

CHAMBER ACTION

1 The State Administration Appropriations 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; increasing fee caps for certain fees; amending s.
48 477.0263, F.S., to conform; specifying circumstances under
49 which cosmetology or specialty services may be practiced
50 outside of a licensed salon; amending s. 477.0265, F.S.,
51 relating to prohibited acts, to conform; amending s.

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

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52 477.028, F.S., relating to disciplinary proceedings, to
 53 conform; amending s. 477.029, F.S., relating to penalties,
 54 to conform; repealing s. 477.0201, F.S., relating to
 55 specialty registration, qualifications, registration
 56 renewal, and endorsement; 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.

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, and 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. Such renewal shall include a full
307 specialty registration, which combines facial and manicure,
308 pedicure, and nail extension.

309 Section 5. Section 477.019, Florida Statutes, is amended
310 to read:

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

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

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

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

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

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

335 2.a. Has received a minimum number of hours of training as
336 follows:

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

338 (II) For an esthetician, 600 hours.

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

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

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

346 (I)a. A school of cosmetology licensed pursuant to chapter
347 1005.

348 (II)b. A cosmetology program within the public school
349 system.

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

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353 (IV) d. A government-operated cosmetology program in this
354 state.

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

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

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

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

377 (4) After submitting a complete application to take the
378 first available examination for licensure as a cosmetologist,
379 hair technician, esthetician, or nail technician, a graduate of
380 a licensed cosmetology school or a program within the public

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

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

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

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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
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 \$50 for the renewal of an inactive~~
456 ~~license.~~ The board shall prescribe by rule the continuing
457 education requirements to be met prior to license renewal or
458 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

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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 cosmetology salons.--~~

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

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

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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
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.

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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.

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.

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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,
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,

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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,
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

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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.

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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
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
 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.

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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
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.

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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.

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.