

# **MINUTES**

**FLORIDA BARBERS' BOARD  
Department of Business and Professional Regulation  
Historic Harbor Front Hampton Inn & Suites  
19 South Second Street  
Fernandina Beach, Florida 32034  
Sunday, August 13, 2006  
10:00 a.m.**

## **General Business Meeting**

The General Business Meeting of the Florida Barbers' Board was called to order at approximately 10:00 a.m., by Mr. Peter "Dave" Magda, Chair.

### **Board Members Present**

Peter "Dave" Magda, Chair  
Herman White, Vice Chair  
Robert Collins  
Jeri Scott  
Roland Bordelon

### **Board Members Absent**

### **Other Persons Present**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Tim Vaccaro, Director, Division of Professions, DBPR  
Joy Tootle, Assistant Attorney General, Department of Legal Affairs  
Tiffany Harrington, Assistant General Counsel, Office of the General Counsel, DBPR  
Dana Ewaldt, Government Analyst, DBPR

### **Interested Parties Present**

Maura Scali-Sheahan, Florida Community College at Jacksonville  
Jim Stone, Sunstate Academy

The meeting was opened with a roll call and a quorum was established. Chair Dave Magda thanked the audience members for attending the meeting. Chair Magda welcomed Mr. Tim Vaccaro, Director of Professions, and thanked him for his interest in attending the Florida Barbers' Board Meeting.

### **Approval of Minutes: May 15, 2006**

Ms. Jeri Scott moved to accept the minutes from the May 15, 2006, Board meeting. Mr. Herman White, Vice-Chair, seconded the motion and the motion passed unanimously.

## **Old Business**

### **Barbering Definitions**

The board agreed to discuss proposed barbering definitions at the next board meeting. Ms. Joy Tootle, Assistant Attorney General, will review the board's statutes to determine if there are key words or phrases that should be clearly defined in their rules. Ms. Tootle will check with the former Assistant Attorney General who previously mentioned the need for definitions. Ms. Tootle will report her findings at the next board meeting.

### **Internship Legislation**

The board agreed to pursue their legislative initiative to create an internship program for barbering. Director Vaccaro noted the prior administration encouraged Boards to have an outside sponsor when a bill presented an impact to the department. It is the current Administration's desire to present an initiative to the department's Legislative Affairs Office for an initial review. At Director Vaccaro's suggestion, Ms. Robyn Barineau, Executive Director, will provide a copy of this legislation to the department's Legislative Affairs Director for discussion. Director Vaccaro reminded the board that all legislative initiatives require a signature from the Governor's Office and suggested the board continue in their pursuit in finding a outside sponsor for the bill.

## **Other Business**

### **Executive Director's Report**

#### **Financial Report, March 31, 2006, Operating Account**

Ms. Barineau reviewed the board's financial report for the period ending March 31, 2006. Questions arose regarding the increased costs associated with education and testing. Chair Magda reminded the board that they should expect to see an increase in the education and testing costs during the current fiscal year since Standardization will be conducted and due to the possible addition of a South Florida practical examination site.

#### **Financial Report, March 31, 2006, Unlicensed Activity Account**

Ms. Barineau noted that the Unlicensed Activity Account was included in the agenda for informational purposes.

#### **Complaints and Investigative Statistics Report July 2005 - June 2006**

Ms. Barineau noted that the Complaints and Investigative Statistics Report for July 2005 through June 2006 was included in the agenda for informational purposes.

#### **National Association of Barber Boards of America (NABBA) 80<sup>TH</sup> Annual Conference, Denver Colorado, September 2006**

Ms. Barineau directed the board's attention to the NABBA announcement notifying attendees of an error in their previous announcements.

Email Correspondence from Barbers International First Annual Conference, Las Vegas Nevada, October 2006

Ms. Barineau noted that the correspondence from Barbers International regarding the first annual conference being held in Las Vegas Nevada in October was included in the agenda for informational purposes.

DBPR Press Release Regarding Continuing Education Requirements

Ms. Barineau noted that the press release regarding continuing education requirements was included in the agenda for informational purposes. Ms. Barineau informed the board that as of August 7, 2006, there were approximately 1,400 barber licensees who had neither paid their renewal fee nor completed their continuing education and there were approximately 700 barber licensees who had paid their renewal fee but had not completed their continuing education for the renewal cycle ending July 31, 2006. Ms. Barineau stated she anticipates these numbers will decrease by the next board meeting and that she will inform the board of the updated compliance rates at the next board meeting.

Unlicensed Activity Suggestions

Ms. Barineau reminded the board to provide her with suspected unlicensed activity areas for possible stings or sweeps by the Division of Regulation.

Mr. Roland Bordelon stated the newest trend in the Orlando area is an "old fashioned" barbershop environment that offers safety razor face shaving, however, the shaving services are being performed by cosmetologists. Ms. Barineau suggested Mr. Bordelon contact her with more specific details of the barbershop name location so that the information can be forwarded to the Regional Bureau of Investigative Services for investigation.

Board Membership

Ms. Barineau advised the board that the department is currently attempting to address the board member vacancy situation. The department is seeking assistance from all boards to assist with locating qualified applicants to fill vacancies on all boards. All interested applicants should contact the department or the Governor's Appointments Office for a Gubernatorial Appointments Questionnaire for completion and filing with the Governor's Appointments Office.

**Board Attorney Report**

Rule 61G3-19.011, F.A.C., - Barbershop Requirements

Ms. Tootle informed the board that the amendment to Rule 61G3-19.011(6), Florida Administrative Code (F.A.C.), will be effective August 17, 2006. The 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."

Rule 61G3-16.0092(6), F.A.C., - Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements

The board agreed to move forward with the amendment to Rule 61G3-16.0092(6), F.A.C., 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 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. Jeri Scott moved to accept the amendment to Rule 61G3-16.0092(6), F.A.C., as read by Board Counsel. Mr. Bordelon seconded the motion. The motion passed unanimously. Ms. Tootle will proceed with filing the amendment to Rule 61G3-16.0092(6), F.A.C.

Ms. Tootle mentioned that she reviewed the board’s Rule 61G3-21.001, F.A.C., regarding disciplinary guideline ranges and suggested that 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 guidelines should be further clarified. By vote, the board agreed for Ms. Tootle to move forward with opening Rule 61G3-21.001, F.A.C., for development. Ms. Tootle and Ms. Harrington will work together on suggested revisions to the board’s disciplinary guidelines and Ms. Tootle will report further on this at the next board meeting.

Ms. Tootle indicated that she had completed a 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 documentation received from other countries. Discussion ensued regarding increasing the educational requirement included in the endorsement rule from 1,000 hours to 1,200 hours, eliminating the apprenticeship language, and requiring endorsement applicants to take the written restricted barbers’ examination. By vote, the board agreed for Ms. Tootle to proceed with development of Rule 61G3-16.005, F.A.C. Ms. Tootle will further research the board’s statutory authority to require such credentialing information, fees, and other areas of concern. Her research will include the meaning of “endorsement” and the legislative history of the endorsement law. Ms. Tootle will provide her report at the next board meeting.

**Bureau of Education and Testing**

Examiner Standardization November 2006 in Orlando

The board agreed to conduct Standardization on Sunday, November 12, 2006, at the practical examination site in Casselberry or at the board meeting site.

**Chairperson Report / Comments**

Chair Magda indicated some of the topics to be discussed at the 2006 National Association of Barber Boards of America (NABBA) annual conference will include discipline of licensees who are convicted sexual predators, barber poles, and recognition of National Barbers’ Week.

Chair Magda reminded the board that the 2007 NABBA annual conference will be conducted in Orlando. He asked that additional funds be incorporated into the board's 2007 travel plan which would allow all for all board members and staff to participate in the 2007 NABBA annual convention.

### **Public Comments**

#### **Correspondence from Mr. Nicholas F. Lomuto Regarding Apprenticeship**

Chair Magda asked Ms. Barineau to respond to Mr. Lomuto's letter informing him that the board is seeking to create a barbering internship program in Florida however, the initiative requires a legislative change. At this time, the board encouraged Mr. Lomuto to attend a Florida barbering school and take the Florida written and practical examinations for a Florida Barbers' license.

Ms. Maura Scali-Sheahan, Florida Community College at Jacksonville, stated that she would like the board to entertain amending their Rules 61G3-16.001 and 61G3-16.006, F.A.C., to reflect number of services versus number of hours as it is her belief that the hour reference weakens the education. The hours are being accomplished through book work and video instruction instead of through hands-on practice. She feels that the services requirement provides a more definitive structure and eliminates an opportunity for a school to falsify a student's accomplishments. Ms. Scali-Sheahan again suggested that the Florida Barbers' Board license barbering instructors and master barbers as was previously the practice some years ago.

Ms. Scott noted prior to the rule change in April 200, numerous schools voiced their opinion to the board that they were experiencing difficulty with students being able to fulfill the services requirement due to the school not having enough client business and that it would be easier for a student to fulfill an hour requirement.

Chair Magda commented that the board has made positive changes and strides, and he recognizes there is always room for improvement. He applauded the involvement from the school owners and instructors.

Director Vaccaro thanked the board for the opportunity to participate in their meeting. He recognized the board's continual efforts to streamline the endorsement rule requirements and commended the board for their concern of public safety as well as concern for licensees.

### **Adjournment**

The board agreed to conduct Standardization on Sunday, November 12, 2006, and its board meeting on Monday, November 13, 2006, in Orlando, Florida. There being no further business, the meeting was adjourned at 1:00 p.m.