

## **Proposed State Peach Marketing Order**

### FLORIDA PEACH MARKETING ORDER PURSUANT TO CHAPTER 573 F.S.

**I. AUTHORITY:**

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

**II. PURPOSES:**

This order is designed to provide funding for Florida peach marketing related activities not currently being funded that promote maximum grower profits. This would include, but not be limited to, marketing, research, commercialization of research findings, and negotiations of intellectual properties. In construing this order, “Florida peach” shall be defined as all varieties of *Prunus persica* grown in the production area south and east of the Suwannee River.

**III. ADMINISTRATION:**

The Department shall enforce the provisions of this order in a manner so as to effectuate the declared purposes. Such administration shall be upon the recommendation of the advisory council.

**IV. ASSESSMENT:**

A. In order to provide funds to defray the necessary expenses incurred by the Department in the formulation, issuance, administration and enforcement of this order, there is hereby levied an assessment upon each pound of peaches grown and placed into the primary channel of trade in the state of Florida. This assessment shall be fixed by the Department upon the recommendation of the Council by January 1 of each year, and that rate shall apply for the entire marketing period commencing January 1 and ending December 31 of the same year. In no case shall the assessment rate exceed 2 cents per pound of fresh market peaches placed into the primary channel of trade in the state of Florida. The assessment can be suspended from season to season when the Department, upon recommendation of the Council, determines that additional monies are not necessary.

B. The assessment shall be collected on a date to be fixed by the Department. All revenues from such assessment collected by the Department shall be deposited in the Peach Marketing Order Trust Fund and accounted for separately.

**V. FLORIDA PEACH ADVISORY COUNCIL (Council):**

A. An Advisory Council, to be known as the Florida Peach Advisory Council (“Council”), is hereby established to advise the Department in the administration of the order. The Council shall be established, appointed and adhere to rules pursuant to section 573.112 (1) – (6), Florida Statutes.

1) The Council may establish or provide for the establishment of production research, marketing research and development, and marketing promotion

projects, including paid advertising, designed to assist, improve, or promote the marketing, distribution, or consumption of Florida peaches.

- 2) In recommending projects, the Council shall give consideration to the following:
  - a) The expected supply of Florida peaches in relation to market requirements;
  - b) The supply of competing commodities;
  - c) The anticipated benefits from such projects in relation to their costs;
  - d) The need for marketing research with respect to any market development activity;
  - e) Other relevant factors.
- 3) All promotional activity engaged in by the Council shall be for the benefit of all Producers and shall not refer to any private brand, private trademark or private trade name.
- 4) The Council may develop a trademark or logo for use by all Producers who have not exempted themselves from the scope of the Market Order.

B. The Council shall have, among others, the following duties:

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

#### VI. ADMINISTRATIVE RULES:

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

#### VII. REFERENDUM; AMENDMENTS AND TERMINATION:

The establishment of this order shall be subject to approval by referendum. Also, this order, its termination, suspension and any amendments thereto, shall be subject to the producer referendum and notice requirements of Chapter 573, Florida Statutes. The "marketing period" shall be deemed to run from year to year, commencing January 1 of each year and ending December 31 of the same year. Upon termination of the order, any funds remaining shall revert to the Department for general use in the area of peach marketing.

VIII. CERTIFICATES OF EXEMPTION:

The Council will recommend procedures to FDACS under which Certificates of Exemption may be issued to producers or handlers. Section 573.1201, Florida Statutes.

The Council may exempt operations which sell strictly on the basis of “U-Pick” or “Harvest Your Own” farming operations, which cater exclusively to their local market, from the Market Order assessment.

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

IX. EFFECTIVE DATE:

If the Department finds this order to have been approved by producer referendum as provided by law; this order shall become effective March 1, 2016.