

5H-2.001 Definition of Producer with Relation to Referendums.

(1) The following definition of “producer” will be applicable to any marketing order referendum under the provisions of the Florida Statutes: “Producer” means an individual, firm, partnership, corporation, association, business, trust, legal representative, or any other business unit who or which:

- (a) Owns and farms land resulting in his or its ownership of the commodity produced thereon;
- (b) Rents or farms land resulting in his or its ownership of all or a portion of the commodity produced thereon; or
- (c) Owns land which he or it does not farm and, as rental for such land obtains the ownership of a portion of the commodity produced thereon.

(2) “Partnership” shall be deemed to include a husband and wife with respect to land, the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by entirety, or, under community property laws, as community property. The term “partnership” shall also be deemed to include individuals, partnerships, or corporations which join together by agreements, informal or otherwise, for the purpose of growing commodities and which, as a unit have authority to transfer title to such commodities at the time they are harvested or subsequent thereto. The term “partnership” shall also include so-called “joint ventures”, wherein one or more parties to the arrangement contributes capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the growing of commodities and the authority to transfer title to the commodity so produced from that business unit to some other parties in the marketing chain.

(3) Each legal entity, whether individual, partnership, “joint venture” or corporation so engaged in the production of commodities for market shall be entitled to only one vote in such referendum. In the case of a partnership or “joint venture,” such vote shall not be accepted in the absence of unanimous agreement of the respective members. In the case of a corporation, such vote shall be cast pursuant to the authorization of its board of directors.

(4) In the case of a person who owns land which he or it does not farm, but as rental for such land obtains the ownership of a portion of the commodity produced thereon, such person shall be regarded as a producer of that portion and entitled to one vote, and the tenant on such land shall be regarded as the producer of the remaining portion produced on such land and also entitled to one vote.

(5) In order to insure that a person is a “producer” eligible to vote, he must have produced a commodity for market in a proprietary capacity within the production area during the representative period prescribed by the Commissioner.

(6) The prevailing principle which shall apply to the determination of “producer” is who or which interest as a unit, whether an individual, partnership, corporation, association, or any other business unit, has the authority to pass title to the commodity grown.

Specific Authority 573.22(2) FS. Law Implemented 573.04(5) FS. History—New 6-29-62, Formerly 5H-2.01.