

1                   A bill to be entitled  
2     An act relating to the Department of Citrus; amending  
3     s. 20.29, F.S.; providing for the appointment,  
4     compensation, and powers and duties of the  
5     department's executive director; deleting and  
6     conforming obsolete provisions relating to the Florida  
7     Citrus Commission; amending ss. 570.55 and 600.041,  
8     F.S.; conforming cross-references; amending s. 601.01,  
9     F.S.; revising a short title; amending s. 601.03,  
10    F.S.; defining the term "department" and conforming  
11    definitions for purposes of the Florida Citrus Code;  
12    amending s. 601.04, F.S.; revising the qualifications  
13    and terms of members of the Florida Citrus Commission;  
14    providing for staggered terms of members appointed  
15    from each citrus district; providing for shortened  
16    terms of current members; specifying that members are  
17    eligible for reappointment; deleting obsolete  
18    provisions; requiring the commission to elect a chair  
19    and secretary; deleting legislative intent relating to  
20    redistricting of the commission; amending ss. 601.045,  
21    601.05, 601.06, 601.07, and 601.08, F.S.; conforming  
22    provisions; amending s. 601.09, F.S.; providing  
23    legislative intent; authorizing the commission to  
24    submit recommendations to the Legislature for  
25    redistricting of the state's citrus districts;  
26    amending s. 601.10, F.S.; revising the department's  
27    powers; deleting provisions relating to the  
28    appointment, discharge, compensation, and powers and

29 | duties of the department's executive director;  
30 | establishing staffing requirements for the department;  
31 | deleting requirements relating to the days, hours, and  
32 | other conditions of employment for department  
33 | employees; conforming provisions; amending s. 601.101,  
34 | F.S.; conforming provisions; amending s. 601.11, F.S.;  
35 | revising the powers and duties of the department to  
36 | adopt maturity and quality standards for citrus fruit  
37 | and food products thereof; authorizing the department  
38 | to issue permits for the export of citrus fruit grown  
39 | in the state to certain foreign countries; authorizing  
40 | the department to issue permits for processors of  
41 | concentrated orange juice into which nutritive  
42 | sweetening ingredients are added and to suspend or  
43 | revoke the permits of processors that violate certain  
44 | rules; authorizing the department to issue emergency  
45 | quality assurance orders upon determining that  
46 | freezing temperatures have caused damage or freeze-  
47 | related injury to citrus fruit; authorizing the  
48 | department to limit increases in spacing between  
49 | stacked field boxes caused by the placement of cleats  
50 | or other devices on the field boxes; requiring the  
51 | department to adopt rules; amending s. 601.111, F.S.;  
52 | revising the department's authority to modify maturity  
53 | standards for citrus fruit and the number of  
54 | commission members required to approve such  
55 | modifications; revising legislative intent;  
56 | authorizing the department to adopt emergency rules

57 | under certain conditions; amending s. 601.13, F.S.;

58 | revising the department's powers and duties for citrus

59 | research; providing for research related to disease

60 | and crop efficiency; conforming provisions; amending

61 | s. 601.15, F.S.; redesignating the advertising excise

62 | tax on citrus fruit as an assessment; revising the

63 | maximum rates of such assessments; revising the

64 | guarantee requirements for assessment payments;

65 | conforming provisions; amending s. 601.152, F.S.;

66 | revising the number of commission members required to

67 | issue marketing orders for special marketing campaigns

68 | and impose assessments upon citrus handlers to defray

69 | the expenses of such campaigns; conforming provisions;

70 | amending s. 601.155, F.S.; redesignating the

71 | equalizing excise tax on processed orange and

72 | grapefruit products as an assessment; revising the

73 | guarantee requirements for assessment payments;

74 | conforming provisions; amending ss. 601.24, 601.25,

75 | 601.28, 601.31, 601.32, 601.33, 601.34, 601.35,

76 | 601.37, 601.38, 601.40, 601.43, 601.44, 601.45,

77 | 601.46, 601.49, 601.50, 601.501, 601.51, 601.52,

78 | 601.54, 601.55, 601.56, 601.57, 601.58, 601.60, and

79 | 601.601, F.S.; conforming provisions and cross-

80 | references; amending s. 601.61, F.S.; specifying that

81 | the amount of bonds or certificates of deposit that

82 | must be furnished by citrus fruit dealer licensees

83 | shall be determined by the department pursuant to

84 | department rules; deleting obsolete provisions

85 relating to the applicability and effect of certain  
 86 provisions if such provisions had been determined  
 87 invalid; amending ss. 601.64, 601.66, 601.67, 601.69,  
 88 601.70, 601.701, 601.731, 601.74, 601.75, 601.76,  
 89 601.77, 601.78, and 601.80, F.S.; conforming  
 90 provisions; amending ss. 601.85 and 601.86, F.S.;  
 91 specifying dimensions for standard shipping boxes and  
 92 standard field boxes for fresh citrus fruit; revising  
 93 circumstances under which such standard boxes must be  
 94 used; amending ss. 601.91, 601.9901, 601.9902,  
 95 601.9903, and 601.99035, F.S.; conforming provisions;  
 96 amending s. 601.99036, F.S.; revising requirements for  
 97 the commission's approval of changes in the salaries  
 98 of certain employees; amending ss. 601.9904, 601.9908,  
 99 601.9910, 601.9911, 601.9918, and 601.992, F.S.;  
 100 conforming provisions; amending s. 603.161, F.S.;  
 101 conforming a cross-reference; repealing ss. 601.16,  
 102 601.17, 601.18, 601.19, 601.20, 601.21, and 601.22,  
 103 F.S., relating to maturity and quality standards for  
 104 grapefruit, oranges, and tangerines; repealing s.  
 105 601.87, F.S., relating to limits on increased spacing  
 106 between stacked field boxes caused by the placement of  
 107 cleats or other devices on the field boxes; repealing  
 108 ss. 601.90 and 601.901, F.S., relating to the issuance  
 109 of emergency quality assurance orders following  
 110 freezing temperatures that cause damage or freeze-  
 111 related injury to citrus fruit and the use of such  
 112 freeze-damaged citrus fruit in frozen concentrated

113 products; repealing s. 601.981, F.S., relating to  
 114 permits for the export to certain foreign countries of  
 115 citrus fruit grown in the state and quality standards  
 116 for such exported fruit; repealing s. 601.9905, F.S.,  
 117 relating to quality standards and labeling  
 118 requirements for canned orange juice; repealing s.  
 119 601.9906, F.S., relating to quality standards for  
 120 certain grapefruit juice products; repealing ss.  
 121 601.9907, 601.9909, and 601.9913, F.S., relating to  
 122 quality standards and labeling requirements for canned  
 123 blends of orange juice and grapefruit juice, frozen  
 124 concentrated orange juice, and high-density frozen  
 125 concentrated orange juice sold in retail,  
 126 institutional, or bulk size containers; repealing s.  
 127 601.9914, F.S., relating to authority of the  
 128 commission to adopt rules modifying citrus juice  
 129 quality standards for specified purposes; repealing s.  
 130 601.9916, F.S., relating to the issuance of permits  
 131 for the processing, shipping, and sale of frozen  
 132 concentrated orange juice or concentrated orange juice  
 133 for manufacturing into which certain nutritive  
 134 sweetening ingredients are added, the inspection of  
 135 such processors, and quality standards and labeling  
 136 requirements for such concentrated orange juice;  
 137 providing effective dates.

138  
 139 Be It Enacted by the Legislature of the State of Florida:  
 140

141 Section 1. Section 20.29, Florida Statutes, is amended to  
 142 read:

143 (Substantial rewording of section. See  
 144 s. 20.29, F.S., for present text.)

145 20.29 Department of Citrus; Florida Citrus Commission;  
 146 executive director.—

147 (1) The head of the Department of Citrus is the Florida  
 148 Citrus Commission created under s. 601.04.

149 (2) The executive director of the Department of Citrus  
 150 shall be appointed by a majority vote of, and serves at the  
 151 pleasure of, the Florida Citrus Commission. The Florida Citrus  
 152 Commission shall fix the executive director's compensation and,  
 153 in addition to any powers and duties assigned to the executive  
 154 director by law, shall assign the executive director's powers  
 155 and duties.

156 Section 2. Paragraph (h) of subsection (3) of section  
 157 570.55, Florida Statutes, is amended to read:

158 570.55 Identification of sellers or handlers of tropical  
 159 or subtropical fruit and vegetables; containers specified;  
 160 penalties.—

161 (3) DEFINITIONS.—As used in this section:

162 (h) "Tropical or subtropical fruit" means avocados,  
 163 bananas, calamondins, carambolas, guavas, kumquats, limes,  
 164 longans, loquats, lychees, mameys, mangoes, papayas, passion  
 165 fruit, sapodillas, and fruit that must be grown in tropical or  
 166 semitropical regions, except citrus fruit as defined in s.  
 167 601.03~~(7)~~.

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168 Section 3. Subsection (11) of section 600.041, Florida  
 169 Statutes, is amended to read:

170 600.041 Definitions.—As used in this act, the following  
 171 terms have the following meanings:

172 (11) "Standard-packed box" has the same meaning ~~means a~~  
 173 ~~unit of measure~~ as provided ~~defined~~ in s. 601.03(33).

174 Section 4. Section 601.01, Florida Statutes, is amended to  
 175 read:

176 601.01 Short title.—This chapter may be ~~known and~~ cited as  
 177 the "Florida ~~"The Florida Citrus Code of 1949."~~

178 Section 5. Section 601.03, Florida Statutes, is amended to  
 179 read:

180 601.03 Definitions.—As used in ~~construing~~ this chapter,  
 181 ~~where the context permits the word, phrase, or term:~~

182 (1) "Additive" means any foreign substance which, when  
 183 added to any citrus fruit juice, will change the amount of total  
 184 soluble solids or anhydrous citric acid therein, or the color or  
 185 taste thereof, or act as an artificial preservative thereof. †

186 (2) "Agent" means any person who, on behalf of any citrus  
 187 fruit dealer, negotiates the consignment, purchase, or sale of  
 188 citrus fruit, or weighs citrus fruit so that the weight thereof  
 189 may be used in computing the amount to be paid therefor. †

190 (3) "Broker" means any person engaged in the business of  
 191 negotiating the sale or purchase of citrus fruit for others. †

192 (4) "Canned products" means juices, segments, or sections  
 193 of citrus fruits sealed in hermetically sealed containers at a  
 194 concentration that does ~~of~~ not exceed ~~exceeding~~ 20 degrees Brix  
 195 and sufficiently processed by heat to ensure preservation of the

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196 product, and when regulated by the department ~~of Citrus~~, these  
 197 same products packed in any other manner or in any other type  
 198 container.†

199 (5) "Canning plant" means any building, structure, or  
 200 place where citrus fruit or the juice thereof is canned or  
 201 prepared for canning at a concentration that does of not exceed  
 202 ~~exceeding~~ 20 degrees Brix for market or shipment.†

203 (6) "Cash buyer" means any person who purchases citrus  
 204 fruit in this state from the producer for the purpose of  
 205 resale.†

206 (7) "Citrus fruit" means all varieties and regulated  
 207 hybrids of citrus fruit and also means processed citrus products  
 208 containing 20 percent or more citrus fruit or citrus fruit  
 209 juice. The term does not, ~~but~~, for the purposes of this chapter,  
 210 ~~shall not~~ mean limes, lemons, marmalade, jellies, preserves,  
 211 candies, or citrus hybrids for which ~~no~~ specific standards have  
 212 not been established by the department. ~~of Citrus;~~

213 (8) "Citrus fruit dealer" means any consignor, commission  
 214 merchant, consignment shipper, cash buyer, broker, association,  
 215 cooperative association, express or gift fruit shipper, or  
 216 person who in any manner makes or attempts to make money or  
 217 other thing of value on citrus fruit in any manner whatsoever,  
 218 other than of growing or producing citrus fruit.† ~~but~~ The term  
 219 does shall not include retail establishments whose sales are  
 220 direct to consumers and not for resale or persons or firms  
 221 trading solely in citrus futures contracts on a regulated  
 222 commodity exchange.†

223 (9) ~~(37)~~ "Citrus hybrids" includes, ~~means~~ but is shall not



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224 ~~be~~ limited to, hybrids between or among sour orange (C.  
 225 aurantium), pummelo (C. grandis), lemon (C. limon), lime (C.  
 226 aurantifolia), citron (C. medica), grapefruit (C. paradisi),  
 227 tangerine or mandarin orange (C. reticulata), sweet orange (C.  
 228 sinensis), tangelo (C. reticulata x C. paradisi or C. grandis),  
 229 tangor (C. reticulata x C. sinensis), kumquat (Fortunella,  
 230 species), trifoliolate orange (Poncirus trifoliata), and varieties  
 231 of these species.†

232 (10)~~(9)~~ "Citrus producing area" means that part or parts  
 233 of the state in which citrus fruit is grown or produced.†

234 (11)~~(10)~~ "Color-add" or "color-added" means the  
 235 application or use of any coloring matter to any citrus fruit.†

236 (12)~~(11)~~ "Coloring matter" means any dye, or any liquid or  
 237 concentrate or material containing a dye or materials that ~~which~~  
 238 react to form a dye, used or intended to be used for the purpose  
 239 of enhancing the color of citrus fruit by the addition of  
 240 artificial color to the peel thereof. ~~The; provided that said~~  
 241 term does ~~shall~~ not include any process or treatment of fruit  
 242 that ~~which~~ merely brings out or accelerates the natural color of  
 243 the fruit.†

244 (13) "Commission" means the Florida Citrus Commission as  
 245 head of the department. ~~of Citrus;~~

246 (14)~~(15)~~ "Commission merchant" means any person engaged in  
 247 the business of receiving any citrus fruit for sale on  
 248 commission for or on behalf of another.†

249 (15)~~(16)~~ "Concentrated products" means:

250 (a) Frozen citrus fruit juice frozen that has ~~at~~ a  
 251 concentration that exceeds ~~of exceeding~~ 20 degrees Brix and is

252 kept at a sufficiently freezing temperature to ensure  
 253 preservation of the product; or ~~and~~

254 (b) Citrus fruit juice that is sealed in hermetically  
 255 sealed containers at a concentration that exceeds ~~of exceeding~~  
 256 20 degrees Brix and is sufficiently processed by heat to ensure  
 257 preservation of the product.†

258 (16) ~~(17)~~ "Concentrating plant" means any building,  
 259 structure, or place where citrus fruit is canned, frozen, or  
 260 prepared for canning or freezing at a concentration that exceeds  
 261 ~~of more than~~ 20 degrees Brix for market or shipment.†

262 (17) ~~(18)~~ "Consignment shipper" means any person who  
 263 contracts with the producer of citrus fruit for the marketing  
 264 thereof for the sole account and risk of such producer and who  
 265 agrees to pay such producer the net proceeds derived from such  
 266 sale.†

267 (18) ~~(19)~~ "Consignor" means any person, other than a  
 268 producer, who ships or delivers to any commission merchant or  
 269 dealer any citrus fruit for handling, sale, or resale.†

270 (19) ~~(12)~~ "Degreening ~~Coloring~~ room" means any room or  
 271 place where citrus fruit is placed, with or without the use of  
 272 heat or any gas, for the purpose of bringing out the natural  
 273 color of the fruit.†

274 (20) "Department" means the Department of Citrus.

275 (21) ~~(14)~~ "Department of Agriculture" means the Department  
 276 of Agriculture and Consumer Services. ~~of the State of Florida;†~~

277 (22) ~~(20)~~ "Express or gift fruit shipper" means any person  
 278 having an established place of business who ships or delivers  
 279 for transportation in any manner, citrus fruit to a consumer and

280 not for the purpose of resale.†

281 ~~(23)-(21)~~ "Fresh fruit juice distributor" means any person  
 282 extracting and preparing for market or shipment any citrus fruit  
 283 juice in fresh form.†

284 ~~(24)-(22)~~ "Grapefruit" means the fruit Citrus paradisi  
 285 Macf., commonly called grapefruit. The term includes the ~~and~~  
 286 ~~shall include~~ white, red, and pink meated varieties of  
 287 grapefruit.†

288 ~~(25)-(23)~~ "Handler" means any person engaged within this  
 289 state in the business of distributing citrus fruit in the  
 290 primary channel of trade or any person engaged as a processor in  
 291 the business of processing citrus fruit.†

292 ~~(26)-(35)~~ "Lemons" or "rough lemons" ~~including "rough"~~  
 293 ~~lemons~~ means the acid lemons of Citrus limon, including the  
 294 varieties eureka, genoa, wheatley, amerfo, belair, and  
 295 villafranca of the Eureka group; varieties bonnie brae, kennedy,  
 296 lisbon, messer, messina, and sicily of the Lisbon group;  
 297 varieties meyer, cuban, ponderosa, and rough of the Anomalous  
 298 group; varieties dorshapo and millsweet of the Sweet Lemon  
 299 group;† and other varieties not included in this subsection,  
 300 ~~above~~ such as everbearing, palestine sweet, perrine, and  
 301 spheriola.†

302 ~~(27)-(24)~~ "Manufacturer" means any person who manufactures  
 303 ~~shall manufacture,~~ sells ~~sell~~ or offers ~~offer~~ for sale, or  
 304 licenses ~~license~~ or offers ~~offer~~ for license for use any  
 305 coloring matter, or any soaps, oils, waxes, gases, gas-forming  
 306 material, or other similar compositions, or the component parts  
 307 thereof on or in the processing of citrus fruits.†

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308        ~~(28)~~~~(25)~~ "Oranges" means the fruit Citrus sinensis Osbeck,  
 309 commonly called sweet oranges.†

310        ~~(29)~~~~(26)~~ "Packinghouse" means any building, structure, or  
 311 place where citrus fruit is packed or otherwise prepared for  
 312 market or shipment in fresh form.†

313        ~~(30)~~~~(27)~~ "Person" means any natural person, partnership,  
 314 association, corporation, trust, estate, or other legal entity.†

315        ~~(31)~~~~(28)~~ "Primary channel of trade" means the routes  
 316 through which citrus fruit is marketed. Citrus ~~that~~ fruit is  
 317 ~~shall be~~ deemed to be ~~have been~~ delivered into the primary  
 318 channel of trade when it is sold or delivered for shipment in  
 319 fresh form, or when it is received and accepted at a canning,  
 320 concentrating, or processing plant for canning, concentrating,  
 321 or processing.†

322        ~~(32)~~~~(38)~~ "Processor" means any person engaged within this  
 323 state in the business of canning, concentrating, or otherwise  
 324 processing citrus fruit for market other than for shipment in  
 325 fresh fruit form.

326        ~~(33)~~~~(29)~~ "Producer" means any person growing or producing  
 327 citrus in this state for market.†

328        ~~(34)~~~~(30)~~ "Ship" or "shipping" means to move, or cause to  
 329 be moved, citrus fruit or the canned or concentrated products  
 330 thereof ~~to be moved~~ in intrastate, interstate, or foreign  
 331 commerce by rail, truck, boat, ~~or~~ airplane, or any other means.†

332        ~~(35)~~~~(31)~~ "Shipper" means any person engaged in shipping,  
 333 or causing to be shipped, citrus fruit or the canned or  
 334 concentrated products thereof in intrastate, interstate, or  
 335 foreign commerce, whether as owner, agent, or otherwise.†

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336        ~~(36)~~~~(32)~~ "Shipping season" means that period ~~of time~~  
 337 beginning August 1 of one year and ending July 31 of the  
 338 following year.†

339        ~~(37)~~~~(36)~~ "Sour or bitter oranges" ~~"sour" or "bitter"~~  
 340 ~~oranges~~ means the fruit of Citrus aurantium L. and contains  
 341 several subspecies. Among the most important are varieties  
 342 african, brazilian, rubidoux, and standard of the Normal group;  
 343 varieties daidai, goleta, and bouquet of the Aberrant group;  
 344 variety chinooto of the Myrtifolia group; and varieties  
 345 bittersweet and paraguay of the Bittersweet group.†

346        ~~(38)~~~~(33)~~ "Standard packed box" means 1 3/5 bushels of  
 347 citrus fruit, whether in bulk or containers.†

348        ~~(39)~~~~(34)~~ "Tangerines" means the fruit Citrus reticulata  
 349 Blanco, commonly called tangerines.†

350        Section 6. Section 601.04, Florida Statutes, is amended to  
 351 read:

352        601.04 Florida Citrus Commission; creation and  
 353 membership.-

354        (1) (a) There is created ~~and established~~ within the  
 355 department ~~of Citrus a board to be known and designated as the~~  
 356 "Florida Citrus Commission," which shall ~~to~~ be composed of nine  
 357 members appointed by the Governor. Each member must be a  
 358 ~~practical citrus fruit persons who are resident~~ citizen ~~citizens~~  
 359 of the state who, ~~each of whom~~ is and has been actively engaged  
 360 in the growing, growing and shipping, or growing and processing  
 361 of citrus fruit in the state for ~~a period of~~ at least 5 years  
 362 immediately before ~~prior to~~ appointment to the ~~said~~ commission  
 363 and has, during that 5-year ~~said~~ period:†

364           1. Derived a major portion of her or his income from such  
 365 growing, growing and shipping, or growing and processing of  
 366 citrus fruit; therefrom or, during said time, has

367           2. Been the owner of, member of, officer of, or paid  
 368 employee of a corporation, firm, or partnership that ~~which~~ has,  
 369 during that 5-year period ~~said time~~, derived the major portion  
 370 of its income from such ~~the~~ growing, growing and shipping, or  
 371 growing and processing of citrus fruit.

372           (b)1. Six members of the commission shall be classified  
 373 ~~designated~~ as grower members and shall be primarily engaged in  
 374 the growing of citrus fruit as an individual owner; as the owner  
 375 of, or as stockholder of, a corporation; or as a member of a  
 376 firm or partnership primarily engaged in citrus growing. ~~None of~~  
 377 Such members may not ~~shall~~ receive any compensation from any  
 378 licensed citrus fruit dealer or handler, as defined in s.  
 379 601.03, other than gift fruit shippers, but any of the grower  
 380 members shall not be disqualified as a member if, individually,  
 381 or as the owner of, a member of, an officer of, or a stockholder  
 382 of a corporation, firm, or partnership primarily engaged in  
 383 citrus growing which processes, packs, and markets its own fruit  
 384 and whose business is primarily not purchasing and handling  
 385 fruit grown by others.

386           2. Three members of the commission shall be classified  
 387 ~~designated~~ as grower-handler members and shall be engaged as  
 388 owners, or as paid officers or employees, of a corporation,  
 389 firm, partnership, or other business unit engaged in handling  
 390 citrus fruit. One ~~of~~ such member ~~three grower-handler members~~  
 391 shall be primarily engaged in the fresh fruit business, and two

392 ~~of such three grower handler~~ members shall be primarily engaged  
 393 in the processing of citrus fruits.

394 (2) (a) (c) There shall be Three commission members shall be  
 395 appointed of the commission from each of the three citrus  
 396 districts designated in s. 601.09. Members appointed from the  
 397 same citrus district shall serve staggered terms, such that the  
 398 term of one of the district's three members expires each year.  
 399 Each member must reside in the district from which she or he was  
 400 appointed. For the purposes of this section, a member's the  
 401 residence is her or his of a member shall be the actual physical  
 402 and permanent residence ~~of the member.~~

403 (b) (2) (a) The Members of such commission shall possess the  
 404 qualifications herein provided and shall be appointed to by the  
 405 Governor for terms of 3 years each, except that, to establish  
 406 staggered terms of members from each citrus district, the terms  
 407 of members appointed before July 1, 2012, shall be shortened as  
 408 follows:

409 1. The term of one member from each citrus district shall  
 410 expire June 30, 2012, and her or his successor shall be  
 411 appointed to a term beginning July 1, 2012, and expiring May 31,  
 412 2015.

413 2. The term of one member from each citrus district shall  
 414 expire June 30, 2013, and her or his successor shall be  
 415 appointed to a term beginning July 1, 2013, and expiring May 31,  
 416 2016.

417 3. The term of one member from each citrus district shall  
 418 expire June 30, 2014, and her or his successor shall be  
 419 appointed to a term beginning July 1, 2014, and ending May 31,

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420 2017.

421 4. Subsequent appointments shall be made in accordance  
 422 with this section.

423  
 424 Appointments shall be made by February 1 preceding the  
 425 commencement of the term and are ~~shall be~~ subject to  
 426 confirmation by the Senate in the following legislative session.

427 Each member is eligible for reappointment and ~~Four members shall~~  
 428 ~~be appointed each year. Such members~~ shall serve until her or  
 429 his successor is ~~their respective successors~~ are appointed and  
 430 qualified. The regular terms ~~shall~~ begin on June 1 and expire  
 431 ~~shall end~~ on May 31 of the third year after such appointment.  
 432 ~~Effective July 1, 2011, the terms of all members of the~~  
 433 ~~commission appointed on or before May 1, 2011, are terminated~~  
 434 ~~and the Governor shall appoint the members of the commission in~~  
 435 ~~accordance with the provisions of this act.~~

436 (c) ~~(b)~~ When appointments are made, the Governor shall  
 437 publicly announce the actual classification and district that  
 438 each appointee represents. A majority of the members of the  
 439 commission shall constitute a quorum for the transaction of all  
 440 business and the carrying out of the duties of the commission.  
 441 Before entering upon the discharge of their duties as members of  
 442 the commission, each member shall take and subscribe to the oath  
 443 of office prescribed in s. 5, Art. II of the State Constitution.  
 444 The qualifications and classification required ~~qualification~~ of  
 445 each member by this section continue to be ~~as herein~~ required  
 446 ~~shall continue~~ throughout the respective term of office, and if  
 447 ~~in the event~~ a member ~~should~~, after appointment, fails ~~fail~~ to



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448 meet the qualifications or classification that ~~which~~ she or he  
 449 possessed at the time of appointment ~~as above set forth,~~ the  
 450 ~~such~~ member must ~~shall~~ resign or be removed and be replaced with  
 451 a member possessing the proper qualifications and  
 452 classification.

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

456 (3) (a) The commission shall ~~is authorized to~~ elect a chair  
 457 and secretary and may elect a vice chair and such other officers  
 458 as the commission deems ~~it may deem~~ advisable.

459 (b) The chair, subject to commission concurrence, may  
 460 appoint such advisory committees or councils composed of  
 461 industry representatives as the chair deems appropriate, setting  
 462 forth the areas of committee or council concerns that concern  
 463 ~~which~~ are consistent with the statutory powers and duties of the  
 464 commission and the department ~~of Citrus.~~

465 ~~(4) It is the intent of the Legislature that the~~  
 466 ~~commission be redistricted every 5 years. Redistricting shall be~~  
 467 ~~based on the total boxes produced from each of the three~~  
 468 ~~districts during that 5-year period.~~

469 Section 7. Section 601.045, Florida Statutes, is amended  
 470 to read:

471 601.045 ~~Department auditor's report;~~ Commission meetings;  
 472 report of department's internal auditor meeting agenda item.—The  
 473 ~~Florida Citrus~~ commission shall include as an agenda item at  
 474 each regularly scheduled meeting a report by the department's  
 475 internal auditor ~~of the department of Citrus.~~

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476 Section 8. Section 601.05, Florida Statutes, is amended to  
 477 read:

478 601.05 Department of Citrus a body corporate.—The  
 479 department ~~of Citrus~~ shall be a body corporate, shall have power  
 480 to contract and be contracted with, and shall have and possess  
 481 all the powers of a body corporate for all purposes necessary  
 482 for fully carrying out the provisions and requirements of this  
 483 chapter. The department ~~of Citrus~~ shall adopt a corporate seal  
 484 with which it shall authenticate its proceedings.

485 Section 9. Section 601.06, Florida Statutes, is amended to  
 486 read:

487 601.06 Compensation and expenses of commission members.—  
 488 Each member of the commission shall receive the sum of \$25 per  
 489 day for each day or fraction thereof spent while en route to or  
 490 from, or in actual attendance at, regular or special meetings of  
 491 the commission or meetings of committees of the commission, or  
 492 in transacting other business authorized by the department ~~of~~  
 493 ~~Citrus~~ in addition to per diem and reimbursement of expenses as  
 494 authorized by law.

495 Section 10. Section 601.07, Florida Statutes, is amended  
 496 to read:

497 601.07 Location of executive offices.—The department's  
 498 executive offices ~~of the Department of Citrus~~ shall be  
 499 established and maintained at Bartow.

500 Section 11. Section 601.08, Florida Statutes, is amended  
 501 to read:

502 601.08 Authenticated copies of commission records as  
 503 evidence.—Copies of the proceedings, records, and acts of the

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504 commission and certificates purporting to relate the facts  
 505 concerning such proceedings, records, and acts signed by the  
 506 chair of the commission and authenticated by the department's  
 507 ~~seal of the Department of Citrus~~ shall be prima facie evidence  
 508 thereof in all the courts of the state.

509 Section 12. Section 601.09, Florida Statutes, is amended  
 510 to read:

511 601.09 Citrus districts.—

512 (1) For purposes of this chapter, the state is divided  
 513 into three districts composed of:

514 (a) ~~(1)~~ Citrus District One: Levy, Alachua, Brevard,  
 515 Putnam, St. Johns, St. Lucie, Flagler, Indian River, Marion,  
 516 Seminole, Orange, Okeechobee, Polk, Volusia, and Osceola  
 517 Counties.

518 (b) ~~(2)~~ Citrus District Two: Hardee, DeSoto, Highlands, and  
 519 Glades Counties.

520 (c) ~~(3)~~ Citrus District Three: Charlotte, Citrus, Collier,  
 521 Hernando, Hendry, Hillsborough, Lake, Lee, Manatee, Monroe,  
 522 Martin, Pasco, Palm Beach, Pinellas, Sarasota, Sumter, Broward,  
 523 and Miami-Dade Counties.

524 (2) The Legislature intends that the citrus districts be  
 525 reviewed and, if necessary to maintain substantially equal  
 526 volumes of citrus production within each district, redistricted  
 527 every 5 years. The commission may, once every 5 years, review  
 528 the citrus districts based on the total boxes produced within  
 529 each district during the preceding 5 years and, based on the  
 530 commission's findings, submit recommendations to the Legislature  
 531 for redistricting in accordance with this subsection.

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532 Section 13. Section 601.10, Florida Statutes, is amended  
533 to read:

534 601.10 Powers of the Department of Citrus.—The department  
535 ~~of Citrus~~ shall have and shall exercise such general and  
536 specific powers as are delegated to it by this chapter and other  
537 statutes of the state, which powers shall include, but are ~~shall~~  
538 not limited ~~be confined~~ to, the following:

539 (1) To adopt and periodically, ~~from time to time~~, alter,  
540 rescind, modify, or amend all proper and necessary rules,  
541 ~~regulations~~, and orders for the exercise of its powers and the  
542 performance of its duties under this chapter and other statutes  
543 of the state, which rules and orders ~~regulations~~ shall have the  
544 force and effect of law when not inconsistent therewith.

545 (2) To act as the general supervisory authority over the  
546 administration and enforcement of this chapter and to exercise  
547 such other powers and perform such other duties as may be  
548 imposed upon it by other laws of the state.

549 (3) ~~To employ and, at its pleasure, discharge an executive~~  
550 ~~director as it deems necessary and to outline his or her powers~~  
551 ~~and duties and fix his or her compensation.~~

552 ~~(a) The executive director of the department shall be~~  
553 ~~appointed by a majority vote of the commission for a term of 4~~  
554 ~~years, except for the initial term, and the executive director~~  
555 ~~shall be subject to confirmation by the Senate in the~~  
556 ~~legislative session following appointment.~~

557 ~~1. The initial term of the executive director ends June~~  
558 ~~30, 2011, and each subsequent 4-year term begins July 1, and~~  
559 ~~shall be filled in the same manner as the original appointment.~~

560           ~~2. A vacancy for the executive director shall be filled~~  
 561 ~~for the unexpired portion of the term in the same manner as the~~  
 562 ~~original appointment.~~

563           ~~(a) (b) To~~ The department of Citrus may pay, or participate  
 564 in the payment of, premiums for health, accident, and life  
 565 insurance for its full-time employees, pursuant to such rules ~~or~~  
 566 ~~regulations~~ as the department ~~it~~ may adopt,~~;~~ and such payments  
 567 ~~are~~ in addition to the regular salaries of such full-time  
 568 employees. The payment of such or similar benefits to its  
 569 employees in foreign countries, including, but not limited to,  
 570 social security, retirement, and other similar fringe benefit  
 571 costs, may be in accordance with laws in effect in the country  
 572 of employment, except that no benefits will be payable to  
 573 employees not authorized for other state employees, as provided  
 574 in the Career Service System.

575           (b) Subject to all applicable rules adopted by the  
 576 Department of Management Services, the department shall be  
 577 staffed 5 days per week, 40 hours per week, as necessary to  
 578 accommodate industry inquiries. However, the executive director,  
 579 with the commission's approval, may establish alternative  
 580 schedules for individual department employees to ensure maximum  
 581 efficiencies.

582           ~~(c) Employees of the department shall work a 5-day, 40-~~  
 583 ~~hour week. Unless an employee is on approved leave, an~~  
 584 ~~employee's salary shall be decreased by 20 percent for each day~~  
 585 ~~not worked during the 5-day work week if the employee chooses to~~  
 586 ~~regularly work less than a 5-day work week.~~

587           (4) To purchase or authorize the purchase of all office

588 equipment and supplies and to incur all necessary expenses in  
 589 connection with and required for the proper administration  
 590 ~~carrying out of the provisions of this chapter and other~~  
 591 applicable laws.

592 (5) To investigate violations of ~~the provisions of this~~  
 593 chapter and other laws conferring powers and duties upon the  
 594 department ~~of Citrus,~~ and to report its findings or  
 595 recommendations in connection therewith to the Department of  
 596 Agriculture ~~and Consumer Services.~~

597 (6) To incur such reasonable obligations and expenses as  
 598 may be necessary and proper for the discharge of its powers and  
 599 duties under this or other laws, and to have such obligations  
 600 and expenses paid out of the funds authorized by law to be  
 601 collected and expended. The department's executive director ~~of~~  
 602 ~~the Department of Citrus,~~ or such other person specifically  
 603 designated by the commission to act in the event the executive  
 604 director is either unable or not available to act, is authorized  
 605 to execute, on behalf of the department, contracts and  
 606 agreements previously approved by the commission during a  
 607 regular or special meeting, ~~on behalf of the Department of~~  
 608 ~~Citrus,~~ and the secretary or assistant secretary of the  
 609 commission is authorized to attest to the signature of the  
 610 executive director or other designated person.

611 (7) To adopt, repeal ~~promulgate, alter, rescind, modify,~~  
 612 and amend under chapter 120, and to enforce, rules that ~~and~~  
 613 ~~regulations and~~ establish minimum maturity and quality standards  
 614 for citrus fruits not inconsistent with existing laws or that,  
 615 ~~to~~ regulate and control methods and practices followed or used

616 in harvesting, grading, packing, extracting, canning,  
 617 concentrating, sectionizing, or otherwise processing citrus  
 618 fruits or citrus juices or the products thereof for human  
 619 consumption, including the addition or prohibition of any and  
 620 all additives, and including application to or use of coloring  
 621 matter thereon and coloring of fruit by placing in a degreening  
 622 ~~coloring~~ room with or without use of heat or any form of gas in  
 623 such process, to the end that such methods and practices as  
 624 affect the eating and keeping qualities and depreciate the value  
 625 of citrus fruits or the juices or other food products thereof in  
 626 any form may be minimized to the greatest extent possible, if  
 627 not altogether eliminated.

628 (8) To prepare and disseminate information of importance  
 629 to citrus growers, handlers, shippers, processors, and industry-  
 630 related and interested persons and organizations, relating to  
 631 department ~~of Citrus~~ activities and the production, handling,  
 632 shipping, processing, and marketing of citrus fruit and  
 633 processed citrus products. Any information that constitutes  
 634 ~~which consists of~~ a trade secret as defined in s. 812.081(1)(c)  
 635 is confidential and exempt from ~~the provisions of~~ s. 119.07(1),  
 636 and shall not be disclosed. For referendum and other notice and  
 637 informational purposes, the department ~~of Citrus~~ may prepare and  
 638 maintain, from the best available sources, a citrus grower  
 639 mailing list. Such list shall be a public record available as  
 640 other public records, but it shall not be subject to the purging  
 641 provisions of s. 283.55.

642 (9) When, in the opinion of the department ~~of Citrus~~, the  
 643 ~~tax~~ revenues collected pursuant to assessments levied under this

644 chapter, whether allocated for research, advertising or  
 645 promotion, reserve funds, advertising incentive plans, or other  
 646 purposes, are not immediately needed for the purpose for which  
 647 such funds are provided, the Chief Financial Officer is  
 648 authorized and shall, upon the request and approval of the  
 649 department ~~of Citrus~~, or its executive director ~~general manager~~  
 650 if she or he has been given such authority, invest and reinvest  
 651 the funds designated and for the period of time specified in  
 652 such request. In the investment of such funds, the Chief  
 653 Financial Officer has ~~shall have~~ the powers and is ~~be~~ subject to  
 654 the limitations provided for in s. 17.61.

655 (10) Subject to the concurrence of the Chief Financial  
 656 Officer, whenever the department contracts with a foreign entity  
 657 for performance of services or the purchase of materials, and  
 658 such contract requires payment in equivalent foreign currency,  
 659 the department may, for payment of such contract obligation,  
 660 deposit sufficient state funds in a foreign bank, or purchase  
 661 foreign currency at the current market rate, up to an amount not  
 662 in excess of the contract obligation. All payments from these  
 663 funds must have prior audit approval from the office of the  
 664 Chief Financial Officer.

665 (11) To conduct an annual merchandising and management  
 666 meeting in this state for department field personnel and to make  
 667 direct payment, by means of vendor contracts approved by the  
 668 commission, for all necessary lodging, meals, facilities, and  
 669 training expenses for department employees attending such annual  
 670 meeting, in lieu of payment of individual employee per diem  
 671 allowances as established by s. 112.061.



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672 (12) Notwithstanding ~~the provisions of~~ part I of chapter  
 673 287, to adopt ~~promulgate~~ rules for the purpose of entering into  
 674 contracts that ~~which~~ are primarily for promotional and  
 675 advertising services and promotional events, which may include  
 676 commodities involving a service. Such rules shall include the  
 677 authority to negotiate costs with the offerors of such services  
 678 and commodities who have been determined to be qualified on the  
 679 basis of technical merit, creative ability, and professional  
 680 competency. Contracts pursuant to this subsection may provide  
 681 for advance payments when the department determines that such  
 682 provision is essential to acquiring the service.

683 (13) To investigate or address the transportation problems  
 684 affecting the citrus industry.

685 (14) To investigate or research the mechanical harvesting  
 686 of citrus fruit grown in the state Florida.

687 (15) To provide by rule a list of forms used in conducting  
 688 its business. The adoption of such rule constitutes sufficient  
 689 notice to the public of the existence of the forms and negates  
 690 the need to place specific citation to such list throughout the  
 691 related chapters of the Florida Administrative Code.

692 Section 14. Section 601.101, Florida Statutes, is amended  
 693 to read:

694 601.101 Ownership of rights under patent and trademark  
 695 laws developed or acquired under ~~pursuant to the authorities of~~  
 696 this chapter. ~~Notwithstanding any provision of~~ chapter 286, the  
 697 legal title and every right, interest, claim, or demand of any  
 698 kind in and to any patent, trademark, copyright, certification  
 699 mark, or other right acquired under the patent and trademark

700 laws of the United States, ~~or~~ this state, or any foreign  
 701 country, or the application therefor ~~for the same~~, ~~now~~,  
 702 ~~heretofore~~, or that is or as may subsequently be ~~hereafter~~ owned  
 703 or held, acquired, or developed by the department ~~of Citrus~~,  
 704 under ~~the authority and directions given it by~~ this chapter, is  
 705 vested in the department ~~of Citrus~~ for the use, benefit, and  
 706 purposes provided in this chapter. The department ~~of Citrus~~ is  
 707 ~~hereby~~ vested with and may ~~is authorized to~~ exercise any ~~and all~~  
 708 of the normal incidents of such ownership, including the receipt  
 709 and disposition of royalties. Any sums received as royalties  
 710 from any such rights are ~~hereby~~ appropriated to the department  
 711 ~~of Citrus~~ for ~~any and all of~~ the purposes and uses provided in  
 712 this chapter.

713 Section 15. Section 601.11, Florida Statutes, is amended  
 714 to read:

715 601.11 ~~Power of~~ Department of Citrus; power to establish  
 716 standards; rulemaking authority.-

717 (1) The department ~~of Citrus~~ shall have full and plenary  
 718 ~~power to~~, and may adopt rules that:

719 (a) Establish state grades and minimum maturity and  
 720 quality standards not inconsistent with existing laws for citrus  
 721 fruits and food products thereof containing 20 percent or more  
 722 citrus or citrus juice, whether canned, ~~or~~ concentrated, or  
 723 otherwise processed, including standards for frozen concentrate  
 724 for manufacturing purposes, and for containers therefor. These  
 725 standards must be designed to increase the acceptance and  
 726 consumption by the consuming public of such regulated citrus  
 727 fruits and food products thereof and may include, but are not

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728 limited to, standards for:

729 1. Color break, predominant color, total soluble solids,  
730 juice content, and ratio of soluble solids of the juice to  
731 anhydrous citric acid of oranges, grapefruit, and tangerines.

732 2. Total soluble solids, juice content, and ratio of  
733 soluble solids of the juice to anhydrous citric acid of citrus  
734 fruit grown in the state for export to foreign countries other  
735 than Canada and Mexico.

736 3. Canned orange juice or frozen concentrated orange juice  
737 that is sold, offered for sale, shipped, or offered for  
738 shipment, including, but not limited to, standards for total  
739 soluble solids, ratio of soluble solids of juice to anhydrous  
740 citric acid, amount of anhydrous citric acid, amount of  
741 recoverable oil, color, taste, flavor, and absence of additives  
742 or defects, and labeling requirements for substandard juice.  
743 These standards may establish separate density, compositional,  
744 labeling, and inspection requirements for high-density frozen  
745 concentrated orange juice that is sold, offered for sale,  
746 shipped, or offered for shipment in retail, institutional, or  
747 bulk size containers.

748 4. The processing, shipping, and sale of frozen  
749 concentrated orange juice and concentrated orange juice for  
750 manufacturing to which nutritive sweetening ingredients are  
751 added, including, but not limited to, total soluble solids of  
752 orange juice exclusive of the added nutritive sweetening  
753 ingredients; labeling requirements; and requirements for the  
754 inspection and reinspection of such concentrated orange juice  
755 before and after nutritive sweetening ingredients are added.

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756 5. Grapefruit juice products, including, but not limited  
757 to, standards for the ratio of soluble solids of juice to  
758 anhydrous citric acid and any other standards designed to  
759 increase the acceptance and consumption by the consuming public  
760 of such regulated grapefruit juice products.

761 6. Canned blends of orange juice and grapefruit juice that  
762 are sold, offered for sale, shipped, or offered for shipment,  
763 including, but not limited to, standards for total soluble  
764 solids, ratio of soluble solids of juice to anhydrous citric  
765 acid, amount of anhydrous citric acid, amount of recoverable  
766 oil, color, taste, flavor, absence of defects, and labeling  
767 requirements for substandard juice blends.

768 (b) Authorize the department to issue permits for the  
769 export to foreign countries other than Canada and Mexico of  
770 citrus fruit grown in the state that complies with rules adopted  
771 under subparagraph (a)2.

772 (c) Authorize the commission to issue and renew permits  
773 for processors of frozen concentrated orange juice and  
774 concentrated orange juice for manufacturing to which nutritive  
775 sweetening ingredients are added and, in addition to  
776 disciplinary action that may be taken by the Department of  
777 Agriculture against a citrus fruit dealer for violations of this  
778 chapter, to suspend or revoke the permit of any processor that  
779 does not comply with rules adopted under subparagraph (a)4.

780 (d) Authorize the commission to determine whether freezing  
781 temperatures have caused damage or freeze-related injury as  
782 described in s. 601.89 to citrus fruit and, if the commission  
783 determines that such damage has been caused, issue emergency

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784 quality assurance orders that:

785 1. Temporarily prohibit the preparation for market, sale,  
786 offer for sale, or shipment of any citrus fruit showing freeze  
787 damage or freeze-related injury.

788 2. Establish the degree of freeze damage or freeze-related  
789 injury that is temporarily permitted in citrus fruit used in  
790 frozen concentrated products, including concentrate for  
791 manufacturing purposes.

792 (e) Establish standards limiting any increase of spacing  
793 between stacked field boxes caused by the placement of cleats or  
794 other devices on the field boxes.

795 (2) The department shall adopt ~~prescribe~~ rules or  
796 ~~regulations~~ governing:

797 (a) The marking, branding, labeling, tagging, or stamping  
798 of citrus fruit, or products thereof, whether canned, or  
799 concentrated, or otherwise processed, and upon containers  
800 therefor for the purpose of showing the name and address of the  
801 person marketing such citrus fruit or products thereof, whether  
802 canned, or concentrated, or otherwise processed.

803 (b) The grade, quality, variety, type, or size of citrus  
804 fruit; the grade, quality, variety, type, and amount of the  
805 products thereof, whether canned, or concentrated, or otherwise  
806 processed; and the quality, type, size, dimensions, and shape  
807 of containers therefor.

808 (c) The regulation and to regulate or prohibition of  
809 ~~prohibit~~ the use of containers that which have been previously  
810 have been used for the sale, transportation, or shipment of  
811 citrus fruit or the products thereof, whether canned, or

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812 concentrated, or otherwise processed, or any other commodity. ~~†~~  
 813 ~~provided,~~ However, the department may not prohibit ~~that~~ the use  
 814 of secondhand containers for the sale or ~~and~~ delivery of citrus  
 815 fruit for retail consumption within the state. ~~shall not be~~  
 816 ~~prohibited;~~

817 (3) The department may not adopt any ~~provided, however,~~  
 818 ~~that no~~ standard, ~~regulation,~~ rule, or order under this section  
 819 ~~that which~~ is inconsistent with ~~repugnant to~~ any requirement of  
 820 ~~made mandatory under~~ federal law or regulations that applies  
 821 ~~shall apply~~ to citrus fruit, or the products thereof, whether  
 822 canned, ~~or~~ concentrated, or otherwise processed, or to  
 823 containers therefor, that ~~which~~ are being shipped from this  
 824 state in interstate commerce.

825 (4) (a) All citrus fruit and the products thereof, whether  
 826 canned, ~~or~~ concentrated, or otherwise processed, sold, ~~or~~  
 827 offered for sale, or offered for shipment within or without the  
 828 state shall be graded and marked as required by this section.  
 829 ~~and~~

830 (b) The ~~regulations,~~ rules, and orders adopted ~~and made~~  
 831 under ~~authority of~~ this section, to the extent that they are  
 832 ~~which regulations, rules, and orders shall,~~ when not  
 833 inconsistent with state or federal law, shall have the force and  
 834 effect of law.

835 (5) In accordance with the Administrative Procedure Act,  
 836 rules adopted under this section must be adopted, amended, or  
 837 repealed pursuant to chapter 120.

838 Section 16. Section 601.111, Florida Statutes, is amended  
 839 to read:

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840           601.111 ~~Department of Citrus authorized to lower~~ Maturity  
 841 standards; modification by emergency rule.-

842           (1) The Legislature ~~of the state~~ finds and ~~declares~~ that  
 843 emergencies creating abnormal conditions in the state's Florida  
 844 citrus industry, which may include, but are not limited to, such  
 845 ~~as~~ unusual climatic conditions that produce unusual growing  
 846 conditions of citrus fruit, freezes and hurricanes, or other  
 847 acts of God that may affect a substantial part of the citrus  
 848 industry, require that the department have ~~of Citrus be given~~  
 849 the power and authority to modify lower the maturity standards  
 850 established by rule law for citrus fruit or any variety thereof,  
 851 ~~not including oranges except as specified in subsection (2),~~  
 852 ~~under and subject to the limitations, conditions, restrictions,~~  
 853 ~~and provisions and within the standards hereinafter prescribed~~  
 854 ~~and established.~~

855           (2) (a) Upon the determination by the department that in  
 856 ~~the event of an emergency~~ exists that creates abnormal  
 857 conditions in the state's citrus industry such as is mentioned  
 858 ~~in subsection (1), the said department of Citrus, in addition to~~  
 859 all other powers and authority provided by law, may adopt  
 860 emergency ~~which it now possesses, which have heretofore been~~  
 861 ~~granted or delegated to it by the Legislature shall have the~~  
 862 ~~additional power to issue rules pursuant to s. 120.54(4) that~~  
 863 temporarily modify the maturity standards previously adopted by  
 864 rule and regulations to:

865           ~~(a) Lower by not more than 10 percent the existing minimum~~  
 866 ~~requirement as to the total soluble solids of the juice of~~  
 867 ~~citrus fruit or any variety, except oranges, or size thereof;~~

868 ~~(b) Lower by not more than 10 percent the existing ratio~~  
 869 ~~of total soluble solids of the juice of citrus fruit or any~~  
 870 ~~variety thereof, except oranges, to the anhydrous citric acid;~~

871 ~~(c) Lower by not more than 10 percent the existing minimum~~  
 872 ~~requirement for juice content of citrus fruit or any variety or~~  
 873 ~~size thereof; and~~

874 ~~(d) Lower by not more than 10 percent the existing minimum~~  
 875 ~~requirement for the content of anhydrous citric acid for~~  
 876 ~~oranges.~~

877 (b) An emergency rule adopted ~~Any action~~ under this  
 878 subsection does shall not take effect unless the emergency rule  
 879 is be taken without the consent of at least nine members of the  
 880 ~~Florida Citrus Commission. Any regulation adopted pursuant to~~  
 881 ~~this section shall be~~ by the affirmative vote of at least seven  
 882 nine members of the said Florida Citrus commission, and each  
 883 every such emergency rule must ~~regulation shall~~ contain an  
 884 expiration date of not later than 1 year after ~~from~~ its  
 885 effective date.

886 (3) This section does ~~act shall~~ not repeal any other  
 887 section or part of this chapter and, ~~but~~ shall be deemed as  
 888 supplemental and additional to the express power vested in the  
 889 department ~~of Citrus,~~ subject only to the limitations,  
 890 restrictions, conditions, provisions, and standards provided in  
 891 this section ~~herein set forth.~~

892 Section 17. Section 601.13, Florida Statutes, is amended  
 893 to read:

894 601.13 Citrus research; administration by Department of  
 895 Citrus; appropriation.-



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896           (1) The department shall administer ~~administration of~~ this  
 897 section and shall be vested in the department of Citrus which  
 898 ~~shall~~ prescribe suitable and reasonable rules to properly  
 899 implement this section ~~and regulations for the proper carrying~~  
 900 ~~out of the provisions hereof.~~

901           (2) ~~It shall be the duty of~~ The department shall ~~of~~  
 902 Citrus, ~~and it is empowered:~~

903           (a) 1. ~~To~~ Conduct or cause to be conducted a thorough and  
 904 comprehensive study of citrus fruit and the juices thereof:

905           a.1. ~~With respect to the quality and maturity of such said~~  
 906 fruit and the juices thereof, including proper effort to  
 907 assemble data and arrive at a proper standard of quality, grade,  
 908 and maturity with reference to its texture, stability, and  
 909 general marketability and so far as possible reduce such  
 910 findings to specific and readily understood chemical,  
 911 mathematical, or descriptive terms; and

912           b.2. ~~With respect to the nutritional and other value or~~  
 913 values of such fruit and the juices thereof.

914           2. ~~and to~~ Provide suitable facilities and equipment of  
 915 every kind whatsoever proper and necessary in connection with  
 916 all such work.

917           (b) ~~To~~ Conduct or cause to be conducted such study and  
 918 research as is necessary to provide all the information and data  
 919 required to be disseminated pursuant to ~~the provisions of~~ this  
 920 section.

921           (c) ~~To~~ Provide suitable and sufficient laboratory  
 922 facilities and equipment, making use of the laboratory  
 923 facilities and equipment of the University of Florida, insofar

924 as it is practicable for the purpose of conducting thorough and  
 925 comprehensive study and research to determine all possible new  
 926 and further uses for citrus fruit and citrus fruit juices and  
 927 the products and byproducts into which the same can be converted  
 928 or manufactured, as well as to determine and develop new and  
 929 profitable methods and instruments of distribution thereof.

930 (d) ~~To~~ Carry on, or cause to be carried on, suitable  
 931 experiments in an effort to prove the commercial value of each,  
 932 and determine and develop new and further use for citrus fruit  
 933 and citrus fruit juices or the products and byproducts into  
 934 which the same can be converted or manufactured.

935 (e) ~~To~~ Carry on or cause to be carried on suitable  
 936 experiments in an effort to prove the commercial value of any  
 937 and all new profitable methods and instruments of distribution  
 938 of citrus fruit and citrus fruit juices and the products and  
 939 byproducts into which the same can be converted or manufactured.

940 (f) ~~To~~ Carry on or cause to be carried on an economic and  
 941 marketing research program relating to citrus fruits and~~r~~  
 942 products or byproducts thereof.

943 (g) ~~To~~ Enter into any mutually satisfactory contracts or  
 944 agreements with any person, firm, institution, corporation, or  
 945 business unit, as well as any state or federal agency, that  
 946 ~~which~~ the department ~~of Citrus~~ deems wise, necessary, and  
 947 expedient in the administration ~~carrying out of any of the~~  
 948 ~~provisions of this chapter.~~

949 (h) ~~To~~ Incur and pay such expenses and obligations as are  
 950 necessary in connection with and required for the proper  
 951 administration ~~carrying out of the provisions of this chapter.~~

952           (i) Conduct or cause to be conducted any research related  
 953 to disease and crop efficiency that would advance the purposes  
 954 of the state's citrus industry and commercialization related to  
 955 advancing such research.

956           (3) There is ~~hereby~~ appropriated and made available for  
 957 defraying the expenses of the administration of this section  
 958 from the moneys derived from advertising assessments ~~excise~~  
 959 ~~taxes~~ levied on citrus fruit such amounts as the department ~~of~~  
 960 ~~Citrus~~ may deem necessary within the percentage limitations  
 961 imposed by s. 601.15.

962           Section 18. Section 601.15, Florida Statutes, is amended  
 963 to read:

964           601.15 Advertising campaign; methods of conducting;  
 965 assessments ~~excise tax~~; emergency reserve fund; citrus  
 966 research.—

967           (1) The department shall administer ~~administration of~~ this  
 968 section ~~shall be vested in the Department of Citrus, which shall~~  
 969 prescribe suitable and reasonable rules ~~and regulations~~ for the  
 970 enforcement of this section hereof, and ~~the Department of Citrus~~  
 971 ~~shall~~ administer the assessments ~~taxes~~ levied and imposed under  
 972 this section hereby. All funds collected under this section and  
 973 the interest accrued on such funds are consideration for a  
 974 social contract between the state and the citrus growers of the  
 975 state whereby the state must hold such funds in trust and  
 976 inviolate and use them only for the purposes prescribed in this  
 977 chapter. The department may ~~of Citrus shall have power to~~ cause  
 978 its duly authorized agent or representative to enter upon the  
 979 premises of any handler of citrus fruits and to examine or cause

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980 to be examined any books, papers, records, or memoranda bearing  
 981 on the amount of assessments ~~taxes~~ payable and to secure other  
 982 information directly or indirectly concerned in the enforcement  
 983 of this section ~~hereof~~. Any person who is required to pay the  
 984 assessments ~~taxes~~ levied and imposed and who by any practice or  
 985 evasion makes it difficult to enforce this section ~~the~~  
 986 ~~provisions hereof~~ by inspection, or any person who, after demand  
 987 by the department ~~of Citrus~~ or any agent or representative  
 988 designated by it for that purpose, refuses to allow full  
 989 inspection of the premises or any part thereof or any books,  
 990 records, documents, or other instruments in any manner relating  
 991 to the liability of the person or entity liable ~~taxpayer~~ for the  
 992 assessment tax imposed or hinders, ~~or in anywise~~ delays, or  
 993 prevents such inspection, commits ~~is guilty of~~ a misdemeanor of  
 994 the second degree, punishable as provided in s. 775.082 or s.  
 995 775.083.

996 (2) The department ~~of Citrus~~ shall plan and conduct  
 997 campaigns for commodity advertising, publicity, and sales  
 998 promotion, and may conduct campaigns to encourage noncommodity  
 999 advertising, to increase the consumption of citrus fruits and  
 1000 may contract for any such advertising, publicity, and sales  
 1001 promotion service. To accomplish such purpose, the department ~~of~~  
 1002 ~~Citrus~~ shall ~~have power, and it shall be its duty:~~

- 1003 (a) ~~To~~ Disseminate information relating to:
- 1004 1. Citrus fruits and the importance thereof in preserving  
 1005 the public health, the economy thereof in the diet of the  
 1006 people, and the importance thereof in the nutrition of  
 1007 children.†

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1008           2. The manner, method, and means used and employed in the  
 1009 production and marketing of citrus fruits and information  
 1010 relating to laws of the state regulating and safeguarding such  
 1011 production and marketing.†

1012           3. The added cost to the producer and dealer in producing  
 1013 and handling citrus fruits to meet the high standards imposed by  
 1014 the state that ensure a pure and wholesome product.†

1015           4. The effect upon the public health that ~~which~~ would  
 1016 result from a breakdown of the state's ~~Florida~~ citrus industry  
 1017 or any part thereof.†

1018           5. The reasons that ~~why~~ producers and dealers should  
 1019 receive a reasonable return on their labor and investment.†

1020           6. The problem of furnishing the consumer at all times  
 1021 with an abundant supply of fine quality citrus fruits at  
 1022 reasonable prices.†

1023           7. Factors of instability peculiar to the citrus fruit  
 1024 industry, such as unbalanced production, the effect of the  
 1025 weather, the influence of consumer purchasing power, and price  
 1026 relative to the cost of other items of food in the normal diet  
 1027 of people, all to the end that an intelligent and increasing  
 1028 consumer demand may be created.†

1029           8. The possibilities with particular reference to  
 1030 increased consumption of citrus fruits.†~~and~~

1031           9. Such ~~other, further, and~~ additional information that  
 1032 ~~which~~ tends to promote increased consumption of citrus fruits  
 1033 and that ~~which~~ fosters a better understanding and more efficient  
 1034 cooperation among producers, dealers, and the consuming public.†  
 1035 ~~and~~

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1036 (b) ~~To~~ Decide upon some distinctive and suggestive trade  
 1037 name and to promote its use in all ways to advertise Florida  
 1038 citrus fruit.

1039 (3) (a) There is ~~hereby~~ levied and imposed upon each  
 1040 standard-packed box of citrus fruit grown and placed into the  
 1041 primary channel of trade in this state an assessment ~~excise tax~~  
 1042 at maximum annual rates for each citrus season as provided  
 1043 ~~determined from the tables~~ in this paragraph and ~~based upon the~~  
 1044 ~~previous season's actual statewide production as reported in the~~  
 1045 ~~United States Department of Agriculture Citrus Crop Production~~  
 1046 ~~Forecast as of June 1~~. The rates may be set at any lower rate in  
 1047 any year pursuant to paragraph (e).

1048 1. The ~~following~~ maximum assessment for tax rates,  
 1049 ~~expressed in cents per box, shall apply to~~ grapefruit that which  
 1050 enters the primary channel of trade for use in fresh form may  
 1051 not exceed 36 cents per box.÷

Previous	<del>1995-</del>	<del>1996-</del>	<del>1997-</del>	<del>1998-</del>	<del>1999-2000</del>
season	1996	1997	1998	1999	and
crop size					thereafter
(millions of					
boxes)					

1053  
 1054 80 and 33 34 35 36 37  
 1055 greater

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1056	<del>75-79.99</del>	35	36	37	38	39
1057	<del>70-74.99</del>	37	38	39	41	42
1058	<del>65-69.99</del>	40	41	42	44	45
1059	<del>60-64.99</del>	43	44	46	47	49
1060	<del>55-59.99</del>	47	48	50	51	53
1061	<del>50-54.99</del>	51	53	55	56	58
1062	<del>45-49.99</del>	57	59	60	62	64
1063	<del>40-44.99</del>	63	65	67	69	71
1064	<del>Less than 40</del>	72	74	76	79	81

1066 However, ~~effective July 1, 2011, the tax rate per box on~~  
 1067 ~~grapefruit that enters the primary channel of trade for use in~~  
 1068 ~~fresh form may not exceed the tax rate per box in effect on May~~  
 1069 ~~1, 2011.~~

1070 2. The ~~following~~ maximum assessment for tax rates,  
 1071 ~~expressed in cents per box, shall apply to grapefruit that~~ which  
 1072 enters the primary channel of trade for use in processed form  
 1073 may not exceed 36 cents per box. ~~forms.~~

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	<del>1995</del>	<del>1996</del>	<del>1997</del>	<del>1998</del>	<del>1999-2000</del>
Previous season crop size (millions of boxes)	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	and thereafter
1075					
1076					
80 and greater	23	24	25	25	26
1077					
75-79.99	25	25	26	27	28
1078					
70-74.99	26	27	28	29	30
1079					
65-69.99	28	29	30	31	32
1080					
60-64.99	31	32	32	33	34
1081					
55-59.99	33	34	35	36	37
1082					
50-54.99	36	38	39	40	41
1083					
45-49.99	40	41	43	44	45
1084					
40-44.99	45	46	48	49	51
1085					



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~~Less than 40~~      ~~51~~      ~~53~~      ~~54~~      ~~56~~      ~~57~~

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~~However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in processed forms may not exceed the tax rate per box in effect on May 1, 2011.~~

3. The ~~following~~ maximum assessment for tax rates, ~~expressed in cents per box,~~ shall apply to oranges that which enter the primary channel of trade for use in fresh form may not exceed 7 cents per box.÷

<del>Previous</del>	<del>1995-</del>	<del>1996-</del>	<del>1997-</del>	<del>1998-</del>	<del>1999-2000</del>
<del>season</del>	<del>1996</del>	<del>1997</del>	<del>1998</del>	<del>1999</del>	<del>and</del>
<del>crop size</del>					<del>thereafter</del>
<del>(millions of</del>					
<del>boxes)</del>					

<del>255 and</del>	<del>23</del>	<del>24</del>	<del>25</del>	<del>26</del>	<del>26</del>
<del>greater</del>					
<del>245-254.9</del>	<del>24</del>	<del>25</del>	<del>26</del>	<del>27</del>	<del>27</del>
<del>235-244.9</del>	<del>25</del>	<del>26</del>	<del>27</del>	<del>28</del>	<del>28</del>

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1102	<del>225-234.9</del>	<del>26</del>	<del>27</del>	<del>28</del>	<del>29</del>	<del>30</del>
1103	<del>215-224.9</del>	<del>28</del>	<del>28</del>	<del>29</del>	<del>30</del>	<del>31</del>
1104	<del>205-214.9</del>	<del>29</del>	<del>30</del>	<del>31</del>	<del>32</del>	<del>33</del>
1105	<del>195-204.9</del>	<del>30</del>	<del>31</del>	<del>32</del>	<del>33</del>	<del>34</del>
1106	<del>185-194.9</del>	<del>32</del>	<del>33</del>	<del>34</del>	<del>35</del>	<del>36</del>
1107	<del>175-184.9</del>	<del>34</del>	<del>35</del>	<del>36</del>	<del>37</del>	<del>38</del>
1108	<del>165-174.9</del>	<del>36</del>	<del>37</del>	<del>38</del>	<del>39</del>	<del>40</del>
1109	<del>155-164.9</del>	<del>38</del>	<del>39</del>	<del>40</del>	<del>41</del>	<del>43</del>
1110	<del>Less than 155</del>	<del>41</del>	<del>42</del>	<del>43</del>	<del>44</del>	<del>46</del>
1111						
1112	<del>However, effective July 1, 2011, the tax rate per box on oranges</del>					
1113	<del>that enter the primary channel of trade for use in fresh form</del>					
1114	<del>may not exceed the tax rate per box in effect on May 1, 2011.</del>					
1115	4. The following maximum <u>assessment for tax rates,</u>					
1116	<del>expressed in cents per box,</del> shall apply to oranges <u>that</u> which					
1117	enter the primary channel of trade for use in processed form <u>may</u>					
1118	<u>not exceed 25 cents per box.</u> ÷					
1119						

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	<del>Previous</del>	<del>1995</del>	<del>1996</del>	<del>1997</del>	<del>1998</del>	<del>1999-2000</del>
	season	1996	1997	1998	1999	and
	<del>crop size</del>					thereafter
	<del>(millions of</del>					
	<del>boxes)</del>					
1120						
1121	<del>255 and</del>	15	16	16	17	17
	<del>greater</del>					
1122	<del>245-254.9</del>	16	16	17	17	18
1123	<del>235-244.9</del>	17	17	18	18	19
1124	<del>225-234.9</del>	17	18	18	19	19
1125	<del>215-224.9</del>	18	19	19	20	20
1126	<del>205-214.9</del>	19	20	20	21	21
1127	<del>195-204.9</del>	20	21	21	22	22
1128	<del>185-194.9</del>	21	22	22	23	24
1129	<del>175-184.9</del>	22	23	23	24	25
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<del>165-174.9</del>	23	24	25	26	26
<del>155-164.9</del>	25	26	26	27	28
<del>Less than 155</del>	27	27	28	29	30

~~However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in processed form may not exceed 25 cents per box.~~

5. The actual assessment ~~tax rate~~ levied each year upon oranges which enter the primary channel of trade for use in processed form, pursuant to this paragraph, paragraph (c), and subsection (4), shall also apply in that year to tangerines and citrus hybrids regulated by the department that ~~of Citrus~~ which enter the primary channel of trade for use in processed form may not exceed 25 cents per box.

6. The ~~following~~ maximum assessment for tax rates, expressed in cents per box, shall apply to tangerines and citrus hybrids regulated by the department that ~~of Citrus~~ which enter the primary channel of trade for use in fresh form may not exceed 16 cents per box.÷

<del>Previous</del>	<del>1995-</del>	<del>1996-</del>	<del>1997-</del>	<del>1998-</del>	<del>1999-2000</del>
<del>season</del>	1996	1997	1998	1999	and
<del>crop size</del>					thereafter
<del>(millions of</del>					

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1151	<del>boxes)</del>					
1152	<del>13 and</del>	24	24	25	26	27
1153	<del>greater</del>					
1154	<del>12 - 12.99</del>	26	26	27	28	29
1155	<del>11 - 11.99</del>	28	29	30	30	31
1156	<del>10 - 10.99</del>	31	31	32	33	34
1157	<del>9 - 9.99</del>	34	35	36	37	38
1158	<del>8 - 8.99</del>	38	39	40	41	42
1159	<del>7 - 7.99</del>	43	44	45	47	48
1160	<del>Less than 7</del>	49	51	52	54	56
1161						
1162	<del>However, effective July 1, 2011, the tax rate per box on</del>					
1163	<del>tangerines and citrus hybrids regulated by the Department of</del>					
1164	<del>Citrus which enter the primary channel of trade for use in fresh</del>					
1165	<del>form may not exceed the tax rate per box in effect on May 1,</del>					
1166	<del>2011.</del>					
1167	(b) Whenever citrus fruit is purchased, acquired, or					

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1168 handled on a weight basis, the following weights are ~~shall be~~  
 1169 deemed the equivalent of one standard-packed box for assessment  
 1170 ~~tax~~ purposes under this section:

- 1171 1. Grapefruit, 85 pounds.
- 1172 2. Oranges, 90 pounds.
- 1173 3. Tangerines, 95 pounds.
- 1174 4. Citrus hybrids, 90 pounds.

1175 (c) The assessments ~~excise taxes~~ imposed by this section  
 1176 do not apply to citrus fruit used for noncommercial domestic  
 1177 consumption on the premises where produced.

1178 (d) For purposes of this subsection, a citrus season  
 1179 begins on August 1 of a year and ends on July 31 of the  
 1180 following year.

1181 (e) The commission, upon an affirmative vote of a majority  
 1182 of its members and by an order entered by it before ~~prior to~~  
 1183 November 1 of any year, may set the assessments ~~tax rates~~ up to  
 1184 the maximum rates specified in this subsection. The assessment  
 1185 ~~tax rate~~ shall apply only to the citrus season that ~~which~~ began  
 1186 on August 1 of the same calendar year. Such assessment ~~tax rate~~  
 1187 may be applied by variety and on the basis of whether the fruit  
 1188 enters the primary channel of trade for use in fresh or  
 1189 processed form. If the commission cannot agree on a box  
 1190 assessment ~~tax rate~~, the assessment ~~tax rate~~ for the previous  
 1191 year shall remain in effect until the commission approves a new  
 1192 assessment ~~rate~~.

1193 (4) Every handler shall keep a complete and accurate  
 1194 record of all citrus fruit handled by her or him. Such record  
 1195 shall be in such form and contain such other information as the

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1196 department ~~of Citrus~~ shall by rule ~~or regulation~~ prescribe. Such  
 1197 records shall be preserved by such handlers for a period of 1  
 1198 year and shall be offered for inspection at any time upon oral  
 1199 or written demand by the department ~~of Citrus~~ or its duly  
 1200 authorized agents or representatives.

1201 (5) Every handler shall, at such times and in such manner  
 1202 as the department ~~of Citrus~~ may by rule require, file with the  
 1203 department ~~of Citrus~~ a return certified as true and correct, on  
 1204 forms furnished by the department ~~of Citrus~~, stating, in  
 1205 addition to other information, the number of standard-packed  
 1206 boxes of each kind of citrus fruit handled by such handler in  
 1207 the primary channel of trade during the period of time covered  
 1208 by the return. Full payment of all assessments ~~excise taxes~~ due  
 1209 for the period reported shall accompany each handler's return.

1210 (6) (a) All assessments ~~excise taxes~~ levied and imposed  
 1211 pursuant to ~~the provisions of~~ this section are ~~shall be~~ due and  
 1212 payable and shall be paid, or the amount thereof guaranteed as  
 1213 ~~hereinafter~~ provided in this subsection, at the time the citrus  
 1214 fruit is first handled in the primary channels of trade. All  
 1215 such assessments ~~taxes~~ shall be paid, or the payment thereof  
 1216 shall be guaranteed, to the department ~~of Citrus~~ by the person  
 1217 first handling the fruit in the primary channel of trade, except  
 1218 that payment of assessments ~~taxes~~ on fruit delivered or sold for  
 1219 processing in this state shall be paid, or payment thereof shall  
 1220 be guaranteed in accordance with department ~~of Citrus~~ rules, by  
 1221 the person processing such fruit.

1222 (b) Periodic payment of assessments ~~excise taxes~~ upon  
 1223 citrus fruit by the person liable for such payment is ~~shall be~~

1224 permitted only in accordance with department ~~of Citrus~~ rules, <sup>+</sup>  
 1225 and the payment thereof shall be guaranteed by the posting of a  
 1226 good and sufficient letter of credit from an issuing bank  
 1227 located in the United States, a cash bond, an appropriate  
 1228 certificate of deposit, or an approved surety bond in an amount  
 1229 and manner as prescribed by department ~~of Citrus~~ rule. Evidence  
 1230 of such guarantee of payment of assessments must ~~excise taxes~~  
 1231 ~~shall~~ be made on the grade certificate in such manner and form  
 1232 as may be prescribed by department ~~of Citrus~~ rule.

1233 (c) All assessments ~~taxes~~ collected by the department ~~of~~  
 1234 ~~Citrus~~ shall be delivered to the State Treasury for payment into  
 1235 the proper advertising fund.

1236 (7) All assessments ~~excise taxes~~ levied and collected  
 1237 under ~~the provisions of~~ this chapter shall be paid into the  
 1238 State Treasury on or before the 15th day of each month. <sup>+</sup> Such  
 1239 moneys shall be accounted for in a special fund to be designated  
 1240 as the Florida Citrus Advertising Trust Fund, and all moneys in  
 1241 such fund are ~~hereby~~ appropriated to the department ~~of Citrus~~  
 1242 for the following purposes:

1243 (a) Four percent of all income of a revenue nature  
 1244 deposited in this fund, including transfers from any subsidiary  
 1245 accounts thereof and any interest income, shall be deposited in  
 1246 the General Revenue Fund pursuant to chapter 215.

1247 (b) Moneys in the Florida Citrus Advertising Trust Fund  
 1248 shall be expended for the activities authorized by s. 601.13 and  
 1249 for the cost of those general overhead, research and  
 1250 development, maintenance, salaries, professional fees,  
 1251 enforcement costs, and other such expenses that ~~which~~ are not



1252 related to advertising, merchandising, public relations, trade  
 1253 luncheons, publicity, and other associated activities. The cost  
 1254 of general overhead, maintenance, salaries, professional fees,  
 1255 enforcement costs, and other such expenses that ~~which~~ are  
 1256 related to advertising, merchandising, public relations, trade  
 1257 luncheons, publicity, and associated activities shall be paid  
 1258 from the balance of the Florida Citrus Advertising Trust Fund.

1259 (c) Moneys in the Florida Citrus Advertising Trust Fund  
 1260 shall also be used by the department ~~of Citrus~~ for defraying  
 1261 those expenses not included in paragraph (b). After payment of  
 1262 such expenses, the money levied and collected under ~~the~~  
 1263 ~~provisions of~~ subsection (3) shall be used exclusively for  
 1264 commodity and noncommodity advertising, merchandising,  
 1265 publicity, or sales promotion of citrus products in both fresh  
 1266 form and processed form, including citrus cattle feed and all  
 1267 other products of citrus fruits, produced in the state, in such  
 1268 equitable manner and proration as the department ~~of Citrus~~ may  
 1269 determine, but funds expended for commodity advertising  
 1270 thereunder shall be expended through an established advertising  
 1271 agency. A proration of moneys between commodity programs and  
 1272 noncommodity programs~~7~~ and among types of citrus products~~7~~ shall  
 1273 be made on or before November 1 of each shipping season and may  
 1274 not thereafter be modified for that shipping season unless the  
 1275 department finds such action necessary to preserve the economic  
 1276 welfare of the citrus industry.

1277 (d) The pro rata portion of moneys allocated to each type  
 1278 of citrus product in noncommodity programs shall be used by the  
 1279 department to encourage substantial increases in the

1280 effectiveness, frequency, and volume of noncommodity  
 1281 advertising, merchandising, publicity, and sales promotion of  
 1282 such citrus products through rebates and incentive payments to  
 1283 handlers and trade customers for these activities. The  
 1284 department shall ~~of Citrus is authorized and directed to~~ adopt  
 1285 rules providing for the use of such moneys. The rules shall  
 1286 establish alternate incentive programs, including at least one  
 1287 incentive program for product sold under advertised brands, one  
 1288 incentive program for product sold under private label brands,  
 1289 and one incentive program for product sold in bulk. For each  
 1290 incentive program, the rules shall establish eligibility and  
 1291 performance requirements and shall provide appropriate  
 1292 limitations on amounts payable to a handler or trade customer  
 1293 for a particular season. Such limitations may relate to the  
 1294 amount of citrus assessments ~~excise taxes~~ levied and collected  
 1295 on the citrus product handled by such handler or trade customer  
 1296 during a 12-month representative period. The department may  
 1297 require from participants in noncommodity advertising and  
 1298 promotional programs commercial information necessary to  
 1299 determine eligibility for and performance in such programs. Any  
 1300 information so required that ~~which~~ constitutes a "trade secret"  
 1301 as defined in s. 812.081 is confidential and exempt from ~~the~~  
 1302 ~~provisions of~~ s. 119.07(1).

1303 (8) (a) On certification by any employee of the department  
 1304 ~~of Citrus~~ that her or his actual and necessary expenses on any  
 1305 particular day while traveling outside the state exceeded the  
 1306 per diem provided by law, such employee shall show such excess  
 1307 on her or his regular expense voucher and support the same by

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1308 the proof required pursuant to rules adopted and ~~regulations to~~  
 1309 ~~be promulgated~~ by the department of ~~Citrus~~.

1310 (b) The department ~~of Citrus~~ is authorized to spend such  
 1311 amount as it deems advisable for guests involved in promotional  
 1312 activities in the sale of Florida citrus fruits and products.

1313 (c) All obligations, expenses, and costs incurred under  
 1314 ~~the provisions of~~ this section shall be paid out of the Citrus  
 1315 Advertising Fund upon warrant of the Chief Financial Officer  
 1316 when vouchers thereof, approved by the department ~~of Citrus~~, are  
 1317 exhibited.

1318 (9) (a) Any handler who fails to file a return or to pay  
 1319 any assessment tax within the time required shall thereby  
 1320 forfeit to the department ~~of Citrus~~ a penalty of 5 percent of  
 1321 the amount of assessment tax determined to be due,<sup>r</sup> but the  
 1322 department ~~of Citrus~~, if satisfied that the delay was excusable,  
 1323 may remit all or any part of such penalty. Such penalty shall be  
 1324 paid to the department ~~of Citrus~~ and disposed of as provided  
 1325 with respect to moneys derived from the assessments taxes levied  
 1326 and imposed by subsection (3).

1327 (b) The department ~~of Citrus~~ may collect any assessments  
 1328 ~~taxes~~ levied and assessed by this chapter in any or all of the  
 1329 following methods:

- 1330 1. By the voluntary payment by the person liable therefor.
- 1331 2. By a suit at law.
- 1332 3. By a suit in equity to enjoin and restrain any handler,  
 1333 citrus fruit dealer, or other person owing such assessments  
 1334 ~~taxes~~ from operating her or his business or engaging in business  
 1335 as a citrus fruit dealer until the delinquent assessments taxes

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1336 are paid. Such action may include an accounting to determine the  
 1337 amount of assessments ~~taxes~~ plus delinquencies due. In any such  
 1338 proceeding, it is not necessary to allege or prove that an  
 1339 adequate remedy at law does not exist.

1340 (10) The powers and duties of the department ~~of Citrus~~  
 1341 include the following:

1342 (a) To adopt and periodically ~~from time to time~~ alter,  
 1343 rescind, modify, and amend all proper and necessary rules,  
 1344 ~~regulations,~~ and orders for the exercise of its powers and the  
 1345 performance of its duties under this chapter.

1346 (b) To employ and at its pleasure discharge an advertising  
 1347 manager, agents, advertising agencies, and such clerical and  
 1348 other help as it deems necessary and to outline their powers and  
 1349 duties and fix their compensation.

1350 (c) To make in the name of the department ~~of Citrus~~ such  
 1351 advertising contracts and other agreements as may be necessary.

1352 (d) To keep books, records, and accounts of all of its  
 1353 activities, which books, records, and accounts shall be open to  
 1354 inspection, audit, and examination by the Auditor General and  
 1355 the Office of Program Policy Analysis and Government  
 1356 Accountability.

1357 (e) To purchase or authorize the purchase of all office  
 1358 equipment and supplies and to incur all other reasonable and  
 1359 necessary expenses and obligations in connection with and  
 1360 required for the proper administration ~~carrying out~~ of the  
 1361 ~~provisions~~ of this chapter.

1362 (f) To conduct, and pay out of the Florida Citrus  
 1363 Advertising Trust Fund, premium and prize promotions designed to

1364 increase the use of citrus in any form.

1365 (g) To advertise citrus cattle feed and promote its use.

1366 (h) To conduct marketing activities in foreign countries  
 1367 and other programs designed to develop and protect domestic and  
 1368 international markets.

1369 Section 19. Paragraphs (a), (b), and (d) of subsection  
 1370 (1), subsection (4), paragraph (a) of subsection (5), and  
 1371 subsections (8) through (11) of section 601.152, Florida  
 1372 Statutes, are amended to read:

1373 601.152 Special marketing orders.—

1374 (1) (a) Whenever, upon its own motion or upon petition of  
 1375 any handler or producer or group or association of handlers or  
 1376 producers of citrus fruit, the commission, upon affirmative vote  
 1377 of seven ~~nine~~ of its members, determines:

1378 1. That the conduct of a special advertising and  
 1379 promotional marketing campaign or the conduct of market and  
 1380 product research and development, in addition to the advertising  
 1381 campaign being conducted pursuant to s. 601.15 and the research  
 1382 being conducted pursuant to the other provisions of the Florida  
 1383 Citrus Code, may substantially further increase the consumer  
 1384 acceptance and consumption of, and strengthen the market for,  
 1385 any type, variety, or form of citrus fruit or processed citrus  
 1386 product by further increasing the number of families buying such  
 1387 citrus fruit or such processed citrus product or by further  
 1388 increasing the quantity of such citrus fruit or processed citrus  
 1389 product purchased by buying families; and

1390 2. That such substantial further increase and  
 1391 strengthening may be of substantial benefit to handlers thereof,

1392 producers thereof, and to the economy and well-being of the  
 1393 state,

1394  
 1395 the commission shall direct that a proposed marketing order be  
 1396 formulated for a special marketing campaign of advertising and  
 1397 sales promotion, including, but not limited to, brand  
 1398 advertising rebate promotions or the conduct of market and  
 1399 product research and development for such type, variety, or form  
 1400 of citrus fruit or processed citrus product, and shall designate  
 1401 a public hearing to consider adoption and implementation of such  
 1402 proposed marketing order.

1403 (b) Notice of the time, place, and purpose of such public  
 1404 hearing shall be:

1405 1. Mailed, at least ~~not less than~~ 10 days before ~~prior to~~  
 1406 such hearing, to each handler who, during the 12 months  
 1407 immediately before ~~preceding~~ such mailing, has first handled in  
 1408 the primary channel of trade in the state ~~Florida~~ the type,  
 1409 variety, and form of citrus fruit or citrus product specified in  
 1410 the proposed marketing order, and to each handler who the  
 1411 department ~~of Citrus~~ has good cause to believe will, during the  
 1412 period of time covered by the proposed marketing order, first  
 1413 handle in the primary channel of trade in the state ~~Florida~~ the  
 1414 type, variety, and form of citrus fruit or processed citrus  
 1415 product specified in such proposed marketing order.

1416 2. Published in the Florida Administrative Weekly at least  
 1417 ~~not less than~~ 10 days before ~~prior to~~ such hearing.

1418 (d) Copies of the proposed marketing order shall be made  
 1419 available to the public at the offices of the department ~~of~~

1420 ~~Citrus~~ at Lakeland at least 5 days before ~~prior to~~ such hearing  
 1421 and shall be in sufficient detail to apprise all persons having  
 1422 an interest therein of the approximate amount of moneys proposed  
 1423 to be expended; the assessments to be levied thereunder; and the  
 1424 general details of the proposed marketing order for a special  
 1425 marketing campaign of advertising or sales promotion or market  
 1426 or product research and development. Among the details so  
 1427 specified shall be the period of time during which the  
 1428 assessment imposed pursuant to subsection (8) will be levied  
 1429 upon the privilege so assessed, which period may not be greater  
 1430 than 2 years. The order may, however, provide that the  
 1431 expenditure of the funds received from the imposition of such  
 1432 assessments shall not be so confined, but may be expended during  
 1433 such time or times as shall be specified in the proposed  
 1434 marketing order, which may be either during the shipping season  
 1435 immediately preceding the shipping seasons during which such  
 1436 assessments are imposed or during, or at any time subsequent to,  
 1437 the shipping seasons during which such assessments are imposed.  
 1438 This section does not ~~Nothing herein shall be construed to~~  
 1439 prevent the imposition of a subsequent marketing order ~~either~~  
 1440 before, during, or after the expenditure of funds collected  
 1441 under ~~pursuant to~~ a previously imposed marketing order, provided  
 1442 the aggregate of the assessments imposed may not exceed the  
 1443 maximum permitted under subsection (8).

1444 (4) The department may ~~of Citrus is authorized to~~  
 1445 prescribe such procedures as it deems necessary properly to  
 1446 conduct a referendum among handlers covered by the marketing  
 1447 order to determine whether such marketing order has been so

1448 assented to.

1449 (5) (a) Any marketing order adopted under ~~pursuant to~~ this  
 1450 section and subsequently approved by referendum as provided in  
 1451 this section ~~herein~~ shall take effect ~~become effective~~ 15 days  
 1452 after referendum approval is officially determined by the  
 1453 commission. Chapter 120 does not apply to this section. Any such  
 1454 marketing order is ~~shall be~~ reviewable by any person adversely  
 1455 affected, by certiorari to the district courts of appeal in the  
 1456 manner prescribed by the Florida Rules of Appellate Procedure.  
 1457 The venue of the proceeding for such review shall be the  
 1458 appellate district that ~~which~~ includes the county in which the  
 1459 hearings were conducted or, if the venue cannot be ~~thus~~  
 1460 determined, the appellate district in which ~~wherein~~ the  
 1461 department's ~~Department of Citrus~~ executive offices are located.

1462 (8) (a) Each person who, during the period ~~of time~~  
 1463 specified in any marketing order implemented under ~~pursuant to~~  
 1464 this section, first handles in the primary channel of trade in  
 1465 the state ~~Florida~~ any citrus fruit or processed citrus product  
 1466 of the type, variety, and form specified in such marketing order  
 1467 shall, for the privilege of so handling such citrus fruit or  
 1468 such citrus product, pay to the department ~~of Citrus~~ such  
 1469 assessments as are levied and imposed thereon by such marketing  
 1470 order, which funds shall be used by the department ~~of Citrus~~ to  
 1471 defray the necessary expenses incurred in the formation,  
 1472 issuance, administration, and enforcement of such marketing  
 1473 order and in the conduct of the special marketing campaign or  
 1474 market and product research and development provided for in such  
 1475 marketing order. However, such assessments levied and imposed



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1476 under this section may ~~pursuant hereto shall be at a rate~~ not to  
 1477 exceed 8 cents per standard-packed box on citrus fruits in fresh  
 1478 form, 1.3 cents per gallon on single strength citrus juices or  
 1479 sections, or 1.3 cents per pound of soluble citrus solids on  
 1480 concentrated citrus juices.

1481 (b) The department ~~of Citrus~~ shall prescribe procedures  
 1482 for the assessment and collection of such funds to defray the  
 1483 necessary expenses incurred, or expected to be incurred, by the  
 1484 department ~~of Citrus~~ in the formation, issuance, administration,  
 1485 and enforcement of any marketing order implemented under  
 1486 ~~pursuant to the provisions of~~ this section.

1487 (c) Every handler shall, at such times as the department  
 1488 may require, file with the department ~~of Citrus~~ a return, not  
 1489 under oath, on forms to be prescribed and furnished by the  
 1490 department ~~of Citrus~~, certified as true and correct, stating the  
 1491 quantity of the type, variety, and form of citrus fruit or  
 1492 citrus product specified in the marketing order first handled in  
 1493 the primary channels of trade in the state Florida ~~by such~~  
 1494 handler during the period of time specified in the marketing  
 1495 order. Such returns shall contain any further information deemed  
 1496 by the department ~~of Citrus~~ to be reasonably necessary to  
 1497 properly administer or enforce ~~the provisions of~~ this section or  
 1498 any marketing order implemented under this section hereunder.  
 1499 Information that, if disclosed, would reveal a trade secret, as  
 1500 defined in s. 812.081, of any person subject to a marketing  
 1501 order is confidential and exempt from ~~the provisions of~~ s.  
 1502 119.07(1).

1503 (d) All assessments imposed under ~~and pursuant to the~~

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1504 ~~provisions of this section are shall be~~ due and payable and  
 1505 shall be paid by such handlers at such times and in such  
 1506 installments as the commission prescribes ~~shall prescribe~~ in  
 1507 such marketing order, or the amount thereof shall be provided  
 1508 for and guaranteed by giving a surety bond or cash deposit or as  
 1509 the department ~~of Citrus may~~ otherwise prescribes ~~prescribe~~.

1510 (9) (a) All moneys collected by the department ~~of Citrus~~  
 1511 under this section shall be set aside in the Florida Citrus  
 1512 Advertising Trust Fund as a special fund to be known as the  
 1513 "Citrus Special Marketing Order Fund." All moneys in such fund,  
 1514 after deducting the service charge provided in s. 601.15(7), are  
 1515 ~~hereby~~ appropriated to the department ~~of Citrus~~ for the actual  
 1516 expenses incurred by the department for ~~of Citrus with respect~~  
 1517 ~~to~~ the formulation, issuance, administration, and enforcement of  
 1518 any marketing order so implemented and in the conduct of the  
 1519 special marketing campaign or market and product research and  
 1520 development to be carried out pursuant to any such marketing  
 1521 order so implemented. Upon the completion of the special  
 1522 marketing campaign or market and product research and  
 1523 development provided for pursuant to any marketing order so  
 1524 implemented ~~hereunder~~, any and all moneys remaining and not  
 1525 required by the department ~~of Citrus~~ to defray the expenses of  
 1526 such marketing order shall be deposited to and made a part of  
 1527 the Florida Citrus Advertising Trust Fund created by s. 601.15.

1528 (b) If the department ~~of Citrus~~ finds it necessary ~~to do~~  
 1529 ~~so~~, the department ~~it~~ may transfer to the Citrus Special  
 1530 Marketing Order Fund from any other portion of the Florida  
 1531 Citrus Advertising Trust Fund, including the Emergency Reserve

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1532 Fund and any other special or reserve fund, such sum of money as  
 1533 the department ~~of Citrus~~ determines is initially required to  
 1534 formulate, issue, administer, and enforce any such marketing  
 1535 order and conduct the special marketing campaign or market and  
 1536 product research and development to be carried out pursuant to  
 1537 such marketing order until moneys in the Citrus Special  
 1538 Marketing Order Fund derived from assessments imposed and  
 1539 collected pursuant to this section are sufficient for such  
 1540 purposes, and thereafter repay such advance out of the Citrus  
 1541 Special Marketing Order Fund.

1542 (10) (a) Any handler who fails to file a return or to pay  
 1543 any assessment within the time required shall thereby forfeit to  
 1544 the department ~~of Citrus~~ a penalty of 5 percent of the amount of  
 1545 assessment then due, † but the department ~~of Citrus~~, upon good  
 1546 cause shown, may waive all or any part of such penalty. Such  
 1547 penalty shall be paid to the department ~~of Citrus~~ and disposed  
 1548 of as provided with respect to moneys derived from the  
 1549 assessments imposed under ~~pursuant to~~ this section.

1550 (b) The department ~~of Citrus~~ may collect the assessments  
 1551 imposed under ~~pursuant to~~ this section by any ~~in either or all~~  
 1552 of the following methods:

- 1553 1. The voluntary payment by the handler liable therefor. †
- 1554 2. By a suit at law. †
- 1555 3. By a suit in equity to enjoin and restrain any handler  
 1556 owing such assessments from operating his or her business or  
 1557 engaging in business as a citrus fruit dealer until the  
 1558 delinquent assessments are paid. Such action may include an  
 1559 accounting to determine the amount of assessments plus

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1560 delinquencies due. In any such proceeding, it shall not be  
 1561 necessary to allege or prove that an adequate remedy at law does  
 1562 not exist.

1563 (11) This section shall be liberally construed to  
 1564 effectuate the purposes set forth and as additional and  
 1565 supplemental powers vested in the department ~~of Citrus~~ under the  
 1566 police power of this state.

1567 Section 20. Section 601.155, Florida Statutes, is amended  
 1568 to read:

1569 601.155 Equalizing assessment ~~excise tax~~; credit;  
 1570 exemption.—

1571 (1) The first person who exercises in this state the  
 1572 privilege of processing, reprocessing, blending, or mixing  
 1573 processed orange products or processed grapefruit products or  
 1574 the privilege of packaging or repackaging processed orange  
 1575 products or processed grapefruit products into retail or  
 1576 institutional size containers or, except as provided in  
 1577 subsection (9) or except if an assessment ~~a tax~~ is levied and  
 1578 collected on the exercise of one of the foregoing privileges,  
 1579 the first person having title to or possession of any processed  
 1580 orange product or any processed grapefruit product who exercises  
 1581 the privilege in this state of storing such product or removing  
 1582 any portion of such product from the original container in which  
 1583 it arrived in this state for purposes other than official  
 1584 inspection or direct consumption by the consumer and not for  
 1585 resale shall be assessed and shall pay an assessment ~~excise tax~~  
 1586 upon the exercise of such privilege at the rate described in  
 1587 subsection (2).

1588 (2) Upon the exercise of any privilege described in  
 1589 subsection (1), the assessment ~~excise tax~~ levied by this section  
 1590 shall be at the same rate per box of oranges or grapefruit  
 1591 utilized in the initial production of the processed citrus  
 1592 products so handled as that imposed, at the time of exercise of  
 1593 the assessable ~~taxable~~ privilege, by s. 601.15 per box of  
 1594 oranges.

1595 (3) For the purposes of this section, the number of boxes  
 1596 of oranges or grapefruit utilized in the initial production of  
 1597 processed citrus products subject to the assessable ~~taxable~~  
 1598 privilege shall be:

1599 (a) The actual number of boxes so utilized, if known and  
 1600 verified in accordance with department ~~of Citrus~~ rules; or

1601 (b) An equivalent number established by department ~~of~~  
 1602 ~~Citrus~~ rule which, on the basis of existing data, reasonably  
 1603 equates to the quantity of citrus contained in the product, when  
 1604 the actual number of boxes so utilized is not known or properly  
 1605 verified.

1606 (4) For purposes of this section:

1607 (a) "Processed orange products" means products for human  
 1608 consumption consisting of 20 percent or more single strength  
 1609 equivalent orange juice; orange sections, segments, or edible  
 1610 components; or whole peeled fruit.

1611 (b) "Processed grapefruit products" means products for  
 1612 human consumption consisting of 20 percent or more single  
 1613 strength equivalent grapefruit juice; grapefruit sections,  
 1614 segments, or edible components; or whole peeled fruit.

1615 (c) "Original container" includes any vessel, tanker or

1616 tank car, or other transport vehicle.

1617 (d) "Retail or institutional container" means a container  
 1618 having a capacity of 10 gallons or less.

1619 (5) Products made in whole or in part from citrus fruit on  
 1620 which an equivalent assessment ~~tax~~ is levied pursuant to s.  
 1621 601.15 are exempt from the assessment ~~tax~~ imposed by this  
 1622 section. In the case of products made in part from citrus fruit  
 1623 exempt from the assessment ~~tax~~ imposed by this section, it shall  
 1624 be the burden of the persons liable for the assessment ~~excise~~  
 1625 ~~tax~~ to show the department ~~of Citrus~~, through competent  
 1626 evidence, proof of that part which is not subject to an  
 1627 assessable ~~a taxable~~ privilege.

1628 (6) Every person liable for the assessment ~~excise tax~~  
 1629 imposed by this section shall keep a complete and accurate  
 1630 record of the receipt, storage, handling, exercise of any  
 1631 assessable ~~taxable~~ privilege under this section, and shipment of  
 1632 all products subject to the assessment ~~tax~~ imposed by this  
 1633 section. Such record shall be preserved for a period of 1 year  
 1634 and shall be offered for inspection upon oral or written request  
 1635 by the department ~~of Citrus~~ or its duly authorized agent.

1636 (7) Every person liable for the assessment ~~excise tax~~  
 1637 imposed by this section shall, at such times and in such manner  
 1638 as the department ~~of Citrus~~ may by rule require, file with the  
 1639 department ~~of Citrus~~ a return, certified as true and correct, on  
 1640 forms to be prescribed and furnished by the department ~~of~~  
 1641 ~~Citrus~~, stating, in addition to other information reasonably  
 1642 required by the department ~~of Citrus~~, the number of units of  
 1643 processed orange or grapefruit products subject to this section

1644 upon which any assessable ~~taxable~~ privilege under this section  
 1645 was exercised during the period of time covered by the return.  
 1646 Full payment of assessments ~~excise taxes~~ due for the period  
 1647 reported shall accompany each return.

1648 (8) All assessments ~~taxes~~ levied and imposed by this  
 1649 section shall be due and payable within 61 days after the first  
 1650 of the assessable ~~taxable~~ privileges is exercised in this state.  
 1651 Periodic payment of the assessments ~~excise taxes~~ imposed by this  
 1652 section by the person first exercising the assessable ~~taxable~~  
 1653 privileges and liable for such payment shall be permitted only  
 1654 in accordance with department ~~of Citrus~~ rules, and the payment  
 1655 thereof shall be guaranteed by the posting of an appropriate  
 1656 certificate of deposit, approved surety bond, letter of credit  
 1657 from an issuing bank located in the United States, or cash  
 1658 deposit in an amount and manner as prescribed by the department  
 1659 ~~of Citrus~~.

1660 (9) When any processed orange or grapefruit product is  
 1661 stored or removed from its original container as provided in  
 1662 subsection (1), the equalizing assessment ~~excise tax~~ is levied  
 1663 on such storage or removal, and such product is subsequently  
 1664 shipped out of the state in a vessel, tanker or tank car, or  
 1665 container having a capacity greater than 10 gallons, the person  
 1666 who is liable for the assessment ~~tax~~ shall be entitled to an  
 1667 assessment ~~a tax~~ refund, if such assessment ~~tax~~ has been paid,  
 1668 or to an assessment ~~a tax~~ credit, provided she or he can provide  
 1669 satisfactory proof that such product has been shipped out of the  
 1670 state and that no privilege assessable ~~taxable~~ under subsection  
 1671 (1) other than storage or removal from the original container

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1672 was exercised before ~~prior to~~ such shipment out of the state.

1673 (10) Notwithstanding any ~~other~~ provision of law, the  
 1674 department ~~of Citrus~~ shall develop a process by which any person  
 1675 liable for the assessment ~~excise tax~~ imposed under this section  
 1676 may annually object to payment of the assessment ~~tax~~. Any such  
 1677 objection must be allowed without discretion as to the validity  
 1678 thereof, and that person shall be granted the immediate right to  
 1679 elect not to pay two-thirds of the applicable assessment ~~tax~~  
 1680 ~~rate~~. The department ~~of Citrus~~ may not expend any of the  
 1681 remaining one-third of the applicable assessment ~~tax rate~~ on any  
 1682 advertising, marketing, or public relations activities to which  
 1683 any person liable for the assessment ~~excise tax~~ imposed under  
 1684 this section objects; however, such funds may be used for  
 1685 research, administrative, and regulatory activities. Effective  
 1686 July 1, 2004, upon any necessary legislative appropriation of  
 1687 moneys due under the settlement agreement of Consolidated Case  
 1688 No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial  
 1689 Circuit in Polk County, the plaintiffs shall agree to the  
 1690 dismissal of their claim under the foreign commerce clause with  
 1691 prejudice.

1692 (11) All assessments ~~excise taxes~~ levied and collected  
 1693 under ~~the provisions of~~ this section, including penalties, shall  
 1694 be paid into the State Treasury to be made a part of the Florida  
 1695 Citrus Advertising Trust Fund in the same manner, for the same  
 1696 purposes, and in the same proportions as set forth in s.  
 1697 601.15(7). Any person failing to file a return or pay any  
 1698 assessment within the time required shall thereby forfeit to the  
 1699 department ~~of Citrus~~ a penalty of 5 percent of the amount of



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1700 assessment then due,<sup>1</sup> but the department ~~of Citrus~~, on good  
 1701 cause shown, may waive all or any part of such penalty.

1702 (12) This section shall be liberally construed to  
 1703 effectuate the purposes set forth and as additional and  
 1704 supplemental powers vested in the department ~~of Citrus~~ under the  
 1705 police power of this state.

1706 Section 21. Section 601.24, Florida Statutes, is amended  
 1707 to read:

1708 601.24 Department of Citrus to prescribe methods of  
 1709 testing and grading.—The department ~~of Citrus~~ shall adopt rules  
 1710 providing ~~by rule or regulation provide~~ the manner and method to  
 1711 be used in drawing samples and the quantity to be used in  
 1712 testing and grading of citrus fruit and the canned and  
 1713 concentrated products thereof and shall provide specifications  
 1714 and methods for use of juice extractors to be used in extracting  
 1715 juice for such tests and grading purposes.

1716 Section 22. Section 601.25, Florida Statutes, is amended  
 1717 to read:

1718 601.25 Determination of soluble solids and acid.—The  
 1719 department ~~of Citrus by rule or regulation~~ shall adopt rules  
 1720 determining ~~determine~~ the method by which juice is tested for  
 1721 percentage of total soluble solids, the method by which juice is  
 1722 tested for acidity, and the method for testing fruit for juice  
 1723 content. Until ~~such time as~~ the department determines ~~of Citrus~~  
 1724 ~~may see fit to determine~~ such method by rule ~~or regulation~~, the  
 1725 Brix hydrometer shall be used and the reading of the hydrometer  
 1726 corrected for temperature shall be considered as the percent of  
 1727 the total soluble solids,<sup>1</sup> and anhydrous citric acid shall be

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1728 | determined by titration of the juice using standard alkali and  
 1729 | phenolphthalein as indicator, the total acidity being calculated  
 1730 | as anhydrous citric acid.

1731 | Section 23. Subsections (5) and (7) of section 601.28,  
 1732 | Florida Statutes, are amended to read:

1733 | 601.28 Inspection fees.—

1734 | (5) The Department of Agriculture may ~~shall have the power~~  
 1735 | ~~to~~ adopt rules providing for the imposition of special fees for  
 1736 | inspections conducted during hours not contemplated by regular  
 1737 | state work hours. The ~~Such~~ rules shall prescribe circumstances  
 1738 | under which the fees levied pursuant to paragraphs (1)(a) and  
 1739 | (b) would not apply and the fees imposed pursuant to such rules  
 1740 | would apply. The rules shall require ~~provide~~ that such ~~said~~ fees  
 1741 | ~~shall~~ be levied when specifically actuated by contract between  
 1742 | the Department of Agriculture and persons liable for the fees  
 1743 | created by this subsection. The rules may ~~shall~~ not authorize  
 1744 | ~~allow~~ fees that exceed ~~to be charged which are in excess of the~~  
 1745 | Department of Agriculture's ~~department's~~ actual cost of the  
 1746 | inspection to be made, nor may ~~shall~~ such fees be less than  
 1747 | those imposed by paragraphs (1)(a) and (b).

1748 | (7) The duties of the Department of Agriculture ~~and~~  
 1749 | ~~Consumer Services~~ shall include the duty to conduct hearings,  
 1750 | through a hearing officer who shall be an attorney authorized to  
 1751 | practice law within this state, on violations of this section  
 1752 | and rules adopted ~~promulgated~~ thereunder. The ~~Said~~ hearing  
 1753 | officer shall be selected by the Commissioner of Agriculture and  
 1754 | shall be in addition to her or his regular legal staff  
 1755 | authorized by law. The ~~Said~~ hearing officer shall, in addition

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1756 to conducting such hearings, be available to the Division of  
 1757 Fruit and Vegetables for other legal services on matters  
 1758 pertaining to violations of this chapter and rules adopted  
 1759 ~~promulgated~~ thereunder.

1760 Section 24. Section 601.31, Florida Statutes, is amended  
 1761 to read:

1762 601.31 Citrus inspectors; employment.—The Department of  
 1763 Agriculture may in each year employ as many citrus fruit  
 1764 inspectors for such period or periods, not exceeding 1 year, as  
 1765 the said Department of Agriculture shall deem necessary for the  
 1766 effective enforcement of the citrus fruit laws of this state.  
 1767 All persons authorized to inspect and certify to the maturity  
 1768 and grade of citrus fruit shall be governed in the discharge of  
 1769 their duties as such inspectors by the provisions of law and by  
 1770 the rules adopted and ~~regulations prescribed~~ by the Department  
 1771 of Citrus and the Department of Agriculture and shall perform  
 1772 their duties under the direction and supervision of the  
 1773 Department of Agriculture. All citrus inspectors appointed for  
 1774 the enforcement of this chapter shall be persons who are duly  
 1775 licensed or certified by the United States Department of  
 1776 Agriculture as citrus fruit inspectors.

1777 Section 25. Section 601.32, Florida Statutes, is amended  
 1778 to read:

1779 601.32 Compensation of inspectors.—The salaries of the  
 1780 chief citrus inspector, the chief laboratory inspector, the  
 1781 district supervising inspectors, the junior and senior  
 1782 inspectors, and all other necessary inspectors shall be in the  
 1783 amount as determined and fixed by the Department of Agriculture,

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1784 and, in addition thereto, each such inspector ~~of said inspectors~~  
 1785 shall be reimbursed for travel expenses as provided in s.  
 1786 112.061, which shall be paid upon approval of accounts therefor  
 1787 by the Department of Agriculture. The Department of Agriculture  
 1788 may employ such additional field and other agents and clerical  
 1789 assistance at such times and for such periods and incur and pay  
 1790 any other expenses, including travel expenses, as provided in s.  
 1791 112.061, of the Department of Agriculture during the citrus  
 1792 fruit season, as may be necessary for the effective enforcement  
 1793 of the citrus fruit laws of this state and of the rules  
 1794 ~~regulations~~ of the Department of Citrus and ensure ~~assure~~ the  
 1795 payments of the inspection fees imposed or that may be imposed  
 1796 under the authority of law.

1797 Section 26. Section 601.33, Florida Statutes, is amended  
 1798 to read:

1799 601.33 Interference with inspectors.—~~A It is unlawful for~~  
 1800 ~~any person~~ may not ~~to~~ obstruct, hinder, resist, interfere with,  
 1801 or attempt to obstruct, hinder, resist, or interfere with any  
 1802 authorized inspector in the discharge of any duty imposed upon  
 1803 or required of her or him by the provisions of law or by any  
 1804 rule adopted ~~or regulation prescribed~~ by the Department of  
 1805 Citrus or the Department of Agriculture, or ~~to~~ change or attempt  
 1806 to change any instrument, substance, article, or fluid used by  
 1807 such inspector or emergency inspector in making tests of citrus  
 1808 fruit or the canned or concentrated products thereof.

1809 Section 27. Section 601.34, Florida Statutes, is amended  
 1810 to read:

1811 601.34 Duties of law enforcement officers.—Each state or

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1812 county law enforcement officer shall make arrests for violations  
 1813 of the citrus fruit laws of this state or of any rule,  
 1814 ~~regulation,~~ or order of promulgated by the commission or the  
 1815 Department of Agriculture ~~and Consumer Services~~ under authority  
 1816 of law when notified of such violation by the Department of  
 1817 Agriculture or its duly authorized agent or representative.

1818 Section 28. Section 601.35, Florida Statutes, is amended  
 1819 to read:

1820 601.35 Disputes as to quality, etc.; procedure.—When any  
 1821 dispute as to quality, grade, or condition of citrus fruit or  
 1822 the canned or concentrated products thereof arises, the shipper  
 1823 or any financially interested person may call in at his, her, or  
 1824 its expense an inspector licensed or certified only by the  
 1825 United States Department of Agriculture to inspect such citrus  
 1826 fruit or its canned or concentrated products. Such inspector  
 1827 shall issue a regular official certificate to the applicant  
 1828 showing the quality, grade, and condition thereof, and, in all  
 1829 cases, such certificate shall be prima facie evidence. If such  
 1830 certificate shows that the citrus fruit or the canned or  
 1831 concentrated products thereof conforms ~~therein-mentioned and~~  
 1832 ~~described to conform~~ to the requirements ~~provisions~~ of this  
 1833 chapter and the rules, ~~regulations,~~ or orders of the Department  
 1834 of Citrus and of the Department of Agriculture, such shipper or  
 1835 such financially interested person may present the original  
 1836 certificate to the person or representative of the person having  
 1837 charge of the vehicle of transportation by which such citrus  
 1838 fruit or the canned or concentrated products thereof are ~~is~~ to  
 1839 be transported, which person or representative shall then accept

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1840 such citrus fruit or the canned or concentrated products thereof  
 1841 for shipment provided that all other provisions of this chapter  
 1842 and of the rules, ~~regulations,~~ and orders of the Department of  
 1843 Citrus and of the Department of Agriculture have been met and  
 1844 complied with.

1845 Section 29. Section 601.37, Florida Statutes, is amended  
 1846 to read:

1847 601.37 Unlawful acts of inspectors. ~~An It is unlawful for~~  
 1848 ~~any~~ authorized inspector may not ~~to~~ make or deliver a  
 1849 certificate of inspection and maturity and quality of any citrus  
 1850 fruit or the canned or concentrated products thereof upon which  
 1851 the inspection fees and advertising assessments ~~taxes~~ have not  
 1852 been paid or the payment thereof guaranteed, or ~~to~~ make or issue  
 1853 any false certificate as to inspection, maturity, quality, or  
 1854 payment of inspection fees.

1855 Section 30. Section 601.38, Florida Statutes, is amended  
 1856 to read:

1857 601.38 Citrus inspectors; authority. ~~For the purpose of~~  
 1858 enforcing ~~the provisions of~~ the citrus fruit laws of this state,  
 1859 as well as rules ~~the regulations~~ of the department ~~of Citrus,~~  
 1860 citrus fruit inspectors may enter into any packinghouse, ~~or~~  
 1861 canning plant, or concentrating plant at any hour of day or  
 1862 night and have and demand access and admission to any enclosed  
 1863 portion of such ~~said~~ packinghouse, canning plant, or  
 1864 concentrating plant. Such ~~said~~ citrus fruit inspectors may also  
 1865 inspect all packinghouse or canning plant records pertaining to  
 1866 receipts from groves and to details of receiving, handling,  
 1867 running, processing, packing, or canning citrus fruit.

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1868 Section 31. Section 601.40, Florida Statutes, is amended  
 1869 to read:  
 1870 601.40 Registration of citrus packinghouses, processing  
 1871 plants with Department of Agriculture.—The owner, manager, or  
 1872 operator of each packinghouse, canning plant, or concentrating  
 1873 plant, ~~at~~ at which it is intended to pack, can, concentrate, or  
 1874 prepare citrus fruit for market or transportation during the  
 1875 then-present or the next ensuing citrus fruit shipping season, ~~and~~  
 1876 shall register such packinghouse, canning plant, or  
 1877 concentrating plant and its location, shipping point, and post  
 1878 office with the Department of Agriculture at least ~~not less than~~  
 1879 10 days before packing, canning, concentrating, or otherwise  
 1880 preparing any citrus fruit or the canned or concentrated  
 1881 products thereof for sale or transportation in or at such  
 1882 packinghouse, canning plant, or concentrating plant, ~~and~~ and she or  
 1883 he shall, in addition to such registration, give the ~~said~~  
 1884 Department of Agriculture at least ~~not less than~~ 7 days' written  
 1885 notice of the date on which packing, canning, concentrating, or  
 1886 other preparation for sale or transportation of citrus fruit of  
 1887 the then-current or the next ensuing season's crop will begin ~~be~~  
 1888 ~~begun~~. The Department of Agriculture shall issue a certificate  
 1889 of registration to each such packinghouse, canning plant, or  
 1890 concentrating plant registering, ~~provided,~~ However, ~~that no~~  
 1891 such certificate of registration may not ~~shall~~ be issued to any  
 1892 packinghouse, canning plant, or concentrating plant unless the  
 1893 operator thereof has ~~shall have first~~ applied for and received  
 1894 her or his license as a citrus fruit dealer and furnished a bond  
 1895 as such citrus fruit dealer in accordance with law.

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1896 Section 32. Section 601.43, Florida Statutes, is amended  
 1897 to read:

1898 601.43 Immature and unfit citrus fruit; individual  
 1899 sampling.—Any oranges, grapefruit, ~~and tangerines, not~~  
 1900 ~~conforming to the minimum maturity requirements set forth in~~  
 1901 ~~this chapter~~ and any citrus hybrids not conforming to the  
 1902 minimum maturity requirements set forth in department rules are  
 1903 ~~of Citrus regulations shall be~~ deemed and held to be immature  
 1904 and unfit for human consumption. In the testing of fruit to  
 1905 determine whether the same conforms to such requirements, any  
 1906 inspector has ~~shall have~~ the right and authority to test the  
 1907 individual fruit in any given sample of fruit drawn in the  
 1908 number and by the manner as prescribed by ~~regulations of the~~  
 1909 department rules of Citrus. If, upon ~~the testing of~~ the juice of  
 1910 ~~said~~ individual fruit in any sample, more than 10 percent of  
 1911 such ~~said~~ individual fruit ~~shall~~ fail by more than one-half  
 1912 percentage point to meet the minimum ratio of total soluble  
 1913 solids to anhydrous citric acid that ~~which~~ is required for such  
 1914 fruit, ~~then~~ all of the fruit in the lot from which the ~~said~~  
 1915 sample was drawn is ~~shall be~~ deemed and shall be held to be  
 1916 immature and unfit for human consumption.

1917 Section 33. Section 601.44, Florida Statutes, is amended  
 1918 to read:

1919 601.44 Destruction of immature fruit.—All citrus fruit or  
 1920 processed citrus products prepared for sale or transportation,  
 1921 that are ~~which is~~ being prepared for such purpose, or that have  
 1922 ~~which has~~ been or are ~~is~~ being delivered for sale or  
 1923 transportation that may be found immature or otherwise unfit for



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1924 human consumption upon inspection and testing shall be seized  
 1925 and destroyed by a citrus fruit inspector or the sheriff of the  
 1926 county where found as may be provided by ~~regulations prescribed~~  
 1927 ~~by the~~ department rules of ~~Citrus~~. Such ~~Said~~ determination of  
 1928 immaturity or unfitness for human consumption may be made by a  
 1929 citrus fruit inspector at any place where such citrus fruit may  
 1930 be found after severance from the tree, and such seizure and  
 1931 destruction may likewise occur at any such place. However, in  
 1932 the event of seizure of citrus fruit upon the grounds that such  
 1933 citrus fruit fails to show a break in color required by this  
 1934 chapter or department rules of ~~Citrus regulations~~ for that  
 1935 particular variety of citrus fruit, the owner or person in  
 1936 charge of such citrus fruit shall be allowed to separate and  
 1937 retain for subsequent use, in accordance with ~~the provisions of~~  
 1938 this chapter or department rules of ~~Citrus regulations~~, that  
 1939 portion of such citrus fruit which shows a break in color  
 1940 required by this chapter or department rules of ~~Citrus~~  
 1941 ~~regulations~~ for that particular variety, and, in such case, only  
 1942 that portion thereof which fails to show a break in color for  
 1943 such variety, as required by this chapter or department rules of  
 1944 ~~Citrus regulations~~, shall be destroyed by a citrus fruit  
 1945 inspector or the sheriff of the county, as may be prescribed by  
 1946 ~~regulations of the~~ department rules of ~~Citrus~~.

1947 Section 34. Section 601.45, Florida Statutes, is amended  
 1948 to read:

1949 601.45 Grading of fresh citrus fruit.—

1950 (1) All citrus fruit, except as provided in s. 601.50,  
 1951 sold or shipped, or offered for sale or shipment, for

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1952 consumption in fresh form shall be graded in a registered  
 1953 packinghouse in this state according to standards established by  
 1954 the department ~~of Citrus~~, and the grade of such fruit shall be  
 1955 indicated as ~~hereinafter~~ provided in this section.

1956 (2) Fresh citrus fruit being transported in bulk form  
 1957 shall have stamped upon such fruit, subject to department rules:

1958 (a) The actual grade thereof; or

1959 (b) Brands or trademarks properly registered with the  
 1960 department to represent state or U.S. grades, as provided in  
 1961 subsection (4).

1962 (3) For fresh citrus fruit being transported when packed  
 1963 in a closed container approved or otherwise authorized by the  
 1964 department ~~of Citrus~~, it shall be sufficient if the closed  
 1965 container has the grade indicated thereon, in accordance with  
 1966 department rules, by:

1967 (a) Stamping the grade of the fruit on the container; or

1968 (b) Use of labels, brands, or trademarks properly  
 1969 registered with the department to represent state or U.S.  
 1970 grades, as provided in subsection (4).

1971 (4) In accordance with such rules as the department ~~of~~  
 1972 ~~Citrus~~ may prescribe, licensed citrus fruit dealers in this  
 1973 state are ~~shall be~~ entitled to register labels, brands, or  
 1974 trademarks for grade identification purposes. The department  
 1975 shall maintain a record of all labels, brands, or trademarks  
 1976 registered for grade identification purposes, which record may  
 1977 be purged as necessary.

1978 Section 35. Subsection (1) of section 601.46, Florida  
 1979 Statutes, is amended to read:

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1980 601.46 Condition precedent to sale of citrus fruit.-

1981 (1) It is unlawful, except as provided in s. 601.50, for  
 1982 any person to sell or offer for sale, ~~to~~ transport, prepare,  
 1983 receive, or deliver for transportation or market any citrus  
 1984 fruit in fresh form unless such fruit has matured in accordance  
 1985 with the maturity standards and is accompanied by a certificate  
 1986 of inspection and maturity thereof issued by a duly authorized  
 1987 citrus fruit inspector of the Department of Agriculture ~~and~~  
 1988 ~~Consumer Services~~. However, the Department of Citrus may adopt  
 1989 rules providing ~~by regulation provide~~ that, in lieu of the  
 1990 accompaniment of such shipment by a certificate of inspection  
 1991 and maturity, the fact of such inspection may be shown by  
 1992 appropriate means on the manifest or bill of lading covering  
 1993 such shipment.

1994 Section 36. Section 601.49, Florida Statutes, is amended  
 1995 to read:

1996 601.49 Condition precedent to selling processed citrus  
 1997 products.-A ~~It is unlawful for any person, except as provided in~~  
 1998 s. 601.50, may not ~~to~~ sell or offer for sale, ~~to~~ transport,  
 1999 receive, or deliver for transportation, or market any canned or  
 2000 concentrated products of citrus fruits unless such products have  
 2001 ~~the same has~~ been inspected and are ~~is~~ accompanied by a  
 2002 certificate of inspection issued by a duly authorized inspector  
 2003 of the Department of Agriculture. ~~, provided,~~ However, ~~that the~~  
 2004 ~~Department of Citrus shall by regulation provide that~~ in lieu of  
 2005 ~~the accompaniment of such shipment by~~ a certificate of  
 2006 inspection, proof ~~the fact~~ of such inspection may be shown,  
 2007 pursuant to rules adopted by the Department of Citrus, by

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2008 appropriate means on the manifest or bill of lading covering  
 2009 such shipment.

2010 Section 37. Section 601.50, Florida Statutes, is amended  
 2011 to read:

2012 601.50 Exemptions; sale or shipment of citrus or citrus  
 2013 products for certain purposes.-

2014 (1) ~~Notwithstanding Irrespective of the provisions of ss.~~  
 2015 601.45, 601.46, 601.48, 601.49, 601.51, and 601.52, the  
 2016 department may adopt ~~of Citrus under~~ such precautionary rules  
 2017 that ~~and regulations as it deems may deem~~ expedient to ~~may~~  
 2018 permit the sale or shipment of citrus fruit or the canned or  
 2019 concentrated products thereof without the issuance of and filing  
 2020 of an inspection certificate and without the grade being shown  
 2021 on the container thereof, of:

2022 (a) ~~(1)~~ Intrastate shipments of fresh citrus fruit for  
 2023 consumption or use within the state. †

2024 (b) ~~(2)~~ Shipments to be used for charitable or unemployment  
 2025 relief purposes. †

2026 (c) ~~(3)~~ Shipments to the United States Government or any of  
 2027 its agencies and interstate shipments to any packinghouse,  
 2028 canning plant, or concentrate plant for commercial processing,  
 2029 as may be defined by the department, † ~~of Citrus;~~ or to fresh  
 2030 fruit juice distributors outside the state. †

2031 (d) ~~(4)~~ Shipments by any method of transportation by "gift  
 2032 fruit shippers," as defined by the department ~~of Citrus,~~ but  
 2033 such shipments shall not be for the purpose of resale by the  
 2034 consignee thereof. † ~~but, provided~~

2035 (2) However ~~that,~~ any ~~no~~ such rule adopted under this

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2036 section may not ~~or regulation issued hereunder shall~~ permit or  
 2037 allow the sale or shipment of citrus fruit deemed by this  
 2038 section to be immature and unfit for human consumption or ~~nor~~ of  
 2039 canned or concentrated products thereof prepared or made from  
 2040 citrus fruit deemed by this law to be immature and unfit for  
 2041 human consumption. In addition; ~~but, provided further, that~~  
 2042 shipments under paragraphs (1) (a) and (d) must ~~subsections (1)~~  
 2043 ~~and (4) shall~~ meet such minimum grade standards as may  
 2044 periodically, ~~from time to time,~~ be established by the  
 2045 department, ~~of Citrus;~~ and, ~~provided further that~~ such rules  
 2046 must ~~and regulations shall~~ provide for the due collection of any  
 2047 advertising assessments ~~taxes~~ and inspection fees that may be  
 2048 due thereon.

2049 Section 38. Section 601.501, Florida Statutes, is amended  
 2050 to read:

2051 601.501 Charitable shipments exempt from assessments tax-  
 2052 ~~exempt.~~ Shipments of citrus fruit when permitted under s. 601.50  
 2053 for charitable purposes are ~~shall be~~ exempt from all advertising  
 2054 assessments ~~taxes~~.

2055 Section 39. Section 601.51, Florida Statutes, is amended  
 2056 to read:

2057 601.51 Certification required for shipment of citrus fruit  
 2058 or products.-

2059 (1) A person, including a ~~No~~ common carrier or other  
 2060 carrier, ~~or person,~~

2061 (a) Except as provided in s. 601.50, ~~shall~~ accept for  
 2062 shipment, ship, or transport any citrus fruit or the canned or  
 2063 concentrated products thereof until a grade certificate is

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2064 issued showing the grade thereof, which certificate or a  
 2065 duplicate thereof must ~~shall~~ be filed with the carrier at the  
 2066 point of shipment, ~~nor shall any common carrier or other~~  
 2067 ~~carrier or person~~

2068 (b) Accept for shipment or ship any citrus fruit or the  
 2069 canned or concentrated products thereof where written notice has  
 2070 been given to such person, common carrier, or other carrier ~~or~~  
 2071 ~~person~~, or her or his representative or agent, by the Department  
 2072 of Agriculture or its authorized agent, employee, or inspector  
 2073 that such ~~said~~ citrus fruit or the canned or concentrated  
 2074 products thereof do ~~does~~ not comply with the provisions of law  
 2075 or ~~the~~ rules adopted and ~~regulations promulgated~~ by the  
 2076 Department of Citrus or the Department of Agriculture. ~~†~~

2077 (2) (a) A ~~provided that the~~ shipper or handler of such  
 2078 citrus fruit or the canned or concentrated products thereof has  
 2079 ~~shall have~~ the privilege of repacking or remarking, and ~~that~~, if  
 2080 or when such citrus fruit or the canned or concentrated products  
 2081 thereof are the same ~~shall have been~~ repacked or remarked to  
 2082 conform to the provisions of law or ~~said rules, regulations, or~~  
 2083 ~~orders of promulgated by~~ the Department of Citrus or the  
 2084 Department of Agriculture, the Department of Agriculture or its  
 2085 authorized inspector or agent shall notify such person, ~~said~~  
 2086 common carrier, or other carrier ~~or person~~, or her or his agent,  
 2087 that such citrus fruit or the canned or concentrated products  
 2088 thereof may be accepted for shipment, and such shipper or  
 2089 handler is ~~shall~~ not be considered as having violated this  
 2090 chapter or such ~~said~~ rules, ~~regulations, or orders.~~ but  
 2091 ~~provided further that this section shall be deemed to have been~~

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2092 ~~complied with~~

2093 (b) If a the shipper conforms shall have conformed to the  
 2094 rules adopted regulations issued by the Department of Citrus  
 2095 under the provisions of s. 601.49, the shipper is deemed to have  
 2096 complied with this section.

2097 Section 40. Section 601.52, Florida Statutes, is amended  
 2098 to read:

2099 601.52 Carriers not to accept fruit without unless same  
 2100 ~~bears~~ evidence of payment of assessments and fees ~~excise taxes.-~~  
 2101 A ~~No~~ common carrier or other carrier or person, except as  
 2102 provided in s. 601.50, may not shall accept for shipment, ship,  
 2103 or transport any citrus fruit or processed citrus products  
 2104 unless the grade certificate, manifest, or bill of lading  
 2105 covering such said citrus fruit or processed citrus products  
 2106 bears evidence of the payment, as provided by law, of the ~~taxes,~~  
 2107 ~~assessments,~~ and fees imposed by this chapter.

2108 Section 41. Subsection (1) of section 601.54, Florida  
 2109 Statutes, is amended to read:

2110 601.54 Seizure of unwholesome fruit by Department of  
 2111 Agriculture's agents.-

2112 (1) The Department of Agriculture or its duly authorized  
 2113 inspectors shall seize and destroy all citrus fruit found by the  
 2114 ~~said~~ Department of Agriculture or inspectors to be unwholesome  
 2115 or decomposed so that it is unfit for canning or concentrating  
 2116 purposes as defined by law or by any rule adopted by regulation  
 2117 ~~of~~ the Department of Citrus under pursuant to authority given in  
 2118 this chapter, ~~and,~~ in the event any inspector finds shall find  
 2119 that any canner or concentrator is canning or concentrating

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2120 fruit prohibited to be used, she or he may seize and destroy not  
 2121 only such fresh fruit found in the canning or concentrating  
 2122 plant but also citrus fruit or juice in the process of being  
 2123 canned or concentrated or that ~~which~~ has been canned or  
 2124 concentrated from the same lot or shipment wherein the fresh  
 2125 fruit is found by such ~~said~~ inspector to be subject to seizure  
 2126 under ~~the provisions of~~ this section.

2127 Section 42. Subsection (3) of section 601.55, Florida  
 2128 Statutes, is amended to read:

2129 601.55 Citrus fruit dealer; license required.—

2130 (3) An applicant is ~~shall be~~ limited to the filing of one  
 2131 application for each citrus shipping season, which application  
 2132 may be amended if necessary to comply with the requirements of  
 2133 this chapter and ~~regulations of the department~~ rules of Citrus.

2134 Section 43. Section 601.56, Florida Statutes, is amended  
 2135 to read:

2136 601.56 Application for dealers' licenses; requirements.—  
 2137 Any person desiring to engage in the business of a citrus fruit  
 2138 dealer in the state must apply ~~shall make application~~ to the  
 2139 department ~~of Citrus~~ for a license. The department ~~of Citrus~~  
 2140 shall adopt rules prescribing ~~by regulation prescribe~~ the  
 2141 information to be contained in such application.

2142 (1) All such applications, in addition to other  
 2143 information that ~~which~~ may be prescribed by the department ~~of~~  
 2144 ~~Citrus~~, must contain the following information:

2145 (a) Name and address of the individual, firm, partnership,  
 2146 association, corporation, or other business unit applying for a  
 2147 license.†



2148 (b) Names and addresses of the principal stockholders,  
 2149 officers, partners, or other individuals belonging to or  
 2150 connected with the applicant if the applicant for a license is a  
 2151 firm, partnership, association, corporation, or other business  
 2152 unit, whether it be for profit or otherwise.†

2153 (c) The length of time the applicant has been engaged in  
 2154 the citrus fruit business in the state ~~Florida~~ in any manner  
 2155 whatsoever.†

2156 (d) A statement of delinquent accounts, if any, growing  
 2157 out of the ordinary course of business with producers.† ~~if any~~  
 2158 ~~there be.~~

2159 (e) A financial statement of the applicant, if required by  
 2160 the department ~~of Citrus~~, showing such information as the  
 2161 department ~~of Citrus~~ may prescribe regarding the financial  
 2162 conditions of the applicant.†

2163 (f) Whether or not the applicant or any of its officers,  
 2164 directors, or stockholders have previously been licensed as a  
 2165 citrus fruit dealer~~†~~ or connected with a licensed citrus fruit  
 2166 dealer in the state and, if so, the date all such licenses were  
 2167 obtained.† ~~and~~

2168 (g) The number of boxes of citrus fruit, measured in terms  
 2169 of standard-packed boxes, that ~~which~~ the applicant intends to  
 2170 deal with during the current or ensuing shipping season.

2171 (2) If the applicant is an individual and is shown to be a  
 2172 nonresident of the state~~†~~ or is a copartnership and each member  
 2173 is shown to be a nonresident of the state, ~~in either event~~, the  
 2174 ~~said~~ applicant shall designate some bona fide resident of the  
 2175 state as such applicant's resident agent upon whom process may

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2176 be served. The service of process of any of the courts of this  
 2177 state upon such resident agent shall be as effectual and binding  
 2178 upon such ~~said~~ applicant as if personally served upon such ~~said~~  
 2179 applicant.

2180 (3) If the applicant is a corporation, ~~then~~ such  
 2181 corporation must be one organized and existing under the laws of  
 2182 this state or having an unrevoked permit authorizing it to  
 2183 transact business in this state.

2184 (4) When a license application is submitted for a person  
 2185 or business entity that ~~which~~ has an unpaid balance due and  
 2186 owing the department ~~of Citrus~~ for any citrus assessments ~~excise~~  
 2187 ~~taxes~~ or delinquency fees levied and imposed under the authority  
 2188 of this chapter, the applicant shall be notified immediately by  
 2189 the department, ~~+~~ and such application may ~~shall~~ not be further  
 2190 processed or presented to the commission for action until such  
 2191 assessments ~~taxes~~ and fees are paid in full. However, any  
 2192 applicant whose assessments ~~taxes~~ are under review by the  
 2193 department ~~of Citrus~~ or are contested in the appropriate  
 2194 administrative agency or court shall not have its application  
 2195 denied solely on the basis of owed assessments ~~taxes~~ or fees,  
 2196 until the matter is determined by the department, agency, or  
 2197 court.

2198 Section 44. Subsections (1), (6), and (7) of section  
 2199 601.57, Florida Statutes, are amended to read:

2200 601.57 Examination of application; approval of dealers'  
 2201 licenses.—

2202 (1) The department ~~of Citrus~~ shall, within a reasonable  
 2203 time, examine the application and consider the information

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2204 submitted therewith, including the applicant's financial  
2205 statement and the reputation of the applicant as shown by  
2206 applicant's past and current history and activities, including  
2207 applicant's method and manner of doing business. The department  
2208 ~~of Citrus~~ shall also consider the past history of any applicant,  
2209 either individually or in connection with any individual,  
2210 copartnership, corporation, association, or other business unit  
2211 with whom any applicant has ~~shall have~~ been connected in any  
2212 capacity, and may in proper cases impute to any individual,  
2213 corporation, copartnership, association, or other business unit  
2214 liability for any wrong or unlawful act previously done or  
2215 performed by such individual, corporation, copartnership,  
2216 association, or other business unit.

2217 (6) The department ~~of Citrus~~ shall designate not more than  
2218 three employees directly involved in the processing of citrus  
2219 fruit dealer license applications, who shall be a part of, and  
2220 shall have access to, the criminal justice information system  
2221 described in chapter 943, for purposes of investigating license  
2222 applicants.

2223 (7) The department may adopt rules establishing ~~of Citrus~~  
2224 ~~is authorized to establish by rule~~ the procedure and guidelines  
2225 for granting interim conditional staff approval for issuance of  
2226 a conditional citrus fruit dealer's license, which license shall  
2227 at all times be subject to final approval or other action by the  
2228 commission at its next regular meeting. Any license so issued  
2229 shall clearly and conspicuously indicate thereon the conditional  
2230 nature of the approval and pendency of final action.

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2231 Section 45. Subsection (1) of section 601.58, Florida  
 2232 Statutes, is amended to read:

2233 601.58 Application approval or disapproval.—

2234 (1) Each citrus fruit dealer's license application that  
 2235 ~~which~~ is approved, or approved subject to conditions, shall be  
 2236 forwarded immediately to the Department of Agriculture ~~and~~  
 2237 ~~Consumer Services~~, which shall, upon satisfaction of the stated  
 2238 conditions, if any are endorsed thereon, issue to the applicant  
 2239 an appropriate license as prescribed in s. 601.60.

2240 Section 46. Section 601.60, Florida Statutes, is amended  
 2241 to read:

2242 601.60 Issuance of dealers' licenses.—

2243 (1) Whenever an application bears the approved endorsement  
 2244 of the Department of Citrus and satisfactions of conditions of  
 2245 approval, if any, and the applicant has paid the prescribed fee,  
 2246 the Department of Agriculture ~~and Consumer Services~~ shall issue  
 2247 to such applicant a license, as approved by the Department of  
 2248 Citrus, which shall entitle the licensee to do business as a  
 2249 citrus fruit dealer during the effective term of such license in  
 2250 accordance with s. 601.55 or, if applicable, until such license  
 2251 is ~~may be~~ suspended or revoked by the Department of Agriculture  
 2252 ~~and Consumer Services~~ in accordance with ~~the provisions of~~ law.  
 2253 The Department of Agriculture ~~and Consumer Services~~ may issue a  
 2254 provisional license for a period of no longer than 1 year to an  
 2255 applicant who is under investigation for an action that would  
 2256 constitute a violation of this chapter or has pending against  
 2257 such applicant an administrative or civil proceeding that ~~which~~  
 2258 alleges an action that would constitute a violation of this

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2259 chapter. The department shall establish by rule requirements for  
 2260 renewal of a provisional license. When the investigation is  
 2261 complete or the pending proceeding has been disposed of, the  
 2262 Department of Agriculture may issue a regular license under this  
 2263 section.

2264 (2) If, during the effective term of such license, there  
 2265 is any change in the ownership, officers, managership, or  
 2266 stockholders of any copartnership, association, corporation, or  
 2267 other business unit to which a license has been issued, the  
 2268 licensee shall immediately notify the Department of Citrus in  
 2269 writing specifying the change in detail. The Department of  
 2270 Citrus may ~~shall be entitled to~~ receive, and the licensee must  
 2271 ~~shall be required to~~ promptly furnish, such additional  
 2272 information as if the licensee were applying for a new license.  
 2273 If, after investigating the facts and applying the standards  
 2274 prescribed for the issuance of new licenses, the commission  
 2275 finds that the licensee is not entitled to a citrus fruit  
 2276 dealer's license, the commission shall recommend to the  
 2277 Department of Agriculture ~~and Consumer Services~~ that such  
 2278 existing license be suspended or revoked, and, upon such  
 2279 recommendation, the Department of Agriculture ~~and Consumer~~  
 2280 ~~Services~~ shall immediately take necessary steps to suspend or  
 2281 revoke such existing license.

2282 Section 47. Section 601.601, Florida Statutes, is amended  
 2283 to read:

2284 601.601 Registration of dealers' agents.—Each ~~Every~~  
 2285 licensed citrus fruit dealer shall:

2286 (1) Register with the Department of Agriculture each ~~and~~

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2287 ~~every~~ agent, as defined in s. 601.03(2), who is authorized to  
 2288 represent such dealer; apply ~~make application~~ for registration  
 2289 of such agent or agents on a form approved by the Department of  
 2290 Agriculture and filed with the Department of Agriculture at  
 2291 least ~~not less than~~ 5 days before ~~prior to~~ the active  
 2292 participation of the agent or agents on behalf of such dealer in  
 2293 any transaction described in s. 601.03(2); and be held fully  
 2294 liable for and legally bound by all contracts and agreements,  
 2295 verbal or written, involving the consignment, purchase, or sale  
 2296 of citrus fruit executed by a duly registered agent on the  
 2297 dealer's behalf during the entire period of valid registration  
 2298 of such agent the same as though such contracts or agreements  
 2299 were executed by the dealer. Registration of each agent shall be  
 2300 for the entire shipping season for which the applying dealer's  
 2301 license is issued; however, a licensed dealer may cancel the  
 2302 registration of any agent registered by her or him by returning  
 2303 the agent's identification card to the Department of Agriculture  
 2304 and giving formal written notice to the Department of  
 2305 Agriculture of at least ~~not less than~~ 10 days. In addition, such  
 2306 dealer shall make every effort to alert the public to the fact  
 2307 that the agent is no longer authorized to represent her or him.  
 2308 An agent may be registered by more than one licensed dealer for  
 2309 the same shipping season, provided that each licensed dealer  
 2310 applies ~~shall apply~~ individually for registration of the agent  
 2311 and further provided that written consent is given by each and  
 2312 every dealer under whose license the agent has valid prior  
 2313 registration.

2314 (2) When the ~~above~~ requirements of subsection (1) and such

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2315 additional requirements ~~as may be~~ set forth by rules ~~regulations~~  
 2316 adopted by the Department of Citrus for registration of an agent  
 2317 are ~~have been~~ met and the fee required by s. 601.59(2) is ~~has~~  
 2318 ~~been~~ paid, the Department of Agriculture shall duly register the  
 2319 agent and issue an identification card certifying such  
 2320 registration. The identification card, among other things, shall  
 2321 show in a prominent manner:

- 2322 (a) The name and address of the agent.†
- 2323 (b) The authorizing dealer's name, address, and license  
 2324 number.†
- 2325 (c) The effective date and season for which registration  
 2326 is made.†
- 2327 (d)1. A space for signature of the agent.†
- 2328 2. A space to be countersigned by the licensed dealer.†
- 2329 3. A statement providing that the card is not valid unless  
 2330 so signed and countersigned.

2331  
 2332 The department ~~of Citrus~~ may periodically, ~~from time to time~~,  
 2333 adopt, as necessary, additional requirements or conditions  
 2334 relating to the registration of agents ~~as may be necessary~~.

2335 Section 48. Section 601.61, Florida Statutes, is amended  
 2336 to read:

2337 601.61 Bond requirements of citrus fruit dealers.—  
 2338 (1) (a) Except as ~~hereinafter~~ provided in this section,  
 2339 before ~~prior to~~ the approval of a citrus fruit dealer's license,  
 2340 the applicant ~~therefor~~ must deliver to the Department of  
 2341 Agriculture ~~and Consumer Services~~ a good and sufficient cash  
 2342 bond, an appropriate certificate of deposit, or a surety bond

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2343 | executed by the applicant as principal and by a surety company  
 2344 | qualified to do business in this state as surety, in an amount  
 2345 | ~~as~~ determined by the Department of Citrus pursuant to rules  
 2346 | adopted by the department under chapter 120. The rules shall  
 2347 | allow the department to consider any of following factors for  
 2348 | determining the amount of such bonds or certificates of deposit  
 2349 | ~~amount of such bond or certificate of deposit shall be~~  
 2350 | ~~determined by taking into consideration any one or more of the~~  
 2351 | ~~following:~~ the number of standard packed boxes of citrus fruit,  
 2352 | or the equivalent thereof, that ~~which~~ the applicant intends to  
 2353 | handle during the term of the license as set forth in the  
 2354 | application; the total volume of fruit handled by the dealer the  
 2355 | previous season; the highest month's volume handled the previous  
 2356 | season; the anticipated increase in the total citrus crop during  
 2357 | the season for which the application for license is made; or ~~and~~  
 2358 | other relevant factors ~~based on the following schedule:~~

- 2359 |     ~~(a) \$1,000 up to 2,000 boxes;~~
- 2360 |     ~~(b) \$2,000 up to 5,000 boxes;~~
- 2361 |     ~~(c) \$3,750 up to 7,500 boxes;~~
- 2362 |     ~~(d) \$5,000 up to 10,000 boxes;~~
- 2363 |     ~~(e) \$10,000 up to 20,000 boxes;~~
- 2364 |     ~~(f) \$1,000 for each additional 20,000 boxes or fraction~~  
 2365 | ~~thereof in excess of 20,000 boxes, with a maximum bond of~~  
 2366 | ~~\$100,000.~~

2367 |     (b) If a citrus fruit dealer during the term of her or his  
 2368 | license finds that she or he has handled, or can reasonably  
 2369 | expect to handle, a volume of fruit greater than that covered by  
 2370 | a posted bond or certificate of deposit, the dealer has ~~shall~~



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2371 ~~have~~ the affirmative duty ~~to~~ ~~of~~ immediately notify ~~notifying~~ the  
 2372 Department of Agriculture ~~and Consumer Services~~ and initiate a  
 2373 review by the Department of Citrus to determine any ~~initiating~~  
 2374 ~~an~~ increase required in the amount of such bond or certificate  
 2375 of deposit to comply with the department's rules for determining  
 2376 the ~~an~~ amount of such bonds or certificates of deposit ~~that will~~  
 2377 ~~meet the requirements set forth above.~~

2378 (2) Such ~~Said~~ bond shall be in the form approved by the  
 2379 Department of Agriculture ~~and Consumer Services~~ and shall be  
 2380 conditioned as provided in s. 601.66(9); ~~and also~~ to fully  
 2381 comply with the terms and conditions of all contracts, verbal or  
 2382 written, made by the citrus fruit dealer with producers or with  
 2383 other citrus fruit dealers, relative to the purchasing,  
 2384 handling, sale, and accounting of purchases and sales of citrus  
 2385 fruit; ~~and~~ upon the dealer's ~~dealer~~ accounting for the proceeds  
 2386 from, and paying for, any citrus fruit purchased or contracted  
 2387 for, in accordance with the terms of the contracts with  
 2388 producers; ~~and~~ upon the dealer's ~~dealer~~ accounting for any  
 2389 advance payments or deposits made, and delivering all citrus  
 2390 fruit contracted for, in accordance with the terms of the  
 2391 contracts with other citrus fruit dealers. The commission may  
 2392 prescribe by rule that such a producer contract contain  
 2393 information that it considers necessary to protect the producer  
 2394 from deceptive practices. For purposes of this chapter, every  
 2395 such contract shall be conclusively deemed to have been made and  
 2396 entered into during the shipping season in which the delivery of  
 2397 fruit into the primary channel of trade is made.

2398 (3) Such ~~Said~~ bond shall be to the Department of

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2399 Agriculture, for the use and benefit of every producer and of  
 2400 every citrus fruit dealer with whom the dealer deals in the  
 2401 purchase, handling, sale, and accounting of purchases and sales  
 2402 of citrus fruit. The aggregate accumulative liability under any  
 2403 bond ~~may shall~~ not exceed the amount of the bond ~~named therein~~.  
 2404 Such ~~said~~ bond shall provide that the surety company executing  
 2405 the bond is ~~thereon shall~~ not be liable to any citrus fruit  
 2406 dealer claiming to be injured or damaged by such ~~the said~~ dealer  
 2407 if the aggregate of the amounts found to be due to producers  
 2408 pursuant to ~~the provisions of~~ this chapter equals or exceeds the  
 2409 amount of the bond, unless such citrus fruit dealer is also a  
 2410 producer and is acting in the capacity of a producer and not in  
 2411 the capacity of a citrus fruit dealer in the transaction wherein  
 2412 she or he claims to have been injured or damaged by applicant;  
 2413 however, ~~but~~ if the aggregate of such amounts is less than the  
 2414 amount of the bond, ~~then~~ the surety may be held liable to such  
 2415 citrus fruit dealers, but not in excess of the sum by which the  
 2416 amount of the bond exceeds the aggregate of the amounts found to  
 2417 be due to producers pursuant to ~~the provisions of~~ this chapter.

2418 (4) The Department of Citrus or the Department of  
 2419 Agriculture, or any officer or employee designated by the  
 2420 Department of Citrus or the Department of Agriculture, is  
 2421 authorized ~~shall have the right to~~ inspect such accounts and  
 2422 records of any citrus fruit dealer as may be deemed necessary to  
 2423 determine whether a bond that ~~which~~ has been delivered to the  
 2424 Department of Agriculture is in the amount required by this  
 2425 section or whether a previously licensed nonbonded dealer should  
 2426 be required to furnish bond. If any such citrus fruit dealer

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2427 | refuses to permit such inspection, the Department of Agriculture  
 2428 | may publish the facts and circumstances and by order suspend the  
 2429 | license of the offender until permission to make such inspection  
 2430 | is given. Upon a finding by the Department of Agriculture that  
 2431 | any citrus fruit dealer has dealt or probably will deal with  
 2432 | more fruit during the season than shown by the application, the  
 2433 | Department of Agriculture may order such bond increased to such  
 2434 | an amount as will meet the requirements ~~as~~ set forth in the  
 2435 | rules adopted by the Department of Citrus for determining the  
 2436 | amount ~~bond schedule of such bonds subsection (1)~~. Upon failure  
 2437 | to file such increased bond within the time fixed by the  
 2438 | Department of Agriculture, the Department of Agriculture may  
 2439 | publish the facts and circumstances and by order suspend the  
 2440 | license of such citrus fruit dealer until such ~~the said~~ bond is  
 2441 | increased as ordered.

2442 | (5) (a) The following citrus fruit, subject to such rules  
 2443 | as may be prescribed by the Department of Citrus, is ~~shall~~ not  
 2444 | ~~be~~ considered ~~as~~ fruit with which the applicant intends to deal  
 2445 | for the purpose of determining the amount of the bond required  
 2446 | under subsection (1) ~~:~~ ;

2447 | 1. Citrus fruit that ~~which~~ the applicant produces.

2448 | 2. Citrus fruit that ~~which~~ is handled for its members by a  
 2449 | cooperative marketing association organized and existing under  
 2450 | ~~the provisions of either~~ chapter 618 or chapter 619.

2451 | 3. Fresh citrus fruit handled by the applicant that, ~~which~~  
 2452 | has been prepared and packaged by a registered packinghouse  
 2453 | other than the applicant and has been inspected and certified  
 2454 | for shipment.

2455 4. Citrus fruit handled by the applicant from citrus  
 2456 groves for which the applicant provides complete grove  
 2457 management services under direct contract with the owner or  
 2458 producer.

2459 5. Citrus fruit handled by a corporate or partnership  
 2460 applicant that is from citrus groves owned by officers or  
 2461 stockholders of the corporation or from citrus groves owned by  
 2462 the partnership, the parent corporation, or a wholly owned  
 2463 subsidiary corporation or its corporate officers or  
 2464 stockholders, or any partner of a partnership, if; ~~provided that~~  
 2465 appropriate waivers of right to any claim against the bond  
 2466 required to be posted by this section are ~~be~~ attached to and  
 2467 made a part of the license application ~~for license~~.

2468 6. Processed citrus fruit handled by the applicant that  
 2469 ~~which~~ has been processed and packaged by a registered citrus  
 2470 processing plant other than the applicant and has been inspected  
 2471 and certified for shipment.

2472 (b) If the applicant does not intend to deal with any  
 2473 citrus fruit other than that described in paragraph (a) ~~which~~  
 2474 ~~comes within the foregoing classifications~~, the Department of  
 2475 Agriculture ~~and Consumer Services~~ shall issue a license without  
 2476 the posting of a bond. Such a license shall bear a descriptive  
 2477 statement to the effect that the licensee is not a bonded citrus  
 2478 fruit dealer.

2479 (c) A claim against any citrus fruit dealer's bond  
 2480 required to be posted by this section shall not be accepted with  
 2481 respect to any damages in connection with fruit handled under  
 2482 ~~the provisions of subparagraphs (a)1.-6. of paragraph (a)~~ if

2483 such claim is filed against the bond of the dealer who was  
 2484 granted bond exempt status for such ~~said~~ fruit.

2485 ~~(6) If any of the provisions of this act shall be held to~~  
 2486 ~~be unconstitutional or invalid for any reason by any court of~~  
 2487 ~~competent jurisdiction or if such court shall find or declare~~  
 2488 ~~that no applicant shall be required to furnish the bond required~~  
 2489 ~~by this act, then and in that event this entire act shall be~~  
 2490 ~~ineffective for any and all purposes and the laws in effect on~~  
 2491 ~~July 31, 1965, which are amended by this act, shall not be~~  
 2492 ~~deemed to be amended or repealed by this act but shall instead~~  
 2493 ~~remain in full force and effect it being the intention of the~~  
 2494 ~~Legislature that in such event this entire act shall be~~  
 2495 ~~ineffective for any and all purposes and the laws in effect on~~  
 2496 ~~July 31, 1965, which are amended or repealed by this act shall~~  
 2497 ~~instead not be deemed to be amended or repealed by this act but~~  
 2498 ~~shall remain in full force and effect.~~

2499 Section 49. Subsection (7) of section 601.64, Florida  
 2500 Statutes, is amended to read:

2501 601.64 Citrus fruit dealers; unlawful acts.—It is unlawful  
 2502 in, or in connection with, any transaction relative to the  
 2503 purchase, handling, sale, and accounting of sales of citrus  
 2504 fruit:

2505 (7) For any citrus fruit dealer to violate or aid or abet  
 2506 in the violation of any rule adopted ~~or regulation duly~~  
 2507 ~~promulgated~~ by the department of Citrus.

2508 Section 50. Subsections (1), (6), (7), and (8) of section  
 2509 601.66, Florida Statutes, are amended to read:

2510 601.66 Complaints of violations by citrus fruit dealers;

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2511 procedure; bond distribution; court action on bond.-

2512 (1) Any person may complain of any violation of ~~any of the~~  
 2513 ~~provisions of~~ this chapter by any citrus fruit dealer during any  
 2514 shipping season, by filing of a written complaint with the  
 2515 Department of Agriculture ~~and Consumer Services~~ at any time  
 2516 before ~~prior to~~ May 1 of the year immediately after ~~following~~  
 2517 the end of such shipping season. Such ~~said~~ complaint shall  
 2518 briefly state the facts, and the Department of Agriculture ~~and~~  
 2519 ~~Consumer Services~~ shall thereupon, if the facts alleged prima  
 2520 facie warrant such action, forward true copies of such ~~said~~  
 2521 complaint to the dealer in question and also to the surety  
 2522 company on the dealer's bond. The dealer at such time shall be  
 2523 called upon, within a reasonable time to be prescribed by the  
 2524 Department of Agriculture ~~and Consumer Services~~, either to  
 2525 satisfy the complaint or to answer the complaint in writing,  
 2526 either admitting or denying the liability.

2527 (6) Upon failure by a dealer to comply with an order of  
 2528 the Department of Agriculture ~~and Consumer Services~~ directing  
 2529 payment, the Department of Agriculture ~~and Consumer Services~~  
 2530 shall call upon the surety company to pay over to the Department  
 2531 of Agriculture ~~and Consumer Services~~, out of the bond  
 2532 theretofore posted by the surety for such dealer, the amount of  
 2533 damages sustained but not exceeding the amount of the bond. The  
 2534 proceeds to the Department of Agriculture ~~and Consumer Services~~  
 2535 by the surety company shall, in the discretion of the Department  
 2536 of Agriculture ~~and Consumer Services~~, be ~~either~~ paid to the  
 2537 original complainant or held by the Department of Agriculture  
 2538 ~~and Consumer Services~~ for later disbursement, depending upon the

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2539 | time during the shipping season when the complaint was made,  
 2540 | when liability was admitted by the dealer, when the proceeds  
 2541 | were so paid by the surety company to the Department of  
 2542 | Agriculture ~~and Consumer Services~~, the amount of other claims  
 2543 | then pending against the same dealer, the amount of other claims  
 2544 | already adjudicated against the dealer, and such other pertinent  
 2545 | facts as the Department of Agriculture ~~and Consumer Services~~ in  
 2546 | its discretion may consider material. The Department of  
 2547 | Agriculture ~~and Consumer Services~~, if it decides to pay the  
 2548 | proceeds to the original complainant, may ~~has authority to~~ order  
 2549 | an increase in the original bond of the dealer to such higher  
 2550 | sum as ~~to~~ the Department of Agriculture ~~and Consumer Services~~  
 2551 | would be justified under all the circumstances so as to protect  
 2552 | other possible claimants and to exercise all powers otherwise  
 2553 | confided to it under this chapter to enforce the posting of such  
 2554 | increased bond. The Department of Agriculture ~~and Consumer~~  
 2555 | ~~Services~~ also, in its discretion as the facts and circumstances  
 2556 | might appear to it, may hold the amount of such proceeds until  
 2557 | such later time, up to the time when all claims have been filed  
 2558 | during the allotted period after the closing of the shipping  
 2559 | season and such claims adjudicated, and may ~~then~~ disburse the  
 2560 | total proceeds in its possession paid over to it by the surety  
 2561 | company on the dealer's bond as such claims were adjudicated to  
 2562 | the various claimants, paying first to the producers the amount  
 2563 | of their claims in full, if such proceeds are sufficient for  
 2564 | such purpose, and if not, then in pro rata shares to such  
 2565 | producer claimants. The balance of any; ~~and if there then exist~~  
 2566 | additional proceeds in the hands of the Department of

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2567 Agriculture ~~and Consumer Services~~, after all claims of producers  
 2568 have been paid in full, ~~the balance of such proceeds~~ shall be  
 2569 paid to claimants who are citrus fruit dealers, either in whole  
 2570 or in pro rata portion, as the aggregate of their claims may  
 2571 bear to the amount of such additional proceeds.

2572 (7) Upon failure of a surety company to comply with a  
 2573 demand for payment of the proceeds of a citrus fruit dealer's  
 2574 bond pursuant to administrative orders entered by the Department  
 2575 of Agriculture fixing amounts due claimants, the Department of  
 2576 Agriculture shall within a reasonable time file in the Circuit  
 2577 Court in and for Polk County, an original petition or complaint  
 2578 setting forth the administrative proceedings before the  
 2579 Department of Agriculture and ask for final order of the court  
 2580 directing the surety company to pay the proceeds of the ~~said~~  
 2581 bond to the Department of Agriculture for distribution to the  
 2582 claimants.

2583 (8) In any court proceeding filed under subsection (7),  
 2584 the findings of facts and orders of the Department of  
 2585 Agriculture shall be prima facie evidence of the facts therein  
 2586 stated, and if in such suit the Department of Agriculture is  
 2587 successful and the court affirms the Department of Agriculture's  
 2588 ~~department's~~ demand for payment from the surety company, the  
 2589 Department of Agriculture shall be allowed all court costs  
 2590 incurred therein and also a reasonable attorney fees ~~attorney's~~  
 2591 ~~fee~~ to be fixed and collected as a part of the costs of the  
 2592 suit.

2593 Section 51. Section 601.67, Florida Statutes, is amended  
 2594 to read:



2595           601.67 Disciplinary action by Department of Agriculture  
2596 ~~and Consumer Services~~ against citrus fruit dealers.—

2597           (1) The Department of Agriculture ~~and Consumer Services~~  
2598 may impose a fine not exceeding \$50,000 per violation against  
2599 any licensed citrus fruit dealer for violation of any provision  
2600 of this chapter and, in lieu of, or in addition to, such fine,  
2601 may revoke or suspend the license of any such dealer when it has  
2602 been satisfactorily shown that such dealer, in her or his  
2603 activities as a citrus fruit dealer, has:

2604           (a) Obtained a license by means of fraud,  
2605 misrepresentation, or concealment;

2606           (b) Violated or aided or abetted in the violation of any  
2607 law of this state governing or applicable to citrus fruit  
2608 dealers or any lawful rules of the Department of Citrus;

2609           (c) Been guilty of a crime against the laws of this or any  
2610 other state or government involving moral turpitude or dishonest  
2611 dealing~~7~~ or has become legally incompetent to contract or be  
2612 contracted with;

2613           (d) Made, printed, published, distributed, or caused,  
2614 authorized, or knowingly permitted the making, printing,  
2615 publication, or distribution of false statements, descriptions,  
2616 or promises of such a character as to reasonably induce any  
2617 person to act to her or his damage or injury, if such citrus  
2618 fruit dealer then knew, or~~7~~ by the exercise of reasonable care  
2619 and inquiry~~7~~ could have known~~7~~ of the falsity of such  
2620 statements, descriptions, or promises;

2621           (e) Knowingly committed or been a party to any material  
2622 fraud, misrepresentation, concealment, conspiracy, collusion,

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2623 | trick, scheme, or device whereby any other person lawfully  
 2624 | relying upon the word, representation, or conduct of the citrus  
 2625 | fruit dealer has acted to her or his injury or damage;

2626 | (f) Committed any act or conduct of the same or different  
 2627 | character of that hereinabove enumerated which constitutes  
 2628 | fraudulent or dishonest dealing; or

2629 | (g) Violated any of the provisions of ss. 506.19-506.28,  
 2630 | both sections inclusive.

2631 | (2) The Department of Agriculture may impose a fine not  
 2632 | exceeding \$100,000 per violation against any person who operates  
 2633 | as a citrus fruit dealer without a current citrus fruit dealer  
 2634 | license issued by the Department of Agriculture pursuant to s.  
 2635 | 601.60. In addition, the Department of Agriculture may order  
 2636 | such person to cease and desist operating as a citrus fruit  
 2637 | dealer without a license. An administrative order entered by the  
 2638 | Department of Agriculture under this subsection may be enforced  
 2639 | pursuant to s. 601.73.

2640 | (3) The Department of Agriculture shall impose a fine of  
 2641 | not less than \$10,000 nor more than \$100,000 per violation  
 2642 | against any licensed citrus fruit dealer and shall suspend, for  
 2643 | 60 days during the first available period between September 1  
 2644 | and May 31, the license of any citrus fruit dealer who:

2645 | (a) Falsely labels or otherwise misrepresents that a fresh  
 2646 | citrus fruit was grown in a specific production area specified  
 2647 | in s. 601.091; or

2648 | (b) Knowingly, falsely labels or otherwise misrepresents  
 2649 | that a processed citrus fruit product was prepared solely with  
 2650 | citrus fruit grown in a specific production area specified in s.

2651 601.091.

2652 (4) Any fine imposed pursuant to subsection (1),  
 2653 subsection (2), or subsection (3), when paid, shall be deposited  
 2654 by the Department of Agriculture ~~and Consumer Services~~ into its  
 2655 General Inspection Trust Fund.

2656 (5) Whenever any administrative order has been made and  
 2657 entered by the Department of Agriculture that ~~and Consumer~~  
 2658 ~~Services which~~ imposes a fine pursuant to this section, such  
 2659 order shall specify a time limit for payment of the fine, not  
 2660 exceeding 15 days. The failure of the dealer involved to pay the  
 2661 fine within that time shall result in the immediate suspension  
 2662 of such citrus fruit dealer's current license, or any  
 2663 subsequently issued license, until such time as the order has  
 2664 been fully satisfied. Any order suspending a citrus fruit  
 2665 dealer's license shall include a provision that such suspension  
 2666 shall be for a specified period of time not to exceed 60 days,  
 2667 and such period of suspension may commence at any designated  
 2668 date within the current license period or subsequent license  
 2669 period. Whenever an order has been entered that ~~which~~ suspends a  
 2670 citrus fruit dealer's license for a definite period of time and  
 2671 that license, by law, expires during the period of suspension,  
 2672 the suspension order shall continue automatically and shall be  
 2673 effective against any subsequent citrus fruit dealer's license  
 2674 issued to such dealer until such time as the entire period of  
 2675 suspension has elapsed. Whenever any such administrative order  
 2676 of the Department of Agriculture ~~and Consumer Services~~ is sought  
 2677 to be reviewed by the offending dealer involved in a court of  
 2678 competent jurisdiction, if such court proceedings should finally

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2679 terminate in such administrative order being upheld or not  
 2680 quashed, such order shall thereupon, upon the filing with the  
 2681 Department of Agriculture ~~and Consumer Services~~ of a certified  
 2682 copy of the mandate or other order of the last court having to  
 2683 do with the matter in the judicial process, become immediately  
 2684 effective and shall then be carried out and enforced  
 2685 notwithstanding such time will be during a new and subsequent  
 2686 shipping season from that during which the administrative order  
 2687 was first originally entered by the Department of Agriculture  
 2688 ~~and Consumer Services~~.

2689 Section 52. Subsection (9) of section 601.69, Florida  
 2690 Statutes, is amended to read:

2691 601.69 Records to be kept by citrus fruit dealers.—Every  
 2692 citrus fruit dealer shall make and keep a correct record showing  
 2693 in detail the following with reference to the purchase,  
 2694 handling, sale, and accounting of sale of citrus fruit handled  
 2695 by her or him, namely:

2696 (9) Any other record or account required to be kept and  
 2697 maintained by such dealer by rule adopted by ~~or regulation of~~  
 2698 the department ~~of Citrus~~ duly promulgated.

2699 Section 53. Section 601.70, Florida Statutes, is amended  
 2700 to read:

2701 601.70 Inspection of records by Department of Agriculture  
 2702 ~~and Consumer Services~~.—The Department of Agriculture ~~and~~  
 2703 ~~Consumer Services~~, or its duly authorized agents, ~~shall~~ have the  
 2704 right to inspect all accounts, records, and memoranda of any  
 2705 citrus fruit dealer required to be kept under ~~pursuant to the~~  
 2706 ~~provisions of~~ this chapter. If any such citrus fruit dealer

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2707 | refuses to permit such inspection, the Department of Agriculture  
 2708 | may publish the facts and circumstances and by order suspend the  
 2709 | license of the offender until permission to make such inspection  
 2710 | is given.

2711 | Section 54. Subsection (1) of section 601.701, Florida  
 2712 | Statutes, is amended to read:

2713 | 601.701 Penalty for failure to keep records.—

2714 | (1) It is ~~shall be~~ unlawful to fail to keep any records  
 2715 | required to be kept under ~~the provisions of~~ the Florida Citrus  
 2716 | Code ~~of 1949, or any amendments thereto,~~ or required to be kept  
 2717 | by any other law or by any rule adopted by ~~authorized regulation~~  
 2718 | ~~of~~ the Department of Agriculture or the Department of Citrus, or  
 2719 | to falsify or cause the falsification of any such records or to  
 2720 | keep false records.

2721 | Section 55. Paragraph (a) of subsection (1) and subsection  
 2722 | (2) of section 601.731, Florida Statutes, are amended to read:

2723 | 601.731 Transporting citrus on highways; name and dealer  
 2724 | designation on vehicles; load identification; penalty.—

2725 | (1)(a) It is unlawful to operate any truck, tractor,  
 2726 | trailer, or other motor vehicle hauling citrus fruit in bulk or  
 2727 | in unclosed containers for commercial purposes on the highways  
 2728 | of this state unless such truck, tractor, trailer, or other  
 2729 | motor vehicle is:

2730 | 1. Designated by a number assigned or permitted for use in  
 2731 | the way and manner and to the extent prescribed by ~~regulation of~~  
 2732 | ~~the department~~ rule of Citrus.

2733 | 2. Identified by lettering plainly showing the name of the  
 2734 | person owning same, or the name of any lessee or other person

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2735 | operating same. The lettering shall not be less than 3 inches in  
 2736 | height on both sides of the vehicle or on the front end and the  
 2737 | rear end of the vehicle, except that lettering on flatbed  
 2738 | semitrailers shall not be less than 1 1/2 inches in height on  
 2739 | the rear end of the trailer.

2740 | (2) Any person driving any truck, tractor, trailer, or  
 2741 | other motor vehicle hauling citrus fruit in bulk or in unclosed  
 2742 | containers for commercial purposes on the highways of the state  
 2743 | must ~~shall~~ have on her or his person while ~~when~~ driving such  
 2744 | vehicle a certificate or other paper showing the approximate  
 2745 | amount of fruit being hauled; the name of the owner and the  
 2746 | grove or other origin of such fruit; the number painted or  
 2747 | affixed by decal, as well as the number of the motor vehicle  
 2748 | license tag, on the vehicle in which such fruit is being hauled;  
 2749 | and such other information and data as may be prescribed by  
 2750 | ~~regulation of the~~ department rule ~~of Citrus~~, and it is unlawful  
 2751 | to drive any such vehicle on the highways of this state without  
 2752 | having such certificate or other paper. The failure of any such  
 2753 | person to have such certificate or other paper on her or his  
 2754 | person while ~~when~~ driving such vehicle, ~~as aforesaid~~, is prima  
 2755 | facie evidence of intent to violate and of the violation of this  
 2756 | section ~~act~~.

2757 | Section 56. Section 601.74, Florida Statutes, is amended  
 2758 | to read:

2759 | 601.74 Adoption of rules; fees for licensing and analysis  
 2760 | of processing materials.—The Department of Agriculture ~~and~~  
 2761 | ~~Consumer Services~~ may adopt rules and set fees with respect to  
 2762 | the licensing and analysis of materials and composition used on

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2763 or in the packing of citrus fruits. Such rules may include fees  
 2764 for permitting dyes and coloring matter. Fees shall be not less  
 2765 than ~~the amount of~~ \$30 nor more than \$100 for each manufacturer  
 2766 applying making application to the Department of Agriculture.  
 2767 All such license fees collected under this section hereunder  
 2768 shall be paid monthly by the Department of Agriculture ~~and~~  
 2769 ~~Consumer Services~~ into the State Treasury to the credit of the  
 2770 General Inspection Trust Fund and shall be appropriated and made  
 2771 available for defraying the expenses incurred in the  
 2772 administration of this law.

2773 Section 57. Section 601.75, Florida Statutes, is amended  
 2774 to read:

2775 601.75 Dyes and coloring matter for citrus fruit to be  
 2776 certified prior to use.—The Department of Agriculture ~~and~~  
 2777 ~~Consumer Services~~ may adopt rules with respect to the permitting  
 2778 and certification of dyes and coloring matter for citrus fruit  
 2779 prior to use on any citrus fruit.

2780 Section 58. Section 601.76, Florida Statutes, is amended  
 2781 to read:

2782 601.76 Manufacturer to furnish formula and other  
 2783 information.—The Department of Agriculture ~~and Consumer Services~~  
 2784 may adopt rules with respect to requirements for information  
 2785 that which must be furnished by manufacturers of coloring matter  
 2786 for use on citrus fruit. Such information may include product  
 2787 formulas. Any formula required to be filed with the Department  
 2788 of Agriculture ~~and Consumer Services~~ shall be deemed a trade  
 2789 secret as defined in s. 812.081, is confidential and exempt from  
 2790 ~~the provisions of~~ s. 119.07(1), and shall only be divulged to

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2791 the Department of Agriculture ~~and Consumer Services~~ or to its  
 2792 duly authorized representatives or upon orders of a court of  
 2793 competent jurisdiction when necessary in the enforcement of this  
 2794 law. A person who receives such a formula from the Department of  
 2795 Agriculture under this section shall maintain the  
 2796 confidentiality of the formula.

2797 Section 59. Section 601.77, Florida Statutes, is amended  
 2798 to read:

2799 601.77 Subsequent analysis of coloring matter; inspection  
 2800 of packinghouses for application.—The Department of Agriculture  
 2801 ~~and Consumer Services~~ may, by rule, provide for subsequent  
 2802 analysis of coloring matter, for inspection of packinghouses or  
 2803 other places where coloring matter is applied to citrus fruit,  
 2804 and for grounds for revocation of a license to use coloring  
 2805 matter on fruit.

2806 Section 60. Section 601.78, Florida Statutes, is amended  
 2807 to read:

2808 601.78 Manufacturer to post bond.—The Department of  
 2809 Agriculture ~~and Consumer Services~~ may, by rule, require cash or  
 2810 surety bonds to be posted by manufacturers of coloring matter  
 2811 used on citrus fruit. The Department of Agriculture ~~and Consumer~~  
 2812 ~~Services~~ shall adopt rules prescribing the amount and form of  
 2813 such bonds and the grounds and procedures for forfeiture of  
 2814 same. The amount of the bond may ~~shall~~ not exceed \$5,000.

2815 Section 61. Section 601.80, Florida Statutes, is amended  
 2816 to read:

2817 601.80 Unlawful to use uncertified coloring matter.—It is  
 2818 unlawful for any person to use on oranges or citrus hybrids any



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2819 coloring matter which has not first received the approval of the  
 2820 Department of Agriculture ~~and Consumer Services~~ as provided by  
 2821 rule adopted under ~~pursuant to~~ s. 601.76.

2822 Section 62. Section 601.85, Florida Statutes, is amended  
 2823 to read:

2824 601.85 Standard shipping box for fresh fruit.—The  
 2825 specifications for the standard ~~legal~~ shipping box, when crate,  
 2826 ~~or container to be used as a unit of trade or for reporting~~  
 2827 purposes, in shipping fresh citrus fruits shall be as  
 2828 established by the department, ~~of Citrus;~~ but ~~provided that~~ the  
 2829 unit of a standard-packed box, commonly called 1 3/5 bushels,  
 2830 shall contain an inside cubical measurement of 3,456 cubic  
 2831 inches.

2832 Section 63. Section 601.86, Florida Statutes, is amended  
 2833 to read:

2834 601.86 Standard field boxes for fresh citrus fruit.—The  
 2835 standard field box or its equivalent, when used as a unit of  
 2836 trade or for reporting purposes, ~~All field boxes used in the~~  
 2837 ~~purchase, sale, or handling of citrus fruit from or for the~~  
 2838 ~~grower by a citrus fruit dealer in the state~~ shall be of the  
 2839 uniform standard size of 31 1/2 inches long, 13 inches high, and  
 2840 12 inches wide, inside measurements, and shall be divided into  
 2841 two compartments by a center partition of at least three-fourths  
 2842 inch thickness, ~~and~~ and each of these compartments thus created  
 2843 shall have a cubical capacity that does ~~of not to~~ exceed 2,400  
 2844 cubic inches.

2845 Section 64. Subsection (3) of section 601.91, Florida  
 2846 Statutes, is amended to read:

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2847           601.91 Unlawful to sell, transport, prepare, receive, or  
2848 deliver freeze-damaged citrus.—

2849           (3) The manner and method of drawing samples and  
2850 conducting tests under this section shall be prescribed by rules  
2851 ~~and regulations~~ of the Department of Citrus. The inspection in  
2852 the state of all citrus fruits seriously damaged by freezing and  
2853 the enforcement of this section and of rules, ~~regulations,~~ and  
2854 orders of ~~made by~~ the department ~~of Citrus~~ pursuant to and under  
2855 authority of this section shall be under the direction,  
2856 supervision, and control of the Department of Agriculture and  
2857 its duly authorized agents and inspectors who are qualified  
2858 under existing laws to inspect for grade and maturity, † and all  
2859 citrus fruits that may be found to be seriously damaged by  
2860 freezing, as defined by s. 601.89, upon inspection and testing  
2861 shall be seized and may be confiscated and destroyed under the  
2862 supervision of the citrus fruit inspector at the expense of the  
2863 owner unless previous disposition is made by the owner or other  
2864 person who offered the same for inspection, all the provisions  
2865 of this section being subject to such reasonable rules ~~and~~  
2866 ~~regulations~~ as may be adopted ~~promulgated~~ by the Department of  
2867 Citrus.

2868           Section 65. Section 601.9901, Florida Statutes, is amended  
2869 to read:

2870           601.9901 Certificates of inspection; form.—All  
2871 certificates of inspection prescribed by this chapter shall be  
2872 of such number, form, size, and character as the department ~~of~~  
2873 ~~Citrus~~ may by rule ~~and regulation~~ prescribe and shall be used in  
2874 such manner as to identify the fruit or the canned or

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2875 concentrated products thereof to which they relate.

2876 Section 66. Section 601.9902, Florida Statutes, is amended  
2877 to read:

2878 601.9902 Payment of salaries and expenses; Department of  
2879 Citrus.—All salaries, costs, and expenses incurred by the  
2880 department ~~of Citrus~~ in the administration and ~~the~~ enforcement  
2881 of this chapter and in the performance of the department's ~~its~~  
2882 duties and the exercise of its powers under the laws of this  
2883 state shall be proratably paid from the moneys derived from the  
2884 citrus advertising assessments ~~taxes~~ imposed on the various  
2885 types of citrus fruit in such proportion as the department ~~of~~  
2886 ~~Citrus~~ may find each respective type ~~is~~ affected by such  
2887 expenditures.

2888 Section 67. Section 601.9903, Florida Statutes, is amended  
2889 to read:

2890 601.9903 Annual report of Department of Citrus.—The  
2891 department ~~of Citrus~~ shall submit ~~make~~ an annual report to the  
2892 Governor concerning ~~upon~~ the work of the department ~~of Citrus~~.  
2893 The department ~~It~~ shall also submit ~~make~~ such special reports  
2894 concerning ~~upon~~ any phase of the department's work ~~of the~~  
2895 ~~Department of Citrus~~ as may be requested ~~called for~~ by the  
2896 Governor or the Legislature or either house thereof.

2897 Section 68. Section 601.99035, Florida Statutes, is  
2898 amended to read:

2899 601.99035 Annual travel report of Department of Citrus.—  
2900 The department ~~of Citrus~~ shall, at the end of each fiscal year,  
2901 publish an annual travel report that states, for each department  
2902 staff member ~~of the Department of Citrus~~ and each commission

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2903 member ~~of the Florida Citrus Commission~~ who has traveled during  
 2904 that year, the name of the person, the person's position title,  
 2905 the date on which a claim for reimbursement was submitted, the  
 2906 dates of travel, the destinations, the purpose of the travel,  
 2907 and all expenditures that resulted from the travel.

2908 Section 69. Section 601.99036, Florida Statutes, is  
 2909 amended to read:

2910 601.99036 Approval of specified salary changes.—Any change  
 2911 in the annual salary of an employee of the department who earns  
 2912 ~~of Citrus which is at or above \$100,000 or more~~ annually must be  
 2913 approved by a majority ~~the full membership~~ of the ~~Florida Citrus~~  
 2914 ~~commission at the meeting of the commission in July 2003, or at~~  
 2915 ~~the first subsequent meeting, and before~~ the any subsequent  
 2916 salary adjustment is made.

2917 Section 70. Section 601.9904, Florida Statutes, is amended  
 2918 to read:

2919 601.9904 ~~Rules and regulations; Frozen citrus juices;~~  
 2920 rules of Department of Citrus.—The department shall adopt ~~of~~  
 2921 ~~Citrus is hereby authorized and required to promulgate and~~  
 2922 enforce rules ~~and regulations~~ concerning the contents,  
 2923 preparation, concentrating, other processing, and keeping or  
 2924 storing of frozen concentrated fresh citrus juices, and such  
 2925 rules ~~and regulations~~ may govern, ~~cover~~ but are not limited to,  
 2926 the sanitary conditions under which such product is prepared,  
 2927 the type of equipment and machinery used therein, ~~and~~ the manner  
 2928 and method of storage within this state, and the manner and  
 2929 method of shipment.

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2930 Section 71. Subsection (6) of section 601.9908, Florida  
 2931 Statutes, is amended to read:

2932 601.9908 Canned tangerine juice; standards; labeling.—No  
 2933 canned tangerine juice shall be sold or offered for sale or  
 2934 shipped or offered for shipment which:

2935 (6) Does not meet requirements to be established by the  
 2936 department ~~of Citrus~~ regarding color, absence of defects, taste,  
 2937 and flavor; unless the immediate container thereof shall be  
 2938 labeled in accordance with regulations of the department ~~of~~  
 2939 ~~Citrus~~ and there shall appear on such label the word  
 2940 "substandard" in bold type not less than 1/4 inch high printed  
 2941 or stamped diagonally thereon.

2942 Section 72. Paragraphs (c) and (d) of subsection (1) and  
 2943 subsections (2) and (3) of section 601.9910, Florida Statutes,  
 2944 are amended to read:

2945 601.9910 Legislative findings of fact; strict enforcement  
 2946 of maturity standard in public interest.—

2947 (1) FINDINGS.—

2948 (c) The Legislature finds and determines and so declares  
 2949 that there is no better method of determining when such raw and  
 2950 immature flavor leaves Florida citrus than by the standards  
 2951 authorized by set forth in this chapter and set forth in  
 2952 department rule; and that experience has demonstrated over a  
 2953 period of many years, by the best available records and under  
 2954 various climatic conditions and various seasonal changes, that  
 2955 generally speaking, before prior to November 1 of each season,  
 2956 oranges that ~~which~~ do not have a total soluble solids of 9  
 2957 percent with a minimum ratio of total soluble solids, as set

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2958 | forth in department rule s. 601.20, still have a raw, immature  
 2959 | flavor; ~~and that,~~ beginning on or about November 1 of each  
 2960 | season, such raw, immature fruit flavor gradually disappears  
 2961 | from the orange, and by November 15 the same orange may have a  
 2962 | still lower soluble solids percentage and not be immature; that  
 2963 | ~~and~~ after November 15 the same orange can still have a further  
 2964 | lower soluble solids percentage without being immature; and that  
 2965 | by December 1 nature has completed its process of removing the  
 2966 | raw, immature flavor that ~~which~~ might have existed before ~~prior~~  
 2967 | ~~to~~ that time, provided such fruit meets the other minimum  
 2968 | maturity requirements authorized by ~~set forth in~~ this chapter  
 2969 | and set forth in department rule. On December 1 oranges meeting  
 2970 | the requirements set forth in department rule of s. 601.19(4),  
 2971 | while not being sufficiently mature to ship in fresh form, may  
 2972 | be safely used in some processed products without the finished  
 2973 | product having a raw, immature flavor. On December 1 grapefruit  
 2974 | meeting the requirements set forth in department rule of s.  
 2975 | ~~601.16(4)~~, while not being sufficiently mature to ship in fresh  
 2976 | form, may be safely used in some processed products without the  
 2977 | finished product having a raw, immature flavor.

2978 | (d) The Legislature finds and determines and so declares  
 2979 | that the enforcement of the maturity standards, authorized by ~~as~~  
 2980 | ~~set forth in~~ this chapter and set forth in department rule, will  
 2981 | not result in preventing any grower from marketing her or his  
 2982 | fruit at some time during the marketing season, whenever nature  
 2983 | has removed the raw, immature flavor, ~~and,~~ if there is a delay  
 2984 | in such marketing, it will result in higher prices for the  
 2985 | entire season, bringing additional millions of dollars to the

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2986 state's growers of ~~Florida~~ and resulting in benefit to all  
 2987 growers, including the grower or growers who were delayed a  
 2988 short time in the shipment of their fruit.

2989 (2) DECLARATION.—Therefore, the Legislature declares that  
 2990 the strict enforcement of the maturity standards authorized by  
 2991 ~~as set forth in~~ this chapter and set forth in department rule  
 2992 is definitely in the public's interest and for the public's  
 2993 welfare, and that no citrus that ~~should be shipped from Florida~~  
 2994 ~~and sold in the consuming markets which~~ has a raw, immature  
 2995 flavor, and that ~~which~~ could be classed by the consuming public  
 2996 as "Florida green fruit." should be shipped from the state and  
 2997 sold in consuming markets.

2998 (3) RULES SETTING FORTH REGULATIONS REGARDING MATURITY  
 2999 STANDARDS FOR HYBRIDS.—The Legislature finds and determines that  
 3000 the classifications of and maturity standards for citrus hybrids  
 3001 should be established by rules adopted ~~regulations promulgated~~  
 3002 by the department ~~of Citrus~~ pursuant to this chapter.

3003 Section 73. Section 601.9911, Florida Statutes, is amended  
 3004 to read:

3005 601.9911 Fruit may be sold or transported direct from  
 3006 producer.—Any citrus producer may transport her or his own  
 3007 citrus fruit or any citrus fruit may be sold or purchased and  
 3008 transported in interstate or intrastate commerce in truckload  
 3009 lots direct from a producer, and any such fruit so sold,  
 3010 purchased, or transported need not be processed, handled by any  
 3011 packinghouse, washed, polished, graded, stamped, labeled,  
 3012 branded, placed in containers, or otherwise prepared for market  
 3013 as ~~may be provided~~ in this chapter herein. Such fruit shall be

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3014 certified at the time of inspection as tree run grade of fruit,  
 3015 but shall otherwise remain subject to the maturity standards and  
 3016 all other conditions, restrictions, emergency quality assurance  
 3017 orders, and other requirements of this chapter and shall be  
 3018 inspected for such compliance as all other fruit is inspected at  
 3019 such convenient locations as may be determined by the Department  
 3020 of Agriculture. Any such fruit violating any provision of ~~the~~  
 3021 ~~provisions~~ of this chapter, or any rule adopted by ~~or regulation~~  
 3022 ~~of the department under of Citrus made pursuant to~~ this chapter,  
 3023 but not inconsistent with this section, may be seized,  
 3024 condemned, and destroyed as provided in this chapter ~~herein~~. At  
 3025 the time of such inspection, all fees and, ~~assessments, and~~  
 3026 ~~excise taxes~~ provided in this chapter shall be paid and  
 3027 collected at the same rate as paid by all other fresh fruit  
 3028 growers or shippers.

3029 Section 74. Section 601.9918, Florida Statutes, is amended  
 3030 to read:

3031 601.9918 Rules related to issuance and use of symbols.—In  
 3032 rules related to the issuance and voluntary use of symbols,  
 3033 certification marks, service marks, or trademarks, the  
 3034 commission may make general references to national or state  
 3035 requirements that the license applicant would be compelled to  
 3036 meet regardless of the Department of Agriculture's ~~department's~~  
 3037 issuance of the license applied for.

3038 Section 75. Section 601.992, Florida Statutes, is amended  
 3039 to read:

3040 601.992 Collection of dues and other payments on behalf of  
 3041 certain nonprofit corporations engaged in market news and grower



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3042 education.—The ~~Florida~~ Department of Citrus or the Department of  
 3043 Agriculture ~~and Consumer Services~~ or their successors may  
 3044 collect or compel the entities regulated by the Department of  
 3045 Agriculture to collect dues, contributions, or any other  
 3046 financial payment upon request by, and on behalf of, any not-  
 3047 for-profit corporation~~,~~ and its related not-for-profit  
 3048 corporations~~,~~ located in this state that receive ~~which receives~~  
 3049 payments or dues from their ~~its~~ members. Such not-for-profit  
 3050 corporation must be engaged, to the exclusion of agricultural  
 3051 commodities other than citrus, in market news and grower  
 3052 education solely for citrus growers, and must have at least  
 3053 5,000 members who are engaged in growing citrus in this state  
 3054 for commercial sale. The Department of Agriculture may adopt  
 3055 rules under chapter 120 ~~pursuant to ss. 120.536(1) and 120.54~~ to  
 3056 administer ~~implement~~ this section. The rules may establish  
 3057 indemnity requirements for the requesting corporation and for  
 3058 fees to be charged to the corporation that ~~which~~ are sufficient  
 3059 but do not exceed the amount necessary to ensure that any direct  
 3060 costs incurred by the Department of Agriculture in implementing  
 3061 this section are borne by the requesting corporation and not by  
 3062 the Department of Agriculture.

3063 Section 76. Subsection (1) of section 603.161, Florida  
 3064 Statutes, is amended to read:

3065 603.161 Sales certificates, work orders to accompany  
 3066 certain fruit.—

3067 (1) This section applies to tropical or subtropical fruit.  
 3068 "Tropical or subtropical fruit" means avocados, bananas,  
 3069 calamondins, carambolas, guavas, kumquats, limes, longans,

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3070 loquats, lychees, mameys, mangoes, papayas, passion fruit,  
3071 sapodillas, and fruit that must be grown in tropical or  
3072 semitropical regions, except citrus fruit as defined in s.  
3073 601.03~~(7)~~.

3074 Section 77. Effective January 1, 2013, sections 601.16,  
3075 601.17, 601.18, 601.19, 601.20, 601.21, 601.22, 601.87, 601.90,  
3076 601.901, 601.981, 601.9905, 601.9906, 601.9907, 601.9909,  
3077 601.9913, 601.9914, and 601.9916, Florida Statutes, are  
3078 repealed.

3079 Section 78. Except as otherwise expressly provided in this  
3080 act, this act shall take effect July 1, 2012.