

# **EXECUTIVE SUMMARY**

## **Board of Cosmetology**

### **I. General Information**

Meeting Type: General Business  
Meeting Date: Sunday, July 23, 2006  
Meeting Location: Marriott Tampa Westshore  
1001 North Westshore Boulevard  
Tampa, Florida 33607

#### Attendees:

Joseph Caetano, Chair  
Laurel Ritenbaugh, Vice Chair  
Laura Brown  
Myra Jowers  
Donna Osborne  
Monica Smith  
Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Dan Biggins, Assistant Attorney General, Department of Legal Affairs  
Charles Tunnichliff, Assistant General Counsel, Office of the General Counsel, DBPR  
Dana Ewaldt, Government Analyst, DBPR  
Bonnie Poole, Florida Cosmetology Association  
Bill Ratliff, Informed

### **II. Major Issues/Actions**

- Chair Joseph Caetano noted Mr. Anthony White's absence from the meeting as unexcused since he had not contacted board staff prior to the meeting to inform them of his absence. Chair Caetano asked that Ms. Robyn Barineau, Executive Director, relay to the department his concerns with Mr. White's unexcused absences.
- After presenting 56 disciplinary cases for the board's consideration, Mr. Charles Tunnichliff, Assistant General Counsel, reported there are currently 198 cosmetology cases in the legal section. He added that, currently, there are over 60 cases for board presentation for the October 2006 board meeting.
- Mr. Tunnichliff advised the board that Ms. Tiffany Harrington, Assistant General Counsel, will soon be transitioning over as the board's prosecutor. Mr. Tunnichliff added that he intends to continue to assist with cosmetology cases for another year.
- The board approved the Petition for Variance and Waiver from Rule 61G5-18.007, Florida Administrative Code – Endorsement of Cosmetologists, submitted by Ms. Theresa Licciardi.
- Mr. Dan Biggins, Assistant Attorney General, will work with board member, Ms. Donna Osborne, to determine if there is current statutory authority to allow for years of experience to be considered for licensure. They will provide their findings to the board at the next meeting.
- Ms. Osborne indicated that she has spoken with Ms. Susan Lehr about the legislation (HB771/SB1630) that did not pass during the 2006 legislative session. Ms. Osborne reported that Ms. Lehr expects to file the same language during the 2007 legislative

session with some adjustments. Ms. Bonnie Poole, Florida Cosmetology Association (FCA), informed the board that the FCA is supportive of increasing educational hours and other information originally contained in the 2006 proposal. Ms. Poole added that the FCA will not support a bill if the creation of internship or apprenticeship programs are included.

- Vice Chair Laurel Ritenbaugh provided the board with a salon flier she created that includes information relating to sanitation tips for licensees and their customers, information relating to the proposed rule for sanitizing and sterilizing foot baths, and information encouraging individuals to file unlicensed activity complaints. The board would like to require salons to post this flier and have inspectors distribute the flier to salons for posting. Additionally, the board would like to include this information on its website and in its next available newsletter. Ms. Barineau informed the board that the department's Communications Office and other department areas would also need to review and comment on the flier before distribution. The board will discuss the proposed flier in more detail at their October meeting.
- Ms. Barineau informed the board that the assessment rule was effective July 16. She added that inserts will be included with the renewal notices mailed to individual licensees for the October 31, 2006, and October 31, 2007, and salon renewals due November 30, 2006. Ms. Barineau informed the board that she has posted a bulletin on their website advising licensees of the assessment, and she has included the same assessment information in the latest cosmetology newsletter.
- The board agreed to move forward with a rule to require licensees to laminate their licenses with a current picture for posting at their workstations. The board also agreed that the effective date of the rule should be July 1, 2007, to allow salons and licensees the opportunity to comply.
- The board agreed to amend Rule 61G5-32.001(6)(e), Florida Statutes, to change the number of days a continuing education provider has to transmit course completion information to the department from five days to 30 days or the end of the renewal cycle, whichever happens first, in order to comply with Chapter 455, Florida Statutes.
- Ms. Barineau reported that as of March 31, 2006, the cash balance in the board's operating account was in deficit over \$1.5 million. She added that the assessment will soon begin to impact the negative balance.
- Ms. Osborne gave the board a brief overview of the presentation provided by the department's Bureau of Education and Testing (BET) relating to the board's education and testing concerns. She added that the presentation was very informative and interesting and answered many of her questions. Ms. Osborne added that she was more appreciative of the department's Central Intake Unit and Customer Contact Center since she saw the entire operation. Ms. Osborne indicated that BET was willing to provide the entire board with their presentation, and she suggested the board invite BET to their next meeting.
- Chair Caetano appointed Mrs. Laura Brown as Chair of the Education and Testing Committee.
- The board agreed to conduct future meetings as follows:
  - October 29 and 30, 2006 – Orlando, Florida
  - January 21, 2007 – Ft. Lauderdale or Miami, Florida
  - April 15, 2007 – Tampa, Florida

### III. Legislation/Rule Promulgation

- Mr. Biggins and Ms. Osborne will work together to determine if the board has statutory authority allowing for experience to be considered for licensure by endorsement.
- Mr. Biggins will proceed with amending Rule 61G5-20.004, Florida Administrative Code, to require salons to ensure individuals working in their salons post a laminated license with a picture at their workstations. The projected effective date of this rule amendment will be July 1, 2007.
- Mr. Biggins will proceed with amending Rule 61G5-32.001(6)(e), Florida Administrative Code, to read as follows:  
“Beginning November 1, 2001, continuing education providers shall electronically provide to the Department the list of attendees at each of its offered courses within 5 30 business days of the completion of the course or prior to the end of the renewal cycle, whichever happens first.”

### IV. Action Required

- Mr. Biggins and Mr. Tunncliff will prepare final orders from this meeting for filing with the Agency Clerk's Office.
- Mr. Biggins and Ms. Osborne will provide the board with their findings at the next board meeting regarding the possible allowance of experience requirements for licensure by endorsement consideration.
- The board will discuss the proposed salon flier as created by Ms. Ritenbaugh at the next meeting.
- Ms. Barineau will provide the board with the projected assessment revenue amounts at the next board meeting.
- The board has asked that Ms. Barineau extend an invitation to BET to attend the next meeting to give the presentation previously provided to Ms. Osborne.
- At the board's request, Ms. Barineau will send a response to Mr. James Casteel's email relating to pedicure foot bath sanitation and sterilization thanking him for his comments and information.
- Chair Caetano will contact the Georgia Board of Cosmetology member with whom he has been corresponding regarding chelating soaps and inform Ms. Barineau of his findings so that she can respond to the email of June 10, 2006, from North Florida Academy.

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Robyn Barineau  
Executive Director  
August 7, 2006