

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1611                      Barbering and Cosmetology Apprenticeship  
**SPONSOR(S):** Harper  
**TIED BILLS:**                              **IDEN./SIM. BILLS:** SB 2530

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Trades, Professions, &amp; Reg. Business (Sub)</u>	<u>9 Y, 2 N</u>	<u>Livingston</u>	<u>Liepshutz</u>
2) <u>Business Regulation</u>	_____	_____	_____
3) <u>Finance &amp; Tax</u>	_____	_____	_____
4) <u>Appropriations</u>	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

In order to practice barbering services for compensation, an individual must have a barber license or restricted barber license issued by the Department of Business and Professional Regulation (DBPR) and the Barbers' Board. A person holding a restricted barber's licenses is not permitted to provide services involving chemicals.

An individual can sit for the barber licensing examination after completing 1,000 school hours provided the individual meets other requirements for licensure. If the applicant fails to achieve a passing grade on either or both parts of the licensure examination, the applicant is required to complete an additional 200 school hours prior to retaking the examination. The applicant must complete a board approved HIV/AIDS course. There is currently no apprenticeship program to assist in the preparation for licensure as a barber.

In order to provide cosmetology services for compensation, an individual must have a cosmetology license issued by the DBPR and the Board of Cosmetology.

An applicant must complete 1,000 hours of approved formal education and training in order to sit for the cosmetology licensure examination provided the applicant meets other requirements for licensure. If the applicant fails the examination, the applicant is required to complete an additional 200 school hours. The applicant must also complete a board approved HIV/AIDS course for initial licensure. There is currently no apprenticeship program to assist in the preparation for licensure as a cosmetologist.

The bill establishes barbering and cosmetology apprenticeship programs and requires apprentices and sponsors to register with their respective boards. The bill authorizes the Barbers' Board and the Board of Cosmetology to adopt rules to establish standards and to administer and regulate the programs.

The bill requires the barber/cosmetology apprenticeship sponsor to be a licensed barber/cosmetologist or an association of employers who are licensed barbers/cosmetologists. The bill creates a registration fee cap of \$50 for barber/cosmetology apprentices and a registration fee cap of \$50 for barber/cosmetology sponsors.

The DBPR anticipates "the bill would result in an increase in board administrative activities, complaints, inspections, and investigations." The DBPR estimates "7,000 apprentices and 2,300 apprentice sponsors will require additional staffing and expenses to include 5.0 FTE positions and \$753,092 during the first two years of implementation."

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1611a.br.doc  
**DATE:** March 29, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |  |   |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill establishes barbering and cosmetology apprenticeship programs by registering apprentices and sponsors. The bill authorizes the Barbers' Board and the Board of Cosmetology to adopt rules to establish standards and to administer and regulate the programs.

The bill creates a registration fee cap of \$50 for barber/cosmetology apprentices and a registration fee cap of \$50 for barber/cosmetology sponsors

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

In order to practice barbering services for compensation, an individual must have a barber license or restricted barber license issued by the Department of Business and Professional Regulation (DBPR) and the Barbers' Board. A person holding a restricted barber's licenses is not permitted to provide services involving chemicals.

An individual can sit for the barber licensing examination after completing 1,000 school hours provided the individual meets other requirements for licensure. If the applicant fails to achieve a passing grade on either or both parts of the licensure examination, the applicant is required to complete an additional 200 school hours prior to retaking the examination. The applicant must complete a board approved HIV/AIDS course. There is currently no apprenticeship program to assist in the preparation for licensure as a barber.

In order to provide cosmetology services for compensation, an individual must have a cosmetology license issued by the DBPR and the Board of Cosmetology.

An applicant must complete 1,000 hours of approved formal education and training in order to sit for the cosmetology licensure examination provided the applicant meets other requirements for licensure. If the applicant fails the examination, the applicant is required to complete an additional 200 school hours. The applicant must also complete a board approved HIV/AIDS course for initial licensure. There is currently no apprenticeship program to assist in the preparation for licensure as a cosmetologist.

##### Effect of Proposed Changes

The bill requires barber/cosmetology apprentices and their sponsors to register with the DBPR. The bill requires the barber/cosmetology apprenticeship sponsor be a licensed barber/cosmetologist or an association of employers who are licensed barbers/cosmetologists. The sponsor may not sponsor more than three apprentices at once. The barber/cosmetologist is required to have held an active valid barber/cosmetology license for three consecutive years prior to the date of becoming a sponsor.

The bill requires a barber/cosmetology apprentice to have a written agreement with the sponsor that meets minimum standards as stipulated by the Barbers' Board/ Board of Cosmetology. Apprentices are required to have prior written consent from the sponsor in order to provide barber/cosmetology services. The sponsor is required to make certain that the apprentice informs the public that he or she is not a licensed barber or cosmetologist prior to conducting services.

A registration fee cap of \$50 for barber/cosmetology apprentices is authorized and a registration fee cap of \$50 for barber/cosmetology sponsors is specified. The barber/cosmetology sponsor is made responsible for ensuring that the barber/cosmetology apprentice receives training as stipulated by the Barbers' Board or the Board of Cosmetology. The apprentice and sponsor is required to file reports as specified by each relevant board.

The bill provides that if the registered barber/cosmetology apprentice changes sponsors, a new application must be submitted. The bill provides that a barber/cosmetology sponsor must be present at all times in a licensed barbershop or cosmetology salon at any time the apprentice is performing services. If the sponsor cannot attend, the sponsor is allowed, through prior written consent, to appoint a qualified barber/cosmetologist who meets the requirements of the respective board to supervise the apprentice at the licensed barbershop or licensed salon.

C. SECTION DIRECTORY:

Section 1. Amends s. 476.034, F.S., to define apprentice and apprenticeship program.

Section 2. Amends s. 476.114, F.S., to establish registration requirements for apprentices and apprentice sponsors.

Section 3. Creates s. 476.190, F.S., to establish apprenticeship training guidelines.

Section 4. Creates s. 476.191, F.S., to specify duties of the Barbers' Board.

Section 5. Amends s. 476.192, F.S., to specify fees for registration.

Section 6. Amends s. 476.194, F.S., to include an apprentice as a part of certain prohibited acts.

Section 7. Amends s. 477.013, F.S., to define apprentice and apprenticeship program.

Section 8. Amends s. 477.019, F.S., to establish registration requirements for apprentices and apprentice sponsors.

Section 9. Amends s. 477.0201, F.S., to correct a cross reference.

Section 10. Amends s. 477.0251, F.S., to establish apprenticeship training guidelines.

Section 11. Amends s. 477.0252, F.S., to specify duties of the Board of Cosmetology.

Section 12. Amends s. 477.026, F.S., to specify fees for registration.

Section 13. Amends s. 477.0265, F.S., to include an apprentice as a part of certain prohibited acts

Section 14. Amends s. 477.029, F.S., to specify a penalty for operating without a registration.

Section 15. Effective date - October 1, 2004.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The DBPR estimates that initial registration fees would approach \$465,000 in FY 2004-2005.

#### 2. Expenditures:

The DBPR estimates the expenditures for the program would approach \$453,900 in FY 2004-2005.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill establishes barbering and cosmetology apprenticeship programs by registering apprentices and sponsors. The bill creates a registration fee cap of \$50 for barber/cosmetology apprentices and a registration fee cap of \$50 for barber/cosmetology sponsors.

### D. FISCAL COMMENTS:

The DBPR estimates "the bill would result in an increase in board administrative activities, complaints, inspections, and investigations." The DBPR estimates that "7,000 apprentices and 2,300 apprentice sponsors will require 5.0 FTE positions and \$753,092 during the first two years of implementation."

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

#### 2. Other:

None

### B. RULE-MAKING AUTHORITY:

The bill authorizes the Barbers' Board and the Board of Cosmetology to adopt rules to establish standards and to administer and regulate the apprenticeship programs.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

No comments.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES