

HB 0467

2004

A bill to be entitled

An act relating to cosmetology; amending s. 477.0135, F.S.; exempting from cosmetology licensure the provision of certain services to certain persons during the production of motion pictures, television broadcasts, stage plays, and products of other entertainment-related industries; providing such services are not required to be performed in a licensed salon; prohibiting provision of such services to the general public; amending s. 477.0263, F.S.; revising an exception to the requirement to perform cosmetology services in a licensed salon, to conform; amending s. 477.0265, F.S.; prohibiting in cosmetology and specialty salons and schools the use or possession of cosmetic products containing liquid nail monomers containing methyl methacrylate or the use of cosmetic products in a manner inconsistent with restrictions established by the United States Food and Drug Administration; providing penalties; reenacting s. 477.029(1)(h) and (2), F.S., relating to grounds for administrative penalties, to incorporate the amendment to s. 477.0265, F.S., in a reference thereto; providing administrative penalties; providing an effective date.

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

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

477.0135 Exemptions.--

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

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31 stunt person, musician, extra, or other talent during the
 32 production of a motion picture, television broadcast, stage
 33 play, or product of any other entertainment-related industry.
 34 Such services are not required to be performed in a licensed
 35 salon. Individuals exempt under this subsection may not provide
 36 such services to the general public.

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

39 477.0263 Cosmetology services to be performed in licensed
 40 salon; exception.--

41 (3) Any person who holds a valid cosmetology license in
 42 any state or who is authorized to practice cosmetology in any
 43 country, territory, or jurisdiction of the United States may
 44 perform cosmetology services in a location other than a licensed
 45 salon when such services are performed in connection with ~~the~~
 46 ~~motion picture, fashion photography, theatrical, or television~~
 47 ~~industry~~; a photography studio salon, + a manufacturer trade show
 48 demonstration, + or an educational seminar.

49 Section 3. Section 477.0265, Florida Statutes, is amended
 50 to read:

51 477.0265 Prohibited acts.--

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

53 (a) Engage in the practice of cosmetology or a specialty
 54 without an active license as a cosmetologist or registration as
 55 a specialist issued by the department pursuant to the provisions
 56 of this chapter.

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

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

62 2. In which a person not licensed or registered as a
63 cosmetologist or a specialist is permitted to perform
64 cosmetology services or any specialty.

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

67 (d) Permit an employed person to engage in the practice of
68 cosmetology or of a specialty unless such person holds a valid,
69 active license as a cosmetologist or registration as a
70 specialist.

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

74 (f) Use or attempt to use a license to practice
75 cosmetology or a registration to practice a specialty, which
76 license or registration is suspended or revoked.

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

81 (h) In a cosmetology salon, mobile cosmetology salon,
82 specialty salon, or cosmetology school:

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

86 2. Use a cosmetic product in a manner inconsistent with a
87 restriction established by the United States Food and Drug
88 Administration by regulation.

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

92 Section 4. For the purpose of incorporating the amendment
 93 to section 477.0265, Florida Statutes, in a reference thereto,
 94 paragraph (h) of subsection (1) and subsection (2) of section
 95 477.029, Florida Statutes, are reenacted to read:

96 477.029 Penalty.--

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

98 (h) Violate any provision of s. 455.227(1), s. 477.0265,
 99 or s. 477.028.

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

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

105 (b) Issuance of a reprimand or censure.

106 (c) Imposition of an administrative fine not to exceed
 107 \$500 for each count or separate offense.

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

110 (e) Refusal to certify to the department an applicant for
 111 licensure.

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