

MINUTES

BOARD OF COSMETOLOGY
Department of Business and Professional Regulation
Renaissance Orlando Hotel – Airport
5445 Forbes Place
Orlando, Florida 32812

Sunday, July 24, 2005

Legislative Workshop

The Board of Cosmetology legislative workshop was called to order at approximately 9:05 a.m., by Mr. Joseph Caetano, Vice Chair.

Board Members Present

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

Board Members Absent

Mary Blanco, Chair
Anthony White

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Daniel Biggins, Assistant Attorney General, Department of Legal Affairs
Charles Tunnickliff, Assistant General Counsel, Office of the General Counsel, DBPR
Dana Ewaldt, Government Analyst, DBPR

Interested Parties Present

Robert Valdez, Florida Cosmetology Schools Association
Dan Washburn, Great Clips
Glenda Stephenson, Florida Cosmetology Association
Luvenia McNair, Beannies Beauty & Barber Academy
Derrick Potter, Beannies Beauty & Barber Academy
Brenda Baker, New England Tech
Myra Jowers, Florida Community College of Jacksonville (FCCJ)
Susan Lehr, FCCJ Government Relations
Rose Washko, Florida Cosmetology Association
Alan Livingston, House Business Regulation Committee
Doldie Laguerre, Doldie's International Hair Academy
John Conley, The Hairwraps Company, Inc

Nancy Bradley, Commission for Independent Education (CIE)
Kasongo Butler Nelson, CIE
Rocco DiBenardo, Salon Operation Solutions
Sherry Hill, IPAC Distributors, Inc.
Bonnie Poole, Florida Cosmetology Association
Tuan Vu, Pro-Nails & Beauty School
Mau Nguyen, Pro-Nails & Beauty School
Linda Balboa, LaBelle Beauty Academy
Giaccio Vegcio, Paul Mitchell – The School
Phuonglan Tran, Academy of Health & Beauty
Julia Tester, Artistic School of Nails & Cosmetology
Brenda Belcher, North Florida Institute

The legislative workshop opened with a roll call and a quorum was established. Vice Chair Joseph Caetano informed the attendees that the workshop would begin with the board members making comments to the proposed legislation and then other attendees would be given an opportunity to speak to each section of the draft.

Ms. Susan Lehr, FCCJ Government Relations, informed the board about the various workshops and meetings that were held over the summer. The meetings were attended by representatives from the Department of Education and several private school owners. The purpose of the meetings was to reach a consensus on the elements of cosmetology educational requirements, strengthening current education and licensure requirements as well as the possibility of creating degree programs from the current certificate programs (i.e. salon and spa management). Ms. Lehr informed the group that Representative Jennifer Carroll may be a possible sponsor of the proposed 2006 cosmetology legislation. Ms. Lehr went on to give an overview of the draft legislation:

- Cosmetology License (hair services only); 1,000 hours and a written and practical examination required
- Master Cosmetologist License (full service); 1,800 hours and a written and practical examination required
- Esthetician License; 600 hours and a written and practical examination required
- Nail Technician License; 350 hours and a written and practical examination required
- Hair Braiding registration; increase education requirement to 40 hours
- Body Wrapping registration; eliminate the registration and incorporate into the esthetician program / license scope
- Hair Wrapping registration; increase education requirement to 24 hours

Ms. Rose Washko, Florida Cosmetology Association, agreed with the legislation proposal. Ms. Washko has suggested an advisory board for medical office work environments. Ms. Lehr responded that she would be happy to work with all interested parties.

Ms. Laurel Ritenbaugh, Cosmetology Board Member, approves of the hair braiding proposal and the opportunity it presents. Ms. Ritenbaugh questioned the

reasoning behind not allowing for the adding of manufactured hair extensions. Ms. Lehr responded that it was her understanding that using manufactured hair extensions would be considered cosmetology due to the usage of glues and adhesive type materials.

Mr. Robert Valdez, Florida Cosmetology Schools Association, added that the hair braiding registration was originally intended to allow the African–American community an opportunity for licensure to practice the art of braiding the natural human hair, an art that has been performed for years in that culture and among the African-American communities.

Mr. John Conley, The Hairwraps Company, Inc., has been in the hair wrapping business for over a decade and was highly involved in the [past] legislation that exempted licensure for the theme parks and film industry. Mr. Conley said he feels like the hair wrapping industry should remain with the current requirements.

Ms. Sherry Hill, IPAC Distributors Inc., an instructor of a body wrapping course, agrees with body wrapping being included in the esthetics license. Ms. Hill had recommendations for regulation of solutions and products that are used in the pre-soaked herbal wraps. She added that the product certification [provided by the manufacturer] should address any product concerns.

Ms. Washko asked for clarification of “compression” wrap. Ms. Washko asked if there were qualifications or criteria required of the individuals taking a body wrap course. She suggested that there should be criteria established.

Ms. Bonnie Poole, Florida Cosmetology Association, expressed several concerns with the proposed legislation.

- The association is opposed if the 2006 proposed legislation mirrors the 2005 proposed legislation, SB828 and its companion bill HB789.
- The creating of a master cosmetologist license would present an easier opportunity for reciprocity or endorsement between states.
- The association does not support the Cosmetologist (hair only) title for the license; would prefer Hairstylist or Hair Technician. Creating a 1,000 hour cosmetology license would reduce the industry standard. The newly created license would not encompass the full cosmetology science and the title should reflect the distinction of hair only.
- The Florida Cosmetology Association strongly opposes the booth rental language as it is currently written. Speaking on behalf of the Florida Cosmetology Association, the booth rental licensure issue should be a stand alone bill.

Mr. Rocco DiBenardo, Salon Operation Solutions, reported that 80% of the industry are booth renters and he is supportive of booth rental. The proposed language was copied from the Texas cosmetology law.

Ms. Luvenia McNair, Beannies Beauty & Barber Academy, feels that there

should be a booth renter license.

Mr. DiBenardo added there is room for a booth renter to be defined in section 477.025, F.S. A definition should include the difference in responsibility of an employee or individual contractor.

Ms. Poole reiterated that the Florida Cosmetology Association does not like the booth rental language of last year's bill.

Mr. Valdez said that he believes booth rental would force more accountability and level the playing field. He would like to leave room in the law to have a flexible business plan and room to update in accordance with the growth of the industry. Mr. Valdez does support the hairstylist / hair technician license but at a 1,200 hour education requirement.

Senate Bill SB828

At this point of the workshop, Vice Chair Caetano gave the direction that comments and suggestions should be offered in a page-by-page order.

Pages #1 through #4

No comments were offered.

Page #5

Mr. Valdez pointed out the license for a Full Specialist should be added to this section.

Page #6

No comments were offered.

Page #7

Ms. Lehr commented that the definitions for hair braiding and hair wrapping should remain as part of this section (lines #7 through #17).

Page #8

No comments were offered.

Page #9

In regard to line #9, "shampooing", Mr. Valdez feels that the registration allowance

should be removed from the legislation. He is also asking for clarification of the term “special preparations” as he feels the phrase is too ambiguous.

Ms. Poole agrees with striking the shampoo specialist language.

Ms. Brenda Baker, New England Tech, added that the schools are obligated to employ graduates. Removal of the shampooing specialty, or even the current allowance, could possibly hinder the schools.

Ms. Brenda Belcher, North Florida Institute, feels that if a shampoo specialist is allowed to apply “hair treatments” (as stated in lines #10 - 11), that would be taking away from a licensed cosmetologist. She is opposed to the shampoo specialist license.

Ms. Nancy Bradley, Commission for Independent Education, said that there was a consensus to remove the shampooing service being allowed without a license.

Ms. Phuonglan Tran, Academy of Health & Beauty, said that hair braiding needs to be more definitive. The definition should specify the braiding of natural human hair only.

Page #10

Mr. Conley spoke about the minimum hour requirement for a hair wrapper and to the ownership of the course approval. On line #16, the hours for hair wrapping should remain at a 6 hour minimum. On lines #16 – 17, the approving department is the Department of Business and Profession Regulation (DBPR) and not the Department of Education (DOE).

Ms. Washko asked that the body wrapping definition specify if the application of the oils and lotions be by hand or by brush.

Page #11

Ms. Washko pointed out that on line #5 the ownership of the body wrapping course approval should be from DBPR not DOE.

Ms. Hill added that she was in agreement with eliminating the body wrapping registration and incorporating it with esthetics.

Mr. Valdez supports incorporating body wrapping in with esthetics.

Ms. Bradley is concerned that the elimination of the body wrapping registration would limit opportunities for both schools and students. The elimination does not present options for education or licensure. Maybe the body wrapping could remain as a stand alone program but with the increased [proposed] 250 hour requirement.

Mr. Valdez wanted to know where 250 hours course requirement originated. His suggestion was to let the marketplace determine the course length and curriculum issues.

Ms. Washko added that the esthetics textbooks already reference body wrapping.

Page #12

Mr. Conley's opinion is that lines #12 through # 21, on page #12, should not be eliminated / stricken. In fact, he would like to keep the original existing language for both pages #11 and #12.

Page #13

No comments were offered.

Page #14

Ms. Poole suggested adding a clarification that licensed barbers are allowed to work in a licensed cosmetology salon. She suggested using the same language as is currently written in Chapter 476, F.S., stating that a licensed cosmetologist is allowed to work in a licensed barbershop.

Page #15

Ms. Lehr reported that the public institutions are opposed to lines #28 through #31.

Ms. Glenda Stevenson, Florida Cosmetology Association, does not support the elimination of a required GED or high school diploma for licensure.

Ms. McNair says that her students are reporting to her that the cosmetology exam is too hard.

Ms. Bradley said that the Commission for Independent Education suggests the requirement be a GED, high school diploma or ability-to-benefit test. The 2005 legislation does not allow for an equal playing field.

Ms. Poole supports the requirement of 600 hours and a state board examination for a nail technician.

Page #16

Mr. Valdez addressed lines # 12 through #15. On line #12, the hairstylist requirement should be 1,200 hours. On line #13, he is in agreement with the 600 hour requirement for an esthetician. On line # 14, the 600 hour requirement for a nail technician is too much; the hour requirement should be 350. On line # 15, the

hour requirement for a cosmetologist should be 2,150, not 2,400.

Ms. Lehr reported that the consensus from the public institutions is a 1,000 hour requirement for a hairstylist.

Ms. Balboa, La Belle Beauty Academy, noted that the 600 hour course requirement for an esthetician would allow a student to apply for financial aid.

Ms. Bradley said that she felt 2,400 hours for a cosmetologist is too much. The extended hours would place a burden on both the schools and students. The extended hour requirement would keep the student out of the workforce too long.

Ms. Julia Tester, Artistic School of Nails & Cosmetology, said the 2,400 hours would be too much and would be hard to achieve.

Page #17

Ms. Lehr addressed lines #10 through #18. She would like to keep this section but base the minimum completion on a level of competency of 85 – 90% being signed off on by an instructor. However, if the student fails the examination, the student must complete all of the required training before being allowed to sit for the examination again.

Mr. Valdez noted that at a board meeting several years ago then Executive Director Julie Baker, reported that 89% of students challenging the examination at the 1,000 hour minimum failed the exam. Mr. Valdez said that a school can not do a complete and thorough job at only 1,000 hours. Not all schools are in agreement with the challenge option. His school does not allow the challenge.

Ms. Tester added that her school does have students that challenge the exam at 1,000 hours and they have a high passing rate. She is suggesting the return of a practical [cosmetology] examination.

Mr. Valdez said that he does not support sub. (4) starting on line #24. His suggestion is an on-line application that generates a confirmation number. The exam candidate would then sit for the exam and receive a temporary permit to work for 30 days.

Page #18

In reference to lines #23 – 25, Ms. Lehr asked how work experience would be substituted for education.

Page #19

Mr. Conley does not want to delete lines #13 through #16.

In regards to subsection (b), beginning on line #17, Mr. Valdez asked how active practice would be proven.

Ms. Lehr spoke to subsection (b), beginning on line #17, saying that it was excessive. She suggested relying on activity of the license and continuing education credits.

Mr. Biggins, Assistant Attorney General, responded to the clarification of the phrase "active practice". His recommendation was for the language to read "held an active license".

Page #20

In regards to lines # 1 through 5, Ms. Lehr stated that she was opposed to the years of age "and" GED, high school diploma, etc. She feels as if the "and" situation would create a barrier for students.

There was a consensus among the group to eliminate the "and" language and revert back to the existing "or" situation.

Page #21

Mr. DiBenardo offered response to section 477.0235 [Independent contractor; booth-renter license.--] beginning on line #20. He suggested the word "license" referenced throughout this section.

Page #22

Ms. Poole addressed subsection (c) beginning on line #2. Unless you are with the IRS, there should not be a requirement to have a copy of a contractual agreement between two parties. The contract requirement is overstepping boundaries. Ms. Poole disagrees with the board having access to the contract or dictating the way a booth renter does business.

Mr. DiBenardo is fully supportive of booth rental "permit" requirements.

Ms. Lehr commented that Rep. Carroll opposes booth rental being included in this bill.

Page #23

No comments were offered.

Page #24

No comments were offered.

Page #25

Beginning on line #16, Ms. Lehr said that the original application, license renewal and delinquent renewal fees should all be different. On line # 26, she thought that the fee increase from \$30 to \$60 was substantial given the limited education requirement.

Mr. Valdez suggests having more of a say-so in where the [increased] money is spent; the direction of distribution of the money, i.e. inspections or technology. He would not support a carte blanche increase.

Page #26

Mr. Conley noted that lines #23 through #28 are already covered on page #11 and should be stricken from this page.

Page #27

Mr. Valdez suggested adding “or through a school” at the end of the sentence on line #24.

Page #28

No comments were offered.

Page #29

No comments were offered.

Page #30

Mr. Valdez wants the words “cosmetic specialist” stricken from line #23 and on line #29, strike the word “cosmetological” specialty.

Page #31

No comments were offered.

There being no further business, the meeting was adjourned at approximately 2:00 p.m.