LICENSING OF TANNING FACILITIES
CHAPTER 64E-17

The 1991 Florida Legislature passed a law which requires the licensing and monitoring of tanning facilities. The Florida Department of Health, through its County Offices, is responsible for licensing and monitoring these facilities for compliance with the law. Further information and downloads can be found at:
http://lee.floridahealth.gov/programs-and-services/environmental-health/tanning/

The following documents must be provided to the Department of Health prior to issuance of a tanning facility license:

1. Application for Tanning Facility License

2. Tanning Facility Equipment Information

3. Site-Plan (Review checklist attached; Site-Plan required with application).

4. Approved Tanning Certification (a list of approved training is provided in this packet and on the Department of Health website)

5. Applicant Certification Form

6. Copy of Facility's Operating and Safety Procedures

7. Certificate of insurance that provides liability insurance including limits of liability

8. Check in the amount due shown on the invoice should be made payable to the **Florida Department of Health**. Payment is due at time of application

Please be reminded that the operation of your tanning facility without a valid Department of Health license is a violation of Florida Administrative Code. You are responsible for renewing your license annually. Tanning facility licenses expire September 30th of each year.

If you have any questions regarding this matter, please do not hesitate to contact the Florida Department of Health in Lee County Environmental Health Division at 239-690-2100.

License Number

STATE OF FLORIDA
DEPARTMENT OF HEALTH

APPLICATION FOR TANNING FACILITY LICENSE

AUTHORITY: SECTION 381.89, Florida Statutes

INSTRUCTIONS: **1. Provide the information requested below. 2. Sign the application and return it, along with the required fee (do not send cash), to the County Health Department. If the information on this form changes, you must notify the county health department by telephone or in writing. 3. Please complete front and back of application.**

Name of Facility _____

Facility Address _____
Street City Zip Code

Owner's Name _____
Last First Middle

Owner's Address _____
Street City Zip Code

Owner's Phone _____ Facility Phone _____

Is this a mobile tanning unit? ___ YES ___NO Mobile units must meet all requirements of Chapter 64E-17 F.A.C. If yes, please list the geographical areas to be covered within the state. If more space is needed please use a separate sheet of paper and attach to application.

_____

_____

_____

WHAT IS THE TOTAL NUMBER OF TANNING DEVICES IN THE FACILITY? _____
HOW MANY? BEDS _____ BOOTHS _____

THE ANNUAL LICENSE FEE FOR THIS TANNING FACILITY IS $ _____

Please make check or money order payable to the Florida Department of Health in Lee County. The undersigned owner/owner's representative hereby agrees to operate the tanning facility described in this application in accordance with the requirements of Section 381.89, Florida Statutes. The information contained in this application, which serves as the basis for licensure, is true and correct. I understand that any misrepresentation of the facts in this application or failure to comply with the sanitary standards for tanning facilities is grounds for denial or revocation of the tanning facility license.

_____ _____
Owner/Owner's Representative Signature Date

_____ _____
Environmental Health Official Signature Date License Approved

TANNING FACILITY EQUIPMENT INFORMATION

MANUFACTURER	MODEL	SERIAL #	BED	BOOTH
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

TANNING DEVICES TANNING LAMPS

MANUFACTURER	MODEL
1.	
2.	
3.	
4.	
5.	

TANNING EQUIPMENT SUPPLIERS

NAME:	
ADDRESS:	
PHONE:	
NAME:	
ADDRESS:	
PHONE:	

Sample Tanning Facility
Operating and Safety Procedures

64E-17.006(2)(b)(5), FAC, License and Fees states: "Applications for initial licenses shall be accompanied by the annual or prorated fee required in subsection (5) and shall contain at least the following information: 5. A copy of the facility's operating and safety procedures."

The following may be used as a guide to tanning facility operators to help in the production of operation and safety procedures for their facilities; however, the facility may include all procedures that are related to their individual facilities.

1. Open facility and check tanning rooms, devices, eyewear and restrooms for cleanliness. Mix sanitizer solutions and test concentrations.

2. Prepare for the day's operation: check appointments, gather client records and necessary paperwork, conduct administrative duties.

3. As clients arrive, please be courteous.

4. When existing clients arrive, have them sign in. Check their records to determine prior tanning preferences and 24-hour wait period, explain the facility's operations and their tanning session to them , after which direct them to the tanning room. Once the client is ready, set timer to appropriate time.

5. If the client is new, discuss the facility, explain services, packages, etc. Explain how an indoor tanning device works. Give them a tour of the facility. Show the client a tanning room. Show how the door locks and how to operate the music system and turn the bed on once they are ready, shut the canopy / booth door, and show them where the emergency cut-off switch is located.

6. Have the clients read and complete the client card. Make sure they have read the warning statement. Review the card for completeness. Make sure the client has signed and dated the card, recorded their birthday, stated that they are over 18 years old or recorded parental consent signature if under 18 years old.

7. Explain to the client the importance of protective eyewear. Make sure the client has and uses approved protective eyewear and signs the eyewear statement. Advise them to remove contact lenses and to apply SPF 15 lip protection.

8. Check the user's skin type and recommend proper exposure time and a schedule that will provide the best results.

9. Set the timer to the proper time, not to exceed the manufacturer's maximum time.

10. Record the date, length of exposure and name / initials of the employee who assisted the client on the client record.

11. Send the client into a clean and properly sanitized bed to tan.

12. Schedule the client's next appointment if applicable.

13. Clean and sanitize tanning devices, eyewear and rooms after client's use.

14. Measure sanitizing solution concentration twice daily.

15. Check supplies daily (i.e. eyewear, lotions, cleaner, other products).

16. At the end of the day, check client records and documents, count down and clean facility.

If an injury occurs:

- Calm the client down, check injury
- Call for medical assistance, if necessary
- Contact owner / manager
- Complete the DOH injury report and submit a copy to the county health department within five days.
- Call to check on client's condition.

If there are any questions regarding these procedures, please contact a member of management.

TANNING FACILITY INJURY REPORT

Chapter 64E-17.004(8), Florida Administrative Code states that a written report of any alleged tanning injury shall be forwarded to the Florida Department of Health in Lee County within five working days of its occurrence or knowledge thereof.

Date _____

Tanning Facility Information

Name of Tanning Facility _____License Number_____

Address _____City _____County _____

Owner's Name _____Phone Number _____

Salon Employee/Operator who assisted client _____

Tanning device Manufacturer _____

Model Number _____Serial Number _____

Types of Lamps Used in Device _____

Customer Information

Date of Injury _____

Reported by _____Phone Number _____

Name of Injured Individual _____ Phone Number _____

Address _____

Nature of Injury_____

_____

Duration of Tanning Exposure _____

Medical Attention ____Yes ____No

Physician Name _____Phone _____

Address _____

Diagnosis/Treatment _____

Name of Person taking Complaint _____Date _____

Name of Facility Operator _____ Date _____

FLDOH Inspector _____ Date _____

DANGER: UTLRAVIOLET RADIATION

FOLLOW THESE INSTUCTIONS

1. **Avoid frequent or lengthy exposure. As with natural sunlight, exposure can cause eye and skin injury and allergic reactions. Repeated exposure can cause chronic sun damage characterized by wrinkling, dryness, fragility and bruising of the skin or skin cancer.**

2. **Wear protective eyewear. FAILURE TO USE PROTECTIVE EYEWEAR CAN RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.**

3. **Ultraviolent radiation from sunlamps will aggravate the effects of the sun. Therefore, do not sunbathe before or after exposure to ultraviolet radiation.**

4. **Using medications or cosmetics can increase your sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications, have a history of skin problems or believe you are especially sensitive to sunlight. Women who are pregnant or on birth control and use this product can develop discolored skin.**

5. **IF YOU DO NOT TAN IN THE SUN, YOU WILL NOT TAN BY USING THIS DEVICE.**

LISTING OF TANNING FACILITY SANITIZERS

Listed below are the brand names of sanitizers that have been found in tanning facilities around the state that meet the requirements of Chapter 64E-17 Tanning Facilities, F.A.C. and are approved for use. This is **NOT** an all-inclusive listing as there are several other sanitizers that meet the code requirements. Be sure to use test strips to measure the sanitizers for proper concentration levels, such as 200ppm-400ppm for quaternary ammonia. There are specific test strips for quaternary ammonia which is the main ingredient in most of these sanitizers. If you come across more sanitizers, please contact VaKesha Brown at 850-245-4277 so that they may be added to the listing.

LUCASOL
SOLAR BOMBZ
SAN-I-BED
VIREX 256
BLUE SKIES II
DIMENSION II
PINE MOUNTAIN II
PROSUN
CITRUS II (read instructions carefully)
CHEM TECH MINT DC DISINFECTANT
SUNQUEST SANITIZING DISINFECTANT
STAY TAN HYGIENIC ACRYLIC CONCENTRATED DISINFECTANT
AUSTRALIAN GOLD Ph NEUTRAL CLEANER/DISINFECTANT
CALIFORNIA TAN TANNING SANITIZER AND ACRYLISAFE

Tanning Facility Inspection Checklist

In addition to general cleanliness, the following items must be in the facility at the time of inspection:

In the facility:

- Current Department of Health License (Posted)
- Operating Procedures
- Insurance Information
- Client Information Cards
  - ✓ Name
  - ✓ Age/ date of birth
  - ✓ Skin type
  - ✓ Written Warning: If you do not tan in the sun you WILL NOT tan by using this device
  - ✓ Total # of tanning visits
  - ✓ Tanning exposure times
  - ✓ Name of operator
  - ✓ Signature
- Four (4) years of clients' records
- Letter of compatibility for substitute tanning device lamps
- Appropriate manuals for each tanning bed or booth in facility
- Copy of last inspection report
- Emergency override timer (T-Max)
- Proof of certification or training of ALL salon operators
- Physical barriers to protect against direct eye contact with ultraviolet light
- Sanitizers for cleaning tanning equipment (Beds, Booths, Eyewear)
- Test strips for testing sanitizers
- Eyewear – enough for the number of tanning units in facility (re-useable or for purchase)

Rooms with a tanning device:

- Emergency shut-off switch on tanning device
- Required warning sign & Medication list
- Tanning equipment in good repair
- Booths must have floor markings, non-slip floors, doors open outwardly, and temperature maintained below 100 degrees F

Restrooms:

- Adequate lighting and ventilation
- Necessary supplies (toilet paper, soap, sanitary drying methods, garbage can – lid optional)
- Fixtures operational
- Approved water and sewer supply service

Florida Department of Health Lee County
Environmental Health
2295 Victoria Avenue, #206, Fort Myers, FL 33901
PHONE: 239-690-2100 FAX: 239-690-2101

www.leechd.com
TWITTER:HealthyFLA
FACEBOOK:FLDepartmentofHealth
YOUTUBE: fldoh
FLICKR:HealthyFla
PINTEREST:HealthyFla

Sample Client Card / Record

(these items must be included)

Name: Tanning Queen
Address: 12345 Tanning Lane, Tanning, FL 54321
Phone: 9876543210
DOB: 01/01/1901

VISIT	DATE	TIME	EXPOSURE TIME	OPERATOR
1	01/05/2005	11:30 am	10 mins	KK Tan
2	01/07/ 2005	1:30 pm	10 mins	Tan Man
3	01/08/2005	2:15 pm	15 mins	Lady Tan
4	01/10/2005	9:45 am	20 mins	Mister Tan

DANGER, ULTRAVIOLET RADIATION

Follow these instructions:

1. Avoid frequent or lengthy exposure. As with natural sunlight, exposure can cause eye and skin injury or allergic reactions. Repeated exposure can cause chronic sun damage characterized by wrinkling, dryness, fragility and bruising of the skin or skin cancer.

2. Wear protective eyewear. FAILURE TO USE PROTECTIVE EYEWEAR CAN RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.

3. Ultraviolet radiation from sunlamps will aggravate the effects of the sun. Therefore, do not sunbathe before or after exposure to ultraviolet radiation.

4. Using medications or cosmetics can increase your sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications, have a history of skin problems, or believe you are especially sensitive to sunlight. Women who are pregnant or on birth control who use this product can develop discolored skin. IF YOU DO NOT TAN IN THE SUN YOU WILL NOT TAN BY USING THIS DEVICE.

5. Any person who takes a prescription or over-the-counter medication should consult a physician before using a tanning device.

6. This facility does not carry liability insurance for injuries caused by tanning devices **OR** This facility carries liability insurance in the amount of $---------.

I have read and understand the warning statement and I agree to wear protective eyewear.

Client Signature _____ Date _____

Parent / Guardian Signature _____ Date _____
(if under 18)

The Florida Department of Health recognizes the following approved training courses:

Internet Courses:

- American Tanning Institute: (866)869-6790; www.tanningprogram.com
- International Smart Tan: (517)784-1772 or (800)652-3269; www.smarttan.com
- National Tanning Training Institute: (800)529-1101 extension 1019; www.tanningtraining.com
- Sun is Life: (866)786-6951; www.sunislife.com
- Tanningschool.com: (877)TAN-SKOL; www.tanningschool.com
- Tanning Dynamics: (888)826-7297; www.certifymenow.com

Correspondence Courses:

- American Tanning Institute: (866)869-6790; www.tanningprogram.com
- International Smart Tan: (517)784-1772 or (800)652-3269; www.smarttan.com
- Marver Corporation, Inc.: (239)936-2232
- National Tanning Training Institute: (800)529-1101 extension 1019; www.tanningtraining.com
- Regulatory Consultants Inc.: (800)533-9017
- Suntanning Association for Education: (800)536-8255; www.tanningtraining.com
- Suntan Supply: (800)994-8484; www.suntansupply.org
- Tanning Dynamics: 888-826-7297; www.certifymenow.com

On-Site Training:

- American Tanning Institute: (866)869-6790; www.tanningprogram.com
- InternationalSmart Tan: 517-784-1772 or 800-652-3269; www.smarttan.com
- National Tanning Training Institute: (800)529-1101 extension 1019; www.tanningtraining.com
- Suntanning Association for Education: (800)536-8255; www.tanningtraining.com
- Tanningschool.com: (877)TAN-SKOL; www.tanningschool.com
- Tanning Dynamics: 888-826-7297; www.certifymenow.com

A current list can be found on the department's website: http://lee.floridahealth.gov/programs-and-services/environmental-health/tanning/index.html

TITLE 21--FOOD AND DRUGS
CHAPTER I--FOOD AND DRUG ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES
SUBCHAPTER J--RADIOLOGICAL HEALTH

PART 1040 -- PERFORMANCE STANDARDS FOR LIGHT-EMITTING PRODUCTS

Sec. 1040.20 Sunlamp products and ultraviolet lamps intended for use in sunlamp products.

(a) Applicability. (1) The provisions of this section, as amended, are applicable as specified herein to the following products manufactured on or after September 8, 1986.

(i) Any sunlamp product.

(ii) Any ultraviolet lamp intended for use in any sunlamp product.

(2) Sunlamp products and ultraviolet lamps manufactured on or after May 7, 1980, but before September 8, 1986, are subject to the provisions of this section as published in the Federal Register of November 9, 1979 (44 FR 65357).

(b) Definitions. As used in this section the following definitions apply:

(1) Exposure position means any position, distance, orientation, or location relative to the radiating surfaces of the sunlamp product at which the user is intended to be exposed to ultraviolet radiation from the product, as recommended by the manufacturer.

(2) Intended means the same as "intended uses" in 801.4.

(3) Irradiance means the radiant power incident on a surface at a specified location and orientation relative to the radiating surface divided by the area of the surface, as the area becomes vanishingly small, expressed in units of watts per square centimeter (W/cm 2).

(4) Maximum exposure time means the greatest continuous exposure time interval recommended by the manufacturer of the product.

(5) Maximum timer interval means the greatest time interval setting on the timer of a product.

(6) Protective eyewear means any device designed to be worn by users of a product to reduce exposure of the eyes to radiation emitted by the product.

(7) Spectral irradiance means the irradiance resulting from radiation within a wavelength range divided by the wavelength range as the range becomes vanishingly small, expressed in units of watts per square centimeter per nanometer (W/(cm 2/nm)).

(8) Spectral transmittance means the spectral irradiance transmitted through protective eyewear divided by the spectral irradiance incident on the protective eyewear.

(9) Sunlamp product means any electronic product designed to incorporate one or more ultraviolet lamps and intended for irradiation of any part of the living human body, by ultraviolet radiation with wavelengths in air between 200 and 400 nanometers, to induce skin tanning.

(10) Timer means any device incorporated into a product that terminates radiation emission after a preset time interval.

(11) Ultraviolet lamp means any lamp that produces ultraviolet radiation in the wavelength interval of 200 to 400 nanometers in air and that is intended for use in any sunlamp product.

(c) Performance requirements --(1) Irradiance ratio limits. For each sunlamp product and ultraviolet lamp, the ratio of the irradiance within the wavelength range of greater than 200 nanometers through 260 nanometers to the irradiance within the wavelength range of greater than 260 nanometers through 320 nanometers may not exceed 0.003 at any distance and direction from the product or lamp.

(2) Timer system. (i) Each sunlamp product shall incorporate a timer system with multiple timer settings adequate for the recommended exposure time intervals for different exposure positions and expected results of the products as specified in the label required by paragraph (d) of this section.

(ii) The maximum timer interval(s) may not exceed the manufacturer's recommended maximum exposure time(s) that is indicated on the label required by paragraph (d)(1)(iv) of this section.

(iii) No timer interval may have an error greater than 10 percent of the maximum timer interval of the product.

(iv) The timer may not automatically reset and cause radiation emission to resume for a period greater than the unused portion of the timer cycle, when emission from the sunlamp product has been terminated.

(v) The timer requirements do not preclude a product from allowing a user to reset the timer before the end of the preset time interval.

(3) Control for termination of radiation emission. Each sunlamp product shall incorporate a control on the product to enable the person being exposed to terminate manually radiation emission from the product at any time without disconnecting the electrical plug or removing the ultraviolet lamp.

(4) Protective eyewear. (i) Each sunlamp product shall be accompanied by the number of sets of protective eyewear that is equal to the maximum number of persons that the instructions provided under paragraph (e)(1)(ii) of this section recommend to be exposed simultaneously to radiation from such product.

(ii) The spectral transmittance to the eye of the protective eyewear required by paragraph (c)(4)(i) of this section shall not exceed a value of 0.001 over the wavelength range of greater than 200 nanometers 320 nanometers and a value of 0.01 over the wavelength range of greater than 320 nanometers through 400 nanometers, and shall be sufficient over the wavelength greater than 400 nanometers to enable the user to see clearly enough to reset the timer.

(5) Compatibility of lamps. An ultraviolet lamp may not be capable of insertion and operation in either the "single-contact medium screw" or the "double-contact medium screw" lampholders described in American National Standard C81.10-1976, Specifications for Electric Lamp Bases and Holders--Screw-Shell Types, which is incorporated by reference. Copies are available from the American National Standards Institute, 1430 Broadway, New York, NY 10018, or available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(d) Label requirements. In addition to the labeling requirements in part 801 and the certification and identification requirements of 1010.2 and 1010.3, each sunlamp product and ultraviolet lamp shall be subject to the labeling requirements prescribed in this paragraph and paragraph (e) of this section.

(1) Labels for sunlamp products. Each sunlamp product shall have a label(s) which contains:

(i) A warning statement with the words "DANGER--Ultraviolet radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. WEAR PROTECTIVE EYEWEAR; FAILURE TO MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult physician before using sunlamp if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product."
(ii) Recommended exposure position(s). Any exposure position may be expressed either in terms of a distance specified both in meters and in feet (or in inches) or through the use of markings or other means to indicate clearly the recommended exposure position.
(iii) Directions for achieving the recommended exposure position(s) and a warning that the use of other positions may result in overexposure.
(iv) A recommended exposure schedule including duration and spacing of sequential exposures and maximum exposure time(s) in minutes.
(v) A statement of the time it may take before the expected results appear.
(vi) Designation of the ultraviolet lamp type to be used in the product.
(2) Labels for ultraviolet lamps. Each ultraviolet lamp shall have a label which contains:
(i) The words "Sunlamp--DANGER--Ultraviolet radiation. Follow instructions."
(ii) The model identification.
(iii) The words "Use ONLY in fixture equipped with a timer."
(3) Label specifications. (i) Any label prescribed in this paragraph for sunlamp products shall be permanently affixed or inscribed on an exterior surface of the product when fully assembled for use so as to be legible and readily accessible to view by the person being exposed immediately before the use of the product.
(ii) Any label prescribed in this paragraph for ultraviolet lamps shall be permanently affixed or inscribed on the product so as to be legible and readily accessible to view.
(iii) If the size, configuration, design, or function of the sunlamp product or ultraviolet lamp would preclude compliance with the requirements for any required label or would render the required wording of such label inappropriate or ineffective, or would render the required label unnecessary, the Director, Office of Communication, Education, and Radiation Programs 10903 New Hampshire Ave., Bldg. 66, rm. 4312, Silver Spring, MD 20993-0002, Center for Devices and Radiological Health, on the center's own initiative or upon written application by the manufacturer, may approve alternate means of providing such label(s), alternate wording for such label(s), or deletion, as applicable.
(iv) In lieu of permanently affixing or inscribing tags or labels on the ultraviolet lamp as required by 1010.2(b) and 1010.3(a), the manfacturer of the ultraviolet lamp may permanently affix or inscribe such required tags or labels on the lamp packaging uniquely associated with the lamp, if the name of the manufacturer and month and year of manufacture are permanently affixed or inscribed on the exterior surface of the ultraviolet lamp so as to be legible and readily accessible to view. The name of the manufacturer and month and year of manufacture affixed or inscribed on the exterior surface of the lamp may be expressed in code or symbols, if the manufacturer has previously supplied the Director, Office of Compliance (HFZ-300), Center for Devices and Radiological Health, with the key to such code or symbols and the location of the coded information or symbols on the ultraviolet lamp. The label or tag affixed or inscribed on the lamp packaging may provide either the month and year of manufacture without abbreviation, or information to allow the date to be readily decoded.
(v) A label may contain statements or illustrations in addition to those required by this paragraph if the additional statements are not false or misleading in any particular; e.g., if they do not diminish the impact of the required statements; and are not prohibited by this chapter.
(e) Instructions to be provided to users. Each manufacturer of a sunlamp product and ultraviolet lamp shall provide or cause to be provided to purchasers and, upon request, to others at a cost not to exceed the cost of publication and distribution, adequate instructions for use to avoid or to minimize potential injury to the user, including the following technical and safety information as applicable:
(1) Sunlamp products. The users' instructions for a sunlamp product shall contain:
(i) A reproduction of the label(s) required in paragraph (d)(1) of this section prominently displayed at the beginning of the instructions.
(ii) A statement of the maximum number of people who may be exposed to the product at the same time and a warning that only that number of protective eyewear has been provided.
(iii) Instructions for the proper operation of the product including the function, use, and setting of the timer and other controls, and the use of protective eyewear.
(iv) Instructions for determining the correct exposure time and schedule for persons according to skin type.
(v) Instructions for obtaining repairs and recommended replacement components and accessories which are compatible with the product, including compatible protective eyewear, ultraviolet lamps, timers, reflectors, and filters, and which will, if installed or used as instructed, result in continued compliance with the standard.
(2) Ultraviolet lamps. The users' instructions for an ultraviolet lamp not accompanying a sunlamp product shall contain:
(i) A reproduction of the label(s) required in paragraphs (d)(1)(i) and (2) of this section, prominently displayed at the beginning of the instructions.
(ii) A warning that the instructions accompanying the sunlamp product should always be followed to avoid or to minimize potential injury.
(iii) A clear identification by brand and model designation of all lamp models for which replacement lamps are promoted, if applicable.
(f) Test for determination of compliance. Tests on which certification pursuant to 1010.2 is based shall account for all errors and statistical uncertainties in the process and, wherever applicable, for changes in radiation emission or degradation in radiation safety with age of the product. Measurements for certification purposes shall be made under those operational conditions, lamp voltage, current, and position as recommended by the manufacturer. For these measurements, the measuring instrument shall be positioned at the recommended exposure position and so oriented as to result in the maximum detection of the radiation by the instrument.
[50 FR 36550, Sept. 6, 1985, as amended at 67 FR 9587, Mar. 4, 2002; 69 FR 18803, Apr. 9, 2004; 75 FR 20917, Apr. 22, 2010]

PHOTOSENSITIZING LIST

Certain **food/drugs** do not mix with ultraviolet light. Anyone taking any medication should consult with a Physican **PRIOR** to tanning.

Antihistamines
Anticonvulsants
Antifungals
Anti-inflammotory drugs (Ibuprofen, Ketoprofen, Naproxen, etc.)
Antiseptics
Antibiotics
Anticholesterol medications
Antidepressants
Antipsychotic Medications
Artificial Sweeteners
Blood Pressure Medications
Coal Tar Productions (Tegrin, Denorex)
Oral Contaceptives & estrogen
Major Tranquilizers
Oral Diabetes meds
Sulphur based meds
Diuretics (fluid Pills)
Some Antimalarials- fansidar (a sulfa drug)
Chloroquine
Some deodorants (perfumes, colognes)
Cosmetics
Some Herbal Products
Some Sunscreens
Tattoos

FOODS

Carrots
Celery
Citrus Fruits
Clover
Coumarin
Dill
Eggs
Figs
Garlic
Ginko Biloba
Grass (wheat, barley)
Lady's Thumb (tea)
Lime oil
Mustards
Onions
Parsley
Parsnips (vegetables)
Saint John's Wort
Smartweed (tea)
Vanilla oil
Acetazolamide
Acetophenazine
Acetohexamide (Dymelor)
Acetohexamine
Acridine preparations (slight)
Actifed
Agave Lechuguilla (amaryllis)
Agrimony
Aldactazide
Aldoclor
Aldoril
Aminoacridine
Aminobenzoic Acid
Amitriptyline (Elavil)
Amoxapine
Anesthetics (Procaine group)
Angelica
Anthracene
Anthraquinone
Antidepressants
Antihistamines
Antimalarials
Apresazide
Apresoline-Esidrix
Arsenicals
Astemizole
Auranofin
Aureomycin
Azatadine
Azo Gantanol
Azo Ganstisin
Bactrim
Barbiturates
Bavachi (corylifolia)
Belladonna & Opium
Rectal suppositories
Bendroflumethiazine
Benzedryl
Benzene
Benzopyrine
Benthiazide
Bergamot
Betaxolol
Bithionol (Actamer, lorothidol)
Blankophores (sulpha derivatives)
Botulinum Toxin type A
Bromchlorsalicylanilide
Cadmium sulfide
Calcifediol
Calcitriol
Calcium Cyclamate
Capozide
Captopril
Carbamazepine (Tegretol)
Carbamazepine & trimethadione
Carbinoxamine d-form (Twiston R-A)
Carbutamide (Nadisan)
Cedar Oil
Clover
Chloraquine
Chlordiazepoxide
Chlorophyll
Chlorothiazide (Diuril)
Chlorpheniramine
Chlorpromazine (Thorazine)
Chlorpropamide (Diabinese)
Chloprothixene
Chlortetracycline (Aureomycin)
Chlorthalidone
Ciprofloxacin
Citron Oil
Clemastine Clofazime
Clominphene
Chlomipramine
Coal Tars
Coal Tar derivatives
Cold Salts
Combipres
Compazine
Contraceptives, oral
Corzide
Chromolyn
Cyclamates
Cyclobenzaprine
Cyclopentolate
Cyproheptadine
Dacarbazine
Danazol
Daratal
Deconamine
Demeclocycline
Declomycin
Demethyl chlortetracycline
Demi-Regroton
Despipramine (Norpramin pertofrane)
Dexchlorpheniramine
Diabinese
Dibenzopyran derivatives
Diclofenac
Dicyanine-A
Diethylstilbestrol
Diflunisal
Digaloyl Trioleate (sunscreen)
Digitoxin
Dilantin
Diltiazem
Diphenhydramine (hydrochloride)
Diphenylpraline
Dirpres
Diuretics
Diuril
Diutensen-R
Doxazosin
Doxepin
Doxycycline
Doxycycline Hyclate
Dyazide Enalapril
Encainide
Enduronyl
Eosin
Erythrocine
Erythrosin
Esimil
Estazolam
Estrogens
Estrone
Ethambutol
Ethionamide
Ethosuximinde
Ethosuximide
Etodolac
Etrafon
Etretinate
Fansidar
Fennel
Fentichlor
Flecainide Acetate
Floxuridine
Flucytosine
Fluorescent Dyes
Fluorouracil
5-Fluorouracil (5-Fu)
Fluoxetine
Fluphenazine
Flurbiprofen
Flutamide
Fosinopril
Furazolidone
Furocoumarins
Furosemide
Gentamicin
Glipizide
Glyburide
Glyceryl P Aminobenzoate (sunscreen)
Gold Salts (compounds)
Gold Sodium Thiomalate
Griseoflulvin (Fulvicin)
Griseofulvin Ultramicrosize
Halogenated carbanilides
Halogenated phenols
Halogenated salicylanilides
Haloperidol
Hematoporphyrin
Hexachlorophene (rare)
Hydrochlorothiazide (Esidri, HydroDiuril)
Hydroflumethiazide
Hydrpres
Hydroxychloroquine
Hydroxypropyl Cellulose
Hyoscyamine
Ibuprofen
Idoxuridine
Imapramine
Imapramine HCL (Trofranil)
Indapamide
Inderide
Indomethacin
Interferon ALFA-2B
Iohexol
Isocarboxazid
Isothipencyl (Theruhistin)
Isothipendly(Theruhistin)
Isotretinoin
Ketoconazole
Ketoprofen
Labetalol
Lantinin
Lavender Oil
Levamisole
Limbitrol Lopressor HCT
Lovastatin
Loxapine
Maprotiline
Maxzide
Meclothiazide (Enduron)
Mepazine (Pacatal)
Mepergan
Mephenytoin
9-Mercaptopurine
Mesoridazine
Mestranol
Methacycline
Methazolamide

PHOTOSENSITIZING LIST

Certain **food/drugs** do not mix with ultraviolet light. Anyone taking any medication should consult with a Physican **PRIOR** to tanning.

Methdilazine
Methotrexate
Methotrimeprazine
Methoxasalen
5-Methoxypsoralen
8-Methoxypsoralen
Methsuximide
Methyclothiazide
Methylene blue
Methylene orange
Methylene red
Methylene violet
Metolazone
Minizide
Minnocycline
Minocycline and Oil of bergamot, lime, cedar
Minoxidol
Moduretic
Monochlorhenamide
Monoglycerol paraaminobenzoate
Muromonab CD3
Musk Ambrette
Nabilone
Nadison
Nalidixic Acid (Neg Gram)
Naphthalene
Naproxen
Neuroleptics
Neatral red
Nifedipine
Norepinephrine Bitratrate
Norethynodrel&Diethylstilbestrol
Norfloxacin
Normozide
Nortriptyline (Aventryl)
Nortriptyline & protriptyline
Ofloxacin
Olsalazine
Orange Red
Oreticyl
Orinase (Orabetic)
Ornade
Oxytetracycline (Terramycin)
Pacatal
Para-dimethylamino azobenzene
Paramethadione
Paraphenylenediamine
Pediazole
Penicillin derivatives (griseofulvin)
Pergolide Mesylate
Peroline
Perphenazine
Phenanthrene Phenazine dyes
Phenelzine
Phenolic compounds
Phenothiazines (dyes)
Phenoxazines
Phenylbutazone (Butazolidin)
Phenylbutazone
Phenytoin (Dilantin)
Piroxicam
Pitch
Polythiazide
Porphyrins
Prinzide
Procaine
Procarbazine
Prochloperazine
Profriptyline(Vivactil)
Promazine Hydrochloride
Promethazine
Promethazine Hydrochloride (Phenergan)
Protriptyline
Psoralen(Ox-,Tri-, meth,ultra-, etc.)
Pseudafed
Pyrathiazine Hydrochloride (Pyrrolazote)
Pyrazinamide
Pyridinc
Toluene
Toluidine blue
Trandate HCT
Trandate HCT
Tranylcypromine
Tretinoin
Triaminic TR
Triamterene
Quinethazone (Hydromax)
Quinidine
Quinidine Gluconate
Quinidine Sulfate
Quinidine Polygalecturonate
Quinine
Ramipril
Retin-A
Rose Bengal
Rue
Ru-Tuss II
Salicylanilides
Salicylates
Saluttensin/Salutensin-demi
Sandalwood oil
Selegiline
Ser-Ap-Es
Serpasil-Esidrix
Silver Salts
Spansule
Sparine
Stibamidine Isethionate
Sulfacetamide
Sulfacytine
Sulfadiazine
Sulfadimethoxine
Sulfaguanidine
Sulfamerazine
Sulfamethoxazole
Sulfanilamide
Sulfapyridine
Sulfasalazine
Sulphathiazole
Sulfinpyrazone
Sulfisomidine (Elkosin)
Sulfisoxazole
Sulfonnamide(s)
Sulfone
Sullfonylureas (antidiabetics)
Sulindac
Temaril
Tenoretic
Terfenadine
Terramycin
Tetrachlorasalicylanilide (TCSA)
Tetracyclines
Therahistin
Thiazides (Diuril, hydrodiuril, etc.)
Thiophene
Thiopropazate Dilhydrochloride (Dartal)
Thioridazine
Thiosulfil-A
Thhiothixene
Tolazamide
Tolazamide & tolbutamide
Tolbutamide
Tolbutamide (Orinase)
Tribromosalicylanilide (TBS)
Trichlormethiazide (Metahydrin)
Tridone
Triethylene Melamine (TEM)
Trifluoperazine
Trifluoperazine and
Trifluopromazine
TriflupromazineHydrochloride (Vesperin)
Trilafon
Trimeprazine
Trimeprazine Tartrate (Temaril)
Trimethadione (Tridione)
Trimethoprim
Trimethoprim
Trimethylpsoralen
Tripyrathiazine Sulfamethoxazole
Trimipramine
Trinalin Repetabs
Tripelennamine
Triprolidine
Triprolidine and chlorpheniramine
Tropicamide
Trypaflavin
Trypan blue
Ultraoxpsoralen
Vaseretic
Vesprin
Water Ash
Wood tars and petroleum products
Vidarabine
Vinblastine
Xylene
Yarrow
Zestoretic
Zidovudine

CHAPTER 64E-17 TANNING FACILITIES

64E-17.001 Definitions.

(1) “Customer” – Means any person who is provided access to a tanning facility in exchange for a fee or other compensation, or any person who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access.

(2) “Employee”– Means someone who is working in or for a tanning establishment whether fixed or mobile, who is in direct
contact with the customer for the purposes of cleaning, sanitizing, maintenance of tanning devices, determining human skin types and maximum allowable time of exposure; and assisting the customer in the proper use of tanning devices.

(3) “Formal training” – Means a course of instruction approved by the department conducted or presented under formal classroom conditions by a person possessing adequate knowledge and experience to offer a curriculum, associated training, and certification testing pertaining to and associated with the correct use of tanning equipment. Training shall cover ultraviolet radiation and effects on the skin, skin typing, exposure time, photosensitivity, FDA and State regulations, eye protection, and equipment and maintenance.

(4) “Operator” – A tanning facility owner or a person who operates a tanning facility.

(5) “Override timer control” – Means a separate electrical timer, switch, or similar device which may be used by the operator to start, stop, or reset the timer system for a tanning machine. The term does not include electric service panels which control the entire electrical system for a building or a portion of a building.

(6) “Person” – Means any individual, corporation, partnership, association, political subdivision of this state, any other state or political subdivision or department thereof, and any legal successor, representative, agent, or department of the foregoing.

(7) “Phototherapy device” – A piece of equipment that emits ultraviolet radiation and that is used by a licensed health care professional in the treatment of disease.

(8) “Reconditioning” – Means a process or procedure by which distressed tanning devices can be brought into compliance with federal and state standards for use by the public.

(9) “Safe level” – Means not more than 50 colony-forming units per four (4) square inches of equipment surface.

(10) “Sanitize” – Means the effective bactericidal treatment of surfaces of equipment and devices, which provides a sufficient concentration of chemicals and enough time to reduce the bacterial count, including pathogens, to a safe level.

(11) “Stop-use order” – Means a notice written to a tanning facility by the department to remove a tanning device from service because the device does not meet the requirements of this rule, or the device is not being operated in accordance with the requirements of this rule. This is a proposed agency action issued pursuant to Section 120.54, F.S. The notice shall include a statement of an individual’s right to request a hearing on the proposed action.

Specific Authority 381.011(13), 381.89(13) FS. Law Implemented 381.89(10), (12) FS. History–New 1-12-93, Amended 8-7-96, Formerly 10D-112.003, Amended 5-10-05.

64E-17.002 Design and Safety Requirements.

Each tanning facility shall be designed, operated, and maintained to meet the following minimum requirements:

(1) Prior to the use of a structure as a tanning facility, plans of the facility and its proposed operation shall be submitted to and approved by the local county health department. All plans shall be legible, drawn to scale and shall comply with the requirements of this chapter. Plans shall show the location of all tanning devices and sanitary facilities. Applicant shall also submit the manufacturer, model number and serial number for all tanning devices and lamps being used within the facility, as well as the tanning equipment supplier. All plans shall be processed in accordance with the requirements of Section 120.60, F.S.

(2) Physical facilities.

(a) The warning sign required by Section 381.89(4)(b), F.S., shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item present so that the user can easily view the warning sign before energizing the ultraviolet light generating equipment.

(b) Only tanning equipment manufactured, certified and legibly labeled to comply with 21 Code of Federal Regulations (C.F.R.), Part 1040, Section 1040.20, “Sunlamp Products and Ultraviolet Lamps Intended For Use In Sunlamp Products”, April 1, 1999, incorporated herein by reference, shall be used in tanning facilities. Tanning devices that have been reconditioned must comply with federal and state requirements. Compliance shall be based on the federal standard in effect at the time of manufacture as shown on the device identification label.

(c) Each tanning device shall have a timer, which complies with the requirements of 21 C.F.R. Part 1040, Section 1040.20(c)(2)(3). The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. No timer interval shall have an error greater than plus or minus 10% of the maximum timer interval for the product. The tanning device timer shall be set by a trained operator or other trained facility employee. All tanning equipment shall be provided with an override timer control installed outside of the room in which a tanning device is located and operated only by tanning facility personnel.
Each tanning device must be equipped with an emergency shut-off mechanism on the tanning device allowing manual termination of the UV exposure by the consumer, as required by 21 C.F.R. 1040.

(d) There shall be physical barriers to protect customers from injury through contact with hot or broken lamps.

(e) There shall be physical barriers around each tanning device which is in use, such as permanent or portable partitions, to protect people who are not using the device from line-of-sight accidental ultraviolet radiation exposures.

(f) A trained operator or other trained facility employee shall clean and properly sanitize any reusable protective eyewear and body contact surfaces of tanning devices after each use.

(g) When sanitizing tanning equipment and protective eyewear, the facility shall use a sanitizer capable of providing a safe level of microorganisms, as required by this rule. A clean paper or cloth towel shall be used each time the bed or other equipment is cleaned. The sanitizer, as described in this chapter, is one specifically manufactured for sanitizing ultraviolet light emitting equipment, protective eyewear, is registered with the U.S. Environmental Protection Agency (EPA), and does not damage the acrylic plastic surface of the unit.

(h) A test kit or other device that accurately measures the concentration of the sanitizing solution in parts per million shall be used to measure the strength of the sanitizing solution at least twice per day of tanning facility operation to ensure sufficient strength of the sanitizing solution.

(i) Each customer shall be provided with protective eyewear that meets the requirement of 21 C.F.R. Part 1040, subsection 1040.20(c)(4), April 1, 1999 and instructions for their use. The operator or employee shall not allow any person to use a tanning device if that person refuses to use protective eyewear.

(j) There shall be sufficient protective eyewear on the premises of a tanning facility to equal the maximum number of persons that are able to use the tanning devices at the same time.

(k) Exposure to the ultraviolet radiation produced by the tanning equipment itself is not considered a sanitizing agent for protective eyewear or tanning devices.

(l) In addition to the requirements in subsection 381.89(6)(c), F.S., each person using a tanning device shall be instructed by the operator or a trained employee on the maximum exposure time, as recommended by the manufacturer of the device. The operator or a trained employee shall instruct the customer as to the location and proper operation of the tanning device's emergency shut-off mechanism.

(m) The operator must ensure that no individual is allowed to use a tanning device more than once every 24 hours.

Specific Authority 381.89(13) FS. Law Implemented 381.89(4)(a) FS. History–New 1-12-93, Amended 8-7-96, Formerly 10D-112.004, Amended 5-10-05.

64E-17.003 Requirements for Stand-up Booths.

(1) There shall be floor markings or other means to indicate the proper exposure distance between ultraviolet lamps and the user's skin.

(2) The upright booth shall be of rigid construction and so designed as to withstand the stress of use and the impact of a falling person. The doors shall open outwardly and be designed for rapid exit from the booth in emergencies.

(3) Non-slip floors shall be provided to reduce the potential for injuries from falls. Floors shall be constructed of easily cleanable surfaces and of such material, finish and so fabricated that residue may be effectively removed by normal cleaning methods. The temperature in enclosed booths shall be maintained below 100ºF (38ºC).

Specific Authority 381.89(13) FS. Law Implemented 381.89(6)(c) FS. History–New 1-12 93, Amended 8-7-96, Formerly 10D-112.005, Amended 5-10-05.

64E-17.004 Operation and Training.

(1) Each tanning facility shall have an operator who possesses a certificate of formal training, as defined in Rule 64E-17.001, F.A.C. Formal training courses for operators must meet the requirements of subsection 64E-17.001(3), F.A.C. When formal training courses are not available within a sixty-mile radius of a tanning facility in the time frame specified in subsection 64E-17.004(4), F.A.C., then the operator of that facility may substitute the successful completion of a correspondence training course. Correspondence courses must meet the subject matter requirements of subsection 64E-17.001(3), F.A.C., and be approved by the department in order to qualify as training for operators.

(2) In addition to the requirements of subsection 64E-17.001(3), F.A.C., each formal training course shall meet the following requirements.

(a) Each course shall be at least 4 hours in length and conclude with an exam over the information presented in the course. These 4 hours shall not include items such as registration, breaks, lunch, marketing, profit-making strategies, advertising and accounting, taking a test, or similar functions.

(b) Training shall include the following study topics for the minimum hours indicated:
1. Ultraviolet radiation and effects on the skin,
2. Skin typing,
3. Exposure time,
4. Photosensitivity,
5. Statute 381.89, FDA-Title 21 C.F.R. Part 1040 (April 1, 1999) and
State Chapter 64E 17, F.A.C.,
6. Eye protection,
7. Equipment and maintenance.

(c) Each course shall cover the required subjects and include written material, such as a core training manual; audio-visual presentations; slides or videos; copies of the department's statute, rules and copies of Title 21, Code of Federal Regulations, Part 1040, Section 1040.20; and a question and answer period for trainees.

(3) Each employee who assists the customer or operates tanning devices must be trained on the proper operation and maintenance of tanning devices. The operator of the tanning facility is responsible for training those employees and ensuring that those employees take an approved training course. Proof of training must be maintained within the facility and be available for inspection. When the operator provides employee training, that training shall include:
(a) Review of the requirements of these rules;
(b) Procedures for correct cleaning, sanitizing and operation of the device;
(c) Recognition of overexposure or similar injury;
(d) Review of manufacturer's procedures for operation and maintenance of tanning devices;
(e) Medical aspects of ultraviolet radiation, photosensitivity, maximum allowable time of exposure, and determination of human skin types as it relates to compliance use of the FDA exposure schedule; and
(f) Emergency procedures in case of overexposure or injury.

(4) Operators and other facility personnel, who must comply with the training requirements of this chapter, must complete the required training according to the following:

(a) Operators hired on or after the effective date of this chapter must complete the required training prior to taking charge of a facility. Other facility personnel hired on or after the effective date of this chapter shall have a period of 30 days after the effective date of employment to successfully complete the required training; however, such persons shall work under the direct supervision of a trained operator, until they have successfully completed the required training;

(b) All personnel hired before the effective date of this chapter shall have a period of 30 days after the effective date of this chapter to successfully complete the required training.

(5) Any individual or organization requesting the department to review their training courses for compliance with the requirements of this rule, shall submit copies of their training materials to the department prior to providing that training in the state. The materials submitted should include credentials of trainers and persons compiling the training materials, a copy of the classroom, Internet or correspondence course curriculum, copies of written materials to be received by trainees, a copy of the test to be given and answers to the test questions, and a statement indicating the length of time a classroom course will be conducted. The department shall review the materials and inform the applicant of its findings within 30 days from receipt of all training materials. When changes are made to a training course that has been reviewed and accepted by the department, those changes shall also be submitted to the department for review prior to making the changes permanent in the training literature.

(6) In order to inform and assist the customer in the proper use of tanning devices and suitable physical aids, such as handrails and floor markings, an operator or facility employee who has been trained in accordance with the requirements of this rule must be present when tanning equipment is used. Prior to initial exposure, each customer must be given a copy of a written warning and shall be provided the opportunity to read the copy of the warning specified in paragraph 64E-17.002(2)(a), F.A.C. The operator or employee shall then request that the customer sign a statement that the information has been read and understood and agrees to use protective eyewear. For illiterate or visually handicapped persons, the warning statement shall be read by the operator or employee in the presence of a witness. Both the witness and the operator or employee shall sign the statement. The customer must be informed whether the facility has liability insurance and the amount of such liability insurance shall be stated when requested.

(7) A written and/or electronic record shall be kept for a period of four years by the facility operator of each customer’s signature, age, date of tanning visits, total number of tanning visits, tanning time exposures, and the name of the operator or employee who assisted the customer.

(8) A written report of any alleged tanning injury shall be forwarded to the local county health department which issued the license within five working days of its occurrence or knowledge thereof. The report shall include:
(a) The date of alleged injury and name and contact information of the affected individual;
(b) The name, location and license number of the tanning facility involved and the name of the operator or employee who assisted the customer;
(c) The nature of the alleged injury and duration of the tanning exposure;
(d) Name and address of the health care provider, and treatment, if any; and
(e) Information on the device involved, such as the manufacturer, model number, lamp used, and any other information considered relevant to the situation by the local county health department.

(9) Burned-out or defective lamps or defective filters shall be replaced with a type intended for use in that device as specified on the product label on the tanning equipment or with lamps or filters that are equivalent under 21 C.F.R. 1040.20. When substitute lamps are being used, a statement from the manufacturer stating the replacement lamps are FDA equivalent must be kept within the facility and be available for review. If a tanning device has been reconditioned, a statement from the manufacturer or FDA stating the replacement lamps are equivalent must be kept within the facility and be available for review.

(10) The owner's manual for each tanning device shall be on file at the tanning facility.

Specific Authority 381.89(6), (13) FS. Law Implemented 381.89(13) FS. History–New 1-12-93, Amended 8-7-96, Formerly 10D-112.006, Amended 5-10-05.

64E-17.005 Sanitary Facilities.

(1) The water supply for the tanning facility shall comply with the provisions of Chapter 64E-8 or 62-550, F.A.C.

(2) Sewage disposal shall comply with the provisions of Chapter 64E-6 or 62-600, F.A.C.

(3) The sanitary facilities shall be kept clean, maintained and in compliance with Chapter 64E-10, F.A.C., and local building and plumbing codes.

Specific Authority 381.89(13) FS. Law Implemented 381.89(13) FS. History–New 1-12-93, Amended 8-7-96, Formerly 10D-112.007.

64E-17.006 Licenses and Fees.

(1) License required.
(a) Each tanning facility shall obtain a license from the department annually.
(b) Licenses for tanning facilities shall not be transferable from one location or person to another.
(c) All tanning facility licenses shall expire on September 30 of each year.
(d) Licenses shall be posted in a conspicuous location on the premises.

(2) License application.
(a) Each person who plans to construct, purchase, reopen, or operate a tanning facility shall apply for and receive a license from the department prior to the commencement of operation.

(b) Applications for initial licenses shall be accompanied by the annual or prorated fee required in subsection (5) and shall contain at least the following information:
1. Name, address and telephone number of the tanning facility and the owners and manager of the tanning facility.
2. The number and type of tanning devices located within the facility.
3. The geographic areas within the state to be covered, if the facility is mobile.
4. A statement that the applicant has read and understands the requirements of these rules.
5. A copy of the facility's operating and safety procedures.

6. A certificate of insurance or the name and policy number of the insurance company that provides liability insurance must be provided by facilities that have liability insurance, including the limits of liability.

(c) Persons with licenses for tanning facilities that have changed ownership, or that have licenses reinstated after revocation, or that have facility information changes, excluding name changes, compared to the original application, must comply with paragraph (b).

(3) License, Renewal, and Transfer.

(a) Before a license is issued to a newly constructed or remodeled tanning facility, an inspection shall be made by a representative of the department for the determination of compliance with the requirements of this rule.

(b) An application for renewal of an existing tanning facility license is not required except as provided in paragraph (2)(c) above.

(4) Reporting Changes.

(a) The licensee shall report changes to the department in writing before making any change which would render the information reported pursuant to subsection (2) above and contained in the application for license no longer accurate.

(b) This requirement shall not apply to changes involving the replacement of lamps with designated original equipment replacements or lamps which have been certified for use on those devices as equivalent lamps as specified by the product warning label and FDA policies applicable at the time of replacement of the lamps for tanning devices.

(c) The facility owner or manager shall maintain a copy on file of any manufacturer's literature demonstrating the equivalency of any replacement lamps for tanning devices.

(5) Fees.

(a) A person applying for an annual license shall pay the full fee. All other applicants, such as for a change of ownership, reinstatement after revocation of license or a new license after the first quarter shall pay a prorated fee on a quarterly basis. Annual fees must be received by the department within 30 days of written notification or a late renewal fee will be assessed. All tanning facilities shall pay an annual or prorated fee to the county health department according to the following:

1. Annual License Fee (one device)	$150.00
Each additional device	$55.00
Total fee not to exceed	$315.00
2. Late renewal of license	$25.00

(b) All fees collected pursuant to this rule shall be placed in the county health department trust fund to be used to meet the cost of carrying out the provisions of this rule. All fees submitted to the department are nonrefundable, once action has been taken on the application.

Specific Authority 381.89(13) FS. Law Implemented 381.89(3)(a), (b), (c), (13) FS. History–New 1-12-93, Amended 8-7-96, Formerly 10D-112.008, Amended 5-10-05.

64E-17.007 Inspection, Enforcement and Penalties.

(1) The result of each department inspection shall be recorded on DOH Form 4097, incorporated herein by reference, and a legible copy shall be provided to the operator. A copy of the latest inspection report shall remain on the premises and be available to any consumer who asks to see it.

(2) For violations of this chapter, the department shall issue a stop-use order to any tanning facility or pursue other enforcement action authorized by law.

(3) A facility's license shall not be suspended under this section for a period of more than 12 months. At the end of such period of suspension, the tanning facility may apply for reinstatement or reissuance of the license. A tanning facility which has had its license revoked must reapply to the department for a new license for that location.

(4) Whenever a license is denied, suspended, or revoked, or the department takes similar action that affects the substantial interests of a tanning facility, the department shall notify applicants of their right to request a hearing on the matter. Notification shall be in writing and it shall indicate that a hearing must be requested within 30 days of the applicant's receipt of the notice. The department shall grant or deny the hearing request within 10 days of receipt of said request. All hearings shall be conducted in accordance with the provisions of Chapter 120, F.S.

Specific Authority 381.011(13), 381.89(13) FS. Law Implemented 381.89(3), (10), (12) FS. History–New 1-12-93, Amended 8-7-96, Formerly 10D-112.009