



# FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

## COMMISSIONER WILTON SIMPSON

---

### STATEMENT OF AGENCY'S 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 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 this office are: Chapters 20, 112, 570, 943.*

### **Florida Hemp Program**

Florida Senate Bill 1020 became law on July 1, 2019, creating a state hemp program and tasking the Florida Department of Agriculture and Consumer Services with writing the rules and regulating the new industry. The hemp office is responsible for coordinating the development of rules, working with all divisions which will regulate the industry, the issuing of permits for all phases of the industry, enforcement and testing to ensure consumer safety, and the development of a Fresh From Florida Hemp program. *Florida Statutes that affect the operation of this program are: Chapter 581.*

## **Organizational Units of the Department**

### **Office of Cabinet Affairs**

The [Office of Cabinet Affairs](#) assists the Commissioner in carrying out his responsibilities as a member of the Florida Cabinet. This 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, this 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](#) advises the Commissioner on strategic communications and informs the public about the Commissioner's policies and priorities by working with the media. This office also coordinates media availabilities, media events, crisis communications, and other proactive outreach efforts in order to keep Floridians and visitors apprised of key information. This office also oversees all press inquiries and social media for the department.

### **Office of External Affairs**

The Office of External Affairs supports the Commissioner by promoting the department's outreach agenda and activities. This office serves as a liaison between the Commissioner, his constituents, and various public service groups throughout the state. The cornerstone of this office is reinforcing the department's mission, programming, and priorities. Staff are 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. Services provided by this office include drafting and the enforcement of administrative actions, drafting and the 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. The Agency Clerk is a function of the Office of General Counsel.

### **Office of Legislative Affairs**

The Office of Legislative Affairs responsibilities 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 the 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 primarily responsible for developing the department's Legislative Budget Request for submittal to the Governor, Legislature, and for budget monitoring and management once approved by the Governor. This office conducts other budget-related activities such as salaries and benefits projections, expense projections, trust fund analyses, and compilation and submission of budget amendments. Other policy-related activities include preparing and publishing the department's Long-Range Program Plan, coordinating legislative bill analyses, producing special departmental policies, and 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 that the department has jurisdiction over or that 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. This office 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 this 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. This 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 the automation of office activities.

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

The [Office of Agricultural Water Policy](#) (OAWP) collaborates with partners in the development, implementation, and evaluation of statewide water policy as it relates to water supply and water quality. OAWP implements strategies that protect Florida's water resources while promoting the sustainability of agriculture, and works cooperatively with agricultural producers, industry groups, the Florida Department of Environmental Protection, educational institutions, and water management districts to develop agricultural best management practices (BMPs) to improve water quality and water use efficiency. OAWP administers a BMP program to assist producers in meeting their requirement to implement BMPs where total maximum daily loads and basin management action plans have been adopted to restore water

resources where the water quality is impaired. Functions of the OAWP BMP program include developing and updating commodity specific BMP manuals that are adopted by rule, conducting and collaborating on research to improve BMPs, working with producers to identify and implement BMPs through enrollment in the pertinent BMP manuals, verifying the implementation of BMPs with site visits and surveys, administering a cost share program that assists producers in implementing BMPs and other practices, and projects that provide the greatest benefit to the water resources. OAWP partners with soil and water conservation districts to assist in the administration of the BMP program. *Florida Statutes that affect the operation of this office are: Chapters 369,373, 403, 570, 576 and 582.*

### **Office of Energy**

The [Office of Energy](#) (OOE) responsibilities include administering financial incentive programs; administering the provisions of the Florida Energy and Climate Protection Act; coordinating the functions of any federal energy programs delegated to the state; providing policy and program recommendations to the Governor and the Legislature; preparing and submitting an annual report to the Governor and Legislature detailing the OOE's efforts of the past year and the energy landscape in Florida; and preparing bill analyses. The OOE also develops, implements, and oversees any federal energy programs delegated to the state and all state funded energy programs and initiatives. This office works cooperatively with other state entities, including the Florida Public Service Commission, the Florida Energy Systems Consortium, and the Florida Building Commission to develop state energy and climate change policies and programs. *Florida Statutes that affect the operation of this office are: Chapters 212, 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 finance and accounting services, professional and organizational development, information technology support, safety and loss prevention, and general services which include procurement, contract management and facilities management. The sub-units of the division are: Bureau of Finance and Accounting, Bureau of General Services, Administration IT, and the Professional and Organizational Development Section. *Florida Statutes affecting the operation of this 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 agricultural pesticide registration (testing and regulation); regulation of the pest control industry and feed, seed, and fertilizer production (inspection and testing); and state mosquito control program coordination. Sub-units of this 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. These four sub-units 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 that county and district mosquito control programs are operating 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 this 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. This division conducts active animal disease prevention, surveillance, control programs, and disease diagnostics. 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. Sub-units of this division are: Bureau of Animal Disease Control and Bureau of Diagnostic Laboratory (The Bronson Animal Disease Diagnostic Laboratory). *Florida Statutes that affect the operation of this 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 multiple aquaculture species, including ornamental fish, alligators, food fish, aquatic plants, and shellfish. The division is also responsible for shellfish processing plant sanitary inspections, shellfish harvesting water classification, and serving as staff to the Board of Trustees of the Internal Improvement Trust Fund for submerged state-owned land aquaculture leases. Sub-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 this division are: Chapters 253, 379 and 597. 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 and inspections. In addition to the responsibility of several regulatory laws, the division handles informal mediations for non-regulated consumer complaints. Sub-units of this division are: Bureau of Compliance, Bureau of Fair Rides Inspection, Bureau of Mediation and Enforcement, Bureau of Standards, Consumer Assistance Center, Outreach Section, and the Board of Professional Surveyors and Mappers. *Florida Statutes that affect the operation of this division are: Chapters 472, 496, 501, 507, 525, 526, 527, 531, 534, 535, 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, detects, and suppresses wildland fires in Florida and administers Florida's open burning program. This division provides information and assistance to forest landowners, forest industry professionals, 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 public forestland under a multiple-use management system, creating a balance between the sustainable use of natural resources and outdoor recreational use. In addition, this division provides forest tree seedlings for sale to state agencies and limited sales to the general public and forest industry. The division is also involved with statewide programs to implement the Federal Clean Water Act and coordinates with the Florida Department of Environmental Protection, Florida universities, water management districts and others to develop and implement best management practices that are economically and technologically feasible. Sub-units of this division are: 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 this division are: Chapters 253, 259, 570, 373, 403, 576, 582 589, 590 and 591. Rules which affect the operation of the division 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 manufactured and sold throughout Florida. These activities ensure the safety of Florida's food from the point of manufacturing, processing and distribution through the wholesale and retail sales of food and dairy products. *Florida Statutes that affect the operation of this division are: Chapters 500, 501, 502, 504, 583, 586 and 601, Florida Statutes. Rules which affect the operation of this division are contained in Rule Chapters 5K- 4, 5K-5, 5K-6, 5K-9 and 5K-10, Florida Administrative Code.*

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

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, 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. Additionally, the division is responsible for protecting the integrity of the nutrition programs administered. Sub-units of this division are: Bureau of Child Nutrition Programs, Bureau of Compliance and Program Integrity, Bureau of Nutrition Education and Outreach, Bureau of Supplemental Food Programs, and Financial Operations. *Florida Statutes that affect the operation of this 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, as well as provides support, in connection with regulations issued under federal and state marketing orders and rules. This division ensures licenses for all citrus dealers, registrants and agents of licensed fruit dealers, packing houses, and processing plants are collected and maintained annually. This division also inspects for good agricultural practices to ensure compliance with food safety regulations as well as fresh produce not covered by regulation on a request basis in support of outside entities, export laws, and commercial requirements. In addition to assuring compliance, this 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 this division are: the Bureau of Inspection and the 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 this 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 and 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. The division also issues Concealed Weapon or Firearm Licenses to qualified applicants and verifies the continuing eligibility of all licensees. The sub-units of this 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 this 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, conserve Florida resources, and supply customers with quality agricultural products at reasonable prices. The division 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 this division are: Industry Relations, Trade Development, the Bureau of State Farmers Markets, the Bureau of Strategic Development, the Bureau of Seafood and Agriculture, and the Bureau of Education and Communication. *Florida Statutes that affect the operation of this division are: 270, 571 and 616. Rules that affect the operation of this 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, agricultural, and horticultural industries. This 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 this division are: the Bureau of Plant and Apiary Inspection, the Bureau of Entomology, Nematology, and Plant Pathology (and Botany); the Bureau of Methods Development and Biological Control; the Bureau of Pest Eradication and Control; the Bureau of Citrus Budwood Registration; and the Cooperative Agricultural Pest Survey Program. *Florida Statutes that affect the operation of this division are: Chapter 369, 570, 581, 586 and 593. Rules that affect the operation of this 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 Allan Golden at (850) 617-7093, or by email [Allan.Golden@FDACS.gov](mailto:Allan.Golden@FDACS.gov), 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 deputy clerks as necessary to perform any of the duties of the Agency Clerk;  
and
- (d) To perform other applicable duties 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.

- **Variations**

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.

\*\*\*\*\*

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.