

By the Committee on Governmental Oversight and Accountability;
and Senator Brandes

585-02414-13

2013298c1

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; requiring the repeal of certain rules
10 adopted by the Department of Agriculture and Consumer
11 Services; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (d) of subsection (1) of section
16 601.152, Florida Statutes, is amended to read:

17 601.152 Special marketing orders.—

18 (1)

19 (d) Copies of the proposed marketing order shall be made
20 available to the public at the offices of the department ~~at~~
21 ~~Lakeland~~ at least 5 days before such hearing and shall be in
22 sufficient detail to apprise all persons having an interest
23 therein of the approximate amount of moneys proposed to be
24 expended; the assessments to be levied thereunder; and the
25 general details of the proposed marketing order for a special
26 marketing campaign of advertising or sales promotion or market
27 or product research and development. Among the details so
28 specified shall be the period of time during which the
29 assessment imposed pursuant to subsection (8) will be levied

585-02414-13

2013298c1

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

44 Section 2. Section 601.9918, Florida Statutes, is amended
45 to read:

46 601.9918 Rules related to issuance and use of symbols.—In
47 rules related to the issuance and voluntary use of symbols,
48 certification marks, service marks, or trademarks, the
49 commission may make general references to national or state
50 requirements that the license applicant would be compelled to
51 meet regardless of the department's ~~Department of Agriculture's~~
52 issuance of the license applied for.

53 Section 3. Section 601.992, Florida Statutes, is amended to
54 read:

55 601.992 Collection of dues and other payments on behalf of
56 certain nonprofit corporations engaged in market news and grower
57 education.—The Department of Citrus or the Department of
58 Agriculture or their successors may collect or compel the

585-02414-13

2013298c1

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

77 Section 4. (1) The amendments made by this act to ss.
78 601.9918 and 601.992, Florida Statutes, are remedial in nature
79 and apply retroactively to July 1, 2012.

80 (2) (a) Rules 20-109.005 and 20-112.003, Florida
81 Administrative Code, adopted by the Department of Citrus to
82 implement s. 601.9918, Florida Statutes, and rules 20-7.001, 20-
83 7.002, 20-7.003, 20-7.004, and 20-7.005, Florida Administrative
84 Code, adopted by the Department of Citrus to implement s.
85 601.992, Florida Statutes, all of which were in effect on July
86 1, 2012, continue in effect as rules until modified pursuant to
87 s. 120.54, Florida Statutes. This paragraph applies

585-02414-13

2013298c1

88 retroactively to July 1, 2012.

89 (b) Rules adopted by the Department of Agriculture and
90 Consumer Services to implement ss. 601.9918 or 601.992, Florida
91 Statutes, between July 1, 2012, and the effective date of this
92 act shall be repealed.

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