

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government; ensure lower taxes; safeguard individual liberty; promote personal responsibility; empower families; maintain public security:

The bill authorizes the board to adopt a rule to allow a cosmetology student to apply and be approved to receive an examination date prior to graduation from an accredited training program.

B. EFFECT OF PROPOSED CHANGES:

Present situation

The board within the DBPR is the entity responsible for the regulation of cosmetology under chapter 477, F.S. No person other than a duly licensed cosmetologist can practice cosmetology or use the name or title of a cosmetologist unless licensed or exempted under law.

Section 477.013(4), F.S., defines cosmetology to mean the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services.

In order to be licensed as a cosmetologist, a person must be at least 16 years of age or have received a high school diploma; must pay the required application fee; must satisfy an experience requirement by being authorized to practice cosmetology in another state or country for at least a year or an education requirement of 1,200 hours of training from a cosmetology program licensed pursuant to chapter 1005, F.S., a cosmetology program within the public school system, Cosmetology Division of the Florida School for the Deaf and the Blind, or a government-operated cosmetology program in the state. Finally, the person must pass the licensure examination.

Currently, graduates of certified cosmetology schools or cosmetology programs are eligible to practice cosmetology, provided such graduates practice under the supervision of a licensed cosmetologist, following the completion of the first licensing examination and pending the results of that examination. A graduate who fails the first examination may continue to practice under the supervision of a licensed cosmetologist if the graduate applies for the next available examination and until the graduate receives the results of that examination. A graduate may not practice under this subsection if the graduate fails the examination twice.

Currently, the board is required to specify by rule the general areas of competency to be covered by examinations for licensing of cosmetologists. The board must ensure that examinations adequately measure an applicant's competency and knowledge of related statutory requirements.

Section 477.019 (3), F.S., provides that upon an applicant receiving a passing grade, as established by board rule, on the examination and paying the initial licensing fee, the department shall issue a license to practice cosmetology.

Effect of proposed changes

The bill specifies that the board may establish by rule procedures whereby a student may be pre-qualified to obtain approval for an examination date prior to graduation.

C. SECTION DIRECTORY:

Section 1. Amends s. 477.022, F.S., to provide, by rule, eligibility criteria to receive an early date to take the cosmetology examination.

Section 2. Effective date - July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The legislation does not have a fiscal impact on any state agencies.

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 board is authorized to adopt a rule to allow a cosmetology student to apply and be approved to receive an examination date prior to graduation from an accredited training program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None noted.

D. STATEMENT OF THE SPONSOR

The strike all to HB 1071 states that the board may establish by rule procedures whereby a student may be pre-qualified to obtain approval for an examination date prior to graduation.

The cosmetology industry has been facing many issues over the years. The Department of Business and Professionals Regulation (DBPR) has reached out to the Florida Association of Beauty Professionals (FAB Professionals) to learn how it can serve its constituents better. One of the immediate issues was the application processing for examination and licensing of incoming licensees.

Currently students of cosmetology can only apply for their state licensing examination at the completion of the required school hours (Florida Statute 477.019). This process has proven to hold up incoming licensees from getting to work due to the delay in getting the paperwork completed and the state examination scheduled. Based on the DBPR's request for input, the original bill has been modified to address the single issue- allowing students to apply for examination and have their paperwork pre-processed while they are completing their required hours of school.

This would allow the students to schedule exam dates close to graduation time and allow better preparation for the examination. The language was created in response to the meeting referenced above with the Department. All other issues (as stated in the originally filed bill) will be worked on with the Board of Cosmetology in the rule-making process.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 20, 2007, the Jobs & Entrepreneurship Council adopted a Council Substitute and reported the CS out of Council by a unanimous vote. The CS differs from the original bill as follows.

The CS removes all provisions of the original bill and inserts a provision which authorizes the board to adopt a rule to allow a cosmetology student to apply and be approved to receive an examination date prior to graduation from an accredited training program.

The CS reduces the fiscal impact to zero.