

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 specified services and exclude  
5       artificial nails and use of certain skin treatments;  
6       defining "hair stylist," "esthetician," and "nail  
7       technician"; including body wrapping within esthetician  
8       services; removing a distinction between specialty salons  
9       and other salons; creating s. 477.0131, F.S.; authorizing  
10      licensure for cosmetologists, hair stylists, estheticians,  
11      and nail technicians; amending s. 477.0132, F.S.;  
12      authorizing renewal of current body wrapping  
13      registrations; increasing length of required course;  
14      specifying that only the Board of Cosmetology may review,  
15      evaluate, and approve required course and text; amending  
16      s. 477.014, F.S.; revising requirements for qualification  
17      to practice under ch. 477, F.S.; authorizing current  
18      specialists to sit for licensure examinations in certain  
19      circumstances; providing for the renewal of current  
20      specialty registrations; amending s. 477.016, F.S.;  
21      requiring the Board of Cosmetology to adopt rules relating  
22      to protection of health of clients, nail technicians, and  
23      estheticians; amending s. 477.019, F.S.; revising  
24      qualification, education, licensure and renewal,  
25      supervised practice, and endorsement requirements to  
26      include and differentiate such requirements for  
27      cosmetologists, hair stylists, estheticians, and nail  
28      technicians; requiring the board to adopt certain

29 | procedures relating to licensure by endorsement; amending  
 30 | s. 477.0212, F.S.; requiring the board to adopt certain  
 31 | rules relating to license renewal or continuing education;  
 32 | amending s. 477.023, F.S.; stipulating that the Department  
 33 | of Education is not prevented from issuing certain  
 34 | grooming and salon services certification; amending s.  
 35 | 477.025, F.S., relating to cosmetology and specialty  
 36 | salons, requisites, licensure, inspection, and mobile  
 37 | cosmetology salons, to conform; amending s. 477.026, F.S.;  
 38 | revising fee provisions to conform; amending s. 477.0263,  
 39 | F.S.; specifying circumstances under which cosmetology,  
 40 | hair stylist, esthetician, nail technician, or specialty  
 41 | services may be practiced outside of a licensed salon;  
 42 | amending s. 477.0265, F.S., relating to prohibited acts,  
 43 | to conform; prohibiting the use or possession of a credo  
 44 | in the provision of cosmetology, nail technician, or  
 45 | manicure or pedicure specialty services; amending s.  
 46 | 477.028, F.S., relating to disciplinary proceedings, to  
 47 | conform; amending s. 477.029, F.S., relating to penalties,  
 48 | to conform; repealing s. 477.0201, F.S., relating to  
 49 | specialty registration, qualifications, registration  
 50 | renewal, and endorsement; requiring a report to the  
 51 | Legislature on the use of a national examination for  
 52 | certain licenses in order to improve reciprocity with  
 53 | other states; providing appropriations; providing  
 54 | effective dates.

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

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Section 1. Effective July 1, 2009, 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 under this chapter to engage in the practice of cosmetology in this state ~~under the authority of this chapter.~~

(4) "Cosmetology" means the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing all the services of a hair stylist; the services of a nail technician, including manicures and pedicures of the natural nails, but not related to artificial nails; basic hair removal by use of waxing and tweezing; and, basic skin care services for facials with use of oils, creams, and lotions but not the use of chemical peels and other skin treatments ~~hair removal, including wax treatments, manicures, pedicures, and skin care services.~~

(5) "Esthetician" means a person who is licensed under the authority of this chapter to perform or offer to perform for compensation the following services:

(a) Cleansing, exfoliating, or stimulating a person's skin 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 (b) Beautifying a person's skin using a cosmetic  
88 preparation, antiseptic, lotion, powder, oil, clay, cream, or  
89 appliance.

90 (c) Administering facial treatments.

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

93 (e) Tinting eyebrows or eyelashes with products  
94 manufactured specifically for eyebrows or eyelashes.

95 (f) 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 (g) Submersing parts of the body in a bath of clay, oils,  
103 lotions, or other fluids.

104 (6) "Hair stylist" means a person who is licensed under  
105 this chapter to perform or offer to perform for compensation the  
106 following services:

107 (a) Treating a person's hair by:

108 1. Providing any method of treatment as a primary service,  
109 including arranging, beautifying, lightening, cleansing,  
110 coloring, cutting, dressing, processing, shampooing, shaping,  
111 singeing, straightening, styling, tinting, or waving;

112 2. Providing a necessary service that is preparatory or

113 ancillary to a service under subparagraph 1., including  
 114 clipping, cutting, or trimming; or  
 115 3. Cutting a person's hair as a separate and independent  
 116 service for which a charge is directly or indirectly made  
 117 separately from charges for any other service.  
 118 (b) Weaving or braiding a person's hair.  
 119 (c) Shampooing and conditioning a person's hair.  
 120 (d) Servicing a person's wig or artificial hairpiece on  
 121 that person's head in any manner listed in paragraph (a).  
 122 (e) Treating a person's mustache or beard by coloring,  
 123 processing, styling, or trimming.  
 124 (f) Providing basic hair removal by use of waxing or  
 125 tweezing of the eyebrows and upper and lower lip.  
 126 (7) "Nail technician" means a person who is licensed under  
 127 this chapter to perform or offer to perform for compensation the  
 128 following services:  
 129 (a) Treating a person's nails by:  
 130 1. Cutting, trimming, polishing, painting, printing,  
 131 tinting, coloring, cleansing, manicuring, or pedicuring;  
 132 2. Affixing artificial nails, acrylic nails, gel nails,  
 133 extensions, or capping; or  
 134 3. Utilizing drills and other mechanical devices on the  
 135 nails and cuticles.  
 136 (b) Cleansing, treating, or beautifying a person's  
 137 forearms, hands, legs below the knee, or feet.  
 138 (8) "Salon" means a place of business where the practice  
 139 of one or more cosmetology, hair stylist, esthetician, nail  
 140 technician, or specialty services are offered or performed for

141 compensation.

142 ~~(9)(5)~~ "Specialist" means any person registered under s.  
 143 477.014(6) to practice one or more of the following specialties:  
 144 ~~holding a specialty registration in one or more of the~~  
 145 ~~specialties registered under this chapter.~~

146 ~~(6)~~ "Specialty" means ~~the practice of one or more of the~~  
 147 ~~following:~~

148 (a) Manicuring, or the cutting, polishing, tinting,  
 149 coloring, cleansing, adding, or extending of the nails, ~~and~~  
 150 ~~massaging of the hands. This term includes any procedure or~~  
 151 ~~process for the affixing of artificial nails, except those nails~~  
 152 that ~~which~~ may be applied solely by use of a simple adhesive,  
 153 and massaging of the hands.

154 (b) Pedicuring, or the shaping, polishing, tinting, or  
 155 cleansing of the nails of the feet, and massaging or beautifying  
 156 of the feet.

157 (c) Facials, or the massaging or treating of the face or  
 158 scalp with oils, creams, lotions, or other preparations, and  
 159 skin care services without involving massage, as defined in s.  
 160 480.033(3).

161 ~~(10)(7)~~ "Shampooing" means the cleansing ~~washing~~ of the  
 162 hair with soap and water or with a special preparation, ~~or~~  
 163 ~~applying hair tonics.~~

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

167 ~~(11)(9)~~ "Hair braiding" means the weaving or interweaving  
 168 of a person's own natural ~~human~~ hair for compensation without

169 cutting, coloring, permanent waving, relaxing, removing, or  
 170 chemical treatment and does not include the use of hair  
 171 extensions or wefts.

172 (12)~~(10)~~ "Hair wrapping" means the wrapping of  
 173 manufactured materials around a strand or strands of human hair,  
 174 for compensation, without cutting, coloring, permanent waving,  
 175 relaxing, removing, weaving, chemically treating, braiding,  
 176 using hair extensions, or performing any other service defined  
 177 as cosmetology.

178 (13)~~(11)~~ "Photography studio salon" means an establishment  
 179 where the hair-arranging services and the application of  
 180 cosmetic products are performed solely for the purpose of  
 181 preparing the model or client for the photographic session  
 182 without shampooing, cutting, coloring, permanent waving,  
 183 relaxing, or removing of hair or performing any other service  
 184 defined as cosmetology.

185 (14)~~(12)~~ "Body wrapping" means a treatment program that  
 186 uses herbal wraps for the purposes of cleansing and beautifying  
 187 the skin of the body, but does not include:

188 (a) The application of oils, lotions, or other fluids to  
 189 the body, except fluids contained in presoaked materials used in  
 190 the wraps; or

191 (b) Manipulation of the body's superficial tissue, other  
 192 than that arising from compression emanating from the wrap  
 193 materials.

194 ~~(13) "Skin care services" means the treatment of the skin~~  
 195 ~~of the body, other than the head, face, and scalp, by the use of~~  
 196 ~~a sponge, brush, cloth, or similar device to apply or remove a~~

197 ~~chemical preparation or other substance, except that chemical~~  
 198 ~~peels may be removed by peeling an applied preparation from the~~  
 199 ~~skin by hand. Skin care services must be performed by a licensed~~  
 200 ~~cosmetologist or facial specialist within a licensed cosmetology~~  
 201 ~~or specialty salon, and such services may not involve massage,~~  
 202 ~~as defined in s. 480.033(3), through manipulation of the~~  
 203 ~~superficial tissue.~~

204 Section 2. Effective July 1, 2009, section 477.0131,  
 205 Florida Statutes, is created to read:

206 477.0131 Cosmetologist, hair stylist, esthetician, and  
 207 nail technician licenses.--

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

211 (2) A person who is otherwise qualified by this chapter  
 212 and who is authorized to practice all of the services listed in  
 213 s. 477.013(6) shall be licensed as a hair stylist.

214 (3) A person who is otherwise qualified by this chapter  
 215 and who is authorized to practice all of the services listed in  
 216 s. 477.013(5) shall be licensed as an esthetician.

217 (4) A person who is otherwise qualified by this chapter  
 218 and who is authorized to practice all of the services listed in  
 219 s. 477.013(7) shall be licensed as a nail technician.

220 Section 3. Effective July 1, 2009, section 477.0132,  
 221 Florida Statutes, is amended to read:

222 477.0132 Hair braiding, hair wrapping, and body wrapping  
 223 registration.--

224 (1)(a) A person ~~Persons~~ whose occupation or practice is

225 confined solely to hair braiding shall ~~must~~ register with the  
 226 department, shall pay the applicable registration fee, and shall  
 227 take a two-day 16-hour course. The course shall be board  
 228 approved and consist of 5 hours of instruction in HIV/AIDS and  
 229 other communicable diseases, 5 hours of instruction in  
 230 sanitation and sterilization, 4 hours of instruction in  
 231 disorders and diseases of the scalp, and 2 hours of instruction  
 232 in ~~studies regarding~~ laws affecting hair braiding.

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

241 (3) ~~(e)~~ Unless otherwise licensed or exempted from  
 242 licensure under this chapter, any person whose occupation or  
 243 practice is confined solely to body wrapping must register with  
 244 the department, pay the applicable registration fee, and take a  
 245 40-hour ~~two-day 12-hour~~ course. The course shall be board  
 246 approved and include, but not be limited to, instruction in body  
 247 systems, contraindications, ~~consist of education in~~ HIV/AIDS and  
 248 other communicable diseases, sanitation and sterilization,  
 249 disorders and diseases of the skin, and studies regarding laws  
 250 affecting body wrapping.

251 (4) ~~(d)~~ Only the board may review, evaluate, and approve a  
 252 course and text required of an applicant for registration under

253 | this section ~~subsection~~ in the occupation or practice of hair  
 254 | braiding, hair wrapping, or body wrapping. A provider of such a  
 255 | course is not required to hold a license under chapter 1005.

256 |       ~~(5)(2)~~ Hair braiding, hair wrapping, and body wrapping are  
 257 | not required to be practiced in a ~~cosmetology~~ salon ~~or specialty~~  
 258 | ~~salon~~. When hair braiding, hair wrapping, or body wrapping is  
 259 | practiced outside a ~~cosmetology~~ salon ~~or specialty~~ salon,  
 260 | disposable implements shall ~~must~~ be used or all implements shall  
 261 | ~~must~~ be sanitized in a disinfectant approved for hospital use or  
 262 | approved by the federal Environmental Protection Agency.

263 |       ~~(6)(3)~~ Pending issuance of registration, a person is  
 264 | eligible to practice hair braiding, hair wrapping, or body  
 265 | wrapping upon submission of a registration application that  
 266 | includes proof of successful completion of the education  
 267 | requirements and payment of the applicable fees required by this  
 268 | chapter.

269 |       Section 4. Effective July 1, 2009, section 477.014,  
 270 | Florida Statutes, is amended to read:

271 |       477.014 Qualifications for practice.--

272 |       (1) On and after July January 1, 2009, a 1979, no person  
 273 | who is not ~~other than~~ a duly licensed or registered under this  
 274 | chapter may not ~~cosmetologist~~ shall practice in any of the areas  
 275 | provided in s. 477.013(4), (5), (6), or (7) ~~cosmetology~~ or use  
 276 | the name or title of cosmetologist, hair stylist, esthetician,  
 277 | or nail technician.

278 |       (2) A person licensed or registered under this chapter on  
 279 | or after July 1, 2009, may not practice or hold himself or  
 280 | herself out as qualified to practice in an area in which he or

281 she is not specifically licensed or registered under this  
282 chapter.

283 (3) A cosmetologist licensed before July 1, 2009, may  
284 perform all the services of a licensed cosmetologist as defined  
285 in s. 477.013(4), including manicures and pedicures related to  
286 artificial nails.

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

290 (5) A manicure, pedicure, or nail extension specialist  
291 registered or enrolled in a cosmetology school before July 1,  
292 2009, may take the examination for a nail technician license.

293 (6) A specialist registered under this chapter before July  
294 1, 2009, may continue to practice under the name of his or her  
295 specialty registration without taking the respective licensure  
296 examination. Renewal of all registrations, including a full  
297 specialty registration that includes facial, manicure, pedicure,  
298 and nail extension specialties, existing before July 1, 2009,  
299 shall be accomplished pursuant to rules adopted by the board.

300 Section 5. Subsections (3) and (4) are added to section  
301 477.016, Florida Statutes, to read:

302 477.016 Rulemaking.--

303 (3) To further the protection of the health of persons  
304 authorized by this chapter to perform natural or artificial nail  
305 services and their clients, the board shall adopt rules to  
306 require and enforce the following:

307 (a) Maintenance of a clean and safe work area through  
308 pedicure equipment disinfection requirements after each client's

309 pedicure to include use of hospital grade bactericidal,  
310 fungicidal, and pseudomonacidal disinfectant for at least 10  
311 minutes.

312 (b) Maintenance of clean and infection-free equipment by  
313 ensuring standards for drills and other mechanical equipment  
314 that require them to be either disposable or disinfected between  
315 clients to prevent the transmission of infections and diseases.

316 (c) Provision of notice to and education of clients with  
317 visible skin diseases, fungal or other types of infections, or  
318 contagious conditions that services cannot be provided without a  
319 signed statement by a physician indicating that there is no  
320 public health problem to the clients themselves, to the  
321 technicians, or to other clients.

322 (4) To further the protection of the health of persons  
323 authorized by this chapter to provide basic facials or advanced  
324 skin treatment services involving chemicals and their clients,  
325 the board shall adopt rules to require and enforce the  
326 following:

327 (a) Maintenance of a clean and safe work area according to  
328 standards adopted by the board.

329 (b) Provision of notice to and education of clients with  
330 visible skin diseases, fungal or other types of infections, or  
331 contagious conditions that services cannot be provided without a  
332 signed statement by a physician indicating that there is no  
333 public health problem to the clients themselves, to the  
334 estheticians, or to other clients.

335 Section 6. Paragraph (c) of subsection (2) of section  
336 477.019, Florida Statutes, is amended, subsections (3) through

337 (7) of that section are renumbered as subsections (4) through  
 338 (8), respectively, and a new subsection (3) is added to that  
 339 section, to read:

340 477.019 Cosmetologists; qualifications; licensure;  
 341 supervised practice; license renewal; endorsement; continuing  
 342 education.--

343 (2) An applicant shall be eligible for licensure by  
 344 examination to practice cosmetology if the applicant:

345 (c)1. Is authorized to practice cosmetology in another  
 346 state or country, has been so authorized for at least 1 year,  
 347 and does not qualify for licensure by endorsement as provided  
 348 for in subsection (7) ~~(6)~~; or

349 2. Has received a minimum of 1,200 hours of training as  
 350 established by the board, which shall include, but shall not be  
 351 limited to, the equivalent of completion of services directly  
 352 related to the practice of cosmetology at one of the following:

- 353 a. A school of cosmetology licensed pursuant to chapter  
 354 1005.
- 355 b. A cosmetology program within the public school system.
- 356 c. The Cosmetology Division of the Florida School for the  
 357 Deaf and the Blind, provided the division meets the standards of  
 358 this chapter.
- 359 d. A government-operated cosmetology program in this  
 360 state.

361  
 362 The board shall establish by rule procedures whereby the school  
 363 or program may certify that a person is qualified to take the  
 364 required examination after the completion of a minimum of 1,000

365 actual school hours. If the person then passes the examination,  
 366 he or she shall have satisfied this requirement; but if the  
 367 person fails the examination, he or she shall not be qualified  
 368 to take the examination again until the completion of the full  
 369 requirements provided by this section.

370 (3) An application for the licensure examination for any  
 371 license under this section may be submitted for examination  
 372 approval in the last 100 hours of training by a pregraduate of a  
 373 licensed cosmetology school or a program within the public  
 374 school system, which school or program is certified by the  
 375 Department of Education with fees as required in paragraph  
 376 (2)(b). Upon approval, the applicant may schedule the  
 377 examination on a date when the training hours are completed. An  
 378 applicant shall have 6 months from the date of approval to take  
 379 the examination. After the 6 months have passed, if the  
 380 applicant failed to take the examination, the applicant must  
 381 reapply. The board shall establish by rule the procedures for  
 382 the pregraduate application process.

383 Section 7. Effective July 1, 2009, section 477.019,  
 384 Florida Statutes, as amended by this act, is amended to read:

385 477.019 Cosmetologists; hair stylists; estheticians; nail  
 386 technicians; qualifications; licensure; supervised practice;  
 387 license renewal; endorsement; continuing education.--

388 (1) A person desiring to be licensed under this chapter ~~as~~  
 389 ~~a cosmetologist~~ shall apply to the department for licensure.

390 (2) An applicant ~~is shall be~~ eligible for licensure by  
 391 examination to provide practice cosmetology, hair stylist,  
 392 esthetician, or nail technician services if the applicant:

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

398 (b) Pays the required application fee, which is not  
 399 refundable, and the required examination fee, which is  
 400 refundable if the applicant is determined to not be eligible for  
 401 licensure for any reason other than failure to successfully  
 402 complete the licensure examination.~~†~~and

403 (c)1. Is authorized to practice cosmetology in another  
 404 state or country, has been so authorized for at least 1 year,  
 405 and does not qualify for licensure by endorsement as provided  
 406 for in subsection (7); or

407 2.a. Has received a minimum number of hours of training as  
 408 follows:

- 409 (I) For a hair stylist, 1,000 hours.
- 410 (II) For an esthetician, 600 hours.
- 411 (III) For a nail technician, 350 hours.
- 412 (IV) For a cosmetologist, 1,500 hours.

413  
 414 The board shall adopt rules to prevent an applicant from having  
 415 to repeat curricula components. A person who holds one or more  
 416 licenses may obtain an additional license by completing training  
 417 as determined by board rule. The board shall consult with the  
 418 Department of Education and the Commission for Independent  
 419 Education on the development of such rules.

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

421 ~~training as established by the board, which shall include, but~~  
 422 need ~~shall~~ not be limited to, the equivalent of completion of  
 423 services directly related to the practice of cosmetology at one  
 424 of the following:

425 (I)a. A school of cosmetology licensed pursuant to chapter  
 426 1005.

427 (II)b. A cosmetology program within the public school  
 428 system.

429 (III)e. The Cosmetology Division of the Florida School for  
 430 the Deaf and the Blind, provided the division meets the  
 431 standards of this chapter.

432 (IV)d. A government-operated cosmetology program in this  
 433 state.

434 c. A person who has enrolled and begun his or her  
 435 education before July 1, 2009, may take the examination to be  
 436 licensed as a cosmetologist upon completion of 1,200 hours of  
 437 education.

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

442  
 443 ~~The board shall establish by rule procedures whereby the school~~  
 444 ~~or program may certify that a person is qualified to take the~~  
 445 ~~required examination after the completion of a minimum of 1,000~~  
 446 ~~actual school hours. If the person then passes the examination,~~  
 447 ~~he or she shall have satisfied this requirement; but if the~~  
 448 ~~person fails the examination, he or she shall not be qualified~~

449 ~~to take the examination again until the completion of the full~~  
 450 ~~requirements provided by this section.~~

451 (3) An application for the licensure examination for any  
 452 license under this section may be submitted for examination  
 453 approval in the last 100 hours of training by a pregraduate of a  
 454 licensed cosmetology school or a program within the public  
 455 school system, which school or program is certified by the  
 456 Department of Education with fees as required in paragraph  
 457 (2)(b). Upon approval, the applicant may schedule the  
 458 examination on a date when the training hours are completed. An  
 459 applicant shall have 6 months from the date of approval to take  
 460 the examination. After the 6 months have passed, if the  
 461 applicant failed to take the examination, the applicant must  
 462 reapply. The board shall establish by rule the procedures for  
 463 the pregraduate application process.

464 (4) Upon an applicant receiving a passing grade, as  
 465 established by board rule, on the examination and paying the  
 466 initial licensing fee, the department shall issue a license to  
 467 practice in the applicant's respective area provided in s.  
 468 477.013(4), (5), (6), or (7) cosmetology.

469 (5) If an applicant passes all parts of the licensure  
 470 examination for a cosmetologist, hair stylist, esthetician, or  
 471 nail technician the first time he or she takes the examination,  
 472 the passing applicant may practice until receipt of his or her  
 473 license, provided that he or she practices under the supervision  
 474 of an individual who holds the same active license or a  
 475 cosmetologist licensed prior to July 1, 2009. An applicant who  
 476 fails any part of the examination the first time he or she takes

477 the examination shall not practice as a cosmetologist, hair  
478 stylist, esthetician, or nail technician and may immediately  
479 reapply for reexamination.

480 ~~(5) Following the completion of the first licensing~~  
481 ~~examination and pending the results of that examination and~~  
482 ~~issuance of a license to practice cosmetology, graduates of~~  
483 ~~licensed cosmetology schools or cosmetology programs offered in~~  
484 ~~public school systems, which schools or programs are certified~~  
485 ~~by the Department of Education, are eligible to practice~~  
486 ~~cosmetology, provided such graduates practice under the~~  
487 ~~supervision of a licensed cosmetologist in a licensed~~  
488 ~~cosmetology salon. A graduate who fails the first examination~~  
489 ~~may continue to practice under the supervision of a licensed~~  
490 ~~cosmetologist in a licensed cosmetology salon if the graduate~~  
491 ~~applies for the next available examination and until the~~  
492 ~~graduate receives the results of that examination. No graduate~~  
493 ~~may continue to practice under this subsection if the graduate~~  
494 ~~fails the examination twice.~~

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

497 (7) The board shall adopt rules specifying procedures for  
498 the licensure by endorsement of practitioners desiring to be  
499 licensed in this state who hold a current active license in  
500 another state or country and who have met qualifications  
501 substantially similar to, equivalent to, or greater than the  
502 qualifications required of applicants from this state. For  
503 purposes of this subsection, work experience may be substituted  
504 for required educational hours in the amount and manner provided

505 by board rule.

506 (8) (a) The board shall prescribe by rule continuing  
 507 education requirements for licensees and registered specialists  
 508 that intended to ensure the protection of the public through  
 509 updated training of licensees and registered specialists, not to  
 510 exceed 16 hours biennially, as a condition for renewal of a  
 511 license or registration as a specialist under this chapter.  
 512 Continuing education courses shall include, but not be limited  
 513 to, the following subjects as they relate to the practice of  
 514 cosmetology: HIV/AIDS ~~human immunodeficiency virus and acquired~~  
 515 ~~immune deficiency syndrome~~; Occupational Safety and Health  
 516 Administration regulations; workers' compensation issues; state  
 517 and federal laws and rules as they pertain to cosmetologists,  
 518 the practice of cosmetology, salons, specialists, ~~specialty~~  
 519 ~~salons~~, and booth renters; chemical makeup as it pertains to  
 520 hair, skin, and nails; and environmental issues. Courses given  
 521 at educational ~~cosmetology~~ conferences may be counted toward the  
 522 number of continuing education hours required if approved by the  
 523 board.

524 (b) Any person whose occupation or practice is confined  
 525 solely to hair braiding, hair wrapping, or body wrapping is  
 526 exempt from the continuing education requirements of this  
 527 subsection.

528 (c) The board may, by rule, require any licensee in  
 529 violation of a continuing education requirement to take a  
 530 refresher course or refresher course and examination in addition  
 531 to any other penalty. ~~The number of hours for the refresher~~  
 532 ~~course may not exceed 48 hours.~~

533 Section 8. Section 477.0212, Florida Statutes, is amended  
 534 to read:

535 477.0212 Inactive status.--

536 (1) A ~~cosmetologist's~~ license issued under this chapter  
 537 which that has become inactive may be reactivated under s.  
 538 477.019 upon application to the department.

539 (2) The board shall adopt ~~promulgate~~ rules relating to  
 540 licenses that ~~which~~ have become inactive and for the renewal of  
 541 inactive licenses. The board shall prescribe by rule a fee not  
 542 to exceed \$50 for the reactivation of an inactive license and a  
 543 fee not to exceed \$50 for the renewal of an inactive license.  
 544 The board shall prescribe by rule the continuing education  
 545 requirements to be met prior to license renewal or reactivation.

546 Section 9. Section 477.023, Florida Statutes, is amended  
 547 to read:

548 477.023 Schools of cosmetology; licensure.--~~A~~ No private  
 549 school of cosmetology may not ~~shall be permitted to~~ operate  
 550 without a license issued by the Commission for Independent  
 551 Education pursuant to chapter 1005. However, this chapter does  
 552 not ~~nothing herein shall be construed to~~ prevent certification  
 553 by the Department of Education of grooming and salon services  
 554 and cosmetology training programs within the public school  
 555 system or ~~to~~ prevent government operation of any other program  
 556 of cosmetology in this state.

557 Section 10. Section 477.025, Florida Statutes, is amended  
 558 to read:

559 477.025 ~~Cosmetology salons; specialty Salons; requisites;~~  
 560 licensure; inspection; mobile ~~cosmetology~~ salons.--

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

564 (2) The board shall adopt rules governing the licensure  
565 and operation of salons ~~and specialty salons~~ and their  
566 facilities, personnel, and safety and sanitary requirements, and  
567 the license application and granting process.

568 (3) Any person, firm, or corporation desiring to operate a  
569 ~~cosmetology salon or specialty~~ salon in the state shall submit  
570 to the department a salon an application form ~~upon forms~~  
571 provided by the department, ~~and accompanied by~~ any relevant  
572 information requested by the department, and ~~by~~ an application  
573 fee.

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

577 (5) When an applicant fails to meet all the requirements  
578 provided in this section ~~herein~~, the department shall deny the  
579 application in writing and shall list the specific requirements  
580 not met. No applicant denied licensure because of failure to  
581 meet the requirements of this section ~~herein~~ shall be precluded  
582 from reapplying for licensure.

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

589 (7) No license for operation of a ~~cosmetology salon or~~  
 590 ~~specialty~~ salon may be transferred from the name of the original  
 591 licensee to another. It may be transferred from one location to  
 592 another only upon approval by the department, which approval  
 593 shall not be unreasonably withheld.

594 (8) Renewal of license registration for ~~cosmetology salons~~  
 595 ~~or specialty~~ salons shall be accomplished pursuant to rules  
 596 adopted by the board. The board is further authorized to adopt  
 597 rules governing delinquent renewal of licenses and may impose  
 598 penalty fees for delinquent renewal.

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

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

606 (b) Each mobile salon must comply with all licensure and  
 607 operating requirements specified in this chapter or chapter 455  
 608 or rules of the board or department that apply to ~~cosmetology~~  
 609 salons at fixed locations, except to the extent that such  
 610 requirements conflict with this subsection or rules adopted  
 611 pursuant to this subsection.

612 (c) A mobile ~~cosmetology~~ salon must maintain a permanent  
 613 business address, located in the inspection area of the local  
 614 department office, at which records of appointments,  
 615 itineraries, license numbers of employees, and vehicle  
 616 identification numbers of the licenseholder's mobile salon shall

617 be kept and made available for verification purposes by  
 618 department personnel, and at which correspondence from the  
 619 department can be received.

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

625 (e) The board shall establish fees for mobile ~~cosmetology~~  
 626 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed  
 627 locations.

628 (f) The operation of mobile ~~cosmetology~~ salons must be in  
 629 compliance with all local laws and ordinances regulating  
 630 business establishments, with all applicable requirements of the  
 631 Americans with Disabilities Act relating to accommodations for  
 632 persons with disabilities, and with all applicable OSHA  
 633 requirements.

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

638 Section 11. Effective July 1, 2009, section 477.026,  
 639 Florida Statutes, is amended to read:

640 477.026 Fees; disposition.--

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

643 (a) For hair stylists, estheticians, nail technicians, or  
 644 cosmetologists, fees for original licensing, license renewal,

645 and delinquent renewal may ~~shall~~ not exceed \$25.

646 (b) For hair stylists, estheticians, nail technicians, or  
 647 cosmetologists, fees for endorsement application, examination,  
 648 and reexamination may ~~shall~~ not exceed \$50.

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

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

654 (d)(e) For specialists, fees for ~~initial registration,~~  
 655 registration renewal, and delinquent renewal may ~~shall~~ not  
 656 exceed \$50.

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

659 (2) All moneys collected by the department from fees  
 660 authorized by this chapter shall be paid into the Professional  
 661 Regulation Trust Fund, which fund is created in the department,  
 662 and shall be applied in accordance with ss. 215.37 and 455.219.  
 663 The Legislature may appropriate any excess moneys from this fund  
 664 to the General Revenue Fund.

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

667 Section 12. Effective July 1, 2009, section 477.0263,  
 668 Florida Statutes, is amended to read:

669 477.0263 Cosmetology, hair stylist, esthetician, nail  
 670 technician, or specialty services to be performed in licensed  
 671 salon; exceptions ~~exception~~.--

672 (1) Cosmetology, hair stylist, esthetician, nail

673 technician, or specialty services shall be performed only by  
674 licensed cosmetologists, hair stylists, estheticians, or nail  
675 technicians or registered specialists in licensed salons, except  
676 as otherwise provided in this section.

677 (2) Pursuant to rules established by the board,  
678 cosmetology, hair stylist, esthetician, nail technician, or  
679 specialty services may be performed by a licensed cosmetologist,  
680 hair stylist, esthetician, or nail technician or a registered  
681 specialist in a location other than a licensed salon, including,  
682 but not limited to, a nursing home, hospital, or residence, when  
683 a client for reasons of ill health is unable to go to a licensed  
684 salon. Arrangements for the performance of such cosmetology,  
685 hair stylist, esthetician, nail technician, or specialty  
686 services in a location other than a licensed salon shall be made  
687 only through a licensed salon.

688 (3) Any person who holds a valid cosmetology license in  
689 any state or who is authorized to practice cosmetology in any  
690 country, territory, or jurisdiction of the United States may  
691 perform cosmetology services in a location other than a licensed  
692 salon when such services are performed in connection with the  
693 motion picture, fashion photography, theatrical, or television  
694 industry; a photography studio salon; a manufacturer trade show  
695 demonstration; a department store demonstration; or an  
696 educational seminar.

697 (4) Pursuant to rules established by the board,  
698 cosmetology, hair stylist, esthetician, nail technician, or  
699 specialty services may be performed in a location other than a  
700 licensed salon when such services are performed in connection

701 with a special event and are performed by a person who is  
 702 employed by a licensed salon and who holds the proper license or  
 703 specialty registration. An appointment for the performance of  
 704 such services in a location other than a licensed salon shall be  
 705 made through a licensed salon.

706 Section 13. Paragraph (i) is added to subsection (1) of  
 707 section 477.0265, Florida Statutes, to read:

708 477.0265 Prohibited acts.--

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

710 (i) In the practice of cosmetology, use or possess a  
 711 device containing a razor blade, commonly referred to as a  
 712 credo, to remove, scrape, and cut calluses from the hands or  
 713 feet.

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

717 Section 14. Effective July 1, 2009, section 477.0265,  
 718 Florida Statutes, as amended by this act, is amended to read:

719 477.0265 Prohibited acts.--

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

721 (a) Engage in ~~the practice of~~ cosmetology, hair stylist,  
 722 esthetician, or nail technician services or a specialty without  
 723 an active license as a cosmetologist, hair stylist, esthetician,  
 724 or nail technician or registration as a specialist issued by the  
 725 department pursuant to the provisions of this chapter.

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

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

731 2. In which a person not licensed as a cosmetologist, hair  
 732 stylist, esthetician, or nail technician or registered as a  
 733 ~~cosmetologist or a specialist~~ is permitted to perform  
 734 cosmetology, hair stylist, esthetician, or nail technician  
 735 services or any specialty.

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

738 (d) Permit an employed person to engage in ~~the practice of~~  
 739 cosmetology, hair stylist, esthetician, or nail technician  
 740 services or ~~of~~ a specialty unless such person holds a valid,  
 741 active license as a cosmetologist, hair stylist, esthetician, or  
 742 nail technician or holds a registration as a specialist.

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

746 (f) Use or attempt to use a license to provide ~~practice~~  
 747 cosmetology, hair styling, esthetician, or nail technician  
 748 services or a registration to practice a specialty, which  
 749 license or registration is suspended or revoked.

750 (g) Advertise or imply that skin care services or body  
 751 wrapping, as performed under this chapter, has ~~have~~ any  
 752 relationship to the practice of massage therapy as defined in s.  
 753 480.033(3), except those practices or activities defined in s.  
 754 477.013.

755 (h) In the provision ~~practice~~ of cosmetology, nail  
 756 technician, or specialty services, use or possess a cosmetic

757 product containing a liquid nail monomer containing any trace of  
 758 methyl methacrylate (MMA).

759 (i) In the provision ~~practice~~ of cosmetology, nail  
 760 technician, or manicure or pedicure specialty services, use or  
 761 possess a device containing a razor blade, commonly referred to  
 762 as a credo, to remove, scrape, and cut calluses from the hands  
 763 or feet.

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

767 Section 15. Effective July 1, 2009, section 477.028,  
 768 Florida Statutes, is amended to read:

769 477.028 Disciplinary proceedings.--

770 (1) The board may ~~shall have the power to~~ revoke or  
 771 suspend the license of a cosmetologist, hair stylist,  
 772 esthetician, or nail technician licensed under this chapter, or  
 773 the registration of a specialist registered under this chapter,  
 774 and may ~~to~~ reprimand, censure, deny subsequent licensure or  
 775 registration of, or otherwise discipline a cosmetologist, hair  
 776 stylist, esthetician, nail technician, or a specialist licensed  
 777 or registered under this chapter in any of the following cases:

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

780 (b) Upon proof that the holder of a license or  
 781 registration is guilty of fraud or deceit or of gross  
 782 negligence, incompetency, or misconduct in the practice or  
 783 instruction of cosmetology or a specialty.

784 (c) Upon proof that the holder of a license or

785 registration is guilty of aiding, assisting, procuring, or  
 786 advising any unlicensed person to practice as a cosmetologist,  
 787 hair stylist, esthetician, or nail technician.

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

793 (a) Upon proof that a license has been obtained by fraud  
 794 or misrepresentation.

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

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

800 (4) The department may ~~shall~~ not issue or renew a license  
 801 or certificate of registration under this chapter to any person  
 802 against whom or salon against which the board has assessed a  
 803 fine, interest, or costs associated with investigation and  
 804 prosecution until the person or salon has paid in full such  
 805 fine, interest, or costs associated with investigation and  
 806 prosecution or until the person or salon complies with or  
 807 satisfies all terms and conditions of the final order.

808 Section 16. Effective July 1, 2009, section 477.029,  
 809 Florida Statutes, is amended to read:

810 477.029 Penalty.--

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

812 (a) Hold himself or herself out as a cosmetologist, hair

813 stylist, esthetician, nail technician, specialist, hair wrapper,  
 814 hair braider, or body wrapper unless duly licensed or  
 815 registered, or otherwise authorized, as provided in this  
 816 chapter.

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

819 (c) Permit an employed person to provide practice  
 820 cosmetology, hairstyling, esthetician, nail technician, or a  
 821 specialty services unless duly licensed or registered, or  
 822 otherwise authorized, as provided in this chapter.

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

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

826 (f) Impersonate any other licenseholder of like or  
 827 different name.

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

829 (h) Violate any provision of s. 455.227(1), s. 477.0265,  
 830 or s. 477.028.

831 (i) Violate or refuse to comply with any provision of this  
 832 chapter or chapter 455 or a rule or final order of the board or  
 833 the department.

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

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

839 (b) Issuance of a reprimand or censure.

840 (c) Imposition of an administrative fine not to exceed

841 \$500 for each count or separate offense.

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

844 (e) Refusal to certify to the department an applicant for  
845 licensure.

846 Section 17. Effective July 1, 2009, section 477.0201,  
847 Florida Statutes, is repealed.

848 Section 18. The Department of Business and Professional  
849 Regulation in conjunction with the Board of Cosmetology shall  
850 evaluate the feasibility, processes, and associated costs of  
851 using a national examination for cosmetology, hair stylist,  
852 esthetician, and nail technician services licenses that would  
853 improve reciprocity with other states. The findings of the  
854 evaluation shall be made available to the Legislature and to the  
855 public no later than January 1, 2009.

856 Section 19. For the 2008-2009 fiscal year, the sums of  
857 \$22,712 in recurring funds and \$51,000 in nonrecurring funds are  
858 appropriated from the Administrative Trust Fund of the  
859 Department of Business and Professional Regulation and the sums  
860 of \$18,755 in recurring funds and \$24,696 in nonrecurring funds  
861 are appropriated from the Professional Regulation Trust Fund of  
862 the Department of Business and Professional Regulation to carry  
863 out the licensing and regulatory functions of this act.

864 Section 20. Except as otherwise expressly provided in this  
865 act, this act shall take effect July 1, 2008.