

By Senator Joyner

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1 A bill to be entitled
2 An act relating to barbering; amending s. 476.034,
3 F.S.; defining the terms "barbering intern" and
4 "internship sponsor"; creating s. 476.145, F.S.;
5 providing for the selection and placement of barbering
6 interns; requiring a school of barbering or a
7 barbering program to provide written notice to the
8 board regarding the internship sponsor and the
9 barbering intern; providing requirements and duties of
10 the internship sponsor; requiring a barbershop to post
11 notice regarding services of a student intern;
12 requiring a barbering intern to possess written
13 authorization to practice barbering; requiring the
14 board to establish education prerequisites for
15 barbering internships; authorizing the board to
16 terminate an internship of a barbering intern or the
17 sponsorship of a internship sponsor; requiring the
18 board to give notice of termination; amending s.
19 476.188, F.S.; authorizing barber services to be
20 provided by barbering interns; amending s. 476.192,
21 F.S.; providing a limit on the registration fee for
22 internship sponsors; amending s. 476.194, F.S.;
23 relating to prohibited acts, to conform; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Section 476.034, Florida Statutes, is amended to
29 read:

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30 476.034 Definitions.—As used in this act:

31 (1) "Barber" means a person who is licensed to engage in
32 the practice of barbering in this state under the authority of
33 this chapter.

34 (2) "Barbering" means any of the following practices when
35 done for remuneration and for the public, but not when done for
36 the treatment of disease or physical or mental ailments:
37 shaving, cutting, trimming, coloring, shampooing, arranging,
38 dressing, curling, or waving the hair or beard or applying oils,
39 creams, lotions, or other preparations to the face, scalp, or
40 neck, either by hand or by mechanical appliances.

41 (3) "Barbering intern" means a student enrolled in a 1,200-
42 hour barbering program who participates in an optional work-
43 experience internship under the direct supervision of a licensed
44 barber in a licensed barbershop.

45 (4)~~(3)~~ "Barbershop" means any place of business wherein the
46 practice of barbering is carried on.

47 (5)~~(4)~~ "Board" means the Barbers' Board.

48 (6)~~(5)~~ "Department" means the Department of Business and
49 Professional Regulation.

50 (7) "Internship sponsor" means a licensed barber registered
51 with the board for the purpose of supervising a barbering intern
52 and ensuring compliance by the intern with the laws and rules of
53 this state and the internship requirements established by the
54 board and administered through a school of barbering or a
55 barbering program.

56 Section 2. Section 476.145, Florida Statutes, is created to
57 read:

58 476.145 Barbering internships.—

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59 (1) The selection and placement of barbering interns shall
60 be determined by the school of barbering or the barbering
61 program. The school or program shall determine whether a student
62 is eligible to become a barbering intern and whether an
63 internship sponsor meets the requirements for its educational
64 objectives. The school or program, on behalf of the student,
65 shall provide written notice to the board that an internship
66 sponsor has been selected and name the barbering intern to be
67 supervised. The school or program shall determine the length and
68 schedule of an individual barbering internship, but such
69 internship may not exceed 12 months. Internships may not
70 substitute or take the place of educational or licensure
71 requirements.

72 (2) Each internship sponsor shall obtain approval from a
73 school of barbering or barbering program and shall register with
74 the board before accepting placement of each barbering intern.
75 The application for registration must include the name and
76 contact person of the school or program placing the intern, the
77 name and address of the internship sponsor, and other
78 information that the board requires.

79 (3) The internship sponsor must have an active license and
80 shall actively supervise the barbering intern in the practice of
81 barbering pursuant to rules established by the board. A
82 barbering intern may practice only within the field of barbering
83 in which he or she is engaged in the course of study. The
84 internship sponsor shall ensure that the barbering intern is
85 complying with the laws and rules governing barbering and is
86 complying with the educational objectives and guidelines
87 established by the school of barbering or the barbering program

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88 and the board.

89 (4) All services provided by the barbering intern shall be
90 expressly approved by the internship sponsor and contracted for
91 by the internship sponsor. The internship sponsor shall ensure
92 that the public is clearly informed that the barbering intern is
93 not a licensed barber.

94 (5) Pursuant to rules established by the board, the
95 barbershop in which a barbering intern is engaged in the
96 practice of barbering shall post notice in a conspicuous manner
97 within the barbershop indicating that a student intern is
98 providing services on the premises.

99 (6) A barbering intern shall possess written documentation
100 of his or her authorization to engage in the practice of
101 barbering from the student's school of barbering or barbering
102 program and shall furnish such documentation to the department
103 before engaging in the practice of barbering and upon request by
104 department personnel.

105 (7) The board shall establish by rule the education
106 prerequisites for barbering internships, including the minimum
107 number of hours of classroom instruction and required course
108 work. The board shall establish by rule the number of permitted
109 barbering internships per internship sponsor, the minimum and
110 maximum number of internship hours, and the recommended
111 educational objectives and guidelines for an internship program
112 in a school of barbering or barbering program.

113 (8) The board may terminate the internship of any barbering
114 intern and the sponsorship of any internship sponsor for a
115 violation of the laws and rules governing barbering and board
116 rules governing internships. The board shall provide notice of

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117 termination of an internship to the internship sponsor, the
118 school of barbering or barbering program, and the barbering
119 intern. In the case of a terminated barbering internship, the
120 school or program shall determine the educational status of the
121 barbering intern.

122 Section 3. Subsection (1) of section 476.188, Florida
123 Statutes, is amended to read:

124 476.188 Barber services to be performed in registered
125 barbershop; exception.—

126 (1) Barber services shall be performed only by a licensed
127 barber or a barbering intern supervised by a licensed barber
128 ~~barbers~~ in a registered barbershop ~~barbershops~~, except as
129 otherwise provided in this section.

130 Section 4. Section 476.192, Florida Statutes, is amended to
131 read:

132 476.192 Fees; disposition.—

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

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

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

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

142 (d) For duplicate licenses and certificates, fees may ~~shall~~
143 not exceed \$25.

144 (e) For internship sponsors, fees for registration may not
145 exceed \$30.

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146 (2) All moneys collected by the department from fees
147 authorized by this chapter shall be paid into the Professional
148 Regulation Trust Fund in the department and shall be applied in
149 accordance with ss. 215.37 and 455.219.

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

152 Section 5. Section 476.194, Florida Statutes, is amended to
153 read:

154 476.194 Prohibited acts.—

155 (1) It is unlawful for any person to:

156 (a) Engage in the practice of barbering as a barbering
157 intern without authorization or ~~without an active license~~ as a
158 barber without an active license issued pursuant to the
159 provisions of this act by the department.

160 (b) Engage in willful or repeated violations of this act or
161 of any of the rules adopted by the board.

162 (c) Hire or employ any person to engage in the practice of
163 barbering unless such person holds a valid license as a barber
164 or is authorized as a barbering intern under this chapter and
165 supervised by a licensed barber.

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

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

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

174 2. In which a person who is not licensed as a barber or

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175 authorized as a barbering intern ~~as a barber~~ is permitted to
176 perform services.

177 (f) Use or attempt to use a license to practice barbering
178 when the ~~said~~ license is suspended or revoked.

179 (2) Any person who violates any provision of this section
180 commits ~~is guilty of~~ a misdemeanor of the second degree,
181 punishable as provided in s. 775.082 or s. 775.083.

182 Section 6. This act shall take effect July 1, 2009.