

EXECUTIVE SUMMARY

Florida Barbers' Board

I. General Information

Meeting Type: General Business
Meeting Date: Sunday, August 13, 2006, and
Monday, August 14, 2006
Meeting Location: Hampton Inn and Suites
19 South Second Street
Fernandina Beach, Florida 32034

Attendees:

Peter "Dave" Magda, Chair
Herman White, Vice Chair
Roland Bordelon
Robert Collins
Jeri Scott
Tim Vaccaro, Director, Division of Professions, Department of Business and Professional Regulation (DBPR)
Robyn Barineau, Executive Director, DBPR
Joy Tootle, Assistant Attorney General, Department of Legal Affairs
Charles Tunnicliff, Assistant General Counsel, Office of the General Counsel, DBPR
Tiffany Harrington, Assistant General Counsel, Office of the General Counsel, DBPR
Dana Ewaldt, Government Analyst, DBPR
Beth Masters, Court Reporter
Letty Milazzo, ASM Beauty World Academy
Maura Scali-Sheahan, Florida Community College at Jacksonville
Jim Stone, Sunstate Academy

II. Major Issues/Actions

- Chair Dave Magda welcomed Mr. Tim Vaccaro, Director of Professions, and thanked him for his interest in attending the Florida Barbers' Board meeting.
- Ms. Robyn Barineau, Executive Director, advised the board that the department is still attempting to address the board member vacancy situation and is seeking assistance from boards to assist with locating qualified applicants to fill vacancies on all its boards and commissions. Ms. Barineau suggested that interested applicants contact the department or the Governor's Appointments Office for a Gubernatorial Appointments Questionnaire.
- Ms. Barineau reviewed the board's financial report with them for the period ending March 31, 2006. Chair Magda reminded the board that there will probably be an increase in education and testing costs during the current fiscal year since, Standardization will be conducted and there is the possibility of the addition of a South Florida practical examination site.
- Ms. Barineau informed the board that as of August 7, 2006, there were approximately 1,400 licensees who had neither paid their renewal fee nor completed their continuing education and there were approximately 700 licensees who had paid

- their renewal fee but had not completed their continuing education for the renewal cycle ending July 31, 2006. Ms. Barineau indicated that she anticipates these numbers will decrease by the next board meeting. She will inform the board of the updated continuing education compliance rates at the next board meeting.
- Ms. Barineau again asked the board for suggestions on target areas for unlicensed activity stings or sweeps. The board will provide their suggestions to Ms. Barineau
 - The board will discuss proposed barbering definitions at the next board meeting. Ms. Joy Tootle, Assistant Attorney General, will review the board's rules to determine if there are key words or phrases that should be clearly defined in their rules. She will also check with the former Assistant Attorney General who previously mentioned the need for further definitions and report her findings at the next board meeting.
 - Ms. Tootle informed the board that the change to Rule 61G3-19.011(6), Florida Administrative Code, will be effective August 17, 2006. This amendment will read: "Each barbershop shall have one or more shampoo bowls equipped with hot and cold running water. The shampoo bowls shall be located in the area where barbering services are performed."
 - The board agreed to move forward with the amendment to Rule 61G3-16.0092(6), Florida Administrative Code, to change the number of days a continuing education provider has to transmit course completion information to the department from five days to 30 days to comply with Chapter 455, Florida Statutes. The amendment will read: "...Providers must electronically provide to the Department a list of attendees taking the course for continuing education purposes within ~~5~~ 30 business days of the completion of the course or prior to the licensee's renewal date, whichever occurs sooner."
 - Ms. Tootle mentioned that she reviewed the board's disciplinary guidelines (Rule 61G3-21.001, Florida Administrative Code), and she suggested the board consider allowing her to work with Ms. Tiffany Harrington, Assistant General Counsel, to make the guidelines consistent with the board's statutes. Ms. Harrington agreed that the disciplinary guidelines could be further clarified.
 - Ms. Tootle indicated that she did some preliminary research on other states' requirements for out-of-country endorsement procedures. She mentioned that there are several states that utilize credentialing and evaluation companies to certify information received from other countries. The board was very receptive to her suggestions. At the board's direction, she will further research the board's statutory authority to require such credentialing information, fees, and other areas of concern and provide her report to the board at their November board meeting. Ms. Maura Scali-Sheahan, Florida Community College at Jacksonville, suggested that out-of-country endorsement applicants be required to take a Florida written and practical examination. The board asked Ms. Tootle to determine if all endorsement applicants could be required to take the Restricted Barber written laws and rules examination. Ms. Tootle will also research the meaning of "endorsement" and the legislative history of the endorsement law.
 - Ms. Scali-Sheahan suggested the barbering curriculum include required number of services as opposed to the current required number of hours. Ms. Jeri Scott reminded the board that one of the reasons the board amended the curriculum rule to include hours rather than services is because many schools cannot get individuals to come to their schools for students to perform barbering services for school credit. Ms. Scali-Sheahan suggested that the Florida Barbers' Board license barber instructors and master barbers as was previously the practice by the board years ago.

- Chair Magda indicated that some of the topics at the National Association of Barber Boards of America (NABBA) annual conference will include barber poles, discipline of licensees who are convicted sexual predators, and recognition of National Barbers Week.
- Chair Magda reminded the board that the 2007 NABBA annual conference will be conducted in Orlando, and he has asked that additional funds be incorporated into the board's 2007 travel plan to allow all board members and staff to attend this conference, since it will likely not be held again in Florida for many years.
- The board discussed the letter of June 24, 2006, from Mr. Nicholas Lomuto. They asked Ms. Barineau to respond to Mr. Lomuto's letter informing him that a barbering internship program in Florida would require a legislative change. The board asked Ms. Barineau to encourage Mr. Lomuto to attend a Florida school and take the Florida written and practical examinations for a Florida Barber's license.
- Discussion ensued regarding unpaid citations noted on disciplinary case memos from the Office of the General Counsel. Mr. Charles Tunncliff, Assistant General Counsel, informed the board that when he comes across unpaid citations when preparing a disciplinary case for presentation to the board, he will initiate an investigation on the unpaid citations.
- Mr. Tunncliff informed the board that there are currently 53 barbering cases in the Office of the General Counsel.
- Mr. Tunncliff introduced Ms. Tiffany Harrington, Assistant General Counsel, as the new attorney who will handle future barbering cases. He added that he intends to continue to assist with the barbering cases for approximately one more year.
- The board agreed to conduct Standardization on Sunday, November 12, 2006, and its board meeting on Monday, November 13, 2006, in Orlando, Florida.

III. Legislation/Rule Promulgation

- Ms. Tootle will amend and proceed with filing Rule 61G3-16.0092(6), Florida Administrative Code, - Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements – as follows: "...Providers must electronically provide to the Department a list of attendees taking the course for continuing education purposes within 5 30 business days of the completion of the course or prior to the licensee's renewal date, whichever occurs sooner."
- Ms. Tootle will move forward with development of Rule 61G3-21.001, Florida Administrative Code – Normal Penalty Ranges.
- Ms. Tootle will move forward with development of Rule 61G3-16.005, Florida Administrative Code – Endorsement.

IV. Action Required

- Mr. Tunncliff and Ms. Tootle will prepare all final orders and forward to board staff for filing with the Agency Clerk.
- The board will discuss barbering definitions in detail at their next board meeting. Ms. Tootle will research and provide information on possible barbering definitions at the next board meeting.

- Ms. Barineau will inform the board of the continuing education compliance rates at the next board meeting.
- The board will provide Ms. Barineau with suspected areas of unlicensed activity for provision to the Division of Regulation for possible stings or sweeps.
- Ms. Tootle and Ms. Harrington will work together on suggested revisions to the board's disciplinary guidelines, Rule 61G3-21.001, Florida Administrative Code, and provide her suggestions at the next board meeting.
- Ms. Tootle will provide the board with a report on out-of-country endorsement credentialing requirements at their next board meeting.
- Ms. Tootle will research whether or not the board could require all endorsement applicants to take the Restricted Barbers written laws and rules examination.
- Ms. Tootle will research the meaning of endorsement and the legislative history on the endorsement statute.
- Mr. Tunnicliff will initiate an investigation on unpaid citations when found while preparing a disciplinary case for board presentation.
- Ms. Barineau will contact Mr. Lomuto regarding his concerns as outlined in his letter of June 24, 2006.

Robyn Barineau
Executive Director
August 23, 2006