



615502

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2018	.	
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The Committee on Health Policy (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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.~~

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



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

13 ~~(3)~~⁽⁵⁾ "Electrolysis or electrology" means the permanent
14 removal of hair ~~by destroying the hair-producing cells of the~~
15 ~~skin and vascular system,~~ using equipment and devices that
16 ~~approved by the board which~~ have been cleared by and registered
17 with the United States Food and Drug Administration ~~and that are~~
18 ~~used pursuant to protocols approved by the board.~~

19 Section 2. Section 478.43, Florida Statutes, is amended to
20 read:

21 478.43 Department Board of Medicine; powers and duties.—

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

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

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

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

39 Section 3. Section 478.44, Florida Statutes, is repealed.



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40 Section 4. Section 478.46, Florida Statutes, is repealed.

41 Section 5. A valid temporary permit issued pursuant to s.
42 478.46, Florida Statutes, before October 1, 2018, remains valid
43 until October 1, 2019, until the applicant receives notice that
44 he or she has failed the written examination required under s.
45 478.45, Florida Statutes, or until the Department of Health
46 issues the applicant a license to practice electrology,
47 whichever occurs first. If the department has not issued the
48 applicant a license to practice electrology by October 1, 2019,
49 or if the applicant receives notice that he or she has failed
50 the written examination, the applicant's temporary permit is
51 automatically revoked.

52 Section 6. Section 478.49, Florida Statutes, is amended to
53 read:

54 478.49 License and certification required.—

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

60 (2) A licensee shall display her or his license in a
61 conspicuous location in her or his place of practice and provide
62 it to the department ~~or the board~~ upon request.

63 (3) A licensee who uses a laser or pulsed-light device in a
64 laser hair removal or reduction procedure must be certified by a
65 nationally recognized electrology organization in the use of
66 these devices.

67 (4) A licensee must follow the direct supervision
68 requirements of ss. 458.348(2) and 459.025(2) unless exempt



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69 under s. 458.348(3)(e) or s. 459.025(3)(e).

70 Section 7. Section 478.45, Florida Statutes, is amended to
71 read:

72 478.45 Requirements for licensure.—

73 (1) An applicant applying for licensure as an electrologist
74 shall file a written application, accompanied by the application
75 for licensure fee prescribed in s. 478.55, on a form provided by
76 the department ~~board~~, showing to the satisfaction of the
77 department ~~board~~ that the applicant:

78 (a) Is at least 18 years old.

79 (b) Is of good moral character.

80 (c) Possesses a high school diploma or a high school
81 equivalency diploma.

82 (d) Has not committed an act in any jurisdiction which
83 would constitute grounds for disciplining an electrologist in
84 this state.

85 (e) Has successfully completed the academic requirements of
86 an electrolysis training program, not to exceed 120 hours, and
87 the practical application thereof as approved by the department
88 ~~board~~.

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



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

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

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

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

120 Section 8. Section 478.47, Florida Statutes, is amended to
121 read:

122 478.47 Licensure by endorsement.—The department shall issue
123 a license by endorsement to any applicant who submits an
124 application and the required fees as set forth in s. 478.55 and
125 who holds an active license or other authority to practice
126 electrology in a jurisdiction whose licensure requirements are



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127 determined by the department board to be equivalent to the
128 requirements for licensure in this state.

129 Section 9. Subsections (2) and (4) of section 478.50,
130 Florida Statutes, are amended to read:

131 478.50 Renewal of license; delinquent status; address
132 notification; continuing education requirements.—

133 (2) A license that is not renewed at the end of the
134 biennium prescribed by the department automatically reverts to
135 delinquent status. The department board shall adopt rules
136 establishing procedures, criteria, and fees as set forth in s.
137 478.55 for reactivation of an inactive license.

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

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

149 (c) Continuing education programs shall be approved by the
150 department board. Applications for approval shall be submitted
151 to the department board not less than 60 days or ~~not~~ more than
152 360 days before they are held.

153 Section 10. Subsections (2), (3), and (11) of section
154 478.51, Florida Statutes, are amended to read:

155 478.51 Electrology facilities; requisites; facility



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156 licensure; inspection.-

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

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

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

167 Section 11. Section 478.52, Florida Statutes, is amended to
168 read:

169 478.52 Disciplinary proceedings.-

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

172 (a) Obtaining or attempting to obtain a license by bribery,
173 fraud, or knowing misrepresentation.

174 (b) Having a license or other authority to deliver
175 electrolysis services revoked, suspended, or otherwise acted
176 against, including denial of licensure, in another jurisdiction.

177 (c) Being convicted or found guilty of, or entering a plea
178 of nolo contendere to, regardless of adjudication, a crime, in
179 any jurisdiction, which directly relates to the practice of
180 electrology.

181 (d) Willfully making or filing a false report or record,
182 willfully failing to file a report or record required for
183 electrologists, or willfully impeding or obstructing the filing
184 of a report or record required by this act or inducing another



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185 person to do so.

186 (e) Circulating false, misleading, or deceptive
187 advertising.

188 (f) Unprofessional conduct, including any departure from,
189 or failure to conform to, acceptable standards related to the
190 delivery of electrolysis services.

191 (g) Engaging or attempting to engage in the illegal
192 possession, sale, or distribution of any illegal or controlled
193 substance.

194 (h) Willfully failing to report any known violation of this
195 chapter.

196 (i) Willfully or repeatedly violating a rule adopted under
197 this chapter, or an order of the ~~board or~~ department previously
198 entered in a disciplinary hearing.

199 (j) Engaging in the delivery of electrolysis services
200 without an active license.

201 (k) Employing an unlicensed person to practice electrology.

202 (l) Failing to perform any statutory or legal obligation
203 placed upon an electrologist.

204 (m) Accepting and performing professional responsibilities
205 which the licensee knows, or has reason to know, she or he is
206 not competent to perform.

207 (n) Delegating professional responsibilities to a person
208 the licensee knows, or has reason to know, is unqualified by
209 training, experience, or licensure to perform.

210 (o) Gross or repeated malpractice or the inability to
211 practice electrology with reasonable skill and safety.

212 (p) Judicially determined mental incompetency.

213 (q) Practicing or attempting to practice electrology under



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214 a name other than her or his own.

215 (r) Being unable to practice electrology with reasonable
216 skill and safety because of a mental or physical condition or
217 illness, or the use of alcohol, controlled substances, or any
218 other substance that ~~which~~ impairs one's ability to practice.

219 1. The department may, upon probable cause, compel a
220 licensee to submit to a mental or physical examination by
221 physicians designated by the department. The cost of an
222 examination shall be borne by the licensee, and her or his
223 failure to submit to such an examination constitutes an
224 admission of the allegations against her or him, consequent upon
225 which a default and a final order may be entered without the
226 taking of testimony or presentation of evidence, unless the
227 failure was due to circumstances beyond her or his control.

228 2. A licensee who is disciplined under this paragraph
229 shall, at reasonable intervals, be afforded an opportunity to
230 demonstrate that she or he can resume the practice of
231 electrology with reasonable skill and safety.

232 3. In any proceeding under this paragraph, the record of
233 proceedings or the orders entered by the department ~~board~~ may
234 not be used against a licensee in any other proceeding.

235 (s) Disclosing the identity of or information about a
236 patient without written permission, except for information which
237 does not identify a patient and which is used for training
238 purposes in an approved electrolysis training program.

239 (t) Practicing or attempting to practice any permanent hair
240 removal except as described in s. 478.42(3) ~~s. 478.42(5)~~.

241 (u) Operating any electrolysis facility unless it has been
242 duly licensed as provided in this chapter.



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243 (v) Violating any provision of this chapter or chapter 456,
244 or any rules adopted pursuant thereto.

245 (2) The department ~~board~~ may enter an order denying
246 licensure, ~~or~~ imposing any of the penalties in s. 456.072(2), or
247 imposing costs as provided in s. 456.072(4) against any
248 applicant for licensure or licensee who is found guilty of
249 violating any provision of subsection (1) of this section or who
250 is found guilty of violating any provision of s. 456.072(1).

251 (3) The department ~~board~~ may not issue or reinstate a
252 license to a person it has deemed unqualified until it is
253 satisfied that such person has complied with the terms and
254 conditions of the final order and that the licensee can safely
255 practice electrology.

256 (4) The department ~~board, with the assistance of the~~
257 ~~council,~~ may, by rule, establish guidelines for the disposition
258 of disciplinary cases involving specific types of violations.
259 The guidelines may include minimum and maximum fines, periods of
260 supervision on probation, or conditions upon probation or
261 reissuance of a license.

262 Section 12. Subsection (6) of section 478.53, Florida
263 Statutes, is amended to read:

264 478.53 Penalty for violations.—It is a misdemeanor of the
265 first degree, punishable as provided in s. 775.082 or s.
266 775.083, to:

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

269 Section 13. Subsection (1) of section 478.55, Florida
270 Statutes, is amended to read:

271 478.55 Fees; facility; disposition.—



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- 272 (1) The department board shall establish by rule the
273 collection of fees for the following purposes:
274 (a) License application fee: a fee not to exceed \$100.
275 (b) Examination fee: a fee not to exceed \$300.
276 (c) Initial licensure fee: a fee not to exceed \$100.
277 (d) Renewal fee: a fee not to exceed \$100 biennially.
278 (e) Reactivation fee: a fee not to exceed \$100.
279 (f) Inspection fee for facility: a fee not to exceed \$100
280 biennially.

281 Section 14. Any current rules adopted by the Department of
282 Health, the Board of Medicine, or the Electrolysis Council which
283 relate to the practice of electrology remain in full force and
284 effect unless revised by the Department of Health pursuant to
285 this act or superseded by other laws.

286 Section 15. This act shall take effect October 1, 2018.

287
288 ===== T I T L E A M E N D M E N T =====

289 And the title is amended as follows:

290 Delete everything before the enacting clause
291 and insert:

292 A bill to be entitled
293 An act relating to laser hair removal or reduction;
294 amending s. 478.42, F.S.; revising definitions;
295 amending s. 478.43, F.S.; providing rulemaking
296 authority to the Department of Health for regulating
297 electrolysis services; repealing ss. 478.44 and
298 478.46, F.S., relating to the Electrolysis Council and
299 temporary permits, respectively; providing for the
300 validity of temporary permits previously issued by the



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301 Board of Medicine; providing for the expiration of
302 such permits by a specified date, upon the issuance of
303 a license to practice electrology, or upon notice that
304 the applicant failed a written examination; amending
305 s. 478.49, F.S.; providing certification requirements
306 for licensed electrologists who perform laser hair
307 removal or reduction; specifying that licensed
308 electrologists must meet certain direct supervision
309 requirements; providing an exception; amending ss.
310 478.45, 478.47, 478.50, 478.51, 478.52, 478.53, and
311 478.55, F.S.; conforming provisions to changes made by
312 the act; specifying that current rules relating to the
313 practice of electrology remain in full force and
314 effect unless revised by the department or superseded
315 by other laws; providing an effective date.