

## STATEMENT OF AGENCY ORGANIZATION AND OPERATION

### **Mission Statement**

The mission of the Florida Department of Agriculture and Consumer Services is to safeguard the public and support Florida's agricultural economy by:

- Ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs;
- Protecting consumers from unfair and deceptive business practices and providing consumer information;
- Assisting Florida's farmers and agricultural industries with the production and promotion of agricultural products; and
- Conserving and protecting the state's agricultural and natural resources by reducing wildfires, promoting environmentally safe agricultural practices and managing public lands.

### **Commissioner of Agriculture**

The head of the department carries the title of Commissioner of Agriculture. This is a statewide elected office with a term of four years. The duties and responsibilities of the Commissioner as department head are provided in Chapter 570, Florida Statutes. The Commissioner may delegate the exercise or discharge of any power, duty or function as provided therein, such authority for delegation being broad in scope. The Commissioner also serves Florida as a member of the state Cabinet. The duties and responsibilities of the Commissioner as Cabinet officer are provided in Chapter 19 of the Florida Statutes, and as department head in Chapter 570, Florida Statutes.

### **Assistant Commissioner of Agriculture/Chief of Staff**

The Assistant Commissioner of Agriculture/Chief of Staff directs the overall daily operation of the department. This office is responsible for setting major legislative and administrative policy direction, overseeing development of agency strategic priorities and appropriate goals and objectives, and providing direction within all administrative guidelines for operating divisions are prepared and enforced. Sub-units of the office are: Deputy Chief of Staff, two Deputy Commissioners, Offices of Agriculture Technology Services, Agricultural Water Policy, Cabinet Affairs, Communication, Energy, External Affairs, Federal Affairs, General Counsel, Legislative Affairs, Policy and Budget and the Divisions of Administration and the Florida Forest Service.

### **Office of Inspector General**

The Office of Inspector General reports directly to the Commissioner and is assigned specific duties and responsibilities for its audit and investigative functions by Florida law.

Responsibilities include advising the development of performance measures, standards and procedures for the evaluation of department programs; reviewing actions taken by the department to improve program performance and meet program standards; providing direction for supervising and coordinating audits, investigations and management reviews relating to the programs and operation of the department; recommending corrective actions concerning fraud, abuse and deficiencies; reporting progress made in implementing corrective action; reviewing



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rules relating to the programs and operations of the department; and ensuring that an appropriate balance is maintained between the audit, investigative and other accountability activities.

*Florida Statutes that affect the operation of the office are: Chapters 20, 112, 570, 943.*

## **Organizational Units of the Department**

### **Office of Cabinet Affairs**

The Cabinet Affairs Office assists the Commissioner in carrying out his responsibilities as a member of the Florida Cabinet. The office ensures the Commissioner's views on Cabinet items are communicated, that all Cabinet agenda items and policy issues are reviewed, and that the Commissioner is briefed in advance of Cabinet meetings and on all policy issues. In addition, the office coordinates regularly with each Cabinet agency, office, board, and commission to ensure critical state functions are carried out and that outreach efforts are performed in order to keep Floridians apprised of events and issues of interest.

### **Office of Communications**

The Office of Communications informs the public about the Commissioner's policies and priorities by working with the media. The office also coordinates press availabilities, press events and other proactive outreach efforts in order to keep Floridians and visitors apprised of key information. The office manages media inquiries.

### **Office of External Affairs**

The Office of External Affairs supports the Commissioner by promoting the department's outreach agenda and activities. The office serves as a liaison between the Commissioner, his constituents and various public service groups throughout the state. The cornerstone of the office is reinforcing the department's mission, programming and priorities. External Affairs staff is tasked with responding to many public inquiries and requests, and facilitates the Commissioner's appointments to the department's various advisory councils and boards. Special projects such as Woman of the Year in Agriculture, Florida Agriculture Environmental Leadership Awards, Century Pioneer Family Farm program, Florida Agriculture Center and Horse Park, Florida Agricultural Museum and the Florida State Fair are also overseen by the Office of External Affairs.

### **Office of Federal Affairs**

The Office of Federal Affairs coordinates the department's interactions with Florida's congressional delegation, federal agencies and other state departments of agriculture; is responsible for identifying and monitoring federal laws, proposed legislation and regulations that have the potential to affect the department; ensures the department's views on issues of concern are communicated to the appropriate federal entity; and is responsible for identifying federal funding opportunities for state and private programs.

### **Office of General Counsel**

The Office of the General Counsel provides legal services to all 12 divisions, numerous offices of the department and the Commissioner of Agriculture in his official capacity, and as a member of the



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Florida Cabinet. Services provided by the office include the drafting and enforcement of administrative actions, drafting and interpretation of proposed legislation, statutory interpretation, legal opinions, rulemaking, contract review, state and federal court actions, civil and administrative appeals, advice, oversight and representation with respect to department litigation. Sub-unit of the office is the Agency Clerk.

### **Office of Legislative Affairs**

The responsibilities of the Office of Legislative Affairs revolve around the Commissioner's legislative priorities and the statutory authority of the department's regulatory programs. This office represents the department before the Legislature, the Governor's office, other governmental agencies, private organizations and the public; coordinates research and drafting of proposed legislation; encourages the passage, defeat or modification of legislation affecting the department and the public as such proposals relate to the department's areas of responsibilities; and provides staff support to the Commissioner, Assistant Commissioner, Deputy Chief of Staff, and Deputy Commissioners in the implementation of major policy decisions. This office also provides constituent services assistance to members of the legislature and the Office of the Governor.

### **Office of Policy and Budget**

The Office of Policy and Budget is responsible for building the department's budget for submittal to the Governor and Legislature and managing the budget once approved by the Governor. The office conducts other budget and policy-related activities, such as salary and benefit projections, trust fund analyses, five-percent budget transfers, oversight of the single audit act and other policy activities. Some of these activities range from preparing the department's long range plan, coordinating legislative bill analyses, producing special departmental policies and the administration of local government comprehensive plan reviews.

### **Office of Agricultural Law Enforcement**

The Office of Agricultural Law Enforcement conducts criminal investigations relating to any matter over which the department has jurisdiction or which occurs on property owned, managed or occupied by the department. The department administers and directs agricultural station operations relating to the movement of agricultural, horticultural and livestock products and commodities as authorized by statute. The Office of Agricultural Law Enforcement is divided into two sub-units: Bureau of Investigative Services, which conducts investigations, and Bureau of Uniform Services. *Florida Statutes that affect the operation of the office are: Chapter 570.*

### **Office of Agriculture Technology Services**

The Office of Agriculture Technology Services provides the divisions of the department with a multifaceted business approach to their information technology management requirements. The office is responsible for information resource security and support for communications, computer operations, data administration activities, hardware/software, Information Technology Life cycle, networking activities and office automation activities.

### **Office of Agricultural Water Policy**

The Office of Agricultural Water Policy was created to ensure that agriculture has effective



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representation in the development, implementation and evaluation of statewide water policy. The office is responsible for participating in water policy issues to ensure the availability of an adequate supply and quality of water for the production of food and fiber; provide assistance to Soil and Water Conservation districts in carrying out conservation activities at the local and watershed level; provides technical assistance in the implementation of best management practices to meet the Federal Clean Water Act's Total Maximum Daily Load requirements for agriculture; and coordinates with the Florida Department of Environmental Protection, university system, water management districts and other interested parties to develop and implement Best Management Programs that are economically and technically feasible. *Florida Statutes that affect the operation of the office are: Chapters 373, 403, 570, 576 and 582.*

### **Office of Energy**

The Office of Energy (OOE) is the legislatively designated state energy policy and program development office in Florida. The OOE provides policy and program recommendations to the Governor and the Legislature; prepares and submits an annual report to the Governor and Legislature detailing the OOE's efforts of the past year as well as the energy landscape in Florida; and administers the provisions of the Florida Energy and Climate Protection Act. Functions also include developing, implementing and overseeing any federal energy programs delegated to the state and all state funded energy programs and initiatives. In addition, the OOE serves as a member of the Florida Building Commission and provides staffing to Emergency Support Function 12 during emergencies. The OOE works cooperatively with other state entities, including the Florida Public Service Commission, the Florida Energy Systems Consortium and the Florida Department of Environmental Protection to develop state energy and climate change policies and programs. *Florida Statutes that affect the operation of the office are: Chapters 220, 377 and 553.*

### **Division of Administration**

The [Division of Administration](#) manages the administrative functions of the department and provides administrative support services to all other divisions and executive programs. The division's responsibilities include personnel management, finance and accounting services, professional and organizational development, information technology support, safety and loss prevention and general services, including procurement, contract management and facilities management. The sub-units of the division are: Bureau of Finance and Accounting, Bureau of General Services, Bureau of Personnel Management, Administration IT and the Professional and Organizational Development Sections. *Florida Statutes affecting the operation of the division are: Chapters 20, 110, 111, 112, 115, 116, 119, 213, 215, 217, 252, 253, 255, 257, 273, 282, 283, 284, 287, 440, 448 and 570.*

### **Division of Agricultural Environmental Services**

The Division of Agricultural Environmental Services administers various state and federal regulatory programs concerning environmental and consumer protection issues. These include pesticide registration - testing and regulation; regulation of agricultural pesticide use and the pest control industry; regulation of feed, seed and fertilizer production - inspection and testing; and state mosquito control program coordination. Sub-units of the division are: Bureau of Inspection and



Incident Response, Bureau of Licensing and Enforcement, Bureau of Agricultural Environmental Laboratories and Bureau of Scientific Evaluation and Technical Assistance. The four bureaus ensure that: pesticides are properly registered and used in accordance with federal and state requirements; feed, seed and fertilizer products are safe and effective; and county and district mosquito control programs are operated effectively. Florida Statutes that affect the operation of the division are: *Chapters 388, 482, 487, 570, 576, 578 and 580. Rules which affect the operation of the division are contained in Chapter 5E, Florida Administrative Code.*

### **Division of Animal Industry**

The Division of Animal Industry is responsible for enforcing animal health regulations in Florida and protecting the state from animal pests and diseases, which could have major economic and public health consequences. The division conducts active animal disease prevention, surveillance, disease diagnostics and control programs. Veterinarians and animal health inspectors throughout the state work with producers, animal owners and private veterinarians in monitoring and enhancing the health and welfare of Florida's animals. The Division of Animal Industry also serves as the lead agency for Animal and Agricultural Issues, Emergency Staffing Function-17 (ESF-17), under Florida's Comprehensive Emergency Management Plan. The division plays a critical role in safeguarding animal and public health and maintaining market access for Florida's animals and animal products. Subunits of the division are: Bureau of Animal Disease Control and Bureau of Animal Disease Diagnostic Laboratory. *Florida Statutes that affect the operation of the division are: Chapters 585, 534, 570 and 828. Rules that affect the operation of the division are contained in Chapter 5C, Florida Administrative Code.*

### **Division of Aquaculture**

The Division of Aquaculture is responsible for the development and regulation of aquaculture in the state. The division's responsibilities cover a broad range of regulatory authority over all aquaculture species, including ornamental fish, alligators, food fish, aquatic plants, marine ornamentals and shellfish. The division is also responsible for shellfish processing plant sanitary inspections, shellfish harvesting area classification and serving as staff to the Board of Trustees of the Internal Improvement Trust Fund for state owned submerged land aquaculture leases. Program units within the division are: Aquaculture Certification and BMP Compliance, Aquaculture Submerged Land Leasing, Processing Plant Compliance and Inspection, and Shellfish Harvesting Area Classification. Florida Statutes that affect the operation of the division are: *Chapters 253, 379 and 597. Rules which affect the operation of the division are contained in Chapter 5L and 18-21, Florida Administrative Code.*

### **Division of Consumer Services**

The Division of Consumer Services is the state's clearinghouse for consumer complaints, protection and information. It functions as the U.S. Consumer Product Safety Commission's agent in Florida regarding product recalls and inspections. In addition to the responsibility for a number of regulatory laws, the division handles informal mediations for non-regulated consumer complaints. Sub-units of the division are: Bureau of Compliance, Bureau of Fair Rides Inspection, Bureau of Mediation and Enforcement, Bureau of Standards, Communications and Outreach



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Section and Board of Professional Surveyors and Mappers. *Florida Statutes that affect the operation of the division are: Chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 570, 604, 616 and 849. Rules which affect the operation of the division are contained in Chapter 5J, Florida Administrative Code.*

### **Florida Forest Service**

The Florida Forest Service prevents, mitigates, detects and suppresses wildland fires on 26 million acres of wildlands in Florida, and administers Florida's open burning program. It provides management assistance on more than 17 million acres of private and community forests for landowners, forest industry and governmental agencies regarding the care, management, utilization and production of sustainable forest resources. The Florida Forest Service manages more than 1 million acres of State Forests under a multiple-use management system, creating a balance between the sustainable use of natural resources and outdoor recreational use including hunting. The agency also provides forest tree seedlings for sale to the other state agencies, and limited sales to the general public and forest industry. The Florida Forest Service is involved with statewide programs to implement the Federal Clean Water Act and coordinates with the Florida Department of Environmental Protection, Water Management Districts and others to develop and implement Silviculture Best Management Practices that are economically and technologically feasible. The agency also administers Florida's Forestry Wildlife Best Management Practices for State Imperiled Species. In addition, The Florida Forest Service administers the Rural and Family Lands Program and the Forest Legacy Program which have the mission of creating conservation easements that preserve valuable agricultural lands, and protecting environmentally sensitive forest lands and working forests for water quality, wildlife habitat, forest products and recreational opportunities. Sub-units of the Florida Forest Service include the Bureau of Field Operations, the Bureau of Forest Management, the Bureau of Forest Protection, and the Bureau of Forest Logistics and Support. *Florida Statutes that affect the operation of the Florida Forest Service are: Chapters 253, 259, 570, 373, 403, 576, 582 589, 590 and 591. Rules which affect the operation of the Florida Forest Service are contained in Chapter 5I, Florida Administrative Code.*

### **Division of Food Safety**

The Division of Food Safety is responsible for ensuring the safety and wholesomeness of Florida's food supply. The Bureaus of Food Inspection, Dairy Industry, Food Laboratories and Chemical Residue Laboratories ensure these objectives are accomplished through the permitting and inspection of food establishments, inspection and evaluation of food products and the performance of specialized laboratory analyses on a variety of food products sold or produced in Florida. These activities ensure the safety of Florida's food from the point of manufacturing farm gate through processing and distribution through to the wholesale and retail sales point of purchase. *Florida Statutes that affect the operation of the division are: Chapters 500, 501, 502, 504, 531, 583, 586 and 601, Florida Statutes. Rules which affect the operation of the division are contained in Rule Chapters 5K-4 and 5D-1, Florida Administrative Code.*

### **Division of Food, Nutrition and Wellness**



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The Division of Food, Nutrition and Wellness administers the National School Lunch Program, School Breakfast Program, Special Milk Program, Afterschool Snack Program, Summer Food Service Program, Seamless Summer Option Program, Farm to School Program and Fresh Fruit and Vegetable Program for the state of Florida. In addition, the division is responsible for administering the USDA Foods Program for the National School Lunch Program, the Commodity Supplemental Food Program, and The Emergency Food Assistance Program, and the WIC Farmer's Market Nutrition Program. Program responsibilities include advocating changes in policy that ensure the most nutritious meals are provided to children and that all children in Florida are educated on the benefits of living a healthy lifestyle. Sub-units of the division are: Bureau of Food Distribution, Bureau of Implementation and Accountability, Bureau of Nutrition Education and Outreach, and Program Operations. *Florida Statutes that affect the operation of the division are: Chapters 570, 595. Rules that affect the operation of division are contained in Chapter 5P, Florida Administrative Code. Federal Regulations which affect the operation of the division are contained in 2 CFR 200 and 7 CFR 210, 215, 220, 225, 235, 240, 245, 247, 248, 250, 251 and 253.*

### **Division of Fruit and Vegetables**

The Division of Fruit and Vegetables inspects and certifies all fresh shipments of vegetables, fruit and nuts may provide support in connection with regulations issued under federal and state marketing orders and rules. It ensures licenses for all citrus dealers, registrants and agents of licensed fruit dealers, packing houses and processing plants are collected and maintained annually. It inspects all fresh tomato packing houses and farms to ensure compliance with food safety regulations. It inspects fresh produce not covered by regulation on a request basis in support of outside entities, export laws and commercial requirements. The division also maintains testing equipment, facilitates at processing plants and packing houses, and conducts methods for maturity and load evaluation procedures in support of the inspection and food safety guidelines. The sub-units of the division are: Bureau of Inspection and Bureau of Support Services. *Florida Statutes that affect the operation of the division are: 570, 573, 603 and 604. Rules which affect the operation of the division are contained in Chapter 20-40, Florida Administrative Code.*

### **Division of Licensing**

The Division of Licensing regulates agencies and individuals engaged in providing private security, private investigative and recovery services in Florida. Through licensure and compliance oversight of these industries, the division protects Florida's citizens and visitors from unethical business practices and helps ensure standardization of training provided to licensees and industry services provided to the public. It is also issues Concealed Weapon or Firearm Licenses to all qualified applicants and verifies the continuing eligibility of all licensees. The sub-units of the division are: Bureau of License Issuance, Bureau of Regulation and Enforcement, Bureau of Support Services and Bureau of External Services and Quality Assurance. *Florida Statutes that affect the operation of the division are: 493 and 790. Rules that affect the operation of the division are contained in Chapter 5N-1, Florida Administrative Code.*

### **Division of Marketing and Development**

The Division of Marketing and Development is responsible for providing professional marketing services in all phases of the marketing system that will bring fair returns to Florida producers,



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conserve Florida resources and supply customers with quality agricultural products at reasonable prices. It maintains and operates farmers markets located throughout the state; plans and develops sales promotions programs; and provides information on the use and handling of Florida products. Sub-units of the division are: Industry Relations, Trade Development, Bureau of State Farmers Markets, Bureau of Strategic Development, Bureau of Seafood and Agriculture, and Bureau of Education and Communication. *Florida Statutes that affect the operation of the division are: 270, 571 and 616. Rules that affect the operation of the division are contained in Chapter 5H, Florida Administrative Code.*

### **Division of Plant Industry**

The Division of Plant Industry is the regulatory plant protection unit of the department, working to detect, intercept and control plant and honeybee pests that threaten Florida's native plant resources and agricultural and horticultural industries. The division concentrates its efforts on the exclusion of exotic pests and the prevention of their spread through the regulation of plant and honeybee movement and through extensive survey programs designed for the early detection of pests to allow for the application of cost effective eradication or control strategies. Sub-units of the division are: Bureau of Plant and Apiary Inspection, Bureau of Entomology, Nematology, and Plant Pathology (and Botany); Bureau of Methods Development and Biological Control; Bureau of Pest Eradication and Control; Bureau of Citrus Budwood Registration; and the Cooperative Agricultural Pest Survey Program. *Florida Statutes that affect the operation of the division are: Chapter 570, 581, 586 and 593. Rules that affect the operation of the division are contained in Chapter 5B, Florida Administrative Code.*

In addition to the organizational units of the department, the following five responsibilities have been created.

- **Obtaining Documents, Forms, Applications for Licenses and Permits**  
Contact the division/office that is responsible for issuing the document, form, license, permit or similar certification or rights granted by the department to receive the requested information.
- **Availability of the Department Records and Publications**  
Except as limited by applicable statutory restriction, all records of the department are public and shall be made available for inspection. Copies may be obtained at a cost not to exceed the cost of reproduction plus any special service charge for clerical or supervisory assistance. Agency publications may be obtained by contacting the pertinent division or office in the department that published the document. If the division of origin is unknown, you may contact Wendy Batts at (850) 617-7028, or by email [Wendy.Batts@FreshFromFlorida.com](mailto:Wendy.Batts@FreshFromFlorida.com), for assistance in identifying the publication.
- **Agency Clerk**  
The Agency Clerk for the Florida Department of Agriculture and Consumer Services is: *Donald D. Hockman Jr.*, Senior Attorney, Office of the Agency Clerk, 407 South Calhoun Street, Mayo Building, *H-4*, Tallahassee, Florida 32399-0800; Telephone: (850) **617-7643**;





Facsimile: (850) 617-7650; or by email [Agency.Clerk@FreshFromFlorida.com](mailto:Agency.Clerk@FreshFromFlorida.com).

The duties and responsibilities of the Agency Clerk include, but are not limited to, the following:

- (a) To file and record the filing date of any Final Order issued by the department;
- (b) To certify the index and the record on the appeal of any such Final Order;
- (c) Appointing such deputy clerks as are necessary to perform any of the duties of the Agency Clerk; and
- (d) To perform such other duties appropriate to the office as assigned by the department.

- **Electronic Transmission of Documents**

Any document required to be filed with the Agency Clerk may be filed by hand delivery, U.S. Mail, facsimile transmission or email to the attention of: **Donald D. Hockman Jr.**, Agency Clerk, at the address and numbers listed above. The Agency Clerk will only accept those documents that are **not** required to be signed before an officer authorized to administer oaths or do **not** require an original signature.

A party who files a document by electronic transmission shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption or interruption of the electronic signals and accepts the full risk that the document may not be properly filed. ***The filing date for a document transmitted by electronic mail or by facsimile shall be the date the agency receives the complete document. Any document received by the Office of the Agency Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.***

- **Variiances**

A petition for variance from or waiver of a department rule may be filed with the Agency Clerk at the address listed above. The petition must include the information specified in Section 120.542, Florida Statutes and Chapter 28-104, Florida Administrative Code.

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The Florida Department of Agriculture and Consumer Services will provide a copy of this Statement of Agency Organization and Operation to any person upon request.



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