

CHAMBER ACTION

1 The Community Colleges & Workforce Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

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24 required text; amending s. 477.014, F.S.; revising
25 requirements for qualification to practice under ch. 477,
26 F.S.; authorizing current specialists to sit for licensure
27 examinations in certain circumstances; providing for the
28 renewal of current specialty registrations; amending s.
29 477.019, F.S.; revising qualification, education,
30 licensure and renewal, supervised practice, and
31 endorsement requirements for cosmetologist licenses to
32 include and differentiate qualification, education,
33 licensure and renewal, supervised practice, and
34 endorsement requirements for hair technician, esthetician,
35 and nail technician licenses; requiring the board to adopt
36 certain procedures relating to licensure by endorsement;
37 amending s. 477.0212, F.S.; increasing fee caps for the
38 reactivation of an inactive license; requiring the board
39 to adopt certain rules relating to license renewal or
40 continuing education; amending s. 477.023, F.S.;
41 stipulating that the Department of Education is not
42 prevented from issuing grooming and salon services
43 certification; amending s. 477.025, F.S., relating to
44 cosmetology and specialty salons, requisites, licensure,
45 inspection, and mobile cosmetology salons, to conform;
46 amending s. 477.026, F.S.; revising fee provisions to
47 conform; amending s. 477.0263, F.S., to conform;
48 specifying circumstances under which cosmetology or
49 specialty services may be practiced outside of a licensed
50 salon; amending s. 477.0265, F.S., relating to prohibited
51 acts, to conform; amending s. 477.028, F.S., relating to

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

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

57 |

58 | Be It Enacted by the Legislature of the State of Florida:

59 |

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

62 | 477.013 Definitions.--As used in this chapter, the term:

63 | (1) "Board" means the Board of Cosmetology.

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

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

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

75 | (a) Hair technician services, which are:

76 | 1. Treating a person's hair by:

77 | a. Providing any method of treatment as a primary service,
 78 | including arranging, beautifying, lightening, cleansing,

79 | coloring, cutting, dressing, processing, shampooing, shaping,
80 | singeing, straightening, styling, tinting, or waving;

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

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

87 | 2. Weaving or braiding a person's hair.

88 | 3. Shampooing and conditioning a person's hair.

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

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

93 | (b) Esthetician services, which are:

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

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

101 | 3. Administering facial treatments.

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

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

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

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133 specialties: holding a specialty registration in one or more of
134 the specialties registered under this chapter.

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.~~

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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
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.~~

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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~~
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:

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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,
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-

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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
 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

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271 implements shall ~~must~~ be sanitized in a disinfectant approved
272 for hospital use or approved by the federal Environmental
273 Protection Agency.

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.

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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.

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~~

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.

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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.

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

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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
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

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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
 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

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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
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

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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.

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 ~~e~~cosmetology salons.--

472 (1) No ~~e~~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 ~~e~~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 ~~e~~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

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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
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~~

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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.

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

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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:

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 \$25.

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

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

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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.

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

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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
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.

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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,
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
 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 ~~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.

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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
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.

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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.

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.