

By the Committee on Community Affairs; and Senator Burgess

578-02647-22

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1                   A bill to be entitled  
2           An act relating to Florida citrus; providing a short  
3           title; amending s. 601.04, F.S.; revising the  
4           membership of the Florida Citrus Commission; requiring  
5           members to meet certain requirements; revising  
6           commission appointments to achieve staggered terms for  
7           the newly appointed members; revising the requirements  
8           for a quorum; amending s. 601.09, F.S.; increasing the  
9           number of citrus districts in this state and revising  
10          the counties that comprise each district; amending s.  
11          601.13, F.S.; requiring certain entities to provide  
12          reports on citrus production research to the  
13          commission at specified intervals and upon request of  
14          the commission; specifying requirements for the  
15          reports; requiring that new varieties of citrus fruit  
16          produced from research or studies funded by state  
17          funds be made exclusively available for licensing and  
18          commercialization to the Department of Citrus or its  
19          designee for a specified timeframe; amending s.  
20          601.992, F.S.; revising eligibility requirements for  
21          not-for-profit corporations that may be required to  
22          collect certain payments from their members;  
23          reenacting s. 600.051(1), F.S., relating to marketing  
24          agreements and the powers of the department, to  
25          incorporate the amendment made to s. 601.09, F.S., in  
26          a reference thereto; reenacting s. 601.15(7)(b), F.S.,  
27          relating to the use of moneys in the Florida Citrus  
28          Advertising Trust Fund, to incorporate the amendment  
29          made to s. 601.13, F.S., in references thereto;

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30 providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. This act may be cited as the "Citrus Recovery  
35 Act."

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

38 601.04 Florida Citrus Commission; creation and membership.-

39 (1) (a) There is created within the department the Florida  
40 Citrus Commission, which shall be composed of 11 ~~nine~~ members  
41 appointed by the Governor. Each member must be a resident  
42 ~~citizen~~ of this ~~the~~ state who is and has been actively engaged  
43 in the growing, growing and shipping, or growing and processing  
44 of citrus fruit in the state for at least 5 years immediately  
45 before appointment to the commission and has, during that 5-year  
46 period:

47 1. Derived a major portion of her or his income from such  
48 growing, growing and shipping, or growing and processing of  
49 citrus fruit; or

50 2. Been the owner of, member of, officer of, or paid  
51 employee of a corporation, firm, or partnership that has, during  
52 that 5-year period, derived the major portion of its income from  
53 such growing, growing and shipping, or growing and processing of  
54 citrus fruit.

55 (b)1. Seven ~~Six~~ members of the commission shall be  
56 classified as grower members and shall be primarily engaged in  
57 the growing of citrus fruit as an individual owner; as the owner  
58 of, or as stockholder of, a corporation; or as a member of a

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59 firm or partnership primarily engaged in citrus growing. Such  
60 members may not receive any compensation from any licensed  
61 citrus fruit dealer or handler, as defined in s. 601.03, other  
62 than gift fruit shippers, but any of the grower members may  
63 ~~shall~~ not be disqualified as a member if, individually, or as  
64 the owner of, a member of, an officer of, or a stockholder of a  
65 corporation, firm, or partnership primarily engaged in citrus  
66 growing which processes, packs, and markets its own fruit and  
67 whose business is primarily not purchasing and handling fruit  
68 grown by others.

69 2. Three members of the commission shall be classified as  
70 processor ~~grower-handler~~ members and shall be engaged as owners,  
71 or as paid officers or employees, of a corporation, firm,  
72 partnership, or other business unit engaged in canning,  
73 concentrating, or otherwise processing citrus fruit for market  
74 other than for shipment in fresh fruit form ~~handling citrus~~  
75 ~~fruit. One such member shall be primarily engaged in the fresh~~  
76 ~~fruit business, and two such members shall be primarily engaged~~  
77 ~~in the processing of citrus fruits.~~

78 3. One member shall be classified as a packer member and  
79 shall be engaged as an owner, or as a paid officer or employee,  
80 of a corporation, firm, partnership, or other business unit that  
81 operates as a packinghouse as defined in s. 601.03. The member  
82 shall reside in the Indian River production area of this state  
83 as defined in s. 601.091(2).

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

86 (2) (a) One grower member ~~Three commission members~~ shall be  
87 appointed from each of the ~~three~~ citrus districts designated in

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88 s. 601.09. ~~Members appointed from the same citrus district shall~~  
89 ~~serve staggered terms, such that the term of one of the~~  
90 ~~district's three members expires each year.~~ Each member must  
91 reside or grow citrus in the district from which she or he was  
92 appointed. ~~For the purposes of this section, a member's~~  
93 ~~residence is her or his actual physical and permanent residence.~~

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

97 (c) Members shall be appointed to terms of 3 years each,  
98 except that, to establish staggered terms of members from each  
99 citrus district, the terms of members appointed before July 1,  
100 2022 2012, shall be shortened as follows:

101 1. The terms term of two grower members and one packer  
102 member one member from each citrus district shall expire June  
103 30, 2022 2012, and their successors her or his successor shall  
104 be appointed to terms a term beginning July 1, 2022 2012, and  
105 expiring May 31, 2025 2015.

106 2. The terms term of two grower members and one processor  
107 member one member from each citrus district shall expire June  
108 30, 2023 2013, and their successors her or his successor shall  
109 be appointed to terms a term beginning July 1, 2023 2013, and  
110 expiring May 31, 2026 2016.

111 3. The terms term of two grower members and one processor  
112 member one member from each citrus district shall expire June  
113 30, 2024 2014, and their successors her or his successor shall  
114 be appointed to terms a term beginning July 1, 2024 2014, and  
115 ending May 31, 2027 2017.

116 4. One grower member and one processor member shall be

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117 appointed on or after July 1, 2022, with terms ending May 31,  
118 2025.

119 5. Subsequent appointments shall be made in accordance with  
120 this section.

121

122 Appointments shall be made by February 1 preceding the  
123 commencement of the term and are subject to confirmation by the  
124 Senate in the following legislative session. Each member is  
125 eligible for reappointment and shall serve until her or his  
126 successor is appointed and qualified. The regular terms begin on  
127 June 1 and expire on May 31 of the third year after such  
128 appointment.

129 (d) ~~(e)~~ When appointments are made, the Governor shall  
130 publicly announce the actual classification and district that  
131 each appointee represents. A majority of the members of the  
132 commission currently appointed constitutes ~~shall constitute~~ a  
133 quorum for the transaction of all business and the carrying out  
134 of the duties of the commission. Before entering upon the  
135 discharge of their duties as members of the commission, each  
136 member shall take and subscribe to the oath of office prescribed  
137 in s. 5, Art. II of the State Constitution. The qualifications  
138 and classification required of each member by this section  
139 continue to be required throughout the respective term of  
140 office, and if a member, after appointment, fails to meet the  
141 qualifications or classification that she or he possessed at the  
142 time of appointment, the member must resign or be removed and be  
143 replaced with a member possessing the proper qualifications and  
144 classification.

145 (e) ~~(d)~~ When making an appointment to the commission, the

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146 Governor shall announce the district, classification, and term  
147 of the person appointed.

148 (3) (a) The commission shall elect a chair and secretary and  
149 may elect a vice chair and such other officers as the commission  
150 deems advisable.

151 (b) The chair, subject to commission concurrence, may  
152 appoint such advisory committees or councils composed of  
153 industry representatives as the chair deems appropriate, setting  
154 forth the committee or council concerns that are consistent with  
155 the statutory powers and duties of the commission and the  
156 department.

157 Section 3. Section 601.09, Florida Statutes, is amended to  
158 read:

159 601.09 Citrus districts.—

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

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

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

168 (c) Citrus District Three: Glades, Highlands, and  
169 Okeechobee ~~Charlotte, Citrus, Collier, Hernando, Hendry,~~  
170 ~~Hillsborough, Lake, Lee, Manatee, Monroe, Martin, Pasco, Palm~~  
171 ~~Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade~~  
172 Counties.

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

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

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

181 (2) The Legislature intends that the citrus districts be  
182 reviewed and, if necessary to maintain substantially equal  
183 volumes of citrus production within each district, redistricted  
184 every 5 years. The commission may, once every 5 years, review  
185 the citrus districts based on the total boxes produced within  
186 each district during the preceding 5 years and, based on the  
187 commission's findings, submit recommendations to the Legislature  
188 for redistricting in accordance with this subsection.

189 Section 4. Present subsection (3) of section 601.13,  
190 Florida Statutes, is redesignated as subsection (5), and a new  
191 subsection (3) and subsection (4) are added to that section, to  
192 read:

193 601.13 Citrus research; administration by Department of  
194 Citrus; appropriation.—

195 (3) An entity that solicits research proposals and awards  
196 funding for those proposals expending funds received from the  
197 State Treasury on citrus production research conducted pursuant  
198 to chapter 573, as recommended by the Citrus Research and  
199 Development Foundation, Inc., or conducted through contract with  
200 the department shall deliver a report that includes all of the  
201 following information to the commission biannually and at the  
202 request of the commission:

203 (a) Project plans selected for funding.

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- 204       (b) The financial status of the projects.
- 205       (c) Current findings of the funded research.
- 206       (d) Availability of citrus products or application of  
207 growers' practices found through funded research.
- 208       (e) The status of the commercialization process of such  
209 products or practices.
- 210       (4) Before being released for sale to the general public,  
211 any new variety of citrus fruit which is developed as a result  
212 of any research or study accomplished using any percentage of  
213 funds from the State Treasury as well as any technology that  
214 enhances the marketability of new or current citrus varieties  
215 must be made available as a first option for licensing and  
216 commercialization for a period of 90 days, under commercially  
217 reasonable terms, exclusively to the Florida Department of  
218 Citrus or its designee. If the Florida Department of Citrus or  
219 its designee exercises such exclusive license, the Florida  
220 Citrus Commission may retain the exclusivity for up to 8 years  
221 after the date of execution.

222       Section 5. Section 601.992, Florida Statutes, is amended to  
223 read:

224       601.992 Collection of dues and other payments on behalf of  
225 certain nonprofit corporations engaged in market news and grower  
226 education.—The Department of Citrus or the Department of  
227 Agriculture or their successors may collect or compel the  
228 entities regulated by the Department of Citrus to collect dues,  
229 contributions, or any other financial payment upon request by,  
230 and on behalf of, any not-for-profit corporation and its related  
231 not-for-profit corporations located in this state that receive  
232 payments or dues from their members. Such not-for-profit



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233 corporation must be engaged, to the exclusion of agricultural  
234 commodities other than citrus, in market news and grower  
235 education solely for citrus growers, and must have at least  
236 2,500 ~~5,000~~ members who are engaged in growing citrus in this  
237 state for commercial sale. The Department of Citrus may adopt  
238 rules to administer this section. The rules may establish  
239 indemnity requirements for the requesting corporation and for  
240 fees to be charged to the corporation that are sufficient but do  
241 not exceed the amount necessary to ensure that any direct costs  
242 incurred by the Department of Citrus in implementing this  
243 section are borne by the requesting corporation and not by the  
244 Department of Citrus.

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

249 600.051 Marketing agreements; powers of department.—

250 (1) In order to effectuate the declared policy and purposes  
251 of this act, the department shall have the power to enter into,  
252 administer, and enforce marketing agreements with handlers and  
253 distributors engaged in any one or more of the citrus districts  
254 established in and by s. 601.09, in the handling and  
255 distributing of citrus fruit in fresh fruit form or any variety  
256 or varieties, grade, size, or quality thereof, regulating the  
257 handling of such citrus fruit in the way and manner and to the  
258 extent therein prescribed and agreed upon, which said marketing  
259 agreements shall be binding only upon the signatories thereto  
260 exclusively. The execution of any such marketing agreement shall  
261 in no manner affect the issuance, administration, or enforcement

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262 of any marketing order otherwise provided for by chapter 601,  
263 and any marketing agreement executed hereunder shall be  
264 ineffective to the extent that it is in conflict with any rule,  
265 regulation, marketing order, or marketing agreement under any  
266 federal law relating to the handling of citrus fruit grown in  
267 Florida.

268 Section 7. For the purpose of incorporating the amendment  
269 made by this act to section 601.13, Florida Statutes, in a  
270 reference thereto, paragraph (b) of subsection (7) of section  
271 601.15, Florida Statutes, is reenacted to read:

272 601.15 Advertising campaign; methods of conducting;  
273 assessments; emergency reserve fund; citrus research.—

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

280 (b) Moneys in the Florida Citrus Advertising Trust Fund  
281 shall be expended for the activities authorized by s. 601.13 and  
282 for the cost of those general overhead, research and  
283 development, maintenance, salaries, professional fees,  
284 enforcement costs, and other such expenses that are not related  
285 to advertising, merchandising, public relations, trade  
286 luncheons, publicity, and other associated activities. The cost  
287 of general overhead, maintenance, salaries, professional fees,  
288 enforcement costs, and other such expenses that are related to  
289 advertising, merchandising, public relations, trade luncheons,  
290 publicity, and associated activities shall be paid from the

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291 balance of the Florida Citrus Advertising Trust Fund.

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