

MINUTES

BOARD OF COSMETOLOGY Department of Business and Professional Regulation Telephone Conference Call Friday, October 29, 2004

General Business Meeting

The Board of Cosmetology meeting was called to order at approximately 3:05 p.m., by Mr. Joseph Caetano, Vice Chair.

Board Members Present

Mary Blanco, Chair
Joseph Caetano, Vice Chair
Donna Osborne
Laura Brown
Laurel Ritenbaugh
Monica Smith

Board Members Absent

Anthony White

Other Persons Present

Candace Jones, Director, Office of Legislative Affairs, Department of Business and Professional Regulation (DBPR)
Mike Martinez, Special Counsel, DBPR
Kyle Mitchell, Special Counsel, DBPR
Julie Malone Garofalo, Executive Director, DBPR
Dan Biggins Assistant Attorney General, Department of Legal Affairs (DLA)
Charles Tunnick, Assistant General Counsel, Office of the General Counsel, DBPR
Robyn Barineau, Government Analyst, DBPR

Interested Parties Present

Myra Jowers, Florida Community College of Jacksonville (FCCJ)
Shirley Wilson, Lake Technical Institute
Gloria Power, Lake Technical Institute
Charysse Covington, Lake Technical Institute
Elizabeth Petrusa, Academy of Career Training
Louise King, Daytona Beach Community College
Delores Hunt, Central Florida Community College
Martha Richardson, Central Florida Community College
Elsie Gwynn, Central Florida Community College
Corina Rolnick, The Steiner Group

The general business meeting opened with a roll call and a quorum was established. Vice Chair Caetano informed the participants that the board would address each section of the statute line by line and take a vote on each section.

Section 477.013, Florida Statutes – Definitions.

The board agreed to the following changes to this section of the proposed legislative draft:

- The eighth line of the bill entitlement language should read: “endorsement, creating the ~~beot~~ **booth** rental license requirement...”
- Section 477.013(3)(a), F.S., should read: “Hair **stylist technician** services:”
- Section 477.013(3)(a)1.a., F.S., should read: “Providing any method of treatment as a primary service, including arranging, beautifying, ~~bleaching~~ **lightening**, cleansing, coloring, cutting, dressing, ~~dyeing~~, processing, shampooing, ...”
- Section 477.013(3)(a)1.b., F.S., should read: “Providing a necessary service that is preparatory or ancillary to a service under subsection a., including ~~bobbing~~, clipping, cutting...”
- Section 477.013(3)(a)4., F.S., should read: “Servicing a person’s wig or artificial hairpiece on a person’s head or on a block ~~after the initial retail sale and servicing~~ in any manner...”
- Section 477.013(3)(b)1., F.S., should read: “Cleansing, **exfoliating**, stimulating, or manipulations of superficial tissues of a person’s ~~scalp, face, neck, or arms~~ **skin**.”
- Section 477.013(3)(b)2., F.S., should read: “Beautifying a person’s ~~face, neck or arms~~ **skin** using a cosmetic...”

Chair Mary Blanco moved to approve this section of the proposed legislative draft as amended. Mrs. Laura Brown seconded the motion and the motion passed unanimously.

Section 477.0131, Florida Statutes – Cosmetology Licensees.

The board agreed to the following changes to this section of the proposed legislative draft:

- Section 477.0131(1), F.S., should read: “A person who is otherwise qualified by this chapter and is authorized to ~~pracitce~~ **practice** the services listed in section 477.013(3)(a)1.-5 shall be licensed as a hair **stylist technician**.”
- Section 477.0131(2), F.S., should read: A person who is otherwise qualified by this chapter and is authorized to practice the services listed in section 477.013(b)1.-4 shall be licensed as an ~~esthetican~~ **esthetician**.”

Mrs. Brown moved to approve this section of the proposed legislative draft as amended. Ms. Monica Smith seconded the motion and the motion passed unanimously.

Section 477.0132, Florida Statutes – Specialty Certificates – Shampooing, Hair Braiding, Hair Wrapping and Body Wrapping Registrations.

Discussion ensued about the number of required educational hours for a body wrapping course. Ms. Smith stated that it was unrealistic for the course to be increased to only 16 hours. Ms. Donna Osborne added that she teaches 24 hours of herbal body wrapping in her school and that her suggestion is to raise the educational hour requirement for body wrapping to 250. Chair Blanco, Ms. Smith and Mrs. Brown agreed with Ms. Osborne.

In addition, the board agreed to the following changes to this section of the proposed legislative draft:

- The section title should read: “477.0132 – Specialty Certificates – Shampooing, Hair Braiding, Hair Wrapping **and**, Body Wrapping, **and Cosmetic Specialist registrations.**
- Section 477.0132(1), F.S., should read: ““Shampooing” which means the **washing-cleansing** of the hair with **soap shampoo** and water or with a special preparation, or applying hair treatment or conditioners. Shampooing does not include the application or removal of permanent waves, relaxers, hair coloring or lighteners. A person whose occupation or practice is confined solely to hair shampooing must apply with the Department, pay the applicable certification fees, and take a **two-day** 16-hour course. The course...”
- Section 477.0132(2), F.S., should read: “...the applicable certification fees, and take a **three-day 24 40**-hour course. The course shall be board approved, consisting of 5 hours of instruction on HIV/AIDS and other communicable diseases, 5 hours instruction on sanitation and sterilization, **four 4** hours instruction on disorders and diseases of the scalp, **8 24** hours instruction on application and removing hair braiding, and...”
- Section 477.0132(3), F.S., should read: “...wrapping must apply with the Department, pay the applicable certification fees, and take a **two-day 16 24** hour course. The course shall be board approved, consisting of 5 hours of instruction on HIV/AIDS and other communicable diseases, 5 hours instruction on sanitation and sterilization, 4 hours instruction on disorders and diseases of the scalp, **8 hours instruction on application of hair wrapping**, and 2 hours instruction...”
- Section 477.0132(4)(a), F.S., should read: ““Body wrapping” means a treatment program that uses **herbal** wraps for the purposes of cleansing and beautifying the skin of the body. **but does not include:**

- Section 477.0132(4)(a)1., F.S., should read: “The application of oils, lotions, or other fluids to the body ~~except fluids contained in presoaked materials used~~ in the wraps. ~~or~~
- Section 477.0132(4)(a)2., F.S., should read: “**Body wrapping does not include** manipulation of the body’s superficial tissue, other than that...”
- Section 477.0132(4)(b), F.S., should read: “A person whose occupation or practice is confined solely to body wrapping must apply with the Department, pay the applicable certification fees, and take a ~~two-day 16~~ **250** hour course. The course shall be board approved, consisting of 5 hours instruction on HIV/AIDS and other communicable diseases, 5 hours instruction on sanitation and sterilization, 4 hours instruction on disorders and diseases of the ~~scalp skin~~, **234 hours of training in the practice of body wrapping**, and 2 hours instruction regarding laws affecting ~~hair~~ **body** wrapping.”
- Section 477.0132(5), F.S., should read: “~~Makeup application~~ **Cosmetic Specialist**” means the application of cosmetic color to the face or skin of the body by means of an air brush or handheld ~~non-evasive~~ **non-invasive** implement, and includes makeup application, spray-tanning, and body art, but does not include ~~tattooing~~ **tattooing**. A person whose occupation or practice is confined solely to makeup application must apply with the Department, pay the application fees, and take a ~~30-day~~ 210 hour course. The course shall be board approved,...

Mrs. Brown moved to approve this section of the proposed legislative draft as amended. Chair Blanco seconded the motion and the motion passed unanimously.

Section 477.0135, F.S. – Exemptions

Mrs. Brown moved to approve this section of the proposed legislative draft as written. Ms. Laurel Ritenbaugh seconded the motion and the motion passed unanimously.

Section 477.014, F.S. – Qualifications for Practice.

The board agreed to the following changes to this section of the proposed legislative draft:

- Section 477.014(3), F.S., should read: “All cosmetologists licensed ~~or~~ **enrolled in a cosmetology school** prior to July 1, 2005 shall be authorized to perform...”
- Section 477.014(4), F.S., should read: “All facial specialists certified ~~or~~ **enrolled in a cosmetology school** prior to July 1, 2005 shall be qualified to take the exam...”
- Section 477.014(5), F.S., should read: All manicure, pedicure and nail extension specialists certified ~~or~~ **enrolled in a cosmetology school** prior to July 1, 2005 shall be qualified to take the exam...”

- Section 477.014(6), F.S., should read: "...July 1, 2005 may choose to not take a licensure examination and may continue to practice under the name of their respective ~~speciality~~ specialty license."

Chair Blanco moved to approve this section of the proposed legislative draft as amended. Mrs. Brown seconded the motion and the motion passed unanimously.

Section 477.015, F.S. – Board of Cosmetology.

Section 477.016, F.S. – Rulemaking.

Section 477.017, F.S. – Legal Services.

Section 477.018, F.S. – Investigative Services.

There were no proposed changes to these sections.

Section 477.019, F.S. – Cosmetologists; Qualifications; Licensure; License Renewal; Endorsement; Continuing Education.

The board agreed to the following changes to this section of the proposed legislative draft:

- The section title should read: "477.019 – Cosmetologists; Qualifications; Licensure; License Renewal; Endorsement; Continuing Education."
- Section 477.019(2), F.S., should read: "An applicant shall be eligible for licensure by examination to practice cosmetology, hair ~~styling~~ technician services, esthetician services..."
- Section 477.019(2)(a), F.S., should read: "Is at least 16 years of age; ~~and or~~ has received a high school diploma, GED,..."
- Section 477.019(2)(c)2.a.1., F.S., should read: "1200 hours for a hair ~~stylist~~ technician"
- Section 477.019(4), F.S., should read: "Following the completion of the training as stated in subsection (2), a graduate may apply for a license that will enable such graduate to ~~permit that will enable such graduate to~~ practice in the graduate's cosmetology area, provided such graduate practices under the supervision of a person licensed in the graduate's practice area, in a licensed salon. The Board shall establish rules relating to the permitting practice of qualified graduates and the duration of the permit practice."
- Section 477.019(7)(a), F.S., should read: "The board shall prescribe by rule continuing education requirements of ~~both~~ licensees and certificate holders intended to ensure protection of the public through updated training of licensees...workers' compensation issues; state and federal laws as they pertain to ~~cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters~~ the Cosmetology Practice Act; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at ~~cosmetology~~ educational conferences may be counted

toward the number of continuing education hours required if approved by the board.”

- Section 477.019(7)(b), F.S., should read: “The board may, by rule, require any licensee or certificate holder ~~in violation of a continuing education requirement~~ **who has not been in the active practice of cosmetology for two years or more** to take a refresher course or refresher course and examination ~~in addition to any other penalty~~. The number of hours for the refresher course may not exceed ~~48~~ **500** hours.

Mrs. Brown moved to approve this section of the proposed legislative draft as amended. Chair Blanco seconded the motion and the motion passed unanimously.

Section 477.0201, F.S. – Specialty Certificates; Qualifications; Certification Renewal; Endorsement.

The board agreed to the following changes to this section of the proposed legislative draft:

- Section 477.0201(1)(a), F.S., should read: “Is at least 16 years of age; **and** ~~or~~ has received a high school diploma, GED,…”
- Section 477.0201(1)(b), F.S., should read: “Has received a certificate of completion in a specialty course pursuant to **s. 477.013(6) from one of the following:**
 - 1. A school licensed pursuant to s. 477.023.**
 - 2. A school licensed pursuant to chapter 1005 or the equivalent licensing authority of another state.**
 - 3. A specialty program within the public school system.**
 - 4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.**~~an approved specialty certificate program provider.~~

Mrs. Brown moved to approve this section of the proposed legislative draft as amended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Section 477.0212, F.S. – Inactive Status.

Chair Blanco moved to approve this section of the proposed legislative draft as written. Ms. Smith seconded the motion and the motion passed unanimously.

Section 477.0213, F.S. – Cosmetology Graduates of Florida School for the Deaf and Blind; Licenses.

Section 477.022, F.S. – Examinations.

Section 477.023, F.S. – Schools of Cosmetology; Licensure.

There were no proposed changes to these sections.

Section 477.024, F.S. – Booth Renter License.

Discussion ensued regarding booth renter licensing. Ms. Brown stated that since booth renters are required to have city and county occupational licenses in some areas, that a state license would be double licensing. Vice Chair Caetano stressed his desire to see booth renters licensed to eliminate those booth renters who are not complying with all tax laws and that occupational licensing does not require tax law compliance. Mrs. Brown asked Ms. Malone Garofalo to read the board's statutory purpose. After Ms. Malone Garofalo read section 477.0212, F.S., Mrs. Brown agreed that licensing of booth renters would protect the public in economic matters because occupational licensing is not required in all counties. Ms. Osborne agreed that booth renter licensing would protect the public.

The board agreed to the following changes to this section of the proposed legislative draft:

- The section title should read: "477.024 – **Independent Contractor** Booth **Rental Renter** License."
- Section 477.024(1), F.S., should read: "A person licensed or certified under this chapter may not lease **or rent** space on the premises of a beauty salon to engage in the practice of cosmetology or specialty as an independent contractor unless the person also holds a booth **rental renter** license issued under this section."
- Section 477.024(2), F.S., should read: "An application for a booth **rental renter** license must:"
- Section 477.024(3), F.S., should read: "The applicant is entitled to a booth **rental renter** license if the applicant:"
- Section 477.024(3)(a), F.S., should read: Pays the application fee set by the Board in an amount reasonable and necessary to cover the costs of administering the booth **rental renter** licensing program;"
- Section 477.024(4), F.S., should read: "The Board shall adopt rules relating to the information submitted for a booth **rental renter** license, including information regarding the applicant's compliance with state and federal tax laws."

Mrs. Brown moved to approve this section of the proposed legislative draft as amended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Section 477.025 – Cosmetology Salons; Specialty Salons; Booth Rental Salons; Requisites; Licensure; Inspections; Mobile Cosmetology Salons.

Chair Blanco moved to approve this section of the proposed legislative draft as written. Mrs. Brown seconded the motion and the motion passed unanimously.

Section 477.026, F.S. – Fees; Disposition.

The board agreed to the following changes to this section of the proposed legislative draft:

- Section 477.026(1)(a), F.S., should read: “For hair **stylist technician**, esthetician, nail technician or cosmetologists, fees for original licensing...”
- Section 477.026(1)(b), F.S., should read: For hair **stylist technician**, esthetician, nail technician or cosmetologists, fees for endorsement...”
- Section 477.026(1)(f), F.S., should read: **“For hair braiders, hair wrappers, and body wrappers, fees for registration shall not exceed \$25 For graduate practice permits, fees for application shall not exceed \$30. For booth renters, fees for original licensing, license renewal and delinquent renewal shall not exceed \$50.”**

Mrs. Brown moved to approve this section of the proposed legislative draft as amended. Ms. Ritenbaugh seconded the motion and the motion passed unanimously.

Section 477.0263, F.S. – Cosmetology Services to be Performed in a Licensed Salon; Exceptions.

The board agreed to the following changes to this section of the proposed legislative draft:

- Section 477.0263(1), F.S., should read: “Cosmetology or specialty services shall be performed only by licensed cosmetologists, hair **stylists technicians**, estheticians, nail technicians, ~~or specialty certificate holders~~ **shampoo specialists, cosmetic specialists or body wrappers** in licensed salons, except as otherwise provided in this section.”
- Section 477.0263(2), F.S., should read: **“Hair braiding and hair wrapping are not required to be practiced in a salon. When hair braiding and hair wrapping are practiced outside a salon, disposable implements must be used or all implements must be sanitized in a disinfectant approved for hospital use or approved by the Federal Environmental Protection Agency.”**
- Section 477.0263(3), F.S., should read: “Pursuant to rules established by the board, cosmetology or specialty services may be performed by a licensed cosmetologist, hair **stylist technician**, ~~estechetician~~ **esthetician**, nail technician, or certificate holder in a location other than a licensed...”

- Section 477.0263(4), F.S., should read: "...in connection with the motion picture, fashion photography, theatrical, or television industry; a photography studio salon; a manufacturer trade show demonstration; **a department store demonstration**; or an educational seminar."
- Section 477.0263(5), F.S., should read: "Pursuant to rules established by the board, cosmetology, **hair technician, nail technician, esthetician or** specialty services may be performed in a location other than a licensed salon..."

Mrs. Brown moved to approve this section of the proposed legislative draft as amended. Ms. Osborne seconded the motion and the motion passed unanimously.

Section 477.0265 – Prohibited Acts.

Mrs. Brown moved to approve this section of the proposed legislative draft as written. Chair Blanco seconded the motion and the motion passed unanimously.

Section 477.028, F.S. – Disciplinary Proceedings.

The board agreed to the following changes to this section of the proposed legislative draft:

- Section 477.028(1), F.S., should read: "The board shall have the power to revoke or suspend the license of a cosmetologist, hair **stylist technician**, esthetician, or nail technician licensed under this chapter, or the certificate of a specialist certified under this chapter, and to reprimand, censure, deny subsequent license or certification of, or otherwise discipline a cosmetologist, hair **stylist technician**, esthetician, nail technician, or specialist licensed..."

Mrs. Brown moved to approve this section of the proposed legislative draft as amended. Chair Blanco seconded the motion and the motion passed unanimously.

Section 477.029, F.S. – Penalty.

The board agreed to the following changes to this section of the proposed legislative draft:

- Section 477.029(1)(a), F.S., should read: "Hold himself or herself out as a cosmetologist, hair **stylist technician, esthetician esthetician**, nail technician, shampoo specialist, ~~cosmetic applicator~~ **cosmetic specialist**, hair wrapper, hair braider, or body wrapper unless duly licensed..."
- Section 477.029(1)(c), F.S., should read: "Permit an employed person to practice in the field of cosmetology, **hair technician, esthetician, nail technician**, or a specialty unless duly licensed or certified, or otherwise..."
- Section 477.029(2)(c), F.S., should read: "Imposition of an administrative fine not to exceed ~~\$500~~ **\$5,000** for each count or separate offense."

Mrs. Brown moved to approve this section of the proposed legislative draft as amended. Chair Blanco seconded the motion and the motion passed unanimously.

Mrs. Brown added that cosmetic specialists need to be given ample time to obtain licensure before they are cited for unlicensed activity.

There being no further business, the meeting was adjourned at approximately 5:00 p.m.

JM/rb