

TITLE 43. PROFESSIONS AND BUSINESSES
CHAPTER 23. LANDSCAPE ARCHITECTS

43-23-1. Definitions.

As used in this chapter the term:

- (1) "Board" means the Georgia Board of Landscape Architects.
- (2) "Landscape architect" means a person who is licensed pursuant to this chapter to practice or teach landscape architecture.
- (3) "Landscape architecture" means the performance of professional services, including, but not limited to, consultation, investigation, planning, design, preparation of drawings and specifications, and responsible supervision, all in connection with the preservation or determination of proper land uses, natural land features, esthetics, planting plans, the shaping of land to produce the best functional and esthetic effect, and grading plans with determination of drainage. This term shall also include the consideration of environmental problems involving land areas, as such problems relate to the public health, safety, and welfare.

HISTORY: Ga. L. 1958, p. 400, § 1; Code 1933, § 84-4001, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-2. Creation of board; members.

- (a) The Georgia Board of Landscape Architects is created and shall be under the jurisdiction of the Secretary of State and the division director. The board shall be composed of five members, each of whom shall be appointed by the Governor. Four of the five members shall be licensed landscape architects who shall be residents of this state and actively engaged in the practice of landscape architecture. The fifth member of the board shall be a resident of this state and shall have no connection whatsoever with the practice of landscape architecture. The four members of the board in office on July 1, 1993, shall serve the remainder of their terms of office, as provided by the law under which each was appointed. The additional member to be added to the board in 1993 shall be appointed for an initial term of four years. Upon the expiration of each member's term of office, a successor shall be appointed for a term of four years, and all succeeding appointments made under this subsection shall be for four-year terms.
- (b) Members of the board shall serve until their successors are appointed and qualified. Vacancies on the board shall be filled by appointment of the Governor and, in the same manner as provided in subsection (a) of this Code section, for the unexpired term of the member creating such vacancy.
- (c) The board shall select from its members a chairman.
- (d) The board may do all things necessary and convenient for its own government and for carrying into effect the provisions of this chapter and may promulgate necessary rules and regulations to carry out the provisions of this chapter, not otherwise inconsistent

with this chapter, including regulations governing the professional conduct of persons licensed by the board. The board shall be authorized to meet as often as necessary in order to conduct its business, but in no event shall the board meet less than twice during every calendar year.

- (e) Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

HISTORY: Ga. L. 1958, p. 400, § 2; Code 1933, § 84-4005, enacted by Ga. L. 1976, p. 1730, § 1; Ga. L. 1979, p. 378, §§ 1, 2; Ga. L. 1980, p. 591, § 1; Ga. L. 1993, p. 1023, § 1; Ga. L. 1994, p. 97, § 43; Ga. L. 2000, p. 1706, § 19.

43-23-3. Seal; copies of records and papers as evidence.

- (a) The board shall adopt a seal, which may be either an engraved or an ink stamped seal, with the words “Board of Landscape Architects, State of Georgia” or such other device as the board may desire included thereon, by which it shall authenticate the acts of the board.
- (b) Copies of all records and papers in the office of the board, certified by the signature of the chairman of the board, shall be received in evidence in all cases equally and with like effect as the originals.

HISTORY: Code 1933, § 84-4006, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-4. Power of board to regulate issuance of licenses, to revoke or suspend licenses, and to censure licensees.

The board shall have the full power to regulate the issuance of licenses, to revoke or suspend licenses issued under this chapter, and to censure licensees.

HISTORY: Code 1933, § 84-4008, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-5. License requirement for persons engaged in landscape architecture; enjoining unauthorized use of title or term “landscape architect.”

- (a) No person shall perform or offer, attempt, or agree to perform any act which would constitute the practice of landscape architecture, as defined in paragraph (3) of Code Section 43-23-1, whether as a part of a transaction or as an entire transaction, unless such person has received a license as a landscape architect pursuant to this chapter.
- (b) The commission of a single act by a person required to be licensed under this chapter and who is not licensed shall constitute a violation of this chapter.
- (c) Notwithstanding any provisions for criminal liability, any person who, without possessing a valid unsuspended, unrevoked license as provided in this chapter, uses the title or term “landscape architect” in any sign, card, listing, advertisement, or in any other manner that would imply or indicate that he is a landscape architect as defined in this chapter may be enjoined from using such title or term in such manner.

HISTORY: Ga. L. 1958, p. 400, § 6; Code 1933, § 84-4002, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-6. Application for licenses.

Any person desiring to act as a landscape architect must file an application for a license with the board. The application shall be in such form and detail as the board shall prescribe.

HISTORY: Ga. L. 1958, p. 400, § 10; Code 1933, § 84-4009, enacted by Ga. L. 1976, p. 1730, § 1; Ga. L. 1986, p. 430, § 1.

43-23-7. Qualifications of applicants; examinations.

- (a) Each applicant for initial licensure as a landscape architect shall:
 - (1) Be at least 18 years of age;
 - (2) Hold a Bachelor of Landscape Architecture degree or a Bachelor of Science degree in landscape architecture from a college or school of landscape architecture, environmental design, or its equivalent approved by the board; and
 - (3)(A) Have at least 18 months of training in the actual practice of landscape architecture as may be approved by the board, provided that at least one year of such actual practice shall be subsequent to receiving such undergraduate degree; or
 - (B) Have earned a postgraduate degree in landscape architecture from a college or school of landscape architecture or environmental design approved by the board.
- (b) Persons who, on July 1, 1993, held licenses as landscape architects issued under the laws of this state shall not be required to obtain additional licenses under this chapter but shall otherwise be subject to all applicable provisions of this chapter, including those pertaining to renewal of such license; and such licensee shall be considered licensed for all purposes under this chapter and subject to the provisions hereof.
- (c) The applicant for initial licensure must have passed a written examination generally covering the matters confronting landscape architects, provided that persons holding a Bachelor of Landscape Architecture degree or a Bachelor of Science of Landscape Architecture degree in landscape architecture from approved colleges or schools of landscape architecture, environmental design, or their equivalent shall be permitted to take such examination upon furnishing proof of completion of the 18 months' experience requirement or the educational equivalent and proof of their graduation to the board. The examination shall cover such matters as are reasonably calculated to test the knowledge and skill of the applicant in the field of landscape architecture. Failure to pass the examination shall be grounds for denial of a license without a further hearing.

HISTORY: Ga. L. 1958, p. 400, §§ 10, 11; Code 1933, § 84-4010, enacted by Ga. L. 1976, p. 1730, § 1; Ga. L. 1982, p. 2378, §§ 3, 5; Ga. L. 1992, p. 6, § 43; Ga. L. 1993, p. 1023, § 2.

43-23-7.1. Continuing education requirement.

- (a) The board shall be authorized to require persons holding a license under this chapter to complete board approved continuing education of six hours per year. The board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations.

- (b) The board shall be authorized to waive the continuing education requirement in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate.
- (c) The board shall be authorized to promulgate rules and regulations to implement and ensure compliance with the requirements of this Code section.

HISTORY: Code 1981, § 43-23-7.1, enacted by Ga. L. 1993, p. 1023, § 3.

43-23-8. Examination fee; issuance of licenses; biennial renewal of licenses; renewal fee; effect of nonpayment of check submitted as license fee.

- (a) Every applicant for licensure as a landscape architect shall submit with his application for such licensure a fee in an amount established by the board, which shall be sufficient to cover the costs of examination. If the applicant successfully passes the examination and is otherwise qualified for licensure as a landscape architect, the board shall thereafter, upon payment of a fee to be determined by the board, issue a license to the applicant, which shall be valid for up to two years and shall be renewable biennially. All licenses shall expire on the renewal date established by the division director. The biennial license renewal fees shall be an amount established by the board.
- (b) Any check presented to the board as a fee for either an original or renewal license which is returned unpaid shall be cause for revocation or denial of the license.

HISTORY: Ga. L. 1958, p. 400, §§ 16, 17; Ga. L. 1971, p. 559, § 1; Code 1933, § 84-4011, enacted by Ga. L. 1976, p. 1730, § 1; Ga. L. 2000, p. 1706, § 19.

43-23-9. Reciprocity.

The board may certify an applicant for registration without examination if such applicant is legally registered as a landscape architect in any state, country, or political entity whose requirements for registration are substantially equivalent to the requirements provided in this chapter and which state, country, or political entity extends the same privilege of reciprocity to landscape architects registered in this state. Such application shall be accompanied by the same licensing fee as required of other landscape architects, provided that such fee shall be returned if the license is not granted.

HISTORY: Code 1933, § 84-4013, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-10. Temporary Licenses.

Any landscape architect who is duly registered in any other state or country may be issued a temporary license as a landscape architect for a stipulated site and project within this state, provided that such person:

- (1) Requests a temporary license on a form provided by the board;
- (2) Presents evidence satisfactory to the board that he is competent to practice landscape architecture as the term is defined in this state;

- (3) Has attained the age of 18 years; and
- (4) Pays a fee to be determined by the board for such temporary license.

HISTORY: Ga. L. 1958, p. 400, § 8; Code 1933, § 84-4014, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-11 Form of licenses and certificates; seal on certificates; delivery of license to licensee; display of certificate.

- (a) The board shall prescribe the form of licenses issued under this chapter. The license of each landscape architect shall be delivered or mailed to the landscape architect.
- (b) The board shall provide certificates to each licensed landscape architect. The board shall prescribe the form of certificates issued. The certificate shall have placed thereon the seal of the board. The certificate of each landscape architect shall be delivered or mailed to the landscape architect. It shall be the duty of the landscape architect to display his certificate conspicuously in his place of business.

HISTORY: Code 1933, § 84-4015, enacted by Ga. L. 1976, p. 1730, § 1; Ga. L. 1986, p. 430, § 2.

43-23-12 Investigations, censure of licensees; revocation or suspension of licenses.

The board may, upon its own motion, and shall, upon the complaint in writing of any person, initiate investigations into the actions of any licensed landscape architect and shall have the power to censure the licensee or to revoke or suspend any license issued under this chapter whenever the board concludes that the licensee has violated any provision of this chapter or whenever the board has determined that the licensee:

- (1) Has obtained a license by false or fraudulent representations;
- (2) Has impersonated another landscape architect or former landscape architect with the same or similar name, or is practicing under an assumed or misleading name, to include practicing under a partnership, limited liability company, or corporate name in which any person who is not a landscape architect is named;
- (3) Has aided or abetted an unlicensed person in the practice of landscape architecture;
- (4) Has been convicted of a felony or other crime involving moral turpitude;
- (5) Has, in the practice of landscape architecture, been guilty of fraud, deceit, negligence, or incompetence;
- (6) Has affixed his or her signature to plans, drawings, specifications, or other instruments of service which have not been prepared by him or her or under his or her immediate and responsible direction or has permitted his or her name to be used for the purpose of assisting any person who is not a landscape architect to evade the provisions of this chapter; or

(7) Has violated the provisions of subsection (a) of Code Section 43-1-19.

HISTORY: Ga. L. 1958, p. 400, § 13; Code 1933, § 84-4017, enacted by Ga. L. 1976, p. 1730, § 1; Ga. L. 1986, p. 430, § 3; Ga. L. 1993, p. 123, § 41.

43-23-13 Applicability of Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.”

Any action taken by the board with respect to any license issued under this chapter shall be in accordance with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.”

HISTORY: Ga. L. 1958, p. 400, § 13A; Code 1933, § 84-4018, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-14 Practice of landscape architecture by partnerships, limited liability companies, and corporations.

Any partnership, firm, limited liability company, or corporation may engage in the practice of landscape architecture, as defined in this chapter, provided that any service which constitutes the practice of landscape architecture shall be supervised by a duly licensed landscape architect who shall be responsible for the services furnished by the partnership, firm, limited liability company, or corporation which would otherwise fall within the purview of this chapter. In no event shall the other members of the partnership, limited liability company, firm, or corporation be designated or described as landscape architects if they are not so licensed; and the term landscape architect or any abbreviation thereof or any other designation which conveys the meaning of landscape architect shall not appear in any partnership, firm, limited liability company, or corporate name in which any person is identified who is in fact not a licensed landscape architect. Upon approval of the board, any partnership, limited liability company, firm, or corporation may operate branch offices in this state to provide landscape architectural services, provided that each branch office has a resident landscape architect licensed under this chapter. All classified directory listings, advertisements, signs, and broadcast commercials, except letterheads and business cards, of corporations, firms, limited liability companies, or partnerships offering landscape architectural services shall include the name and license number of a duly licensed landscape architect providing such services.

HISTORY: Code 1933, § 84-4012, enacted by Ga. L. 1976, p. 1730, § 1; Ga. L. 1993, p. 123, § 42; Ga. L. 1993, p. 1023, § 4.

43-23-15 Injunctions.

Whenever, in the judgment of the board, any person has engaged in any acts or practices which constitute or will constitute a violation of this chapter, the Attorney General may bring an action in the name of the state to abate and temporarily and permanently enjoin such acts and practices and to enforce compliance with this chapter. The board shall not be required to give bond in any such action.

HISTORY: Ga. L. 1958, p. 400, § 6; Code 1933, § 84-4007, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-16 Applicability of chapter to qualified registered architects and professional engineers.

Nothing in this chapter shall be construed as excluding a qualified registered architect or professional engineer from such landscape architectural practice as may be incidental to the practice of his profession or as excluding a landscape architect registered under this chapter from such architectural or engineering practice as may be incidental to the practice of landscape architecture.

HISTORY: Ga. L. 1958, p. 400, § 9; Code 1933, § 84-4003, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-17 Exceptions to operation of chapter.

- (a) Except as otherwise provided in this chapter, this chapter shall not apply to:
 - (1) A contractor engaging in the business of or acting in the capacity of a contractor or landscape contractor in this state, provided that he or she is the prime contractor for the installation of his or her design. A contractor or landscape contractor may not perform design services without also performing the installation of said design;
 - (2) Any person whose services are offered solely as a gardener or nurseryman;
 - (3) Any person qualified by training or experience or by both training and experience whose services are offered solely as a municipal, regional, or urban planner; or
 - (4) Any person employed by a state agency, county, or municipality who engages in the business of or acts in the capacity of a landscape architect, insofar as such acts are performed in the course of employment with the respective governmental entity on lands owned by the jurisdiction by which employed.
- (b) None of the persons mentioned in subsection (a) of this Code section shall use the title “landscape architect” without complying with this chapter.

HISTORY: Ga. L. 1958, p. 400, § 9; Code 1933, § 84-4004, enacted by Ga. L. 1976, p. 1730, § 1; Ga. L. 1978, p. 1526, § 1; Ga. L. 1981, p. 781, § 1; Ga. L. 1982, p. 2378, §§ 1, 6; Ga. L. 1993, p. 1023, § 5.

43-23-18 Practicing landscape architecture or representing oneself as or acting as a landscape architect without a license.

Any person who shall practice the profession of landscape architecture or represent himself as a landscape architect or act as such, as defined in this chapter, without first obtaining a license to do so as provided in this chapter, or when such license is revoked, shall be guilty of a misdemeanor.

HISTORY: Ga. L. 1958, p. 400, § 14A; Code 1933, § 84-4016, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-19 Penalty.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor.

HISTORY: Ga. L. 1958, p. 400, § 14A; Code 1933, § 84-4019, enacted by Ga. L. 1976, p. 1730, § 1.

43-23-20 Termination.

Repealed.

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