

1                                   A bill to be entitled  
 2           An act relating to cosmetology; amending s. 477.013, F.S.;  
 3           providing definitions; amending s. 477.019, F.S.; revising  
 4           eligibility criteria to take the cosmetology licensure  
 5           examination; revising provisions relating to supervised  
 6           unlicensed cosmetology practice; revising criteria by  
 7           which cosmetologists may receive licensure by endorsement;  
 8           amending s. 477.022, F.S.; requiring the Department of  
 9           Business and Professional Regulation to contract with a  
 10          nonprofit entity to administer licensure examinations;  
 11          providing for a licensure examination review class;  
 12          providing requirements for the department to contract with  
 13          service providers; amending s. 477.025, F.S.; providing  
 14          regulation of booth rentals and booth renters; amending s.  
 15          477.026, F.S.; providing fee caps for booth rental  
 16          registration; providing an effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:  
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20           Section 1. Subsections (14) and (15) are added to section  
 21 477.013, Florida Statutes, to read:

22           477.013 Definitions.--As used in this chapter:

23           (14) "Booth rental" means a space in a licensed salon  
 24 leased by a person licensed under this chapter.

25           (15) "Contracted provider" means a state-based nonprofit  
 26 entity that has been awarded a competitive bid by the department  
 27 for the provision of any services to persons licensed under this  
 28 chapter and applicants for licensure under this chapter.

29 Section 2. Section 477.019, Florida Statutes, is amended  
 30 to read:

31 477.019 Cosmetologists; qualifications; licensure;  
 32 supervised practice; license renewal; endorsement; continuing  
 33 education.--

34 (1) A person desiring to be licensed as a cosmetologist  
 35 shall apply to the department for licensure.

36 (2) An applicant shall be eligible for licensure by  
 37 examination to practice cosmetology if the applicant:

38 (a) Is at least 16 years of age or has received a high  
 39 school diploma;

40 (b) Pays the required application fee, which is not  
 41 refundable, and the required examination fee, which is  
 42 refundable if the applicant is determined to not be eligible for  
 43 licensure for any reason other than failure to successfully  
 44 complete the licensure examination; and

45 (c)1. Has been licensed to practice cosmetology in another  
 46 state but such license is inactive and does not qualify for  
 47 licensure by endorsement as provided in subsection (6); ~~Is~~  
 48 authorized to practice cosmetology in another state or country,  
 49 has been so authorized for at least 1 year, and does not qualify  
 50 for licensure by endorsement as provided for in subsection (6);  
 51 ~~or~~

52 2. Is currently licensed to practice cosmetology in  
 53 another country and has been licensed for at least 1 year; or

54 3.2. Has received a minimum of 1,200 hours of training as  
 55 established by the board, which shall include, but shall not be

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56 limited to, the equivalent of completion of services directly  
57 related to the practice of cosmetology at one of the following:

58 a. A school of cosmetology licensed pursuant to chapter  
59 1005.

60 b. A cosmetology program within the public school system.

61 c. The Cosmetology Division of the Florida School for the  
62 Deaf and the Blind, provided the division meets the standards of  
63 this chapter.

64 d. A government-operated cosmetology program in this  
65 state.

66  
67 The board shall establish by rule procedures whereby the school  
68 or program may certify that a person is qualified to take the  
69 required examination after the completion of a minimum of 1,000  
70 actual school hours. If the person then passes the examination,  
71 he or she shall have satisfied this requirement; but if the  
72 person fails the examination, he or she shall not be qualified  
73 to take the examination again until the completion of the full  
74 requirements provided by this section.

75 (3) Upon an applicant receiving a passing grade, as  
76 established by board rule, on the examination and paying the  
77 initial licensing fee, the department shall issue a license to  
78 practice cosmetology.

79 (4) After submitting a completed application to take the  
80 first available examination for licensure as a cosmetologist, a  
81 graduate of a licensed cosmetology school or program within the  
82 public school system, which school or program is certified by  
83 the Department of Education, is eligible to practice cosmetology

84 for a maximum period of 60 days, provided such graduate  
 85 practices under the supervision of a professional licensed under  
 86 this chapter in a licensed salon. A graduate who fails to pass  
 87 an examination the first time may continue to practice under the  
 88 supervision of a professional licensed under this chapter in a  
 89 licensed salon for an additional maximum 60-day period, provided  
 90 the graduate applies for the next available examination. A  
 91 graduate may not continue to practice under this subsection if  
 92 the graduate fails the examination twice. Following the  
 93 ~~completion of the first licensing examination and pending the~~  
 94 ~~results of that examination and issuance of a license to~~  
 95 ~~practice cosmetology, graduates of licensed cosmetology schools~~  
 96 ~~or cosmetology programs offered in public school systems, which~~  
 97 ~~schools or programs are certified by the Department of~~  
 98 ~~Education, are eligible to practice cosmetology, provided such~~  
 99 ~~graduates practice under the supervision of a licensed~~  
 100 ~~cosmetologist in a licensed cosmetology salon. A graduate who~~  
 101 ~~fails the first examination may continue to practice under the~~  
 102 ~~supervision of a licensed cosmetologist in a licensed~~  
 103 ~~cosmetology salon if the graduate applies for the next available~~  
 104 ~~examination and until the graduate receives the results of that~~  
 105 ~~examination. No graduate may continue to practice under this~~  
 106 ~~subsection if the graduate fails the examination twice.~~

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

109 (6) Licensure by endorsement of practitioners desiring to  
 110 be licensed in this state who have held a current active license  
 111 in another state for at least 1 year shall qualify for licensure

112 in this state. The department shall issue a license without  
 113 examination to an applicant who:

114 (a) Completes an application and pays an application fee;

115 (b) Demonstrates that he or she is currently licensed to  
 116 practice cosmetology under the laws of another state;

117 (c) Demonstrates that he or she has completed a board-  
 118 approved HIV/AIDS course;

119 (d) Attends the department's contracted providers  
 120 examination review class and produces a certificate of  
 121 completion with the application; and

122 (e) Demonstrates that he or she has completed a board-  
 123 approved continuing education course on statutory and  
 124 departmental requirements relating to cosmetology.

125  
 126 The board may adopt rules pursuant to ss. 120.536(1) and 120.54  
 127 as necessary to administer this section.

128 ~~(6) The board shall adopt rules specifying procedures for~~  
 129 ~~the licensure by endorsement of practitioners desiring to be~~  
 130 ~~licensed in this state who hold a current active license in~~  
 131 ~~another state and who have met qualifications substantially~~  
 132 ~~similar to, equivalent to, or greater than the qualifications~~  
 133 ~~required of applicants from this state.~~

134 (7) (a) The board shall prescribe by rule continuing  
 135 education requirements intended to ensure protection of the  
 136 public through updated training of licensees and registered  
 137 specialists, not to exceed 16 hours biennially, as a condition  
 138 for renewal of a license or registration as a specialist under  
 139 this chapter. Continuing education courses shall include, but

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140 not be limited to, the following subjects as they relate to the  
 141 practice of cosmetology: human immunodeficiency virus and  
 142 acquired immune deficiency syndrome; Occupational Safety and  
 143 Health Administration regulations; workers' compensation issues;  
 144 state and federal laws and rules as they pertain to  
 145 cosmetologists, cosmetology, salons, specialists, specialty  
 146 salons, and booth renters; chemical makeup as it pertains to  
 147 hair, skin, and nails; and environmental issues. Courses given  
 148 at cosmetology conferences may be counted toward the number of  
 149 continuing education hours required if approved by the board.

150 (b) Any person whose occupation or practice is confined  
 151 solely to hair braiding, hair wrapping, or body wrapping is  
 152 exempt from the continuing education requirements of this  
 153 subsection.

154 (c) The board may, by rule, require any licensee in  
 155 violation of a continuing education requirement to take a  
 156 refresher course or refresher course and examination in addition  
 157 to any other penalty. The number of hours for the refresher  
 158 course may not exceed 48 hours.

159 Section 3. Section 477.022, Florida Statutes, is amended  
 160 to read:

161 477.022 Examinations; examination review class.--

162 (1) The board shall specify by rule the general areas of  
 163 competency to be covered by examinations for the licensing under  
 164 this chapter of cosmetologists. The rules shall include the  
 165 relative weight assigned in grading each area, the grading  
 166 criteria to be used by the examiner, and the score necessary to  
 167 achieve a passing grade. The board shall ensure that

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168 examinations adequately measure both an applicant's competency  
169 and her or his knowledge of related statutory requirements. The  
170 department shall contract with a contracted provider to  
171 administer the examination, and the contracted provider may  
172 offer an elective examination review class to prepare for taking  
173 the examination. The examination review class may be approved by  
174 the board as 4 hours of the required 16 hours of continuing  
175 education under s. 477.019(7)(a) and may be used by all  
176 licensees under this chapter. The department or the department's  
177 contracted provider may use professional testing services to  
178 formulate the examinations. ~~Professional testing services may be~~  
179 ~~utilized to formulate the examinations. The board may, by rule,~~  
180 ~~offer a written clinical examination or a performance~~  
181 ~~examination, or both, in addition to a written theory~~  
182 ~~examination.~~

183 (2) The department shall issue a request for competitive  
184 sealed proposals from nonprofit entities seeking to become a  
185 contracted provider under subsection (1) that includes a  
186 statement of the examination-related services sought and all  
187 terms and conditions applicable to the contract. The department  
188 shall award the contract to a contracted provider whose proposal  
189 is determined, in writing, to be most advantageous to the state,  
190 taking into consideration the price and the other criteria set  
191 forth in the request for proposals. The contract shall include a  
192 4-year term, with renewable options at the department's  
193 discretion, and the department is authorized to adopt rules  
194 relating to the services to be provided. In making the  
195 selection, the department shall consider factors such as whether

196 the contracted provider represents the diverse interests of the  
 197 cosmetology industry and the contracted provider's ability to  
 198 provide a statewide program with diverse cosmetology industry  
 199 interests and statewide participation. ~~The board shall ensure~~  
 200 ~~that examinations comply with state and federal equal employment~~  
 201 ~~opportunity guidelines.~~

202 (3) The examination shall be given at least once a year.

203 (4) The board shall adopt rules providing for  
 204 reexamination of applicants who have failed the examinations.

205 (5) All licensing examinations shall be conducted in such  
 206 manner that the applicant shall be known by number only until  
 207 her or his examination is completed and the proper grade  
 208 determined. An accurate record of each examination shall be  
 209 made; and that record shall be filed with the secretary of the  
 210 department and shall be kept for reference and inspection for a  
 211 period of not less than 2 years immediately following the  
 212 examination.

213 Section 4. Subsection (12) is added to section 477.025,  
 214 Florida Statutes, to read:

215 477.025 Cosmetology salons; specialty salons; requisites;  
 216 licensure; inspection; mobile cosmetology salons; booth  
 217 rentals.--

218 (12) (a) Booth rentals are subject to the following  
 219 requirements:

220 1. The owner of a licensed salon must provide the  
 221 department with verification of compliance with all sanitation  
 222 guidelines set forth by the department for all booth rentals in  
 223 the salon prior to allowing services to be provided in any booth



224 rental in the salon and at other times upon demand of the  
 225 department.

226 2. The owner of a licensed salon must register with the  
 227 department the names of all licensees who have executed leases  
 228 for booth rentals within the owner's salon and shall submit or  
 229 produce copies the leases upon demand of the department.

230 3. Each licensee who executes a lease for a booth rental  
 231 must be registered as a booth renter with the department or the  
 232 department's contracted provider.

233 (b) The department may contract with a contracted provider  
 234 to administer the registration process under this subsection in  
 235 the same manner as provided in s. 477.022(2). Registration  
 236 requirements under this subsection shall be adopted by the  
 237 department by rule. The requirements shall include, but shall  
 238 not be limited to, requirements for booth renters to comply with  
 239 the Internal Revenue Service and Department of Revenue rules and  
 240 regulations.

241 Section 5. Subsection (1) of section 477.026, Florida  
 242 Statutes, is amended to read:

243 477.026 Fees; disposition.--

244 (1) The board shall set fees according to the following  
 245 schedule:

246 (a) For cosmetologists, fees for original licensing,  
 247 license renewal, ~~and~~ delinquent renewal, and booth rental  
 248 registration shall not exceed \$25.

249 (b) For cosmetologists, fees for endorsement application,  
 250 examination, and reexamination shall not exceed \$50.

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251 (c) For cosmetology and specialty salons, fees for license  
252 application, original licensing, license renewal, ~~and~~ delinquent  
253 renewal, and booth rental registration shall not exceed \$50.

254 (d) For specialists, fees for application and endorsement  
255 registration shall not exceed \$30.

256 (e) For specialists, fees for initial registration,  
257 registration renewal, ~~and~~ delinquent renewal, and booth rental  
258 registration shall not exceed \$50.

259 (f) For hair braiders, hair wrappers, and body wrappers,  
260 fees for registration and booth rental registration shall not  
261 exceed \$25.

262 Section 6. This act shall take effect July 1, 2007.