

FOR CONSIDERATION By the Committee on Agriculture

575-02242-21

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1                                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act; amending s. 601.15, F.S., which  
4           relates to an exemption from public records  
5           requirements for the trade secret information of  
6           noncommodity advertising and promotional program  
7           participants held by the Department of Citrus;  
8           deleting the scheduled repeal of the exemption;  
9           providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Subsection (7) of section 601.15, Florida  
14           Statutes, is amended to read:

15           601.15 Advertising campaign; methods of conducting;  
16           assessments; emergency reserve fund; citrus research.—

17           (7) All assessments levied and collected under this chapter  
18           shall be paid into the State Treasury on or before the 15th day  
19           of each month. Such moneys shall be accounted for in a special  
20           fund to be designated as the Florida Citrus Advertising Trust  
21           Fund, and all moneys in such fund are appropriated to the  
22           department for the following purposes:

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

27           (b) Moneys in the Florida Citrus Advertising Trust Fund  
28           shall be expended for the activities authorized by s. 601.13 and  
29           for the cost of those general overhead, research and

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30 development, maintenance, salaries, professional fees,  
31 enforcement costs, and other such expenses that are not related  
32 to advertising, merchandising, public relations, trade  
33 luncheons, publicity, and other associated activities. The cost  
34 of general overhead, maintenance, salaries, professional fees,  
35 enforcement costs, and other such expenses that are related to  
36 advertising, merchandising, public relations, trade luncheons,  
37 publicity, and associated activities shall be paid from the  
38 balance of the Florida Citrus Advertising Trust Fund.

39 (c) Moneys in the Florida Citrus Advertising Trust Fund  
40 shall also be used by the department for defraying those  
41 expenses not included in paragraph (b). After payment of such  
42 expenses, the money levied and collected under subsection (3)  
43 shall be used exclusively for commodity and noncommodity  
44 advertising, merchandising, publicity, or sales promotion of  
45 citrus products in both fresh form and processed form, including  
46 citrus cattle feed and all other products of citrus fruits,  
47 produced in the state, in such equitable manner and proration as  
48 the department may determine, but funds expended for commodity  
49 advertising thereunder shall be expended through an established  
50 advertising agency. A proration of moneys between commodity  
51 programs and noncommodity programs and among types of citrus  
52 products shall be made on or before November 1 of each shipping  
53 season and may not thereafter be modified for that shipping  
54 season unless the department finds such action necessary to  
55 preserve the economic welfare of the citrus industry.

56 (d)1. The pro rata portion of moneys allocated to each type  
57 of citrus product in noncommodity programs shall be used by the  
58 department to encourage substantial increases in the

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59 effectiveness, frequency, and volume of noncommodity  
60 advertising, merchandising, publicity, and sales promotion of  
61 such citrus products through rebates and incentive payments to  
62 handlers and trade customers for these activities. The  
63 department shall adopt rules providing for the use of such  
64 moneys. The rules shall establish alternate incentive programs,  
65 including at least one incentive program for product sold under  
66 advertised brands, one incentive program for product sold under  
67 private label brands, and one incentive program for product sold  
68 in bulk. For each incentive program, the rules must establish  
69 eligibility and performance requirements and must provide  
70 appropriate limitations on amounts payable to a handler or trade  
71 customer for a particular season. Such limitations may relate to  
72 the amount of citrus assessments levied and collected on the  
73 citrus product handled by such handler or trade customer during  
74 a 12-month representative period.

75 2. The department may require from participants in  
76 noncommodity advertising and promotional programs commercial  
77 information necessary to determine eligibility for and  
78 performance in such programs. Any information required which  
79 constitutes a trade secret as defined in s. 812.081 is  
80 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
81 of the State Constitution. ~~This subparagraph is subject to the~~  
82 ~~Open Government Sunset Review Act in accordance with s. 119.15~~  
83 ~~and shall stand repealed on October 2, 2021, unless reviewed and~~  
84 ~~saved from repeal through reenactment by the Legislature.~~

85 Section 2. This act shall take effect October 1, 2021.