

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

29 | license renewal or continuing education; amending s.
30 | 477.023, F.S.; stipulating that the Department of
31 | Education is not prevented from issuing grooming and salon
32 | services certification; creating s. 477.0231, F.S.;
33 | providing for the selection and placement of cosmetology
34 | interns; requiring a school program to provide written
35 | notice to the board regarding the internship sponsor and
36 | the cosmetology intern; providing requirements and duties
37 | of the internship sponsor; requiring a cosmetology salon
38 | to post notice regarding services of a student intern;
39 | requiring a cosmetology intern to possess written
40 | authorization to practice cosmetology; requiring the board
41 | to establish education prerequisites for cosmetology
42 | internships; authorizing the board to terminate an
43 | internship of a cosmetology intern or the sponsorship of a
44 | internship sponsor; requiring the board to give notice of
45 | termination; amending s. 477.025, F.S., relating to
46 | cosmetology and specialty salons, requisites, licensure,
47 | inspection, and mobile cosmetology salons, to conform;
48 | amending s. 477.026, F.S.; revising fee provisions to
49 | conform; providing a fee limit for internship sponsor
50 | registration; amending s. 477.0263, F.S., to conform;
51 | specifying circumstances under which cosmetology or
52 | specialty services may be practiced outside of a licensed
53 | salon; amending s. 477.0265, F.S., relating to prohibited
54 | acts, to conform; amending s. 477.028, F.S., relating to
55 | disciplinary proceedings, to conform; amending s. 477.029,
56 | F.S., relating to penalties, to conform; repealing s.

57 477.0201, F.S., relating to specialty registration,
 58 qualifications, registration renewal, and endorsement;
 59 providing an appropriation; providing an effective date.

60

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

62

63 Section 1. Section 477.013, Florida Statutes, is amended
 64 to read:

65 477.013 Definitions.--As used in this chapter, the term:

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

67 (2) "Department" means the Department of Business and
 68 Professional Regulation.

69 (3) "Cosmetologist" means a person who is licensed to
 70 engage in the practice of all cosmetology services in this state
 71 under the authority of this chapter, including hair technician
 72 services, esthetician services, and nail technician services, or
 73 a person who is licensed prior to July 1, 2008, to engage in the
 74 practice of cosmetology in this state.

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

78 (a) Hair technician services, which are:

79 1. Treating a person's hair by:

80 a. Providing any method of treatment as a primary service,
 81 including arranging, beautifying, lightening, cleansing,
 82 coloring, cutting, dressing, processing, shampooing, shaping,
 83 singeing, straightening, styling, tinting, or waving;

84 b. Providing a necessary service that is preparatory or

85 ancillary to a service under sub-subparagraph a., including
86 clipping, cutting, or trimming; or

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

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

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

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

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

96 (b) Esthetician services, which are:

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

101 2. Beautifying a person's skin using a cosmetic
102 preparation, antiseptic, lotion, powder, oil, clay, cream, or
103 appliance.

104 3. Administering facial treatments.

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

107 5. Tinting eyebrows or eyelashes with products
108 manufactured specifically for eyebrows or eyelashes.

109 6. Body wrapping, which is a treatment program that uses
110 wraps for the purposes of cleansing and beautifying a person's
111 skin for aesthetic rather than medical or weight-loss purposes
112 and is the application of oils, lotions, or other fluids to the

113 body using wraps. Body wrapping does not include manipulation of
 114 the body's superficial tissue, other than that resulting from
 115 the application of the wrap materials.

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

118 (c) Nail technician services, which are:

119 1. Treating a person's nails by:

120 a. Cutting, trimming, polishing, painting, printing,
 121 tinting, coloring, cleansing, manicuring, or pedicuring; or

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

123 2. Cleansing, treating, or beautifying a person's
 124 forearms, hands, legs below the knee, or feet ~~mechanical or~~
 125 ~~chemical treatment of the head, face, and scalp for aesthetic~~
 126 ~~rather than medical purposes, including, but not limited to,~~
 127 ~~hair shampooing, hair cutting, hair arranging, hair coloring,~~
 128 ~~permanent waving, and hair relaxing for compensation. This term~~
 129 ~~also includes performing hair removal, including wax treatments,~~
 130 ~~manicures, pedicures, and skin care services.~~

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

134 ~~(6)-(5)~~ "Specialist" means any person registered under s.
 135 477.014(6) to practice one or more of the following specialties:
 136 ~~holding a specialty registration in one or more of the~~
 137 ~~specialties registered under this chapter.~~

138 ~~(6) "Specialty" means the practice of one or more of the~~
 139 ~~following:~~

140 (a) Manicuring, or the cutting, polishing, tinting,

141 coloring, cleansing, adding, or extending of the nails, and
 142 massaging of the hands. This term includes any procedure or
 143 process for the affixing of artificial nails, except those nails
 144 which may be applied solely by use of a simple adhesive.

145 (b) Pedicuring, or the shaping, polishing, tinting, or
 146 cleansing of the nails of the feet, and massaging or beautifying
 147 of the feet.

148 (c) Facials, or the massaging or treating of the face or
 149 scalp with oils, creams, lotions, or other preparations, and
 150 skin care services, which means the treatment of the skin of a
 151 person's body, in addition to a person's head, face, and scalp,
 152 by the use of a sponge, brush, cloth, or similar device to apply
 153 or remove a chemical preparation or other substance without
 154 involving massage, as defined in s. 480.033(3), except that
 155 chemical peels may be removed by peeling an applied preparation
 156 from the skin by hand.

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

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

163 ~~(8)-(9)~~ "Hair braiding" means the weaving or interweaving
 164 of a person's own natural ~~human~~ hair for compensation without
 165 cutting, coloring, permanent waving, relaxing, removing, or
 166 chemical treatment and does not include the use of hair
 167 extensions or wefts.

168 ~~(9)-(10)~~ "Hair wrapping" means the wrapping of manufactured

169 materials around a strand or strands of human hair, for
 170 compensation, without cutting, coloring, permanent waving,
 171 relaxing, removing, weaving, chemically treating, braiding,
 172 using hair extensions, or performing any other service defined
 173 as cosmetology.

174 (10)~~(11)~~ "Photography studio salon" means an establishment
 175 where the hair-arranging services and the application of
 176 cosmetic products are performed solely for the purpose of
 177 preparing the model or client for the photographic session
 178 without shampooing, cutting, coloring, permanent waving,
 179 relaxing, or removing of hair or performing any other service
 180 defined as cosmetology.

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

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

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

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

197 ~~(b) Manipulation of the body's superficial tissue, other~~
 198 ~~than that arising from compression emanating from the wrap~~
 199 ~~materials.~~

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

210 Section 2. Section 477.0131, Florida Statutes, is created
 211 to read:

212 477.0131 Hair technician, esthetician, nail technician,
 213 and cosmetology licenses.--

214 (1) 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) (a) shall be licensed as a hair technician.

217 (2) 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) (b) shall be licensed as an esthetician.

220 (3) 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) (c) shall be licensed as a nail technician.

223 (4) A person who is otherwise qualified by this chapter
 224 and who is authorized to practice all of the services listed in

225 s. 477.013(4) shall be licensed as a cosmetologist.

226 Section 3. Section 477.0132, Florida Statutes, is amended
227 to read:

228 477.0132 Hair braiding, hair wrapping, and body wrapping
229 registration.--

230 (1)~~(a)~~ A person ~~Persons~~ whose occupation or practice is
231 confined solely to hair braiding shall ~~must~~ register with the
232 department, shall pay the applicable registration fee, and shall
233 take a two-day 16-hour course. The course shall be board
234 approved and consist of 5 hours of instruction in HIV/AIDS and
235 other communicable diseases, 5 hours of instruction in
236 sanitation and sterilization, 4 hours of instruction in
237 disorders and diseases of the scalp, and 2 hours of instruction
238 in ~~studies regarding~~ laws affecting hair braiding.

239 (2)~~(b)~~ A person ~~Persons~~ whose occupation or practice is
240 confined solely to hair wrapping shall ~~must~~ register with the
241 department, shall pay the applicable registration fee, and shall
242 take a one-day 6-hour course. The course shall be board approved
243 and consist of instruction ~~education~~ in HIV/AIDS and other
244 communicable diseases, sanitation and sterilization, disorders
245 and diseases of the scalp, and ~~studies regarding~~ laws affecting
246 hair wrapping.

247 (3)~~(c)~~ Unless otherwise licensed or exempted from
248 licensure under this chapter, any person whose occupation or
249 practice is confined solely to body wrapping must register with
250 the department, pay the applicable registration fee, and take a
251 40-hour ~~two-day 12-hour~~ course. The course shall be board
252 approved and include, but not be limited to, instruction in body

253 systems, contraindications, consist of education in HIV/AIDS and
 254 other communicable diseases, sanitation and sterilization,
 255 disorders and diseases of the skin, and ~~studies regarding~~ laws
 256 affecting body wrapping.

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

262 (5)~~(2)~~ Hair braiding, hair wrapping, and body wrapping are
 263 not required to be practiced in a ~~cosmetology~~ salon or ~~specialty~~
 264 ~~salon~~. When hair braiding, hair wrapping, or body wrapping is
 265 practiced outside a ~~cosmetology~~ salon or ~~specialty~~ salon,
 266 disposable implements shall ~~must~~ be used or all implements shall
 267 ~~must~~ be sanitized in a disinfectant approved for hospital use or
 268 approved by the federal Environmental Protection Agency.

269 (6)~~(3)~~ Pending issuance of registration, a person is
 270 eligible to practice hair braiding, hair wrapping, or body
 271 wrapping upon submission of a registration application that
 272 includes proof of successful completion of the education
 273 requirements and payment of the applicable fees required by this
 274 chapter.

275 Section 4. Section 477.014, Florida Statutes, is amended
 276 to read:

277 477.014 Qualifications for practice.--

278 (1) On and after July ~~January~~ 1, 2008, a ~~1979~~, no person
 279 who is not other than a duly licensed or registered under this
 280 chapter may not ~~cosmetologist shall~~ practice in any of the

281 cosmetology areas provided in s. 477.013(4) or use the name or
 282 title of cosmetologist, hair technician, esthetician, or nail
 283 technician.

284 (2) A person licensed or registered under this chapter on
 285 or after July 1, 2008, may not practice or hold himself or
 286 herself out as qualified to practice in an area in which he or
 287 she is not specifically licensed or registered under this
 288 chapter.

289 (3) A cosmetologist licensed before July 1, 2008, may
 290 perform all the services of a licensed cosmetologist as defined
 291 in this chapter.

292 (4) A facial specialist registered or enrolled in a
 293 cosmetology school before July 1, 2008, may take the examination
 294 for an esthetician license.

295 (5) A manicure, pedicure, or nail extension specialist
 296 registered or enrolled in a cosmetology school before July 1,
 297 2008, may take the examination for a nail technician license.

298 (6) A specialist registered under this chapter before July
 299 1, 2008, may continue to practice under the name of his or her
 300 specialty registration without taking the respective licensure
 301 examination. Renewal of all registrations, including a full
 302 specialty registration that includes facial, manicure, pedicure,
 303 and nail extension specialties, existing before July 1, 2008,
 304 shall be accomplished pursuant to rules adopted by the board.

305 Section 5. Section 477.019, Florida Statutes, is amended
 306 to read:

307 477.019 Cosmetologists; hair technicians; estheticians;
 308 nail technicians; qualifications; licensure; supervised

309 practice; license renewal; endorsement; continuing education.--

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

313 (2) An applicant is ~~shall be~~ eligible for licensure by
 314 examination to practice cosmetology, hair technician services,
 315 esthetician services, or nail technician services if the
 316 applicant:

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

322 (b) Pays the required application fee, which is not
 323 refundable, and the required examination fee, which is
 324 refundable if the applicant is determined to not be eligible for
 325 licensure for any reason other than failure to successfully
 326 complete the licensure examination. ~~+~~ ~~and~~

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

331 2.a. Has received a minimum number of hours of training as
 332 follows:

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

334 (II) For an esthetician, 600 hours.

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

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

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

342 (I)a. A school of cosmetology licensed pursuant to chapter
343 1005.

344 (II)b. A cosmetology program within the public school
345 system.

346 (III)e. The Cosmetology Division of the Florida School for
347 the Deaf and the Blind, provided the division meets the
348 standards of this chapter.

349 (IV)d. A government-operated cosmetology program in this
350 state.

351 c. A person who has enrolled and begun his or her
352 education before July 1, 2008, may take the examination to be
353 licensed as a cosmetologist upon completion of 1,200 hours of
354 education.

355 d. A person who begins his or her education on or after
356 July 1, 2008, shall comply with the hour requirements in sub-
357 subparagraph a. in order to qualify to take his or her
358 respective examination.

359
360 ~~The board shall establish by rule procedures whereby the school~~
361 ~~or program may certify that a person is qualified to take the~~
362 ~~required examination after the completion of a minimum of 1,000~~
363 ~~actual school hours. If the person then passes the examination,~~
364 ~~he or she shall have satisfied this requirement; but if the~~

365 ~~person fails the examination, he or she shall not be qualified~~
366 ~~to take the examination again until the completion of the full~~
367 ~~requirements provided by this section.~~

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

373 (4) After submitting a complete application to take the
374 first available examination for licensure as a cosmetologist,
375 hair technician, esthetician, or nail technician, a graduate of
376 a licensed cosmetology school or a program within the public
377 school system, which school or program is certified by the
378 Department of Education, is eligible to practice in the
379 graduate's respective area for a maximum period of 60 days,
380 provided such graduate practices under the supervision of a
381 professional licensed under this chapter in a licensed salon. A
382 graduate who fails to pass an examination the first time may
383 continue to practice under the supervision of a professional
384 licensed under this chapter in a licensed salon for an
385 additional 60-day period, provided the graduate applies for the
386 next available examination. A graduate may not continue to
387 practice under this subsection if the graduate fails the
388 examination twice. ~~Following the completion of the first~~
389 ~~licensing examination and pending the results of that~~
390 ~~examination and issuance of a license to practice cosmetology,~~
391 ~~graduates of licensed cosmetology schools or cosmetology~~
392 ~~programs offered in public school systems, which schools or~~

393 ~~programs are certified by the Department of Education, are~~
394 ~~eligible to practice cosmetology, provided such graduates~~
395 ~~practice under the supervision of a licensed cosmetologist in a~~
396 ~~licensed cosmetology salon. A graduate who fails the first~~
397 ~~examination may continue to practice under the supervision of a~~
398 ~~licensed cosmetologist in a licensed cosmetology salon if the~~
399 ~~graduate applies for the next available examination and until~~
400 ~~the graduate receives the results of that examination. No~~
401 ~~graduate may continue to practice under this subsection if the~~
402 ~~graduate fails the examination twice.~~

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

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

414 (7) (a) The board shall prescribe by rule continuing
415 education requirements for licensees and registered specialists
416 that intended to ensure the protection of the public through
417 updated training of licensees and registered specialists, not to
418 exceed 16 hours biennially, as a condition for renewal of a
419 license or registration as a specialist under this chapter.
420 Continuing education courses shall include, but not be limited

421 to, the following subjects as they relate to the practice of
 422 cosmetology: HIV/AIDS ~~human immunodeficiency virus and acquired~~
 423 ~~immune deficiency syndrome~~; Occupational Safety and Health
 424 Administration regulations; workers' compensation issues; state
 425 and federal laws and rules as they pertain to cosmetologists,
 426 the practice of cosmetology, salons, specialists, specialty
 427 ~~salons~~, and booth renters; chemical makeup as it pertains to
 428 hair, skin, and nails; and environmental issues. Courses given
 429 at educational ~~cosmetology~~ conferences may be counted toward the
 430 number of continuing education hours required if approved by the
 431 board.

432 (b) Any person whose occupation or practice is confined
 433 solely to hair braiding, hair wrapping, or body wrapping is
 434 exempt from the continuing education requirements of this
 435 subsection.

436 (c) The board may, by rule, require any licensee in
 437 violation of a continuing education requirement to take a
 438 refresher course or refresher course and examination in addition
 439 to any other penalty. ~~The number of hours for the refresher~~
 440 ~~course may not exceed 48 hours.~~

441 Section 6. Section 477.0212, Florida Statutes, is amended
 442 to read:

443 477.0212 Inactive status.--

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

447 (2) The board shall adopt ~~promulgate~~ rules relating to
 448 licenses that ~~which~~ have become inactive and for the renewal of

449 inactive licenses. The board shall prescribe by rule a fee not
 450 to exceed \$50 for the reactivation of an inactive license and a
 451 fee not to exceed \$50 for the renewal of an inactive license.
 452 The board shall prescribe by rule the continuing education
 453 requirements to be met prior to license renewal or reactivation.

454 Section 7. Section 477.023, Florida Statutes, is amended
 455 to read:

456 477.023 Schools of cosmetology; licensure.--A ~~No~~ private
 457 school of cosmetology may not ~~shall be permitted to~~ operate
 458 without a license issued by the Commission for Independent
 459 Education pursuant to chapter 1005. However, this chapter does
 460 not ~~nothing herein shall be construed to~~ prevent certification
 461 by the Department of Education of grooming and salon services
 462 and cosmetology training programs within the public school
 463 system or ~~to~~ prevent government operation of any other program
 464 of cosmetology in this state.

465 Section 8. Section 477.0231, Florida Statutes, is created
 466 to read:

467 477.0231 Cosmetology internships.--

468 (1) The selection and placement of cosmetology interns
 469 shall be determined by the cosmetology school or program. The
 470 school or program shall determine whether a student is eligible
 471 to become a cosmetology intern and whether an internship sponsor
 472 meets the requirements for its educational objectives. The
 473 school program, on behalf of the student, shall provide written
 474 notice to the board that an internship sponsor has been selected
 475 and name the cosmetology intern to be supervised. The school or
 476 program shall determine the length and schedule of an individual

477 cosmetology internship, but such internship may not exceed 12
478 months.

479 (2) Each internship sponsor shall obtain approval from a
480 school or cosmetology program and shall register with the board
481 before accepting placement of each cosmetology intern. The
482 application for registration must include the name and contact
483 person of the school or program placing the intern, the names
484 and addresses of the internship sponsor, and other information
485 that the board requires.

486 (3) The internship sponsor must have an active license and
487 shall actively supervise the cosmetology intern in the practice
488 of cosmetology pursuant to rules established by the board. A
489 cosmetology intern may only practice within the field of
490 cosmetology in which he or she is engaged in the course of
491 study. The internship sponsor shall ensure that the cosmetology
492 intern is complying with the laws and rules governing
493 cosmetology and is complying with the educational objectives and
494 guidelines established by the cosmetology school or program and
495 the board.

496 (4) All services provided by the cosmetology intern shall
497 be expressly approved by the internship sponsor and contracted
498 for by the internship sponsor. The internship sponsor shall
499 ensure that the public is clearly informed that the cosmetology
500 intern is not a licensed cosmetologist.

501 (5) Pursuant to rules established by the board, the
502 cosmetology salon in which a cosmetology intern is engaged in
503 the practice of cosmetology shall post notice in a conspicuous
504 manner within the salon indicating that a student intern is

CS/HB 117

2007

505 providing services on the premises.

506 (6) While engaged in the practice of cosmetology, a
507 cosmetology intern shall possess written documentation of his or
508 her authorization to engage in the practice of cosmetology from
509 the student's cosmetology school or program and shall furnish
510 such documentation to the department before engaging in the
511 practice of cosmetology and upon request by department
512 personnel.

513 (7) The board shall establish by rule the education
514 prerequisites for cosmetology internships, including the minimum
515 number of hours of classroom instruction and required course
516 work. The board shall establish by rule the number of permitted
517 cosmetology internships per internship sponsor, the minimum and
518 maximum number of internship hours, and the recommended
519 educational objectives and guidelines for an internship program
520 in a cosmetology school or program.

521 (8) The board may terminate the internship of any
522 cosmetology intern and the sponsorship of any internship sponsor
523 for a violation of the laws and rules governing cosmetology and
524 board rules governing internships. The board shall provide
525 notice of termination of an internship to the internship
526 sponsor, the cosmetology school or program, and the cosmetology
527 intern. In the case of a terminated cosmetology internship, the
528 school or program shall determine the educational status of the
529 cosmetology intern.

530 Section 9. Section 477.025, Florida Statutes, is amended
531 to read:

532 477.025 ~~Cosmetology salons; specialty Salons; requisites;~~

533 licensure; inspection; mobile ~~cosmetology~~ salons.--

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

537 (2) The board shall adopt rules governing the licensure
 538 and operation of salons ~~and specialty salons~~ and their
 539 facilities, personnel, and safety and sanitary requirements, and
 540 the license application and granting process.

541 (3) Any person, firm, or corporation desiring to operate a
 542 ~~cosmetology salon or specialty~~ salon in the state shall submit
 543 to the department a salon an application form ~~upon forms~~
 544 provided by the department, ~~and accompanied by~~ any relevant
 545 information requested by the department, ~~and by~~ an application
 546 fee.

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

550 (5) When an applicant fails to meet all the requirements
 551 provided in this section ~~herein~~, the department shall deny the
 552 application in writing and shall list the specific requirements
 553 not met. No applicant denied licensure because of failure to
 554 meet the requirements of this section ~~herein~~ shall be precluded
 555 from reapplying for licensure.

556 (6) When the department determines that the proposed
 557 ~~cosmetology salon or specialty~~ salon may reasonably be expected
 558 to meet the requirements set forth in this section ~~herein~~, the
 559 department shall grant the license upon such conditions as it
 560 shall deem proper under the circumstances and upon payment of

561 the original licensing fee.

562 (7) No license for operation of a ~~cosmetology salon or~~
563 ~~specialty~~ salon may be transferred from the name of the original
564 licensee to another. It may be transferred from one location to
565 another only upon approval by the department, which approval
566 shall not be unreasonably withheld.

567 (8) Renewal of license registration for ~~cosmetology salons~~
568 ~~or specialty~~ salons shall be accomplished pursuant to rules
569 adopted by the board. The board is further authorized to adopt
570 rules governing delinquent renewal of licenses and may impose
571 penalty fees for delinquent renewal.

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

575 (10)(a) The board shall adopt rules governing the
576 licensure, operation, and inspection of mobile ~~cosmetology~~
577 salons, including their facilities, personnel, and safety and
578 sanitary requirements.

579 (b) Each mobile salon must comply with all licensure and
580 operating requirements specified in this chapter or chapter 455
581 or rules of the board or department that apply to ~~cosmetology~~
582 salons at fixed locations, except to the extent that such
583 requirements conflict with this subsection or rules adopted
584 pursuant to this subsection.

585 (c) A mobile ~~cosmetology~~ salon must maintain a permanent
586 business address, located in the inspection area of the local
587 department office, at which records of appointments,
588 itineraries, license numbers of employees, and vehicle

589 identification numbers of the licenseholder's mobile salon shall
 590 be kept and made available for verification purposes by
 591 department personnel, and at which correspondence from the
 592 department can be received.

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

598 (e) The board shall establish fees for mobile ~~cosmetology~~
 599 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed
 600 locations.

601 (f) The operation of mobile ~~cosmetology~~ salons must be in
 602 compliance with all local laws and ordinances regulating
 603 business establishments, with all applicable requirements of the
 604 Americans with Disabilities Act relating to accommodations for
 605 persons with disabilities, and with all applicable OSHA
 606 requirements.

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

611 Section 10. Section 477.026, Florida Statutes, is amended
 612 to read:

613 477.026 Fees; disposition.--

614 (1) The board shall set fees according to the following
 615 schedule:

616 (a) For hair technicians, estheticians, nail technicians,

617 or cosmetologists, fees for original licensing, license renewal,
 618 and delinquent renewal may ~~shall~~ not exceed \$25.

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

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

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

627 ~~(d) (e)~~ For specialists, fees for ~~initial registration,~~
 628 registration renewal, and delinquent renewal may ~~shall~~ not
 629 exceed \$50.

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

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

634 (2) All moneys collected by the department from fees
 635 authorized by this chapter shall be paid into the Professional
 636 Regulation Trust Fund, which fund is created in the department,
 637 and shall be applied in accordance with ss. 215.37 and 455.219.
 638 The Legislature may appropriate any excess moneys from this fund
 639 to the General Revenue Fund.

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

642 Section 11. Section 477.0263, Florida Statutes, is amended
 643 to read:

644 477.0263 Cosmetology or specialty services to be performed

645 in licensed salon; exceptions ~~exception~~.--

646 (1) Cosmetology or specialty services shall be performed
647 only by licensed cosmetologists or a cosmetologist intern
648 supervised by a licensed cosmetologist, hair technicians,
649 estheticians, or nail technicians or registered specialists in
650 licensed salons, except as otherwise provided in this section.

651 (2) Pursuant to rules established by the board,
652 cosmetology or specialty services may be performed by a licensed
653 cosmetologist, hair technician, esthetician, or nail technician
654 or a registered specialist in a location other than a licensed
655 salon, including, but not limited to, a nursing home, hospital,
656 or residence, when a client for reasons of ill health is unable
657 to go to a licensed salon. Arrangements for the performance of
658 such cosmetology or specialty services in a location other than
659 a licensed salon shall be made only through a licensed salon.

660 (3) Any person who holds a valid cosmetology license in
661 any state or who is authorized to practice cosmetology in any
662 country, territory, or jurisdiction of the United States may
663 perform cosmetology services in a location other than a licensed
664 salon when such services are performed in connection with the
665 motion picture, fashion photography, theatrical, or television
666 industry; a photography studio salon; a manufacturer trade show
667 demonstration; a department store demonstration; or an
668 educational seminar.

669 (4) Pursuant to rules established by the board,
670 cosmetology, hair technician, esthetician, nail technician, or
671 specialty services may be performed in a location other than a
672 licensed salon when such services are performed in connection

673 with a special event and are performed by a person who is
 674 employed by a licensed salon and who holds the proper license or
 675 specialty registration. An appointment for the performance of
 676 such services in a location other than a licensed salon shall be
 677 made through a licensed salon.

678 Section 12. Section 477.0265, Florida Statutes, is amended
 679 to read:

680 477.0265 Prohibited acts.--

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

682 (a) Engage in the practice of cosmetology or a specialty
 683 without an active license in the field of cosmetology unless
 684 authorized as a cosmetologist intern or registration as a
 685 specialist issued by the department pursuant to the provisions
 686 of this chapter.

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

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

692 2. In which a person not licensed in the field of
 693 cosmetology or registered as a ~~cosmetologist or a specialist~~ or
 694 authorized as a cosmetologist intern is permitted to perform
 695 cosmetology services or any specialty.

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

698 (d) Permit an employed person to engage in the practice of
 699 cosmetology or of a specialty unless such person holds a valid,
 700 active license in the field of cosmetology or is authorized as a

701 | cosmetologist intern under this chapter and supervised by a
 702 | licensed cosmetologist or holds a registration as a specialist.

703 | (e) Obtain or attempt to obtain a license or registration
 704 | for money, other than the required fee, or any other thing of
 705 | value or by fraudulent misrepresentations.

706 | (f) Use or attempt to use a license to practice in the
 707 | field of cosmetology or a registration to practice a specialty,
 708 | which license or registration is suspended or revoked.

709 | (g) Advertise or imply that skin care services or body
 710 | wrapping, as performed under this chapter, has ~~have~~ any
 711 | relationship to the practice of massage therapy as defined in s.
 712 | 480.033(3), except those practices or activities defined in s.
 713 | 477.013.

714 | (h) In the practice of cosmetology or specialty services,
 715 | use or possess a cosmetic product containing a liquid nail
 716 | monomer containing any trace of methyl methacrylate (MMA).

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

720 | Section 13. Section 477.028, Florida Statutes, is amended
 721 | to read:

722 | 477.028 Disciplinary proceedings.--

723 | (1) The board may ~~shall have the power to~~ revoke or
 724 | suspend the license of a cosmetologist, hair technician,
 725 | esthetician, or nail technician licensed under this chapter, or
 726 | the registration of a specialist registered under this chapter,
 727 | and may ~~to~~ reprimand, censure, deny subsequent licensure or
 728 | registration of, or otherwise discipline a cosmetologist, hair

729 technician, esthetician, nail technician, or a specialist
 730 licensed or registered under this chapter in any of the
 731 following cases:

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

734 (b) Upon proof that the holder of a license or
 735 registration is guilty of fraud or deceit or of gross
 736 negligence, incompetency, or misconduct in the practice or
 737 instruction of cosmetology or a specialty.

738 (c) Upon proof that the holder of a license or
 739 registration is guilty of aiding, assisting, procuring, or
 740 advising any unlicensed person to practice in the field of
 741 cosmetology as a cosmetologist.

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

747 (a) Upon proof that a license has been obtained by fraud
 748 or misrepresentation.

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

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

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

757 fine, interest, or costs associated with investigation and
 758 prosecution until the person or salon has paid in full such
 759 fine, interest, or costs associated with investigation and
 760 prosecution or until the person or salon complies with or
 761 satisfies all terms and conditions of the final order.

762 Section 14. Section 477.029, Florida Statutes, is amended
 763 to read:

764 477.029 Penalty.--

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

766 (a) Hold himself or herself out as a cosmetologist, hair
 767 technician, esthetician, nail technician, specialist, hair
 768 wrapper, hair braider, or body wrapper unless duly licensed or
 769 registered, or otherwise authorized, as provided in this
 770 chapter.

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

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

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

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

779 (f) Impersonate any other licenseholder of like or
 780 different name.

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

782 (h) Violate any provision of s. 455.227(1), s. 477.0265,
 783 or s. 477.028.

784 (i) Violate or refuse to comply with any provision of this

785 chapter or chapter 455 or a rule or final order of the board or
 786 the department.

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

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

792 (b) Issuance of a reprimand or censure.

793 (c) Imposition of an administrative fine not to exceed
 794 \$500 for each count or separate offense.

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

797 (e) Refusal to certify to the department an applicant for
 798 licensure.

799 Section 15. Section 477.0201, Florida Statutes, is
 800 repealed.

801 Section 16. For fiscal year 2007-2008, the sum of \$60,149
 802 in nonrecurring funds from the Administrative Trust Fund of the
 803 Department of Business and Professional Regulation is hereby
 804 appropriated to carry out the central-service administrative
 805 support functions related to the licensing provisions of this
 806 act.

807 Section 17. This act shall take effect July 1, 2008.