

By the Committee on Agriculture; and Senators Hays and Dean

575-02578-12

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

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59 research related to disease and crop efficiency;  
60 conforming provisions; amending s. 601.15, F.S.;  
61 redesignating the advertising excise tax on citrus  
62 fruit as an assessment; revising the maximum rates of  
63 such assessments; revising the guarantee requirements  
64 for assessment payments; conforming provisions;  
65 amending s. 601.152, F.S.; revising the number of  
66 commission members required to issue marketing orders  
67 for special marketing campaigns and impose assessments  
68 upon citrus handlers to defray the expenses of such  
69 campaigns; conforming provisions; amending s. 601.155,  
70 F.S.; redesignating the equalizing excise tax on  
71 processed orange and grapefruit products as an  
72 assessment; revising the guarantee requirements for  
73 assessment payments; conforming provisions; amending  
74 ss. 601.24, 601.25, 601.28, 601.31, 601.32, 601.33,  
75 601.34, 601.35, 601.37, 601.38, 601.40, 601.43,  
76 601.44, 601.45, 601.46, 601.49, 601.50, 601.501,  
77 601.51, 601.52, 601.54, 601.55, 601.56, 601.57,  
78 601.58, 601.60, and 601.601, F.S.; conforming  
79 provisions and cross-references; amending s. 601.61,  
80 F.S.; specifying that the amount of bonds or  
81 certificates of deposit that must be furnished by  
82 citrus fruit dealer licensees shall be determined by  
83 the department pursuant to department rules; deleting  
84 obsolete provisions relating to the applicability and  
85 effect of certain provisions if such provisions had  
86 been determined invalid; amending ss. 601.64, 601.66,  
87 601.67, 601.69, 601.70, 601.701, 601.731, 601.74,

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88 601.75, 601.76, 601.77, 601.78, and 601.80, F.S.;

89 conforming provisions; amending ss. 601.85 and 601.86,

90 F.S.; specifying dimensions for standard shipping

91 boxes and standard field boxes for fresh citrus fruit;

92 revising circumstances under which such standard boxes

93 must be used; amending ss. 601.91, 601.9901, 601.9902,

94 601.9903, and 601.99035, F.S.; conforming provisions;

95 amending s. 601.99036, F.S.; revising requirements for

96 the commission's approval of changes in the salaries

97 of certain employees; amending ss. 601.9904, 601.9908,

98 601.9910, 601.9911, 601.9918, and 601.992, F.S.;

99 conforming provisions; amending s. 603.161, F.S.;

100 conforming a cross-reference; repealing ss. 601.16,

101 601.17, 601.18, 601.19, 601.20, 601.21, and 601.22,

102 F.S., relating to maturity and quality standards for

103 grapefruit, oranges, and tangerines; repealing s.

104 601.87, F.S., relating to limits on increased spacing

105 between stacked field boxes caused by the placement of

106 cleats or other devices on the field boxes; repealing

107 ss. 601.90 and 601.901, F.S., relating to the issuance

108 of emergency quality assurance orders following

109 freezing temperatures that cause damage or freeze-

110 related injury to citrus fruit and the use of such

111 freeze-damaged citrus fruit in frozen concentrated

112 products; repealing s. 601.981, F.S., relating to

113 permits for the export to certain foreign countries of

114 citrus fruit grown in the state and quality standards

115 for such exported fruit; repealing s. 601.9905, F.S.,

116 relating to quality standards and labeling

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

137  
138 Be It Enacted by the Legislature of the State of Florida:

139  
140 Section 1. Section 20.29, Florida Statutes, is amended to  
141 read:

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

144 20.29 Department of Citrus; Florida Citrus Commission;  
145 executive director.-

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

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

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

157       570.55 Identification of sellers or handlers of tropical or  
158 subtropical fruit and vegetables; containers specified;  
159 penalties.—

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

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

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

169       600.041 Definitions.—As used in this act, the following  
170 terms have the following meanings:

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

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

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175           601.01 Short title.—This chapter may be ~~known and~~ cited as  
176 the "Florida" ~~The Florida~~ Citrus Code ~~of 1949.~~"

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

179           601.03 Definitions.—As used in ~~construing~~ this chapter,  
180 ~~where the context permits the word, phrase, or term:~~

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

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

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

191           (4) "Canned products" means juices, segments, or sections  
192 of citrus fruits sealed in hermetically sealed containers at a  
193 concentration that does ~~of~~ not exceed ~~exceeding~~ 20 degrees Brix  
194 and sufficiently processed by heat to ensure preservation of the  
195 product, and when regulated by the department ~~of Citrus~~, these  
196 same products packed in any other manner or in any other type  
197 container.†

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

202           (6) "Cash buyer" means any person who purchases citrus  
203 fruit in this state from the producer for the purpose of

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204 resale.~~†~~

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

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

222 ~~(9)(37)~~ "Citrus hybrids" includes, ~~means~~ but is ~~shall~~ not  
223 ~~be~~ limited to, hybrids between or among sour orange (*C.*  
224 *aurantium*), pummelo (*C. grandis*), lemon (*C. limon*), lime (*C.*  
225 *aurantifolia*), citron (*C. medica*), grapefruit (*C. paradisi*),  
226 tangerine or mandarin orange (*C. reticulata*), sweet orange (*C.*  
227 *sinensis*), tangelo (*C. reticulata* x *C. paradisi* or *C. grandis*),  
228 tangor (*C. reticulata* x *C. sinensis*), kumquat (*Fortunella*,  
229 species), trifoliolate orange (*Poncirus trifoliata*), and varieties  
230 of these species.~~†~~

231 ~~(10)(9)~~ "Citrus producing area" means that part or parts of  
232 the state in which citrus fruit is grown or produced.~~†~~



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233        (11)~~(10)~~ "Color-add" or "color-added" means the application  
234 or use of any coloring matter to any citrus fruit.~~†~~

235        (12)~~(11)~~ "Coloring matter" means any dye, or any liquid or  
236 concentrate or material containing a dye or materials that ~~which~~  
237 react to form a dye, used or intended to be used for the purpose  
238 of enhancing the color of citrus fruit by the addition of  
239 artificial color to the peel thereof. ~~The; provided that said~~  
240 term does ~~shall~~ not include any process or treatment of fruit  
241 that ~~which~~ merely brings out or accelerates the natural color of  
242 the fruit.~~†~~

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

245        (14)~~(15)~~ "Commission merchant" means any person engaged in  
246 the business of receiving any citrus fruit for sale on  
247 commission for or on behalf of another.~~†~~

248        (15)~~(16)~~ "Concentrated products" means:

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

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

257        (16)~~(17)~~ "Concentrating plant" means any building,  
258 structure, or place where citrus fruit is canned, frozen, or  
259 prepared for canning or freezing at a concentration that exceeds  
260 ~~of more than~~ 20 degrees Brix for market or shipment.~~†~~

261        (17)~~(18)~~ "Consignment shipper" means any person who

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262 contracts with the producer of citrus fruit for the marketing  
 263 thereof for the sole account and risk of such producer and who  
 264 agrees to pay such producer the net proceeds derived from such  
 265 sale.†

266 (18)~~(19)~~ "Consignor" means any person, other than a  
 267 producer, who ships or delivers to any commission merchant or  
 268 dealer any citrus fruit for handling, sale, or resale.†

269 (19)~~(12)~~ "Degreening ~~Coloring~~ room" means any room or place  
 270 where citrus fruit is placed, with or without the use of heat or  
 271 any gas, for the purpose of bringing out the natural color of  
 272 the fruit.†

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

274 (21)~~(14)~~ "Department of Agriculture" means the Department  
 275 of Agriculture and Consumer Services. ~~of the State of Florida;~~

276 (22)~~(20)~~ "Express or gift fruit shipper" means any person  
 277 having an established place of business who ships or delivers  
 278 for transportation in any manner, citrus fruit to a consumer and  
 279 not for the purpose of resale.†

280 (23)~~(21)~~ "Fresh fruit juice distributor" means any person  
 281 extracting and preparing for market or shipment any citrus fruit  
 282 juice in fresh form.†

283 (24)~~(22)~~ "Grapefruit" means the fruit *Citrus paradisi*  
 284 *Macf.*, commonly called grapefruit. The term includes the ~~and~~  
 285 ~~shall include~~ white, red, and pink meated varieties of  
 286 grapefruit.†

287 (25)~~(23)~~ "Handler" means any person engaged within this  
 288 state in the business of distributing citrus fruit in the  
 289 primary channel of trade or any person engaged as a processor in  
 290 the business of processing citrus fruit.†

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291        (26)~~(35)~~ "Lemons" or "rough lemons" ~~including "rough"~~  
292 ~~lemons~~ means the acid lemons of *Citrus limon*, including the  
293 varieties *eureka*, *genoa*, *wheatley*, *amerfo*, *belair*, and  
294 *villafranca* of the Eureka group; varieties *bonnie brae*, *kennedy*,  
295 *lisbon*, *messer*, *messina*, and *sicily* of the Lisbon group;  
296 varieties *meyer*, *cuban*, *ponderosa*, and *rough* of the Anomalous  
297 group; varieties *dorshapo* and *millsweet* of the Sweet Lemon  
298 group; ~~and~~ and other varieties not included in this subsection,  
299 ~~above~~ such as *everbearing*, *palestine sweet*, *perrine*, and  
300 *spheriola*.~~†~~

301        (27)~~(24)~~ "Manufacturer" means any person who manufactures  
302 ~~shall manufacture~~, sells ~~sell~~ or offers ~~offer~~ for sale, or  
303 licenses ~~license~~ or offers ~~offer~~ for license for use any  
304 coloring matter, or any soaps, oils, waxes, gases, gas-forming  
305 material, or other similar compositions, or the component parts  
306 thereof on or in the processing of citrus fruits.~~†~~

307        (28)~~(25)~~ "Oranges" means the fruit *Citrus sinensis Osbeck*,  
308 commonly called sweet oranges.~~†~~

309        (29)~~(26)~~ "Packinghouse" means any building, structure, or  
310 place where citrus fruit is packed or otherwise prepared for  
311 market or shipment in fresh form.~~†~~

312        (30)~~(27)~~ "Person" means any natural person, partnership,  
313 association, corporation, trust, estate, or other legal entity.~~†~~

314        (31)~~(28)~~ "Primary channel of trade" means the routes  
315 through which citrus fruit is marketed. Citrus ~~that~~ fruit is  
316 ~~shall be~~ deemed to be ~~have been~~ delivered into the primary  
317 channel of trade when it is sold or delivered for shipment in  
318 fresh form~~†~~ or when it is received and accepted at a canning,  
319 concentrating, or processing plant for canning, concentrating,

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320 or processing.†

321 (32)~~(38)~~ "Processor" means any person engaged within this  
322 state in the business of canning, concentrating, or otherwise  
323 processing citrus fruit for market other than for shipment in  
324 fresh fruit form.

325 (33)~~(29)~~ "Producer" means any person growing or producing  
326 citrus in this state for market.†

327 (34)~~(30)~~ "Ship" or "shipping" means to move, or cause to be  
328 moved, citrus fruit or the canned or concentrated products  
329 thereof ~~to be moved~~ in intrastate, interstate, or foreign  
330 commerce by rail, truck, boat, ~~or~~ airplane, or any other means.†

331 (35)~~(31)~~ "Shipper" means any person engaged in shipping, or  
332 causing to be shipped, citrus fruit or the canned or  
333 concentrated products thereof in intrastate, interstate, or  
334 foreign commerce, whether as owner, agent, or otherwise.†

335 (36)~~(32)~~ "Shipping season" means that period ~~of time~~  
336 beginning August 1 of one year and ending July 31 of the  
337 following year.†

338 (37)~~(36)~~ "Sour or bitter oranges"~~"sour" or "bitter"~~  
339 ~~oranges~~ means the fruit of *Citrus aurantium L.* and contains  
340 several subspecies. Among the most important are varieties  
341 *african, brazilian, rubidoux,* and *standard* of the Normal group;  
342 varieties *daidai, goleta,* and bouquet of the Aberrant group;  
343 variety *chinoto* of the Myrtifolia group; and varieties  
344 *bittersweet* and *paraguay* of the Bittersweet group.†

345 (38)~~(33)~~ "Standard packed box" means 1 3/5 bushels of  
346 citrus fruit, whether in bulk or containers.†

347 (39)~~(34)~~ "Tangerines" means the fruit *Citrus reticulata*  
348 Blanco, commonly called tangerines.†

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

351 601.04 Florida Citrus Commission; creation and membership.—

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

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

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

370 (b) 1. Six members of the commission shall be classified  
371 ~~designated~~ as grower members and shall be primarily engaged in  
372 the growing of citrus fruit as an individual owner; as the owner  
373 of, or as stockholder of, a corporation; or as a member of a  
374 firm or partnership primarily engaged in citrus growing. ~~None of~~  
375 Such members may not shall receive any compensation from any  
376 licensed citrus fruit dealer or handler, as defined in s.  
377 601.03, other than gift fruit shippers, but any of the grower

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

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

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

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

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

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

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

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

421  
422 Appointments shall be made by February 1 preceding the  
423 commencement of the term and are ~~shall be~~ subject to  
424 confirmation by the Senate in the following legislative session.  
425 Each member is eligible for reappointment and ~~Four members shall~~  
426 ~~be appointed each year. Such members~~ shall serve until her or  
427 his successor is ~~their respective successors are~~ appointed and  
428 qualified. The regular terms ~~shall~~ begin on June 1 and expire  
429 ~~shall end~~ on May 31 of the third year after such appointment.  
430 ~~Effective July 1, 2011, the terms of all members of the~~  
431 ~~commission appointed on or before May 1, 2011, are terminated~~  
432 ~~and the Governor shall appoint the members of the commission in~~  
433 ~~accordance with the provisions of this act.~~

434 (c) ~~(b)~~ When appointments are made, the Governor shall  
435 publicly announce the actual classification and district that

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

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

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

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

463 ~~(4) It is the intent of the Legislature that the commission~~  
464 ~~be redistricted every 5 years. Redistricting shall be based on~~



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465 ~~the total boxes produced from each of the three districts during~~  
466 ~~that 5-year period.~~

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

469 601.045 ~~Department auditor's report;~~ Commission meetings;  
470 report of department's internal auditor ~~meeting agenda item.~~—The  
471 ~~Florida Citrus~~ commission shall include as an agenda item at  
472 each regularly scheduled meeting a report by the department's  
473 internal auditor ~~of the department of Citrus.~~

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

476 601.05 Department of Citrus a body corporate.—The  
477 department ~~of Citrus~~ shall be a body corporate, shall have power  
478 to contract and be contracted with, and shall have and possess  
479 all the powers of a body corporate for all purposes necessary  
480 for fully carrying out the provisions and requirements of this  
481 chapter. The department ~~of Citrus~~ shall adopt a corporate seal  
482 with which it shall authenticate its proceedings.

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

485 601.06 Compensation and expenses of commission members.—  
486 Each member of the commission shall receive the sum of \$25 per  
487 day for each day or fraction thereof spent while en route to or  
488 from, or in actual attendance at, regular or special meetings of  
489 the commission or meetings of committees of the commission, or  
490 in transacting other business authorized by the department ~~of~~  
491 ~~Citrus~~ in addition to per diem and reimbursement of expenses as  
492 authorized by law.

493 Section 10. Section 601.07, Florida Statutes, is amended to

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494 read:

495       601.07 Location of executive offices.—The department's  
496 executive offices ~~of the Department of Citrus~~ shall be  
497 established and maintained at Bartow.

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

500       601.08 Authenticated copies of commission records as  
501 evidence.—Copies of the proceedings, records, and acts of the  
502 commission and certificates purporting to relate the facts  
503 concerning such proceedings, records, and acts signed by the  
504 chair of the commission and authenticated by the department's  
505 seal ~~of the Department of Citrus~~ shall be prima facie evidence  
506 thereof in all the courts of the state.

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

509       601.09 Citrus districts.—

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

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

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

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

521       (2) The Legislature intends that the citrus districts be  
522 reviewed and, if necessary to maintain substantially equal

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

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

531 601.10 Powers of the Department of Citrus.—The department  
532 ~~of Citrus~~ shall have and shall exercise such general and  
533 specific powers as are delegated to it by this chapter and other  
534 statutes of the state, which powers shall include, but are ~~shall~~  
535 not limited ~~be confined~~ to, the following:

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

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

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

549 ~~(a) The executive director of the department shall be~~  
550 ~~appointed by a majority vote of the commission for a term of 4~~  
551 ~~years, except for the initial term, and the executive director~~

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552 ~~shall be subject to confirmation by the Senate in the~~  
553 ~~legislative session following appointment.~~

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

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

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

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

579 ~~(c) Employees of the department shall work a 5-day, 40-hour~~  
580 ~~week. Unless an employee is on approved leave, an employee's~~

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581 ~~salary shall be decreased by 20 percent for each day not worked~~  
582 ~~during the 5-day work week if the employee chooses to regularly~~  
583 ~~work less than a 5-day work week.~~

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

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

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

608 (7) To adopt, ~~promulgate, alter, rescind, modify~~, amend or  
609 repeal, and enforce rules that ~~and regulations and~~ establish

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

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

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

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

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

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668 allowances as established by s. 112.061.

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

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

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

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

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

691 601.101 Ownership of rights under patent and trademark laws  
692 developed or acquired under ~~pursuant to the authorities of this~~  
693 chapter. ~~Notwithstanding any provision of~~ chapter 286, the legal  
694 title and every right, interest, claim, or demand of any kind in  
695 and to any patent, trademark, copyright, certification mark, or  
696 other right acquired under the patent and trademark laws of the



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

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

711 601.11 ~~Power of~~ Department of Citrus; power to establish  
712 standards; rulemaking authority.-

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

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

725 1. Color break, predominant color, total soluble solids,

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726 juice content, and ratio of soluble solids of the juice to  
727 anhydrous citric acid of oranges, grapefruit, and tangerines.

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

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

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

752 5. Grapefruit juice products, including, but not limited  
753 to, standards for the ratio of soluble solids of juice to  
754 anhydrous citric acid and any other standards designed to

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755 increase the acceptance and consumption by the consuming public  
756 of such regulated grapefruit juice products.

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

764 (b) Issue permits for the export to foreign countries other  
765 than Canada and Mexico of citrus fruit grown in the state which  
766 complies with the standards established under subparagraph (a)2.

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

770 (2) The commission shall:

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

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

783 1. Temporarily prohibit the preparation for market, sale,

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784 offer for sale, or shipment of any citrus fruit showing freeze  
785 damage or freeze-related injury.

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

790 (3) The department shall adopt ~~prescribe~~ rules or  
791 ~~regulations~~ governing:

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

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

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

812 (4) The department may not adopt any provided, however,

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813 ~~that no~~ standard, ~~regulation,~~ rule, or order under this section  
814 that which is inconsistent with ~~repugnant to~~ any requirement of  
815 ~~made mandatory under~~ federal law or regulations that applies  
816 ~~shall apply~~ to citrus fruit, or the products thereof, whether  
817 canned, ~~or~~ concentrated, or otherwise processed, or to  
818 containers therefor, that which are being shipped from this  
819 state in interstate commerce.

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

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

830 Section 16. Section 601.111, Florida Statutes, is amended  
831 to read:

832 601.111 ~~Department of Citrus authorized to lower~~ Maturity  
833 standards; modification by emergency rule.-

834 (1) The Legislature ~~of the state~~ finds and declares that  
835 emergencies creating abnormal conditions in the state's Florida  
836 citrus industry, which may include, but are not limited to, such  
837 ~~as~~ unusual climatic conditions that produce unusual growing  
838 conditions of citrus fruit, freezes and hurricanes, or other  
839 acts of God that may affect a substantial part of the citrus  
840 industry, require that the department have ~~of Citrus be given~~  
841 the power and authority to modify ~~lower~~ the maturity standards

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842 established by rule ~~law~~ for citrus fruit or any variety thereof,  
843 ~~not including oranges except as specified in subsection (2),~~  
844 ~~under and subject to the limitations, conditions, restrictions,~~  
845 ~~and provisions and within the standards hereinafter prescribed~~  
846 ~~and established.~~

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

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

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

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

866 ~~(d) Lower by not more than 10 percent the existing minimum~~  
867 ~~requirement for the content of anhydrous citric acid for~~  
868 ~~oranges.~~

869 (b) An emergency rule adopted ~~Any action~~ under this  
870 subsection does shall not take effect unless the emergency rule

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871 ~~is be taken without the consent of at least nine members of the~~  
872 ~~Florida Citrus Commission. Any regulation adopted pursuant to~~  
873 ~~this section shall be~~ by the affirmative vote of at least seven  
874 nine members of the said Florida Citrus commission.  
875 Notwithstanding the limitation on the effective period for  
876 emergency rules in s. 120.54(4)(c), each, and every such  
877 emergency rule adopted under this section must ~~regulation shall~~  
878 contain an expiration date of not later than 1 year after ~~from~~  
879 its effective date.

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

886 Section 17. Section 601.13, Florida Statutes, is amended to  
887 read:

888 601.13 Citrus research; administration by Department of  
889 Citrus; appropriation.-

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

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

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

899 a.1. With respect to the quality and maturity of such ~~said~~

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900 fruit and the juices thereof, including proper effort to  
901 assemble data and arrive at a proper standard of quality, grade,  
902 and maturity with reference to its texture, stability, and  
903 general marketability and so far as possible reduce such  
904 findings to specific and readily understood chemical,  
905 mathematical, or descriptive terms;7 and

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

908 2. Provide suitable facilities and equipment of every kind  
909 whatsoever proper and necessary in connection with all such  
910 work.

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

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

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



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

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

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

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

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

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

956 Section 18. Section 601.15, Florida Statutes, is amended to  
957 read:

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958           601.15 Advertising campaign; methods of conducting;  
959 assessments ~~excise tax~~; emergency reserve fund; citrus  
960 research.—

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

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987 prevents such inspection, commits ~~is guilty of~~ a misdemeanor of  
988 the second degree, punishable as provided in s. 775.082 or s.  
989 775.083.

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

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

998 1. Citrus fruits and the importance thereof in preserving  
999 the public health, the economy thereof in the diet of the  
1000 people, and the importance thereof in the nutrition of  
1001 children.†

1002 2. The manner, method, and means used and employed in the  
1003 production and marketing of citrus fruits and information  
1004 relating to laws of the state regulating and safeguarding such  
1005 production and marketing.†

1006 3. The added cost to the producer and dealer in producing  
1007 and handling citrus fruits to meet the high standards imposed by  
1008 the state that ensure a pure and wholesome product.†

1009 4. The effect upon the public health that ~~which~~ would  
1010 result from a breakdown of the state's ~~Florida~~ citrus industry  
1011 or any part thereof.†

1012 5. The reasons that ~~why~~ producers and dealers should  
1013 receive a reasonable return on their labor and investment.†

1014 6. The problem of furnishing the consumer at all times with  
1015 an abundant supply of fine quality citrus fruits at reasonable

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1016 prices.~~†~~

1017 7. Factors of instability peculiar to the citrus fruit  
1018 industry, such as unbalanced production, the effect of the  
1019 weather, the influence of consumer purchasing power, and price  
1020 relative to the cost of other items of food in the normal diet  
1021 of people, all to the end that an intelligent and increasing  
1022 consumer demand may be created.~~†~~

1023 8. The possibilities with particular reference to increased  
1024 consumption of citrus fruits.~~†~~ ~~and~~

1025 9. Such ~~other, further, and~~ additional information that  
1026 ~~which~~ tends to promote increased consumption of citrus fruits  
1027 and that ~~which~~ fosters a better understanding and more efficient  
1028 cooperation among producers, dealers, and the consuming public.~~†~~  
1029 ~~and~~

1030 (b) ~~To~~ Decide upon some distinctive and suggestive trade  
1031 name and to promote its use in all ways to advertise Florida  
1032 citrus fruit.

1033 (3) (a) There is ~~hereby~~ levied and imposed upon each  
1034 standard-packed box of citrus fruit grown and placed into the  
1035 primary channel of trade in this state an assessment ~~excise tax~~  
1036 at maximum annual rates for each citrus season as provided  
1037 ~~determined from the tables in this paragraph and based upon the~~  
1038 ~~previous season's actual statewide production as reported in the~~  
1039 ~~United States Department of Agriculture Citrus Crop Production~~  
1040 ~~Forecast as of June 1.~~ The rates may be set at any lower rate in  
1041 any year pursuant to paragraph (e).

1042 1. The ~~following~~ maximum assessment for tax rates,  
1043 ~~expressed in cents per box, shall apply to grapefruit that which~~  
1044 enters the primary channel of trade for use in fresh form may

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1045 not exceed 36 cents per box.†

1046

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

1047

|                   |    |    |    |    |    |
|-------------------|----|----|----|----|----|
| 80 and<br>greater | 33 | 34 | 35 | 36 | 37 |
|-------------------|----|----|----|----|----|

1048

|          |    |    |    |    |    |
|----------|----|----|----|----|----|
| 75-79.99 | 35 | 36 | 37 | 38 | 39 |
|----------|----|----|----|----|----|

1049

|          |    |    |    |    |    |
|----------|----|----|----|----|----|
| 70-74.99 | 37 | 38 | 39 | 41 | 42 |
|----------|----|----|----|----|----|

1050

|          |    |    |    |    |    |
|----------|----|----|----|----|----|
| 65-69.99 | 40 | 41 | 42 | 44 | 45 |
|----------|----|----|----|----|----|

1051

|          |    |    |    |    |    |
|----------|----|----|----|----|----|
| 60-64.99 | 43 | 44 | 46 | 47 | 49 |
|----------|----|----|----|----|----|

1052

|          |    |    |    |    |    |
|----------|----|----|----|----|----|
| 55-59.99 | 47 | 48 | 50 | 51 | 53 |
|----------|----|----|----|----|----|

1053

|          |    |    |    |    |    |
|----------|----|----|----|----|----|
| 50-54.99 | 51 | 53 | 55 | 56 | 58 |
|----------|----|----|----|----|----|

1054

|          |    |    |    |    |    |
|----------|----|----|----|----|----|
| 45-49.99 | 57 | 59 | 60 | 62 | 64 |
|----------|----|----|----|----|----|

1055

|          |    |    |    |    |    |
|----------|----|----|----|----|----|
| 40-44.99 | 63 | 65 | 67 | 69 | 71 |
|----------|----|----|----|----|----|

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

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

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

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

|                     |               |               |               |               |               |
|---------------------|---------------|---------------|---------------|---------------|---------------|
| <del>80 and</del>   | <del>23</del> | <del>24</del> | <del>25</del> | <del>25</del> | <del>26</del> |
| <del>greater</del>  |               |               |               |               |               |
| <del>75-79.99</del> | <del>25</del> | <del>25</del> | <del>26</del> | <del>27</del> | <del>28</del> |
| <del>70-74.99</del> | <del>26</del> | <del>27</del> | <del>28</del> | <del>29</del> | <del>30</del> |
| <del>65-69.99</del> | <del>28</del> | <del>29</del> | <del>30</del> | <del>31</del> | <del>32</del> |

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|-------------------------|----|----|----|----|----|
| <del>60-64.99</del>     | 31 | 32 | 32 | 33 | 34 |
| <del>55-59.99</del>     | 33 | 34 | 35 | 36 | 37 |
| <del>50-54.99</del>     | 36 | 38 | 39 | 40 | 41 |
| <del>45-49.99</del>     | 40 | 41 | 43 | 44 | 45 |
| <del>40-44.99</del>     | 45 | 46 | 48 | 49 | 51 |
| <del>Less than 40</del> | 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            | <del>1995-</del> | <del>1996-</del> | <del>1997-</del> | <del>1998-</del> | <del>1999-2000</del> |
| season              | 1996             | 1997             | 1998             | 1999             | and                  |
| crop size           |                  |                  |                  |                  | thereafter           |
| (millions of boxes) |                  |                  |                  |                  |                      |

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1092

~~255 and~~ 23 24 25 26 26  
~~greater~~

1093

~~245-254.9~~ 24 25 26 27 27

1094

~~235-244.9~~ 25 26 27 28 28

1095

~~225-234.9~~ 26 27 28 29 30

1096

~~215-224.9~~ 28 28 29 30 31

1097

~~205-214.9~~ 29 30 31 32 33

1098

~~195-204.9~~ 30 31 32 33 34

1099

~~185-194.9~~ 32 33 34 35 36

1100

~~175-184.9~~ 34 35 36 37 38

1101

~~165-174.9~~ 36 37 38 39 40

1102

~~155-164.9~~ 38 39 40 41 43

1103

~~Less than 155~~ 41 42 43 44 46

1104

1105

~~However, effective July 1, 2011, the tax rate per box on oranges~~

~~that enter the primary channel of trade for use in fresh form~~



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1108 ~~may not exceed the tax rate per box in effect on May 1, 2011.~~

1109 4. The ~~following~~ maximum assessment for tax rates,  
 1110 ~~expressed in cents per box,~~ shall apply to oranges that which  
 1111 enter the primary channel of trade for use in processed form may  
 1112 not exceed 25 cents per box.÷

1113

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

1114

1115 ~~255 and~~ 15 16 16 17 17  
~~greater~~

1116 ~~245-254.9~~ 16 16 17 17 18

1117 ~~235-244.9~~ 17 17 18 18 19

1118 ~~225-234.9~~ 17 18 18 19 19

1119 ~~215-224.9~~ 18 19 19 20 20

1120 ~~205-214.9~~ 19 20 20 21 21

1121 ~~195-204.9~~ 20 21 21 22 22

1122

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|                          |    |    |    |    |    |
|--------------------------|----|----|----|----|----|
| <del>185-194.9</del>     | 21 | 22 | 22 | 23 | 24 |
| <del>175-184.9</del>     | 22 | 23 | 23 | 24 | 25 |
| <del>165-174.9</del>     | 23 | 24 | 25 | 26 | 26 |
| <del>155-164.9</del>     | 25 | 26 | 26 | 27 | 28 |
| <del>Less than 155</del> | 27 | 27 | 28 | 29 | 30 |

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

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

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

|          |                  |                  |                  |                  |                      |
|----------|------------------|------------------|------------------|------------------|----------------------|
| Previous | <del>1995-</del> | <del>1996-</del> | <del>1997-</del> | <del>1998-</del> | <del>1999-2000</del> |
| season   | 1996             | 1997             | 1998             | 1999             | and                  |

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~~crop size  
(millions of  
boxes)~~

thereafter

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|                               |    |    |    |    |    |
|-------------------------------|----|----|----|----|----|
| <del>13 and<br/>greater</del> | 24 | 24 | 25 | 26 | 27 |
| <del>12 - 12.99</del>         | 26 | 26 | 27 | 28 | 29 |
| <del>11 - 11.99</del>         | 28 | 29 | 30 | 30 | 31 |
| <del>10 - 10.99</del>         | 31 | 31 | 32 | 33 | 34 |
| <del>9 - 9.99</del>           | 34 | 35 | 36 | 37 | 38 |
| <del>8 - 8.99</del>           | 38 | 39 | 40 | 41 | 42 |
| <del>7 - 7.99</del>           | 43 | 44 | 45 | 47 | 48 |
| <del>Less than 7</del>        | 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  
Citrus which 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.~~

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1161 (b) Whenever citrus fruit is purchased, acquired, or  
1162 handled on a weight basis, the following weights are ~~shall be~~  
1163 deemed the equivalent of one standard-packed box for assessment  
1164 ~~tax~~ purposes under this section:

- 1165 1. Grapefruit, 85 pounds.
- 1166 2. Oranges, 90 pounds.
- 1167 3. Tangerines, 95 pounds.
- 1168 4. Citrus hybrids, 90 pounds.

1169 (c) The assessments ~~excise taxes~~ imposed by this section do  
1170 not apply to citrus fruit used for noncommercial domestic  
1171 consumption on the premises where produced.

1172 (d) For purposes of this subsection, a citrus season begins  
1173 on August 1 of a year and ends on July 31 of the following year.

1174 (e) The commission, upon an affirmative vote of a majority  
1175 of its members and by an order entered by it before ~~prior to~~  
1176 November 1 of any year, may set the assessments ~~tax rates~~ up to  
1177 the maximum rates specified in this subsection. The assessment  
1178 ~~tax rate~~ shall apply only to the citrus season that ~~which~~ began  
1179 on August 1 of the same calendar year. Such assessment ~~tax rate~~  
1180 may be applied by variety and on the basis of whether the fruit  
1181 enters the primary channel of trade for use in fresh or  
1182 processed form. If the commission cannot agree on a box  
1183 assessment ~~tax rate~~, the assessment ~~tax rate~~ for the previous  
1184 year shall remain in effect until the commission approves a new  
1185 assessment ~~rate~~.

1186 (4) Every handler shall keep a complete and accurate record  
1187 of all citrus fruit handled by her or him. Such record shall be  
1188 in such form and contain such other information as the  
1189 department ~~of Citrus~~ shall by rule ~~or regulation~~ prescribe. Such

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1190 records shall be preserved by such handlers for a period of 1  
1191 year and shall be offered for inspection at any time upon oral  
1192 or written demand by the department ~~of Citrus~~ or its duly  
1193 authorized agents or representatives.

1194 (5) Every handler shall, at such times and in such manner  
1195 as the department ~~of Citrus~~ may by rule require, file with the  
1196 department ~~of Citrus~~ a return certified as true and correct, on  
1197 forms furnished by the department ~~of Citrus~~, stating, in  
1198 addition to other information, the number of standard-packed  
1199 boxes of each kind of citrus fruit handled by such handler in  
1200 the primary channel of trade during the period of time covered  
1201 by the return. Full payment of all assessments ~~excise taxes~~ due  
1202 for the period reported shall accompany each handler's return.

1203 (6) (a) All assessments ~~excise taxes~~ levied and imposed  
1204 pursuant to ~~the provisions of~~ this section are ~~shall be~~ due and  
1205 payable and shall be paid, or the amount thereof guaranteed as  
1206 ~~hereinafter~~ provided in this subsection, at the time the citrus  
1207 fruit is first handled in the primary channels of trade. All  
1208 such assessments ~~taxes~~ shall be paid, or the payment thereof  
1209 shall be guaranteed, to the department ~~of Citrus~~ by the person  
1210 first handling the fruit in the primary channel of trade, except  
1211 that payment of assessments ~~taxes~~ on fruit delivered or sold for  
1212 processing in this state shall be paid, or payment thereof shall  
1213 be guaranteed in accordance with department ~~of Citrus~~ rules, by  
1214 the person processing such fruit.

1215 (b) Periodic payment of assessments ~~excise taxes~~ upon  
1216 citrus fruit by the person liable for such payment is ~~shall be~~  
1217 permitted only in accordance with department ~~of Citrus~~ rules,<sup>7</sup>  
1218 and the payment thereof shall be guaranteed by the posting of a

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1219 good and sufficient letter of credit from an issuing financial  
1220 institution located in the United States, a cash bond, an  
1221 appropriate certificate of deposit, or an approved surety bond  
1222 in an amount and manner as prescribed by department ~~of Citrus~~  
1223 rule. Evidence of such guarantee of payment of assessments must  
1224 ~~excise taxes shall~~ be made on the grade certificate in such  
1225 manner and form as may be prescribed by department ~~of Citrus~~  
1226 rule.

1227 (c) All assessments ~~taxes~~ collected by the department ~~of~~  
1228 ~~Citrus~~ shall be delivered to the State Treasury for payment into  
1229 the proper advertising fund.

1230 (7) All assessments ~~excise taxes~~ levied and collected under  
1231 ~~the provisions of~~ this chapter shall be paid into the State  
1232 Treasury on or before the 15th day of each month. ~~†~~ Such moneys  
1233 shall be accounted for in a special fund to be designated as the  
1234 Florida Citrus Advertising Trust Fund, and all moneys in such  
1235 fund are ~~hereby~~ appropriated to the department ~~of Citrus~~ for the  
1236 following purposes:

1237 (a) Four percent of all income of a revenue nature  
1238 deposited in this fund, including transfers from any subsidiary  
1239 accounts thereof and any interest income, shall be deposited in  
1240 the General Revenue Fund pursuant to chapter 215.

1241 (b) Moneys in the Florida Citrus Advertising Trust Fund  
1242 shall be expended for the activities authorized by s. 601.13 and  
1243 for the cost of those general overhead, research and  
1244 development, maintenance, salaries, professional fees,  
1245 enforcement costs, and other such expenses that ~~which~~ are not  
1246 related to advertising, merchandising, public relations, trade  
1247 luncheons, publicity, and other associated activities. The cost

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

1253 (c) Moneys in the Florida Citrus Advertising Trust Fund  
1254 shall also be used by the department ~~of Citrus~~ for defraying  
1255 those expenses not included in paragraph (b). After payment of  
1256 such expenses, the money levied and collected under ~~the~~  
1257 ~~provisions of~~ subsection (3) shall be used exclusively for  
1258 commodity and noncommodity advertising, merchandising,  
1259 publicity, or sales promotion of citrus products in both fresh  
1260 form and processed form, including citrus cattle feed and all  
1261 other products of citrus fruits, produced in the state, in such  
1262 equitable manner and proration as the department ~~of Citrus~~ may  
1263 determine, but funds expended for commodity advertising  
1264 thereunder shall be expended through an established advertising  
1265 agency. A proration of moneys between commodity programs and  
1266 noncommodity programs, and among types of citrus products, shall  
1267 be made on or before November 1 of each shipping season and may  
1268 not thereafter be modified for that shipping season unless the  
1269 department finds such action necessary to preserve the economic  
1270 welfare of the citrus industry.

1271 (d) The pro rata portion of moneys allocated to each type  
1272 of citrus product in noncommodity programs shall be used by the  
1273 department to encourage substantial increases in the  
1274 effectiveness, frequency, and volume of noncommodity  
1275 advertising, merchandising, publicity, and sales promotion of  
1276 such citrus products through rebates and incentive payments to

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

1297 (8) (a) On certification by any employee of the department  
1298 ~~of Citrus~~ that her or his actual and necessary expenses on any  
1299 particular day while traveling outside the state exceeded the  
1300 per diem provided by law, such employee shall show such excess  
1301 on her or his regular expense voucher and support the same by  
1302 the proof required pursuant to rules adopted ~~and regulations to~~  
1303 ~~be promulgated~~ by the department ~~of Citrus~~.

1304 (b) The department ~~of Citrus~~ is authorized to spend such  
1305 amount as it deems advisable for guests involved in promotional



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1306 activities in the sale of Florida citrus fruits and products.

1307 (c) All obligations, expenses, and costs incurred under ~~the~~  
1308 ~~provisions of~~ this section shall be paid out of the Citrus  
1309 Advertising Fund upon warrant of the Chief Financial Officer  
1310 when vouchers thereof, approved by the department ~~of Citrus~~, are  
1311 exhibited.

1312 (9) (a) Any handler who fails to file a return or to pay any  
1313 assessment tax within the time required shall thereby forfeit to  
1314 the department ~~of Citrus~~ a penalty of 5 percent of the amount of  
1315 assessment tax determined to be due, ~~+~~ but the department ~~of~~  
1316 ~~Citrus~~, if satisfied that the delay was excusable, may remit all  
1317 or any part of such penalty. Such penalty shall be paid to the  
1318 department ~~of Citrus~~ and disposed of as provided with respect to  
1319 moneys derived from the assessments taxes levied and imposed by  
1320 subsection (3).

1321 (b) The department ~~of Citrus~~ may collect any assessments  
1322 ~~taxes~~ levied and assessed by this chapter in any or all of the  
1323 following methods:

- 1324 1. By the voluntary payment by the person liable therefor.
- 1325 2. By a suit at law.
- 1326 3. By a suit in equity to enjoin and restrain any handler,  
1327 citrus fruit dealer, or other person owing such assessments  
1328 ~~taxes~~ from operating her or his business or engaging in business  
1329 as a citrus fruit dealer until the delinquent assessments taxes  
1330 are paid. Such action may include an accounting to determine the  
1331 amount of assessments taxes plus delinquencies due. In any such  
1332 proceeding, it is not necessary to allege or prove that an  
1333 adequate remedy at law does not exist.

1334 (10) The powers and duties of the department ~~of Citrus~~

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1335 include the following:

1336 (a) To adopt and periodically ~~from time to time~~ alter,  
1337 rescind, modify, and amend all proper and necessary rules,  
1338 ~~regulations~~, and orders for the exercise of its powers and the  
1339 performance of its duties under this chapter.

1340 (b) To employ and at its pleasure discharge an advertising  
1341 manager, agents, advertising agencies, and such clerical and  
1342 other help as it deems necessary and to outline their powers and  
1343 duties and fix their compensation.

1344 (c) To make in the name of the department ~~of Citrus~~ such  
1345 advertising contracts and other agreements as may be necessary.

1346 (d) To keep books, records, and accounts of all of its  
1347 activities, which books, records, and accounts shall be open to  
1348 inspection, audit, and examination by the Auditor General and  
1349 the Office of Program Policy Analysis and Government  
1350 Accountability.

1351 (e) To purchase or authorize the purchase of all office  
1352 equipment and supplies and to incur all other reasonable and  
1353 necessary expenses and obligations in connection with and  
1354 required for the proper administration ~~carrying out~~ of the  
1355 ~~provisions~~ of this chapter.

1356 (f) To conduct, and pay out of the Florida Citrus  
1357 Advertising Trust Fund, premium and prize promotions designed to  
1358 increase the use of citrus in any form.

1359 (g) To advertise citrus cattle feed and promote its use.

1360 (h) To conduct marketing activities in foreign countries  
1361 and other programs designed to develop and protect domestic and  
1362 international markets.

1363 Section 19. Paragraphs (a), (b), and (d) of subsection (1),

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1364 subsection (4), paragraph (a) of subsection (5), and subsections  
1365 (8) through (11) of section 601.152, Florida Statutes, are  
1366 amended to read:

1367 601.152 Special marketing orders.—

1368 (1) (a) Whenever, upon its own motion or upon petition of  
1369 any handler or producer or group or association of handlers or  
1370 producers of citrus fruit, the commission, upon affirmative vote  
1371 of seven ~~nine~~ of its members, determines:

1372 1. That the conduct of a special advertising and  
1373 promotional marketing campaign or the conduct of market and  
1374 product research and development, in addition to the advertising  
1375 campaign being conducted pursuant to s. 601.15 and the research  
1376 being conducted pursuant to the other provisions of the Florida  
1377 Citrus Code, may substantially further increase the consumer  
1378 acceptance and consumption of, and strengthen the market for,  
1379 any type, variety, or form of citrus fruit or processed citrus  
1380 product by further increasing the number of families buying such  
1381 citrus fruit or such processed citrus product or by further  
1382 increasing the quantity of such citrus fruit or processed citrus  
1383 product purchased by buying families; and

1384 2. That such substantial further increase and strengthening  
1385 may be of substantial benefit to handlers thereof, producers  
1386 thereof, and to the economy and well-being of the state,

1387  
1388 the commission shall direct that a proposed marketing order be  
1389 formulated for a special marketing campaign of advertising and  
1390 sales promotion, including, but not limited to, brand  
1391 advertising rebate promotions or the conduct of market and  
1392 product research and development for such type, variety, or form

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1393 of citrus fruit or processed citrus product, and shall designate  
1394 a public hearing to consider adoption and implementation of such  
1395 proposed marketing order.

1396 (b) Notice of the time, place, and purpose of such public  
1397 hearing shall be:

1398 1. Mailed, at least ~~not less than~~ 10 days before ~~prior to~~  
1399 such hearing, to each handler who, during the 12 months  
1400 immediately before ~~preceding~~ such mailing, has first handled in  
1401 the primary channel of trade in the state ~~Florida~~ the type,  
1402 variety, and form of citrus fruit or citrus product specified in  
1403 the proposed marketing order, and to each handler who the  
1404 department ~~of Citrus~~ has good cause to believe will, during the  
1405 period of time covered by the proposed marketing order, first  
1406 handle in the primary channel of trade in the state ~~Florida~~ the  
1407 type, variety, and form of citrus fruit or processed citrus  
1408 product specified in such proposed marketing order.

1409 2. Published in the Florida Administrative Weekly at least  
1410 ~~not less than~~ 10 days before ~~prior to~~ such hearing.

1411 (d) Copies of the proposed marketing order shall be made  
1412 available to the public at the offices of the department ~~of~~  
1413 ~~Citrus~~ at Lakeland at least 5 days before ~~prior to~~ such hearing  
1414 and shall be in sufficient detail to apprise all persons having  
1415 an interest therein of the approximate amount of moneys proposed  
1416 to be expended; the assessments to be levied thereunder; and the  
1417 general details of the proposed marketing order for a special  
1418 marketing campaign of advertising or sales promotion or market  
1419 or product research and development. Among the details so  
1420 specified shall be the period of time during which the  
1421 assessment imposed pursuant to subsection (8) will be levied

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

1437 (4) The department may ~~of Citrus is authorized to~~ prescribe  
1438 such procedures as it deems necessary properly to conduct a  
1439 referendum among handlers covered by the marketing order to  
1440 determine whether such marketing order has been so assented to.

1441 (5) (a) Any marketing order adopted under ~~pursuant to~~ this  
1442 section and subsequently approved by referendum as provided in  
1443 this section herein shall take effect ~~become effective~~ 15 days  
1444 after referendum approval is officially determined by the  
1445 commission. Chapter 120 does not apply to this section. Any such  
1446 marketing order is ~~shall be~~ reviewable by any person adversely  
1447 affected, by certiorari to the district courts of appeal in the  
1448 manner prescribed by the Florida Rules of Appellate Procedure.  
1449 The venue of the proceeding for such review shall be the  
1450 appellate district that ~~which~~ includes the county in which the

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1451 hearings were conducted or, if the venue cannot be ~~thus~~  
1452 determined, the appellate district in which ~~wherein~~ the  
1453 department's ~~Department of Citrus~~ executive offices are located.

1454 (8) (a) Each person who, during the period ~~of time~~ specified  
1455 in any marketing order implemented under ~~pursuant to~~ this  
1456 section, first handles in the primary channel of trade in the  
1457 state ~~Florida~~ any citrus fruit or processed citrus product of  
1458 the type, variety, and form specified in such marketing order  
1459 shall, for the privilege of so handling such citrus fruit or  
1460 such citrus product, pay to the department ~~of Citrus~~ such  
1461 assessments as are levied and imposed thereon by such marketing  
1462 order, which funds shall be used by the department ~~of Citrus~~ to  
1463 defray the necessary expenses incurred in the formation,  
1464 issuance, administration, and enforcement of such marketing  
1465 order and in the conduct of the special marketing campaign or  
1466 market and product research and development provided for in such  
1467 marketing order. However, such assessments levied and imposed  
1468 under this section may ~~pursuant hereto shall be at a rate not to~~  
1469 exceed 8 cents per standard-packed box on citrus fruits in fresh  
1470 form, 1.3 cents per gallon on single strength citrus juices or  
1471 sections, or 1.3 cents per pound of soluble citrus solids on  
1472 concentrated citrus juices.

1473 (b) The department ~~of Citrus~~ shall prescribe procedures for  
1474 the assessment and collection of such funds to defray the  
1475 necessary expenses incurred, or expected to be incurred, by the  
1476 department ~~of Citrus~~ in the formation, issuance, administration,  
1477 and enforcement of any marketing order implemented under  
1478 ~~pursuant to the provisions of~~ this section.

1479 (c) Every handler shall, at such times as the department

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1480 may require, file with the department ~~of Citrus~~ a return, not  
1481 under oath, on forms to be prescribed and furnished by the  
1482 department ~~of Citrus~~, certified as true and correct, stating the  
1483 quantity of the type, variety, and form of citrus fruit or  
1484 citrus product specified in the marketing order first handled in  
1485 the primary channels of trade in the state Florida by such  
1486 handler during the period of time specified in the marketing  
1487 order. Such returns shall contain any further information deemed  
1488 by the department ~~of Citrus~~ to be reasonably necessary to  
1489 properly administer or enforce ~~the provisions of~~ this section or  
1490 any marketing order implemented under this section hereunder.  
1491 Information that, if disclosed, would reveal a trade secret, as  
1492 defined in s. 812.081, of any person subject to a marketing  
1493 order is confidential and exempt from ~~the provisions of~~ s.  
1494 119.07(1).

1495 (d) All assessments imposed under ~~and pursuant to the~~  
1496 ~~provisions of~~ this section are ~~shall be~~ due and payable and  
1497 shall be paid by such handlers at such times and in such  
1498 installments as the commission prescribes ~~shall prescribe~~ in  
1499 such marketing order, or the amount thereof shall be provided  
1500 for and guaranteed by giving a surety bond or cash deposit or as  
1501 the department ~~of Citrus may~~ otherwise prescribes ~~prescribe~~.

1502 (9) (a) All moneys collected by the department ~~of Citrus~~  
1503 under this section shall be set aside in the Florida Citrus  
1504 Advertising Trust Fund as a special fund to be known as the  
1505 "Citrus Special Marketing Order Fund." All moneys in such fund,  
1506 after deducting the service charge provided in s. 601.15(7), are  
1507 ~~hereby~~ appropriated to the department ~~of Citrus~~ for the actual  
1508 expenses incurred by the department for ~~of Citrus with respect~~

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

1520 (b) If the department ~~of Citrus~~ finds it necessary ~~to do~~  
1521 ~~so~~, the department ~~it~~ may transfer to the Citrus Special  
1522 Marketing Order Fund from any other portion of the Florida  
1523 Citrus Advertising Trust Fund, including the Emergency Reserve  
1524 Fund and any other special or reserve fund, such sum of money as  
1525 the department ~~of Citrus~~ determines is initially required to  
1526 formulate, issue, administer, and enforce any such marketing  
1527 order and conduct the special marketing campaign or market and  
1528 product research and development to be carried out pursuant to  
1529 such marketing order until moneys in the Citrus Special  
1530 Marketing Order Fund derived from assessments imposed and  
1531 collected pursuant to this section are sufficient for such  
1532 purposes, and thereafter repay such advance out of the Citrus  
1533 Special Marketing Order Fund.

1534 (10) (a) Any handler who fails to file a return or to pay  
1535 any assessment within the time required shall thereby forfeit to  
1536 the department ~~of Citrus~~ a penalty of 5 percent of the amount of  
1537 assessment then due, ~~but~~ the department ~~of Citrus~~, upon good



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1538 cause shown, may waive all or any part of such penalty. Such  
1539 penalty shall be paid to the department ~~of Citrus~~ and disposed  
1540 of as provided with respect to moneys derived from the  
1541 assessments imposed under ~~pursuant to~~ this section.

1542 (b) The department ~~of Citrus~~ may collect the assessments  
1543 imposed under ~~pursuant to~~ this section by any ~~in either or all~~  
1544 of the following methods:

- 1545 1. The voluntary payment by the handler liable therefor.†
- 1546 2. By a suit at law.†
- 1547 3. By a suit in equity to enjoin and restrain any handler  
1548 owing such assessments from operating his or her business or  
1549 engaging in business as a citrus fruit dealer until the  
1550 delinquent assessments are paid. Such action may include an  
1551 accounting to determine the amount of assessments plus  
1552 delinquencies due. In any such proceeding, it shall not be  
1553 necessary to allege or prove that an adequate remedy at law does  
1554 not exist.

1555 (11) This section shall be liberally construed to  
1556 effectuate the purposes set forth and as additional and  
1557 supplemental powers vested in the department ~~of Citrus~~ under the  
1558 police power of this state.

1559 Section 20. Section 601.155, Florida Statutes, is amended  
1560 to read:

1561 601.155 Equalizing assessment ~~excise tax~~; credit;  
1562 exemption.—

1563 (1) The first person who exercises in this state the  
1564 privilege of processing, reprocessing, blending, or mixing  
1565 processed orange products or processed grapefruit products or  
1566 the privilege of packaging or repackaging processed orange

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

1580 (2) Upon the exercise of any privilege described in  
1581 subsection (1), the assessment ~~excise tax~~ levied by this section  
1582 shall be at the same rate per box of oranges or grapefruit  
1583 utilized in the initial production of the processed citrus  
1584 products so handled as that imposed, at the time of exercise of  
1585 the assessable ~~taxable~~ privilege, by s. 601.15 per box of  
1586 oranges.

1587 (3) For the purposes of this section, the number of boxes  
1588 of oranges or grapefruit utilized in the initial production of  
1589 processed citrus products subject to the assessable ~~taxable~~  
1590 privilege shall be:

1591 (a) The actual number of boxes so utilized, if known and  
1592 verified in accordance with department ~~of Citrus~~ rules; or

1593 (b) An equivalent number established by department ~~of~~  
1594 ~~Citrus~~ rule which, on the basis of existing data, reasonably  
1595 equates to the quantity of citrus contained in the product, when

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1596 the actual number of boxes so utilized is not known or properly  
1597 verified.

1598 (4) For purposes of this section:

1599 (a) "Processed orange products" means products for human  
1600 consumption consisting of 20 percent or more single strength  
1601 equivalent orange juice; orange sections, segments, or edible  
1602 components; or whole peeled fruit.

1603 (b) "Processed grapefruit products" means products for  
1604 human consumption consisting of 20 percent or more single  
1605 strength equivalent grapefruit juice; grapefruit sections,  
1606 segments, or edible components; or whole peeled fruit.

1607 (c) "Original container" includes any vessel, tanker or  
1608 tank car, or other transport vehicle.

1609 (d) "Retail or institutional container" means a container  
1610 having a capacity of 10 gallons or less.

1611 (5) Products made in whole or in part from citrus fruit on  
1612 which an equivalent assessment ~~tax~~ is levied pursuant to s.  
1613 601.15 are exempt from the assessment ~~tax~~ imposed by this  
1614 section. In the case of products made in part from citrus fruit  
1615 exempt from the assessment ~~tax~~ imposed by this section, it shall  
1616 be the burden of the persons liable for the assessment ~~excise~~  
1617 ~~tax~~ to show the department ~~of Citrus~~, through competent  
1618 evidence, proof of that part which is not subject to an  
1619 assessable ~~a taxable~~ privilege.

1620 (6) Every person liable for the assessment ~~excise tax~~  
1621 imposed by this section shall keep a complete and accurate  
1622 record of the receipt, storage, handling, exercise of any  
1623 assessable ~~taxable~~ privilege under this section, and shipment of  
1624 all products subject to the assessment ~~tax~~ imposed by this

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1625 section. Such record shall be preserved for a period of 1 year  
1626 and shall be offered for inspection upon oral or written request  
1627 by the department ~~of Citrus~~ or its duly authorized agent.

1628 (7) Every person liable for the assessment ~~excise tax~~  
1629 imposed by this section shall, at such times and in such manner  
1630 as the department ~~of Citrus~~ may by rule require, file with the  
1631 department ~~of Citrus~~ a return, certified as true and correct, on  
1632 forms to be prescribed and furnished by the department ~~of~~  
1633 ~~Citrus~~, stating, in addition to other information reasonably  
1634 required by the department ~~of Citrus~~, the number of units of  
1635 processed orange or grapefruit products subject to this section  
1636 upon which any assessable ~~taxable~~ privilege under this section  
1637 was exercised during the period of time covered by the return.  
1638 Full payment of assessments ~~excise taxes~~ due for the period  
1639 reported shall accompany each return.

1640 (8) All assessments ~~taxes~~ levied and imposed by this  
1641 section shall be due and payable within 61 days after the first  
1642 of the assessable ~~taxable~~ privileges is exercised in this state.  
1643 Periodic payment of the assessments ~~excise taxes~~ imposed by this  
1644 section by the person first exercising the assessable ~~taxable~~  
1645 privileges and liable for such payment shall be permitted only  
1646 in accordance with department ~~of Citrus~~ rules, and the payment  
1647 thereof shall be guaranteed by the posting of an appropriate  
1648 certificate of deposit, approved surety bond, letter of credit  
1649 from an issuing financial institution located in the United  
1650 States, or cash deposit in an amount and manner as prescribed by  
1651 the department ~~of Citrus~~.

1652 (9) When any processed orange or grapefruit product is  
1653 stored or removed from its original container as provided in

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

1665 (10) Notwithstanding any ~~other~~ provision of law, the  
1666 department ~~of Citrus~~ shall develop a process by which any person  
1667 liable for the assessment ~~excise tax~~ imposed under this section  
1668 may annually object to payment of the assessment ~~tax~~. Any such  
1669 objection must be allowed without discretion as to the validity  
1670 thereof, and that person shall be granted the immediate right to  
1671 elect not to pay two-thirds of the applicable assessment ~~tax~~  
1672 ~~rate~~. The department ~~of Citrus~~ may not expend any of the  
1673 remaining one-third of the applicable assessment ~~tax rate~~ on any  
1674 advertising, marketing, or public relations activities to which  
1675 any person liable for the assessment ~~excise tax~~ imposed under  
1676 this section objects; however, such funds may be used for  
1677 research, administrative, and regulatory activities. Effective  
1678 July 1, 2004, upon any necessary legislative appropriation of  
1679 moneys due under the settlement agreement of Consolidated Case  
1680 No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial  
1681 Circuit in Polk County, the plaintiffs shall agree to the  
1682 dismissal of their claim under the foreign commerce clause with

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1683 prejudice.

1684 (11) All assessments ~~excise taxes~~ levied and collected  
1685 under ~~the provisions of~~ this section, including penalties, shall  
1686 be paid into the State Treasury to be made a part of the Florida  
1687 Citrus Advertising Trust Fund in the same manner, for the same  
1688 purposes, and in the same proportions as set forth in s.  
1689 601.15(7). Any person failing to file a return or pay any  
1690 assessment within the time required shall thereby forfeit to the  
1691 department ~~of Citrus~~ a penalty of 5 percent of the amount of  
1692 assessment then due,<sup>r</sup> but the department ~~of Citrus~~, on good  
1693 cause shown, may waive all or any part of such penalty.

1694 (12) This section shall be liberally construed to  
1695 effectuate the purposes set forth and as additional and  
1696 supplemental powers vested in the department ~~of Citrus~~ under the  
1697 police power of this state.

1698 Section 21. Section 601.24, Florida Statutes, is amended to  
1699 read:

1700 601.24 Department of Citrus to prescribe methods of testing  
1701 and grading.—The department ~~of Citrus~~ shall adopt rules  
1702 providing by rule or regulation provide the manner and method to  
1703 be used in drawing samples and the quantity to be used in  
1704 testing and grading of citrus fruit and the canned and  
1705 concentrated products thereof and shall provide specifications  
1706 and methods for use of juice extractors to be used in extracting  
1707 juice for such tests and grading purposes.

1708 Section 22. Section 601.25, Florida Statutes, is amended to  
1709 read:

1710 601.25 Determination of soluble solids and acid.—The  
1711 department ~~of Citrus by rule or regulation~~ shall adopt rules

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

1723 Section 23. Subsections (5) and (7) of section 601.28,  
1724 Florida Statutes, are amended to read:

1725 601.28 Inspection fees.—

1726 (5) The Department of Agriculture may ~~shall~~ ~~have the power~~  
1727 ~~to~~ adopt rules providing for the imposition of special fees for  
1728 inspections conducted during hours not contemplated by regular  
1729 state work hours. The ~~Such~~ rules shall prescribe circumstances  
1730 under which the fees levied pursuant to paragraphs (1)(a) and  
1731 (b) would not apply and the fees imposed pursuant to such rules  
1732 would apply. The rules shall require ~~provide~~ that such ~~said~~ fees  
1733 ~~shall~~ be levied when specifically actuated by contract between  
1734 the Department of Agriculture and persons liable for the fees  
1735 created by this subsection. The rules may ~~shall~~ not authorize  
1736 ~~allow~~ fees that exceed ~~to be charged which are in excess of~~ the  
1737 Department of Agriculture's ~~department's~~ actual cost of the  
1738 inspection to be made, nor may ~~shall~~ such fees be less than  
1739 those imposed by paragraphs (1)(a) and (b).

1740 (7) The duties of the Department of Agriculture ~~and~~

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1741 ~~Consumer Services~~ shall include the duty to conduct hearings,  
1742 through a hearing officer who shall be an attorney authorized to  
1743 practice law within this state, on violations of this section  
1744 and rules adopted ~~promulgated~~ thereunder. The ~~Said~~ hearing  
1745 officer shall be selected by the Commissioner of Agriculture and  
1746 shall be in addition to her or his regular legal staff  
1747 authorized by law. The ~~Said~~ hearing officer shall, in addition  
1748 to conducting such hearings, be available to the Division of  
1749 Fruit and Vegetables for other legal services on matters  
1750 pertaining to violations of this chapter and rules adopted  
1751 ~~promulgated~~ thereunder.

1752 Section 24. Section 601.31, Florida Statutes, is amended to  
1753 read:

1754 601.31 Citrus inspectors; employment.—The Department of  
1755 Agriculture may in each year employ as many citrus fruit  
1756 inspectors for such period or periods, not exceeding 1 year, as  
1757 the ~~said~~ Department of Agriculture shall deem necessary for the  
1758 effective enforcement of the citrus fruit laws of this state.  
1759 All persons authorized to inspect and certify to the maturity  
1760 and grade of citrus fruit shall be governed in the discharge of  
1761 their duties as such inspectors by the provisions of law and by  
1762 the rules adopted ~~and regulations prescribed~~ by the Department  
1763 of Citrus and the Department of Agriculture and shall perform  
1764 their duties under the direction and supervision of the  
1765 Department of Agriculture. All citrus inspectors appointed for  
1766 the enforcement of this chapter shall be persons who are duly  
1767 licensed or certified by the United States Department of  
1768 Agriculture as citrus fruit inspectors.

1769 Section 25. Section 601.32, Florida Statutes, is amended to



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1770 read:

1771 601.32 Compensation of inspectors.—The salaries of the  
1772 chief citrus inspector, the chief laboratory inspector, the  
1773 district supervising inspectors, the junior and senior  
1774 inspectors, and all other necessary inspectors shall be in the  
1775 amount as determined and fixed by the Department of Agriculture,  
1776 and, in addition thereto, each such inspector ~~of said inspectors~~  
1777 shall be reimbursed for travel expenses as provided in s.

1778 112.061, which shall be paid upon approval of accounts therefor  
1779 by the Department of Agriculture. The Department of Agriculture  
1780 may employ such additional field and other agents and clerical  
1781 assistance at such times and for such periods and incur and pay  
1782 any other expenses, including travel expenses, as provided in s.  
1783 112.061, of the Department of Agriculture during the citrus  
1784 fruit season, as may be necessary for the effective enforcement  
1785 of the citrus fruit laws of this state and of the rules  
1786 ~~regulations~~ of the Department of Citrus and ensure ~~assure~~ the  
1787 payments of the inspection fees imposed or that may be imposed  
1788 under the authority of law.

1789 Section 26. Section 601.33, Florida Statutes, is amended to  
1790 read:

1791 601.33 Interference with inspectors.—A ~~It is unlawful for~~  
1792 ~~any person~~ may not ~~to~~ obstruct, hinder, resist, interfere with,  
1793 or attempt to obstruct, hinder, resist, or interfere with any  
1794 authorized inspector in the discharge of any duty imposed upon  
1795 or required of her or him by the provisions of law or by any  
1796 rule adopted ~~or regulation prescribed~~ by the Department of  
1797 Citrus or the Department of Agriculture, or ~~to~~ change or attempt  
1798 to change any instrument, substance, article, or fluid used by

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1799 such inspector or emergency inspector in making tests of citrus  
1800 fruit or the canned or concentrated products thereof.

1801 Section 27. Section 601.34, Florida Statutes, is amended to  
1802 read:

1803 601.34 Duties of law enforcement officers.—Each state or  
1804 county law enforcement officer shall make arrests for violations  
1805 of the citrus fruit laws of this state or of any rule~~,~~  
1806 ~~regulation,~~ or order of promulgated by the commission or the  
1807 Department of Agriculture ~~and Consumer Services~~ under authority  
1808 of law when notified of such violation by the Department of  
1809 Agriculture or its duly authorized agent or representative.

1810 Section 28. Section 601.35, Florida Statutes, is amended to  
1811 read:

1812 601.35 Disputes as to quality, etc.; procedure.—When any  
1813 dispute as to quality, grade, or condition of citrus fruit or  
1814 the canned or concentrated products thereof arises, the shipper  
1815 or any financially interested person may call in at his, her, or  
1816 its expense an inspector licensed or certified only by the  
1817 United States Department of Agriculture to inspect such citrus  
1818 fruit or its canned or concentrated products. Such inspector  
1819 shall issue a regular official certificate to the applicant  
1820 showing the quality, grade, and condition thereof, and, in all  
1821 cases, such certificate shall be prima facie evidence. If such  
1822 certificate shows that the citrus fruit or the canned or  
1823 concentrated products thereof conforms ~~therein-mentioned and~~  
1824 ~~described to conform~~ to the requirements ~~provisions~~ of this  
1825 chapter and the rules~~,~~ ~~regulations,~~ or orders of the Department  
1826 of Citrus and of the Department of Agriculture, such shipper or  
1827 such financially interested person may present the original

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

1837 Section 29. Section 601.37, Florida Statutes, is amended to  
1838 read:

1839 601.37 Unlawful acts of inspectors. ~~An It is unlawful for~~  
1840 ~~any~~ authorized inspector may not ~~to~~ make or deliver a  
1841 certificate of inspection and maturity and quality of any citrus  
1842 fruit or the canned or concentrated products thereof upon which  
1843 the inspection fees and advertising assessments ~~taxes~~ have not  
1844 been paid or the payment thereof guaranteed, or ~~to~~ make or issue  
1845 any false certificate as to inspection, maturity, quality, or  
1846 payment of inspection fees.

1847 Section 30. Section 601.38, Florida Statutes, is amended to  
1848 read:

1849 601.38 Citrus inspectors; authority. ~~For the purpose of~~  
1850 enforcing ~~the provisions of~~ the citrus fruit laws of this state,  
1851 as well as rules ~~the regulations~~ of the department ~~of Citrus,~~  
1852 citrus fruit inspectors may enter into any packinghouse, ~~or~~  
1853 canning plant, or concentrating plant at any hour of day or  
1854 night and have and demand access and admission to any enclosed  
1855 portion of such ~~said~~ packinghouse, canning plant, or  
1856 concentrating plant. Such ~~Said~~ citrus fruit inspectors may also

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1857 inspect all packinghouse or canning plant records pertaining to  
1858 receipts from groves and to details of receiving, handling,  
1859 running, processing, packing, or canning citrus fruit.

1860 Section 31. Section 601.40, Florida Statutes, is amended to  
1861 read:

1862 601.40 Registration of citrus packinghouses, processing  
1863 plants with Department of Agriculture.—The owner, manager, or  
1864 operator of each packinghouse, canning plant, or concentrating  
1865 plant, at which it is intended to pack, can, concentrate, or  
1866 prepare citrus fruit for market or transportation during the  
1867 then-present or the next ensuing citrus fruit shipping season,  
1868 shall register such packinghouse, canning plant, or  
1869 concentrating plant and its location, shipping point, and post  
1870 office with the Department of Agriculture at least ~~not less than~~  
1871 10 days before packing, canning, concentrating, or otherwise  
1872 preparing any citrus fruit or the canned or concentrated  
1873 products thereof for sale or transportation in or at such  
1874 packinghouse, canning plant, or concentrating plant, and she or  
1875 he shall, in addition to such registration, give the ~~said~~  
1876 Department of Agriculture at least ~~not less than~~ 7 days' written  
1877 notice of the date on which packing, canning, concentrating, or  
1878 other preparation for sale or transportation of citrus fruit of  
1879 the then-current or the next ensuing season's crop will begin ~~be~~  
1880 ~~begun~~. The Department of Agriculture shall issue a certificate  
1881 of registration to each such packinghouse, canning plant, or  
1882 concentrating plant registering. ~~provided, However, that no~~  
1883 such certificate of registration may not ~~shall~~ be issued to any  
1884 packinghouse, canning plant, or concentrating plant unless the  
1885 operator thereof has ~~shall have first~~ applied for and received

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1886 her or his license as a citrus fruit dealer and furnished a bond  
1887 as such citrus fruit dealer in accordance with law.

1888 Section 32. Section 601.43, Florida Statutes, is amended to  
1889 read:

1890 601.43 Immature and unfit citrus fruit; individual  
1891 sampling.—Any oranges, grapefruit, ~~and~~ tangerines, ~~not~~  
1892 ~~conforming to the minimum maturity requirements set forth in~~  
1893 ~~this chapter~~ and ~~any~~ citrus hybrids not conforming to the  
1894 minimum maturity requirements set forth in department rules are  
1895 ~~of Citrus regulations shall be~~ deemed and held to be immature  
1896 and unfit for human consumption. In the testing of fruit to  
1897 determine whether the same conforms to such requirements, any  
1898 inspector has ~~shall have~~ the right and authority to test the  
1899 individual fruit in any given sample of fruit drawn in the  
1900 number and by the manner as prescribed by ~~regulations of the~~  
1901 department rules of Citrus. If, upon ~~the~~ testing ~~of~~ the juice of  
1902 ~~said~~ individual fruit in any sample, more than 10 percent of  
1903 such ~~said~~ individual fruit ~~shall~~ fail by more than one-half  
1904 percentage point to meet the minimum ratio of total soluble  
1905 solids to anhydrous citric acid that ~~which~~ is required for such  
1906 fruit, ~~then~~ all of the fruit in the lot from which the ~~said~~  
1907 sample was drawn is ~~shall be~~ deemed and shall be held to be  
1908 immature and unfit for human consumption.

1909 Section 33. Section 601.44, Florida Statutes, is amended to  
1910 read:

1911 601.44 Destruction of immature fruit.—All citrus fruit or  
1912 processed citrus products prepared for sale or transportation,  
1913 that are ~~which is~~ being prepared for such purpose, or that have  
1914 ~~which has~~ been or are ~~is~~ being delivered for sale or

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

1939 Section 34. Section 601.45, Florida Statutes, is amended to  
1940 read:

1941 601.45 Grading of fresh citrus fruit.—

1942 (1) All citrus fruit, except as provided in s. 601.50, sold  
1943 or shipped, or offered for sale or shipment, for consumption in

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1944 fresh form shall be graded in a registered packinghouse in this  
1945 state according to standards established by the department ~~of~~  
1946 ~~Citrus~~, and the grade of such fruit shall be indicated as  
1947 ~~hereinafter~~ provided in this section.

1948 (2) Fresh citrus fruit being transported in bulk form shall  
1949 have stamped upon such fruit, subject to department rules:

1950 (a) The actual grade thereof; or

1951 (b) Brands or trademarks properly registered with the  
1952 department to represent state or U.S. grades, as provided in  
1953 subsection (4).

1954 (3) For fresh citrus fruit being transported when packed in  
1955 a closed container approved or otherwise authorized by the  
1956 department ~~of Citrus~~, it shall be sufficient if the closed  
1957 container has the grade indicated thereon, in accordance with  
1958 department rules, by:

1959 (a) Stamping the grade of the fruit on the container; or

1960 (b) Use of labels, brands, or trademarks properly  
1961 registered with the department to represent state or U.S.  
1962 grades, as provided in subsection (4).

1963 (4) In accordance with such rules as the department ~~of~~  
1964 ~~Citrus~~ may prescribe, licensed citrus fruit dealers in this  
1965 state are ~~shall be~~ entitled to register labels, brands, or  
1966 trademarks for grade identification purposes. The department  
1967 shall maintain a record of all labels, brands, or trademarks  
1968 registered for grade identification purposes, which record may  
1969 be purged as necessary.

1970 Section 35. Subsection (1) of section 601.46, Florida  
1971 Statutes, is amended to read:

1972 601.46 Condition precedent to sale of citrus fruit.—

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1973 (1) It is unlawful, except as provided in s. 601.50, for  
 1974 any person to sell or offer for sale, ~~to~~ transport, prepare,  
 1975 receive, or deliver for transportation or market any citrus  
 1976 fruit in fresh form unless such fruit has matured in accordance  
 1977 with the maturity standards and is accompanied by a certificate  
 1978 of inspection and maturity thereof issued by a duly authorized  
 1979 citrus fruit inspector of the Department of Agriculture ~~and~~  
 1980 ~~Consumer Services~~. However, the Department of Citrus may adopt  
 1981 rules providing ~~by regulation provide~~ that, in lieu of the  
 1982 accompaniment of such shipment by a certificate of inspection  
 1983 and maturity, the fact of such inspection may be shown by  
 1984 appropriate means on the manifest or bill of lading covering  
 1985 such shipment.

1986 Section 36. Section 601.49, Florida Statutes, is amended to  
 1987 read:

1988 601.49 Condition precedent to selling processed citrus  
 1989 products. ~~A~~ It is unlawful for any person, except as provided in  
 1990 s. 601.50, may not ~~to~~ sell or offer for sale, ~~to~~ transport,  
 1991 receive, or deliver for transportation, or market any canned or  
 1992 concentrated products of citrus fruits unless such products have  
 1993 ~~the same has~~ been inspected and are ~~is~~ accompanied by a  
 1994 certificate of inspection issued by a duly authorized inspector  
 1995 of the Department of Agriculture. ~~, provided, However, that the~~  
 1996 ~~Department of Citrus shall by regulation provide that in lieu of~~  
 1997 ~~the accompaniment of such shipment by a certificate of~~  
 1998 inspection, proof the fact of such inspection may be shown,  
 1999 pursuant to rules adopted by the Department of Citrus, by  
 2000 appropriate means on the manifest or bill of lading covering  
 2001 such shipment.



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2002 Section 37. Section 601.50, Florida Statutes, is amended to  
2003 read:

2004 601.50 Exemptions; sale or shipment of citrus or citrus  
2005 products for certain purposes.—

2006 (1) Notwithstanding ~~Irrespective of the provisions of ss.~~  
2007 601.45, 601.46, 601.48, 601.49, 601.51, and 601.52, the  
2008 department may adopt ~~of Citrus under~~ such precautionary rules  
2009 that and regulations as it deems ~~may deem~~ expedient to ~~may~~  
2010 permit the sale or shipment of citrus fruit or the canned or  
2011 concentrated products thereof without the issuance of and filing  
2012 of an inspection certificate and without the grade being shown  
2013 on the container thereof, of:

2014 (a) ~~(1)~~ Intrastate shipments of fresh citrus fruit for  
2015 consumption or use within the state. †

2016 (b) ~~(2)~~ Shipments to be used for charitable or unemployment  
2017 relief purposes. †

2018 (c) ~~(3)~~ Shipments to the United States Government or any of  
2019 its agencies and interstate shipments to any packinghouse,  
2020 canning plant, or concentrate plant for commercial processing,  
2021 as may be defined by the department, of Citrus; ~~or to fresh~~  
2022 fruit juice distributors outside the state. †

2023 (d) ~~(4)~~ Shipments by any method of transportation by "gift  
2024 fruit shippers," as defined by the department ~~of Citrus~~, but  
2025 such shipments shall not be for the purpose of resale by the  
2026 consignee thereof. † ~~but, provided~~

2027 (2) However that, any ~~no~~ such rule adopted under this  
2028 section may not ~~or regulation issued hereunder shall~~ permit or  
2029 allow the sale or shipment of citrus fruit deemed by this  
2030 section to be immature and unfit for human consumption or ~~nor~~ of

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2031 canned or concentrated products thereof prepared or made from  
2032 citrus fruit deemed by this law to be immature and unfit for  
2033 human consumption. In addition; ~~but, provided further, that~~  
2034 shipments under paragraphs (1) (a) and (d) must ~~subsections (1)~~  
2035 ~~and (4) shall~~ meet such minimum grade standards as may  
2036 periodically, ~~from time to time,~~ be established by the  
2037 department, ~~of Citrus;~~ and, ~~provided further that~~ such rules  
2038 must ~~and regulations shall~~ provide for the due collection of any  
2039 advertising assessments ~~taxes~~ and inspection fees that may be  
2040 due thereon.

2041 Section 38. Section 601.501, Florida Statutes, is amended  
2042 to read:

2043 601.501 Charitable shipments exempt from assessments ~~tax-~~  
2044 ~~exempt.~~ Shipments of citrus fruit when permitted under s. 601.50  
2045 for charitable purposes are ~~shall be~~ exempt from all advertising  
2046 assessments ~~taxes~~.

2047 Section 39. Section 601.51, Florida Statutes, is amended to  
2048 read:

2049 601.51 Certification required for shipment of citrus fruit  
2050 or products.-

2051 (1) A person, including a ~~No~~ common carrier or other  
2052 carrier, may not: ~~or person,~~

2053 (a) Except as provided in s. 601.50, ~~shall~~ accept for  
2054 shipment, ship, or transport any citrus fruit or the canned or  
2055 concentrated products thereof until a grade certificate is  
2056 issued showing the grade thereof, which certificate or a  
2057 duplicate thereof must ~~shall~~ be filed with the carrier at the  
2058 point of shipment, ~~nor shall any common carrier or other~~  
2059 ~~carrier or person~~

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2060        (b) Accept for shipment or ship any citrus fruit or the  
2061        canned or concentrated products thereof where written notice has  
2062        been given to such person, common carrier, or other carrier ~~or~~  
2063        ~~person~~, or her or his representative or agent, by the Department  
2064        of Agriculture or its authorized agent, employee, or inspector  
2065        that such ~~said~~ citrus fruit or the canned or concentrated  
2066        products thereof do ~~does~~ not comply with the provisions of law  
2067        or ~~the~~ rules adopted ~~and regulations promulgated~~ by the  
2068        Department of Citrus or the Department of Agriculture.†

2069        (2) (a) ~~A provided that the~~ shipper or handler of such  
2070        citrus fruit or the canned or concentrated products thereof has  
2071        ~~shall have~~ the privilege of repacking or remarking, and ~~that~~, if  
2072        or when such citrus fruit or the canned or concentrated products  
2073        thereof are the same ~~shall have been~~ repacked or remarked to  
2074        conform to the provisions of law or ~~said~~ rules, ~~regulations~~, or  
2075        orders of ~~promulgated by~~ the Department of Citrus or the  
2076        Department of Agriculture, the Department of Agriculture or its  
2077        authorized inspector or agent shall notify such person, ~~said~~  
2078        common carrier, or other carrier ~~or person~~, or her or his agent,  
2079        that such citrus fruit or the canned or concentrated products  
2080        thereof may be accepted for shipment, and such shipper or  
2081        handler is ~~shall~~ not be considered as having violated this  
2082        chapter or such ~~said~~ rules, ~~regulations~~, or orders.† ~~but~~  
2083        ~~provided further that this section shall be deemed to have been~~  
2084        ~~complied with~~

2085        (b) If a ~~the~~ shipper conforms ~~shall have conformed~~ to the  
2086        rules adopted ~~regulations issued~~ by the Department of Citrus  
2087        under ~~the provisions of~~ s. 601.49, the shipper is deemed to have  
2088        complied with this section.

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2089 Section 40. Section 601.52, Florida Statutes, is amended to  
2090 read:

2091 601.52 Carriers not to accept fruit without ~~unless same~~  
2092 ~~bears~~ evidence of payment of assessments and fees ~~excise taxes.~~-  
2093 A ~~No~~ common carrier or other carrier or person, except as  
2094 provided in s. 601.50, may not ~~shall~~ accept for shipment, ship,  
2095 or transport any citrus fruit or processed citrus products  
2096 unless the grade certificate, manifest, or bill of lading  
2097 covering such ~~said~~ citrus fruit or processed citrus products  
2098 bears evidence of the payment, as provided by law, of the ~~taxes,~~  
2099 ~~assessments,~~ and fees imposed by this chapter.

2100 Section 41. Subsection (1) of section 601.54, Florida  
2101 Statutes, is amended to read:

2102 601.54 Seizure of unwholesome fruit by Department of  
2103 Agriculture's agents.-

2104 (1) The Department of Agriculture or its duly authorized  
2105 inspectors shall seize and destroy all citrus fruit found by the  
2106 ~~said~~ Department of Agriculture or inspectors to be unwholesome  
2107 or decomposed so that it is unfit for canning or concentrating  
2108 purposes as defined by law or by any rule adopted by regulation  
2109 ~~of~~ the Department of Citrus under ~~pursuant to authority given in~~  
2110 this chapter, ~~and,~~ in the event any inspector finds ~~shall find~~  
2111 that any canner or concentrator is canning or concentrating  
2112 fruit prohibited to be used, she or he may seize and destroy not  
2113 only such fresh fruit found in the canning or concentrating  
2114 plant but also citrus fruit or juice in the process of being  
2115 canned or concentrated or that ~~which~~ has been canned or  
2116 concentrated from the same lot or shipment wherein the fresh  
2117 fruit is found by such ~~said~~ inspector to be subject to seizure

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2118 under ~~the provisions of~~ this section.

2119 Section 42. Subsection (3) of section 601.55, Florida  
2120 Statutes, is amended to read:

2121 601.55 Citrus fruit dealer; license required.—

2122 (3) An applicant is ~~shall be~~ limited to the filing of one  
2123 application for each citrus shipping season, which application  
2124 may be amended if necessary to comply with the requirements of  
2125 this chapter and ~~regulations of the department~~ rules of Citrus.

2126 Section 43. Section 601.56, Florida Statutes, is amended to  
2127 read:

2128 601.56 Application for dealers' licenses; requirements.—Any  
2129 person desiring to engage in the business of a citrus fruit  
2130 dealer in the state must apply ~~shall make application~~ to the  
2131 department ~~of Citrus~~ for a license. The department ~~of Citrus~~  
2132 shall adopt rules prescribing ~~by regulation prescribe~~ the  
2133 information to be contained in such application.

2134 (1) All such applications, in addition to other information  
2135 that ~~which~~ may be prescribed by the department ~~of Citrus~~, must  
2136 contain the following information:

2137 (a) Name and address of the individual, firm, partnership,  
2138 association, corporation, or other business unit applying for a  
2139 license.†

2140 (b) Names and addresses of the principal stockholders,  
2141 officers, partners, or other individuals belonging to or  
2142 connected with the applicant if the applicant for a license is a  
2143 firm, partnership, association, corporation, or other business  
2144 unit, whether it be for profit or otherwise.†

2145 (c) The length of time the applicant has been engaged in  
2146 the citrus fruit business in the state ~~Florida~~ in any manner

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2147 whatsoever.†

2148 (d) A statement of delinquent accounts, if any, growing out  
2149 of the ordinary course of business with producers, ~~if any there~~  
2150 ~~be,~~

2151 (e) A financial statement of the applicant, if required by  
2152 the department ~~of Citrus~~, showing such information as the  
2153 department ~~of Citrus~~ may prescribe regarding the financial  
2154 conditions of the applicant.†

2155 (f) Whether or not the applicant or any of its officers,  
2156 directors, or stockholders have previously been licensed as a  
2157 citrus fruit dealer~~,~~ or connected with a licensed citrus fruit  
2158 dealer in the state and, if so, the date all such licenses were  
2159 obtained.~~†~~~~and~~

2160 (g) The number of boxes of citrus fruit, measured in terms  
2161 of standard-packed boxes, that ~~which~~ the applicant intends to  
2162 deal with during the current or ensuing shipping season.

2163 (2) If the applicant is an individual and is shown to be a  
2164 nonresident of the state~~,~~ or is a copartnership and each member  
2165 is shown to be a nonresident of the state, ~~in either event,~~ the  
2166 ~~said~~ applicant shall designate some bona fide resident of the  
2167 state as such applicant's resident agent upon whom process may  
2168 be served. The service of process of any of the courts of this  
2169 state upon such resident agent shall be as effectual and binding  
2170 upon such ~~said~~ applicant as if personally served upon such ~~said~~  
2171 applicant.

2172 (3) If the applicant is a corporation, ~~then~~ such  
2173 corporation must be one organized and existing under the laws of  
2174 this state or having an unrevoked permit authorizing it to  
2175 transact business in this state.

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2176 (4) When a license application is submitted for a person or  
2177 business entity that ~~which~~ has an unpaid balance due and owing  
2178 the department ~~of Citrus~~ for any citrus assessments ~~excise taxes~~  
2179 or delinquency fees levied and imposed under the authority of  
2180 this chapter, the applicant shall be notified immediately by the  
2181 department, ~~+~~ and such application may ~~shall~~ not be further  
2182 processed or presented to the commission for action until such  
2183 assessments ~~taxes~~ and fees are paid in full. However, any  
2184 applicant whose assessments ~~taxes~~ are under review by the  
2185 department ~~of Citrus~~ or are contested in the appropriate  
2186 administrative agency or court shall not have its application  
2187 denied solely on the basis of owed assessments ~~taxes~~ or fees,  
2188 until the matter is determined by the department, agency, or  
2189 court.

2190 Section 44. Subsections (1), (6), and (7) of section  
2191 601.57, Florida Statutes, are amended to read:

2192 601.57 Examination of application; approval of dealers'  
2193 licenses.—

2194 (1) The department ~~of Citrus~~ shall, within a reasonable  
2195 time, examine the application and consider the information  
2196 submitted therewith, including the applicant's financial  
2197 statement and the reputation of the applicant as shown by  
2198 applicant's past and current history and activities, including  
2199 applicant's method and manner of doing business. The department  
2200 ~~of Citrus~~ shall also consider the past history of any applicant,  
2201 either individually or in connection with any individual,  
2202 copartnership, corporation, association, or other business unit  
2203 with whom any applicant has ~~shall have~~ been connected in any  
2204 capacity, and may in proper cases impute to any individual,

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2205 corporation, copartnership, association, or other business unit  
2206 liability for any wrong or unlawful act previously done or  
2207 performed by such individual, corporation, copartnership,  
2208 association, or other business unit.

2209 (6) The department ~~of Citrus~~ shall designate not more than  
2210 three employees directly involved in the processing of citrus  
2211 fruit dealer license applications, who shall be a part of, and  
2212 shall have access to, the criminal justice information system  
2213 described in chapter 943, for purposes of investigating license  
2214 applicants.

2215 (7) The department may adopt rules establishing ~~of Citrus~~  
2216 ~~is authorized to establish by rule~~ the procedure and guidelines  
2217 for granting interim conditional staff approval for issuance of  
2218 a conditional citrus fruit dealer's license, which license shall  
2219 at all times be subject to final approval or other action by the  
2220 commission at its next regular meeting. Any license so issued  
2221 shall clearly and conspicuously indicate thereon the conditional  
2222 nature of the approval and pendency of final action.

2223 Section 45. Subsection (1) of section 601.58, Florida  
2224 Statutes, is amended to read:

2225 601.58 Application approval or disapproval.—

2226 (1) Each citrus fruit dealer's license application that  
2227 ~~which~~ is approved, or approved subject to conditions, shall be  
2228 forwarded immediately to the Department of Agriculture ~~and~~  
2229 ~~Consumer Services~~, which shall, upon satisfaction of the stated  
2230 conditions, if any are endorsed thereon, issue to the applicant  
2231 an appropriate license as prescribed in s. 601.60.

2232 Section 46. Section 601.60, Florida Statutes, is amended to  
2233 read:



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2234 601.60 Issuance of dealers' licenses.—

2235 (1) Whenever an application bears the approved endorsement  
2236 of the Department of Citrus and satisfactions of conditions of  
2237 approval, if any, and the applicant has paid the prescribed fee,  
2238 the Department of Agriculture ~~and Consumer Services~~ shall issue  
2239 to such applicant a license, as approved by the Department of  
2240 Citrus, which shall entitle the licensee to do business as a  
2241 citrus fruit dealer during the effective term of such license in  
2242 accordance with s. 601.55 or, if applicable, until such license  
2243 is ~~may be~~ suspended or revoked by the Department of Agriculture  
2244 ~~and Consumer Services~~ in accordance with ~~the provisions of~~ law.  
2245 The Department of Agriculture ~~and Consumer Services~~ may issue a  
2246 provisional license for a period of no longer than 1 year to an  
2247 applicant who is under investigation for an action that would  
2248 constitute a violation of this chapter or has pending against  
2249 such applicant an administrative or civil proceeding that ~~which~~  
2250 alleges an action that would constitute a violation of this  
2251 chapter. The department shall establish by rule requirements for  
2252 renewal of a provisional license. When the investigation is  
2253 complete or the pending proceeding has been disposed of, the  
2254 Department of Agriculture may issue a regular license under this  
2255 section.

2256 (2) If, during the effective term of such license, there is  
2257 any change in the ownership, officers, managership, or  
2258 stockholders of any copartnership, association, corporation, or  
2259 other business unit to which a license has been issued, the  
2260 licensee shall immediately notify the Department of Citrus in  
2261 writing specifying the change in detail. The Department of  
2262 Citrus may ~~shall be entitled to~~ receive, and the licensee must

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

2274 Section 47. Section 601.601, Florida Statutes, is amended  
2275 to read:

2276 601.601 Registration of dealers' agents. ~~Each~~ Every  
2277 licensed citrus fruit dealer shall:

2278 (1) Register with the Department of Agriculture each ~~and~~  
2279 ~~every~~ agent, ~~as defined in s. 601.03(2)~~, who is authorized to  
2280 represent such dealer; apply ~~make application~~ for registration  
2281 of such agent or agents on a form approved by the Department of  
2282 Agriculture and filed with the Department of Agriculture at  
2283 least ~~not less than~~ 5 days before ~~prior to~~ the active  
2284 participation of the agent or agents on behalf of such dealer in  
2285 any transaction described in s. 601.03(2); and be held fully  
2286 liable for and legally bound by all contracts and agreements,  
2287 verbal or written, involving the consignment, purchase, or sale  
2288 of citrus fruit executed by a duly registered agent on the  
2289 dealer's behalf during the entire period of valid registration  
2290 of such agent the same as though such contracts or agreements  
2291 were executed by the dealer. Registration of each agent shall be

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

2306 (2) When the ~~above~~ requirements of subsection (1) and such  
 2307 additional requirements ~~as may be~~ set forth by rules ~~regulations~~  
 2308 adopted by the Department of Citrus for registration of an agent  
 2309 are ~~have been~~ met and the fee required by s. 601.59(2) is ~~has~~  
 2310 ~~been~~ paid, the Department of Agriculture shall duly register the  
 2311 agent and issue an identification card certifying such  
 2312 registration. The identification card, among other things, shall  
 2313 show in a prominent manner:

2314 (a) The name and address of the agent.†

2315 (b) The authorizing dealer's name, address, and license  
 2316 number.†

2317 (c) The effective date and season for which registration is  
 2318 made.†

2319 (d)1. A space for signature of the agent.†

2320 2. A space to be countersigned by the licensed dealer.†

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2321 3. A statement providing that the card is not valid unless  
2322 so signed and countersigned.

2323  
2324 The department ~~of Citrus~~ may periodically, ~~from time to time~~,  
2325 adopt, as necessary, additional requirements or conditions  
2326 relating to the registration of agents ~~as may be necessary~~.

2327 Section 48. Section 601.61, Florida Statutes, is amended to  
2328 read:

2329 601.61 Bond requirements of citrus fruit dealers.—

2330 (1) (a) Except as ~~hereinafter~~ provided in this section,  
2331 before ~~prior to~~ the approval of a citrus fruit dealer's license,  
2332 the applicant ~~therefor~~ must deliver to the Department of  
2333 Agriculture ~~and Consumer Services~~ a good and sufficient cash  
2334 bond, an appropriate certificate of deposit, or a surety bond  
2335 executed by the applicant as principal and by a surety company  
2336 qualified to do business in this state as surety, in an amount  
2337 ~~as~~ determined by the Department of Citrus pursuant to rules  
2338 adopted by the department. The rules shall allow the department  
2339 to consider any of following factors for determining the amount  
2340 of such bonds or certificates of deposit ~~amount of such bond or~~  
2341 ~~certificate of deposit shall be determined by taking into~~  
2342 ~~consideration any one or more of the following:~~ the number of  
2343 standard packed boxes of citrus fruit, or the equivalent  
2344 thereof, that ~~which~~ the applicant intends to handle during the  
2345 term of the license as set forth in the application; the total  
2346 volume of fruit handled by the dealer the previous season; the  
2347 highest month's volume handled the previous season; the  
2348 anticipated increase in the total citrus crop during the season  
2349 for which the application for license is made; or ~~and~~ other

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2350 relevant factors ~~based on the following schedule:~~

2351 ~~(a) \$1,000 up to 2,000 boxes;~~

2352 ~~(b) \$2,000 up to 5,000 boxes;~~

2353 ~~(c) \$3,750 up to 7,500 boxes;~~

2354 ~~(d) \$5,000 up to 10,000 boxes;~~

2355 ~~(e) \$10,000 up to 20,000 boxes;~~

2356 ~~(f) \$1,000 for each additional 20,000 boxes or fraction~~

2357 ~~thereof in excess of 20,000 boxes, with a maximum bond of~~

2358 ~~\$100,000.~~

2359 (b) If a citrus fruit dealer during the term of her or his  
2360 license finds that she or he has handled, or can reasonably  
2361 expect to handle, a volume of fruit greater than that covered by  
2362 a posted bond or certificate of deposit, the dealer ~~has~~ shall  
2363 ~~have~~ the affirmative duty to ~~of~~ immediately notify ~~notifying~~ the  
2364 Department of Agriculture ~~and Consumer Services~~ and initiate a  
2365 review by the Department of Citrus to determine any ~~initiating~~  
2366 ~~an~~ increase required in the amount of such bond or certificate  
2367 of deposit to comply with the department's rules for determining  
2368 the amount of such bonds or certificates of deposit ~~that will~~  
2369 ~~meet the requirements set forth above.~~

2370 (2) Such ~~Said~~ bond shall be in the form approved by the  
2371 Department of Agriculture ~~and Consumer Services~~ and shall be  
2372 conditioned as provided in s. 601.66(9); ~~and also~~ to fully  
2373 comply with the terms and conditions of all contracts, verbal or  
2374 written, made by the citrus fruit dealer with producers or with  
2375 other citrus fruit dealers, ~~relative to the purchasing,~~  
2376 handling, sale, and accounting of purchases and sales of citrus  
2377 fruit; ~~and~~ upon the dealer's ~~dealer~~ accounting for the proceeds  
2378 from, and paying for, any citrus fruit purchased or contracted

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2379 for~~7~~ in accordance with the terms of the contracts with  
2380 producers;~~i7~~ and upon the dealer's ~~dealer~~ accounting for any  
2381 advance payments or deposits made, and delivering all citrus  
2382 fruit contracted for, in accordance with the terms of the  
2383 contracts with other citrus fruit dealers. The commission may  
2384 prescribe by rule that such a producer contract contain  
2385 information that it considers necessary to protect the producer  
2386 from deceptive practices. For purposes of this chapter, every  
2387 such contract shall be conclusively deemed to have been made and  
2388 entered into during the shipping season in which the delivery of  
2389 fruit into the primary channel of trade is made.

2390 (3) Such ~~Said~~ bond shall be to the Department of  
2391 Agriculture~~7~~ for the use and benefit of every producer and of  
2392 every citrus fruit dealer with whom the dealer deals in the  
2393 purchase, handling, sale, and accounting of purchases and sales  
2394 of citrus fruit. The aggregate accumulative liability under any  
2395 bond may ~~shall~~ not exceed the amount of the bond ~~named therein~~.  
2396 Such ~~Said~~ bond shall provide that the surety company executing  
2397 the bond is ~~thereon shall~~ not be liable to any citrus fruit  
2398 dealer claiming to be injured or damaged by such ~~the said~~ dealer  
2399 if the aggregate of the amounts found to be due to producers  
2400 pursuant to ~~the provisions of~~ this chapter equals or exceeds the  
2401 amount of the bond, unless such citrus fruit dealer is also a  
2402 producer and is acting in the capacity of a producer and not in  
2403 the capacity of a citrus fruit dealer in the transaction wherein  
2404 she or he claims to have been injured or damaged by applicant;  
2405 however, but if the aggregate of such amounts is less than the  
2406 amount of the bond, ~~then~~ the surety may be held liable to such  
2407 citrus fruit dealers, but not in excess of the sum by which the

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2408 amount of the bond exceeds the aggregate of the amounts found to  
2409 be due to producers pursuant to ~~the provisions of~~ this chapter.

2410 (4) The Department of Citrus or the Department of  
2411 Agriculture, or any officer or employee designated by the  
2412 Department of Citrus or the Department of Agriculture, is  
2413 authorized ~~shall have the right to~~ inspect such accounts and  
2414 records of any citrus fruit dealer as may be deemed necessary to  
2415 determine whether a bond that ~~which~~ has been delivered to the  
2416 Department of Agriculture is in the amount required by this  
2417 section or whether a previously licensed nonbonded dealer should  
2418 be required to furnish bond. If any such citrus fruit dealer  
2419 refuses to permit such inspection, the Department of Agriculture  
2420 may publish the facts and circumstances and by order suspend the  
2421 license of the offender until permission to make such inspection  
2422 is given. Upon a finding by the Department of Agriculture that  
2423 any citrus fruit dealer has dealt or probably will deal with  
2424 more fruit during the season than shown by the application, the  
2425 Department of Agriculture may order such bond increased to such  
2426 an amount as will meet the requirements ~~as~~ set forth in the  
2427 rules adopted by the Department of Citrus for determining the  
2428 amount ~~bond schedule of such bonds subsection (1).~~ Upon failure  
2429 to file such increased bond within the time fixed by the  
2430 Department of Agriculture, the Department of Agriculture may  
2431 publish the facts and circumstances and by order suspend the  
2432 license of such citrus fruit dealer until such ~~the said~~ bond is  
2433 increased as ordered.

2434 (5) (a) The following citrus fruit, subject to such rules as  
2435 may be prescribed by the Department of Citrus, is ~~shall not be~~  
2436 considered ~~as~~ fruit with which the applicant intends to deal for

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2437 the purpose of determining the amount of the bond required under  
2438 subsection (1) ~~;~~

2439 1. Citrus fruit that ~~which~~ the applicant produces.

2440 2. Citrus fruit that ~~which~~ is handled for its members by a  
2441 cooperative marketing association organized and existing under  
2442 ~~the provisions of either~~ chapter 618 or chapter 619.

2443 3. Fresh citrus fruit handled by the applicant that, ~~which~~  
2444 has been prepared and packaged by a registered packinghouse  
2445 other than the applicant and has been inspected and certified  
2446 for shipment.

2447 4. Citrus fruit handled by the applicant from citrus groves  
2448 for which the applicant provides complete grove management  
2449 services under direct contract with the owner or producer.

2450 5. Citrus fruit handled by a corporate or partnership  
2451 applicant that is from citrus groves owned by officers or  
2452 stockholders of the corporation or from citrus groves owned by  
2453 the partnership, the parent corporation, or a wholly owned  
2454 subsidiary corporation or its corporate officers or  
2455 stockholders, or any partner of a partnership, if; ~~provided that~~  
2456 appropriate waivers of right to any claim against the bond  
2457 required to be posted by this section are ~~be~~ attached to and  
2458 made a part of the license application ~~for license~~.

2459 6. Processed citrus fruit handled by the applicant that  
2460 ~~which~~ has been processed and packaged by a registered citrus  
2461 processing plant other than the applicant and has been inspected  
2462 and certified for shipment.

2463 (b) If the applicant does not intend to deal with any  
2464 citrus fruit other than that described in paragraph (a) ~~which~~  
2465 ~~comes within the foregoing classifications~~, the Department of



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2466 Agriculture ~~and Consumer Services~~ shall issue a license without  
2467 the posting of a bond. Such a license shall bear a descriptive  
2468 statement to the effect that the licensee is not a bonded citrus  
2469 fruit dealer.

2470 (c) A claim against any citrus fruit dealer's bond required  
2471 to be posted by this section shall not be accepted with respect  
2472 to any damages in connection with fruit handled under ~~the~~  
2473 ~~provisions of~~ subparagraphs (a)1.-6. ~~of paragraph (a)~~ if such  
2474 claim is filed against the bond of the dealer who was granted  
2475 bond exempt status for such ~~said~~ fruit.

2476 ~~(6) If any of the provisions of this act shall be held to~~  
2477 ~~be unconstitutional or invalid for any reason by any court of~~  
2478 ~~competent jurisdiction or if such court shall find or declare~~  
2479 ~~that no applicant shall be required to furnish the bond required~~  
2480 ~~by this act, then and in that event this entire act shall be~~  
2481 ~~ineffective for any and all purposes and the laws in effect on~~  
2482 ~~July 31, 1965, which are amended by this act, shall not be~~  
2483 ~~deemed to be amended or repealed by this act but shall instead~~  
2484 ~~remain in full force and effect it being the intention of the~~  
2485 ~~Legislature that in such event this entire act shall be~~  
2486 ~~ineffective for any and all purposes and the laws in effect on~~  
2487 ~~July 31, 1965, which are amended or repealed by this act shall~~  
2488 ~~instead not be deemed to be amended or repealed by this act but~~  
2489 ~~shall remain in full force and effect.~~

2490 Section 49. Subsection (7) of section 601.64, Florida  
2491 Statutes, is amended to read:

2492 601.64 Citrus fruit dealers; unlawful acts.—It is unlawful  
2493 in, or in connection with, any transaction relative to the  
2494 purchase, handling, sale, and accounting of sales of citrus

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2495 fruit:

2496 (7) For any citrus fruit dealer to violate or aid or abet  
2497 in the violation of any rule adopted ~~or regulation duly~~  
2498 ~~promulgated~~ by the department ~~of Citrus~~.

2499 Section 50. Subsections (1), (6), (7), and (8) of section  
2500 601.66, Florida Statutes, are amended to read:

2501 601.66 Complaints of violations by citrus fruit dealers;  
2502 procedure; bond distribution; court action on bond.-

2503 (1) Any person may complain of any violation of ~~any of the~~  
2504 ~~provisions of~~ this chapter by any citrus fruit dealer during any  
2505 shipping season, ~~by~~ filing of a written complaint with the  
2506 Department of Agriculture ~~and Consumer Services~~ at any time  
2507 before ~~prior to~~ May 1 of the year immediately after ~~following~~  
2508 the end of such shipping season. Such ~~said~~ complaint shall  
2509 briefly state the facts, and the Department of Agriculture ~~and~~  
2510 ~~Consumer Services~~ shall thereupon, if the facts alleged prima  
2511 facie warrant such action, forward true copies of such ~~said~~  
2512 complaint to the dealer in question and also to the surety  
2513 company on the dealer's bond. The dealer at such time shall be  
2514 called upon, within a reasonable time to be prescribed by the  
2515 Department of Agriculture ~~and Consumer Services~~, either to  
2516 satisfy the complaint or to answer the complaint in writing,  
2517 either admitting or denying the liability.

2518 (6) Upon failure by a dealer to comply with an order of the  
2519 Department of Agriculture ~~and Consumer Services~~ directing  
2520 payment, the Department of Agriculture ~~and Consumer Services~~  
2521 shall call upon the surety company to pay over to the Department  
2522 of Agriculture ~~and Consumer Services~~, out of the bond  
2523 theretofore posted by the surety for such dealer, the amount of

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

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

2563 (7) Upon failure of a surety company to comply with a  
2564 demand for payment of the proceeds of a citrus fruit dealer's  
2565 bond pursuant to administrative orders entered by the Department  
2566 of Agriculture fixing amounts due claimants, the Department of  
2567 Agriculture shall within a reasonable time file in the Circuit  
2568 Court in and for Polk County~~7~~ an original petition or complaint  
2569 setting forth the administrative proceedings before the  
2570 Department of Agriculture and ask for final order of the court  
2571 directing the surety company to pay the proceeds of the ~~said~~  
2572 bond to the Department of Agriculture for distribution to the  
2573 claimants.

2574 (8) In any court proceeding filed under subsection (7), the  
2575 findings of facts and orders of the Department of Agriculture  
2576 shall be prima facie evidence of the facts therein stated, and  
2577 if in such suit the Department of Agriculture is successful and  
2578 the court affirms the Department of Agriculture's ~~department's~~  
2579 demand for payment from the surety company, the Department of  
2580 Agriculture shall be allowed all court costs incurred therein  
2581 and also a reasonable attorney fees ~~attorney's fee~~ to be fixed

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2582 and collected as a part of the costs of the suit.

2583 Section 51. Section 601.67, Florida Statutes, is amended to  
2584 read:

2585 601.67 Disciplinary action by Department of Agriculture ~~and~~  
2586 ~~Consumer Services~~ against citrus fruit dealers.-

2587 (1) The Department of Agriculture ~~and Consumer Services~~ may  
2588 impose a fine not exceeding \$50,000 per violation against any  
2589 licensed citrus fruit dealer for violation of any provision of  
2590 this chapter and, in lieu of, or in addition to, such fine, may  
2591 revoke or suspend the license of any such dealer when it has  
2592 been satisfactorily shown that such dealer, in her or his  
2593 activities as a citrus fruit dealer, has:

2594 (a) Obtained a license by means of fraud,  
2595 misrepresentation, or concealment;

2596 (b) Violated or aided or abetted in the violation of any  
2597 law of this state governing or applicable to citrus fruit  
2598 dealers or any lawful rules of the Department of Citrus;

2599 (c) Been guilty of a crime against the laws of this or any  
2600 other state or government involving moral turpitude or dishonest  
2601 dealing~~7~~ or has become legally incompetent to contract or be  
2602 contracted with;

2603 (d) Made, printed, published, distributed, or caused,  
2604 authorized, or knowingly permitted the making, printing,  
2605 publication, or distribution of false statements, descriptions,  
2606 or promises of such a character as to reasonably induce any  
2607 person to act to her or his damage or injury, if such citrus  
2608 fruit dealer then knew, or~~7~~ by the exercise of reasonable care  
2609 and inquiry~~7~~ could have known~~7~~ of the falsity of such  
2610 statements, descriptions, or promises;

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2611 (e) Knowingly committed or been a party to any material  
2612 fraud, misrepresentation, concealment, conspiracy, collusion,  
2613 trick, scheme, or device whereby any other person lawfully  
2614 relying upon the word, representation, or conduct of the citrus  
2615 fruit dealer has acted to her or his injury or damage;

2616 (f) Committed any act or conduct of the same or different  
2617 character of that hereinabove enumerated which constitutes  
2618 fraudulent or dishonest dealing; or

2619 (g) Violated any of the provisions of ss. 506.19-506.28,  
2620 both sections inclusive.

2621 (2) The Department of Agriculture may impose a fine not  
2622 exceeding \$100,000 per violation against any person who operates  
2623 as a citrus fruit dealer without a current citrus fruit dealer  
2624 license issued by the Department of Agriculture pursuant to s.  
2625 601.60. In addition, the Department of Agriculture may order  
2626 such person to cease and desist operating as a citrus fruit  
2627 dealer without a license. An administrative order entered by the  
2628 Department of Agriculture under this subsection may be enforced  
2629 pursuant to s. 601.73.

2630 (3) The Department of Agriculture shall impose a fine of  
2631 not less than \$10,000 nor more than \$100,000 per violation  
2632 against any licensed citrus fruit dealer and shall suspend, for  
2633 60 days during the first available period between September 1  
2634 and May 31, the license of any citrus fruit dealer who:

2635 (a) Falsely labels or otherwise misrepresents that a fresh  
2636 citrus fruit was grown in a specific production area specified  
2637 in s. 601.091; or

2638 (b) Knowingly, falsely labels or otherwise misrepresents  
2639 that a processed citrus fruit product was prepared solely with

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2640 citrus fruit grown in a specific production area specified in s.  
2641 601.091.

2642 (4) Any fine imposed pursuant to subsection (1), subsection  
2643 (2), or subsection (3), when paid, shall be deposited by the  
2644 Department of Agriculture ~~and Consumer Services~~ into its General  
2645 Inspection Trust Fund.

2646 (5) Whenever any administrative order has been made and  
2647 entered by the Department of Agriculture that ~~and Consumer~~  
2648 ~~Services which~~ imposes a fine pursuant to this section, such  
2649 order shall specify a time limit for payment of the fine, not  
2650 exceeding 15 days. The failure of the dealer involved to pay the  
2651 fine within that time shall result in the immediate suspension  
2652 of such citrus fruit dealer's current license, or any  
2653 subsequently issued license, until such time as the order has  
2654 been fully satisfied. Any order suspending a citrus fruit  
2655 dealer's license shall include a provision that such suspension  
2656 shall be for a specified period of time not to exceed 60 days,  
2657 and such period of suspension may commence at any designated  
2658 date within the current license period or subsequent license  
2659 period. Whenever an order has been entered that ~~which~~ suspends a  
2660 citrus fruit dealer's license for a definite period of time and  
2661 that license, by law, expires during the period of suspension,  
2662 the suspension order shall continue automatically and shall be  
2663 effective against any subsequent citrus fruit dealer's license  
2664 issued to such dealer until such time as the entire period of  
2665 suspension has elapsed. Whenever any such administrative order  
2666 of the Department of Agriculture ~~and Consumer Services~~ is sought  
2667 to be reviewed by the offending dealer involved in a court of  
2668 competent jurisdiction, if such court proceedings should finally

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

2679 Section 52. Subsection (9) of section 601.69, Florida  
2680 Statutes, is amended to read:

2681 601.69 Records to be kept by citrus fruit dealers.—Every  
2682 citrus fruit dealer shall make and keep a correct record showing  
2683 in detail the following with reference to the purchase,  
2684 handling, sale, and accounting of sale of citrus fruit handled  
2685 by her or him, namely:

2686 (9) Any other record or account required to be kept and  
2687 maintained by such dealer by rule adopted by ~~or regulation of~~  
2688 the department ~~of Citrus~~ duly promulgated.

2689 Section 53. Section 601.70, Florida Statutes, is amended to  
2690 read:

2691 601.70 Inspection of records by Department of Agriculture  
2692 ~~and Consumer Services~~.—The Department of Agriculture ~~and~~  
2693 ~~Consumer Services~~, or its duly authorized agents, ~~shall~~ have the  
2694 right to inspect all accounts, records, and memoranda of any  
2695 citrus fruit dealer required to be kept under ~~pursuant to the~~  
2696 ~~provisions of~~ this chapter. If any such citrus fruit dealer  
2697 refuses to permit such inspection, the Department of Agriculture



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2698 may publish the facts and circumstances and by order suspend the  
2699 license of the offender until permission to make such inspection  
2700 is given.

2701 Section 54. Subsection (1) of section 601.701, Florida  
2702 Statutes, is amended to read:

2703 601.701 Penalty for failure to keep records.—

2704 (1) It is ~~shall be~~ unlawful to fail to keep any records  
2705 required to be kept under ~~the provisions of~~ the Florida Citrus  
2706 Code ~~of 1949, or any amendments thereto,~~ or required to be kept  
2707 by any other law or by any rule adopted by ~~authorized regulation~~  
2708 ~~of~~ the Department of Agriculture or the Department of Citrus, or  
2709 to falsify or cause the falsification of any such records or to  
2710 keep false records.

2711 Section 55. Paragraph (a) of subsection (1) and subsection  
2712 (2) of section 601.731, Florida Statutes, are amended to read:

2713 601.731 Transporting citrus on highways; name and dealer  
2714 designation on vehicles; load identification; penalty.—

2715 (1) (a) It is unlawful to operate any truck, tractor,  
2716 trailer, or other motor vehicle hauling citrus fruit in bulk or  
2717 in unclosed containers for commercial purposes on the highways  
2718 of this state unless such truck, tractor, trailer, or other  
2719 motor vehicle is:

2720 1. Designated by a number assigned or permitted for use in  
2721 the way and manner and to the extent prescribed by ~~regulation of~~  
2722 ~~the department~~ rule ~~of Citrus~~.

2723 2. Identified by lettering plainly showing the name of the  
2724 person owning same, or the name of any lessee or other person  
2725 operating same. The lettering shall not be less than 3 inches in  
2726 height on both sides of the vehicle or on the front end and the

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2727 rear end of the vehicle, except that lettering on flatbed  
2728 semitrailers shall not be less than 1 1/2 inches in height on  
2729 the rear end of the trailer.

2730 (2) Any person driving any truck, tractor, trailer, or  
2731 other motor vehicle hauling citrus fruit in bulk or in unclosed  
2732 containers for commercial purposes on the highways of the state  
2733 must ~~shall~~ have on her or his person while ~~when~~ driving such  
2734 vehicle a certificate or other paper showing the approximate  
2735 amount of fruit being hauled; the name of the owner and the  
2736 grove or other origin of such fruit; the number painted or  
2737 affixed by decal, as well as the number of the motor vehicle  
2738 license tag, on the vehicle in which such fruit is being hauled;  
2739 and such other information and data as may be prescribed by  
2740 ~~regulation of the~~ department rule ~~of Citrus~~, and it is unlawful  
2741 to drive any such vehicle on the highways of this state without  
2742 having such certificate or other paper. The failure of any such  
2743 person to have such certificate or other paper on her or his  
2744 person while ~~when~~ driving such vehicle, ~~as aforesaid~~, is prima  
2745 facie evidence of intent to violate and of the violation of this  
2746 section act.

2747 Section 56. Section 601.74, Florida Statutes, is amended to  
2748 read:

2749 601.74 Adoption of rules; fees for licensing and analysis  
2750 of processing materials.—The Department of Agriculture ~~and~~  
2751 ~~Consumer Services~~ may adopt rules and set fees with respect to  
2752 the licensing and analysis of materials and composition used on  
2753 or in the packing of citrus fruits. Such rules may include fees  
2754 for permitting dyes and coloring matter. Fees shall be not less  
2755 than ~~the amount of~~ \$30 nor more than \$100 for each manufacturer

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2756 ~~applying making application~~ to the Department of Agriculture.  
2757 All such license fees collected under this section ~~hereunder~~  
2758 shall be paid monthly by the Department of Agriculture ~~and~~  
2759 ~~Consumer Services~~ into the State Treasury to the credit of the  
2760 General Inspection Trust Fund and shall be appropriated and made  
2761 available for defraying the expenses incurred in the  
2762 administration of this law.

2763 Section 57. Section 601.75, Florida Statutes, is amended to  
2764 read:

2765 601.75 Dyes and coloring matter for citrus fruit to be  
2766 certified prior to use.—The Department of Agriculture ~~and~~  
2767 ~~Consumer Services~~ may adopt rules with respect to the permitting  
2768 and certification of dyes and coloring matter for citrus fruit  
2769 prior to use on any citrus fruit.

2770 Section 58. Section 601.76, Florida Statutes, is amended to  
2771 read:

2772 601.76 Manufacturer to furnish formula and other  
2773 information.—The Department of Agriculture ~~and Consumer Services~~  
2774 may adopt rules with respect to requirements for information  
2775 that which must be furnished by manufacturers of coloring matter  
2776 for use on citrus fruit. Such information may include product  
2777 formulas. Any formula required to be filed with the Department  
2778 of Agriculture ~~and Consumer Services~~ shall be deemed a trade  
2779 secret as defined in s. 812.081, is confidential and exempt from  
2780 ~~the provisions of~~ s. 119.07(1), and shall only be divulged to  
2781 the Department of Agriculture ~~and Consumer Services~~ or to its  
2782 duly authorized representatives or upon orders of a court of  
2783 competent jurisdiction when necessary in the enforcement of this  
2784 law. A person who receives such a formula from the Department of

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2785 Agriculture under this section shall maintain the  
2786 confidentiality of the formula.

2787 Section 59. Section 601.77, Florida Statutes, is amended to  
2788 read:

2789 601.77 Subsequent analysis of coloring matter; inspection  
2790 of packinghouses for application.—The Department of Agriculture  
2791 ~~and Consumer Services~~ may, by rule, provide for subsequent  
2792 analysis of coloring matter, for inspection of packinghouses or  
2793 other places where coloring matter is applied to citrus fruit,  
2794 and for grounds for revocation of a license to use coloring  
2795 matter on fruit.

2796 Section 60. Section 601.78, Florida Statutes, is amended to  
2797 read:

2798 601.78 Manufacturer to post bond.—The Department of  
2799 Agriculture ~~and Consumer Services~~ may, by rule, require cash or  
2800 surety bonds to be posted by manufacturers of coloring matter  
2801 used on citrus fruit. The Department of Agriculture ~~and Consumer~~  
2802 ~~Services~~ shall adopt rules prescribing the amount and form of  
2803 such bonds and the grounds and procedures for forfeiture of  
2804 same. The amount of the bond may ~~shall~~ not exceed \$5,000.

2805 Section 61. Section 601.80, Florida Statutes, is amended to  
2806 read:

2807 601.80 Unlawful to use uncertified coloring matter.—It is  
2808 unlawful for any person to use on oranges or citrus hybrids any  
2809 coloring matter which has not first received the approval of the  
2810 Department of Agriculture ~~and Consumer Services~~ as provided by  
2811 rule adopted under ~~pursuant to~~ s. 601.76.

2812 Section 62. Section 601.85, Florida Statutes, is amended to  
2813 read:

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2814           601.85 Standard shipping box for fresh fruit.—The  
2815 specifications for the standard ~~legal~~ shipping box, when crate,  
2816 ~~or container to be used as a unit of trade or for reporting~~  
2817 purposes, in shipping fresh citrus fruits shall be as  
2818 established by the department, ~~of Citrus;~~ but ~~provided that~~ the  
2819 unit of a standard-packed box, commonly called 1 3/5 bushels,  
2820 shall contain an inside cubical measurement of 3,456 cubic  
2821 inches.

2822           Section 63. Section 601.86, Florida Statutes, is amended to  
2823 read:

2824           601.86 Standard field boxes for fresh citrus fruit.—The  
2825 standard field box or its equivalent, when used as a unit of  
2826 trade or for reporting purposes, ~~All field boxes used in the~~  
2827 ~~purchase, sale, or handling of citrus fruit from or for the~~  
2828 ~~grower by a citrus fruit dealer in the state~~ shall be of the  
2829 uniform standard size of 31 1/2 inches long, 13 inches high, and  
2830 12 inches wide, inside measurements, and shall be divided into  
2831 two compartments by a center partition of at least three-fourths  
2832 inch thickness, ~~+~~ and each of these compartments thus created  
2833 shall have a cubical capacity that does ~~of~~ not ~~to~~ exceed 2,400  
2834 cubic inches.

2835           Section 64. Subsection (3) of section 601.91, Florida  
2836 Statutes, is amended to read:

2837           601.91 Unlawful to sell, transport, prepare, receive, or  
2838 deliver freeze-damaged citrus.—

2839           (3) The manner and method of drawing samples and conducting  
2840 tests under this section shall be prescribed by rules ~~and~~  
2841 ~~regulations~~ of the Department of Citrus. The inspection in the  
2842 state of all citrus fruits seriously damaged by freezing and the

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

2858 Section 65. Section 601.9901, Florida Statutes, is amended  
2859 to read:

2860 601.9901 Certificates of inspection; form.—All certificates  
2861 of inspection prescribed by this chapter shall be of such  
2862 number, form, size, and character as the department ~~of Citrus~~  
2863 may by rule ~~and regulation~~ prescribe and shall be used in such  
2864 manner as to identify the fruit or the canned or concentrated  
2865 products thereof to which they relate.

2866 Section 66. Section 601.9902, Florida Statutes, is amended  
2867 to read:

2868 601.9902 Payment of salaries and expenses; Department of  
2869 Citrus.—All salaries, costs, and expenses incurred by the  
2870 department ~~of Citrus~~ in the administration and ~~the~~ enforcement  
2871 of this chapter and in the performance of the department's ~~its~~

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

2878 Section 67. Section 601.9903, Florida Statutes, is amended  
2879 to read:

2880 601.9903 Annual report of Department of Citrus.—The  
2881 department ~~of Citrus~~ shall submit ~~make~~ an annual report to the  
2882 Governor concerning ~~upon~~ the work of the department ~~of Citrus~~.  
2883 The department ~~It~~ shall also submit ~~make~~ such special reports  
2884 concerning ~~upon~~ any phase of the department's work ~~of the~~  
2885 ~~Department of Citrus~~ as may be requested ~~called for~~ by the  
2886 Governor or the Legislature or either house thereof.

2887 Section 68. Section 601.99035, Florida Statutes, is amended  
2888 to read:

2889 601.99035 Annual travel report of Department of Citrus.—The  
2890 department ~~of Citrus~~ shall, at the end of each fiscal year,  
2891 publish an annual travel report that states, for each department  
2892 ~~staff member of the Department of Citrus~~ and each commission  
2893 ~~member of the Florida Citrus Commission~~ who has traveled during  
2894 that year, the name of the person, the person's position title,  
2895 the date on which a claim for reimbursement was submitted, the  
2896 dates of travel, the destinations, the purpose of the travel,  
2897 and all expenditures that resulted from the travel.

2898 Section 69. Section 601.99036, Florida Statutes, is amended  
2899 to read:

2900 601.99036 Approval of specified salary changes.—Any change

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2901 in the annual salary of an employee of the department who earns  
2902 ~~of Citrus which is at or above~~ \$100,000 or more annually must be  
2903 approved by a majority ~~the full membership~~ of the ~~Florida Citrus~~  
2904 commission ~~at the meeting of the commission in July 2003, or at~~  
2905 ~~the first subsequent meeting, and before~~ the any subsequent  
2906 salary adjustment is made.

2907 Section 70. Section 601.9904, Florida Statutes, is amended  
2908 to read:

2909 601.9904 ~~Rules and regulations;~~ Frozen citrus juices; rules  
2910 of Department of Citrus.—The department shall adopt ~~of Citrus is~~  
2911 ~~hereby authorized and required to promulgate~~ and enforce rules  
2912 ~~and regulations~~ concerning the contents, preparation,  
2913 concentrating, other processing, and keeping or storing of  
2914 frozen concentrated fresh citrus juices, and such rules ~~and~~  
2915 ~~regulations~~ may govern, cover but are not limited to, the  
2916 sanitary conditions under which such product is prepared, the  
2917 type of equipment and machinery used therein, ~~and~~ the manner and  
2918 method of storage within this state, and the manner and method  
2919 of shipment.

2920 Section 71. Subsection (6) of section 601.9908, Florida  
2921 Statutes, is amended to read:

2922 601.9908 Canned tangerine juice; standards; labeling.—No  
2923 canned tangerine juice shall be sold or offered for sale or  
2924 shipped or offered for shipment which:

2925 (6) Does not meet requirements to be established by the  
2926 department ~~of Citrus~~ regarding color, absence of defects, taste,  
2927 and flavor; unless the immediate container thereof shall be  
2928 labeled in accordance with regulations of the department ~~of~~  
2929 ~~Citrus~~ and there shall appear on such label the word



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2930 "substandard" in bold type not less than 1/4 inch high printed  
2931 or stamped diagonally thereon.

2932 Section 72. Paragraphs (c) and (d) of subsection (1) and  
2933 subsections (2) and (3) of section 601.9910, Florida Statutes,  
2934 are amended to read:

2935 601.9910 Legislative findings of fact; strict enforcement  
2936 of maturity standard in public interest.—

2937 (1) FINDINGS.—

2938 (c) The Legislature finds and determines and so declares  
2939 that there is no better method of determining when such raw and  
2940 immature flavor leaves Florida citrus than by the standards  
2941 authorized by set forth in this chapter and set forth in  
2942 department rule; and that experience has demonstrated over a  
2943 period of many years, by the best available records and under  
2944 various climatic conditions and various seasonal changes, that  
2945 generally speaking, before ~~prior to~~ November 1 of each season,  
2946 oranges that ~~which~~ do not have a total soluble solids of 9  
2947 percent with a minimum ratio of total soluble solids, as set  
2948 forth in department rule s. 601.20, still have a raw, immature  
2949 flavor; ~~and that,~~ beginning on or about November 1 of each  
2950 season, such raw, immature fruit flavor gradually disappears  
2951 from the orange, and by November 15 the same orange may have a  
2952 still lower soluble solids percentage and not be immature; that  
2953 ~~and~~ after November 15 the same orange can still have a further  
2954 lower soluble solids percentage without being immature; and that  
2955 by December 1 nature has completed its process of removing the  
2956 raw, immature flavor that ~~which~~ might have existed before ~~prior~~  
2957 ~~to~~ that time, provided such fruit meets the other minimum  
2958 maturity requirements authorized by set forth in this chapter

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2959 and set forth in department rule. On December 1 oranges meeting  
2960 the requirements set forth in department rule ~~of s. 601.19(4)~~,  
2961 while not being sufficiently mature to ship in fresh form, may  
2962 be safely used in some processed products without the finished  
2963 product having a raw, immature flavor. On December 1 grapefruit  
2964 meeting the requirements set forth in department rule ~~of s.~~  
2965 ~~601.16(4)~~, while not being sufficiently mature to ship in fresh  
2966 form, may be safely used in some processed products without the  
2967 finished product having a raw, immature flavor.

2968 (d) The Legislature finds and determines and so declares  
2969 that the enforcement of the maturity standards, authorized by ~~as~~  
2970 ~~set forth in this chapter~~ and set forth in department rule, will  
2971 not result in preventing any grower from marketing her or his  
2972 fruit at some time during the marketing season, whenever nature  
2973 has removed the raw, immature flavor, ~~and~~ if there is a delay  
2974 in such marketing, it will result in higher prices for the  
2975 entire season, bringing additional millions of dollars to the  
2976 state's growers of ~~Florida~~ and resulting in benefit to all  
2977 growers, including the grower or growers who were delayed a  
2978 short time in the shipment of their fruit.

2979 (2) DECLARATION.—Therefore, the Legislature declares that  
2980 the strict enforcement of the maturity standards authorized by  
2981 ~~as set forth in this chapter~~ and set forth in department rule,  
2982 is definitely in the public's interest and for the public's  
2983 welfare, ~~and that no citrus that should be shipped from Florida~~  
2984 ~~and sold in the consuming markets which~~ has a raw, immature  
2985 flavor, ~~and that which~~ could be classed by the consuming public  
2986 as "Florida green fruit." should be shipped from the state and  
2987 sold in consuming markets.

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2988 (3) RULES SETTING FORTH REGULATIONS REGARDING MATURITY  
2989 STANDARDS FOR HYBRIDS.—The Legislature finds and determines that  
2990 the classifications of and maturity standards for citrus hybrids  
2991 should be established by rules adopted ~~regulations promulgated~~  
2992 by the department ~~of Citrus~~ pursuant to this chapter.

2993 Section 73. Section 601.9911, Florida Statutes, is amended  
2994 to read:

2995 601.9911 Fruit may be sold or transported direct from  
2996 producer.—Any citrus producer may transport her or his own  
2997 citrus fruit or any citrus fruit may be sold or purchased and  
2998 transported in interstate or intrastate commerce in truckload  
2999 lots direct from a producer, and any such fruit so sold,  
3000 purchased, or transported need not be processed, handled by any  
3001 packinghouse, washed, polished, graded, stamped, labeled,  
3002 branded, placed in containers, or otherwise prepared for market  
3003 as ~~may be provided~~ in this chapter ~~herein~~. Such fruit shall be  
3004 certified at the time of inspection as tree run grade of fruit,  
3005 but shall otherwise remain subject to the maturity standards and  
3006 all other conditions, restrictions, emergency quality assurance  
3007 orders, and other requirements of this chapter and shall be  
3008 inspected for such compliance as all other fruit is inspected at  
3009 such convenient locations as may be determined by the Department  
3010 of Agriculture. Any such fruit violating any provision of ~~the~~  
3011 ~~provisions~~ of this chapter, or any rule adopted by ~~or regulation~~  
3012 ~~of the department~~ under ~~of Citrus~~ ~~made pursuant to~~ this chapter,  
3013 but not inconsistent with this section, may be seized,  
3014 condemned, and destroyed as provided in this chapter ~~herein~~. At  
3015 the time of such inspection, all fees and ~~assessments, and~~  
3016 ~~excise taxes~~ provided in this chapter shall be paid and

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3017 collected at the same rate as paid by all other fresh fruit  
3018 growers or shippers.

3019 Section 74. Section 601.9918, Florida Statutes, is amended  
3020 to read:

3021 601.9918 Rules related to issuance and use of symbols.—In  
3022 rules related to the issuance and voluntary use of symbols,  
3023 certification marks, service marks, or trademarks, the  
3024 commission may make general references to national or state  
3025 requirements that the license applicant would be compelled to  
3026 meet regardless of the Department of Agriculture's ~~department's~~  
3027 issuance of the license applied for.

3028 Section 75. Section 601.992, Florida Statutes, is amended  
3029 to read:

3030 601.992 Collection of dues and other payments on behalf of  
3031 certain nonprofit corporations engaged in market news and grower  
3032 education.—The ~~Florida~~ Department of Citrus or the Department of  
3033 Agriculture ~~and Consumer Services~~ or their successors may  
3034 collect or compel the entities regulated by the Department of  
3035 Agriculture to collect dues, contributions, or any other  
3036 financial payment upon request by, and on behalf of, any not-  
3037 for-profit corporation~~,~~ and its related not-for-profit  
3038 corporations~~,~~ located in this state that receive ~~which receives~~  
3039 payments or dues from their ~~its~~ members. Such not-for-profit  
3040 corporation must be engaged, to the exclusion of agricultural  
3041 commodities other than citrus, in market news and grower  
3042 education solely for citrus growers, and must have at least  
3043 5,000 members who are engaged in growing citrus in this state  
3044 for commercial sale. The Department of Agriculture may adopt  
3045 rules ~~pursuant to ss. 120.536(1) and 120.54~~ to administer

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3046 ~~implement~~ this section. The rules may establish indemnity  
3047 requirements for the requesting corporation and for fees to be  
3048 charged to the corporation that ~~which~~ are sufficient but do not  
3049 exceed the amount necessary to ensure that any direct costs  
3050 incurred by the Department of Agriculture in implementing this  
3051 section are borne by the requesting corporation and not by the  
3052 Department of Agriculture.

3053 Section 76. Subsection (1) of section 603.161, Florida  
3054 Statutes, is amended to read:

3055 603.161 Sales certificates, work orders to accompany  
3056 certain fruit.—

3057 (1) This section applies to tropical or subtropical fruit.  
3058 "Tropical or subtropical fruit" means avocados, bananas,  
3059 calamondins, carambolas, guavas, kumquats, limes, longans,  
3060 loquats, lychees, mameys, mangoes, papayas, passion fruit,  
3061 sapodillas, and fruit that must be grown in tropical or  
3062 semitropical regions, except citrus fruit as defined in s.  
3063 601.03~~(7)~~.

3064 Section 77. Effective January 1, 2013, sections 601.16,  
3065 601.17, 601.18, 601.19, 601.20, 601.21, 601.22, 601.87, 601.90,  
3066 601.901, 601.981, 601.9905, 601.9906, 601.9907, 601.9909,  
3067 601.9913, 601.9914, and 601.9916, Florida Statutes, are  
3068 repealed.

3069 Section 78. Except as otherwise expressly provided in this  
3070 act, this act shall take effect July 1, 2012.