



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

November 16, 2009

Dear Florida Citrus Producer:

In November 1991, Florida Citrus Growers voted to enact a citrus research order to cover all citrus (except limes) produced in the state. The order established an assessment up to one cent per box, commonly referred to as the "box tax", to help support much-needed research that would benefit all growers.

The order requires that a grower referendum be held every six years. This program has been in effect for eighteen years and must now be voted on again for continuation. Industry has requested some changes to the order (enclosed). The proposed order raises the assessment cap from 1 cent to 3 cents per box of citrus sold and designates the Citrus Research and Development Foundation, Inc. to administer the funds.

Your ballot is on the back of this letter. You are encouraged to vote for (YES), or against (NO), the changes to the Florida Citrus Research Order. Thank you for your interest in a viable Florida Citrus Industry.

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

Marshall Wiseheart
Development Representative II

CHB/mw

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Florida Agriculture and Forest Products
Over \$100 Billion for Florida's Economy

BALLOT

REFERENDUM FOR THE FLORIDA CITRUS RESEARCH ORDER

Being a citrus grower in Florida

FOR (YES)

AGAINST (NO)

the Florida Citrus Research Order.

I attest that I presently (2009) own _____ acres of citrus in Florida.

Under penalty of law, I attest that the above is correct.

Print Name

Signature

Every person who violates any provision of ss. 573.101-573.124 or any provision of any marketing agreement or order duly issued by the department shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.083.

INSTRUCTIONS

1. Mark the ballot and indicate total number of acres owned (an incomplete ballot will not be counted).
2. Place completed, signed ballot in pre-addressed envelope. Affix proper postage and mail.

**ENVELOPE MUST BE POSTMARKED OR DATE-STAMPED
BY DECEMBER 4, 2009 AND RECEIVED BY DECEMBER 9, 2009.
BALLOTS RECEIVED AFTER DECEMBER 9, 2009 WILL NOT BE OPENED.**

Proposed State Citrus Research Order

FLORIDA CITRUS RESEARCH ORDER PURSUANT TO CHAPTER 573 F.S.

I. AUTHORITY:

This order is to be issued by the Florida Department of Agriculture and Consumer Services (“Department”) pursuant to the Florida Agricultural Commodities Marketing Law, sections 573.101 - 573.124 Florida Statutes.

II. PURPOSES:

This order is designed to provide funding of Florida citrus research and related activities not currently being funded at levels that insure maximum grower profits. This would include, but not be limited to, research, commercialization of research findings, and negotiations of intellectual properties. In construing this order, “citrus fruit” shall be defined as in s. 601.03(7) F.S.

III. ADMINISTRATION:

The Department shall enforce the provisions of this order in a manner so as to effectuate the declared purposes. Such administration shall be upon the recommendation of the Citrus Research and Development Foundation, Inc. (“Foundation”).

IV. ASSESSMENT

A. In order to provide funds to defray the necessary expenses incurred by the Department in the formulation, issuance, administration and enforcement of this order, there is hereby levied an assessment upon each standard packed box of citrus fruit as defined in s. 601.03(33) F.S. or equivalent, grown and placed into the primary channel of trade in the state of Florida. This assessment shall be fixed by the Department upon the recommendation of the Foundation by August 1 of each year, and that rate shall apply for the entire marketing period commencing August 1 and ending July 31 of the following year. In no case shall the assessment rate exceed 3 cents per box. The assessment can be suspended from season to season when the Department, upon recommendation of the Foundation, determines that additional monies are not necessary. The Department shall also reduce the assessment if a Federal citrus research order is implemented, and distributed in Florida through the Foundation. Such reduction will equal the per box Federal research order assessment, up to the total amount levied by the State under this order.

B. The assessment shall be collected at the same time and in the same manner as citrus inspection fees imposed by s. 601.28 F.S. All revenues from such assessment collected by the Department shall be deposited in the Citrus Inspection Trust Fund and accounted for separately.

V. ADMINISTRATIVE RULES:

Upon recommendation of the Foundation, the Department may adopt rules to facilitate the administration and enforcement of this order.

- VI. REFERENDUM; AMENDMENTS AND TERMINATION:
The continuance of this order shall be subject to approval by referendum every six years. Also, this order, its termination, suspension and any amendments thereto shall be subject to the producer referendum and notice requirements of Chapter 573. The “marketing period” shall be deemed to run from year to year, commencing August 1 of each year and ending July 31 of the following year. Upon termination of the order, any funds remaining shall revert to the Department for general use in the area of citrus.
- VII. CERTIFICATES OF EXEMPTION:
No certificates of exemption as provided in s. 573.1201 will be issued to producers or handlers under this order.
- VIII. EFFECTIVE DATE:
If the Department finds this order to have been approved by producer referendum as provided by law; this order shall become effective August 1, 2010.

Sample

5H-2.001 Definition of Producer with Relation to Referendums.

(1) The following definition of “producer” will be applicable to any marketing order referendum under the provisions of the Florida Statutes: “Producer” means an individual, firm, partnership, corporation, association, business, trust, legal representative, or any other business unit who or which:

- (a) Owns and farms land resulting in his or its ownership of the commodity produced thereon;
- (b) Rents or farms land resulting in his or its ownership of all or a portion of the commodity produced thereon; or
- (c) Owns land which he or it does not farm and, as rental for such land obtains the ownership of a portion of the commodity produced thereon.

(2) “Partnership” shall be deemed to include a husband and wife with respect to land, the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by entirety, or, under community property laws, as community property. The term “partnership” shall also be deemed to include individuals, partnerships, or corporations which join together by agreements, informal or otherwise, for the purpose of growing commodities and which, as a unit have authority to transfer title to such commodities at the time they are harvested or subsequent thereto. The term “partnership” shall also include so-called “joint ventures”, wherein one or more parties to the arrangement contributes capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the growing of commodities and the authority to transfer title to the commodity so produced from that business unit to some other parties in the marketing chain.

(3) Each legal entity, whether individual, partnership, “joint venture” or corporation so engaged in the production of commodities for market shall be entitled to only one vote in such referendum. In the case of a partnership or “joint venture,” such vote shall not be accepted in the absence of unanimous agreement of the respective members. In the case of a corporation, such vote shall be cast pursuant to the authorization of its board of directors.

(4) In the case of a person who owns land which he or it does not farm, but as rental for such land obtains the ownership of a portion of the commodity produced thereon, such person shall be regarded as a producer of that portion and entitled to one vote, and the tenant on such land shall be regarded as the producer of the remaining portion produced on such land and also entitled to one vote.

(5) In order to insure that a person is a “producer” eligible to vote, he must have produced a commodity for market in a proprietary capacity within the production area during the representative period prescribed by the Commissioner.

(6) The prevailing principle which shall apply to the determination of “producer” is who or which interest as a unit, whether an individual, partnership, corporation, association, or any other business unit, has the authority to pass title to the commodity grown.

Specific Authority 573.22(2) FS. Law Implemented 573.04(5) FS. History—New 6-29-62, Formerly 5H-2.01.