

**MINUTES**  
**BOARD OF LANDSCAPE ARCHITECTURE**  
**TELEPHONE CONFERENCE CALL**  
**Toll Free 888.808.6959; Conference Code 9218690**

**General Business Meeting**  
**June 29, 2009**  
**2:00 p.m.**

**CALL TO ORDER**

Ms. Marshall-Beasley called the meeting to order at 2:00 p.m.

**MEMBERS PRESENT**

Elizabeth Marshall-Beasley, Chair  
Collene Walter  
Dr. Ernest Paskey  
Philip Graham  
Joseph Delate

**MEMBERS ABSENT**

None

**OTHERS PRESENT**

Juanita Chastain, Executive Director  
Linda Tinsley, Government Analyst  
LeChea Parson, Prosecuting Attorney  
Diane Guillemette, Assistant Attorney General  
Rob Rosner  
Emily O'Mahoney  
John Costello  
David Steven Dana  
Shawn Kalbli  
Other Interested Parties

**PETITION FOR VARIANCE AND WAIVER OF RULE 61G10-11.004, FLORIDA ADMINISTRATIVE CODE**

Ms. Chastain advised the board that Mr. Dana had called in and was on the line. Ms. Chastain advised the board that Mr. Dana had applied to sit for the examination as a six year candidate. She stated that Mr. Dana had a degree in architecture and had worked under a golf course designer. He had not been

employed by or under the supervision of a licensed landscape architect; however, he had worked on projects with landscape architects.

Ms. Guillemette informed the board that the petitioner was requesting that the rule be waived to require the experience be gained under a licensed landscape architect and if granted the board would still meet the spirit of the statute. The board will still review his plans to qualify him as a six year candidate.

Ms. Marshall-Beasley indicated she had reviewed some of the plans that were submitted and could state there is a wide range of experience but Mr. Dana had not had the supervision that the board could sign off on.

Mr. Walter commented she recalled a similar case where an applicant had worked under an architect.

Mr. Dana stated he had worked with Jerry Pate Golf Design for ten years and for the last seven as the senior designer leading and managing all of his projects. They had done everything in golf course design from projects in the fifteen to twenty million dollar range to smaller scale projects with club house and putting greens to tying in the pool areas and tennis courts. He had been involved in approximately twenty projects in the last ten years. They had also handled construction management for their clients and coordination and implementation of their plans. Mr. Dana commented he did some land planning for a country club and tennis facility, parking lot for a new club house with Mr. Carter Quina. He also did a drainage and planting plan for a church. He commented that his experience went beyond the golf course work.

Mr. Graham asked if Mr. Pate was an architect and Mr. Dana replied no. Mr. Graham asked how long Mr. Dana worked with Mr. Carter Quina. Mr. Dana stated he was not Mr. Quina's employee but worked on the project with him on the Pensacola Country Club. He was the architect for the buildings and Mr. Dana was the golf course architect and managed the site plan, the pool and parking lot. There was a team of consultants and he worked on the project for about two to three years. Mr. Graham asked if Mr. Dana was ever employed by an architect and Mr. Dana replied no but that they had worked with many architects and landscape architects.

Mr. Graham stated he did not know if that would affect anything but usually the applicants had been under the direct supervision of a registered person.

Ms. Marshall-Beasley commented she was concerned about the church and parking lot because it sounded like he was practicing landscape architecture without a license.

**MOTION:** Dr. Paskey moved to approve the petition.

**SECOND:** Ms. Walter seconded the motion. She reviewed criteria under Section 120.542, FS, that speaks to demonstration of experience when a rule cannot be met based on the letter of the law.

Ms. Guillemette commented the board was just reviewing the petition and not the application. The board would be accepting his experience as meeting the experience requirement.

Ms. Walter stated that the application would still need to go before the board for review of his plans.

Ms. Guillemette stated if the petition were granted the application would be considered at the next meeting. Ms. Marshall-Beasley stated she had reviewed the plans but the board was not voting on them on the call. She asked Ms. Guillemette about the unlicensed practice and Ms. Guillemette stated that could be reviewed at the next meeting. Ms. Marshall-Beasley stated she was not sure if it would be a problem for Mr. Dana or the firm.

Mr. Graham stated golf course architecture is unique. Mr. Graham stated if he was qualified under his experience the golf course design does not need registration. Ms. Marshall-Beasley commented it is not the golf course design but she was concerned about the church.

The motion passed and petition granted. The application will be reviewed at the July meeting.

### **Review of Continuing Education Course/Provider Application**

1. American Society of Landscape Architects/Florida Chapter Provider Number 2709
  - a. Placement for the Creative Class

Dr. Paskey commented he reviewed the Placement for the Creative Class and at the time he reviewed the course he thought the board should review it but he did not conduct the review and approved the course.

**MOTION:** Mr. Graham moved to approve the course and continuing education ratification list.

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

The following courses were on the ratification list:

American Society of Landscape Architects  
Mangroves and the Florida Mangrove Preservation – 2 hours  
Stewardship Preserved Lands, New Towns – 4 hours

Sprawling and Sustainability – 1.5 hours  
Sustainability in Design and Development – 1.5 hours  
Highway Landscape Architecture and Outdoor – 2 hours  
The Sustainable Sites Initiative – 1.5 hours  
Sustainable Golf Design – 1.5 hours  
Intro to the US Green Building Council – 1 hour

Cherry Lake Tree Farm

The Magic of Landscapes 2009 – 6 hours  
All about Trees Field Day – 4 hours  
New Varieties and Cultivars-Short Course – 2 hours  
New Varieties and Cultivars – Selecting – 5 hours

Rain Bird Services Corporation

Drip Installation and Maintenance – 8 hours  
Landscape Drip Design – 8 hours  
Landscape Irrigation Design – 8 hours  
Intro to Irrigation and Installation – 8 hours  
Advanced Irrigation Design – 8 hours

Trifecta Construction Solutions

Introduction to Greenwashing – 1 hour

University of Florida Cooperative Extension

Mangrove Maintenance – 5 hours

Brick America, Inc.

BIA Segmental Paving – 1 hour

Redvector.com, Inc.

PVC Pipe – Which Type Should I Use? – 1 hour  
Regenerative Landscape Design: Shelters – 3 hours  
Parking Lot Storm Drain Design – 2 hours

## **DISCUSSION**

### **Rule 61G10-18.001, FAC – Continuing Education Requirements**

Ms. Guillemette commented that the board asked that language be drafted to waive the continuing education requirements for one year if the licensee can prove a hardship. She explained that a licensee could currently accomplish the waiver by a petition for rule waiver but this would be a faster way to accomplish the waiver.

Ms. Marshall-Beasley commented she thought this was a clean and kind gesture.

Ms. Chastain commented the Bureau of Education and Testing (BET) had several questions concerning the new rule and she wanted the board to review her responses. Ms. Chastain explained that some of their questions would be handled by the department's technology unit. The board discussed the questions posed by BET.

1. Do they have to pay the fee by the renewal deadline?  
Yes
2. Will the board use a hardship modifier to extend the continuing education deadline?  
Department technology issue
3. Will the licensee hold a current/active license during the one year period of extension?  
Yes
4. Will there be a system alert if they do not complete the continuing education within the one year period and set the license to delinquent status?  
Department technology issue but the license should revert to delinquent status.
5. Can the continuing education be electronically reported and the "hardship" modifier automatically removed?  
Yes, department technology issue
6. Will there be any consideration given to a licensee who misses the 60 day deadline?  
No

Mr. Delate asked when the 60-day deadline would go into effect?

Ms. Chastain explained that the end of the renewal cycle is November 30. The renewal notices go out 90 days prior to the end of the cycle and her plan is to include notification of the new rule in the renewal notice. She also commented she would put the information on the board's web site.

The language reads:

61G10-18.001(6) The board may, upon request of a licensee suffering a hardship, temporarily waive the continuing education requirement for one year. The licensee must make the request, in writing to the Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399-0751, or by way of <http://myflorida.com/dbpr/>, detailing the hardship at least 60 days prior to the renewal.

Ms. Walter commented the rule does not set forth any criteria. Ms. Guillemette stated that was difficult to define and should be handled on a case by case basis. The board asked if they should put a date in the rule and Ms. Guillemette stated if the board does not want the rule next renewal cycle they can remove it at that time.

Ms. Walter inquired about carrying hours over from one renewal cycle to the next. Ms. Chastain commented that Section 481.313, FS, renewal of license, requires the licensee to obtain their continuing education during the two year period prior to renewal.

**MOTION:** Dr. Paskey moved to approve with Ms. Guillemette's modifications.

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

### **Professional Engineers and Landscape Architects Task Force**

Ms. Chastain explained that the Legislature created the Task Force with the mandate that a report be submitted to the Legislature by November 2009. The department is contracting with the Florida State University Florida Conflict Resolution Consortium to handle the administrative functions of the task force.

Ms. Marshall-Beasley asked if there were any volunteers. Mr. Graham and Ms. Marshall-Beasley were not available.

Ms. Chastain stated the board's delegate did not have to be a board member.

Ms. Walter commented she did not practice in the realm of stormwater management and she feels the board would be better served by someone with the stormwater design experience. Ms. Walter asked if Mr. Patrick Hodges would be interested?

Ms. Marshall-Beasley commented this is a statutory issue and she questioned if the board should have someone for legal representation other than practical representation.

Dr. Paskey thought someone with permitting experience would be helpful.

Ms. Marshall-Beasley thought Jeff Castor might have the experience.

Mr. Kalbli from ASLA was online and commented the Florida chapter issued a call to members interested in serving on a stormwater advisory group. The association had discussed Mr. Leo Urban as their appointee and Mr. John Gorham as their alternate with final approval by the executive committee. Mr. Hilton Meadows, Mr. Kevin Caviolli, and Mr. Ted Baker would serve as the

advisory committee to the appointee. They will serve under Patrick Hodges, member at large, that oversees the water resources committee.

Mr. Costello addressed the board and stated he thought it would be better for the board to appoint someone that practices within stormwater other than a legal background. Mr. Costello stated he is not an attorney but have attorneys on staff and they would be serving in their role as government advisors and advise their appointee in any legal manner. He commented he thought the task force was to develop good public policy and to do so the task force should know the details on definitions and where the lines should be drawn in the ability to practice. That takes expertise and they would not have that from a legal perspective. The attorneys would assist in translating the policy into legislation.

Ms. Marshall-Beasley stated that she felt the task force would be developing public policy and legislation that is in direct opposition to the existing statute. She commented she thought they were going to be at odds with their own statute.

Mr. Kalbli stated that the way the association is approaching the efforts is that everyone understands that landscape architects are statutorily entitled to practice stormwater management design and he understands the concerns that it not be overly complicated and leaving people wondering what the intent was. Stormwater is difficult to create clear and clean thresholds that are nicely compartmentalized into the boxes that people can understand. That is why they feel its important to bring people from their profession to the table that can help set that forward and have a good dialogue with the engineers. It is not a simple conversation or a simple report to the Legislature but between Florida ASLA, FES and the board attorney they should have good legal backing to help formulate a vision for how the language should be read and interpreted in the future.

Mr. Kalbli suggested that the board appoint Mr. John Gorham as their delegate. Mr. Kalibi stated Mr. Gorham had extensive practice in stormwater and he lives in Tallahassee which would be beneficial. Mr. Gorham had expressed an interest and commitment to the profession. If Mr. Gorham served as the board's delegate the association could select another alternate. The board agreed that Mr. Gorham would be a good delegate.

**MOTION:** Ms. Walter moved to nominate Mr. Gorham as the board delegate to the task force.

**SECOND:** Dr. Paskey seconded the motion.

The board asked Mr. Kalbli to contact Mr. Gorham. Mr. Kalibi contacted him and stated he is willing to serve as the board's delegate.

The motion passed unanimously.

## **RATIFICATION LIST**

Ms. Chastain read the following names into the record:

Certificate of Authorization  
Miton, LLC  
Windham Studio, Inc.  
Mills Landscape Architecture Inc.  
Blue Leaf Design, Inc.

Examination  
Smith, Kenneth Scott  
Ricci, Susan  
Heiss, Kimberly S.  
Chichetti, Jane Hudson  
Leddy, Sean P.

Endorsement  
Denson, John Albert  
Jones, Mary Margaret  
Johnson, Mark W.

**MOTION:** Dr. Paskey moved to approve the list.

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

## **OLD BUSINESS**

Ms. Chastain commented the Bureau of Education and Testing asked if a licensee that assists the department in examination writing could be granted hours for continuing education. Ms. Chastain stated while it is not currently possible she asked if the board would consider amending their rule to allow for it. The board asked that the item be included on the July agenda for discussion.

## **NEW BUSINESS**

Mr. Delate asked about a letter he received from an applicant. Ms. Chastain indicated the letter would be on the July agenda.

## **ADJOURN**

**MOTION:** Dr. Paskey moved to adjourn.

**SECOND:** Mr. Graham seconded the motion.



The meeting adjourned at 3:15 p.m.