

EXECUTIVE SUMMARY **Florida Barbers' Board**

I. General Information

Meeting Type: General Business
Meeting Date: Monday, August 18, 2003
Meeting Location: Department of Business and Professional Regulation
Northwood Centre – Professions Board Room
1940 North Monroe Street
Tallahassee, Florida 32399

Attendees:

Peter "Dave" Magda, Chair
Herman White, Vice Chair
Robert Collins
Jeri Scott
James Blount, Chief of Staff, DBPR
Lianne Acebo, Deputy Secretary, DBPR
Julie Baker, Deputy Secretary, DBPR
Candace Jones, Director, Office of Legislative Affairs, DBPR
Jim Varnado, Director, Division of Professions and Regulation, DBPR
John Epstein, Director, Service Operations, DBPR
Jerry Wilson, Deputy Director, Division of Professions and Regulation, DBPR
Michael Murphy, Director, Central Intake Unit, DBPR
Ken Walling, Manager, Customer Contact Center, DBPR
Gus Ashoo, Chief, Bureau of Education and Testing, DBPR
Ken Oliver, Chief, Bureau of Finance and Accounting, DBPR
Julie Malone, Executive Director, Florida Barbers' Board, DBPR
Erica Glover, Assistant Attorney General, Board Counsel
Charles Tunnickliff, Assistant General Counsel, Office of the General Counsel, DBPR
Drew Winters, Assistant General Counsel, Office of the General Counsel, DBPR
Allen Mortham, Analyst, Office of Legislative Affairs, DBPR
G.W. Harrell, Division of Professions and Regulation, DBPR
Wray Nolting, Bureau of Education and Testing, DBPR
Rebecca Hollingsworth, Bureau of Education and Testing, DBPR
Robyn Barineau, Government Analyst, Florida Barbers' Board, DBPR
Grant Gibson, Law Clerk, Office of the General Counsel, DBPR
Chris Roberts, Law Clerk, Office of the General Counsel, DBPR
Sam Ferguson, Executive Director, Commission for Independent Education
June McKinney Bartelle, Assistant Attorney General, Commission for Independent Education
Carla Seely, Court Reporter
Eddie Stewart
Rod Milton
Carol Collins
Bruce Leger, L & B Barbershop

II. Major Issues/Actions

- Chair Dave Magda excused Mr. Darrell Wilson's absence from the board meeting
- The board considered six disciplinary cases
- Ms. Charles Tunnicliff, Assistant General Counsel, reported that there are 55 barber cases in the legal section
- Mr. Sam Ferguson, Executive Director of the Commission for Independent Education, mentioned there are four public and six private barbering schools in Florida and there are currently 100 students taking pure barbering courses
- Mr. Ferguson invited board members or board staff to join his staff when they conduct on-site school visits
- Ms. June McKinney Bartelle, Assistant Attorney General for the Commission for Independent Education, informed the board that barber instructors must be licensed barbers
- Mr. Ferguson informed the board that the schools set guidelines and curriculums based on a profession's individual rules
- Mr. Ferguson and Ms. McKinney Bartelle offered to address the board in the future should they have any additional questions or concerns
- Ms. Candace Jones, Legislative Affairs Director, informed the board that all legislative drafts to be pursued during the 2004 legislative session must be provided to the Governor on or before September 1, 2003
- The board agreed to forego pursuing legislation relating to reciprocity and barber schools during the 2004 legislative session and will not need to amend the Commission for Independent Education references in their practice act as these references were automatically amended
- The board agreed to pursue increasing the statutory fee cap included in section 476.192(1)(a), Florida Statutes, from \$100 to \$200 during the 2004 legislative session
- The board agreed to possibly pursue the following initiatives during the 2005 legislative session: reciprocity, apprenticeship and barbering definitions
- Mr. Ken Oliver, Chief of the Bureau of Finance and Accounting, informed the board that the financial statement for the year ending June 30, 2003, should be available within 30 days
- Chair Magda inquired if the board were privatized, would they be required to pay the currently imposed 7.3 percent service charge on revenue collected by the profession; Deputy Secretary Julie Baker informed the board that the service charge would be imposed even if the board were privatized
- Ms. Malone informed the board that Ms. Robbin Sullivan Kiser was no longer on the Florida Barbers' Board as the Senate did not confirm her appointment during the 2003 legislative session
- The board agreed that the Governor's Appointments Office needs to be made aware of the current vacancies on the Florida Barbers' Board and Deputy Secretary Lianne Acebo informed the board that the Department is working with

the Governor's Appointments Office on appointments; she encouraged the board members to solicit applicants for board member positions

- Deputy Secretary Acebo distributed a handout outlining the services currently offered by the Department through its Customer Contact Center, Central Intake and Licensure Unit, Bureau of Finance and Accounting, and the Division of Professions and Regulation; Mr. Ken Walling (Customer Contact Center), Mr. Michael Murphy (Central Intake and Licensure), Mr. Ken Oliver (Bureau of Finance and Accounting), and Mr. Jerry Wilson (Division of Professions and Regulation) gave brief overviews of their respective areas and the services provided to the board and its licensees
- Deputy Secretary Acebo assured the board that the Department is currently attempting to control costs and offering accountability for the services provided
- The board agreed to increase fees for barbershop renewal and barbershop renewal delinquency fees to \$150 and \$100 respectively
- Vice Chair White stated that since fees for barbershop renewal and barbershop renewal delinquency fees will be increased and legislation is being proposed to increase the statutory fee cap for barbers original licensing, license renewal and delinquent renewal to \$200, the privatization initiative should be put on hold at this time; Ms. Scott suggested that should these fee increases not address the board's deficit position, that privatization should again be placed on the agenda for discussion
- The board agreed to move forward with the proposed rules to add suspension authority and to add suspension and revocation language to penalty ranges
- The board agreed that all HIV/AIDS prelicensure education courses should come before them for review and approval
- The board approved the continuing education course renewal applications of ASM Beauty World Academy, Florida Medical Educational Services, Elite CME, Inc., and Informed
- The board agreed to proceed with the filing of the following rules as drafted: rule 61G3-16.001, 61G3-16.0010, 61G3-16.007, and 61G3-16.006, F.A.C. (with the following amendments: (1) the last sentence of section 61G3-16.006(1)(a), F.A.C., should read: "However, if the individual fails to achieve a passing grade on either or both portions of the licensure examination, he shall not be eligible to retake either portion of the licensure examination until the individual shall have completed the full **1,200** hours of training and instruction."; (2) section 61G3-16.006(1)(b)4.a., F.A.C., should read:
 - "a. Taper Cuts
 - i. Freehand
 - ii. Shear over comb
 - iii. Clipper over comb")
- The board voted to allocate \$500 each to Vice Chair White and Ms. Scott to attend the National Association of Barber Boards of America 77th Annual Conference in Las Vegas, Nevada, per available budget
- The board voted to approve Mr. Rod Milton as a barber examiner
- The board agreed that standardization should be conducted after the first part of 2004 at one time, in one location, to allow for the proposed rules to become effective

- Deputy Secretary Acebo informed the board that the administrative law judge is 24 days overdue with his ruling in the matter regarding the computer-based testing vendor award contract
- Ms. Malone informed the board that the continuing education 100 percent monitoring initiative will begin August 31, 2003, and she gave an overview of the monitoring process
- Deputy Secretary Acebo and Ms. Malone mentioned the upcoming chair and vice chair training and the new board member training
- Ms. Malone mentioned the situation with California licensees attempting to endorse in Florida and the trouble those applicants are having with the California board not supplying examination and educational information
- Ms. Malone asked that board members properly dispose of board meeting agenda materials as there may be some sensitive information included in agendas
- Ms. Malone mentioned the smoke free workplace act that recently went into effect
- Ms. Glover mentioned the requested information included in the agenda relating to barber apprentices, barbering instructors and barbering schools
- The board agreed to conduct the next board meeting in Clearwater, Florida, on Monday, November 17, 2003, at 9:00 a.m.

III. Legislation/Rule Promulgation

- Ms. Glover will publish the following rules drafted and approved by the board: 61G3-16.001, 61G3-16.0010, 61G3-16.006, and 61G3-16.007, Florida Administrative Code
- Ms. Glover will publish rules approved by the board adding suspension authority language and adding suspension and revocation language to penalty ranges
- Ms. Glover will amend and publish rule 61G3-20.010, F.A.C., to increase the biennial barbershop licensure renewal fee from \$75 to \$150 and rule 61G3-10.0105, F.A.C., to increase the barbershop delinquent renewal fee from \$75 to \$100
- The board agreed to pursue legislation during the 2004 legislative session to increase the statutory fee cap included in section 476.192(1)(a), Florida Statutes, from \$100 to \$200
- The board agreed to possibly pursue the following initiatives during the 2005 legislative session: reciprocity, apprenticeship and barbering definitions

IV. Action Required

- The board asked that when disciplinary matters are brought before the board and there are indications of prior violations, there be information in the board meeting materials indicating whether or not the prior fines and costs have been paid
- Mr. Ferguson will provide Ms. Malone with a list of scheduled on-site barbering school visits for dissemination to board members
- Mr. Oliver will provide the board with an explanation of the difference in the financial statements for the periods ending March 31, 2002, and March 31, 2003,

included in the agenda as compared to statements distributed at an earlier board meeting

- Board members will solicit applicants for board member vacancies
- Chair Magda will appoint a new chair of the Newsletter Committee at a future meeting
- Mr. G.W. Harrell will inform Mr. Tunnicliff of the board's desire to have the maximum fine of \$500 per count assessed in all barber disciplinary cases
- Board members will review the barber laws and rules and locate words that would be helpful to define and bring these definitions to the next board meeting for discussion
- Board members will come prepared for discussion at the next meeting on how to increase the barber licensee base
- Mr. Oliver will provide to the board a definitions list of all the different items outlined on the Statement of Revenue, Expenses and Changes in Net Assets of the financial report
- Board members will complete the survey from the National Association of Barber Boards of America and return it to the address listed in the association's cover letter
- Board members and meeting attendees were asked to provide Ms. Malone with names of any schools that are interested in offering their sites for practical examinations
- Chair Magda asked that materials included in the agenda regarding barber apprentices, barbering instructors and barbering schools be included in the November agenda along with copies of the laws and rules of the Commission for Independent Education and board members will review the Commission's new laws and rules for discussion at the next board meeting
- Mr. Robert Collins will research how to expand the barber licensee base
- Ms. Malone will respond to Mr. Chico Antonios' letter regarding a barber apprenticeship program
- Ms. Malone will respond to Ms. Maya Thomas' letter regarding a barber apprenticeship program
- Chair Magda asked Ms. Malone to locate a small Florida flag for the display at the National Association of Barber Boards of America's 77th Annual Conference

Julie Malone
Executive Director
August 21, 2003