



Florida Barbers' Board

CHAPTER 476, Florida Statutes

CHAPTER 61G3, Florida Administrative Code

Sections of

CHAPTER 455, Florida Statutes

CHAPTER 61, Florida Administrative Code

Updated on January 24, 2018

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CHAPTER 476 BARBERS' ACT

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476.014 Short title.--This act may be cited as the "Barbers' Act." **History.**--ss. 1, 28, ch. 78-155; ss. 1, 13, 15, 25, 30, 34, 62, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 19, 20, ch. 85-297; s. 4, ch. 91-429.

476.024 Purpose.--The Legislature deems it necessary in the interest of public health, safety, and welfare to regulate the practice of barbering in this state. However, restrictions should be imposed only to the extent necessary to protect the public from recognized dangers and in a manner which will not unreasonably affect the competitive market. **History.**--ss. 2, 28, ch. 78-155; ss. 2, 3, ch. 81-318; ss. 19, 20, ch. 85-297; s. 4, ch. 91-429; s. 15, ch. 2000-332; s. 13, ch. 2001-63.

476.034 Definitions.--As used in this act:

- (1) "Barber" means a person who is licensed to engage in the practice of barbering in this state under the authority of this chapter.
- (2) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.
- (3) "Barbershop" means any place of business wherein the practice of barbering is carried on.
- (4) "Board" means the Barbers' Board.
- (5) "Department" means the Department of Business and Professional Regulation. **History.**--ss. 3, 28, ch. 78-155; ss. 2, 13, 15, 25, 30, 34, 62, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 1, 19, 20, ch. 85-297; s. 31, ch. 89-344; s. 4, ch. 91-429; s. 164, ch. 94-218.

476.044 Exemptions.--This chapter does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

- (1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic medicine, naturopathy, or podiatric medicine;
- (2) Commissioned medical or surgical officers of the United States Armed Forces hospital service;
- (3) Licensed nurses under the laws of this state;
- (4) Persons practicing cosmetology under the laws of this state;
- (5) Persons employed in federal, state, or local institutions, hospitals, or military bases as barbers whose practice is limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases;
- (6) Persons who practice only shampooing as defined in s. 477.013 and whose practice is limited to the acts described therein; or

(7) Persons 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 this chapter 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. History.--ss. 4, 28, ch. 78-155; ss. 2, 3, ch. 81-318; ss. 2, 19, 20, ch. 85-297; s. 9, ch. 87-69; s. 27, ch. 88-392; s. 4, ch. 91-429; s. 53, ch. 97-264; ss. 216, 284, ch. 98-166.

476.054 Barbers' Board.--

(1) There is created within the department the Barbers' Board, consisting of seven members who shall be appointed by the Governor, subject to confirmation by the Senate.

(2) Five members of the board shall be barbers who have practiced the occupation of barbering in this state for at least 5 years. The remaining two members of the board shall be citizens of the state who are not presently licensed barbers. No person shall be appointed to the board who is in any way connected with the manufacture, rental, or wholesale distribution of barber equipment and supplies.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years; and such members shall serve until their successors are appointed and qualified. The Governor may remove any member for cause.

(4) No person shall be appointed to serve more than two consecutive terms. Any vacancy shall be filled by appointment by the Governor for the unexpired portion of the term.

(5) Each board member shall receive per diem and mileage allowances as provided in s. 112.061 from the place of her or his residence to the place of meeting and the return therefrom.

(6) Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, drunkenness, incompetency, or permanent inability to perform her or his official duties. History.--ss. 5, 28, ch. 78-155; ss. 3, 13, 15, 25, 30, 34, 62, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 3, 19, 20, ch. 85-297; s. 4, ch. 91-429; s. 165, ch. 94-218; s. 394, ch. 97-103.

476.064 Organization; headquarters; personnel; meetings.--

(1) The board shall annually elect a chair and a vice chair from its number. The board shall maintain its headquarters in Tallahassee.

(2) The department shall appoint or employ such personnel as may be necessary to assist the board in exercising the powers and performing the duties and obligations set forth in this act. Such personnel need not be licensed barbers and shall not be members of the board. Such personnel shall be authorized to do and perform such duties and work as may be assigned by the board.

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

(4) The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. History.--ss. 6, 28, ch. 78-155; ss. 4, 13, 15, 25, 30, 34, 62, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 4, 19, 20, ch. 85-297; s. 4, ch. 91-429; s. 395, ch. 97-103; s. 148, ch. 98-200.

476.074 Legal, investigative, and inspection services.--

(1) The department shall provide all legal services needed to carry out the provisions of this act.

(2) The department shall provide all investigative services required by the board or the department in carrying out the provisions of this act.

(3) The department shall provide all inspection services. History.--ss. 6, 7, 28, ch. 78-155; ss. 5, 13, 15, 25, 30, 34, 62, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 19, 20, ch. 85-297; s. 4, ch. 91-429.

476.114 Examination; prerequisites.--

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

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

(a) Is at least 16 years of age;

(b) Pays the required application fee; and

(c) 1. Holds an active valid license to practice barbering in another state, has held the license for at least 1 year, and does not qualify for licensure by endorsement as provided for in s. 476.144(5); 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 barbering at one of the following:

a. A school of barbering licensed pursuant to chapter 1005;

b. A barbering program within the public school system; or

c. A government-operated barbering 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 passes the examination, she or he shall have satisfied this requirement; but if the person fails the examination, she or he shall not be qualified to take the examination again until the completion of the full requirements provided by this section.

(3) An applicant who meets the requirements set forth in subparagraphs (2)(c)1. and 2. who fails to pass the examination may take subsequent examinations as many times as necessary to pass, except that the board may specify by rule reasonable timeframes for rescheduling the examination and additional training requirements for applicants who, after the third attempt, fail to pass the examination. Prior to reexamination, the applicant must file the appropriate form and pay the reexamination fee as required by rule. History.--ss. 16, 28, ch. 78-155; ss. 7, 13, 15, 25, 30, 34, 62, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 5, 19, 20, ch. 85-297; s. 1, ch. 87-390; s. 29, ch. 89-344; s. 27, ch. 91-220; s. 4, ch. 91-429; s. 396, ch. 97-103; s. 1, ch. 98-323; s. 1018, ch. 2002-387.

476.124 Application for examination.--Each applicant for an examination shall:

(1) Make application to the department at least 30 days prior to the examination date on forms prepared and furnished by the department;

(2) Furnish to the department two signed photographs of the applicant that are of sufficient size to identify the applicant; and

(3) Pay the required fee to the department. History.--ss. 11, 28, ch. 78-155; ss. 2, 3, ch. 81-318; ss. 19, 20, ch. 85-297; s. 4, ch. 91-429; s. 2, ch. 98-323.

476.134 Examinations.--

(1) Examinations of applicants for licenses as barbers shall be offered not less than four times each year. The examination of applicants for licenses as barbers shall include a written test. The board shall have the authority to adopt rules with respect to the examination of applicants for licensure. The board may provide rules with respect to written examinations in such manner as the board may deem fit.

(2) The board shall adopt rules specifying the areas of competency to be covered by the examination. Such rules shall include the relative weight assigned in grading each area. All areas tested shall be reasonably related to the protection of the public and the applicant's competency to practice barbering in a manner which will not endanger the public.

(3) The written examination shall be identifiable by number only until completion of the grading process. Each applicant shall be informed of her or his grade on the examination as soon as practicable.

(4) An accurate record of each examination shall be made, and that record shall be kept for reference and inspection following the examination. History.--ss. 12, 28, ch. 78-155; ss. 8, 13, 15, 25, 30, 34, 62, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 6, 7, 19, 20, ch. 85-297; s. 4, ch. 91-429; s. 397, ch. 97-103; s. 3, ch. 98-323; s. 19, ch. 2009-195.

476.144 Licensure.--

(1) The department shall license any applicant who the board certifies is qualified to practice barbering in this state.

(2) The board shall certify for licensure any applicant who satisfies the requirements of s. 476.114, and who passes the required examination, achieving a passing grade as established by board rule.

(3) Upon an applicant passing the examination and paying the initial licensing fee, the department shall issue a license.

(4) The department shall keep a record relating to the issuance, refusal, and renewal of licenses. Such record shall contain the name, place of business, and residence of each licensed barber and the date and number of her or his license.

(5) 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 or country and who have met qualifications substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state.

(6) A person may apply for a restricted license to practice barbering. The board shall adopt rules specifying procedures for an applicant to obtain a restricted license if the applicant:

(a)1. Has successfully completed a restricted barber course, as established by rule of the board, at a school of barbering licensed pursuant to chapter 1005, a barbering program within the public school system, or a government-operated barbering program in this state; or

2.a. Holds or has within the previous 5 years held an active valid license to practice barbering in another state or country or has held a Florida barbering license which has been declared null and void for failure to renew the license, and the applicant fulfilled the requirements of s. 476.114(2)(c)2. for initial licensure; and

b. Has not been disciplined relating to the practice of barbering in the previous 5 years; and

(b) Passes a written examination on the laws and rules governing the practice of barbering in Florida, as established by the board. The restricted license shall limit the licensee's practice to those specific areas in which the applicant has demonstrated competence pursuant to rules adopted by the board.

(7) Pending results of the first licensing examination taken and upon submission of an application for licensure that includes proof of successful completion of the educational requirements specified in this chapter and payment of the applicable licensure fees, a person is eligible to practice as a barber, provided such person practices under the supervision of a licensed barber in a licensed barbershop. A person who fails the examination may continue to practice under the supervision of a licensed barber in a licensed barbershop, provided the person applies for the next available examination, and may continue such practice until receipt of the results of that second examination are received by the person. No person may continue to practice as a barber under this subsection upon failure to pass the examination on the second attempt. History.--ss. 13, 28, ch. 78-155; ss. 2, 3, ch. 81-318; ss. 8, 19, 20, ch. 85-297; s. 2, ch. 87-390; s. 4, ch. 91-429; s. 154, ch. 92-149; s. 398, ch. 97-103; s. 4, ch. 98-323; s. 1019, ch. 2002-387; s. 20, ch. 2009-195.

476.154 Biennial renewal of licenses.--

(1) Each licensed barber who continues in active practice or service shall renew her or his license biennially and pay the required fee.

(2) Any license or certificate of registration issued pursuant to this act for a period less than the established biennial issuance period may be issued for that lesser period of time, and the department shall adjust the required fee accordingly. The board shall adopt rules providing for such partial period fee adjustments.

(3)(a) The department shall renew a license upon receipt of the renewal application and fee.

(b) The department shall adopt rules establishing a procedure for the biennial renewal of licenses. History.--ss. 14, 28, ch. 78-155; ss. 9, 13, 15, 25, 30, 34, 62, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 65, 116, ch. 83-329; ss. 9, 19, 20, ch. 85-297; s. 4, ch. 91-429; s. 399, ch. 97-103.

476.155 Inactive status; reactivation of inactive license.--

(1) A barber's license that has become inactive may be reactivated under s. 476.154 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 \$100 for the reactivation of an inactive license and a fee not to exceed \$50 for the renewal of an inactive license. History.--ss. 109, 117, ch. 83-329; ss. 10, 19, 20, ch. 85-297; s. 52, ch. 89-162; s. 30, ch. 89-344; s. 4, ch. 91-429; s. 227, ch. 94-119.

476.178 Schools of barbering; licensure.--No private school of barbering shall be permitted to operate without a license issued by the Commission for Independent Education pursuant to chapter 1005. However, this section shall not be construed to prevent certification by the Department of Education of barber training programs within the public school system or to prevent government operation of any other program of barbering in this state.

History.--ss. 12, 20, ch. 85-297; s. 32, ch. 89-344; s. 4, ch. 91-429; s. 37, ch. 98-421; s. 1020, ch. 2002-387.

476.184 Barbershop licensure; requirements; fee; inspection; license display.--

(1) No barbershop shall be permitted to operate without a license issued by the department.

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

(3) Any person, firm, or corporation desiring to operate a barbershop 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 barbershop.

(5) When an applicant fails to meet all the requirements provided in this section, 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 of this section shall be precluded from reapplying for licensure.

(6) When the department determines that the proposed barbershop meets the requirements set forth in this section, the department shall grant the license upon such conditions as it deems proper and upon payment of the original licensing fee.

(7) No license for operation of a barbershop may be transferred from the name of the original licensee to another. It may be transferred from one location to another only after inspection and approval by the department, which approval shall not be unreasonably withheld, and payment of a \$125 transfer fee.

(8) Renewal of license registration for barbershops 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 operation and periodic inspection of barbershops licensed under this chapter.

(10) Each barbershop shall display, in a conspicuous place, the barbershop license and each individual licensee's certificate. History.--ss. 18, 28, ch. 78-155; ss. 2, 3, ch. 81-318; s. 66, ch. 83-329; ss. 13, 19, 20, ch. 85-297; s. 4, ch. 91-429; s. 155, ch. 92-149.

476.188 Barber services to be performed in registered barbershop; exception.--

(1) Barber services shall be performed only by licensed barbers in registered barbershops, except as otherwise provided in this section.

(2) Pursuant to rules established by the board, barber services may be performed by a licensed barber in a location other than a registered barbershop, 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 registered barbershop. Arrangements for the performance of barber services in a location other than a registered barbershop shall be made only through a registered barbershop.

(3) Any person who holds a valid barber's license in any state or who is authorized to practice barbering in any country, territory, or jurisdiction of the United States may perform barber services in a location other than a registered barbershop when such services are performed in connection with the motion picture, fashion photography, theatrical, or television industry; a manufacturer trade show demonstration; or an educational seminar. History.--ss. 67, 117, ch. 83-329; ss. 19, 20, ch. 85-297; s. 46, ch. 89-374; s. 4, ch. 91-429.

476.192 Fees; disposition.--

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

(a) For barbers, fees for original licensing, license renewal, and delinquent renewal shall not exceed \$100.

(b) For barbers, fees for endorsement application, examination, and reexamination shall not exceed \$150.

(c) For barbershops, fees for license application, original licensing, license renewal, and delinquent renewal shall not exceed \$150.

(d) For duplicate licenses and certificates, fees 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 in the department and shall be applied in accordance with ss. 215.37 and 455.219.

(3) The Legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

History.--ss. 14, 20, ch. 85-297; s. 3, ch. 87-390; s. 53, ch. 89-162; s. 33, ch. 89-344; s. 47, ch. 89-374; s. 4, ch. 91-429.

476.194 Prohibited acts.--

(1) It is unlawful for any person to:

(a) Engage in the practice of barbering without an active license as a barber issued pursuant to the provisions of this act by the department.

(b) Hire or employ any person to engage in the practice of barbering unless such person holds a valid license as a barber.

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

(d) Own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a barbershop:

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

2. In which a person not licensed as a barber is permitted to perform services.

(e) Use or attempt to use a license to practice barbering when said license is suspended or revoked.

(2) Any person who violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. History.—ss. 19, 28, ch. 78-155; ss. 10, 13, 15, 25, 30, 34, 62, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 15, 19, 20, ch. 85-297; s. 109, ch. 91-224; s. 4, ch. 91-429; s. 23, ch. 2012-61.

476.204 Penalties.--

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a barber unless duly licensed as provided in this chapter.

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

(c) Permit an employed person to practice barbering unless duly licensed, 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. 476.194, or s. 476.214.

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

(2) Any person who violates any provision 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.--ss. 20, 28, ch. 78-155; s. 131, ch. 79-164; ss. 2, 3, ch. 81-318; ss. 16, 19, 20, ch. 85-297; s. 34, ch. 89-344; s. 4, ch. 91-429; s. 10, ch. 94-119; s. 400, ch. 97-103; s. 125, ch. 98-166; s. 5, ch. 98-323; s. 185, ch. 2000-160; s. 58, ch. 2009-195.

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.--

(1) The board shall have the power to revoke or suspend any license, registration card, or certificate of registration issued pursuant to this act, or to reprimand, censure, deny subsequent licensure of, or otherwise discipline any holder of a license, registration card, or certificate of registration issued pursuant to this act, for any of the following causes:

- (a) Gross malpractice or gross incompetency in the practice of barbering;
- (b) Practice by a person knowingly having an infectious or contagious disease; or
- (c) Commission of any of the offenses described in s. 476.194.

(2) The board shall keep a record of its disciplinary proceedings against holders of licenses or certificates of registration issued pursuant to this act.

(3) The department shall not issue or renew a license or certificate of registration under this chapter to any person against whom or barbershop against which the board has assessed a fine, interest, or costs associated with investigation and prosecution until the person or barbershop has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or barbershop complies with or satisfies all terms and conditions of the final order. History.--ss. 21, 28, ch. 78-155; ss. 11, 13, 15, 25, 30, 34, 62, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 19, 20, ch. 85-297; s. 4, ch. 91-429; s. 6, ch. 98-323; s. 48, ch. 2015-4.

476.234 Civil proceedings.--In addition to any other remedy, 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 act or the lawful rules or orders of the board, commission, or department. History.--ss. 23, 28, ch. 78-155; ss. 2, 3, ch. 81-318; ss. 19, 20, ch. 85-297; s. 4, ch. 91-429.

476.244 Administrative proceedings.--All hearings and other administrative proceedings shall be conducted pursuant to the provisions of chapter 120. History.--ss. 24, 28, ch. 78-155; ss. 2, 3, ch. 81-318; ss. 19, 20, ch. 85-297; s. 4, ch. 91-429.

476.254 Saving clause.--Each barber's assistant registered by the department and each barber instructor with the Department of Education on September 30, 1985, shall be entitled to hold and renew such registration in accordance with the laws existing prior to October 1, 1985. History.--ss. 25, 28, ch. 78-155; s. 132, ch. 79-164; ss. 2, 3, ch. 81-318; ss. 17, 19, 20, ch. 85-297; s. 4, ch. 91-429.

ORGANIZATION, PURPOSE, MEETINGS, PROBABLE CAUSE DETERMINATION, PROCEDURES

- 61G3-15.008 Probable Cause Determination.**
- 61G3-15.017 Board Member Compensation.**
- 61G3-15.024 Unexcused Absences.**
- 61G3-15.025 Public Comments at Board Meetings.**

61G3-15.008 Probable Cause Determination.

The determination as to whether probable cause exists to believe that a violation of the provisions of Chapters 455 and 476, 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), 455.225(3), 476.094(2) FS. Law Implemented 455.225(3) FS. History--New 7-16-80, Formerly 21C-15.08, 21C-15.008.

61G3-15.017 Board Member Compensation.

Board members shall be eligible to receive compensation of fifty dollars (\$50.00) per day in the following circumstances:

- (1) Official Noticed Meetings of the Board.
- (2) In addition to Official Noticed meetings of the Board, Board members shall be eligible to receive compensation of fifty dollars (\$50.00) per day for other Board business which is defined as:
 - (a) Meetings as routinely scheduled for conducting Board business;
 - (b) Committee meetings, when noticed and held separate from regular Board meetings (i.e., Examination Committee);
 - (c) Board workshops, when noticed and held separate from regular Board meetings.
 - (d) Standing committees of the Board, when acting within specific statutory authority and apart from routine Board business;

- (e) Meetings between a board member or members and the department staff or consultants which the board member attends at the request of the department;
 - (f) Meetings or conferences which the board member attends at the request of the Secretary or the Secretary's designee;
 - (g) Administrative hearings or legal proceedings at which the board member appears as a witness or representative of the Board at the request of counsel to the Board.
- (3) In the event a board member is present for a particular official meeting 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), 476.064(4) FS. Law Implemented 455.207(4) FS. History--New 11-5-81, Formerly 21C-15.17, Amended 3-15-93, Formerly 21C-15.017, Amended 10-30-95.

61G3-15.024 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 an immediate family member; or unavoidable travel delays or cancellations preventing attendance. 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 476.064(4) FS. Law Implemented 455.207(3) FS. History--New 12-7-92, Formerly 21C-15.024.

61G3-15.025 Public Comment at Board Meetings.

The Barbers' Board invites and encourages all members of the public to provide comment on propositions before the Board. The opportunity to provide comment shall be subject to the following:

- (1) Members of the public will be given an opportunity to provide comment on propositions before the Board after an agenda item is introduced at a properly noticed board meeting.
- (2) Individual members of the public shall be limited to three minutes to provide comment. Groups including five or more persons shall have a single person speak on behalf of the group and that speaker shall be limited to five minutes to provide comment. The time limits to provide comment shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time limits to provide comment if time permits.
- (3) A member of the public shall notify board staff in writing of the person's or group's interest to be heard on a proposition before the Board. The notification shall identify the person or group, and indicate the person's or group's support, opposition, or neutrality, and identify who will speak on behalf of a group consisting of five or more persons. If the person or entity appearing before the Board does not wish to be identified, a pseudonym may be used. Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History--New 6-3-14.

EXAMINATION FOR LICENSURE, REEXAMINATION, AND EXAMINATION REVIEW

- 61G3-16.001 Barber License.**
- 61G3-16.0010 Examination for Barber Licensure.**
- 61G3-16.002 Reexamination.**
- 61G3-16.005 Endorsement.**
- 61G3-16.006 Restricted Barber License.**
- 61G3-16.007 Examination for Restricted Licensure.**
- 61G3-16.008 Manner of Application.**
- 61G3-16.009 Requirements for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS).**
- 61G3-16.0091 Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education.**
- 61G3-16.0092 Human Immunodeficiency Virus and Acquired Immune Deficiency.**
- 61G3-16.010 Supervised Practice Exception.**

61G3-16.001 Barber License.

- (1) Individuals desiring to be licensed as a barber by examination in the State of Florida shall meet all required qualifications as set forth in Section 476.114, F.S.
- (2) Individuals seeking to take the licensing examination on the basis of successful completion of the required education training specified in Section 476.114(2)(c)2., F.S., shall provide satisfactory proof of their successful completion of such training, which shall consist of the school or program that administers the course certifying that

the applicant has successfully completed the barber course, and that the barber course complies with the minimum requirements set forth below in paragraph (3)(b).

(3) All barber courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall consist of a minimum of 1,200 barber hours of training and instruction in the subjects set forth in paragraph (3)(b).

(a) 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 if the applicant has completed 1,000 hours of training and has been certified by the school or program in which he or she is currently enrolled to have achieved the minimum competency standards of performance in the skills, services and trade techniques listed in paragraph (3)(b).

If the applicant fails to achieve a passing grade on either or both portions of the licensure examination, he or she shall be entitled to re-examination only upon completion of the full requirements of 1200 hours of training and instruction provided for in Section 476.114(2)(c)2., F.S.

(b) A school of barbering shall certify on a student's examination application that said individual has completed 650 hours of training in barbering skills, services and correlating trade techniques along with 550 hours of classroom instruction and lab studies. All barbering courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall be as specified below:

1. Florida Laws and Rules	150 Hours
2. Safety, Sanitation and Sterilization	325 Hours
3. Hair Structure and Chemistry	50 Hours
4. Hair Cutting	200 Hours
a. Taper Cuts	
I. Freehand	
II. Shear over comb	
III. Clipper over comb	
b. Style Cuts (to include blow drying)	
5. Shampooing	75 Hours
6. Chemical Services as follows:	350 Hours
a. Permanent Waving	
b. Coloring and Bleaching	
c. Hair Relaxing and Curling	
7. Shaving, Beard and Mustache Trimming	50 Hours

Specific Authority 455.217(1)(b), 476.064(4), 476.114(2), 476.134 FS. Law Implemented 455.217(1)(b), 476.114(2), 476.134 FS. History—New 7-16-80, Amended 7-6-81, 8-31-82, 5-29-85, Formerly 21C-16.01, Amended 9-3-86, 5-30-88, 12-31-89, 1-26-93, 3-15-93, Formerly 21C-16.001, Amended 9-15-94, 11-12-00, 4-26-04.

61G3-16.0010 Examination for Barber Licensure.

(1) The examination for licensure to practice barbering shall consist of a written examination. Applicants for a license to practice barbering must achieve a passing grade on the examination to be eligible for a license to practice barbering. An applicant who has completed all requirements for examination and paid the fee specified in Rule 61G3-20.002, F.A.C., will be admitted to the examination for licensure.

(2) The following subjects will be tested on the written examination and will be weighted approximately as designated:

Category	Weight
(a) Florida Laws and Rules	25%
(b) Safety, Sanitation and Sterilization	30%
(c) Hair Structure and Chemistry	10%
(d) Hair Cutting and Hair Styling	15%
(e) Shampooing	5%
(f) Chemical Procedures	10%
(Permanent Waving, Coloring and Bleaching, Hair Relaxing and Curling)	
(g) Shaving, Beard and Mustache Trimming	5%

(3) The score necessary to achieve a passing grade shall be no less than seventy five (75) percent out of one hundred (100) percent on the written 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. Rulemaking Authority 455.217(1)(b), (c), 476.064(4), 476.114(2), 476.134 FS. Law Implemented 455.217(1)(b), (c), 476.114(2), 476.134 FS. History—New 11-12-00, Amended 11-27-02, 4-26-04, 2-11-10, 10-7-10.

61G3-16.002 Reexamination.

An applicant who fails the state examination for licensure and wishes to retake the examination shall pay the reexamination fee as set forth in Rule 61G3-20.002, F.A.C., and submit a completed reexamination application, a link to which can be found at Rule 61-35.006, F.A.C. Rulemaking Authority 455.217(2), 476.064(4), 476.114(3) FS. Law Implemented 455.217(2), 476.114(3) FS. History—New 7-16-80, Amended 4-6-82, 4-21-83, Formerly 21C-16.02, Amended 11-12-87, Formerly 21C-16.002, Amended 11-12-00, 2-11-10, 11-17-15.

61G3-16.005 Endorsement.

The Department of Business and Professional Regulation shall issue a license by endorsement to a person who:

- (1) Makes application and pays to the Department the fee specified in Rule 61G3-20.002, F.A.C.;
- (2) Demonstrates that he or she possesses a current active license in another state or country;
- (3) Demonstrates that he or she has satisfactorily completed a written examination comparable to or more stringent than the examination given by the Department;
- (4) Demonstrates that he or she has completed:
 - (a) 1,200 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students and, at a minimum, covering the subjects of Safety, Sanitation and Sterilization, Hair Structure and Chemistry, Hair Cutting, Shampooing, Chemical Services, and Shaving as specified by the Barbers' Board; or
 - (b) An apprenticeship program of 1,200 hours; or
 - (c) A combination thereof.
- (5) Certifies that he or she has read and understood and will abide by Chapters 455 and 476, F.S. and Chapter 61G3, F.A.C.
- (6) For purposes of demonstrating that the applicant from a territory or foreign country has met the requirements of subsections (2), (3) and (4) above, the applicant must provide the Board with an education evaluation conducted by a credential evaluation service that is a member of the National Association of Credential Evaluation Services. Rulemaking Authority 476.064(4), 476.144(5) FS. Law Implemented 476.144(5) FS. History—New 10-14-85, Formerly 21C-16.05, Amended 6-1-87, 11-12-87, 7-4-90, 12-23-90, 1-26-93, Formerly 21C-16.005, Amended 11-30-93, 5-3-06, 5-31-07, 2-11-10, 12-6-11.

61G3-16.006 Restricted Barber License.

- (1) Individuals who seek to be eligible to take the licensure examination for a restricted license to practice barbering by having completed a restricted barber course shall submit with their application satisfactory proof of their successful completion of such course at a school of barbering licensed pursuant to Chapter 246, F.S., a barbering program within the public school system, or a government-operated barbering program in the State of Florida. Satisfactory proof of successful completion of the restricted barber course shall consist of the school or program which administers the course certifying that the applicant has successfully completed the restricted barbers course; and, that the course complied with the minimum requirements as set forth below.
 - (a) All restricted barber courses which are taught for the purpose of qualifying an individual for a restricted license to practice barbering shall consist of a minimum of 1,200 hours of training. If an applicant for licensure by examination for a restricted barber license meets all required qualifications except the minimum hours of training, he or she shall be entitled to take the licensure examination if the applicant has completed 1,000 hours of training and has been certified by the school or program in which he or she is currently enrolled to have achieved the minimum competency standards of performance in the skills, services and trade techniques listed in paragraph (1)(b). However, if the individual fails to achieve a passing grade on either or both portions of the licensure examination, he shall not be eligible to retake either portion of the licensure examination until the individual shall have completed the full 1,200 hours of training and instruction.
 - (b) A school of barbering shall certify on a student examination application that said student has 650 hours of training in restricted barbering skills, services and correlating trade techniques along with 550 hours of classroom instruction and lab studies. All restricted barber courses which are taught for the purpose of qualifying an individual for a restricted barber license to practice restricted barbering shall be as specified below:

1. Florida Laws and Rules	200 Hours
2. Safety, Sanitation and Sterilization	400 Hours
3. Hair Structure and Chemistry	75 Hours
4. Hair Cutting	300 Hours
a. Taper Cuts	
I. Freehand	
II. Shear over comb	
III. Clipper over comb	
b. Style Cuts (to include blow drying)	
5. Shampooing	100 Hours
6. Shaving, Beard and Mustache Trimming	125 Hours

(2) Individuals who seek to be eligible to take the licensure examination for a restricted license to practice barbering by holding or having held within the five years immediately preceding the date of application an active valid license, certificate, or registration to practice barbering which has been issued by another state or country, shall provide with their application a copy of all licenses, certificates, or registrations issued to the applicant by any other state or country; together with a statement from each agency, organization, or authority that issued the licenses, certificates, or registrations which is dated within three months of the date of the application, and which states that the applicant has not been disciplined by the agency, organization, or authority for acts related to the practice of barbering within the previous five years.

(3) Individuals who seek to be eligible to take the licensure examination for a restricted license to practice barbering by having once held a Florida barbering license which has been declared null and void for failure to renew the license shall provide with their application:

(a) The full name in which the license was issued and the license number,

(b) A copy of the previous license, if available, and

(c) Proof that they fulfilled the requirements of Section 476.114(2)(c)2., F.S., for initial licensure.

(4) All applicants who are found to be eligible to take the licensure examination for a restricted license to practice barbering shall be required to take and pass the examination for restricted licensure. Upon achieving a passing grade on all portions of the restricted licensure examination, and the issuance of a restricted license to practice barbering by the Department, an individual shall be permitted to perform the following barber services for compensation subject to the same terms, conditions, and restrictions imposed on holders of an unrestricted license to practice barbering:

(a) Hair cutting and styling, including the application of hair tonics and hair spray, but not including the application of any other chemical preparations or solutions to the hair,

(b) Full facial shaves,

(c) Mustache and beard trimming,

(d) Shampooing hair, including the application of shampoos and hair conditioners and blow drying the hair. Specific Authority 476.064(4), 476.144(6) FS. Law Implemented 476.144(6) FS. History—New 11-12-87, Formerly 21C-16.006, Amended 5-23-99, 4-26-04.

61G3-16.007 Examination for Restricted Licensure.

(1) The examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida.

(2) The score necessary to achieve a passing grade on the written portion of the restricted licensure examination shall be no less than seventy-five (75) percent out of one hundred (100) percent on the 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. Rulemaking Authority 455.217, 476.064(4), 476.134, 476.144 FS. Law Implemented 455.217, 476.134, 476.144 FS. History—New 11-12-87, Amended 3-22-92, 1-26-93, Formerly 21C-16.007, Amended 9-15-94, 12-9-98, 11-27-02, 4-26-04, 8-1-05, 5-13-10, 12-15-13.

61G3-16.008 Manner of Application.

(1) Every person desiring to be examined for either full or restricted licensure as a barber shall apply to the Department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Rule 61G3-20.002, F.A.C.

(2) Applicants for an unrestricted license who have completed one thousand (1,000) actual school hours or more but less than one thousand two hundred (1,200) actual school hours are required to have the school or program attended certify on that portion of the application so designated that said applicant has completed the stated number of hours, the required services as established by Rule 61G3-16.001, F.A.C., and is competent to sit for the licensure examination. Rulemaking Authority 476.064(4) FS. Law Implemented 455.217(1)(b), 445.213(1), 476.114 FS. History—New 11-12-87, Formerly 21C-16.008, Amended 8-11-98, 11-12-00, 2-11-10, 12-15-13.

61G3-16.009 Requirements for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS).

(1) The Board shall require as a condition of granting an initial license, completion of an education course approved by the Board, on HIV and AIDS. Certification of completion of a HIV/AIDS course shall accompany the application for initial licensure. Any applicant for licensure may take an approved course within two (2) years preceding application for initial licensure.

(2) The course shall consist of education on the modes of transmission, infection control procedures, clinical management and prevention of HIV and AIDS, with emphasis on appropriate behavior and attitude changes with specific relevance to the practice of barbering and cosmetology including sanitary requirements.

(3) Courses may be presented as live presentation courses, home study courses, or video courses. All home study courses shall include a written post course examination which must be graded by the provider. Post-course examinations may be open-book examinations. Persons taking the course must achieve a 75% passing score on

all post-course examinations in order to receive a certificate of completion. Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2228 FS. History—New 12-31-89, Amended 10-17-90, 3-22-92, Formerly 21C-16.009, Amended 11-30-93, 9-15-94, 12-22-94, 5-3-95, 6-29-95, 12-12-95, 5-1-96, 12-9-97, 4-17-01, 6-5-12.

61G3-16.0091 Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education.

(1) Each person licensed under Chapter 476, F.S., shall complete a department or board approved HIV/AIDS education course as a condition of the renewal of his or her license. Such course must be taken during the licensure period and prior to expiration of the license.

(2) The course shall consist of education on the modes of transmission, infection control procedures, clinical management and prevention of HIV and AIDS, with emphasis on appropriate behavior and attitude changes and with specific relevance to the practice of barbering and cosmetology including sanitary requirements. The course shall be a minimum of (2) hours of instruction.

(3) Courses may be presented as live presentation courses, home study courses, or video courses. All home study courses shall include a written post course examination which must be graded by the provider. Post-course examinations may be open-book examinations. Persons taking the course must achieve a 75% passing score on all post-course examinations in order to receive continuing education credit.

(4) Licensees shall retain proof of completion of the HIV/AIDS education course for at least three years.

(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. Providers shall submit all license numbers for attendees taking the HIV/AIDS education course.

(6) Licensees shall have until the expiration of the current licensure cycle to resolve disputes with the provider regarding his or her continuing education completion status and provide proof of courses taken to the Board or Department. Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2228 FS. History—New 5-10-01, Amended 6-5-12, 3-31-13.

61G3-16.0092 Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements.

(1) Entities or individuals who wish to become approved providers to offer courses for initial licensure shall make application to the Board or department on a form prescribed by the Department which copies may be obtained from the department. Applications for initial licensure providership must be submitted at least 30 days prior to the next Board meeting.

(2) Entities or individuals who wish to become approved providers to offer courses for continuing education purposes shall make application to the department on a form prescribed by the department, which copies may be obtained from the department. Applications for continuing education providership must be submitted at least 60 days prior to the next Board meeting.

(3) Providers wishing to offer their education courses for both initial licensure and for continuing education may submit one application appropriately marked at least 60 days prior to the next Board meeting.

(4) The application shall include:

(a) The name, address, telephone number and if available fax number, and e-mail address of a contact person who will fulfill the reporting and documentation requirements for provider approval. The provider shall notify the Board of any change of contact person within ten (10) days of the actual change.

(b) A fee of two hundred fifty dollars (\$250) shall accompany each provider application for continuing education.

(c) Each provider application shall include course materials. The course shall consist of education as set forth in subsections 61G3-16.009(2) and 61G3-16.0091(2), F.A.C.

(d) Each provider application shall include a sample certificate of completion that the course instructor shall provide each course participant if the participant successfully completes the course. Such certificate shall include the course participant's name, the title of the course, the course approval number, date completed and number of hours. The certificate shall be provided to the course participant at the completion of the course.

(5) Provider approval for initial licensure and for continuing education is valid through May 31 of odd numbered years. To renew provider approval for initial licensure and for continuing education, providers must resubmit the course materials for the Board's review. For renewal of provider approval for continuing education, providers must also submit a fee of two hundred fifty dollars (\$250). Course materials submitted for renewal of approval must be received by the Board office no sooner than 90 days prior to the expiration date and no later than 60 days prior to the next Board meeting. Approval as a continuing education provider shall remain valid while an application for renewal is pending before the Board provided the renewal application is complete and was received before the scheduled expiration of the provider's approval. Providers who fail to renew their provider status on a timely basis in accordance with these rules shall not offer or advertise a course for initial licensure or continuing education.

(6) Providers shall maintain a system of recordkeeping which provides for storage of approved courses. Providers shall maintain a roster of participants for four years. The records and roster shall be available for inspection by the Board or Department. Providers must electronically provide to the Department a list of attendees taking the course for continuing education purposes 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. The list of attendees submitted electronically to the Department shall not include applicants taking the course for initial licensure. For home study courses, the provider must 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 licensee. This list shall include the provider's name and provider number, the name and license number of the attendee, the date the course was completed and the course number. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider. Rulemaking Authority 455.2228, 476.064(4) FS. Law Implemented 455.2178, 455.2179, 455.2228 FS. History—New 9-12-01, Amended 11-2-06, 5-11-08, 4-25-13.

61G3-16.010 Supervised Practice Exception.

(1) Following the completion of the first licensing examination by an applicant for licensure as a barber by examination who has completed the barber training required by Chapter 476, F.S. and Rule 61G3-16.001, F.A.C, the applicant is eligible to practice as a barber and perform barbering services temporarily in a current, actively licensed barbershop under the following conditions:

(a) In the event an applicant obtains a passing score on the examination on the first attempt, the applicant shall be eligible, prior to having the application acted on by the Board, to practice in a licensed barbershop, provided that the applicant post the examination at the work station with a recent photograph affixed thereto.

(b) In the event that the applicant fails to obtain a passing score on the examination on the first attempt, the applicant shall not be eligible to practice under this rule until the applicant:

1. Applies to the Department for authorization to retake the examination; and
2. Presents the holder of the license for the barbershop a copy of both the reexamination application and the examination scheduling authorization letter from the department or the qualified outside testing vendor.
3. Upon completion of these conditions, the applicant is eligible to practice in a licensed barbershop subject to the provisions of paragraph (c) referenced below, provided that the applicant posts the examination results at the work station with a recent photograph affixed thereto. The applicant must discontinue practicing when 180 days have passed from the date of the first examination, if reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the department or the qualified outside testing vendor.

(c) All barbering services performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber" shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.

(2) In the event an applicant, who previously failed the examination on the first attempt, fails to obtain a passing score on the second licensure examination, the applicant is no longer eligible to practice as a barber under this exception and must immediately discontinue practicing barbering services until the applicant has been issued a license to practice by the Department. Rulemaking Authority 455.217, 476.064(4), 476.124, 476.144(7), 476.184(2), (10) FS. Law Implemented 455.217, 476.144(7), 476.184(2), (10) FS. History—New 12-9-98, Amended 11-12-00, 12-29-08, 2-11-10.

BIENNIAL RENEWAL OF BARBER LICENSE AND BARBER ASSISTANT REGISTRATION

61G3-18.003 Exemption from Licensure Renewal Provisions.

(1) A spouse of a member of the armed forces who is absent from the State because of the spouse's duties with the armed forces and who, at the time the absence became necessary, was in good standing with the Barbers' Board and was entitled to practice or engage in barbering in Florida, shall be exempt from licensure renewal provisions without paying dues or fees or performing any other act on his part to be performed.

(2) This rule applies to all barber licenses, restricted and unrestricted. Rulemaking Authority 476.064(4), 455.02 FS. Law Implemented 476.144, 455.02 FS. History—New 3-25-84, Formerly 21C-18.03, Amended 11-12-87, Formerly 21C-18.003, Amended 2-24-16.

BARBERSHOP REGISTRATION; CHANGE OF OWNERSHIP OR LOCATION AND RENEWAL

- 61G3-19.008 Barbershop Defined.**
- 61G3-19.009 Display of License.**
- 61G3-19.010 Performance of Barber Services Outside of Licensed Shop.**
- 61G3-19.011 Barbershop Requirements.**
- 61G3-19.012 Posting of Sanitation, Health, and Safety Rules Required.**
- 61G3-19.013 Change of Ownership of Barbershops.**
- 61G3-19.014 Biennial Renewal of Barbershop License.**
- 61G3-19.015 Inspections.**
- 61G3-19.016 Precautions Against Communicable Diseases.**

61G3-19.008 Barbershop Defined.

Barbershop means any place of business wherein the practice of barbering is carried on, however this does not prevent the practice of barbering in a licensed cosmetology salon or the practice of cosmetology in a licensed barbershop, provided the barbershop employs a licensed barber. Specific Authority 476.064(4) FS. Law Implemented 476.034(4) FS. History—New 4-27-86, Amended 3-15-93, Formerly 21C-19.008.

61G3-19.009 Display of License.

(1) A current personal license shall be displayed at all times at the barber's place of employment in plain view of the work station. 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, 2008.

(2) The shop license shall be displayed within view of the front entrance or in the waiting area. Specific Authority 476.064(4), 476.184(2) FS. Law Implemented 476.184(10) FS. History—New 4-27-86, Amended 8-31-88, 3-15-93, Formerly 21C-19.009, Amended 3-6-08.

61G3-19.010 Performance of Barber Services Outside of Licensed Shop.

(1) Barber services may be performed by a licensed barber in a residence when a client for reasons of ill health is unable to go to a licensed shop. The following procedure shall be followed:

- (a) Arrangements shall be made through a licensed shop.
- (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 shop and be made available upon request to any investigator or inspector of the Department.

(2) When barber services are performed in an unlicensed location within a hospital, nursing home, or similar facility, such services may lawfully be performed only upon clients, residents, or patients, who for reasons of ill health are unable to visit a licensed shop. If such services are to be performed upon employees or persons who do not reside in the facility, or any other nonqualified persons, the location must be a licensed shop. Specific Authority 476.064(4) FS. Law Implemented 476.188(2) FS. History—New 4-27-86, Formerly 21C-19.010.

61G3-19.011 Barbershop Requirements.

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

- (a) Submit an application on forms prescribed by the Department of Business and Professional Regulation;
- (b) Pay the required registration fee as outlined in the fee schedule;
- (c) Meet the safety and sanitary requirements as listed in the subsequent portions of this section, with said requirements to continue in full force and effect for the life of the barbershop.

(2) Each barbershop and each barber shall take reasonable steps to insure that the shop and individual service area, respectively is maintained and operated in a safe and sanitary manner. Such steps shall include the following:

- (a) Compliance with all local code requirements and to eliminate all fire hazards and dangerous structural defects;
- (b) Provisions for safe and unobstructed human passage in the premises; removal of garbage and refuse; removal of excessive hair from floor; and safe storage or removal of flammable materials. All garbage must be kept in a closed container or receptacle;
- (c) Maintenance of at least one portable and operational fire extinguisher in each shop. The fire extinguisher shall be located so that it is visible to the public and barbers. Access to the fire extinguisher shall be unimpeded. Inspections of the fire extinguisher shall be kept current;
- (d) Extermination of all vermin, insects, termites, and rodents on the premises;
- (e) Maintenance of all equipment used to perform barbering services on the premises in a safe and sanitary

condition, including the regular application of cleaners and bacterial agents;

(f) Assurance that materials furnished for the personal use of the customer, such as towels, are cleansed before reuse.

(3) Every person practicing barbering in any capacity shall wash his or her hands thoroughly with an anti-bacterial liquid or powdered soap and water before serving each patron.

(4) After the handling of a customer affected with an eruption, or whose skin is broken out, or is inflamed or contains pus, the hands of the attendant shall be disinfected immediately; this shall be done by thorough washing with soap and water, followed by rinsing in rubbing alcohol (70 to 80 percent) or the use of some equally efficient disinfectant.

(5) All towels and linens used in the practice of barbering are to be kept in a closed container or compartment.

(6) The barber shop must have one or more shampoo bowls equipped with hot and cold running water. The shampoo bowls shall be located in the area where barbering services are performed.

(7) Each headrest on each chair in every barbershop must be equipped with a relaunders towel or a sheet of clean paper for each patron.

(8) Each patron shall have a clean strip of cotton, towel or neckband on the neck so that the haircloth does not come in contact with the neck or skin of the patron's body.

(9) The use of a brush, comb, or other barbering tool on more than one patron without being sanitized is prohibited.

(10) All barbershops shall be equipped with and shall utilize wet sanitizers, sufficient to allow for sanitizing practices. A wet sanitizer is any clear plastic or glass receptacle with a lid containing a disinfectant solution as specified below, and large enough to allow for immersion of the barbering tools, or those surfaces of said tools which come in contact with the patrons.

(11) All barbering tools used in barbershops such as razors, scissors, tweezers, combs, rubber discs, or parts of vibrators shall be free from hair, cleansed and:

(a) Immersed in a disinfectant registered with the Environmental Protection Agency (EPA) as a bacterial, virucidal and fungicidal disinfectant, and approved by that agency for use in hospitals, for one to five minutes; or

(b) All combs, brushes, metallic instruments with a cutting edge, or implements which have come into contact with blood, or body fluids, shall be immersed in a disinfectant that indicates on its label that it has been registered with the Environmental Protection Agency (EPA) as a tuberculocidal disinfectant, in accordance with C.F.R. 1910.1030; or

(c) Cleansed and sanitized for use by any other method that shall be the equivalent in germicidal or organism destructive effect, as provided in paragraph (11)(a) or (b) above. The use of an ultraviolet ray sanitizing cabinet, by itself, is not sufficient to meet the requirements of paragraph (11)(a) or (b) above.

(d) After complying with any of the above requirements, the razor, scissors, tweezers, combs, rubber discs or parts of vibrators shall then be placed and kept in a clean, closed cabinet or container until next ready for use. Storage in an ultraviolet ray sanitizing cabinet is preferred.

(12) The use of styptic pencils or any other astringent that will come in contact with more than one patron is prohibited. If a slight cut or scratch drawing blood has occurred, the use of sterile cotton, styptic powder, or any suitable solution first applied to a sterile cotton ball or swab is approved.

(13) All owners or managers or barbershops must provide at least two receptacles, one for the deposit of used towels, and one for the deposit of used shaving paper. All used towels and used shaving papers are to be deposited in the proper receptacle immediately after use.

(14) All barbershops are to be equipped with adequate toilet and sink facilities on the premises or in the same building as, and within 200 feet of the barbershop. 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 and shall comply with the provisions of Rule 64E-10.044, Florida Administrative Code (F.A.C.).

(15) Styling stations, styling bars, back bars, dresserettes, or working stations must be kept clean at all times to the sight and touch. All drawers and shelves of the above being used for the storage of rollers, brushes, combs, pins, nets, and equipment must have proper sanitation, and shall not be used for storage of nonrelated barbering equipment or supplies. One drawer or cabinet may be designated for storage of personal items.

(16) Each barbershop 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 barbershop. Hair must be deposited in a closed container.

(17) No animals or pets shall be permitted inside a barbershop, with the exception, of closed aquariums or trained animals to assist the hearing or visually impaired, or the physically disabled.

(18) A barbershop may be located at a place of residence. Barbershop facilities must be separated from the living quarters by a permanent wall construction. A separate entrance shall be provided to allow entry to the barbershop other than from the living quarters. Toilet and lavatory facilities shall comply with subsection (14) above, shall have an entrance from the barbershop other than the living quarters, and shall not be the same toilet and lavatory

facilities as are used by the occupants of the residence.

(19) No barbershop shall be operated in the same licensed space allocation with any other business which adversely affects the sanitation of the barbershop. In order to control the required space and maintain proper sanitation, where a barbershop adjoins such other business, there must be permanent walls separating the barbershop from other business and there must be separate and distinctly marked entrances for each.

(20) 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 barbershop's floor and ceiling, and which serves to delineate and protect the barbershop.

(21) A barbershop must contain a minimum of 100 square feet of floor space, excluding the toilet and lavatory facilities. No more than one (1) barber at any one time may perform barbering services in a barbershop which has only the minimum floor space. In addition, a barbershop in which more than one (1) barber performs barbering services at any one time must contain an additional forty (40) square feet for each such additional barber.

(22) A barbershop may contain less than 100 square feet of floor space if it complies with all the requirements set out above, except the square footage requirements, and:

(a) Only one barber and one customer shall be in the barbershop at any one time;

(b) No person shall wait at the barbershop for barbering services;

(c) There shall be no waiting room or waiting area at the barbershop;

(d) The barbershop shall not advertise;

(e) There shall be no telephone listing for the barbershop;

(f) A barbershop under this subsection shall contain a minimum of 75 square feet of floor space.

Rulemaking Authority 476.064(4), 476.184 FS. Law Implemented 476.184 FS. History—New 4-27-86, Amended 9-24-86, 12-28-86, 5-10-88, 7-15-91, Formerly 21C-19.011, Amended 1-12-94, 10-4-94, 5-21-95, 2-14-96, 5-1-96, 3-21-00, 11-6-00, 8-17-06, 2-26-15.

61G3-19.012 Posting of Sanitation, Health, and Safety Rules Required.

The owner or manager of every barbershop shall keep a copy of the rules of sanitation, health, and safety adopted by the Board posted within view of the front entrance or in the waiting area in each barbershop for the information and guidance of the persons employed therein and the public generally. Specific Authority 476.064(4) FS. Law Implemented 476.184(2) FS. History—New 4-27-86, Amended 3-15-93, Formerly 21C-19.012.

61G3-19.013 Change of Ownership of Barbershops.

Prior to opening a shop which has new ownership the owner must:

(1) File a new application on forms prescribed by the Department of Business and Professional Regulation in subsection 61-35.006(5), F.A.C.;

(2) Pay the appropriate fee;

(3) Surrender the old license with applications;

(4) Be issued a new barbershop license as outlined in Rule 61G3-19.011, F.A.C. Rulemaking Authority 476.064(4) FS.

Law Implemented 476.184(7) FS. History—New 4-27-86, Formerly 21C-19.013, Amended 1-24-18.

61G3-19.014 Biennial Renewal of Barbershop License.

All barbershop licenses shall be renewed during the period September 1 through November 30 of each even-numbered year upon application to the Department of Business and Professional Regulation on the prescribed form and upon payment of the fee specified in Rule 61G3-20.010, F.A.C. Specific Authority 476.064(4) FS. Law Implemented 476.184(8) FS. History—New 4-27-86, Amended 3-15-93, Formerly 21C-19.014, Amended 11-6-97.

61G3-19.015 Inspections.

(1) Inspections conducted by the Department of Business and Professional Regulation of barbershops to determine whether such barbershops are in compliance with the applicable provisions of Chapter 476, F.S., and the rules promulgated thereunder shall be conducted biennially, effective July 1, 2010, on a random unannounced basis, unless otherwise practicable. A copy of the inspection report shall be posted within view of the front entrance or in the waiting area of the barbershop for public viewing.

(2) A barbershop inspection which reveals that the shop has been closed for a period of 30 days or longer shall require a reinspection of the barbershop prior to reopening for business. The owner of any barbershop who is planning to temporarily close for business for a period of 90 days or longer is required to notify the Department, in writing, of such closing. The notification shall also include the date on which the barbershop is expected to reopen.

No barbershop shall be permitted to reopen until it has been reinspected by the Department. Rulemaking Authority 476.064(4) FS. Law Implemented 476.184 FS. History—New 4-27-86, Amended 12-21-89, 3-15-93, Formerly 21C-19.015, Amended 9-22-94, 11-6-00, 4-5-10.

61G3-19.016 Precautions Against Communicable Diseases.

Every precaution should be taken to prevent the transmission of diseases and blood-borne pathogens in a barbershop. To that end:

(1) No barber engaged in the practice of barbering in a barbershop shall proceed with any service to a person having pediculosis (lice) until such person furnishes a statement signed by a physician licensed to practice in the State of Florida stating that the pediculosis is not in an infectious, contagious or communicable stage.

(2) A barber shall not proceed with any service to a person in a barbershop if the barber or the person receiving the services has any exposed sores or wounds until such sores or wounds are covered with an appropriate bandage that is sufficient to prevent the seepage of blood or other body fluids. The barber shall be careful to avoid any physical contact with blood or any other body fluids and to protect the person to whom he or she is providing service from such contact.

(3) In the event that a barber or the person to whom he or she is providing service is cut or otherwise receives a break in the skin during a service, the service shall immediately cease and the barber shall immediately disinfect any implement or equipment that has or might have come into contact with any blood or other body fluids. The service shall not be resumed until the precautions in subsection (2) are complied with. Specific Authority 476.064(4) FS. Law Implemented 476.024 FS. History—New 4-27-86, Amended 3-15-93, Formerly 21C-19.016, Amended 1-12-94.

FEE SCHEDULE

61G3-20.002	Application Fee for Licensure Through Examination or Endorsement And Reexamination Fees.
61G3-20.003	Barbershop Licensure Application Fee.
61G3-20.0035	Original Barbershop Licensure Fee.
61G3-20.009	Barber License Biennial Renewal Fee.
61G3-20.010	Biennial Barbershop Licensure Renewal Fee.
61G3-20.0105	Barbershop Delinquent Renewal Fee.
61G3-20.012	Duplicate License or Registration Fee.
61G3-20.014	Original Barber Licensing Fee.
61G3-20.015	Renewal of Inactive License Fee.
61G3-20.016	Reactivation of Inactive License Fee.
61G3-20.017	Application and Initial Fee for Continuing Education Providers.
61G3-20.018	Biennial Renewal Fee for Continuing Education Providers.
61G3-20.019	Processing Fee.
61G3-20.020	Delinquent License Fee.
61G3-20.021	Inactive Status Fee.
61G3-20.025	Unauthorized Practice Fee.

61G3-20.002 Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) The application fee for licensure by means of endorsement or examination and reexamination for barbers shall be as follows:

Method of Licensure:	Application Fee:
(a) Endorsement	The application fee for licensure by endorsement shall be one hundred and Fifty dollars (\$150.00). All fees shall be payable to the Department.
(b) Examination and Reexamination	The application fee for both the examination and reexamination. One hundred, fifty dollars and zero cents (\$150.00).

(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

Method of Licensure:	Application Fee:
Examination and Reexamination	The application fee for both the examination and reexamination for the written portion shall be one hundred fifty dollars and zero cents (\$150.00).

(3) Applicants for licensure as a barber or restricted barber shall pay both the original licensure fee set forth in Rule 61G3-20.014, F.A.C., and the applicable part of the examination or reexamination application fee specified in subsections (1) and (2) above.

(a) All fees payable to the Department shall be paid at the time the applicant submits his or her application for licensure by endorsement, examination or reexamination.

(b) All parts of the examination or reexamination application fee payable to a qualified outside testing vendor shall be paid to that service upon notification that the applicant's application for licensure by examination or reexamination has been approved. Rulemaking Authority 455.213(1), 476.064(4), 476.192 FS. Law Implemented 455.2171, 476.192 FS. History—New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, 11-6-00, 2-19-04, 8-8-04, 1-1-06, 2-11-10, 12-16-13.

61G3-20.003 Barbershop Licensure Application Fee.

The application fee for a barbershop license shall be seventy-five dollars (\$75.00). Specific Authority 476.064(4), 476.192 FS. Law Implemented 476.192 FS. History—New 7-16-80, Amended 10-17-85, Formerly 21C-20.03, Amended 12-15-87, 5-11-88, Formerly 21C-20.003.

61G3-20.0035 Original Barbershop Licensure Fee.

The fee for the issuance of an original barbershop license shall be fifty dollars (\$50.00) and shall be remitted simultaneously with and in addition to those fees referred to in Rule 61G3-20.003, F.A.C. Rulemaking Authority 476.064(4), 455.213(2), 476.192 FS. Law Implemented 455.213(2), 476.192 FS. History—New 10-17-85, Formerly 21C-20.035, 21C-20.0035.

61G3-20.009 Barber License Biennial Renewal Fee.

(1) The barber license biennial renewal fee shall be \$70.00.

(2) This rule applies to all barber licenses, whether active, restricted or unrestricted. Rulemaking Authority 476.064(4), 476.154, 476.192 FS. Law Implemented 476.144, 476.154, 476.192 FS. History—New 7-16-80, Amended 3-25-84, 10-17-85, Formerly 21C-20.09, Amended 2-26-86, 11-12-87, 12-15-87, 6-5-89, Formerly 21C-20.009, Amended 5-3-95, 10-30-95, 5-1-96, 5-10-01, 8-4-16.

61G3-20.010 Biennial Barbershop Licensure Renewal Fee.

The biennial barbershop licensure renewal fee shall be \$105.00. Rulemaking Authority 476.064(4), 476.192 FS. Law Implemented 476.192 FS. History—New 7-16-80, Amended 10-17-85, Formerly 21C-20.10, Amended 12-15-87, 5-11-88, Formerly 21C-20.010, Amended 12-14-03, 8-4-16.

61G3-20.0105 Barbershop Delinquent Renewal Fee.

The delinquent renewal fee for barbershops shall be \$25.00 and shall be paid simultaneously with and in addition to those fees referred to in Rule 61G3-20.010, F.A.C. Rulemaking Authority 476.064(4), 476.184, 476.192 FS. Law Implemented 476.184(8), 476.192(1)(c) FS. History—New 10-17-85, Formerly 21C-20.105, Amended 12-15-87, 5-11-88, Formerly 21C-20.0105, Amended 12-14-03, 2-24-16, 8-4-16, 10-12-17.

61G3-20.012 Duplicate License or Registration Fee.

The fee for the issuance of a duplicate license or registration shall be twenty-five dollars (\$25.00). Specific Authority 476.192(1)(d) FS. Law Implemented 476.192(1)(d) FS. History—New 7-16-80, Formerly 21C-20.12, Amended 12-23-90, Formerly 21C-20.012, Amended 6-21-00.

61G3-20.014 Original Barber Licensing Fee.

(1) The fee for the issuance of an original Barber license shall be one hundred dollars (\$100.00) and shall be remitted simultaneously with and in addition to those fees referred to in Rule 61G3-20.002, F.A.C.

(2) This rule applies to all barber licenses, restricted and unrestricted.

(3) Each applicant applying for initial licensure within the second year of a biennium shall remit a licensure fee of fifty dollars (\$50.00), except that during the renewal period, the applicant shall pay the amount of the biennial renewal fee, under Rule 61G3-20.009, F.A.C., and the license issued shall be good for the next biennium.

Specific Authority 455.213(2), 476.064(4), 476.192 FS. Law Implemented 455.213(2), 476.192 FS. History—New 6-30-83, Amended 3-25-84, 10-17-85, Formerly 21C-20.14, Amended 11-12-87, 12-15-87, 5-11-88, Formerly 21C-20.014, Amended 10-30-95, 2-18-96, 5-1-96.

61G3-20.015 Renewal of Inactive License Fee.

The fee for renewal of an inactive barber or restricted barber license shall be \$35.00. Rulemaking Authority 476.064(4), 476.155 FS. Law Implemented 476.155(2) FS. History—New 3-25-84, Formerly 21C-20.15, 21C-20.015, Amended 5-1-96, 8-12-99, 8-4-16.

61G3-20.016 Reactivation of Inactive License Fee.

The fee for reactivation of an inactive barber or restricted barber license shall be one-hundred dollars (\$100.00).

Specific Authority 476.064, 476.155 FS. Law Implemented 476.155(2) FS. History—New 3-25-84, Formerly 21C-20.16, Amended 5-11-88, 7-6-93, Formerly 21C-20.016, Amended 8-12-99.

61G3-20.017 Application Fee for Continuing Education Providers.

The application fee for providers of continuing education courses shall be two hundred fifty dollars (\$250.00).

Rulemaking Authority 455.2179(3), 476.064(4) FS. Law Implemented 455.2179(3) FS. History—New 9-21-94, Amended 11-6-97, 4-17-01.

61G3-20.018 Biennial Renewal Fee for Continuing Education Providers.

The biennial renewal fee for continuing education providers shall be two hundred fifty dollars (\$250.00). Rulemaking Authority 455.2179(3), 476.064(4) FS. Law Implemented 455.2179(3) FS. History—New 9-21-94.

61G3-20.019 Processing Fee.

As provided in subsection 455.271(8), F.S., the fee for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle shall be ten dollars (\$10.00). Specific Authority 455.271(8), 476.064(4) FS. Law Implemented 455.271(8) FS. History—New 5-3-95.

61G3-20.020 Delinquent License Fee.

As provided in subsection 455.271(7), F.S., the fee imposed for having a delinquent status barber license shall be \$25.00. The fee shall be due when the licensee applies for an active or inactive status license. Rulemaking Authority 455.271(7), 476.064(4) FS. Law Implemented 455.271(7) FS. History—New 5-3-95, Amended 5-1-96, 8-4-16, 10-12-17.

61G3-20.021 Inactive Status Fee.

The fee for an inactive status license shall be fifty dollars (\$50.00). Specific Authority 476.064(4) FS. Law Implemented 455.271(3) FS. History—New 5-1-96.

61G3-20.025 Unauthorized Practice Fee.

As provided in Section 455.2281, F.S., the fee for enforcement of the laws prohibiting the unauthorized practice of barbering shall be \$5.00 per biennium for initial licensure and renewal. Specific Authority 455.2281, 476.064(4) FS. Law Implemented 455.2281 FS. History—New 7-1-93, Formerly 21C-20.025.

DISCIPLINARY GUIDELINES

- 61G3-21.001 Normal Penalty Ranges.**
- 61G3-21.002 Aggravating and Mitigating Circumstances.**
- 61G3-21.003 Repeat Violations.**
- 61G3-21.004 Penalties Cumulative and Consecutive.**
- 61G3-21.006 Probation.**
- 61G3-21.009 Citations.**
- 61G3-21.010 Revocation.**
- 61G3-21.011 Mediation.**
- 61G3-21.012 Notice of Non-Compliance.**
- 61G3-21.013 Gross Malpractice or Incompetency Defined.**
- 61G3-21.014 Suspension.**

61G3-21.001 Normal Penalty Ranges.

The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to the other provisions of this chapter.

- (1) Section 476.204(1)(a), F.S.: Holding oneself out as a barber while not duly licensed as same. \$250.00 to \$500.00 fine.
- (2) Section 476.204(1)(b), F.S.: Operating any unlicensed barber shop. If a license has never been obtained prior to discovery by the Department, \$250.00 to \$500.00 fine. If previously licensed and said license not renewed, \$50.00 fine per unlicensed month with a \$500.00 cap.
- (3) Section 476.204(1)(c), F.S.: Permitting an unlicensed employee to practice barbering. If employee has never been licensed prior to discovery by the Department, \$250.00 to \$500.00 fine. If employee previously licensed and said license not renewed, \$50.00 fine per unlicensed month with a \$500.00 cap.
- (4) Section 476.204(1)(d), F.S.: Presenting as one's own the license of another. \$250.00 to \$500.00 fine to both the unlicensed presenter and the licensed individual who permitted his license to be used in such manner.
- (5) Section 476.204(1)(e), F.S.: Giving false or forged evidence to the Department in order to obtain a license. Denial of licensure or alternatively if license issued as a result of false information said license to be revoked.
- (6) Section 476.204(1)(f), F.S.: Impersonating any other license holder. \$250.00 to \$500.00 fine to both the impersonator and the individual who permitted the impersonation of himself.
- (7) Section 476.204(1)(g), F.S.: Using or attempting to use a revoked license. \$250.00 to \$500.00 fine.
- (8) Section 476.194(1)(d), F.S.: Obtain or attempt to obtain a license for money other than the required fee or for any other thing of value or by fraud. \$250.00 to \$500.00 fine.
- (9) Section 476.214(1)(a), F.S.: Gross malpractice or gross incompetency in the practice of barbering. 3 to 9 month suspension.
- (10) Section 476.214(1)(b), F.S.: Engaging in the practice while knowingly having an infectious or contagious disease. Suspension until licensee can prove that he is no longer infectious or contagious.
- (11) Rules 61G3-19.011 & 61G3-19.012, F.A.C.: Sanitation violations in barbershops. One or two rule violations, \$50.00 fine per violation; three or more rule violations, \$200.00 to \$300.00 fine; if rule violation is one which presents clear harm to the consumer, \$200.00 to \$300.00 fine.
- (12) Rule 61G3-19.009, F.A.C.: Display of License. \$100.00 fine per violation up to a \$500.00 cap.
- (13) Section 476.204(1)(i), F.S.: Failing to pay a citation within 30 days or violating a final order. \$250.00 to \$500.00 fine.
- (14) Penalties imposed by the Board pursuant to Rule 61G3-21.001, F.A.C., may be imposed in combination or individually but may not exceed the limitations enumerated below:
 - (a) Revocation or suspension of any license or registration issued pursuant to Chapter 476, F.S.
 - (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 or registration. Rulemaking Authority 455.2273, 476.064(4) FS. Law Implemented 455.2273 FS. History—New 11-25-86, Amended 7-4-90, 12-23-90, Formerly 21C-21.001, Amended 10-30-95, 3-29-04, 11-26-09.

61G3-21.002 Aggravating and Mitigating Circumstances.

Circumstances which may be considered for the purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

(1) Where licensee has relied upon the advice of an attorney/accountant.

(2) Where the address of the shop or the owner has been changed by the post office through no fault of the shop owner.

(3) Where the salon or shop owner has relied upon the advice of a prior owner.

(4) Age or illness.

(5) The danger to the public.

(6) The number of complaints filed against the licensee.

(7) The length of time the licensee has practiced.

(8) The actual damage, physical or otherwise, to the licensee's customer.

(9) The deterrent effect of the penalty imposed.

(10) The effect of the penalty upon the licensee's livelihood.

(11) Any efforts at rehabilitation.

(12) Any other mitigating or aggravating circumstances. Specific Authority 455.2273, 476.064(4) FS. Law Implemented 455.2273 FS. History—New 11-25-86, Formerly 21C-21.002, Amended 2-11-02.

61G3-21.003 Repeat Violations.

As used in this rule, a repeat violation is any violation on which disciplinary action is being taken where the same licensee had previously had disciplinary action taken against him; and said definition is to apply (i) regardless of the chronological relationship of the acts underlying the various disciplinary actions, and (ii) regardless of whether the violations in the present and prior disciplinary actions are of the same or different subsections of the disciplinary statutes. Specific Authority 476.064(4), 476.194(1)(b) FS., Ch. 86-90, § 2, Laws of Florida. Law Implemented 476.204(1)(h) FS., Ch. 86-90, § 2, Laws of Florida. History—New 11-25-86, Formerly 21C-21.003.

61G3-21.004 Penalties Cumulative and Consecutive.

Where several of the above violations shall occur in one or several cases considered together, the penalties shall normally be cumulative and consecutive. Specific Authority 476.064(4) FS., Ch. 86-90, § 2, Laws of Florida. Law Implemented Ch. 86-90, § 2, Laws of Florida. History—New 11-25-86, Formerly 21C-21.004.

61G3-21.006 Probation.

Probation may also be assessed in any case where, in the Board's opinion, it is advisable for the public welfare, in order to assure that the licensee operates properly and within the law in the future, to require the licensee to report to the Board periodically, or to otherwise serve a probationary period. Specific Authority 476.064(4) FS., Ch. 86-90, § 2, Laws of Florida. Law Implemented Ch. 86-90, § 2, Laws of Florida. History—New 11-25-86, Formerly 21C-21.006.

61G3-21.009 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 basis for the citation.

(3) The Board hereby designates the following first violations as citation violations:

(a) Holding oneself out as a barber while not licensed, in violation of Section 476.194(1)(a), F.S., shall result in a fine of \$500;

(b) Operating a barber shop with a license that has been expired for up to one year, in violation of Section 476.194(1)(d)1., F.S., shall result in a fine of \$50 per month to the maximum fine allowed by law;

(c) Operating with the establishment license of a previously licensed shop in a new or moved location, in violation of Section 476.194(1)(d)1., F.S., shall result in a fine of \$250 within the first six months, after which the maximum fine allowed by law shall be imposed;

(d) Permitting an unlicensed employee to practice barbering for a period of less than six months, in violation of Section 476.194(1)(d)2., F.S., shall result in a fine of \$250; for a period of six months to 1 year, a fine of \$400 shall be imposed;

(e) Presenting as one's own the license of another, in violation of Section 476.204(1)(d), F.S., shall result in a fine of

\$500;

(f) Impersonating any other license holder, in violation of Section 476.204(1)(f), F.S. shall result in a fine of \$500;

(g) Using or attempting to use a suspended or revoked license, in violation of Section 476.194(1)(e), F.S., shall result in a fine of \$500; and

(h) Three violations of the safety, sanitary, or other barbershop requirements specified in Rule 61G3-19.013, F.A.C., violations of the requirements to display documents specified in Rule 61G3-19.012, F.A.C., or any combination of three violations of these requirements, shall result in a fine of \$200;

(i) Engaging in the practice of barbering with an inactive license, in violation of Section 476.194(1)(a), F.S., shall result in a fine of \$50 per month or part of a month, up to a maximum of \$500 after which a disciplinary case shall be initiated and brought before the Board;

(j) Failure to laminate and display current license or picture on license, in violation of Rule 61G3-19.009, F.A.C., shall result in a fine of \$50 for the first offense, and a fine of \$100 for each subsequent offense;

(k) Opening a barbershop without a license for that shop, but already having had a license, in violation of paragraph 61G3-19.013(1)(d), F.A.C., shall result in a fine of \$50 per month or part of a month, up to a maximum of \$500 after which a disciplinary case shall be initiated and brought before the Board;

(l) Operating a barbershop without a shop license and never having had a barbershop license, in violation of Rule 61G3-19.011, F.A.C., shall result in a fine of \$500.

(m) Attempting to renew a license when not in compliance with continuing education requirements, in violation of Rule 61G3-16.0091, F.A.C., shall result in a fine of \$100.00.

(4) A second violation of the same safety, sanitary, or other barbershop requirements specified in Rule 61G3-19.011, F.A.C., or a second violation of the requirements to display documents specified in Rule 61G3-19.012, F.A.C., shall result in a fine of \$50.

(5) The Department shall report to the Board the names, numbers, and violations of the licensees issued citations.

(6) A citation shall not be issued for the second violation of the same offense within a three year period.

(7) A citation shall not be issued where more than three violations are charged in any one inspection.

Rulemaking Authority 455.224, 476.064(4) FS. Law Implemented 455.224, 477.204 FS. History—New 1-19-92, Amended 3-22-92, 2-18-93, Formerly 21C-21.009, Amended 6-16-94, 9-22-94, 8-21-95, 2-14-96, 11-6-97, 5-13-01, 9-20-05, 12-2-09, 2-26-15.

61G3-21.010 Revocation.

Unless otherwise provided by order, where the Board revokes any barber's license, the person whose license was revoked may not reapply for relicensure as a barber for a period of three (3) years after revocation and he or she must make a personal appearance before the Board, prior to relicensure. Specific Authority 476.064(4), 476.204(2) FS. Law Implemented 476.204(2) FS. History—New 2-18-93, Formerly 21C-21.010.

61G3-21.011 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: Failure of the licensee to timely pay any assessed administrative fines or costs. Specific Authority 476.064(4) FS. Law Implemented 455.2235 FS. History—New 12-22-94, Amended 5-16-95, 5-13-01.

61G3-21.012 Notice of Non-Compliance.

(1) The department shall provide a licensee with a notice of non-compliance for an initial offense of the rules and statutes listed below.

(a) Section 455.271(1), F.S.: Engaging in the practice of barbering with a license that has been delinquent for 30 days or less.

(b) Section 455.271(1), F.S.: Engaging in the practice of barbering with a license that has been inactive for 30 days or less.

(c) Rule 61G3-19.015(1), F.A.C. – failure to post inspection report.

(d) Rule 61G3-19.009, F.A.C. – failure to laminate and display license as long as license is current.

(e) Rule 61G3-19.012, F.A.C. – failure to post sanitation rules.

(f) Rule 61G3-19.013, F.A.C. – failure to transfer ownership on license, provided the transfer has not exceeded 30 days.

(g) Rule 61G3-19.011, F.A.C. – failure to maintain a portable fire extinguisher, provided the expiration date does not exceed 30 days.

(h) Rule 61G3-19.011, F.A.C. – failure to immediately deposit towels in the proper receptacle.

(2) Failure to correct the above violations within 15 days of receipt of the notice of non-compliance shall result in the institution of regular disciplinary proceedings. Rulemaking Authority 476.064(4) FS. Law Implemented 455.225(3) FS. History—New 12-22-94, Amended 2-14-96, 5-1-96, 11-6-97, 11-25-09, 2-7-17, 12-27-17.

61G3-21.013 Gross Malpractice or Incompetency Defined.

It shall be gross malpractice or incompetency in the practice of barbering for any barber to provide any barber services to the public while under the influence of any intoxicating drugs or alcohol as set out in Section 316.1934, F.S. Specific Authority 476.064(4) FS. Law Implemented 476.214(1)(a) FS. History—New 6-28-95, Amended 10-30-95.

61G3-21.014 Suspension.

(1) The Board shall suspend any license issued pursuant to Chapter 476, F.S., in any case where the licensee is engaged in:

- (a) Gross malpractice or gross incompetency in the practice of barbering;
- (b) Practice by a person knowingly having an infectious or contagious disease; or
- (c) Commission of any of the offenses described in Section 476.194, F.S.

(2) The Board shall consider the aggravating and mitigating circumstances listed in Rule 61G3-21.002, F.A.C., when applying this rule. Specific Authority 455.2273, 476.024 FS. Law Implemented 455.2273(3), 476.214 FS. History—New 4-20-04.

INACTIVE LICENSES

61G3-25.004 Inactive Status; Reactivation.**61G3-25.005 Delinquent Status.****61G3-25.006 Notice to the Department of Mailing Address and Place of Practice of Licensee.****61G3-25.004 Inactive Status; Reactivation.**

(1) Any licensee may elect at the time of license renewal to place the license into inactive status by filing with the Department a completed application for inactive status and by paying the inactive status fee.

(2) An inactive status licensee may change to active status at any time provided the licensee 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.

(3) A barber may not work with an inactive or delinquent license. Rulemaking Authority 476.064(4), 476.155(2), 455.271 FS. Law Implemented 455.271 FS. History—New 5-17-95, Amended 12-15-13.

61G3-25.005 Delinquent Status.

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

(2) The delinquent status licensee who applies for active or inactive status shall:

- (a) file with the Department a completed application for either active or inactive status; and
- (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. Rulemaking Authority 476.064(4), 455.271 FS. Law Implemented 455.271 FS. History—New 5-17-95, Amended 12-15-13.

61G3-25.006 Notice to the Department of Mailing and E-Mailing Address and Place of Practice of Licensee.

(1) It shall be the duty of each licensee to provide written notification to the Department of the licensee's current mailing and e-mailing addresses and place of practice. For purposes of this rule, "place of practice" means the address of the physical location where the licensee practices barbering. "Current mailing address" shall mean the address at which the United States Postal Service delivers mail to the licensee.

(2) Any time that the current mailing or e-mailing address or place of practice of any licensee changes, written notification of the change shall be provided to the Department within ninety (90) days of the change. Written notice should be sent to the following address: Florida Barbers' Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0769.

(3) It shall be a violation of this rule for a licensee to fail to notify the Department within ninety (90) days of a change of mailing or e-mailing address or place of practice. Rulemaking Authority 476.064(4), 455.275 FS. Law Implemented 455.275 FS. History—New 7-11-95, Amended 12-15-13.

CHAPTER 455, PART 1, FLORIDA STATUTES DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION GENERAL PROVISIONS

The following are selected excerpts from Chapter 455, Part 1, 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 1, 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.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 ¹is submitted to the Department of Law Enforcement for a statewide criminal history check.

b. The Department of Law Enforcement shall forward the fingerprints ²submitted 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) 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; s. 147, ch. 2010-102.

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.--

At least 90 days before the end of a licensure cycle, the department shall:

(1) Forward a licensure renewal notification to an active or inactive licensee at the licensee's last known address of record or e-mail address provided to the department.

(2) Forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record or e-mail address provided to the department. History.—s. 15, ch. 94-119; s. 6, ch. 2012-72.

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, e-mail 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 or e-mail to a licensee's last known mailing address or e-mail 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 posted on the front page of the department's website and shall send notice via e-mail to all newspapers of general circulation and all news departments of broadcast network affiliates in the county of the licensee's last known address of record. History.—s. 16, ch. 94-119; s. 14, ch. 2010-106; s. 7, ch. 2012-72; s. 15, ch. 2012-212.

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 www.MyFlorida.com>Find an Agency>State>Elections>Florida Administrative Code>FAC Online.

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.