

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: State Affairs Committee  
 2 Representative Burton offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

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

10 601.04 Florida Citrus Commission; creation and  
11 membership.-

12 (1)(a) There is created within the department the Florida  
 13 Citrus Commission, which shall be composed of 11 ~~nine~~ members  
 14 appointed by the Governor. Each member must be a resident  
 15 ~~citizen~~ of this ~~the~~ state who is and has been actively engaged  
 16 in the growing, growing and shipping, or growing and processing

Amendment No.

17 of citrus fruit in the state for at least 5 years immediately  
18 before appointment to the commission and has, during that 5-year  
19 period:

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

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

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

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Amendment No.

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

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

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

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

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Published On: 1/31/2022 6:04:13 PM

Amendment No.

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

70           (c) Members shall be appointed to terms of 3 years each,  
71 except that, to establish staggered terms of members from each  
72 citrus district, the terms of members appointed before July 1,  
73 2022 ~~2012~~, shall be ~~shortened~~ as follows:

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

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

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

89           4. One grower member and one processor member shall be  
90 appointed on or after July 1, 2022, with terms ending May 31,  
91 2025.

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Published On: 1/31/2022 6:04:13 PM

Amendment No.

92           5. Subsequent appointments shall be made in accordance  
93 with this section.

94  
95 Appointments shall be made by February 1 preceding the  
96 commencement of the term and are subject to confirmation by the  
97 Senate in the following legislative session. Each member is  
98 eligible for reappointment and shall serve until her or his  
99 successor is appointed and qualified. The regular terms begin on  
100 June 1 and expire on May 31 of the third year after such  
101 appointment.

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

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Amendment No.

117 classification.

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

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

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

130 Section 3. Section 601.09, Florida Statutes, is amended to  
131 read:

132 601.09 Citrus districts.—

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

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

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

141 (c) Citrus District Three: Glades, Highlands, and

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Published On: 1/31/2022 6:04:13 PM

Amendment No.

142 ~~Okeechobee, Charlotte, Citrus, Collier, Hernando, Hendry,~~  
143 ~~Hillsborough, Lake, Lee, Manatee, Monroe, Martin, Pasco, Palm~~  
144 ~~Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade~~  
145 Counties.

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

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

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

154 (2) The Legislature intends that the citrus districts be  
155 reviewed and, if necessary to maintain substantially equal  
156 volumes of citrus production within each district, redistricted  
157 every 5 years. The commission may, once every 5 years, review  
158 the citrus districts based on the total boxes produced within  
159 each district during the preceding 5 years and, based on the  
160 commission's findings, submit recommendations to the Legislature  
161 for redistricting in accordance with this subsection.

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

166 601.13 Citrus research; administration by Department of

Amendment No.

167 Citrus; appropriation.—

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

176 (a) Project plans selected for funding.

177 (b) The financial status of the projects.

178 (c) Current findings of the funded research.

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

181 (e) The status of the commercialization process of such  
182 products or practices.

183 (4) Before being released for sale to the general public,  
184 any new variety of citrus fruit which is developed as a result  
185 of any research or study accomplished using any percentage of  
186 funds from the State Treasury as well as any technology that  
187 enhances the marketability of new or current citrus varieties  
188 must be made available as a first option for licensing and  
189 commercialization for a period of 90 days, under commercially  
190 reasonable terms, exclusively to the Florida Department of  
191 Citrus or its designee. If the Florida Department of Citrus or

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Published On: 1/31/2022 6:04:13 PM



Amendment No.

192 its designee exercises such exclusive license, the Florida  
193 Citrus Commission may retain the exclusivity for up to 8 years  
194 after the date of execution.

195 Section 5. Section 601.992, Florida Statutes, is amended  
196 to read:

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

Amendment No.

216 section are borne by the requesting corporation and not by the  
217 Department of Citrus.

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

222 600.051 Marketing agreements; powers of department.—

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

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Published On: 1/31/2022 6:04:13 PM

Amendment No.

241 Section 7. For the purpose of incorporating the amendment  
242 made by this act to section 601.13, Florida Statutes, in a  
243 reference thereto, paragraph (b) of subsection (7) of section  
244 601.15, Florida Statutes, is reenacted to read:

245 601.15 Advertising campaign; methods of conducting;  
246 assessments; emergency reserve fund; citrus research.—

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

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

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

Amendment No.

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to Florida citrus; providing a short title;  
amending s. 601.04, F.S.; revising the membership of the  
Florida Citrus Commission; requiring members to meet  
certain requirements; revising commission appointments to  
achieve staggered terms for the newly appointed members;  
revising the requirements for a quorum; amending s. 601.09,  
F.S.; increasing the number of citrus districts in this  
state and revising the counties that comprise each  
district; amending s. 601.13, F.S.; requiring certain  
entities to provide reports on citrus production research  
to the commission at specified intervals and upon request  
of the commission; specifying requirements for the reports;  
requiring that new varieties of citrus fruit produced from  
research or studies funded by state funds be made  
exclusively available for licensing and commercialization  
to the Department of Citrus or its designee for a specified  
timeframe; requiring the department or its designee to  
retain the exclusivity for a specified timeframe; amending  
s. 601.992, F.S.; revising eligibility requirements for  
not-for-profit corporations that may be required to collect  
certain payments from their members; reenacting s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1097 (2022)

Amendment No.

291 600.051(1), F.S., relating to marketing agreements and the  
292 powers of the Department of Citrus, to incorporate the  
293 amendment made to s. 601.09, F.S., in a reference thereto;  
294 reenacting s. 601.15(7)(b), F.S., relating to the use of  
295 moneys in the Florida Citrus Advertising Trust Fund to  
296 incorporate the amendment made to s. 601.13, F.S., in  
297 reference thereto; providing an effective date.