond
 2479 required to be posted by this section shall not be accepted with
 2480 respect to any damages in connection with fruit handled under
 2481 ~~the provisions of subparagraphs (a)1.-6. of paragraph (a)~~ if

2482 such claim is filed against the bond of the dealer who was
 2483 granted bond exempt status for such ~~said~~ fruit.

2484 ~~(6) If any of the provisions of this act shall be held to~~
 2485 ~~be unconstitutional or invalid for any reason by any court of~~
 2486 ~~competent jurisdiction or if such court shall find or declare~~
 2487 ~~that no applicant shall be required to furnish the bond required~~
 2488 ~~by this act, then and in that event this entire act shall be~~
 2489 ~~ineffective for any and all purposes and the laws in effect on~~
 2490 ~~July 31, 1965, which are amended by this act, shall not be~~
 2491 ~~deemed to be amended or repealed by this act but shall instead~~
 2492 ~~remain in full force and effect it being the intention of the~~
 2493 ~~Legislature that in such event this entire act shall be~~
 2494 ~~ineffective for any and all purposes and the laws in effect on~~
 2495 ~~July 31, 1965, which are amended or repealed by this act shall~~
 2496 ~~instead not be deemed to be amended or repealed by this act but~~
 2497 ~~shall remain in full force and effect.~~

2498 Section 49. Subsection (7) of section 601.64, Florida
 2499 Statutes, is amended to read:

2500 601.64 Citrus fruit dealers; unlawful acts.—It is unlawful
 2501 in, or in connection with, any transaction relative to the
 2502 purchase, handling, sale, and accounting of sales of citrus
 2503 fruit:

2504 (7) For any citrus fruit dealer to violate or aid or abet
 2505 in the violation of any rule adopted ~~or regulation duly~~
 2506 ~~promulgated~~ by the department of Citrus.

2507 Section 50. Subsections (1), (6), (7), and (8) of section
 2508 601.66, Florida Statutes, are amended to read:

2509 601.66 Complaints of violations by citrus fruit dealers;

2510 procedure; bond distribution; court action on bond.-

2511 (1) Any person may complain of any violation of ~~any of the~~
 2512 ~~provisions of~~ this chapter by any citrus fruit dealer during any
 2513 shipping season, by filing of a written complaint with the
 2514 Department of Agriculture ~~and Consumer Services~~ at any time
 2515 before ~~prior to~~ May 1 of the year immediately after ~~following~~
 2516 the end of such shipping season. Such ~~said~~ complaint shall
 2517 briefly state the facts, and the Department of Agriculture ~~and~~
 2518 ~~Consumer Services~~ shall thereupon, if the facts alleged prima
 2519 facie warrant such action, forward true copies of such ~~said~~
 2520 complaint to the dealer in question and also to the surety
 2521 company on the dealer's bond. The dealer at such time shall be
 2522 called upon, within a reasonable time to be prescribed by the
 2523 Department of Agriculture ~~and Consumer Services~~, either to
 2524 satisfy the complaint or to answer the complaint in writing,
 2525 either admitting or denying the liability.

2526 (6) Upon failure by a dealer to comply with an order of
 2527 the Department of Agriculture ~~and Consumer Services~~ directing
 2528 payment, the Department of Agriculture ~~and Consumer Services~~
 2529 shall call upon the surety company to pay over to the Department
 2530 of Agriculture ~~and Consumer Services~~, out of the bond
 2531 theretofore posted by the surety for such dealer, the amount of
 2532 damages sustained but not exceeding the amount of the bond. The
 2533 proceeds to the Department of Agriculture ~~and Consumer Services~~
 2534 by the surety company shall, in the discretion of the Department
 2535 of Agriculture ~~and Consumer Services~~, be ~~either~~ paid to the
 2536 original complainant or held by the Department of Agriculture
 2537 ~~and Consumer Services~~ for later disbursement, depending upon the

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2538 | time during the shipping season when the complaint was made,
 2539 | when liability was admitted by the dealer, when the proceeds
 2540 | were so paid by the surety company to the Department of
 2541 | Agriculture ~~and Consumer Services~~, the amount of other claims
 2542 | then pending against the same dealer, the amount of other claims
 2543 | already adjudicated against the dealer, and such other pertinent
 2544 | facts as the Department of Agriculture ~~and Consumer Services~~ in
 2545 | its discretion may consider material. The Department of
 2546 | Agriculture ~~and Consumer Services~~, if it decides to pay the
 2547 | proceeds to the original complainant, may ~~has authority to~~ order
 2548 | an increase in the original bond of the dealer to such higher
 2549 | sum as ~~to~~ the Department of Agriculture ~~and Consumer Services~~
 2550 | would be justified under all the circumstances so as to protect
 2551 | other possible claimants and to exercise all powers otherwise
 2552 | confided to it under this chapter to enforce the posting of such
 2553 | increased bond. The Department of Agriculture ~~and Consumer~~
 2554 | ~~Services~~ also, in its discretion as the facts and circumstances
 2555 | might appear to it, may hold the amount of such proceeds until
 2556 | such later time, up to the time when all claims have been filed
 2557 | during the allotted period after the closing of the shipping
 2558 | season and such claims adjudicated, and may ~~then~~ disburse the
 2559 | total proceeds in its possession paid over to it by the surety
 2560 | company on the dealer's bond as such claims were adjudicated to
 2561 | the various claimants, paying first to the producers the amount
 2562 | of their claims in full, if such proceeds are sufficient for
 2563 | such purpose, and if not, then in pro rata shares to such
 2564 | producer claimants. The balance of any; ~~and if there then exist~~
 2565 | additional proceeds in the hands of the Department of

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2566 Agriculture ~~and Consumer Services~~, after all claims of producers
 2567 have been paid in full, ~~the balance of such proceeds~~ shall be
 2568 paid to claimants who are citrus fruit dealers, either in whole
 2569 or in pro rata portion, as the aggregate of their claims may
 2570 bear to the amount of such additional proceeds.

2571 (7) Upon failure of a surety company to comply with a
 2572 demand for payment of the proceeds of a citrus fruit dealer's
 2573 bond pursuant to administrative orders entered by the Department
 2574 of Agriculture fixing amounts due claimants, the Department of
 2575 Agriculture shall within a reasonable time file in the Circuit
 2576 Court in and for Polk County, an original petition or complaint
 2577 setting forth the administrative proceedings before the
 2578 Department of Agriculture and ask for final order of the court
 2579 directing the surety company to pay the proceeds of the ~~said~~
 2580 bond to the Department of Agriculture for distribution to the
 2581 claimants.

2582 (8) In any court proceeding filed under subsection (7),
 2583 the findings of facts and orders of the Department of
 2584 Agriculture shall be prima facie evidence of the facts therein
 2585 stated, and if in such suit the Department of Agriculture is
 2586 successful and the court affirms the Department of Agriculture's
 2587 ~~department's~~ demand for payment from the surety company, the
 2588 Department of Agriculture shall be allowed all court costs
 2589 incurred therein and also a reasonable attorney fees ~~attorney's~~
 2590 ~~fee~~ to be fixed and collected as a part of the costs of the
 2591 suit.

2592 Section 51. Section 601.67, Florida Statutes, is amended
 2593 to read:

2594 601.67 Disciplinary action by Department of Agriculture
 2595 ~~and Consumer Services~~ against citrus fruit dealers.-

2596 (1) The Department of Agriculture ~~and Consumer Services~~
 2597 may impose a fine not exceeding \$50,000 per violation against
 2598 any licensed citrus fruit dealer for violation of any provision
 2599 of this chapter and, in lieu of, or in addition to, such fine,
 2600 may revoke or suspend the license of any such dealer when it has
 2601 been satisfactorily shown that such dealer, in her or his
 2602 activities as a citrus fruit dealer, has:

2603 (a) Obtained a license by means of fraud,
 2604 misrepresentation, or concealment;

2605 (b) Violated or aided or abetted in the violation of any
 2606 law of this state governing or applicable to citrus fruit
 2607 dealers or any lawful rules of the Department of Citrus;

2608 (c) Been guilty of a crime against the laws of this or any
 2609 other state or government involving moral turpitude or dishonest
 2610 dealing~~7~~ or has become legally incompetent to contract or be
 2611 contracted with;

2612 (d) Made, printed, published, distributed, or caused,
 2613 authorized, or knowingly permitted the making, printing,
 2614 publication, or distribution of false statements, descriptions,
 2615 or promises of such a character as to reasonably induce any
 2616 person to act to her or his damage or injury, if such citrus
 2617 fruit dealer then knew, or~~7~~ by the exercise of reasonable care
 2618 and inquiry~~7~~ could have known~~7~~ of the falsity of such
 2619 statements, descriptions, or promises;

2620 (e) Knowingly committed or been a party to any material
 2621 fraud, misrepresentation, concealment, conspiracy, collusion,

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2622 | trick, scheme, or device whereby any other person lawfully
 2623 | relying upon the word, representation, or conduct of the citrus
 2624 | fruit dealer has acted to her or his injury or damage;

2625 | (f) Committed any act or conduct of the same or different
 2626 | character of that hereinabove enumerated which constitutes
 2627 | fraudulent or dishonest dealing; or

2628 | (g) Violated any of the provisions of ss. 506.19-506.28,
 2629 | both sections inclusive.

2630 | (2) The Department of Agriculture may impose a fine not
 2631 | exceeding \$100,000 per violation against any person who operates
 2632 | as a citrus fruit dealer without a current citrus fruit dealer
 2633 | license issued by the Department of Agriculture pursuant to s.
 2634 | 601.60. In addition, the Department of Agriculture may order
 2635 | such person to cease and desist operating as a citrus fruit
 2636 | dealer without a license. An administrative order entered by the
 2637 | Department of Agriculture under this subsection may be enforced
 2638 | pursuant to s. 601.73.

2639 | (3) The Department of Agriculture shall impose a fine of
 2640 | not less than \$10,000 nor more than \$100,000 per violation
 2641 | against any licensed citrus fruit dealer and shall suspend, for
 2642 | 60 days during the first available period between September 1
 2643 | and May 31, the license of any citrus fruit dealer who:

2644 | (a) Falsely labels or otherwise misrepresents that a fresh
 2645 | citrus fruit was grown in a specific production area specified
 2646 | in s. 601.091; or

2647 | (b) Knowingly, falsely labels or otherwise misrepresents
 2648 | that a processed citrus fruit product was prepared solely with
 2649 | citrus fruit grown in a specific production area specified in s.

2650 601.091.

2651 (4) Any fine imposed pursuant to subsection (1),
 2652 subsection (2), or subsection (3), when paid, shall be deposited
 2653 by the Department of Agriculture ~~and Consumer Services~~ into its
 2654 General Inspection Trust Fund.

2655 (5) Whenever any administrative order has been made and
 2656 entered by the Department of Agriculture that ~~and Consumer~~
 2657 ~~Services which~~ imposes a fine pursuant to this section, such
 2658 order shall specify a time limit for payment of the fine, not
 2659 exceeding 15 days. The failure of the dealer involved to pay the
 2660 fine within that time shall result in the immediate suspension
 2661 of such citrus fruit dealer's current license, or any
 2662 subsequently issued license, until such time as the order has
 2663 been fully satisfied. Any order suspending a citrus fruit
 2664 dealer's license shall include a provision that such suspension
 2665 shall be for a specified period of time not to exceed 60 days,
 2666 and such period of suspension may commence at any designated
 2667 date within the current license period or subsequent license
 2668 period. Whenever an order has been entered that ~~which~~ suspends a
 2669 citrus fruit dealer's license for a definite period of time and
 2670 that license, by law, expires during the period of suspension,
 2671 the suspension order shall continue automatically and shall be
 2672 effective against any subsequent citrus fruit dealer's license
 2673 issued to such dealer until such time as the entire period of
 2674 suspension has elapsed. Whenever any such administrative order
 2675 of the Department of Agriculture ~~and Consumer Services~~ is sought
 2676 to be reviewed by the offending dealer involved in a court of
 2677 competent jurisdiction, if such court proceedings should finally

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2678 terminate in such administrative order being upheld or not
 2679 quashed, such order shall thereupon, upon the filing with the
 2680 Department of Agriculture ~~and Consumer Services~~ of a certified
 2681 copy of the mandate or other order of the last court having to
 2682 do with the matter in the judicial process, become immediately
 2683 effective and shall then be carried out and enforced
 2684 notwithstanding such time will be during a new and subsequent
 2685 shipping season from that during which the administrative order
 2686 was first originally entered by the Department of Agriculture
 2687 ~~and Consumer Services~~.

2688 Section 52. Subsection (9) of section 601.69, Florida
 2689 Statutes, is amended to read:

2690 601.69 Records to be kept by citrus fruit dealers.—Every
 2691 citrus fruit dealer shall make and keep a correct record showing
 2692 in detail the following with reference to the purchase,
 2693 handling, sale, and accounting of sale of citrus fruit handled
 2694 by her or him, namely:

2695 (9) Any other record or account required to be kept and
 2696 maintained by such dealer by rule adopted by ~~or regulation of~~
 2697 the department ~~of Citrus~~ duly promulgated.

2698 Section 53. Section 601.70, Florida Statutes, is amended
 2699 to read:

2700 601.70 Inspection of records by Department of Agriculture
 2701 ~~and Consumer Services~~.—The Department of Agriculture ~~and~~
 2702 ~~Consumer Services~~, or its duly authorized agents, shall have the
 2703 right to inspect all accounts, records, and memoranda of any
 2704 citrus fruit dealer required to be kept under ~~pursuant to the~~
 2705 ~~provisions of~~ this chapter. If any such citrus fruit dealer

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2706 | refuses to permit such inspection, the Department of Agriculture
 2707 | may publish the facts and circumstances and by order suspend the
 2708 | license of the offender until permission to make such inspection
 2709 | is given.

2710 | Section 54. Subsection (1) of section 601.701, Florida
 2711 | Statutes, is amended to read:

2712 | 601.701 Penalty for failure to keep records.—

2713 | (1) It is ~~shall be~~ unlawful to fail to keep any records
 2714 | required to be kept under ~~the provisions of~~ the Florida Citrus
 2715 | Code ~~of 1949, or any amendments thereto,~~ or required to be kept
 2716 | by any other law or by any rule adopted by ~~authorized regulation~~
 2717 | ~~of~~ the Department of Agriculture or the Department of Citrus, or
 2718 | to falsify or cause the falsification of any such records or to
 2719 | keep false records.

2720 | Section 55. Paragraph (a) of subsection (1) and subsection
 2721 | (2) of section 601.731, Florida Statutes, are amended to read:

2722 | 601.731 Transporting citrus on highways; name and dealer
 2723 | designation on vehicles; load identification; penalty.—

2724 | (1)(a) It is unlawful to operate any truck, tractor,
 2725 | trailer, or other motor vehicle hauling citrus fruit in bulk or
 2726 | in unclosed containers for commercial purposes on the highways
 2727 | of this state unless such truck, tractor, trailer, or other
 2728 | motor vehicle is:

2729 | 1. Designated by a number assigned or permitted for use in
 2730 | the way and manner and to the extent prescribed by ~~regulation of~~
 2731 | ~~the department~~ rule of Citrus.

2732 | 2. Identified by lettering plainly showing the name of the
 2733 | person owning same, or the name of any lessee or other person

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2734 operating same. The lettering shall not be less than 3 inches in
 2735 height on both sides of the vehicle or on the front end and the
 2736 rear end of the vehicle, except that lettering on flatbed
 2737 semitrailers shall not be less than 1 1/2 inches in height on
 2738 the rear end of the trailer.

2739 (2) Any person driving any truck, tractor, trailer, or
 2740 other motor vehicle hauling citrus fruit in bulk or in unclosed
 2741 containers for commercial purposes on the highways of the state
 2742 must ~~shall~~ have on her or his person while ~~when~~ driving such
 2743 vehicle a certificate or other paper showing the approximate
 2744 amount of fruit being hauled; the name of the owner and the
 2745 grove or other origin of such fruit; the number painted or
 2746 affixed by decal, as well as the number of the motor vehicle
 2747 license tag, on the vehicle in which such fruit is being hauled;
 2748 and such other information and data as may be prescribed by
 2749 ~~regulation of the~~ department rule ~~of Citrus~~, and it is unlawful
 2750 to drive any such vehicle on the highways of this state without
 2751 having such certificate or other paper. The failure of any such
 2752 person to have such certificate or other paper on her or his
 2753 person while ~~when~~ driving such vehicle, ~~as aforesaid~~, is prima
 2754 facie evidence of intent to violate and of the violation of this
 2755 section ~~act~~.

2756 Section 56. Section 601.74, Florida Statutes, is amended
 2757 to read:

2758 601.74 Adoption of rules; fees for licensing and analysis
 2759 of processing materials.—The Department of Agriculture ~~and~~
 2760 ~~Consumer Services~~ may adopt rules and set fees with respect to
 2761 the licensing and analysis of materials and composition used on

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2762 or in the packing of citrus fruits. Such rules may include fees
 2763 for permitting dyes and coloring matter. Fees shall be not less
 2764 than ~~the amount of~~ \$30 nor more than \$100 for each manufacturer
 2765 applying making application to the Department of Agriculture.
 2766 All such license fees collected under this section hereunder
 2767 shall be paid monthly by the Department of Agriculture ~~and~~
 2768 ~~Consumer Services~~ into the State Treasury to the credit of the
 2769 General Inspection Trust Fund and shall be appropriated and made
 2770 available for defraying the expenses incurred in the
 2771 administration of this law.

2772 Section 57. Section 601.75, Florida Statutes, is amended
 2773 to read:

2774 601.75 Dyes and coloring matter for citrus fruit to be
 2775 certified prior to use.—The Department of Agriculture ~~and~~
 2776 ~~Consumer Services~~ may adopt rules with respect to the permitting
 2777 and certification of dyes and coloring matter for citrus fruit
 2778 prior to use on any citrus fruit.

2779 Section 58. Section 601.76, Florida Statutes, is amended
 2780 to read:

2781 601.76 Manufacturer to furnish formula and other
 2782 information.—The Department of Agriculture ~~and Consumer Services~~
 2783 may adopt rules with respect to requirements for information
 2784 that which must be furnished by manufacturers of coloring matter
 2785 for use on citrus fruit. Such information may include product
 2786 formulas. Any formula required to be filed with the Department
 2787 of Agriculture ~~and Consumer Services~~ shall be deemed a trade
 2788 secret as defined in s. 812.081, is confidential and exempt from
 2789 ~~the provisions of~~ s. 119.07(1), and shall only be divulged to

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2790 the Department of Agriculture ~~and Consumer Services~~ or to its
 2791 duly authorized representatives or upon orders of a court of
 2792 competent jurisdiction when necessary in the enforcement of this
 2793 law. A person who receives such a formula from the Department of
 2794 Agriculture under this section shall maintain the
 2795 confidentiality of the formula.

2796 Section 59. Section 601.77, Florida Statutes, is amended
 2797 to read:

2798 601.77 Subsequent analysis of coloring matter; inspection
 2799 of packinghouses for application.—The Department of Agriculture
 2800 ~~and Consumer Services~~ may, by rule, provide for subsequent
 2801 analysis of coloring matter, for inspection of packinghouses or
 2802 other places where coloring matter is applied to citrus fruit,
 2803 and for grounds for revocation of a license to use coloring
 2804 matter on fruit.

2805 Section 60. Section 601.78, Florida Statutes, is amended
 2806 to read:

2807 601.78 Manufacturer to post bond.—The Department of
 2808 Agriculture ~~and Consumer Services~~ may, by rule, require cash or
 2809 surety bonds to be posted by manufacturers of coloring matter
 2810 used on citrus fruit. The Department of Agriculture ~~and Consumer~~
 2811 ~~Services~~ shall adopt rules prescribing the amount and form of
 2812 such bonds and the grounds and procedures for forfeiture of
 2813 same. The amount of the bond may ~~shall~~ not exceed \$5,000.

2814 Section 61. Section 601.80, Florida Statutes, is amended
 2815 to read:

2816 601.80 Unlawful to use uncertified coloring matter.—It is
 2817 unlawful for any person to use on oranges or citrus hybrids any

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2818 coloring matter which has not first received the approval of the
 2819 Department of Agriculture ~~and Consumer Services~~ as provided by
 2820 rule adopted under ~~pursuant to~~ s. 601.76.

2821 Section 62. Section 601.85, Florida Statutes, is amended
 2822 to read:

2823 601.85 Standard shipping box for fresh fruit.—The
 2824 specifications for the standard ~~legal~~ shipping box, when crate,
 2825 ~~or container to be used as a unit of trade or for reporting~~
 2826 purposes, ~~in shipping fresh citrus fruits~~ shall be as
 2827 established by the department, ~~of Citrus,~~ but ~~provided that~~ the
 2828 unit of a standard-packed box, commonly called 1 3/5 bushels,
 2829 shall contain an inside cubical measurement of 3,456 cubic
 2830 inches.

2831 Section 63. Section 601.86, Florida Statutes, is amended
 2832 to read:

2833 601.86 Standard field boxes for fresh citrus fruit.—The
 2834 standard field box or its equivalent, when used as a unit of
 2835 trade or for reporting purposes, ~~All field boxes used in the~~
 2836 ~~purchase, sale, or handling of citrus fruit from or for the~~
 2837 ~~grower by a citrus fruit dealer in the state~~ shall be of the
 2838 uniform standard size of 31 1/2 inches long, 13 inches high, and
 2839 12 inches wide, inside measurements, and shall be divided into
 2840 two compartments by a center partition of at least three-fourths
 2841 inch thickness, ~~and~~ and each of these compartments thus created
 2842 shall have a cubical capacity that does ~~of not to~~ exceed 2,400
 2843 cubic inches.

2844 Section 64. Subsection (3) of section 601.91, Florida
 2845 Statutes, is amended to read:

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2846 601.91 Unlawful to sell, transport, prepare, receive, or
2847 deliver freeze-damaged citrus.—

2848 (3) The manner and method of drawing samples and
2849 conducting tests under this section shall be prescribed by rules
2850 ~~and regulations~~ of the Department of Citrus. The inspection in
2851 the state of all citrus fruits seriously damaged by freezing and
2852 the enforcement of this section and of rules, ~~regulations,~~ and
2853 orders of ~~made by~~ the department ~~of Citrus~~ pursuant to and under
2854 authority of this section shall be under the direction,
2855 supervision, and control of the Department of Agriculture and
2856 its duly authorized agents and inspectors who are qualified
2857 under existing laws to inspect for grade and maturity, † and all
2858 citrus fruits that may be found to be seriously damaged by
2859 freezing, as defined by s. 601.89, upon inspection and testing
2860 shall be seized and may be confiscated and destroyed under the
2861 supervision of the citrus fruit inspector at the expense of the
2862 owner unless previous disposition is made by the owner or other
2863 person who offered the same for inspection, all the provisions
2864 of this section being subject to such reasonable rules ~~and~~
2865 ~~regulations~~ as may be adopted ~~promulgated~~ by the Department of
2866 Citrus.

2867 Section 65. Section 601.9901, Florida Statutes, is amended
2868 to read:

2869 601.9901 Certificates of inspection; form.—All
2870 certificates of inspection prescribed by this chapter shall be
2871 of such number, form, size, and character as the department ~~of~~
2872 ~~Citrus~~ may by rule ~~and regulation~~ prescribe and shall be used in
2873 such manner as to identify the fruit or the canned or

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2874 concentrated products thereof to which they relate.

2875 Section 66. Section 601.9902, Florida Statutes, is amended
2876 to read:

2877 601.9902 Payment of salaries and expenses; Department of
2878 Citrus.—All salaries, costs, and expenses incurred by the
2879 department ~~of Citrus~~ in the administration and ~~the~~ enforcement
2880 of this chapter and in the performance of the department's ~~its~~
2881 duties and the exercise of its powers under the laws of this
2882 state shall be proratably paid from the moneys derived from the
2883 citrus advertising assessments ~~taxes~~ imposed on the various
2884 types of citrus fruit in such proportion as the department ~~of~~
2885 ~~Citrus~~ may find each respective type ~~is~~ affected by such
2886 expenditures.

2887 Section 67. Section 601.9903, Florida Statutes, is amended
2888 to read:

2889 601.9903 Annual report of Department of Citrus.—The
2890 department ~~of Citrus~~ shall submit ~~make~~ an annual report to the
2891 Governor concerning ~~upon~~ the work of the department ~~of Citrus~~.
2892 The department ~~It~~ shall also submit ~~make~~ such special reports
2893 concerning ~~upon~~ any phase of the department's work ~~of the~~
2894 ~~Department of Citrus~~ as may be requested ~~called for~~ by the
2895 Governor or the Legislature or either house thereof.

2896 Section 68. Section 601.99035, Florida Statutes, is
2897 amended to read:

2898 601.99035 Annual travel report of Department of Citrus.—
2899 The department ~~of Citrus~~ shall, at the end of each fiscal year,
2900 publish an annual travel report that states, for each department
2901 staff member ~~of the Department of Citrus~~ and each commission

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2902 member ~~of the Florida Citrus Commission~~ who has traveled during
 2903 that year, the name of the person, the person's position title,
 2904 the date on which a claim for reimbursement was submitted, the
 2905 dates of travel, the destinations, the purpose of the travel,
 2906 and all expenditures that resulted from the travel.

2907 Section 69. Section 601.99036, Florida Statutes, is
 2908 amended to read:

2909 601.99036 Approval of specified salary changes.—Any change
 2910 in the annual salary of an employee of the department who earns
 2911 ~~of Citrus which is at or above \$100,000 or more~~ annually must be
 2912 approved by a majority ~~the full membership~~ of the ~~Florida Citrus~~
 2913 ~~commission at the meeting of the commission in July 2003, or at~~
 2914 ~~the first subsequent meeting, and before~~ the any subsequent
 2915 salary adjustment is made.

2916 Section 70. Section 601.9904, Florida Statutes, is amended
 2917 to read:

2918 601.9904 ~~Rules and regulations; Frozen citrus juices;~~
 2919 rules of Department of Citrus.—The department shall adopt ~~of~~
 2920 ~~Citrus is hereby authorized and required to promulgate and~~
 2921 enforce rules ~~and regulations~~ concerning the contents,
 2922 preparation, concentrating, other processing, and keeping or
 2923 storing of frozen concentrated fresh citrus juices, and such
 2924 rules ~~and regulations~~ may govern, cover but are not limited to,
 2925 the sanitary conditions under which such product is prepared,
 2926 the type of equipment and machinery used therein, ~~and~~ the manner
 2927 and method of storage within this state, and the manner and
 2928 method of shipment.

2929 Section 71. Subsection (6) of section 601.9908, Florida
 2930 Statutes, is amended to read:

2931 601.9908 Canned tangerine juice; standards; labeling.—No
 2932 canned tangerine juice shall be sold or offered for sale or
 2933 shipped or offered for shipment which:

2934 (6) Does not meet requirements to be established by the
 2935 department ~~of Citrus~~ regarding color, absence of defects, taste,
 2936 and flavor; unless the immediate container thereof shall be
 2937 labeled in accordance with regulations of the department ~~of~~
 2938 ~~Citrus~~ and there shall appear on such label the word
 2939 "substandard" in bold type not less than 1/4 inch high printed
 2940 or stamped diagonally thereon.

2941 Section 72. Paragraphs (c) and (d) of subsection (1) and
 2942 subsections (2) and (3) of section 601.9910, Florida Statutes,
 2943 are amended to read:

2944 601.9910 Legislative findings of fact; strict enforcement
 2945 of maturity standard in public interest.—

2946 (1) FINDINGS.—

2947 (c) The Legislature finds and determines and so declares
 2948 that there is no better method of determining when such raw and
 2949 immature flavor leaves Florida citrus than by the standards
 2950 authorized by set forth in this chapter and set forth in
 2951 department rule; and that experience has demonstrated over a
 2952 period of many years, by the best available records and under
 2953 various climatic conditions and various seasonal changes, that
 2954 generally speaking, before ~~prior to~~ November 1 of each season,
 2955 oranges that ~~which~~ do not have a total soluble solids of 9
 2956 percent with a minimum ratio of total soluble solids, as set

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2957 | forth in department rule s. 601.20, still have a raw, immature
 2958 | flavor; ~~and that,~~ beginning on or about November 1 of each
 2959 | season, such raw, immature fruit flavor gradually disappears
 2960 | from the orange, and by November 15 the same orange may have a
 2961 | still lower soluble solids percentage and not be immature; that
 2962 | ~~and~~ after November 15 the same orange can still have a further
 2963 | lower soluble solids percentage without being immature; and that
 2964 | by December 1 nature has completed its process of removing the
 2965 | raw, immature flavor that ~~which~~ might have existed before ~~prior~~
 2966 | ~~to~~ that time, provided such fruit meets the other minimum
 2967 | maturity requirements authorized by ~~set forth in~~ this chapter
 2968 | and set forth in department rule. On December 1 oranges meeting
 2969 | the requirements set forth in department rule of s. 601.19(4),
 2970 | while not being sufficiently mature to ship in fresh form, may
 2971 | be safely used in some processed products without the finished
 2972 | product having a raw, immature flavor. On December 1 grapefruit
 2973 | meeting the requirements set forth in department rule of s.
 2974 | ~~601.16(4)~~, while not being sufficiently mature to ship in fresh
 2975 | form, may be safely used in some processed products without the
 2976 | finished product having a raw, immature flavor.

2977 | (d) The Legislature finds and determines and so declares
 2978 | that the enforcement of the maturity standards, authorized by ~~as~~
 2979 | ~~set forth in~~ this chapter and set forth in department rule, will
 2980 | not result in preventing any grower from marketing her or his
 2981 | fruit at some time during the marketing season, whenever nature
 2982 | has removed the raw, immature flavor, ~~and,~~ if there is a delay
 2983 | in such marketing, it will result in higher prices for the
 2984 | entire season, bringing additional millions of dollars to the

2985 state's growers of ~~Florida~~ and resulting in benefit to all
 2986 growers, including the grower or growers who were delayed a
 2987 short time in the shipment of their fruit.

2988 (2) DECLARATION.—Therefore, the Legislature declares that
 2989 the strict enforcement of the maturity standards authorized by~~7~~
 2990 ~~as set forth in~~ this chapter and set forth in department rule~~7~~
 2991 is definitely in the public's interest and for the public's
 2992 welfare~~7~~ and that no citrus that ~~should be shipped from Florida~~
 2993 ~~and sold in the consuming markets which~~ has a raw, immature
 2994 flavor~~7~~ and that ~~which~~ could be classed by the consuming public
 2995 as "Florida green fruit~~7~~." should be shipped from the state and
 2996 sold in consuming markets.

2997 (3) RULES SETTING FORTH REGULATIONS REGARDING MATURITY
 2998 STANDARDS FOR HYBRIDS.—The Legislature finds and determines that
 2999 the classifications of and maturity standards for citrus hybrids
 3000 should be established by rules adopted ~~regulations promulgated~~
 3001 by the department ~~of Citrus~~ pursuant to this chapter.

3002 Section 73. Section 601.9911, Florida Statutes, is amended
 3003 to read:

3004 601.9911 Fruit may be sold or transported direct from
 3005 producer.—Any citrus producer may transport her or his own
 3006 citrus fruit or any citrus fruit may be sold or purchased and
 3007 transported in interstate or intrastate commerce in truckload
 3008 lots direct from a producer~~7~~, and any such fruit so sold,
 3009 purchased, or transported need not be processed, handled by any
 3010 packinghouse, washed, polished, graded, stamped, labeled,
 3011 branded, placed in containers, or otherwise prepared for market
 3012 as ~~may be provided~~ in this chapter herein. Such fruit shall be

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3013 certified at the time of inspection as tree run grade of fruit,
 3014 but shall otherwise remain subject to the maturity standards and
 3015 all other conditions, restrictions, emergency quality assurance
 3016 orders, and other requirements of this chapter and shall be
 3017 inspected for such compliance as all other fruit is inspected at
 3018 such convenient locations as may be determined by the Department
 3019 of Agriculture. Any such fruit violating any provision of ~~the~~
 3020 ~~provisions of~~ this chapter, or any rule adopted by ~~or regulation~~
 3021 ~~of the department under of Citrus made pursuant to~~ this chapter,
 3022 but not inconsistent with this section, may be seized,
 3023 condemned, and destroyed as provided in this chapter ~~herein~~. At
 3024 the time of such inspection, all fees and, assessments, ~~and~~
 3025 ~~excise taxes~~ provided in this chapter shall be paid and
 3026 collected at the same rate as paid by all other fresh fruit
 3027 growers or shippers.

3028 Section 74. Section 601.9918, Florida Statutes, is amended
 3029 to read:

3030 601.9918 Rules related to issuance and use of symbols.—In
 3031 rules related to the issuance and voluntary use of symbols,
 3032 certification marks, service marks, or trademarks, the
 3033 commission may make general references to national or state
 3034 requirements that the license applicant would be compelled to
 3035 meet regardless of the Department of Agriculture's ~~department's~~
 3036 issuance of the license applied for.

3037 Section 75. Section 601.992, Florida Statutes, is amended
 3038 to read:

3039 601.992 Collection of dues and other payments on behalf of
 3040 certain nonprofit corporations engaged in market news and grower

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3041 education.—The ~~Florida~~ Department of Citrus or the Department of
 3042 Agriculture ~~and Consumer Services~~ or their successors may
 3043 collect or compel the entities regulated by the Department of
 3044 Agriculture to collect dues, contributions, or any other
 3045 financial payment upon request by, and on behalf of, any not-
 3046 for-profit corporation~~,~~ and its related not-for-profit
 3047 corporations~~,~~ located in this state that receive ~~which receives~~
 3048 payments or dues from their ~~its~~ members. Such not-for-profit
 3049 corporation must be engaged, to the exclusion of agricultural
 3050 commodities other than citrus, in market news and grower
 3051 education solely for citrus growers, and must have at least
 3052 5,000 members who are engaged in growing citrus in this state
 3053 for commercial sale. The Department of Agriculture may adopt
 3054 rules ~~pursuant to ss. 120.536(1) and 120.54~~ to administer
 3055 ~~implement~~ this section. The rules may establish indemnity
 3056 requirements for the requesting corporation and for fees to be
 3057 charged to the corporation that ~~which~~ are sufficient but do not
 3058 exceed the amount necessary to ensure that any direct costs
 3059 incurred by the Department of Agriculture in implementing this
 3060 section are borne by the requesting corporation and not by the
 3061 Department of Agriculture.

3062 Section 76. Subsection (1) of section 603.161, Florida
 3063 Statutes, is amended to read:

3064 603.161 Sales certificates, work orders to accompany
 3065 certain fruit.—

3066 (1) This section applies to tropical or subtropical fruit.
 3067 "Tropical or subtropical fruit" means avocados, bananas,
 3068 calamondins, carambolas, guavas, kumquats, limes, longans,

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3069 | loquats, lychees, mameys, mangoes, papayas, passion fruit,
3070 | sapodillas, and fruit that must be grown in tropical or
3071 | semitropical regions, except citrus fruit as defined in s.
3072 | 601.03~~(7)~~.

3073 | Section 77. Effective January 1, 2013, sections 601.16,
3074 | 601.17, 601.18, 601.19, 601.20, 601.21, 601.22, 601.87, 601.90,
3075 | 601.901, 601.981, 601.9905, 601.9906, 601.9907, 601.9909,
3076 | 601.9913, 601.9914, and 601.9916, Florida Statutes, are
3077 | repealed.

3078 | Section 78. Except as otherwise expressly provided in this
3079 | act, this act shall take effect July 1, 2012.