

By the Committee on Agriculture

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1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 601.15, F.S., which
4 provides an exemption from public records requirements
5 for the trade secret information of noncommodity
6 advertising and promotional program participants held
7 by the Department of Citrus; deleting the scheduled
8 repeal of the exemption; providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
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12 Section 1. Subsection (7) of section 601.15, Florida
13 Statutes, is amended to read:

14 601.15 Advertising campaign; methods of conducting;
15 assessments; emergency reserve fund; citrus research.—

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

22 (a) Four percent of all income of a revenue nature
23 deposited in this fund, including transfers from any subsidiary
24 accounts thereof and any interest income, shall be deposited in
25 the General Revenue Fund pursuant to chapter 215.

26 (b) Moneys in the Florida Citrus Advertising Trust Fund
27 shall be expended for the activities authorized by s. 601.13 and
28 for the cost of those general overhead, research and
29 development, maintenance, salaries, professional fees,

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30 enforcement costs, and other such expenses that are not related
31 to advertising, merchandising, public relations, trade
32 luncheons, publicity, and other associated activities. The cost
33 of general overhead, maintenance, salaries, professional fees,
34 enforcement costs, and other such expenses that are related to
35 advertising, merchandising, public relations, trade luncheons,
36 publicity, and associated activities shall be paid from the
37 balance of the Florida Citrus Advertising Trust Fund.

38 (c) Moneys in the Florida Citrus Advertising Trust Fund
39 shall also be used by the department for defraying those
40 expenses not included in paragraph (b). After payment of such
41 expenses, the money levied and collected under subsection (3)
42 shall be used exclusively for commodity and noncommodity
43 advertising, merchandising, publicity, or sales promotion of
44 citrus products in both fresh form and processed form, including
45 citrus cattle feed and all other products of citrus fruits,
46 produced in the state, in such equitable manner and proration as
47 the department may determine, but funds expended for commodity
48 advertising thereunder shall be expended through an established
49 advertising agency. A proration of moneys between commodity
50 programs and noncommodity programs and among types of citrus
51 products shall be made on or before November 1 of each shipping
52 season and may not thereafter be modified for that shipping
53 season unless the department finds such action necessary to
54 preserve the economic welfare of the citrus industry.

55 (d)1. The pro rata portion of moneys allocated to each type
56 of citrus product in noncommodity programs shall be used by the
57 department to encourage substantial increases in the
58 effectiveness, frequency, and volume of noncommodity

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59 advertising, merchandising, publicity, and sales promotion of
60 such citrus products through rebates and incentive payments to
61 handlers and trade customers for these activities. The
62 department shall adopt rules providing for the use of such
63 moneys. The rules shall establish alternate incentive programs,
64 including at least one incentive program for product sold under
65 advertised brands, one incentive program for product sold under
66 private label brands, and one incentive program for product sold
67 in bulk. For each incentive program, the rules must establish
68 eligibility and performance requirements and must provide
69 appropriate limitations on amounts payable to a handler or trade
70 customer for a particular season. Such limitations may relate to
71 the amount of citrus assessments levied and collected on the
72 citrus product handled by such handler or trade customer during
73 a 12-month representative period.

74 2. The department may require from participants in
75 noncommodity advertising and promotional programs commercial
76 information necessary to determine eligibility for and
77 performance in such programs. Any information required which
78 constitutes a trade secret as defined in s. 812.081 is
79 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
80 of the State Constitution. ~~This subparagraph is subject to the~~
81 ~~Open Government Sunset Review Act in accordance with s. 119.15~~
82 ~~and shall stand repealed on October 2, 2021, unless reviewed and~~
83 ~~saved from repeal through reenactment by the Legislature.~~

84 Section 2. This act shall take effect October 1, 2021.