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**MINUTES**

**BOARD OF LANDSCAPE ARCHITECTURE**

**ADAMS MARK RESORT  
100 NORTH ATLANTIC AVENUE  
DAYTONA BEACH, FL 32118**

**GENERAL BUSINESS MEETING  
JULY 30, 2004**

**Call To Order**

Mr. Davis called the meeting to order at 9:05 a.m.

**Members Present**

Paul Davis, Chairman  
Elizabeth Gillick, Vice Chair  
Phillip Graham  
Collene Walter  
Elizabeth Marshall-Beasley

**Others Present**

Barbara Edwards, Board Counsel  
Juanita Chastain, Executive Director  
Linda Tinsley, Government Analyst  
David Nam  
Laura M. Llerena-Hernandez

**Approval of the March 12, 2004 Minutes**

**MOTION:** Mr. Graham made a motion to approve the March 12, 2004 minutes as presented.

**SECOND:** Ms. Walter seconded the motion and the motion passed unanimously.

**Application Review**

**Laura M. Llerena-Hernandez**

Mr. Davis advised the board that Ms. Laura Llerena- Hernandez was present and had submitted an application as a six-year candidate. Mr. Davis advised the board that he had reviewed her plans and he recommended approval. Mr. Davis

47 asked that the board members please review the plans submitted by Ms. Llerena  
48 Hernandez.

49  
50 Ms. Gillick stated that she wanted to discuss the time line for the application. Ms.  
51 Gillick stated that the applicant applied in 2000 and there was no response from  
52 the state for two (2) years.

53  
54 Ms. Hernandez advised the board that it has been a long a frustrating process for  
55 her but she was making her appearance before the board and was grateful for  
56 that.

57  
58 After review of Ms. Hernandez drawings and discussion by the board the  
59 following motion was made.

60  
61 **MOTION:** Mr. Graham made a motion to accept Ms. Llerena- Hernandez's  
62 application.

63  
64 **SECOND:** Ms. Walters seconded the motion and the motion passed  
65 unanimately.

66  
67 **Review of Continuing Education Providers and Courses**

68  
69 **Florida Department of Community Affairs**  
70 ***2004 Florida Building Code Plumbing /Fuel Gas Summary – 1 hour***  
71 ***2004 Florida Building Code Building Structural Summary – 1 hour***  
72 ***2004 Florida Building Code Mechanical/Energy Summary – 1hour***  
73 ***2004 Florida Building Code Indoor Environmental Quality Overview– 1 hour***

74  
75 Ms. Walter advised the board that she recommended approval of the four (4)  
76 courses that were submitted by the Department of Community Affairs for the  
77 advanced building code courses. She stated that she is recommending approval  
78 because the board has a requirement for two (2) credit hours in advanced  
79 building code. Ms. Walter stated that the legislature did not approve the  
80 legislation that allowed the Building Commission to transfer authority for  
81 reviewing and approving advanced courses to the individual boards. Ms. Walter  
82 stated that Landscape Architects are now back in the situation that in order to  
83 satisfy the requirement for advanced courses Landscape Architects have to sit  
84 through courses that have little to do with the profession.

85  
86 Ms. Edwards stated that one way to remedy the situation is to change the rule to  
87 require zero (0) hours with the understanding that when the boards are given the  
88 authority to approve the courses the rule would be amended to reflect the hours  
89 required.

90  
91 Ms. Gillick stated that the board may want to wait through one legislative session.  
92

93 Mr. Nam stated that this is an important issue for the ASLA. He stated that  
94 ASLA had developed some courses and they coordinated with sitting members  
95 of the Building Commission who will be presenting courses at the conference.  
96 Mr. Nam stated that staff members at the Department of Community Affairs that  
97 the position of Department of Community Affairs was that they were not going to  
98 recognize the courses. He stated that this has put ASLA in an awkward position.  
99 He stated the Board of Landscape Architecture was the only board that put a  
100 requirement in place that required advanced building code courses. Mr. Nam  
101 stated that the Board of Landscape Architecture led the way.  
102

103 Ms. Chastain stated that DCA is working to get rules in place so that accreditors  
104 can be accepted and DCA would give the approval based on the accreditors  
105 review of the course.  
106

107 **MOTION:** Ms. Marshall-Beasley made a motion to approve the courses as  
108 presented.  
109

110 **SECOND:** Mr. Graham seconded the motion and the motion passed  
111 unanimously.  
112

113 Ms. Edwards advised the board that Rule 61G10-18.001, Florida Administrative  
114 Code had been noticed for development and she would present language at the  
115 next telephone conference call.  
116

## 117 **Rules**

118

### 119 **Rule 61G10-11.0035 – Effective Date**

120

121 Ms. Edwards advised the board that this was a notice of change to Rule 61G10-  
122 11.0035, Florida Administrative Code. She stated that this was for the board's  
123 information.  
124

### 125 **Rule 61G10-18.001- Notice of Proposed Rule Development**

126

127 Ms. Edwards advised the board that this was what was just previously discussed  
128 and that she would develop language to change the two (2) hour requirement for  
129 the advanced Uniform Building code course to zero (0) hours.  
130

131 Mr. Graham advised the board that the sixteen (16) hour requirement be  
132 changed to fourteen (14) hours.  
133

134 Ms. Edwards stated that she would make the change when she develops the  
135 language and she would check carefully to make sure all the necessary changes  
136 are made.  
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**Rule 61G10-14.003 – Form for Consideration of Appropriate Discipline**

Ms. Edwards advised the board that she had provided a handout that she would review with the board. She stated that she would discuss possible penalties first. She stated that there are right hand two columns. She advised the board that the first column listed the possible penalties for a first offense and the second column listed possible penalties for a subsequent offense. Ms. Edwards stated that the board is required to list a range of penalties. She stated that the range is provided to allow the board to assess how severe the violation is. She advised the board that there are provisions that allow the board to go outside the penalty ranges. She advised the board that these are in the rules and they are called the aggravating and mitigating circumstances. She advised the board that they are not tied to the penalty ranges. Ms. Edwards stated that the handout does give a brief description of the violations. Ms. Edwards advised the board that she thought a good first step is to review the brief outlines and determine if each violation is serious, very serious, average or minor. She stated that this would give the board an idea of the penalty ranges and how severe the penalties should be.

Mr. Davis asked Ms. Edwards if this was important in addition to the guidelines in place.

Ms. Edwards stated that this was a change to the guidelines and the rule.

Ms. Gillick stated that this was discussed at the last meeting and she felt that the board had the procedure in place. Ms. Gillick asked Ms. Edwards how this differed from what was agreed to at the March 12, 2004 meeting.

Ms. Edwards stated that she was not aware they had agreed to anything.

Ms. Gillick stated that the board had levied fines to five (5) people.

Ms. Edwards stated that they were not discipline cases they were applications for licensure.

Ms. Gillick stated that she did not want to undo what the board spent a couple of hours discussing and the board made logical decisions.

Ms. Marshall-Beasley stated what she did like about Ms. Edwards approach it would save some of the decision making when other circumstances are presented to the board. She stated that the board does look at each situation on a case by case basis. She stated she was lost as far as the parameters at the last meeting when the board had to impose fines.

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Ms. Edwards stated that what the matrix shows is every possible penalty that can be imposed.

Mr. Graham stated that the formula they used was how many years the applicant was practicing without a license and the board used that formula to calculate the fine.

Ms. Edwards stated that what the board does not have is guidelines that give a range the board only has a minimum and maximum penalty. She stated that if the Joint Administrative Procedures Committee (JAPC) looked at the discipline rule they would complain because they do not have a range.

Ms. Gillick stated that they tried to be quite strict and stay within the confines of the rule at the last meeting.

Mr. Graham asked Ms. Edwards why they were doing this.

Ms. Edwards stated that she was under the impression that the board wanted to look at their discipline rule.

Ms. Edwards stated that the Joint Administrative Procedures Committee can review and challenge a rule at any time and they require a range in discipline rules. She stated the board has one-size fits all rule.

Mr. Graham stated that he was for leaving the rule as it is.

Mr. Davis stated that the discipline rule does not have a provision for requiring continuing education.

Ms. Edwards stated that under mediation Rule 61G10-14.007 - usual conditions could be added to require probation and continuing education.