



Landscape Architecture Licensure Laws

ASLA Summary of Provisions

MISSISSIPPI

Mississippi Statutes: 73-2

Mississippi Landscape Architecture Advisory Committee Rules and Regulations

Type of Law: Practice/title act.

Landscape Architecture Advisory Committee

The Committee consists of five landscape architects appointed by the Governor from a list of names supplied by Mississippi Chapter of the American Society of Landscape Architects, giving the names of no fewer than three times the number of persons to be appointed. The Committee works under the jurisdiction of the State Board of Architecture.

Powers: The committee reviews, approves or disapproves, and makes recommendations on all applications for licensure.

Definitions

Landscape architect: A person who is licensed to practice landscape architecture in Mississippi under the authority of this chapter and is engaging in the practice of landscape architecture within the meaning and intent of the law when he or she performs or holds himself or herself out as capable of performing any of the services or creative works within the definition of landscape architecture.

Landscape architecture: Any service or creative work, the adequate performance of which requires landscape architectural education, training and experience; the performance of professional services such as consultation, investigation, research, associated planning, design, preparation of drawings, specifications and contract documents, and responsible supervision or construction management in connection with the development of land areas where, and to the extent that, dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and plantings, naturalistic and aesthetic values; the determination of settings, grounds and approaches for buildings and structures or other improvements; the determination of environmental problems of land relating to erosion, flooding, blight and other hazards; the shaping and contouring of land and water forms; the setting of grades, determination of drainage and providing for storm drainage systems where such systems do not require structural design of system components, and determination of landscape irrigation; the design of such tangible objects and features as are necessary to the purpose outlined herein, but shall not include the design of buildings or structures with separate and self-contained purposes such as are ordinarily included in the practice of architecture or engineering.

Exemptions

Interprofessional practice: The practice of architecture and engineering is exempt, including, but not limited to such planting as might be incidental to such practice.

Exempt persons:

- Any person, firm or corporation performing landscape architecture and working on his or her own land or property.
- Any person who acts under the supervision of a licensee or an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision.
- Federal employees while engaged within the state in the practice of landscape architecture on government business.
- Any person practicing planning as customarily done by regional and urban planners.

Note: Bracketed [] material is drawn from regulations.



- Any persons practicing as arborists, foresters, gardeners, home builders, floriculturists and ornamental horticulturists performing their respective trades or professions.
- Any nurseryman or landscape contractor practicing planting design, planting, and location and arrangement of plant materials.
- A regular employee of a public service company or public utility, rendering to such company landscape architectural service in connection with its facilities which are subject to regulation, supervision and control in order to safeguard life, health and property by the Public Service Commission of the state are exempt so long as such person is thus actually and exclusively employed.
- Golf course architects engaged in the preparation of drawings and specifications for a golf course, in accordance with accepted professional standards of public health and safety.

Eligibility Requirements – Initial Licensure

Applicants must pass [the CLARB] written examination which may be supplemented with an oral examination at the board's discretion. To be eligible for examination applicants must submit evidence of good moral character and integrity and must have received a degree in landscape architecture from a college or university having a minimum four year curriculum in landscape architecture [accredited or accepted by a CLARB-recognized body or a CLARB-recognized education evaluation authority] or have completed seven years of work in the practice of landscape architecture [that meet CLARB standards]. Graduation in a curriculum other than landscape architecture from a college or university shall be equivalent to two years' experience of the seven specified above, except that no applicant shall receive credit for more than two years' experience for any scholastic training. [Applicants by examination must be completed through CLARB. Once the exam process is completed, applicants must complete the required application and request the CLARB Council Record be transmitted to the Committee.] [Fee: Initial license, \$100. Biennial renewal, \$200.]

Eligibility Requirements – Reciprocal Licensure

Licensure in another United States jurisdiction provided that the requirements of the jurisdiction in which the applicant is licensed are equivalent to those of Mississippi. [Requires candidates to submit a current and valid CLARB certificate or otherwise show compliance with eligibility requirements.] [Fee: Initial license, \$250. Biennial renewal, \$200.]

Practice Entities

No provision.

Seal Requirements

A licensee must stamp with his or her seal all original sheets of any bound or unbound set of working drawings or plans and the original cover or index pages identifying all specification pages covered. Any portion of working drawings or plans prepared by licensed consultants must bear the seal and signature of the responsible consultants. No licensee shall affix his or her seal or signature to documents having titles or identities excluding the licensee's name unless such documents were indeed developed by the licensee or under his or her immediate personal supervision and the licensee has exercised full authority to determine their development.

Enforcement

Committee powers: At the direction of the board, the advisory committee reviews and investigates charges brought against licensees and makes findings of fact and recommendations to the board concerning disciplinary actions.

Board powers: Revoke or suspend licenses and reprimand, censure or otherwise discipline licensees. In lieu of, or in addition to, any of these sanctions, the board may levy a civil penalty between \$100 and \$5,000 for

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each violation. If such a fine is not paid, the board is able to initiate and maintain action in court to enforce payment of the fine.

Prohibitions/penalties: The board may take the disciplinary actions against licensees for any of the following reasons: violating any of the provisions of the law or the implementing bylaws, rules, regulations or standards of ethics or conduct adopted by the board; fraud, deceit or misrepresentation in obtaining a license; gross negligence, malpractice, incompetency or misconduct in the practice of landscape architecture; any professional misconduct, as defined by the board, (professional misconduct shall not be defined to include bidding on contracts for a price); practicing or offering to practice landscape architecture on an expired license or while under suspension or revocation of a license unless said suspension or revocation be abated through probation; practicing landscape architecture under an assumed or fictitious name; being convicted by any court of a felony, except conviction of culpable negligent manslaughter, in which case the record of conviction shall be conclusive evidence; willfully misleading or defrauding any person employing the licensee as a landscape architect by any artifice or false statement; having undisclosed financial or personal interest which compromises the licensee's obligation to his or her client; obtaining a certificate by fraud or deceit; or violating any of the law or violation of an order of support.

These violations are punishable by a fine of not less than \$500 and not more than \$1,000,.

In the event a licensee is expelled from membership in any Mississippi or national professional landscape architectural society or association, the board shall thereafter cite said person to appear at a hearing before the board and to show cause why disciplinary action should not be taken against that person.

Prohibitions/penalties for unlicensed practice: Offering to practice or hold himself or herself out as entitled to practice landscape architecture, unless duly certified and registered; presenting the certificate of another as one's own certificate; giving false or forged evidence to the board to obtain a certificate; falsely impersonating any other practitioner of like of different name; using or attempting to use a certificate that has been revoked; any other violation of the licensure law. Any violation is designated a misdemeanor punishable by a fine of not less than \$500 and not more than \$1000, or imprisonment for not more than one year in the county jail, or both.

Upon finding a person in violation of the law the board may apply in any chancery court of competent jurisdiction for an injunction or temporary restraining order enjoining such violation or for an order enforcing compliance with the law. In case of violation of any decree issued in compliance with this provision, the court may try and punish the offender for contempt of court and shall fine such offender a sum of not less than \$250 per offense. Each day of a violation constitutes a distinct and separate offense.

[Note: The regulations have established more specific guidelines for penalties for each type of violation. See regulations for more details.]

Design/Build

A landscape architect may issue a price proposal or bid for the design and construction of a public project only if doing so as a design/build bid where the bids for both design and construction are submitted in the same proposal in accordance with the design/build provisions for public projects. In the case where a landscape architect is awarded the design contract for a project, whether public or private, which will be competitively bid, neither the landscape architect, nor any entity owned in whole or part by the landscape architect, may bid for the construction, installation and/or implementation of the project.

Mandatory Continuing Education

Mississippi requires landscape architects to earn 24 continuing education units (CEUs) for each biennial renewal.

- CEU = Continuing education unit equal to 50 minutes

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- All CEUs must be obtained in health/safety/welfare course study that is presented by individuals or groups qualified by professional, practical or academic experience to conduct courses of study.
- At least 16 CEUs must be in structured course work, with no more than 8 CEUs in self-directed activities
- Licensees may carry over a maximum of 6 extra CEUs to the next renewal period

Administration:

- Establishes a CE Committee that consists of the members of the Landscape Architecture Advisory Committee
- Each affidavit must be reviewed by the committee and may be subject to audit

Activities:

- Examples of HSW topics include, but are not limited to, site design, environmental or land use analysis, life safety, landscape architectural programming, site and soils analysis, accessibility, structural systems considerations, lateral forces, building codes, storm water management, playground safety, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, and building design.
- Structured course study is defined as participation in educational activities presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study. Structured activities include:
 - attending professional or technical presentations at meetings, conventions, or conferences
 - attending in-house programs sponsored by corporations or other organizations
 - successfully completing seminars, tutorials, short courses, on-line courses correspondence courses, televised courses, or videotaped courses
 - successfully completing courses that are awarded continuing education credits by the provider
- Self-directed activities are defined as course study that encourages flexibility of study by licensees, including but not limited to educational activities such as self-study courses sponsored by professional associations, organized individual or group study of professional specialization topics, or reading specific professional oriented books and articles. Self-directed activities include, but are not limited to:
 - Reading books or magazine articles
 - Visiting architecturally significant sites
 - Viewing video presentations
 - Making professional or technical presentations at meetings, conventions or conferences or teaching/instructing a qualified presentation (initial presentation only – does not apply to full-time college/university faculty unless establishing a new course)
 - Authoring published papers, articles or books
 - Actively participating in a technical professional society or organization as an officer or committee member
 - Participating in activities that contribute to the welfare of the community and are directly related to the practice of landscape architecture

Recordkeeping: Licensees must submit an affidavit with the biennial renewal application. Licensee has responsibility for maintaining two-year record. Upon audit, proof of fulfillment may include certificates, or a combination of receipts showing payment or registration, letters, travel receipts, agendas, copies of articles or book covers or other documents that prove the licensee's participation.

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Exemptions:

- New licensees by exam or reciprocity through the application for the first renewal period
- Emeritus status landscape architects
- Civilians who serve on active duty in the U.S. military for a period of time exceeding 180 consecutive days during the biennial report period
- Hardship cases will be considered by the committee on an individual basis

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