OVERVIEW OF COUNCIL’S KEY DECISIONS

THURSDAY, APRIL 22, 2004

Opening and Meeting Attendance
Chairman McGranahan opened the meeting at 9:02 AM, and the following Council members were present:
Members absent: Elizabeth Allen and Al Hoffer.

Agenda Review and Approval
The Council voted unanimously, 9 - 0 in favor, to approve the agenda as presented including the following objectives.
♦ To Approve Regular Procedural Topics (Agenda, Report, and Workplan)
♦ To Hear an Update on Agency Enforcement Activities
♦ To Hear a Legislative Issues Update
♦ To Hear Nominating Committee Recommendations and Elect New Council Secretary
♦ To Discuss Proposal for Public Input on Substantive Council Issues
♦ To Discuss Inspection Protocols for Borates Used in New Construction
♦ To Discuss Issues Related to Pretreat Records Inspections Review/Requirements
♦ To Discuss Consumer Consultation and PCO Compliance Assistance Proposal
♦ To Discuss Unlicensed Activities Recommendations
♦ To Consider Public Comment
♦ To Identify Needed Next Steps and Agenda Items For Next Meeting

Approval of January 20, 2004 Facilitator’s Summary Report
The Council voted unanimously, 9 - 0 in favor, to approve the January 20, 2004 Facilitator’s Report as presented.

Review and Approval of Updated Workplan
Following a review of the Workplan, included as page 3 and 4 of the agenda packet, the Council took the following actions.
Council Action:
The Council voted unanimously, 9 - 0 in favor, to approve the Council’s workplan as presented.
(Attachment 3—Workplan)
Update on Agency Enforcement Activities and
Mike Page, Bureau Chief for DACS, reported on Agency enforcement activities utilizing a handout with enforcement statistics, and answered Council member’s questions. 

Member’s Questions Comments:
♦ Any areas of concern in these numbers? The numbers of inspections should be about the same as last year, WDO complaints are down from previous years.
♦ Delivery of notices is a problem in some cases.
♦ Borate treated homes - some failures being reported, not determined if this is a product failure or failure to treat homes properly.
♦ Another problem is with wood being added after treatment - this may need to be addressed through the Florida Building Code.
♦ Vehicle road side inspections are not broken out in statistics at this point.

Legislative Issues Update
Steve Rutz, Assistant Division Director of the Division of Agriculture and Environmental Services, reported on legislative issues related to the Agency and answered Council member’s questions. Following is an unedited list of highlights from the report:
♦ Legislative session is wrapping up and should end next week.
♦ DACS is tracking several bills, two of interest to Council. Home inspections services is out of committee on the House but is not on the floor yet.
♦ Mold Remediation Bill was heard in the House on April 13, and has not been heard recently by committee, this version includes exemption for 482 licensees, and is not on the floor.
♦ Senate version (SB1350) does not exempt 482 licensees, has passed out of committee, and gone to the floor.

Nominating Committee Recommendations and Elections
The nominating Committee recommended Ray Capelouto for the position of secretary.

Council Action:
Motion—The Council voted unanimously, 9 - 0 in favor, to approve Ray Capelouto as secretary.

The new officers will assume their roles at the July 20, 2004 meeting.
Tim Hulett will serve as the chair and Richard Meahl as the vice-chair.

Public Input on Council Substantive Issues Proposal
Jeff Blair, Council facilitator, offered a proposal for Council consideration.

Motion—The Council voted unanimously, 9 - 0 in favor, to approve the public input on substantive issues proposal as presented.

(Attachment4)—Public Input Proposal
Borates Inspection Protocols Recommendations
Steve Dwinell reviewed the protocols which are under development, and will present the final version at the July 2004 Council meeting.

Pretreat Records Inspections Review/Requirements Discussion
Tim Hulett presented a proposal for Council discussion and consideration. Following Tim’s presentation, clarifying questions, and discussion, it was decided that DACS will bring a proposal on using preventive treatment records to enforce existing regulations to the next meeting. In addition, DACS will highlight some relevant sample cases.

Following are highlights of the proposal as well as member’s comments:
- Each permitted company will have three inspections per year.
- DACS will have a designated pretreatment inspector.
- 75% concentration is "passing".
- Aggressive enforcement status for different companies based on compliance status.
- Including - fines, increased inspections, stop work orders.

Clarifying Questions
- Would inspectors spend entire day with companies on aggressive status? - Yes.
- 75% compliance - is a combination of volume/concentration.
- How can the applicator versus company conflict be resolved? In aggressive enforcement stance - licensee should be involved.
- What is the end point? Suspension of activity for thirty days will impact business.

Discussion
- 482.0815 already includes a tiered approach.
- 482.0815 provisions are difficult to enforce due to 482.163.
- Enforcement proposal would apply to borate treatments also.
- May be an opportunity to review 482.163, segmented to effectively address preventive treatment enforcement activity.
- Do companies that do not treat properly ultimately have to deal with costs of repair? Usually can escape this due to failure to renew, or low level of claims.
- How does Council fit into this problem - change in legislation should be discussed.
- Outside of Council, enforcement policy could be discussed.

There are three possible paths to take to proceed with this issue:
1. Bring cases for Council to review.
2. Council should consider removing this issue from work plan.
3. Council can adopt specific work plan items to narrowly define agenda items.

Note: Scope of agenda item for this meeting was "pre-treat records inspection procedure" issues raised in presentation were broader.
Consumer Consultation and PCO Compliance Assistance Inspection
Steve Dwinell presented a proposed form titled “Compliance Assistance Request”. Following discussions, the Council was unanimous in their support of the concepts proposed, and DACS agreed to revise the form and bring to the next meeting for review. Phil and Erica will submit their comments to Steve Dwinell.

Questions
• Could PCO use – yes.
• Would this be considered a complaint – no.
• How would industry know about this? - to be determined.

Discussion
• Notice of right to inspect and repair - Ch. 558 – for building contractors should be analogous to situation in which PCO has a problem to address.
• Supports the idea of assistance request - to answer questions/clarify issues
• Language of form needs to be directed toward consumer.
• Lawn and ornamental issues - inspectors should not be used as a substitute for extension agents/technical expertise.

Public Comments
• If non-compliance documented - what would happen - enforcement process would be followed.

Unlicensed Activities Procedures and Discussion
Steve Dwinell reviewed current statistics and answered Council member’s questions.

01/02 - 471 inspections (280 limited landscape maintenance)
02/03 - 573 inspections (465 limited landscape maintenance)
03/04 - 255 inspections (so far) - 187 limited landscape maintenance

Comments
Additional helpful enforcement statistics are to breakout as a separate category the number of illegal operators.

Public Comment
Chairman McGranahan invited members of the public address the Council.
One member of the public offered comments to the Council.
**Agenda Items and Assignments for the July 20, 2004 Meeting**

- Borates Inspection Protocols for New Construction Applications Update—Lead Mike Page (DACS)—Agenda time 1/2 hour.
- Preventive treatment for new construction records inspection procedures—Lead Steve Dwinell—Agenda time 1/2 hour.
- Update on termiticide efficacy rule report—Lead Steve Dwinell—Agenda time 1/4 hour.
- Compliance Assistance Requests Revisions—Lead Steve Dwinell (DACS)—Agenda time 1/4 hour.
- Discussion on feasibility of determining the presence and/or absence of preventive treatments—Lead Phil Koehler—Agenda time 1 hour.
- Joint meeting with inspectors—Field demo of borate treatment—Discuss the uniformity of inspections—Lead DACS.

**Next Meeting Date and Location**
Tuesday, July 20, 2004—Fort Lauderdale—Details TBD

**Future Meeting Dates and Locations**
Thursday, October 7, 2004—Lee County Mosquito Control District
January 18, 2005—Tallahassee—Details TBD

**Adjourn**
At 1:20 PM the Council voted unanimously, 9 - 0 in favor, to adjourn the meeting and Chairman McGranahan turned the gavel and chairmanship to Tim Hulett.
ATTACHMENT 1

MEETING EVALUATION RESULTS

April 22, 2004—Live Oak, Florida

A 0 TO 10 RATING SCALE WHERE A 0 MEANS TOTALLY DISAGREE AND A 10 MEANS TOTALLY AGREE WAS USED. FOLLOWING ARE THE AVERAGE SCORES.

1. Please assess the overall meeting.

9.6 The background information was very useful.
9.8 The agenda packet was very useful.
9.7 The objectives for the meeting were stated at the outset.
9.6 Overall, the objectives of the meeting were fully achieved.
9.3 Update on Agency enforcement activities.
9.4 Legislative issues update.
9.6 Proposal for Public Input on Substantive Council Issues.
9.6 Inspection Protocols for Borates Used in New Construction Discussion.
8.1 Discussion on Pretreat Records Inspections Review/Requirements.
9.2 Discussion on DACS Consumer Consultation and PCO Compliance Assistance.
9.3 Discussion on Unlicensed Activities Recommendations.

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

9.7 The participants followed the direction of the facilitator.
9.8 The facilitator made sure the concerns of all participants were heard.
9.7 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?

9.8 Overall, I am very satisfied with the meeting.
9.8 I was very satisfied with the services provided by the facilitator.
9.8 I am satisfied with the outcome of the meeting.

4. What progress did you make?

9.6 I know what the next steps following this meeting will be.
9.55 I know who is responsible for the next steps.

5. Do you have any other comments that you would like to add?

• Great job!
### ATTACHMENT 2

**MEETING ATTENDANCE**

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<tr>
<td><strong>PCEAC MEMBERS</strong></td>
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<td>Bob McGranahan</td>
<td>Live Oak Pest Control</td>
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<td>Dempsey R. Sapp Jr.</td>
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<td>Richard C. Meahl</td>
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<td>Tim Hulett</td>
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<td>Erica Santella</td>
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<td>Steven Rutz</td>
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<td>Raymond Capelouto</td>
<td>FPMA/CPCO</td>
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<td>John Mangold</td>
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<td>Matthew Dempsey</td>
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ATTACHMENT 3

Council’s Adopted Meeting Process Protocols
(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 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.