

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 855 Barber Services

**SPONSOR(S):** Morales and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1176

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**FINAL HOUSE FLOOR ACTION:** 115 Y's 0 N's

**GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

HB 855 passed the House on April 1, 2021, and subsequently passed the Senate on April 14, 2021.

Barbers and barbershops are regulated by the Barbers' Board under the Department of Business and Professional Regulation.

A barber's license is required to perform barbering services, all barbering services must be performed in registered barbershops, and arrangements for such services must be made through a registered barbershop.

However, services may be performed outside of a barbershop if they are provided:

- for a client of ill health;
- in connection with the motion picture, fashion photography, theatrical, or television industry;
- for a manufacturer trade show demonstration; or
- for an educational seminar.

The bill:

- allows barbers to shampoo, cut, or arrange hair in a location other than a registered barbershop at any time; and
- allows barbers to do so without making arrangements through a registered barbershop.

The bill does not have a fiscal impact on state or local governments.

The bill was approved by the Governor on June 29, 2021, ch. 2021-218, L.O.F., and became effective on July 1, 2021.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Barbering

Barbers and barbershops are regulated by ch. 476, F.S., and licensed by the Barbers' Board (board) under the Department of Business and Professional Regulation (DBPR).

'Barbering' means 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, 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."<sup>1</sup>

A barber's license is required to perform barbering services.<sup>2</sup> To be eligible for licensure, barbers must:<sup>3</sup>

- be at least 16 years old,
- complete the required training for barbers, which is between 600 and 900 hours,<sup>4</sup>
- pass the written examination,<sup>5</sup> and
- pay a \$218.50 application fee,<sup>6</sup> plus a \$5 unlicensed activity fee.<sup>7</sup>

There are 11,713 barbers and 5,434 restricted barbers in the state. For the 2019-2020 Fiscal Year, DBPR received 845 complaints against barbers, and took 112 disciplinary actions.<sup>8</sup>

#### Barbershops

In Florida, barbershops must be registered.<sup>9</sup> Barbershops are inspected periodically by DBPR, in accordance with sanitary standards set forth by the board.<sup>10</sup>

Generally, all barbering services must be performed in registered barbershops, except services provided:<sup>11</sup>

- in a location other than a registered barbershop, including, but not limited to, a nursing home, hospital, or residence, for a client of ill health who is unable to go to a registered barbershop;
  - arrangements for the performance of such barber services must be made through a registered barbershop.
- in connection with the motion picture, fashion photography, theatrical, or television industry; or
- for a manufacturer trade show demonstration or educational seminar.

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<sup>1</sup> S. 476.034(2), F.S.

<sup>2</sup> S. 476.144(1), F.S.

<sup>3</sup> S. 476.114, F.S.

<sup>4</sup> Barbers are eligible to take the examination after 600 hours. If their examination is not successful, the full 900 hours must be completed. S. 476.114(2)(c), F.S. There is also an option to be a barber with a restricted license, which is 600 hours training in total and restricts such barbers from applying chemical solutions or preparations to hair. S. 476.144(6), F.S.; R. 61G3-16.006, F.A.C.

<sup>5</sup> R. 61-35.006, F.A.C.

<sup>6</sup> Email from Conner Mann, Legislative Affairs Coordinator, Florida Department of Business and Professional Regulation, RE: Barbers (Mar. 1, 2021).

<sup>7</sup> S. 455.2281, F.S.

<sup>8</sup> DBPR, *supra* note 6.

<sup>9</sup> S. 476.184(1), F.S.

<sup>10</sup> S. 476.184(2), F.S.

<sup>11</sup> S. 476.188, F.S.

## Cosmetology and Cosmetology Salons

Cosmetologists, nail specialists, facial specialists, full specialists, and related salons in the state are regulated in accordance with ch. 477, F.S., and licensed by the Board of Cosmetology under DBPR. A cosmetology or specialty license is required to perform cosmetology services.<sup>12</sup>

In Florida, cosmetology and specialty salons must be licensed.<sup>13</sup> Such salons are inspected periodically by DBPR, in accordance with sanitary standards set forth by the Board of Cosmetology.<sup>14</sup>

Generally, cosmetology services must be performed by a cosmetologist or specialist in a licensed cosmetology or specialty salon. However, cosmetologists and specialists are allowed to perform hair shampooing, hair cutting, hair arranging, nail polish removal, nail filing, nail buffing, and nail cleansing **outside of a salon**.<sup>15</sup>

Section 477.0263 specifies the following exceptions to the general rule that cosmetology services be performed in a salon:<sup>16</sup>

- services provided for a client who for reasons of ill health is unable to go to a licensed salon;
- services provided for the motion picture, fashion photography, theatrical, or television industry;
- services provided for a photography studio salon;
- services provided for a manufacturer trade show demonstration or educational seminar;
- services provided for a special event;<sup>17</sup> and
- hair shampooing, hair cutting, hair arranging, nail polish removal, nail filing, nail buffing, and nail cleansing, regardless of whether the service is in connection with a special event.

Prior to 2020, a cosmetologist or specialist was prohibited from performing cosmetology services outside a salon except in limited circumstances and was required to book appointments or arrangements through a salon for services provided outside the salon, similar to current requirements for barbers.<sup>18</sup> 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.

### Effect of the Bill

The bill allows barbers to shampoo, cut, or arrange hair **outside of a registered barbershop** at any time, and allows barbers to do so without making arrangements or appointments through a registered barbershop.

The bill provides an effective date of July 1, 2021.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

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<sup>12</sup> S. 477.014, F.S.

<sup>13</sup> S. 477.025(1), F.S.

<sup>14</sup> S. 477.025(9), F.S.; Ch. 61G5-20, F.A.C.

<sup>15</sup> *Id.*

<sup>16</sup> S. 477.0263(1)-(4), F.S.

<sup>17</sup> Defined by board rule as a wedding or fashion show. R. 61G5-20.0015(1), F.A.C.

<sup>18</sup> S. 477.0263(4), F.S. (2019).

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will allow barbers to practice shampooing, hair cutting, or hair arranging without needing to perform such services in a barbershop or to make appointments for such services through a barbershop, which will bring them in line with current cosmetology requirements. This will provide barbers with more flexibility to offer their customers more services outside a barbershop.

D. FISCAL COMMENTS:

None.