

By the Committee on Regulated Industries and Senator Clary

315-1715A-98

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 licensure to practice
9 barbering; amending s. 477.013, F.S.;
10 redefining the term "hair braiding"; defining
11 the terms "hair wrapping" and "photography
12 studio salon"; amending s. 477.0132, F.S.;
13 providing registration requirements for hair
14 wrappers; providing requirements for hair
15 braiding and hair wrapping outside a
16 cosmetology salon or specialty salon; providing
17 the circumstances for practicing as a hair
18 wrapper or hair braider pending receipt of
19 registration; amending s. 477.0135, F.S.;
20 exempting photography studio salons from
21 licensure as a cosmetology salon or specialty
22 salon and providing requirements with respect
23 thereto; amending s. 477.019, F.S.; revising
24 provisions relating to applicants for licensure
25 by examination; providing continuing education
26 requirements for cosmetologists and cosmetology
27 specialists; providing for privatization of
28 such continuing education; exempting hair
29 braiders and hair wrappers from such continuing
30 education requirements; amending s. 477.0201,
31 F.S.; providing circumstances for practicing as

1 a specialist pending receipt of registration;
2 repealing s. 477.022, F.S., relating to
3 examinations; amending s. 477.025, F.S.;
4 authorizing the board to adopt rules for mobile
5 cosmetology salons; amending s. 477.026, F.S.;
6 providing registration fees for hair wrappers;
7 amending s. 477.0263, F.S.; authorizing the
8 performance of cosmetology services in a
9 photography studio salon; providing an
10 effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 476.114, Florida Statutes, is
15 amended to read:

16 476.114 Examination; prerequisites.--

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

19 (2) An applicant shall be eligible for ~~entitled to~~
20 ~~take the~~ licensure by examination to practice barbering if the
21 applicant:

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

23 (b) Pays the required application fee; and

24 (c)1. Holds an active valid license to practice
25 barbering in another state, has held the license for at least
26 1 year, and does not qualify for licensure by endorsement as
27 provided for in s. 476.144(5); or

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

3 a. A school of barbering licensed pursuant to chapter
4 246;

5 b. A barbering program within the public school
6 system; or

7 c. A government-operated barbering program in this
8 state.

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

18 (3) An applicant who meets the requirements set forth
19 in subparagraphs (2)(c)1. and 2. who fails to pass the
20 examination may take subsequent examinations as many times as
21 necessary to pass, except that the board may ~~shall~~ specify by
22 rule reasonable timeframes for rescheduling the examination
23 and ~~shall adopt rules specifying~~ additional training
24 requirements for applicants who, after the third attempt, fail
25 to pass the examination. Prior to reexamination, the applicant
26 must file the appropriate form and pay the reexamination fee
27 as required by rule.

28 Section 2. Section 476.124, Florida Statutes, is
29 amended to read:

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1 476.124 Application for licensure by
2 examination.--Each applicant for licensure by ~~an~~ examination
3 shall:

4 (1) Make application to the department ~~at least 30~~
5 ~~days prior to the examination date~~ on forms prepared and
6 furnished by the department;

7 (2) Furnish to the department two signed photographs
8 of the applicant, of sufficient size to identify the
9 applicant, one photograph to accompany the application and one
10 photograph to be provided to the Bureau of Testing ~~returned to~~
11 ~~the applicant for presentation to the examiners when the~~
12 ~~applicant appears for examination;~~ and

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

14 Section 3. Section 476.134, Florida Statutes, is
15 repealed.

16 Section 4. Subsection (6) of section 476.144, Florida
17 Statutes, is amended and subsection (7) is added to that
18 section, to read:

19 476.144 Licensure.--

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

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

29 2.a. Holds or has within the previous 5 years held an
30 active valid license to practice barbering in another state or
31 country or has held a Florida barbering license which has been

1 declared null and void for failure to renew the license and
2 the applicant fulfilled the requirements of s. 476.114(2)(c)2.
3 for initial licensure; and

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

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

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

14 (7) A person is eligible to practice as a barber,
15 pending results of the first licensing examination taken by
16 the person, upon submission of an application for licensure
17 that includes proof of graduation from a licensed barbering
18 school or a Department-of-Education-certified barbering school
19 or program offered in the public school system and payment of
20 the applicable licensure fees, provided that such graduates
21 shall practice under the supervision of a licensed barber in a
22 licensed barbershop. A graduate who fails the examination may
23 continue to practice under the supervision of a licensed
24 barber in a licensed barbershop provided that the graduate
25 applies for the next available examination and until receipt
26 of the results of that second examination are received by the
27 graduate. No graduate may continue to practice as a barber
28 under this subsection upon failure to pass the examination on
29 the second attempt.

1 Section 5. Subsection (9) of section 477.013, Florida
2 Statutes, is amended and subsections (10) and (11) are added
3 to that section, to read:

4 477.013 Definitions.--As used in this chapter:

5 (9) "Hair braiding" means the weaving or interweaving
6 of natural human hair for compensation without cutting,
7 coloring, permanent waving, relaxing, removing, or weaving,
8 ~~and~~ chemical treatment, and shall not include the use of hair
9 extensions or wefts.

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

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

23 Section 6. Section 477.0132, Florida Statutes, is
24 amended to read:

25 477.0132 Hair braiding and hair wrapping
26 registration.--Persons whose occupation or practice is
27 confined solely to hair braiding or hair wrapping must
28 register with the department, pay the applicable registration
29 fee, and take a two-day 16 hour course. The course shall be
30 board approved and consist of 5 hours of HIV/AIDS and other
31 communicable diseases, 5 hours of sanitation and

1 sterilization, 4 hours of disorders and diseases of the scalp,
2 and 2 hours of studies regarding laws affecting hair braiding
3 and hair wrapping cosmetology. Hair braiding and hair wrapping
4 are not required to be practiced in a cosmetology salon or
5 specialty salon. When hair braiding or hair wrapping is
6 practiced outside a cosmetology salon or specialty salon,
7 disposable implements must be used or all implements must be
8 sanitized in a disinfectant approved for hospital use or
9 approved by the federal Environmental Protection Agency.
10 Pending issuance of registration, a person is eligible to
11 practice hair braiding or hair wrapping upon submission of a
12 registration application that includes proof of successful
13 completion of the education requirements and payment of the
14 applicable fees required by this chapter.

15 Section 7. Subsection (4) is added to section
16 477.0135, Florida Statutes, to read:

17 477.0135 Exemptions.--

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

25 Section 8. Section 477.019, Florida Statutes, is
26 amended to read:

27 477.019 Cosmetologists; qualifications; licensure;
28 license renewal; endorsement; continuing education.--

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

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

4 ~~(3)(2)~~ An applicant shall be eligible for ~~entitled to~~
5 ~~take the licensure~~ by examination to practice cosmetology if
6 the applicant:

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

9 (b) Pays the required application fee; and

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

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

19 a. A school of cosmetology licensed pursuant to
20 chapter 246.

21 b. A cosmetology program within the public school
22 system.

23 c. The Cosmetology Division of the Florida School for
24 the Deaf and the Blind, provided the division meets the
25 standards of this chapter.

26 d. A government-operated cosmetology program in this
27 state.

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29 The board shall establish by rule procedures whereby the
30 school or program may certify that a person is qualified to
31 take the required examination after the completion of a

1 minimum of 1,000 actual school hours. If the person then
2 passes the examination, he or she shall have satisfied this
3 requirement; but if the person fails the examination, he or
4 she shall not be qualified to take the examination again until
5 the completion of the full requirements provided by this
6 section.

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

11 ~~(5)(4)~~ Renewal of license registration shall be
12 accomplished pursuant to rules adopted by the board.

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

20 ~~(7)(a)~~ The board shall prescribe by rule continuing
21 education requirements intended to ensure protection of the
22 public through updated training of licensees and registered
23 specialists, not to exceed 16 hours biennially, as a condition
24 for renewal of a license or registration as a specialist under
25 this chapter. Continuing education courses shall include, but
26 not be limited to, the following subjects as they relate to
27 the practice of cosmetology: human immunodeficiency virus and
28 acquired immune deficiency syndrome; Occupational Safety and
29 Health Administration regulations; workers' compensation
30 issues; state and federal laws and rules as they pertain to
31 cosmetologists, cosmetology, salons, specialists, specialty

1 salons, and booth renters; chemical makeup as it pertains to
2 hair, skin, and nails; and environmental issues. Courses given
3 at cosmetology conferences may be counted toward the number of
4 continuing education hours required if approved by the board.

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

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

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

29 Section 9. Subsection (6) is added to section
30 477.0201, Florida Statutes, to read:

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1 477.0201 Specialty registration; qualifications;
2 registration renewal; endorsement.--

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

8 Section 10. Section 477.022, Florida Statutes, is
9 repealed.

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

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

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

18 (b) Each mobile salon must comply with all licensure
19 and operating requirements specified in chapter 455 or chapter
20 477, or with rules of the board or department that apply to
21 cosmetology salons at fixed locations, except to the extent
22 that such requirements conflict with this subsection or with
23 rules adopted pursuant to this subsection.

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

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

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

9 (f) The operation of mobile cosmetology salons must be
10 in compliance with all local laws and ordinances regulating
11 business establishments, including accommodations for persons
12 with disabilities and OSHA requirements.

13 Section 12. Paragraph (f) of subsection (1) of section
14 477.026, Florida Statutes, is amended to read:

15 477.026 Fees; disposition.--

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

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

20 Section 13. Subsection (3) of section 477.0263,
21 Florida Statutes, is amended to read:

22 477.0263 Cosmetology services to be performed in
23 licensed salon; exception.--

24 (3) Any person who holds a valid cosmetology license
25 in any state or who is authorized to practice cosmetology in
26 any country, territory, or jurisdiction of the United States
27 may perform cosmetology services in a location other than a
28 licensed salon when such services are performed in connection
29 with the motion picture, fashion photography, theatrical, or
30 television industry; a photography studio salon;a

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1 manufacturer trade show demonstration; or an educational
2 seminar.

3 Section 14. This act shall take effect July 1 of the
4 year in which enacted.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 880

8

9 Allows barbers to work after completing required education
10 pending passage of the licensure examination.

11 Clarifies that the definition of hair braiding does not
12 include hair extensions or hair wrapping.

13 Allows hair braiders, hair wrappers, and nail technicians to
14 begin work after completing required training, pending
15 issuance of their licenses.

16 Authorizes the licensure of mobile cosmetology salons.

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