

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 544

INTRODUCER: Senator Joyner

SUBJECT: Barbering

DATE: March 9, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Young	Imhof	RI	Favorable
2.	_____	_____	HE	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides the structure for allowing barbering internships. The internships are to be provided through a barbering school or program and the school or program is responsible for placing the intern in a licensed barbershop under the supervision of a licensed barber.

The bill provides for a \$30.00 fee to be paid by internship sponsors.

The bill has an effective date of July 1, 2011.

This bill substantially amends the following sections of the Florida Statutes: 476.034, 476.145, 476.188, 476.192, and 476.194. This bill creates s. 476.145, Florida Statutes.

II. Present Situation:

Barbering is governed by ch. 476, F.S. This chapter places the profession of barbering under the regulation of the Barbers' Board (board) within the Department of Business and Professional Regulation (department). There are currently 9,464 active barbering licenses within the state of Florida.¹

Barbering is defined as:

any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting,

¹ See department analysis for SB 544, dated January 28, 2011, on file with the Committee on Regulated Industries.

trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.²

The act of engaging in barbering without a license is prohibited under s. 476.194, F.S. If guilty of violating this prohibition, the person has committed a misdemeanor of the second degree as is punishable as provided in ss. 775.082 and 775.083, F.S.³ Possible punishments under these sections include:

- Imprisonment for a definite term not longer than 60 days;
- A fine not to exceed \$500.00; or
- Both.

The requirements for a barbering license are governed by s. 476.114, F.S. Currently, a person must apply to the board for a license and in order to be granted that license, must meet the following requirements:

- Be at least 16 years of age;
- Pay the required application fee; and
- Hold a valid barbering license in another state for at least one year; or
- Have received a minimum of 1,200 hours of training as established by the board. This training must have taken place at one of the following:
 - A school of barbering licensed pursuant to ch. 1005, F.S.;
 - A barbering program within the public school system; or
 - A government operated barbering program in this state.

The board is required to establish rules governing the procedures for a certification by the schools that the person is eligible and qualified to take the exam after the completion of 1,000 actual hours of schooling.⁴ Rule 61G3-16.001, F.A.C. lays out the rules implemented by the board concerning licensing. The rule provides that the examination may be taken after 1,000 hours, however if the persons fails the examination, then they must finish the requirements for licensure before they may take the exam again. The rule further provides for the types of courses that must be included in the persons study and the hours of instruction for each type.

Private schools of barbering are required to have a license issued by the Commission for Independent Education, however the Department of Education may authorize programs in public schools and the government may operate their own programs without being subject to the licensure requirement.⁵

Barbers are licensed for a two-year period and are subject to the fees:⁶

² Section 476.034(2), F.S.

³ Section 476.194(2), F.S.

⁴ Section 476.114, F.S.

⁵ Section 476.178, F.S.

⁶ See s. 476.192, F.S., and s. 455.2281, F.S., relating to the \$5 unlicensed activity fee.

- Barber = \$105
- Restricted Barber = \$105
- Barbershop = \$155
- Barber Assistant = \$25
- The fees above include a \$5 unlicensed activity fee

III. Effect of Proposed Changes:

This bill amends s. 476.034, F.S., to define the terms “barbering intern” and “internship sponsor.” A barbering intern is defined as “a student enrolled in a 1,200-hour barbering program who participates in an optional work-experience internship under the direct supervision of a licensed barber in a licensed barbershop.” The internship sponsor is defined as “a licensed barber registered with the board for the purpose of supervising a barbering intern and ensuring compliance by the intern with the laws and rules of this state and the internship requirements established by the board and administered through a school or a barbering program.”

The bill creates s. 476.145, F.S. This section provides for barbering internships to be offered through barbering schools or programs (school). The bill establishes that the school is to determine who is able to participate in the internship program along with where they will be placed. The bill specifies that an internship placement is to be less than 12 months in duration.

The bill requires that the internship sponsor must be approved by a school of barbering or barbering program before the sponsor may have an intern. The sponsor must have an active license and must actively supervise the intern in the practice of barbering. The sponsor must ensure that the intern complies with all laws and rules that govern barbering and is complying with the objectives and guidelines of the school.

The bill requires that the intern practice barbering only within the field of barbering that they are engaged in studying. All activities of barbering performed by the intern must be expressly approved by the sponsor and contracted for by the sponsor.

The bill requires that the public be informed that the intern is not a licensed barber. The sponsor must also ensure that there is a notice posted in a conspicuous manner within the barbershop that notifies persons that there is a student intern providing services in the shop, as provided by rule of the board.

The bill requires that a barbering intern must possess documentation from the barbering school or program indicating their authorization to engage in the practice of barbering.

The board is required to adopt, by rule, educational requirements for the internship. These requirements are to contain topics such as the number of classroom hours and required coursework. The board must also determine the number of interns that may be assigned to each sponsor, the minimum and maximum number of internship hours, and the educational objectives and guidelines for the program.

The bill provides that the board may terminate the internship of any intern for a violation of the laws or rules governing barbering or the rules governing internships. The board must notify the

internship sponsor, the school, and the intern. The school must determine the educational status of the intern after the termination of the internship.

The bill amends s. 476.188(1), F.S., to allow barbering services to be provided by a licensed barber or intern. The bill also amends s. 476.194, F.S., to include barbering interns in the criminal prohibition against practicing barbering without a license.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

There is a fee associated with the barbering internship sponsor application. The bill requires a fee of not more than \$30.00 be paid by an internship sponsor applicant.

B. Private Sector Impact:

The department estimates that the bill would allow internship sponsors to employ barbering interns and increase the revenue in their barbershops while giving instruction to barbering interns. The department indicated that the bill will encourage more individuals to enter the barbering workforce. According to the board's staff, the expected increase in the number of barbers would be approximately 5 percent of the existing number of licensees.

The 5 percent increase over the current active number of barbers would result in 473 interns and sponsors in FY 2011-12. The department anticipates that these interns would apply for and be licensed in FY 2012-13.

The department estimates the population of intern-trained applicants will grow by 1.7 percent per year beginning in FY 2012-13.

C. Government Sector Impact:

According to the department, there will be an impact related to processing internship sponsor registrations and increased numbers of licensees who apply for licensure based

upon their ability to work as interns. The increased number of applicants and licenses will generate additional revenue.

The department believes that the additional work can be absorbed by the current staff, however they do believe that there will be additional costs connected with the addition of board meetings, to conduct rule development workshops, to process an increased number of disciplinary cases, and to review and consider internship sponsor applications.

The department estimates that revenue from the fee for FY 2011-2012 would be \$14,190 and the additional cost to the department would be \$7,940. That gives a net revenue of \$5,115 for FY 2011-2012 and a total net revenue estimate of \$239,815 through FY 2014.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.