

# MINUTES

FLORIDA BOARD OF COSMETOLOGY  
EMBASSY SUITES  
202 NORTH TAMiami TRAIL  
SARASOTA, FL 34236

Monday, October 11, 2021

The 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  
Stephania Streit  
Laurel Candelario

## **Board Members Absent**

Fran Poppell  
Adrienne Harvey

## **Other Persons Present**

Krista Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)  
Lynette Norr, Assistant Attorney General, Office of the Attorney General  
Shana-Kay Turner, Assistant General Counsel, Office of the General Counsel, DBPR  
Andrea Osorio, Assistant General Counsel, Office of the General Counsel, DBPR  
Beverly Foor, Court Reporter  
Tung Pham  
Alexandria Kemper  
Pamela Kemper

The meeting was opened with a roll call and a quorum was established. The Board excused the absences of Ms. Fran Poppell and Ms. Adrienne Harvey from the meeting. Ms. Woodard informed the Board that Mr. Jared Sutherland resigned from the Board and thanked him for his service.

## **DISCIPLINARY MATTERS**

Ms. Shanna-Kay Turner, Assistant General Counsel, requested that the board admit into evidence the investigative file and supporting documentation for the cases below.

### **Informal Hearing**

Ms. Turner and Ms. Osorio presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, the Respondents failed to respond within 21 days thereby waiving their right to elect a hearing in these matters, that the Board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the Board and imposed the penalties shown below:

- Studio 3D Brows Lashes & PMU; Aventura; Case No. 2021002950  
\$850 fine and \$74.70 costs to be paid within six months

### **Election of Waiver of Rights and Final Order**

Ms. Turner and Ms. Osorio presented the following case for consideration by the Board. The Board found that the Respondent was properly served with the Administrative Complaint, the Respondent failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the

Board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the Board and imposed the penalty shown below:

- City Nails Port Charlotte; Port Charlotte; Case No. 2021023328  
\$500 fine and \$91.41 costs to be paid within six months
- Olivia Parker; Miami Gardens; Case No. 2021007033  
\$1,000 fine and \$345.53 costs to be paid within six months  
Suspension of license FB9761870 for 120 days
- Alexis and Barbara Hair Salon; Miami; Case No. 2021005627  
\$900 fine and \$56.46 costs to be paid within six months

### **Motion for Waiver of Rights and Final Order**

Ms. Turner and Ms. Osorio presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, and have elected to waive their rights to a hearing in these matters. The Board moved to accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the Board and imposed the penalties shown below:

- Davi Nails 2727; Florida City; Case No. 202101186  
\$500 fine and \$36.35 costs to be paid within six months
- Louizy Luany Da Silva; Pompano Beach; Case No. 2021007272  
\$500 fine and \$190.76 costs to be paid within six months  
Revocation of license FV9620381
- Nail Palace; Punta Gorda; Case No. 2021021632  
\$500 fine and \$96.63 costs to be paid within six months
- Zico Danastor; Delray Beach; Case No. 2021027206  
\$250 fine and \$92.86 costs to be paid within six months
- Corena Unisex Beauty Salon; Miami; Case No. 2021006314  
\$1,950 fine and \$62.76 costs to be paid within six months  
Suspension of license CE9983809 until successful re-inspection
- Prime Time Hair & Nails; Delray Beach; Case No. 2021026527  
\$850 fine and \$88.71 costs to be paid within six months
- Hang Tran; Ocoee; Case No. 2021015681  
\$500 fine and \$61.63 costs to be paid within six months  
Revocation of license CL1283693
- Red Nails & Spa; Dunedin; Case No. 2021017309  
\$500 fine and \$74.99 costs to be paid within six months
- Viviane Algate; Ft. Lauderdale; Case No. 2021007291  
\$500 fine and \$211.08 costs to be paid within six months  
Revocation of license FV9630765
- Nail Deco LLC; Miami Beach; Case No. 2021002763  
\$750 fine and \$74.70 costs to be paid within six months

- Luminous Nails and Spa; Port St. Lucie; Case No. 2021001609  
\$1,350 fine and \$133.56 costs to be paid within six months  
Suspension of license CE9994851 until successful re-inspection
- Tung Minh Pham; West Palm Beach; Case No. 2021002522  
\$500 fine and \$257.30 costs to be paid within six months
- Prime Time Hair & Nails; Delray Beach; Case No. 2021010871  
\$1,000 fine and \$121.27 costs to be paid within six months  
Revocation of license CE9977033
- Zico Danastor; Delray Beach; Case No. 2021011796  
\$800 fine and \$92.86 costs to be paid within six months

### **Settlement Stipulation**

Ms. Osorio presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, the Respondents failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the Board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the Board and imposed the penalties shown below:

- Khangle LLC d/b/a Regal Nails; Port Charlotte; Case No. 2021023334  
\$500 fine and \$91.41 costs to be paid within six months
- 5 Star Nails Lounge; Port Charlotte; Case No. 2021023317  
\$500 fine and \$91.41 costs to be paid within six months
- Creative Nails & Spa; Punta Gorda; Case No. 2021021750  
\$500 fine and \$96.63 costs to be paid within six months
- Nail Tips; North Port; Case No. 2021024227  
\$500 fine and \$91.41 costs to be paid within six months
- Tiffany Salon & Spa and Phu Cao; Vero Beach; Case Nos. 2021027855 & 2021023640  
These cases were pulled from the agenda
- Regal Nails; Springhill; Case No. 2021021401  
\$500 fine and \$74.99 costs to be paid within six months
- Touch Nail Bar & Head Spa; Port Charlotte; Case No. 2021019737  
\$500 fine and \$91.41 costs to be paid within six months
- G & T Nail Inc. and Nguyet Huynh; Boynton Beach; Case Nos. 2021015878 & 2021020971  
\$950 fine and \$218.27 costs to be paid within six months
- The Nail Palace; Orlando; Case No. 2021019170  
\$500 fine and \$74.99 costs to be paid within six months
- Sarah Dalrymple; Sarasota; Case No. 2019026711  
\$1,000 fine and \$143 costs to be paid within six months
- MD Plant City Nails & Spa; Plant City; Case No. 2021010393  
\$500 fine and \$146.09 costs to be paid within six months

- Apex Nails; Crystal River; Case No. 2021002219  
\$650 fine and \$851.71 costs to be paid within six months

### **Voluntary Relinquishment**

Ms. Turner presented the following cases for consideration by the Board. The Board found that the Respondents were properly served with the Administrative Complaint, the Respondents failed to respond within 21 days thereby waiving their right to elect a hearing in this matter, that the Board accept the allegations as stated in the Administrative Complaint and adopt them as the findings of fact and conclusions of law of the Board and imposed the penalties shown below:

- Hilda Flaquer Ortiz; Tampa; Case No. 2021030774  
\$500 fine and \$139.81 costs to be paid within six months  
Revocation of license CL1291109
- Rogelio Reyes; Clearwater; Case No. 2021024234  
\$500 fine and \$70.35 costs to be paid within six months  
Revocation of license CL1219728
- Belkys Guzman; Clearwater; Case No. 2021012056  
\$500 fine and \$191.66 costs to be paid within six months  
Revocation of license CL1262672

### **Department Attorney Report**

Ms. Turner informed the Board that as of September 7, 2021, there were 108 open cosmetology cases in the legal section.

## **APPLICATIONS**

### **Continuing Education Courses**

#### **Initial Review**

##### **@Home Prep – Florida Cosmetology Continuing Education 16 Hour Internet**

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, incorrect references, incorrect information, and outdated laws and rules references.

##### **@Home Prep – Florida Cosmetology Continuing Education 10 Hour Internet**

After review, the Board moved to deny the course based on incorrect information, incorrect references, and outdated laws and rules references.

##### **@Home Prep – Cosmetology Laws and Rules 3 Hour Internet**

After review, the Board moved to deny the course based on incorrect information, and outdated laws and rules references.

##### **GA LA Car Beauty & Hair Workshops – Florida Continuing Education 10 Hour Internet**

After review, the Board moved to deny the course based on outdated references, grammatical errors, and incorrect information.

##### **GA LA Car Beauty & Hair Workshops – Florida Continuing Education 10 Hour Classroom**

After review, the Board moved to deny the course based on outdated references, grammatical errors, and incorrect information.

PostQuam USA – Cosmetology Continuing Education 10 Hour Classroom

After review, the Board moved to approve the course with the following contingencies: strike references to “MSDS” and replace with “SDS”, and update laws and rules references. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Jumozy – Lymphatic Massage for the Face & Neck for Estheticians 3 Hour Internet

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees.

With Purpose Continuing Education – CE + Social Media Marketing 10 Hour Internet

After review, the Board moved to approve the course.

1<sup>st</sup> Choice CE – Cosmetology Renewal 10 Hour Internet

After review, the Board moved to approve the course with the following contingencies: update incorrect information, and add sentence that specifies MMA is illegal in Florida. The corrections must be submitted to the Executive Director within 30 days of the date of the order for approval.

Florida.EDU.COM – Florida Cosmetology Course 10 Hour Internet

After review, the Board moved to deny the course based on the course content being outside the scope of practice of Florida Board of Cosmetology licensees, grammatical errors, incorrect references, incorrect information, and outdated references.

**RECESS**

There being no further business, the meeting was recessed at approximately 12:25 p.m.

**Tuesday, October 12, 2021**

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

**Board Members Present**

Rhonda Griffis, Chair  
Robin Tabano  
Stephania Streit  
Laurel Candelario

**Board Members Absent**

Fran Poppell  
Adrienne Harvey

**Other Persons Present**

Krisa Woodard, Executive Director, Department of Business and Professional Regulation (DBPR)  
Lynette Norr, Assistant Attorney General, Office of the Attorney General  
Shanna-Kay Turner, Assistant General Counsel, Office of the General Counsel, DBPR  
Andrea Osorio, Assistant General Counsel, Office of the General Counsel, DBPR  
Beverly Foor, Court Reporter  
Delaquese Jernigan  
Nicole Velasco  
Brittney Castor  
Stephanie Sandstrom  
Luz Benitez  
Rochelle Craig  
Ginny Wiser  
Tamar Canales

Julia Licursi  
Sonia Cabrera  
Alexandria Bradford  
Pamela Kemper  
Meggan Welch  
Rachel Lee

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

## **APPLICATIONS**

### **Licensure Applications**

#### **Initial Review**

##### LaQuisha Harrell

Ms. Harrell was not present for the meeting. After review, the Board moved to approve the application.

##### Nicole Velasco

Ms. Velasco and Ms. Delaquese Jernigan were 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.

##### Brittney Castor

Ms. Castor was 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.

##### Erica Porter

Ms. Porter was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

##### Charkayla Hunter

Ms. Hunter was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

##### Yahira Morales Nieves

Ms. Nieves was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

##### Stephanie Sandstrom

Ms. Sandstrom was 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.

##### Luz Benitez

Ms. Benitez was 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.

##### Lottie Cowan

Ms. Cowan was not present for the meeting. After review, the Board moved to approve the application.

Tatiana Lamons

Ms. Lamons 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.

Rochelle Craig

Ms. Craig was 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.

Tu Nguyen

Ms. Nguyen was not present for the meeting. After review, the Board moved to approve the application.

Sheron Leiva De Wilson / Guatemala

Ms. De Wilson was not present for the meeting. After review, the Board moved to approve the application.

Thi To Dung Le

Ms. Le was not present for the meeting. After review, the Board moved to approve the application.

Naidielys Ferrer Acevedo

Ms. Acevedo was not present for the meeting. After review, the Board moved to approve the application.

Shantay Jackson

Ms. Jackson was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Ut Thi Le

Ms. Le was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Diana Aristizabal

Ms. Aristizabal was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Melissa Bautista Diaz

Ms. Diaz was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Leidy Franco

Ms. Franco was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Madison Crenshaw

Ms. Crenshaw was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Monica Fuenmayor Medina

Ms. Medina was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Yadira Garcia Hernandez

Ms. Hernandez was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Ivania Meneses

Ms. Meneses was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Aribu Frances

Ms. Frances was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Jadietly Figueroa

Ms. Figueroa was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Adriana Lopez Milano

Ms. Milano was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Sugey Diaz Moreno

Ms. Moreno was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Ana Bracho Arrieta

Ms. Arrieta was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Adriana Anselmi

Ms. Anselmi was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Regina Gallareta Diaz

Ms. Diaz was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Lorraine Limery

Ms. Limery was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Mayerllyn Graterol

Ms. Graterol was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.



Laura Pages Lara

Ms. Lara was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Hoang Nhi Le

Ms. Le was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Ana Ibis Paez Puentes

Ms. Puentes was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Milagros Alvarez

Ms. Alvarez was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Patricia Perez Perez

Ms. Perez was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

Wendy Solier

Ms. Solier was not present for the meeting. After review, the Board moved to deny the application due to the applicant attempting to obtain a license to practice a profession through fraudulent misrepresentation through submission of forged schooling credentials.

**OTHER BUSINESS**

**Board Attorney Report**

Rule 61G5-18.00015, (FAC) – Cosmetologist and Compensation Defined (definitions)

Ms. Lynette Norr, Assistant Attorney General, informed the board that the amendments to this rule will become effective on October 20, 2021.

(1) A cosmetologist is a person who is licensed to perform the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair braiding, hair coloring, permanent waving, and hair relaxing, for compensation. Cosmetologists and full and facial specialists may also perform skin care services and non-invasive hair removal including wax treatments, but not including electrolysis as that term is defined in Chapter 478, F.S. Nail and full specialists may perform manicures and pedicures that include hand and foot massages.

(a) For the purposes of this act “compensation” is defined as the payment of money or valuable consideration directly or indirectly paid or promised, expressly or impliedly, or the intent to collect or receive payment of money or the intent to collect or receive anything of value in exchange for cosmetology services.

(b) For the purposes of this act “medical purposes” is defined as any form of bodily intrusion into the orifices, skin, muscles, or any other tissues of the body. Bodily intrusion includes but is not limited to skin perforation by any means, including the application of permanent makeup, the use of laser and intense pulsed light (IPL) treatments, ultrasound and high intensity focused ultrasound (HIFU) treatments, radiation, plasma pen, Hyaluron pen, injections, and FDA approved medical devices, all of which are beyond the scope of a cosmetology license and full and facial registrations.

- (2) Practice Definitions: In the practice of cosmetology and its specialties, the following definitions apply:
- (a) “Chemical exfoliation” is the use of products containing chemicals that either loosen or dissolve dead cell buildup. Examples of exfoliating chemicals are alpha hydroxy acids (AHAs), which are gentle, naturally occurring acids that remove dead skin cells.
- (b) “Lash lift” or “Eyelash perm” is a treatment where chemical products are applied to natural lashes, lifting or curling the lashes to make them look longer and fuller. A tint is sometimes also applied. Florida licensed cosmetologists and full and facial specialists may provide lash lifting and perming services provided the chemical products used are a gel form of ammonium thioglycolate.
- (c) “Makeup application” includes makeup primer, face paint, lipstick, eyeliner, eye shadow, foundation, rouge or cheek color, mascara, strip lashes, individual lashes, face powder, corrective stick, and makeup remover. Makeup application does not require a cosmetology license or a full or facial specialist registration.
- (d) “Manual exfoliation” is the physical removal of dead skin cells through light abrasion using a sponge or cloth with or without the use of a granulated scrub, or using a dermaplaning #10 blade. All sharps must be disposed of in a biohazard sharps container.
- (e) “Massaging” in the practice of cosmetology is limited to the face, scalp, neck, hands, and feet and includes manipulation of the skin for the application of creams or lotions for aesthetic purposes with the hands or a smooth object such as a small stone. Manipulation of an individual’s soft body tissue for the purposes of improving health or well-being, therapeutic massages, reflexology massages, and massaging the torso are outside the scope of a cosmetology license or full and facial specialist registrations.
- (f) “Mechanical exfoliation” is the physical removal of surface epidermal cells by means that include but are not limited to brushing machines, granulated scrubs, peel-off masques, peeling creams or drying preparations that are rubbed off, and microdermabrasion. Microdermabrasion is a type of mechanical exfoliation that involves using a closed vacuum to shoot aluminum oxide or other crystals at the skin with a hand-held device that exfoliates dead cells.
- (g) “Microblading” is a form of semi-permanent tattooing that involves using tiny, fine-point needles that make up a small disposable blade and handle that deposit pigment simultaneously under your skin. Microblading is beyond the scope of a Florida cosmetology license or full or facial specialist registration.
- (h) “Microneedling” or “collagen induction treatment or therapy” is a procedure that uses a multi-needled device to create microchannels in the skin 0.25 – 2.5 mm deep to stimulate the body’s natural wound healing process while minimizing cellular damage. This piercing of the skin is beyond the scope of a Florida licensed cosmetologist or registered full or facial specialist.
- (i) “Semipermanent lashes” are lash extensions that are applied directly onto existing eyelashes with a glue that is specially formulated to not damage the lash or irritate the eyes. This process generally takes about 2 hours to apply and must be maintained. A cosmetology license or a full or facial specialist registration is required to apply these lashes to a client.
- (j) “Strip lashes” and “individual lashes” are full, partial, or small clusters of false lashes applied with an adhesive. This process takes very little time to apply, and, as they are not long-lasting, they are usually applied for a specific event. Rulemaking Authority 477.016, 477.025(2) FS. Law Implemented 477.013, 477.0135, 477.025(2) FS. History—New 10-10-82, Amended 6-28-84, Formerly 21F-18.001, Amended 7-4-90, Formerly 21F-18.00015, Amended 11-11-96, 3-8-00, 2-18-19, 1-24-21, 10-20-21.

#### Rule 61G5-29.001 (3)(A), (FAC) – Definitions

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.

#### **61G5-29.001(3) “Facials” means:**

(a) The massaging or treating of the face, neck or scalp as defined in Section 477.013(6)(c) with or without the use of mechanical devices using oils, creams, lotions or other cosmetic products which are used to cleanse and condition the skin, to prevent or correct problems or conditions of the face, neck,

and scalp and to color and beautify the face, neck and scalp or enhance their features, ~~as additionally set forth in rule 61G5-18.00015;~~ and,

(b) Skin care services for the body as defined in Section 477.013(13), F.S. Facials shall be performed only by individuals licensed pursuant to Sections 477.019 and 477.0201, F.S., and performed in schools licensed pursuant to Chapter 1005, F.S., or salons licensed pursuant to Section 477.025, F.S.; and,

(c) Facial and skin care services consistent with those permitted to be performed by cosmetologists and full and facial specialists by Chapter 477, F.S., and the rules adopted by the board, and as further defined and set forth with specificity in Rule 61G5-18.00015. Rulemaking Authority 477.016 FS. Law Implemented 477.013, 477.0135, 477.0201 FS. History—New 11-7-85, Amended 1-5-86, 6-18-86, 10-26-87, 1-10-90, 8-20-90, 5-11-92, Formerly 21F- 29.001, Amended 9-15-98, 4-2-00, 6-5-12.

Rule 61G5-30.001, (FAC) - 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 one or more an aggravating or mitigating circumstances, in which case the Board may deviate from the guideline penalty. A penalty shall be imposed for each separate violation and/or offense. The penalty range indicated is for a single offense. A second or subsequent offense refers to a violation in which prior action has been taken by the Department either in the form of a citation, as set forth in Section 455.224, F.S. and Rule 61G5-30.004, or as prior discipline before the Board. Refer to the statutory and rule citations for a full description of each violation.

(2) VIOLATION	PENALTY RANGE <u>For first and subsequent offenses unless otherwise indicated.</u>
<p>(a) <del>A person without an active license or registration who engages in the practice of, or holds oneself out to practice, cosmetology or a specialty Unlicensed cosmetology or specialty practice.</del> (Section 477.0265(1)(a) or 477.029(1)(a), F.S.)</p>	<p><u>1. For a person <del>an individual</del> who was never licensed or otherwise authorized to practice, or whose license or registration has been revoked, a fine of \$500.</u> <u>2. For a licensee or registrant who fails to properly renew and continues to provide services, a fine of \$100<del>50</del> for every month or partial month during which the individual was delinquent, unlicensed, or unregistered, up to a maximum of \$500. A second delinquent offense shall include suspension for 60 days upon renewal, and a third offense shall include suspension for 90 days upon renewal, revocation, or denial of license.</u> <u>3. For a person who provides services with a suspended license or registration, a fine of \$500. A second offense shall include a consecutive suspension for up to 90 days. A third offense shall include a consecutive suspension for up to one year and/or revocation.</u></p>
<p>(b) <del>Operating an unlicensed salon or a salon otherwise not duly licensed; salon operating without a license Unlicensed Salon and Delinquent Salon License.</del> (Section 477.0265(1)(b) <del>1.</del> or 477.029(1)(b), or 477.025(1) F.S.)</p>	<p><u>1. For a salon that <del>which</del> has never been licensed, or for which the salon license has been suspended or revoked<del>expired</del>, a fine of \$500.</u> <u>2. For a salon in which the license <del>which</del> has become delinquent, a fine of \$100<del>50</del> for every month or partial month of delinquency during which the salon has</u></p>

	<p>operated, up to a <u>maximum total</u> of \$500.</p> <p><u>3. For a salon operating on a suspended license, a</u> fine of \$500 and/or <u>a consecutive suspension for up to 60 days. A second or subsequent violation shall include suspension for up to one year or revocation.</u></p> <p><u>2. For a salon operating on a revoked license: A fine of \$500 and/or refusal to certify to the department an application for licensure.</u></p>
<p>(c) <u>A licensed salon or a person operating a salon that permits</u> <del>Permitting</del> a person without a license or registration, unless exempt, to perform cosmetology services or any specialty services in the a salon. (Section 477.0265(1)(b)2., F.S., or Rule 61G5-20.001, F.A.C.)</p>	<p>1. For a violation involving a person <u>providing services who was never licensed or registered in Florida, or whose license or registration has been suspended or revoked,</u> a fine of <del>\$250 to</del> \$500. <u>The second and subsequent offenses shall include salon suspension for up to 60 days or revocation.</u></p> <p>2. For a violation involving a person <u>providing services who failed to properly renew or whose exemption has terminated,</u> a fine of <del>\$100</del>50 for every month or partial month during which the violation took place, up to a <u>maximum of \$500.</u></p>
<p>(d) <u>A salon that permits</u> <del>Permitting</del> an employee without a valid, active license or registration to practice cosmetology or a specialty <del>without being duly licensed, registered, or otherwise authorized.</del> (Section 477.0265(1)(c)(d) or 477.029(1)(c), F.S.)</p>	<p>1. For employing a person who was never licensed or registered in Florida, <u>whose license is suspended or revoked,</u> or who is not exempt, a fine of <del>\$250 to</del> \$500. <u>A second offense shall include suspension for up to 60 days. A third offense shall include suspension for up to one year or revocation.</u></p> <p>2. For employing a person who failed to properly renew or whose exemption has terminated, a fine of <del>\$100</del>50 for every month or partial month during which the person was employed, up to a <u>maximum of \$500. A second offense shall include suspension for up to 60 days. A third offense shall include suspension for up to one year or revocation.</u></p>
<p>(e) <u>A person or salon who o</u><del>Obtains</del> or attempts to obtain a license or registration for money, other than the required fee, or any other thing of value, or by <u>fraud, fraudulent misrepresentations, or the use of false or forged information.</u> (Section 477.0265(1)(d), 477.028(1), 477.028(2), or 477.029(1)(e), F.S.)</p>	<p>A fine of \$500 and <del>denial or</del> revocation of, or refusal to <u>certify to the department an application for, a salon or cosmetology license or specialty the license or registration.</u></p>
<p>(f) <u>A person who uses or attempts</u> <del>Using or attempting</del> to use a suspended or revoked cosmetology license or specialty registration to practice cosmetology or a specialty. (Section 477.0265(1)(e)(e) or 477.029(1)(g), F.S.)</p>	<p>1. <u>Suspended license: A fine of \$500 and/or a consecutive suspension for up to one additional year of a cosmetology any license or specialty registration, issued pursuant to Chapter 477, F.S., and/or revocation for a third or subsequent offense.</u></p> <p>2. <u>Revoked license: A fine of \$500 and/or refusal to certify to the department an application for licensure to practice the same profession or denial or revocation of license or registration.</u></p>
<p>(g) <u>A person who advertises</u> <del>ing</del> or <u>implies</u> <del>ing</del> that skin care services are related to massage therapy, except as allowed by statute. (Section 477.0265(1)(f), F.S.)</p>	<p>A fine of <del>\$250</del>100 to \$200 for the first offense; a fine of \$500 for subsequent offenses.</p>
<p>(h) Use or possess a product containing a liquid nail monomer containing any trace of methyl methacrylate (MMA). (Section 477.0265(1)(g), F.S.)</p>	<p>1. A fine of \$500 for the first <u>salon offense and reinspection of the premises within two weeks of the issuance of the Final Order.</u></p>

	<p>For a second salon offenses, a fine of \$500 and suspension for up to 60 days with a reinspection of the premises prior to reinstatement of the license. For a third or subsequent salon offense, a fine of \$500 and suspension for up to 90 days with a reinspection of the premises prior to reinstatement of the license, and/or revocation for a subsequent offense.</p> <p><u>2. A fine of \$500 for an individual offense.</u></p>
<p>(i) <u>Violate or refuse to comply with an Order of the Board or the Department.</u> (Section 477.029(1)(i), F.S.) License or registration obtained by fraud or false or forged evidence. (Section 477.028(1)(a), 477.028(2)(a) or 477.029(1)(e), F.S.)</p>	<p><u>A fine of \$500 and compliance within 30 days or within a time set by the Board.</u> <u>A fine of \$500 and revocation of the salon license, cosmetology license, or specialty registration.</u></p>
<p>(j) <u>A person or salon guilty of fraud, deceit, gross negligence, incompetency, or misconduct in the practice or instruction of cosmetology or a specialty, or in operation of the salon.</u> (Section 477.028(1)(b) or 477.028(2)(b), F.S.)</p>	<p><u>1. For Fraud or Deceit –</u> <u>A fine of \$200 to \$500 and suspension for up to two years and/or revocation of the salon or license, cosmetology license, or specialty registration, or refusal to certify to the department an application for licensure to practice the same profession.</u> <u>2. For Gross Negligence –</u> <u>A fine of \$500 and suspension followed by supervised probation as determined by the Board, or revocation of the salon or cosmetology license, or specialty registration, or refusal to certify to the department an application for licensure to practice the same profession.</u> <u>3. For Incompetency or Misconduct –</u> <u>For the first offense, a fine of \$250 to \$500 for the holder of a cosmetology license or specialty registration, and/or the owner of the salon, and the Board shall specify up to 6 hours of continuing education in addition to any other continuing education requirement.</u> <u>For subsequent offenses, a fine of \$500 and suspension or revocation and/or refusal to certify to the department an application for licensure to practice the same profession.</u></p>
<p>(k) <u>A cosmetology or salon license or specialty registration holder is guilty of aiding, assisting, procuring, or advising any unlicensed person to practice as a cosmetologist.</u> (Section 477.028(1)(c) or 477.028(2)(e), F.S.)</p>	<p><u>A fine of \$500 to \$500 for the first offense. A fine of \$500 and/or revocation or suspension for up to one year or revocation of salon license, cosmetology license, or specialty registration for a subsequent offense.</u></p>
<p>(l) <u>Person who presents the license of another as his or her own license.</u> (Section 477.029(1)(d), F.S.)</p>	<p><u>A fine of \$500 and a reprimand for the first offense. A fine of \$500 for subsequent offenses and/or suspension or revocation, or refusal to certify to the department an application for licensure refusal to certify for licensure for a subsequent offense.</u></p>
<p>(m) <u>A person who impersonates any other licenseholder of like or different name.</u> (Section 477.029(1)(f), F.S.)</p>	<p><u>A fine of \$500 and a six 6 month suspension of any other license or registration held pursuant to Chapter 477, F.S., and/or refusal to certify to the department an application for licensure to practice the same profession.</u></p>
<p>(n) <u>Failure to meet or maintain salon facility safety, sanitary, building code, or fire code requirements.</u> (Rule 61G5-20.002(2)(c), (d), F.A.C.)</p>	<p><u>A fine of \$100 to \$500 and compliance within 60 days with reinspection; suspension of salon license upon failure to timely comply with facility requirements.</u></p>

<p><u>(o) Failure to meet minimum salon requirements for cleanliness, disinfection procedures, and log book. (Rule 61G5-20.002(3), (6) F.A.C.)</u></p>	<p><u>A fine of \$100 per violation for up to three violations. A fine of \$500 for four or more violations and suspension of the license pending successful reinspection prior to reinstatement of the license.</u></p>
<p><u>(p) Salon operated in the same licensed space allocation with any other business; lack of permanent wall separating salon. (Rule 61G5-20.002(4), F.A.C.)</u></p>	<p><u>Suspension of salon license until compliant as evidenced by successful reinspection prior to reinstatement of the license.</u></p>
<p><u>(q) Failure of a full or specialty salon to provide adequate floor space for services. (Rule 61G5-20.002(5), F.A.C.)</u></p>	<p><u>A fine of \$100 for each individual noncompliant service area up to a maximum of \$500 per inspection, with reinspection in two weeks; suspension until compliant after reinspection if not timely compliant.</u></p>
<p><u>(r) Person or salon violation of required display of licenses, inspection sheets, and/or consumer notices. (Rule 61G5-20.004, F.A.C.)</u></p>	<p><u>A fine of \$100 for each violation for the first offense; for subsequent offenses, a fine of \$250 for each violation up to a maximum of \$500.</u></p>
<p><u>(s) Practicing beyond the scope of a cosmetology license or specialty registration as set forth in Chapter 477 F.S. or the rules adopted thereto. (Section 455.227(1)(o), F.S.)</u></p>	<p><u>A fine of \$500 and/or suspension for up to six months for the first offense. For the second offense, a fine of \$500 and/or suspension for up to one year. For a third or subsequent offense, a fine of \$500 and suspension for one year and/or revocation of the license or registration under which the violation occurred.</u></p>
<p><u>(t) Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession. (Section 455.227(1)(c), F.S.)</u></p>	<p><u>A fine of \$500 and/or revocation for the first or second offense. For a subsequent offense, a fine of \$500 and/or suspension for up to six months of a salon or cosmetology license or specialist registration and/or revocation.</u></p>
<p><u>(u) Failing to report in writing to the board within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. (Section 455.227(1)(c), F.S.)</u></p>	<p><u>A fine of \$100 for the first offense. For a second failure to report, a fine of \$300. A fine of \$500 for each subsequent failure to report.</u></p>
<p><u>(v) Failing to report to the department any person who the licensee knows is in violation of the laws and rules of the department or the board. (Section 455.227(1)(t), F.S.)</u></p>	<p><u>A fine of \$500 for the first failure to report. For a second or subsequent failure to report, a fine of \$500 and/or suspension of a salon, cosmetology, or specialist license or registration for up to six months.</u></p>
<p><u>(w) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 455.227(1)(r), F.S.)</u></p>	<p><u>A fine of \$500 and/or suspension for up to six months for the first or second offense. For subsequent offenses including up to revocation.</u></p>
<p><u>(n) Violate or refuse to comply with:</u></p>	
<p><u>(x) Violate or refuse to comply with <del>4</del>, aAny provision of Chapter 455, F.S., or final order of the Board or the Department except as otherwise provided herein.; (Section 477.029(1)(i), F.S.)</u></p>	<p><u>A fine of \$500 and/or suspension, revocation, or refusal to certify to the department for licensure.</u></p>
<p><u>(y) Violate or refuse to comply with <del>2</del>, aAny provision of Chapter 477, F.S., or a rule of the Board or the Department except as otherwise provided herein.; (Section 477.029(1)(i), F.S.)</u></p>	<p><u>A fine of <del>\$100 to \$300</del>200 for the first violation. A fine of <del>\$300 to \$500</del> and/or suspension for up to 30 days for any subsequent violation. A fine of \$500 and/or suspension or revocation of license or registration for a <del>third or subsequent violation</del> refusal to comply.</u></p>
<p><u><del>3. Salon requirements subsections 61G5-20.002(3)-(7), F.A.C., relating to sanitation and safety; or</del></u></p>	<p><u>A fine of \$50 per violation for less than three violations. A fine of \$250 for three to four violations. A fine of \$500 for five or more violations, and suspension of the license with a reinspection prior to reinstatement of the license. A fine</u></p>

	of \$250 for a salon operating without proper disinfection practices.
4. Display of documents Rule 61G5-20.004, F.A.C., relating to display of licenses and inspection sheets. (Section 477.029(1)(h) (i), F.S.)	A fine of \$100 for each violation for the first offense. A fine of \$200 to \$300 for each subsequent offense.

**Correspondence**

Complaints and Investigative Statistics – July 2021 – August 2021

Ms. Woodard informed the Board that the Complaints and Investigative Statistics Report was included in the agenda for informational purposes.

Cosmetology Examination Summary – January 2021 – May 2021

Ms. Woodard informed the Board that the Cosmetology Examination Summary was included in the agenda for informational purposes.

**Elections**

Ms. Rhonda Griffis informed the Board that she was resigning from the Board and the Board thanked her for her service. The Board unanimously elected Ms. Laurel Candelario, Chair and Ms. Robin Tabano, Vice Chair.

**Dates and Locations of Future Meetings**

- January 24-25, 2022 – Atlantic Beach
- April 11-12, 2022 – Jacksonville
- July 18-19, 2022 – Palm Beach Gardens
- October 17-18, 2022 – Daytona Beach

**Public Comments**

Ms. Ginny Wisner and Ms. Rachael Lee gave public comments about the rewrite and amendments to Rule 61G5-18.00015.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 12:05 p.m.