

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 Committee on Commerce and Tourism

BILL: SB 1176

INTRODUCER: Senator Stewart

SUBJECT: Barber Services

DATE: March 26, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Reeve</u>	<u>McKay</u>	<u>CM</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1176 permits a barber to shampoo, cut, or arrange hair in a location other than a registered barbershop without arranging the barber service through a registered barbershop. Current law requires arrangements for the performance of barber services in a location other than a registered barbershop to be made through a registered barbershop.

The bill takes effect July 1, 2021.

II. Present Situation:

Barbering in Florida

Barbers and barbershops in Florida are regulated by ch. 476, F.S., known as the Barbers' Act (act), and licensed by the Barber's Board (board) under the Department of Business and Professional Regulation (DBPR).

The act defines barbering as any of the following practices when done for payment by the public: shaving, cutting, 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.¹

¹ Section 476.034(2), F.S. The term does not include those services when done for the treatment of disease or physical or mental ailments.

Licensing

An applicant for licensure as a barber must pass an examination. To be eligible to take the examination, an applicant must:²

- Be at least 16 years of age;
- Pay the application fee;³ and
- Hold an active valid license to practice barbering in another state for at least 1 year and not qualify for licensure by endorsement,⁴ or have received a minimum of 900 hours of specified training at a certain barbering school or program.

The board is authorized to establish by rule a procedure for a barber school or program to certify that an applicant is qualified to take the examination after completing a minimum of 600 actual school hours. If such an applicant passes the examination, the required 900 training hours is deemed satisfied; failing the examination requires the applicant to complete the full 900 hours.⁵

Alternatively, a person may apply for and receive a “restricted license,” which authorizes the licensee to practice only in areas in which they have demonstrated competency pursuant to the rules of the board. An applicant for a restricted license must:⁶

- Complete a restricted barber course at a barbering school or program; or
- Hold, or have held within the last 5 years, an active barber license in another state; or
- Have held a Florida barber license declared null and void for failure to renew the license.⁷

Applicants must not have been disciplined relating to the practice of barbering in the past 5 years and must pass a written examination on the laws and rules governing the practice of barbering in Florida, as established by the board.⁸

Barbers must complete an education course by the board on HIV and AIDS as part of licensure or biennial license renewal.⁹

Performance of Barber Services

A barbershop, defined as “any place of business wherein the practice of barbering is carried on,”¹⁰ must be licensed by the DBPR in order to operate. Barbershops are inspected periodically by the DBPR in accordance with sanitary standards set forth by the board.¹¹

Generally, barber services may only be performed by licensed barbers in registered barbershops.¹² However, the board may establish rules allowing a licensed barber to perform

² Section 476.114(2), F.S.

³ See Fla. Admin. Code R. 61G3-20.002.

⁴ See s. 476.144(5), F.S.

⁵ *Supra* note 2.

⁶ Section 476.144(6), F.S.

⁷ Section 476.154, F.S., requires each barber that continues in active practice to renew their license biennially.

⁸ *Supra* note 6.

⁹ Section 455.2228, F.S.

¹⁰ Section 476.034(3), F.S.

¹¹ Section 476.184, F.S.

¹² Section 476.188(1), F.S.

barber services in a location other than a registered barbershop, such as a nursing home, hospital, or residence, when a client or resident of such a facility is unable to go to a registered barbershop due to ill health.¹³

Arrangements for the performance of such barber services in a location other than a registered barbershop must be made through a registered barbershop.¹⁴ The registered barbershop must record the name of the client and the address at which the services are to be performed in the appointment book of the barbershop, which must remain at the barbershop and made available to any investigator or inspector of the DBPR.¹⁵

Licensed barbers may perform barber services for a manufacturer trade show demonstration, for an education seminar, or in connection with the motion picture, fashion photography, theatrical, or television industries at a location other than a registered barbershop without arranging the services through a registered barbershop.¹⁶

Cosmetology in Florida

Generally, cosmetology services must be performed by a cosmetologist or a specialist in a licensed cosmetology salon. However, cosmetologists and specialists are permitted to perform hair shampooing, hair cutting, hair arranging, nail polish removal, nail filing, nail buffing, and nail cleansing in a location other than a licensed salon.¹⁷

A cosmetologist or specialist was previously prohibited from performing cosmetology services outside a salon except in limited circumstances and was required to make arrangements through a salon for services provided outside the salon, similar to the current requirements for barbers. In 2020, the law was changed to allow cosmetologists and specialists to perform a limited number of cosmetology services outside of a salon and to do so without making such arrangements through a salon.¹⁸

III. Effect of Proposed Changes:

The bill amends s. 476.188, F.S., to permit a barber to shampoo, cut, or arrange hair in a location other than a registered barber shop without arranging the barber service through a registered barbershop.

The bill takes effect July 1, 2021.

¹³ If such services are performed on employees or persons who do not reside in the facility, or any other nonqualified persons, the location must be a licensed barbershop. *See* Fla. Admin. Code R. 61G3-19.010(2).

¹⁴ Section 476.188(2), F.S.

¹⁵ Fla. Admin. Code R. 61G3-19.010(1).

¹⁶ Section 476.188(3), F.S.

¹⁷ Section 477.0263, F.S.

¹⁸ Chapter 2020-160, s. 37, Laws of Fla.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 476.188 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
