

1 A bill to be entitled

2 An act relating to cosmetology; amending s. 477.013, F.S.;  
3 providing and amending definitions; redefining  
4 "cosmetology" to include hair technician, esthetician, and  
5 nail technician services; including body wrapping within  
6 esthetician services; removing a distinction between  
7 specialty salons and other salons; creating s. 477.0131,  
8 F.S.; authorizing licensure for hair technicians,  
9 estheticians, nail technicians, and cosmetologists;  
10 amending s. 477.0132, F.S.; requiring passage of a  
11 specified course to receive a hair braiding registration;  
12 increasing the total hours of instruction and modifying  
13 the content of instruction required to constitute a hair  
14 braiding course; providing an exemption from a portion of  
15 required hair braiding coursework; eliminating future body  
16 wrapping registrations; authorizing renewal of current  
17 body wrapping registrations; specifying that only the  
18 Board of Cosmetology may review, evaluate, and approve  
19 required text; amending s. 477.014, F.S.; revising  
20 requirements for qualification to practice under ch. 477,  
21 F.S.; authorizing current specialists to sit for licensure  
22 examinations in certain circumstances; providing for the  
23 renewal of current specialty registrations; amending s.  
24 477.019, F.S.; revising qualification, education,  
25 licensure and renewal, supervised practice, and  
26 endorsement requirements for cosmetologist licenses to  
27 include and differentiate qualification, education,  
28 licensure and renewal, supervised practice, and

HB 771

2006

29 | endorsement requirements for hair technician, esthetician,  
30 | and nail technician licenses; requiring the board to adopt  
31 | certain procedures relating to licensure by endorsement;  
32 | amending s. 477.0212, F.S.; increasing fee caps for the  
33 | reactivation of an inactive license; requiring the board  
34 | to adopt certain rules relating to license renewal or  
35 | continuing education; amending s. 477.023, F.S.;  
36 | stipulating that the Department of Education is not  
37 | prevented from issuing grooming and salon services  
38 | certification; amending s. 477.025, F.S., relating to  
39 | cosmetology and specialty salons, requisites, licensure,  
40 | inspection, and mobile cosmetology salons, to conform;  
41 | amending s. 477.026, F.S.; revising fee provisions to  
42 | conform; increasing fee caps for certain fees; amending s.  
43 | 477.0263, F.S., to conform; specifying circumstances under  
44 | which cosmetology or specialty services may be practiced  
45 | outside of a licensed salon; amending s. 477.0265, F.S.,  
46 | relating to prohibited acts, to conform; amending s.  
47 | 477.028, F.S., relating to disciplinary proceedings, to  
48 | conform; amending s. 477.029, F.S., relating to penalties,  
49 | to conform; repealing s. 477.0201, F.S., relating to  
50 | specialty registration, qualifications, registration  
51 | renewal, and endorsement; providing an effective date.

52 |  
53 | Be It Enacted by the Legislature of the State of Florida:

54 |  
55 | Section 1. Section 477.013, Florida Statutes, is amended  
56 | to read:

57 477.013 Definitions.--As used in this chapter, the term:

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

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

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

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

70 (a) Hair technician services, which are:

71 1. Treating a person's hair by:

72 a. Providing any method of treatment as a primary service,  
73 including arranging, beautifying, lightening, cleansing,  
74 coloring, cutting, dressing, processing, shampooing, shaping,  
75 singeing, straightening, styling, tinting, or waving;

76 b. Providing a necessary service that is preparatory or  
77 ancillary to a service under sub-subparagraph a., including  
78 clipping, cutting, or trimming; or

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

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

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

84 4. Servicing a person's wig or artificial hairpiece on a

HB 771

2006

85 person's head in any manner listed in subparagraph 1.

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

88 (b) Esthetician services, which are:

89 1. Cleansing, exfoliating, stimulating, or manipulating  
90 superficial tissues of a person's skin by hand or by using a  
91 mechanical device, apparatus, or appliance with or without the  
92 use of any cosmetic preparation, antiseptic, lotion, powder,  
93 oil, clay, cream, or appliance.

94 2. Beautifying a person's skin using a cosmetic  
95 preparation, antiseptic, lotion, powder, oil, clay, cream, or  
96 appliance.

97 3. Administering facial treatments.

98 4. Removing superfluous hair from a person's body using  
99 depilatories, threading, waxing, sugaring, epilating, or  
100 tweezing.

101 5. Tinting eyebrows or eyelashes with products  
102 manufactured specifically for eyebrows or eyelashes.

103 6. Body wrapping, which is a treatment program that uses  
104 wraps for the purposes of cleansing and beautifying a person's  
105 skin for aesthetic rather than medical or weight-loss purposes  
106 and is the application of oils, lotions, or other fluids to the  
107 body using wraps. Body wrapping does not include manipulation of  
108 the body's superficial tissue, other than that resulting from  
109 the application of the wrap materials.

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

112 (c) Nail technician services, which are:

113        1. Treating a person's nails by:  
 114        a. Cutting, trimming, polishing, painting, printing,  
 115 tinting, coloring, cleansing, manicuring, or pedicuring; or  
 116        b. Affixing artificial nails, extensions, or capping.  
 117        2. Cleansing, treating, beautifying, or manipulating the  
 118 superficial tissue of a person's forearms, hands, legs below the  
 119 knee, or feet ~~mechanical or chemical treatment of the head,~~  
 120 ~~face, and scalp for aesthetic rather than medical purposes,~~  
 121 ~~including, but not limited to, hair shampooing, hair cutting,~~  
 122 ~~hair arranging, hair coloring, permanent waving, and hair~~  
 123 ~~relaxing for compensation. This term also includes performing~~  
 124 ~~hair removal, including wax treatments, manicures, pedicures,~~  
 125 ~~and skin care services.~~

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

129        ~~(6)-(5)~~ "Specialist" means any person registered pursuant  
 130 to s. 477.014(6) to practice one or more of the following  
 131 specialties: holding a specialty registration in one or more of  
 132 the specialties registered under this chapter.

133        ~~(6)~~ "Specialty" means the practice of one or more of the  
 134 following:

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

140        (b) Pedicuring, or the shaping, polishing, tinting, or

HB 771

2006

141 | cleansing of the nails of the feet, and massaging or beautifying  
 142 | of the feet.

143 |       (c) Facials, or the massaging or treating of the face or  
 144 | scalp with oils, creams, lotions, or other preparations, and  
 145 | skin care services, which means the treatment of the skin of a  
 146 | person's body, in addition to a person's head, face, and scalp,  
 147 | by the use of a sponge, brush, cloth, or similar device to apply  
 148 | or remove a chemical preparation or other substance without  
 149 | involving massage, as defined in s. 480.033(3), except that  
 150 | chemical peels may be removed by peeling an applied preparation  
 151 | from the skin by hand.

152 |       (7) "Shampooing" means the cleansing ~~washing~~ of the hair  
 153 | with soap and water or with a special preparation, ~~or applying~~  
 154 | ~~hair tonics.~~

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

158 |       (8) ~~(9)~~ "Hair braiding" means the weaving or interweaving  
 159 | of a person's own natural ~~human~~ hair for compensation without  
 160 | cutting, coloring, permanent waving, relaxing, removing, or  
 161 | chemical treatment and does not include the use of hair  
 162 | extensions or wefts.

163 |       (9) ~~(10)~~ "Hair wrapping" means the wrapping of manufactured  
 164 | materials around a strand or strands of human hair, for  
 165 | compensation, without cutting, coloring, permanent waving,  
 166 | relaxing, removing, weaving, chemically treating, braiding,  
 167 | using hair extensions, or performing any other service defined  
 168 | as cosmetology.

HB 771

2006

169        (10)~~(11)~~ "Photography studio salon" means an establishment  
170 where the hair-arranging services and the application of  
171 cosmetic products are performed solely for the purpose of  
172 preparing the model or client for the photographic session  
173 without shampooing, cutting, coloring, permanent waving,  
174 relaxing, or removing of hair or performing any other service  
175 defined as cosmetology.

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

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

182        ~~(b) Manipulation of the body's superficial tissue, other  
183 than that arising from compression emanating from the wrap  
184 materials.~~

185        ~~(13) "Skin care services" means the treatment of the skin  
186 of the body, other than the head, face, and scalp, by the use of  
187 a sponge, brush, cloth, or similar device to apply or remove a  
188 chemical preparation or other substance, except that chemical  
189 peels may be removed by peeling an applied preparation from the  
190 skin by hand. Skin care services must be performed by a licensed  
191 cosmetologist or facial specialist within a licensed cosmetology  
192 or specialty salon, and such services may not involve massage,  
193 as defined in s. 480.033(3), through manipulation of the  
194 superficial tissue.~~

195        Section 2. Section 477.0131, Florida Statutes, is created  
196 to read:

197 477.0131 Hair technician, esthetician, nail technician,  
 198 and cosmetology licenses.--

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

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

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

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

211 Section 3. Section 477.0132, Florida Statutes, is amended  
 212 to read:

213 477.0132 Hair braiding, hair wrapping, and body wrapping  
 214 registration.--

215 (1) A person whose occupation or practice is confined  
 216 solely to hair braiding shall register with the department,  
 217 shall pay the applicable registration fees, and shall take and  
 218 pass a course consisting of a minimum of 40 hours, except as  
 219 otherwise provided in this subsection. The course shall be  
 220 approved by the board and shall consist of 4 hours of  
 221 instruction in HIV/AIDS and other communicable diseases, 5 hours  
 222 of instruction in sanitation and sterilization, 5 hours of  
 223 instruction in disorders and diseases of the scalp, 2 hours of  
 224 instruction regarding laws affecting hair braiding, and 24 hours



HB 771

2006

225 of instruction in the application and removal of hair braiding.  
226 A person who demonstrates skill in the application and removal  
227 of hair braiding through a board-approved examination may be  
228 exempt from the 24 hours of instruction in the application and  
229 removal of hair braiding.

230 ~~(a) Persons whose occupation or practice is confined~~  
231 ~~solely to hair braiding must register with the department, pay~~  
232 ~~the applicable registration fee, and take a two-day 16-hour~~  
233 ~~course. The course shall be board approved and consist of 5~~  
234 ~~hours of HIV/AIDS and other communicable diseases, 5 hours of~~  
235 ~~sanitation and sterilization, 4 hours of disorders and diseases~~  
236 ~~of the scalp, and 2 hours of studies regarding laws affecting~~  
237 ~~hair braiding.~~

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

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

251 ~~(c) Unless otherwise licensed or exempted from licensure~~  
252 ~~under this chapter, any person whose occupation or practice is~~

HB 771

2006

253 ~~body wrapping must register with the department, pay the~~  
 254 ~~applicable registration fee, and take a two-day 12-hour course.~~  
 255 ~~The course shall be board approved and consist of education in~~  
 256 ~~HIV/AIDS and other communicable diseases, sanitation and~~  
 257 ~~sterilization, disorders and diseases of the skin, and studies~~  
 258 ~~regarding laws affecting body wrapping.~~

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

264 (5)~~(2)~~ Hair braiding and, hair wrapping, ~~and body wrapping~~  
 265 are not required to be practiced in a ~~cosmetology~~ salon ~~or~~  
 266 ~~specialty~~ salon. When hair braiding or, hair wrapping, ~~or body~~  
 267 ~~wrapping~~ is practiced outside a ~~cosmetology~~ salon ~~or~~ ~~specialty~~  
 268 ~~salon~~, disposable implements shall ~~must~~ be used or all  
 269 implements shall ~~must~~ be sanitized in a disinfectant approved  
 270 for hospital use or approved by the federal Environmental  
 271 Protection Agency.

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

277 Section 4. Section 477.014, Florida Statutes, is amended  
 278 to read:

279 477.014 Qualifications for practice.--

280 (1) On and after January 1, 2007, a ~~1979~~, no person who is

HB 771

2006

281 not other than a duly licensed or registered under this chapter  
 282 may not cosmetologist shall practice in any of the cosmetology  
 283 areas provided in s. 477.013(4) or use the name or title of  
 284 cosmetologist, hair technician, esthetician, or nail technician.

285 (2) A person licensed or registered under this chapter on  
 286 or after January 1, 2007, may not practice or hold himself or  
 287 herself out as qualified to practice in an area in which he or  
 288 she is not specifically licensed or registered under this  
 289 chapter.

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

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

296 (5) A manicure, pedicure, or nail extension specialist  
 297 registered or enrolled in a cosmetology school before January 1,  
 298 2007, may take the examination for a nail technician license.

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

305 Section 5. Section 477.019, Florida Statutes, is amended  
 306 to read:

307 477.019 Cosmetologists; hair technicians; estheticians;  
 308 nail technicians; qualifications; licensure; supervised

HB 771

2006

309 practice; license renewal; endorsement; continuing education.--

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

313 (2) An applicant is ~~shall be~~ eligible for licensure by  
 314 examination to practice cosmetology, hair technician services,  
 315 esthetician services, or nail technician services if the  
 316 applicant:

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

322 (b) Pays the required application fee, which is not  
 323 refundable, and the required examination fee, which is  
 324 refundable if the applicant is determined to not be eligible for  
 325 licensure for any reason other than failure to successfully  
 326 complete the licensure examination.~~;~~ ~~and~~

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

331 2.a. Has received a minimum number of hours of training as  
 332 follows:

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

334 (II) For an esthetician, 600 hours.

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

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

HB 771

2006

337 b. The training ~~Has received a minimum of 1,200 hours of~~  
338 ~~training as established by the board, which shall include, but~~  
339 need ~~shall~~ not be limited to, the equivalent of completion of  
340 services directly related to the practice of cosmetology at one  
341 of the following:

342 (I)a. A school of cosmetology licensed pursuant to chapter  
343 1005.

344 (II)b. A cosmetology program within the public school  
345 system.

346 (III)e. The Cosmetology Division of the Florida School for  
347 the Deaf and the Blind, provided the division meets the  
348 standards of this chapter.

349 (IV)d. A government-operated cosmetology program in this  
350 state.

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

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

359  
360 ~~The board shall establish by rule procedures whereby the school~~  
361 ~~or program may certify that a person is qualified to take the~~  
362 ~~required examination after the completion of a minimum of 1,000~~  
363 ~~actual school hours. If the person then passes the examination,~~  
364 ~~he or she shall have satisfied this requirement, but if the~~

365 ~~person fails the examination, he or she shall not be qualified~~  
 366 ~~to take the examination again until the completion of the full~~  
 367 ~~requirements provided by this section.~~

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

373 (4) After submitting a complete application to take the  
 374 first available examination for licensure as a cosmetologist,  
 375 hair technician, esthetician, or nail technician, a graduate of  
 376 a licensed cosmetology school or a program within the public  
 377 school system, which school or program is certified by the  
 378 Department of Education, is eligible to practice in the  
 379 graduate's respective area for a maximum period of 60 days,  
 380 provided such graduate practices under the supervision of a  
 381 professional licensed under this chapter in a licensed salon. A  
 382 graduate who fails to pass an examination the first time may  
 383 continue to practice under the supervision of a professional  
 384 licensed under this chapter in a licensed salon for an  
 385 additional 60-day period, provided the graduate applies for the  
 386 next available examination. A graduate may not continue to  
 387 practice under this subsection if the graduate fails the  
 388 examination twice. ~~Following the completion of the first~~  
 389 ~~licensing examination and pending the results of that~~  
 390 ~~examination and issuance of a license to practice cosmetology,~~  
 391 ~~graduates of licensed cosmetology schools or cosmetology~~  
 392 ~~programs offered in public school systems, which schools or~~

HB 771

2006

393 ~~programs are certified by the Department of Education, are~~  
394 ~~eligible to practice cosmetology, provided such graduates~~  
395 ~~practice under the supervision of a licensed cosmetologist in a~~  
396 ~~licensed cosmetology salon. A graduate who fails the first~~  
397 ~~examination may continue to practice under the supervision of a~~  
398 ~~licensed cosmetologist in a licensed cosmetology salon if the~~  
399 ~~graduate applies for the next available examination and until~~  
400 ~~the graduate receives the results of that examination. No~~  
401 ~~graduate may continue to practice under this subsection if the~~  
402 ~~graduate fails the examination twice.~~

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

405 (6) The board shall adopt rules specifying procedures for  
406 the licensure by endorsement of practitioners desiring to be  
407 licensed in this state who hold a current active license in  
408 another state or country and who have met qualifications  
409 substantially similar to, equivalent to, or greater than the  
410 qualifications required of applicants from this state. The board  
411 and the department shall adopt procedures to expedite the  
412 process by which qualified applicants for endorsement may obtain  
413 information validating their licensure status from the  
414 applicants' original state or country of licensure. For purposes  
415 of this subsection, work experience may be substituted for  
416 required educational hours in the amount and manner provided by  
417 board rule.

418 (7) (a) The board shall prescribe by rule continuing  
419 education requirements for licensees and registered specialists  
420 that intended to ensure the protection of the public through

HB 771

2006

421 updated training of licensees and registered specialists, not to  
 422 exceed 16 hours biennially, as a condition for renewal of a  
 423 license or registration as a specialist under this chapter.  
 424 Continuing education courses shall include, but not be limited  
 425 to, the following subjects as they relate to the practice of  
 426 cosmetology: HIV/AIDS ~~human immunodeficiency virus and acquired~~  
 427 ~~immune deficiency syndrome~~; Occupational Safety and Health  
 428 Administration regulations; workers' compensation issues; state  
 429 and federal laws and rules as they pertain to cosmetologists,  
 430 the practice of cosmetology, salons, specialists, ~~specialty~~  
 431 ~~salons~~, and booth renters; chemical makeup as it pertains to  
 432 hair, skin, and nails; and environmental issues. Courses given  
 433 at educational ~~cosmetology~~ conferences may be counted toward the  
 434 number of continuing education hours required if approved by the  
 435 board.

436 (b) Any person whose occupation or practice is confined  
 437 solely to hair braiding or ~~hair wrapping, or body wrapping~~ is  
 438 exempt from the continuing education requirements of this  
 439 subsection.

440 (c) The board may, by rule, require any licensee in  
 441 violation of a continuing education requirement to take a  
 442 refresher course or refresher course and examination in addition  
 443 to any other penalty. ~~The number of hours for the refresher~~  
 444 ~~course may not exceed 48 hours.~~

445 Section 6. Section 477.0212, Florida Statutes, is amended  
 446 to read:

447 477.0212 Inactive status.--

448 (1) A ~~cosmetologist's~~ license issued under this chapter



HB 771

2006

449 that has become inactive may be reactivated under s. 477.019  
 450 upon application to the department.

451 (2) The board shall adopt ~~promulgate~~ rules relating to  
 452 licenses that ~~which~~ have become inactive and for the renewal of  
 453 inactive licenses. The board shall prescribe by rule a fee not  
 454 to exceed \$100 ~~\$50~~ for the reactivation of an inactive license  
 455 and a fee not to exceed \$100 ~~\$50~~ for the reactivation ~~renewal~~ of  
 456 an inactive license. The board shall prescribe by rule the  
 457 continuing education requirements to be met prior to license  
 458 renewal or reactivation.

459 Section 7. Section 477.023, Florida Statutes, is amended  
 460 to read:

461 477.023 Schools of cosmetology; licensure.--A ~~No~~ private  
 462 school of cosmetology may not ~~shall be permitted to~~ operate  
 463 without a license issued by the Commission for Independent  
 464 Education pursuant to chapter 1005. However, this chapter does  
 465 not ~~nothing herein shall be construed to~~ prevent certification  
 466 by the Department of Education of grooming and salon services  
 467 and cosmetology training programs within the public school  
 468 system or ~~to~~ prevent government operation of any other program  
 469 of cosmetology in this state.

470 Section 8. Section 477.025, Florida Statutes, is amended  
 471 to read:

472 477.025 ~~Cosmetology salons; specialty Salons; requisites;~~  
 473 ~~licensure; inspection; mobile eesmetology salons.--~~

474 (1) ~~No eesmetology salon or specialty salon shall be~~  
 475 ~~permitted to operate without a license issued by the department~~  
 476 ~~except as provided in subsection (11).~~

HB 771

2006

477 (2) The board shall adopt rules governing the licensure  
478 and operation of salons ~~and specialty salons~~ and their  
479 facilities, personnel, safety and sanitary requirements, and the  
480 license application and granting process.

481 (3) Any person, firm, or corporation desiring to operate a  
482 ~~cosmetology salon or specialty~~ salon in the state shall submit  
483 to the department a salon ~~an~~ application form ~~upon forms~~  
484 provided by the department, ~~and accompanied by~~ any relevant  
485 information requested by the department, ~~and by~~ an application  
486 fee.

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

490 (5) When an applicant fails to meet all the requirements  
491 provided herein, the department shall deny the application in  
492 writing and shall list the specific requirements not met. No  
493 applicant denied licensure because of failure to meet the  
494 requirements herein shall be precluded from reapplying for  
495 licensure.

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

502 (7) No license for operation of a ~~cosmetology salon or~~  
503 ~~specialty~~ salon may be transferred from the name of the original  
504 licensee to another. It may be transferred from one location to

HB 771

2006

505 another only upon approval by the department, which approval  
506 shall not be unreasonably withheld.

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

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

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

519 (b) Each mobile salon must comply with all licensure and  
520 operating requirements specified in this chapter or chapter 455  
521 or rules of the board or department that apply to ~~cosmetology~~  
522 salons at fixed locations, except to the extent that such  
523 requirements conflict with this subsection or rules adopted  
524 pursuant to this subsection.

525 (c) A mobile ~~cosmetology~~ salon must maintain a permanent  
526 business address, located in the inspection area of the local  
527 department office, at which records of appointments,  
528 itineraries, license numbers of employees, and vehicle  
529 identification numbers of the licenseholder's mobile salon shall  
530 be kept and made available for verification purposes by  
531 department personnel, and at which correspondence from the  
532 department can be received.

HB 771

2006

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

538 (e) The board shall establish fees for mobile ~~cosmetology~~  
539 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed  
540 locations.

541 (f) The operation of mobile ~~cosmetology~~ salons must be in  
542 compliance with all local laws and ordinances regulating  
543 business establishments, with all applicable requirements of the  
544 Americans with Disabilities Act relating to accommodations for  
545 persons with disabilities, and with all applicable OSHA  
546 requirements.

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

551 Section 9. Section 477.026, Florida Statutes, is amended  
552 to read:

553 477.026 Fees; disposition.--

554 (1) The board shall set fees according to the following  
555 schedule:

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

559 (b) For hair technicians, estheticians, nail technicians,  
560 or cosmetologists, fees for endorsement application,

HB 771

2006

561 examination, and reexamination may ~~shall~~ not exceed \$150 ~~\$50~~.

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

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

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

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

572 (2) All moneys collected by the department from fees  
573 authorized by this chapter shall be paid into the Professional  
574 Regulation Trust Fund, which fund is created in the department,  
575 and shall be applied in accordance with ss. 215.37 and 455.219.  
576 The Legislature may appropriate any excess moneys from this fund  
577 to the General Revenue Fund.

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

580 Section 10. Section 477.0263, Florida Statutes, is amended  
581 to read:

582 477.0263 Cosmetology services to be performed in licensed  
583 salon; exceptions ~~exception~~.--

584 (1) Cosmetology or specialty services shall be performed  
585 only by licensed cosmetologists, hair technicians, estheticians,  
586 nail technicians, or registered specialists in licensed salons,  
587 except as otherwise provided in this section.

588 (2) Pursuant to rules established by the board,

HB 771

2006

589 cosmetology or specialty services may be performed by a licensed  
590 cosmetologist, hair technician, esthetician, nail technician, or  
591 registered specialist in a location other than a licensed salon,  
592 including, but not limited to, a nursing home, hospital, or  
593 residence, when a client for reasons of ill health is unable to  
594 go to a licensed salon. Arrangements for the performance of such  
595 cosmetology or specialty services in a location other than a  
596 licensed salon shall be made only through a licensed salon.

597 (3) Any person who holds a valid cosmetology license in  
598 any state or who is authorized to practice cosmetology in any  
599 country, territory, or jurisdiction of the United States may  
600 perform cosmetology services in a location other than a licensed  
601 salon when such services are performed in connection with the  
602 motion picture, fashion photography, theatrical, or television  
603 industry; a photography studio salon; a manufacturer trade show  
604 demonstration; a department store demonstration; or an  
605 educational seminar.

606 (4) Pursuant to rules established by the board,  
607 cosmetology, hair technician, esthetician, nail technician, or  
608 specialty services may be performed in a location other than a  
609 licensed salon when such services are performed in connection  
610 with a special event and are performed by a person who is  
611 employed by a licensed salon and who holds the proper license or  
612 specialty registration. Scheduling an appointment for the  
613 performance of such services in a location other than a licensed  
614 salon shall be made through a licensed salon.

615 Section 11. Section 477.0265, Florida Statutes, is amended  
616 to read:

617 477.0265 Prohibited acts.--

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

619 (a) Engage in the practice of cosmetology or a specialty  
 620 without an active license in the field of cosmetology ~~as a~~  
 621 ~~cosmetologist~~ or registration as a specialist issued by the  
 622 department pursuant to the provisions of this chapter.

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

626 1. Which is not licensed under the provisions of this  
 627 chapter; or

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

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

633 (d) Permit an employed person to engage in the practice of  
 634 cosmetology or of a specialty unless such person holds a valid,  
 635 active license in the field of cosmetology ~~as a cosmetologist~~ or  
 636 a registration as a specialist.

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

640 (f) Use or attempt to use a license to practice in the  
 641 field of cosmetology or a registration to practice a specialty,  
 642 which license or registration is suspended or revoked.

643 (g) Advertise or imply that skin care services or body  
 644 wrapping, as performed under this chapter, has ~~have~~ any

HB 771

2006

645 relationship to the practice of massage therapy as defined in s.  
 646 480.033(3), except those practices or activities defined in s.  
 647 477.013.

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

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

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

656 477.028 Disciplinary proceedings.--

657 (1) The board may ~~shall have the power to~~ revoke or  
 658 suspend the license of a cosmetologist, hair technician,  
 659 esthetician, or nail technician licensed under this chapter, or  
 660 the registration of a specialist registered under this chapter,  
 661 and may ~~to~~ reprimand, censure, deny subsequent licensure or  
 662 registration of, or otherwise discipline a cosmetologist, hair  
 663 technician, esthetician, nail technician, or a specialist  
 664 licensed or registered under this chapter in any of the  
 665 following cases:

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

668 (b) Upon proof that the holder of a license or  
 669 registration is guilty of fraud or deceit or of gross  
 670 negligence, incompetency, or misconduct in the practice or  
 671 instruction of cosmetology or a specialty.

672 (c) Upon proof that the holder of a license or



HB 771

2006

673 registration is guilty of aiding, assisting, procuring, or  
 674 advising any unlicensed person to practice in the field of  
 675 cosmetology ~~as a cosmetologist~~.

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

681 (a) Upon proof that a license has been obtained by fraud  
 682 or misrepresentation.

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

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

688 (4) The department may ~~shall~~ not issue or renew a license  
 689 or certificate of registration under this chapter to any person  
 690 against whom or salon against which the board has assessed a  
 691 fine, interest, or costs associated with investigation and  
 692 prosecution until the person or salon has paid in full such  
 693 fine, interest, or costs associated with investigation and  
 694 prosecution or until the person or salon complies with or  
 695 satisfies all terms and conditions of the final order.

696 Section 13. Section 477.029, Florida Statutes, is amended  
 697 to read:

698 477.029 Penalty.--

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

700 (a) Hold himself or herself out as a cosmetologist, hair

HB 771

2006

701 technician, esthetician, nail technician, specialist, hair  
 702 wrapper, hair braider, or body wrapper unless duly licensed or  
 703 registered, or otherwise authorized, as provided in this  
 704 chapter.

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

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

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

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

713 (f) Impersonate any other licenseholder of like or  
 714 different name.

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

716 (h) Violate any provision of s. 455.227(1), s. 477.0265,  
 717 or s. 477.028.

718 (i) Violate or refuse to comply with any provision of this  
 719 chapter or chapter 455 or a rule or final order of the board or  
 720 the department.

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

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

726 (b) Issuance of a reprimand or censure.

727 (c) Imposition of an administrative fine not to exceed  
 728 \$500 for each count or separate offense.

HB 771

2006

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

731 (e) Refusal to certify to the department an applicant for  
732 licensure.

733 Section 14. Section 477.0201, Florida Statutes, is  
734 repealed.

735 Section 15. This act shall take effect January 1, 2007.