

# Marketing Order No. 905

## M O 905

### Formal Rule Proposals

The subcommittee's purpose in proposing new language and deleting obsolete language to M O 905 is to aid the Citrus Administrative Committee in administering the order for the benefit of Florida citrus growers supplying fruit to the fresh market.

- Bold language indicates new language to section proposed to be amended
- The ~~striketrough~~ language is proposed to be deleted from the section.
- Language included in these proposed amendments that provide for new authority to M O 905 was taken from other federal marketing orders, which currently have the authority provided to their committees.
- Underlined language is language that was taken from different or deleted sections of M O 905.

#### 1. Provides for the inclusion of new varieties and hybrids.

##### § 905.4 Fruit.

*Fruit* means any of the following types of citrus fruits grown in the production area:

- (a) Citrus *sinensis*, Osbeck, commonly called "oranges";
- (b) Citrus *paradisi*, MacFadyen, commonly called "grapefruit";
- (c) Citrus ***reticulata***, commonly called "tangerine" or "**mandarin**";
- (d) **C. grandis (L.); Osbeck, commonly called "Pummelo";**
- (e) "**Citrus hybrids**" that include, but are not limited to hybrids between or among sour orange (C. *aurantium*), pummelo (C. *grandis*), lemon (C. *limon*), lime (C. *aurantifolia*), citron (C. *medica*), grapefruit (C. *paradisi*), tangerine or mandarin (C. *reticulata*), sweet orange (C. *sinensis*), tangelo (C. *reticulata* x C. *paradisi* or C. *grandis*), tangor (C. *reticulata* x C. *sinensis*), kumquat (Fortunella, species), trifoliate orange (Poncirus trifoliate), and varieties of these species.

##### § 905.5 Variety.

*Variety* or *varieties* means any one or more of the following classifications or groupings of fruit:

###### (a) Oranges

###### (1) Early and Midseason oranges

- (2) Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type
- (3) Navel oranges

(b) **Grapefruit**

- (1) Red Grapefruit, to include all shades of color
- (2) White Grapefruit

(c) **Tangerines and Mandarins**

- (1) Dancy and similar tangerines
- (2) Robinson tangerines
- (3) Honey tangerines
- (4) Fallglo Tangerines
- (5) US Early Pride Tangerines
- (6) Sunburst Tangerines
- (7) W-Murcott Tangerines
- (8) Tango

(d) **Pummelo**

- (1) Hirado Buntan and other pink seeded pummelo

(e) **Citrus Hybrids**

- (1) Tangelos
  - (i.) Orlando Tangelo
  - (ii.) Minneola Tangelo
- (2) Temple Orange

- (f) Other varieties of citrus fruits specified in 905.4, including hybrids, as recommended by the committee and approved by the Secretary, *Provided*, that in order to add any variety of citrus fruit to be regulated under this provision, such variety must exhibit similar characteristics as an existing regulated variety or compete in the market with an existing regulated variety.

**2. Provides language in Section 905.9 to include regulation of intrastate shipments.**

*Section 905.9 Handle or ship.*

*Handle or ship* means:

~~(a) To sell, consign, deliver, or transport fruit, or in any other way to place fruit in the current of commerce between the production area and any point outside thereof in the 48 contiguous States and the District of Columbia of the United States; and~~

~~(b) To export fruit from any point in the 48 contiguous States and the District of Columbia of the United States to any destination.~~

§ 905.9 Handle or ship.

*Handle or ship* means:

**To sell, transport, deliver, pack, prepare for market, grade, or in any other way to place fruit in the current of commerce within the production area or between any point in the production area and any point outside thereof.**

### **3. Provides for redistricting without a time table.**

§ 905.14 Redistricting.

The committee may with the approval of the Secretary, redefine the districts into which the production area is divided or reapportion or otherwise change the grower membership of districts, or both: *Provided*, That the membership shall consist of at least eight but not more than nine grower members, and any such change shall be based, so far as practicable upon the respective averages for the immediately preceding **three** fiscal periods of (1) **the number of bearing trees in each district**; (2) the volume of **fresh** fruit produced in each district; and (3) the total number of acres of citrus in each district and **(4) other relevant factors**. **Each redistricting or reapportionment shall be announced on or prior to March 1 preceding the effective fiscal period.**

### **4. Provides for two year terms with nominations held on even years and the limits membership to two terms.**

§ 905.20 Term of office.

The term of office of members and alternate members shall begin on the first day of August of **even numbered years** and continue for **two years** and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to **two** terms. The terms of office of alternate members shall not be so limited. Members, their alternates, and their respective successors shall be nominated and selected by the Secretary as provided in §§905.22 and 905.23

### **5. Provides for voting by mail.**

§ 905.22 Nominations.

(a) *Grower member*. (1) The committee shall give public notice of a meeting of producers in each district to be held not later than **June 10th of even numbered years**, for the purpose of making nominations for grower members and alternate grower members. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated, and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of **June**.

(2) Each nominee shall be a producer in the district from which he or she is nominated. In voting for nominees, each producer shall be entitled to cast one vote for each nominee in each of the districts in which he or she is a producer. At least two of the nominees and their alternates so nominated shall be affiliated with a bona fide cooperative marketing organization.

(b) *Shipper members.* (1) The Committee shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers who are not so affiliated, to be held not later than **June 10th of even numbered years**, for the purpose of making nominations for shipper members and their alternates. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern each such meeting and balloting thereat. The chairman of each such meeting shall publicly announce at the meeting the names of the persons nominated and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes cast, the weight by volume of those shipments voted, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of **June**.

(2) Nomination of at least two members and their alternates shall be made by bona fide cooperative marketing organizations which are handlers. Nominations for not more than six members and their alternates shall be made by handlers who are not so affiliated. In voting for nominees, each handler or his or her authorized representative shall be entitled to cast one vote, which shall be weighted by the volume of fruit by such handler during the then current fiscal period.

**(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, nomination and or election of members and alternate members to the Committee may be conducted by mail or other means according to rules and regulations recommended by the Committee and approved by the Secretary.**

## **6. Provides for increased reserves for the CAC.**

§ 905.42 Handler's accounts.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: Provided, that funds already in the reserve do not exceed approximately **two fiscal period's** expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of the said expense.

## **7. Provides for regulating containers and for having different standards within the production area.**

§ 905.52 Issuance of regulations.

- (a) Whenever the Secretary shall find from the recommendations and reports of the committee, or from other...

**(4) DELETED**

**(4) Establish, prescribe, and** fix the size, capacity, weight, dimensions, marking **(including labels and stamps)**, or pack of the container or containers which may be used in the **packaging, transportation, sale, shipment, or other handling** of fruit. ~~for export: Provided, that such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of Chapter 601 of the Florida Statutes and regulations effective thereunder.~~

**(5) Provide that any or all requirements effective pursuant to paragraphs (a)(1), (2), (3), and (4) of this section applicable to the handling of fruit may be different for the handling of fruit within the production area, the handling of fruit for export, and for the handling of fruit between the production area and any point outside thereof within the United States.**

**8. Eliminates the need to send out acceptance statements with background statements for nominations.**

**§ 905.28**

**Qualifications and Acceptance (changed the title): Any person nominated to serve as a member or alternate member of the Committee shall, prior to selection by USDA, qualify by filing a written qualification and acceptance statement indicating such person's qualifications and willingness to serve in the position for which nominated.**

**9. Provides for the registration of handlers in 905.7 Handler.**

**§ 905.7 Handler.**

*Handler* is synonymous with *shipper* and means any person (except a common or contract carrier transporting fruit for another person) who, as owner, agent, or otherwise, handles fruit in fresh form, or causes fruit to be handled. **Each handler shall be registered with the committee pursuant to rules recommended by the committee and approved by the Secretary.**