

By Senator Bennett

21-657-07

See HB

1 A bill to be entitled

2 An act relating to cosmetology; amending s.

3 477.013, F.S.; providing definitions; amending

4 s. 477.019, F.S.; revising eligibility criteria

5 to take the cosmetology licensure examination;

6 revising provisions relating to supervised

7 unlicensed cosmetology practice; revising

8 criteria by which cosmetologists may receive

9 licensure by endorsement; amending s. 477.022,

10 F.S.; requiring the Department of Business and

11 Professional Regulation to contract with a

12 nonprofit entity to administer licensure

13 examinations; providing for a licensure

14 examination review class; providing

15 requirements for the department to contract

16 with service providers; amending s. 477.025,

17 F.S.; providing regulation of booth rentals and

18 booth renters; amending s. 477.026, F.S.;

19 providing fee caps for booth rental

20 registration; providing an effective date.

21

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

23

24 Section 1. Subsections (14) and (15) are added to

25 section 477.013, Florida Statutes, to read:

26 477.013 Definitions.--As used in this chapter:

27 (14) "Booth rental" means a space in a licensed salon

28 leased by a person licensed under this chapter.

29 (15) "Contracted provider" means a state-based

30 nonprofit entity that has been awarded a competitive bid by

31 the department for the provision of any services to persons

1 licensed under this chapter and applicants for licensure under
2 this chapter.

3 Section 2. Section 477.019, Florida Statutes, is
4 amended to read:

5 477.019 Cosmetologists; qualifications; licensure;
6 supervised practice; license renewal; endorsement; continuing
7 education.--

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

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

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

14 (b) Pays the required application fee, which is not
15 refundable, and the required examination fee, which is
16 refundable if the applicant is determined to not be eligible
17 for licensure for any reason other than failure to
18 successfully complete the licensure examination; and

19 (c)1. Has been licensed to practice cosmetology in
20 another state but such license is inactive and does not
21 qualify for licensure by endorsement as provided in subsection

22 ~~(6); Is authorized to practice cosmetology in another state or~~
23 ~~country, has been so authorized for at least 1 year, and does~~
24 ~~not qualify for licensure by endorsement as provided for in~~
25 ~~subsection (6); or~~

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

28 ~~3.2-~~ Has received a minimum of 1,200 hours of training
29 as established by the board, which shall include, but shall
30 not be limited to, the equivalent of completion of services
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1 directly related to the practice of cosmetology at one of the
2 following:

3 a. A school of cosmetology licensed pursuant to
4 chapter 1005.

5 b. A cosmetology program within the public school
6 system.

7 c. The Cosmetology Division of the Florida School for
8 the Deaf and the Blind, provided the division meets the
9 standards of this chapter.

10 d. A government-operated cosmetology program in this
11 state.

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13 The board shall establish by rule procedures whereby the
14 school or program may certify that a person is qualified to
15 take the required examination after the completion of a
16 minimum of 1,000 actual school hours. If the person then
17 passes the examination, he or she shall have satisfied this
18 requirement; but if the person fails the examination, he or
19 she shall not be qualified to take the examination again until
20 the completion of the full requirements provided by this
21 section.

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

26 (4) After submitting a completed application to take
27 the first available examination for licensure as a
28 cosmetologist, a graduate of a licensed cosmetology school or
29 program within the public school system, which school or
30 program is certified by the Department of Education, is
31 eligible to practice cosmetology for a maximum period of 60

1 days, provided such graduate practices under the supervision
2 of a professional licensed under this chapter in a licensed
3 salon. A graduate who fails to pass an examination the first
4 time may continue to practice under the supervision of a
5 professional licensed under this chapter in a licensed salon
6 for an additional maximum 60-day period, provided the graduate
7 applies for the next available examination. A graduate may not
8 continue to practice under this subsection if the graduate
9 fails the examination twice. Following the completion of the
10 ~~first licensing examination and pending the results of that~~
11 ~~examination and issuance of a license to practice cosmetology,~~
12 ~~graduates of licensed cosmetology schools or cosmetology~~
13 ~~programs offered in public school systems, which schools or~~
14 ~~programs are certified by the Department of Education, are~~
15 ~~eligible to practice cosmetology, provided such graduates~~
16 ~~practice under the supervision of a licensed cosmetologist in~~
17 ~~a licensed cosmetology salon. A graduate who fails the first~~
18 ~~examination may continue to practice under the supervision of~~
19 ~~a licensed cosmetologist in a licensed cosmetology salon if~~
20 ~~the graduate applies for the next available examination and~~
21 ~~until the graduate receives the results of that examination.~~
22 ~~No graduate may continue to practice under this subsection if~~
23 ~~the graduate fails the examination twice.~~

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

26 (6) Licensure by endorsement of practitioners desiring
27 to be licensed in this state who have held a current active
28 license in another state for at least 1 year shall qualify for
29 licensure in this state. The department shall issue a license
30 without examination to an applicant who:

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1 (a) Completes an application and pays an application
2 fee;

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

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

7 (d) Attends the department's contracted providers
8 examination review class and produces a certificate of
9 completion with the application; and

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

13
14 The board may adopt rules pursuant to ss. 120.536(1) and
15 120.54 as necessary to administer this section.

16 ~~(6) The board shall adopt rules specifying procedures~~
17 ~~for the licensure by endorsement of practitioners desiring to~~
18 ~~be licensed in this state who hold a current active license in~~
19 ~~another state and who have met qualifications substantially~~
20 ~~similar to, equivalent to, or greater than the qualifications~~
21 ~~required of applicants from this state.~~

22 (7)(a) The board shall prescribe by rule continuing
23 education requirements intended to ensure protection of the
24 public through updated training of licensees and registered
25 specialists, not to exceed 16 hours biennially, as a condition
26 for renewal of a license or registration as a specialist under
27 this chapter. Continuing education courses shall include, but
28 not be limited to, the following subjects as they relate to
29 the practice of cosmetology: human immunodeficiency virus and
30 acquired immune deficiency syndrome; Occupational Safety and
31 Health Administration regulations; workers' compensation

1 | issues; state and federal laws and rules as they pertain to
2 | cosmetologists, cosmetology, salons, specialists, specialty
3 | salons, and booth renters; chemical makeup as it pertains to
4 | hair, skin, and nails; and environmental issues. Courses given
5 | at cosmetology conferences may be counted toward the number of
6 | continuing education hours required if approved by the board.

7 | (b) Any person whose occupation or practice is
8 | confined solely to hair braiding, hair wrapping, or body
9 | wrapping is exempt from the continuing education requirements
10 | of this subsection.

11 | (c) The board may, by rule, require any licensee in
12 | violation of a continuing education requirement to take a
13 | refresher course or refresher course and examination in
14 | addition to any other penalty. The number of hours for the
15 | refresher course may not exceed 48 hours.

16 | Section 3. Section 477.022, Florida Statutes, is
17 | amended to read:

18 | 477.022 ~~Examinations; examination review class.--~~

19 | (1) The board shall specify by rule the general areas
20 | of competency to be covered by examinations for the licensing
21 | under this chapter of cosmetologists. The rules shall include
22 | the relative weight assigned in grading each area, the grading
23 | criteria to be used by the examiner, and the score necessary
24 | to achieve a passing grade. The board shall ensure that
25 | examinations adequately measure both an applicant's competency
26 | and her or his knowledge of related statutory requirements.
27 | The department shall contract with a contracted provider to
28 | administer the examination, and the contracted provider may
29 | offer an elective examination review class to prepare for
30 | taking the examination. The examination review class may be
31 | approved by the board as 4 hours of the required 16 hours of

1 continuing education under s. 477.019(7)(a) and may be used by
2 all licensees under this chapter. The department or the
3 department's contracted provider may use professional testing
4 services to formulate the examinations. Professional testing
5 ~~services may be utilized to formulate the examinations. The~~
6 ~~board may, by rule, offer a written clinical examination or a~~
7 ~~performance examination, or both, in addition to a written~~
8 ~~theory examination.~~

9 (2) The department shall issue a request for
10 competitive sealed proposals from nonprofit entities seeking
11 to become a contracted provider under subsection (1) that
12 includes a statement of the examination-related services
13 sought and all terms and conditions applicable to the
14 contract. The department shall award the contract to a
15 contracted provider whose proposal is determined, in writing,
16 to be most advantageous to the state, taking into
17 consideration the price and the other criteria set forth in
18 the request for proposals. The contract shall include a 4-year
19 term, with renewable options at the department's discretion,
20 and the department is authorized to adopt rules relating to
21 the services to be provided. In making the selection, the
22 department shall consider factors such as whether the
23 contracted provider represents the diverse interests of the
24 cosmetology industry and the contracted provider's ability to
25 provide a statewide program with diverse cosmetology industry
26 interests and statewide participation. The board shall ensure
27 ~~that examinations comply with state and federal equal~~
28 ~~employment opportunity guidelines.~~

29 (3) The examination shall be given at least once a
30 year.
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1 (4) The board shall adopt rules providing for
2 reexamination of applicants who have failed the examinations.

3 (5) All licensing examinations shall be conducted in
4 such manner that the applicant shall be known by number only
5 until her or his examination is completed and the proper grade
6 determined. An accurate record of each examination shall be
7 made; and that record shall be filed with the secretary of the
8 department and shall be kept for reference and inspection for
9 a period of not less than 2 years immediately following the
10 examination.

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

13 477.025 Cosmetology salons; specialty salons;
14 requisites; licensure; inspection; mobile cosmetology salons;
15 booth rentals.--

16 (12)(a) Booth rentals are subject to the following
17 requirements:

18 1. The owner of a licensed salon must provide the
19 department with verification of compliance with all sanitation
20 guidelines set forth by the department for all booth rentals
21 in the salon prior to allowing services to be provided in any
22 booth rental in the salon and at other times upon demand of
23 the department.

24 2. The owner of a licensed salon must register with
25 the department the names of all licensees who have executed
26 leases for booth rentals within the owner's salon and shall
27 submit or produce copies the leases upon demand of the
28 department.

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

1 (b) The department may contract with a contracted
2 provider to administer the registration process under this
3 subsection in the same manner as provided in s. 477.022(2).
4 Registration requirements under this subsection shall be
5 adopted by the department by rule. The requirements shall
6 include, but shall not be limited to, requirements for booth
7 renters to comply with the Internal Revenue Service and
8 Department of Revenue rules and regulations.

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

11 477.026 Fees; disposition.--

12 (1) The board shall set fees according to the
13 following schedule:

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

17 (b) For cosmetologists, fees for endorsement
18 application, examination, and reexamination shall not exceed
19 \$50.

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

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

26 (e) For specialists, fees for initial registration,
27 registration renewal, ~~and~~ delinquent renewal, and booth rental
28 registration shall not exceed \$50.

29 (f) For hair braiders, hair wrappers, and body
30 wrappers, fees for registration and booth rental registration
31 shall not exceed \$25.

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