

By the Committee on Regulated Industries; and Senator Sebesta

315-2148-04

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; amending s. 477.016, F.S.;
11 authorizing the Board of Cosmetology to adopt
12 by rule certain federal regulations; amending
13 s. 477.0265, F.S.; prohibiting in the practice
14 of cosmetology the use or possession of
15 cosmetic products containing liquid nail
16 monomers containing methyl methacrylate;
17 providing penalties; reenacting s.
18 477.029(1)(h) and (2), F.S., relating to
19 grounds for administrative penalties, to
20 incorporate the amendment to s. 477.0265, F.S.,
21 in a reference thereto; providing
22 administrative penalties; providing an
23 effective date.

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

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27 Section 1. Subsection (5) is added to section
28 477.0135, Florida Statutes, to read:

29 477.0135 Exemptions.--

30 (5) A license is not required of any individual
31 providing makeup, special effects, or cosmetology services to

1 an actor, stunt person, musician, extra, or other talent
2 during a production recognized by the Office of Film and
3 Entertainment as a qualified production as defined in s.
4 288.1254(2). Such services are not required to be performed in
5 a licensed salon. Individuals exempt under this subsection may
6 not provide such services to the general public.

7 Section 2. Section 477.016, Florida Statutes, is
8 amended to read:

9 477.016 Rulemaking.--

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

13 (2) The board may by rule adopt any restriction
14 established by a regulation of the United States Food and Drug
15 Administration related to the use of a cosmetic product or any
16 substance used in the practice of cosmetology if the board
17 finds that the product or substance poses a risk to the
18 health, safety, and welfare of clients or persons providing
19 cosmetology services.

20 Section 3. Section 477.0265, Florida Statutes, is
21 amended to read:

22 477.0265 Prohibited acts.--

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

24 (a) Engage in the practice of cosmetology or a
25 specialty without an active license as a cosmetologist or
26 registration as a specialist issued by the department pursuant
27 to the provisions of this chapter.

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

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

3 2. In which a person not licensed or registered as a
4 cosmetologist or a specialist is permitted to perform
5 cosmetology services or any specialty.

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

8 (d) Permit an employed person to engage in the
9 practice of cosmetology or of a specialty unless such person
10 holds a valid, active license as a cosmetologist or
11 registration as a specialist.

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

15 (f) Use or attempt to use a license to practice
16 cosmetology or a registration to practice a specialty, which
17 license or registration is suspended or revoked.

18 (g) Advertise or imply that skin care services or body
19 wrapping, as performed under this chapter, have any
20 relationship to the practice of massage therapy as defined in
21 s. 480.033(3), except those practices or activities defined in
22 s. 477.013.

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

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

29 Section 4. For the purpose of incorporating the
30 amendment to section 477.0265, Florida Statutes, in a
31 reference thereto, paragraph (h) of subsection (1) and

1 subsection (2) of section 477.029, Florida Statutes, are
2 reenacted to read:

3 477.029 Penalty.--

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

5 (h) Violate any provision of s. 455.227(1), s.
6 477.0265, or s. 477.028.

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

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

12 (b) Issuance of a reprimand or censure.

13 (c) Imposition of an administrative fine not to exceed
14 \$500 for each count or separate offense.

15 (d) Placement on probation for a period of time and
16 subject to such reasonable conditions as the board may
17 specify.

18 (e) Refusal to certify to the department an applicant
19 for licensure.

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

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 1530

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26 The committee substitute amends s. 477.0135, F.S., to provide
27 a licensure exemption for cosmetology services provided during
28 a production recognized by the Office of Film and
29 Entertainment as a "qualified production" as defined in s.
30 288.1254(2)(d), F.S. The committee substitute amends s.
31 477.016, F. S., to provide rulemaking authority, allowing the
Cosmetology Board to adopt federal regulations relating to
cosmetic products or substances used in the practice of
cosmetology, and deletes the provision in s. 477.0265, F.S.,
prohibiting the use of a cosmetic substance in a manner
inconsistent with restriction established by the U.S. Food and
Drug Administration.