

Florida Department of Agriculture and Consumer Services

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COMMISSIONER



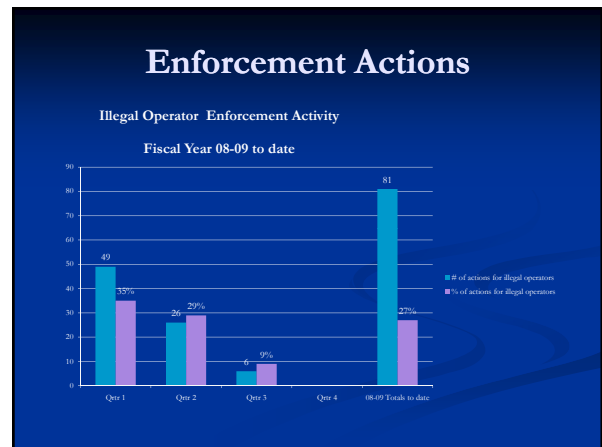
Regulatory Update

Southeast Pest Management
Conference
Gainesville, FL
May 2009

Discussion Topics

- Enforcement Actions
 - Statistics
 - New Tool – NTA’s
- Chapter 5E-14 Forms Update
 - Legislative mandate that all forms must be cited in Rule
 - WDO Form, Training Form, Consent Form
 - Fumigation Website
- Statutory Changes for 2009

Enforcement Actions



Enforcement Actions

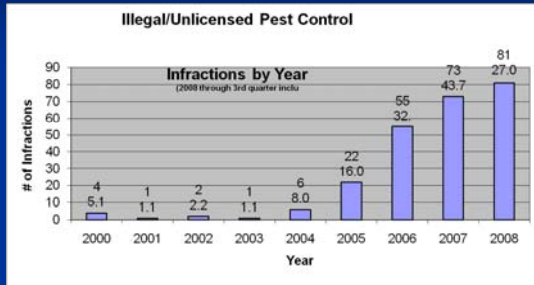
FY 08-09	Qtr1	Qtr2	Qtr3	Qtr4
Fines	19	31	10	0
\$ Amt	\$30,350.00	\$34,675.00	\$9,675.00	\$0.00
Revocations	1	1	0	0
Suspensions	0	0	0	0
Probations	4	1	1	0
Denials	0	0	2	0
Warning Letters	40	12	13	0
Ed C&D	40	19	12	0
Advisories	19	19	20	0
Inf Hearings	12	4	9	0
Formal Hrsg	0	2	0	0
Dismissals	6	0	2	0
% of actions for illegal operators	49/35%	26/29%	6/9%	0%
Total Activities	141	89	69	0

Enforcement Actions

FY	05-06	06-07	07-08	08-09*
Fines	100	104	80	60
\$ Amt	\$73,125.00	\$195,250.00	\$129,562.50	\$74,700.00
Revocations	0	5	1	2
Suspensions	0	4	8	0
Probations	0	2	5	6
Denials	0	0	1	2
Warning Letters	70	130	135	65
Ed C&D	103	90	206	71
Advisories	18	62	136	58
Inf Hearings	45	63	48	25
Formal Hrsg	??	17	9	0
Dismissals	0	18	8	8
% of actions for illegal operations	28%	39%	9%	81/27%
Total Activities	336	495	637	299

*through 3rd quarter

Enforcement Actions



Enforcement Actions

Table 1. Enforcement actions leading to the largest total fines in 2008.*

Enforcement action	Fine (\$)	Percentage of total fines
Unlicensed Pest Control	47,025	39.3%
Fumigation	31,500	26.3%
Misuse of Certificate	8,000	6.7%
Faulty 13645	5,675	4.7%
Employee ID cards	5,500	4.6%
Records (training)	5,500	4.6%
TOTAL	103,200	86.2%

* OI, UF, 2009

Enforcement Actions

- New Enforcement Tool – “NTA’s”
 - “Notice to Appear” (NTA’s) are issued to violators by a sworn Law Enforcement Officer.
 - This is a process similar to receiving a traffic citation, except that it is issued for other miscellaneous criminal offenses.
 - Involves the local state attorney’s office
 - Requires the person to appear before a judge

Enforcement Actions

- New Enforcement Tool – “NTA’s”
 - To date, the Agricultural Law Enforcement Officer has issued 7 NTA’s to four individuals
 - Resulted in \$1,500 fine and \$500 fine, 5 are awaiting court dates
 - These monies do NOT come to the Bureau – they reimburse the local legal system

Chapter 5E-14 Forms Update

Chapter 5E-14 Forms Update

- Legislature recently passed a law which requires all state agencies to identify forms in rule
- All forms used to collect information from regulated entities, consumers, or any other individual.....must be referenced in agency rules

Chapter 5E-14 Forms Update

- What does this mean?
- The Department will be publishing various rule changes for Chapter 5E-14, Florida Administrative Code, in upcoming issues of Florida Administrative Weekly.
- These will be “technical changes” NOT changes to rules!

New Wood-Destroying Organisms Inspection form, DACS 13645

- New two-page form was adopted in rule on January 4, 2009.
- Department allowed an adjustment period until April 1, 2009 for use of old forms and training.
- Use of the new form is now being enforced.
- There is a pdf fill-in available

New Wood-Destroying Organisms Inspection form, DACS 13645

New Wood-Destroying Organisms Inspection form, DACS 13645

- Even though the baseline inspection procedures developed by the industry are voluntary, there are many parallel inspection processes that are required by regulations (Ch. 5E-14.142(2)(c), Florida Administrative Code).
- These documents can be found on the Bureau’s website at: <http://www.flacs.org/aes-ent/formsandpubl.html>
- We would expect the industry to adhere to the adopted baseline minimum requirements.

Miscellaneous Enforcement Issues

- Chloropicrin testing protocols have been finalized and the Bureau has the ability to determine proper chloropicrin levels within fumigated structures
- Remember that you must now document initial 5 day training on new DACS form 13665 (available on website)

Miscellaneous Enforcement Issues

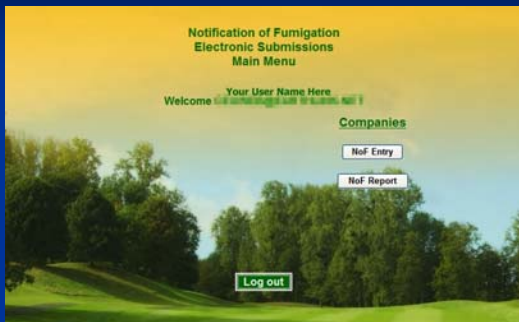
Miscellaneous Enforcement Issues

- Exam qualifications now require 45 jobs for GHP, L&O, and Termite categories – Still 15 for Fumigation
- Consumer consent form (DACS 13671) is now required to be executed by the consumer when you take over any active termite contract from another company.

Miscellaneous Enforcement Issues



Fumigation Notification Website



Fumigation Notification Website

- Will require rule modification – in progress
- The project is in its final design phase
 - Features:
 - Secure log-in – prevent unauthorized notices from being submitted, altered or removed
 - Allow for individual notices to be printed by licensee for inclusion in their files
 - Allow for printing report in “table” format of all fumigation notices submitted by date range

Fumigation Notification Website

- Features (continued)
 - Allow for cancellation, rescheduling or declaring the fumigation an emergency
 - Eliminate need for pest control licensee staff to create a paper notice for facsimile and possible long distance phone charges
 - Eliminate the need for the licensee to “determine” the local inspector for the fumigation site
 - It will allow notices to be entered at the licensee’s convenience - when scheduled, day or night - 24/7

Fumigation Notification Website



Fumigation Notification Website

- Features (continued)
 - Allow for “storage” of fumigation notices by the Department (presently retained for 90 days)
 - Provide ability for inspectors to access database to locate notices
 - Eventually, it will allow public to search by property address of all “completed” fumigations
 - Hope to begin testing in early 2009 expected deployment for July 1, 2009

Statutory Changes for 2009

- Call Centers
- Amendments to 482.163, FS
- Responsibilities of certified operator in charge
- Repeal of the “Yardman” exemption
- Consideration for Wildlife Trappers
- Update Insurance level requirements
- Increased authority - Contracts – WWOTS

Statutory Changes for 2009

As of April 27, 2009, the Senate version was amended and 482.163 was removed for passing to an interim study committee.
 The House version was still in committee – it will not be placed on the House calendar for consideration (vote) until it has left committee and the time remaining is very short.

Distinct possibility that there will be **NO** statutory changes this year.

Questions?

