

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 15, 1998 Revised: \_\_\_\_\_

Subject: Landscape Designers

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Luken</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/1 amendment</u>
2.	<u>Masterton</u>	<u>Guthrie</u>	<u>RI</u>	<u>Favorable/CS</u>
3.	_____	_____	<u>WM</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This bill amends part II of ch. 481, F.S., relating to the regulation of landscape architects, to define the term “landscape design.” The bill eliminates the exemption from landscape architect license requirements for nurserymen and nursery stock dealers and replaces it with an exemption for landscape designers.

This bill substantially amends sections 481.303 and 481.329 of the Florida Statutes.

**II. Present Situation:**

The Florida Landscape Designers Association defines landscape design as:

. . . consultation for and preparation of planting plan drawings for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials, and xeriscape design, and includes recommendation of the conceptual placement of tangible objects and other elements for landscape design projects, provided that construction documentation for such tangible objects shall be designed or approved by appropriately licensed design professionals, as required by law.

Landscape designers are not currently regulated in Florida except to the extent that they are not permitted to perform the tasks of a landscape architect. Part II of ch. 481, F.S., provides for the regulation of landscape architects by the Board of Landscape Architecture within the Department of Business and Professional Regulation (DBPR). Section 481.303, F.S., defines landscape architecture as:

professional services, including, but not limited to, the following: consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Xeriscape . . . , where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values . . . , the setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems. . . .

Section 481.309, F.S., requires that to be licensed as a registered landscape architect an individual must complete a professional degree program in landscape architecture or have six years of landscape architecture experience approved by the board, complete a year of practical experience as set forth in board rules, and pass the licensure examination.

Section 481.323, F.S., prohibits and provides penalties for practicing landscape architecture without a valid license. Nurserymen, stock dealers, or agents that hold a valid license issued by the Department of Agriculture and Consumer Services under ch. 581, F.S., are exempt from being licensed as landscape architects when they engage in the preparation of plans or drawings as an adjunct to merchandising a product, provided they do not use the title “landscape architect.” Many nurseries provide plans for the placement of plants for a fee.

Florida A&M University offers a 4-year degree in landscape design to prepare students for public and private careers as landscape designers, landscape contractors, park managers, urban foresters, interior scape designers and environmental managers. Nine community colleges offer a 2-year degree in landscape technology or ornamental horticulture technology: Broward, Lake City, Miami-Dade, Central Florida, Hillsborough, Palm Beach, Pensacola, Santa Fe, and Valencia. There are also 24 technical centers which offer a 1-year course of study. The University of Florida, Florida A&M University, and Florida International University offer professional degrees in landscape architecture.

### **III. Effect of Proposed Changes:**

The bill amends s. 481.303, F.S., in the landscape architect practice act, to define the term “landscape design” to mean the consultation for and preparation of planting plans, including specifications and installation details for plant materials. The definition provides that landscape design drawings may include only recommendations for the conceptual placement of tangible objects. Construction documents for tangible objects must be designed or approved by licensed professionals as required by law.

The bill also amends s. 481.329, F.S., to eliminate the current exemption from landscape architecture license requirements for nurserymen and nursery stock dealers licensed under ch. 581, F.S. Instead, the bill provides an exemption for individuals practicing landscape design,

provided they do not use any title implying that they are landscape architects. (The activities of nurserymen and nursery stock dealers that are exempted under current law are included in the definition of landscape design.)

The bill is effective October 1, 1998.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Landscape designers will benefit from the exemption from licensure as landscape architects.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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