

BOARD OF LANDSCAPE ARCHITECTURE  
Minutes

TELEPHONE CONFERENCE CALL  
May 20, 2003  
9:00 A.M.

(850) 488-8295 or Suncom 278-8295

**Call to Order**

Mr. Davis called the meeting to order at 9:00 a.m.

Board Members Present:

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

Board Member Absent:

Philip Graham

Others Present:

Rosanna Catalano, Board Counsel  
Charles Pellegrini, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Terri Estes, Government Analyst  
Jeff Smith  
Jeff Caster  
Michael Thomas

**Review and Approval of Minutes - Telephone Conference Call March 28, 2003**

MOTION: Ms. Gillick moved to approve the minutes as presented.

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

**Application Review**

**Conceptual Design Group, Inc.**

Ms. Estes explained to the board that this application was on the agenda because the board determined at the previous meeting that the entire board should review applicants that indicate services performed prior to licensure. This

application reflects on page 14 of the agenda services offered prior to licensure. Mr. Davis asked why this was being handled differently than the disciplinary case at the last board meeting. Ms. Chastain reminded the board that they determined that having the applicant appear at this time was more expeditious than going through the disciplinary process. She continued by stating that the board determined that they could grant licensure with conditions, an example would be a fine.

Ms. Catalano stated that the board could deny or approve with conditions for licensure and find the applicant in violation of the practice act. She referred the board to tab 485 in the agenda where she outlined the disciplinary actions. She stated they could approve the applicant with a condition of licensure. Mr. Davis asked Ms. Catalano if a condition of licensure would reflect as discipline on the applicant's record. Ms. Catalano responded in the negative. She stated it was less harsh and easier administratively.

Ms. Gillick asked Mr. Smith what prompted him to file for the certificate of authorization. Mr. Smith commented that he hired a gentleman from his church to complete all the proper applications to receive licensure to perform landscape services. He continued by stating that when he took his continuing education to renew his license he realized that he did not have a certificate of authorization for the business. Mr. Smith commented that he immediately filed for a certificate of authorization.

Ms. Marshall-Beasley asked Mr. Smith if he was working for a larger firm as the qualifier. Mr. Smith replied in the negative. Mr. Smith commented that he could have practiced as a sole practitioner, however, he would like to expand his business in the future.

Ms. Gillick asked Mr. Smith when he was personally licensed. Mr. Smith replied in 1998. Ms. Gillick asked Ms. Catalano how the board should proceed. Ms. Catalano replied that the board could grant licensure. She commented that if the board finds mitigating factors they do not have to find him in violation and levy a fine as a condition of licensure.

The board discussed the previous case that was brought before the board regarding the application and the disciplinary action and route taken to resolve the issue. Ms. Estes informed the board that this application was similar to the previous disciplinary case. She continued by stating that the previous applicant made application for the certificate of authorization, indicated they had performed jobs on the application, they were placed on the ratification list for licensure but they were pulled because the board was not sure how to handle the application. She stated that the board counsel at that time advised the board to send the application to investigations.

Mr. Smith commented that after taking the laws and rules continuing education course he did a self-audit and was trying to do the right thing by coming into compliance. Mr. Davis stated that as professional he was required to know the laws and rules. After much discussion the following motion was made.

MOTION: Ms. Walter moved to find Mr. Smith in violation of Chapter 455.227(1)(j) for practicing without a certificate of authorization.

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

MOTION: Ms. Walter moved to approve the certificate of authorization with no penalties or fine.

SECOND: Ms. Gillick seconded the motion.

Ms. Marshall-Beasley commented that she would like a fine levied but not discipline.

MOTION: Ms. Walter moved to amend her motion to approve the certificate of authorization with a fine of \$500.

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

Ms. Gillick opposed.

Ms. Marshall-Beasley asked Ms. Catalano if there was a way that the board could have a grid as a guide so the board is consistent with the discipline. Ms. Catalano replied that the board could determine what the mitigating factors are and what is important when determining the appropriate disciplinary action. Ms. Walter commented that she would prefer the applicants come before the board to avoid a delay in the process and they could hear the case to determine the appropriate action.

## **Review of Continuing Education Providers and Courses**

### **Florida Chapter of the International Society of Arboriculture (ISA) Provider# 0002246**

**Engineering with Trees  
Roadside Vegetation Management  
Trees Florida 2003-Tree Academy Option 1  
Trees Florida 2003-Tree Academy Option 2  
Trees Florida 2003-Tree Academy Option 3  
Trees Florida 2003- Monday General Session  
Trees Florida 2003- Monday PM Sessions  
Trees Florida 2003- Tuesday AM Session**

### **Trees Florida 2003- Tuesday PM General Session**

Ms. Walter presented the courses and referred the board to the memo in the packet. She commented that the first two listed a and b are complete and she is recommending approval. She stated that course a is eligible for 3.75 optional credits and b is eligible for 6.75 optional credits.

MOTION: Ms. Gillick moved to approve courses a and b.

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

Ms. Walter presented courses c through i and commented that the courses are being given at a conference and individuals can choose which sessions they would like to attend. She stated the applications are complete.

MOTION: Ms. Walter moved to approve courses c through i.

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

### **Risi Stone Systems - Provider application**

#### **SRW Construction**

#### **SRW Design Theory**

#### **SRW Design & Analysis Using Risi Wall 5**

#### **Introduction to SRW Technology**

Ms. Walter presented the provider and course applications and commented that she paid close attention to whether the courses were promotional for products or generic. She commented that she feels the courses are generic and not product specific.

MOTION: Ms. Walter moved to approve the provider application and courses a through e.

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

### **Florida Chamber's Environmental Network**

#### **Provider# 0002077**

#### **A very special session on wetlands**

Ms. Walter presented the course and commented that she felt the course was eligible for legal and optional credit hours. She commented she felt this course would be eligible for 2 hours of legal credit. She continued by stating the provider listed the instructors because they may vary. Ms. Walter recommended approval of the course.

MOTION: Ms. Walter moved to approve the course for satisfying 2 legal hours and 8 hours of optional credit.

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

**Cherry Lake Tree Farm**

**Provider# 0002080**

**Successful Compliance with Tree Ordinances**

Ms. Walter presented the course, commented that the application was complete and recommends approval. Board members commented that they have received positive feedback from individuals that have attended courses offered by this provider.

MOTION: Ms. Walter moved to approve the course.

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

**Florida Department of Community Affairs**

**Provider application**

**June 30<sup>th</sup> 2003 Code Changes**

Ms. Walter presented the provider application and stated the application was complete.

MOTION: Ms. Walter moved to approve the provider application.

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

Ms. Walter presented the course application and stated that the course would cover the upcoming changes to the Florida Building Code June 30<sup>th</sup> 2003. She commented she felt this was a core course not an advanced course. She stated that this course would still be required for individuals that are newly licensed. Ms. Gillick asked if individuals that have completed the core course for this upcoming renewal could take this course. Ms. Walter replied that it could be taken because currently there is no enforcement mechanism in place for individuals that have not taken the core course by May 31<sup>st</sup>. Ms. Chastain commented that she was not sure this was a core course and offered to verify.

Ms. Chastain commented that the Department of Community Affairs would only be offering one of the six-core courses, which would be the administration course. Ms. Walter commented that if this was an advanced course then they should not approve until after the renewal date.

MOTION: Ms. Walter moved to approved the course if it was an advanced course with an effective date of December 1, 2003 and if it was a core course then it would be approved immediately.

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

Ms. Chastain commented that there was information on the web site regarding the core course and advanced course.

### **Fladd & Associates**

#### **Provider name change**

Ms. Walter commented she does not see where in the rule they could approve a name change for an approved provider where the primary contact was no longer with the provider and assign the provider number to a different provider. She commented that Fladd & Associates is an approved provider and the letter is requesting the Fladd's provider number be transferred to a provider with a different name. Mr. Davis commented that he feels that this would require a new provider application.

Ms. Marshall-Beasley commented that there was an issue that came up Red Vector and a sub contractor with Red Vector and a CD-ROM that was being sold. She asked if there was a provider status issue or a reporting issue. Ms. Walter commented that this conversation came up at the Department of Community Affairs meeting but Red Vector's name was not mentioned. She commented that they (DCA) are not sure how Red Vector's name was tied to this issue but there is a company by the name Chitester that is an approved provider by DCA to teach a live core course. She commented that Chitester taped one of their live courses and offered it on DVD. Ms. Walter commented that the American Institute of Architects (AIA) had received approval previously from DCA to offer the course via DVD or similar. Therefore, Chitester assumed that since AIA received approval they could do the same. Ms. Walter commented that there was a lot of discussion regarding the DVD formats or live format at the last DCA meeting and the issue was tabled.

The board returned to the discussion regarding the Fladd & Associates name change. After discussion it was determined that the application submitted was submitted to try to do a name change instead of a new provider application. Ms. Gillick commented that they should become a new provider and not use the old provider number. The application reflects that they would like to use the current provider number for Fladd & Associates for this new firm name.

MOTION: Ms. Gillick moved to instruct the applicant to make a new application as a provider and not use the current provider number of Fladd & Associates.

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

Ms. Catalano recommended to the board that the cleanest way to handle this would be to deny the application, recommend to the applicant that they make proper application for provider and course application.

Ms. Catalano commented that she would do an order reflecting the recommendation of the board.

## **Rules**

### **Rule 61G10-18.001 dated May 7, 2003**

Ms. Catalano commented that the agenda materials reflect the updated language the board revised. Ms. Catalano reviewed her notes for the board to give them an update on the changes. She stated that the rule was kept the same with the exception of a few items and reviewed the language that the board voted to change. Ms. Gillick commented that if the language is clear and JAPC is okay with the language then that was a good thing.

MOTION: Ms. Marshall-Beasley moved to approve.

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

MOTION: Ms. Marshall-Beasley moved to approve the adoption of the language.

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

## **Discussion**

### **Ratification List – (faxed)**

MOTION: Ms. Walter moved to approve the ratification list.

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

## **For the Board's Information**

### **E-mail from Rosanna Catalano – Florida Certified Landscape Designer**

Ms. Catalano commented that at the last meeting an individual brought up a concern regarding the Florida Certified Landscape Designer designation that the Florida Nurserymen and Growers Association (FNGA) was giving. She stated that the board indicated that they were concerned about the designation because it could be confusing. She stated that she did some research and drafted a letter for the board's review. Ms. Marshall-Beasley commented that Mr. Caster brought this issue because it was in relation to a campaign ad from Department of Agriculture. Mr. Davis stated that the Department of Agriculture was promoting this issue and requested that a copy of the letter be sent to them as well.

Mr. Caster commented that he had a meeting with ASLA and Mr. Nam had a copy of the letter. He commented that maybe the board should reconsider their strategy and whether the letter to FNGA was necessary. He commented that the board has no authority over FNGA and was that really the board's role. He commented that the counsel needed to make the determination if what they are doing is inappropriate because he feels the letter would be antagonizing.

Ms. Gillick commented that she agreed with Mr. Caster. She stated that she felt Ms. Catalano did a lot of work on this issue. She stated that there seems to be a move underway by FNGA regarding this issue. She stated that maybe the letter should be a big brother issue and try not to antagonize them. Ms. Catalano commented that the Economic Crimes Division had a concern with the word "Florida" and "Certified" in the title of Florida Certified Landscape Designer. He felt they should use one but not both of those words. She commented that they recommended that the board send FNGA a copy of the statutes and if they did not change the name then the board could file a complaint with the Economic Crimes Unit and they would pursue the issue. She commented the Mr. Iglesias thought that the title they were using was inappropriate.

Mr. Davis commented that the board might want to send a courtesy letter to let FNGA know there is a concern. He commented that the tone of the letter should be friendly. Ms. Marshall-Beasley commented that this does have an economic effect on the licensees. She stated that she is respectful of FNGA and feels that the campaign they are pushing is inappropriate and confusing to the public.

Ms. Gillick commented that she would like to have the facts straight before they send a letter to FNGA. Ms. Walter suggested that Ms. Catalano's letter should be softened or friendlier and the board should invite a representative from FNGA to come to the July board meeting to discuss this issue.

Ms. Marshall-Beasley commented that the campaign is misleading. Ms. Gillick commented that this was the first time she had heard of the Department of Agriculture promoting this designation. She stated that it was clear that the FNGA was promoting a course and portraying themselves in the public eye as an authority for landscape. She stated that this was misleading because Chapter 481, F. S., clearly defines the educational requirements and licensure requirements regarding landscape architecture. Mr. Davis commented that landscape design is defined in Chapter 481, F. S.

Mr. Caster commented that ASLA offered to assist with writing the letter to FNGA. The board determined that the letter should go to FNGA and the Department of Agriculture. Mr. Caster commented that he does not feel that FNGA is aware of the health, safety, and welfare issue that the board is identifying today. He commented that maybe the board should skip the letter and forward to the Economic Crimes Unit and let them handle. Ms. Marshall-Beasley

asked if he knew when the campaign was going to begin. Mr. Caster replied that he was not aware of the start date and it was a multi-media campaign that is well under way.

Ms. Gillick commented that the Department of Agriculture should be aware of the health, safety, and welfare issues regarding the statutes. Mr. Davis commented that the letter should be reworded. Ms. Catalano commented that the Economic Crimes Unit suggested that the board send a letter first and if there was no action to refer to the Unit for a complaint to be filed.

Mr. Davis commented that he would insert verbiage from Chapter 481, F. S. and request that a representative from FNGA attends the next board meeting to discuss the issue. Ms. Marshall-Beasley suggested wording that would suggest a mutual beneficial resolution.

Mr. Thomas commented that he supports ASLA regarding the board using caution. He stated that this program has been around for some time and that this is an industry certification that differentiates between individuals that have extensive knowledge and someone that has no background. He stated that this is used to recognize an individual that has two to four years of horticulture education. Mr. Davis commented that they should say FNGA Certified.

The board commented that FNGA was doing a wonderful job, however, the issue was the title of the certification was misleading. Ms. Catalano confirmed that the board wanted to go forward with the letter. The board confirmed yes. Ms. Catalano reviewed the letter and changes. Ms. Marshall-Beasley commented that she would like state that they appreciate the work that FNGA has done on behalf of its membership and supports your industry certification programs.

Mr. Thomas commented that he was looking at the FNGA's website and it uses the term Florida Certified and they intended the use to be geographic. Mr. Caster commented that the information sent to Ms. Catalano was publication's used by individuals that have received FNGA's certification. He commented that individuals with the certification might be confused.

Ms. Marshall-Beasley commented that she would like ASLA to follow suit. Mr. Caster commented that ASLA has more in common with FNGA than different. Ms. Gillick commented that she would like to have support of the licensing law. Mr. Caster commented that he would pass the information to ASLA's Government Affairs representative. Mr. Caster commented that the materials he passed to Ms. Catalano included information that says watch for the seal, which he feels could cause confusion.

Mr. Davis commented that he would rather this be a state of Florida issue. Mr. Caster commented that the information he forwarded to Ms. Catalano was on his

behalf not ALSA. Ms. Gillick thanked Mr. Caster for bringing this issue to the board's attention.

Ms. Marshall-Beasley commented that she would like to have better communication with the ASLA Executive Committee because there does not appear to be a good forum to resolve policy issues and other issues. Ms. Walter commented that she would endorse having an open forum or workshop to foster their relationship with ASLA.

Mr. Caster commented that he felt they have different roles and they should not get too cozy with associations. Ms. Gillick commented that she agreed that the bodies were two separate distinct groups and have different purposes. Mr. Caster commented that he would make sure there was an informed Executive Committee member that would attend future board meetings.

Ms. Catalano read to the board the revised letter with the board's changes.

#### **Letter to Ms. Rita Roppolo**

Ms. Catalano commented that was correspondence that she wrote on behalf of the board. Ms. Walter commented that this was a good letter, however, the board made clear they would not give credit for courses that were audited.

#### **Architect Sealing Landscape Architecture Plans- E-mail from Rosanna Catalano**

Ms. Catalano commented that this was for the board's information and the answer was it depends. Ms. Walter commented that the sentence that states local municipalities could have more restrictive requirements as long as it was not in direct violation of the statutes.

#### **Memo from Rosanna Catalano regarding granting licensure with conditions** For the boards review.

#### **Memo from Rosanna Catalano – Board Member Advice** **Model Ordinance dated May 7, 2003**

MOTION: Ms. Gillick moved to approve the draft of May 7, 2003 be endorsed by the board.

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

The board asked Ms. Chastain to draft a letter to Mr. Thomas regarding the approval by the board of the Model Ordinance.

#### **New Business**

Ms. Davis commented that he was invited to address ASLA's membership at the upcoming conference. He commented that he would outline the rule changes

and solicit opinions on coursework. Ms. Walter commented that members could receive 2 hours of continuing education law credit for attending the board meeting. Mr. Davis requested that the board's laws and rules booklet and newsletter be available for distribution at the ASLA conference.

### **Old Business**

Ms. Walter commented that the board sent a letter to the Florida Building Commission regarding the discrepancy with the completion date of the core course. She commented that there was a Senate Bill 518 that was suppose to rectify the date issue, however, that did not happen. Ms. Walter commented that the board approved a 2-hour advance course requirement and she asked staff to send Mr. Browdy a letter informing him of the board's decision.

Ms. Walter commented that the Florida Building Commission has submitted for review and approval of advance courses and the board approved the administration and termites. She commented that they have not submitted the pools and spas or accessibility courses and it does not appear that they are going to. She asked Ms. Chastain to include in her letter to the Commission a comment that the board would like to consider those courses and encourage them to submit.

Ms. Walter commented that the Florida Building Commission meeting was confrontational and there were accusations that DBPR was giving misinformation to licensees regarding the May 31, 2003 core course deadline. She commented that the licensees were accusing the providers for giving them a false deadline. She commented that it might be beneficial to include a newsletter as an attachment to Mr. Browdy to show that the board has taken a proactive approach to notifying licensees of the core course requirement. Ms. Chastain commented that she would draft a letter and have Ms. Walter review.

The future meeting dates were confirmed as follows:  
August 1, 2003, 8:00 a.m. – Ft. Lauderdale  
October 24, 2003, 9:00 a.m. – Palm Beach

### **Adjourn**

MOTION: Ms. Gillick moved to adjourn.

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

The meeting adjourned at 11:39 a.m.