

MINUTES

BOARD OF LANDSCAPE ARCHITECTURE

**HAMPTON INN AND SUITES
10 SOUTH SECOND STREET
FERNANDINA BEACH, FL 32034**

**GENERAL BUSINESS MEETING
JANUARY 27, 2006**

Call to Order

Ms. Walter called the meeting to order at 9:05 a.m.

Members Present

Collene Walter
Elizabeth Gillick
Elizabeth Marshall-Beasley
Paul Davis

Members Absent

Phillip Graham

Others Present

Diane Guillemette, Board Counsel
Jessica Leigh, Prosecuting Attorney
Dennis Yecke, Deputy Secretary
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Hilton Meadows
David Nam
Charles S. McCulloh
Christopher M. Hice
Susan Lynn Grissim

Ms. Walter introduced Dennis Yecke, Deputy Secretary from the Department of Business and Professional Regulation.

Mr. Yecke addressed the board and stated that he was the new Deputy Secretary over the Division of Professions. He stated that he had been with the Department since November 1, 2005. Mr. Yecke advised the board that there were very talented individuals within the Department and the board was very

fortunate to have Juanita and Linda working for the board who are true professionals. He stated that he would like to hear any ideas the board may have to streamline and make things more efficient and better. He stated that as good as the Department is you always have to look at ways to do things better. He stated that everything is being looked at. Mr Yecke advised the board that Secretary Marstilller is stressing customer service and the customer comes first. He stated that he knows one of the concerns of the board is the two (2) consumer vacancies on the board. He stated that he is working to solve the problem and has worked out a plan with the appointments office to get all of the board positions filled by March 1, 2006. Mr. Yecke advised the board that one position would be filled on the Landscape Architecture board. Mr. Yecke thanked the board members for their service.

Approval of the September 12, 2005 Meeting Minutes

MOTION: Mr. Davis made a motion to approve the minutes as printed.

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

Application Review

Leland Edgecombe – Six Year Candidate

Ms. Chastain advised the board that Mr. Edgecombe had submitted a letter stating that he could not attend the meeting and he stated in his letter that after review of his application if the board is inclined to deny his application he would like to appear at the next meeting.

Ms. Walter advised the board that Mr. Edgecombe submitted an application for consideration as a six year work experience candidate. She stated that he does not have a bachelor's or master's degree in Landscape Architecture. She stated that Mr. Edgecombe is a licensed landscape architect in Virginia and Maryland. Ms. Walter advised the board that she had reviewed the plans that were submitted by Mr. Edgecombe and found them to be complete and ready for board review.

Ms. Tinsley advised the board that Mr. Edgecombe was a licensed architect in Florida.

After the board reviewed Mr. Edgecombe's plans the following motion was made.

MOTION: Mr. Davis made a motion to approve Mr. Edgecombe's application for licensure.

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

Susan Lynn Grissim – Six Year Candidate

Ms. Grissim was present at the meeting and was not represented by counsel.

Ms. Walter advised the board that Ms. Grissim submitted an application as a six year candidate. She stated that Ms. Grissim had passed all portions of the LARE. Ms. Walter advised the board that she had reviewed Ms. Grissim's plans and found them to be complete and ready for board review.

After the board reviewed Ms. Grissim's plans the following motion was made.

MOTION: Ms. Gillick made a motion to approve Ms. Grissim's application for licensure.

SECOND: Mr. Davis seconded the motion and the motion passed unanimously.

Charles McCulloh – Six Year Candidate

Mr. McCulloh was present at the meeting and was not represented by counsel.

Ms. Walter advised the board that Mr. McCulloh submitted an application as a six year candidate. Ms. Walter stated that Mr. McCulloh was licensed in Alabama, Mississippi and South Carolina.

After the board reviewed Mr. McCulloh's plans the following motion was made.

MOTION: Ms. Marshall-Beasley made a motion to approve Mr. McCulloh's application for licensure.

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

Ms. Marshall-Beasley stated that Mr. McCulloh had submitted documents three (3) times. She stated that there is a problem with documents getting lost or misinformation is given from the same office. She stated that she is unhappy and nothing seems to get done.

Ms. Chastain advised the board that some changes had been made in the application processing area. She stated that now all of the mail goes to the file room and the mail is distributed daily to the processors. She stated that should alleviate some of the problem and she would monitor the situation.

Christopher Michael Hice – Endorsement Candidate

Mr. Hice was present at the meeting and was not represented by counsel.

Ms. Walter advised the board that Mr. Hice was before them for consideration as an endorsement candidate and he is before the board because he has been found guilty of several violations.

Ms. Chastain advised the board that Mr. Hice has a bachelor's degree in Landscape Architecture and has passed the LARE and was licensed in Ohio in 2003.

Ms. Guillemette asked Mr. Hice if his license in Ohio had ever been acted against.

Mr. Hice advised the board that his license in Ohio had not been acted against.

Mr. Davis asked Mr. Hice about insights into his character as it relates to Landscape Architecture such as dependability and his view towards authority.

Mr. Hice advised the board that he had learned a great deal from the mistakes he had made in his life. He has been very involved in the community and was Chair of the local ASLA in Ohio and feels he has benefited from his mistakes.

After discussion by the board the following motion was made.

MOTION: Ms. Marshall-Beasley made a motion to approve Mr. Hice's application for licensure.

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

Hilton Meadows

Mr. Meadows addressed the board regarding the rights of Registered Landscape Architects to practice holistic landscape architecture. He stated that the Florida Department of Environmental Protection and the Florida Department of Transportation are writing rules restricting the practice of landscape architecture.

Mr. Meadows stated that he is asking the board to become proactive in three (3) ways:

1. Board Counsel write to the Joint Administrative Procedures Committee and each of the agencies an official letter requesting that all rules be changed to respect the language of 481, Part II, F.S. and 455, F.S. The agencies should be

advised that the Department of Business and Professional Regulation can regulate and interpret the practice of Landscape Architecture.

2. Board Counsel to write an advisory memo to all County Commissions/Attorneys, City Commissions/Attorneys, authorities, boards, Agencies, Department of Transportation, Department of Transportation, Department of Environmental Protection, and Water Management Districts and other governmental entities authorized to make Florida Administrative Code rules. The memo should specifically request codes, ordinances, regulations and rules comply with 455.201, F.S., 481, Part II, F.S. 287.055, F.S., 403.0877, F.S., 489.103(16), F.S. and Article III Section 11(a)(20) of the Florida Constitution.

3. Add a continuing education core requirement for four (4) hours of biennial classes in the fields of site planning/grading/drainage/paving and environmental control (erosion control). The continuing education could be split to provide two (2) hours for site planning and environmental control or measures incorporating Florida land use, cover and forms classification system. Another two (2) hours for grading/drainage and paving methods and materials.

Ms. Walter thanked Mr. Meadows for his continuous effort on the issue.

Ms. Gillick thanked Mr. Meadows for his efforts.

Mr. Davis stated that as someone who has worked in engineering firms on these issues such as driveway permitting and storm water management he is concerned when a state agency is trying to limit the scope of practice. He stated that he flies to Boston to grade the grading and drainage exam. He stated that if the licensees have to take the grading and drainage exam and it is controlled through 481, Part II, F.S. then the state agencies should allow registrants to practice in the area they are educated and tested for.

Mr. Nam addressed the board and stated that Mr. Meadows had been a tireless soldier for decades addressing the issue that landscape architects should be allowed to practice the full scope of opportunities provided for under the Florida Statutes. He stated that the landscape architectural community is quite small compared to engineering. He stated that arms of government have a dominant engineering culture and the result is the various rules and regulations that get promulgated tend to favor the people who write the rules. He stated that Mr. Meadows has had involvement for years to change the cultural bias to provide appropriate recognition of landscape architecture.

Mr. Nam stated that the ASLA is fully supportive of Mr. Meadows' activities and they are hopeful that they can work with the Department of Transportation and the Department of Environmental Protection to bring about the changes that are consistent with 481, Part II, F.S.

Mr. Nam stated that there was a role for the Board of Landscape Architecture with regard to these specific concerns regarding these rules. He stated that this is a problem not isolated to the area of storm water. He stated that some folks in Collier County were trying to do a project with regards to curbing and lighting and they were being told they could not submit the permit applications. He stated that they were told they had to find an engineer to get the document sealed. He stated the board does not hear about these issues because it is easier for some licensees to find an engineer than fight city hall. Mr. Nam advised the board that ASLA would like to do a survey of the profession to understand the challenges confronting the profession today. He stated that the ASLA would like to send the survey to all licensees. He stated that the board may want to undertake the process or partner with the Florida Chapter of ASLA in order to find out what is confronting Landscape Architecture today in the State of Florida. He stated to address the problems they have to find out what the problems are. He stated there has been a successful working relationship between the board and the ASLA.

Mr. Nam advised the board that the legislature is considering a sunset review process of governmental agencies. He stated that periodically there would be a review and a determination would be made as to whether the profession met statutory criteria for continuation of regulation.

Mr. Nam stated that the greatest concern for the ASLA was when they learned of Mr. Meadows' problem and the dialogue between the Department of Transportation and the Joint Administrative Procedures Committee, was the statement that the regulation of the practice of Landscape Architecture did not assure the protection of the public health, safety and welfare in the area of these types of permits. He stated the statute clearly provides for landscape architects to practice in these areas.

Mr. Nam advised the board that he was at the meeting to echo Mr. Meadows' concerns and the Florida Chapter ASLA is looking for a partnership with the board in terms of identifying barriers and developing a comprehensive strategy for addressing those barriers and demonstrating, should the need come, that landscape architecture does protect the health safety and welfare of the public and it is important to press those issues.

Mr. Walter thanked Mr. Nam and the ASLA executive committee for bringing this to the board's attention.

Ms. Walter stated that the board has had a very good relationship with the Florida Chapter of the ASLA. She stated that by working together they will be most effective. Ms. Walter stated that she felt it was important to work with the Florida Chapter of ASLA to try to address the problem with a unified front.

Ms. Gillick stated that she has seen time and time again large engineering firms take on significant land design projects and insert their token landscape architect. She stated that the public at large is not served well in that case. She stated the board does have a role in identifying all of the problems that have been identified for decades. Ms. Gillick stated that objectively a strategy could be formed through a survey to not allow these independent agencies to take an engineering posture that does not protect the public health, safety and welfare.

Ms. Marshall-Beasley stated that the large engineering firms will intimidate the client into believing if you do not use their services that the client will have a problem. She stated that the survey was a fabulous idea and she liked the thought of collaboration with the ASLA.

Mr. Nam advised the board that the Department of Transportation is interested in a formal review of the problematic rule. He stated it has been on the books for twenty (20) years or so. Mr. Nam stated that Mr. Caster has helped to bring about a better understanding within the Department of Transportation, as to what it is landscape architects do.

Ms. Marshall-Beasley stated that she wanted to address Mr. Meadows' three requests. She asked if the board can request that the language in 481, Part II, F.S. be followed.

Ms. Guillemette stated that she had to have some time to do some research before she could advise the board.

Ms. Marshall-Beasley stated that request number two (2) looked like information sharing and a reminder of what is on the books.

Ms. Marshall-Beasley stated that she is having a little trouble with number three (3) the continuing education requirements. She stated that she disagreed with requiring specific additional hours. She stated that she felt the continuing education vendors should be encouraged to offer the classes.

Mr. Meadows stated that he understood Ms. Marshall-Beasley's concerns. He stated that his advocacy is related to the generic implications of talking about storm water management design and grading and drainage.

Mr. Nam stated that maybe the board should ask these agencies that are establishing these prohibitions to provide some continuing education.

Mr. Davis stated that his take on the board consensus is they would like to support the effort in terms of protecting the scope of practice for the profession to whatever degree is appropriate for the board.

Ms. Guillemette stated that she would look into it and let the board know at the next meeting.

Ms. Chastain stated that if the ASLA creates the survey she could provide the labels and perhaps assist with the mail out.

Ms. Marshall-Beasley stated that the survey needs closed ended questions. She stated that through the survey a good reading could be taken on the single shingle business.

Mr. Nam stated that he has advised the ASLA to obtain professional consultation for the development of the survey and the assessment of the information.

Ms. Chastain asked Mr. Nam if he could meet with her before the next meeting.

Mr. Nam stated that he would.

Ms. Walter stated that the board does want to actively work with the Florida Chapter ASLA. Ms. Walter asked Mr. Nam to get with Ms. Chastain and put together a strategy for the next meeting and she asked Ms. Guillemette to look into what the board can and cannot do.

Ms. Guillemette stated that she would research and have the answers at the April 2006 meeting.

Review of Continuing Education Courses and Providers

Ms. Marshall-Beasley stated that she had reviewed all of the courses and found them to be complete.

MOTION: Ms. Gillick made a motion to approve the following continuing education course applications.

SECOND: Mr. Davis seconded the motion and the motion passed unanimously.

Allen M. Weiss

Architectural Lighting Control – 1 hour

Florida Department of Transportation

Livable Communities Workshop – 8 hours

School of Environmental Design – University of Georgia

2006 Southern Garden Heritage Conference Day 1 – 1 hour
2006 Southern Garden Heritage Conference Day 2 – 6 hours

University of Florida Program for Resource Efficient Communities

Advanced Training Course:- Termites – 2 hours
Water Sense: Outdoor Water Considerations – 2 hours

Ms. Walter advised the board that in the addendum was the University of Florida courses and a request for renewals. Ms. Walter stated that Ms. Chastain made a clarification that item D, Advanced Water Sense: Outdoor Water Considerations expired January 18, 2006 and would have to be treated as a new course approval.

MOTION: Mr. Davis made a motion to approve the following continuing education course applications.

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

University of Florida Program for Resource Efficient Communities

Florida Yards and Neighborhoods – 4 hours
Trees and Construction: Keeping Trees Alive in the Urban Forest – 2 hours
Termites and Proper Construction Practices – 2 hours
Preserving Wildlife Habitat in Residential Developments – 4 hours

Ms. Marshall-Beasley advised the board that she recommended approval of the Provider application for Florida Trust for Historic Preservation and the course application.

MOTION: Ms. Gillick made a motion to approve the following provider and continuing education course application.

SECOND: Mr. Davis seconded the motion and the motion passed unanimously.

Florida Trust for Historic Preservation
Provider Application

Historic Landscapes – 7.5 hours

Ms. Walter advised the board that the next item is a request by Jody Rosenblatt for continuing education credits.

Ms. Chastain advised the board that Ms. Rosenblatt is asking the board for approval of continuing education based on teaching experience at Texas A&M University. Ms. Chastain stated that Ms. Rosenblatt had renewed her license in November. Ms. Chastain advised the board that this request was submitted in October 2005 prior to the end of the renewal cycle.

After discussion by the board the following motion was made.

MOTION: Ms. Gillick made a motion to approve Ms. Rosenblatt's request for continuing education credit as presented.

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

Discussion

Synopsis of Business Entities – Diane Guillemette

Ms. Walter advised the board that the board currently requires a certificate of authorization for a limited liability corporations.

Ms. Marshall-Beasley asked Ms. Guillemette if a joint venture needs a certificate of authorization.

Ms. Guillemette stated a joint venture should have a certificate of authorization.

Ms. Chastain asked Ms. Guillemette if each corporation has their own certificate of authorization and the two (2) join together to do a joint venture does that require a third certificate of authorization.

Ms. Guillemette stated that it does require a third certificate of authorization because a joint venture is a separate business entity.

Ms. Marshall-Beasley asked Ms. Guillemette if a joint venture needed to be registered with the Department of State.

Ms. Guillemette stated that a joint venture had to be registered with the Department of State.

Mr. Nam advised the board that in the last legislative session there was some legislative language regarding limited liability companies that passed. He stated the Florida Chapter ASLA is concerned that the board does not have the ability to look at entities that offer landscape architectural services through a limited liability companies and how is that going to be regulated.

Ms. Walter advised Mr. Nam that limited liability corporations are required to get a certificate of authorization. She stated that the board has been licensing limited liability companies and other corporate entities for a while. She stated that on the certificate of authorization application it specifically says that limited liability companies must file with the board. She stated that any corporate entity is required to get a certificate of authorization.

New Candidates for Department's Experts – Jessica Leigh

Ms. Leigh advised the board that Jeff Caster could no longer serve as an expert due to a conflict of interest. She stated that Mr. Caster recommended three (3) individuals and they declined. Ms. Leigh stated she was asking the board if they could suggest anyone that would be willing to be an expert.

Ms. Marshall-Beasley stated that Ms. Leigh may want to contact the Universities.

Ms. Walter stated that something could be put in the newsletter.

Ms. Walter asked Mr. Nam if he could ask the Executive Committee of the Florida Chapter of ASLA.

Mr. Nam stated that he would ask.

Ratification List

Ms. Walter reviewed the ratification list with the board.

MOTION: Mr. Davis made a motion to approve the following candidates on the January 27, 2006 ratification list.

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

Certificate of Authorization

Arquitectonica Geo Corporation, Christopher Cawley Landscape Architect, Ervin, Lovett & Miller, Inc., Hills & Associates, Inc., Krent Wieland Design Inc., Kvla Design LLC, Sunshine Landscape Architecture Inc.

Temporary Certificate of Authorization

Michael Loganbill, Indigo Design Inc.

Business Name Change

From: Miller Sellen Conner & Walsh Inc., To: MSCW, Inc., From: D'Asign Source & Co, Inc. To: D'Asign Source, LLC

Endorsement

Thomas Bauer, Joseph Cantrell, John Hourian, Erin D. Searcy, Lester Watkins

Exam

Emilyvette Alvarado, Nark Booker, Steven Glaze, Judd Lee, Siobhan MacCauley, Walter Monk, William Rabold, Elke Kaiser Wells

Reports**Chair's Report- Collene Walter**

Ms. Walter advised the board that the Spring CLARB meeting is February 24-25, 2006 in St. Louis.

Ms. Chastain stated that she had the brochure and asked the board members who would like to attend.

Mr. Davis stated that he would like to attend and he was asked to serve as the Continuing Education Chair for CLARB. He stated that one of his proposals was that CLARB adopt the Florida continuing education system as a model to be adopted by other states. He stated this would be discussed at the Spring CLARB meeting in St. Louis.

Ms. Walter advised the board that the next board meeting will be in Gainesville on April 7, 2006. She stated that she wondered if it would be appropriate to invite the University of Florida professors and the students.

Ms. Chastain stated that she would send a letter inviting the professors and students from the University of Florida.

Executive Director's Report – Juanita Chastain

Ms. Chastain advised the board that she was working on the newsletter and she needs articles by February 15, 2006.

Ms. Chastain advised the board that out of one thousand two hundred and forty two (1242) licensed individuals one thousand and forty five (1045) have renewed. She stated that one hundred and ninety (196) are delinquent. She stated the delinquent licensees have two (2) years to renew and if they do not they will go null & void in the next renewal cycle. She stated out of two hundred and fifty (250) licensed businesses, two hundred and twenty six (226) renewed. She stated that twenty four (24) business licenses are delinquent. She stated that she asked regulation to check on the delinquent businesses to see if they are still practicing.

Ms. Chastain advised the board that renewals will be held if in 2007 licensees are not in compliance with 100% continuing education monitoring. She stated that currently there are eight (8) advanced building code approved courses. She stated the Department of Community Affairs has sent a letter to all of the providers that they need to update their courses because the code has been updated. She stated that out of the board's eight approved courses only two (2) will have to go through the updating process.

Board Counsel's Report - Diane Guillemette

Ms. Guillemette asked the board to turn to page 329 of the agenda for the rules report. She stated the board needed to do a rule and a form for a null & void reinstatement of a license. She stated that the rule could be put under 61G10-12.002 – Fees. Ms. Guillemette asked the board what they would like to charge for the application.

Ms. Walter stated that \$450.00 was what the fee is now for an initial licensure fee.

After discussion by the board the following motion was made.

MOTION: Ms. Marshall Beasley made a motion to approve the null & void language for rule 61G10-12.002(13), Florida Administrative Code and to approve the application fee for \$450.00.

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

Ms. Guillemette advised the board that in the agenda was a copy of the application specific to landscape architecture for the board's information. She stated that the Department had authority over the forms.

Ms. Guillemette advised the board that the electronic signing and sealing rule will be effective February 13, 2006.

Ms. Guillemette advised the board that there had been a change in the board members' responsibility with lobbyists. She stated that anyone who has to do a financial disclosure can take nothing from lobbyists. She stated that lobbyists includes associations.

Ms. Guillemette advised the board that the board members sit as a judge. She stated that people that come before the board for disciplinary action should not be talking to the board members. She stated that the board members can discuss legislation with any one as long as they are not discussing it in a board capacity.

Prosecuting Attorney's Report – Jessica Leigh

Ms. Leigh advised the board that there were two (2) confidential cases and two (2) public cases in legal.

For the Board's Information

Ms. Chastain advised the board that the unlicensed activity report was in the agenda and there was one unlicensed case for landscape architecture.

Ms. Chastain advised the board that she had received a letter from Liz Isbell from CLARB and a representative from CLARB would like to attend the next board meeting and meet with the board to hear some of their concerns. She stated that she would invite them to the April 2006 meeting.

New Business

Ms. Marshall –Beasley advised the board that the Florida Institute of Technology have received permission to begin a BLA program. She stated that in the MLA that are looking at making some significant curriculum changes because of licensure issues and CLARB. She stated the new curriculum would have a greater emphasis on construction and grading and drainage.

Old Business

Mr. Davis asked who set up the computer system for the continuing education at the Department.

Ms. Chastain stated that she would find out and let Mr. Davis know.

Ms. Chastain asked the board if they could set up one more meeting.

Ms. Walter stated that the next meeting would be in July and ASLA will have their conference.

Ms. Chastain stated that they would find out when the Florida ASLA conference is and contact the board members.

The board scheduled the October 27, 2006 meeting for the Southwest Coast.

The meeting adjourned at 12:55 p.m.

