

EXECUTIVE SUMMARY

Florida Barbers' Board

I. General Information

Meeting Type: General Business
Meeting Date: Monday, May 16, 2005
Meeting Location: Casa Monica Hotel
95 Cordova Street
St. Augustine, Florida 32259

Attendees:

Peter "Dave" Magda, Chair
Herman White, Vice Chair
Robert Collins
Char Feliciano
Jeri Scott
Robyn Barineau, Executive Director, DBPR
Dan Biggins, Assistant Attorney General, Department of Legal Affairs
Charles Tunncliff, Assistant General Counsel, Office of the General Counsel, DBPR
Dana Ewaldt, Government Analyst, DBPR
Lyra Erath, Psychometrician, Bureau of Education and Testing, DBPR
Nancy Bradley, Commission for Independent Education
Becky Noel, Court Reporter
Eddie Stewart
Carol Collins
Jackie Lombardi, Florida Barbers Academy
Guido Verdone, Barber Endorsement Applicant
Angela Verdone
Rosaria Verdone

II. Major Issues/Actions

- The board considered one barber endorsement application; this applicant was attempting to endorse from New York
- The board considered 11 disciplinary cases
- The board considered one continuing education provider application; one continuing education course application; and three continuing education course renewal applications
- Mr. Charles Tunncliff, Assistant General Counsel, reported that there are currently 60 barber cases in the legal section
- Mr. Tunncliff reported that a new attorney has been hired to handle the barber cases, and that he will bring the new attorney to the next board meeting for introduction
- Ms. Char Feliciano reported that Mr. Deg McCracken recently attended the practical examination in Clearwater as an Examiner Trainee
- Ms. Lyra Erath, Psychometrician, reported that she has not received any additional applications from potential south Florida practical examiners

- Chair Dave Magda reported that he sent a letter to the National Association of Barber Boards of America (NABBA) inquiring about costs associated with hosting a national meeting but, to date, he has not received a response from NABBA
- Board members agreed to send any proposed barbering definitions to board staff for inclusion in the next board meeting agenda
- Ms. Jeri Scott informed the board that most states along the east coast offer barbering instructor licenses
- Ms. Nancy Bradley, Commission for Independent Education (CIE), advised the board that the CIE manages the oversight of all Florida private barbering schools and that the credentials of private barbering school instructors are monitored by the CIE; she added that barber instructors are required to hold a barber license, have 3 years of practical experience, and they must complete eight hours of continuing education annually
- Mr. Jackie Lombardi, Florida Barber Academy, added that he felt the board should not pursue licensing of barber instructors
- Mr. Dan Biggins, Assistant Attorney General, gave an overview of draft legislation he prepared based on previous direction from the board proposing a barber apprenticeship program or a barber internship program; he added that an apprenticeship program would fall under the direction of the Department of Education with the board having the ability to assist in the development of standards and that an internship program would have oversight by the board
- Chair Magda stated that apprentices/interns would still need to attend school and that the intent of the board was not to allow students to totally replace their educational hours with apprentice/intern hours
- Mr. Lombardi agreed that an intern should be required to complete a certain number of course hours and then be offered on the job training
- Ms. Bradley informed the board that she is concerned about the funding and costs of an internship and that internship programs may eliminate schooling; she added that on the job training may not allow interns/students to be properly educated as sponsors have barbershops to operate and may be more concerned with the business venture as opposed to the training of interns/students; Ms. Bradley reminded the board that they currently have oversight of school curriculum; she advised the board that she believed the CIE would be receptive as to what the barbershops would teach and that interns should probably not be licensed; Ms. Bradley informed the board that she sees an internship as a positive experience for students
- Chair Magda reminded the board that interns would still be required to complete a written and practical examination
- Chair Magda stressed to Ms. Bradley the need for more frequent communication between the CIE and the board
- Mr. Biggins reminded the board that at the last board meeting, they voted to withdraw rule 61G3-16.007, Florida Administrative Code (F.A.C.), as the Joint Administrative Procedures Committee (JAPC) notified the board that they had no statutory authority to examine restricted barber candidates on anything other than laws and rules on the written examination
- The board voted to amend rule 61G3-16.007(2), F.A.C., as follows:
 “The written portion of the examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida.”

- The board agreed that a candidate performing a shave on a model's sideburns, outline, and neckline were sufficient for the shave service in a restricted barber practical examination
- The board agreed to amend rule 61G3-16.009(7), F.A.C., as follows, assigning a \$100 monetary penalty for a citation should a licensee renew their license and not be in compliance with their continuing education requirements:
 "Attempting to renew a license when not in compliance with continuing education requirements in violation of rule 61G3-16.0091, in the amount of \$100."
- Ms. Jeri Scott asked the board to consider amending section 476.144, Florida Statutes (F.S.), to allow for endorsement of restricted barbers; allowing the written examination for restricted barbers to test on more than just laws and rules; and to eliminate the ability of Florida students to become restricted barbers
- The board agreed to consider amending section 476.144(6)(a)1., F.S., to eliminate the ability of Florida school graduates to apply for restricted barber licensure as this was not the original intent of the restricted barber licensure law
- The board expressed their concern with the approximate \$70,000 increase in the continuing education and testing expense from December 31, 2003, to December 31, 2004, and asked Ms. Barineau to research this matter and report her findings at the next board meeting
- The board agreed that out of a matter of fairness to all barber and restricted barber practical examination candidates, a south Florida practical examination site should be secured
- Ms. Erath indicated that other professions' examination sites are determined by the department
- Ms. Erath provided the board with costs associated with traveling examiners to north, central and south Florida practical examination sites and stated that the Orlando practical examination location is convenient for candidates across the entire state and cost effective for the board
- Chair Magda agreed that until additional south Florida examiners are located, it would be more costly to travel other examiners to south Florida
- Mr. Lombardi expressed his concern with south Florida students having to head north to take the practical examination and the associated travel costs for the students; he added that he is prepared to legally defend this situation, if necessary, as it is an undue burden on students
- Ms. Erath informed the board that she is currently requesting a report that shows where the practical examination candidates reside; Chair Magda agreed that this will be a helpful report, and he would like the board to review the report for practical examination location purposes
- Ms. Erath reported that the barber written examination is performing at a 6.5 grade level and the restricted barber written examination is performing at a 6.75 grade level
- Ms. Erath indicated that the examination items are performing in good ranges
- Ms. Robyn Barineau, Executive Director, reminded the board about the 100 percent continuing education monitoring initiative and that in accordance with the board's rule, those not in compliance after the next renewal cycle, may be issued a citation
- Ms. Barineau solicited the board for newsletter ideas and informed the board that she will be compiling another board newsletter within the next few months
- Ms. Barineau informed the board that in accordance with their request at the last board meeting, she invited Mr. Ed Magnay of Carrs Barbers Club USA, Inc., to attend the board meeting to address his concerns outlined in his letter of December 30, 2004, and that Mr. Magnay was not present at the board meeting

- Ms. Barineau reported that the emails from Ms. Lyndell L. Suttles and Mr. Bob Bowen were included in the agenda for informational purposes
- The board agreed to conduct a legislative workshop on July 31, 2005, and a general business meeting on August 1, 2005, in Orlando, Florida
- Mr. Dave Magda and Mr. Herman White were reelected as Chair and Vice Chair, respectively, of the Florida Barbers' Board

III. Legislation/Rule Promulgation

- Mr. Biggins will prepare a draft legislative proposal relating to internship programs and forward the draft to all board members for comment; in addition, he will draft language eliminating 476.144(6)(a)1., F.S.; he will also forward a copy to the board office for posting on the board's website as this legislative proposal will be workshopped on July 31, 2005, in Orlando, Florida
- Mr. Biggins will amend and file rule 61G3-16.007(2), F.A.C., as follows:
 "The written portion of the examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida."
- Mr. Biggins will amend and file rule 61G3-16.009(7), F.A.C., as follows, allowing for a \$100 citation penalty should a licensee renew their license and not be in compliance with their continuing education requirements:
 "Attempting to renew a license when not in compliance with continuing education requirements in violation of rule 61G3-16.0091, in the amount of \$100."

IV. Action Required

- Mr. Tunncliff and Mr. Biggins will prepare all final orders and forward to board staff for filing with the Agency Clerk; Mr. Tunncliff also agreed to prepare the final order in the Kwik Kuts Barbershop case as it was moved from a Motion for Waiver of Rights and Final Order case to a Settlement Stipulation matter
- The board asked Mr. Tunncliff to research why the inspection report included in the Trevineo King case did not indicate that there were any unlicensed barbers at the time of the inspection and report his findings at the next board meeting
- Ms. Barineau will research why the Testing and Continuing Education expense increased approximately \$70,000 from December 31, 2003, to December 31, 2004, and report her findings at the next board meeting
- The board will discuss barbering definitions at their next board meeting
- Ms. Erath will provide a copy of the report she is currently working on developing showing where practical examination candidates reside to the board at their next meeting
- Ms. Erath will research and report at the next board meeting whether or not examiner standardization is required annually

Robyn Barineau
 Executive Director
 May 18, 2005