

Bill No. SB 996



578234

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/4/2008	.	
	.	
	.	

1 The Committee on Regulated Industries (Wise) recommended the  
 2 following **amendment**:

3  
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
 6 and insert:

7  
 8 Section 1. Effective July 1, 2009, section 477.013,  
 9 Florida Statutes, is amended to read:

10 477.013 Definitions.--As used in this chapter, the term:

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

12 (2) "Department" means the Department of Business and  
 13 Professional Regulation.

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14 (3) "Cosmetologist" means a person who is licensed under  
15 this chapter to engage in the practice of cosmetology in this  
16 state ~~under the authority of this chapter.~~

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

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

33 (a) Cleansing, exfoliating, or stimulating a person's skin  
34 by hand or by using a mechanical device, apparatus, or appliance  
35 with the use of any cosmetic preparation, antiseptic, lotion,  
36 powder, oil, clay, cream, or appliance.

37 (b) Beautifying a person's skin using a cosmetic  
38 preparation, antiseptic, lotion, powder, oil, clay, cream, or  
39 appliance.

40 (c) Administering facial treatments.



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

43 (e) Tinting eyebrows or eyelashes with products  
44 manufactured specifically for eyebrows or eyelashes.

45 (f) Body wrapping, which is a treatment program that uses  
46 wraps for the purposes of cleansing and beautifying a person's  
47 skin for aesthetic rather than medical or weight-loss purposes  
48 and is the application of oils, lotions, or other fluids to the  
49 body using wraps. Body wrapping does not include manipulation of  
50 the body's superficial tissue, other than that resulting from  
51 the application of the wrap materials.

52 (g) Submersing parts of the body in a bath of clay, oils,  
53 lotions, or other fluids.

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

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

58 1. Providing any method of treatment as a primary service,  
59 including arranging, beautifying, lightening, cleansing,  
60 coloring, cutting, dressing, processing, shampooing, shaping,  
61 singeing, straightening, styling, tinting, or waving;

62 2. Providing a necessary service that is preparatory or  
63 ancillary to a service under subparagraph 1., including  
64 clipping, cutting, or trimming; or

65 3. Cutting a person's hair as a separate and independent  
66 service for which a charge is directly or indirectly made  
67 separately from charges for any other service.

68 (b) Weaving or braiding a person's hair.

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- 69        (c) Shampooing and conditioning a person's hair.
- 70        (d) Servicing a person's wig or artificial hairpiece on  
71 that person's head in any manner listed in paragraph (a).
- 72        (e) Treating a person's mustache or beard by coloring,  
73 processing, styling, or trimming.
- 74        (f) Providing basic hair removal by use of waxing or  
75 tweezing of the eyebrows and upper and lower lip.
- 76        (7) "Nail technician" means a person who is licensed under  
77 this chapter to perform or offer to perform for compensation the  
78 following services:
- 79        (a) Treating a person's nails by:
- 80            1. Cutting, trimming, polishing, painting, printing,  
81 tinting, coloring, cleansing, manicuring, or pedicuring;
- 82            2. Affixing artificial nails, acrylic nails, gel nails,  
83 extensions, or capping; or
- 84            3. Utilizing drills and other mechanical devices on the  
85 nails and cuticles.
- 86        (b) Cleansing, treating, or beautifying a person's  
87 forearms, hands, legs below the knee, or feet.
- 88        (8) "Salon" means a place of business where the practice  
89 of one or more cosmetology, hair stylist, esthetician, nail  
90 technician, or specialty services are offered or performed for  
91 compensation.
- 92        (9)(5)- "Specialist" means any person registered under s.  
93 477.014(6) to practice one or more of the following specialties:  
94 holding a specialty registration in one or more of the  
95 specialties registered under this chapter.

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96       ~~(6) "Specialty" means the practice of one or more of the~~  
97 ~~following:~~

98       (a) Manicuring, or the cutting, polishing, tinting,  
99 coloring, cleansing, adding, or extending of the nails, ~~and~~  
100 ~~massaging of the hands. This term includes any procedure or~~  
101 process for the affixing of artificial nails, except those nails  
102 that which may be applied solely by use of a simple adhesive,  
103 and massaging of the hands.

104       (b) Pedicuring, or the shaping, polishing, tinting, or  
105 cleansing of the nails of the feet, and massaging or beautifying  
106 of the feet.

107       (c) Facials, or the massaging or treating of the face or  
108 scalp with oils, creams, lotions, or other preparations, and  
109 skin care services without involving massage, as defined in s.  
110 480.033(3).

111       ~~(10)-(7)~~ "Shampooing" means the cleansing ~~washing~~ of the  
112 hair with soap and water or with a special preparation, ~~or~~  
113 ~~applying hair tonics.~~

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

117       ~~(11)-(9)~~ "Hair braiding" means the weaving or interweaving  
118 of a person's own natural ~~human~~ hair for compensation without  
119 cutting, coloring, permanent waving, relaxing, removing, or  
120 chemical treatment and does not include the use of hair  
121 extensions or wefts.

122       ~~(12)-(10)~~ "Hair wrapping" means the wrapping of  
123 manufactured materials around a strand or strands of human hair,

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124 for compensation, without cutting, coloring, permanent waving,  
125 relaxing, removing, weaving, chemically treating, braiding,  
126 using hair extensions, or performing any other service defined  
127 as cosmetology.

128 (13)~~(11)~~ "Photography studio salon" means an establishment  
129 where the hair-arranging services and the application of  
130 cosmetic products are performed solely for the purpose of  
131 preparing the model or client for the photographic session  
132 without shampooing, cutting, coloring, permanent waving,  
133 relaxing, or removing of hair or performing any other service  
134 defined as cosmetology.

135 (14)~~(12)~~ "Body wrapping" means a treatment program that  
136 uses herbal wraps for the purposes of cleansing and beautifying  
137 the skin of the body, but does not include:

138 (a) The application of oils, lotions, or other fluids to  
139 the body, except fluids contained in presoaked materials used in  
140 the wraps; or

141 (b) Manipulation of the body's superficial tissue, other  
142 than that arising from compression emanating from the wrap  
143 materials.

144 ~~(13) "Skin care services" means the treatment of the skin~~  
145 ~~of the body, other than the head, face, and scalp, by the use of~~  
146 ~~a sponge, brush, cloth, or similar device to apply or remove a~~  
147 ~~chemical preparation or other substance, except that chemical~~  
148 ~~peels may be removed by peeling an applied preparation from the~~  
149 ~~skin by hand. Skin care services must be performed by a licensed~~  
150 ~~cosmetologist or facial specialist within a licensed cosmetology~~  
151 ~~or specialty salon, and such services may not involve massage,~~

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152 ~~as defined in s. 480.033(3), through manipulation of the~~  
153 ~~superficial tissue.~~

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

156 477.0131 Cosmetologist, hair stylist, esthetician, and  
157 nail technician licenses.--

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

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

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

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

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

172 477.0132 Hair braiding, hair wrapping, and body wrapping  
173 registration.--

174 (1)~~(a)~~ A person ~~Persons~~ whose occupation or practice is  
175 confined solely to hair braiding shall ~~must~~ register with the  
176 department, shall pay the applicable registration fee, and shall  
177 take a two-day, 16-hour course. The course shall be board  
178 approved and consist of 5 hours of instruction in HIV/AIDS and  
179 other communicable diseases, 5 hours of instruction in

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180 sanitation and sterilization, 4 hours of instruction in  
181 disorders and diseases of the scalp, and 2 hours of instruction  
182 in studies regarding laws affecting hair braiding.

183 (2)(b) A person ~~Persons~~ whose occupation or practice is  
184 confined solely to hair wrapping shall ~~must~~ register with the  
185 department, shall pay the applicable registration fee, and shall  
186 take a one-day, 6-hour course. The course shall be board-  
187 approved ~~board approved~~ and consist of instruction ~~education~~ in  
188 HIV/AIDS and other communicable diseases, sanitation and  
189 sterilization, disorders and diseases of the scalp, and ~~studies~~  
190 ~~regarding~~ laws affecting hair wrapping.

191 (3)(e) Unless otherwise licensed or exempted from  
192 licensure under this chapter, any person whose occupation or  
193 practice is confined solely to body wrapping must register with  
194 the department, pay the applicable registration fee, and take a  
195 40-hour ~~two-day 12-hour~~ course. The course shall be board-  
196 approved ~~board approved~~ and include, but not be limited to,  
197 instruction in body systems, contraindications, ~~consist of~~  
198 ~~education in~~ HIV/AIDS and other communicable diseases,  
199 sanitation and sterilization, disorders and diseases of the  
200 skin, and studies regarding laws affecting body wrapping.

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

206 (5)(2) Hair braiding, hair wrapping, and body wrapping are  
207 not required to be practiced in a ~~cosmetology~~ salon ~~or specialty~~





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208 ~~salon~~. When hair braiding, hair wrapping, or body wrapping is  
209 practiced outside a ~~cosmetology~~ salon or ~~specialty~~ salon,  
210 disposable implements shall ~~must~~ be used or all implements shall  
211 ~~must~~ be sanitized in a disinfectant approved for hospital use or  
212 approved by the federal Environmental Protection Agency.

213 (6)(3) Pending issuance of registration, a person is  
214 eligible to practice hair braiding, hair wrapping, or body  
215 wrapping upon submission of a registration application that  
216 includes proof of successful completion of the education  
217 requirements and payment of the applicable fees required by this  
218 chapter.

219 Section 4. Effective July 1, 2009, section 477.014,  
220 Florida Statutes, is amended to read:

221 477.014 Qualifications for practice.--

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

228 (2) A person licensed or registered under this chapter on  
229 or after July 1, 2009, may not practice or hold himself or  
230 herself out as qualified to practice in an area in which he or  
231 she is not specifically licensed or registered under this  
232 chapter.

233 (3) A cosmetologist licensed before July 1, 2009, may  
234 perform all the services of a licensed cosmetologist as defined



235 in s. 477.013(4), including manicures and pedicures related to  
236 artificial nails.

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

240 (5) A manicure, pedicure, or nail extension specialist  
241 registered or enrolled in a cosmetology school before July 1,  
242 2009, may take the examination for a nail technician license.

243 (6) A specialist registered under this chapter before July  
244 1, 2009, may continue to practice under the name of his or her  
245 specialty registration without taking the respective licensure  
246 examination. Renewal of all registrations, including a full  
247 specialty registration that includes facial, manicure, pedicure,  
248 and nail extension specialties, existing before July 1, 2009,  
249 shall be accomplished pursuant to rules adopted by the board.

250 Section 5. Subsections (3) and (4) are added to section  
251 477.016, Florida Statutes, to read:

252 477.016 Rulemaking.--

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

257 (a) Maintenance of a clean and safe work area by following  
258 Environmental Protection Agency pedicure equipment disinfection  
259 requirements after each client's pedicure to include use of  
260 hospital grade bactericidal, fungicidal, and pseudomonacidal  
261 disinfectant for at least 10 minutes.



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

266       (c) Provision of notice to and education of clients with  
267 visible skin diseases, fungal or other types of infections, or  
268 contagious conditions that services cannot be provided without a  
269 signed statement by a physician indicating that there is no  
270 public health problem to the clients themselves, to the  
271 technicians, or to other clients.

272       (4) To further the protection of the health of persons  
273 authorized by this chapter to provide basic facials or advanced  
274 skin treatment services involving chemicals and their clients,  
275 the board shall adopt rules to require and enforce the  
276 following:

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

279       (b) Provision of notice to and education of clients with  
280 visible skin diseases, fungal or other types of infections, or  
281 contagious conditions that services cannot be provided without a  
282 signed statement by a physician indicating that there is no  
283 public health problem to the clients themselves, to the  
284 estheticians, or to other clients.

285       Section 6. Paragraph (c) of subsection (2) of section  
286 477.019, Florida Statutes, is amended, subsections (3) through  
287 (7) of that section are renumbered as subsections (4) through  
288 (8), respectively, and a new subsection (3) is added to that  
289 section, to read:

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290 477.019 Cosmetologists; qualifications; licensure;  
291 supervised practice; license renewal; endorsement; continuing  
292 education.--

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

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

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

303 a. A school of cosmetology licensed pursuant to chapter  
304 1005.

305 b. A cosmetology program within the public school system.

306 c. The Cosmetology Division of the Florida School for the  
307 Deaf and the Blind, provided the division meets the standards of  
308 this chapter.

309 d. A government-operated cosmetology program in this  
310 state.

311  
312 The board shall establish by rule procedures whereby the school  
313 or program may certify that a person is qualified to take the  
314 required examination after the completion of a minimum of 1,000  
315 actual school hours. If the person then passes the examination,  
316 he or she shall have satisfied this requirement; but if the  
317 person fails the examination, he or she shall not be qualified



318 to take the examination again until the completion of the full  
319 requirements provided by this section.

320 (3) An application for the licensure examination for any  
321 license under this section may be submitted for examination  
322 approval in the last 100 hours of training by a pregraduate of a  
323 licensed cosmetology school or a program within the public  
324 school system, which school or program is certified by the  
325 Department of Education with fees as required in paragraph  
326 (2) (b). Upon approval, the applicant may schedule the  
327 examination on a date when the training hours are completed. An  
328 applicant shall have 6 months from the date of approval to take  
329 the examination. After the 6 months have passed, if the  
330 applicant failed to take the examination, the applicant must  
331 reapply. The board shall establish by rule the procedures for  
332 the pregraduate application process.

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

335 477.019 Cosmetologists; hair stylists; estheticians; nail  
336 technicians; qualifications; licensure; supervised practice;  
337 license renewal; endorsement; continuing education.--

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

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

343 (a) Is at least 16 years of age or has received a high  
344 school diploma or graduate equivalency diploma or has passed an  
345 ability-to-benefit test, which is an independently administered

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346 test approved by the United States Secretary of Education as  
347 provided in 20 U.S.C. s. 1091(d).†

348 (b) Pays the required application fee, which is not  
349 refundable, and the required examination fee, which is  
350 refundable if the applicant is determined to not be eligible for  
351 licensure for any reason other than failure to successfully  
352 complete the licensure examination.; ~~and~~

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

357 2.a. Has received a minimum number of hours of training as  
358 follows:

359 (I) For a hair stylist, 1,000 hours.

360 (II) For an esthetician, 600 hours.

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

362 (IV) For a cosmetologist, 1,500 hours.

363  
364 The board shall adopt rules to prevent an applicant from having  
365 to repeat curricula components. A person who holds one or more  
366 licenses may obtain an additional license by completing training  
367 as determined by board rule. The board shall consult with the  
368 Department of Education and the Commission for Independent  
369 Education on the development of such rules.

370 b. The training ~~Has received a minimum of 1,200 hours of~~  
371 ~~training as established by the board, which shall include, but~~  
372 ~~need shall~~ not be limited to, the equivalent of completion of

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373 services directly related to the practice of cosmetology at one  
374 of the following:

375 (I)a. A school of cosmetology licensed pursuant to chapter  
376 1005.

377 (II)b. A cosmetology program within the public school  
378 system.

379 (III)c. The Cosmetology Division of the Florida School for  
380 the Deaf and the Blind, provided the division meets the  
381 standards of this chapter.

382 (IV)d. A government-operated cosmetology program in this  
383 state.

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

388 d. A person who begins his or her education on or after  
389 July 1, 2009, shall comply with the hour requirements in sub-  
390 paragraph a. in order to qualify to take his or her  
391 respective examination.

392  
393 ~~The board shall establish by rule procedures whereby the school~~  
394 ~~or program may certify that a person is qualified to take the~~  
395 ~~required examination after the completion of a minimum of 1,000~~  
396 ~~actual school hours. If the person then passes the examination,~~  
397 ~~he or she shall have satisfied this requirement; but if the~~  
398 ~~person fails the examination, he or she shall not be qualified~~  
399 ~~to take the examination again until the completion of the full~~  
400 ~~requirements provided by this section.~~



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401 (3) An application for the licensure examination for any  
402 license under this section may be submitted for examination  
403 approval in the last 100 hours of training by a pregraduate of a  
404 licensed cosmetology school or a program within the public  
405 school system, which school or program is certified by the  
406 Department of Education with fees as required in paragraph  
407 (2)(b). Upon approval, the applicant may schedule the  
408 examination on a date when the training hours are completed. An  
409 applicant shall have 6 months from the date of approval to take  
410 the examination. After the 6 months have passed, if the  
411 applicant failed to take the examination, the applicant must  
412 reapply. The board shall establish by rule the procedures for  
413 the pregraduate application process.

414 (4) Upon an applicant receiving a passing grade, as  
415 established by board rule, on the examination and paying the  
416 initial licensing fee, the department shall issue a license to  
417 practice in the applicant's respective area provided in s.  
418 477.013(4), (5), (6), or (7) cosmetology.

419 (5) If an applicant passes all parts of the licensure  
420 examination for a cosmetologist, hair stylist, esthetician, or  
421 nail technician the first time he or she takes the examination,  
422 the passing applicant may practice until receipt of his or her  
423 license, provided that he or she practices under the supervision  
424 of an individual who holds the same active license or a  
425 cosmetologist licensed prior to July 1, 2009. An applicant who  
426 fails any part of the examination the first time he or she takes  
427 the examination may not practice as a cosmetologist, hair





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428 stylist, esthetician, or nail technician and may immediately  
429 reapply for reexamination.

430 ~~(5) Following the completion of the first licensing~~  
431 ~~examination and pending the results of that examination and~~  
432 ~~issuance of a license to practice cosmetology, graduates of~~  
433 ~~licensed cosmetology schools or cosmetology programs offered in~~  
434 ~~public school systems, which schools or programs are certified~~  
435 ~~by the Department of Education, are eligible to practice~~  
436 ~~cosmetology, provided such graduates practice under the~~  
437 ~~supervision of a licensed cosmetologist in a licensed~~  
438 ~~cosmetology salon. A graduate who fails the first examination~~  
439 ~~may continue to practice under the supervision of a licensed~~  
440 ~~cosmetologist in a licensed cosmetology salon if the graduate~~  
441 ~~applies for the next available examination and until the~~  
442 ~~graduate receives the results of that examination. No graduate~~  
443 ~~may continue to practice under this subsection if the graduate~~  
444 ~~fails the examination twice.~~

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

447 (7) The board shall adopt rules specifying procedures for  
448 the licensure by endorsement of practitioners desiring to be  
449 licensed in this state who hold a current active license in  
450 another state or country and who have met qualifications  
451 substantially similar to, equivalent to, or greater than the  
452 qualifications required of applicants from this state. For  
453 purposes of this subsection, work experience may be substituted  
454 for required educational hours in the amount and manner provided  
455 by board rule.



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456 (8) (a) The board shall prescribe by rule continuing  
457 education requirements for licensees and registered specialists  
458 which intended to ensure the protection of the public through  
459 updated training of licensees and registered specialists, not to  
460 exceed 16 hours biennially, as a condition for renewal of a  
461 license or registration as a specialist under this chapter.  
462 Continuing education courses shall include, but not be limited  
463 to, the following subjects as they relate to the practice of  
464 cosmetology: HIV/AIDS ~~human immunodeficiency virus and acquired~~  
465 ~~immune deficiency syndrome~~; Occupational Safety and Health  
466 Administration regulations; workers' compensation issues; state  
467 and federal laws and rules as they pertain to cosmetologists,  
468 the practice of cosmetology, salons, specialists, specialty  
469 ~~salons,~~ and booth renters; chemical makeup as it pertains to  
470 hair, skin, and nails; and environmental issues. Courses given  
471 at educational ~~cosmetology~~ conferences may be counted toward the  
472 number of continuing education hours required if approved by the  
473 board.

474 (b) Any person whose occupation or practice is confined  
475 solely to hair braiding, hair wrapping, or body wrapping is  
476 exempt from the continuing education requirements of this  
477 subsection.

478 (c) The board may, by rule, require any licensee in  
479 violation of a continuing education requirement to take a  
480 refresher course or refresher course and examination in addition  
481 to any other penalty. ~~The number of hours for the refresher~~  
482 ~~course may not exceed 48 hours.~~

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483 Section 8. Section 477.0212, Florida Statutes, is amended  
484 to read:

485 477.0212 Inactive status.--

486 (1) A ~~cosmetologist's~~ license issued under this chapter  
487 which ~~that~~ has become inactive may be reactivated under s.  
488 477.019 upon application to the department.

489 (2) The board shall adopt ~~promulgate~~ rules relating to  
490 licenses that ~~which~~ have become inactive and for the renewal of  
491 inactive licenses. The board shall prescribe by rule a fee not  
492 to exceed \$50 for the reactivation of an inactive license and a  
493 fee not to exceed \$50 for the renewal of an inactive license.  
494 The board shall prescribe by rule the continuing education  
495 requirements to be met prior to license renewal or reactivation.

496 Section 9. Section 477.023, Florida Statutes, is amended  
497 to read:

498 477.023 Schools of cosmetology; licensure.--~~A~~ ~~No~~ private  
499 school of cosmetology may not ~~shall be permitted to~~ operate  
500 without a license issued by the Commission for Independent  
501 Education pursuant to chapter 1005. However, this chapter does  
502 not ~~nothing herein shall be construed to~~ prevent certification  
503 by the Department of Education of grooming and salon services  
504 and cosmetology training programs within the public school  
505 system or ~~to~~ prevent government operation of any other program  
506 of cosmetology in this state.

507 Section 10. Section 477.025, Florida Statutes, is amended  
508 to read:

509 477.025 ~~Cosmetology salons; specialty Salons; requisites;~~  
510 licensure; inspection; mobile ~~cosmetology~~ salons.--



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

514 (2) The board shall adopt rules governing the licensure  
515 and operation of salons ~~and specialty salons~~ and their  
516 facilities, personnel, and safety and sanitary requirements, and  
517 the license application and granting process.

518 (3) Any person, firm, or corporation desiring to operate a  
519 ~~cosmetology salon or specialty~~ salon in the state shall submit  
520 to the department a salon ~~an~~ application form ~~upon forms~~  
521 provided by the department, and ~~accompanied by~~ any relevant  
522 information requested by the department, and ~~by~~ an application  
523 fee.

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

527 (5) When an applicant fails to meet all the requirements  
528 provided in this section ~~herein~~, the department shall deny the  
529 application in writing and shall list the specific requirements  
530 not met. No applicant denied licensure because of failure to  
531 meet the requirements of this section ~~herein~~ shall be precluded  
532 from reapplying for licensure.

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



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539           (7) No license for operation of a ~~cosmetology salon or~~  
540 ~~specialty~~ salon may be transferred from the name of the original  
541 licensee to another. It may be transferred from one location to  
542 another only upon approval by the department, which approval  
543 shall not be unreasonably withheld.

544           (8) Renewal of license registration for ~~cosmetology salons~~  
545 ~~or specialty~~ salons shall be accomplished pursuant to rules  
546 adopted by the board. The board is further authorized to adopt  
547 rules governing delinquent renewal of licenses and may impose  
548 penalty fees for delinquent renewal.

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

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

556           (b) Each mobile salon must comply with all licensure and  
557 operating requirements specified in this chapter or chapter 455  
558 or rules of the board or department that apply to ~~cosmetology~~  
559 salons at fixed locations, except to the extent that such  
560 requirements conflict with this subsection or rules adopted  
561 pursuant to this subsection.

562           (c) A mobile ~~cosmetology~~ salon must maintain a permanent  
563 business address, located in the inspection area of the local  
564 department office, at which records of appointments,  
565 itineraries, license numbers of employees, and vehicle  
566 identification numbers of the licenseholder's mobile salon shall

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567 be kept and made available for verification purposes by  
568 department personnel, and at which correspondence from the  
569 department can be received.

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

575 (e) The board shall establish fees for mobile ~~cosmetology~~  
576 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed  
577 locations.

578 (f) The operation of mobile ~~cosmetology~~ salons must be in  
579 compliance with all local laws and ordinances regulating  
580 business establishments, with all applicable requirements of the  
581 Americans with Disabilities Act relating to accommodations for  
582 persons with disabilities, and with all applicable OSHA  
583 requirements.

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

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

590 477.026 Fees; disposition.--

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

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593           (a) For hair stylists, estheticians, nail technicians, or  
594 cosmetologists, fees for original licensing, license renewal,  
595 and delinquent renewal may ~~shall~~ not exceed \$25.

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

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

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

604           (d)(e) For specialists, fees for ~~initial registration,~~  
605 registration renewal, and delinquent renewal may ~~shall~~ not  
606 exceed \$50.

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

609           (2) All moneys collected by the department from fees  
610 authorized by this chapter shall be paid into the Professional  
611 Regulation Trust Fund, which fund is created in the department,  
612 and shall be applied in accordance with ss. 215.37 and 455.219.  
613 The Legislature may appropriate any excess moneys from this fund  
614 to the General Revenue Fund.

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

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

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619           477.0263 Cosmetology, hair stylist, esthetician, nail  
620 technician, or specialty services to be performed in licensed  
621 salon; exceptions ~~exception~~.--

622           (1) Cosmetology, hair stylist, esthetician, nail  
623 technician, or specialty services shall be performed only by  
624 licensed cosmetologists, hair stylists, estheticians, or nail  
625 technicians or registered specialists in licensed salons, except  
626 as otherwise provided in this section.

627           (2) Pursuant to rules established by the board,  
628 cosmetology, hair stylist, esthetician, nail technician, or  
629 specialty services may be performed by a licensed cosmetologist,  
630 hair stylist, esthetician, or nail technician or a registered  
631 specialist in a location other than a licensed salon, including,  
632 but not limited to, a nursing home, hospital, or residence, when  
633 a client for reasons of ill health is unable to go to a licensed  
634 salon. Arrangements for the performance of such cosmetology,  
635 hair stylist, esthetician, nail technician, or specialty  
636 services in a location other than a licensed salon shall be made  
637 only through a licensed salon.

638           (3) Any person who holds a valid cosmetology license in  
639 any state or who is authorized to practice cosmetology in any  
640 country, territory, or jurisdiction of the United States may  
641 perform cosmetology services in a location other than a licensed  
642 salon when such services are performed in connection with the  
643 motion picture, fashion photography, theatrical, or television  
644 industry; a photography studio salon; a manufacturer trade show  
645 demonstration; a department store demonstration; or an  
646 educational seminar.



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647       (4) Pursuant to rules established by the board,  
648 cosmetology, hair stylist, esthetician, nail technician, or  
649 specialty services may be performed in a location other than a  
650 licensed salon when such services are performed in connection  
651 with a special event and are performed by a person who is  
652 employed by a licensed salon and who holds the proper license or  
653 specialty registration. An appointment for the performance of  
654 such services in a location other than a licensed salon shall be  
655 made through a licensed salon.

656           Section 13. Paragraph (i) is added to subsection (1) of  
657 section 477.0265, Florida Statutes, and subsection (2) of that  
658 section is republished, to read:

659           477.0265 Prohibited acts.--

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

661           (i) In the practice of cosmetology, use or possess a  
662 device containing a razor blade, commonly referred to as a  
663 credo, to remove, scrape, and cut calluses from the hands or  
664 feet.

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

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

670           477.0265 Prohibited acts.--

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

672           (a) Engage in ~~the practice of~~ cosmetology, hair stylist,  
673 esthetician, or nail technician services or a specialty without  
674 an active license as a cosmetologist, hair stylist, esthetician,

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675 or nail technician or registration as a specialist issued by the  
676 department pursuant to the provisions of this chapter.

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

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

682 2. In which a person not licensed as a cosmetologist, hair  
683 stylist, esthetician, or nail technician or registered as a  
684 ~~cosmetologist or a specialist~~ is permitted to perform  
685 cosmetology, hair stylist, esthetician, or nail technician  
686 services or any specialty.

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

689 (d) Permit an employed person to engage in ~~the practice of~~  
690 cosmetology, hair stylist, esthetician, or nail technician  
691 services or ~~of~~ a specialty unless such person holds a valid,  
692 active license as a cosmetologist, hair stylist, esthetician, or  
693 nail technician or holds a registration as a specialist.

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

697 (f) Use or attempt to use a license to provide ~~practice~~  
698 cosmetology, hair styling, esthetician, or nail technician  
699 services or a registration to practice a specialty, which  
700 license or registration is suspended or revoked.

701 (g) Advertise or imply that skin care services or body  
702 wrapping, as performed under this chapter, has ~~have~~ any

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703 relationship to the practice of massage therapy as defined in s.  
704 480.033(3), except those practices or activities defined in s.  
705 477.013.

706 (h) In the provision practice of cosmetology, nail  
707 technician, or specialty services, use or possess a cosmetic  
708 product containing a liquid nail monomer containing any trace of  
709 methyl methacrylate (MMA).

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

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

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

720 477.028 Disciplinary proceedings.--

721 (1) The board may ~~shall have the power to~~ revoke or  
722 suspend the license of a cosmetologist, hair stylist,  
723 esthetician, or nail technician licensed under this chapter, or  
724 the registration of a specialist registered under this chapter,  
725 and may ~~to~~ reprimand, censure, deny subsequent licensure or  
726 registration of, or otherwise discipline a cosmetologist, hair  
727 stylist, esthetician, nail technician, or a specialist licensed  
728 or registered under this chapter in any of the following cases:

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



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731 (b) Upon proof that the holder of a license or  
732 registration is guilty of fraud or deceit or of gross  
733 negligence, incompetency, or misconduct in the practice or  
734 instruction of cosmetology or a specialty.

735 (c) Upon proof that the holder of a license or  
736 registration is guilty of aiding, assisting, procuring, or  
737 advising any unlicensed person to practice as a cosmetologist,  
738 hair stylist, esthetician, or nail technician.

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

744 (a) Upon proof that a license has been obtained by fraud  
745 or misrepresentation.

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

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

751 (4) The department may ~~shall~~ not issue or renew a license  
752 or certificate of registration under this chapter to any person  
753 against whom or salon against which the board has assessed a  
754 fine, interest, or costs associated with investigation and  
755 prosecution until the person or salon has paid in full such  
756 fine, interest, or costs associated with investigation and  
757 prosecution or until the person or salon complies with or  
758 satisfies all terms and conditions of the final order.

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759           Section 16. Effective July 1, 2009, section 477.029,  
760 Florida Statutes, is amended to read:  
761           477.029 Penalty.--  
762           (1) It is unlawful for any person to:  
763           (a) Hold himself or herself out as a cosmetologist, hair  
764 stylist, esthetician, nail technician, specialist, hair wrapper,  
765 hair braider, or body wrapper unless duly licensed or  
766 registered, or otherwise authorized, as provided in this  
767 chapter.  
768           (b) Operate any ~~cosmetology~~ salon unless it has been duly  
769 licensed as provided in this chapter.  
770           (c) Permit an employed person to provide ~~practice~~  
771 cosmetology, hairstyling, esthetician, nail technician, or a  
772 specialty services unless duly licensed or registered, or  
773 otherwise authorized, as provided in this chapter.  
774           (d) Present as his or her own the license of another.  
775           (e) Give false or forged evidence to the department in  
776 obtaining any license provided for in this chapter.  
777           (f) Impersonate any other licenseholder of like or  
778 different name.  
779           (g) Use or attempt to use a license that has been revoked.  
780           (h) Violate any provision of s. 455.227(1), s. 477.0265,  
781 or s. 477.028.  
782           (i) Violate or refuse to comply with any provision of this  
783 chapter or chapter 455 or a rule or final order of the board or  
784 the department.

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

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

790 (b) Issuance of a reprimand or censure.

791 (c) Imposition of an administrative fine not to exceed  
792 \$500 for each count or separate offense.

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

795 (e) Refusal to certify to the department an applicant for  
796 licensure.

797 Section 17. Effective July 1, 2009, section 477.0201,  
798 Florida Statutes, is repealed.

799 Section 18. The Department of Business and Professional  
800 Regulation in conjunction with the Board of Cosmetology shall  
801 evaluate the feasibility, processes, and associated costs of  
802 using a national examination for cosmetology, hair stylist,  
803 esthetician, and nail technician services licenses that would  
804 improve reciprocity with other states. The findings of the  
805 evaluation shall be made available to the Legislature and to the  
806 public no later than January 1, 2009.

807 Section 19. For the 2008-2009 fiscal year, the sum of  
808 \$60,149 in nonrecurring funds is appropriated from the  
809 Administrative Trust Fund of the Department of Business and  
810 Professional Regulation to carry out the central-service  
811 administrative support functions related to the licensing  
812 provisions of this act.



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

815  
816 ===== T I T L E A M E N D M E N T =====

817 And the title is amended as follows:

818 Delete everything before the enacting clause  
819 and insert:

820 A bill to be entitled  
821 An act relating to cosmetology; amending s. 477.013, F.S.;  
822 providing and revising definitions; redefining  
823 "cosmetology" to include specified services and exclude  
824 artificial nails and use of certain skin treatments;  
825 defining "hair stylist," "esthetician," and "nail  
826 technician"; including body wrapping within esthetician  
827 services; removing a distinction between specialty salons  
828 and other salons; creating s. 477.0131, F.S.; authorizing  
829 licensure for cosmetologists, hair stylists, estheticians,  
830 and nail technicians; amending s. 477.0132, F.S.;  
831 authorizing renewal of current body wrapping  
832 registrations; increasing length of required course;  
833 specifying that only the Board of Cosmetology may review,  
834 evaluate, and approve required course and text; amending  
835 s. 477.014, F.S.; revising requirements for qualification  
836 to practice under ch. 477, F.S.; authorizing current  
837 specialists to sit for licensure examinations in certain  
838 circumstances; providing for the renewal of current  
839 specialty registrations; amending s. 477.016, F.S.;  
840 requiring the Board of Cosmetology to adopt rules relating

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841 to protection of health of clients, nail technicians, and  
842 estheticians; amending s. 477.019, F.S.; revising  
843 qualifications, education, licensure and renewal,  
844 supervised practice, and endorsement requirements to  
845 include and differentiate such requirements for  
846 cosmetologists, hair stylists, estheticians, and nail  
847 technicians; requiring the board to adopt certain  
848 procedures relating to licensure by endorsement; amending  
849 s. 477.0212, F.S.; requiring the board to adopt certain  
850 rules relating to license renewal or continuing education;  
851 amending s. 477.023, F.S.; stipulating that the Department  
852 of Education is not prevented from issuing certain  
853 grooming and salon services certification; amending s.  
854 477.025, F.S., relating to cosmetology and specialty  
855 salons, requisites, licensure, inspection, and mobile  
856 cosmetology salons, to conform; amending s. 477.026, F.S.;  
857 revising fee provisions to conform; amending s. 477.0263,  
858 F.S.; specifying circumstances under which cosmetology,  
859 hair stylist, esthetician, nail technician, or specialty  
860 services may be practiced outside of a licensed salon;  
861 amending s. 477.0265, F.S., relating to prohibited acts,  
862 to conform; prohibiting the use or possession of a credo  
863 in the provision of cosmetology, nail technician, or  
864 manicure or pedicure specialty services; amending s.  
865 477.028, F.S., relating to disciplinary proceedings, to  
866 conform; amending s. 477.029, F.S., relating to penalties;  
867 conforming provisions; repealing s. 477.0201, F.S.,  
868 relating to specialty registration, qualifications,



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869 registration renewal, and endorsement; requiring a report  
870 to the Legislature on the use of a national examination  
871 for certain licenses in order to improve reciprocity with  
872 other states; providing an appropriation; providing an  
873 effective date.