

By Senator Wasserman Schultz

34-1655-03

See HB

1 A bill to be entitled
2 An act relating to the fitting and dispensing
3 of hearing aids; amending s. 484.0512, F.S.;
4 providing a criminal penalty for failure of a
5 seller to refund within a specified time moneys
6 required to be refunded to a purchaser for the
7 return or attempted return of a hearing aid;
8 providing a definition; providing an effective
9 date.

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

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13 Section 1. Section 484.0512, Florida Statutes, is
14 amended to read:

15 484.0512 Thirty-day trial period; purchaser's right to
16 cancel; notice; refund; cancellation fee; criminal penalty
17 procedures.--

18 (1) A person selling a hearing aid in this state must
19 provide the buyer with written notice of a 30-day trial period
20 and money-back guarantee. The guarantee must permit the
21 purchaser to cancel the purchase for a valid reason as defined
22 by rule of the board within 30 days after receiving the
23 hearing aid, by returning the hearing aid or mailing written
24 notice of cancellation to the seller. If the hearing aid must
25 be repaired, remade, or adjusted during the 30-day trial
26 period, the running of the 30-day trial period is suspended 1
27 day for each 24-hour period that the hearing aid is not in the
28 purchaser's possession. A repaired, remade, or adjusted
29 hearing aid must be claimed by the purchaser within 3 working
30 days after notification of availability. The running of the
31 30-day trial period resumes on the day the purchaser reclaims

1 the repaired, remade, or adjusted hearing aid or on the fourth
2 day after notification of availability.

3 (2) The board, in consultation with the Board of
4 Speech-Language Pathology and Audiology, shall prescribe by
5 rule the terms and conditions to be contained in the
6 money-back guarantee and any exceptions thereto. Such rule
7 shall provide, at a minimum, that the charges for earmolds and
8 service provided to fit the hearing aid may be retained by the
9 licensee. The rules shall also set forth any reasonable
10 charges to be held by the licensee as a cancellation fee. Such
11 rule shall be effective on or before December 1, 1994. Should
12 the board fail to adopt such rule, a licensee may not charge a
13 cancellation fee which exceeds 5 percent of the total charge
14 for a hearing aid alone. The terms and conditions of the
15 guarantee, including the total amount available for refund,
16 shall be provided in writing to the purchaser prior to the
17 signing of the contract.

18 (3) Within 30 days after the return or attempted
19 return of the hearing aid, the seller shall refund all moneys
20 that must be refunded to a purchaser pursuant to this section.
21 A violation of this subsection is a misdemeanor of the first
22 degree, punishable as provided in s. 775.082 or s. 775.083.

23 (4) For purposes of this section, the term "seller" or
24 "person selling a hearing aid" includes:

25 (a) Any natural person licensed under this part or any
26 other natural person who signs a sales receipt required by s.
27 484.051(2) or s. 468.1245(2) or who otherwise fits, delivers,
28 or dispenses a hearing aid.

29 (b) Any business organization, whether a sole
30 proprietorship, partnership, corporation, professional
31 association, joint venture, business trust, or other legal

1 entity, which dispenses a hearing aid or enters into an
2 agreement to dispense a hearing aid.

3 (c) Any person who controls, manages, or operates an
4 establishment or business that dispenses a hearing aid or
5 enters into an agreement to dispense a hearing aid.

6 Section 2. This act shall take effect July 1, 2003.

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