

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 6, 1998 Revised: _____

Subject: Barbering and Cosmetology

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Masterton</u>	<u>Guthrie</u>	<u>RI</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill amends provisions in the barbering practice act relating to examination procedures and criteria for issuing restricted licenses. It also amends provisions in the cosmetology practice act relating to examinations, requirements for hair braiders, hair wrappers, and photography studio salons, continuing education requirements for renewal of cosmetology and speciality licenses, and authorization for mobile cosmetology salons.

This bill substantially amends the following sections of the Florida Statutes: 476.114, 476.124, 476.144, 477.013, 477.0132, 477.0135, 477.019, 477.0201, 477.025, 477.026, and 477.0263.

The bill repeals the following sections of the Florida Statutes: 476.134, 477.022.

II. Present Situation:

Chapter 476, F.S., provides for the regulation of barbers by the Barbers' Board within the Department of Business and Professional Regulation (DBPR). Section 476.124, F.S., sets forth the procedures for applying for the barbers' examination. Section 476.144, F.S., allows individuals who have held active, valid barbers' license in other states within the preceding 5 years to obtain restricted licenses to practice barbering Florida if they pass a Florida practical examination.

Chapter 477, F.S., provides for the regulation of cosmetologists by the Board of Cosmetology within the DBPR. The chapter provides for the licensure of cosmetologists, cosmetology specialists (individuals performing manicures, pedicures, or facials), and hair braiders.

Section 477.013, F.S., defines the term “cosmetology” to mean the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, and includes hair arranging. The term “hair braiding” is defined to mean the interweaving of hair without cutting, coloring, permanent waving, relaxing, removing, weaving, or chemical treatment. It does not include specifically the practice of “hair wrapping” (wrapping strings of ribbon or beads around strands of hair). Individuals may be registered as hair braiders if they take a two-day 16 hour course approved by the board.

Sections 477.019 and 477.0201, F.S., set forth the requirements for obtaining initial cosmetology or specialty licenses and for renewal of these licenses. Section 455.2228, F.S., requires all licensees and registrants to complete a course on HIV/AIDS each biennium to renew their licenses. Section 477.022, F.S., provides the requirements and procedures for cosmetology examinations.

Section 477.025, F.S., sets forth the requirements for cosmetology and salon licenses. The section authorizes the board to adopt rules relating to facilities, personnel, and safety and sanitary requirements and authorizes the department to conduct periodic inspections of salons.

Section 477.0263, F.S., requires all cosmetology services, including hair braiding, to be performed in a licensed cosmetology or specialty salon, except the board may adopt rules to permit the practice of cosmetology outside a licensed salon when ill health prevents a client from going to a licensed salon. In addition, a person licensed as a cosmetologist in any state may perform services in an unlicensed location if the services are connected with: the motion picture, fashion photography, theatrical, or television industry; a manufacturer trade show demonstration; or an educational seminar. These exceptions do not include individuals engaged in hair arranging in a photography studio salon.

III. Effect of Proposed Changes:

The bill amends provisions relating to the regulation of barbers and cosmetologists, including provisions relating to restricted barbers’ licenses, licensure of hair wrappers, the practice of hair braiding and hair wrapping outside licensed cosmetology salons, continuing education for cosmetologists, mobile cosmetology salons, and photography studio salons.

Section 1 amends s. 476.114, F.S., relating to barber examinations, apparently to conform to amendments adopted in the 1997 legislative session authorizing the DBPR to implement computer-based testing for the professions under its jurisdiction.

Section 2 amends s. 476.124, F.S., to eliminate the requirement that applications must be submitted to the department at least 30 days prior to the examination and to provide that the second of the two photographs required to accompany applications be provided to the Bureau of Testing rather than returned to the applicant.

Section 3 repeals s. 476.134, F.S., which provides for the time, place, and subjects of barbering examinations. According to the DBPR, this statute is unnecessary as the provisions are addressed in department procedures applicable to all professions.

Section 4 amends s. 476.144, F.S., relating to barber licensure qualifications to expand eligibility for a restricted barber's license. Individuals who have completed a restricted barber's course in Florida, who have been licensed in other countries for 5 years preceding application, or who once held Florida licenses, but lost them for failure to renew, may apply for restricted licenses. All applicants for restricted licenses must pass a written examination on the Florida laws and rules relating to barbering and a practical examination approved by the board. In addition, the section is amended to allow individuals to practice barbering after they have completed the required education, but pending results of the licensing examination.

Section 5 amends s. 477.013, F.S., (which provides definitions relating to the regulation of cosmetology) to: redefine "hair braiding" to clarify that it does not include hair extensions or hair wrapping; define "hair wrapping" as the wrapping of manufactured materials around a strand of human hair, without performing any other functions defined as cosmetology services; and to define "photography studio salon" to mean an establishment where hair arranging services are performed solely to prepare the client for a photographic session, without performing any other service defined as cosmetology.

Section 6 amends s. 477.0132, F.S., to require hair wrappers to be registered and to complete the same 16 hour course required of hair braiders. In addition, s. 477.0132, F.S., is amended to allow hair braiding and hair wrapping to be performed outside a licensed cosmetology salon, if specified sanitation requirements are met, and to allow hair braiders and hair wrappers to practice after completing the required training, pending formal issuance of their licenses.

Section 7 amends s. 477.0135, F.S., to exempt photography studio salons from licensure as cosmetology salons, if hair arranging services are performed under the supervision of a licensed cosmetologist employed by the photography studio salon and specified sanitation requirements are met.

Section 8 amends s. 477.019, F.S., to allow the Board of Cosmetology to require a written clinical examination or a performance (e.g., practical) examination or both, in addition to a written theory examination.

In addition, s. 477.019, F.S., is amended to allow the Board of Cosmetology to require up to 16 hours of continuing education biennially, as a condition for renewing a cosmetology license. The DBPR is authorized to privatize provider and course approval and compliance monitoring under a contract ensuring that the privatized services will be without cost to the department. Hair braiders and hair wrappers are specifically exempt from the continuing education requirements. Enforcement is limited to secondary actions, that is, when a person is investigated for another violation of the cosmetology practice act and also found to be in violation of continuing education requirements.

Section 9 amends s. 477.0201, F.S., to allow individuals to practice cosmetology specialties after completing the required training and pending issuance of their licenses.

Section 10 repeals s. 477.022, F.S., which sets forth requirements and procedures for the cosmetology examination. According to the DBPR, this section is unnecessary as the provisions are addressed in department procedures applicable to all professions.

Section 11 amends s. 477.025, F.S., to authorize the board to adopt rules for the licensure and operation of mobile cosmetology salons, including rules relating to facilities, personnel, and safety and sanitary requirements. Mobile salons must comply with all licensure and operating requirements applicable to fixed cosmetology salons, unless they are inconsistent with laws and rules specifically relating to the operation of mobile salons. Each mobile salon must maintain a permanent business address within the inspection area of the local department office. In addition, mobile salons must provide a monthly itinerary to the board, to facilitate periodic inspections. Fees for mobile salons are to be the same as the fees for fixed salons. Finally, mobile salons must comply with all local laws and ordinances regulating business establishments.

Section 12 amends s. 477.026, F.S., to provide a \$25 biennial fee for licensure as a hair wrapper.

Section 13 amends s. 477.0263, F.S., to add photography studio salons as locations, other than licensed cosmetology salons, where individuals licensed as cosmetologists may perform cosmetology services.

Section 14 provides that the act is effective on July 1 of the year in which it is enacted.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

The bill provides for a \$25 biennial license fee for hair wrappers. In addition, mobile cosmetology salons will incur the same licensure fees currently assessed salons at fixed locations.

B. Private Sector Impact:

Cosmetologists will incur the costs of meeting continuing education requirements established by the Board of Cosmetology. Continuing education providers will incur costs for obtaining provider and course approval.

Individuals who may obtain restricted barbers' licenses upon meeting less extensive educational requirements than the requirements for full barbers' licenses, will benefit from being able to practice.

Mobile salon owners will incur the costs of licensure, however, they will benefit from expanded business opportunities.

C. Government Sector Impact:

The department will incur additional costs associated with an increase in applicants under the expanded eligibility requirements for restricted barbers' licenses. However, these costs will be offset by an increase in revenue from fees assessed these new licensees.

Registration of hair wrappers is expected to result in an increase of 300 licensees initially and 200 licenses for the next 2 years. This increase in licenses issued will result in additional revenue of \$12,500 the first year and additional renewal revenue of \$7,500 for the next biennium.

Licensure of mobile cosmetology salons will increase the number of licensed salons, resulting in increased costs to the department to implement the regulation. However, these costs will be offset by the an increase in revenue from fees assessed these new licensees. The department anticipates the overall impact of the new license category to be insignificant.

Allowing hair braiding to be performed in other than a licensed salon is expected to decrease revenue from salon licenses by \$1,500 biennially.

If the DBPR privatizes the administration of cosmetology continuing education, it will incur no significant additional costs. According to the DBPR, if continuing education is not privatized, 1 additional FTE with annual salary and benefits of \$30,846, and 1,040 OPS hours

at a cost of \$7,280 annually will be required. These costs would be offset somewhat by the assessment of a fee for provider and course approval.

Revenue from administrative fines may be reduced if continuing education requirements are enforced as secondary violations only. Currently, failure to comply with mandatory HIV/AIDS continuing education requirements results in a citation and a \$250 fine. During the 1994-1996 biennial audit, 225 of 350 randomly audited licensees were found not to be in compliance with continuing education requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This legislation requires the Barbers' Board to adopt rules relating to restricted barber licenses. The Board of Cosmetology is required to adopt rules relating to continuing education and mobile cosmetology salons. The DBPR is authorized to privatize the administration of continuing education. The legislation provides adequate and appropriate standards and guidelines to direct the agency's implementation of the proposed legislation.

VIII. Amendments:

None.