

Agency Snapshot: Department of Citrus

by Suzanne Van Wyk

The Department of Citrus is headquartered in Bartow, Florida, and is charged with marketing, research, and regulation of the Florida Citrus Industry. Its mission is to “maximize demand for Florida citrus products in order to ensure the sustainability and economic well-being of the Florida citrus grower, the citrus industry, and the state.” The Department executes marketing initiatives for Florida citrus products in the United States, Canada, Europe, and Asia to reach consumers, key influencers, and health professionals. The Department has an extensive regulatory function, including research, production, fertilizing, maturity standards, harvesting, licensing, transportation, labeling, packing and processing.

The Florida Citrus Commission, which was created in 1935, is the Department’s governing body, and currently consists of nine members appointed by the Governor to represent citrus growers, processors, and packers. The Florida Citrus Code was enacted in 1949, and is currently codified in chapter 601, Florida Statutes.

The Department’s activities are funded by a tax paid by growers on each box of citrus that moves through commercial channels. Commissioners set rates in October after the initial United States Department of Agriculture (USDA) citrus crop forecast. The final tax rate for the season is based on several factors, including crop size, import projections, carry-over, and fund balance. According to the Department, the citrus industry employs nearly 62,000 people and provides an annual economic impact of nearly \$10.7 billion to the state.

Agency Secretary:

Shannon R. Shepp, Executive Director

Agency Clerk:

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Hours for Filings:

8:00 a.m. to 5:00 p.m.

According to the Statement of Agency Organization, the following also apply:

RULES GOVERNING ELECTRONIC TRANSMISSION:

1. A party who files a document by electronic transmission represents 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.
2. That a party who elects to file a document by electronic transmission shall 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 with the clerk as a result.
3. That the filing date for an electronically transmitted document shall be the date the business unit or agency clerk receives the complete document. Any document received after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

Physical Address

Bob Crawford Agricultural Center
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General Counsel:

General counsel services are provided by the firm of Valenti, Campbell, Trohn, Tamayo & Aranda, PA (existing contract expires June 30, 2017); firm partner Henry B. Campbell is a former Department General Counsel and partner Elliott Mitchell is a former Acting General Counsel.

The Office of Attorney General also provides legal services on an “as needed” basis.

Number of Lawyers on Staff: 0

Kinds of Cases:

Rulemaking challenges, statutory interpretation, and compliance with Florida Citrus Code (chapter 601, Florida Statutes) and chapter 20, Florida Administrative Code; as well as contract, procurement, and personnel matters.

Practice Tips:

About 80 percent of the Department’s activities relate to marketing and promotion of Florida’s citrus products at home and abroad. Although the Department does license citrus growers, packers, and processors, it is not frequently involved in administrative litigation.

A recent search of the Division of Administrative Hearings’ website revealed only 13 cases in which the Department of Citrus has been a respondent since 1985. The majority of those were rule challenges, with the next largest group being denials of applications for fruit dealer licenses. One case in 1987 was a labeling enforcement action.

During the same time period, the Department initiated two administrative cases. One was a license disciplinary action (in which the Department of Agriculture intervened challenging the Department’s jurisdiction), and the other was a challenge to another agency’s rule.