

By Senator Sebesta

16-1162-04

See HB 467

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 the production of motion
6 pictures, television broadcasts, stage plays,
7 and products of other entertainment-related
8 industries; providing that such services are
9 not required to be performed in a licensed
10 salon; prohibiting provision of such services
11 to the general public; amending s. 477.0263,
12 F.S.; revising an exception to the requirement
13 to perform cosmetology services in a licensed
14 salon, to conform; amending s. 477.0265, F.S.;
15 prohibiting in cosmetology and specialty salons
16 and schools the use or possession of cosmetic
17 products containing liquid nail monomers
18 containing methyl methacrylate or the use of
19 cosmetic products in a manner inconsistent with
20 restrictions established by the United States
21 Food and Drug Administration; providing
22 penalties; reenacting s. 477.029(1)(h) and (2),
23 F.S., relating to grounds for administrative
24 penalties, to incorporate the amendment to s.
25 477.0265, F.S., in a reference thereto;
26 providing administrative penalties; providing
27 an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (5) is added to section
2 477.0135, Florida Statutes, to read:

3 477.0135 Exemptions.--

4 (5) A license is not required of any individual
5 providing makeup, special effects, or cosmetology services to
6 an actor, stunt person, musician, extra, or other talent
7 during the production of a motion picture, television
8 broadcast, stage play, or product of any other
9 entertainment-related industry. Such services are not required
10 to be performed in a licensed salon. Individuals exempt under
11 this subsection may not provide such services to the general
12 public.

13 Section 2. Subsection (3) of section 477.0263, Florida
14 Statutes, is amended to read:

15 477.0263 Cosmetology services to be performed in
16 licensed salon; exception.--

17 (3) Any person who holds a valid cosmetology license
18 in any state or who is authorized to practice cosmetology in
19 any country, territory, or jurisdiction of the United States
20 may perform cosmetology services in a location other than a
21 licensed salon when such services are performed in connection
22 with ~~the motion picture, fashion photography, theatrical, or~~
23 ~~television industry~~; a photography studio salon, a
24 manufacturer trade show demonstration, or an educational
25 seminar.

26 Section 3. Section 477.0265, Florida Statutes, is
27 amended to read:

28 477.0265 Prohibited acts.--

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

30 (a) Engage in the practice of cosmetology or a
31 specialty without an active license as a cosmetologist or

1 registration as a specialist issued by the department pursuant
2 to the provisions of this chapter.

3 (b) Own, operate, maintain, open, establish, conduct,
4 or have charge of, either alone or with another person or
5 persons, a cosmetology salon or specialty salon:

6 1. Which is not licensed under the provisions of this
7 chapter; or

8 2. In which a person not licensed or registered as a
9 cosmetologist or a specialist is permitted to perform
10 cosmetology services or any specialty.

11 (c) Engage in willful or repeated violations of this
12 chapter or of any rule adopted by the board.

13 (d) Permit an employed person to engage in the
14 practice of cosmetology or of a specialty unless such person
15 holds a valid, active license as a cosmetologist or
16 registration as a specialist.

17 (e) Obtain or attempt to obtain a license or
18 registration for money, other than the required fee, or any
19 other thing of value or by fraudulent misrepresentations.

20 (f) Use or attempt to use a license to practice
21 cosmetology or a registration to practice a specialty, which
22 license or registration is suspended or revoked.

23 (g) Advertise or imply that skin care services or body
24 wrapping, as performed under this chapter, have any
25 relationship to the practice of massage therapy as defined in
26 s. 480.033(3), except those practices or activities defined in
27 s. 477.013.

28 (h) In a cosmetology salon, mobile cosmetology salon,
29 specialty salon, or cosmetology school:

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1 1. Use or possess a cosmetic product containing a
2 liquid nail monomer containing any trace of methyl
3 methacrylate (MMA); or

4 2. Use a cosmetic product in a manner inconsistent
5 with a restriction established by the United States Food and
6 Drug Administration by regulation.

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

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

15 477.029 Penalty.--

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

17 (h) Violate any provision of s. 455.227(1), s.
18 477.0265, or s. 477.028.

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

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

24 (b) Issuance of a reprimand or censure.

25 (c) Imposition of an administrative fine not to exceed
26 \$500 for each count or separate offense.

27 (d) Placement on probation for a period of time and
28 subject to such reasonable conditions as the board may
29 specify.

30 (e) Refusal to certify to the department an applicant
31 for licensure.

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