

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Carroll offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 34 and 35, insert:

5 Section 1. Section 477.013, Florida Statutes, is amended
6 to read:

7 477.013 Definitions.--As used in this chapter, the term:

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

9 (2) "Department" means the Department of Business and
10 Professional Regulation.

11 (3) "Cosmetologist" means a person who is licensed to
12 engage in the practice of all cosmetology services in this state
13 under the authority of this chapter, including hair technician
14 services, esthetician services, and nail technician services, or
15 a person who is licensed prior to January 1, 2007, to engage in
16 the practice of cosmetology in this state.

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17 (4) "Cosmetology" means the practice of performing or
18 offering to perform for compensation any of the following
19 services for aesthetic rather than medical purposes:

20 (a) Hair technician services, which are:

21 1. Treating a person's hair by:

22 a. Providing any method of treatment as a primary service,
23 including arranging, beautifying, lightening, cleansing,
24 coloring, cutting, dressing, processing, shampooing, shaping,
25 singeing, straightening, styling, tinting, or waving;

26 b. Providing a necessary service that is preparatory or
27 ancillary to a service under sub-subparagraph a., including
28 clipping, cutting, or trimming; or

29 c. Cutting a person's hair as a separate and independent
30 service for which a charge is directly or indirectly made
31 separately from charges for any other service.

32 2. Weaving or braiding a person's hair.

33 3. Shampooing and conditioning a person's hair.

34 4. Servicing a person's wig or artificial hairpiece on a
35 person's head in any manner listed in subparagraph 1.

36 5. Treating a person's mustache or beard by coloring,
37 processing, styling, or trimming.

38 (b) Esthetician services, which are:

39 1. Cleansing, exfoliating, or stimulating a person's skin
40 by hand or by using a mechanical device, apparatus, or appliance
41 with the use of any cosmetic preparation, antiseptic, lotion,
42 powder, oil, clay, cream, or appliance.

43 2. Beautifying a person's skin using a cosmetic
44 preparation, antiseptic, lotion, powder, oil, clay, cream, or
45 appliance.

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46 3. Administering facial treatments.

47 4. Removing superfluous hair from a person's body using
48 depilatories, threading, waxing, sugaring, or tweezing.

49 5. Tinting eyebrows or eyelashes with products
50 manufactured specifically for eyebrows or eyelashes.

51 6. Body wrapping, which is a treatment program that uses
52 wraps for the purposes of cleansing and beautifying a person's
53 skin for aesthetic rather than medical or weight-loss purposes
54 and is the application of oils, lotions, or other fluids to the
55 body using wraps. Body wrapping does not include manipulation of
56 the body's superficial tissue, other than that resulting from
57 the application of the wrap materials.

58 7. Submersing parts of the body in a bath of clay, oils,
59 lotions, or other fluids.

60 (c) Nail technician services, which are:

61 1. Treating a person's nails by:

62 a. Cutting, trimming, polishing, painting, printing,
63 tinting, coloring, cleansing, manicuring, or pedicuring; or

64 b. Affixing artificial nails, extensions, or capping.

65 2. Cleansing, treating, or beautifying a person's
66 forearms, hands, legs below the knee, or feet ~~mechanical or~~
67 ~~chemical treatment of the head, face, and scalp for aesthetic~~
68 ~~rather than medical purposes, including, but not limited to,~~
69 ~~hair shampooing, hair cutting, hair arranging, hair coloring,~~
70 ~~permanent waving, and hair relaxing for compensation. This term~~
71 ~~also includes performing hair removal, including wax treatments,~~
72 ~~manicures, pedicures, and skin care services.~~

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73 (5) "Salon" means a place of business where the practice
74 of one or more of the cosmetology or specialty services are
75 offered or performed for compensation.

76 ~~(6)(5)~~ "Specialist" means any person registered pursuant
77 to s. 477.014(6) to practice one or more of the following
78 specialties: holding a specialty registration in one or more of
79 the specialties registered under this chapter.

80 ~~(6)~~ "Specialty" means ~~the practice of one or more of the~~
81 ~~following:~~

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

87 (b) Pedicuring, or the shaping, polishing, tinting, or
88 cleansing of the nails of the feet, and massaging or beautifying
89 of the feet.

90 (c) Facials, or the massaging or treating of the face or
91 scalp with oils, creams, lotions, or other preparations, and
92 skin care services, which means the treatment of the skin of a
93 person's body, in addition to a person's head, face, and scalp,
94 by the use of a sponge, brush, cloth, or similar device to apply
95 or remove a chemical preparation or other substance without
96 involving massage, as defined in s. 480.033(3), except that
97 chemical peels may be removed by peeling an applied preparation
98 from the skin by hand.

99 (7) "Shampooing" means the cleansing ~~washing~~ of the hair
100 with soap and water or with a special preparation, ~~or applying~~
101 ~~hair tonics.~~

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

105 (8)-(9) "Hair braiding" means the weaving or interweaving
106 of a person's own natural human hair for compensation without
107 cutting, coloring, permanent waving, relaxing, removing, or
108 chemical treatment and does not include the use of hair
109 extensions or wefts.

110 (9)-(10) "Hair wrapping" means the wrapping of manufactured
111 materials around a strand or strands of human hair, for
112 compensation, without cutting, coloring, permanent waving,
113 relaxing, removing, weaving, chemically treating, braiding,
114 using hair extensions, or performing any other service defined
115 as cosmetology.

116 (10)-(11) "Photography studio salon" means an establishment
117 where the hair-arranging services and the application of
118 cosmetic products are performed solely for the purpose of
119 preparing the model or client for the photographic session
120 without shampooing, cutting, coloring, permanent waving,
121 relaxing, or removing of hair or performing any other service
122 defined as cosmetology.

123 (11) "Cosmetology intern" means a student enrolled in a
124 cosmetology school or program to earn school or program hours by
125 interning under the direct supervision of a licensed
126 cosmetologist in a licensed salon.

127 (12) "Internship sponsor" means a licensed cosmetologist
128 registered with the board for the purpose of supervising a
129 cosmetology intern and ensuring compliance by the intern with
130 the laws and rules of this state and the internship requirements

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131 established by the board and administered through the school or
132 program.

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

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

139 ~~(b) Manipulation of the body's superficial tissue, other~~
140 ~~than that arising from compression emanating from the wrap~~
141 ~~materials.~~

142 ~~(13) "Skin care services" means the treatment of the skin~~
143 ~~of the body, other than the head, face, and scalp, by the use of~~
144 ~~a sponge, brush, cloth, or similar device to apply or remove a~~
145 ~~chemical preparation or other substance, except that chemical~~
146 ~~peels may be removed by peeling an applied preparation from the~~
147 ~~skin by hand. Skin care services must be performed by a licensed~~
148 ~~cosmetologist or facial specialist within a licensed cosmetology~~
149 ~~or specialty salon, and such services may not involve massage,~~
150 ~~as defined in s. 480.033(3), through manipulation of the~~
151 ~~superficial tissue.~~

152 Section 2. Section 477.0131, Florida Statutes, is created
153 to read:

154 477.0131 Hair technician, esthetician, nail technician,
155 and cosmetology licenses.--

156 (1) A person who is otherwise qualified by this chapter
157 and who is authorized to practice all of the services listed in
158 s. 477.013(4) (a) shall be licensed as a hair technician.

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159 (2) A person who is otherwise qualified by this chapter
160 and who is authorized to practice all of the services listed in
161 s. 477.013(4) (b) shall be licensed as an esthetician.

162 (3) A person who is otherwise qualified by this chapter
163 and who is authorized to practice all of the services listed in
164 s. 477.013(4) (c) shall be licensed as a nail technician.

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

168 Section 3. Section 477.0132, Florida Statutes, is amended
169 to read:

170 477.0132 Hair braiding, hair wrapping, and body wrapping
171 registration.--

172 (1) A person whose occupation or practice is confined
173 solely to hair braiding shall register with the department,
174 shall pay the applicable registration fees, and shall take and
175 pass a course consisting of a minimum of 40 hours, except as
176 otherwise provided in this subsection. The course shall be
177 approved by the board and shall consist of 4 hours of
178 instruction in HIV/AIDS and other communicable diseases, 5 hours
179 of instruction in sanitation and sterilization, 5 hours of
180 instruction in disorders and diseases of the scalp, 2 hours of
181 instruction regarding laws affecting hair braiding, and 24 hours
182 of instruction in the application and removal of hair braiding.
183 A person who demonstrates skill in the application and removal
184 of hair braiding through a board-approved examination may be
185 exempt from the 24 hours of instruction in the application and
186 removal of hair braiding.

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187 ~~(a) Persons whose occupation or practice is confined~~
188 ~~solely to hair braiding must register with the department, pay~~
189 ~~the applicable registration fee, and take a two-day 16-hour~~
190 ~~course. The course shall be board approved and consist of 5~~
191 ~~hours of HIV/AIDS and other communicable diseases, 5 hours of~~
192 ~~sanitation and sterilization, 4 hours of disorders and diseases~~
193 ~~of the scalp, and 2 hours of studies regarding laws affecting~~
194 ~~hair braiding.~~

195 (2) (b) A person ~~Persons~~ whose occupation or practice is
196 confined solely to hair wrapping shall ~~must~~ register with the
197 department, pay the applicable registration fee, and take a one-
198 day 6-hour course. The course shall be board approved and
199 consist of instruction ~~education~~ in HIV/AIDS and other
200 communicable diseases, sanitation and sterilization, disorders
201 and diseases of the scalp, and instruction ~~studies~~ regarding
202 laws affecting hair wrapping.

203 (3) A person holding a registration in body wrapping
204 before January 1, 2007, may continue to practice body wrapping
205 as described in s. 477.013(4)(b)6. The board shall adopt by rule
206 continuing education requirements for the renewal of body
207 wrapping registrations.

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

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

221 ~~(5)(2)~~ Hair braiding and, hair wrapping, ~~and body wrapping~~
222 are not required to be practiced in a ~~cosmetology~~ salon ~~or~~
223 ~~specialty~~ salon. When hair braiding or, hair wrapping, ~~or body~~
224 ~~wrapping~~ is practiced outside a ~~cosmetology~~ salon ~~or specialty~~
225 ~~salon~~, disposable implements shall ~~must~~ be used or all
226 implements shall ~~must~~ be sanitized in a disinfectant approved
227 for hospital use or approved by the federal Environmental
228 Protection Agency.

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

234 Section 4. Section 477.014, Florida Statutes, is amended
235 to read:

236 477.014 Qualifications for practice.--

237 (1) On and after January 1, 2007, a 1979, no person who is
238 not other than a duly licensed or registered under this chapter
239 may not cosmetologist shall practice in any of the cosmetology
240 areas provided in s. 477.013(4) or use the name or title of
241 cosmetologist, hair technician, esthetician, or nail technician.

242 (2) A person licensed or registered under this chapter on
243 or after January 1, 2007, may not practice or hold himself or
244 herself out as qualified to practice in an area in which he or

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245 she is not specifically licensed or registered under this
246 chapter.

247 (3) A cosmetologist licensed before January 1, 2007, may
248 perform all the services of a licensed cosmetologist as defined
249 in this chapter.

250 (4) A facial specialist registered or enrolled in a
251 cosmetology school before January 1, 2007, may take the
252 examination for an esthetician license.

253 (5) A manicure, pedicure, and nail extension specialist
254 registered or enrolled in a cosmetology school before January 1,
255 2007, may take the examination for a nail technician license.

256 (6) A specialist registered under this chapter before
257 January 1, 2007, may continue to practice under the name of his
258 or her specialty registration without taking the respective
259 licensure examination. Renewal of all registrations existing
260 before January 1, 2007, shall be accomplished pursuant to rules
261 adopted by the board. Such renewal shall include a full
262 specialty registration, which combines facial and manicure,
263 pedicure, and nail extension.

264 Section 5. Section 477.019, Florida Statutes, is amended
265 to read:

266 477.019 Cosmetologists; hair technicians; estheticians;
267 nail technicians; qualifications; licensure; supervised
268 practice; license renewal; endorsement; continuing education.--

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

272 (2) An applicant is ~~shall be~~ eligible for licensure by
273 examination to practice cosmetology, hair technician services,
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274 esthetician services, or nail technician services if the
275 applicant:

276 (a) Is at least 16 years of age or has received a high
277 school diploma or graduate equivalency diploma or has passed an
278 ability-to-benefit test, which is an independently administered
279 test approved by the United States Secretary of Education as
280 provided in 20 U.S.C. s. 1091(d).†

281 (b) Pays the required application fee, which is not
282 refundable, and the required examination fee, which is
283 refundable if the applicant is determined to not be eligible for
284 licensure for any reason other than failure to successfully
285 complete the licensure examination.†~~and~~

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

290 2.a. Has received a minimum number of hours of training as
291 follows:

292 (I) For a hair technician, 1,000 hours.

293 (II) For an esthetician, 600 hours.

294 (III) For a nail technician, 350 hours.

295 (IV) For a cosmetologist, 1,800 hours.

296 b. The training ~~Has received a minimum of 1,200 hours of~~
297 ~~training as established by the board, which shall include, but~~
298 need shall not be limited to, the equivalent of completion of
299 services directly related to the practice of cosmetology at one
300 of the following:

301 (I)~~a.~~ A school of cosmetology licensed pursuant to chapter
302 1005.

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303 ~~(II)b.~~ A cosmetology program within the public school
304 system.

305 ~~(III)e.~~ The Cosmetology Division of the Florida School for
306 the Deaf and the Blind, provided the division meets the
307 standards of this chapter.

308 ~~(IV)d.~~ A government-operated cosmetology program in this
309 state.

310 c. A person who has enrolled and begun his or her
311 education before January 1, 2007, may take the examination to be
312 licensed as a cosmetologist upon completion of 1,200 hours of
313 education.

314 d. A person who begins his or her education on or after
315 January 1, 2007, shall comply with the hour requirements in sub-
316 paragraph a. in order to qualify to take his or her
317 respective examination.

318
319 ~~The board shall establish by rule procedures whereby the school~~
320 ~~or program may certify that a person is qualified to take the~~
321 ~~required examination after the completion of a minimum of 1,000~~
322 ~~actual school hours. If the person then passes the examination,~~
323 ~~he or she shall have satisfied this requirement, but if the~~
324 ~~person fails the examination, he or she shall not be qualified~~
325 ~~to take the examination again until the completion of the full~~
326 ~~requirements provided by this section.~~

327 (3) Upon an applicant receiving a passing grade, as
328 established by board rule, on the examination and paying the
329 initial licensing fee, the department shall issue a license to
330 practice in the applicant's respective area of cosmetology
331 provided in s. 477.013(4).

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332 (4) After submitting a complete application to take the
333 first available examination for licensure as a cosmetologist,
334 hair technician, esthetician, or nail technician, a graduate of
335 a licensed cosmetology school or a program within the public
336 school system, which school or program is certified by the
337 Department of Education, is eligible to practice in the
338 graduate's respective area for a maximum period of 60 days,
339 provided such graduate practices under the supervision of a
340 professional licensed under this chapter in a licensed salon. A
341 graduate who fails to pass an examination the first time may
342 continue to practice under the supervision of a professional
343 licensed under this chapter in a licensed salon for an
344 additional 60-day period, provided the graduate applies for the
345 next available examination. A graduate may not continue to
346 practice under this subsection if the graduate fails the
347 examination twice. Following the completion of the first
348 licensing examination and pending the results of that
349 examination and issuance of a license to practice cosmetology,
350 graduates of licensed cosmetology schools or cosmetology
351 programs offered in public school systems, which schools or
352 programs are certified by the Department of Education, are
353 eligible to practice cosmetology, provided such graduates
354 practice under the supervision of a licensed cosmetologist in a
355 licensed cosmetology salon. A graduate who fails the first
356 examination may continue to practice under the supervision of a
357 licensed cosmetologist in a licensed cosmetology salon if the
358 graduate applies for the next available examination and until
359 the graduate receives the results of that examination. No

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360 ~~graduate may continue to practice under this subsection if the~~
361 ~~graduate fails the examination twice.~~

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

364 (6) The board shall adopt rules specifying procedures for
365 the licensure by endorsement of practitioners desiring to be
366 licensed in this state who hold a current active license in
367 another state or country and who have met qualifications
368 substantially similar to, equivalent to, or greater than the
369 qualifications required of applicants from this state. For
370 purposes of this subsection, work experience may be substituted
371 for required educational hours in the amount and manner provided
372 by board rule.

373 (7) (a) The board shall prescribe by rule continuing
374 education requirements for licensees and registered specialists
375 that intended to ensure the protection of the public through
376 updated training of licensees and registered specialists, not to
377 exceed 16 hours biennially, as a condition for renewal of a
378 license or registration as a specialist under this chapter.
379 Continuing education courses shall include, but not be limited
380 to, the following subjects as they relate to the practice of
381 cosmetology: HIV/AIDS ~~human immunodeficiency virus and acquired~~
382 ~~immune deficiency syndrome~~; Occupational Safety and Health
383 Administration regulations; workers' compensation issues; state
384 and federal laws and rules as they pertain to cosmetologists,
385 the practice of cosmetology, salons, specialists, ~~specialty~~
386 ~~salons~~, and booth renters; chemical makeup as it pertains to
387 hair, skin, and nails; and environmental issues. Courses given
388 at educational ~~cosmetology~~ conferences may be counted toward the

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389 number of continuing education hours required if approved by the
390 board.

391 (b) Any person whose occupation or practice is confined
392 solely to hair braiding or, hair wrapping, ~~or body wrapping~~ is
393 exempt from the continuing education requirements of this
394 subsection.

395 (c) The board may, by rule, require any licensee in
396 violation of a continuing education requirement to take a
397 refresher course or refresher course and examination in addition
398 to any other penalty. ~~The number of hours for the refresher~~
399 ~~course may not exceed 48 hours.~~

400 Section 6. Section 477.0212, Florida Statutes, is amended
401 to read:

402 477.0212 Inactive status.--

403 (1) A ~~cosmetologist's~~ license issued under this chapter
404 that has become inactive may be reactivated under s. 477.019
405 upon application to the department.

406 (2) The board shall adopt ~~promulgate~~ rules relating to
407 licenses that ~~which~~ have become inactive and for the renewal of
408 inactive licenses. The board shall prescribe by rule a fee not
409 to exceed \$100 ~~\$50~~ for the reactivation of an inactive license
410 ~~and a fee not to exceed \$50 for the renewal of an inactive~~
411 ~~license.~~ The board shall prescribe by rule the continuing
412 education requirements to be met prior to license renewal or
413 reactivation.

414 Section 7. Section 477.023, Florida Statutes, is amended
415 to read:

416 477.023 Schools of cosmetology; licensure.--A ~~No~~ private
417 school of cosmetology may not ~~shall be permitted to operate~~
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418 without a license issued by the Commission for Independent
419 Education pursuant to chapter 1005. However, this chapter does
420 not ~~nothing herein shall be construed to~~ prevent certification
421 by the Department of Education of grooming and salon services
422 and cosmetology training programs within the public school
423 system or to prevent government operation of any other program
424 of cosmetology in this state.

425 Section 8. Section 477.0231, Florida Statutes, is created
426 to read:

427 477.0231 Cosmetology internships.--

428 (1) The selection and placement of cosmetology interns
429 shall be determined by the cosmetology school or program. The
430 school or program shall determine whether a student is eligible
431 to become a cosmetology intern and whether an internship sponsor
432 meets the requirements for its educational objectives. The
433 school program, on behalf of the student, shall provide written
434 notice to the board that an internship sponsor has been selected
435 and name the cosmetology intern to be supervised. The school or
436 program shall determine the length and schedule of an individual
437 cosmetology internship, but such internship may not exceed 24
438 months.

439 (2) Each internship sponsor shall obtain approval from a
440 school or cosmetology program and shall register with the board
441 before accepting placement of each cosmetology intern. The
442 application for registration shall include the name and contact
443 person of the school or program placing the intern, the names
444 and addresses of the internship sponsor, and other information
445 that the board requires.

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446 (3) The internship sponsor shall actively supervise the
447 cosmetology intern in the practice of cosmetology pursuant to
448 rules established by the board. A cosmetology intern may only
449 practice within the field of cosmetology in which he or she is
450 engaged in the course of study. The internship sponsor shall
451 ensure that the cosmetology intern is complying with the laws
452 and rules governing cosmetology and is complying with the
453 educational objectives and guidelines established by the
454 cosmetology school or program and the board.

455 (4) All services provided by the cosmetology intern shall
456 be expressly approved by the internship sponsor and contracted
457 for by the internship sponsor. The internship sponsor shall
458 ensure that the public is clearly informed that the cosmetology
459 intern is not a licensed cosmetologist.

460 (5) Pursuant to rules established by the board, the
461 cosmetology salon in which a cosmetology intern is engaged in
462 the practice of cosmetology shall post notice in a conspicuous
463 manner within the salon indicating that a student intern is
464 providing services on the premises.

465 (6) While engaged in the practice of cosmetology, a
466 cosmetology intern shall possess written documentation of his or
467 her authorization to engage in the practice of cosmetology from
468 the student's cosmetology school or program and shall furnish
469 such documentation to the department before engaging in the
470 practice of cosmetology and upon request by department
471 personnel.

472 (7) The board shall establish by rule the education
473 prerequisites for cosmetology internships, including the minimum
474 number of hours of classroom instruction and required course

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475 work. The board shall establish by rule the number of permitted
476 cosmetology internships per internship sponsor, the minimum and
477 maximum number of internship hours, and the recommended
478 educational objectives and guidelines for an internship program
479 in a cosmetology school or program.

480 (8) The board may terminate the internship of any
481 cosmetology intern and the sponsorship of any internship sponsor
482 for a violation of the laws and rules governing cosmetology. The
483 board shall provide notice of termination of an internship to
484 the internship sponsor, the cosmetology school or program, and
485 the cosmetology intern. In the case of a terminated cosmetology
486 internship, the school or program shall determine the
487 educational status of the cosmetology intern. A cosmetology
488 intern whose internship sponsor has been terminated, has been
489 otherwise disciplined by the board, or has voluntarily withdrawn
490 from sponsorship remains eligible for new placement through the
491 school or program.

492 Section 9. Section 477.025, Florida Statutes, is amended
493 to read:

494 477.025 ~~Cosmetology salons; specialty Salons; requisites;~~
495 ~~licensure; inspection; mobile eesmetology salons.--~~

496 (1) No ~~cosmetology salon or specialty salon~~ shall be
497 permitted to operate without a license issued by the department
498 except as provided in subsection (11).

499 (2) The board shall adopt rules governing the licensure
500 and operation of salons ~~and specialty salons~~ and their
501 facilities, personnel, safety and sanitary requirements, and the
502 license application and granting process.

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503 (3) Any person, firm, or corporation desiring to operate a
504 ~~cosmetology salon or specialty~~ salon in the state shall submit
505 to the department a salon an application form ~~upon forms~~
506 provided by the department, ~~and accompanied by~~ any relevant
507 information requested by the department, ~~and by~~ an application
508 fee.

509 (4) Upon receiving the application, the department may
510 cause an investigation to be made of the proposed ~~cosmetology~~
511 ~~salon or specialty~~ salon.

512 (5) When an applicant fails to meet all the requirements
513 provided herein, the department shall deny the application in
514 writing and shall list the specific requirements not met. No
515 applicant denied licensure because of failure to meet the
516 requirements herein shall be precluded from reapplying for
517 licensure.

518 (6) When the department determines that the proposed
519 ~~cosmetology salon or specialty~~ salon may reasonably be expected
520 to meet the requirements set forth herein, the department shall
521 grant the license upon such conditions as it shall deem proper
522 under the circumstances and upon payment of the original
523 licensing fee.

524 (7) No license for operation of a ~~cosmetology salon or~~
525 ~~specialty~~ salon may be transferred from the name of the original
526 licensee to another. It may be transferred from one location to
527 another only upon approval by the department, which approval
528 shall not be unreasonably withheld.

529 (8) Renewal of license registration for ~~cosmetology salons~~
530 ~~or specialty~~ salons shall be accomplished pursuant to rules
531 adopted by the board. The board is further authorized to adopt
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532 rules governing delinquent renewal of licenses and may impose
533 penalty fees for delinquent renewal.

534 (9) The board is authorized to adopt rules governing the
535 periodic inspection of ~~cosmetology salons and specialty salons~~
536 licensed under this chapter.

537 (10)(a) The board shall adopt rules governing the
538 licensure, operation, and inspection of mobile ~~cosmetology~~
539 salons, including their facilities, personnel, and safety and
540 sanitary requirements.

541 (b) Each mobile salon must comply with all licensure and
542 operating requirements specified in this chapter or chapter 455
543 or rules of the board or department that apply to ~~cosmetology~~
544 salons at fixed locations, except to the extent that such
545 requirements conflict with this subsection or rules adopted
546 pursuant to this subsection.

547 (c) A mobile ~~cosmetology~~ salon must maintain a permanent
548 business address, located in the inspection area of the local
549 department office, at which records of appointments,
550 itineraries, license numbers of employees, and vehicle
551 identification numbers of the licenseholder's mobile salon shall
552 be kept and made available for verification purposes by
553 department personnel, and at which correspondence from the
554 department can be received.

555 (d) To facilitate periodic inspections of mobile
556 ~~cosmetology~~ salons, prior to the beginning of each month each
557 mobile salon licenseholder must file with the board a written
558 monthly itinerary listing the locations where and the dates and
559 hours when the mobile salon will be operating.

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560 (e) The board shall establish fees for mobile ~~cosmetology~~
561 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed
562 locations.

563 (f) The operation of mobile ~~cosmetology~~ salons must be in
564 compliance with all local laws and ordinances regulating
565 business establishments, with all applicable requirements of the
566 Americans with Disabilities Act relating to accommodations for
567 persons with disabilities, and with all applicable OSHA
568 requirements.

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

573 Section 10. Section 477.026, Florida Statutes, is amended
574 to read:

575 477.026 Fees; disposition.--

576 (1) The board shall set fees according to the following
577 schedule:

578 (a) For hair technicians, estheticians, nail technicians,
579 or cosmetologists, fees for original licensing, license renewal,
580 and delinquent renewal may shall not exceed \$50 ~~\$25~~.

581 (b) For hair technicians, estheticians, nail technicians,
582 or cosmetologists, fees for endorsement application,
583 examination, and reexamination may shall not exceed \$150 ~~\$50~~.

584 (c) For ~~cosmetology and specialty~~ salons, fees for license
585 application, original licensing, license renewal, and delinquent
586 renewal may shall not exceed \$100 ~~\$50~~.

587 ~~(d) For specialists, fees for application and endorsement~~
588 ~~registration shall not exceed \$30.~~

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589 ~~(d)(e)~~ For specialists, fees for ~~initial registration,~~
590 registration renewal, and delinquent renewal ~~may shall~~ not
591 exceed \$100 ~~\$50~~.

592 ~~(e)(f)~~ For hair braiders ~~and,~~ hair wrappers, ~~and body~~
593 ~~wrappers,~~ fees for registration ~~may shall~~ not exceed \$40 ~~\$25~~.

594 (f) For internship sponsors, fees for registration may not
595 exceed \$30.

596 (2) All moneys collected by the department from fees
597 authorized by this chapter shall be paid into the Professional
598 Regulation Trust Fund, which fund is created in the department,
599 and shall be applied in accordance with ss. 215.37 and 455.219.
600 The Legislature may appropriate any excess moneys from this fund
601 to the General Revenue Fund.

602 (3) The department, with the advice of the board, shall
603 prepare and submit a proposed budget in accordance with law.

604 Section 11. Section 477.0263, Florida Statutes, is amended
605 to read:

606 477.0263 Cosmetology services to be performed in licensed
607 salon; exceptions ~~exception~~.--

608 (1) Cosmetology or specialty services shall be performed
609 only by licensed cosmetologists, hair technicians, estheticians,
610 nail technicians, or registered specialists in licensed salons,
611 except as otherwise provided in this section.

612 (2) Pursuant to rules established by the board,
613 cosmetology or specialty services may be performed by a licensed
614 cosmetologist, hair technician, esthetician, nail technician, or
615 registered specialist in a location other than a licensed salon,
616 including, but not limited to, a nursing home, hospital, or
617 residence, when a client for reasons of ill health is unable to

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618 go to a licensed salon. Arrangements for the performance of such
619 cosmetology or specialty services in a location other than a
620 licensed salon shall be made only through a licensed salon.

621 (3) Any person who holds a valid cosmetology license in
622 any state or who is authorized to practice cosmetology in any
623 country, territory, or jurisdiction of the United States may
624 perform cosmetology services in a location other than a licensed
625 salon when such services are performed in connection with the
626 motion picture, fashion photography, theatrical, or television
627 industry; a photography studio salon; a manufacturer trade show
628 demonstration; a department store demonstration; or an
629 educational seminar.

630 (4) Pursuant to rules established by the board,
631 cosmetology, hair technician, esthetician, nail technician, or
632 specialty services may be performed in a location other than a
633 licensed salon when such services are performed in connection
634 with a special event and are performed by a person who is
635 employed by a licensed salon and who holds the proper license or
636 specialty registration. Scheduling an appointment for the
637 performance of such services in a location other than a licensed
638 salon shall be made through a licensed salon.

639 Section 12. Section 477.0265, Florida Statutes, is amended
640 to read:

641 477.0265 Prohibited acts.--

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

643 (a) Engage in the practice of cosmetology or a specialty
644 without an active license in the field of cosmetology ~~as a~~
645 ~~cosmetologist~~ or registration as a specialist issued by the
646 department pursuant to the provisions of this chapter unless

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647 | authorized as a cosmetology intern pursuant to this chapter and
648 | supervised by a licensed cosmetologist.

649 | (b) Own, operate, maintain, open, establish, conduct, or
650 | have charge of, either alone or with another person or persons,
651 | a ~~cosmetology salon or specialty salon~~:

652 | 1. Which is not licensed under the provisions of this
653 | chapter; or

654 | 2. In which a person not licensed in the field of
655 | cosmetology, authorized as a cosmetology intern, or registered
656 | as a ~~cosmetologist or a specialist~~ is permitted to perform
657 | cosmetology services or any specialty.

658 | (c) Engage in willful or repeated violations of this
659 | chapter or of any rule adopted by the board.

660 | (d) Permit an employed person to engage in the practice of
661 | cosmetology or of a specialty unless such person holds a valid,
662 | active license in the field of cosmetology ~~as a cosmetologist~~ or
663 | a registration as a specialist or is authorized as a cosmetology
664 | intern pursuant to this chapter and supervised by a licensed
665 | cosmetologist.

666 | (e) Obtain or attempt to obtain a license or registration
667 | for money, other than the required fee, or any other thing of
668 | value or by fraudulent misrepresentations.

669 | (f) Use or attempt to use a license to practice in the
670 | field of cosmetology or a registration to practice a specialty,
671 | which license or registration is suspended or revoked.

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

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675 480.033(3), except those practices or activities defined in s.
676 477.013.

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

680 (2) Any person who violates any provision of this section
681 commits a misdemeanor of the second degree, punishable as
682 provided in s. 775.082 or s. 775.083.

683 Section 12. Section 477.028, Florida Statutes, is amended
684 to read:

685 477.028 Disciplinary proceedings.--

686 (1) The board may ~~shall have the power to~~ revoke or
687 suspend the license of a cosmetologist, hair technician,
688 esthetician, or nail technician licensed under this chapter, or
689 the registration of a specialist registered under this chapter,
690 and may ~~to~~ reprimand, censure, deny subsequent licensure or
691 registration of, or otherwise discipline a cosmetologist, hair
692 technician, esthetician, nail technician, or a specialist
693 licensed or registered under this chapter in any of the
694 following cases:

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

697 (b) Upon proof that the holder of a license or
698 registration is guilty of fraud or deceit or of gross
699 negligence, incompetency, or misconduct in the practice or
700 instruction of cosmetology or a specialty.

701 (c) Upon proof that the holder of a license or
702 registration is guilty of aiding, assisting, procuring, or

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703 advising any unlicensed person to practice in the field of
704 cosmetology as a cosmetologist.

705 (2) The board may ~~shall have the power to~~ revoke or
706 suspend the license of a ~~cosmetology salon or a specialty salon~~
707 licensed under this chapter; ~~to~~ deny subsequent licensure of
708 such salon; ~~or to~~ reprimand, censure, or otherwise discipline
709 the owner of such salon in either of the following cases:

710 (a) Upon proof that a license has been obtained by fraud
711 or misrepresentation.

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

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

717 (4) The department may ~~shall~~ not issue or renew a license
718 or certificate of registration under this chapter to any person
719 against whom or salon against which the board has assessed a
720 fine, interest, or costs associated with investigation and
721 prosecution until the person or salon has paid in full such
722 fine, interest, or costs associated with investigation and
723 prosecution or until the person or salon complies with or
724 satisfies all terms and conditions of the final order.

725 Section 13. Section 477.029, Florida Statutes, is amended
726 to read:

727 477.029 Penalty.--

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

729 (a) Hold himself or herself out as a cosmetologist, hair
730 technician, esthetician, nail technician, specialist, hair
731 wrapper, hair braider, or body wrapper unless duly licensed or
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732 registered, or otherwise authorized, as provided in this
733 chapter.

734 (b) Operate any ~~cosmetology~~ salon unless it has been duly
735 licensed as provided in this chapter.

736 (c) Permit an employed person to practice cosmetology or a
737 specialty unless duly licensed or registered, or otherwise
738 authorized, as provided in this chapter.

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

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

742 (f) Impersonate any other licenseholder of like or
743 different name.

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

745 (h) Violate any provision of s. 455.227(1), s. 477.0265,
746 or s. 477.028.

747 (i) Violate or refuse to comply with any provision of this
748 chapter or chapter 455 or a rule or final order of the board or
749 the department.

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

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

755 (b) Issuance of a reprimand or censure.

756 (c) Imposition of an administrative fine not to exceed
757 \$500 for each count or separate offense.

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

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760 (e) Refusal to certify to the department an applicant for
761 licensure.

762 Section 14. Section 477.0201, Florida Statutes, is
763 repealed.

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766

767 ===== T I T L E A M E N D M E N T =====

768 Remove line 2 and insert:

769 An act relating to education and vocational training; amending
770 s. 477.013, F.S.; providing and amending definitions; redefining
771 "cosmetology" to include hair technician, esthetician, and nail
772 technician services; including body wrapping within esthetician
773 services; removing a distinction between specialty salons and
774 other salons; creating s. 477.0131, F.S.; authorizing licensure
775 for hair technicians, estheticians, nail technicians, and
776 cosmetologists; amending s. 477.0132, F.S.; requiring passage of
777 a specified course to receive a hair braiding registration;
778 increasing the total hours of instruction and modifying the
779 content of instruction required to constitute a hair braiding
780 course; providing an exemption from a portion of required hair
781 braiding coursework; eliminating future body wrapping
782 registrations; authorizing renewal of current body wrapping
783 registrations; specifying that only the Board of Cosmetology may
784 review, evaluate, and approve required text; amending s.
785 477.014, F.S.; revising requirements for qualification to
786 practice under ch. 477, F.S.; authorizing current specialists to
787 sit for licensure examinations in certain circumstances;
788 providing for the renewal of current specialty registrations;

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789 amending s. 477.019, F.S.; revising qualification, education,
790 licensure and renewal, supervised practice, and endorsement
791 requirements for cosmetologist licenses to include and
792 differentiate qualification, education, licensure and renewal,
793 supervised practice, and endorsement requirements for hair
794 technician, esthetician, and nail technician licenses; requiring
795 the board to adopt certain procedures relating to licensure by
796 endorsement; amending s. 477.0212, F.S.; increasing fee caps for
797 the reactivation of an inactive license; requiring the board to
798 adopt certain rules relating to license renewal or continuing
799 education; amending s. 477.023, F.S.; stipulating that the
800 Department of Education is not prevented from issuing grooming
801 and salon services certification; creating s. 477.0231, F.S.;
802 providing for cosmetology internships; providing requirements
803 for the board, cosmetology interns, internship sponsors, and
804 cosmetology salons relating to cosmetology internships; amending
805 s. 477.025, F.S., relating to cosmetology and specialty salons,
806 requisites, licensure, inspection, and mobile cosmetology
807 salons, to conform; amending s. 477.026, F.S.; revising fee
808 provisions to conform; increasing fee caps for certain fees;
809 providing a fee cap for internship sponsors; amending s.
810 477.0263, F.S., to conform; specifying circumstances under which
811 cosmetology or specialty services may be practiced outside of a
812 licensed salon; amending s. 477.0265, F.S., relating to
813 prohibited acts, to conform; amending s. 477.028, F.S., relating
814 to disciplinary proceedings, to conform; amending s. 477.029,
815 F.S., relating to penalties, to conform; repealing s. 477.0201,
816 F.S., relating to specialty registration, qualifications,
817 registration renewal, and endorsement; amending s.

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