

MINUTES

BOARD OF LANDSCAPE ARCHITECTURE

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
1940 NORTH MONROE STREET
TALLAHASSEE, FL 32399**

**GENERAL BUSINESS MEETING
OCTOBER 26, 2007**

CALL TO ORDER

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

MEMBERS PRESENT

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

MEMBERS ABSENT

None

OTHERS PRESENT

Diane Guillemette, Board Counsel
Jessica Leigh, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Lawrence Kaiser, FAMU
C.L. Bohannon, FAMU
James McCord
Ryan Schutte
Alicia Hicks, FAMU
Jeff Caster
Tim Vaccaro, Division Director
John Gorham

APPLICATION REVIEW

LPLA, Inc.

Mr. Parr was present at the meeting.

Ms. Walter advised the board that Mr. Parr submitted a certificate of authorization application for LPLA, Inc. She advised the board that Mr. Parr had recently been made aware that he was required to have a certificate of authorization for his corporation.

Mr. Parr advised the board that for years he was a sole proprietor and was not aware that he needed a certificate of authorization for his corporation.

Ms. Walter stated that the board applauds those that self report and come before the board to rectify the situation.

After discussion by the board the following motion was made.

MOTION: Ms. Gillick made a motion to approve Mr. Parr's application contingent upon payment of an assessment of one thousand three hundred and fifty dollars (\$1,350.00).

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

Morris-Depew Associates, Inc.

Ryan Shute, Vice President of Morris-Depew and James McCord, Vice President of Landscape Architecture was present at the meeting.

Ms. Walter advised the board that the certificate of authorization application was before them due to litigation. Ms. Walter stated that most of the litigation was fee related.

After discussion by the board the following motion was made.

MOTION: Mr. Davis made a motion to approve the application for licensure.

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

Francis A. DeMarco (Six Year Candidate)

Mr. DeMarco was not present at the meeting.

Ms. Walter advised the board that Mr. DeMarco had applied as a six year candidate. Ms. Walter advised the board that she had reviewed the plans and requested that he submit additional examples of planting plans. She stated that Mr. DeMarco had provided additional information on the types of projects he had worked on and he had submitted additional plans for the board to review.

The board reviewed Mr. DeMarco's plans and after discussion the following motion was made.

MOTION: Ms. Gillick made a motion to approve Mr. Demarco's application.

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

Ms. Marshall-Beasley asked board counsel if the board could require six year candidates to appear before the board when their application is reviewed.

Ms. Guillemette advised the board that under Chapter 455, Florida Statutes the board could not mandate that the applicant appear.

DISCUSSION/FYI

100% Monitoring of Continuing Education

Ms. Chastain advised the board that every Friday she received a report on how many licensees have not completed their continuing education and are deficient. She stated the last report she received 50% were deficient and 50% had renewed. Ms. Chastain advised the board that the board office had received calls and letters requesting that the board office look at courses that the licensees had taken that were not approved. She stated that the licensees still had time to take approved courses before the renewal deadline.

Ms. Marshall-Beasley asked Ms. Chastain if the numbers were high this close to the renewal deadline compared to other professions.

Ms. Chastain stated that she was told two (2) or three (3) weeks ago when the numbers were high that that was normal. She stated that she would check with the Bureau of Education and Testing if 50% was high five (5) weeks from the renewal deadline.

Ms. Marshall-Beasley stated that if the numbers are high the board may want to ask the ASLA to send a reminder.

Ms. Chastain advised the board that the Department had sent two (2) letters, a renewal notice, it is on the website and a reminder was in the newsletter stating that if you do not have your continuing education you would not be renewed. She stated that she could not imagine that the industry is not aware that they have to have their continuing education to renew. She stated that if the licensee renews and they do not have their continuing education a letter is sent in lieu of licensure.

Tim Vaccaro, Division Director for the Division of Professions, introduced himself to the board. He stated that outreach had been one project that the Department had been working on. He stated that the Department is trying to get out and meet with the licensees as well as students who would be entering the workforce. Mr. Vaccaro stated that the Department wanted to help the students understand the application process. He stated that they were trying to reach licensees through focus groups and meetings with professional associations in the State and having informal discussions to talk about how to better serve the people they regulate. He stated that consumer protection was extremely important but at the same time they want to do everything possible to make the licensing and regulating process a fair and meaningful one. Mr. Vaccaro stated that Ms. Chastain had recently visited the students at FAMU regarding architecture and interior design. He stated that he was very happy to have Ms. Chastain and Ms. Tinsley on staff and that they do a great job.

Ms. Walter stated that board staff is phenomenal and they give us all the support we need to go above and beyond the call of duty. Ms. Walter advised Mr. Vaccaro that the four members at the meeting was the full board. She stated that the board is a seven (7) member board and they have never had seven (7) members. She stated that Ms. Chastain had been keeping the board informed on the appointments.

Mr. Vaccaro stated that he would talk to the Governor's appointment office and remind them of the board's need for appointments.

Ms. Walter thanked the other board members for taking on additional duties to get the work done. She stated that the board could not hear disciplinary cases because two (2) current members are on the probable cause panel.

ASLA Continuing Education System

Ms. Walter advised the board that the state of Florida mandates continuing education for all construction related professions including landscape architecture. She stated that ASLA as a national organization is taking steps towards developing a more comprehensive continuing education program that could serve all of the states. Ms. Walter advised the board that CLARB is also initiating a more global continuing education management system. She stated that the two (2) organizations are looking at serving people who hold licensees in multiple states and one course would satisfy the continuing education in those states. Ms. Walter stated that Florida is very unique and had challenges that other states do not have. She stated that the board had been hesitant to go to a one size fits all approach to continuing education. Ms. Walter stated that the board feels that approach would not serve the profession and professionals who practice in Florida and to protect the health, safety and welfare of the residents the education background needs to be related to the area. She stated that a bigger concern the board had was confusion. She stated that in order for

licensees to receive credit for continuing education courses the courses have to be approved by the board. Ms. Walter stated that if a licensee had a certificate stating they completed a continuing education course does not necessarily mean the course meets the requirements for their state of Florida license. She stated that most states are moving towards requiring continuing education.

Mr. Davis advised the board that currently there are forty eight (48) states that had landscape architecture licensure. He stated that there were the two (2) states that do not require licensure Colorado and Vermont but they were moving in that direction. Mr. Davis advised the board that there was discussion between ASLA and CLARB at high levels to coordinate the continuing education effort. He stated that it was a serious issue for the small New England States where the typical practitioner will be practicing in two (2) or three (3) different states and taking continuing education in those different states. He stated there is a problem tracking those continuing education courses and trying to determine which ones were approved for which state. He stated that the effort was to coordinate the requirements among the states so there was a higher degree of consistency of continuing education courses. Mr. Davis stated that Florida had an administrative issue in that the continuing education courses had to be pre-approved and the courses fed back into the data base electronically. He stated that most states do not have that requirement and they will accept a course after the fact and they have the authority to approve courses after the fact. He stated that the national attitude is that that is preferable to the way Florida does things which creates interface problems for Florida licensees.

CLARB Annual Meeting Information

Mr. Davis advised the board that CLARB had a new administrator, a new set of administrative policies in place, and a new computer system that is interfaced with one another. He stated that they have put in an extensive effort into updating their employment practices through budgeting and accounting systems and had a complete in house overhaul. He stated that they have a new Executive Director with experience in similar organizations. Mr. Davis stated that his term with the board was coming to an end at some point and the board may want to consider who will carry on the representation at the CLARB meetings. He stated that as a former board member he could still attend the CLARB meetings and participate but there would be communication issues with the board. He stated that it might help to have more than one individual.

Ms. Chastain advised the board that CLARB had recognized Florida and sent a plaque to the board.

Ms. Guillemette advised the board that it was the presidential recognition award.

Ms. Gillick advised the board that she would like to suggest that the board name Ms. Marshall-Beasley as the Board's CLARB representative. She stated that the board's voice needed to be heard continuously for the uniqueness of the State.

MOTION: Ms. Gillick made a motion to name Ms. Marshall-Beasley the CLARB representative when Mr. Davis is no longer able.

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

Ms. Walter advised the board that there was a spring CLARB meeting and it would be discussed at the next meeting.

Ms. Chastain advised the board that CLARB increased their exam fees. She stated that she and Ms. Guillemette had worked together to update the rules and the application and the web site was updated also. She stated that CLARB set the fees through 2010.

E-Mail from Hilton Meadows

Ms. Walter advised the board that the Florida Department of Transportation was in the process of rulemaking for Rule 14-86, Florida Administrative Code. Ms. Walter stated that Ms. Chastain recently attended a meeting and Hilton Meadows had been following the process.

Ms. Chastain advised the board that Mr. Meadows and Mr. Mears, the attorney, presented the opinion that according to the practice act landscape architects can design stormwater management plans and that they should be recognized in the rule. She stated that the Department of Environmental Protection wrote a rule that satisfied the engineers and landscape architects. Ms. Chastain advised the board that the engineers at the table felt that the way the Department of Transportation had written the rule was within their rights to do so. She stated that Tasha Buford, who represented the Florida Engineering Society, stated that in her opinion the rule was ok as written. Ms. Chastain commented that the landscape architects stated that the rule needed to be revised to include the landscape architects. Ms. Chastain advised the board that a copy of the rule was in the board's handouts. She stated that the rule language leads off with "Licensed Professional means a professional engineer or other professional registered in Florida." She stated that the fact that the language leads with professional engineer is the sticky point.

Ms. Guillemette advised the board that the way the rule reads now it doesn't preclude landscape architects from bidding on the work. She stated that it makes the engineers happy because they are getting special recognition but she asked the board if this was a fight the board wanted to pursue. She stated that the landscape architect could still put in bids.

Mr. John Gorham advised the board that he was a registered landscape architect and he had attended the meeting. He stated that he practices grading and drainage in his practice from time to time. He stated that the issue is the acceptance of the landscape architect to submit a permit for a drainage connection when that site adjoins a DOT right of way. He stated that if he had a client he is siting the building and doing the grading and drainage on the parking lot and designing how the stormwater would leave the site and a staff member reads the rule and decides that a landscape architect is not mentioned and they do not recognize your authority to submit the plan then an engineer would have to seal the plans. He stated that that interpretation of the rule puts the landscape architect at a disadvantage.

Ms. Guillemette advised the board that the way the rule reads is engineer or licensed professional. She stated that the engineers are in an uproar over this and was this a battle that you want to fight when you can do what you need to do within the law the way it is written now.

Mr. Gorham stated that the language is proposed and maybe DOT will take out that specific reference and leave licensed professional. He stated that the expression of ASLA and Mr. Meadows is to be consistent with the Department of Environmental Protection.

Ms. Gillick asked Ms. Guillemette in terms of developing a rule and the board is in charge of protecting the public health, safety and welfare how can there be an exclusionary preference to engineers and not the other licensed professionals such as landscape architects.

Ms. Guillemette advised the board that the rule was not the board's rule but was a Department of Transportation's rule. She stated that the Department of Transportation had the authority to do their rules and landscape architecture had the authority to do theirs. Ms. Guillemette advised the board that they could not do rule challenges.

Ms. Gillick advised the board that she wanted the minutes to reflect that she as a board member thinks it is preferential and not in the interest of the public health, safety and welfare to name exclusionary the engineers as preferential to stormwater drainage. She stated that in fact there are certain cases when a landscape architect would do a far better job and they are licensed to do so. She stated that if one is to be named, name them all, and that is in the interest of the public that all the design professionals ultimately serve.

Mr. Davis advised the board that as a practical matter the language would have the effect of excluding qualified professionals from performing projects that they are qualified to do. He stated that it would be prejudicial against the practice of stormwater management through the appropriate licensed professional body.

Ms. Walter stated that she agreed with Ms. Gillick and Mr. Davis. She stated that if the black and white on the page is interpreted that does give landscape architects the right but recognizing what happens in the real world when the client had the choice the client will say it says professional engineers and it does not say landscape architects. Ms. Walter stated that the board could not do a rule challenge in regards to how the rule is written. Ms. Walter asked Ms. Guillemette if the board could send a letter or make a comment.

Ms. Guillemette advised the board that the board could make comments on the rule. She stated that the comments would be submitted to the Department of Transportation. She stated that the board could do a letter referencing the Department of Environmental Protection's rule.

Mr. Davis stated that it would be interesting to hear how the professional societies are going to deal with this prior to the board making a determination as to what the board will do.

Ms. Walter advised the board that Jeff Caster had been the past government affairs committee chairman for ASLA. She stated that Patrick Hodges, a former board member, was now the government affairs committee chairman. Ms. Walter stated that she wanted to recognize Jeff Caster for all of the help and assistance that the board had over the past couple of years. Ms. Walter asked Mr. Caster if he could speak on behalf of Florida Chapter ASLA in regards to what if anything they may be doing regarding the Department of Transportation rule.

Mr. Caster advised the board that regarding the rule and its impact on the profession it regulates our practice on properties adjoining the highway system. He stated that he spoke on his own behalf but he was aware that the Department of Transportation was taking comments for thirty (30) days.

Ms. Marshall-Beasley stated that she felt a softer gentler approach could be used when writing the comments.

Mr. Caster advised the board that when the Department of Environmental Protection's rule came out October 1, 2007 a press release came out a few days later stating that they were proud of the rule and in the cover memo it talked about the changes and how good they were for the citizens of Florida.

Ms. Marshall-Beasley asked if the memo could be clipped to the board's comments.

MOTION: Mr. Davis made a motion that the board offer an appropriately worded comment on the Department of Transportation's rule referencing the Department of Environmental Protection's rule.

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

Ms. Guillemette stated that she would draft a letter and Ms. Walter would review.

Ms. Walter stated that the board is protecting the public health, safety and welfare and had to walk a fine line. She stated that the board was not protecting the practice.

2008 Meeting Schedule

Ms. Walter advised the board that the board needed to set up the meeting schedule for 2008.

After discussion by the board the following meetings were scheduled:

January 25, 2008 - Orlando
April 18, 2008 – Ft. Lauderdale or West Palm Beach
August 1, 2008 – Jacksonville ASLA Conference
October 24, 2008 – Ft. Myers

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

Bradford R. Davis, Inc.

Endorsement

Michael Turner

Exam

Eric Buck, Kemuel Cox, Bohannon Ceremetrius, Matthew Davis, Miranda Estes, Patricia Farley, Nicholas Fobes, Benjamin Mills

Ms. Chastain advised the board that in their handout was a request for continuing education credit. Ms. Chastain advised the board that Harold McGee was an instructor at a community college. She stated that the board's rule provides for instructors to get credit for courses they teach. Ms Chastain advised the board that she had a question as to whether the course could be considered a landscape architect course and if so would Mr. McGee be granted the hours.

After discussion by the board the following motion was made.

MOTION: Mr. Davis made a motion to approve Mr. McGee's request for continuing education credit as an instructor and to grant 12 continuing education hours.

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

APPROVAL OF MEETING MINUTES

May 31, 2007 Minutes

Ms. Gillick advised the board that on page seven (7) line two hundred and seventy eight (278) of the meeting minutes it reads Mr. Chastain and should be Ms. Chastain.

Ms. Walter advised the board that on page one (1), page three (3) and page four (4) the meeting was a conference call and the minutes read that Mr. Delgado and the other participants were present at the meeting. She stated that maybe it should read on the conference call.

Ms. Tinsley advised the board that she would make the change.

Ms. Walter stated that on page two (2) line fifty one (51) and put in the qualifying landscape architect.

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

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

July 25, 2007 Minutes

Ms. Gillick advised the board that on page eight (8) line three hundred and sixty two (362) the minutes read Ms. Gillick stated that she liked the concept of independent study but it becomes so cumbersome, the monitoring of independent study becomes so cumbersome is what she was referring to. Ms. Gillick stated that on page nine (9) line three hundred and seventy six (376) Gail

Borman was her name not Norman. Ms. Gillick stated that on page nine (9) line three hundred and eight three (383) Glenn's last name is Acomb.

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

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

REPORTS

Chair's Report – Collene Walter

Ms. Walter thanked Jeff Caster for his participation over the past couple of years on behalf of the Florida Chapter of ASLA. Ms. Walter advised the board that the board newsletters would be available only online. She stated that board members should continue to get the word out.

Executive Director's Report – Juanita Chastain

Ms. Chastain advised the board that on page one hundred and forty one (141) of their agenda material was the year end financial report. She stated that the board was in a stable financial situation. She stated that the board would receive most of their monies this quarter because of the license renewal. She stated that the expenses would increase because of the renewal but overall the board is doing well financially. Ms. Chastain advised the board that the Department was doing a reevaluation of all of the forms. She stated that the Department is reviewing landscape architecture's forms first. Ms. Chastain stated that it is a win win situation for the applicant and the Department. She stated that some of the application information that is required delays the application process. She stated that some of the application information could be obtained on line by the application processor and this would speed up the application process. She stated that nothing would be taken out that would jeopardize a good look at the applicants. Ms. Chastain advised the board that the null & void application had been finalized and the four hundred and fifty dollar (\$450.00) fee would be the fee that is paid for reinstatement of the license. She stated that back fees would not be collected for previous renewal cycles. She stated that the board would have to determine if the licensee had a true hardship and made a good faith attempt to renew.

Board Counsel's Report – Diane Guillemette

Ms. Guillemette advised the board that on page one hundred and fifty three (153) of their agenda material was the rules report. She stated that Rule 61G10-13.003, F.A.C., continuing education requirements and Rule 61G10-13.007, F.A.C., reactivation of inactive license was opened for development. She stated that she worked with Ms. Chastain to make the rule language clearer. She asked

the board to review the language and if they agreed to make a motion for her to notice the rules.

MOTION: Mr. Davis made a motion to approve the language and instruct board counsel to notice the rules.

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

Ms. Guillemette advised the board that Rule 61G10-15.005, F.A.C., responsible supervision control over landscape architectural practices in the landscape architect's office, and Rule 61G10-18.001, F.A.C., continuing education credit requirements had been noticed and the rules were waiting for the appropriate time for adoption.

Ms. Guillemette advised the board that in the amended rules report there were two (2) rules that were opened for development at the request of Ms. Chastain. She advised the board that CLARB had made some changes to the examination. Ms. Guillemette stated that CLARB had given new names to the exam sections and after reviewing Rule 61G10-11.001, F.A.C., examination for licensure, she felt the language could be left alone. She stated that in Rule 61G10-12.001, F.A.C., application and examination fees, the fees change for different examination periods and language had to be changed to address the changes.

After discussion by the board the following language was proposed:
The fee for the following exam is as follows:

MOTION: Ms. Gillick made a motion to accept the proposed language.

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

Prosecuting Attorney's Report – Jessica Leigh

Ms. Leigh advised the board that there was one case set for probable cause, one case sent to an expert for their review, one case set for board presentation and one case awaiting final order.

NEW BUSINESS

No new business.

OLD BUSINESS

No old business.

The meeting adjourned at 11:55 a.m.