

By the Committees on Higher Education; Regulated Industries; and
Senator Wise

589-05932-08

2008996c2

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

589-05932-08

2008996c2

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 effective dates.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Effective July 1, 2009, section 477.013, Florida
58 Statutes, is amended to read:

589-05932-08

2008996c2

59 477.013 Definitions.--As used in this chapter, the term:

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

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

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

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

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

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

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

589-05932-08

2008996c2

88 (c) Administering facial treatments.

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

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

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

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

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

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

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

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

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

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

589-05932-08

2008996c2

- 117 (c) Shampooing and conditioning a person's hair.
- 118 (d) Servicing a person's wig or artificial hairpiece on
119 that person's head in any manner listed in paragraph (a).
- 120 (e) Treating a person's mustache or beard by coloring,
121 processing, styling, or trimming.
- 122 (f) Providing basic hair removal by use of waxing or
123 tweezing of the eyebrows and upper and lower lip.
- 124 (7) "Nail technician" means a person who is licensed under
125 this chapter to perform or offer to perform for compensation the
126 following services:
- 127 (a) Treating a person's nails by:
- 128 1. Cutting, trimming, polishing, painting, printing,
129 tinting, coloring, cleansing, manicuring, or pedicuring;
- 130 2. Affixing artificial nails, acrylic nails, gel nails,
131 extensions, or capping; or
- 132 3. Utilizing drills and other mechanical devices on the
133 nails and cuticles.
- 134 (b) Cleansing, treating, or beautifying a person's
135 forearms, hands, legs below the knee, or feet.
- 136 (8) "Salon" means a place of business where the practice of
137 one or more cosmetology, hair stylist, esthetician, nail
138 technician, or specialty services are offered or performed for
139 compensation.
- 140 (9) (5) "Specialist" means any person registered under s.
141 477.014 (6) to practice one or more of the following specialties:
142 holding a specialty registration in one or more of the
143 specialties registered under this chapter.
- 144 ~~(6) "Specialty" means the practice of one or more of the~~
145 ~~following:~~

589-05932-08

2008996c2

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

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

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

159 (10)~~(7)~~ "Shampooing" means the cleansing ~~washing~~ of the
160 hair with soap and water or with a special preparation, ~~or~~
161 ~~applying hair tonics.~~

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

165 (11)~~(9)~~ "Hair braiding" means the weaving or interweaving
166 of a person's own natural ~~human~~ hair for compensation without
167 cutting, coloring, permanent waving, relaxing, removing, or
168 chemical treatment and does not include the use of hair
169 extensions or wefts.

170 (12)~~(10)~~ "Hair wrapping" means the wrapping of manufactured
171 materials around a strand or strands of human hair, for
172 compensation, without cutting, coloring, permanent waving,
173 relaxing, removing, weaving, chemically treating, braiding, using
174 hair extensions, or performing any other service defined as

589-05932-08

2008996c2

175 cosmetology.

176 (13)~~(11)~~ "Photography studio salon" means an establishment
177 where the hair-arranging services and the application of cosmetic
178 products are performed solely for the purpose of preparing the
179 model or client for the photographic session without shampooing,
180 cutting, coloring, permanent waving, relaxing, or removing of
181 hair or performing any other service defined as cosmetology.

182 (14)~~(12)~~ "Body wrapping" means a treatment program that
183 uses herbal wraps for the purposes of cleansing and beautifying
184 the skin of the body, but does not include:

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

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

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

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

203 477.0131 Cosmetologist, hair stylist, esthetician, and nail

589-05932-08

2008996c2

204 technician licenses.--

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

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

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

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

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

219 477.0132 Hair braiding, hair wrapping, and body wrapping
220 registration.--

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

230 (2)~~(b)~~ A person ~~Persons~~ whose occupation or practice is
231 confined solely to hair wrapping shall ~~must~~ register with the
232 department, shall pay the applicable registration fee, and shall

589-05932-08

2008996c2

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

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

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

253 (5) ~~(2)~~ Hair braiding, hair wrapping, and body wrapping are
254 not required to be practiced in a ~~cosmetology~~ salon ~~or specialty~~
255 ~~salon~~. When hair braiding, hair wrapping, or body wrapping is
256 practiced outside a ~~cosmetology~~ salon ~~or specialty~~ salon,
257 disposable implements shall ~~must~~ be used or all implements shall
258 ~~must~~ be sanitized in a disinfectant approved for hospital use or
259 approved by the federal Environmental Protection Agency.

260 (6) ~~(3)~~ Pending issuance of registration, a person is
261 eligible to practice hair braiding, hair wrapping, or body

589-05932-08

2008996c2

262 wrapping upon submission of a registration application that
263 includes proof of successful completion of the education
264 requirements and payment of the applicable fees required by this
265 chapter.

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

268 477.014 Qualifications for practice.--

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

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

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

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

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

290 (6) A specialist registered under this chapter before July

589-05932-08

2008996c2

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

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

299 477.016 Rulemaking.--

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

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

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

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

319 (4) To further the protection of the health of persons

589-05932-08

2008996c2

320 authorized by this chapter to provide basic facials or advanced
321 skin treatment services involving chemicals and their clients,
322 the board shall adopt rules to require and enforce the following:

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

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

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

336 477.019 Cosmetologists; qualifications; licensure;
337 supervised practice; license renewal; endorsement; continuing
338 education.--

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

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

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

589-05932-08

2008996c2

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

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

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

589-05932-08

2008996c2

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

380 477.019 Cosmetologists; hair stylists; estheticians; nail
381 technicians; qualifications; licensure; supervised practice;
382 license renewal; endorsement; continuing education.--

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

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

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

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

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

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

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

405 (II) For an esthetician, 600 hours.

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

589-05932-08

2008996c2

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

408
409 The board shall adopt rules to prevent an applicant from having
410 to repeat curricula components. A person who holds one or more
411 licenses may obtain an additional license by completing training
412 as determined by board rule. The board shall consult with the
413 Department of Education and the Commission for Independent
414 Education on the development of such rules.

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

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

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

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

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

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

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

589-05932-08

2008996c2

436
437 ~~The board shall establish by rule procedures whereby the school~~
438 ~~or program may certify that a person is qualified to take the~~
439 ~~required examination after the completion of a minimum of 1,000~~
440 ~~actual school hours. If the person then passes the examination,~~
441 ~~he or she shall have satisfied this requirement; but if the~~
442 ~~person fails the examination, he or she shall not be qualified to~~
443 ~~take the examination again until the completion of the full~~
444 ~~requirements provided by this section.~~

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

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

463 (5) If an applicant passes all parts of the licensure
464 examination for a cosmetologist, hair stylist, esthetician, or

589-05932-08

2008996c2

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

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

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

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

589-05932-08

2008996c2

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

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

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

520 (c) The board may, by rule, require any licensee in
521 violation of a continuing education requirement to take a
522 refresher course or refresher course and examination in addition

589-05932-08

2008996c2

523 to any other penalty. ~~The number of hours for the refresher~~
524 ~~course may not exceed 48 hours.~~

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

527 477.0212 Inactive status.--

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

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

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

540 477.023 Schools of cosmetology; licensure.--A ~~No~~ private
541 school of cosmetology may not ~~shall be permitted to~~ operate
542 without a license issued by the Commission for Independent
543 Education pursuant to chapter 1005. However, this chapter does
544 not ~~nothing herein shall be construed to~~ prevent certification by
545 the Department of Education of grooming and salon services and
546 cosmetology training programs within the public school system or
547 ~~to~~ prevent government operation of any other program of
548 cosmetology in this state.

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

551 477.025 ~~Cosmetology salons; specialty~~ Salons; requisites;

589-05932-08

2008996c2

552 licensure; inspection; mobile ~~cosmetology~~ salons.--

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

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

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

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

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

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

580 (7) No license for operation of a ~~cosmetology salon or~~

589-05932-08

2008996c2

581 | ~~specialty~~ salon may be transferred from the name of the original
582 | licensee to another. It may be transferred from one location to
583 | another only upon approval by the department, which approval
584 | shall not be unreasonably withheld.

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

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

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

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

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

589-05932-08

2008996c2

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

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

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

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

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

629 477.026 Fees; disposition.--

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

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

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

638 (c) For ~~cosmetology and specialty~~ salons, fees for license

589-05932-08

2008996c2

639 application, original licensing, license renewal, and delinquent
640 renewal may ~~shall~~ not exceed \$50.

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

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

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

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

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

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

658 477.0263 Cosmetology, hair stylist, esthetician, nail
659 technician, or specialty services to be performed in licensed
660 salon; exceptions ~~exception.~~--

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

666 (2) Pursuant to rules established by the board,
667 cosmetology, hair stylist, esthetician, nail technician, or

589-05932-08

2008996c2

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

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

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

695 Section 13. Paragraph (i) is added to subsection (1) of
696 section 477.0265, Florida Statutes, and subsection (2) of that

589-05932-08

2008996c2

697 section is republished, to read:

698 477.0265 Prohibited acts.--

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

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

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

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

708 477.0265 Prohibited acts.--

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

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

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

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

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

725 (c) Engage in willful or repeated violations of this

589-05932-08

2008996c2

726 chapter or of any rule adopted by the board.

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

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

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

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

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

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

753 (2) Any person who violates any provision of this section
754 commits a misdemeanor of the second degree, punishable as

589-05932-08

2008996c2

755 provided in s. 775.082 or s. 775.083.

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

758 477.028 Disciplinary proceedings.--

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

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

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

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

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

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

589-05932-08

2008996c2

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

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

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

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

799 477.029 Penalty.--

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

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

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

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

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

812 (e) Give false or forged evidence to the department in

589-05932-08

2008996c2

813 obtaining any license provided for in this chapter.

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

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

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

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

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

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

827 (b) Issuance of a reprimand or censure.

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

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

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

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

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

589-05932-08

2008996c2

842 | evaluation shall be made available to the Legislature and to the
843 | public no later than January 1, 2009.

844 | Section 19. Except as otherwise expressly provided in this
845 | act, this act shall take effect July 1, 2008.