

## CHAPTER 2012-182

### Committee Substitute for Committee Substitute for House Bill No. 1237

An act relating to the Department of Citrus; amending s. 20.29, F.S.; providing for the appointment, compensation, and powers and duties of the department's executive director; deleting and conforming obsolete provisions relating to the Florida Citrus Commission; amending ss. 570.55 and 600.041, F.S.; conforming cross-references; amending s. 601.01, F.S.; revising a short title; amending s. 601.03, F.S.; defining the term "department" and conforming definitions for purposes of the Florida Citrus Code; amending s. 601.04, F.S.; revising the qualifications and terms of members of the Florida Citrus Commission; providing for staggered terms of members appointed from each citrus district; providing for shortened terms of current members; specifying that members are eligible for reappointment; deleting obsolete provisions; requiring the commission to elect a chair and secretary; deleting legislative intent relating to redistricting of the commission; amending ss. 601.045, 601.05, 601.06, 601.07, and 601.08, F.S.; conforming provisions; amending s. 601.09, F.S.; providing legislative intent; authorizing the commission to submit recommendations to the Legislature for redistricting of the state's citrus districts; amending s. 601.10, F.S.; revising the department's powers; deleting provisions relating to the appointment, discharge, compensation, and powers and duties of the department's executive director; establishing staffing requirements for the department; deleting requirements relating to the days, hours, and other conditions of employment for department employees; conforming provisions; amending s. 601.101, F.S.; conforming provisions; amending s. 601.11, F.S.; revising the powers and duties of the department to adopt maturity and quality standards for citrus fruit and food products thereof; authorizing the department to issue permits for the export of citrus fruit grown in the state to certain foreign countries; authorizing the department to limit increases in spacing between stacked field boxes caused by the placement of cleats or other devices on the field boxes; requiring the commission to issue permits for processors of concentrated orange juice into which nutritive sweetening ingredients are added and to suspend or revoke the permits of processors that violate certain rules; requiring the commission to issue emergency quality assurance orders upon determining that freezing temperatures have caused damage or freeze-related injury to citrus fruit; requiring the department to adopt rules; amending s. 601.111, F.S.; revising the department's authority to modify maturity standards for citrus fruit and the number of commission members required to approve such modifications; revising legislative intent; authorizing the department to adopt emergency rules under certain conditions; amending s. 601.13, F.S.; revising the department's powers and duties for citrus research; providing for research related to disease and crop efficiency; conforming provisions; amending s. 601.15, F.S.; redesignating the advertising excise tax on citrus

fruit as an assessment; revising the maximum rates of such assessments; revising the guarantee requirements for assessment payments; conforming provisions; amending s. 601.152, F.S.; revising the number of commission members required to issue marketing orders for special marketing campaigns and impose assessments upon citrus handlers to defray the expenses of such campaigns; conforming provisions; amending s. 601.155, F.S.; redesignating the equalizing excise tax on processed orange and grapefruit products as an assessment; revising the guarantee requirements for assessment payments; conforming provisions; amending ss. 601.24, 601.25, 601.28, 601.31, 601.32, 601.33, 601.34, 601.35, 601.37, 601.38, 601.40, 601.43, 601.44, 601.45, 601.46, 601.49, 601.50, 601.501, 601.51, 601.52, 601.54, 601.55, 601.56, 601.57, 601.58, 601.60, and 601.601, F.S.; conforming provisions and cross-references; amending s. 601.61, F.S.; specifying that the amount of bonds or certificates of deposit that must be furnished by citrus fruit dealer licensees shall be determined by the department pursuant to department rules; deleting obsolete provisions relating to the applicability and effect of certain provisions if such provisions had been determined invalid; amending ss. 601.64, 601.66, 601.67, 601.69, 601.70, 601.701, 601.731, 601.74, 601.75, 601.76, 601.77, 601.78, and 601.80, F.S.; conforming provisions; amending ss. 601.85 and 601.86, F.S.; specifying dimensions for standard shipping boxes and standard field boxes for fresh citrus fruit; revising circumstances under which such standard boxes must be used; amending ss. 601.91, 601.9901, 601.9902, 601.9903, and 601.99035, F.S.; conforming provisions; amending s. 601.99036, F.S.; revising requirements for the commission's approval of changes in the salaries of certain employees; amending ss. 601.9904, 601.9908, 601.9910, 601.9911, 601.9918, and 601.992, F.S.; conforming provisions; amending s. 603.161, F.S.; conforming a cross-reference; repealing ss. 601.16, 601.17, 601.18, 601.19, 601.20, 601.21, and 601.22, F.S., relating to maturity and quality standards for grapefruit, oranges, and tangerines; repealing s. 601.87, F.S., relating to limits on increased spacing between stacked field boxes caused by the placement of cleats or other devices on the field boxes; repealing ss. 601.90 and 601.901, F.S., relating to the issuance of emergency quality assurance orders following freezing temperatures that cause damage or freeze-related injury to citrus fruit and the use of such freeze-damaged citrus fruit in frozen concentrated products; repealing s. 601.981, F.S., relating to permits for the export to certain foreign countries of citrus fruit grown in the state and quality standards for such exported fruit; repealing s. 601.9905, F.S., relating to quality standards and labeling requirements for canned orange juice; repealing s. 601.9906, F.S., relating to quality standards for certain grapefruit juice products; repealing ss. 601.9907, 601.9909, and 601.9913, F.S., relating to quality standards and labeling requirements for canned blends of orange juice and grapefruit juice, frozen concentrated orange juice, and high-density frozen concentrated orange juice sold in retail, institutional, or bulk size containers; repealing s. 601.9914, F.S., relating to authority of the commission to adopt rules modifying citrus juice quality standards for specified purposes; repealing s. 601.9916, F.S., relating to the issuance of permits for the processing, shipping, and sale of frozen

concentrated orange juice or concentrated orange juice for manufacturing into which certain nutritive sweetening ingredients are added, the inspection of such processors, and quality standards and labeling requirements for such concentrated orange juice; providing effective dates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) “Broker” means any person engaged in the business of negotiating the sale or purchase of citrus fruit for others.;

(4) “Canned products” means juices, segments, or sections of citrus fruits sealed in hermetically sealed containers at a concentration ~~that does of not exceed~~ exceeding 20 degrees Brix and sufficiently processed by heat to ensure preservation of the product, and when regulated by the department of Citrus, these same products packed in any other manner or in any other type container.;

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

(6) “Cash buyer” means any person who purchases citrus fruit in this state from the producer for the purpose of resale.;

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

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

(9)(37) “Citrus hybrids” ~~includes, means but is~~ shall not be limited to, hybrids between or among sour orange (*C. aurantium*), pummelo (*C. grandis*), lemon (*C. limon*), lime (*C. aurantifolia*), citron (*C. medica*), grapefruit (*C. paradisi*), tangerine or mandarin orange (*C. reticulata*), sweet orange (*C. sinensis*), tangelo (*C. reticulata* x *C. paradisi* or *C. grandis*), tangor (*C. reticulata* x *C. sinensis*), kumquat (*Fortunella*, species), trifoliolate orange (*Poncirus trifoliata*), and varieties of these species.;

(10)(9) “Citrus producing area” means that part or parts of the state in which citrus fruit is grown or produced.;

(11)(10) “Color-add” or “color-added” means the application or use of any coloring matter to any citrus fruit.;

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

(13) “Commission” means the Florida Citrus Commission as head of the department. ~~of Citrus;~~

(14)(15) “Commission merchant” means any person engaged in the business of receiving any citrus fruit for sale on commission for or on behalf of another.;

(15)(16) “Concentrated products” means:

(a) Frozen citrus fruit juice frozen ~~that has~~ at a concentration ~~that exceeds of exceeding~~ 20 degrees Brix and ~~is~~ kept at a sufficiently freezing temperature to ensure preservation of the product; ~~or and~~

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

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

(17)(18) “Consignment shipper” means any person who contracts with the producer of citrus fruit for the marketing thereof for the sole account and risk of such producer and who agrees to pay such producer the net proceeds derived from such sale.;

(18)(19) “Consignor” means any person, other than a producer, who ships or delivers to any commission merchant or dealer any citrus fruit for handling, sale, or resale.;

(19)(12) “Degreening Coloring room” means any room or place where citrus fruit is placed, with or without the use of heat or any gas, for the purpose of bringing out the natural color of the fruit.;

(20) “Department” means the Department of Citrus.

(21)(14) “Department of Agriculture” means the Department of Agriculture and Consumer Services, ~~of the State of Florida;~~

(22)(20) “Express or gift fruit shipper” means any person having an established place of business who ships or delivers for transportation in any manner, citrus fruit to a consumer and not for the purpose of resale.;

(23)(21) “Fresh fruit juice distributor” means any person extracting and preparing for market or shipment any citrus fruit juice in fresh form.;

(24)(22) “Grapefruit” means the fruit Citrus paradisi Macf., commonly called grapefruit. The term includes the ~~and shall include~~ white, red, and pink meated varieties of grapefruit.;

(25)(23) “Handler” means any person engaged within this state in the business of distributing citrus fruit in the primary channel of trade or any person engaged as a processor in the business of processing citrus fruit.;

(26)(35) “Lemons” or “~~rough lemons~~” ~~including “rough” lemons~~ means the acid lemons of Citrus limon, including the varieties eureka, genoa, wheatley, amerfo, belair, and villafranca of the Eureka group; varieties bonnie brae, kennedy, lisbon, messer, messina, and sicily of the Lisbon group; varieties meyer, cuban, ponderosa, and rough of the Anomalous group; varieties dorshapo and millsweet of the Sweet Lemon group.;

~~and other varieties not included in this subsection, above such as everbearing, palestine sweet, perrine, and spheriola.~~;

(27)(24) “Manufacturer” means any person who manufactures shall manufacture, sells sell or offers offer for sale, or licenses license or offers offer for license for use any coloring matter, or any soaps, oils, waxes, gases, gas-forming material, or other similar compositions, or the component parts thereof on or in the processing of citrus fruits.;

(28)(25) “Oranges” means the fruit Citrus sinensis Osbeck, commonly called sweet oranges.;

(29)(26) “Packinghouse” means any building, structure, or place where citrus fruit is packed or otherwise prepared for market or shipment in fresh form.;

(30)(27) “Person” means any natural person, partnership, association, corporation, trust, estate, or other legal entity.;

(31)(28) “Primary channel of trade” means the routes through which citrus fruit is marketed. ~~Citrus that fruit is~~ shall be deemed to be ~~have been~~

delivered into the primary channel of trade when it is sold or delivered for shipment in fresh form, or when it is received and accepted at a canning, concentrating, or processing plant for canning, concentrating, or processing;

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

(33)(29) "Producer" means any person growing or producing citrus in this state for market;

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

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

(36)(32) "Shipping season" means that period of time beginning August 1 of one year and ending July 31 of the following year;

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

(38)(33) "Standard packed box" means 1 3/8 bushels of citrus fruit, whether in bulk or containers;

(39)(34) "Tangerines" means the fruit Citrus reticulata Blanco, commonly called tangerines;

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

601.04 Florida Citrus Commission; creation and membership.—

(1)(a) There is created and established within the department of Citrus a board to be known and designated as the "Florida Citrus Commission," which shall be composed of nine members appointed by the Governor. Each member must be a practical citrus fruit person who is a resident citizen of the state who, each of whom is and has been actively engaged in the growing, growing and shipping, or growing and processing of citrus fruit in the state for a period of at least 5 years immediately before prior to appointment to the said commission and has, during that 5-year said period;

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

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

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

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

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

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

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



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

3. The term of one member from each citrus district shall expire June 30, 2014, and her or his successor shall be appointed to a term beginning July 1, 2014, and ending May 31, 2017.

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

Appointments shall be made by February 1 preceding the commencement of the term and ~~are shall be~~ subject to confirmation by the Senate in the following legislative session. Each member is eligible for reappointment and ~~Four members shall be appointed each year. Such members shall serve until her or his successor is their respective successors are~~ appointed and qualified. The regular terms shall begin on June 1 and expire shall end on May 31 of the third year after such appointment. ~~Effective July 1, 2011, the terms of all members of the commission appointed on or before May 1, 2011, are terminated and the Governor shall appoint the members of the commission in accordance with the provisions of this act.~~

~~(c)(b)~~ When appointments are made, the Governor shall publicly announce the actual classification and district that each appointee represents. A majority of the members of the commission shall constitute a quorum for the transaction of all business and the carrying out of the duties of the commission. Before entering upon the discharge of their duties as members of the commission, each member shall take and subscribe to the oath of office prescribed in s. 5, Art. II of the State Constitution. The qualifications and classification required qualification of each member by this section continue to be as herein required shall continue throughout the respective term of office, and ~~if in the event a member should, after appointment, fails fail~~ to meet the qualifications or classification that ~~which she or he possessed at the time of appointment as above set forth, the such member must shall~~ resign or be removed and be replaced with a member possessing the proper qualifications and classification.

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

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

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

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

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

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

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

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

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

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

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

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

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

601.08 Authenticated copies of commission records as evidence.—Copies of the proceedings, records, and acts of the commission and certificates purporting to relate the facts concerning such proceedings, records, and acts signed by the chair of the commission and authenticated by the department's seal ~~of the Department of Citrus~~ shall be prima facie evidence thereof in all the courts of the state.

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

601.09 Citrus districts.—

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

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

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

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

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

Section 13. Section 601.10, Florida Statutes, is amended 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 ~~are~~ shall not limited ~~be confined~~ to, the following:

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

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

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

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

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

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

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

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

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

~~(4) To purchase or authorize the purchase of all office equipment and supplies and to incur all necessary expenses in connection with and required for the proper administration carrying out of the provisions of this chapter and other applicable laws.~~

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

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

(7) To adopt, ~~promulgate, alter, rescind, modify,~~ amend or repeal, and enforce rules that ~~and regulations~~ and establish minimum maturity and quality standards for citrus fruits not inconsistent with existing laws or that, ~~to~~ regulate and control methods and practices followed or used in harvesting, grading, packing, extracting, canning, concentrating, sectionizing, or otherwise processing citrus fruits or citrus juices or the products thereof for human consumption, including the addition or prohibition of any and all additives, and including application to or use of coloring matter thereon and coloring of fruit by placing in a degreening ~~coloring~~ room with or without use of heat or any form of gas in such process, to the end that such methods and practices as affect the eating and keeping qualities and depreciate the value of citrus fruits or the juices or other food products thereof in any form may be minimized to the greatest extent possible, if not altogether eliminated.

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

(9) When, in the opinion of the department of Citrus, ~~the tax revenues~~ collected pursuant to assessments levied under this chapter, whether allocated for research, advertising or promotion, reserve funds, advertising incentive plans, or other purposes, are not immediately needed for the purpose for which such funds are provided, the Chief Financial Officer is authorized and shall, upon the request and approval of the department of Citrus, or its executive director ~~general manager~~ if she or he has been given such authority, invest and reinvest the funds designated and for the period of time specified in such request. In the investment of such funds, the Chief Financial Officer has ~~shall have~~ the powers and is ~~be~~ subject to the limitations provided for in s. 17.61.

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

(11) To conduct an annual merchandising and management meeting in this state for department field personnel and to make direct payment, by means of vendor contracts approved by the commission, for all necessary

lodging, meals, facilities, and training expenses for department employees attending such annual meeting, in lieu of payment of individual employee per diem allowances as established by s. 112.061.

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

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

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

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

601.101 Ownership of rights under patent and trademark laws developed or acquired under ~~pursuant to the authorities of this chapter.~~— Notwithstanding ~~any provision of chapter 286, the legal title and every right, interest, claim, or demand of any kind in and to any patent, trademark, copyright, certification mark, or other right acquired under the patent and trademark laws of the United States, or this state, or any foreign country, or the application therefor for the same, now, heretofore, or that is or as may subsequently be hereafter owned or held, acquired, or developed by the department of Citrus, under the authority and directions given it by this chapter, is vested in the department of Citrus for the use, benefit, and purposes provided in this chapter. The department of Citrus is hereby vested with and may is authorized to exercise any and all of the normal incidents of such ownership, including the receipt and disposition of royalties. Any sums received as royalties from any such rights are hereby appropriated to the department of Citrus for any and all of the purposes and uses provided in this chapter.~~

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

601.11 ~~Power of Department of Citrus; power to establish standards; rulemaking authority.~~—

(1) The department of Citrus shall have the full and plenary power to; and may,

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

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

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

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

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

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

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

(b) Issue permits for the export to foreign countries other than Canada and Mexico of citrus fruit grown in the state that complies with the standards established under subparagraph (a)2.

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

(2) The commission shall:

(a) Issue and renew permits for processors of frozen concentrated orange juice and concentrated orange juice for manufacturing to which nutritive sweetening ingredients are added and, in addition to disciplinary action that may be taken by the Department of Agriculture against a citrus fruit dealer for violations of this chapter, suspend or revoke the permit of any processor that does not comply with the standards established under subparagraph (1)(a)4.

(b) Determine whether freezing temperatures have caused damage or freeze-related injury as described in s. 601.89 to citrus fruit and, if the commission determines that such damage has been caused, issue emergency quality assurance orders that:

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

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

(3) The department shall ~~adopt~~ prescribe rules ~~or regulations~~ governing:

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

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

(c) ~~The regulation and to regulate or prohibition of~~ prohibit the use of containers ~~that which have been previously have been~~ used for the sale, transportation, or shipment of citrus fruit or the products thereof, whether canned, ~~or~~ concentrated, or otherwise processed, or any other commodity.; provided, However, the department may not prohibit that the use of secondhand containers for the sale or and delivery of citrus fruit for retail consumption within the state, shall not be prohibited;



~~(4) The department may not adopt any provided, however, that no standard, regulation, rule, or order under this section that which is inconsistent with repugnant to any requirement of made mandatory under federal law or regulations that applies shall apply to citrus fruit, or the products thereof, whether canned, or concentrated, or otherwise processed, or to containers therefor, that which are being shipped from this state in interstate commerce.~~

~~(5)(a) All citrus fruit and the products thereof, whether canned, or concentrated, or otherwise processed, sold, or offered for sale, or offered for shipment within or without the state shall be graded and marked as required by this section, and~~

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

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

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

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

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

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

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

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

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

~~(b) An emergency rule adopted Any action under this subsection does shall not take effect unless the emergency rule is be taken without the consent of at least nine members of the Florida Citrus Commission. Any regulation adopted pursuant to this section shall be by the affirmative vote of at least seven nine members of the said Florida Citrus commission. Notwithstanding the limitation on the effective period for emergency rules in s. 120.54(4)(c), each, and every such emergency rule adopted under this section must regulation shall contain an expiration date of not later than 1 year after from its effective date.~~

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

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

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

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

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

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

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

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

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

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

(c) ~~To~~ Provide suitable and sufficient laboratory facilities and equipment, making use of the laboratory facilities and equipment of the University of Florida, insofar as it is practicable for the purpose of conducting thorough and comprehensive study and research to determine all possible new and further uses for citrus fruit and citrus fruit juices and the products and byproducts into which the same can be converted or manufactured, as well as to determine and develop new and profitable methods and instruments of distribution thereof.

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

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

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

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

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

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

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

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

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

(1) ~~The department shall administer administration of this section shall be vested in the Department of Citrus, which shall prescribe suitable and reasonable rules and regulations for the enforcement of this section hereof, and the Department of Citrus shall administer the assessments taxes levied and imposed under this section hereby.~~ All funds collected under this section and the interest accrued on such funds are consideration for a social contract between the state and the citrus growers of the state whereby the state must hold such funds in trust and inviolate and use them only for the purposes prescribed in this chapter. The department may ~~of Citrus shall have power to~~ cause its duly authorized agent or representative to enter upon the premises of any handler of citrus fruits and to examine or cause to be examined any books, papers, records, or memoranda bearing on the amount of assessments ~~taxes~~ payable and to secure other information directly or indirectly concerned in the enforcement of this section hereof. Any person who is required to pay the assessments ~~taxes~~ levied and imposed and who by any practice or evasion makes it difficult to enforce this section ~~the provisions hereof~~ by inspection, or any person who, after demand by the department of Citrus or any agent or representative designated by it for that purpose, refuses to allow full inspection of the premises or any part thereof or any books, records, documents, or other instruments in any manner relating to the liability of the person or entity liable taxpayer ~~taxpayer~~ for the assessment tax ~~tax~~ imposed or hinders, ~~or in anywise delays,~~ or prevents such inspection, commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

(a) ~~To~~ Disseminate information relating to:

1. Citrus fruits and the importance thereof in preserving the public health, the economy thereof in the diet of the people, and the importance thereof in the nutrition of children.;

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

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

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

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

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

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

8. The possibilities with particular reference to increased consumption of citrus fruits.;

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

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

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

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

Previous season crop size (millions of boxes)	<u>1995- 1996</u>	<u>1996- 1997</u>	<u>1997- 1998</u>	<u>1998- 1999</u>	<u>1999-2000 and thereafter</u>
80 and greater	33	34	35	36	37
75-79.99	35	36	37	38	39
70-74.99	37	38	39	41	42
65-69.99	40	41	42	44	45
60-64.99	43	44	46	47	49
55-59.99	47	48	50	51	53
50-54.99	51	53	55	56	58

45-49.99	57	59	60	62	64
40-44.99	63	65	67	69	71
Less than 40	72	74	76	79	81

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

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

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
80 and greater	23	24	25	25	26
75-79.99	25	25	26	27	28
70-74.99	26	27	28	29	30
65-69.99	28	29	30	31	32
60-64.99	31	32	32	33	34
55-59.99	33	34	35	36	37
50-54.99	36	38	39	40	41
45-49.99	40	41	43	44	45
40-44.99	45	46	48	49	51
Less than 40	51	53	54	56	57

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.:

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
255 and greater	23	24	25	26	26
245-254.9	24	25	26	27	27
235-244.9	25	26	27	28	28
225-234.9	26	27	28	29	30
215-224.9	28	28	29	30	31
205-214.9	29	30	31	32	33
195-204.9	30	31	32	33	34
185-194.9	32	33	34	35	36
175-184.9	34	35	36	37	38

165-174.9	36	37	38	39	40
155-164.9	38	39	40	41	43
Less than 155	41	42	43	44	46

However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

4. 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 processed form may not exceed 25 cents per box.:

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
255 and greater	15	16	16	17	17
245-254.9	16	16	17	17	18
235-244.9	17	17	18	18	19
225-234.9	17	18	18	19	19
215-224.9	18	19	19	20	20
205-214.9	19	20	20	21	21
195-204.9	20	21	21	22	22
185-194.9	21	22	22	23	24
175-184.9	22	23	23	24	25
165-174.9	23	24	25	26	26
155-164.9	25	26	26	27	28
Less than 155	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.:

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
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13 and greater	24	24	25	26	27
<del>12-12.99</del>	26	26	27	28	29
<del>11-11.99</del>	28	29	30	30	31
<del>10-10.99</del>	31	31	32	33	34
<del>9-9.99</del>	34	35	36	37	38
<del>8-8.99</del>	38	39	40	41	42
<del>7-7.99</del>	43	44	45	47	48
Less than 7	49	51	52	54	56

However, effective July 1, 2011, the tax rate per box on tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

(b) Whenever citrus fruit is purchased, acquired, or handled on a weight basis, the following weights are ~~shall be~~ deemed the equivalent of one standard-packed box for assessment tax purposes under this section:

1. Grapefruit, 85 pounds.
2. Oranges, 90 pounds.
3. Tangerines, 95 pounds.
4. Citrus hybrids, 90 pounds.

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

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

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

(4) Every handler shall keep a complete and accurate record of all citrus fruit handled by her or him. Such record shall be in such form and contain such other information as the department of Citrus shall by rule or regulation prescribe. Such records shall be preserved by such handlers for a period of 1 year and shall be offered for inspection at any time upon oral or



written demand by the department of Citrus or its duly authorized agents or representatives.

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

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

(b) Periodic payment of assessments ~~excise taxes~~ upon citrus fruit by the person liable for such payment ~~is~~ shall be permitted only in accordance with department of Citrus rules,; and the payment thereof shall be guaranteed by the posting of a good and sufficient letter of credit from an issuing financial institution located in the United States, a cash bond, an appropriate certificate of deposit, or an approved surety bond in an amount and manner as prescribed by department of Citrus rule. Evidence of such guarantee of payment of assessments ~~must~~ ~~excise taxes~~ shall be made on the grade certificate in such manner and form as may be prescribed by department of Citrus rule.

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

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

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

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

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

(d) The pro rata portion of moneys allocated to each type of citrus product in noncommodity programs shall be used by the department to encourage substantial increases in the effectiveness, frequency, and volume of noncommodity advertising, merchandising, publicity, and sales promotion of such citrus products through rebates and incentive payments to handlers and trade customers for these activities. The department shall ~~is authorized and directed to~~ adopt rules providing for the use of such moneys. The rules shall establish alternate incentive programs, including at least one incentive program for product sold under advertised brands, one incentive program for product sold under private label brands, and one incentive program for product sold in bulk. For each incentive program, the rules shall establish eligibility and performance requirements and shall provide appropriate limitations on amounts payable to a handler or trade customer for a particular season. Such limitations may relate to the amount of citrus assessments ~~excise taxes~~ levied and collected on the citrus product handled by such handler or trade customer during a 12-month representative period. The department may require from participants in noncommodity advertising and promotional programs commercial information necessary to determine eligibility for and performance in such programs. Any information so required that ~~which~~ constitutes a "trade secret" as defined in s. 812.081 is confidential and exempt from ~~the provisions of~~ s. 119.07(1).

(8)(a) On certification by any employee of the department of ~~Citrus~~ that her or his actual and necessary expenses on any particular day while traveling outside the state exceeded the per diem provided by law, such employee shall show such excess on her or his regular expense voucher and support the same by the proof required pursuant to rules adopted and ~~regulations to be promulgated~~ by the department of ~~Citrus~~.

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

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

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

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

1. By the voluntary payment by the person liable therefor.
2. By a suit at law.
3. By a suit in equity to enjoin and restrain any handler, citrus fruit dealer, or other person owing such assessments taxes from operating her or his business or engaging in business as a citrus fruit dealer until the delinquent assessments taxes are paid. Such action may include an accounting to determine the amount of assessments taxes plus delinquencies due. In any such proceeding, it is not necessary to allege or prove that an adequate remedy at law does not exist.

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

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

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

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

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

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

(f) To conduct, and pay out of the Florida Citrus Advertising Trust Fund, premium and prize promotions designed to increase the use of citrus in any form.

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

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

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

601.152 Special marketing orders.—

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

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

2. That such substantial further increase and strengthening may be of substantial benefit to handlers thereof, producers thereof, and to the economy and well-being of the state,

the commission shall direct that a proposed marketing order be formulated for a special marketing campaign of advertising and sales promotion, including, but not limited to, brand advertising rebate promotions or the

conduct of market and product research and development for such type, variety, or form of citrus fruit or processed citrus product, and shall designate a public hearing to consider adoption and implementation of such proposed marketing order.

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

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

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

(d) Copies of the proposed marketing order shall be made available to the public at the offices of the department of ~~Citrus~~ at Lakeland at least 5 days before ~~prior to~~ such hearing and shall be in sufficient detail to apprise all persons having an interest therein of the approximate amount of moneys proposed to be expended; the assessments to be levied thereunder; and the general details of the proposed marketing order for a special marketing campaign of advertising or sales promotion or market or product research and development. Among the details so specified shall be the period of time during which the assessment imposed pursuant to subsection (8) will be levied upon the privilege so assessed, which period may not be greater than 2 years. The order may, however, provide that the expenditure of the funds received from the imposition of such assessments shall not be so confined, but may be expended during such time or times as shall be specified in the proposed marketing order, which may be either during the shipping season immediately preceding the shipping seasons during which such assessments are imposed or during, or at any time subsequent to, the shipping seasons during which such assessments are imposed. This section does not ~~Nothing~~ ~~herein shall be construed to~~ prevent the imposition of a subsequent marketing order either ~~before, during, or after~~ the expenditure of funds collected under ~~pursuant to~~ a previously imposed marketing order, provided the aggregate of the assessments imposed may not exceed the maximum permitted under subsection (8).

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

(5)(a) Any marketing order adopted under ~~pursuant to~~ this section and subsequently approved by referendum as provided in this section ~~herein~~

shall ~~take effect~~ ~~become effective~~ 15 days after referendum approval is officially determined by the commission. Chapter 120 does not apply to this section. Any such marketing order ~~is~~ shall be reviewable by any person adversely affected, by certiorari to the district courts of appeal in the manner prescribed by the Florida Rules of Appellate Procedure. The venue of the proceeding for such review shall be the appellate district ~~that~~ which includes the county in which the hearings were conducted or, if the venue cannot be ~~thus~~ determined, the appellate district in which ~~wherein~~ the department's Department of Citrus executive offices are located.

(8)(a) Each person who, during the period ~~of time~~ specified in any marketing order implemented under ~~pursuant to~~ this section, first handles in the primary channel of trade in the state Florida any citrus fruit or processed citrus product of the type, variety, and form specified in such marketing order shall, for the privilege of so handling such citrus fruit or such citrus product, pay to the department of Citrus such assessments as are levied and imposed thereon by such marketing order, which funds shall be used by the department of Citrus to defray the necessary expenses incurred in the formation, issuance, administration, and enforcement of such marketing order and in the conduct of the special marketing campaign or market and product research and development provided for in such marketing order. However, such assessments levied and imposed under this section may ~~pursuant hereto shall be~~ at a rate not to exceed 8 cents per standard-packed box on citrus fruits in fresh form, 1.3 cents per gallon on single strength citrus juices or sections, or 1.3 cents per pound of soluble citrus solids on concentrated citrus juices.

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

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

(d) All assessments imposed ~~under and pursuant to the provisions of~~ this section are ~~shall be~~ due and payable and shall be paid by such handlers at such times and in such installments as the commission prescribes shall

~~prescribe~~ in such marketing order, or the amount thereof shall be provided for and guaranteed by giving a surety bond or cash deposit or as the department of Citrus ~~may otherwise prescribes~~ prescribe.

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

(b) If the department of Citrus finds it necessary ~~to do so~~, the department ~~it~~ may transfer to the Citrus Special Marketing Order Fund from any other portion of the Florida Citrus Advertising Trust Fund, including the Emergency Reserve Fund and any other special or reserve fund, such sum of money as the department of Citrus determines is initially required to formulate, issue, administer, and enforce any such marketing order and conduct the special marketing campaign or market and product research and development to be carried out pursuant to such marketing order until moneys in the Citrus Special Marketing Order Fund derived from assessments imposed and collected pursuant to this section are sufficient for such purposes, and thereafter repay such advance out of the Citrus Special Marketing Order Fund.

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

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

1. The voluntary payment by the handler liable therefor,;
2. By a suit at law,;

3. By a suit in equity to enjoin and restrain any handler owing such assessments from operating his or her business or engaging in business as a citrus fruit dealer until the delinquent assessments are paid. Such action may include an accounting to determine the amount of assessments plus delinquencies due. In any such proceeding, it shall not be necessary to allege or prove that an adequate remedy at law does not exist.

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

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

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

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

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

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

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

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

(4) For purposes of this section:



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

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

(c) "Original container" includes any vessel, tanker or tank car, or other transport vehicle.

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

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

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

(7) Every person liable for the assessment ~~excise tax~~ imposed by this section shall, at such times and in such manner as the department of Citrus may by rule require, file with the department of Citrus a return, certified as true and correct, on forms to be prescribed and furnished by the department of Citrus, stating, in addition to other information reasonably required by the department of Citrus, the number of units of processed orange or grapefruit products subject to this section upon which any assessable taxable privilege under this section was exercised during the period of time covered by the return. Full payment of assessments ~~excise taxes~~ due for the period reported shall accompany each return.

(8) All assessments ~~taxes~~ levied and imposed by this section shall be due and payable within 61 days after the first of the assessable taxable privileges is exercised in this state. Periodic payment of the assessments ~~excise taxes~~ imposed by this section by the person first exercising the assessable taxable privileges and liable for such payment shall be permitted only in accordance with department of Citrus rules, and the payment thereof shall be guaranteed by the posting of an appropriate certificate of deposit, approved surety bond, letter of credit from an issuing financial institution located in

the United States, or cash deposit in an amount and manner as prescribed by the department of ~~Citrus~~.

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

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

(11) All assessments excise taxes levied and collected under ~~the provisions~~ of this section, including penalties, shall be paid into the State Treasury to be made a part of the Florida Citrus Advertising Trust Fund in the same manner, for the same purposes, and in the same proportions as set forth in s. 601.15(7). Any person failing to file a return or pay any assessment within the time required shall thereby forfeit to the department of ~~Citrus~~ a penalty of 5 percent of the amount of assessment then due,<sup>;</sup> but the department of ~~Citrus~~, on good cause shown, may waive all or any part of such penalty.

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

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

601.24 Department of Citrus to prescribe methods of testing and grading. The department of ~~Citrus~~ shall adopt rules providing by rule or regulation

provide the manner and method to be used in drawing samples and the quantity to be used in testing and grading of citrus fruit and the canned and concentrated products thereof and shall provide specifications and methods for use of juice extractors to be used in extracting juice for such tests and grading purposes.

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

601.25 Determination of soluble solids and acid.—The department of Citrus ~~by rule or regulation~~ shall adopt rules determining ~~determine~~ the method by which juice is tested for percentage of total soluble solids, the method by which juice is tested for acidity, and the method for testing fruit for juice content. Until ~~such time as~~ the department determines of Citrus ~~may see fit to determine~~ such method by rule ~~or regulation~~, the Brix hydrometer shall be used and the reading of the hydrometer corrected for temperature shall be considered as the percent of the total soluble solids,<sup>;</sup> and anhydrous citric acid shall be determined by titration of the juice using standard alkali and phenolphthalein as indicator, the total acidity being calculated as anhydrous citric acid.

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

601.28 Inspection fees.—

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

(7) The duties of the Department of Agriculture ~~and Consumer Services~~ shall include the duty to conduct hearings, through a hearing officer who shall be an attorney authorized to practice law within this state, on violations of this section and rules adopted ~~promulgated~~ thereunder. ~~The~~ Said hearing officer shall be selected by the Commissioner of Agriculture and shall be in addition to her or his regular legal staff authorized by law. ~~The~~ Said hearing officer shall, in addition to conducting such hearings, be available to the Division of Fruit and Vegetables for other legal services on matters pertaining to violations of this chapter and rules adopted ~~promulgated~~ thereunder.

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

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

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

601.32 Compensation of inspectors.—The salaries of the chief citrus inspector, the chief laboratory inspector, the district supervising inspectors, the junior and senior inspectors, and all other necessary inspectors shall be in the amount as determined and fixed by the Department of Agriculture, and, in addition thereto, each such inspector of ~~said inspectors~~ shall be reimbursed for travel expenses as provided in s. 112.061, which shall be paid upon approval of accounts therefor by the Department of Agriculture. The Department of Agriculture may employ such additional field and other agents and clerical assistance at such times and for such periods and incur and pay any other expenses, including travel expenses, as provided in s. 112.061, of the Department of Agriculture during the citrus fruit season, as may be necessary for the effective enforcement of the citrus fruit laws of this state and of the rules ~~regulations~~ of the Department of Citrus and ensure ~~assure~~ the payments of the inspection fees imposed or that may be imposed under the authority of law.

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

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

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

601.34 Duties of law enforcement officers.—Each state or county law enforcement officer shall make arrests for violations of the citrus fruit laws of this state or of any rule, ~~regulation~~, or order of ~~promulgated~~ by the commission or the Department of Agriculture and ~~Consumer Services~~

under authority of law when notified of such violation by the Department of Agriculture or its duly authorized agent or representative.

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

601.35 Disputes as to quality, etc.; procedure.—When any dispute as to quality, grade, or condition of citrus fruit or the canned or concentrated products thereof arises, the shipper or any financially interested person may call in at his, her, or its expense an inspector licensed or certified only by the United States Department of Agriculture to inspect such citrus fruit or its canned or concentrated products. Such inspector shall issue a regular official certificate to the applicant showing the quality, grade, and condition thereof, and, in all cases, such certificate shall be prima facie evidence. If such certificate shows that the citrus fruit or the canned or concentrated products thereof conforms ~~therein mentioned and described to conform~~ to the requirements ~~provisions~~ of this chapter and the rules, ~~regulations~~, or orders of the Department of Citrus and of the Department of Agriculture, such shipper or such financially interested person may present the original certificate to the person or representative of the person having charge of the vehicle of transportation by which such citrus fruit or the canned or concentrated products thereof are is to be transported, which person or representative shall then accept such citrus fruit or the canned or concentrated products thereof for shipment provided that all other provisions of this chapter and of the rules, ~~regulations~~, and orders of the Department of Citrus and of the Department of Agriculture have been met and complied with.

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

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

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

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

Section 31. Section 601.40, Florida Statutes, is amended to read:

601.40 Registration of citrus packinghouses, processing plants with Department of Agriculture.—The owner, manager, or operator of each packinghouse, canning plant, or concentrating plant, at which it is intended to pack, can, concentrate, or prepare citrus fruit for market or transportation during the then-present or the next ensuing citrus fruit shipping season, shall register such packinghouse, canning plant, or concentrating plant and its location, shipping point, and post office with the Department of Agriculture at least not less than 10 days before packing, canning, concentrating, or otherwise preparing any citrus fruit or the canned or concentrated products thereof for sale or transportation in or at such packinghouse, canning plant, or concentrating plant,; and she or he shall, in addition to such registration, give the ~~said~~ Department of Agriculture at least not less than 7 days' written notice of the date on which packing, canning, concentrating, or other preparation for sale or transportation of citrus fruit of the then-current or the next ensuing season's crop will begin be begun. The Department of Agriculture shall issue a certificate of registration to each such packinghouse, canning plant, or concentrating plant registering,; ~~provided, However, that no~~ such certificate of registration may not shall be issued to any packinghouse, canning plant, or concentrating plant unless the operator thereof has shall have first applied for and received her or his license as a citrus fruit dealer and furnished a bond as such citrus fruit dealer in accordance with law.

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

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

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

601.44 Destruction of immature fruit.—All citrus fruit or processed citrus products prepared for sale or transportation, that are ~~which is~~ being prepared for such purpose, or ~~that have which has been or are~~ is being delivered for sale or transportation that may be found immature or otherwise unfit for human consumption upon inspection and testing shall be seized and destroyed by a citrus fruit inspector or the sheriff of the county

where found as may be provided by ~~regulations prescribed by the department~~ rules of Citrus. ~~Such~~ Said determination of immaturity or unfitness for human consumption may be made by a citrus fruit inspector at any place where such citrus fruit may be found after severance from the tree, and such seizure and destruction may likewise occur at any such place. However, in the event of seizure of citrus fruit upon the grounds that such citrus fruit fails to show a break in color required by this chapter or department rules of Citrus regulations for that particular variety of citrus fruit, the owner or person in charge of such citrus fruit shall be allowed to separate and retain for subsequent use, in accordance with ~~the provisions of this chapter or department~~ rules of Citrus regulations, that portion of such citrus fruit which shows a break in color required by this chapter or department rules of Citrus regulations for that particular variety, and, in such case, only that portion thereof which fails to show a break in color for such variety, as required by this chapter or department rules of Citrus regulations, shall be destroyed by a citrus fruit inspector or the sheriff of the county, as may be prescribed by ~~regulations of the department~~ rules of Citrus.

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

601.45 Grading of fresh citrus fruit.—

(1) All citrus fruit, except as provided in s. 601.50, sold or shipped, or offered for sale or shipment, for consumption in fresh form shall be graded in a registered packinghouse in this state according to standards established by the department ~~of Citrus~~, and the grade of such fruit shall be indicated as hereinafter provided in this section.

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

(a) The actual grade thereof; or

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

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

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

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

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

registered for grade identification purposes, which record may be purged as necessary.

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

601.46 Condition precedent to sale of citrus fruit.—

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

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

601.49 Condition precedent to selling processed citrus products.—~~A It is unlawful for any person, except as provided in s. 601.50, may not to sell or offer for sale, to transport, receive, or deliver for transportation, or market any canned or concentrated products of citrus fruits unless such products have the same has been inspected and are is accompanied by a certificate of inspection issued by a duly authorized inspector of the Department of Agriculture, provided, However, that the Department of Citrus shall by regulation provide that in lieu of the accompaniment of such shipment by a certificate of inspection, proof the fact of such inspection may be shown, pursuant to rules adopted by the Department of Citrus, by appropriate means on the manifest or bill of lading covering such shipment.~~

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

601.50 Exemptions; sale or shipment of citrus or citrus products for certain purposes.—

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

(a)(1) Intrastate shipments of fresh citrus fruit for consumption or use within the state.;

(b)(2) Shipments to be used for charitable or unemployment relief purposes.;



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

~~(d)(4)~~ Shipments by any method of transportation by “gift fruit shippers,” as defined by the department of Citrus, but such shipments shall not be for the purpose of resale by the consignee thereof.;

~~(2)~~ However that, any no such rule adopted under this section may not or regulation issued hereunder shall permit or allow the sale or shipment of citrus fruit deemed by this section to be immature and unfit for human consumption or nor of canned or concentrated products thereof prepared or made from citrus fruit deemed by this law to be immature and unfit for human consumption. In addition; ~~but, provided further, that~~ shipments under paragraphs (1)(a) and (d) must ~~subsections (1) and (4) shall~~ meet such minimum grade standards as may periodically, from time to time, be established by the department, of Citrus; and, ~~provided further that~~ such rules must ~~and regulations shall~~ provide for the due collection of any advertising assessments ~~taxes~~ and inspection fees that may be due thereon.

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

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

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

601.51 Certification required for shipment of citrus fruit or products.—

~~(1)~~ A person, including a ~~No common carrier or other carrier, may not:~~ ~~or person,~~

~~(a)~~ Except as provided in s. 601.50, ~~shall~~ accept for shipment, ship, or transport any citrus fruit or the canned or concentrated products thereof until a grade certificate is issued showing the grade thereof, which certificate or a duplicate thereof must ~~shall~~ be filed with the carrier at the point of shipment.;

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

~~(2)(a)~~ A ~~provided that the~~ shipper or handler of such citrus fruit or the canned or concentrated products thereof has ~~shall~~ have the privilege of

repacking or remarking, and ~~that, if or when~~ such citrus fruit or the canned or concentrated products thereof are ~~the same shall have been~~ repacked or remarked to conform to the provisions of law or said rules, regulations, or orders of promulgated ~~by the Department of Citrus or the Department of Agriculture, the Department of Agriculture or its authorized inspector or agent shall notify~~ such person, said common carrier, or other carrier or person, ~~or her or his agent,~~ that such citrus fruit or the canned or concentrated products thereof may be accepted for shipment, and such shipper or handler ~~is shall~~ not be considered as having violated this chapter or such ~~said rules, regulations, or orders,~~ but provided further that this section shall be deemed to have been complied with

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

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

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

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

601.54 Seizure of unwholesome fruit by Department of Agriculture's agents.—

(1) The Department of Agriculture or its duly authorized inspectors shall seize and destroy all citrus fruit found by the ~~said~~ Department of Agriculture or inspectors to be unwholesome or decomposed so that it is unfit for canning or concentrating purposes as defined by law or by any rule adopted by regulation of the Department of Citrus under pursuant to authority given in ~~this chapter, and, in the event any inspector finds shall find~~ that any canner or concentrator is canning or concentrating fruit prohibited to be used, she or he may seize and destroy not only such fresh fruit found in the canning or concentrating plant but also citrus fruit or juice in the process of being canned or concentrated or ~~that which~~ has been ~~canned or concentrated from the same lot or shipment wherein the fresh fruit is found by~~ such ~~said~~ inspector to be subject to seizure under ~~the provisions of this section.~~

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

601.55 Citrus fruit dealer; license required.—

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

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

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

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

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

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

(c) The length of time the applicant has been engaged in the citrus fruit business in the state Florida in any manner whatsoever.;

(d) A statement of delinquent accounts, if any, growing out of the ordinary course of business with producers, ~~if any there be~~;

(e) A financial statement of the applicant, if required by the department of Citrus, showing such information as the department of Citrus may prescribe regarding the financial conditions of the applicant.;

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

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

(2) If the applicant is an individual and is shown to be a nonresident of the state, or is a copartnership and each member is shown to be a nonresident of the state, ~~in either event~~, the said applicant shall designate some bona fide resident of the state as such applicant's resident agent upon whom process may be served. The service of process of any of the courts of this state upon such resident agent shall be as effectual and binding upon such said applicant as if personally served upon such said applicant.

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

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

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

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

(1) The department of Citrus shall, within a reasonable time, examine the application and consider the information submitted therewith, including the applicant's financial statement and the reputation of the applicant as shown by applicant's past and current history and activities, including applicant's method and manner of doing business. The department of Citrus shall also consider the past history of any applicant, either individually or in connection with any individual, copartnership, corporation, association, or other business unit with whom any applicant has ~~shall have~~ been connected in any capacity, and may in proper cases impute to any individual, corporation, copartnership, association, or other business unit liability for any wrong or unlawful act previously done or performed by such individual, corporation, copartnership, association, or other business unit.

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

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

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

601.58 Application approval or disapproval.—

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

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

601.60 Issuance of dealers’ licenses.—

(1) Whenever an application bears the approved endorsement of the Department of Citrus and satisfactions of conditions of approval, if any, and the applicant has paid the prescribed fee, the Department of Agriculture ~~and Consumer Services~~ shall issue to such applicant a license, as approved by the Department of Citrus, which shall entitle the licensee to do business as a citrus fruit dealer during the effective term of such license in accordance with s. 601.55 or, if applicable, until such license ~~is~~ may be suspended or revoked by the Department of Agriculture ~~and Consumer Services~~ in accordance with the provisions of law. The Department of Agriculture ~~and Consumer Services~~ may issue a provisional license for a period of no longer than 1 year to an applicant who is under investigation for an action that would constitute a violation of this chapter or has pending against such applicant an administrative or civil proceeding ~~that~~ which alleges an action that would constitute a violation of this chapter. The department shall establish by rule requirements for renewal of a provisional license. When the investigation is complete or the pending proceeding has been disposed of, the Department of Agriculture may issue a regular license under this section.

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

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

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

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

(2) When the ~~above~~ requirements of subsection (1) and such additional requirements as ~~may be~~ set forth by rules ~~regulations~~ adopted by the Department of Citrus for registration of an agent ~~are have been~~ met and the fee required by s. 601.59(2) is ~~has been~~ paid, the Department of Agriculture shall duly register the agent and issue an identification card certifying such registration. The identification card, among other things, shall show in a prominent manner:

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

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

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

601.61 Bond requirements of citrus fruit dealers.—

(1)(a) Except as hereinafter provided in this section, before ~~prior to~~ the approval of a citrus fruit dealer’s license, the applicant ~~therefor~~ must deliver to the Department of Agriculture and ~~Consumer Services~~ a good and sufficient cash bond, an appropriate certificate of deposit, or a surety bond executed by the applicant as principal and by a surety company qualified to do business in this state as surety, in an amount as determined by the Department of Citrus pursuant to rules adopted by the department. The rules shall allow the department to consider any of following factors for determining the amount of such bonds or certificates of deposit ~~amount of such bond or certificate of deposit shall be determined by taking into consideration any one or more of the following:~~ the number of standard packed boxes of citrus fruit, or the equivalent thereof, ~~that which~~ the applicant intends to handle during the term of the license as set forth in the application; the total volume of fruit handled by the dealer the previous season; the highest month’s volume handled the previous season; the anticipated increase in the total citrus crop during the season for which the application for license is made; or ~~and~~ other relevant factors based on the following schedule:

(a) ~~—\$1,000 up to 2,000 boxes;~~

(b) ~~—\$2,000 up to 5,000 boxes;~~

(c) ~~—\$3,750 up to 7,500 boxes;~~

(d) ~~—\$5,000 up to 10,000 boxes;~~

(e) ~~—\$10,000 up to 20,000 boxes;~~

(f) ~~—\$1,000 for each additional 20,000 boxes or fraction thereof in excess of 20,000 boxes, with a maximum bond of \$100,000.~~

(b) If a citrus fruit dealer during the term of her or his license finds that she or he has handled, or can reasonably expect to handle, a volume of fruit greater than that covered by a posted bond or certificate of deposit, the dealer has ~~shall have~~ the affirmative duty ~~to~~ of immediately notify ~~notifying~~ the Department of Agriculture and ~~Consumer Services~~ and initiate a review by the Department of Citrus to determine any initiating an increase required in the amount of such bond or certificate of deposit to comply with the department’s rules for determining the an amount of such bonds or certificates of deposit that will meet the requirements set forth above.

(2) Such ~~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’s 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's ~~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.

(3) ~~Such~~ Said bond shall be to the Department of Agriculture, for the use and benefit of every producer and of every citrus fruit dealer with whom the dealer deals in the purchase, handling, sale, and accounting of purchases and sales of citrus fruit. The aggregate accumulative liability under any bond ~~may shall not exceed the amount of the bond named therein.~~ Such ~~Said~~ bond shall provide that the surety company executing the bond is ~~thereon~~ shall not be liable to any citrus fruit dealer claiming to be injured or damaged by such ~~the said~~ dealer if the aggregate of the amounts found to be due to producers pursuant to ~~the provisions of this chapter~~ equals or exceeds the amount of the bond, unless such citrus fruit dealer is also a producer and is acting in the capacity of a producer and not in the capacity of a citrus fruit dealer in the transaction wherein she or he claims to have been injured or damaged by applicant; however, ~~but~~ if the aggregate of such amounts is less than the amount of the bond, ~~then~~ the surety may be held liable to such citrus fruit dealers, but not in excess of the sum by which the amount of the bond exceeds the aggregate of the amounts found to be due to producers pursuant to ~~the provisions of this chapter.~~

(4) The Department of Citrus or the Department of Agriculture, or any officer or employee designated by the Department of Citrus or the Department of Agriculture, is authorized ~~shall have the right to~~ inspect such accounts and records of any citrus fruit dealer as may be deemed necessary to determine whether a bond that ~~which~~ has been delivered to the Department of Agriculture is in the amount required by this section or whether a previously licensed nonbonded dealer should be required to furnish bond. If any such citrus fruit dealer refuses to permit such inspection, the Department of Agriculture may publish the facts and circumstances and by order suspend the license of the offender until permission to make such inspection is given. Upon a finding by the Department of Agriculture that any citrus fruit dealer has dealt or probably will deal with more fruit during the season than shown by the application, the Department of Agriculture may order such bond increased to such an amount as will meet the requirements as set forth in the rules adopted by the Department of Citrus for determining the amount ~~bond schedule of such bonds~~ subsection (1). Upon failure to file such increased bond within the time fixed by the Department of Agriculture, the Department of Agriculture may publish the facts and circumstances and by order suspend the license of such citrus fruit dealer until such ~~the said~~ bond is increased as ordered.



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

1. Citrus fruit ~~that~~ which the applicant produces.
2. Citrus fruit ~~that~~ which is handled for its members by a cooperative marketing association organized and existing under ~~the provisions of either~~ chapter 618 or chapter 619.
3. Fresh citrus fruit handled by the applicant ~~that,~~ which has been prepared and packaged by a registered packinghouse other than the applicant and has been inspected and certified for shipment.
4. Citrus fruit handled by the applicant from citrus groves for which the applicant provides complete grove management services under direct contract with the owner or producer.
5. Citrus fruit handled by a corporate or partnership applicant that is from citrus groves owned by officers or stockholders of the corporation or from citrus groves owned by the partnership, the parent corporation, or a wholly owned subsidiary corporation or its corporate officers or stockholders, or any partner of a partnership, ~~if, provided that~~ appropriate waivers of right to any claim against the bond required to be posted by this section are ~~be~~ attached to and made a part of the license application ~~for license~~.
6. Processed citrus fruit handled by the applicant ~~that~~ which has been processed and packaged by a registered citrus processing plant other than the applicant and has been inspected and certified for shipment.

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

(c) A claim against any citrus fruit dealer's bond required to be posted by this section shall not be accepted with respect to any damages in connection with fruit handled under ~~the provisions of subparagraphs (a)1.-6. of paragraph (a)~~ if such claim is filed against the bond of the dealer who was granted bond exempt status for such said fruit.

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

~~ineffective for any and all purposes and the laws in effect on July 31, 1965, which are amended or repealed by this act shall instead not be deemed to be amended or repealed by this act but shall remain in full force and effect.~~

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

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

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

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

601.66 Complaints of violations by citrus fruit dealers; procedure; bond distribution; court action on bond.—

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

(6) Upon failure by a dealer to comply with an order of the Department of Agriculture and Consumer Services directing payment, the Department of Agriculture and Consumer Services shall call upon the surety company to pay over to the Department of Agriculture and Consumer Services, out of the bond theretofore posted by the surety for such dealer, the amount of damages sustained but not exceeding the amount of the bond. The proceeds to the Department of Agriculture and Consumer Services by the surety company shall, in the discretion of the Department of Agriculture and Consumer Services, be either paid to the original complainant or held by the Department of Agriculture and Consumer Services for later disbursement, depending upon the time during the shipping season when the complaint was made, when liability was admitted by the dealer, when the proceeds were so paid by the surety company to the Department of Agriculture and Consumer Services, the amount of other claims then pending against the same dealer, the amount of other claims already adjudicated against the dealer, and such other pertinent facts as the Department of Agriculture and Consumer

Services in its discretion may consider material. The Department of Agriculture and Consumer Services, if it decides to pay the proceeds to the original complainant, ~~may has authority to~~ order an increase in the original bond of the dealer to such higher sum as to the Department of Agriculture and Consumer Services would be justified under all the circumstances so as to protect other possible claimants and to exercise all powers otherwise confided to it under this chapter to enforce the posting of such increased bond. The Department of Agriculture and Consumer Services also, in its discretion as the facts and circumstances might appear to it, may hold the amount of such proceeds until such later time, up to the time when all claims have been filed during the allotted period after the closing of the shipping season and such claims adjudicated, and may then disburse the total proceeds in its possession paid over to it by the surety company on the dealer's bond as such claims were adjudicated to the various claimants, paying first to the producers the amount of their claims in full, if such proceeds are sufficient for such purpose, and if not, then in pro rata shares to such producer claimants. The balance of any; ~~and if there then exist~~ additional proceeds in the hands of the Department of Agriculture and Consumer Services, after all claims of producers have been paid in full, ~~the balance of such proceeds~~ shall be paid to claimants who are citrus fruit dealers, either in whole or in pro rata portion, as the aggregate of their claims may bear to the amount of such additional proceeds.

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

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

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

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

(1) The Department of Agriculture and Consumer Services may impose a fine not exceeding \$50,000 per violation against any licensed citrus fruit dealer for violation of any provision of this chapter and, in lieu of, or in

addition to, such fine, may revoke or suspend the license of any such dealer when it has been satisfactorily shown that such dealer, in her or his activities as a citrus fruit dealer, has:

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

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

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

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

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the word, representation, or conduct of the citrus fruit dealer has acted to her or his injury or damage;

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

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

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

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

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

(b) Knowingly, falsely labels or otherwise misrepresents that a processed citrus fruit product was prepared solely with citrus fruit grown in a specific production area specified in s. 601.091.

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

(5) Whenever any administrative order has been made and entered by the Department of Agriculture ~~that and Consumer Services~~ which imposes a fine pursuant to this section, such order shall specify a time limit for payment of the fine, not exceeding 15 days. The failure of the dealer involved to pay the fine within that time shall result in the immediate suspension of such citrus fruit dealer's current license, or any subsequently issued license, until such time as the order has been fully satisfied. Any order suspending a citrus fruit dealer's license shall include a provision that such suspension shall be for a specified period of time not to exceed 60 days, and such period of suspension may commence at any designated date within the current license period or subsequent license period. Whenever an order has been entered ~~that~~ which suspends a citrus fruit dealer's license for a definite period of time and that license, by law, expires during the period of suspension, the suspension order shall continue automatically and shall be effective against any subsequent citrus fruit dealer's license issued to such dealer until such time as the entire period of suspension has elapsed. Whenever any such administrative order of the Department of Agriculture ~~and Consumer Services~~ is sought to be reviewed by the offending dealer involved in a court of competent jurisdiction, if such court proceedings should finally terminate in such administrative order being upheld or not quashed, such order shall thereupon, upon the filing with the Department of Agriculture ~~and Consumer Services~~ of a certified copy of the mandate or other order of the last court having to do with the matter in the judicial process, become immediately effective and shall then be carried out and enforced notwithstanding such time will be during a new and subsequent shipping season from that during which the administrative order was first originally entered by the Department of Agriculture ~~and Consumer Services~~.

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

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

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

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

601.70 Inspection of records by Department of Agriculture and Consumer Services.—~~The Department of Agriculture and Consumer Services, or its duly authorized agents, shall have the right to inspect all accounts, records, and memoranda of any citrus fruit dealer required to be kept under pursuant to the provisions of this chapter. If any such citrus fruit dealer refuses to permit such inspection, the Department of Agriculture may publish the facts and circumstances and by order suspend the license of the offender until permission to make such inspection is given.~~

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

601.701 Penalty for failure to keep records.—

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

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

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

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

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

2. Identified by lettering plainly showing the name of the person owning same, or the name of any lessee or other person operating same. The lettering shall not be less than 3 inches in height on both sides of the vehicle or on the front end and the rear end of the vehicle, except that lettering on flatbed semitrailers shall not be less than 1½ inches in height on the rear end of the trailer.

(2) Any person driving any truck, tractor, trailer, or other motor vehicle hauling citrus fruit in bulk or in unclosed containers for commercial purposes on the highways of the state ~~must shall~~ have on her or his person ~~while~~ when driving such vehicle a certificate or other paper showing the approximate amount of fruit being hauled; the name of the owner and the grove or other origin of such fruit; the number painted or affixed by decal, as well as the

number of the motor vehicle license tag, on the vehicle in which such fruit is being hauled; and such other information and data as may be prescribed by ~~regulation of the department rule of Citrus~~, and it is unlawful to drive any such vehicle on the highways of this state without having such certificate or other paper. The failure of any such person to have such certificate or other paper on her or his person ~~while when driving such vehicle, as aforesaid~~, is prima facie evidence of intent to violate and of the violation of this section aet.

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

601.74 Adoption of rules; fees for licensing and analysis of processing materials.—The Department of Agriculture ~~and Consumer Services~~ may adopt rules and set fees with respect to the licensing and analysis of materials and composition used on or in the packing of citrus fruits. Such rules may include fees for permitting dyes and coloring matter. Fees shall be not less than ~~the amount of~~ \$30 nor more than \$100 for each manufacturer applying making application to the Department of Agriculture. All such license fees collected under this section ~~hereunder~~ shall be paid monthly by the Department of Agriculture ~~and Consumer Services~~ into the State Treasury to the credit of the General Inspection Trust Fund and shall be appropriated and made available for defraying the expenses incurred in the administration of this law.

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

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

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

601.76 Manufacturer to furnish formula and other information.—The Department of Agriculture ~~and Consumer Services~~ may adopt rules with respect to requirements for information that ~~which~~ must be furnished by manufacturers of coloring matter for use on citrus fruit. Such information may include product formulas. Any formula required to be filed with the Department of Agriculture ~~and Consumer Services~~ shall be deemed a trade secret as defined in s. 812.081, is confidential and exempt from the provisions of s. 119.07(1), and shall only be divulged to the Department of Agriculture ~~and Consumer Services~~ or to its duly authorized representatives or upon orders of a court of competent jurisdiction when necessary in the enforcement of this law. A person who receives such a formula from the Department of Agriculture under this section shall maintain the confidentiality of the formula.

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

601.77 Subsequent analysis of coloring matter; inspection of packing-houses for application.—The Department of Agriculture ~~and Consumer~~

Services may, by rule, provide for subsequent analysis of coloring matter, for inspection of packinghouses or other places where coloring matter is applied to citrus fruit, and for grounds for revocation of a license to use coloring matter on fruit.

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

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

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

601.80 Unlawful to use uncertified coloring matter.—It is unlawful for any person to use on oranges or citrus hybrids any coloring matter which has not first received the approval of the Department of Agriculture ~~and Consumer Services~~ as provided by rule adopted under ~~pursuant to~~ s. 601.76.

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

601.85 Standard shipping box for fresh fruit.—The specifications for the standard ~~legal~~ shipping box, ~~when crate, or container to be used as a unit of trade or for reporting purposes, in shipping fresh citrus fruits~~ shall be as established by the department, of Citrus; ~~but provided that the unit of a standard-packed box, commonly called 1 $\frac{3}{8}$  bushels, shall contain an inside cubical measurement of 3,456 cubic inches.~~

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

601.86 Standard field boxes for fresh citrus fruit.—The standard field box or its equivalent, when used as a unit of trade or for reporting purposes, All field boxes used in the purchase, sale, or handling of citrus fruit from or for the grower by a citrus fruit dealer in the state shall be of the uniform standard size of 31½ inches long, 13 inches high, and 12 inches wide, inside measurements, and shall be divided into two compartments by a center partition of at least three-fourths inch thickness,; and each of these compartments thus created shall have a cubical capacity that does ~~of~~ not ~~to~~ exceed 2,400 cubic inches.

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

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

(3) The manner and method of drawing samples and conducting tests under this section shall be prescribed by rules ~~and regulations~~ of the Department of Citrus. The inspection in the state of all citrus fruits seriously



damaged by freezing and the enforcement of this section and of rules, regulations, and orders ~~of made by~~ the department of Citrus pursuant to and under authority of this section shall be under the direction, supervision, and control of the Department of Agriculture and its duly authorized agents and inspectors who are qualified under existing laws to inspect for grade and maturity,<sup>;</sup> and all citrus fruits that may be found to be seriously damaged by freezing, as defined by s. 601.89, upon inspection and testing shall be seized and may be confiscated and destroyed under the supervision of the citrus fruit inspector at the expense of the owner unless previous disposition is made by the owner or other person who offered the same for inspection, all the provisions of this section being subject to such reasonable rules ~~and regulations~~ as may be adopted promulgated by the Department of Citrus.

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

601.9901 Certificates of inspection; form.—All certificates of inspection prescribed by this chapter shall be of such number, form, size, and character as the department of Citrus may by rule ~~and regulation~~ prescribe and shall be used in such manner as to identify the fruit or the canned or concentrated products thereof to which they relate.

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

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

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

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

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

601.99035 Annual travel report of Department of Citrus.—The department of Citrus shall, at the end of each fiscal year, publish an annual travel report that states, for each department ~~staff member of the Department of Citrus~~ and each commission ~~member of the Florida Citrus Commission~~ who has traveled during that year, the name of the person, the person's position title, the date on which a claim for reimbursement was submitted, the dates

of travel, the destinations, the purpose of the travel, and all expenditures that resulted from the travel.

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

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

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

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

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

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

(6) Does not meet requirements to be established by the department of Citrus regarding color, absence of defects, taste, and flavor; unless the immediate container thereof shall be labeled in accordance with regulations of the department of Citrus and there shall appear on such label the word “substandard” in bold type not less than ¼ inch high printed or stamped diagonally thereon.

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

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

(1) FINDINGS.—

(c) The Legislature finds and determines and so declares that there is no better method of determining when such raw and immature flavor leaves Florida citrus than by the standards authorized by set forth in this chapter and set forth in department rule; and that experience has demonstrated over a period of many years, by the best available records and under various

climatic conditions and various seasonal changes, that generally speaking, before ~~prior to~~ November 1 of each season, oranges that ~~which~~ do not have a total soluble solids of 9 percent with a minimum ratio of total soluble solids, as set forth in department rule s. 601.20, still have a raw, immature flavor; ~~and that,~~ beginning on or about November 1 of each season, such raw, immature fruit flavor gradually disappears from the orange, and by November 15 the same orange may have a still lower soluble solids percentage and not be immature; ~~that and~~ after November 15 the same orange can still have a further lower soluble solids percentage without being immature; and that ~~by~~ December 1 nature has completed its process of removing the raw, immature flavor that ~~which~~ might have existed before ~~prior to~~ that time, provided such fruit meets the other minimum maturity requirements authorized by set forth in this chapter and set forth in department rule. On December 1 oranges meeting the requirements set forth in department rule of s. 601.19(4), while not being sufficiently mature to ship in fresh form, may be safely used in some processed products without the finished product having a raw, immature flavor. On December 1 grapefruit meeting the requirements set forth in department rule of s. 601.16(4), while not being sufficiently mature to ship in fresh form, may be safely used in some processed products without the finished product having a raw, immature flavor.

(d) The Legislature finds and determines and so declares that the enforcement of the maturity standards, authorized by as set forth in this chapter and set forth in department rule, will not result in preventing any grower from marketing her or his fruit at some time during the marketing season, whenever nature has removed the raw, immature flavor; ~~and,~~ if there is a delay in such marketing, it will result in higher prices for the entire season, bringing additional millions of dollars to the state's growers of Florida and resulting in benefit to all growers, including the grower or growers who were delayed a short time in the shipment of their fruit.

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

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

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

601.9911 Fruit may be sold or transported direct from producer.—Any citrus producer may transport her or his own citrus fruit or any citrus fruit may be sold or purchased and transported in interstate or intrastate commerce in truckload lots direct from a producer, and any such fruit so sold, purchased, or transported need not be processed, handled by any packinghouse, washed, polished, graded, stamped, labeled, branded, placed in containers, or otherwise prepared for market as ~~may be provided in this chapter herein~~. Such fruit shall be certified at the time of inspection as tree run grade of fruit; but shall otherwise remain subject to the maturity standards and all other conditions, restrictions, emergency quality assurance orders, and other requirements of this chapter and shall be inspected for such compliance as all other fruit is inspected at such convenient locations as may be determined by the Department of Agriculture. Any such fruit violating any provision of the ~~provisions~~ of this chapter, or any rule adopted by or regulation of the department under of Citrus made pursuant to this chapter, but not inconsistent with this section, may be seized, condemned, and destroyed as provided in this chapter herein. At the time of such inspection, all fees and, assessments, and ~~excise taxes~~ provided in this chapter shall be paid and collected at the same rate as paid by all other fresh fruit growers or shippers.

Section 74. Section 601.9918, Florida Statutes, is amended 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 of Agriculture's department's issuance of the license applied for.

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

601.992 Collection of dues and other payments on behalf of certain nonprofit corporations engaged in market news and grower education.—The Florida Department of Citrus or the Department of Agriculture ~~and Consumer Services~~ or their successors may collect or compel the entities regulated by the Department of Agriculture to collect dues, contributions, or any other financial payment upon request by, and on behalf of, any not-for-profit corporation, and its related not-for-profit corporations, located in this state ~~that receive which receives~~ payments or dues from their its members. Such not-for-profit corporation must be engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers, and must have at least 5,000 members who are engaged in growing citrus in this state for commercial sale. The Department of Agriculture may adopt rules pursuant to ss. ~~120.536(1) and 120.54~~ to administer ~~implement~~ this section. The rules may establish indemnity requirements for the requesting corporation and for fees to be charged to the corporation ~~that which~~ are sufficient but do not exceed the amount necessary to ensure that any direct costs incurred by the

Department of Agriculture in implementing this section are borne by the requesting corporation and not by the Department of Agriculture.

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

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

(1) This section applies to tropical or subtropical fruit. “Tropical or subtropical fruit” means avocados, bananas, calamondins, carambolas, guavas, kumquats, limes, longans, loquats, lychees, mameys, mangoes, papayas, passion fruit, sapodillas, and fruit that must be grown in tropical or semitropical regions, except citrus fruit as defined in s. 601.03(7).

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

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

Approved by the Governor April 27, 2012.

Filed in Office Secretary of State April 27, 2012.