

**MINUTES**

**BOARD OF LANDSCAPE ARCHITECTURE**

**MARRIOTT FT. LAUDERDALE MARINA  
1881 SE 17<sup>TH</sup> STREET  
FT. LAUDERDALE , FL 33316**

**GENERAL BUSINESS MEETING  
OCTOBER 6, 2005**

**Call to order**

Ms. Walter called the meeting to order at 9:00 a.m.

**Members Present**

Collene Walter  
Elizabeth Gillick  
Elizabeth Marshall Beasley

**Members Absent**

Paul Davis  
Phillip Graham

**Others Present**

Diane Guillemette, Board Counsel  
Jessica Leigh, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Linda Tinsley, Government Analyst  
John A. Pancoust  
Jeff Caster  
Joe Muffoletto  
Jay Peterson  
Jim Towery  
Tamara H. West  
Carole A. Turk

**Florida Department of Transportation Presentation  
Electronic Signing and Sealing of Documents**

Ms. Walter advised the board that the Florida Department of Transportation was in attendance at the board meeting to give a presentation regarding the new rule the board had been developing regarding electronic signing and sealing of plans.

Ms. Walter asked the board if they would consider re-ordering the agenda to move the discussion of the proposed rule, 61G10-11.011, Florida Administrative Code, to right after the presentation. Ms. Walter stated that if the board had questions on the content of the rule the representatives from the Department of Transportation would still be present to answer any questions the board may have.

**MOTION:** Ms. Gillick made a motion to move item number ten (10) on the agenda to item number two (2) under the electronic and sealing of documents.

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

Ms. Walter advised the board that Bruce Dana and Quintan Tillman from the Department of Transportation were present to give a presentation on electronic signing and sealing of documents. Ms. Walter thanked Mr. Jeff Caster for arranging the presentation.

## **Rules Report**

### **61G10-11.011 – Electronic Signing and Sealing**

Ms. Walter advised the board that language for Rule 61G10-11.011, Florida Administrative Code was on page 153 of the agenda.

Ms. Guillemette advised the board that she spoke to Mr. Dana and Mr. Tillman from the Department of Transportation who gave the presentation and they were satisfied with the language.

Ms. Guillemette advised the board that there were some typographical errors to be corrected in the rule language. She stated on page one (1) fifty three (153) of the agenda paragraph one, Landscape Architecture work, she stated that Architecture should be a small a. She stated in paragraph two (2) line six (6) Architecture should be a small a.

Ms. Walter stated that in paragraph two (2) line three (3) the word architecture was misspelled.

Ms. Guillemette advised the board that in paragraph four (4) fourth line from the bottom the word engineer needs to be deleted and Landscape Architect needs to be capitalized. She stated that line two (2) and line twelve (12) in paragraph four Landscape Architect's should be capitalized. She stated that this language should allow Landscape Architects to do electronic sealing.

Ms. Marshall Beasley stated that this goes into perpetuity which normally five (5) or seven (7) years out plans are retired. She stated Landscape Architects deal in a changing environment.

Ms. Guillemette asked if there was an expiration date when plans are manually sealed.

Ms. Guillemette stated in Chapter 481.321, Florida Statutes, speaks to seals and she stated there was no expiration date within the statute.

Ms. Walter asked if the proposed rule language mentions in perpetuity.

Ms. Gillick stated in perpetuity is not in the rule language it was mentioned in the presentation.

Ms. Guillemette advised the board that Rule 61G10-11.010, Florida Administrative Code, which speaks to seals, had no reference to an expiration date.

**MOTION:** Ms. Marshall Beasley made a motion to notice Rule 61G10-11.011 for promulgation.

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

### **Approval of August 5, 2005 Meeting Minutes**

Mr. Caster advised the board that his name was spelled wrong in the minutes.

Ms. Tinsley stated that she would make the correction.

Ms. Walter advised the Board that she had a few comments. She stated on page four (4) line one hundred and forty seven (147) it should read Ms. Marshall Beasley advised the board that she would review the continuing education applications in bulk. She stated on page six (6) line two hundred and fifty five (255) there is a stray zero at the end of the sentence. Ms. Walter stated on line two hundred and seventy two (272) the last word should be develops not developed.

**MOTION:** Ms. Marshall Beasley made a motion to approve the minutes with the corrections.

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

## **Settlement Stipulation**

### **Landscape Architect's Collaborative, Inc.**

Ms. Guillemette advised the board that there were a number of ways disciplinary actions could be handled. She stated that the certificate of authorization for Landscape Architects Collaborative was not renewed. She stated that upon her review of the case she stated it could be handled through a citation rather than through an administrative complaint. She stated that it was the Department's choice on which way to handle the complaint and the Department had decided to handle the case through a citation.

Ms. Walter stated that the board was not able to act on the case because the board did not have a quorum. She stated that Ms. Gillick and Ms. Marshall-Beasley are recused due to their participation on the probable cause panel.

### **Probationary Appearance**

#### **James M. Towery**

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

Mr. Towery introduced himself to the board.

Ms. Walter advised the board that Mr. Towery was required in the Final Order to attend several Board of Landscape Architecture meetings in person or by telephone conference call. She stated that Mr. Towery requested to attend this meeting in conjunction with the conference. She stated that he was working towards his continuing education requirements.

**MOTION:** Ms. Gillick made a motion to accept Mr. Towery's probation appearance.

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

### **Application Review**

#### **Michael Brady, Inc. – Certificate of Authorization**

Ms. Chastain advised the board that the application was before the board due to the civil claims listed on the application.

Mr. Jay Peterson was present and was not represented by counsel.

Ms. Marshall – Beasley stated that most of the claims were in Tennessee.

Ms. Gillick stated that there were two (2) cases pending.

**MOTION:** Ms. Marshall-Beasley made a motion to grant the Certificate of Authorization.

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

### **Review of Continuing Education Courses**

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

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

### **School of Environmental Design, University of Georgia**

***Fundamental On-Site Stormwater Management – 7 hours***

***Advanced On-Site Stormwater Management – 7 hours***

***On – Site Stormwater Management – 14 hours***

Ms. Walter advised the board that the next application was submitted by the Department of Community Affairs. She stated that was one of the first courses developed with the profession of Landscape Architecture in mind entitled Windstorm and Tree Damage. Ms. Walter advised the board that she had an opportunity to review the course through the Florida Building Commission accreditation process. She stated the course was developed for the Department of Community Affairs by the University of Florida's cooperative extension program.

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

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

### ***Windstorms and Tree Damage – 3 hours***

Ms. Walter advised the board that the Florida Nurseryman Growers Landscape Association submitted courses that were scheduled for September 28- 30, 2005. She stated the courses were being reviewed after the fact. Ms. Walter advised the board that the Department of Business and Professional Continuing Education Department informed them that the credit would not be applied

retroactively. She stated that the Florida Nurseryman requested that the courses be approved in the event that they want to present the courses in the future.

Ms. Guillemette advised the board that right now the board could not approve the courses retroactively. She stated that the board had one case where the provider filed a petition for waiver and variance asking for retroactive application of the continuing education credits. She stated that would be available to the course provider or to any one who took the course if they choose to do so in the future.

Ms. Walter asked Ms. Guillemette if the board had grounds to deny approval of the courses.

Ms. Guillemette advised the board that they could deny the courses based on the fact that the presentation date for the courses had passed

**MOTION:** Ms. Gillick made a motion to deny the following course applications based on the fact that the presentation date for the course has passed and the board does not retroactively approve courses. Ms. Gillick stated that she encourages the provider to re-submit the courses for the next licensing period.

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

### **Florida Nurseryman Growers Landscape Association**

***FNATs Short course 2005 Day 1 – 8 hours***

***FNATs Short course 2005 Day 1 – 7 hours***

***FNATs Short course 2005 Day 1 – 5 hours***

Ms. Walter advised the board that the Florida Nurseryman Growers Landscape Association submitted a course application for the Great Southern Tree Conference offered December 1-2, 2005.

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

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

### **Florida Nurseryman Growers Landscape Association**

***Great Southern Tree Conference – 13 hours***

Ms. Walter advised the board that PSMJ Resources, Inc. submitted three course applications for optional credit. She stated that the applications were complete.

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

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

### **PSMJ Resources, Inc.**

***Software Summit – 13 hours***

***CEO Leading & Growing Your Mid-Size Firm Roundtable – 14 hours***

***Winning Proposals and Presentations – 12 hours***

Ms. Walter advised the board that Allen Weiss submitted two course applications for optional continuing education credit. She stated that the applications were complete and ready for board approval.

Ms. Marshall-Beasley asked if the Light and Life Safety course could be submitted for approval as an advanced building code course.

Ms. Chastain stated that she would mention it to Alex and ask her to suggest it in the approval letter for part A only and to add .5 hours to make it two (2) hours.

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

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

### **Allen Weiss**

***Light and Life Safety – 1.5 hours***

***Landscape Lighting – 1 hour***

Ms. Walter advised the board that she reviewed the provider application for Green Industries Institute for Professional Development and found it to be complete.

**MOTION:** Ms. Marshall-Beasley made a motion to approve the following provider application.

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

**Green Industries Institute for Professional Development  
Provider Application**

Ms. Walter advised the board that she reviewed the course application and found it to be complete.

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

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

**Green Industries Institute for Professional Development**

***Design for Active Living – 8 hours***

**Discussion**

**Continuing Education Course Search**

Ms. Walter advised the board that the information in the agenda on page 145 was provided in response to some questions the board had regarding how to find information on continuing education providers in license ease. She stated that the Department has been very good at keeping the continuing education provider and course list updated on the Board of Landscape Architecture web site. Ms. Walter stated that a quicker way was to go through [www.MyFloridalicense.com](http://www.MyFloridalicense.com) and search through continuing education.

Ms. Marshall-Beasley stated that she had tried it and it worked like a charm.

Ms. Walter advised the board that it is the same web site where a licensee would go to change their address or to check on their continuing education. She stated that when searching for continuing education on [www.MyFloridalicense.com](http://www.MyFloridalicense.com) a page would come up and there is an item to check that says find a continuing education provider or course. She stated that a second page will allow the licensee to put in the Board of Landscape Architecture and the licensee can request a requirement such as optional, building code, or laws and rules credit. She stated it will bring up a listing of the courses that have been approved by the board who the provider is and what the number of hours are.

**Ratification List**

Ms. Walter reviewed the ratification list with the board.

**MOTION:** Ms. Gillick made a motion to approve the ratification list as presented.



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

***Certificate of Authorization***

Arborscape Studio, Inc.,

***Temporary Certificate of Authorization (Company)***

Arnold Associates

***Temporary Certificate of Authorization (Individual)***

Henry Arnold, Bradley Nestor

***Endorsement***

Jacqueline Schuette

***Exam***

Jyotsana Agarwal, Valla Barding, Michael J. Brown, Chris Cox, Shaun Drinkard, Janna Glenn, Astrid Hoffman, Jason Rorose, Jarrett Kest, Hason Karose, James Pankonin, Carlos Perez, Lale Sullam, Mark Templeton

**Rules Report**

**HB 1012- Null & Void Issue**

Ms. Guillemette advised the board the null and void license issue does not affect the Board of Landscape Architecture that much. She stated that the board needs to have an application and fee to reinstate a null and void license. She stated that the statute states the board at its discretion may reinstate a license. She stated that the board does not have to have a rule defining illness or unusual hardship that is at the board's discretion. She stated that a form would have to be developed and the form rule would be opened up in order to incorporate the form into the rule. She stated the fee rule would have to be opened up as well. She stated that she was asking the board to open up those two rules for development. She advised the board that she and Ms. Chastain would have a form available at the January 2006 board meeting.

**MOTION:** Ms. Gillick made a motion to proceed with rule making on the forms and fees rule.

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

Ms. Marshall-Beasley was opposed.

### **61G10-11.011 – Electronic Signing**

Ms. Guillemette advised the board that the electronic signing and sealing rule was dealt with earlier in the meeting and would be noticed for rule promulgation.

### **61G10-12.001 – Application and Examination**

Ms. Guillemette advised the board Rule 61G10-12.001 – Application and Examination fees became effective on August 21, 2005.

## **Reports**

### **Board Counsel’s Report – Diane Guillemette**

Ms. Guillemette stated that the board had no pending litigation and the rules were moving through the system.

### **Prosecuting Attorney’s Report – Jessica Leigh**

Ms. Leigh advised the board that there were three (3) confidential cases and one case that went before the Department’s Hearing Officer.

### **Chair’s Report – Collene Walter**

Ms. Walter advised the board that the Hoover Pumping Course was approved by the Florida Building Commission in August 2005 and the credits had been moved back into advanced Building Code credit. She stated the course from the University of Florida, Program for Resource Efficient Communities, will be considered by the Florida Building Commission at their October 2005 meeting. She stated that the ASLA course, The Americans with Disabilities Act, and the Florida Accessibility Code for Building Construction will also be considered at the October 2005 Florida Building Commission meeting. She stated if the courses being considered at the Florida Building Commission meeting are approved this will allow the continuing education department to give the advanced building code credit to those licensees who took those courses.

### **Executive Director’s Report – Juanita Chastain**

Ms. Chastain advised the board that the first Building Code Education and Outreach Council meeting was held September 2005 at the Department. She stated that the meeting went very well and Mr. Graham was in attendance and would give a report at the January 2006 meeting. She stated that the continuing education letters went out.

Ms. Chastain advised the board that the year end financial report was in their folders. She stated the board was going into a renewal and all of those funds would be reflected in the December 2005 financial report.

Ms. Chastain advised the board that the next meeting would be in Fernandina Beach January 27, 2006 at the Hampton Inn.

Ms. Walter advised the board that Mr. Joe Muffoletto had provided information on the pass rates for section F the Florida section of the exam. Ms. Walter stated that the pass rate has stayed consistent.

### **New Business**

Ms. Leigh advised the board that the Department had an expert under contract. She stated that Mr. Jeff Caster was under contract and he recently had a conflict with some of the cases. Ms. Leigh advised the board that Mr. Caster recommended someone and she contacted that person and made him aware of what was involved in being an expert. She stated that he was interested and she would put him under contract and the board will have two (2) experts.

Ms. Walter stated that the board members may want to make some recommendations to expand the pool of experts.

Ms. Marshall-Beasley advised the board that after reviewing the exam pass rate - information provided by Mr. Muffoletto, the pass rate for sections C and E for Florida is 16%. She stated that it was less than half of the national pass rate of 37%. Ms. Marshall-Beasley stated that there was something wrong with the exam.

Ms. Gillick stated that the candidates are prepared by courses given by private instruction.

Ms. Marshall-Beasley stated that the ASLA offers a review course in one day and a half for all of the sections of the exam.

Ms. Marshall-Beasley stated that she felt that Florida was losing good talent because of the exam.

Ms. Walter advised the board that the Florida Chapter of ASLA has been proactive by offering one day review sessions. She stated that the Universities need to step up and look at other models that have been done and make a conscious effort to make sure Landscape Architects that are completing the programs can pass the exam.

Ms. Walter stated that maybe the board needs a meeting in Gainesville.

Ms. Gillick stated that the board could invite the students.

Ms. Walter stated that the first Friday in April was April 7 and the board could meet in Gainesville and invite the students from the University of Florida.

Ms. Chastain advised the board that the April 2006 meeting would be held in Gainesville.

### **Old Business**

Ms. Walter advised the board that limited liability corporations are not required to obtain a certificate of authorization. She stated that the Board of Architecture was pursuing a change to their statute to require a limited liability corporation to obtain a certificate of authorization. Ms. Walter stated that the board discussed that any business entity other than a sole proprietorship should obtain a certificate of authorization.

Ms. Marshall-Beasley asked if a joint venture for a specific project would need to be registered.

Ms. Guillemette advised the board that a joint venture is considered an entirely different business entity. Ms. Guillemette stated that if the phrase business entity is used everything is covered.

Ms. Marshall-Beasley asked if a joint venture is project specific are they required to have a certificate of authorization.

Ms. Walter stated that the statute states through a corporation or partnership a certificate of authorization is required.

Ms. Guillemette stated that the way the statute is now a joint venture is not required to have a certificate of authorization. She stated that if the language in the statute was changed to business entity a certificate of authority would be required for a joint venture.

Ms. Walter advised the board that the ASLA asked the board if they felt strong enough on the issue, the ASLA would move forward to change the statute.

Ms. Gillick stated that if the issue was going to be considered on January 2006 agenda she would like a definition of the different types of corporations.

Ms. Guillemette stated that she would provide that information.

Ms. Walter asked Ms. Chastain to put the issue on the January 2006 agenda.

Ms. Walter advised the board that the advanced Building Code courses that are approved by the Department of Community Affairs and are offered by a board approved provider needs to have the board approval process for the course expedited. She stated that the challenge the board has is the rule states that the board has to approve all providers and courses offered by that provider.

Ms. Guillemette advised the board that the board can delegate approvals under specific circumstances. She stated that the continuing education provider is approved and the course is approved and the review of the course can be delegated to staff.

After discussion by the board the following motion was made.

**MOTION:** Ms. Marshall-Beasley made a motion to delegate to board staff the approval of previously approved Building Code courses and previously approved providers in house.

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

The meeting adjourned at 12:25 p.m.

