

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 298

INTRODUCER: Senator Brandes

SUBJECT: Department of Citrus

DATE: March 13, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhvein</u>	<u>Halley</u>	<u>AG</u>	Favorable
2.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Pre-meeting
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 298 corrects minor errors and/or unintended changes to chapter 601, F.S., which occurred in HB 1237 during the 2012 Legislative Session when substantial revisions were made to update the Florida Citrus Code.

This bill amends the following sections of the Florida Statutes: 601.152, 601.9918, and 601.992.

II. Present Situation:

In 1935, the Legislature created the Florida Citrus Code and the Florida Citrus Commission. The Legislature also established the Florida Department of Citrus as an agency of the state to provide marketing, research, and regulatory support to the entire citrus industry.

The Department of Citrus carries out commission policy and acts as the commission's staff by conducting a wide variety of programs, including: regulation; scientific, market, and economic research; advertising; merchandising; public and industry relations; and consumer promotion. Section 601.10, F.S., provides the department with its various powers.

The Florida Citrus Code is comprehensive legislation that establishes administrative authority to protect, advance, monitor, and regulate the state's citrus industry. To carry out this broad mandate, the code empowers administering agencies to collect excise taxes from citrus handlers and inspection fees for certification of citrus fruit or processed citrus products. Penalties for violations of the code include fines, criminal prosecution, loss of any required license, and injunction. These penalties enable the Department of Citrus and the Department of Agriculture and Consumer Services to effectively implement the code's provisions.

Over the years, sections of chapter 601, F.S., have been revised and others have been added, resulting in inconsistencies throughout the chapter. The Florida Citrus Code was substantially rewritten in the 2012 Legislative Session to correct inconsistencies, remove obsolete and out-of-date language, and make other substantive changes. In this effort, minor errors were made, so this bill corrects the unintended changes that were later identified by the Florida Department of Citrus. The Department of Agriculture and Consumer Services is in agreement with the proposed changes.

III. Effect of Proposed Changes:

Section 1 amends s. 601.152, F.S., pertaining to Special Marketing Orders, to delete a reference to the former location of the Florida Department of Citrus. The department was located in Lakeland, Florida when it was created in 1935 and was relocated in 2010 to Bartow, Florida.

Section 2 amends s. 601.9918, F.S., to revert a reference from the Department of Agriculture and Consumer Services to the Department of Citrus. Chapter 2012-182, Laws of Florida, changed the rulemaking authority for trademark symbols from the Department of Citrus to the Department of Agriculture and Consumer Services.

Section 3 amends s. 601.992, F.S., to revert references from the Department of Agriculture and Consumer Services to the Department of Citrus. Chapter 2012-182, Laws of Florida, granted the Department of Agriculture and Consumer Services the right to collect dues on behalf of non-profit corporations engaged in market news and education for citrus growers.

Section 4 provides for a type two transfer of specified rules of the Department of Agriculture and Consumer Services to the Department of Citrus. It also provides for the amendments in this bill to apply retroactively to the effective date of sections 74 and 75 of chapter 2012-182, Laws of Florida.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Section 4 of the bill attempts to transfer rules from the Department of Agriculture and Consumer Services to the Department of Citrus. At the time of this analysis, the relevant rules had been promulgated by the Department of Citrus and had not been transferred or repealed by the Department of Citrus. If the intent of this legislation is to clarify that the Department of Citrus rules continue to be valid, notwithstanding the transfer of some authority to the Department of Agriculture and Consumer Services, a more concise statement of such validity may be necessary.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.