

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 1387 — Department of Health

by Health and Human Services Committee; Healthcare Regulation Subcommittee; and Rep. Porras and others (CS/CS/SB 1506 by Rules Committee; Health Policy Committee; and Senator Rodriguez)

The bill (Chapter 2023-71, L.O.F.) revises statutes relating to the Department of Health (DOH).
The bill:

- Creates s. 381.87, F.S., to prohibit research that is reasonably likely to create an enhanced potential pandemic pathogen (ePPP) or that has been determined by the U.S. Department of Health and Human Services, or other federal agency or state agency, to create such a pathogen. The bill defines terms and requires researchers applying for funding to disclose in the application if the research meets the definition of ePPP research.
- Makes several revisions to statutes governing the DOH medical marijuana program, including:
 - o Defining the term “attractive to children” and expanding a requirement that edibles not be attractive to children; and
 - o Amending background screening provisions related to medical marijuana and certified marijuana testing laboratories.
- Updates ch. 382, F.S., relating to DOH vital statistics, to make electronic filing mandatory, when possible.
- Updates statutes relating to the determination of brain death to account for cases in which a patient’s treating practitioner is an autonomous advanced practice registered nurse.
- Amends s. 382.025, F.S., to increase the age at which birth records will remain confidential and exempt, from 100 years of age to 125 years of age.
- Makes several revisions to statutes governing emergency medical technicians (EMTs) and paramedics, including:
 - o Removes a requirement for EMTs and paramedics applying to the DOH for licensure to do so “under oath,” replaces that requirement with an attestation, and removes the obsolete National Standard Curriculum from the training materials;
 - o Amends s. 401.34, F.S., to delete obsolete same-day grading of EMT and paramedic examinations, walk-in eligibility for determinations and examinations, and the fees for EMT and paramedic examination reviews;
 - o Amends s. 401.272, F.S., to eliminate an EMT’s or paramedic’s ability to partner with local county health departments;
 - o Requires EMTs and paramedics to practice under the medical direction of a physician through two-way voice communication or established standing orders or protocols when providing basic life support, advanced life support, and health promotion and wellness activities in a nonemergency environment;
 - o Deletes the required supervision of an EMT and paramedic by a medical director in a nonemergency environment;
 - o Eliminates blood pressure screening from the activities an EMT or paramedic may perform only under medical direction in a nonemergency environment; and

- o Amends s. 401.435, F.S., to remove the obsolete term “first responder” and replaces it with “emergency medical responder.”
- Amends s. 464.203, F.S., to exempt certified nursing assistant applicants who have completed an approved training program from the licensure requirement of taking the skills-demonstration portion of the examination.
- Amends numerous sections of ch. 468, Part I and ch. 484, Part II, F.S., to narrow the scope of regulated practice for audiologists and hearing aid specialists to the dispensing of prescription hearing aids, including:
 - o Redefines “hearing aid,” and defines “over-the-counter (OTC) hearing aid,” and “prescription hearing aid” for hearing aid specialists to align with new federal rules permitting the sale of certain OTC hearing aids;
 - o Deletes regulation of the sale of OTC hearing aids to consumers with perceived mild to moderate hearing impairment through in-person transactions, by mail, or online;
 - o Authorizes licensed hearing aid specialists to service, market, sell, dispense, provide customer support for, and distribute prescription and OTC hearing aids; and
 - o Removes restrictions and criminal penalties for the sale or distribution of hearing aids through the mail.

These provisions were approved by the Governor and take effect July 1, 2023.

Vote: Senate 29-11; House 114-0