

DEFINITIONS

Production Area: That part of Florida south and east of the Suwannee River [FLS 573.116]

Florida Peach: Florida Peach, also called FL peach, means all varieties of *Prunus persica* grown in the production area.

Handler: Handler is synonymous with shipper and means any person who handles FL peaches or causes FL peaches to be handled.

Handle: Handle or ship means to package, load, sell, transport, or in any other way to place FL peaches or cause FL peaches to be placed in the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery of field-packed FL peaches to a person within the production area for the purpose of having such peaches prepared for market.

Producer: Producer is synonymous with grower and means any person engaged in a proprietary capacity in the production of FL peaches for market.

Producer-handler: Producer-handler means a producer who handles FL peaches.

Council: Council means the FL Peach Advisory Council (FPAC), established pursuant to FL Statute 573.112

FDACS: Florida Department of Agriculture and Consumer Services

Fiscal period: Jan 1 through Dec. 31

PURPOSE

The primary purpose of the Florida Peach Marketing Order is to promote the fresh FL peach to targeted markets in order to increase recognition of the product and grow demand for the Florida peach fresh fruit market. A Florida Peach Advisory Council will be created in accordance with FL Statute 573.112 to oversee and carry out the provisions of the Market Order.

FLORIDA PEACH ADVISORY COUNCIL (FPAC)

- (a) The FPAC may establish or provide for the establishment of production research, marketing research and development, and marketing promotion projects, including paid advertising, designed to assist, improve, or promote the marketing, distribution, or consumption of Florida peaches.
- (b) In recommending projects the FPAC shall give consideration to the following:
 - (1) The expected supply of FL peaches in relation to market requirements;
 - (2) The supply of competing commodities;
 - (3) The anticipated benefits from such projects in relation to their costs;
 - (4) The need for marketing research with respect to any market development activity;
 - (5) Other relevant factors.

- (c) All promotional activity engaged in by the FPAC shall be for the benefit of all Producers and shall not refer to any private brand, private trademark or private trade name.
- (d) The FPAC may develop a trademark or logo for use by all Producers who have not exempted themselves from the scope of the Market Order.

DUTIES

The FPAC shall have, among others, the following duties:

- (a) Select a chairman and such other officers as may be necessary;
- (b) Adopt such rules and regulations for the conduct of its business as it deems necessary;
- (c) Administer and make rules and regulations to effectuate the terms and the provisions of the Market Order;
- (d) Act as intermediary between FDACS and any producer or handler, including investigating and reporting violations or complaints of provisions of the Market Order;
- (e) Record and protect the handling of Council funds;
- (f) Keep minutes, books, and records which reflect all of the acts and transactions of the Council and make such records available to FDACS upon request.
- (g) Appoint a Trustee or Treasurer for the recording and protection of funds.
- (h) Prepare budgets and/or estimates of income and expenditures for the administration of the Council and its sponsored projects.
- (i) Initiate projects in keeping with the purpose of the Market Order;
- (j) Other duties as needed.

Assessments:

The funds to cover the Council's expenses shall be acquired by the levying of assessments upon handlers at rates established by FDACS. The council shall request an initial levy to be assessed at the rate of \$0.02 per pound of fresh market peaches shipped.

EXEMPTIONS

The Council will recommend procedures to FDACS under which Certificates of Exemption may be issued to producers or handlers [FLS 573.1201].

Due to the local nature of "U-Pick" or "Harvest Your Own" farming operations, which cater exclusively to their local market, the Council may exempt such operations from the Market Order assessment.

- (a) Fruit sold by the producer to the consumer will be exempt from assessment
- (b) Certificates of Exemption are valid for one year only and must be reapplied for annually.