

## PUBLIC MEETING

RE: Florida Peach Marketing Order  
DATE: June 10, 2015  
TIME: 10:13 a.m. - 12:49 p.m.  
PLACE: Pasco County Extension Service  
36702 State Road 52  
Dade City, Florida

REPORTER: LINDA A. MCGILL, RPR, FPR  
Registered Professional Reporter

1                   6-10-2015

2                   MR. RUCKS:   Okay.   We're going to get started.

3                   There's some people called that are running  
4                   late.   I guess there was an accident somewhere on  
5                   I-75.   So they'll -- we're kind of stalling here.

6                   But, anyway, this is going to be the last  
7                   meeting held on this -- on the peach --  
8                   consideration of the proposed marketing order.   And  
9                   we've got a smaller group than last time.   Maybe  
10                  we're thinning the herd out.

11                  But, anyway, since this is the last meeting, I  
12                  guess at the end of it, we'll have closing remarks  
13                  about kind of where our next step is.   Do we want  
14                  to go ahead and still consider this marketing  
15                  order?   Do we want to have an association?   Do  
16                  nothing?   That's what we need to try to determine  
17                  today, is, you know -- and give Chris some  
18                  direction, because he's worked -- it's been, I  
19                  think, a learning experience for all of us, because  
20                  every meeting, I learn something as well.

21                  So -- but we've got a lady here that's the  
22                  court reporter.   So in order to have a publicly  
23                  held meeting, you've got to -- if you've got a  
24                  question, we're got a mic over here.   But I think  
25                  this is a small enough room where we won't need it.

1           But state your name so she can get that and --  
2           and who you're with, because all of this has to be  
3           on record, public record, to turn back to the state  
4           to consider a marketing order.

5           And just -- I think we've got a small group  
6           today, where it will be a little bit more civil  
7           than in the past. But, anyway, the point of it is,  
8           be clear about what it is you're asking, and Chris  
9           will try to help answer it.

10           And we've got Milton Raines here as well.  
11           He's experienced in marketing orders of the past.  
12           And Milton can address that.

13           I'm just kind of the in-between guy here.

14           So to get started -- and Sonia is here, too,  
15           with FFVA. She has a couple of things she would  
16           want to comment about, about some grant money  
17           they're working on that I think will help the  
18           peaches. Whether we get a marketing order or not,  
19           she's working on a different avenue of getting some  
20           funding to help develop a market and -- I don't  
21           want to take anything away from her. I'll let her  
22           announce that. But she's got some really good  
23           things in the works through FFVA.

24           So I'm going to turn it over to Chris, and let  
25           him run with it. And I'll kind of be the

1 in-between guy.

2 So you ready?

3 COURT REPORTER: Yes, sir.

4 MR. RUCKS: You ready, Chris?

5 MR. DENMARK: All right.

6 MR. RUCKS: That's yours.

7 MR. DENMARK: Okay. All right. Once again,  
8 I'm Chris Denmark.

9 I think we've all pretty much met here in Dade  
10 City or down in Bartow, so I appreciate everybody  
11 coming again.

12 More or less, we're kind of winding down on  
13 this whole process of the -- of the state marketing  
14 order. We've had two meetings, hearings, that  
15 we've had court reporters for.

16 So basically, again, the state marketing order  
17 requires us to have hearings that are publicly  
18 held. And so after -- you know, once that we've  
19 gotten set up as far as going through the meetings,  
20 everyone gets a chance to publicly have their  
21 written statements, and they can submit those to  
22 us.

23 And then the next step in this process is  
24 going to be basically writing a marketing order.  
25 That's -- that's kind of where we are today. So

1 setting up a committee, more or less, that would be  
2 in charge of creating this marketing order that is  
3 something that will be produced and sent to the  
4 Department of Agriculture, and gone -- it will go  
5 to our division director, and then they would  
6 submit it to the Commissioner.

7 From that point, it would go to a vote or  
8 referendum. The referendum, again, 65 percent of  
9 the -- I'm sorry. 51 percent of the acreage  
10 represented within the voters must agree to the  
11 marketing order.

12 So we're -- and then 51 percent of the voters  
13 must approve of the marketing order.

14 So -- and we've established those -- those are  
15 in the handout that I had -- had given you earlier.

16 And so was everybody at one of the -- one of  
17 the meetings prior to this?

18 UNIDENTIFIED SPEAKER: (Shakes head.)

19 MR. DENMARK: Okay. I'm sorry about that.

20 Basically, in the two -- what -- let me take a  
21 step back.

22 Basically what's happened is, 10 percent of  
23 the growers in the state have contacted the  
24 Commissioner of Agriculture and the Department of  
25 Agriculture and said that we're interested in

1 pursuing a marketing order, a state marketing  
2 order.

3 There's been a fee collected and paid to the  
4 Department of Agriculture to cover some  
5 administrative costs. And the administrative costs  
6 are the court reporting and any expenses that the  
7 department has -- has incurred on that, and -- for  
8 these public hearings.

9 And so we're past that point. We had the  
10 10 percent interest. And so basically, we're at  
11 the point where we need to have a written marketing  
12 order or something that can be presented to the  
13 department so that we can look that over and --

14 And you look like you have a question, sir.

15 MR. LEOTTI: Yeah, I've got a quick question.

16 MR. DENMARK: Okay.

17 MR. LEOTTI: Do I need to state my name?

18 MR. DENMARK: Yes, please.

19 MR. LEOTTI: Ed Leotti, Sweet Peach Farms.

20 MR. DENMARK: Okay.

21 MR. LEOTTI: You said 10 percent of the  
22 growers already contacted the Department of Ag.  
23 Was that -- so do we know how many growers there  
24 are and we know how many acres there are?

25 MR. DENMARK: Not exactly. And that's one of

1 the tricky parts of this, is that we don't know  
2 exactly how many growers there are out there.

3 MR. LEOTTI: How will we determine 51 percent  
4 and 65 percent and all that?

5 MR. DENMARK: 51 percent will be determined on  
6 the people who send in the vote. So it's just like  
7 voting in an election. The people that don't vote  
8 don't get a say.

9 So it's only -- we can only -- the only way we  
10 can do this is to reach out to growers, is to go  
11 through Mercy's website and try to contact people  
12 that way. I have lists of the people who have been  
13 at these meetings prior.

14 So it's up to the industry to kind of talk it  
15 out and let others know that this exists, that --  
16 because we -- there is no records. We don't have  
17 any lists of peach growers in the state that's  
18 official, that we can go to and say here's where  
19 we --

20 MR. RUCKS: Let me help you.

21 Before Chris got involved, Ed, this -- some  
22 growers were talking about maybe, in the past,  
23 price issues and the way the industry is kind of  
24 growing and it's getting large. I think there was  
25 -- everybody recognized a need to maybe get out of

1 the State of Florida eventually and start selling  
2 peaches in other states. So some of y'all are in  
3 this room.

4 But the point of it is, I had to get a certain  
5 amount of growers that represent the industry, a  
6 certain percent, which is the 10 percent. So I got  
7 letters from some of y'all in this room. You wrote  
8 letters. And -- I don't think I asked you. But,  
9 anyway, the point of it is, probably, too -- but to  
10 send it to the Commissioner, requesting a marketing  
11 order meeting and education session on what's  
12 involved in marketing orders for us to consider.

13 So it's only 10 percent of the growers, which  
14 I think we had three or four hundred acres, is what  
15 we had represented.

16 So I sent that letter to the Commissioner.  
17 Then that's when he brought Chris, and got Chris  
18 Denmark involved, and said, hey, let's start the  
19 meetings. You've got to have at least two or three  
20 publicly held meetings at different locations. And  
21 that's kind of how the thing all started.

22 MR. LEOTTI: Got it.

23 MR. RUCKS: So that's kind of where Chris got  
24 involved. And this is our -- really our third  
25 meeting.

1           The first one we had here at Dade City, we had  
2 a lot of people here. And it really wasn't  
3 organized like it should have been. A lot of it  
4 was my fault. But, anyway, as a result of that, we  
5 had to have a second meeting here, and that's why  
6 we're here today. So we already had the one in  
7 Bartow, which went a little smoother.

8           So this is the last of the meetings. So,  
9 really, we've had four meetings. Anyway, we're  
10 only going to count as two on the record.

11          So -- and that's where Chris will take it from  
12 there.

13          MR. DENMARK: So we've gone through the  
14 hearing --

15                 Yes, sir. State your name.

16          MR. UNDERWOOD: My name is Wayne Underwood.  
17 No company name, just a grower.

18          I heard you earlier say that 51 percent of the  
19 acreage --

20                 MR. DENMARK: Yes, sir.

21          MR. UNDERWOOD: -- by vote, and then you said  
22 51 percent of growers. Could you identify that?

23          MR. DENMARK: If I can get on that one just a  
24 minute, I'll address that one in just a second.

25                 Let me kind of back up a little bit and go

1 through the process of the marketing order and how  
2 it goes forth from this point. And then I'll  
3 explain the -- the vote on that. It's a little bit  
4 convoluted.

5 But -- so basically, the next step would be to  
6 have an actual vote or referendum. And so this  
7 referendum would be -- the state will set up a post  
8 office box. We will send ballots out to the  
9 growers, all the growers that we know of. So  
10 that's why it's very important that they come to  
11 these meetings.

12 If we don't know about them, we can't send  
13 them a ballot. So we'll -- we would send those  
14 ballots out. Again, that's an expense that is paid  
15 for by the industry here.

16 Then once the voting -- you would have -- the  
17 marketing order that you would be voting on will be  
18 listed on there. And you -- basically a yes or no  
19 vote on that.

20 So the way that the voting, that this  
21 marketing order would pass is that it must be  
22 approved by 65 percent of those voting. So  
23 everybody who gets a ballot sends it back in.  
24 65 percent of them must approve of having a  
25 marketing order. And of those 65 percent that

1 approve, that must total 51 percent or more of the  
2 total acreage of all those growers.

3 So what's going to be on the ballot is that  
4 you're going to have your company -- your name,  
5 your company name, and acreage is going to be  
6 listed on that.

7 And so we will tally up each, and we'll have a  
8 list of how many voting acres there are. And so if  
9 we reach more than 51 percent of the total voting  
10 acreage and 65 percent approval overall, then we've  
11 -- that's considered approval for -- to go forward  
12 with the marketing order.

13 MR. LEOTTI: Is there a vetting period between  
14 the time that the marketing order --

15 MR. DENMARK: Your name. Can you state your  
16 name?

17 MR. LEOTTI: Ed Leotti again.

18 Is there a vetting period between the time  
19 that the marketing order is drafted and people are  
20 asked to vote on it, where they can review what was  
21 created, to form an opinion, an educated opinion  
22 somewhat?

23 MR. DENMARK: That's where we are at this  
24 point. And so --

25 MR. LEOTTI: I thought we were told that it

1           hadn't been created yet.

2           MR. DENMARK: It has not been created yet.

3           MR. LEOTTI: Okay. From the time it's  
4           created --

5           MR. DENMARK: And so what happens at this  
6           point, we need to get together a committee of  
7           people who can set forth the language for this  
8           marketing order. And that's -- that's done by the  
9           industry. We can't do that as the department.

10          MR. TYLER BOWEN: Tyler Bowen.

11          So we are vote -- when it comes to a vote,  
12          we're voting on the marketing order or a marketing  
13          order? Do you understand the question?

14          MR. DENMARK: To my knowledge --

15          MR. TYLER BOWEN: Because in the previous  
16          meetings, I understood it that Adam would designate  
17          seven people and then the seven alternatives, and  
18          they would create the marketing order.

19          MR. DENMARK: Correct. That the marketing  
20          order -- it's basically, you're looking at setting  
21          up do you want a marketing order? It's going to  
22          have it listed the -- more or less the items that  
23          you perceive to be necessary in this marketing  
24          order. Then the -- it's up to the seven people on  
25          the advisory council to come up with the actual

1 marketing order at this point. And that's what's  
2 going to be voted on.

3 MR. RUCKS: But the -- Chris, the Commissioner  
4 appoints the seven people, right --

5 MR. DENMARK: Correct.

6 MR. RUCKS: -- and then the seven alternates?

7 MR. DENMARK: Yes.

8 MR. RUCKS: And then that's when that  
9 committee will prioritize what needs it will be.  
10 It might be just for right now -- we talked about  
11 at the last meeting a promotional campaign to  
12 better get awareness of Florida peaches up in --  
13 let's just say the Northeast market. You know,  
14 pick a designated area.

15 I was going to talk about that later. But to  
16 make it simple to start out with, that's what we  
17 would probably see. I think from the last meeting,  
18 most people are comfortable maybe going at it, not  
19 having a size standard and all that developed. You  
20 know, if that is necessary, we'll do that in the  
21 future. But at least right now, create an identity  
22 for Florida peaches and get it promoted outside the  
23 state, you know.

24 But all that's going to be -- have to be paid  
25 by some form of tax, you know, from us growers, to

1 be able to finance that program. And, of course,  
2 the Department of Ag will help -- help out as well  
3 on that, so.

4 MR. LEOTTI: But I think Mr. Bowen's question  
5 was, is he voting on the concept or an actual  
6 document.

7 MR. DENMARK: He is --

8 MR. LEOTTI: I mean, are we -- yeah, we want a  
9 marketing order or we want this marketing order.

10 MR. TYLER BOWEN: (Nod heads.)

11 MR. DENMARK: It's the actual -- the  
12 referendum is on the actual marketing order.

13 MR. LEOTTI: That's not created.

14 MR. DENMARK: If you look on -- within the --  
15 there's 573.1101 referendum, and there's -- the  
16 procedure for the referendum is on the prior page,  
17 and the referendum. And then it would go forth  
18 from that.

19 MR. RUCKS: So it's not the concept; it's the  
20 actual marketing order?

21 MR. DENMARK: It would be the actual marketing  
22 order at that point.

23 MR. TYLER BOWEN: So then essentially --

24 MR. DENMARK: And then from that point, then  
25 there's the advisory council would be established.

1           What we really need in here is for the  
2 industry to come together and more or less direct  
3 this. I mean, I know Philip has done a lot of work  
4 to kind of get everything together. Where we are  
5 at this point is, the industry needs to come  
6 together and have some structure to what they  
7 perceive as being included in this marketing order.

8           And that is not something that we, as the  
9 Department of Agriculture, can do because it's your  
10 marketing order. At the point that we are now, we  
11 need something that we can look at as well. And so  
12 that has to come from the industry.

13           Yes, Sonia?

14           MS. TIGHE: Sonia Tighe with Florida Fruit and  
15 Vegetable Association.

16           I don't know if this is a question for you or  
17 Milton, but can you give them an example? Like,  
18 when the peanuts voted theirs in, or cotton or  
19 citrus? What was in that document that they voted  
20 on? Did it say, we agree to assess ourselves X  
21 percent of a box or -- what does it say, I think,  
22 is what they're asking.

23           MR. DENMARK: I am not familiar. This is my  
24 first attempt.

25           Do you know?

1           MR. RAINES: I think most of that is done by  
2 the committees themselves. I mean, we've got  
3 avocados, citrus, and tomatoes in Florida. And  
4 those marketing orders actually cover different  
5 things.

6           The citrus marketing order and the tomato and  
7 avocados have a grade component. They require  
8 certification and require full-time inspection.  
9 The tomato one actually has container requirements.  
10 You can only ship in certain size containers.  
11 They've got to have certain markings on them,  
12 things like that.

13           Tomatoes only have to be inspected if they're  
14 leaving the production area. In other words, going  
15 west of the Suwannee or out of state. Avocados  
16 have to be inspected even in the state. It's a  
17 lower grade.

18           So the marketing orders are all a little  
19 different. And, therefore, I think the assessment  
20 would probably be determined by that committee.  
21 Because if your marketing order is going to be,  
22 say, doing a lot of advertising, you're going to be  
23 looking at a different assessment from where --  
24 like, the Department of Citrus in Florida, it's not  
25 under the marketing order; it's under the

1 Department of Citrus that does the advertising, not  
2 the marketing order.

3 And you may have something like the Vidalia  
4 onion marketing order, which is a federal marketing  
5 order. It doesn't have a grade component at all.  
6 There's no grade requirement with it, but it's to  
7 promote research and development and promoting the  
8 Vidalia onion name and selling those onions.

9 So it's a hard question to answer because if  
10 you look at -- under the statute, the list of  
11 things that you can have in a marketing order, it  
12 doesn't say you have to address all those things.  
13 It gives you examples. What, there's 10 or 12 of  
14 them, different items that can be part of a market  
15 order.

16 And that's kind of like going to the -- to a  
17 buffet and saying, well, I want this and I want  
18 that. You don't have to get some of everything.  
19 And that's going to kind of determine what  
20 you're -- you know, how much it's going to cost to  
21 do it.

22 And one thing I would like to point out,  
23 though, is that, remember -- I know we've got a lot  
24 of producers, but four of the seven people on this  
25 committee have to be producers, and the alternates.

1 So the board that's doing this and making the  
2 decision is primarily going to be made up of  
3 producers, made up of producers, growers.

4 MR. RUCKS: Milton, this lady had a question.

5 MS. ADAMS: Nicole Adams, Florida Sweet  
6 Peaches.

7 It's my understanding -- to answer y'all's  
8 question -- that we are voting yes or no on a blank  
9 slate. We have to decide that we want this  
10 marketing order, and then once we do, our fate is  
11 in the hands of that committee and whatever they  
12 determine is best for our industry on the whole.

13 So basically, it's my understanding that we're  
14 voting blind based on what we think is a good idea  
15 or could be a good idea, and then we're stuck with  
16 it. We're stuck with what those seven people or  
17 that appointed committee determines is best for all  
18 of us.

19 There's nothing -- there's nothing on paper.  
20 There are no rules. There are no guidelines.  
21 There are no parameters. It is a blank piece of  
22 paper that we are being asked to sign, that will be  
23 filled in TBA. I'm pretty sure that's the answer  
24 to y'all's question.

25 MR. RUCKS: May I comment?

1           She's right. And I'm -- I'm not comfortable  
2           with that myself, because -- I mean, kind of --  
3           you're at the mercy of that advisory board, so  
4           hopefully, they're good advisors.

5           So -- so I kind of wish it was written another  
6           way to where -- like, for instance, when it comes  
7           with an assessment -- that's what it's going to  
8           come down to -- is it going to be a nickel a pound,  
9           a penny a pound, two cents a pound? And, of  
10          course, all of that figures into how much promotion  
11          is going to have to take place. I mean, do you  
12          want to do a great job and spend a million dollars  
13          on promoting, or just do a hundred grand? I mean,  
14          there's a big difference there.

15          And it's really important, but that's where I  
16          -- if I were a grower, I would be a little nervous  
17          about voting on something when I don't know what  
18          the assessment is going to be.

19          MR. DENMARK: And so that's --

20          MR. RUCKS: Is there any way to vote on that  
21          assessment after they have the advisory board? Is  
22          there any way that can be done?

23          MR. DENMARK: Those things can be changed.

24          MR. RUCKS: Because I mean --

25          MR. DENMARK: The advisory board can change

1           those things.

2           MR. RUCKS: Right.

3           MR. DENMARK: Again, it's up to the advisory  
4 board. You're kind of at the mercy of them.

5           But that's where we need to be headed at this  
6 point in the marketing order, is that -- I can't  
7 answer these questions. These are questions that  
8 need to be answered within this group, within this  
9 industry.

10           And so I -- I mean, I have the same concerns.  
11 If I were signing that paper, I would have the same  
12 exact concerns, that there's -- there's a lot of  
13 blanks.

14           MR. RAINES: Let me say one thing about this  
15 part of it, though.

16           Keep in mind, though, like I said, if you're  
17 interested in doing this, I recommend that you be  
18 part of it. Be one of the ones that wants to be on  
19 the board or be an alternate. And these board  
20 meetings, you know, I guess they could be public.  
21 I know after they're set up, they're public. Now,  
22 as far as the discussions getting there, I'm not  
23 sure what the laws are on that. But these  
24 committees have public meetings, and they get input  
25 from their industry.

1           And, also, this will be approved by the  
2 Commissioner. It has to be approved by the  
3 Commissioner, too. And I'm sure that means legal  
4 is going to take a good hard look at it.

5           MR. DENMARK: Oh, yes.

6           MR. RAINES: So, I mean, you're not just  
7 talking about seven people that are just going to  
8 get out here and kind of go crazy and say, well, we  
9 want this and this and this, and we're going to  
10 build a Cadillac. Because that's going to have to  
11 be approved by legal, by the Commissioner, before  
12 it goes forward, even if the board comes up with  
13 something.

14           MR. TYLER BOWEN: So I just want to make sure  
15 I understand the flow. And then depending on what  
16 that answer is, I've got a question specifically.

17           But -- so we've had the meetings. The  
18 Commissioner has received 10 percent of interest.

19           MR. DENMARK: Yes.

20           MR. TYLER BOWEN: Assumed.

21           MR. DENMARK: Correct.

22           MR. TYLER BOWEN: So he's going to potentially  
23 ask the growers, based off of your list, that  
24 51 percent of the people tell him to create this  
25 board, and then the board will piece together the

1 marketing order.

2 MR. RAINES: 65 percent of the growers --

3 MR. TYLER BOWEN: 65.

4 MR. RAINES: -- representing 51 percent.

5 MR. TYLER BOWEN: Say please build a board of  
6 commissioners or advisory board; right?

7 MR. RAINES: Yes. It would --

8 MR. TYLER BOWEN: And then the advisory board  
9 is going to build a marketing order. And then that  
10 goes into effect if it meets legal, or do we get to  
11 vote on that marketing order then?

12 Either way, if the advisory board comes up  
13 with something and they decide let's do nothing for  
14 right now other than have a written marketing order  
15 that just essentially that says we don't want to do  
16 any assessments yet, we don't want to do any  
17 benchmarks, we don't want to do anything like that  
18 yet, but we just want to have an identity and we  
19 just want it to say, yes, we do have a marketing  
20 order, just in case next season we decide there  
21 might be something worthwhile, what -- how does  
22 that impact anybody financially? And what is the  
23 state bare minimum requirement for funds that this  
24 marketing order collects, just to be called  
25 marketing order?

1           I imagine that's something the state should be  
2           able to answer. What does it cost, at a minimum,  
3           if we do nothing?

4           MR. DENMARK: We -- at this point, \$2,000 is  
5           what's been collected. And I can assure you that  
6           about every bit of that has been spent at this  
7           point.

8           MR. TYLER BOWEN: Right. But once -- right  
9           now, that's just to have these meetings and for  
10          y'all to do what --

11          MR. DENMARK: Right.

12          MR. TYLER BOWEN: But once there is a board --

13          MR. RAINES: You're talking just having it on  
14          the books and don't do anything?

15          MR. TYLER BOWEN: Right. Even if we do  
16          nothing.

17          MR. DENMARK: I don't know what the  
18          administrative costs would be on that. Very  
19          minimal, I can assure you that -- the expenses come  
20          from, you know, travel, meetings, hearings, public  
21          hearings that have to --

22          MR. TYLER BOWEN: But I'm just saying -- so  
23          even if we theoretically create a board to create a  
24          theoretical marketing order that says next season  
25          -- no, until we figure out what we really need,

1           there will be no assessments, is that even a  
2           possibility? Or is there going to have to be some  
3           sort of funds collected, just to have seven people?

4           MR. DENMARK: There is absolutely nothing that  
5           says that there has to be an assessment.

6           MR. RAINES: That -- that's kind of like you  
7           need to decide what you're going to do before you  
8           can decide what it's going to cost you.

9           MR. TYLER BOWEN: I don't disagree with that.  
10          It always seems like that's what's happening.

11          MR. RAINES: That's -- you know, unless, like  
12          Phil was saying, it depends on where you're trying  
13          to head with this. And I haven't heard anybody say  
14          anything about inspection, so you're not talking  
15          about an inspection. But it depends on where  
16          you're headed as to what it's going to cost.

17          MR. DENMARK: Al, you had a question?

18          MR. FINCH: Just a quick question.

19          Al Finch, Florida Classic Brokers.

20          Is there a way that we could, you know, form a  
21          advisory council before voting on a marketing order  
22          and come up with a plan to say, here's what -- if  
23          we are going to do -- have money set aside for, you  
24          know, a promotional program, here's what the  
25          assessment would be, and then to come back to the

1 group and say, okay, do we want to move forward  
2 with the marketing order or not? And bypass all  
3 this, and just form the advisory council and have  
4 them meet with you and have the alternatives -- or  
5 alternates meet, and come up with a plan. And then  
6 we vote as a group, do we want to move forward with  
7 a marketing order or not.

8 MR. DENMARK: That's pretty much where we are.  
9 That's exactly where it needs to be, because it  
10 needs to be in your court at this point. And for  
11 you to come together and put -- assemble an  
12 advisory council, I can't say that that's the same  
13 advisory council that would go forward and, you  
14 know, be appointed by the Commissioner, but it  
15 would be a very strong recommendation and make his  
16 life a lot easier, my life a lot easier, if those  
17 people were already selected and gone forth.

18 At that point, you're not having public  
19 hearings on this. You're meeting together as an  
20 industry, and you're talking about this issue. And  
21 it's probably in -- you can figure out amongst  
22 yourselves if going forth with a marketing order is  
23 truly the answer.

24 And so it's -- it's hard for me to say that,  
25 because I'm just here trying to -- I'm not for or

1           against a marketing order.  Whatever the group  
2           votes and says let's do, that's -- that's the  
3           direction I go with it.  So if you decide to go  
4           ahead with the marketing order, then I'm on board.  
5           If you decide not to do it, nothing more said.

6                     That also -- this doesn't preclude being able  
7           to get together and try this again next year with a  
8           marketing order.

9                     I know you had mentioned cotton earlier,  
10          Sonia.  They -- they've gone at this three  
11          different times.  They just came back to us again  
12          for the third time, to attempt to establish a  
13          marketing order.

14                    So it's -- it's something that probably needs  
15          to grow -- it definitely needs to grow internally  
16          within the industry in order to set the parameters  
17          of a marketing order, and see -- you know, agree,  
18          more or less, what that assessment might be and --  
19          and what parameters you're looking at including  
20          into this, whether it's standards or is it  
21          inspections.

22                    So I can't make this marketing order up  
23          myself.  It's got to come from the industry.

24                    MR. FINCH:  But we -- but we could form an  
25          advisory council prior -- and then have them, you

1 know, work with the industry on what that they  
2 would want in the marketing order or not in the  
3 marketing order. And then at that point, then come  
4 back and say, you know, here is what the  
5 recommendations are, and then vote if we want to  
6 move forward with the marketing order or not.

7 MR. RAINES: Well, that's just like -- we had  
8 -- when we were first meeting people in the  
9 strawberry association, and an association has  
10 worked well for them. But a marketing order gives  
11 you a little bit more legal.

12 But, yeah, you can get together. I mean, you  
13 can get together as an association. You can get  
14 together as a group of individuals, like Phil got  
15 together with a group of individuals that he knew,  
16 and started this thing rolling.

17 In my opinion, I think the more people you've  
18 got involved in different segments of the industry,  
19 and the packers and salesmen -- the more people  
20 you've got involved, the better off you're going to  
21 be as far as coming up with something that's going  
22 to work all the way through your supply chain.  
23 Because the growers' interests or concerns may be a  
24 little different than the guy that's selling.

25 But, you know, somewhere, there's got to be

1           some common ground that's good for the whole  
2           industry.  But, like I say, you can do that without  
3           us being here.  That's -- this is just -- this is  
4           just another vehicle or way to do it.

5           MR. DENMARK:  Yes, sir.

6           MR. SIZEMORE:  John Sizemore.

7           Is there a time limit?  Like, we've had this  
8           third meeting now.  Do we have to move forward  
9           within X amount of days or --

10          MR. DENMARK:  It's -- there's a written period  
11          of seven days that you can submit written -- let me  
12          make sure that that's seven.

13          But within seven days following the public  
14          hearing.  So we can give a little bit more time to  
15          that, but pretty much, we're looking at seven to  
16          fourteen days from this point, of being able to do  
17          that.

18          MR. SIZEMORE:  (Nods head.)

19          MR. DENMARK:  So like I said, at this point,  
20          we don't have anything to look at from the  
21          department's standpoint.  And I think we're kind of  
22          a long ways off, from what I'm seeing.

23          MR. TYLER BOWEN:  Seven days to submit what?

24          MR. DENMARK:  To submit any comments to the  
25          department on the hearings.  So you don't

1 necessarily -- if you're embarrassed to get up and  
2 speak and speak your mind about something, then you  
3 would --

4 He's definitely not.

5 MR. SIZEMORE: My question was: Could we,  
6 like -- is there -- if we decided, we've had our  
7 meeting today. We are not ready to appoint -- to  
8 request a marketing order. We've had the required  
9 amount of meetings. Could we put together a group  
10 to talk about it and come back at a later time and  
11 say, okay, we are ready?

12 MR. RAINES: Since you've already had another  
13 hearing, I think you probably need to run that by  
14 legal --

15 MR. DENMARK: Yeah.

16 MR. RAINES: -- because other people have had  
17 input into this same process at another location.  
18 And I would want -- I wouldn't want to put an  
19 opinion about that --

20 MR. DENMARK: I would definitely call our --

21 MR. RAINES: But if it gets voted down this  
22 time, like he said, that doesn't say -- by meeting  
23 the guidelines, if it gets voted down this time,  
24 that doesn't say you can't start over again in two  
25 months or next season or when you've got a better

1 plan together.

2 MR. DENMARK: I think the issue that you don't  
3 want to get into is that, you know, the amount of  
4 money that you put forth into this, you don't want  
5 to keep doing that over and over again. And so  
6 that's where we need to have some kind of consensus  
7 within the industry beforehand. Produce something  
8 that looks like a marketing order that we can run  
9 through our legal channels, and then they can, you  
10 know, turn it into a referendum vote on that point.

11 MR. RAINES: Give you an preliminary opinion  
12 or something on -- yeah, they -- I'm sure they --

13 MR. TYLER BOWEN: I'm just trying to  
14 understand the process. So this is the last  
15 meeting.

16 From the state's perspective, what happens  
17 next? What do you -- do you go back to Tallahassee  
18 and y'all have compiled a ballot list, and we're  
19 going to be receiving a ballot in ten days? Or  
20 does somebody have to submit something back to you  
21 before we get there?

22 MR. DENMARK: Yeah, we have to have something  
23 submitted to us that looks a like a marketing order  
24 for our division director to look at and for our  
25 legal department to look through.

1 MR. TYLER BOWEN: What if you receive one of  
2 those? What if, within the industry, three  
3 different groups get together and submit something?  
4 Who decides which of the three gets to sit down? I  
5 mean, that could happen.

6 MR. DENMARK: Yeah.

7 MR. TYLER BOWEN: Or you might not receive  
8 anything. I'm just wondering how that process  
9 works.

10 MR. RUCKS: Well, don't y'all help write it,  
11 though?

12 MR. DENMARK: Yes. It would be -- the  
13 department would definitely, you know, pull  
14 together language and set it up in a way, but I  
15 don't know as far as if there was three separate  
16 submissions. That's -- that's -- again, that's  
17 where the industry needs to be more cohesive and  
18 come together and present just one, in my opinion.

19 MS. ADAMS: But we have to vote first;  
20 correct?

21 MR. UNDERWOOD: No.

22 MR. DENMARK: No. No, not for this particular  
23 portion of it. We need to have a marketing order  
24 from the department's standpoint. We need to have  
25 a marketing order semblance to look at, something

1 that resembles what you want. Otherwise, you're  
2 letting us put together a marketing order for you,  
3 and you don't want that.

4 We don't understand your industry. I mean,  
5 and as far as our marketing division, you're  
6 looking at the leading expert on peaches, and  
7 that's a pretty sad thing.

8 You guys need to write this and put it  
9 together. We can make it look like a marketing  
10 order at some point, but that's what needs to be  
11 put together for this referendum. And it has to  
12 come from the industry.

13 Yes, sir. To make it simple, why don't we  
14 just, instead of pushing this down everybody's  
15 throat, let's have an advisory committee. That  
16 way, everyone can kind of settle down and maybe we  
17 can check back and see -- if we don't have to have  
18 that seven days, maybe we can get it extended to  
19 30. Because if we have to go through this  
20 marketing order again, somebody is going to have to  
21 come up with \$2,000.

22 A lot of you helped me come up with it, but I  
23 put a lot of my money into it as well. And not  
24 that I'm broke or anything but, you know, you kind  
25 of get -- after a while, somebody has got to come

1 up with \$2,000 the next go-round when we had this  
2 -- if we were to do this again.

3 So a marketing order deal -- I would like to  
4 kind of see this thing through, whether it passes  
5 or not, and have an advisory council, which you  
6 could be a part of. And we could send out e-mails  
7 of who would want to be on that council. And it  
8 doesn't have to have a certain number of people.  
9 It can have 20 people. But at least you've got 20  
10 people in the room that's -- as growers.

11 Y'all discuss what y'all think the biggest  
12 needs are, prioritize it, and go after need number  
13 one, and the other needs will fall in place --

14 MR. DENMARK: Yeah.

15 MR. RUCKS: -- and a couple years later, if  
16 they're needed. But at least have growers decide  
17 what the marketing order ought to address. And  
18 then they'll submit that marketing order in 30 days  
19 to the Commissioner. And then that way, you guys  
20 represent what y'all need, and the Commissioner  
21 looks at it. And then that's when it starts the  
22 process of getting it voted on then.

23 MR. DENMARK: Yeah. And just --

24 MR. RUCKS: Does that make sense to do  
25 something like that?

1 MR. DENMARK: I mean, right now, the way it  
2 is, I mean, with Philip's involvement, mine and  
3 Milton's, the three of us, would not be able to  
4 vote on anything --

5 MR. RUCKS: Right.

6 MR. DENMARK: -- because, Philip, you're not a  
7 producer of peaches. You're a producer of peach  
8 trees.

9 But this is where it needs to kind of be  
10 turned back to you guys, to put something together  
11 that the rest of us can look at, and then we can  
12 start to steer it in the right direction.

13 Yes, sir.

14 MR. RICHARDS: Doug Richards.

15 I must have missed something, but if this  
16 10 percent of the growers has been submitted,  
17 doesn't the state automatically appoint an advisory  
18 committee? We would have no choices in that?

19 MR. DENMARK: No.

20 MR. RUCKS: No.

21 MR. RICHARDS: If the 10 percent was -- was  
22 submitted, we were going to have an advisory  
23 committee formed, and they would write a marketing  
24 order, then we would vote on it. Is that the way  
25 it goes, or am I missing way too much?

1 MR. DENMARK: What -- exactly what are you --  
2 what number are you looking at?

3 MR. TYLER BOWEN: Number 3.

4 MR. RUCKS: Well, you can either call it an  
5 advisory or administrative committee that's  
6 appointed by the Commissioner.

7 MR. RICHARDS: By the Commissioner, exactly.  
8 Because the 10 percent votes have been submitted,  
9 he has to -- he has to do that; is that correct?

10 MR. RUCKS: I thought it had to be voted on  
11 first. See, all he -- all he has gotten so far is  
12 that -- that 10 percent of the growers requested a  
13 need to address a marketing order. So he's  
14 addressing it by holding these meetings.

15 MR. DENMARK: Right. Yeah, I think Philip --  
16 yeah, basically what that is, it's 10 percent of  
17 the producers petitioned to hold hearings.

18 MR. RUCKS: Right.

19 MR. DENMARK: So it's -- there are no advisory  
20 councils at this point. Ideally, we would have had  
21 a -- you know, it would have been more of a  
22 singular focus, I think on these -- on these  
23 marketing order meetings, where the industry would  
24 kind of already know what they wanted in a  
25 marketing order.

1           So I think maybe, you know, this whole process  
2 got started a little bit early, put the cart before  
3 the horse on this. And --

4           MS. ADAMS: But once it's established, the  
5 seven -- the committee of seven is appointed by the  
6 Commissioner?

7           MR. DENMARK: Yes.

8           MS. ADAMS: Is that --

9           MR. DENMARK: Yes. That --

10          MS. ADAMS: So we don't choose those seven; he  
11 chooses those seven.

12          MR. DENMARK: No. No. He --

13          MS. ADAMS: He might take recommendations or  
14 things into account, but that is not our decision  
15 to make?

16          MR. DENMARK: Correct.

17          MS. ADAMS: So I have a question. Nicole  
18 Adams, Florida Sweet.

19                 Why is it that we attacked this as a marketing  
20 order, as opposed to a growers association?

21          MR. DENMARK: That is a good question for you.

22          MS. ADAMS: Because it sounds like we need a  
23 growers association that we're in charge of that we  
24 take the reins and --

25          MR. DENMARK: And all -- as the State of

1 Florida, the only thing that we can do is, we were  
2 approached about --

3 MS. ADAMS: Sure.

4 MR. DENMARK: -- a marketing order, so  
5 again --

6 MS. ADAMS: I'm not posing that question to  
7 you.

8 MR. DENMARK: -- that's not a question for me,  
9 but that's a question for the industry.

10 MR. RAINES: That's a group question.

11 MS. ADAMS: Yes.

12 MR. RAINES: And the strawberry people pointed  
13 out they've done well with that.

14 But let me say one more thing about -- about  
15 the -- the department helping you write this, the  
16 department will make sure it's legally correct.  
17 But the department is not going to say you have to  
18 have money for advertising. We need to go to legal  
19 and I say I've got the outline, and we want to do  
20 this, this, this, and this. And they'll help you  
21 get that to where it's in the right legal  
22 structure.

23 They're not going to offer advice about I  
24 don't think you should be trying to do this and you  
25 should be trying to do this. Okay? So they help,

1 but it's from a technical standpoint more than an  
2 industry concern standpoint.

3 MR. RUCKS: Well, let me answer Nicole's  
4 question.

5 An association is good -- is well, but -- and  
6 this is just a judgment call I made, not that I'm  
7 right. But the point I'm making is, I've looked at  
8 the association. Mercy has talked about trying to  
9 start one for the last couple of years.

10 But the thing about an association is, it's  
11 about credibility. You know, the department, I  
12 think, would be more helpful if we had a marketing  
13 order that they're involved in through the  
14 department, than an association. Because you've  
15 got to look at which one carries the most weight,  
16 you know, as far as getting something done.

17 And you've already got FDACS involved in this  
18 marketing order. And we're trying to get -- and  
19 let's just say we don't care about inspection or  
20 size or nothing like that; we just want to get  
21 peaches promoted outside the state.

22 Well, that's where I looked at that Fresh From  
23 Florida campaign. And I talked to Adam myself, and  
24 he said, you know, I'm all for getting Florida  
25 peaches and growing it, and getting the industry to

1 grow. The only way to make it grow, you've got to  
2 get outside the state and start letting the rest of  
3 the nation know we have peaches in Florida.

4 I mean, nobody probably recognizes Florida has  
5 peaches. So we thought it would be a good idea if  
6 we got that recognition that Florida has peaches in  
7 March, April, and May.

8 And he would buy more into doing that if we  
9 had a marketing order than if we had an  
10 association, is what I'm trying to say, because  
11 he's got some funding for Fresh From Florida, to  
12 where he would probably give more up than if we  
13 just had an association. Because we've already got  
14 a marketing order, so he's already tied in with us  
15 now. You know, not that he has to do anything, but  
16 he's obligated to help more, I think, if we do  
17 that, than if we had an association.

18 And I'm not saying an association wouldn't  
19 work but, I mean, just think about it. If you've  
20 already got Adam's office involved in it, he's  
21 going to pay a little better attention to buy into  
22 it than if you had an association.

23 With an association, you're always worried  
24 about, okay, how much is representative of the  
25 peach growers? There might be guys up in Ocala or

1 Gainesville that got left out that are mad now, so  
2 they're going to come back and say, hey, we weren't  
3 involved in this thing, this association. We're  
4 just a bunch of little guys here in a circle area  
5 of Pasco, Hardee, and Polk County. How about the  
6 rest of us? Y'all forgot about us. So that's  
7 where he looks at credibility. He said, well,  
8 okay.

9 But the marketing order is pretty much going  
10 to be credible for the whole industry, if that  
11 makes sense.

12 MR. RAINES: An association is a voluntary  
13 group.

14 MR. RUCKS: Right.

15 MR. RAINES: And your enforcement as far as --  
16 if we, as a group of people, we can all get  
17 together and say, well, I'm only going to do this,  
18 and we all agree to it. When we walk out that  
19 door, if I decide to do something different, they  
20 can't do anything about it.

21 MR. RUCKS: Right.

22 MR. RAINES: Whereas with a marketing order,  
23 if you say you're only going to ship a 2-inch peach  
24 out of the state, at least you've got some way to  
25 come back and say, hey, if you're shipping

1 something smaller than two inches, you've got to  
2 stop.

3 MR. RUCKS: And I think --

4 MS. ADAMS: I think where I have the biggest  
5 problem is, it's such a new industry.

6 MR. RAINES: Right.

7 MS. ADAMS: You know, we're still trying to  
8 figure things out. And not trying to be nasty, but  
9 the state barely knows we exist.

10 You know, when you talk about getting things  
11 done, the only thing that's been accomplished at  
12 this point has been by farmers and growers and  
13 people that are trying to build this industry. So  
14 it seems to me like it would be better for us to  
15 come together and make the state pay attention  
16 before we invite the state to break bread at a  
17 dinner that they have no idea is happening.

18 MR. RAINES: The state is not trying to -- no,  
19 the marketing order -- a marketing order is run by  
20 the industry.

21 MS. ADAMS: I understand.

22 MR. RAINES: The state is not going to be in  
23 here saying that you can't do that unless it's  
24 something that is illegal. But this is something  
25 -- marketing orders are run by the industries that

1 are -- they're kind of self-regulating. It's a  
2 self-regulating program, I guess is the best way to  
3 say it.

4 MS. ADAMS: But it's created at a state level.  
5 If Commissioner Putnam is appointing, I mean,  
6 they're involved. They're going to, at some point,  
7 have a finger on what we're doing, whereas if we do  
8 it as a grower association, if we come together and  
9 our main goal here is marketing and awareness and  
10 creating an industry, it seems to me like the best  
11 way to do it is to Little Red Hen it for a little  
12 while and do it ourself.

13 MR. RAINES: You make a lot of good points,  
14 and I can't dispute any of them.

15 The only thing is, I can tell you what's  
16 happened. And historically --

17 And you can testify to this.

18 -- look at the Florida citrus industry.  
19 That's what happens there. Look at the Florida  
20 tomato people. They've got a federal marketing  
21 order, but they're appointed or elected. You've  
22 got -- and the Department of Citrus commissioners  
23 are actually appointed by -- by the Commissioner or  
24 by the -- yeah, the commissioner.

25 MR. RICHARDS: Governor.

1           MR. RAINES: The Governor. So you've got the  
2 Governor that actually appoints the commissioners  
3 for the Department of Citrus.

4           Avocados. We used to have a lime order.  
5 Similar things. And those have all been successful  
6 and good for those industries.

7           MS. ADAMS: I'm not denying that at some  
8 point, it will be good for our industry. I just --  
9 this industry is less than 10 years old. You know,  
10 there are a lot of things that we don't know.  
11 There are a lot of things that we figure out every  
12 year. And if I have a marketing order that today  
13 decides that they want me to market a 2-inch peach,  
14 and next year, something new comes out -- because  
15 something new comes out every single year -- and  
16 all of a sudden, I have a market for a different  
17 peach that that marketing order has already decided  
18 for me --

19           MR. RAINES: That can be changed.

20           MS. ADAMS: -- I --

21           MR. RAINES: And these other marketing orders  
22 -- the tomato people have changed sizes several  
23 times in the last 15, 20 years. They change their  
24 sizes.

25           The citrus industry -- how many times have

1 grapefruit sizes been changed because of the  
2 market? You know, we're going to let you ship 56s  
3 this year, depending on what the market will bear.

4 So it is flexible. It can move. And keep in  
5 mind, producers are going to make up the majority  
6 of the board for the seven.

7 MS. ADAMS: That is frightening.

8 MR. RUCKS: Let me add to that.

9 In our last meeting, we found out about this  
10 PLU number. Okay? And we found out that Florida  
11 don't even have a PLU number. Wouldn't you like to  
12 have a PLU number?

13 MS. ADAMS: Absolutely.

14 MR. RUCKS: Okay. Well, Chris has already  
15 worked on doing that. And he's talked to the PMA  
16 about getting that established. And he'll cover  
17 that in a minute.

18 See, that's where, I think, the department  
19 will help more than an association, because  
20 associations can go to the department and ask for  
21 help and, you know, they might and they might not.  
22 It just depends on how busy they are or how big of  
23 an issue it is.

24 But if we had the marketing order, now they're  
25 more obligated, I think, to get this PLU deal going

1 through, because that's their job now. It's kind  
2 of like that they're on our team and they're just  
3 looking for us to direct them where to go, you  
4 know.

5 MR. RAINES: It gives you a collective voice.

6 MR. RUCKS: Right.

7 MR. RAINES: Kind of a collective voice if  
8 you've got -- and the department is going to help  
9 you. I mean, we've got -- everybody knows about  
10 the Fresh From Florida and what he's trying to do  
11 now. And that really is not -- that doesn't  
12 obligate you to vote for a marketing order, because  
13 that's there for that reason.

14 MR. RUCKS: Right.

15 MR. RAINES: But if you had a group together  
16 that could approach the department and say, look,  
17 we, as an industry, represent so many growers and  
18 so many acres and so many millions of dollars, and  
19 we would like for you to consider that, that just  
20 carries a lot more clout.

21 MR. RUCKS: Right.

22 MR. TYLER BOWEN: That sounds like an  
23 association, what you just described.

24 MR. RAINES: An association can do that.  
25 Well, like I say, I think the main difference in an

1 association and what we're talking about under a  
2 marketing order -- if you have a good active  
3 association, now -- is, an association, at the end  
4 of the day, is a gentlemen's agreement.

5 MR. TYLER BOWEN: Right.

6 MR. RAINES: I mean, I can decide that works  
7 for you, it don't work for me. I'm going to do  
8 what I want to. I don't have to participate in the  
9 association.

10 MR. RUCKS: Well, I mean, ask John. I mean,  
11 we had a speaker about the strawberry association.  
12 Ken Parks was at that first meeting we had.

13 And that's what I'm saying, Tyler. There's no  
14 guarantees to an association. You know, we all say  
15 we're going to do it, and when we leave this room,  
16 we go our separate ways and do our own thing. So  
17 it's kind of like we all sat here and told a bunch  
18 of lies, and we did what's best for us.

19 MR. RAINES: We're going to say it wouldn't  
20 happen.

21 MR. RUCKS: Right. Which ain't a bad thing,  
22 but the point of it, there's no continuity as peach  
23 growers, so --

24 MR. TYLER BOWEN: I just wonder if -- if  
25 perhaps the channels shouldn't be the association

1 first, in order to propose a marketing order. I  
2 mean, right now, the marketing order -- I mean,  
3 what I keep hearing is that the marketing order is  
4 a better way to represent everybody, but it really  
5 sounds like -- you get down to the brass tacks --  
6 it only represents the list that you have to mail  
7 out a ballot. And what we'll vote on will only  
8 represent -- whether it's one person or a hundred  
9 people -- that right what was proposed to you.

10 MR. RUCKS: Right.

11 MR. TYLER BOWEN: So that's not a collective  
12 group of people.

13 MR. RUCKS: Look how long it's going to take  
14 to get an association.

15 MR. TYLER BOWEN: Oh, I agree.

16 MR. RUCKS: Now you've lost a year. You're  
17 past the 30 days -- which they're going to give us  
18 30, hopefully -- so now we're going to go right  
19 back and have another market -- set of market order  
20 meetings. You've got to have at least two public  
21 meetings. So somebody is going to have to organize  
22 all this. It probably won't be me next time.

23 But, anyway, the point is, somebody has got to  
24 organize it all.

25 MR. TYLER BOWEN: Right.

1 MR. RUCKS: And you've got to have the  
2 publicly held meetings. We go right back to where  
3 we were with the public meetings. Everybody more  
4 will know what's going on now, including myself.  
5 But -- so now you've lost another year, maybe two.  
6 So I'm just trying to do what's best for where  
7 we're at right now, is all I'm saying.

8 MR. LEOTTI: Yeah. Ed Leotti again.

9 Phil, what you had said earlier, I think, made  
10 a lot of sense, is that, you know, the cart ahead  
11 of the horse a little bit.

12 MR. RUCKS: Right.

13 MR. LEOTTI: You know, my fiduciary standards  
14 dictate that I don't vote for anything that's not  
15 well defined, the only exception being presidential  
16 elections. But the point that I want to make,  
17 Phil, is you collected -- or were in contact with  
18 the 10 percent --

19 MR. RUCKS: Right.

20 MR. LEOTTI: -- of these growers. Would you  
21 be willing to go back to that 10 percent and say,  
22 guys, it's undefined, the cart is in front of the  
23 horse. Let's define the horse and let's show  
24 everybody what the horse looks like. And maybe we  
25 can move this thing forward.

1 MR. RUCKS: With the advisory --

2 MR. LEOTTI: Because you've been in all three  
3 meetings. I was unaware of the meetings. I found  
4 out, this one, through Donald and all. I don't  
5 know how I got off the list. But --

6 MR. RUCKS: No, you were on the list. I sent  
7 you an e-mail myself.

8 MR. LEOTTI: It must have been my old one.

9 MR. RUCKS: I know I did.

10 MR. LEOTTI: It must have been my old e-mail.

11 MR. RUCKS: Anyway --

12 MR. LEOTTI: But what I'm saying, would you be  
13 willing to go back to those guys, because they had  
14 an interest in it -- you've been to all three  
15 meetings -- and I guess most of those guys have  
16 been to the meetings, so they get a sense of what  
17 other growers, that they may not have known, are  
18 feeling about it.

19 I mean, it's a little bit defined. We don't  
20 want size standards. We don't -- you know, don't  
21 pack all-black boxes because Dundee might not like  
22 that. You know, I wouldn't, either. You know what  
23 I'm saying? They can draw something up so we have  
24 something to look at before we say, okay, we would  
25 consider a marketing order. Because to vote for

1 something that is not defined, it's something I  
2 would never do.

3 MR. RUCKS: No, I agree. That's where Al --  
4 the advisory committee deal --

5 MR. RAINES: Let me say --

6 MR. RUCKS: -- if we can get 30 days, maybe a  
7 little bit longer -- I don't know. They can't go  
8 six months, though.

9 MR. LEOTTI: Right.

10 MR. RUCKS: But if we can do that, I think --

11 MR. LEOTTI: Would you be willing to  
12 coordinate that, I guess is what I'm --

13 MR. RAINES: But I think -- I think -- quit  
14 just talking about the 10 percent. The 10 percent  
15 was needed to get something moving. I --

16 MR. RUCKS: That's past. We can't go back and  
17 revisit --

18 MR. LEOTTI: But you have a list of growers  
19 now.

20 MR. RAINES: You can't just have this group  
21 sitting over here and writing it up and presenting  
22 it to rest of the group, saying what do you think  
23 about it. You need to have input from everybody  
24 that's got an opinion on this as it's being  
25 written, and come up with something that's good for

1 everybody. Not me got a version and you got a  
2 version and everybody else, because my version and  
3 his version, I guarantee you, they're not going to  
4 be the same. And nobody may agree with mine or his  
5 or you may get split up again. You're going to end  
6 up right where you are now. So you've got to have  
7 everybody involved in this -- in this revision  
8 process or the writing process.

9 MR. TYLER BOWEN: That's going to be  
10 impossible. That's just -- that's never going to  
11 happen, especially now that we have a timeline. I  
12 mean, we're never going to get everybody -- this  
13 group today is not even a third of what it was at  
14 the first meeting; right?

15 MR. RAINES: Like he said --

16 MR. TYLER BOWEN: And I was unable to be in  
17 Bartow.

18 MR. RAINES: If you don't -- just vote it down  
19 the first time. This is something that still, I  
20 guess, would be in everybody's --

21 MR. TYLER BOWEN: We would have to start over;  
22 right?

23 If something -- if something is submitted to  
24 the state after this meeting and it's voted down,  
25 that's the equivalent as if nothing gets submitted

1 to the state, right? Or not?

2 MR. DENMARK: I'm sorry. Say that again.

3 MR. TYLER BOWEN: If something gets submitted  
4 to you, a marketing order proposal.

5 MR. DENMARK: Yes.

6 MR. TYLER BOWEN: And based off of your  
7 contact list, it gets voted down, is that the same  
8 repercussions as if nothing gets submitted to you?  
9 Do we have to start over?

10 MR. RAINES: It's over then if you vote it  
11 down.

12 MR. TYLER BOWEN: So then we would have to go  
13 through the meeting process again?

14 MR. RAINES: Yes.

15 MR. TYLER BOWEN: The 10 percent of the  
16 letters again?

17 MR. RAINES: Yes.

18 So since --

19 MR. DENMARK: Yeah. I mean, otherwise, this  
20 thing could drag out for years based on these two  
21 hearings.

22 MR. TYLER BOWEN: So where that leaves us as  
23 an industry is, we have seven days to submit  
24 something to you?

25 MR. DENMARK: Just basically written dialogue

1 and comments.

2 MR. TYLER BOWEN: How long do we have to  
3 submit a proposal to vote on?

4 MR. DENMARK: That, I don't have anything  
5 written in here.

6 MR. RUCKS: Well, we're asking him to consider  
7 asking for 30 days. That will give us enough time  
8 to meet as a group, to decide what we want to do to  
9 submit the marketing order to him.

10 MR. DENMARK: I can -- I can propose that --

11 MR. TYLER BOWEN: And then there's no legal  
12 boundaries on who shows up for that group, though;  
13 right?

14 MR. RAINES: Right.

15 MR. BEAU BOWEN: Beau Bowen.

16 I'm missing a step here somewhere. We're  
17 already talking about having a marketing order to  
18 take to Adam. I first thought we had to vote on  
19 requesting Adam to set up an advisory.

20 MR. DENMARK: No.

21 MR. BEAU BOWEN: And then the advisory would  
22 come up --

23 MR. DENMARK: The advisory council is the  
24 first step after the referendum is approved. That  
25 is the first step. And then, you know --

1 MR. BEAU BOWEN: Okay. All right.

2 MR. DENMARK: -- once you've established --  
3 the industry has established that they want this  
4 marketing order that looks like this, and it's  
5 voted on and approved, then the advisory council is  
6 established.

7 So in a perfect world, we would have already  
8 had kind of an advisory council set up within the  
9 peach industry. It may not look the same as what  
10 the Commissioner would -- would appoint. He may  
11 appoint different people.

12 MR. BEAU BOWEN: I've got you.

13 MR. DENMARK: Like -- to have some kind of  
14 cohesion between the industry and a singular focus  
15 of this is how this thing should look, even if  
16 everybody doesn't quite agree.

17 MR. TYLER BOWEN: What office is all of this  
18 getting submitted to? You personally.

19 MR. DENMARK: Yes.

20 MR. TYLER BOWEN: Okay. So have you been  
21 building the database of contacts?

22 MR. DENMARK: Yes.

23 MR. TYLER BOWEN: And you've been basing that  
24 off of just the past three meetings?

25 MR. DENMARK: These meetings, based on e-mail

1 lists from Mercy, based on e-mails from Philip.

2 MR. TYLER BOWEN: So how do we -- just  
3 theoretically, how do we ensure that everybody gets  
4 on your list? We e-mail you and just say have this  
5 guy --

6 MR. DENMARK: You can e-mail this guy has  
7 peaches, this guy is a commercial grower, this guy  
8 is a you-pick. Whatever. If -- you know, anybody  
9 that has peaches for -- you know, has a crop can be  
10 involved in this process.

11 MR. TYLER BOWEN: All right. But how do we  
12 ensure that we're involved? Obviously, I'm  
13 involved. I've been at the meetings. But how  
14 do --

15 MR. DENMARK: You can't. It's just like  
16 presidential elections. Everybody has got the  
17 opportunity. Everybody -- but, you know, I can't  
18 go and knock on every door and say, you know, are  
19 you a peach grower, you know, here you go, here's  
20 your ballot. I can't do that.

21 So it's up to the industry to reach out to  
22 these people and say, you know, you need to take a  
23 look at this, you need to be a part of this.  
24 You're going to be allowed to vote on that.

25 MR. TYLER BOWEN: How do we make sure we're on

1 the ballots?

2 MR. DENMARK: You can send me that. You know,  
3 they're --

4 MR. TYLER BOWEN: But you're mailing out the  
5 ballot. We don't go to a poll. You're mailing  
6 them out. How do we --

7 MR. DENMARK: You -- there's one of two ways  
8 that you'll be able to do that. And it's -- it  
9 will be mailed out. It will also be available at  
10 the county extension offices. And so growers can  
11 go there and vote in person.

12 So, I mean, it's as good a system as we have  
13 at this point. But if you have growers --

14 I mean, like, Al, you've probably got a list  
15 of peach growers, you know, within the cooperative  
16 there that, you know, they need to know about  
17 these -- this. So, you know, send an e-mail blast  
18 out to those. I don't know.

19 Yes, Sonia.

20 MS. TIGHE: Sonia Tighe, with FFVA.

21 It does say in here that if it goes to a  
22 referendum, that the Commissioner -- the department  
23 has to publicly announce it 15 days in advance. So  
24 whether you're doing it by advertising or notice,  
25 there is some kind of a public notice.

1 MR. DENMARK: Right.

2 MS. TIGHE: I did have a question on -- you  
3 have six topics that can be covered in a marketing  
4 order listed. When they write -- if they decide to  
5 do it, if they write the marketing order, can they  
6 write it as an either/or? Like, maybe they're  
7 interested in advertising or research or unfair  
8 trade practices, or do they have to pick one of  
9 these topics to make that work?

10 MR. DENMARK: Milton, I think you probably --  
11 you know more about that.

12 But to my understanding, it is -- you can mix  
13 and match. There's -- there's -- you can put a  
14 percentage. Like, with the peanut marketing order,  
15 they have a percentage of it goes to research and a  
16 percentage of it goes to marketing activities.

17 MS. TIGHE: So they -- in theory, under this  
18 573.114, they can pick out three of those areas  
19 that may be of interest, and then it would go to  
20 their advisory committee when it got appointed, to  
21 determine --

22 MR. DENMARK: Certainly.

23 MS. TIGHE: -- how those funds were assigned  
24 to each one of those areas?

25 MR. DENMARK: Yeah. The marketing order is

1           what the industry makes it. Again, we're just  
2           facilitating.

3           MR. RAINES: It's my understanding that's an  
4           example of the things that can be in it. And I  
5           think you pick and choose what you want it to have.  
6           It's not an either/or.

7           MR. DENMARK: And there -- you know what?  
8           There may be some things that fall between the  
9           cracks that might fit into a marketing order that  
10          aren't listed as some of those examples, also.

11          MR. RAINES: This is -- you've read it. It's  
12          pretty broad. I mean, it leaves a lot of -- a lot  
13          of opportunities.

14          MR. DENMARK: But --

15          MS. ADAMS: Is there a verification process on  
16          the voting system?

17          MR. DENMARK: Verification process?

18          MS. ADAMS: Yeah. You say we can walk into  
19          the extension office and fill out a ballot and hand  
20          it in.

21          MR. DENMARK: Yes.

22          MS. ADAMS: So who verifies that acreage, that  
23          counts? So my neighbor can walk in and say he just  
24          planted 200 acres of peaches, and vote?

25          MR. DENMARK: It's where we just kind of look

1 at the industry and look at the folks and say,  
2 look, you've got to have some kind of integrity  
3 amongst yourselves. You know, if, you know, Tyler  
4 says he's got 1,800 acres of peaches --

5 MS. ADAMS: Because these statistics are --

6 MR. DENMARK: -- I'm going to look at that a  
7 little bit suspiciously. But the -- as far as the  
8 verification process, am I going to go out there  
9 and measure the acreage of peaches that you have?  
10 (Shakes head.) Not to my knowledge today.

11 MR. RAINES: How much of this is public record  
12 as far as the declarations of acreage?

13 MR. DENMARK: Probably all of it, legally.

14 MR. RAINES: I don't think it's proprietary.  
15 That's why I was wondering. It may be public  
16 record.

17 MR. DENMARK: Yeah, it's --

18 MS. ADAMS: If you look at -- if -- the state  
19 has basically no records so far, acreage of peaches  
20 in the ground.

21 MR. RAINES: I'm talking about --

22 MS. ADAMS: If you look at what the state says  
23 is in the ground and what we all know to be in the  
24 ground, they are far apart.

25 MR. DENMARK: Sure.

1 MS. ADAMS: So if you're using that as some  
2 kind of accountability, it's moot.

3 MR. DENMARK: Yeah. I mean, you -- when you  
4 sign in there, you know, your declaration on that,  
5 that is public record.

6 MS. ADAMS: Right.

7 MR. DENMARK: I don't want -- yes.

8 MS. ADAMS: That's for us that have come to  
9 meetings thus far.

10 MR. DENMARK: And, you know, I'll do what I  
11 can not to share that but, you know, with the  
12 sunshine laws, legally --

13 But, you know, that's just kind of -- you've  
14 got to police your own at that point. And like I  
15 said, when Tyler writes down that he's got 1,800  
16 acres --

17 MS. ADAMS: But we won't have any access to  
18 the voting records, either. We won't be able to  
19 see who voted, to be able to call BS.

20 MR. DENMARK: I don't know that the yea or nay  
21 is -- is accessible on that.

22 MR. RAINES: I don't know.

23 MR. DENMARK: That, I don't know the  
24 legalities on that. But, you know, possibly the  
25 number of acres that's being reported is -- more

1           likely, that would be a -- an acceptable question  
2           that could be --

3           MS. ADAMS: It just seems to me like there are  
4           a whole lot of questions and not a lot of answers.  
5           And to squash this and to start over when we have  
6           things in the proper order, it's a small price to  
7           pay to start from scratch, when we've all got our  
8           act together just a little bit better.

9           MR. DENMARK: For the record, I have no  
10          comment on that --

11          MS. ADAMS: It has nothing to do with you at  
12          all. It has to do -- we are in the infancy of this  
13          industry. This is not a good time to be making  
14          decisions.

15          MR. DENMARK: -- with this group.

16          MR. RUCKS: Well, but it might be a good time  
17          because --

18          MS. ADAMS: It's a good time to get started.

19          MR. RUCKS: Right. Right.

20          MS. ADAMS: I just don't think this is the  
21          right place to start.

22          MR. RUCKS: Well, what's the right place to  
23          start?

24          MS. ADAMS: I'm not sure. I don't -- I don't  
25          have those answers. I just don't have faith in

1           this answer.

2           MR. RUCKS: But if we wait five years, it's  
3 going to probably be too late because everybody is  
4 going to have their own thing. And as an industry,  
5 it could set a lot of us up for failure because  
6 there's no continuity, you know.

7           Okay. Having an association, but you still --  
8 that's going to be weak, compared to, I think, the  
9 marketing order, that's going to have a lot more  
10 credibility and got a force behind it. You're in  
11 the Department of Ag now.

12           Is the association going to be the Department  
13 of Ag? No, they're not. You're not -- I mean, it  
14 can't be a joint kind of thing. So that's what I'm  
15 saying here. Not that that's a bad thing. Nobody  
16 wants to have a bunch of government involved and be  
17 overregulated.

18           Y'all are going to decide how you're going to  
19 be regulated by that advisory board you've got.  
20 So, I mean, you're making your own rules up as you  
21 go, which is unusual in a lot of things that  
22 involve the government.

23           I mean, I would love to make up my rules to  
24 run an orchard. But, you know, when we had this  
25 nursery, the citrus nursery, when we were mandated

1 to screen our nursery, we didn't have a say-so.  
2 They came in -- this is the Feds, too. They handed  
3 us, this is what you're going to do. Well, guess  
4 what happened. 65 percent of the nurseries in the  
5 state went out of business.

6 I mean, I'm not saying that's what's going to  
7 happen here. But that's what happens when you  
8 don't have a say-so with the government, because  
9 they're going to do what they have to do to protect  
10 the industry, regardless of the nursery, what you  
11 think about it.

12 You know, I had to build a whole new nursery.  
13 I had no government financial assistance  
14 whatsoever. There wasn't any available. And I had  
15 no say-so. They had a list of rules. You either  
16 did, or get your butt out of town. And they didn't  
17 care, either. They would tell you they didn't  
18 care. That's just what it is.

19 MS. ADAMS: We all face those challenges, too,  
20 in our packinghouses and our facilities.

21 MR. RUCKS: Well, but I faced it a lot more  
22 than you did. I spent a bunch of money. And I put  
23 my tail on the line. And I tell you, it's very  
24 uncomfortable, because I had a lot of friends that  
25 got drove out of business, and they had no say-so.

1           And I resented it. I didn't like it. But  
2           this is a whole different scenario here. You have  
3           a chance to partner up with the government agency  
4           that's here to help. And Adam is wanting to  
5           promote the Florida peaches. I mean, this Fresh  
6           From Florida or anything to do with Florida, he's  
7           going to go to bat for us.

8           An association, you're not going to have a  
9           whole lot of people going to bat for you except  
10          yourselves. And, you know, when we get a bunch of  
11          you in -- and we're all competitors, so there's a  
12          little bit of a distrust factor. We all say we're  
13          going to sell them for the same price, but you know  
14          how it works.

15          You've sold to people that say, hey, I can get  
16          them for a dime less a pound from this guy over  
17          here. You're probably going to have to come down a  
18          dime, you know, when all along, you didn't even  
19          have to do that. That's just what they told you  
20          you have to do.

21          So that's what I'm saying. I just -- you've  
22          got to be careful. And you know this. I'm just --  
23          I don't want to get -- I think it goes on for a  
24          couple more years. We had the strawberry guys that  
25          talked. And John can tell you a little bit about

1 the strawberry association. And we don't --  
2 wouldn't y'all rather have a marketing order now?

3 MR. SIZEMORE: Ultimately.

4 MR. RUCKS: And the blueberry guys, the same  
5 way.

6 MR. SIZEMORE: Ultimately, yes.

7 And you summed it up. It requires  
8 participation. What happens -- you know, if you  
9 have an association, you get folks, personalities  
10 get involved, and I'm not going to be a member  
11 because I don't like him. And so you end up with  
12 about 50 percent of the industry trying to drive  
13 it, and the other 50 percent freeloads. You know,  
14 they get the benefit. Not a bad thing. It's  
15 strictly voluntary.

16 I -- I would like to see a marketing order get  
17 in place for peaches for that reason. I think once  
18 an industry gets large, it's too difficult to get  
19 it together and be cohesive. I certainly don't  
20 want it to be restrictive in any way for the  
21 commerce of the peach industry.

22 If -- I personally can't -- if it's going to  
23 be stakeholders in the industry, I can't imagine  
24 them voting for something that would be at odds  
25 with my interests. It's certainly possible, but I

1 -- I think it's a small price to pay for that.

2 You know, if you disagree, I respect that,  
3 too. But it is -- there's other things that aren't  
4 being said here that will develop if we're able to  
5 grow as an industry.

6 Phil, what are the royalties on peach trees?

7 MR. RUCKS: Well, most of them are now \$2 a  
8 tree.

9 MR. SIZEMORE: So, you know, all that money is  
10 being funneled directly back to the foundation. If  
11 we have a committee and a marketing order,  
12 typically, those people will allow us to designate  
13 where the royalties go. If we want to use that for  
14 research, if we have a particular pest that's a  
15 problem, if we want to put it in new varieties,  
16 whatever.

17 But it's not just -- it's bigger than what  
18 we're going to contribute. We'll have access to a  
19 lot larger capital base than we contribute, if we  
20 do this. And it's not quantifiable, but it's  
21 something that will grow.

22 MR. TYLER BOWEN: It sounds like  
23 everybody's -- Tyler Bowen again.

24 Everybody's list of concerns -- and mainly  
25 concerns, because those are easier to make vocal.

1 But the potential, it's all what may be in this  
2 thing, not what is in it. We need an is.

3 And as far as the state is concerned, you're  
4 telling us you need an is. This is it. Let's vote  
5 on it. We've got enough ref -- we've got enough --  
6 you've got a long enough list now that,  
7 theoretically, it's long enough that we've got  
8 10 percent. Right?

9 So -- but it's -- you've got to get something  
10 from somebody. And you're going to make the  
11 assumption that it's the collective group effort;  
12 right? Because you have no other choice. And then  
13 that will go up for -- Adam is going to mail all of  
14 us based on the list who wrote on that.

15 MR. DENMARK: Yes.

16 MR. TYLER BOWEN: But all of our concerns in  
17 here is what may or may not be on it. Everybody  
18 who's leaning no, is we don't know what may be on  
19 this. And everybody who's in favor of it is what  
20 may be on it. But it's what may be.

21 So somebody has got to submit something to  
22 you, just as if we were trying to draft a legal  
23 bill. Somebody has got to present the bill, and  
24 then it goes through the process. But right now,  
25 you don't even have that. And the state is going

1 to have nothing to do with drafting that until  
2 after it's --

3 MR. RAINES: Let me make a comment about a  
4 couple of things that were said. And you're dead  
5 on, as far as I'm concerned, with what you're  
6 saying.

7 The citrus industry a few years ago -- you've  
8 got state maturity requirements on fruit. Okay?  
9 The citrus industry decided early-season  
10 grapefruit, they wanted to raise that requirement.  
11 Why? Because some people were jumping out there  
12 real early with stuff that barely made maturity.  
13 And when they did, what happened? They killed the  
14 market for a couple of weeks until the fruit really  
15 got good to eat.

16 So what did the marketing order do? Now, this  
17 is state law on maturity. The marketing order said  
18 we're going to change the marketing order so the  
19 maturity on grapefruit has to be higher. So you  
20 can ship it in the state under the state  
21 requirement, but if it goes out of the state, we're  
22 going to put a higher requirement on it. They did  
23 that because they thought that was good for their  
24 industry.

25 Size has been the same issue. The early

1 maturity, small fruit may not be as mature. Things  
2 like that, they've been able to deal with that.

3 And I heard in one of these meetings -- and I  
4 don't remember who said it and I don't remember  
5 which meeting it was -- about an instance that  
6 happened where a player had peaches and jumped out  
7 there early in the market with a hard peach, and  
8 actually killed some business for some people. And  
9 I don't know who it was or where it happened, but  
10 that's the kinds of things that can happen when  
11 you've got an association, that the price gets high  
12 and somebody has got something they think they can  
13 sell, they're going to hit the market with it. Two  
14 weeks from now, the people that bought that peach  
15 may not be buying Florida peaches, even if they're  
16 excellent.

17 And with an association, you may have an  
18 agreement that I won't market before a certain date  
19 or before they're a certain size. With a marketing  
20 order, y'all agree we're not going to do this until  
21 -- and it could be a date. On avocados, they set  
22 their maturity by variety by date. You have a  
23 committee that says this variety is deemed to be  
24 mature on this date. You can start picking and  
25 shipping it. So -- and I don't know if you would

1 want to do that or not.

2 But there's a lot of -- a lot of things out  
3 there. And you said no. And, you know, if it's  
4 something the industry don't want, fine. But maybe  
5 size will take care of that.

6 I mean -- but that's stuff -- getting back to  
7 -- y'all have to decide that. I don't know enough  
8 about it. But a marketing order would give you, as  
9 an industry, the ability to do that and make  
10 everybody agree -- make everybody have to do it. I  
11 mean, it's now no longer just a gentleman's  
12 agreement.

13 Go ahead.

14 MR. DENMARK: Al, did you --

15 MR. FINCH: I was just going to say that, you  
16 know, it seems like everybody -- you know, like Ed  
17 said perfectly, that, you know, everybody wants to  
18 know what you're going to vote on. It needs to be  
19 defined.

20 So if -- you know, if we got together and  
21 formed an advisory council amongst the peach  
22 growers, come up with something that is defined  
23 what we want to have in it, then go through the  
24 process and then vote on it, then we've got  
25 something concrete that then we're coming to -- to

1           you with -- to the Commissioner.

2                     I guess until we do that as a group, then  
3           we're still back at square one.

4                     MR. DENMARK: Yes. I agree with that  
5           assessment.

6                     MR. RUCKS: Could we -- could you go back to  
7           the Commissioner and voice these concerns and see  
8           if he could extend the period, instead of the seven  
9           days, and make it 30 or 60, to where they can come  
10          back with a competent recommendation of what they  
11          would like to see in the marketing order? And that  
12          way, everybody is, you know, a little bit more in  
13          agreement.

14                    MR. DENMARK: I can address that. It may be a  
15          situation where we might have to have another  
16          hearing.

17                    MR. RUCKS: Right.

18                    MR. DENMARK: Because that's the one thing  
19          that we definitely need to adhere with, is to allow  
20          everybody to voice their opinion on these. I mean,  
21          it seems --

22                    MR. RUCKS: It's just a lot of work to go back  
23          through the whole process again.

24                    MR. DENMARK: Right.

25                    MR. RUCKS: I mean, who knows when that's

1 going to happen.

2 MR. DENMARK: I mean, I think -- I think we're  
3 further along today, as far as being able to define  
4 something, than we were a month ago in this room,  
5 in my opinion. And so this is -- to me, this is  
6 good, to see people coming together and -- and  
7 bouncing these things off. Like I said, we're  
8 moving in a much more narrower path at this point  
9 than we were two weeks ago or a month ago.

10 But we need some direction from the industry.  
11 And I think perhaps what Al is saying is probably  
12 the natural progression of a marketing order that  
13 we can work with.

14 So just kind of to go back on a marketing  
15 order, for anybody that doesn't understand at this  
16 point -- and I'm sure everybody does -- but, you  
17 know, a marketing order is, if there's an  
18 assessment, you're paying the assessment. You  
19 know, there's no ands, ifs, or buts. You can  
20 create exemptions on there for people, you know.  
21 But pretty much, you -- you're locked into paying  
22 that assessment. And that's the difference between  
23 that and an association, which is just on good  
24 faith.

25 Yes, sir, your name?

1           MR. UNDERWOOD: Wayne Underwood. With all of  
2           the confusion here, I don't understand -- I see  
3           where the marketing order and how we're wanting to  
4           -- where we want to get to. But as a grower, I  
5           deal with Dundee. And I come up to a certain point  
6           and turn it off, and Dundee picks up -- picks up  
7           the ball and carries it forward.

8           I am not familiar with the problems or the  
9           hurdles that everybody else has to jump through,  
10          because not everyone is with Dundee. And if we --  
11          if I knew of what the current state is and what the  
12          problems are with the current state, as to where we  
13          want to go with the proposed state and how that  
14          would solve that, that would help me in coming to  
15          conclusions on it.

16          But right now, I'm very confused with all of  
17          it because I don't understand the current problems.

18          MR. DENMARK: And I think, you know,  
19          identifying the current problems was -- was one of  
20          issues that we had. And certainly, I don't know  
21          what the current problems are for you guys. I  
22          mean, it could be disease. It -- you know, at  
23          first when we came in here, it was all about size.  
24          And, you know, a couple of weeks later, it kind of  
25          shifts, and size isn't necessarily the defining

1 criteria.

2 So there's a lot of different industry issues  
3 that probably need to be addressed. And, again,  
4 that's -- industry needs to come together and pool  
5 those.

6 Wesley?

7 MR. BORDERS: Wesley Borders.

8 Can a marketing order be established with  
9 nothing in it? And can it exist with no  
10 assessment, to give an industry a chance to decide  
11 what it wants to do so that the \$2,000 is not  
12 wasted?

13 And a lot of questions here, but the first  
14 one: Can it exist without anything in it? No  
15 teeth, because we don't want teeth.

16 UNIDENTIFIED SPEAKER: A minimum.

17 MR. BORDERS: Yeah, minimal, nothing, not even  
18 promotion, not even marketing, but it's in place so  
19 that five years down the road, when you've got a  
20 thousand personalities that we can't agree, because  
21 we're all independent. Okay? It's what made  
22 America America. But in five years, when we not  
23 can get a marketing order because nobody can agree,  
24 but if we can make one now, so that if we do decide  
25 that we want one -- do you see where I'm going?

1 MR. DENMARK: You want a placeholder. More or  
2 less, something that's in there that you can amend.

3 Again, that goes back to, you know, are you --  
4 do you feel comfortable voting for something that  
5 has nothing in it, and it's wide open to, again,  
6 your advisory council. I can't --

7 MR. BORDERS: And that brings up the question  
8 that's been talked about, too. Talk about the  
9 president and talk about whatever. We don't trust  
10 the government. But then you talk about an  
11 association. You've got a handful of men making a  
12 decision in an association. We've got to trust  
13 them.

14 So now, we're going to go boil it down to  
15 integrity. So at some point, we've all got to go  
16 on faith, you know, or we're all just going to be  
17 independent and do our own thing. So, you know,  
18 how do you cross that bridge?

19 MR. DENMARK: How is that working for you at  
20 this point, working independently? Is everybody  
21 feeling very --

22 MR. BORDERS: That's the whole reason -- the  
23 whole reason we came together for this, is like I  
24 said in Bartow, because there was a size issue. So  
25 a big chain store made a knee jerk reaction to that

1 size issue, and it costs some of us in this room.  
2 Okay?

3 That problem has been corrected. The industry  
4 policed itself. That major chain store no longer  
5 has the vendor that had the size issue. They're  
6 out. And I don't know that that vendor has even  
7 been present at one of these meetings.

8 Have they, Phil?

9 MR. RUCKS: No, they haven't.

10 MR. BORDERS: Okay. So the industry policed  
11 itself, so to speak. Okay? But so there's good  
12 sides, there's bad. Too many of us don't trust the  
13 government, but then too many of us also have seen  
14 an association that's still a big and strong  
15 association, but we don't trust them either,  
16 because I'm one of them.

17 So what I'm saying is, you know, there's good  
18 and bad on both sides.

19 MR. DENMARK: Yeah. And those are questions I  
20 can't answer for you.

21 MR. RAINES: Good observations.

22 MR. DENMARK: Yeah.

23 MR. BORDERS: But now, the point of trying to  
24 form a marketing order down the road, John and I  
25 will agree, if you try to do that right now in the

1 strawberry industry, you're wasting your time. A  
2 waste of time.

3 And then you ask yourself this: How many  
4 commodities are farmed in the State of Florida that  
5 don't have a marketing order? A whole bunch.  
6 Percentage-wise, it's huge. Okay. So can an  
7 industry exist without a marketing order? Yes.  
8 Can an industry exist without an association?  
9 Yeah.

10 But here again, we're all in this room, and  
11 there's not very many of us compared to a couple of  
12 weeks ago. It sounds like we need to determine  
13 what we want to do as a group. And we've already  
14 spent this \$2,000.

15 So that's why I say: Can you have a marketing  
16 order, empty, but it's there if we want it?

17 MR. SIZEMORE: So hold our place.

18 MR. DENMARK: I don't know of any regulation  
19 -- I mean, there's nothing in here that says what  
20 has to be in it. There's a whole list of things  
21 that can be in it.

22 MR. BORDERS: But we can decide that.

23 MR. DENMARK: And you can change it.

24 MR. RAINES: I would be as scared of that as I  
25 would be -- if you don't trust the people that are

1 on the board, what happens five years from now,  
2 when somebody says, hey, this thing is just sitting  
3 over there, let's just make a grab for it?

4 Now what are you going to do? I mean, that's  
5 just -- I would be as scared of that as I would  
6 be --

7 MR. BORDERS: But, I mean, you can play  
8 what-if all day long. I mean, look at what we've  
9 got for a president. So we can play what-if from  
10 now on; you know what I'm saying?

11 UNIDENTIFIED SPEAKER: Only two more years.

12 MR. BORDERS: Sir?

13 UNIDENTIFIED SPEAKER: Only two more years.

14 UNIDENTIFIED SPEAKER: Two more years.

15 MR. BORDERS: But I'm saying -- I see what  
16 you're saying, Milton. We have something in place,  
17 and then a group of us get together and have an  
18 ulterior motive that's not best for the industry.  
19 I mean, that can happen in anything. That can  
20 happen in life. That can happen in your family.

21 MR. RAINES: Yeah, that's what I'm saying,  
22 though. Would you want that potential sitting out  
23 there?

24 MR. BORDERS: Well, if you don't have the  
25 potential, then that means we all just go our

1 separate ways.

2 MS. ADAMS: You could just write it to where  
3 it said that in the event that any changes are made  
4 to this, it must be voted on by a said percent of  
5 the said industry in order to make any changes;  
6 done.

7 MR. RAINES: No, once you get it set up,  
8 though, you've got an advisory. Once it's  
9 structured, it's already set up how it's going to  
10 be. You know, it doesn't go back to a vote. It  
11 goes to the advisory, the way I understand it.

12 MS. ADAMS: But you said that we can word it  
13 -- we can make it have those parameters.

14 MR. SIZEMORE: I think at that point, the  
15 committee -- there would still be a committee.

16 MS. ADAMS: Right. There would be a committee  
17 in place. And if that committee ever -- ever  
18 decides to make any changes, there would be  
19 parameters made on the changes being allowed.

20 MR. BORDERS: Can it be set up that the  
21 committee has to poll we, the people? I mean,  
22 could that be done internally?

23 MR. DENMARK: I don't know. There's nothing  
24 in the language that I've ever read. I mean, it  
25 basically sets up this advisory council to

1 determine what --

2 MR. RAINES: I think that's why you have the  
3 advisory council --

4 MR. RUCKS: Right.

5 MR. RAINES: -- and subcommittees --

6 MR. DENMARK: Right. Right.

7 MR. RAINES: -- and things like that.

8 MR. DENMARK: I mean, I don't -- I don't know  
9 how it works in the citrus.

10 Al, maybe you've got a better idea. I mean,  
11 is there feedback, open dialogue about what needs  
12 to go on with that?

13 MR. FINCH: You mean as far as on the  
14 commission or by the --

15 MR. DENMARK: The marketing order.

16 MR. RAINES: The state marketing order.

17 MR. FINCH: Well, that would go through like  
18 the citrus administrative committee.

19 MR. RAINES: Right.

20 MR. FINCH: And they have -- they have a  
21 board, an elected board, that gets together and  
22 establishes, you know, any types of changes or any  
23 modifications that --

24 MR. RAINES: But they have public meetings, I  
25 mean.

1 MR. RUCKS: Right.

2 MR. RAINES: They have public meetings. They  
3 have subcommittees that -- you know.

4 MR. RUCKS: Chris?

5 MR. DENMARK: Yes.

6 MR. RUCKS: They develop subcommittees, like,  
7 you have a subcommittee promoting and advertising.  
8 You'd have a subcommittee for -- like, say we had a  
9 new disease or a variety we had that had a  
10 particular problem, you would have a subcommittee  
11 that would address that, and you would probably  
12 have a couple plant breeders on there and  
13 pathologists.

14 The advertising would be guys that's actually  
15 selling peaches. That is what that subcommittee  
16 would have. You would have subcommittees to where  
17 you would have all these different strengths to  
18 address -- and an expert -- that would address that  
19 problem, you know.

20 Because I wouldn't want to be on there about  
21 addressing the disease or even marketing. I don't  
22 sell peaches and, you know, I'm not a disease  
23 expert. So, you know, you have -- that's where you  
24 have the subcommittees that would address those  
25 strengths and issues so that we could get that

1 resolved.

2 MR. DENMARK: So --

3 MR. RUCKS: That's kind of how it would work,  
4 I think. It's supposed to.

5 MR. RAINES: You posed the question, but I  
6 don't know that they would want to create one, just  
7 on the intention of letting it sit.

8 MR. DENMARK: Yeah. I don't know that that  
9 would fly, to tell you the truth. An empty  
10 marketing order --

11 MR. BORDERS: Okay. So how can you -- okay.  
12 So here's our trouble.

13 MR. DENMARK: It's got to have some kind of  
14 structure.

15 MR. BORDERS: You're going to assess us, and  
16 we have no clue why or what for.

17 MR. RAINES: No, he didn't say they were going  
18 to assess you. He just said -- they have to run it  
19 by legal, but they -- and the Commissioner and  
20 legal. I don't know if they're going to want to  
21 approve an entity that's existing, just to be  
22 there, with no purpose.

23 MR. BORDERS: Can you personally stand there  
24 and see that's our dilemma?

25 MR. RAINES: I can -- yeah, I can -- I mean, I

1 understand where y'all are coming from. I really  
2 can.

3 MR. BORDERS: So, I mean, if we don't want to  
4 waste \$2,000 again six months from now or a year  
5 from now -- so I'm trying to wiggle around that  
6 corner. See what I'm saying?

7 MR. DENMARK: Right.

8 MR. BORDERS: So --

9 MR. DENMARK: But I just -- I mean, I guess at  
10 this point, it's how empty is this marketing order  
11 that you would set up? It's got to have some kind  
12 of substance and -- you know, there's got to be  
13 something that you can wrap your hands around and  
14 say this is worthwhile for the industry at this  
15 point. Just to have some kind of a placeholder  
16 that just is open --

17 MR. RAINES: Even if you had a minimal  
18 assessment-type thing that's targeted to marketing.  
19 I mean, some of your -- some of yours are  
20 marketing.

21 MR. BORDERS: Marketing or promotion, I think  
22 most of us could sit here and possibly agree.

23 MR. DENMARK: If there was something that  
24 everybody could agree upon --

25 MR. BORDERS: Right.

1 MR. RAINES: Then you've got something.

2 MR. DENMARK: -- that's where I would start.

3 MR. RAINES: That's a placeholder. That's got  
4 something.

5 MR. DENMARK: Then you've got --

6 MR. BORDERS: Then you move beyond that, what  
7 kind of assessment?

8 MR. DENMARK: Then you get together your  
9 committees and --

10 UNIDENTIFIED SPEAKER: That's why you form the  
11 advisory.

12 MR. RAINES: Right. You've got an advisory  
13 committee and a tenth of a cent or so much an acre  
14 or however you want to do, at least you would have  
15 something that is a functioning entity, not  
16 something that's just sitting there, taking up  
17 space. Because to create it and just let it take  
18 up space, I'm not sure how that's going to fly.

19 MR. BORDERS: Okay. So from where we stand  
20 right now -- I don't know why I'm talking.

21 MR. DENMARK: You're tired of me talking.

22 MR. BORDERS: But, I mean, you know, we're  
23 going to be here until 4:00 and we don't get a  
24 lunch.

25 So from where we stand right now, we need to

1           decide under the parameters you just said, can we  
2           have one with just one thing in it, and then all  
3           the other decisions like what the assessment would  
4           be and all that, would be decided down the road.  
5           But we, as an industry, would vote yea or nay  
6           whether we even want a marketing order. And then  
7           if it is yes, then the decisions would be made  
8           after that, amongst us as an industry. Is that  
9           fair?

10           MR. DENMARK: I can't speak to us as an  
11           industry, voting on, you know, issues and taking it  
12           to the advisory council, because the way that it's  
13           written in the statutes, you know, it's the  
14           advisory council's job.

15           MR. BORDERS: Okay. So --

16           MR. DENMARK: I mean, it's their decisions --

17           MR. BORDERS: For the folks -- for the folks  
18           in the room that are negative on government -- and  
19           I say that kindly, because I appreciate -- no,  
20           seriously --

21           MR. DENMARK: I don't like those people,  
22           either.

23           MR. BORDERS: I do. I appreciate all of y'all  
24           being here because, honestly, you're here because  
25           you've got the industry's best interest at heart.

1 But we don't want to make a huge mistake.

2 So back to government -- and I just want to  
3 make sure I understand. If Adam Putnam makes a  
4 decision on the seven -- also the seven alternates?

5 MR. DENMARK: Yes.

6 MR. BORDERS: So we don't have any say in  
7 that? Or could somebody, whether it's Phil,  
8 whether it's Mercy, whether it's whoever --

9 MR. DENMARK: I don't know that the  
10 Commissioner knows 14 people to --

11 MR. BORDERS: So here's my question.

12 MR. DENMARK: -- to appoint.

13 MR. BORDERS: How does he come up with -- and  
14 see this is where politics is involved.

15 MR. RICHARDS: Politics.

16 MR. BORDERS: This is why we don't trust  
17 government. So this is what I'm saying -- and I  
18 don't distrust Adam. I mean, I love Adam, okay?  
19 But he's listening to other people. All right. So  
20 if the other people representing the industry at  
21 its best, so the seven and the seven, he's going to  
22 make the call for -- where is that? Who's making  
23 it before him? Us? I'm just asking. I'm just  
24 trying to figure it out.

25 MR. RUCKS: I would take your list that you

1 have and pretty much send out an invitation to  
2 consider serving on it, off the list.

3 MR. DENMARK: Certainly.

4 MR. RUCKS: That's why it's important to have  
5 a list of the growers at the sign-up here. And  
6 when it gets on Al's list, when it gets on Mercy's  
7 list -- I've got a list, too. All these lists,  
8 Chris has. That's what he's going to give Adam.  
9 I'm assuming he'll look at the list and just send  
10 out invitations.

11 MR. RAINES: How did they do it on other  
12 marketing orders?

13 MR. DENMARK: I do not know how it's done on  
14 the other marketing orders. I never -- never  
15 thought about this partition -- or part of it. But  
16 I imagine the way it happens is that the  
17 Commissioner, you know -- people are sending  
18 letters to the Commissioner.

19 And you know, you're certainly able to send an  
20 e-mail, make a phone call, send a, you know,  
21 letter, a formal letter to the Commissioner's  
22 office, and stating, you know, that you feel this  
23 person should be considered for this advisory  
24 council. That's probably how a lot of them are  
25 looked at.

1           I -- I highly doubt that he's going to go  
2 through looking at that list that I have right  
3 there and go -- you know, throwing darts at names.  
4 It's not going to happen that way. And they take  
5 it very seriously who goes on these -- these  
6 committees.

7           But there's also -- you know, there is a  
8 breakout where it's not all going to be producers,  
9 it's not going to be all large-scale producers,  
10 it's not going to be all handlers. It has to be  
11 broken out evenly among there. And, you know,  
12 Commissioner Putnam understands. You know, with  
13 his background in the citrus industry, he certainly  
14 would take this very seriously as to who to put on  
15 this board, this advisory council.

16           I don't know at the end of the day what names  
17 he picks why, but you have the ability to contact  
18 the Commissioner's office and state your case and  
19 state your neighbor's case as to them.

20           I don't know that he knows 14 peach growers  
21 that are actually, you know, willing to take on the  
22 responsibility. That's the first thing. You know,  
23 the council members would have to be willing to do  
24 this. And it's a commitment on their part. So a  
25 lot of people might fall out because of that.

1           But, again, it's your industry. And, you  
2 know, there's people here that, you know, care  
3 about what's going on with it and need to -- need  
4 to be a part of that process.

5           MR. BEAU BOWEN: Beau Bowen again.

6           Just a quick question. And it may be in here,  
7 and I haven't read all this.

8           If you've got the advisory council, how is  
9 that funded for its operation? I mean, if we have  
10 one like what you say, where nothing is done,  
11 you're going to have a meeting place for this  
12 council to go to and that kind of stuff. Where  
13 does that money come from? Does the state come up  
14 with that? I mean, give you a room to go to, or  
15 does it come out of revenues from --

16          MR. DENMARK: No, that's pretty much on your  
17 industry. You pay for that.

18          MR. BEAU BOWEN: So you would have to have  
19 some kind of income --

20          MR. DENMARK: Yeah.

21          MR. BEAU BOWEN: -- just to have the advisory  
22 council in place?

23          MR. SIZEMORE: I'm sure you can meet at an  
24 extension office.

25          MR. DENMARK: Extension offices. I mean, I

1 don't know how much we're paying for this room. I  
2 think it's pretty close to zero. This is probably  
3 most likely the likely scenario --

4 MR. BEAU BOWEN: Okay.

5 MR. DENMARK: -- would be either meet here,  
6 you know, could meet at, you know, perhaps a  
7 business, somebody in the industry, if they're  
8 willing to put together a meeting. Those  
9 administrative costs are about zero --

10 MR. BEAU BOWEN: Okay.

11 MR. DENMARK: -- for that.

12 MR. TYLER BOWEN: But none of this matters  
13 right now, until somebody submits a proposed  
14 marketing order to you?

15 MR. DENMARK: Correct.

16 MR. TYLER BOWEN: A written marketing order to  
17 you.

18 MR. DENMARK: Correct.

19 MR. TYLER BOWEN: We're got somewhere between  
20 seven to infinity days to do that?

21 MR. DENMARK: I would say closer to seven.

22 MR. TYLER BOWEN: But we're not sure. We  
23 don't know; right? I mean --

24 MR. DENMARK: I will check on that with our  
25 legal counsel, if they have some sway. Again,

1           you'd likely have to have one more meeting, at  
2           least to pull everything together and let everybody  
3           see what this marketing order is and debate on that  
4           proposed marketing order.

5           MR. TYLER BOWEN: Theoretically, what happens,  
6           I could write one up. I could go submit \$2,000,  
7           find at least 10 percent of the growers, say, Adam,  
8           we would like to have meetings. We have two  
9           meetings. I hand that in.

10          Even if everybody in those meetings said we  
11          don't want that, I could hand that in, and then it  
12          goes out to a vote based off of your e-mail list.

13          MR. DENMARK: Uh-huh.

14          MR. TYLER BOWEN: So I have to hope that at  
15          least --

16          MR. DENMARK: You better have a lot more  
17          friends than those that say no.

18          MR. TYLER BOWEN: And that it's not just an  
19          e-mail list of people who like what I wrote up.

20          But, I mean, right now, that's kind of where  
21          we're at. Not necessarily that negative  
22          connotation, but right now, we don't know what's  
23          going to be submitted to you.

24          And then we have to hope that your contact  
25          list involves enough people to get a real good read

1 of what the industry truly wants.

2 MR. DENMARK: Yes. That's very important. If  
3 you know growers out there that aren't attending  
4 these meetings and don't know about this marketing  
5 order, let them know. So if you have any way of  
6 contacting those -- those individuals, please do,  
7 because it has potential to impact them.

8 That's kind of where I see us at, at this  
9 point.

10 MR. BORDERS: Another meeting?

11 MR. RICHARDS: Seven days.

12 MR. BEAU BOWEN: We don't even have anybody  
13 that's volunteered to write a marketing order.

14 MR. RAINES: I think the comment period -- the  
15 comments have to be within seven days.

16 MR. DENMARK: The comments within seven days.

17 MR. RAINES: Actually, on the referendum, I  
18 wrote it down.

19 (Mr. Denmark and Mr. Raines confer off the  
20 record.)

21 MR. DENMARK: Going over the -- you know,  
22 there's a 15-day grace period between, you know,  
23 the referendum being called and the ballots being  
24 sent out. That -- that doesn't give us any kind of  
25 dates as far as --

1           MR. RAINES: It doesn't say so many days after  
2 this meeting, they have to be sent out.

3           MR. DENMARK: And the seven days that we've  
4 referenced is just on comments from these hearings.

5           MR. RUCKS: So you've got seven days to make a  
6 comment period.

7           MR. DENMARK: Yes. And that's kind of been  
8 extended a little bit on this.

9           MR. RUCKS: So that doesn't really mean you  
10 have to submit the marketing order in seven days,  
11 just a comment period for seven days. But then we  
12 still have some time to do a -- I guess to decide  
13 on a marketing order.

14          MR. RAINES: A proposal.

15          MR. RUCKS: Right. A written proposal.

16          MR. DENMARK: Yeah. And so --

17          MR. RUCKS: That's the time we need to figure  
18 out how much time there is.

19          MR. DENMARK: Mr. Borders think -- point --  
20 you know, at this point, nobody has stepped up and  
21 said, I'll write this marketing order, I'll do this  
22 and spearhead this. And without that, I'm just  
23 kind of lost. You know, I -- I can't proceed. The  
24 Commissioner's office can't proceed any further at  
25 this point.

1           MR. RAINES: I think you had a good point. If  
2 you could get something that everybody could agree  
3 on -- that's what we said. Something that you  
4 could agree on and move forward, and then down the  
5 road, if you can agree on something else, you can  
6 add that in, whatever that something is. You could  
7 build on it. At least you'd have something to  
8 build on. You've got a common point, you could  
9 say --

10           MR. TYLER BOWEN: It could be built on the  
11 first day by seven people.

12           MS. ADAMS: Exactly.

13           MR. RICHARDS: Exactly right. He's God, is  
14 what you just said. We voted on nothing, and seven  
15 people turned it into something.

16           MS. ADAMS: The second you say, yes, your fate  
17 is going to be in the seven.

18           MR. DENMARK: All right. We can --

19           MR. RAINES: There's oversight over these --

20           MR. DENMARK: We've still got the -- we've  
21 still got a court reporter. We've got to speak our  
22 names and kind of --

23           Sonia, I think you had --

24           MS. TIGHE: I just had a question. So if  
25 we're interested in keeping it alive to at least

1 get past the comment period to decide what to put  
2 in a marketing order, what does a person do to file  
3 a comment? Is there a form? Is it a sentence? Is  
4 it a letter? What -- what does that --

5 MR. DENMARK: You can send your comments to my  
6 e-mail address. I think I've given my card to  
7 about everybody that I've probably got to give out  
8 here. Or to the Commissioner's office. They'll  
9 certainly get the e-mails to me as well.

10 So I don't -- I don't have it listed out on  
11 here, but within this small enough group, if you  
12 need a business card or -- you know, we've had  
13 e-mails go back and forth, several of us have, at  
14 some point. So you can certainly send me an e-mail  
15 on that.

16 MS. ADAMS: What do you do with the comments?

17 MR. DENMARK: I have done nothing with the  
18 comments at this point. I can assemble them. You  
19 know, just basically file them.

20 MS. ADAMS: So do they serve a purpose?

21 MR. DENMARK: They will go to the  
22 Commissioner's office, and the Commissioner can  
23 look at those comments. Yeah.

24 MS. ADAMS: That's it?

25 MR. DENMARK: That's pretty much it. It gives

1           you a voice. You know, so if there are some  
2           glaring problems out there, and there are comments  
3           to that nature, trust me, they'll be acknowledged.

4           MR. BORDERS: Wesley Borders.

5           If a marketing order passes at minimal, how  
6           hard is it to disband or do away with it? Can it  
7           be?

8           MR. DENMARK: It can be.

9           MR. BORDERS: Okay.

10          MR. DENMARK: It can be disbanded and done  
11          away with --

12          MR. BORDERS: Is it a big process? Is it --  
13          the advisory council can say, Mr. Putnam -- knock  
14          on his door -- we don't want it anymore?

15          MR. DENMARK: That's --

16          MR. BORDERS: That simple?

17          MR. DENMARK: Yeah. It pretty well -- to my  
18          understanding of the language in here --

19          MR. RUCKS: It's 51 percent.

20          MR. DENMARK: Termination or suspension of  
21          marketing order. This also goes to suspending the  
22          marketing order so in case there's a weather event  
23          that, you know, creates havoc on us and we can't  
24          meet some of the criteria that we've established.  
25          So termination or suspension of marketing order,

1 the department shall suspend or terminate the  
2 marketing order or any provision within the  
3 standards and subject to limitations.

4 Let's see. And further finds upon a  
5 referendum called by the department, that  
6 51 percent of the producers who are engaged within  
7 the state covered by the marketing order and who  
8 produce more than 51 percent of the volume.  
9 Basically, that's 51 percent of the producers would  
10 be able to terminate or suspend the marketing  
11 order.

12 MR. RAINES: That's a good point, though.  
13 There are provisions, if it's something you don't  
14 like after you get involved.

15 MR. BORDERS: And, of course, everybody  
16 sitting here heard that and said, okay, that's  
17 according to the advisory council, but the  
18 independent operators that don't agree with the  
19 advisory council, you know, if they feel like that  
20 the marketing order has their hands tied because  
21 they're operating in an industry that has a  
22 marketing order, so they have to abide by those  
23 rules, and they wish they could get away from it,  
24 but they can't because the marketing order has been  
25 established -- so, you know, it's just a big

1 circle.

2 MR. RAINES: If you get people in a  
3 situation --

4 MR. BORDERS: Right.

5 MR. RAINES: -- that say this is too onerous  
6 for me, or we're a bunch of growers and it's too  
7 onerous for us and it's not working right, we don't  
8 trust the board no more or we don't like  
9 government, you can vote it out.

10 MR. BORDERS: You would have to have a  
11 majority to vote it out.

12 MR. RAINES: 51 percent.

13 MR. BORDERS: 51 percent.

14 Okay. But if you're one of them in that  
15 minority, okay, the way John was saying, you've got  
16 people in the strawberry industry that are part of  
17 the association and you've got people that are  
18 opposed to it, and if -- but that's a gentleman's  
19 agreement, like y'all said. It's the government.  
20 But this is government. So if you are in a  
21 20-percent group that doesn't agree with what the  
22 marketing order has and you wish you didn't have to  
23 live in that world, you know, you're out of luck  
24 pretty much.

25 MR. RAINES: I would --

1           Do you want to address that? You live in that  
2 world.

3           And, Phil, you do, too. I mean --

4           MR. BORDERS: If a marketing order is in place  
5 and you want to be an independent operator, and  
6 what you're doing is maybe working or you think  
7 it's working, okay, and so you don't want -- you  
8 don't want to have your hands tied by the rules and  
9 regulations of a committee or marketing order,  
10 okay, if a marketing order is in place and you're  
11 selling the same product involved in that marketing  
12 order, you've got to abide by those rules; right?

13           I just know that everybody in the room here,  
14 we're a minimal group compared to before. And  
15 everyone still has tons of questions, especially  
16 somebody like Ed, who's -- this has all been laid  
17 on him all in one day, okay. It's a lot of  
18 questions.

19           MR. DENMARK: Right.

20           MR. BORDERS: You know, if we vote on it and  
21 it passes, you know, that's an uneasy feeling to  
22 that individual. But for somebody like John, who's  
23 been there, or Al, they're more at ease with it,  
24 so --

25           MR. DENMARK: If there are certain -- if

1           there's a certain group that this is going to be a  
2           hardship for, there can be created a limited  
3           marketing order, I think it is, that -- some  
4           exemptions for those individuals. Like, you know,  
5           the first meeting we had here, there were a lot of  
6           you-pick growers. And that tossed us into a whole  
7           different universe.

8                     And so with -- with those particular growers,  
9           you would certainly want to find an exemption for  
10          them. They're not -- they're not going to pay it,  
11          first of all. They're all going to have crops of  
12          zero.

13                    So there are some exemptions. So if there's  
14          certain criteria, certain groups that this is going  
15          to be onerous for, perhaps you can put in there --  
16          you know, we can explore the idea of exemptions for  
17          hardships on these types of people.

18                   MR. RAINES: And the federal marketing orders  
19          have that, too. If you're only handling so much a  
20          day -- and I think on citrus, it's like 10 or 12  
21          bushels personal use, you can get out of the state  
22          with it. It's for personal use, and it's a small  
23          quantity.

24                    Tomatoes allows like 50 pounds in a vehicle  
25          going by the ag station, without certification.

1 Most of the marketing orders have some -- some type  
2 of exemption for real small quantities, that  
3 basically somebody that's selling to a retail  
4 consumer, that that consumer wants to use it. You  
5 can do that based on volume per day or you can do  
6 it based on acreage or -- some of the -- like the  
7 citrus marketing orders, they only regulate certain  
8 varieties.

9 Maybe there's a variety out there that you  
10 don't think should come under this because it can't  
11 ever meet the requirements. You could exempt a  
12 certain variety if you wanted to. But that all  
13 comes under what would happen once you had the --  
14 had a committee and a marketing order in place.

15 MR. FINCH: I think what -- Al Finch.

16 I think what Wesley was saying is true that,  
17 you know, many feel that we if we had a marketing  
18 order in place but really no teeth to it, that, you  
19 know, can you -- can you have a marketing order --  
20 and we talked about this earlier -- with just one  
21 item. And then --

22 MR. DENMARK: Build on that.

23 MR. FINCH: -- down the line, you know, that  
24 advisory council appointed by Adam, can't just go  
25 ahead and, you know, create, change, and add these

1 action items to the marketing program unless they  
2 get the general consensus from the -- you know,  
3 from the peach industry.

4 But I guess the whole thing is that, you know,  
5 if we establish a marketing order, can it exist  
6 with just maybe one item? Or is there any -- is  
7 there any -- is there any minimum assessment?  
8 That's a big concern, too.

9 MR. DENMARK: I don't know. I've not read any  
10 kind of minimal assessments on there, minimum or  
11 maximum on that. But, again, that's something that  
12 is set up by the advisory council. And prior to  
13 voting, that would be the one within this marketing  
14 order that was written by this group or this  
15 individual, that was put forth.

16 There probably needs to be something of an  
17 assessment. I think, if you don't have an  
18 assessment of some kind, it might appear fairly  
19 flimsy that there's no direction for establishing  
20 funds for a -- this marketing order.

21 I think -- I don't know exactly if that's the  
22 case, but it's got to be something to it that we  
23 can grab onto.

24 MR. TYLER BOWEN: It sounds like for anybody  
25 who's got concerns, they just need to be patient

1 and wait until somebody submits a proposal. And  
2 anybody who wants to submit a proposal needs to  
3 round the troops and submit a proposal. Until  
4 then, we're debating theory, not facts; right?

5 MR. DENMARK: That's a valid point.

6 MR. LEOTTI: And that's why I would ask Phil  
7 if you would get with those ten fellows and ask if  
8 they would be willing to draft something up. We  
9 could circulate that. Because they are the ten  
10 that had the initial concept.

11 All right. Show us what you're talking about.  
12 Let's circulate it, and we can move this process  
13 forward. If you would be willing to get with the  
14 ten and say, hey, you know, step up.

15 MR. DENMARK: Either those people, or you go  
16 down that list and see who's been to these  
17 meetings, you know, who's been to multiple  
18 meetings.

19 MR. RAINES: Because the first meeting we --  
20 the first meeting we went to, it was kind of  
21 different topics from the second meeting we had.

22 MR. RUCKS: Yeah, the first meeting was not a  
23 public meeting.

24 MR. RAINES: No, it was just a session.

25 MR. RUCKS: A general consensus of concerned

1 growers that asked for a discussion meeting. And  
2 then that's when we discussed about, okay, having a  
3 marketing order meeting. So that's where it  
4 developed.

5 But then we had to submit the 10 percent of  
6 the acreage to the Commissioner to justify having a  
7 marketing order meeting. So when we did that,  
8 that's when Chris called and said, hey, y'all have  
9 got 10 percent. Where do you want to have the  
10 first meeting at?

11 And I said, well, let's have it at Dade City.  
12 So -- because they're already going to have a peach  
13 meeting that same day, that round table discussion  
14 meeting that Mercy was here. So we kind of  
15 piggybacked on them, and had the meeting here.

16 Then we had another meeting in Bartow. And  
17 what happened on the -- from the first meeting we  
18 had here, it really wasn't as organized and no  
19 ground rules were set, which was probably my fault.  
20 But we learned from the first meeting how we ought  
21 to operate the other two meetings.

22 So that's when we came back and had a  
23 follow-up meeting here, which is the last meeting  
24 from that first Dade City meeting that didn't  
25 really go as well for the public recording.

1           Not -- she wasn't here. The other lady was  
2 here, and it was just like people screaming across  
3 the room. I mean, the next thing, they're going to  
4 have -- they're going to start throwing peaches at  
5 each other. But, anyway, it didn't come to that,  
6 but it was a little chaotic and unorganized because  
7 there was a lot of uncertainty, just like there  
8 still is now. But I think we've kind of pulled  
9 together a little bit better than the way we were  
10 at that first Dade City meeting.

11           But that's where it all started at, the  
12 original Bartow meeting. It was not a called  
13 meeting. It was just a concerned grower discussion  
14 meeting. And some of y'all were there. And that's  
15 where this thought process developed. And that's  
16 where we're here today, so.

17           MR. RAINES: But I'm not sure that group had  
18 any more idea of exactly what they wanted to put  
19 something together.

20           MR. LEOTTI: Right.

21           MR. RAINES: Like I say, I don't think that  
22 group's got together and said this is what we need  
23 to do. Or that wasn't the feeling I got.

24           MR. RUCKS: No, it wasn't. It was just --

25           MR. RAINES: So I'm not sure that -- you know,

1 I'm sure they would want to be part of it, but I'm  
2 not sure they're going to have the answer of  
3 everybody, either, right now. It's going to take a  
4 lot of participation. It really is.

5 MR. DENMARK: I think right now, you've got  
6 three different paths.

7 If you -- if you want -- if you fear a  
8 marketing order, then perhaps you want to pursue an  
9 association.

10 If you fear an association, then perhaps going  
11 in the direction of the marketing order.

12 Those two are not mutually exclusive. You  
13 could pursue both. You could do an association  
14 that pursues a marketing order. At this point in  
15 time, that may be doable. Later on in the future,  
16 I don't know.

17 And the third option is just pretty much where  
18 you're at today, is everybody is out doing their  
19 own thing, and there's no cohesion. You know the  
20 industry is just moving along as it is today.

21 MR. TYLER BOWEN: That's not happening. If  
22 somebody is against it, they have to vote no.

23 MR. DENMARK: If they want --

24 MR. TYLER BOWEN: If -- you just said the  
25 third option is do nothing, but that's not true.

1 As an individual grower, we may be forced to have  
2 to vote no.

3 MR. DENMARK: Well, that's the marketing  
4 order.

5 MR. TYLER BOWEN: That's not doing nothing.  
6 That's got to hope that you're on the ballot list  
7 and hope that you get contacted and hope that you  
8 get voted up.

9 MR. DENMARK: Yeah.

10 MR. TYLER BOWEN: That's a big difference.

11 MR. DENMARK: It's --

12 MR. RUCKS: Well, it all goes back to that  
13 first concerned meeting, I call it, of the growers.  
14 And I sell trees to a lot of you guys, so I hear  
15 everybody's pains. And, you know, Wesley has  
16 different problems than John has and you have.  
17 But, you know, it was a lot of consistent problems  
18 like one of them was, you know, the size standard.

19 Everybody was concerned about that because  
20 these grocery store chains' produce people, they  
21 have their own standard. And so we have to -- not  
22 necessarily abide by it, but if you want to sell to  
23 them, you've got to go by what their standard is,  
24 take it or leave it.

25 So that's where the discussion said, well,

1 maybe we need to have our own standard. We're a  
2 Florida peach. We shouldn't have -- be -- just  
3 like the PLU number. We shouldn't be under a  
4 Chilean name, trademark name. We are a Florida  
5 peach. And hopefully one day we'll have more  
6 peaches than Chile will. But we're having to abide  
7 by under a Chilean name and also abide by standards  
8 of other states that produce peaches.

9 But we're not like those other states. Our  
10 peach is completely different. It's the only  
11 low-chill ripe-picked peach in the world. Georgia,  
12 California, none of those guys do, not even Chile.

13 So we're unique right off the bat, but we're  
14 having to abide by other standards that are forced  
15 on us that they -- some of you guys didn't agree  
16 with. So I said, well, okay, that's a concern.

17 But the other concern is that nobody hardly  
18 even -- if you go up to Chicago and tell anybody  
19 there's Florida peaches, they'll start laughing at  
20 you. There's no name recognition. Nobody knows,  
21 really, that there's Florida peaches available.  
22 They haven't shown up in the stores up there very  
23 much. And nobody is aware.

24 We want to create awareness that Florida has  
25 peaches. Of course, that opens up the door for

1 more promoting and more volume to be moved outside  
2 the state.

3 So, you know, those were two of the main  
4 concerns. So that's where I -- you know, we had --  
5 I asked some of y'all, said, hey, we've got to  
6 request a marketing order, so that's where this  
7 10 percent thing came in.

8 Which we did that, so that's all over with.  
9 So you can't bring up 10 percent anymore. Now it's  
10 all about the 51 percent, another number. But  
11 that's kind of how this came about.

12 And you know, an association, if y'all feel  
13 like that's the way to go, then do it. But, I  
14 mean, I feel like at some point, we're going to  
15 have to do something because, you know, whatever  
16 complaints I hear again, you know, a year or two  
17 from now, I'm going to say, well -- the first thing  
18 I'm going to say is, well, wait a minute. You had  
19 a chance to do something, but you chose not to. So  
20 I'm the last guy you need to say that to, because I  
21 tried. I may not have tried hard enough, but I  
22 tried and made an effort, you know, to try to  
23 prevent this.

24 So you're your own worst enemy, and you're  
25 going to keep suffering that pain the rest of your

1 life or be out of business. And I don't want that  
2 to happen, either. That means I won't sell any  
3 peach trees to anybody anymore.

4 So I want you guys to be successful so I can  
5 still grow and sell trees. Because there's going  
6 to be new varieties come out. And, you know, I  
7 think the industry will go -- get bigger and  
8 mature. And, you know, we'll get some experience  
9 mod behind us.

10 That's where we're at now. We're trying to  
11 develop an experience mod, but we haven't -- the  
12 industry is a young industry. It hasn't been in  
13 business that long. But maybe that's a good time  
14 to develop something without making it too  
15 complicated, like this marketing order or  
16 something. Develop some type of rules that we can  
17 build off of.

18 And as we get bigger, you know, we can develop  
19 the more things that need addressed, you know,  
20 whether it's size issues, or like the PLU number.

21 I think he's going to speak about that in a  
22 minute. But we need to get -- we need to get that  
23 first. I mean, that's crazy. I wouldn't want to  
24 be labeled a Chilean peach. I mean -- unless  
25 you're okay with it, but, you know --

1 MR. TYLER BOWEN: 250.

2 MR. RUCKS: Well, it's just like, I'm selling  
3 Florida citrus trees. No, you've got to say  
4 they're Brazilian trees, because that's the  
5 standard we're going under, is Brazilian. Okay.  
6 Florida Brazilian citrus trees. I don't want that  
7 Brazilian name in there.

8 So that's what I'm saying. We need to get our  
9 own identity in that PLU number, I think is the  
10 first thing we need to try to do. You can do that  
11 without even having a marketing order or  
12 association, I think.

13 MR. RAINES: Phil, let me ask you something.  
14 And you might answer this, too.

15 How fast is the volume growing every year? I  
16 mean, these trees are -- I mean, you've got a lot  
17 of young trees, I understand, and they're coming  
18 on. What kind of volume increases percentage-wise  
19 are we looking at for the next two years?

20 MR. FINCH: Well, I really don't know as far  
21 as how many more acres are being put in the ground.

22 MR. RAINES: Yeah.

23 MR. FINCH: And I think Nicole had brought  
24 that up. We really don't know how much acreage is  
25 out there. I know in our membership in Dundee,

1 we've grown, you know, quite a bit over the last  
2 few years.

3 MR. RAINES: Phil, in the trees you sell, are  
4 you seeing a big surge in volume in the next few  
5 years?

6 MR. RUCKS: Last year was our biggest year,  
7 and we sold right around 100,000 peach trees last  
8 year. And the year before that was somewhere  
9 around 50 to 60 thousand. Last year was a big  
10 jump.

11 MR. RAINES: So the next couple of years, do  
12 you see a doubling in volume?

13 MR. RUCKS: Well, I'm not going to say that,  
14 but this year because of the issue we had with the  
15 crop because of the weather events, mowers (sic)  
16 went down to about 40, 50 thousand. So it's a  
17 roller coaster.

18 So if we have a really great year next year,  
19 everybody is going to talk about how -- what they  
20 made. Of course, some will still say they didn't  
21 make anything, even though they did.

22 The point of it is, is, you know, they'll be  
23 -- people aren't dumb. They'll see those big  
24 truckloads of peaches going down the road. Well,  
25 those guys have got to be doing good. They're

1 selling -- they're shipping and picking a lot more.  
2 So -- so that will infuse more people to plant  
3 then. So --

4 MR. RAINES: The only thing I'm thinking here  
5 is, with Dundee, as your volume increases, you're  
6 going to be looking for new customers and new  
7 markets --

8 MR. FINCH: Yes.

9 MR. RAINES: -- just to move that. And like  
10 you say, if you're adding 100,000 a year and you've  
11 got two-year-old trees that are now three-year-old  
12 trees and then they're four-year-old trees, I'm  
13 assuming -- I don't know at what age they peak out,  
14 but your volume is going to be -- your yield is  
15 going to be increasing and there's going to be more  
16 trees.

17 So unless something bad happens, there's going  
18 to be a lot more peaches on the market.

19 MR. RUCKS: Right. It's estimated this past  
20 year and year before, it was around 3 to 3.5  
21 million pounds. And with the amount of trees that  
22 got planted, at 100,000 trees, that's probably --  
23 peaches get into production pretty quick. You  
24 don't have to wait five years like you do for  
25 citrus.

1           But it will probably -- I wouldn't be  
2 surprised if next year, it didn't get up to  
3 4 million pounds. And then it might take another  
4 leap to 4.5 to 5 million pounds. But it's all  
5 market-driven, too. If the market does bad, then  
6 those -- the people that bought those 100,000  
7 trees, probably half of them will be out of  
8 business after year two, because it just -- they  
9 can't sell it, you know, or can't move it.

10           So it's still -- there's not a right answer,  
11 an exact answer, but there's some estimate answers.

12           MR. RAINES: Well, this is the same thing,  
13 like the Vidalia onion people. Years ago, you had  
14 Vidalia onions just for a short window in that  
15 area, pretty much. And then they kept -- I don't  
16 know if you recall them or not, but in the last 20  
17 years, all of a sudden they started expanding into  
18 neighboring counties, the acreage got bigger. Then  
19 they couldn't market them all during -- as fresh,  
20 so they put them in a controlled atmosphere. And  
21 now, it's about a year-round deal.

22           But it did the same thing, the Vidalia onion,  
23 to begin with, was a small -- you're probably a lot  
24 more familiar with that than I. I just know it  
25 from going to Georgia and working peanuts. But you

1 didn't hear about it all over the country. And  
2 now, everybody knows what a Vidalia onion is.

3 MR. FINCH: I was going to make a comment,  
4 talking about the PLU. And I know in the last  
5 meeting we had, there -- we've had a lot of  
6 pressures from retailers, too, that want to have a,  
7 you know, Florida tree-ripened peach PLU.

8 I looked into it and contacted the PMA. I  
9 finally got the message back yesterday from the  
10 vice-president of new products. And at this time,  
11 they are not issuing new PLUs for a regional item,  
12 commodity item, unless it's -- can be  
13 scientifically proven that it is different from any  
14 other area.

15 So in other words, you know, they're not going  
16 to basically issue a PLU because there's really not  
17 that -- unless there's a lot of scientific evidence  
18 proof that our peach is that much different from an  
19 Eastern peach or a Western peach, they're not  
20 issuing any new PLUs at this time.

21 And I explained to him -- and his name is Ed  
22 Tracy. He's vice-president of new product  
23 development, new products, from PMA.

24 And I explained to him our exclusivity, our  
25 window of opportunity to have when Chile finishes

1 and before California or Georgia or South Carolina  
2 begins.

3 He goes, I understand.

4 I said, we're having that pressure from our  
5 customers that they want to be able to  
6 differentiate for their tracking ability, you know,  
7 having our own identity.

8 And he said, I understand your pain. He says,  
9 I serve on a global board that is comprised of 11  
10 people, that basically issues the PLUs. And he  
11 said, I can tell you that there's one issue.

12 So as far as creating our own identity of  
13 shelf space, we're going to have to rely on the  
14 retailers with signage, as far as on a PLU. At  
15 this time, they're not going to issue one.

16 MR. RUCKS: Well, I talked to Jose Chaparro.  
17 Evidently, somebody has contacted him. I don't  
18 know if it was the PMA or who, but they asked him  
19 about making a -- as a breeder, what the difference  
20 is of Florida peaches to all these other -- to  
21 either Chilean or Georgia, California.

22 And he can do that, because he said the  
23 language they threw around -- always have thrown  
24 around is freestone and clingstone. And he says  
25 Florida is -- I'm not sure I've got that right. I

1 think all of our peaches are freestone.

2 MR. FINCH: Freestone.

3 MR. RUCKS: I think -- I think that's right.

4 So there's no clingstone except -- I think he  
5 said there was one, the Glow, the Florida Glow,  
6 which -- anyway, so he -- he wanted to  
7 differentiate that. You know, the stone stuff  
8 doesn't apply to Florida peaches. You know, we're  
9 melderers and nonmelderers. So he was going to make  
10 that different language and create that identity,  
11 anyway, because there's some confusion.

12 Because people in the Northern markets have  
13 called down -- I've had people e-mail me and say,  
14 is this a clingstone or freestone? I think, oh,  
15 crap, I don't know, what is it? I might call Jose,  
16 you know, and that's what he'd tell me.

17 Because we don't abide -- we don't go by that  
18 classification. So, you know, we need to have our  
19 classification, which maybe can help lead to a PLU  
20 number if we can get Jose to write out -- to show  
21 what that difference is. I mean, him being a  
22 breeder, there's a lot more language he can add  
23 than we could probably come up with, that would  
24 convince them to do that.

25 MR. FINCH: That -- you know, if we can prove

1 -- and that's what they stressed --

2 MR. RUCKS: Right.

3 MR. FINCH: -- you know, scientific evidence  
4 that there is a differentiation between any other  
5 regional peach in the United States, then they  
6 would, you know, look at it.

7 MR. RUCKS: Well, you can't get any more  
8 scientific than him, and he'll scientific them to  
9 death. Believe me, a geneticist, he'll be way up  
10 there. He'll scientific them to death, if they  
11 want to have a definition.

12 So I feel confident he can do it if we want  
13 him to do it. I mean, I think he's going to do it,  
14 anyway, just for the cause, you know, that we're a  
15 different class of peaches than anyone else's. And  
16 we should do that, anyway. So that's what he's  
17 going to do, just to clarify all that. So -- that  
18 language.

19 Did you want to say anything more about that?  
20 I've got that on the slide, on that PLU stuff. You  
21 had looked into that, didn't you?

22 MR. DENMARK: Yeah, I had -- I had reached out  
23 to PMA and spoken to them as well. I've got some  
24 handouts basically, from PMA and from the -- I  
25 don't know what that is, the PLU Association of the

1 World or something.

2 So, I mean, it's -- it could be an option.

3 MR. FINCH: That is the board that he sits on,  
4 which is International Federation of Body  
5 Standards.

6 MR. DENMARK: Basically, I talked to the same  
7 group that Al had talked to. And, you know, I  
8 didn't speak to the same person, so I can't speak  
9 to the varietal differences.

10 But, you know, that looks to me like one of  
11 the better ways to go about adding value to Florida  
12 peaches is just differentiating the variety -- the  
13 Florida peach from the Georgia and the Chilean  
14 peaches that come before and after.

15 It's -- from what it was explained to me, it's  
16 a \$1,000 processing fee for each new application,  
17 which each variety would be a new application. And  
18 it's just -- basically, it's only for fresh fruit  
19 that is sold by weight. It's unprocessed, and sold  
20 at retail. And you basically have to have three  
21 retailers that have at least 25 stores that will  
22 sign on, says that there is interest in pursuing a  
23 PLU for that commodity.

24 Again, that's just something that -- to look  
25 into. Marketing order, perhaps, could address

1 that, or an association could address that or  
2 individuals may want to look into it.

3 So this was -- this was the one thing that  
4 came up with the last meeting that we were at, that  
5 I had no idea that -- that this problem existed  
6 within the peaches. So that's another thing that  
7 getting together and talking about these issues is  
8 very important.

9 And I think, you know, that we can all see the  
10 value in everybody getting together and tossing out  
11 ideas. And I think that's probably been what's  
12 been lacking overall in the industry, is people  
13 getting together and talking it out.

14 So it's -- the PLU is -- is perhaps an option.  
15 Don't know with what Al said there, it may be a  
16 little bit more difficult than what was explained  
17 to me on that. But that's another avenue that I  
18 think everybody can kind of get together on and  
19 pursue within the industry.

20 And if -- working with the IFAS -- does  
21 anybody know how many varieties of peaches there  
22 are grown commercially in Florida, roughly?

23 MR. BORDERS: I don't know. Half a dozen.

24 MR. DENMARK: So we're looking at maybe half a  
25 dozen or so commercially?

1 Philip -- Philip, do you know how many  
2 commercially grown varieties there are of peaches  
3 that -- you know, just in Florida, that --

4 MR. RUCKS: Yeah. I went over that list with  
5 Jose yesterday, and there's -- they like to  
6 sometimes classify the nectarines in with peaches  
7 as well. So we were going over the cling-free and  
8 all that, stone. And I think there was probably  
9 about 20, if you're counting the nectarines as  
10 well. There was --

11 MR. LEOTTI: From Florida, south, there's half  
12 a dozen. There's a lot grown in North Florida.

13 MR. RUCKS: Yeah. Tropic Snow was one of them  
14 down here. But there was some Northern varieties  
15 like the U.S. Sharp, U.S. Beauty. I mean, there's  
16 some that are -- I forget.

17 Even up in the Panhandle, there's some that  
18 require 4 to 5 hundred chilling hours. And I'm not  
19 familiar with those. We just don't grow them. But  
20 there's probably at least 20, if you count those as  
21 well. But there's only probably about five, I'd  
22 say, that are the main movers in the state.

23 MR. DENMARK: Right. And, again, we kind of  
24 mentioned that on the marketing order. That's  
25 something else that can be established, is that you

1 can create an area within a marketing order that  
2 would be east of the Suwannee River. And that  
3 basically takes care of your southern  
4 three-quarters of the state.

5 And so -- because certainly, we're not getting  
6 any growers from up around Alabama and Georgia  
7 coming to these meetings. They're not -- you know,  
8 their market would still be the -- you know,  
9 they're competing with the Georgia market directly  
10 up there. They're included in that. So that's  
11 another thing that can be addressed with the  
12 marketing order if it was to be set up.

13 So I mean -- that was -- pretty much what's on  
14 that sheet is what I found out about PLUs. And  
15 that -- like I said, that's nothing to do with the  
16 marketing order necessarily. It's just, you know,  
17 maybe some different ways that the industry can  
18 attack some of these problems that you're having.

19 And, you know, that's something that,  
20 regardless of marketing orders that -- you know,  
21 with the State of Florida, that's just some of the  
22 stuff that we can pursue and help, you know, look  
23 into for the industry. There was nothing that --  
24 you know, listed in that marketing order that says,  
25 Chris, look up PLUs. That's just some of the

1 things that we can help out with, either way.

2 So I don't know if -- if there's anything  
3 more.

4 Philip, do you have --

5 MR. RUCKS: No, I just -- we've already talked  
6 about a lot of it. I mean, I think the biggest --  
7 I think the biggest thing we need to decide is  
8 where do we want to go with this, the next step. I  
9 mean, we don't have to decide today but maybe --

10 I think that comment period is a necessity.  
11 We've got to get comments in within seven days,  
12 probably to Chris, to go to the Commissioner's  
13 office, or send it directly to the Commissioner's  
14 office. That needs to be done.

15 As far as the marketing order language being  
16 turned in, we have a little bit of time on that.  
17 That hasn't really been defined whether it's 30  
18 days or 60 days. But at least comments or concerns  
19 need to be funneled in to Chris so that he can take  
20 it and say, here's their concerns.

21 Of course, I guess the Commissioner could say,  
22 all right, well, go back and send out a notice that  
23 we need to have some language by a certain date,  
24 where maybe that would still facilitate another  
25 meeting. Which I hate meetings. But, anyway,

1 facilitate another meeting, to where we could have  
2 a good size group just come up with what we want to  
3 have or maybe even start an advisory committee to  
4 make that marketing order language.

5 My thoughts are to make it as simple as you  
6 can, so at least something is started. And we can  
7 improve it from that point on after we can see what  
8 our issues are. We may not know now as much. And  
9 if we don't start, then we have to start all back  
10 -- the race starts back again. So -- which can  
11 take a lot -- lot more time.

12 So does that sound like the best direction to  
13 go or --

14 MR. BORDERS: It sounds like you said several  
15 things, so which one?

16 MR. RUCKS: Well, the comment period first.  
17 We've got -- we've got seven days to get the  
18 comments or concern -- concerns voiced back to the  
19 department.

20 MR. FINCH: You have to do that first.

21 MR. RUCKS: Right. That has to be done.

22 MR. DENMARK: You've got a time constraint on  
23 that, from this point.

24 MR. RUCKS: Right. That's seven days.

25 So as far as the marketing order language,

1 that can be done at a later date. And we'll find  
2 out when that is. Maybe you can send a notice out.  
3 Because I don't know when that -- what the date --

4 MR. DENMARK: Did everybody fill out the  
5 sign-up sheet that was passed around on the yellow  
6 sheet there?

7 I see somebody tries to get out of that every  
8 meeting. But that's how we -- that's how we know  
9 you're there. That's how we know to give you a  
10 call and to send you a ballot on that. So  
11 definitely make sure that you're -- you're on that  
12 list.

13 MR. TYLER BOWEN: You've brought up an  
14 interesting point. We have -- there's growers in  
15 the Panhandle; right? But they're in Florida. And  
16 they sure as heck have not been represented at  
17 these; right?

18 MR. DENMARK: Nope.

19 MR. TYLER BOWEN: And they're not on any of  
20 your e-mail lists, I'm assuming?

21 MR. DENMARK: No.

22 MR. TYLER BOWEN: So they'll be subject to  
23 whatever the seven people --

24 MR. DENMARK: Depending on how the marketing  
25 order is --

1           MR. RAINES: Well, they could be exempted. We  
2 could draw a line.

3           MR. TYLER BOWEN: They could be. That would  
4 be up to seven people from Central Florida. We  
5 haven't even asked them to be on the board.

6           MR. RUCKS: Well, because they really  
7 haven't --

8           MR. BORDERS: Ain't nobody up there.

9           MR. RUCKS: Well, there might be somebody up  
10 there. At one time, there was a lot of acres up  
11 there. I heard that at one time, there was like  
12 30,000 acres, but I can't believe that.

13           But, anyway, the point of it is, is -- well,  
14 not 30,000, 3,000 acres. Satsuma, I'm thinking  
15 about.

16           But, anyway, the point of it is, there'd  
17 probably be an exemption for them right off the bat  
18 unless they raise a lot of cane and say, hey, we  
19 want to be on this bus, too. But you just take the  
20 Suwannee River as a line and just draw that line,  
21 anything from the Suwannee River south will be  
22 considered for the marketing order. You guys up  
23 there, until you tell us you want to be part of it,  
24 you're exempt.

25           Just like the roadside stand guys. Remember

1 we had some of them here. You know, they were  
2 talking about that they have 3 or 4 hundred trees.  
3 And we said, well, this probably isn't an  
4 application for y'all, so we'll exempt you guys,  
5 too. So --

6 MR. DENMARK: Yeah, Milton can speak to that.  
7 As far as the tomatoes, the federal marketing  
8 order, the -- you know, they've got -- it's carved  
9 out to where the Quincy tomato growers aren't  
10 considered the same -- under the same marketing  
11 order; right?

12 MR. RAINES: They're not under a marketing  
13 order in Quincy.

14 The tomato is a little bit complicated. And  
15 the tomato marketing order doesn't run year-round,  
16 either, in Florida. It's a seasonal marketing  
17 order.

18 So basically, the tomato marketing order  
19 covers every -- they have a production area and a  
20 regulated area. Their regulated area is everything  
21 east of the Suwannee and south. That's regulated.  
22 The production area is basically a line across  
23 Tampa and Plant City, across the state. Below that  
24 line is what they call their production area.

25 They only put requirements for grade and their

1 container markings and all on the production area.  
2 So if you're in the regulated area, you could be in  
3 the regulated area in Ocala, let's say, and not  
4 having to comply with the marketing order because  
5 they basically exempted you.

6 But if you're in the production area and want  
7 to sell tomatoes outside of the state, you have to  
8 meet the requirement if you go through the Ocala  
9 area. But you can sell tomatoes anywhere within  
10 the state east of the Suwannee without an  
11 inspection. So that's just the way they define  
12 their marketing order.

13 And like on your peaches, I don't know at what  
14 point going north it would make a difference, but  
15 you could actually have east of the Suwannee and  
16 south of Gainesville or south of Lake City, however  
17 -- whatever you want to -- that -- I mean, whatever  
18 -- wherever you feel like would best represent this  
19 group and their problems, and not bring in somebody  
20 with a totally different -- different bunch of  
21 problems because their size is different, their  
22 varieties are different, their market is different.

23 I would think you would want to pretty much  
24 get it to where the representatives are  
25 representatives of your group or your problems.

1 That would be my thought on it.

2 But there again, that's what y'all have to  
3 decide. Do you want to take in the whole state, or  
4 do you want to define an area that you would like  
5 to regulate?

6 MR. DENMARK: And that could be something that  
7 you can put into that marketing order that puts a  
8 little bit of teeth in there, some substance that  
9 we can kind of wrap around.

10 MR. BORDERS: Wesley Borders.

11 I think maybe what Tyler is getting at is  
12 fairness, not somebody being left out.

13 MR. TYLER BOWEN: Maybe I feel like a Northern  
14 guy and my problem isn't causing a problem, and I'm  
15 right in the heart of Polk County.

16 MR. BORDERS: Right. And that's true.

17 MR. TYLER BOWEN: I mean --

18 MR. BORDERS: But if there is somebody up  
19 around the Suwannee or Putnam County, I'm sure he's  
20 on Mercy's e-mail list. So he's not being left out  
21 if he's getting everything that we're getting on  
22 e-mails.

23 So it's just how bad somebody wants to  
24 participate, whether it's a guy in Putnam or  
25 wherever they're at. You know, this is a public

1 venue. So, you know, to me, it's fair. But, I  
2 mean, if I was too busy and I couldn't be here  
3 today, that's my problem, my fault.

4 MR. RUCKS: Well, you've had three chances.  
5 But that's part of the comment period, too. You  
6 could express that concern and say, hey, I'm in  
7 favor of it, but I don't think it ought to be the  
8 whole state. It ought to be from Highway 50,  
9 south, or maybe from Gainesville, south.

10 And just make that recommendation. That  
11 doesn't mean it's going to happen but, at least,  
12 the more information that their office gets, the  
13 more they can assimilate and come up with a plan.  
14 But, I mean, Chris is at everybody's mercy in this  
15 room. I mean, he needs to have information to  
16 assemble something, so the Commissioner looks, ah,  
17 it looks like these guys have got it together. But  
18 if he doesn't bring anything, he'll go, well,  
19 forget this. We don't have anything to go with.

20 MR. RAINES: But if somebody is growing a  
21 Georgia-type peach, you may not feel like they're  
22 going to sympathize with your issues.

23 MR. BORDERS: No, and not even Georgia. The  
24 cold is done before we start, usually. Seriously.

25 Okay. Leonard North -- he's not here, but

1 he's in Sumter County. He's -- he's -- we were  
2 done, and we're late. We were done, and he was  
3 just getting dialed in. So you've got a lot of  
4 moving parts.

5 So -- but if we can do something and it's  
6 region specific, like you say, whatever -- I mean,  
7 even if it was like you described, the Suwannee  
8 River, Gainesville, south, every bit of that could  
9 be pooled together, you know, and everybody's ideas  
10 heard.

11 MR. RUCKS: Well, just south of Gainesville,  
12 there's probably four regions or microclimates.

13 MR. BORDERS: Right. You're not going to get  
14 four different groups of people --

15 MR. RAINES: They're similar varieties and  
16 similar problems, though, I think.

17 MR. BORDERS: Right.

18 MR. RAINES: I mean, it's not like you're  
19 talking about a totally different market you're  
20 going after. It's just maybe at different times.

21 MR. BORDERS: Well, what I'm getting at, with  
22 somebody like Leonard, who's late, he -- I wouldn't  
23 want to be in his shoes, but -- because he's  
24 butting heads with a real, real cheap -- he's  
25 butting heads with the rest of the country, pretty

1 much. Georgia, California, Carolina, everybody is  
2 harvesting when he's harvesting. So he's kind of  
3 -- he's on an island, really.

4 The farther north this thing is, the more  
5 difficult it is.

6 MR. RUCKS: Right. That's where a line has to  
7 be drawn, with a curve.

8 MR. BORDERS: Right.

9 MR. RUCKS: But, I mean, I think -- I think  
10 the biggest concern we all have is getting that  
11 identity outside the State of Florida, that there's  
12 peaches in Florida, the United States of America.  
13 We want that word to get out.

14 And I know you can't go advertise all that in  
15 California. That's why I said we probably need to  
16 select the area that we want to promote our product  
17 and get that awareness, product awareness. And  
18 that's -- I think we've got to have that, anyway.

19 I mean, y'all have marketers and you know how  
20 hard it is getting awareness up there. How many  
21 times have you run into Al's Florida people that  
22 didn't realize Florida even had peaches?

23 All the time, isn't it?

24 MR. FINCH: Absolutely.

25 And the other factor is the cost of our item.

1           Once you go out of the Southeast and if you go to  
2           Chicago and you start looking at what -- you've got  
3           to factor in what the retailers are, you know,  
4           featuring, their item. You know, if you get up  
5           past Chicago and go to St. Louis, they're going to  
6           want to, you know, advertise it at 4.99 a pound,  
7           which they're used to having other peaches for  
8           \$1.99 a pound.

9           So that's one of the big obstacles we have.  
10          The further we get out of the Southeast with this  
11          item, you know, we're facing the challenge of what  
12          the retailer is going to -- you know, working with  
13          his gross profit margin he puts on top of it. And,  
14          you know, that's -- that's some of the issues that  
15          we face as we move out of the Southeast.

16          MR. RUCKS: That's a big issue because we  
17          don't have any control over that.

18          MR. FINCH: It's huge. A huge issue.

19          MR. RUCKS: But we have a niche because -- to  
20          come back on that, say, well, we're the only one  
21          that's got peaches right now, so what do you want  
22          to do.

23          MR. BORDERS: They don't care. They ain't  
24          going to pay --

25          MR. RUCKS: They probably won't care. And

1           they probably won't sell them at 4.99, not very  
2           many. So --

3           MS. ADAMS: And you have to consider the fact  
4           that it's cold up there. People aren't in the mood  
5           to eat peaches yet. We are here because it's hot.  
6           So you're selling something that people don't want  
7           to buy.

8           MR. RUCKS: Right.

9           MS. ADAMS: It's a never-ending struggle.

10          (Overlapping speakers.)

11          MR. RAINES: Watermelons used to be that way,  
12          too.

13          MS. ADAMS: You have to find a way to  
14          infiltrate those markets.

15          MR. FINCH: You know, that -- and what Nicole  
16          is saying is true. We faced that a lot last year  
17          where, in the spring time, it was still in the  
18          thirties in the Mid Atlantic states.

19          A couple accounts we were going to, it's not  
20          moving. What do you mean, it's not? Well, it's  
21          30 degrees out. People aren't -- you know, that's  
22          not peach season. They think of --

23          MS. ADAMS: That's why you have to stay low  
24          and go west.

25          MR. FINCH: You think of it as more of a

1 warmer time period.

2 MR. RUCKS: That's where a marketing order, I  
3 think, will help. I mean, marketing orders can  
4 help promote a product and address how to make --  
5 how to promote it better and how to -- okay. We  
6 can't do nothing about the 30-degree weather, but  
7 is there another way we can -- another area that we  
8 can sell to or move peaches to?

9 I mean, having some marketing research, I  
10 think, will develop a better marketing program to  
11 see what -- what our options are. You know, you've  
12 always got to have -- you always need to have  
13 options. You know, usually the option is you stay  
14 in business or you don't, but we need to have more  
15 than those two options.

16 So, I mean, we need to create more options.  
17 That's where I think this marketing would help. It  
18 would give us more options, more markets to  
19 address, to get into. But right -- you know, every  
20 man is for himself right now. So it would be  
21 better, I mean, if we all had these ideas and put  
22 them together. I think it would be a lot better  
23 marketable product if we were to do this.

24 MR. RAINES: And as a group, then when you had  
25 meetings, you could sit down and discuss this among

1           yourselves, like the fellow you're talking about  
2           that -- he's got a difficult time because he comes  
3           in later, you know. The marketing order could  
4           address that as far as size. I don't know what the  
5           issue is, but they could address something that  
6           might help him or make him exempt.

7           MR. BORDERS: Size is his last problem. He  
8           was picking 3-inch fruit.

9           MR. RAINES: Okay. So he don't have a size --

10          MR. RUCKS: It's just marketing.

11          MR. BORDERS: His problem is finding a  
12          marketplace that is not a Georgia, Carolina, or  
13          California price.

14          MR. RUCKS: Too much volume, too.

15          MR. RAINES: I don't know. That's --

16          MR. BORDERS: Nobody can fix that.

17          MR. RAINES: You're not going to fix that.

18          MR. RUCKS: Right.

19          MR. RAINES: Unless -- like Phil was talking  
20          about, unless you can create a market.

21          MR. BORDERS: Right.

22          MR. TYLER BOWEN: His problem will be fixed if  
23          we charge him 10 cents on top of that? I mean,  
24          that's kind of what I'm looking at.

25          MR. RAINES: What's that?

1 MR. TYLER BOWEN: That's kind of how I'm  
2 looking at it. We've already got problems, and now  
3 all of a sudden, we're talking about taxing  
4 ourselves. But I don't know. It sounds like we  
5 just need to wait for a proposal.

6 MR. RAINES: Well, I'll be honest with you.  
7 Even if the market order were in effect, the things  
8 you're talking about, the marketing order, that's  
9 -- you're still going to be -- you're still going  
10 to have the same topics.

11 MR. TYLER BOWEN: Right.

12 MR. RAINES: If you had a marketing order in  
13 place and you were in a marketing order meeting,  
14 you would be saying the same things you're saying  
15 right now.

16 MR. TYLER BOWEN: Right.

17 MR. RAINES: So I -- we're looking at whether  
18 you -- you know, whether you think that would be  
19 something to help you or not. We can't answer  
20 these questions.

21 UNIDENTIFIED SPEAKER: It's not working for  
22 oranges.

23 MR. RUCKS: Well, I think there's a consensus  
24 in this room. I think everybody can agree that  
25 something needs to be done better than what we're

1           doing. Is that -- what that thing is, I don't  
2           know. But does everybody not agree on that?

3           MR. RICHARDS: I'm not bitching too much,  
4           Phil.

5           MR. RUCKS: Okay. So you're making good  
6           money, and you're not worried about a thing? And  
7           you don't even care about what's going to happen in  
8           the next couple of years?

9           MR. RICHARDS: No.

10          MR. RUCKS: I need -- I need to ride with you.

11          So -- but that's -- I've had -- I've had a lot  
12          more people besides you saying that everything is  
13          odd, is concerned about where this industry is  
14          going, you know, and not have too many hiccups and  
15          setbacks. Because we're going to have setbacks  
16          because, you know, we're dealing with the weather.  
17          There's nothing we can do about that.

18          But we need to be able to know how to deal  
19          with those weather events. And that's where I  
20          think a marketing order could help there as well,  
21          to where it -- you know, you can change the rules,  
22          depending on what the weather events are. If we  
23          have a real bad weather event, then we're going to  
24          have to change the way the fruit is sold or the way  
25          the standards are.

1 MR. RICHARDS: It's not really like an orange  
2 though. You can't -- if we have a bad weather  
3 event, everybody is in the same boat, they're gone.  
4 February 24th did a pretty good job on us this  
5 year, too. No marketing order or anything else  
6 would have helped any at all. It just froze.

7 MR. RUCKS: Right.

8 MR. RICHARDS: Weather is a tough deal, we all  
9 know.

10 MR. RUCKS: No, it is. We can't control it.  
11 I understand that. But, I mean, there could be a  
12 time where it could help, you know. So that's all  
13 I'm saying.

14 It's just -- you need to have more options, is  
15 all I'm saying. I'm an option guy. Just like the  
16 cops saying they need backup, I like to have a lot  
17 of backup. So that just ensures that you're going  
18 to have more success, so.

19 UNIDENTIFIED SPEAKER: (Indiscernible.)

20 MR. RUCKS: I heard that.

21 Anyway, that's -- do we want to go ahead and  
22 move on, I guess, with the seven-day comment  
23 period? Does everybody have Chris' card?

24 Can you send an e-mail out, addressing that?

25 MR. DENMARK: I will send an e-mail out to all

1 that I have here. And I've got several e-mails  
2 from that first and second meeting. So I pretty  
3 much have an e-mail for everybody.

4 MR. RICHARDS: I have yet to receive one, so I  
5 need to give you one.

6 MR. DENMARK: And there's -- here's my card.

7 All right. So everybody has got my number. I  
8 need everybody's numbers and e-mails so that I can  
9 reach out to them.

10 But I'll certainly send to everybody that's  
11 been to one of these meetings, that's left me an  
12 e-mail. I will -- I will reach out to them and let  
13 them know that there's a seven-day waiting -- their  
14 seven-day comment period, going forward, and  
15 whatever else we need to, you know, go forth from  
16 that.

17 MR. BORDERS: Seven days from today?

18 MR. DENMARK: Yes, seven days from today.

19 MS. McAVOY: Business or working? Like,  
20 Saturday --

21 MR. DENMARK: Business -- it's business days.  
22 Like ten days.

23 MR. RUCKS: So Tuesday is Wednesday, so you're  
24 looking at a Thursday, Friday.

25 MR. DENMARK: Right.

1           MR. RUCKS:  And then next week would be five.  
2           That would be seven.  So, really, it would be the  
3           following Monday, week after this coming Monday.

4           MR. BORDERS:  Next Friday would be seven.

5           MR. RAINES:  And the weekend don't count,  
6           because those aren't working days.

7           MR. BORDERS:  Two days this week.

8           MR. RUCKS:  But if they get it in -- if they  
9           get it in that Monday following that Friday, they  
10          probably still would accept it.

11          MR. BORDERS:  Okay.

12          MR. RUCKS:  So it's still going to be stamped  
13          from that Friday, anyway.

14          MR. BORDERS:  Seven days.

15          MR. DENMARK:  And, again, we've just got to  
16          have something to be able to put on a ballot, and  
17          that has to be developed by -- by somebody or this  
18          group.

19          MR. RUCKS:  A small group.  It keeps getting  
20          smaller.

21          MR. DENMARK:  The questions get tougher.

22          MR. RUCKS:  If any of y'all want to call, you  
23          can call me, not that I'm going to be a big help.  
24          But, anyway, we'll try to keep this momentum going,  
25          if that's what we want to do.

1           So that's pretty much it. So thank you all  
2 for coming.

3           And thank you, Chris and Milton. Y'all put a  
4 lot of time in. And we'll see what happens.

5           (Hearing concluded at 12:49 p.m.)  
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REPORTER'S CERTIFICATE

STATE OF FLORIDA

COUNTY OF POLK

I, LINDA A. MCGILL, Registered Professional Reporter, certify that I was authorized to and did stenographically report the meeting in the above-styled cause, Pages 1 through 142, inclusive, and that the transcript is a true and complete record of my stenographic notes.

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

Dated this 1st day of July, 2015.



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

The original of this transcript was ordered by and furnished to Chris Denmark.