

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 developed as result of research or studies funded by
17 state funds and certain technology be made exclusively
18 available for licensing and commercialization to the
19 Department of Citrus or its designee for a specified
20 timeframe; authorizing the commission to retain the
21 exclusivity for a specified timeframe; amending s.
22 601.992, F.S.; revising eligibility requirements of
23 not-for-profit corporations on whose behalf the
24 Department of Citrus or the Department of Agriculture
25 and Consumer Services may collect certain financial

26 | payments; reenacting s. 600.051(1), F.S., relating to
 27 | marketing agreements and the powers of the Department
 28 | of Citrus, to incorporate the amendment made to s.
 29 | 601.09, F.S., in a reference thereto; reenacting s.
 30 | 601.15(7) (b), F.S., relating to the use of moneys in
 31 | the Florida Citrus Advertising Trust Fund, to
 32 | incorporate the amendment made to s. 601.13, F.S., in
 33 | a reference thereto; providing an effective date.
 34 |

35 | Be It Enacted by the Legislature of the State of Florida:
 36 |

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

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

41 | 601.04 Florida Citrus Commission; creation and
 42 | membership.—

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

51 1. Derived a major portion of her or his income from such
 52 growing, growing and shipping, or growing and processing of
 53 citrus fruit; or

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

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

73 2. Three members of the commission shall be classified as
 74 processor ~~grower-handler~~ members and shall be engaged as owners,
 75 or as paid officers or employees, of a corporation, firm,

76 partnership, or other business unit engaged in canning,
77 concentrating, or otherwise processing citrus fruit for market
78 other than for shipment in fresh fruit form ~~handling citrus~~
79 ~~fruit. One such member shall be primarily engaged in the fresh~~
80 ~~fruit business, and two such members shall be primarily engaged~~
81 ~~in the processing of citrus fruits.~~

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

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

90 (2) (a) One grower member ~~Three commission members~~ shall be
91 appointed from each of the ~~three~~ citrus districts designated in
92 s. 601.09. ~~Members appointed from the same citrus district shall~~
93 ~~serve staggered terms, such that the term of one of the~~
94 ~~district's three members expires each year.~~ Each member must
95 reside or grow citrus in the district from which she or he was
96 appointed. ~~For the purposes of this section, a member's~~
97 ~~residence is her or his actual physical 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)1. 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 a.1. The terms ~~term~~ of two grower members and one packer
 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 b.2. The terms ~~term~~ of two grower members and one
 111 processor member ~~one member from each citrus district~~ shall
 112 expire June 30, 2023 ~~2013~~, and their successors ~~her or his~~
 113 ~~successor~~ shall be appointed to terms ~~a term~~ beginning July 1,
 114 2023 ~~2013~~, and expiring May 31, 2026 ~~2016~~.

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

120 2. One grower member and one processor member shall be
 121 appointed on or after July 1, 2022, with terms ending May 31,
 122 2025.

123 3.4. Subsequent appointments shall be made in accordance
 124 with this section.

125

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

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

149 (e)~~(d)~~ When making an appointment to the commission, the
150 Governor shall announce the district, classification, and term

151 of the person appointed.

152 (3)(a) The commission shall elect a chair and secretary
 153 and may elect a vice chair and such other officers as the
 154 commission deems advisable.

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

161 Section 3. Section 601.09, Florida Statutes, is amended to
 162 read:

163 601.09 Citrus districts.—

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

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

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

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

176 Counties.

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

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

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

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

193 Section 4. Subsection (3) of section 601.13, Florida
 194 Statutes, is renumbered as subsection (5), and a new subsection
 195 (3) and subsection (4) are added to that section to read:

196 601.13 Citrus research; administration by Department of
 197 Citrus; appropriation.—

198 (3) An entity that solicits research proposals and awards
 199 funding for those proposals expending funds received from the
 200 State Treasury on citrus production research conducted pursuant

201 to chapter 573, as recommended by the Citrus Research and
 202 Development Foundation, Inc., or conducted through contract with
 203 the department shall deliver a report that includes all of the
 204 following information to the commission biannually and at the
 205 request of the commission:

- 206 (a) Project plans selected for funding.
- 207 (b) The financial status of the projects.
- 208 (c) Current findings of the funded research.
- 209 (d) Availability of citrus products or application of
 210 growers' practices found through funded research.
- 211 (e) The status of the commercialization process of such
 212 products or practices.

213 (4) Before being released for sale to the general public,
 214 any new variety of citrus fruit which is developed as a result
 215 of any research or study accomplished using any percentage of
 216 funds from the State Treasury as well as any technology that
 217 enhances the marketability of new or current citrus fruit
 218 varieties must be made available as a first option for licensing
 219 and commercialization for a period of 90 days, under
 220 commercially reasonable terms, exclusively to the department or
 221 its designee. If the department or its designee exercises such
 222 exclusive license, the Florida Citrus Commission may retain the
 223 exclusivity for up to 8 years after the date of execution.

224 Section 5. Section 601.992, Florida Statutes, is amended
 225 to read:

226 601.992 Collection of dues and other payments on behalf of
227 certain nonprofit corporations engaged in market news and grower
228 education.—The Department of Citrus or the Department of
229 Agriculture or their successors may collect or compel the
230 entities regulated by the Department of Citrus to collect dues,
231 contributions, or any other financial payment upon request by,
232 and on behalf of, any not-for-profit corporation and its related
233 not-for-profit corporations located in this state that receive
234 payments or dues from their members. Such not-for-profit
235 corporation must be engaged, to the exclusion of agricultural
236 commodities other than citrus, in market news and grower
237 education solely for citrus growers, and must have at least
238 2,500 ~~5,000~~ members who are engaged in growing citrus in this
239 state for commercial sale. The Department of Citrus may adopt
240 rules to administer this section. The rules may establish
241 indemnity requirements for the requesting corporation and for
242 fees to be charged to the corporation that are sufficient but do
243 not exceed the amount necessary to ensure that any direct costs
244 incurred by the Department of Citrus in implementing this
245 section are borne by the requesting corporation and not by the
246 Department of Citrus.

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

251 600.051 Marketing agreements; powers of department.—
 252 (1) In order to effectuate the declared policy and
 253 purposes of this act, the department shall have the power to
 254 enter into, administer, and enforce marketing agreements with
 255 handlers and distributors engaged in any one or more of the
 256 citrus districts established in and by s. 601.09, in the
 257 handling and distributing of citrus fruit in fresh fruit form or
 258 any variety or varieties, grade, size, or quality thereof,
 259 regulating the handling of such citrus fruit in the way and
 260 manner and to the extent therein prescribed and agreed upon,
 261 which said marketing agreements shall be binding only upon the
 262 signatories thereto exclusively. The execution of any such
 263 marketing agreement shall in no manner affect the issuance,
 264 administration, or enforcement of any marketing order otherwise
 265 provided for by chapter 601, and any marketing agreement
 266 executed hereunder shall be ineffective to the extent that it is
 267 in conflict with any rule, regulation, marketing order, or
 268 marketing agreement under any federal law relating to the
 269 handling of citrus fruit grown in Florida.

270 Section 7. For the purpose of incorporating the amendment
 271 made by this act to section 601.13, Florida Statutes, in a
 272 reference thereto, paragraph (b) of subsection (7) of section
 273 601.15, Florida Statutes, is reenacted to read:

274 601.15 Advertising campaign; methods of conducting;
 275 assessments; emergency reserve fund; citrus research.—

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

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

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