

EXECUTIVE SUMMARY
Board of Cosmetology

I. General Information

Meeting Type: General Business
Meeting Date: Monday, July 25, 2005
Meeting Location: Renaissance Orlando Hotel - Airport
5445 Forbes Place
Orlando, Florida 32812

Attendees:

Joseph Caetano, Vice Chair
Donna Osborne
Laura Brown
Laurel Ritenbaugh
Robyn Barineau, Executive Director, DBPR
Dan Biggins, Assistant Attorney General, Department of Legal Affairs
Charles Tunncliff, Assistant General Counsel, Office of the General Counsel, DBPR
Dana Ewaldt, Government Analyst, DBPR
Cindy Green, Court Reporter
Alan Livingston, House Business Regulation Committee
Jerry Gardner, Elite Continuing Education
Bonnie Poole, Florida Cosmetology Association
Margaret Anderson, Department of Revenue
Nancy Bradley, Commission for Independent Education (CIE)
Kasonga Butler Nelson, CIE
Susan Lehr, Florida Community College at Jacksonville (FCCJ)
Myra Jowers, FCCJ
Donna Rivett, Indian River Community College
Brenda Baker, New England Technical Institute
Louise Hersey, Normandy Beauty School
Doldie Laguerre, Doldie's International Hair Academy
Julia Tester, Artistic School of Nails and Cosmetology
Linda Balboa, LaBelle Beauty Academy
Phuonglan Tran, Academy of Health and Beauty
Giacio Vegcio, Paul Mitchell – The School
John Conley, The Hairwraps Company
Rocco DiBernardo
Ferren Harris, Respondent
Robin Dickey, Respondent
Luz Rivera, Applicant
Jose Rivera

II. Major Issues/Actions

- Vice Chair Joseph Caetano excused Chair Mary Blanco's absence from the meeting due to Hurricane Dennis related problems and noted that Mr. Anthony White's absence from meeting was due to his being called out of town on business
- The board considered the following matters:
 - 1 proposed recommended order
 - 1 motion for reconsideration
 - 1 motion to vacate final order
 - 32 disciplinary cases
 - 1 cosmetology examination application
 - 3 hair braiding course applications
 - 1 hair wrapping course application
 - 1 body wrapping course application
 - 15 continuing education course applications
- Mr. Charles Tunnicliff, Assistant General Counsel, reported there are currently 202 cosmetology cases in the legal section
- Mr. Tunnicliff reported that final orders are not reported on licensee (individual or business) credit reports unless the department's collection attorney files suit against the licensee and obtains a final judgment against the licensee
- Ms. Margaret Anderson, Taxpayer Specialist with the Department of Revenue (DOR), addressed the board and gave a brief overview of the taxpaying responsibilities of a booth renter; Ms. Anderson also distributed brochures detailing the responsibilities of commercial renters and the penalties assessed for non-payment of taxes; she also added that she would be happy to offer seminars to educational facilities to inform students of their taxpaying responsibilities once they enter the workforce
- Mrs. Laura Brown resigned from the Chair position of the Legislative Committee and suggested Ms. Donna Osborne be added to Chair this committee since she is actively involved with preparing the board's legislative initiatives; Vice Chair Caetano reassigned the Chair position of the Legislative Committee to Ms. Osborne
- Ms. Donna Osborne reported on her attendance at a recent Cosmetology Summit attended by community college, vocational school and high school educators; she added that it was an informative meeting and the group reached a general consensus on legislative initiatives; she added that she also met with Ms. Susan Lehr, Florida Community College at Jacksonville, Mr. Dan Washburn and Mr. Mez Varol regarding these initiatives
- Ms. Lehr reported on the legislative consensus reached at the Cosmetology Summit; she added that she has an August appointment with Representative Jennifer Carroll to discuss the legislative consensus but asked for the board's direction on their legislative initiatives and indicated she was empowered to speak on behalf of statewide public education faculty

- Ms. Kasonga Butler Nelson, Commission for Independent Education, informed the board that the private sector schools need to be actively involved in the process
- The board agreed to pursue legislation during the 2006 legislative session as follows:
 - create a hair technician license; 1,000 educational hours required; and a written and practical examination required
 - cosmetologist license; 1,800 educational hours required; and a written and practical examination required
 - create an esthetician license; 600 educational hours required; and a written and practical examination required
 - create a nail technician license; 350 educational hours required; and a written and practical examination required
 - increase the educational hours for hair braiding from 16 to 40
 - eliminate the body wrapping registration and incorporate body wrapping services in the esthetician program
 - qualifications for licensure will include that the applicant is at least 16 years of age or has received a high school diploma or graduate equivalency diploma, or has passed an ability-to-benefit test, which is an independently administered test approved by the United States Secretary of Education as provided in 20 U.S.C. s. 1091(d)
 - allow individuals from outside the U.S. to also apply for licensure by endorsement and allow work experience to be substituted for required educational hours as set forth by rule
 - allow all current licensees/registrants to continue to use their current titles prior to the effective date of the legislation and students in current programs will be grandfathered-in based on current law until such time as specified in legislation
 - eliminate the exemption for those individuals shampooing hair not to hold a license
 - define body wrapping as follows: body wrapping, which is a treatment program that uses wraps for the purposes of cleansing and beautifying the skin of the body for aesthetic rather than medical or weight-loss purposes, is the application of oils, lotions, or other fluids to the body using wraps; body wrapping does not include manipulation of the body's superficial tissue other than that resulting from the application of the wrap materials
 - incorporate language to allow barbers to work in cosmetology salons so long as a cosmetologist is employed in the salon (this same provision already exists for cosmetologists in barbershops)
 - allow cosmetology services to be provided in a location other than a licensed salon when such services are performed in connection with a special event and are performed by a licensed person; all arrangements for the performance of such services in a location other than a licensed salon must be made through a licensed salon or school
 - following fee caps were agreed upon:
 - *hairstylists, estheticians, nail technicians or cosmetologists, fees for original licensing, license renewal, and delinquent renewal may not exceed \$50;

*hairstylists, estheticians, nail technicians, or cosmetologists, fees for endorsement application, examination, and reexamination may not exceed \$150

*cosmetology salons and specialty salons, fees for license application, original license, license renewal, and delinquent renewal may not exceed \$100

*specialty registrations, fees for application and endorsement registration may not exceed \$60

*specialty registrations, fees for initial registration, registration renewal, and delinquent renewal may not exceed \$50

-booth rental legislation will be pursued as a separate bill

- Ms. Lehr reminded the board and the audience to consider the fiscal impact on requiring written and practical examinations for the hair technician, master cosmetologist, esthetician and nail technician licenses
- The board agreed to send Ms. Osborne as their representative to the National Interstate Council of State Boards of Cosmetology (NIC) annual conference in Washington, DC, in late August 2005
- Ms. Robyn Barineau, Executive Director, reminded the board of the continuing education initiative; she reminded the board that licensees not meeting all continuing education requirements would not be allowed to renew their licenses; she added that renewal notices have been mailed, by first class mail, to current, active licensees as well as delinquent licensees along with an insert reminding them of their responsibility to meet all continuing education requirements and that they would not be allowed to renew until all continuing education requirements were met; she informed the board that individuals who paid their renewal fees but did not comply with continuing education requirements would be notified upon receipt of their renewal payment that until all continuing education requirements were met, their license would not be renewed; Ms. Barineau informed the board of the department outreach informing licensees of the seriousness and ramifications of not completing their required continuing education
- Ms. Barineau informed the board that the financial statement for the period ending March 31, 2005, the NIC and National Commission of Cosmetology Arts & Sciences, Inc. (NACCAS) documentation, letter from Deputy Secretary Edwards to Chair Blanco regarding budget input, and the Complaints and Investigative Statistics Report was included in the agenda for informational purposes
- Mr. Dan Biggins, Assistant Attorney General, mentioned the draft disciplinary guidelines, and the board agreed to table this matter and the Sunshine Law/Ethics Information for discussion at the next board meeting
- Mr. Biggins indicated that the filed amendments to rules 61G5-18.0011 and 61G5-20.002, Florida Administrative Code, should be effective on or about August 1, 2005
- Mr. Rocco DiBernardo distributed materials relating to booth rental information including the licensure requirements in several other states; he added that seventy percent of cosmetology licensees are booth renters

- The board agreed to conduct a telephone conference call on Wednesday, September 7, 2005, at 9 a.m., and the next meeting on Sunday, October 2, 2005, at 9 a.m. in Tampa, Florida

III. Legislation/Rule Promulgation

- Mr. Biggins will work with Ms. Lehr with drafting of the board's 2006 legislative proposals

IV. Action Required

- Mr. Biggins and Mr. Tunncliff will prepare final orders from this meeting for filing with the Agency Clerk's Office
- The board will discuss the draft disciplinary guidelines at the in person board meeting
- The board asked that an investigator from the Department of Revenue be present at the next in person board meeting to discuss the DOR investigation process for booth renters; Ms. Barineau will contact Ms. Anderson to extend an invitation from the board to a DOR investigator
- A suggestion was made to incorporate some questions in the cosmetology examination relating to booth rental and the responsibilities of booth renters
- The board suggested a fiscal impact study be conducted to determine the costs associated with written and practical examinations for the new examination requirements pursuant to their legislative proposals
- The board suggested some questions be incorporated into the cosmetology written examination relating to booth rental and the responsibilities of a booth renter
- The board asked that a representative from the department's inspection area be present at the next in person board meeting to address any questions or concerns the board may have relating to booth rental inspections and other general inspection questions

Robyn Barineau
Executive Director
July 29, 2005