

1 cosmetology specialty; providing for work
2 experience to be substituted for required
3 educational hours for out-of-state
4 cosmetologists, hairstylists, estheticians, and
5 nail technicians who apply for licensure in
6 this state; authorizing the Board of
7 Cosmetology to require certain licensees or
8 registered specialists to take a refresher
9 course or examination; amending s. 477.0201,
10 F.S.; specifying the qualifications for
11 registration in a specialty; providing for work
12 experience to be substituted for required
13 educational hours for out-of-state specialists
14 who apply for a specialty registration in this
15 state; amending s. 477.0212, F.S.; increasing
16 the fee required to reactivate or renew an
17 inactive license; authorizing the board to
18 prescribe by rule the requirements for
19 continuing education for license renewal or
20 reactivation; amending s. 477.023, F.S.;
21 providing for certification by the Department
22 of Education of programs in grooming and salon
23 services within the public school system;
24 creating s. 477.0235, F.S.; providing for the
25 licensure of an independent contractor who
26 rents booth space; authorizing the board to
27 adopt rules relating to the licensure of such
28 independent contractors; amending s. 477.025,
29 F.S.; prohibiting booth-rental salons from
30 operating without a license; providing
31 licensure requirements; authorizing the board

1 to adopt rules governing the inspection of
2 booth-rental salons; amending s. 477.026, F.S.;
3 requiring the board to set fees for
4 hairstylists, estheticians, nail technicians,
5 booth-rental salons, booth renters, and
6 cosmetologists; amending s. 477.0263, F.S.;
7 requiring that cosmetology and specialty
8 services be provided only by persons who are
9 licensed in cosmetology or in a specialty;
10 requiring that disposable implements or
11 disinfectant be used when hair braiding and
12 hair wrapping are practiced outside of a salon;
13 authorizing the provision of cosmetology
14 services and specialty services by a licensed
15 or registered practitioner in a location other
16 than a licensed salon under certain
17 circumstances; amending s. 477.0265, F.S.;
18 prohibiting a person from practicing
19 cosmetology or a specialty without an active
20 license or registration; prohibiting a person
21 from owning, operating, maintaining, or
22 establishing a booth-rental salon under certain
23 conditions; amending s. 477.028, F.S.;
24 authorizing the board to revoke or suspend the
25 license of a cosmetologist, hairstylist,
26 esthetician, or nail technician, or the
27 registration of a specialist, under certain
28 circumstances; authorizing the board to revoke
29 or suspend the license of a booth-rental salon
30 under certain circumstances; amending s.
31 477.029, F.S.; prohibiting a person from

1 holding himself or herself out as a
2 hairstylist, esthetician, nail technician, or
3 shampoo specialist unless he or she is duly
4 licensed or registered; providing for
5 revocation or suspension of a license or
6 registration; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Section 477.013, Florida Statutes, is
11 amended to read:

12 477.013 Definitions.--As used in this chapter, the
13 term:

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

15 (2) "Department" means the Department of Business and
16 Professional Regulation.

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

20 ~~(3)(4)~~ "Cosmetology" means the practice of performing
21 or offering to perform for compensation any of the following
22 services for aesthetic rather than medical purposes:

23 (a) Hairstyling services, which are:

24 1. Treating a person's hair by:

25 a. Providing any method of treatment as a primary
26 service, including arranging, beautifying, lightening,
27 cleansing, coloring, cutting, dressing, processing,
28 shampooing, shaping, singeing, straightening, styling,
29 tinting, or waving;
30
31

1 b. Providing a necessary service that is preparatory
2 or ancillary to a service under sub-subparagraph a., including
3 clipping, cutting, or trimming; or

4 c. Cutting a person's hair as a separate and
5 independent service for which a charge is directly or
6 indirectly made separately from charges for any other service;

7 2. Weaving or braiding a person's hair;

8 3. Shampooing and conditioning a person's hair;

9 4. Servicing a person's wig or artificial hairpiece on
10 a person's head or on a block in any manner listed in
11 subparagraph 1.; or

12 5. Treating a person's mustache or beard by arranging,
13 beautifying, coloring, processing, styling, or trimming.

14 (b) Esthetician services, which are:

15 1. Cleansing, exfoliating, stimulating, or
16 manipulating superficial tissues of a person's skin by hand or
17 by using a mechanical device, apparatus, or appliance with or
18 without the use of any cosmetic preparation, antiseptic,
19 lotion, powder, oil, clay, cream, or appliance;

20 2. Beautifying a person's skin using a cosmetic
21 preparation, antiseptic, lotion, powder, oil, clay, cream, or
22 appliance;

23 3. Administering facial treatments;

24 4. Removing superfluous hair from a person's body
25 using depilatories, threading, waxing, sugaring, epilating, or
26 tweezing; or

27 5. Tinting eyebrows or eyelashes.

28 (c) Nail technician services, which are:

29 1. Treating a person's nails by:

30 a. Cutting, trimming, polishing, painting, printing,
31 tinting, coloring, cleansing, manicuring, or pedicuring; or

1 b. Attaching artificial nails, extensions, or capping;
2 or

3 2. Manipulating superficial tissue or cleansing,
4 treating, or beautifying a person's forearms, hands, legs
5 below the knee, or feet. ~~mechanical or chemical treatment of~~
6 the head, face, and scalp for aesthetic rather than medical
7 purposes, including, but not limited to, hair shampooing, hair
8 cutting, hair arranging, hair coloring, permanent waving, and
9 hair relaxing for compensation. This term also includes
10 performing hair removal, including wax treatments, manicures,
11 pedicures, and skin care services.

12 (4) "Salon" means a place of business where the
13 practice of one or more of the cosmetology or specialty
14 services are offered or performed for compensation.

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

18 ~~(6) "Specialty" means the practice of one or more of~~
19 ~~the following:~~

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

25 ~~(b) Pedicuring, or the shaping, polishing, tinting, or~~
26 ~~cleansing of the nails of the feet, and massaging or~~
27 ~~beautifying of the feet.~~

28 ~~(c) Facials, or the massaging or treating of the face~~
29 ~~or scalp with oils, creams, lotions, or other preparations,~~
30 ~~and skin care services.~~

31

1 ~~(7) "Shampooing" means the washing of the hair with~~
2 ~~soap and water or with a special preparation, or applying hair~~
3 ~~tonics.~~

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

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

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

18 (5)(11) "Photography studio salon" means an
19 establishment where the hair-arranging services and the
20 application of cosmetic products are performed solely for the
21 purpose of preparing the model or client for the photographic
22 session without shampooing, cutting, coloring, permanent
23 waving, relaxing, or removing of hair or performing any other
24 service defined as cosmetology.

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

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

31

1 ~~(b) Manipulation of the body's superficial tissue,~~
2 ~~other than that arising from compression emanating from the~~
3 ~~wrap materials.~~

4 ~~(13) "Skin care services" means the treatment of the~~
5 ~~skin of the body, other than the head, face, and scalp, by the~~
6 ~~use of a sponge, brush, cloth, or similar device to apply or~~
7 ~~remove a chemical preparation or other substance, except that~~
8 ~~chemical peels may be removed by peeling an applied~~
9 ~~preparation from the skin by hand. Skin care services must be~~
10 ~~performed by a licensed cosmetologist or facial specialist~~
11 ~~within a licensed cosmetology or specialty salon, and such~~
12 ~~services may not involve massage, as defined in s. 480.033(3),~~
13 ~~through manipulation of the superficial tissue.~~

14 Section 2. Section 477.0131, Florida Statutes, is
15 created to read:

16 477.0131 Cosmetology licenses.--

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

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

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

28 (4) A person who is otherwise qualified by this
29 chapter and who is authorized to practice all of the services
30 listed in s. 477.013(3) shall be licensed as a cosmetologist.
31

1 Section 3. Section 477.0132, Florida Statutes, is
2 amended to read:

3 477.0132 Specialty registration in shampooing, hair
4 braiding, hair wrapping, and body wrapping registration.--~~Any~~
5 person who is otherwise qualified by this chapter and who is
6 authorized to practice in one or more of the following
7 specialties shall receive a specialty registration in the
8 corresponding specialty:

9 (1) Shampooing is the cleansing of hair with shampoo
10 and water or with a special preparation, or the applying of
11 hair treatment or conditioners. Shampooing does not include
12 the application or removal of permanent waves, relaxers, hair
13 coloring, or lighteners. A person whose occupation or practice
14 is confined solely to hair shampooing must apply to the
15 department, must pay the applicable registration fees, and
16 must have taken and passed a course consisting of a minimum of
17 16 hours. The course must be approved by the Department of
18 Education and consist of 4 hours of instruction in HIV/AIDS
19 and other communicable diseases, 5 hours of instruction in
20 sanitation and sterilization, 5 hours of instruction in
21 disorders and diseases of the scalp, and 2 hours of
22 instruction regarding laws affecting shampooing and services
23 established by the board.

24 (2) Hair braiding is the weaving or interweaving of
25 hair for compensation, without cutting, coloring, permanent
26 waving, relaxing, removing, or chemical treatment. A person
27 whose occupation or practice is confined solely to hair
28 braiding must apply to the department, must pay the applicable
29 registration fees, and must have taken and passed a course
30 consisting of a minimum of 40 hours. The course must be
31 approved by the Department of Education and consist of 4 hours

1 of instruction on HIV/AIDS and other communicable diseases, 5
2 hours of instruction in sanitation and sterilization, 5 hours
3 of instruction in disorders and diseases of the scalp, 24
4 hours of instruction in the application and removal of hair
5 braiding, and 2 hours of instruction regarding laws affecting
6 hair braiding.

7 (3) Hair wrapping is the wrapping of manufactured
8 materials around a strand or strands of human hair for
9 compensation, without cutting, shampooing, coloring, permanent
10 waving, relaxing, removing, weaving, chemically treating,
11 braiding, using hair extensions, or performing any other
12 service defined as cosmetology. A person whose occupation or
13 practice is confined solely to hair wrapping must apply to the
14 department, must pay the applicable registration fees, and
15 must have taken and passed a course consisting of a minimum of
16 24 hours. The course must be approved by the Department of
17 Education and consist of 4 hours of instruction on HIV/AIDS
18 and other communicable diseases, 5 hours of instruction on
19 sanitation and sterilization, 5 hours of instruction on
20 disorders and diseases of the scalp, 8 hours of instruction on
21 application of hair wrapping, and 2 hours of instruction
22 regarding laws affecting hair wrapping and services
23 established by the board.

24 (4)(a) Body wrapping, which is a treatment program
25 that uses wraps for the purposes of cleansing and beautifying
26 the skin of the body for aesthetic rather than medical or
27 weight-loss purposes, is the application of oils, lotions, or
28 other fluids to the body using wraps. Body wrapping does not
29 include manipulation of the body's superficial tissue, other
30 than that arising from compression emanating from the wrap
31 materials.

1 (b) A person whose occupation or practice is confined
2 solely to body wrapping must apply to the department, must pay
3 the applicable registration fees, and must have taken and
4 passed a course consisting of a minimum of 250 hours. The
5 course must be approved by the Department of Education and
6 consist of 4 hours of instruction in HIV/AIDS and other
7 communicable diseases, 5 hours of instruction in sanitation
8 and sterilization, 5 hours of instruction in disorders and
9 diseases of the skin, 234 hours of training in the practice of
10 body wrapping, and 2 hours of instruction regarding laws
11 affecting body wrapping and services established by the board.

12 ~~(1)(a) Persons whose occupation or practice is~~
13 ~~confined solely to hair braiding must register with the~~
14 ~~department, pay the applicable registration fee, and take a~~
15 ~~two day 16 hour course. The course shall be board approved and~~
16 ~~consist of 5 hours of HIV/AIDS and other communicable~~
17 ~~diseases, 5 hours of sanitation and sterilization, 4 hours of~~
18 ~~disorders and diseases of the scalp, and 2 hours of studies~~
19 ~~regarding laws affecting hair braiding.~~

20 ~~(b) Persons whose occupation or practice is confined~~
21 ~~solely to hair wrapping must register with the department, pay~~
22 ~~the applicable registration fee, and take a one day 6 hour~~
23 ~~course. The course shall be board approved and consist of~~
24 ~~education in HIV/AIDS and other communicable diseases,~~
25 ~~sanitation and sterilization, disorders and diseases of the~~
26 ~~scalp, and studies regarding laws affecting hair wrapping.~~

27 ~~(c) Unless otherwise licensed or exempted from~~
28 ~~licensure under this chapter, any person whose occupation or~~
29 ~~practice is body wrapping must register with the department,~~
30 ~~pay the applicable registration fee, and take a two day~~
31 ~~12 hour course. The course shall be board approved and consist~~

1 ~~of education in HIV/AIDS and other communicable diseases,~~
2 ~~sanitation and sterilization, disorders and diseases of the~~
3 ~~skin, and studies regarding laws affecting body wrapping.~~

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

9 ~~(2) Hair braiding, hair wrapping, and body wrapping~~
10 ~~are not required to be practiced in a cosmetology salon or~~
11 ~~specialty salon. When hair braiding, hair wrapping, or body~~
12 ~~wrapping is practiced outside a cosmetology salon or specialty~~
13 ~~salon, disposable implements must be used or all implements~~
14 ~~must be sanitized in a disinfectant approved for hospital use~~
15 ~~or approved by the federal Environmental Protection Agency.~~

16 ~~(3) Pending issuance of registration, a person is~~
17 ~~eligible to practice hair braiding, hair wrapping, or body~~
18 ~~wrapping upon submission of a registration application that~~
19 ~~includes proof of successful completion of the education~~
20 ~~requirements and payment of the applicable fees required by~~
21 ~~this chapter.~~

22 Section 4. Section 477.0135, Florida Statutes, is
23 amended to read:

24 477.0135 Exemptions.--

25 (1) This chapter does not apply to the following
26 persons when practicing pursuant to their professional or
27 occupational responsibilities and duties:

28 (a) Persons authorized under the laws of this state to
29 practice medicine, surgery, osteopathic medicine, chiropractic
30 medicine, massage, naturopathy, or podiatric medicine.

31

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

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

4 (d) Persons practicing barbering under the laws of
5 this state.

6 (e) Persons employed in federal, state, or local
7 institutions, hospitals, or military bases as cosmetologists
8 whose practices are limited to the inmates, patients, or
9 authorized military personnel of such institutions, hospitals,
10 or bases.

11 (f) Persons whose practice is limited to the
12 application of cosmetic products to another person in
13 connection with the sale, or attempted sale, of such products
14 at retail without compensation from such other person other
15 than the regular retail price of such merchandise.

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

18 (2)~~(3)~~ A license or registration is not required of
19 any person whose occupation or practice is confined solely to
20 cutting, trimming, polishing, or cleansing the fingernails of
21 any person when said cutting, trimming, polishing, or
22 cleansing is done in a barbershop licensed pursuant to chapter
23 476 which is carrying on a regular and customary business of
24 barbering, and such individual has been practicing the
25 activities set forth in this subsection prior to October 1,
26 1985.

27 (3)~~(4)~~ A photography studio salon is exempt from the
28 licensure provisions of this chapter. However, the
29 hair-arranging services of such salon must be performed under
30 the supervision of a licensed cosmetologist employed by the
31 salon. The salon must use disposable hair-arranging implements

1 or use a wet or dry sanitizing system approved by the federal
2 Environmental Protection Agency.

3 ~~(4)(5)~~ A license is not required of any individual
4 providing makeup, special effects, or cosmetology services to
5 an actor, stunt person, musician, extra, or other talent
6 during a production recognized by the Office of Film and
7 Entertainment as a qualified production as defined in s.
8 288.1254(2). Such services are not required to be performed in
9 a licensed salon. Individuals exempt under this subsection may
10 not provide such services to the general public.

11 ~~(5)(6)~~ A license is not required of any individual
12 providing makeup or special effects services in a theme park
13 or entertainment complex to an actor, stunt person, musician,
14 extra, or other talent, or providing makeup or special effects
15 services to the general public. The term "theme park or
16 entertainment complex" has the same meaning as in s.
17 509.013(9).

18 Section 5. Section 477.014, Florida Statutes, is
19 amended to read:

20 477.014 Qualifications for practice.--

21 (1) On and after July 1, 2005, a January 1, 1979, no
22 person other than a duly licensed cosmetologist ~~may not shall~~
23 practice in any of the cosmetology areas as provided in s.
24 477.013(3) or use the name or title of cosmetologist,
25 hairstylist, esthetician, or nail technician.

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

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

4 (4) A facial specialist registered or enrolled in a
5 cosmetology school before July 1, 2005, may take the exam for
6 an esthetician license.

7 (5) A manicure, pedicure, or nail extension specialist
8 registered or enrolled in a cosmetology school before July 1,
9 2005, may take the exam for a nail technician license.

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

14 Section 6. Section 477.019, Florida Statutes, is
15 amended to read:

16 477.019 Cosmetologists; hairstylists; estheticians;
17 nail technicians; qualifications; licensure; supervised
18 practice; license renewal; endorsement; continuing
19 education.--

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

23 (2) An applicant ~~is shall be~~ eligible for licensure by
24 examination to practice cosmetology, hairstylist services,
25 esthetician services, or nail technician services if the
26 applicant:

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

1 (b) Pays the required application fee, which is not
2 refundable, and the required examination fee, which is
3 refundable if the applicant is determined to not be eligible
4 for licensure for any reason other than failure to
5 successfully complete the licensure examination; and

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

10 2. a. Has received a minimum of hours of training as
11 follows:

12 (I) One thousand two hundred hours for a hairstylist.

13 (II) Six hundred hours for an esthetician.

14 (III) Six hundred hours for a nail technician.

15 (IV) Two thousand four hundred hours for a
16 cosmetologist.

17 b. The training ~~Has received a minimum of 1,200 hours~~
18 ~~of training as established by the board, which~~ shall include,
19 but need ~~shall~~ not be limited to, the equivalent of completion
20 of services directly related to the practice of cosmetology at
21 one of the following:

22 (I) ~~a.~~ A school of cosmetology licensed pursuant to
23 chapter 1005.

24 (II) ~~b.~~ A cosmetology program within the public school
25 system.

26 (III) ~~c.~~ The Cosmetology Division of the Florida School
27 for the Deaf and the Blind, provided the division meets the
28 standards of this chapter.

29 (IV) ~~d.~~ A government-operated cosmetology program in
30 this state.
31

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

5 d. A person who begins his or her education on or
6 after July 1, 2005, must comply with the hour requirements in
7 sub-subparagraph a. in order to qualify to take the respective
8 examination.

9
10 ~~The board shall establish by rule procedures whereby the~~
11 ~~school or program may certify that a person is qualified to~~
12 ~~take the required examination after the completion of a~~
13 ~~minimum of 1,000 actual school hours. If the person then~~
14 ~~passes the examination, he or she shall have satisfied this~~
15 ~~requirement; but if the person fails the examination, he or~~
16 ~~she shall not be qualified to take the examination again until~~
17 ~~the completion of the full requirements provided by this~~
18 ~~section.~~

19 (3) Upon an applicant receiving a passing grade, as
20 established by board rule, on the examination and paying the
21 initial licensing fee, the department shall issue a license to
22 practice in the respective area of cosmetology as provided in
23 s. 477.013(3).

24 (4) Following the completion of the training specified
25 in subsection (2), a graduate may apply for a license that
26 will enable such graduate to practice in his or her
27 cosmetology area if he or she practices under the supervision
28 of a person licensed in the graduate's practice area in a
29 licensed salon. The board shall establish rules governing the
30 practice of qualified graduates and the duration of the
31 practice. first licensing examination and pending the results

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

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

17 (6) The board shall adopt rules specifying procedures
18 for the licensure by endorsement of practitioners desiring to
19 be licensed in this state who hold a current active license in
20 another state and who have met qualifications substantially
21 similar to, equivalent to, or greater than the qualifications
22 required of applicants from this state. For purposes of this
23 subsection, work experience may be substituted for required
24 educational hours in the amount and manner as provided by
25 rule.

26 (7)(a) The board shall prescribe by rule continuing
27 education requirements for licensees and registered
28 specialists which intended to ensure the protection of the
29 public through updated training of licensees and registered
30 specialists, not to exceed 16 hours biennially, as a condition
31 for renewal of a license or registration as a specialist under

1 | this chapter. Continuing education courses shall include, but
2 | need not be limited to, the following subjects as they relate
3 | to the practice of cosmetology: human immunodeficiency virus
4 | and acquired immune deficiency syndrome; Occupational Safety
5 | and Health Administration regulations; workers' compensation
6 | issues; state and federal laws and rules as they pertain to
7 | booth rental and the practice of cosmetology ~~cosmetologists,~~
8 | ~~cosmetology, salons, specialists, specialty salons, and booth~~
9 | ~~renters~~; chemical makeup as it pertains to hair, skin, and
10 | nails; and environmental issues. Courses given at educational
11 | ~~cosmetology~~ conferences may be counted toward the number of
12 | continuing education hours required if approved by the board.

13 | ~~(b) Any person whose occupation or practice is~~
14 | ~~confined solely to hair braiding, hair wrapping, or body~~
15 | ~~wrapping is exempt from the continuing education requirements~~
16 | ~~of this subsection.~~

17 | (b)(c) The board may, by rule, require any licensee or
18 | registered specialist who has not been in the active practice
19 | of cosmetology for 2 years or more in violation of a
20 | ~~continuing education requirement~~ to take a refresher course or
21 | refresher course and examination in addition to any other
22 | penalty. The number of hours for the refresher course may not
23 | exceed 500 ~~48~~ hours.

24 | Section 7. Subsections (1) and (5) of section
25 | 477.0201, Florida Statutes, are amended to read:

26 | 477.0201 Specialty registration; qualifications;
27 | registration renewal; endorsement.--

28 | (1) Any person is qualified for registration as a
29 | specialist in any one or more of the specialty practices
30 | listed in s. 477.0132 within the practice of cosmetology ~~under~~
31 | ~~this chapter~~ who:

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

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

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

18 (5) The board shall adopt rules specifying procedures
19 for the registration of specialty practitioners desiring to be
20 registered in this state who have been registered or licensed
21 and are practicing in states which have registering or
22 licensing standards substantially similar to, equivalent to,
23 or more stringent than the standards of this state. For
24 purposes of this subsection, work experience may be
25 substituted for required educational hours in the amount and
26 manner as provided by rule.

27 Section 8. Subsection (2) of section 477.0212, Florida
28 Statutes, is amended to read:

29 477.0212 Inactive status.--

30 (2) The board shall adopt ~~promulgate~~ rules relating to
31 licenses that ~~which~~ have become inactive and for the renewal

1 of inactive licenses. The board shall prescribe by rule a fee
2 not to exceed~~\$100~~\$50 for the reactivation of an inactive
3 license and a fee not to exceed~~\$100~~\$50 for the renewal of an
4 inactive license. The board shall prescribe by rule the
5 continuing education requirements to be met prior to license
6 renewal or reactivation.

7 Section 9. Section 477.023, Florida Statutes, is
8 amended to read:

9 477.023 Schools of cosmetology; licensure.--~~A No~~
10 private school of cosmetology may not ~~shall be permitted to~~
11 operate without a license issued by the Commission for
12 Independent Education pursuant to chapter 1005. However, this
13 chapter does not ~~nothing herein shall be construed to prevent~~
14 certification by the Department of Education of grooming and
15 salon services and cosmetology training programs within the
16 public school system or ~~to~~ prevent government operation of any
17 other program of cosmetology in this state.

18 Section 10. Section 477.0235, Florida Statutes, is
19 created to read:

20 477.0235 Independent contractor; booth-renter
21 license.--

22 (1) A person licensed or registered under this chapter
23 may not lease or rent space on the premises of a beauty salon
24 to engage as an independent contractor in the practice of
25 cosmetology or a cosmetological specialty unless the person
26 also holds a booth-renter license issued under this section
27 and meets the guidelines of the Internal Revenue Service as
28 stated in 26 U.S.C. s. 3121(d)(2) of the Internal Revenue
29 Code.

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

31 (a) Be on a form prescribed by the board;

- 1 (b) Contain information as required by board rule; and
2 (c) Include a copy of the contract.
3 (3) The applicant is entitled to a booth-renter
4 license if the applicant:
5 (a) Pays the application fee;
6 (b) Complies with board rules; and
7 (c) Has not committed an act that constitutes grounds
8 for denial of a license or certificate.
9 (4) The board shall adopt rules relating to the
10 information submitted for a booth-renter license, including
11 information regarding the applicant's compliance with state
12 and federal tax laws.

13 Section 11. Section 477.025, Florida Statutes, is
14 amended to read:

15 477.025 Cosmetology salons; specialty salons;
16 booth-rental salons; requisites; licensure; inspection; mobile
17 cosmetology salons.--

18 (1) A ~~No~~ cosmetology salon, ~~or~~ specialty salon, or
19 booth-rental salon may ~~shall be permitted to~~ operate without a
20 license issued by the department except as provided in
21 subsection (11).

22 (2) The board shall adopt rules governing the
23 licensure and operation of salons, ~~and~~ specialty salons, and
24 booth-rental salons and their facilities; ~~and~~ personnel,
25 advertising, safety, and sanitary requirements; ~~and~~ and the
26 license application and granting process.

27 (3) Any person, firm, or corporation desiring to
28 operate a cosmetology salon, ~~or~~ specialty salon, or
29 booth-rental salon in the state shall submit to the department
30 an application upon forms provided by the department and
31

1 accompanied by any relevant information requested by the
2 department and by an application fee.

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

6 (5) If ~~When~~ an applicant fails to meet all the
7 requirements provided in this section ~~herein~~, the department
8 shall deny the application in writing and shall list the
9 specific requirements not met. An ~~No~~ applicant denied
10 licensure because of failure to meet the requirements of this
11 section is not ~~herein shall be~~ precluded from reapplying for
12 licensure.

13 (6) When the department determines that the proposed
14 cosmetology salon, ~~or~~ specialty salon, or booth-rental salon
15 may reasonably be expected to meet the requirements set forth
16 in this section ~~herein~~, the department shall grant the license
17 upon such conditions as it deems ~~shall deem~~ proper under the
18 circumstances and upon payment of the original licensing fee.

19 (7) A ~~No~~ license for operation of a cosmetology salon,
20 ~~or~~ specialty salon, or booth-rental salon may not be
21 transferred from the name of the original licensee to another.
22 It may be transferred from one location to another only upon
23 approval by the department, which approval may ~~shall~~ not be
24 unreasonably withheld.

25 (8) Renewal of license registration for cosmetology
26 salons, ~~or~~ specialty salons, or booth-rental salons shall be
27 accomplished pursuant to rules adopted by the board. The board
28 is further authorized to adopt rules governing delinquent
29 renewal of licenses and may impose penalty fees for delinquent
30 renewal.

31

1 (9) The board ~~may is authorized to~~ adopt rules
2 governing the periodic inspection of cosmetology salons,
3 booth-rental salons, and specialty salons licensed under this
4 chapter.

5 (10)(a) The board shall adopt rules governing the
6 licensure, operation, and inspection of mobile cosmetology
7 salons, including their facilities, personnel, and safety and
8 sanitary requirements.

9 (b) Each mobile salon must comply with all licensure
10 and operating requirements specified in this chapter or
11 chapter 455 or rules of the board or department that apply to
12 cosmetology salons at fixed locations, except to the extent
13 that such requirements conflict with this subsection or rules
14 adopted pursuant to this subsection.

15 (c) A mobile cosmetology salon must maintain a
16 permanent business address, located in the inspection area of
17 the local department office, at which records of appointments,
18 itineraries, license numbers of employees, and vehicle
19 identification numbers of the licenseholder's mobile salon
20 shall be kept and made available for verification purposes by
21 department personnel, and at which correspondence from the
22 department can be received.

23 (d) To facilitate periodic inspections of mobile
24 cosmetology salons, prior to the beginning of each month each
25 mobile salon licenseholder must file with the board a written
26 monthly itinerary listing the locations where and the dates
27 and hours when the mobile salon will be operating.

28 (e) The board shall establish fees for mobile
29 cosmetology salons, not to exceed the fees for cosmetology
30 salons at fixed locations.

31

1 (f) The operation of mobile cosmetology salons must be
2 in compliance with all local laws and ordinances regulating
3 business establishments, with all applicable requirements of
4 the Americans with Disabilities Act relating to accommodations
5 for persons with disabilities, and with all applicable OSHA
6 requirements.

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

11 Section 12. Section 477.026, Florida Statutes, is
12 amended to read:

13 477.026 Fees; disposition.--

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

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

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

22 (c) For cosmetology salons, booth-rental salons, and
23 specialty salons, fees for license application, original
24 licensing, license renewal, and delinquent renewal ~~may shall~~
25 not exceed ~~\$100~~\$50.

26 (d) For specialty registrations ~~specialists~~, fees for
27 application and endorsement registration ~~may shall~~ not exceed
28 ~~\$60~~\$30.

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

1 (f) For booth renters, fees for original licensing,
2 license renewal, and delinquent renewal may not exceed \$50 For
3 hair braiders, hair wrappers, and body wrappers, fees for
4 registration shall not exceed \$25.

5 ~~(2) All moneys collected by the department from fees~~
6 ~~authorized by this chapter shall be paid into the Professional~~
7 ~~Regulation Trust Fund, which fund is created in the~~
8 ~~department, and shall be applied in accordance with ss. 215.37~~
9 ~~and 455.219. The Legislature may appropriate any excess~~
10 ~~moneys from this fund to the General Revenue Fund.~~

11 ~~(2)(3)~~ The department, with the advice of the board,
12 shall prepare and submit a proposed budget in accordance with
13 law.

14 Section 13. Section 477.0263, Florida Statutes, is
15 amended to read:

16 477.0263 Cosmetology services to be performed in
17 licensed salon; exception.--

18 (1) Cosmetology or specialty services shall be
19 performed only by licensed cosmetologists, hairstylists,
20 estheticians, nail technicians, shampoo specialists, cosmetic
21 specialists, or body wrappers in licensed salons, except as
22 otherwise provided in this section.

23 (2) Hair braiding and hair wrapping need not be
24 practiced in a salon. When hair braiding and hair wrapping are
25 practiced outside a salon, disposable implements must be used
26 or all implements must be sanitized in a disinfectant approved
27 for hospital use or by the United States Environmental
28 Protection Agency.

29 ~~(3)(2)~~ Pursuant to rules established by the board,
30 cosmetology services may be performed by a licensed
31 cosmetologist, hairstylist, esthetician, nail technician, or

1 speciality registrant in a location other than a licensed
2 salon, including, but not limited to, a nursing home,
3 hospital, or residence, when a client for reasons of ill
4 health is unable to go to a licensed salon. Arrangements for
5 the performance of such cosmetology services in a location
6 other than a licensed salon shall be made only through a
7 licensed salon.

8 ~~(4)(3)~~ Any person who holds a valid cosmetology
9 license in any state or who is authorized to practice
10 cosmetology in any country, territory, or jurisdiction of the
11 United States may perform cosmetology services in a location
12 other than a licensed salon when such services are performed
13 in connection with the motion picture, fashion photography,
14 theatrical, or television industry; a photography studio
15 salon; a manufacturer trade show demonstration; a department
16 store demonstration; or an educational seminar.

17 (5) Pursuant to rules established by the board,
18 cosmetology, hairstylist, esthetician, nail technician, or
19 specialty services may be performed in a location other than a
20 licensed salon when such services are performed in connection
21 with a special event and are performed by a person holding the
22 proper license or specialty registration. Arrangements for the
23 performance of such services in a location other than a
24 licensed salon must be made through a licensed salon.

25 Section 14. Subsection (1) of section 477.0265,
26 Florida Statutes, is amended to read:

27 477.0265 Prohibited acts.--

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

29 (a) Engage in the practice of cosmetology or a
30 specialty without an active license in the field of
31 cosmetology ~~as a cosmetologist~~ or registration as a specialist

1 issued by the department pursuant to the provisions of this
2 chapter.

3 (b) Own, operate, maintain, open, establish, conduct,
4 or have charge of, either alone or with another person or
5 persons, a cosmetology salon, ~~or~~ specialty salon, or
6 booth-rental salon:

7 1. Which is not licensed under the provisions of this
8 chapter; or

9 2. In which a person not licensed in the field of
10 cosmetology ~~or registered as a cosmetologist~~ or registered as
11 a specialist is permitted to perform cosmetology services or
12 any specialty.

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

15 (d) Permit an employed person to engage in the
16 practice of cosmetology or of a specialty unless such person
17 holds a valid, active license in the field of cosmetology ~~as a~~
18 ~~cosmetologist~~ or registration as a specialist.

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

22 (f) Use or attempt to use a license to practice in the
23 field of cosmetology or a registration to practice a
24 specialty, which license or registration is suspended or
25 revoked.

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

31

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

4 Section 15. Section 477.028, Florida Statutes, is
5 amended to read:

6 477.028 Disciplinary proceedings.--

7 (1) The board may ~~shall have the power to~~ revoke or
8 suspend the license of a cosmetologist, a hairstylist, an
9 esthetician, or a nail technician licensed under this chapter,
10 or the registration of a specialist registered under this
11 chapter, and may ~~to~~ reprimand, censure, deny subsequent
12 licensure or registration of, or otherwise discipline, a
13 cosmetologist, a hairstylist, an esthetician, a nail
14 technician, or other a specialist licensed or registered under
15 this chapter in any of the following cases:

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

18 (b) Upon proof that the holder of a license or
19 registration is guilty of fraud or deceit or of gross
20 negligence, incompetency, or misconduct in the practice or
21 instruction of cosmetology or a specialty.

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

26 (2) The board may ~~shall have the power to~~ revoke or
27 suspend the license of a cosmetology salon, ~~or~~ a specialty
28 salon, or a booth-rental salon licensed under this chapter; ~~i~~
29 ~~to~~ deny subsequent licensure of such salon; ~~i~~ or ~~to~~ reprimand,
30 censure, or otherwise discipline the owner of such salon in
31 either of the following cases:

1 (a) Upon proof that a license has been obtained by
2 fraud or misrepresentation.

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

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

8 (4) The department ~~may shall~~ not issue or renew a
9 license or certificate of registration under this chapter to
10 any person against whom or salon against which the board has
11 assessed a fine, interest, or costs associated with
12 investigation and prosecution until the person or salon has
13 paid in full such fine, interest, or costs associated with
14 investigation and prosecution or until the person or salon
15 complies with or satisfies all terms and conditions of the
16 final order.

17 Section 16. Section 477.029, Florida Statutes, is
18 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 hairstylist, esthetician, nail technician, shampoo specialist,
23 cosmetic specialist, hair wrapper, hair braider, or body
24 wrapper unless duly licensed or registered, or otherwise
25 authorized, as provided in this chapter.

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

28 (c) Permit an employed person to practice in the field
29 of cosmetology, in ~~or~~ a cosmetological specialty, or as a
30 hairstylist, esthetician, or nail technician unless duly
31

1 licensed or registered, or otherwise authorized, as provided
2 in this chapter.

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

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

6 (f) Impersonate any other licenseholder of like or
7 different name.

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

10 (h) Violate any provision of s. 455.227(1), s.
11 477.0265, or s. 477.028.

12 (i) Violate or refuse to comply with any provision of
13 this chapter or chapter 455 or a rule or final order of the
14 board or the department.

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

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

20 (b) Issuance of a reprimand or censure.

21 (c) Imposition of an administrative fine not to exceed
22 \$500 for each count or separate offense.

23 (d) Placement on probation for a period of time and
24 subject to such reasonable conditions as the board may
25 specify.

26 (e) Refusal to certify to the department an applicant
27 for licensure.

28 Section 17. This act shall take effect July 1, 2005.
29
30
31

SENATE SUMMARY

1
2
3 Redefines the term "cosmetology." Provides for different
4 cosmetology licenses. Provides for speciality
5 certificates in shampooing, hair braiding, hair wrapping,
6 and body wrapping. Provides eligibility requirements for
7 licensure to practice cosmetology or provide hair stylist
8 services, esthetician services, or nail technician
9 services. Provides the qualifications for registration in
10 a specialty in the field of cosmetology. Removes the
11 exemption from licensure under ch. 477, F.S., provided
12 for persons whose practice is confined solely to
13 shampooing. Prohibits a person from practicing, or
14 holding himself or herself out as qualified to practice,
15 in an area in which the person does not hold a license.
16 Provides that a cosmetologist who is licensed before the
17 effective date of the act may perform the services of a
18 licensed cosmetologist. Provides that certain specialists
19 who are registered or enrolled in a cosmetology school
20 before the effective date of the act may take the exam
21 for licensure. Authorizes certain specialists who are
22 registered before the effective date of the act to
23 continue to practice under such registration. Increases
24 the fee to reactivate or renew an inactive license.
25 Provides for the licensing of independent contractor
26 booth renters. Prohibits booth-rental salons from
27 operating without a license. Provides that cosmetology
28 services and speciality services may be provided by a
29 licensed or registered practitioner in a location other
30 than a licensed salon under certain circumstances.
31 Prohibits a person from practicing cosmetology or a
specialty without an active license or registration.
Prohibits a person from owning, operating, maintaining,
or establishing a booth-rental salon under certain
conditions. (See bill for details.)