

## LEARNING OBJECTIVES

- 1 - List and describe your legal responsibilities according to the Florida Cosmetology Practice Act and Florida Administrative Code.
- 2 - Know your duties and responsibilities under Florida Law

## Introduction

Two primary areas of law pertaining to the practice of cosmetology in the state of Florida are:

**The Florida Cosmetology Practice Act: Chapter 477 of the Florida Statutes**

**Chapter 61G5 of the Florida Administrative Code**

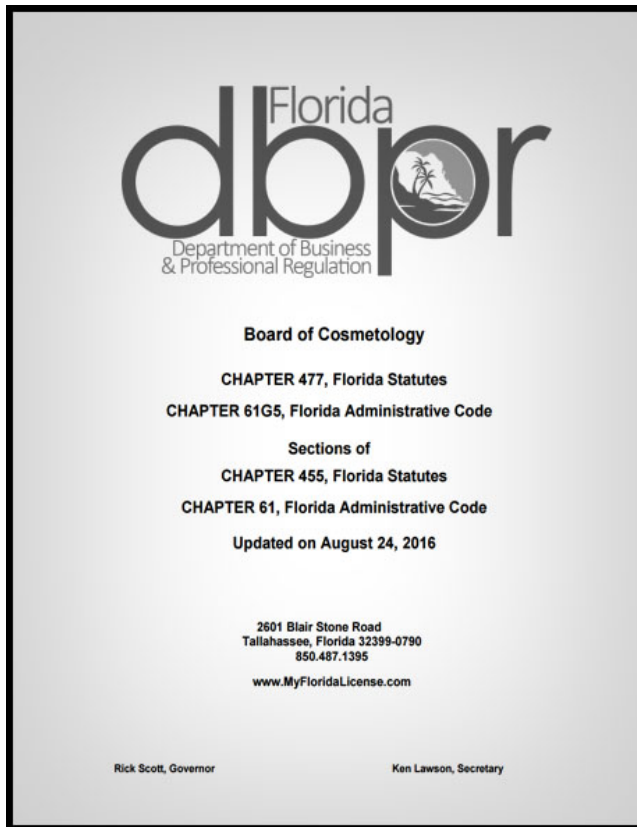
The following page simplify excerpts of these documents, clarifying the regulations that address you as a cosmetologist, and explaining your legal responsibilities and obligations.

Other sections or chapters of the Florida Statutes and Florida Administrative Code that apply to the practice of cosmetology (such as Chapter 456: Health Professions and Occupations; or Chapter 120: Administrative Procedure Act; among others) are not addressed in this chapter.

**Text in full for the laws of Florida may be found at**

[http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/printable\\_cosmetology\\_lawbook.pdf](http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/printable_cosmetology_lawbook.pdf)

Please refer directly to the Laws of Florida to determine the effective date of a creating act or a particular amendment.



## Chapter 477 - Cosmetology Florida Laws & Rules

### 477.0132 Hair braiding, hair wrapping, and body wrapping registration –

- **A.** Persons whose occupations 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. This 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. This 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 law 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. This course shall be board approved and consist of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorder 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.

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, disposal implements must be used or all implements must be sanitized in a disinfectant approved for hospital use or approved by the federal Environment Protection Agency.

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.

## 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.

## 477.015 Board of Cosmetology. -

- 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.
- Five members of the board shall be licensed cosmetologist 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.
- 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 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.
- 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.
- The board shall, in the month on January, elect from its number a chair and a vice chair.
- 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 meeting at his or her discretion. A quorum of the board shall consist of not less than four

members.

- 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 \$2000. 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.
- 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.

## 477.019 Cosmetologists; qualifications; licensure; supervised practice; licensure renewal; endorsement; continuing educations. -

- A person desiring to be licensed as a cosmetologist shall apply to the department for licensure.
- An applicant shall be eligible for licensure by examination to practice cosmetology if the applicant: Is at least 16 years of age or has received a high school diploma;
- 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 to successfully complete the licensure examination; and failure
- 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

- 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 of one of the following:

- ***A school of cosmetology licensed pursuant to chapter 1005.***
- ***A cosmetology program within the public school system***
- ***The Cosmetology Division of the Florida School for the Deaf and the Blind, provided the division meets the standards of this chapter.***
- ***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 on 1,000 actual school hours. If the person then passes the examination he or she shall have satisfied the 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.

- An application for the licensure examination for any licensure under this section may be submitted for examination approval in the last 100 hours of training by a pre-graduate of a licensed cosmetology school or program within the public school system, which school or program is certified by the Department of Education with fees as required in paragraph (2)(b). Upon approval, the application may schedule the examination on a date when the training hours are completed. An applicant shall have 6 months from the date of approval to take the examination. After the 6 months have passed,, if the applicant failed to take the examination , the applicant may re-apply. The board shall establish by rule the procedures for the pre-graduate application process.

Upon an applicant receiving a passing grade, as established by board rule, on examination and pay the initial licensing fee, the department

shall issue a license to the practice cosmetology.

- 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 examination.
  
- Renewal of license registration shall be accomplished pursuant to rules adopted by the board.
  
- The board shall adopt rules specifying procedures for the licensure by endorsement of practitioners desiring to be licensed in the 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.
  
- The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of the 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 cosmetologist, 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.
  
- Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from continuing education requirements of this subsection.

- 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.

## 477.0201 Specialty registration; qualifications; registration renewal; endorsement.

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: Is at least 16 year of age or has received a high school diploma. Has received a certificate of completion in specialty pursuant to s. **477.013(6)** from one of the following:

- A school licensed pursuant to s. **477.023** A school licensed pursuant to chapter 1005 or the equivalent licensing authority of another state.
- A specialty program within the public school system.
- A specialty division within the Cosmetology Division of the Florida School for the Deaf and Blind provided the training programs comply with the minimum curriculum requirements established by the board.
- A person desiring to be registered as a specialist shall apply to the department in writing upon forms prepared and furnished by the department. Upon pay the initial registration fee, the department shall register the applicant to practice one or more of the specialty practices within the practice of cosmetology. Renewal of registration shall be accomplished pursuant the rules adopted by the board. 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 standard substantially similar to, equivalent to, or more stringent than the standards of this state.



- 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.

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

- Cosmetology services shall be performed only by licensed cosmetologist in licensed salons, except as otherwise provided in this section.
- Pursuant to rules established by the board cosmetology services may be performed by a licensed cosmetologist in a location not limited to, a nursing home, hospital, or residence when a client for reasons to fill 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.
- 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.

## 477.0625 Prohibited acts. -

### ***It is unlawful for any person to:***

- 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.

- Own, operate, maintain, open, establish, conduct, or have changed to either alone or with another person or persons, a cosmetology salon or specialty salon:
  - **Which is not licensed under the provisions of this chapter; or**
  - **In which a person not licensed or registered as a cosmetologist or a specialist is permitted to perform cosmetology services or any specialty.**
- Engage in willful or repeated violations of this chapter or of any rule adopted by the board. 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.
- 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.
- 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.
- Advertised 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**.
- In the practice of cosmetology, use or possess a cosmetic product containing a liquid nail monomer containing any trace of methyl methacrylate (MMA). Any person who violated any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. **775.082** or s. **775.083**.

# 61G5 - 17.006 / General Information & Forms

- The board may be contacted through the Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0790, telephone, **(850) 488-5702**. Office hours are 8:00 A.M. to 5:00 P.M., Monday through Friday, except for state holidays.

- The following forms are used by the department and may be obtained by writing to the board office. Examination application for cosmetologists and specialty registration applications Re-examination applications for cosmetologists. Application for endorsement of cosmetologists and specialists. Salon and specialty salon applications.

## 61G5 - 17.017 Board Member Compensation

In addition to receiving \$50 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."

- All joint board or committee meetings required by statute, Board, rule or board action;
- 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 Chapter 120 and 477, F.S.;
- Meeting 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;
- Meeting or conference which the board member attends at the request of the secretary or the secretary's designee;
- Administrative hearing or legal proceedings at which the board member appears as witness or representative of the board at the request of

counsel to the board;

- All activity of board members, if authorized by the board, when grading, proctoring or reviewing examinations given by the department; 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;
- 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;
- 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.

## 61G5 - 18.001 / Who may apply.

- Individuals desiring to be licensed as a cosmetologist shall meet all required qualifications as specified in **Section 477.019, F.S.**
- If an applicant for licensure by examinations 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.

## Summary

You now have a clear understanding of Florida Statutes , **Chapter 477** and its supporting Administrative Code **Chapter 61G5** and why they were created to protect the health, safety and welfare of the Florida consumer. You are equipped with the knowledge of where, when and how the practice of cosmetology and specialties can be performed legally, the requirements and restrictions of the facilities and renewal procedures.

## Works Cited

State of Florida Department of Business and Professional Regulation, Board of Cosmetology, Chapter 477, Florida Statutes, March 17, 2015

Board of Cosmetology. (n.d.). Retrieved April 15, 2016, from <http://www.myfloridalicense.com/dbpr/pro/cosmo/statutes.html>