CHAPTER 20-3
REPORTS BY CITRUS FRUIT DEALERS

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20-3.001 Quantity of Fruit Handled.

Rulemaking Authority 601.10(1), (7), 601.69 FS. Law Implemented 601.61(1), 601.69(2), (9) FS. History–New 1-1-75, Formerly 105-1.33, 20-3.01, Amended 11-20-88, 6-19-00, Repealed 8-31-15.

20-3.002 Processed Citrus Product Report.

Rulemaking Authority 601.10(1), 601.15(4), (10)(a) FS. Law Implemented 601.10(8), 601.15(4), 601.69 FS. History–New 6-19-00, Amended 9-17-07, 6-24-08, Repealed 8-31-15.

20-3.003 Processing Statistics Reporting Advisory Committee – Membership.

There is hereby created and established an advisory committee of the Florida Citrus Commission designated as the "Processing Statistics Reporting Advisory Committee." The purpose of the committee is to guide Department of Citrus efforts to collect and distribute statistics and data of importance to the Florida Citrus Industry. The committee shall consist of nine members appointed by the Florida Citrus Commission Chairman, subject to concurrence, as follows:

(1) The Florida Citrus Processors Association shall recommend four members who are experienced in and actively engaged in an executive capacity as an officer, employee, or owner of a cooperative, corporation, limited liability corporation, partnership or other business unit engaged in the business of producing processed citrus products in this state.

(2) Florida Citrus Mutual shall recommend two members who shall be grower members or staff of Florida Citrus Mutual.

(3) The Florida Citrus Commission Chairman shall appoint three members who shall be a representative for each of the following two categories:

(a) Two members representing grower/handlers for the processed juice market.

(b) One member to represent the Florida Citrus Commission.

(4) The Florida Citrus Commission Chairman shall appoint the Committee Chairman, subject to commission concurrence; the committee shall elect the vice-chairman.

(5) Each individual appointed to the committee shall serve for a term of two years, with the Chairmanship to rotate every year.

Rulemaking Authority 601.10(1), 601.15(10)(a) FS. Law Implemented 601.04(3)(b), 601.10(8), 601.15(4), 601.69 FS. History–New 8-31-15.

20-3.004 Scope and Responsibility to the Florida Citrus Commission.

The Processing Statistics Reporting Advisory Committee shall focus on changes to processed products, pack, movement, and pricing reports and shall make recommendations to the Florida Citrus Commission related to additions, deletions, formatting of existing data, distribution and publication of data or changes to the procedures to be followed by Department of Citrus staff.

Rulemaking Authority 601.10(1), 601.15(10)(a) FS. Law Implemented 601.04(3)(b), 601.10(8), 601.15(4), 601.69 FS. History–New 8-31-15.

20-3.005 General Provisions.

(1) The following licensed citrus fruit dealers are exempt from the reporting requirements:

(a) All gift fruit shippers;

(b) Retail processors and dairies;

(c) Processors engaged exclusively in the production of fresh squeezed unpasteurized juice and who utilize less than 200,000 boxes per year.

(2) For the purposes of this rule, terms shall have the meanings prescribed by Section 601.03, F.S. In addition, the term:

(a) "Bulk storage" is defined as storage, or storage capacities, of total quantities of processed citrus juice products in excess of fifty thousand (50,000) gallons stored in drums, bins, totes, barrels, or tank farms.

(b) "Contract, Long-Term (Multi-Season) priced fruit" is defined as:

1. Fruit purchased on a multi-season basis including:

a. Fruit with prices established prior to current fruit season;

b. Fruit for which a contract has been executed for current and future seasons; and,

c. Fruit contracted for multi-years and/or future seasons (Long Term Contract-basis).

2. Fruit contracted with no price specified at the time the contract is executed; however, the price must be calculable at time of fruit delivery.

(c) "Contract priced fruit" is defined as fruit purchased where a price is stated or is determinable on the basis of specified contract language and for which the price is available during the week of fruit processing (includes bulk contracts).

(d) "Current Fruit Season" is defined as October 1 through the end of fruit processing for that season.

(e) "Current Reporting Week" is defined as the seven (7) days prior to the "Week Ending" date.

(f) "Dairies" means milk plant operators, as that term is defined in Section 502.012, F.S.

(g) "Eliminations" are defined, for the purposes of the Post Estimate Report, as citrus fruit that has been graded out or eliminated from the fresh channel of trade by a packinghouse and delivered to a processor for the processed channel of trade.

(h) "FDOC Week Ending Date" is set as Sunday – Saturday with each week ending at midnight on Saturday; however, facilities may set their week ending day to align with their accounting processes provided the week ending day remains consistent throughout the current fruit season and the reporting week begins on Sunday.

(i) "Final Priced Fruit" is defined as a price (either stated in contract language or to be determined based upon contract language) that is known or will be determined before or during the week of fruit processing. This may include contracts with 'floor' and 'rise' language if the final price or pricing basis for the 'rise' is known during the week of delivery/processing.

(j) "Intermediate priced fruit" is defined as:

1. A price, either stated in contract language or to be determined based on contract language;

a. Before the final price is known; and,

b. For which the Final Price may be greater but not less than the Intermediate Price; and,

c. For which only the Intermediate Price is available during week of delivery/processing.

2. For which the Final Price or pricing basis for the 'rise' is not known during the week of delivery/processing due to 'floor' and 'rise' language in the executed contract.

(k) "Non-priced fruit without a final or intermediate price known" is defined as fruit processed for which the final price is not known during the week of delivery (floor/rise, participation, etc.).

(l) "Other Non-priced fruit" shall be defined as:

1. If the fruit was delivered/sold by a corporation to itself, or

2. If a subsidiary corporation delivered/sold its fruit to a parent corporation, or

3. If an owner, major stockholder, officer or employee of a processing corporation delivered/sold their fruit to the processing corporation, or

4. If the fruit is being toll processed and the price is not known to the processing facility.

(m) "Retail processors" means processors who exclusively engage in direct sales of packaged citrus juice to ultimate consumers under the processor's own name, and do not place packaged citrus juice into the stream of commerce in wholesale form.

(n) "Spot priced fruit" is defined as fruit delivered to the processor without a pre-determined price or contract, for immediate delivery and sold for the daily price.

(o) "Toll pack processing" is the act of processing fruit by a processing facility where ownership or title of such fruit never passes to the processor. The ownership of such fruit rests at all times during processing and packaging with the licensed citrus fruit dealer who has made delivery of fruit.

(3) Any data reported to the Florida Department of Citrus that a facility deems to be a trade secret (i) shall be clearly labeled as "Trade Secret" at the time it is submitted to the Department of Citrus, and (ii) shall be designated a trade secret on a Statement of Trade Secret Form under Rule 20-100.004, F.A.C. Individual facility information reported pursuant to this rule shall be held confidential as a designated trade secrets as defined in Section 688.002(4), F.S., and treated as exempt from the provisions of Section 119.07(1), F.S. Absent a written declaration that the facility deems the data to be a trade secret in compliance with the process set forth in this subsection (3), the data provided to the Department of Citrus will not be treated as a trade secret, as defined in Section 688.002(4), F.S.

(4) Reports as required under this rule chapter are subject to the inspection of records provision of Section 601.70, F.S.

Rulemaking Authority 601.10(1), 601.15(10)(a) FS. Law Implemented 119.0715, 601.15(4), 601.69 FS. History–New 8-31-15, Amended 2-2-20, 11-26-20, 6-23-22.

20-3.006 Florida Processors' Statistics Report.

(1) All licensed citrus fruit dealers engaged in the processing or toll pack processing shall provide to the Department of Citrus the following information:

(a) The quantity and variety of all raw citrus fruit received that was not produced in Florida. The geographic origin (by country or state if from the United States) of such product shall be indicated.

(b) The quantity and type of processed citrus fruit product manufactured by the dealer from raw citrus fruit from production areas outside the state of Florida. The geographic origin (by country or state if from the United States) of such product shall be indicated.

(c) The amount of raw citrus fruit processed, reported on both a box basis and on a pounds solids basis. These quantities shall be reported in a way to show the proportion of such juice that is manufactured into single strength or concentrated forms.

(d) The type and amount of finished juice and juice product for further manufacturing manufactured by the dealer during the reporting period.

(e) The amount of each type of processed citrus product actually shipped and/or received during the preceding reporting week to and/or from a customer or to and/or from another party.

(f) Summaries of the quantities and average purchase prices for raw fruit delivered to any dealer engaged in the processing or toll pack processing of processed citrus products during the reporting period, reported by type and pricing category (e.g., final priced, intermediate priced, non-priced).

(g) Reports of fruit held in cold storage and processed after the last field boxes have been reported shall:

1. Include the price and quantity of all raw citrus fruit intended for cold storage received during the week of purchase,

2. Be reported as pack into bulk using the reporting facility's average juice yield for the season by variety, and treated as bulk goods on hand while in storage; and,

3. Be reported, during the week of processing, as reprocessed bulk for the reporting week in which the fruit is processed using the actual pounds solids.

(h) The amount and type of processed citrus product physically held or stored by the licensed citrus fruit dealer at the end of the weekly reporting period.

(i) The reported price shall be the delivered-in price less the following mandatory assessments:

1. Citrus Advertising Assessments; and,

2. Inspection Fees.

(j) Processor to Processor transactions shall be reported as unpriced fruit.

(2) The information shall be provided on a weekly basis and reports shall be filed by the licensed facility no later than 5:00 p.m. Wednesday of each week, with reports required regardless of information to report. The reporting period shall be year round beginning the first week of the shipping season of August 1 to July 31. In order to accurately report the total boxes and prices, boxes reported in August and September shall be included in the current fruit season (October 1) reports. Information shall be submitted on forms provided by the Department of Citrus and incorporated by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-05502, into Rule 20-100.004, F.A.C., and shall be delivered by electronic transfer to the location designated on the aforementioned forms. The burden of proof of delivery of the requisite information rests with the licensed citrus fruit dealer.

(3) The Department shall review and compile submitted information weekly and publish the Florida Processors' Statistics Report electronically.

(4) The Department of Citrus reports prices on five categories of fruit throughout the season:

(a) Category 1: Final spot and contracted prices; established for Current Fruit Season only;

(b) Category 2: Final Pricing established prior to the Current Fruit Season, or for current and future seasons (Long Term Contract – Multi-season);

(c) Category 3: With only a known intermediate (rise unknown at time of delivery);

(d) Category 4: Without final or intermediate price known;

(e) Category 5: Others (Co-ops, processor owned, toll processed).

Rulemaking Authority 601.10(1), 601.15(4), (10)(a) FS. Law Implemented 601.10(8), 601.15(4), 601.69 FS. History–New 8-31-15, Amended 6-22-17.

20-3.007 Post-Estimate Price Report.

(1) All licensed citrus fruit dealers engaged in the processing or toll pack processing of processed citrus products shall provide to the Department of Citrus the following information:

(a) Summaries of the quantities and average purchase prices for raw fruit delivered to any dealer during the reporting period, reported by type and pricing category (e.g., fixed final contract prices, intermediate pricing only, or with floor and a known rise, week of delivery).

(b) The varieties of raw citrus fruit to be reported:

1. Oranges: Hamlin, Parson Brown, Pineapple, Valencia and other sweet/round oranges. Does not include Navels, Ambersweets, Tangelos, Mandarins, Tangerines and Murcotts.

2. Grapefruit designated as Red/Pink or White.

(c) Processor to Processor transactions shall not be reported.

(d) Purchases of spot priced fruit for oranges and grapefruit shall not be reported.

(e) Eliminations for oranges shall not be reported.

(f) Eliminations for grapefruit shall be reported.

(2) The information shall be provided on a weekly basis by the licensed facility and reports shall be filed no later than 5:00 p.m. Wednesday of each week, with reports required regardless of volume to report. The reporting period shall begin on the first week following the release by USDA of its initial Crop Estimate for the current processing season (generally released in October of each year). Information shall be submitted on forms provided by the Department of Citrus and incorporated by reference into Rule 20-100.004, F.A.C., and shall be delivered by electronic transfer to the location designated on the aforementioned forms. The burden of proof of delivery of the requisite information rests with the licensed citrus fruit dealer.

(3) Data is reported only for fruit for which a contract has been executed after the release of the initial USDA Crop Estimate for the current fruit season (generally released in October of each year). Data shall be reported for all qualifying contract boxes processed by a facility and for boxes paid for by that facility and delivered for processing to a second facility during the 'current reporting week.' For delivered boxes, the data shall be reported during the week the facility paid for the boxes, not necessarily the week the boxes were processed by another facility. The Department of Citrus reports Post Estimate details in three pricing categories for early & mids, Valencia and Red/Pink and White grapefruit:

(a) Category 1: Final prices known week of delivery;

(b) Category 2: Intermediate prices week of delivery with a defined index for known rise and final payment is based accordingly; and,

(c) Category 3: Intermediate prices with final price not known week of delivery, only boxes are reported.

(4)(a) The Department of Citrus shall compile and publish, subsequent to the initial USDA Crop Estimate (generally released in October of each year), audited Post-Estimate Price Reports six times during the citrus season: upon the early/mid season varieties harvest being 50% complete, 75% complete and 100% complete; and upon the late season varieties harvest being 50% complete, 75% complete and 100% complete. Unaudited reports shall be posted to the website beginning four weeks after the Department of Citrus has received data from a licensed facility or facilities and additional reports shall be submitted every four weeks thereafter. Audited reports may be posted in place of unaudited reports when the harvest thresholds are met before the unaudited report is to be published. The number of facilities reporting activity shall not be disclosed within the facility data that is ultimately reported by the Department of Citrus. Calculations used in this report are on a weighted average basis.

(b) Any data reported to the Florida Department of Citrus that a reporting facility deems to be trade secret (i) shall be clearly

labeled as "Trade Secret" at the time it is submitted to the Department of Citrus and (ii) shall be designated a trade secret on a Statement of Trade Secret Form under Rule 20-100.004, F.A.C. Absent a written declaration that the facility deems the data to be a trade secret in compliance with the process set forth in this subsection, the data provided to the Department of Citrus will not be treated as a trade secret, as defined in Section 688.002, F.S.

(5) Each entity required to report shall have a representative attend reporting training to be held at the Florida Department of Citrus building, led by staff, on a date to be announced prior to the beginning of each fruit season.

Rulemaking Authority 601.10(1), 601.15(10)(a) FS. Law Implemented 601.10(8), 601.15(4), 601.69, 119.0715 FS. History–New 8-31-15, Amended 1-24-19, 2-2-20, 11-26-20, 6-23-22, 8-1-23.

20-3.008 Annual By-Product Report.

(1) Licensed citrus fruit dealers who operate registered citrus processing facilities and who engage in the manufacture of the citrus by-products listed below, shall file an annual by-product report for the Current Fruit Season to the Department of Citrus, with the following information for each category of by-product:

(a) Carry Over from the previous season;

(b) Pack (production);

(c) Movement;

(d) Goods on Hand.

The by-product report shall be submitted on forms provided by the Department of Citrus and incorporated by reference, into Rule 20-100.004, F.A.C, and shall be delivered by electronic transfer to the location designated on the aforementioned forms. The following by-products require annual reporting:

(a) Feed, both dried pulp and pellets bulk and bagged;

(b) Molasses; and,

(c) D-Limonene.

(2) The Department of Citrus shall review and compile submitted information annually and publish as a part of the final Florida Processors' Statistics Report electronically.

Rulemaking Authority 601.10(1), 601.15(10)(a) FS. Law Implemented 601.10(8), 601.15(4), 601.69 FS. History–New 8-31-15, Amended 8-1-16.

20-3.009 Inventory Verification Report.

All licensed citrus fruit dealers engaged in the processing, toll pack processing, or bulk storage of processed citrus products shall file, twice a year, an inventory verification report with one such report being filed in April and the other report being filed in October. Inventory verification reports shall be submitted on forms provided by the Department of Citrus and incorporated by reference, https://www.flrules.org/Gateway/reference.asp?No=Ref-05503 into Rule 20-100.004, F.A.C., and shall be delivered by email to the location designated on the aforementioned forms. Reports are to be utilized by staff for the Florida Processors' Statistics Report.

Rulemaking Authority 601.10(1), 601.15(10)(a) FS. Law Implemented 601.10(8), 601.15(4), 601.69 FS. History–New 8-31-15.

20-3.010 Post Estimate Fruit Pricing Verification Report.

All licensed citrus fruit dealers engaged in the processing of processed citrus products or delivery of fruit for toll pack processing, shall file a post estimate fruit pricing verification report three times a season, as follows: once after that facility has completed the processing of early season oranges, once after that facility has completed the processing of late season oranges, and once after that facility has completed the processing of red/white grapefruit. Fruit pricing verification reports shall be submitted on forms provided by the Department of Citrus and incorporated by reference into Rule 20-100.004, F.A.C., and shall be delivered by email to the location designated on the aforementioned forms. The reports are to be utilized by staff in preparing the Post-Estimate Price Report.

Rulemaking Authority 601.10(1), 601.15(10)(a) FS. Law Implemented 601.10(8), 601.15(4), 601.69 FS. History–New 8-31-15, Amended 1-25-17.