

EXECUTIVE SUMMARY
Florida Barbers' Board

I. General Information

Meeting Type: General Business
Meeting Date: Monday, May 18, 2009
Meeting Location: Hyatt Regency – Jacksonville Riverfront
225 East Coastline Drive
Jacksonville, Florida 32202

Attendees:

Herman White, Chair
Robert Collins
Julie Rivera
Edwin Stewart
Carl Troup, Vice Chair
Thomas Vaughn

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)

Carrol Cherry, Assistant Attorney General, Office of the Attorney General

Phillip Monte, Assistant General Counsel, Office of the General Counsel, DBPR

Dana Ewaldt, Government Analyst, DBPR

Letty Milazzo, ASM Beauty World Academy

Maura Scali-Sheehan

Lisa Beauchamp, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- The board considered 34 endorsement applications, 32 disciplinary cases, one continuing education provider application, and five continuing education course applications.
- The board agreed that for all disciplinary cases assessing fines and costs against licensed individuals or businesses, the final orders should reflect that payment must be made within 30 days, or the license(s) will be suspended until payment in full is received by the department.
- Mr. Phillip Monte, Assistant General Counsel, informed the board that there are 90 barbering cases in the Office of the General Counsel as of May 15, 2009. The board agreed to allow Mr. Monte to continue processing the 20 year-old barber cases in the legal department.
- Ms. Robyn Barineau, Executive Director, reported that as of December 31, 2008, the board's operating account balance was \$782,838 and their unlicensed activity account balance was \$243,779. Ms. Barineau informed the board that that even with the legislative cash sweeps from their accounts for the current

fiscal year, the board should remain in a positive cash balance for at least five years.

- Ms. Barineau informed the board that HB 425 passed during the 2009 legislative session, which will eliminate the requirement that all applicants pass a practical exam for licensure. The effective date of the bill is October 1, 2009. The bill will be forwarded to Governor Crist for his consideration. Ms. Barineau indicated that there may be a need to conduct a rule development workshop in conjunction with the August meeting to amend board rules to implement this change. Ms. Barineau and Ms. Carrol Cherry, Assistant Attorney General, will review the board rules to determine if a workshop is necessary. The board discussed the development of a rule similar to the Board of Cosmetology's rule relating to pedicure equipment sterilization and disinfection. Such a rule would require cosmetologists working in barbershops who are offering pedicures to sterilize and disinfect foot spas after each patron, at the end of the business day, and at the end of the business week. It would also require that a pedicure log be maintained for each pedicure spa.
- The board approved the Statement of Estimated Regulatory Costs for rule 61G3-19.011, Florida Administrative Code - Barbershop Requirements, and agreed that this amendment would impact small businesses.
- The board agreed to have Ms. Cherry ask the Joint Administrative Procedures Committee (JAPC) to toll rules 61G3-21.009, Florida Administrative Code – Citations, and 61G3-21.012, Florida Administrative Code – Notice of Non-Compliance as JAPC has expressed some concerns with these rule amendments. Ms. Cherry and Ms. Barineau will discuss the JAPC comments and provide additional information at the next meeting.
- The board agreed to continue accepting board member compensation for attendance at meetings.
- The next board meeting will be conducted on Monday, August 3, 2009, in Ft. Lauderdale, Florida, and Monday, November 9, 2009, in Orlando, Florida.

III. Legislation/Rule Promulgation

- Ms. Barineau and Ms. Cherry will review the board rules to determine if a workshop is necessary to implement HB 425.
- Ms. Cherry will move forward with the amendment to rule 61G3-19.011, Florida Administrative Code - Barbershop Requirements.
- Ms. Cherry will ask JAPC to toll rules 61G3-21.009, Florida Administrative Code – Citations, and 61G3-21.012, Florida Administrative Code – Notice of Non-Compliance as JAPC so that she and Ms. Barineau can discuss their comments and determine a course of action.

IV. Action Required

- Ms. Cherry will prepare all final orders and forward them to board staff for filing with the department's Agency Clerk.
- Ms. Barineau and Ms. Carrol Cherry will review the board rules to determine if a workshop is necessary to implement the provisions of HB 425.

- Ms. Cherry will ask JAPC to toll rules 61G3-21.009, Florida Administrative Code – Citations, and 61G3-21.012, Florida Administrative Code – Notice of Non-Compliance as JAPC has expressed some concerns with these rule amendments. Ms. Cherry and Ms. Barineau will discuss the JAPC comments and provide additional information at the next meeting.

Robyn Barineau
Executive Director
May 20, 2009