CALL TO ORDER

Ms. Marshall called the meeting to order at 9:12 a.m.

MEMBERS PRESENT

Elizabeth Marshall, Chair
Collene Walter
Dr. Ernest Paskey
Joseph Delate

MEMBERS ABSENT

Mr. Phil Graham - excused

OTHERS PRESENT

Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Diane Guillemette, Assistant Attorney General
Other interested parties

MOTION: Dr. Paskey moved to excuse Mr. Graham’s absence.

SECOND: Ms. Walter seconded the motion and it passed unanimously.

APPROVAL OF MEETING MINUTES

July 23, 2009 Minutes and August 26, 2009 Minutes

Dr. Paskey indicated the July 23, 2009 minutes needed correcting on page four (4) line one hundred and eighty two (182). He stated it should read three (3) and not thirty (30).

MOTION: Ms. Walter moved to approve the minutes with the change.
SECOND: Dr. Paskey seconded the motion and it passed unanimously.

APPLICATION REVIEW

Gresham Smith and Partners – Certificate of Authorization

Mr. Griggs was present at the meeting.

Ms. Walter recused herself from the review of the application.

Ms. Chastain addressed the board and stated the application came before them at the last meeting due to prior practice. After review of the application the board asked that one of the partners be invited to attend the next board meeting to address the litigation outlined in the application.

Ms. Chastain stated the company incorporated on June 15, 2004. Based on the renewal cycles the company would have gone through three (3) cycles; therefore owing one thousand three hundred and fifty dollars ($1,350). The license would be issued valid through November 30, 2011 since the board is currently in a renewal period.

Mr. Griggs addressed the board and explained the litigation issues.

Ms. Marshall thanked Mr. Griggs and commented the board now understands that the issues stem from being a large international firm and further understood the landscape architecture component of the firm.

MOTION: Dr. Paskey moved to approve the application contingent on payment of one thousand three hundred and fifty dollars ($1,350).

SECOND: Mr. Delate seconded the motion and it passed.

Ms. Walter was recused.

Jason Bridgewater – Six Year Candidate

Mr. Bridgewater was present at the meeting.

The board reviewed Mr. Bridgewater’s plans and stated the plans were in order and indicated the full range of experience.

MOTION: Ms. Walter moved to approve the application.

SECOND: Dr. Paskey seconded the motion and it passed unanimously.
REQUEST FOR WAIVER OF CONTINUING EDUCATION

Hank Bruns
James Craig
Laurie Ann Elder
Melinda Claybrook
Jeffrey Scott McKelvey
Jody Rosenblatt Naderi
Scott Brown
Jon R. Phillips
Joe Beck
Jill Cohen

Ms. Marshall read a fax into the record from Mr. Michael Statham requesting waiver of continuing education.

MOTION: Mr. Delate moved to approve all of the requests.

SECOND: Dr. Paskey seconded the motion and it passed unanimously.

Ms. Marshall commented she was very pleased that the board was able to assist licensees in this manner.

REVIEW OF CONTINUING EDUCATION COURSE/PROVIDER

Logical Green, LLC
Provider Application

MOTION: Dr. Paskey moved to approve the provider application for Logical Green, LLC.

SECOND: Ms. Walter seconded the motion and it passed unanimously.

James J. Quinn

Dr. Paskey indicated Mr. Quinn needed to clarify how he was applying. The certification indicated a name other than Mr. Quinn’s.

MOTION: Dr. Paskey moved to approve contingent on Ms. Chastain verifying the names were consistent.

SECOND: Ms. Walter seconded the motion and it passed unanimously.
MOTION: Dr. Paskey moved to approve the continuing education ratification list.

SECOND: Mr. Delate seconded the motion and it passed unanimously.

American Society of Landscape Architects – National
Sustainable Sites Initiative: Overview
Inside the LA Studio Raymond Jungles

Continuing Education Academy
Improved Management Techniques
Business Management for Landscape Architects
Lien Law
Plant Appraisals
Journey through Your Business Lifecycle
Successful Compliance with Tree Ordinance
Avoiding the Lawyers Food Chain

Florida Irrigation Society, Inc
Florida Irrigation Problems and Mistakes

Florida Nurseryman & Growers Association
Design Track (2) Designing with Water
Sustaining Brilliance in Times of Change
Management/Maintenance: Turf Maintenance Magic for Beauty
Design Track (3) It’s all about Bamboo
Design Track (1) Create Civilized Jungle

Florida Pool & Spa Association DBA Florida Swimming Pool Association
Workers Compensation
FBD ADV. Training: Residential Pools
Pricing Service and Products for a Profit
How to be Profitable in a Down Economy
Worksite Safety
Business Planning & Development
ADV. FBC: Entrapment Protection Suction
Entrapment Protection: Advanced FBC
Technical Knowledge for Business Management
Business Practices & Successful Companies
Prevent Business Growth
Workplace Safety-Reducing Back Injuries
Risk Management Essentials
Workplace Safety

Office of Greenways and Trails/Recreation
Building Better Trails
Ms. Walter moved to approve the ratification list dated October 16, 2009.

Dr. Paskey seconded the motion and it passed unanimously.

Kevin C. Bernauer, Jason Scott Gabbard, Mark W. Johnson


Christine E. Ten Eyck, David Christopher Powlen

Ten Eyck Landscape Architects, Inc.
Business Name Change

Mai Landscape Architects, Inc.

DISCUSSION

Remove Reference to Core Course.

Ms. Chastain explained that the board would need to amend their rule because the requirement that licensees complete the core course was removed from the practice act during the 2009 legislative session.

Ms. Marshall indicated that the two hour advanced course was still a requirement.

MOTION: Ms. Walter moved to open rule 61G-10.18.001, FAC, for development to remove the reference to the core curriculum course.

SECOND: Dr. Paskey seconded the motion and it passed unanimously.

Ms. Guillemette asked if the rule would require a statement of estimated regulatory cost.

MOTION: Dr. Paskey moved there was no small business impact.

SECOND: Ms. Walter seconded the motion and it passed unanimously.

Ms. Guillemette indicated that since the board approved removing the reference they could also vote to promulgate the rule.

MOTION: Ms. Walter moved to notice the rule for promulgation.

SECOND: Dr. Paskey seconded the motion and it passed unanimously.

REPORTS

Chair’s Report - Ms. Elizabeth Marshall

Ms. Marshall indicated she spoke with the Governor’s Appointment Office and expressed the board’s concern about being down two consumer members. She indicated that Ms. Mallory LeBlanc met with DBPR staff regarding appointments and hopefully they would be made quickly.

Board Counsel’s Report - Ms. Diane Guillemette
Ms. Guillemette reviewed the rules report. She indicated that 61G10-18.002, FAC, was opened for development because the forms are getting closer to completion.

She indicated that the board had asked that she open rule 61G10.18.001, FAC, regarding examination writers being allowed to obtain continuing education. The language would read that a licensee can obtain a maximum of six credits for examination writing including two hours of laws and rules.

Ms. Chastain indicated that the Bureau Chief of the Bureau of Education and Testing would verify a licensee’s participation.

**MOTION:** Dr. Paskey moved to approve that there would be no small business impact.

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

**MOTION:** Ms. Walter moved to notice the rule for promulgation.

**SECOND:** Dr. Paskey seconded the motion and it passed unanimously.

Ms. Guillemette stated that she received a letter from the Joint Administrative Procedures Committee (JACP) on rules 61G10-18.001, 61G10-18.002, and 61G10-18.003, FAC. Because of the changes they need to do a notice of change for rule 61G10-18.002(3), FAC. She commented that the Bureau of Education and Testing now only relies on 455.2178, FS. and the authority to mandate that the provider number appear in course materials no longer exists since the department’s rule 61-6.015, FAC, was repealed. Therefore since the authority to mandate that the provider number be used to advertise course materials did not exist, the language should be removed.

Ms. Chastain inquired if they could still leave the language in their rule because their practice act gives them the authority to adopt rules regarding continuing education. Ms. Walter stated it was easier for licensees to know if a provider or course is approved if the number is on the advertisement. Ms. Walter asked if they could leave the rule but delete the reference to 61-6.015, FAC. Ms. Guillemette commented she would notice it that way and see if JAPC had any comments.

**MOTION:** Dr. Paskey moved there was no small business impact.

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

**MOTION:** Dr. Paskey moved to notice rule 61G10-18.002, FAC, for promulgation.
Ms. Walter seconded the motion and it passed unanimously.

Ms. Guillemette commented that rule 61G10-18.003(2), FAC, needed to be changed to delete the reference to rule 61-6.015, FAC.

MOTION: Dr. Paskey moved there was no small business impact.

SECOND: Ms. Walter seconded the motion and it passed unanimously.

MOTION: Ms. Walter moved to notice the rule for promulgation.

SECOND: Dr. Paskey seconded the motion and it passed unanimously.

Ms. Guillemette stated that Rule 61G10-18.006, FAC, needed technical changes; spelling of DBPR incorrect and (f) needs to be removed. The board did not need to take action.

Executive Director’s Report – Juanita Chastain

Ms. Chastain presented the year end financial report. Ms. Chastain commented that the renewal notices have gone out and that money from the renewal is being received.

Ms. Chastain reviewed the Division of Regulation’s number of cases.

Ms. Walter asked who the probable cause panel members were.

Ms. Chastain commented the members are Dr. Paskey and Ms. Gillick.

ELECTION OF OFFICERS

MOTION: Ms. Walter moved to have Ms. Marshall and Mr. Graham continue to serve as Chair and Vice-Chair.

SECOND: Dr. Paskey seconded the motion and it passed unanimously.

NEW BUSINESS

Ms. Chastain commented that Mr. John Gorham provided the board with information concerning the stormwater task force. Ms. Chastain stated that the task force is required to prepare a report to be presented to the Legislature by November 1, 2009.
Ms. Marshall stated that statute allows landscape architects to perform stormwater and feels that adding additional certification required by law would not be appropriate. She commented she was not sure where it would then stop.

Ms. Walter agreed with Ms. Marshall’s comments. Ms. Walter stated that the practitioners of stormwater management plans are a small segment that practices without complaint.

Ms. Walter stated she would like to thank Mr. Gorham for his hard work. The board echoed those comments.

Ms. Walter commented that the purpose of continuing education was to make sure licensees can stay current. The board had approved several courses in stormwater.

Ms. Marshall commented that what Florida is doing regarding stormwater is being looked at nationally.

Ms. Guillemette stated that the board did not have the statutory authority to create a specialty rule. The mangrove statute specifically gives the Board of Landscape Architects the authority to have the mangrove specialty. She continued that the ability to prepare stormwater plans is part of their license today and that if they mandate a specialty it would be limiting the license and that cannot be done. What they are suggesting is not legally available.

Ms. Walter stated she was supportive of the status quo.

Ms. Guillemette commented that if landscape architects had to take specialty classes then it should be mandated for engineers. It is a turf war for the engineers. Mr. Delate agreed.

Mr. Stoddard, audience member, encouraged the board to remain firm regarding stormwater.

Ms. Walter asked that Mr. Gorham be informed that the consensus of the board is to not promote a specialty.

Ms. Chastain stated that Mr. Gorham is expecting her to call.

Ms. Walter stated that Mr. Gorham would be attending the October 27 telephone conference call.

OLD BUSINESS

None
2010 MEETING SCHEDULE

The board discussed and scheduled the following meetings:
October 27, 2009   Telephone conference call
February 5, 2010   Orlando
April 23, 2010     Tallahassee
July 2010          Gainesville in conjunction with the ASLA conference.
October 22, 2010   Ft. Lauderdale/Palm Beach area

Adjourn

The meeting adjourned at 11:40 a.m.