

By Senator Siplin

19-1631-04

See HB

1 A bill to be entitled
2 An act relating to barbering and cosmetology
3 apprenticeship; amending s. 476.034, F.S.;
4 defining the terms "apprentice" and
5 "apprenticeship program"; amending s. 476.114,
6 F.S.; authorizing certain training as an
7 apprentice to qualify for licensure by
8 examination to practice barbering; amending s.
9 476.144, F.S.; providing for the licensure of
10 barber apprentices; requiring sponsorship by a
11 licensed barber; requiring sponsor
12 registration; requiring the keeping of certain
13 records relating to barber apprentices;
14 creating s. 476.190, F.S.; providing
15 requirements for apprenticeship training,
16 including minimum standards and requirements,
17 written agreements, sponsorship requirements
18 and restrictions, and reporting; providing
19 rulemaking authority; creating s. 476.191,
20 F.S.; providing duties of the Barbers' Board
21 with respect to apprenticeship programs,
22 including rulemaking to implement and
23 administer regulation of such programs;
24 amending s. 476.192, F.S.; providing fees for
25 apprentices and apprenticeship sponsors;
26 amending s. 476.194, F.S.; prohibiting certain
27 acts by or involving an apprentice; providing
28 penalties; amending s. 477.013, F.S.; defining
29 the terms "cosmetology apprentice" and
30 "cosmetology apprenticeship program"; amending
31 s. 477.019, F.S.; authorizing certain training

1 as an apprentice to qualify for licensure by
2 examination to practice cosmetology; amending
3 s. 477.0201, F.S.; removing a cross-reference;
4 creating s. 477.0251, F.S.; providing
5 requirements for apprenticeship training,
6 including minimum standards and requirements,
7 written agreements, sponsorship requirements
8 and restrictions, and reporting; creating s.
9 477.0252, F.S.; providing duties of the Board
10 of Cosmetology with respect to apprenticeship
11 programs, including rulemaking to implement and
12 administer regulation of such programs;
13 amending s. 477.026, F.S.; providing fees for
14 cosmetology apprentices and apprenticeship
15 sponsors; amending ss. 477.0265 and 477.029,
16 F.S.; prohibiting certain acts by a cosmetology
17 apprentice; providing penalties; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 476.034, Florida Statutes, is
23 amended to read:

24 476.034 Definitions.--As used in this act:

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

28 (2) "Apprenticeship program" means an organized system
29 of instruction, registered and approved by the board, which
30 shall contain all terms and conditions for the qualifications,

31

1 recruitment, selection, employment, and training of a barber
2 apprentice.

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

6 (4)~~(2)~~ "Barbering" means any of the following
7 practices when done for remuneration and for the public, but
8 not when done for the treatment of disease or physical or
9 mental ailments: shaving, cutting, trimming, coloring,
10 shampooing, arranging, dressing, curling, or waving the hair
11 or beard or applying oils, creams, lotions, or other
12 preparations to the face, scalp, or neck, either by hand or by
13 mechanical appliances.

14 (5)~~(3)~~ "Barbershop" means any place of business
15 wherein the practice of barbering is carried on.

16 (6)~~(4)~~ "Board" means the Barbers' Board.

17 (7)~~(5)~~ "Department" means the Department of Business
18 and Professional Regulation.

19 Section 2. Subsection (2) of section 476.114, Florida
20 Statutes, is amended to read:

21 476.114 Examination; prerequisites.--

22 (2) An applicant shall be eligible for licensure by
23 examination to practice barbering if the applicant:

24 (a) Is at least 16 years of age.+

25 (b) Pays the required application fee.+~~and~~

26 (c)1. Holds an active valid license to practice
27 barbering in another state, has held the license for at least
28 1 year, and does not qualify for licensure by endorsement as
29 provided for in s. 476.144(5); or

30 2. Has received a minimum of 1,200 hours of training
31 as established by the board, which shall include, but shall

1 not be limited to, the equivalent of completion of services
2 directly related to the practice of barbering at one of the
3 following:

4 a. A school of barbering licensed pursuant to chapter
5 1005.~~7~~

6 b. A barbering program within the public school
7 system.~~7~~ or

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

10 d. An apprenticeship program.

11

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

21 Section 3. Section 476.144, Florida Statutes, is
22 amended to read:

23 476.144 Licensure.--

24 (1) The department shall license any applicant who the
25 board certifies is qualified to practice barbering in this
26 state.

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

31

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

4 (4) The department shall keep a record relating to the
5 issuance, refusal, and renewal of licenses. Such record shall
6 contain the name, place of business, and residence of each
7 licensed barber or licensed apprentice and the date and number
8 of her or his license.

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

15 (6) The board shall by rule specify the procedures for
16 the licensure of barber apprentices. Each apprentice
17 application and license shall name a licensed barber who has
18 agreed to serve as the sponsor of the apprentice and is
19 registered with the board. An apprentice may not conduct, or
20 contract to conduct, barbering services without the express
21 approval of his or her sponsor. The sponsor shall regularly
22 review the apprentice's records, which are required by the
23 board to be maintained, to determine if such records are
24 accurate and current.

25 (7) A barber may not sponsor an apprentice unless the
26 barber is licensed under this chapter and registered as an
27 apprenticeship sponsor by the board. Each application for
28 registration shall include the names of the barbershop and its
29 owner, the business mailing address and location, and any
30 other information the board may require. The sponsor shall
31

1 report to the board within 30 days after any change in this
2 required information.

3 (8)(6) A person may apply for a restricted license to
4 practice barbering. The board shall adopt rules specifying
5 procedures for an applicant to obtain a restricted license if
6 the applicant:

7 (a)1. Has successfully completed a restricted barber
8 course, as established by rule of the board, at a school of
9 barbering licensed pursuant to chapter 1005, a barbering
10 program within the public school system, or a
11 government-operated barbering program in this state; or

12 2.a. Holds or has within the previous 5 years held an
13 active valid license to practice barbering in another state or
14 country or has held a Florida barbering license which has been
15 declared null and void for failure to renew the license, and
16 the applicant fulfilled the requirements of s. 476.114(2)(c)2.
17 for initial licensure; and

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

20 (b) Passes a written examination on the laws and rules
21 governing the practice of barbering in Florida, as established
22 by the board, and a practical examination approved by the
23 board.

24
25 The restricted license shall limit the licensee's practice to
26 those specific areas in which the applicant has demonstrated
27 competence pursuant to rules adopted by the board.

28 (9)(7) Pending results of the first licensing
29 examination taken and upon submission of an application for
30 licensure that includes proof of successful completion of the
31 educational requirements specified in this chapter and payment

1 of the applicable licensure fees, a person is eligible to
2 practice as a barber, provided such person practices under the
3 supervision of a licensed barber in a licensed barbershop. A
4 person who fails the examination may continue to practice
5 under the supervision of a licensed barber in a licensed
6 barbershop, provided the person applies for the next available
7 examination, and may continue such practice until receipt of
8 the results of that second examination are received by the
9 person. No person may continue to practice as a barber under
10 this subsection upon failure to pass the examination on the
11 second attempt.

12 Section 4. Section 476.190, Florida Statutes, is
13 created to read:

14 476.190 Apprenticeship training.--

15 (1) The board shall establish uniform minimum
16 standards and requirements governing apprenticeship programs,
17 sponsors, and agreements. Such standards and requirements
18 shall govern the terms and conditions of the apprentice's
19 employment and training, including the quality of the training
20 of the apprentice with respect to, but not limited to, such
21 matters as operation of a barbershop; health, safety, and
22 sanitary requirements; and licensure requirements.

23 (2) Training should be combined with properly
24 coordinated studies of related technical and supplementary
25 subjects.

26 (3) An apprentice must enter into a written agreement,
27 hereinafter called an apprentice agreement, with a registered
28 barber apprenticeship sponsor who may be either an employer
29 who is a licensed barber or an association of employers who
30 are licensed barbers.

31

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

6 (5) A barber who undertakes the sponsorship of an
7 apprentice shall ensure that the apprentice receives training
8 as required by board rule.

9 (6) An apprentice must actively participate in
10 barbering, and a record of barbering services for which
11 participation credit is claimed must be made as required by
12 board rule.

13 (7) An apprentice is prohibited from conducting
14 barbering services without the prior express written consent
15 of the sponsor. The apprentice's sponsor must be present at a
16 licensed barbershop at any time the apprentice is actively
17 participating in the conduct of barbering. If the apprentice's
18 sponsor cannot attend while an apprentice is performing
19 barbering services, the sponsor may appoint a qualified barber
20 who meets the requirements of board rules to be present and
21 supervise the apprentice at a licensed barbershop in place of
22 the sponsor. Prior written consent must be given by the
23 apprentice's sponsor for each substitution.

24 (8) Each apprentice and sponsor shall file reports as
25 required by board rule.

26 (9) A sponsor may not authorize an apprentice to
27 conduct barbering services unless the sponsor has determined
28 that the apprentice has received adequate training to do so.

29 (10) The sponsor shall be responsible for any acts or
30 omissions of the apprentice which constitute a violation of
31 law in relation to the conduct of barbering.

1 (11) Any licensed apprentice who wishes to change the
2 sponsor under whom he or she is licensed must submit a new
3 application. However, a new license fee shall not be required
4 and credit shall be awarded for training received for any
5 period of apprenticeship served under the previous sponsor.

6 (12) Credit for training received or any period of
7 apprenticeship served shall not be allowed unless it occurred
8 under the supervision of the sponsor or sponsor designee under
9 whose supervision the apprentice is licensed.

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

12 Section 5. Section 476.191, Florida Statutes, is
13 created to read:

14 476.191 Apprenticeship program; duties of the
15 board.--The board shall:

16 (1) Administer the provisions of this chapter relating
17 to apprentices, sponsors, and apprentice programs.

18 (2) Administer the standards and requirements that are
19 established.

20 (3) Register in accordance with this chapter any
21 apprenticeship sponsor and program which meets standards
22 established by the board.

23 (4) Investigate complaints concerning the failure of
24 any registered program to meet the standards established by
25 the board.

26 (5) Cancel the registration of any sponsor or program
27 that fails to comply with the standards and requirements or
28 that unreasonably fails or refuses to cooperate with the board
29 in monitoring and enforcing compliance with such standards and
30 requirements.

31 (6) Develop and encourage apprenticeship programs.

1 (7) Cooperate with and assist local apprenticeship
2 sponsors in the development of apprenticeship standards and
3 training requirements.

4 (8) Monitor registered apprenticeship programs to
5 ensure that they are being operated in compliance with all
6 applicable standards and requirements.

7 (9) Supervise apprenticeship programs that are
8 registered with the board.

9 (10) Ensure that minority and gender diversity are
10 considered in administering its regulation of apprenticeship
11 programs.

12 (11) Adopt rules necessary to implement and administer
13 regulation of apprenticeship programs.

14 Section 6. Paragraphs (e) and (f) are added to
15 subsection (1) of section 476.192, Florida Statutes, to read:

16 476.192 Fees; disposition.--

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

19 (e) For apprentices, a fee not to exceed \$100.

20 (f) For apprenticeship sponsors, a fee not to exceed
21 \$50.

22 Section 7. Section 476.194, Florida Statutes, is
23 amended to read:

24 476.194 Prohibited acts.--

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

26 (a) Engage in the practice of barbering without an
27 active license as a barber or apprentice issued pursuant to
28 the provisions of this act by the department.

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

31

1 (c) Hire or employ any person to engage in the
2 practice of barbering unless such person holds a valid license
3 as a barber or apprentice.

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

7 (e) Own, operate, maintain, open, establish, conduct,
8 or have charge of, either alone or with another person or
9 persons, a barbershop:

10 1. Which is not licensed under the provisions of this
11 chapter; or

12 2. In which a person not licensed as a barber or
13 apprentice is permitted to perform services.

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

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

19 Section 8. Section 477.013, Florida Statutes, is
20 amended to read:

21 477.013 Definitions.--As used in this chapter:

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

23 (2)~~(12)~~ "Body wrapping" means a treatment program that
24 uses herbal wraps for the purposes of cleansing and
25 beautifying the skin of the body, but does not include:

26 (a) The application of oils, lotions, or other fluids
27 to the body, except fluids contained in presoaked materials
28 used in the wraps; or

29 (b) Manipulation of the body's superficial tissue,
30 other than that arising from compression emanating from the
31 wrap materials.

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

4 (4) "Cosmetology" means the mechanical or chemical
5 treatment of the head, face, and scalp for aesthetic rather
6 than medical purposes, including, but not limited to, hair
7 shampooing, hair cutting, hair arranging, hair coloring,
8 permanent waving, and hair relaxing for compensation. This
9 term also includes performing hair removal, including wax
10 treatments, manicures, pedicures, and skin care services.

11 (5) "Cosmetology apprentice" means a person who is
12 engaged in learning the practice of cosmetology through actual
13 work experience under the supervision of a licensed
14 cosmetologist.

15 (6) "Cosmetology apprenticeship program" means an
16 organized system of instruction, registered and approved by
17 the board, which shall contain all terms and conditions for
18 the qualifications, recruitment, selection, employment, and
19 training of a cosmetology apprentice.

20 ~~(7)~~~~(2)~~ "Department" means the Department of Business
21 and Professional Regulation.

22 ~~(8)~~~~(9)~~ "Hair braiding" means the weaving or
23 interweaving of natural human hair for compensation without
24 cutting, coloring, permanent waving, relaxing, removing, or
25 chemical treatment and does not include the use of hair
26 extensions or wefts.

27 ~~(9)~~~~(10)~~ "Hair wrapping" means the wrapping of
28 manufactured materials around a strand or strands of human
29 hair, for compensation, without cutting, coloring, permanent
30 waving, relaxing, removing, weaving, chemically treating,
31

1 braiding, using hair extensions, or performing any other
2 service defined as cosmetology.

3 (10)~~(11)~~ "Photography studio salon" means an
4 establishment where the hair-arranging services and the
5 application of cosmetic products are performed solely for the
6 purpose of preparing the model or client for the photographic
7 session without shampooing, cutting, coloring, permanent
8 waving, relaxing, or removing of hair or performing any other
9 service defined as cosmetology.

10 (11)~~(7)~~ "Shampooing" means the washing of the hair
11 with soap and water or with a special preparation, or applying
12 hair tonics.

13 (12)~~(13)~~ "Skin care services" means the treatment of
14 the skin of the body, other than the head, face, and scalp, by
15 the use of a sponge, brush, cloth, or similar device to apply
16 or remove a chemical preparation or other substance, except
17 that chemical peels may be removed by peeling an applied
18 preparation from the skin by hand. Skin care services must be
19 performed by a licensed cosmetologist, licensed cosmetology
20 apprentice, or facial specialist within a licensed cosmetology
21 or specialty salon, and such services may not involve massage,
22 as defined in s. 480.033(3), through manipulation of the
23 superficial tissue.

24 (13)~~(5)~~ "Specialist" means any person holding a
25 specialty registration in one or more of the specialties
26 registered under this chapter.

27 (14)~~(6)~~ "Specialty" means the practice of one or more
28 of the following:

29 (a) Manicuring, or the cutting, polishing, tinting,
30 coloring, cleansing, adding, or extending of the nails, and
31 massaging of the hands. This term includes any procedure or

1 process for the affixing of artificial nails, except those
2 nails which may be applied solely by use of a simple adhesive.

3 (b) Pedicuring, or the shaping, polishing, tinting, or
4 cleansing of the nails of the feet, and massaging or
5 beautifying of the feet.

6 (c) Facials, or the massaging or treating of the face
7 or scalp with oils, creams, lotions, or other preparations,
8 and skin care services.

9 (15)~~(8)~~ "Specialty salon" means any place of business
10 wherein the practice of one or all of the specialties as
11 defined in subsection (14)~~(6)~~ are engaged in or carried on.

12 Section 9. Section 477.019, Florida Statutes, is
13 amended to read:

14 477.019 Cosmetologists; qualifications; licensure;
15 supervised practice; license renewal; endorsement; continuing
16 education.--

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

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

21 (a) Is at least 16 years of age or has received a high
22 school diploma, +

23 (b) Pays the required application fee, which is not
24 refundable, and the required examination fee, which is
25 refundable if the applicant is determined to not be eligible
26 for licensure for any reason other than failure to
27 successfully complete the licensure examination. + ~~and~~

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

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

6 a. A school of cosmetology licensed pursuant to
7 chapter 1005.

8 b. A cosmetology program within the public school
9 system.

10 c. The Cosmetology Division of the Florida School for
11 the Deaf and the Blind, provided the division meets the
12 standards of this chapter.

13 d. A government-operated cosmetology program in this
14 state.

15 e. A cosmetology apprenticeship program.

16
17 The board shall establish by rule procedures whereby the
18 school, sponsor, or program may certify that a person is
19 qualified to take the required examination after the
20 completion of a minimum of 1,000 actual school or
21 apprenticeship hours. If the person then passes the
22 examination, he or she shall have satisfied this requirement;
23 but if the person fails the examination, he or she shall not
24 be qualified to take the examination again until the
25 completion of the full requirements provided by this section.

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

30 (4) Following the completion of the first licensing
31 examination and pending the results of that examination and

1 issuance of a license to practice cosmetology, graduates of
2 licensed cosmetology schools, cosmetology apprenticeship
3 programs, or cosmetology programs offered in public school
4 systems, which schools or programs, other than cosmetology
5 apprenticeship programs, are certified by the Department of
6 Education, are eligible to practice cosmetology, provided such
7 graduates practice under the supervision of a licensed
8 cosmetologist in a licensed cosmetology salon. A graduate who
9 fails the first examination may continue to practice under the
10 supervision of a licensed cosmetologist in a licensed
11 cosmetology salon if the graduate applies for the next
12 available examination and until the graduate receives the
13 results of that examination. No graduate may continue to
14 practice under this subsection if the graduate fails the
15 examination twice.

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

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

24 (7) The board shall by rule specify the procedures for
25 the licensure of cosmetology apprentices. Each cosmetology
26 apprentice application and license shall name a licensed
27 cosmetologist who has agreed to serve as the sponsor of the
28 apprentice and is registered with the board. A cosmetology
29 apprentice may not conduct, or contract to conduct,
30 cosmetology services without the express approval of his or
31 her sponsor. The sponsor shall regularly review the

1 cosmetology apprentice's records, which are required by the
2 board to be maintained, to determine if such records are
3 accurate and current.

4 (8) A cosmetologist may not sponsor a cosmetology
5 apprentice unless the cosmetologist is licensed and registered
6 as an apprenticeship sponsor by the board. Each application
7 for registration shall include the names of the cosmetology
8 salon and its owner, the business mailing address and
9 location, and any other information which the board may
10 require. The sponsor shall report to the board within 30 days
11 after any change in this required information.

12 (9)(7)(a) The board shall prescribe by rule continuing
13 education requirements intended to ensure protection of the
14 public through updated training of licensees and registered
15 specialists, not to exceed 16 hours biennially, as a condition
16 for renewal of a license or registration as a specialist under
17 this chapter. Continuing education courses shall include, but
18 not be limited to, the following subjects as they relate to
19 the practice of cosmetology: human immunodeficiency virus and
20 acquired immune deficiency syndrome; Occupational Safety and
21 Health Administration regulations; workers' compensation
22 issues; state and federal laws and rules as they pertain to
23 cosmetologists, cosmetology, salons, specialists, specialty
24 salons, and booth renters; chemical makeup as it pertains to
25 hair, skin, and nails; and environmental issues. Courses given
26 at cosmetology conferences may be counted toward the number of
27 continuing education hours required if approved by the board.

28 (b) Any person whose occupation or practice is
29 confined solely to hair braiding, hair wrapping, or body
30 wrapping is exempt from the continuing education requirements
31 of this subsection.

1 (c) The board may, by rule, require any licensee in
2 violation of a continuing education requirement to take a
3 refresher course or refresher course and examination in
4 addition to any other penalty. The number of hours for the
5 refresher course may not exceed 48 hours.

6 Section 10. Paragraph (b) of subsection (1) of section
7 477.0201, Florida Statutes, is amended to read:

8 477.0201 Specialty registration; qualifications;
9 registration renewal; endorsement.--

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

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

- 15 1. A school licensed pursuant to s. 477.023.
- 16 2. A school licensed pursuant to chapter 1005 or the
17 equivalent licensing authority of another state.
- 18 3. A specialty program within the public school
19 system.
- 20 4. A specialty division within the Cosmetology
21 Division of the Florida School for the Deaf and the Blind,
22 provided the training programs comply with minimum curriculum
23 requirements established by the board.

24 Section 11. Section 477.0251, Florida Statutes, is
25 created to read:

26 477.0251 Cosmetology apprenticeship training.--

27 (1) The board shall establish uniform minimum
28 standards and requirements governing apprentice programs,
29 sponsors, and agreements. Such standards and requirements
30 shall govern the terms and conditions of the cosmetology
31 apprentice's employment and training, including the quality of

1 the training of the apprentice with respect to, but not
2 limited to, such matters as operation of a salon; health,
3 safety, and sanitary requirements; and licensure requirements.

4 (2) Training should be combined with properly
5 coordinated studies of related technical and supplementary
6 subjects.

7 (3) A cosmetology apprentice must enter into a written
8 agreement, hereinafter called a cosmetology apprentice
9 agreement, with a registered cosmetologist apprenticeship
10 sponsor who may be either an employer who is a licensed
11 cosmetologist or an association of employers who are licensed
12 cosmetologists.

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

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

22 (6) A cosmetology apprentice must actively participate
23 in cosmetology, and a record of cosmetology services for which
24 participation credit is claimed must be made as required by
25 board rule.

26 (7) Cosmetology apprentices are prohibited from
27 conducting cosmetology services without the prior express
28 written consent of the sponsor. The cosmetology apprentice's
29 sponsor must be present at a licensed salon at any time the
30 cosmetology apprentice is actively participating in the
31 conduct of cosmetology. If the cosmetology apprentice's

1 sponsor cannot attend while a cosmetology apprentice is
2 performing cosmetology services, the sponsor may appoint a
3 qualified cosmetologist who meets the requirements of board
4 rules to be present and supervise the cosmetology apprentice
5 at a licensed salon in place of the sponsor. Prior written
6 consent must be given by the cosmetology apprentice's sponsor
7 for each substitution.

8 (8) Each cosmetology apprentice and sponsor shall file
9 reports as required by board rule.

10 (9) A sponsor may not authorize a cosmetology
11 apprentice to conduct cosmetology services unless the sponsor
12 has determined that the cosmetology apprentice has received
13 adequate training to do so.

14 (10) The sponsor shall be responsible for any acts or
15 omissions of the cosmetology apprentice which constitute a
16 violation of law in relation to the conduct of cosmetology.

17 (11) A licensed cosmetology apprentice who wishes to
18 change the sponsor under whom he or she is licensed must
19 submit a new application. However, a new license fee shall not
20 be required and credit shall be awarded for training received
21 for any period of cosmetology apprenticeship served under the
22 previous sponsor.

23 (12) Credit for training received or any period of
24 cosmetology apprenticeship served shall not be allowed unless
25 it occurred under the supervision of the registered sponsor
26 under whose supervision the cosmetology apprentice is
27 licensed.

28 (13) The board may adopt rules necessary to establish
29 the standards and requirements of this section.

30 Section 12. Section 477.0252, Florida Statutes, is
31 created to read:

1 477.0252 Cosmetology apprenticeship program; duties of
2 the board.--The board shall:

3 (1) Administer the provisions of this chapter relating
4 to cosmetology apprentices, sponsors, and cosmetology
5 apprenticeship programs.

6 (2) Administer the standards and requirements that are
7 established.

8 (3) Register in accordance with this chapter any
9 cosmetology apprenticeship sponsor and program which meets
10 standards established by the board.

11 (4) Investigate complaints concerning the failure of
12 any registered program to meet the standards established by
13 the board.

14 (5) Cancel the registration of any program that fails
15 to comply with the standards and requirements or that
16 unreasonably fails or refuses to cooperate with the board in
17 monitoring and enforcing compliance with such standards and
18 requirements.

19 (6) Develop and encourage cosmetology apprenticeship
20 programs.

21 (7) Cooperate with and assist local cosmetology
22 apprenticeship sponsors in the development of cosmetology
23 apprenticeship standards and training requirements.

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

27 (9) Supervise cosmetology apprenticeship programs
28 which are registered with the board.

29 (10) Ensure that minority and gender diversity are
30 considered in administering its regulation of cosmetology
31 apprenticeship programs.

1 (11) Adopt rules as required to implement regulation
2 of cosmetology apprenticeship programs.

3 Section 13. Paragraphs (g) and (h) are added to
4 subsection (1) of section 477.026, Florida Statutes, to read:

5 477.026 Fees; disposition.--

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

8 (g) For cosmetology apprentices, a fee not to exceed
9 \$100.

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

11 Section 14. Section 477.0265, Florida Statutes, is
12 amended to read:

13 477.0265 Prohibited acts.--

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

15 (a) Engage in the practice of cosmetology or a
16 specialty without an active license as a cosmetologist or
17 cosmetology apprentice or registration as a specialist issued
18 by the department pursuant to the provisions of this chapter.

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

22 1. Which is not licensed under the provisions of this
23 chapter; or

24 2. In which a person not licensed or registered as a
25 cosmetologist, cosmetology apprentice, ~~or a~~ specialist is
26 permitted to perform cosmetology services or any specialty.

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

29 (d) Permit an employed person to engage in the
30 practice of cosmetology or of a specialty unless such person
31

1 holds a valid, active license as a cosmetologist or
2 cosmetology apprentice or registration as a specialist.

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

6 (f) Use or attempt to use a license to practice
7 cosmetology or a registration to practice a specialty, which
8 license or registration is suspended or revoked.

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

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

17 Section 15. Paragraph (a) of subsection (1) of section
18 477.029, Florida Statutes, is amended to read:

19 477.029 Penalty.--

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

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

25 Section 16. This act shall take effect October 1,
26 2004.

27
28
29
30
31