

MINUTES

**FLORIDA BARBERS' BOARD
Department of Business and Professional Regulation
Telephone Conference Call
Friday, October 9, 2009**

GENERAL BUSINESS MEETING

The General Business Meeting of the Florida Barbers' Board was called to order at approximately 9:40 a.m., by Chair Herman White.

Board Members Present

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

Board Members Absent

Thomas Vaughn

Other Persons Present

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
Julie Rowland, Government Analyst, DBPR
Chris Fletcher
Joyce Fenimore

The meeting was opened with a roll call and a quorum was established.

Approval of Minutes: General Business Meeting of August 24, 2009

Vice Chair Carl Troup moved to accept the minutes from the General Business Meeting of August 24, 2009. Mr. Edwin Stewart seconded the motion, and it passed unanimously.

Applications

Informal Hearing

Somphian Seerubsee - Thailand

Ms. Somphian Seerubsee requested an informal hearing of the denial of her application. Mr. Chris Fletcher was present for Ms. Seerubsee. The board denied the application at the August 24, 2009, meeting because she failed to demonstrate evidence that she satisfactorily passed a written and practical examination and there was no evidence of completion of coursework in hair structure and chemistry. Based on the additional documentation provided, Mr. Stewart moved to approve the application. Mr. Troup seconded the motion, and it passed unanimously.

Initial Review

Joyce Fenimore

Ms. Joyce Fenimore was present for the meeting. Mr. Troup moved to approve the application. Ms. Julie Rivera seconded the motion, and it passed unanimously.

Elton Mondesir

Mr. Elton Mondesir was not present for the meeting. Mr. Stewart moved to deny the application based on failure to pay outstanding fines. Mr. Troup seconded the motion, and it passed unanimously.

Reconsideration

Elizabeth Gomez Cely - Columbia

Ms. Elizabeth Gomez Cely was not present for the meeting. The board denied her endorsement application at the February 23, 2009, meeting because she failed to demonstrate evidence that her school's program included safety, sanitation, and sterilization and hair structure and chemistry; she failed to demonstrate evidence that she had completed 1,200 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students; and that she failed to demonstrate that she had satisfactorily completed a written and practical examination comparable to or more stringent than the examination given by the department. Based on the additional documentation provided by Ms. Cely, Mr. Stewart moved to approve the application. Mr. Troup seconded the motion, and it passed unanimously.

Old Business

Implementation of HB 425

Rule 61G3-15.019, Florida Administrative Code – Examiners in Practical Examination; Criteria for Selection (Repeal)

Rule 61G3-16.002, Florida Administrative Code – Reexamination

The board agreed on the following amendments:

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.~~

~~(3) (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. Troup 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. Robert Collins seconded the motion, and it passed unanimously.

Rule 61G3-16.005, Florida Administrative Code – Endorsement

The board agreed on the following amendments:

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

The board agreed on the following amendments:

(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:

GRADING AREA	RELATIVE WEIGHT
Haircut	45%
Shampoo	5%
Safety and Sanitation	50%

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.

(3) (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. Troup 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. Stewart seconded the motion, and it passed unanimously.

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

The board agreed on the following amendments:

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. Troup 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. Stewart seconded the motion, and it passed unanimously.

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

The board agreed on the following amendments:

(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	40% 15%
(e) Shampooing	5%
(f) Chemical Procedures (Permanent Waving, Coloring and Bleaching, Hair Relaxing and Curling)	15% 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. Troup 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. Stewart seconded the motion, and it passed unanimously.

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

The board agreed on the following amendments:

(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.~~

Troup 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. Stewart 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

The board agreed on the following amendments:

(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. Troup 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. Collins seconded the motion, and it passed unanimously.

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

The board agreed on the following amendments:

The fee for an ~~un~~ 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.

Mr. Troup 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. Ms. Rivera seconded the motion, and it passed unanimously.

Rule 61G3-19.015, Administrative Code – Inspections

The board agreed on the following amendments:

(1) Inspections conducted by the Department of Business and Professional Regulation of barbershops to determine whether such barbershops are in compliance with the applicable provisions of Chapter 476, F.S., and the rules promulgated thereunder shall be conducted ~~annually~~ biennially on a random unannounced basis, unless otherwise practicable. A copy of the inspection report shall be posted within view of the front entrance or in the waiting area of the barbershop for public viewing.

(2) No change

Mr. Troup moved to approve the rule as amended. Mr. Troup seconded the motion, and it passed unanimously. Mr. Troup moved that there was no impact on small business. Ms. Rivera seconded the motion, and it passed unanimously.

Adjournment

There being no further business, the meeting was adjourned at 11:25 a.m.