FLORIDA DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES

Division of Agricultural Environmental Services

FACILITATED WORKSHOP TO CONSIDER AMENDMENTS TO DACS
13645—WOOD-DESTROYING ORGANISMS INSPECTION REPORT
ADOPTED BY REFERENCE IN RULE 5E-14.142(2)(c)

FACILITATOR’S SUMMARY REPORT OF
THE JANUARY 18, 2006 WORKSHOP III

APOPKA, FLORIDA

Meeting Design & Facilitation By

Florida Conflict Resolution
Consortium

Report By Jeff A. Blair
Florida State University

jblair@fsu.edu
http://consensus.fsu.edu
OVERVIEW OF WORKSHOP

WEDNESDAY, JANUARY 18, 2006

Overview
The Florida Department of Agriculture And Consumer Services, Division of Agricultural Environmental Services, is convening a series of three facilitated workshops to consider refinements to the DACS 13645, Wood-Destroying Organism Inspection Report form. It will be important to attend all three workshops, since the workshops will be iterative in nature, with the work products of each workshop forming the basis for subsequent workshops.

The workshop process will be inclusive with a focus on public participation. Each of the issues and options will be evaluated and ranked for acceptability by the workshop participants. Options enjoying a sufficient level of support will be discussed, refined, and re-ranked to enhance the level of acceptability. At the conclusion of the process, all viable options will have been thoroughly evaluated, and DACS should be in a position to draft a rule that takes into consideration the concerns and preferences of each of the key stakeholder/interest groups.

The key stakeholder/interest groups that have been encouraged to participate in the workshop process are as follows: pest control operators and their various state associations, the real estate industry, the insurance industry, a legal specialist in WDO related claims, consumer interests, and a participating representative for the Department of Agriculture. All members of the public are welcome to attend the workshops.

DACS Staff Present
Steve Dwinell and Phil Helseth.

Meeting Facilitation
The meeting was facilitated by Jeff Blair from the Florida Conflict Resolution Consortium at Florida State University. Information at: http://consensus.fsu.edu/

Project Webpage
Information on the project, including agenda packets, meeting reports, and related documents may be found at the project webpage below:
http://consensus.fsu.edu/DACS/wdo.html

Workshop Schedule
Workshop I—September 15, 2005
Workshop II—November 17, 2005
Workshop III—January 18, 2006
Workshop Location
Mid-Florida Research And Education Center
2725 Binion Road—Apopka, Florida—407.884.2034

Workshop Objectives and Agenda

The **Objectives** of the Workshop were as follows:

- To Review Agenda and Workshop II Report
- To Review Draft Form Options
- To Discuss and Evaluate Draft Form Options
- To Evaluate Level of Acceptability for Proposed Draft Form Options
- To Propose and Evaluate Refinements to Form Option with Highest Level of Support
- To Identify Needed Next Steps

The Workshop **Agenda** was as follows:

- **Welcome and Introductions**
- **Agenda Review and Review of Workshop II Summary Report**
- **Overview of Draft Form Options**
- **Discussion and Acceptability Ranking of Draft Form Options**
- **Proposal and Evaluation of Refinements to Draft Option with the Highest Level of Support**
- **To Test Level of Support for Draft Option as Refined**
- **Workshop Summary and Next Steps**
  - Next workshop agenda items, needed information, assignments, location, and date

Welcome and Introductions
Steve Dwinell, Assistant Division Director of the Division of Agriculture and Environmental Services, welcomed participants to the Workshop. Steve explained that this was the third of three workshops that were iterative, with the work of each workshop forming the basis for the subsequent workshop. Steve explained that this was the last worship in the series, and following the workshop a revised WDO Reporting Form would be prepared based on options that were supported during the course of the workshops. The Proposed Form would then be prepared as a proposed rule and additional input considered during rule development.
**Agenda Review and Review of Workshop II Summary Report**

Jeff Blair, Workshop Facilitator, reviewed the agenda and summary report from the second Workshop. Jeff explained that at Workshop II, participants were asked to review the DACS Form 13645 and the NPMA 33 Form, and determine the elements from each form that they preferred. Participants were asked to rank the acceptability of the options (components of the forms) using a 4-point acceptability scale where 4 = acceptable, 3 = minor reservations, 2 = major reservations, and 1 = not acceptable. Following the ranking of options, participants were requested to express their reservations, if any, with the options. Options that received a majority of support from participants would be used to prepared a draft form for consideration at Workshop III.

**Overview of Draft Form Options**

Using the preferred components determined from the comparison of the two forms exercise conducted at Workshop II, Steve Dwinell, Assistant Division Director of the Division of Agriculture and Environmental Services, prepared a draft form for evaluation during Workshop III. Participants were asked to rank the acceptability of each section of the Form, and to propose alternative options for consideration.

The following is the draft form compiled based on the results of the acceptability ranking exercise conducted during Workshop II:

<table>
<thead>
<tr>
<th>Section I. – General Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspection Company, Address and Phone</td>
<td></td>
</tr>
<tr>
<td>____________________________________________________________________</td>
<td></td>
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<tr>
<td>____________________________________________________________________</td>
<td></td>
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<tr>
<td>Company Business License Number</td>
<td></td>
</tr>
<tr>
<td>____________________________________________________________________</td>
<td></td>
</tr>
<tr>
<td>Inspectors Name and Identification Card Number</td>
<td></td>
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<tr>
<td>____________________________________________________________________</td>
<td></td>
</tr>
<tr>
<td>Date of Inspection</td>
<td></td>
</tr>
<tr>
<td>____________________________________________________________________</td>
<td></td>
</tr>
<tr>
<td>Address of Property Inspected</td>
<td></td>
</tr>
<tr>
<td>____________________________________________________________________</td>
<td></td>
</tr>
<tr>
<td>Structure(s) on property inspected</td>
<td></td>
</tr>
<tr>
<td>____________________________________________________________________</td>
<td></td>
</tr>
<tr>
<td>Inspection and report requested by</td>
<td></td>
</tr>
</tbody>
</table>
Section II – Inspection Findings

A wood-destroying organism means arthropod or plant life which damages and can reinfest seasoned wood in a structure, namely, termites, powder post beetles, old-house borers, and wood-decaying fungi and is not an opinion covering areas such as, but not necessarily limited to, those that are enclosed or inaccessible, areas concealed by wall-coverings, floor coverings, furniture, equipment, stored articles, or any portion of the structure in which inspection would necessitate removing or defacing any part of the structure.

THIS REPORT IS MADE ON THE BASIS OF WHAT WAS VISIBLE AND ACCESSIBLE AT THE TIME OF INSPECTION AND DOES NOT CONSTITUTE A GUARANTEE OF THE ABSENCE OF WOOD-DESTROYING ORGANISMS OR DAMAGE OR OTHER EVIDENCE UNLESS THIS REPORT SPECIFICALLY STATES HEREIN THE EXTENT OF SUCH GUARANTEE. See Section III below to determine which areas of the structures inspected may have been inaccessible.

Based on a careful visual inspection of the readily accessible areas of the structure(s) inspected:

□ A. No visible evidence of wood destroying organisms was observed.

□ B. Visible evidence of wood destroying organisms was observed as follows:
   1. Live insects (common name and location): ________________________________
   2. Dead insects, insect parts, frass, shelter tubes, exit holes, wood rot, or staining (description and location):

□ C. Visible damage from wood destroying organisms was noted as follows (description and location):

NOTE: This is not a structural damage report. If box B above is checked, it should be understood that some degree of damage, including hidden damage, may be present. FURTHER INVESTIGATION BY QUALIFIED EXPERTS OF THE BUILDING TRADE SHOULD BE MADE TO DETERMINE THE STRUCTURAL SOUNDNESS OF THE PROPERTY. This property was not inspected for any fungi other than wood decaying fungi, and no opinion on health related effects or indoor air quality is provided or rendered by this report. Individuals licensed to perform pest control are not required, authorized or licensed to inspect or report for any fungi other than wood decaying fungi, nor to report or comment on health or indoor air quality issues related to any fungi. Persons concerned about these issues should consult with a certified industrial hygienist or other person trained and qualified to render such opinions.

D. Evidence of previous treatment:

□ Yes    □ No  It appears that the structure(s) or a portion thereof may have been previously treated. Visible evidence of possible previous treatment:

The inspecting company can give no assurances with regard to work done by other companies. The company that performed the treatment should be contacted for information on treatment and any warranty or service agreement which may be in place.
Section III – Obstructions and Inaccessible Areas:

The following areas of the structure(s) inspected were obstructed or inaccessible. No information on the status of wood destroying organisms or damage from wood destroying organisms in these areas in given in this report. The areas inaccessible or not visible and the reasons for this are:

- Basement
- Crawlspace
- Main Level
- Attic
- Garage
- Exterior
- Porch
- Addition
- Other

Section IV – Additional Comments and Attachments -

____________________________________________________________
____________________________________________________________
________________________________________

Important – Please read the attached: Important Information for Home Buyers – Understanding Wood Destroying Organisms Inspection Reports.

Section V – Notice of inspection and Treatment information

Notice of inspection has been affixed to the structure at __________________________
The Company has treated the structure(s) at the time of inspection. □ Yes □ No
If yes, Common name of organism treated _________________________________
If yes, method of treatment _____________________________________________
□ Spot treatment Area treated__________ □ Whole structure ____________________

Report sent to ______________________________________
Signature of Licensee or Agent__________________________________
Discussion and Acceptability Ranking of Draft Form Options, and Proposal and Evaluation of Refinements to Draft Option with the Highest Level of Support

During the course of Workshop III, participants were asked to rank the acceptability of the components of the draft form, and to propose and evaluate alternative components to the Form. Following are the results of the evaluation conducted during Workshop III:

Section I—General Information

Section I, as drafted.

<table>
<thead>
<tr>
<th>4=acceptable</th>
<th>3= minor reservations</th>
<th>2= major reservations</th>
<th>1= not acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>12</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
Minor reservations:
• Inspectors’ name should be printed – add “Print name” under “Inspectors Name” line on form.
• Place report “sent to” from section V as the last line in Section I.

Major reservations:
• Concern about structures not inspected and how that is reported.

Place report “sent to” from section V at last line in Section I.

<table>
<thead>
<tr>
<th>4=acceptable</th>
<th>3= minor reservations</th>
<th>2= major reservations</th>
<th>1= not acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>13</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
Minor reservations:
• Should also include others who received report.

Section II—Inspection Findings

Scope of inspection language, as drafted.

<table>
<thead>
<tr>
<th>4=acceptable</th>
<th>3= minor reservations</th>
<th>2= major reservations</th>
<th>1= not acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>14</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>
Participants Reservations and Comments (1/18/06):
Major reservations:
- Reverse order of the paragraphs.
- Eliminate “specifically states herein the extent of such guarantee”.
- Change the wording to regarding the Guarantee language.

Findings section, as drafted

<table>
<thead>
<tr>
<th></th>
<th>4=acceptable</th>
<th>3= minor reservations</th>
<th>2= major reservations</th>
<th>1= not acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>6</td>
<td>6</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
- remove “careful”.
- “Staining” needs to be removed.
- Add “other evidence” to 2B.
- Put Note under box B, and add disclaimer there.
- Add “or box C” is checked
- Use the term wood decay not rot.
- Place wood decay in C not B.

Remove “readily”.

<table>
<thead>
<tr>
<th></th>
<th>4=acceptable</th>
<th>3= minor reservations</th>
<th>2= major reservations</th>
<th>1= not acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td>6</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
- “Readily” means easy to access.
- Should add readily to the language above as well.

Recommendation for structural inspection based on visible damage.

<table>
<thead>
<tr>
<th></th>
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<th>2= major reservations</th>
<th>1= not acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>15</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
- Exit holes are considered damage under current DACS guidelines.
Combine damage and visible evidence into one section, add visible damage as #3 under B.

<table>
<thead>
<tr>
<th>4=acceptable</th>
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<th>1= not acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>14</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
- Who will investigate “evidence”.
- Need to check with the real estate industry on combining this into one category.

Add if visible damage is observed to the Note.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>14</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
- Add space between fungi disclaimer and Structural Experts.

Add check boxes to B #1, #2, #3.

<table>
<thead>
<tr>
<th>4=acceptable</th>
<th>3= minor reservations</th>
<th>2= major reservations</th>
<th>1= not acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>14</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
- Concern that not checking could make it a violation.

Move the fungi language to end of form, and remove from Section II.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>16</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
No reservations to this option.
Part D of section II, as drafted.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>11</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
- Put “no” first.

Section III—Obstruction and Inaccessible Areas

Section III, as drafted.

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>8</td>
<td>4</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
Minor reservations:
- Using codes for the categories would be useful.
- Reduce categories to fewer than seven: attic, interior, exterior, other, crawl space/foundation.
- Add bath traps, or include them in “interior”.

Major reservations:
- This is too detailed, use fewer categories.
- Instead of this, use additional line on “areas of structure not inspected”.
- Would filling out wrong line result in a violation?

Use fewer categories that are more general.

<table>
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<tbody>
<tr>
<td>1/18/06</td>
<td>13</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
- Use more general categories, or just additional space.
- Correct typo.
Section IV—Additional Comments and Attachments

Straw Poll on the WDO consumer document: “Important Information for Home Buyers – Understanding Wood Destroying Organisms Inspection Reports”.

Require the document to be attached to the Form: 3 in favor.

Provide notice that the document is available and where to get it: 11 in favor.

Modify Section IV to indicate that consumer information is available and where to get it. The “Important Information for Home Buyers – Understanding Wood Destroying Organisms Inspection Reports” document.

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</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>13</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):
- Consumer information needs to be provided, should require the document to be attached.

Section V—Notice of Inspections and Treatment Information

Section V, as drafted.

<table>
<thead>
<tr>
<th></th>
<th>4=acceptable</th>
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<th>2=major reservations</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1/18/06</td>
<td>7</td>
<td>1</td>
<td>6</td>
<td>0</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):

Minor Reservation:
- Move “whole structure” and place before “spot treatment”.

Major Reservations:
- Removes information that the company treated the structure at some point in past.
- Removes information about the product used, and this is required by statute.
- Need to add the pesticide used.
- Need to add attach a copy of the contract.
- Need to address “time of inspection” should be clearer.
- Should be “date treated” not time of inspection.
Use Current DACS 13645 #5, #6, #7, in place of the drafted version.

<table>
<thead>
<tr>
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<td>6</td>
<td>6</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):

Minor Reservations:
• Need to delineate spot vs. whole treatments.
• Just specify the date of treatment – combine #5 and #6 – just report date of treatment.
• If currently under contract, this should be specified.

Add spot vs. whole, combine #5 and #6, and contract attached if treated as a result of inspection.

<table>
<thead>
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<tbody>
<tr>
<td>1/18/06</td>
<td>11</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Participants Reservations and Comments (1/18/06):

Minor Reservations:
• Spot treatment – what is covered in the contract.
• Date of treatment for past treatments could be a problem.
• Need to add financial disclaimer to form.

Section II – Inspection Findings Revised Version

THIS REPORT IS MADE ON THE BASIS OF WHAT WAS VISIBLE AND ACCESSIBLE AT THE TIME OF INSPECTION AND DOES NOT CONSTITUTE A GUARANTEE OF THE ABSENCE OF WOOD-DESTROYING ORGANISMS OR DAMAGE OR OTHER EVIDENCE UNLESS THIS REPORT SPECIFICALLY STATES HEREIN THE EXTENT OF SUCH GUARANTEE.

This report is not an opinion covering areas such as, but not necessarily limited to, those that are enclosed or inaccessible, areas concealed by wall-coverings, floor coverings, furniture, equipment, stored articles, or any portion of the structure in which inspection would necessitate removing or defacing any part of the structure. A wood-destroying organism means arthropod or plant life which damages and can reinfest seasoned wood in a structure, namely, termites, powder post beetles, oldhouse borers, and wood-decaying fungi.

See Section III below to determine which areas of the structures inspected may have been inaccessible.
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<td>13</td>
<td>2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Participants Reservations and Comments (1/18/06):**

Minor reservations:
- Language should be tweaked - report is not an opinion – it is a report.
- Should guarantee be “assurance” – check Ch. 482 to determine the correct language.

**Next Steps:**
The draft Form will be revised to reflect revised sections, e-mailed to participants and stakeholders, and a rule development will be initiated in the near future.

**Adjourn**
The Workshop adjourned at approximately 12:10 PM.
ATTACHMENT I

MEETING EVALUATION RESULTS—DACS WDO WORKSHOP III

January 18, 2006
Apopka, Florida

0 To 10 Rating Scale where A 0 means totally disagree and a 10 means totally agree, was used.

1. Please assess the overall meeting.

  9.0 The background information was very useful.
  9.3 The agenda packet was very useful.
  9.2 The objectives for the meeting were stated at the outset.
  9.6 Overall, the objectives of the meeting were fully achieved.
  9.5 Meeting II Overview.
  9.5 Review of Draft Form Options.
  9.1 Discussion and Evaluation of Draft Form Options.
  9.3 Acceptability Ranking of Proposed Draft Form Options.
  9.4 Proposal and Evaluation of Refinements to Highest Ranked Draft Form Option.

2. Please tell us how well the Facilitator helped the participants engage in the meeting.

  9.8 The participants followed the direction of the Facilitator.
  9.9 The Facilitator made sure the concerns of all participants were heard.
  9.8 The Facilitator helped us arrange our time well.
  9.8 Participant input was documented accurately.

3. What is your level of satisfaction with the meeting?

  9.5 Overall, I am very satisfied with the meeting.
  9.9 I was very satisfied with the services provided by the Facilitator.
  9.5 I am satisfied with the outcome of the meeting.

4. What progress did you make?

  9.2 I know what the next steps following this meeting will be.
  9.0 I know who is responsible for the next steps.
5. **Participants’ Comments.**

- This three-step process to achieve consensus has been very effective. Good Job!
- Thanks to Steve Dwinell and Jeff Blair.
- Good productive meeting!
- Great process.
- Great process!
- We need to know if our leadership will want us to continue in this process.
- DACS should have the Form available electronically, so all inspectors can use it in this format.

**General Comment:**
Some people in the industry have complained that these workshops, and others, are not as well advertised as they could be. This comment does not, obviously, apply to the content of the workshop itself.
ATTACHMENT II

WORKSHOP PARTICIPANTS

Paul Sugrue
Mike Beckers
Mary Cohen
Andre Boutte
Richard Burke
Phil Helseth
Rex Thomas
Linda Thomas
James Patterson
Terry Donohue
Norman Goldenberg
Jim Maurer
Dennis Marutesano
Marvin Inbok
Steve Finch
Gil Livingston