

Bill No. SB 920

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CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (Wise) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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

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

(4) "Cosmetology" means the practice of performing or

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1 offering to perform for compensation any of the following
2 services for aesthetic rather than medical purposes:

3 (a) Hair technician services, which are:

4 1. Treating a person's hair by:

5 a. Providing any method of treatment as a primary
6 service, including arranging, beautifying, lightening,
7 cleansing, coloring, cutting, dressing, processing,
8 shampooing, shaping, singeing, straightening, styling,
9 tinting, or waving;

10 b. Providing a necessary service that is preparatory
11 or ancillary to a service under sub-subparagraph a., including
12 clipping, cutting, or trimming; or

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

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

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

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

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

22 (b) Esthetician services, which are:

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

27 2. Beautifying a person's skin using a cosmetic
28 preparation, antiseptic, lotion, powder, oil, clay, cream, or
29 appliance.

30 3. Administering facial treatments.

31 4. Removing superfluous hair from a person's body

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1 using depilatories, threading, waxing, sugaring, or tweezing.

2 5. Tinting eyebrows or eyelashes with products
3 manufactured specifically for eyebrows or eyelashes.

4 6. Body wrapping, which is a treatment program that
5 uses wraps for the purposes of cleansing and beautifying a
6 person's skin for aesthetic rather than medical or weight-loss
7 purposes and is the application of oils, lotions, or other
8 fluids to the body using wraps. Body wrapping does not include
9 manipulation of the body's superficial tissue, other than that
10 resulting from the application of the wrap materials.

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

13 (c) Nail technician services, which are:

14 1. Treating a person's nails by:

15 a. Cutting, trimming, polishing, painting, printing,
16 tinting, coloring, cleansing, manicuring, or pedicuring; or

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

18 2. Cleansing, treating, or beautifying a person's
19 forearms, hands, legs below the knee, or feet ~~mechanical or~~
20 ~~chemical treatment of the head, face, and scalp for aesthetic~~
21 ~~rather than medical purposes, including, but not limited to,~~
22 ~~hair shampooing, hair cutting, hair arranging, hair coloring,~~
23 ~~permanent waving, and hair relaxing for compensation. This~~
24 ~~term also includes performing hair removal, including wax~~
25 ~~treatments, manicures, pedicures, and skin care services.~~

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

29 ~~(6)(5)~~ "Specialist" means any person registered under
30 s. 477.014(6) to practice one or more of the following
31 specialties: ~~holding a specialty registration in one or more~~

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1 ~~of the specialties registered under this chapter.~~

2 ~~(6) "Specialty" means the practice of one or more of~~
3 ~~the following:~~

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

9 (b) Pedicuring, or the shaping, polishing, tinting, or
10 cleansing of the nails of the feet, and massaging or
11 beautifying of the feet.

12 (c) Facials, or the massaging or treating of the face
13 or scalp with oils, creams, lotions, or other preparations,
14 and skin care services, which means the treatment of the skin
15 of a person's body, in addition to a person's head, face, and
16 scalp, by the use of a sponge, brush, cloth, or similar device
17 to apply or remove a chemical preparation or other substance
18 without involving massage, as defined in s. 480.033(3), except
19 that chemical peels may be removed by peeling an applied
20 preparation from the skin by hand.

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

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

27 ~~(8)(9)~~ "Hair braiding" means the weaving or
28 interweaving of a person's own natural ~~human~~ hair for
29 compensation without cutting, coloring, permanent waving,
30 relaxing, removing, or chemical treatment and does not include
31 the use of hair extensions or wefts.

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1 ~~(9)(10)~~ "Hair wrapping" means the wrapping of
 2 manufactured materials around a strand or strands of human
 3 hair, for compensation, without cutting, coloring, permanent
 4 waving, relaxing, removing, weaving, chemically treating,
 5 braiding, using hair extensions, or performing any other
 6 service defined as cosmetology.

7 ~~(10)(11)~~ "Photography studio salon" means an
 8 establishment where the hair-arranging services and the
 9 application of cosmetic products are performed solely for the
 10 purpose of preparing the model or client for the photographic
 11 session without shampooing, cutting, coloring, permanent
 12 waving, relaxing, or removing of hair or performing any other
 13 service defined as cosmetology.

14 ~~(11)(12)~~ "Body wrapping" means a treatment program
 15 that uses herbal wraps for the purposes of cleansing and
 16 beautifying the skin of the body, but does not include:

17 (a) The application of oils, lotions, or other fluids
 18 to the body, except fluids contained in presoaked materials
 19 used in the wraps; or

20 (b) Manipulation of the body's superficial tissue,
 21 other than that arising from compression emanating from the
 22 wrap materials.

23 ~~(13) "Skin care services" means the treatment of the~~
 24 ~~skin of the body, other than the head, face, and scalp, by the~~
 25 ~~use of a sponge, brush, cloth, or similar device to apply or~~
 26 ~~remove a chemical preparation or other substance, except that~~
 27 ~~chemical peels may be removed by peeling an applied~~
 28 ~~preparation from the skin by hand. Skin care services must be~~
 29 ~~performed by a licensed cosmetologist or facial specialist~~
 30 ~~within a licensed cosmetology or specialty salon, and such~~
 31 ~~services may not involve massage, as defined in s. 480.033(3),~~

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1 ~~through manipulation of the superficial tissue.~~

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

4 477.0131 Hair technician, esthetician, nail
5 technician, and cosmetology licenses.--

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

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

14 (3) A person who is otherwise qualified by this
15 chapter and who is authorized to practice all of the services
16 listed in s. 477.013(4)(c) shall be licensed as a nail
17 technician.

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

21 Section 3. Section 477.0132, Florida Statutes, is
22 amended to read:

23 477.0132 Hair braiding, hair wrapping, and body
24 wrapping registration.--

25 (1)(a) A person ~~Persons~~ whose occupation or practice
26 is confined solely to hair braiding shall ~~must~~ register with
27 the department, shall pay the applicable registration fee, and
28 shall take a two-day 16-hour course. The course shall be board
29 approved and consist of 5 hours of instruction in HIV/AIDS and
30 other communicable diseases, 5 hours of instruction in
31 sanitation and sterilization, 4 hours of instruction in

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1 disorders and diseases of the scalp, and 2 hours of
2 instruction in ~~studies regarding~~ laws affecting hair braiding.

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

11 (3)(c) Unless otherwise licensed or exempted from
12 licensure under this chapter, any person whose occupation or
13 practice is body wrapping must register with the department,
14 pay the applicable registration fee, and take a 40-hour
15 ~~two-day 12-hour~~ course. The course shall be board approved and
16 include, but not be limited to, body systems,
17 contraindications, ~~consist of education in~~ HIV/AIDS and other
18 communicable diseases, sanitation and sterilization, disorders
19 and diseases of the skin, and studies regarding laws affecting
20 body wrapping.

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

27 (5)(2) Hair braiding, hair wrapping, and body wrapping
28 are not required to be practiced in a ~~cosmetology~~ salon ~~or~~
29 ~~specialty~~ salon. When hair braiding, hair wrapping, or body
30 wrapping is practiced outside a ~~cosmetology~~ salon ~~or specialty~~
31 ~~salon~~, disposable implements shall ~~must~~ be used or all

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1 implements shall ~~must~~ be sanitized in a disinfectant approved
2 for hospital use or approved by the federal Environmental
3 Protection Agency.

4 ~~(6)(3)~~ Pending issuance of registration, a person is
5 eligible to practice hair braiding, hair wrapping, or body
6 wrapping upon submission of a registration application that
7 includes proof of successful completion of the education
8 requirements and payment of the applicable fees required by
9 this chapter.

10 Section 4. Section 477.014, Florida Statutes, is
11 amended to read:

12 477.014 Qualifications for practice.--

13 (1) On and after July ~~January~~ 1, 2008, a ~~1979, no~~
14 person who is not ~~other than~~ a duly licensed or registered
15 under this chapter may not ~~cosmetologist shall practice in any~~
16 of the cosmetology areas provided in s. 477.013(4) or use the
17 name or title of cosmetologist, hair technician, esthetician,
18 or nail technician.

19 (2) A person licensed or registered under this chapter
20 on or after July 1, 2008, may not practice or hold himself or
21 herself out as qualified to practice in an area in which he or
22 she is not specifically licensed or registered under this
23 chapter.

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

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

30 (5) A manicure, pedicure, or nail extension specialist
31 registered or enrolled in a cosmetology school before July 1,

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1 2008, may take the examination for a nail technician license.

2 (6) A specialist registered under this chapter before
3 July 1, 2008, may continue to practice under the name of his
4 or her specialty registration without taking the respective
5 licensure examination. Renewal of all registrations, including
6 a full specialty registration that includes facial, manicure,
7 pedicure, and nail extension specialties, existing before July
8 1, 2008, shall be accomplished pursuant to rules adopted by
9 the board.

10 Section 5. Section 477.019, Florida Statutes, is
11 amended to read:

12 477.019 Cosmetologists; hair technicians;
13 estheticians; nail technicians; qualifications; licensure;
14 supervised practice; license renewal; endorsement; continuing
15 education.--

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

19 (2) An applicant ~~is~~ ~~shall be~~ eligible for licensure by
20 examination to practice cosmetology, hair technician services,
21 esthetician services, or nail technician services if the
22 applicant:

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

28 (b) Pays the required application fee, which is not
29 refundable, and the required examination fee, which is
30 refundable if the applicant is determined to not be eligible
31 for licensure for any reason other than failure to

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1 successfully complete the licensure examination. ~~and~~

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

6 2.a. Has received a minimum number of hours of
7 training as follows:

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

9 (II) For an esthetician, 600 hours.

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

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

12 b. The training ~~Has received a minimum of 1,200 hours~~
13 ~~of training as established by the board, which shall include,~~
14 but need ~~shall~~ not be limited to, the equivalent of completion
15 of services directly related to the practice of cosmetology at
16 one of the following:

17 (I)~~a.~~ A school of cosmetology licensed pursuant to
18 chapter 1005.

19 (II)~~b.~~ A cosmetology program within the public school
20 system.

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

24 (IV)~~d.~~ A government-operated cosmetology program in
25 this state.

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

30 d. A person who begins his or her education on or
31 after July 1, 2008, shall comply with the hour requirements in

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1 sub-subparagraph a. in order to qualify to take his or her
2 respective examination.

3
4 ~~The board shall establish by rule procedures whereby the~~
5 ~~school or program may certify that a person is qualified to~~
6 ~~take the required examination after the completion of a~~
7 ~~minimum of 1,000 actual school hours. If the person then~~
8 ~~passes the examination, he or she shall have satisfied this~~
9 ~~requirement; but if the person fails the examination, he or~~
10 ~~she shall not be qualified to take the examination again until~~
11 ~~the completion of the full requirements provided by this~~
12 ~~section.~~

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

18 (4) After submitting a complete application to take
19 the first available examination for licensure as a
20 cosmetologist, hair technician, esthetician, or nail
21 technician, a graduate of a licensed cosmetology school or a
22 program within the public school system, which school or
23 program is certified by the Department of Education, is
24 eligible to practice in the graduate's respective area for a
25 maximum period of 60 days, provided such graduate practices
26 under the supervision of a professional licensed under this
27 chapter in a licensed salon. A graduate who fails to pass an
28 examination the first time may continue to practice under the
29 supervision of a professional licensed under this chapter in a
30 licensed salon for an additional 60-day period, provided the
31 graduate applies for the next available examination. A

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

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

20 (6) The board shall adopt rules specifying procedures
21 for the licensure by endorsement of practitioners desiring to
22 be licensed in this state who hold a current active license in
23 another state or country and who have met qualifications
24 substantially similar to, equivalent to, or greater than the
25 qualifications required of applicants from this state. For
26 purposes of this subsection, work experience may be
27 substituted for required educational hours in the amount and
28 manner provided by board rule.

29 (7)(a) The board shall prescribe by rule continuing
30 education requirements for licensees and registered
31 specialists that intended to ensure the protection of the

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1 public through updated training of licensees and registered
 2 specialists, not to exceed 16 hours biennially, as a condition
 3 for renewal of a license or registration as a specialist under
 4 this chapter. Continuing education courses shall include, but
 5 not be limited to, the following subjects as they relate to
 6 the practice of cosmetology: HIV/AIDS ~~human immunodeficiency~~
 7 ~~virus and acquired immune deficiency syndrome~~; Occupational
 8 Safety and Health Administration regulations; workers'
 9 compensation issues; state and federal laws and rules as they
 10 pertain to cosmetologists, the practice of cosmetology,
 11 salons, specialists, ~~specialty salons~~, and booth renters;
 12 chemical makeup as it pertains to hair, skin, and nails; and
 13 environmental issues. Courses given at educational ~~cosmetology~~
 14 conferences may be counted toward the number of continuing
 15 education hours required if approved by the board.

16 (b) Any person whose occupation or practice is
 17 confined solely to hair braiding, hair wrapping, or body
 18 wrapping is exempt from the continuing education requirements
 19 of this subsection.

20 (c) The board may, by rule, require any licensee in
 21 violation of a continuing education requirement to take a
 22 refresher course or refresher course and examination in
 23 addition to any other penalty. ~~The number of hours for the~~
 24 ~~refresher course may not exceed 48 hours.~~

25 Section 6. Section 477.0212, Florida Statutes, is
 26 amended to read:

27 477.0212 Inactive status.--

28 (1) A ~~cosmetologist's~~ license issued under this
 29 chapter that has become inactive may be reactivated under s.
 30 477.019 upon application to the department.

31 (2) The board shall adopt ~~promulgate~~ rules relating to

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1 licenses that ~~which~~ have become inactive and for the renewal
 2 of inactive licenses. The board shall prescribe by rule a fee
 3 not to exceed \$50 for the reactivation of an inactive license
 4 and a fee not to exceed \$50 for the renewal of an inactive
 5 license. The board shall prescribe by rule the continuing
 6 education requirements to be met prior to license renewal or
 7 reactivation.

8 Section 7. Section 477.023, Florida Statutes, is
 9 amended to read:

10 477.023 Schools of cosmetology; licensure.--~~A No~~
 11 private school of cosmetology may not ~~shall be permitted to~~
 12 operate without a license issued by the Commission for
 13 Independent Education pursuant to chapter 1005. However, this
 14 chapter does not ~~nothing herein shall be construed to~~ prevent
 15 certification by the Department of Education of grooming and
 16 salon services and cosmetology training programs within the
 17 public school system or ~~to~~ prevent government operation of any
 18 other program of cosmetology in this state.

19 Section 8. Section 477.0231, Florida Statutes, is
 20 created to read:

21 477.0231 Cosmetology internships.--

22 (1) The selection and placement of cosmetology interns
 23 shall be determined by the cosmetology school or program. The
 24 school or program shall determine whether a student is
 25 eligible to become a cosmetology intern and whether an
 26 internship sponsor meets the requirements for its educational
 27 objectives. The school program, on behalf of the student,
 28 shall provide written notice to the board that an internship
 29 sponsor has been selected and name the cosmetology intern to
 30 be supervised. The school or program shall determine the
 31 length and schedule of an individual cosmetology internship,

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1 but such internship may not exceed 12 months.

2 (2) Each internship sponsor shall obtain approval from
3 a school or cosmetology program and shall register with the
4 board before accepting placement of each cosmetology intern.
5 The application for registration must include the name and
6 contact person of the school or program placing the intern,
7 the names and addresses of the internship sponsor, and other
8 information that the board requires.

9 (3) The internship sponsor must have an active license
10 and shall actively supervise the cosmetology intern in the
11 practice of cosmetology pursuant to rules established by the
12 board. A cosmetology intern may only practice within the field
13 of cosmetology in which he or she is engaged in the course of
14 study. The internship sponsor shall ensure that the
15 cosmetology intern is complying with the laws and rules
16 governing cosmetology and is complying with the educational
17 objectives and guidelines established by the cosmetology
18 school or program and the board.

19 (4) All services provided by the cosmetology intern
20 shall be expressly approved by the internship sponsor and
21 contracted for by the internship sponsor. The internship
22 sponsor shall ensure that the public is clearly informed that
23 the cosmetology intern is not a licensed cosmetologist.

24 (5) Pursuant to rules established by the board, the
25 cosmetology salon in which a cosmetology intern is engaged in
26 the practice of cosmetology shall post notice in a conspicuous
27 manner within the salon indicating that a student intern is
28 providing services on the premises.

29 (6) While engaged in the practice of cosmetology, a
30 cosmetology intern shall possess written documentation of his
31 or her authorization to engage in the practice of cosmetology

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1 from the student's cosmetology school or program and shall
2 furnish such documentation to the department before engaging
3 in the practice of cosmetology and upon request by department
4 personnel.

5 (7) The board shall establish by rule the education
6 prerequisites for cosmetology internships, including the
7 minimum number of hours of classroom instruction and required
8 course work. The board shall establish by rule the number of
9 permitted cosmetology internships per internship sponsor, the
10 minimum and maximum number of internship hours, and the
11 recommended educational objectives and guidelines for an
12 internship program in a cosmetology school or program.

13 (8) The board may terminate the internship of any
14 cosmetology intern and the sponsorship of any internship
15 sponsor for a violation of the laws and rules governing
16 cosmetology and board rules governing internships. The board
17 shall provide notice of termination of an internship to the
18 internship sponsor, the cosmetology school or program, and the
19 cosmetology intern. In the case of a terminated cosmetology
20 internship, the school or program shall determine the
21 educational status of the cosmetology intern.

22 Section 9. Section 477.025, Florida Statutes, is
23 amended to read:

24 477.025 ~~Cosmetology salons; specialty Salons;~~
25 ~~requisites; licensure; inspection; mobile cosmetology~~
26 ~~salons.--~~

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

30 (2) The board shall adopt rules governing the
31 licensure and operation of salons ~~and specialty salons~~ and

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1 their facilities, personnel, and safety and sanitary
2 requirements, and the license application and granting
3 process.

4 (3) Any person, firm, or corporation desiring to
5 operate a ~~cosmetology salon or specialty~~ salon in the state
6 shall submit to the department a salon ~~an~~ application form
7 ~~upon forms~~ provided by the department, ~~and accompanied by any~~
8 relevant information requested by the department, ~~and~~ by an
9 application fee.

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

13 (5) When an applicant fails to meet all the
14 requirements provided in this section ~~herein~~, the department
15 shall deny the application in writing and shall list the
16 specific requirements not met. No applicant denied licensure
17 because of failure to meet the requirements of this section
18 ~~herein~~ shall be precluded from reapplying for licensure.

19 (6) When the department determines that the proposed
20 ~~cosmetology salon or specialty~~ salon may reasonably be
21 expected to meet the requirements set forth in this section
22 ~~herein~~, the department shall grant the license upon such
23 conditions as it shall deem proper under the circumstances and
24 upon payment of the original licensing fee.

25 (7) No license for operation of a ~~cosmetology salon or~~
26 ~~specialty~~ salon may be transferred from the name of the
27 original licensee to another. It may be transferred from one
28 location to another only upon approval by the department,
29 which approval shall not be unreasonably withheld.

30 (8) Renewal of license registration for ~~cosmetology~~
31 ~~salons or specialty~~ salons shall be accomplished pursuant to

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1 rules adopted by the board. The board is further authorized to
2 adopt rules governing delinquent renewal of licenses and may
3 impose penalty fees for delinquent renewal.

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

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

11 (b) Each mobile salon must comply with all licensure
12 and operating requirements specified in this chapter or
13 chapter 455 or rules of the board or department that apply to
14 ~~cosmetology~~ salons at fixed locations, except to the extent
15 that such requirements conflict with this subsection or rules
16 adopted pursuant to this subsection.

17 (c) A mobile ~~cosmetology~~ salon must maintain a
18 permanent business address, located in the inspection area of
19 the local department office, at which records of appointments,
20 itineraries, license numbers of employees, and vehicle
21 identification numbers of the licenseholder's mobile salon
22 shall be kept and made available for verification purposes by
23 department personnel, and at which correspondence from the
24 department can be received.

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

30 (e) The board shall establish fees for mobile
31 ~~cosmetology~~ salons, not to exceed the fees for ~~cosmetology~~

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1 salons at fixed locations.

2 (f) The operation of mobile ~~cosmetology~~ salons must be
3 in compliance with all local laws and ordinances regulating
4 business establishments, with all applicable requirements of
5 the Americans with Disabilities Act relating to accommodations
6 for persons with disabilities, and with all applicable OSHA
7 requirements.

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

12 Section 10. Section 477.026, Florida Statutes, is
13 amended to read:

14 477.026 Fees; disposition.--

15 (1) The board shall set fees according to the
16 following schedule:

17 (a) For hair technicians, estheticians, nail
18 technicians, or cosmetologists, fees for original licensing,
19 license renewal, and delinquent renewal may ~~shall~~ not exceed
20 \$25.

21 (b) For hair technicians, estheticians, nail
22 technicians, or cosmetologists, fees for endorsement
23 application, examination, and reexamination may ~~shall~~ not
24 exceed \$50.

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

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

30 ~~(d)(e)~~ For specialists, fees for ~~initial registration,~~
31 registration renewal, and delinquent renewal may ~~shall~~ not

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1 exceed \$50.

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

4 (2) All moneys collected by the department from fees
5 authorized by this chapter shall be paid into the Professional
6 Regulation Trust Fund, which fund is created in the
7 department, and shall be applied in accordance with ss. 215.37
8 and 455.219. The Legislature may appropriate any excess moneys
9 from this fund to the General Revenue Fund.

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

13 Section 11. Section 477.0263, Florida Statutes, is
14 amended to read:

15 477.0263 Cosmetology or specialty services to be
16 performed in licensed salon; exceptions ~~exception~~.--

17 (1) Cosmetology or specialty services shall be
18 performed only by licensed cosmetologists or a cosmetologist
19 intern supervised by a licensed cosmetologist, hair
20 technicians, estheticians, or nail technicians or registered
21 specialists in licensed salons, except as otherwise provided
22 in this section.

23 (2) Pursuant to rules established by the board,
24 cosmetology or specialty services may be performed by a
25 licensed cosmetologist, hair technician, esthetician, or nail
26 technician or a registered specialist in a location other than
27 a licensed salon, including, but not limited to, a nursing
28 home, hospital, or residence, when a client for reasons of ill
29 health is unable to go to a licensed salon. Arrangements for
30 the performance of such cosmetology or specialty services in a
31 location other than a licensed salon shall be made only

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1 through a licensed salon.

2 (3) Any person who holds a valid cosmetology license
3 in any state or who is authorized to practice cosmetology in
4 any country, territory, or jurisdiction of the United States
5 may perform cosmetology services in a location other than a
6 licensed salon when such services are performed in connection
7 with the motion picture, fashion photography, theatrical, or
8 television industry; a photography studio salon; a
9 manufacturer trade show demonstration; a department store
10 demonstration; or an educational seminar.

11 (4) Pursuant to rules established by the board,
12 cosmetology, hair technician, esthetician, nail technician, or
13 specialty services may be performed in a location other than a
14 licensed salon when such services are performed in connection
15 with a special event and are performed by a person who is
16 employed by a licensed salon and who holds the proper license
17 or specialty registration. An appointment for the performance
18 of such services in a location other than a licensed salon
19 shall be made through a licensed salon.

20 Section 12. Section 477.0265, Florida Statutes, is
21 amended to read:

22 477.0265 Prohibited acts.--

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

24 (a) Engage in the practice of cosmetology or a
25 specialty without an active license in the field of
26 cosmetology unless authorized as a cosmetologist intern or
27 registration as a specialist issued by the department pursuant
28 to the provisions of this chapter.

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

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

3 2. In which a person not licensed in the field of
4 cosmetology or registered as a ~~cosmetologist~~ or a specialist
5 or authorized as a cosmetologist intern is permitted to
6 perform cosmetology services or any specialty.

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

9 (d) Permit an employed person to engage in the
10 practice of cosmetology or of a specialty unless such person
11 holds a valid, active license in the field of cosmetology or
12 is authorized as a cosmetologist intern under this chapter and
13 supervised by a licensed cosmetologist or holds a registration
14 as a specialist.

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

18 (f) Use or attempt to use a license to practice in the
19 field of cosmetology or a registration to practice a
20 specialty, which license or registration is suspended or
21 revoked.

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

27 (h) In the practice of cosmetology or specialty
28 services, use or possess a cosmetic product containing a
29 liquid nail monomer containing any trace of methyl
30 methacrylate (MMA).

31 (2) Any person who violates any provision of this

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1 section commits a misdemeanor of the second degree, punishable
2 as provided in s. 775.082 or s. 775.083.

3 Section 13. Section 477.028, Florida Statutes, is
4 amended to read:

5 477.028 Disciplinary proceedings.--

6 (1) The board may ~~shall have the power to~~ revoke or
7 suspend the license of a cosmetologist, hair technician,
8 esthetician, or nail technician licensed under this chapter,
9 or the registration of a specialist registered under this
10 chapter, and may ~~to~~ reprimand, censure, deny subsequent
11 licensure or registration of, or otherwise discipline a
12 cosmetologist, hair technician, esthetician, nail technician,
13 or ~~a~~ specialist licensed or registered under this chapter in
14 any of the following cases:

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

17 (b) Upon proof that the holder of a license or
18 registration is guilty of fraud or deceit or of gross
19 negligence, incompetency, or misconduct in the practice or
20 instruction of cosmetology or a specialty.

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

25 (2) The board may ~~shall have the power to~~ revoke or
26 suspend the license of a ~~cosmetology salon or a specialty~~
27 ~~salon~~ licensed under this chapter; to deny subsequent
28 licensure of such salon; or ~~to~~ reprimand, censure, or
29 otherwise discipline the owner of such salon in either of the
30 following cases:

31 (a) Upon proof that a license has been obtained by

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1 fraud or misrepresentation.

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

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

7 (4) The department may ~~shall~~ not issue or renew a
8 license or certificate of registration under this chapter to
9 any person against whom or salon against which the board has
10 assessed a fine, interest, or costs associated with
11 investigation and prosecution until the person or salon has
12 paid in full such fine, interest, or costs associated with
13 investigation and prosecution or until the person or salon
14 complies with or satisfies all terms and conditions of the
15 final order.

16 Section 14. Section 477.029, Florida Statutes, is
17 amended to read:

18 477.029 Penalty.--

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

20 (a) Hold himself or herself out as a cosmetologist,
21 hair technician, esthetician, nail technician, specialist,
22 hair wrapper, hair braider, or body wrapper unless duly
23 licensed or registered, or otherwise authorized, as provided
24 in this chapter.

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

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

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

31 (e) Give false or forged evidence to the department in

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1 obtaining any license provided for in this chapter.

2 (f) Impersonate any other licenseholder of like or
3 different name.

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

6 (h) Violate any provision of s. 455.227(1), s.
7 477.0265, or s. 477.028.

8 (i) Violate or refuse to comply with any provision of
9 this chapter or chapter 455 or a rule or final order of the
10 board or the department.

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

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

16 (b) Issuance of a reprimand or censure.

17 (c) Imposition of an administrative fine not to exceed
18 \$500 for each count or separate offense.

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

22 (e) Refusal to certify to the department an applicant
23 for licensure.

24 Section 15. Section 477.0201, Florida Statutes, is
25 repealed.

26 Section 16. This act shall take effect July 1, 2008.

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28

29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

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1 and insert:

2 A bill to be entitled

3 An act relating to cosmetology; amending s.

4 477.013, F.S.; providing and revising

5 definitions; redefining "cosmetology" to

6 include hair technician, esthetician, and nail

7 technician services; including body wrapping

8 within esthetician services; removing a

9 distinction between specialty salons and other

10 salons; creating s. 477.0131, F.S.; authorizing

11 licensure for hair technicians, estheticians,

12 nail technicians, and cosmetologists; amending

13 s. 477.0132, F.S.; eliminating future body

14 wrapping registrations; authorizing renewal of

15 current body wrapping registrations; specifying

16 that only the Board of Cosmetology may review,

17 evaluate, and approve required text; amending

18 s. 477.014, F.S.; revising requirements for

19 qualification to practice under ch. 477, F.S.;

20 authorizing current specialists to sit for

21 licensure examinations in certain

22 circumstances; providing for the renewal of

23 current specialty registrations; amending s.

24 477.019, F.S.; revising qualification,

25 education, licensure and renewal, supervised

26 practice, and endorsement requirements for

27 cosmetologist licenses to include and

28 differentiate qualification, education,

29 licensure and renewal, supervised practice, and

30 endorsement requirements for hair technician,

31 esthetician, and nail technician licenses;

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1 requiring the board to adopt certain procedures
2 relating to licensure by endorsement; amending
3 s. 477.0212, F.S.; requiring the board to adopt
4 certain rules relating to license renewal or
5 continuing education; amending s. 477.023,
6 F.S.; stipulating that the Department of
7 Education is not prevented from issuing
8 grooming and salon services certification;
9 creating s. 477.0231, F.S.; providing for the
10 selection and placement of cosmetology interns;
11 requiring a school program to provide written
12 notice to the board regarding the internship
13 sponsor and the cosmetology intern; providing
14 requirements and duties of the internship
15 sponsor; requiring a cosmetology salon to post
16 notice regarding services of a student intern;
17 requiring a cosmetology intern to possess
18 written authorization to practice cosmetology;
19 requiring the board to establish education
20 prerequisites for cosmetology internships;
21 authorizing the board to terminate an
22 internship of a cosmetology intern or the
23 sponsorship of a internship sponsor; requiring
24 the board to give notice of termination;
25 amending s. 477.025, F.S., relating to
26 cosmetology and specialty salons, requisites,
27 licensure, inspection, and mobile cosmetology
28 salons, to conform; amending s. 477.026, F.S.;
29 revising fee provisions to conform; amending s.
30 477.0263, F.S., to conform; specifying
31 circumstances under which cosmetology or

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1 specialty services may be practiced outside of
2 a licensed salon; amending s. 477.0265, F.S.,
3 relating to prohibited acts, to conform;
4 amending s. 477.028, F.S., relating to
5 disciplinary proceedings, to conform; amending
6 s. 477.029, F.S., relating to penalties, to
7 conform; repealing s. 477.0201, F.S., relating
8 to specialty registration, qualifications,
9 registration renewal, and endorsement;
10 providing an effective date.

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