

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

28 licensure and renewal, supervised practice, and
29 endorsement requirements for hair technician, esthetician,
30 and nail technician licenses; requiring the board to adopt
31 certain procedures relating to licensure by endorsement;
32 amending s. 477.0212, F.S.; increasing fee caps for the
33 reactivation of an inactive license; requiring the board
34 to adopt certain rules relating to license renewal or
35 continuing education; amending s. 477.023, F.S.;
36 stipulating that the Department of Education is not
37 prevented from issuing grooming and salon services
38 certification; creating s. 477.0231, F.S.; providing for
39 cosmetology internships; providing requirements for the
40 board, cosmetology interns, internship sponsors, and
41 cosmetology salons relating to cosmetology internships;
42 amending s. 477.025, F.S., relating to cosmetology and
43 specialty salons, requisites, licensure, inspection, and
44 mobile cosmetology salons, to conform; amending s.
45 477.026, F.S.; revising fee provisions to conform;
46 increasing fee caps for certain fees; providing a fee cap
47 for internship sponsors; amending s. 477.0263, F.S., to
48 conform; specifying circumstances under which cosmetology
49 or specialty services may be practiced outside of a
50 licensed salon; amending s. 477.0265, F.S., relating to
51 prohibited acts, to conform; amending s. 477.028, F.S.,
52 relating to disciplinary proceedings, to conform; amending
53 s. 477.029, F.S., relating to penalties, to conform;
54 repealing s. 477.0201, F.S., relating to specialty

55 registration, qualifications, registration renewal, and
 56 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
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.~~

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

182 (12) "Internship sponsor" means a licensed cosmetologist
183 registered with the board for the purpose of supervising a
184 cosmetology intern and ensuring compliance by the intern with
185 the laws and rules of this state and the internship requirements
186 established by the board and administered through the school or
187 program.

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

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

194 ~~(b) Manipulation of the body's superficial tissue, other~~
195 ~~than that arising from compression emanating from the wrap~~
196 ~~materials.~~

197 ~~(13) "Skin care services" means the treatment of the skin~~
198 ~~of the body, other than the head, face, and scalp, by the use of~~
199 ~~a sponge, brush, cloth, or similar device to apply or remove a~~
200 ~~chemical preparation or other substance, except that chemical~~
201 ~~peels may be removed by peeling an applied preparation from the~~
202 ~~skin by hand. Skin care services must be performed by a licensed~~
203 ~~cosmetologist or facial specialist within a licensed cosmetology~~
204 ~~or specialty salon, and such services may not involve massage,~~
205 ~~as defined in s. 480.033(3), through manipulation of the~~
206 ~~superficial tissue.~~

207 Section 2. Section 477.0131, Florida Statutes, is created
208 to read:

209 477.0131 Hair technician, esthetician, nail technician,
210 and cosmetology licenses.--

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

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

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

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

223 Section 3. Section 477.0132, Florida Statutes, is amended
224 to read:

225 477.0132 Hair braiding, hair wrapping, and body wrapping
226 registration.--

227 (1) A person whose occupation or practice is confined
228 solely to hair braiding shall register with the department,
229 shall pay the applicable registration fees, and shall take and
230 pass a course consisting of a minimum of 40 hours, except as
231 otherwise provided in this subsection. The course shall be
232 approved by the board and shall consist of 4 hours of
233 instruction in HIV/AIDS and other communicable diseases, 5 hours
234 of instruction in sanitation and sterilization, 5 hours of
235 instruction in disorders and diseases of the scalp, 2 hours of
236 instruction regarding laws affecting hair braiding, and 24 hours
237 of instruction in the application and removal of hair braiding.
238 A person who demonstrates skill in the application and removal
239 of hair braiding through a board-approved examination may be

240 exempt from the 24 hours of instruction in the application and
241 removal of hair braiding.

242 ~~(a) Persons whose occupation or practice is confined~~
243 ~~solely to hair braiding must register with the department, pay~~
244 ~~the applicable registration fee, and take a two day 16 hour~~
245 ~~course. The course shall be board approved and consist of 5~~
246 ~~hours of HIV/AIDS and other communicable diseases, 5 hours of~~
247 ~~sanitation and sterilization, 4 hours of disorders and diseases~~
248 ~~of the scalp, and 2 hours of studies regarding laws affecting~~
249 ~~hair braiding.~~

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

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

263 ~~(c) Unless otherwise licensed or exempted from licensure~~
264 ~~under this chapter, any person whose occupation or practice is~~
265 ~~body wrapping must register with the department, pay the~~
266 ~~applicable registration fee, and take a two day 12 hour course.~~

267 ~~The course shall be board approved and consist of education in~~
268 ~~HIV/AIDS and other communicable diseases, sanitation and~~
269 ~~sterilization, disorders and diseases of the skin, and studies~~
270 ~~regarding laws affecting body wrapping.~~

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

276 (5)~~(2)~~ Hair braiding and, hair wrapping, ~~and body wrapping~~
277 are not required to be practiced in a ~~cosmetology~~ salon ~~or~~
278 ~~specialty~~ salon. When hair braiding or, hair wrapping, ~~or body~~
279 ~~wrapping~~ is practiced outside a ~~cosmetology~~ salon ~~or specialty~~
280 ~~salon~~, disposable implements shall ~~must~~ be used or all
281 implements shall ~~must~~ be sanitized in a disinfectant approved
282 for hospital use or approved by the federal Environmental
283 Protection Agency.

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

289 Section 4. Section 477.014, Florida Statutes, is amended
290 to read:

291 477.014 Qualifications for practice.--

292 (1) On and after January 1, 2007, ~~a 1979~~, no person who is
293 not other than a duly licensed or registered under this chapter

294 may not ~~cosmetologist~~ shall practice in any of the cosmetology
295 areas provided in s. 477.013(4) or use the name or title of
296 cosmetologist, hair technician, esthetician, or nail technician.

297 (2) A person licensed or registered under this chapter on
298 or after January 1, 2007, may not practice or hold himself or
299 herself out as qualified to practice in an area in which he or
300 she is not specifically licensed or registered under this
301 chapter.

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

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

308 (5) A manicure, pedicure, and nail extension specialist
309 registered or enrolled in a cosmetology school before January 1,
310 2007, may take the examination for a nail technician license.

311 (6) A specialist registered under this chapter before
312 January 1, 2007, may continue to practice under the name of his
313 or her specialty registration without taking the respective
314 licensure examination. Renewal of all registrations existing
315 before January 1, 2007, shall be accomplished pursuant to rules
316 adopted by the board. Such renewal shall include a full
317 specialty registration, which combines facial and manicure,
318 pedicure, and nail extension.

319 Section 5. Section 477.019, Florida Statutes, is amended
320 to read:

321 477.019 Cosmetologists; hair technicians; estheticians;
 322 nail technicians; qualifications; licensure; supervised
 323 practice; license renewal; endorsement; continuing education.--

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

327 (2) An applicant is ~~shall be~~ eligible for licensure by
 328 examination to practice cosmetology, hair technician services,
 329 esthetician services, or nail technician services if the
 330 applicant:

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

336 (b) Pays the required application fee, which is not
 337 refundable, and the required examination fee, which is
 338 refundable if the applicant is determined to not be eligible for
 339 licensure for any reason other than failure to successfully
 340 complete the licensure examination. ~~† and~~

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

345 2.a. Has received a minimum number of hours of training as
 346 follows:

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

348 (II) For an esthetician, 600 hours.
 349 (III) For a nail technician, 350 hours.
 350 (IV) For a cosmetologist, 1,800 hours.
 351 b. The training ~~Has received a minimum of 1,200 hours of~~
 352 ~~training as established by the board, which~~ shall include, but
 353 ~~need shall~~ not be limited to, the equivalent of completion of
 354 services directly related to the practice of cosmetology at one
 355 of the following:
 356 (I)a. A school of cosmetology licensed pursuant to chapter
 357 1005.
 358 (II)b. A cosmetology program within the public school
 359 system.
 360 (III)c. The Cosmetology Division of the Florida School for
 361 the Deaf and the Blind, provided the division meets the
 362 standards of this chapter.
 363 (IV)d. A government-operated cosmetology program in this
 364 state.
 365 c. A person who has enrolled and begun his or her
 366 education before January 1, 2007, may take the examination to be
 367 licensed as a cosmetologist upon completion of 1,200 hours of
 368 education.
 369 d. A person who begins his or her education on or after
 370 January 1, 2007, shall comply with the hour requirements in sub-
 371 subparagraph a. in order to qualify to take his or her
 372 respective examination.
 373

374 ~~The board shall establish by rule procedures whereby the school~~
375 ~~or program may certify that a person is qualified to take the~~
376 ~~required examination after the completion of a minimum of 1,000~~
377 ~~actual school hours. If the person then passes the examination,~~
378 ~~he or she shall have satisfied this requirement; but if the~~
379 ~~person fails the examination, he or she shall not be qualified~~
380 ~~to take the examination again until the completion of the full~~
381 ~~requirements provided by this section.~~

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

387 (4) After submitting a complete application to take the
388 first available examination for licensure as a cosmetologist,
389 hair technician, esthetician, or nail technician, a graduate of
390 a licensed cosmetology school or a program within the public
391 school system, which school or program is certified by the
392 Department of Education, is eligible to practice in the
393 graduate's respective area for a maximum period of 60 days,
394 provided such graduate practices under the supervision of a
395 professional licensed under this chapter in a licensed salon. A
396 graduate who fails to pass an examination the first time may
397 continue to practice under the supervision of a professional
398 licensed under this chapter in a licensed salon for an
399 additional 60-day period, provided the graduate applies for the
400 next available examination. A graduate may not continue to

401 practice under this subsection if the graduate fails the
402 examination twice. ~~Following the completion of the first~~
403 ~~licensing examination and pending the results of that~~
404 ~~examination and issuance of a license to practice cosmetology,~~
405 ~~graduates of licensed cosmetology schools or cosmetology~~
406 ~~programs offered in public school systems, which schools or~~
407 ~~programs are certified by the Department of Education, are~~
408 ~~eligible to practice cosmetology, provided such graduates~~
409 ~~practice under the supervision of a licensed cosmetologist in a~~
410 ~~licensed cosmetology salon. A graduate who fails the first~~
411 ~~examination may continue to practice under the supervision of a~~
412 ~~licensed cosmetologist in a licensed cosmetology salon if the~~
413 ~~graduate applies for the next available examination and until~~
414 ~~the graduate receives the results of that examination. No~~
415 ~~graduate may continue to practice under this subsection if the~~
416 ~~graduate fails the examination twice.~~

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

419 (6) The board shall adopt rules specifying procedures for
420 the licensure by endorsement of practitioners desiring to be
421 licensed in this state who hold a current active license in
422 another state or country and who have met qualifications
423 substantially similar to, equivalent to, or greater than the
424 qualifications required of applicants from this state. For
425 purposes of this subsection, work experience may be substituted
426 for required educational hours in the amount and manner provided
427 by board rule.

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

446 (b) Any person whose occupation or practice is confined
 447 solely to hair braiding or, ~~hair wrapping, or body wrapping~~ is
 448 exempt from the continuing education requirements of this
 449 subsection.

450 (c) The board may, by rule, require any licensee in
 451 violation of a continuing education requirement to take a
 452 refresher course or refresher course and examination in addition
 453 to any other penalty. ~~The number of hours for the refresher~~
 454 ~~course may not exceed 48 hours.~~

455 Section 6. Section 477.0212, Florida Statutes, is amended
 456 to read:

457 477.0212 Inactive status.--

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

461 (2) The board shall adopt ~~promulgate~~ rules relating to
 462 licenses that ~~which~~ have become inactive and for the renewal of
 463 inactive licenses. The board shall prescribe by rule a fee not
 464 to exceed \$100 ~~\$50~~ for the reactivation of an inactive license
 465 ~~and a fee not to exceed \$50 for the renewal of an inactive~~
 466 license. The board shall prescribe by rule the continuing
 467 education requirements to be met prior to license renewal or
 468 reactivation.

469 Section 7. Section 477.023, Florida Statutes, is amended
 470 to read:

471 477.023 Schools of cosmetology; licensure.--A ~~No~~ private
 472 school of cosmetology may not ~~shall be permitted to~~ operate
 473 without a license issued by the Commission for Independent
 474 Education pursuant to chapter 1005. However, this chapter does
 475 not ~~nothing herein shall be construed to~~ prevent certification
 476 by the Department of Education of grooming and salon services
 477 and cosmetology training programs within the public school
 478 system or ~~to~~ prevent government operation of any other program
 479 of cosmetology in this state.

480 Section 8. Section 477.0231, Florida Statutes, is created
 481 to read:

482 477.0231 Cosmetology internships.--

483 (1) The selection and placement of cosmetology interns
484 shall be determined by the cosmetology school or program. The
485 school or program shall determine whether a student is eligible
486 to become a cosmetology intern and whether an internship sponsor
487 meets the requirements for its educational objectives. The
488 school program, on behalf of the student, shall provide written
489 notice to the board that an internship sponsor has been selected
490 and name the cosmetology intern to be supervised. The school or
491 program shall determine the length and schedule of an individual
492 cosmetology internship, but such internship may not exceed 24
493 months.

494 (2) Each internship sponsor shall obtain approval from a
495 school or cosmetology program and shall register with the board
496 before accepting placement of each cosmetology intern. The
497 application for registration shall include the name and contact
498 person of the school or program placing the intern, the names
499 and addresses of the internship sponsor, and other information
500 that the board requires.

501 (3) The internship sponsor shall actively supervise the
502 cosmetology intern in the practice of cosmetology pursuant to
503 rules established by the board. A cosmetology intern may only
504 practice within the field of cosmetology in which he or she is
505 engaged in the course of study. The internship sponsor shall
506 ensure that the cosmetology intern is complying with the laws
507 and rules governing cosmetology and is complying with the

508 educational objectives and guidelines established by the
509 cosmetology school or program and the board.

510 (4) All services provided by the cosmetology intern shall
511 be expressly approved by the internship sponsor and contracted
512 for by the internship sponsor. The internship sponsor shall
513 ensure that the public is clearly informed that the cosmetology
514 intern is not a licensed cosmetologist.

515 (5) Pursuant to rules established by the board, the
516 cosmetology salon in which a cosmetology intern is engaged in
517 the practice of cosmetology shall post notice in a conspicuous
518 manner within the salon indicating that a student intern is
519 providing services on the premises.

520 (6) While engaged in the practice of cosmetology, a
521 cosmetology intern shall possess written documentation of his or
522 her authorization to engage in the practice of cosmetology from
523 the student's cosmetology school or program and shall furnish
524 such documentation to the department before engaging in the
525 practice of cosmetology and upon request by department
526 personnel.

527 (7) The board shall establish by rule the education
528 prerequisites for cosmetology internships, including the minimum
529 number of hours of classroom instruction and required course
530 work. The board shall establish by rule the number of permitted
531 cosmetology internships per internship sponsor, the minimum and
532 maximum number of internship hours, and the recommended
533 educational objectives and guidelines for an internship program
534 in a cosmetology school or program.

535 (8) The board may terminate the internship of any
 536 cosmetology intern and the sponsorship of any internship sponsor
 537 for a violation of the laws and rules governing cosmetology. The
 538 board shall provide notice of termination of an internship to
 539 the internship sponsor, the cosmetology school or program, and
 540 the cosmetology intern. In the case of a terminated cosmetology
 541 internship, the school or program shall determine the
 542 educational status of the cosmetology intern. A cosmetology
 543 intern whose internship sponsor has been terminated, has been
 544 otherwise disciplined by the board, or has voluntarily withdrawn
 545 from sponsorship remains eligible for new placement through the
 546 school or program.

547 Section 9. Section 477.025, Florida Statutes, is amended
 548 to read:

549 477.025 ~~Cosmetology salons; specialty Salons; requisites;~~
 550 ~~licensure; inspection; mobile eesmetology salons.--~~

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

554 (2) The board shall adopt rules governing the licensure
 555 and operation of salons ~~and specialty salons~~ and their
 556 facilities, personnel, safety and sanitary requirements, and the
 557 license application and granting process.

558 (3) Any person, firm, or corporation desiring to operate a
 559 ~~cosmetology salon or specialty~~ salon in the state shall submit
 560 to the department a salon an application form ~~upon forms~~
 561 provided by the department, ~~and accompanied by~~ any relevant

562 information requested by the department, and ~~by~~ an application
563 fee.

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

567 (5) When an applicant fails to meet all the requirements
568 provided herein, the department shall deny the application in
569 writing and shall list the specific requirements not met. No
570 applicant denied licensure because of failure to meet the
571 requirements herein shall be precluded from reapplying for
572 licensure.

573 (6) When the department determines that the proposed
574 ~~cosmetology salon or specialty~~ salon may reasonably be expected
575 to meet the requirements set forth herein, the department shall
576 grant the license upon such conditions as it shall deem proper
577 under the circumstances and upon payment of the original
578 licensing fee.

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

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

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

592 (10) (a) The board shall adopt rules governing the
 593 licensure, operation, and inspection of mobile ~~cosmetology~~
 594 salons, including their facilities, personnel, and safety and
 595 sanitary requirements.

596 (b) Each mobile salon must comply with all licensure and
 597 operating requirements specified in this chapter or chapter 455
 598 or rules of the board or department that apply to ~~cosmetology~~
 599 salons at fixed locations, except to the extent that such
 600 requirements conflict with this subsection or rules adopted
 601 pursuant to this subsection.

602 (c) A mobile ~~cosmetology~~ salon must maintain a permanent
 603 business address, located in the inspection area of the local
 604 department office, at which records of appointments,
 605 itineraries, license numbers of employees, and vehicle
 606 identification numbers of the licenseholder's mobile salon shall
 607 be kept and made available for verification purposes by
 608 department personnel, and at which correspondence from the
 609 department can be received.

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

615 (e) The board shall establish fees for mobile ~~cosmetology~~
 616 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed
 617 locations.

618 (f) The operation of mobile ~~cosmetology~~ salons must be in
 619 compliance with all local laws and ordinances regulating
 620 business establishments, with all applicable requirements of the
 621 Americans with Disabilities Act relating to accommodations for
 622 persons with disabilities, and with all applicable OSHA
 623 requirements.

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

628 Section 10. Section 477.026, Florida Statutes, is amended
 629 to read:

630 477.026 Fees; disposition.--

631 (1) The board shall set fees according to the following
 632 schedule:

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

636 (b) For hair technicians, estheticians, nail technicians,
 637 or cosmetologists, fees for endorsement application,
 638 examination, and reexamination may shall not exceed \$150 ~~\$50~~.

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

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

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

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

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

651 (2) All moneys collected by the department from fees
652 authorized by this chapter shall be paid into the Professional
653 Regulation Trust Fund, which fund is created in the department,
654 and shall be applied in accordance with ss. 215.37 and 455.219.
655 The Legislature may appropriate any excess moneys from this fund
656 to the General Revenue Fund.

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

659 Section 11. Section 477.0263, Florida Statutes, is amended
660 to read:

661 477.0263 Cosmetology services to be performed in licensed
662 salon; exceptions ~~exception~~.--

663 (1) Cosmetology or specialty services shall be performed
664 only by licensed cosmetologists, hair technicians, estheticians,
665 nail technicians, or registered specialists in licensed salons,
666 except as otherwise provided in this section.

667 (2) Pursuant to rules established by the board,
668 cosmetology or specialty services may be performed by a licensed

669 cosmetologist, hair technician, esthetician, nail technician, or
670 registered specialist in a location other than a licensed salon,
671 including, but not limited to, a nursing home, hospital, or
672 residence, when a client for reasons of ill health is unable to
673 go to a licensed salon. Arrangements for the performance of such
674 cosmetology or specialty services in a location other than a
675 licensed salon shall be made only through a licensed salon.

676 (3) Any person who holds a valid cosmetology license in
677 any state or who is authorized to practice cosmetology in any
678 country, territory, or jurisdiction of the United States may
679 perform cosmetology services in a location other than a licensed
680 salon when such services are performed in connection with the
681 motion picture, fashion photography, theatrical, or television
682 industry; a photography studio salon; a manufacturer trade show
683 demonstration; a department store demonstration; or an
684 educational seminar.

685 (4) Pursuant to rules established by the board,
686 cosmetology, hair technician, esthetician, nail technician, or
687 specialty services may be performed in a location other than a
688 licensed salon when such services are performed in connection
689 with a special event and are performed by a person who is
690 employed by a licensed salon and who holds the proper license or
691 specialty registration. Scheduling an appointment for the
692 performance of such services in a location other than a licensed
693 salon shall be made through a licensed salon.

694 Section 12. Section 477.0265, Florida Statutes, is amended
695 to read:

696 477.0265 Prohibited acts.--

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

698 (a) Engage in the practice of cosmetology or a specialty

699 without an active license in the field of cosmetology ~~as a~~

700 ~~cosmetologist~~ or registration as a specialist issued by the

701 department pursuant to the provisions of this chapter unless

702 authorized as a cosmetology intern pursuant to this chapter and

703 supervised by a licensed cosmetologist.

704 (b) Own, operate, maintain, open, establish, conduct, or

705 have charge of, either alone or with another person or persons,

706 a ~~cosmetology salon or specialty~~ salon:

707 1. Which is not licensed under the provisions of this

708 chapter; or

709 2. In which a person not licensed in the field of

710 cosmetology, authorized as a cosmetology intern, or registered

711 ~~as a cosmetologist or a specialist~~ is permitted to perform

712 cosmetology services or any specialty.

713 (c) Engage in willful or repeated violations of this

714 chapter or of any rule adopted by the board.

715 (d) Permit an employed person to engage in the practice of

716 cosmetology or of a specialty unless such person holds a valid,

717 active license in the field of cosmetology ~~as a cosmetologist~~ or

718 a registration as a specialist or is authorized as a cosmetology

719 intern pursuant to this chapter and supervised by a licensed

720 cosmetologist.

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

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

727 (g) Advertise or imply that skin care services or body
 728 wrapping, as performed under this chapter, has ~~have~~ any
 729 relationship to the practice of massage therapy as defined in s.
 730 480.033(3), except those practices or activities defined in s.
 731 477.013.

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

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

738 Section 12. Section 477.028, Florida Statutes, is amended
 739 to read:

740 477.028 Disciplinary proceedings.--

741 (1) The board may ~~shall have the power to~~ revoke or
 742 suspend the license of a cosmetologist, hair technician,
 743 esthetician, or nail technician licensed under this chapter, or
 744 the registration of a specialist registered under this chapter,
 745 and may ~~to~~ reprimand, censure, deny subsequent licensure or
 746 registration of, or otherwise discipline a cosmetologist, hair
 747 technician, esthetician, nail technician, or a specialist

748 licensed or registered under this chapter in any of the
 749 following cases:

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

752 (b) Upon proof that the holder of a license or
 753 registration is guilty of fraud or deceit or of gross
 754 negligence, incompetency, or misconduct in the practice or
 755 instruction of cosmetology or a specialty.

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

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

765 (a) Upon proof that a license has been obtained by fraud
 766 or misrepresentation.

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

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

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

775 fine, interest, or costs associated with investigation and
 776 prosecution until the person or salon has paid in full such
 777 fine, interest, or costs associated with investigation and
 778 prosecution or until the person or salon complies with or
 779 satisfies all terms and conditions of the final order.

780 Section 13. Section 477.029, Florida Statutes, is amended
 781 to read:

782 477.029 Penalty.--

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

784 (a) Hold himself or herself out as a cosmetologist, hair
 785 technician, esthetician, nail technician, specialist, hair
 786 wrapper, hair braider, or body wrapper unless duly licensed or
 787 registered, or otherwise authorized, as provided in this
 788 chapter.

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

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

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

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

797 (f) Impersonate any other licenseholder of like or
 798 different name.

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

800 (h) Violate any provision of s. 455.227(1), s. 477.0265,
 801 or s. 477.028.

802 (i) Violate or refuse to comply with any provision of this
803 chapter or chapter 455 or a rule or final order of the board or
804 the department.

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

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

810 (b) Issuance of a reprimand or censure.

811 (c) Imposition of an administrative fine not to exceed
812 \$500 for each count or separate offense.

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

815 (e) Refusal to certify to the department an applicant for
816 licensure.

817 Section 14. Section 477.0201, Florida Statutes, is
818 repealed.

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