

By the Committee on Regulated Industries; and Senator Wise

580-2113-07

1                                   A bill to be entitled  
2                   An act relating to cosmetology; amending s.  
3                   477.013, F.S.; providing and revising  
4                   definitions; redefining "cosmetology" to  
5                   include hair technician, esthetician, and nail  
6                   technician services; including body wrapping  
7                   within esthetician services; removing a  
8                   distinction between specialty salons and other  
9                   salons; creating s. 477.0131, F.S.; authorizing  
10                  licensure for hair technicians, estheticians,  
11                  nail technicians, and cosmetologists; amending  
12                  s. 477.0132, F.S.; eliminating future body  
13                  wrapping registrations; authorizing renewal of  
14                  current body wrapping registrations; specifying  
15                  that only the Board of Cosmetology may review,  
16                  evaluate, and approve required text; amending  
17                  s. 477.014, F.S.; revising requirements for  
18                  qualification to practice under ch. 477, F.S.;  
19                  authorizing current specialists to sit for  
20                  licensure examinations in certain  
21                  circumstances; providing for the renewal of  
22                  current specialty registrations; amending s.  
23                  477.019, F.S.; revising qualification,  
24                  education, licensure and renewal, supervised  
25                  practice, and endorsement requirements for  
26                  cosmetologist licenses to include and  
27                  differentiate qualification, education,  
28                  licensure and renewal, supervised practice, and  
29                  endorsement requirements for hair technician,  
30                  esthetician, and nail technician licenses;  
31                  requiring the board to adopt certain procedures

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 creating s. 477.0231, F.S.; providing for the  
9 selection and placement of cosmetology interns;  
10 requiring a school program to provide written  
11 notice to the board regarding the internship  
12 sponsor and the cosmetology intern; providing  
13 requirements and duties of the internship  
14 sponsor; requiring a cosmetology salon to post  
15 notice regarding services of a student intern;  
16 requiring a cosmetology intern to possess  
17 written authorization to practice cosmetology;  
18 requiring the board to establish education  
19 prerequisites for cosmetology internships;  
20 authorizing the board to terminate an  
21 internship of a cosmetology intern or the  
22 sponsorship of a internship sponsor; requiring  
23 the board to give notice of termination;  
24 amending s. 477.025, F.S., relating to  
25 cosmetology and specialty salons, requisites,  
26 licensure, inspection, and mobile cosmetology  
27 salons, to conform; amending s. 477.026, F.S.;  
28 revising fee provisions to conform; amending s.  
29 477.0263, F.S., to conform; specifying  
30 circumstances under which cosmetology or  
31 specialty services may be practiced outside of

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

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

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 offering to perform for compensation any of the following services for aesthetic rather than medical purposes:
  - (a) Hair technician services, which are:
    - 1. Treating a person's hair by:

- 1           a. Providing any method of treatment as a primary  
2 service, including arranging, beautifying, lightening,  
3 cleansing, coloring, cutting, dressing, processing,  
4 shampooing, shaping, singeing, straightening, styling,  
5 tinting, or waving;
- 6           b. Providing a necessary service that is preparatory  
7 or ancillary to a service under sub-subparagraph a., including  
8 clipping, cutting, or trimming; or
- 9           c. Cutting a person's hair as a separate and  
10 independent service for which a charge is directly or  
11 indirectly made separately from charges for any other service.
- 12           2. Weaving or braiding a person's hair.
- 13           3. Shampooing and conditioning a person's hair.
- 14           4. Servicing a person's wig or artificial hairpiece on  
15 that person's head in any manner listed in subparagraph 1.
- 16           5. Treating a person's mustache or beard by coloring,  
17 processing, styling, or trimming.
- 18           (b) Esthetician services, which are:
- 19           1. Cleansing, exfoliating, or stimulating a person's  
20 skin by hand or by using a mechanical device, apparatus, or  
21 appliance with the use of any cosmetic preparation,  
22 antiseptic, lotion, powder, oil, clay, cream, or appliance.
- 23           2. Beautifying a person's skin using a cosmetic  
24 preparation, antiseptic, lotion, powder, oil, clay, cream, or  
25 appliance.
- 26           3. Administering facial treatments.
- 27           4. Removing superfluous hair from a person's body  
28 using depilatories, threading, waxing, sugaring, or tweezing.
- 29           5. Tinting eyebrows or eyelashes with products  
30 manufactured specifically for eyebrows or eyelashes.  
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1           6. Body wrapping, which is a treatment program that  
2 uses wraps for the purposes of cleansing and beautifying a  
3 person's skin for aesthetic rather than medical or weight-loss  
4 purposes and is the application of oils, lotions, or other  
5 fluids to the body using wraps. Body wrapping does not include  
6 manipulation of the body's superficial tissue, other than that  
7 resulting from the application of the wrap materials.

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

10           (c) Nail technician services, which are:

11           1. Treating a person's nails by:

12           a. Cutting, trimming, polishing, painting, printing,  
13 tinting, coloring, cleansing, manicuring, or pedicuring; or

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

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

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

26           ~~(6)(5)~~ "Specialist" means any person registered under  
27 s. 477.014(6) to practice one or more of the following  
28 specialties: holding a specialty registration in one or more  
29 of the specialties registered under this chapter.

30           ~~(6)~~ "Specialty" means the practice of one or more of  
31 the following:

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

6 (b) Pedicuring, or the shaping, polishing, tinting, or  
7 cleansing of the nails of the feet, and massaging or  
8 beautifying of the feet.

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

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

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

24 ~~(8)(9)~~ "Hair braiding" means the weaving or  
25 interweaving of a person's own natural ~~human~~ hair for  
26 compensation without cutting, coloring, permanent waving,  
27 relaxing, removing, or chemical treatment and does not include  
28 the use of hair extensions or wefts.

29 ~~(9)(10)~~ "Hair wrapping" means the wrapping of  
30 manufactured materials around a strand or strands of human  
31 hair, for compensation, without cutting, coloring, permanent

1 | waving, relaxing, removing, weaving, chemically treating,  
2 | braiding, using hair extensions, or performing any other  
3 | service defined as cosmetology.

4 |        ~~(10)~~(11) "Photography studio salon" means an  
5 | establishment where the hair-arranging services and the  
6 | application of cosmetic products are performed solely for the  
7 | purpose of preparing the model or client for the photographic  
8 | session without shampooing, cutting, coloring, permanent  
9 | waving, relaxing, or removing of hair or performing any other  
10 | service defined as cosmetology.

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

14 |           (a) The application of oils, lotions, or other fluids  
15 | to the body, except fluids contained in presoaked materials  
16 | used in the wraps; or

17 |           (b) Manipulation of the body's superficial tissue,  
18 | other than that arising from compression emanating from the  
19 | wrap materials.

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

30 |        Section 2. Section 477.0131, Florida Statutes, is  
31 | created to read:

1           477.0131 Hair technician, esthetician, nail  
2 technician, and cosmetology licenses.--

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

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

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

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

18           Section 3. Section 477.0132, Florida Statutes, is  
19 amended to read:

20           477.0132 Hair braiding, hair wrapping, and body  
21 wrapping registration.--

22           (1)~~(a)~~ A person ~~Persons~~ whose occupation or practice  
23 is confined solely to hair braiding shall ~~must~~ register with  
24 the department, shall pay the applicable registration fee, and  
25 shall take a two-day 16-hour course. The course shall be board  
26 approved and consist of 5 hours of instruction in HIV/AIDS and  
27 other communicable diseases, 5 hours of instruction in  
28 sanitation and sterilization, 4 hours of instruction in  
29 disorders and diseases of the scalp, and 2 hours of  
30 instruction in ~~studies regarding~~ laws affecting hair braiding.  
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1           ~~(2)(b)~~ A person ~~Persons~~ whose occupation or practice  
2 is confined solely to hair wrapping ~~shall~~ must register with  
3 the department, shall pay the applicable registration fee, and  
4 shall take a one-day 6-hour course. The course shall be board  
5 approved and consist of instruction ~~education~~ in HIV/AIDS and  
6 other communicable diseases, sanitation and sterilization,  
7 disorders and diseases of the scalp, and ~~studies regarding~~  
8 laws affecting hair wrapping.

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

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

25           ~~(5)(2)~~ Hair braiding, hair wrapping, and body wrapping  
26 are not required to be practiced in a ~~cosmetology~~ salon ~~or~~  
27 ~~specialty salon~~. When hair braiding, hair wrapping, or body  
28 wrapping is practiced outside a ~~cosmetology~~ salon ~~or specialty~~  
29 ~~salon~~, disposable implements shall ~~must~~ be used or all  
30 implements shall ~~must~~ be sanitized in a disinfectant approved  
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1 for hospital use or approved by the federal Environmental  
2 Protection Agency.

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

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

11 477.014 Qualifications for practice.--

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

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

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

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

29 (5) A manicure, pedicure, or nail extension specialist  
30 registered or enrolled in a cosmetology school before July 1,  
31 2008, may take the examination for a nail technician license.

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

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

11           477.019 Cosmetologists; hair technicians;  
12 estheticians; nail technicians; qualifications; licensure;  
13 supervised practice; license renewal; endorsement; continuing  
14 education.--

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

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

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

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

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

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

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

8 (II) For an esthetician, 600 hours.

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

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

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

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

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

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

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

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

29 d. A person who begins his or her education on or  
30 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

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

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

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

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

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

22           477.0231 Cosmetology internships.--

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



1 length and schedule of an individual cosmetology internship,  
2 but such internship may not exceed 12 months.

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

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

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

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

30 (6) While engaged in the practice of cosmetology, a  
31 cosmetology intern shall possess written documentation of his

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

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

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

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

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

28 (1) No ~~cosmetology salon or specialty~~ salon shall be  
29 permitted to operate without a license issued by the  
30 department except as provided in subsection (11).  
31

1           (2) The board shall adopt rules governing the  
2 licensure and operation of salons ~~and specialty salons~~ and  
3 their facilities, personnel, and safety and sanitary  
4 requirements, and the license application and granting  
5 process.

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

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

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

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

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

1           (8) Renewal of license registration for ~~cosmetology~~  
2 ~~salons or specialty~~ salons shall be accomplished pursuant to  
3 rules adopted by the board. The board is further authorized to  
4 adopt rules governing delinquent renewal of licenses and may  
5 impose penalty fees for delinquent renewal.

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

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

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

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

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

1 (e) The board shall establish fees for mobile  
2 ~~cosmetology~~ salons, not to exceed the fees for ~~cosmetology~~  
3 salons at fixed locations.

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

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

14 Section 10. Section 477.026, Florida Statutes, is  
15 amended to read:

16 477.026 Fees; disposition.--

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

19 (a) For hair technicians, estheticians, nail  
20 technicians, or cosmetologists, fees for original licensing,  
21 license renewal, and delinquent renewal ~~may shall~~ not exceed  
22 \$25.

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

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

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

1           ~~(d)(e)~~ For specialists, fees for ~~initial registration,~~  
2 registration renewal, and delinquent renewal ~~may shall~~ not  
3 exceed \$50.

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

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

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

15           Section 11. Section 477.0263, Florida Statutes, is  
16 amended to read:

17           477.0263 Cosmetology or specialty services to be  
18 performed in licensed salon; ~~exceptions exception~~.--

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

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

1 | the performance of such cosmetology or specialty services in a  
2 | location other than a licensed salon shall be made only  
3 | through a licensed salon.

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

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

22 |         Section 12. Section 477.0265, Florida Statutes, is  
23 | amended to read:

24 |             477.0265 Prohibited acts.--

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

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

31 |

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

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

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

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

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

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

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

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

30 (h) In the practice of cosmetology or specialty  
31 services, use or possess a cosmetic product containing a



1 liquid nail monomer containing any trace of methyl  
2 methacrylate (MMA).

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

6 Section 13. Section 477.028, Florida Statutes, is  
7 amended to read:

8 477.028 Disciplinary proceedings.--

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

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

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

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

28 (2) The board may ~~shall have the power to~~ revoke or  
29 suspend the license of a ~~cosmetology salon or a specialty~~  
30 salon licensed under this chapter; it ~~to~~ deny subsequent  
31 licensure of such salon; it ~~to~~ reprimand, censure, or

1 otherwise discipline the owner of such salon in either of the  
2 following cases:

3 (a) Upon proof that a license has been obtained by  
4 fraud or misrepresentation.

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

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

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

19 Section 14. Section 477.029, Florida Statutes, is  
20 amended to read:

21 477.029 Penalty.--

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

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

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

30  
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1 (c) Permit an employed person to practice cosmetology  
2 or a specialty unless duly licensed or registered, or  
3 otherwise authorized, as provided in this chapter.

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

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

7 (f) Impersonate any other licenseholder of like or  
8 different name.

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

11 (h) Violate any provision of s. 455.227(1), s.  
12 477.0265, or s. 477.028.

13 (i) Violate or refuse to comply with any provision of  
14 this chapter or chapter 455 or a rule or final order of the  
15 board or the department.

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

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

21 (b) Issuance of a reprimand or censure.

22 (c) Imposition of an administrative fine not to exceed  
23 \$500 for each count or separate offense.

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

27 (e) Refusal to certify to the department an applicant  
28 for licensure.

29 Section 15. Section 477.0201, Florida Statutes, is  
30 repealed.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 920

The committee substitute (CS) creates s. 477.0231, F.S., to provide for cosmetology interns and internship supervisors.

The CS reinstates the definition in current law for "body wrapping" in s. 477.013(12), F.S.

The CS reinstates the provision in current law related to the education requirement for "body wrapping" in s. 477.0132, F.S., and increases the required course hours for "body wrapping" from 12 to 40 hours. It also requires that the course include, but not be limited to, body systems and contraindications.

The CS also amends s. 477.0265, F.S., to reference authorized cosmetology interns.

The CS changes the effective date to July 1, 2008.