



## State (Florida) and Federal Laws Pertaining to Cosmetology

Florida Administrative Code (Last Updated: April 2, 2019), 61. Department of Business and Professional Regulation; 61G5. Board of Cosmetology; 61G5-20. Cosmetology Salons; 61G5-20.002. Salon Requirements

The use of cosmetic products or any substance used in the practice of cosmetology in the U.S. is regulated by the U.S. Food and Drug Administration. The State of Florida has its own Board of Cosmetology (Board) with responsibility for further supporting the cosmetology industry by adopting by rule any restriction 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 in the state. The Board's work is carried out by the Florida Department of Business and Professional Regulation (DBPR).

The Administrative code defines **Cosmetology** as:

*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.*

The code further regulates **Specialists** meaning any person holding a specialty registration in one or more of the following specialties:

*(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.*

## **FLORIDA BOARD OF COSMETOLOGY (BOARD)**

### ***Board Functions, appointments, and duties***

The Board is made up of seven members who are appointed by the Governor. Their function is to regulate cosmetologists, nail specialists, facial specialists, full specialists, hair braiders, hair wrappers, body wrappers and cosmetology salons.

Five members must be licensed cosmetologists who have been engaged in the practice of cosmetology in Florida for not less than 5 years. Two members must be laypersons. Each board member shall be a resident of Florida 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 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 full or partial terms.

The board meets during the year as it determines to be necessary but must have one annual meeting. 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.

### **Board laws and rules that protect the health, safety, and welfare of the consumer**

Following are the key safety and sanitary requirements governing salons, detailed in the above statutes:

- ***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 covered waste receptacle. 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.
- ***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. Such facilities must have least one toilet and one sink with running water, and 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 shall be kept clean, in good repair, well-lighted, and adequately ventilated to remove objectionable odors.

- **Animals:** No animals or pets shall be allowed in a salon, with the exception of service animals and fish kept in closed aquariums.
- **Shampoo Bowls:** Each salon shall have shampoo bowls in the area where cosmetology services are being performed, equipped with hot and cold running water. 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.
- **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.

## 1. Where and when individuals may legally practice cosmetology and specialties

Chapter 477 of Florida Statutes sets forth the Florida law items that must be adhered to by all licensed individuals.

- **Shared Space:** 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.
- **Division of Space:** 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.
- **Salons in a Residence:** 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. The Salon must have a separate entrance from the living space. Toilet and lavatory facilities (see subparagraph (c)2, above) shall have an entrance from the salon other than the living quarters.
- **Physical Space:** Full or specialty salons must contain a minimum of 100 square feet of floor space. No more than one (1) cosmetologist or specialist may be employed in a salon which has only the minimum floor space. An additional 50 square feet will be required for each additional specialist or cosmetologist employed.

### 3. Prohibited conduct, and penalties for failure to follow the laws and rules

- **FDA enforcement:** Infection control must be used by every specialist and cosmetologist and sterilization is the complete destruction of all microbial life. The board may adopt any restriction established by a regulation of the FDA if the board finds that a product or substance poses a risk to health, safety, and welfare of clients or persons providing cosmetology services.
- **Fine:** In any case where a salon is found to be operating without sterilization equipment the Board shall impose an administrative fine of \$250.00.

### 4. Salon requirements and inspections

- The DBPR may inspect all proposed salons. In addition, they may inspect each licensed salon at least biennially.
- Each licensed salon must comply with all local building and fire codes, as well as all FDA and Board laws and regulations.
- No person shall, for any reason intentionally, or directly inhibit an authorized representative of the Department from performing said inspections.

### 5. Dates, fees, and requirements for renewal of cosmetology licenses, salon licenses, and specialty registrations.

- Cosmetology/Specialty licenses must be renewed biennially 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. Currently, the fee is 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.
- **SECTION 468.1205. Inactive status; reactivation; continuing education; application procedures; renewal:** The Board creates rules concerning the application procedures for inactive status, the renewal of an inactive license or certificate, and the reactivation of an inactive license or certificate.
- The Board sets and enforces rules include continuing education requirements for reactivating a license or certificate. The continuing education requirements for reactivating a license or certificate may not exceed 25 contact hours for each year the license was inactive, in addition to the continuing education that was required for renewal on the date the license became inactive. All cosmetologists, facial specialists, nail specialists and full specialists must complete 16 hours of board-approved continuing education prior to the license/registration renewal.

All holders of a cosmetology or specialty salon license shall display the following documents:

(a) The current salon license, (b) A legible copy of the most recent inspection sheet for the salon within their salons in a conspicuous place which is clearly visible to the general public upon entering the salon.

The Board will impose a fine of \$500 for a salon which has never been licensed, or for which the salon license has expired.

**FLORIDA LAWS - REGULATION OF PROFESSIONS AND OCCUPATIONS -  
ADDENDMUM (Chapter 477)**

**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.