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DATE: April 19, 2000

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
GOVERNMENTAL RULES & REGULATIONS
ANALYSIS**

BILL #: CS/HB 671

RELATING TO: Licensure of Tattoo Parlors

SPONSOR(S): Committee on Health Care Licensing & Regulation and Representative Morroni

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE LICENSING & REGULATION YEAS 11 NAYS 0
 - (2) CRIME & PUNISHMENT WD
 - (3) GOVERNMENTAL RULES & REGULATIONS YEAS 8 NAYS 0
 - (4) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (5)
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I. SUMMARY:

CS/HB 671 amends s. 877.04, F.S., to prohibit the tattooing of any minor under the age of 16 unless that minor is accompanied by a parent or legal guardian.

The committee substitute also requires that a sunrise review be conducted to determine the need to regulate the tattoo industry. The proponents of regulation and the agency of jurisdiction are required to assist in conducting the review. The recommendations of the review must be presented to the Legislature on or before February 1, 2001.

The bill has no significant fiscal impact on state government.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Presently, under s. 877.04, F.S., it is unlawful for any person to tattoo any minor without the notarized written consent of the minor's parent or legal guardian. Tattoo parlors are not required to obtain a license in order to operate.

Section 11.62, F.S., known as the Sunrise Act, states in the legislative intent section that, "no profession or occupation [may] be subject to regulation unless the regulation is necessary to protect the public health, safety, or welfare from significant and discernible harm or damage." A sunrise review must be conducted prior to any regulation of a profession by the state in order to determine if such regulation is necessary.

C. EFFECT OF PROPOSED CHANGES:

The bill prohibits the tattooing of any minor under the age of 16 unless that minor is accompanied by a parent or legal guardian. The bill also requires that a sunrise review be conducted to determine the need to regulate the tattoo industry. The proponents of regulation and the agency of jurisdiction are required to assist in conducting the review. The recommendations of the review must be presented to the Legislature on or before February 1, 2001.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 877.04, F.S., to prohibit the tattooing of a minor under the age of 16 unless the minor is accompanied by a parent or legal guardian.

Section 2. Requires that a sunrise review be conducted to determine the need to regulate the tattoo industry, and requires that the recommendations of the review be submitted to the Legislature on or before February 1, 2001.

Section 3. Provides an effective date of October 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 8, 2000, the Committee on Health Care Licensing & Regulation unanimously adopted a "strike-everything" amendment and passed the bills as a committee substitute.

The original bill gave the Department of Health authority to license and inspect tattoo establishments. It also gave the department authority to ensure that tattoo establishments met specific requirements in order to promote protection of public health. The bill required owners of tattoo studios to pay a fee to obtain a license and provided penalties for individuals who operated tattoo studios without a license.

The committee substitute does not require tattoo establishments to be licensed. It prohibits the tattooing of minors under the age of 16 unless a parent or legal guardian is present. The committee substitute requires that a sunrise review be conducted to determine the need for the regulation of the tattoo industry.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

Staff Director:

Andrew "Andy" Palmer

Lucretia Shaw Collins

AS FURTHER REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS:

Prepared by:

Staff Director:

Shari Z. Whittier

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