

BOARD OF LANDSCAPE ARCHITECTURE

Hawthorn Suites
7450 Augusta National Drive
Orlando, FL 32822

February 7, 2003
9:00 a.m.

General Board and Business Meeting Minutes

Call to Order

Mr. Davis, Chair, called the meeting to order at 9:10 a.m.

Board Members Present:

Paul Davis, Chair
Collene Walter
Elizabeth Marshall-Beasley
Philip Graham
Elizabeth Gillick, Vice-Chair

Others Present:

June McKinney Bartelle, Board Counsel
Charles Pellegrini, Prosecuting Attorney
Rosanna Catalano, Board Counsel
Leon Biegalski, Executive Director
Terri Estes, Government Analyst II
Mike Thomas, Florida Department of Environmental Protection
Debra Roman
David Drylie
Kevin Cavaioli
Dana Worthington
James Penrod, CLARB

Ms. McKinney Bartelle advised the board that due to the reorganization of her department, this meeting would be her last. She introduced Ms. Catalano as the new board counsel and handed out her resume.

Ms. Gillick complimented Ms. McKinney Bartelle for her work with the board. She requested that the Chair write a formal letter thanking her for her service.

Review and Approval of Minutes

August 1, 2002, Board Meeting

Ms. Walter commented that page 3, bottom of the page, Mr. Graham moved to amend the agenda and it should reflect what the amendment was for. She indicated that in the second paragraph, page 4, it should read "how" instead of "who". She commented on the same page, 8th line down, should read whom instead of it.

Ms. Estes commented that she would correct the footer to reflect the date of August 1, 2002 instead of April 1, 2002.

MOTION: Mr. Graham moved to approve the minutes as amended.

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

October 31, 2002, Rules Development Workshop and Board Meeting

Ms. Gillick commented that on page 28, to change Mr. Gillick to Ms. Gillick. Ms. Walter commented that there were several others present, including Barbara Meachum, JT Allaman, Carrie Steinbaum and Jim McElheny.

MOTION: Mr. Graham moved to approve the minutes as amended.

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

December 3, 2002, Telephone Conference Call

MOTION: Ms. Gillick moved to approve the minutes.

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

Appearances by Mr. Penrod with CLARB and Mr. Workman with the DBPR, Bureau of Education and Testing

Mr. Penrod with the Council of Landscape Architectural Registration Board (CLARB) was present to address the board. He commented that he was sent some questions and would begin by addressing those questions. The first was if the Landscape Architecture Registration Examination (LARE) could be administered by computer. He commented that CLARB was looking into administering the multiple-choice sections by computer. The graphic based examination is cost prohibited at this time.

The second question was how the red line review process works. Mr. Penrod brought a handout for the board members to review regarding the red line review process. He explained that after the administration of the examination there are deadlines for red line review. Typically the deadlines for red line reviews are

October for the June exam and April for the December exam. The board would send a list of candidates that have requested a standard or red line review. Once the board submits the list, CLARB has a 4-week response period for the standard review and a 6-week response period for the red line review. CLARB sends standard review requests out to the reviewers. They utilize landscape architects that are familiar with the process to perform the red line reviews on the vignettes that do not receive a passing score. This takes time to send out the information, perform the review, and receive the information back.

Ms. Gillick commented that they had received information that it was taking up to 4 months for the reviews to be completed. Ms. Marshall-Beasley commented that was for a score verification.

Mr. Penrod explained the process of a score verification, which is an appeal process. There is a panel of master graders that sit down and rescore the examination based on the same criteria that the examination was scored originally. They look through candidate appeals and the candidates have the ability to write an explanation as to why their examination was scored incorrectly. This takes place at the next grading session. An example would be if the examination was taken in December, the score verification would take place in July. This saves costs because they must gather the group of graders together and they do not have that many score verifications.

Mr. Penrod stated that the candidate must make a choice to take the next exam and/or still have the score verification. If the candidate's grade is changed to passing after they have gone through the score verification process then the candidate can receive a refund for the examination. Ms. Marshall-Beasley commented that it does not cover the cost of the hotel, studying, and other expenses the candidate incurs while waiting for the score verification.

Mr. Penrod commented that the board must request a refund to CLARB for candidates. Ms. Marshall-Beasley asked if they outsource the red line review why can't the score verifications be done at the same time. One person, either a master grader or CLARB, staff performs the red line review. The score verification is where a panel gathers and discusses the vignette and why or how the candidate came up with their answer or solution.

Ms. Gillick asked what is the typical time for notification of passing grades. Mr. Penrod responded as an example, for a June examination the grades would be released in September. He commented that the candidate could go to the CLARB web page and verify their grade. The grades are sent to the Florida Board for official notification and mailing to the candidate. Mr. Penrod brought information regarding the timeline for the examination and grade notification process.

Ms. Marshall-Beasley commented that the red line review is one to two weeks before the next examination is given. She commented that 2 extra weeks would be helpful.

Ms. Gillick asked Mr. Penrod what was the percentage of requests for red line reviews. Mr. Penrod responded that he would have to guess 10-20 percent. Ms. Marshall-Beasley guessed that the reason would be the cost. The standard review is \$25 and the red line review is \$100 for section C and \$140 for section E. The score verification is the cost of that section of the examination when it is administered.

Ms. Marshall-Beasley asked why a candidate could not take notes when they attend a red line review. Mr. Penrod responded that it was a security issue and they reuse problems on the examinations. They reuse problems to keep the costs down. Ms. Marshall-Beasley asked if CLARB retires problems. He responded that they reuse until they become outdated based on the task analysis or if a particular skill is no longer important. Ms. Gillick asked how often was the task analysis performed. Mr. Penrod responded every 5 to 7 years.

Ms. Marshall-Beasley commented she does not feel there is adequate information regarding the examination. She commented that it appears to be the Graphic sections. She stated that she has tried to figure out if it was the educational system or professionals that have gone awry. She commented that there is information on what not to do while taking the examination but there is no information on what to do to pass the examination. She commented that candidates are lost. Mr. Penrod referenced the Road to Licensure offers a manual on CD-ROM that has about 60 solutions that inform candidates about the common errors. He commented that the problem will change and if you show a good solution that works for that problem you may be doing a disservice because the candidate will not see that problem again. It is important to show them the weakness areas then they can see different ways to improve upon. Ms. Marshall-Beasley disagrees with Mr. Penrod.

Mr. Penrod commented that CLARB welcomes input from the boards, candidates, and licensed professionals. CLARB offers what they can and asked the board to bear in mind that the LARE is a measurement tool not an educational tool. The boards use the LARE to insure that when a candidate is licensed that they have the ability to protect the health, safety, and welfare of the public. CLARB is allowed to distribute certain things however they are not in the business to educate candidates on how to pass the test.

Ms. Marshall-Beasley commented that she would like to see a review class that would help candidates prepare for the LARE and show them the pitfalls of the examination. Mr. Penrod commented that he has been trying to work with ASLA to help with prep courses for the examination. He feels there is conflict of interest for the CLARB to show candidates how to pass to test.

Mr. Penrod commented that he agrees with the passing rates of the examination. He mentioned that CLARB is partially funding the Landscape Architect Body of Knowledge (LABOK) Study, which is improving standards for an accredited degree. This would insure students graduating would possess certain qualities that are important for landscape architects and improve their performance on the licensure examination. CLARB is also looking forward to developing mentoring programs. He mentioned the Outreach program in where CLARB attends schools to inform candidates of the licensure requirements and what the examination is about.

Ms. Gillick asked Mr. Penrod if CLARB interacts or does outreach with colleges and universities that offer accredited programs in landscape architecture. Mr. Penrod responded that CLARB has a list of contacts and they have persons on an outreach program that attends the schools and gives presentations. Ms. Gillick asked how often. Mr. Penrod commented that it is usually once a year. He commented that Veronica Meadows is the coordinator of the outreach program and volunteers.

Ms. Marshall-Beasley commented that she was doing the outreach for CLARB. Ms. Gillick was talking about a class at a college or university that gives a question and this is how you approach it on how to answer the question. She commented that the Road to Licensure gives you a passing solution but it is flawed.

Mr. Penrod commented that they have gotten away from the borderline pass or fail because it changes everytime. The scores could be different for two different kinds of problems. Mr. Graham commented that when he took the UNE he was able to look up the answer. He would like to see questions that are retired from the examination published. Mr. Penrod commented they are planning on using the retired problems for diagnostic solutions. Mr. Graham commented he would like to see a way for the candidates to have an idea of how the test is set up or formatted.

Ms. Gillick commented that the Road to Licensure is not enough and is not working. She commented that you need people working with people. Mr. Graham commented that the reason the grades are so low is because they are subjective. He asked if there was a way to measure the competency of a candidate without it being so subjective. Mr. Penrod responded that he disagrees with them being subjective. He offered for any one from the board to come and sit in on a review or grade an examination. He stated that it is based in facts and technical aspects and the process has come a long way from the UNE. It is based on the their solutions and how they respond to the problems. Mr. Graham asked if there was a way to make it more objective. Mr. Penrod commented that you could not make the Graphic section a multiple-choice test. He commented that if you asked pointed questions then you lose the ability to

come up with a solution. It is a compilation of all of the skills to come up with a solution.

Mr. Davis commented he attended the grading of the site design portion of the test, which consists of 3 vignettes. He said there is set criteria that the grader is looking for. At least 2 people and sometime 4 or 5 score the problems. There is a quality check to make sure the graders are looking at the same criteria. You must have 2 people, scoring independently, come up with the same score using the same criteria. He commented that it was fair and consistent.

Ms. Marshall-Beasley commented that she did not have a problem with the graders and how they scored. Her mystery was what were the 20 items and how are they ranked or weighted. She did not understand until she had a red line review. Once she understood that the graders are looking for the 20 items through out the test then she could move forward. She commented that the test takers do not understand that the graders are looking for those 20 items (criteria) through out the vignette. Mr. Penrod stated he would take the boards comments back to CLARB.

Mr. Penrod commented that CLARB is willing to help out the universities with the review or prep class. He commented that the examination is as fair as they can make it. Now they are trying to address the other issues. He stated that the boards accept the accredited degree hands down and they need to review that degree criterion.

Mr. Nam addressed the board and commented that he has to explain to the Florida Legislature what constitutes landscape architecture and why they are passing at a rate well below other professions. He commented that he has to defend the need for regulation of the profession. He encouraged the board to continue with this important issue regarding the low pass rate.

Mr. Penrod commented that they do not take this lightly and are trying to make the examination fair. They cannot teach candidates how to pass the test because that is a conflict of interest. They are working with organizations to help improve communication regarding the expectation of the examination.

Ms. Gillick asked the Chair to draft a letter summarizing the points and concerns the board had so they would be formally on the record.

Ms. Worthington commented that now that she has passed the examination she volunteers to assist candidates prepare for the examination. She commented that she feels that it is how the individual is as a test taker and not necessarily the examination. It is not based on the individual's design ability.

Mr. Workman with the Department of Business and Professional Regulation, Bureau Chief, Bureau of Education and Testing was present to address the

board. He gave a background of the Bureau of Education and Testing and how it works within the department. He commented that the testing population is moving towards computer based testing. The smallest tests administered are the pencil and paper examinations. He reviewed the preparation for a pencil and paper examination. Prior to each examination, testing staff meets with the board staff and works through a check sheet. Then the testing staff meets with the proctors of the examination. Proctors are utilized on a standard state contract through Tri-State employment services and provides services to any state agencies. They have a special category that they utilize which are proctors. The department meets with the proctors and reviews the guidelines and directions for administering the pencil and paper examination. Landscape has unique requirements that does not exist with other examinations.

Mr. Workman's example of a unique requirement is the felt-tip pens or highlighters. He commented that even though the proctors are experienced and given direction they have difficulty debating what is considered a highlighter or felt-tip pen. Therefore, they are inclined to act in the best interest of the test taker to avoid them receiving a possible failing grade. Mr. Graham asked what the discrepancy was with the felt-tip pen. Mr. Workman responded that it was a CLARB requirement and that the candidate can use a felt-tip pen on portions of the examination.

Mr. Workman commented that the Candidate Information Booklet has been coordinated with CLARB. He stated that the information in the booklet is what is allowed according to CLARB. Ms. Gillick asked how could the proctor confiscate a felt-tip pen during a test when they are allowed by CLARB. Mr. Workman commented that the proctors are simply trying to enforce what the national vendor says is acceptable and assist the candidate.

Mr. Workman stated that the Candidate Information Booklet has been updated since October 2002. He continued by stating that the administrator remains in control of the examination. At the end of the examination the administrator then submits a report on what happened and if there were any issues with the administration of the examination. The Bureau of Education and Testing shares this report with the board office during a post examination meeting. The Bureau uses this report to address those issues for future examinations.

Mr. Workman gave an explanation for the December examination being moved from the regular examination site of Orlando to Tampa. He explained that the construction exam was so large that it drained the proctor pool. Therefore, they moved the examination to Tampa to utilize a different proctor pool. He commented that the tools they use were experienced proctors to administer the examination, a preplanning meeting, and a post planning meeting for each of landscape architectures examinations.

Mr. Workman moved to the subject of the continuing education department. The continuing education unit works to process and approve providers based on criteria set forth by the board. He stated that the unit is monitoring 9 professions currently. He commented on the 100% percent monitoring rule that requires licensees to obtain their continuing education prior to renewal. He stated that one profession has an exemption from the 100% monitoring rule and that some of their providers would like to report the courses taken. The licensees like to see their courses reflected in the system.

He commented that the only way to avoid the 100% monitoring rule is if the profession can provide proof of 95% compliance through an audit. If landscape audited their profession it would be approximately 300 licensees from the total licensure base that would be audited. If 15 licensees failed to comply that would knock the audit out of the 95%.

Ms. Walter commented that there is a problem with the system when reporting the continuing education. Mr. Workman responded that they are working with technology to remedy the problem. He commented that the licensee would be sent a letter 90 days prior to the renewal of their license informing them to check their continuing education credits on the web page. If their hours are not correctly reflected then they should contact Melissa Howard and she will enter the courses manually. Melissa Howard is scheduling workshops with the providers regarding the reporting process and reminding them of the requirements of reporting within 5 days.

Ms. Walter commented that she went on the web and looked at her credits and noticed that not all of her hours were reflected. She contacted the department and they were manually entered. However, she would like to see the web reflect which courses are missing, an example would be the laws and rules course. She stated the detail does not reflect on the system. Mr. Workman is working to have a summary with details regarding the course information and the number of hours deficient.

Ms. Marshall-Beasley commented about the financial report and asked Mr. Workman where their revenue line item was reflected. She noticed the expense line item for his area but not a revenue line item. Mr. Workman replied that the money is receipted to the board and they bill the board. Mr. Workman reviewed the CLARB examination costs and commented that they would be changing for the upcoming examinations. He reviewed the cost of the examination and the administration by the testing unit to illustrate how the board made money on the examination. The costs and differences were available in the agenda.

Ms. Marshall-Beasley asked Mr. Workman why the Florida section pass rates has gone down. Mr. Workman responded and recommended that the board wait for another data point to determine if the pass rate has gone down. He commented that landscape architects develop the questions used for the Florida

examination. He invited a board member to be part of the process. He commented that there are four versions of the examination and the questions are scrambled to maintain security. The computer based testing contract is up for bid and hopefully it will drive the cost of the examination down.

Ms. Marshall-Beasley commented that she did not feel that it is appropriate for the proctor to ask candidates to raise their hands and identify how many times they had taken a section prior to starting the examination. She asked Mr. Workman why the examination began late and commented that it causes confusion. Mr. Workman responded that he cannot control how late a candidate is and that they are trying to be candidate friendly. The board recommended setting a time of 15 minutes.

Ms. Worthington commented that at previous examinations there were bag checks at the door per CLARB's rules to remove items that were not allowed in the testing area. However, at the June 2002 examination the bag check was not done at the door and items were confiscated during the test. The candidates receive information prior to the examination and should know what they can and cannot bring to the examination. She commented that the proctor skipped over some of the rules and directions prior to the examination. The proctor did not have the candidates go through their booklets to make sure there were no pages missing from the examination. Once the exam began there were candidates that had pages missing and it was disruptive. There were inconsistencies in what was confiscated, i.e. post-it notes were taken away from one candidate and not another. One she brought a book that is not suppose to be allowed in the examination and no proctor removed it from her during the entire time of the exam. It was in plain site because she did not want to be made ineligible for the exam because she had the book. However, in the past she would have never been able to bring that book in the room.

Mr. Workman replied to her concerns by commenting that the role of the proctor and administrator is much more than just administering the examination. They are there to protect the safety and security of the candidate. He commented that her concerns were heard and they will address them.

Mr. Graham commented that he wanted to make sure that the department double checks the lists of items allowed. The board thanked Mr. Workman for addressing their issues.

MOTION: Mr. Graham moved to amend the agenda to discuss the Florida Building Code TAC and POC update.

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

Ms. Walter referred the board to page 313 of the agenda which is a memorandum referencing the recent discussions and actions of the Florida Building Commission Education Technical Advisory Committee and Oversight Committee that specifically relates to the Uniform Building Code Core Course and the upcoming advance course. All of the professions feel that the core courses are too general. She commented that all professions required to take the core course are required complete the course by May 31, 2003. The discussion or concern is how do you to monitor and mandate that these professions have knowledge of the Uniform Building Code.

Ms. Walter commented that the Florida Building Commission is allowing each board to determine how the core course requirement will be met in the future. There are three options that have been proposed. The board can continue to required that a core course be completed through a provider, an equivalency test be administered by the licensing boards, or incorporate in the state examination questions related to the Florida Building Code.

Ms. Marshall-Beasley asked how do the licensees know that they have to have the core course completed by May 2003. Ms. Walter replied she was not sure and commented that there was a discussion regarding the same issue. She commented that the legislation mandates the completion of the course by May. She stated that there was a flyer distributed in April 2002 by Florida Department of Community of Affairs.

The board discussed that it appears that the deadline date is unclear. The board and the audience commented that the dates have been May 15th, 30th, and 31, 2003. Ms. McKinney Bartelle commented that in Chapter 481.313, Florida Statute, requires each license holder to provide to the board proof of completion of the Core Course or passage of the equivalency examination of the Building Code Training Program as established by Chapter 553.841, Florida Statute.

Mr. Graham asked Ms. McKinney Bartelle what would happen to a licensee if they miss the May 31, 2003 deadline. Ms. McKinney Bartelle replied that they are at an impasse because the statute states they are to complete this requirement. There is nothing the board can do unless there is legislative change. Licensees can submit rule waiver and variance requests.

Ms. Walter commented that she received a letter stating that there is a Building Code bill that will be a vehicle to address the timing sequence. Mr. Nam is not aware of the bill. He commented that there is a group called Building a Safer Florida that provides money to associations with the expenses of providing the Building Code Courses. He commented that ASLA is in a position to notice all landscape architects in Florida of the course deadline by means of a newsletter. He requested that he be provided a mailing list.

Ms. Marshall-Beasley commented that she looks at items received from ASLA and the department differently. Ms. Walter commented she would like this information distributed in numerous ways.

Ms. McKinney Bartelle recommended that the board request that the department includes in their legislative package deletion of Section 481.313(5), Florida Statute, to remedy the date deadline issue.

Ms. Walter commented that her recommendation would be to address the core course requirement by incorporating it into the existing Florida section examination. She commented that the determination for the advanced course is that each board can set the number of hours required. The board has previously determined the number to be 2 hours. The courses can be in two formats; providers can submit the course to the board for review and approval or the courses can be purchased from the Department of Community Affairs then submitted to the board for automatic approval. As a board she feels this gives the board an opportunity to review the courses to verify they are pertinent to the landscape profession.

The board discussed removing the Department of Community Affairs from the statute and handle the Building Code course requirement by rule.

MOTION: Mr. Graham moved to have Leon Biegalski to delete Section 481.313 (5) and (6), Florida Statute, and amend the wording to be more specific to address the issue by rule.

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

The board thanked Mr. Nam and ASLA for offering to distribute the information regarding the upcoming May 31, 2003 deadline Building Code Course requirement. Ms. Gillick commented that it is incumbent upon this board to distribute this information and stated that not all licensees are ASLA members. The board feels that an individual would look at a newsletter that comes from the department more diligently than if it came from ASLA or Building a Safer Florida.

Mr. Biegalski commented that the board might want to consider their motion to be to eliminate or modify the statute. This would allow legislation more flexibility in accommodating their request.

MOTION: Mr. Graham moved to modify his previous motion to eliminate Section 481.313 (5) and (6), Florida Statute, or modify.

Mr. Nam encouraged the board not to do anything that would indicate them as pulling back from the Building Code. Ms. Gillick requested that a letter be sent to the Commission stating that the board recognized that there is a conflict in the statute. Ms. Walter commented that she had received a letter from the

Commission that acknowledges there is an inconsistency in the dates. The letter states, "we expect there will be a building code bill which will provide a vehicle for addressing the timing sequence in the future." Ms. Gillick commented that is a perfect reference that could be tied to address the boards concerns at the same time. Ms. McKinney Bartelle commented that in the letter the board could state that they support continuing education related to the building code for their licensees.

Ms. McKinney Bartelle recommended that the board discuss possible legislative changes today so other entities that are supportive of this profession are aware. This allows the board and the other entities to work together.

Ms. Marshall-Beasley requested that a newsletter be mailed out by March 15, 2003.

Mr. Davis called the question and it passed unanimously.

Ms. Walter was appointed to follow-up on this issue with the Building Commission and work with Mr. Biegalski to draft a letter to the Commission. Ms. Walter commented that she had been working with Mr. Cavaioli to get the word out about the Building Code requirement.

The board would like to see the 16 hour continuing education requirement, notation that this will be the last mailed newsletter, important or final notice, and reference the web page listed in the newsletter that should be mailed by March 15, 2003. Ms. Marshall-Beasley was appointed to assist with the newsletter.

Ms. Walter asked the board, if in the future they wanted to continue to offer the core course as a course, as an equivalency test, or incorporate the requirement in the test. Mr. Graham commented he would leave it as a course.

MOTION: Mr. Graham moved to amend the agenda to review Debra Romans application.

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

Application Review

Debra Linn Roman

Mr. Davis commented that this application was before the board with a recommendation for approval with the caveat of review of grading and drainage. Mr. Graham commented that he personally knew Ms. Roman and has discussed her situation with her. He commented that he provided a letter of recommendation, which is the agenda packet. Ms. McKinney Bartelle asked Mr. Graham that his knowing Ms. Roman if it would make him biased in his decision regarding her application. He replied in the negative. Ms. McKinney Bartelle

asked Mr. Graham if he would be able to assess her work and compare it to what the criteria says without the role of your knowledge of her personally interfering. He replied in the positive.

Ms. Roman brought additional information for the board to review. Mr. Davis commented that he understood that she does not have experience under a licensed landscape architect. She replied in the positive. She understood that he was licensed. Not realizing until the time of application that he in fact did not have an active issued license. She commented that Mr. Wedding is working to rectify that situation. She commented that he is a licensed architect and engineer. He has continued his membership with ASLA but not with the department.

Portions of this discussion are inaudible.

Ms. McKinney Bartelle referenced the statute and rule requiring that work experience must be verified under the direct supervision by a landscape architect. She asked Mr. Davis if Ms. Roman has met the criteria for licensure with exception of the work experience. Ms. Gillick asked Ms. Roman how she participated in the production of the documents before them and if she could verify that it was her work. Mr. Davis swore Ms. Roman in. Ms. Roman commented that those drawings were her drawings from the beginning to end. Ms. Gillick asked how many associates were in the firm at the time the drawings were prepared. She replied that there are 3 architects, 1 civil engineer, and 1 special engineer and they believed Mr. Wedding was a landscape architect. She commented that the grading and draining drawings were done with the assistance of the civil engineer.

Mr. Davis asked who was signing and sealing the landscape plans. She replied that Mr. Wedding has been signing and sealing with his architecture license. Mr. Graham asked Ms. Roman if she was under the impression that Mr. Wedding was a licensed landscape architect and at what time did she discover he was not. She replied until she applied approximately one and half years ago. Mr. Graham asked how long she had been employed with Mr. Wedding. She replied four years, which was the time to get her experience to sit for the examination.

Ms. Marshall-Beasley asked if she had any education in landscape architecture. She replied she was in the same courses as architecture and interior design. Ms. Gillick asked if she had any other experience than Mr. Wedding. She replied that she had worked with architecture firms but prepared landscape drawings.

Ms. Roman commented that she has the education to be licensed as an interior designer. Ms. McKinney Bartelle commented she could request a rule variance waiver pursuant to Chapter 120 and defined what a rule variance/waiver is and the procedures to request a waiver.

Mr. Graham commented that this is a unique case. He stated that the Wedding family has years of experience and they own a nursery. Ms. Gillick commented the issue is that she has the experience, however it is not under a licensed landscape architect but an architect and engineer.

Ms. Marshall-Beasley asked Ms. Roman if she knew a year and half ago that Mr. Wedding was not a licensed landscape architect why she continued to work with him. She replied that Mr. Wedding was working with a Senator and a law firm in Tallahassee to try and pass a bill to allow him to get his license back based on his architecture license or being previously licensed by the board.

Ms. Marshall-Beasley has a problem with approving this because it could set precedence for future applicants. She continued by saying that she felt that Ms. Roman should have done something when she realized Mr. Wedding was not a licensed landscape architect. Ms. Gillick commented that she has a high regard for Mr. Graham and he provided a recommendation letter for her. She read portions of the letter and commented that if Mr. Wedding had not let his license go null and void she would be sitting for the examination currently.

MOTION: Ms. Gillick moved to approve Ms. Roman to sit for the examination.

SECOND: Ms. Walter seconded the motion and it passed. Mr. Graham abstained from voting.

Ms. McKinney Bartelle asked Ms. Gillick if her motion was based on the allowance for an architect to sign off on experience prior to the date. She replied in the positive. Ms. McKinney Bartelle asked Ms. Gillick if it was based on the principles of fairness. She replied in the positive.

MOTION: Ms. Walter moved to amend the agenda to review the DEP Model Ordinance issue.

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

Update - Model Ordinance

Mr. Thomas addressed the board and commented that ASLA has reviewed the update and changes. He commented that many of the comments are regarding the definitions. The discussion has been whether to leave the definitions out or allow the issue to be defined by reference to the statutes. At a previous meeting the board requested that Mr. Thomas work with ASLA so they are using common verbiage.

Mr. Nam commented that they have introduced definitions that include specific components dealing with landscape plans. Mr. Graham referred to numbers 22-24. Mr. Nam commented that he suggested that Mr. Thomas bring this back

before the board so both government agencies are working together. He commented that local entities would look to this Ordinance for guidance.

At previous meetings, the board asked that Chapter 481, Part II, Florida Statute, be referenced in this document as much as possible. Ms. Gillick asked Mr. Davis what the board was being asked to do at this meeting. Mr. Davis commented that they were being asked to render a decision or opinion on definitions 22-24. Mr. Nam recommended that the board understand how the definitions are used within the document.

Mr. Graham asked Mr. Thomas how the document would be distributed. Mr. Thomas commented that it would be placed on DEP's and DCA's web site. He commented that it is an educational document trying to promote consistency.

The board likes the new document and thanked Mr. Thomas, Mr. Nam and ASLA for the work they have done.

Mr. Davis commented that a specification is not a plan. It is part of the construction document.

Rule 61G10-18.001 and 18.002, Florida Administrative Code

Ms. McKinney Bartelle provided a handout for the board regarding the rule. She commented that Ms. Printy was adamant that the university courses must be higher than the normal continuing education awarded. Ms. McKinney Bartelle referred Ms. Printy to Chapter 481.313(4), Florida Statute, that states the board by rule shall establish criteria for the approval of continuing education courses and providers and shall by rule establish criteria for accepting alternative non-classroom continuing education on an hour for hour basis. She convinced Ms. Printy that this was not alternative non-classroom courses and they were traditional classroom hours so therefore you did not have to calculate them.

Ms. McKinney Bartelle spoke with Ms. Gillick and they came up with language that says, every semester credit that is submitted on the transcript from the university or college shall receive 2 continuing education credit hours. Therefore, if the licensee receives 3 semester hours of credit then they would receive 6 continuing education credit hours.

Ms. McKinney Bartelle referred the board to a correction she would make under 61G10-18.001(2)(c)(1), Florida Administrative Code, the last sentence would reflect the correct section be noted from 61G10-18.006(5) to (4), Florida Administrative Code.

Ms. McKinney Bartelle referred the board to paragraph 3 for guidance as to how the courses would be calculated hour for hour or 50 minutes per credit hour. Ms. Gillick commented that it should be hour for hour. She commented that it would

be written sixty minutes is a credit hour. Mr. McKinney Bartelle commented that she also reflected the calculation in 61G10-18.001(2)(c)(4), Florida Administrative Code.

Ms. McKinney Bartelle commented that she added all other requested language regarding the attendance for board meetings and other definitions.

The board discussed 61G10-18.001(8), regarding how would they determine how many credit hours to award for a seminar. They determined it would be for courses not seminars. The board was concerned they may be discriminating against other institutions or providers.

Mr. Biegalski referred the board back to 61G10-18.001(3) because they have previously approved all courses for fifty minutes not sixty minutes. Ms. Gillick asked Ms. McKinney Bartelle if it should be fifty or sixty. Ms. McKinney Bartelle did not discuss the minutes with Ms. Printy. Ms. Gillick and Mr. Graham commented they would like it to be changed back to fifty minutes, not sixty minutes.

The board returned back to the discussion of 61G10-18.001(8). They determined to remove paragraph 8 because it discriminated against other institutions and the National and Florida ASLA have made provider and course applications for board approval. Mr. Drylie with the Florida Chapter ASLA suggested they remove paragraph 8.

Ms. Walter commented that she would recommend amending 61G10-18.001(2)(a) by replacing the words Florida Building Commission with the licensing board. Mr. Biegalski commented that might be a legislative change. Therefore, the board left as is.

Ms. Walter commented that 61G10-18.001(1)(i) wording of November 30th of odd-numbered years be changed to November 30, 2003.

MOTION: Ms. Gillick moved to adopt the rule as amended.

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

Ms. McKinney Bartelle commented that 61G10-18.002 was submitted for adoption and Ms. Catalano should be able to report to the board that it was adopted at the meeting.

Review of Continuing Education Providers and Courses

Cherry Lake - Provider # 2080

Course applications:

Avoiding the Lawyers Food Chain (law course)
Florida Grades and Standards Short Course
New Varieties and Cultivars Short Course
Performance after Transplant
Plant Appraisals

Ms. Walter reviewed the courses and recommended for approval.

MOTION: Ms. Gillick moved to approve all courses listed.

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

Skinner Nurseries - Provider #2160

Course application:
Urban Plantings Workshop

Ms. Walter reviewed the courses and recommended for approval. She commented that the course material was not included because it is the instructor's expertise in that field and listed on their resumes and biographies.

MOTION: Mr. Graham moved to approve all courses listed.

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

Omni Financial Services - Provider application

Course application:
The Financial Management Workshop

Ms. Walter reviewed the provider and course applications. She commented that the course deviates from landscape architecture. The course deals with financial aspects of professional practice. She commented that from a technical standpoint it meets the board's criteria.

MOTION: Mr. Graham moved to approve the provider application.

SECOND: Ms. Marshall-Beasley seconded the motion.

Ms. Walter commented that the course materials were not included because the instructors would be using their expertise. Mr. Graham commented that he wondered if this course was geared for product promotion. Ms. McKinney Bartelle commented the courses should be landscape related. Mr. Drylie asked the board if courses are to address health, safety and welfare. Ms. McKinney Bartelle responded that the courses should be related to the professional practice.

MOTION: Mr. Graham moved to deny the course.

SECOND: Ms. Marshall-Beasley seconded the motion.

Mr. Graham commented that this course is not germane to the profession. Mr. Davis called the questions and they passed unanimously.

Omni Employee Benefit Consultants - Provider application

Course application:

Labor & Liability Challenges of Today's Small Employer

Ms. Walter reviewed the provider application and recommended approval.

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

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

Ms. Walter reviewed the course application recommended approval. After discussing the course content a determination was made they should receive 3 credit hours.

MOTION: Ms. Walter moved to approve the course for 3 credit hours.

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

American Society of Landscape Architects - Provider application

Ms. Walter reviewed the provider application and recommended approval.

MOTION: Mr. Graham moved to approve the provider application.

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

Design Arts Seminars, Inc. - Provider #1051

Building/Fire Safety Course 4827

Ms. Walter reviewed the course and commented that she was not sure that it needed board approval since it was an approved course through the Building Commission. It was on the agenda for information purposes regarding the advanced courses.

MOTION: Mr. Graham moved to approve.

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

MOTION: Mr. Graham moved to amend the agenda to consider the applications listed on the addendum.

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

Hoover Pumping Systems, Corp - provider application

Course applications:

Introduction to Design & Application

Intermediate Design & Application

Advanced Design & Application

Ms. Walter reviewed the provider and course applications. She commented that Hoover Pumping worked with irrigation systems and felt the courses were a benefit to the profession.

MOTION: Mr. Graham moved to approve the provider and the 3 course applications.

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

Discussion

Financial Reports

September 30, 2002 and 2001 Operating Account

September 30, 2002 and 2001 Unlicensed Activity

June 30, 2002 and 2001 Operating Account

June 30, 2002 and 2001 Unlicensed Activity

Mr. Biegalski referred the board to page 270 and noted a transfer in September 2002 from the Professional Regulation Trust Fund to the Working Capital Trust Fund and this board amount was \$90 thousand. The intent from the legislature was to take from boards that have the money. Mr. Graham asked where the \$90 thousand came from. Mr. Biegalski replied that it was from interest.

Mr. Nam asked what the legislatively mandated sweep of funds was for. Mr. Biegalski replied that he did not have the answer to that question. Mr. Nam asked Mr. Biegalski if the board is able to review the budget. Mr. Biegalski commented he does not prepare the budget he prepares the spending plan. He commented that they do projections from the licenses renewal and applications. Mr. Biegalski commented that the financial reports are being used to assist with future projections.

Ms. Gillick asked Mr. Biegalski if the transfers would be on going based on the new reorganization. He replied this was mandated by the Legislature and they may do the sweep again this year.

Mr. Nam commented that he understood that there were 5 professions to deregulate based on a deficit. He commented that it appears that the board is in good shape financially. Ms. Marshall-Beasley replied that his information was correct and that there were at least 3 professions that may deregulate and that there would be sweeps of the trust funds.

Ms. Marshall-Beasley commented that Alcoholic, Beverage and Tobacco was upset because they are paying and financially assisting the professions that are not in good shape. Mr. Biegalski commented that the board would be billed for what the board actually is using as opposed to using a percentage.

The board reviewed the reports thoroughly. They discussed that the expenses would be higher in the non-renewal years. They discussed the charges for the examinations and how that affects the budget.

Ms. McKinney Bartelle excused herself from the meeting.

LARE pass rates

New York, California, and Texas

Mr. Graham commented that they are all about the same.

Board cost for purchase of LARE

Mr. Workman reviewed this information earlier in the meeting.

Reschedule examination request - Amy McKay and Jessica Jerez

Mr. Graham would like this information verified. The board requested that Mr. Biegalski send a letter requesting documentation of illness before the board would vote to reschedule.

Reschedule examination request - Gerald Wentz

The board requested that Mr. Biegalski send a letter requesting documentation of illness before the board would vote to reschedule.

MOTION: Ms. Gillick moved to deny the request.

The board requested a response before denying. Ms. Gillick retracted her motion.

Florida Building Commission TAC and POC update memo from Collene Walter

Letter from Richard Browdy, Education TAC, Florida Building Commission

Ms. Walter reviewed this information earlier in the meeting.

Ms. Walter asked if someone could attend the upcoming Florida Building Commission meeting February 24, 2003. Ms. Walter commented that she made

some notations of the sections of the Florida Building Code that pertained to the landscape profession which were accessibility, product improvement, life safety provisions, administration, energy conservation and historic preservation. Mr. Davis asked if landscape was not addressed in those areas. Ms. Walter commented that she assumed that they have not been addressed.

Letter to Mr. Dixon, Florida Building Code Modifications

Ms. Walter commented that the deadline to suggest changes to the Florida Building Code had been extended to April 18, 2003. Ms. Walter is the lead board member on the Code and 2 letters have been submitted requesting changes. The board determined that board staff should follow-up with Richard Dixon regarding the need to file the amendments electronically. Mr. Cavaioli with ASLA commented that they have staff working on appendix F, Plumbing Code. Appendix F would address the irrigation issues. He commented that there are other issues. An example is site plans, and he was not sure if they should be addressed through the code or through statute.

Ms. Walter commented if they could assign or target certain areas of the code and report back on a conference call.

CLARB 2003 Spring Meeting - February 28-March 1, 2003

Mr. Davis will be attending. No other board members can attend. Mr. Davis asked that an administrator attend if possible.

Ratification List - (handout)

MOTION: Ms. Walter moved to approve.

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

Reports

Paul Davis, Chair's Report - no report

Leon Biegalski, Executive Directors Report - no report

Charles Pellegrini, Prosecuting Attorney's Report - He reported there are 5 disciplinary proceedings and there was a Probable Cause meeting held December 5, 2002.

June McKinney Bartelle, Board Counsel's Report - no report

For the Board's Information

Article: Licensure 2002 in Review

Article: CLARB Advances Public Protection

Letter from Richard Rome, Secretary FCASLA

North Carolina Board of Landscape Architecture, Letter of Understanding between the Landscape Architects and Engineers Board.

Ms. Gillick commented that North Carolina was a state that abstained from voting at the last CLARB meeting.

**Landscape Architecture future examination dates and locations
Revised, October 2002 Candidate Information Booklet, Sections A through
E
Revised, October 2002 Candidate Information Booklet, Section F**

New Business

The board confirmed the date for the upcoming April meeting. The date was set for April 25, 2003. The board will determine the next four meetings at the April meeting.

Old Business

No old business.

Adjourn

MOTION: Ms. Gillick moved to adjourn.

SECOND: Mr. Graham seconded and it passed unanimously.

The meeting adjourned at 3:27p.m.