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## CHAMBER ACTION

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1 The Business Regulation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to cosmetology; amending s. 477.013, F.S.;  
7 providing and amending definitions; redefining  
8 "cosmetology" to include hair technician, esthetician, and  
9 nail technician services; including body wrapping within  
10 esthetician services; removing a distinction between  
11 specialty salons and other salons; creating s. 477.0131,  
12 F.S.; authorizing licensure for hair technicians,  
13 estheticians, nail technicians, and cosmetologists;  
14 amending s. 477.0132, F.S.; requiring passage of a  
15 specified course to receive a hair braiding registration;  
16 increasing the total hours of instruction and modifying  
17 the content of instruction required to constitute a hair  
18 braiding course; providing an exemption from a portion of  
19 required hair braiding coursework; eliminating future body  
20 wrapping registrations; authorizing renewal of current  
21 body wrapping registrations; specifying that only the  
22 Board of Cosmetology may review, evaluate, and approve  
23 required text; amending s. 477.014, F.S.; revising

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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24 requirements for qualification to practice under ch. 477,  
25 F.S.; authorizing current specialists to sit for licensure  
26 examinations in certain circumstances; providing for the  
27 renewal of current specialty registrations; amending s.  
28 477.019, F.S.; revising qualification, education,  
29 licensure and renewal, supervised practice, and  
30 endorsement requirements for cosmetologist licenses to  
31 include and differentiate qualification, education,  
32 licensure and renewal, supervised practice, and  
33 endorsement requirements for hair technician, esthetician,  
34 and nail technician licenses; requiring the board to adopt  
35 certain procedures relating to licensure by endorsement;  
36 amending s. 477.0212, F.S.; increasing fee caps for the  
37 reactivation of an inactive license; requiring the board  
38 to adopt certain rules relating to license renewal or  
39 continuing education; amending s. 477.023, F.S.;  
40 stipulating that the Department of Education is not  
41 prevented from issuing grooming and salon services  
42 certification; amending s. 477.025, F.S., relating to  
43 cosmetology and specialty salons, requisites, licensure,  
44 inspection, and mobile cosmetology salons, to conform;  
45 amending s. 477.026, F.S.; revising fee provisions to  
46 conform; increasing fee caps for certain fees; amending s.  
47 477.0263, F.S., to conform; specifying circumstances under  
48 which cosmetology or specialty services may be practiced  
49 outside of a licensed salon; amending s. 477.0265, F.S.,  
50 relating to prohibited acts, to conform; amending s.  
51 477.028, F.S., relating to disciplinary proceedings, to

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52 conform; amending s. 477.029, F.S., relating to penalties,  
53 to conform; repealing s. 477.0201, F.S., relating to  
54 specialty registration, qualifications, registration  
55 renewal, and endorsement; providing an effective date.

56

57 Be It Enacted by the Legislature of the State of Florida:

58

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

61 477.013 Definitions.--As used in this chapter, the term:

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

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

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

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

74 (a) Hair technician services, which are:

75 1. Treating a person's hair by:

76 a. Providing any method of treatment as a primary service,  
77 including arranging, beautifying, lightening, cleansing,  
78 coloring, cutting, dressing, processing, shampooing, shaping,  
79 singeing, straightening, styling, tinting, or waving;

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80 b. Providing a necessary service that is preparatory or  
81 ancillary to a service under sub-subparagraph a., including  
82 clipping, cutting, or trimming; or

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

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

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

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

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

92 (b) Esthetician services, which are:

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

97 2. Beautifying a person's skin using a cosmetic  
98 preparation, antiseptic, lotion, powder, oil, clay, cream, or  
99 appliance.

100 3. Administering facial treatments.

101 4. Removing superfluous hair from a person's body using  
102 depilatories, threading, waxing, sugaring, epilating, or  
103 tweezing.

104 5. Tinting eyebrows or eyelashes with products  
105 manufactured specifically for eyebrows or eyelashes.

106 6. Body wrapping, which is a treatment program that uses  
107 wraps for the purposes of cleansing and beautifying a person's

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108 skin for aesthetic rather than medical or weight-loss purposes  
109 and is the application of oils, lotions, or other fluids to the  
110 body using wraps. Body wrapping does not include manipulation of  
111 the body's superficial tissue, other than that resulting from  
112 the application of the wrap materials.

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

115 (c) Nail technician services, which are:

116 1. Treating a person's nails by:

117 a. Cutting, trimming, polishing, painting, printing,  
118 tinting, coloring, cleansing, manicuring, or pedicuring; or

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

120 2. Cleansing, treating, or beautifying a person's  
121 forearms, hands, legs below the knee, or feet ~~mechanical or~~  
122 chemical treatment of the head, face, and scalp for aesthetic  
123 rather than medical purposes, including, but not limited to,  
124 hair shampooing, hair cutting, hair arranging, hair coloring,  
125 permanent waving, and hair relaxing for compensation. This term  
126 also includes performing hair removal, including wax treatments,  
127 manicures, pedicures, and skin care services.

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

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

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135 ~~(6) "Specialty" means the practice of one or more of the~~  
136 ~~following:~~

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

142 (b) Pedicuring, or the shaping, polishing, tinting, or  
143 cleansing of the nails of the feet, and massaging or beautifying  
144 of the feet.

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

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

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

160 ~~(8)-(9)~~ "Hair braiding" means the weaving or interweaving  
161 of a person's own natural ~~human~~ hair for compensation without  
162 cutting, coloring, permanent waving, relaxing, removing, or

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163 chemical treatment and does not include the use of hair  
164 extensions or wefts.

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

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

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

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

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

187 ~~(13) "Skin care services" means the treatment of the skin~~  
188 ~~of the body, other than the head, face, and scalp, by the use of~~  
189 ~~a sponge, brush, cloth, or similar device to apply or remove a~~  
190 ~~chemical preparation or other substance, except that chemical~~

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191 ~~peels may be removed by peeling an applied preparation from the~~  
192 ~~skin by hand. Skin care services must be performed by a licensed~~  
193 ~~cosmetologist or facial specialist within a licensed cosmetology~~  
194 ~~or specialty salon, and such services may not involve massage,~~  
195 ~~as defined in s. 480.033(3), through manipulation of the~~  
196 ~~superficial tissue.~~

197 Section 2. Section 477.0131, Florida Statutes, is created  
198 to read:

199 477.0131 Hair technician, esthetician, nail technician,  
200 and cosmetology licenses.--

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

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

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

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

213 Section 3. Section 477.0132, Florida Statutes, is amended  
214 to read:

215 477.0132 Hair braiding, hair wrapping, and body wrapping  
216 registration.--

217 (1) A person whose occupation or practice is confined  
218 solely to hair braiding shall register with the department,



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219 shall pay the applicable registration fees, and shall take and  
 220 pass a course consisting of a minimum of 40 hours, except as  
 221 otherwise provided in this subsection. The course shall be  
 222 approved by the board and shall consist of 4 hours of  
 223 instruction in HIV/AIDS and other communicable diseases, 5 hours  
 224 of instruction in sanitation and sterilization, 5 hours of  
 225 instruction in disorders and diseases of the scalp, 2 hours of  
 226 instruction regarding laws affecting hair braiding, and 24 hours  
 227 of instruction in the application and removal of hair braiding.  
 228 A person who demonstrates skill in the application and removal  
 229 of hair braiding through a board-approved examination may be  
 230 exempt from the 24 hours of instruction in the application and  
 231 removal of hair braiding.

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

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

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246 and diseases of the scalp, and instruction ~~studies~~ regarding  
247 laws affecting hair wrapping.

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

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

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

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

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

279 Section 4. Section 477.014, Florida Statutes, is amended  
 280 to read:

281 477.014 Qualifications for practice.--

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

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

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

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

298 (5) A manicure, pedicure, or nail extension specialist  
 299 registered or enrolled in a cosmetology school before January 1,  
 300 2007, may take the examination for a nail technician license.

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

307           Section 5. Section 477.019, Florida Statutes, is amended  
308 to read:

309           477.019 Cosmetologists; hair technicians; estheticians;  
310 nail technicians; qualifications; licensure; supervised  
311 practice; license renewal; endorsement; continuing education.--

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

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

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

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

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

333 2.a. Has received a minimum number of hours of training as  
334 follows:

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

336 (II) For an esthetician, 600 hours.

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

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

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

344 (I)a. A school of cosmetology licensed pursuant to chapter  
345 1005.

346 (II)b. A cosmetology program within the public school  
347 system.

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

351 (IV)d. A government-operated cosmetology program in this  
352 state.

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

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

361  
362 ~~The board shall establish by rule procedures whereby the school~~  
363 ~~or program may certify that a person is qualified to take the~~  
364 ~~required examination after the completion of a minimum of 1,000~~  
365 ~~actual school hours. If the person then passes the examination,~~  
366 ~~he or she shall have satisfied this requirement; but if the~~  
367 ~~person fails the examination, he or she shall not be qualified~~  
368 ~~to take the examination again until the completion of the full~~  
369 ~~requirements provided by this section.~~

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

375 (4) After submitting a complete application to take the  
376 first available examination for licensure as a cosmetologist,  
377 hair technician, esthetician, or nail technician, a graduate of  
378 a licensed cosmetology school or a program within the public  
379 school system, which school or program is certified by the  
380 Department of Education, is eligible to practice in the  
381 graduate's respective area for a maximum period of 60 days,  
382 provided such graduate practices under the supervision of a  
383 professional licensed under this chapter in a licensed salon. A  
384 graduate who fails to pass an examination the first time may

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385 continue to practice under the supervision of a professional  
386 licensed under this chapter in a licensed salon for an  
387 additional 60-day period, provided the graduate applies for the  
388 next available examination. A graduate may not continue to  
389 practice under this subsection if the graduate fails the  
390 examination twice. ~~Following the completion of the first~~  
391 ~~licensing examination and pending the results of that~~  
392 ~~examination and issuance of a license to practice cosmetology,~~  
393 ~~graduates of licensed cosmetology schools or cosmetology~~  
394 ~~programs offered in public school systems, which schools or~~  
395 ~~programs are certified by the Department of Education, are~~  
396 ~~eligible to practice cosmetology, provided such graduates~~  
397 ~~practice under the supervision of a licensed cosmetologist in a~~  
398 ~~licensed cosmetology salon. A graduate who fails the first~~  
399 ~~examination may continue to practice under the supervision of a~~  
400 ~~licensed cosmetologist in a licensed cosmetology salon if the~~  
401 ~~graduate applies for the next available examination and until~~  
402 ~~the graduate receives the results of that examination. No~~  
403 ~~graduate may continue to practice under this subsection if the~~  
404 ~~graduate fails the examination twice.~~

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

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

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

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

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

438 (c) The board may, by rule, require any licensee in  
 439 violation of a continuing education requirement to take a  
 440 refresher course or refresher course and examination in addition



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441 | to any other penalty. ~~The number of hours for the refresher~~  
 442 | ~~course may not exceed 48 hours.~~

443 | Section 6. Section 477.0212, Florida Statutes, is amended  
 444 | to read:

445 | 477.0212 Inactive status.--

446 | (1) A ~~cosmetologist's~~ license issued under this chapter  
 447 | that has become inactive may be reactivated under s. 477.019  
 448 | upon application to the department.

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

457 | Section 7. Section 477.023, Florida Statutes, is amended  
 458 | to read:

459 | 477.023 Schools of cosmetology; licensure.--~~A~~ No private  
 460 | school of cosmetology may not ~~shall be permitted to~~ operate  
 461 | without a license issued by the Commission for Independent  
 462 | Education pursuant to chapter 1005. However, this chapter does  
 463 | not ~~nothing herein shall be construed to~~ prevent certification  
 464 | by the Department of Education of grooming and salon services  
 465 | and cosmetology training programs within the public school  
 466 | system or ~~to~~ prevent government operation of any other program  
 467 | of cosmetology in this state.

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468 Section 8. Section 477.025, Florida Statutes, is amended  
469 to read:

470 477.025 ~~Cosmetology salons; specialty Salons; requisites;~~  
471 licensure; inspection; mobile ~~cosmetology~~ salons.--

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

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

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

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

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

494 (6) When the department determines that the proposed  
495 ~~cosmetology salon or specialty~~ salon may reasonably be expected

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496 | to meet the requirements set forth herein, the department shall  
 497 | grant the license upon such conditions as it shall deem proper  
 498 | under the circumstances and upon payment of the original  
 499 | licensing fee.

500 |       (7) No license for operation of a ~~cosmetology salon or~~  
 501 | ~~specialty~~ salon may be transferred from the name of the original  
 502 | licensee to another. It may be transferred from one location to  
 503 | another only upon approval by the department, which approval  
 504 | shall not be unreasonably withheld.

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

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

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

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

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

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

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

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

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

549 Section 9. Section 477.026, Florida Statutes, is amended  
 550 to read:

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551 477.026 Fees; disposition.--

552 (1) The board shall set fees according to the following  
553 schedule:

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

557 (b) For hair technicians, estheticians, nail technicians,  
558 or cosmetologists, fees for endorsement application,  
559 examination, and reexamination may shall not exceed \$150 \$50.

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

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

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

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

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

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

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578 Section 10. Section 477.0263, Florida Statutes, is amended  
579 to read:

580 477.0263 Cosmetology services to be performed in licensed  
581 salon; exceptions ~~exception~~.--

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

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

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

604 (4) Pursuant to rules established by the board,  
605 cosmetology, hair technician, esthetician, nail technician, or

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606 specialty services may be performed in a location other than a  
 607 licensed salon when such services are performed in connection  
 608 with a special event and are performed by a person who is  
 609 employed by a licensed salon and who holds the proper license or  
 610 specialty registration. Scheduling an appointment for the  
 611 performance of such services in a location other than a licensed  
 612 salon shall be made through a licensed salon.

613 Section 11. Section 477.0265, Florida Statutes, is amended  
 614 to read:

615 477.0265 Prohibited acts.--

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

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

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

624 1. Which is not licensed under the provisions of this  
 625 chapter; or

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

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

631 (d) Permit an employed person to engage in the practice of  
 632 cosmetology or of a specialty unless such person holds a valid,

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633 | active license in the field of cosmetology ~~as a cosmetologist~~ or  
634 | a registration as a specialist.

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

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

641 | (g) Advertise or imply that skin care services or body  
642 | wrapping, as performed under this chapter, has ~~have~~ any  
643 | relationship to the practice of massage therapy as defined in s.  
644 | 480.033(3), except those practices or activities defined in s.  
645 | 477.013.

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

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

652 | Section 12. Section 477.028, Florida Statutes, is amended  
653 | to read:

654 | 477.028 Disciplinary proceedings.--

655 | (1) The board may ~~shall have the power to~~ revoke or  
656 | suspend the license of a cosmetologist, hair technician,  
657 | esthetician, or nail technician licensed under this chapter, or  
658 | the registration of a specialist registered under this chapter,  
659 | and may ~~to~~ reprimand, censure, deny subsequent licensure or  
660 | registration of, or otherwise discipline a cosmetologist, hair



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661 technician, esthetician, nail technician, or a specialist  
662 licensed or registered under this chapter in any of the  
663 following cases:

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

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

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

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

679 (a) Upon proof that a license has been obtained by fraud  
680 or misrepresentation.

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

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

686 (4) The department may ~~shall~~ not issue or renew a license  
687 or certificate of registration under this chapter to any person  
688 against whom or salon against which the board has assessed a

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689 fine, interest, or costs associated with investigation and  
 690 prosecution until the person or salon has paid in full such  
 691 fine, interest, or costs associated with investigation and  
 692 prosecution or until the person or salon complies with or  
 693 satisfies all terms and conditions of the final order.

694 Section 13. Section 477.029, Florida Statutes, is amended  
 695 to read:

696 477.029 Penalty.--

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

698 (a) Hold himself or herself out as a cosmetologist, hair  
 699 technician, esthetician, nail technician, specialist, hair  
 700 wrapper, hair braider, or body wrapper unless duly licensed or  
 701 registered, or otherwise authorized, as provided in this  
 702 chapter.

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

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

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

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

711 (f) Impersonate any other licenseholder of like or  
 712 different name.

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

714 (h) Violate any provision of s. 455.227(1), s. 477.0265,  
 715 or s. 477.028.

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

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

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

724 (b) Issuance of a reprimand or censure.

725 (c) Imposition of an administrative fine not to exceed  
726 \$500 for each count or separate offense.

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

729 (e) Refusal to certify to the department an applicant for  
730 licensure.

731 Section 14. Section 477.0201, Florida Statutes, is  
732 repealed.

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