

1 A bill to be entitled
2 An act relating to the Department of Health; creating
3 s. 381.875, F.S.; defining terms; prohibiting certain
4 research in this state relating to enhanced potential
5 pandemic pathogens; requiring researchers applying for
6 state or local funding to disclose certain
7 information; requiring the Department of Health to
8 enjoin violations of specified provisions; providing
9 construction; amending s. 381.986, F.S.; defining the
10 term "attractive to children"; prohibiting medical
11 marijuana treatment centers from producing marijuana
12 products that are attractive to children or
13 manufactured in specified manners; prohibiting
14 marijuana packaging and labeling from including
15 specified wording; prohibiting medical marijuana
16 treatment centers from using certain content in their
17 advertising which is attractive to children or
18 promotes the recreational use of marijuana; requiring
19 the department to adopt certain rules; revising
20 background screening requirements for certain
21 individuals; amending s. 381.988, F.S.; requiring
22 medical marijuana testing laboratories to subject
23 their employees to background screenings; revising
24 background screening requirements for certain
25 individuals; amending s. 382.005, F.S.; requiring

26 | local registrars to electronically file all live
27 | birth, death, and fetal death records in their
28 | respective jurisdictions in the department's
29 | electronic registration system; requiring the local
30 | registrars to file a paper record with the department
31 | if the electronic system is unavailable; requiring
32 | local registrars to make blank paper forms available
33 | in such instances; providing requirements for such
34 | paper records; amending s. 382.008, F.S.; conforming
35 | provisions to changes made by the act; amending s.
36 | 382.009, F.S.; revising the types of health care
37 | practitioners who may make certain determinations of
38 | death; amending ss. 382.013 and 382.015, F.S.;
39 | conforming provisions to changes made by the act;
40 | amending ss. 382.021 and 382.023, F.S.; revising the
41 | frequency with which circuit courts must transmit
42 | marriage licenses and certain dissolution-of-marriage
43 | records to the department; requiring that such records
44 | be transmitted electronically; amending s. 382.025,
45 | F.S.; extending the timeframe for the confidentiality
46 | of certain birth records; authorizing persons
47 | appointed by the department to issue certified copies
48 | of live birth, death, and fetal death certificates;
49 | amending s. 401.27, F.S.; revising requirements for
50 | applicants for certification or recertification as

51 emergency medical technicians or paramedics; deleting
52 a requirement that a certain certification examination
53 be offered monthly; deleting related duties of the
54 department; deleting a temporary certificate and
55 related provisions; amending s. 401.2701, F.S.;
56 exempting certain emergency medical services training
57 program applicants from the requirement to have a
58 certain affiliation agreement; amending s. 401.272,
59 F.S.; revising the purpose of certain provisions;
60 specifying requirements for the provision of specified
61 services by paramedics and emergency medical
62 technicians under certain circumstances; revising the
63 department's rulemaking authority; amending s. 401.34,
64 F.S.; deleting certain provisions and fees related to
65 the department's grading of a certain certification
66 examination; amending s. 401.435, F.S.; revising
67 provisions related to minimum standards for emergency
68 medical responder training; amending s. 464.203, F.S.;
69 exempting certain applicants for certification as a
70 certified nursing assistant from the skills-
71 demonstration portion of a certain competency
72 examination; amending ss. 468.1225 and 468.1245, F.S.;
73 revising the scope of practice for audiologists, as it
74 relates to hearing aids to apply to prescription
75 hearing aids only; amending s. 468.1246, F.S.;

76 conforming provisions to changes made by the act;
 77 deleting obsolete language; amending ss. 468.1255,
 78 468.1265, and 468.1275, F.S.; conforming provisions to
 79 changes made by the act; amending s. 484.0401, F.S.;
 80 revising legislative findings and intent to conform to
 81 changes made by the act; reordering and amending s.
 82 484.041, F.S.; providing and revising definitions;
 83 amending s. 484.042, F.S.; revising membership
 84 requirements for members of the Board of Hearing Aid
 85 Specialists; amending s. 484.044, F.S.; revising the
 86 board's rulemaking authority; deleting obsolete
 87 language; amending ss. 484.0445, 484.045, 484.0501,
 88 and 484.051, F.S.; revising the scope of practice for
 89 hearing aid specialists and making conforming changes
 90 to licensure and practice requirements; amending s.
 91 484.0512, F.S.; conforming provisions to changes made
 92 by the act; deleting obsolete language; amending ss.
 93 484.0513, 484.053, and 484.054, F.S.; conforming
 94 provisions to changes made by the act; amending s.
 95 484.059, F.S.; conforming provisions to changes made
 96 by the act; providing applicability; providing a
 97 directive to the Division of Law Revision; providing
 98 effective dates.

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

101
 102 Section 1. Effective upon this act becoming law, section
 103 381.875, Florida Statutes, is created to read:

104 381.875 Enhanced potential pandemic pathogen research
 105 prohibited.-

106 (1) As used in this section, the term:

107 (a) "Enhanced potential pandemic pathogen" means a
 108 potential pandemic pathogen that results from enhancing the
 109 transmissibility or virulence of a pathogen. The term does not
 110 include naturally occurring pathogens circulating in or
 111 recovered from nature, regardless of their pandemic potential.

112 (b) "Enhanced potential pandemic pathogen research" means
 113 research that may be reasonably anticipated to create, transfer,
 114 or use potential pandemic pathogens that result from enhancing a
 115 pathogen's transmissibility or virulence in humans.

116 (c) "Potential pandemic pathogen" means a bacterium,
 117 virus, or other microorganism that is likely to be both:

- 118 1. Highly transmissible and capable of wide,
 119 uncontrollable spread in human populations; and
 120 2. Highly virulent, making it likely to cause significant
 121 morbidity or mortality in humans.

122 (2) Any research that is reasonably likely to create an
 123 enhanced potential pandemic pathogen or that has been determined
 124 by the United States Department of Health and Human Services,
 125 another federal agency, or a state agency as defined in s. 11.45

126 to create such a pathogen is prohibited in this state.

127 (3) Any researcher applying for state or local funding to
 128 conduct research in this state must disclose in the application
 129 to the funding source whether the research meets the definition
 130 of enhanced potential pandemic pathogen research.

131 (4) The Department of Health shall exercise its authority
 132 under s. 381.0012 to enjoin violations of this section.

133 (5) This section does not affect research funded or
 134 conducted before the effective date of this act.

135 Section 2. Present paragraphs (a) through (o) of
 136 subsection (1) of section 381.986, Florida Statutes, are
 137 redesignated as paragraphs (b) through (p), respectively, a new
 138 paragraph (a) is added to that subsection, and paragraphs (a)
 139 and (c) of subsection (3), paragraphs (e), (h), and (k) of
 140 subsection (8), and subsection (9) of that section are amended,
 141 to read:

142 381.986 Medical use of marijuana.—

143 (1) DEFINITIONS.—As used in this section, the term:

144 (a) "Attractive to children" means the use of any image or
 145 words designed or likely to appeal to persons younger than 18
 146 years of age, including, but not limited to, cartoons, toys,
 147 animals, food, or depictions of persons younger than 18 years of
 148 age; any other likeness to images, characters, or phrases that
 149 are popularly used to advertise to persons younger than 18 years
 150 of age; or any reasonable likeness to commercially available

151 candy.

152 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

153 (a) Before being approved as a qualified physician, ~~as~~
 154 ~~defined in paragraph (1)(m),~~ and before each license renewal, a
 155 physician must successfully complete a 2-hour course and
 156 subsequent examination offered by the Florida Medical
 157 Association or the Florida Osteopathic Medical Association which
 158 encompass the requirements of this section and any rules adopted
 159 hereunder. The course and examination must ~~shall~~ be administered
 160 at least annually and may be offered in a distance learning
 161 format, including an electronic, online format that is available
 162 upon request. The price of the course may not exceed \$500. A
 163 physician who has met the physician education requirements of
 164 former s. 381.986(4), Florida Statutes 2016, before June 23,
 165 2017, shall be deemed to be in compliance with this paragraph
 166 from June 23, 2017, until 90 days after the course and
 167 examination required by this paragraph become available.

168 (c) Before being employed as a medical director, ~~as~~
 169 ~~defined in paragraph (1)(i),~~ and before each license renewal, a
 170 medical director must successfully complete a 2-hour course and
 171 subsequent examination offered by the Florida Medical
 172 Association or the Florida Osteopathic Medical Association which
 173 encompass the requirements of this section and any rules adopted
 174 hereunder. The course and examination must ~~shall~~ be administered
 175 at least annually and may be offered in a distance learning

176 | format, including an electronic, online format that is available
177 | upon request. The price of the course may not exceed \$500.

178 | (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

179 | (e) A licensed medical marijuana treatment center shall
180 | cultivate, process, transport, and dispense marijuana for
181 | medical use. A licensed medical marijuana treatment center may
182 | not contract for services directly related to the cultivation,
183 | processing, and dispensing of marijuana or marijuana delivery
184 | devices, except that a medical marijuana treatment center
185 | licensed pursuant to subparagraph (a)1. may contract with a
186 | single entity for the cultivation, processing, transporting, and
187 | dispensing of marijuana and marijuana delivery devices. A
188 | licensed medical marijuana treatment center must, at all times,
189 | maintain compliance with the criteria demonstrated and
190 | representations made in the initial application and the criteria
191 | established in this subsection. Upon request, the department may
192 | grant a medical marijuana treatment center a variance from the
193 | representations made in the initial application. Consideration
194 | of such a request shall be based upon the individual facts and
195 | circumstances surrounding the request. A variance may not be
196 | granted unless the requesting medical marijuana treatment center
197 | can demonstrate to the department that it has a proposed
198 | alternative to the specific representation made in its
199 | application which fulfills the same or a similar purpose as the
200 | specific representation in a way that the department can

201 reasonably determine will not be a lower standard than the
202 specific representation in the application. A variance may not
203 be granted from the requirements in subparagraph 2. and
204 subparagraphs (b)1. and 2.

205 1. A licensed medical marijuana treatment center may
206 transfer ownership to an individual or entity who meets the
207 requirements of this section. A publicly traded corporation or
208 publicly traded company that meets the requirements of this
209 section is not precluded from ownership of a medical marijuana
210 treatment center. To accommodate a change in ownership:

211 a. The licensed medical marijuana treatment center shall
212 notify the department in writing at least 60 days before the
213 anticipated date of the change of ownership.

214 b. The individual or entity applying for initial licensure
215 due to a change of ownership must submit an application that
216 must be received by the department at least 60 days before the
217 date of change of ownership.

218 c. Upon receipt of an application for a license, the
219 department shall examine the application and, within 30 days
220 after receipt, notify the applicant in writing of any apparent
221 errors or omissions and request any additional information
222 required.

223 d. Requested information omitted from an application for
224 licensure must be filed with the department within 21 days after
225 the department's request for omitted information or the

226 application shall be deemed incomplete and shall be withdrawn
227 from further consideration and the fees shall be forfeited.

228 e. Within 30 days after the receipt of a complete
229 application, the department shall approve or deny the
230 application.

231 2. A medical marijuana treatment center, and any
232 individual or entity who directly or indirectly owns, controls,
233 or holds with power to vote 5 percent or more of the voting
234 shares of a medical marijuana treatment center, may not acquire
235 direct or indirect ownership or control of any voting shares or
236 other form of ownership of any other medical marijuana treatment
237 center.

238 3. A medical marijuana treatment center may not enter into
239 any form of profit-sharing arrangement with the property owner
240 or lessor of any of its facilities where cultivation,
241 processing, storing, or dispensing of marijuana and marijuana
242 delivery devices occurs.

243 4. All employees of a medical marijuana treatment center
244 must be 21 years of age or older and have passed a background
245 screening pursuant to subsection (9).

246 5. Each medical marijuana treatment center must adopt and
247 enforce policies and procedures to ensure employees and
248 volunteers receive training on the legal requirements to
249 dispense marijuana to qualified patients.

250 6. When growing marijuana, a medical marijuana treatment

251 center:

252 a. May use pesticides determined by the department, after
253 consultation with the Department of Agriculture and Consumer
254 Services, to be safely applied to plants intended for human
255 consumption, but may not use pesticides designated as
256 restricted-use pesticides pursuant to s. 487.042.

257 b. Must grow marijuana within an enclosed structure and in
258 a room separate from any other plant.

259 c. Must inspect seeds and growing plants for plant pests
260 that endanger or threaten the horticultural and agricultural
261 interests of the state in accordance with chapter 581 and any
262 rules adopted thereunder.

263 d. Must perform fumigation or treatment of plants, or
264 remove and destroy infested or infected plants, in accordance
265 with chapter 581 and any rules adopted thereunder.

266 7. Each medical marijuana treatment center must produce
267 and make available for purchase at least one low-THC cannabis
268 product.

269 8. A medical marijuana treatment center that produces
270 edibles must hold a permit to operate as a food establishment
271 pursuant to chapter 500, the Florida Food Safety Act, and must
272 comply with all the requirements for food establishments
273 pursuant to chapter 500 and any rules adopted thereunder.
274 Edibles may not contain more than 200 milligrams of
275 tetrahydrocannabinol, and a single serving portion of an edible

276 | may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
277 | may have a potency variance of no greater than 15 percent.
278 | Marijuana products, including edibles, may not be attractive to
279 | children; be manufactured in the shape of humans, cartoons, or
280 | animals; be manufactured in a form that bears any reasonable
281 | resemblance to products available for consumption as
282 | commercially available candy; or contain any color additives. To
283 | discourage consumption of edibles by children, the department
284 | shall determine by rule any shapes, forms, and ingredients
285 | allowed and prohibited for edibles. Medical marijuana treatment
286 | centers may not begin processing or dispensing edibles until
287 | after the effective date of the rule. The department shall also
288 | adopt sanitation rules providing the standards and requirements
289 | for the storage, display, or dispensing of edibles.

290 | 9. Within 12 months after licensure, a medical marijuana
291 | treatment center must demonstrate to the department that all of
292 | its processing facilities have passed a Food Safety Good
293 | Manufacturing Practices, such as Global Food Safety Initiative
294 | or equivalent, inspection by a nationally accredited certifying
295 | body. A medical marijuana treatment center must immediately stop
296 | processing at any facility which fails to pass this inspection
297 | until it demonstrates to the department that such facility has
298 | met this requirement.

299 | 10. A medical marijuana treatment center that produces
300 | prerolled marijuana cigarettes may not use wrapping paper made

301 with tobacco or hemp.

302 11. When processing marijuana, a medical marijuana
303 treatment center must:

304 a. Process the marijuana within an enclosed structure and
305 in a room separate from other plants or products.

306 b. Comply with department rules when processing marijuana
307 with hydrocarbon solvents or other solvents or gases exhibiting
308 potential toxicity to humans. The department shall determine by
309 rule the requirements for medical marijuana treatment centers to
310 use such solvents or gases exhibiting potential toxicity to
311 humans.

312 c. Comply with federal and state laws and regulations and
313 department rules for solid and liquid wastes. The department
314 shall determine by rule procedures for the storage, handling,
315 transportation, management, and disposal of solid and liquid
316 waste generated during marijuana production and processing. The
317 Department of Environmental Protection shall assist the
318 department in developing such rules.

319 d. Test the processed marijuana using a medical marijuana
320 testing laboratory before it is dispensed. Results must be
321 verified and signed by two medical marijuana treatment center
322 employees. Before dispensing, the medical marijuana treatment
323 center must determine that the test results indicate that low-
324 THC cannabis meets the definition of low-THC cannabis, the
325 concentration of tetrahydrocannabinol meets the potency

326 requirements of this section, the labeling of the concentration
327 of tetrahydrocannabinol and cannabidiol is accurate, and all
328 marijuana is safe for human consumption and free from
329 contaminants that are unsafe for human consumption. The
330 department shall determine by rule which contaminants must be
331 tested for and the maximum levels of each contaminant which are
332 safe for human consumption. The Department of Agriculture and
333 Consumer Services shall assist the department in developing the
334 testing requirements for contaminants that are unsafe for human
335 consumption in edibles. The department shall also determine by
336 rule the procedures for the treatment of marijuana that fails to
337 meet the testing requirements of this section, s. 381.988, or
338 department rule. The department may select samples of marijuana
339 from a medical marijuana treatment center facility which shall
340 be tested by the department to determine whether the marijuana
341 meets the potency requirements of this section, is safe for
342 human consumption, and is accurately labeled with the
343 tetrahydrocannabinol and cannabidiol concentration or to verify
344 the result of marijuana testing conducted by a marijuana testing
345 laboratory. The department may also select samples of marijuana
346 delivery devices from a medical marijuana treatment center to
347 determine whether the marijuana delivery device is safe for use
348 by qualified patients. A medical marijuana treatment center may
349 not require payment from the department for the sample. A
350 medical marijuana treatment center must recall marijuana,

351 including all marijuana and marijuana products made from the
352 same batch of marijuana, that fails to meet the potency
353 requirements of this section, that is unsafe for human
354 consumption, or for which the labeling of the
355 tetrahydrocannabinol and cannabidiol concentration is
356 inaccurate. The department shall adopt rules to establish
357 marijuana potency variations of no greater than 15 percent using
358 negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts
359 for, but is not limited to, time lapses between testing, testing
360 methods, testing instruments, and types of marijuana sampled for
361 testing. The department may not issue any recalls for product
362 potency as it relates to product labeling before issuing a rule
363 relating to potency variation standards. A medical marijuana
364 treatment center must also recall all marijuana delivery devices
365 determined to be unsafe for use by qualified patients. The
366 medical marijuana treatment center must retain records of all
367 testing and samples of each homogenous batch of marijuana for at
368 least 9 months. The medical marijuana treatment center must
369 contract with a marijuana testing laboratory to perform audits
370 on the medical marijuana treatment center's standard operating
371 procedures, testing records, and samples and provide the results
372 to the department to confirm that the marijuana or low-THC
373 cannabis meets the requirements of this section and that the
374 marijuana or low-THC cannabis is safe for human consumption. A
375 medical marijuana treatment center shall reserve two processed

376 samples from each batch and retain such samples for at least 9
377 months for the purpose of such audits. A medical marijuana
378 treatment center may use a laboratory that has not been
379 certified by the department under s. 381.988 until such time as
380 at least one laboratory holds the required certification, but in
381 no event later than July 1, 2018.

382 e. Package the marijuana in compliance with the United
383 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
384 1471 et seq.

385 f. Package the marijuana in a receptacle that has a firmly
386 affixed and legible label stating the following information:

387 (I) The marijuana or low-THC cannabis meets the
388 requirements of sub-subparagraph d.

389 (II) The name of the medical marijuana treatment center
390 from which the marijuana originates.

391 (III) The batch number and harvest number from which the
392 marijuana originates and the date dispensed.

393 (IV) The name of the physician who issued the physician
394 certification.

395 (V) The name of the patient.

396 (VI) The product name, if applicable, and dosage form,
397 including concentration of tetrahydrocannabinol and cannabidiol.
398 The product name may not contain wording commonly associated
399 with products that are attractive to children or which promote
400 the recreational use of marijuana ~~marketed by or to children.~~

401 (VII) The recommended dose.

402 (VIII) A warning that it is illegal to transfer medical
403 marijuana to another person.

404 (IX) A marijuana universal symbol developed by the
405 department.

406 12. The medical marijuana treatment center shall include
407 in each package a patient package insert with information on the
408 specific product dispensed related to:

- 409 a. Clinical pharmacology.
- 410 b. Indications and use.
- 411 c. Dosage and administration.
- 412 d. Dosage forms and strengths.
- 413 e. Contraindications.
- 414 f. Warnings and precautions.
- 415 g. Adverse reactions.

416 13. In addition to the packaging and labeling requirements
417 specified in subparagraphs 11. and 12., marijuana in a form for
418 smoking must be packaged in a sealed receptacle with a legible
419 and prominent warning to keep away from children and a warning
420 that states marijuana smoke contains carcinogens and may
421 negatively affect health. Such receptacles for marijuana in a
422 form for smoking must be plain, opaque, and white without
423 depictions of the product or images other than the medical
424 marijuana treatment center's department-approved logo and the
425 marijuana universal symbol.

426 14. The department shall adopt rules to regulate the
 427 types, appearance, and labeling of marijuana delivery devices
 428 dispensed from a medical marijuana treatment center. The rules
 429 must require marijuana delivery devices to have an appearance
 430 consistent with medical use.

431 15. Each edible must ~~shall~~ be individually sealed in
 432 plain, opaque wrapping marked only with the marijuana universal
 433 symbol. Where practical, each edible must ~~shall~~ be marked with
 434 the marijuana universal symbol. In addition to the packaging and
 435 labeling requirements in subparagraphs 11. and 12., edible
 436 receptacles must be plain, opaque, and white without depictions
 437 of the product or images other than the medical marijuana
 438 treatment center's department-approved logo and the marijuana
 439 universal symbol. The receptacle must also include a list of all
 440 the edible's ingredients, storage instructions, an expiration
 441 date, a legible and prominent warning to keep away from children
 442 and pets, and a warning that the edible has not been produced or
 443 inspected pursuant to federal food safety laws.

444 16. When dispensing marijuana or a marijuana delivery
 445 device, a medical marijuana treatment center:

446 a. May dispense any active, valid order for low-THC
 447 cannabis, medical cannabis and cannabis delivery devices issued
 448 pursuant to former s. 381.986, Florida Statutes 2016, which was
 449 entered into the medical marijuana use registry before July 1,
 450 2017.

451 b. May not dispense more than a 70-day supply of marijuana
452 within any 70-day period to a qualified patient or caregiver.
453 May not dispense more than one 35-day supply of marijuana in a
454 form for smoking within any 35-day period to a qualified patient
455 or caregiver. A 35-day supply of marijuana in a form for smoking
456 may not exceed 2.5 ounces unless an exception to this amount is
457 approved by the department pursuant to paragraph (4)(f).

458 c. Must have the medical marijuana treatment center's
459 employee who dispenses the marijuana or a marijuana delivery
460 device enter into the medical marijuana use registry his or her
461 name or unique employee identifier.

462 d. Must verify that the qualified patient and the
463 caregiver, if applicable, each have an active registration in
464 the medical marijuana use registry and an active and valid
465 medical marijuana use registry identification card, the amount
466 and type of marijuana dispensed matches the physician
467 certification in the medical marijuana use registry for that
468 qualified patient, and the physician certification has not
469 already been filled.

470 e. May not dispense marijuana to a qualified patient who
471 is younger than 18 years of age. If the qualified patient is
472 younger than 18 years of age, marijuana may only be dispensed to
473 the qualified patient's caregiver.

474 f. May not dispense or sell any other type of cannabis,
475 alcohol, or illicit drug-related product, including pipes or

476 wrapping papers made with tobacco or hemp, other than a
 477 marijuana delivery device required for the medical use of
 478 marijuana and which is specified in a physician certification.

479 g. Must, upon dispensing the marijuana or marijuana
 480 delivery device, record in the registry the date, time,
 481 quantity, and form of marijuana dispensed; the type of marijuana
 482 delivery device dispensed; and the name and medical marijuana
 483 use registry identification number of the qualified patient or
 484 caregiver to whom the marijuana delivery device was dispensed.

485 h. Must ensure that patient records are not visible to
 486 anyone other than the qualified patient, his or her caregiver,
 487 and authorized medical marijuana treatment center employees.

488 (h) A medical marijuana treatment center may not engage in
 489 advertising that is visible to members of the public from any
 490 street, sidewalk, park, or other public place, except:

491 1. The dispensing location of a medical marijuana
 492 treatment center may have a sign that is affixed to the outside
 493 or hanging in the window of the premises which identifies the
 494 dispensary by the licensee's business name, a department-
 495 approved trade name, or a department-approved logo. A medical
 496 marijuana treatment center's trade name and logo may not contain
 497 wording or images that are attractive to children ~~commonly~~
 498 ~~associated with marketing targeted toward children~~ or which
 499 promote recreational use of marijuana.

500 2. A medical marijuana treatment center may engage in

501 Internet advertising and marketing under the following
 502 conditions:

503 a. All advertisements must be approved by the department.

504 b. An advertisement may not have any content that is
 505 attractive to children or which promotes the recreational use of
 506 marijuana ~~specifically targets individuals under the age of 18,~~
 507 ~~including cartoon characters or similar images.~~

508 c. An advertisement may not be an unsolicited pop-up
 509 advertisement.

510 d. Opt-in marketing must include an easy and permanent
 511 opt-out feature.

512 (k) The department may adopt rules pursuant to ss.
 513 120.536(1) and 120.54 to implement this subsection. The
 514 department shall adopt rules it deems necessary to protect the
 515 health and safety of qualified patients and minors, including,
 516 but not limited to, standards to ensure that medical marijuana
 517 treatment centers operate in a manner consistent with the
 518 provision of medical products and rules to discourage the
 519 diversion and illicit use of marijuana.

520 (9) BACKGROUND SCREENING.—An individual required to
 521 undergo a background screening pursuant to this section must
 522 pass a level 2 background screening as provided under chapter
 523 435, which, in addition to the disqualifying offenses provided
 524 in s. 435.04, shall exclude an individual who has an arrest
 525 awaiting final disposition for, has been found guilty of,

526 regardless of adjudication, or has entered a plea of nolo
527 contendere or guilty to an offense under chapter 837, chapter
528 895, or chapter 896 or similar law of another jurisdiction.
529 Exemptions from disqualification as provided under s. 435.07 do
530 not apply to this subsection.

531 (a) Such individual must submit a full set of fingerprints
532 to the department or to a vendor, entity, or agency authorized
533 by s. 943.053(13). The department, vendor, entity, or agency
534 shall forward the fingerprints to the Department of Law
535 Enforcement for state processing, and the Department of Law
536 Enforcement shall forward the fingerprints to the Federal Bureau
537 of Investigation for national processing.

538 (b) Fees for state and federal fingerprint processing and
539 retention shall be borne by the medical marijuana treatment
540 center or caregiver, as applicable ~~individual~~. The state cost
541 for fingerprint processing shall be as provided in s.
542 943.053(3)(e) for records provided to persons or entities other
543 than those specified as exceptions therein.

544 (c) Fingerprints submitted to the Department of Law
545 Enforcement pursuant to this subsection shall be retained by the
546 Department of Law Enforcement as provided in s. 943.05(2)(g) and
547 (h) and, when the Department of Law Enforcement begins
548 participation in the program, enrolled in the Federal Bureau of
549 Investigation's national retained print arrest notification
550 program. Any arrest record identified shall be reported to the

551 department.

552 Section 3. Paragraph (d) of subsection (1) of section
553 381.988, Florida Statutes, is amended to read:

554 381.988 Medical marijuana testing laboratories; marijuana
555 tests conducted by a certified laboratory.—

556 (1) A person or entity seeking to be a certified marijuana
557 testing laboratory must:

558 (d) Require all employees, owners, and managers to submit
559 to and pass a level 2 background screening pursuant to chapter
560 435. The department s. 435.04 and shall deny certification if
561 the person or entity seeking certification has a disqualifying
562 offense as provided in s. 435.04 or has an arrest awaiting final
563 disposition for, has been found guilty of, or has entered a plea
564 of guilty or nolo contendere to, regardless of adjudication, any
565 offense listed in chapter 837, chapter 895, or chapter 896 or
566 similar law of another jurisdiction. Exemptions from
567 disqualification as provided under s. 435.07 do not apply to
568 this paragraph.

569 1. Such employees, owners, and managers must submit a full
570 set of fingerprints to the department or to a vendor, entity, or
571 agency authorized by s. 943.053(13). The department, vendor,
572 entity, or agency shall forward the fingerprints to the
573 Department of Law Enforcement for state processing, and the
574 Department of Law Enforcement shall forward the fingerprints to
575 the Federal Bureau of Investigation for national processing.

576 2. Fees for state and federal fingerprint processing and
 577 retention shall be borne by the certified marijuana testing
 578 laboratory ~~such owners or managers~~. The state cost for
 579 fingerprint processing shall be as provided in s. 943.053(3) (e)
 580 for records provided to persons or entities other than those
 581 specified as exceptions therein.

582 3. Fingerprints submitted to the Department of Law
 583 Enforcement pursuant to this paragraph shall be retained by the
 584 Department of Law Enforcement as provided in s. 943.05(2) (g) and
 585 (h) and, when the Department of Law Enforcement begins
 586 participation in the program, enrolled in the Federal Bureau of
 587 Investigation's national retained print arrest notification
 588 program. Any arrest record identified shall be reported to the
 589 department.

590 Section 4. Section 382.005, Florida Statutes, is amended
 591 to read:

592 382.005 Duties of local registrars.—

593 (1) Each local registrar is charged with the strict and
 594 thorough enforcement of the provisions of this chapter and rules
 595 adopted hereunder in his or her registration district, and shall
 596 make an immediate report to the department of any violation or
 597 apparent violation of this law or rules adopted hereunder.

598 (2) Each local registrar must electronically file all live
 599 birth, death, and fetal death records within their respective
 600 jurisdictions in the department's electronic registration

601 system. If the department's electronic registration system is
602 unavailable, the local registrar must file a paper record with
603 the department.

604 (3) Each local registrar must ~~shall~~ make ~~available~~ blank
605 forms available if the department's electronic registration
606 system is unavailable, as necessary and must ~~shall~~ examine each
607 paper certificate of live birth, death, or fetal death when
608 presented for registration in order to ascertain whether ~~or not~~
609 it has been completed in accordance with ~~the provisions of~~ this
610 chapter and adopted rules. All paper birth, death, and fetal
611 death certificates must ~~shall~~ be typewritten in permanent black
612 ink, and a paper certificate is not complete and correct if it
613 does not supply each item of information called for or
614 satisfactorily account for its omission.

615 (4)~~(3)~~ The local registrar or his or her deputy, if
616 authorized by the department, shall sign as registrar in
617 attestation of the date of registration of any paper records
618 filed, and may also make and preserve a local paper record of
619 each birth, death, and fetal death certificate registered by him
620 or her, in such manner as directed by the department. The local
621 registrar shall transmit daily to the department all original
622 paper certificates registered. If no births, deaths, or fetal
623 deaths occurred in any month, the local registrar or deputy
624 shall, on the 7th day of the following month, report that fact
625 to the department on a form provided for such purpose.

626 ~~(5)(4)~~ Each local registrar, immediately upon appointment,
 627 shall designate one or more deputy registrars to act on behalf
 628 of the local registrar.

629 Section 5. Subsection (2) of section 382.008, Florida
 630 Statutes, is amended to read:

631 382.008 Death, fetal death, and nonviable birth
 632 registration.—

633 (2)(a) The funeral director who first assumes custody of a
 634 dead body or fetus shall electronically file the certificate of
 635 death or fetal death. In the absence of the funeral director,
 636 the physician, physician assistant, advanced practice registered
 637 nurse registered under s. 464.0123, or other person in
 638 attendance at or after the death or the district medical
 639 examiner of the county in which the death occurred or the body
 640 was found shall electronically file the certificate of death or
 641 fetal death. The person who files the certificate shall obtain
 642 personal data from a legally authorized person as described in
 643 s. 497.005 or the best qualified person or source available. The
 644 medical certification of cause of death must ~~shall~~ be furnished
 645 to the funeral director, either in person or via certified mail
 646 or electronic transfer, by the physician, physician assistant,
 647 advanced practice registered nurse registered under s. 464.0123,
 648 or medical examiner responsible for furnishing such information.
 649 For fetal deaths, the physician, physician assistant, advanced
 650 practice registered nurse registered under s. 464.0123, midwife,

651 or hospital administrator shall provide any medical or health
652 information to the funeral director within 72 hours after
653 expulsion or extraction.

654 (b) The State Registrar shall ~~may~~ receive electronically a
655 certificate of death, fetal death, or nonviable birth which is
656 required to be filed with the registrar under this chapter
657 through facsimile or other electronic transfer for the purpose
658 of filing the certificate. The receipt of a certificate of
659 death, fetal death, or nonviable birth by electronic transfer
660 constitutes delivery to the State Registrar as required by law.

661 Section 6. Subsection (2) of section 382.009, Florida
662 Statutes, is amended to read:

663 382.009 Recognition of brain death under certain
664 circumstances.—

665 (2) Determination of death pursuant to this section must
666 ~~shall~~ be made in accordance with currently accepted reasonable
667 medical standards.

668 (a) If the patient's treating health care practitioner is
669 a physician licensed under chapter 458 or chapter 459, the
670 determination must be made by that physician and a second
671 physician ~~two physicians~~ licensed under chapter 458 or chapter
672 459 who is. ~~One physician shall be the treating physician, and~~
673 ~~the other physician shall be a board-eligible or board-certified~~
674 neurologist, neurosurgeon, internist, pediatrician, surgeon, or
675 anesthesiologist.

676 (b) If the patient's treating health care practitioner is
677 an autonomous advanced practice registered nurse registered
678 under s. 464.0123, the determination must be made by that
679 practitioner and two physicians licensed under chapter 458 or
680 chapter 459. Each physician must be a board-eligible or board-
681 certified neurologist, neurosurgeon, internist, pediatrician,
682 surgeon, or anesthesiologist.

683 Section 7. Section 382.013, Florida Statutes, is amended
684 to read:

685 382.013 Birth registration.—A certificate for each live
686 birth that occurs in this state shall be filed within 5 days
687 after such birth in the department's electronic registration
688 system with the local registrar of the district in which the
689 birth occurred and shall be registered by the local registrar if
690 the certificate has been completed and filed in accordance with
691 this chapter and adopted rules. The information regarding
692 registered births shall be used for comparison with information
693 in the state case registry, as defined in chapter 61.

694 (1) FILING.—

695 (a) If a birth occurs in a hospital, birth center, or
696 other health care facility, or en route thereto, the person in
697 charge of the facility is ~~shall be~~ responsible for preparing the
698 certificate, certifying the facts of the birth, and filing the
699 certificate in the department's electronic registration system
700 with the local registrar. Within 48 hours after the birth, the

701 physician, midwife, or person in attendance during or
702 immediately after the delivery shall provide the facility with
703 the medical information required by the birth certificate.

704 (b) If a birth occurs outside a facility and a physician
705 licensed in this state, a certified nurse midwife, a midwife
706 licensed in this state, or a public health nurse employed by the
707 department was in attendance during or immediately after the
708 delivery, that person shall prepare and file the certificate.

709 (c) If a birth occurs outside a facility and the delivery
710 is not attended by one of the persons described in paragraph
711 (b), the person in attendance, the mother, or the father shall
712 report the birth to the registrar and provide proof of the facts
713 of birth. The department may require such documents to be
714 presented and such proof to be filed as it deems necessary and
715 sufficient to establish the truth of the facts to be recorded by
716 the certificate and may withhold registering the birth until its
717 requirements are met.

718 (d) If a birth occurs in a moving conveyance and the child
719 is first removed from the conveyance in this state, the birth
720 shall be filed and registered in this state and the place to
721 which the child is first removed shall be considered the place
722 of birth.

723 (e) The mother or the father of the child shall attest to
724 the accuracy of the personal data entered on the certificate in
725 time to permit the timely registration of the certificate.

726 (f) If a certificate of live birth is incomplete, the
727 local registrar shall immediately notify the health care
728 facility or person filing the certificate and shall require the
729 completion of the missing items of information if they can be
730 obtained before ~~prior to~~ issuing certified copies of the birth
731 certificate.

732 (g) Regardless of any plan to place a child for adoption
733 after birth, the information on the birth certificate as
734 required by this section must be as to the child's birth parents
735 unless and until an application for a new birth record is made
736 under s. 63.152.

737 (h) The State Registrar may receive electronically a birth
738 certificate for each live birth which is required to be filed
739 with the registrar under this chapter through facsimile or other
740 electronic transfer for the purpose of filing the birth
741 certificate. The receipt of a birth certificate by electronic
742 transfer constitutes delivery to the State Registrar as required
743 by law.

744 (2) PATERNITY.—

745 (a) If the mother is married at the time of birth, the
746 name of the husband shall be entered on the birth certificate as
747 the father of the child, unless paternity has been determined
748 otherwise by a court of competent jurisdiction.

749 (b) Notwithstanding paragraph (a), if the husband of the
750 mother dies while the mother is pregnant but before the birth of

751 the child, the name of the deceased husband shall be entered on
752 the birth certificate as the father of the child, unless
753 paternity has been determined otherwise by a court of competent
754 jurisdiction.

755 (c) If the mother is not married at the time of the birth,
756 the name of the father may not be entered on the birth
757 certificate without the execution of an affidavit signed by both
758 the mother and the person to be named as the father. The
759 facility shall give notice orally or through the use of video or
760 audio equipment, and in writing, of the alternatives to, the
761 legal consequences of, and the rights, including, if one parent
762 is a minor, any rights afforded due to minority status, and
763 responsibilities that arise from signing an acknowledgment of
764 paternity, as well as information provided by the Title IV-D
765 agency established pursuant to s. 409.2557, regarding the
766 benefits of voluntary establishment of paternity. Upon request
767 of the mother and the person to be named as the father, the
768 facility shall assist in the execution of the affidavit, a
769 notarized voluntary acknowledgment of paternity, or a voluntary
770 acknowledgment of paternity that is witnessed by two individuals
771 and signed under penalty of perjury as specified by s.
772 92.525(2).

773 (d) If the paternity of the child is determined by a court
774 of competent jurisdiction as provided under s. 382.015 or there
775 is a final judgment of dissolution of marriage which requires

776 the former husband to pay child support for the child, the name
777 of the father and the surname of the child shall be entered on
778 the certificate in accordance with the finding and order of the
779 court. If the court fails to specify a surname for the child,
780 the surname shall be entered in accordance with subsection (3).

781 (e) If the paternity of the child is determined pursuant
782 to s. 409.256, the name of the father and the surname of the
783 child shall be entered on the certificate in accordance with the
784 finding and order of the Department of Revenue.

785 (f) If the mother and father marry each other at any time
786 after the child's birth, upon receipt of a marriage license that
787 identifies any such child, the department shall amend the
788 certificate with regard to the parents' marital status as though
789 the parents were married at the time of birth.

790 (g) If the father is not named on the certificate, no
791 other information about the father shall be entered on the
792 certificate.

793 (3) NAME OF CHILD.—

794 (a) If the mother is married at the time of birth, the
795 mother and father whose names are entered on the birth
796 certificate shall select the given names and surname of the
797 child if both parents have custody of the child, otherwise the
798 parent who has custody shall select the child's name.

799 (b) If the mother and father whose names are entered on
800 the birth certificate disagree on the surname of the child and

801 both parents have custody of the child, the surname selected by
802 the father and the surname selected by the mother shall both be
803 entered on the birth certificate, separated by a hyphen, with
804 the selected names entered in alphabetical order. If the parents
805 disagree on the selection of a given name, the given name may
806 not be entered on the certificate until a joint agreement that
807 lists the agreed upon given name and is notarized by both
808 parents is submitted to the department, or until a given name is
809 selected by a court.

810 (c) If the mother is not married at the time of birth, the
811 parent who will have custody of the child shall select the
812 child's given name and surname.

813 (d) If multiple names of the child exceed the space
814 provided on the face of the birth certificate they shall be
815 listed on the back of the certificate. Names listed on the back
816 of the certificate shall be part of the official record.

817 (4) UNDETERMINED PARENTAGE.—The person having custody of a
818 child of undetermined parentage shall register a birth
819 certificate showing all known or approximate facts relating to
820 the birth. To assist in later determination, information
821 concerning the place and circumstances under which the child was
822 found shall be included on the portion of the birth certificate
823 relating to marital status and medical details. In the event the
824 child is later identified, a new birth certificate shall be
825 prepared which shall bear the same number as the original birth

826 certificate, and the original certificate shall be sealed and
 827 filed, shall be confidential and exempt from the provisions of
 828 s. 119.07(1), and shall not be opened to inspection by, nor
 829 shall certified copies of the same be issued except by court
 830 order to, any person other than the registrant if of legal age.

831 (5) DISCLOSURE.—The original certificate of live birth
 832 shall contain all the information required by the department for
 833 legal, social, and health research purposes. However, all
 834 information concerning parentage, marital status, and medical
 835 details shall be confidential and exempt from the provisions of
 836 s. 119.07(1), except for health research purposes as approved by
 837 the department, nor shall copies of the same be issued except as
 838 provided in s. 382.025.

839 Section 8. Section 382.015, Florida Statutes, is amended
 840 to read:

841 382.015 New certificates of live birth; duty of clerks of
 842 court and department.—The clerk of the court in which any
 843 proceeding for adoption, annulment of an adoption, affirmation
 844 of parental status, or determination of paternity is to be
 845 registered, shall within 30 days after the final disposition,
 846 forward electronically to the department a certified copy of the
 847 court order, or a report of the proceedings upon a form to be
 848 furnished by the department, together with sufficient
 849 information to identify the original birth certificate and to
 850 enable the preparation of a new birth certificate. The clerk of

851 the court shall implement a monitoring and quality control plan
 852 to ensure that all judicial determinations of paternity are
 853 reported to the department in compliance with this section. The
 854 department shall track paternity determinations reported monthly
 855 by county, monitor compliance with the 30-day timeframe, and
 856 report the data to the clerks of the court quarterly.

857 (1) ADOPTION AND ANNULMENT OF ADOPTION.—

858 (a) Upon receipt of the report or certified copy of an
 859 adoption decree, together with the information necessary to
 860 identify the original certificate of live birth, and establish a
 861 new certificate, the department shall prepare and file a new
 862 birth certificate, absent objection by the court decreeing the
 863 adoption, the adoptive parents, or the adoptee if of legal age.
 864 The certificate shall bear the same file number as the original
 865 birth certificate. All names and identifying information
 866 relating to the adoptive parents entered on the new certificate
 867 shall refer to the adoptive parents, but nothing in the
 868 certificate shall refer to or designate the parents as being
 869 adoptive. All other items not affected by adoption shall be
 870 copied as on the original certificate, including the date of
 871 registration and filing.

872 (b) Upon receipt of the report or certified copy of an
 873 annulment-of-adoption decree, together with the sufficient
 874 information to identify the original certificate of live birth,
 875 the department shall, if a new certificate of birth was filed

876 following an adoption report or decree, remove the new
877 certificate and restore the original certificate to its original
878 place in the files, and the certificate so removed shall be
879 sealed by the department.

880 (c) Upon receipt of a report or certified copy of an
881 adoption decree or annulment-of-adoption decree for a person
882 born in another state, the department shall forward the report
883 or decree to the state of the registrant's birth. If the adoptee
884 was born in Canada, the department shall send a copy of the
885 report or decree to the appropriate birth registration authority
886 in Canada.

887 (2) DETERMINATION OF PATERNITY.—Upon receipt of the
888 report, a certified copy of a final decree of determination of
889 paternity, or a certified copy of a final judgment of
890 dissolution of marriage which requires the former husband to pay
891 child support for the child, together with sufficient
892 information to identify the original certificate of live birth,
893 the department shall prepare and file a new birth certificate,
894 which shall bear the same file number as the original birth
895 certificate. The registrant's name shall be entered as decreed
896 by the court or as reflected in the final judgment or support
897 order. The names and identifying information of the parents
898 shall be entered as of the date of the registrant's birth.

899 (3) AFFIRMATION OF PARENTAL STATUS.—Upon receipt of an
900 order of affirmation of parental status issued pursuant to s.

901 742.16, together with sufficient information to identify the
902 original certificate of live birth, the department shall prepare
903 and file a new birth certificate which shall bear the same file
904 number as the original birth certificate. The names and
905 identifying information of the registrant's parents entered on
906 the new certificate shall be the commissioning couple, but the
907 new certificate may not make reference to or designate the
908 parents as the commissioning couple.

909 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
910 ORIGINAL.—When a new certificate of birth is prepared, the
911 department shall substitute the new certificate of birth for the
912 original certificate on file. All copies of the original
913 certificate of live birth in the custody of a local registrar or
914 other state custodian of vital records shall be forwarded to the
915 State Registrar. Thereafter, when a certified copy of the
916 certificate of birth or portion thereof is issued, it shall be a
917 copy of the new certificate of birth or portion thereof, except
918 when a court order requires issuance of a certified copy of the
919 original certificate of birth. In an adoption, change in
920 paternity, affirmation of parental status, undetermined
921 parentage, or court-ordered substitution, the department shall
922 place the original certificate of birth and all papers
923 pertaining thereto under seal, not to be broken except by order
924 of a court of competent jurisdiction or as otherwise provided by
925 law.

926 (5) FORM.—Except for certificates of foreign birth which
 927 are registered as provided in s. 382.017, and delayed
 928 certificates of birth which are registered as provided in ss.
 929 382.019 and 382.0195, all original, new, or amended certificates
 930 of live birth shall be identical in form, regardless of the
 931 marital status of the parents or the fact that the registrant is
 932 adopted or of undetermined parentage.

933 (6) RULES.—The department shall adopt and enforce all
 934 rules necessary for carrying out the provisions of this section.

935 Section 9. Section 382.021, Florida Statutes, is amended
 936 to read:

937 382.021 Department to receive marriage licenses.—Weekly ~~On~~
 938 or before the 5th day of each month, the county court judge or
 939 clerk of the circuit court shall electronically transmit all
 940 original marriage licenses, with endorsements, received during
 941 the preceding calendar week ~~month~~, to the department. Any
 942 marriage licenses issued and not returned or any marriage
 943 licenses returned but not recorded shall be reported by the
 944 issuing county court judge or clerk of the circuit court to the
 945 department at the time of transmitting the recorded licenses on
 946 the forms to be prescribed and furnished by the department. If
 947 during any month no marriage licenses are issued or returned,
 948 the county court judge or clerk of the circuit court shall
 949 report such fact to the department upon forms prescribed and
 950 furnished by the department.

951 Section 10. Section 382.023, Florida Statutes, is amended
 952 to read:

953 382.023 Department to receive dissolution-of-marriage
 954 records; fees.—Clerks of the circuit courts shall collect for
 955 their services at the time of the filing of a final judgment of
 956 dissolution of marriage a fee of up to \$10.50, of which 43
 957 percent shall be retained by the clerk of the circuit court as a
 958 part of the cost in the cause in which the judgment is granted.
 959 The remaining 57 percent shall be remitted to the Department of
 960 Revenue for deposit to the Department of Health to defray part
 961 of the cost of maintaining the dissolution-of-marriage records.
 962 A record of each and every judgment of dissolution of marriage
 963 granted by the court during the preceding calendar month, giving
 964 names of parties and such other data as required by forms
 965 prescribed by the department, shall be electronically
 966 transmitted to the department weekly, ~~on~~ or before the 10th day
 967 of each month, along with an accounting of the funds remitted to
 968 the Department of Revenue pursuant to this section.

969 Section 11. Subsections (1) and (4) of section 382.025,
 970 Florida Statutes, are amended to read:

971 382.025 Certified copies of vital records;
 972 confidentiality; research.—

973 (1) BIRTH RECORDS.—Except for birth records over 125 ~~100~~
 974 years old which are not under seal pursuant to court order, all
 975 birth records of this state shall be confidential and are exempt

976 | from the provisions of s. 119.07(1).

977 | (a) Certified copies of the original birth certificate or
 978 | a new or amended certificate, or affidavits thereof, are
 979 | confidential and exempt from the provisions of s. 119.07(1) and,
 980 | upon receipt of a request and payment of the fee prescribed in
 981 | s. 382.0255, shall be issued only as authorized by the
 982 | department and in the form prescribed by the department, and
 983 | only:

984 | 1. To the registrant, if the registrant is of legal age,
 985 | is a certified homeless youth, or is a minor who has had the
 986 | disabilities of nonage removed under s. 743.01 or s. 743.015;

987 | 2. To the registrant's parent or guardian or other legal
 988 | representative;

989 | 3. Upon receipt of the registrant's death certificate, to
 990 | the registrant's spouse or to the registrant's child,
 991 | grandchild, or sibling, if of legal age, or to the legal
 992 | representative of any ~~of~~ such person ~~persons~~;

993 | 4. To any person if the birth record is more than 125 ~~over~~
 994 | ~~100~~ years old and not under seal pursuant to court order;

995 | 5. To a law enforcement agency for official purposes;

996 | 6. To any agency of the state or the United States for
 997 | official purposes upon approval of the department; or

998 | 7. Upon order of any court of competent jurisdiction.

999 | (b) To protect the integrity of vital records and prevent
 1000 | the fraudulent use of the birth certificates of deceased

1001 persons, the department shall match birth and death certificates
1002 and post the fact of death to the appropriate birth certificate.
1003 Except for a commemorative birth certificate, any certification
1004 of a birth certificate of a deceased registrant shall be marked
1005 "deceased." In the case of a commemorative birth certificate,
1006 such indication of death shall be made on the back of the
1007 certificate.

1008 (c) The department shall issue, upon request and upon
1009 payment of an additional fee as prescribed under s. 382.0255, a
1010 commemorative birth certificate representing that the birth of
1011 the person named thereon is recorded in the office of the
1012 registrar. The certificate issued under this paragraph shall be
1013 in a form consistent with the need to protect the integrity of
1014 vital records but shall be suitable for display. It may bear the
1015 seal of the state printed thereon and may be signed by the
1016 Governor.

1017 (4) CERTIFIED COPIES OF ORIGINAL CERTIFICATES.—Only the
1018 state registrar, ~~and~~ local registrars, and those persons
1019 appointed by the department are authorized to issue any
1020 certificate which purports to be a certified copy of an original
1021 certificate of live birth, death, or fetal death. Except as
1022 provided in this section, preparing or issuing certificates is
1023 exempt from the provisions of s. 119.07(1).

1024 Section 12. Subsections (3), (4), and (5) of section
1025 401.27, Florida Statutes, are amended to read:

1026 401.27 Personnel; standards and certification.—
 1027 (3) Any person who desires to be certified or recertified
 1028 as an emergency medical technician or paramedic must apply to
 1029 the department ~~under oath~~ on forms provided by the department
 1030 which shall contain such information as the department
 1031 reasonably requires, which may include affirmative evidence of
 1032 ability to comply with applicable laws and rules. The department
 1033 shall determine whether the applicant meets the requirements
 1034 specified in this section and in rules of the department and
 1035 shall issue a certificate to any person who meets such
 1036 requirements.
 1037 (4) An applicant for certification or recertification as
 1038 an emergency medical technician or paramedic must:
 1039 (a) Have completed an appropriate training program as
 1040 follows:
 1041 1. For an emergency medical technician, an emergency
 1042 medical technician training program approved by the department
 1043 as equivalent to the most recent EMT-Basic National Standard
 1044 Curriculum or the National EMS Education Standards of the United
 1045 States Department of Transportation;
 1046 2. For a paramedic, a paramedic training program approved
 1047 by the department as equivalent to the most recent EMT-Paramedic
 1048 National Standard Curriculum or the National EMS Education
 1049 Standards of the United States Department of Transportation;
 1050 (b) Attest ~~Certify under oath~~ that he or she is not

1051 addicted to alcohol or any controlled substance;

1052 (c) Attest ~~Certify under oath~~ that he or she is free from

1053 any physical or mental defect or disease that might impair the

1054 applicant's ability to perform his or her duties;

1055 (d) Within 2 years after program completion have passed an

1056 examination developed or required by the department;

1057 (e)1. For an emergency medical technician, hold a current

1058 American Heart Association cardiopulmonary resuscitation course

1059 card or an American Red Cross cardiopulmonary resuscitation

1060 course card or its equivalent as defined by department rule;

1061 2. For a paramedic, hold a certificate of successful

1062 course completion in advanced cardiac life support from the

1063 American Heart Association or its equivalent as defined by

1064 department rule;

1065 (f) Submit the certification fee and the nonrefundable

1066 examination fee prescribed in s. 401.34, which examination fee

1067 will be required for each examination administered to an

1068 applicant; and

1069 (g) Submit a completed application to the department,

1070 which application documents compliance with paragraphs (a), (b),

1071 (c), (e), (f), and this paragraph, and, if applicable, paragraph

1072 (d). ~~The application must be submitted so as to be received by~~

1073 ~~the department at least 30 calendar days before the next~~

1074 ~~regularly scheduled examination for which the applicant desires~~

1075 ~~to be scheduled.~~

1076 ~~(5) The certification examination must be offered monthly.~~
1077 ~~The department shall issue an examination admission notice to~~
1078 ~~the applicant advising him or her of the time and place of the~~
1079 ~~examination for which he or she is scheduled. Individuals~~
1080 ~~achieving a passing score on the certification examination may~~
1081 ~~be issued a temporary certificate with their examination grade~~
1082 ~~report. The department must issue an original certification~~
1083 ~~within 45 days after the examination. Examination questions and~~
1084 ~~answers are not subject to discovery but may be introduced into~~
1085 ~~evidence and considered only in camera in any administrative~~
1086 ~~proceeding under chapter 120. If an administrative hearing is~~
1087 ~~held, the department shall provide challenged examination~~
1088 ~~questions and answers to the administrative law judge. The~~
1089 ~~department shall establish by rule the procedure by which an~~
1090 ~~applicant, and the applicant's attorney, may review examination~~
1091 ~~questions and answers in accordance with s. 119.071(1)(a).~~

1092 Section 13. Paragraph (a) of subsection (1) of section
1093 401.2701, Florida Statutes, is amended to read:

1094 401.2701 Emergency medical services training programs.—

1095 (1) Any private or public institution in Florida desiring
1096 to conduct an approved program for the education of emergency
1097 medical technicians and paramedics shall:

1098 (a) Submit a completed application on a form provided by
1099 the department, which must include:

1100 1. Evidence that the institution is in compliance with all

1101 applicable requirements of the Department of Education.

1102 2. Evidence of an affiliation agreement with a hospital
 1103 that has an emergency department staffed by at least one
 1104 physician and one registered nurse.

1105 3. Evidence of an affiliation agreement with a current
 1106 emergency medical services provider that is licensed in this
 1107 state. Such agreement shall include, at a minimum, a commitment
 1108 by the provider to conduct the field experience portion of the
 1109 education program. An applicant licensed as an advanced life
 1110 support service under s. 401.25 with permitted transport
 1111 vehicles pursuant to s. 401.26 is exempt from the requirements
 1112 of this subparagraph and need not submit evidence of an
 1113 affiliation agreement with a current emergency medical services
 1114 provider.

1115 4. Documentation verifying faculty, including:

1116 a. A medical director who is a licensed physician meeting
 1117 the applicable requirements for emergency medical services
 1118 medical directors as outlined in this chapter and rules of the
 1119 department. The medical director shall have the duty and
 1120 responsibility of certifying that graduates have successfully
 1121 completed all phases of the education program and are proficient
 1122 in basic or advanced life support techniques, as applicable.

1123 b. A program director responsible for the operation,
 1124 organization, periodic review, administration, development, and
 1125 approval of the program.

1126 5. Documentation verifying that the curriculum:
 1127 a. Meets the most recent Emergency Medical Technician-
 1128 Basic National Standard Curriculum or the National EMS Education
 1129 Standards approved by the department for emergency medical
 1130 technician programs and Emergency Medical Technician-Paramedic
 1131 National Standard Curriculum or the National EMS Education
 1132 Standards approved by the department for paramedic programs.
 1133 b. Includes 2 hours of instruction on the trauma scorecard
 1134 methodologies for assessment of adult trauma patients and
 1135 pediatric trauma patients as specified by the department by
 1136 rule.

1137 6. Evidence of sufficient medical and educational
 1138 equipment to meet emergency medical services training program
 1139 needs.

1140 Section 14. Section 401.272, Florida Statutes, is amended
 1141 to read:

1142 401.272 Emergency medical services community health care.—
 1143 (1) The purpose of this section is to encourage more
 1144 effective utilization of the skills of emergency medical
 1145 technicians and paramedics by enabling them to perform, ~~in~~
 1146 ~~partnership with local county health departments,~~ specific
 1147 additional health care tasks that are consistent with the public
 1148 health and welfare.

1149 (2) Notwithstanding any other provision of law to the
 1150 contrary:

1151 (a) Paramedics or emergency medical technicians shall
 1152 operate under the medical direction of a physician through two-
 1153 way voice communication or pursuant to established standing
 1154 orders or protocols and within the scope of their training when
 1155 providing basic life support, advanced life support, and may
 1156 ~~perform~~ health promotion and wellness activities ~~and blood~~
 1157 ~~pressure screenings~~ in a nonemergency environment, ~~within the~~
 1158 ~~scope of their training, and under the direction of a medical~~
 1159 ~~director~~. As used in this paragraph, the term "health promotion
 1160 and wellness" means the provision of public health programs
 1161 pertaining to the prevention of illness and injury.

1162 (b) Paramedics and emergency medical technicians shall
 1163 operate under the medical direction of a physician through two-
 1164 way communication or pursuant to established standing orders or
 1165 protocols and within the scope of their training when a patient
 1166 is not transported to an emergency department or is transported
 1167 to a facility other than a hospital as defined in s.
 1168 395.002(12).

1169 (c) Paramedics may administer immunizations in a
 1170 nonemergency environment, within the scope of their training,
 1171 and under the medical direction of a physician through two-way
 1172 communication or pursuant to established standing orders or
 1173 protocols ~~medical director~~. There must be a written agreement
 1174 between the physician providing medical direction ~~paramedic's~~
 1175 ~~medical director~~ and the department or the county health

1176 department located in each county in which the paramedic
1177 administers immunizations. This agreement must establish the
1178 protocols, policies, and procedures under which the paramedic
1179 must operate.

1180 (d)~~(e)~~ Paramedics may provide basic life support services
1181 and advanced life support services to patients receiving acute
1182 and postacute hospital care at home as specified in the
1183 paramedic's supervisory relationship with a physician or
1184 standing orders as described in s. 401.265, s. 458.348, or s.
1185 459.025. A physician who supervises or provides medical
1186 direction to a paramedic who provides basic life support
1187 services or advanced life support services to patients receiving
1188 acute and postacute hospital care at home pursuant to a formal
1189 supervisory relationship or standing orders is liable for any
1190 act or omission of the paramedic acting under the physician's
1191 supervision or medical direction when providing such services.
1192 The department may adopt and enforce rules necessary to
1193 implement this paragraph.

1194 (3) Each physician providing medical direction to ~~medical~~
1195 ~~director under whose direction~~ a paramedic who administers
1196 immunizations must verify and document that the paramedic has
1197 received sufficient training and experience to administer
1198 immunizations. The verification must be documented on forms
1199 developed by the department, and the completed forms must be
1200 maintained at the service location of the licensee and made

1201 available to the department upon request.

1202 (4) The department may adopt and enforce all rules
 1203 necessary to enforce the provisions relating to a paramedic's
 1204 administration of immunizations and the performance of health
 1205 promotion and wellness activities ~~and blood pressure screenings~~
 1206 by a paramedic or emergency medical technician in a nonemergency
 1207 environment.

1208 Section 15. Subsections (5), (6), and (7) of section
 1209 401.34, Florida Statutes, are amended to read:

1210 401.34 Fees.—

1211 ~~(5) The department may provide same-day grading of the~~
 1212 ~~examination for an applicant for emergency medical technician or~~
 1213 ~~paramedic certification.~~

1214 ~~(6) The department may offer walk-in eligibility~~
 1215 ~~determination and examination to applicants for emergency~~
 1216 ~~medical technician or paramedic certification who pay to the~~
 1217 ~~department a nonrefundable fee to be set by the department not~~
 1218 ~~to exceed \$65. The fee is in addition to the certification fee~~
 1219 ~~and examination fee. The department must establish locations and~~
 1220 ~~times for eligibility determination and examination.~~

1221 ~~(7) The cost of emergency medical technician or paramedic~~
 1222 ~~certification examination review may not exceed \$50.~~

1223 Section 16. Section 401.435, Florida Statutes, is amended
 1224 to read:

1225 401.435 Emergency medical ~~First~~ responder agencies and

1226 training.—

1227 (1) The department must adopt by rule the United States
 1228 Department of Transportation National Emergency Medical Services
 1229 Education Standards for the Emergency Medical Services: First
 1230 Responder level Training Course as the minimum standard for
 1231 emergency medical first responder training. In addition, the
 1232 department must adopt rules establishing minimum emergency
 1233 medical first responder instructor qualifications. For purposes
 1234 of this section, an emergency medical ~~a first~~ responder includes
 1235 any individual who receives training to render initial care to
 1236 an ill or injured person, other than an individual trained and
 1237 certified pursuant to s. 943.1395(1), but who does not have the
 1238 primary responsibility of treating and transporting ill or
 1239 injured persons.

1240 (2) Each emergency medical first responder agency must
 1241 take all reasonable efforts to enter into a memorandum of
 1242 understanding with the emergency medical services licensee
 1243 within whose territory the agency operates in order to
 1244 coordinate emergency services at an emergency scene. The
 1245 department must provide a model memorandum of understanding for
 1246 this purpose. The memorandum of understanding should include
 1247 dispatch protocols, the roles and responsibilities of emergency
 1248 medical first responder personnel at an emergency scene, and the
 1249 documentation required for patient care rendered. For purposes
 1250 of this section, the term "emergency medical first responder

1251 agency" includes a law enforcement agency, a fire service agency
 1252 not licensed under this part, a lifeguard agency, and a
 1253 volunteer organization that renders, as part of its routine
 1254 functions, on-scene patient care before emergency medical
 1255 technicians or paramedics arrive.

1256 Section 17. Paragraph (a) of subsection (1) of section
 1257 464.203, Florida Statutes, is amended to read:

1258 464.203 Certified nursing assistants; certification
 1259 requirement.—

1260 (1) The board shall issue a certificate to practice as a
 1261 certified nursing assistant to any person who demonstrates a
 1262 minimum competency to read and write and successfully passes the
 1263 required background screening pursuant to s. 400.215. If the
 1264 person has successfully passed the required background screening
 1265 pursuant to s. 400.215 or s. 408.809 within 90 days before
 1266 applying for a certificate to practice and the person's
 1267 background screening results are not retained in the
 1268 clearinghouse created under s. 435.12, the board shall waive the
 1269 requirement that the applicant successfully pass an additional
 1270 background screening pursuant to s. 400.215. The person must
 1271 also meet one of the following requirements:

1272 (a) Has successfully completed an approved training
 1273 program and achieved a minimum score, established by rule of the
 1274 board, on the nursing assistant competency examination, which
 1275 consists of a written portion and skills-demonstration portion

1276 approved by the board and administered at a site and by
 1277 personnel approved by the department. Any person who has
 1278 successfully completed an approved training program within 6
 1279 months before filing an application for certification is not
 1280 required to take the skills-demonstration portion of the
 1281 competency examination.

1282 Section 18. Section 468.1225, Florida Statutes, is amended
 1283 to read:

1284 468.1225 Procedures, equipment, and protocols.—

1285 (1) The following minimal procedures shall be used when a
 1286 licensed audiologist fits and sells a prescription hearing aid:

1287 (a) Pure tone audiometric testing by air and bone to
 1288 determine the type and degree of hearing deficiency when
 1289 indicated.

1290 (b) Effective masking when indicated.

1291 (c) Appropriate testing to determine speech reception
 1292 thresholds, speech discrimination scores, the most comfortable
 1293 listening levels, uncomfortable loudness levels, and the
 1294 selection of the best fitting arrangement for maximum hearing
 1295 aid benefit when indicated.

1296 (2) The following equipment shall be used:

1297 (a) A wide range audiometer that ~~which~~ meets the
 1298 specifications of the American National Standards Institute for
 1299 diagnostic audiometers when indicated.

1300 (b) A speech audiometer or a master hearing aid in order

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1301 to determine the most comfortable listening level and speech
1302 discrimination when indicated.

1303 (3) A final fitting ensuring physical and operational
1304 comfort of the prescription hearing aid shall be made when
1305 indicated.

1306 (4) A licensed audiologist who fits and sells prescription
1307 hearing aids shall obtain the following medical clearance: If,
1308 upon inspection of the ear canal with an otoscope in the common
1309 procedure of fitting a prescription hearing aid and upon
1310 interrogation of the client, there is any recent history of
1311 infection or any observable anomaly, the client shall be
1312 instructed to see a physician, and a prescription hearing aid
1313 ~~may shall~~ not be fitted until medical clearance is obtained for
1314 the condition noted. If, upon return, the condition noted is no
1315 longer observable and the client signs a medical waiver, a
1316 prescription hearing aid may be fitted. Any person with a
1317 significant difference between bone conduction hearing and air
1318 conduction hearing must be informed of the possibility of
1319 medical or surgical correction.

1320 (5) (a) A licensed audiologist's office must have
1321 available, or have access to, a selection of prescription
1322 hearing aid models, hearing aid supplies, and services complete
1323 enough to accommodate the various needs of the hearing aid
1324 wearers.

1325 (b) At the time of the initial examination for fitting and

1326 sale of a prescription hearing aid, the attending audiologist
1327 must notify the prospective purchaser of the benefits of
1328 telecoil, also known as "t" coil or "t" switch, technology,
1329 including increased access to telephones and noninvasive access
1330 to assistive listening systems required under the Americans with
1331 Disabilities Act of 1990.

1332 (6) Unless otherwise indicated, each audiometric test
1333 conducted by a licensee or a certified audiology assistant in
1334 the fitting and selling of prescription hearing aids must ~~shall~~
1335 be made in a testing room that has been certified by the
1336 department, or by an agent approved by the department, not to
1337 exceed the following sound pressure levels at the specified
1338 frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB,
1339 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB,
1340 and 8000Hz-67dB. An exception to this requirement shall be made
1341 in the case of a client who, after being provided written notice
1342 of the benefits and advantages of having the test conducted in a
1343 certified testing room, requests that the test be conducted in a
1344 place other than the licensee's certified testing room. Such
1345 request must ~~shall~~ be documented by a waiver that ~~which~~ includes
1346 the written notice and is signed by the licensee and the client
1347 before ~~prior to~~ the testing. The waiver must ~~shall~~ be executed
1348 on a form provided by the department. The executed waiver must
1349 ~~shall~~ be attached to the client's copy of the contract, and a
1350 copy of the executed waiver must ~~shall~~ be retained in the

1351 licensee's file.

1352 (7) The board may ~~shall have the power to~~ prescribe the
 1353 minimum procedures and equipment used in the conducting of
 1354 hearing assessments and for the fitting and selling of
 1355 prescription hearing aids. The board shall adopt and enforce
 1356 rules necessary to implement ~~carry out the provisions of~~ this
 1357 subsection and subsection (6).

1358 (8) Any duly authorized officer or employee of the
 1359 department may ~~shall have the right to~~ make such inspections and
 1360 investigations as ~~are~~ necessary ~~in order~~ to determine the state
 1361 of compliance with ~~the provisions of~~ this section and the
 1362 applicable rules and may enter the premises of a licensee and
 1363 inspect the records of same upon reasonable belief that a
 1364 violation of this law is being or has been committed or that the
 1365 licensee has failed or is failing to comply with ~~the provisions~~
 1366 ~~of~~ this part.

1367 Section 19. Section 468.1245, Florida Statutes, is amended
 1368 to read:

1369 468.1245 Itemized listing of prices; delivery of
 1370 prescription hearing aid; receipt; guarantee; packaging;
 1371 disclaimer.-

1372 (1) Before ~~Prior to~~ delivery of services or products to a
 1373 prospective purchaser, a licensee must ~~shall~~ disclose, upon
 1374 request by the prospective purchaser, an itemized listing of
 1375 prices, which must ~~listing shall~~ include separate price

1376 estimates for each service component and each product. Provision
 1377 of such itemized listing of prices may ~~shall~~ not be predicated
 1378 on the prospective purchaser's payment of any charge or
 1379 agreement to purchase any service or product.

1380 (2) Any licensee who fits and sells a prescription hearing
 1381 aid shall, at the time of delivery, provide the purchaser with a
 1382 receipt containing the seller's signature, the address of his or
 1383 her regular place of business, and his or her license or
 1384 certification number, if applicable, together with the brand,
 1385 model, manufacturer or manufacturer's identification code, and
 1386 serial number of the prescription hearing aid furnished and the
 1387 amount charged for the prescription hearing aid. The receipt
 1388 must also ~~shall~~ specify whether the prescription hearing aid is
 1389 new, used, or rebuilt, ~~and shall specify~~ the length of time and
 1390 other terms of the guarantee, and by whom the prescription
 1391 hearing aid is guaranteed. When the client has requested an
 1392 itemized list of prices, the receipt must ~~shall~~ also provide an
 1393 itemization of the total purchase price, including, but not
 1394 limited to, the cost of the aid, ear mold, batteries, and other
 1395 accessories, and the cost of any services. Notice of the
 1396 availability of this service must be displayed in a conspicuous
 1397 manner in the office. The receipt must also ~~shall~~ state that any
 1398 complaint concerning the prescription hearing aid and its
 1399 guarantee, if not reconciled with the licensee from whom the
 1400 prescription hearing aid was purchased, should be directed by

1401 the purchaser to the department. The address and telephone
 1402 number of such office must ~~shall~~ be stated on the receipt.

1403 (3) A prescription ~~Ne~~ hearing aid may not be sold to any
 1404 person unless both the packaging containing the prescription
 1405 hearing aid and the contract provided pursuant to subsection (2)
 1406 carry the following disclaimer in 10-point or larger type: "A
 1407 hearing aid will not restore normal hearing, nor will it prevent
 1408 further hearing loss."

1409 Section 20. Section 468.1246, Florida Statutes, is amended
 1410 to read:

1411 468.1246 Thirty-day trial period; purchaser's right to
 1412 cancel; notice; refund; cancellation fee.—

1413 (1) A person selling a prescription hearing aid in this
 1414 state must provide the buyer with written notice of a 30-day
 1415 trial period and money-back guarantee. The guarantee must permit
 1416 the purchaser to cancel the purchase for a valid reason as
 1417 defined by rule of the board within 30 days after receiving the
 1418 prescription hearing aid, by returning the prescription hearing
 1419 aid or mailing written notice of cancellation to the seller. If
 1420 the prescription hearing aid must be repaired, remade, or
 1421 adjusted during the 30-day trial period, the running of the 30-
 1422 day trial period is suspended 1 day for each 24-hour period that
 1423 the prescription hearing aid is not in the purchaser's
 1424 possession. A repaired, remade, or adjusted prescription hearing
 1425 aid must be claimed by the purchaser within 3 working days after

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1426 notification of availability. The running of the 30-day trial
1427 period resumes on the day the purchaser reclaims a repaired,
1428 remade, or adjusted prescription hearing aid or on the 4th day
1429 after notification of availability.

1430 (2) The board, in consultation with the Board of Hearing
1431 Aid Specialists, shall prescribe by rule the terms and
1432 conditions to be contained in the money-back guarantee and any
1433 exceptions thereto. Such rule must ~~shall~~ provide, at a minimum,
1434 that the charges for earmolds and service provided to fit the
1435 prescription hearing aid may be retained by the licensee. The
1436 rules must ~~shall~~ also set forth any reasonable charges to be
1437 held by the licensee as a cancellation fee. ~~Such rule shall be~~
1438 ~~effective on or before December 1, 1994. Should the board fail~~
1439 ~~to adopt such rule, a licensee may not charge a cancellation fee~~
1440 ~~which exceeds 5 percent of the total charge for a hearing aid~~
1441 ~~alone.~~ The terms and conditions of the guarantee, including the
1442 total amount available for refund, must ~~shall~~ be provided in
1443 writing to the purchaser before ~~prior to~~ the signing of the
1444 contract.

1445 Section 21. Section 468.1255, Florida Statutes, is amended
1446 to read:

1447 468.1255 Cancellation by medical authorization;
1448 purchaser's right to return.—

1449 (1) In addition to any other rights and remedies the
1450 purchaser of a prescription hearing aid may have, the purchaser

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1451 has ~~shall have~~ the right to rescind the transaction if the
1452 purchaser for whatever reason consults a licensed physician with
1453 specialty board certification in otolaryngology or internal
1454 medicine or a licensed family practice physician, subsequent to
1455 purchasing a prescription hearing aid, and the physician
1456 certifies in writing that the purchaser has a hearing impairment
1457 for which a prescription hearing aid will not provide a benefit
1458 or that the purchaser has a medical condition which
1459 contraindicates the use of a prescription hearing aid.

1460 (2) The purchaser of a prescription hearing aid has ~~shall~~
1461 ~~have~~ the right to rescind as provided in subsection (1) only if
1462 the purchaser gives a written notice of the intent to rescind
1463 the transaction to the seller at the seller's place of business
1464 by certified mail, return receipt requested, which notice shall
1465 be posted not later than 60 days following the date of delivery
1466 of the prescription hearing aid to the purchaser, and the
1467 purchaser returns the prescription hearing aid to the seller in
1468 the original condition less normal wear and tear.

1469 (3) If the conditions of subsections (1) and (2) are met,
1470 the seller must ~~shall~~, without request, refund to the purchaser,
1471 within 10 days after ~~of~~ the receipt of notice to rescind, a full
1472 and complete refund of all moneys received, less 5 percent. The
1473 purchaser does not ~~shall~~ incur any ~~no~~ additional liability for
1474 rescinding the transaction.

1475 Section 22. Section 468.1265, Florida Statutes, is amended

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1476 to read:

1477 468.1265 Sale or distribution of prescription hearing aids
1478 through mail; penalty.—It is unlawful for any person to sell or
1479 distribute prescription hearing aids through the mail to the
1480 ultimate consumer. Any person who violates this section commits
1481 a misdemeanor of the second degree, punishable as provided in s.
1482 775.082 or s. 775.083.

1483 Section 23. Section 468.1275, Florida Statutes, is amended
1484 to read:

1485 468.1275 Place of business; display of license.—Each
1486 licensee who fits and sells a prescription hearing aid shall
1487 declare and establish a regular place of business, at which his
1488 or her license shall be conspicuously displayed.

1489 Section 24. Section 484.0401, Florida Statutes, is amended
1490 to read:

1491 484.0401 Purpose.—The Legislature recognizes that the
1492 dispensing of prescription hearing aids requires particularized
1493 knowledge and skill to ensure that the interests of the hearing-
1494 impaired public will be adequately served and safely protected.
1495 It recognizes that a poorly selected or fitted prescription
1496 hearing aid not only will give little satisfaction but may
1497 interfere with hearing ability and, therefore, deems it
1498 necessary in the interest of the public health, safety, and
1499 welfare to regulate the dispensing of prescription hearing aids
1500 in this state. Restrictions on the fitting and selling of

1501 prescription hearing aids shall be imposed only to the extent
 1502 necessary to protect the public from physical and economic harm,
 1503 and restrictions shall not be imposed in a manner which will
 1504 unreasonably affect the competitive market.

1505 Section 25. Section 484.041, Florida Statutes, is
 1506 reordered and amended to read:

1507 484.041 Definitions.—As used in this part, the term:

1508 (1) "Board" means the Board of Hearing Aid Specialists.

1509 (2) "Department" means the Department of Health.

1510 (3) "Dispensing prescription hearing aids" means and
 1511 includes:

1512 (a) Conducting and interpreting hearing tests for purposes
 1513 of selecting suitable prescription hearing aids, making earmolds
 1514 or ear impressions, and providing appropriate counseling.

1515 (b) All acts pertaining to the selling, renting, leasing,
 1516 pricing, delivery, and warranty of prescription hearing aids.

1517 ~~(6)-(4)~~ "Hearing aid specialist" means a person duly
 1518 licensed in this state to practice the dispensing of
 1519 prescription hearing aids.

1520 ~~(4)-(5)~~ "Hearing aid" means any wearable an amplifying
 1521 device designed for, offered for the purpose of, or represented
 1522 as aiding persons with, or compensating for, impaired hearing to
 1523 ~~be worn by a hearing-impaired person to improve hearing.~~

1524 ~~(10)-(6)~~ "Trainee" means a person studying prescription
 1525 hearing aid dispensing under the direct supervision of an active

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1526 licensed hearing aid specialist for the purpose of qualifying
1527 for certification to sit for the licensure examination.

1528 ~~(5)-(7)~~ "Hearing aid establishment" means any establishment
1529 in this ~~the~~ state which employs a licensed hearing aid
1530 specialist who offers, advertises, and performs hearing aid
1531 services for the general public.

1532 (7) "Over-the-counter hearing aid" means an air-conduction
1533 hearing aid that does not require implantation or other surgical
1534 intervention and is intended for use by a person 18 years of age
1535 or older to compensate for perceived mild to moderate hearing
1536 impairment.

1537 (8) "Prescription hearing aid" means a hearing aid that is
1538 not an over-the-counter hearing aid and that does not otherwise
1539 meet the criteria for a prescription hearing aid under this
1540 part.

1541 (9) "Sponsor" means an active, licensed hearing aid
1542 specialist under whose direct supervision one or more trainees
1543 are studying prescription hearing aid dispensing for the purpose
1544 of qualifying for certification to sit for the licensure
1545 examination.

1546 Section 26. Subsection (2) of section 484.042, Florida
1547 Statutes, is amended to read:

1548 484.042 Board of Hearing Aid Specialists; membership,
1549 appointment, terms.—

1550 (2) Five members of the board shall be hearing aid

1551 specialists who have been licensed and practicing the dispensing
 1552 of prescription hearing aids in this state for at least the
 1553 preceding 4 years. The remaining four members, none of whom
 1554 shall derive economic benefit from the fitting or dispensing of
 1555 hearing aids, shall be appointed from the resident lay public of
 1556 this state. One of the lay members shall be a prescription
 1557 hearing aid user but may not ~~neither~~ be nor have been a hearing
 1558 aid specialist or a licensee of a closely related profession.
 1559 One lay member shall be an individual age 65 or over. One lay
 1560 member shall be an otolaryngologist licensed pursuant to chapter
 1561 458 or chapter 459.

1562 Section 27. Subsection (2) of section 484.044, Florida
 1563 Statutes, is amended to read:

1564 484.044 Authority to make rules.—

1565 (2) The board shall adopt rules requiring that each
 1566 prospective purchaser of a prescription hearing aid be notified
 1567 by the attending hearing aid specialist, at the time of the
 1568 initial examination for fitting and sale of a hearing aid, of
 1569 telecoil, "t" coil, or "t" switch technology. The rules shall
 1570 further require that hearing aid specialists make available to
 1571 prospective purchasers or clients information regarding
 1572 telecoils, "t" coils, or "t" switches. ~~These rules shall be~~
 1573 ~~effective on or before October 1, 1994.~~

1574 Section 28. Subsection (2) of section 484.0445, Florida
 1575 Statutes, is amended to read:

1576 484.0445 Training program.—

1577 (2) A trainee shall perform the functions of a hearing aid
 1578 specialist in accordance with board rules only under the direct
 1579 supervision of a licensed hearing aid specialist. The term
 1580 "direct supervision" means that the sponsor is responsible for
 1581 all work being performed by the trainee. The sponsor or a
 1582 hearing aid specialist designated by the sponsor shall give
 1583 final approval to work performed by the trainee and shall be
 1584 physically present at the time the prescription hearing aid is
 1585 delivered to the client.

1586 Section 29. Subsection (2) of section 484.045, Florida
 1587 Statutes, is amended to read:

1588 484.045 Licensure by examination.—

1589 (2) The department shall license each applicant who the
 1590 board certifies meets all of the following criteria:

1591 (a) Has completed the application form and remitted the
 1592 required fees.†

1593 (b) Is of good moral character.†

1594 (c) Is 18 years of age or older.†

1595 (d) Is a graduate of an accredited high school or its
 1596 equivalent.†

1597 (e)1. Has met the requirements of the training program; or

1598 2.a. Has a valid, current license as a hearing aid
 1599 specialist or its equivalent from another state and has been
 1600 actively practicing in such capacity for at least 12 months; or

1601 b. Is currently certified by the National Board for
 1602 Certification in Hearing Instrument Sciences and has been
 1603 actively practicing for at least 12 months.‡

1604 (f) Has passed an examination, as prescribed by board
 1605 rule.‡~~and~~

1606 (g) Has demonstrated, in a manner designated by rule of
 1607 the board, knowledge of state laws and rules relating to the
 1608 fitting and dispensing of prescription hearing aids.

1609 Section 30. Section 484.0501, Florida Statutes, is amended
 1610 to read:

1611 484.0501 Minimal procedures and equipment.—

1612 (1) The following minimal procedures shall be used in the
 1613 fitting and selling of prescription hearing aids:

1614 (a) Pure tone audiometric testing by air and bone to
 1615 determine the type and degree of hearing deficiency.

1616 (b) Effective masking when indicated.

1617 (c) Appropriate testing to determine speech reception
 1618 thresholds, speech discrimination scores, the most comfortable
 1619 listening levels, uncomfortable loudness levels, and the
 1620 selection of the best fitting arrangement for maximum hearing
 1621 aid benefit.

1622 (2) The following equipment shall be used:

1623 (a) A wide range audiometer that ~~which~~ meets the
 1624 specifications of the American National Standards Institute for
 1625 diagnostic audiometers.

1626 (b) A speech audiometer or a master hearing aid in order
1627 to determine the most comfortable listening level and speech
1628 discrimination.

1629 (3) A final fitting ensuring physical and operational
1630 comfort of the prescription hearing aid shall be made.

1631 (4) The following medical clearance shall be obtained: If,
1632 upon inspection of the ear canal with an otoscope in the common
1633 procedure of a prescription hearing aid fitter and upon
1634 interrogation of the client, there is any recent history of
1635 infection or any observable anomaly, the client must ~~shall~~ be
1636 instructed to see a physician, and a prescription hearing aid
1637 may ~~shall~~ not be fitted until medical clearance is obtained for
1638 the condition noted. If, upon return, the condition noted is no
1639 longer observable and the client signs a medical waiver, a
1640 prescription hearing aid may be fitted. Any person with a
1641 significant difference between bone conduction hearing and air
1642 conduction hearing must be informed of the possibility of
1643 medical correction.

1644 (5) (a) A prescription hearing aid establishment ~~office~~
1645 must have available, or have access to, a selection of
1646 prescription hearing aid models, hearing aid supplies, and
1647 services complete enough to accommodate the various needs of the
1648 prescription hearing aid wearers.

1649 (b) At the time of the initial examination for fitting and
1650 sale of a prescription hearing aid, the attending hearing aid

1651 specialist shall ~~must~~ notify the prospective purchaser or client
1652 of the benefits of telecoil, "t" coil, or "t" switch technology,
1653 including increased access to telephones and noninvasive access
1654 to assistive listening systems required under the Americans with
1655 Disabilities Act of 1990.

1656 (6) Each audiometric test conducted by a licensee or
1657 authorized trainee in the fitting and selling of prescription
1658 hearing aids must ~~shall~~ be made in a testing room that has been
1659 certified by the department, or by an agent approved by the
1660 department, not to exceed the following sound pressure levels at
1661 the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB,
1662 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB,
1663 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement
1664 shall be made in the case of a client who, after being provided
1665 written notice of the benefits and advantages of having the test
1666 conducted in a certified testing room, requests that the test be
1667 conducted in a place other than the licensee's certified testing
1668 room. Such request must ~~shall~~ be documented by a waiver which
1669 includes the written notice and is signed by the licensee and
1670 the client before ~~prior to~~ the testing. The waiver must ~~shall~~ be
1671 executed on a form provided by the department. The executed
1672 waiver must ~~shall~~ be attached to the client's copy of the
1673 contract, and a copy of the executed waiver must ~~shall~~ be
1674 retained in the licensee's file.

1675 (7) The board may ~~shall have the power to~~ prescribe the

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1676 minimum procedures and equipment which must ~~shall~~ be used in the
1677 conducting of hearing assessments, and for the fitting and
1678 selling of prescription hearing aids, including equipment that
1679 will measure the prescription hearing aid's response curves to
1680 ensure that they meet the manufacturer's specifications. These
1681 procedures and equipment may differ from those provided in this
1682 section in order to take full advantage of devices and equipment
1683 which may hereafter become available and which are demonstrated
1684 to be of greater efficiency and accuracy. The board shall adopt
1685 and enforce rules necessary to implement ~~carry out the~~
1686 ~~provisions of~~ this subsection and subsection (6).

1687 (8) Any duly authorized officer or employee of the
1688 department may ~~shall have the right to~~ make such inspections and
1689 investigations as ~~are necessary in order~~ to determine the state
1690 of compliance with ~~the provisions of~~ this section and the
1691 applicable rules and may enter the premises of a licensee and
1692 inspect the records of same upon reasonable belief that a
1693 violation of this law is being or has been committed or that the
1694 licensee has failed or is failing to comply with ~~the provisions~~
1695 ~~of~~ this part act.

1696 (9) A licensed hearing aid specialist may service, market,
1697 sell, dispense, provide customer support for, and distribute
1698 prescription and over-the-counter hearing aids.

1699 Section 31. Section 484.051, Florida Statutes, is amended
1700 to read:

1701 484.051 Itemization of prices; delivery of prescription
 1702 hearing aid; receipt, packaging, disclaimer, guarantee.—

1703 (1) Before ~~Prior to~~ delivery of services or products to a
 1704 prospective purchaser, any person who fits and sells
 1705 prescription hearing aids must ~~shall~~ disclose on request by the
 1706 prospective purchaser an itemized listing of prices, which must
 1707 ~~listing shall~~ include separate price estimates for each service
 1708 component and each product. Provision of such itemized listing
 1709 of prices may ~~shall~~ not be predicated on the prospective
 1710 purchaser's payment of any charge or agreement to purchase any
 1711 service or product.

1712 (2) Any person who fits and sells a prescription hearing
 1713 aid must ~~shall~~, at the time of delivery, provide the purchaser
 1714 with a receipt containing the seller's signature, the address of
 1715 her or his regular place of business, and her or his license or
 1716 trainee registration number, if applicable, together with the
 1717 brand, model, manufacturer or manufacturer's identification
 1718 code, and serial number of the prescription hearing aid
 1719 furnished and the amount charged for the prescription hearing
 1720 aid. The receipt must also ~~shall~~ specify whether the
 1721 prescription hearing aid is new, used, or rebuilt, ~~and shall~~
 1722 ~~specify~~ the length of time and other terms of the guarantee, and
 1723 by whom the prescription hearing aid is guaranteed. ~~If~~ When the
 1724 client has requested an itemized list of prices, the receipt
 1725 must ~~shall~~ also provide an itemization of the total purchase

1726 price, including, but not limited to, the cost of the aid,
 1727 earmold, batteries and other accessories, and any services.
 1728 Notice of the availability of this service shall be displayed in
 1729 a conspicuous manner in the office. The receipt must also ~~shall~~
 1730 state that any complaint concerning the prescription hearing aid
 1731 and guarantee therefor, if not reconciled with the licensee from
 1732 whom the prescription hearing aid was purchased, should be
 1733 directed by the purchaser to the Department of Health. The
 1734 address and telephone number of such office must ~~shall~~ be stated
 1735 on the receipt.

1736 (3) A prescription ~~No~~ hearing aid may not be sold to any
 1737 person unless both the packaging containing the prescription
 1738 hearing aid and the itemized receipt provided pursuant to
 1739 subsection (2) carry the following disclaimer in 10-point or
 1740 larger type: "A hearing aid will not restore normal hearing, nor
 1741 will it prevent further hearing loss."

1742 Section 32. Section 484.0512, Florida Statutes, is amended
 1743 to read:

1744 484.0512 Thirty-day trial period; purchaser's right to
 1745 cancel; notice; refund; cancellation fee; criminal penalty.—

1746 (1) A person selling a prescription hearing aid in this
 1747 state must provide the buyer with written notice of a 30-day
 1748 trial period and money-back guarantee. The guarantee must permit
 1749 the purchaser to cancel the purchase for a valid reason, as
 1750 defined by ~~rule of the board~~ rule, within 30 days after

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1751 receiving the prescription hearing aid, by returning the
1752 prescription hearing aid or mailing written notice of
1753 cancellation to the seller. If the prescription hearing aid must
1754 be repaired, remade, or adjusted during the 30-day trial period,
1755 the running of the 30-day trial period is suspended 1 day for
1756 each 24-hour period that the prescription hearing aid is not in
1757 the purchaser's possession. A repaired, remade, or adjusted
1758 prescription hearing aid must be claimed by the purchaser within
1759 3 working days after notification of availability. The running
1760 of the 30-day trial period resumes on the day the purchaser
1761 reclaims the repaired, remade, or adjusted prescription hearing
1762 aid or on the fourth day after notification of availability,
1763 whichever occurs earlier.

1764 (2) The board, in consultation with the Board of Speech-
1765 Language Pathology and Audiology, shall prescribe by rule the
1766 terms and conditions to be contained in the money-back guarantee
1767 and any exceptions thereto. Such rules must ~~rule shall~~ provide,
1768 at a minimum, that the charges for earmolds and service provided
1769 to fit the prescription hearing aid may be retained by the
1770 licensee. The rules must ~~shall~~ also set forth any reasonable
1771 charges to be held by the licensee as a cancellation fee. ~~Such~~
1772 ~~rule shall be effective on or before December 1, 1994. Should~~
1773 ~~the board fail to adopt such rule, a licensee may not charge a~~
1774 ~~cancellation fee which exceeds 5 percent of the total charge for~~
1775 ~~a hearing aid alone.~~ The terms and conditions of the guarantee,

1776 including the total amount available for refund, must ~~shall~~ be
 1777 provided in writing to the purchaser before ~~prior to~~ the signing
 1778 of the contract.

1779 (3) Within 30 days after the return or attempted return of
 1780 the prescription hearing aid, the seller shall refund all moneys
 1781 that must be refunded to a purchaser pursuant to this section. A
 1782 violation of this subsection is a misdemeanor of the first
 1783 degree, punishable as provided in s. 775.082 or s. 775.083.

1784 (4) For purposes of this section, the term "seller" or
 1785 "person selling a prescription hearing aid" includes:

1786 (a) Any ~~natural~~ person licensed under this part or any
 1787 other ~~natural~~ person who signs a sales receipt required by s.
 1788 484.051(2) or s. 468.1245(2) or ~~who~~ otherwise fits, delivers, or
 1789 dispenses a prescription hearing aid.

1790 (b) Any business organization, whether a sole
 1791 proprietorship, partnership, corporation, professional
 1792 association, joint venture, business trust, or other legal
 1793 entity, that ~~which~~ dispenses a prescription hearing aid or
 1794 enters into an agreement to dispense a prescription hearing aid.

1795 (c) Any person who controls, manages, or operates an
 1796 establishment or business that dispenses a prescription hearing
 1797 aid or enters into an agreement to dispense a prescription
 1798 hearing aid.

1799 Section 33. Section 484.0513, Florida Statutes, is amended
 1800 to read:

1801 484.0513 Cancellation by medical authorization;
 1802 purchaser's right to return.—

1803 (1) In addition to any other rights and remedies the
 1804 purchaser of a prescription hearing aid may have, the purchaser
 1805 has ~~shall have~~ the right to rescind the transaction if the
 1806 purchaser for whatever reason consults a licensed physician with
 1807 specialty board certification in otolaryngology or internal
 1808 medicine or a licensed family practice physician, subsequent to
 1809 purchasing a prescription hearing aid, and the physician
 1810 certifies in writing that the purchaser has a hearing impairment
 1811 for which a prescription hearing aid will not provide a benefit
 1812 or that the purchaser has a medical condition which
 1813 contraindicates the use of a prescription hearing aid.

1814 (2) The purchaser of a prescription hearing aid has ~~shall~~
 1815 ~~have~~ the right to rescind as provided in subsection (1) only if
 1816 the purchaser gives a written notice of the intent to rescind
 1817 the transaction to the seller at the seller's place of business
 1818 by certified mail, return receipt requested, which must ~~notice~~
 1819 ~~shall~~ be posted within ~~not later than~~ 60 days after ~~following~~
 1820 the date of delivery of the prescription hearing aid to the
 1821 purchaser, and the purchaser returns the prescription hearing
 1822 aid to the seller in the original condition less normal wear and
 1823 tear.

1824 (3) If the conditions of subsections (1) and (2) are met,
 1825 the seller must ~~shall~~, without request, refund to the purchaser,

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1826 within 10 days after ~~of the~~ receipt of the notice to rescind, a
1827 full and complete refund of all moneys received, less 5 percent.
1828 The purchaser does not ~~shall~~ incur any ~~no~~ additional liability
1829 for rescinding the transaction.

1830 Section 34. Section 484.053, Florida Statutes, is amended
1831 to read:

1832 484.053 Prohibitions; penalties.—

1833 (1) A person may not:

1834 (a) Practice dispensing prescription hearing aids unless
1835 the person is a licensed hearing aid specialist;

1836 (b) Use the name or title "hearing aid specialist" when
1837 the person has not been licensed under this part;

1838 (c) Present as her or his own the license of another;

1839 (d) Give false, incomplete, or forged evidence to the
1840 board or a member thereof for the purposes of obtaining a
1841 license;

1842 (e) Use or attempt to use a hearing aid specialist license
1843 that is delinquent or has been suspended, revoked, or placed on
1844 inactive status;

1845 (f) Knowingly employ unlicensed persons in the practice of
1846 dispensing prescription hearing aids; or

1847 (g) Knowingly conceal information relative to violations
1848 of this part.

1849 (2) Any person who violates any provision ~~of the~~
1850 ~~provisions~~ of this section is guilty of a felony of the third

1851 degree, punishable as provided in s. 775.082 or s. 775.083.

1852 (3) If a person licensed under this part allows the sale
 1853 of a prescription hearing aid by an unlicensed person not
 1854 registered as a trainee or fails to comply with the requirements
 1855 of s. 484.0445(2) relating to supervision of trainees, the board
 1856 must ~~shall~~, upon determination of that violation, order the full
 1857 refund of moneys paid by the purchaser upon return of the
 1858 prescription hearing aid to the seller's place of business.

1859 Section 35. Section 484.054, Florida Statutes, is amended
 1860 to read:

1861 484.054 Sale or distribution of prescription hearing aids
 1862 through mail; penalty.—It is unlawful for any person to sell or
 1863 distribute prescription hearing aids through the mail to the
 1864 ultimate consumer. Any violation of this section constitutes a
 1865 misdemeanor of the second degree, punishable as provided in s.
 1866 775.082 or s. 775.083.

1867 Section 36. Section 484.059, Florida Statutes, is amended
 1868 to read:

1869 484.059 Exemptions.—

1870 (1) The licensure requirements of this part do not apply
 1871 to any person engaged in recommending prescription hearing aids
 1872 as part of the academic curriculum of an accredited institution
 1873 of higher education, or as part of a program conducted by a
 1874 public charitable institution supported primarily by voluntary
 1875 contribution, provided this organization does not dispense or

1876 | sell prescription hearing aids or accessories.

1877 | (2) The licensure requirements of this part do not apply
1878 | to any person licensed to practice medicine in this ~~the~~ state,
1879 | except that such physician must ~~shall~~ comply with the
1880 | requirement of periodic filing of the certificate of testing and
1881 | calibration of audiometric equipment as provided in this part. A
1882 | ~~No~~ person employed by or working under the supervision of a
1883 | person licensed to practice medicine may not ~~shall~~ perform any
1884 | services or acts which would constitute the dispensing of
1885 | prescription hearing aids as defined in s. 484.041 ~~s.~~
1886 | ~~484.041(3)~~, unless such person is a licensed hearing aid
1887 | specialist.

1888 | (3) The licensure requirements of this part do not apply
1889 | to an audiologist licensed under ~~pursuant to~~ part I of chapter
1890 | 468.

1891 | (4) Section ~~The provisions of s.~~ 484.053(1)(a) does ~~shall~~
1892 | not apply to registered trainees operating in compliance with
1893 | this part and board rules ~~of the board~~.

1894 | (5) The licensure requirements of this part do not apply
1895 | to a person who services, markets, sells, dispenses, provides
1896 | customer support for, or distributes exclusively over-the-
1897 | counter hearing aids, whether through in-person transactions, by
1898 | mail, or online. For purposes of this subsection, over-the-
1899 | counter hearing aids are those that are available without the
1900 | supervision, prescription, or other order, involvement, or

1901 intervention of a licensed person to consumers through in-person
1902 transactions, by mail, or online. These devices allow the user
1903 to control the device and customize it to the user's hearing
1904 needs through the use of tools, tests, or software, including,
1905 but not limited to, wireless technology or tests for self-
1906 assessment of hearing loss.

1907 Section 37. The Division of Law Revision is directed to
1908 replace the phrase "the effective date of this act" wherever it
1909 occurs in this act with the date the act becomes a law.

1910 Section 38. Except as otherwise expressly provided in this
1911 act and except for this section, which shall take effect upon
1912 this act becoming a law, this act shall take effect July 1,
1913 2023.