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PUBLIC MEETING

RE: Florida Peach Marketing Order  
DATE: September 17, 2015  
TIME: 3:27 - 4:29 p.m.  
PLACE: University of Florida/IFAS  
Gulf Coast Research and Education Center  
14625 County Road 672  
Wimauma, Florida

REPORTER: LINDA A. MCGILL, RPR, FPR

1 9-17-2015

2 MS. McALVOY: Please state your name loudly  
3 for the court reporter, because in the past, we've  
4 had these nullified. It's very important.

5 We do not have a microphone to go around for  
6 everybody, so speak loudly.

7 I'm going to turn it over to Chris Denmark.  
8 He's here from FDACS, and he's going to take it  
9 away.

10 MR. DENMARK: Thank you, Cami.

11 And thank you again for allowing me the  
12 opportunity to speak before you.

13 I want to say thank you very much to IFAS and  
14 UF and to Gary England for allowing us to piggyback  
15 on the back of this event. It was kind of a  
16 last-minute thing. We saw the opportunity, and we  
17 seized it.

18 And so basically, more or less what we're  
19 doing is starting over. We -- we've gone through  
20 this before. And more or less, what the last  
21 couple of meetings ended up being was just general  
22 information meetings. So we decided to kind of  
23 drop back, punt, and say we're going to start this  
24 whole thing over again.

25 And what we've done differently is, we have

1 something to shoot at at this point.

2 So Shayla Ivey is my co-worker with the  
3 Department of Agriculture, and she's passing out  
4 the information right now on the marketing order.

5 For those of you who have seen my song and  
6 dance before, you'll see it again. I'm -- I -- we  
7 kind of have one song and dance for this thing.  
8 Sometimes I dance better than others.

9 So I see a few new faces.

10 And so basically, what I'm going to do first  
11 is explain what a marketing order is.

12 And I have another co-worker, Milton Raines,  
13 up here, who actually deals with the end result of  
14 marketing orders. And -- and so he's also here to  
15 assist.

16 So basically, marketing order activities --  
17 going over this again.

18 The marketing order activities that we can do  
19 once we have established a marketing order is  
20 advertising and promotion. We can do research. We  
21 can do quality and grading standards, establishment  
22 of that. We have regulating trade practices and  
23 resolving other issues and needs, insect pressures,  
24 diseases, as they arise.

25 And in order to set forth the marketing order,

1 we have to have a certain sequence of events. As  
2 you can imagine, we're the Department of  
3 Agriculture, so we have our little procedures. And  
4 sometimes they seem kind of petty, and we may not  
5 understand them, but they're there for some reason.  
6 And I'm not sure of all of them, but --

7 So basically, the way that we come about with  
8 a marketing order is, we have come up with a  
9 petition, an application by 10 percent of the  
10 industry. That's already been done. They send  
11 that to the Commissioner of Agriculture. And the  
12 Commissioner says, yes, within the industry, there  
13 is enough interest in a marketing order.

14 Informal meetings, we've had those, several of  
15 them. And what we are at the point of now is a  
16 public hearing.

17 Again, Ms. McGill is here. If you have  
18 comments, if you would, please stand up, state your  
19 name and speak clearly. She has to record all  
20 these. All these have to be reported as a public  
21 hearing.

22 After -- after two public hearings, we'll have  
23 a referendum. And if -- once the referendum goes  
24 out, if it's passed, it goes into effect  
25 immediately. Then we -- an advisory council will

1 be appointed.

2 Now, to be approved, we have to have  
3 65 percent of the voters. The voters are the  
4 growers and the handlers. And 65 percent of them  
5 must approve.

6 Now, on this ballot, you will also have a  
7 blank to fill in for how many acres you have.  
8 51 percent of -- once 65 percent of the voters have  
9 approved, then we go through and we'll check on the  
10 number of acres. So 51 percent of the acreage must  
11 be represented by those who approve.

12 So if we have 100 growers representing  
13 1,000 acres, we have to have 65 yea votes to  
14 approve. And then it goes to the next step, which  
15 will be 510 acres of the approval votes.

16 Yes, sir, Mr. Sizemore?

17 MR. SIZEMORE: John Sizemore.

18 Chris, if -- if there's 500 acres, does that  
19 mean there's 1,000 votes because of the handler and  
20 the grower?

21 MR. DENMARK: No. The handlers, they only get  
22 one vote. A handler gets one vote. So he doesn't  
23 get to vote necessarily on his acreage on that.

24 And -- yes, sir?

25 MR. ZNENGFEI GUAN: Znengfei Guan.

1 MR. DENMARK: I'm sorry. Say what?

2 MR. ZNENGFEI GUAN: 65 percent --

3 MR. DENMARK: Can you say your name again?

4 MR. ZNENGFEI GUAN: Znengfei Guan.

5 MR. DENMARK: Znengfei Guan.

6 65 percent of the voters, of the 10 percent of  
7 the industry who are -- in the earlier slide, you  
8 said, must be filed by 10 percent of the industry;  
9 right?

10 MR. DENMARK: Yeah, the 10 percent of the  
11 industry --

12 MR. ZNENGFEI GUAN: Of the industry.

13 MR. DENMARK: Of the industry petitioned.

14 MR. ZNENGFEI GUAN: Yeah. So this 65 percent,  
15 is, you know, is that 10 percent petitioners or is  
16 it the whole industry?

17 MR. DENMARK: No. That is -- the 65 percent  
18 is of the growers that we know of, that we have had  
19 communications with, that we can communicate with.

20 So we don't know all of the growers. It's  
21 very -- it's imperative that all of the growers who  
22 wish to take part in this be able to communicate  
23 with us either through e-mail -- and we've got also  
24 -- there is a sign-up sheet that we will pass  
25 around to make sure everybody gets on that list.

1           But there is no official roll of -- of peach  
2 growers in the state. You don't have to register  
3 to be a peach grower.

4           MR. ZNENGFEEI GUAN: It includes petitioners  
5 and non-petitioners?

6           MR. DENMARK: Yes.

7           MR. ZNENGFEEI GUAN: Okay.

8           MR. DENMARK: So, again, it's very -- it's  
9 imperative that, you know, if you've got growers  
10 out there who are not attending these meetings who  
11 may not know about this -- this referendum, you  
12 know, speak with them, let them know. Let us know  
13 so that we can get them a ballot, because that's  
14 going to be one of the steps down the road here.

15           So once a marketing order is -- is passed, if  
16 the referendum is passed, an advisory council is  
17 going to be set up. The advisory council is going  
18 to be seven members and seven alternates. It is  
19 supposed to represent the entire industry. So it's  
20 not just going to be large growers. It's not just  
21 going to be small growers.

22           Commissioner Putnam has said that he's -- he's  
23 very adamant about having the smaller growers  
24 represented in the advisory council as well. So  
25 everybody has got an equal chance to be on this

1 advisory council. And the advisory council is made  
2 up of people who are -- what's the word I'm looking  
3 for?

4 You've got it, Milton. Come on.

5 You nominate. Nominations come from the  
6 growers.

7 MR. RAINES: Producers. Producers.

8 MR. DENMARK: Producers.

9 And then we're going to -- FDACS will  
10 administer it according to the guidelines set  
11 within the marketing order. The marketing order is  
12 set by you guys, the producers.

13 It's 100 percent funded by the industry as an  
14 assessment. And that is to be determined by the  
15 advisory council and approved by the Commissioner.

16 That's all I've got. So basically, that's  
17 more -- that's an overview of what the marketing  
18 order is.

19 Shayla has handed out to everybody a packet.  
20 There's two different pages on here. More or less,  
21 the rules of marketing orders, which we've gone --  
22 you know, several of you have been in the meetings  
23 with those before.

24 This being a hearing, if you have questions  
25 about how the marketing order is set up or the

1 operation of the marketing order, at any time, just  
2 let me know on that.

3 So -- so, again, that's statutes. There's an  
4 overview in there, and statutes on the back side on  
5 that.

6 The single page, front and back, is basically  
7 what has been presented to the department as a  
8 preliminary draw-up of the marketing order. And so  
9 we have -- I'm probably going to have to more or  
10 less read this out to you on this.

11 It's -- the first part is definitions.

12 Production area, that part of the -- Florida  
13 south and east of the Suwannee River.

14 So anything that is north and west of the  
15 Suwannee River does not apply to this marketing  
16 order.

17 Florida peach, it just gives the definitions  
18 of the different varieties that are propagated on  
19 the root stocks here.

20 Handler, a handler is synonymous with a  
21 shipper. It means any person who handles Florida  
22 peaches or causes Florida peaches to be handled.

23 Ship means to package, load, sell, transport,  
24 or in any other way place Florida peaches or cause  
25 Florida peaches to be placed in the production area

1 or between the production area and any point  
2 outside thereof.

3 Producer, you know what that is.

4 Producer-handler is a producer who also  
5 handles Florida peaches.

6 And when we mention council, it's going to be  
7 the Florida Peach Advisory Council, FPAC.

8 The -- so basically, going down to purpose,  
9 that's where we need to set the language for the  
10 marketing order. And that's what comes from you,  
11 the producers.

12 So this wasn't what I set up. The Department  
13 of Agriculture did not set this up, because we  
14 needed it to be set forth by producers. So at one  
15 point, we had a meeting with several producers,  
16 talked some things over, kind of said what we  
17 needed from a marketing order.

18 And after that, I think it was in -- that was  
19 in July. And sometime in August, we were presented  
20 with a -- this language for a marketing order.

21 I'm going to read this out: The purpose, the  
22 primary purpose of the Florida peach marketing  
23 order is to promote the Florida peach to targeted  
24 areas outside the State of Florida in order to  
25 increase recognition of the product and grow demand

1 for the Florida peach fresh fruit market.

2 A Florida Peach Advisory Council will be  
3 created in accordance with Florida Statute 573.112  
4 to oversee and carry out the provisions of the  
5 marketing order.

6 573.112, that's basically what most of this is  
7 about, right here.

8 The Florida Peach Advisory Council, FPAC. The  
9 FPAC may establish or provide for the establishment  
10 of production, research, marketing research and  
11 development, and marketing promotion projects,  
12 including paid advertising designed to assist,  
13 improve, or promote the marketing distribution or  
14 consumption of Florida peaches.

15 B, in recommending projects, the FAPC shall --  
16 the FPAC shall give consideration to the following:

17 1, the expected supply of Florida peaches in  
18 relation to market requirements.

19 2, the supply of competing commodities.

20 3, the anticipated benefits in such projects  
21 in relation to their costs.

22 4, the need for marketing research with  
23 respect to any other marketing development  
24 activity.

25 And, 5, other relevant factors.

1           C, all promotion activity engaged in FPA -- by  
2           the FPAC shall be for the benefit of all producers  
3           and shall not refer to any private brand, private  
4           trademark, or private trade name.

5           D, the FPAC may develop a trademark or logo  
6           for use by all producers who have not exempted  
7           themselves from the scope of the marketing order.

8           Duties, the FPAC shall have, among others, the  
9           following duties:

10          Select a chairman and other -- such other  
11          officers as may be necessary.

12          B, adopt such rules and regulations for the  
13          conduct of its business as it deems necessary.

14          C, administer and make rules and regulations  
15          to effectuate the terms and provisions of the  
16          market order.

17          D, act as an intermediary between FDACS and  
18          any producer or handler, including investigating  
19          and reporting violations or complaints of  
20          provisions of the marketing order.

21          E, report and protect the handling of council  
22          funds.

23          F, keep minutes, books, and records which all  
24          reflect -- which all reflect all of the acts and  
25          transitions -- and transactions of the council, and

1 make such record available to FDACS upon request.

2 G, appoint a trustee or treasurer for the  
3 recording and protection of funds.

4 H, prepare budgets and/or estimates of income  
5 and expenditures for the administration of the  
6 council and its sponsored projects.

7 I, initiate projects in keeping with the  
8 purpose of the market order.

9 J, other duties as needed.

10 Assessments, the funds to cover the council's  
11 expenses shall be acquired by the levying of  
12 assessments upon handlers at the rates established  
13 by FDACS. The council shall request an initial  
14 levy to be assessed at the rate of 2 cents per  
15 pound.

16 Exemptions, the council will recommend  
17 procedures to FDACS under which the certificates of  
18 exemption may be issued to producers or handlers.

19 Due to the local nature of you-pick or  
20 harvest-your-own farming operations, which cater  
21 exclusively to their local market, the council may  
22 exempt such operations from the market order  
23 assessment.

24 Entities that -- A, entities that participate  
25 in you-pick markets and also engage handlers may be

1           assessed the going rate for participation in the  
2           marketing order.

3           B, certificates of exemptions are valid for  
4           one year and must be reapplied for annually no  
5           later than February 1st.

6           So basically, that is the language that has  
7           been brought forth to the department and for  
8           discussion at these hearings. It's -- I realize  
9           it's the first time most everybody is seeing this.  
10          But the reason for this -- these hearings is to be  
11          able to publicly challenge or publicly to promote  
12          different aspects of this.

13          Not everything in this marketing order, the  
14          way this language reads, will be in that marketing  
15          order. We have to scrub it. Our attorneys are  
16          going to be there to go over some things.

17          There were some issues -- some things that I  
18          did take out prior to this hearing today, that deal  
19          strictly with items that the department has  
20          complete control over. That's certain things with  
21          the council and how it's set up with seven members  
22          and seven alternates.

23          So essentially, what we -- what we have is a  
24          target, something we can shoot at, something we can  
25          look at and discuss at this point. This is

1 something that was missing in earlier meetings that  
2 we had.

3 So at this point, Milton, do you have some --  
4 some notes that you made?

5 MR. RAINES: Milton Raines, Florida Department  
6 of Agriculture.

7 No, I think you've pretty much covered  
8 everything that we had talked about and the notes I  
9 had.

10 One thing I did want to mention to  
11 Mr. Sizemore's question about the handlers. There  
12 is a handler component to the referendum. There's  
13 two requirements there.

14 One is that the handlers have to represent  
15 51 percent of what's handled. It doesn't say  
16 65 percent of the handlers. It says handlers that  
17 represent at least 51 percent of what's sold.  
18 Okay?

19 The second component is about the -- what we  
20 had in the slide, about the producers. It has to  
21 be at least 65 percent of the number of producers,  
22 and that they represent at least 51 percent of the  
23 acreage.

24 So technically, I guess a handler could maybe  
25 vote twice. He could vote as a handler for that

1           portion, and then if they owned acreage, also, they  
2           could vote as a producer, because it's two separate  
3           requirements.

4                     But, yeah -- I think -- I didn't know if your  
5           question got answered when you --

6           MR. SIZEMORE: Right. That cleared it up.

7           MR. RAINES: Is that what you were looking  
8           for?

9                     Okay?

10           MR. DENMARK: I'm pretty good at giving bad  
11           answers, so thank you, Milton.

12                     Shayla, do you have any --

13           MS. IVEY: Not unless -- Shayla Ivey.

14                     Not unless someone has certain questions in  
15           regards to the actual components of what needs to  
16           be in the marketing order. And I can kind of go  
17           over some of that, if you want me to.

18           MR. DENMARK: Sure.

19           MS. IVEY: Okay.

20           MR. DENMARK: And this is Shayla Ivey. And  
21           she's my co-worker. And she handles the marketing  
22           order once they get to the department. And I'm  
23           glad to push them off on her desk, so.

24                     MS. IVEY: Again, my name is Shayla Ivey, and  
25           I am actually the contract manager.

1           Once the marketing order goes into the full  
2 process and is fully executed, I'm the contract  
3 manager that goes over the marketing order and  
4 reviews it and makes sure that it has all the  
5 components that you want in it.

6           For example I have marketing orders such as  
7 tobacco, peanuts, and citrus. In those marketing  
8 orders, they -- for the citrus, they deal with  
9 basically research. So in the marketing order,  
10 they list as their duties and the purpose, the  
11 funds that the department will be given is strictly  
12 for research, whether it be disease control, that  
13 type of things.

14           Also, you have another marketing order where  
15 it might be if you're trying to promote your  
16 product, you might have to where, some areas only  
17 know about, you know, your size peach or whatever  
18 the issue is. You can use those funds to actually  
19 get your peach size or whatever the issue is, you  
20 can get that out there.

21           So going into the actual meat of the marketing  
22 order and trying to get the details out, you want  
23 to make sure that whatever you're putting the  
24 details in the marketing order, it is basically for  
25 what you want to promote for your actual commodity.

1 So if you don't want to do research and you want to  
2 do it for more promotion and stuff like that, then  
3 you need to have that language in the marketing  
4 order.

5 Once that is into place and we fully execute  
6 the marketing order, that's when I will go through  
7 and make sure that what's in the marketing order is  
8 what is going on throughout that fiscal year that  
9 we have your marketing order in position.

10 As far as making sure that the money is spent  
11 correctly, if -- with research, you have certain  
12 reports that has to be in. And it's just proof and  
13 making sure that everything throughout the year is  
14 going through consistent handling and supervision,  
15 so that when it comes to the end of the fiscal  
16 year, if you're not, you know, invoicing or if  
17 you're -- if you're not invoicing throughout the  
18 fiscal year, then we can catch those areas and  
19 correct them before you're invoiced.

20 Or if it's something that, at the end of the  
21 fiscal year, you're invoicing out or sending in a  
22 report, we can catch those errors, so that at the  
23 end of the fiscal year, we can just close you out.

24 And then if it is something that -- we'll have  
25 another marketing order. We can just go ahead and

1 make that process a little quicker than having to  
2 hold up anything.

3 Does anyone have any questions?

4 Yes?

5 MR. ZNENGFEI GUAN: I have two questions.

6 One is about the 51-65. The gentleman just  
7 said 51 refers to the handlers, right, in terms of  
8 volume or acreage. It's the same thing?

9 MS. IVEY: That was when Mr. Melvin was  
10 answering the question? I believe so. I think he  
11 was referring to your question.

12 MR. ZNENGFEI GUAN: Does the 51 percent refer  
13 to volume for the market or the acreage of the  
14 industry?

15 MR. RAINES: 573.101, under the referendum,  
16 says that no marketing order -- blah, blah, blah,  
17 blah -- by the handlers covered by the marketing  
18 order who, during a represented period determined  
19 by the department -- and they'll determine the  
20 period that's going to be covered, this referendum  
21 -- handle no less than 51 percent of the volume.

22 So it's talking about handlers who handle at  
23 least 51 percent of the volume. It's not an  
24 acreage -- there's not acreage on that.

25 MR. ZNENGFEI GUAN: Okay.

1 MR. RAINES: Okay?

2 And then that stands alone. That has -- that  
3 has to meet that requirement in order for the  
4 marketing order to go in.

5 The second requirement is the part about at  
6 least 65 percent of the growers by number who  
7 represent at least 51 percent of the acreage.

8 MR. ZNENGFEI GUAN: Okay.

9 MR. RAINES: So one is on volume, one is on  
10 acreage.

11 MR. ZNENGFEI GUAN: Yeah, I know that. Both  
12 have to be satisfied.

13 But once the rules are passed and the  
14 marketing order becomes final, it will be binding  
15 to the whole industry, whether you participate in  
16 the procedure or you didn't agree with that. So  
17 everybody in the industry has to follow the rules.

18 MR. RAINES: Only those in the industry in the  
19 regulated area, which is east of the Suwannee --  
20 east of the Suwannee and south of the state line.

21 MR. ZNENGFEI GUAN: Okay. So within that  
22 area, whatever it's defined in the marketing order,  
23 is that the area the whole industry has to follow  
24 that rule?

25 MR. RAINES: That's right.

1 MR. ZNENGFEI GUAN: Whether they agree or not  
2 agree?

3 MR. RAINES: That's right.

4 MR. ZNENGFEI GUAN: Participating or not  
5 participating?

6 MR. RAINES: Except the ones that are going to  
7 be exempt. There are provisions for exemptions --

8 MR. ZNENGFEI GUAN: Okay. Thank you.

9 MR. RAINES: -- that are within the order.  
10 But, yes, even those that are exempt have to comply  
11 with the requirements of the marketing order. It's  
12 just that they need to be exempt from certain  
13 provisions of the marketing order. Like the  
14 you-pick. You mentioned the you-pick industry.  
15 And that would be up to the council. But, yes,  
16 there could be exceptions or exemptions.

17 In other -- other commodities, you may find,  
18 like roadside stands or somebody that's selling  
19 directly from the farm to the retail producer --  
20 retail consumer or someone that's allowing  
21 you-picks, it might not be covered or assessed  
22 under a marketing order for stuff that's basically  
23 being shipped out of state.

24 MR. ZNENGFEI GUAN: Sometimes some growers  
25 never heard of the procedure and suddenly, the

1 government comes, hey, you have to pay 2 cents per  
2 pound. So that's --

3 MR. RAINES: Well, now, wait a minute. Let's  
4 back up a second.

5 This is not the government telling the  
6 industry what to do. This is an industry saying,  
7 hey, look, we would like to get together and  
8 promote our industry. And in order to do that,  
9 we're going to have -- we're going to pay this  
10 2-cent assessment, I think, is what's been  
11 described.

12 This is not a tax by the government. And I  
13 think this -- and you can address this a lot better  
14 than I can, but this money also goes in a separate  
15 trust fund that's exempt from -- from -- you know,  
16 every now and then, you see where the legislature  
17 wants to take a flat percent out of all the trust  
18 funds. I think you can address that. But these  
19 are exempt from those -- that money being taken  
20 away and used for something else, also.

21 MS. IVEY: Yes. And to add to what he said,  
22 that is actually in -- in part of the marketing  
23 order. It shows what the actual marketing order  
24 the funds are coming from. So if it's the trust  
25 fund, if it's -- in the marketing order, it

1 actually shows the actual line item and all of  
2 that.

3 So when they put the two together and then  
4 they're doing the invoicing throughout the fiscal  
5 year, it shows this money for this marketing order  
6 can come out of the trust fund or can only come out  
7 of X fund. So it's not that you're having money  
8 spent in all these different areas. It's just out  
9 of one place, and it shows.

10 It's kind of like having your own banking  
11 account. If you have this account and it's only  
12 for this certain item, it's coming out of this. As  
13 well as when he was talking about the exemptions,  
14 that can be added in your marketing order as far as  
15 who applies, who doesn't apply. Because you or  
16 whoever, the council -- they're agreeing on what's  
17 in the marketing order.

18 So that's why it's pertinent to make sure that  
19 you have at least individuals that can be, I guess,  
20 on a full spectrum of the full industry, so it's  
21 not one-sided and it's only a couple of views  
22 that's being put in. You want to make sure that  
23 the whole industry is being represented, so when  
24 you have, you know, certain issues or someone else  
25 has certain issues, they can all be addressed at

1           that one meeting or at that one council meeting.  
2           And then the marketing order is across the board  
3           for everyone.

4           MR. RAINES: The council decides how to spend  
5           the money.

6           MS. IVEY: Right.

7           MR. RAINES: Not -- the Florida Department of  
8           Ag is not going to come in and say, hey, you have  
9           to spend this money right here.

10          MS. IVEY: Right.

11          MR. RAINES: That's what your council decides.

12          MR. DENMARK: Yes?

13          MS. TIGHE: Sonia Tighe, with the Florida  
14          Fruit and Vegetable Association.

15          Milton, on that -- the 51 percent of the  
16          volume for the handler requirement --

17          MR. RAINES: Right.

18          MS. TIGHE: -- how is total volume determined?  
19          Are y'all tracking that?

20          MR. RAINES: The volume? I don't --

21          MR. DENMARK: The total volume comes from the  
22          handlers that -- you're talking about what the  
23          handlers put through?

24          MS. TIGHE: I guess a different way to ask it  
25          is: How do you know when you've reached

1 51 percent? How do you know what 100 percent of  
2 the volume was, to know that you've reached the  
3 51 percent?

4 MR. RAINES: I think this is all going to be  
5 based on the ones that's registered to vote, isn't  
6 it? Just like the acreage is.

7 MR. DENMARK: Oh, yes. On that.

8 MR. RAINES: If we -- if you miss some  
9 people --

10 MR. DENMARK: If we don't have a ballot from  
11 you, we don't know you exist.

12 MR. RAINES: Yeah.

13 MS. TIGHE: So the handlers will self-report?

14 MR. RAINES: We have to self-report.

15 MS. TIGHE: And then you add that up and --

16 MR. RAINES: Just like the producers would  
17 have to report --

18 MS. TIGHE: Okay.

19 MR. RAINES: -- how many acres that they're  
20 voting in the referendum.

21 Now, the only thing is, like I said about the  
22 handlers, it doesn't say it has to be a certain  
23 number of handlers.

24 MS. TIGHE: Right.

25 MR. RAINES: So actually -- I don't know

1           whether you do or not, but you could have one  
2           handler that represented 51 percent. And that --  
3           because it doesn't say it has to be so many -- a  
4           certain percent of the handlers. That only comes  
5           in on the second part about the producers.

6           MR. CHEN: Just as a curiosity -- just  
7           curious. So people that --

8           MS. IVEY: He has to say his name.

9           MR. DENMARK: Stand up. Let --

10          MR. CHEN: -- that do not obey, they are fined  
11          or --

12          MS. IVEY: Please state your name.

13          MR. CHEN: Oh, I'm sorry. My name is  
14          (indiscernible) Chen, Florida.

15          I'm just curious. There are fines or  
16          punishment? How do you -- how do you enforce it if  
17          they don't report that they're working in that?

18          MR. RAINES: Okay. Your question is, how do  
19          you enforce this marketing order?

20          MR. CHEN: Yes.

21          MR. RAINES: Well, and I've been in a couple  
22          of meetings, and as some of you know, I work with  
23          the fruit and vegetable inspection, Division of  
24          Fruit and Vegetables. And I used to work in  
25          inspection programs for years.

1           And there are several federal marketing orders  
2           in the State of Florida which are federally  
3           regulated. And they're very similar to what we're  
4           talking about here. The marketing order determines  
5           what they want to regulate.

6           Tomato's even regulates containers, things  
7           like that. On the avocado order, they regulate  
8           maturity. The citrus marketing order represents --  
9           regulates size and grade. And they do that from  
10          the USDA, the Secretary of Agriculture, rather than  
11          from the Florida Department of Agriculture.

12          But even with those, usually -- hopefully,  
13          you've got all honest players. If you don't,  
14          usually somebody is going to tell you about it or  
15          you're going to find out when consumers start  
16          calling in and saying, hey, I'm buying stuff from a  
17          certain place, and it's not meeting the  
18          requirement. And all of a sudden, we may know  
19          about a place we didn't know about before.

20          Typically, on these marketing orders, we don't  
21          have people out just beating the bushes, trying to  
22          find all of it. We don't have the manpower to do  
23          that.

24          But the ones that are not in compliance with  
25          the marketing order that should be, there is -- the

1 Department of Agriculture does have enforcement  
2 authority. And, you know, normally, they would be  
3 notified of what they need to do to come in  
4 compliance if, indeed, they need to be in  
5 compliance. And if they choose not to do that,  
6 then that becomes a legal issue.

7 And you can probably address that better than  
8 I can about the legal issues as far as violations  
9 of the marketing order.

10 MS. IVEY: And that is something, also, that  
11 the council can vote on. And as far as putting  
12 inside the marketing order, penalties, that would  
13 -- all of that will reside in what the council  
14 decides on.

15 MR. CHEN: But that's like just a fine?  
16 That's just a warning?

17 MR. RAINES: No, this is a state, a state  
18 marketing order, so it wouldn't be a federal  
19 offense. But you could be in violation of state  
20 laws. If there were a marketing order in effect,  
21 you could be in violation of state law. And I  
22 think that's in the statute, isn't it?

23 Isn't it in the statute, also?

24 MR. DENMARK: Yes.

25 MR. CHEN: Thank you.

1 MR. DENMARK: Sonia?

2 MR. RAINES: Excuse me.

3 573.124, if you've got -- 573.124 in the  
4 statutes, there's a whole section on penalties,  
5 violations, and hearings. Okay?

6 MS. TIGHE: But, Milton, if I could just  
7 clarify.

8 Didn't you say -- or hasn't it been agreed to  
9 that the assessments are collected by the first  
10 handler? So if you're only collecting from  
11 handlers, you've got a much, much smaller universe  
12 than if you were trying to chase every grower in  
13 the state.

14 MR. RAINES: That's true.

15 MS. TIGHE: Okay.

16 MR. RAINES: The other side of that, though --  
17 and we had talked about this earlier, Chris and I  
18 had. It's just like with citrus. You may have  
19 handlers who are doing you-pick, and handling is  
20 just a part of the -- part of their business where  
21 they're selling to a retail store or one or two  
22 local outlets that are retail. So not every  
23 handler may have a big packinghouse or being highly  
24 visible.

25 And you could have a situation where like a --

1 and this has the possibility of exempting  
2 you-picks. Let's assume that the you-picks were  
3 exempted. Well, if you're a you-pick operation and  
4 you're also picking and selling to a mom-and-pop  
5 store down the street or somebody that's  
6 distributing to fruit stands, then you're a  
7 handler.

8 And I know that's kind of a technical thing,  
9 but you could have somebody in a situation of being  
10 a portion of their business exempt and a portion of  
11 it coming under the definition of handler.

12 MS. TIGHE: I see.

13 MR. RAINES: And those things -- those are the  
14 types of issues that your council is going to have  
15 to deal with.

16 Thanks for the question. That's a good  
17 question.

18 MS. HENRY: Marie Beth Henry.

19 I wondered why, like, the Panhandle is  
20 excluded from this.

21 MR. DENMARK: Basically on that, it's a  
22 different season. They fall more into the Georgia  
23 peach season. And so at this time, to my  
24 knowledge, the seasonality is completely different  
25 from the rest of the State of Florida, more or

1 less.

2 MR. RAINES: Phil may want to answer that, as  
3 far as varieties.

4 Is that part of the issue, too, Phil?

5 MR. RUCKS: Yeah. The Panhandle goes into --

6 MR. RAINES: Thank you.

7 MR. RUCKS: Phil Rucks.

8 The Panhandle goes into May and June. That's  
9 when the Georgia season comes in. So we had to  
10 differentiate.

11 The whole purpose of this was to -- really not  
12 for size standards, which it could be later, but  
13 just to promote Florida peaches outside the State  
14 of Florida and get the name recognition. That's  
15 what we have struggled with for the last couple of  
16 years.

17 So -- and the Panhandle guys, they're -- they  
18 coincide with Georgia and Alabama and South  
19 Carolina. So, you know, it's really a whole  
20 different market for them, and timing.

21 So we're mainly addressing the growers that's  
22 -- you know, that comes in in March, April, and  
23 part of May. So it's a small window of  
24 opportunity. You know, we're the only ones that  
25 have peaches that time of year around the whole

1 world, because Chile peaches go out usually about  
2 the end of February, the first of March.

3 So that's why we did that, to address that.  
4 So -- not that there's anything against them.  
5 They're just in a whole different market and time  
6 period.

7 MR. RAINES: Different varieties, different  
8 marketing period.

9 MR. RUCKS: Right.

10 MS. HENRY: So they are cool with that or --

11 MR. RUCKS: Well, there really hasn't been any  
12 response from them. We've reached out to them. I  
13 sell trees up there. And they're -- they're mainly  
14 all tied in together with the -- with the Georgia  
15 market. They -- and they have a narrow window,  
16 too. Some of them come in a couple weeks earlier  
17 than Georgia. But it's really all about the same.  
18 So it's not like they come in in March. Usually  
19 they're in the May-June, period.

20 MS. HENRY: So would that mean that any, like,  
21 promotional benefits, that they'll focus on local?  
22 They would not be able to take advantage of those?

23 MR. RUCKS: The ones in the Panhandle?

24 MS. HENRY: Yeah.

25 MR. RUCKS: Well, we've got the Fresh From

1 Florida campaign that's going to help promote, as  
2 well, with this marketing order. It just adds more  
3 money, you know, to the pot to promote outside the  
4 state, you know, like in the northern states and so  
5 on. Really, that's what the -- they -- when we get  
6 a board elected, they'll make those decisions on  
7 how far or what states they'll promote it in to  
8 make it successful.

9 So that's the whole -- that's -- right now,  
10 that's where the growers have positioned to make up  
11 their own rules what they abide by. You know, all  
12 the state does is, they're the ones that write the  
13 language and they enforce it, you know.

14 So -- but enforcing and promotion is not  
15 really going to happen. They're going -- they're  
16 going to promote it. They're not really enforcing.  
17 They're going to promote the tax collection, but  
18 that's about it.

19 MS. HENRY: Do they contribute to funds for an  
20 assessment, like, for funds to -- for research --

21 MR. RUCKS: Yes.

22 MS. HENRY: -- for the University of Georgia?

23 MR. RUCKS: No, not in Georgia. Only in  
24 Florida. This is just for Florida.

25 MS. HENRY: Okay.

1 MR. RUCKS: And that's --

2 MS. HENRY: So they would not be contributing  
3 then to the fund to do the research that would  
4 also --

5 MR. RAINES: Who are they? You're talking  
6 about the growers in the Panhandle?

7 MS. HENRY: Yeah. I'm just -- it's kind of --

8 MR. RUCKS: No, at this time, they wouldn't  
9 be. They're not going to be taxed. They're not  
10 even going to be in the program.

11 MR. DENMARK: There's a good chance they'll  
12 receive more benefit -- a slight benefit -- from  
13 this marketing order, just based on the fact that  
14 the other Florida producers will be paying into it.  
15 It certainly won't hurt them. I don't know. If  
16 they wanted to pay an assessment, I'm sure nobody  
17 would argue with that.

18 MR. RUCKS: It could evolve into that. New  
19 varieties come out all the time. And they might  
20 have varieties that come out earlier. So then they  
21 would reach out to the department and say, hey, we  
22 want to be on the boat, too. So they would have  
23 that opportunity.

24 So we're not discriminating against them.  
25 There's just not enough volume and interest up

1           there right now. And, you know, we can't drag  
2           these meetings out for two or three years.

3           MS. HENRY: So the reason to not include them  
4           is they would vote against it or --

5           MR. RUCKS: No. There's just no -- there's  
6           not any participation up there right now of any  
7           significance.

8           MR. RAINES: The discussions we've had in  
9           other meetings was that the Florida peaches -- one  
10          is a tree-ripe peach, the one we're talking about  
11          now, and it tends to be smaller.

12          MR. RUCKS: Right.

13          MR. RAINES: And what you've got in the  
14          Panhandle seems to be more like a Georgia peach of  
15          the same size and varieties as Georgia. And it  
16          comes off the same time as the Georgia peach.

17          The ones we're talking about in this part of  
18          the state are a smaller peach. They're a  
19          tree-ripened peach, and they come off earlier in  
20          the year.

21          MR. RUCKS: Right.

22          MR. RAINES: So your marketing is going to be  
23          targeted at a different time of year.

24          Now, like I say, if people buy these early in  
25          the year, they may see a Florida peach later on

1 coming from the Panhandle, and buy it because it's  
2 a Florida peach if they recognize the name and like  
3 it. But it's a different variety.

4 And when the -- the discussion at some of the  
5 earlier meetings when we were gathering  
6 information, was that they had a lot more in common  
7 with what was going on in Georgia than they had in  
8 common with what was going on in Central Florida.

9 MR. RUCKS: Well, another example is like the  
10 chilling hours for our tree-ripe peaches down here  
11 are generally about 100 to 250 hours. Now, you  
12 know, up in Gainesville, it might go to 300. But  
13 you go to the Panhandle, it's 4 to 5 hundred  
14 chilling hours.

15 So their peach is completely different. It's  
16 a larger peach. It's not tree-ripened, generally.  
17 And that can change as new varieties come out.

18 So that's why I said you've got to draw a line  
19 somewhere. So that's kind of where it's at. Does  
20 that make sense or --

21 MS. HENRY: I just think it's a little  
22 awkward. I understand it's different growing  
23 conditions and --

24 MR. RUCKS: Right. It's a whole different  
25 growing region, we call it.

1 MS. HENRY: Right.

2 MR. DENMARK: Milton, can you explain about  
3 the tomatoes and the Suwannee?

4 MR. RAINES: Oh, yeah. We have a federal  
5 marketing order on tomatoes in Florida. And that  
6 marketing order regulates everything east of the  
7 Suwannee, south of the state line. So tomatoes  
8 that are west of the Suwannee aren't regulated at  
9 all.

10 But within the area that's regulated, they've  
11 got a production area -- they've got a total  
12 regulated area, and a production area that's  
13 smaller. It basically runs from the Plant City  
14 area, south.

15 So if you raise tomatoes in Ocala, you're not  
16 regulated by the federal marketing order. If you  
17 raise tomatoes here, you're regulated by the  
18 federal marketing order when it's in effect. Now,  
19 it goes out in the summer. It's only effective for  
20 certain months out of the year.

21 But every marketing order is set up a little  
22 differently. Citrus regulates everything east of  
23 the Suwannee, whereas -- so if you raise -- if you  
24 were to have grapefruit in Ocala and you were  
25 trying to ship out of state, you would have to have

1           them inspected in the federal marketing order  
2           requirement. Tomatoes wouldn't have to do that.

3           And that's what we tried to talk about all  
4           along. These marketing orders are customized to  
5           meet the industry needs. That's why they're all a  
6           little different. Everybody has got a little bit  
7           different concerns.

8           And the peach people in this area have got  
9           something that's relatively new. It's not like  
10          what's going on in West Florida. And they really  
11          don't have a lot in common at this point. And I'm  
12          sure they would be welcome to bring production in  
13          from there, you know, and have a bigger group, but  
14          for right now, most of this is going to be, what,  
15          Gainesville, south?

16          MR. RUCKS: Right.

17          MR. RAINES: There's -- but the Suwannee River  
18          makes a good cutoff point. Plus, we've got road  
19          guard stations along the Suwannee and at the state  
20          line. So it's an easier area to regulate as far as  
21          somebody trying to slip something out of state.

22          Yes, sir.

23          MR. ZNENGFEI GUAN: Can a marketing order  
24          regulate a floor price, invite vicious competition  
25          and undercut each other?

1 MR. DENMARK: I don't think --

2 MR. RAINES: As far as price regulating?

3 MR. DENMARK: I don't think they're doing that  
4 -- I don't think the Florida marketing order has  
5 any provision for price control.

6 MR. ZNENGFEI GUAN: No? What about supply?  
7 What about the total supply? Because sometimes,  
8 some marketing orders may say, you know, you can  
9 only supply this amount at a certain time frame?

10 MR. RAINES: Some of the federal marketing  
11 orders do have restrictions on certain sizes as a  
12 percent of what you ship, but that -- I'm not aware  
13 of anything in Florida that's set up that way.  
14 That may be a little different in Florida.

15 I know some of the federal ones do have some  
16 restrictions on sizes. Citrus, on percent of sizes  
17 at times that the committees may recommend, that  
18 would affect marketing. But I don't know of  
19 anything in the state statute that allows for any  
20 kind of marketing --

21 MR. DENMARK: Price control.

22 MR. RAINES: -- price control or anything like  
23 that, that I'm aware of, unless y'all know  
24 something.

25 MR. DENMARK: No, I think we would shy away

1 from that greatly.

2 MR. ZNENGFEEI GUAN: A similar way would be to  
3 control market supply. Say at a certain time, you  
4 can only supply 1,000 boxes, or the rest of the  
5 production should be destroyed.

6 MR. RAINES: I don't think that would be a  
7 real popular position to take. Now, the only thing  
8 -- the closest thing that would be in there to what  
9 you're talking about would be a minimum size or a  
10 maximum size.

11 And on the peaches we're talking about, the  
12 maximum is not the problem, it's the minimum. So,  
13 you know, at some point, they could say, hey, look,  
14 we don't want anything shipped out of the state  
15 that's smaller than a certain size.

16 But there again, right now, that's not part of  
17 the recommendation for the marketing order. It's  
18 for promotional and marketing. It's not for  
19 control of size and grade. That would have to be  
20 added into the marketing order authority in order  
21 to do that.

22 MR. ZNENGFEEI GUAN: I'm not talking about  
23 size. I'm talking about marketing supply volume.

24 MR. RAINES: Well, when you start taking out  
25 certain sizes, in a way, you're controlling part of

1 the volume.

2 MR. ZNENGFEEI GUAN: Okay.

3 MR. RAINES: And as far as I know, that would  
4 be about as far as you could go. If you did have a  
5 grade and size requirement in your marketing order,  
6 you set a minimum size. But as far as the pure  
7 volume, I don't know that anybody will talk about  
8 that. I mean --

9 MR. DENMARK: No.

10 MR. RAINES: -- no provisions that we're aware  
11 of.

12 MR. ZNENGFEEI GUAN: Sometimes an industry will  
13 have an overproduction, oversupply problem that can  
14 cause a marketing price crash.

15 MR. RAINES: Now, keep in mind, too, this  
16 marketing order is not monitoring price or trying  
17 to control price. There's nothing in there, and I  
18 don't know of anything in the statute --

19 Now, y'all correct me, because this is your  
20 area.

21 -- but I didn't see anything in the statute  
22 that said anything about having any marketing  
23 advantage or creating any marketing advantage other  
24 than promoting a product and hoping people will  
25 want it.

1           MR. DENMARK: Yeah. The marketing orders are  
2           basically about promotion or research, not  
3           necessarily any type of price control or production  
4           control. I don't know that the state would even  
5           venture into that.

6           MR. RAINES: I think the closest they would  
7           probably come into that, there are provisions for  
8           quality. Now, if it got to where there was so much  
9           volume going out and the industry said, hey, a lot  
10          of people are shipping a low quality product and  
11          that's causing the price to be driven down, then  
12          they may come back and say we want to put quality  
13          requirements in -- into the marketing order.

14          Which is basically what you've got with  
15          tomatoes and citrus and other products. You have a  
16          minimum grade, minimum sizes. So that, to some  
17          extent, stops somebody from just shipping  
18          everything that comes off the tree that may be  
19          scarred up or lowering the price or killing the  
20          market.

21          But for right now, that's not a part of this  
22          marketing order.

23          MR. ZNENGFEI GUAN: I'm interested in this  
24          discussion because I know there's some industries  
25          that, you know, there's an oversupplied market, and

1           there are some other marketing orders, a similar  
2           group in another state, which kind of markets  
3           volume regulations. I just -- I just wonder if  
4           certain industries in Florida want to impose a  
5           market supply volume restriction, if that would be  
6           allowed by FDACS.

7           MR. RAINES: I'm not -- like I say, there's  
8           grade requirements. They can put in quality  
9           standards. But I don't -- I've never read anything  
10          in there that would have to do with basically  
11          setting the price or controlling the volume, other  
12          than putting in quality standards which might stop  
13          somebody from shipping an inferior product, which  
14          in one way controls the volume. But it's not  
15          intended to be a volume control; it's intended to  
16          be a quality control.

17          MR. ZNENGFEI GUAN: Thank you.

18          MR. RAINES: Yes, let her speak to this, if  
19          you would.

20          MS. TIGHE: I think what Znengfei is referring  
21          to, you would have to be organized under  
22          Capper-Volstead. Growers cannot get in a room and  
23          discuss pricing --

24          MR. RAINES: Federal violations.

25          MS. TIGHE: -- and supply without collusion.

1 So it would be a totally different situation.

2 MR. RAINES: But there are --

3 MS. TIGHE: The corn growers and the tomato --

4 MR. RAINES: Like California, there are people  
5 that -- there are ways to do some of that, but it's  
6 real -- you've got to go right by the letter of the  
7 federal law.

8 MS. TIGHE: The tomato growers and the corn  
9 growers are organized under Capper-Volstead, and  
10 that allows them to do that. So it would have to  
11 be -- that's a totally different situation than  
12 what the peach growers are talking about here.

13 MR. RAINES: But that's federal, also, isn't  
14 it?

15 MS. TIGHE: Tomatoes is federal, yes.

16 MR. RAINES: I think that's federal. I mean,  
17 the laws are federal.

18 MS. TIGHE: Yeah.

19 MR. CHEN: (Indiscernible.)

20 THE COURT REPORTER: I'm sorry. Speak up,  
21 please.

22 MR. CHEN: (Indiscernible) Chen, from UCF.

23 Georgia peach. I think without -- the peach  
24 industry, it's kind of (indiscernible). My point  
25 is someone is going to over demand to the market,

1 so I have to think about this marketing order --  
2 because all the major peaches are kind of special.  
3 It's a very special fruit. So the mutual variety  
4 areas, they don't have this kind of marketing  
5 order, similar stuff. And they probably have no  
6 reason. It's just kind of a thought in there.

7 Do you guys think about this? Why the major  
8 areas don't have this kind of a marketing order for  
9 peaches? Because peaches, the quality and the size  
10 is affected a lot by water, by the environment.

11 So we are in a part to set a cutoff, you have  
12 above this quality or above this size because there  
13 is a buyer by years. That's just my kind of  
14 comment --

15 MR. RAINES: Good comments. Thank you.

16 That's exactly why the tomato people, the  
17 avocado people, and the citrus people, under their  
18 federal marketing orders, have a council similar to  
19 what we're talking about. And like on citrus, if  
20 they have a freeze and there's very little fruit  
21 left around, they can go in there and lower the  
22 grade that can be shipped out.

23 That council can make recommendations. They  
24 can lower grades. They can change sizes. So -- so  
25 you don't have a year where, if you have a problem

1 on the whole crop, that you can't market part of  
2 it.

3 That's why you have a council making these  
4 decisions. And it's not really a governmental  
5 decision. It's people in the industry and the  
6 handlers and the producers saying, hey, we need to  
7 have a different grade or a different size for this  
8 year, and then we'll look at it next year and we'll  
9 adjust for that. But they're looking for something  
10 that's to the benefit of the whole industry.

11 MR. CHEN: Thank you. That's good.

12 MR. DENMARK: So basically, going back to the  
13 marketing order and how it's set up, if you look at  
14 the second page on the large handout, there's a  
15 timeline, peach marketing order timeline.

16 More or less, starting with this meeting, the  
17 public hearing, Number 1, on September 17th, which  
18 is the fourth item down here, from this point,  
19 there will be a seven-day -- minimum seven-day  
20 cutoff for written hearing remarks to be submitted  
21 regarding this hearing.

22 What -- the next thing we would be looking at  
23 is to set up a second hearing. And the second  
24 hearing would probably fall around November 4th,  
25 which I realize there's the Florida Ag Expo on that

1 particular date, but somewhere around there,  
2 between the 4th and the 11th, at a venue to be  
3 announced at some point later.

4 And, again, this is kind of the earliest  
5 timeline we could look at for a marketing order.

6 November 23rd would be the last day for  
7 submission of a final draft of a marketing order.

8 So any revisions to the language that you've  
9 seen today, we need to, you know, start getting  
10 together. The group needs to work together and  
11 make any kind of changes that you need. If your,  
12 you know, concern is 2 cents a pound, make your --  
13 make your case and kind of work amongst -- within  
14 the industry to resolve any kind of differences you  
15 have on this. Not everybody is going to be happy  
16 with everything, but it's kind of got to be, you  
17 know, for the industry at large to accept.

18 Going forth from that, November 24th to  
19 December 14th, what would happen at that point, it  
20 would be subject to the approval of the director of  
21 marketing and development. We will create the  
22 actual marketing order and referendum based on  
23 final draft submission and findings at hearings.

24 This is what's going to -- the -- our FDACS  
25 attorneys will look at it and they'll, you know,

1 make sure that everything follows the letter of the  
2 law, scrub that, and make sure that it will -- it  
3 passes their inspection.

4 And then basically, have the ballots drawn --  
5 created. And we'll have to have them available.  
6 We'll send the ballots out to all of our known  
7 peach growers, producers, and we'll also have them  
8 available at county extension offices in the -- in  
9 the area.

10 On December 15th, it has to be a minimum of  
11 15 days before the referendum ballots are mailed.  
12 A public notice of referendum. These are things  
13 that we have to, within the department, adhere to.

14 July 5th (sic), ballots and referendum would  
15 be sent out, including to the extension offices.  
16 Given 15 days or so, 17 days later, counting for  
17 weekends and things, the last day for ballot  
18 collection at the post office and the county  
19 extension offices would be January 22nd.

20 January 25th, the extension office ballots  
21 would be sent to FDACS in Tallahassee.

22 And on January 29th, we would count the  
23 ballots by FDACS staff.

24 So within 10 days of ballot submission, the  
25 FDACS will certify the results in writing and

1 publish results of the referendum on the front page  
2 of the FDACS website, sending notice via e-mail to  
3 all publications and general circulation in all  
4 news departments within the state.

5 And February 8th, a marketing order would go  
6 into effect, which is a minimum of five days after  
7 the posting.

8 An advisory council of seven and seven  
9 alternates would be appointed by the Commissioner.  
10 Four members would serve four-year terms, three  
11 members would serve two-year terms. That way, it's  
12 staggered.

13 And so February 18th or so, advisory council  
14 would meet to elect a chair and vice chair, one  
15 year's term each. And at that point, you have a  
16 marketing order.

17 We're trying to get this set up to where it  
18 would be in effect in advance of the next season,  
19 so that the handlers could get -- you know, have  
20 their affairs in order to be able to handle and be  
21 assessed the 2 cent per pound or whatever it ends  
22 up being.

23 So at this point, we're kind of at the  
24 discussion phase of that language. And so if  
25 there's any changes to be made now, we have the

1 second hearing which will be somewhere, you know,  
2 again, November 4th to November 11th, somewhere in  
3 that range, just trying to get everything in place  
4 before the harvesting season for next year.

5 That's pretty much what I have.

6 Philip, do you have some -- something to add  
7 or --

8 MR. RUCKS: Just --

9 MR. DENMARK: -- remarks.

10 MR. RUCKS: -- there is a time limit on this,  
11 where it comes up for reelection, like every five  
12 years or something. I didn't see that in here. Is  
13 that true?

14 MS. IVEY: I think it might be five to six  
15 years, because I know we're doing this -- we're  
16 getting ready to do the citrus one. And I think  
17 theirs was within that five to six years.

18 MR. RUCKS: Okay. I just didn't see it in  
19 there. I just wondered.

20 MR. DENMARK: I'm not aware of that.

21 MR. RUCKS: Well, the reason -- well, I think  
22 that we always -- let's just say it got to the  
23 point where it really wasn't helping us promote our  
24 product outside the state like we intend for it to  
25 do, then there's always an option for us to have a

1 sunset period and get out of it, too, so.

2 MR. DENMARK: Yes. Yes. I mean, there's ways  
3 to amend the marketing order. You're not stuck  
4 with this forever. And so it's -- it's really  
5 something to help the industry out. It's one of  
6 the ways that the department, that the state  
7 government, can actually help assist commodity  
8 groups to promote and to do research on a basis  
9 where, you know, individual growers come together.  
10 It's very difficult to do.

11 So there's -- there's all kinds of -- there's  
12 provisions in there to be able to adjust and amend  
13 this. You're definitely not stuck with a bad  
14 marketing order if you don't deem it so.

15 MR. RUCKS: One other thing, Chris. The --  
16 about the posting, is it going to be posted on the  
17 website of the Department of Ag anywhere? I didn't  
18 see that, either.

19 MR. DENMARK: The posting --

20 MS. IVEY: It's on the Florida Administrative  
21 Weekly.

22 MR. DENMARK: Yeah, it's something nobody is  
23 going to read.

24 MR. RUCKS: Okay. I mean, y'all have your own  
25 department --

1 MR. DENMARK: It's something with the -- yeah,  
2 it's -- I don't know that I've ever seen it.

3 MR. RUCKS: Well, just to keep everybody  
4 updated on this.

5 MR. DENMARK: Yeah. It's not quite the same  
6 -- it's not a posting as it would be like Mercy's  
7 website or anything like that. That's -- her  
8 website is the best communication that we have as  
9 far as the department.

10 I have, you know, all the e-mails of people  
11 that have signed up for these marketing -- these  
12 hearings. I have all those. And we can assemble  
13 those into a -- and send out e-mails.

14 But, again, Mercy is our best bet at reaching  
15 people on this.

16 Sorry, Mercy.

17 MR. RUCKS: It will be on the website, though,  
18 won't it?

19 MR. DENMARK: Yeah.

20 MERCY: (Nods head.)

21 MR. RUCKS: Okay.

22 MR. DENMARK: If she thinks it's worthy, yeah.  
23 I think she does.

24 MR. RUCKS: Okay.

25 MR. DENMARK: So are there any other

1 questions?

2 Do we have -- has everybody signed the sheet?

3 All right. We've got that. So I'm going to  
4 have to have that to make sure I get you entered in  
5 there.

6 And mine and Shayla's phone numbers and  
7 e-mails are on the front of this -- this marketing  
8 order page. If you have further infor -- further  
9 questions, we can certainly dig into it. We can  
10 contact our legal team and have them work on that  
11 as well.

12 But at this time, I don't have anything else.  
13 Milton?

14 MR. RAINES: No, I think you've covered it  
15 completely.

16 MR. DENMARK: Shayla?

17 MS. IVEY: I'm good.

18 MR. DENMARK: All right. I think we're  
19 adjourned. Thank you all for coming.

20 (Public hearing concluded at 4:29 p.m.)  
21  
22  
23  
24  
25

## 1 REPORTER'S CERTIFICATE

2 STATE OF FLORIDA

3 COUNTY OF POLK

4 I, LINDA A. MCGILL, Registered Professional  
5 Reporter, certify that I was authorized to and did  
6 stenographically report the hearing in the above-styled  
7 cause, Pages 1 through 53, inclusive, and that the  
8 transcript is a true and complete record of my  
9 stenographic notes.

10 I further certify that I am not a relative,  
11 employee, attorney, or counsel of any of the parties,  
12 nor am I a relative or employee of any of the parties'  
13 attorney or counsel connected with this action, nor am I  
14 financially interested in the action.

15 Dated this 30th day of September, 2015.

16  
17  
18 

19 \_\_\_\_\_  
20 LINDA A. MCGILL, RPR

21 The original of this transcript was ordered by and  
22 furnished to Christopher Denmark.

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