

Handbook of Florida Water Regulation: Florida Department of Agriculture and Consumer Services¹

Michael T. Olexa and Zachary Broome²

Preface

This handbook is designed to provide an accurate, current, and authoritative summary of the principal federal and state (Florida) laws that directly or indirectly relate to agriculture. This handbook provides a basic overview of the many rights and responsibilities that farmers and farmland owners have under both federal and state laws as well as the appropriate contact information to obtain more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at any time. Several details of cited laws are also left out due to space limitations.

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice, and the information contained herein should not be regarded as a substitute for professional advice. This handbook is not all inclusive in providing information to achieve compliance with the federal and state laws and regulations governing water protection. For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, the Florida Cooperative Extension Service, the Institute of Food and Agricultural Sciences, and the University of Florida for any liability claims, damages, or expenses that

may be incurred by any person as a result of reference to or reliance on the information contained in this handbook.

FDACS Overview

The Florida Department of Agriculture and Consumer Services (FDACS) carries out functions related to farming practices and products, such as ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs; 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. Responsibilities of FDACS include:

- The registration, labeling, and inspection of commercial fertilizers, pesticides, and gasoline and oils
- The registration (i.e., licensing and regulation) of pesticide applicators
- Soil and water conservation

FDACS is divided into nineteen divisions, each with a separate concern, as illustrated in the following four divisions:

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2. Michael T. Olexa, professor, Food and Resource Economics Department, and director, Agricultural Law Center, University of Florida, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL, and chair, Agricultural Law Committee, The Florida Bar, and Zachary Broome, student, Levin College of Law, University of Florida, Gainesville, FL 32611.

1. *Division of Agricultural and Environmental Services* regulates and licenses pest control operators and provides assistance to the Soil and Water Conservation Districts. Within this division are four bureaus. The Bureau of Pesticides registers pesticides that are sold and used in the state and oversees pesticide programs that are related to the protection of public health and the environment. The Bureau of Entomology and Pest Control protects the health and safety of Florida's consumers and environment through effective mosquito control and pest control regulation, and assists in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act under a cooperative agreement with the United States Environmental Protection Agency (EPA). The Bureau of Agricultural Environmental Laboratories (through its feed and seed programs) tests samples of feed and seed to ensure that consumers receive quality products, provides a level playing field for all manufacturers, and promotes environmental stewardship. The Bureau of Compliance Monitoring, among other activities, ensures the compliance and regulatory status of feed, seed, and fertilizer distributors; regulates the distribution and use of registered pesticide brands; and enforces the Federal Worker Protection Standard.

2. *Division of Standards* is responsible, through its Bureaus of Fair Rides Inspection (<http://www.doacs.state.fl.us/standard/fairs/index.html>), Liquefied Petroleum Gas Inspection (<http://www.doacs.state.fl.us/standard/lpgas/index.html>), Petroleum Inspection (<http://www.doacs.state.fl.us/standard/petro/index.html>), and Weights and Measures Inspection (<http://www.doacs.state.fl.us/standard/weights/index.html>), for the protection of consumers from unfair and unsafe business practices across a wide range of products, including gasoline, brake fluid, antifreeze, liquefied petroleum gas, amusement rides, and weighing and measuring devices.

3. *Division of Forestry* manages forest resources. Within this division is the Bureau of Planning Services, which includes the Watershed Protection Section (WPS). The WPS offers professional hydrology (water-use science) services to the public and other state agencies. It is also responsible for developing the silviculture (forestry) elements of the Florida Surface Water Quality Plan (see FE594, Water Management Districts). Most important, WPS monitors impacts of water regulation on forestry and assists farmers in managing any forest resources that they might possess.

4. *Division of Administration* handles the administrative functions of FDACS. This division includes the Office of

Agricultural Law Enforcement, which provides for the inspection of agricultural products, and the Bureaus of Finance and Accounting, General Services, Personnel Management, Planning and Budgeting, and Training and Development, and the Agriculture Management Information Center.

FDACS also includes the Office of Agricultural Water Policy (OAWP), which provides for communication between federal, state, and local agencies and the agricultural industry on water quantity and water quality issues involving agriculture. OAWP is actively involved in the development of Best Management Practices (BMPs), addressing both water quality and water conservation on a site-specific, regional, and watershed basis.

More information about FDACS can be found at the FDACS website at <http://www.freshfromflorida.com>.

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