

**MINUTES**  
**Board of Landscape Architecture**

**Omni Jacksonville Hotel**  
**245 Water Street**  
**Jacksonville, FL 32202**

**General Business Meeting**

**July 31, 2008**

**CALL TO ORDER**

Ms. Walter called the meeting to order at 9:07 a.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

None

**OTHERS PRESENT**

Juanita Chastain, Executive Director  
Diane Guillemette, Board Counsel  
Linda Tinsley, Government Analyst  
Mark Whitten, Division Director, DBPR Service Operations  
George Ayrish, Bureau Chief, DBPR Service Operations  
Christine Foster  
Dan Hunter  
Paul Stevenson  
Michael Kidde  
Shawn Kalbli  
Jon M. Davis  
Talita Gutierrez  
Brian Traylor  
Hilton Meadows  
Margaret Momberger

Jim Klement  
Other Interested Parties

## **INTRODUCTION OF NEW MEMBERS**

Ms. Walter advised the board that this is the first time in recent years that the board has had a full seven member board. Ms. Walter asked each board member to introduce themselves.

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION BUSINESS PROCESSES**

Ms. Walter welcomed two (2) representatives from the Department of Business and Professional Regulation, Mark Whitten and George Ayrish. Ms. Walter stated that over the past several board meetings there had been discussion on changes that had been made by the Department on application processing. She stated that Mr. Whitten and Mr. Ayrish agreed to give a presentation so the board would have a better understanding of the application process.

Mr. Whitten and Mr. Ayrish gave a power point presentation to explain how the service operations division was set up and how the application process worked. Mr. Ayrish gave an in depth presentation on the new OnBase system which is a document imaging system that scans the applications and supporting documents into the Department's computer system.

Ms. Marshall-Beasley reviewed the application process with Mr. Ayrish and suggested that the next newsletter include a timeline on the application process.

Mr. Whitten invited the board to come to Tallahassee and see the process.

Ms. Walter stated that the board tried to have a meeting in Tallahassee every year. She stated that the board could have their January meeting in Tallahassee and take a tour of the application processing section.

Mr. Meadows asked the board if continuing education courses approved by other boards would be accepted by the Board of Landscape Architecture. He stated that there is not a lot of difference in the courses. He asked what the problem was in getting that done.

Ms. Guillemette stated that the statute reads that for license renewal the continuing education courses had to be approved by the board. She stated that it is a statutory requirement and can only be changed by the Legislature.

Mr. Graham stated that he agreed with Mr. Meadows. He stated that courses should be reciprocal. He stated that there should be a mechanism to accept or approve courses from other boards and organizations.

Ms. Walter stated that she wanted to bring the issue up under old business. She stated that the board had discussed this issue a year ago. She stated that the Board of Architecture and Interior Design considered courses under independent study. Ms. Walter stated that she thought this was a better approach than opening up the statute. Ms. Walter asked that board staff put the issue on the October agenda for consideration and to include the Board of Architecture and Interior Design rule.

## **APPLICATION REVIEW**

### **Christine Foster – Six Year Candidate**

Ms. Foster was present at the meeting. Ms. Walter advised the board that Ms. Foster had submitted her application to the board at the January 2008 meeting. Ms. Walter advised the board that by rule specific plans and information had to be submitted for board review to determine that the applicant had the experience to prepare to sit for the exam. She stated that Ms. Foster had submitted construction related drawings but did not have information related to master planning and site design. Ms. Walter stated that she had submitted that information for the board to review.

The board reviewed Ms. Foster's plans and after discussion the following motion was made.

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

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

Ms. Marshall-Beasley complimented Ms. Foster on her plans.

### **Talita Gutierrez – Six Year Candidate**

Ms. Gutierrez was present at the meeting. Ms. Walter advised the board that Ms. Gutierrez had a degree from an accredited university in city planning and architecture which is a related profession. She stated that she is eligible for four (4) years credit towards her six (6) years work experience. Ms. Walter stated that the applicant had provided documentation of her two (2) years of practical experience and examples of her work.

The board reviewed Ms. Gutierrez' plans and after discussion the following motion was made.

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

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

## **DISCUSSION**

### **Stormwater Management & Environmental Permitting Hilton Meadows, Patrick Hodges, FL/ASLA, Gary Ward – Florida Engineering Society**

Ms. Walter stated that this is a continuation of a discussion that the board had been having with the Florida Chapter of the American Society of Landscape Architects, representatives of the Florida Engineering Society and the Board of Engineers. She stated that the discussion was in regards to the scope of practice that landscape architects are allowed by law to practice in the State of Florida. Ms. Walter advised the board that the discussion had been going on for the past thirty (30) years. Ms. Walter introduced Mr. Patrick Hodges from the Florida Chapter ASLA and she stated that he would give an update on the discussion.

Mr. Hodges advised the board that he was a landscape architect, a former member of the board and he currently serves as the Government Affairs Committee Chairman for the Florida Chapter ASLA. He stated that in the fall of 2007 the Florida Chapter ASLA began talking with the Florida Engineering Society about their concerns regarding the practice of stormwater management by landscape architects. Mr. Hodges stated the Department of Transportation was proposing changes to their rule and had a workshop in October 2007 in Tallahassee dealing with stormwater specifically. Mr. Hodges stated that Florida Engineering Society and the Florida ASLA was lobbying the Florida Department of Transportation to be sure that landscape architects would be recognized in that rule as licensed professionals that were entitled to do stormwater practice and the permitting associated with that rule. He stated that it had been a long process by which landscape architects had been recognized by various water management districts and the Florida Department of Environmental Protection as professionals who are entitled to do stormwater practice and design. Mr. Hodges advised the board that the Florida Engineering Society felt that landscape architects needed more limitations on practice. He stated that the Florida Engineering Society felt that Chapter 481, Part II, Florida Statutes does not entitle landscape architects to practice water management design without limitations. Mr. Hodges advised the board that the dialogue should continue with the Florida Engineering Society and address their concerns. He stated that statutorily landscape architects had been allowed to practice water management design since the enactment of the practice act. Mr. Hodges stated there is no history of a landscape architect overstepping their ability to practice in water management design. He stated there are no records of failures designed by landscape architects in this area and the board had never had to take any action. Mr. Hodges stated that the rule language proposed by the Florida Department of Transportation is agreeable to Florida ASLA. He stated that the Chapter would monitor the workshop process to make sure the language put in place stays in the rule. Mr. Hodges advised the board that they were working on avoiding

legislative action by the Florida Engineering Society. He stated that they were able to avoid it in 2007. He stated that he would like to see the matter put to rest.

Mr. Graham asked Mr. Hodges if the any kind of certification process was discussed.

Mr. Hodges stated that the Florida Engineering Society wanted to return to the 1988 agreement. He stated that would require that landscape architects show specific experience in the area, continuing education and pass a portion of the professional engineering exam.

Ms. Marshall-Beasley stated that in 1988 landscape architects did not have continuing education and they now have multiple courses in stormwater management. She stated that landscape architects are tested and stormwater management is taught in all accredited programs in the country. She stated that she does not know what else landscape architects could possibly do to meet the concern.

Mr. Hodges stated that they would continue dialogue with the Florida Engineering Society and persuade them that they do not have a valid argument for going to the Legislature and it would be a waste of time, money and energy to do so. He stated that a public relations program would show them what the education, examinations and continuing education requirements have done for landscape architects.

Mr. Graham stated that a simple e-letter, a mailing or a printed piece that stated did you know that landscape architects were tested etc. to be sent to the agencies to let them know what the state law is and to let them know that landscape architects are competent in that area.

Ms. Walter advised the board that Board counsel sent a letter to the Department of Environmental Protection when their rule making was going on. She stated that the letter outlined the licensure landscape architects hold, the continuing education and the educational background.

Ms. Walter recognized Mr. Hilton Meadows.

Mr. Meadows advised the board that he had a handout for the board members. He stated that it was a compendium of history beyond 1986. He stated that the stormwater issue had been around for a long time. He stated that in 1978 the law was changed and the provisions for stormwater management and drainage were written into the statute and unchallenged. Mr. Meadows reviewed his handout with the board. Mr. Meadows asked that everyone continue to do the good job they had been doing and for the new board members he stated that he appreciated the opportunity to bring the issue to their attention.

Ms. Walter stated that on behalf of the board she wanted to thank Hilton Meadows, Patrick Hodges, Jeff Castor and Florida Chapter ASLA for their efforts.

Mr. Graham advised the board that he wanted to thank Hilton Meadows for his diligence, perseverance and personal sacrifice on this issue. He thanked Mr. Hodges and the other committee members and stated that their efforts were appreciated.

## **ETHICS AND SUNSHINE LAW – DIANE GUILLEMETTE**

Ms. Guillemette advised the board that Sunshine is a Florida law that gives the right of access to government proceedings to the citizens of Florida. She stated that because of this law everything that government does had to be in the sunshine. She stated that it had to be noticed and the public had the right to understand how decisions are made. She stated that the public had the right to understand the final decision of any governmental entity but also how the decision is made.

Ms. Guillemette stated that if two (2) board members are discussing board business they are discussing their input and what factors they look at etc. She stated that the public has the right to know that so those things need to be out in the Sunshine. She stated that any gathering where there is a foreseeable action to be taken on the part of the board, such as discussion of legislation, criminal action or rules is subject to the Sunshine. She stated that it should not be discussed when it is not in a noticed open forum. Ms. Guillemette advised the board that they could talk to anyone about board business but they cannot talk to another board member. Ms. Guillemette advised the board that they wore two (2) hats. She stated that one is their legislative rules hat. She stated that they get legislation made and interpret legislation by way of the rules. She stated that their other job as a board member is that they are a quasi judicial entity. She stated that this means the board members are sitting as a judge. She stated the board decides what discipline a person should suffer, they approve or deny applications and so forth. She stated that if a person wants to speak to a board member about a particular disciplinary action it would be ex parte. She stated that is like talking to the judge without the other side being there. Ms. Guillemette stated that board members talk to each other at the board meetings. She stated that if you are talking about where to go to lunch that is ok but the public does not know that. She asked the board members to keep that to minimum because it had the appearance of impropriety. Ms. Guillemette advised the board that if you end up at the same social gathering you should not talk about board business. She stated that if a member is asked to speak to an organization one member can speak. She stated that if two (2) members are there to speak it had to be noticed. Ms. Guillemette advised the board that there are stiff penalties for violating the Sunshine law. Ms. Guillemette advised the board that she wanted to discuss ethics with the board. She stated that the board members were government officials. She stated that they had obligations for reporting gifts.

She stated that government officials could not accept any thing of worth from a lobbyist. Ms. Guillemette advised the board that if they receive a gift of \$100.00 or more from anyone who is not a lobbyist it had to be disclosed unless they were a relative. She stated that if you are invited to a pot-luck and you bring a bottle of wine you can have cheese and crackers. She stated that if everyone brings a little something you can accept it.

## **CONTINUING EDUCATION REQUESTS**

### **Saminik and Associates Request for Change in Course Category Avoiding the Lawyers Food Chain**

Ms. Walter advised the board that Saminik and Associates had received approval for a general course and they were requesting that the course be changed to a laws and rules course.

After discussion by the board the following motion was made.

**MOTION:** Ms. Marshall-Beasley made a motion to approve the request to change the course to a laws and rules course.

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

### **ASLA-Florida Chapter Request to Change Speaker Chasing LEED**

Ms. Walter advised the board that the Florida Chapter ASLA is requesting to change the speaker for Chasing LEED.

After discussion by the board the following motion was made.

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

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

### **Approval of Graduate Level Courses for Continuing Education Credit For Paul Davis – Licensee**

Ms. Walter advised the board that Mr. Paul Davis had requested continuing education credit for courses he had completed at an accredited university.

After discussion by the board the following motion was made.

**MOTION:** Mr. Bowden made a motion to approve Mr. Davis for 18 hours of continuing education credit.

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

### **APPROVAL OF MEETING MINUTES**

#### **February 22, 2008, Telephone Conference Call Minutes**

Mr. Delate advised the board that the country of Colombia was misspelled on page one hundred and eighty (180) line forty (45).

**MOTION:** Ms. Marshall-Beasley made a motion to approve the minutes as corrected.

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

#### **April 18, 2008, Board Meeting Minutes**

Ms. Walter advised the board that on page one hundred ninety one (191) line two hundred (200) the comment was some opportunities to improve versus approve. She stated that on page one hundred ninety two (192) line two hundred and forty two (242) she wanted to clarify that Mr. Patrick Hodges was representing the Florida Chapter of The American Society of Landscape Architects and on line two hundred forty seven (247) she stated that she believed that Mr. Ward had a relationship with FES and is representing the conservation and environmental quality committee instead of a but is representing. Ms. Walter stated that on page one hundred and ninety six (196) line four hundred and forty one there is an O in front of Ms. O'Mahoney's name and on line four hundred and forty nine (449). Ms. Walter stated that on page one hundred and ninety six (196) her last name was spelled with an s on the end.

**MOTION:** Ms. Marshall-Beasley made a motion to approve the minutes as corrected.

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

#### **May 29, 2008, Telephone Conference Call Minutes**

Ms. Walter advised the board that on page two hundred and nine (209) line two hundred and thirty two (232) Ms. O'Mahoney's name was spelled wrong.

**MOTION:** Ms. Marshall-Beasley made a motion to approve the minutes as corrected.

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

### **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:** Dr. Paskey seconded the motion and the motion passed unanimously.

### **Endorsement Applicants**

Jonathan A. Martin, Kevin C. Bernauer

### **Exam Candidates**

Christopher Allen Gaumer, Mark Philip Sartain

### **Temporary Certificate of Authorization**

Berger Partnership, PS

### **REPORTS**

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

Ms. Walter had nothing to report. She thanked everyone for being there.

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

Ms. Guillemette reviewed her report with the board. She advised the board that she would bring before the board for consideration to the October 2008 meeting the rules related to continuing education credit for non landscape architecture pre-approved courses for the board to consider. Ms. Guillemette stated there were some changes to Chapter 120.54(3) (b) 1, Florida Statutes. Ms. Guillemette advised the board that the new language was: However, an agency shall prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if the proposed rule will have an impact on small business. Ms. Guillemette advised the board that in the future a statement of

estimated regulatory costs would have to be prepared for any proposed rule. She stated that she would have more information at the October 2008 meeting.

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

Ms. Chastain welcomed the new and returning board members. Ms. Chastain advised the board that they needed to send their travel information to the board office. Ms. Chastain reviewed the financial report with the board. Ms. Chastain advised the board that the agency was proposing that all board meeting within the next year or two (2) become paperless. She stated that the construction industry licensing board had all ready gone to paperless board meetings. Ms. Chastain advised the board that there was a \$5.5 million dollar sweep to the trust account. She stated that the Department had not made the determination where all of the money will come from. She stated that the Department will look at the year end balances for all of the professions and the professions that have a large cash balance will be considered. Ms. Chastain advised the board that the Council of Landscape Registration Boards (CLARB) was meeting in September 2008 in San Diego. She stated that Ms. Marshall-Beasley was the board delegate but she could not attend and she asked if someone else would be available.

Mr. Joseph Delate stated that he would like to attend.

### **NEW BUSINESS**

Ms. Walter asked if the election of officers could be included on the October agenda as well as the appointment of probable cause panel members. Ms. Walter stated that a conference call needed to be set up to approve continuing education courses for the American Society of Landscape Architecture. She stated that there conference was the beginning of October 2008.

Ms. Chastain asked the board members to bring their calendars to the October 24, 2008 meeting so the board meetings could be set up for the year.

Dana Worthington advised the board that the next Florida Chapter ASLA conference would be July 23-25, 2009 in Sanibel. Ms. Worthington stated that she had certificates of appreciation for board staff and landscape architect board members would be recognized at the Chapter awards gala.

Ms. Walter advised the board that the next board meeting was October 24, 2008 in Ft. Myers.

The meeting adjourned at 1:21 p.m.