FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Division of Agricultural Environmental Services

FACILITATED WORKSHOP(S) TO CONSIDER REVISIONS TO CHAPTER 482—REGARDING TRAINING AND SUPERVISION, AND OTHER RELATED PROVISIONS

WORKSHOP I
September 19, 2006

Mid-Florida Research and Education Center
2725 Binion Road—Apopka, Florida—407.884.2034

WORKSHOP OBJECTIVES

➢ To Review the Purpose and Scope for the Workshops
➢ To Review Current Relevant Statutory Requirements in Chapter 482, F.S.
➢ To Review Current Relevant Rule Language
➢ To Review DACS’s Proposed Revisions to Chapter 482
  (proposed revisions to 482.051, .091, .131 (new), .132, .161, .191, and .2267)
➢ To Identify Any Additional Options for Addressing Proposed Revisions to Chapter 482
➢ To Test Level of Support for Proposed Options
➢ To Identify Needed Next Steps and Agenda Items For Next Workshop

WORKSHOP AGENDA

10:00 Welcome and Introductions
  Agenda Review and Workshop Guidelines
  Agency Perspective on Developing Refinement to Chapter 482 Regarding the Training and Supervision Requirements and Related Provisions.
    Review of Statute, Rule, and Agency Goals
    Clarifying questions
  Agency Clarification of Scope for Proposed Rule Development
    Clarifying questions
  Overview of Key Issues and Options Proposed to be Revised in Chapter 482
    What are the key issues that must be resolved in order to enhance the Training and Supervision requirements and relevant provisions of Chapter 482?
  Issues Clarification and Discussion
    Clarifying questions and preliminary discussion of key issues and options related to proposed revisions and changes to Chapter 482
  Identification of Possible Options to Address Key Issues
    What is the full range of available options to address each key issue?
  Discussion and Acceptability Ranking of Proposed Options
  Workshop Summary and Next Steps
    Next workshop agenda items, needed information, location, and date

1:00 Adjourn
WORKSHOP GROUNDRULES

PARTICIPANTS’ ROLE
♦ This workshop is an opportunity to explore possibilities. Offering or exploring an idea does not necessarily imply support for it.
♦ Listen to understand. Seek a shared understanding even if you don’t agree.
♦ Be focused and concise—Balance participation & minimize repetition. Share the airtime.
♦ Look to the facilitator to be recognized. Please raise your hand to speak.
♦ Speak one person at a time. Please don’t interrupt each other.
♦ Focus on issues, not personalities. Avoid stereotyping or personal attacks.
♦ To the extent possible, offer options to address other’s concerns, as well as your own.
♦ Communicate with participant’s constituent group(s).

FACILITATOR’S ROLE
♦ Design and facilitate a participatory workshop process.
♦ Provide consensus-building and conflict resolution guidance.
♦ Assure that participants follow ground rules—Assist participants to stay on task.
♦ Facilitate public participation and input.
♦ Prepare agenda packets and provide meeting summary reports.

GUIDELINES FOR BRAINSTORMING
♦ Speak when recognized by the Facilitator.
♦ Offer one idea per person without explanation.
♦ No comments, criticism, or discussion of other’s ideas.
♦ Listen respectively to other’s ideas and opinions.
♦ Seek understanding and not agreement at this point in the process.

THE NAME STACKING PROCESS
♦ Determines the speaking order.
♦ Participants raises hand to speak. Facilitator will call on participants in turn.
♦ Facilitator may interrupt the stack (change the speaking order) in order to promote discussion on a specific issue or, to balance participation and allow those who have not spoken on a issue an opportunity to do so before others on the list who have already spoken on the issue.

ACCEPTABILITY RANKING SCALE
During the workshops, participants will be asked to develop and rank options, and following discussions and refinements, may be asked to do additional rankings of those options with support. Participants should be prepared to offer specific refinements to address their reservations. The following scale will be utilized for the ranking exercises:

| Acceptability Ranking Scale | 4 = acceptable, I agree | 3 = acceptable, I agree with minor reservations | 2 = not acceptable, I don’t agree unless major reservations addressed | 1 = not acceptable |

Workshop Dates: September 19, 2006 (Apopka) and October 18, 2006 (Tallahassee).
CHAPTER 482—PEST CONTROL

482.091 Employee identification cards.—

(3) A licensee or certified operator may not assign or use an employee to perform any category of pest control without providing trained supervision unless the employee is trained and qualified in that category of pest control. An employee may not perform, solicit, inspect, or apply pest control without first having been provided at least 5 days of field training in the appropriate category of pest control under the direct supervision, direction, and control of a certified operator.

(10) In addition to the training required by subsection (3), each identification cardholder must receive 4 hours of classroom training in pesticide safety, integrated pest management, and applicable federal and state laws and rules within 6 months after issuance of the card or must have received such training within 2 years before issuance of the card. Each cardholder must receive at least 2 hours of continuing training in pesticide safety, integrated pest management, and applicable federal and state laws and rules by the renewal date of the card. Certified operators and special identification cardholders for fumigation who maintain their certificates in good standing are exempt from this subsection. The department shall adopt rules regarding verification of such training.

482.132 Qualifications for examination and certification.—

(1) The department may award a pest control operator's certificate to an individual who has passed the examinations prescribed by the department and who submits to the department proof…

(3) In addition, each applicant must have knowledge of practical and scientific facts of pest control…
OPTIONS IDENTIFICATION EXERCISE WORKSHEET

During the workshop(s), participants will be asked to develop and rank options, and following discussions and refinements, may be asked to do additional rankings of the options as refined. Participants should be prepared to offer specific refinements to address their reservations. The following scale will be utilized for the ranking exercises:

| Acceptability Ranking Scale | 4 = acceptable, I agree | 3 = acceptable, I agree with minor reservations | 2 = not acceptable, I don’t agree unless major reservations addressed | 1 = not acceptable |

Note: Be prepared to offer specific refinements or changes to address your reservations.

OPTIONS EVALUATION WORKSHEET PROCESS OVERVIEW

For each topical area (482.051, .091, .131 (new), .132, .161, .191, and .2267) the following process/format will be used:

- Overview of Agency’s (DACS) proposed options,
- Questions and answers on Agency’s proposed revisions to Chapter 482,
- General discussion with Participants and staff on the issues and options,
- Identification of new options (if any),
- Refinements proposed to existing options (to enhance option’s acceptability),
- Acceptability ranking of options.

Chapter 482.051 Rules.

Amend Chapter 482.051 to provide rule authority for verifiable training and training content for identification card holders.

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COMMENTS/RESERVATIONS:
482.091 Employee identification cards.

Add new section (7)
(7) That training required in sections 482.091(3), (9), and (10), be documented in a manner that allows verification that the training has been provided and that the content of the training meets the requirements of this chapter.

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COMMENTS/RESERVATIONS:

482.131 (New Section) Practical examination.

Add a new section, 482.131, which establishes a practical examination.

482.131 – Practical examination

(1) The Department shall establish by rule a means of examination of the practical aspects of pest control.
(a) Persons who have held an identification card issued in accordance with section 482.091 for at least one year shall be eligible to take this practical examination. Only persons who have worked at least 1800 hours for a licensee under the supervision of a certified operator during the year immediately prior to application for the practical examination are eligible for this examination.
(b) The examination may be different for each category of pest control as established in section 482.111(2)(a).
(c) The examination shall include as a minimum, the safe mixing and application of pesticides, the proper calibration and accurate application of pesticides, and the identification of common pest species and damage or evidence of the presence of these pest species.
(d) the Department may administer these examinations or provide through contract for the development and administration of these examinations by a third party.

(2) The Department shall establish by rule a fee for the administration of these examinations sufficient to cover the cost of the development and administration of these examinations.

(3) Identification card holders who have passed this practical examination shall have the designation “Qualified” applied to their identification card issued by the Department.

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COMMENTS/RESERVATIONS:
482.132 Qualifications for examination and certification.

Amend 482.132 (2), to require this practical examination.

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COMMENTS/RESERVATIONS:

(2) Each applicant for examination for a pest control operator's certificate must have passed the practical examination established in section 482.131 for the category of pest control for which examination is sought and possess the minimum qualifications specified in one of the following paragraphs:

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COMMENTS/RESERVATIONS:

482.161 Disciplinary grounds and actions; reinstatement.

Amend 482.161 (9), to allow email notification of licensees to eliminate mailouts.

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COMMENTS/RESERVATIONS:

(9) The department shall publish quarterly a list of disciplinary actions taken pursuant to this section and shall provide such list to each licensee. The Department may provide this list via electronic communication only, and may require each licensee to provide a valid electronic mail address for this purpose.

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COMMENTS/RESERVATIONS:
482.191 Violation and penalty.

482.191 Violation and penalty.-- (1) It is unlawful to solicit, practice, perform, or advertise in pest control except as provided by this chapter.

(2) A person who violates any provision of this chapter is guilty of a misdemeanor of the second degree, except that a person who operates a pest control business without a license or that commits fraud in the conduct of pest control is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who violates any rule of the department relative to pest control is guilty of a misdemeanor of the second degree except that a person who operates a pest control business without a license or that commits fraud in the conduct of pest control is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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COMMENTS/RESERVATIONS:

482.2267 Registry of persons requiring prior notification of the application of pesticides.

Amend 482.2267 (4) to allow email notification of licensees to eliminate mail outs.

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COMMENTS/RESERVATIONS:
482.2267 Registry of persons requiring prior notification of the application of pesticides.--

(4) The department shall notify all licensees and limited certificateholders quarterly of the following by electronic mail:

(a) The names and addresses of those persons who are currently registered;

(b) The pesticide or class of pesticides designated by the physician pursuant to paragraph (1)(d); and

(c) The distance notification designated by the physician pursuant to paragraph (1)(c).

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COMMENTS/RESERVATIONS:

OTHER OPTIONS

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COMMENTS/RESERVATIONS:
"The purpose of the Consortium is to serve as a neutral resource to assist citizens and public and private interests in Florida to seek cost-effective solutions to public disputes and problems through the use of alternative dispute resolution and consensus building."

--F.S. 240.702

Our mission is to bring Floridians together to learn to transform unproductive conflict into cost-effective, sustainable solutions. The Consortium serves as a catalyst to create supportive policies and to help educate statewide on the appropriate use of mediation, facilitation and other collaborative problem-solving approaches to resolve a wide range of public policy issues.

With the support of Florida State University and the Florida Legislature, the Consortium provides dispute resolution service, education, training and research to build a broader understanding of the value of collaborative approaches and create a cadre of citizens, leaders, professionals and students skilled in using collaborative consensus building and conflict resolution processes.

The Consortium offers neutral technical assistance to a wide range of professionals, agency staff and private citizens and organizations engaged in public problems throughout Florida. We help to design and implement efforts for intergovernmental collaboration, community and public problem-solving, and land-use and environmental dispute resolution. We also provide referral services connecting stakeholders and potential users with trained dispute resolution professionals.

Jeff Blair is faculty at Florida State University, and serves as Associate Director for the Florida Conflict Resolution Consortium at FSU. His work for the Consortium has included facilitation, process design, strategic planning, and consensus-building on multiple public policy initiatives. He has worked with state and local government representatives to design and implement collaborative approaches to planning, rule making, and dispute resolution with an emphasis on public participation in the design and implementation of policy. He has facilitated hundreds of rule development workshops and conducted negotiated rulemakings for various state agencies. In addition, he teaches numerous classes and conducts trainings in various dispute resolution topics for FAU, FIU, MDCCC, and various local governments. During the past eight years he has served as the Consortium's project director for the Florida Building Commission, a 23 member Governor appointed public and private sector stakeholder representative body who successfully created, implemented, and maintains the new statewide Florida Building Code. Other ongoing projects include serving as facilitator and conflict resolution consultant for state agency stakeholder advisory boards such as the Pest Control Enforcement Advisory Council and the Florida Coordinating Council on Mosquito Control. Jeff Blair has provided facilitation, planning, and process design for numerous organizations since 1977.

Contact Information: Jeff Blair; 850.644.6320; jblair@mailer.fsu.edu; http://consensus.fsu.edu
Information from this evaluation will not be reported in a way that individuals or organizations can be identified.

INSTRUCTIONS: PLEASE USE A 0 TO 10 RATING SCALE WHERE A 0 MEANS TOTALLY DISAGREE AND A 10 MEANS TOTALLY AGREE. PLEASE PLACE YOUR RATING IN THE SPACE TO THE LEFT OF EACH QUESTION

1. Please assess the overall meeting.
   _____ The background information was very useful.
   _____ The agenda packet was very useful.
   _____ The objectives for the meeting were stated at the outset.
   _____ Overall, the objectives of the meeting were fully achieved.
   _____ Statutory Requirements and Rule Language Review.
   _____ Overview of Agency’s Proposed Revisions to Chapter 482.
   _____ Identification, Evaluation, Refinement, and Acceptability Ranking of Options.
   _____ Next Steps and Agenda Items For the Next Workshop.

2. Please tell us how well the facilitator helped the participants engage in the meeting.
   _____ The participants followed the direction of the facilitator.
   _____ The facilitator made sure the concerns of all participants were heard.
   _____ The facilitator helped us arrange our time well.
   _____ Participant input was documented accurately.

3. What is your level of satisfaction with the meeting?
   _____ Overall, I am very satisfied with the meeting.
   _____ I was very satisfied with the services provided by the facilitator.
   _____ I am satisfied with the outcome of the meeting.

4. What progress did you make?
   _____ I know what the next steps following this meeting will be.
   _____ I know who is responsible for the next steps.

5. Do you have any other comments that you would like to add? We are very interested in your comments. Please use the back of this page.
COMMENT FORM

The Division of Agricultural Environmental Services (FDACS) welcomes your written comments. All written comments will be included in the workshop summary reports.

Name: ____________________________
Organization: ______________________
Workshop Date: _____________________

Please make your comment as specific as possible.

COMMENT: ________________________________________________________
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