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2 An act relating to barbering and cosmetology;
3 amending ss. 476.114 and 476.124, F.S.;
4 revising provisions relating to examination for
5 licensure as a barber; amending s. 476.134,
6 F.S.; revising provisions relating to
7 examination of applicants for licenses as
8 barbers; amending s. 476.144, F.S.; revising
9 requirements for licensure to practice
10 barbering; amending s. 476.204, F.S.;
11 prohibiting allowing an employee to practice
12 barbering unless licensed or otherwise
13 authorized by law; providing penalties;
14 amending s. 476.214, F.S.; providing for denial
15 of issuance or renewal of barber or barbershop
16 license or certificate of registration under
17 certain circumstances; amending s. 477.013,
18 F.S.; revising the definition of the term "hair
19 braiding"; defining the terms "hair wrapping"
20 and "photography studio salon"; amending s.
21 477.0132, F.S.; providing registration
22 requirements for hair wrappers; providing
23 requirements for hair braiding and hair
24 wrapping outside a cosmetology salon or
25 specialty salon; providing circumstances for
26 practicing as a hair wrapper or hair braider
27 pending receipt of registration; amending s.
28 477.0135, F.S., and repealing paragraph (1)(g),
29 relating to an exemption from regulation
30 applicable to graduates of certain cosmetology
31 schools or programs; exempting photography

1 studio salons from licensure as a cosmetology
2 salon or specialty salon and providing
3 requirements with respect thereto; amending s.
4 477.019, F.S.; revising provisions relating to
5 applicants for licensure to practice
6 cosmetology; providing for supervised practice
7 by graduates of certain cosmetology schools or
8 programs; providing continuing education
9 requirements for cosmetologists and cosmetology
10 specialists; providing for privatization of
11 such continuing education; exempting hair
12 braiders and hair wrappers from such continuing
13 education requirements; amending s. 477.0201,
14 F.S.; providing circumstances for practicing as
15 a specialist pending receipt of registration;
16 amending s. 477.022, F.S.; revising provisions
17 relating to examinations; amending s. 477.025,
18 F.S.; authorizing the board to adopt rules for
19 mobile cosmetology salons and providing
20 requirements therefor; providing for fees;
21 amending s. 477.026, F.S.; providing
22 registration fees for hair wrappers; amending
23 s. 477.0263, F.S.; authorizing the performance
24 of cosmetology services in a photography studio
25 salon; amending s. 477.028, F.S.; providing for
26 denial of issuance or renewal of cosmetology,
27 specialty, and salon license or certificate of
28 registration under certain circumstances;
29 amending s. 477.029, F.S.; revising
30 prohibitions relating to unlicensed or other
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1 unauthorized practice; providing penalties;
2 providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. Section 476.114, Florida Statutes, is
7 amended to read:

8 476.114 Examination; prerequisites.--

9 (1) A person desiring to be licensed as a barber shall
10 apply to the department for licensure.

11 (2) An applicant shall be eligible for ~~entitled to~~
12 ~~take the~~ licensure by examination to practice barbering if the
13 applicant:

14 (a) Is at least 16 years of age;

15 (b) Pays the required application fee; and

16 (c)1. Holds an active valid license to practice
17 barbering in another state, has held the license for at least
18 1 year, and does not qualify for licensure by endorsement as
19 provided for in s. 476.144(5); or

20 2. Has received a minimum of 1,200 hours of training
21 as established by the board, which shall include, but shall
22 not be limited to, the equivalent of completion of services
23 directly related to the practice of barbering at one of the
24 following:

25 a. A school of barbering licensed pursuant to chapter
26 246;

27 b. A barbering program within the public school
28 system; or

29 c. A government-operated barbering program in this
30 state.

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1 The board shall establish by rule procedures whereby the
2 school or program may certify that a person is qualified to
3 take the required examination after the completion of a
4 minimum of 1,000 actual school hours. If the person passes the
5 examination, she or he shall have satisfied this requirement;
6 but if the person fails the examination, she or he shall not
7 be qualified to take the examination again until the
8 completion of the full requirements provided by this section.

9 (3) An applicant who meets the requirements set forth
10 in subparagraphs (2)(c)1. and 2. who fails to pass the
11 examination may take subsequent examinations as many times as
12 necessary to pass, except that the board may ~~shall~~ specify by
13 rule reasonable timeframes for rescheduling the examination
14 and ~~shall adopt rules specifying~~ additional training
15 requirements for applicants who, after the third attempt, fail
16 to pass the examination. Prior to reexamination, the applicant
17 must file the appropriate form and pay the reexamination fee
18 as required by rule.

19 Section 2. Subsection (2) of section 476.124, Florida
20 Statutes, is amended to read:

21 476.124 Application for examination.--Each applicant
22 for an examination shall:

23 (2) Furnish to the department two signed photographs
24 of the applicant, that are of sufficient size to identify the
25 applicant, ~~one photograph to accompany the application and one~~
26 ~~photograph to be returned to the applicant for presentation to~~
27 ~~the examiners when the applicant appears for examination; and~~

28 Section 3. Section 476.134, Florida Statutes, is
29 amended to read:

30 476.134 Examinations ~~Time, place, and subjects of~~
31 ~~examination.--~~

1 (1) ~~The department shall conduct~~ Examinations of
2 applicants for licenses as barbers shall be offered not less
3 than four times each year ~~at such time and place as the~~
4 ~~department may determine~~. The examination of applicants for
5 licenses as barbers may include both a practical demonstration
6 and a written test. The board shall have the authority to
7 adopt ~~promulgate~~ rules with respect to the examination of
8 applicants for licensure. The board may provide rules with
9 respect to written or practical examinations in such manner as
10 the board may deem fit.

11 (2) The board shall adopt rules specifying the areas
12 of competency to be covered by the examination. Such rules
13 shall include the relative weight assigned in grading each
14 area. All areas tested shall be reasonably related to the
15 protection of the public and the applicant's competency to
16 practice barbering in a manner which will not endanger the
17 public. ~~The department may employ professional testing~~
18 ~~services to formulate or to assist in administering the~~
19 ~~examinations.~~

20 (3) ~~The department shall be in charge of administering~~
21 ~~all the examinations and shall control the personnel assisting~~
22 ~~in giving the examinations.~~The written examination shall be
23 identifiable by number only until completion of the grading
24 process. Each applicant shall be informed of her or his grade
25 on the examination ~~by the department~~ as soon as practicable.

26 (4) An accurate record of each examination shall be
27 made, ~~and that record, together with all examination papers,~~
28 ~~shall be filed with the department and shall be kept for~~
29 reference and inspection following the examination. ~~The~~
30 ~~department shall make a record of the grade of each applicant~~

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1 ~~on each subject covered by that examination, and that grade~~
2 ~~shall be part of the examination papers to be preserved.~~

3 ~~(5) The board shall ensure that examinations comply~~
4 ~~with state and federal equal employment opportunity~~
5 ~~guidelines.~~

6 ~~(6) The department shall, in accordance with rules~~
7 ~~established by the board, examine persons who file~~
8 ~~applications for licensure under this chapter in all matters~~
9 ~~pertaining to the practice of barbering.~~

10 Section 4. Subsections (2) and (6) of section 476.144,
11 Florida Statutes, are amended, and subsection (7) is added to
12 said section, to read:

13 476.144 Licensure.--

14 (2) The board shall certify for licensure any
15 applicant who satisfies the requirements of s. 476.114, and
16 who passes the required examination ~~administered by the~~
17 ~~department~~, achieving a passing grade as established by board
18 rule.

19 (6) A person may apply for a restricted license to
20 practice barbering. The board shall adopt rules specifying
21 procedures for an applicant to obtain a restricted license if
22 the applicant:

23 (a) 1. Has successfully completed a restricted barber
24 course, as established by rule of the board, at a school of
25 barbering licensed pursuant to chapter 246, a barbering
26 program within the public school system, or a
27 government-operated barbering program in this state; or

28 2.a. Holds or has within the previous 5 years held an
29 active valid license to practice barbering in another state or
30 country or has held a Florida barbering license which has been
31 declared null and void for failure to renew the license and

1 the applicant fulfilled the requirements of s. 476.114(2)(c)2.
2 for initial licensure; and

3 b.(b) Has not been disciplined relating to the
4 practice of barbering in the previous 5 ~~15~~ years; and

5 (b)(c) Passes a written examination on the laws and
6 rules governing the practice of barbering in Florida, as
7 established by the board, and a practical examination approved
8 by the board administered by the department.

9
10 The restricted license shall limit the licensee's practice to
11 those specific areas in which the applicant has demonstrated
12 competence pursuant to rules adopted by the board.

13 (7) Pending results of the first licensing examination
14 taken and upon submission of an application for licensure that
15 includes proof of successful completion of the educational
16 requirements specified in this chapter and payment of the
17 applicable licensure fees, a person is eligible to practice as
18 a barber, provided such person practices under the supervision
19 of a licensed barber in a licensed barbershop. A person who
20 fails the examination may continue to practice under the
21 supervision of a licensed barber in a licensed barbershop,
22 provided the person applies for the next available
23 examination, and may continue such practice until receipt of
24 the results of that second examination are received by the
25 person. No person may continue to practice as a barber under
26 this subsection upon failure to pass the examination on the
27 second attempt.

28 Section 5. Paragraph (c) of subsection (1) of section
29 476.204, Florida Statutes, is amended to read:

30 476.204 Penalties.--

31 (1) It is unlawful for any person to:

1 (c) Permit an employed person to practice barbering
2 unless duly licensed, or otherwise authorized, as provided in
3 this chapter.

4 Section 6. Subsection (4) is added to section 476.214,
5 Florida Statutes, to read:

6 476.214 Grounds for suspending, revoking, or refusing
7 to grant license or certificate.--

8 (4) The department shall not issue or renew a license
9 or certificate of registration under this chapter to any
10 person against whom or barbershop against which the board has
11 assessed a fine, interest, or costs associated with
12 investigation and prosecution until the person or barbershop
13 has paid in full such fine, interest, or costs associated with
14 investigation and prosecution or until the person or
15 barbershop complies with or satisfies all terms and conditions
16 of the final order.

17 Section 7. Subsection (9) of section 477.013, Florida
18 Statutes, is amended, and subsections (10) and (11) are added
19 to said section, to read:

20 477.013 Definitions.--As used in this chapter:

21 (9) "Hair braiding" means the weaving or interweaving
22 of natural human hair for compensation without cutting,
23 coloring, permanent waving, relaxing, removing, or weaving,
24 and chemical treatment and does not include the use of hair
25 extensions or wefts.

26 (10) "Hair wrapping" means the wrapping of
27 manufactured materials around a strand or strands of human
28 hair, for compensation, without cutting, coloring, permanent
29 waving, relaxing, removing, weaving, chemically treating,
30 braiding, using hair extensions, or performing any other
31 service defined as cosmetology.

1 (11) "Photography studio salon" means an establishment
2 where the hair-arranging services and the application of
3 cosmetic products are performed solely for the purpose of
4 preparing the model or client for the photographic session
5 without shampooing, cutting, coloring, permanent waving,
6 relaxing, or removing of hair or performing any other service
7 defined as cosmetology.

8 Section 8. Section 477.0132, Florida Statutes, is
9 amended to read:

10 477.0132 Hair braiding and hair wrapping
11 registration.--

12 (1)(a) Persons whose occupation or practice is
13 confined solely to hair braiding must register with the
14 department, pay the applicable registration fee, and take a
15 two-day 16-hour course. The course shall be board approved and
16 consist of 5 hours of HIV/AIDS and other communicable
17 diseases, 5 hours of sanitation and sterilization, 4 hours of
18 disorders and diseases of the scalp, and 2 hours of studies
19 regarding laws affecting hair braiding ~~cosmetology~~.

20 (b) Persons whose occupation or practice is confined
21 solely to hair wrapping must register with the department, pay
22 the applicable registration fee, and take a one-day 6-hour
23 course. The course shall be board approved and consist of
24 education in HIV/AIDS and other communicable diseases,
25 sanitation and sterilization, disorders and diseases of the
26 scalp, and studies regarding laws affecting hair wrapping.

27 (2) Hair braiding and hair wrapping are not required
28 to be practiced in a cosmetology salon or specialty salon.
29 When hair braiding or hair wrapping is practiced outside a
30 cosmetology salon or specialty salon, disposable implements
31 must be used or all implements must be sanitized in a

1 disinfectant approved for hospital use or approved by the
2 federal Environmental Protection Agency.

3 (3) Pending issuance of registration, a person is
4 eligible to practice hair braiding or hair wrapping upon
5 submission of a registration application that includes proof
6 of successful completion of the education requirements and
7 payment of the applicable fees required by this chapter.

8 Section 9. Paragraph (g) of subsection (1) of section
9 477.0135, Florida Statutes, is repealed, and subsection (4) is
10 added to said section, to read:

11 477.0135 Exemptions.--

12 (1) This chapter does not apply to the following
13 persons when practicing pursuant to their professional or
14 occupational responsibilities and duties:

15 ~~(g) Graduates of licensed cosmetology schools or~~
16 ~~cosmetology programs offered in public school systems, which~~
17 ~~schools or programs are certified by the Department of~~
18 ~~Education, pending the result of the first licensing~~
19 ~~examination for which such graduates are eligible following~~
20 ~~graduation, provided such graduates shall practice under the~~
21 ~~supervision of a licensed cosmetologist in a licensed~~
22 ~~cosmetology salon. A graduate who fails the examination may~~
23 ~~continue to practice under the supervision of a licensed~~
24 ~~cosmetologist in a licensed cosmetology salon if she or he~~
25 ~~applies for the next available examination and until she or he~~
26 ~~receives the results of that examination. No graduate may~~
27 ~~continue to practice under this exemption if she or he fails~~
28 ~~the examination twice.~~

29 (4) A photography studio salon is exempt from the
30 licensure provisions of this chapter. However, the
31 hair-arranging services of such salon must be performed under

1 the supervision of a licensed cosmetologist employed by the
2 salon. The salon must use disposable hair-arranging implements
3 or use a wet or dry sanitizing system approved by the federal
4 Environmental Protection Agency.

5 Section 10. Section 477.019, Florida Statutes, is
6 amended to read:

7 477.019 Cosmetologists; qualifications; licensure;
8 supervised practice; license renewal; endorsement; continuing
9 education.--

10 (1) A person desiring to be licensed as a
11 cosmetologist shall apply to the department for licensure.

12 (2) An applicant shall be eligible for ~~entitled to~~
13 ~~take the licensure~~ by examination to practice cosmetology if
14 the applicant:

15 (a) Is at least 16 years of age or has received a high
16 school diploma;

17 (b) Pays the required application fee; and

18 (c)1. Holds an active valid license to practice
19 cosmetology in another state or country, has held the license
20 for at least 1 year, and does not qualify for licensure by
21 endorsement as provided for in subsection ~~(6)~~(5); or

22 2. Has received a minimum of 1,200 hours of training
23 as established by the board, which shall include, but shall
24 not be limited to, the equivalent of completion of services
25 directly related to the practice of cosmetology at one of the
26 following:

27 a. A school of cosmetology licensed pursuant to
28 chapter 246.

29 b. A cosmetology program within the public school
30 system.

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1 c. The Cosmetology Division of the Florida School for
2 the Deaf and the Blind, provided the division meets the
3 standards of this chapter.

4 d. A government-operated cosmetology program in this
5 state.

6
7 The board shall establish by rule procedures whereby the
8 school or program may certify that a person is qualified to
9 take the required examination after the completion of a
10 minimum of 1,000 actual school hours. If the person then
11 passes the examination, he or she shall have satisfied this
12 requirement; but if the person fails the examination, he or
13 she shall not be qualified to take the examination again until
14 the completion of the full requirements provided by this
15 section.

16 (3) Upon an applicant receiving a passing grade, as
17 established by board rule, on the examination and paying the
18 initial licensing fee, the department shall issue a license to
19 practice cosmetology.

20 (4) Following the completion of the first licensing
21 examination and pending the results of that examination and
22 issuance of a license to practice cosmetology, graduates of
23 licensed cosmetology schools or cosmetology programs offered
24 in public school systems, which schools or programs are
25 certified by the Department of Education, are eligible to
26 practice cosmetology, provided such graduates practice under
27 the supervision of a licensed cosmetologist in a licensed
28 cosmetology salon. A graduate who fails the first examination
29 may continue to practice under the supervision of a licensed
30 cosmetologist in a licensed cosmetology salon if the graduate
31 applies for the next available examination and until the

1 graduate receives the results of that examination. No graduate
2 may continue to practice under this subsection if the graduate
3 fails the examination twice.

4 ~~(5)(4)~~ Renewal of license registration shall be
5 accomplished pursuant to rules adopted by the board.

6 ~~(6)(5)~~ The board shall adopt rules specifying
7 procedures for the licensure by endorsement of practitioners
8 desiring to be licensed in this state who hold a current
9 active license in another state and who have met
10 qualifications substantially similar to, equivalent to, or
11 greater than the qualifications required of applicants from
12 this state.

13 ~~(7)(a)~~ The board shall prescribe by rule continuing
14 education requirements intended to ensure protection of the
15 public through updated training of licensees and registered
16 specialists, not to exceed 16 hours biennially, as a condition
17 for renewal of a license or registration as a specialist under
18 this chapter. Continuing education courses shall include, but
19 not be limited to, the following subjects as they relate to
20 the practice of cosmetology: human immunodeficiency virus and
21 acquired immune deficiency syndrome; Occupational Safety and
22 Health Administration regulations; workers' compensation
23 issues; state and federal laws and rules as they pertain to
24 cosmetologists, cosmetology, salons, specialists, specialty
25 salons, and booth renters; chemical makeup as it pertains to
26 hair, skin, and nails; and environmental issues. Courses given
27 at cosmetology conferences may be counted toward the number of
28 continuing education hours required if approved by the board.

29 ~~(b)~~ The department may privatize provider and course
30 approval and the monitoring of continuing education
31 requirements under a contract which ensures that the services

1 will be without cost to the department or board, including the
2 cost of appropriate oversight by the department. The
3 department may contract with one or more private entities for
4 the provision of such services, including the collection of
5 fees for the services rendered. The department and board shall
6 retain final authority for licensure decisions, rulemaking
7 related to continuing education system requirements,
8 noncompliance noticing, and overall implementation of any
9 privatization project under this subsection.

10 (c) Any person whose occupation or practice is
11 confined solely to hair braiding or hair wrapping is exempt
12 from the continuing education requirements of this subsection.

13 (d) Notwithstanding any provision of law to the
14 contrary, enforcement of mandatory continuing education
15 requirements pursuant to this chapter shall be accomplished
16 only as a secondary action when a person is investigated for
17 another violation. However, the board may, by rule, require
18 any licensee in violation of a continuing education
19 requirement to take a refresher course or refresher course and
20 examination in addition to any other penalty. The number of
21 hours for the refresher course may not exceed 48 hours.

22 Section 11. Subsection (6) is added to section
23 477.0201, Florida Statutes, to read:

24 477.0201 Specialty registration; qualifications;
25 registration renewal; endorsement.--

26 (6) Pending issuance of registration, a person is
27 eligible to practice as a specialist upon submission of a
28 registration application that includes proof of successful
29 completion of the education requirements and payment of the
30 applicable fees required by this chapter, provided such
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1 practice is under the supervision of a registered specialist
2 in a licensed specialty or cosmetology salon.

3 Section 12. Section 477.022, Florida Statutes, is
4 amended to read:

5 477.022 Examinations.--

6 (1) The board shall specify by rule the general areas
7 of competency to be covered by examinations for the licensing
8 under this chapter of cosmetologists. The rules shall include
9 the relative weight assigned in grading each area, the grading
10 criteria to be used by the examiner, and the score necessary
11 to achieve a passing grade. The board shall ensure that
12 examinations adequately measure both an applicant's competency
13 and her or his knowledge of related statutory requirements.
14 Professional testing services may be utilized to formulate the
15 examinations. The board may, by rule, offer a written
16 clinical examination or a performance examination, or both, in
17 addition to a written theory examination.

18 (2) The board shall ensure that examinations comply
19 with state and federal equal employment opportunity
20 guidelines.

21 (3) ~~The department shall, in accordance with rules~~
22 ~~established by the board, examine persons who file~~
23 ~~applications for licensure under this chapter in all matters~~
24 ~~pertaining to the practice of cosmetology.~~The examination
25 shall be given at least once a year ~~yearly and at such other~~
26 ~~times as the department deems necessary.~~

27 (4) The board shall adopt rules providing for
28 reexamination of applicants who have failed the examinations.

29 (5) All licensing examinations shall be conducted in
30 such manner that the applicant shall be known ~~to the~~
31 ~~department~~ by number only until her or his examination is

1 completed and the proper grade determined. An accurate record
2 of each examination shall be made; and that record, ~~together~~
3 ~~with all examination papers,~~ shall be filed with the secretary
4 of the department and shall be kept for reference and
5 inspection for a period of not less than 2 years immediately
6 following the examination.

7 ~~(6) Effective April 21, 1982, the board shall maintain~~
8 ~~testing facilities in the cities in which testing facilities~~
9 ~~have been located for the past 5 years.~~

10 Section 13. Subsection (10) is added to section
11 477.025, Florida Statutes, to read:

12 477.025 Cosmetology salons; specialty salons;
13 requisites; licensure; inspection; mobile cosmetology
14 salons.--

15 (10)(a) The board shall adopt rules governing the
16 licensure, operation, and inspection of mobile cosmetology
17 salons, including their facilities, personnel, and safety and
18 sanitary requirements.

19 (b) Each mobile salon must comply with all licensure
20 and operating requirements specified in this chapter or
21 chapter 455 or rules of the board or department that apply to
22 cosmetology salons at fixed locations, except to the extent
23 that such requirements conflict with this subsection or rules
24 adopted pursuant to this subsection.

25 (c) A mobile cosmetology salon must maintain a
26 permanent business address, located in the inspection area of
27 the local department office, at which records of appointments,
28 itineraries, license numbers of employees, and vehicle
29 identification numbers of the licenseholder's mobile salon
30 shall be kept and made available for verification purposes by
31

1 department personnel, and at which correspondence from the
2 department can be received.

3 (d) To facilitate periodic inspections of mobile
4 cosmetology salons, prior to the beginning of each month each
5 mobile salon licenseholder must file with the board a written
6 monthly itinerary listing the locations where and the dates
7 and hours when the mobile salon will be operating.

8 (e) The board shall establish fees for mobile
9 cosmetology salons, not to exceed the fees for cosmetology
10 salons at fixed locations.

11 (f) The operation of mobile cosmetology salons must be
12 in compliance with all local laws and ordinances regulating
13 business establishments, with all applicable requirements of
14 the Americans with Disabilities Act relating to accommodations
15 for persons with disabilities, and with all applicable OSHA
16 requirements.

17 Section 14. Paragraph (f) of subsection (1) of section
18 477.026, Florida Statutes, is amended to read:

19 477.026 Fees; disposition.--

20 (1) The board shall set fees according to the
21 following schedule:

22 (f) For hair braiders and hair wrappers, fees for
23 registration shall not exceed \$25.

24 Section 15. Subsection (3) of section 477.0263,
25 Florida Statutes, is amended to read:

26 477.0263 Cosmetology services to be performed in
27 licensed salon; exception.--

28 (3) Any person who holds a valid cosmetology license
29 in any state or who is authorized to practice cosmetology in
30 any country, territory, or jurisdiction of the United States
31 may perform cosmetology services in a location other than a

1 licensed salon when such services are performed in connection
2 with the motion picture, fashion photography, theatrical, or
3 television industry; a photography studio salon;a
4 manufacturer trade show demonstration; or an educational
5 seminar.

6 Section 16. Subsection (4) is added to section
7 477.028, Florida Statutes, to read:

8 477.028 Disciplinary proceedings.--

9 (4) The department shall not issue or renew a license
10 or certificate of registration under this chapter to any
11 person against whom or salon against which the board has
12 assessed a fine, interest, or costs associated with
13 investigation and prosecution until the person or salon has
14 paid in full such fine, interest, or costs associated with
15 investigation and prosecution or until the person or salon
16 complies with or satisfies all terms and conditions of the
17 final order.

18 Section 17. Paragraphs (a) and (c) of subsection (1)
19 of section 477.029, Florida Statutes, are amended to read:

20 477.029 Penalty.--

21 (1) It is unlawful for any person to:

22 (a) Hold himself or herself out as a cosmetologist, ~~or~~
23 specialist, hair wrapper, or hair braider unless duly licensed
24 or registered, or otherwise authorized,as provided in this
25 chapter.

26 (c) Permit an employed person to practice cosmetology
27 or a specialty unless duly licensed or registered, or
28 otherwise authorized,as provided in this chapter.

29 Section 18. This act shall take effect July 1 of the
30 year in which enacted.

31