

1989

## Session Law 89-197

Florida Senate & House of Representatives

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**H 757 GENERAL BILL/CS/1ST ENG by Agriculture; Bronson (Identical CS/S 240)**

~~Agricultural Commodities/Chemicals; provides purposes of laws regulating sales of agricultural commodities re research; redefines "agricultural commodities" to include citrus re funding of production research & activities re chemical residue; authorizes issuance of marketing orders for certain types of research; establishes rate of certain assessments levied on citrus fruit; provides for deposit of such assessments. Amends 573.102, 103, 114, 118. Effective Date: 06/28/89.~~

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03/13/89 HOUSE Prefiled  
 03/14/89 HOUSE Referred to Agriculture; Appropriations  
 04/04/89 HOUSE Introduced, referred to Agriculture; Appropriations -HJ 74  
 04/07/89 HOUSE On subcommittee agenda—Agriculture, 04/11/89, 8:00 am, 314-HOB  
 04/11/89 HOUSE Subcommittee Recommendation: Favorable with 6 amendments; On Committee agenda, pending subcommittee action—Agriculture, 04/11/89, 9:00 am, 314-HOB; Preliminary Committee Action by Agriculture: Favorable as a CS  
 04/17/89 HOUSE Comm. Report: CS by Agriculture -HJ 233; CS read first time -HJ 231; Now in Appropriations -HJ 233; Subreferred to Subcommittee on General Government  
 05/09/89 HOUSE Withdrawn from Appropriations -HJ 432; Placed on Calendar  
 05/11/89 HOUSE Placed on Special Order Calendar; Read second time; Amendments adopted -HJ 472  
 05/18/89 HOUSE Read third time; CS passed as amended; YEAS 112 NAYS 0 -HJ 530  
 05/19/89 SENATE In Messages  
 05/25/89 SENATE Received, referred to Agriculture; Appropriations -SJ 459  
 05/26/89 SENATE Extension of time granted Committee Agriculture  
 05/29/89 SENATE Withdrawn from Agriculture; Appropriations; Substituted for CS/SB 240; CS passed; YEAS 38 NAYS 0 -SJ 529  
 05/29/89 Ordered enrolled  
 06/13/89 Signed by Officers and presented to Governor  
 06/28/89 Approved by Governor; Chapter No. 89-197

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

**STORAGE NAME:** h0757-f.hag  
**DATE:** August 9, 1989

**HOUSE OF REPRESENTATIVES  
HOUSE COMMITTEE ON AGRICULTURE  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 757

**RELATING TO:** Agricultural commodities

**SPONSOR(S):** Rep. Bronson

**EFFECTIVE DATE:** Upon becoming a law

**DATE BECAME LAW:** June 28, 1989

**CHAPTER #:** 89-197, Laws of Florida

**COMPANION BILL(S):** Identical SB 240 by Peterson

**OTHER COMMITTEES OF REFERENCE:** (1) Appropriations  
(2)

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**I. SUMMARY:**

**A. PRESENT SITUATION:**

Sections 573.101-573.124, Florida Statutes, are entitled the "Florida Agricultural Commodities Marketing Law." Agricultural commodities are defined as any and all aquacultural, agricultural (except citrus as defined in Chapter 601), apicultural, horticultural, viticultural, and vegetable products produced in this state or any class, variety, or utilization thereof.

Section 573.102, F.S., sets out the five purposes of the "Florida Agricultural Commodities Marketing Law." These purposes are accomplished by means of a marketing order, defined in section 573.103, F.S., as an order issued by the Department of Agriculture and Consumer Services, prescribing rules governing the distribution, of agricultural commodities in the primary channel of trade during any specified period.

A marketing order may be proposed by 10 or more producers. After public hearing, the marketing order is voted upon by the affected producers or handlers. When a marketing order is issued, the department appoints an advisory council to advise the department in administering the marketing order.

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B. EFFECT OF PROPOSED CHANGES:

The "Florida Agricultural Commodities Marketing Law" would be amended to add an additional purpose. This further purpose would be to provide funding for production research, harvesting research, economic research, environmental research, and marketing research.

The definition of agricultural commodity would be amended to include citrus regulated under Chapter 601, F.S., but only for the purpose of funding production research and associated activities related to chemical residue.

A cap of 1 cent per standard-packed box would be placed on any assessment which can be levied on citrus fruit for the purpose of a marketing order under Chapter 573, F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

All revenues collected from the assessment would be deposited in the Citrus Inspection Trust Fund.

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

The only fiscal impact would be upon the producers of the affected commodity should they seek a marketing order.

2. Direct Private Sector Benefits:

This bill would allow citrus producers to tax themselves if the marketing order is approved by referendum and contract for research to be done on production research related to chemical residue.

3. Effects on Competition, Private Enterprise, and Employment Markets:

Unknown.

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

This bill complies with the State Comprehensive Plan, section 187.201(23)(b)4, F.S., which states that it is a policy of the state to "stimulate research, development, and application of agricultural technology to promote and enhance the conservation, production, and marketing techniques available to the agricultural industry."

IV. COMMENTS:

This bill does not comply with the Issues Conference Policy Statement concerning agriculture.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Sonia R. Crockett  
Sonia Crockett, Staff Attorney

Staff Director:

Becky Everhart  
Becky Everhart

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Merritt</u>	<u>Poole</u>	1. <u>AG</u>	<u>Fav/CS</u>
2. <u>Barrett</u>	<u>Smith</u>	2. <u>AP</u>	<u>Favorable</u>
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

  

SUBJECT:	BILL NO. AND SPONSOR:
Agricultural Commodities	CS/SB 240 by Senate Committee on Agriculture and Senator Peterson

I. SUMMARY:

A. Present Situation:

Chapter 573, Florida Statutes, provides model enabling legislation for agricultural commodity groups, excluding citrus as defined under chapter 601, Florida Statutes, who want to establish a marketing order to assist with promotion and marketing of their products such as peanuts, soybeans, tobacco, etc. Currently, a mechanism is provided in this chapter for individual agricultural commodity groups to petition the Department of Agriculture and Consumer Services for a marketing order. The department is authorized to issue to each commodity group a marketing order after approval by a specified percent of producers and handlers of that group in a referendum. Also the law provides for each commodity group the appointment of an advisory council by the department and establishes duties and powers of such council. It further provides for assessments, establishes enforcement procedures, and provides penalties for violations.

B. Effect of Proposed Changes:

The bill adds a new provision to s. 573.102, Florida Statutes, relating to the "Purpose" section of chapter 573 as it relates to agricultural commodities. It provides for the funding for production, harvesting, economic, environmental and marketing research. Provisions are made by amending s. 573.103, relating to the definition of agricultural commodities, to allow the citrus industry to petition the Department of Agriculture and Consumer Services for a marketing order under the guidelines of chapter 573. It also provides for the term "citrus" to be included as an agricultural commodity only for the purpose of funding production research and associated activities related to chemical residue. The bill further provides that the term "citrus" does not include citrus with respect to any other citrus-related activity, whether or not that activity is regulated by or described in chapter 601. [Chapter 601 regulates the citrus industry and is commonly referred to as the "Florida Citrus Code."]

Section 573.118, relating to assessments to fund marketing orders, is amended to place a 1 cent cap on each standard-packed box of citrus fruit and to direct the department to deposit assessments collected into the Citrus Inspection Trust Fund. Section 573.114, relating to marketing order subjects, is amended to include the same language relating to research activities as amended by this bill into the "Purpose" section.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The direct fiscal impact would be upon the producers of the affected commodity, should they seek a marketing order. However, the consuming public would be affected to the extent that such marketing order assessments are passed on as a price increase.

B. Government:

None. The industry affected pays the cost of this service by assessing its producers certain fees. (In this case, a fee is established not to exceed 1 cent per standard, packed box of citrus fruit marketed in-state and is deposited into the Citrus Inspection Trust Fund.) The department expends the funds on citrus related activities upon the advice of the council composed of citrus producers. This has the potential of raising \$2 million annually.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.