

CHAMBER ACTION

1 The Committee on Commerce recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to cosmetology; amending s. 477.0135,
7 F.S.; exempting from cosmetology licensure the provision
8 of certain services to certain persons during qualified
9 productions; providing that such services are not required
10 to be performed in a licensed salon; prohibiting provision
11 of such services to the general public; exempting from
12 cosmetology licensure the provision of certain services to
13 certain persons in a theme park or entertainment complex;
14 providing a definition; amending s. 477.016, F.S.;
15 authorizing the Board of Cosmetology to adopt by rule, or
16 incorporate by reference into rule, certain federal
17 restrictions on the use of certain products or substances;
18 amending s. 477.0265, F.S.; prohibiting in the practice of
19 cosmetology the use or possession of cosmetic products
20 containing liquid nail monomers containing methyl
21 methacrylate; providing penalties; reenacting s.
22 477.029(1)(h) and (2), F.S., relating to grounds for
23 administrative penalties, to incorporate the amendment to

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24 | s. 477.0265, F.S., in a reference thereto; providing
25 | administrative penalties; providing an effective date.

26 |

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

28 |

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

31 | 477.0135 Exemptions.--

32 | (5) A license is not required of any individual providing
33 | makeup, special effects, or cosmetology services to an actor,
34 | stunt person, musician, extra, or other talent during a
35 | production recognized by the Office of Film and Entertainment as
36 | a "qualified production" as defined in s. 288.1254. Such
37 | services are not required to be performed in a licensed salon.
38 | Individuals exempt under this subsection may not provide such
39 | services to the general public.

40 | (6) A license is not required of any individual providing
41 | makeup or special effects services in a theme park or
42 | entertainment complex to an actor, stunt person, musician,
43 | extra, or other talent or providing makeup or special effects
44 | services to the general public for no compensation. For purposes
45 | of this subsection, the term "theme park or entertainment
46 | complex" has the same meaning as in s. 509.013.

47 | Section 2. Section 477.016, Florida Statutes, is amended
48 | to read:

49 | 477.016 Rulemaking.--

50 (1) The board has authority to adopt rules pursuant to ss.
51 120.536(1) and 120.54 to implement the provisions of this
52 chapter conferring duties upon it.

53 (2) The board may by rule adopt, or incorporate by
54 reference into rule, any restriction established by regulation
55 of the United States Food and Drug Administration related to the
56 use of a cosmetic product or to any substance used in the
57 practice of cosmetology where the board finds that the product
58 or substance poses a risk to the health, safety, and welfare of
59 persons providing cosmetology services or to clients.

60 Section 3. Section 477.0265, Florida Statutes, is amended
61 to read:

62 477.0265 Prohibited acts.--

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

64 (a) Engage in the practice of cosmetology or a specialty
65 without an active license as a cosmetologist or registration as
66 a specialist issued by the department pursuant to the provisions
67 of this chapter.

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

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

73 2. In which a person not licensed or registered as a
74 cosmetologist or a specialist is permitted to perform
75 cosmetology services or any specialty.

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

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78 (d) Permit an employed person to engage in the practice of
79 cosmetology or of a specialty unless such person holds a valid,
80 active license as a cosmetologist or registration as a
81 specialist.

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

85 (f) Use or attempt to use a license to practice
86 cosmetology or a registration to practice a specialty, which
87 license or registration is suspended or revoked.

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

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

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

98 Section 4. For the purpose of incorporating the amendment
99 to section 477.0265, Florida Statutes, in a reference thereto,
100 paragraph (h) of subsection (1) and subsection (2) of section
101 477.029, Florida Statutes, are reenacted to read:

102 477.029 Penalty.--

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

104 (h) Violate any provision of s. 455.227(1), s. 477.0265,
105 or s. 477.028.

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

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

111 (b) Issuance of a reprimand or censure.

112 (c) Imposition of an administrative fine not to exceed
113 \$500 for each count or separate offense.

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

116 (e) Refusal to certify to the department an applicant for
117 licensure.

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