

**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE
TELECONFERENCE MEETING FROM TALLAHASSEE, FLORIDA**

WEB URL: <https://global.gotomeeting.com/join/545051013>

AUDIO: DIAL-IN NUMBER 1 877 309 2070

CONFERENCE CODE/MEETING ID: 545-051-013

June 6, 2019

10:00 A.M.

Minutes

**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE
PRESENT:**

Jeffrey Stone, Chairman

Nan Dean

Brian Swope

David Compton

Robert Hamberger

**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE
NOT PRESENT:**

David Gilson

STAFF PRESENT:

Mo Madani

Thomas Campbell

Jim Hammers

Justin Vogel

Chris Howell

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University. Information at: <http://consensus.fsu.edu/>

Welcome:

Time: 10:00 a.m.

Mr. Blair welcomed everyone to the teleconference meeting of the Product Approval Program Oversight Committee.

Roll Call:

Mr. Blair performed roll call for the Product Approval Program Oversight Committee. A quorum was determined with 4 members present at the time of roll call.

Agenda Approval:

Commissioner Compton entered a motion to approve the agenda as posted for today's meeting. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 4 to 0.

Commissioner Swope joined the call bringing the total members present to 5.

Approval of Minutes and Facilitation Report from April 4, 2019 meetings:

Commissioner Compton entered a motion to approve the minutes and facilitation report as posted from April 4, 2019. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Product Approval and Entities Statistics Report:

Mr. Madani provided the statistical report for products and entities.

Report on conditional approvals from the April 16, 2019 meeting:

Mr. Madani advised that the conditional approval requirements were met from the April 16, 2019.

DS 2019-021 by Jason Malouf of Window and Door Design Center:

The petitioner was not present on the call.

Mr. Vogel provided the background of the waiver request and staff analysis as follows:

Petitioner alleges that they “have recently become aware of practices by certain individuals which do not seem to conform to Rule 61G20-3.009(4) in over 1000+ instances,” and in the petition list certain entities and approved products that they find potentially problematic.

Rule 28-105.001, Florida Administrative Code, specifies that “[a] declaratory statement is not the appropriate means for determining the conduct of another person.” Furthermore, “a petition for a declaratory statement which seeks approval or disapproval of conduct which has already occurred is properly denied.” See *Novick v. Dep’t of Health*, 816 So. 2d 1237, 1240 (Fla 5th DCA 2002) (citing *Chiles v. Dep’t of State, Div. of Elections*, 711 So 2d 151 (Fla. 1st DCA 1998)).

Since the Petitioner’s questions pertain to the past conduct of other individuals, their petition should be declined, since a declaratory statement is not the appropriate mechanism through which to address their concerns.

Motion:

Commissioner Compton entered a motion to accept staff analysis to decline the declaratory statement request. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Review of Product Approval & Entity Applications:

Mr. Blair advised there were 19 Entities on the consent agenda for approval.

Commissioner Compton entered a motion to approve the consent agenda of 19 entities. Commissioner Hamberger seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Product Approval Applications without Comments consent agenda:

Mr. Blair advised there were 172 products on the consent agenda and asked for a motion for approval.

Commissioner Compton entered a motion to approve the 172 products on the consent agenda. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Product Approval Application with Comments:

29457 – Commissioner Compton entered a motion for conditional approval of 29457. Commissioner Hamberger seconded the motion. The motion passed with a vote of 5 to 0.

DBPR Applications:

Mr. Blair advised that there were 112 products on the DBPR roster and confirmed with Mr. Madani those with comments have been addressed. He stated there is no action needed from the Product Approval Committee.

Public Comments: None

POC Member Comments: None

Final Roll Call:

Mr. Blair performed a final roll call 5 members were remaining on the line.

Adjournment: There being no further business before the Committee Commissioner Compton entered a motion to adjourn. The motion was seconded by Commissioner Hamberger. The motion passed unanimously with a vote of 5 to 0. The meeting was adjourned at 10:10 a.m.