

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 effective dates.

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 an  
182 1,800-hour cosmetology program participating in an optional work  
183 experience internship 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. Internships shall not substitute or take the place of  
479 educational or licensure requirements.

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

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

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

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

505 manner within the salon indicating that a student intern is  
506 providing services on the premises.

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

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

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

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

533 477.025 ~~Cosmetology salons; specialty~~ Salons; requisites;  
 534 licensure; inspection; mobile ~~cosmetology~~ salons.--

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

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

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

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

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

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

561 shall deem proper under the circumstances and upon payment of  
 562 the original licensing fee.

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

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

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

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

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

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

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

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

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

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

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

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

614 477.026 Fees; disposition.--

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

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

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

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

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

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

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

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

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

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

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

645 477.0263 Cosmetology or specialty services to be performed  
 646 in licensed salon; exceptions ~~exception~~.--

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

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

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

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



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

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

681 477.0265 Prohibited acts.--

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

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

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

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

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

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

699 (d) Permit an employed person to engage in the practice of  
 700 cosmetology or of a specialty unless such person holds a valid,

701 active license in the field of cosmetology or is authorized as a  
 702 cosmetologist intern under this chapter and supervised by a  
 703 licensed cosmetologist or holds a registration as a specialist.

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

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

710 (g) Advertise or imply that skin care services or body  
 711 wrapping, as performed under this chapter, has ~~have~~ any  
 712 relationship to the practice of massage therapy as defined in s.  
 713 480.033(3), except those practices or activities defined in s.  
 714 477.013.

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

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

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

723 477.028 Disciplinary proceedings.--

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

729 registration of, or otherwise discipline a cosmetologist, hair  
 730 technician, esthetician, nail technician, or a specialist  
 731 licensed or registered under this chapter in any of the  
 732 following cases:

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

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

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

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

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

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

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

755 (4) The department may ~~shall~~ not issue or renew a license  
 756 or certificate of registration under this chapter to any person

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

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

765 477.029 Penalty.--

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

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

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

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

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

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

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

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

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

785 (i) Violate or refuse to comply with any provision of this  
786 chapter or chapter 455 or a rule or final order of the board or  
787 the department.

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

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

793 (b) Issuance of a reprimand or censure.

794 (c) Imposition of an administrative fine not to exceed  
795 \$500 for each count or separate offense.

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

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

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

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

808 Section 17. Except as otherwise expressly provided in this  
809 act, this act shall take effect July 1, 2008.