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

24
25 Be It Enacted by the Legislature of the State of Florida:
26

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

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29 476.034 Definitions.—As used in this act:

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

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

40 (3) "Barbering intern" means a student enrolled in
41 training, as described in s. 476.114(2)(c)2., at a school of
42 barbering or barbering program who participates in an optional
43 work experience internship under the direct supervision of a
44 licensed barber in a licensed barbershop.

45 (4)~~(3)~~ "Barbershop" means any place of business wherein
46 the 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
51 registered with the board for the purpose of supervising a
52 barbering intern and ensuring compliance by the intern with the
53 laws and rules of this state and the internship requirements
54 established by the board and administered through a school of
55 barbering or a barbering program.

56 Section 2. Section 476.145, Florida Statutes, is created

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57 | to read:

58 | 476.145 Barbering internships.-

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 she or he is engaged in the course of study. The
84 | internship sponsor shall ensure that the barbering intern

85 complies with the laws and rules governing barbering and the
 86 educational objectives and guidelines established by the school
 87 of barbering or the barbering program and the board.

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

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

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

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

112 (8) The board may terminate the internship of any

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113 barbering intern and the sponsorship of any internship sponsor
 114 for a violation of the laws and rules governing barbering and
 115 board rules governing internships. The board shall provide
 116 notice of termination of an internship to the internship
 117 sponsor, the school of barbering or barbering program, and the
 118 barbering intern. In the case of a terminated barbering
 119 internship, the school or program shall determine the
 120 educational status of the barbering intern.

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

123 476.188 Barber services to be performed in registered
 124 barbershop; exception.—

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

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

131 476.192 Fees; disposition.—

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

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

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

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

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

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

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

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

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

153 476.194 Prohibited acts.—

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

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

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

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

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

168 (e) Own, operate, maintain, open, establish, conduct, or

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169 have charge of, either alone or with another person or persons,
170 a barbershop:

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

173 2. In which a person who is not licensed as a barber or
174 authorized as a barbering intern ~~as a barber~~ is permitted to
175 perform services.

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

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

181 Section 6. This act shall take effect July 1, 2010.