Department of Citrus, as state agency

Number: INFORMAL

Date: November 05, 2009

Mr. Ken Keck
Executive Director
Department of Citrus
Post Office Box 148
Lakeland, Florida 33802-0148

Attention: Ms. Debra J. Funkhouser
Comptroller

Dear Mr. Keck:

This office has received a letter from the Department of Citrus indicating that the department has contacted the federal Environmental Protection Agency regarding a possible exemption from the fees imposed by the Pesticide Registration Improvement Act for a chemical compound that will reduce harvesting costs for Florida citrus growers. One of the requirements from the federal agency is a letter from the state Attorney General stating that the department is a state agency.

Chapter 20, Florida Statutes, sets forth the organizational structure of the executive branch of state government. As stated in section 20.02(2), Florida Statutes,

"Within constitutional limitations, the agencies that compose the executive branch must be consolidated into no more than 25 departments, exclusive of those specifically provided for or authorized in the State Constitution, consistent with executive capacity to administer effectively at all levels. The agencies in the executive branch should be integrated into one of the departments of the executive branch to achieve maximum efficiency and effectiveness as intended by s. 6, Art. IV of the State Constitution."[1]

Section 20.03(2), Florida Statutes, defining "Department" for purposes of the chapter to mean "the principal administrative unit within the executive branch of state government."

Section 20.29, Florida Statutes, provides:

"Department of Citrus.—The State Citrus Commission, created under chapter 601, is continued and renamed the Department of Citrus.
(1) The head of the Department of Citrus is the board, established by s. 601.04, and said board is hereby named the 'Florida Citrus Commission.'
(2) All of the powers, duties, and functions of the Florida Citrus Commission are continued in the board, as head of the department. The board shall derive all of its powers, duties, and functions from chapter 601.
(3) All of the personnel, records, property, and unexpended balances of appropriations and other funds are continued with the Department of Citrus as presently held."[2]

In light of the above, I am of the opinion that the Florida Department of Citrus constitutes an agency of the State of Florida.

Sincerely,

Bill McCollum
Attorney General of Florida

BM/tjw

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[1] *See* Art. IV, s. 6, Fla. Const., providing in part that "[a]ll functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution."

[2] *And see* s. 601.04, Fla. Stat., establishing the Florida Citrus Commission, and s. 601.05, Fla. Stat., providing that the Department of Citrus constitutes a body corporate.