

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

601-07636-08

2008996c3

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

601-07636-08

2008996c3

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 require specialties that are
39 currently licensed to pay a fee commensurate with prior
40 registration fees; revising fee provisions to conform with
41 other changes made by the act; amending s. 477.0263, F.S.;
42 specifying circumstances under which cosmetology, hair
43 stylist, esthetician, nail technician, or specialty
44 services may be practiced outside of a licensed salon;
45 amending s. 477.0265, F.S., relating to prohibited acts,
46 to conform; prohibiting the use or possession of a device
47 containing a razor blade to remove, scrape, or cut
48 calluses from the hands or feet; amending s. 477.028,
49 F.S., relating to disciplinary proceedings, to conform;
50 amending s. 477.029, F.S., relating to penalties;
51 conforming provisions; repealing s. 477.0201, F.S.,
52 relating to specialty registration, qualifications,
53 registration renewal, and endorsement; requiring a report
54 to the Legislature on the use of a national examination
55 for certain licenses in order to improve reciprocity with
56 other states; providing an appropriation; providing
57 effective dates.
58

601-07636-08

2008996c3

59 Be It Enacted by the Legislature of the State of Florida:

60
61 Section 1. Effective July 1, 2009, section 477.013, Florida
62 Statutes, is amended to read:

63 477.013 Definitions.--As used in this chapter, the term:

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

65 (2) "Department" means the Department of Business and
66 Professional Regulation.

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

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

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

85 (a) Cleansing, exfoliating, or stimulating a person's skin
86 by hand or by using a mechanical device, apparatus, or appliance
87 with the use of any cosmetic preparation, antiseptic, lotion,

601-07636-08

2008996c3

88 powder, oil, clay, cream, or appliance.

89 (b) Beautifying a person's skin using a cosmetic
90 preparation, antiseptic, lotion, powder, oil, clay, cream, or
91 appliance.

92 (c) Administering facial treatments.

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

95 (e) Tinting eyebrows or eyelashes with products
96 manufactured specifically for eyebrows or eyelashes.

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

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

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

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

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

114 2. Providing a necessary service that is preparatory or
115 ancillary to a service under subparagraph 1., including clipping,
116 cutting, or trimming; or

601-07636-08

2008996c3

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

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

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

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

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

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

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

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

132 1. Cutting, trimming, polishing, painting, printing,
133 tinting, coloring, cleansing, manicuring, or pedicuring;

134 2. Affixing artificial nails, acrylic nails, gel nails,
135 extensions, or capping; or

136 3. Utilizing drills and other mechanical devices on the
137 nails and cuticles.

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

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

144 (9)~~(5)~~ "Specialist" means any person registered under s.
145 477.014(6) to practice one or more of the following specialties:

601-07636-08

2008996c3

146 ~~holding a specialty registration in one or more of the~~
147 ~~specialties registered under this chapter.~~

148 ~~(6) "Specialty" means the practice of one or more of the~~
149 ~~following:~~

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

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

159 (c) Facials, or the massaging or treating of the face or
160 scalp with oils, creams, lotions, or other preparations, and skin
161 care services without involving massage, as defined in s.
162 480.033(3).

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

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

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

174 ~~(12)-(10)~~ "Hair wrapping" means the wrapping of manufactured

601-07636-08

2008996c3

175 materials around a strand or strands of human hair, for
176 compensation, without cutting, coloring, permanent waving,
177 relaxing, removing, weaving, chemically treating, braiding, using
178 hair extensions, or performing any other service defined as
179 cosmetology.

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

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

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

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

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

601-07636-08

2008996c3

204 | ~~tissue.~~

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

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

209 | (1) 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(4) shall be licensed as a cosmetologist.

212 | (2) 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(6) shall be licensed as a hair stylist.

215 | (3) 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(5) shall be licensed as an esthetician.

218 | (4) A person who is otherwise qualified by this chapter and
219 | who is authorized to practice all of the services listed in s.
220 | 477.013(7) shall be licensed as a nail technician.

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

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

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

601-07636-08

2008996c3

233 regarding laws affecting hair braiding.

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

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

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

257 ~~(5)(2)~~ Hair braiding, hair wrapping, and body wrapping are
258 not required to be practiced in a ~~cosmetology~~ salon ~~or specialty~~
259 ~~salon~~. When hair braiding, hair wrapping, or body wrapping is
260 practiced outside a ~~cosmetology~~ salon ~~or specialty~~ salon,
261 disposable implements shall ~~must~~ be used or all implements shall

601-07636-08

2008996c3

262 ~~must~~ be sanitized in a disinfectant approved for hospital use or
263 approved by the federal Environmental Protection Agency.

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

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

272 477.014 Qualifications for practice.--

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

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

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

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

601-07636-08

2008996c3

291 (5) A manicure, pedicure, or nail extension specialist
292 registered or enrolled in a cosmetology school before July 1,
293 2009, may take the examination for a nail technician license.

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

301 Section 5. Subsections (3) and (4) are added to section
302 477.016, Florida Statutes, to read:

303 477.016 Rulemaking.--

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

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

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

317 (c) Provision of notice to and education of clients with
318 visible skin diseases, fungal or other types of infections, or
319 contagious conditions that services cannot be provided without a

601-07636-08

2008996c3

320 signed statement by a physician indicating that there is no
321 public health problem to the clients themselves, to the
322 technicians, or to other clients.

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

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

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

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

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

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

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

601-07636-08

2008996c3

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

353 a. A school of cosmetology licensed pursuant to chapter
354 1005.

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

356 c. The Cosmetology Division of the Florida School for the
357 Deaf and the Blind, provided the division meets the standards of
358 this chapter.

359 d. A government-operated cosmetology program in this state.
360

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

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

601-07636-08

2008996c3

378 the 6 months have passed, if the applicant failed to take the
379 examination, the applicant must reapply. The board shall
380 establish by rule the procedures for the pregraduate application
381 process.

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

384 477.019 Cosmetologists; hair stylists; estheticians; nail
385 technicians; qualifications; licensure; supervised practice;
386 license renewal; endorsement; continuing education.--

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

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

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

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

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

406 2.a. Has received a minimum number of hours of training as

601-07636-08

2008996c3

407 follows:

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

409 (II) For an esthetician, 600 hours.

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

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

412

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

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

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

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

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

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

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

601-07636-08

2008996c3

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

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

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

462 (4) Upon an applicant receiving a passing grade, as
463 established by board rule, on the examination and paying the
464 initial licensing fee, the department shall issue a license to

601-07636-08

2008996c3

465 practice in the applicant's respective area provided in s.
466 477.013(4), (5), (6), or (7) cosmetology.

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

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

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

601-07636-08

2008996c3

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

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

520 (b) Any person whose occupation or practice is confined
521 solely to hair braiding, hair wrapping, or body wrapping is
522 exempt from the continuing education requirements of this

601-07636-08

2008996c3

523 subsection.

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

529 Section 8. Section 477.0212, Florida Statutes, is amended
530 to read:

531 477.0212 Inactive status.--

532 (1) A ~~cosmetologist's~~ license issued under this chapter
533 which ~~that~~ has become inactive may be reactivated under s.
534 477.019 upon application to the department.

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

542 Section 9. Section 477.023, Florida Statutes, is amended to
543 read:

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

601-07636-08

2008996c3

552 cosmetology in this state.

553 Section 10. Section 477.025, Florida Statutes, is amended
554 to read:

555 477.025 ~~Cosmetology salons; specialty~~ Salons; requisites;
556 licensure; inspection; mobile ~~e Cosmetology~~ salons.--

557 (1) No ~~e Cosmetology salon or specialty~~ salon shall be
558 permitted to operate without a license issued by the department
559 except as provided in subsection (11).

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

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

569 (4) Upon receiving the application, the department may
570 cause an investigation to be made of the proposed ~~e Cosmetology~~
571 ~~salon or specialty~~ salon.

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

578 (6) When the department determines that the proposed
579 ~~e Cosmetology salon or specialty~~ salon may reasonably be expected
580 to meet the requirements set forth in this section ~~herein~~, the

601-07636-08

2008996c3

581 department shall grant the license upon such conditions as it
582 shall deem proper under the circumstances and upon payment of the
583 original licensing fee.

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

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

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

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

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

607 (c) A mobile ~~cosmetology~~ salon must maintain a permanent
608 business address, located in the inspection area of the local
609 department office, at which records of appointments, itineraries,

601-07636-08

2008996c3

610 license numbers of employees, and vehicle identification numbers
611 of the licenseholder's mobile salon shall be kept and made
612 available for verification purposes by department personnel, and
613 at which correspondence from the department can be received.

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

619 (e) The board shall establish fees for mobile ~~cosmetology~~
620 salons, not to exceed the fees for ~~cosmetology~~ salons at fixed
621 locations.

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

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

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

633 477.026 Fees; disposition.--

634 (1) The board shall set fees according to the following
635 schedule:

636 (a) For hair stylists or cosmetologists, fees for original
637 licensing, license renewal, and delinquent renewal may ~~shall~~ not
638 exceed \$25.

601-07636-08

2008996c3

639 (b) For estheticians or nail technicians, fees for original
640 license, license renewal, and delinquent renewal may not exceed
641 \$50.

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

645 (d) ~~(c)~~ For ~~cosmetology and specialty~~ salons, fees for
646 license application, original licensing, license renewal, and
647 delinquent renewal may ~~shall~~ not exceed \$50.

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

650 (e) For specialists, fees for ~~initial registration,~~
651 registration renewal, and delinquent renewal may ~~shall~~ not exceed
652 \$50.

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

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

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

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

665 477.0263 Cosmetology, hair stylist, esthetician, nail
666 technician, or specialty services to be performed in licensed
667 salon; exceptions ~~exception~~.--

601-07636-08

2008996c3

668 (1) Cosmetology, hair stylist, esthetician, nail
669 technician, or specialty services shall be performed only by
670 licensed cosmetologists, hair stylists, estheticians, or nail
671 technicians or registered specialists in licensed salons, except
672 as otherwise provided in this section.

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

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

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

601-07636-08

2008996c3

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

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

705 477.0265 Prohibited acts.--

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

707 (i) In the practice of cosmetology, use or possess a device
708 containing a razor blade to remove, scrape, or cut calluses from
709 the hands or feet.

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

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

715 477.0265 Prohibited acts.--

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

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

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

725 1. That ~~which~~ is not licensed under the provisions of this

601-07636-08

2008996c3

726 chapter; or

727 2. In which a person not licensed as a cosmetologist, hair
728 stylist, esthetician, or nail technician or registered as a
729 ~~cosmetologist or a specialist~~ is permitted to perform
730 cosmetology, hair stylist, esthetician, or nail technician
731 services or any specialty.

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

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

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

742 (f) Use or attempt to use a license to provide practice
743 cosmetology, hair styling, esthetician, or nail technician
744 services or a registration to practice a specialty, which license
745 or registration is suspended or revoked.

746 (g) Advertise or imply that skin care services or body
747 wrapping, as performed under this chapter, has ~~have~~ any
748 relationship to the practice of massage therapy as defined in s.
749 480.033(3), except those practices or activities defined in s.
750 477.013.

751 (h) In the provision practice of cosmetology, nail
752 technician, or specialty services, use or possess a cosmetic
753 product containing a liquid nail monomer containing any trace of
754 methyl methacrylate (MMA).

601-07636-08

2008996c3

755 (i) In the provision ~~practice~~ of cosmetology, nail
756 technician, or manicure or pedicure specialty services, use or
757 possess a device containing a razor blade to remove, scrape, and
758 cut calluses from the hands or feet.

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

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

764 477.028 Disciplinary proceedings.--

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

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

775 (b) Upon proof that the holder of a license or registration
776 is guilty of fraud or deceit or of gross negligence,
777 incompetency, or misconduct in the practice or instruction of
778 cosmetology or a specialty.

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

783 (2) The board may ~~shall have the power to~~ revoke or suspend

601-07636-08

2008996c3

784 the license of a ~~cosmetology salon or a specialty~~ salon licensed
785 under this chapter; ~~to~~ deny subsequent licensure of such salon; ~~to~~
786 or ~~to~~ reprimand, censure, or otherwise discipline the owner of
787 such salon in either of the following cases:

788 (a) Upon proof that a license has been obtained by fraud or
789 misrepresentation.

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

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

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

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

805 477.029 Penalty.--

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

807 (a) Hold himself or herself out as a cosmetologist, hair
808 stylist, esthetician, nail technician, specialist, hair wrapper,
809 hair braider, or body wrapper unless duly licensed or registered,
810 or otherwise authorized, as provided in this chapter.

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

601-07636-08

2008996c3

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

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

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

820 (f) Impersonate any other licenseholder of like or
821 different name.

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

823 (h) Violate any provision of s. 455.227(1), s. 477.0265, or
824 s. 477.028.

825 (i) Violate or refuse to comply with any provision of this
826 chapter or chapter 455 or a rule or final order of the board or
827 the department.

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

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

833 (b) Issuance of a reprimand or censure.

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

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

838 (e) Refusal to certify to the department an applicant for
839 licensure.

840 Section 17. Effective July 1, 2009, section 477.0201,
841 Florida Statutes, is repealed.

601-07636-08

2008996c3

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

850 Section 19. For the 2008-2009 fiscal year, the sums of
851 \$22,712 in recurring funds and \$51,000 in nonrecurring funds are
852 appropriated from the Administrative Trust Fund of the Department
853 of Business and Professional Regulation and the sums of \$18,755
854 in recurring funds and \$24,696 in nonrecurring funds are
855 appropriated from the Professional Regulation Trust Fund of the
856 Department of Business and Professional Regulation to carry out
857 the licensing and regulatory functions of this act.

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