

By Senator Sobel

31-00270A-10

2010942

1 A bill to be entitled
2 An act relating to the practice of tattooing; creating
3 part XVII of ch. 468, F.S.; providing definitions;
4 prohibiting the practice of tattooing except by a
5 person licensed or registered by the Department of
6 Health; providing for the licensure of tattoo artists
7 and the temporary registration of guest tattoo artists
8 licensed in other states; exempting tattooing
9 performed for medical or dental purposes by certain
10 personnel from regulation under the act; requiring the
11 licensure of tattoo establishments; providing practice
12 requirements for tattoo artists, guest tattoo artists,
13 and tattoo establishments; specifying fees for initial
14 licensure and registration and annual renewal thereof;
15 specifying acts that constitute grounds under which
16 the department may take disciplinary action; providing
17 criminal penalties for certain violations involving
18 the practice of tattooing; authorizing the department
19 to adopt rules; amending s. 877.04, F.S.; prohibiting
20 the tattooing of a minor child except under certain
21 circumstances; requiring the Department of Health to
22 adopt rules; providing penalties; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Part XVII of chapter 468, Florida Statutes,
28 consisting of sections 468.851, 468.853, 468.854, 468.855,
29 468.856, 468.857, 468.859, 468.861, 468.863, 468.867, and

31-00270A-10

2010942

30 468.869, is created to read:

31 468.851 Definitions.—As used in this part, the term:

32 (1) "Active license or registration" means a current
33 license or registration issued by the department.

34 (2) "Department" means the Department of Health.

35 (3) "Guest tattoo artist" means a person who is licensed,
36 registered, or certified to practice tattooing in another state
37 and who is issued a temporary registration to practice tattooing
38 in this state.

39 (4) "Operator" means a person designated by a tattoo
40 establishment to control or manage the establishment.

41 (5) "Tattoo" means a mark or design made on or under the
42 skin by a process of piercing and engraving a pigment, dye, or
43 ink in the skin.

44 (6) "Tattoo establishment" means any location, place, area,
45 structure, or business where tattooing is performed.

46 (7) "Tattoo artist" means a person licensed under this part
47 to practice tattooing.

48 468.853 Application of part; exemption.—This part does not
49 apply to tattooing performed for medical or dental purposes by a
50 person licensed to practice medicine or dentistry under chapter
51 458, chapter 459, or chapter 466.

52 468.854 Practice requirements; tattoo artist licensure and
53 tattoo establishment licensure.—A person may not:

54 (1) Operate a tattoo establishment in this state without
55 obtaining a tattoo establishment license.

56 (2) Practice tattooing in this state without obtaining a
57 tattoo artist license or guest tattoo artist registration.

58 (3) Practice tattooing in this state in any place other

31-00270A-10

2010942

59 than a licensed tattoo establishment.

60 (4) Obtain or attempt to obtain a license or registration
61 by means of fraud, misrepresentation, or concealment.

62 468.855 Tattoo artists; licensure.—

63 (1) A person seeking licensure as a tattoo artist must
64 apply to the department in the format prescribed by
65 the department. An application must include the name and street
66 address of each tattoo establishment in which the applicant
67 practices tattooing for more than 14 days per calendar year. The
68 department shall issue a license to an applicant who:

69 (a) Is 18 years of age or older.

70 (b) Submits a completed application.

71 (c) Pays the applicable license fee established in s.
72 468.861.

73 (d) Submits proof of successful completion of an education
74 course approved by the department on blood-borne pathogens and
75 communicable diseases, cardiopulmonary resuscitation, and basic
76 first aid.

77 (e) Submits proof of passage of an examination approved by
78 the department on the material presented in the education
79 course.

80 (2) The department shall approve one or more education
81 courses and examinations that allows a person to complete the
82 requirements in paragraphs (1)(d) and (e) in person or through
83 an Internet website.

84 468.856 Temporary registration of guest tattoo artists.—

85 (1) A person seeking temporary registration as a guest
86 tattoo artist must register with the department in the format
87 prescribed by the department. An application must include the

31-00270A-10

2010942

88 name and street address of each tattoo establishment in which
89 the applicant plans to practice tattooing in this state. The
90 department shall issue a temporary registration to an applicant
91 who:

92 (a) Is 18 years of age or older.

93 (b) Submits a completed application.

94 (c) Pays the applicable registration fee established in s.
95 468.861.

96 (d) Holds an active license, registration, or certification
97 issued by another state whose education and examination
98 requirements substantially meet or exceed the requirements in
99 paragraphs 468.855(1) (d) and (e).

100 (2) (a) A tattoo artist, guest tattoo artist, or tattoo
101 establishment must notify the department within 14 days after
102 any change in the name or address of the licensee or registrant.

103 (b) A tattoo artist or guest tattoo artist must notify the
104 department, in the format prescribed by the department, within
105 14 days after practicing tattooing in a tattoo establishment
106 other than the establishments disclosed in the application.

107 (3) (a) A tattoo artist license is valid for 1 year and must
108 be renewed annually.

109 (b) A guest tattoo artist temporary registration is valid
110 for 45 days and may not be renewed until 180 days after the
111 registration expires.

112 (4) A license or registration issued by the department
113 under this section is not transferable.

114 468.857 Tattoo establishments; licensure.-

115 (1) A person may not operate a tattoo establishment in this
116 state unless the establishment is licensed under this part.

31-00270A-10

2010942

117 (2) A person seeking licensure of a tattoo establishment
118 must apply to the department in the format prescribed by the
119 department. An application must include:

120 (a) The registered business name, including any fictitious
121 names under which the tattoo establishment conducts business in
122 the state.

123 (b) The street address and telephone number of the tattoo
124 establishment. A license is valid only for the location or
125 locations listed on the license. A tattoo establishment must
126 notify the department in the format prescribed by the department
127 before any change of the licensed location.

128 (c) The name, mailing address, and telephone number of the
129 tattoo establishment's operator.

130 (d) The name and address of the tattoo establishment's
131 registered agent for service of process in the state.

132 (3) The department shall issue a tattoo establishment
133 license to an applicant, if:

134 (a) The applicant submits a completed application.

135 (b) The applicant pays the applicable license fee
136 established in s. 468.861.

137 (c) The establishment complies with all applicable local
138 building, occupational, zoning, and health codes.

139 (4) A tattoo establishment license is valid for 1 year,
140 must be renewed annually, and is not transferable.

141 468.859 Tattoo establishment operation requirements.-

142 (1) A tattoo establishment must:

143 (a) Display an active license for the tattoo establishment
144 in a manner that is easily visible to the public at all times
145 while tattooing is performed in the establishment.

31-00270A-10

2010942

146 (b) Ensure that each tattoo artist and guest tattoo artist
147 who practices tattooing in the tattoo establishment meets all
148 applicable requirements of this part.

149 (c) Allow periodic inspection and enforcement by authorized
150 agents of the department.

151 (2) A tattoo artist or guest tattoo artist must:

152 (a) Display his or her active license in a manner that is
153 easily visible to the public at all times while practicing
154 tattooing.

155 (b) Practice tattooing exclusively in a tattoo
156 establishment licensed under this part.

157 (c) Maintain sanitary conditions at all times in tattoo
158 establishments.

159 (d) Comply with all state and local health codes and
160 ordinances.

161 (3) A tattoo artist or guest tattoo artist may tattoo the
162 body of a minor child only to the extent authorized in s.
163 877.04. A tattoo establishment must keep, for the specified
164 period prescribed by the department, each written notarized
165 consent submitted under s. 877.04(2)(c) by the parent or legal
166 guardian of a minor child who is tattooed in the establishment.

167 486.861 Fees; disposition.—The department shall establish
168 by rule fees for initial licensure or registration, annual
169 renewal fees, and reactivation fees for an inactive license or
170 registration in accordance with ss. 456.004 and 456.025. A
171 license or registration that is not timely renewed becomes
172 inactive.

173 (1) The annual fee for licensure of a tattoo establishment
174 may not exceed \$500.

31-00270A-10

2010942__

175 (2) The annual fee for licensure of a tattoo artist may not
176 exceed \$250.

177 (3) The fee for temporary registration of a guest tattoo
178 artist may not exceed \$150.

179 468.863 Grounds for discipline; penalties.-

180 (1) The following acts constitute grounds for which
181 disciplinary action specified in subsection (2) may be taken by
182 the department against any tattoo establishment, tattoo artist,
183 guest tattoo artist, operator of a tattoo establishment,
184 applicant regulated by this part, or any unlicensed person
185 engaged in activities regulated under this part:

186 (a) Providing false information on an application for
187 licensure or registration.

188 (b) Violating a state or local health code or ordinance.

189 (c) Violating any provision of this part, rule adopted
190 under this part, or lawful order of the department.

191 (d) Having a comparable license, registration, or
192 certification suspended, revoked, or otherwise acted against by
193 the licensing authority of another state, territory, or country.

194 (e) Being found guilty of or pleading nolo contendere to,
195 regardless of adjudication, a crime in any jurisdiction which
196 relates to the practice of tattooing or operating a tattoo
197 establishment.

198 (f) Committing fraud, deceit, negligence, or misconduct in
199 practicing tattooing or operating a tattoo establishment.

200 (g) Aiding, assisting, procuring, or advising any
201 unlicensed person in the practice of tattooing or the operation
202 of a tattoo establishment.

203 (h) Failing to maintain the records required by this part

31-00270A-10

2010942

204 or knowingly making false entries in such records.

205 (2) When the department determines that a person has
206 violated any of the grounds set forth in subsection (1), the
207 department may enter an order imposing one or more of the
208 following penalties:

209 (a) Refusal to issue or renew a license or registration.

210 (b) Suspension or revocation of a license or registration.

211 (c) Restriction of practice.

212 (d) Imposition of an administrative fine not to exceed
213 \$1,500 for each count or separate violation.

214 (e) Issuance of a reprimand.

215 (f) Placement of the license or registration on probation
216 for a specified period and subject to the conditions that the
217 department may specify.

218 (g) Corrective action.

219 (3) The department shall impose stricter penalties as the
220 severity and repetition of violations escalate, distinguishing
221 lesser violations from those that endanger the public health.

222 (4) Disciplinary proceedings shall be conducted as provided
223 in chapters 120 and 456.

224 468.867 Criminal penalties.—A person who commits an act
225 prohibited under s. 468.863 commits a felony of the third
226 degree, punishable as provided in s. 775.082, s. 775.083, or s.
227 775.084.

228 468.869 Rulemaking.—The department shall adopt rules to
229 administer this part.

230 Section 2. Section 877.04, Florida Statutes, is amended to
231 read:

232 877.04 Tattooing of minor children ~~prohibited~~; penalty.—

31-00270A-10

2010942

233 (1) ~~A It is unlawful for any person may not to~~ tattoo the
234 body of a minor child younger than 16 years of age unless the
235 ~~any human being; except that~~ tattooing is may be performed for
236 medical or dental purposes by a person licensed to practice
237 medicine or dentistry under chapter chapters 458, chapter and
238 459, or chapter 466, or by a person under his or her general
239 supervision as defined by the Board of Medicine.

240 ~~(2) Any person who violates the provisions of this section~~
241 ~~shall be guilty of a misdemeanor of the second degree,~~
242 ~~punishable as provided in s. 775.082 or s. 775.083.~~

243 ~~(2)(3)~~ A person may not tattoo the No body of a minor child
244 who is at least 16 years of age, but younger than 18 years of
245 age, unless:

246 (a) The minor child is accompanied by his or her parent or
247 legal guardian.

248 (b) The minor child and his or her parent or legal guardian
249 each submits proof of his or her identity by producing a
250 government-issued photo identification.

251 (c) The parent or legal guardian submits his or her shall
252 ~~be tattooed without the~~ written notarized consent in the format
253 prescribed by the Department of Health. The Department of Health
254 shall adopt rules to administer this paragraph of the parent or
255 legal guardian.

256 (d) The parent or legal guardian submits proof that he or
257 she is the parent or legal guardian of the minor child.

258 (e) The tattooing is performed by a tattoo artist or guest
259 tattoo artist licensed under part XVII of chapter 468 or a
260 person licensed to practice medicine or dentistry under chapter
261 458, chapter 459, or chapter 466.

31-00270A-10

2010942__

262 (3) A person who violates this section commits a felony of
263 the third degree, punishable as provided in s. 775.082, s.
264 775.083, or s. 775.084.

265 Section 3. This act shall take effect July 1, 2010.