

Bill No. SB 1630

Barcode 573188

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (King) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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

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

(4) "Cosmetology" means the practice of performing or

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1 offering to perform for compensation any of the following
2 services for aesthetic rather than medical purposes:

3 (a) Hair technician services, which are:

4 1. Treating a person's hair by:

5 a. Providing any method of treatment as a primary
6 service, including arranging, beautifying, lightening,
7 cleansing, coloring, cutting, dressing, processing,
8 shampooing, shaping, singeing, straightening, styling,
9 tinting, or waving;

10 b. Providing a necessary service that is preparatory
11 or ancillary to a service under sub-subparagraph a., including
12 clipping, cutting, or trimming; or

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

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

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

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

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

22 (b) Esthetician services, which are:

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

27 2. Beautifying a person's skin using a cosmetic
28 preparation, antiseptic, lotion, powder, oil, clay, cream, or
29 appliance.

30 3. Administering facial treatments.

31 4. Removing superfluous hair from a person's body

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1 using depilatories, threading, waxing, sugaring, or tweezing.

2 5. Tinting eyebrows or eyelashes with products
3 manufactured specifically for eyebrows or eyelashes.

4 6. Body wrapping, which is a treatment program that
5 uses wraps for the purposes of cleansing and beautifying a
6 person's skin for aesthetic rather than medical or weight-loss
7 purposes and is the application of oils, lotions, or other
8 fluids to the body using wraps. Body wrapping does not include
9 manipulation of the body's superficial tissue, other than that
10 resulting from the application of the wrap materials.

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

13 (c) Nail technician services, which are:

14 1. Treating a person's nails by:

15 a. Cutting, trimming, polishing, painting, printing,
16 tinting, coloring, cleansing, manicuring, or pedicuring; or

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

18 2. Cleansing, treating, or beautifying a person's
19 forearms, hands, legs below the knee, or feet ~~mechanical or~~
20 ~~chemical treatment of the head, face, and scalp for aesthetic~~
21 ~~rather than medical purposes, including, but not limited to,~~
22 ~~hair shampooing, hair cutting, hair arranging, hair coloring,~~
23 ~~permanent waving, and hair relaxing for compensation. This~~
24 ~~term also includes performing hair removal, including wax~~
25 ~~treatments, manicures, pedicures, and skin care services.~~

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

29 ~~(6)(5)~~ "Specialist" means any person registered
30 pursuant to s. 477.014(6) to practice one or more of the
31 following specialties: ~~holding a specialty registration in one~~

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1 ~~or more of the specialties registered under this chapter.~~

2 ~~(6) "Specialty" means the practice of one or more of~~
3 ~~the following:~~

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

9 (b) Pedicuring, or the shaping, polishing, tinting, or
10 cleansing of the nails of the feet, and massaging or
11 beautifying of the feet.

12 (c) Facials, or the massaging or treating of the face
13 or scalp with oils, creams, lotions, or other preparations,
14 and skin care services, which means the treatment of the skin
15 of a person's body, in addition to a person's head, face, and
16 scalp, by the use of a sponge, brush, cloth, or similar device
17 to apply or remove a chemical preparation or other substance
18 without involving massage, as defined in s. 480.033(3), except
19 that chemical peels may be removed by peeling an applied
20 preparation from the skin by hand.

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

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

27 ~~(8)(9)~~ "Hair braiding" means the weaving or
28 interweaving of a person's own natural ~~human~~ hair for
29 compensation without cutting, coloring, permanent waving,
30 relaxing, removing, or chemical treatment and does not include
31 the use of hair extensions or wefts.

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1 ~~(9)(10)~~ "Hair wrapping" means the wrapping of
 2 manufactured materials around a strand or strands of human
 3 hair, for compensation, without cutting, coloring, permanent
 4 waving, relaxing, removing, weaving, chemically treating,
 5 braiding, using hair extensions, or performing any other
 6 service defined as cosmetology.

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

14 (11) "Cosmetology intern" means a student enrolled in
 15 a cosmetology school or program to earn school or program
 16 hours by interning under the direct supervision of a licensed
 17 cosmetologist in a licensed salon.

18 (12) "Internship sponsor" means a licensed
 19 cosmetologist registered with the board for the purpose of
 20 supervising a cosmetology intern and ensuring compliance by
 21 the intern with the laws and rules of this state and the
 22 internship requirements established by the board and
 23 administered through the school or program.

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

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

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

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1 ~~wrap materials.~~

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

12 Section 2. Section 477.0131, Florida Statutes, is
13 created to read:

14 477.0131 Hair technician, esthetician, nail
15 technician, and cosmetology licenses.--

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

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(4)(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(4)(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(4) shall be licensed as a cosmetologist.

31 Section 3. Section 477.0132, Florida Statutes, is

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1 amended to read:

2 477.0132 Hair braiding, hair wrapping, and body
3 wrapping registration.--

4 (1) A person whose occupation or practice is confined
5 solely to hair braiding shall register with the department,
6 shall pay the applicable registration fees, and shall take and
7 pass a course consisting of a minimum of 40 hours, except as
8 otherwise provided in this subsection. The course shall be
9 approved by the board and shall consist of 4 hours of
10 instruction in HIV/AIDS and other communicable diseases, 5
11 hours of instruction in sanitation and sterilization, 5 hours
12 of instruction in disorders and diseases of the scalp, 2 hours
13 of instruction regarding laws affecting hair braiding, and 24
14 hours of instruction in the application and removal of hair
15 braiding. A person who demonstrates skill in the application
16 and removal of hair braiding through a board-approved
17 examination may be exempt from the 24 hours of instruction in
18 the application and removal of hair braiding.

19 ~~(a) Persons whose occupation or practice is confined~~
20 ~~solely to hair braiding must register with the department, pay~~
21 ~~the applicable registration fee, and take a two-day 16-hour~~
22 ~~course. The course shall be board approved and consist of 5~~
23 ~~hours of HIV/AIDS and other communicable diseases, 5 hours of~~
24 ~~sanitation and sterilization, 4 hours of disorders and~~
25 ~~diseases of the scalp, and 2 hours of studies regarding laws~~
26 ~~affecting hair braiding.~~

27 (2)(b) A person ~~Persons~~ whose occupation or practice
28 is confined solely to hair wrapping shall ~~must~~ register with
29 the department, pay the applicable registration fee, and take
30 a one-day 6-hour course. The course shall be board approved
31 and consist of instruction ~~education~~ in HIV/AIDS and other

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1 communicable diseases, sanitation and sterilization, disorders
2 and diseases of the scalp, and instruction ~~studies~~ regarding
3 laws affecting hair wrapping.

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

9 ~~(c) Unless otherwise licensed or exempted from~~
10 ~~licensure under this chapter, any person whose occupation or~~
11 ~~practice is body wrapping must register with the department,~~
12 ~~pay the applicable registration fee, and take a two-day~~
13 ~~12-hour course. The course shall be board approved and consist~~
14 ~~of education in HIV/AIDS and other communicable diseases,~~
15 ~~sanitation and sterilization, disorders and diseases of the~~
16 ~~skin, and studies regarding laws affecting body wrapping.~~

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

23 (5)(2) Hair braiding and, hair wrapping, ~~and body~~
24 ~~wrapping~~ are not required to be practiced in a ~~cosmetology~~
25 ~~salon or specialty salon~~. When hair braiding or, hair
26 wrapping, ~~or body wrapping~~ is practiced outside a ~~cosmetology~~
27 ~~salon or specialty salon~~, disposable implements shall ~~must~~ be
28 used or all implements shall ~~must~~ be sanitized in a
29 disinfectant approved for hospital use or approved by the
30 federal Environmental Protection Agency.

31 ~~(3) Pending issuance of registration, a person is~~

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1 ~~eligible to practice hair braiding, hair wrapping, or body~~
 2 ~~wrapping upon submission of a registration application that~~
 3 ~~includes proof of successful completion of the education~~
 4 ~~requirements and payment of the applicable fees required by~~
 5 ~~this chapter.~~

6 Section 4. Section 477.014, Florida Statutes, is
 7 amended to read:

8 477.014 Qualifications for practice.--

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

15 (2) A person licensed or registered under this chapter
 16 on or after January 1, 2007, may not practice or hold himself
 17 or herself out as qualified to practice in an area in which he
 18 or she is not specifically licensed or registered under this
 19 chapter.

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

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

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

30 (6) A specialist registered under this chapter before
 31 January 1, 2007, may continue to practice under the name of

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1 his or her specialty registration without taking the
 2 respective licensure examination. Renewal of all registrations
 3 existing before January 1, 2007, shall be accomplished
 4 pursuant to rules adopted by the board. Such renewal shall
 5 include a full specialty registration, which combines facial
 6 and manicure, pedicure, and nail extension.

7 Section 5. Section 477.019, Florida Statutes, is
 8 amended to read:

9 477.019 Cosmetologists; hair technicians;
 10 estheticians; nail technicians; qualifications; licensure;
 11 supervised practice; license renewal; endorsement; continuing
 12 education.--

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

16 (2) An applicant ~~is~~ ~~shall be~~ eligible for licensure by
 17 examination to practice cosmetology, hair technician services,
 18 esthetician services, or nail technician services if the
 19 applicant:

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

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

30 (c)1. Is authorized to practice cosmetology in another
 31 state or country, has been so authorized for at least 1 year,

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1 and does not qualify for licensure by endorsement as provided
2 for in subsection (6); or

3 2.a. Has received a minimum number of hours of
4 training as follows:

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

6 (II) For an esthetician, 600 hours.

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

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

9 b. The training ~~Has received a minimum of 1,200 hours~~
10 ~~of training as established by the board, which shall include,~~
11 but need ~~shall~~ not be limited to, the equivalent of completion
12 of services directly related to the practice of cosmetology at
13 one of the following:

14 (I)a. A school of cosmetology licensed pursuant to
15 chapter 1005.

16 (II)b. A cosmetology program within the public school
17 system.

18 (III)c. The Cosmetology Division of the Florida School
19 for the Deaf and the Blind, provided the division meets the
20 standards of this chapter.

21 (IV)d. A government-operated cosmetology program in
22 this state.

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

27 d. A person who begins his or her education on or
28 after January 1, 2007, shall comply with the hour requirements
29 in sub-subparagraph a. in order to qualify to take his or her
30 respective examination.

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1 ~~The board shall establish by rule procedures whereby the~~
2 ~~school or program may certify that a person is qualified to~~
3 ~~take the required examination after the completion of a~~
4 ~~minimum of 1,000 actual school hours. If the person then~~
5 ~~passes the examination, he or she shall have satisfied this~~
6 ~~requirement; but if the person fails the examination, he or~~
7 ~~she shall not be qualified to take the examination again until~~
8 ~~the completion of the full requirements provided by this~~
9 ~~section.~~

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

15 (4) After submitting a complete application to take
16 the first available examination for licensure as a
17 cosmetologist, hair technician, esthetician, or nail
18 technician, a graduate of a licensed cosmetology school or a
19 program within the public school system, which school or
20 program is certified by the Department of Education, is
21 eligible to practice in the graduate's respective area for a
22 maximum period of 60 days, provided such graduate practices
23 under the supervision of a professional licensed under this
24 chapter in a licensed salon. A graduate who fails to pass an
25 examination the first time may continue to practice under the
26 supervision of a professional licensed under this chapter in a
27 licensed salon for an additional 60-day period, provided the
28 graduate applies for the next available examination. A
29 graduate may not continue to practice under this subsection if
30 the graduate fails the examination twice. Following the
31 completion of the first licensing examination and pending the

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1 ~~results of that examination and issuance of a license to~~
2 ~~practice cosmetology, graduates of licensed cosmetology~~
3 ~~schools or cosmetology programs offered in public school~~
4 ~~systems, which schools or programs are certified by the~~
5 ~~Department of Education, are eligible to practice cosmetology,~~
6 ~~provided such graduates practice under the supervision of a~~
7 ~~licensed cosmetologist in a licensed cosmetology salon. A~~
8 ~~graduate who fails the first examination may continue to~~
9 ~~practice under the supervision of a licensed cosmetologist in~~
10 ~~a licensed cosmetology salon if the graduate applies for the~~
11 ~~next 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 or country and who have met qualifications
21 substantially similar to, equivalent to, or greater than the
22 qualifications required of applicants from this state. For
23 purposes of this subsection, work experience may be
24 substituted for required educational hours in the amount and
25 manner provided by board rule.

26 (7)(a) The board shall prescribe by rule continuing
27 education requirements for licensees and registered
28 specialists that ~~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

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

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

17 (c) The board may, by rule, require any licensee in
 18 violation of a continuing education requirement to take a
 19 refresher course or refresher course and examination in
 20 addition to any other penalty. ~~The number of hours for the~~
 21 ~~refresher course may not exceed 48 hours.~~

22 Section 6. Section 477.0212, Florida Statutes, is
 23 amended to read:

24 477.0212 Inactive status.--

25 (1) A ~~cosmetologist's~~ license issued under this
 26 chapter that has become inactive may be reactivated under s.
 27 477.019 upon application to the department.

28 (2) The board shall adopt ~~promulgate~~ rules relating to
 29 licenses that ~~which~~ have become inactive and for the renewal
 30 of inactive licenses. The board shall prescribe by rule a fee
 31 not to exceed \$100 ~~\$50~~ for the reactivation of an inactive

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

5 Section 7. Section 477.023, Florida Statutes, is
 6 amended to read:

7 477.023 Schools of cosmetology; licensure.--~~A No~~
 8 private school of cosmetology may not ~~shall be permitted to~~
 9 operate without a license issued by the Commission for
 10 Independent Education pursuant to chapter 1005. However, this
 11 chapter does not ~~nothing herein shall be construed to prevent~~
 12 certification by the Department of Education of grooming and
 13 salon services and cosmetology training programs within the
 14 public school system or ~~to~~ prevent government operation of any
 15 other program of cosmetology in this state.

16 Section 8. Section 477.0231, Florida Statutes, is
 17 created to read:

18 477 0231 Cosmetology internships.--

19 (1) The selection and placement of cosmetology interns
 20 shall be determined by the cosmetology school or program. The
 21 school or program shall determine whether a student is
 22 eligible to become a cosmetology intern and whether an
 23 internship sponsor meets the requirements for its educational
 24 objectives. The school program, on behalf of the student,
 25 shall provide written notice to the board that an internship
 26 sponsor has been selected and name the cosmetology intern to
 27 be supervised. The school or program shall determine the
 28 length and schedule of an individual cosmetology internship,
 29 but such internship may not exceed 24 months.

30 (2) Each internship sponsor shall obtain approval from
 31 a school or cosmetology program and shall register with the

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1 board before accepting placement of each cosmetology intern.
 2 The application for registration must include the name and
 3 contact person of the school or program placing the intern,
 4 the names and addresses of the internship sponsor, and other
 5 information that the board requires.

6 (3) The internship sponsor shall actively supervise
 7 the cosmetology intern in the practice of cosmetology pursuant
 8 to rules established by the board. A cosmetology intern may
 9 only practice within the field of cosmetology in which he or
 10 she is engaged in the course of study. The internship
 11 sponsor shall ensure that the cosmetology intern is complying
 12 with the laws and rules governing cosmetology and is complying
 13 with the educational objectives and guidelines established by
 14 the cosmetology school or program and the board.

15 (4) All services provided by the cosmetology intern
 16 shall be expressly approved by the internship sponsor and
 17 contracted for by the internship sponsor. The internship
 18 sponsor shall ensure that the public is clearly informed that
 19 the cosmetology intern is not a licensed cosmetologist.

20 (5) Pursuant to rules established by the board, the
 21 cosmetology salon in which a cosmetology intern is engaged in
 22 the practice of cosmetology shall post notice in a conspicuous
 23 manner within the salon indicating that a student intern is
 24 providing services on the premises.

25 (6) While engaged in the practice of cosmetology, a
 26 cosmetology intern shall possess written documentation of his
 27 or her authorization to engage in the practice of cosmetology
 28 from the student's cosmetology school or program and shall
 29 furnish such documentation to the department before engaging
 30 in the practice of cosmetology and upon request by department
 31 personnel.

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1 (7) The board shall establish by rule the education
 2 prerequisites for cosmetology internships, including the
 3 minimum number of hours of classroom instruction and required
 4 course work. The board shall establish by rule the number of
 5 permitted cosmetology internships per internship sponsor, the
 6 minimum and maximum number of internship hours, and the
 7 recommended educational objectives and guidelines for an
 8 internship program in a cosmetology school or program.

9 (8) The board may terminate the internship of any
 10 cosmetology intern and the sponsorship of any internship
 11 sponsor for a violation of the laws and rules governing
 12 cosmetology. The board shall provide notice of termination of
 13 an internship to the internship sponsor, the cosmetology
 14 school or program, and the cosmetology intern. In the case of
 15 a terminated cosmetology internship, the school or program
 16 shall determine the educational status of the cosmetology
 17 intern. A cosmetology intern whose internship sponsor has been
 18 terminated, has been otherwise disciplined by the board, or
 19 has voluntarily withdrawn from sponsorship remains eligible
 20 for new placement through the school or program.

21 Section 9. Section 477.025, Florida Statutes, is
 22 amended to read:

23 477.025 ~~Cosmetology salons; specialty~~ Salons;
 24 requisites; licensure; inspection; mobile ~~cosmetology~~
 25 salons.--

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

29 (2) The board shall adopt rules governing the
 30 licensure and operation of salons ~~and specialty salons~~ and
 31 their facilities, personnel, safety and sanitary requirements,

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1 and the license application and granting process.

2 (3) Any person, firm, or corporation desiring to
3 operate a ~~cosmetology salon or specialty~~ salon in the state
4 shall submit to the department a salon ~~an~~ application form
5 ~~upon forms~~ provided by the department, ~~and accompanied by any~~
6 relevant information requested by the department, ~~and~~ by an
7 application fee.

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

11 (5) When an applicant fails to meet all the
12 requirements provided herein, the department shall deny the
13 application in writing and shall list the specific
14 requirements not met. No applicant denied licensure because of
15 failure to meet the requirements herein shall be precluded
16 from reapplying for licensure.

17 (6) When the department determines that the proposed
18 ~~cosmetology salon or specialty~~ salon may reasonably be
19 expected to meet the requirements set forth herein, the
20 department shall grant the license upon such conditions as it
21 shall deem proper under the circumstances and upon payment of
22 the original licensing fee.

23 (7) No license for operation of a ~~cosmetology salon or~~
24 ~~specialty~~ salon may be transferred from the name of the
25 original licensee to another. It may be transferred from one
26 location to another only upon approval by the department,
27 which approval shall not be unreasonably withheld.

28 (8) Renewal of license registration for ~~cosmetology~~
29 ~~salons or specialty~~ salons shall be accomplished pursuant to
30 rules adopted by the board. The board is further authorized to
31 adopt rules governing delinquent renewal of licenses and may

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1 impose penalty fees for delinquent renewal.

2 (9) The board is authorized to adopt rules governing
3 the periodic inspection of ~~cosmetology salons and specialty~~
4 salons licensed under this 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 (f) The operation of mobile ~~cosmetology~~ salons must be

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1 in compliance with all local laws and ordinances regulating
2 business establishments, with all applicable requirements of
3 the Americans with Disabilities Act relating to accommodations
4 for persons with disabilities, and with all applicable OSHA
5 requirements.

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

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

12 477.026 Fees; disposition.--

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

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

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

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

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

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

31 (e)(f) For hair braiders and, hair wrappers, ~~and body~~

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1 ~~wrappers,~~ fees for registration ~~may shall~~ not exceed ~~\$40 \$25~~.

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

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

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

13 Section 11. Section 477.0263, Florida Statutes, is
14 amended to read:

15 477.0263 Cosmetology services to be performed in
16 licensed salon; ~~exceptions~~ ~~exception~~.--

17 (1) Cosmetology or specialty services shall be
18 performed only by licensed cosmetologists, hair technicians,
19 estheticians, nail technicians, or registered specialists in
20 licensed salons, except as otherwise provided in this section.

21 (2) Pursuant to rules established by the board,
22 cosmetology or specialty services may be performed by a
23 licensed cosmetologist, hair technician, esthetician, nail
24 technician, or registered specialist in a location other than
25 a licensed salon, including, but not limited to, a nursing
26 home, hospital, or residence, when a client for reasons of ill
27 health is unable to go to a licensed salon. Arrangements for
28 the performance of such cosmetology or specialty services in a
29 location other than a licensed salon shall be made only
30 through a licensed salon.

31 (3) Any person who holds a valid cosmetology license

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1 in any state or who is authorized to practice cosmetology in
 2 any country, territory, or jurisdiction of the United States
 3 may perform cosmetology services in a location other than a
 4 licensed salon when such services are performed in connection
 5 with the motion picture, fashion photography, theatrical, or
 6 television industry; a photography studio salon; a
 7 manufacturer trade show demonstration; a department store
 8 demonstration; or an educational seminar.

9 (4) Pursuant to rules established by the board,
 10 cosmetology, hair technician, esthetician, nail technician, or
 11 specialty services may be performed in a location other than a
 12 licensed salon when such services are performed in connection
 13 with a special event and are performed by a person who is
 14 employed by a licensed salon and who holds the proper license
 15 or specialty registration. Scheduling an appointment for the
 16 performance of such services in a location other than a
 17 licensed salon shall be made through a licensed salon.

18 Section 12. Section 477.0265, Florida Statutes, is
 19 amended to read:

20 477.0265 Prohibited acts.--

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

22 (a) Engage in the practice of cosmetology or a
 23 specialty without an active license in the field of
 24 cosmetology ~~as a cosmetologist~~ or registration as a specialist
 25 issued by the department pursuant to the provisions of this
 26 chapter unless authorized as a cosmetology intern pursuant to
 27 this chapter and supervised by a licensed cosmetologist.

28 (b) Own, operate, maintain, open, establish, conduct,
 29 or have charge of, either alone or with another person or
 30 persons, a ~~cosmetology salon or specialty salon~~:

31 1. Which is not licensed under the provisions of this

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1 chapter; or

2 2. In which a person not licensed in the field of
3 cosmetology, authorized as a cosmetology intern, or registered
4 as a ~~cosmetologist or a~~ specialist is permitted to perform
5 cosmetology services or any specialty.

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

8 (d) Permit an employed person to engage in the
9 practice of cosmetology or of a specialty unless such person
10 holds a valid, active license in the field of cosmetology ~~as a~~
11 ~~cosmetologist~~ or a registration as a specialist ~~or is~~
12 authorized as a cosmetology intern pursuant to this chapter
13 and supervised by a licensed cosmetologist.

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

17 (f) Use or attempt to use a license to practice in the
18 field of cosmetology or a registration to practice a
19 specialty, which license or registration is suspended or
20 revoked.

21 (g) Advertise or imply that skin care services or body
22 wrapping, as performed under this chapter, has ~~have~~ any
23 relationship to the practice of massage therapy as defined in
24 s. 480.033(3), except those practices or activities defined in
25 s. 477.013.

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

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

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1 Section 13. Section 477.028, Florida Statutes, is
2 amended to read:

3 477.028 Disciplinary proceedings.--

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

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

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

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

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

29 (a) Upon proof that a license has been obtained by
30 fraud or misrepresentation.

31 (b) Upon proof that the holder of a license is guilty

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1 of fraud or deceit or of gross negligence, incompetency, or
2 misconduct in the operation of the salon so licensed.

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

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

14 Section 14. Section 477.029, Florida Statutes, is
15 amended to read:

16 477.029 Penalty.--

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

18 (a) Hold himself or herself out as a cosmetologist,
19 hair technician, esthetician, nail technician, specialist,
20 hair wrapper, hair braider, or body wrapper unless duly
21 licensed or registered, or otherwise authorized, as provided
22 in this chapter.

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

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

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

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

31 (f) Impersonate any other licenseholder of like or

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1 different name.

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

4 (h) Violate any provision of s. 455.227(1), s.
5 477.0265, or s. 477.028.

6 (i) Violate or refuse to comply with any provision of
7 this chapter or chapter 455 or a rule or final order of the
8 board or the department.

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

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

14 (b) Issuance of a reprimand or censure.

15 (c) Imposition of an administrative fine not to exceed
16 \$500 for each count or separate offense.

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

20 (e) Refusal to certify to the department an applicant
21 for licensure.

22 Section 15. Section 477.0201, Florida Statutes, is
23 repealed.

24 Section 16. This act shall take effect January 1,
25 2007.

26

27

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause

31

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1 braiding course; providing an exemption from a
2 portion of required hair braiding coursework;
3 eliminating future body wrapping registrations;
4 authorizing renewal of current body wrapping
5 registrations; specifying that only the Board
6 of Cosmetology may review, evaluate, and
7 approve required text; amending s. 477.014,
8 F.S.; revising requirements for qualification
9 to practice under ch. 477, F.S.; authorizing
10 current specialists to sit for licensure
11 examinations in certain circumstances;
12 providing for the renewal of current specialty
13 registrations; amending s. 477.019, F.S.;
14 revising qualification, education, licensure
15 and renewal, supervised practice, and
16 endorsement requirements for cosmetologist
17 licenses to include and differentiate
18 qualification, education, licensure and
19 renewal, supervised practice, and endorsement
20 requirements for hair technician, esthetician,
21 and nail technician licenses; requiring the
22 board to adopt certain procedures relating to
23 licensure by endorsement; amending s. 477.0212,
24 F.S.; increasing fee caps for the reactivation
25 of an inactive license; requiring the board to
26 adopt certain rules relating to license renewal
27 or continuing education; creating s. 477.0231,
28 F.S.; providing for the selection and placement
29 of cosmetology interns; requiring a school
30 program to provide written notice to the board
31 regarding the internship sponsor and the

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1 cosmetology intern; providing requirements and
2 duties of the internship sponsor; requiring a
3 cosmetology salon to post notice regarding
4 services of a student intern; requiring a
5 cosmetology intern to possess written
6 authorization to practice cosmetology;
7 requiring the board to establish education
8 prerequisites for cosmetology internships;
9 authorizing the board to terminate an
10 internship of a cosmetology intern or the
11 sponsorship of a internship sponsor; requiring
12 the board to give notice of termination;
13 amending s. 477.025, F.S., relating to
14 cosmetology and specialty salons, requisites,
15 licensure, inspection, and mobile cosmetology
16 salons, to conform; amending s. 477.026, F.S.;
17 revising fee provisions to conform; increasing
18 fee caps for certain fees; amending s.
19 477.0263, F.S., to conform; specifying
20 circumstances under which cosmetology or
21 specialty services may be practiced outside of
22 a licensed salon; amending s. 477.0265, F.S.,
23 relating to prohibited acts, to conform;
24 providing acts and exceptions to those acts for
25 cosmetology interns; amending s. 477.028,
26 F.S., relating to disciplinary proceedings, to
27 conform; amending s. 477.029, F.S., relating to
28 penalties, to conform; repealing s. 477.0201,
29 F.S., relating to specialty registration,
30 qualifications, registration renewal, and
31 endorsement; providing an effective date.

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1 instruction required to constitute a hair
2 braiding course; providing an exemption from a
3 portion of required hair braiding coursework;
4 eliminating future body wrapping registrations;
5 authorizing renewal of current body wrapping
6 registrations; specifying that only the Board
7 of Cosmetology may review, evaluate, and
8 approve required text; amending s. 477.014,
9 F.S.; revising requirements for qualification
10 to practice under ch. 477, F.S.; authorizing
11 current specialists to sit for licensure
12 examinations in certain circumstances;
13 providing for the renewal of current specialty
14 registrations; amending s. 477.019, F.S.;
15 revising qualification, education, licensure
16 and renewal, supervised practice, and
17 endorsement requirements for cosmetologist
18 licenses to include and differentiate
19 qualification, education, licensure and
20 renewal, supervised practice, and endorsement
21 requirements for hair technician, esthetician,
22 and nail technician licenses; requiring the
23 board to adopt certain procedures relating to
24 licensure by endorsement; amending s. 477.0212,
25 F.S.; increasing fee caps for the reactivation
26 of an inactive license; requiring the board to
27 adopt certain rules relating to license renewal
28 or continuing education; amending s. 477.023,
29 F.S.; stipulating that the Department of
30 Education is not prevented from issuing
31 grooming and salon services certification;

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1 amending s. 477.025, F.S., relating to
2 cosmetology and specialty salons, requisites,
3 licensure, inspection, and mobile cosmetology
4 salons, to conform; amending s. 477.026, F.S.;
5 revising fee provisions to conform; increasing
6 fee caps for certain fees; amending s.
7 477.0263, F.S., to conform; specifying
8 circumstances under which cosmetology or
9 specialty services may be practiced outside of
10 a licensed salon; amending s. 477.0265, F.S.,
11 relating to prohibited acts, to conform;
12 amending s. 477.028, F.S., relating to
13 disciplinary proceedings, to conform; amending
14 s. 477.029, F.S., relating to penalties, to
15 conform; repealing s. 477.0201, F.S., relating
16 to specialty registration, qualifications,
17 registration renewal, and endorsement;
18 providing an effective date.

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