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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; defining the terms "cosmetology intern"
10 and "internship sponsor"; creating s. 477.0131,
11 F.S.; authorizing licensure for hair
12 technicians, estheticians, nail technicians,
13 and cosmetologists; amending s. 477.0132, F.S.;
14 eliminating future body wrapping registrations;
15 authorizing renewal of current body wrapping
16 registrations; specifying that only the Board
17 of Cosmetology may review, evaluate, and
18 approve required text; amending s. 477.014,
19 F.S.; revising requirements for qualification
20 to practice under ch. 477, F.S.; authorizing
21 current specialists to sit for licensure
22 examinations in certain circumstances;
23 providing for the renewal of current specialty
24 registrations; amending s. 477.019, F.S.;
25 revising qualification, education, licensure
26 and renewal, supervised practice, and
27 endorsement requirements for cosmetologist
28 licenses to include and differentiate
29 qualification, education, licensure and
30 renewal, supervised practice, and endorsement
31 requirements for hair technician, esthetician,

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

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

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

15

16 Section 1. Section 477.013, Florida Statutes, is
17 amended to read:18 477.013 Definitions.--As used in this chapter, the
19 term:

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

21 (2) "Department" means the Department of Business and
22 Professional Regulation.23 (3) "Cosmetologist" means a person who is licensed to
24 engage in the practice of all cosmetology services in this
25 state under the authority of this chapter, including hair
26 technician services, esthetician services, and nail technician
27 services, or a person who is licensed prior to July 1, 2008,
28 to engage in the practice of cosmetology in this state.29 (4) "Cosmetology" means the practice of performing or
30 offering to perform for compensation any of the following
31 services for aesthetic rather than medical purposes:

- 1 (a) Hair technician services, which are:
- 2 1. Treating a person's hair by:
- 3 a. Providing any method of treatment as a primary
- 4 service, including arranging, beautifying, lightening,
- 5 cleansing, coloring, cutting, dressing, processing,
- 6 shampooing, shaping, singeing, straightening, styling,
- 7 tinting, or waving;
- 8 b. Providing a necessary service that is preparatory
- 9 or ancillary to a service under sub-subparagraph a., including
- 10 clipping, cutting, or trimming; or
- 11 c. Cutting a person's hair as a separate and
- 12 independent service for which a charge is directly or
- 13 indirectly made separately from charges for any other service.
- 14 2. Weaving or braiding a person's hair.
- 15 3. Shampooing and conditioning a person's hair.
- 16 4. Servicing a person's wig or artificial hairpiece on
- 17 that person's head in any manner listed in subparagraph 1.
- 18 5. Treating a person's mustache or beard by coloring,
- 19 processing, styling, or trimming.
- 20 (b) Esthetician services, which are:
- 21 1. Cleansing, exfoliating, or stimulating a person's
- 22 skin by hand or by using a mechanical device, apparatus, or
- 23 appliance with the use of any cosmetic preparation,
- 24 antiseptic, lotion, powder, oil, clay, cream, or appliance.
- 25 2. Beautifying a person's skin using a cosmetic
- 26 preparation, antiseptic, lotion, powder, oil, clay, cream, or
- 27 appliance.
- 28 3. Administering facial treatments.
- 29 4. Removing superfluous hair from a person's body
- 30 using depilatories, threading, waxing, sugaring, or tweezing.
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1 5. Tinting eyebrows or eyelashes with products
2 manufactured specifically for eyebrows or eyelashes.

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

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

12 (c) Nail technician services, which are:

13 1. Treating a person's nails by:

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

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

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

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

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

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

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

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

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

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

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

26 ~~(8)(9)~~ "Hair braiding" means the weaving or
27 interweaving of a person's own natural ~~human~~ hair for
28 compensation without cutting, coloring, permanent waving,
29 relaxing, removing, or chemical treatment and does not include
30 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) "Cosmetology intern" means a student enrolled in
15 an 1,800-hour cosmetology program participating in an optional
16 work experience internship under the direct supervision of a
17 licensed cosmetologist in a licensed salon.

18 (12) "Internship sponsor" means a licensed
19 cosmetologist registered with the board for the purpose of
20 supervising a cosmetology intern and ensuring compliance by
21 the intern with the laws and rules of this state and the
22 internship requirements established by the board and
23 administered through the school or program.

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

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

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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.

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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)(c) Unless otherwise licensed or exempted from
26 licensure under this chapter, any person whose occupation or
27 practice is confined solely to body wrapping must register
28 with the department, pay the applicable registration fee, and
29 take a 40-hour ~~two day 12 hour~~ course. The course shall be
30 board approved and include, but not be limited to, body
31 systems, contraindications, ~~consist of education in~~ HIV/AIDS

1 and other communicable diseases, sanitation and sterilization,
2 disorders and diseases of the skin, and studies regarding laws
3 affecting body wrapping.

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

10 ~~(5)(2)~~ Hair braiding, hair wrapping, and body wrapping
11 are not required to be practiced in a ~~cosmetology~~ salon ~~or~~
12 ~~specialty~~ salon. When hair braiding, hair wrapping, or body
13 wrapping is practiced outside a ~~cosmetology~~ salon ~~or specialty~~
14 ~~salon~~, disposable implements shall ~~must~~ be used or all
15 implements shall ~~must~~ be sanitized in a disinfectant approved
16 for hospital use or approved by the federal Environmental
17 Protection Agency.

18 ~~(6)(3)~~ Pending issuance of registration, a person is
19 eligible to practice hair braiding, hair wrapping, or body
20 wrapping upon submission of a registration application that
21 includes proof of successful completion of the education
22 requirements and payment of the applicable fees required by
23 this chapter.

24 Section 4. Section 477.014, Florida Statutes, is
25 amended to read:

26 477.014 Qualifications for practice.--

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

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

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

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

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

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

25 Section 5. Section 477.019, Florida Statutes, is
26 amended to read:

27 477.019 Cosmetologists; hair technicians;
28 estheticians; nail technicians; qualifications; licensure;
29 supervised practice; license renewal; endorsement; continuing
30 education.--

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

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

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

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

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

22 2.a. Has received a minimum number of hours of
23 training as follows:

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

25 (II) For an esthetician, 600 hours.

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

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

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

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

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

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

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

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

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

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

30 (3) Upon an applicant receiving a passing grade, as
31 established by board rule, on the examination and paying the

1 initial licensing fee, the department shall issue a license to
2 practice in the applicant's respective area of cosmetology
3 provided in s. 477.013(4).

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

1 ~~results of that examination. No graduate may continue to~~
2 ~~practice under this subsection if the graduate fails the~~
3 ~~examination twice.~~

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

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

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

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1 conferences may be counted toward the number of continuing
2 education hours required if approved by the board.

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

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

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

14 477.0212 Inactive status.--

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

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

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

28 477.023 Schools of cosmetology; licensure.--~~A No~~
29 private school of cosmetology may not ~~shall be permitted to~~
30 operate without a license issued by the Commission for
31 Independent Education pursuant to chapter 1005. However, this

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

6 Section 8. Section 477.0231, Florida Statutes, is
7 created to read:

8 477.0231 Cosmetology internships.--

9 (1) The selection and placement of cosmetology interns
10 shall be determined by the cosmetology school or program. The
11 school or program shall determine whether a student is
12 eligible to become a cosmetology intern and whether an
13 internship sponsor meets the requirements for its educational
14 objectives. The school program, on behalf of the student,
15 shall provide written notice to the board that an internship
16 sponsor has been selected and name the cosmetology intern to
17 be supervised. The school or program shall determine the
18 length and schedule of an individual cosmetology internship,
19 but such internship may not exceed 12 months. Internships
20 shall not substitute or take the place of educational or
21 licensure requirements.

22 (2) Each internship sponsor shall obtain approval from
23 a school or cosmetology program and shall register with the
24 board before accepting placement of each cosmetology intern.
25 The application for registration must include the name and
26 contact person of the school or program placing the intern,
27 the names and addresses of the internship sponsor, and other
28 information that the board requires.

29 (3) The internship sponsor must have an active license
30 and shall actively supervise the cosmetology intern in the
31 practice of cosmetology pursuant to rules established by the

1 board. A cosmetology intern may only practice within the field
2 of cosmetology in which he or she is engaged in the course of
3 study. The internship sponsor shall ensure that the
4 cosmetology intern is complying with the laws and rules
5 governing cosmetology and is complying with the educational
6 objectives and guidelines established by the cosmetology
7 school or program and the board.

8 (4) All services provided by the cosmetology intern
9 shall be expressly approved by the internship sponsor and
10 contracted for by the internship sponsor. The internship
11 sponsor shall ensure that the public is clearly informed that
12 the cosmetology intern is not a licensed cosmetologist.

13 (5) Pursuant to rules established by the board, the
14 cosmetology salon in which a cosmetology intern is engaged in
15 the practice of cosmetology shall post notice in a conspicuous
16 manner within the salon indicating that a student intern is
17 providing services on the premises.

18 (6) While engaged in the practice of cosmetology, a
19 cosmetology intern shall possess written documentation of his
20 or her authorization to engage in the practice of cosmetology
21 from the student's cosmetology school or program and shall
22 furnish such documentation to the department before engaging
23 in the practice of cosmetology and upon request by department
24 personnel.

25 (7) The board shall establish by rule the education
26 prerequisites for cosmetology internships, including the
27 minimum number of hours of classroom instruction and required
28 course work. The board shall establish by rule the number of
29 permitted cosmetology internships per internship sponsor, the
30 minimum and maximum number of internship hours, and the
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1 recommended educational objectives and guidelines for an
2 internship program in a cosmetology school or program.

3 (8) The board may terminate the internship of any
4 cosmetology intern and the sponsorship of any internship
5 sponsor for a violation of the laws and rules governing
6 cosmetology and board rules governing internships. The board
7 shall provide notice of termination of an internship to the
8 internship sponsor, the cosmetology school or program, and the
9 cosmetology intern. In the case of a terminated cosmetology
10 internship, the school or program shall determine the
11 educational status of the cosmetology intern.

12 Section 9. Section 477.025, Florida Statutes, is
13 amended to read:

14 477.025 ~~Cosmetology salons; specialty Salons;~~
15 ~~requisites; licensure; inspection; mobile cosmetology~~
16 ~~salons.--~~

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

20 (2) The board shall adopt rules governing the
21 licensure and operation of salons ~~and specialty salons~~ and
22 their facilities, personnel, and safety and sanitary
23 requirements, and the license application and granting
24 process.

25 (3) Any person, firm, or corporation desiring to
26 operate a ~~cosmetology salon or specialty~~ salon in the state
27 shall submit to the department a salon ~~an~~ application form
28 ~~upon forms~~ provided by the department, and ~~accompanied by~~ any
29 relevant information requested by the department, and ~~by~~ an
30 application fee.

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

4 (5) When an applicant fails to meet all the
5 requirements provided in this section ~~herein~~, the department
6 shall deny the application in writing and shall list the
7 specific requirements not met. No applicant denied licensure
8 because of failure to meet the requirements of this section
9 ~~herein~~ shall be precluded from reapplying for licensure.

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

16 (7) No license for operation of a ~~cosmetology salon or~~
17 ~~specialty~~ salon may be transferred from the name of the
18 original licensee to another. It may be transferred from one
19 location to another only upon approval by the department,
20 which approval shall not be unreasonably withheld.

21 (8) Renewal of license registration for ~~cosmetology~~
22 ~~salons or specialty~~ salons shall be accomplished pursuant to
23 rules adopted by the board. The board is further authorized to
24 adopt rules governing delinquent renewal of licenses and may
25 impose penalty fees for delinquent renewal.

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

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

3 (b) Each mobile salon must comply with all licensure
4 and operating requirements specified in this chapter or
5 chapter 455 or rules of the board or department that apply to
6 ~~cosmetology~~ salons at fixed locations, except to the extent
7 that such requirements conflict with this subsection or rules
8 adopted pursuant to this subsection.

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

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

22 (e) The board shall establish fees for mobile
23 ~~cosmetology~~ salons, not to exceed the fees for ~~cosmetology~~
24 salons at fixed locations.

25 (f) The operation of mobile ~~cosmetology~~ salons must be
26 in compliance with all local laws and ordinances regulating
27 business establishments, with all applicable requirements of
28 the Americans with Disabilities Act relating to accommodations
29 for persons with disabilities, and with all applicable OSHA
30 requirements.

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

5 Section 10. Section 477.026, Florida Statutes, is
6 amended to read:

7 477.026 Fees; disposition.--

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

10 (a) For hair technicians, estheticians, nail
11 technicians, or cosmetologists, fees for original licensing,
12 license renewal, and delinquent renewal may shall not exceed
13 \$25.

14 (b) For hair technicians, estheticians, nail
15 technicians, or cosmetologists, fees for endorsement
16 application, examination, and reexamination may shall not
17 exceed \$50.

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

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

23 ~~(d)(e)~~ For specialists, fees for ~~initial registration,~~
24 registration renewal, and delinquent renewal may shall not
25 exceed \$50.

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

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

30 (2) All moneys collected by the department from fees
31 authorized by this chapter shall be paid into the Professional

1 Regulation Trust Fund, which fund is created in the
2 department, and shall be applied in accordance with ss. 215.37
3 and 455.219. The Legislature may appropriate any excess moneys
4 from this fund to the General Revenue Fund.

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

8 Section 11. Section 477.0263, Florida Statutes, is
9 amended to read:

10 477.0263 Cosmetology or specialty services to be
11 performed in licensed salon; ~~exceptions~~ ~~exception~~.--

12 (1) Cosmetology or specialty services shall be
13 performed only by licensed cosmetologists or a cosmetologist
14 intern supervised by a licensed cosmetologist, hair
15 technicians, estheticians, or nail technicians or registered
16 specialists in licensed salons, except as otherwise provided
17 in this section.

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

28 (3) Any person who holds a valid cosmetology license
29 in any state or who is authorized to practice cosmetology in
30 any country, territory, or jurisdiction of the United States
31 may perform cosmetology services in a location other than a

1 licensed salon when such services are performed in connection
2 with the motion picture, fashion photography, theatrical, or
3 television industry; a photography studio salon; a
4 manufacturer trade show demonstration; a department store
5 demonstration; or an educational seminar.

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

15 Section 12. Section 477.0265, Florida Statutes, is
16 amended to read:

17 477.0265 Prohibited acts.--

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

19 (a) Engage in the practice of cosmetology or a
20 specialty without an active license in the field of
21 cosmetology unless authorized as a cosmetologist intern or
22 registration as a specialist issued by the department pursuant
23 to the provisions of this chapter.

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

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

29 2. In which a person not licensed in the field of
30 cosmetology or registered as a ~~cosmetologist or a~~ specialist

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1 or authorized as a cosmetologist intern is permitted to
2 perform cosmetology services or any specialty.

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

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

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

14 (f) Use or attempt to use a license to practice in the
15 field of cosmetology or a registration to practice a
16 specialty, which license or registration is suspended or
17 revoked.

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

23 (h) In the practice of cosmetology or specialty
24 services, use or possess a cosmetic product containing a
25 liquid nail monomer containing any trace of methyl
26 methacrylate (MMA).

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

30 Section 13. Section 477.028, Florida Statutes, is
31 amended to read:

1 477.028 Disciplinary proceedings.--

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

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

13 (b) Upon proof that the holder of a license or
14 registration is guilty of fraud or deceit or of gross
15 negligence, incompetency, or misconduct in the practice or
16 instruction of cosmetology or a specialty.

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

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

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

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

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

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

12 Section 14. Section 477.029, Florida Statutes, is
13 amended to read:

14 477.029 Penalty.--

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

16 (a) Hold himself or herself out as a cosmetologist,
17 hair technician, esthetician, nail technician, specialist,
18 hair wrapper, hair braider, or body wrapper unless duly
19 licensed or registered, or otherwise authorized, as provided
20 in this chapter.

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

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

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

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

29 (f) Impersonate any other licenseholder of like or
30 different name.

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

3 (h) Violate any provision of s. 455.227(1), s.
4 477.0265, or s. 477.028.

5 (i) Violate or refuse to comply with any provision of
6 this chapter or chapter 455 or a rule or final order of the
7 board or the department.

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

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

13 (b) Issuance of a reprimand or censure.

14 (c) Imposition of an administrative fine not to exceed
15 \$500 for each count or separate offense.

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

19 (e) Refusal to certify to the department an applicant
20 for licensure.

21 Section 15. Section 477.0201, Florida Statutes, is
22 repealed.

23 Section 16. (1) For fiscal year 2007-2008, the sum of
24 \$60,149 in nonrecurring funds is appropriated from the
25 Administrative Trust Fund of the Department of Business and
26 Professional Regulation to carry out the central-service
27 administrative support functions related to the licensing
28 provisions of this act.

29 (2) This section shall take effect July 1, 2007.
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1 Section 17. Except as otherwise expressly provided in
2 this act and except for this section, which shall take effect
3 July 1, 2007, this act shall take effect July 1, 2008.
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