

1 endorsement requirements for cosmetologist
2 licenses to include and differentiate
3 qualification, education, licensure and
4 renewal, supervised practice, and endorsement
5 requirements for hair technician, esthetician,
6 and nail technician licenses; requiring the
7 board to adopt certain procedures relating to
8 licensure by endorsement; amending s. 477.0212,
9 F.S.; increasing fee caps for the reactivation
10 of an inactive license; requiring the board to
11 adopt certain rules relating to license renewal
12 or continuing education; amending s. 477.023,
13 F.S.; stipulating that the Department of
14 Education is not prevented from issuing
15 grooming and salon services certification;
16 amending s. 477.025, F.S., relating to
17 cosmetology and specialty salons, requisites,
18 licensure, inspection, and mobile cosmetology
19 salons, to conform; amending s. 477.026, F.S.;
20 revising fee provisions to conform; increasing
21 fee caps for certain fees; amending s.
22 477.0263, F.S., to conform; specifying
23 circumstances under which cosmetology or
24 specialty services may be practiced outside of
25 a licensed salon; amending s. 477.0265, F.S.,
26 relating to prohibited acts, to conform;
27 amending s. 477.028, F.S., relating to
28 disciplinary proceedings, to conform; amending
29 s. 477.029, F.S., relating to penalties, to
30 conform; repealing s. 477.0201, F.S., relating
31 to specialty registration, qualifications,

1 registration renewal, and endorsement;
2 providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

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

8 477.013 Definitions.--As used in this chapter, the
9 term:

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

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

13 (3) "Cosmetologist" means a person who is licensed to
14 engage in the practice of all cosmetology services in this
15 state under the authority of this chapter, including hair
16 technician services, esthetician services, and nail technician
17 services, or a person who is licensed prior to January 1,
18 2007, to engage in the practice of cosmetology in this state.

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

22 (a) Hair technician services, which are:

23 1. Treating a person's hair by:

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

29 b. Providing a necessary service that is preparatory
30 or ancillary to a service under sub-subparagraph a., including
31 clipping, cutting, or trimming; or

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

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

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

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

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

10 (b) Esthetician services, which are:

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

16 2. Beautifying a person's skin using a cosmetic
17 preparation, antiseptic, lotion, powder, oil, clay, cream, or
18 appliance.

19 3. Administering facial treatments.

20 4. Removing superfluous hair from a person's body
21 using depilatories, threading, waxing, sugaring, epilating, or
22 tweezing.

23 5. Tinting eyebrows or eyelashes with products
24 manufactured specifically for eyebrows or eyelashes.

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

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

3 (c) Nail technician services, which are:

4 1. Treating a person's nails by:

5 a. Cutting, trimming, polishing, painting, printing,
6 tinting, coloring, cleansing, manicuring, or pedicuring; or

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

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

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

20 ~~(6)(5)~~ "Specialist" means any person registered
21 pursuant to s. 477.014(6) to practice one or more of the
22 following specialties: holding a specialty registration in one
23 or more of the specialties registered under this chapter.

24 ~~(6)~~ "Specialty" means the practice of one or more of
25 the following:

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

1 (b) Pedicuring, or the shaping, polishing, tinting, or
2 cleansing of the nails of the feet, and massaging or
3 beautifying of the feet.

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

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

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

19 ~~(8)(9)~~ "Hair braiding" means the weaving or
20 interweaving of a person's own natural ~~human~~ hair for
21 compensation without cutting, coloring, permanent waving,
22 relaxing, removing, or chemical treatment and does not include
23 the use of hair extensions or wefts.

24 ~~(9)(10)~~ "Hair wrapping" means the wrapping of
25 manufactured materials around a strand or strands of human
26 hair, for compensation, without cutting, coloring, permanent
27 waving, relaxing, removing, weaving, chemically treating,
28 braiding, using hair extensions, or performing any other
29 service defined as cosmetology.

30 ~~(10)(11)~~ "Photography studio salon" means an
31 establishment where the hair-arranging services and the

1 application of cosmetic products are performed solely for the
2 purpose of preparing the model or client for the photographic
3 session without shampooing, cutting, coloring, permanent
4 waving, relaxing, or removing of hair or performing any other
5 service defined as cosmetology.

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

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

12 ~~(b) Manipulation of the body's superficial tissue,~~
13 ~~other than that arising from compression emanating from the~~
14 ~~wrap materials.~~

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

25 Section 2. Section 477.0131, Florida Statutes, is
26 created to read:

27 477.0131 Hair technician, esthetician, nail
28 technician, and cosmetology licenses.--

29 (1) A person who is otherwise qualified by this
30 chapter and who is authorized to practice all of the services
31

1 listed in s. 477.013(4)(a) shall be licensed as a hair
2 technician.

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

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

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

14 Section 3. Section 477.0132, Florida Statutes, is
15 amended to read:

16 477.0132 Hair braiding, hair wrapping, and body
17 wrapping registration.--

18 (1) A person whose occupation or practice is confined
19 solely to hair braiding shall register with the department,
20 shall pay the applicable registration fees, and shall take and
21 pass a course consisting of a minimum of 40 hours, except as
22 otherwise provided in this subsection. The course shall be
23 approved by the board and shall consist of 4 hours of
24 instruction in HIV/AIDS and other communicable diseases, 5
25 hours of instruction in sanitation and sterilization, 5 hours
26 of instruction in disorders and diseases of the scalp, 2 hours
27 of instruction regarding laws affecting hair braiding, and 24
28 hours of instruction in the application and removal of hair
29 braiding. A person who demonstrates skill in the application
30 and removal of hair braiding through a board-approved
31

1 examination may be exempt from the 24 hours of instruction in
2 the application and removal of hair braiding.

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

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

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

24 ~~(c) Unless otherwise licensed or exempted from~~
25 ~~licensure under this chapter, any person whose occupation or~~
26 ~~practice is body wrapping must register with the department,~~
27 ~~pay the applicable registration fee, and take a two day~~
28 ~~12 hour course. The course shall be board approved and consist~~
29 ~~of education in HIV/AIDS and other communicable diseases,~~
30 ~~sanitation and sterilization, disorders and diseases of the~~
31 ~~skin, and studies regarding laws affecting body wrapping.~~

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

7 ~~(5)(2)~~ Hair braiding and, hair wrapping, ~~and body~~
8 ~~wrapping~~ are not required to be practiced in a ~~cosmetology~~
9 salon ~~or specialty salon~~. When hair braiding or, hair
10 wrapping, ~~or body wrapping~~ is practiced outside a ~~cosmetology~~
11 salon ~~or specialty salon~~, disposable implements shall ~~must~~ be
12 used or all implements shall ~~must~~ be sanitized in a
13 disinfectant approved for hospital use or approved by the
14 federal Environmental Protection Agency.

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

21 Section 4. Section 477.014, Florida Statutes, is
22 amended to read:

23 477.014 Qualifications for practice.--

24 ~~(1)~~ On and after January 1, 2007, a 1979, no person
25 who is not other than a duly licensed or registered under this
26 chapter may not cosmetologist shall practice in any of the
27 cosmetology areas provided in s. 477.013(4) or use the name or
28 title of cosmetologist, hair technician, esthetician, or nail
29 technician.

30 ~~(2)~~ A person licensed or registered under this chapter
31 on or after January 1, 2007, may not practice or hold himself

1 or herself out as qualified to practice in an area in which he
2 or she is not specifically licensed or registered under this
3 chapter.

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

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

10 (5) A manicure, pedicure, or nail extension specialist
11 registered or enrolled in a cosmetology school before January
12 1, 2007, may take the examination for a nail technician
13 license.

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

20 Section 5. Section 477.019, Florida Statutes, is
21 amended to read:

22 477.019 Cosmetologists; hair technicians;
23 estheticians; nail technicians; qualifications; licensure;
24 supervised practice; license renewal; endorsement; continuing
25 education.--

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

29 (2) An applicant ~~is shall be~~ eligible for licensure by
30 examination to practice cosmetology, hair technician services,
31

1 esthetician services, or nail technician services if the
2 applicant:

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

8 (b) Pays the required application fee, which is not
9 refundable, and the required examination fee, which is
10 refundable if the applicant is determined to not be eligible
11 for licensure for any reason other than failure to
12 successfully complete the licensure examination.† ~~and~~

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

17 2.a. Has received a minimum number of hours of
18 training as follows:

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

20 (II) For an esthetician, 600 hours.

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

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

23 b. ~~The training Has received a minimum of 1,200 hours~~
24 ~~of training as established by the board, which shall include,~~
25 but need shall not be limited to, the equivalent of completion
26 of services directly related to the practice of cosmetology at
27 one of the following:

28 (I)~~a.~~ A school of cosmetology licensed pursuant to
29 chapter 1005.

30 (II)~~b.~~ A cosmetology program within the public school
31 system.

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

4 ~~(IV)d.~~ A government-operated cosmetology program in
5 this state.

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

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

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

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

29 (4) After submitting a complete application to take
30 the first available examination for licensure as a
31 cosmetologist, hair technician, esthetician, or nail

1 technician, a graduate of a licensed cosmetology school or a
2 program within the public school system, which school or
3 program is certified by the Department of Education, is
4 eligible to practice in the graduate's respective area for a
5 maximum period of 60 days, provided such graduate practices
6 under the supervision of a professional licensed under this
7 chapter in a licensed salon. A graduate who fails to pass an
8 examination the first time may continue to practice under the
9 supervision of a professional licensed under this chapter in a
10 licensed salon for an additional 60-day period, provided the
11 graduate applies for the next available examination. A
12 graduate may not continue to practice under this subsection if
13 the graduate fails the examination twice. Following the
14 ~~completion of the first licensing examination and pending the~~
15 ~~results of that examination and issuance of a license to~~
16 ~~practice cosmetology, graduates of licensed cosmetology~~
17 ~~schools or cosmetology programs offered in public school~~
18 ~~systems, which schools or programs are certified by the~~
19 ~~Department of Education, are eligible to practice cosmetology,~~
20 ~~provided such graduates practice under the supervision of a~~
21 ~~licensed cosmetologist in a licensed cosmetology salon. A~~
22 ~~graduate who fails the first examination may continue to~~
23 ~~practice under the supervision of a licensed cosmetologist in~~
24 ~~a licensed cosmetology salon if the graduate applies for the~~
25 ~~next available examination and until the graduate receives the~~
26 ~~results of that examination. No graduate may continue to~~
27 ~~practice under this subsection if the graduate fails the~~
28 ~~examination twice.~~

29 (5) Renewal of license registration shall be
30 accomplished pursuant to rules adopted by the board.
31

1 (6) The board shall adopt rules specifying procedures
2 for the licensure by endorsement of practitioners desiring to
3 be licensed in this state who hold a current active license in
4 another state or country and who have met qualifications
5 substantially similar to, equivalent to, or greater than the
6 qualifications required of applicants from this state. The
7 board and the department shall adopt procedures to expedite
8 the process by which qualified applicants for endorsement may
9 obtain information validating their licensure status from the
10 applicants' original state or country of licensure. For
11 purposes of this subsection, work experience may be
12 substituted for required educational hours in the amount and
13 manner provided by board rule.

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

1 (b) Any person whose occupation or practice is
2 confined solely to hair braiding or, hair wrapping, ~~or body~~
3 ~~wrapping~~ is exempt from the continuing education requirements
4 of this subsection.

5 (c) The board may, by rule, require any licensee in
6 violation of a continuing education requirement to take a
7 refresher course or refresher course and examination in
8 addition to any other penalty. ~~The number of hours for the~~
9 ~~refresher course may not exceed 48 hours.~~

10 Section 6. Section 477.0212, Florida Statutes, is
11 amended to read:

12 477.0212 Inactive status.--

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

16 (2) The board shall adopt ~~promulgate~~ rules relating to
17 licenses that ~~which~~ have become inactive and for the renewal
18 of inactive licenses. The board shall prescribe by rule a fee
19 not to exceed ~~\$100~~\$50 for the reactivation of an inactive
20 license and a fee not to exceed ~~\$100~~\$50 for the reactivation
21 ~~renewal~~ of an inactive license. The board shall prescribe by
22 rule the continuing education requirements to be met prior to
23 license renewal or reactivation.

24 Section 7. Section 477.023, Florida Statutes, is
25 amended to read:

26 477.023 Schools of cosmetology; licensure.--~~A No~~
27 private school of cosmetology may not ~~shall be permitted to~~
28 operate without a license issued by the Commission for
29 Independent Education pursuant to chapter 1005. However, this
30 chapter does not ~~nothing herein shall be construed to prevent~~
31 certification by the Department of Education of grooming and

1 salon services and cosmetology training programs within the
2 public school system or ~~to~~ prevent government operation of any
3 other program of cosmetology in this state.

4 Section 8. Section 477.025, Florida Statutes, is
5 amended to read:

6 477.025 ~~Cosmetology salons; specialty~~ Salons;
7 ~~requisites; licensure; inspection; mobile cosmetology~~
8 salons.--

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

12 (2) The board shall adopt rules governing the
13 licensure and operation of salons ~~and specialty salons~~ and
14 their facilities, personnel, safety and sanitary requirements,
15 and the license application and granting process.

16 (3) Any person, firm, or corporation desiring to
17 operate a ~~cosmetology salon or specialty~~ salon in the state
18 shall submit to the department a salon ~~an~~ application form
19 ~~upon forms~~ provided by the department, ~~and accompanied by~~ any
20 relevant information requested by the department, ~~and by~~ an
21 application fee.

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

25 (5) When an applicant fails to meet all the
26 requirements provided herein, the department shall deny the
27 application in writing and shall list the specific
28 requirements not met. No applicant denied licensure because of
29 failure to meet the requirements herein shall be precluded
30 from reapplying for licensure.

31

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

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

12 (8) Renewal of license registration for ~~cosmetology~~
13 ~~salons or specialty~~ salons shall be accomplished pursuant to
14 rules adopted by the board. The board is further authorized to
15 adopt rules governing delinquent renewal of licenses and may
16 impose penalty fees for delinquent renewal.

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

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

24 (b) Each mobile salon must comply with all licensure
25 and operating requirements specified in this chapter or
26 chapter 455 or rules of the board or department that apply to
27 ~~cosmetology~~ salons at fixed locations, except to the extent
28 that such requirements conflict with this subsection or rules
29 adopted pursuant to this subsection.

30 (c) A mobile ~~cosmetology~~ salon must maintain a
31 permanent business address, located in the inspection area of

1 | the local department office, at which records of appointments,
2 | itineraries, license numbers of employees, and vehicle
3 | identification numbers of the licenseholder's mobile salon
4 | shall be kept and made available for verification purposes by
5 | department personnel, and at which correspondence from the
6 | department can be received.

7 | (d) To facilitate periodic inspections of mobile
8 | ~~cosmetology~~ salons, prior to the beginning of each month each
9 | mobile salon licenseholder must file with the board a written
10 | monthly itinerary listing the locations where and the dates
11 | and hours when the mobile salon will be operating.

12 | (e) The board shall establish fees for mobile
13 | ~~cosmetology~~ salons, not to exceed the fees for ~~cosmetology~~
14 | salons at fixed locations.

15 | (f) The operation of mobile ~~cosmetology~~ salons must be
16 | in compliance with all local laws and ordinances regulating
17 | business establishments, with all applicable requirements of
18 | the Americans with Disabilities Act relating to accommodations
19 | for persons with disabilities, and with all applicable OSHA
20 | requirements.

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

25 | Section 9. Section 477.026, Florida Statutes, is
26 | amended to read:

27 | 477.026 Fees; disposition.--

28 | (1) The board shall set fees according to the
29 | following schedule:

30 | (a) For hair technicians, estheticians, nail
31 | technicians, or cosmetologists, fees for original licensing,

1 license renewal, and delinquent renewal ~~may shall~~ not exceed
2 ~~\$50~~\$25.

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

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

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

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

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

17 (2) All moneys collected by the department from fees
18 authorized by this chapter shall be paid into the Professional
19 Regulation Trust Fund, which fund is created in the
20 department, and shall be applied in accordance with ss. 215.37
21 and 455.219. The Legislature may appropriate any excess moneys
22 from this fund to the General Revenue Fund.

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

26 Section 10. Section 477.0263, Florida Statutes, is
27 amended to read:

28 477.0263 Cosmetology services to be performed in
29 licensed salon; exceptions ~~exception~~.--

30 (1) Cosmetology or specialty services shall be
31 performed only by licensed cosmetologists, hair technicians,

1 estheticians, nail technicians, or registered specialists in
2 licensed salons, except as otherwise provided in this section.

3 (2) Pursuant to rules established by the board,
4 cosmetology or specialty services may be performed by a
5 licensed cosmetologist, hair technician, esthetician, nail
6 technician, or registered specialist in a location other than
7 a licensed salon, including, but not limited to, a nursing
8 home, hospital, or residence, when a client for reasons of ill
9 health is unable to go to a licensed salon. Arrangements for
10 the performance of such cosmetology or specialty services in a
11 location other than a licensed salon shall be made only
12 through a licensed salon.

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

22 (4) Pursuant to rules established by the board,
23 cosmetology, hair technician, esthetician, nail technician, or
24 specialty services may be performed in a location other than a
25 licensed salon when such services are performed in connection
26 with a special event and are performed by a person who is
27 employed by a licensed salon and who holds the proper license
28 or specialty registration. Scheduling an appointment for the
29 performance of such services in a location other than a
30 licensed salon shall be made through a licensed salon.

31

1 Section 11. Section 477.0265, Florida Statutes, is
2 amended to read:

3 477.0265 Prohibited acts.--

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

5 (a) Engage in the practice of cosmetology or a
6 specialty without an active license in the field of
7 cosmetology ~~as a cosmetologist~~ or registration as a specialist
8 issued by the department pursuant to the provisions of this
9 chapter.

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

13 1. Which is not licensed under the provisions of this
14 chapter; or

15 2. In which a person not licensed in the field of
16 cosmetology or registered as a ~~cosmetologist or a~~ specialist
17 is permitted to perform cosmetology services or any specialty.

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

20 (d) Permit an employed person to engage in the
21 practice of cosmetology or of a specialty unless such person
22 holds a valid, active license in the field of cosmetology ~~as a~~
23 ~~cosmetologist~~ or a registration as a specialist.

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

27 (f) Use or attempt to use a license to practice in the
28 field of cosmetology or a registration to practice a
29 specialty, which license or registration is suspended or
30 revoked.

31

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

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

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

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

14 477.028 Disciplinary proceedings.--

15 (1) The board ~~may shall have the power to~~ revoke or
16 suspend the license of a cosmetologist, hair technician,
17 esthetician, or nail technician licensed under this chapter,
18 or the registration of a specialist registered under this
19 chapter, and ~~may to~~ reprimand, censure, deny subsequent
20 licensure or registration of, or otherwise discipline a
21 cosmetologist, hair technician, esthetician, nail technician,
22 or a specialist licensed or registered under this chapter in
23 any of the following cases:

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

26 (b) Upon proof that the holder of a license or
27 registration is guilty of fraud or deceit or of gross
28 negligence, incompetency, or misconduct in the practice or
29 instruction of cosmetology or a specialty.

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

1 | advising any unlicensed person to practice in the field of
2 | cosmetology ~~as a cosmetologist~~.

3 | (2) The board may ~~shall have the power to~~ revoke or
4 | suspend the license of a ~~cosmetology salon or a specialty~~
5 | salon licensed under this chapter; ~~to~~ deny subsequent
6 | licensure of such salon; ~~to~~ reprimand, censure, or
7 | otherwise discipline the owner of such salon in either of the
8 | following cases:

9 | (a) Upon proof that a license has been obtained by
10 | fraud or misrepresentation.

11 | (b) Upon proof that the holder of a license is guilty
12 | of fraud or deceit or of gross negligence, incompetency, or
13 | misconduct in the operation of the salon so licensed.

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

16 | (4) The department may ~~shall~~ not issue or renew a
17 | license or certificate of registration under this chapter to
18 | any person against whom or salon against which the board has
19 | assessed a fine, interest, or costs associated with
20 | investigation and prosecution until the person or salon has
21 | paid in full such fine, interest, or costs associated with
22 | investigation and prosecution or until the person or salon
23 | complies with or satisfies all terms and conditions of the
24 | final order.

25 | Section 13. Section 477.029, Florida Statutes, is
26 | amended to read:

27 | 477.029 Penalty.--

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

29 | (a) Hold himself or herself out as a cosmetologist,
30 | hair technician, esthetician, nail technician, specialist,
31 | hair wrapper, hair braider, or body wrapper unless duly

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

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

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

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

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

11 (f) Impersonate any other licenseholder of like or
12 different name.

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

15 (h) Violate any provision of s. 455.227(1), s.
16 477.0265, or s. 477.028.

17 (i) Violate or refuse to comply with any provision of
18 this chapter or chapter 455 or a rule or final order of the
19 board or the department.

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

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

25 (b) Issuance of a reprimand or censure.

26 (c) Imposition of an administrative fine not to exceed
27 \$500 for each count or separate offense.

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

31

1 (e) Refusal to certify to the department an applicant
2 for licensure.
3 Section 14. Section 477.0201, Florida Statutes, is
4 repealed.
5 Section 15. This act shall take effect January 1,
6 2007.
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