

Amendment No. 1

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WITHDRAWN	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>	

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1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Fine offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
 6 Section 1. Section 478.42, Florida Statutes, is amended to  
 7 read:

8 478.42 Definitions.—As used in this chapter, the term:

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

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

11 (1)~~(3)~~ "Department" means the Department of Health.

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

14 (3)~~(5)~~ "Electrolysis or electrology" means the permanent  
 15 removal of hair ~~by destroying the hair-producing cells of the~~  
 16 ~~skin and vascular system,~~ using equipment and devices that

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17 ~~approved by the board which~~ have been cleared by and registered  
18 with the United States Food and Drug Administration ~~and that are~~  
19 ~~used pursuant to protocols approved by the board.~~

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

22 478.43 Department of Health ~~Board of Medicine~~; powers and  
23 duties.—

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

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

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

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

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 Section 478.44, Florida Statutes, is repealed.

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42 Section 4. Section 478.45, Florida Statutes, is amended to  
43 read:

44 478.45 Requirements for licensure.—

45 (1) An applicant applying for licensure as an  
46 electrologist shall file a written application, accompanied by  
47 the application for licensure fee prescribed in s. 478.55, on a  
48 form provided by the department board, showing to the  
49 satisfaction of the department board that the applicant:

50 (a) Is at least 18 years old.

51 (b) Is of good moral character.

52 (c) Possesses a high school diploma or a high school  
53 equivalency diploma.

54 (d) Has not committed an act in any jurisdiction which  
55 would constitute grounds for disciplining an electrologist in  
56 this state.

57 (e) Has successfully completed the academic requirements  
58 of an electrolysis training program, not to exceed 120 hours,  
59 and the practical application thereof as approved by the  
60 department board.

61 (2) Each applicant for licensure must ~~shall~~ successfully  
62 pass a written examination developed by the department or a  
63 national examination that has been approved by the department  
64 ~~board~~. The examinations must ~~shall~~ test the applicant's  
65 knowledge relating to the practice of electrology, including the  
66 applicant's professional skills and judgment in the use of

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67 electrolysis techniques and methods, and any other subjects that  
68 ~~which~~ are useful to determine the applicant's fitness to  
69 practice.

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

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

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

85 (6) The department may not issue a license to any  
86 applicant who is under investigation in another jurisdiction for  
87 an offense that ~~which~~ would be a violation of this chapter,  
88 until such investigation is complete. Upon completion of such  
89 investigation, if the applicant is found guilty of such offense,  
90 the department board shall apply the applicable provisions of s.  
91 478.52.

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Published On: 2/13/2018 6:26:24 PM

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92 Section 5. Section 478.46, Florida Statutes, is amended to  
93 read:

94 478.46 Temporary permits.—

95 ~~(1) If the department determines that an applicant is~~  
96 ~~qualified to be licensed under s. 478.47, the department may~~  
97 ~~issue the applicant a temporary permit to practice electrolysis~~  
98 ~~until the next board meeting at which license applications are~~  
99 ~~to be considered, but not for a longer period of time. Only one~~  
100 ~~temporary permit shall be issued to an applicant, and it shall~~  
101 ~~not be renewable.~~

102 ~~(2)(a)~~ If the department ~~executive director of the board~~  
103 determines that an applicant is qualified for licensure by  
104 examination except for passage of the examination and has  
105 applied for the next scheduled examination, the department  
106 ~~executive director~~ may issue the applicant a nonrenewable  
107 temporary permit to practice electrology under the supervision  
108 of a licensed electrologist until notification of the results of  
109 the examination.

110 (b) The temporary permit of a person who fails such  
111 examination is automatically revoked upon notification of the  
112 examination results, and the applicant shall cease the practice  
113 of electrology immediately upon receipt of such notice.

114 (c) An applicant with a temporary permit who passes such  
115 examination may continue to practice under such temporary permit

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116 ~~for no more than 90 days until the next meeting of the board at~~  
117 ~~which license applications are to be considered.~~

118 ~~(2)(3)~~ As used in this subsection ~~(2)~~, "supervision" means  
119 responsible control by a licensed electrologist who provides the  
120 initial direction in developing a treatment plan and also  
121 periodically inspects the permittee's implementation of such  
122 plan, which plan may not be altered by the permittee without the  
123 prior consultation and approval of the supervisor. A supervisor  
124 shall be available to consult with and direct a permittee in an  
125 emergency, although the supervisor does not have to be on the  
126 premises while the permittee is delivering electrolysis  
127 services.

128 Section 6. Section 478.47, Florida Statutes, is amended to  
129 read:

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

137 Section 7. Section 478.49, Florida Statutes, is amended to  
138 read:

139 478.49 License and certification required.—

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

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

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

152 Section 8. Subsections (2) and (4) of section 478.50,  
153 Florida Statutes, are amended to read:

154 478.50 Renewal of license; delinquent status; address  
155 notification; continuing education requirements.—

156 (2) A license that is not renewed at the end of the  
157 biennium prescribed by the department automatically reverts to  
158 delinquent status. The department ~~board~~ shall adopt rules  
159 establishing procedures, criteria, and fees as set forth in s.  
160 478.55 for reactivation of an inactive license.

161 (4) (a) An application for license renewal must be  
162 accompanied by proof of the successful completion of 20 hours of  
163 continuing education courses or proof of successfully passing a  
164 reexamination for licensure within the immediately preceding

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165 biennium which meets the criteria established by the department  
166 ~~board~~. Both the continuing education and reexamination shall  
167 contain education on blood-borne diseases.

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

172 (c) Continuing education programs shall be approved by the  
173 department board. Applications for approval shall be submitted  
174 to the department board not less than 60 days or ~~not~~ more than  
175 360 days before they are held.

176 Section 9. Subsections (2), (3), and (11) of section  
177 478.51, Florida Statutes, are amended to read:

178 478.51 Electrology facilities; requisites; facility  
179 licensure; inspection.-

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

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

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



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190 Section 10. Section 478.52, Florida Statutes, is amended  
191 to read:

192 478.52 Disciplinary proceedings.—

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

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

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

200 (c) Being convicted or found guilty of, or entering a plea  
201 of nolo contendere to, regardless of adjudication, a crime, in  
202 any jurisdiction, which directly relates to the practice of  
203 electrology.

204 (d) Willfully making or filing a false report or record,  
205 willfully failing to file a report or record required for  
206 electrologists, or willfully impeding or obstructing the filing  
207 of a report or record required by this act or inducing another  
208 person to do so.

209 (e) Circulating false, misleading, or deceptive  
210 advertising.

211 (f) Unprofessional conduct, including any departure from,  
212 or failure to conform to, acceptable standards related to the  
213 delivery of electrolysis services.

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214 (g) Engaging or attempting to engage in the illegal  
215 possession, sale, or distribution of any illegal or controlled  
216 substance.

217 (h) Willfully failing to report any known violation of  
218 this chapter.

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

222 (j) Engaging in the delivery of electrolysis services  
223 without an active license.

224 (k) Employing an unlicensed person to practice  
225 electrology.

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

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

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

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

236 (p) Judicially determined mental incompetency.

237 (q) Practicing or attempting to practice electrology under  
238 a name other than her or his own.

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

243 1. The department may, upon probable cause, compel a  
244 licensee to submit to a mental or physical examination by  
245 physicians designated by the department. The cost of an  
246 examination shall be borne by the licensee, and her or his  
247 failure to submit to such an examination constitutes an  
248 admission of the allegations against her or him, consequent upon  
249 which a default and a final order may be entered without the  
250 taking of testimony or presentation of evidence, unless the  
251 failure was due to circumstances beyond her or his control.

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

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

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

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

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

267 (v) Violating any provision of this chapter or chapter  
268 456, or any rules adopted pursuant thereto.

269 (2) The department ~~board~~ may enter an order denying  
270 licensure or imposing any of the penalties in s. 456.072(2)  
271 against any applicant for licensure or licensee who is found  
272 guilty of violating any provision of subsection (1) of this  
273 section or who is found guilty of violating any provision of s.  
274 456.072(1).

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

280 (4) The department ~~board, with the assistance of the~~  
281 ~~council,~~ may, by rule, establish guidelines for the disposition  
282 of disciplinary cases involving specific types of violations.  
283 The guidelines may include minimum and maximum fines, periods of  
284 supervision on probation, or conditions upon probation or  
285 reissuance of a license.

286 Section 11. Subsection (6) of section 478.53, Florida  
287 Statutes, is amended to read:

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288 478.53 Penalty for violations.—It is a misdemeanor of the  
289 first degree, punishable as provided in s. 775.082 or s.  
290 775.083, to:

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

293 Section 12. Subsection (1) of section 478.55, Florida  
294 Statutes, is amended to read:

295 478.55 Fees; facility; disposition.—

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

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

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

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

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

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

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

305 Section 13. This act shall take effect October 1, 2018.

306

307 -----

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

309 Remove everything before the enacting clause and insert:

310 An act relating to laser hair removal or reduction;

311 amending s. 478.42, F.S.; revising definitions; amending s.

312 478.43, F.S.; providing rulemaking authority to the

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313 Department of Health for regulating electrolysis services;  
314 repealing s. 478.44, F.S., relating to the Electrolysis  
315 Council; amending s. 478.45, F.S.; providing requirements  
316 for licensure; amending s. 478.46, F.S.; providing  
317 requirements for temporary permits; amending s. 478.47,  
318 F.S.; providing requirements for licensure by endorsement;  
319 amending s. 478.49, F.S.; providing certification  
320 requirements for licensed electrologists who perform laser  
321 hair removal or reduction; amending s. 478.50, F.S.;  
322 relating to renewal of licensure, delinquent status,  
323 address notification, and continuing education  
324 requirements; amending s. 478.51, F.S.; relating to  
325 electrology facilities; amending s. 478.52, F.S.; relating  
326 to disciplinary proceedings; amending s. 478.53, F.S.;  
327 making a conforming change.; amending s. 478.55, F.S.;  
328 relating to fees; providing an effective date.