

By Senator Burgess

20-00784-22

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1 A bill to be entitled
2 An act relating to Florida citrus; providing a short
3 title; amending s. 601.04, F.S.; revising the
4 membership of the Florida Citrus Commission; requiring
5 members to meet certain requirements; revising
6 commission appointments to achieve staggered terms for
7 the newly appointed members; revising the requirements
8 for a quorum; amending s. 601.09, F.S.; increasing the
9 number of citrus districts in this state and revising
10 the counties that comprise each district; amending s.
11 601.13, F.S.; requiring certain entities to provide
12 reports on citrus production research to the
13 commission at specified intervals and upon request of
14 the commission; specifying requirements for the
15 reports; requiring that new varieties of citrus fruit
16 produced from research or studies funded by state
17 funds be made exclusively available for licensing and
18 purchase to certain Florida producers for a specified
19 timeframe; requiring producers who receive such
20 exclusivity to retain the exclusivity for a specified
21 timeframe; providing pricing requirements for such
22 arrangements; reenacting s. 600.051(1), F.S., relating
23 to marketing agreements and the powers of the
24 Department of Citrus, to incorporate the amendment
25 made to s. 601.09, F.S., in a reference thereto;
26 reenacting ss. 601.10(8)(c) and 601.15(7)(b), F.S.,
27 relating to powers of the department and the use of
28 moneys in the Florida Citrus Advertising Trust Fund,
29 respectively, to incorporate the amendment made to s.

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30 601.13, F.S., in references thereto; providing an
31 effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. This act may be cited as the "Citrus Recovery
36 Act."

37 Section 2. Section 601.04, Florida Statutes, is amended to
38 read:

39 601.04 Florida Citrus Commission; creation and membership.—

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

48 1. Derived a major portion of her or his income from such
49 growing, growing and shipping, or growing and processing of
50 citrus fruit; or

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

56 (b)1. Seven ~~Six~~ members of the commission shall be
57 classified as grower members and shall be primarily engaged in
58 the growing of citrus fruit as an individual owner; as the owner

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

70 2. Three members of the commission shall be classified as
71 processor ~~grower-handler~~ members and shall be engaged as owners,
72 or as paid officers or employees, of a corporation, firm,
73 partnership, or other business unit engaged in canning,
74 concentrating, or otherwise processing citrus fruit for market
75 other than for shipment in fresh fruit form ~~handling citrus~~
76 ~~fruit. One such member shall be primarily engaged in the fresh~~
77 ~~fruit business, and two such members shall be primarily engaged~~
78 ~~in the processing of citrus fruits.~~

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

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

87 (2) (a) One grower member ~~Three commission members~~ shall be

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88 appointed from each of the ~~three~~ citrus districts designated in
89 s. 601.09. Each such member must be a grower with a citrus
90 producing area between 250 and 5,000 acres ~~Members appointed~~
91 ~~from the same citrus district shall serve staggered terms, such~~
92 ~~that the term of one of the district's three members expires~~
93 ~~each year.~~ Each member must reside or grow citrus in the
94 district from which she or he was appointed. ~~For the purposes of~~
95 ~~this section, a member's residence is her or his actual physical~~
96 ~~and permanent residence.~~

97 (b) One grower member shall be a grower with a citrus
98 producing area of more than 5,001 acres. The grower must reside
99 and grow citrus in this state.

100 (c) Members shall be appointed to terms of 3 years each,
101 except that, to establish staggered terms of members from each
102 citrus district, the terms of members appointed before July 1,
103 2022 ~~2012~~, shall be shortened as follows:

104 1. The terms ~~term~~ of two grower members and one processor
105 member ~~one member from each citrus district~~ shall expire June
106 30, 2022 ~~2012~~, and their successors ~~her or his successor~~ shall
107 be appointed to terms ~~a term~~ beginning July 1, 2022 ~~2012~~, and
108 expiring May 31, 2025 ~~2015~~.

109 2. The terms ~~term~~ of two grower members and two processor
110 members ~~one member from each citrus district~~ shall expire June
111 30, 2023 ~~2013~~, and their successors ~~her or his successor~~ shall
112 be appointed to terms ~~a term~~ beginning July 1, 2023 ~~2013~~, and
113 expiring May 31, 2026 ~~2016~~.

114 3. The terms ~~term~~ of three grower members and one packer
115 member ~~one member from each citrus district~~ shall expire June
116 30, 2024 ~~2014~~, and their successors ~~her or his successor~~ shall

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117 be appointed to terms ~~a term~~ beginning July 1, 2024 ~~2014~~, and
118 ending May 31, 2027 ~~2017~~.

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

121

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

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

145 (e) ~~(d)~~ When making an appointment to the commission, the

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146 Governor shall announce the district, classification, and term
147 of the person appointed.

148 (3) (a) The commission shall elect a chair and secretary and
149 may elect a vice chair and such other officers as the commission
150 deems advisable.

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

157 Section 3. Section 601.09, Florida Statutes, is amended to
158 read:

159 601.09 Citrus districts.—

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

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

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

168 (c) Citrus District Three: Glades, Highlands, and
169 Okeechobee ~~Charlotte, Citrus, Collier, Hernando, Hendry,~~
170 ~~Hillsborough, Lake, Lee, Manatee, Monroe, Martin, Pasco, Palm~~
171 ~~Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade~~
172 Counties.

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

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

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

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

189 Section 4. Present subsection (3) of section 601.13,
190 Florida Statutes, is redesignated as subsection (5), and a new
191 subsection (3) and subsection (4) are added to that section, to
192 read:

193 601.13 Citrus research; administration by Department of
194 Citrus; appropriation.—

195 (3) An entity that expends funds received from the State
196 Treasury on citrus production research conducted pursuant to
197 chapter 573, as recommended by the Citrus Research and
198 Development Foundation, Inc., or conducted through contract with
199 the department shall deliver a report that includes all of the
200 following information to the commission biannually and at the
201 request of the commission:

202 (a) Project plans selected for funding.

203 (b) The financial status of the projects.

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- 204 (c) Current findings of the funded research.
- 205 (d) Availability of citrus products or application of
- 206 growers' practices found through funded research.
- 207 (e) The status of the commercialization process of such
- 208 products or practices.
- 209 (4) Before being released for sale to the general public,
- 210 any new variety of citrus fruit which is developed as a result
- 211 of any research or study accomplished using funds from the State
- 212 Treasury must be made available:
- 213 (a) For licensing and purchase for a period of 90 days
- 214 exclusively to any Florida not-for-profit corporation that is a
- 215 producer engaged, excluding engagement in agricultural
- 216 commodities other than citrus, in citrus rootstock or scion
- 217 breeding, research, or licensing, by agreement with a state land
- 218 grant university, the department, the Department of Agriculture
- 219 and Consumer Services, or the United States Department of
- 220 Agriculture. If a producer exercises such exclusive
- 221 availability, the producer must retain the exclusivity for 8
- 222 years after the date of execution.
- 223 (b) At the 5-year rolling average cost of citrus bud or
- 224 grafting material available to Florida producers, including a
- 225 development incentive that does not exceed 10 percent of the 5-
- 226 year average.

227 Section 5. For the purpose of incorporating the amendment
 228 made by this act to section 601.09, Florida Statutes, in a
 229 reference thereto, subsection (1) of section 600.051, Florida
 230 Statutes, is reenacted to read:

231 600.051 Marketing agreements; powers of department.—

232 (1) In order to effectuate the declared policy and purposes

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233 of this act, the department shall have the power to enter into,
234 administer, and enforce marketing agreements with handlers and
235 distributors engaged in any one or more of the citrus districts
236 established in and by s. 601.09, in the handling and
237 distributing of citrus fruit in fresh fruit form or any variety
238 or varieties, grade, size, or quality thereof, regulating the
239 handling of such citrus fruit in the way and manner and to the
240 extent therein prescribed and agreed upon, which said marketing
241 agreements shall be binding only upon the signatories thereto
242 exclusively. The execution of any such marketing agreement shall
243 in no manner affect the issuance, administration, or enforcement
244 of any marketing order otherwise provided for by chapter 601,
245 and any marketing agreement executed hereunder shall be
246 ineffective to the extent that it is in conflict with any rule,
247 regulation, marketing order, or marketing agreement under any
248 federal law relating to the handling of citrus fruit grown in
249 Florida.

250 Section 6. For the purpose of incorporating the amendment
251 made by this act to section 601.13, Florida Statutes, in a
252 reference thereto, paragraph (c) of subsection (8) of section
253 601.10, Florida Statutes, is reenacted to read:

254 601.10 Powers of the Department of Citrus.—The department
255 shall have and shall exercise such general and specific powers
256 as are delegated to it by this chapter and other statutes of the
257 state, which powers shall include, but are not limited to, the
258 following:

259 (8)

260 (c) Any nonpublished reports or data related to studies or
261 research conducted, caused to be conducted, or funded by the

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262 department under s. 601.13 is confidential and exempt from s.
263 119.07(1) and s. 24(a), Art. I of the State Constitution.

264 Section 7. For the purpose of incorporating the amendment
265 made by this act to section 601.13, Florida Statutes, in a
266 reference thereto, paragraph (b) of subsection (7) of section
267 601.15, Florida Statutes, is reenacted to read:

268 601.15 Advertising campaign; methods of conducting;
269 assessments; emergency reserve fund; citrus research.-

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

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

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