

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Beshears offered the following:

Amendment (with title amendment)

Between lines 225 and 226, insert:

Section 12. Subsection (3) of section 458.348, Florida Statutes, is amended to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(3) PROTOCOLS REQUIRING DIRECT SUPERVISION.—All protocols relating to electrolysis or electrology using laser ~~or light-based~~ hair removal or reduction by persons other than physicians licensed under this chapter or chapter 459 or electrologists licensed under chapter 478 with laser or pulse-light-based hair removal certification shall require the person performing such service to be appropriately trained and work only under the

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17 direct supervision and responsibility of a physician licensed
18 under this chapter or chapter 459.

19 Section 13. Subsection (2) of section 459.025, Florida
20 Statutes, is amended to read:

21 459.025 Formal supervisory relationships, standing orders,
22 and established protocols; notice; standards.—

23 (2) PROTOCOLS REQUIRING DIRECT SUPERVISION.—All protocols
24 relating to electrolysis or electrology using laser ~~or light-~~
25 ~~based~~ hair removal or reduction by persons other than
26 osteopathic physicians licensed under this chapter or chapter
27 458 or electrologists licensed under chapter 478 with laser or
28 pulse-light-based hair removal certification shall require the
29 person performing such service to be appropriately trained and
30 to work only under the direct supervision and responsibility of
31 an osteopathic physician licensed under this chapter or chapter
32 458.

33 Section 14. Section 478.42, Florida Statutes, is amended
34 to read:

35 478.42 Definitions.—As used in this chapter, the term:

36 ~~(1) "Board" means the Board of Medicine.~~

37 ~~(2) "Council" means the Electrolysis Council.~~

38 (1)~~(3)~~ "Department" means the Department of Health.

39 (2)~~(4)~~ "Electrologist" means a person who engages in the
40 practice of electrolysis.

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41 ~~(3)-(5)~~ "Electrolysis or electrology" means the permanent
42 removal of hair by destroying the hair-producing cells of the
43 skin and vascular system, using equipment and devices approved
44 by the department board which have been cleared by and
45 registered with the United States Food and Drug Administration
46 and that are used pursuant to protocols approved by the
47 department board.

48 (4) "Laser hair removal or reduction" means the use of a
49 laser or pulsed-light device in a hair removal procedure that
50 does not remove the epidermis.

51 (5) "Laser or pulsed-light device" means an electronic
52 device approved by the United States Food and Drug
53 Administration for laser hair removal or reduction.

54 Section 15. Section 478.43, Florida Statutes, is amended
55 to read:

56 478.43 Department of Health Board of Medicine; powers and
57 duties.—

58 (1) The department board, ~~with the assistance of the~~
59 ~~Electrolysis Council~~, is authorized to establish minimum
60 standards for the delivery of electrolysis services and to adopt
61 rules pursuant to ss. 120.536(1) and 120.54 to implement the
62 provisions of this chapter.

63 (2) The department board may administer oaths, summon
64 witnesses, and take testimony in all matters relating to its
65 duties under this chapter.

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66 ~~(3) The board may delegate such powers and duties to the~~
67 ~~council as it may deem proper.~~

68 ~~(3)-(4) The department board, in consultation with the~~
69 ~~council,~~ shall recommend proposed rules, and the department
70 ~~board~~ shall adopt rules for a code of ethics for electrologists
71 and rules related to the curriculum and approval of electrolysis
72 training programs, sanitary guidelines, the delivery of
73 electrolysis services, continuing education requirements, and
74 any other area related to the practice of electrology.

75 Section 16. Section 478.44, Florida Statutes, is repealed.

76 Section 17. Section 478.45, Florida Statutes, is amended
77 to read:

78 478.45 Requirements for licensure.—

79 (1) An applicant applying for licensure as an electrologist
80 shall file a written application, accompanied by the application
81 for licensure fee prescribed in s. 478.55, on a form provided by
82 the department board, showing to the satisfaction of the
83 department board that the applicant:

84 (a) Is at least 18 years old.

85 (b) Is of good moral character.

86 (c) Possesses a high school diploma or a high school
87 equivalency diploma.

88 (d) Has not committed an act in any jurisdiction which
89 would constitute grounds for disciplining an electrologist in
90 this state.

91 (e) Has successfully completed the academic requirements of

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92 an electrolysis training program, not to exceed 120 hours, and
93 the practical application thereof as approved by the department
94 ~~board~~.

95 (2) Each applicant for licensure must ~~shall~~ successfully
96 pass a written examination developed by the department or a
97 national examination that has been approved by the department
98 ~~board~~. The examinations must ~~shall~~ test the applicant's
99 knowledge relating to the practice of electrology, including the
100 applicant's professional skills and judgment in the use of
101 electrolysis techniques and methods, and any other subjects that
102 ~~which~~ are useful to determine the applicant's fitness to
103 practice.

104 (3) The department, ~~upon approval of the board,~~ may adopt a
105 national examination in lieu of any part of the examination
106 required by this section. The department board, ~~with the~~
107 ~~assistance of the council,~~ shall establish standards for
108 acceptable performance.

109 (4) The department shall issue a license to practice
110 electrology to any applicant who passes the examination, pays
111 the licensure fee as set forth in s. 478.55, and otherwise meets
112 the requirements of this chapter.

113 (5) The department shall conduct licensure examinations at
114 least two times a year. The department shall give public notice
115 of the time and place of each examination at least 60 days
116 before it is administered and shall mail notice of such
117 examination to each applicant whose application is timely filed,

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118 pursuant to department ~~board~~ rule.

119 (6) The department may not issue a license to any applicant
120 who is under investigation in another jurisdiction for an
121 offense that ~~which~~ would be a violation of this chapter, until
122 such investigation is complete. Upon completion of such
123 investigation, if the applicant is found guilty of such offense,
124 the department ~~board~~ shall apply the applicable provisions of s.
125 478.52.

126 Section 18. Section 478.47, Florida Statutes, is amended
127 to read:

128 478.47 Licensure by endorsement.—The department shall issue
129 a license by endorsement to any applicant who submits an
130 application and the required fees as set forth in s. 478.55 and
131 who holds an active license or other authority to practice
132 electrology in a jurisdiction whose licensure requirements are
133 determined by the department ~~board~~ to be equivalent to the
134 requirements for licensure in this state.

135 Section 19. Section 478.49, Florida Statutes, is amended
136 to read:

137 478.49 License required.—

138 (1) A person may not ~~No person~~ may practice electrology or
139 hold herself or himself out as an electrologist in this state
140 unless she or he ~~the person~~ has been issued a license by the
141 department and holds an active license pursuant to ~~the~~
142 ~~requirements~~ of this chapter.

143 (2) A licensee shall display her or his license in a

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144 conspicuous location in her or his place of practice and provide
145 it to the department ~~or the board~~ upon request.

146 (3) A person may not perform laser hair removal or
147 reduction unless she or he is a licensed electrologist with
148 certification from a department-approved nationally recognized
149 electrology organization in the use of such devices.

150 Section 20. Subsections (2) and (4) of section 478.50,
151 Florida Statutes, are amended to read:

152 478.50 Renewal of license; delinquent status; address
153 notification; continuing education requirements.-

154 (2) A license that is not renewed at the end of the
155 biennium prescribed by the department automatically reverts to
156 delinquent status. The department ~~board~~ shall adopt rules
157 establishing procedures, criteria, and fees as set forth in s.
158 478.55 for reactivation of an inactive license.

159 (4) (a) An application for license renewal must be
160 accompanied by proof of the successful completion of 20 hours of
161 continuing education courses or proof of successfully passing a
162 reexamination for licensure within the immediately preceding
163 biennium which meets the criteria established by the department
164 ~~board~~. Both the continuing education and reexamination shall
165 contain education on blood-borne diseases.

166 (b) The department ~~board, with the assistance of the~~
167 ~~council~~, shall approve criteria for, and content of,
168 electrolysis training programs and continuing education courses
169 required for licensure and renewal as set forth in this chapter.

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170 (c) Continuing education programs shall be approved by the
171 department board. Applications for approval shall be submitted
172 to the department board not less than 60 days nor more than 360
173 days before they are held.

174 Section 21. Subsections (2), (3), and (11) of section
175 478.51, Florida Statutes, are amended to read:

176 478.51 Electrology facilities; requisites; facility
177 licensure; inspection.-

178 (2) The facility license shall be displayed in a
179 conspicuous place within the facility and shall be made
180 available upon request of the department ~~or board~~.

181 (3) The department board shall adopt rules governing the
182 licensure and operations of such facilities, personnel, safety
183 and sanitary requirements, and the licensure application and
184 granting process.

185 (11) Renewal of license registration for electrology
186 facilities shall be accomplished pursuant to rules adopted by
187 the department board.

188 Section 22. Paragraph (w) is added to subsection (1) of
189 section 478.52, Florida Statutes, to read:

190 478.52 Disciplinary proceedings.-

191 (1) The following acts constitute grounds for denial of a
192 license or disciplinary action, as specified in s. 456.072(2):

193 (w) Performing laser hair removal or reduction without
194 obtaining required certification.

195 Section 23. Subsection (6) of section 478.53, Florida

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196 Statutes, is amended to read:

197 478.53 Penalty for violations.—It is a misdemeanor of the
198 first degree, punishable as provided in s. 775.082 or s.

199 775.083, to:

200 (6) Practice or attempt to practice any permanent hair
201 removal except as described in s. 478.42(3) or s. 478.42(4) ~~s.~~
202 ~~478.42(5)~~.

203 Section 24. Subsection (1) of section 478.55, Florida
204 Statutes, is amended to read:

205 478.55 Fees; facility; disposition.—

206 (1) The department board ~~board~~ shall establish by rule the
207 collection of fees for the following purposes:

208 (a) License application fee: a fee not to exceed \$100.

209 (b) Examination fee: a fee not to exceed \$300.

210 (c) Initial licensure fee: a fee not to exceed \$100.

211 (d) Renewal fee: a fee not to exceed \$100 biennially.

212 (e) Reactivation fee: a fee not to exceed \$100.

213 (f) Inspection fee for facility: a fee not to exceed \$100
214 biennially.

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216 -----

217 **T I T L E A M E N D M E N T**

218 Remove line 27 and insert:

219 and renewals to the department; amending ss. 458.348 and
220 459.025, F.S.; removing direct supervision by physicians
221 licensed under ch. 458 or osteopathic physicians licensed under

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7047 (2017)

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222 ch. 459 of electrologists; amending s. 478.42, F.S., defining
223 and redefining terms; amending s. 478.43, F.S.; conforming a
224 provision; repealing s. 478.44, F.S.; relating to the
225 Electrolysis Council; amending ss. 478.45 and 478.47, F.S.;
226 conforming provision; amending s. 478.49, F.S.; allowing
227 electrologists to perform laser hair removal procedures under
228 certain conditions; amending ss. 478.50 and 478.51, F.S.;
229 conforming provisions; amending s. 478.52, F.S.; providing a
230 grounds for disciplinary action; amending ss. 478.53 and 478.55,
231 F.S.; conforming provisions; amending s. 468.381,