Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION
ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

Committee/Subcommittee hearing bill: Commerce Committee
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 electrol-
direct supervision and responsibility of a physician licensed under this chapter or chapter 459.

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

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

(2) PROTOCOLS REQUIRING DIRECT SUPERVISION.—All protocols relating to electrolysis or electrology using laser or light-based hair removal or reduction by persons other than osteopathic physicians licensed under this chapter or chapter 458 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 to work only under the direct supervision and responsibility of an osteopathic physician licensed under this chapter or chapter 458.

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

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

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

(2) "Council" means the Electrolysis Council.

(3) "Department" means the Department of Health.

(4) "Electrologist" means a person who engages in the practice of electrolysis.
"Electrolysis or electrology" means the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system, using equipment and devices approved by the department board which have been cleared by and registered with the United States Food and Drug Administration and that are used pursuant to protocols approved by the department board.

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

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

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

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

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

2 The department board may administer oaths, summon witnesses, and take testimony in all matters relating to its duties under this chapter.
(3) The board may delegate such powers and duties to the
council as it may deem proper.

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

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

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

478.45 Requirements for licensure.—
(1) An applicant applying for licensure as an electrologist
shall file a written application, accompanied by the application
for licensure fee prescribed in s. 478.55, on a form provided by
the department board, showing to the satisfaction of the
department board that the applicant:
   (a) Is at least 18 years old.
   (b) Is of good moral character.
   (c) Possesses a high school diploma or a high school
equivalency diploma.
   (d) Has not committed an act in any jurisdiction which
would constitute grounds for disciplining an electrologist in
this state.
   (e) Has successfully completed the academic requirements of
an electrolysis training program, not to exceed 120 hours, and
the practical application thereof as approved by the department
board.

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

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

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

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

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

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

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

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

478.49 License required.—

(1) A person may not hold herself or himself out as an electrologist in this state unless the person has been issued a license by the department and holds an active license pursuant to the requirements of this chapter.

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

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Published On: 4/18/2017 10:19:46 PM

Page 6 of 10
conspicuous location in her or his place of practice and provide it to the department or the board upon request.

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

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

478.50 Renewal of license; delinquent status; address notification; continuing education requirements.—

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

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

(b) The department board, with the assistance of the council, shall approve criteria for, and content of, electrolysis training programs and continuing education courses required for licensure and renewal as set forth in this chapter.
Committee/Subcommittee Amendment

Bill No. HB 7047 (2017)

Amendment No. 4

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

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

478.51 Electrology facilities; requisites; facility licensure; inspection.—

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

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

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

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

478.52 Disciplinary proceedings.—

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

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

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

Published On: 4/18/2017 10:19:46 PM

Page 8 of 10
Statutes, is amended to read:

478.53 Penalty for violations.—It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, to:

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

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

478.55 Fees; facility; disposition.—

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

(a) License application fee: a fee not to exceed $100.
(b) Examination fee: a fee not to exceed $300.
(c) Initial licensure fee: a fee not to exceed $100.
(d) Renewal fee: a fee not to exceed $100 biennially.
(e) Reactivation fee: a fee not to exceed $100.
(f) Inspection fee for facility: a fee not to exceed $100 biennially.

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

Remove line 27 and insert:

and renewals to the department; amending ss. 458.348 and 459.025, F.S.; removing direct supervision by physicians licensed under ch. 458 or osteopathic physicians licensed under
ch. 459 of electrologists; amending s. 478.42, F.S., defining and redefining terms; amending s. 478.43, F.S.; conforming a provision; repealing s. 478.44, F.S.; relating to the Electrolysis Council; amending ss. 478.45 and 478.47, F.S.; conforming provision; amending s. 478.49, F.S.; allowing electrologists to perform laser hair removal procedures under certain conditions; amending ss. 478.50 and 478.51, F.S.; conforming provisions; amending s. 478.52, F.S.; providing a grounds for disciplinary action; amending ss. 478.53 and 478.55, F.S.; conforming provisions; amending s. 468.381,