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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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The Committee on Community Affairs (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Citrus Recovery Act."

Section 2. Section 601.04, Florida Statutes, is amended to read:

601.04 Florida Citrus Commission; creation and membership.—

(1) (a) There is created within the department the Florida



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11 Citrus Commission, which shall be composed of 11 ~~nine~~ members  
12 appointed by the Governor. Each member must be a resident  
13 ~~citizen~~ of this ~~the~~ state who is and has been actively engaged  
14 in the growing, growing and shipping, or growing and processing  
15 of citrus fruit in the state for at least 5 years immediately  
16 before appointment to the commission and has, during that 5-year  
17 period:

18 1. Derived a major portion of her or his income from such  
19 growing, growing and shipping, or growing and processing of  
20 citrus fruit; or

21 2. Been the owner of, member of, officer of, or paid  
22 employee of a corporation, firm, or partnership that has, during  
23 that 5-year period, derived the major portion of its income from  
24 such growing, growing and shipping, or growing and processing of  
25 citrus fruit.

26 (b)1. Seven ~~Six~~ members of the commission shall be  
27 classified as grower members and shall be primarily engaged in  
28 the growing of citrus fruit as an individual owner; as the owner  
29 of, or as stockholder of, a corporation; or as a member of a  
30 firm or partnership primarily engaged in citrus growing. Such  
31 members may not receive any compensation from any licensed  
32 citrus fruit dealer or handler, as defined in s. 601.03, other  
33 than gift fruit shippers, but any of the grower members may  
34 ~~shall~~ not be disqualified as a member if, individually, or as  
35 the owner of, a member of, an officer of, or a stockholder of a  
36 corporation, firm, or partnership primarily engaged in citrus  
37 growing which processes, packs, and markets its own fruit and  
38 whose business is primarily not purchasing and handling fruit  
39 grown by others.



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40           2. Three members of the commission shall be classified as  
41 processor ~~grower-handler~~ members and shall be engaged as owners,  
42 or as paid officers or employees, of a corporation, firm,  
43 partnership, or other business unit engaged in canning,  
44 concentrating, or otherwise processing citrus fruit for market  
45 other than for shipment in fresh fruit form ~~handling citrus~~  
46 ~~fruit. One such member shall be primarily engaged in the fresh~~  
47 ~~fruit business, and two such members shall be primarily engaged~~  
48 ~~in the processing of citrus fruits.~~

49           3. One member shall be classified as a packer member and  
50 shall be engaged as an owner, or as a paid officer or employee,  
51 of a corporation, firm, partnership, or other business unit that  
52 operates as a packinghouse as defined in s. 601.03. The member  
53 shall reside in the Indian River production area of this state  
54 as defined in s. 601.091(2).

55           4. For purposes of this section, a member's residence is  
56 his or her actual physical and permanent residence.

57           (2) (a) One grower member ~~Three commission members~~ shall be  
58 appointed from each of the ~~three~~ citrus districts designated in  
59 s. 601.09. ~~Members appointed from the same citrus district shall~~  
60 ~~serve staggered terms, such that the term of one of the~~  
61 ~~district's three members expires each year.~~ Each member must  
62 reside or grow citrus in the district from which she or he was  
63 appointed. ~~For the purposes of this section, a member's~~  
64 ~~residence is her or his actual physical and permanent residence.~~

65           (b) One grower member shall be a grower with a citrus  
66 producing area of more than 5,001 acres. The grower must reside  
67 and grow citrus in this state.

68           (c) Members shall be appointed to terms of 3 years each,



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69 except that, to establish staggered terms of members from each  
70 citrus district, the terms of members appointed before July 1,  
71 2022 ~~2012~~, shall be ~~shortened~~ as follows:

72 1. The terms ~~term~~ of two grower members and one packer  
73 member ~~one member from each citrus district~~ shall expire June  
74 30, 2022 ~~2012~~, and their successors ~~her or his successor~~ shall  
75 be appointed to terms ~~a term~~ beginning July 1, 2022 ~~2012~~, and  
76 expiring May 31, 2025 ~~2015~~.

77 2. The terms ~~term~~ of two grower members and one processor  
78 member ~~one member from each citrus district~~ shall expire June  
79 30, 2023 ~~2013~~, and their successors ~~her or his successor~~ shall  
80 be appointed to terms ~~a term~~ beginning July 1, 2023 ~~2013~~, and  
81 expiring May 31, 2026 ~~2016~~.

82 3. The terms ~~term~~ of two grower members and one processor  
83 member ~~one member from each citrus district~~ shall expire June  
84 30, 2024 ~~2014~~, and their successors ~~her or his successor~~ shall  
85 be appointed to terms ~~a term~~ beginning July 1, 2024 ~~2014~~, and  
86 ending May 31, 2027 ~~2017~~.

87 4. One grower member and one processor member shall be  
88 appointed on or after July 1, 2022, with terms ending May 31,  
89 2025.

90 5. Subsequent appointments shall be made in accordance with  
91 this section.

92  
93 Appointments shall be made by February 1 preceding the  
94 commencement of the term and are subject to confirmation by the  
95 Senate in the following legislative session. Each member is  
96 eligible for reappointment and shall serve until her or his  
97 successor is appointed and qualified. The regular terms begin on



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98 June 1 and expire on May 31 of the third year after such  
99 appointment.

100 (d)~~(e)~~ When appointments are made, the Governor shall  
101 publicly announce the actual classification and district that  
102 each appointee represents. A majority of the members of the  
103 commission currently appointed constitutes ~~shall constitute~~ a  
104 quorum for the transaction of all business and the carrying out  
105 of the duties of the commission. Before entering upon the  
106 discharge of their duties as members of the commission, each  
107 member shall take and subscribe to the oath of office prescribed  
108 in s. 5, Art. II of the State Constitution. The qualifications  
109 and classification required of each member by this section  
110 continue to be required throughout the respective term of  
111 office, and if a member, after appointment, fails to meet the  
112 qualifications or classification that she or he possessed at the  
113 time of appointment, the member must resign or be removed and be  
114 replaced with a member possessing the proper qualifications and  
115 classification.

116 (e)~~(d)~~ When making an appointment to the commission, the  
117 Governor shall announce the district, classification, and term  
118 of the person appointed.

119 (3) (a) The commission shall elect a chair and secretary and  
120 may elect a vice chair and such other officers as the commission  
121 deems advisable.

122 (b) The chair, subject to commission concurrence, may  
123 appoint such advisory committees or councils composed of  
124 industry representatives as the chair deems appropriate, setting  
125 forth the committee or council concerns that are consistent with  
126 the statutory powers and duties of the commission and the



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127 department.

128 Section 3. Section 601.09, Florida Statutes, is amended to  
129 read:

130 601.09 Citrus districts.—

131 (1) For purposes of this chapter, the state is divided into  
132 six ~~three~~ districts composed of:

133 (a) Citrus District One: Collier, Hendry, and Lee Levy,  
134 ~~Alachua, Brevard, Putnam, St. Johns, St. Lucie, Flagler, Indian~~  
135 ~~River, Marion, Seminole, Orange, Okeechobee, Polk, Volusia, and~~  
136 ~~Osceola~~ Counties.

137 (b) Citrus District Two: Charlotte and Hardee, ~~DeSoto,~~  
138 ~~Highlands, and Glades~~ Counties.

139 (c) Citrus District Three: Glades, Highlands, and  
140 Okeechobee ~~Charlotte, Citrus, Collier, Hernando, Hendry,~~  
141 ~~Hillsborough, Lake, Lee, Manatee, Monroe, Martin, Pasco, Palm~~  
142 ~~Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade~~  
143 Counties.

144 (d) Citrus District Four: Hardee, Hillsborough, Manatee,  
145 Pinellas, and Sarasota Counties.

146 (e) Citrus District Five: Citrus, Hernando, Levy, Osceola,  
147 Pasco, Polk, and Sumter Counties.

148 (f) Citrus District Six: Alachua, Brevard, Broward,  
149 Flagler, Indian River, Lake, Marion, Martin, Miami-Dade, Monroe,  
150 Orange, Palm Beach, Putnam, St. Johns, Seminole, St. Lucie, and  
151 Volusia Counties.

152 (2) The Legislature intends that the citrus districts be  
153 reviewed and, if necessary to maintain substantially equal  
154 volumes of citrus production within each district, redistricted  
155 every 5 years. The commission may, once every 5 years, review



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156 the citrus districts based on the total boxes produced within  
157 each district during the preceding 5 years and, based on the  
158 commission's findings, submit recommendations to the Legislature  
159 for redistricting in accordance with this subsection.

160 Section 4. Present subsection (3) of section 601.13,  
161 Florida Statutes, is redesignated as subsection (5), and a new  
162 subsection (3) and subsection (4) are added to that section, to  
163 read:

164 601.13 Citrus research; administration by Department of  
165 Citrus; appropriation.—

166 (3) An entity that solicits research proposals and awards  
167 funding for those proposals expending funds received from the  
168 State Treasury on citrus production research conducted pursuant  
169 to chapter 573, as recommended by the Citrus Research and  
170 Development Foundation, Inc., or conducted through contract with  
171 the department shall deliver a report that includes all of the  
172 following information to the commission biannually and at the  
173 request of the commission:

174 (a) Project plans selected for funding.

175 (b) The financial status of the projects.

176 (c) Current findings of the funded research.

177 (d) Availability of citrus products or application of  
178 growers' practices found through funded research.

179 (e) The status of the commercialization process of such  
180 products or practices.

181 (4) Before being released for sale to the general public,  
182 any new variety of citrus fruit which is developed as a result  
183 of any research or study accomplished using any percentage of  
184 funds from the State Treasury as well as any technology that



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185 enhances the marketability of new or current citrus varieties  
186 must be made available as a first option for licensing and  
187 commercialization for a period of 90 days, under commercially  
188 reasonable terms, exclusively to the Florida Department of  
189 Citrus or its designee. If the Florida Department of Citrus or  
190 its designee exercises such exclusive license, the Florida  
191 Citrus Commission may retain the exclusivity for up to 8 years  
192 after the date of execution.

193 Section 5. Section 601.992, Florida Statutes, is amended to  
194 read:

195 601.992 Collection of dues and other payments on behalf of  
196 certain nonprofit corporations engaged in market news and grower  
197 education.—The Department of Citrus or the Department of  
198 Agriculture or their successors may collect or compel the  
199 entities regulated by the Department of Citrus to collect dues,  
200 contributions, or any other financial payment upon request by,  
201 and on behalf of, any not-for-profit corporation and its related  
202 not-for-profit corporations located in this state that receive  
203 payments or dues from their members. Such not-for-profit  
204 corporation must be engaged, to the exclusion of agricultural  
205 commodities other than citrus, in market news and grower  
206 education solely for citrus growers, and must have at least  
207 2,500 ~~5,000~~ members who are engaged in growing citrus in this  
208 state for commercial sale. The Department of Citrus may adopt  
209 rules to administer this section. The rules may establish  
210 indemnity requirements for the requesting corporation and for  
211 fees to be charged to the corporation that are sufficient but do  
212 not exceed the amount necessary to ensure that any direct costs  
213 incurred by the Department of Citrus in implementing this





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214 section are borne by the requesting corporation and not by the  
215 Department of Citrus.

216 Section 6. For the purpose of incorporating the amendment  
217 made by this act to section 601.09, Florida Statutes, in a  
218 reference thereto, subsection (1) of section 600.051, Florida  
219 Statutes, is reenacted to read:

220 600.051 Marketing agreements; powers of department.—

221 (1) In order to effectuate the declared policy and purposes  
222 of this act, the department shall have the power to enter into,  
223 administer, and enforce marketing agreements with handlers and  
224 distributors engaged in any one or more of the citrus districts  
225 established in and by s. 601.09, in the handling and  
226 distributing of citrus fruit in fresh fruit form or any variety  
227 or varieties, grade, size, or quality thereof, regulating the  
228 handling of such citrus fruit in the way and manner and to the  
229 extent therein prescribed and agreed upon, which said marketing  
230 agreements shall be binding only upon the signatories thereto  
231 exclusively. The execution of any such marketing agreement shall  
232 in no manner affect the issuance, administration, or enforcement  
233 of any marketing order otherwise provided for by chapter 601,  
234 and any marketing agreement executed hereunder shall be  
235 ineffective to the extent that it is in conflict with any rule,  
236 regulation, marketing order, or marketing agreement under any  
237 federal law relating to the handling of citrus fruit grown in  
238 Florida.

239 Section 7. For the purpose of incorporating the amendment  
240 made by this act to section 601.13, Florida Statutes, in a  
241 reference thereto, paragraph (b) of subsection (7) of section  
242 601.15, Florida Statutes, is reenacted to read:



243           601.15 Advertising campaign; methods of conducting;  
244 assessments; emergency reserve fund; citrus research.—

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

251           (b) Moneys in the Florida Citrus Advertising Trust Fund  
252 shall be expended for the activities authorized by s. 601.13 and  
253 for the cost of those general overhead, research and  
254 development, maintenance, salaries, professional fees,  
255 enforcement costs, and other such expenses that are not related  
256 to advertising, merchandising, public relations, trade  
257 luncheons, publicity, and other associated activities. The cost  
258 of general overhead, maintenance, salaries, professional fees,  
259 enforcement costs, and other such expenses that are related to  
260 advertising, merchandising, public relations, trade luncheons,  
261 publicity, and associated activities shall be paid from the  
262 balance of the Florida Citrus Advertising Trust Fund.

263           Section 8. This act shall take effect July 1, 2022.

264  
265 ===== T I T L E   A M E N D M E N T =====

266 And the title is amended as follows:

267           Delete everything before the enacting clause  
268 and insert:

269                                   A bill to be entitled  
270           An act relating to Florida citrus; providing a short  
271           title; amending s. 601.04, F.S.; revising the



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272 membership of the Florida Citrus Commission; requiring  
273 members to meet certain requirements; revising  
274 commission appointments to achieve staggered terms for  
275 the newly appointed members; revising the requirements  
276 for a quorum; amending s. 601.09, F.S.; increasing the  
277 number of citrus districts in this state and revising  
278 the counties that comprise each district; amending s.  
279 601.13, F.S.; requiring certain entities to provide  
280 reports on citrus production research to the  
281 commission at specified intervals and upon request of  
282 the commission; specifying requirements for the  
283 reports; requiring that new varieties of citrus fruit  
284 produced from research or studies funded by state  
285 funds be made exclusively available for licensing and  
286 commercialization to the Department of Citrus or its  
287 designee for a specified timeframe; amending s.  
288 601.992, F.S.; revising eligibility requirements for  
289 not-for-profit corporations that may be required to  
290 collect certain payments from their members;  
291 reenacting s. 600.051(1), F.S., relating to marketing  
292 agreements and the powers of the department, to  
293 incorporate the amendment made to s. 601.09, F.S., in  
294 a reference thereto; reenacting s. 601.15(7)(b), F.S.,  
295 relating to the use of moneys in the Florida Citrus  
296 Advertising Trust Fund, to incorporate the amendment  
297 made to s. 601.13, F.S., in references thereto;  
298 providing an effective date.