

By Senator Wise

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1 A bill to be entitled
2 An act relating to cosmetology; amending s. 477.013, F.S.;
3 providing and revising definitions; redefining
4 "cosmetology" to include hair technician, esthetician, and
5 nail technician services; including body wrapping within
6 esthetician services; removing a distinction between
7 specialty salons and other salons; creating s. 477.0131,
8 F.S.; authorizing licensure for hair technicians,
9 estheticians, nail technicians, and cosmetologists;
10 amending s. 477.0132, F.S.; authorizing renewal of current
11 body wrapping registrations; increasing length of required
12 course; specifying that only the Board of Cosmetology may
13 review, evaluate, and approve required course and text;
14 amending s. 477.014, F.S.; revising requirements for
15 qualification to practice under ch. 477, F.S.; authorizing
16 current specialists to sit for licensure examinations in
17 certain circumstances; providing for the renewal of
18 current specialty registrations; amending s. 477.019,
19 F.S.; revising qualification, education, licensure and
20 renewal, supervised practice, and endorsement requirements
21 for cosmetologist licenses to include and differentiate
22 qualification, education, licensure and renewal,
23 supervised practice, and endorsement requirements for hair
24 technician, esthetician, and nail technician licenses;
25 requiring the board to adopt certain procedures relating
26 to licensure by endorsement; amending s. 477.0212, F.S.;
27 requiring the board to adopt certain rules relating to
28 license renewal or continuing education; amending s.
29 477.023, F.S.; stipulating that the Department of

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

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Section 477.013, Florida Statutes, is amended to
50 read:

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

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

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

55 (3) "Cosmetologist" means a person who is licensed to
56 engage in the practice of all cosmetology services in this state
57 under the authority of this chapter, including hair technician
58 services, esthetician services, and nail technician services, or

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59 a person who is licensed prior to July 1, 2009, to engage in the
60 practice of cosmetology in this state.

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

64 (a) Hair technician services, which are:

65 1. Treating a person's hair by:

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

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

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

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

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

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

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

82 (b) Esthetician services, which are:

83 1. Cleansing, exfoliating, or stimulating a person's skin
84 by hand or by using a mechanical device, apparatus, or appliance
85 with the use of any cosmetic preparation, antiseptic, lotion,
86 powder, oil, clay, cream, or appliance.

87 2. Beautifying a person's skin using a cosmetic

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88 preparation, antiseptic, lotion, powder, oil, clay, cream, or
89 appliance.

90 3. Administering facial treatments.

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

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

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

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

104 (c) Nail technician services, which are:

105 1. Treating a person's nails by:

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

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

109 2. Cleansing, treating, or beautifying a person's forearms,
110 hands, legs below the knee, or feet ~~mechanical or chemical~~
111 ~~treatment of the head, face, and scalp for aesthetic rather than~~
112 ~~medical purposes, including, but not limited to, hair shampooing,~~
113 ~~hair cutting, hair arranging, hair coloring, permanent waving,~~
114 ~~and hair relaxing for compensation. This term also includes~~
115 ~~performing hair removal, including wax treatments, manicures,~~
116 ~~pedicures, and skin care services.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

187 477.0131 Hair technician, esthetician, nail technician, and
188 cosmetology licenses.--

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

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

195 (3) A person who is otherwise qualified by this chapter and
196 who is authorized to practice all of the services listed in s.
197 477.013(4)(c) shall be licensed as a nail technician.

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

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

203 477.0132 Hair braiding, hair wrapping, and body wrapping

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204 registration.--

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

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

222 (3)~~(e)~~ Unless otherwise licensed or exempted from licensure
223 under this chapter, any person whose occupation or practice is
224 confined solely to body wrapping must register with the
225 department, pay the applicable registration fee, and take a 40-
226 hour ~~two-day 12-hour~~ course. The course shall be board approved
227 and include, but not be limited to, body systems,
228 contraindications, ~~consist of education in~~ HIV/AIDS and other
229 communicable diseases, sanitation and sterilization, disorders
230 and diseases of the skin, and studies regarding laws affecting
231 body wrapping.

232 (4)~~(d)~~ Only the board may review, evaluate, and approve a

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233 course and text required of an applicant for registration under
234 this section ~~subsection~~ in the occupation or practice of hair
235 braiding, hair wrapping, or body wrapping. A provider of such a
236 course is not required to hold a license under chapter 1005.

237 (5) ~~(2)~~ Hair braiding, hair wrapping, and body wrapping are
238 not required to be practiced in a ~~cosmetology~~ salon ~~or specialty~~
239 ~~salon~~. When hair braiding, hair wrapping, or body wrapping is
240 practiced outside a ~~cosmetology~~ salon ~~or specialty~~ salon,
241 disposable implements shall ~~must~~ be used or all implements shall
242 ~~must~~ be sanitized in a disinfectant approved for hospital use or
243 approved by the federal Environmental Protection Agency.

244 (6) ~~(3)~~ Pending issuance of registration, a person is
245 eligible to practice hair braiding, hair wrapping, or body
246 wrapping upon submission of a registration application that
247 includes proof of successful completion of the education
248 requirements and payment of the applicable fees required by this
249 chapter.

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

252 477.014 Qualifications for practice.--

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

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

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262 she is not specifically licensed or registered under this
263 chapter.

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

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

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

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

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

282 477.019 Cosmetologists; hair technicians; estheticians;
283 nail technicians; qualifications; licensure; supervised practice;
284 license renewal; endorsement; continuing education.--

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

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

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291 applicant:

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

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

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

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

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

309 (II) For an esthetician, 600 hours.

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

311 (IV) For a cosmetologist, 1,800 hours, composed of training
312 from the hair technician, esthetician, and nail technician
313 curricula.

314

315 The board shall adopt rules to prevent an applicant from having
316 to repeat curricula components. A person who holds one or more
317 licenses may obtain an additional license by completing training
318 as determined by board rule. The board shall consult with the
319 Department of Education and the Commission for Independent

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320 Education on the development of such rules.

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

326 (I)a. A school of cosmetology licensed pursuant to chapter
327 1005.

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

330 (III)c. The Cosmetology Division of the Florida School for
331 the Deaf and the Blind, provided the division meets the standards
332 of this chapter.

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

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

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

342
343 ~~The board shall establish by rule procedures whereby the school~~
344 ~~or program may certify that a person is qualified to take the~~
345 ~~required examination after the completion of a minimum of 1,000~~
346 ~~actual school hours. If the person then passes the examination,~~
347 ~~he or she shall have satisfied this requirement; but if the~~
348 ~~person fails the examination, he or she shall not be qualified to~~

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349 ~~take the examination again until the completion of the full~~
350 ~~requirements provided by this section.~~

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

356 (4) After submitting a complete application to take the
357 first available examination for licensure as a cosmetologist,
358 hair technician, esthetician, or nail technician, a graduate of a
359 licensed cosmetology school or a program within the public school
360 system, which school or program is certified by the Department of
361 Education, is eligible to practice in the graduate's respective
362 area for a maximum period of 60 days, provided such graduate
363 practices under the supervision of a professional licensed under
364 this chapter in a licensed salon. A graduate who fails to pass an
365 examination the first time may continue to practice under the
366 supervision of a professional licensed under this chapter in a
367 licensed salon for an additional 60-day period, provided the
368 graduate applies for the next available examination. A graduate
369 may not continue to practice under this subsection if the
370 graduate fails the examination twice. Following the completion of
371 ~~the first licensing examination and pending the results of that~~
372 ~~examination and issuance of a license to practice cosmetology,~~
373 ~~graduates of licensed cosmetology schools or cosmetology programs~~
374 ~~offered in public school systems, which schools or programs are~~
375 ~~certified by the Department of Education, are eligible to~~
376 ~~practice cosmetology, provided such graduates practice under the~~
377 ~~supervision of a licensed cosmetologist in a licensed cosmetology~~

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378 ~~salon. A graduate who fails the first examination may continue to~~
379 ~~practice under the supervision of a licensed cosmetologist in a~~
380 ~~licensed cosmetology salon if the graduate applies for the next~~
381 ~~available examination and until the graduate receives the results~~
382 ~~of that examination. No graduate may continue to practice under~~
383 ~~this subsection if the graduate fails the examination twice.~~

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

386 (6) The board shall adopt rules specifying procedures for
387 the licensure by endorsement of practitioners desiring to be
388 licensed in this state who hold a current active license in
389 another state or country and who have met qualifications
390 substantially similar to, equivalent to, or greater than the
391 qualifications required of applicants from this state. For
392 purposes of this subsection, work experience may be substituted
393 for required educational hours in the amount and manner provided
394 by board rule.

395 (7) (a) The board shall prescribe by rule continuing
396 education requirements for licensees and registered specialists
397 that intended to ensure the protection of the public through
398 updated training of licensees and registered specialists, not to
399 exceed 16 hours biennially, as a condition for renewal of a
400 license or registration as a specialist under this chapter.
401 Continuing education courses shall include, but not be limited
402 to, the following subjects as they relate to the practice of
403 cosmetology: HIV/AIDS ~~human immunodeficiency virus and acquired~~
404 ~~immune deficiency syndrome~~; Occupational Safety and Health
405 Administration regulations; workers' compensation issues; state
406 and federal laws and rules as they pertain to cosmetologists, the

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407 practice of cosmetology, salons, specialists, ~~specialty salons,~~
408 and booth renters; chemical makeup as it pertains to hair, skin,
409 and nails; and environmental issues. Courses given at educational
410 ~~cosmetology~~ conferences may be counted toward the number of
411 continuing education hours required if approved by the board.

412 (b) Any person whose occupation or practice is confined
413 solely to hair braiding, hair wrapping, or body wrapping is
414 exempt from the continuing education requirements of this
415 subsection.

416 (c) The board may, by rule, require any licensee in
417 violation of a continuing education requirement to take a
418 refresher course or refresher course and examination in addition
419 to any other penalty. ~~The number of hours for the refresher~~
420 ~~course may not exceed 48 hours.~~

421 Section 6. Section 477.0212, Florida Statutes, is amended
422 to read:

423 477.0212 Inactive status.--

424 (1) A ~~cosmetologist's~~ license issued under this chapter
425 which that has become inactive may be reactivated under s.
426 477.019 upon application to the department.

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

434 Section 7. Section 477.023, Florida Statutes, is amended to
435 read:

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436 477.023 Schools of cosmetology; licensure.--~~A No private~~
437 school of cosmetology may not ~~shall be permitted to~~ operate
438 without a license issued by the Commission for Independent
439 Education pursuant to chapter 1005. However, this chapter does
440 not ~~nothing herein shall be construed to~~ prevent certification by
441 the Department of Education of grooming and salon services and
442 cosmetology training programs within the public school system or
443 ~~to~~ prevent government operation of any other program of
444 cosmetology in this state.

445 Section 8. Section 477.025, Florida Statutes, is amended to
446 read:

447 477.025 ~~Cosmetology salons; specialty~~ Salons; requisites;
448 licensure; inspection; mobile ~~cosmetology~~ salons.--

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

452 (2) The board shall adopt rules governing the licensure and
453 operation of salons ~~and specialty salons~~ and their facilities,
454 personnel, and safety and sanitary requirements, and the license
455 application and granting process.

456 (3) Any person, firm, or corporation desiring to operate a
457 ~~cosmetology salon or specialty~~ salon in the state shall submit to
458 the department a salon ~~an~~ application form ~~upon forms~~ provided by
459 the department, and ~~accompanied by~~ any relevant information
460 requested by the department, and ~~by~~ an application fee.

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

464 (5) When an applicant fails to meet all the requirements

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465 | provided in this section ~~herein~~, the department shall deny the
466 | application in writing and shall list the specific requirements
467 | not met. No applicant denied licensure because of failure to meet
468 | the requirements of this section ~~herein~~ shall be precluded from
469 | reapplying for licensure.

470 | (6) When the department determines that the proposed
471 | ~~cosmetology salon or specialty~~ salon may reasonably be expected
472 | to meet the requirements set forth in this section ~~herein~~, the
473 | department shall grant the license upon such conditions as it
474 | shall deem proper under the circumstances and upon payment of the
475 | original licensing fee.

476 | (7) No license for operation of a ~~cosmetology salon or~~
477 | ~~specialty~~ salon may be transferred from the name of the original
478 | licensee to another. It may be transferred from one location to
479 | another only upon approval by the department, which approval
480 | shall not be unreasonably withheld.

481 | (8) Renewal of license registration for ~~cosmetology salons~~
482 | ~~or specialty~~ salons shall be accomplished pursuant to rules
483 | adopted by the board. The board is further authorized to adopt
484 | rules governing delinquent renewal of licenses and may impose
485 | penalty fees for delinquent renewal.

486 | (9) The board is authorized to adopt rules governing the
487 | periodic inspection of ~~cosmetology salons and specialty~~ salons
488 | licensed under this chapter.

489 | (10) (a) The board shall adopt rules governing the
490 | licensure, operation, and inspection of mobile ~~cosmetology~~
491 | salons, including their facilities, personnel, and safety and
492 | sanitary requirements.

493 | (b) Each mobile salon must comply with all licensure and

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494 operating requirements specified in this chapter or chapter 455
495 or rules of the board or department that apply to ~~cosmetology~~
496 salons at fixed locations, except to the extent that such
497 requirements conflict with this subsection or rules adopted
498 pursuant to this subsection.

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

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

511 (e) The board shall establish fees for mobile ~~cosmetology~~
512 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed
513 locations.

514 (f) The operation of mobile ~~cosmetology~~ salons must be in
515 compliance with all local laws and ordinances regulating business
516 establishments, with all applicable requirements of the Americans
517 with Disabilities Act relating to accommodations for persons with
518 disabilities, and with all applicable OSHA requirements.

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

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523 Section 9. Section 477.026, Florida Statutes, is amended to
524 read:

525 477.026 Fees; disposition.--

526 (1) The board shall set fees according to the following
527 schedule:

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

531 (b) For hair technicians, estheticians, nail technicians,
532 or cosmetologists, fees for endorsement application, examination,
533 and reexamination may ~~shall~~ not exceed \$50.

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

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

539 ~~(d)(e)~~ For specialists, fees for ~~initial registration,~~
540 registration renewal, and delinquent renewal may ~~shall~~ not exceed
541 \$50.

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

544 (2) All moneys collected by the department from fees
545 authorized by this chapter shall be paid into the Professional
546 Regulation Trust Fund, which fund is created in the department,
547 and shall be applied in accordance with ss. 215.37 and 455.219.
548 The Legislature may appropriate any excess moneys from this fund
549 to the General Revenue Fund.

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

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552 Section 10. Section 477.0263, Florida Statutes, is amended
553 to read:

554 477.0263 Cosmetology or specialty services to be performed
555 in licensed salon; ~~exceptions~~ exception.--

556 (1) Cosmetology or specialty services shall be performed
557 only by licensed cosmetologists, hair technicians, estheticians,
558 or nail technicians or registered specialists in licensed salons,
559 except as otherwise provided in this section.

560 (2) Pursuant to rules established by the board, cosmetology
561 or specialty services may be performed by a licensed
562 cosmetologist, hair technician, esthetician, or nail technician
563 or a registered specialist in a location other than a licensed
564 salon, including, but not limited to, a nursing home, hospital,
565 or residence, when a client for reasons of ill health is unable
566 to go to a licensed salon. Arrangements for the performance of
567 such cosmetology or specialty services in a location other than a
568 licensed salon shall be made only through a licensed salon.

569 (3) Any person who holds a valid cosmetology license in any
570 state or who is authorized to practice cosmetology in any
571 country, territory, or jurisdiction of the United States may
572 perform cosmetology services in a location other than a licensed
573 salon when such services are performed in connection with the
574 motion picture, fashion photography, theatrical, or television
575 industry; a photography studio salon; a manufacturer trade show
576 demonstration; a department store demonstration; or an
577 educational seminar.

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

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581 licensed salon when such services are performed in connection
582 with a special event and are performed by a person who is
583 employed by a licensed salon and who holds the proper license or
584 specialty registration. An appointment for the performance of
585 such services in a location other than a licensed salon shall be
586 made through a licensed salon.

587 Section 11. Section 477.0265, Florida Statutes, is amended
588 to read:

589 477.0265 Prohibited acts.--

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

591 (a) Engage in the practice of cosmetology or a specialty
592 without an active license in the field of cosmetology unless
593 authorized as a cosmetologist or registration as a specialist
594 issued by the department pursuant to the provisions of this
595 chapter.

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

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

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

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

606 (d) Permit an employed person to engage in the practice of
607 cosmetology or of a specialty unless such person holds a valid,
608 active license in the field of cosmetology or is authorized as a
609 cosmetologist or holds a registration as a specialist.

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

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

616 (g) Advertise or imply that skin care services or body
617 wrapping, as performed under this chapter, has ~~have~~ any
618 relationship to the practice of massage therapy as defined in s.
619 480.033(3), except those practices or activities defined in s.
620 477.013.

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

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

627 Section 12. Section 477.028, Florida Statutes, is amended
628 to read:

629 477.028 Disciplinary proceedings.--

630 (1) The board may ~~shall have the power to~~ revoke or suspend
631 the license of a cosmetologist, hair technician, esthetician, or
632 nail technician licensed under this chapter, or the registration
633 of a specialist registered under this chapter, and may ~~to~~
634 reprimand, censure, deny subsequent licensure or registration of,
635 or otherwise discipline a cosmetologist, hair technician,
636 esthetician, nail technician, or a specialist licensed or
637 registered under this chapter in any of the following cases:

638 (a) Upon proof that a license or registration has been

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639 obtained by fraud or misrepresentation.

640 (b) Upon proof that the holder of a license or registration
641 is guilty of fraud or deceit or of gross negligence,
642 incompetency, or misconduct in the practice or instruction of
643 cosmetology or a specialty.

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

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

653 (a) Upon proof that a license has been obtained by fraud or
654 misrepresentation.

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

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

660 (4) The department may ~~shall~~ not issue or renew a license
661 or certificate of registration under this chapter to any person
662 against whom or salon against which the board has assessed a
663 fine, interest, or costs associated with investigation and
664 prosecution until the person or salon has paid in full such fine,
665 interest, or costs associated with investigation and prosecution
666 or until the person or salon complies with or satisfies all terms
667 and conditions of the final order.

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668 Section 13. Section 477.029, Florida Statutes, is amended
669 to read:

670 477.029 Penalty.--

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

672 (a) Hold himself or herself out as a cosmetologist, hair
673 technician, esthetician, nail technician, specialist, hair
674 wrapper, hair braider, or body wrapper unless duly licensed or
675 registered, or otherwise authorized, as provided in this chapter.

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

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

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

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

684 (f) Impersonate any other licenseholder of like or
685 different name.

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

687 (h) Violate any provision of s. 455.227(1), s. 477.0265, or
688 s. 477.028.

689 (i) Violate or refuse to comply with any provision of this
690 chapter or chapter 455 or a rule or final order of the board or
691 the department.

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

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

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697 (b) Issuance of a reprimand or censure.

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

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

702 (e) Refusal to certify to the department an applicant for
703 licensure.

704 Section 14. Section 477.0201, Florida Statutes, is
705 repealed.

706 Section 15. (1) For the 2008-2009 fiscal year, the sum of
707 \$60,149 in nonrecurring funds is appropriated from the
708 Administrative Trust Fund of the Department of Business and
709 Professional Regulation to carry out the central-service
710 administrative support functions related to the licensing
711 provisions of this act.

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

713 Section 16. Except as otherwise expressly provided in this
714 act and except for this section, which shall take effect July 1,
715 2008, this act shall take effect July 1, 2009.