

By Senator Clary

7-727-98

See HB

1 A bill to be entitled
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; repealing s. 476.134,
6 F.S., relating to time, place, and subjects of
7 examination; amending s. 476.144, F.S.;
8 revising requirements for a restricted license
9 to practice barbering; amending s. 477.013,
10 F.S.; defining the terms "hair wrapping" and
11 "photography studio salon"; amending s.
12 477.0132, F.S.; providing registration
13 requirements for hair wrappers; providing
14 requirements for hair braiding and hair
15 wrapping outside a cosmetology salon or
16 specialty salon; amending s. 477.0135, F.S.;
17 exempting photography studio salons from
18 licensure as a cosmetology salon or specialty
19 salon and providing requirements with respect
20 thereto; amending s. 477.019, F.S.; revising
21 provisions relating to applicants for licensure
22 by examination; providing continuing education
23 requirements for cosmetologists and cosmetology
24 specialists; providing for privatization of
25 such continuing education; exempting hair
26 braiders and hair wrappers from such continuing
27 education requirements; repealing s. 477.022,
28 F.S., relating to examinations; amending s.
29 477.026, F.S.; providing registration fees for
30 hair wrappers; amending s. 477.0263, F.S.;
31 authorizing the performance of cosmetology

1 services in a photography studio salon;
2 providing an effective date.

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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. Section 476.124, Florida Statutes, is
20 amended to read:

21 476.124 Application for licensure by
22 examination.--Each applicant for licensure by ~~an~~ examination
23 shall:

24 (1) Make application to the department ~~at least 30~~
25 ~~days prior to the examination date~~ on forms prepared and
26 furnished by the department;

27 (2) Furnish to the department two signed photographs
28 of the applicant, of sufficient size to identify the
29 applicant, one photograph to accompany the application and one
30 photograph to be provided to the Bureau of Testing ~~returned to~~
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1 ~~the applicant for presentation to the examiners when the~~
2 ~~applicant appears for examination; and~~

3 (3) Pay the required fee to the department.

4 Section 3. Section 476.134, Florida Statutes, is
5 repealed.

6 Section 4. Subsections (2) and (6) of section 476.144,
7 Florida Statutes, are amended to read:

8 476.144 Licensure.--

9 (2) The board shall certify for licensure any
10 applicant who satisfies the requirements of s. 476.114, and
11 who passes the examination approved by the board and certified
12 ~~administered~~ by the department, achieving a passing grade as
13 established by board rule.

14 (6) A person may apply for a restricted license to
15 practice barbering. The board shall adopt rules specifying
16 procedures for an applicant to obtain a restricted license if
17 the applicant:

18 (a) 1. Has successfully completed a restricted barber
19 course, as established by rule of the board, at a school of
20 barbering licensed pursuant to chapter 246, a barbering
21 program within the public school system, or a
22 government-operated barbering program in this state; or

23 2.a. Holds or has within the previous 5 years held an
24 active valid license to practice barbering in another state or
25 country or has held a Florida barbering license which has been
26 declared null and void for failure to renew the license and
27 the applicant fulfilled the requirements of s. 476.114(2)(c)2.
28 for initial licensure; and

29 b.(b) Has not been disciplined relating to the
30 practice of barbering in the previous 5 15 years; and
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1 **(b)(c)** Passes a written examination on the laws and
2 rules governing the practice of barbering in Florida, as
3 established by the board, and a practical examination approved
4 by the board and certified ~~administered~~ by the department.

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6 The restricted license shall limit the licensee's practice to
7 those specific areas in which the applicant has demonstrated
8 competence pursuant to rules adopted by the board.

9 Section 5. Subsections (10) and (11) are added to
10 section 477.013, Florida Statutes, to read:

11 477.013 Definitions.--As used in this chapter:

12 **(10)** "Hair wrapping" means the wrapping of
13 manufactured materials around a strand of human hair, for
14 compensation, without cutting, coloring, permanent waving,
15 relaxing, removing, weaving, chemically treating, braiding,
16 using hair extensions, or performing any other function
17 defined as cosmetology services.

18 **(11)** "Photography studio salon" means an establishment
19 where the hair-arranging services and the application of
20 cosmetic products are performed solely for the purpose of
21 preparing the model or client for the photographic session
22 without shampooing, cutting, coloring, permanent waving,
23 relaxing, or removing of hair or performing any other service
24 defined as cosmetology.

25 Section 6. Section 477.0132, Florida Statutes, is
26 amended to read:

27 477.0132 Hair braiding and hair wrapping
28 registration.--Persons whose occupation or practice is
29 confined solely to hair braiding or hair wrapping must
30 register with the department, pay the applicable registration
31 fee, and take a two-day 16 hour course. The course shall be

1 board approved and consist of 5 hours of HIV/AIDS and other
2 communicable diseases, 5 hours of sanitation and
3 sterilization, 4 hours of disorders and diseases of the scalp,
4 and 2 hours of studies regarding laws affecting hair braiding
5 and hair wrapping ~~cosmetology~~. Hair braiding and hair wrapping
6 are not required to be practiced in a cosmetology salon or
7 specialty salon. When hair braiding or hair wrapping is
8 practiced outside a cosmetology salon or specialty salon,
9 disposable implements must be used or all implements must be
10 sanitized in a disinfectant approved for hospital use or
11 approved by the federal Environmental Protection Agency.

12 Section 7. Subsection (4) is added to section
13 477.0135, Florida Statutes, to read:

14 477.0135 Exemptions.--

15 (4) A photography studio salon is exempt from the
16 licensure provisions of this chapter. However, the
17 hair-arranging services of such salon must be performed under
18 the supervision of a licensed cosmetologist employed by the
19 salon. The salon must use disposable hair-arranging implements
20 or use a wet or dry sanitizing system approved by the federal
21 Environmental Protection Agency.

22 Section 8. Section 477.019, Florida Statutes, is
23 amended to read:

24 477.019 Cosmetologists; qualifications; licensure;
25 license renewal; endorsement; continuing education.--

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

28 (2) The board may, by rule, require a written clinical
29 examination or a performance examination, or both, in addition
30 to a written theory examination.

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1 ~~(3)(2)~~ An applicant shall be eligible for ~~entitled to~~
2 ~~take the licensure by~~ examination to practice cosmetology if
3 the applicant:

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

6 (b) Pays the required application fee; and

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

11 2. Has received a minimum of 1,200 hours of training
12 as established by the board, which shall include, but shall
13 not be limited to, the equivalent of completion of services
14 directly related to the practice of cosmetology at one of the
15 following:

16 a. A school of cosmetology licensed pursuant to
17 chapter 246.

18 b. A cosmetology program within the public school
19 system.

20 c. The Cosmetology Division of the Florida School for
21 the Deaf and the Blind, provided the division meets the
22 standards of this chapter.

23 d. A government-operated cosmetology program in this
24 state.

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26 The board shall establish by rule procedures whereby the
27 school or program may certify that a person is qualified to
28 take the required examination after the completion of a
29 minimum of 1,000 actual school hours. If the person then
30 passes the examination, he or she shall have satisfied this
31 requirement; but if the person fails the examination, he or

1 she shall not be qualified to take the examination again until
2 the completion of the full requirements provided by this
3 section.

4 ~~(4)(3)~~ Upon an applicant receiving a passing grade, as
5 established by board rule, on the examination and paying the
6 initial licensing fee, the department shall issue a license to
7 practice cosmetology.

8 ~~(5)(4)~~ Renewal of license registration shall be
9 accomplished pursuant to rules adopted by the board.

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

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

3 (b) The department may privatize provider and course
4 approval and the monitoring of continuing education
5 requirements under a contract which ensures that the services
6 will be without cost to the department or board, including the
7 cost of appropriate oversight by the department. The
8 department may contract with one or more private entities for
9 the provision of such services, including the collection of
10 fees for the services rendered. The department and board shall
11 retain final authority for licensure decisions, rulemaking
12 related to continuing education system requirements,
13 noncompliance noticing, and overall implementation of any
14 privatization project under this subsection.

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

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

27 Section 9. Section 477.022, Florida Statutes, is
28 repealed.

29 Section 10. Paragraph (f) of subsection (1) of section
30 477.026, Florida Statutes, is amended to read:

31 477.026 Fees; disposition.--

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

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

5 Section 11. Subsection (3) of section 477.0263,
6 Florida Statutes, is amended to read:

7 477.0263 Cosmetology services to be performed in
8 licensed salon; exception.--

9 (3) Any person who holds a valid cosmetology license
10 in any state or who is authorized to practice cosmetology in
11 any country, territory, or jurisdiction of the United States
12 may perform cosmetology services in a location other than a
13 licensed salon when such services are performed in connection
14 with the motion picture, fashion photography, theatrical, or
15 television industry; a photography studio salon; a
16 manufacturer trade show demonstration; or an educational
17 seminar.

18 Section 12. This act shall take effect July 1 of the
19 year in which enacted.

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HOUSE SUMMARY

Amends various provisions of law relating to barbering and cosmetology. Revises provisions relating to examination for licensure as a barber. Repeals a provision of law relating to time, place, and subjects of examination. Revises requirements for a restricted license to practice barbering. Defines the terms "hair wrapping" and "photography studio salon." Provides registration requirements for hair wrappers. Provides requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty salon. Exempts photography studio salons from licensure as a cosmetology salon or specialty salon and provides requirements with respect thereto. Revises provisions relating to applicants for licensure by examination. Provides continuing education requirements for cosmetologists and cosmetology specialists. Provides for privatization of such continuing education. Exempts hair braiders and hair wrappers from such continuing education requirements. Repeals a provision of law relating to examinations. Provides registration fees for hair wrappers. Authorizes the performance of cosmetology services in a photography studio salon. See bill for details.