

1 relating to licensure by endorsement; amending
2 s. 477.0212, F.S.; requiring the board to adopt
3 certain rules relating to license renewal or
4 continuing education; amending s. 477.023,
5 F.S.; stipulating that the Department of
6 Education is not prevented from issuing
7 grooming and salon services certification;
8 amending s. 477.025, F.S., relating to
9 cosmetology and specialty salons, requisites,
10 licensure, inspection, and mobile cosmetology
11 salons, to conform; amending s. 477.026, F.S.;
12 revising fee provisions to conform; amending s.
13 477.0263, F.S., to conform; specifying
14 circumstances under which cosmetology or
15 specialty services may be practiced outside of
16 a licensed salon; amending s. 477.0265, F.S.,
17 relating to prohibited acts, to conform;
18 amending s. 477.028, F.S., relating to
19 disciplinary proceedings, to conform; amending
20 s. 477.029, F.S., relating to penalties, to
21 conform; repealing s. 477.0201, F.S., relating
22 to specialty registration, qualifications,
23 registration renewal, and endorsement;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 477.013, Florida Statutes, is
29 amended to read:

30 477.013 Definitions.--As used in this chapter, the
31 term:

- 1 (1) "Board" means the Board of Cosmetology.
- 2 (2) "Department" means the Department of Business and
3 Professional Regulation.
- 4 (3) "Cosmetologist" means a person who is licensed to
5 engage in the practice of all cosmetology services in this
6 state under the authority of this chapter, including hair
7 technician services, esthetician services, and nail technician
8 services, or a person who is licensed prior to January 1,
9 2008, to engage in the practice of cosmetology in this state.
- 10 (4) "Cosmetology" means the practice of performing or
11 offering to perform for compensation any of the following
12 services for aesthetic rather than medical purposes:
- 13 (a) Hair technician services, which are:
- 14 1. Treating a person's hair by:
- 15 a. Providing any method of treatment as a primary
16 service, including arranging, beautifying, lightening,
17 cleansing, coloring, cutting, dressing, processing,
18 shampooing, shaping, singeing, straightening, styling,
19 tinting, or waving;
- 20 b. Providing a necessary service that is preparatory
21 or ancillary to a service under sub-subparagraph a., including
22 clipping, cutting, or trimming; or
- 23 c. Cutting a person's hair as a separate and
24 independent service for which a charge is directly or
25 indirectly made separately from charges for any other service.
- 26 2. Weaving or braiding a person's hair.
- 27 3. Shampooing and conditioning a person's hair.
- 28 4. Servicing a person's wig or artificial hairpiece on
29 that person's head in any manner listed in subparagraph 1.
- 30 5. Treating a person's mustache or beard by coloring,
31 processing, styling, or trimming.

1 (b) Esthetician services, which are:

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

6 2. Beautifying a person's skin using a cosmetic
7 preparation, antiseptic, lotion, powder, oil, clay, cream, or
8 appliance.

9 3. Administering facial treatments.

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

12 5. Tinting eyebrows or eyelashes with products
13 manufactured specifically for eyebrows or eyelashes.

14 6. Body wrapping, which is a treatment program that
15 uses wraps for the purposes of cleansing and beautifying a
16 person's skin for aesthetic rather than medical or weight-loss
17 purposes and is the application of oils, lotions, or other
18 fluids to the body using wraps. Body wrapping does not include
19 manipulation of the body's superficial tissue, other than that
20 resulting from the application of the wrap materials.

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

23 (c) Nail technician services, which are:

24 1. Treating a person's nails by:

25 a. Cutting, trimming, polishing, painting, printing,
26 tinting, coloring, cleansing, manicuring, or pedicuring; or

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

28 2. Cleansing, treating, or beautifying a person's
29 forearms, hands, legs below the knee, or feet ~~mechanical or~~
30 ~~chemical treatment of the head, face, and scalp for aesthetic~~
31 ~~rather than medical purposes, including, but not limited to,~~

1 ~~hair shampooing, hair cutting, hair arranging, hair coloring,~~
2 ~~permanent waving, and hair relaxing for compensation. This~~
3 ~~term also includes performing hair removal, including wax~~
4 ~~treatments, manicures, pedicures, and skin care services.~~

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

8 ~~(6)(5)~~ "Specialist" means any person registered under
9 s. 477.014(6) to practice one or more of the following
10 specialties: holding a specialty registration in one or more
11 of the specialties registered under this chapter.

12 ~~(6)~~ "Specialty" means the practice of one or more of
13 the following:

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

19 (b) Pedicuring, or the shaping, polishing, tinting, or
20 cleansing of the nails of the feet, and massaging or
21 beautifying of the feet.

22 (c) Facials, or the massaging or treating of the face
23 or scalp with oils, creams, lotions, or other preparations,
24 and skin care services, which means the treatment of the skin
25 of a person's body, in addition to a person's head, face, and
26 scalp, by the use of a sponge, brush, cloth, or similar device
27 to apply or remove a chemical preparation or other substance
28 without involving massage, as defined in s. 480.033(3), except
29 that chemical peels may be removed by peeling an applied
30 preparation from the skin by hand.

31

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

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

7 ~~(8)(9)~~ "Hair braiding" means the weaving or
8 interweaving of a person's own natural ~~human~~ hair for
9 compensation without cutting, coloring, permanent waving,
10 relaxing, removing, or chemical treatment and does not include
11 the use of hair extensions or wefts.

12 ~~(9)(10)~~ "Hair wrapping" means the wrapping of
13 manufactured materials around a strand or strands of human
14 hair, for compensation, without cutting, coloring, permanent
15 waving, relaxing, removing, weaving, chemically treating,
16 braiding, using hair extensions, or performing any other
17 service defined as cosmetology.

18 ~~(10)(11)~~ "Photography studio salon" means an
19 establishment where the hair-arranging services and the
20 application of cosmetic products are performed solely for the
21 purpose of preparing the model or client for the photographic
22 session without shampooing, cutting, coloring, permanent
23 waving, relaxing, or removing of hair or performing any other
24 service defined as cosmetology.

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

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

31

1 ~~(b) Manipulation of the body's superficial tissue,~~
2 ~~other than that arising from compression emanating from the~~
3 ~~wrap materials.~~

4 ~~(13) "Skin care services" means the treatment of the~~
5 ~~skin of the body, other than the head, face, and scalp, by the~~
6 ~~use of a sponge, brush, cloth, or similar device to apply or~~
7 ~~remove a chemical preparation or other substance, except that~~
8 ~~chemical peels may be removed by peeling an applied~~
9 ~~preparation from the skin by hand. Skin care services must be~~
10 ~~performed by a licensed cosmetologist or facial specialist~~
11 ~~within a licensed cosmetology or specialty salon, and such~~
12 ~~services may not involve massage, as defined in s. 480.033(3),~~
13 ~~through manipulation of the superficial tissue.~~

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

16 477.0131 Hair technician, esthetician, nail
17 technician, and cosmetology licenses.--

18 (1) 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)(a) shall be licensed as a hair
21 technician.

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

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

30
31

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

4 Section 3. Section 477.0132, Florida Statutes, is
5 amended to read:

6 477.0132 Hair braiding, hair wrapping, and body
7 wrapping registration.--

8 (1)~~(a)~~ A person ~~Persons~~ whose occupation or practice
9 is confined solely to hair braiding shall ~~must~~ register with
10 the department, shall pay the applicable registration fee, and
11 shall take a two-day 16-hour course. The course shall be board
12 approved and consist of 5 hours of instruction in HIV/AIDS and
13 other communicable diseases, 5 hours of instruction in
14 sanitation and sterilization, 4 hours of instruction in
15 disorders and diseases of the scalp, and 2 hours of
16 instruction in ~~studies regarding~~ laws affecting hair braiding.

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

25 (3) A person holding a registration in body wrapping
26 before January 1, 2008, may continue to practice body wrapping
27 as described in s. 477.013(4)(b)6. The board shall adopt by
28 rule continuing education requirements for the renewal of body
29 wrapping registrations.

30 ~~(c) Unless otherwise licensed or exempted from~~
31 ~~licensure under this chapter, any person whose occupation or~~

1 ~~practice is body wrapping must register with the department,~~
2 ~~pay the applicable registration fee, and take a two day~~
3 ~~12 hour course. The course shall be board approved and consist~~
4 ~~of education in HIV/AIDS and other communicable diseases,~~
5 ~~sanitation and sterilization, disorders and diseases of the~~
6 ~~skin, and studies regarding laws affecting body wrapping.~~

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

13 ~~(5)(2)~~ Hair braiding and, hair wrapping, ~~and body~~
14 ~~wrapping~~ are not required to be practiced in a ~~cosmetology~~
15 ~~salon or specialty salon~~. When hair braiding or, hair
16 wrapping, ~~or body wrapping~~ is practiced outside a ~~cosmetology~~
17 ~~salon or specialty salon~~, disposable implements shall ~~must~~ be
18 used or all implements shall ~~must~~ be sanitized in a
19 disinfectant approved for hospital use or approved by the
20 federal Environmental Protection Agency.

21 ~~(6)(3)~~ Pending issuance of registration, a person is
22 eligible to practice hair braiding or, hair wrapping, ~~or body~~
23 ~~wrapping~~ upon submission of a registration application that
24 includes proof of successful completion of the education
25 requirements and payment of the applicable fees required by
26 this chapter.

27 Section 4. Section 477.014, Florida Statutes, is
28 amended to read:

29 477.014 Qualifications for practice.--

30 (1) On and after January 1, 2008, ~~a 1979~~, ~~no~~ person
31 who is not other than a duly licensed or registered under this

1 ~~chapter may not cosmetologist shall practice in any of the~~
2 ~~cosmetology areas provided in s. 477.013(4) or use the name or~~
3 ~~title of cosmetologist, hair technician, esthetician, or nail~~
4 ~~technician.~~

5 (2) A person licensed or registered under this chapter
6 on or after January 1, 2008, may not practice or hold himself
7 or herself out as qualified to practice in an area in which he
8 or she is not specifically licensed or registered under this
9 chapter.

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

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

16 (5) A manicure, pedicure, or nail extension specialist
17 registered or enrolled in a cosmetology school before January
18 1, 2008, may take the examination for a nail technician
19 license.

20 (6) A specialist registered under this chapter before
21 January 1, 2008, may continue to practice under the name of
22 his or her specialty registration without taking the
23 respective licensure examination. Renewal of all
24 registrations, including a full specialty registration that
25 includes facial, manicure, pedicure, and nail extension
26 specialties, existing before January 1, 2008, shall be
27 accomplished pursuant to rules adopted by the board.

28 Section 5. Section 477.019, Florida Statutes, is
29 amended to read:

30 477.019 Cosmetologists; hair technicians;
31 estheticians; nail technicians; qualifications; licensure;

1 supervised practice; license renewal; endorsement; continuing
2 education.--

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

6 (2) An applicant ~~is shall be~~ eligible for licensure by
7 examination to practice cosmetology, hair technician services,
8 esthetician services, or nail technician services if the
9 applicant:

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

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

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

24 2.a. Has received a minimum number of hours of
25 training as follows:

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

27 (II) For an esthetician, 600 hours.

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

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

30 b. ~~The training Has received a minimum of 1,200 hours~~
31 ~~of training as established by the board, which shall include,~~

1 but ~~need shall~~ not be limited to, the equivalent of completion
2 of services directly related to the practice of cosmetology at
3 one of the following:

4 ~~(I)a-~~ A school of cosmetology licensed pursuant to
5 chapter 1005.

6 ~~(II)b-~~ A cosmetology program within the public school
7 system.

8 ~~(III)c-~~ The Cosmetology Division of the Florida School
9 for the Deaf and the Blind, provided the division meets the
10 standards of this chapter.

11 ~~(IV)d-~~ A government-operated cosmetology program in
12 this state.

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

17 d. A person who begins his or her education on or
18 after January 1, 2008, shall comply with the hour requirements
19 in sub-subparagraph a. in order to qualify to take his or her
20 respective examination.

21
22 ~~The board shall establish by rule procedures whereby the~~
23 ~~school or program may certify that a person is qualified to~~
24 ~~take the required examination after the completion of a~~
25 ~~minimum of 1,000 actual school hours. If the person then~~
26 ~~passes the examination, he or she shall have satisfied this~~
27 ~~requirement; but if the person fails the examination, he or~~
28 ~~she shall not be qualified to take the examination again until~~
29 ~~the completion of the full requirements provided by this~~
30 ~~section.~~
31

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

6 (4) After submitting a complete application to take
7 the first available examination for licensure as a
8 cosmetologist, hair technician, esthetician, or nail
9 technician, a graduate of a licensed cosmetology school or a
10 program within the public school system, which school or
11 program is certified by the Department of Education, is
12 eligible to practice in the graduate's respective area for a
13 maximum period of 60 days, provided such graduate practices
14 under the supervision of a professional licensed under this
15 chapter in a licensed salon. A graduate who fails to pass an
16 examination the first time may continue to practice under the
17 supervision of a professional licensed under this chapter in a
18 licensed salon for an additional 60-day period, provided the
19 graduate applies for the next available examination. A
20 graduate may not continue to practice under this subsection if
21 the graduate fails the examination twice. Following the
22 ~~completion of the first licensing examination and pending the~~
23 ~~results of that examination and issuance of a license to~~
24 ~~practice cosmetology, graduates of licensed cosmetology~~
25 ~~schools or cosmetology programs offered in public school~~
26 ~~systems, which schools or programs are certified by the~~
27 ~~Department of Education, are eligible to practice cosmetology,~~
28 ~~provided such graduates practice under the supervision of a~~
29 ~~licensed cosmetologist in a licensed cosmetology salon. A~~
30 ~~graduate who fails the first examination may continue to~~
31 ~~practice under the supervision of a licensed cosmetologist in~~

1 ~~a licensed cosmetology salon if the graduate applies for the~~
2 ~~next available examination and until the graduate receives the~~
3 ~~results of that examination. No graduate may continue to~~
4 ~~practice under this subsection if the graduate fails the~~
5 ~~examination twice.~~

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

8 (6) The board shall adopt rules specifying procedures
9 for the licensure by endorsement of practitioners desiring to
10 be licensed in this state who hold a current active license in
11 another state or country and who have met qualifications
12 substantially similar to, equivalent to, or greater than the
13 qualifications required of applicants from this state. For
14 purposes of this subsection, work experience may be
15 substituted for required educational hours in the amount and
16 manner provided by board rule.

17 (7)(a) The board shall prescribe by rule continuing
18 education requirements for licensees and registered
19 specialists that intended to ensure the protection of the
20 public through updated training of licensees and registered
21 specialists, not to exceed 16 hours biennially, as a condition
22 for renewal of a license or registration as a specialist under
23 this chapter. Continuing education courses shall include, but
24 not be limited to, the following subjects as they relate to
25 the practice of cosmetology: HIV/AIDS ~~human immunodeficiency~~
26 ~~virus and acquired immune deficiency syndrome~~; Occupational
27 Safety and Health Administration regulations; workers'
28 compensation issues; state and federal laws and rules as they
29 pertain to cosmetologists, the practice of cosmetology,
30 salons, specialists, ~~specialty salons~~, and booth renters;
31 chemical makeup as it pertains to hair, skin, and nails; and

1 | environmental issues. Courses given at educational ~~cosmetology~~
2 | conferences may be counted toward the number of continuing
3 | education hours required if approved by the board.

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

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

13 | Section 6. Section 477.0212, Florida Statutes, is
14 | amended to read:

15 | 477.0212 Inactive status.--

16 | (1) A ~~cosmetologist's~~ license issued under this
17 | chapter that has become inactive may be reactivated under s.
18 | 477.019 upon application to the department.

19 | (2) The board shall adopt ~~promulgate~~ rules relating to
20 | licenses that ~~which~~ have become inactive and for the renewal
21 | of inactive licenses. The board shall prescribe by rule a fee
22 | not to exceed \$50 for the reactivation of an inactive license
23 | and a fee not to exceed \$50 for the renewal of an inactive
24 | license. The board shall prescribe by rule the continuing
25 | education requirements to be met prior to license renewal or
26 | reactivation.

27 | Section 7. Section 477.023, Florida Statutes, is
28 | amended to read:

29 | 477.023 Schools of cosmetology; licensure.--~~A No~~
30 | private school of cosmetology may not ~~shall be permitted to~~
31 | operate without a license issued by the Commission for

1 Independent Education pursuant to chapter 1005. However, this
2 chapter does not ~~nothing herein shall be construed to~~ prevent
3 certification by the Department of Education of grooming and
4 salon services and cosmetology training programs within the
5 public school system or ~~to~~ prevent government operation of any
6 other program of cosmetology in this state.

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

9 477.025 ~~Cosmetology salons; specialty Salons;~~
10 ~~requisites; licensure; inspection; mobile cosmetology~~
11 ~~salons.--~~

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

15 (2) The board shall adopt rules governing the
16 licensure and operation of salons ~~and specialty salons~~ and
17 their facilities, personnel, and safety and sanitary
18 requirements, and the license application and granting
19 process.

20 (3) Any person, firm, or corporation desiring to
21 operate a ~~cosmetology salon or specialty~~ salon in the state
22 shall submit to the department a salon ~~an~~ application form
23 ~~upon forms~~ provided by the department, and ~~accompanied by~~ any
24 relevant information requested by the department, and ~~by~~ an
25 application fee.

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

29 (5) When an applicant fails to meet all the
30 requirements provided in this section ~~herein~~, the department
31 shall deny the application in writing and shall list the

1 specific requirements not met. No applicant denied licensure
2 because of failure to meet the requirements of this section
3 ~~herein~~ shall be precluded from reapplying for licensure.

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

10 (7) No license for operation of a ~~cosmetology salon or~~
11 ~~specialty~~ salon may be transferred from the name of the
12 original licensee to another. It may be transferred from one
13 location to another only upon approval by the department,
14 which approval shall not be unreasonably withheld.

15 (8) Renewal of license registration for ~~cosmetology~~
16 ~~salons or specialty~~ salons shall be accomplished pursuant to
17 rules adopted by the board. The board is further authorized to
18 adopt rules governing delinquent renewal of licenses and may
19 impose penalty fees for delinquent renewal.

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

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

27 (b) Each mobile salon must comply with all licensure
28 and operating requirements specified in this chapter or
29 chapter 455 or rules of the board or department that apply to
30 ~~cosmetology~~ salons at fixed locations, except to the extent
31

1 that such requirements conflict with this subsection or rules
2 adopted pursuant to this subsection.

3 (c) A mobile ~~cosmetology~~ salon must maintain a
4 permanent business address, located in the inspection area of
5 the local department office, at which records of appointments,
6 itineraries, license numbers of employees, and vehicle
7 identification numbers of the licenseholder's mobile salon
8 shall be kept and made available for verification purposes by
9 department personnel, and at which correspondence from the
10 department can be received.

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

16 (e) The board shall establish fees for mobile
17 ~~cosmetology~~ salons, not to exceed the fees for ~~cosmetology~~
18 salons at fixed locations.

19 (f) The operation of mobile ~~cosmetology~~ salons must be
20 in compliance with all local laws and ordinances regulating
21 business establishments, with all applicable requirements of
22 the Americans with Disabilities Act relating to accommodations
23 for persons with disabilities, and with all applicable OSHA
24 requirements.

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

29 Section 9. Section 477.026, Florida Statutes, is
30 amended to read:

31 477.026 Fees; disposition.--

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

3 (a) For hair technicians, estheticians, nail
4 technicians, or cosmetologists, fees for original licensing,
5 license renewal, and delinquent renewal ~~may shall~~ not exceed
6 \$25.

7 (b) For hair technicians, estheticians, nail
8 technicians, or cosmetologists, fees for endorsement
9 application, examination, and reexamination ~~may shall~~ not
10 exceed \$50.

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

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

16 ~~(d)(e)~~ For specialists, fees for ~~initial registration,~~
17 registration renewal, and delinquent renewal ~~may shall~~ not
18 exceed \$50.

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

21 (2) All moneys collected by the department from fees
22 authorized by this chapter shall be paid into the Professional
23 Regulation Trust Fund, which fund is created in the
24 department, and shall be applied in accordance with ss. 215.37
25 and 455.219. The Legislature may appropriate any excess moneys
26 from this fund to the General Revenue Fund.

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

30 Section 10. Section 477.0263, Florida Statutes, is
31 amended to read:

1 477.0263 Cosmetology or specialty services to be
2 performed in licensed salon; ~~exceptions~~ ~~exception~~.--

3 (1) Cosmetology or specialty services shall be
4 performed only by licensed cosmetologists, hair technicians,
5 estheticians, or nail technicians or registered specialists in
6 licensed salons, except as otherwise provided in this section.

7 (2) Pursuant to rules established by the board,
8 cosmetology or specialty services may be performed by a
9 licensed cosmetologist, hair technician, esthetician, or nail
10 technician or a registered specialist in a location other than
11 a licensed salon, including, but not limited to, a nursing
12 home, hospital, or residence, when a client for reasons of ill
13 health is unable to go to a licensed salon. Arrangements for
14 the performance of such cosmetology or specialty services in a
15 location other than a licensed salon shall be made only
16 through a licensed salon.

17 (3) Any person who holds a valid cosmetology license
18 in any state or who is authorized to practice cosmetology in
19 any country, territory, or jurisdiction of the United States
20 may perform cosmetology services in a location other than a
21 licensed salon when such services are performed in connection
22 with the motion picture, fashion photography, theatrical, or
23 television industry; a photography studio salon; a
24 manufacturer trade show demonstration; a department store
25 demonstration; or an educational seminar.

26 (4) Pursuant to rules established by the board,
27 cosmetology, hair technician, esthetician, nail technician, or
28 specialty services may be performed in a location other than a
29 licensed salon when such services are performed in connection
30 with a special event and are performed by a person who is
31 employed by a licensed salon and who holds the proper license

1 or specialty registration. An appointment for the performance
2 of such services in a location other than a licensed salon
3 shall be made through a licensed salon.

4 Section 11. Section 477.0265, Florida Statutes, is
5 amended to read:

6 477.0265 Prohibited acts.--

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

8 (a) Engage in the practice of cosmetology or a
9 specialty without an active license in the field of
10 cosmetology ~~as a cosmetologist~~ or registration as a specialist
11 issued by the department pursuant to the provisions of this
12 chapter.

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

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

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

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

23 (d) Permit an employed person to engage in the
24 practice of cosmetology or of a specialty unless such person
25 holds a valid, active license in the field of cosmetology ~~as a~~
26 ~~cosmetologist~~ or a registration as a specialist.

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

30 (f) Use or attempt to use a license to practice in the
31 field of cosmetology or a registration to practice a

1 specialty, which license or registration is suspended or
2 revoked.

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

8 (h) In the practice of cosmetology or specialty
9 services, use or possess a cosmetic product containing a
10 liquid nail monomer containing any trace of methyl
11 methacrylate (MMA).

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

15 Section 12. Section 477.028, Florida Statutes, is
16 amended to read:

17 477.028 Disciplinary proceedings.--

18 (1) The board ~~may shall have the power to~~ revoke or
19 suspend the license of a cosmetologist, hair technician,
20 esthetician, or nail technician licensed under this chapter,
21 or the registration of a specialist registered under this
22 chapter, and ~~may to~~ reprimand, censure, deny subsequent
23 licensure or registration of, or otherwise discipline a
24 cosmetologist, hair technician, esthetician, nail technician,
25 or a specialist licensed or registered under this chapter in
26 any of the following cases:

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

29 (b) Upon proof that the holder of a license or
30 registration is guilty of fraud or deceit or of gross
31

1 negligence, incompetency, or misconduct in the practice or
2 instruction of cosmetology or a specialty.

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

7 (2) The board may ~~shall have the power to~~ revoke or
8 suspend the license of a ~~cosmetology salon or a specialty~~
9 salon licensed under this chapter; ~~to~~ deny subsequent
10 licensure of such salon; ~~to~~ reprimand, censure, or
11 otherwise discipline the owner of such salon in either of the
12 following cases:

13 (a) Upon proof that a license has been obtained by
14 fraud or misrepresentation.

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

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

20 (4) The department may ~~shall~~ not issue or renew a
21 license or certificate of registration under this chapter to
22 any person against whom or salon against which the board has
23 assessed a fine, interest, or costs associated with
24 investigation and prosecution until the person or salon has
25 paid in full such fine, interest, or costs associated with
26 investigation and prosecution or until the person or salon
27 complies with or satisfies all terms and conditions of the
28 final order.

29 Section 13. Section 477.029, Florida Statutes, is
30 amended to read:

31 477.029 Penalty.--

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

2 (a) Hold himself or herself out as a cosmetologist,
3 hair technician, esthetician, nail technician, specialist,
4 hair wrapper, hair braider, or body wrapper unless duly
5 licensed or registered, or otherwise authorized, as provided
6 in this chapter.

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

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

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

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

15 (f) Impersonate any other licenseholder of like or
16 different name.

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

19 (h) Violate any provision of s. 455.227(1), s.
20 477.0265, or s. 477.028.

21 (i) Violate or refuse to comply with any provision of
22 this chapter or chapter 455 or a rule or final order of the
23 board or the department.

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

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

29 (b) Issuance of a reprimand or censure.

30 (c) Imposition of an administrative fine not to exceed
31 \$500 for each count or separate offense.

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

4 (e) Refusal to certify to the department an applicant
5 for licensure.

6 Section 14. Section 477.0201, Florida Statutes, is
7 repealed.

8 Section 15. This act shall take effect January 1,
9 2008.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31