

1 A bill to be entitled

2 An act relating to cosmetology; amending s. 477.013, F.S.;
3 providing and revising 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.; eliminating future body
11 wrapping registrations; authorizing renewal of current
12 body wrapping registrations; specifying that only the
13 Board of Cosmetology may review, evaluate, and approve
14 required text; amending s. 477.014, F.S.; revising
15 requirements for qualification to practice under ch. 477,
16 F.S.; authorizing current specialists to sit for licensure
17 examinations in certain circumstances; providing for the
18 renewal of current specialty registrations; amending s.
19 477.019, F.S.; revising qualification, education,
20 licensure and renewal, supervised practice, and
21 endorsement requirements for cosmetologist licenses to
22 include and differentiate qualification, education,
23 licensure and renewal, supervised practice, and
24 endorsement requirements for hair technician, esthetician,
25 and nail technician licenses; requiring the board to adopt
26 certain procedures relating to licensure by endorsement;
27 amending s. 477.0212, F.S.; requiring the board to adopt
28 certain rules relating to license renewal or continuing

29 education; amending s. 477.023, F.S.; stipulating that the
 30 Department of Education is not prevented from issuing
 31 grooming and salon services certification; amending s.
 32 477.025, F.S., relating to cosmetology and specialty
 33 salons, requisites, licensure, inspection, and mobile
 34 cosmetology salons, to conform; amending s. 477.026, F.S.;
 35 revising fee provisions to conform; amending s. 477.0263,
 36 F.S., to conform; specifying circumstances under which
 37 cosmetology or specialty services may be practiced outside
 38 of a licensed salon; amending s. 477.0265, F.S., relating
 39 to prohibited acts, to conform; amending s. 477.028, F.S.,
 40 relating to disciplinary proceedings, to conform; amending
 41 s. 477.029, F.S., relating to penalties, to conform;
 42 repealing s. 477.0201, F.S., relating to specialty
 43 registration, qualifications, registration renewal, and
 44 endorsement; providing an effective date.

45

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

47

48 Section 1. Section 477.013, Florida Statutes, is amended
 49 to read:

50 477.013 Definitions.--As used in this chapter, the term:

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

52 (2) "Department" means the Department of Business and
 53 Professional Regulation.

54 (3) "Cosmetologist" means a person who is licensed to
 55 engage in the practice of all cosmetology services in this state
 56 under the authority of this chapter, including hair technician

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57 services, esthetician services, and nail technician services, or
58 a person who is licensed prior to January 1, 2008, to engage in
59 the practice of cosmetology in this state.

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

63 (a) Hair technician services, which are:

64 1. Treating a person's hair by:

65 a. Providing any method of treatment as a primary service,
66 including arranging, beautifying, lightening, cleansing,
67 coloring, cutting, dressing, processing, shampooing, shaping,
68 singeing, straightening, styling, tinting, or waving;

69 b. Providing a necessary service that is preparatory or
70 ancillary to a service under sub-subparagraph a., including
71 clipping, cutting, or trimming; or

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

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

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

77 4. Servicing a person's wig or artificial hairpiece on
78 that person's head in any manner listed in subparagraph 1.

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

81 (b) Esthetician services, which are:

82 1. Cleansing, exfoliating, or stimulating a person's skin
83 by hand or by using a mechanical device, apparatus, or appliance
84 with the use of any cosmetic preparation, antiseptic, lotion,

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85 powder, oil, clay, cream, or appliance.

86 2. Beautifying a person's skin using a cosmetic
 87 preparation, antiseptic, lotion, powder, oil, clay, cream, or
 88 appliance.

89 3. Administering facial treatments.

90 4. Removing superfluous hair from a person's body using
 91 depilatories, threading, waxing, sugaring, or tweezing.

92 5. Tinting eyebrows or eyelashes with products
 93 manufactured specifically for eyebrows or eyelashes.

94 6. Body wrapping, which is a treatment program that uses
 95 wraps for the purposes of cleansing and beautifying a person's
 96 skin for aesthetic rather than medical or weight-loss purposes
 97 and is the application of oils, lotions, or other fluids to the
 98 body using wraps. Body wrapping does not include manipulation of
 99 the body's superficial tissue, other than that resulting from
 100 the application of the wrap materials.

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

103 (c) Nail technician services, which are:

104 1. Treating a person's nails by:

105 a. Cutting, trimming, polishing, painting, printing,
 106 tinting, coloring, cleansing, manicuring, or pedicuring; or

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

108 2. Cleansing, treating, or beautifying a person's
 109 forearms, hands, legs below the knee, or feet ~~mechanical or~~
 110 ~~chemical treatment of the head, face, and scalp for aesthetic~~
 111 ~~rather than medical purposes, including, but not limited to,~~
 112 ~~hair shampooing, hair cutting, hair arranging, hair coloring,~~

113 ~~permanent waving, and hair relaxing for compensation. This term~~
 114 ~~also includes performing hair removal, including wax treatments,~~
 115 ~~manicures, pedicures, and skin care services.~~

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

119 ~~(6)-(5)~~ "Specialist" means any person registered under s.
 120 477.014(6) to practice one or more of the following specialties:
 121 ~~holding a specialty registration in one or more of the~~
 122 ~~specialties registered under this chapter.~~

123 ~~(6) "Specialty" means the practice of one or more of the~~
 124 ~~following:~~

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

130 (b) Pedicuring, or the shaping, polishing, tinting, or
 131 cleansing of the nails of the feet, and massaging or beautifying
 132 of the feet.

133 (c) Facials, or the massaging or treating of the face or
 134 scalp with oils, creams, lotions, or other preparations, and
 135 skin care services, which means the treatment of the skin of a
 136 person's body, in addition to a person's head, face, and scalp,
 137 by the use of a sponge, brush, cloth, or similar device to apply
 138 or remove a chemical preparation or other substance without
 139 involving massage, as defined in s. 480.033(3), except that
 140 chemical peels may be removed by peeling an applied preparation

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141 from the skin by hand.

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

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

148 (8) ~~(9)~~ "Hair braiding" means the weaving or interweaving
 149 of a person's own natural ~~human~~ hair for compensation without
 150 cutting, coloring, permanent waving, relaxing, removing, or
 151 chemical treatment and does not include the use of hair
 152 extensions or wefts.

153 (9) ~~(10)~~ "Hair wrapping" means the wrapping of manufactured
 154 materials around a strand or strands of human hair, for
 155 compensation, without cutting, coloring, permanent waving,
 156 relaxing, removing, weaving, chemically treating, braiding,
 157 using hair extensions, or performing any other service defined
 158 as cosmetology.

159 (10) ~~(11)~~ "Photography studio salon" means an establishment
 160 where the hair-arranging services and the application of
 161 cosmetic products are performed solely for the purpose of
 162 preparing the model or client for the photographic session
 163 without shampooing, cutting, coloring, permanent waving,
 164 relaxing, or removing of hair or performing any other service
 165 defined as cosmetology.

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

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

172 ~~(b) Manipulation of the body's superficial tissue, other~~
173 ~~than that arising from compression emanating from the wrap~~
174 ~~materials.~~

175 ~~(13) "Skin care services" means the treatment of the skin~~
176 ~~of the body, other than the head, face, and scalp, by the use of~~
177 ~~a sponge, brush, cloth, or similar device to apply or remove a~~
178 ~~chemical preparation or other substance, except that chemical~~
179 ~~peels may be removed by peeling an applied preparation from the~~
180 ~~skin by hand. Skin care services must be performed by a licensed~~
181 ~~cosmetologist or facial specialist within a licensed cosmetology~~
182 ~~or specialty salon, and such services may not involve massage,~~
183 ~~as defined in s. 480.033(3), through manipulation of the~~
184 ~~superficial tissue.~~

185 Section 2. Section 477.0131, Florida Statutes, is created
186 to read:

187 477.0131 Hair technician, esthetician, nail technician,
188 and cosmetology licenses.--

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

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

195 (3) A person who is otherwise qualified by this chapter
196 and who is authorized to practice all of the services listed in

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197 s. 477.013(4)(c) shall be licensed as a nail technician.

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

201 Section 3. Section 477.0132, Florida Statutes, is amended
 202 to read:

203 477.0132 Hair braiding, hair wrapping, and body wrapping
 204 registration.--

205 (1)~~(a)~~ A person ~~Persons~~ whose occupation or practice is
 206 confined solely to hair braiding shall ~~must~~ register with the
 207 department, shall pay the applicable registration fee, and shall
 208 take a two-day 16-hour course. The course shall be board
 209 approved and consist of 5 hours of instruction in HIV/AIDS and
 210 other communicable diseases, 5 hours of instruction in
 211 sanitation and sterilization, 4 hours of instruction in
 212 disorders and diseases of the scalp, and 2 hours of instruction
 213 in ~~studies regarding~~ laws affecting hair braiding.

214 (2)~~(b)~~ A person ~~Persons~~ whose occupation or practice is
 215 confined solely to hair wrapping shall ~~must~~ register with the
 216 department, shall pay the applicable registration fee, and shall
 217 take a one-day 6-hour course. The course shall be board approved
 218 and consist of instruction ~~education~~ in HIV/AIDS and other
 219 communicable diseases, sanitation and sterilization, disorders
 220 and diseases of the scalp, and ~~studies regarding~~ laws affecting
 221 hair wrapping.

222 (3) A person holding a registration in body wrapping
 223 before January 1, 2008, may continue to practice body wrapping
 224 as described in s. 477.013(4)(b)6. The board shall adopt by rule

225 continuing education requirements for the renewal of body
226 wrapping registrations.

227 ~~(c) Unless otherwise licensed or exempted from licensure~~
228 ~~under this chapter, any person whose occupation or practice is~~
229 ~~body wrapping must register with the department, pay the~~
230 ~~applicable registration fee, and take a two day 12 hour course.~~
231 ~~The course shall be board approved and consist of education in~~
232 ~~HIV/AIDS and other communicable diseases, sanitation and~~
233 ~~sterilization, disorders and diseases of the skin, and studies~~
234 ~~regarding laws affecting body wrapping.~~

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

240 (5)~~(2)~~ Hair braiding and, hair wrapping, ~~and body wrapping~~
241 are not required to be practiced in a ~~cosmetology~~ salon ~~or~~
242 ~~specialty~~ salon. When hair braiding or, hair wrapping, ~~or body~~
243 ~~wrapping~~ is practiced outside a ~~cosmetology~~ salon ~~or~~ ~~specialty~~
244 ~~salon~~, disposable implements shall ~~must~~ be used or all
245 implements shall ~~must~~ be sanitized in a disinfectant approved
246 for hospital use or approved by the federal Environmental
247 Protection Agency.

248 (6)~~(3)~~ Pending issuance of registration, a person is
249 eligible to practice hair braiding or, hair wrapping, ~~or body~~
250 ~~wrapping~~ upon submission of a registration application that
251 includes proof of successful completion of the education
252 requirements and payment of the applicable fees required by this

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253 chapter.

254 Section 4. Section 477.014, Florida Statutes, is amended
255 to read:

256 477.014 Qualifications for practice.--

257 (1) On and after January 1, 2008, a 1979, no person who is
258 not other than a duly licensed or registered under this chapter
259 may not cosmetologist shall practice in any of the cosmetology
260 areas provided in s. 477.013(4) or use the name or title of
261 cosmetologist, hair technician, esthetician, or nail technician.

262 (2) A person licensed or registered under this chapter on
263 or after January 1, 2008, may not practice or hold himself or
264 herself out as qualified to practice in an area in which he or
265 she is not specifically licensed or registered under this
266 chapter.

267 (3) A cosmetologist licensed before January 1, 2008, may
268 perform all the services of a licensed cosmetologist as defined
269 in this chapter.

270 (4) A facial specialist registered or enrolled in a
271 cosmetology school before January 1, 2008, may take the
272 examination for an esthetician license.

273 (5) A manicure, pedicure, or nail extension specialist
274 registered or enrolled in a cosmetology school before January 1,
275 2008, may take the examination for a nail technician license.

276 (6) A specialist registered under this chapter before
277 January 1, 2008, may continue to practice under the name of his
278 or her specialty registration without taking the respective
279 licensure examination. Renewal of all registrations, including a
280 full specialty registration that includes facial, manicure,

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281 pedicure, and nail extension specialties, existing before
 282 January 1, 2008, shall be accomplished pursuant to rules adopted
 283 by the board.

284 Section 5. Section 477.019, Florida Statutes, is amended
 285 to read:

286 477.019 Cosmetologists; hair technicians; estheticians;
 287 nail technicians; qualifications; licensure; supervised
 288 practice; license renewal; endorsement; continuing education.--

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

292 (2) An applicant is ~~shall be~~ eligible for licensure by
 293 examination to practice cosmetology, hair technician services,
 294 esthetician services, or nail technician services if the
 295 applicant:

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

301 (b) Pays the required application fee, which is not
 302 refundable, and the required examination fee, which is
 303 refundable if the applicant is determined to not be eligible for
 304 licensure for any reason other than failure to successfully
 305 complete the licensure examination. ↗ ~~and~~

306 (c)1. Is authorized to practice cosmetology in another
 307 state or country, has been so authorized for at least 1 year,
 308 and does not qualify for licensure by endorsement as provided

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309 for in subsection (6); or

310 2.a. Has received a minimum number of hours of training as
 311 follows:

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

313 (II) For an esthetician, 600 hours.

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

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

316 b. The training ~~Has received a minimum of 1,200 hours of~~
 317 ~~training as established by the board, which shall include, but~~
 318 ~~need shall~~ not be limited to, the equivalent of completion of
 319 services directly related to the practice of cosmetology at one
 320 of the following:

321 (I)~~a.~~ A school of cosmetology licensed pursuant to chapter
 322 1005.

323 (II)~~b.~~ A cosmetology program within the public school
 324 system.

325 (III)~~c.~~ The Cosmetology Division of the Florida School for
 326 the Deaf and the Blind, provided the division meets the
 327 standards of this chapter.

328 (IV)~~d.~~ A government-operated cosmetology program in this
 329 state.

330 c. A person who has enrolled and begun his or her
 331 education before January 1, 2008, may take the examination to be
 332 licensed as a cosmetologist upon completion of 1,200 hours of
 333 education.

334 d. A person who begins his or her education on or after
 335 January 1, 2008, shall comply with the hour requirements in sub-
 336 subparagraph a. in order to qualify to take his or her

337 respective examination.

338
 339 ~~The board shall establish by rule procedures whereby the school~~
 340 ~~or program may certify that a person is qualified to take the~~
 341 ~~required examination after the completion of a minimum of 1,000~~
 342 ~~actual school hours. If the person then passes the examination,~~
 343 ~~he or she shall have satisfied this requirement; but if the~~
 344 ~~person fails the examination, he or she shall not be qualified~~
 345 ~~to take the examination again until the completion of the full~~
 346 ~~requirements provided by this section.~~

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

352 (4) After submitting a complete application to take the
 353 first available examination for licensure as a cosmetologist,
 354 hair technician, esthetician, or nail technician, a graduate of
 355 a licensed cosmetology school or a program within the public
 356 school system, which school or program is certified by the
 357 Department of Education, is eligible to practice in the
 358 graduate's respective area for a maximum period of 60 days,
 359 provided such graduate practices under the supervision of a
 360 professional licensed under this chapter in a licensed salon. A
 361 graduate who fails to pass an examination the first time may
 362 continue to practice under the supervision of a professional
 363 licensed under this chapter in a licensed salon for an
 364 additional 60-day period, provided the graduate applies for the

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365 next available examination. A graduate may not continue to
366 practice under this subsection if the graduate fails the
367 examination twice. ~~Following the completion of the first~~
368 ~~licensing examination and pending the results of that~~
369 ~~examination and issuance of a license to practice cosmetology,~~
370 ~~graduates of licensed cosmetology schools or cosmetology~~
371 ~~programs offered in public school systems, which schools or~~
372 ~~programs are certified by the Department of Education, are~~
373 ~~eligible to practice cosmetology, provided such graduates~~
374 ~~practice under the supervision of a licensed cosmetologist in a~~
375 ~~licensed cosmetology salon. A graduate who fails the first~~
376 ~~examination may continue to practice under the supervision of a~~
377 ~~licensed cosmetologist in a licensed cosmetology salon if the~~
378 ~~graduate applies for the next available examination and until~~
379 ~~the graduate receives the results of that examination. No~~
380 ~~graduate may continue to practice under this subsection if the~~
381 ~~graduate fails the examination twice.~~

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

384 (6) The board shall adopt rules specifying procedures for
385 the licensure by endorsement of practitioners desiring to be
386 licensed in this state who hold a current active license in
387 another state or country and who have met qualifications
388 substantially similar to, equivalent to, or greater than the
389 qualifications required of applicants from this state. For
390 purposes of this subsection, work experience may be substituted
391 for required educational hours in the amount and manner provided
392 by board rule.

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393 (7) (a) The board shall prescribe by rule continuing
 394 education requirements for licensees and registered specialists
 395 that intended to ensure the protection of the public through
 396 updated training of licensees and registered specialists, not to
 397 exceed 16 hours biennially, as a condition for renewal of a
 398 license or registration as a specialist under this chapter.
 399 Continuing education courses shall include, but not be limited
 400 to, the following subjects as they relate to the practice of
 401 cosmetology: HIV/AIDS ~~human immunodeficiency virus and acquired~~
 402 ~~immune deficiency syndrome~~; Occupational Safety and Health
 403 Administration regulations; workers' compensation issues; state
 404 and federal laws and rules as they pertain to cosmetologists,
 405 the practice of cosmetology, salons, specialists, ~~specialty~~
 406 ~~salons~~, and booth renters; chemical makeup as it pertains to
 407 hair, skin, and nails; and environmental issues. Courses given
 408 at educational ~~cosmetology~~ conferences may be counted toward the
 409 number of continuing education hours required if approved by the
 410 board.

411 (b) Any person whose occupation or practice is confined
 412 solely to hair braiding or, ~~hair wrapping, or body wrapping~~ is
 413 exempt from the continuing education requirements of this
 414 subsection.

415 (c) The board may, by rule, require any licensee in
 416 violation of a continuing education requirement to take a
 417 refresher course or refresher course and examination in addition
 418 to any other penalty. ~~The number of hours for the refresher~~
 419 ~~course may not exceed 48 hours.~~

420 Section 6. Section 477.0212, Florida Statutes, is amended

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421 to read:

422 477.0212 Inactive status.--

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

426 (2) The board shall adopt ~~promulgate~~ rules relating to
 427 licenses that ~~which~~ have become inactive and for the renewal of
 428 inactive licenses. The board shall prescribe by rule a fee not
 429 to exceed \$50 for the reactivation of an inactive license and a
 430 fee not to exceed \$50 for the renewal of an inactive license.
 431 The board shall prescribe by rule the continuing education
 432 requirements to be met prior to license renewal or reactivation.

433 Section 7. Section 477.023, Florida Statutes, is amended
 434 to read:

435 477.023 Schools of cosmetology; licensure.--A ~~No~~ private
 436 school of cosmetology may not ~~shall be permitted to~~ operate
 437 without a license issued by the Commission for Independent
 438 Education pursuant to chapter 1005. However, this chapter does
 439 not ~~nothing herein shall be construed to~~ prevent certification
 440 by the Department of Education of grooming and salon services
 441 and cosmetology training programs within the public school
 442 system or ~~to~~ prevent government operation of any other program
 443 of cosmetology in this state.

444 Section 8. Section 477.025, Florida Statutes, is amended
 445 to read:

446 477.025 ~~Cosmetology salons; specialty Salons; requisites;~~
 447 licensure; inspection; mobile ~~cosmetology~~ salons.--

448 (1) No ~~cosmetology salon or specialty~~ salon shall be

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449 permitted to operate without a license issued by the department
450 except as provided in subsection (11).

451 (2) The board shall adopt rules governing the licensure
452 and operation of salons ~~and specialty salons~~ and their
453 facilities, personnel, and safety and sanitary requirements, and
454 the license application and granting process.

455 (3) Any person, firm, or corporation desiring to operate a
456 ~~cosmetology salon or specialty~~ salon in the state shall submit
457 to the department a salon an application form ~~upon forms~~
458 provided by the department, ~~and accompanied by~~ any relevant
459 information requested by the department, and ~~by~~ an application
460 fee.

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

464 (5) When an applicant fails to meet all the requirements
465 provided in this section ~~herein~~, the department shall deny the
466 application in writing and shall list the specific requirements
467 not met. No applicant denied licensure because of failure to
468 meet the requirements of this section ~~herein~~ shall be precluded
469 from reapplying for licensure.

470 (6) When the department determines that the proposed
471 ~~cosmetology salon or specialty~~ salon may reasonably be expected
472 to meet the requirements set forth in this section ~~herein~~, the
473 department shall grant the license upon such conditions as it
474 shall deem proper under the circumstances and upon payment of
475 the original licensing fee.

476 (7) No license for operation of a ~~cosmetology salon or~~

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477 | ~~specialty~~ salon may be transferred from the name of the original
 478 | licensee to another. It may be transferred from one location to
 479 | another only upon approval by the department, which approval
 480 | shall not be unreasonably withheld.

481 | (8) Renewal of license registration for ~~cosmetology salons~~
 482 | ~~or specialty~~ salons shall be accomplished pursuant to rules
 483 | adopted by the board. The board is further authorized to adopt
 484 | rules governing delinquent renewal of licenses and may impose
 485 | penalty fees for delinquent renewal.

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

489 | (10)(a) The board shall adopt rules governing the
 490 | licensure, operation, and inspection of mobile ~~cosmetology~~
 491 | salons, including their facilities, personnel, and safety and
 492 | sanitary requirements.

493 | (b) Each mobile salon must comply with all licensure and
 494 | operating requirements specified in this chapter or chapter 455
 495 | or rules of the board or department that apply to ~~cosmetology~~
 496 | salons at fixed locations, except to the extent that such
 497 | requirements conflict with this subsection or rules adopted
 498 | pursuant to this subsection.

499 | (c) A mobile ~~cosmetology~~ salon must maintain a permanent
 500 | business address, located in the inspection area of the local
 501 | department office, at which records of appointments,
 502 | itineraries, license numbers of employees, and vehicle
 503 | identification numbers of the licenseholder's mobile salon shall
 504 | be kept and made available for verification purposes by

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505 department personnel, and at which correspondence from the
 506 department can be received.

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

512 (e) The board shall establish fees for mobile ~~cosmetology~~
 513 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed
 514 locations.

515 (f) The operation of mobile ~~cosmetology~~ salons must be in
 516 compliance with all local laws and ordinances regulating
 517 business establishments, with all applicable requirements of the
 518 Americans with Disabilities Act relating to accommodations for
 519 persons with disabilities, and with all applicable OSHA
 520 requirements.

521 (11) Facilities licensed under part II of chapter 400 or
 522 under part I of chapter 429 are exempt from this section, and a
 523 cosmetologist licensed pursuant to s. 477.019 may provide salon
 524 services exclusively for facility residents.

525 Section 9. Section 477.026, Florida Statutes, is amended
 526 to read:

527 477.026 Fees; disposition.--

528 (1) The board shall set fees according to the following
 529 schedule:

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

533 (b) For hair technicians, estheticians, nail technicians,
 534 or cosmetologists, fees for endorsement application,
 535 examination, and reexamination may ~~shall~~ not exceed \$50.

536 (c) For ~~cosmetology and specialty~~ salons, fees for license
 537 application, original licensing, license renewal, and delinquent
 538 renewal may ~~shall~~ not exceed \$50.

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

541 ~~(d)(e)~~ For specialists, fees for ~~initial registration,~~
 542 registration renewal, and delinquent renewal may ~~shall~~ not
 543 exceed \$50.

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

546 (2) All moneys collected by the department from fees
 547 authorized by this chapter shall be paid into the Professional
 548 Regulation Trust Fund, which fund is created in the department,
 549 and shall be applied in accordance with ss. 215.37 and 455.219.
 550 The Legislature may appropriate any excess moneys from this fund
 551 to the General Revenue Fund.

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

554 Section 10. Section 477.0263, Florida Statutes, is amended
 555 to read:

556 477.0263 Cosmetology or specialty services to be performed
 557 in licensed salon; exceptions ~~exception~~.--

558 (1) Cosmetology or specialty services shall be performed
 559 only by licensed cosmetologists, hair technicians, estheticians,
 560 or nail technicians or registered specialists in licensed

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561 salons, except as otherwise provided in this section.

562 (2) Pursuant to rules established by the board,
563 cosmetology or specialty services may be performed by a licensed
564 cosmetologist, hair technician, esthetician, or nail technician
565 or a registered specialist in a location other than a licensed
566 salon, including, but not limited to, a nursing home, hospital,
567 or residence, when a client for reasons of ill health is unable
568 to go to a licensed salon. Arrangements for the performance of
569 such cosmetology or specialty services in a location other than
570 a licensed salon shall be made only through a licensed salon.

571 (3) Any person who holds a valid cosmetology license in
572 any state or who is authorized to practice cosmetology in any
573 country, territory, or jurisdiction of the United States may
574 perform cosmetology services in a location other than a licensed
575 salon when such services are performed in connection with the
576 motion picture, fashion photography, theatrical, or television
577 industry; a photography studio salon; a manufacturer trade show
578 demonstration; a department store demonstration; or an
579 educational seminar.

580 (4) Pursuant to rules established by the board,
581 cosmetology, hair technician, esthetician, nail technician, or
582 specialty services may be performed in a location other than a
583 licensed salon when such services are performed in connection
584 with a special event and are performed by a person who is
585 employed by a licensed salon and who holds the proper license or
586 specialty registration. An appointment for the performance of
587 such services in a location other than a licensed salon shall be
588 made through a licensed salon.

589 Section 11. Section 477.0265, Florida Statutes, is amended
 590 to read:

591 477.0265 Prohibited acts.--

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

593 (a) Engage in the practice of cosmetology or a specialty
 594 without an active license in the field of cosmetology ~~as a~~
 595 ~~cosmetologist~~ or registration as a specialist issued by the
 596 department pursuant to the provisions of this chapter.

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

600 1. That ~~which~~ is not licensed under the provisions of this
 601 chapter; or

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

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

607 (d) Permit an employed person to engage in the practice of
 608 cosmetology or of a specialty unless such person holds a valid,
 609 active license in the field of cosmetology ~~as a cosmetologist~~ or
 610 a registration as a specialist.

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

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

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617 (g) Advertise or imply that skin care services or body
 618 wrapping, as performed under this chapter, has ~~have~~ any
 619 relationship to the practice of massage therapy as defined in s.
 620 480.033(3), except those practices or activities defined in s.
 621 477.013.

622 (h) In the practice of cosmetology or specialty services,
 623 use or possess a cosmetic product containing a liquid nail
 624 monomer containing any trace of methyl methacrylate (MMA).

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

628 Section 12. Section 477.028, Florida Statutes, is amended
 629 to read:

630 477.028 Disciplinary proceedings.--

631 (1) The board may ~~shall have the power to~~ revoke or
 632 suspend the license of a cosmetologist, hair technician,
 633 esthetician, or nail technician licensed under this chapter, or
 634 the registration of a specialist registered under this chapter,
 635 and may ~~to~~ reprimand, censure, deny subsequent licensure or
 636 registration of, or otherwise discipline a cosmetologist, hair
 637 technician, esthetician, nail technician, or a specialist
 638 licensed or registered under this chapter in any of the
 639 following cases:

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

642 (b) Upon proof that the holder of a license or
 643 registration is guilty of fraud or deceit or of gross
 644 negligence, incompetency, or misconduct in the practice or

645 instruction of cosmetology or a specialty.

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

650 (2) The board may ~~shall have the power to~~ revoke or
 651 suspend the license of a ~~cosmetology salon or a specialty~~ salon
 652 licensed under this chapter; it ~~to~~ deny subsequent licensure of
 653 such salon; it ~~to~~ reprimand, censure, or otherwise discipline
 654 the owner of such salon in either of the following cases:

655 (a) Upon proof that a license has been obtained by fraud
 656 or misrepresentation.

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

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

662 (4) The department may ~~shall~~ not issue or renew a license
 663 or certificate of registration under this chapter to any person
 664 against whom or salon against which the board has assessed a
 665 fine, interest, or costs associated with investigation and
 666 prosecution until the person or salon has paid in full such
 667 fine, interest, or costs associated with investigation and
 668 prosecution or until the person or salon complies with or
 669 satisfies all terms and conditions of the final order.

670 Section 13. Section 477.029, Florida Statutes, is amended
 671 to read:

672 477.029 Penalty.--

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- 673 (1) It is unlawful for any person to:
- 674 (a) Hold himself or herself out as a cosmetologist, hair
- 675 technician, esthetician, nail technician, specialist, hair
- 676 wrapper, hair braider, or body wrapper unless duly licensed or
- 677 registered, or otherwise authorized, as provided in this
- 678 chapter.
- 679 (b) Operate any ~~cosmetology~~ salon unless it has been duly
- 680 licensed as provided in this chapter.
- 681 (c) Permit an employed person to practice cosmetology or a
- 682 specialty unless duly licensed or registered, or otherwise
- 683 authorized, as provided in this chapter.
- 684 (d) Present as his or her own the license of another.
- 685 (e) Give false or forged evidence to the department in
- 686 obtaining any license provided for in this chapter.
- 687 (f) Impersonate any other licenseholder of like or
- 688 different name.
- 689 (g) Use or attempt to use a license that has been revoked.
- 690 (h) Violate any provision of s. 455.227(1), s. 477.0265,
- 691 or s. 477.028.
- 692 (i) Violate or refuse to comply with any provision of this
- 693 chapter or chapter 455 or a rule or final order of the board or
- 694 the department.
- 695 (2) Any person who violates the provisions of this section
- 696 is ~~shall be~~ subject to one or more of the following penalties,
- 697 as determined by the board:
- 698 (a) Revocation or suspension of any license or
- 699 registration issued pursuant to this chapter.
- 700 (b) Issuance of a reprimand or censure.

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701 (c) Imposition of an administrative fine not to exceed
702 \$500 for each count or separate offense.

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

705 (e) Refusal to certify to the department an applicant for
706 licensure.

707 Section 14. Section 477.0201, Florida Statutes, is
708 repealed.

709 Section 15. This act shall take effect January 1, 2008.