

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. The term "theme park or
15 entertainment complex" has the same meaning as in s.
16 509.013(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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