

MINUTES

FLORIDA BOARD OF COSMETOLOGY TELEPHONE CONFERENCE CALL MEETING

Monday, June 22, 2020

General Business Meeting

The Florida Board of Cosmetology meeting was called to order at approximately 9:00 a.m., by Ms. Rhonda Griffis, Chair.

Board Members Present

Robin Tabano
Rhonda Griffis, Chair
Fran Poppell
Jared Sutherland, Vice Chair
Laurel Candelario

Board Members Absent

Adrienne Harvey (excused)
Stephania Streit (unexcused)

Other Persons Present

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)
Julie Rowland, Government Analyst, DBPR
Crystal Stephens, Assistant General Counsel, Office of the General Counsel, DBPR
Lynette Norr, Assistant Attorney General, Office of the Attorney General
Dorene Mannino, Court Reporter
Rachel Romanok

The meeting was opened with a roll call and a quorum was established. The Board excused the absence of Ms. Adrienne Harvey from the meeting.

APPLICATIONS

Licensure Applications

Initial Review

Lydia Beck

Ms. Beck was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Natalie Lynch

Ms. Lynch was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Jaida Anderson

Ms. Anderson was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Katherin Valencia

Ms. Valencia was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

Rachael Romanok

Ms. Romanok was present for the meeting. After review, the Board moved to approve the application.

Katelyn Felegi

Ms. Felegi was not present for the meeting. After review, the Board moved to deny the application based on the pending criminal case noted on the application.

Anseca Calix

Ms. Calix was not present for the meeting. After review, the Board moved to approve the application. The Board also imposed probation on the license to run concurrent with her criminal probation.

BOARD ATTORNEY REPORT

Rule Changes Based on HB 1193

Ms. Lynette Norr, Assistant Attorney General, informed the Board of the following rules that would require changes if HB 1193 becomes law.

61G5-24.019 Hair Braiding, Hair Wrapping and Body Wrapping Fees

The Board agreed that this rule should be repealed and that the repeal would have 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.

61G5-31.0011 Definitions

The Board agreed that this rule should be repealed and that the repeal would have 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.

61G5-31.004 Hair Braiding, Hair Wrapping and Body Wrapping Course Requirements, Source Reference Dates, Ability to Offer on the Internet or by Home Study.

The Board agreed that this rule should be repealed and that the repeal would have 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.

61G5-31.005 Hair Braiding, Hair Wrapping, and Body Wrapping Term of Registration, Registration Renewal

The Board agreed that this rule should be repealed and that the repeal would have 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.

61G5-31.006 Practice of Hair Braiding, Hair Wrapping, and Body Wrapping Pending Approval of Registration

The Board agreed that this rule should be repealed and that the repeal would have 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.

61G5-20.008 Employment of Applicants for Licensure as a Cosmetologist Prior to Licensure; Employment of Applicants for Registration as a Specialist Prior to Registration

The Board approved the following language 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

(1) Holders of a cosmetology salon license who wish to permit an applicant for licensure as a cosmetologist by examination to perform cosmetology services in their salon shall:

(a) Prior to permitting an applicant to perform cosmetology services in their salon, obtain from the applicant proof that they have passed all parts of the examination for licensure as a cosmetologist within the two years as provided by Rule 61G5-18.004, F.A.C.;

(b) Display in a conspicuous place at the cosmetology salon in which the applicant performs cosmetology services a copy of the cosmetology examination passing certificate(s).

(2) Holders of a cosmetology or specialty salon license who wish to permit an applicant for registration as a specialist to perform specialty services in their salon pursuant to Rule 61G5-29.004, F.A.C., ~~or who wish to permit applicants for registration as a hair braider, hair wrapper, or body wrapper to perform hair braiding, hair wrapping, or body wrapping services in their salon pursuant to Rule 61G5-31.006, F.A.C.,~~ shall:

(a) Prior to permitting an applicant to perform any specialty services ~~or hair braiding, hair wrapping, or body wrapping services~~ in their salon, obtain from the applicant a copy of the completed application for registration that includes proof of successful completion of the education requirements and payment of the applicable fees submitted to the Department by the applicant;

(b) Upon learning or in any way becoming aware that an applicant who is performing specialty services in their salon pursuant to Rule 61G5-29.004, F.A.C., ~~or performing hair braiding, hair wrapping, or body wrapping services in their salon pursuant to Rule 61G5-31.006, F.A.C.,~~ has been notified that his or her application is incomplete, or has been determined by the Board to be not qualified for registration as a specialist, shall immediately cease to permit the applicant to further perform specialty services;

(c) Display in a conspicuous place at the cosmetology or specialty salon in which the applicant performs specialty services pursuant to Rule 61G5-29.004, F.A.C., ~~or hair braiding, hair wrapping, or body wrapping services pursuant to Rule 61G5-31.006, F.A.C.,~~ a copy of the completed application for registration as a specialist ~~or application for registration as a hair braider, hair wrapper, or body wrapper~~ submitted to the Department by the applicant.

61G5-30.001 Disciplinary Guidelines

The Board approved the following language 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

(1) The Board shall act in accordance with the following guidelines when it finds the enumerated violations in disciplinary cases. The Board shall impose a penalty within the range of each applicable disciplinary violation set forth below unless the Board finds an aggravating or mitigating circumstance, in which case the Board may deviate from the guideline penalty.

(g) Advertising or implying that skin care services or body wrapping are related to massage therapy, except as allowed by statute. (Section 477.0265(1)(f), F.S.)	A fine of \$100 to \$200 for the first offense; a fine of \$500 for subsequent offenses.
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61G5-20.004 Display of Documents

The Board approved the following language 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

(1) All holders of a cosmetology or specialty salon license shall display within their salons in a conspicuous place which is clearly visible to the general public upon entering the salon the following documents:

(a) The current salon license,

(b) A legible copy of the most recent inspection sheet for the salon.

(2) All holders of a cosmetology or specialty salon license shall require and ensure that all individuals engaged in the practice of cosmetology, ~~or any specialty, hair braiding, hair wrapping, or body wrapping~~ display at the individual's work station their current license or registration at all times when the individual is performing cosmetology, ~~or a specialty, hair braiding, hair wrapping, or body wrapping services.~~ The license or registration certificate on display shall be current ~~the original certificate or a duplicate issued by the Department~~ and shall have attached a 2" by 2" photograph taken within the previous two years of the

individual whose name appears on the certificate. The certificate with photograph attached shall be permanently laminated ~~as of July 1, 2007.~~

(3) ~~By July 1, 2008, a~~All holders of a cosmetology or specialty salon license shall display at each footbath a copy of the Consumer Protection Notice regarding footbaths, sanitation, and safety. Copies of this notice, ~~(revised 10/15/07, and incorporated herein by reference,)~~ may be obtained from the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, FL 32399-0790, and the Call Center by calling (850)487-1395, or at http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/cosmo_consumer_protection_flier_thepriceofbeauty.pdf.

61G5-18.007 Endorsement of Cosmetologists

The Board approved the following language 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

The Department of Business and Professional Regulation shall issue a license to an applicant without examination who:

- (1) Makes application and pays to the Department the fee specified in Rule 61G5-24.002, F.A.C.;
- (2) Demonstrates the applicant has completed a board approved HIV/AIDS course; and
- (3) Demonstrates the applicant holds a is currently active licensed to practice cosmetology under the law of another state having completed at least 1200 cosmetology school or program hours substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state; Demonstrates that the applicant has passed a written licensure examination to obtain a license substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state.

61G5-20.0015 Performance of Cosmetology or Specialty Services Outside a Licensed Salon

The Board approved the following language 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

(1) "Special events" are is defined as weddings, fashion shows, and other organized public or private events with a duration of no more than three consecutive days, and where cosmetology services are essential to the event, and the cosmetologist does not provide services to the general public as approved by the board.

(2) Cosmetology or specialty services may be performed by a licensed cosmetologist or specialist in a location other than a licensed salon, including a hospital, nursing home, residence, or similar facility, when a client for reasons of ill health is unable to go to a licensed salon. Such services are not to be performed upon employees or person who do not reside in the facility, or any other non-qualified persons. Arrangements for the performance of cosmetology services pursuant to this subsection shall be made only through a licensed salon.

(3) Cosmetology services may only be performed in a photography studio salon subject to the following requirements:

(a) Only hair-arranging services and the application of cosmetic products may be performed in a photography studio salon, ~~and, may only be performed for the purpose of preparing a model or client of the photography studio for a photographic session.~~ Shampooing the hair, hair cutting, hair coloring, permanent waving of the hair, hair relaxing, ~~removing of hair removal~~, manicuring, pedicuring, and the performance of any other service defined as cosmetology may not be performed in a photography studio salon.

(b) All hair-arranging services and applications of cosmetic products to be performed in the photography studio salon shall be performed by a licensed Florida cosmetologist or under the supervision of a licensed cosmetologist employed by the salon. "Under the supervision of a licensed cosmetologist" shall mean that an individual who then holds a current, active Florida license as a cosmetologist shall be physically present at the photography studio salon at all times when hair-arranging services or applications of cosmetic products are being performed.

(c) When performing hair-arranging services, the photography studio salon shall use either disposable hair-arranging implements or shall use a wet or dry sanitizing system approved by the federal Environmental Protection Agency.

(4) Hair shampooing, hair cutting, hair arranging, nail polish removal, nail filing, nail buffing, and nail cleansing may be performed in a location other than a licensed salon when the service is performed by a person who holds the proper license.

(5) The following procedures shall be followed when performing cosmetology services outside of a licensed salon:

(a) Information as to the name and contact information of the client and the address at which the services are to be performed shall be recorded in an the appointment book.

(b) For services required to be scheduled through a salon, the appointment book shall remain at the salon and be made available upon request to any investigator or inspector of the Department.

(c) For services in subsection (4) that have been scheduled directly with the licensed cosmetologist or specialist, the appointment book shall remain with the provider.

61G5-18.00015 Cosmetologist and Compensation Defined

The Board discussed whether microblading was beyond the scope of a Florida Cosmetologist, Full Specialist, or Facial Specialty license. The Board delegated Laurel Candelario to work with Ms. Norr to prepare draft language for board review at the October 2020 board meeting.

61G5-22.015 Specialty Certification

The Board will further discuss the proposed draft language at the October meeting

61G5-22.016 Minimum Curriculum for Nail Specialty Training

The Board will further discuss the proposed draft language at the October meeting.

61G5-22.017 Minimum Curriculum for Facial Specialty Training

The Board will further discuss the proposed draft language at the October meeting.

For the Rules below, the Board approved the following language 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. They also agreed that a violation of this rule, or any part of this rule, would not be designated as a minor violation, and that this rule should not have a sunset provision.

61G5-22.006 Facials (Including Skin Care and Hair Removal)

The Board agreed to delete subsection (4), (5) and (6) from the rule.

61G5-22.007 Hair Shaping

The Board agreed to delete subsection (4) from the rule.

61G5-22.008 Scalp Treatments and Hair Care Rinses

The Board agreed to delete subsection (4) from the rule.

61G5-22.009 Shampoos and Rinses

The Board agreed to delete subsection (4) from the rule.

61G5-22.010 Hair Arranging (Styling)

The Board agreed to delete subsection (5) from the rule.

61G5-22.011 Hair Coloring

The Board agreed to delete subsection (1) and (4) from the rule.

61G5-22.012 Chemical Waving and Relaxing/Straightening

The Board agreed to delete subsection (4) from the rule.

61G5-22.0125 Manicuring/Pedicuring/Nail Extension

The Board agreed to delete subsection (4) from the rule.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:00 p.m.