

**STATE OF FLORIDA**

**DEPARTMENT OF BUSINESS  
AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

**CHAPTER 477, Florida Statutes**

**CHAPTER 61G5, Florida Administrative Code**

**Sections of CHAPTER 455, Florida Statutes**

**Sections of CHAPTER 61, Florida Administrative Code**

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## CHAPTER 477 FLORIDA COSMETOLOGY ACT

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**477.011 Short title.**--This act shall be known and may be cited as the "Florida Cosmetology Act."

**History.**--s. 1, ch. 78-253; s. 2, ch. 81-318; ss. 35, 36, ch. 85-297; s. 4, ch. 91-429.

**477.012 Purpose.**--The Legislature deems it necessary in the interest of public health to regulate the practice of cosmetology in this state. However, restrictions shall be imposed only to the extent necessary to protect the public from significant and discernible danger to health and not in a manner which will unreasonably affect the competitive market. Further, consumer protection for both health and economic matters shall be afforded the public through legal remedies provided for in this act.

**History.**--s. 1, ch. 78-253; s. 2, ch. 81-318; ss. 35, 36, ch. 85-297; s. 4, ch. 91-429; s. 16, ch. 2000-332.

**477.013 Definitions.**--As used in this chapter:

- (1) "Board" means the Board of Cosmetology.
- (2) "Department" means the Department of Business and Professional Regulation.
- (3) "Cosmetologist" means a person who is licensed to engage in the practice of cosmetology in this state under the authority of this chapter.
- (4) "Cosmetology" means the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services.
- (5) "Specialist" means any person holding a specialty registration in one or more of the specialties registered under this chapter.
- (6) "Specialty" means the practice of one or more of the following:
  - (a) Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.
  - (b) Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.
  - (c) Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.
- (7) "Shampooing" means the washing of the hair with soap and water or with a special preparation, or applying hair tonics.

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

(9) "Hair braiding" means the weaving or interweaving of natural human hair for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment and does not include the use of hair extensions or wefts.

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

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

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

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

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

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

**History.**--s. 1, ch. 78-253; ss. 13, 15, 25, 30, 34, 38, 62, ch. 80-406; s. 2, ch. 81-318; ss. 21, 35, 36, ch. 85-297; s. 1, ch. 87-69; s. 35, ch. 89-344; s. 4, ch. 91-429; s. 150, ch. 94-119; s. 166, ch. 94-218; s. 66, ch. 95-144; s. 7, ch. 98-323; s. 146, ch. 99-251; s. 68, ch. 2000-356.

#### **477.0132 Hair braiding, hair wrapping, and body wrapping registration.--**

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

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

(c) Unless otherwise licensed or exempted from licensure under this chapter, any person whose occupation or practice is body wrapping must register with the department, pay the applicable registration fee, and take a two-day 12-hour course. The course shall be board approved and consist of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting body wrapping.

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

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

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

**History.**--s. 151, ch. 94-119; s. 8, ch. 98-323; s. 147, ch. 99-251; s. 53, ch. 2000-356; s. 1021, ch. 2002-387.

#### **477.0135 Exemptions.--**

(1) This chapter does not apply to the following persons when practicing pursuant to their professional or occupational responsibilities and duties:

(a) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic medicine, massage, naturopathy, or podiatric medicine.

(b) Commissioned medical or surgical officers of the United States Armed Forces hospital services.

(c) Registered nurses under the laws of this state.

(d) Persons practicing barbering under the laws of this state.

(e) Persons employed in federal, state, or local institutions, hospitals, or military bases as cosmetologists whose practices are limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases.

(f) Persons whose practice is limited to the application of cosmetic products to another person in connection with the sale, or attempted sale, of such products at retail without compensation from such other person other than the regular retail price of such merchandise.

(2) A license is not required of any person whose occupation or practice is confined solely to shampooing.

(3) A license or registration is not required of any person whose occupation or practice is confined solely to cutting, trimming, polishing, or cleansing the fingernails of any person when said cutting, trimming, polishing, or cleansing is done in a barbershop licensed pursuant to chapter 476 which is carrying on a regular and customary business of barbering, and such individual has been practicing the activities set forth in this subsection prior to October 1, 1985.

(4) A photography studio salon is exempt from the licensure provisions of this chapter. However, the hair-arranging services of such salon must be performed under the supervision of a licensed cosmetologist employed by the salon. The salon must use disposable hair-arranging implements or use a wet or dry sanitizing system approved by the federal Environmental Protection Agency.

(5) A license is not required of any individual providing makeup, special effects, or cosmetology services to an actor, stunt person, musician, extra, or other talent during a production recognized by the Office of Film and Entertainment as a qualified production as defined in s. 288.1254(1). Such services are not required to be performed in a licensed salon. Individuals exempt under this subsection may not provide such services to the general public.

(6) A license is not required of any individual providing makeup or special effects services in a theme park or entertainment complex to an actor, stunt person, musician, extra, or other talent, or providing makeup or special effects services to the general public. The term "theme park or entertainment complex" has the same meaning as in s. 509.013(9).

**History.**--ss. 68, 117, ch. 83-329; ss. 22, 35, 36, ch. 85-297; s. 2, ch. 87-69; s. 28, ch. 88-392; s. 4, ch. 91-429; s. 401, ch. 97-103; s. 54, ch. 97-264; ss. 217, 285, ch. 98-166; s. 9, ch. 98-323; s. 1, ch. 2004-284; s. 126, ch. 2008-4.

**477.014 Qualifications for practice.**--On and after January 1, 1979, no person other than a duly licensed cosmetologist shall practice cosmetology or use the name or title of cosmetologist.

**History.**--s. 1, ch. 78-253; s. 2, ch. 81-318; ss. 35, 36, ch. 85-297; s. 36, ch. 89-344; s. 4, ch. 91-429.

#### **477.015 Board of Cosmetology.**--

(1) There is created within the department the Board of Cosmetology consisting of seven members, who shall be appointed by the Governor, subject to confirmation by the Senate, and whose function it shall be to carry out the provisions of this act.

(2) Five members of the board shall be licensed cosmetologists and shall have been engaged in the practice of cosmetology in this state for not less than 5 years. Two members of the board shall be laypersons. Each board member shall be a resident of this state and shall have been a resident of this state for not less than 5 continuous years.

(3) The Governor may at any time fill vacancies on the board for the remainder of unexpired terms. Each member of the board shall hold over after the expiration of his or her term until a successor is duly appointed and qualified. No board member shall serve more than two consecutive terms, whether full or partial.

(4) Before assuming his or her duties as a board member, each appointee shall take the constitutional oath of office and shall file it with the Department of State, which shall then issue to such member a certificate of his or her appointment.

(5) The board shall, in the month of January, elect from its number a chair and a vice chair.

(6) The board shall hold such meetings during the year as it may determine to be necessary, one of which shall be the annual meeting. The chair of the board shall have the authority to call other meetings at his or her discretion. A quorum of the board shall consist of not less than four members.

(7) Each member of the board shall receive \$50 for each day spent in the performance of official board business, with the total annual compensation per member not to exceed \$2,000. Additionally, board members shall receive per diem and mileage as provided in s. 112.061, from place of residence to place of meeting and return.

(8) Each board member shall be held accountable to the Governor for the proper performance of all his or her duties and obligations. The Governor shall investigate any complaints or unfavorable reports received concerning the actions of the board, or its members, and shall take appropriate action thereon, which action may include removal of any board member. The Governor may remove from office any board member for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

**History.**--s. 1, ch. 78-253; ss. 13, 15, 25, 30, 34, 39, 62, ch. 80-406; s. 2, ch. 81-318; ss. 23, 35, 36, ch. 85-297; s. 4, ch. 91-429; s. 167, ch. 94-218; s. 402, ch. 97-103.

**477.016 Rulemaking.--**

(1) The board may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter conferring duties upon it.

(2) The board may by rule adopt any restriction established by a regulation of the United States Food and Drug Administration related to the use of a cosmetic product or any substance used in the practice of cosmetology if the board finds that the product or substance poses a risk to the health, safety, and welfare of clients or persons providing cosmetology services.

**History.--**s. 1, ch. 78-253; ss. 13, 15, 25, 30, 34, 40, 62, ch. 80-406; s. 2, ch. 81-318; ss. 35, 36, ch. 85-297; s. 4, ch. 91-429; s. 149, ch. 98-200; s. 2, ch. 2004-284.

**477.017 Legal services.--**The department shall provide all legal services needed to carry out the provisions of this act.

**History.--**s. 1, ch. 78-253; s. 2, ch. 81-318; ss. 35, 36, ch. 85-297; s. 4, ch. 91-429.

**477.018 Investigative services.--**The department shall provide all investigative services required by the board or the department in carrying out the provisions of this act.

**History.--**s. 1, ch. 78-253; ss. 13, 15, 25, 30, 34, 41, 62, ch. 80-406; s. 2, ch. 81-318; ss. 35, 36, ch. 85-297; s. 4, ch. 91-429.

**477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.--**

(1) A person desiring to be licensed as a cosmetologist shall apply to the department for licensure.

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

(a) Is at least 16 years of age or has received a high school diploma;

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

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

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

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

b. A cosmetology program within the public school system.

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

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

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

(3) Upon an applicant receiving a passing grade, as established by board rule, on the examination and paying the initial licensing fee, the department shall issue a license to practice cosmetology.

(4) If an applicant passes all parts of the examination for licensure as a cosmetologist, he or she may practice in the time between passing the examination and receiving a physical copy of his or her license if he or she practices under the supervision of a licensed cosmetologist in a licensed salon. An applicant who fails any part of the examination may not practice as a cosmetologist and may immediately apply for reexamination.

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

(6) The board shall adopt rules specifying procedures for the licensure by endorsement of practitioners desiring to be licensed in this state who hold a current active license in another state and who have met qualifications substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state.

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

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

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

**History.**--s. 1, ch. 78-253; s. 1, ch. 80-132; ss. 13, 15, 25, 30, 34, 42, 62, ch. 80-406; s. 355, ch. 81-259; s. 2, ch. 81-318; ss. 69, 116, ch. 83-329; ss. 24, 35, 36, ch. 85-297; s. 3, ch. 87-69; s. 37, ch. 89-344; s. 1, ch. 90-4; s. 4, ch. 91-429; s. 403, ch. 97-103; s. 10, ch. 98-323; s. 163, ch. 99-251; s. 54, ch. 2000-356; s. 1022, ch. 2002-387; s. 29, ch. 2008-240; s. 38, ch. 2010-106.

**477.0201 Specialty registration; qualifications; registration renewal; endorsement.--**

(1) Any person is qualified for registration as a specialist in any one or more of the specialty practices within the practice of cosmetology under this chapter who:

(a) Is at least 16 years of age or has received a high school diploma.

(b) Has received a certificate of completion in a specialty pursuant to s. 477.013(6) from one of the following:

1. A school licensed pursuant to s. 477.023.

2. A school licensed pursuant to chapter 1005 or the equivalent licensing authority of another state.

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.

(2) A person desiring to be registered as a specialist shall apply to the department in writing upon forms prepared and furnished by the department.

(3) Upon paying the initial registration fee, the department shall register the applicant to practice one or more of the specialty practices within the practice of cosmetology.

(4) Renewal of registration shall be accomplished pursuant to rules adopted by the board.

(5) The board shall adopt rules specifying procedures for the registration of specialty practitioners desiring to be registered in this state who have been registered or licensed and are practicing in states which have registering or licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

(6) Pending issuance of registration, a person is eligible to practice as a specialist upon submission of a registration application that includes proof of successful completion of the education requirements and payment of the applicable fees required by this chapter, provided such practice is under the supervision of a registered specialist in a licensed specialty or cosmetology salon.

**History.**--ss. 25, 36, ch. 85-297; s. 4, ch. 87-69; s. 4, ch. 91-429; s. 39, ch. 95-144; s. 11, ch. 98-323; s. 1023, ch. 2002-387.

**477.0212 Inactive status.--**

(1) A cosmetologist's license that has become inactive may be reactivated under s. 477.019 upon application to the department.

(2) The board shall promulgate rules relating to licenses which have become inactive and for the renewal of inactive licenses. The board shall prescribe by rule a fee not to exceed \$50 for the reactivation of an inactive license and a fee not to exceed \$50 for the renewal of an inactive license.

**History.**--ss. 110, 117, ch. 83-329; ss. 27, 35, 36, ch. 85-297; s. 39, ch. 89-344; s. 4, ch. 91-429; s. 228, ch. 94-119.

**477.0213 Cosmetology graduates of Florida School for the Deaf and the Blind; licenses.--**The department shall license candidates upon graduation from the Cosmetology Division of the Florida School for the Deaf and the Blind. The department shall, by rule, provide fees for licenses issued to candidates from the Cosmetology Division of the Florida School for the Deaf and the Blind and shall also provide, by rule, for the type of licenses to be issued and for any required applications.

**History.**--s. 3, ch. 80-132; s. 2, ch. 81-318; ss. 35, 36, ch. 85-297; s. 4, ch. 91-429.

**477.022 Examinations.--**

(1) The board shall specify by rule the general areas of competency to be covered by examinations for the licensing under this chapter of cosmetologists. The rules shall include the relative weight assigned in grading each area, the grading criteria to be used by the examiner, and the score necessary to achieve a passing grade. The board shall ensure that examinations adequately measure both an applicant's competency and her or his knowledge of related statutory requirements. Professional testing services may be utilized to formulate the examinations. The board may, by rule, offer a written clinical examination or a performance examination, or both, in addition to a written theory examination.

(2) The board shall ensure that examinations comply with state and federal equal employment opportunity guidelines.

(3) The examination shall be given at least once a year.

(4) The board shall adopt rules providing for reexamination of applicants who have failed the examinations.

(5) All licensing examinations shall be conducted in such manner that the applicant shall be known by number only until her or his examination is completed and the proper grade determined. An accurate record of each examination shall be made; and that record shall be filed with the secretary of the department and shall be kept for reference and inspection for a period of not less than 2 years immediately following the examination.

**History.**--s. 1, ch. 78-253; ss. 13, 15, 25, 30, 34, 44, 62, ch. 80-406; s. 2, ch. 81-318; ss. 34, 46, ch. 82-179; s. 96, ch. 83-218; s. 71, ch. 83-329; ss. 35, 36, ch. 85-297; s. 40, ch. 89-344; s. 4, ch. 91-429; s. 404, ch. 97-103; s. 12, ch. 98-323.

**477.023 Schools of cosmetology; licensure.**--No private school of cosmetology shall be permitted to operate without a license issued by the Commission for Independent Education pursuant to chapter 1005. However, nothing herein shall be construed to prevent certification by the Department of Education of cosmetology training programs within the public school system or to prevent government operation of any other program of cosmetology in this state.

**History.**--s. 1, ch. 78-253; ss. 13, 15, 25, 30, 34, 45, 62, ch. 80-406; s. 2, ch. 81-318; ss. 35, 36, ch. 85-297; s. 41, ch. 89-344; s. 4, ch. 91-429; s. 38, ch. 98-421; s. 1024, ch. 2002-387.

**477.025 Cosmetology salons; specialty salons; requisites; licensure; inspection; mobile cosmetology salons.**--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**History.**--s. 1, ch. 78-253; ss. 13, 15, 25, 30, 34, 46, 62, ch. 80-406; s. 2, ch. 81-318; ss. 29, 35, 36, ch. 85-297; s. 4, ch. 91-429; s. 13, ch. 98-323; s. 31, ch. 2002-223; s. 95, ch. 2006-197.

**477.026 Fees; disposition.**--

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

(a) For cosmetologists, fees for original licensing, license renewal, and delinquent renewal shall not exceed \$50.

(b) For cosmetologists, fees for endorsement application, examination, and reexamination shall not exceed \$50.

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

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

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

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

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

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

**History.**--s. 1, ch. 78-253; ss. 13, 15, 25, 30, 34, 47, 62, ch. 80-406; s. 2, ch. 81-318; ss. 24, 46, ch. 82-179; ss. 30, 35, 36, ch. 85-297; s. 5, ch. 87-69; s. 43, ch. 89-344; s. 4, ch. 91-429; s. 152, ch. 94-119; s. 14, ch. 98-323; s. 148, ch. 99-251, ch. 2009-195.

#### **477.0263 Cosmetology services to be performed in licensed salon; exception.--**

(1) Cosmetology services shall be performed only by licensed cosmetologists in licensed salons, except as otherwise provided in this section.

(2) Pursuant to rules established by the board, cosmetology services may be performed by a licensed cosmetologist in a location other than a licensed salon, including, but not limited to, a nursing home, hospital, or residence, when a client for reasons of ill health is unable to go to a licensed salon. Arrangements for the performance of such cosmetology services in a location other than a licensed salon shall be made only through a licensed salon.

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

**History.**--ss. 75, 117, ch. 83-329; ss. 35, 36, ch. 85-297; s. 48, ch. 89-374; s. 4, ch. 91-429; s. 15, ch. 98-323.

#### **477.0265 Prohibited acts.--**

(1) It is unlawful for any person to:

(a) Engage in the practice of cosmetology or a specialty without an active license as a cosmetologist or registration as a specialist issued by the department pursuant to the provisions of this chapter.

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

1. Which is not licensed under the provisions of this chapter; or

2. In which a person not licensed or registered as a cosmetologist or a specialist is permitted to perform cosmetology services or any specialty.

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

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

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

(f) Use or attempt to use a license to practice cosmetology or a registration to practice a specialty, which license or registration is suspended or revoked.

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

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

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

**History.**--ss. 72, 117, ch. 83-329; ss. 31, 35, 36, ch. 85-297; s. 6, ch. 87-69; s. 110, ch. 91-224; s. 4, ch. 91-429; s. 149, ch. 99-251; s. 3, ch. 2004-284.

#### **477.028 Disciplinary proceedings.--**

(1) The board shall have the power to revoke or suspend the license of a cosmetologist licensed under this chapter, or the registration of a specialist registered under this chapter, and to reprimand, censure, deny subsequent licensure or registration of, or otherwise discipline a cosmetologist or a specialist licensed or registered under this chapter in any of the following cases:

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

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

(c) Upon proof that the holder of a license or registration is guilty of aiding, assisting, procuring, or advising any unlicensed person to practice as a cosmetologist.

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

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

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

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

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

**History.**--s. 1, ch. 78-253; s. 2, ch. 81-318; s. 73, ch. 83-329; ss. 32, 35, 36, ch. 85-297; s. 7, ch. 87-69; s. 44, ch. 89-344; s. 4, ch. 91-429; s. 16, ch. 98-323.

#### **477.029 Penalty.--**

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a cosmetologist, specialist, hair wrapper, hair braider, or body wrapper unless duly licensed or registered, or otherwise authorized, as provided in this chapter.

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

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

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

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

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

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

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

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

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

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

(b) Issuance of a reprimand or censure.

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

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

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

**History.**--s. 1, ch. 78-253; s. 2, ch. 81-318; s. 74, ch. 83-329; ss. 33, 35, 36, ch. 85-297; s. 8, ch. 87-69; s. 45, ch. 89-344; s. 4, ch. 91-429; s. 10, ch. 94-119; s. 405, ch. 97-103; s. 126, ch. 98-166; s. 17, ch. 98-323; s. 150, ch. 99-251; s. 186, ch. 2000-160; s. 4, ch. 2004-284.

**477.031 Civil proceedings.**--As cumulative of any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this chapter or the lawful rules or orders of the department.

**History.**--s. 1, ch. 78-253; s. 2, ch. 81-318; ss. 35, 36, ch. 85-297; s. 4, ch. 91-429.

**BOARD OF COSMETOLOGY  
CHAPTER 61G5, FLORIDA ADMINISTRATIVE CODE**

**CHAPTER 61G5-17  
ORGANIZATION, PURPOSE, MEETINGS,  
PROBABLE CAUSE DETERMINATION, PROCEDURES**

<b>61G5-17.006</b>	<b>General Information and Forms.</b>
<b>61G5-17.008</b>	<b>Probable Cause Determination.</b>
<b>61G5-17.009</b>	<b>Meetings and Election of Officers.</b>
<b>61G5-17.0095</b>	<b>Unexcused Absences.</b>
<b>61G5-17.010</b>	<b>Notice of Meetings.</b>
<b>61G5-17.011</b>	<b>Agenda.</b>
<b>61G5-17.013</b>	<b>Emergency Meetings.</b>
<b>61G5-17.016</b>	<b>Time for Payment of Administrative Fines.</b>
<b>61G5-17.017</b>	<b>Board Member Compensation.</b>
<b>61G5-17.018</b>	<b>Investigators; Criteria for Selection.</b>
<b>61G5-17.020</b>	<b>Security and Monitoring Procedures for Licensure Examination.</b>
<b>61G5-17.0201</b>	<b>Licensure Examinations and Examination Procedures for Handicapped Candidates.</b>
<b>61G5-17.021</b>	<b>Designation of Official Reporter.</b>
<b>61G5-17.023</b>	<b>Final Orders.</b>

**61G5-17.006 General Information and Forms.**

(1) The Board may be contacted through the Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0790. Office hours are 8:00 A.M. to 5:00 P.M., Monday through Friday, except for state holidays.

(2) The following forms are used by the Department and may be obtained by writing to the Board's Office:

(a) Examination Applications for Cosmetologists and Specialty Registration Applications.

(b) Re-examination Applications for Cosmetologists.

(c) Application for Endorsement of Cosmetologists and Specialists.

(d) Salon and Specialty Salon Applications.

*Specific Authority 477.016 FS. Law Implemented 455.205, 119.07, 477.0201 FS. History—New 11-2-80, Amended 9-30-85, Formerly 21F-17.06, Amended 11-4-86, 1-10-88, 1-10-90, Formerly 21F-17.006, Amended 10-1-97.*

**61G5-17.008 Probable Cause Determination.**

The determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 455 or 477, F.S., or of the rules promulgated thereunder has occurred, shall be made by the Department of Business and Professional Regulation.

*Specific Authority 120.53(1)(c), 455.225(3) FS. Law Implemented 455.225(3) FS. History—New 11-2-80, Formerly 21F-17.08, 21F-17.008.*

**61G5-17.009 Meetings and Election of Officers.**

The Board shall hold such meetings during the year as it may deem necessary, one of which shall be the annual meeting. The Chairman or a quorum of the Board shall have the authority to call other meetings. The Chairman and Vice-Chairman shall be elected at the annual meeting in January.

*Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 455.207 FS. History—New 11-2-80, Formerly 21F-17.09, 21F-17.009.*

**61G5-17.0095 Unexcused Absences.**

Unexcused absences shall include any absence other than: one caused by serious illness of a member preventing attendance; death or serious illness of a family member; unavoidable travel delays or cancellations preventing attendance; or any conflict, extraordinary circumstances or event approved by the chairperson of the board. Members shall communicate the reason for any absence to the Executive Director prior to the meeting and the reason for the absence shall be made part of the minutes of that meeting.

*Specific Authority 120.53(1), 477.016 FS. Law Implemented 120.53(1), 455.207 FS. History—New 1-9-95.*

**61G5-17.010 Notice of Meetings.**

(1) Except in the case of emergencies, the Board shall give at least seven (7) days notice of any meeting or workshop to the public by publication in the Florida Administrative Weekly.

(2) The notice shall state the date, time and place of the meeting, a brief description of the purpose of the meeting, and the address where persons may write to obtain a copy of the agenda.

*Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History—New 11-2-80, Formerly 21F-17.10, 21F-17.010.*

### **61G5-17.011 Agenda.**

The Executive Director and Chairman of the Board shall prepare an agenda and make it available in time to insure that a copy of the agenda may be received at least seven (7) days before the event by any person in the state who requests a copy and pays the reasonable cost of the copy. The agenda may be changed prior to the meeting, or at the meeting, for good cause, as stated in the record.

*Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History--New 11-2-80, Formerly 21F-17.11, 21F-17.011.*

### **61G5-17.013 Emergency Meetings.**

The Board may hold an emergency meeting, notwithstanding the provisions of Rules 61G5-17.010 and 61G5-17.011, F.A.C., for the purpose of acting on emergency matters affecting the public health, safety, and welfare.

*Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History--New 11-2-80, Formerly 21F-17.13, 21F-17.013.*

### **61G5-17.016 Time for Payment of Administrative Fines.**

In cases where the Board imposes an administrative fine for violation of Chapter 455 or 477, F.S., or the rules promulgated thereunder, the penalty shall be paid to the Department of Business and Professional Regulation within thirty (30) days of its imposition by order of the Board unless otherwise stated by the Board.

*Specific Authority 455.227(2), 477.016 FS. Law Implemented 455.227(2), 477.028, 477.029 FS. History--New 11-2-80, Amended 1-17-83, Formerly 21F-17.16, Amended 4-15-93, Formerly 21F-17.016.*

### **61G5-17.017 Board Member Compensation.**

In addition to receiving fifty dollars (\$50.00) compensation per day for attending official meetings of the board, a board member shall also be eligible to receive compensation for the following "other business involving the board":

- (1) All joint Board or committee meetings required by statute, Board rule or Board action;
- (2) Official meetings or workshops called by the chairman at which either a committee composed of two (2) or more board members or a quorum of the board is present pursuant to Chapters 120 and 477, F.S.;
- (3) Meetings of Board members with Department staff or contractors of the Department at the Department's or the Board's request. Any participation or meeting of members noticed or unnoticed will be on file in the Board Office;
- (4) Meetings or conferences which the board member attends at the request of the Secretary or the Secretary's designee;
- (5) Administrative hearings or legal proceedings at which the board member appears as witness or representative of the board at the request of counsel to the board;
- (6) All activity of Board members, if authorized by the Board, when grading, proctoring or reviewing examinations given by the Department;
- (7) All participation in Board authorized meetings with professional associations of which the Board is a member or invitee. This would include all meetings of national associations or registration boards of which the Board is a member as well as Board authorized participation in meetings of national or professional associations or organizations involved in educating, regulating or reviewing the profession over which the Board has statutory authority;
- (8) Any and all other activities which are Board approved and which are necessary for Board members to attend in order to further protect the public health, safety and welfare, through the regulation of which the Board has statutory authority;
- (9) In the event that a board member is present for a meeting or hearing defined above, and the meeting is cancelled without prior notice, the attending board member will be eligible for compensation provided the member was present at the scheduled time.

*Specific Authority 455.207(4) FS. Law Implemented 455.207(4) FS. History--New 11-15-81, Formerly 21F-17.17, 21F-17.017, Amended 9-8-94.*

### **61G5-17.018 Investigators; Criteria for Selection.**

Investigators employed by the Department to assist the Board in disciplinary matters shall be selected based upon the following criteria:

- (1) Attainment of high school diploma or a recognized academic equivalent, and
- (2) Graduation from an accredited four-year college or university and either two years of regulatory inspection experience or two years sworn law enforcement or investigative experience, or
- (3) Experience as either a regulatory inspector, a sworn law enforcement officer, or as a non-law enforcement investigator may be substituted on a year by year basis for the required college training.
- (4) Persons selected by the Department based upon the above criteria shall complete a minimum of 14 days of orientation and training as established by the Department for the purpose of training them in the fact-finding process. This training shall be under the direct supervision of an investigator who has had at least six months experience in cosmetology investigations. This training may include training by individual board members as deemed necessary by the Department or Board.

*Specific Authority 455.203(8) FS. Law Implemented 455.203(8) FS. History--New 4-6-82, Formerly 21F-17.18, 21F-17.018.*

**61G5-17.020 Security and Monitoring Procedures for Licensure Examination.**

The Board adopts by reference Rule 61-11.014, F.A.C., of the Department of Business and Professional Regulation as its rule governing examination security and monitoring.

*Specific Authority 455.217(1)(d), 120.54(8) FS. Law Implemented 455.217(1)(d) FS. History–New 4-6-82, Formerly 21F-17.20, 21F-17.020.*

**61G5-17.0201 Licensure Examinations and Examination Procedures for Handicapped Candidates.**

The Board adopts by reference Rule 61-11.008, F.A.C., of the Department of Business and Professional Regulation as its rule governing examination format and examination procedure for handicapped candidates.

*Specific Authority 477.016, 455.203(5) FS. Law Implemented 455.217(1) FS. History–New 1-9-95.*

**61G5-17.021 Designation of Official Reporter.**

The Board designates PSC Professional Services, Inc., Publishers of the Florida Administrative Law Reports (FALR), as its official reporter for the purposes of publishing and indexing by subject matter all orders rendered after a proceeding which affects substantial interests has been held. *Specific Authority 120.53(2)(b),(c),(4), 477.016 FS. Law Implemented 120.53(2)(b),(c),(4) FS. History–New 2-26-85, Formerly 21F-17.21, 21F-17.021.*

**61G5-17.023 Final Orders.**

All Final Orders of the Board may be signed by the Executive Director of the Board. Final Orders shall be effective upon filing with the Clerk of the Department of Business and Professional Regulation.

*Specific Authority 120.53(1), 477.016 FS. Law Implemented 120.53(1) FS. History–New 6-5-88, Formerly 21F-17.023.*

**CHAPTER 61G5-18  
COSMETOLOGIST**

- 61G5-18.00015      Cosmetologist and Compensation Defined.**
- 61G5-18.001        Who May Apply.**
- 61G5-18.002        Manner of Application.**
- 61G5-18.003        Cosmetology Examination.**
- 61G5-18.004        Re-examination.**
- 61G5-18.005        Examination Review Procedure.**
- 61G5-18.0055      Supervised Cosmetology Practice Exception.**
- 61G5-18.007        Endorsement of Cosmetologists.**
- 61G5-18.008        Cosmetologist License Renewal.**
- 61G5-18.011        Initial Licensure or Registration Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; Course Content and Approval Requirements.**

**61G5-18.00015 Cosmetologist and Compensation Defined.**

A cosmetologist is a person who is licensed to perform the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair braiding, hair coloring, permanent waving, and hair relaxing, for compensation. A cosmetologist may also perform non-invasive hair removals, including wax treatments but not including electrolysis as that term is defined in Chapter 478, F.S., manicures, pedicures, and skin care services. For the purposes of this act "compensation" is defined as the payment of money or its equivalent, the receipt or delivery of property, or the performance of a service, or the receipt or delivery of anything of value in exchange for cosmetology services. For the purposes of this act "medical purposes" is defined as any form of bodily intrusion into the orifices, skin, muscles, or any other tissues of the body.

*Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.013, 477.025(2) FS. History–New 10-10-82, Amended 6-28-84, Formerly 21F-18.001, Amended 7-4-90, Formerly 21F-18.00015, Amended 11-11-96, 3-8-00.*

**61G5-18.001 Who May Apply.**

(1) Individuals desiring to be licensed as a cosmetologist shall meet all required qualifications as specified in Section 477.019, F.S.

(2) If an applicant for licensure by examination meets all required qualifications except the required minimum hours of training, he or she shall be entitled to take the licensure examination to practice cosmetology if the applicant has received a minimum of 1,000 hours of training established by the Board, and has been certified by the Director of the school or program in which he or she is currently enrolled to have achieved the minimum competency standards of performance as prescribed in Chapter 61G5-22, F.A.C., for the hours completed.

*Specific Authority 477.016, 477.019(2) FS. Law Implemented 477.019(2) FS. History–New 11-3-80, Amended 12-18-83, Formerly 21F-18.01, Amended 10-18-87, 1-10-90, 12-17-90, Formerly 21F-18.001, Amended 2-1-98.*

**61G5-18.002 Manner of Application.**

Every person desiring to be examined for licensure as a cosmetologist shall apply to the department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Chapter 61G5-24, F.A.C.

(1) The applicant must present an application and evidence of completion of cosmetologist training defined in Rule 61G5-18.001, F.A.C., above. Applications will be scheduled on an as available basis.

(2) The Department shall notify the applicant fourteen (14) days prior to the examination if the applicant is eligible to take the examination.

*Specific Authority 120.53, 477.016 FS. Law Implemented 477.019 FS. History--New 11-3-80, Amended 1-17-83, Formerly 21F-18.02, Amended 6-22-87, Formerly 21F-18.002, Amended 7-30-02.*

**61G5-18.003 Cosmetology Examination.**

(1) The Cosmetology examination shall consist of two parts, a written theory examination and a written clinical examination, both parts must be successfully completed prior to licensure.

(2)(a) The written theory examination shall be administered by the Department. The following subjects will be tested on the examination and will be weighted approximately as designated:

Category	Weight
1. General Safety and Sanitation Procedures	34%
2. Client Services	24%
3. Facial, Make-up, and Hair Removal	16%
4. Manicuring and Pedicuring	16%
5. Professional/Legal and Ethical Laws and Rules	10%

(b) Passing Grade. Candidates' scores will be converted to a scale of 0 to 100; the minimum passing score as determined by the Board shall be set at 75 on that scale. All forms of the examination are statistically equated so that the relative passing scores remain equivalent.

(3) The second part of the examination shall be a written clinical examination administered by the Department. The following subjects will be tested on the examination and will be weighted approximately as follows:

Category	Weight
(a) Hair Coloring and Lightening	39%
(b) Permanent Waving and Chemical Relaxing	34%
(c) Scalp and Hair Care	5%
(d) Hair Cutting/Shaping	10%
(e) Hair Styling	12%

(4) Passing Grade. Candidates' scores will be converted to a scale of 0 to 100; the minimum passing score as determined by the Board shall be set at 75 on that scale. All forms of the examination are statistically equated so that the relative passing scores remain equivalent.

(5) In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next number. Percentages less than point five (.5) shall be rounded down to the next whole number.

(6) An accurate record of each examination shall be made and the record, together with all examination papers, shall be filed with the Secretary of the Department and shall be kept for reference and inspection for a period of not less than two (2) years immediately following the examination.

(7) An applicant shall be permitted to use a strict translation dictionary in taking the examination. Such a dictionary shall give only the translation of words from one language to another without giving any definition or explanation of any word.

*Specific Authority 120.53, 455.217(1), 477.016 FS. Law Implemented 455.217(3), 477.022 FS. History--New 1-1-81, Amended 4-7-81, 6-17-81, 6-3-82, 10-10-82, 1-17-83, 8-10-83, 6-28-84, 8-8-84, 4-18-85, 5-19-85, Formerly 21F-18.03, Amended 3-10-86, 8-10-86, 10-18-87, 8-29-88, Formerly 21F-18.003, Amended 4-16-96, 8-20-96.*

**61G5-18.004 Re-examination.**

(1) Any applicant who fails the examination shall be entitled to re-examination pursuant to the terms and conditions set forth in this rule. Those applicants not achieving a passing grade on each part will have failed that part of the examination and shall be required to retake and pass only that part failed in order to be licensed as a cosmetologist, provided however that the applicant must pass both parts of the examination within a two-year period. If any applicant fails to achieve a passing grade on all parts within the 2 years as provided in this rule, the applicant shall be required to retake and successfully complete the full examination. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.

(2) Any person desiring to be reexamined for licensure as a cosmetologist shall apply to the Department in writing upon forms prepared and furnished by the department and shall pay a reexamination fee as required by Rule 61G5-24.006, F.A.C.

(3) Those applicants who qualified to take the examination after completion of only 1,000 hours of training pursuant to Section 477.019(1)(b), F.S., and failed, shall be entitled to reexamination only upon completion of the full requirements provided for in Section 477.019, F.S.

(4) An applicant who has twice failed the examination or any part thereof, shall return to an approved school of cosmetology for a minimum of 40 hours of remedial instruction prior to taking any part of the examination for the third time. An applicant who fails any portion for the third time shall return to an approved school of cosmetology for 80 hours of remedial instruction.

*Specific Authority 120.53, 455.217(1), 477.016 FS. Law Implemented 455.217(2), 477.022 FS. History—New 11-3-80, Amended 8-10-83, 6-28-84, Formerly 21F-18.04, Amended 6-18-86, Formerly 21F-18.004, Amended 8-20-96.*

#### **61G5-18.005 Examination Review Procedure.**

(1) An applicant is entitled to review his examination questions, answers, papers, grades and grading key used in the state examination for licensure under such terms and conditions as may be prescribed by the Department of Business and Professional Regulation; however, no applicant may copy any materials provided for his review. Such review shall be conducted in accord with Rule 61-11.011, F.A.C., during regular business hours in the presence of a representative of the Department, in the Office of Examination Services of the Department.

(2) If, following the review of his examination, an applicant believes that an error was made in the grading of his examination, or in the evaluation of his answers, he may request that the Department review his examination. Requests for review must be in writing, state with specificity the reasons why review is requested, and must be received by the Department within thirty (30) days after the applicant receives notice that he failed the examination.

(3) Upon the receipt of a request for review, and appropriate fee as described in Rule 61G5-24.018, F.A.C., the Department shall review the applicant's examination. If the Department finds that an error was made, the Department may adjust the grade received by the applicant to reflect the correction. The applicant shall be notified of the decision.

*Specific Authority 477.016, 455.217(2) FS. Law Implemented 455.217(2) FS. History—New 11-3-80, Formerly 12F-18.05, Amended 8-20-90, Formerly 21F-18.005.*

#### **61G5-18.0055 Supervised Cosmetology Practice Exception.**

Following the completion of the licensing examination by a graduate of a licensed cosmetology school or cosmetology program offered in a public school system, which school or program is certified by the Department of Education, an applicant for licensure as a cosmetologist by examination is eligible to practice temporarily in a current, actively licensed cosmetology salon under the following conditions:

(1) In the event an applicant obtains passing scores on both the written theory and written clinical examinations, the applicant shall be eligible, prior to having their application acted on by the Board, to practice cosmetology in a licensed salon, provided that they post their examination results for both examinations at their work station with a recent photograph affixed thereto.

(2) An applicant who fails any part of the examination may not practice as a cosmetologist and may immediately apply for reexamination.

*Rulemaking Authority 477.016, 477.019(4) FS. Law Implemented 477.019(4), (5) FS. History—New 11-25-98, Amended 2-25-07, 5-19-09, 5-13-10.*

#### **61G5-18.007 Endorsement of Cosmetologists.**

The Department of Business and Professional Regulation shall issue a license to an applicant without examination who:

(1) Makes application and pays to the Department the fee specified in Rule 61G5-24.002, F.A.C.;

(2) Demonstrates that the applicant is currently licensed to practice cosmetology under the law of another state;

(3) Demonstrates that the applicant has completed at least 1200 cosmetology school or program hours substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state;

(4) Demonstrates that the applicant has passed a written licensure examination to obtain a license substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state; and

(5) Demonstrates that the applicant has completed a board approved HIV/AIDS course.

*Specific Authority 477.016, 477.019(6) FS. Law Implemented 477.019(6) FS. History—New 11-3-80, Formerly 21F-18.07, Amended 6-22-87, 10-18-87, 12-17-90, Formerly 21F-18.007, Amended 7-1-02.*

#### **61G5-18.008 Cosmetologist License Renewal.**

(1) A cosmetologist shall renew his or her license on or before October 31 each biennial year, according to the fee schedule as outlined in Rule 61G5-24.008, F.A.C.

(2) Spouses of members of the Armed Forces of the United States are exempted from all licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces.

*Specific Authority 455.02(2), 477.016, 477.019(4) FS. Law Implemented 455.02(2), 477.019(4) FS. History—New 11-3-80, Amended 6-28-84, 10-6-85, Formerly 21F-18.08, 21F-18.008, Amended 8-8-95.*

**61G5-18.011 Initial Licensure or Registration Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; Course Content and Approval Requirements.**

(1) Each applicant for initial licensure or registration under Chapter 477, F.S., shall complete a board-approved educational course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), and shall submit proof thereof in the form of a certificate of completion from the provider of such course with the application. A copy of the certificate will satisfy this requirement. Completion of such course shall be a condition of licensure or registration. Except as provided in subsection (2) below, no person shall be granted an initial license or registration unless he or she complies with this rule.

(2) If an applicant for initial licensure or registration under Chapter 477, F.S., has not completed a board-approved educational course on HIV and AIDS at the time of application, but has completed all other requirements for licensure or registration, he or she may request an additional 6 month period in which to complete this requirement. Such request shall be submitted at the time of filing the application for licensure or registration; and, will be made by filing a written affidavit showing good cause to grant the request. Upon the filing of such affidavit, the applicant shall be granted one, 6 month period in which to complete a board-approved educational course on HIV and AIDS. The applicant shall be required to submit proof of the completion of this course in the form of a certificate of completion from the provider of such course to the department within the 6 month period. A copy of the certificate will satisfy this requirement. Failure to submit such proof during the 6 month period shall cause any previously issued license or registration to become null and void without further action by the Board.

(3) All educational courses on HIV and AIDS which are taught to fulfill the requirements for initial licensure or registration under Chapter 477, F.S., shall be approved by the Board. To be considered for the Board's approval, courses on HIV and AIDS shall consist of 4 hours combined education of:

(a) Education on the modes of transmission, infection control procedures, clinical management, and prevention of HIV and AIDS;

(b) Discussion of attitudes towards HIV and AIDS as well as appropriate behavior in dealing with persons who may have the virus or syndrome.

(4) All proposed HIV and AIDS educational courses shall be submitted for presentation to the Board at least 30 days prior to the next scheduled board meeting at which the course is to be considered for approval. No course may be taught for credit until it has received the Board's approval.

(5) The Board approves the following courses for purposes of fulfilling the requirements for initial licensure or registration under Chapter 477, F.S.:

(a) Courses approved by any other board in accordance with Section 381.0034, 381.0035, 455.2226, or 455.2228, F.S.;

(b) Basic AIDS educational courses presented by the Florida Department of Health or other state health departments, provided they meet the requirements set forth in subsection (3).

(6) Home study or video courses shall be approved by the Board, provided they meet the requirements set forth in subsection (3). Home study courses must require a 75% passing score on a post course test to be graded by the course provider.

(7) At any time, the Board shall deny or rescind its approval of a course offered for initial licensure if it finds that: such approval was the result of fraud; the course which is being provided fails to cover the information required by statute or subsection (3) or fails to meet other requirements specified in this rule; or the course significantly varies from the course proposal that was approved by the Board. Before rescinding approval of a course, the Board shall give the course provider notice and an opportunity to be heard. If the Board denies or rescinds its approval of a course because of the course provider's fraud in obtaining such approval, then the course provider shall thereafter be barred from presenting any other course to licensees for credit unless the course provider demonstrates to the Board that he or she has been sufficiently rehabilitated to be trusted to provide such courses to licensees in the future.

*Specific Authority 455.2228(5), 477.016 FS. Law Implemented 455.2228 FS. History—New 9-2-90, Amended 4-9-91, 10-27-91, 6-14-93, Formerly 21F-18.011, Amended 2-1-95, 12-21-97, 1-31-99, 3-8-00, 5-10-01, 8-1-05.*

## CHAPTER 61G5-20 COSMETOLOGY SALONS

<b>61G5-20.001</b>	<b>Salon Defined.</b>
<b>61G5-20.0015</b>	<b>Performance of Cosmetology or Specialty Services Outside a Licensed Salon.</b>
<b>61G5-20.00175</b>	<b>Fashion Photography.</b>
<b>61G5-20.002</b>	<b>Salon Requirements.</b>
<b>61G5-20.003</b>	<b>Inspections.</b>
<b>61G5-20.004</b>	<b>Display of Documents.</b>
<b>61G5-20.005</b>	<b>Salon License Renewal.</b>
<b>61G5-20.006</b>	<b>Transfer of Ownership or Location of a Salon.</b>
<b>61G5-20.007</b>	<b>Communicable Disease.</b>
<b>61G5-20.008</b>	<b>Employment of Applicants for Licensure as a Cosmetologist Prior to Licensure; Employment of Applicants for Registration as a Specialist Prior to Registration.</b>
<b>61G5-20.010</b>	<b>Mobile Salons.</b>

### **61G5-20.001 Salon Defined.**

Salon means any establishment or place of business wherein cosmetology as defined in Section 477.013(4), F.S., or any specialty as defined in Section 477.013(6), F.S., is practiced for compensation, however this does not prevent the practice of cosmetology in a licensed barbershop, or the practice of barbering in a licensed cosmetology salon, provided the salon employs a licensed cosmetologist. Except as provided in Rule 61G5-20.010, F.A.C., a salon must be at a fixed location.

*Specific Authority 477.016 FS. Law Implemented 477.025 FS. History—New 11-2-80, Amended 10-10-82, 10-6-85, Formerly 21F-20.01, Amended 10-18-87, Formerly 21F-20.001, Amended 2-10-94, 2-25-07.*

### **61G5-20.0015 Performance of Cosmetology or Specialty Services Outside a Licensed Salon.**

(1) Cosmetology or specialty services may be performed by a licensed cosmetologist or specialist in a location other than a licensed salon, including a hospital, nursing home, residence, or similar facility, when a client for reasons of ill health is unable to go to a licensed salon. The following procedure shall be followed:

- (a) Arrangements shall be made through a licensed salon.
- (b) Information as to the name of the client and the address at which the services are to be performed shall be recorded in the appointment book.
- (c) The appointment book shall remain at the salon and be made available upon request to any investigator or inspector of the Department.

(2) When cosmetology or specialty services are performed in a location other than a licensed salon, such services may lawfully be performed only upon clients, residents, or patients, who for reasons of ill health are unable to visit a licensed salon. Such services are not to be performed upon employees or persons who do not reside in the facility, or any other non-qualified persons.

(3) Cosmetology services may only be performed in a photography studio salon subject to the following requirements:

(a) Only hair-arranging services and the application of cosmetic products may be performed in a photography studio salon; and, may only be performed for the purpose of preparing a model or client of the photography studio for a photographic session. Shampooing the hair, hair cutting, hair coloring, permanent waving of the hair, hair relaxing, removing of hair, manicuring, pedicuring, and the performance of any other service defined as cosmetology may not be performed in a photography studio salon.

(b) All hair-arranging services and applications of cosmetic products to be performed in the photography studio salon shall be performed by a licensed Florida cosmetologist or under the supervision of a licensed cosmetologist employed by the salon. "Under the supervision of a licensed cosmetologist" shall mean that an individual who then holds a current, active Florida license as a cosmetologist shall be physically present at the photography studio salon at all times when hair-arranging services or applications of cosmetic products are being performed.

(c) When performing hair-arranging services, the photography studio salon shall use either disposable hair-arranging implements or shall use a wet or dry sanitizing system approved by the federal Environmental Protection Agency.

*Specific Authority 477.016, 477.025(2), 477.0263(2),(3), 477.0135(4) FS. Law Implemented 477.025(2), 477.0263(2),(3), 477.0135(4) FS. History—New 12-29-83, Amended 10-6-85, Formerly 21F-20.015, 21F-20.0015, Amended 11-25-98.*

### **61G5-20.00175 Fashion Photography.**

For purposes of Section 477.0263(3), F.S., fashion photography is hereby defined to mean the photographing of one or more human subjects or professional models for commercial purposes where the subject or model receives remuneration, compensation or wages for being photographed. Fashion photography shall not include instances in which the subject pays a photographer a fee to be photographed or instances in which the photographs are made for the personal use and enjoyment of the subject rather than for commercial purposes.

*Specific Authority 477.016 FS. Law Implemented 477.0263(3) FS. History—New 1-9-95.*

## **61G5-20.002 Salon Requirements.**

(1) Prior to opening a salon, the owner shall:

- (a) Submit an application on forms prescribed by the Department of Business and Professional Regulation; and
- (b) Pay the required registration fee as outlined in the fee schedule in Rule 61G5-24.005, F.A.C.; and
- (c) Meet the safety and sanitary requirements as listed below and these requirements shall continue in full force and effect for the life of the salon:

1. **Ventilation and Cleanliness:** Each salon shall be kept well ventilated. The walls, ceilings, furniture and equipment shall be kept clean and free from dust. Hair must not be allowed to accumulate on the floor of the salon. Hair must be deposited in a closed container. Each salon which provides services for the extending or sculpturing of nails shall provide such services in a separate area which is adequately ventilated for the safe dispersion of all fumes resulting from the services.

2. **Toilet and Lavatory Facilities:** Each salon shall provide – on the premises or in the same building as, and within 300 feet of, the salon – adequate toilet and lavatory facilities. To be adequate, such facilities shall have at least one toilet and one sink with running water. Such facilities shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning material, sanitary towels or other hand-drying device such as a wall-mounted electric blow dryer, and waste receptacle. Such facilities and all of the foregoing fixtures and components shall be kept clean, in good repair, well-lighted, and adequately ventilated to remove objectionable odors.

3. A salon, or specialty salon may be located at a place of residence. Salon facilities must be separated from the living quarters by a permanent wall construction. A separate entrance shall be provided to allow entry to the salon other than from the living quarters. Toilet and lavatory facilities shall comply with subparagraph (c)2. above and shall have an entrance from the salon other than the living quarters.

4. **Animals:** No animals or pets shall be allowed in a salon, with the exception of fish kept in closed aquariums, or trained animals to assist the hearing impaired, visually impaired, or the physically disabled.

5. **Shampoo Bowls:** Each salon shall have shampoo bowls equipped with hot and cold running water. The shampoo bowls shall be located in the area where cosmetology services are being performed. A specialty salon that exclusively provides specialty services, as defined in Section 477.013(6), F.S., need not have a shampoo bowl, but must have a sink or lavatory equipped with hot and cold running water on the premises of the salon.

(d) Comply with all local building and fire codes. These requirements shall continue in full force and effect for the life of the salon.

(2) Each salon shall comply with the following:

(a) **Linens:** Each salon shall keep clean linens in a closed, dustproof cabinet. All soiled linens must be kept in a closed receptacle. Soiled linens may be kept in open containers if entirely separated from the area in which cosmetology services are rendered to the public. A sanitary towel or neck strip shall be placed around the patron's neck to avoid direct contact of the shampoo cape with a patron's skin.

(b) **Containers:** Salons must use containers for waving lotions and other preparations of such type as will prevent contamination of the unused portion. All creams shall be removed from containers by spatulas.

(c) **Sterilization and Disinfection:** The use of a brush, comb or other article on more than one patron without being disinfected is prohibited. Each salon is required to have sufficient combs, brushes, and implements to allow for adequate disinfecting practices. Combs or other instruments shall not be carried in pockets.

(d) **Sanitizers:** All salons shall be equipped with and utilize wet sanitizers with hospital level disinfectant or EPA approved disinfectant, sufficient to allow for disinfecting practices.

1. A wet sanitizer is any receptacle containing a disinfectant solution and large enough to allow for a complete immersion of the articles. A cover shall be provided.

2. Disinfecting methods which are effective and approved for salons: First, clean articles with soap and water, completely immerse in a chemical solution that is hospital level or EPA approved disinfectant as follows:

a. Combs and brushes, remove hair first and immerse in hospital level or EPA approved disinfectant;

b. Metallic instrument, immerse in hospital level for EPA approved disinfectant;

c. Instruments with cutting edge, wipe with a hospital level or EPA approved disinfectant; or

d. Implements may be immersed in a hospital level or EPA approved disinfectant solution.

3. For purposes of this rule, a "hospital level disinfectant or EPA approved disinfectant" shall mean the following:

a. For all combs, brushes, metallic instruments, instruments with a cutting edge, and implements that have not come into contact with blood or body fluids, a disinfectant that indicates on its label that it has been registered with the EPA as a hospital grade bacterial, virucidal and fungicidal disinfectant;

b. For all combs, brushes, metallic instruments with a cutting edge, and implements that have come into contact with blood or body fluids, a disinfectant that indicates on its label that it has been registered with the EPA as a tuberculocidal disinfectant, in accordance with 29 C.F.R. 1910.1030.

4. All disinfectants shall be mixed and used according to the manufacturer's directions.

(e) After cleaning and disinfecting, articles shall be stored in a clean, closed cabinet or container until used. Undisinfected articles such as pens, pencils, money, paper, mail, etc., shall not be kept in the same container or cabinet. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed

cabinet or container, provided such area is clean and provided the cutting edges of such clippers have been disinfected.

(f) Ultra Violet Irradiation may be used to store articles and instruments after they have been cleansed and disinfected.

(g) Pedicure Equipment Sterilization and Disinfection:

The following cleaning and disinfection procedures must be used for any pedicure equipment that holds water, including sinks, bowls, basins, pipe-less spas, and whirlpool spas:

1. After each client, all pedicure units must be cleaned with a low-foaming soap or detergent with water to remove all visible debris, then disinfected with an EPA registered hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant used according to manufacturers instructions for at least ten (10) minutes. If the pipe-free foot spa has a foot plate, it should be removed and the area beneath it cleaned, rinsed, and wiped dry.

2. At the end of each day of use, the following procedures shall be used:

a. All filter screens in whirlpool pedicure spas or basins for all types of foot spas must be sanitized. All visible debris in the screen and the inlet must be removed and cleaned with a low-foaming soap or detergent and water. For pipe-free systems, the jet components or foot plate must be removed and cleaned and any debris removed. The screen, jet, or foot plate must be completely immersed in an EPA registered, hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant that is used according to manufacturer's instructions. The screen, jet, or foot plate must be replaced after disinfection is completed and the system is flushed with warm water and low-foaming soap for 5 minutes, rinsed, and drained.

b. After the above procedures are completed, the basin should be filled with clean water and the correct amount of EPA registered disinfectant. The solution must be circulated through foot spa system for 10 minutes and the unit then turned off. The solution should remain in the basin for at least 6 to 10 hours. Before using the equipment again, the basin system must be drained and flushed with clean water.

3. Once each week, subsequent to completing the required end-of-day cleaning procedures, the basin must be filled with a solution of water containing one teaspoon of 5.25% bleach for each gallon of water. The solution must be circulated through the spa system for 5 to 10 minutes and then the solution must sit in the basin for at least 6 hours. Before use, the system must be drained and flushed.

4. A record or log book containing the dates and times of all pedicure cleaning and disinfection procedures must be documented and kept in the pedicure area by the salon and made available for review upon request by a consumer or a Department inspector.

(3) No cosmetology or specialty salon shall be operated in the same licensed space allocation with any other business which adversely affects the sanitation of the salon, or in the same licensed space allocation with a school teaching cosmetology or a specialty licensed under Chapter 477, F.S., or in any other location, space, or environment which adversely affects the sanitation of the salon. In order to control the required space and maintain proper sanitation, where a salon adjoins such other business or school, or such other location, space or environment, there must be permanent walls separating the salon from the other business, school, location, space, or environment and there must be separate and distinctly marked entrances for each.

(4) Evidence that the full salon contains a minimum of 200 square feet of floor space. No more than two (2) cosmetologists or specialists may be employed in a salon which has only the minimum floor space.

(5) A specialty salon offering only one of the regulated specialties shall evidence a minimum of 100 square feet used in the performance of the specialty service and shall meet all the sanitation requirements stated in this section. No more than one specialist or cosmetologist may be employed in a specialty salon with only the minimum floor space. An additional 50 square feet will be required for each additional specialist or cosmetologist employed.

(6) For purposes of this rule, "permanent wall" means a vertical continuous structure of wood, plaster, masonry, or other similar building material, which is physically connected to a salon's floor and ceiling, and which serves to delineate and protect the salon.

*Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 4-22-81, Amended 9-11-81, 1-17-83, 8-10-83, 6-28-84, 10-6-85, Formerly 21F-20.02, Amended 6-18-86, 10-18-87, 8-20-90, 5-19-91, 1-30-92, 5-11-92, 4-15-93, 5-31-93, Formerly 21F-20.002, Amended 1-9-95, 4-5-95, 8-8-95, 2-28-96, 6-16-97, 8-27-98, 4-13-99, 8-1-05, 9-6-06, 2-25-07, 3-10-08.*

### **61G5-20.003 Inspections.**

The Department of Business and Professional Regulation shall cause an inspection of all proposed salons to determine if all the requirements have been met. Each licensed salon shall be inspected at least biennially by the Department. No person shall, for any reason intentionally, or directly inhibit an authorized representative of the Department from performing said inspections.

*Specific Authority 477.016 FS. Law Implemented 477.025(4),(9) FS. History—New 4-22-81, Amended 9-11-81, 5-3-82, 10-6-85, Formerly 21F-20.03, Amended 10-18-87, Formerly 21F-20.003, Amended 9-27-07.*

### **61G5-20.004 Display of Documents.**

(1) All holders of a cosmetology or specialty salon license shall display within their salons in a conspicuous place which is clearly visible to the general public upon entering the salon the following documents:

(a) The current salon license,

(b) A legible copy of the most recent inspection sheet for the salon.

(2) All holders of a cosmetology or specialty salon license shall require and ensure that all individuals engaged in the practice of cosmetology, any specialty, hair braiding, hair wrapping, or body wrapping display at the individual's work station their current license or registration at all times when the individual is performing cosmetology, specialty, hair braiding, hair wrapping, or body wrapping services. The license or registration on display shall be the original certificate or a duplicate issued by the Department and shall have attached a 2" by 2" photograph taken within the previous two years of the individual whose name appears on the certificate. The certificate with photograph attached shall be permanently laminated as of July 1, 2007.

(3) By July 1, 2008, all holders of a cosmetology or specialty salon license shall display at each footbath a copy of the Consumer Protection Notice regarding footbaths, sanitation, and safety. Copies of this notice (revised 10/15/07, and incorporated herein by reference) may be obtained from the Department of Business and Professional Regulation at 1940 North Monroe St., Tallahassee, FL 32399-0783, and the Call Center by calling (850)487-1395.

*Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 11-2-80, Amended 10-10-82, 6-28-84, 10-6-85, Formerly 21F-20.04, 21F-20.004, Amended 3-22-00, 12-6-06, 3-10-08.*

#### **61G5-20.005 Salon License Renewal.**

All salon licenses shall be renewed on or before November 30 of each biennial (even-numbered) year, by meeting all the current requirements for salon licensure as expressed in Rule Chapter 61G5-20, F.A.C., and by paying the renewal fee specified in Rule 61G5-24.009, F.A.C. A salon license is delinquent if not renewed by the November 30 renewal date. To renew a delinquent license, a licensee shall pay delinquent fee as outlined in Rule 61G5-24.009, F.A.C. (in addition to the biennial renewal fee). A delinquent salon license shall expire at the end of the biennium in which it becomes delinquent. After a salon license has expired at the end of the biennium, a new salon license application, the delinquent fee as outlined in Rule 61G5-24.009, F.A.C., and all fees as outlined in Rule 61G5-24.005, F.A.C., must be filed with the Board. Until such new license is issued for and received by the salon, all cosmetology and specialty services shall cease.

*Specific Authority 477.016, 477.025, 477.026 FS. Law Implemented 477.025(8), 477.026(1)(c) FS. History—New 11-2-80, Amended 5-3-82, 10-6-85, Formerly 21F-20.05, Amended 1-28-91, Formerly 21F-20.005, Amended 2-28-96, 8-20-96, 10-1-97.*

#### **61G5-20.006 Transfer of Ownership or Location of a Salon.**

No salon license may be transferred from the name of one licensee to another. A salon license may be transferred from one location to another only by filing a new application and fee and obtaining departmental approval, pursuant to the requirements of Rule 61G5-20.002, F.A.C., prior to transferring the license.

*Specific Authority 477.016 FS. Law Implemented 477.025(7) FS. History—New 5-12-81, Amended 10-6-85, Formerly 21F-20.06, 21F-20.006, Amended 10-30-97.*

#### **61G5-20.007 Communicable Disease.**

(1) No person engaged in the practice of cosmetology or a specialty in a salon shall proceed with any service to a person having a visible disease, pediculosis, or open sores suggesting a communicable disease, until such person furnishes a statement signed by a physician licensed to practice in the State of Florida stating that the disease or condition is not in an infectious, contagious or communicable stage.

(2) No cosmetologist or person registered to practice any specialty in Florida, who has a visible disease, pediculosis, or open sores suggesting a communicable disease, shall engage in the practice of cosmetology or any specialty, until such cosmetologist or registrant obtains a statement signed by a physician licensed to practice in the State of Florida stating that the disease or condition is not in an infectious, contagious, or communicable stage.

*Specific Authority 477.016 FS. Law Implemented 477.025(2) FS. History—New 5-12-81, Amended 10-6-85, Formerly 21F-20.07, Amended 5-11-92, Formerly 21F-20.007.*

#### **61G5-20.008 Employment of Applicants for Licensure as a Cosmetologist Prior to Licensure; Employment of Applicants for Registration as a Specialist Prior to Registration.**

(1) Holders of a cosmetology salon license who wish to permit an applicant for licensure as a cosmetologist by examination to perform cosmetology services in their salon pursuant to Rule 61G5-18.0055, F.A.C., shall:

(a) Prior to permitting an applicant to perform cosmetology services in their salon, obtain from the applicant a copy of the completed application for licensure by examination submitted to the Department by the applicant, and a copy of the notification by the Department to the applicant that he or she has been scheduled to take the licensure examination. The cosmetology salon license holder shall not permit an applicant to practice cosmetology or perform cosmetology services in the salon until after the date of the licensure examination as indicated on the notification from the Department.

(b) Upon learning or in any way becoming aware that an applicant who is performing cosmetology services in their salon pursuant to Rule 61G5-18.0055, F.A.C., has either failed to take the first licensure examination as scheduled by the Department, or has failed to achieve a passing grade on the first licensure examination taken by the applicant, immediately cease to permit the applicant to further perform cosmetology services until the applicant provides to the cosmetology salon license holder a copy of the completed application for reexamination submitted to

the Department by the applicant for the next available licensure examination immediately following the licensure examination which the applicant failed to take or pass.

(c) Upon learning or in any way becoming aware that an applicant who is performing cosmetology services in their salon pursuant to Rule 61G5-18.0055, F.A.C., has either failed to take the next available licensure examination immediately following the licensure examination which the applicant failed to pass, immediately cease to permit the applicant to further perform cosmetology services until the applicant provides to the cosmetology salon license holder proof of having been issued a cosmetology license by the Department.

(d) Ensure that all cosmetology services performed by the applicant in the salon are performed in accordance with the conditions as set forth in Rule 61G5-18.0055, F.A.C.

(e) Display in a conspicuous place at the cosmetology salon location in which the applicant performs cosmetology services under Rule 61G5-18.0055 a copy of the completed application for licensure by examination submitted to the Department by the applicant, and a copy of the completed application for reexamination submitted to the Department by the applicant if such reexamination is required under Rule 61G5-18.0055, F.A.C.

(2) Holders of a cosmetology or specialty salon license who wish to permit an applicant for registration as a specialist to perform specialty services in their salon pursuant to Rule 61G5-29.004, F.A.C., or who wish to permit applicants for registration as a hair braider or hair wrapper to perform hair braiding or hair wrapping services in their salon pursuant to Rule 61G5-31.006, shall:

(a) prior to permitting an applicant to perform any specialty services or hair braiding or hair wrapping services in their salon, obtain from the applicant a copy of the completed application for registration submitted to the Department by the applicant;

(b) upon learning or in any way becoming aware that an applicant who is performing specialty services in their salon pursuant to Rule 61G5-29.004, F.A.C., or performing hair braiding or hair wrapping services in their salon pursuant to Rule 61G5-31.006, F.A.C., has been notified that his or her application is incomplete, or has been determined by the Board to be not qualified for registration as a specialist, shall immediately cease to permit the applicant to further perform specialty services;

(c) ensure that all specialty services performed by the applicant in the salon are performed in accordance with the conditions as set forth in Rule 61G5-29.004, F.A.C., and all other applicable laws and Rules of the Board;

(d) ensure that all hair braiding and hair wrapping services performed by the applicant in the salon are performed in accordance with all applicable laws and Rules of the Board;

(e) display in a conspicuous place at the cosmetology or specialty salon location in which the applicant performs specialty services pursuant to Rule 61G5-29.004, F.A.C., or hair braiding or hair wrapping services pursuant to Rule 61G5-31.006, a copy of the completed application for registration as a specialist or application for registration as a hair braider or hair wrapper submitted to the Department by the applicant.

*Specific Authority 477.016, 477.019(4), 477.0201(6), 477.025(2) FS. Law Implemented 477.019(4), 477.0201(6) 477.025(2) FS. History—New 10-18-87, Amended 5-2-91, Formerly 21F-20.008, Amended 11-11-96, 12-21-97, 11-25-98.*

#### **61G5-20.010 Mobile Salons.**

(1) The operation of all mobile cosmetology salons shall meet and at all times remain in compliance with all local laws and ordinances regulating business establishments in all areas in which the mobile salon operates, with all applicable requirements of the Americans with Disabilities Act relating to accommodations for persons with disabilities, and with all applicable OSHA requirements.

(2) Each mobile salon shall meet and at all times remain in compliance with the requirements of this rule, all licensure and operating requirements specified in Chapters 455 and 477, F.S., and all other rules of the Board and the Department which apply to cosmetology salons at fixed locations except to the extent those rules of the Board conflict with this rule.

(3) To facilitate inspections by the Department:

(a) Prior to the beginning of each month, each mobile salon license holder shall file with the Board a written monthly itinerary which lists the locations where and the dates and hours when the mobile salon will be operating.

(b) The salon name and salon license number shall be in lettering at least five inches in height and shall be visibly displayed and clearly legible on at least two exterior sides of each mobile salon.

(c) If a mobile salon is in a motor vehicle, the vehicle's identification number shall be included on the mobile salon's application for licensure and shall also be listed on the mobile salon's monthly itinerary required in paragraph (a) of this subsection.

(d) Each mobile salon shall have a telephone or other means of telecommunication by which it can be contacted by the Department personnel. The salon's telephone number shall be included on the mobile salon's application for licensure and shall also be listed on the mobile salon's monthly itinerary required in paragraph (a) of this subsection.

(e) Each salon shall be operated only at the times and places specified in its monthly itinerary.

(f) Each mobile salon license holder shall maintain a permanent business address in the inspection area of the local district office at which records of appointments, itineraries, license numbers of employees, and vehicle identification numbers of the license holder's mobile salon shall be kept and made available for verification purposes by

Department personnel, and at which correspondence from the Department can be received. Post Office box or private mail box addresses may not be used for these purposes.

(4) Due to the inherent problems of providing water and sewage service to mobile salons, the following requirements shall apply:

(a) Each mobile salon shall be equipped with a functional restroom which includes a self-contained, flush chemical toilet with a holding tank. The restroom shall also be in substantial compliance with the toilet and lavatory requirements specified in Rule 61G5-20.002, F.A.C.

(b) Each mobile salon shall have storage capacity for at least 35 gallons of clean water for each cosmetologist working in the mobile salon and a total storage capacity for waste water equal to or greater than the mobile salon's total capacity for clean water.

(c) Operation of a mobile salon shall promptly cease:

1. When the mobile salon's clean water supply is depleted or so diminished that further cosmetology service cannot be completed;

2. When the mobile salon's waste water storage capacity is reached;

3. When the mobile salon's restroom is in need of servicing.

(d) No mobile salon shall operate or resume operation unless it has a sufficient amount of clean water as well as waste water capacity necessary for completing all cosmetology services undertaken and its restroom is functional.

(e) In disposing of sewage and waste water, each mobile salon shall comply with applicable state and local environmental and sanitation regulations.

(5) No cosmetology services shall be performed and no patrons shall remain within a mobile salon while it is in motion.

(6) Applicants for licensure of a mobile salon shall be subject to and shall pay the same fees which licensed salons at fixed locations are subject to.

*Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025, 477.025(10) FS. History—New 2-10-94, Amended 12-27-95, 11-25-98.*

## **CHAPTER 61G5-22 SCHOOL CURRICULUM PERFORMANCE BASED LEARNING - MINIMAL COMPETENCY AND SERVICE**

<b>61G5-22.001</b>	<b>Purpose.</b>
<b>61G5-22.002</b>	<b>Definitions.</b>
<b>61G5-22.003</b>	<b>Level of Acceptability.</b>
<b>61G5-22.004</b>	<b>Florida Law.</b>
<b>61G5-22.005</b>	<b>Sanitation and Sterilization.</b>
<b>61G5-22.006</b>	<b>Facials (Including Skin Care and Hair Removal).</b>
<b>61G5-22.007</b>	<b>Hair Shaping.</b>
<b>61G5-22.008</b>	<b>Scalp Treatments and Hair Care Rinses.</b>
<b>61G5-22.009</b>	<b>Shampoos and Rinses.</b>
<b>61G5-22.010</b>	<b>Hair Arranging (Styling).</b>
<b>61G5-22.011</b>	<b>Hair Coloring.</b>
<b>61G5-22.012</b>	<b>Chemical Waving and Relaxing/Straightening.</b>
<b>61G5-22.0125</b>	<b>Manicuring/Pedicuring/Nail Extension.</b>
<b>61G5-22.014</b>	<b>Optional Curricula.</b>
<b>61G5-22.015</b>	<b>Specialty Certification.</b>
<b>61G5-22.016</b>	<b>Minimum Curriculum for Nail Specialty Training.</b>
<b>61G5-22.017</b>	<b>Minimum Curriculum for Facial Specialty Training.</b>

### **61G5-22.001 Purpose.**

Recognizing that cosmetology/specialty training involves the use of tools and chemicals which may be dangerous when applied improperly; that cosmetology/specialty training is performance objective Oriented; and, that the quality of acceptable performance for a student to be deemed competent must be the quality of work expected from a new employee in a beauty salon, the following learning (theory) and performance (practical) objectives are detailed to assure minimal competency by the performance of services required to protect the public from discernible danger. Performance of these services is provided as a basic curricula which shall be used in cosmetology schools in the State of Florida.

*Specific Authority 477.016 FS. Law Implemented 477.019(2), FS. History—New 11-2-80, Amended 5-12-81, 10-29-85, Formerly 21F-22.01, Amended 8-20-90, Formerly 21F-22.001.*

**61G5-22.002 Definitions.**

(1) Level of Acceptability – Minimum passing grade. The level of acceptability for each of the cosmetology/specialty subjects, theoretical and practical, shall be a minimum score of seventy-five percent (75%) or better on an examination on each of the objectives for each subject area.

(2) Learning Objective. Statements of the basic subject matter content arranged in an effective learning sequence – what the classroom teacher or manager will do in the learning/teaching situation.

(3) Performance Objective. A statement of exactly what the learner must do in observable and measurable terms. A terminal objective – the final action or performance of the individual or group.

(4) A minimum student performance standard is a statement specifying competencies that all students are expected to attain at a particular point in time. Mastery of a standard will be demonstrated by the mastery of a predetermined number of skills related to the standard.

(5) Services. Minimal number of performances in applicable subject categories required for certification for examination.

*Specific Authority 477.016 FS. Law Implemented 477.023(2) FS. History–New 11-2-80, Amended 10-29-85, Formerly 21F-22.02, 21F-22.002.*

**61G5-22.003 Level of Acceptability.**

Every school shall evaluate each individual for competency on each objective for each subject area.

*Specific Authority 477.016 FS. Law Implemented 477.023(2), 477.020 FS. History–New 11-2-80, Amended 10-29-85, Formerly 21F-22.03, 21F-22.003.*

**61G5-22.004 Florida Law.**

(1) Objective: To present an overview of cosmetology law and rules and regulations in relation to consumer protection for both health and economic matters.

(2) Learning Objectives:

(a) To define the limitations of the authority of the Board of Cosmetology;

(b) To define the rulemaking authority of the Board of Cosmetology;

(c) To understand the qualifications for licensure;

(d) To understand the procedures and context of examinations;

(e) To comprehend the requirements for cosmetology salons and inspections;

(f) To be aware of the disciplinary proceedings and penalties for violations of Chapter 477, F.S.;

(g) To understand the complaint procedures for violations of Chapter 477, F.S., or the rules promulgated pursuant thereto;

(h) To understand the definitions as used in Chapter 477, F.S.;

(i) To understand the requirements through rules and regulations for license renewal; and

(j) To know the fees and their disposition.

*Specific Authority 477.016 FS. Law Implemented 477.023(2) FS. History–New 11-2-80, Amended 10-29-85, Formerly 21F-22.04, 21F-22.004.*

**61G5-22.005 Sanitation and Sterilization.**

(1) Objective: To use chemical agents and ultraviolet rays to sanitize implements and equipment in the salon and promote and protect good health in the community.

(2) Learning Objectives:

(a) To define terms and to describe and clarify bacteria in relation to its growth and reproduction and its relation to the spread of disease;

(b) To describe five (5) methods of sanitation;

(c) To describe the various agents used to prevent the spread of disease; and

(d) To describe measures used to sanitized service areas.

(3) Performance Objectives:

(a) To effectively sanitize the cosmetologist's implements in promoting good health; and

(b) To sanitize necessary equipment in the salon to prevent the spread of disease.

*Specific Authority 477.016 FS. Law Implemented 477.023(2) FS. History–New 11-2-80, Formerly 21F-22.05, 21F-22.005.*

**61G5-22.006 Facials (Including Skin Care and Hair Removal).**

(1) Objective: To gain information and knowledge to give a facial massage treatment using oils, creams, lotions, or other preparations to properly protect the client from significant damage and to describe chemicals, implements and techniques used in hair removal.

(2) Learning Objectives:

(a) To explain the structure and function of skin;

(b) To describe diseases of the glands;

(c) To recognize lesions;

(d) To describe basic facial massage movements;

- (e) To recognize and define the various types of corrective facials;
  - (f) To describe products used and the purpose of each;
  - (g) To understand the purpose and effects of muscle toning;
  - (h) To describe the benefits and nature of light therapy;
  - (i) To analyze and correct improper brow shapings;
  - (j) To describe the proper steps in removing hair through tweezing or waxing; and
  - (k) To understand the safety precautions to follow in the use of electrical apparatus in hair removal;
  - (l) To apply make-up.
- (3) Performance Objectives:
- (a) To use the materials and equipment required in giving facials;
  - (b) To perfect procedures and manipulations;
  - (c) To use the proper steps and safety precautions in giving facial treatments for varied types of skin;
  - (d) To analyze and correct improper brow shapings; and
  - (e) To remove superfluous hair on the head, face or neck through epilation and/or depilation, excluding electrolysis.
- (4) Services required: ten (10).
- (5) Definition of Services: Services shall be a facial, a client consultation/skin analysis; exfoliation, either manual, mechanical or chemical; cleansing; toning; manipulations; and packs, masks, or other treatments as needed.
- (6) At a minimum, the curriculum of schools and programs specified in Section 477.0201, F.S., shall include the following hours of instruction in the indicated theory items:

TOPIC	HOURS
(a) Florida Laws and Rules	5
(b) HIV and AIDS	4
(c) Sanitation	10
(d) Ethics	2
(e) Basics of Electricity	8
(f) Facial Techniques and Contraindications	66
(g) Product Chemistry	8
(h) Hair Removal	2.5
(i) Makeup	2
(j) Skin Theory, Disease and Disorders of the Skin	85

*Rulemaking Authority 477.016 FS. Law Implemented 477.0201, 477.023(2) FS. History—New 11-2-80, Amended 10-29-85, Formerly 21F-22.06, Amended 4-8-86, Formerly 21F-22.006, Amended 7-13-09 (8), 1-2-10 (6) and (7), 3-26-12.*

**61G5-22.007 Hair Shaping.**

- (1) Objective: To use hair shaping implements and supplies in cutting the client's hair in a requested style(s) in specific times between 15 to 30 minutes.
- (2) Learning Objectives:
- (a) To be able to describe hair shaping implements, their uses and cutting movements;
  - (b) To explain the differences between razor and scissor shaping; and
  - (c) To take growth patterns, facial features, various hair textures, finished style and other factors into account before cutting.
- (3) Performance Objectives:
- (a) To give blended basic, low, medium, and high elevation wet razor and scissor shaping;
  - (b) To give a tailored neckline on dry hair;
  - (c) To perform tapered cutting;
  - (d) To perform slither (effilating) cutting;
  - (e) To blunt, cut wet hair (razor and scissors); and
  - (f) To section hair and analyze head form in preparation of a finished, professional style.
- (4) Services required: seventy-five (75).

*Specific Authority 477.016 FS. Law Implemented 477.023(2) FS. History—New 11-2-80, Formerly 21F-22.07, 21F-22.007.*

**61G5-22.008 Scalp Treatments and Hair Care Rinses.**

- (1) Objective: To provide a beneficial service of stimulation to contribute to a healthy scalp and to select a specific treatment that will improve the appearance of a client's hair following proper safety precautions in the application procedure.

(2) Learning Objectives:

- (a) To describe the benefits of scalp manipulations;
- (b) To explain when scalp manipulations can and cannot be given;
- (c) To describe the application of electricity in high frequency scalp treatments;
- (d) To become aware of the physical and chemical actions that damage hair;
- (e) To describe the use of proteins in treating the hair;
- (f) To clarify and describe different types of conditioners;
- (g) To define temporary hair coloring; and
- (h) To describe the advantages and disadvantages of temporary colors.

(3) Performance Objectives:

- (a) To give a scalp treatment using physical manipulations of stimulation;
- (b) To provide high frequency scalp treatments using proper safety precautions to protect the client;
- (c) To assess hair damage and choose the appropriate conditioners; and
- (d) To select and apply temporary color rinses according to the client's desire and need.

(4) Services required: forty-five (45).

*Specific Authority 477.016 FS. Law Implemented 477.023(2) FS. History—New 11-2-80, Formerly 21F-22.08, 21F-22.008.*

**61G5-22.009 Shampoos and Rinses.**

(1) Objective: To use shampoo supplies and chemicals in cleansing the scalp and hair in preparation for additional salon services.

(2) Learning Objectives:

- (a) To describe the physical and chemical actions of shampooing;
- (b) To describe the effects of various types of shampoos and rinses and their purposes;
- (c) To describe the contents and characteristics of specific kinds of shampoos;
- (d) To identify appropriate products for conditioning the client's hair and scalp; and
- (e) To recognize scalp and hair disorders and diseases and suggest corrective measures.

(3) Performance Objectives:

- (a) To cleanse the scalp and hair using various methods;
- (b) To perform scalp manipulations in shampooing;
- (c) To analyze scalp and hair to determine proper shampoo;
- (d) To identify types of rinses and the purposes of each; and
- (e) To use proper rinsing techniques.

(4) Services required: fifty (50).

*Specific Authority 477.016 FS. Law Implemented 477.023(2) FS. History—New 11-2-80, Formerly 21F-22.09, 21F-22.009.*

**61G5-22.010 Hair Arranging (Styling).**

(1) Objective: To arrange a client's hair into a style of the client's choice through the development of dexterity, coordination and strength in creating designs and patterns in the hair.

(2) Learning Objectives:

- (a) To describe the parts of a fingerwave and identify waves, shapings, sculpture (pin) curls and base directed hair;
- (b) To identify the setting and combing implements used to style hair;
- (c) To identify hairstyling terms and define parts of sculpture (pin) curls, their shapes, variations and strengths;
- (d) To describe the basic principles used to decide correct roller diameter in relationship to hair length and define inside and outside movement of hair;
- (e) To explain the purpose of stem roller placement;
- (f) To understand and identify the facial and head features in creating an illusion of an oval facial shape;
- (g) To characterize the common profiles in relation to styling a client's hair;
- (h) To understand other distinctive physical characteristics in determining the hair style;
- (i) To describe the various techniques used to silk (press) the hair with pressing combs and to produce thermal curls;
- (j) To describe the history of and kinds of thermal implements and supplies used today; and
- (k) To understand the variety of hairpieces and their uses.

(3) Performance Objectives:

- (a) To part off styling sections of the head;
- (b) To set and comb alternating rows of horizontal and vertical finger waves;
- (c) To set and comb sculpture (pin) curls in varied movements in various sections of the head;
- (d) To set and comb roller curls in different patterns in various sections of the head;
- (e) To silk (press) the hair using a soft, medium and hard press;
- (f) To curl hair with thermal irons using varied techniques and implements; and
- (g) To clean, condition, shape, color and style various types of wigs and hairpieces.

(4) Sets, styles, wigs, hairpieces, thermal-work shall be credited individually to services required.

(5) Services required: three hundred (300).

*Specific Authority 477.016 FS. Law Implemented 477.023(2) FS. History—New 11-2-80, Formerly 21F-22.10, 21F-22.010.*

### **61G5-22.011 Hair Coloring.**

(1) Objective: To change the client's hair color through the use of semi-permanent, permanent, and lightening products following proper steps to safeguard the client in giving the desired service.

(2) Learning Objectives:

- (a) To discriminate between primary, secondary, tertiary and competing colors;
- (b) To understand the nature of light in relation to color services;
- (c) To define the hair coloring terms and chemicals to be used;
- (d) To describe the chemical effects on the hair;
- (e) To identify the seven stages of hair lightening;
- (f) To identify the toning colors;
- (g) To describe the special techniques and procedures used in achieving the color or lightening service for the client following acceptable safety precautions;
- (h) To understand the mixing of chemicals, their advantages and disadvantages;
- (i) To evenly apply a semi-permanent color using proper safety precautions;
- (j) To follow label directions using proper safety precautions in applying a permanent hair color to the client's hair;
- (k) To use safety precautions and follow label directions in applying virgin bleach and a bleach retouch; and
- (l) To describe the steps in achieving special lightening effects.

(3) Performance Objectives:

- (a) To select and apply semi-permanent colors;
- (b) To test hair for metallic salts;
- (c) To select and apply a virgin tint to lighten or darken hair;
- (d) To select and apply a tint retouch;
- (e) To select and apply a virgin bleach;
- (f) To select and apply a bleach retouch;
- (g) To streak, frame, frost, paint the hair using lightening techniques; and
- (h) To properly select and tint hair back to its original color, either lighter or darker.

(4) Services required: forty-five (45).

*Specific Authority 477.016 FS. Law Implemented 477.019(2)(c)2. FS. History—New 11-2-80, Formerly 21F-22.11, Amended 12-17-90, Formerly 21F-22.011.*

### **61G5-22.012 Chemical Waving and Relaxing/Straightening.**

(1) Objective: To use professional chemicals and implements in waving and relaxing the hair to make it more manageable and durable for the client from one styling to another.

(2) Learning Objectives:

- (a) To use safety precautions and follow manufacturer's directions in curling the hair with chemicals;
- (b) To describe the effects of chemical waving, the basic chemicals, the comparison of pH, the cost factors, the methods of giving thio, acid, and neutral waves;
- (c) To properly analyze hair prior to giving a chemical service;
- (d) To understand the physical and chemical effects on the hair;
- (e) To describe the difference between a base and no-base relaxer; and
- (f) To identify safety precautions and chemicals used in chemical relaxing and straightening services.

(3) Performance Objectives:

- (a) To analyze the hair and select lotion/rods;
- (b) To section (block) and subsection the hair and wrap it on wave rods;
- (c) To process and neutralize chemical waves;
- (d) To subsection, wrap, process, and neutralize for both long and short hair styles;
- (e) To apply a base and no-base chemical relaxer to virgin hair;
- (f) To apply a base and no-base chemical relaxer for a retouch (retrace); and
- (g) To apply a semi-relaxer for a chemical blowout service.

(4) Service required: sixty-five (65).

*Specific Authority 477.016 FS. Law Implemented 477.023(2) FS. History—New 11-2-80, Formerly 21F-22.12, 21F-22.012.*

### **61G5-22.0125 Manicuring/Pedicuring/Nail Extension.**

(1) Objective: To use professional manicuring implements, supplies, procedures, in shaping and polishing the nails.

(2) Learning Objectives:

- (a) To describe nail structures;
- (b) To describe nail irregularities;
- (c) To identify nail diseases;
- (d) To identify the basic types of artificial and sculptured nails and nail extensions and their uses;

- (e) To use safety precautions and sanitation methods in manicuring, pedicuring, and extending the nails;
- (f) To describe chemicals and products.

(3) Performance Objectives:

- (a) To give a manicure;
- (b) To give a pedicure;
- (c) To give a massage of the hands and feet;
- (d) To extend nails.

(4) Services required: a minimum of twenty (20). The Board recommends that in meeting this requirement students perform a combination of these services; a service constitutes one complete set of nails per client for either manicure, pedicure, or nail extension.

*Specific Authority 477.016 FS. Law Implemented 477.019(2)(c)2. FS. History--New 10-29-85, Formerly 21F-22.125, Amended 12-17-90, Formerly 21F-22.0125.*

**61G5-22.014 Optional Curricula.**

(1) The optional curricula is provided for those students who have completed certification for examination. This curricula is not mandatory for the certification examination.

(2) Beauty Salon Management

(a) Objective: To describe the basic principles needed to plan and operate a salon as a successful business.

(b) Learning Objectives:

1. To describe considerations for a salon site and building;
2. To examine all factors involved in purchasing an existing salon;
3. To study lease terms and negotiations;
4. To describe the legal forms of ownership;
5. To become aware of salon insurance needs;
6. To understand factors involved in purchasing beauty salon equipment and supplies;
7. To identify considerations involved in determining salon operating policies and techniques for interviewing prospective employees;
8. To understand basic accounting principles and the basic costs involved in planning and operating a beauty salon.

*Specific Authority 477.016 FS. Law Implemented 477.023(2) FS. History--New 11-2-80, Amended 5-12-81, 10-29-85, Formerly 21F-22.14, 21F-22.014.*

**61G5-22.015 Specialty Certification.**

(1)(a) A student at a school specified in Section 477.0201, F.S., shall successfully complete the hours of instruction and the performance of services specified in subsections 61G5-22.016(1) and (2), F.A.C., which instruction and services shall be designed to meet the learning objectives set forth in subsections 61G5-22.004(2), 61G5-22.005(2) and 61G5-22.0125(2), F.A.C.

(b) The school shall issue the student a certificate of completion in the specialty area of manicuring/pedicuring/nail extensions upon the student's completion of paragraph (1)(a) and achievement of a passing score of 75% or better on a comprehensive final examination administered and graded by the school.

(2) Upon successful academic completion of 260 hours of instruction designed to meet the learning objectives set forth in subsections 61G5-22.004(2), 61G5-22.005(2) and 61G5-22.006(2), F.A.C., and completion of forty (40) services, a school shall issue a certificate of completion in the specialty area of facials.

(3) A student who starts a specialty program before March 1, 1994, shall be qualified to receive a certificate of completion upon his or her successful completion of 120 hours of instruction designed to meet the learning objectives set forth in subsections 61G5-22.004(2), 61G5-22.005(2) and 61G5-22.0125(2), F.A.C., and completion of 50 services as required by subsection 61G5-22.0125(4), F.A.C.

*Specific Authority 447.016, 477.023(2) FS. Law Implemented 477.0201, 477.023 FS. History--New 10-29-85, Formerly 21F-22.15, Amended 10-18-87, 4-24-88, 7-25-88, Formerly 21F-22.015, Amended 1-24-94.*

**61G5-22.016 Minimum Curriculum for Nail Specialty Training.**

(1) At a minimum, the curriculum of schools and programs specified in Section 477.0201, F.S., shall include the following hours of instruction in the indicated topics:

Topic	Hours
(a) Florida Cosmetology laws and rules	5
(b) HIV/AIDS	4
(c) Sanitation	4
(d) Ethics	2
(e) Nail Theory, Practice, and Related Subjects including nail disorders and diseases	85

(2) The curriculum shall also include the performance of the following specified services as indicated (the estimated total number of hours needed for performing the specified services is also indicated):

Type of Service	No. of Svcs.	Hours required
(a) Manicures	20	20
(b) Pedicures	10	10
(c) Tips with Overlay	15	37.5
(d) Sculpting Using A Form	15	37.5
(e) Nail Wraps and/or Mending	10	15
(f) Nail Fill-Ins	10	10
(g) Artificial Nail Removal	5	5
(h) Polishing and Nail Art	10	5

*Specific Authority 477.016 FS. Law Implemented 477.0201 FS. History--New 1-24-94, Amended 9-12-94.*

**61G5-22.017 Minimum Curriculum for Facial Specialty Training.**

(1) At a minimum, the curriculum of schools and programs specified in Section 477.0201, F.S., shall include the following hours of instruction in the indicated theory items:

Topic	Hours
(a) Florida Laws and Rules	5
(b) HIV and AIDS	4
(c) Sanitation	10
(d) Ethics	2
(e) Basics of Electricity	8
(f) Facial Techniques and Contraindications	66
(g) Product Chemistry	8
(h) Hair Removal	2.5
(i) Makeup	2
(j) Skin Theory, Disease and Disorders of the Skin	85

(2) The curriculum shall also include the performance of the following specified services, as indicated, as well as the estimated total number of hours needed to complete the required number of services:

Type of Service	Number of Services	Hours required
(a) Facials, manual and mechanical, including masks, packs or treatments which must be performed on a variety of skin types, including normal, oily, dry, combination, problem and mature	40	40
(b) Set up, use, and maintenance of electrical devices	5	1.25
(c) Hair removal, including tweezing, waxing, threading, and sugaring	20	5
(d) Makeup application for both daytime and nighttime looks	10	5
(e) Lash and brow tinting	10	5
(f) Eyelash application, including strip lashes, individual lashes, and semi-permanent lashes	10	10
(g) Manual extractions	5	1.25

(3) Definition of Services: Services shall be a facial client, a client consultation/skin analysis; exfoliation, either manual, mechanical, or chemical; cleansing, toning; manipulations; and packs, masks, or other treatments as needed.

*Rulemaking Authority 477.016, 477.019(2) FS. Law Implemented 477.0201, 477.019(2) FS. History--New 3-26-12.*

**CHAPTER 61G5-24  
FEE SCHEDULE**

<b>61G5-24.001</b>	<b>Collection and Payment of Fees.</b>
<b>61G5-24.002</b>	<b>Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees.</b>
<b>61G5-24.005</b>	<b>Salon License Fee.</b>
<b>61G5-24.006</b>	<b>Cosmetologist Reexamination Fee.</b>
<b>61G5-24.007</b>	<b>Duplicate License Fee.</b>
<b>61G5-24.008</b>	<b>Biennial Renewal Fee for Cosmetologists and Specialists.</b>
<b>61G5-24.009</b>	<b>Biennial Renewal Fee and Delinquent Fee for Salon License.</b>
<b>61G5-24.010</b>	<b>Delinquent License and Specialty Registration Fee.</b>
<b>61G5-24.011</b>	<b>Processing Fee; Change of Status.</b>
<b>61G5-24.016</b>	<b>Reactivation Fee for Cosmetologists and Specialists.</b>
<b>61G5-24.017</b>	<b>Inactive Status License and Specialty Registration Fees.</b>
<b>61G5-24.018</b>	<b>Examination Review Fee.</b>
<b>61G5-24.019</b>	<b>Hair Braiding, Hair Wrapping, and Body Wrapping Fees.</b>
<b>61G5-24.020</b>	<b>Special Assessment Fee.</b>

**61G5-24.001 Collection and Payment of Fees.**

All fees shall be made payable to the Department of Business and Professional Regulation.

*Specific Authority 477.016, 477.026 FS. Law Implemented 477.026 FS. History—New 11-2-80, Formerly 21F-24.01, 21F-24.001.*

**61G5-24.002 Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees.**

(1) The following fees are adopted by the Board:

(a) The fee for original licensure as a cosmetologist shall be fifty dollars (\$50.00) and shall be paid by all applicants for licensure.

(b) The examination fee for licensure as a cosmetologist by examination shall be fifty dollars (\$50.00). When the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, F.S., twenty-three dollars (\$23.00) of the examination fee shall be payable to the Department; and, twenty-seven dollars (\$27.00) shall be payable to the professional testing service.

(c) The application fee for licensure as a cosmetologist by endorsement shall be fifty dollars (\$50.00).

(d) The fee for initial registration as a specialist shall be fifty dollars (\$50.00), and shall be paid by all applicants for registration.

(e) The application fee for registration as a specialist shall be thirty dollars (\$30.00).

(f) The fee for registration as a specialist by endorsement shall be thirty dollars (\$30.00).

(2) Applicants for licensure as a cosmetologist by examination shall pay both the original licensure fee and that part of the examination fee which is payable to the Department at the time of their application. Any part of the examination fee which is payable to a professional testing service shall be paid to that service upon notification by the Department that the applicant's application for licensure by examination has been approved. Applicants for licensure as a cosmetologist by endorsement shall pay both the original licensure fee and the application fee at the time of their application. Applicants for registration as a specialist shall pay both the initial registration fee and the application fee at the time of their application. Applicants for registration as a specialist by endorsement shall pay both the initial registration fee and the fee for registration as a specialist by endorsement at the time of their application.

*Rulemaking Authority 455.2171, 477.016, 477.026 FS. Law Implemented 455.2171, 477.026(1)(b) FS. History—New 11-2-80, Amended 5-18-82, 10-1-85, Formerly 21F-24.02, Amended 9-6-87, Formerly 21F-24.002, Amended 4-13-99, 3-29-04, 5-8-07, 5-13-10.*

**61G5-24.005 Salon License Fee.**

The salon license fee shall be fifty dollars (\$50.00). In addition, a non-refundable application fee of fifty dollars (\$50.00) shall be submitted with the salon license application.

*Specific Authority 477.016, 477.026 FS. Law Implemented 477.026(1)(c) FS. History—New 11-2-80, Amended 5-3-82, 10-1-85, Formerly 21F-24.05, 21F-24.005, Amended 12-27-95, 5-8-07.*

**61G5-24.006 Cosmetologist Reexamination Fee.**

When the examination for licensure as a cosmetologist is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the reexamination fee shall be fifty dollars (\$50.00), and shall be payable to the Department. When the examination for licensure as a cosmetologist is conducted by a professional testing service pursuant to Section 455.2171, F.S., the reexamination fee shall be twenty-three dollars (\$23.00) which shall be payable to the

Department; and, thirteen dollars and fifty cents (\$13.50) per part of the licensure examination to be retaken by the applicant, which shall be payable to the professional testing service.

*Specific Authority 477.016, 477.026 FS. Law Implemented 455.217(1), 477.026(1)(b) FS. History—New 11-2-80, Amended 6-20-83, 10-1-85, Formerly 21F-24.06, Amended 9-6-87, 1-10-90, Formerly 21F-24.006, Amended 4-13-99, 9-5-04.*

#### **61G5-24.007 Duplicate License Fee.**

The fee for a duplicate license of any kind shall be twenty-five dollars (\$25.00).

*Specific Authority 455.219(1), 477.016 FS. Law Implemented 455.219(6) FS. History—New 11-2-80, Formerly 21F-24.07, Amended 12-17-90, Formerly 21F-24.007, Amended 1-4-98.*

#### **61G5-24.008 Biennial Renewal Fee for Cosmetologists and Specialists.**

The fee for biennial renewal of a cosmetologist's license shall be twenty-five dollars (\$50.00). The fee for biennial renewal of a specialist's registration shall be fifty dollars (\$50.00).

*Specific Authority 477.016, 477.026 FS. Law Implemented 477.026(1)(a),(e) FS. History—New 11-2-80, Amended 6-3-82, 10-1-85, Formerly 21F-24.08, Amended 10-18-87, 1-10-90, Formerly 21F-24.008, Amended 8-26-96, 5-8-07, 5-13-10.*

#### **61G5-24.009 Biennial Renewal Fee and Delinquent Fee for Salon License.**

(1) The fee for a biennial renewal of a salon license shall be fifty dollars (\$50.00).

(2) A salon license which is renewed within twenty-four months of the expiration of the license shall be renewed upon payment of a delinquent fee of fifty dollars (\$50.00) (in addition to the biennial renewal fee).

*Specific Authority 477.016, 477.025, 477.026 FS. Law Implemented 477.025, 477.026(1)(d) FS. History—New 11-2-80, Amended 5-3-82, 10-1-85, Formerly 21F-24.09, 21F-24.009, Amended 10-1-97.*

#### **61G5-24.010 Delinquent License and Specialty Registration Fee.**

A licensee who is delinquent in applying for renewal shall pay a delinquent fee of twenty-five dollars (\$50.00). A registrant who is delinquent in applying for renewal shall pay a delinquent fee of fifty dollars (\$50.00). Such fee shall be in addition to the renewal.

*Specific Authority 477.016 FS. Law Implemented 455.271(7), 477.026(1) FS. History—New 9-12-94, Amended 12-27-95, 8-26-96, 11-11-96, 5-8-07, 5-13-10.*

#### **61G5-24.011 Processing Fee; Change of Status.**

A licensee or registrant who is applying for a change in licensure or registration at any time other than during the licensure or registration renewal period, shall pay a processing fee of five dollars (\$5.00).

*Specific Authority 477.016 FS. Law Implemented 455.271(8) FS. History—New 9-12-94.*

#### **61G5-24.016 Reactivation Fee for Cosmetologists and Specialists.**

The fee for reactivation of an inactive license or specialty registration shall be fifty dollars (\$50.00). Such fee shall be in addition to the biennial renewal fee prescribed in Rule 61G5-24.008, F.A.C.

*Specific Authority 477.0212(2) FS. Law Implemented 477.0212(2) FS. History—New 3-29-84, Formerly 21F-24.16, Amended 10-18-87, 1-10-90, Formerly 21F-24.016.*

#### **61G5-24.017 Inactive Status License and Specialty Registration Fees.**

(1) The fee for renewal of an inactive license shall be fifty dollars (\$50.00).

(2) The fee for renewal of an inactive registration shall be fifty dollars (\$50.00).

*Specific Authority 477.016, 477.0212(2) FS. Law Implemented 477.0212(2), 477.026, 455.271(3) FS. History—New 3-29-84, Formerly 21F-24.17, Amended 10-18-87, Formerly 21F-24.017, Amended 9-12-94, 8-27-98, 5-8-07.*

#### **61G5-24.018 Examination Review Fee.**

The fee for review of an examination shall be thirty dollars (\$30.00).

*Specific Authority 455.217(2) FS. Law Implemented 455.217 FS. History—New 1-10-90, Formerly 21F-24.018.*

#### **61G5-24.019 Hair Braiding and Hair Wrapping Fees.**

(1) The initial fee for registration as a hair braider, hair wrapper, or body wrapper shall be twenty-five dollars (\$25.00).

(2) The fee for biennial renewal of a hair braiding, hair wrapping, or body wrapping registration in an active or inactive status shall be twenty-five dollars (\$25.00).

(3) The delinquency fee to be paid by a delinquent status hair braider registrant, hair wrapper registrant, or body wrapper registrant when applying for either active or inactive status shall be twenty-five dollars (\$25.00). The delinquency fee shall be paid in addition to the normal renewal fee for the status for which the registrant has applied.

(4) The fee for the reactivation of an inactive hair braider, hair wrapper, or body wrapper registration to active status shall be fifty dollars (\$50.00). The reactivation fee shall be paid in addition to any difference between the normal inactive renewal fee and the active renewal fee.

(5) The fee for a change in the status of a hair braider, hair wrapper, or body wrapper registration if requested at a time other than the normal renewal period shall be five dollars (\$5.00).

*Specific Authority 455.2281, 455.271(3),(4),(7),(8), 477.016, 477.026(1)(f) FS., Ch. 99-251, Laws of Florida. Law Implemented 455.2281, 455.271(3),(4),(7),(8), 477.026(1)(f) FS., Ch. 99-251, Laws of Florida. History—New 2-1-95, Amended 11-9-98, 12-20-99.*

### **61G5-24.020 Special Assessment Fee.**

(1) As a condition of license or registration renewal for the biennium beginning on November 1, 2006, December 1, 2006, or November 1, 2007, all active and inactive licensee and registration holders, including all licensed cosmetologists, cosmetology and specialty salon license holders, registered specialists, registered hair braiders, registered hairwrappers, and registered body wrappers, shall pay a one-time special assessment fee of \$30.00 in order to eliminate the current cash deficit in the operating funds of the Board. Payment of this fee shall be due and payable at the time the license or registration is renewed.

(2) Failure to comply with this rule and pay the required fee shall constitute grounds for disciplinary action pursuant to Sections 477.029(1)(i), and 455.227(1)(b) and (c), F.S.

*Specific Authority 455.219(2), 477.016, 477.019(5), 477.0201(4) FS Law Implemented 455.219(2) FS. History-New 9-16-99, Amended 7-16-06.*

## **CHAPTER 61G5-25 LICENSURE STATUS AND NOTICE OF ADDRESS CHANGE**

<b>61G5-25.001</b>	<b>Active Status.</b>
<b>61G5-25.002</b>	<b>Inactive Status; Reactivation.</b>
<b>61G5-25.003</b>	<b>Delinquent Status.</b>
<b>61G5-25.005</b>	<b>Notice to the Department of Mailing Address and Place of Practice of Licensee.</b>

### **61G5-25.001 Active Status.**

(1) The department shall renew an active cosmetology license or specialty registration upon timely receipt of the completed application for status, the biennial renewal fee, and certification that the licensee or registrant has demonstrated participation in the continuing education required by Rule 61G5-32.001, F.A.C.

(2) The term "completed application" for purposes of active status or inactive status shall mean either a completed renewal notice or a written request from the licensee or registrant accompanied by a statement affirming compliance with the applicable requirements for renewal.

*Specific Authority 477.016 FS. Law Implemented 455.271, 477.0212 FS. History-New 2-1-95, Amended 7-2-00.*

### **61G5-25.002 Inactive Status; Reactivation.**

(1) Any licensee or registrant may elect at the time of license renewal to place the license or registration into inactive status by filing with the Board a completed application for inactive status as defined by Rule 61G5-25.001(2), F.A.C., and by paying the inactive status fee.

(2) An inactive status licensee or registrant may change to active status at any time provided the licensee or registrant meets the continuing education requirements of Rule 61G5-32.001, F.A.C., pays the reactivation fee, and if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee. However, a licensee or registrant whose license or registration has been in inactive status for more than two consecutive biennial licensure cycles shall be required to submit a statement affirming that the licensee or registrant has read within the last thirty (30) days and is familiar with the laws and rules for the practice of cosmetology in the State of Florida before the license or registration can be placed into active status.

(3) Any inactive licensee or registrant who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.

(4) A cosmetologist or specialist may not work with an inactive or delinquent license or registration.

*Specific Authority 477.016, 477.012 FS. Law Implemented 477.0212, 455.271 FS. History-New 2-1-95, Amended 4-5-95, 7-2-00.*

### **61G5-25.003 Delinquent Status.**

(1) The failure of any license or registration holder to elect active or inactive status before the license or registration expires shall cause the license or registration to become delinquent.

(2) The delinquent status licensee or registrant must affirmatively apply for active or inactive status during the licensure cycle in which the licensee or registrant becomes delinquent. The failure by the delinquent status licensee or registrant to cause the license or registration to become active or inactive before the expiration of the licensure cycle in which the license or registration became delinquent shall render the license or registration null and void without further action by either the Board or the Department.

(3) The delinquent status licensee or registrant who applies for active or inactive license or registration status shall:

(a) file with the Board a completed application for either active or inactive status as defined in subsection 61G5-25.001(2), F.A.C.;

(b) pay to the Board either the active status or inactive status fee, the delinquency fee, and, if the request to change licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional processing fee; and

(c) if active status is elected, demonstrate compliance with the continuing education requirements found in Rule 61G5-32.001, F.A.C.

*Specific Authority 477.016 FS. Law Implemented 455.271, 477.0212 FS. History—New 2-1-95, Amended 4-5-95, 7-2-00.*

**61G5-25.005 Notice to the Department of Mailing Address and Place of Practice of Licensee.**

(1) It shall be the duty of each licensee or registrant to provide written notification to the Department of the licensee's or registrant's current mailing address and place of practice. For purposes of this rule, "place of practice" means the address of the physical location where the licensee or registrant practices cosmetology or a specialty.

(2) Any time that the current mailing address or place of practice of any licensee or registrant changes, written notification of the change shall be provided to the Department within ninety (90) days of the change. Written notice shall be sent to the following address: Florida Board of Cosmetology, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

(3) It shall be a violation of this rule for a licensee or registrant to fail to advise the Department within ninety (90) days of a change of mailing address. It shall not be a violation of this rule to fail to advise the Department of a change of one's place of practice within ninety (90) days.

*Specific Authority 477.016, 455.275 FS. Law Implemented 455.275 FS. History—New 2-1-95.*

**CHAPTER 61G5-29  
SPECIALTY LICENSING**

<b>61G5-29.001</b>	<b>Definitions.</b>
<b>61G5-29.002</b>	<b>Specialty Registration.</b>
<b>61G5-29.003</b>	<b>Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Training for Initial Registration.</b>
<b>61G5-29.004</b>	<b>Supervised Specialty Practice Exception.</b>
<b>61G5-29.011</b>	<b>Endorsement of Specialty Registration.</b>
<b>61G5-29.012</b>	<b>Who May Apply.</b>
<b>61G5-29.013</b>	<b>Registration Renewal Procedures.</b>

**61G5-29.001 Definitions.**

(1) "Specialty Registration" means a registration to practice one or more of the following specialties: manicuring/pedicuring/nail extension, facials (skin care and hair removal).

(2) "Certificate of Completion" means a certificate from one of the following:

(a) A school licensed pursuant to Chapter 1005, F.S., or the equivalent licensing authority of another state.

(b) A specialty program within the public school system.

(c) A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.

(3) "Facials" means the massaging or treating of the face, skin or scalp with or without the use of mechanical devices using oils, creams, lotions or other cosmetic products which are used to cleanse and condition the skin, to prevent or correct problems or conditions of the face and neck, and to color and beautify the face and neck or enhance their features; and, skin care services for the body. Facials shall be performed only by individuals licensed pursuant to Sections 477.019 and 477.0201, F.S., and performed in schools licensed pursuant to Chapter 1005, F.S., or salons licensed pursuant to Section 477.025, F.S.

(4) "Cosmetic Demonstration" means the application or removal of cosmetic products for the purposes of demonstration of the cosmetic products as part of a sales or promotion program rendered without compensation for the service from the individual or individuals who are the recipients or audience of the demonstration.

(5) "Cosmetic products" means any external preparation which is intended to cleanse, tone, color or beautify the face or neck, including but not limited to skin cleansers, astringents, skin fresheners, lipstick, eyeliner, eye shadow, foundation, rouge or cheek color, mascara, face powder or corrective stick.

(6) "Simple Adhesive" as used in Section 477.013(6)(a), F.S., means a substance by which artificial nails (such as "press on nails") can be attached to and then easily detached from a patron with slight pressure only, without the application of any nail primer or solvents of any kind, and without removing the natural oils from or roughing of such patron's nails.

*Specific Authority 477.016 FS. Law Implemented 477.013, 477.0135, 477.0201 FS. History—New 11-7-85, Amended 1-5-86, 6-18-86, 10-26-87, 1-10-90, 8-20-90, 5-11-92, Formerly 21F-29.001, Amended 9-15-98, 4-2-00.*

**61G5-29.002 Specialty Registration.**

(1) An applicant who has received a certificate of completion in manicuring/pedicuring/nail extension shall be registered as a specialist in that field.

(2) An applicant who has received a certificate of completion in facials (skin care and hair removal) shall be registered as a specialist in that field.

*Specific Authority 477.016 FS. Law Implemented 477.0201 FS. History—New 11-7-85, Amended 3-29-87, 10-26-87, Formerly 21F-29.002.*

**61G5-29.003 Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Training for Initial Registration.**

(1) Each applicant for initial registration as a specialist under Chapter 477, F.S., shall complete a board-approved educational course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), and shall submit proof thereof in the form of a certificate of completion from the provider of such course with the application. A copy of the certificate will satisfy this requirement. Completion of such course shall be a condition of registration. Except as provided in subsection (2) below, no person shall be granted an initial registration unless he or she complies with this rule.

(2) If an applicant for initial registration as a specialist under Chapter 477, F.S., has not completed a board-approved educational course on HIV/AIDS at the time of application, but has completed all other requirements for registration, he or she may request an additional 6 month period in which to complete this requirement. Such request shall be submitted at the time of filing the application for registration; and, will be made by filing a written affidavit showing good cause to grant the request. Upon the filing of such affidavit, the applicant shall be granted one, 6 month period in which to complete a board-approved educational course on HIV/AIDS. The applicant shall be required to submit proof of the completion of this course in the form of a certificate of completion from the provider of such course to the department within the 6 month period. A copy of the certificate will satisfy this requirement. Failure to submit such proof during the 6 month period shall cause any previously issued registration to become null and void without further action by the Board.

(3) All educational courses on HIV/AIDS which are taken to fulfill the requirements for initial registration as a specialist under Chapter 477, F.S., must be approved by the Board prior to their completion, and must comply with all requirements regarding HIV/AIDS courses as set forth in Rule 61G5-18.011, F.A.C.

(4) The completion of an education course on HIV/AIDS which is taken as part of the completion of the required curriculum for the specialty registration for which the applicant has applied may be used to satisfy the requirement as set forth in this rule provide that the course has been approved by the Board prior to its completion and the course complies with all requirements regarding HIV/AIDS courses as set forth in Rule 61G5-18.011, F.A.C.

*Specific Authority 455.2228(5), 477.016 FS. Law Implemented 455.2228 FS. History—New 11-25-98.*

**61G5-29.004 Supervised Specialty Practice Exception.**

(1) Following the submission of a complete application for registration as a specialist which included proof of the successful completion of all educational requirements for the specialty applied for and the payment of all applicable application and registration fees, and pending the issuance by the Department of a registration as a specialist under Chapter 477, F.S., an applicant for registration as a specialist shall be eligible to perform specialty services in the specialty for which the applicant has applied for registration subject to the following conditions:

(a) All specialty services to be performed by the applicant under this exception shall be performed under the supervision of a registered specialist. "Under the supervision of a registered specialist" shall mean that an individual who then holds a current, active Florida registration as a specialist in the same specialty for which the applicant has applied, or an individual who then holds a current, active Florida license as a cosmetologist shall be physically present at all times when the applicant is performing specialty services. (b) All specialty services performed by the applicant under this exception shall be performed in a licensed cosmetology or specialty salon. All times during which the applicant is performing specialty services in the salon, the license for the cosmetology or specialty salon shall be in a current and active status.

(2) Prior to beginning the performance of specialty services under this exception, all applicants shall provide to the cosmetology or specialty salon license holder or his or her representative a copy of the completed application for registration as a specialist submitted to the Department by the applicant.

(3) Upon being notified by the Department that his or her application is incomplete, or that he or she has been determined to be not qualified for registration as a specialist, an applicant shall immediately inform the cosmetology or specialty salon license holder or his or her representative of the notification; and shall immediately cease performing specialty services under this exception until the applicant shall have corrected any deficiencies in their earlier application as noted by the Department, or shall have submitted a new application which demonstrates that the applicant is qualified for registration as a specialist, and shall have paid all applicable application and registration fees.

*Specific Authority 477.016, 477.0201(6) FS. Law Implemented 477.0201(6) FS. History—New 11-25-98.*

**61G5-29.011 Endorsement of Specialty Registration.**

The Department of Business and Professional Regulation shall issue a registration to a person who:

(1) Makes application and pays to the Department the fee specified in Rule 61G5-24.002, F.A.C.;

(2) Is currently registered or licensed to practice and is currently practicing one of the specialties as defined in Section 477.013(6) and (7), F.S., under the law of another state;

(3) Demonstrates that the other state's qualifications and requirements are comparable to or more stringent than those required by Florida Law (Chapter 477, F.S.) and Rule 61G5-22.015, F.A.C.

*Specific Authority 477.016 FS. Law Implemented 477.0201 FS. History--New 11-7-85, Amended 10-26-87, Formerly 21F-29.011.*

**61G5-29.012 Who May Apply.**

Any person is qualified for registration as a specialist in any one or more of the specialty practices within the practice of cosmetology under Chapter 477, F.S., who:

- (1) Is at least 16 years of age or has received a high school diploma or GED equivalent, and
- (2) Has received a certificate of completion in a specialty pursuant to Section 477.013(7), F.S., from one of the following:
  - (a) A school licensed pursuant to Chapter 1005, F.S., or the equivalent licensing authority of another state.
  - (b) A specialty program within the public school system.
  - (c) Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the Board.
- (3) A person desiring to be registered as a specialist shall apply to the Department in writing upon forms prepared and furnished by the Department.
- (4) Upon paying the application fee and initial registration fee, the Department shall register the applicant to practice each of the specialties for which he or she is qualified.

*Specific Authority 477.016 FS. Law Implemented 477.0201 FS. History--New 10-26-87, Amended 1-10-90, Formerly 21F-29.012.*

**61G5-29.013 Registration Renewal Procedures.**

- (1) All specialty registrations shall be valid for a period of two years or until the end of the biennial licensure renewal cycle in which they are first issued, whichever occurs first. The biennial licensure renewal cycle for all specialty registrations shall coincide with the biennial licensure renewal cycle used for the renewal of cosmetology licenses.
- (2) At the time of registration renewal, all specialty registrants shall pay all applicable renewal fees and charges as provided in Chapter 61G5-24, F.A.C. Prior to the expiration of their specialty registration, all specialty registrants shall complete all continuing education requirements as set forth in Rule 61G5-32.001, F.A.C., including a Board approved HIV/AIDS training course as provided in Section 455.2228, F.S. All HIV/AIDS training courses shall comply with the requirements as set forth in Rule 61G5-18.011, F.A.C.
- (3) Spouses of members of the Armed Forces of the United States are exempted from all registration renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces.

*Specific Authority 455.02(2), 455.2228(5), 477.016, 477.0201(4), 477.019(7) FS. Law Implemented 455.02, 455.2228, 477.0201(4), 477.019(7) FS. History--New 11-25-98.*

**CHAPTER 61G5-30  
DISCIPLINARY GUIDELINES**

- 61G5-30.001**            **Disciplinary Guidelines.**
- 61G5-30.004**            **Citations.**
- 61G5-30.005**            **Mediation.**
- 61G5-30.006**            **Notice of Non Compliance.**
- 61G5-30.001**            **Disciplinary Guidelines.**

(1) The Board shall act in accordance with the following guidelines when it finds the enumerated violations in disciplinary cases. The Board shall impose a penalty within the range of each applicable disciplinary violation set forth below unless the Board finds an aggravating or mitigating circumstance, in which case the board may deviate from the guideline penalty.

(2) VIOLATION	PENALTY RANGE:
(a) Unlicensed cosmetology or specialty practice. (477.0265(1)(a) or 477.029(1)(a), F.S.)	For an individual who was never licensed, a fine of \$500. For a licensee or registrant who fails to properly renew, a fine of \$50 for every month or partial month during which the individual was unlicensed or unregistered, up to a maximum of \$500.
(b) Unlicensed Salon and Delinquent Salon License. (477.0265(1)(b)1 or 477.029(1)(b), F.S.)	For a salon which has never been licensed, or for which the salon license has expired, a fine of \$500. For a salon license which has become delinquent, a fine of \$50 for every month or partial month of delinquency during which the salon has operated, up to a total of \$500.

(c) Permitting a person without a license or registration, unless exempt, to perform cosmetology services or any specialty in a salon. (477.0265(1)(b)2., F.S.)	For a violation involving a person who was never licensed or registered in Florida, a fine of \$250 to \$500. For a violation involving a person who failed to properly renew or whose exemption has terminated, a fine of \$50 for every month or partial month during which the violation took place, up to \$500.
(d) Permitting an employee to practice cosmetology or a specialty without being duly licensed, registered, or otherwise authorized. (477.0265(1)(d) or 477.029(1)(c), F.S.)	For employing a person who was never licensed or registered in Florida, or who is not exempt, a fine of \$250 to \$500. For employing a person who failed to properly renew or whose exemption has terminated, a fine of \$50 for every month or partial month during which the person was employed, up to \$500.
(e) Engage in willful or repeated violations of Chapter 477, F.S., or any rule adopted by the board. (477.0265(1)(c), F.S.)	For a first offense, a fine of \$500. For a subsequent offense, a fine of \$500 and suspension or revocation of any license or registration issued pursuant to Chapter 477, F.S.
(f) Obtain or attempt to obtain a license or registration for money, other than the required fee, or any other thing of value or by fraudulent misrepresentations. (477.0265(1)(e), F.S.)	A fine of \$500 and denial or revocation of the license or registration.
(g) Using or attempting to use a suspended or revoked cosmetology license or specialty registration to practice cosmetology or a specialty. (477.0265(1)(f) or 477.029(1)(g), F.S.)	A fine of \$500 and suspension for one year of any license or registration issued pursuant to Chapter 477, F.S.
(h) Advertising or implying that skin care services or body wrapping are related to massage therapy, except as allowed by statute. (477.0265(1)(g), F.S.)	A fine of \$100 to \$200 for the first offense; a fine of \$500 for subsequent offenses.
(i) Use or possess a product containing a liquid nail monomer containing any trace of methyl methacrylate (MMA). (477.0265(1)(h), F.S.)	A fine of \$500 for the first offense; a fine of \$500 and suspension or revocation for a subsequent offense.
(j) License or registration obtained by fraud or false or forged evidence. (477.028(1)(a), 477.028(2)(a) or 477.029(e), F.S.)	A fine of \$500 and revocation of the salon license, cosmetology license, or specialty registration.
(k) Guilty of fraud, deceit, gross negligence, incompetency, or misconduct in practice or instruction of cosmetology or specialty, or in operation of the salon. (477.028(1)(b) or 477.028(2)(b), F.S.)	A fine of \$200 to \$500 and suspension or revocation of the salon license, cosmetology license, or specialty registration.
(l) License or registration holder is guilty of aiding, assisting, procuring, or advising any unlicensed person to practice as a cosmetologist. (477.028(1)(c), F.S.)	A fine of \$250 for the first offense. A fine of \$500 and revocation or suspension of salon license, cosmetology license, or specialty registration for a subsequent offense.
(m) Present license of another as his or her own license. (477.029(1)(d), F.S.)	A fine of \$500 and a reprimand for the first offense. A fine of \$500 and refusal to certify for licensure for a subsequent offense.
(n) Impersonate any other licenseholder of like or different name. (477.029(1)(f), F.S.)	A fine of \$500 and a 6 month suspension of any other license or registration held pursuant to Chapter 477, F.S.
(o) Violate or refuse to comply with:	
1. Any provision of Chapter 455, F.S., or final order of the Board or the department.	A fine of \$500 and suspension, revocation, or refusal to certify to the department for licensure.
2. Any provision of Chapter 477, F.S., or a rule of the Board or the Department except as otherwise provided;	A fine of \$100 to \$200 for the first violation. A fine of \$300 to \$500 for a subsequent violation. A fine of \$500 and suspension or revocation of license or registration for a refusal to comply.
3. Salon requirements subsection 61G5-20.002(2)-(6), F.A.C., relating to sanitation and safety; or	A fine of \$50 per violation for less than three violations. A fine of \$250 for three to four violations. A fine of \$500 for five or more violations. A fine of \$250 for a salon operating without sterilization equipment.

4. Display of documents subsection 61G5-20.004, F.A.C., relating to display of licenses and inspection sheets. (477.029(1)(h)-(i), F.S.)	A fine of \$100 for each violation for the first offense. A fine of \$200 to \$300 for each subsequent offense.
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(3) When the Board finds that any person licensed or registered under Chapter 477, F.S., has committed any of the acts set forth in Section 477.028, F.S., it is recommended that the Board issue a final order imposing a revocation of the license or registration involved in any such violation.

(4) Based upon consideration of the following factors, the Board may impose disciplinary action other than the penalties recommended above:

- (a) The danger to the public;
- (b) The length of time since date of violation;
- (c) The number of complaints filed against the licensee;
- (d) The length of time licensee or registrant has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee's or registrant's livelihood;
- (h) Any efforts for rehabilitation;
- (i) The actual knowledge of the licensee or registrant pertaining to the violation;
- (j) Attempts by licensee or registrant to correct or stop violations or refusal by licensee or registrant to correct or stop violations;
- (k) Related violations against a licensee or registrant in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (l) Actual negligence of the licensee or registrant pertaining to any violations;
- (m) Penalties imposed for related offenses under subsection (1) above;
- (n) Any other mitigating or aggravating circumstances.

(5) Penalties imposed by the Board pursuant to Rule 61G5-30.001, F.A.C., may be imposed in combination or individually but may not exceed the limitations enumerated below:

- (a) Issuance of a reprimand or censure.
- (b) Imposition of an administrative fine not to exceed \$500 for each count or separate offense.
- (c) Placement on probation for a period of time and subject to such reasonable conditions as the Board may specify.
- (d) Revocation or suspension of any license or registration issued pursuant to Chapter 477, F.S.
- (e) Refusal to certify to the Department an applicant for licensure or registration.
- (6) The provisions of subsections (1) through (5) above shall not be construed so as to prohibit civil action or criminal prosecution as provided for in Section 477.0265(2) or Section 477.031, F.S., and the provisions of subsections (1) through (5) above shall not be construed so as to limit the ability of the Board to enter into binding stipulations with accused parties as per Section 120.57(3), F.S.
- (7) In every case the Board imposes a monetary fine, it shall also suspend the Respondent's license(s). However, to enable the Respondent to pay the fine, the suspension shall be stayed for the time period specified in the Board's final order in accordance with Rule 61G5-17.016, F.A.C. If the fine is paid within that time period, the suspension shall not take effect; if the fine is not paid within that time period, then the stay shall expire and the suspension shall take effect. Thereafter, upon payment of the fine, the suspension shall be lifted.

*Specific Authority 455.2273, 477.016, 477.017, 477.029(2) FS. Law Implemented 455.2273, 477.029(2) FS. History—New 10-20-86, Amended 10-18-87, 1-10-90, 1-30-92, 4-15-93, Formerly 21F-30.001, Amended 4-23-02, 5-29-06.*

#### **61G5-30.004 Citations.**

- (1) Definitions. As used in this rule;
  - (a) "Citation" means an instrument which meets the requirements set forth in Section 455.224, F.S., and which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule;
  - (b) "Subject" means the licensee, applicant, person, partnership, corporation, or other entity alleged to have committed a violation designated in this rule.
- (2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.
- (3) Citations shall be issued for the first offense violations only.
- (4) The Board hereby designates the following as citation violations, which shall result in a penalty of fifty dollars (\$50.00):
  - (a) Except as otherwise provided herein, any violation of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002, F.A.C. – however, if it is an initial offense and there are no other violations, then the subject shall be given a Notice of Noncompliance;
  - (b) Practicing cosmetology or a specialty with an inactive or expired license for one month or part of a month;

- (c) Operating a salon with a delinquent license for one month or part of a month;
  - (d) Employing a person to practice cosmetology or a specialty with an inactive or expired license for one month or part of a month.
  - (e) Unless otherwise permitted in Chapter 477, F.S., performing cosmetology services in a salon which does not have a license in violation of Section 477.0263(1), F.S.
- (5) The Board hereby designates the following as citation violations, which shall result in a penalty of one hundred dollars (\$100.00):
- (a) Transferring ownership or changing location of a salon without the approval of the Department pursuant to Rule 61G5-20.006, F.A.C., provided the transfer of ownership or change of location has not exceeded 90 days and the salon owner can provide proof that a completed application has been filed with the Department;
  - (b) Practicing cosmetology or a specialty with an inactive or expired license for more than one month but not more than two months;
  - (c) Operating a salon with a delinquent license for more than one month but not more than two months;
  - (d) Employing a person to practice cosmetology or a specialty with an inactive or expired license for more than one month but not more than two months;
  - (e) Two violations of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002, F.A.C.
- (6) The Board hereby designates the following as citation violations, which shall result in a penalty of one hundred and fifty dollars (\$150.00):
- (a) Practicing cosmetology or a specialty with an inactive or expired license for more than two months but not more than three months;
  - (b) Operating a salon with a delinquent license for more than two months but not more than three months;
  - (c) Employing a person to practice cosmetology or a specialty with an inactive or expired license for more than two months but not more than three months.
- (7) The Board hereby designates the following as citation violations, which shall result in a penalty of two hundred dollars (\$200.00):
- (a) Practicing cosmetology or a specialty with an inactive or expired license for more than three months but not more than four months;
  - (b) Operating a salon with a delinquent license for more than three months but not more than four months;
  - (c) Employing a person to practice cosmetology or a specialty with an inactive or expired license for more than three months but not more than four months;
  - (d) Five or more violations of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002, F.A.C.
- (8) The Board hereby designates the following as citation violations, which shall result in a penalty of two hundred and fifty dollars (\$250.00):
- (a) Operating a salon without a wet sanitizer as required by paragraph 61G5-20.002(2)(d), F.A.C.;
  - (b) Three or more violations of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002, F.A.C.;
  - (c) Practicing cosmetology or a specialty with an inactive or expired license for more than four months but not more than five months;
  - (d) Operating a salon with a delinquent license for more than four months but not more than five months; and
  - (e) Employing a person to practice cosmetology or a specialty with an inactive or expired license for more than four months but not more than five months.
- (9) The Board hereby designates the following as citation violations, which shall result in a penalty of three hundred dollars (\$300.00):
- (a) Practicing cosmetology or a specialty with an inactive or expired license for more than five months but not more than six months;
  - (b) Operating a salon with a delinquent license for more than five months but not more than six months;
  - (c) Employing a person to practice cosmetology or a specialty with an inactive or expired license for more than five months but not more than six months; and
  - (d) Five or more violations of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002, F.A.C.
- (10) The Board hereby designates the following as citation violations, which shall result in a penalty of three hundred and fifty dollars (\$350.00):
- (a) Practicing cosmetology or a specialty with an inactive or expired license for more than six months but not more than seven months;
  - (b) Operating a salon with a delinquent license for more than six months but not more than seven months; and
  - (c) Employing a person to practice cosmetology or a specialty with an inactive or expired license for more than six months but not more than seven months.
- (11) The Board hereby designates the following as citation violations, which shall result in a penalty of four hundred dollars (\$400.00):
- (a) Practicing cosmetology or a specialty with an inactive or expired license for more than seven months but not more than eight months;
  - (b) Operating a salon with a delinquent license for more than seven months but not more than eight months; and

(c) Employing a person to practice cosmetology or a specialty with an inactive or expired license for more than seven months but not more than eight months.

(12) The Board hereby designates the following as citation violations, which shall result in a penalty of four hundred and fifty dollars (\$450.00):

(a) Practicing cosmetology or a specialty with an inactive or expired license for more than eight months but not more than nine months;

(b) Operating a salon with a delinquent license for more than eight months but not more than nine months; and

(c) Employing a person to practice cosmetology or a specialty with an inactive or expired license for more than eight months but not more than nine months.

(13) The Board hereby designates the following as citation violations, which shall result in a penalty of five hundred dollars (\$500.00):

(a) Practicing cosmetology or a specialty without a license;

(b) Operating a salon without a license;

(c) Employing a person to practice cosmetology or a specialty without a license;

(d) Practicing cosmetology or a specialty with an inactive or expired license for more than nine months but not more than twelve months;

(e) Operating a salon with a delinquent license for more than nine months but not more than twelve months; and

(f) Employing a person to practice cosmetology or a specialty with an inactive or expired license for more than nine months but not more than twelve months.

*Specific Authority 455.224, 477.016 FS. Law Implemented 455.224, 477.016 FS. History—New 11-17-91, Amended 4-15-93, Formerly 21F-30.004, Amended 8-8-95, 2-28-96, 10-1-97, 5-10-01, 3-29-04.*

### **61G5-30.005 Mediation.**

(1) “Mediation” means a process whereby a mediator appointed by the department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) The Board finds that mediation is an acceptable method of dispute resolution for the following violations as they are economic in nature or can be remedied by the licensee:

(a) Failure of the licensee to timely pay any assessed administrative fines or costs;

(b) Failure of the licensee to timely respond to a continuing education audit;

(c) Failure to submit change of address for a salon; and

(d) Failure to timely notify the department of the licensee’s or registrant’s change of mailing address or place of practice.

(3) A “mediator” means a person who is certified in mediation by the Florida Bar, the Florida Supreme Court, or the Division of Administrative Hearings.

*Specific Authority 455.2235(5), 477.016 FS. Law Implemented 455.2235 FS. History—New 12-27-94.*

### **61G5-30.006 Notice of Non Compliance.**

(1) In accordance with Section 455.225(3), F.S., when a complaint is received, the agency may provide a licensee with a notice of non compliance for an initial offense of a minor violation. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings. “Minor violations” as used in Section 455.225(3), F.S., are defined as follows:

(a) Violations of Rule 61G5-20.004, F.A.C.

(b) Violations of subsection 61G5-18.011(1), F.A.C., in failing to maintain a copy of his or her certificate of course completion in instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

(c) Violations of paragraph 61G5-20.008(2)(a), F.A.C., in failing to retain copies of an employee’s high school diploma or G.E.D. equivalency certificate and cosmetology school diploma or certificate of completion.

(2) In accordance with Chapter 95-402, Laws of Florida, the agency shall issue a notice of non compliance as first enforcement action against a licensee for a minor violation of a rule. Pursuant to Chapter 95-402, Section (2)(b), Laws of Florida, the Board designates the following rules for which a violation would be a minor violation of a rule for which a notice of non compliance is issued:

(a) Violations of Rule 61G5-20.004, F.A.C.

(b) Violations of subsection 61G5-18.011(1), F.A.C., in failing to maintain a copy of his or her certificate of course completion in instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

(c) Violations of paragraph 61G5-20.008(2)(a), F.A.C., in failing to retain copies of an employees high school diploma or GED equivalency certificate and cosmetology school diploma or certificate of completion.

*Specific Authority 120.695, 455.225(3), 477.016 FS. Law Implemented 120.695, 455.225(3) FS. History—New 1-1-96, Amended 10-1-97.*

**CHAPTER 61G5-31  
HAIR BRAIDING, HAIR WRAPPING AND BODY WRAPPING**

<b>61G5-31.0011</b>	<b>Definitions.</b>
<b>61G5-31.002</b>	<b>Hair Braiding and Hair Wrapping, Registration Requirements, Practice Outside of Licensed Salon.</b>
<b>61G5-31.003</b>	<b>Hair Braiding and Hair Wrapping Registration.</b>
<b>61G5-31.004</b>	<b>Hair Braiding, Hair Wrapping, and Body Wrapping Course Requirements.</b>
<b>61G5-31.005</b>	<b>Hair Braiding and Hair Wrapping Term of Registration, Registration Renewal.</b>
<b>61G5-31.006</b>	<b>Practice of Hair Braiding and Hair Wrapping Pending Approval of Registration.</b>

**61G5-31.0011 Definitions.**

Manufactured materials for use in hair wrapping means multi-strand cotton or polyester blend, twisted, not braided, into a single embroidery or yarn thread.

*Rulemaking Authority 477.016 FS. Law Implemented 477.013(10) FS. History—New 5-13-10.*

**61G5-31.002 Hair Braiding, Hair Wrapping, and Body Wrapping; Registration Requirements, Practice Outside of Licensed Salon.**

(1) Only those individuals who are licensed to engage in the practice of cosmetology in the State of Florida, or who are registered to engage in the practice of hair braiding in the State of Florida shall engage in the practice of hair braiding or perform hair braiding services in the State of Florida.

(2) Only those individuals who are licensed to engage in the practice of cosmetology in the State of Florida, or who are registered to engage in the practice of hair wrapping in the State of Florida shall engage in the practice of hair wrapping or perform hair wrapping services in the State of Florida.

(3) Registration as a hair braider shall not authorize a registrant to practice hair wrapping. Registration as a hair wrapper shall not authorize a registrant to practice hair braiding.

(4) Only those individuals who are licensed to engage in the practice of cosmetology in the State of Florida, or who are registered to engage in the practice of body wrapping in the State of Florida shall engage in the practice of body wrapping or performed body wrapping services in the State of Florida.

(5) Whenever either hair braiding, hair wrapping, or body wrapping services are performed in a location other than a licensed cosmetology or specialty salon, all implements used in connection with the performance of the services shall be of a disposable nature; or shall be sanitized in a disinfectant approved for hospital use or approved by the Environmental Protection Agency. Whenever either hair braiding, hair wrapping, or body wrapping services are performed in a licensed cosmetology or specialty salon, all laws and rules of the Board concerning the operation of the cosmetology or specialty salon, including all sanitary and disinfectant requirements, shall be observed and complied with by individuals performing hair braiding, hair wrapping, or body wrapping services.

*Specific Authority 477.0132, 477.016 FS. Law Implemented 477.0132, 477.029 FS. History—New 2-1-95, Amended 11-25-98, 9-6-00.*

**61G5-31.003 Hair Braiding, Hair Wrapping, and Body Wrapping Registration.**

(1) All persons desiring to become registered to practice hair braiding shall apply for registration to the Department in writing upon forms prepared and furnished by the Department, shall pay the registration fee as set forth in Chapter 61G5-24, F.A.C., and shall provide satisfactory proof of their successful completion of a two-day 16-hour Board approved hair braiding course.

(2) All persons desiring to become registered to practice hair wrapping shall apply for registration to the Department in writing upon forms prepared and furnished by the Department, shall pay the registration fee as set forth in Chapter 61G5-24, F.A.C., and shall provide satisfactory proof of their successful completion of a one-day 6-hour Board approved hair wrapping course.

(3) All persons desiring to become registered to practice body wrapping shall apply for registration to the Department, shall pay the registration fee as set forth in Chapter 61G5-24, F.A.C., and shall provide satisfactory proof of their successful completion of a two-day 12-hour Board approved body wrapping course as set forth in Rule 61G5-31.004, F.A.C.

(4) Satisfactory proof of successful completion of the required hair braiding course, hair wrapping course, or body wrapping course shall consist of the original or a legible copy of the certificate of completion supplied to the applicant by the provider of the course indicating the provider's name, the student name, the dates of the course, and the total number of hours successfully completed.

(5) All persons who have applied for registration as a hair braider, hair wrapper, or body wrapper shall retain a copy of all materials submitted in connection with their application, including the completed application, proof of payment of all applicable fees, and satisfactory proof of their successful completion of a Board approved hair braider, hair

wrapper, or body wrapper course, until they are issued a certificate of registration or notified that their application has been denied.

*Specific Authority 477.0132, 477.016, 477.026(1)(f) FS. Law Implemented 477.0132, 477.026(1)(f), 477.029 FS. History—New 2-1-95, Amended 11-25-98, 9-6-00.*

#### **61G5-31.004 Hair Braiding and Hair Wrapping Course Requirements.**

(1) All hair braiding courses taught for purposes of qualifying an individual for initial registration as a hair braider shall be a two-day, 16-hour course; and, shall be approved by the Board prior to the course being taught for registration qualification purposes. To be considered for approval by the Board, the course shall consist of the following:

(a) 5 hours of instruction regarding HIV/AIDS and other communicable diseases. At the conclusion of this instruction a student shall be able to understand:

1. The causes of HIV/AIDS, hepatitis, tuberculosis, and other communicable diseases and how these diseases are spread;
2. The dangers associated with these diseases; and
3. How to avoid contamination from the diseases in the practice of hair braiding.

(b) 5 hours of instruction regarding sanitation and sterilization. At the conclusion of this instruction a student shall be able to understand:

1. Universal sanitation and sterilization precautions;
2. How to distinguish between disinfectants and antiseptics; and
3. How to sanitize hands and disinfect tools used in the practice of hair braiding.

(c) 4 hours of instruction regarding disorders and diseases of the scalp. At the conclusion of this instruction a student shall be able to understand:

1. Disorders and diseases of the scalp and how to distinguish between them; and
2. When hair braiding services can be performed on a client with disorders or diseases of the scalp.

(d) 2 hours of instruction regarding the laws and rules of the Board which affect and govern the practice of hair braiding. At the conclusion of this instruction a student shall be able to understand:

1. The laws and rules of the Board that protect the health, safety, and welfare of the consumer;
2. The laws and rules of the Board that determine where and when an individual may legally practice hair braiding;
3. The function of the Board of Cosmetology, how its members are appointed, and their duties;
4. The laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules; and
5. The dates, fees, and requirements for renewal of a hair braiding registration.

(2) All hair wrapping courses taught for purposes of qualifying an individual for initial registration as a hair wrapper shall be a one-day, 6-hour course; and, shall be approved by the Board prior to the course being taught for registration qualification purposes. To be considered for approval by the Board, the course shall consist of the following:

(a) Two (2) hours of instruction regarding HIV/AIDS and other communicable diseases. At the conclusion of this instruction, a student shall be able to understand:

1. The causes of HIV/AIDS, hepatitis, tuberculosis, and other communicable diseases and how these diseases are spread;
2. The dangers associated with these diseases; and
3. How to avoid contamination from the diseases in the practice of hair wrapping.

(b) Two (2) hours of instruction regarding sanitation and sterilization. At the conclusion of this instruction, a student shall be able to understand:

1. Universal sanitation and sterilization precautions;
2. How to distinguish between disinfectants and antiseptics; and
3. How to sanitize hands and disinfect tools used in the practice of hair wrapping.

(c) One (1) hour of instruction regarding disorders and diseases of the scalp. At the conclusion of this instruction, a student shall be able to understand:

1. disorders and diseases of the scalp and how to distinguish between them; and
2. when hair wrapping services can be performed on a patron with disorders or diseases of the scalp.

(d) One (1) hour of instruction regarding the laws and rules of the Board which affect and govern the practice of hair wrapping.

At the conclusion of this instruction, a student shall be able to understand:

1. The laws and rules of the Board that protect the health, safety, and welfare of the consumer;
2. The laws and rules of the Board that determine where and when an individual may legally practice hair wrapping;
3. The function of the Board of Cosmetology, how its members are appointed, and their duties;
4. The laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules;
5. The dates, fees, and requirements for renewal of a hair wrapping registration.

(3) All body wrapping courses taught for purposes of qualifying an individual for initial registration as a body wrapper shall be a two-day, 12-hour course; and, shall be approved by the Board prior to the course being taught for registration qualification purposes. To be considered for approval by the Board, the course shall consist of the following:

(a) Three (3) hours of instruction regarding HIV/AIDS and other communicable diseases. At the conclusion of this instruction, a student shall be able to understand:

1. The causes of HIV/AIDS, hepatitis, tuberculosis, and other communicable diseases and how these diseases are spread;
2. The dangers associated with these diseases; and,
3. How to avoid contamination from the diseases in the practice of body wrapping.

(b) Four (4) hours of instruction regarding sanitation and sterilization. At the conclusion of this instruction, a student shall be able to understand:

1. Universal sanitation and sterilization precautions;
2. How to distinguish between disinfectants and antiseptics; and,
3. How to sanitize hands and disinfect tools used in the practice of body wrapping.

(c) Four (4) hour of instruction regarding disorders and diseases of the skin. At the conclusion of this instruction, a student shall be able to understand:

1. Disorders and diseases of the skin and how to distinguish between them; and,
2. When skin wrapping services can be performed on a patron with disorders or diseases of the skin.

(d) One (1) hour of instruction regarding laws and rules of the Board which affecting and govern the practice of body wrapping. At the conclusion of this instruction, a student shall be able to understand:

1. The laws and rules of the Board that protect the health, safety, and welfare of the consumer;
2. The laws and rules of the Board that determine where and when an individual may legally practice body wrapping;
3. The function of the Board of Cosmetology, how its members are appointed, and their duties;
4. The laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules;
5. The dates, fees, and requirements for renewal of a body wrapping registration.

(4) All proposed hair braiding, hair wrapping, or body wrapping courses must be submitted for presentation to the Board no later than 30 days prior to the next regularly scheduled meeting of the Board at which the proposed course is to be considered for approval. No hair braiding, hair wrapping, or body wrapping course may be taught for credit towards the initial hair braiding, hair wrapping, or body wrapping registration requirements until it has been reviewed and approved by the Board.

(5) All providers of hair braiding, hair wrapping, and body wrapping courses shall provide to all individuals who successfully complete the course a certificate of completion which shall indicate the title of the course completed, the provider's name, the student name, the date of the course, and the total number of hours successfully completed.

*Specific Authority 477.0132, 477.016 FS., Chapter 99-251, Laws of Florida. Law Implemented 477.0132 FS., Chapter 99-251, Laws of Florida. History—New 2-1-95, Amended 4-8-96, 11-25-98, 12-20-99.*

#### **61G5-31.005 Hair Braiding, Hair Wrapping, and Body Wrapping Term of Registration, Registration Renewal.**

(1) All hair braiding, hair wrapping, and body wrapping registrations shall be valid for a period of two years or until the end of the biennial licensure renewal cycle in which they are first issued, whichever occurs first. The biennial licensure renewal cycle for all hair braiding, hair wrapping, and body wrapping registrations shall coincide with the biennial licensure renewal cycle used for the renewal of cosmetology licenses and specialty registrations.

(2) At the time of registration renewal, all hair braiding, hair wrapping, and body wrapping registrants shall pay all applicable renewal fees and charges as provided in Chapter 61G5-24, F.A.C. Prior to the expiration of their hair braider, hair wrapper, or body wrapper registration, all hair braiding, hair wrapping, and body wrapping registrants shall complete a Board approved HIV/AIDS training course as provided in Section 455.2228, F.S. All HIV/AIDS training courses shall comply with the requirements as set forth in Rule 61G5-18.011, F.A.C.

*Specific Authority 455.203(1), 455.2228, 477.016 FS. Law Implemented 455.203(1), 455.2228, 477.029 FS. History—New 11-25-98, Amended 9-6-00.*

#### **61G5-31.006 Practice of Hair Braiding, Hair Wrapping, and Body Wrapping Pending Approval of Registration.**

(1) An applicant for registration as a hair braider shall be eligible to practice hair braiding, and an applicant for registration as a hair wrapper shall be eligible to practice hair wrapping, and an applicant for registration as a body wrapper shall be eligible to practice body wrapping, pending the approval of his or her application for registration provided the individual has previously submitted the following to the Department:

- (a) A properly completed registration application;
- (b) Payment of all applicable fees for initial registration as set forth in Chapter 61G5-24, F.A.C.; and
- (c) Proof of successful completion of a Board approved hair braiding, hair wrapping, or body wrapping course as defined in Rule 61G5-31.004, F.A.C.

(2) Upon notification that his or her application is complete, an applicant for registration as a hair braider, hair wrapper or body wrapper is eligible to practice hair braiding, hair wrapping and body wrapping pending the approval of his or her application for registration.

(3) Applicants wishing to perform hair braiding, hair wrapping, or body wrapping services under this exception in a licensed cosmetology or specialty salon shall, prior to beginning the performance of hair braiding, hair wrapping, or body wrapping services in the salon, provide to the cosmetology or specialty salon license holder or his or her representative a copy of the completed application for registration as a hair braider, hair wrapper, or body wrapper submitted to the Department by the applicant.

*Specific Authority 477.0132, 477.016 FS. Law Implemented 477.0132, 477.029 FS. History--New 11-25-98, Amended 9-6-00.*

## **CHAPTER 61G5-32 CONTINUING EDUCATION**

### **61G5-32.001 Continuing Education.**

(1) Prior to the expiration of each biennial licensure period, and as a condition for renewal of their cosmetology license or specialty registration, all licensed cosmetologists and registered specialists shall complete a minimum of sixteen (16) hours of continuing education which shall include, at a minimum, all of the following subjects as they relate to the practice of cosmetology:

(a) A minimum of two (2) hours of instruction regarding HIV/AIDS and other communicable diseases which shall consist of:

1. Education on the modes of transmission, infection control procedures, clinical management, and prevention of HIV and AIDS; and
2. Discussion of attitudes towards HIV and AIDS as well as appropriate behavior in dealing with persons who may have the virus or syndrome.

(b) A minimum of three (3) hours of instruction regarding sanitation and sterilization which shall consist of instruction regarding:

1. Universal sanitation and sterilization precautions;
2. How to distinguish between disinfectants and antiseptics; and
3. How to sanitize hands and disinfect tools used in the practice of cosmetology.

(c) A minimum of one (1) hour of instruction regarding Occupational Safety and Health Administration regulations.

(d) A minimum of one (1) hour of instruction regarding issues of workers' compensation as they pertain to Florida law.

(e) A minimum of two (2) hours of instruction regarding state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; specifically including but not limited to Chapter 477, F.S., and the Rules of the Board. At a minimum this instruction shall include the following:

1. The laws and rules of the Board that protect the health, safety, and welfare of the consumer;
2. The laws and rules of the Board that determine where and when individuals may legally practice cosmetology and specialties;
3. The functions of the Board of Cosmetology, how its members are appointed, and their duties;
4. The laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules;
5. Salon requirements and inspections; and
6. The dates, fees, and requirements for renewal of cosmetology licenses, salon licenses, and specialty registrations.

(f) A minimum of two (2) hours of instruction regarding chemical makeup as it pertains to hair, skin, and nails.

(g) A minimum of one (1) hour of instruction regarding environmental issues.

(h) A minimum of four (4) hours of continuing education to be composed of additional instruction in any of the subjects set forth above or such other subject or subjects as the licensee may choose provided that the subject or subjects chosen relate to the practice of cosmetology and serve to ensure the protection of the public; and, provided that the course in which such subjects are taught has been approved by the Board prior to its being taught for continuing education purposes, and provided the licensee or registrant has not previously taken the course during the current licensure period.

(2) Home study courses, video courses, and courses which are given at cosmetology conferences may be counted

toward the required hours of continuing education provided that, prior to their being taught, they have been approved by the Board as including instruction in subjects as set forth by this rule and as complying with all other requirements as set forth in this rule.

(3) All continuing education home study courses shall include a written post-course examination which must be graded by the course provider. Post-course examinations may be open-book examinations. In order to receive continuing education credit for the course, licensees or registrants must achieve a 75% passing score on all post-course examinations.

(4) All licensees and registrants who successfully complete a continuing education course shall be provided with a certificate of completion by the provider of the continuing education course which shall indicate the provider's name and provider number, the course title and course number, the licensee's or registrant's name and license or registration number, the date the course was completed, and the total number of hours successfully completed in each subject covered by the continuing education course. All licensees and registrants shall retain the certificate of completion for all continuing education courses successfully completed by the licensee or registrant for a period of not less than three (3) years following the first license or registration renewal following the completion of the course.

(5) Licensees holding two or more licenses subject to the HIV/AIDS education course requirement shall present all license numbers to the provider of such course.

(6) PROVIDER APPROVAL AND REQUIREMENTS.

(a) All providers of continuing education courses must be approved by the Board prior to offering continuing education courses. All individuals or organizations seeking to be approved as a continuing education provider shall submit to the Department, or if the Department shall contract with a private entity to administer the continuing education program then to such private entity, no later than 60 days prior to the next scheduled Board meeting at which the application is to be considered for approval. A complete application for continuing education provider status shall consist of the following items and information:

1. A completed application on Form DBPR 3001-32PA, Cosmetology Continuing Education Provider Approval/Renewal Application, which is hereby incorporated by reference, effective 3-25-99, copies of which may be obtained from the Board office, or if the Department shall contract with a private entity to administer the continuing education program then from such private entity;

2. A fee of \$250; and

3. A sample copy of the certificate of completion which the provider shall supply to all licensees or registrants who successfully complete courses given by the provider. The certificate of completion shall indicate on its face areas for the inclusion of the information as required by paragraph (6)(d) of this rule.

(b) Upon approval by the Board of the individual or organization as a continuing education provider, a continuing education provider number will be assigned to the provider; and, shall be included in all future correspondence or submissions by the provider to the Board, the Department, or any private entity contracted with by the Department to administer the continuing education program.

(c) Once the Department shall contract with a private entity to administer the continuing education program, then for each continuing education course taught, all continuing education providers shall submit to such private entity, a list of all attendees successfully completing the continuing education course within 21 days of the completion of the course. The list shall include the provider's name and provider number, the course title and course number, the licensee's or registrant's name and license or registration number, the date the course was completed, and the total number of hours successfully completed in each subject covered during the continuing education course. For home study courses offered by a continuing education provider, the provider shall supply the name and license or registration number for each individual successfully completing the course within 21 days following the determination by the provider that the individual has successfully completed the home study course together with the provider's name and provider number, the home study course title and course number, and the date the course was completed. All lists and information shall be provided to the private entity in such form as determined by private entity.

(d) All continuing education providers shall provide a certificate of completion to all licensees and registrants who successfully complete a continuing education course which shall indicate on the certificate's face the provider's name and provider number, the course title and course number, the licensee's or registrant's name and license or registration number, the date the course was completed, and the total number of hours successfully completed in each subject covered by the continuing education course.

(e) Continuing education providers shall electronically provide to the Department the list of attendees at each of its

offered courses within 30 business days of the completion of the course. However, the continuing education provider shall electronically report to the Department completion of a licensee's course within 10 business days beginning on the 30th day before the renewal deadline or prior to the renewal date, whichever occurs sooner. For home study courses, the provider shall electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual. This list shall include the provider's name and provider number, the name and license or registration number of the attendee, the date the course was completed, and the course number. All documents from the provider shall be submitted electronically to the Department and must be in a form as agreed to by the Department with the provider. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider and the course approval. Each continuing education provider shall maintain records of attendance or completion for all continuing education courses offered or taught by the provider for a period of not less than four years following the offering of each course or the receipt of documentation of completion of a home study course. Upon request, these records shall be made available for inspection by the Department or its agent, or the private entity contracted with by the Department to administer the continuing education program at such reasonable time and location as determined by the Department or its agent, or the private entity. The list of attendees submitted electronically to the Department shall not include the names of applicants taking the course for initial licensure pursuant to Rule 61G5-18.011, F.A.C.

(f) If the Department contracts with a private entity to administer the continuing education program, all continuing education providers shall submit all required forms and information, and shall pay all required fees directly to the private entity.

(g) Approval as a continuing education provider shall be valid through May 31, 2003 for any providers approved prior to March 1, 2003. Thereafter, approval as a continuing education provider shall be valid through May 31 of odd numbered years for all providers. After the expiration of a continuing education provider's approval, the provider shall not offer or teach any continuing education courses for credit toward the required hours of continuing education until the provider has renewed its approval as a continuing education provider.

(h) Any substantive changes regarding the information contained in the provider's application for approval, or previously submitted by the provider to the Department or to a private entity contracted with by the Department to administer the continuing education program, shall be filed with the Department, or if the Department shall contract with a private entity to administer the continuing education program then with such private entity, within 30 days of the change occurring.

(i) At any time, the Board shall recommend to the Department to revoke its approval of a continuing education provider if it finds that such approval is sought or was received by fraud or misrepresentation by the provider, the provider has failed to adhere to the standards and other requirements as set forth in this rule or Rule 61-6.015, F.A.C., or that the provider has engaged in fraudulent behavior relating to the provision of continuing education. Before requesting that the Department revoke a provider's continuing education approval, the Board shall give the provider notice and an opportunity to be heard. If the approval of a provider is revoked, the continuing education provider shall thereafter be barred from presenting any continuing education courses to licensees or registrants for credit unless the provider demonstrates to the Board that the provider has been sufficiently rehabilitated to be trusted to provide such courses to licensees or registrants in the future. Revocation of a continuing education provider's approval shall also operate as a revocation of all previously approved continuing education courses for all future offerings by the provider.

(j) For purposes of Section 455.2178, F.S., Chapter 477, F.S., and the rules adopted by the Board, the term "continuing education provider" shall mean any individual, organization, or other entity who offers or teaches: (1) courses for purposes of fulfilling the requirements of license renewal which has been submitted to and approved by the board for such purposes; or (2) an HIV/AIDS education course for purposes of fulfilling the requirements of initial licensure or license renewal which has been submitted to and approved by the Board for such purposes, or which has been approved for these purposes by rule of the Board. All continuing education providers shall comply with all provisions and requirements of this rule, and Section 455.2178 F.S., for the purpose of monitoring continuing education compliance. Failure to comply with such provisions and requirements by any continuing education provider shall be grounds for the suspension or revocation of the continuing education course approval.

#### (7) COURSE APPROVAL AND REQUIREMENTS.

(a) Except as noted below, all proposed continuing education courses, including those courses which are to be taught at cosmetology conferences, home study, and video courses, must be approved by the Board prior to their

being offered or taught for continuing education credit; and, may only be offered or taught by the continuing education provider submitting the course for approval.

(b) All continuing education courses shall comply with the requirements as set forth in this rule, including but not limited to those regarding the required subjects and topics to be included in the proposed course.

(c) Continuing education providers seeking approval of a continuing education course shall submit a complete application for continuing education course approval to the Department, or if the Department shall contract with a private entity to administer the continuing education program then to such private entity, no later than 60 days prior to the next scheduled Board meeting at which the course is to be considered for approval. A complete application for continuing education course approval shall consist of the following:

1. A completed application on Form DBPR 3001-32CA, Cosmetology Continuing Education Course Approval Application, which is hereby incorporated by reference, effective 3-25-99, copies of which may be obtained from the Board office, or if the Department shall contract with a private entity to administer the continuing education program then from such private entity;

2. If the Department shall contract with a private entity to administer the continuing education program, a fee in the amount of \$100;

3. A course outline which includes the subjects, topics, and subtopics to be presented in the course and a narrative summary of all areas to be covered in each subject, topic and subtopic, and a list of all reference and source materials including the publication date for each;

4. If the proposed continuing education course consist of a home study course, a copy of the written post-course examination which will be used to test licensees and registrants comprehension and understanding of the subjects, topics, and subtopics presented in the course;

5. Evidence of the method to be used by the attendees of the course for evaluation of the learning experience and instructional methods used in the course; and

6. Instructor resumes, if applicable, listing the instructor's educational qualifications or evidence of appropriate skills or knowledge in the subject matter of the course. Instructors must possess sufficient skills and knowledge in the subject areas being taught.

(d) Upon approval by the Board of a continuing education course, a continuing education course number will be assigned to the course; and, shall be included in all future correspondence or submissions by the continuing education provider to the Board, the Department, or any private entity contracted with by the Department to administer the continuing education program.

1. The continuing education course number and continuing education provider number shall be included in all advertisements, promotions, or other announcements concerning an approved course.

2. No course shall be advertised as an approved course until the course has been approved by the Board and received a course number.

3. A course shall not be offered or credit given for hours other than what was approved by the Board.

4. A course shall not be offered other than in the manner the Board initially approved the course material.

(e) All continuing education home study courses shall include a written post-course examination which must be graded by the course provider. Post-course examinations may be open-book examinations. In order to receive continuing education credit for the course, licensees or registrants must achieve a 75% passing score on all post-course examinations,

(f) All continuing education courses shall include a method to be used by the attendees of the course for evaluation of the learning experience and instructional methods used in the course.

(g) Upon the successful completion of a continuing education course all licensees and registrants shall receive a certificate of completion for the course which shall indicate on its face all information as required by paragraph (6)(d) of this rule. One hour of credit will be awarded for each 50 minute classroom hour or for each 50 minutes of home study material.

(h) Approval of a continuing education course shall be valid for a period of two years from the date of approval by the Board. After the expiration of a continuing education course approval, the course may not be offered or taught for credit toward the required hours of continuing education; and, must be again approved by the Board prior to its being offered or taught for continuing education credit. Applications for approval of a continuing education course shall be submitted to the Department, or if the Department shall contract with a private entity to administer the continuing education program then to such private entity; and, shall contain all of the items and information required for initial approval as a continuing education course as set forth in paragraph (7)(c) of this rule.

(i) Any substantive changes regarding the information contained in the provider's application for course approval, or

previously submitted by the provider to the Department or to a private entity contracted with by the Department to administer the continuing education program, shall require that the course be resubmitted for approval in accordance with this rule.

(j) At any time, the Board shall request the Department revoke the provider's approval if it finds that such approval is sought or was received by fraud or misrepresentation by the provider, that the course which is being provided fails to cover the information required by statute or this rule or Rule 61-6.015, F.A.C., or otherwise fails to meet the requirements specified in this rule, that the course significantly varies from the course proposal that was approved by the Board, or that the course provider has engaged in fraudulent behavior related to the provision of the course. Before the Board recommends that the Department revoke a continuing education provider, the Board shall give the course provider notice and an opportunity to be heard. If the Board denies or the Department revokes the approval of a continuing education provider because of the course provider's fraud or misrepresentation, then the continuing education provider shall thereafter be barred from presenting any continuing education courses to licensees or registrants for credit unless the provider demonstrates to the Board that the provider has been sufficiently rehabilitated to be trusted to provide such courses to licensees or registrants in the future.

(k) A course which constitutes a sales presentation or promotion will not be approved for continuing education credit.

(8) EFFECTIVE DATE – This rule shall apply to all licensed cosmetologists and registered specialists under Chapter 477, F.S.; and, shall not apply to any registered hair braiders or registered hair wrappers. Those licensees and registrants who are currently licensed or registered and whose license or registration is scheduled to expire on October 31, 1999, shall not be required to complete the continuing education requirement as set forth in this rule for the renewal of their current license or registration; but, shall be required to complete all continuing education requirements set forth in this rule as a condition of all renewals of their license or registration after November 1, 1999. Those licensees and registrants whose current license or registration is scheduled to expire on October 31, 2000, shall only be required to complete the HIV/AIDS continuing education requirement and six (6) hours of additional continuing education as a condition of renewing their current license or registration. The six (6) hours of additional continuing education shall be composed of such subject or subjects excluding HIV/AIDS as the licensee or registrant may choose provided they comply with all requirements as set forth by this rule. Those licensees and registrants whose license or registration shall expire after October 31, 2000, shall be required to complete and comply with all continuing education requirements as set forth in this rule as a condition for the renewal of their license or certificate.

*Rulemaking Authority 455.2178, 455.2179, 455.219(3), 455.2228, 477.016, 477.019(7) FS. Law Implemented 455.2178, 455.2179, 455.219(3), 455.2228, 477.019(7) FS. History—New 3-25-99, Amended 2-28-00, 7-27-00, 7-29-01, 7-1-02, 12-6-06, 3-10-08, 3-2-10.*

## **CHAPTER 455, PART I, FLORIDA STATUTES DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION GENERAL PROVISIONS**

*The following are selected excerpts from Chapter 455, Part I, Florida Statutes, that directly affect the practice of licensees regulated by the laws and rules in this booklet. These are being provided for your convenience; however, the exclusion of the remaining sections of Chapter 455, Part I, cannot be construed to mean that they do not affect a license directly or indirectly. Chapter 455, F.S., is the governing law of the Department of Business and Professional Regulation. A complete copy of Chapter 455, F.S., is available on the Internet under [www.leg.state.fl.us](http://www.leg.state.fl.us).*

### **455.02 Licensure of members of the Armed Forces in good standing and their spouses with administrative boards. —**

(1) Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any administrative board of the state and was entitled to practice or engage in his or her profession or vocation in the state shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the Armed Forces of the United States on active duty and for a period of 6 months after discharge from active duty as a member of the Armed Forces of the United States, if he or she is not engaged in his or her licensed profession or vocation in the private sector for profit.

(2) The boards listed in s. 20.165 shall adopt rules that exempt the spouse of a member of the Armed Forces of the United States from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the Armed Forces.

(3)(a) The department may issue a temporary professional license to the spouse of an active duty member of the Armed Forces of the United States if the spouse applies to the department in the format prescribed by the department. An application must include proof that:

1. The applicant is married to a member of the Armed Forces of the United States who is on active duty.

2. The applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.

3. The applicant's spouse is assigned to a duty station in this state and that the applicant is also assigned to a duty station in this state pursuant to the member's official active duty military orders.

4.a. A complete set of the applicant's fingerprints <sup>1</sup>is submitted to the Department of Law Enforcement for a statewide criminal history check.

b. The Department of Law Enforcement shall forward the fingerprints <sup>2</sup>submitted pursuant to sub-subparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

(b) An application must be accompanied by an application fee prescribed by the department that is sufficient to cover the cost of issuance of the temporary license.

(c) A temporary license expires 6 months after the date of issuance and is not renewable.

*History.* — s. 2, ch. 21885, 1943; s. 5, ch. 79-36; s. 95, ch. 83-329; s. 1, ch. 84-15; s. 71, ch. 85-81; s. 6, ch. 93-220; s. 186, ch. 97-103; s. 5, ch. 2010-106; s. 4, ch. 2010-182.

#### **455.2228 Barbers and cosmetologists; instruction on HIV and AIDS.--**

(1) The board, or the department where there is no board, shall require each person licensed or certified under chapter 476 or chapter 477 to complete a continuing educational course approved by the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with an emphasis on appropriate behavior and attitude change.

(2) When filing fees for each biennial renewal, each licensee shall submit confirmation of having completed said course, on a form provided by the board or by the department if there is no board. At the time of the subsequent biennial renewal when coursework is to be completed, if the licensee has not submitted confirmation which has been received and recorded by the board, or department if there is no board, the department shall not renew the license.

(3) The board, or the department where there is no board, shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1).

(4) As of December 31, 1992, the board, or the department where there is no board, shall require, as a condition of granting a license under any of the chapters or parts thereof specified in subsection (1), that an applicant making initial application for licensure complete an educational course acceptable to the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(5) The board, or the department where there is no board, shall have the authority to adopt rules to carry out the provisions of this section.

(6) The board, or the department where there is no board, shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

(7) Any professional holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course, or one department-approved course where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.

*History.* --s. 11, ch. 89-350; ss. 73, 74, ch. 91-297; s. 16, ch. 95-388; s. 18, ch. 97-261.

#### **455.227 Grounds for discipline; penalties; enforcement.--**

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.

(b) Intentionally violating any rule adopted by the board or the department, as appropriate.

(c) Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

- (d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.
  - (e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.
  - (f) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.
  - (g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.
  - (h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.
  - (i) Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.
  - (j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.
  - (k) Failing to perform any statutory or legal obligation placed upon a licensee.
  - (l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.
  - (m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.
  - (n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.
  - (o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.
  - (p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.
  - (q) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.
  - (r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
  - (s) Failing to comply with the educational course requirements for domestic violence.
  - (t) Failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph.
  - (u) Termination from a treatment program for impaired practitioners as described in s. 456.076 for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee or failing to successfully complete a drug or alcohol treatment program.
- (2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:
- (a) Refusal to certify, or to certify with restrictions, an application for a license.
  - (b) Suspension or permanent revocation of a license.
  - (c) Restriction of practice.
  - (d) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.
  - (e) Issuance of a reprimand.
  - (f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.
  - (g) Corrective action.
- (3)(a) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time.
- (b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department

when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(c) The department shall not issue or renew a license to any person against whom or business against which the board has assessed a fine, interest, or costs associated with investigation and prosecution until the person or business has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or business complies with or satisfies all terms and conditions of the final order.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this chapter, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.

(5) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish, by rule, requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

*History.* — s. 5, ch. 79-36; s. 13, ch. 83-329; s. 5, ch. 88-380; s. 8, ch. 91-137; s. 55, ch. 92-33; s. 22, ch. 92-149; s. 23, ch. 93-129; s. 9, ch. 94-119; s. 80, ch. 94-218; s. 5, ch. 95-187; s. 22, ch. 97-261; s. 144, ch. 99-251; s. 32, ch. 2000-160; s. 2, ch. 2009-195; s. 12, ch. 2010-106.

#### **455.2275 Penalty for giving false information.—**

In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the act of knowingly giving false information in the course of applying for or obtaining a license from the department, or any board thereunder, with intent to mislead a public servant in the performance of his or her official duties, or the act of attempting to obtain or obtaining a license from either the department, or any board thereunder, to practice a profession by knowingly misleading statements or knowing misrepresentations constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*History.*—s. 31, ch. 85-175; s. 12, ch. 89-124; s. 9, ch. 91-137; s. 57, ch. 92-33; s. 24, ch. 92-149; s. 23, ch. 93-129; s. 82, ch. 94-218; s. 190, ch. 97-103; s. 24, ch. 97-261.

#### **455.228 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.--**

(1) When the department has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a hearing under ss. 120.569 and 120.57 may be sought. For the purpose of enforcing a cease and desist notice, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such notice. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed \$5,000 per incident pursuant to the provisions of chapter 120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the notice for a penalty pursuant to s. 120.569, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than \$500 and no more than \$5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation.

(3)(a) Notwithstanding the provisions of s. 455.225, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The penalty shall be a fine of not less than \$500 or more than \$5,000 or other conditions as established by rule.

(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the professions in the manner provided for in s. 455.2281 for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

(5) The provisions of this section apply only to the provisions of s. 455.217 and the professional practice acts administered by the department.

*History.— s. 3, ch. 84-271; s. 6, ch. 90-228; s. 58, ch. 92-33; s. 26, ch. 92-149; s. 23, ch. 93-129; s. 11, ch. 94-119; ss. 83, 84, ch. 94-218; s. 213, ch. 96-410; s. 25, ch. 97-261; s. 34, ch. 2000-160; s. 13, ch. 2010-106.*

#### **455.2281 Unlicensed activities; fees; disposition.—**

In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of \$5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation. The board with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. A board or profession regulated by the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

*History.--s. 27, ch. 92-149; s. 12, ch. 94-119; s. 160, ch. 99-251; s. 2, ch. 2001-269; s. 5, ch. 2004-292.*

#### **455.273 Renewal and cancellation notices.--**

(1) At least 90 days before the end of a licensure cycle, the Department of Business and Professional Regulation shall:

(a) Forward a licensure renewal notification to an active or inactive licensee at the licensee's last known address of record with the department.

(b) Forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record with the department.

(2) Each licensure renewal notification and each notice of pending cancellation of licensure must state conspicuously that a licensee who remains on inactive status for more than two consecutive biennial licensure cycles and who wishes to reactivate the license may be required to demonstrate the competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements, as defined by rule of the board or the department when there is no board. *History.--s. 15, ch. 94-119.*

#### **455.275 Address of record.--**

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice, as defined by rule of the board or the department when there is no board. A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department when there is no board.

(2) Notwithstanding any other provision of law, service by regular mail to a licensee's last known address of record with the department constitutes adequate and sufficient notice to the licensee for any official communication to the licensee by the board or the department except when other service is required pursuant to s. 455.225.

(3)(a) Notwithstanding any provision of law, when an administrative complaint is served on a licensee of the department, the department shall provide service by regular mail to the licensee's last known address of record, by certified mail to the last known address of record, and, if possible, by e-mail.

(b) If service, as provided in paragraph (a), does not provide the department with proof of service, the department shall call the last known telephone number of record and cause a short, plain notice to the licensee to be published once each week for 4 consecutive weeks in a newspaper published in the county of the licensee's last known address of record. If a newspaper is not published in the county, the administrative complaint may be published in a newspaper of general circulation in the county. If the licensee's last known address is located in another state or

in a foreign jurisdiction, the administrative complaint may be published in Leon County pursuant to s. 120.60(5).  
*History.— s. 16, ch. 94-119; s. 14, ch. 2010-106.*

## **FLORIDA ADMINISTRATIVE CODE CHAPTER 61 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

*The following are selected excerpts of rules of the Department of Business and Professional Regulation (DBPR) that directly affect the practice of licensees regulated by the laws and rules in this booklet. These are being provided for your convenience; however, the exclusion of the remaining sections of Chapter 61, Florida Administrative Code cannot be construed to mean that they do not affect a license directly or indirectly. Chapter 61, F.A.C., is the governing rules of DBPR. A complete copy of Chapter 61, F.A.C., is available on the Internet under [www.MyFlorida.com](http://www.MyFlorida.com)>Find an Agency>State>Elections>Florida Administrative Code>FAC Online.*

### **61-6.010 Random Audit of License Renewal Requirements.**

(1) No later than six (6) months after the beginning of a licensure period, each board shall initiate a random audit of licensees to determine their compliance with license renewal requirements. This audit shall be conducted by the appropriate office of the Department of Business and Professional Regulation.

(2) Each licensee randomly selected for audit shall be so notified by regular mail, and each selected licensee shall ensure that the Department receives all documentation specified by the Department no later than twenty-one (21) days from the licensee's receipt of notice.

(3) If a letter of notification is returned to the Department because of an incorrect mailing address, the Department shall attempt again to notify the licensee after making a reasonable effort to determine the licensee's correct address. The licensee so notified shall ensure that the Department receives all documentation specified by the Department no later than twenty-one (21) days from the licensee's receipt of notice.

(4) If a letter of notification is returned to the Department unclaimed or refused, the Department shall by certified mail attempt to notify the licensee of the information contained in the original mailing. The licensee so notified shall ensure that the Department receives all documentation specified by the Department no later than twenty-one (21) days from the licensee's receipt of notice.

(5) If a licensee's documentation of compliance with the requirements for license renewal is not sufficient, the Department shall notify the licensee of the deficiencies, and the licensee shall ensure that the Department receives all documentation specified by the Department no later than twenty-one (21) days from the licensee's receipt of notice.

(6) Commencing on the twenty-second (22) day after a licensee selected for audit receives notice, the board may grant the licensee up to thirty (30) additional days in which to obtain appropriate documentation and supply that documentation to the Department if: (1) the licensee's written request was received by the board within twenty-one (21) days of the licensee's receipt of notice of audit or receipt of documentation deficiency, (2) the licensee's written request stated with particularity the reasons an extension should be granted, and (3) the board's written notification as to the length of the extension granted was received by the Department office conducting the audit no more than ten (10) days after the twenty-one (21) day compliance period had lapsed.

(7) The Department may take whatever action is appropriate against any licensee selected for audit who:

(a) Has not kept the Department informed of an accurate mailing address,

(b) Does not cooperate in the audit, or

(c) The audit reveals has not met the requirements for license renewal.

*Specific Authority 455.203(5) FS. Law Implemented 455.203 FS. History—New 2-10-93, Formerly 21-6.020.*

### **61-6.002 Delinquent Status.**

(1) Any license renewal application except for a license described in Rule 61-6.006, Florida Administrative Code, which for any reason is not submitted in a timely and complete manner shall revert to delinquent status.

(2) Each application for renewal shall be considered timely filed if the application has been postmarked by the post officer prior to midnight on the date of expiration of the license or has been delivered by the close of business on the date of expiration of the license. If that date falls on a Saturday, Sunday, or legal holiday, the day of expiration shall be the first working day after the expiration date on the license. In order to be complete, the application must have all appropriate spaces filled, be signed by the licensee and include a money order or a sufficiently funded check in the correct amount. Any renewal which does not comply with the above conditions shall become delinquent.

*Specific Authority 455.203(5) FS. (1979) Law Implemented 455.271, 458.319, 459.008, 461.007, 463.007, 464.013, 465.008, 466.013, 468.1715, 470.015, 471.017, 472.017, 473.311, 474.211, 475.182, 481.215, 481.313, 484.008 FS. (1979) History—New 10-29-80, Formerly 21-6.09, 21-6.009, Amended 4-3-95.*

**61-6.021 Licensee Name Change.**

(1) Licensees shall direct their requests for name changes on the master file of the Department to the board office of their profession or to the Bureau of Licensure, 1940 North Monroe Street, Tallahassee, Florida 32399-2205.

(2) Name change requests shall be in writing and shall be documented. An original, a certified copy, a duplicate copy of an original or a duplicate of a certified copy of an original document which shows the legal name change shall be accepted unless the Department has a question about the authenticity of the document raised on its face, or because the genuineness of the document is uncertain, or because of another matter related to the application.

(3) Documents acceptable by the Department for request of a license name change include a marriage license, a court order (e.g., adoption, divorce decree, name change, or federal identity change), a certificate of status, or a certificate of authorization.

(4) Documents unacceptable for a request of a license name change include all documentation other than those listed above.

*Specific Authority 455.203(5) FS. Law Implemented 455.203 FS. History--New 8-26-93, Amended 4-3-95, 12-24-97.*