PEST CONTROL ENFORCEMENT
ADVISORY COUNCIL

FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES

Division of Agricultural Environmental Services

ORGANIZATIONAL AND
PROCEDURAL GUIDELINES

ADOPTED COUNCIL POLICIES
PEST CONTROL ENFORCEMENT ADVISORY COUNCIL
CONSENSUS-BUILDING AND DECISION-MAKING PROCEDURES
(Adopted March 18, 2003)

The Pest Control Enforcement Advisory Council (PCEAC) will seek consensus decisions on particular issues and their package of recommendations to be submitted on a regular basis to the DACS Division of Agricultural Environmental Services.

The Council’s Consensus building and decision making process is a participatory one whereby on matters of substance, the members jointly strive for agreements which all of the members can accept, support or at least agree not to oppose.
In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on an issue or package of recommendations, and where 100% acceptance or support is not achievable, final decisions of the Council will require at least a 72% favorable vote of all members present and voting. This super majority decision rule underscores the Council’s view of the importance of seeking and developing agreements with the participation of all members and with which all can live with and support. In the event the Council can not reach consensus (100% in favor) on a decision, a minority report shall be requested immediately following the vote, requesting the rationales and preferences of those dissenting, and shall be included in the meeting summary reports.

The Council will make decisions only when a quorum is present. A quorum shall be constituted by at least 51% of the appointed members being present (simple majority).
The Council will utilize Robert’s Rules of Order to make and approve motions; however, the 72% supermajority voting requirement will supercede the normal voting requirements used in Robert’s Rules of Order for decision making on substantive motions and amendments to motions. In addition, the Council will utilize their adopted meeting guidelines for conduct during meetings.

The presiding chair and/or Facilitator of the Pest Control Enforcement Advisory Council, in general, should use parliamentary procedures set forth in Robert’s Rules of Order.
Any voting member may make a motion when a quorum is present.
A second is required to discuss the motion.
If a motion is seconded, the chair/Facilitator opens the floor for discussion. The chair/Facilitator will recognize members wishing to speak on the motion. The chair/Facilitator will, if time permits, recognize other participants wishing to speak on the motion.
The chair/Facilitator may elect or be requested by the member making the motion to take a “straw poll” on the motion. Based on the result, the chair/Facilitator may table the motion with the agreement of the member moving it, pending further discussion. The member making the motion may accept friendly amendments to the motion.
After completing discussion, the chair/Facilitator will call the discussion to a close and restate the motion, with any friendly amendments, and call for a vote.
If the motion receives a 72% favorable vote of the members present and voting it will be approved.
PEST CONTROL ENFORCEMENT ADVISORY COUNCIL
MEETING GUIDELINES
(Adopted Unanimously March 18, 2003)

THE CHAIR/FACILITATOR’S ROLE
✓ Guide the meeting process
✓ Assist participants to stay on task
✓ Assure that members follow guidelines and time limits
✓ Maintain a record of meeting products

THE COUNCIL MEMBER’S ROLE
✓ Keep to the agenda and guidelines
✓ Be focused and concise--balance participation & minimize repetition
✓ Ask questions and verify assumptions
✓ Express and acknowledge differing views
✓ Avoid stereotyping or personal attacks
✓ Only one person at a time speaks
✓ Seek shared understanding--We do not have to agree
✓ Raise hand to be called on by mediator, and only speak when called upon
✓ Turn in completed evaluation forms

GUIDELINES FOR BRAINSTORMING
✓ Speak when recognized by Chair/Facilitator
✓ Offer one idea per person without explanation
✓ No comments, criticism, or discussion of other's ideas
✓ Listen respectfully 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
✓ Members raises hand to speak
✓ Chair/Facilitator assigns each person a number based on the order they observed person wishing to speak
✓ Chair/Facilitator call on each person based on the stack
✓ Chair/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
GUIDELINES FOR REPORTS AND PRESENTATIONS

✓ Chair/Facilitator introduces presenter
✓ Hold all questions until report or presentation is complete
✓ Chair/Facilitator stacks names
✓ Chair/Facilitator calls on speakers
✓ Clarifying questions only
✓ No discussion or comments

GUIDELINES FOR DISCUSSION AND PROPOSALS

✓ Chair/Facilitator guides process
✓ Guidelines in effect
✓ Chair/Facilitator stacks names
✓ Proposal is presented (no comments or discussion)
✓ Clarifying questions are taken (no comments or discussion)
✓ Discussion of proposal (focus on issues, refine proposal, and consensus building)
✓ Consensus ranking
✓ Test for consensus

CONSENSUS RANKING SCALE

4. **Comfortable**—I support proposal as is ♥♥♥♥

3. **Minor Reservations**— I can live with this; but would like to see changes as follows♥♥♥♥
   Be prepared to offer specific refinements or changes to address your concerns.

2. **Major Reservations**—I can’t support this unless following changes are addressed to meet my serious concerns ♥♥
   Be prepared to offer specific refinements or changes to address your concerns.

1. **Fatal Flaws**—I can’t support this ♥
   Be prepared to offer alternatives and options that would address your own as well as other’s concerns.
AGENDA SUBMITTAL AND CONSIDERATION PROTOCOLS
(Adopted Unanimously March 18, 2003)

All agenda items must be submitted by close of business fifteen (15) days prior to the next scheduled Pest Control Enforcement Advisory Council meeting.

The Division of Agricultural Environmental Services will review a proposed agenda item for a determination of whether or not the issue falls under the purview and statutory authority of the Pest Control Enforcement Advisory Council. The agency will notify the proponent of any negative determination relative to issue being placed on next agenda.

Proposed agenda items meeting the submittal criteria will be noticed in the Florida Administrative Weekly (FAW) in accordance with the noticing requirements of F.S., Chapter 120.

Pest Control Enforcement Advisory Council members will receive all proposed agenda items and supporting documentation at least fourteen days prior to the next scheduled Pest Control Enforcement Advisory Council meeting.

No new agenda items will be considered at the Council meeting with the exception of those issues raised by the Division of Agricultural Environmental Services that have been determined require immediate Council action, or by the unanimous (100%) approval of a quorum of the Council through the Chair.

Agenda items that meet submittal criteria and arrive after the established deadline will be placed on the next regularly scheduled Council meeting agenda.

Based on number of agenda items the Chair/Facilitator may allocate a specific amount of time for each agenda item.

Council will not consider action on proposals that have requested other actions such as an administrative hearing or declaratory statement, unless specifically requested by the Division of Agricultural Environmental Services.

The Council by a majority vote may discuss requested agenda items not meeting submittal criteria requirements but may not take any formal action on the issue until the next Council meeting.

Special meetings may be called by the Division based on urgency and necessity for immediate action.
**Agenda Submittal Criteria**

Agenda item must be submitted 15 days prior to regularly scheduled Council meetings.

Proposed agenda item must clearly state the action requested of the Council.

The proposed request must not discriminate against products by requiring the use of a specific product in order to comply with the provisions of the request (e.g., the proposal must address a specific problem and not require the use of a specific product in order to comply).

If applicable, proponent should provide exact rule or statutory references that the proposal addresses.

Proponent should provide all necessary supporting documentation required for Council and Agency to determine the merits of the request (i.e., relevant fiscal impact information; documentation that the proposal is critical to the health, safety, and welfare of the public; documentation that the proposal is not requesting an action that would require a specific product to meet the requirements of the proposed action).

Proponent must indicate that they have not requested any additional actions on the proposed agenda items such as an administrative hearing or declaratory statement.

Proponent must provide the following contact information:
Name,
Address, and
Phone number.

And, if available, must provide:
Fax number, and/or
E-mail address.
MEETING PROCESS—AGENDA CONSIDERATION PROTOCOLS
(Discussion of Agenda Items)
(Revised Unanimously, April 22, 2004)

Chair or Facilitator will introduce the agenda item/proposal.

Proponent will state the action requested and provide rational for proposal.

Chair or Facilitator will ask Council members only for clarifying questions (a clarifying question addresses a specific point that is not understood, and should not indicate support or opposition to the proposal).

After questions, the Chair or Facilitator will open the issue up for discussion. All Council members and Agency Staff wishing to speak must raise their hand and be acknowledged by the Chair/Facilitator prior to speaking.

Council approved meeting guidelines will be in effect at all times.

Following Council member’s preliminary discussion, the Chair or Facilitator will ask if any members of the public wishes to address the Council on the current issue under Council consideration. The Facilitator will serve as a moderator for public input. The Facilitator will ask for those who wish to speak in favor of the proposal or topic under discussion to offer brief comments, others who wish to speak in favor will be asked to offer new points or simply state agreement with previous speakers. The same opportunity and requirements will be offered for those who wish to speak in opposition to the proposal or topic under discussion. The Facilitator will ensure that all views are expressed and similar views are not repeated. Members may, through the chair, ask clarifying questions to members of the public offering comments. This process will be used for substantive issues and not for procedural matters before the Council.

After discussion and public comment, a council member may make a motion to approve the issue. If there is a second to the motion the Chair/Facilitator will call for discussion. Once a motion is made and seconded the discussion will be restricted to only Council members unless the Chair/Facilitator requests specific clarification from a member of the public. Members may request specific clarification from a member of the public through the Chair/Facilitator. A member may wish to second a motion for the purpose of Council discussion and not necessarily as a show of support for the motion.

Only motions to approve will be considered (no motions to disapprove). If there is no motion after discussion the requested action is not approved.
COUNCIL’S STATUTORY CHARGE—CHAPTER 482.243, F.S.

The Pest Control Enforcement Advisory Council is created within the department. The Commissioner of Agriculture shall appoint all members of the council. The purpose of the council is to advise the Commissioner of Agriculture regarding the regulation of pest control practices and to advise government agencies with respect to those activities related to their responsibilities regarding pest control. The council shall serve as the statewide forum for the coordination of pest control related activities to eliminate duplication of effort and maximize protection of the public.

COUNCIL MISSION STATEMENT
(Adopted Unanimously May 8, 2003)

The purpose of the Pest Control Enforcement Advisory Council is to advise the Commissioner of Agriculture as to appropriate regulatory and enforcement policy regarding the pest control industry. The perspectives of the Department of Agriculture and Consumer Services, the pest control industry, the scientific community, and the consumer will be represented and considered in a spirit of partnership, with the common goal of elevating industry enforcement and compliance to (i) maximize consumer protection and (ii) enhance public understanding of the pest control industry.

COUNCIL GUIDING PRINCIPLES
(Adopted Unanimously May 8, 2003)

Principle 1: The overall purpose of the PCEAC is to serve as an advisory body to the Division of Agricultural Environmental Services.

Principle 2: The PCEAC shall adhere to their Statutory authorities and charge.

Principle 3: The PCEAC shall strive to achieve consensus on substantive recommendations made to DACS.

Principle 4: The PCEAC shall operate under clear, concise, consistent, and fair procedural protocols.

Principle 5: The PCEAC shall serve as an accessible liaison between the Division of Agricultural Environmental Services, the regulated industry, and consumers thereby protecting the interests of the public.
MEETING ATTENDANCE POLICY
(Adopted Unanimously September 18, 2003; Revised Unanimously January 17, 2006)

Any member of the Pest Control Enforcement Advisory Council who fails to attend two consecutive regularly scheduled meetings or four or more meetings in a two year period will be contacted by the Department to determine why the member was not able to attend and if the member still wishes to serve on the Council. If the member cannot demonstrate his or her absence was for good cause, which includes but is not limited to personal or family illness or military service, or no longer wishes to serve on the Council, the Department will request the member submit a written resignation from the Council to the Commissioner of Agriculture. If the member refuses to resign, the Council will recommend to the Commissioner of Agriculture the member’s appointment be terminated and a new member be appointed as a replacement.

MEETING FREQUENCY POLICY
(Adopted Unanimously September 18, 2003; Revised Unanimously January 17, 2006)

The PCEAC shall meet quarterly starting with January of each year. Regularly scheduled meetings will be held in January, April, July, and October of each year. Additional meetings may be called by the Agency or Council chair as required.

ABSENTEE COUNCIL MEMBER COMMENT POLICY
(Adopted Unanimously October 18, 2005)

Any member of the Council who wishes to have their comments/opinions read into the record at a meeting they will not be able to attend, may send their written comments by e-mail or fax to the Facilitator and the Department of Agriculture. The member should identify the agenda item/s that the comment/s pertain to. The Facilitator will read the absentee member’s comments into the record during the discussion portion of the specific agenda item the member is commenting on, and the member’s comments will be included in the Facilitator’s meeting summary report. The Council member may only make one comment per agenda item, and each comment will be limited to a maximum of five-hundred (500) words.