

## **EXECUTIVE SUMMARY** **Florida Barbers' Board**

### **I. General Information**

Meeting Type: Rule Development Workshop and General Business Meeting  
Meeting Date: Sunday, August 2, 2009, and Monday, August 3, 2009  
Meeting Location: Hilton Fort Lauderdale Beach Resort  
505 North Fort Lauderdale Beach Boulevard  
Fort Lauderdale, Florida 33304

**Attendees:**

Carl Troup, Vice Chair  
Robert Collins  
Julie Rivera  
Edwin Stewart  
Thomas Vaughn  
Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Carrol Cherry, Assistant Attorney General, Attorney General's Office  
LeChea Parson, Assistant General Counsel, DBPR  
Elise Rice, Government Analyst, DBPR  
Alex Bosque, Bureau of Education and Testing, DBPR  
Kelly Torres, Bureau of Education and Testing, DBPR  
Jerry Wilson, Interim Director, Division of Regulation, DBPR  
Cheryl Biesky, Regional Program Administrator, Margate Field Office, Division of Regulation, DBPR  
Eddie Garcia, Regional Program Administrator, West Palm Beach Field Office, Division of Regulation, DBPR  
Bill Tejeda, Regional Program Administrator, Miami Field Office, Division of Regulation, DBPR  
Chris Lee, Investigation Supervisor, Margate Field Office, Division of Regulation, DBPR  
Sonnya Roa-Zaiter, Investigator, Margate Field Office, Division of Regulation, DBPR  
Norma Fishner, Investigator, Margate Field Office, Division of Regulation, DBPR  
Roderick Payne, Investigator, Margate Field Office, Division of Regulation, DBPR  
Andre Smith, Investigator, Margate Field Office, Division of Regulation, DBPR  
Jeffrey Kaplan, Inspector, Margate Field Office, Division of Regulation, DBPR  
Yadira Garcia, Inspector, Miami Field Office, Division of Regulation, DBPR  
Jose Remon, Inspector, Miami Field Office, Division of Regulation, DBPR  
Ella Francis, Investigator, Miami Field Office, Division of Regulation, DBPR  
Garry Joinville, Investigator, Miami Field Office, Division of Regulation, DBPR  
Cheryl Tabb, Investigator, Miami Field Office, Division of Regulation, DBPR  
Maritza Monroe, Court Reporter  
Other interested parties

## II. Major Issues/Actions

- Vice Chair Carl Troup excused the absence of Chair Herman White from the workshop and the board meeting.
- The board considered the following rules at the Rule Development Workshop and approved the language as follows:

### **Rule 61G3-15.010, Florida Administrative Code – Examiners in Practical Examination; Criteria for Selection.**

Mr. Stewart moved to approve the proposed repeal of this rule, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Mr. Vaughn seconded the motion, and it passed unanimously.

### **Rule 61G3-16.002, Florida Administrative Code – Reexamination.**

~~1) An applicant who fails the state examination for licensure in whole or in part shall be required to pay the reexamination fee as set forth in Rule 61G3-20.002, F.A.C.~~

~~(2) An applicant shall be required to retake only the portion of the examination on which he or she failed to achieve a passing grade. However, an An applicant must pass both portions of the examination within a one year period from the date of the first attempt at either part licensure examination in order to qualify for licensure.~~

~~(3) An applicant who fails the practical portion of the examination may apply to the Department to retake the practical portion of the examination at least 30 days prior to the next administration date, provided that the applicant pays the reexamination fee as set forth in Rule 61G3-20.002, F.A.C.~~

~~(4) An applicant who fails the written portion of the examination may apply to the Department to retake the written portion of the examination by providing an application and paying the reexamination fee as set forth in Rule 61G3-20.002, F.A.C.~~

Mr. Stewart moved to approve the language as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Ms. Rivera seconded the motion, and it passed unanimously.

### **Rule 61G3-16.005, Florida Administrative Code – Endorsement.**

The Department of Business and Professional Regulation shall issue a license by endorsement to a person who:

(1) Makes application and pays to the Department the fee specified in Rule 61G3-20.002, F.A.C.;

(2) Demonstrates that he or she possesses a current active license in another state or country;

(3) Demonstrates that he or she has satisfactorily completed a written ~~and a practical~~ examination comparable to or more stringent than the examination given by the Department;

(4) Demonstrates that he or she has completed:

(a) 1,200 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students and, at a minimum, covering the subjects of Safety, Sanitation and Sterilization, Hair Structure and Chemistry, Hair Cutting, Shampooing, Chemical Services, and Shaving as specified by the Barbers' Board; or

(b) An apprenticeship program of 1,200 hours; or

(c) A combination thereof.

(5) Certifies that he or she has read and understood and will abide by Chapters 455 and

476, F.S., and Chapter 61G3, F.A.C.

(6) For purposes of demonstrating that the applicant has met the requirements of subsections (2), (3) and (4) above, the applicant must provide the Board with an education evaluation conducted by a credential evaluation service that is a member of the National Association of Credential Evaluation Services.

Mr. Stewart moved to approve the language as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Mr. Collins seconded the motion, and it passed unanimously.

**Rule 61G3-16.007, Florida Administrative Code – Examination for Restricted Licensure.**

(1) The examination for restricted licensure to practice barbering shall consist of ~~two parts~~, a written examination and a practical exam. Applicants for a restricted license to practice barbering must achieve a passing grade on ~~both portions~~ of the examination to be eligible for a restricted license to practice barbering.

(2) The ~~written portion of the examination~~ for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida.

~~(3) The practical portion of the examination for restricted licensure shall test the applicant's ability to perform the barbering services authorized by a restricted license to practice barbering. The practical examination for licensure shall have a maximum time limit of 1 1/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair and perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:~~

<del>GRADING AREA</del>	<del>RELATIVE WEIGHT</del>
<del>Haircut</del>	<del>45%</del>
<del>Shampoo</del>	<del>5%</del>
<del>Safety and Sanitation</del>	<del>50%</del>

~~The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas for comment shall be drawn from the following grading criteria:~~

~~(a) Haircut:~~

- ~~1. The top is even and without holes;~~
- ~~2. The top blends with the sides and back;~~
- ~~3. The front outline is even;~~
- ~~4. The haircut is proportional;~~
- ~~5. The sides and the back are without holes or steps;~~
- ~~6. The sides blend with the back;~~
- ~~7. The sideburns are equal in length;~~
- ~~8. The outlines are even;~~
- ~~9. The sideburns, outline, and neckline are clean shaven;~~
- ~~10. The model's skin was not cut or nicked during the haircut;~~
- ~~11. The neckline is properly tapered.~~

~~(b) Shampoo: After the shampoo, the model's hair and scalp were clean and free -shampoo.~~

~~(c) Safety and Sanitation:~~

- ~~1. The candidate used the proper draping for the shampoo;~~
  - ~~2. The candidate used the proper protection on the shampoo bowl;~~
  - ~~3. The candidate properly stored clean and dirty linen during the shampoo;~~
  - ~~4. The candidate washed his or her hands before beginning work on the model;~~
  - ~~5. The candidate used the proper draping for the haircut;~~
  - ~~6. The candidate properly stored clean and dirty linen during the haircut;~~
  - ~~7. The candidate placed tools in the sanitizer before and after each use;~~
  - ~~8. The candidate used all tools in a safe manner and without any blood contact during the haircut;~~
- ~~(4) Failure of the examinee to complete the services required in a particular category tested in the practical examination shall result in the examinee losing the possible points assigned to that area.~~
- ~~(5) The score necessary to achieve a passing grade on the written portion of the restricted licensure examination shall be no less than seventy-five (75) percent out of one hundred (100) percent of the total possible points on the written examination. The score necessary to achieve a passing grade on the practical portion of the restricted licensure examination shall be no less than seventy-five (75) percent (based on the average of the examiners' scores) out of one hundred (100) percent of the total possible points on the practical examination. All examiner's scores will be averaged before any percentages are rounded according to the formula stated below. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.~~

Mr. Stewart moved to approve the rule as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Mr. Vaughn seconded the motion, and it passed unanimously.

**Rule 61G3-16.008, Florida Administrative Code – Manner of Application.**

Every person desiring to be examined for either full or restricted licensure as a barber shall apply to the Department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Rule 61G3-20.002, F.A.C.

(1) The applicant must present with the application two (2) 2" x 2" photographs taken within the past twelve (12) months and evidence of completion of barber training as defined in Chapter 476, F.S.

~~(2) Completed applications received later than thirty (30) days prior to the next available practical exam shall automatically be scheduled for the following available practical examination. The Department shall notify the applicant fourteen (14) days prior to the practical examination if the applicant is eligible to take the practical examination. A professional testing service qualified outside testing vendor shall notify applicants of their eligibility for a written examination within five (5) working days after receipt of Board notification of the applicant's eligibility.~~

(3) Applicants for an unrestricted license who have completed one thousand (1,000) actual school hours or more but less than one thousand two hundred (1,200) actual school hours are required to have the school or program attended certify on that portion of the application so designated that said applicant has completed the stated number of hours, the required services as established by Rule 61G3-16.001, F.A.C., and is competent to sit for the licensure examination.

Mr. Stewart moved to approve the language as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Ms. Rivera seconded the motion, and it passed unanimously.

**Rule 61G3-16.0010, Florida Administrative Code – Examination for Barber Licensure.**

(1) The examination for licensure to practice barbering shall consist of ~~two parts~~, a written examination and a practical examination. Applicants for a license to practice barbering must achieve a passing grade on ~~both portions~~ of the examination to be eligible for a license to practice barbering. An applicant who has completed all requirements for examination and paid the fee specified in Rule 61G3-20.002, F.A.C., will be admitted to the examination for licensure.

(2) The following subjects will be tested on the written examination ~~consisting of seventy-five questions~~ and will be weighted approximately as designated:

Category	Weight
(a) Florida Laws and Rules	25%
(b) Safety, Sanitation and Sterilization	30%
(c) Hair Structure and Chemistry	10%
(d) Hair Cutting and Hair Styling	<del>40%</del> 15%
(e) Shampooing	5%
(f) Chemical Procedures (Permanent Waving, Coloring and Bleaching, Hair Relaxing and Curling)	<del>15%</del> 10%
(g) Shaving, Beard and Mustache Trimming	5%

~~(3) The practical portion of the examination for licensure shall test the applicant's ability to perform the barbering services authorized by a license to practice barbering. The practical examination shall have a maximum time limit of 1 1/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair and perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:~~

Grading Area	Relative Weight
(a) Haircut	45
(b) Shampoo	5
(c) Safety and Sanitation	50

~~(4) The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment shall be drawn from the following criteria:~~

- ~~(a) Haircut:~~
- ~~1. The top is even and without holes;~~
  - ~~2. The top blends with the sides and back;~~
  - ~~3. The front outline is even;~~
  - ~~4. The haircut is proportional;~~
  - ~~5. The sides and the back are without holes or steps;~~
  - ~~6. The sides blend with the back;~~
  - ~~7. The sideburns are equal in length;~~
  - ~~8. The outlines are even;~~
  - ~~9. The sideburns, outline, and neckline are clean shaven;~~

~~10. The model's skin was not cut or nicked during the haircut;~~

~~11. The neckline is properly tapered.~~

~~(b) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.~~

~~(c) Safety and Sanitation:~~

~~1. The candidate used the proper draping for the shampoo;~~

~~2. The candidate used the proper protection on the shampoo bowl;~~

~~3. The candidate properly stored clean and dirty linen during the shampoo;~~

~~4. The candidate washed his or her hands before beginning work on the model;~~

~~5. The candidate used the proper draping for the haircut;~~

~~6. The candidate properly stored clean and dirty linen during the haircut;~~

~~7. The candidate placed tools in the sanitizer before and after each use during the haircut;~~

~~8. The candidate used all of the tools in a safe manner and without any blood contact during the haircut;~~

~~(5) Failure of the examinee to complete the services required in a particular category tested in the practical portion of the examination shall result in the examinee losing the possible points assigned to that area.~~

~~(6) The score necessary to achieve a passing grade shall be no less than seventy-five (75) percent out of one hundred (100) percent (based on the average of the examiners' scores) on the practical examination and seventy five (75) percent out of one hundred (100) percent on the written examination. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.~~

Mr. Stewart moved to approve the language as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Ms. Rivera seconded the motion, and it passed unanimously.

**Rule 61G3-16.010, Florida Administrative Code – Supervised Practice Exception.**

(1) Following the completion of ~~both the written and practical portions of~~ the first licensing examination by an applicant for licensure as a barber by examination who has completed the barber training required by Chapter 476, F.S. and Rule 61G3-16.001, F.A.C, the applicant is eligible to practice as a barber and perform barbering services temporarily in a current, actively licensed barbershop under the following conditions:

(a) In the event an applicant obtains a passing scores on the examination on the first attempt of ~~both the written and practical portions of the examination~~, the applicant shall be eligible, prior to having the application acted on by the Board, to practice in a licensed barbershop, provided that the applicant post the examination results ~~for both portions of the examination~~ at the work station with a recent photograph affixed thereto.

(b) In the event that the applicant fails to obtain a passing score on ~~either or both of the written or practical portion of the examination~~ on the first attempt, the applicant shall not be eligible to practice under this rule until the applicant:

1. Applies to the Department for authorization to retake ~~the failed portion(s) of the examination~~; and

2. Presents the holder of the license for the barbershop a copy of both the reexamination application and the examination scheduling authorization letter from the department or the qualified outside testing vendor.

3. Upon completion of these conditions, the applicant is eligible to practice in a licensed barbershop subject to the provisions of paragraph (c) referenced below, provided that

the applicant posts the examination results for ~~both portions of the examination~~ at the work station with a recent photograph affixed thereto. The applicant must discontinue practicing when 180 days have passed from the date ~~the written or practical portion of the first examination was taken, whichever portion was taken earlier~~, if reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the department or the qualified outside testing vendor.

(c) All barbering services performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber" shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.

(2) In the event an applicant, who previously failed ~~either or both portions of the examination on the first attempt~~, fails to obtain a passing score on ~~either or both portions of the second licensure examination~~, the applicant is no longer eligible to practice as a barber under this exception and must immediately discontinue practicing barbering services until the applicant has been issued a license to practice by the Department.

Mr. Stewart moved to approve the language as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Ms. Rivera seconded the motion, and it passed unanimously.

**Rule 61G3-20.002, Florida Administrative Code – Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.**

(1) The application fee for licensure by means of endorsement or examination and reexamination for barbers shall be as follows:

Method of Licensure:      Application Fee:

(a) Endorsement              The application fee for licensure by endorsement shall be one hundred and fifty dollars (\$150.00). All fees shall be payable to the Department.

(b) Examination and Reexamination

1. ~~Practical Portion~~              ~~The application fee for both the examination and reexamination for the practical portion shall be seventy-five dollars (\$75.00). All~~

~~fees shall be payable to the Department.~~

2. ~~Written portion~~              The application fee for both the examination and reexamination ~~for the written portion shall be seventy-five dollars (\$75.00)~~ one hundred, fifty dollars and zero cents (\$150.00) .

~~Sixty-one dollars and fifty cents (\$61.50) of both the examination and reexamination application fee for the written portion of the examination shall be paid to the Department and thirteen dollars and fifty cents (\$13.50)~~

~~shall be paid to the professional testing service.~~

(2) The application fee for licensure by means of examination and reexamination for

restricted barbers shall be as follows:

Method of Licensure: Application Fee:

(a) Examination and Reexamination

~~1. Practical Portion The application fee for both the examination and reexamination for the practical portion shall be seventy-five dollars (\$75.00). All fees shall be payable to the Department.~~

~~2. Written Portion The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00) one hundred, fifty dollars and zero cents (\$150.00). ~~Seventy dollars and fifty cents (\$70.50) of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and four dollars and fifty cents (\$4.50) shall be paid to the professional testing service.~~~~

(3) Applicants for licensure as a barber or restricted barber shall pay both the original licensure fee set forth in Rule 61G3-20.014, F.A.C., and the applicable part of the examination or reexamination application fee specified in subsections (1) and (2) above.

(a) All fees payable to the Department shall be paid at the time the applicant submits his or her application for licensure by endorsement, examination or reexamination.

(b) All parts of the examination or reexamination application fee payable to a ~~professional testing service~~ qualified outside testing vendor shall be paid to that service upon notification that the applicant's application for licensure by examination or reexamination has been approved.

(c) In the event that a ~~professional testing service~~ qualified outside testing vendor is not used for examination or reexamination, all fees shall be paid to the Department.

Mr. Stewart moved to approve the rule as amended, that there was no impact on small business, and there was no need for a Statement of Estimated Regulatory Costs. Mr. Vaughn seconded the motion, and it passed unanimously.

**Rule 61G3-20.0075, Florida Administrative Code – Examination Review Fee.**

The fee for an ~~written~~ examination review shall be thirty dollars (\$30.00) payable to a ~~professional testing service~~ qualified outside testing vendor when the ~~written~~ examination is conducted by the professional testing service pursuant to Section 455.2171, F.S. ~~The fee for obtaining copies of practical grade sheets shall be ten dollars (\$10.00) payable to the Department.~~ In the event that a ~~professional testing service~~ qualified outside testing vendor is not used for examination or reexamination, all fees shall be paid to the Department.

- The board considered 31 endorsement applications, one proposed recommended order, and 28 disciplinary cases, one continuing education provider application, and one continuing education course application.
- Ms. LeChea Parson, Assistant General Counsel, informed the board that there are



103 barbering cases in the Office of the General Counsel as of July 9, 2009. The board agreed to allow Ms. Parson to continue processing the year-old barbering cases in the legal department.

- Mr. Jerry Wilson, Acting Director, Division of Regulation, informed the board that for the fiscal year ending June 30, 2009, the Division of Regulation completed 3,133 barbershop inspections. Mr. Wilson asked the board to consider amending their rule to require inspections every biennium rather than annually. He added that there would not be a reduction in services, but this change would actually enhance services. Mr. Wilson indicated that this initiative would give the inspectors more time to spend at an actual inspection, and it would give the inspectors the opportunity to re-inspect those barbershops which are not in compliance. He added that approximately 80 percent of barbershops current comply with all inspection requirements. The board agreed to amend their inspection rule to allow for inspections to be conducted biennially rather than annually.
- Ms. Robyn Barineau, Executive Director, provided the board with particulars regarding the department's 2008-2009 unlicensed activity campaign.
- Ms. Barineau mentioned the letter from Secretary Drago mailed to Chair White regarding 2010 Accelerate Florida legislative initiatives. She asked the board for their input as soon as possible.
- Ms. Barineau noted that due to various safety concerns, the department sought the board's approval to remove the mailing address from personal licenses which are posted for public view. The board approved this request.
- Ms. Barineau referred to a list of criminal offenses which she suggested could be approved by the department and would not require review of an application by the board. The board approved the proposed criminal history guidelines list.
- Ms. Carrol Cherry, Assistant Attorney General, provided an overview of the Barbers' Board Rules Report. She mentioned that she met with the department on a proposed amendment to Rule 61G3-21.009, Florida Administrative Code – Citations. The board reviewed the proposal, approved the amendment as follows, and agreed that it would have a small business impact:
  - (1)-(3)(a)-(i) No change.
  - (j) Failure to laminates and display current license or picture on license, in violation of Rule 61G3-19.009, F.A.C., shall result in a fine of \$50 for the first offense, and a fine of \$100 for each subsequent offense.
  - (3)(k)-(7) No change.
- Ms. Cherry also suggested the following change to Rule 61G3-19.009, Florida Administrative Code – Normal Penalty Ranges, pursuant to her meeting with the department: ~~Failure to place license in a conspicuous place for public viewing.~~ Display of license. ~~\$50.00 \$100.00 fine per violation up to a \$250.00 \$500.00 cap.~~  
The board reviewed the proposal, approved the amendment, and agreed that it would have a small business impact.

### III. Legislation/Rule Promulgation

- Ms. Cherry will move forward with the amendments to Rules 61G3-15.010, Florida Administrative Code – Examiners in Practical Examination; Criteria for Selection, 61G3-16.002, Florida Administrative Code – Reexamination, 61G3-16.005, Florida Administrative Code – Endorsement, 61G3-16.007, Florida Administrative Code – Examination for Restricted Licensure, 61G3-16.008, Florida Administrative Code – Manner of Application, 61G3-16.0010, Florida Administrative Code – Examination for

Barber Licensure, 61G3-16.010, Florida Administrative Code – Supervised Practice Exception, 61G3-20.002, Florida Administrative Code – Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees, and 61G3-20.0075, Florida Administrative Code – Examination Review Fee.

- Ms. Cherry will move forward with the amendments to Rule 61G3-19.015, Florida Administrative Code – Inspections.
- Ms. Cherry will move forward with the amendments to Rule 61G3-19.009, Florida Administrative Code – Normal Penalty Ranges.

#### **IV. Action Required**

- Ms. Cherry will prepare all final orders and forward them to board staff for filing with the department's Agency Clerk.

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Robyn Barineau  
Executive Director  
August 17, 2009