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CS/HB 1097

2022 Legislature

1  
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 developed as result of research or studies funded by  
17 state funds and certain technology be made exclusively  
18 available for licensing and commercialization to the  
19 Department of Citrus or its designee for a specified  
20 timeframe; authorizing the commission to retain the  
21 exclusivity for a specified timeframe; amending s.  
22 601.992, F.S.; revising eligibility requirements of  
23 not-for-profit corporations on whose behalf the  
24 Department of Citrus or the Department of Agriculture  
25 and Consumer Services may collect certain financial

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26 | payments; reenacting s. 600.051(1), F.S., relating to  
 27 | marketing agreements and the powers of the Department  
 28 | of Citrus, to incorporate the amendment made to s.  
 29 | 601.09, F.S., in a reference thereto; reenacting s.  
 30 | 601.15(7) (b), F.S., relating to the use of moneys in  
 31 | the Florida Citrus Advertising Trust Fund, to  
 32 | incorporate the amendment made to s. 601.13, F.S., in  
 33 | a reference thereto; providing an effective date.  
 34 |

35 | Be It Enacted by the Legislature of the State of Florida:  
 36 |

37 | Section 1. This act may be cited as the "Citrus Recovery  
 38 | Act."

39 | Section 2. Section 601.04, Florida Statutes, is amended to  
 40 | read:

41 | 601.04 Florida Citrus Commission; creation and  
 42 | membership.—

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

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51 1. Derived a major portion of her or his income from such  
 52 growing, growing and shipping, or growing and processing of  
 53 citrus fruit; or

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

59 (b)1. Seven ~~Six~~ members of the commission shall be  
 60 classified as grower members and shall be primarily engaged in  
 61 the growing of citrus fruit as an individual owner; as the owner  
 62 of, or as stockholder of, a corporation; or as a member of a  
 63 firm or partnership primarily engaged in citrus growing. Such  
 64 members may not receive any compensation from any licensed  
 65 citrus fruit dealer or handler, as defined in s. 601.03, other  
 66 than gift fruit shippers, but any of the grower members may  
 67 ~~shall~~ not be disqualified as a member if, individually, or as  
 68 the owner of, a member of, an officer of, or a stockholder of a  
 69 corporation, firm, or partnership primarily engaged in citrus  
 70 growing which processes, packs, and markets its own fruit and  
 71 whose business is primarily not purchasing and handling fruit  
 72 grown by others.

73 2. Three members of the commission shall be classified as  
 74 processor ~~grower-handler~~ members and shall be engaged as owners,  
 75 or as paid officers or employees, of a corporation, firm,

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76 | partnership, or other business unit engaged in canning,  
 77 | concentrating, or otherwise processing citrus fruit for market  
 78 | other than for shipment in fresh fruit form ~~handling citrus~~  
 79 | ~~fruit. One such member shall be primarily engaged in the fresh~~  
 80 | ~~fruit business, and two such members shall be primarily engaged~~  
 81 | ~~in the processing of citrus fruits.~~

82 | 3. One member shall be classified as a packer member and  
 83 | shall be engaged as an owner, or as a paid officer or employee,  
 84 | of a corporation, firm, partnership, or other business unit that  
 85 | operates as a packinghouse as defined in s. 601.03. The member  
 86 | shall reside in the Indian River production area of this state  
 87 | as defined in s. 601.091(2).

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

90 | (2) (a) One grower member ~~Three commission members~~ shall be  
 91 | appointed from each of the ~~three~~ citrus districts designated in  
 92 | s. 601.09. ~~Members appointed from the same citrus district shall~~  
 93 | ~~serve staggered terms, such that the term of one of the~~  
 94 | ~~district's three members expires each year.~~ Each member must  
 95 | reside or grow citrus in the district from which she or he was  
 96 | appointed. ~~For the purposes of this section, a member's~~  
 97 | ~~residence is her or his actual physical and permanent residence.~~

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

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101        (c)1. Members shall be appointed to terms of 3 years each,  
 102 except that, to establish staggered terms of members from each  
 103 citrus district, the terms of members appointed before July 1,  
 104 2022 ~~2012~~, shall be ~~shortened~~ as follows:

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

110        b.2. The terms ~~term~~ of two grower members and one  
 111 processor member ~~one member from each citrus district~~ shall  
 112 expire June 30, 2023 ~~2013~~, and their successors ~~her or his~~  
 113 ~~successor~~ shall be appointed to terms ~~a term~~ beginning July 1,  
 114 2023 ~~2013~~, and expiring May 31, 2026 ~~2016~~.

115        c.3. The terms ~~term~~ of two grower members and one  
 116 processor member ~~one member from each citrus district~~ shall  
 117 expire June 30, 2024 ~~2014~~, and their successors ~~her or his~~  
 118 ~~successor~~ shall be appointed to terms ~~a term~~ beginning July 1,  
 119 2024 ~~2014~~, and ending May 31, 2027 ~~2017~~.

120        2. One grower member and one processor member shall be  
 121 appointed on or after July 1, 2022, with terms ending May 31,  
 122 2025.

123        3.4. Subsequent appointments shall be made in accordance  
 124 with this section.

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

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

149 (e)~~(d)~~ When making an appointment to the commission, the  
 150 Governor shall announce the district, classification, and term

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151 of the person appointed.

152 (3)(a) The commission shall elect a chair and secretary  
 153 and may elect a vice chair and such other officers as the  
 154 commission deems advisable.

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

161 Section 3. Section 601.09, Florida Statutes, is amended to  
 162 read:

163 601.09 Citrus districts.—

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

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

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

172 (c) Citrus District Three: Glades, Highlands, and  
 173 Okeechobee ~~Charlotte, Citrus, Collier, Hernando, Hendry,~~  
 174 ~~Hillsborough, Lake, Lee, Manatee, Monroe, Martin, Pasco, Palm~~  
 175 ~~Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade~~

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176 Counties.

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

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

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

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

193 Section 4. Subsection (3) of section 601.13, Florida  
 194 Statutes, is renumbered as subsection (5), and a new subsection  
 195 (3) and subsection (4) are added to that section to read:

196 601.13 Citrus research; administration by Department of  
 197 Citrus; appropriation.—

198 (3) An entity that solicits research proposals and awards  
 199 funding for those proposals expending funds received from the  
 200 State Treasury on citrus production research conducted pursuant



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201 to chapter 573, as recommended by the Citrus Research and  
 202 Development Foundation, Inc., or conducted through contract with  
 203 the department shall deliver a report that includes all of the  
 204 following information to the commission biannually and at the  
 205 request of the commission:

206 (a) Project plans selected for funding.

207 (b) The financial status of the projects.

208 (c) Current findings of the funded research.

209 (d) Availability of citrus products or application of  
 210 growers' practices found through funded research.

211 (e) The status of the commercialization process of such  
 212 products or practices.

213 (4) Before being released for sale to the general public,  
 214 any new variety of citrus fruit which is developed as a result  
 215 of any research or study accomplished using any percentage of  
 216 funds from the State Treasury as well as any technology that  
 217 enhances the marketability of new or current citrus fruit  
 218 varieties must be made available as a first option for licensing  
 219 and commercialization for a period of 90 days, under  
 220 commercially reasonable terms, exclusively to the department or  
 221 its designee. If the department or its designee exercises such  
 222 exclusive license, the Florida Citrus Commission may retain the  
 223 exclusivity for up to 8 years after the date of execution.

224 Section 5. Section 601.992, Florida Statutes, is amended  
 225 to read:

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226           601.992 Collection of dues and other payments on behalf of  
 227 certain nonprofit corporations engaged in market news and grower  
 228 education.—The Department of Citrus or the Department of  
 229 Agriculture or their successors may collect or compel the  
 230 entities regulated by the Department of Citrus to collect dues,  
 231 contributions, or any other financial payment upon request by,  
 232 and on behalf of, any not-for-profit corporation and its related  
 233 not-for-profit corporations located in this state that receive  
 234 payments or dues from their members. Such not-for-profit  
 235 corporation must be engaged, to the exclusion of agricultural  
 236 commodities other than citrus, in market news and grower  
 237 education solely for citrus growers, and must have at least  
 238 2,500 ~~5,000~~ members who are engaged in growing citrus in this  
 239 state for commercial sale. The Department of Citrus may adopt  
 240 rules to administer this section. The rules may establish  
 241 indemnity requirements for the requesting corporation and for  
 242 fees to be charged to the corporation that are sufficient but do  
 243 not exceed the amount necessary to ensure that any direct costs  
 244 incurred by the Department of Citrus in implementing this  
 245 section are borne by the requesting corporation and not by the  
 246 Department of Citrus.

247           Section 6. For the purpose of incorporating the amendment  
 248 made by this act to section 601.09, Florida Statutes, in a  
 249 reference thereto, subsection (1) of section 600.051, Florida  
 250 Statutes, is reenacted to read:

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251           600.051 Marketing agreements; powers of department.—  
 252           (1) In order to effectuate the declared policy and  
 253 purposes of this act, the department shall have the power to  
 254 enter into, administer, and enforce marketing agreements with  
 255 handlers and distributors engaged in any one or more of the  
 256 citrus districts established in and by s. 601.09, in the  
 257 handling and distributing of citrus fruit in fresh fruit form or  
 258 any variety or varieties, grade, size, or quality thereof,  
 259 regulating the handling of such citrus fruit in the way and  
 260 manner and to the extent therein prescribed and agreed upon,  
 261 which said marketing agreements shall be binding only upon the  
 262 signatories thereto exclusively. The execution of any such  
 263 marketing agreement shall in no manner affect the issuance,  
 264 administration, or enforcement of any marketing order otherwise  
 265 provided for by chapter 601, and any marketing agreement  
 266 executed hereunder shall be ineffective to the extent that it is  
 267 in conflict with any rule, regulation, marketing order, or  
 268 marketing agreement under any federal law relating to the  
 269 handling of citrus fruit grown in Florida.

270           Section 7. For the purpose of incorporating the amendment  
 271 made by this act to section 601.13, Florida Statutes, in a  
 272 reference thereto, paragraph (b) of subsection (7) of section  
 273 601.15, Florida Statutes, is reenacted to read:

274           601.15 Advertising campaign; methods of conducting;  
 275 assessments; emergency reserve fund; citrus research.—

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276 (7) All assessments levied and collected under this  
277 chapter shall be paid into the State Treasury on or before the  
278 15th day of each month. Such moneys shall be accounted for in a  
279 special fund to be designated as the Florida Citrus Advertising  
280 Trust Fund, and all moneys in such fund are appropriated to the  
281 department for the following purposes:

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

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