

By Senator Hays

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

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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 issue permits for processors of
41 concentrated orange juice into which nutritive
42 sweetening ingredients are added and to suspend or
43 revoke the permits of processors that violate certain
44 rules; authorizing the department to issue emergency
45 quality assurance orders upon determining that
46 freezing temperatures have caused damage or freeze-
47 related injury to citrus fruit; authorizing the
48 department to limit increases in spacing between
49 stacked field boxes caused by the placement of cleats
50 or other devices on the field boxes; requiring the
51 department to adopt rules; amending s. 601.111, F.S.;
52 revising the department's authority to modify maturity
53 standards for citrus fruit and the number of
54 commission members required to approve such
55 modifications; revising legislative intent;
56 authorizing the department to adopt emergency rules
57 under certain conditions; amending s. 601.13, F.S.;
58 revising the department's powers and duties for citrus

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59 research; providing for research related to disease
60 and crop efficiency; conforming provisions; amending
61 s. 601.15, F.S.; redesignating the advertising excise
62 tax on citrus fruit as an assessment; revising the
63 maximum rates of such assessments; revising the
64 guarantee requirements for assessment payments;
65 conforming provisions; amending s. 601.152, F.S.;
66 revising the number of commission members required to
67 issue marketing orders for special marketing campaigns
68 and impose assessments upon citrus handlers to defray
69 the expenses of such campaigns; conforming provisions;
70 amending s. 601.155, F.S.; redesignating the
71 equalizing excise tax on processed orange and
72 grapefruit products as an assessment; revising the
73 guarantee requirements for assessment payments;
74 conforming provisions; amending ss. 601.24, 601.25,
75 601.28, 601.31, 601.32, 601.33, 601.34, 601.35,
76 601.37, 601.38, 601.40, 601.43, 601.44, 601.45,
77 601.46, 601.49, 601.50, 601.501, 601.51, 601.52,
78 601.54, 601.55, 601.56, 601.57, 601.58, 601.60, and
79 601.601, F.S.; conforming provisions and cross-
80 references; amending s. 601.61, F.S.; specifying that
81 the amount of bonds or certificates of deposit that
82 must be furnished by citrus fruit dealer licensees
83 shall be determined by the department pursuant to
84 department rules; deleting obsolete provisions
85 relating to the applicability and effect of certain
86 provisions if such provisions had been determined
87 invalid; amending ss. 601.64, 601.66, 601.67, 601.69,

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88 601.70, 601.701, 601.731, 601.74, 601.75, 601.76,
89 601.77, 601.78, and 601.80, F.S.; conforming
90 provisions; amending ss. 601.85 and 601.86, F.S.;
91 specifying dimensions for standard shipping boxes and
92 standard field boxes for fresh citrus fruit; revising
93 circumstances under which such standard boxes must be
94 used; amending ss. 601.91, 601.9901, 601.9902,
95 601.9903, and 601.99035, F.S.; conforming provisions;
96 amending s. 601.99036, F.S.; revising requirements for
97 the commission's approval of changes in the salaries
98 of certain employees; amending ss. 601.9904, 601.9908,
99 601.9910, 601.9911, 601.9918, and 601.992, F.S.;
100 conforming provisions; amending s. 603.161, F.S.;
101 conforming a cross-reference; repealing ss. 601.16,
102 601.17, 601.18, 601.19, 601.20, 601.21, and 601.22,
103 F.S., relating to maturity and quality standards for
104 grapefruit, oranges, and tangerines; repealing s.
105 601.87, F.S., relating to limits on increased spacing
106 between stacked field boxes caused by the placement of
107 cleats or other devices on the field boxes; repealing
108 ss. 601.90 and 601.901, F.S., relating to the issuance
109 of emergency quality assurance orders following
110 freezing temperatures that cause damage or freeze-
111 related injury to citrus fruit and the use of such
112 freeze-damaged citrus fruit in frozen concentrated
113 products; repealing s. 601.981, F.S., relating to
114 permits for the export to certain foreign countries of
115 citrus fruit grown in the state and quality standards
116 for such exported fruit; repealing s. 601.9905, F.S.,

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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
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;

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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 or
 159 subtropical fruit and vegetables; containers specified;
 160 penalties.-

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

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

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

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

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

174 Section 4. Section 601.01, Florida Statutes, is amended to

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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
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 place
200 where citrus fruit or the juice thereof is canned or prepared
201 for canning at a concentration that does ~~of~~ not exceed ~~exceeding~~
202 20 degrees Brix for market or shipment.†

203 (6) "Cash buyer" means any person who purchases citrus

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204 fruit in this state from the producer for the purpose of
205 resale.~~†~~

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

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

223 (9)~~(37)~~ "Citrus hybrids" includes, ~~means~~ but is ~~shall~~ not
224 ~~be~~ limited to, hybrids between or among sour orange (*C.*
225 *aurantium*), pummelo (*C. grandis*), lemon (*C. limon*), lime (*C.*
226 *aurantifolia*), citron (*C. medica*), grapefruit (*C. paradisi*),
227 tangerine or mandarin orange (*C. reticulata*), sweet orange (*C.*
228 *sinensis*), tangelo (*C. reticulata* x *C. paradisi* or *C. grandis*),
229 tangor (*C. reticulata* x *C. sinensis*), kumquat (*Fortunella*,
230 species), trifoliolate orange (*Poncirus trifoliata*), and varieties
231 of these species.~~†~~

232 (10)~~(9)~~ "Citrus producing area" means that part or parts of

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233 the state in which citrus fruit is grown or produced.†

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

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

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

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

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

250 (a) Frozen citrus fruit juice frozen that has ~~at~~ a
251 concentration that exceeds ~~of exceeding~~ 20 degrees Brix and is
252 kept at a sufficiently freezing temperature to ensure
253 preservation of the product; or ~~and~~

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

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

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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 place
 271 where citrus fruit is placed, with or without the use of heat or
 272 any gas, for the purpose of bringing out the natural color of
 273 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
 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

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291 the business of processing citrus fruit.†

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

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

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

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

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

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

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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 be
329 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, or
333 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.~~†~~

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*

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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 membership.—

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

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

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

371 (b) 1. Six members of the commission shall be classified
372 ~~designated~~ as grower members and shall be primarily engaged in
373 the growing of citrus fruit as an individual owner; as the owner
374 of, or as stockholder of, a corporation; or as a member of a
375 firm or partnership primarily engaged in citrus growing. ~~None of~~
376 Such members may not ~~shall~~ receive any compensation from any
377 licensed citrus fruit dealer or handler, as defined in s.

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378 601.03, other than gift fruit shippers, but any of the grower
379 members shall not be disqualified as a member if, individually,
380 or as the owner of, a member of, an officer of, or a stockholder
381 of a corporation, firm, or partnership primarily engaged in
382 citrus growing which processes, packs, and markets its own fruit
383 and whose business is primarily not purchasing and handling
384 fruit grown by others.

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

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

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

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407 follows:

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

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

416 3. The term of one member from each citrus district shall
417 expire June 30, 2014, and her or his successor shall be
418 appointed to a term beginning July 1, 2014, and ending May 31,
419 2017.

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

422
423 Appointments shall be made by February 1 preceding the
424 commencement of the term and are ~~shall be~~ subject to
425 confirmation by the Senate in the following legislative session.
426 Each member is eligible for reappointment and ~~Four members shall~~
427 ~~be appointed each year. Such members~~ shall serve until her or
428 his successor is ~~their respective successors~~ are appointed and
429 qualified. The regular terms ~~shall~~ begin on June 1 and expire
430 ~~shall end~~ on May 31 of the third year after such appointment.
431 ~~Effective July 1, 2011, the terms of all members of the~~
432 ~~commission appointed on or before May 1, 2011, are terminated~~
433 ~~and the Governor shall appoint the members of the commission in~~
434 ~~accordance with the provisions of this act.~~

435 (c) ~~(b)~~ When appointments are made, the Governor shall

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436 publicly announce the actual classification and district that
437 each appointee represents. A majority of the members of the
438 commission shall constitute a quorum for the transaction of all
439 business and the carrying out of the duties of the commission.
440 Before entering upon the discharge of their duties as members of
441 the commission, each member shall take and subscribe to the oath
442 of office prescribed in s. 5, Art. II of the State Constitution.
443 The qualifications and classification required ~~qualification~~ of
444 each member by this section continue to be ~~as herein~~ required
445 ~~shall continue~~ throughout the respective term of office, and if
446 ~~in the event~~ a member ~~should~~, after appointment, fails ~~fail~~ to
447 meet the qualifications or classification that ~~which~~ she or he
448 possessed at the time of appointment ~~as above set forth~~, the
449 ~~such~~ member must ~~shall~~ resign or be removed and be replaced with
450 a member possessing the proper qualifications and
451 classification.

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

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

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

464 ~~(4) It is the intent of the Legislature that the commission~~

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465 ~~be redistricted every 5 years. Redistricting shall be based on~~
466 ~~the total boxes produced from each of the three districts during~~
467 ~~that 5-year period.~~

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

470 601.045 ~~Department auditor's report;~~ Commission meetings;
471 report of department's internal auditor meeting agenda item.—The
472 ~~Florida Citrus~~ commission shall include as an agenda item at
473 each regularly scheduled meeting a report by the department's
474 ~~internal auditor of the department of Citrus.~~

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

477 601.05 Department of Citrus a body corporate.—The
478 ~~department of Citrus~~ shall be a body corporate, shall have power
479 to contract and be contracted with, and shall have and possess
480 all the powers of a body corporate for all purposes necessary
481 for fully carrying out the provisions and requirements of this
482 chapter. The ~~department of Citrus~~ shall adopt a corporate seal
483 with which it shall authenticate its proceedings.

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

486 601.06 Compensation and expenses of commission members.—
487 Each member of the commission shall receive the sum of \$25 per
488 day for each day or fraction thereof spent while en route to or
489 from, or in actual attendance at, regular or special meetings of
490 the commission or meetings of committees of the commission, or
491 in transacting other business authorized by the ~~department of~~
492 ~~Citrus~~ in addition to per diem and reimbursement of expenses as
493 authorized by law.

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

496 601.07 Location of executive offices.—The department's
497 executive offices ~~of the Department of Citrus~~ shall be
498 established and maintained at Bartow.

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

501 601.08 Authenticated copies of commission records as
502 evidence.—Copies of the proceedings, records, and acts of the
503 commission and certificates purporting to relate the facts
504 concerning such proceedings, records, and acts signed by the
505 chair of the commission and authenticated by the department's
506 seal ~~of the Department of Citrus~~ shall be prima facie evidence
507 thereof in all the courts of the state.

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

510 601.09 Citrus districts.—

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

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

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

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

522 (2) The Legislature intends that the citrus districts be

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

530 Section 13. Section 601.10, Florida Statutes, is amended to
531 read:

532 601.10 Powers of the Department of Citrus.—The department
533 ~~of Citrus~~ shall have and shall exercise such general and
534 specific powers as are delegated to it by this chapter and other
535 statutes of the state, which powers shall include, but are ~~shall~~
536 not limited ~~be confined~~ to, the following:

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

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

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

550 ~~(a) The executive director of the department shall be~~
551 ~~appointed by a majority vote of the commission for a term of 4~~

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552 ~~years, except for the initial term, and the executive director~~
553 ~~shall be subject to confirmation by the Senate in the~~
554 ~~legislative session following appointment.~~

555 ~~1. The initial term of the executive director ends June 30,~~
556 ~~2011, and each subsequent 4-year term begins July 1, and shall~~
557 ~~be filled in the same manner as the original appointment.~~

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

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

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

580 ~~(c) Employees of the department shall work a 5-day, 40-hour~~

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581 ~~week. Unless an employee is on approved leave, an employee's~~
582 ~~salary shall be decreased by 20 percent for each day not worked~~
583 ~~during the 5-day work week if the employee chooses to regularly~~
584 ~~work less than a 5-day work week.~~

585 (4) To purchase or authorize the purchase of all office
586 equipment and supplies and to incur all necessary expenses in
587 connection with and required for the proper administration
588 ~~carrying out of the provisions of this chapter and other~~
589 applicable laws.

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

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

609 (7) To adopt, repeal ~~promulgate, alter, rescind, modify,~~

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610 and amend under chapter 120, and to enforce, rules that and
611 ~~regulations and~~ establish minimum maturity and quality standards
612 for citrus fruits not inconsistent with existing laws or that,
613 ~~to~~ regulate and control methods and practices followed or used
614 in harvesting, grading, packing, extracting, canning,
615 concentrating, sectionizing, or otherwise processing citrus
616 fruits or citrus juices or the products thereof for human
617 consumption, including the addition or prohibition of any and
618 all additives, and including application to or use of coloring
619 matter thereon and coloring of fruit by placing in a degreening
620 ~~coloring~~ room with or without use of heat or any form of gas in
621 such process, to the end that such methods and practices as
622 affect the eating and keeping qualities and depreciate the value
623 of citrus fruits or the juices or other food products thereof in
624 any form may be minimized to the greatest extent possible, if
625 not altogether eliminated.

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

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639 provisions of s. 283.55.

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

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

663 (11) To conduct an annual merchandising and management
664 meeting in this state for department field personnel and to make
665 direct payment, by means of vendor contracts approved by the
666 commission, for all necessary lodging, meals, facilities, and
667 training expenses for department employees attending such annual

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668 meeting, in lieu of payment of individual employee per diem
669 allowances as established by s. 112.061.

670 (12) Notwithstanding ~~the provisions of~~ part I of chapter
671 287, to adopt ~~promulgate~~ rules for the purpose of entering into
672 contracts that ~~which~~ are primarily for promotional and
673 advertising services and promotional events, which may include
674 commodities involving a service. Such rules shall include the
675 authority to negotiate costs with the offerors of such services
676 and commodities who have been determined to be qualified on the
677 basis of technical merit, creative ability, and professional
678 competency. Contracts pursuant to this subsection may provide
679 for advance payments when the department determines that such
680 provision is essential to acquiring the service.

681 (13) To investigate or address the transportation problems
682 affecting the citrus industry.

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

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

690 Section 14. Section 601.101, Florida Statutes, is amended
691 to read:

692 601.101 Ownership of rights under patent and trademark laws
693 developed or acquired under ~~pursuant to the authorities of~~ this
694 chapter. ~~Notwithstanding any provision of~~ chapter 286, the legal
695 title and every right, interest, claim, or demand of any kind in
696 and to any patent, trademark, copyright, certification mark, or

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

710 Section 15. Section 601.11, Florida Statutes, is amended to
711 read:

712 601.11 ~~Power of~~ Department of Citrus; power to establish
713 standards; rulemaking authority.-

714 (1) The department ~~of Citrus~~ shall have full and plenary
715 ~~power to,~~ and may adopt rules that:

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

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726 1. Color break, predominant color, total soluble solids,
727 juice content, and ratio of soluble solids of the juice to
728 anhydrous citric acid of oranges, grapefruit, and tangerines.

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

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

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

753 5. Grapefruit juice products, including, but not limited
754 to, standards for the ratio of soluble solids of juice to

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755 anhydrous citric acid and any other standards designed to
756 increase the acceptance and consumption by the consuming public
757 of such regulated grapefruit juice products.

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

765 (b) Authorize the department to issue permits for the
766 export to foreign countries other than Canada and Mexico of
767 citrus fruit grown in the state that complies with rules adopted
768 under subparagraph (a)2.

769 (c) Authorize the commission to issue and renew permits for
770 processors of frozen concentrated orange juice and concentrated
771 orange juice for manufacturing to which nutritive sweetening
772 ingredients are added and, in addition to disciplinary action
773 that may be taken by the Department of Agriculture against a
774 citrus fruit dealer for violations of this chapter, to suspend
775 or revoke the permit of any processor that does not comply with
776 rules adopted under subparagraph (a)4.

777 (d) Authorize the commission to determine whether freezing
778 temperatures have caused damage or freeze-related injury as
779 described in s. 601.89 to citrus fruit and, if the commission
780 determines that such damage has been caused, issue emergency
781 quality assurance orders that:

782 1. Temporarily prohibit the preparation for market, sale,
783 offer for sale, or shipment of any citrus fruit showing freeze

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784 damage or freeze-related injury.

785 2. Establish the degree of freeze damage or freeze-related
786 injury that is temporarily permitted in citrus fruit used in
787 frozen concentrated products, including concentrate for
788 manufacturing purposes.

789 (e) Establish standards limiting any increase of spacing
790 between stacked field boxes caused by the placement of cleats or
791 other devices on the field boxes.

792 (2) The department shall adopt ~~prescribe~~ rules ~~or~~
793 ~~regulations~~ governing:

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

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

805 (c) The regulation ~~and to regulate~~ or prohibition of
806 ~~prohibit~~ the use of containers ~~that which have been~~ previously
807 ~~have been~~ used for the sale, transportation, or shipment of
808 citrus fruit or the products thereof, whether canned, ~~or~~
809 concentrated, or otherwise processed, or any other commodity.
810 ~~provided,~~ However, the department may not prohibit ~~that~~ the use
811 of secondhand containers for the sale or ~~and~~ delivery of citrus
812 fruit for retail consumption within the state. ~~shall not be~~

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813 ~~prohibited;~~

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

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

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

832 (5) In accordance with the Administrative Procedure Act,
833 rules adopted under this section must be adopted, amended, or
834 repealed pursuant to chapter 120.

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

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

839 (1) The Legislature ~~of the state finds and declares~~ that
840 emergencies creating abnormal conditions in the state's Florida
841 citrus industry, which may include, but are not limited to, such

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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 the~~
853 ~~event of an emergency~~ exists that creates abnormal conditions in
854 the state's citrus industry such as is mentioned in subsection
855 ~~(1), the said department of Citrus,~~ in addition to all other
856 powers and authority provided by law, may adopt emergency which
857 ~~it now possesses, which have heretofore been granted or~~
858 ~~delegated to it by the Legislature shall have the additional~~
859 ~~power to issue rules pursuant to s. 120.54(4) which temporarily~~
860 modify the maturity standards previously adopted by rule and
861 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 of~~
866 ~~total soluble solids of the juice of citrus fruit or any variety~~
867 ~~thereof, except oranges, to the anhydrous citric acid;~~

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~~

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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, and each
880 ~~every~~ such emergency rule must ~~regulation shall~~ contain an
881 expiration date of not later than 1 year after ~~from~~ its
882 effective date.

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

889 Section 17. Section 601.13, Florida Statutes, is amended to
890 read:

891 601.13 Citrus research; administration by Department of
892 Citrus; appropriation.-

893 (1) The department shall administer ~~administration of~~ this
894 section and ~~shall be vested in the department of Citrus which~~
895 ~~shall~~ prescribe suitable and reasonable rules to properly
896 implement this section ~~and regulations for the proper carrying~~
897 ~~out of the provisions hereof.~~

898 (2) ~~It shall be the duty of~~ The department shall ~~of Citrus,~~
899 ~~and it is empowered:~~

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

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

909 b.2. ~~With respect to the nutritional and other value or~~
910 values of such fruit and the juices thereof. ~~and to~~

911 2. Provide suitable facilities and equipment of every kind
912 whatsoever proper and necessary in connection with all such
913 work.

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

918 (c) ~~To~~ Provide suitable and sufficient laboratory
919 facilities and equipment, making use of the laboratory
920 facilities and equipment of the University of Florida, insofar
921 as it is practicable for the purpose of conducting thorough and
922 comprehensive study and research to determine all possible new
923 and further uses for citrus fruit and citrus fruit juices and
924 the products and byproducts into which the same can be converted
925 or manufactured, as well as to determine and develop new and
926 profitable methods and instruments of distribution thereof.

927 (d) ~~To~~ Carry on, or cause to be carried on, suitable
928 experiments in an effort to prove the commercial value of each,

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929 and determine and develop new and further use for citrus fruit
930 and citrus fruit juices or the products and byproducts into
931 which the same can be converted or manufactured.

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

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

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

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

949 (i) Conduct or cause to be conducted any research related
950 to disease and crop efficiency which would advance the purposes
951 of the state's citrus industry and commercialization related to
952 advancing such research.

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

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958 imposed by s. 601.15.

959 Section 18. Section 601.15, Florida Statutes, is amended to
960 read:

961 601.15 Advertising campaign; methods of conducting;
962 assessments ~~excise tax~~; emergency reserve fund; citrus
963 research.—

964 (1) The department shall administer ~~administration of this~~
965 ~~section shall be vested in the Department of Citrus, which shall~~
966 prescribe suitable and reasonable rules ~~and regulations~~ for the
967 enforcement of this section hereof, and ~~the Department of Citrus~~
968 ~~shall~~ administer the assessments ~~taxes~~ levied and imposed under
969 this section hereby. All funds collected under this section and
970 the interest accrued on such funds are consideration for a
971 social contract between the state and the citrus growers of the
972 state whereby the state must hold such funds in trust and
973 inviolate and use them only for the purposes prescribed in this
974 chapter. The department may ~~of Citrus shall have power to~~ cause
975 its duly authorized agent or representative to enter upon the
976 premises of any handler of citrus fruits and to examine or cause
977 to be examined any books, papers, records, or memoranda bearing
978 on the amount of assessments ~~taxes~~ payable and to secure other
979 information directly or indirectly concerned in the enforcement
980 of this section hereof. Any person who is required to pay the
981 assessments ~~taxes~~ levied and imposed and who by any practice or
982 evasion makes it difficult to enforce this section ~~the~~
983 ~~provisions hereof~~ by inspection, or any person who, after demand
984 by the department ~~of Citrus~~ or any agent or representative
985 designated by it for that purpose, refuses to allow full
986 inspection of the premises or any part thereof or any books,

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987 records, documents, or other instruments in any manner relating
 988 to the liability of the person or entity liable taxpayer for the
 989 assessment tax imposed or hinders, ~~or in anywise~~ delays, or
 990 prevents such inspection, commits ~~is guilty of~~ a misdemeanor of
 991 the second degree, punishable as provided in s. 775.082 or s.
 992 775.083.

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

1000 (a) ~~To~~ Disseminate information relating to:

1001 1. Citrus fruits and the importance thereof in preserving
 1002 the public health, the economy thereof in the diet of the
 1003 people, and the importance thereof in the nutrition of
 1004 children.~~†~~

1005 2. The manner, method, and means used and employed in the
 1006 production and marketing of citrus fruits and information
 1007 relating to laws of the state regulating and safeguarding such
 1008 production and marketing.~~†~~

1009 3. The added cost to the producer and dealer in producing
 1010 and handling citrus fruits to meet the high standards imposed by
 1011 the state that ensure a pure and wholesome product.~~†~~

1012 4. The effect upon the public health that ~~which~~ would
 1013 result from a breakdown of the state's Florida citrus industry
 1014 or any part thereof.~~†~~

1015 5. The reasons that ~~why~~ producers and dealers should

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1016 receive a reasonable return on their labor and investment.†

1017 6. The problem of furnishing the consumer at all times with
1018 an abundant supply of fine quality citrus fruits at reasonable
1019 prices.†

1020 7. Factors of instability peculiar to the citrus fruit
1021 industry, such as unbalanced production, the effect of the
1022 weather, the influence of consumer purchasing power, and price
1023 relative to the cost of other items of food in the normal diet
1024 of people, all to the end that an intelligent and increasing
1025 consumer demand may be created.†

1026 8. The possibilities with particular reference to increased
1027 consumption of citrus fruits.†~~and~~

1028 9. Such ~~other, further, and~~ additional information that
1029 ~~which~~ tends to promote increased consumption of citrus fruits
1030 and that ~~which~~ fosters a better understanding and more efficient
1031 cooperation among producers, dealers, and the consuming public.†
1032 and

1033 (b) ~~To~~ Decide upon some distinctive and suggestive trade
1034 name and to promote its use in all ways to advertise Florida
1035 citrus fruit.

1036 (3) (a) There is ~~hereby~~ levied and imposed upon each
1037 standard-packed box of citrus fruit grown and placed into the
1038 primary channel of trade in this state an assessment ~~excise tax~~
1039 at maximum annual rates for each citrus season as provided
1040 ~~determined from the tables in this paragraph and based upon the~~
1041 ~~previous season's actual statewide production as reported in the~~
1042 ~~United States Department of Agriculture Citrus Crop Production~~
1043 ~~Forecast as of June 1.~~ The rates may be set at any lower rate in
1044 any year pursuant to paragraph (e).

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1045 1. The ~~following~~ maximum assessment for tax rates,
 1046 ~~expressed in cents per box, shall apply to~~ grapefruit that which
 1047 enters the primary channel of trade for use in fresh form may
 1048 not exceed 36 cents per box.~~÷~~

1049

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

1050

80 and	<u>33</u>	<u>34</u>	<u>35</u>	<u>36</u>	<u>37</u>
greater					

1052

75-79.99	<u>35</u>	<u>36</u>	<u>37</u>	<u>38</u>	<u>39</u>
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70-74.99	<u>37</u>	<u>38</u>	<u>39</u>	<u>41</u>	<u>42</u>
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65-69.99	<u>40</u>	<u>41</u>	<u>42</u>	<u>44</u>	<u>45</u>
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60-64.99	<u>43</u>	<u>44</u>	<u>46</u>	<u>47</u>	<u>49</u>
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55-59.99	<u>47</u>	<u>48</u>	<u>50</u>	<u>51</u>	<u>53</u>
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50-54.99	<u>51</u>	<u>53</u>	<u>55</u>	<u>56</u>	<u>58</u>
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45-49.99	<u>57</u>	<u>59</u>	<u>60</u>	<u>62</u>	<u>64</u>
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~~40-44.99~~ ~~63~~ ~~65~~ ~~67~~ ~~69~~ ~~71~~

1060

~~Less than 40~~ ~~72~~ ~~74~~ ~~76~~ ~~79~~ ~~81~~

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1062

1063 ~~However, effective July 1, 2011, the tax rate per box on~~
 1064 ~~grapefruit that enters the primary channel of trade for use in~~
 1065 ~~fresh form may not exceed the tax rate per box in effect on May~~
 1066 ~~1, 2011.~~

1067 2. The ~~following maximum assessment for tax rates,~~
 1068 ~~expressed in cents per box, shall apply to grapefruit that which~~
 1069 ~~enters the primary channel of trade for use in processed form~~
 1070 ~~may not exceed 36 cents per box. forms:~~

1071

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

1072

1073

~~80 and~~ ~~23~~ ~~24~~ ~~25~~ ~~25~~ ~~26~~
~~greater~~

1074

~~75-79.99~~ ~~25~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~

1075

~~70-74.99~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~

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65-69.99	28	29	30	31	32
60-64.99	31	32	32	33	34
55-59.99	33	34	35	36	37
50-54.99	36	38	39	40	41
45-49.99	40	41	43	44	45
40-44.99	45	46	48	49	51
Less than 40	51	53	54	56	57

~~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					

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1094	boxes)					
1095	255 and	23	24	25	26	26
1096	greater					
1097	245-254.9	24	25	26	27	27
1098	235-244.9	25	26	27	28	28
1099	225-234.9	26	27	28	29	30
1100	215-224.9	28	28	29	30	31
1101	205-214.9	29	30	31	32	33
1102	195-204.9	30	31	32	33	34
1103	185-194.9	32	33	34	35	36
1104	175-184.9	34	35	36	37	38
1105	165-174.9	36	37	38	39	40
1106	155-164.9	38	39	40	41	43
1107	Less than 155	41	42	43	44	46

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

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

255 and	15	16	16	17	17
greater					
245-254.9	16	16	17	17	18
235-244.9	17	17	18	18	19
225-234.9	17	18	18	19	19
215-224.9	18	19	19	20	20
205-214.9	19	20	20	21	21

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1124	195-204.9	20	21	21	22	22
1125	185-194.9	21	22	22	23	24
1126	175-184.9	22	23	23	24	25
1127	165-174.9	23	24	25	26	26
1128	155-164.9	25	26	26	27	28
1129	Less than 155	27	27	28	29	30

1130
 1131
 1132 ~~However, effective July 1, 2011, the tax rate per box on oranges~~
 1133 ~~that enter the primary channel of trade for use in processed~~
 1134 ~~form may not exceed 25 cents per box.~~

1135 5. The actual assessment ~~tax rate~~ levied each year upon
 1136 ~~oranges which enter the primary channel of trade for use in~~
 1137 ~~processed form, pursuant to this paragraph, paragraph (c), and~~
 1138 ~~subsection (4), shall also apply in that year to tangerines and~~
 1139 ~~citrus hybrids regulated by the department that ~~of Citrus which~~~~
 1140 ~~enter the primary channel of trade for use in processed form may~~
 1141 ~~not exceed 25 cents per box.~~

1142 6. The ~~following~~ maximum assessment for tax rates,
 1143 ~~expressed in cents per box, shall apply to tangerines and citrus~~
 1144 ~~hybrids regulated by the department that ~~of Citrus which~~ enter~~
 1145 ~~the primary channel of trade for use in fresh form may not~~
 1146 ~~exceed 16 cents per box.÷~~

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

~~However, effective July 1, 2011, the tax rate per box on tangerines and citrus hybrids regulated by the Department of~~

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1161 ~~Citrus which enter the primary channel of trade for use in fresh~~
1162 ~~form may not exceed the tax rate per box in effect on May 1,~~
1163 ~~2011.~~

1164 (b) Whenever citrus fruit is purchased, acquired, or
1165 handled on a weight basis, the following weights are ~~shall be~~
1166 deemed the equivalent of one standard-packed box for assessment
1167 ~~tax~~ purposes under this section:

- 1168 1. Grapefruit, 85 pounds.
- 1169 2. Oranges, 90 pounds.
- 1170 3. Tangerines, 95 pounds.
- 1171 4. Citrus hybrids, 90 pounds.

1172 (c) The assessments ~~excise taxes~~ imposed by this section do
1173 not apply to citrus fruit used for noncommercial domestic
1174 consumption on the premises where produced.

1175 (d) For purposes of this subsection, a citrus season begins
1176 on August 1 of a year and ends on July 31 of the following year.

1177 (e) The commission, upon an affirmative vote of a majority
1178 of its members and by an order entered by it before ~~prior to~~
1179 November 1 of any year, may set the assessments ~~tax rates~~ up to
1180 the maximum rates specified in this subsection. The assessment
1181 ~~tax rate~~ shall apply only to the citrus season that ~~which~~ began
1182 on August 1 of the same calendar year. Such assessment ~~tax rate~~
1183 may be applied by variety and on the basis of whether the fruit
1184 enters the primary channel of trade for use in fresh or
1185 processed form. If the commission cannot agree on a box
1186 assessment ~~tax rate~~, the assessment ~~tax rate~~ for the previous
1187 year shall remain in effect until the commission approves a new
1188 assessment ~~rate~~.

1189 (4) Every handler shall keep a complete and accurate record

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1190 of all citrus fruit handled by her or him. Such record shall be
1191 in such form and contain such other information as the
1192 department ~~of Citrus~~ shall by rule ~~or regulation~~ prescribe. Such
1193 records shall be preserved by such handlers for a period of 1
1194 year and shall be offered for inspection at any time upon oral
1195 or written demand by the department ~~of Citrus~~ or its duly
1196 authorized agents or representatives.

1197 (5) Every handler shall, at such times and in such manner
1198 as the department ~~of Citrus~~ may by rule require, file with the
1199 department ~~of Citrus~~ a return certified as true and correct, on
1200 forms furnished by the department ~~of Citrus~~, stating, in
1201 addition to other information, the number of standard-packed
1202 boxes of each kind of citrus fruit handled by such handler in
1203 the primary channel of trade during the period of time covered
1204 by the return. Full payment of all assessments ~~excise taxes~~ due
1205 for the period reported shall accompany each handler's return.

1206 (6) (a) All assessments ~~excise taxes~~ levied and imposed
1207 pursuant to ~~the provisions of~~ this section are ~~shall be~~ due and
1208 payable and shall be paid, or the amount thereof guaranteed as
1209 ~~hereinafter~~ provided in this subsection, at the time the citrus
1210 fruit is first handled in the primary channels of trade. All
1211 such assessments ~~taxes~~ shall be paid, or the payment thereof
1212 shall be guaranteed, to the department ~~of Citrus~~ by the person
1213 first handling the fruit in the primary channel of trade, except
1214 that payment of assessments ~~taxes~~ on fruit delivered or sold for
1215 processing in this state shall be paid, or payment thereof shall
1216 be guaranteed in accordance with department ~~of Citrus~~ rules, by
1217 the person processing such fruit.

1218 (b) Periodic payment of assessments ~~excise taxes~~ upon

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1219 citrus fruit by the person liable for such payment is ~~shall be~~
1220 permitted only in accordance with department ~~of Citrus~~ rules, †
1221 and the payment thereof shall be guaranteed by the posting of a
1222 good and sufficient letter of credit from an issuing bank
1223 located in the United States, a cash bond, an appropriate
1224 certificate of deposit, or an approved surety bond in an amount
1225 and manner as prescribed by department ~~of Citrus~~ rule. Evidence
1226 of such guarantee of payment of assessments must ~~excise taxes~~
1227 ~~shall~~ be made on the grade certificate in such manner and form
1228 as may be prescribed by department ~~of Citrus~~ rule.

1229 (c) All assessments ~~taxes~~ collected by the department ~~of~~
1230 ~~Citrus~~ shall be delivered to the State Treasury for payment into
1231 the proper advertising fund.

1232 (7) All assessments ~~excise taxes~~ levied and collected under
1233 ~~the provisions of~~ this chapter shall be paid into the State
1234 Treasury on or before the 15th day of each month. † Such moneys
1235 shall be accounted for in a special fund to be designated as the
1236 Florida Citrus Advertising Trust Fund, and all moneys in such
1237 fund are ~~hereby~~ appropriated to the department ~~of Citrus~~ for the
1238 following purposes:

1239 (a) Four percent of all income of a revenue nature
1240 deposited in this fund, including transfers from any subsidiary
1241 accounts thereof and any interest income, shall be deposited in
1242 the General Revenue Fund pursuant to chapter 215.

1243 (b) Moneys in the Florida Citrus Advertising Trust Fund
1244 shall be expended for the activities authorized by s. 601.13 and
1245 for the cost of those general overhead, research and
1246 development, maintenance, salaries, professional fees,
1247 enforcement costs, and other such expenses that ~~which~~ are not

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1248 related to advertising, merchandising, public relations, trade
1249 luncheons, publicity, and other associated activities. The cost
1250 of general overhead, maintenance, salaries, professional fees,
1251 enforcement costs, and other such expenses that ~~which~~ are
1252 related to advertising, merchandising, public relations, trade
1253 luncheons, publicity, and associated activities shall be paid
1254 from the balance of the Florida Citrus Advertising Trust Fund.

1255 (c) Moneys in the Florida Citrus Advertising Trust Fund
1256 shall also be used by the department ~~of Citrus~~ for defraying
1257 those expenses not included in paragraph (b). After payment of
1258 such expenses, the money levied and collected under ~~the~~
1259 ~~provisions of~~ subsection (3) shall be used exclusively for
1260 commodity and noncommodity advertising, merchandising,
1261 publicity, or sales promotion of citrus products in both fresh
1262 form and processed form, including citrus cattle feed and all
1263 other products of citrus fruits, produced in the state, in such
1264 equitable manner and proration as the department ~~of Citrus~~ may
1265 determine, but funds expended for commodity advertising
1266 thereunder shall be expended through an established advertising
1267 agency. A proration of moneys between commodity programs and
1268 noncommodity programs, and among types of citrus products, shall
1269 be made on or before November 1 of each shipping season and may
1270 not thereafter be modified for that shipping season unless the
1271 department finds such action necessary to preserve the economic
1272 welfare of the citrus industry.

1273 (d) The pro rata portion of moneys allocated to each type
1274 of citrus product in noncommodity programs shall be used by the
1275 department to encourage substantial increases in the
1276 effectiveness, frequency, and volume of noncommodity

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1277 advertising, merchandising, publicity, and sales promotion of
1278 such citrus products through rebates and incentive payments to
1279 handlers and trade customers for these activities. The
1280 department shall ~~of Citrus is authorized and directed to~~ adopt
1281 rules providing for the use of such moneys. The rules shall
1282 establish alternate incentive programs, including at least one
1283 incentive program for product sold under advertised brands, one
1284 incentive program for product sold under private label brands,
1285 and one incentive program for product sold in bulk. For each
1286 incentive program, the rules shall establish eligibility and
1287 performance requirements and shall provide appropriate
1288 limitations on amounts payable to a handler or trade customer
1289 for a particular season. Such limitations may relate to the
1290 amount of citrus assessments ~~excise taxes~~ levied and collected
1291 on the citrus product handled by such handler or trade customer
1292 during a 12-month representative period. The department may
1293 require from participants in noncommodity advertising and
1294 promotional programs commercial information necessary to
1295 determine eligibility for and performance in such programs. Any
1296 information so required which constitutes a "trade secret" as
1297 defined in s. 812.081 is confidential and exempt from ~~the~~
1298 ~~provisions of~~ s. 119.07(1).

1299 (8) (a) On certification by any employee of the department
1300 ~~of Citrus~~ that her or his actual and necessary expenses on any
1301 particular day while traveling outside the state exceeded the
1302 per diem provided by law, such employee shall show such excess
1303 on her or his regular expense voucher and support the same by
1304 the proof required pursuant to rules adopted ~~and regulations to~~
1305 ~~be promulgated~~ by the department ~~of Citrus~~.

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1306 (b) The department ~~of Citrus~~ is authorized to spend such
1307 amount as it deems advisable for guests involved in promotional
1308 activities in the sale of Florida citrus fruits and products.

1309 (c) All obligations, expenses, and costs incurred under ~~the~~
1310 ~~provisions of~~ this section shall be paid out of the Citrus
1311 Advertising Fund upon warrant of the Chief Financial Officer
1312 when vouchers thereof, approved by the department ~~of Citrus~~, are
1313 exhibited.

1314 (9) (a) Any handler who fails to file a return or to pay any
1315 assessment tax within the time required shall thereby forfeit to
1316 the department ~~of Citrus~~ a penalty of 5 percent of the amount of
1317 assessment tax determined to be due, ~~+~~ but the department ~~of~~
1318 ~~Citrus~~, if satisfied that the delay was excusable, may remit all
1319 or any part of such penalty. Such penalty shall be paid to the
1320 department ~~of Citrus~~ and disposed of as provided with respect to
1321 moneys derived from the assessments taxes levied and imposed by
1322 subsection (3).

1323 (b) The department ~~of Citrus~~ may collect any assessments
1324 ~~taxes~~ levied and assessed by this chapter in any or all of the
1325 following methods:

- 1326 1. By the voluntary payment by the person liable therefor.
- 1327 2. By a suit at law.
- 1328 3. By a suit in equity to enjoin and restrain any handler,
1329 citrus fruit dealer, or other person owing such assessments
1330 ~~taxes~~ from operating her or his business or engaging in business
1331 as a citrus fruit dealer until the delinquent assessments taxes
1332 are paid. Such action may include an accounting to determine the
1333 amount of assessments taxes plus delinquencies due. In any such
1334 proceeding, it is not necessary to allege or prove that an

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1335 adequate remedy at law does not exist.

1336 (10) The powers and duties of the department ~~of Citrus~~
1337 include the following:

1338 (a) To adopt and periodically ~~from time to time~~ alter,
1339 rescind, modify, and amend all proper and necessary rules,
1340 ~~regulations,~~ and orders for the exercise of its powers and the
1341 performance of its duties under this chapter.

1342 (b) To employ and at its pleasure discharge an advertising
1343 manager, agents, advertising agencies, and such clerical and
1344 other help as it deems necessary and to outline their powers and
1345 duties and fix their compensation.

1346 (c) To make in the name of the department ~~of Citrus~~ such
1347 advertising contracts and other agreements as may be necessary.

1348 (d) To keep books, records, and accounts of all of its
1349 activities, which books, records, and accounts shall be open to
1350 inspection, audit, and examination by the Auditor General and
1351 the Office of Program Policy Analysis and Government
1352 Accountability.

1353 (e) To purchase or authorize the purchase of all office
1354 equipment and supplies and to incur all other reasonable and
1355 necessary expenses and obligations in connection with and
1356 required for the proper administration ~~carrying out~~ of the
1357 ~~provisions~~ of this chapter.

1358 (f) To conduct, and pay out of the Florida Citrus
1359 Advertising Trust Fund, premium and prize promotions designed to
1360 increase the use of citrus in any form.

1361 (g) To advertise citrus cattle feed and promote its use.

1362 (h) To conduct marketing activities in foreign countries
1363 and other programs designed to develop and protect domestic and

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1364 international markets.

1365 Section 19. Paragraphs (a), (b), and (d) of subsection (1),
1366 subsection (4), paragraph (a) of subsection (5), and subsections
1367 (8) through (11) of section 601.152, Florida Statutes, are
1368 amended to read:

1369 601.152 Special marketing orders.—

1370 (1) (a) Whenever, upon its own motion or upon petition of
1371 any handler or producer or group or association of handlers or
1372 producers of citrus fruit, the commission, upon affirmative vote
1373 of seven ~~nine~~ of its members, determines:

1374 1. That the conduct of a special advertising and
1375 promotional marketing campaign or the conduct of market and
1376 product research and development, in addition to the advertising
1377 campaign being conducted pursuant to s. 601.15 and the research
1378 being conducted pursuant to the other provisions of the Florida
1379 Citrus Code, may substantially further increase the consumer
1380 acceptance and consumption of, and strengthen the market for,
1381 any type, variety, or form of citrus fruit or processed citrus
1382 product by further increasing the number of families buying such
1383 citrus fruit or such processed citrus product or by further
1384 increasing the quantity of such citrus fruit or processed citrus
1385 product purchased by buying families; and

1386 2. That such substantial further increase and strengthening
1387 may be of substantial benefit to handlers thereof, producers
1388 thereof, and to the economy and well-being of the state,

1389
1390 the commission shall direct that a proposed marketing order be
1391 formulated for a special marketing campaign of advertising and
1392 sales promotion, including, but not limited to, brand

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1393 advertising rebate promotions or the conduct of market and
1394 product research and development for such type, variety, or form
1395 of citrus fruit or processed citrus product, and shall designate
1396 a public hearing to consider adoption and implementation of such
1397 proposed marketing order.

1398 (b) Notice of the time, place, and purpose of such public
1399 hearing shall be:

1400 1. Mailed, at least ~~not less than~~ 10 days before ~~prior to~~
1401 such hearing, to each handler who, during the 12 months
1402 immediately before ~~preceding~~ such mailing, has first handled in
1403 the primary channel of trade in the state ~~Florida~~ the type,
1404 variety, and form of citrus fruit or citrus product specified in
1405 the proposed marketing order, and to each handler who the
1406 department ~~of Citrus~~ has good cause to believe will, during the
1407 period of time covered by the proposed marketing order, first
1408 handle in the primary channel of trade in the state ~~Florida~~ the
1409 type, variety, and form of citrus fruit or processed citrus
1410 product specified in such proposed marketing order.

1411 2. Published in the Florida Administrative Weekly at least
1412 ~~not less than~~ 10 days before ~~prior to~~ such hearing.

1413 (d) Copies of the proposed marketing order shall be made
1414 available to the public at the offices of the department ~~of~~
1415 ~~Citrus~~ at Lakeland at least 5 days before ~~prior to~~ such hearing
1416 and shall be in sufficient detail to apprise all persons having
1417 an interest therein of the approximate amount of moneys proposed
1418 to be expended; the assessments to be levied thereunder; and the
1419 general details of the proposed marketing order for a special
1420 marketing campaign of advertising or sales promotion or market
1421 or product research and development. Among the details so

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1422 specified shall be the period of time during which the
1423 assessment imposed pursuant to subsection (8) will be levied
1424 upon the privilege so assessed, which period may not be greater
1425 than 2 years. The order may, however, provide that the
1426 expenditure of the funds received from the imposition of such
1427 assessments shall not be so confined, but may be expended during
1428 such time or times as shall be specified in the proposed
1429 marketing order, which may be either during the shipping season
1430 immediately preceding the shipping seasons during which such
1431 assessments are imposed or during, or at any time subsequent to,
1432 the shipping seasons during which such assessments are imposed.
1433 This section does not ~~Nothing herein shall be construed to~~
1434 prevent the imposition of a subsequent marketing order ~~either~~
1435 before, during, or after the expenditure of funds collected
1436 under pursuant to a previously imposed marketing order, provided
1437 the aggregate of the assessments imposed may not exceed the
1438 maximum permitted under subsection (8).

1439 (4) The department may ~~of Citrus is authorized to~~ prescribe
1440 such procedures as it deems necessary properly to conduct a
1441 referendum among handlers covered by the marketing order to
1442 determine whether such marketing order has been so assented to.

1443 (5) (a) Any marketing order adopted under pursuant to this
1444 section and subsequently approved by referendum as provided in
1445 this section herein shall take effect ~~become effective~~ 15 days
1446 after referendum approval is officially determined by the
1447 commission. Chapter 120 does not apply to this section. Any such
1448 marketing order is ~~shall be~~ reviewable by any person adversely
1449 affected, by certiorari to the district courts of appeal in the
1450 manner prescribed by the Florida Rules of Appellate Procedure.

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1451 The venue of the proceeding for such review shall be the
1452 appellate district that ~~which~~ includes the county in which the
1453 hearings were conducted or, if the venue cannot be ~~thus~~
1454 determined, the appellate district in which ~~wherein~~ the
1455 department's ~~Department of Citrus~~ executive offices are located.

1456 (8) (a) Each person who, during the period ~~of time~~ specified
1457 in any marketing order implemented under ~~pursuant to~~ this
1458 section, first handles in the primary channel of trade in the
1459 state ~~Florida~~ any citrus fruit or processed citrus product of
1460 the type, variety, and form specified in such marketing order
1461 shall, for the privilege of so handling such citrus fruit or
1462 such citrus product, pay to the department ~~of Citrus~~ such
1463 assessments as are levied and imposed thereon by such marketing
1464 order, which funds shall be used by the department ~~of Citrus~~ to
1465 defray the necessary expenses incurred in the formation,
1466 issuance, administration, and enforcement of such marketing
1467 order and in the conduct of the special marketing campaign or
1468 market and product research and development provided for in such
1469 marketing order. However, such assessments levied and imposed
1470 under this section may ~~pursuant hereto shall be at a rate not to~~
1471 exceed 8 cents per standard-packed box on citrus fruits in fresh
1472 form, 1.3 cents per gallon on single strength citrus juices or
1473 sections, or 1.3 cents per pound of soluble citrus solids on
1474 concentrated citrus juices.

1475 (b) The department ~~of Citrus~~ shall prescribe procedures for
1476 the assessment and collection of such funds to defray the
1477 necessary expenses incurred, or expected to be incurred, by the
1478 department ~~of Citrus~~ in the formation, issuance, administration,
1479 and enforcement of any marketing order implemented under

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1480 ~~pursuant to the provisions of~~ this section.

1481 (c) Every handler shall, at such times as the department
1482 may require, file with the department ~~of Citrus~~ a return, not
1483 under oath, on forms to be prescribed and furnished by the
1484 department ~~of Citrus~~, certified as true and correct, stating the
1485 quantity of the type, variety, and form of citrus fruit or
1486 citrus product specified in the marketing order first handled in
1487 the primary channels of trade in the state Florida by such
1488 handler during the period of time specified in the marketing
1489 order. Such returns shall contain any further information deemed
1490 by the department ~~of Citrus~~ to be reasonably necessary to
1491 properly administer or enforce ~~the provisions of~~ this section or
1492 any marketing order implemented under this section hereunder.
1493 Information that, if disclosed, would reveal a trade secret, as
1494 defined in s. 812.081, of any person subject to a marketing
1495 order is confidential and exempt from ~~the provisions of~~ s.
1496 119.07(1).

1497 (d) All assessments imposed under ~~and pursuant to the~~
1498 ~~provisions of~~ this section are ~~shall be~~ due and payable and
1499 shall be paid by such handlers at such times and in such
1500 installments as the commission prescribes ~~shall prescribe~~ in
1501 such marketing order, or the amount thereof shall be provided
1502 for and guaranteed by giving a surety bond or cash deposit or as
1503 the department ~~of Citrus may~~ otherwise prescribes ~~prescribe~~.

1504 (9) (a) All moneys collected by the department ~~of Citrus~~
1505 under this section shall be set aside in the Florida Citrus
1506 Advertising Trust Fund as a special fund to be known as the
1507 "Citrus Special Marketing Order Fund." All moneys in such fund,
1508 after deducting the service charge provided in s. 601.15(7), are

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1509 hereby appropriated to the department ~~of Citrus~~ for the actual
1510 expenses incurred by the department for ~~of Citrus with respect~~
1511 ~~to~~ the formulation, issuance, administration, and enforcement of
1512 any marketing order so implemented and in the conduct of the
1513 special marketing campaign or market and product research and
1514 development to be carried out pursuant to any such marketing
1515 order so implemented. Upon the completion of the special
1516 marketing campaign or market and product research and
1517 development provided for pursuant to any marketing order so
1518 implemented ~~hereunder~~, any and all moneys remaining and not
1519 required by the department ~~of Citrus~~ to defray the expenses of
1520 such marketing order shall be deposited to and made a part of
1521 the Florida Citrus Advertising Trust Fund created by s. 601.15.

1522 (b) If the department ~~of Citrus~~ finds it necessary ~~to do~~
1523 ~~so~~, the department ~~it~~ may transfer to the Citrus Special
1524 Marketing Order Fund from any other portion of the Florida
1525 Citrus Advertising Trust Fund, including the Emergency Reserve
1526 Fund and any other special or reserve fund, such sum of money as
1527 the department ~~of Citrus~~ determines is initially required to
1528 formulate, issue, administer, and enforce any such marketing
1529 order and conduct the special marketing campaign or market and
1530 product research and development to be carried out pursuant to
1531 such marketing order until moneys in the Citrus Special
1532 Marketing Order Fund derived from assessments imposed and
1533 collected pursuant to this section are sufficient for such
1534 purposes, and thereafter repay such advance out of the Citrus
1535 Special Marketing Order Fund.

1536 (10) (a) Any handler who fails to file a return or to pay
1537 any assessment within the time required shall thereby forfeit to

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1538 the department ~~of Citrus~~ a penalty of 5 percent of the amount of
1539 assessment then due, ; but the department ~~of Citrus~~, upon good
1540 cause shown, may waive all or any part of such penalty. Such
1541 penalty shall be paid to the department ~~of Citrus~~ and disposed
1542 of as provided with respect to moneys derived from the
1543 assessments imposed under ~~pursuant to~~ this section.

1544 (b) The department ~~of Citrus~~ may collect the assessments
1545 imposed under ~~pursuant to~~ this section by any in either or all
1546 of the following methods:

- 1547 1. The voluntary payment by the handler liable therefor. ;
- 1548 2. By a suit at law. ;
- 1549 3. By a suit in equity to enjoin and restrain any handler
1550 owing such assessments from operating his or her business or
1551 engaging in business as a citrus fruit dealer until the
1552 delinquent assessments are paid. Such action may include an
1553 accounting to determine the amount of assessments plus
1554 delinquencies due. In any such proceeding, it shall not be
1555 necessary to allege or prove that an adequate remedy at law does
1556 not exist.

1557 (11) This section shall be liberally construed to
1558 effectuate the purposes set forth and as additional and
1559 supplemental powers vested in the department ~~of Citrus~~ under the
1560 police power of this state.

1561 Section 20. Section 601.155, Florida Statutes, is amended
1562 to read:

1563 601.155 Equalizing assessment ~~excise tax~~; credit;
1564 exemption.—

1565 (1) The first person who exercises in this state the
1566 privilege of processing, reprocessing, blending, or mixing

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1567 processed orange products or processed grapefruit products or
1568 the privilege of packaging or repackaging processed orange
1569 products or processed grapefruit products into retail or
1570 institutional size containers or, except as provided in
1571 subsection (9) or except if an assessment ~~a tax~~ is levied and
1572 collected on the exercise of one of the foregoing privileges,
1573 the first person having title to or possession of any processed
1574 orange product or any processed grapefruit product who exercises
1575 the privilege in this state of storing such product or removing
1576 any portion of such product from the original container in which
1577 it arrived in this state for purposes other than official
1578 inspection or direct consumption by the consumer and not for
1579 resale shall be assessed and shall pay an assessment ~~excise tax~~
1580 upon the exercise of such privilege at the rate described in
1581 subsection (2).

1582 (2) Upon the exercise of any privilege described in
1583 subsection (1), the assessment ~~excise tax~~ levied by this section
1584 shall be at the same rate per box of oranges or grapefruit
1585 utilized in the initial production of the processed citrus
1586 products so handled as that imposed, at the time of exercise of
1587 the assessable ~~taxable~~ privilege, by s. 601.15 per box of
1588 oranges.

1589 (3) For the purposes of this section, the number of boxes
1590 of oranges or grapefruit utilized in the initial production of
1591 processed citrus products subject to the assessable ~~taxable~~
1592 privilege shall be:

1593 (a) The actual number of boxes so utilized, if known and
1594 verified in accordance with department ~~of Citrus~~ rules; or

1595 (b) An equivalent number established by department ~~of~~

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1596 ~~Citrus~~ rule which, on the basis of existing data, reasonably
1597 equates to the quantity of citrus contained in the product, when
1598 the actual number of boxes so utilized is not known or properly
1599 verified.

1600 (4) For purposes of this section:

1601 (a) "Processed orange products" means products for human
1602 consumption consisting of 20 percent or more single strength
1603 equivalent orange juice; orange sections, segments, or edible
1604 components; or whole peeled fruit.

1605 (b) "Processed grapefruit products" means products for
1606 human consumption consisting of 20 percent or more single
1607 strength equivalent grapefruit juice; grapefruit sections,
1608 segments, or edible components; or whole peeled fruit.

1609 (c) "Original container" includes any vessel, tanker or
1610 tank car, or other transport vehicle.

1611 (d) "Retail or institutional container" means a container
1612 having a capacity of 10 gallons or less.

1613 (5) Products made in whole or in part from citrus fruit on
1614 which an equivalent assessment tax is levied pursuant to s.
1615 601.15 are exempt from the assessment tax imposed by this
1616 section. In the case of products made in part from citrus fruit
1617 exempt from the assessment tax imposed by this section, it shall
1618 be the burden of the persons liable for the assessment excise
1619 ~~tax~~ to show the department ~~of Citrus~~, through competent
1620 evidence, proof of that part which is not subject to an
1621 assessable a-taxable privilege.

1622 (6) Every person liable for the assessment excise tax
1623 imposed by this section shall keep a complete and accurate
1624 record of the receipt, storage, handling, exercise of any

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1625 assessable ~~taxable~~ privilege under this section, and shipment of
1626 all products subject to the assessment ~~tax~~ imposed by this
1627 section. Such record shall be preserved for a period of 1 year
1628 and shall be offered for inspection upon oral or written request
1629 by the department ~~of Citrus~~ or its duly authorized agent.

1630 (7) Every person liable for the assessment ~~excise tax~~
1631 imposed by this section shall, at such times and in such manner
1632 as the department ~~of Citrus~~ may by rule require, file with the
1633 department ~~of Citrus~~ a return, certified as true and correct, on
1634 forms to be prescribed and furnished by the department ~~of~~
1635 ~~Citrus~~, stating, in addition to other information reasonably
1636 required by the department ~~of Citrus~~, the number of units of
1637 processed orange or grapefruit products subject to this section
1638 upon which any assessable ~~taxable~~ privilege under this section
1639 was exercised during the period of time covered by the return.
1640 Full payment of assessments ~~excise taxes~~ due for the period
1641 reported shall accompany each return.

1642 (8) All assessments ~~taxes~~ levied and imposed by this
1643 section shall be due and payable within 61 days after the first
1644 of the assessable ~~taxable~~ privileges is exercised in this state.
1645 Periodic payment of the assessments ~~excise taxes~~ imposed by this
1646 section by the person first exercising the assessable ~~taxable~~
1647 privileges and liable for such payment shall be permitted only
1648 in accordance with department ~~of Citrus~~ rules, and the payment
1649 thereof shall be guaranteed by the posting of an appropriate
1650 certificate of deposit, approved surety bond, letter of credit
1651 from an issuing bank located in the United States, or cash
1652 deposit in an amount and manner as prescribed by the department
1653 ~~of Citrus~~.

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1654 (9) When any processed orange or grapefruit product is
1655 stored or removed from its original container as provided in
1656 subsection (1), the equalizing assessment ~~excise tax~~ is levied
1657 on such storage or removal, and such product is subsequently
1658 shipped out of the state in a vessel, tanker or tank car, or
1659 container having a capacity greater than 10 gallons, the person
1660 who is liable for the assessment ~~tax~~ shall be entitled to an
1661 assessment ~~a tax~~ refund, if such assessment ~~tax~~ has been paid,
1662 or to an assessment ~~a tax~~ credit, provided she or he can provide
1663 satisfactory proof that such product has been shipped out of the
1664 state and that no privilege assessable ~~taxable~~ under subsection
1665 (1) other than storage or removal from the original container
1666 was exercised before ~~prior to~~ such shipment out of the state.

1667 (10) Notwithstanding any ~~other~~ provision of law, the
1668 department ~~of Citrus~~ shall develop a process by which any person
1669 liable for the assessment ~~excise tax~~ imposed under this section
1670 may annually object to payment of the assessment ~~tax~~. Any such
1671 objection must be allowed without discretion as to the validity
1672 thereof, and that person shall be granted the immediate right to
1673 elect not to pay two-thirds of the applicable assessment ~~tax~~
1674 ~~rate~~. The department ~~of Citrus~~ may not expend any of the
1675 remaining one-third of the applicable assessment ~~tax rate~~ on any
1676 advertising, marketing, or public relations activities to which
1677 any person liable for the assessment ~~excise tax~~ imposed under
1678 this section objects; however, such funds may be used for
1679 research, administrative, and regulatory activities. Effective
1680 July 1, 2004, upon any necessary legislative appropriation of
1681 moneys due under the settlement agreement of Consolidated Case
1682 No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial

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1683 Circuit in Polk County, the plaintiffs shall agree to the
1684 dismissal of their claim under the foreign commerce clause with
1685 prejudice.

1686 (11) All assessments ~~excise taxes~~ levied and collected
1687 under ~~the provisions of~~ this section, including penalties, shall
1688 be paid into the State Treasury to be made a part of the Florida
1689 Citrus Advertising Trust Fund in the same manner, for the same
1690 purposes, and in the same proportions as set forth in s.
1691 601.15(7). Any person failing to file a return or pay any
1692 assessment within the time required shall thereby forfeit to the
1693 department ~~of Citrus~~ a penalty of 5 percent of the amount of
1694 assessment then due, ~~+~~ but the department ~~of Citrus~~, on good
1695 cause shown, may waive all or any part of such penalty.

1696 (12) This section shall be liberally construed to
1697 effectuate the purposes set forth and as additional and
1698 supplemental powers vested in the department ~~of Citrus~~ under the
1699 police power of this state.

1700 Section 21. Section 601.24, Florida Statutes, is amended to
1701 read:

1702 601.24 Department of Citrus to prescribe methods of testing
1703 and grading. ~~The department of Citrus shall~~ adopt rules
1704 providing by rule or regulation provide the manner and method to
1705 be used in drawing samples and the quantity to be used in
1706 testing and grading of citrus fruit and the canned and
1707 concentrated products thereof and shall provide specifications
1708 and methods for use of juice extractors to be used in extracting
1709 juice for such tests and grading purposes.

1710 Section 22. Section 601.25, Florida Statutes, is amended to
1711 read:

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1712 601.25 Determination of soluble solids and acid.—The
1713 department ~~of Citrus by rule or regulation~~ shall adopt rules
1714 determining ~~determine~~ the method by which juice is tested for
1715 percentage of total soluble solids, the method by which juice is
1716 tested for acidity, and the method for testing fruit for juice
1717 content. Until ~~such time as~~ the department determines ~~of Citrus~~
1718 ~~may see fit to determine~~ such method by rule ~~or regulation~~, the
1719 Brix hydrometer shall be used and the reading of the hydrometer
1720 corrected for temperature shall be considered as the percent of
1721 the total soluble solids, ~~and~~ anhydrous citric acid shall be
1722 determined by titration of the juice using standard alkali and
1723 phenolphthalein as indicator, the total acidity being calculated
1724 as anhydrous citric acid.

1725 Section 23. Subsections (5) and (7) of section 601.28,
1726 Florida Statutes, are amended to read:

1727 601.28 Inspection fees.—

1728 (5) The Department of Agriculture may ~~shall have the power~~
1729 ~~to~~ adopt rules providing for the imposition of special fees for
1730 inspections conducted during hours not contemplated by regular
1731 state work hours. The ~~Such~~ rules shall prescribe circumstances
1732 under which the fees levied pursuant to paragraphs (1)(a) and
1733 (b) would not apply and the fees imposed pursuant to such rules
1734 would apply. The rules shall require ~~provide~~ that such ~~said~~ fees
1735 ~~shall~~ be levied when specifically actuated by contract between
1736 the Department of Agriculture and persons liable for the fees
1737 created by this subsection. The rules may ~~shall~~ not authorize
1738 allow fees that exceed ~~to be charged which are in excess of~~ the
1739 Department of Agriculture's ~~department's~~ actual cost of the
1740 inspection to be made, nor may ~~shall~~ such fees be less than

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1741 those imposed by paragraphs (1)(a) and (b).

1742 (7) The duties of the Department of Agriculture ~~and~~
1743 ~~Consumer Services~~ shall include the duty to conduct hearings,
1744 through a hearing officer who shall be an attorney authorized to
1745 practice law within this state, on violations of this section
1746 and rules adopted ~~promulgated~~ thereunder. The ~~Said~~ hearing
1747 officer shall be selected by the Commissioner of Agriculture and
1748 shall be in addition to her or his regular legal staff
1749 authorized by law. The ~~Said~~ hearing officer shall, in addition
1750 to conducting such hearings, be available to the Division of
1751 Fruit and Vegetables for other legal services on matters
1752 pertaining to violations of this chapter and rules adopted
1753 ~~promulgated~~ thereunder.

1754 Section 24. Section 601.31, Florida Statutes, is amended to
1755 read:

1756 601.31 Citrus inspectors; employment.—The Department of
1757 Agriculture may in each year employ as many citrus fruit
1758 inspectors for such period or periods, not exceeding 1 year, as
1759 the ~~said~~ Department of Agriculture shall deem necessary for the
1760 effective enforcement of the citrus fruit laws of this state.
1761 All persons authorized to inspect and certify to the maturity
1762 and grade of citrus fruit shall be governed in the discharge of
1763 their duties as such inspectors by the provisions of law and by
1764 the rules adopted ~~and regulations prescribed~~ by the Department
1765 of Citrus and the Department of Agriculture and shall perform
1766 their duties under the direction and supervision of the
1767 Department of Agriculture. All citrus inspectors appointed for
1768 the enforcement of this chapter shall be persons who are duly
1769 licensed or certified by the United States Department of

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1770 Agriculture as citrus fruit inspectors.

1771 Section 25. Section 601.32, Florida Statutes, is amended to
1772 read:

1773 601.32 Compensation of inspectors.—The salaries of the
1774 chief citrus inspector, the chief laboratory inspector, the
1775 district supervising inspectors, the junior and senior
1776 inspectors, and all other necessary inspectors shall be in the
1777 amount as determined and fixed by the Department of Agriculture,
1778 and, in addition thereto, each such inspector ~~of said inspectors~~
1779 shall be reimbursed for travel expenses as provided in s.

1780 112.061, which shall be paid upon approval of accounts therefor
1781 by the Department of Agriculture. The Department of Agriculture
1782 may employ such additional field and other agents and clerical
1783 assistance at such times and for such periods and incur and pay
1784 any other expenses, including travel expenses, as provided in s.
1785 112.061, of the Department of Agriculture during the citrus
1786 fruit season, as may be necessary for the effective enforcement
1787 of the citrus fruit laws of this state and of the rules
1788 ~~regulations~~ of the Department of Citrus and ensure ~~assure~~ the
1789 payments of the inspection fees imposed or that may be imposed
1790 under the authority of law.

1791 Section 26. Section 601.33, Florida Statutes, is amended to
1792 read:

1793 601.33 Interference with inspectors.—~~A It is unlawful for~~
1794 ~~any person may not~~ to obstruct, hinder, resist, interfere with,
1795 or attempt to obstruct, hinder, resist, or interfere with any
1796 authorized inspector in the discharge of any duty imposed upon
1797 or required of her or him by the provisions of law or by any
1798 rule adopted ~~or regulation prescribed~~ by the Department of

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1799 Citrus or the Department of Agriculture, or ~~to~~ change or attempt
 1800 to change any instrument, substance, article, or fluid used by
 1801 such inspector or emergency inspector in making tests of citrus
 1802 fruit or the canned or concentrated products thereof.

1803 Section 27. Section 601.34, Florida Statutes, is amended to
 1804 read:

1805 601.34 Duties of law enforcement officers.—Each state or
 1806 county law enforcement officer shall make arrests for violations
 1807 of the citrus fruit laws of this state or of any rule,
 1808 ~~regulation,~~ or order of promulgated by the commission or the
 1809 Department of Agriculture ~~and Consumer Services~~ under authority
 1810 of law when notified of such violation by the Department of
 1811 Agriculture or its duly authorized agent or representative.

1812 Section 28. Section 601.35, Florida Statutes, is amended to
 1813 read:

1814 601.35 Disputes as to quality, etc.; procedure.—When any
 1815 dispute as to quality, grade, or condition of citrus fruit or
 1816 the canned or concentrated products thereof arises, the shipper
 1817 or any financially interested person may call in at his, her, or
 1818 its expense an inspector licensed or certified only by the
 1819 United States Department of Agriculture to inspect such citrus
 1820 fruit or its canned or concentrated products. Such inspector
 1821 shall issue a regular official certificate to the applicant
 1822 showing the quality, grade, and condition thereof, and, in all
 1823 cases, such certificate shall be prima facie evidence. If such
 1824 certificate shows that the citrus fruit or the canned or
 1825 concentrated products thereof conforms ~~therein-mentioned and~~
 1826 ~~described to conform~~ to the requirements ~~provisions~~ of this
 1827 chapter and the rules, ~~regulations,~~ or orders of the Department

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1828 of Citrus and of the Department of Agriculture, such shipper or
1829 such financially interested person may present the original
1830 certificate to the person or representative of the person having
1831 charge of the vehicle of transportation by which such citrus
1832 fruit or the canned or concentrated products thereof are ~~is~~ to
1833 be transported, which person or representative shall then accept
1834 such citrus fruit or the canned or concentrated products thereof
1835 for shipment provided that all other provisions of this chapter
1836 and of the rules, ~~regulations,~~ and orders of the Department of
1837 Citrus and of the Department of Agriculture have been met and
1838 complied with.

1839 Section 29. Section 601.37, Florida Statutes, is amended to
1840 read:

1841 601.37 Unlawful acts of inspectors. ~~An It is unlawful for~~
1842 ~~any~~ authorized inspector may not ~~to~~ make or deliver a
1843 certificate of inspection and maturity and quality of any citrus
1844 fruit or the canned or concentrated products thereof upon which
1845 the inspection fees and advertising assessments ~~taxes~~ have not
1846 been paid or the payment thereof guaranteed, or ~~to~~ make or issue
1847 any false certificate as to inspection, maturity, quality, or
1848 payment of inspection fees.

1849 Section 30. Section 601.38, Florida Statutes, is amended to
1850 read:

1851 601.38 Citrus inspectors; authority. ~~For the purpose of~~
1852 enforcing ~~the provisions of~~ the citrus fruit laws of this state,
1853 as well as rules ~~the regulations~~ of the department ~~of Citrus,~~
1854 citrus fruit inspectors may enter into any packinghouse, ~~or~~
1855 canning plant, or concentrating plant at any hour of day or
1856 night and have and demand access and admission to any enclosed

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1857 portion of such ~~said~~ packinghouse, canning plant, or
1858 concentrating plant. Such ~~said~~ citrus fruit inspectors may also
1859 inspect all packinghouse or canning plant records pertaining to
1860 receipts from groves and to details of receiving, handling,
1861 running, processing, packing, or canning citrus fruit.

1862 Section 31. Section 601.40, Florida Statutes, is amended to
1863 read:

1864 601.40 Registration of citrus packinghouses, processing
1865 plants with Department of Agriculture.—The owner, manager, or
1866 operator of each packinghouse, canning plant, or concentrating
1867 plant, at which it is intended to pack, can, concentrate, or
1868 prepare citrus fruit for market or transportation during the
1869 then-present or the next ensuing citrus fruit shipping season,
1870 shall register such packinghouse, canning plant, or
1871 concentrating plant and its location, shipping point, and post
1872 office with the Department of Agriculture at least ~~not less than~~
1873 10 days before packing, canning, concentrating, or otherwise
1874 preparing any citrus fruit or the canned or concentrated
1875 products thereof for sale or transportation in or at such
1876 packinghouse, canning plant, or concentrating plant, ~~and~~ and she or
1877 he shall, in addition to such registration, give the ~~said~~
1878 Department of Agriculture at least ~~not less than~~ 7 days' written
1879 notice of the date on which packing, canning, concentrating, or
1880 other preparation for sale or transportation of citrus fruit of
1881 the then-current or the next ensuing season's crop will begin ~~be~~
1882 ~~begun~~. The Department of Agriculture shall issue a certificate
1883 of registration to each such packinghouse, canning plant, or
1884 concentrating plant registering. ~~provided, However, that no~~
1885 such certificate of registration may not ~~shall~~ be issued to any

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1886 packinghouse, canning plant, or concentrating plant unless the
1887 operator thereof has ~~shall have first~~ applied for and received
1888 her or his license as a citrus fruit dealer and furnished a bond
1889 as such citrus fruit dealer in accordance with law.

1890 Section 32. Section 601.43, Florida Statutes, is amended to
1891 read:

1892 601.43 Immature and unfit citrus fruit; individual
1893 sampling.—Any oranges, grapefruit, ~~and~~ tangerines, ~~not~~
1894 ~~conforming to the minimum maturity requirements set forth in~~
1895 ~~this chapter~~ and any citrus hybrids not conforming to the
1896 minimum maturity requirements set forth in department rules are
1897 ~~of Citrus regulations shall be~~ deemed and held to be immature
1898 and unfit for human consumption. In the testing of fruit to
1899 determine whether the same conforms to such requirements, any
1900 inspector has ~~shall have~~ the right and authority to test the
1901 individual fruit in any given sample of fruit drawn in the
1902 number and by the manner as prescribed by ~~regulations of the~~
1903 department rules of Citrus. If, upon ~~the~~ testing ~~of~~ the juice of
1904 ~~said~~ individual fruit in any sample, more than 10 percent of
1905 such ~~said~~ individual fruit ~~shall~~ fail by more than one-half
1906 percentage point to meet the minimum ratio of total soluble
1907 solids to anhydrous citric acid that ~~which~~ is required for such
1908 fruit, ~~then~~ all of the fruit in the lot from which the ~~said~~
1909 sample was drawn is ~~shall be~~ deemed and shall be held to be
1910 immature and unfit for human consumption.

1911 Section 33. Section 601.44, Florida Statutes, is amended to
1912 read:

1913 601.44 Destruction of immature fruit.—All citrus fruit or
1914 processed citrus products prepared for sale or transportation,

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1915 that are ~~which is~~ being prepared for such purpose, or that have
1916 ~~which has~~ been or are ~~is~~ being delivered for sale or
1917 transportation that may be found immature or otherwise unfit for
1918 human consumption upon inspection and testing shall be seized
1919 and destroyed by a citrus fruit inspector or the sheriff of the
1920 county where found as may be provided by ~~regulations prescribed~~
1921 ~~by the department~~ rules of Citrus. Such ~~Said~~ determination of
1922 immaturity or unfitness for human consumption may be made by a
1923 citrus fruit inspector at any place where such citrus fruit may
1924 be found after severance from the tree, and such seizure and
1925 destruction may likewise occur at any such place. However, in
1926 the event of seizure of citrus fruit upon the grounds that such
1927 citrus fruit fails to show a break in color required by this
1928 chapter or department rules of Citrus regulations for that
1929 particular variety of citrus fruit, the owner or person in
1930 charge of such citrus fruit shall be allowed to separate and
1931 retain for subsequent use, in accordance with ~~the provisions of~~
1932 this chapter or department rules of Citrus regulations, that
1933 portion of such citrus fruit which shows a break in color
1934 required by this chapter or department rules of Citrus
1935 ~~regulations~~ for that particular variety, and, in such case, only
1936 that portion thereof which fails to show a break in color for
1937 such variety, as required by this chapter or department rules of
1938 ~~Citrus regulations~~, shall be destroyed by a citrus fruit
1939 inspector or the sheriff of the county, as may be prescribed by
1940 ~~regulations of the department~~ rules of Citrus.

1941 Section 34. Section 601.45, Florida Statutes, is amended to
1942 read:

1943 601.45 Grading of fresh citrus fruit.—

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1944 (1) All citrus fruit, except as provided in s. 601.50, sold
1945 or shipped, or offered for sale or shipment, for consumption in
1946 fresh form shall be graded in a registered packinghouse in this
1947 state according to standards established by the department ~~of~~
1948 ~~Citrus~~, and the grade of such fruit shall be indicated as
1949 ~~hereinafter~~ provided in this section.

1950 (2) Fresh citrus fruit being transported in bulk form shall
1951 have stamped upon such fruit, subject to department rules:

1952 (a) The actual grade thereof; or

1953 (b) Brands or trademarks properly registered with the
1954 department to represent state or U.S. grades, as provided in
1955 subsection (4).

1956 (3) For fresh citrus fruit being transported when packed in
1957 a closed container approved or otherwise authorized by the
1958 department ~~of Citrus~~, it shall be sufficient if the closed
1959 container has the grade indicated thereon, in accordance with
1960 department rules, by:

1961 (a) Stamping the grade of the fruit on the container; or

1962 (b) Use of labels, brands, or trademarks properly
1963 registered with the department to represent state or U.S.
1964 grades, as provided in subsection (4).

1965 (4) In accordance with such rules as the department ~~of~~
1966 ~~Citrus~~ may prescribe, licensed citrus fruit dealers in this
1967 state are ~~shall be~~ entitled to register labels, brands, or
1968 trademarks for grade identification purposes. The department
1969 shall maintain a record of all labels, brands, or trademarks
1970 registered for grade identification purposes, which record may
1971 be purged as necessary.

1972 Section 35. Subsection (1) of section 601.46, Florida

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1973 Statutes, is amended to read:

1974 601.46 Condition precedent to sale of citrus fruit.—

1975 (1) It is unlawful, except as provided in s. 601.50, for
1976 any person to sell or offer for sale, ~~to~~ transport, prepare,
1977 receive, or deliver for transportation or market any citrus
1978 fruit in fresh form unless such fruit has matured in accordance
1979 with the maturity standards and is accompanied by a certificate
1980 of inspection and maturity thereof issued by a duly authorized
1981 citrus fruit inspector of the Department of Agriculture ~~and~~
1982 ~~Consumer Services~~. However, the Department of Citrus may adopt
1983 rules providing by regulation provide that, in lieu of the
1984 accompaniment of such shipment by a certificate of inspection
1985 and maturity, the fact of such inspection may be shown by
1986 appropriate means on the manifest or bill of lading covering
1987 such shipment.

1988 Section 36. Section 601.49, Florida Statutes, is amended to
1989 read:

1990 601.49 Condition precedent to selling processed citrus
1991 products.—A ~~It is unlawful for any person, except as provided in~~
1992 ~~s. 601.50, may not to~~ sell or offer for sale, ~~to~~ transport,
1993 receive, or deliver for transportation, ~~or~~ market any canned or
1994 concentrated products of citrus fruits unless such products have
1995 ~~the same has~~ been inspected and are ~~is~~ accompanied by a
1996 certificate of inspection issued by a duly authorized inspector
1997 of the Department of Agriculture, ~~provided,~~ However, ~~that the~~
1998 ~~Department of Citrus shall by regulation provide that~~ in lieu of
1999 ~~the accompaniment of such shipment by~~ a certificate of
2000 inspection, proof the fact of such inspection may be shown,
2001 pursuant to rules adopted by the Department of Citrus, by

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2002 appropriate means on the manifest or bill of lading covering
2003 such shipment.

2004 Section 37. Section 601.50, Florida Statutes, is amended to
2005 read:

2006 601.50 Exemptions; sale or shipment of citrus or citrus
2007 products for certain purposes.—

2008 (1) ~~Notwithstanding Irrespective of the provisions of ss.~~
2009 ~~601.45, 601.46, 601.48, 601.49, 601.51, and 601.52, the~~
2010 ~~department may adopt of Citrus under~~ such precautionary rules
2011 ~~that and regulations as it deems may deem~~ expedient to may
2012 permit the sale or shipment of citrus fruit or the canned or
2013 concentrated products thereof without the issuance of and filing
2014 of an inspection certificate and without the grade being shown
2015 on the container thereof, of:

2016 (a) ~~(1)~~ Intrastate shipments of fresh citrus fruit for
2017 consumption or use within the state. ~~†~~

2018 (b) ~~(2)~~ Shipments to be used for charitable or unemployment
2019 relief purposes. ~~†~~

2020 (c) ~~(3)~~ Shipments to the United States Government or any of
2021 its agencies and interstate shipments to any packinghouse,
2022 canning plant, or concentrate plant for commercial processing,
2023 as may be defined by the department, ~~of Citrus,~~ or to fresh
2024 fruit juice distributors outside the state. ~~†~~

2025 (d) ~~(4)~~ Shipments by any method of transportation by "gift
2026 fruit shippers," as defined by the department ~~of Citrus,~~ but
2027 such shipments shall not be for the purpose of resale by the
2028 consignee thereof. ~~† but, provided~~

2029 (2) However ~~that,~~ any ~~no~~ such rule adopted under this
2030 section may not ~~or regulation issued hereunder shall~~ permit or

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2031 allow the sale or shipment of citrus fruit deemed by this
2032 section to be immature and unfit for human consumption or ~~nor~~ of
2033 canned or concentrated products thereof prepared or made from
2034 citrus fruit deemed by this law to be immature and unfit for
2035 human consumption. In addition, ~~but, provided further, that~~
2036 shipments under paragraphs (1) (a) and (d) must ~~subsections (1)~~
2037 ~~and (4) shall~~ meet such minimum grade standards as may
2038 periodically, ~~from time to time,~~ be established by the
2039 department, of Citrus; ~~and, provided further that~~ such rules
2040 must ~~and regulations shall~~ provide for the due collection of any
2041 advertising assessments ~~taxes~~ and inspection fees that may be
2042 due thereon.

2043 Section 38. Section 601.501, Florida Statutes, is amended
2044 to read:

2045 601.501 Charitable shipments exempt from assessments tax-
2046 ~~exempt.~~ Shipments of citrus fruit when permitted under s. 601.50
2047 for charitable purposes are ~~shall be~~ exempt from all advertising
2048 assessments ~~taxes~~.

2049 Section 39. Section 601.51, Florida Statutes, is amended to
2050 read:

2051 601.51 Certification required for shipment of citrus fruit
2052 or products.-

2053 (1) A person, including a ~~No~~ common carrier or other
2054 carrier, may not: ~~or person,~~

2055 (a) Except as provided in s. 601.50, ~~shall~~ accept for
2056 shipment, ship, or transport any citrus fruit or the canned or
2057 concentrated products thereof until a grade certificate is
2058 issued showing the grade thereof, which certificate or a
2059 duplicate thereof must ~~shall~~ be filed with the carrier at the

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2060 point of shipment, ~~nor shall any common carrier or other~~
2061 ~~carrier or person~~

2062 (b) Accept for shipment or ship any citrus fruit or the
2063 canned or concentrated products thereof where written notice has
2064 been given to such person, common carrier, or other carrier ~~or~~
2065 ~~person~~, or her or his representative or agent, by the Department
2066 of Agriculture or its authorized agent, employee, or inspector
2067 that such ~~said~~ citrus fruit or the canned or concentrated
2068 products thereof do ~~does~~ not comply with the provisions of law
2069 or ~~the~~ rules adopted ~~and regulations promulgated~~ by the
2070 Department of Citrus or the Department of Agriculture. ~~;~~

2071 (2) (a) ~~A provided that the~~ shipper or handler of such
2072 citrus fruit or the canned or concentrated products thereof has
2073 ~~shall have~~ the privilege of repacking or remarking, and ~~that~~, if
2074 or when such citrus fruit or the canned or concentrated products
2075 thereof are the same shall have been repacked or remarked to
2076 conform to the provisions of law or ~~said rules, regulations, or~~
2077 ~~orders of promulgated by~~ the Department of Citrus or the
2078 Department of Agriculture, the Department of Agriculture or its
2079 authorized inspector or agent shall notify such person, ~~said~~
2080 common carrier, or other carrier ~~or person~~, or her or his agent,
2081 that such citrus fruit or the canned or concentrated products
2082 thereof may be accepted for shipment, and such shipper or
2083 handler is ~~shall~~ not be considered as having violated this
2084 chapter or such said rules, regulations, or orders. ~~but~~
2085 ~~provided further that this section shall be deemed to have been~~
2086 ~~complied with~~

2087 (b) If a ~~the~~ shipper conforms ~~shall have conformed to the~~
2088 rules adopted ~~regulations issued~~ by the Department of Citrus

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2089 under ~~the provisions of~~ s. 601.49, the shipper is deemed to have
2090 complied with this section.

2091 Section 40. Section 601.52, Florida Statutes, is amended to
2092 read:

2093 601.52 Carriers not to accept fruit without unless same
2094 ~~bears~~ evidence of payment of assessments and fees ~~excise taxes.~~
2095 A ~~No~~ common carrier or other carrier or person, except as
2096 provided in s. 601.50, may not shall accept for shipment, ship,
2097 or transport any citrus fruit or processed citrus products
2098 unless the grade certificate, manifest, or bill of lading
2099 covering such said citrus fruit or processed citrus products
2100 bears evidence of the payment, as provided by law, of the ~~taxes,~~
2101 ~~assessments,~~ and fees imposed by this chapter.

2102 Section 41. Subsection (1) of section 601.54, Florida
2103 Statutes, is amended to read:

2104 601.54 Seizure of unwholesome fruit by Department of
2105 Agriculture's agents.-

2106 (1) The Department of Agriculture or its duly authorized
2107 inspectors shall seize and destroy all citrus fruit found by the
2108 ~~said~~ Department of Agriculture or inspectors to be unwholesome
2109 or decomposed so that it is unfit for canning or concentrating
2110 purposes as defined by law or by any rule adopted by regulation
2111 ~~of~~ the Department of Citrus under ~~pursuant to authority given in~~
2112 this chapter, and, in the event any inspector finds ~~shall find~~
2113 that any canner or concentrator is canning or concentrating
2114 fruit prohibited to be used, she or he may seize and destroy not
2115 only such fresh fruit found in the canning or concentrating
2116 plant but also citrus fruit or juice in the process of being
2117 canned or concentrated or that ~~which~~ has been canned or

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2118 concentrated from the same lot or shipment wherein the fresh
2119 fruit is found by such ~~said~~ inspector to be subject to seizure
2120 under ~~the provisions of~~ this section.

2121 Section 42. Subsection (3) of section 601.55, Florida
2122 Statutes, is amended to read:

2123 601.55 Citrus fruit dealer; license required.—

2124 (3) An applicant is ~~shall be~~ limited to the filing of one
2125 application for each citrus shipping season, which application
2126 may be amended if necessary to comply with the requirements of
2127 this chapter and ~~regulations of the department~~ rules of Citrus.

2128 Section 43. Section 601.56, Florida Statutes, is amended to
2129 read:

2130 601.56 Application for dealers' licenses; requirements.—Any
2131 person desiring to engage in the business of a citrus fruit
2132 dealer in the state must apply ~~shall make application~~ to the
2133 department ~~of Citrus~~ for a license. The department ~~of Citrus~~
2134 shall adopt rules prescribing ~~by regulation prescribe~~ the
2135 information to be contained in such application.

2136 (1) All such applications, in addition to other information
2137 that ~~which~~ may be prescribed by the department ~~of Citrus~~, must
2138 contain the following information:

2139 (a) Name and address of the individual, firm, partnership,
2140 association, corporation, or other business unit applying for a
2141 license. †

2142 (b) Names and addresses of the principal stockholders,
2143 officers, partners, or other individuals belonging to or
2144 connected with the applicant if the applicant for a license is a
2145 firm, partnership, association, corporation, or other business
2146 unit, whether it be for profit or otherwise. †

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2147 (c) The length of time the applicant has been engaged in
2148 the citrus fruit business in the state Florida in any manner
2149 whatsoever.~~;~~

2150 (d) A statement of delinquent accounts, if any, growing out
2151 of the ordinary course of business with producers.~~;~~ ~~if any there~~
2152 ~~be;~~

2153 (e) A financial statement of the applicant, if required by
2154 the department ~~of Citrus~~, showing such information as the
2155 department ~~of Citrus~~ may prescribe regarding the financial
2156 conditions of the applicant.~~;~~

2157 (f) Whether or not the applicant or any of its officers,
2158 directors, or stockholders have previously been licensed as a
2159 citrus fruit dealer~~;~~ or connected with a licensed citrus fruit
2160 dealer in the state and, if so, the date all such licenses were
2161 obtained.~~;~~ ~~and~~

2162 (g) The number of boxes of citrus fruit, measured in terms
2163 of standard-packed boxes, that ~~which~~ the applicant intends to
2164 deal with during the current or ensuing shipping season.

2165 (2) If the applicant is an individual and is shown to be a
2166 nonresident of the state~~;~~ or is a copartnership and each member
2167 is shown to be a nonresident of the state, ~~in either event,~~ the
2168 ~~said~~ applicant shall designate some bona fide resident of the
2169 state as such applicant's resident agent upon whom process may
2170 be served. The service of process of any of the courts of this
2171 state upon such resident agent shall be as effectual and binding
2172 upon such ~~said~~ applicant as if personally served upon such ~~said~~
2173 applicant.

2174 (3) If the applicant is a corporation, ~~then~~ such
2175 corporation must be one organized and existing under the laws of

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2176 this state or having an unrevoked permit authorizing it to
2177 transact business in this state.

2178 (4) When a license application is submitted for a person or
2179 business entity that ~~which~~ has an unpaid balance due and owing
2180 the department ~~of Citrus~~ for any citrus assessments ~~excise taxes~~
2181 or delinquency fees levied and imposed under the authority of
2182 this chapter, the applicant shall be notified immediately by the
2183 department, ~~+~~ and such application may ~~shall~~ not be further
2184 processed or presented to the commission for action until such
2185 assessments ~~taxes~~ and fees are paid in full. However, any
2186 applicant whose assessments ~~taxes~~ are under review by the
2187 department ~~of Citrus~~ or are contested in the appropriate
2188 administrative agency or court shall not have its application
2189 denied solely on the basis of owed assessments ~~taxes~~ or fees,
2190 until the matter is determined by the department, agency, or
2191 court.

2192 Section 44. Subsections (1), (6), and (7) of section
2193 601.57, Florida Statutes, are amended to read:

2194 601.57 Examination of application; approval of dealers'
2195 licenses.—

2196 (1) The department ~~of Citrus~~ shall, within a reasonable
2197 time, examine the application and consider the information
2198 submitted therewith, including the applicant's financial
2199 statement and the reputation of the applicant as shown by
2200 applicant's past and current history and activities, including
2201 applicant's method and manner of doing business. The department
2202 ~~of Citrus~~ shall also consider the past history of any applicant,
2203 either individually or in connection with any individual,
2204 copartnership, corporation, association, or other business unit

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2205 with whom any applicant has ~~shall have~~ been connected in any
2206 capacity, and may in proper cases impute to any individual,
2207 corporation, copartnership, association, or other business unit
2208 liability for any wrong or unlawful act previously done or
2209 performed by such individual, corporation, copartnership,
2210 association, or other business unit.

2211 (6) The department ~~of Citrus~~ shall designate not more than
2212 three employees directly involved in the processing of citrus
2213 fruit dealer license applications, who shall be a part of, and
2214 shall have access to, the criminal justice information system
2215 described in chapter 943, for purposes of investigating license
2216 applicants.

2217 (7) The department may adopt rules establishing ~~of Citrus~~
2218 ~~is authorized to establish by rule~~ the procedure and guidelines
2219 for granting interim conditional staff approval for issuance of
2220 a conditional citrus fruit dealer's license, which license shall
2221 at all times be subject to final approval or other action by the
2222 commission at its next regular meeting. Any license so issued
2223 shall clearly and conspicuously indicate thereon the conditional
2224 nature of the approval and pendency of final action.

2225 Section 45. Subsection (1) of section 601.58, Florida
2226 Statutes, is amended to read:

2227 601.58 Application approval or disapproval.—

2228 (1) Each citrus fruit dealer's license application that
2229 ~~which~~ is approved, or approved subject to conditions, shall be
2230 forwarded immediately to the Department of Agriculture ~~and~~
2231 ~~Consumer Services~~, which shall, upon satisfaction of the stated
2232 conditions, if any are endorsed thereon, issue to the applicant
2233 an appropriate license as prescribed in s. 601.60.

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2234 Section 46. Section 601.60, Florida Statutes, is amended to
2235 read:

2236 601.60 Issuance of dealers' licenses.—

2237 (1) Whenever an application bears the approved endorsement
2238 of the Department of Citrus and satisfactions of conditions of
2239 approval, if any, and the applicant has paid the prescribed fee,
2240 the Department of Agriculture ~~and Consumer Services~~ shall issue
2241 to such applicant a license, as approved by the Department of
2242 Citrus, which shall entitle the licensee to do business as a
2243 citrus fruit dealer during the effective term of such license in
2244 accordance with s. 601.55 or, if applicable, until such license
2245 is ~~may be~~ suspended or revoked by the Department of Agriculture
2246 ~~and Consumer Services~~ in accordance with ~~the provisions of~~ law.
2247 The Department of Agriculture ~~and Consumer Services~~ may issue a
2248 provisional license for a period of no longer than 1 year to an
2249 applicant who is under investigation for an action that would
2250 constitute a violation of this chapter or has pending against
2251 such applicant an administrative or civil proceeding that ~~which~~
2252 alleges an action that would constitute a violation of this
2253 chapter. The department shall establish by rule requirements for
2254 renewal of a provisional license. When the investigation is
2255 complete or the pending proceeding has been disposed of, the
2256 Department of Agriculture may issue a regular license under this
2257 section.

2258 (2) If, during the effective term of such license, there is
2259 any change in the ownership, officers, managership, or
2260 stockholders of any copartnership, association, corporation, or
2261 other business unit to which a license has been issued, the
2262 licensee shall immediately notify the Department of Citrus in

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2263 writing specifying the change in detail. The Department of
2264 Citrus may ~~shall be entitled to~~ receive, and the licensee must
2265 ~~shall be required to~~ promptly furnish, such additional
2266 information as if the licensee were applying for a new license.
2267 If, after investigating the facts and applying the standards
2268 prescribed for the issuance of new licenses, the commission
2269 finds that the licensee is not entitled to a citrus fruit
2270 dealer's license, the commission shall recommend to the
2271 Department of Agriculture ~~and Consumer Services~~ that such
2272 existing license be suspended or revoked, and upon such
2273 recommendation, the Department of Agriculture ~~and Consumer~~
2274 ~~Services~~ shall immediately take necessary steps to suspend or
2275 revoke such existing license.

2276 Section 47. Section 601.601, Florida Statutes, is amended
2277 to read:

2278 601.601 Registration of dealers' agents. ~~Each~~ Every
2279 licensed citrus fruit dealer shall:

2280 (1) Register with the Department of Agriculture each ~~and~~
2281 ~~every~~ agent, ~~as defined in s. 601.03(2),~~ who is authorized to
2282 represent such dealer; apply ~~make application~~ for registration
2283 of such agent or agents on a form approved by the Department of
2284 Agriculture and filed with the Department of Agriculture at
2285 least ~~not less than~~ 5 days before ~~prior to~~ the active
2286 participation of the agent or agents on behalf of such dealer in
2287 any transaction described in s. 601.03(2); and be held fully
2288 liable for and legally bound by all contracts and agreements,
2289 verbal or written, involving the consignment, purchase, or sale
2290 of citrus fruit executed by a duly registered agent on the
2291 dealer's behalf during the entire period of valid registration

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2292 of such agent the same as though such contracts or agreements
2293 were executed by the dealer. Registration of each agent shall be
2294 for the entire shipping season for which the applying dealer's
2295 license is issued; however, a licensed dealer may cancel the
2296 registration of any agent registered by her or him by returning
2297 the agent's identification card to the Department of Agriculture
2298 and giving formal written notice to the Department of
2299 Agriculture of at least ~~not less than~~ 10 days. In addition, such
2300 dealer shall make every effort to alert the public to the fact
2301 that the agent is no longer authorized to represent her or him.
2302 An agent may be registered by more than one licensed dealer for
2303 the same shipping season, provided that each licensed dealer
2304 applies ~~shall apply~~ individually for registration of the agent
2305 and further provided that written consent is given by each and
2306 every dealer under whose license the agent has valid prior
2307 registration.

2308 (2) When the ~~above~~ requirements of subsection (1) and such
2309 additional requirements ~~as may be~~ set forth by rules ~~regulations~~
2310 adopted by the Department of Citrus for registration of an agent
2311 are ~~have been~~ met and the fee required by s. 601.59(2) is ~~has~~
2312 ~~been~~ paid, the Department of Agriculture shall duly register the
2313 agent and issue an identification card certifying such
2314 registration. The identification card, among other things, shall
2315 show in a prominent manner:

2316 (a) The name and address of the agent.†

2317 (b) The authorizing dealer's name, address, and license
2318 number.†

2319 (c) The effective date and season for which registration is
2320 made.†

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- 2321 (d)1. A space for signature of the agent.†
 2322 2. A space to be countersigned by the licensed dealer.†
 2323 3. A statement providing that the card is not valid unless
 2324 so signed and countersigned.

2325
 2326 The department ~~of Citrus~~ may periodically, ~~from time to time~~,
 2327 adopt, as necessary, additional requirements or conditions
 2328 relating to the registration of agents ~~as may be necessary~~.

2329 Section 48. Section 601.61, Florida Statutes, is amended to
 2330 read:

2331 601.61 Bond requirements of citrus fruit dealers.-

2332 (1) (a) Except as ~~hereinafter~~ provided in this section,
 2333 before ~~prior to~~ the approval of a citrus fruit dealer's license,
 2334 the applicant ~~therefor~~ must deliver to the Department of
 2335 Agriculture ~~and Consumer Services~~ a good and sufficient cash
 2336 bond, an appropriate certificate of deposit, or a surety bond
 2337 executed by the applicant as principal and by a surety company
 2338 qualified to do business in this state as surety, in an amount
 2339 ~~as~~ determined by the Department of Citrus pursuant to rules
 2340 adopted by the department under chapter 120. The rules shall
 2341 allow the department to consider any of following factors for
 2342 determining the amount of such bonds or certificates of deposit
 2343 ~~amount of such bond or certificate of deposit shall be~~
 2344 ~~determined by taking into consideration any one or more of the~~
 2345 ~~following~~: the number of standard packed boxes of citrus fruit,
 2346 or the equivalent thereof, that ~~which~~ the applicant intends to
 2347 handle during the term of the license as set forth in the
 2348 application; the total volume of fruit handled by the dealer the
 2349 previous season; the highest month's volume handled the previous

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2350 season; the anticipated increase in the total citrus crop during
2351 the season for which the application for license is made; or ~~and~~
2352 other relevant factors ~~based on the following schedule:~~

2353 ~~(a) \$1,000 up to 2,000 boxes;~~

2354 ~~(b) \$2,000 up to 5,000 boxes;~~

2355 ~~(c) \$3,750 up to 7,500 boxes;~~

2356 ~~(d) \$5,000 up to 10,000 boxes;~~

2357 ~~(e) \$10,000 up to 20,000 boxes;~~

2358 ~~(f) \$1,000 for each additional 20,000 boxes or fraction~~
2359 ~~thereof in excess of 20,000 boxes, with a maximum bond of~~
2360 ~~\$100,000.~~

2361 (b) If a citrus fruit dealer during the term of her or his
2362 license finds that she or he has handled, or can reasonably
2363 expect to handle, a volume of fruit greater than that covered by
2364 a posted bond or certificate of deposit, the dealer ~~has shall~~
2365 ~~have~~ the affirmative duty to ~~of~~ immediately notify ~~notifying~~ the
2366 Department of Agriculture ~~and Consumer Services~~ and initiate a
2367 review by the Department of Citrus to determine any initiating
2368 ~~an~~ increase required in the amount of such bond or certificate
2369 of deposit to comply with the department's rules for determining
2370 the an amount of such bonds or certificates of deposit that will
2371 ~~meet the requirements set forth above.~~

2372 (2) Such ~~Said~~ bond shall be in the form approved by the
2373 Department of Agriculture ~~and Consumer Services~~ and shall be
2374 conditioned as provided in s. 601.66(9); ~~and also~~ to fully
2375 comply with the terms and conditions of all contracts, verbal or
2376 written, made by the citrus fruit dealer with producers or with
2377 other citrus fruit dealers, ~~7~~ relative to the purchasing,
2378 handling, sale, and accounting of purchases and sales of citrus

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2379 fruit;~~;~~ and upon the dealer's ~~dealer~~ accounting for the proceeds
2380 from, and paying for, any citrus fruit purchased or contracted
2381 for~~;~~ in accordance with the terms of the contracts with
2382 producers;~~;~~ and upon the dealer's ~~dealer~~ accounting for any
2383 advance payments or deposits made, and delivering all citrus
2384 fruit contracted for, in accordance with the terms of the
2385 contracts with other citrus fruit dealers. The commission may
2386 prescribe by rule that such a producer contract contain
2387 information that it considers necessary to protect the producer
2388 from deceptive practices. For purposes of this chapter, every
2389 such contract shall be conclusively deemed to have been made and
2390 entered into during the shipping season in which the delivery of
2391 fruit into the primary channel of trade is made.

2392 (3) Such ~~Said~~ bond shall be to the Department of
2393 Agriculture~~;~~ for the use and benefit of every producer and of
2394 every citrus fruit dealer with whom the dealer deals in the
2395 purchase, handling, sale, and accounting of purchases and sales
2396 of citrus fruit. The aggregate accumulative liability under any
2397 bond may ~~shall~~ not exceed the amount of the bond ~~named therein~~.
2398 Such ~~Said~~ bond shall provide that the surety company executing
2399 the bond is ~~thereon shall~~ not be liable to any citrus fruit
2400 dealer claiming to be injured or damaged by such ~~the said~~ dealer
2401 if the aggregate of the amounts found to be due to producers
2402 pursuant to ~~the provisions of~~ this chapter equals or exceeds the
2403 amount of the bond, unless such citrus fruit dealer is also a
2404 producer and is acting in the capacity of a producer and not in
2405 the capacity of a citrus fruit dealer in the transaction wherein
2406 she or he claims to have been injured or damaged by applicant;
2407 however, ~~but~~ if the aggregate of such amounts is less than the

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2408 amount of the bond, ~~then~~ the surety may be held liable to such
2409 citrus fruit dealers, but not in excess of the sum by which the
2410 amount of the bond exceeds the aggregate of the amounts found to
2411 be due to producers pursuant to ~~the provisions of~~ this chapter.

2412 (4) The Department of Citrus or the Department of
2413 Agriculture, or any officer or employee designated by the
2414 Department of Citrus or the Department of Agriculture, is
2415 authorized ~~shall have the right to~~ inspect such accounts and
2416 records of any citrus fruit dealer as may be deemed necessary to
2417 determine whether a bond that ~~which~~ has been delivered to the
2418 Department of Agriculture is in the amount required by this
2419 section or whether a previously licensed nonbonded dealer should
2420 be required to furnish bond. If any such citrus fruit dealer
2421 refuses to permit such inspection, the Department of Agriculture
2422 may publish the facts and circumstances and by order suspend the
2423 license of the offender until permission to make such inspection
2424 is given. Upon a finding by the Department of Agriculture that
2425 any citrus fruit dealer has dealt or probably will deal with
2426 more fruit during the season than shown by the application, the
2427 Department of Agriculture may order such bond increased to such
2428 an amount as will meet the requirements ~~as~~ set forth in the
2429 rules adopted by the Department of Citrus for determining the
2430 amount ~~bond schedule of such bonds subsection (1).~~ Upon failure
2431 to file such increased bond within the time fixed by the
2432 Department of Agriculture, the Department of Agriculture may
2433 publish the facts and circumstances and by order suspend the
2434 license of such citrus fruit dealer until such ~~the said~~ bond is
2435 increased as ordered.

2436 (5) (a) The following citrus fruit, subject to such rules as

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2437 may be prescribed by the Department of Citrus, is ~~shall not be~~
2438 considered ~~as~~ fruit with which the applicant intends to deal for
2439 the purpose of determining the amount of the bond required under
2440 subsection (1):~~+~~

2441 1. Citrus fruit that ~~which~~ the applicant produces.

2442 2. Citrus fruit that ~~which~~ is handled for its members by a
2443 cooperative marketing association organized and existing under
2444 ~~the provisions of either~~ chapter 618 or chapter 619.

2445 3. Fresh citrus fruit handled by the applicant that, ~~which~~
2446 has been prepared and packaged by a registered packinghouse
2447 other than the applicant and has been inspected and certified
2448 for shipment.

2449 4. Citrus fruit handled by the applicant from citrus groves
2450 for which the applicant provides complete grove management
2451 services under direct contract with the owner or producer.

2452 5. Citrus fruit handled by a corporate or partnership
2453 applicant that is from citrus groves owned by officers or
2454 stockholders of the corporation or from citrus groves owned by
2455 the partnership, the parent corporation, or a wholly owned
2456 subsidiary corporation or its corporate officers or
2457 stockholders, or any partner of a partnership, if; ~~provided that~~
2458 appropriate waivers of right to any claim against the bond
2459 required to be posted by this section are ~~be~~ attached to and
2460 made a part of the license application ~~for license~~.

2461 6. Processed citrus fruit handled by the applicant that
2462 ~~which~~ has been processed and packaged by a registered citrus
2463 processing plant other than the applicant and has been inspected
2464 and certified for shipment.

2465 (b) If the applicant does not intend to deal with any

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2466 citrus fruit other than that described in paragraph (a) ~~which~~
2467 ~~comes within the foregoing classifications~~, the Department of
2468 Agriculture ~~and Consumer Services~~ shall issue a license without
2469 the posting of a bond. Such a license shall bear a descriptive
2470 statement to the effect that the licensee is not a bonded citrus
2471 fruit dealer.

2472 (c) A claim against any citrus fruit dealer's bond required
2473 to be posted by this section shall not be accepted with respect
2474 to any damages in connection with fruit handled under ~~the~~
2475 ~~provisions of subparagraphs (a)1.-6. of paragraph (a)~~ if such
2476 claim is filed against the bond of the dealer who was granted
2477 bond exempt status for such ~~said~~ fruit.

2478 ~~(6) If any of the provisions of this act shall be held to~~
2479 ~~be unconstitutional or invalid for any reason by any court of~~
2480 ~~competent jurisdiction or if such court shall find or declare~~
2481 ~~that no applicant shall be required to furnish the bond required~~
2482 ~~by this act, then and in that event this entire act shall be~~
2483 ~~ineffective for any and all purposes and the laws in effect on~~
2484 ~~July 31, 1965, which are amended by this act, shall not be~~
2485 ~~deemed to be amended or repealed by this act but shall instead~~
2486 ~~remain in full force and effect it being the intention of the~~
2487 ~~Legislature that in such event this entire act shall be~~
2488 ~~ineffective for any and all purposes and the laws in effect on~~
2489 ~~July 31, 1965, which are amended or repealed by this act shall~~
2490 ~~instead not be deemed to be amended or repealed by this act but~~
2491 ~~shall remain in full force and effect.~~

2492 Section 49. Subsection (7) of section 601.64, Florida
2493 Statutes, is amended to read:

2494 601.64 Citrus fruit dealers; unlawful acts.—It is unlawful

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2495 in, or in connection with, any transaction relative to the
2496 purchase, handling, sale, and accounting of sales of citrus
2497 fruit:

2498 (7) For any citrus fruit dealer to violate or aid or abet
2499 in the violation of any rule adopted ~~or regulation duly~~
2500 ~~promulgated~~ by the department ~~of Citrus~~.

2501 Section 50. Subsections (1), (6), (7), and (8) of section
2502 601.66, Florida Statutes, are amended to read:

2503 601.66 Complaints of violations by citrus fruit dealers;
2504 procedure; bond distribution; court action on bond.—

2505 (1) Any person may complain of any violation of ~~any of the~~
2506 ~~provisions of~~ this chapter by any citrus fruit dealer during any
2507 shipping season, by filing of a written complaint with the
2508 Department of Agriculture ~~and Consumer Services~~ at any time
2509 before ~~prior to~~ May 1 of the year immediately after ~~following~~
2510 the end of such shipping season. Such ~~said~~ complaint shall
2511 briefly state the facts, and the Department of Agriculture ~~and~~
2512 ~~Consumer Services~~ shall thereupon, if the facts alleged prima
2513 facie warrant such action, forward true copies of such ~~said~~
2514 complaint to the dealer in question and also to the surety
2515 company on the dealer's bond. The dealer at such time shall be
2516 called upon, within a reasonable time to be prescribed by the
2517 Department of Agriculture ~~and Consumer Services~~, either to
2518 satisfy the complaint or to answer the complaint in writing,
2519 either admitting or denying the liability.

2520 (6) Upon failure by a dealer to comply with an order of the
2521 Department of Agriculture ~~and Consumer Services~~ directing
2522 payment, the Department of Agriculture ~~and Consumer Services~~
2523 shall call upon the surety company to pay over to the Department

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2524 of Agriculture ~~and Consumer Services~~, out of the bond
2525 theretofore posted by the surety for such dealer, the amount of
2526 damages sustained but not exceeding the amount of the bond. The
2527 proceeds to the Department of Agriculture ~~and Consumer Services~~
2528 by the surety company shall, in the discretion of the Department
2529 of Agriculture ~~and Consumer Services~~, be ~~either~~ paid to the
2530 original complainant or held by the Department of Agriculture
2531 ~~and Consumer Services~~ for later disbursement, depending upon the
2532 time during the shipping season when the complaint was made,
2533 when liability was admitted by the dealer, when the proceeds
2534 were so paid by the surety company to the Department of
2535 Agriculture ~~and Consumer Services~~, the amount of other claims
2536 then pending against the same dealer, the amount of other claims
2537 already adjudicated against the dealer, and such other pertinent
2538 facts as the Department of Agriculture ~~and Consumer Services~~ in
2539 its discretion may consider material. The Department of
2540 Agriculture ~~and Consumer Services~~, if it decides to pay the
2541 proceeds to the original complainant, may ~~has authority to~~ order
2542 an increase in the original bond of the dealer to such higher
2543 sum as ~~to~~ the Department of Agriculture ~~and Consumer Services~~
2544 would be justified under all the circumstances so as to protect
2545 other possible claimants and to exercise all powers otherwise
2546 confided to it under this chapter to enforce the posting of such
2547 increased bond. The Department of Agriculture ~~and Consumer~~
2548 ~~Services~~ also, in its discretion as the facts and circumstances
2549 might appear to it, may hold the amount of such proceeds until
2550 such later time, up to the time when all claims have been filed
2551 during the allotted period after the closing of the shipping
2552 season and such claims adjudicated, and may ~~then~~ disburse the

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2553 total proceeds in its possession paid over to it by the surety
2554 company on the dealer's bond as such claims were adjudicated to
2555 the various claimants, paying first to the producers the amount
2556 of their claims in full, if such proceeds are sufficient for
2557 such purpose, and if not, then in pro rata shares to such
2558 producer claimants. The balance of any; ~~and if there then exist~~
2559 additional proceeds in the hands of the Department of
2560 Agriculture ~~and Consumer Services~~, after all claims of producers
2561 have been paid in full, ~~the balance of such proceeds~~ shall be
2562 paid to claimants who are citrus fruit dealers, either in whole
2563 or in pro rata portion, as the aggregate of their claims may
2564 bear to the amount of such additional proceeds.

2565 (7) Upon failure of a surety company to comply with a
2566 demand for payment of the proceeds of a citrus fruit dealer's
2567 bond pursuant to administrative orders entered by the Department
2568 of Agriculture fixing amounts due claimants, the Department of
2569 Agriculture shall within a reasonable time file in the Circuit
2570 Court in and for Polk County, ~~an original petition or complaint~~
2571 setting forth the administrative proceedings before the
2572 Department of Agriculture and ask for final order of the court
2573 directing the surety company to pay the proceeds of the ~~said~~
2574 bond to the Department of Agriculture for distribution to the
2575 claimants.

2576 (8) In any court proceeding filed under subsection (7), the
2577 findings of facts and orders of the Department of Agriculture
2578 shall be prima facie evidence of the facts therein stated, and
2579 if in such suit the Department of Agriculture is successful and
2580 the court affirms the Department of Agriculture's ~~department's~~
2581 demand for payment from the surety company, the Department of

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2582 Agriculture shall be allowed all court costs incurred therein
2583 and also a reasonable attorney fees ~~attorney's fee~~ to be fixed
2584 and collected as a part of the costs of the suit.

2585 Section 51. Section 601.67, Florida Statutes, is amended to
2586 read:

2587 601.67 Disciplinary action by Department of Agriculture ~~and~~
2588 ~~Consumer Services~~ against citrus fruit dealers.-

2589 (1) The Department of Agriculture ~~and Consumer Services~~ may
2590 impose a fine not exceeding \$50,000 per violation against any
2591 licensed citrus fruit dealer for violation of any provision of
2592 this chapter and, in lieu of, or in addition to, such fine, may
2593 revoke or suspend the license of any such dealer when it has
2594 been satisfactorily shown that such dealer, in her or his
2595 activities as a citrus fruit dealer, has:

2596 (a) Obtained a license by means of fraud,
2597 misrepresentation, or concealment;

2598 (b) Violated or aided or abetted in the violation of any
2599 law of this state governing or applicable to citrus fruit
2600 dealers or any lawful rules of the Department of Citrus;

2601 (c) Been guilty of a crime against the laws of this or any
2602 other state or government involving moral turpitude or dishonest
2603 dealing, ~~or~~ has become legally incompetent to contract or be
2604 contracted with;

2605 (d) Made, printed, published, distributed, or caused,
2606 authorized, or knowingly permitted the making, printing,
2607 publication, or distribution of false statements, descriptions,
2608 or promises of such a character as to reasonably induce any
2609 person to act to her or his damage or injury, if such citrus
2610 fruit dealer then knew, ~~or~~ by the exercise of reasonable care

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2611 and inquiry~~r~~, could have known~~,~~ of the falsity of such
2612 statements, descriptions, or promises;

2613 (e) Knowingly committed or been a party to any material
2614 fraud, misrepresentation, concealment, conspiracy, collusion,
2615 trick, scheme, or device whereby any other person lawfully
2616 relying upon the word, representation, or conduct of the citrus
2617 fruit dealer has acted to her or his injury or damage;

2618 (f) Committed any act or conduct of the same or different
2619 character of that hereinabove enumerated which constitutes
2620 fraudulent or dishonest dealing; or

2621 (g) Violated any of the provisions of ss. 506.19-506.28,
2622 both sections inclusive.

2623 (2) The Department of Agriculture may impose a fine not
2624 exceeding \$100,000 per violation against any person who operates
2625 as a citrus fruit dealer without a current citrus fruit dealer
2626 license issued by the Department of Agriculture pursuant to s.
2627 601.60. In addition, the Department of Agriculture may order
2628 such person to cease and desist operating as a citrus fruit
2629 dealer without a license. An administrative order entered by the
2630 Department of Agriculture under this subsection may be enforced
2631 pursuant to s. 601.73.

2632 (3) The Department of Agriculture shall impose a fine of
2633 not less than \$10,000 nor more than \$100,000 per violation
2634 against any licensed citrus fruit dealer and shall suspend, for
2635 60 days during the first available period between September 1
2636 and May 31, the license of any citrus fruit dealer who:

2637 (a) Falsely labels or otherwise misrepresents that a fresh
2638 citrus fruit was grown in a specific production area specified
2639 in s. 601.091; or

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2640 (b) Knowingly, falsely labels or otherwise misrepresents
2641 that a processed citrus fruit product was prepared solely with
2642 citrus fruit grown in a specific production area specified in s.
2643 601.091.

2644 (4) Any fine imposed pursuant to subsection (1), subsection
2645 (2), or subsection (3), when paid, shall be deposited by the
2646 Department of Agriculture ~~and Consumer Services~~ into its General
2647 Inspection Trust Fund.

2648 (5) Whenever any administrative order has been made and
2649 entered by the Department of Agriculture that ~~and Consumer~~
2650 ~~Services which~~ imposes a fine pursuant to this section, such
2651 order shall specify a time limit for payment of the fine, not
2652 exceeding 15 days. The failure of the dealer involved to pay the
2653 fine within that time shall result in the immediate suspension
2654 of such citrus fruit dealer's current license, or any
2655 subsequently issued license, until such time as the order has
2656 been fully satisfied. Any order suspending a citrus fruit
2657 dealer's license shall include a provision that such suspension
2658 shall be for a specified period of time not to exceed 60 days,
2659 and such period of suspension may commence at any designated
2660 date within the current license period or subsequent license
2661 period. Whenever an order has been entered that ~~which~~ suspends a
2662 citrus fruit dealer's license for a definite period of time and
2663 that license, by law, expires during the period of suspension,
2664 the suspension order shall continue automatically and shall be
2665 effective against any subsequent citrus fruit dealer's license
2666 issued to such dealer until such time as the entire period of
2667 suspension has elapsed. Whenever any such administrative order
2668 of the Department of Agriculture ~~and Consumer Services~~ is sought

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2669 to be reviewed by the offending dealer involved in a court of
2670 competent jurisdiction, if such court proceedings should finally
2671 terminate in such administrative order being upheld or not
2672 quashed, such order shall thereupon, upon the filing with the
2673 Department of Agriculture ~~and Consumer Services~~ of a certified
2674 copy of the mandate or other order of the last court having to
2675 do with the matter in the judicial process, become immediately
2676 effective and shall then be carried out and enforced
2677 notwithstanding such time will be during a new and subsequent
2678 shipping season from that during which the administrative order
2679 was first originally entered by the Department of Agriculture
2680 ~~and Consumer Services~~.

2681 Section 52. Subsection (9) of section 601.69, Florida
2682 Statutes, is amended to read:

2683 601.69 Records to be kept by citrus fruit dealers.—Every
2684 citrus fruit dealer shall make and keep a correct record showing
2685 in detail the following with reference to the purchase,
2686 handling, sale, and accounting of sale of citrus fruit handled
2687 by her or him, namely:

2688 (9) Any other record or account required to be kept and
2689 maintained by such dealer by rule adopted by ~~or regulation of~~
2690 the department ~~of Citrus~~ duly promulgated.

2691 Section 53. Section 601.70, Florida Statutes, is amended to
2692 read:

2693 601.70 Inspection of records by Department of Agriculture
2694 ~~and Consumer Services~~.—The Department of Agriculture ~~and~~
2695 ~~Consumer Services~~, or its duly authorized agents, ~~shall~~ have the
2696 right to inspect all accounts, records, and memoranda of any
2697 citrus fruit dealer required to be kept under ~~pursuant to the~~

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2698 ~~provisions of~~ this chapter. If any such citrus fruit dealer
2699 refuses to permit such inspection, the Department of Agriculture
2700 may publish the facts and circumstances and by order suspend the
2701 license of the offender until permission to make such inspection
2702 is given.

2703 Section 54. Subsection (1) of section 601.701, Florida
2704 Statutes, is amended to read:

2705 601.701 Penalty for failure to keep records.—

2706 (1) It is ~~shall be~~ unlawful to fail to keep any records
2707 required to be kept under ~~the provisions of~~ the Florida Citrus
2708 Code ~~of 1949, or any amendments thereto,~~ or required to be kept
2709 by any other law or by any rule adopted by ~~authorized regulation~~
2710 ~~of~~ the Department of Agriculture or the Department of Citrus, or
2711 to falsify or cause the falsification of any such records or to
2712 keep false records.

2713 Section 55. Paragraph (a) of subsection (1) and subsection
2714 (2) of section 601.731, Florida Statutes, are amended to read:

2715 601.731 Transporting citrus on highways; name and dealer
2716 designation on vehicles; load identification; penalty.—

2717 (1) (a) It is unlawful to operate any truck, tractor,
2718 trailer, or other motor vehicle hauling citrus fruit in bulk or
2719 in unclosed containers for commercial purposes on the highways
2720 of this state unless such truck, tractor, trailer, or other
2721 motor vehicle is:

2722 1. Designated by a number assigned or permitted for use in
2723 the way and manner and to the extent prescribed by ~~regulation of~~
2724 ~~the department~~ rule of Citrus.

2725 2. Identified by lettering plainly showing the name of the
2726 person owning same, or the name of any lessee or other person

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2727 operating same. The lettering shall not be less than 3 inches in
2728 height on both sides of the vehicle or on the front end and the
2729 rear end of the vehicle, except that lettering on flatbed
2730 semitrailers shall not be less than 1 1/2 inches in height on
2731 the rear end of the trailer.

2732 (2) Any person driving any truck, tractor, trailer, or
2733 other motor vehicle hauling citrus fruit in bulk or in unclosed
2734 containers for commercial purposes on the highways of the state
2735 must ~~shall~~ have on her or his person while ~~when~~ driving such
2736 vehicle a certificate or other paper showing the approximate
2737 amount of fruit being hauled; the name of the owner and the
2738 grove or other origin of such fruit; the number painted or
2739 affixed by decal, as well as the number of the motor vehicle
2740 license tag, on the vehicle in which such fruit is being hauled;
2741 and such other information and data as may be prescribed by
2742 ~~regulation of the~~ department rule ~~of Citrus~~, and it is unlawful
2743 to drive any such vehicle on the highways of this state without
2744 having such certificate or other paper. The failure of any such
2745 person to have such certificate or other paper on her or his
2746 person while ~~when~~ driving such vehicle, ~~as aforesaid~~, is prima
2747 facie evidence of intent to violate and of the violation of this
2748 section act.

2749 Section 56. Section 601.74, Florida Statutes, is amended to
2750 read:

2751 601.74 Adoption of rules; fees for licensing and analysis
2752 of processing materials.—The Department of Agriculture ~~and~~
2753 ~~Consumer Services~~ may adopt rules and set fees with respect to
2754 the licensing and analysis of materials and composition used on
2755 or in the packing of citrus fruits. Such rules may include fees

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2756 for permitting dyes and coloring matter. Fees shall be not less
2757 than ~~the amount of~~ \$30 nor more than \$100 for each manufacturer
2758 applying making application to the Department of Agriculture.
2759 All such license fees collected under this section hereunder
2760 shall be paid monthly by the Department of Agriculture ~~and~~
2761 ~~Consumer Services~~ into the State Treasury to the credit of the
2762 General Inspection Trust Fund and shall be appropriated and made
2763 available for defraying the expenses incurred in the
2764 administration of this law.

2765 Section 57. Section 601.75, Florida Statutes, is amended to
2766 read:

2767 601.75 Dyes and coloring matter for citrus fruit to be
2768 certified prior to use.—The Department of Agriculture ~~and~~
2769 ~~Consumer Services~~ may adopt rules with respect to the permitting
2770 and certification of dyes and coloring matter for citrus fruit
2771 prior to use on any citrus fruit.

2772 Section 58. Section 601.76, Florida Statutes, is amended to
2773 read:

2774 601.76 Manufacturer to furnish formula and other
2775 information.—The Department of Agriculture ~~and Consumer Services~~
2776 may adopt rules with respect to requirements for information
2777 that ~~which~~ must be furnished by manufacturers of coloring matter
2778 for use on citrus fruit. Such information may include product
2779 formulas. Any formula required to be filed with the Department
2780 of Agriculture ~~and Consumer Services~~ shall be deemed a trade
2781 secret as defined in s. 812.081, is confidential and exempt from
2782 ~~the provisions of~~ s. 119.07(1), and shall only be divulged to
2783 the Department of Agriculture ~~and Consumer Services~~ or to its
2784 duly authorized representatives or upon orders of a court of

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2785 competent jurisdiction when necessary in the enforcement of this
2786 law. A person who receives such a formula from the Department of
2787 Agriculture under this section shall maintain the
2788 confidentiality of the formula.

2789 Section 59. Section 601.77, Florida Statutes, is amended to
2790 read:

2791 601.77 Subsequent analysis of coloring matter; inspection
2792 of packinghouses for application.—The Department of Agriculture
2793 ~~and Consumer Services~~ may, by rule, provide for subsequent
2794 analysis of coloring matter, for inspection of packinghouses or
2795 other places where coloring matter is applied to citrus fruit,
2796 and for grounds for revocation of a license to use coloring
2797 matter on fruit.

2798 Section 60. Section 601.78, Florida Statutes, is amended to
2799 read:

2800 601.78 Manufacturer to post bond.—The Department of
2801 Agriculture ~~and Consumer Services~~ may, by rule, require cash or
2802 surety bonds to be posted by manufacturers of coloring matter
2803 used on citrus fruit. The Department of Agriculture ~~and Consumer~~
2804 ~~Services~~ shall adopt rules prescribing the amount and form of
2805 such bonds and the grounds and procedures for forfeiture of
2806 same. The amount of the bond may ~~shall~~ not exceed \$5,000.

2807 Section 61. Section 601.80, Florida Statutes, is amended to
2808 read:

2809 601.80 Unlawful to use uncertified coloring matter.—It is
2810 unlawful for any person to use on oranges or citrus hybrids any
2811 coloring matter which has not first received the approval of the
2812 Department of Agriculture ~~and Consumer Services~~ as provided by
2813 rule adopted under ~~pursuant to~~ s. 601.76.

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2814 Section 62. Section 601.85, Florida Statutes, is amended to
2815 read:

2816 601.85 Standard shipping box for fresh fruit.—The
2817 specifications for the standard ~~legal~~ shipping box, when crate,
2818 ~~or container to be used as a unit of trade or for reporting~~
2819 purposes, ~~in shipping fresh citrus fruits~~ shall be as
2820 established by the department, ~~of Citrus;~~ but ~~provided that~~ the
2821 unit of a standard-packed box, commonly called 1 3/5 bushels,
2822 shall contain an inside cubical measurement of 3,456 cubic
2823 inches.

2824 Section 63. Section 601.86, Florida Statutes, is amended to
2825 read:

2826 601.86 Standard field boxes for fresh citrus fruit.—The
2827 standard field box or its equivalent, when used as a unit of
2828 trade or for reporting purposes, ~~All field boxes used in the~~
2829 ~~purchase, sale, or handling of citrus fruit from or for the~~
2830 ~~grower by a citrus fruit dealer in the state~~ shall be of the
2831 uniform standard size of 31 1/2 inches long, 13 inches high, and
2832 12 inches wide, inside measurements, and shall be divided into
2833 two compartments by a center partition of at least three-fourths
2834 inch thickness, ~~+~~ and each of these compartments thus created
2835 shall have a cubical capacity that does ~~of not to~~ exceed 2,400
2836 cubic inches.

2837 Section 64. Subsection (3) of section 601.91, Florida
2838 Statutes, is amended to read:

2839 601.91 Unlawful to sell, transport, prepare, receive, or
2840 deliver freeze-damaged citrus.—

2841 (3) The manner and method of drawing samples and conducting
2842 tests under this section shall be prescribed by rules ~~and~~

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2843 ~~regulations~~ of the Department of Citrus. The inspection in the
2844 state of all citrus fruits seriously damaged by freezing and the
2845 enforcement of this section and of rules, ~~regulations,~~ and
2846 orders of ~~made by~~ the department ~~of Citrus~~ pursuant to and under
2847 authority of this section shall be under the direction,
2848 supervision, and control of the Department of Agriculture and
2849 its duly authorized agents and inspectors who are qualified
2850 under existing laws to inspect for grade and maturity, + and all
2851 citrus fruits that may be found to be seriously damaged by
2852 freezing, as defined by s. 601.89, upon inspection and testing
2853 shall be seized and may be confiscated and destroyed under the
2854 supervision of the citrus fruit inspector at the expense of the
2855 owner unless previous disposition is made by the owner or other
2856 person who offered the same for inspection, all the provisions
2857 of this section being subject to such reasonable rules ~~and~~
2858 ~~regulations~~ as may be adopted ~~promulgated~~ by the Department of
2859 Citrus.

2860 Section 65. Section 601.9901, Florida Statutes, is amended
2861 to read:

2862 601.9901 Certificates of inspection; form.—All certificates
2863 of inspection prescribed by this chapter shall be of such
2864 number, form, size, and character as the department ~~of Citrus~~
2865 may by rule ~~and regulation~~ prescribe and shall be used in such
2866 manner as to identify the fruit or the canned or concentrated
2867 products thereof to which they relate.

2868 Section 66. Section 601.9902, Florida Statutes, is amended
2869 to read:

2870 601.9902 Payment of salaries and expenses; Department of
2871 Citrus.—All salaries, costs, and expenses incurred by the

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2872 department ~~of Citrus~~ in the administration and ~~the~~ enforcement
2873 of this chapter and in the performance of the department's ~~its~~
2874 duties and the exercise of its powers under the laws of this
2875 state shall be proratably paid from the moneys derived from the
2876 citrus advertising assessments ~~taxes~~ imposed on the various
2877 types of citrus fruit in such proportion as the department ~~of~~
2878 ~~Citrus~~ may find each respective type ~~is~~ affected by such
2879 expenditures.

2880 Section 67. Section 601.9903, Florida Statutes, is amended
2881 to read:

2882 601.9903 Annual report of Department of Citrus.—The
2883 department ~~of Citrus~~ shall submit ~~make~~ an annual report to the
2884 Governor concerning ~~upon~~ the work of the department ~~of Citrus~~.
2885 The department ~~It~~ shall also submit ~~make~~ such special reports
2886 concerning ~~upon~~ any phase of the department's work ~~of the~~
2887 ~~Department of Citrus~~ as may be requested ~~called for~~ by the
2888 Governor or the Legislature or either house thereof.

2889 Section 68. Section 601.99035, Florida Statutes, is amended
2890 to read:

2891 601.99035 Annual travel report of Department of Citrus.—The
2892 department ~~of Citrus~~ shall, at the end of each fiscal year,
2893 publish an annual travel report that states, for each department
2894 staff member ~~of the Department of Citrus~~ and each commission
2895 member ~~of the Florida Citrus Commission~~ who has traveled during
2896 that year, the name of the person, the person's position title,
2897 the date on which a claim for reimbursement was submitted, the
2898 dates of travel, the destinations, the purpose of the travel,
2899 and all expenditures that resulted from the travel.

2900 Section 69. Section 601.99036, Florida Statutes, is amended

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2901 to read:

2902 601.99036 Approval of specified salary changes.—Any change
2903 in the annual salary of an employee of the department who earns
2904 ~~of Citrus which is at or above \$100,000 or more annually~~ must be
2905 approved by a majority ~~the full membership~~ of the ~~Florida Citrus~~
2906 ~~commission at the meeting of the commission in July 2003, or at~~
2907 ~~the first subsequent meeting, and before~~ the any subsequent
2908 salary adjustment is made.

2909 Section 70. Section 601.9904, Florida Statutes, is amended
2910 to read:

2911 601.9904 ~~Rules and regulations; Frozen citrus juices; rules~~
2912 of Department of Citrus.—The department shall adopt ~~of Citrus is~~
2913 ~~hereby authorized and required to promulgate~~ and enforce rules
2914 ~~and regulations~~ concerning the contents, preparation,
2915 concentrating, other processing, and keeping or storing of
2916 frozen concentrated fresh citrus juices, and such rules ~~and~~
2917 ~~regulations~~ may govern, ~~cover~~ but are not limited to, the
2918 sanitary conditions under which such product is prepared, the
2919 type of equipment and machinery used therein, ~~and~~ the manner and
2920 method of storage within this state, and the manner and method
2921 of shipment.

2922 Section 71. Subsection (6) of section 601.9908, Florida
2923 Statutes, is amended to read:

2924 601.9908 Canned tangerine juice; standards; labeling.—No
2925 canned tangerine juice shall be sold or offered for sale or
2926 shipped or offered for shipment which:

2927 (6) Does not meet requirements to be established by the
2928 department ~~of Citrus~~ regarding color, absence of defects, taste,
2929 and flavor; unless the immediate container thereof shall be

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2930 labeled in accordance with regulations of the department of
 2931 ~~Citrus~~ and there shall appear on such label the word
 2932 "substandard" in bold type not less than 1/4 inch high printed
 2933 or stamped diagonally thereon.

2934 Section 72. Paragraphs (c) and (d) of subsection (1) and
 2935 subsections (2) and (3) of section 601.9910, Florida Statutes,
 2936 are amended to read:

2937 601.9910 Legislative findings of fact; strict enforcement
 2938 of maturity standard in public interest.—

2939 (1) FINDINGS.—

2940 (c) The Legislature finds and determines and so declares
 2941 that there is no better method of determining when such raw and
 2942 immature flavor leaves Florida citrus than by the standards
 2943 authorized by set forth in this chapter and set forth in
 2944 department rule; and that experience has demonstrated over a
 2945 period of many years, by the best available records and under
 2946 various climatic conditions and various seasonal changes, that
 2947 generally speaking, before prior to November 1 of each season,
 2948 oranges that ~~which~~ do not have a total soluble solids of 9
 2949 percent with a minimum ratio of total soluble solids, as set
 2950 forth in department rule s. 601.20, still have a raw, immature
 2951 flavor; ~~and~~ that, beginning on or about November 1 of each
 2952 season, such raw, immature fruit flavor gradually disappears
 2953 from the orange, and by November 15 the same orange may have a
 2954 still lower soluble solids percentage and not be immature; that
 2955 ~~and~~ after November 15 the same orange can still have a further
 2956 lower soluble solids percentage without being immature; and that
 2957 by December 1 nature has completed its process of removing the
 2958 raw, immature flavor that ~~which~~ might have existed before prior

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2959 ~~to~~ that time, provided such fruit meets the other minimum
2960 maturity requirements authorized by ~~set forth in~~ this chapter
2961 and set forth in department rule. On December 1 oranges meeting
2962 the requirements set forth in department rule ~~of s. 601.19(4)~~,
2963 while not being sufficiently mature to ship in fresh form, may
2964 be safely used in some processed products without the finished
2965 product having a raw, immature flavor. On December 1 grapefruit
2966 meeting the requirements set forth in department rule ~~of s.~~
2967 ~~601.16(4)~~, while not being sufficiently mature to ship in fresh
2968 form, may be safely used in some processed products without the
2969 finished product having a raw, immature flavor.

2970 (d) The Legislature finds and determines and so declares
2971 that the enforcement of the maturity standards, authorized by ~~as~~
2972 ~~set forth in~~ this chapter and set forth in department rule, will
2973 not result in preventing any grower from marketing her or his
2974 fruit at some time during the marketing season, whenever nature
2975 has removed the raw, immature flavor, and ~~and~~ if there is a delay
2976 in such marketing, it will result in higher prices for the
2977 entire season, bringing additional millions of dollars to the
2978 state's growers of ~~Florida~~ and resulting in benefit to all
2979 growers, including the grower or growers who were delayed a
2980 short time in the shipment of their fruit.

2981 (2) DECLARATION.—Therefore, the Legislature declares that
2982 the strict enforcement of the maturity standards authorized by
2983 ~~as set forth in~~ this chapter and set forth in department rule
2984 is definitely in the public's interest and for the public's
2985 welfare, ~~and that no citrus that should be shipped from Florida~~
2986 ~~and sold in the consuming markets which~~ has a raw, immature
2987 flavor, ~~and that which~~ could be classed by the consuming public

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2988 as "Florida green fruit." should be shipped from the state and
 2989 sold in consuming markets.

2990 (3) RULES SETTING FORTH REGULATIONS REGARDING MATURITY
 2991 STANDARDS FOR HYBRIDS.—The Legislature finds and determines that
 2992 the classifications of and maturity standards for citrus hybrids
 2993 should be established by rules adopted ~~regulations promulgated~~
 2994 by the department ~~of Citrus~~ pursuant to this chapter.

2995 Section 73. Section 601.9911, Florida Statutes, is amended
 2996 to read:

2997 601.9911 Fruit may be sold or transported direct from
 2998 producer.—Any citrus producer may transport her or his own
 2999 citrus fruit or any citrus fruit may be sold or purchased and
 3000 transported in interstate or intrastate commerce in truckload
 3001 lots direct from a producer, and any such fruit so sold,
 3002 purchased, or transported need not be processed, handled by any
 3003 packinghouse, washed, polished, graded, stamped, labeled,
 3004 branded, placed in containers, or otherwise prepared for market
 3005 as may be provided in this chapter herein. Such fruit shall be
 3006 certified at the time of inspection as tree run grade of fruit,
 3007 but shall otherwise remain subject to the maturity standards and
 3008 all other conditions, restrictions, emergency quality assurance
 3009 orders, and other requirements of this chapter and shall be
 3010 inspected for such compliance as all other fruit is inspected at
 3011 such convenient locations as may be determined by the Department
 3012 of Agriculture. Any such fruit violating any provision of ~~the~~
 3013 ~~provisions~~ of this chapter, or any rule adopted by ~~or regulation~~
 3014 ~~of the department under of Citrus made pursuant to~~ this chapter,
 3015 but not inconsistent with this section, may be seized,
 3016 condemned, and destroyed as provided in this chapter herein. At

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3017 the time of such inspection, all fees and, assessments, ~~and~~
3018 ~~excise taxes~~ provided in this chapter shall be paid and
3019 collected at the same rate as paid by all other fresh fruit
3020 growers or shippers.

3021 Section 74. Section 601.9918, Florida Statutes, is amended
3022 to read:

3023 601.9918 Rules related to issuance and use of symbols.—In
3024 rules related to the issuance and voluntary use of symbols,
3025 certification marks, service marks, or trademarks, the
3026 commission may make general references to national or state
3027 requirements that the license applicant would be compelled to
3028 meet regardless of the Department of Agriculture's ~~department's~~
3029 issuance of the license applied for.

3030 Section 75. Section 601.992, Florida Statutes, is amended
3031 to read:

3032 601.992 Collection of dues and other payments on behalf of
3033 certain nonprofit corporations engaged in market news and grower
3034 education.—The ~~Florida~~ Department of Citrus or the Department of
3035 Agriculture ~~and Consumer Services~~ or their successors may
3036 collect or compel the entities regulated by the Department of
3037 Agriculture to collect dues, contributions, or any other
3038 financial payment upon request by, and on behalf of, any not-
3039 for-profit corporation, ~~and its related not-for-profit~~
3040 corporations, ~~located in this state~~ that receive ~~which receives~~
3041 payments or dues from their ~~its~~ members. Such not-for-profit
3042 corporation must be engaged, to the exclusion of agricultural
3043 commodities other than citrus, in market news and grower
3044 education solely for citrus growers, and must have at least
3045 5,000 members who are engaged in growing citrus in this state

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3046 for commercial sale. The Department of Agriculture may adopt
3047 rules under chapter 120 ~~pursuant to ss. 120.536(1) and 120.54~~ to
3048 administer ~~implement~~ this section. The rules may establish
3049 indemnity requirements for the requesting corporation and for
3050 fees to be charged to the corporation that ~~which~~ are sufficient
3051 but do not exceed the amount necessary to ensure that any direct
3052 costs incurred by the Department of Agriculture in implementing
3053 this section are borne by the requesting corporation and not by
3054 the Department of Agriculture.

3055 Section 76. Subsection (1) of section 603.161, Florida
3056 Statutes, is amended to read:

3057 603.161 Sales certificates, work orders to accompany
3058 certain fruit.—

3059 (1) This section applies to tropical or subtropical fruit.
3060 "Tropical or subtropical fruit" means avocados, bananas,
3061 calamondins, carambolas, guavas, kumquats, limes, longans,
3062 loquats, lychees, mameys, mangoes, papayas, passion fruit,
3063 sapodillas, and fruit that must be grown in tropical or
3064 semitropical regions, except citrus fruit as defined in s.
3065 601.03(7).

3066 Section 77. Effective January 1, 2013, sections 601.16,
3067 601.17, 601.18, 601.19, 601.20, 601.21, 601.22, 601.87, 601.90,
3068 601.901, 601.981, 601.9905, 601.9906, 601.9907, 601.9909,
3069 601.9913, 601.9914, and 601.9916, Florida Statutes, are
3070 repealed.

3071 Section 78. Except as otherwise expressly provided in this
3072 act, this act shall take effect July 1, 2012.