

Committee Substitute for
Committee Substitute for Senate Bill No. 1530

An act relating to cosmetology; amending s. 477.0135, F.S.; exempting from cosmetology licensure the provision of certain services to certain persons during a production recognized by the Office of Film and Entertainment; providing that such services are not required to be performed in a licensed salon; prohibiting provision of such services to the general public; exempting from cosmetology licensure the provision of certain services to certain persons in a theme park or entertainment complex; amending s. 477.016, F.S.; authorizing the Board of Cosmetology to adopt by rule certain federal regulations; amending s. 477.0265, F.S.; prohibiting in the practice of cosmetology the use or possession of cosmetic products containing liquid nail monomers containing methyl methacrylate; 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. Subsections (5) and (6) are 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, stunt person, musician, extra, or other talent during a production recognized by the Office of Film and Entertainment as a qualified production as defined in s. 288.1254(2). Such services are not required to be performed in a licensed salon. Individuals exempt under this subsection may not provide such services to the general public.

(6) A license is not required of any individual providing makeup or special effects services in a theme park or entertainment complex to an actor, stunt person, musician, extra, or other talent, or providing makeup or special effects services to the general public. The term “theme park or entertainment complex” has the same meaning as in s. 509.013(9).

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

477.016 Rulemaking.—

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

(2) The board may by rule adopt any restriction established by a regulation of the United States Food and Drug Administration related to the use

of a cosmetic product or any substance used in the practice of cosmetology if the board finds that the product or substance poses a risk to the health, safety, and welfare of clients or persons providing cosmetology services.

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

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

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

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

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

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

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

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

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

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

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

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

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

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

477.029 Penalty.—

(1) It is unlawful for any person to:

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

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

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

(b) Issuance of a reprimand or censure.

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

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

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

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

Approved by the Governor June 10, 2004.

Filed in Office Secretary of State June 10, 2004.