fruit, sapodillas, and fruit that must be grown in tropical or semitropical regions, except citrus fruit as defined in s. 601.03.

(2) Every purchaser of more than one bushel or crate of tropical or semitropical fruit at the point of growth shall obtain a sales certificate from the grower who shall prepare and furnish such certificates. The sales certificate shall accompany the fruit from the point of growth to the final processor or wholesaler who will offer for retail sale and such processor or wholesaler shall keep the sales certificate for inspection upon request by a peace officer for 1 year from date of purchase.

(3) The sales certificate shall indicate the name, address and telephone number of the grower from whom the fruit was purchased; the species, variety and amount purchased; and for the purchaser and each subsequent purchaser, her or his name, address and telephone number, date of purchase and driver license number; if the fruit is transported by other than the owner, the name of the transporting company and the make, type and license number of the vehicle transporting the fruit. The grower shall keep a copy of the sales certificate for 1 year from date of the purchase. The Commissioner of Agriculture, according to requirements of this section, shall prescribe the form of sales certificates.

(4) All firms or individuals transporting fruit for handlers, packinghouses or processors shall obtain a work order from the dispatcher of the named organizations which must remain in the possession of the driver to the point of pickup and thereafter with the fruit until delivered. The form of the work order shall be prescribed by the Commissioner of Agriculture and shall indicate the name of firm or individual transporting fruit, date, grove destination, time for pickup, truck number, number of crates, variety of fruit, name of packinghouse or other place where fruit is to be delivered, driver’s name, driver license number and the name of the truck dispatcher.

(5) Violation of the provisions of this section shall constitute a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—ss. 1, 2, ch. 67-494; s. 830, ch. 71-136; s. 3, ch. 72-252; s. 990, ch. 97-103; s. 2, ch. 98-123; s. 76, ch. 2012-182.

Note.—Former s. 811.271.

PART II

FLORIDA TROPICAL FRUIT POLICY ACT

603.201 Short title.—This act may be cited as the “Florida Tropical Fruit Policy Act.”

History.—ss. 1, 5, ch. 90-277; s. 45, ch. 91-201; s. 5, ch. 91-429.

603.202 Legislative declarations and findings.—

(1) The Legislature declares that the production and utilization of tropical fruits is an underdeveloped agricultural commodity enterprise in this state. The Legislature recognizes that Florida possesses many resources and geographic advantages, particularly a marine subtropical climate, that favor the expansion and growth of present-day tropical fruits into a broad-based industry. The growth potential of the present industry offers good opportunities for local economic development and supply trade. Development of tropical fruits is compatible with the economies, lifestyles, and interests of both rural and urban Florida.

(2) Further, the Legislature finds that factors, such as minimal new tropical fruit cultivar development, lack of printed production and processing information, minimal understanding of tropical fruit processing requirements, lack of fresh fruit handling and processing technology, lack of quality standards for fresh fruit, lack of assistance and printed information for overall business planning and marketing, and lack of coordination of the many diverse interests and expertise which could contribute to the further development of tropical fruit in the state are inhibitory to the future development of the tropical fruit industry.
The Legislature further declares that, in order to effectively support the efficient and expeditious development
and growth of tropical fruit into a broad-based, economically sound industry, there is a need for leadership and a
South Florida Tropical Fruit Plan.

The Legislature further declares that the term “tropical fruit” as used in this act does not include citrus fruit as
defined in s. 601.03, limes, or avocados.

History.—ss. 2, 5, ch. 90-277; s. 45, ch. 91-201; s. 5, ch. 91-429.

603.203 Tropical Fruit Advisory Council.—

1. There is hereby created within the Department of Agriculture and Consumer Services the Tropical Fruit
Advisory Council to consist of eight members as follows: the chair of the State Agricultural Advisory Council or a
designee thereof; a representative from the Institute of Food and Agricultural Sciences at the University of Florida who
is a specialist in tropical fruits; and six additional commercial members representing as fairly as may be possible the
diverse tropical fruit industry and tropical fruit growers associations, who shall be appointed for a 4-year term by the
Commissioner of Agriculture. Initially, the Commissioner of Agriculture shall appoint two members for a term of 4
years, two members for a term of 3 years, two members for a term of 2 years, and two members for a term of 1 year.
Thereafter, members shall be appointed for 4-year terms.

2. Immediately after their appointment, the members of the council shall meet and organize by electing a chair, a
vice chair, and a secretary, and shall adopt rules of procedure for governing their deliberations. The terms of such
officers shall be for 1 year.

3. The council shall meet in South Florida at the call of its chair, at the request of a majority of its membership, at
the request of the Commissioner of Agriculture, or at such times as may be prescribed by its rules.

4. Three-fourths of the members of the council shall constitute a quorum for all purposes, and an act by a
majority of such quorum at any meeting shall constitute an official act of the council.

5. The primary responsibilities of the Tropical Fruit Advisory Council shall be to provide necessary assistance,
review, and recommendations for drafting a South Florida Tropical Fruit Plan.

History.—ss. 3, 5, ch. 90-277; s. 45, ch. 91-201; s. 5, ch. 91-429; s. 991, ch. 97-103.

603.204 South Florida Tropical Fruit Plan.—The Commissioner of Agriculture, in consultation with the Tropical
Fruit Advisory Council, shall develop and update a South Florida Tropical Fruit Plan, which shall identify problems
and constraints of the tropical fruit industry, propose possible solutions to such problems, and develop planning
mechanisms for orderly growth of the industry, including:

1. Criteria for tropical fruit research, service, and management priorities.

2. Proposed legislation that may be required.

3. Plans relating to other tropical fruit programs and related disciplines in the State University System.

4. Potential tropical fruit products in terms of market and needs for development.

5. Evaluation of production and fresh fruit policy alternatives, including, but not limited to, setting minimum
grades and standards, promotion and advertising, development of production and marketing strategies, and setting
minimum standards on types and quality of nursery plants.

6. Evaluation of policy alternatives for processed tropical fruit products, including, but not limited to, setting
minimum quality standards and development of production and marketing strategies.

7. Research and service priorities for further development of the tropical fruit industry.

8. Identification of state agencies and public and private institutions concerned with research, education,
extension, services, planning, promotion, and marketing functions related to tropical fruit development, and
delineation of contributions and responsibilities. The recommendations in the plan relating to education or research
shall be submitted to the Institute of Food and Agricultural Sciences.


History.—ss. 4, 5, ch. 90-277; s. 45, ch. 91-201; s. 5, ch. 91-429; s. 992, ch. 97-103; s. 157, ch. 2010-102.

603.211 Identification of sellers or handlers of tropical or subtropical fruit and vegetables; containers specified;
penalties.—
(1) SHORT TITLE.—This section may be known and cited as the “Florida Tropical or Subtropical Fruit and Vegetables Sales Law.”

(2) ENFORCEMENT AGENCY.—This section shall be administered by the Office of Agricultural Law Enforcement and may be enforced by any law enforcement officer as defined in chapter 943.

(3) DEFINITIONS.—As used in this section:
   (a) “Department” means the Department of Agriculture and Consumer Services.
   (b) “Distribute” means to engage in the business of selling, marketing, or distributing, in the primary channel of trade, tropical or subtropical fruit or vegetables produced, purchased, or acquired from a producer, or being marketed on behalf of a producer, whether by the owner, agent, employee, broker, or otherwise, but shall not include such activity by a person engaged in the business of retailing.
   (c) “Handle” means to produce, distribute, retail, or transport tropical or subtropical fruit or vegetables in the primary channel of trade.
   (d) “Handler” means any person engaged in growing, distributing, retailing, or transporting tropical or subtropical fruit or vegetables in the primary channel of trade.
   (e) “Inspector” means an inspector or agent of the department.
   (f) “Primary channel of trade” means that period of time when tropical or subtropical fruit or vegetables are cut, gathered from the ground, or otherwise harvested for commercial purposes. However, these commodities shall cease to be in the “primary channel of trade” if and when they leave intrastate commerce.
   (g) “Retail” means to engage in the business of purchasing or acquiring tropical or subtropical fruit or vegetables for resale at retail to the general public, but does not include such activity by a person engaged in the business of distributing.
   (h) “Tropical or subtropical fruit” means avocados, bananas, calamondins, carambolas, guavas, kumquats, limes, longans, loquats, lychees, mameys, mangoes, papayas, passion fruit, sapodillas, and fruit that must be grown in tropical or semitropical regions, except citrus fruit as defined in s. 601.03.
   (i) “Vegetables” means tomatoes, peppers, squash, cucumbers, leafy greens, green beans, eggplant, sweet corn, and cabbage. The Department of Agriculture and Consumer Services may by rule include additional vegetables.

(4) IDENTIFICATION OF HANDLER.—At the time of each transaction involving the handling or sale of 55 pounds or more of tropical or subtropical fruit or vegetables in the primary channel of trade, the buyer or receiver of the tropical or subtropical fruit or vegetables shall demand a bill of sale, invoice, sales memorandum, or other document listing the date of the transaction, the quantity of the tropical or subtropical fruit or vegetables involved in the transaction, and the identification of the seller or handler as it appears on the driver license of the seller or handler, including the driver license number. If the seller or handler does not possess a driver license, the buyer or receiver shall use any other acceptable means of identification, i.e., voter’s registration card and number, draft card, social security card, or other identification. However, no less than two identification documents shall be used. The identification of the seller or handler shall be recorded on the bill of sale, sales memorandum, invoice, or voucher, which shall be retained by the buyer or receiver for a period of not less than 1 year from the date of the transaction.

(5) CONFISCATION.—When any person is in violation of subsection (4), an inspector or any law enforcement officer as defined in chapter 943 shall confiscate any and all tropical or subtropical fruit or vegetables in the possession of that person.

(6) Each person engaged in the business of packing or shipping tropical or subtropical fruit or vegetables for resale or distribution, except growers or growers’ agents transporting their own tropical or subtropical fruit or vegetables, shall accept such fruit or vegetables delivered only in a standard industry field container.

(7) PENALTY.—In addition to confiscation of tropical or subtropical fruit or vegetables as provided in subsection (5), whoever knowingly, willfully, and intentionally violates the provisions of subsection (4) shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—ss. 1, 2, 3, 4, 5, 6, ch. 73-77; s. 1, ch. 75-267; s. 5, ch. 92-290; s. 42, ch. 92-291; s. 34, ch. 93-169; s. 1, ch. 98-123; s. 2, ch. 2012-182; s. 97, ch. 2014-150.

Note.—Former s. 570.55.