

1                                   A bill to be entitled  
2       An act relating to cosmetology; amending s. 476.044, F.S.;  
3       correcting a cross reference; amending s. 477.013, F.S.;  
4       redefining the term "cosmetology"; defining the term  
5       "salon"; deleting additional definitions; creating s.  
6       477.0131, F.S.; providing for subclassifications of  
7       cosmetology licenses; amending s. 477.0132, F.S.;  
8       providing for speciality registrations in shampooing, hair  
9       braiding, hair wrapping, and body wrapping; providing  
10      definitions; providing educational requirements; amending  
11      s. 477.0135, F.S.; removing the exemption from licensure  
12      under ch. 477, F.S., provided for persons whose practice  
13      is confined solely to shampooing; amending s. 477.014,  
14      F.S.; prohibiting a person from practicing, or holding  
15      himself or herself out as qualified to practice, in an  
16      area in which the person does not hold a license;  
17      authorizing a cosmetologist who is licensed before the  
18      effective date of the act to perform the services of a  
19      licensed cosmetologist; authorizing a facial specialist or  
20      nail technician who is registered or enrolled in a  
21      cosmetology school before the effective date of the act to  
22      take the examination for licensure; authorizing certain  
23      specialists who are registered before the effective date  
24      of the act to continue to practice under such  
25      registration; amending s. 477.019, F.S.; providing  
26      eligibility requirements for licensure to practice  
27      cosmetology or a cosmetology specialty; providing for work  
28      experience to be substituted for required educational

29 | hours for out-of-state cosmetologists, hairstylists,  
30 | estheticians, and nail technicians who apply for licensure  
31 | in this state; authorizing the Board of Cosmetology to  
32 | require certain licensees or registered specialists to  
33 | take a refresher course or examination; amending s.  
34 | 477.0201, F.S.; specifying the qualifications for  
35 | registration in a specialty; providing for work experience  
36 | to be substituted for required educational hours for out-  
37 | of-state specialists who apply for a specialty  
38 | registration in this state; amending s. 477.0212, F.S.;  
39 | increasing the fee required to reactivate or renew an  
40 | inactive license; requiring the board to prescribe by rule  
41 | the requirements for continuing education for license  
42 | renewal or reactivation; amending s. 477.023, F.S.;  
43 | providing for certification by the Department of Education  
44 | of programs in grooming and salon services within the  
45 | public school system; creating s. 477.0235, F.S.;  
46 | providing for the licensure of an independent contractor  
47 | who rents booth space; requiring the board to adopt rules  
48 | relating to the licensure of such independent contractors;  
49 | amending s. 477.025, F.S.; prohibiting booth rental salons  
50 | from operating without a license; providing licensure  
51 | requirements; requiring the board to adopt rules governing  
52 | the advertising of certain salons; authorizing the board  
53 | to adopt rules governing the inspection of booth rental  
54 | salons; amending s. 477.026, F.S.; requiring the board to  
55 | set fees for hairstylists, estheticians, nail technicians,  
56 | booth rental salons, booth renters, and cosmetologists;

57 providing limits for such fees; deleting the requirement  
58 that all moneys collected by fees be paid into the  
59 Professional Regulation Trust Fund; amending s. 477.0263,  
60 F.S.; requiring that cosmetology and specialty services be  
61 provided only by persons who are licensed in cosmetology  
62 or in a specialty; requiring that disposable implements or  
63 disinfectant be used when hair braiding and hair wrapping  
64 are practiced outside of a licensed salon; authorizing the  
65 provision of cosmetology services and specialty services  
66 by a licensed or registered practitioner in a location  
67 other than a licensed salon under certain circumstances;  
68 amending s. 477.0265, F.S.; prohibiting a person from  
69 owning, operating, maintaining, or establishing a booth  
70 rental salon under certain conditions; amending s.  
71 477.028, F.S.; authorizing the board to revoke or suspend  
72 the license of a hairstylist, esthetician, or nail  
73 technician, or the registration of a specialist, under  
74 certain circumstances; authorizing the board to revoke or  
75 suspend the license of a booth rental salon under certain  
76 circumstances; amending s. 477.029, F.S.; prohibiting a  
77 person from holding himself or herself out as a  
78 hairstylist, esthetician, nail technician, shampoo  
79 specialist, or cosmetic specialist unless he or she is  
80 duly licensed or registered; providing penalties;  
81 providing an effective date.

82  
83 Be It Enacted by the Legislature of the State of Florida:  
84

85 Section 1. Subsection (6) of section 476.044, Florida  
 86 Statutes, is amended to read:

87 476.044 Exemptions.--This chapter does not apply to the  
 88 following persons when practicing pursuant to their professional  
 89 responsibilities and duties:

90 (6) Persons who practice only shampooing as defined in s.  
 91 477.0132(1) ~~477.013~~ and whose practice is limited to the acts  
 92 described therein; or

93 Section 2. Section 477.013, Florida Statutes, is amended  
 94 to read:

95 477.013 Definitions.--As used in this chapter, the term:

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

97 (2) "Department" means the Department of Business and  
 98 Professional Regulation.

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

102 (3)(4) "Cosmetology" means the practice of performing or  
 103 offering to perform for compensation any of the following  
 104 services for aesthetic rather than medical purposes:

105 (a) Hairstyling services, which include:

106 1. Treating a person's hair by:

107 a. Providing any method of treatment as a primary service,  
 108 including arranging, beautifying, lightening, cleansing,  
 109 coloring, cutting, dressing, processing, shampooing, shaping,  
 110 singeing, straightening, styling, tinting, or waving;

111 b. Providing a necessary service that is preparatory or  
 112 ancillary to a service under sub-subparagraph a., including

113 clipping, cutting, or trimming; or  
 114 c. Cutting a person's hair as a separate and independent  
 115 service for which a charge is directly or indirectly made  
 116 separately from charges for any other service.  
 117 2. Weaving or braiding a person's hair.  
 118 3. Shampooing and conditioning a person's hair.  
 119 4. Servicing a person's wig or artificial hairpiece on a  
 120 person's head or on a block in any manner listed in subparagraph  
 121 1.  
 122 5. Treating a person's mustache or beard by arranging,  
 123 beautifying, coloring, processing, styling, or trimming.  
 124 (b) Esthetician services, which include:  
 125 1. Cleansing, exfoliating, stimulating, or manipulating  
 126 superficial tissues of a person's skin by hand or by using a  
 127 mechanical device, apparatus, or appliance with or without the  
 128 use of any cosmetic preparation, antiseptic, lotion, powder,  
 129 oil, clay, cream, or appliance.  
 130 2. Beautifying a person's skin using a cosmetic  
 131 preparation, antiseptic, lotion, powder, oil, clay, cream, or  
 132 appliance.  
 133 3. Administering facial treatments.  
 134 4. Removing superfluous hair from a person's body using  
 135 depilatories, threading, waxing, sugaring, epilating, or  
 136 tweezing.  
 137 5. Tinting eyebrows or eyelashes.  
 138 (c) Nail technician services, which include:  
 139 1. Treating a person's nails by:  
 140 a. Cutting, trimming, polishing, painting, printing,

141 tinting, coloring, cleansing, manicuring, or pedicuring; or  
 142 b. Attaching artificial nails, extensions, or capping.  
 143 2. Manipulating superficial tissue or cleansing, treating,  
 144 or beautifying a person's forearms, hands, legs below the knee,  
 145 or feet ~~mechanical or chemical treatment of the head, face, and~~  
 146 ~~scalp for aesthetic rather than medical purposes, including, but~~  
 147 ~~not limited to, hair shampooing, hair cutting, hair arranging,~~  
 148 ~~hair coloring, permanent waving, and hair relaxing for~~  
 149 ~~compensation. This term also includes performing hair removal,~~  
 150 ~~including wax treatments, manicures, pedicures, and skin care~~  
 151 ~~services.~~

152 (4) "Salon" means a place of business where one or more of  
 153 the cosmetology or specialty services are offered or performed  
 154 for compensation.

155 ~~(5) "Specialist" means any person holding a specialty~~  
 156 ~~registration in one or more of the specialties registered under~~  
 157 ~~this chapter.~~

158 ~~(6) "Specialty" means the practice of one or more of the~~  
 159 ~~following:~~

160 ~~(a) Manicuring, or the cutting, polishing, tinting,~~  
 161 ~~coloring, cleansing, adding, or extending of the nails, and~~  
 162 ~~massaging of the hands. This term includes any procedure or~~  
 163 ~~process for the affixing of artificial nails, except those nails~~  
 164 ~~which may be applied solely by use of a simple adhesive.~~

165 ~~(b) Pedicuring, or the shaping, polishing, tinting, or~~  
 166 ~~cleansing of the nails of the feet, and massaging or beautifying~~  
 167 ~~of the feet.~~

168 ~~(c) Facials, or the massaging or treating of the face or~~

169 ~~scalp with oils, creams, lotions, or other preparations, and~~  
 170 ~~skin care services.~~

171 ~~(7) "Shampooing" means the washing of the hair with soap~~  
 172 ~~and water or with a special preparation, or applying hair~~  
 173 ~~tonics.~~

174 ~~(8) "Specialty salon" means any place of business wherein~~  
 175 ~~the practice of one or all of the specialties as defined in~~  
 176 ~~subsection (6) are engaged in or carried on.~~

177 ~~(9) "Hair braiding" means the weaving or interweaving of~~  
 178 ~~natural human hair for compensation without cutting, coloring,~~  
 179 ~~permanent waving, relaxing, removing, or chemical treatment and~~  
 180 ~~does not include the use of hair extensions or wefts.~~

181 ~~(10) "Hair wrapping" means the wrapping of manufactured~~  
 182 ~~materials around a strand or strands of human hair, for~~  
 183 ~~compensation, without cutting, coloring, permanent waving,~~  
 184 ~~relaxing, removing, weaving, chemically treating, braiding,~~  
 185 ~~using hair extensions, or performing any other service defined~~  
 186 ~~as cosmetology.~~

187 (5)(11) "Photography studio salon" means an establishment  
 188 where the hair-arranging services and the application of  
 189 cosmetic products are performed solely for the purpose of  
 190 preparing the model or client for the photographic session  
 191 without shampooing, cutting, coloring, permanent waving,  
 192 relaxing, or removing of hair or performing any other service  
 193 defined as cosmetology.

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

197 ~~(a) The application of oils, lotions, or other fluids to~~  
 198 ~~the body, except fluids contained in presoaked materials used in~~  
 199 ~~the wraps; or~~

200 ~~(b) Manipulation of the body's superficial tissue, other~~  
 201 ~~than that arising from compression emanating from the wrap~~  
 202 ~~materials.~~

203 ~~(13) "Skin care services" means the treatment of the skin~~  
 204 ~~of the body, other than the head, face, and scalp, by the use of~~  
 205 ~~a sponge, brush, cloth, or similar device to apply or remove a~~  
 206 ~~chemical preparation or other substance, except that chemical~~  
 207 ~~peels may be removed by peeling an applied preparation from the~~  
 208 ~~skin by hand. Skin care services must be performed by a licensed~~  
 209 ~~cosmetologist or facial specialist within a licensed cosmetology~~  
 210 ~~or specialty salon, and such services may not involve massage,~~  
 211 ~~as defined in s. 480.033(3), through manipulation of the~~  
 212 ~~superficial tissue.~~

213 Section 3. Section 477.0131, Florida Statutes, is created  
 214 to read:

215 477.0131 Cosmetology licenses.--

216 (1) A person who is otherwise qualified by this chapter  
 217 and who is authorized to practice all of the services listed in  
 218 s. 477.013(3)(a) shall be licensed as a hairstylist.

219 (2) A person who is otherwise qualified by this chapter  
 220 and who is authorized to practice all of the services listed in  
 221 s. 477.013(3)(b) shall be licensed as an esthetician.

222 (3) A person who is otherwise qualified by this chapter  
 223 and who is authorized to practice all of the services listed in  
 224 s. 477.013(3)(c) shall be licensed as a nail technician.



225       (4) A person who is otherwise qualified by this chapter  
 226 and who is authorized to practice all of the services listed in  
 227 s. 477.013(3) shall be licensed as a cosmetologist.

228       Section 4. Section 477.0132, Florida Statutes, is amended  
 229 to read:

230       477.0132 Specialty registration in shampooing, hair  
 231 braiding, hair wrapping, and body wrapping registration.--Any  
 232 person who is otherwise qualified by this chapter and who is  
 233 authorized to practice in one or more of the following  
 234 specialties shall receive a specialty registration in the  
 235 corresponding specialty:

236       (1) "Shampooing" is the cleansing of hair with shampoo and  
 237 water or with a special preparation or the applying of hair  
 238 treatment or conditioners. "Shampooing" does not include the  
 239 application or removal of permanent waves, relaxers, hair  
 240 coloring, or lighteners. A person whose occupation or practice  
 241 is confined solely to shampooing shall apply to the department,  
 242 shall pay the applicable registration fees, and shall have taken  
 243 and passed a course consisting of a minimum of 16 hours. The  
 244 course shall be approved by the Department of Education and  
 245 consist of 4 hours of instruction in HIV/AIDS and other  
 246 communicable diseases, 5 hours of instruction in sanitation and  
 247 sterilization, 5 hours of instruction in disorders and diseases  
 248 of the scalp, and 2 hours of instruction regarding laws  
 249 affecting shampooing and services established by the board.

250       (2) "Hair braiding" is the weaving or interweaving of hair  
 251 for compensation without cutting, coloring, permanent waving,  
 252 relaxing, removing, or chemical treatment. A person whose

253 occupation or practice is confined solely to hair braiding shall  
 254 apply to the department, shall pay the applicable registration  
 255 fees, and shall have taken and passed a course consisting of a  
 256 minimum of 40 hours. The course shall be approved by the  
 257 Department of Education and consist of 4 hours of instruction in  
 258 HIV/AIDS and other communicable diseases, 5 hours of instruction  
 259 in sanitation and sterilization, 5 hours of instruction in  
 260 disorders and diseases of the scalp, 24 hours of instruction in  
 261 the application and removal of hair braiding, and 2 hours of  
 262 instruction regarding laws affecting hair braiding.

263 (3) "Hair wrapping" is the wrapping of manufactured  
 264 materials around a strand or strands of human hair for  
 265 compensation without cutting, shampooing, coloring, permanent  
 266 waving, relaxing, removing, weaving, chemically treating,  
 267 braiding, using hair extensions, or performing any other service  
 268 defined as cosmetology. A person whose occupation or practice is  
 269 confined solely to hair wrapping shall apply to the department,  
 270 shall pay the applicable registration fees, and shall have taken  
 271 and passed a course consisting of a minimum of 24 hours. The  
 272 course shall be approved by the Department of Education and  
 273 consist of 4 hours of instruction in HIV/AIDS and other  
 274 communicable diseases, 5 hours of instruction in sanitation and  
 275 sterilization, 5 hours of instruction in disorders and diseases  
 276 of the scalp, 8 hours of instruction in the application of hair  
 277 wrapping, and 2 hours of instruction regarding laws affecting  
 278 hair wrapping and services established by the board.

279 (4)(a) "Body wrapping," which is a treatment program that  
 280 uses wraps for the purposes of cleansing and beautifying the

281 skin of the body for aesthetic rather than medical or weight-  
 282 loss purposes, is the application of oils, lotions, or other  
 283 fluids to the body using wraps. "Body wrapping" does not include  
 284 manipulation of the body's superficial tissue other than  
 285 compression by the wrap materials.

286 (b) A person whose occupation or practice is confined  
 287 solely to body wrapping shall apply to the department, shall pay  
 288 the applicable registration fees, and shall have taken and  
 289 passed a course consisting of a minimum of 250 hours. The course  
 290 shall be approved by the Department of Education and consist of  
 291 4 hours of instruction in HIV/AIDS and other communicable  
 292 diseases, 5 hours of instruction in sanitation and  
 293 sterilization, 5 hours of instruction in disorders and diseases  
 294 of the skin, 234 hours of training in the practice of body  
 295 wrapping, and 2 hours of instruction regarding laws affecting  
 296 body wrapping and services established by the board.

297 ~~(1)(a) Persons whose occupation or practice is confined~~  
 298 ~~solely to hair braiding must register with the department, pay~~  
 299 ~~the applicable registration fee, and take a two-day 16-hour~~  
 300 ~~course. The course shall be board approved and consist of 5~~  
 301 ~~hours of HIV/AIDS and other communicable diseases, 5 hours of~~  
 302 ~~sanitation and sterilization, 4 hours of disorders and diseases~~  
 303 ~~of the scalp, and 2 hours of studies regarding laws affecting~~  
 304 ~~hair braiding.~~

305 ~~(b) Persons whose occupation or practice is confined~~  
 306 ~~solely to hair wrapping must register with the department, pay~~  
 307 ~~the applicable registration fee, and take a one-day 6-hour~~  
 308 ~~course. The course shall be board approved and consist of~~

309 ~~education in HIV/AIDS and other communicable diseases,~~  
 310 ~~sanitation and sterilization, disorders and diseases of the~~  
 311 ~~scalp, and studies regarding laws affecting hair wrapping.~~

312 ~~(c) Unless otherwise licensed or exempted from licensure~~  
 313 ~~under this chapter, any person whose occupation or practice is~~  
 314 ~~body wrapping must register with the department, pay the~~  
 315 ~~applicable registration fee, and take a two-day 12-hour course.~~  
 316 ~~The course shall be board approved and consist of education in~~  
 317 ~~HIV/AIDS and other communicable diseases, sanitation and~~  
 318 ~~sterilization, disorders and diseases of the skin, and studies~~  
 319 ~~regarding laws affecting body wrapping.~~

320 ~~(d) Only the board may review, evaluate, and approve a~~  
 321 ~~course required of an applicant for registration under this~~  
 322 ~~subsection in the occupation or practice of hair braiding, hair~~  
 323 ~~wrapping, or body wrapping. A provider of such a course is not~~  
 324 ~~required to hold a license under chapter 1005.~~

325 ~~(2) Hair braiding, hair wrapping, and body wrapping are~~  
 326 ~~not required to be practiced in a cosmetology salon or specialty~~  
 327 ~~salon. When hair braiding, hair wrapping, or body wrapping is~~  
 328 ~~practiced outside a cosmetology salon or specialty salon,~~  
 329 ~~disposable implements must be used or all implements must be~~  
 330 ~~sanitized in a disinfectant approved for hospital use or~~  
 331 ~~approved by the federal Environmental Protection Agency.~~

332 ~~(3) Pending issuance of registration, a person is eligible~~  
 333 ~~to practice hair braiding, hair wrapping, or body wrapping upon~~  
 334 ~~submission of a registration application that includes proof of~~  
 335 ~~successful completion of the education requirements and payment~~  
 336 ~~of the applicable fees required by this chapter.~~

337 Section 5. Section 477.0135, Florida Statutes, is amended  
 338 to read:

339 477.0135 Exemptions.--

340 (1) This chapter does not apply to the following persons  
 341 when practicing pursuant to their professional or occupational  
 342 responsibilities and duties:

343 (a) Persons authorized under the laws of this state to  
 344 practice medicine, surgery, osteopathic medicine, chiropractic  
 345 medicine, massage, naturopathy, or podiatric medicine.

346 (b) Commissioned medical or surgical officers of the  
 347 United States Armed Forces hospital services.

348 (c) Registered nurses under the laws of this state.

349 (d) Persons practicing barbering under the laws of this  
 350 state.

351 (e) Persons employed in federal, state, or local  
 352 institutions, hospitals, or military bases as cosmetologists  
 353 whose practices are limited to the inmates, patients, or  
 354 authorized military personnel of such institutions, hospitals,  
 355 or bases.

356 (f) Persons whose practice is limited to the application  
 357 of cosmetic products to another person in connection with the  
 358 sale, or attempted sale, of such products at retail without  
 359 compensation from such other person other than the regular  
 360 retail price of such merchandise.

361 ~~(2) A license is not required of any person whose  
 362 occupation or practice is confined solely to shampooing.~~

363 (2)~~(3)~~ A license or registration is not required of any  
 364 person whose occupation or practice is confined solely to

365 cutting, trimming, polishing, or cleansing the fingernails of  
 366 any person when said cutting, trimming, polishing, or cleansing  
 367 is done in a barbershop licensed pursuant to chapter 476 which  
 368 is carrying on a regular and customary business of barbering,  
 369 and such individual has been practicing the activities set forth  
 370 in this subsection prior to October 1, 1985.

371 (3)~~(4)~~ A photography studio salon is exempt from the  
 372 licensure provisions of this chapter. However, the hair-  
 373 arranging services of such salon must be performed under the  
 374 supervision of a licensed cosmetologist employed by the salon.  
 375 The salon must use disposable hair-arranging implements or use a  
 376 wet or dry sanitizing system approved by the federal  
 377 Environmental Protection Agency.

378 (4)~~(5)~~ A license is not required of any individual  
 379 providing makeup, special effects, or cosmetology services to an  
 380 actor, stunt person, musician, extra, or other talent during a  
 381 production recognized by the Office of Film and Entertainment as  
 382 a qualified production as defined in s. 288.1254(2). Such  
 383 services are not required to be performed in a licensed salon.  
 384 Individuals exempt under this subsection may not provide such  
 385 services to the general public.

386 (5)~~(6)~~ A license is not required of any individual  
 387 providing makeup or special effects services in a theme park or  
 388 entertainment complex to an actor, stunt person, musician,  
 389 extra, or other talent, or providing makeup or special effects  
 390 services to the general public. The term "theme park or  
 391 entertainment complex" has the same meaning as in s. 509.013(9).

392 Section 6. Section 477.014, Florida Statutes, is amended

393 to read:

394 477.014 Qualifications for practice.--

395 (1) On and after July 1, 2005, a ~~January 1, 1979, no~~  
 396 person other than a duly licensed cosmetologist ~~may not shall~~  
 397 practice ~~in any of the~~ cosmetology ~~areas provided in s.~~  
 398 477.013(3) or use the name or title of cosmetologist,  
 399 hairstylist, esthetician, or nail technician.

400 (2) A person licensed on or after July 1, 2005, may not  
 401 practice or hold himself or herself out as qualified to practice  
 402 in an area in which he or she is not specifically licensed.

403 (3) A cosmetologist licensed before July 1, 2005, may  
 404 perform all the services of a licensed cosmetologist as defined  
 405 in this chapter.

406 (4) A facial specialist registered or enrolled in a  
 407 cosmetology school before July 1, 2005, may take the examination  
 408 for an esthetician license.

409 (5) A manicure, pedicure, or nail extension specialist  
 410 registered or enrolled in a cosmetology school before July 1,  
 411 2005, may take the examination for a nail technician license.

412 (6) A specialist registered under this chapter before July  
 413 1, 2005, may choose not to take a licensure examination and may  
 414 continue to practice under the name of his or her specialty  
 415 registration.

416 Section 7. Section 477.019, Florida Statutes, is amended  
 417 to read:

418 477.019 Cosmetologists; hairstylists; estheticians; nail  
 419 technicians; qualifications; licensure; supervised practice;  
 420 license renewal; endorsement; continuing education.--

421 (1) A person desiring to be licensed in the field of  
 422 cosmetology ~~as a cosmetologist~~ shall apply to the department for  
 423 licensure.

424 (2) An applicant is ~~shall be~~ eligible for licensure by  
 425 examination to practice cosmetology, hairstylist services,  
 426 esthetician services, or nail technician services if the  
 427 applicant:

428 (a) Is at least 16 years of age and ~~or~~ has received a high  
 429 school diploma or graduate equivalency diploma or has passed an  
 430 ability-to-benefit test, which is an independently administered  
 431 test approved by the United States Secretary of Education as  
 432 provided in 20 U.S.C. s. 1091(d).~~;~~

433 (b) Pays the required application fee, which is not  
 434 refundable, and the required examination fee, which is  
 435 refundable if the applicant is determined to not be eligible for  
 436 licensure for any reason other than failure to successfully  
 437 complete the licensure examination.~~;~~ ~~and~~

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

442 2.a. Has received a minimum of hours of training as  
 443 follows:

- 444 (I) One thousand two hundred hours for a hairstylist.
- 445 (II) Six hundred hours for an esthetician.
- 446 (III) Six hundred hours for a nail technician.
- 447 (IV) Two thousand four hundred hours for a cosmetologist.

448 b. The training ~~Has received a minimum of 1,200 hours of~~



449 ~~training as established by the board, which shall include, but~~  
 450 need ~~shall~~ not be limited to, the equivalent of completion of  
 451 services directly related to the practice of cosmetology at one  
 452 of the following:

453 (I)a. A school of cosmetology licensed pursuant to chapter  
 454 1005.

455 (II)b. A cosmetology program within the public school  
 456 system.

457 (III)e. The Cosmetology Division of the Florida School for  
 458 the Deaf and the Blind, provided the division meets the  
 459 standards of this chapter.

460 (IV)d. A government-operated cosmetology program in this  
 461 state.

462 c. A person who has enrolled and begun his or her  
 463 education before July 1, 2005, may take the examination to be  
 464 licensed as a cosmetologist upon completion of 1,200 hours of  
 465 education.

466 d. A person who begins his or her education on or after  
 467 July 1, 2005, shall comply with the training requirements in  
 468 sub-subparagraph a. in order to qualify to take the respective  
 469 examination.

470  
 471 ~~The board shall establish by rule procedures whereby the school~~  
 472 ~~or program may certify that a person is qualified to take the~~  
 473 ~~required examination after the completion of a minimum of 1,000~~  
 474 ~~actual school hours. If the person then passes the examination,~~  
 475 ~~he or she shall have satisfied this requirement; but if the~~  
 476 ~~person fails the examination, he or she shall not be qualified~~

477 ~~to take the examination again until the completion of the full~~  
 478 ~~requirements provided by this section.~~

479 (3) Upon an applicant receiving a passing grade, as  
 480 established by board rule, on the examination and paying the  
 481 initial licensing fee, the department shall issue a license to  
 482 practice in the respective area of cosmetology provided in s.  
 483 477.013(3).

484 (4) Following the completion of the training specified in  
 485 subsection (2), a graduate may apply for a license that will  
 486 enable such graduate to practice in his or her cosmetology area  
 487 if he or she practices under the supervision of a person  
 488 licensed in the graduate's practice area in a licensed salon.  
 489 The board shall establish rules governing the practice of  
 490 qualified graduates and the duration of the practice first  
 491 ~~licensing examination and pending the results of that~~  
 492 ~~examination and issuance of a license to practice cosmetology,~~  
 493 ~~graduates of licensed cosmetology schools or cosmetology~~  
 494 ~~programs offered in public school systems, which schools or~~  
 495 ~~programs are certified by the Department of Education, are~~  
 496 ~~eligible to practice cosmetology, provided such graduates~~  
 497 ~~practice under the supervision of a licensed cosmetologist in a~~  
 498 ~~licensed cosmetology salon. A graduate who fails the first~~  
 499 ~~examination may continue to practice under the supervision of a~~  
 500 ~~licensed cosmetologist in a licensed cosmetology salon if the~~  
 501 ~~graduate applies for the next available examination and until~~  
 502 ~~the graduate receives the results of that examination. No~~  
 503 ~~graduate may continue to practice under this subsection if the~~  
 504 ~~graduate fails the examination twice.~~

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

507 (6) The board shall adopt rules specifying procedures for  
 508 the licensure by endorsement of practitioners desiring to be  
 509 licensed in this state who hold a current active license in  
 510 another state and who have met qualifications substantially  
 511 similar to, equivalent to, or greater than the qualifications  
 512 required of applicants from this state. For purposes of this  
 513 subsection, work experience may be substituted for required  
 514 educational hours in the amount and manner provided by rule.

515 (7)(a) The board shall prescribe by rule continuing  
 516 education requirements for licensees and registered specialists  
 517 that intended to ensure the protection of the public through  
 518 updated training of licensees and registered specialists, not to  
 519 exceed 16 hours biennially, as a condition for renewal of a  
 520 license or registration as a specialist under this chapter.  
 521 Continuing education courses shall include, but need not be  
 522 limited to, the following subjects as they relate to the  
 523 practice of cosmetology: human immunodeficiency virus and  
 524 acquired immune deficiency syndrome; Occupational Safety and  
 525 Health Administration regulations; workers' compensation issues;  
 526 state and federal laws and rules as they pertain to booth rental  
 527 and the practice of cosmetology ~~cosmetologists, cosmetology,~~  
 528 ~~salons, specialists, specialty salons, and booth renters;~~  
 529 chemical makeup as it pertains to hair, skin, and nails; and  
 530 environmental issues. Courses given at educational ~~cosmetology~~  
 531 conferences may be counted toward the number of continuing  
 532 education hours required if approved by the board.

533 ~~(b) Any person whose occupation or practice is confined~~  
 534 ~~solely to hair braiding, hair wrapping, or body wrapping is~~  
 535 ~~exempt from the continuing education requirements of this~~  
 536 ~~subsection.~~

537 (b)(e) The board may, by rule, require any licensee or  
 538 registered specialist who has not been in the active practice of  
 539 cosmetology for 2 years or more in violation of a continuing  
 540 education requirement to take a refresher course or refresher  
 541 course and examination in addition to any other penalty. The  
 542 number of hours for the refresher course may not exceed 500 ~~48~~  
 543 hours.

544 Section 8. Subsections (1) and (5) of section 477.0201,  
 545 Florida Statutes, are amended to read:

546 477.0201 Specialty registration; qualifications;  
 547 registration renewal; endorsement.--

548 (1) Any person is qualified for registration as a  
 549 specialist in any one or more of the specialty practices listed  
 550 in s. 477.0132 within the practice of cosmetology ~~under this~~  
 551 ~~chapter~~ who:

552 (a) Is at least 16 years of age and ~~or~~ has received a high  
 553 school diploma or graduate equivalency diploma or has passed an  
 554 ability-to-benefit test, which is an independently administered  
 555 test approved by the United States Secretary of Education as  
 556 provided in 20 U.S.C. s. 1091(d).

557 (b) Has received a certificate of completion in a  
 558 specialty course pursuant to s. 477.0132 ~~477.013(6)~~ from one of  
 559 the following:

560 1. A school licensed pursuant to s. 477.023.

561           2. A school licensed pursuant to chapter 1005 or the  
562 equivalent licensing authority of another state.

563           3. A specialty program within the public school system.

564           4. A specialty division within the Cosmetology Division of  
565 the Florida School for the Deaf and the Blind, provided the  
566 training programs comply with minimum curriculum requirements  
567 established by the board.

568           (5) The board shall adopt rules specifying procedures for  
569 the registration of specialty practitioners desiring to be  
570 registered in this state who have been registered or licensed  
571 and are practicing in states which have registering or licensing  
572 standards substantially similar to, equivalent to, or more  
573 stringent than the standards of this state. For purposes of this  
574 subsection, work experience may be substituted for required  
575 educational hours in the amount and manner provided by rule.

576           Section 9. Subsection (2) of section 477.0212, Florida  
577 Statutes, is amended to read:

578           477.0212 Inactive status.--

579           (2) The board shall adopt ~~promulgate~~ rules relating to  
580 licenses that ~~which~~ have become inactive and for the renewal of  
581 inactive licenses. The board shall prescribe by rule a fee not  
582 to exceed \$100 ~~\$50~~ for the reactivation of an inactive license  
583 and a fee not to exceed \$100 ~~\$50~~ for the renewal of an inactive  
584 license. The board shall prescribe by rule the continuing  
585 education requirements to be met prior to license renewal or  
586 reactivation.

587           Section 10. Section 477.023, Florida Statutes, is amended  
588 to read:

589           477.023 Schools of cosmetology; licensure.--~~A~~ ~~No~~ private  
 590 school of cosmetology may not ~~shall be permitted to~~ operate  
 591 without a license issued by the Commission for Independent  
 592 Education pursuant to chapter 1005. However, this chapter does  
 593 not ~~nothing herein shall be construed to~~ prevent certification  
 594 by the Department of Education of grooming and salon services  
 595 and cosmetology training programs within the public school  
 596 system or ~~to~~ prevent government operation of any other program  
 597 of cosmetology in this state.

598           Section 11. Section 477.0235, Florida Statutes, is created  
 599 to read:

600           477.0235 Independent contractor; booth renter license.--

601           (1) A person licensed or registered under this chapter may  
 602 not lease or rent space on the premises of a beauty salon to  
 603 engage as an independent contractor in the practice of  
 604 cosmetology or a cosmetological specialty unless the person also  
 605 holds a booth renter license issued under this section and meets  
 606 the guidelines of the Internal Revenue Service as stated in 26  
 607 U.S.C. s. 3121(d)(2) of the Internal Revenue Code.

608           (2) An application for a booth renter license must:

609           (a) Be on a form prescribed by the board.

610           (b) Contain information as required by board rule.

611           (c) Include a copy of the contract.

612           (3) The applicant is entitled to a booth renter license if  
 613 the applicant:

614           (a) Pays the application fee.

615           (b) Complies with board rules.

616           (c) Has not committed an act that constitutes grounds for

617 denial of a license or certificate.

618 (4) The board shall adopt rules relating to the  
 619 information submitted for a booth renter license, including  
 620 information regarding the applicant's compliance with state and  
 621 federal tax laws.

622 Section 12. Section 477.025, Florida Statutes, is amended  
 623 to read:

624 477.025 Cosmetology salons; specialty salons; booth rental  
 625 salons; requisites; licensure; inspection; mobile cosmetology  
 626 salons.--

627 (1) A ~~No~~ cosmetology salon, ~~or~~ specialty salon, or booth  
 628 rental salon may not shall be permitted to operate without a  
 629 license issued by the department except as provided in  
 630 subsection (11).

631 (2) The board shall adopt rules governing the licensure  
 632 and operation of salons, ~~and~~ specialty salons, and booth rental  
 633 salons; and their facilities, personnel, advertising, and safety  
 634 and sanitation ~~sanitary~~ requirements; and the license  
 635 application and granting process.

636 (3) Any person, firm, or corporation desiring to operate a  
 637 cosmetology salon, ~~or~~ specialty salon, or booth rental salon in  
 638 the state shall submit to the department an application upon  
 639 forms provided by the department and accompanied by any relevant  
 640 information requested by the department and by an application  
 641 fee.

642 (4) Upon receiving the application, the department may  
 643 cause an investigation to be made of the proposed cosmetology  
 644 salon, ~~or~~ specialty salon, or booth rental salon.

645           (5) If ~~When~~ an applicant fails to meet all the  
 646 requirements provided in this section ~~herein~~, the department  
 647 shall deny the application in writing and shall list the  
 648 specific requirements not met. An ~~No~~ applicant denied licensure  
 649 because of failure to meet the requirements of this section is  
 650 not herein ~~shall be~~ precluded from reapplying for licensure.

651           (6) When the department determines that the proposed  
 652 cosmetology salon, ~~or~~ specialty salon, or booth rental salon may  
 653 reasonably be expected to meet the requirements set forth in  
 654 this section ~~herein~~, the department shall grant the license upon  
 655 such conditions as it deems ~~shall deem~~ proper under the  
 656 circumstances and upon payment of the original licensing fee.

657           (7) A ~~No~~ license for operation of a cosmetology salon, ~~or~~  
 658 specialty salon, or booth rental salon may not be transferred  
 659 from the name of the original licensee to another. It may be  
 660 transferred from one location to another only upon approval by  
 661 the department, which approval may ~~shall~~ not be unreasonably  
 662 withheld.

663           (8) Renewal of license registration for cosmetology  
 664 salons, ~~or~~ specialty salons, or booth rental salons shall be  
 665 accomplished pursuant to rules adopted by the board. The board  
 666 is further authorized to adopt rules governing delinquent  
 667 renewal of licenses and may impose penalty fees for delinquent  
 668 renewal.

669           (9) The board may ~~is authorized to~~ adopt rules governing  
 670 the periodic inspection of cosmetology salons, ~~and~~ specialty  
 671 salons, and booth rental salons licensed under this chapter.

672           (10)(a) The board shall adopt rules governing the



673 licensure, operation, and inspection of mobile cosmetology  
 674 salons, including their facilities, personnel, and safety and  
 675 sanitation ~~sanitary~~ requirements.

676 (b) Each mobile salon shall ~~must~~ comply with all licensure  
 677 and operating requirements specified in this chapter or chapter  
 678 455 or rules of the board or department that apply to  
 679 cosmetology salons at fixed locations, except to the extent that  
 680 such requirements conflict with this subsection or rules adopted  
 681 pursuant to this subsection.

682 (c) A mobile cosmetology salon shall ~~must~~ maintain a  
 683 permanent business address, located in the inspection area of  
 684 the local department office, at which records of appointments,  
 685 itineraries, license numbers of employees, and vehicle  
 686 identification numbers of the licenseholder's mobile salon shall  
 687 be kept and made available for verification purposes by  
 688 department personnel, and at which correspondence from the  
 689 department can be received.

690 (d) To facilitate periodic inspections of mobile  
 691 cosmetology salons, prior to the beginning of each month each  
 692 mobile salon licenseholder shall ~~must~~ file with the board a  
 693 written monthly itinerary listing the locations where and the  
 694 dates and hours when the mobile salon will be operating.

695 (e) The board shall establish fees for mobile cosmetology  
 696 salons, not to exceed the fees for cosmetology salons at fixed  
 697 locations.

698 (f) The operation of mobile cosmetology salons shall ~~must~~  
 699 be in compliance with all local laws and ordinances regulating  
 700 business establishments, with all applicable requirements of the

701 Americans with Disabilities Act relating to accommodations for  
 702 persons with disabilities, and with all applicable OSHA  
 703 requirements.

704 (11) Facilities licensed under part II or part III of  
 705 chapter 400 shall be exempt from the provisions of this section  
 706 and a cosmetologist licensed pursuant to s. 477.019 may provide  
 707 salon services exclusively for facility residents.

708 Section 13. Section 477.026, Florida Statutes, is amended  
 709 to read:

710 477.026 Fees; disposition.--

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

713 (a) For hairstylists, estheticians, nail technicians, or  
 714 cosmetologists, fees for original licensing, license renewal,  
 715 and delinquent renewal may shall not exceed \$50 ~~\$25~~.

716 (b) For hairstylists, estheticians, nail technicians, or  
 717 cosmetologists, fees for endorsement application, examination,  
 718 and reexamination may shall not exceed \$150 ~~\$50~~.

719 (c) For cosmetology salons, booth rental salons, and  
 720 specialty salons, fees for license application, original  
 721 licensing, license renewal, and delinquent renewal may shall not  
 722 exceed \$100 ~~\$50~~.

723 (d) For specialty registrations ~~specialists~~, fees for  
 724 application and endorsement registration may shall not exceed  
 725 \$60 ~~\$30~~.

726 (e) For specialty registrations ~~specialists~~, fees for  
 727 initial registration, registration renewal, and delinquent  
 728 renewal may shall not exceed \$50.

729           (f) For booth renters ~~hair braiders, hair wrappers, and~~  
 730 ~~body wrappers,~~ fees for original licensing, license renewal, and  
 731 delinquent renewal may registration shall not exceed \$50 \$25.

732           ~~(2) All moneys collected by the department from fees~~  
 733 ~~authorized by this chapter shall be paid into the Professional~~  
 734 ~~Regulation Trust Fund, which fund is created in the department,~~  
 735 ~~and shall be applied in accordance with ss. 215.37 and 455.219.~~  
 736 ~~The Legislature may appropriate any excess moneys from this~~  
 737 ~~fund to the General Revenue Fund.~~

738           ~~(2)(3)~~ The department, with the advice of the board, shall  
 739 prepare and submit a proposed budget in accordance with law.

740           Section 14. Section 477.0263, Florida Statutes, is amended  
 741 to read:

742           477.0263 Cosmetology services to be performed in licensed  
 743 salon; exceptions ~~exception.~~--

744           (1) Cosmetology or specialty services shall be performed  
 745 only by licensed cosmetologists, hairstylists, estheticians,  
 746 nail technicians, shampoo specialists, cosmetic specialists, or  
 747 body wrappers in licensed salons, except as otherwise provided  
 748 in this section.

749           (2) Hair braiding and hair wrapping need not be practiced  
 750 in a licensed salon. When hair braiding and hair wrapping are  
 751 practiced outside a licensed salon, disposable implements must  
 752 be used or all implements must be sanitized in a disinfectant  
 753 approved for hospital use or by the United States Environmental  
 754 Protection Agency.

755           ~~(3)(2)~~ Pursuant to rules established by the board,  
 756 cosmetology services may be performed by a licensed

757 cosmetologist, hairstylist, esthetician, nail technician, or  
 758 specialty registrant in a location other than a licensed salon,  
 759 including, but not limited to, a nursing home, hospital, or  
 760 residence, when a client for reasons of ill health is unable to  
 761 go to a licensed salon. Arrangements for the performance of such  
 762 cosmetology services in a location other than a licensed salon  
 763 shall be made only through a licensed salon.

764 ~~(4)(3)~~ Any person who holds a valid cosmetology license in  
 765 any state or who is authorized to practice cosmetology in any  
 766 country, territory, or jurisdiction of the United States may  
 767 perform cosmetology services in a location other than a licensed  
 768 salon when such services are performed in connection with the  
 769 motion picture, fashion photography, theatrical, or television  
 770 industry; a photography studio salon; a manufacturer trade show  
 771 demonstration; a department store demonstration; or an  
 772 educational seminar.

773 (5) Pursuant to rules established by the board,  
 774 cosmetology, hairstylist, esthetician, nail technician, or  
 775 specialty services may be performed in a location other than a  
 776 licensed salon when such services are performed in connection  
 777 with a special event and are performed by a person holding the  
 778 proper license or specialty registration. Arrangements for the  
 779 performance of such services in a location other than a licensed  
 780 salon shall be made only through a licensed salon.

781 Section 15. Subsection (1) of section 477.0265, Florida  
 782 Statutes, is amended to read:

783 477.0265 Prohibited acts.--

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

785 (a) Engage in the practice of cosmetology or a specialty  
 786 without an active license in the field of cosmetology ~~as a~~  
 787 ~~cosmetologist~~ or registration as a specialist issued by the  
 788 department pursuant to the provisions of this chapter.

789 (b) Own, operate, maintain, open, establish, conduct, or  
 790 have charge of, either alone or with another person or persons,  
 791 a cosmetology salon, ~~or~~ specialty salon, or booth rental salon:

792 1. Which is not licensed under the provisions of this  
 793 chapter; or

794 2. In which a person not licensed in the field of  
 795 cosmetology ~~or registered as a cosmetologist~~ or registered as a  
 796 specialist is permitted to perform cosmetology services or any  
 797 specialty.

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

800 (d) Permit an employed person to engage in the practice of  
 801 cosmetology or of a specialty unless such person holds a valid,  
 802 active license in the field of cosmetology ~~as a cosmetologist~~ or  
 803 registration as a specialist.

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

807 (f) Use or attempt to use a license to practice in the  
 808 field of cosmetology or a registration to practice a specialty,  
 809 which license or registration is suspended or revoked.

810 (g) Advertise or imply that skin care services or body  
 811 wrapping, as performed under this chapter, has ~~have~~ any  
 812 relationship to the practice of massage therapy as defined in s.

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813 480.033(3), except those practices or activities defined in s.  
814 477.013.

815 (h) In the practice of cosmetology, use or possess a  
816 cosmetic product containing a liquid nail monomer containing any  
817 trace of methyl methacrylate (MMA).

818 Section 16. Section 477.028, Florida Statutes, is amended  
819 to read:

820 477.028 Disciplinary proceedings.--

821 (1) The board may ~~shall have the power to~~ revoke or  
822 suspend the license of a cosmetologist, hairstylist,  
823 esthetician, or nail technician licensed under this chapter, or  
824 the registration of a specialist registered under this chapter,  
825 and may ~~to~~ reprimand, censure, deny subsequent licensure or  
826 registration of, or otherwise discipline a cosmetologist,  
827 hairstylist, esthetician, nail technician, or other a specialist  
828 licensed or registered under this chapter in any of the  
829 following cases:

830 (a) Upon proof that a license or registration has been  
831 obtained by fraud or misrepresentation.

832 (b) Upon proof that the holder of a license or  
833 registration is guilty of fraud or deceit or of gross  
834 negligence, incompetency, or misconduct in the practice or  
835 instruction of cosmetology or a specialty.

836 (c) Upon proof that the holder of a license or  
837 registration is guilty of aiding, assisting, procuring, or  
838 advising any unlicensed person to practice in the field of  
839 cosmetology ~~as a cosmetologist~~.

840 (2) The board may ~~shall have the power to~~ revoke or

841 suspend the license of a cosmetology salon, ~~or a specialty~~  
 842 salon, or booth rental salon licensed under this chapter; ~~to~~  
 843 deny subsequent licensure of such salon; ~~or to~~ reprimand,  
 844 censure, or otherwise discipline the owner of such salon in  
 845 either of the following cases:

846 (a) Upon proof that a license has been obtained by fraud  
 847 or misrepresentation.

848 (b) Upon proof that the holder of a license is guilty of  
 849 fraud or deceit or of gross negligence, incompetency, or  
 850 misconduct in the operation of the salon so licensed.

851 (3) Disciplinary proceedings shall be conducted pursuant  
 852 to the provisions of chapter 120.

853 (4) The department may ~~shall~~ not issue or renew a license  
 854 or certificate of registration under this chapter to any person  
 855 against whom or salon against which the board has assessed a  
 856 fine, interest, or costs associated with investigation and  
 857 prosecution until the person or salon has paid in full such  
 858 fine, interest, or costs associated with investigation and  
 859 prosecution or until the person or salon complies with or  
 860 satisfies all terms and conditions of the final order.

861 Section 17. Section 477.029, Florida Statutes, is amended  
 862 to read:

863 477.029 Penalty.--

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

865 (a) Hold himself or herself out as a cosmetologist,  
 866 hairstylist, esthetician, nail technician, shampoo specialist,  
 867 cosmetic specialist, hair wrapper, hair braider, or body wrapper  
 868 unless duly licensed or registered, or otherwise authorized, as

869 provided in this chapter.

870 (b) Operate any cosmetology salon unless it has been duly  
871 licensed as provided in this chapter.

872 (c) Permit an employed person to practice in the field of  
873 cosmetology, in or a cosmetological specialty, or as a  
874 hairstylist, esthetician, or nail technician unless duly  
875 licensed or registered, or otherwise authorized, as provided in  
876 this chapter.

877 (d) Present as his or her own the license of another.

878 (e) Give false or forged evidence to the department in  
879 obtaining any license provided for in this chapter.

880 (f) Impersonate any other licenseholder of like or  
881 different name.

882 (g) Use or attempt to use a license that has been revoked.

883 (h) Violate any provision of s. 455.227(1), s. 477.0265,  
884 or s. 477.028.

885 (i) Violate or refuse to comply with any provision of this  
886 chapter or chapter 455 or a rule or final order of the board or  
887 the department.

888 (2) Any person who violates the provisions of this section  
889 ~~is shall be~~ subject to one or more of the following penalties,  
890 as determined by the board:

891 (a) Revocation or suspension of any license or  
892 registration issued pursuant to this chapter.

893 (b) Issuance of a reprimand or censure.

894 (c) Imposition of an administrative fine not to exceed  
895 \$500 for each count or separate offense.

896 (d) Placement on probation for a period of time and



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897 | subject to such reasonable conditions as the board may specify.

898 |       (e) Refusal to certify to the department an applicant for  
899 | licensure.

900 |       Section 18. This act shall take effect July 1, 2005.