

**MINUTES
Board of Landscape Architecture**

**Department of Business and Professional Regulation
Professions Board Room
1940 North Monroe Street
Tallahassee, FL 32399**

General Business Meeting

January 16, 2009

CALL TO ORDER

Ms. Marshall-Beasley called the meeting to order at 9:05 a.m.

MEMBERS PRESENT

Elizabeth Marshall-Beasley, Chair
Philip Graham
Dr. Ernest Paskey
Robert Bowden
Brian Walker
Joseph Delate

MEMBERS ABSENT

Collene Walter (excused)
Robert Bowden (excused)

OTHERS PRESENT

Secretary Charles Drago
Juanita Chastain, Executive Director
Diane Guillemette, Board Counsel
LeChea Parson, Prosecuting Attorney
Linda Tinsley, Government analyst
Shawn Kalbli
Emily O'Mahoney
Patrick Hodges

Ms. Chastain advised the board that Mr. Bowden and Ms. Walter had contacted her that they had work commitments and could not attend the meeting.

MOTION: Mr. Walker made a motion to excuse Ms. Walter and Mr. Bowden's absence.

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

APPROVAL OF MEETING MINUTES

MOTION: Mr. Graham made a motion to approve the meeting minutes for June 24, 2008, September 11, 2008, and October 24, 2008.

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

Secretary Charles Drago welcomed the board to Tallahassee and thanked them for their service. Secretary Drago indicated that the department was continuing its efforts to streamline applications to reduce burdens on applicants while continuing to protect consumers.

REQUEST TO RESCHEDULE CLARB EXAM

Laura M. Llerena-Hernandez

Ms. Chastain advised the board that Ms. Llerena-Hernandez was asking to reschedule section C of the exam due to the unexpected death of her father.

MOTION: Mr. Walker made a motion to approve Ms. Llerena-Hernandez's request to reschedule section C of the exam.

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

Jeff Lombard

Ms. Chastain advised the board that Mr. Lombard asked to reschedule the exam due to illness and he was under a Doctor's care.

MOTION: Mr. Graham made a motion to approve Mr. Lombard's request to reschedule the CLARB exam one time only.

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

Rachel Saunders

Ms. Tinsley advised the board that Ms. Saunders had asked to reschedule section C of the CLARB exam due to illness and she is going through a divorce.

MOTION: Mr. Graham made a motion to approve Ms. Saunder's request to reschedule her CLARB exam.

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

Lauder Spear

Ms. Tinsley advised the board that Ms. Spear had submitted a request to reschedule her CLARB exam due to the fact that she was not prepared to take the December 2008 exam.

MOTION: Mr. Graham made a motion to approve Ms. Spear's request to reschedule her CLARB exam.

The motion failed due to lack of a second.

MOTION: Mr. Delate made a motion to deny Ms. Spear's request to reschedule the CLARB exam.

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

REVIEW OF CONTINUING EDUCATION COURSES/PROVIDERS

Ms. Chastain advised the board that the ratification list on page ninety two (92) of the agenda materials were applications that had been reviewed and approved by Dr. Paskey as discussed at the October 2008 meeting. She stated that the list was on the agenda for the board to ratify.

MOTION: Dr. Paskey made a motion to approve the ratification list as presented.

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

The following courses were on the ratification list:

Florida Nurseryman & Growers Assn
2008 Great Southern Tree Conference – 12.5 hours

Samnik & Associates LLC
Avoiding the Lawyers Food chain – 2.5 hours
Plant Appraisals – 2.5 hours
Designing a Tree to Death – 1 hour
Palm Anatomy – 1 hour
Landscape Palm Diseases – 1 hour
Diagnosing Declining Palms – 1 hour
Successful Compliance with Tree Ordinances – 2 hours
Whose Turf are you Standing On – 1.5 hours
Palm Transplanting - 1 hour
Soil Decompaction Amendment Urban Trees – 2 hours
The Big Picture – 2 hours
Fertilizer Ordinance Statewide Fertilizer – 2 hours
New Palm Diseases – 1 hour
Fertilizers Fertilization your Planting – 2 hours

Florida Chapter ISA
Florida Tree Nursery Grades Standards Arborculture Starts in the
Nursery – 6.5 hours
Up by the roots Healthy Soils Trees in the Built Environment – 6.5 hours

Dr. Paskey advised the board that he recommended approval of the provider applications on the agenda.

MOTION: Dr. Paskey made a motion to approve the following continuing education provider applications: Pine Hall Co., Inc., and G. Michael Starks.

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

Mr. Walker advised the board that he had concerns that the instructors may change for the course Landscape Irrigation New Technologies Certification.

After discussion by the board the following motion was made.

MOTION: Mr. Walker made a motion to approve the University of Florida Program for Resource Efficient Communities course, Landscape Irrigation New Technologies Certification with the instructors listed in the application. Applicant is put on notice of Rule 61G10-18.005(9), F.A.C. which states: Any change in the qualifications of the course instructor must be submitted on form identified in subsection (1) of this rule in time to permit review and approval or disapproval by the board prior to implementation of the proposed change.

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

MOTION: Mr. Graham made a motion to approve the course application for Stucco 101 Water Resistant Structures submitted by provider G. Michael Starks.

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

MOTION: Dr. Paskey made a motion to approve the course application for Permeable Pavements Using Clay Pavers submitted by Pine Hall Co, Inc.

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

RATIFICATION LIST

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

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

Certificate of Authorization

Magnolia Designs Inc

Exam Candidates

Shea Hansen

REPORTS

Chair's Report – Elizabeth Marshall-Beasley

Ms. Marshall-Beasley advised the board that Ms. Chastain was going to conduct board member training at the end of the meeting. She stated that working in the sunshine would be reviewed.

Board Counsel's Report – Diane Guillemette

Ms. Guillemette advised the board that she had worked with Ms. Chastain on language for cross continuing education credit for persons holding two (2)

licenses such as landscape architecture and engineers. She stated that the engineering credits would have to be approved by the engineering board. Ms. Guillemette advised the board that the proposed language was on page thirteen (13) of the addendum to the agenda. Rule 61G10-18.001(6), F.A.C. Any licensee holding an additional license issued by the Department of Business and Professional Regulation, Division of Professions, may receive up to six (6) hours of general credit for courses approved by the corresponding licensing entity.

Ms. Chastain advised the board that the board may want to clarify the professions they would accept.

After discussion the board directed Ms. Guillemette to incorporate the following boards into the rule language: Engineers, Architecture, Interior Design, Surveyors and Mappers, Geology, Building Code Administrators and Construction Industry Licensing Board.

Ms. Guillemette stated that she would check to make sure they did not miss anyone and she would bring the language back to the board at the April 24, 2009 meeting.

Ms. Guillemette advised the board that Rule 61G10-14.001, F.A.C. Probable Cause Determinations had been noticed for development. She stated that was the rule to allow a former board member to sit as a probable cause panel member.

After discussion by the board the following motion was made.

MOTION: Mr. Walker made a motion to direct board counsel to notice Rule 61G10-14.001, F.A.C. for rule promulgation.

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

Executive Director's Report – Juanita Chastain

Ms. Chastain advised the board that in their handouts was the first quarter financial report. She stated that the board had discussed the sweep of the professional regulation trust fund. Ms. Chastain advised the board that the board would have a total of forty thousand dollars (\$40,000.00) taken out of their operating account. She stated that there was not any money taken out of the unlicensed activity account. Ms. Chastain advised the board that the request to travel to the CLARB spring meeting had been declined due to budget issues. She stated that only mission essential travel would be approved.

Ms. Marshall-Beasley stated that she may attend the CLARB meeting and pay her own travel expenses.

Ms. Chastain stated that she would ask her Division Director if the Department would pay her registration if she decides to attend.

The board agreed that it would be beneficial for Ms. Marshall-Beasley to attend the spring CLARB meeting.

Prosecuting Attorney's Report – LeChea Parson

Ms. Parson reviewed her report with the board and indicated that she had one case ready for probable cause review and one unlicensed case waiting for Final Order.

NEW BUSINESS

Mr. Walker stated that the way the economy is at the present time there is a mass move to downsize in larger firms and displacing landscape architects. He stated that people are being forced to open individual practices. He asked if a letter could be sent to the Florida ASLA to remind individuals that if they open a practice they need a certificate of authorization.

Ms. Chastain advised the board that an individual can practice in their own name. She stated that if they form a corporation or partnership they need a certificate of authorization. She stated that the information is on our web site and the information is in the newsletter.

Emily O'Mahoney volunteered to write an article for the Florida ASLA newsletter.

OLD BUSINESS

Shawn Kalbli, Government Affairs Committee Chair, for the Florida Chapter ASLA, advised the board that the Department of Transportation is going to put into effect Rule 1486 that eliminates the reference to professional engineer and replaces that language with qualified professional. He stated that allows landscape architects to provide permitting and design services for stormwater management. He stated that the Department of Environmental Protection made a similar change last year. Mr. Kalbli advised the board that the Florida Engineering Society is looking to redefine stormwater management. He stated that it may present some challenges for registered landscape architects to provide practice in those areas. He stated that the Florida Engineering Society approached the Florida Chapter ASLA and asked if they were willing to work with them. He stated that they would continue to discuss the issues with the Florida Engineering Society. He stated that the current mind set is to establish a

threshold for a minimum level of stormwater management practice that registered landscape architects would be able to provide. Mr. Kalbli stated that an advanced level of stormwater management would be developed for regional stormwater management that would require a higher level of analysis and service. He stated that they were looking for a way to define those areas of practice to allow those landscape architects to keep providing that service. He stated that they were going to meet by conference call with the Florida Engineering Society to discuss agreeable terms and conditions. He stated they were working very hard so the Engineering Society would not go to the Capitol without their input. He stated he would be happy to follow up with the board on the progress.

Mr. Graham stated that he understands what the engineers are saying that they want landscape architects to be further qualified.

Mr. Kalbli advised the board that landscape architects can be left out or take additional testing or certification that allows them to move forward to prepare those types of plans.

Mr. Graham stated that landscape architects are currently tested and are back at square one.

Mr. Kalbli stated that is the dilemma that they are facing. He stated that they had to find a way to be a partner with the Engineering Society or they could be left behind.

Mr. Graham stated that the board appreciated all of the hard work they were doing.

Ms. Marshall-Beasley asked if the board should have a conference call to get an update.

Mr. Graham stated that perhaps CLARB could verify that landscape architects are being tested on this.

Mr. Kalbli stated that they are providing information to the Legislature on the profession and they have a proclamation in front of Governor Crist to proclaim April Florida Landscape Architecture Month. He stated that they were trying to get more information out about the profession.

Ms. Marshall-Beasley asked if the lobbyist could be on the conference call.

Mr. Kalbli stated that he would get back to Ms. Chastain with a date for the conference call.

Mr. Delate asked why branch offices was on the addendum.

Ms, Chastain advised the board that during the review of the applications they found that the statute speaks to responsible control but it does not speak about having a branch office. She stated that the board needed to repeal the rule because there is not a statutory provision for registration of a branch office.

Ms. Guillemette stated that she thought the rule was ok but maybe the words within that office should be taken out of Rule 61G10-15.005 (1), F.A.C.

After discussion by the board the following motion was made.

MOTION: Mr. Graham made a motion to open up rule 61G10-15.005(1), F.A.C. for development.

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

Ms. O'Mahoney asked the board if they could ask CLARB if they will have some programs available on the LARE. She stated that the Florida ASLA is interested in having a better understanding of the exam.

DEPARTMENT WALK THROUGH

Chief of Staff Liem and Division Director Mark Whitten conducted a tour of the customer contact center and the central intake unit.

NEW BOARD MEMBER TRAINING

Ms. Chastain, Ms. Guillemette and Ms. Parson conducted board member training for the board.

Ms. Guillemette advised the board that they needed to make a determination if a statement of estimated regulatory costs (SERC) is necessary for the change to rule 61G10-14.001, F.A.C. She asked if it would have an impact on small businesses.

After discussion by the board the following motion was made.

MOTION: Mr. Graham made a motion that the change to Rule 61G10-14.001, F.A.C. would have no impact on small businesses.

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

MOTION: Dr. Paskey made a motion to adjourn.

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

The meeting adjourned at 2:25 p.m.