

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

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

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Effective July 1, 2009, section 477.013, Florida

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59 Statutes, is amended to read:

60 477.013 Definitions.--As used in this chapter, the term:

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

62 (2) "Department" means the Department of Business and
63 Professional Regulation.

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

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

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

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

86 (b) Beautifying a person's skin using a cosmetic
87 preparation, antiseptic, lotion, powder, oil, clay, cream, or

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88 appliance.

89 (c) Administering facial treatments.

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

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

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

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

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

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

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

111 2. Providing a necessary service that is preparatory or
112 ancillary to a service under subparagraph 1., including clipping,
113 cutting, or trimming; or

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

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

118 (c) Shampooing and conditioning a person's hair.

119 (d) Servicing a person's wig or artificial hairpiece on
120 that person's head in any manner listed in paragraph (a).

121 (e) Treating a person's mustache or beard by coloring,
122 processing, styling, or trimming.

123 (f) Providing basic hair removal by use of waxing or
124 tweezing of the eyebrows and upper and lower lip.

125 (7) "Nail technician" means a person who is licensed under
126 this chapter to perform or offer to perform for compensation the
127 following services:

128 (a) Treating a person's nails by:

129 1. Cutting, trimming, polishing, painting, printing,
130 tinting, coloring, cleansing, manicuring, or pedicuring;

131 2. Affixing artificial nails, acrylic nails, gel nails,
132 extensions, or capping; or

133 3. Utilizing drills and other mechanical devices on the
134 nails and cuticles.

135 (b) Cleansing, treating, or beautifying a person's
136 forearms, hands, legs below the knee, or feet.

137 (8) "Salon" means a place of business where the practice of
138 one or more cosmetology, hair stylist, esthetician, nail
139 technician, or specialty services are offered or performed for
140 compensation.

141 (9) ~~(5)~~ "Specialist" means any person registered under s.
142 477.014(6) to practice one or more of the following specialties:
143 holding a specialty registration in one or more of the
144 specialties registered under this chapter.

145 ~~(6) "Specialty" means the practice of one or more of the~~

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146 following:

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

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

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

160 ~~(10)-(7)~~ "Shampooing" means the cleansing ~~washing~~ of the
161 hair with soap and water or with a special preparation, ~~or~~
162 ~~applying hair tonics.~~

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

166 ~~(11)-(9)~~ "Hair braiding" means the weaving or interweaving
167 of a person's own natural ~~human~~ hair for compensation without
168 cutting, coloring, permanent waving, relaxing, removing, or
169 chemical treatment and does not include the use of hair
170 extensions or wefts.

171 ~~(12)-(10)~~ "Hair wrapping" means the wrapping of manufactured
172 materials around a strand or strands of human hair, for
173 compensation, without cutting, coloring, permanent waving,
174 relaxing, removing, weaving, chemically treating, braiding, using

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175 hair extensions, or performing any other service defined as
176 cosmetology.

177 (13)~~(11)~~ "Photography studio salon" means an establishment
178 where the hair-arranging services and the application of cosmetic
179 products are performed solely for the purpose of preparing the
180 model or client for the photographic session without shampooing,
181 cutting, coloring, permanent waving, relaxing, or removing of
182 hair or performing any other service defined as cosmetology.

183 (14)~~(12)~~ "Body wrapping" means a treatment program that
184 uses herbal wraps for the purposes of cleansing and beautifying
185 the skin of the body, but does not include:

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

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

192 ~~(13) "Skin care services" means the treatment of the skin
193 of the body, other than the head, face, and scalp, by the use of
194 a sponge, brush, cloth, or similar device to apply or remove a
195 chemical preparation or other substance, except that chemical
196 peels may be removed by peeling an applied preparation from the
197 skin by hand. Skin care services must be performed by a licensed
198 cosmetologist or facial specialist within a licensed cosmetology
199 or specialty salon, and such services may not involve massage, as
200 defined in s. 480.033(3), through manipulation of the superficial
201 tissue.~~

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

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204 477.0131 Cosmetologist, hair stylist, esthetician, and nail
205 technician licenses.--

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

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

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

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

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

220 477.0132 Hair braiding, hair wrapping, and body wrapping
221 registration.--

222 (1)~~(a)~~ A person ~~Persons~~ whose occupation or practice is
223 confined solely to hair braiding shall ~~must~~ register with the
224 department, shall pay the applicable registration fee, and shall
225 take a two-day, 16-hour course. The course shall be board
226 approved and consist of 5 hours of instruction in HIV/AIDS and
227 other communicable diseases, 5 hours of instruction in sanitation
228 and sterilization, 4 hours of instruction in disorders and
229 diseases of the scalp, and 2 hours of instruction in ~~studies~~
230 ~~regarding~~ laws affecting hair braiding.

231 (2)~~(b)~~ A person ~~Persons~~ whose occupation or practice is
232 confined solely to hair wrapping shall ~~must~~ register with the

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233 department, shall pay the applicable registration fee, and shall
234 take a one-day, 6-hour course. The course shall be board-approved
235 ~~board approved~~ and consist of instruction ~~education~~ in HIV/AIDS
236 and other communicable diseases, sanitation and sterilization,
237 disorders and diseases of the scalp, and ~~studies regarding~~ laws
238 affecting hair wrapping.

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

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

254 (5)(2) Hair braiding, hair wrapping, and body wrapping are
255 not required to be practiced in a ~~cosmetology~~ salon ~~or specialty~~
256 ~~salon~~. When hair braiding, hair wrapping, or body wrapping is
257 practiced outside a ~~cosmetology~~ salon ~~or specialty~~ salon,
258 disposable implements shall ~~must~~ be used or all implements shall
259 ~~must~~ be sanitized in a disinfectant approved for hospital use or
260 approved by the federal Environmental Protection Agency.

261 (6)(3) Pending issuance of registration, a person is

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262 eligible to practice hair braiding, hair wrapping, or body
263 wrapping upon submission of a registration application that
264 includes proof of successful completion of the education
265 requirements and payment of the applicable fees required by this
266 chapter.

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

269 477.014 Qualifications for practice.--

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

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

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

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

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

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291 (6) A specialist registered under this chapter before July
292 1, 2009, may continue to practice under the name of his or her
293 specialty registration without taking the respective licensure
294 examination. Renewal of all registrations, including a full
295 specialty registration that includes facial, manicure, pedicure,
296 and nail extension specialties, existing before July 1, 2009,
297 shall be accomplished pursuant to rules adopted by the board.

298 Section 5. Subsections (3) and (4) are added to section
299 477.016, Florida Statutes, to read:

300 477.016 Rulemaking.--

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

305 (a) Maintenance of a clean and safe work area through
306 pedicure equipment disinfection requirements after each client's
307 pedicure to include use of hospital grade bactericidal,
308 fungicidal, and pseudomonacidal disinfectant for at least 10
309 minutes.

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

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

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

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

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

332 Section 6. Paragraph (c) of subsection (2) of section
333 477.019, Florida Statutes, is amended, subsections (3) through
334 (7) of that section are renumbered as subsections (4) through
335 (8), respectively, and a new subsection (3) is added to that
336 section, to read:

337 477.019 Cosmetologists; qualifications; licensure;
338 supervised practice; license renewal; endorsement; continuing
339 education.--

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

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

346 2. Has received a minimum of 1,200 hours of training as
347 established by the board, which shall include, but shall not be
348 limited to, the equivalent of completion of services directly

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349 related to the practice of cosmetology at one of the following:

- 350 a. A school of cosmetology licensed pursuant to chapter
351 1005.
- 352 b. A cosmetology program within the public school system.
- 353 c. The Cosmetology Division of the Florida School for the
354 Deaf and the Blind, provided the division meets the standards of
355 this chapter.
- 356 d. A government-operated cosmetology program in this state.

357

358 The board shall establish by rule procedures whereby the school
359 or program may certify that a person is qualified to take the
360 required examination after the completion of a minimum of 1,000
361 actual school hours. If the person then passes the examination,
362 he or she shall have satisfied this requirement; but if the
363 person fails the examination, he or she shall not be qualified to
364 take the examination again until the completion of the full
365 requirements provided by this section.

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

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378 process.

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

381 477.019 Cosmetologists; hair stylists; estheticians; nail
382 technicians; qualifications; licensure; supervised practice;
383 license renewal; endorsement; continuing education.--

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

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

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

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

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

403 2.a. Has received a minimum number of hours of training as
404 follows:

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

406 (II) For an esthetician, 600 hours.

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

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

409
410 The board shall adopt rules to prevent an applicant from having
411 to repeat curricula components. A person who holds one or more
412 licenses may obtain an additional license by completing training
413 as determined by board rule. The board shall consult with the
414 Department of Education and the Commission for Independent
415 Education on the development of such rules.

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

421 (I)a. A school of cosmetology licensed pursuant to chapter
422 1005.

423 (II)b. A cosmetology program within the public school
424 system.

425 (III)e. The Cosmetology Division of the Florida School for
426 the Deaf and the Blind, provided the division meets the standards
427 of this chapter.

428 (IV)d. A government-operated cosmetology program in this
429 state.

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

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

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436 examination.

437

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

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

459 (4) Upon an applicant receiving a passing grade, as
460 established by board rule, on the examination and paying the
461 initial licensing fee, the department shall issue a license to
462 practice in the applicant's respective area provided in s.
463 477.013(4), (5), (6), or (7) cosmetology.

464 (5) If an applicant passes all parts of the licensure

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465 examination for a cosmetologist, hair stylist, esthetician, or
466 nail technician the first time he or she takes the examination,
467 the passing applicant may practice until receipt of his or her
468 license, provided that he or she practices under the supervision
469 of an individual who holds the same active license or a
470 cosmetologist licensed prior to July 1, 2009. An applicant who
471 fails any part of the examination the first time he or she takes
472 the examination may not practice as a cosmetologist, hair
473 stylist, esthetician, or nail technician and may immediately
474 reapply for reexamination.

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

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

491 (7) The board shall adopt rules specifying procedures for
492 the licensure by endorsement of practitioners desiring to be
493 licensed in this state who hold a current active license in

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494 another state or country and who have met qualifications
495 substantially similar to, equivalent to, or greater than the
496 qualifications required of applicants from this state. For
497 purposes of this subsection, work experience may be substituted
498 for required educational hours in the amount and manner provided
499 by board rule.

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

517 (b) Any person whose occupation or practice is confined
518 solely to hair braiding, hair wrapping, or body wrapping is
519 exempt from the continuing education requirements of this
520 subsection.

521 (c) The board may, by rule, require any licensee in
522 violation of a continuing education requirement to take a

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523 refresher course or refresher course and examination in addition
524 to any other penalty. ~~The number of hours for the refresher~~
525 ~~course may not exceed 48 hours.~~

526 Section 8. Section 477.0212, Florida Statutes, is amended
527 to read:

528 477.0212 Inactive status.--

529 (1) A ~~cosmetologist's~~ license issued under this chapter
530 which ~~that~~ has become inactive may be reactivated under s.
531 477.019 upon application to the department.

532 (2) The board shall adopt ~~promulgate~~ rules relating to
533 licenses that ~~which~~ have become inactive and for the renewal of
534 inactive licenses. The board shall prescribe by rule a fee not to
535 exceed \$50 for the reactivation of an inactive license and a fee
536 not to exceed \$50 for the renewal of an inactive license. The
537 board shall prescribe by rule the continuing education
538 requirements to be met prior to license renewal or reactivation.

539 Section 9. Section 477.023, Florida Statutes, is amended to
540 read:

541 477.023 Schools of cosmetology; licensure.--~~A~~ ~~No~~ private
542 school of cosmetology may not ~~shall be permitted to~~ operate
543 without a license issued by the Commission for Independent
544 Education pursuant to chapter 1005. However, this chapter does
545 not ~~nothing herein shall be construed to~~ prevent certification by
546 the Department of Education of grooming and salon services and
547 cosmetology training programs within the public school system or
548 ~~to~~ prevent government operation of any other program of
549 cosmetology in this state.

550 Section 10. Section 477.025, Florida Statutes, is amended
551 to read:

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552 477.025 ~~Cosmetology salons; specialty~~ Salons; requisites;
553 licensure; inspection; mobile ~~cosmetology~~ salons.--

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

557 (2) The board shall adopt rules governing the licensure and
558 operation of salons ~~and specialty salons~~ and their facilities,
559 personnel, and safety and sanitary requirements, and the license
560 application and granting process.

561 (3) Any person, firm, or corporation desiring to operate a
562 ~~cosmetology salon or specialty~~ salon in the state shall submit to
563 the department a salon ~~an~~ application form ~~upon forms~~ provided by
564 the department, ~~and accompanied by~~ any relevant information
565 requested by the department, and ~~by~~ an application fee.

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

569 (5) When an applicant fails to meet all the requirements
570 provided in this section ~~herein~~, the department shall deny the
571 application in writing and shall list the specific requirements
572 not met. No applicant denied licensure because of failure to meet
573 the requirements of this section ~~herein~~ shall be precluded from
574 reapplying for licensure.

575 (6) When the department determines that the proposed
576 ~~cosmetology salon or specialty~~ salon may reasonably be expected
577 to meet the requirements set forth in this section ~~herein~~, the
578 department shall grant the license upon such conditions as it
579 shall deem proper under the circumstances and upon payment of the
580 original licensing fee.

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581 (7) No license for operation of a ~~cosmetology salon or~~
582 ~~specialty~~ salon may be transferred from the name of the original
583 licensee to another. It may be transferred from one location to
584 another only upon approval by the department, which approval
585 shall not be unreasonably withheld.

586 (8) Renewal of license registration for ~~cosmetology salons~~
587 ~~or specialty~~ salons shall be accomplished pursuant to rules
588 adopted by the board. The board is further authorized to adopt
589 rules governing delinquent renewal of licenses and may impose
590 penalty fees for delinquent renewal.

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

594 (10) (a) The board shall adopt rules governing the
595 licensure, operation, and inspection of mobile ~~cosmetology~~
596 salons, including their facilities, personnel, and safety and
597 sanitary requirements.

598 (b) Each mobile salon must comply with all licensure and
599 operating requirements specified in this chapter or chapter 455
600 or rules of the board or department that apply to ~~cosmetology~~
601 salons at fixed locations, except to the extent that such
602 requirements conflict with this subsection or rules adopted
603 pursuant to this subsection.

604 (c) A mobile ~~cosmetology~~ salon must maintain a permanent
605 business address, located in the inspection area of the local
606 department office, at which records of appointments, itineraries,
607 license numbers of employees, and vehicle identification numbers
608 of the licenseholder's mobile salon shall be kept and made
609 available for verification purposes by department personnel, and

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610 at which correspondence from the department can be received.

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

616 (e) The board shall establish fees for mobile ~~cosmetology~~
617 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed
618 locations.

619 (f) The operation of mobile ~~cosmetology~~ salons must be in
620 compliance with all local laws and ordinances regulating business
621 establishments, with all applicable requirements of the Americans
622 with Disabilities Act relating to accommodations for persons with
623 disabilities, and with all applicable OSHA requirements.

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

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

630 477.026 Fees; disposition.--

631 (1) The board shall set fees according to the following
632 schedule:

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

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

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

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

644 ~~(d)(e)~~ For specialists, fees for ~~initial registration,~~
645 registration renewal, and delinquent renewal ~~may shall~~ not exceed
646 \$50.

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

649 (2) All moneys collected by the department from fees
650 authorized by this chapter shall be paid into the Professional
651 Regulation Trust Fund, which fund is created in the department,
652 and shall be applied in accordance with ss. 215.37 and 455.219.
653 The Legislature may appropriate any excess moneys from this fund
654 to the General Revenue Fund.

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

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

659 477.0263 Cosmetology, hair stylist, esthetician, nail
660 technician, or specialty services to be performed in licensed
661 salon; ~~exceptions~~ exception.--

662 (1) Cosmetology, hair stylist, esthetician, nail
663 technician, or specialty services shall be performed only by
664 licensed cosmetologists, hair stylists, estheticians, or nail
665 technicians or registered specialists in licensed salons, except
666 as otherwise provided in this section.

667 (2) Pursuant to rules established by the board,

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668 cosmetology, hair stylist, esthetician, nail technician, or
669 specialty services may be performed by a licensed cosmetologist,
670 hair stylist, esthetician, or nail technician or a registered
671 specialist in a location other than a licensed salon, including,
672 but not limited to, a nursing home, hospital, or residence, when
673 a client for reasons of ill health is unable to go to a licensed
674 salon. Arrangements for the performance of such cosmetology, hair
675 stylist, esthetician, nail technician, or specialty services in a
676 location other than a licensed salon shall be made only through a
677 licensed salon.

678 (3) Any person who holds a valid cosmetology license in any
679 state or who is authorized to practice cosmetology in any
680 country, territory, or jurisdiction of the United States may
681 perform cosmetology services in a location other than a licensed
682 salon when such services are performed in connection with the
683 motion picture, fashion photography, theatrical, or television
684 industry; a photography studio salon; a manufacturer trade show
685 demonstration; a department store demonstration; or an
686 educational seminar.

687 (4) Pursuant to rules established by the board,
688 cosmetology, hair stylist, esthetician, nail technician, or
689 specialty services may be performed in a location other than a
690 licensed salon when such services are performed in connection
691 with a special event and are performed by a person who is
692 employed by a licensed salon and who holds the proper license or
693 specialty registration. An appointment for the performance of
694 such services in a location other than a licensed salon shall be
695 made through a licensed salon.

696 Section 13. Paragraph (i) is added to subsection (1) of

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697 section 477.0265, Florida Statutes, and subsection (2) of that
698 section is republished, to read:

699 477.0265 Prohibited acts.--

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

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

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

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

709 477.0265 Prohibited acts.--

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

711 (a) Engage in ~~the practice of~~ cosmetology, hair stylist,
712 esthetician, or nail technician services or a specialty without
713 an active license as a cosmetologist, hair stylist, esthetician,
714 or nail technician or registration as a specialist issued by the
715 department pursuant to the provisions of this chapter.

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

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

721 2. In which a person not licensed as a cosmetologist, hair
722 stylist, esthetician, or nail technician or registered as a
723 ~~cosmetologist or a specialist~~ is permitted to perform
724 cosmetology, hair stylist, esthetician, or nail technician
725 services or any specialty.

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

728 (d) Permit an employed person to engage in ~~the practice of~~
729 cosmetology, hair stylist, esthetician, or nail technician
730 services or ~~of~~ a specialty unless such person holds a valid,
731 active license as a cosmetologist, hair stylist, esthetician, or
732 nail technician or holds a registration as a specialist.

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

736 (f) Use or attempt to use a license to provide practice
737 cosmetology, hair styling, esthetician, or nail technician
738 services or a registration to practice a specialty, which license
739 or registration is suspended or revoked.

740 (g) Advertise or imply that skin care services or body
741 wrapping, as performed under this chapter, has ~~have~~ any
742 relationship to the practice of massage therapy as defined in s.
743 480.033(3), except those practices or activities defined in s.
744 477.013.

745 (h) In the provision practice of cosmetology, nail
746 technician, or specialty services, use or possess a cosmetic
747 product containing a liquid nail monomer containing any trace of
748 methyl methacrylate (MMA).

749 (i) In the provision practice of cosmetology, nail
750 technician, or manicure or pedicure specialty services, use or
751 possess a device containing a razor blade, commonly referred to
752 as a credo, to remove, scrape, and cut calluses from the hands or
753 feet.

754 (2) Any person who violates any provision of this section

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755 commits a misdemeanor of the second degree, punishable as
756 provided in s. 775.082 or s. 775.083.

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

759 477.028 Disciplinary proceedings.--

760 (1) The board may ~~shall have the power to~~ revoke or suspend
761 the license of a cosmetologist, hair stylist, esthetician, or
762 nail technician licensed under this chapter, or the registration
763 of a specialist registered under this chapter, and may ~~to~~
764 reprimand, censure, deny subsequent licensure or registration of,
765 or otherwise discipline a cosmetologist, hair stylist,
766 esthetician, nail technician, or a specialist licensed or
767 registered under this chapter in any of the following cases:

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

770 (b) Upon proof that the holder of a license or registration
771 is guilty of fraud or deceit or of gross negligence,
772 incompetency, or misconduct in the practice or instruction of
773 cosmetology or a specialty.

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

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

783 (a) Upon proof that a license has been obtained by fraud or

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784 | misrepresentation.

785 | (b) Upon proof that the holder of a license is guilty of
786 | fraud or deceit or of gross negligence, incompetency, or
787 | misconduct in the operation of the salon so licensed.

788 | (3) Disciplinary proceedings shall be conducted pursuant to
789 | the provisions of chapter 120.

790 | (4) The department may ~~shall~~ not issue or renew a license
791 | or certificate of registration under this chapter to any person
792 | against whom or salon against which the board has assessed a
793 | fine, interest, or costs associated with investigation and
794 | prosecution until the person or salon has paid in full such fine,
795 | interest, or costs associated with investigation and prosecution
796 | or until the person or salon complies with or satisfies all terms
797 | and conditions of the final order.

798 | Section 16. Effective July 1, 2009, section 477.029,
799 | Florida Statutes, is amended to read:

800 | 477.029 Penalty.--

801 | (1) It is unlawful for any person to:

802 | (a) Hold himself or herself out as a cosmetologist, hair
803 | stylist, esthetician, nail technician, specialist, hair wrapper,
804 | hair braider, or body wrapper unless duly licensed or registered,
805 | or otherwise authorized, as provided in this chapter.

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

808 | (c) Permit an employed person to provide ~~practice~~
809 | cosmetology, hairstyling, esthetician, nail technician, or a
810 | specialty services unless duly licensed or registered, or
811 | otherwise authorized, as provided in this chapter.

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

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

815 (f) Impersonate any other licenseholder of like or
816 different name.

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

818 (h) Violate any provision of s. 455.227(1), s. 477.0265, or
819 s. 477.028.

820 (i) Violate or refuse to comply with any provision of this
821 chapter or chapter 455 or a rule or final order of the board or
822 the department.

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

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

828 (b) Issuance of a reprimand or censure.

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

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

833 (e) Refusal to certify to the department an applicant for
834 licensure.

835 Section 17. Effective July 1, 2009, section 477.0201,
836 Florida Statutes, is repealed.

837 Section 18. The Department of Business and Professional
838 Regulation in conjunction with the Board of Cosmetology shall
839 evaluate the feasibility, processes, and associated costs of
840 using a national examination for cosmetology, hair stylist,
841 esthetician, and nail technician services licenses that would

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842 improve reciprocity with other states. The findings of the
843 evaluation shall be made available to the Legislature and to the
844 public no later than January 1, 2009.

845 Section 19. For the 2008-2009 fiscal year, the sum of
846 \$60,149 in nonrecurring funds is appropriated from the
847 Administrative Trust Fund of the Department of Business and
848 Professional Regulation to carry out the central-service
849 administrative support functions related to the licensing
850 provisions of this act.

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