

HB 1611

2004

1 A bill to be entitled

2 An act relating to barbering and cosmetology
3 apprenticeship; amending s. 476.034, F.S.; defining the
4 terms "apprentice" and "apprenticeship program"; amending
5 s. 476.144, F.S.; providing for the registration of barber
6 apprentices; requiring sponsorship by a licensed barber;
7 requiring sponsor registration; requiring certain notice
8 to the public; creating s. 476.190, F.S.; providing
9 requirements for apprenticeship training, including
10 minimum standards and requirements, written agreements,
11 sponsorship requirements and restrictions, and reporting;
12 providing rulemaking authority; creating s. 476.191, F.S.;
13 providing duties of the Barbers' Board with respect to
14 apprenticeship programs, including rulemaking to implement
15 and administer regulation of such programs; amending s.
16 476.192, F.S.; providing fees for apprentices and
17 apprentice sponsors; amending s. 476.194, F.S.;
18 prohibiting certain acts by or involving an apprentice;
19 providing penalties; amending s. 477.013, F.S.; defining
20 the terms "cosmetology apprentice" and "cosmetology
21 apprenticeship program"; amending s. 477.019, F.S.;
22 providing for the registration of cosmetology apprentices;
23 requiring sponsorship by a licensed cosmetologist;
24 requiring sponsor registration; requiring certain notice
25 to the public; amending s. 477.0201, F.S.; removing a
26 cross reference; creating s. 477.0251, F.S.; providing
27 requirements for apprenticeship training, including
28 minimum standards and requirements, written agreements,
29 sponsorship requirements and restrictions, and reporting;

HB 1611

2004

30 creating s. 477.0252, F.S.; providing duties of the Board
 31 of Cosmetology with respect to cosmetology apprenticeship
 32 programs, including rulemaking to implement and administer
 33 regulation of such programs; amending s. 477.026, F.S.;
 34 providing fees for cosmetology apprentices and cosmetology
 35 apprentice sponsors; amending ss. 477.0265 and 477.029,
 36 F.S.; prohibiting certain acts by a cosmetology
 37 apprentice; providing penalties; providing an effective
 38 date.

39
 40 Be It Enacted by the Legislature of the State of Florida:

41
 42 Section 1. Section 476.034, Florida Statutes, is amended
 43 to read:

44 476.034 Definitions.--As used in this act:

45 (1) "Apprentice" means a person who is engaged in learning
 46 the practice of barbering through actual work experience under
 47 the supervision of a licensed barber.

48 (2) "Apprenticeship program" means an organized system of
 49 instruction, registered and approved by the board, which shall
 50 contain terms and conditions for the qualifications,
 51 recruitment, selection, employment, and training of a barber
 52 apprentice.

53 (3)~~(1)~~ "Barber" means a person who is licensed to engage
 54 in the practice of barbering in this state under the authority
 55 of this chapter.

56 (4)~~(2)~~ "Barbering" means any of the following practices
 57 when done for remuneration and for the public, but not when done
 58 for the treatment of disease or physical or mental ailments:

HB 1611

2004

59 shaving, cutting, trimming, coloring, shampooing, arranging,
 60 dressing, curling, or waving the hair or beard or applying oils,
 61 creams, lotions, or other preparations to the face, scalp, or
 62 neck, either by hand or by mechanical appliances.

63 (5)~~(3)~~ "Barbershop" means any place of business wherein
 64 the practice of barbering is carried on.

65 (6)~~(4)~~ "Board" means the Barbers' Board.

66 (7)~~(5)~~ "Department" means the Department of Business and
 67 Professional Regulation.

68 Section 2. Section 476.144, Florida Statutes, is amended
 69 to read:

70 476.144 Licensure.--

71 (1) The department shall license any applicant who the
 72 board certifies is qualified to practice barbering in this
 73 state.

74 (2) The board shall certify for licensure any applicant
 75 who satisfies the requirements of s. 476.114, and who passes the
 76 required examination, achieving a passing grade as established
 77 by board rule.

78 (3) Upon an applicant passing the examination and paying
 79 the initial licensing fee, the department shall issue a license.

80 (4) The department shall keep a record relating to the
 81 issuance, refusal, and renewal of licenses. Such record shall
 82 contain the name, place of business, and residence of each
 83 licensed barber and the date and number of her or his license.

84 (5) The board shall adopt rules specifying procedures for
 85 the licensure by endorsement of practitioners desiring to be
 86 licensed in this state who hold a current active license in
 87 another state or country and who have met qualifications

HB 1611

2004

88 substantially similar to, equivalent to, or greater than the
 89 qualifications required of applicants from this state.

90 (6) The board shall by rule specify the procedures for the
 91 registration of barber apprentices. Each apprentice application
 92 and registration shall name a licensed barber who has agreed to
 93 serve as the sponsor of the apprentice and is registered as an
 94 apprentice sponsor with the board. An apprentice may not
 95 conduct, or contract to conduct, barbering services without the
 96 express approval of his or her sponsor. The sponsor may not
 97 allow barbering services to be performed unless the apprentice
 98 clearly informs the public that he or she is not a licensed
 99 barber but is conducting services as an apprentice under the
 100 direct supervision of a licensed barber, or his or her designee,
 101 who is sponsoring the apprentice.

102 (7) A barber may not sponsor an apprentice unless the
 103 barber is registered as an apprentice sponsor by the board. Each
 104 application for registration shall include the names of the
 105 barbershop and its owner, the business mailing address and
 106 location, and any other information the board may require. The
 107 sponsor shall report to the board within 30 days after any
 108 change in this required information.

109 (8)(6) A person may apply for a restricted license to
 110 practice barbering. The board shall adopt rules specifying
 111 procedures for an applicant to obtain a restricted license if
 112 the applicant:

113 (a)1. Has successfully completed a restricted barber
 114 course, as established by rule of the board, at a school of
 115 barbering licensed pursuant to chapter 1005, a barbering program

HB 1611

2004

116 within the public school system, or a government-operated
 117 barbering program in this state; or

118 2.a. Holds or has within the previous 5 years held an
 119 active valid license to practice barbering in another state or
 120 country or has held a Florida barbering license which has been
 121 declared null and void for failure to renew the license, and the
 122 applicant fulfilled the requirements of s. 476.114(2)(c)2. for
 123 initial licensure; and

124 b. Has not been disciplined relating to the practice of
 125 barbering in the previous 5 years; and

126 (b) Passes a written examination on the laws and rules
 127 governing the practice of barbering in Florida, as established
 128 by the board, and a practical examination approved by the board.

129
 130 The restricted license shall limit the licensee's practice to
 131 those specific areas in which the applicant has demonstrated
 132 competence pursuant to rules adopted by the board.

133 (9)~~(7)~~ Pending results of the first licensing examination
 134 taken and upon submission of an application for licensure that
 135 includes proof of successful completion of the educational
 136 requirements specified in this chapter and payment of the
 137 applicable licensure fees, a person is eligible to practice as a
 138 barber, provided such person practices under the supervision of
 139 a licensed barber in a licensed barbershop. A person who fails
 140 the examination may continue to practice under the supervision
 141 of a licensed barber in a licensed barbershop, provided the
 142 person applies for the next available examination, and may
 143 continue such practice until receipt of the results of that
 144 second examination are received by the person. No person may

HB 1611

2004

145 continue to practice as a barber under this subsection upon
146 failure to pass the examination on the second attempt.

147 Section 3. Section 476.190, Florida Statutes, is created
148 to read:

149 476.190 Apprenticeship training.--

150 (1) The board shall establish uniform minimum standards
151 and requirements governing apprenticeship programs, apprentice
152 sponsors, and apprentice agreements. Such standards and
153 requirements shall govern the terms and conditions of the
154 apprentice's employment and training, including the quality of
155 the training of the apprentice with respect to, but not limited
156 to, such matters as operation of a barbershop; health, safety,
157 and sanitary requirements; and licensure requirements.

158 (2) Training should be combined with properly coordinated
159 studies of related technical and supplementary subjects.

160 (3) An apprentice must enter into a written agreement,
161 hereinafter called an apprentice agreement, with a registered
162 barber apprentice sponsor who may be either an employer who is a
163 licensed barber or an association of employers who are licensed
164 barbers.

165 (4) A barber may not sponsor more than three apprentices
166 at one time. Any barber who serves as a sponsor must have held
167 an active, valid barber license for 3 consecutive years
168 preceding the date on which that barber is named as sponsor of
169 the apprentice.

170 (5) A barber who undertakes the sponsorship of an
171 apprentice shall ensure that the apprentice receives training as
172 required by board rule.

HB 1611

2004

173 (6) An apprentice is prohibited from conducting barbering
 174 services without the prior express written consent of the
 175 sponsor. The apprentice's sponsor must be present at a licensed
 176 barbershop at any time the apprentice is participating in the
 177 conduct of barbering. If the apprentice's sponsor cannot attend
 178 while an apprentice is performing barbering services, the
 179 sponsor may appoint a qualified barber who meets the
 180 requirements of board rules to be present and supervise the
 181 apprentice at a licensed barbershop in place of the sponsor.
 182 Prior written consent must be given by the apprentice's sponsor
 183 for each substitution.

184 (7) Each apprentice and sponsor shall file reports as
 185 required by board rule.

186 (8) A sponsor may not authorize an apprentice to conduct
 187 barbering services unless the sponsor has determined that the
 188 apprentice has received adequate training to do so.

189 (9) The sponsor shall be responsible for any acts or
 190 omissions of the apprentice which constitute a violation of law
 191 in relation to the conduct of barbering.

192 (10) Any registered apprentice who wishes to change the
 193 sponsor under whom he or she is registered must submit a new
 194 application. However, a new registration fee shall not be
 195 required.

196 (11) The board may adopt rules necessary to establish the
 197 standards and requirements of this section.

198 Section 4. Section 476.191, Florida Statutes, is created
 199 to read:

200 476.191 Apprenticeship program; duties of the board.--The
 201 board shall:

HB 1611

2004

202 (1) Administer the provisions of this chapter relating to
 203 apprentices, apprentice sponsors, and apprenticeship programs.

204 (2) Administer the standards and requirements that are
 205 established.

206 (3) Register in accordance with this chapter any
 207 apprentice, apprentice sponsor, and apprenticeship program which
 208 meets standards established by the board.

209 (4) Investigate complaints concerning the failure of any
 210 registered apprenticeship program to meet the standards
 211 established by the board.

212 (5) Cancel the registration of any apprentice sponsor or
 213 apprenticeship program that fails to comply with the standards
 214 and requirements or that unreasonably fails or refuses to
 215 cooperate with the board in monitoring and enforcing compliance
 216 with such standards and requirements.

217 (6) Develop and encourage apprenticeship programs.

218 (7) Cooperate with and assist local apprentice sponsors in
 219 the development of apprenticeship standards and training
 220 requirements.

221 (8) Monitor registered apprenticeship programs to ensure
 222 that they are being operated in compliance with all applicable
 223 standards and requirements.

224 (9) Supervise apprenticeship programs that are registered
 225 with the board.

226 (10) Ensure that minority and gender diversity are
 227 considered in administering its regulation of apprenticeship
 228 programs.

229 (11) Adopt rules necessary to implement and administer
 230 regulation of apprenticeship programs.

HB 1611

2004

231 Section 5. Paragraphs (e) and (f) are added to subsection
 232 (1) of section 476.192, Florida Statutes, to read:

233 476.192 Fees; disposition.--

234 (1) The board shall set by rule fees according to the
 235 following schedule:

236 (e) For apprentices, a fee not to exceed \$50.

237 (f) For apprentice sponsors, a fee not to exceed \$50.

238 Section 6. Section 476.194, Florida Statutes, is amended
 239 to read:

240 476.194 Prohibited acts.--

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

242 (a) Engage in the practice of barbering without an active
 243 license as a barber or registration as an apprentice issued
 244 pursuant to the provisions of this act by the department.

245 (b) Engage in willful or repeated violations of this act
 246 or of any of the rules adopted by the board.

247 (c) Hire or employ any person to engage in the practice of
 248 barbering unless such person holds a valid license as a barber
 249 or a registration as an apprentice.

250 (d) Obtain or attempt to obtain a license for money other
 251 than the required fee or any other thing of value or by
 252 fraudulent misrepresentations.

253 (e) Own, operate, maintain, open, establish, conduct, or
 254 have charge of, either alone or with another person or persons,
 255 a barbershop:

256 1. Which is not licensed under the provisions of this
 257 chapter; or

258 2. In which a person not licensed as a barber or
 259 registered as an apprentice is permitted to perform services.

HB 1611

2004

260 (f) Use or attempt to use a license to practice barbering
 261 when said license is suspended or revoked.

262 (2) Any person who violates any provision of this section
 263 commits ~~is guilty of~~ a misdemeanor of the second degree,
 264 punishable as provided in s. 775.082 or s. 775.083.

265 Section 7. Section 477.013, Florida Statutes, is amended
 266 to read:

267 477.013 Definitions.--As used in this chapter:

268 (1) "Board" means the Board of Cosmetology.

269 (2)~~(12)~~ "Body wrapping" means a treatment program that
 270 uses herbal wraps for the purposes of cleansing and beautifying
 271 the skin of the body, but does not include:

272 (a) The application of oils, lotions, or other fluids to
 273 the body, except fluids contained in presoaked materials used in
 274 the wraps; or

275 (b) Manipulation of the body's superficial tissue, other
 276 than that arising from compression emanating from the wrap
 277 materials.

278 (3) "Cosmetologist" means a person who is licensed to
 279 engage in the practice of cosmetology in this state under the
 280 authority of this chapter.

281 (4) "Cosmetology" means the mechanical or chemical
 282 treatment of the head, face, and scalp for aesthetic rather than
 283 medical purposes, including, but not limited to, hair
 284 shampooing, hair cutting, hair arranging, hair coloring,
 285 permanent waving, and hair relaxing for compensation. This term
 286 also includes performing hair removal, including wax treatments,
 287 manicures, pedicures, and skin care services.

HB 1611

2004

288 (5) "Cosmetology apprentice" means a person who is engaged
 289 in learning the practice of cosmetology through actual work
 290 experience under the supervision of a licensed cosmetologist.

291 (6) "Cosmetology apprenticeship program" means an
 292 organized system of instruction, registered and approved by the
 293 board, which shall contain terms and conditions for the
 294 qualifications, recruitment, selection, employment, and training
 295 of a cosmetology apprentice.

296 ~~(7)(2)~~ "Department" means the Department of Business and
 297 Professional Regulation.

298 ~~(8)(9)~~ "Hair braiding" means the weaving or interweaving
 299 of natural human hair for compensation without cutting,
 300 coloring, permanent waving, relaxing, removing, or chemical
 301 treatment and does not include the use of hair extensions or
 302 wefts.

303 ~~(9)(10)~~ "Hair wrapping" means the wrapping of manufactured
 304 materials around a strand or strands of human hair, for
 305 compensation, without cutting, coloring, permanent waving,
 306 relaxing, removing, weaving, chemically treating, braiding,
 307 using hair extensions, or performing any other service defined
 308 as cosmetology.

309 ~~(10)(11)~~ "Photography studio salon" means an establishment
 310 where the hair-arranging services and the application of
 311 cosmetic products are performed solely for the purpose of
 312 preparing the model or client for the photographic session
 313 without shampooing, cutting, coloring, permanent waving,
 314 relaxing, or removing of hair or performing any other service
 315 defined as cosmetology.

HB 1611

2004

316 (11)~~(7)~~ "Shampooing" means the washing of the hair with
 317 soap and water or with a special preparation, or applying hair
 318 tonics.

319 (12)~~(13)~~ "Skin care services" means the treatment of the
 320 skin of the body, other than the head, face, and scalp, by the
 321 use of a sponge, brush, cloth, or similar device to apply or
 322 remove a chemical preparation or other substance, except that
 323 chemical peels may be removed by peeling an applied preparation
 324 from the skin by hand. Skin care services must be performed by a
 325 licensed cosmetologist, registered cosmetology apprentice, or
 326 facial specialist within a licensed cosmetology or specialty
 327 salon, and such services may not involve massage, as defined in
 328 s. 480.033(3), through manipulation of the superficial tissue.

329 (13)~~(5)~~ "Specialist" means any person holding a specialty
 330 registration in one or more of the specialties registered under
 331 this chapter.

332 (14)~~(6)~~ "Specialty" means the practice of one or more of
 333 the following:

334 (a) Manicuring, or the cutting, polishing, tinting,
 335 coloring, cleansing, adding, or extending of the nails, and
 336 massaging of the hands. This term includes any procedure or
 337 process for the affixing of artificial nails, except those nails
 338 which may be applied solely by use of a simple adhesive.

339 (b) Pedicuring, or the shaping, polishing, tinting, or
 340 cleansing of the nails of the feet, and massaging or beautifying
 341 of the feet.

342 (c) Facials, or the massaging or treating of the face or
 343 scalp with oils, creams, lotions, or other preparations, and
 344 skin care services.

HB 1611

2004

345 (15)~~(8)~~ "Specialty salon" means any place of business
 346 wherein the practice of one or all of the specialties as defined
 347 in subsection (14) ~~(6)~~ are engaged in or carried on.

348 Section 8. Section 477.019, Florida Statutes, is amended
 349 to read:

350 477.019 Cosmetologists; qualifications; licensure;
 351 supervised practice; license renewal; endorsement; continuing
 352 education.--

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

355 (2) An applicant shall be eligible for licensure by
 356 examination to practice cosmetology if the applicant:

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

359 (b) Pays the required application fee, which is not
 360 refundable, and the required examination fee, which is
 361 refundable if the applicant is determined to not be eligible for
 362 licensure for any reason other than failure to successfully
 363 complete the licensure examination. ; ~~and~~

364 (c)1. Is authorized to practice cosmetology in another
 365 state or country, has been so authorized for at least 1 year,
 366 and does not qualify for licensure by endorsement as provided
 367 for in subsection (6); or

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

372 a. A school of cosmetology licensed pursuant to chapter
 373 1005.

HB 1611

2004

374 b. A cosmetology program within the public school system.

375 c. The Cosmetology Division of the Florida School for the
 376 Deaf and the Blind, provided the division meets the standards of
 377 this chapter.

378 d. A government-operated cosmetology program in this
 379 state.

380

381 The board shall establish by rule procedures whereby the school
 382 or program may certify that a person is qualified to take the
 383 required examination after the completion of a minimum of 1,000
 384 actual school hours. If the person then passes the examination,
 385 he or she shall have satisfied this requirement; but if the
 386 person fails the examination, he or she shall not be qualified
 387 to take the examination again until the completion of the full
 388 requirements provided by this section.

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

393 (4) Following the completion of the first licensing
 394 examination and pending the results of that examination and
 395 issuance of a license to practice cosmetology, graduates of
 396 licensed cosmetology schools or cosmetology programs offered in
 397 public school systems, which schools or programs are certified
 398 by the Department of Education, are eligible to practice
 399 cosmetology, provided such graduates practice under the
 400 supervision of a licensed cosmetologist in a licensed
 401 cosmetology salon. A graduate who fails the first examination
 402 may continue to practice under the supervision of a licensed

HB 1611

2004

403 cosmetologist in a licensed cosmetology salon if the graduate
 404 applies for the next available examination and until the
 405 graduate receives the results of that examination. No graduate
 406 may continue to practice under this subsection if the graduate
 407 fails the examination twice.

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

410 (6) The board shall adopt rules specifying procedures for
 411 the licensure by endorsement of practitioners desiring to be
 412 licensed in this state who hold a current active license in
 413 another state and who have met qualifications substantially
 414 similar to, equivalent to, or greater than the qualifications
 415 required of applicants from this state.

416 (7) The board shall by rule specify the procedures for the
 417 registration of cosmetology apprentices. Each cosmetology
 418 apprentice application and registration shall name a licensed
 419 cosmetologist who has agreed to serve as the sponsor of the
 420 apprentice and is registered as an apprentice sponsor with the
 421 board. A cosmetology apprentice may not conduct, or contract to
 422 conduct, cosmetology services without the express approval of
 423 his or her sponsor. The sponsor may not allow cosmetology
 424 services to be performed unless the apprentice clearly informs
 425 the public that he or she is not a licensed cosmetologist but is
 426 conducting services as an apprentice under the direct
 427 supervision of a licensed cosmetologist, or his or her designee,
 428 who is sponsoring the apprentice.

429 (8) A cosmetologist may not sponsor a cosmetology
 430 apprentice unless the cosmetologist is registered as an
 431 apprentice sponsor by the board. Each application for

HB 1611

2004

432 registration shall include the names of the cosmetology salon
 433 and its owner, the business mailing address and location, and
 434 any other information which the board may require. The sponsor
 435 shall report to the board within 30 days after any change in
 436 this required information.

437 (9)(7)(a) The board shall prescribe by rule continuing
 438 education requirements intended to ensure protection of the
 439 public through updated training of licensees and registered
 440 specialists, not to exceed 16 hours biennially, as a condition
 441 for renewal of a license or registration as a specialist under
 442 this chapter. Continuing education courses shall include, but
 443 not be limited to, the following subjects as they relate to the
 444 practice of cosmetology: human immunodeficiency virus and
 445 acquired immune deficiency syndrome; Occupational Safety and
 446 Health Administration regulations; workers' compensation issues;
 447 state and federal laws and rules as they pertain to
 448 cosmetologists, cosmetology, salons, specialists, specialty
 449 salons, and booth renters; chemical makeup as it pertains to
 450 hair, skin, and nails; and environmental issues. Courses given
 451 at cosmetology conferences may be counted toward the number of
 452 continuing education hours required if approved by the board.

453 (b) Any person whose occupation or practice is confined
 454 solely to hair braiding, hair wrapping, or body wrapping is
 455 exempt from the continuing education requirements of this
 456 subsection.

457 (c) The board may, by rule, require any licensee in
 458 violation of a continuing education requirement to take a
 459 refresher course or refresher course and examination in addition

HB 1611

2004

460 to any other penalty. The number of hours for the refresher
 461 course may not exceed 48 hours.

462 Section 9. Paragraph (b) of subsection (1) of section
 463 477.0201, Florida Statutes, is amended to read:

464 477.0201 Specialty registration; qualifications;
 465 registration renewal; endorsement.--

466 (1) Any person is qualified for registration as a
 467 specialist in any one or more of the specialty practices within
 468 the practice of cosmetology under this chapter who:

469 (b) Has received a certificate of completion in a
 470 specialty ~~pursuant to s. 477.013(6)~~ from one of the following:

- 471 1. A school licensed pursuant to s. 477.023.
- 472 2. A school licensed pursuant to chapter 1005 or the
 473 equivalent licensing authority of another state.
- 474 3. A specialty program within the public school system.
- 475 4. A specialty division within the Cosmetology Division of
 476 the Florida School for the Deaf and the Blind, provided the
 477 training programs comply with minimum curriculum requirements
 478 established by the board.

479 Section 10. Section 477.0251, Florida Statutes, is created
 480 to read:

481 477.0251 Cosmetology apprenticeship training.--

482 (1) The board shall establish uniform minimum standards
 483 and requirements governing cosmetology apprenticeship programs,
 484 cosmetology apprentice sponsors, and cosmetology apprentice
 485 agreements. Such standards and requirements shall govern the
 486 terms and conditions of the cosmetology apprentice's employment
 487 and training, including the quality of the training of the
 488 apprentice with respect to, but not limited to, such matters as

HB 1611

2004

489 operation of a salon; health, safety, and sanitary requirements;
 490 and licensure requirements.

491 (2) Training should be combined with properly coordinated
 492 studies of related technical and supplementary subjects.

493 (3) A cosmetology apprentice must enter into a written
 494 agreement, hereinafter called a cosmetology apprentice
 495 agreement, with a registered cosmetologist apprentice sponsor
 496 who may be either an employer who is a licensed cosmetologist or
 497 an association of employers who are licensed cosmetologists.

498 (4) A cosmetologist may not sponsor more than three
 499 cosmetology apprentices at one time. Any cosmetologist who
 500 serves as a sponsor must have held an active, valid cosmetology
 501 license for 3 consecutive years preceding the date on which that
 502 cosmetologist is named as sponsor of the cosmetology apprentice.

503 (5) A cosmetologist who undertakes the sponsorship of a
 504 cosmetology apprentice shall ensure that the cosmetology
 505 apprentice receives training as required by board rule.

506 (6) Cosmetology apprentices are prohibited from conducting
 507 cosmetology services without the prior express written consent
 508 of the sponsor. The cosmetology apprentice's sponsor must be
 509 present at a licensed salon at any time the cosmetology
 510 apprentice is participating in the conduct of cosmetology. If
 511 the cosmetology apprentice's sponsor cannot attend while a
 512 cosmetology apprentice is performing cosmetology services, the
 513 sponsor may appoint a qualified cosmetologist who meets the
 514 requirements of board rules to be present and supervise the
 515 cosmetology apprentice at a licensed salon in place of the
 516 sponsor. Prior written consent must be given by the cosmetology
 517 apprentice's sponsor for each substitution.

HB 1611

2004

518 (7) Each cosmetology apprentice and sponsor shall file
 519 reports as required by board rule.

520 (8) A sponsor may not authorize a cosmetology apprentice
 521 to conduct cosmetology services unless the sponsor has
 522 determined that the cosmetology apprentice has received adequate
 523 training to do so.

524 (9) The sponsor shall be responsible for any acts or
 525 omissions of the cosmetology apprentice which constitute a
 526 violation of law in relation to the conduct of cosmetology.

527 (10) A registered cosmetology apprentice who wishes to
 528 change the sponsor under whom he or she is registered must
 529 submit a new application. However, a new registration fee shall
 530 not be required.

531 (11) The board may adopt rules necessary to establish the
 532 standards and requirements of this section.

533 Section 11. Section 477.0252, Florida Statutes, is created
 534 to read:

535 477.0252 Cosmetology apprenticeship program; duties of the
 536 board.--The board shall:

537 (1) Administer the provisions of this chapter relating to
 538 cosmetology apprentices, cosmetology apprentice sponsors, and
 539 cosmetology apprenticeship programs.

540 (2) Administer the standards and requirements that are
 541 established.

542 (3) Register in accordance with this chapter any
 543 cosmetology apprentice, cosmetology apprentice sponsor, and
 544 cosmetology apprenticeship program which meets standards
 545 established by the board.

HB 1611

2004

546 (4) Investigate complaints concerning the failure of any
 547 registered cosmetology apprenticeship program to meet the
 548 standards established by the board.

549 (5) Cancel the registration of any cosmetology apprentice
 550 sponsor or cosmetology apprenticeship program that fails to
 551 comply with the standards and requirements or that unreasonably
 552 fails or refuses to cooperate with the board in monitoring and
 553 enforcing compliance with such standards and requirements.

554 (6) Develop and encourage cosmetology apprenticeship
 555 programs.

556 (7) Cooperate with and assist local cosmetology apprentice
 557 sponsors in the development of cosmetology apprenticeship
 558 standards and training requirements.

559 (8) Monitor registered cosmetology apprenticeship programs
 560 to ensure that they are being operated in compliance with all
 561 applicable standards and requirements.

562 (9) Supervise cosmetology apprenticeship programs which
 563 are registered with the board.

564 (10) Ensure that minority and gender diversity are
 565 considered in administering its regulation of cosmetology
 566 apprenticeship programs.

567 (11) Adopt rules as required to implement regulation of
 568 cosmetology apprenticeship programs.

569 Section 12. Paragraphs (g) and (h) are added to subsection
 570 (1) of section 477.026, Florida Statutes, to read:

571 477.026 Fees; disposition.--

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

574 (g) For cosmetology apprentices, a fee not to exceed \$50.

HB 1611

2004

575 (h) For cosmetology sponsors, a fee not to exceed \$50.

576 Section 13. Section 477.0265, Florida Statutes, is amended
577 to read:

578 477.0265 Prohibited acts.--

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

580 (a) Engage in the practice of cosmetology or a specialty
581 without an active license as a cosmetologist or registration as
582 a cosmetology apprentice or registration as a specialist issued
583 by the department pursuant to the provisions of this chapter.

584 (b) Own, operate, maintain, open, establish, conduct, or
585 have charge of, either alone or with another person or persons,
586 a cosmetology salon or specialty salon:

587 1. Which is not licensed under the provisions of this
588 chapter; or

589 2. In which a person not licensed or registered as a
590 cosmetologist, cosmetology apprentice, or a specialist is
591 permitted to perform cosmetology services or any specialty.

592 (c) Engage in willful or repeated violations of this
593 chapter or of any rule adopted by the board.

594 (d) Permit an employed person to engage in the practice of
595 cosmetology or of a specialty unless such person holds a valid,
596 active license as a cosmetologist or registration as a
597 specialist or cosmetology apprentice.

598 (e) Obtain or attempt to obtain a license or registration
599 for money, other than the required fee, or any other thing of
600 value or by fraudulent misrepresentations.

601 (f) Use or attempt to use a license to practice
602 cosmetology or a registration to practice a specialty, which
603 license or registration is suspended or revoked.

HB 1611

2004

604 (g) Advertise or imply that skin care services or body
 605 wrapping, as performed under this chapter, have any relationship
 606 to the practice of massage therapy as defined in s. 480.033(3),
 607 except those practices or activities defined in s. 477.013.

608 (2) Any person who violates any provision of this section
 609 commits ~~is guilty of~~ a misdemeanor of the second degree,
 610 punishable as provided in s. 775.082 or s. 775.083.

611 Section 14. Paragraph (a) of subsection (1) of section
 612 477.029, Florida Statutes, is amended to read:

613 477.029 Penalty.--

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

615 (a) Hold himself or herself out as a cosmetologist,
 616 cosmetology apprentice, specialist, hair wrapper, hair braider,
 617 or body wrapper unless duly licensed or registered, or otherwise
 618 authorized, as provided in this chapter.

619 Section 15. This act shall take effect October 1, 2004.