

By Senator Sobel

31-00752-12

20121044

1                   A bill to be entitled  
 2           An act relating to tanning facilities; amending s.  
 3           381.89, F.S.; prohibiting an operator or proprietor of  
 4           a tanning facility from allowing a minor to use a  
 5           tanning device at the tanning facility; deleting a  
 6           provision that authorizes the use of a tanning device  
 7           by certain minors if accompanied by a parent or legal  
 8           guardian; providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1. Present subsections (9), (10), (11), (12), and  
 13           (13) of section 381.89, Florida Statutes, are redesignated as  
 14           subsections (8), (9), (10), (11), and (12), respectively, and  
 15           subsections (7), (8), and (10) of that section are amended, to  
 16           read:

17           381.89 Regulation of tanning facilities.—

18           (7) An operator or proprietor of a tanning facility may not  
 19           allow a minor ~~between the ages of 14 and 18~~ to use a tanning  
 20           device at the tanning facility unless it has on file a statement  
 21           ~~signed by the minor's parent or legal guardian stating that the~~  
 22           ~~parent or legal guardian has read and understands the warnings~~  
 23           ~~given by the tanning facility, consents to the minor's use of a~~  
 24           ~~tanning device, and agrees that the minor will use the provided~~  
 25           ~~protective eyewear.~~

26           ~~(8) A minor under the age of 14 must be accompanied by a~~  
 27           ~~parent or legal guardian when using a tanning device.~~

28           (9) ~~(10)~~ PENALTIES.—

29           (a) Each of the following acts constitutes a felony of the

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30 third degree, punishable as provided in s. 775.082 or s.  
31 775.083:

32 1. Owning or operating, or soliciting business as, a  
33 tanning facility in this state without first procuring a license  
34 from the department, unless specifically exempted by this  
35 section.

36 2. Obtaining or attempting to obtain a license by means of  
37 fraud, misrepresentation, or concealment.

38 (b) Each of the following acts constitutes a misdemeanor of  
39 the second degree, punishable as provided in s. 775.082 or s.  
40 775.083:

41 1. Failing to maintain the records required by this section  
42 or knowingly making false entries in such records.

43 2. Failing to comply with subsection (7) ~~or subsection (8)~~.

44 (c) The court may, in addition to other punishment provided  
45 for, suspend or revoke the license of any licensee under this  
46 section who has been found guilty of any violation listed in  
47 paragraph (a) or paragraph (b).

48 (d) If ~~In the event~~ the department or any state attorney  
49 has ~~shall have~~ probable cause to believe that a tanning facility  
50 or other person has violated any provision of paragraph (a), an  
51 action may be brought by the department or any state attorney to  
52 enjoin such tanning facility or any person from continuing such  
53 violation, or engaging therein or doing any acts in furtherance  
54 thereof, and for such other relief as to the court seems  
55 appropriate.

56 Section 2. This act shall take effect July 1, 2012.