

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          purchase to certain Florida producers for a specified  
19          timeframe; requiring producers who receive such  
20          exclusivity to retain the exclusivity for a specified  
21          timeframe; providing pricing requirements for such  
22          arrangements; reenacting s. 600.051(1), F.S., relating  
23          to marketing agreements and the powers of the  
24          Department of Citrus, to incorporate the amendment  
25          made to s. 601.09, F.S., in a reference thereto;

26 | reenacting ss. 601.10(8)(c) and 601.15(7)(b), F.S.,  
 27 | relating to powers of the department and the use of  
 28 | moneys in the Florida Citrus Advertising Trust Fund,  
 29 | respectively, to incorporate the amendment made to s.  
 30 | 601.13, F.S., in references thereto; providing an  
 31 | effective date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

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

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

39 | 601.04 Florida Citrus Commission; creation and  
 40 | membership.—

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

49 | 1. Derived a major portion of her or his income from such  
 50 | growing, growing and shipping, or growing and processing of

51 citrus fruit; or

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

57 (b)1. Seven ~~Six~~ members of the commission shall be  
58 classified as grower members and shall be primarily engaged in  
59 the growing of citrus fruit as an individual owner; as the owner  
60 of, or as stockholder of, a corporation; or as a member of a  
61 firm or partnership primarily engaged in citrus growing. Such  
62 members may not receive any compensation from any licensed  
63 citrus fruit dealer or handler, as defined in s. 601.03, other  
64 than gift fruit shippers, but any of the grower members may  
65 ~~shall~~ not be disqualified as a member if, individually, or as  
66 the owner of, a member of, an officer of, or a stockholder of a  
67 corporation, firm, or partnership primarily engaged in citrus  
68 growing which processes, packs, and markets its own fruit and  
69 whose business is primarily not purchasing and handling fruit  
70 grown by others.

71 2. Three members of the commission shall be classified as  
72 processor ~~grower-handler~~ members and shall be engaged as owners,  
73 or as paid officers or employees, of a corporation, firm,  
74 partnership, or other business unit engaged in canning,  
75 concentrating, or otherwise processing citrus fruit for market

76 other than for shipment in fresh fruit form ~~handling citrus~~  
 77 ~~fruit. One such member shall be primarily engaged in the fresh~~  
 78 ~~fruit business, and two such members shall be primarily engaged~~  
 79 ~~in the processing of citrus fruits.~~

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

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

88 (2) (a) One grower member ~~Three commission members~~ shall be  
 89 appointed from each of the ~~three~~ citrus districts designated in  
 90 s. 601.09. Each such member must be a grower with a citrus  
 91 producing area between 250 and 5,000 acres ~~Members appointed~~  
 92 ~~from the same citrus district shall serve staggered terms, such~~  
 93 ~~that the term of one of the district's three members expires~~  
 94 ~~each year.~~ Each member must reside or grow citrus in the  
 95 district from which she or he was appointed. ~~For the purposes of~~  
 96 ~~this section, a member's residence is her or his actual physical~~  
 97 ~~and permanent residence.~~

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

101           (c) Members shall be appointed to terms of 3 years each,  
 102 except that, to establish staggered terms of members from each  
 103 citrus district, the terms of members appointed before July 1,  
 104 2022 ~~2012~~, shall be shortened as follows:

105           1. The terms ~~term~~ of two grower members and one processor  
 106 member ~~one member from each citrus district~~ shall expire June  
 107 30, 2022 ~~2012~~, and their successors ~~her or his successor~~ shall  
 108 be appointed to terms ~~a term~~ beginning July 1, 2022 ~~2012~~, and  
 109 expiring May 31, 2025 ~~2015~~.

110           2. The terms ~~term~~ of two grower members and two processor  
 111 members ~~one member from each citrus district~~ shall expire June  
 112 30, 2023 ~~2013~~, and their successors ~~her or his successor~~ shall  
 113 be appointed to terms ~~a term~~ beginning July 1, 2023 ~~2013~~, and  
 114 expiring May 31, 2026 ~~2016~~.

115           3. The terms ~~term~~ of three grower members and one packer  
 116 member ~~one member from each citrus district~~ shall expire June  
 117 30, 2024 ~~2014~~, and their successors ~~her or his successor~~ shall  
 118 be appointed to terms ~~a term~~ beginning July 1, 2024 ~~2014~~, and  
 119 ending May 31, 2027 ~~2017~~.

120           4. Subsequent appointments shall be made in accordance  
 121 with this section.

122  
 123 Appointments shall be made by February 1 preceding the  
 124 commencement of the term and are subject to confirmation by the  
 125 Senate in the following legislative session. Each member is

126 eligible for reappointment and shall serve until her or his  
127 successor is appointed and qualified. The regular terms begin on  
128 June 1 and expire on May 31 of the third year after such  
129 appointment.

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

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

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

151 commission deems advisable.

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

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

160 601.09 Citrus districts.—

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

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

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

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

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

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

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

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

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

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

196 (3) An entity that expends funds received from the State  
 197 Treasury on citrus production research conducted pursuant to  
 198 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.

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 funds from the State  
 213 Treasury must be made available:

214 (a) For licensing and purchase for a period of 90 days  
 215 exclusively to any Florida not-for-profit corporation that is a  
 216 producer engaged, excluding engagement in agricultural  
 217 commodities other than citrus, in citrus rootstock or scion  
 218 breeding, research, or licensing, by agreement with a state land  
 219 grant university, the department, the Department of Agriculture  
 220 and Consumer Services, or the United States Department of  
 221 Agriculture. If a producer exercises such exclusive  
 222 availability, the producer must retain the exclusivity for 8  
 223 years after the date of execution.

224 (b) At the 5-year rolling average cost of citrus bud or  
 225 grafting material available to Florida producers, including a

226 | development incentive that does not exceed 10 percent of the 5-  
 227 | year average.

228 | Section 5. For the purpose of incorporating the amendment  
 229 | made by this act to section 601.09, Florida Statutes, in a  
 230 | reference thereto, subsection (1) of section 600.051, Florida  
 231 | Statutes, is reenacted to read:

232 | 600.051 Marketing agreements; powers of department.—

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

251 Section 5. For the purpose of incorporating the amendment  
252 made by this act to section 601.13, Florida Statutes, in a  
253 reference thereto, paragraph (c) of subsection (8) of section  
254 601.10, Florida Statutes, is reenacted to read:

255 601.10 Powers of the Department of Citrus.—The department  
256 shall have and shall exercise such general and specific powers  
257 as are delegated to it by this chapter and other statutes of the  
258 state, which powers shall include, but are not limited to, the  
259 following:

260 (8)

261 (c) Any nonpublished reports or data related to studies or  
262 research conducted, caused to be conducted, or funded by the  
263 department under s. 601.13 is confidential and exempt from s.  
264 119.07(1) and s. 24(a), Art. I of the State Constitution.

265 Section 6. For the purpose of incorporating the amendment  
266 made by this act to section 601.13, Florida Statutes, in a  
267 reference thereto, paragraph (b) of subsection (7) of section  
268 601.15, Florida Statutes, is reenacted to read:

269 601.15 Advertising campaign; methods of conducting;  
270 assessments; emergency reserve fund; citrus research.—

271 (7) All assessments levied and collected under this  
272 chapter shall be paid into the State Treasury on or before the  
273 15th day of each month. Such moneys shall be accounted for in a  
274 special fund to be designated as the Florida Citrus Advertising  
275 Trust Fund, and all moneys in such fund are appropriated to the

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276 | department for the following purposes:

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

289 |       Section 7. This act shall take effect July 1, 2022.