

1                                   A bill to be entitled  
 2           An act relating to the Department of Citrus; amending  
 3           s. 601.152, F.S.; deleting an obsolete reference;  
 4           amending ss. 601.9918 and 601.992, F.S.; reverting  
 5           certain references to the Department of Citrus that  
 6           were changed to references to the Department of  
 7           Agriculture and Consumer Services by chapter 2012-182,  
 8           Laws of Florida; providing for retroactive  
 9           application; providing for the transfer of certain  
 10          rules of the Department of Agriculture and Consumer  
 11          Services to the Department of Citrus; providing for  
 12          retroactive application of such rules; providing an  
 13          effective date.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Paragraph (d) of subsection (1) of section  
 18   601.152, Florida Statutes, is amended to read:

19           601.152 Special marketing orders.—

20           (1)

21           (d) Copies of the proposed marketing order shall be made  
 22   available to the public at the offices of the department ~~at~~  
 23   ~~Lakeland~~ at least 5 days before such hearing and shall be in  
 24   sufficient detail to apprise all persons having an interest  
 25   therein of the approximate amount of moneys proposed to be  
 26   expended; the assessments to be levied thereunder; and the  
 27   general details of the proposed marketing order for a special  
 28   marketing campaign of advertising or sales promotion or market

HB 137

2013

29 | or product research and development. Among the details so  
30 | specified shall be the period of time during which the  
31 | assessment imposed pursuant to subsection (8) will be levied  
32 | upon the privilege so assessed, which period may not be greater  
33 | than 2 years. The order may, however, provide that the  
34 | expenditure of the funds received from the imposition of such  
35 | assessments shall not be so confined but may be expended during  
36 | such time or times as shall be specified in the proposed  
37 | marketing order, which may be either during the shipping season  
38 | immediately preceding the shipping seasons during which such  
39 | assessments are imposed or during, or at any time subsequent to,  
40 | the shipping seasons during which such assessments are imposed.  
41 | This section does not prevent the imposition of a subsequent  
42 | marketing order before, during, or after the expenditure of  
43 | funds collected under a previously imposed marketing order,  
44 | provided the aggregate of the assessments imposed may not exceed  
45 | the maximum permitted under subsection (8).

46 | Section 2. Section 601.9918, Florida Statutes, is amended  
47 | to read:

48 | 601.9918 Rules related to issuance and use of symbols.—In  
49 | rules related to the issuance and voluntary use of symbols,  
50 | certification marks, service marks, or trademarks, the  
51 | commission may make general references to national or state  
52 | requirements that the license applicant would be compelled to  
53 | meet regardless of the department's ~~Department of Agriculture's~~  
54 | issuance of the license applied for.

55 | Section 3. Section 601.992, Florida Statutes, is amended  
56 | to read:

HB 137

2013

57 |           601.992 Collection of dues and other payments on behalf of  
58 | certain nonprofit corporations engaged in market news and grower  
59 | education.—The Department of Citrus or the Department of  
60 | Agriculture or their successors may collect or compel the  
61 | entities regulated by the Department of Citrus ~~Agriculture~~ to  
62 | collect dues, contributions, or any other financial payment upon  
63 | request by, and on behalf of, any not-for-profit corporation and  
64 | its related not-for-profit corporations located in this state  
65 | that receive payments or dues from their members. Such not-for-  
66 | profit corporation must be engaged, to the exclusion of  
67 | agricultural commodities other than citrus, in market news and  
68 | grower education solely for citrus growers, and must have at  
69 | least 5,000 members who are engaged in growing citrus in this  
70 | state for commercial sale. The Department of Citrus ~~Agriculture~~  
71 | may adopt rules to administer this section. The rules may  
72 | establish indemnity requirements for the requesting corporation  
73 | and for fees to be charged to the corporation that are  
74 | sufficient but do not exceed the amount necessary to ensure that  
75 | any direct costs incurred by the Department of Citrus  
76 | ~~Agriculture~~ in implementing this section are borne by the  
77 | requesting corporation and not by the Department of Citrus  
78 | ~~Agriculture~~.

79 |           Section 4. (1) The amendments made by this act to ss.  
80 | 601.9918 and 601.992, Florida Statutes, are remedial in nature  
81 | and apply retroactively to the effective date of ss. 74 and 75  
82 | of chapter 2012-182, Laws of Florida.

83 |           (2) Rules adopted by the Department of Citrus to implement  
84 | s. 601.992, Florida Statutes, which were in effect upon the

HB 137

2013

85 effective date of s. 75 of chapter 2012-182, Laws of Florida, if  
86 transferred to the Department of Agriculture and Consumer  
87 Services are transferred by a type two transfer, as defined in  
88 s. 20.06(2), Florida Statutes, to the Department of Citrus and  
89 shall apply retroactively to the effective date of s. 75 of  
90 chapter 2012-182, Laws of Florida.

91 (3) Rules adopted by the Department of Agriculture and  
92 Consumer Services on or after the effective date of s. 75 of  
93 chapter 2012-182, Laws of Florida, to implement s. 601.992,  
94 Florida Statutes, if any, are transferred by a type two  
95 transfer, as defined in s. 20.06(2), Florida Statutes, to the  
96 Department of Citrus.

97 Section 5. This act shall take effect upon becoming a law.