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CS/CS/HB 1237

2012 Legislature

1
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

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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

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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

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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

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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:
 140

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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)~~.

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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

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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

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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.†

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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:†

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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

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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,

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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

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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.

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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

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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

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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.

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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

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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

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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.

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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

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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

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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

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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

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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 season crop size (millions of boxes)	1995 1996	1996 1997	1997 1998	1998 1999	1999-2000 and thereafter
	33	34	35	36	37

1052

1053

~~80 and~~
~~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
1064						
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 <u>assessment for tax rates</u> ,					
1070	expressed in cents per box, shall apply to grapefruit <u>that</u> which					
1071	enters the primary channel of trade for use in processed <u>form</u>					
1072	<u>may not exceed 36 cents per box.</u> 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					
1076	80 and greater	<u>23</u>	<u>24</u>	<u>25</u>	<u>25</u>
1077	75-79.99	<u>25</u>	<u>25</u>	<u>26</u>	<u>27</u>
1078	70-74.99	<u>26</u>	<u>27</u>	<u>28</u>	<u>29</u>
1079	65-69.99	<u>28</u>	<u>29</u>	<u>30</u>	<u>31</u>
1080	60-64.99	<u>31</u>	<u>32</u>	<u>32</u>	<u>33</u>
1081	55-59.99	<u>33</u>	<u>34</u>	<u>35</u>	<u>36</u>
1082	50-54.99	<u>36</u>	<u>38</u>	<u>39</u>	<u>40</u>
1083	45-49.99	<u>40</u>	<u>41</u>	<u>43</u>	<u>44</u>
1084	40-44.99	<u>45</u>	<u>46</u>	<u>48</u>	<u>49</u>

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

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1100

~~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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	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
1119					
1120					
255 and greater	<u>15</u>	<u>16</u>	<u>16</u>	<u>17</u>	<u>17</u>
1121					
245-254.9	<u>16</u>	<u>16</u>	<u>17</u>	<u>17</u>	<u>18</u>
1122					
235-244.9	<u>17</u>	<u>17</u>	<u>18</u>	<u>18</u>	<u>19</u>
1123					
225-234.9	<u>17</u>	<u>18</u>	<u>18</u>	<u>19</u>	<u>19</u>
1124					
215-224.9	<u>18</u>	<u>19</u>	<u>19</u>	<u>20</u>	<u>20</u>
1125					
205-214.9	<u>19</u>	<u>20</u>	<u>20</u>	<u>21</u>	<u>21</u>
1126					
195-204.9	<u>20</u>	<u>21</u>	<u>21</u>	<u>22</u>	<u>22</u>
1127					
185-194.9	<u>21</u>	<u>22</u>	<u>22</u>	<u>23</u>	<u>24</u>
1128					
175-184.9	<u>22</u>	<u>23</u>	<u>23</u>	<u>24</u>	<u>25</u>
1129					

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1130

~~165-174.9~~ 23 24 25 26 26

1131

~~155-164.9~~ 25 26 26 27 28

1132

~~Less than 155~~ 27 27 28 29 30

1133

1134 ~~However, effective July 1, 2011, the tax rate per box on oranges~~
1135 ~~that enter the primary channel of trade for use in processed~~
1136 ~~form may not exceed 25 cents per box.~~

1137 5. The actual assessment ~~tax rate~~ levied each year upon
1138 ~~oranges which enter the primary channel of trade for use in~~
1139 ~~processed form, pursuant to this paragraph, paragraph (c), and~~
1140 ~~subsection (4), shall also apply in that year to tangerines and~~
1141 ~~citrus hybrids regulated by the department that of Citrus which~~
1142 ~~enter the primary channel of trade for use in processed form may~~
1143 ~~not exceed 25 cents per box.~~

1144 6. The ~~following~~ maximum assessment for tax rates,
1145 ~~expressed in cents per box, shall apply to tangerines and citrus~~
1146 ~~hybrids regulated by the department that of Citrus which enter~~
1147 ~~the primary channel of trade for use in fresh form may not~~
1148 ~~exceed 16 cents per box.÷~~

1149

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

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~~

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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 financial
 1226 institution located in the United States, a cash bond, an
 1227 appropriate certificate of deposit, or an approved surety bond
 1228 in an amount and manner as prescribed by department ~~of Citrus~~
 1229 rule. Evidence of such guarantee of payment of assessments must
 1230 ~~excise taxes shall~~ be made on the grade certificate in such
 1231 manner and form as may be prescribed by department ~~of Citrus~~
 1232 rule.

1233 (c) All assessments ~~taxes~~ collected by the department ~~of~~
 1234 ~~Citrus~~ shall be delivered to the State Treasury for payment into
 1235 the proper advertising fund.

1236 (7) All assessments ~~excise taxes~~ levied and collected
 1237 under ~~the provisions of~~ this chapter shall be paid into the
 1238 State Treasury on or before the 15th day of each month. † Such
 1239 moneys shall be accounted for in a special fund to be designated
 1240 as the Florida Citrus Advertising Trust Fund, and all moneys in
 1241 such fund are ~~hereby~~ appropriated to the department ~~of Citrus~~
 1242 for the following purposes:

1243 (a) Four percent of all income of a revenue nature
 1244 deposited in this fund, including transfers from any subsidiary
 1245 accounts thereof and any interest income, shall be deposited in
 1246 the General Revenue Fund pursuant to chapter 215.

1247 (b) Moneys in the Florida Citrus Advertising Trust Fund
 1248 shall be expended for the activities authorized by s. 601.13 and
 1249 for the cost of those general overhead, research and
 1250 development, maintenance, salaries, professional fees,

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1251 enforcement costs, and other such expenses that ~~which~~ are not
 1252 related to advertising, merchandising, public relations, trade
 1253 luncheons, publicity, and other associated activities. The cost
 1254 of general overhead, maintenance, salaries, professional fees,
 1255 enforcement costs, and other such expenses that ~~which~~ are
 1256 related to advertising, merchandising, public relations, trade
 1257 luncheons, publicity, and associated activities shall be paid
 1258 from the balance of the Florida Citrus Advertising Trust Fund.

1259 (c) Moneys in the Florida Citrus Advertising Trust Fund
 1260 shall also be used by the department ~~of Citrus~~ for defraying
 1261 those expenses not included in paragraph (b). After payment of
 1262 such expenses, the money levied and collected under ~~the~~
 1263 ~~provisions of~~ subsection (3) shall be used exclusively for
 1264 commodity and noncommodity advertising, merchandising,
 1265 publicity, or sales promotion of citrus products in both fresh
 1266 form and processed form, including citrus cattle feed and all
 1267 other products of citrus fruits, produced in the state, in such
 1268 equitable manner and proration as the department ~~of Citrus~~ may
 1269 determine, but funds expended for commodity advertising
 1270 thereunder shall be expended through an established advertising
 1271 agency. A proration of moneys between commodity programs and
 1272 noncommodity programs, and among types of citrus products, shall
 1273 be made on or before November 1 of each shipping season and may
 1274 not thereafter be modified for that shipping season unless the
 1275 department finds such action necessary to preserve the economic
 1276 welfare of the citrus industry.

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

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1279 department to encourage substantial increases in the
 1280 effectiveness, frequency, and volume of noncommodity
 1281 advertising, merchandising, publicity, and sales promotion of
 1282 such citrus products through rebates and incentive payments to
 1283 handlers and trade customers for these activities. The
 1284 department shall ~~of Citrus is authorized and directed to~~ adopt
 1285 rules providing for the use of such moneys. The rules shall
 1286 establish alternate incentive programs, including at least one
 1287 incentive program for product sold under advertised brands, one
 1288 incentive program for product sold under private label brands,
 1289 and one incentive program for product sold in bulk. For each
 1290 incentive program, the rules shall establish eligibility and
 1291 performance requirements and shall provide appropriate
 1292 limitations on amounts payable to a handler or trade customer
 1293 for a particular season. Such limitations may relate to the
 1294 amount of citrus assessments ~~excise taxes~~ levied and collected
 1295 on the citrus product handled by such handler or trade customer
 1296 during a 12-month representative period. The department may
 1297 require from participants in noncommodity advertising and
 1298 promotional programs commercial information necessary to
 1299 determine eligibility for and performance in such programs. Any
 1300 information so required that ~~which~~ constitutes a "trade secret"
 1301 as defined in s. 812.081 is confidential and exempt from ~~the~~
 1302 ~~provisions of~~ s. 119.07(1).

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

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1307 on her or his regular expense voucher and support the same by
1308 the proof required pursuant to rules adopted and ~~regulations to~~
1309 ~~be promulgated~~ by the department ~~of Citrus~~.

1310 (b) The department ~~of Citrus~~ is authorized to spend such
1311 amount as it deems advisable for guests involved in promotional
1312 activities in the sale of Florida citrus fruits and products.

1313 (c) All obligations, expenses, and costs incurred under
1314 ~~the provisions of~~ this section shall be paid out of the Citrus
1315 Advertising Fund upon warrant of the Chief Financial Officer
1316 when vouchers thereof, approved by the department ~~of Citrus~~, are
1317 exhibited.

1318 (9) (a) Any handler who fails to file a return or to pay
1319 any assessment tax within the time required shall thereby
1320 forfeit to the department ~~of Citrus~~ a penalty of 5 percent of
1321 the amount of assessment tax determined to be due, ~~+~~ but the
1322 department ~~of Citrus~~, if satisfied that the delay was excusable,
1323 may remit all or any part of such penalty. Such penalty shall be
1324 paid to the department ~~of Citrus~~ and disposed of as provided
1325 with respect to moneys derived from the assessments taxes levied
1326 and imposed by subsection (3).

1327 (b) The department ~~of Citrus~~ may collect any assessments
1328 ~~taxes~~ levied and assessed by this chapter in any or all of the
1329 following methods:

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

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1335 as a citrus fruit dealer until the delinquent assessments ~~taxes~~
1336 are paid. Such action may include an accounting to determine the
1337 amount of assessments ~~taxes~~ plus delinquencies due. In any such
1338 proceeding, it is not necessary to allege or prove that an
1339 adequate remedy at law does not exist.

1340 (10) The powers and duties of the department ~~of Citrus~~
1341 include the following:

1342 (a) To adopt and periodically ~~from time to time~~ alter,
1343 rescind, modify, and amend all proper and necessary rules,
1344 ~~regulations,~~ and orders for the exercise of its powers and the
1345 performance of its duties under this chapter.

1346 (b) To employ and at its pleasure discharge an advertising
1347 manager, agents, advertising agencies, and such clerical and
1348 other help as it deems necessary and to outline their powers and
1349 duties and fix their compensation.

1350 (c) To make in the name of the department ~~of Citrus~~ such
1351 advertising contracts and other agreements as may be necessary.

1352 (d) To keep books, records, and accounts of all of its
1353 activities, which books, records, and accounts shall be open to
1354 inspection, audit, and examination by the Auditor General and
1355 the Office of Program Policy Analysis and Government
1356 Accountability.

1357 (e) To purchase or authorize the purchase of all office
1358 equipment and supplies and to incur all other reasonable and
1359 necessary expenses and obligations in connection with and
1360 required for the proper administration ~~carrying out~~ of the
1361 ~~provisions~~ of this chapter.

1362 (f) To conduct, and pay out of the Florida Citrus

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1363 Advertising Trust Fund, premium and prize promotions designed to
1364 increase the use of citrus in any form.

1365 (g) To advertise citrus cattle feed and promote its use.

1366 (h) To conduct marketing activities in foreign countries
1367 and other programs designed to develop and protect domestic and
1368 international markets.

1369 Section 19. Paragraphs (a), (b), and (d) of subsection
1370 (1), subsection (4), paragraph (a) of subsection (5), and
1371 subsections (8) through (11) of section 601.152, Florida
1372 Statutes, are amended to read:

1373 601.152 Special marketing orders.—

1374 (1)(a) Whenever, upon its own motion or upon petition of
1375 any handler or producer or group or association of handlers or
1376 producers of citrus fruit, the commission, upon affirmative vote
1377 of seven ~~nine~~ of its members, determines:

1378 1. That the conduct of a special advertising and
1379 promotional marketing campaign or the conduct of market and
1380 product research and development, in addition to the advertising
1381 campaign being conducted pursuant to s. 601.15 and the research
1382 being conducted pursuant to the other provisions of the Florida
1383 Citrus Code, may substantially further increase the consumer
1384 acceptance and consumption of, and strengthen the market for,
1385 any type, variety, or form of citrus fruit or processed citrus
1386 product by further increasing the number of families buying such
1387 citrus fruit or such processed citrus product or by further
1388 increasing the quantity of such citrus fruit or processed citrus
1389 product purchased by buying families; and

1390 2. That such substantial further increase and

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1391 strengthening may be of substantial benefit to handlers thereof,
1392 producers thereof, and to the economy and well-being of the
1393 state,

1394
1395 the commission shall direct that a proposed marketing order be
1396 formulated for a special marketing campaign of advertising and
1397 sales promotion, including, but not limited to, brand
1398 advertising rebate promotions or the conduct of market and
1399 product research and development for such type, variety, or form
1400 of citrus fruit or processed citrus product, and shall designate
1401 a public hearing to consider adoption and implementation of such
1402 proposed marketing order.

1403 (b) Notice of the time, place, and purpose of such public
1404 hearing shall be:

1405 1. Mailed, at least ~~not less than~~ 10 days before ~~prior to~~
1406 such hearing, to each handler who, during the 12 months
1407 immediately before ~~preceding~~ such mailing, has first handled in
1408 the primary channel of trade in the state ~~Florida~~ the type,
1409 variety, and form of citrus fruit or citrus product specified in
1410 the proposed marketing order, and to each handler who the
1411 department ~~of Citrus~~ has good cause to believe will, during the
1412 period of time covered by the proposed marketing order, first
1413 handle in the primary channel of trade in the state ~~Florida~~ the
1414 type, variety, and form of citrus fruit or processed citrus
1415 product specified in such proposed marketing order.

1416 2. Published in the Florida Administrative Weekly at least
1417 ~~not less than~~ 10 days before ~~prior to~~ such hearing.

1418 (d) Copies of the proposed marketing order shall be made

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1419 available to the public at the offices of the department ~~of~~
 1420 ~~Citrus~~ at Lakeland at least 5 days before ~~prior to~~ such hearing
 1421 and shall be in sufficient detail to apprise all persons having
 1422 an interest therein of the approximate amount of moneys proposed
 1423 to be expended; the assessments to be levied thereunder; and the
 1424 general details of the proposed marketing order for a special
 1425 marketing campaign of advertising or sales promotion or market
 1426 or product research and development. Among the details so
 1427 specified shall be the period of time during which the
 1428 assessment imposed pursuant to subsection (8) will be levied
 1429 upon the privilege so assessed, which period may not be greater
 1430 than 2 years. The order may, however, provide that the
 1431 expenditure of the funds received from the imposition of such
 1432 assessments shall not be so confined, but may be expended during
 1433 such time or times as shall be specified in the proposed
 1434 marketing order, which may be either during the shipping season
 1435 immediately preceding the shipping seasons during which such
 1436 assessments are imposed or during, or at any time subsequent to,
 1437 the shipping seasons during which such assessments are imposed.
 1438 This section does not ~~Nothing herein shall be construed to~~
 1439 prevent the imposition of a subsequent marketing order ~~either~~
 1440 before, during, or after the expenditure of funds collected
 1441 under ~~pursuant to~~ a previously imposed marketing order, provided
 1442 the aggregate of the assessments imposed may not exceed the
 1443 maximum permitted under subsection (8).

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

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1447 order to determine whether such marketing order has been so
1448 assented to.

1449 (5) (a) Any marketing order adopted under ~~pursuant to~~ this
1450 section and subsequently approved by referendum as provided in
1451 this section ~~herein~~ shall take effect ~~become effective~~ 15 days
1452 after referendum approval is officially determined by the
1453 commission. Chapter 120 does not apply to this section. Any such
1454 marketing order is ~~shall be~~ reviewable by any person adversely
1455 affected, by certiorari to the district courts of appeal in the
1456 manner prescribed by the Florida Rules of Appellate Procedure.
1457 The venue of the proceeding for such review shall be the
1458 appellate district that ~~which~~ includes the county in which the
1459 hearings were conducted or, if the venue cannot be ~~thus~~
1460 determined, the appellate district in which ~~wherein~~ the
1461 department's ~~Department of Citrus~~ executive offices are located.

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

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1475 marketing order. However, such assessments levied and imposed
1476 under this section may ~~pursuant hereto shall be at a rate not to~~
1477 exceed 8 cents per standard-packed box on citrus fruits in fresh
1478 form, 1.3 cents per gallon on single strength citrus juices or
1479 sections, or 1.3 cents per pound of soluble citrus solids on
1480 concentrated citrus juices.

1481 (b) The department ~~of Citrus~~ shall prescribe procedures
1482 for the assessment and collection of such funds to defray the
1483 necessary expenses incurred, or expected to be incurred, by the
1484 department ~~of Citrus~~ in the formation, issuance, administration,
1485 and enforcement of any marketing order implemented under
1486 ~~pursuant to the provisions of~~ this section.

1487 (c) Every handler shall, at such times as the department
1488 may require, file with the department ~~of Citrus~~ a return, not
1489 under oath, on forms to be prescribed and furnished by the
1490 department ~~of Citrus~~, certified as true and correct, stating the
1491 quantity of the type, variety, and form of citrus fruit or
1492 citrus product specified in the marketing order first handled in
1493 the primary channels of trade in the state Florida by such
1494 handler during the period of time specified in the marketing
1495 order. Such returns shall contain any further information deemed
1496 by the department ~~of Citrus~~ to be reasonably necessary to
1497 properly administer or enforce ~~the provisions of~~ this section or
1498 any marketing order implemented under this section hereunder.
1499 Information that, if disclosed, would reveal a trade secret, as
1500 defined in s. 812.081, of any person subject to a marketing
1501 order is confidential and exempt from ~~the provisions of~~ s.
1502 119.07(1).

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1503 (d) All assessments imposed under ~~and pursuant to the~~
1504 ~~provisions of this section~~ are ~~shall be~~ due and payable and
1505 shall be paid by such handlers at such times and in such
1506 installments as the commission prescribes ~~shall prescribe~~ in
1507 such marketing order, or the amount thereof shall be provided
1508 for and guaranteed by giving a surety bond or cash deposit or as
1509 the department ~~of Citrus may~~ otherwise prescribes ~~prescribe~~.

1510 (9) (a) All moneys collected by the department ~~of Citrus~~
1511 under this section shall be set aside in the Florida Citrus
1512 Advertising Trust Fund as a special fund to be known as the
1513 "Citrus Special Marketing Order Fund." All moneys in such fund,
1514 after deducting the service charge provided in s. 601.15(7), are
1515 ~~hereby~~ appropriated to the department ~~of Citrus~~ for the actual
1516 expenses incurred by the department for ~~of Citrus with respect~~
1517 ~~to~~ the formulation, issuance, administration, and enforcement of
1518 any marketing order so implemented and in the conduct of the
1519 special marketing campaign or market and product research and
1520 development to be carried out pursuant to any such marketing
1521 order so implemented. Upon the completion of the special
1522 marketing campaign or market and product research and
1523 development provided for pursuant to any marketing order so
1524 implemented ~~hereunder~~, any and all moneys remaining and not
1525 required by the department ~~of Citrus~~ to defray the expenses of
1526 such marketing order shall be deposited to and made a part of
1527 the Florida Citrus Advertising Trust Fund created by s. 601.15.

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

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1531 Citrus Advertising Trust Fund, including the Emergency Reserve
1532 Fund and any other special or reserve fund, such sum of money as
1533 the department ~~of Citrus~~ determines is initially required to
1534 formulate, issue, administer, and enforce any such marketing
1535 order and conduct the special marketing campaign or market and
1536 product research and development to be carried out pursuant to
1537 such marketing order until moneys in the Citrus Special
1538 Marketing Order Fund derived from assessments imposed and
1539 collected pursuant to this section are sufficient for such
1540 purposes, and thereafter repay such advance out of the Citrus
1541 Special Marketing Order Fund.

1542 (10) (a) Any handler who fails to file a return or to pay
1543 any assessment within the time required shall thereby forfeit to
1544 the department ~~of Citrus~~ a penalty of 5 percent of the amount of
1545 assessment then due, + but the department ~~of Citrus~~, upon good
1546 cause shown, may waive all or any part of such penalty. Such
1547 penalty shall be paid to the department ~~of Citrus~~ and disposed
1548 of as provided with respect to moneys derived from the
1549 assessments imposed under ~~pursuant to~~ this section.

1550 (b) The department ~~of Citrus~~ may collect the assessments
1551 imposed under ~~pursuant to~~ this section by any ~~in either or all~~
1552 of the following methods:

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

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1559 accounting to determine the amount of assessments plus
1560 delinquencies due. In any such proceeding, it shall not be
1561 necessary to allege or prove that an adequate remedy at law does
1562 not exist.

1563 (11) This section shall be liberally construed to
1564 effectuate the purposes set forth and as additional and
1565 supplemental powers vested in the department ~~of Citrus~~ under the
1566 police power of this state.

1567 Section 20. Section 601.155, Florida Statutes, is amended
1568 to read:

1569 601.155 Equalizing assessment ~~excise tax~~; credit;
1570 exemption.—

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

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1587 subsection (2).

1588 (2) Upon the exercise of any privilege described in
 1589 subsection (1), the assessment ~~excise tax~~ levied by this section
 1590 shall be at the same rate per box of oranges or grapefruit
 1591 utilized in the initial production of the processed citrus
 1592 products so handled as that imposed, at the time of exercise of
 1593 the assessable ~~taxable~~ privilege, by s. 601.15 per box of
 1594 oranges.

1595 (3) For the purposes of this section, the number of boxes
 1596 of oranges or grapefruit utilized in the initial production of
 1597 processed citrus products subject to the assessable ~~taxable~~
 1598 privilege shall be:

1599 (a) The actual number of boxes so utilized, if known and
 1600 verified in accordance with department ~~of Citrus~~ rules; or

1601 (b) An equivalent number established by department ~~of~~
 1602 ~~Citrus~~ rule which, on the basis of existing data, reasonably
 1603 equates to the quantity of citrus contained in the product, when
 1604 the actual number of boxes so utilized is not known or properly
 1605 verified.

1606 (4) For purposes of this section:

1607 (a) "Processed orange products" means products for human
 1608 consumption consisting of 20 percent or more single strength
 1609 equivalent orange juice; orange sections, segments, or edible
 1610 components; or whole peeled fruit.

1611 (b) "Processed grapefruit products" means products for
 1612 human consumption consisting of 20 percent or more single
 1613 strength equivalent grapefruit juice; grapefruit sections,
 1614 segments, or edible components; or whole peeled fruit.

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1615 (c) "Original container" includes any vessel, tanker or
 1616 tank car, or other transport vehicle.

1617 (d) "Retail or institutional container" means a container
 1618 having a capacity of 10 gallons or less.

1619 (5) Products made in whole or in part from citrus fruit on
 1620 which an equivalent assessment tax is levied pursuant to s.
 1621 601.15 are exempt from the assessment tax imposed by this
 1622 section. In the case of products made in part from citrus fruit
 1623 exempt from the assessment tax imposed by this section, it shall
 1624 be the burden of the persons liable for the assessment excise
 1625 ~~tax~~ to show the department ~~of Citrus~~, through competent
 1626 evidence, proof of that part which is not subject to an
 1627 assessable a-taxable privilege.

1628 (6) Every person liable for the assessment excise tax
 1629 imposed by this section shall keep a complete and accurate
 1630 record of the receipt, storage, handling, exercise of any
 1631 assessable taxable privilege under this section, and shipment of
 1632 all products subject to the assessment tax imposed by this
 1633 section. Such record shall be preserved for a period of 1 year
 1634 and shall be offered for inspection upon oral or written request
 1635 by the department ~~of Citrus~~ or its duly authorized agent.

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

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1643 processed orange or grapefruit products subject to this section
1644 upon which any assessable ~~taxable~~ privilege under this section
1645 was exercised during the period of time covered by the return.
1646 Full payment of assessments ~~excise taxes~~ due for the period
1647 reported shall accompany each return.

1648 (8) All assessments ~~taxes~~ levied and imposed by this
1649 section shall be due and payable within 61 days after the first
1650 of the assessable ~~taxable~~ privileges is exercised in this state.
1651 Periodic payment of the assessments ~~excise taxes~~ imposed by this
1652 section by the person first exercising the assessable ~~taxable~~
1653 privileges and liable for such payment shall be permitted only
1654 in accordance with department ~~of Citrus~~ rules, and the payment
1655 thereof shall be guaranteed by the posting of an appropriate
1656 certificate of deposit, approved surety bond, letter of credit
1657 from an issuing financial institution located in the United
1658 States, or cash deposit in an amount and manner as prescribed by
1659 the department ~~of Citrus~~.

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

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1671 (1) other than storage or removal from the original container
1672 was exercised before ~~prior to~~ such shipment out of the state.

1673 (10) Notwithstanding any ~~other~~ provision of law, the
1674 department ~~of Citrus~~ shall develop a process by which any person
1675 liable for the assessment ~~excise tax~~ imposed under this section
1676 may annually object to payment of the assessment ~~tax~~. Any such
1677 objection must be allowed without discretion as to the validity
1678 thereof, and that person shall be granted the immediate right to
1679 elect not to pay two-thirds of the applicable assessment ~~tax~~
1680 ~~rate~~. The department ~~of Citrus~~ may not expend any of the
1681 remaining one-third of the applicable assessment ~~tax rate~~ on any
1682 advertising, marketing, or public relations activities to which
1683 any person liable for the assessment ~~excise tax~~ imposed under
1684 this section objects; however, such funds may be used for
1685 research, administrative, and regulatory activities. Effective
1686 July 1, 2004, upon any necessary legislative appropriation of
1687 moneys due under the settlement agreement of Consolidated Case
1688 No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial
1689 Circuit in Polk County, the plaintiffs shall agree to the
1690 dismissal of their claim under the foreign commerce clause with
1691 prejudice.

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

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1699 department ~~of Citrus~~ a penalty of 5 percent of the amount of
1700 assessment then due, ~~+~~ but the department ~~of Citrus~~, on good
1701 cause shown, may waive all or any part of such penalty.

1702 (12) This section shall be liberally construed to
1703 effectuate the purposes set forth and as additional and
1704 supplemental powers vested in the department ~~of Citrus~~ under the
1705 police power of this state.

1706 Section 21. Section 601.24, Florida Statutes, is amended
1707 to read:

1708 601.24 Department of Citrus to prescribe methods of
1709 testing and grading.—The department ~~of Citrus~~ shall adopt rules
1710 providing ~~by rule or regulation provide~~ the manner and method to
1711 be used in drawing samples and the quantity to be used in
1712 testing and grading of citrus fruit and the canned and
1713 concentrated products thereof and shall provide specifications
1714 and methods for use of juice extractors to be used in extracting
1715 juice for such tests and grading purposes.

1716 Section 22. Section 601.25, Florida Statutes, is amended
1717 to read:

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

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1727 the total soluble solids, ~~+~~ and anhydrous citric acid shall be
1728 determined by titration of the juice using standard alkali and
1729 phenolphthalein as indicator, the total acidity being calculated
1730 as anhydrous citric acid.

1731 Section 23. Subsections (5) and (7) of section 601.28,
1732 Florida Statutes, are amended to read:

1733 601.28 Inspection fees.—

1734 (5) The Department of Agriculture may ~~shall have the power~~
1735 ~~to~~ adopt rules providing for the imposition of special fees for
1736 inspections conducted during hours not contemplated by regular
1737 state work hours. The ~~Such~~ rules shall prescribe circumstances
1738 under which the fees levied pursuant to paragraphs (1)(a) and
1739 (b) would not apply and the fees imposed pursuant to such rules
1740 would apply. The rules shall require ~~provide~~ that such ~~said~~ fees
1741 ~~shall~~ be levied when specifically actuated by contract between
1742 the Department of Agriculture and persons liable for the fees
1743 created by this subsection. The rules may ~~shall~~ not authorize
1744 ~~allow~~ fees that exceed ~~to be charged which are in excess of~~ the
1745 Department of Agriculture's ~~department's~~ actual cost of the
1746 inspection to be made, nor may ~~shall~~ such fees be less than
1747 those imposed by paragraphs (1)(a) and (b).

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

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1755 authorized by law. The ~~said~~ hearing officer shall, in addition
1756 to conducting such hearings, be available to the Division of
1757 Fruit and Vegetables for other legal services on matters
1758 pertaining to violations of this chapter and rules adopted
1759 ~~promulgated~~ thereunder.

1760 Section 24. Section 601.31, Florida Statutes, is amended
1761 to read:

1762 601.31 Citrus inspectors; employment.—The Department of
1763 Agriculture may in each year employ as many citrus fruit
1764 inspectors for such period or periods, not exceeding 1 year, as
1765 the ~~said~~ Department of Agriculture shall deem necessary for the
1766 effective enforcement of the citrus fruit laws of this state.
1767 All persons authorized to inspect and certify to the maturity
1768 and grade of citrus fruit shall be governed in the discharge of
1769 their duties as such inspectors by the provisions of law and by
1770 the rules adopted ~~and regulations prescribed~~ by the Department
1771 of Citrus and the Department of Agriculture and shall perform
1772 their duties under the direction and supervision of the
1773 Department of Agriculture. All citrus inspectors appointed for
1774 the enforcement of this chapter shall be persons who are duly
1775 licensed or certified by the United States Department of
1776 Agriculture as citrus fruit inspectors.

1777 Section 25. Section 601.32, Florida Statutes, is amended
1778 to read:

1779 601.32 Compensation of inspectors.—The salaries of the
1780 chief citrus inspector, the chief laboratory inspector, the
1781 district supervising inspectors, the junior and senior
1782 inspectors, and all other necessary inspectors shall be in the

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1783 amount as determined and fixed by the Department of Agriculture,
 1784 and, in addition thereto, each such inspector ~~of said inspectors~~
 1785 shall be reimbursed for travel expenses as provided in s.
 1786 112.061, which shall be paid upon approval of accounts therefor
 1787 by the Department of Agriculture. The Department of Agriculture
 1788 may employ such additional field and other agents and clerical
 1789 assistance at such times and for such periods and incur and pay
 1790 any other expenses, including travel expenses, as provided in s.
 1791 112.061, of the Department of Agriculture during the citrus
 1792 fruit season, as may be necessary for the effective enforcement
 1793 of the citrus fruit laws of this state and of the rules
 1794 ~~regulations~~ of the Department of Citrus and ensure ~~assure~~ the
 1795 payments of the inspection fees imposed or that may be imposed
 1796 under the authority of law.

1797 Section 26. Section 601.33, Florida Statutes, is amended
 1798 to read:

1799 601.33 Interference with inspectors. ~~A It is unlawful for~~
 1800 ~~any~~ person may not ~~to~~ obstruct, hinder, resist, interfere with,
 1801 or attempt to obstruct, hinder, resist, or interfere with any
 1802 authorized inspector in the discharge of any duty imposed upon
 1803 or required of her or him by the provisions of law or by any
 1804 rule adopted ~~or regulation prescribed~~ by the Department of
 1805 Citrus or the Department of Agriculture, or ~~to~~ change or attempt
 1806 to change any instrument, substance, article, or fluid used by
 1807 such inspector or emergency inspector in making tests of citrus
 1808 fruit or the canned or concentrated products thereof.

1809 Section 27. Section 601.34, Florida Statutes, is amended
 1810 to read:

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1811 601.34 Duties of law enforcement officers.—Each state or
1812 county law enforcement officer shall make arrests for violations
1813 of the citrus fruit laws of this state or of any rule,
1814 ~~regulation,~~ or order of promulgated by the commission or the
1815 Department of Agriculture ~~and Consumer Services~~ under authority
1816 of law when notified of such violation by the Department of
1817 Agriculture or its duly authorized agent or representative.

1818 Section 28. Section 601.35, Florida Statutes, is amended
1819 to read:

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

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1839 be transported, which person or representative shall then accept
1840 such citrus fruit or the canned or concentrated products thereof
1841 for shipment provided that all other provisions of this chapter
1842 and of the rules, ~~regulations,~~ and orders of the Department of
1843 Citrus and of the Department of Agriculture have been met and
1844 complied with.

1845 Section 29. Section 601.37, Florida Statutes, is amended
1846 to read:

1847 601.37 Unlawful acts of inspectors. ~~An It is unlawful for~~
1848 ~~any~~ authorized inspector may not ~~to~~ make or deliver a
1849 certificate of inspection and maturity and quality of any citrus
1850 fruit or the canned or concentrated products thereof upon which
1851 the inspection fees and advertising assessments ~~taxes~~ have not
1852 been paid or the payment thereof guaranteed, or ~~to~~ make or issue
1853 any false certificate as to inspection, maturity, quality, or
1854 payment of inspection fees.

1855 Section 30. Section 601.38, Florida Statutes, is amended
1856 to read:

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

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

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1895 as such citrus fruit dealer in accordance with law.

1896 Section 32. Section 601.43, Florida Statutes, is amended
1897 to read:

1898 601.43 Immature and unfit citrus fruit; individual
1899 sampling.—Any oranges, grapefruit, ~~and~~ tangerines, ~~not~~
1900 ~~conforming to the minimum maturity requirements set forth in~~
1901 ~~this chapter~~ and any citrus hybrids not conforming to the
1902 minimum maturity requirements set forth in department rules ~~are~~
1903 ~~of Citrus regulations shall be~~ deemed and held to be immature
1904 and unfit for human consumption. In the testing of fruit to
1905 determine whether the same conforms to such requirements, any
1906 inspector has ~~shall have~~ the right and authority to test the
1907 individual fruit in any given sample of fruit drawn in the
1908 number and by the manner as prescribed by ~~regulations of the~~
1909 department rules ~~of Citrus~~. If, upon ~~the~~ testing ~~of~~ the juice of
1910 ~~said~~ individual fruit in any sample, more than 10 percent of
1911 such ~~said~~ individual fruit ~~shall~~ fail by more than one-half
1912 percentage point to meet the minimum ratio of total soluble
1913 solids to anhydrous citric acid that ~~which~~ is required for such
1914 fruit, ~~then~~ all of the fruit in the lot from which the ~~said~~
1915 sample was drawn is ~~shall be~~ deemed and shall be held to be
1916 immature and unfit for human consumption.

1917 Section 33. Section 601.44, Florida Statutes, is amended
1918 to read:

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

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1923 transportation that may be found immature or otherwise unfit for
 1924 human consumption upon inspection and testing shall be seized
 1925 and destroyed by a citrus fruit inspector or the sheriff of the
 1926 county where found as may be provided by ~~regulations prescribed~~
 1927 ~~by the~~ department rules ~~of Citrus~~. Such ~~Said~~ determination of
 1928 immaturity or unfitness for human consumption may be made by a
 1929 citrus fruit inspector at any place where such citrus fruit may
 1930 be found after severance from the tree, and such seizure and
 1931 destruction may likewise occur at any such place. However, in
 1932 the event of seizure of citrus fruit upon the grounds that such
 1933 citrus fruit fails to show a break in color required by this
 1934 chapter or department rules ~~of Citrus regulations~~ for that
 1935 particular variety of citrus fruit, the owner or person in
 1936 charge of such citrus fruit shall be allowed to separate and
 1937 retain for subsequent use, in accordance with ~~the provisions of~~
 1938 this chapter or department rules ~~of Citrus regulations~~, that
 1939 portion of such citrus fruit which shows a break in color
 1940 required by this chapter or department rules ~~of Citrus~~
 1941 ~~regulations~~ for that particular variety, ~~and,~~ in such case, only
 1942 that portion thereof which fails to show a break in color for
 1943 such variety, as required by this chapter or department rules ~~of~~
 1944 ~~Citrus regulations~~, shall be destroyed by a citrus fruit
 1945 inspector or the sheriff of the county, as may be prescribed by
 1946 ~~regulations of the~~ department rules ~~of Citrus~~.

1947 Section 34. Section 601.45, Florida Statutes, is amended
 1948 to read:

1949 601.45 Grading of fresh citrus fruit.—

1950 (1) All citrus fruit, except as provided in s. 601.50,

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1951 sold or shipped, or offered for sale or shipment, for
1952 consumption in fresh form shall be graded in a registered
1953 packinghouse in this state according to standards established by
1954 the department ~~of Citrus~~, and the grade of such fruit shall be
1955 indicated as ~~hereinafter~~ provided in this section.

1956 (2) Fresh citrus fruit being transported in bulk form
1957 shall have stamped upon such fruit, subject to department rules:

1958 (a) The actual grade thereof; or

1959 (b) Brands or trademarks properly registered with the
1960 department to represent state or U.S. grades, as provided in
1961 subsection (4).

1962 (3) For fresh citrus fruit being transported when packed
1963 in a closed container approved or otherwise authorized by the
1964 department ~~of Citrus~~, it shall be sufficient if the closed
1965 container has the grade indicated thereon, in accordance with
1966 department rules, by:

1967 (a) Stamping the grade of the fruit on the container; or

1968 (b) Use of labels, brands, or trademarks properly
1969 registered with the department to represent state or U.S.
1970 grades, as provided in subsection (4).

1971 (4) In accordance with such rules as the department ~~of~~
1972 ~~Citrus~~ may prescribe, licensed citrus fruit dealers in this
1973 state are ~~shall be~~ entitled to register labels, brands, or
1974 trademarks for grade identification purposes. The department
1975 shall maintain a record of all labels, brands, or trademarks
1976 registered for grade identification purposes, which record may
1977 be purged as necessary.

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1978 Section 35. Subsection (1) of section 601.46, Florida
1979 Statutes, is amended to read:

1980 601.46 Condition precedent to sale of citrus fruit.—

1981 (1) It is unlawful, except as provided in s. 601.50, for
1982 any person to sell or offer for sale, ~~to~~ transport, prepare,
1983 receive, or deliver for transportation or market any citrus
1984 fruit in fresh form unless such fruit has matured in accordance
1985 with the maturity standards and is accompanied by a certificate
1986 of inspection and maturity thereof issued by a duly authorized
1987 citrus fruit inspector of the Department of Agriculture ~~and~~
1988 ~~Consumer Services~~. However, the Department of Citrus may adopt
1989 rules providing ~~by regulation provide~~ that, in lieu of the
1990 accompaniment of such shipment by a certificate of inspection
1991 and maturity, the fact of such inspection may be shown by
1992 appropriate means on the manifest or bill of lading covering
1993 such shipment.

1994 Section 36. Section 601.49, Florida Statutes, is amended
1995 to read:

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

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2006 inspection, proof ~~the fact~~ of such inspection may be shown,
2007 pursuant to rules adopted by the Department of Citrus, by
2008 appropriate means on the manifest or bill of lading covering
2009 such shipment.

2010 Section 37. Section 601.50, Florida Statutes, is amended
2011 to read:

2012 601.50 Exemptions; sale or shipment of citrus or citrus
2013 products for certain purposes.—

2014 (1) ~~Notwithstanding Irrespective of the provisions of ss.~~
2015 601.45, 601.46, 601.48, 601.49, 601.51, and 601.52, the
2016 department may adopt ~~of Citrus under~~ such precautionary rules
2017 that ~~and regulations as it deems may deem~~ expedient to ~~may~~
2018 permit the sale or shipment of citrus fruit or the canned or
2019 concentrated products thereof without the issuance of and filing
2020 of an inspection certificate and without the grade being shown
2021 on the container thereof, of:

2022 (a) ~~(1)~~ Intrastate shipments of fresh citrus fruit for
2023 consumption or use within the state. ~~†~~

2024 (b) ~~(2)~~ Shipments to be used for charitable or unemployment
2025 relief purposes. ~~†~~

2026 (c) ~~(3)~~ Shipments to the United States Government or any of
2027 its agencies and interstate shipments to any packinghouse,
2028 canning plant, or concentrate plant for commercial processing,
2029 as may be defined by the department, ~~of Citrus,~~ or to fresh
2030 fruit juice distributors outside the state. ~~†~~

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

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2034 consignee thereof. ~~but, provided~~
 2035 (2) However ~~that, any~~ no such rule adopted under this
 2036 section may not ~~or regulation issued hereunder shall~~ permit or
 2037 allow the sale or shipment of citrus fruit deemed by this
 2038 section to be immature and unfit for human consumption or ~~nor~~ of
 2039 canned or concentrated products thereof prepared or made from
 2040 citrus fruit deemed by this law to be immature and unfit for
 2041 human consumption. In addition; ~~but, provided further, that~~
 2042 shipments under paragraphs (1) (a) and (d) must ~~subsections (1)~~
 2043 ~~and (4) shall~~ meet such minimum grade standards as may
 2044 periodically, ~~from time to time,~~ be established by the
 2045 department, of Citrus; ~~and, provided further that~~ such rules
 2046 must ~~and regulations shall~~ provide for the due collection of any
 2047 advertising assessments ~~taxes~~ and inspection fees that may be
 2048 due thereon.

2049 Section 38. Section 601.501, Florida Statutes, is amended
 2050 to read:

2051 601.501 Charitable shipments exempt from assessments tax-
 2052 ~~exempt.~~ Shipments of citrus fruit when permitted under s. 601.50
 2053 for charitable purposes are ~~shall be~~ exempt from all advertising
 2054 assessments ~~taxes~~.

2055 Section 39. Section 601.51, Florida Statutes, is amended
 2056 to read:

2057 601.51 Certification required for shipment of citrus fruit
 2058 or products.-

2059 (1) A person, including a ~~No~~ common carrier or other
 2060 carrier, may not: ~~or person,~~

2061 (a) Except as provided in s. 601.50, ~~shall~~ accept for

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2062 shipment, ship, or transport any citrus fruit or the canned or
2063 concentrated products thereof until a grade certificate is
2064 issued showing the grade thereof, which certificate or a
2065 duplicate thereof must ~~shall~~ be filed with the carrier at the
2066 point of shipment, ~~nor shall any common carrier or other~~
2067 ~~carrier or person~~

2068 (b) Accept for shipment or ship any citrus fruit or the
2069 canned or concentrated products thereof where written notice has
2070 been given to such person, common carrier, or other carrier ~~or~~
2071 ~~person~~, or her or his representative or agent, by the Department
2072 of Agriculture or its authorized agent, employee, or inspector
2073 that such ~~said~~ citrus fruit or the canned or concentrated
2074 products thereof do ~~does~~ not comply with the provisions of law
2075 or ~~the~~ rules adopted ~~and regulations promulgated~~ by the
2076 Department of Citrus or the Department of Agriculture. ~~†~~

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

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2090 chapter or such ~~said~~ rules, ~~regulations,~~ or orders, ~~but~~
2091 ~~provided further that this section shall be deemed to have been~~
2092 ~~complied with~~

2093 (b) If a ~~the~~ shipper conforms ~~shall have conformed~~ to the
2094 rules adopted ~~regulations issued~~ by the Department of Citrus
2095 under ~~the provisions of~~ s. 601.49, the shipper is deemed to have
2096 complied with this section.

2097 Section 40. Section 601.52, Florida Statutes, is amended
2098 to read:

2099 601.52 Carriers not to accept fruit without ~~unless same~~
2100 ~~bears~~ evidence of payment of assessments and fees ~~excise taxes.~~-
2101 A ~~No~~ common carrier or other carrier or person, except as
2102 provided in s. 601.50, may not ~~shall~~ accept for shipment, ship,
2103 or transport any citrus fruit or processed citrus products
2104 unless the grade certificate, manifest, or bill of lading
2105 covering such ~~said~~ citrus fruit or processed citrus products
2106 bears evidence of the payment, as provided by law, of the ~~taxes,~~
2107 ~~assessments,~~ and fees imposed by this chapter.

2108 Section 41. Subsection (1) of section 601.54, Florida
2109 Statutes, is amended to read:

2110 601.54 Seizure of unwholesome fruit by Department of
2111 Agriculture's agents.-

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

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2118 | this chapter, ~~and,~~ in the event any inspector finds ~~shall find~~
 2119 | that any canner or concentrator is canning or concentrating
 2120 | fruit prohibited to be used, she or he may seize and destroy not
 2121 | only such fresh fruit found in the canning or concentrating
 2122 | plant but also citrus fruit or juice in the process of being
 2123 | canned or concentrated or that ~~which~~ has been canned or
 2124 | concentrated from the same lot or shipment wherein the fresh
 2125 | fruit is found by such ~~said~~ inspector to be subject to seizure
 2126 | under ~~the provisions of~~ this section.

2127 | Section 42. Subsection (3) of section 601.55, Florida
 2128 | Statutes, is amended to read:

2129 | 601.55 Citrus fruit dealer; license required.—

2130 | (3) An applicant is ~~shall be~~ limited to the filing of one
 2131 | application for each citrus shipping season, which application
 2132 | may be amended if necessary to comply with the requirements of
 2133 | this chapter and ~~regulations of the department~~ rules of Citrus.

2134 | Section 43. Section 601.56, Florida Statutes, is amended
 2135 | to read:

2136 | 601.56 Application for dealers' licenses; requirements.—
 2137 | Any person desiring to engage in the business of a citrus fruit
 2138 | dealer in the state must apply ~~shall make application~~ to the
 2139 | department ~~of Citrus~~ for a license. The department ~~of Citrus~~
 2140 | shall adopt rules prescribing ~~by regulation prescribe~~ the
 2141 | information to be contained in such application.

2142 | (1) All such applications, in addition to other
 2143 | information that ~~which~~ may be prescribed by the department ~~of~~
 2144 | Citrus, must contain the following information:

2145 | (a) Name and address of the individual, firm, partnership,

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2146 association, corporation, or other business unit applying for a
2147 license.~~†~~

2148 (b) Names and addresses of the principal stockholders,
2149 officers, partners, or other individuals belonging to or
2150 connected with the applicant if the applicant for a license is a
2151 firm, partnership, association, corporation, or other business
2152 unit, whether it be for profit or otherwise.~~†~~

2153 (c) The length of time the applicant has been engaged in
2154 the citrus fruit business in the state Florida in any manner
2155 whatsoever.~~†~~

2156 (d) A statement of delinquent accounts, if any, growing
2157 out of the ordinary course of business with producers.~~†~~ ~~if any~~
2158 ~~there be;~~

2159 (e) A financial statement of the applicant, if required by
2160 the department ~~of Citrus~~, showing such information as the
2161 department ~~of Citrus~~ may prescribe regarding the financial
2162 conditions of the applicant.~~†~~

2163 (f) Whether or not the applicant or any of its officers,
2164 directors, or stockholders have previously been licensed as a
2165 citrus fruit dealer~~†~~ or connected with a licensed citrus fruit
2166 dealer in the state and, if so, the date all such licenses were
2167 obtained.~~†~~ ~~and~~

2168 (g) The number of boxes of citrus fruit, measured in terms
2169 of standard-packed boxes, that ~~which~~ the applicant intends to
2170 deal with during the current or ensuing shipping season.

2171 (2) If the applicant is an individual and is shown to be a
2172 nonresident of the state~~†~~ or is a copartnership and each member
2173 is shown to be a nonresident of the state, ~~in either event~~~~†~~, the

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2174 ~~said~~ applicant shall designate some bona fide resident of the
2175 state as such applicant's resident agent upon whom process may
2176 be served. The service of process of any of the courts of this
2177 state upon such resident agent shall be as effectual and binding
2178 upon such ~~said~~ applicant as if personally served upon such ~~said~~
2179 applicant.

2180 (3) If the applicant is a corporation, ~~then~~ such
2181 corporation must be one organized and existing under the laws of
2182 this state or having an unrevoked permit authorizing it to
2183 transact business in this state.

2184 (4) When a license application is submitted for a person
2185 or business entity that ~~which~~ has an unpaid balance due and
2186 owing the department ~~of Citrus~~ for any citrus assessments ~~excise~~
2187 ~~taxes~~ or delinquency fees levied and imposed under the authority
2188 of this chapter, the applicant shall be notified immediately by
2189 the department, ~~+~~ and such application may ~~shall~~ not be further
2190 processed or presented to the commission for action until such
2191 assessments ~~taxes~~ and fees are paid in full. However, any
2192 applicant whose assessments ~~taxes~~ are under review by the
2193 department ~~of Citrus~~ or are contested in the appropriate
2194 administrative agency or court shall not have its application
2195 denied solely on the basis of owed assessments ~~taxes~~ or fees,
2196 until the matter is determined by the department, agency, or
2197 court.

2198 Section 44. Subsections (1), (6), and (7) of section
2199 601.57, Florida Statutes, are amended to read:

2200 601.57 Examination of application; approval of dealers'
2201 licenses.—

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2202 (1) The department ~~of Citrus~~ shall, within a reasonable
2203 time, examine the application and consider the information
2204 submitted therewith, including the applicant's financial
2205 statement and the reputation of the applicant as shown by
2206 applicant's past and current history and activities, including
2207 applicant's method and manner of doing business. The department
2208 ~~of Citrus~~ shall also consider the past history of any applicant,
2209 either individually or in connection with any individual,
2210 copartnership, corporation, association, or other business unit
2211 with whom any applicant has ~~shall have~~ been connected in any
2212 capacity, and may in proper cases impute to any individual,
2213 corporation, copartnership, association, or other business unit
2214 liability for any wrong or unlawful act previously done or
2215 performed by such individual, corporation, copartnership,
2216 association, or other business unit.

2217 (6) The department ~~of Citrus~~ shall designate not more than
2218 three employees directly involved in the processing of citrus
2219 fruit dealer license applications, who shall be a part of, and
2220 shall have access to, the criminal justice information system
2221 described in chapter 943, for purposes of investigating license
2222 applicants.

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

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2230 nature of the approval and pendency of final action.

2231 Section 45. Subsection (1) of section 601.58, Florida
2232 Statutes, is amended to read:

2233 601.58 Application approval or disapproval.—

2234 (1) Each citrus fruit dealer's license application that
2235 ~~which~~ is approved, or approved subject to conditions, shall be
2236 forwarded immediately to the Department of Agriculture ~~and~~
2237 ~~Consumer Services~~, which shall, upon satisfaction of the stated
2238 conditions, if any are endorsed thereon, issue to the applicant
2239 an appropriate license as prescribed in s. 601.60.

2240 Section 46. Section 601.60, Florida Statutes, is amended
2241 to read:

2242 601.60 Issuance of dealers' licenses.—

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

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2258 alleges an action that would constitute a violation of this
2259 chapter. The department shall establish by rule requirements for
2260 renewal of a provisional license. When the investigation is
2261 complete or the pending proceeding has been disposed of, the
2262 Department of Agriculture may issue a regular license under this
2263 section.

2264 (2) If, during the effective term of such license, there
2265 is any change in the ownership, officers, managership, or
2266 stockholders of any copartnership, association, corporation, or
2267 other business unit to which a license has been issued, the
2268 licensee shall immediately notify the Department of Citrus in
2269 writing specifying the change in detail. The Department of
2270 Citrus may ~~shall be entitled to~~ receive, and the licensee must
2271 ~~shall be required to~~ promptly furnish, such additional
2272 information as if the licensee were applying for a new license.
2273 If, after investigating the facts and applying the standards
2274 prescribed for the issuance of new licenses, the commission
2275 finds that the licensee is not entitled to a citrus fruit
2276 dealer's license, the commission shall recommend to the
2277 Department of Agriculture ~~and Consumer Services~~ that such
2278 existing license be suspended or revoked, and upon such
2279 recommendation, the Department of Agriculture ~~and Consumer~~
2280 ~~Services~~ shall immediately take necessary steps to suspend or
2281 revoke such existing license.

2282 Section 47. Section 601.601, Florida Statutes, is amended
2283 to read:

2284 601.601 Registration of dealers' agents. ~~Each~~ Every
2285 licensed citrus fruit dealer shall:

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2286 (1) Register with the Department of Agriculture each ~~and~~
 2287 ~~every~~ agent, as defined in s. 601.03(2), who is authorized to
 2288 represent such dealer; apply ~~make application~~ for registration
 2289 of such agent or agents on a form approved by the Department of
 2290 Agriculture and filed with the Department of Agriculture at
 2291 least ~~not less than~~ 5 days before ~~prior to~~ the active
 2292 participation of the agent or agents on behalf of such dealer in
 2293 any transaction described in s. 601.03(2); and be held fully
 2294 liable for and legally bound by all contracts and agreements,
 2295 verbal or written, involving the consignment, purchase, or sale
 2296 of citrus fruit executed by a duly registered agent on the
 2297 dealer's behalf during the entire period of valid registration
 2298 of such agent the same as though such contracts or agreements
 2299 were executed by the dealer. Registration of each agent shall be
 2300 for the entire shipping season for which the applying dealer's
 2301 license is issued; however, a licensed dealer may cancel the
 2302 registration of any agent registered by her or him by returning
 2303 the agent's identification card to the Department of Agriculture
 2304 and giving formal written notice to the Department of
 2305 Agriculture of at least ~~not less than~~ 10 days. In addition, such
 2306 dealer shall make every effort to alert the public to the fact
 2307 that the agent is no longer authorized to represent her or him.
 2308 An agent may be registered by more than one licensed dealer for
 2309 the same shipping season, provided that each licensed dealer
 2310 applies ~~shall apply~~ individually for registration of the agent
 2311 and further provided that written consent is given by each and
 2312 every dealer under whose license the agent has valid prior
 2313 registration.

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2314 (2) When the ~~above~~ requirements of subsection (1) and such
2315 additional requirements ~~as may be~~ set forth by rules ~~regulations~~
2316 adopted by the Department of Citrus for registration of an agent
2317 are ~~have been~~ met and the fee required by s. 601.59(2) is ~~has~~
2318 ~~been~~ paid, the Department of Agriculture shall duly register the
2319 agent and issue an identification card certifying such
2320 registration. The identification card, among other things, shall
2321 show in a prominent manner:

2322 (a) The name and address of the agent.†

2323 (b) The authorizing dealer's name, address, and license
2324 number.†

2325 (c) The effective date and season for which registration
2326 is made.†

2327 (d)1. A space for signature of the agent.†

2328 2. A space to be countersigned by the licensed dealer.†

2329 3. A statement providing that the card is not valid unless
2330 so signed and countersigned.

2331
2332 The department ~~of Citrus~~ may periodically, ~~from time to time,~~
2333 adopt, ~~as necessary,~~ additional requirements or conditions
2334 relating to the registration of agents ~~as may be necessary.~~

2335 Section 48. Section 601.61, Florida Statutes, is amended
2336 to read:

2337 601.61 Bond requirements of citrus fruit dealers.—

2338 (1)(a) Except as ~~hereinafter~~ provided in this section,
2339 before ~~prior to~~ the approval of a citrus fruit dealer's license,
2340 the applicant ~~therefor~~ must deliver to the Department of
2341 Agriculture ~~and Consumer Services~~ a good and sufficient cash

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2342 bond, an appropriate certificate of deposit, or a surety bond
 2343 executed by the applicant as principal and by a surety company
 2344 qualified to do business in this state as surety, in an amount
 2345 ~~as~~ determined by the Department of Citrus pursuant to rules
 2346 adopted by the department. The rules shall allow the department
 2347 to consider any of following factors for determining the amount
 2348 of such bonds or certificates of deposit ~~amount of such bond or~~
 2349 ~~certificate of deposit shall be determined by taking into~~
 2350 ~~consideration any one or more of the following:~~ the number of
 2351 standard packed boxes of citrus fruit, or the equivalent
 2352 thereof, that ~~which~~ the applicant intends to handle during the
 2353 term of the license as set forth in the application; the total
 2354 volume of fruit handled by the dealer the previous season; the
 2355 highest month's volume handled the previous season; the
 2356 anticipated increase in the total citrus crop during the season
 2357 for which the application for license is made; or ~~and~~ other
 2358 relevant factors ~~based on the following schedule:~~

2359 ~~(a) \$1,000 up to 2,000 boxes;~~
 2360 ~~(b) \$2,000 up to 5,000 boxes;~~
 2361 ~~(c) \$3,750 up to 7,500 boxes;~~
 2362 ~~(d) \$5,000 up to 10,000 boxes;~~
 2363 ~~(e) \$10,000 up to 20,000 boxes;~~
 2364 ~~(f) \$1,000 for each additional 20,000 boxes or fraction~~
 2365 ~~thereof in excess of 20,000 boxes, with a maximum bond of~~
 2366 ~~\$100,000.~~

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

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2370 a posted bond or certificate of deposit, the dealer has ~~shall~~
 2371 ~~have~~ the affirmative duty to ~~of~~ immediately notify ~~notifying~~ the
 2372 Department of Agriculture ~~and Consumer Services~~ and initiate a
 2373 review by the Department of Citrus to determine any ~~initiating~~
 2374 ~~an~~ increase required in the amount of such bond or certificate
 2375 of deposit to comply with the department's rules for determining
 2376 the ~~an~~ amount of such bonds or certificates of deposit ~~that will~~
 2377 ~~meet the requirements set forth above.~~

2378 (2) Such ~~Said~~ bond shall be in the form approved by the
 2379 Department of Agriculture ~~and Consumer Services~~ and shall be
 2380 conditioned as provided in s. 601.66(9); ~~and also~~ to fully
 2381 comply with the terms and conditions of all contracts, verbal or
 2382 written, made by the citrus fruit dealer with producers or with
 2383 other citrus fruit dealers, ~~relative to the purchasing,~~
 2384 handling, sale, and accounting of purchases and sales of citrus
 2385 fruit; ~~and upon the dealer's dealer~~ dealer accounting for the proceeds
 2386 from, and paying for, any citrus fruit purchased or contracted
 2387 for, ~~in accordance with the terms of the contracts with~~
 2388 producers; ~~and upon the dealer's dealer~~ dealer accounting for any
 2389 advance payments or deposits made, and delivering all citrus
 2390 fruit contracted for, in accordance with the terms of the
 2391 contracts with other citrus fruit dealers. The commission may
 2392 prescribe by rule that such a producer contract contain
 2393 information that it considers necessary to protect the producer
 2394 from deceptive practices. For purposes of this chapter, every
 2395 such contract shall be conclusively deemed to have been made and
 2396 entered into during the shipping season in which the delivery of
 2397 fruit into the primary channel of trade is made.

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2398 (3) Such ~~Said~~ bond shall be to the Department of
2399 Agriculture, for the use and benefit of every producer and of
2400 every citrus fruit dealer with whom the dealer deals in the
2401 purchase, handling, sale, and accounting of purchases and sales
2402 of citrus fruit. The aggregate accumulative liability under any
2403 bond may ~~shall~~ not exceed the amount of the bond ~~named therein~~.
2404 Such ~~Said~~ bond shall provide that the surety company executing
2405 the bond is ~~thereon shall~~ not be liable to any citrus fruit
2406 dealer claiming to be injured or damaged by such ~~the said~~ dealer
2407 if the aggregate of the amounts found to be due to producers
2408 pursuant to ~~the provisions of~~ this chapter equals or exceeds the
2409 amount of the bond, unless such citrus fruit dealer is also a
2410 producer and is acting in the capacity of a producer and not in
2411 the capacity of a citrus fruit dealer in the transaction wherein
2412 she or he claims to have been injured or damaged by applicant;
2413 however, ~~but~~ if the aggregate of such amounts is less than the
2414 amount of the bond, ~~then~~ the surety may be held liable to such
2415 citrus fruit dealers, but not in excess of the sum by which the
2416 amount of the bond exceeds the aggregate of the amounts found to
2417 be due to producers pursuant to ~~the provisions of~~ this chapter.

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

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2426 be required to furnish bond. If any such citrus fruit dealer
2427 refuses to permit such inspection, the Department of Agriculture
2428 may publish the facts and circumstances and by order suspend the
2429 license of the offender until permission to make such inspection
2430 is given. Upon a finding by the Department of Agriculture that
2431 any citrus fruit dealer has dealt or probably will deal with
2432 more fruit during the season than shown by the application, the
2433 Department of Agriculture may order such bond increased to such
2434 an amount as will meet the requirements ~~as~~ set forth in the
2435 rules adopted by the Department of Citrus for determining the
2436 amount ~~bond schedule of such bonds subsection (1)~~. Upon failure
2437 to file such increased bond within the time fixed by the
2438 Department of Agriculture, the Department of Agriculture may
2439 publish the facts and circumstances and by order suspend the
2440 license of such citrus fruit dealer until such ~~the said~~ bond is
2441 increased as ordered.

2442 (5) (a) The following citrus fruit, subject to such rules
2443 as may be prescribed by the Department of Citrus, is ~~shall~~ not
2444 ~~be~~ considered ~~as~~ fruit with which the applicant intends to deal
2445 for the purpose of determining the amount of the bond required
2446 under subsection (1) ~~:~~ ;

- 2447 1. Citrus fruit that ~~which~~ the applicant produces.
- 2448 2. Citrus fruit that ~~which~~ is handled for its members by a
2449 cooperative marketing association organized and existing under
2450 ~~the provisions of either~~ chapter 618 or chapter 619.
- 2451 3. Fresh citrus fruit handled by the applicant that, ~~which~~
2452 has been prepared and packaged by a registered packinghouse
2453 other than the applicant and has been inspected and certified

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2454 for shipment.

2455 4. Citrus fruit handled by the applicant from citrus
2456 groves for which the applicant provides complete grove
2457 management services under direct contract with the owner or
2458 producer.

2459 5. Citrus fruit handled by a corporate or partnership
2460 applicant that is from citrus groves owned by officers or
2461 stockholders of the corporation or from citrus groves owned by
2462 the partnership, the parent corporation, or a wholly owned
2463 subsidiary corporation or its corporate officers or
2464 stockholders, or any partner of a partnership, ~~if; provided that~~
2465 appropriate waivers of right to any claim against the bond
2466 required to be posted by this section are ~~be~~ attached to and
2467 made a part of the license application ~~for license~~.

2468 6. Processed citrus fruit handled by the applicant that
2469 ~~which~~ has been processed and packaged by a registered citrus
2470 processing plant other than the applicant and has been inspected
2471 and certified for shipment.

2472 (b) If the applicant does not intend to deal with any
2473 citrus fruit other than that described in paragraph (a) ~~which~~
2474 ~~comes within the foregoing classifications~~, the Department of
2475 Agriculture ~~and Consumer Services~~ shall issue a license without
2476 the posting of a bond. Such a license shall bear a descriptive
2477 statement to the effect that the licensee is not a bonded citrus
2478 fruit dealer.

2479 (c) A claim against any citrus fruit dealer's bond
2480 required to be posted by this section shall not be accepted with
2481 respect to any damages in connection with fruit handled under

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2482 ~~the provisions of subparagraphs (a)1.-6. of paragraph (a) if~~
 2483 such claim is filed against the bond of the dealer who was
 2484 granted bond exempt status for such ~~said~~ fruit.

2485 ~~(6) If any of the provisions of this act shall be held to~~
 2486 ~~be unconstitutional or invalid for any reason by any court of~~
 2487 ~~competent jurisdiction or if such court shall find or declare~~
 2488 ~~that no applicant shall be required to furnish the bond required~~
 2489 ~~by this act, then and in that event this entire act shall be~~
 2490 ~~ineffective for any and all purposes and the laws in effect on~~
 2491 ~~July 31, 1965, which are amended by this act, shall not be~~
 2492 ~~deemed to be amended or repealed by this act but shall instead~~
 2493 ~~remain in full force and effect it being the intention of the~~
 2494 ~~Legislature that in such event this entire act shall be~~
 2495 ~~ineffective for any and all purposes and the laws in effect on~~
 2496 ~~July 31, 1965, which are amended or repealed by this act shall~~
 2497 ~~instead not be deemed to be amended or repealed by this act but~~
 2498 ~~shall remain in full force and effect.~~

2499 Section 49. Subsection (7) of section 601.64, Florida
 2500 Statutes, is amended to read:

2501 601.64 Citrus fruit dealers; unlawful acts.—It is unlawful
 2502 in, or in connection with, any transaction relative to the
 2503 purchase, handling, sale, and accounting of sales of citrus
 2504 fruit:

2505 (7) For any citrus fruit dealer to violate or aid or abet
 2506 in the violation of any rule adopted ~~or regulation duly~~
 2507 ~~promulgated~~ by the department of Citrus.

2508 Section 50. Subsections (1), (6), (7), and (8) of section
 2509 601.66, Florida Statutes, are amended to read:

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2510 601.66 Complaints of violations by citrus fruit dealers;
2511 procedure; bond distribution; court action on bond.—

2512 (1) Any person may complain of any violation of ~~any of the~~
2513 ~~provisions of~~ this chapter by any citrus fruit dealer during any
2514 shipping season, by filing of a written complaint with the
2515 Department of Agriculture ~~and Consumer Services~~ at any time
2516 before ~~prior to~~ May 1 of the year immediately after following
2517 the end of such shipping season. Such ~~said~~ complaint shall
2518 briefly state the facts, and the Department of Agriculture ~~and~~
2519 ~~Consumer Services~~ shall thereupon, if the facts alleged prima
2520 facie warrant such action, forward true copies of such ~~said~~
2521 complaint to the dealer in question and also to the surety
2522 company on the dealer's bond. The dealer at such time shall be
2523 called upon, within a reasonable time to be prescribed by the
2524 Department of Agriculture ~~and Consumer Services~~, either to
2525 satisfy the complaint or to answer the complaint in writing,
2526 either admitting or denying the liability.

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

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

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2566 additional proceeds in the hands of the Department of
2567 Agriculture ~~and Consumer Services~~, after all claims of producers
2568 have been paid in full, ~~the balance of such proceeds~~ shall be
2569 paid to claimants who are citrus fruit dealers, either in whole
2570 or in pro rata portion, as the aggregate of their claims may
2571 bear to the amount of such additional proceeds.

2572 (7) Upon failure of a surety company to comply with a
2573 demand for payment of the proceeds of a citrus fruit dealer's
2574 bond pursuant to administrative orders entered by the Department
2575 of Agriculture fixing amounts due claimants, the Department of
2576 Agriculture shall within a reasonable time file in the Circuit
2577 Court in and for Polk County, an original petition or complaint
2578 setting forth the administrative proceedings before the
2579 Department of Agriculture and ask for final order of the court
2580 directing the surety company to pay the proceeds of the ~~said~~
2581 bond to the Department of Agriculture for distribution to the
2582 claimants.

2583 (8) In any court proceeding filed under subsection (7),
2584 the findings of facts and orders of the Department of
2585 Agriculture shall be prima facie evidence of the facts therein
2586 stated, and if in such suit the Department of Agriculture is
2587 successful and the court affirms the Department of Agriculture's
2588 ~~department's~~ demand for payment from the surety company, the
2589 Department of Agriculture shall be allowed all court costs
2590 incurred therein and also a reasonable attorney fees ~~attorney's~~
2591 ~~fee~~ to be fixed and collected as a part of the costs of the
2592 suit.

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2593 Section 51. Section 601.67, Florida Statutes, is amended
2594 to read:

2595 601.67 Disciplinary action by Department of Agriculture
2596 ~~and Consumer Services~~ against citrus fruit dealers.—

2597 (1) The Department of Agriculture ~~and Consumer Services~~
2598 may impose a fine not exceeding \$50,000 per violation against
2599 any licensed citrus fruit dealer for violation of any provision
2600 of this chapter and, in lieu of, or in addition to, such fine,
2601 may revoke or suspend the license of any such dealer when it has
2602 been satisfactorily shown that such dealer, in her or his
2603 activities as a citrus fruit dealer, has:

2604 (a) Obtained a license by means of fraud,
2605 misrepresentation, or concealment;

2606 (b) Violated or aided or abetted in the violation of any
2607 law of this state governing or applicable to citrus fruit
2608 dealers or any lawful rules of the Department of Citrus;

2609 (c) Been guilty of a crime against the laws of this or any
2610 other state or government involving moral turpitude or dishonest
2611 dealing, ~~or~~ has become legally incompetent to contract or be
2612 contracted with;

2613 (d) Made, printed, published, distributed, or caused,
2614 authorized, or knowingly permitted the making, printing,
2615 publication, or distribution of false statements, descriptions,
2616 or promises of such a character as to reasonably induce any
2617 person to act to her or his damage or injury, if such citrus
2618 fruit dealer then knew, ~~or~~ by the exercise of reasonable care
2619 and inquiry, ~~could have known,~~ of the falsity of such
2620 statements, descriptions, or promises;

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2621 (e) Knowingly committed or been a party to any material
2622 fraud, misrepresentation, concealment, conspiracy, collusion,
2623 trick, scheme, or device whereby any other person lawfully
2624 relying upon the word, representation, or conduct of the citrus
2625 fruit dealer has acted to her or his injury or damage;

2626 (f) Committed any act or conduct of the same or different
2627 character of that hereinabove enumerated which constitutes
2628 fraudulent or dishonest dealing; or

2629 (g) Violated any of the provisions of ss. 506.19-506.28,
2630 both sections inclusive.

2631 (2) The Department of Agriculture may impose a fine not
2632 exceeding \$100,000 per violation against any person who operates
2633 as a citrus fruit dealer without a current citrus fruit dealer
2634 license issued by the Department of Agriculture pursuant to s.
2635 601.60. In addition, the Department of Agriculture may order
2636 such person to cease and desist operating as a citrus fruit
2637 dealer without a license. An administrative order entered by the
2638 Department of Agriculture under this subsection may be enforced
2639 pursuant to s. 601.73.

2640 (3) The Department of Agriculture shall impose a fine of
2641 not less than \$10,000 nor more than \$100,000 per violation
2642 against any licensed citrus fruit dealer and shall suspend, for
2643 60 days during the first available period between September 1
2644 and May 31, the license of any citrus fruit dealer who:

2645 (a) Falsely labels or otherwise misrepresents that a fresh
2646 citrus fruit was grown in a specific production area specified
2647 in s. 601.091; or

2648 (b) Knowingly, falsely labels or otherwise misrepresents

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2649 | that a processed citrus fruit product was prepared solely with
2650 | citrus fruit grown in a specific production area specified in s.
2651 | 601.091.

2652 | (4) Any fine imposed pursuant to subsection (1),
2653 | subsection (2), or subsection (3), when paid, shall be deposited
2654 | by the Department of Agriculture ~~and Consumer Services~~ into its
2655 | General Inspection Trust Fund.

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

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2677 to be reviewed by the offending dealer involved in a court of
 2678 competent jurisdiction, if such court proceedings should finally
 2679 terminate in such administrative order being upheld or not
 2680 quashed, such order shall thereupon, upon the filing with the
 2681 Department of Agriculture ~~and Consumer Services~~ of a certified
 2682 copy of the mandate or other order of the last court having to
 2683 do with the matter in the judicial process, become immediately
 2684 effective and shall then be carried out and enforced
 2685 notwithstanding such time will be during a new and subsequent
 2686 shipping season from that during which the administrative order
 2687 was first originally entered by the Department of Agriculture
 2688 ~~and Consumer Services~~.

2689 Section 52. Subsection (9) of section 601.69, Florida
 2690 Statutes, is amended to read:

2691 601.69 Records to be kept by citrus fruit dealers.—Every
 2692 citrus fruit dealer shall make and keep a correct record showing
 2693 in detail the following with reference to the purchase,
 2694 handling, sale, and accounting of sale of citrus fruit handled
 2695 by her or him, namely:

2696 (9) Any other record or account required to be kept and
 2697 maintained by such dealer by rule adopted by ~~or regulation of~~
 2698 the department ~~of Citrus~~ ~~duly promulgated~~.

2699 Section 53. Section 601.70, Florida Statutes, is amended
 2700 to read:

2701 601.70 Inspection of records by Department of Agriculture
 2702 ~~and Consumer Services~~.—The Department of Agriculture ~~and~~
 2703 ~~Consumer Services~~, or its duly authorized agents, ~~shall~~ have the
 2704 right to inspect all accounts, records, and memoranda of any

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2705 citrus fruit dealer required to be kept under ~~pursuant to the~~
2706 ~~provisions of~~ this chapter. If any such citrus fruit dealer
2707 refuses to permit such inspection, the Department of Agriculture
2708 may publish the facts and circumstances and by order suspend the
2709 license of the offender until permission to make such inspection
2710 is given.

2711 Section 54. Subsection (1) of section 601.701, Florida
2712 Statutes, is amended to read:

2713 601.701 Penalty for failure to keep records.—

2714 (1) It is ~~shall be~~ unlawful to fail to keep any records
2715 required to be kept under ~~the provisions of~~ the Florida Citrus
2716 Code ~~of 1949, or any amendments thereto,~~ or required to be kept
2717 by any other law or by any rule adopted by ~~authorized regulation~~
2718 ~~of~~ the Department of Agriculture or the Department of Citrus, or
2719 to falsify or cause the falsification of any such records or to
2720 keep false records.

2721 Section 55. Paragraph (a) of subsection (1) and subsection
2722 (2) of section 601.731, Florida Statutes, are amended to read:

2723 601.731 Transporting citrus on highways; name and dealer
2724 designation on vehicles; load identification; penalty.—

2725 (1)(a) It is unlawful to operate any truck, tractor,
2726 trailer, or other motor vehicle hauling citrus fruit in bulk or
2727 in unclosed containers for commercial purposes on the highways
2728 of this state unless such truck, tractor, trailer, or other
2729 motor vehicle is:

2730 1. Designated by a number assigned or permitted for use in
2731 the way and manner and to the extent prescribed by ~~regulation of~~
2732 ~~the department~~ rule ~~of Citrus~~.

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2733 2. Identified by lettering plainly showing the name of the
2734 person owning same, or the name of any lessee or other person
2735 operating same. The lettering shall not be less than 3 inches in
2736 height on both sides of the vehicle or on the front end and the
2737 rear end of the vehicle, except that lettering on flatbed
2738 semitrailers shall not be less than 1 1/2 inches in height on
2739 the rear end of the trailer.

2740 (2) Any person driving any truck, tractor, trailer, or
2741 other motor vehicle hauling citrus fruit in bulk or in unclosed
2742 containers for commercial purposes on the highways of the state
2743 must ~~shall~~ have on her or his person while ~~when~~ driving such
2744 vehicle a certificate or other paper showing the approximate
2745 amount of fruit being hauled; the name of the owner and the
2746 grove or other origin of such fruit; the number painted or
2747 affixed by decal, as well as the number of the motor vehicle
2748 license tag, on the vehicle in which such fruit is being hauled;
2749 and such other information and data as may be prescribed by
2750 ~~regulation of the~~ department rule of Citrus, and it is unlawful
2751 to drive any such vehicle on the highways of this state without
2752 having such certificate or other paper. The failure of any such
2753 person to have such certificate or other paper on her or his
2754 person while ~~when~~ driving such vehicle, ~~as aforesaid~~, is prima
2755 facie evidence of intent to violate and of the violation of this
2756 section ~~act~~.

2757 Section 56. Section 601.74, Florida Statutes, is amended
2758 to read:

2759 601.74 Adoption of rules; fees for licensing and analysis
2760 of processing materials.—The Department of Agriculture ~~and~~

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2761 ~~Consumer Services~~ may adopt rules and set fees with respect to
 2762 the licensing and analysis of materials and composition used on
 2763 or in the packing of citrus fruits. Such rules may include fees
 2764 for permitting dyes and coloring matter. Fees shall be not less
 2765 than ~~the amount of~~ \$30 nor more than \$100 for each manufacturer
 2766 applying making application to the Department of Agriculture.
 2767 All such license fees collected under this section hereunder
 2768 shall be paid monthly by the Department of Agriculture ~~and~~
 2769 ~~Consumer Services~~ into the State Treasury to the credit of the
 2770 General Inspection Trust Fund and shall be appropriated and made
 2771 available for defraying the expenses incurred in the
 2772 administration of this law.

2773 Section 57. Section 601.75, Florida Statutes, is amended
 2774 to read:

2775 601.75 Dyes and coloring matter for citrus fruit to be
 2776 certified prior to use.—The Department of Agriculture ~~and~~
 2777 ~~Consumer Services~~ may adopt rules with respect to the permitting
 2778 and certification of dyes and coloring matter for citrus fruit
 2779 prior to use on any citrus fruit.

2780 Section 58. Section 601.76, Florida Statutes, is amended
 2781 to read:

2782 601.76 Manufacturer to furnish formula and other
 2783 information.—The Department of Agriculture ~~and Consumer Services~~
 2784 may adopt rules with respect to requirements for information
 2785 that ~~which~~ must be furnished by manufacturers of coloring matter
 2786 for use on citrus fruit. Such information may include product
 2787 formulas. Any formula required to be filed with the Department
 2788 of Agriculture ~~and Consumer Services~~ shall be deemed a trade

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2789 secret as defined in s. 812.081, is confidential and exempt from
2790 ~~the provisions of~~ s. 119.07(1), and shall only be divulged to
2791 the Department of Agriculture ~~and Consumer Services~~ or to its
2792 duly authorized representatives or upon orders of a court of
2793 competent jurisdiction when necessary in the enforcement of this
2794 law. A person who receives such a formula from the Department of
2795 Agriculture under this section shall maintain the
2796 confidentiality of the formula.

2797 Section 59. Section 601.77, Florida Statutes, is amended
2798 to read:

2799 601.77 Subsequent analysis of coloring matter; inspection
2800 of packinghouses for application.—The Department of Agriculture
2801 ~~and Consumer Services~~ may, by rule, provide for subsequent
2802 analysis of coloring matter, for inspection of packinghouses or
2803 other places where coloring matter is applied to citrus fruit,
2804 and for grounds for revocation of a license to use coloring
2805 matter on fruit.

2806 Section 60. Section 601.78, Florida Statutes, is amended
2807 to read:

2808 601.78 Manufacturer to post bond.—The Department of
2809 Agriculture ~~and Consumer Services~~ may, by rule, require cash or
2810 surety bonds to be posted by manufacturers of coloring matter
2811 used on citrus fruit. The Department of Agriculture ~~and Consumer~~
2812 ~~Services~~ shall adopt rules prescribing the amount and form of
2813 such bonds and the grounds and procedures for forfeiture of
2814 same. The amount of the bond may ~~shall~~ not exceed \$5,000.

2815 Section 61. Section 601.80, Florida Statutes, is amended
2816 to read:

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2817 601.80 Unlawful to use uncertified coloring matter.—It is
2818 unlawful for any person to use on oranges or citrus hybrids any
2819 coloring matter which has not first received the approval of the
2820 Department of Agriculture ~~and Consumer Services~~ as provided by
2821 rule adopted under ~~pursuant to~~ s. 601.76.

2822 Section 62. Section 601.85, Florida Statutes, is amended
2823 to read:

2824 601.85 Standard shipping box for fresh fruit.—The
2825 specifications for the standard ~~legal~~ shipping box, when crate,
2826 ~~or container to be used as a unit of trade or for reporting~~
2827 purposes, ~~in shipping fresh citrus fruits~~ shall be as
2828 established by the department, ~~of Citrus;~~ but ~~provided that~~ the
2829 unit of a standard-packed box, commonly called 1 3/5 bushels,
2830 shall contain an inside cubical measurement of 3,456 cubic
2831 inches.

2832 Section 63. Section 601.86, Florida Statutes, is amended
2833 to read:

2834 601.86 Standard field boxes for fresh citrus fruit.—The
2835 standard field box or its equivalent, when used as a unit of
2836 trade or for reporting purposes, ~~All field boxes used in the~~
2837 ~~purchase, sale, or handling of citrus fruit from or for the~~
2838 ~~grower by a citrus fruit dealer in the state~~ shall be of the
2839 uniform standard size of 31 1/2 inches long, 13 inches high, and
2840 12 inches wide, inside measurements, and shall be divided into
2841 two compartments by a center partition of at least three-fourths
2842 inch thickness, ~~+~~ and each of these compartments thus created
2843 shall have a cubical capacity that does ~~of not to~~ exceed 2,400
2844 cubic inches.

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2845 Section 64. Subsection (3) of section 601.91, Florida
2846 Statutes, is amended to read:

2847 601.91 Unlawful to sell, transport, prepare, receive, or
2848 deliver freeze-damaged citrus.—

2849 (3) The manner and method of drawing samples and
2850 conducting tests under this section shall be prescribed by rules
2851 ~~and regulations~~ of the Department of Citrus. The inspection in
2852 the state of all citrus fruits seriously damaged by freezing and
2853 the enforcement of this section and of rules, ~~regulations,~~ and
2854 orders of ~~made by~~ the department ~~of Citrus~~ pursuant to and under
2855 authority of this section shall be under the direction,
2856 supervision, and control of the Department of Agriculture and
2857 its duly authorized agents and inspectors who are qualified
2858 under existing laws to inspect for grade and maturity, and and all
2859 citrus fruits that may be found to be seriously damaged by
2860 freezing, as defined by s. 601.89, upon inspection and testing
2861 shall be seized and may be confiscated and destroyed under the
2862 supervision of the citrus fruit inspector at the expense of the
2863 owner unless previous disposition is made by the owner or other
2864 person who offered the same for inspection, all the provisions
2865 of this section being subject to such reasonable rules ~~and~~
2866 ~~regulations~~ as may be adopted ~~promulgated~~ by the Department of
2867 Citrus.

2868 Section 65. Section 601.9901, Florida Statutes, is amended
2869 to read:

2870 601.9901 Certificates of inspection; form.—All
2871 certificates of inspection prescribed by this chapter shall be
2872 of such number, form, size, and character as the department ~~of~~

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2873 ~~Citrus~~ may by rule ~~and regulation~~ prescribe and shall be used in
2874 such manner as to identify the fruit or the canned or
2875 concentrated products thereof to which they relate.

2876 Section 66. Section 601.9902, Florida Statutes, is amended
2877 to read:

2878 601.9902 Payment of salaries and expenses; Department of
2879 Citrus.—All salaries, costs, and expenses incurred by the
2880 department ~~of Citrus~~ in the administration and ~~the~~ enforcement
2881 of this chapter and in the performance of the department's ~~its~~
2882 duties and the exercise of its powers under the laws of this
2883 state shall be proratably paid from the moneys derived from the
2884 citrus advertising assessments ~~taxes~~ imposed on the various
2885 types of citrus fruit in such proportion as the department ~~of~~
2886 ~~Citrus~~ may find each respective type ~~is~~ affected by such
2887 expenditures.

2888 Section 67. Section 601.9903, Florida Statutes, is amended
2889 to read:

2890 601.9903 Annual report of Department of Citrus.—The
2891 department ~~of Citrus~~ shall submit ~~make~~ an annual report to the
2892 Governor concerning ~~upon~~ the work of the department ~~of Citrus~~.
2893 The department ~~It~~ shall also submit ~~make~~ such special reports
2894 concerning ~~upon~~ any phase of the department's work ~~of the~~
2895 ~~Department of Citrus~~ as may be requested ~~called for~~ by the
2896 Governor or the Legislature or either house thereof.

2897 Section 68. Section 601.99035, Florida Statutes, is
2898 amended to read:

2899 601.99035 Annual travel report of Department of Citrus.—
2900 The department ~~of Citrus~~ shall, at the end of each fiscal year,

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2901 publish an annual travel report that states, for each department
 2902 staff member ~~of the Department of Citrus~~ and each commission
 2903 member ~~of the Florida Citrus Commission~~ who has traveled during
 2904 that year, the name of the person, the person's position title,
 2905 the date on which a claim for reimbursement was submitted, the
 2906 dates of travel, the destinations, the purpose of the travel,
 2907 and all expenditures that resulted from the travel.

2908 Section 69. Section 601.99036, Florida Statutes, is
 2909 amended to read:

2910 601.99036 Approval of specified salary changes.—Any change
 2911 in the annual salary of an employee of the department who earns
 2912 ~~of Citrus which is at or above \$100,000 or more~~ annually must be
 2913 approved by a majority ~~the full membership~~ of the ~~Florida Citrus~~
 2914 ~~commission at the meeting of the commission in July 2003, or at~~
 2915 ~~the first subsequent meeting, and before~~ the any subsequent
 2916 salary adjustment is made.

2917 Section 70. Section 601.9904, Florida Statutes, is amended
 2918 to read:

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

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2929 method of shipment.

2930 Section 71. Subsection (6) of section 601.9908, Florida
2931 Statutes, is amended to read:

2932 601.9908 Canned tangerine juice; standards; labeling.—No
2933 canned tangerine juice shall be sold or offered for sale or
2934 shipped or offered for shipment which:

2935 (6) Does not meet requirements to be established by the
2936 department ~~of Citrus~~ regarding color, absence of defects, taste,
2937 and flavor; unless the immediate container thereof shall be
2938 labeled in accordance with regulations of the department ~~of~~
2939 ~~Citrus~~ and there shall appear on such label the word
2940 "substandard" in bold type not less than 1/4 inch high printed
2941 or stamped diagonally thereon.

2942 Section 72. Paragraphs (c) and (d) of subsection (1) and
2943 subsections (2) and (3) of section 601.9910, Florida Statutes,
2944 are amended to read:

2945 601.9910 Legislative findings of fact; strict enforcement
2946 of maturity standard in public interest.—

2947 (1) FINDINGS.—

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

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2957 | percent with a minimum ratio of total soluble solids, as set
 2958 | forth in department rule s. 601.20, still have a raw, immature
 2959 | flavor; ~~and that,~~ beginning on or about November 1 of each
 2960 | season, such raw, immature fruit flavor gradually disappears
 2961 | from the orange, and by November 15 the same orange may have a
 2962 | still lower soluble solids percentage and not be immature; that
 2963 | ~~and~~ after November 15 the same orange can still have a further
 2964 | lower soluble solids percentage without being immature; and that
 2965 | by December 1 nature has completed its process of removing the
 2966 | raw, immature flavor that ~~which~~ might have existed before ~~prior~~
 2967 | ~~to~~ that time, provided such fruit meets the other minimum
 2968 | maturity requirements authorized by ~~set forth in~~ this chapter
 2969 | and set forth in department rule. On December 1 oranges meeting
 2970 | the requirements set forth in department rule ~~of s. 601.19(4)~~,
 2971 | while not being sufficiently mature to ship in fresh form, may
 2972 | be safely used in some processed products without the finished
 2973 | product having a raw, immature flavor. On December 1 grapefruit
 2974 | meeting the requirements set forth in department rule ~~of s.~~
 2975 | ~~601.16(4)~~, while not being sufficiently mature to ship in fresh
 2976 | form, may be safely used in some processed products without the
 2977 | finished product having a raw, immature flavor.

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

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2985 entire season, bringing additional millions of dollars to the
2986 state's growers of ~~Florida~~ and resulting in benefit to all
2987 growers, including the grower or growers who were delayed a
2988 short time in the shipment of their fruit.

2989 (2) DECLARATION.—Therefore, the Legislature declares that
2990 the strict enforcement of the maturity standards authorized by~~7~~
2991 ~~as set forth in this chapter and set forth in department rule~~~~7~~
2992 is definitely in the public's interest and for the public's
2993 welfare~~7~~ and that no citrus that should be shipped from Florida
2994 ~~and sold in the consuming markets which~~ has a raw, immature
2995 flavor~~7~~ and that ~~which~~ could be classed by the consuming public
2996 as "Florida green fruit." should be shipped from the state and
2997 sold in consuming markets.

2998 (3) RULES SETTING FORTH REGULATIONS REGARDING MATURITY
2999 STANDARDS FOR HYBRIDS.—The Legislature finds and determines that
3000 the classifications of and maturity standards for citrus hybrids
3001 should be established by rules adopted ~~regulations promulgated~~
3002 by the department ~~of Citrus~~ pursuant to this chapter.

3003 Section 73. Section 601.9911, Florida Statutes, is amended
3004 to read:

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

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3013 as ~~may be~~ provided in this chapter ~~herein~~. Such fruit shall be
 3014 certified at the time of inspection as tree run grade of fruit,~~7~~
 3015 but shall otherwise remain subject to the maturity standards and
 3016 all other conditions, restrictions, emergency quality assurance
 3017 orders, and other requirements of this chapter and shall be
 3018 inspected for such compliance as all other fruit is inspected at
 3019 such convenient locations as may be determined by the Department
 3020 of Agriculture. Any such fruit violating any provision of ~~the~~
 3021 ~~provisions of~~ this chapter, or any rule adopted by ~~or regulation~~
 3022 ~~of the department under of Citrus made pursuant to~~ this chapter,
 3023 but not inconsistent with this section, may be seized,
 3024 condemned, and destroyed as provided in this chapter ~~herein~~. At
 3025 the time of such inspection, all fees and~~7~~ assessments,~~and~~
 3026 ~~excise taxes~~ provided in this chapter shall be paid and
 3027 collected at the same rate as paid by all other fresh fruit
 3028 growers or shippers.

3029 Section 74. Section 601.9918, Florida Statutes, is amended
 3030 to read:

3031 601.9918 Rules related to issuance and use of symbols.—In
 3032 rules related to the issuance and voluntary use of symbols,
 3033 certification marks, service marks, or trademarks, the
 3034 commission may make general references to national or state
 3035 requirements that the license applicant would be compelled to
 3036 meet regardless of the Department of Agriculture's ~~department's~~
 3037 issuance of the license applied for.

3038 Section 75. Section 601.992, Florida Statutes, is amended
 3039 to read:

3040 601.992 Collection of dues and other payments on behalf of

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3041 certain nonprofit corporations engaged in market news and grower
 3042 education.—The ~~Florida~~ Department of Citrus or the Department of
 3043 Agriculture ~~and Consumer Services~~ or their successors may
 3044 collect or compel the entities regulated by the Department of
 3045 Agriculture to collect dues, contributions, or any other
 3046 financial payment upon request by, and on behalf of, any not-
 3047 for-profit corporation~~,~~ and its related not-for-profit
 3048 corporations~~,~~ located in this state that receive ~~which receives~~
 3049 payments or dues from their ~~its~~ members. Such not-for-profit
 3050 corporation must be engaged, to the exclusion of agricultural
 3051 commodities other than citrus, in market news and grower
 3052 education solely for citrus growers, and must have at least
 3053 5,000 members who are engaged in growing citrus in this state
 3054 for commercial sale. The Department of Agriculture may adopt
 3055 rules ~~pursuant to ss. 120.536(1) and 120.54~~ to administer
 3056 ~~implement~~ this section. The rules may establish indemnity
 3057 requirements for the requesting corporation and for fees to be
 3058 charged to the corporation that ~~which~~ are sufficient but do not
 3059 exceed the amount necessary to ensure that any direct costs
 3060 incurred by the Department of Agriculture in implementing this
 3061 section are borne by the requesting corporation and not by the
 3062 Department of Agriculture.

3063 Section 76. Subsection (1) of section 603.161, Florida
 3064 Statutes, is amended to read:

3065 603.161 Sales certificates, work orders to accompany
 3066 certain fruit.—

3067 (1) This section applies to tropical or subtropical fruit.
 3068 "Tropical or subtropical fruit" means avocados, bananas,

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3069 calamondins, carambolas, guavas, kumquats, limes, longans,
3070 loquats, lychees, mameys, mangoes, papayas, passion fruit,
3071 sapodillas, and fruit that must be grown in tropical or
3072 semitropical regions, except citrus fruit as defined in s.
3073 601.03~~(7)~~.

3074 Section 77. Effective January 1, 2013, sections 601.16,
3075 601.17, 601.18, 601.19, 601.20, 601.21, 601.22, 601.87, 601.90,
3076 601.901, 601.981, 601.9905, 601.9906, 601.9907, 601.9909,
3077 601.9913, 601.9914, and 601.9916, Florida Statutes, are
3078 repealed.

3079 Section 78. Except as otherwise expressly provided in this
3080 act, this act shall take effect July 1, 2012.