

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 specified  
 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  
 13          legislative intent with respect to the transfer of  
 14          rules; providing an effective date.

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

17  
 18           Section 1. Paragraph (d) of subsection (1) of section  
 19           601.152, Florida Statutes, is amended to read:

20           601.152 Special marketing orders.—

21           (1)

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

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

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

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

56 | Section 3. Section 601.992, Florida Statutes, is amended

57 | to read:

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

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

84 |         (2) Rules 20-109.005 and 20-112.003, Florida

85 Administrative Code, adopted by the Department of Citrus to  
86 implement s. 601.9918, Florida Statutes, and rules 20-7.001, 20-  
87 7.002, 20-7.003, 20-7.004, and 20-7.005, Florida Administrative  
88 Code, adopted by the Department of Citrus to implement s.  
89 601.992, Florida Statutes, all of which were in effect upon the  
90 effective date of ss. 74 and 75 of chapter 2012-182, Laws of  
91 Florida, if transferred to the Department of Agriculture and  
92 Consumer Services are transferred by a type two transfer, as  
93 defined in s. 20.06(2), Florida Statutes, to the Department of  
94 Citrus and shall apply retroactively to the effective date of  
95 ss. 74 and 75 of chapter 2012-182, Laws of Florida. Since the  
96 Department of Agriculture and Consumer Services did not adopt or  
97 amend rules to implement s. 601.9918 or s. 601.992, Florida  
98 Statutes, on or after the effective date of ss. 74 and 75 of  
99 chapter 2012-182, Laws of Florida, only the rules listed in this  
100 subsection are subject to transfer.

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