

1 education, licensure and renewal, supervised
2 practice, and endorsement requirements for
3 cosmetologist licenses to include and
4 differentiate qualification, education,
5 licensure and renewal, supervised practice, and
6 endorsement requirements for hair technician,
7 esthetician, and nail technician licenses;
8 requiring the board to adopt certain procedures
9 relating to licensure by endorsement; amending
10 s. 477.0212, F.S.; increasing fee caps for the
11 reactivation of an inactive license; requiring
12 the board to adopt certain rules relating to
13 license renewal or continuing education;
14 amending s. 477.023, F.S.; stipulating that the
15 Department of Education is not prevented from
16 issuing grooming and salon services
17 certification; creating s. 477.0231, F.S.;
18 providing for the selection and placement of
19 cosmetology interns; requiring a school program
20 to provide written notice to the board
21 regarding the internship sponsor and the
22 cosmetology intern; providing requirements and
23 duties of the internship sponsor; requiring a
24 cosmetology salon to post notice regarding
25 services of a student intern; requiring a
26 cosmetology intern to possess written
27 authorization to practice cosmetology;
28 requiring the board to establish education
29 prerequisites for cosmetology internships;
30 authorizing the board to terminate an
31 internship of a cosmetology intern or the

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

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 477.013, Florida Statutes, is
26 amended to read:

27 477.013 Definitions.--As used in this chapter, the
28 term:

- 29 (1) "Board" means the Board of Cosmetology.
30 (2) "Department" means the Department of Business and
31 Professional Regulation.

1 (3) "Cosmetologist" means a person who is licensed to
2 engage in the practice of all cosmetology services in this
3 state under the authority of this chapter, including hair
4 technician services, esthetician services, and nail technician
5 services, or a person who is licensed prior to January 1,
6 2007, to engage in the practice of cosmetology in this state.

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

10 (a) Hair technician services, which are:

11 1. Treating a person's hair by:

12 a. Providing any method of treatment as a primary
13 service, including arranging, beautifying, lightening,
14 cleansing, coloring, cutting, dressing, processing,
15 shampooing, shaping, singeing, straightening, styling,
16 tinting, or waving;

17 b. Providing a necessary service that is preparatory
18 or ancillary to a service under sub-subparagraph a., including
19 clipping, cutting, or trimming; or

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

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

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

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

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

29 (b) Esthetician services, which are:

30 1. Cleansing, exfoliating, or stimulating a person's
31 skin by hand or by using a mechanical device, apparatus, or

1 appliance with the use of any cosmetic preparation,
2 antiseptic, lotion, powder, oil, clay, cream, or appliance.

3 2. Beautifying a person's skin using a cosmetic
4 preparation, antiseptic, lotion, powder, oil, clay, cream, or
5 appliance.

6 3. Administering facial treatments.

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

9 5. Tinting eyebrows or eyelashes with products
10 manufactured specifically for eyebrows or eyelashes.

11 6. Body wrapping, which is a treatment program that
12 uses wraps for the purposes of cleansing and beautifying a
13 person's skin for aesthetic rather than medical or weight-loss
14 purposes and is the application of oils, lotions, or other
15 fluids to the body using wraps. Body wrapping does not include
16 manipulation of the body's superficial tissue, other than that
17 resulting from the application of the wrap materials.

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

20 (c) Nail technician services, which are:

21 1. Treating a person's nails by:

22 a. Cutting, trimming, polishing, painting, printing,
23 tinting, coloring, cleansing, manicuring, or pedicuring; or

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

25 2. Cleansing, treating, or beautifying a person's
26 forearms, hands, legs below the knee, or feet ~~mechanical or~~
27 chemical treatment of the head, face, and scalp for aesthetic
28 rather than medical purposes, including, but not limited to,
29 hair shampooing, hair cutting, hair arranging, hair coloring,
30 permanent waving, and hair relaxing for compensation. This
31

1 ~~term also includes performing hair removal, including wax~~
2 ~~treatments, manicures, pedicures, and skin care services.~~

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

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

10 ~~(6)~~ "Specialty" means the practice of one or more of
11 the following:

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

17 (b) Pedicuring, or the shaping, polishing, tinting, or
18 cleansing of the nails of the feet, and massaging or
19 beautifying of the feet.

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

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

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

4 ~~(8)(9)~~ "Hair braiding" means the weaving or
5 interweaving of a person's own natural ~~human~~ hair for
6 compensation without cutting, coloring, permanent waving,
7 relaxing, removing, or chemical treatment and does not include
8 the use of hair extensions or wefts.

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

15 ~~(10)(11)~~ "Photography studio salon" means an
16 establishment where the hair-arranging services and the
17 application of cosmetic products are performed solely for the
18 purpose of preparing the model or client for the photographic
19 session without shampooing, cutting, coloring, permanent
20 waving, relaxing, or removing of hair or performing any other
21 service defined as cosmetology.

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

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

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

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

7 ~~(b) Manipulation of the body's superficial tissue,~~
8 ~~other than that arising from compression emanating from the~~
9 ~~wrap materials.~~

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

20 Section 2. Section 477.0131, Florida Statutes, is
21 created to read:

22 477.0131 Hair technician, esthetician, nail
23 technician, and cosmetology licenses.--

24 (1) 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)(a) shall be licensed as a hair
27 technician.

28 (2) 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)(b) shall be licensed as an
31 esthetician.

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

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

8 Section 3. Section 477.0132, Florida Statutes, is
9 amended to read:

10 477.0132 Hair braiding, hair wrapping, and body
11 wrapping registration.--

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

27 ~~(a) Persons whose occupation or practice is confined~~
28 ~~solely to hair braiding must register with the department, pay~~
29 ~~the applicable registration fee, and take a two day 16 hour~~
30 ~~course. The course shall be board approved and consist of 5~~
31 ~~hours of HIV/AIDS and other communicable diseases, 5 hours of~~

1 ~~sanitation and sterilization, 4 hours of disorders and~~
2 ~~diseases of the scalp, and 2 hours of studies regarding laws~~
3 ~~affecting hair braiding.~~

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

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

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

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

31

1 ~~(5)(2)~~ Hair braiding and, hair wrapping, ~~and body~~
2 ~~wrapping~~ are not required to be practiced in a ~~cosmetology~~
3 ~~salon or specialty salon~~. When hair braiding or, hair
4 wrapping, ~~or body wrapping~~ is practiced outside a ~~cosmetology~~
5 ~~salon or specialty salon~~, disposable implements shall ~~must~~ be
6 used or all implements shall ~~must~~ be sanitized in a
7 disinfectant approved for hospital use or approved by the
8 federal Environmental Protection Agency.

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

15 Section 4. Section 477.014, Florida Statutes, is
16 amended to read:

17 477.014 Qualifications for practice.--

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

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

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

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

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

8 (6) A specialist registered under this chapter before
9 January 1, 2007, may continue to practice under the name of
10 his or her specialty registration without taking the
11 respective licensure examination. Renewal of all registrations
12 existing before January 1, 2007, shall be accomplished
13 pursuant to rules adopted by the board. Such renewal shall
14 include a full specialty registration, which combines facial
15 and manicure, pedicure, and nail extension.

16 Section 5. Section 477.019, Florida Statutes, is
17 amended to read:

18 477.019 Cosmetologists; hair technicians;
19 estheticians; nail technicians; qualifications; licensure;
20 supervised practice; license renewal; endorsement; continuing
21 education.--

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

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

29 (a) Is at least 16 years of age or has received a high
30 school diploma or graduate equivalency diploma or has passed
31 an ability-to-benefit test, which is an independently

1 administered test approved by the United States Secretary of
2 Education as provided in 20 U.S.C. s. 1091(d).†

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

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

12 2.a. Has received a minimum number of hours of
13 training as follows:

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

15 (II) For an esthetician, 600 hours.

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

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

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

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

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

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

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

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

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

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

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

24 (4) After submitting a complete application to take
25 the first available examination for licensure as a
26 cosmetologist, hair technician, esthetician, or nail
27 technician, a graduate of a licensed cosmetology school or a
28 program within the public school system, which school or
29 program is certified by the Department of Education, is
30 eligible to practice in the graduate's respective area for a
31 maximum period of 60 days, provided such graduate practices

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

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

26 (6) The board shall adopt rules specifying procedures
27 for the licensure by endorsement of practitioners desiring to
28 be licensed in this state who hold a current active license in
29 another state or country and who have met qualifications
30 substantially similar to, equivalent to, or greater than the
31 qualifications required of applicants from this state. For

1 purposes of this subsection, work experience may be
2 substituted for required educational hours in the amount and
3 manner provided by board rule.

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

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

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

31

1 Section 6. Section 477.0212, Florida Statutes, is
2 amended to read:

3 477.0212 Inactive status.--

4 (1) A ~~cosmetologist's~~ license issued under this
5 chapter that has become inactive may be reactivated under s.
6 477.019 upon application to the department.

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

15 Section 7. Section 477.023, Florida Statutes, is
16 amended to read:

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

26 Section 8. Section 477.0231, Florida Statutes, is
27 created to read:

28 477.0231 Cosmetology internships.--

29 (1) The selection and placement of cosmetology interns
30 shall be determined by the cosmetology school or program. The
31 school or program shall determine whether a student is

1 eligible to become a cosmetology intern and whether an
2 internship sponsor meets the requirements for its educational
3 objectives. The school program, on behalf of the student,
4 shall provide written notice to the board that an internship
5 sponsor has been selected and name the cosmetology intern to
6 be supervised. The school or program shall determine the
7 length and schedule of an individual cosmetology internship,
8 but such internship may not exceed 24 months.

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

16 (3) The internship sponsor shall actively supervise
17 the cosmetology intern in the practice of cosmetology pursuant
18 to rules established by the board. A cosmetology intern may
19 only practice within the field of cosmetology in which he or
20 she is engaged in the course of study. The internship sponsor
21 shall ensure that the cosmetology intern is complying with the
22 laws and rules governing cosmetology and is complying with the
23 educational objectives and guidelines established by the
24 cosmetology school or program and the board.

25 (4) All services provided by the cosmetology intern
26 shall be expressly approved by the internship sponsor and
27 contracted for by the internship sponsor. The internship
28 sponsor shall ensure that the public is clearly informed that
29 the cosmetology intern is not a licensed cosmetologist.

30 (5) Pursuant to rules established by the board, the
31 cosmetology salon in which a cosmetology intern is engaged in

1 the practice of cosmetology shall post notice in a conspicuous
2 manner within the salon indicating that a student intern is
3 providing services on the premises.

4 (6) While engaged in the practice of cosmetology, a
5 cosmetology intern shall possess written documentation of his
6 or her authorization to engage in the practice of cosmetology
7 from the student's cosmetology school or program and shall
8 furnish such documentation to the department before engaging
9 in the practice of cosmetology and upon request by department
10 personnel.

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

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

31

1 Section 9. Section 477.025, Florida Statutes, is
2 amended to read:

3 477.025 ~~Cosmetology salons; specialty~~ Salons;
4 requisites; licensure; inspection; mobile ~~cosmetology~~
5 salons.--

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

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

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

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

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

28 (6) When the department determines that the proposed
29 ~~cosmetology salon or specialty~~ salon may reasonably be
30 expected to meet the requirements set forth herein, the
31 department shall grant the license upon such conditions as it

1 shall deem proper under the circumstances and upon payment of
2 the original licensing fee.

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

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

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

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

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

26 (c) A mobile ~~cosmetology~~ salon must maintain a
27 permanent business address, located in the inspection area of
28 the local department office, at which records of appointments,
29 itineraries, license numbers of employees, and vehicle
30 identification numbers of the licenseholder's mobile salon
31 shall be kept and made available for verification purposes by

1 department personnel, and at which correspondence from the
2 department can be received.

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

8 (e) The board shall establish fees for mobile
9 ~~cosmetology~~ salons, not to exceed the fees for ~~cosmetology~~
10 salons at fixed locations.

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

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

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

23 477.026 Fees; disposition.--

24 (1) The board shall set fees according to the
25 following schedule:

26 (a) For hair technicians, estheticians, nail
27 technicians, or cosmetologists, fees for original licensing,
28 license renewal, and delinquent renewal ~~may shall~~ not exceed
29 ~~\$50~~\$25.

30 (b) For hair technicians, estheticians, nail
31 technicians, or cosmetologists, fees for endorsement

1 application, examination, and reexamination ~~may shall~~ not
2 exceed ~~\$150~~\$50.

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

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

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

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

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

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

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

24 Section 11. Section 477.0263, Florida Statutes, is
25 amended to read:

26 477.0263 Cosmetology services to be performed in
27 licensed salon; exceptions ~~exception~~.--

28 (1) Cosmetology or specialty services shall be
29 performed only by licensed cosmetologists, hair technicians,
30 estheticians, nail technicians, or registered specialists in
31 licensed salons, except as otherwise provided in this section.

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

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

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

29 Section 12. Section 477.0265, Florida Statutes, is
30 amended to read:

31 477.0265 Prohibited acts.--

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

2 (a) Engage in the practice of cosmetology or a
3 specialty without an active license in the field of
4 cosmetology as a cosmetologist or registration as a specialist
5 issued by the department pursuant to the provisions of this
6 chapter unless authorized as a cosmetology intern pursuant to
7 this chapter and supervised by a licensed cosmetologist.

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

11 1. Which is not licensed under the provisions of this
12 chapter; or

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

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

19 (d) Permit an employed person to engage in the
20 practice of cosmetology or of a specialty unless such person
21 holds a valid, active license in the field of cosmetology as a
22 ~~cosmetologist~~ or a registration as a specialist authorized as
23 a cosmetology intern pursuant to this chapter and supervised
24 by a licensed cosmetologist.

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

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

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 13. 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 14. 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 15. Section 477.0201, Florida Statutes, is
4 repealed.

5 Section 16. This act shall take effect January 1,
6 2007.

7
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 1630

11 The CS amends s. 477.013, F.S., to define "cosmetology intern"
12 and "internship supervisor."

13 The CS amends s. 477.014(6), F.S., to include renewal of the
14 full specialty registration.

15 The CS deletes the requirement in s. 477.019(6), F.S., that
16 requires the Board of Cosmetology and the Department of
17 Business and Professional Regulation to adopt procedures to
18 expedite the validation process for applicants for licensure
19 by endorsement.

20 The CS creates s. 477.0231, F.S., to provide for cosmetology
21 interns and internship supervisors.

22 The CS amends s. 477.026, F.S., to provide a maximum
23 registration fee of \$30 for internship supervisors.

24 The CS also amends s. 477.065, F.S., to reference authorized
25 and supervised cosmetology interns.
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