

1 A bill to be entitled
2 An act relating to cosmetology; amending s. 477.013, F.S.;
3 providing and revising definitions; redefining
4 "cosmetology" to include hair technician, esthetician, and
5 nail technician services; including body wrapping within
6 esthetician services; removing a distinction between
7 specialty salons and other salons; creating s. 477.0131,
8 F.S.; authorizing licensure for hair technicians,
9 estheticians, nail technicians, and cosmetologists;
10 amending s. 477.0132, F.S.; authorizing renewal of current
11 body wrapping registrations; increasing length of required
12 course; specifying that only the Board of Cosmetology may
13 review, evaluate, and approve required course and text;
14 amending s. 477.014, F.S.; revising requirements for
15 qualification to practice under ch. 477, F.S.; authorizing
16 current specialists to sit for licensure examinations in
17 certain circumstances; providing for the renewal of
18 current specialty registrations; amending s. 477.019,
19 F.S.; revising qualification, education, licensure and
20 renewal, supervised practice, and endorsement requirements
21 for cosmetologist licenses to include and differentiate
22 qualification, education, licensure and renewal,
23 supervised practice, and endorsement requirements for hair
24 technician, esthetician, and nail technician licenses;
25 requiring the board to adopt certain procedures relating
26 to licensure by endorsement; amending s. 477.0212, F.S.;
27 requiring the board to adopt certain rules relating to
28 license renewal or continuing education; amending s.

29 477.023, F.S.; stipulating that the Department of
 30 Education is not prevented from issuing grooming and salon
 31 services certification; amending s. 477.025, F.S.,
 32 relating to cosmetology and specialty salons, requisites,
 33 licensure, inspection, and mobile cosmetology salons, to
 34 conform; amending s. 477.026, F.S.; revising fee
 35 provisions to conform; amending s. 477.0263, F.S., to
 36 conform; specifying circumstances under which cosmetology
 37 or specialty services may be practiced outside of a
 38 licensed salon; amending s. 477.0265, F.S., relating to
 39 prohibited acts, to conform; amending s. 477.028, F.S.,
 40 relating to disciplinary proceedings, to conform; amending
 41 s. 477.029, F.S., relating to penalties, to conform;
 42 repealing s. 477.0201, F.S., relating to specialty
 43 registration, qualifications, registration renewal, and
 44 endorsement; providing an appropriation; providing
 45 effective dates.

46

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

48

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

51 477.013 Definitions.--As used in this chapter, the term:

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

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

55 (3) "Cosmetologist" means a person who is licensed to
 56 engage in the practice of all cosmetology services in this state

57 under the authority of this chapter, including hair technician
58 services, esthetician services, and nail technician services, or
59 a person who is licensed prior to July 1, 2009, to engage in the
60 practice of cosmetology in this state.

61 (4) "Cosmetology" means the practice of performing or
62 offering to perform for compensation any of the following
63 services for aesthetic rather than medical purposes:

64 (a) Hair technician services, which are:

65 1. Treating a person's hair by:

66 a. Providing any method of treatment as a primary service,
67 including arranging, beautifying, lightening, cleansing,
68 coloring, cutting, dressing, processing, shampooing, shaping,
69 singeing, straightening, styling, tinting, or waving;

70 b. Providing a necessary service that is preparatory or
71 ancillary to a service under sub-subparagraph a., including
72 clipping, cutting, or trimming; or

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

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

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

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

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

82 (b) Esthetician services, which are:

83 1. Cleansing, exfoliating, or stimulating a person's skin
84 by hand or by using a mechanical device, apparatus, or appliance

85 with the use of any cosmetic preparation, antiseptic, lotion,
 86 powder, oil, clay, cream, or appliance.

87 2. Beautifying a person's skin using a cosmetic
 88 preparation, antiseptic, lotion, powder, oil, clay, cream, or
 89 appliance.

90 3. Administering facial treatments.

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

93 5. Tinting eyebrows or eyelashes with products
 94 manufactured specifically for eyebrows or eyelashes.

95 6. Body wrapping, which is a treatment program that uses
 96 wraps for the purposes of cleansing and beautifying a person's
 97 skin for aesthetic rather than medical or weight-loss purposes
 98 and is the application of oils, lotions, or other fluids to the
 99 body using wraps. Body wrapping does not include manipulation of
 100 the body's superficial tissue, other than that resulting from
 101 the application of the wrap materials.

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

104 (c) Nail technician services, which are:

105 1. Treating a person's nails by:

106 a. Cutting, trimming, polishing, painting, printing,
 107 tinting, coloring, cleansing, manicuring, or pedicuring; or

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

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

113 ~~hair shampooing, hair cutting, hair arranging, hair coloring,~~
 114 ~~permanent waving, and hair relaxing for compensation. This term~~
 115 ~~also includes performing hair removal, including wax treatments,~~
 116 ~~manicures, pedicures, and skin care services.~~

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

120 ~~(6)(5)~~ "Specialist" means any person registered under s.
 121 477.014(6) to practice one or more of the following specialties:
 122 ~~holding a specialty registration in one or more of the~~
 123 ~~specialties registered under this chapter.~~

124 ~~(6) "Specialty" means the practice of one or more of the~~
 125 ~~following:~~

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

131 (b) Pedicuring, or the shaping, polishing, tinting, or
 132 cleansing of the nails of the feet, and massaging or beautifying
 133 of the feet.

134 (c) Facials, or the massaging or treating of the face or
 135 scalp with oils, creams, lotions, or other preparations, and
 136 skin care services, which means the treatment of the skin of a
 137 person's body, in addition to a person's head, face, and scalp,
 138 by the use of a sponge, brush, cloth, or similar device to apply
 139 or remove a chemical preparation or other substance without
 140 involving massage, as defined in s. 480.033(3), except that

141 chemical peels may be removed by peeling an applied preparation
 142 from the skin by hand.

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

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

149 (8) ~~(9)~~ "Hair braiding" means the weaving or interweaving
 150 of a person's own natural ~~human~~ hair for compensation without
 151 cutting, coloring, permanent waving, relaxing, removing, or
 152 chemical treatment and does not include the use of hair
 153 extensions or wefts.

154 (9) ~~(10)~~ "Hair wrapping" means the wrapping of manufactured
 155 materials around a strand or strands of human hair, for
 156 compensation, without cutting, coloring, permanent waving,
 157 relaxing, removing, weaving, chemically treating, braiding,
 158 using hair extensions, or performing any other service defined
 159 as cosmetology.

160 (10) ~~(11)~~ "Photography studio salon" means an establishment
 161 where the hair-arranging services and the application of
 162 cosmetic products are performed solely for the purpose of
 163 preparing the model or client for the photographic session
 164 without shampooing, cutting, coloring, permanent waving,
 165 relaxing, or removing of hair or performing any other service
 166 defined as cosmetology.

167 ~~(12) "Body wrapping" means a treatment program that uses~~
 168 ~~herbal wraps for the purposes of cleansing and beautifying the~~

169 ~~skin of the body, but does not include:~~

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

173 ~~(b) Manipulation of the body's superficial tissue, other~~
 174 ~~than that arising from compression emanating from the wrap~~
 175 ~~materials.~~

176 ~~(13) "Skin care services" means the treatment of the skin~~
 177 ~~of the body, other than the head, face, and scalp, by the use of~~
 178 ~~a sponge, brush, cloth, or similar device to apply or remove a~~
 179 ~~chemical preparation or other substance, except that chemical~~
 180 ~~peels may be removed by peeling an applied preparation from the~~
 181 ~~skin by hand. Skin care services must be performed by a licensed~~
 182 ~~cosmetologist or facial specialist within a licensed cosmetology~~
 183 ~~or specialty salon, and such services may not involve massage,~~
 184 ~~as defined in s. 480.033(3), through manipulation of the~~
 185 ~~superficial tissue.~~

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

188 477.0131 Hair technician, esthetician, nail technician,
 189 and cosmetology licenses.--

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

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

196 (3) A person who is otherwise qualified by this chapter

197 and who is authorized to practice all of the services listed in
 198 s. 477.013(4)(c) shall be licensed as a nail technician.

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

202 Section 3. Section 477.0132, Florida Statutes, is amended
 203 to read:

204 477.0132 Hair braiding, hair wrapping, and body wrapping
 205 registration.--

206 (1)~~(a)~~ A person ~~Persons~~ whose occupation or practice is
 207 confined solely to hair braiding shall ~~must~~ register with the
 208 department, shall pay the applicable registration fee, and shall
 209 take a two-day 16-hour course. The course shall be board
 210 approved and consist of 5 hours of instruction in HIV/AIDS and
 211 other communicable diseases, 5 hours of instruction in
 212 sanitation and sterilization, 4 hours of instruction in
 213 disorders and diseases of the scalp, and 2 hours of instruction
 214 in ~~studies regarding~~ laws affecting hair braiding.

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

223 (3)~~(c)~~ Unless otherwise licensed or exempted from
 224 licensure under this chapter, any person whose occupation or

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225 practice is confined solely to body wrapping must register with
226 the department, pay the applicable registration fee, and take a
227 40-hour ~~two-day 12-hour~~ course. The course shall be board
228 approved and include, but not be limited to, body systems,
229 contraindications, ~~consist of education in~~ HIV/AIDS and other
230 communicable diseases, sanitation and sterilization, disorders
231 and diseases of the skin, and studies regarding laws affecting
232 body wrapping.

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

238 (5) ~~(2)~~ Hair braiding, hair wrapping, and body wrapping are
239 not required to be practiced in a ~~cosmetology~~ salon ~~or specialty~~
240 ~~salon~~. When hair braiding, hair wrapping, or body wrapping is
241 practiced outside a ~~cosmetology~~ salon ~~or specialty~~ salon,
242 disposable implements shall ~~must~~ be used or all implements shall
243 ~~must~~ be sanitized in a disinfectant approved for hospital use or
244 approved by the federal Environmental Protection Agency.

245 (6) ~~(3)~~ Pending issuance of registration, a person is
246 eligible to practice hair braiding, hair wrapping, or body
247 wrapping upon submission of a registration application that
248 includes proof of successful completion of the education
249 requirements and payment of the applicable fees required by this
250 chapter.

251 Section 4. Section 477.014, Florida Statutes, is amended
252 to read:

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253 477.014 Qualifications for practice.--

254 (1) On and after July January 1, 2009, a 1979, no person
255 who is not ~~other than~~ a duly licensed or registered under this
256 chapter may not ~~cosmetologist~~ shall practice in any of the
257 cosmetology areas provided in s. 477.013(4) or use the name or
258 title of cosmetologist, hair technician, esthetician, or nail
259 technician.

260 (2) A person licensed or registered under this chapter on
261 or after July 1, 2009, may not practice or hold himself or
262 herself out as qualified to practice in an area in which he or
263 she is not specifically licensed or registered under this
264 chapter.

265 (3) A cosmetologist licensed before July 1, 2009, may
266 perform all the services of a licensed cosmetologist as defined
267 in this chapter.

268 (4) A facial specialist registered or enrolled in a
269 cosmetology school before July 1, 2009, may take the examination
270 for an esthetician license.

271 (5) A manicure, pedicure, or nail extension specialist
272 registered or enrolled in a cosmetology school before July 1,
273 2009, may take the examination for a nail technician license.

274 (6) A specialist registered under this chapter before July
275 1, 2009, may continue to practice under the name of his or her
276 specialty registration without taking the respective licensure
277 examination. Renewal of all registrations, including a full
278 specialty registration that includes facial, manicure, pedicure,
279 and nail extension specialties, existing before July 1, 2009,
280 shall be accomplished pursuant to rules adopted by the board.

281 Section 5. Section 477.019, Florida Statutes, is amended
 282 to read:

283 477.019 Cosmetologists; hair technicians; estheticians;
 284 nail technicians; qualifications; licensure; supervised
 285 practice; license renewal; endorsement; continuing education.--

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

289 (2) An applicant is ~~shall be~~ eligible for licensure by
 290 examination to practice cosmetology, hair technician services,
 291 esthetician services, or nail technician services if the
 292 applicant:

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

298 (b) Pays the required application fee, which is not
 299 refundable, and the required examination fee, which is
 300 refundable if the applicant is determined to not be eligible for
 301 licensure for any reason other than failure to successfully
 302 complete the licensure examination.†; ~~and~~

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

307 2.a. Has received a minimum number of hours of training as
 308 follows:

- 309 (I) For a hair technician, 1,000 hours.
- 310 (II) For an esthetician, 600 hours.
- 311 (III) For a nail technician, 350 hours.
- 312 (IV) For a cosmetologist, 1,800 hours, composed of
- 313 training from the hair technician, esthetician, and nail
- 314 technician curricula.

315

316 The board shall adopt rules to prevent an applicant from having

317 to repeat curricula components. A person who holds one or more

318 licenses may obtain an additional license by completing training

319 as determined by board rule. The board shall consult with the

320 Department of Education and the Commission for Independent

321 Education on the development of such rules.

322 b. The training ~~Has received a minimum of 1,200 hours of~~

323 ~~training as established by the board, which shall include, but~~

324 ~~need shall~~ not be limited to, the equivalent of completion of

325 services directly related to the practice of cosmetology at one

326 of the following:

327 (I)a. A school of cosmetology licensed pursuant to chapter

328 1005.

329 (II)b. A cosmetology program within the public school

330 system.

331 (III)c. The Cosmetology Division of the Florida School for

332 the Deaf and the Blind, provided the division meets the

333 standards of this chapter.

334 (IV)d. A government-operated cosmetology program in this

335 state.

336 c. A person who has enrolled and begun his or her

337 education before July 1, 2009, may take the examination to be
 338 licensed as a cosmetologist upon completion of 1,200 hours of
 339 education.

340 d. A person who begins his or her education on or after
 341 July 1, 2009, shall comply with the hour requirements in sub-
 342 subparagraph a. in order to qualify to take his or her
 343 respective examination.

344
 345 ~~The board shall establish by rule procedures whereby the school~~
 346 ~~or program may certify that a person is qualified to take the~~
 347 ~~required examination after the completion of a minimum of 1,000~~
 348 ~~actual school hours. If the person then passes the examination,~~
 349 ~~he or she shall have satisfied this requirement; but if the~~
 350 ~~person fails the examination, he or she shall not be qualified~~
 351 ~~to take the examination again until the completion of the full~~
 352 ~~requirements provided by this section.~~

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

358 (4) After submitting a complete application to take the
 359 first available examination for licensure as a cosmetologist,
 360 hair technician, esthetician, or nail technician, a graduate of
 361 a licensed cosmetology school or a program within the public
 362 school system, which school or program is certified by the
 363 Department of Education, is eligible to practice in the
 364 graduate's respective area for a maximum period of 60 days,

365 provided such graduate practices under the supervision of a
 366 professional licensed under this chapter in a licensed salon. A
 367 graduate who fails to pass an examination the first time may
 368 continue to practice under the supervision of a professional
 369 licensed under this chapter in a licensed salon for an
 370 additional 60-day period, provided the graduate applies for the
 371 next available examination. A graduate may not continue to
 372 practice under this subsection if the graduate fails the
 373 examination twice. Following the completion of the first
 374 licensing examination and pending the results of that
 375 examination and issuance of a license to practice cosmetology,
 376 graduates of licensed cosmetology schools or cosmetology
 377 programs offered in public school systems, which schools or
 378 programs are certified by the Department of Education, are
 379 eligible to practice cosmetology, provided such graduates
 380 practice under the supervision of a licensed cosmetologist in a
 381 licensed cosmetology salon. A graduate who fails the first
 382 examination may continue to practice under the supervision of a
 383 licensed cosmetologist in a licensed cosmetology salon if the
 384 graduate applies for the next available examination and until
 385 the graduate receives the results of that examination. No
 386 graduate may continue to practice under this subsection if the
 387 graduate fails the examination twice.

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

390 (6) The board shall adopt rules specifying procedures for
 391 the licensure by endorsement of practitioners desiring to be
 392 licensed in this state who hold a current active license in

393 another state or country and who have met qualifications
 394 substantially similar to, equivalent to, or greater than the
 395 qualifications required of applicants from this state. For
 396 purposes of this subsection, work experience may be substituted
 397 for required educational hours in the amount and manner provided
 398 by board rule.

399 (7) (a) The board shall prescribe by rule continuing
 400 education requirements for licensees and registered specialists
 401 that intended to ensure the protection of the public through
 402 updated training of licensees and registered specialists, not to
 403 exceed 16 hours biennially, as a condition for renewal of a
 404 license or registration as a specialist under this chapter.
 405 Continuing education courses shall include, but not be limited
 406 to, the following subjects as they relate to the practice of
 407 cosmetology: HIV/AIDS ~~human immunodeficiency virus and acquired~~
 408 ~~immune deficiency syndrome~~; Occupational Safety and Health
 409 Administration regulations; workers' compensation issues; state
 410 and federal laws and rules as they pertain to cosmetologists,
 411 the practice of cosmetology, salons, specialists, ~~specialty~~
 412 ~~salons~~, and booth renters; chemical makeup as it pertains to
 413 hair, skin, and nails; and environmental issues. Courses given
 414 at educational ~~cosmetology~~ conferences may be counted toward the
 415 number of continuing education hours required if approved by the
 416 board.

417 (b) Any person whose occupation or practice is confined
 418 solely to hair braiding, hair wrapping, or body wrapping is
 419 exempt from the continuing education requirements of this
 420 subsection.

421 (c) The board may, by rule, require any licensee in
 422 violation of a continuing education requirement to take a
 423 refresher course or refresher course and examination in addition
 424 to any other penalty. ~~The number of hours for the refresher~~
 425 ~~course may not exceed 48 hours.~~

426 Section 6. Section 477.0212, Florida Statutes, is amended
 427 to read:

428 477.0212 Inactive status.--

429 (1) A ~~cosmetologist's~~ license issued under this chapter
 430 which that has become inactive may be reactivated under s.
 431 477.019 upon application to the department.

432 (2) The board shall adopt ~~promulgate~~ rules relating to
 433 licenses that ~~which~~ have become inactive and for the renewal of
 434 inactive licenses. The board shall prescribe by rule a fee not
 435 to exceed \$50 for the reactivation of an inactive license and a
 436 fee not to exceed \$50 for the renewal of an inactive license.
 437 The board shall prescribe by rule the continuing education
 438 requirements to be met prior to license renewal or reactivation.

439 Section 7. Section 477.023, Florida Statutes, is amended
 440 to read:

441 477.023 Schools of cosmetology; licensure.--A ~~No~~ private
 442 school of cosmetology may not ~~shall be permitted to~~ operate
 443 without a license issued by the Commission for Independent
 444 Education pursuant to chapter 1005. However, this chapter does
 445 not ~~nothing herein shall be construed to~~ prevent certification
 446 by the Department of Education of grooming and salon services
 447 and cosmetology training programs within the public school
 448 system or ~~to~~ prevent government operation of any other program

449 of cosmetology in this state.

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

452 477.025 ~~Cosmetology salons; specialty Salons; requisites;~~
 453 licensure; inspection; mobile ~~e~~cosmetology salons.--

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

457 (2) The board shall adopt rules governing the licensure
 458 and operation of salons ~~and specialty salons~~ and their
 459 facilities, personnel, and safety and sanitary requirements, and
 460 the license application and granting process.

461 (3) Any person, firm, or corporation desiring to operate a
 462 ~~e~~cosmetology salon or specialty salon in the state shall submit
 463 to the department a salon an application form ~~upon forms~~
 464 provided by the department, and accompanied by any relevant
 465 information requested by the department, and by an application
 466 fee.

467 (4) Upon receiving the application, the department may
 468 cause an investigation to be made of the proposed ~~e~~cosmetology
 469 ~~salon or specialty~~ salon.

470 (5) When an applicant fails to meet all the requirements
 471 provided in this section ~~herein~~, the department shall deny the
 472 application in writing and shall list the specific requirements
 473 not met. No applicant denied licensure because of failure to
 474 meet the requirements of this section ~~herein~~ shall be precluded
 475 from reapplying for licensure.

476 (6) When the department determines that the proposed

477 ~~cosmetology salon or specialty~~ salon may reasonably be expected
 478 to meet the requirements set forth in this section herein, the
 479 department shall grant the license upon such conditions as it
 480 shall deem proper under the circumstances and upon payment of
 481 the original licensing fee.

482 (7) No license for operation of a ~~cosmetology salon or~~
 483 ~~specialty~~ salon may be transferred from the name of the original
 484 licensee to another. It may be transferred from one location to
 485 another only upon approval by the department, which approval
 486 shall not be unreasonably withheld.

487 (8) Renewal of license registration for ~~cosmetology salons~~
 488 ~~or specialty~~ salons shall be accomplished pursuant to rules
 489 adopted by the board. The board is further authorized to adopt
 490 rules governing delinquent renewal of licenses and may impose
 491 penalty fees for delinquent renewal.

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

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

499 (b) Each mobile salon must comply with all licensure and
 500 operating requirements specified in this chapter or chapter 455
 501 or rules of the board or department that apply to ~~cosmetology~~
 502 salons at fixed locations, except to the extent that such
 503 requirements conflict with this subsection or rules adopted
 504 pursuant to this subsection.

505 (c) A mobile ~~cosmetology~~ salon must maintain a permanent
 506 business address, located in the inspection area of the local
 507 department office, at which records of appointments,
 508 itineraries, license numbers of employees, and vehicle
 509 identification numbers of the licenseholder's mobile salon shall
 510 be kept and made available for verification purposes by
 511 department personnel, and at which correspondence from the
 512 department can be received.

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

518 (e) The board shall establish fees for mobile ~~cosmetology~~
 519 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed
 520 locations.

521 (f) The operation of mobile ~~cosmetology~~ salons must be in
 522 compliance with all local laws and ordinances regulating
 523 business establishments, with all applicable requirements of the
 524 Americans with Disabilities Act relating to accommodations for
 525 persons with disabilities, and with all applicable OSHA
 526 requirements.

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

531 Section 9. Section 477.026, Florida Statutes, is amended
 532 to read:

533 477.026 Fees; disposition.--

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

536 (a) For hair technicians, estheticians, nail technicians,
537 or cosmetologists, fees for original licensing, license renewal,
538 and delinquent renewal may shall not exceed \$25.

539 (b) For hair technicians, estheticians, nail technicians,
540 or cosmetologists, fees for endorsement application,
541 examination, and reexamination may shall not exceed \$50.

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

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

547 (d)(e) For specialists, fees for ~~initial registration,~~
548 registration renewal, and delinquent renewal may shall not
549 exceed \$50.

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

552 (2) All moneys collected by the department from fees
553 authorized by this chapter shall be paid into the Professional
554 Regulation Trust Fund, which fund is created in the department,
555 and shall be applied in accordance with ss. 215.37 and 455.219.
556 The Legislature may appropriate any excess moneys from this fund
557 to the General Revenue Fund.

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

560 Section 10. Section 477.0263, Florida Statutes, is amended

561 to read:

562 477.0263 Cosmetology or specialty services to be performed
 563 in licensed salon; exceptions ~~exception~~.--

564 (1) Cosmetology or specialty services shall be performed
 565 only by licensed cosmetologists, hair technicians, estheticians,
 566 or nail technicians or registered specialists in licensed
 567 salons, except as otherwise provided in this section.

568 (2) Pursuant to rules established by the board,
 569 cosmetology or specialty services may be performed by a licensed
 570 cosmetologist, hair technician, esthetician, or nail technician
 571 or a registered specialist in a location other than a licensed
 572 salon, including, but not limited to, a nursing home, hospital,
 573 or residence, when a client for reasons of ill health is unable
 574 to go to a licensed salon. Arrangements for the performance of
 575 such cosmetology or specialty services in a location other than
 576 a licensed salon shall be made only through a licensed salon.

577 (3) Any person who holds a valid cosmetology license in
 578 any state or who is authorized to practice cosmetology in any
 579 country, territory, or jurisdiction of the United States may
 580 perform cosmetology services in a location other than a licensed
 581 salon when such services are performed in connection with the
 582 motion picture, fashion photography, theatrical, or television
 583 industry; a photography studio salon; a manufacturer trade show
 584 demonstration; a department store demonstration; or an
 585 educational seminar.

586 (4) Pursuant to rules established by the board,
 587 cosmetology, hair technician, esthetician, nail technician, or
 588 specialty services may be performed in a location other than a

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589 licensed salon when such services are performed in connection
 590 with a special event and are performed by a person who is
 591 employed by a licensed salon and who holds the proper license or
 592 specialty registration. An appointment for the performance of
 593 such services in a location other than a licensed salon shall be
 594 made through a licensed salon.

595 Section 11. Section 477.0265, Florida Statutes, is amended
 596 to read:

597 477.0265 Prohibited acts.--

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

599 (a) Engage in the practice of cosmetology or a specialty
 600 without an active license in the field of cosmetology unless
 601 authorized as a cosmetologist or registration as a specialist
 602 issued by the department pursuant to the provisions of this
 603 chapter.

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

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

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

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

614 (d) Permit an employed person to engage in the practice of
 615 cosmetology or of a specialty unless such person holds a valid,
 616 active license in the field of cosmetology or is authorized as a

617 cosmetologist or holds a registration as a specialist.

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

621 (f) Use or attempt to use a license to practice in the
622 field of cosmetology or a registration to practice a specialty,
623 which license or registration is suspended or revoked.

624 (g) Advertise or imply that skin care services or body
625 wrapping, as performed under this chapter, has ~~have~~ any
626 relationship to the practice of massage therapy as defined in s.
627 480.033(3), except those practices or activities defined in s.
628 477.013.

629 (h) In the practice of cosmetology or specialty services,
630 use or possess a cosmetic product containing a liquid nail
631 monomer containing any trace of methyl methacrylate (MMA).

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

635 Section 12. Section 477.028, Florida Statutes, is amended
636 to read:

637 477.028 Disciplinary proceedings.--

638 (1) The board may ~~shall have the power to~~ revoke or
639 suspend the license of a cosmetologist, hair technician,
640 esthetician, or nail technician licensed under this chapter, or
641 the registration of a specialist registered under this chapter,
642 and may ~~to~~ reprimand, censure, deny subsequent licensure or
643 registration of, or otherwise discipline a cosmetologist, hair
644 technician, esthetician, nail technician, or a specialist

645 licensed or registered under this chapter in any of the
 646 following cases:

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

649 (b) Upon proof that the holder of a license or
 650 registration is guilty of fraud or deceit or of gross
 651 negligence, incompetency, or misconduct in the practice or
 652 instruction of cosmetology or a specialty.

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

657 (2) The board may ~~shall have the power to~~ revoke or
 658 suspend the license of a ~~cosmetology salon or a specialty~~ salon
 659 licensed under this chapter; ~~to~~ deny subsequent licensure of
 660 such salon; ~~or to~~ reprimand, censure, or otherwise discipline
 661 the owner of such salon in either of the following cases:

662 (a) Upon proof that a license has been obtained by fraud
 663 or misrepresentation.

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

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

669 (4) The department may ~~shall~~ not issue or renew a license
 670 or certificate of registration under this chapter to any person
 671 against whom or salon against which the board has assessed a
 672 fine, interest, or costs associated with investigation and

673 prosecution until the person or salon has paid in full such
 674 fine, interest, or costs associated with investigation and
 675 prosecution or until the person or salon complies with or
 676 satisfies all terms and conditions of the final order.

677 Section 13. Section 477.029, Florida Statutes, is amended
 678 to read:

679 477.029 Penalty.--

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

681 (a) Hold himself or herself out as a cosmetologist, hair
 682 technician, esthetician, nail technician, specialist, hair
 683 wrapper, hair braider, or body wrapper unless duly licensed or
 684 registered, or otherwise authorized, as provided in this
 685 chapter.

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

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

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

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

694 (f) Impersonate any other licenseholder of like or
 695 different name.

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

697 (h) Violate any provision of s. 455.227(1), s. 477.0265,
 698 or s. 477.028.

699 (i) Violate or refuse to comply with any provision of this
 700 chapter or chapter 455 or a rule or final order of the board or

701 the department.

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

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

707 (b) Issuance of a reprimand or censure.

708 (c) Imposition of an administrative fine not to exceed
 709 \$500 for each count or separate offense.

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

712 (e) Refusal to certify to the department an applicant for
 713 licensure.

714 Section 14. Section 477.0201, Florida Statutes, is
 715 repealed.

716 Section 15. (1) For the 2008-2009 fiscal year, the sum of
 717 \$60,149 in nonrecurring funds is appropriated from the
 718 Administrative Trust Fund of the Department of Business and
 719 Professional Regulation to carry out the central-service
 720 administrative support functions related to the licensing
 721 provisions of this act.

722 (2) This section shall take effect July 1, 2008.

723 Section 16. Except as otherwise expressly provided in this
 724 act and except for this section, which shall take effect July 1,
 725 2008, this act shall take effect July 1, 2009.