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MINUTES

BOARD OF LANDSCAPE ARCHTECTURE

**TELEPHONE CONFERENCE CALL
850.414.5775 OR TOLL FREE 800.461.8118**

**GENERAL BUSINESS MEETING
August 31, 2004**

Call To Order

Mr. Davis called the meeting to order at 9:07 a.m.

Members Present

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

Others Present

Barbara Edwards, Board Counsel
Diane Guillemette, Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
David Nam

Barbara Edwards advised the board that she had been re-assigned and would not be counsel for the board after the meeting. Ms. Edwards introduced Diane Guillemette as the board's new counsel and she stated that the board would be pleased with her services.

Mr. Davis thanked Ms. Edwards for her service and welcomed Ms. Guillemette to the board.

Review of Continuing Education Providers and Courses

Florida Engineering Society

Provider Application

Parks and Recreation Facilities Planning, Design and Construction – 9.5 hours

46 Ms. Walter advised the board that the Florida Engineering Society had submitted
47 a provider application as well as a course application. She stated that the course
48 that was submitted would be offered later in the week. Ms. Walter advised the
49 board that she reviewed both applications and found them to be complete. She
50 stated that she was pleased to see that the instructors for the course were
51 landscape architects.

52

53 **MOTION:** Ms. Walter made a motion to approve the provider and the course
54 application.

55

56 **SECOND:** Mr. Graham seconded the motion and the motion passed
57 unanimously.

58

59 **Calusa Creek Tree Farm**
60 **Provider Application**

61

62 Ms. Walter advised the board that the Calusa Creek Tree Farm submitted a
63 provider application. She stated that the application was complete.

64

65 **MOTION:** Ms. Walter made a motion to recommend approval of the provider
66 application for Calusa Creek Tree Farm.

67

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

70

71 **Florida Nurseryman and Growers Association**
72 **FNATS Short Course – 14 hours**

73

74 Ms. Walter advised the board that Ms. Beasley had reviewed the course.

75

76 Ms. Beasley advised the board that the application was complete.

77

78 **MOTION:** Ms. Beasley made a motion to recommend approval of the course
79 on the condition that additional information is submitted on the
80 instructors.

81

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

84

85 **Rules**

86

87 **61G10-18.001 – Continuing Education Credit Requirements**

88

89 Ms. Edwards advised the board that in Rule 61G10-18.001, F.A.C. subsection (1)
90 needed to be deleted because it was obsolete.

91 Ms. Edwards advised the board that in subsection (2) (a) a minimum of two (2)
92 credit hours for advanced courses would be changed to zero (0). Ms. Edwards
93 advised the board that several other boards who had never adopted a rule had
94 recently adopted a rule with zero (0) credits. She stated that the Joint
95 Administrative Procedures Committee (JAPC) had written a letter stating that it
96 defies the spirit of the law. She stated that the board would not get the zero
97 hours through JAPC. She stated that the board feels there are no specific
98 approved courses for Landscape Architects. She stated that the board may want
99 to leave two (2) hours in the rule and incorporate language from the statute that
100 states, two (2) specialized and advanced modules specifically designed for use
101 by Landscape Architects. Ms. Edwards stated the problem that solves is there
102 are no courses specifically designed for Landscape Architects. She stated the
103 problem that it leaves un-resolved is those folks who took courses they thought
104 were approved and are not approved and the best the board can do is give them
105 credit.

106

107 Ms. Walter asked Ms. Edwards that if the course is not specific to Landscape
108 Architecture they do not have to get the credit.

109

110 Ms. Edwards answered yes.

111

112 Ms. Walters asked how someone would know that.

113

114 Mr. Graham stated that the board would have to adopt a rule or provide the
115 information in a newsletter.

116

117 Ms. Walter asked Ms. Edwards if licensees would only have to get fourteen (14)
118 hours instead of sixteen (16).

119

120 Ms. Edwards stated that the board would go back to fourteen (14) hours.

121

122 Mr. Graham stated that it was confusing.

123

124 Ms. Walter advised the board that she had attended the Florida Building
125 Commission Education Technical Advisory Committee meeting on August 30,
126 2004. She advised the board that the Florida Building Commission was not
127 pleased that numerous boards had opted to adopt a requirement for zero (0)
128 hours. She stated that the Florida Building Commission feels that is
129 circumventing the requirement that is in the Statute to require advanced building
130 code. She advised the board that she went on record that the intent of the
131 Landscape Architect Board was to go to zero (0) hours. She stated that on the
132 Florida Building Commission agenda there was a proposed draft of the changes
133 to the accreditation process for the advanced building code that would allow not
134 only persons but also organizations or entities to become an accreditor She
135 stated that this would allow providers to submit advanced building code courses
136 through the Department of Community Affairs and the board could review and

137 accredit the courses. She stated that the rule change may not be in effect until
138 the Spring of 2005. Ms. Walter advised the board that the renewal cycle is in
139 November of 2005 and the rule change will not do the board any good. She
140 stated that it would force everyone to take the advanced building code courses
141 right before renewal.

142

143 Ms. Walter advised Ms. Edwards that her approach was creative but she stated
144 that it may be very confusing.

145

146 Ms. Edwards stated that may be. She stated that the Landscape Architect Board
147 was a victim of the Department of Community Affairs who has not done what
148 they were charged to do in the Statute which was to approve courses that are
149 specifically designed for use by each profession.

150

151 Mr. Graham asked what would happen if they left the rule alone. He stated that
152 changing it back and forth is too confusing.

153

154 Mr. Nam stated that Ms. Edwards approach may cause more uncertainty than it
155 resolves. He stated that the zero (0) hours approach would put the board in
156 league with numerous other boards including the Board of Architecture which has
157 noticed a rule with a zero (0) hour requirement for advanced building code. Mr.
158 Nam stated that solidarity among the boards in pointing out that the only
159 functional way for the boards to address this shortcoming with the Department of
160 Community Affairs is to maintain a zero (0) hour position. He stated that there
161 may be problems with the approach he thinks it may serve the boards purpose to
162 stay the course. He stated in regard to the folks who signed up to take courses
163 and took courses it may give them a sense of relief that the board has done all it
164 could do to try and help them with their predicament.

165

166 Ms. Chastain asked Mr. Nam if he was on line when Ms. Edwards informed the
167 board that JAPC took exception to the Architecture and Interior Design zero (0)
168 hour rule.

169

170 Mr. Nam stated that he gathered that was probably the case. He stated he
171 understands that JAPC has expressed an objection. He stated that he is not so
172 sure that it would be problematic for the Landscape Architect Board to put
173 forward a rule and let JAPC see once again that there is a valid explanation for
174 why the boards are taking this position. He stated that the Department of
175 Community Affairs has dropped the ball in terms of getting a review process in
176 place. He stated that the legislature needs to know about this short coming and
177 the hardship that it's working on the various professions.

178

179 Ms. Edwards advised the board that the Landscape Architect Board was the only
180 board that enacted a positive numerical number of advanced modular courses.
181 She stated that the other boards that are now advancing zero(0) never put a rule
182 into effect.

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Mr. Nam stated that the Board of Landscape Architecture promulgated a rule requiring advanced courses and now finds itself in a position that there are no good quality advanced courses that are geared towards Landscape Architecture. He stated that the courses that were developed and approved by the board now in the eyes of the Department of Community Affairs do not satisfy the requirement.

Ms. Edwards advised Mr. Nam that her experience with Ms. Printy is that she is not easily moved.

Mr. Nam advised the board that he expected this to be a tool to make the legislature aware that this was a pressing problem that needed to be addressed.

Mr. Davis stated that laws and rules need to be reasonable and the board is in a position to have an influence in bringing about a more reasonable situation.

Ms. Walters stated that setting the credit hours at zero (0) gets the point across to the Department of Community Affairs that the courses that have been prepared so far are not applicable to the Landscape profession. She stated that she feels the Landscape Architects acted in good faith and adopted the minimum requirement and based on the Department of Community Affairs indicated that the law would be changed to delegate the authority and the board went forward and approved courses. She stated that now the professionals that took the courses would not get credit for the courses. Ms. Walters stated that by setting zero (0) credit they are sending a message number one and number two that the board is not requiring professionals to sit through a useless course. She stated that she feels that is why the other boards set their credit hours to zero (0). Ms. Walters stated that it is confusing to the licensee to keep changing the requirement and if it does not get through JAPC then they have to go back to the original requirement of two (2) hours.

Mr. Graham stated that they would be compounding the confusion by changing everything and the licensee will not know what to do. He stated that he feels it should stay the way it is and give credit for the courses as electives.

Mr. Davis stated that the board is inclined to keep the requirement in place.

The board agreed not to go to zero (0) hours.

Mr. Nam advised the board that the decision to go to zero hours was highly publicized and he would appreciate a letter from the board stating their decision.

Ms. Walter stated that she would like Ms. Edwards to write the letter.

228 Ms. Edwards stated that she would send the letter to the Governor and she
229 would cc the Florida Chapter of The ASLA, the President of the Senate, The
230 speaker of the House and the head of the Department of Community Affairs and
231 the Secretary of DBPR.
232 Mr. Graham advised the board that a separate letter to the ASLA explaining what
233 happened would be appropriate.
234
235 Ms. Chastain advised the board that the newsletter had not gone out yet and Ms.
236 Walters had written a wonderful article on this subject and she asked if Ms.
237 Walter wanted to re-write the article.
238
239 Ms. Walter stated that she would re-write the article.
240
241 Ms. Chastain asked Mr. Nam if this would satisfy his concern.
242
243 He stated that it would.
244
245 Ms. Gillick stated that the board may want to send a separate letter to the
246 President of the ASLA and explain to him what has taken place in this situation.
247 She stated that she feels one letter does not fit all.
248
249 **MOTION:** Mr. Graham made a motion to re-number Rule 61G10-18.001,
250 F.A.C. and leave the rule as it stands in the second section.
251
252 **SECOND:** Ms. Gillick seconded the motion.
253
254 Ms. Walter opposed the motion.
255
256 **MOTION:** Ms. Gillick made a motion to direct Ms. Edwards in collaboration
257 with Ms. Walter to draft a strong letter in detail encouraging
258 resolution to the continuing education problem. A copy to be sent
259 to the Governor, Secretary of DBPR, JAPC, Florida Building
260 Commissioners, Department of Community Affairs and the Florida
261 Chapter of the ASLA, President of the Senate and the Speaker of
262 the House.
263
264 **SECOND:** Ms. Marshall Beasley seconded the motion and the motion passed
265 unanimously.
266
267 Mr. Nam advised the board that sometimes when you have a long laundry list
268 you sometimes dilute the message. He stated that maybe the board wanted to
269 direct their letter to the people in the position to immediately influence some kind
270 of action or decision.
271
272 He stated that the Secretary of Department of Community Affairs and the
273 Chairman of the Building Commission are the immediate people that need to be

274 made aware of the problems. He stated that as the legislative season
275 approaches and there is no resolution and the issue continues to need attention
276 then the board can take the initial step to contact the legislature.

277

278 Ms. Gillick advised the board that she felt the letter should only go to the
279 Secretary of the Department of Community Affairs, Florida Building Commission,
280 and the Secretary of DBPR.

281

282 **MOTION:** Mr. Graham made a motion to send the letter to the following:
283 Secretary of the Department of Community Affairs, Florida Building
284 Commission and the Secretary of DBPR.

285

286 **SECOND:** Ms. Marshall Beasley seconded the motion and the motion passed
287 unanimously.

288

289 **61G10-18.002 – Board Approval of Continuing Education Providers**

290

291 Ms. Edwards advised the board that Ms. Walter asked that this rule be developed
292 to provide background information on continuing education providers for the
293 reviewers of the providers application.

294

295 Mr. Graham asked Ms. Walter if this is what she wanted.

296

297 Ms. Walter stated that is what she had requested.

298

299 Ms. Edwards asked Ms. Chastain if the form in the agenda could be put on the
300 DBPR web site.

301

302 Ms. Chastain stated that she would check with the web master but she does not
303 think that it would be a problem.

304

305 **MOTION:** Mr. Graham made a motion to approve the language in sub section
306 three (3) and the language in reference to downloading the form off
307 the web if available on the DBPR web site.

308

309 **SECOND:** Ms. Marshall Beasley seconded the motion and the motion passed
310 unanimously.

311

312 Ms. Edwards advised the board that the form could be used or not it is optional.
313 She stated that they just have to provide the information.

314

315 Ms. Walter stated that she liked the form and it covers all of the information
316 needed.

317

318 **61G10-11.0035 – Exemption of Spouses of Members of Armed Forces**

319

320 Ms. Edwards stated that the rule was adopted and was effective August 10,
321 2004.

322
323 Ms. Edwards left the meeting and Ms. Guillemette took over for Ms. Edwards.
324

325 **Discussion**

326 327 **Continuing Education Article for the Newsletter**

328
329 Ms. Davis asked Ms. Walter if she was going to re-write the newsletters article
330 that was written by Ms. Edwards.

331
332 Ms. Walter stated that she would re-write the article.
333

334 **Request for Input About CLARB Annual Meeting**

335
336 Ms. Chastain advised the board that for informational purposes CLARB asked if
337 the board would be interested in viewing and participating in a meeting on line.
338 She asked Ms. Guillemette if the meeting would be considered a board meeting
339 and would have to be noticed.

340
341 Ms. Guillemette stated that she would have to check the sunshine law.
342

343 Ms. Gillick stated that she received a letter from Manny Alonso about the CLARB
344 exam. She asked Ms. Chastain if she had distributed the letter to the board.
345

346 Ms. Chastain stated she had not but she did distribute an e-mail from Mr. Penrod
347 addressing the problems with the exam.
348

349 Ms. Gillick read the letter to the board from Mr. Alonso stating the problems with
350 the CLARB exam in Miami. She stated that the letter should have been
351 addressed to CLARB.
352

353 Mr. Davis stated that someone should respond to Mr. Alonso as well as CLARB.
354

355 Mr. Davis stated that he would draft a letter to CLARB and attach Mr. Alonso's
356 letter.
357

358 Mr. Graham asked that Mr. Alonso's letter be distributed to the board members.
359

360 **For Your Information**

361 362 **Letter to Ben Bolusky**

363
364 For the board's information only.
365

366 **Letter to Roy Wilson**

367

368 Ms. Chastain advised the board that the letter to Mr. Wilson was not accurate
369 because it addressed the zero (0) hours.

370

371 Ms. Gillick made a suggestion for Ms. Chastain to send a short cover letter to
372 update Mr. Wilson and attach the letters and the newsletter article addressing the
373 issue.

374

375 Ms. Chastain advised Ms. Gillick that was an excellent idea and she would
376 follow her suggestion.

377

378 **Ratification List**

379

380 Ms. Chastain reviewed the ratification list with the board.

381

382 **MOTION:** Ms. Gillick made a motion to approve the following applicants on
383 the ratification list.

384

385 **SECOND:** Ms. Marshall Beasley seconded the motion and the motion passed
386 unanimously.

387

388 ***Certificate of Authorization***

389

390 Miller Consulting, Inc., Trifusion Designs, Inc.

391

392 ***Temporary Certificate For Individual***

393

394 John Nartowicz

395

396 ***Endorsement***

397

398 John Bricken

399

400 **New Business**

401

402 Ms. Edwards returned to the meeting.

403

404 Ms. Marshall Beasley stated that she would like to thank Mr. Mark Reddinger on
405 the good job he has done with the unlicensed activity program.

406

407 Mr. Nam advised the board that the brochure was a little behind and he asked
408 the board to work with them.

409

410 Mr. Nam advised the board that ASLA has elevated the issue of the scope of
411 practice in Chapter 481 Part II, F.S. and 61G10, F.A.C. He stated that local

412 initiatives are at odds with the scope of practice and the association encounters
413 problems as a result in terms of practitioners being able to practice in full scope
414 authorized by statute.

415

416 Mr. Davis advised Mr. Nam that the board has sent letters in the past to local
417 agencies that had questions about the scope of practice affirming that Landscape
418 Architecture does contain certain components in design that the local building
419 department did not seem to recognize.

420

421 Ms. Gillick stated that maybe the logical way to address the issue was for ASLA
422 to have a point person for each county and each city and town in that county
423 could contact that person.

424

425 Ms. Edwards advised the board that it was not a wise position for the board to
426 assert itself into the questions of local government. She stated that the board
427 has no authority over local government. She stated that it is entirely appropriate
428 for the association to do it but the board should remain silent.

429

430 Mr. Davis advised Ms. Edwards that she had given them some guidelines as to
431 how the board could speak and requested that she reiterate the guidelines.

432

433 Ms. Edwards advised the board that there are three (3) ways for the board to
434 express their opinion. She stated that the board could express itself when the
435 board has a case or controversy in front of it, when it has a request for a
436 declaratory statement and the board expresses its opinion when it has a request
437 for a waiver or variance and the board expresses its opinion when it adopts rules.

438

439 Mr. Davis asked if the request for a Declaratory Statement had to come from a
440 licensee that was denied scope of practice.

441

442 Ms. Edwards stated that the request for a Declaratory Statement had to come
443 from a licensee and it has to propose some kind of action and ask the question
444 does statute x or rule y preclude this action I intend to take.

445

446 Mr. Nam stated that he was asking the board if they can help the association with
447 this problem.

448

449 Mr. Davis stated that personally he was very supportive of the effort. He stated
450 that the board is primarily the enforcer of 481 Part II, Florida Statutes. He advised
451 Mr. Nam that the board had a new board counsel, Diane Guillemette.

452

453 Ms. Guillemette advised Mr. Nam that a written request should be presented to
454 the board counsel and the board office so the board counsel could do some
455 research. She stated that she felt it was not appropriate to bring this up at this
456 time.

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MOTION: Ms. Marshall Beasley made a motion to adjourn.

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

The meeting adjourned at 11:35 a.m.

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