

EXECUTIVE SUMMARY **Florida Barbers' Board**

I. General Information

Meeting Type: General Business Meeting
Meeting Date: Monday, August 12, 2013
Meeting Location: Casa Monica Hotel
95 Cordova Street
St. Augustine, Florida 32084

Attendees:

Herman White, Chair
Tommy Vaughn, Vice Chair
Bill Gilbert
Andrew Raines
Julie Rivera
Eddie Stewart
Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Marlene Stern, Assistant Attorney General, Attorney General's Office
Erica White, Assistant General Counsel, DBPR
John Villafrate, Assistant General Counsel, DBPR
Julie Rowland, Government Analyst, DBPR
Elaine Danese, Court Reporter
Other interested parties

II. Major Issues/Actions

- Ms. Erica White, Assistant General Counsel, introduced Mr. John Villafrate, Assistant General Counsel, as the new prosecutor for the Florida Barbers' Board.
- The board considered 53 disciplinary cases and tabled one case until the November meeting.
- Ms. White informed the board that as of July 17, 2013, there were 445 barbering cases in the Office of General Counsel.
- The board approved eight licensure applications and denied 12 licensure applications.
- The board approved the 2013-2014 Annual Regulatory Plan included in the agenda.
- The board approved the following rule amendments and agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation.
 - **61G3-16.007, Florida Administrative Code – Examination for Restricted Licensure**
~~(1) The failure of any licensee to elect active or inactive status before the license expires shall cause the license to become delinquent.~~
(2) (1) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the licensee becomes

delinquent. The failure by the delinquent status licensee to cause the license to become active or inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by either the Board or Department.

~~(3)~~ (2) The delinquent status licensee who applies for active or inactive status shall:

(a) file with the Department a completed application for either active or inactive status; and

(b) pay to the Board either the active status or inactive status fee, the delinquency fee, and, if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee.

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

(1) 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) 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)~~ (2) 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**.

o **61G3-20.002, Florida Administrative Code – Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees**

(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	The application fee for both the examination and reexamination. One hundred, fifty dollars and zero cents (\$150.00).

(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	The application fee for both the examination and reexamination for the written portion shall be one hundred fifty dollars and zero cents (\$150.00).

(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 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 qualified outside testing vendor is not used for examination or reexamination, all fees shall be paid to the Department.~~

o **61G3-25.004, Florida Administrative Code – Inactive Status; Reactivation**

(1) Any licensee may elect at the time of license renewal to place the license into inactive status by filing with the Department a completed application for inactive status and by paying the inactive status fee.

(2) An inactive status licensee may change to active status at any time provided the licensee pays the reactivation fee, and if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee. ~~However, a licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles shall be required to submit a statement providing that the licensee has read within the last thirty (30) days and is familiar with the laws and rules for the practice of barbering in the State of Florida before the licensee can be placed into active status.~~

~~(3) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

~~(4) (3)~~ A barber may not work with an inactive or delinquent license.

o **61G3-25.005, Florida Administrative Code – Delinquent Status**

~~1) The failure of any licensee to elect active or inactive status before the license expires shall cause the license to become delinquent.~~

~~(2) (1)~~ The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the licensee becomes delinquent. The failure by the delinquent status licensee to cause the license to become active or inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by either the Board or Department.

~~(3) (2)~~ The delinquent status licensee who applies for active or inactive status shall:

(a) file with the Department a completed application for either active or inactive status; and

(b) pay to the Board either the active status or inactive status fee, the delinquency fee, and, if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee.

o **61G3-25.006, Florida Administrative Code – Notice to Department of Mailing and Emailing Address and Place of Practice of Licensee**

(1) It shall be the duty of each licensee to provide written notification to the

Department of the licensee's current mailing and e-mailing addresses and place of practice. For purposes of this rule, "place of practice" means the address of the physical location where the licensee practices barbering. "Current mailing address" shall mean the address at which the United States Postal Service delivers mail to the licensee.

(2) Any time that the current mailing or e-mailing address or place of practice of any licensee changes, written notification of the change shall be provided to the Department within ninety (90) days of the change. Written notice should be sent to the following address: Florida Barbers' Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0769.

(3) It shall be a violation of this rule for a licensee to fail to notify the Department within ninety (90) days of a change of mailing or e-mailing address or place of practice. ~~It shall not be a violation of this rule to fail to advise the department of a change of one~~

- Ms. Robyn Barineau, Executive Director, reported that the balance in the board's operation and unlicensed activity accounts as of March 31, 2012, was over \$1.588 million and over \$30k, respectively.
- The board unanimously elected Mr. Herman White and Mr. Tommy Vaughn as Chair and Vice Chair, respectively, of the Florida Barbers' Board. Ms. Barineau reminded the board that the November 2013 meeting will be held in Jacksonville and will be a two day meeting.

III. Legislation/Rule Promulgation

- Ms. Stern will move forward with the amendments to Rules 61G3-16.007, Florida Administrative Code – Examination for Restricted Licensure; 61G3-16.008, Florida Administrative Code – Manner of Application; 61G3-20.002, Florida Administrative Code – Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees; 61G3-25.004, Florida Administrative Code – Inactive Status; Reactivation; 61G3-25.005, Florida Administrative Code – Delinquent Status; and 61G3-25.006, Florida Administrative Code – Notice to Department of Mailing and Emailing Address and Place of Practice of Licensee.

IV. Action Required

- Ms. Stern will prepare all final orders and forward them to board staff for filing with the Department's Agency Clerk.
- The board will again discuss the approved Criminal History List at the November meeting.

Robyn Barineau
Executive Director
August 14, 2013