Call to Order

Mr. Davis, Chair called the meeting to order at 9:02 a.m.

Board Members Present:
- Elizabeth Anne Gillick, Vice-Chair
- Paul Davis, Chair
- Philip Graham, Jr.
- Elizabeth Marshall-Beasley
- Collene Walter

Others Present:
- Barbara Edwards, General Counsel
- Charles Pellegrini, Prosecuting Attorney
- Juanita Chastain, Executive Director
- Terri Estes, Government Analyst
- Ben Bolusky, FNGA
- Bill Klinger, FNGA
- Tommy Aiello, FNGA
- Jo Ellen Leisinger
- Kathleen Spain
- David Nam via telephone
- Kevin Cavioli, ASLA

Review and Approval of Minutes

May 20, 2003 telephone conference call

Corrections were made to pages 3, 10, and 11.

MOTION: Ms. Gillick moved to approve the minutes with noted corrections.
SECOND: Mr. Graham seconded the motion and it passed unanimously.

July 9, 2003 telephone conference call
Corrections were made to pages 12 and 17 of the minutes.

MOTION: Mr. Graham moved to approve the minutes with noted corrections.
SECOND: Ms. Gillick seconded the motion and it passed unanimously.

August 1, 2003 General Board or Business Meeting
Corrections were made to pages 19, 24, and 25 of the minutes.

MOTION: Ms. Walter moved to approve the minutes with noted corrections.
SECOND: Mr. Graham seconded the motion and it passed unanimously.

Application Review

Mark Lichtenheld
Mr. Graham commented that he felt that Mr. Lichtenheld was qualified based on his experience and documents in the agenda packet. The board discussed Mr. Lichtenheld's education and numerous years of experience under a licensed landscape architect.

Ms. Edwards commented that he appears to have met the requirements under Chapter 481.309, F.S. Ms. Walter commented that Mr. Lichtenheld requested to sit for the examination prior to completing the one year of practical experience under a licensed landscape architect. She commented that he understands he would not be licensed until completion of the one year of experience and passage of all sections of the examination.

MOTION: Mr. Graham moved to approve based on qualifying as a 6-year candidate.
SECOND: Ms. Gillick seconded the motion and it passed unanimously.

Mr. Nam called in at 9:10 a.m.

Lance Stahlman
The board reviewed Mr. Stahlman's plans he submitted to verify that he met the qualifications set forth in Chapter 481.309, F.S. They determined that Mr. Stahlman provided drafting plans under the supervision of a licensed landscape architect. Mr. Davis commented that Mr. Spencer signed an employment affidavit verifying Mr. Stahlman's experience regarding site plans, irrigation plans, site analysis, etc.
MOTION: Mr. Graham moved to approve based on qualifying as a 6-year candidate.

SECOND: Ms. Walter seconded the motion.

Ms. Walter commented that the set of plans reflected that he had the experience based on the detailed planting and irrigation plans. Ms. Marshall-Beasley commented that he had strong references.

The question was called and it passed unanimously.

Review of Continuing Education Providers and Courses

Memorandum for Continuing Education Unit

American Institute of Architects Florida Association
Provider Application
Ms. Walter presented the provider application. She recommended approval.

MOTION: Mr. Graham moved to approve as presented.

SECOND: Ms. Gillick seconded the motion and it passed unanimously.

Florida Chapter of International Society of Arboriculture
Provider and Course applications
Ms. Walter commented that they were previously approved providers but did not renew on time, therefore, they were required to reapply. She commented that several of the courses were offered prior to approval and they understand that they would not be able to offer retroactive approval of the courses. She commented that they were seeking approval of those courses because they may offer them again in the future. She commented that the courses that were offered prior to approval were not advertised. Ms. Walter commented that she would recommend approval of the provider and course applications.

Ms. Marshall-Beasley commented that a reminder notice should be sent to the provider not to advertise prior to approval. For a point of clarification the board determined that this was not a renewal of the providership but board approval.

Provider application
First Coast Tree Seminar
Gold Coast Tree Seminar
People and Trees – Landscape Ordinances
Live Oaks in the South, Tampa
Grades and Standards for Tree Nurseries

MOTION: Ms. Walter moved to approve the provider and course applications.
Ms. Marshall-Beasley asked if classes were approved for certain locations and times. She commented that some classes are offered regionally and she wanted to verify that individuals would receive credit for a course if Live Oaks in Tampa were offered in Savannah. Ms. Gillick commented that they would receive credit because the course content was approved.

Ms. Walter commented that once a course is approved with a certain outline and list of instructors and if the application information changes then they must submit for review and approval. She commented that if content changed significantly then it would be re-reviewed by the entire board otherwise if it were minor changes it was reviewed and approved administratively. She commented that if the course content and instructors were the same then attendees would receive credit.

Ms. Edwards commented that the buyer beware. Ms. Chastain commented that if there were substantial changes then they would not receive credit. Ms. Walter reviewed for Ms. Marshall-Beasley that the course content submitted provided for the course to be offered in Tampa, Savannah, and Baton Rouge with the same instructors. Ms. Marshall-Beasley commented that she felt better about the information she had received directly from the provider based on Ms. Walter’s information, however, she would like them to be reminded that if the course content changed they must notify the board.

**Florida Energy Extension Service**

Ms. Walter presented the courses and recommended approval. She commented that courses are taught throughout the state through the county extension services and they provide a list of extension agents that teach the course.

**Course applications**

- Advanced Concepts: Water Sense-Outdoor Water Considerations
- Advanced Training Course: Termites

**MOTION:** Ms. Walter moved to approve the courses as presented.

**SECOND:** Ms. Marshall-Beasley seconded the motion and it passed unanimously.

**Tree Introductions, Inc.**

Provider and Course application

Ms. Walter commented that the provider and course applications were complete. She commented that she was not as familiar with cultivars so she included the power point program for the entire board to review.
Provider application
The Importance of Clonal Trees in the Sustainable Landscape

MOTION: Ms. Walter moved to approve the provider and course applications.

SECOND: Mr. Graham seconded the motion and it passed unanimously.

Letter from Dr. Louis Mills requesting continuing education credit
Mr. Graham commented that statutorily they were not able to retroactively allow credit for courses that were not approved by the board. Mr. Davis commented that his second request was that he was a Professor of Landscape Architecture at Texas Tech and wanted to receive credit based on the courses he teaches. He commented that he felt that he would qualify based on the rule. Ms. Walter commented that he would have to provide transcripts 90-days prior to the renewal. Mr. Davis commented that they should receive a copy of his contract for teaching.

The board denied his request for multi-hazard design seminar. Ms. Edwards commented that she would prepare an order regarding the denial and reference him to the Rule 61G10-18.001(6), F.A.C. that allowed for Professors to receive credit for teaching. Ms. Gillick commented that when the rule was written they were thinking more of students and not educators. Ms. Walter read the rule, which allowed for instructors, teachers, panelist, etc. to receive twice the credit granted for participants for the first presentation and the same as granted for the second presentation.

Ms. Walter commented that he would receive 12 hours of credit for the first time, then 6 hours of credit the second, and then none after that. Mr. Davis commented that he referenced teaching the Uniform Building Code and Florida has its own Building Code, therefore, he would not receive credit.

The board discussed the method of verifying his employment with the institution. They requested that the letter verifying employment for a Profession, instructor, teacher, etc. be from the department chair or dean with a notarized signature and send a copy of the contract be submitted for future cases. The board directed staff to process this type of application and if they have questions then refer to the board.

Ratification List – (handout)
Ms. Estes commented that Copley Design Associates was listed on the ratification list, however, since they had listed projects the entire application was brought for board review.

Copley Design Associates
The entire application was provided for the board to review in an addendum packet. Mr. Graham commented that the firm was in his region and had been practicing for some time. He commented that he must not have been aware of the certificate of authorization requirement. He commented that the incorporation form reflects that he registered in 1997. Ms. Gillick commented that he was trying to get into compliance and was not caught by enforcement for disciplinary reasons.

**MOTION:** Ms. Gillick moved to approve the certificate of authorization with a $500 fine for violation of Chapter 455.227, F.S.

**SECOND:** Ms. Marshall-Beasley seconded the motion and it passed unanimously.

Ms. Walter referred the board to the previous meeting minutes where an individual had performed a self-audit of his firm and applied. She commented that they approved him with a $500 fine for violation of Chapter 455.227(1)(j), F.S. and she would like to a similar action for this applicant, which would set a precedent.

**MOTION:** Mr. Graham moved to amend the agenda to review the discussion item FNGA advertisement.

**SECOND:** Ms. Gillick seconded the motion and it passed unanimously.

**Discussion**

**FNGA – advertisement**

Mr. Davis commented that the board had been discussing the FNGA certification program and they were in favor of the program. He commented that their efforts were admirable regarding the profession. He commented that the board had concerns regarding landscape design, which was defined in Chapter 481, F.S. He commented that there was a concern that the public or consumers may be confused as to how landscape architects and landscape designers work in the profession.

Mr. Aiello, Certification Chairman, introduced Mr. Bolusky, Executive Director and Mr. Klinger, President Elect commented that they were at the meeting on behalf of FNGA to discuss the board’s concerns.

Mr. Graham commented that when the issue was brought to the board he was confused by the advertisement flyers that were presented. He commented that a citizen of the state would be confused by “Florida Certified”, which he felt it would indicate that the state of Florida licensed or that the state of Florida certified. He commented that there was enough confusion regarding the profession and this added to the confusion. He commented that he would like to see the word “Florida” dropped from the title.
Ms. Gillick commented that she would like to hear about the history of the certification program. She commented that since February 2004 the board had been lead to believe, right or wrong, that FNGA had been advertising since approximately 2001 that they offered a “Florida Certified” program. She commented that she would like to know how the program began and where they were regarding the advertisement of the program.

Mr. Aiello commented that the program began around 1983, which was originally Florida Certified Nursery Professional (FCNP). He commented that it was more geared towards retail, garden center and nurseries, examples would be Home Depot or Lowes. He commented that FNGA administered a written test.

Mr. Aiello commented that in the late 1980’s contractors wanted their own certification. He commented that the Association decided to offer volunteer certification programs within the Association, which was developed in 1989. The certification program was called Florida Certified Landscape Contractor (FCLC). He commented FNGA conducts a 13 section/3-day exam for landscape contractors.

Mr. Aiello commented that they were in negotiations with Green Industry Institute located in Monticello, which is a horticulture/industry education system to subcontract to offer review courses. He commented that they would be providing review courses.

Mr. Aiello commented that all of the certifications were offered within FNGA itself up until a year ago. He commented that approximately 5-years ago a group of landscape designers was absorbed under the FNGA umbrella. He commented that in the past FNGA had absorbed associations that were not doing well in numbers. He commented that they currently had 4 programs.

Ms. Gillick asked who was certifying the designers before they absorbed them. Mr. Bolusky replied that it was the Florida Landscape Design Association. Mr. Aiello commented that he was not aware of them having a certification program and that began with FNGA in 1999. He commented that they were rewriting the program to a step system.

Mr. Aiello commented that the system was you must be Florida Certified Horticultural Professional (FCHP), then Florida Certified Landscape Technician (FCLT), then Florida Certified Landscape Contractor (FCLC), and the last would be Florida Certified Landscape Designer (FCLD). Mr. Davis commented that the other three certifications were prerequisites to be certified as a designer. Mr. Aiello affirmed with other requirements.

Ms. Gillick asked who the administrative body was for the certifications. Mr. Aiello replied FNGA. Ms. Gillick asked if FNGA was affiliated with the state, either
Ms. Marshall-Beasley asked if counties and cities required their certifications. Mr. Aiello replied that some counties do require proof of the certification but it was not required by law. He commented that some counties and landscape architects had endorsed the program but it was on a volunteer basis. He commented that certain counties require the certification to bid on certain jobs or projects. Ms. Marshall-Beasley commented that it was not state mandated but was a voluntary certification. Mr. Aiello affirmed.

Ms. Edwards asked if the "Florida Certified" was a logo or registered trademark. Mr. Bolusky replied that he believed that it was. Ms. Edwards commented that she thought it would be registered through the Department of Agriculture. Mr. Bolusky commented that the registration of that logo or trademark predated him. Mr. Bolusky commented that the use of that title dated back to 1983. Ms. Marshall-Beasley asked what seal or logo was used for and who did it represent. Mr. Bolusky commented that it was the FNGA logo. Mr. Aiello commented that at one time there were 3 separate certification programs landscape, horticulture, and designer, which are now combined.

Ms. Marshall-Beasley asked what seal does a landscape designer place on plans. Mr. Aiello replied that there was no such seal that was recognized by FNGA. He commented that seal that they have seen on the promotion of the program was FNGA’s seal.

Mr. Bolusky commented that FNGA partnered with the Department of Agriculture to advertise. He commented FNGA and the Marketing and Development Division with the Department of Agriculture sat down and discussed areas where they could promote the goods and services of the landscape industry. He commented that they discussed if there was a way the Marketing Division could assist FNGA in promoting the certification program. He commented at the time there were separate logos for the different certification programs. He commented that they determined it would be best to have one logo for all of the different certification programs.

Mr. Bolusky commented that at the suggestion of the Department of Agriculture they were recommended to use FNGA logo to promote the certification program. Ms. Marshall-Beasley commented that she had a problem with an advertisement that is on the Florida Department of Agriculture and Consumer Services with the Commissioners name logo/letterhead and promotes Florida’s landscape industry. She commented that as a consumer and licensed professional that the Department of Agriculture has certified the individuals and the program. She commented when in fact they certify themselves on a volunteer basis.
Ms. Gillick commented that the brochure was grossly misleading to the
consumer. She commented that the only statute that certifies landscape
professionals to protect the health, safety, and welfare of the public is Chapter
481, F.S. Ms. Edwards commented that it appeared to be more of a battle
between state departments and offered to look into.

Mr. Bolusky commented that he had never heard of the possibility of there being
a battle between agencies. He commented that the Department of Agriculture
offered to print the promotional pieces. Mr. Aiello commented that they never had
any ties with the department and that they approached FNGA regarding the
promotional materials.

Mr. Bolusky commented that the initial intent was to heighten awareness of plant
material and they wanted to look at the certification program. He commented
that the Department of Agriculture prepared the layout of the promotional
materials on their own. Ms. Marshall-Beasley commented that initially it was
more geared for horticulture awareness and it was not an issue until designer
professionals were defined in Chapter 481, F.S. She commented that now it is a
problem.

Mr. Aiello commented that the Department of Agriculture printed thousands of the
promotional brochures, which FNGA has not used. He commented that they
came back to FNGA for additional marketing program but FNGA declined. Mr.
Bolusky commented that there was no joint marketing program and the
promotional brochure was the extent of the promotional materials.

Mr. Davis asked how the logos were used. Mr. Aiello replied that they provide
slick with the certifications.

Ms. Gillick commented that they say “Florida Certified” and not FNGA certified.

Ms. Edwards commented that they needed open communications with the
Department of Agriculture regarding the use of professionals’ titles when they are
regulated under another state department. She commented that she did not feel
their issue was with FNGA but with the Department of Agriculture.

Ms. Marshall-Beasley commented that she agreed there was an issue with the
Department of Agriculture but felt they had issue with FNGA’s slicks. She
commented that when she initially began looking at this she as a consumer did
not grasp that it was a voluntary program but required. She commented that it
needed to be clearer to the consumer that the trade association was certifying
the professionals not the state of Florida.

Mr. Aiello asked if they would agree to FNGA using just the initials. Ms. Gillick
agreed to that request.
Ms. Gillick commented that FNGA was the Florida Nursery & Growers Association, which is not part of a statute or rule. She commented that the certifications were through FNGA not the Department of Agriculture or the state of Florida.

Mr. Aiello commented that FNGA did not realize this issue was going to turn out as it did. He commented that it fell into their lap and they were free so they thought, great.

Ms. Marshall-Beasley commented that if they would drop the “Florida” and replace with “FNGA” she would support. Mr. Graham commented that individuals that are certified advertise “Florida Certified Landscape Designer” and they denote that the certification is FNGA.

Mr. Bolusky commented that he wanted to sum up the board’s concerns, which were that the “Florida Certified” is misleading to the consumer. He commented that the use of that phrase has been on the books since 1983. He commented that he was not aware of any consumer complaints regarding the designation.

Ms. Gillick commented that it might become an issue soon because the brochure is being utilized as recent as last year.

Mr. Bolusky commented that FNGA has heard the concerns of the board and the public and that was why the three individuals were present to remedy the issue. He commented that this issue was raised by a licensed landscape architect, not a consumer, and they recognize the board has a concern that they also share.

Ms. Gillick commented FNGA absorbed the landscape designer designation. She commented that the title was misleading because of the collective industry.
The board recommended and would support that they drop “Florida” and replace with “FNGA”.

Mr. Bolusky commented that they recognize and appreciate the issue raised in the letter from the board. He commented that they were all at the meeting to raise the image as well as professionalism within the industry and with the public. He asked the board if they were in a position to promote the image of certified landscape contractors. Mr. Davis commented that the reason the issue was raised was because Chapter 481, F.S. defines landscape designer. He commented that he felt that statutorily the board could not endorse a private certification program.

Ms. Gillick commented that image and raising the professional quality within a certain segment of the industry are two different things. She commented that image was PR and sales but raising the bar of professional work that further increases the public health, safety, and welfare is what the board was about.

Ms. Walter commented that she was not sure why they would want to say “Florida Certified” rather than “FNGA”. She commented that they have a wonderful organization that’s self-policing, self-educating, and self-improving.

Mr. Bolusky commented that they would take the board’s comments back to the committee and board of directors. Mr. Bolusky commented that FNGA never intended to mislead or deceive anyone. He commented that he did not feel it was the Department of Agriculture’s intent to over step boundaries either.

Ms. Edwards commented that a letter of caution should be sent to the Department of Agriculture regarding professions that are regulated by other state governments.

Mr. Aiello commented that the Department of Agriculture came to FNGA with a promotional campaign for marketing and the lead numbers. He commented that they reviewed the numbers they provided and declined. He commented that Kip Creel with the American Nurseryman’s and Landscape Association provided a thorough 72-page report regarding the market and the profession. He commented that the markets that were tested were D.C. and Atlanta.

Ms. Gillick asked when they were approached by the Department of Agriculture for the joint venture. Mr. Bolusky replied that FNGA approached them to promote awareness. He commented that his best recollection was that all of the brochures produced where provided to FNGA. Mr. Aiello commented that they distribute to their members. He commented that he had not seen it in months.

Mr. Bolusky commented that Nelson Pugh was the contact person with the Department of Agriculture that they worked with in the marketing area.
Mr. Bolusky commented that assuming that the name would change immediately he wanted the board to be aware that it would take time to make the change due to current printed materials. He commented it would not turn on a dime.

The FNGA’s representatives commented that it might take approximately 12 months.

Ms. Leisinger asked if the individuals that are currently issued a certificate for passing the program if those would be recalled and reissued. Mr. Bolusky commented that FNGA would take an inventory of all printed communications and vehicles out. He commented that the hard part would be diverting the resources to manuals to reflect changes.

Ms. Marshall-Beasley asked if they required continuing education. Mr. Bolusky replied in the positive. Mr. Davis asked if their test addressed contractual agreements and Chapter 481, F.S.

Ms. Gillick requested that FNGA provide communication as to what the committee and board of directors decide regarding the issue. The board thanked the gentleman for attending and applauded their efforts.

Ratification List – (handout)

MOTION: Ms. Gillick moved to approve as presented.
SECOND: Ms. Walter seconded the motion and it passed unanimously.

Rules

Proposed rule language regarding Military Spouses
Letter to Legislature
Letter to Honorable James E. King
Letter to Honorable Jeb Bush
Letter to Honorable Johnnie Byrd

Ms. Edwards commented that Chapter 455.02(2), F.S. requires that boards adopt rule language regarding Military Spouses. She commented that she included language that had been approved by the Funeral Board. Mr. Graham commented that the first sentence was confusing. Ms. Walter asked why the members were not covered and thought both the member and the spouse should be covered. Ms. Edwards commented that the members were covered in statute.

MOTION: Mr. Graham moved to approve as presented.
SECOND: Ms. Walter seconded the motion and it passed unanimously.

The board reviewed the letters.
Discussion

Ms. Chastain referred the board to their packets regarding the cost allocation to the board. She reviewed the financial report and how the cost allocation works with the expense side of the report. She commented that the methodology regarding the sweep had not been determined.

Ms. Gillick commented that they looked like they were financially stable.

The tape was inaudible, minutes where completed from notes.

CLARB Annual Meeting Information and Request for Input about the Computer-administered LARE
Mr. Davis attended the CLARB Annual meeting and commented that he was appointed to the Education Committee. Ms. Marshall-Beasley commented that she would like to see the statistics from the first administration of the computer-administered LARE.

Ms. Gillick commented that she does not want Florida to ease out of the examination process. She commented that she would like Mr. Penrod to provide pass/fail rates for Florida and to answer the boards concerns regarding the administration of the examination. She commented that she would like to make sure the Bureau of Education and Testing is aware and okay with the changes that were coming from CLARB.

The board requested that a representative from the Bureau of Education and Testing attend the upcoming February meeting in Tallahassee.

The board expressed concern regarding the low pass rate.

The board discussed the logistics of the computer based testing through CLARB and how it would affect the department’s testing services.

Building Code Modification Update
Ms. Walter attended the Building Code Commission meeting and provided the board with an update regarding the language that was drafted on the floor for adoption. The board was pleased with the outcome of the Building Code Commission meeting. There were some concerns with the language for Modification 702 because it may be viewed as limiting the profession. Modification 703 was adopted.

The board discussed the 2-hour advanced course requirement.

Reports
Paul Davis, Chair’s Report
No report.

Juanita Chastain, Executive Director’s Report
Ms. Chastain informed the board that she would only have 4 boards instead of 7 boards. She informed the board that Ms. Estes would no longer be with the Board of Landscape Architecture.

Charles Pellegrini, Prosecuting Attorney’s Report
No report.

Barbara Edwards, Board Counsel’s Report
No report.

For the Board’s Information
June 2002 LARE Results
CLARB – Dickson F. Demarche takes office as President of CLARB
E-mail from Green Image and Hammond Design Group
E-mail from David Nam and Collene Walter
CLARB Computer based testing – E-mail from Joe Muffoletto
Letter to CLARB regarding the LARE

Nominations Committee
Mr. Davis commented that he voted for Richard Lee.

Total Number of licensees
The board discussed the renewal process.

Review of Continuing Education Providers and Courses
C2ED Center for Collaboration and Education in Design, Inc.
Provider Application
Ms. Walter presented the application and recommended approval.

MOTION: Ms. Walter moved to approve.
SECOND: Mr. Graham seconded the motion and it passed unanimously.

MOTION: Ms. Walter moved to add C3 Information Strategies for review.
SECOND: Mr. Davis seconded the motion and it passed unanimously.

C3 Information Strategies
Provider Application
Ms. Walter presented the application and recommended approval subject to the provider identifying where the license number would be placed on the certification.
MOTION: Ms. Gillick moved to approve Ms. Walter's recommendation.
SECOND: Mr. Graham seconded the motion and it passed unanimously.

New Business
No new business.

Old Business
No old business.

Adjourn
MOTION: Ms. Walter moved to adjourn.
SECOND: Mr. Graham seconded the motion and it passed unanimously.
The meeting adjourned at 12:30 p.m.