

By the Committees on Finance and Taxation; Regulated Industries; and Senator Sebesta

314-2469-04

1                                   A bill to be entitled  
2           An act relating to cosmetology; amending s.  
3           477.0135, F.S.; exempting from cosmetology  
4           licensure the provision of certain services to  
5           certain persons during a production recognized  
6           by the Office of Film and Entertainment;  
7           providing that such services are not required  
8           to be performed in a licensed salon;  
9           prohibiting provision of such services to the  
10          general public; exempting from cosmetology  
11          licensure the provision of certain services to  
12          certain persons in a theme park or  
13          entertainment complex; amending s. 477.016,  
14          F.S.; authorizing the Board of Cosmetology to  
15          adopt by rule certain federal regulations;  
16          amending s. 477.0265, F.S.; prohibiting in the  
17          practice of cosmetology the use or possession  
18          of cosmetic products containing liquid nail  
19          monomers containing methyl methacrylate;  
20          providing penalties; reenacting s.  
21          477.029(1)(h) and (2), F.S., relating to  
22          grounds for administrative penalties, to  
23          incorporate the amendment to s. 477.0265, F.S.,  
24          in a reference thereto; providing  
25          administrative penalties; providing an  
26          effective date.

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28 Be It Enacted by the Legislature of the State of Florida:

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30           Section 1. Subsections (5) and (6) are added to  
31 section 477.0135, Florida Statutes, to read:

1           477.0135 Exemptions.--

2           (5) A license is not required of any individual  
3 providing makeup, special effects, or cosmetology services to  
4 an actor, stunt person, musician, extra, or other talent  
5 during a production recognized by the Office of Film and  
6 Entertainment as a qualified production as defined in s.  
7 288.1254(2). Such services are not required to be performed in  
8 a licensed salon. Individuals exempt under this subsection may  
9 not provide such services to the general public.

10           (6) A license is not required of any individual  
11 providing makeup or special effects services in a theme park  
12 or entertainment complex to an actor, stunt person, musician,  
13 extra, or other talent, or providing makeup or special effects  
14 services to the general public for no compensation. The term  
15 "theme park or entertainment complex" has the same meaning as  
16 in s. 509.013(9).

17           Section 2. Section 477.016, Florida Statutes, is  
18 amended to read:

19           477.016 Rulemaking.--

20           (1) The board may ~~has authority to~~ adopt rules  
21 pursuant to ss. 120.536(1) and 120.54 to implement the  
22 provisions of this chapter conferring duties upon it.

23           (2) The board may by rule adopt any restriction  
24 established by a regulation of the United States Food and Drug  
25 Administration related to the use of a cosmetic product or any  
26 substance used in the practice of cosmetology if the board  
27 finds that the product or substance poses a risk to the  
28 health, safety, and welfare of clients or persons providing  
29 cosmetology services.

30           Section 3. Section 477.0265, Florida Statutes, is  
31 amended to read:

1           477.0265 Prohibited acts.--  
2           (1) It is unlawful for any person to:  
3           (a) Engage in the practice of cosmetology or a  
4 specialty without an active license as a cosmetologist or  
5 registration as a specialist issued by the department pursuant  
6 to the provisions of this chapter.  
7           (b) Own, operate, maintain, open, establish, conduct,  
8 or have charge of, either alone or with another person or  
9 persons, a cosmetology salon or specialty salon:  
10           1. Which is not licensed under the provisions of this  
11 chapter; or  
12           2. In which a person not licensed or registered as a  
13 cosmetologist or a specialist is permitted to perform  
14 cosmetology services or any specialty.  
15           (c) Engage in willful or repeated violations of this  
16 chapter or of any rule adopted by the board.  
17           (d) Permit an employed person to engage in the  
18 practice of cosmetology or of a specialty unless such person  
19 holds a valid, active license as a cosmetologist or  
20 registration as a specialist.  
21           (e) Obtain or attempt to obtain a license or  
22 registration for money, other than the required fee, or any  
23 other thing of value or by fraudulent misrepresentations.  
24           (f) Use or attempt to use a license to practice  
25 cosmetology or a registration to practice a specialty, which  
26 license or registration is suspended or revoked.  
27           (g) Advertise or imply that skin care services or body  
28 wrapping, as performed under this chapter, have any  
29 relationship to the practice of massage therapy as defined in  
30 s. 480.033(3), except those practices or activities defined in  
31 s. 477.013.

1           (h) In the practice of cosmetology, use or possess a  
2 cosmetic product containing a liquid nail monomer containing  
3 any trace of methyl methacrylate (MMA).

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

7           Section 4. For the purpose of incorporating the  
8 amendment to section 477.0265, Florida Statutes, in a  
9 reference thereto, paragraph (h) of subsection (1) and  
10 subsection (2) of section 477.029, Florida Statutes, are  
11 reenacted to read:

12           477.029 Penalty.--

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

14           (h) Violate any provision of s. 455.227(1), s.  
15 477.0265, or s. 477.028.

16           (2) Any person who violates the provisions of this  
17 section shall be subject to one or more of the following  
18 penalties, as determined by the board:

19           (a) Revocation or suspension of any license or  
20 registration issued pursuant to this chapter.

21           (b) Issuance of a reprimand or censure.

22           (c) Imposition of an administrative fine not to exceed  
23 \$500 for each count or separate offense.

24           (d) Placement on probation for a period of time and  
25 subject to such reasonable conditions as the board may  
26 specify.

27           (e) Refusal to certify to the department an applicant  
28 for licensure.

29           Section 5. This act shall take effect July 1, 2004.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS/SB 1530

The committee substitute would permit persons who are not licensed to provide cosmetology services to provide makeup or special effects services in a theme park or entertainment complex to an actor, stunt person, musician, extra, or other talent, or provide makeup or special effects services to the general public for no compensation. The term "theme park or entertainment complex" has the same meaning as in s. 509.013(9).