

STATEMENT OF AGENCY ORGANIZATION AND OPERATION

Mission Statement

The mission of the Department of Agriculture and Consumer Services (Department) is to safeguard the public and support agriculture. In pursuit of this mission, the Department has established four Agency-wide goals to strive toward over the next five years. These goals are identified in the Department's Long-Range Program Plan. The four goals are to:

- Ensure the safety and wholesomeness of food and other consumer products;
- Improve production and sale of Florida's agricultural products;
- Preserve and protect the state's agricultural and natural resources; and
- Protect consumers from potential health and safety risks and unfair and deceptive business practices.

Commissioner of Agriculture

The head of the Department carries the title of Commissioner of Agriculture (Commissioner). This is an elected office, with a term of four years, and the election is held statewide. 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 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 Agency Head in Chapter 570, Florida Statutes.

Assistant Commissioner of Agriculture

The Assistant Commissioner of Agriculture, the Department's Chief of Staff, directs the overall daily operation of the Department. This office is responsible for setting major legislative and administrative policy directions, overseeing development of agency strategic priorities and appropriate goals and objectives, and providing direction within which all administrative guidelines for all operating Divisions are prepared and enforced. The Chief of Staff consists of three Deputy Commissioners and one Assistant Deputy Commissioner. The Offices of Cabinet Affairs, Legislative Affairs, Policy and Budget, Public Information, the General Counsel, Executive Programs, Federal/State Relations, Agricultural Law Enforcement, Agricultural Water Policy, and the Divisions of Administration and Licensing.

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 designated under section 20.055(2), Florida Statutes, include advising in 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 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.

Office of Cabinet Affairs

The Cabinet Affairs Office assists the Commissioner in carrying out his responsibilities with the Cabinet. The office ensures that Cabinet agenda items receive review and analysis by appropriate divisions and bureaus of the Department and that the Commissioner is briefed on the agenda for Cabinet meetings. The office represents the Commissioner's position to other Cabinet sides and their principals and ensures that the Commissioner is familiar with the views of other Cabinet officials.

Office of Legislative Affairs

The responsibilities of the Office of Legislative Affairs revolve around the development of the Department's legislative program. This office represents the Department before major Legislative committees and the Legislature as a whole by encouraging the passage, defeat, or modification of legislation affecting the Department and the public as such proposals relate to the Department's areas of responsibilities; represents the Department in meetings with key governmental, civic, and other leaders on assigned matters at the local, state, and federal level; and provides staff support to the Chief of Staff in the implementation of major policy decisions and directs program adjustments to expedite these decisions. The Office of Legislative Affairs provides telephone and in-person assistance to the general public on legislative matters as needs arise; and interprets Department policy or refers technical questions to the appropriate division in the absence of the Chief of Staff.

Office of Public Information

The Office of Public Information responds to media inquiries about the Department; conducts media interviews; prepares speeches, articles, letters and other written materials; issues press releases and other special announcements; schedules press conferences; announces appointments to various offices; releases the text of speeches; and advises and assists the Commissioner and Chief of Staff on numerous policy issues. This office also coordinates informational and educational materials and programs with the Bureau of Education and Communication.

Office of the General Counsel

The Office of the General Counsel provides legal services to all thirteen Divisions and numerous bureaus of the Department including the drafting and prosecution of administrative actions, resolving personnel matters, litigating major cases involving the Department, rulemaking, reviewing contracts, and handling civil and administrative appeals.

Office of Executive Programs

Key positions that provide direct support and communications to the Commissioner and Chief of Staff consist of:

The Agriculture Programs Coordinator is involved in administrative projects affecting the overall efficiency and effectiveness of the Department.

The Coordinator of Agriculture Advisory Councils is responsible for coordination of the more than 60 Department advisory councils and committees that advise the Commissioner and the Department on rules, regulations, policies, and practices affecting each group's specific industry or interest.

Office of Federal/State Relations

The Federal/State Relations Director develops and maintains contacts with federal agencies and Congress, enabling the Department to be fully and accurately informed, develops federal legislative strategy for State concerns, and provides clarification on federal regulations.

Organizational Units of the Department

Division of Administration

The Division of Administration, which reports directly to the Chief of Staff, provides administrative support services to all other Divisions and executive programs of the Department. Sub-units of the Division are: Bureau of Finance and Accounting; Bureau of General Services; Bureau of Personnel Management; Training and Development Section; and Agriculture Management Information Center (AGMIC). Statutes affecting the operation of the Division are: Chapters 20, 110, 111, 112, 115, 116, 119, 120, 121, 122, 186, 187, 215, 217, 240, 250, 255, 273, 282, 283, 287, 295, 327, 403, 413, 440, 442, 447, 448, 553, 570, 590, 599, 602, 633, 672, 812, 943, and 946, Florida Statutes. Rules which affect the operation of the Division are contained in Chapter 5A, Florida Administrative Code.

Division of Licensing

The Division of Licensing administers two distinct licensing programs. The first program pertains to the regulation of the private security, private investigation, and recovery (repossession) industries. The second program pertains to the issuing of Concealed Weapon/Firearm Licenses to qualified citizens. Sub-units of the Division are: Bureau of Support Services, Bureau of License Issuance, and Bureau of Regulation and Enforcement. Statute/Section affecting the operation of the Division are: Chapter 493 and Section 790.06. Rules which affect the operation of the Division are contained in Chapter 5N, Florida Administrative Code.

Division of Agricultural Environmental Services

The Division of Agricultural Environmental Services administers the Florida Commercial Law, Florida Seed Law, Florida Fertilizer Law, and Florida Pesticide Law. This Division also directs programs for the eradication of pests such as mosquitoes and dog flies, and regulates and licenses pest control operators. Sub-units of the Division are: Bureau of Compliance Monitoring; Bureau of Feed, Seed, and Fertilizer Laboratories; Bureau of Pesticides; and Bureau of Entomology and Pest Control. Statutes that partially or totally affect the operation of the Division are: Chapters 388, 482, 487, 504 (Part II), 576, 578, and 580, Florida Statutes. 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 serves as the guardian for the health of Florida's livestock and poultry industries and other animal populations and is responsible for developing, implementing, coordinating, and managing programs which will prevent, control, and/or eradicate diseases which do or could have serious negative impact on any facet of the State's animal industry. Sub-units of the Division are: Bureau of Animal Disease Control and Bureau of Diagnostic

Laboratories. Statutes that affect the operation of the Division are: Chapters 585 (Parts I & II) and 534, and Sections 535.11-.14, 570.36-.38, 583.181, 823.06, and 828.29, Florida Statutes. Rules which 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 species such as alligators, fish, plants, oysters and clams. The two sub-units of the Division are: Bureau of Aquaculture Development and Bureau of Aquaculture Environmental Services. Statutes that affect the operation of the Division are: Chapters 253, 370, and 597, Florida Statutes. Rules which affect the operation of the Division are contained in Chapter 5L, 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, inspections, and investigations. In addition to the responsibility for a number of regulatory laws, the Division conducts investigations of violations involving unfair and deceptive trade practices and any consumer laws falling under the jurisdiction of the Division. Sub-units of the Division are: Bureau of Consumer Assistance, Bureau of Compliance, and Bureau of Mediation and Enforcement. Statutes that affect the operation of the Division are: Chapters 496, 501, 507, 539, 559, 570, and 681, Florida Statutes. Rules which affect the operation of the Division are contained in Chapter 5J, Florida Administrative Code.

Division of Dairy Industry

The Division of Dairy Industry has statewide jurisdiction and is responsible for the regulation of the entire dairy industry as provided in the Florida Milk and Milk Products Law and the Florida Ice Cream and Frozen Desserts Law. Sub-units of the Division are: Bureau of Dairy Inspection and Bureau of Compliance Monitoring. Statutes that affect the operation of the Division are: Chapters 502, 503, and Section 570.42, Florida Statutes. Rules which affect the operation of the Division are contained in Chapter 5D, Florida Administrative Code.

Division of Food Safety

The Division of Food Safety protects the consumer through inspection of food establishments; inspection of food products, meat, and poultry; and specialized laboratory analyses on a variety of food products sold or produced in the State. The Division is charged with administration and enforcement of food, meat, and poultry inspection and poultry and egg laws and also provides support in the enforcement of other food safety laws. Sub-units of the Division are: Bureau of Food and Meat Inspection, Bureau of Food Laboratories, and Bureau of Chemical Residue Laboratories. Statutes that affect the operation of the Division are: Chapters 500, 501, 502, 503, 531, 583, 586, and 601, Florida Statutes. Rules which affect the operation of the Division are contained in Chapter 5K and Section 16R-7.010, Florida Administrative Code.

Division of Forestry

The Division of Forestry prevents, controls, and suppresses all forest and wildland fires. It gathers and disseminates information concerning the care and management of forests and woodlands and provides assistance to owners of woodlands, wood-using industries, and governmental agencies in the management, utilization, and production of renewable forest resources. The Division also manages State forest lands for maximum multiple use. It provides forest tree seedlings for sale to the general public and forest industry, in addition to supplying trees for shade and beautification to supplement its forestry program in the urban area. Sub-units of the Division are: Bureau of Field Operations, Bureau of Forest Management, Bureau of Forest Protection, and Bureau of Forest Resources Planning and Support Services. Statutes that affect the operation of the Division are: Chapters 589, 590, and 591, Florida Statutes. Rules which affect the operation of the Division are contained in Chapter 5I, Florida Administrative Code.

Division of Fruit and Vegetables

The Division of Fruit and Vegetables inspects fresh produce that is destined for sale or shipment, certifies canned or concentrated citrus juice through contractual agreements with the USDA's Processed Foods Branch, and works closely with the Division of Plant Industry and the USDA/APHIS on regulations affecting citrus. The Sub-unit of the Division is the Bureau of Inspection. Statutes that affect the operation of the Division are: Sections 601.01-601.9916, Florida Statutes. Rules which affect the operation of the Division are contained in Chapter 5G, 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, 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; provides information on the use and handling of Florida products; and licenses and requires bonding of dealers in agricultural products in Florida; and assists in the areas of food distribution and rural economic development. Sub-units of the Division are: Bureau of Agricultural Dealer's Licenses, Bureau of State Farmers' Markets, Bureau of Development and Information, Bureau of Seafood and Aquaculture, Bureau of Food Distribution, Bureau of Education and Communication, and Florida Agricultural Statistics Service. Statutes that affect the operation of the Division are: Chapters/Sections 327.28, 370.06, 403.714(3)(4)(5), 504, 534.47-.53, 535, 570, 571, 573, 574, 597, 599, 600.051, 601.28, 603.201-.204, 604, 616, and 618, Florida Statutes. 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 mitigate the need for control activities. Sub-units of the Division are: Bureau of Plant and Apiary Inspection; Entomology, Nematology, and Plant Pathology; Methods Development and Biological Control; Pest Eradication and Control; and Citrus Budwood Registration. Statutes that affect the operation of the Division are: Chapter 581, Sections .011-.212; Chapter 586, Sections .01-.165; and Chapter 593, Sections .101-.117, Florida Statutes. Rules that affect the operation of the Division are contained in Chapter 5B, Florida Administrative Code.

Division of Standards

The Division of Standards plays a major role in protecting Florida consumers by confirming the accuracy of measuring devices used in commerce, regulating the quality of petroleum products, assuring the safe distribution of liquefied petroleum gas products, and inspecting amusement rides and parks. Sub-units of the Division are: Bureau of Petroleum Inspection, Bureau of Weights and Measures, Bureau of Liquefied Petroleum Gas Inspection, and Bureau of Fair Rides Inspection. Statutes that affect the operation of the Division are: Chapters 501, 525, 526, 527, 531, and Section 570.46, Florida Statutes. Rules that affect the operation of the Division are contained in Chapter 4B-1 and Chapter 5F, Florida Administrative Code.

In addition to the thirteen Division units of the Department, three additional units of responsibility have been created:

Office of Agricultural Law Enforcement

The Office of Agricultural Law Enforcement conducts criminal investigations or similar activity relating to any matter over which the Department has jurisdiction or which occurs on property owned, managed, or occupied by the Department. The Office of Agricultural Law Enforcement is divided into three Sub-units: Investigative Services, Uniforms Services, and Administrative Services and also administers and directs agricultural stations operations relating to the movement of agricultural, horticultural, and livestock products and commodities as authorized by statute. Statutes that affect the operation of the Office are: Sections 570.073 and 570.15, Florida Statutes.

Office of Agricultural Water Policy

The Office of Agricultural Water Policy was created to ensure that agriculture is effectively represented in the development, implementation, and evaluation of statewide water policy. The Office of Agricultural Water Policy 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; and provide improved local delivery services to agricultural producers. Statutes that affect the operation of the Office are: Chapter 582 and Section 570.074, Florida Statutes.

Office of Agricultural Emergency Preparedness

The Office of Agricultural Emergency Preparedness provides the Department with professional expertise and leadership in statewide homeland security issues involving agricultural and food systems. The Office of Agricultural Emergency Preparedness acts as a primary liaison and contact on domestic and homeland security with other state and local agencies, federal government agencies, private and government laboratories, and diverse agriculture and food-related industries.

Obtaining Forms, Applications for Licenses, and Permits

Contact the Division/Office that is responsible for issuing the form, license, permit, or similar certification or rights granted by the Department to receive information on obtaining information leading to acquiring such items.

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 at the principal office in Tallahassee, Florida, or in a subordinate service office located elsewhere in the State, if the subject records are located in that particular office. 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 Jim Spargo at (850) 617-7028, or at e-mail address: James.Spargo@freshfromflorida.com, for assistance in identifying the publication.

Agency Clerk

The Agency Clerk for the Department of Agriculture and Consumer Services is: Paul Palmiotto, Agriculture Programs Coordinator, Division of Administration, 508 Mayo Building, 407 South Calhoun Street, Tallahassee, Florida 32399-0800; Telephone: (850) 617-7014; Facsimile: (850) 922-6967; or e-mail: Paul.Palmiotto@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 e-mail to the attention of: Paul Palmiotto, 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 an electronically transmitted document shall be the date the Agency Clerk receives the complete document.

Variances

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 (Supp. 1996), and Chapter 28-104, Florida Administrative Code.

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