

Bill No. SB 1630

Barcode 944256

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

On page 7, line 6, through
page 23, line 11, delete those lines

and insert:

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

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

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

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

4 ~~(b) Manipulation of the body's superficial tissue,~~
5 ~~other than that arising from compression emanating from the~~
6 ~~wrap materials.~~

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

17 Section 2. Section 477.0131, Florida Statutes, is
18 created to read:

19 477.0131 Hair technician, esthetician, nail
20 technician, and cosmetology licenses.--

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

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

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

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1 technician.

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

5 Section 3. Section 477.0132, Florida Statutes, is
6 amended to read:

7 477.0132 Hair braiding, hair wrapping, and body
8 wrapping registration.--

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

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

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

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

14 ~~(c) Unless otherwise licensed or exempted from~~
15 ~~licensure under this chapter, any person whose occupation or~~
16 ~~practice is body wrapping must register with the department,~~
17 ~~pay the applicable registration fee, and take a two-day~~
18 ~~12-hour course. The course shall be board approved and consist~~
19 ~~of education in HIV/AIDS and other communicable diseases,~~
20 ~~sanitation and sterilization, disorders and diseases of the~~
21 ~~skin, and studies regarding laws affecting body wrapping.~~

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

28 ~~(5)(2)~~ Hair braiding and, hair wrapping, ~~and body~~
29 ~~wrapping~~ are not required to be practiced in a ~~cosmetology~~
30 ~~salon or specialty salon~~. When hair braiding or, hair
31 wrapping, ~~or body wrapping~~ is practiced outside a ~~cosmetology~~

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1 ~~salon or specialty salon, disposable implements shall must be~~
 2 ~~used or all implements shall must be sanitized in a~~
 3 ~~disinfectant approved for hospital use or approved by the~~
 4 ~~federal Environmental Protection Agency.~~

5 ~~(3) Pending issuance of registration, a person is~~
 6 ~~eligible to practice hair braiding, hair wrapping, or body~~
 7 ~~wrapping upon submission of a registration application that~~
 8 ~~includes proof of successful completion of the education~~
 9 ~~requirements and payment of the applicable fees required by~~
 10 ~~this chapter.~~

11 Section 4. Section 477.014, Florida Statutes, is
 12 amended to read:

13 477.014 Qualifications for practice.--

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

20 (2) A person licensed or registered under this chapter
 21 on or after January 1, 2007, may not practice or hold himself
 22 or herself out as qualified to practice in an area in which he
 23 or she is not specifically licensed or registered under this
 24 chapter.

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

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

31 (5) A manicure, pedicure, or nail extension specialist

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1 registered or enrolled in a cosmetology school before January
2 1, 2007, may take the examination for a nail technician
3 license.

4 (6) A specialist registered under this chapter before
5 January 1, 2007, may continue to practice under the name of
6 his or her specialty registration without taking the
7 respective licensure examination. Renewal of all registrations
8 existing before January 1, 2007, shall be accomplished
9 pursuant to rules adopted by the board.

10 Section 5. Section 477.019, Florida Statutes, is
11 amended to read:

12 477.019 Cosmetologists; hair technicians;
13 estheticians; nail technicians; qualifications; licensure;
14 supervised practice; license renewal; endorsement; continuing
15 education.--

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

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

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

28 (b) Pays the required application fee, which is not
29 refundable, and the required examination fee, which is
30 refundable if the applicant is determined to not be eligible
31 for licensure for any reason other than failure to

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1 successfully complete the licensure examination. ~~and~~

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

6 2.a. Has received a minimum number of hours of
7 training as follows:

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

9 (II) For an esthetician, 600 hours.

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

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

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

17 (I)a. A school of cosmetology licensed pursuant to
18 chapter 1005.

19 (II)b. A cosmetology program within the public school
20 system.

21 (III)c. The Cosmetology Division of the Florida School
22 for the Deaf and the Blind, provided the division meets the
23 standards of this chapter.

24 (IV)d. A government-operated cosmetology program in
25 this state.

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

30 d. A person who begins his or her education on or
31 after January 1, 2007, shall comply with the hour requirements

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1 in sub-subparagraph a. in order to qualify to take his or her
2 respective examination.

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

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

18 (4) After submitting a complete application to take
19 the first available examination for licensure as a
20 cosmetologist, hair technician, esthetician, or nail
21 technician, a graduate of a licensed cosmetology school or a
22 program within the public school system, which school or
23 program is certified by the Department of Education, is
24 eligible to practice in the graduate's respective area for a
25 maximum period of 60 days, provided such graduate practices
26 under the supervision of a professional licensed under this
27 chapter in a licensed salon. A graduate who fails to pass an
28 examination the first time may continue to practice under the
29 supervision of a professional licensed under this chapter in a
30 licensed salon for an additional 60-day period, provided the
31 graduate applies for the next available examination. A

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1 ~~graduate may not continue to practice under this subsection if~~
2 ~~the graduate fails the examination twice. Following the~~
3 ~~completion of the first licensing examination and pending the~~
4 ~~results of that examination and issuance of a license to~~
5 ~~practice cosmetology, graduates of licensed cosmetology~~
6 ~~schools or cosmetology programs offered in public school~~
7 ~~systems, which schools or programs are certified by the~~
8 ~~Department of Education, are eligible to practice cosmetology,~~
9 ~~provided such graduates practice under the supervision of a~~
10 ~~licensed cosmetologist in a licensed cosmetology salon. A~~
11 ~~graduate who fails the first examination may continue to~~
12 ~~practice under the supervision of a licensed cosmetologist in~~
13 ~~a licensed cosmetology salon if the graduate applies for the~~
14 ~~next available examination and until the graduate receives the~~
15 ~~results of that examination. No graduate may continue to~~
16 ~~practice under this subsection if the graduate fails the~~
17 ~~examination twice.~~

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

20 (6) The board shall adopt rules specifying procedures
21 for the licensure by endorsement of practitioners desiring to
22 be licensed in this state who hold a current active license in
23 another state or country and who have met qualifications
24 substantially similar to, equivalent to, or greater than the
25 qualifications required of applicants from this state. The
26 board and the department shall adopt procedures to expedite
27 the process by which qualified applicants for endorsement may
28 obtain information validating their licensure status from the
29 applicants' original state or country of licensure. For
30 purposes of this subsection, work experience may be
31 substituted for required educational hours in the amount and

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1 manner provided by board rule.

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

20 (b) Any person whose occupation or practice is
21 confined solely to hair braiding or ~~hair wrapping, or body~~
22 ~~wrapping~~ is exempt from the continuing education requirements
23 of this subsection.

24 (c) The board may, by rule, require any licensee in
25 violation of a continuing education requirement to take a
26 refresher course or refresher course and examination in
27 addition to any other penalty. ~~The number of hours for the~~
28 ~~refresher course may not exceed 48 hours.~~

29 Section 6. Section 477.0212, Florida Statutes, is
30 amended to read:

31 477.0212 Inactive status.--

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

4 (2) The board shall adopt ~~promulgate~~ rules relating to
5 licenses that ~~which~~ have become inactive and for the renewal
6 of inactive licenses. The board shall prescribe by rule a fee
7 not to exceed \$100 ~~\$50~~ for the reactivation of an inactive
8 license and a fee not to exceed \$100 ~~\$50~~ for the reactivation
9 ~~renewal~~ of an inactive license. The board shall prescribe by
10 rule the continuing education requirements to be met prior to
11 license renewal or reactivation.

12 Section 7. Section 477.023, Florida Statutes, is
13 amended to read:

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

23 Section 8. Section 477.0231, Florida Statutes, is
24 created to read:

25 477 0231 Cosmetology internships.--

26 (1) The selection and placement of cosmetology interns
27 shall be determined by the cosmetology school or program. The
28 school or program shall determine whether a student is
29 eligible to become a cosmetology intern and whether an
30 internship sponsor meets the requirements for its educational
31 objectives. The school program, on behalf of the student,

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1 shall provide written notice to the board that an internship
 2 sponsor has been selected and name the cosmetology intern to
 3 be supervised. The school or program shall determine the
 4 length and schedule of an individual cosmetology internship,
 5 but such internship may not exceed 24 months.

6 (2) Each internship sponsor shall obtain approval from
 7 a school or cosmetology program and shall register with the
 8 board before accepting placement of each cosmetology intern.
 9 The application for registration must include the name and
 10 contact person of the school or program placing the intern,
 11 the names and addresses of the internship sponsor, and other
 12 information that the board requires.

13 (3) The internship sponsor shall actively supervise
 14 the cosmetology intern in the practice of cosmetology pursuant
 15 to rules established by the board. The internship sponsor
 16 shall ensure that the cosmetology intern is complying with the
 17 laws and rules governing cosmetology and is complying with the
 18 educational objectives and guidelines established by the
 19 cosmetology school or program and the board.

20 (4) All services provided by the cosmetology intern
 21 shall be expressly approved by the internship sponsor and
 22 contracted for by the internship sponsor. The internship
 23 sponsor shall ensure that the public is clearly informed that
 24 the cosmetology intern is not a licensed cosmetologist.

25 (5) Pursuant to rules established by the board, the
 26 cosmetology salon in which a cosmetology intern is engaged in
 27 the practice of cosmetology shall post notice in a conspicuous
 28 manner within the salon indicating that a student intern is
 29 providing services on the premises.

30 (6) While engaged in the practice of cosmetology, a
 31 cosmetology intern shall possess written documentation of his

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1 or her authorization to engage in the practice of cosmetology
 2 from the student's cosmetology school or program and shall
 3 furnish such documentation to the department before engaging
 4 in the practice of cosmetology and upon request by department
 5 personnel.

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

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

26 Section 9. Section 477.025, Florida Statutes, is
 27 amended to read:

28 477.025 ~~Cosmetology salons; specialty Salons;~~
 29 ~~requisites; licensure; inspection; mobile cosmetology~~
 30 ~~salons.--~~

31 (1) No ~~cosmetology salon or specialty~~ salon shall be

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1 permitted to operate without a license issued by the
2 department except as provided in subsection (11).

3 (2) The board shall adopt rules governing the
4 licensure and operation of salons ~~and specialty salons~~ and
5 their facilities, personnel, safety and sanitary requirements,
6 and the license application and granting process.

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

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

16 (5) When an applicant fails to meet all the
17 requirements provided herein, the department shall deny the
18 application in writing and shall list the specific
19 requirements not met. No applicant denied licensure because of
20 failure to meet the requirements herein shall be precluded
21 from reapplying for licensure.

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

28 (7) No license for operation of a ~~cosmetology salon or~~
29 ~~specialty~~ salon may be transferred from the name of the
30 original licensee to another. It may be transferred from one
31 location to another only upon approval by the department,

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1 which approval shall not be unreasonably withheld.

2 (8) Renewal of license registration for ~~cosmetology~~
3 ~~salons or specialty~~ salons shall be accomplished pursuant to
4 rules adopted by the board. The board is further authorized to
5 adopt rules governing delinquent renewal of licenses and may
6 impose penalty fees for delinquent renewal.

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

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

14 (b) Each mobile salon must comply with all licensure
15 and operating requirements specified in this chapter or
16 chapter 455 or rules of the board or department that apply to
17 ~~cosmetology~~ salons at fixed locations, except to the extent
18 that such requirements conflict with this subsection or rules
19 adopted pursuant to this subsection.

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

28 (d) To facilitate periodic inspections of mobile
29 ~~cosmetology~~ salons, prior to the beginning of each month each
30 mobile salon licenseholder must file with the board a written
31 monthly itinerary listing the locations where and the dates

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1 and hours when the mobile salon will be operating.

2 (e) The board shall establish fees for mobile
3 ~~cosmetology~~ salons, not to exceed the fees for ~~cosmetology~~
4 salons at fixed locations.

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

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

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

17 477.026 Fees; disposition.--

18 (1) The board shall set fees according to the
19 following schedule:

20 (a) For hair technicians, estheticians, nail
21 technicians, or cosmetologists, fees for original licensing,
22 license renewal, and delinquent renewal ~~may shall~~ not exceed
23 ~~\$50~~ \$25.

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

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

31 ~~(d) For specialists, fees for application and~~

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1 ~~endorsement registration shall not exceed \$30.~~

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

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

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

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

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

18 Section 11. Section 477.0263, Florida Statutes, is
19 amended to read:

20 477.0263 Cosmetology services to be performed in
21 licensed salon; exceptions ~~exception~~.--

22 (1) Cosmetology or specialty services shall be
23 performed only by licensed cosmetologists, hair technicians,
24 estheticians, nail technicians, or registered specialists in
25 licensed salons, except as otherwise provided in this section.

26 (2) Pursuant to rules established by the board,
27 cosmetology or specialty services may be performed by a
28 licensed cosmetologist, hair technician, esthetician, nail
29 technician, or registered specialist in a location other than
30 a licensed salon, including, but not limited to, a nursing
31 home, hospital, or residence, when a client for reasons of ill

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1 health is unable to go to a licensed salon. Arrangements for
2 the performance of such cosmetology or specialty services in a
3 location other than a licensed salon shall be made only
4 through a licensed salon.

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

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

23 Section 12. Section 477.0265, Florida Statutes, is
24 amended to read:

25 477.0265 Prohibited acts.--

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

27 (a) Engage in the practice of cosmetology or a
28 specialty without an active license in the field of
29 cosmetology ~~as a cosmetologist~~ or registration as a specialist
30 issued by the department pursuant to the provisions of this
31 chapter unless authorized as a cosmetology intern pursuant to

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1 this chapter and supervised by a licensed cosmetologist.

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

5 1. Which is not licensed under the provisions of this
6 chapter; or

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

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

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

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

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

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

31 (h) In the practice of cosmetology, use or possess a

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1 cosmetic product containing a liquid nail monomer containing
2 any trace of methyl methacrylate (MMA).

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

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

9 And the title is amended as follows:

10 On page 2, lines 16-26, delete those lines

11

12 and insert:

13 creating s. 477.0231, F.S.; providing for the
14 selection and placement of cosmetology interns;
15 requiring a school program to provide written
16 notice to the board regarding the internship
17 sponsor and the cosmetology intern; providing
18 requirements and duties of the internship
19 sponsor; requiring a cosmetology salon to post
20 notice regarding services of a student intern;
21 requiring a cosmetology intern to possess
22 written authorization to practice cosmetology;
23 requiring the board to establish education
24 prerequisites for cosmetology internships;
25 authorizing the board to terminate an
26 internship of a cosmetology intern or the
27 sponsorship of a internship sponsor; requiring
28 the board to give notice of termination;
29 amending s. 477.025, F.S., relating to
30 cosmetology and specialty salons, requisites,
31 licensure, inspection, and mobile cosmetology

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1 salons, to conform; amending s. 477.026, F.S.;
2 revising fee provisions to conform; increasing
3 fee caps for certain fees; amending s.
4 477.0263, F.S., to conform; specifying
5 circumstances under which cosmetology or
6 specialty services may be practiced outside of
7 a licensed salon; amending s. 477.0265, F.S.,
8 relating to prohibited acts, to conform;
9 providing acts and exceptions to those acts for
10 cosmetology interns;

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