CALL TO ORDER

Ms. Walter called the meeting to order at 9:10 a.m.

MEMBERS PRESENT

Collene Walter
Elizabeth Gillick
Elizabeth Marshall-Beasley
Paul Davis
Phillip Graham
Robert Bowden

OTHERS PRESENT

Diane Guillemette, Board Counsel
Jessica Leigh, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Daniel T. Sorrow
John F. Ackerman

Ms. Walter welcomed the University of Florida Landscape Architecture students to the meeting.

Ms. Walter introduced Robert Bowden as the new consumer member to the Board of Landscape Architecture.

Mr. Bowden addressed the board and stated he was delighted to be appointed and was looking forward to working with the board.

SPEAKER CLEVELAND TURNER
CLARB’S SECOND VICE PRESIDENT
Ms. Walter informed the board that Mr. Turner was not able to attend the meeting.

Ms. Walter asked Mr. Davis to provide an overview of the February 2006 Council of Landscape Architectural Registration Boards (CLARB) meeting held in St. Louis.

Mr. Davis advised the board that the CLARB offered continuing education at the February 2006 meeting to encourage participation of non-board members. He stated that he was asked to serve on the continuing education committee for CLARB with the fifty (50) different states and provinces. He stated that there was a great discrepancy with the required continuing education from one state to another and that there is an effort to coordinate the requirements so a licensee who is licensed in more than one jurisdiction can obtain continuing education in more than one jurisdiction and meet the requirements for all of the jurisdictions they are licensed in. He stated that there is a proposal that will be heard at the annual CLARB meeting in September 2006 to initiate a stronger coordination for CLARB to approve continuing education courses in much the same manner as the State of Florida does now. He stated that once the process is approved the various states can elect to recognize those courses that CLARB has approved. He stated that CLARB is using Florida’s continuing education system as a model.

DISCIPLINE

Richard Berry: Case number 2004-006955

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

Ms. Gillick and Ms. Marshall-Beasley were recused due to their participation on the probable cause panel.

Ms. Leigh presented the case as a Settlement Stipulation. Ms. Leigh advised the board that the Department filed an Administrative Complaint against the Respondent on February 15, 2005. She stated that the Administrative Complaint alleged that the Respondent violated 481.325(1) (i), Florida Statute, by practicing as a Landscape Architect while the Respondent’s license was delinquent and Respondent violated 481.325 (1) (h), Florida Statutes by practicing as a Landscape Architecture business without being issued a Certificate of Authorization. Ms. Leigh advised the board that the Department and the Respondent executed a settlement stipulation which provides for a fine of eight hundred dollars ($800.00) and costs of ninety two dollars and forty six cents ($92.46). Ms. Leigh advised the board that the Department recommended adopting the settlement stipulation as presented.

After discussion by the board the following motion was made.
MOTION: Mr. Graham made a motion to accept the settlement stipulation as presented.

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

APPLICATION REVIEW

Daniel T. Sorrow – Exam Candidate

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

Ms. Chastain advised the board that Mr. Sorrow was an applicant and on page fifty-seven (57) of the agenda Mr. Sorrow answered yes to the background question in the application. She stated that he had been charged with driving under the influence (DUI).

Ms. Walter stated that Mr. Sorrow provided an explanation that was included in the agenda materials.

MOTION: Mr. Graham made a motion to approve Mr. Sorrow’s application.

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

Cynthia A. Tyler – Endorsement Candidate

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

Ms. Chastain advised the board that there was additional information in their folders from Ms. Tyler and that she was unable to attend the meeting. Ms. Chastain advised the board that Ms. Tyler had discipline in the State of Mississippi and that is why the application was before the board.

Ms. Walter advised the board that Ms. Tyler and her firm were providing master planning services for a botanical garden in the State of Mississippi and did not realize that they were required to have a Mississippi license. She stated that Ms. Tyler did obtain a Mississippi license and complied with the settlement agreement that they had reached with the Mississippi board.

After discussion by the board the following motion was made.

MOTION: Mr. Davis made a motion to approve Ms. Tyler’s application.

SECOND: Mr. Bowden seconded the motion and the motion passed unanimously.
Ms. Walter advised the board that she would like to ask for a change to the agenda and review the two (2) applications that were in the addendum and move them to the application review section of the agenda.

**MOTION:** Mr. Graham made a motion to approve the change to the agenda.

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

**William Robert Chambers – Exam Candidate**

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

Ms. Chastain advised the board that Mr. Chamber’s application was before the board because he checked yes to the background information on the application. She stated that he was charged with misdemeanor trespassing.

Mr. Davis advised the board that he was taking photographs from the top of a railroad car.

Mr. Davis stated that Mr. Chambers did forty (40) hours of community service.

After discussion by the board the following motion was made.

**MOTION:** Mr. Graham made a motion to approve Mr. Chamber’s application.

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

**John F. Ackerman – Endorsement Candidate**

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

Ms. Chastain advised the board that Mr. Ackerman checked yes to the background information on the application. She stated that the offense was a misdemeanor assault and battery.

Ms. Walter asked Mr. Ackerman if he had any additional information that he would like the board to consider.

Mr. Ackerman advised the board that he was currently serving a years probation and he would complete his community service on April 8, 2006.
Ms. Guillemette asked Mr. Ackerman if his probation was court supervised or did he have a probation officer.

Mr. Ackerman stated that his probation was court supervised and would be complete January 30, 2007.

Ms. Gillick asked Mr. Ackerman what he did to complete his community service.

Mr. Ackerman advised the board that he had to do fifty (50) hours and he worked for the Cancer Society, Habitat for Humanity and the Big Cat Reserve in Tampa.

Ms. Marshall-Beasley asked if the board could approve him to take the exam after he completes the terms of his probation.

Ms. Guillemette advised the board that they could consider a conditional license which is a license conditioned upon him satisfying all the terms of his probation. Ms. Guillemette stated that she would do an order stating that he would be approved to take the exam and obtain a license based on the condition that he complete the terms of probation and show proof of completion to the Executive Director before the license is issued.

After discussion by the board the following motion was made.

MOTION: Ms. Marshall-Beasley made a motion to approve Mr. Ackerman’s application to take the examination conditioned on proof of completion of all the terms of probation.

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

DISCUSSION

Building Code Education and Outreach Council – Phil Graham

Mr. Graham advised the board that the Outreach Council was trying to streamline some methods. The council wanted to check with the providers to make sure they have updated their courses to reflect the most recent updated building code. He stated that the council decided that the provider had to update their courses as soon as possible and not to penalize the licensee if the course had not been updated and the licensee would get credit for the course. He stated that the council wanted to get communication to all of the providers to ensure that all of the courses were updated. He stated that the council wanted to draft language requiring providers to update the code change affecting advanced courses within sixty (60) days of the code change approval at the Florida Building Code Commission. He stated that the code updated courses to be submitted for re-accreditation within the sixty (60) day period are to continue to be offered during
the updating process. Mr. Graham advised the board that during the approval process it is recommended that the Department of Community Affairs and the Department of Business and Professional Regulation work closely together in terms of notification concerning the courses that have received accreditation and for the courses that have not received re-accreditation by addressing their respective boards. He stated that there was a lot of discussion regarding communication between the boards and how the boards could work together better and streamline the process. Mr. Graham advised the board that the council recommended that the accreditation application fee be waived to each licensing board to alleviate the administrative process. Mr. Graham stated that the council wanted to waive the provider and renewal fees for the Department of Community Affairs.

Ms. Chastain advised the board that the Department of Community Affairs had agreed to waive the fees the Department would have to pay for a board member to become an accreditor. She stated that the Department of Community Affairs is asking the board to waive the fees for the Department of Community Affairs to become a provider. She stated that the board may have to change their rules.

Ms. Guillemette advised the board that she felt it should be a Department rule and not Landscape Architecture rule. She stated that she had a call into Mr. Ayrish with the Department of Business and Professional Regulation in the Bureau of Education and Testing to discuss the issue. She stated that if Mr. Ayrish was in agreement the Department would work on the rule on a Department wide basis and if not she asked the board to give her the authority to open the rule for development.

Ms. Chastain advised the board that the Department of Community Affairs will continue to develop the core curriculum but they would no longer develop the advanced courses. She stated that the Department of Community Affairs felt that providers should be submitting courses that would be approved as advanced courses.

Mr. Graham stated that the problem is there are not a lot of providers that are providing advanced courses for the building code. He stated that maybe there is some opportunity for the courses that we have already approved that might apply to the building code that the board could send in to the Department of Community Affairs as advanced courses. He stated that the only way to get advanced course approval is for the provider to come forward and state that the provider would provide advanced courses. Mr. Graham stated that the board needed to make it easier for the provider.

Ms. Marshall-Beasley stated that the accrediter from the board may be able to make a determination if a course could be sent to the Department of Community Affairs to be approved as an advanced course while reviewing the courses to be approved by the board.
Ms. Walter stated that at the January 2006 meeting the board delegated to staff the ability to approve a course that is accredited and the course does not have to go the board. She stated that is an expedited process and the board can not do anything to change the Florida Building Commission process. Ms. Walter stated that the courses the board had all ready approved and the board thinks may be eligible for advanced building code the board should encourage the provider to go through the accreditation process to get their courses accredited for advanced building code credit.

Ms. Chastain advised the board that she would meet with the Bureau of Education and Testing and advise them that the board is interested in reviewing their approved courses for eligibility as an advanced building code course. She stated that during the next renewal cycle Landscape Architecture will be on 100% monitoring and licensing will be held up if the licensee does not have all of the required continuing education courses complete. She stated that when the licensee renews their license they will have to have met all of the continuing education requirements.

Ms. Walter stated that she did not mind going through the list of courses that had been approved and checking to see if they are eligible for advanced building code. She asked Ms. Marshall-Beasley if she would flag the courses during her review of new course applications and when the board reviews them the board can request that the provider apply for advanced building code credit.

Ms. Guillemette stated that she would follow up on the fee waiver.

**REVIEW OF CONTINUING EDUCATION COURSES**

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

**MOTION:** Ms. Marshall-Beasley made a motion to approve the following course applications.

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

**Allen M. Weiss**

*Real World How the Commercial Lighting Business Really Works – 1 hour*

*Cherry Lake Tree Farm*

*Installation Best Practices – 4 hours*

*Installation Best Practices – Short Courses – 2 hours*
Ms. Marshall-Beasley advised the board that the list of course renewals could be approved as a group. She stated that Hoover Pumping System, Landscape Irrigation Laws & Rules for Landscape Architects would be a good course to flag for an advanced building code course.

**MOTION:** Ms. Marshall-Beasley made a motion to approve the following course renewal applications.

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

*RedVector.com*

- [Sustainable Design – A Premier](#)
- [Renewable Energy Generation](#)
- [Motivating Employees](#)
- [Mitigating Urban Heat Islands](#)
- [Landscape with Native Plants](#)
- [Landscape Architecture: Energy Saving Tips](#)
- [Gis: The Very Basics](#)
- [General Project Management Part I](#)
- [General Project Management Part II](#)
- [Florida Landscape Architects Laws, Chapter 481, F.S.](#)
- [Flood Mitigation & Special Flood Hazard Areas](#)
- [Contracts for Professionals](#)
- [Basic Concepts of Photogrammetry](#)
- [Business Management Part I](#)
- [Business Management Part II](#)
- [Business Management Part III](#)
- [Understanding Subsurface Utility Engineering](#)

*Cherry Lake Tree Farm*

- [Magic of Landscaping – Short Course](#)
- [Magic of Landscaping](#)
- [New Varieties & Cultivars](#)
- [Florida Grades and Standards](#)
RATIFICATION LIST

Ms. Walter reviewed the ratification list with the board.

MOTION: Mr. Graham made a motion to approve the ratification list as presented.

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

Certificate of Authorization


Business Name Change

From: Urban Design Studios, Inc to Urban Design Studio LLC

Endorsement

Chester Allen, Joseph Cantrell, Thomas Dumond, Dennis Hickok, Anne Howerton, Ronald Oprzadek, Martin Quigley, Stephen Shikle, Sean Wilson

Exam

Alison Halpern, Michael Batts, Juan Beltran, William Cowart, Donald Quier, Jennifer Clement, Mark Klone, Donna Lebrun, Richard Realmuto, Jonathan Romine, Jennifer Vanni

APPROVAL OF OCTOBER 6, 2005 MINUTES

MOTION: Ms. Gillick made a motion to approve the minutes as printed.

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

APPROVAL OF JANUARY 27, 2006 MINUTES

MOTION: Mr. Graham made a motion to approve the minutes as printed.
SECOND: Ms. Gillick seconded the motion and the motion passed unanimously.

REPORTS

Chair’s Report – Collene Walter

Ms. Walter advised the board that she received some correspondence from the Florida Chapter of American Society of Landscape Architecture (ASLA). She stated the Chapter was getting their program ready for the state conference and she advised the board that they may want to schedule a conference call to approve the ASLA’s continuing education applications.

Executive Director’s Report – Juanita Chastain

Ms. Chastain advised the board that the second quarter financial report was in the agenda book. Ms. Chastain reviewed the report with the board and she stated that the board was financially stable.

Ms. Chastain advised the board that she spoke with Bruce Dana from the Department of Transportation and they are in the testing phase for the electronic signing and sealing. She stated that the software would be available for free downloading in a couple of weeks.

Ms. Chastain advised the board that the newsletter had been mailed.

Board Counsel’s Report – Diane Guillemette

Ms. Guillemette reported that the board had asked her at the January 27, 2006 meeting, after Mr. Hilton Meadow’s presentation, to research what the board could do as a board. She stated that she had select statutes that she would review with the board. Ms. Guillemette advised the board that all boards have their own practice act but it all falls under Chapter 455, Florida Statutes, which is the Department of Business and Professional Regulation and that the board was subject to Chapter 455, Florida Statute as well. She advised the board that there is a prohibition against contesting the rule of another board. Ms. Guillemette stated that the reason the board exists is for the preservation of the health, safety and welfare of the public. She stated that the board needs to focus on the licensing part. Ms. Guillemette advised the board that in the minutes from the January 27, 2006 meeting there were three (3) options that she would review with the board. She stated that the first option was to write a letter to the Joint Administrative Procedures Committee, and each of the agencies an official letter requesting that all the rules be changed to respect the language of Chapter481, Florida Statutes. She stated that if the board had a specific incident where actions were not allowed the board may be able to have the Joint Administrative
Procedures Committee (JAPC) do something about it. Ms. Guillemette stated that the difficulty was that each board and Agency is allowed to interpret their rules. She stated that the board could send a letter but she did not know if it would be effective. Ms. Guillemette advised the board that the second option was for board counsel to write an advisory memo to all County Commissions/Attorneys etc. She stated that it is not in keeping with the purpose and the mission of the board.

Ms. Guillemette stated that as the board’s legal counsel she was pointing out the statutes that apply and under Chapter 455, Florida Statute the board’s purpose is to preserve the health, safety and welfare of the public. Ms. Guillemette stated that there was nothing the board could do to any municipality. She stated that the board can only instruct them.

Mr. Graham asked Ms. Guillemette if the board was guided by rules or statute to be licensed to do certain things and was it not a mandate to the municipalities to follow the law.

Ms. Guillemette stated that what the municipalities are doing was wrong but the board does not have authority over a municipality the board has authority over practitioners.

Ms. Gillick advised the board that Mr. Meadows could address the problem and get the Florida American Society of Landscape Architects (ASLA) behind him if it is not the board’s business.

Ms. Walter stated that the board could have a meeting in Tallahassee and invite the appropriate people to share the issues and thank the Department of Transportation for the changes that they have considered. Ms. Walter stated that taking an approach like that keeps the board’s credibility and opens a dialogue.

Ms. Chastain stated that an article could be in the newsletter and the newsletter could be sent to all of the building departments. Ms. Chastain asked Ms. Guillemette if that was appropriate.

Ms. Guillemette advised the board that it was appropriate.

Ms. Walter stated that David Nam advised the board at the January 2006 meeting that the ASLA was going to send a survey that would identify issues that professionals may be dealing with such as storm water management issues.

Ms. Chastain advised the board that in her discussion with Mr. Nam he stated that the survey may be geared to other issues, such as financial issues which may not be appropriate for the board to be involved in.
Ms. Walter stated that the board may want to have a meeting in Tallahassee in January or February to hear more discussion on this issue.

Ms. Guillemette advised the board that the rules report was in their materials packet. She stated that she included a copy of the electronic signing and sealing rule which became effective February 16, 2006. She advised the board that the null & void rule is on hold while waiting for the application form from the Department of Business and Professional Regulation.

Prosecuting Attorney’s Report – Jessica Leigh

Ms. Leigh advised the board that as of March 13, 2006 there was one confidential case and two cases in which probable cause had been found one case had the administrative complaint filed and one case was set for an informal hearing.

Ms. Walter asked Ms. Leigh if she had found any experts.

Ms. Leigh advised the board that an article was in the newsletter and she had drafted a letter to the Deans at each of the schools of Landscape Architecture asking for experts.

Ms. Walter asked Ms. Leigh if the board could get a copy of the letter and distribute to anyone they may know who is interested in becoming an expert.

NEW BUSINESS

There was no new business.

OLD BUSINESS

Ms. Marshall-Beasley advised the board that an applicant had taken the exam thirteen (13) times over an eight (8) year period and Mary Dumas found a two hundred and fifty dollar ($250.00) credit while researching her records and the applicant’s license was paid for thanks to Ms. Dumas.

ELECTION OF OFFICERS

MOTION: Mr. Graham made a motion to keep the same slate of officers.

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

Ms. Walter advised the board that the next meeting was July 6, 2006 in San Destin and October 27 in Orlando.
MOTION: Mr. Graham made a motion to adjourn.

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

The meeting adjourned at 11:35 a.m.