

CHAPTER 98-41

Committee Substitute for Committee Substitute for Senate Bill No. 1046

An act relating to rulemaking authority with respect to the regulation of the citrus industry; creating s. 601.9918, F.S.; authorizing the Florida Citrus Commission to refer to national or state requirements in rules relating to issuance and use of symbols, certification marks, service marks, and trademarks; amending s. 601.10, F.S.; authorizing the Department of Citrus to adopt a rule listing forms to be used in conducting its business; amending s. 601.61, F.S., relating to the bond requirements of citrus fruit dealers; allowing the Florida Citrus Commission to prescribe certain terms of producer contracts; providing an effective date.

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

Section 1. Section 601.9918, Florida Statutes, is created to read:

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

Section 2. Subsection (15) is added to section 601.10, Florida Statutes, to read:

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

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

Section 3. Subsection (2) of section 601.61, Florida Statutes, is amended to read:

601.61 Bond requirements of citrus fruit dealers.—

(2) Said bond shall be in the form approved by the Department of Agriculture and Consumer Services and shall be conditioned as provided in s. 601.66(9), and also to fully comply with the terms and conditions of all contracts, verbal or written, made by the citrus fruit dealer with producers or with other citrus fruit dealers, relative to the purchasing, handling, sale, and accounting of purchases and sales of citrus fruit, and upon the dealer accounting for the proceeds from, and paying for, any citrus fruit purchased

or contracted for, in accordance with the terms of the contracts with producers, and upon the dealer accounting for any advance payments or deposits made, and delivering all citrus fruit contracted for, in accordance with the terms of the contracts with other citrus fruit dealers. The commission may prescribe by rule that such a producer contract contain information that it considers necessary to protect the producer from deceptive practices. For purposes of this chapter, every such contract shall be conclusively deemed to have been made and entered into during the shipping season in which the delivery of fruit into the primary channel of trade is made.

Section 4. This act shall take effect upon becoming a law.

Became a law without the Governor's approval April 30, 1998.

Filed in Office Secretary of State April 29, 1998.