

## CHAPTER 2013-230

### Committee Substitute for Senate Bill No. 298

An act relating to the Department of Citrus; amending s. 601.152, F.S.; deleting an obsolete reference; amending ss. 601.9918 and 601.992, F.S.; reverting certain references to the Department of Citrus that were changed to references to the Department of Agriculture and Consumer Services by chapter 2012-182, Laws of Florida; providing for retroactive application; requiring the repeal of certain rules adopted by the Department of Agriculture and Consumer Services; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) of section 601.152, Florida Statutes, is amended to read:

601.152 Special marketing orders.—

(1)

(d) Copies of the proposed marketing order shall be made available to the public at the offices of the department at ~~Lakeland~~ at least 5 days before 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 prevent the imposition of a subsequent marketing order before, during, or after the expenditure of funds collected under a previously imposed marketing order, provided the aggregate of the assessments imposed may not exceed the maximum permitted under subsection (8).

Section 2. 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's~~ Department of Agriculture's issuance of the license applied for.

Section 3. 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 Department of Citrus or the Department of Agriculture or their successors may collect or compel the entities regulated by the Department of Citrus 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 payments or dues from their 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 Citrus Agriculture may adopt rules to administer this section. The rules may establish indemnity requirements for the requesting corporation and for fees to be charged to the corporation that are sufficient but do not exceed the amount necessary to ensure that any direct costs incurred by the Department of Citrus Agriculture in implementing this section are borne by the requesting corporation and not by the Department of Citrus Agriculture.

Section 4. (1) The amendments made by this act to ss. 601.9918 and 601.992, Florida Statutes, are remedial in nature and apply retroactively to July 1, 2012.

(2)(a) Rules 20-109.005 and 20-112.003, Florida Administrative Code, adopted by the Department of Citrus to implement s. 601.9918, Florida Statutes, and rules 20-7.001, 20-7.002, 20-7.003, 20-7.004, and 20-7.005, Florida Administrative Code, adopted by the Department of Citrus to implement s. 601.992, Florida Statutes, all of which were in effect on July 1, 2012, continue in effect as rules until modified pursuant to s. 120.54, Florida Statutes. This paragraph applies retroactively to July 1, 2012.

(b) Rules adopted by the Department of Agriculture and Consumer Services to implement ss. 601.9918 or 601.992, Florida Statutes, between July 1, 2012, and the effective date of this act shall be repealed.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 28, 2013.

Filed in Office Secretary of State June 28, 2013.