

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 Regulated Industries

BILL: SB 1176

INTRODUCER: Senator Stewart

SUBJECT: Barber Services

DATE: March 15, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	Favorable
2.			CM	
3.			RC	

I. Summary:

SB 1176 permits 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. Current law requires arrangements for the performance of barber services in a location other than a registered barbershop to be made only through a registered barbershop.

The bill takes effect July 1, 2021.

II. Present Situation:

The term “barbering” in ch. 476, F.S., the Barbers’ Act, includes 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, applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.¹

License Qualifications

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

- Be at least 16 years of age;
- Pay the application fee; and
- Have held an active valid license in another state for at least one year,² or have a minimum of 900 hours of specified training.³

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

² See s. 476.144(5), F.S. Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida.

³ See s. 476.114(2), F.S.

The Barbers' Board within the Department of Business and Professional Regulation (department) is authorized to establish by rule a procedure for a barber school or program to certify a person to take the licensure examination following completion of a minimum of 600 actual hours of training and for licensure of applicants passing the examination. Upon passage of the licensure examination, the training requirement of 900 hours is deemed satisfied; failing the examination requires completion of the full educational requirement.⁴

Alternatively, a person may apply for and receive a "restricted license" to practice barbering. A restricted barbering license authorizes the licensee to practice only in areas in which he or she has demonstrated competency pursuant to rules of the Barbers' Board.⁵ An applicant for a restricted barber license must satisfactorily complete a restricted barber course, have held an active license to practice barbering in another state or country, or have held a Florida license which has been declared null and for failure to renew. Additionally, the applicant must not have been disciplined for a violation related to the practice of barbering in the previous five years and must pass a written examination on the laws and rules governing the practice of barbering in Florida, as established by the board.⁶

Barbers must complete an educational course approved by the Barbers' Board on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) as a condition for licensure and as continuing education as part of biennial license renewal or recertification.⁷

Where Barber Services May be Performed

The term "barbershop" means "any place of business wherein the practice of barbering is carried on."⁸ A barbershop may not operate without a license issued by the department.⁹

Generally, barber services may be performed only by licensed barbers in registered barbershops.¹⁰ However, the board may establish rules allowing barber services to be performed by a licensed barber in a location other than a registered barbershop, including, but not limited to, a nursing home, hospital, or residence, when a client for reasons of ill health is unable to go to a registered barbershop.¹¹

Arrangements for the performance of barber services in a location other than a registered barbershop must be made only through a registered barbershop.¹² The registered barbershop must record the name of the client and the location at which the services are to be performed in the appointment book of the barbershop. The appointment book must remain at the barbershop and made available upon request to any investigator or inspector of the department.¹³

⁴ *Id.*

⁵ *See* s. 476.144(6), F.S., and Fla. Admin. Code R. 61G3-16.006 (2021).

⁶ *Id.*

⁷ Section 455.2228, F.S.

⁸ Section 476.034(3), F.S.

⁹ Section 476.184, F.S.

¹⁰ Section 476.188(1), F.S.

¹¹ Section 476.188(2), F.S.

¹² *Id.*

¹³ Fla. Admin. Code R. 61G3-19.010.

If barber services are performed in an unlicensed location within a hospital, nursing home, or similar facility, such services may lawfully be performed only upon clients, residents, or patients, who for reasons of ill health are unable to visit a licensed shop. If the barber services are to be performed upon employees or persons who do not reside in the facility, or any other nonqualified persons, the location must be a licensed barbershop.¹⁴

Additionally, a person who holds a valid barber's license in any state or who is authorized to practice barbering in any country, territory, or jurisdiction of the United States may perform barber services in a location other than a registered barbershop when such services are performed in connection with the motion picture, fashion photography, theatrical, or television industry; a manufacturer trade show demonstration; or an educational seminar.¹⁵

By comparison, hair shampooing, hair cutting, hair arranging, nail polish removal, nail filing, nail buffing, and nail cleaning may be performed in a location other than a licensed salon when the service is performed by a person licensed under ch. 477, F.S., relating to the practice of cosmetology.¹⁶

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.

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.

¹⁴ *Id.*

¹⁵ Section 476.188(3), F.S.

¹⁶ Section 477.0263(5), F.S.

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.