

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; revising
19 background screening requirements for certain
20 individuals; amending s. 381.988, F.S.; requiring
21 medical marijuana testing laboratories to subject
22 their employees to background screenings; revising
23 background screening requirements for certain
24 individuals; amending s. 382.005, F.S.; requiring
25 local registrars to electronically file all live

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

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

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

98
 99 Be It Enacted by the Legislature of the State of Florida:
 100

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

103 381.875 Enhanced potential pandemic pathogen research
104 prohibited.—

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

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

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

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

117 1. Highly transmissible and capable of wide,
118 uncontrollable spread in human populations; and

119 2. Highly virulent, making it likely to cause significant
120 morbidity or mortality in humans.

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

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

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

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

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

140 381.986 Medical use of marijuana.—

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

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

150 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

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

166 (c) Before being employed as a medical director, ~~as~~
 167 ~~defined in paragraph (1)(i),~~ and before each license renewal, a
 168 medical director must successfully complete a 2-hour course and
 169 subsequent examination offered by the Florida Medical
 170 Association or the Florida Osteopathic Medical Association which
 171 encompass the requirements of this section and any rules adopted
 172 hereunder. The course and examination must ~~shall~~ be administered
 173 at least annually and may be offered in a distance learning
 174 format, including an electronic, online format that is available
 175 upon request. The price of the course may not exceed \$500.

176 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

201 be granted from the requirements in subparagraph 2. and
202 subparagraphs (b)1. and 2.

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

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

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

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

221 d. Requested information omitted from an application for
222 licensure must be filed with the department within 21 days after
223 the department's request for omitted information or the
224 application shall be deemed incomplete and shall be withdrawn
225 from further consideration and the fees shall be forfeited.

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

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

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

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

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

248 6. When growing marijuana, a medical marijuana treatment
 249 center:

250 a. May use pesticides determined by the department, after

251 consultation with the Department of Agriculture and Consumer
252 Services, to be safely applied to plants intended for human
253 consumption, but may not use pesticides designated as
254 restricted-use pesticides pursuant to s. 487.042.

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

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

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

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

267 8. A medical marijuana treatment center that produces
268 edibles must hold a permit to operate as a food establishment
269 pursuant to chapter 500, the Florida Food Safety Act, and must
270 comply with all the requirements for food establishments
271 pursuant to chapter 500 and any rules adopted thereunder.
272 Edibles may not contain more than 200 milligrams of
273 tetrahydrocannabinol, and a single serving portion of an edible
274 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
275 may have a potency variance of no greater than 15 percent.

276 Marijuana products, including edibles, may not be attractive to
277 children; be manufactured in the shape of humans, cartoons, or
278 animals; be manufactured in a form that bears any reasonable
279 resemblance to products available for consumption as
280 commercially available candy; or contain any color additives. To
281 discourage consumption of edibles by children, the department
282 shall determine by rule any shapes, forms, and ingredients
283 allowed and prohibited for edibles. Medical marijuana treatment
284 centers may not begin processing or dispensing edibles until
285 after the effective date of the rule. The department shall also
286 adopt sanitation rules providing the standards and requirements
287 for the storage, display, or dispensing of edibles.

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

297 10. A medical marijuana treatment center that produces
298 prerolled marijuana cigarettes may not use wrapping paper made
299 with tobacco or hemp.

300 11. When processing marijuana, a medical marijuana

301 treatment center must:

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

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

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

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

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

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

376 treatment center may use a laboratory that has not been
377 certified by the department under s. 381.988 until such time as
378 at least one laboratory holds the required certification, but in
379 no event later than July 1, 2018.

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

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

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

387 (II) The name of the medical marijuana treatment center
388 from which the marijuana originates.

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

391 (IV) The name of the physician who issued the physician
392 certification.

393 (V) The name of the patient.

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

399 (VII) The recommended dose.

400 (VIII) A warning that it is illegal to transfer medical

401 marijuana to another person.

402 (IX) A marijuana universal symbol developed by the
403 department.

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

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

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

424 14. The department shall adopt rules to regulate the
425 types, appearance, and labeling of marijuana delivery devices

426 dispensed from a medical marijuana treatment center. The rules
427 must require marijuana delivery devices to have an appearance
428 consistent with medical use.

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

442 16. When dispensing marijuana or a marijuana delivery
443 device, a medical marijuana treatment center:

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

449 b. May not dispense more than a 70-day supply of marijuana
450 within any 70-day period to a qualified patient or caregiver.

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

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

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

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

472 f. May not dispense or sell any other type of cannabis,
473 alcohol, or illicit drug-related product, including pipes or
474 wrapping papers made with tobacco or hemp, other than a
475 marijuana delivery device required for the medical use of

476 marijuana and which is specified in a physician certification.

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

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

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

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

498 2. A medical marijuana treatment center may engage in
499 Internet advertising and marketing under the following
500 conditions:

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

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

506 c. An advertisement may not be an unsolicited pop-up
 507 advertisement.

508 d. Opt-in marketing must include an easy and permanent
 509 opt-out feature.

510 (9) BACKGROUND SCREENING.—An individual required to
 511 undergo a background screening pursuant to this section must
 512 pass a level 2 background screening as provided under chapter
 513 435, which, in addition to the disqualifying offenses provided
 514 in s. 435.04, shall exclude an individual who has an arrest
 515 awaiting final disposition for, has been found guilty of,
 516 regardless of adjudication, or has entered a plea of nolo
 517 contendere or guilty to an offense under chapter 837, chapter
 518 895, or chapter 896 or similar law of another jurisdiction.
 519 Exemptions from disqualification as provided under s. 435.07 do
 520 not apply to this subsection.

521 (a) Such individual must submit a full set of fingerprints
 522 to the department or to a vendor, entity, or agency authorized
 523 by s. 943.053(13). The department, vendor, entity, or agency
 524 shall forward the fingerprints to the Department of Law
 525 Enforcement for state processing, and the Department of Law

526 Enforcement shall forward the fingerprints to the Federal Bureau
 527 of Investigation for national processing.

528 (b) Fees for state and federal fingerprint processing and
 529 retention shall be borne by the medical marijuana treatment
 530 center or caregiver, as applicable individual. The state cost
 531 for fingerprint processing shall be as provided in s.
 532 943.053(3)(e) for records provided to persons or entities other
 533 than those specified as exceptions therein.

534 (c) Fingerprints submitted to the Department of Law
 535 Enforcement pursuant to this subsection shall be retained by the
 536 Department of Law Enforcement as provided in s. 943.05(2)(g) and
 537 (h) and, when the Department of Law Enforcement begins
 538 participation in the program, enrolled in the Federal Bureau of
 539 Investigation's national retained print arrest notification
 540 program. Any arrest record identified shall be reported to the
 541 department.

542 Section 3. Paragraph (d) of subsection (1) of section
 543 381.988, Florida Statutes, is amended to read:

544 381.988 Medical marijuana testing laboratories; marijuana
 545 tests conducted by a certified laboratory.—

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

548 (d) Require all employees, owners, and managers to submit
 549 to and pass a level 2 background screening pursuant to chapter
 550 435. The department ~~s. 435.04~~ and shall deny certification if

551 the person or entity seeking certification has a disqualifying
552 offense as provided in s. 435.04 or has an arrest awaiting final
553 disposition for, has been found guilty of, or has entered a plea
554 of guilty or nolo contendere to, regardless of adjudication, any
555 offense listed in chapter 837, chapter 895, or chapter 896 or
556 similar law of another jurisdiction. Exemptions from
557 disqualification as provided under s. 435.07 do not apply to
558 this paragraph.

559 1. Such employees, owners, and managers must submit a full
560 set of fingerprints to the department or to a vendor, entity, or
561 agency authorized by s. 943.053(13). The department, vendor,
562 entity, or agency shall forward the fingerprints to the
563 Department of Law Enforcement for state processing, and the
564 Department of Law Enforcement shall forward the fingerprints to
565 the Federal Bureau of Investigation for national processing.

566 2. Fees for state and federal fingerprint processing and
567 retention shall be borne by the certified marijuana testing
568 laboratory ~~such owners or managers~~. The state cost for
569 fingerprint processing shall be as provided in s. 943.053(3) (e)
570 for records provided to persons or entities other than those
571 specified as exceptions therein.

572 3. Fingerprints submitted to the Department of Law
573 Enforcement pursuant to this paragraph shall be retained by the
574 Department of Law Enforcement as provided in s. 943.05(2) (g) and
575 (h) and, when the Department of Law Enforcement begins

576 participation in the program, enrolled in the Federal Bureau of
 577 Investigation's national retained print arrest notification
 578 program. Any arrest record identified shall be reported to the
 579 department.

580 Section 4. Section 382.005, Florida Statutes, is amended
 581 to read:

582 382.005 Duties of local registrars.—

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

588 (2) Each local registrar must electronically file all live
 589 birth, death, and fetal death records within their respective
 590 jurisdictions in the department's electronic registration
 591 system. If the department's electronic registration system is
 592 unavailable, the local registrar must file a paper record with
 593 the department.

594 (3) Each local registrar must ~~shall~~ make ~~available~~ blank
 595 forms available if the department's electronic registration
 596 system is unavailable, as necessary and must ~~shall~~ examine each
 597 paper certificate of live birth, death, or fetal death when
 598 presented for registration in order to ascertain whether ~~or not~~
 599 it has been completed in accordance with ~~the provisions of this~~
 600 chapter and adopted rules. All paper birth, death, and fetal

601 death certificates must ~~shall~~ be typewritten in permanent black
602 ink, and a paper certificate is not complete and correct if it
603 does not supply each item of information called for or
604 satisfactorily account for its omission.

605 ~~(4)-(3)~~ The local registrar or his or her deputy, if
606 authorized by the department, shall sign as registrar in
607 attestation of the date of registration of any paper records
608 filed, and may also make and preserve a local paper record of
609 each birth, death, and fetal death certificate registered by him
610 or her, in such manner as directed by the department. The local
611 registrar shall transmit daily to the department all original
612 paper certificates registered. If no births, deaths, or fetal
613 deaths occurred in any month, the local registrar or deputy
614 shall, on the 7th day of the following month, report that fact
615 to the department on a form provided for such purpose.

616 ~~(5)-(4)~~ Each local registrar, immediately upon appointment,
617 shall designate one or more deputy registrars to act on behalf
618 of the local registrar.

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

621 382.008 Death, fetal death, and nonviable birth
622 registration.—

623 (2) (a) The funeral director who first assumes custody of a
624 dead body or fetus shall electronically file the certificate of
625 death or fetal death. In the absence of the funeral director,

626 the physician, physician assistant, advanced practice registered
627 nurse registered under s. 464.0123, or other person in
628 attendance at or after the death or the district medical
629 examiner of the county in which the death occurred or the body
630 was found shall electronically file the certificate of death or
631 fetal death. The person who files the certificate shall obtain
632 personal data from a legally authorized person as described in
633 s. 497.005 or the best qualified person or source available. The
634 medical certification of cause of death must ~~shall~~ be furnished
635 to the funeral director, either in person or via certified mail
636 or electronic transfer, by the physician, physician assistant,
637 advanced practice registered nurse registered under s. 464.0123,
638 or medical examiner responsible for furnishing such information.
639 For fetal deaths, the physician, physician assistant, advanced
640 practice registered nurse registered under s. 464.0123, midwife,
641 or hospital administrator shall provide any medical or health
642 information to the funeral director within 72 hours after
643 expulsion or extraction.

644 (b) The State Registrar shall ~~may~~ receive electronically a
645 certificate of death, fetal death, or nonviable birth which is
646 required to be filed with the registrar under this chapter
647 through facsimile or other electronic transfer for the purpose
648 of filing the certificate. The receipt of a certificate of
649 death, fetal death, or nonviable birth by electronic transfer
650 constitutes delivery to the State Registrar as required by law.

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

653 382.009 Recognition of brain death under certain
 654 circumstances.—

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

658 (a) If the patient's treating health care practitioner is
 659 a physician licensed under chapter 458 or chapter 459, the
 660 determination must be made by that physician and a second
 661 physician ~~two physicians~~ licensed under chapter 458 or chapter
 662 459 who is. ~~One physician shall be the treating physician, and~~
 663 ~~the other physician shall be a board-eligible or board-certified~~
 664 neurologist, neurosurgeon, internist, pediatrician, surgeon, or
 665 anesthesiologist.

666 (b) If the patient's treating health care practitioner is
 667 an autonomous advanced practice registered nurse registered
 668 under s. 464.0123, the determination must be made by that
 669 practitioner and two physicians licensed under chapter 458 or
 670 chapter 459. Each physician must be a board-eligible or board-
 671 certified neurologist, neurosurgeon, internist, pediatrician,
 672 surgeon, or anesthesiologist.

673 Section 7. Section 382.013, Florida Statutes, is amended
 674 to read:

675 382.013 Birth registration.—A certificate for each live

676 birth that occurs in this state shall be filed within 5 days
677 after such birth in the department's electronic registration
678 system with the local registrar of the district in which the
679 birth occurred and shall be registered by the local registrar if
680 the certificate has been completed and filed in accordance with
681 this chapter and adopted rules. The information regarding
682 registered births shall be used for comparison with information
683 in the state case registry, as defined in chapter 61.

684 (1) FILING.—

685 (a) If a birth occurs in a hospital, birth center, or
686 other health care facility, or en route thereto, the person in
687 charge of the facility is ~~shall be~~ responsible for preparing the
688 certificate, certifying the facts of the birth, and filing the
689 certificate in the department's electronic registration system
690 with the local registrar. Within 48 hours after the birth, the
691 physician, midwife, or person in attendance during or
692 immediately after the delivery shall provide the facility with
693 the medical information required by the birth certificate.

694 (b) If a birth occurs outside a facility and a physician
695 licensed in this state, a certified nurse midwife, a midwife
696 licensed in this state, or a public health nurse employed by the
697 department was in attendance during or immediately after the
698 delivery, that person shall prepare and file the certificate.

699 (c) If a birth occurs outside a facility and the delivery
700 is not attended by one of the persons described in paragraph

701 (b), the person in attendance, the mother, or the father shall
702 report the birth to the registrar and provide proof of the facts
703 of birth. The department may require such documents to be
704 presented and such proof to be filed as it deems necessary and
705 sufficient to establish the truth of the facts to be recorded by
706 the certificate and may withhold registering the birth until its
707 requirements are met.

708 (d) If a birth occurs in a moving conveyance and the child
709 is first removed from the conveyance in this state, the birth
710 shall be filed and registered in this state and the place to
711 which the child is first removed shall be considered the place
712 of birth.

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

716 (f) If a certificate of live birth is incomplete, the
717 local registrar shall immediately notify the health care
718 facility or person filing the certificate and shall require the
719 completion of the missing items of information if they can be
720 obtained before ~~prior to~~ issuing certified copies of the birth
721 certificate.

722 (g) Regardless of any plan to place a child for adoption
723 after birth, the information on the birth certificate as
724 required by this section must be as to the child's birth parents
725 unless and until an application for a new birth record is made

726 | under s. 63.152.

727 | (h) The State Registrar may receive electronically a birth
728 | certificate for each live birth which is required to be filed
729 | with the registrar under this chapter through facsimile or other
730 | electronic transfer for the purpose of filing the birth
731 | certificate. The receipt of a birth certificate by electronic
732 | transfer constitutes delivery to the State Registrar as required
733 | by law.

734 | (2) PATERNITY.—

735 | (a) If the mother is married at the time of birth, the
736 | name of the husband shall be entered on the birth certificate as
737 | the father of the child, unless paternity has been determined
738 | otherwise by a court of competent jurisdiction.

739 | (b) Notwithstanding paragraph (a), if the husband of the
740 | mother dies while the mother is pregnant but before the birth of
741 | the child, the name of the deceased husband shall be entered on
742 | the birth certificate as the father of the child, unless
743 | paternity has been determined otherwise by a court of competent
744 | jurisdiction.

745 | (c) If the mother is not married at the time of the birth,
746 | the name of the father may not be entered on the birth
747 | certificate without the execution of an affidavit signed by both
748 | the mother and the person to be named as the father. The
749 | facility shall give notice orally or through the use of video or
750 | audio equipment, and in writing, of the alternatives to, the

751 legal consequences of, and the rights, including, if one parent
752 is a minor, any rights afforded due to minority status, and
753 responsibilities that arise from signing an acknowledgment of
754 paternity, as well as information provided by the Title IV-D
755 agency established pursuant to s. 409.2557, regarding the
756 benefits of voluntary establishment of paternity. Upon request
757 of the mother and the person to be named as the father, the
758 facility shall assist in the execution of the affidavit, a
759 notarized voluntary acknowledgment of paternity, or a voluntary
760 acknowledgment of paternity that is witnessed by two individuals
761 and signed under penalty of perjury as specified by s.
762 92.525(2).

763 (d) If the paternity of the child is determined by a court
764 of competent jurisdiction as provided under s. 382.015 or there
765 is a final judgment of dissolution of marriage which requires
766 the former husband to pay child support for the child, the name
767 of the father and the surname of the child shall be entered on
768 the certificate in accordance with the finding and order of the
769 court. If the court fails to specify a surname for the child,
770 the surname shall be entered in accordance with subsection (3).

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

775 (f) If the mother and father marry each other at any time

776 after the child's birth, upon receipt of a marriage license that
777 identifies any such child, the department shall amend the
778 certificate with regard to the parents' marital status as though
779 the parents were married at the time of birth.

780 (g) If the father is not named on the certificate, no
781 other information about the father shall be entered on the
782 certificate.

783 (3) NAME OF CHILD.—

784 (a) If the mother is married at the time of birth, the
785 mother and father whose names are entered on the birth
786 certificate shall select the given names and surname of the
787 child if both parents have custody of the child, otherwise the
788 parent who has custody shall select the child's name.

789 (b) If the mother and father whose names are entered on
790 the birth certificate disagree on the surname of the child and
791 both parents have custody of the child, the surname selected by
792 the father and the surname selected by the mother shall both be
793 entered on the birth certificate, separated by a hyphen, with
794 the selected names entered in alphabetical order. If the parents
795 disagree on the selection of a given name, the given name may
796 not be entered on the certificate until a joint agreement that
797 lists the agreed upon given name and is notarized by both
798 parents is submitted to the department, or until a given name is
799 selected by a court.

800 (c) If the mother is not married at the time of birth, the

801 parent who will have custody of the child shall select the
802 child's given name and surname.

803 (d) If multiple names of the child exceed the space
804 provided on the face of the birth certificate they shall be
805 listed on the back of the certificate. Names listed on the back
806 of the certificate shall be part of the official record.

807 (4) UNDETERMINED PARENTAGE.—The person having custody of a
808 child of undetermined parentage shall register a birth
809 certificate showing all known or approximate facts relating to
810 the birth. To assist in later determination, information
811 concerning the place and circumstances under which the child was
812 found shall be included on the portion of the birth certificate
813 relating to marital status and medical details. In the event the
814 child is later identified, a new birth certificate shall be
815 prepared which shall bear the same number as the original birth
816 certificate, and the original certificate shall be sealed and
817 filed, shall be confidential and exempt from the provisions of
818 s. 119.07(1), and shall not be opened to inspection by, nor
819 shall certified copies of the same be issued except by court
820 order to, any person other than the registrant if of legal age.

821 (5) DISCLOSURE.—The original certificate of live birth
822 shall contain all the information required by the department for
823 legal, social, and health research purposes. However, all
824 information concerning parentage, marital status, and medical
825 details shall be confidential and exempt from the provisions of

826 s. 119.07(1), except for health research purposes as approved by
827 the department, nor shall copies of the same be issued except as
828 provided in s. 382.025.

829 Section 8. Section 382.015, Florida Statutes, is amended
830 to read:

831 382.015 New certificates of live birth; duty of clerks of
832 court and department.—The clerk of the court in which any
833 proceeding for adoption, annulment of an adoption, affirmation
834 of parental status, or determination of paternity is to be
835 registered, shall within 30 days after the final disposition,
836 forward electronically to the department a certified copy of the
837 court order, or a report of the proceedings upon a form to be
838 furnished by the department, together with sufficient
839 information to identify the original birth certificate and to
840 enable the preparation of a new birth certificate. The clerk of
841 the court shall implement a monitoring and quality control plan
842 to ensure that all judicial determinations of paternity are
843 reported to the department in compliance with this section. The
844 department shall track paternity determinations reported monthly
845 by county, monitor compliance with the 30-day timeframe, and
846 report the data to the clerks of the court quarterly.

847 (1) ADOPTION AND ANNULMENT OF ADOPTION.—

848 (a) Upon receipt of the report or certified copy of an
849 adoption decree, together with the information necessary to
850 identify the original certificate of live birth, and establish a

851 new certificate, the department shall prepare and file a new
852 birth certificate, absent objection by the court decreeing the
853 adoption, the adoptive parents, or the adoptee if of legal age.
854 The certificate shall bear the same file number as the original
855 birth certificate. All names and identifying information
856 relating to the adoptive parents entered on the new certificate
857 shall refer to the adoptive parents, but nothing in the
858 certificate shall refer to or designate the parents as being
859 adoptive. All other items not affected by adoption shall be
860 copied as on the original certificate, including the date of
861 registration and filing.

862 (b) Upon receipt of the report or certified copy of an
863 annulment-of-adoption decree, together with the sufficient
864 information to identify the original certificate of live birth,
865 the department shall, if a new certificate of birth was filed
866 following an adoption report or decree, remove the new
867 certificate and restore the original certificate to its original
868 place in the files, and the certificate so removed shall be
869 sealed by the department.

870 (c) Upon receipt of a report or certified copy of an
871 adoption decree or annulment-of-adoption decree for a person
872 born in another state, the department shall forward the report
873 or decree to the state of the registrant's birth. If the adoptee
874 was born in Canada, the department shall send a copy of the
875 report or decree to the appropriate birth registration authority

876 in Canada.

877 (2) DETERMINATION OF PATERNITY.—Upon receipt of the
878 report, a certified copy of a final decree of determination of
879 paternity, or a certified copy of a final judgment of
880 dissolution of marriage which requires the former husband to pay
881 child support for the child, together with sufficient
882 information to identify the original certificate of live birth,
883 the department shall prepare and file a new birth certificate,
884 which shall bear the same file number as the original birth
885 certificate. The registrant's name shall be entered as decreed
886 by the court or as reflected in the final judgment or support
887 order. The names and identifying information of the parents
888 shall be entered as of the date of the registrant's birth.

889 (3) AFFIRMATION OF PARENTAL STATUS.—Upon receipt of an
890 order of affirmation of parental status issued pursuant to s.
891 742.16, together with sufficient information to identify the
892 original certificate of live birth, the department shall prepare
893 and file a new birth certificate which shall bear the same file
894 number as the original birth certificate. The names and
895 identifying information of the registrant's parents entered on
896 the new certificate shall be the commissioning couple, but the
897 new certificate may not make reference to or designate the
898 parents as the commissioning couple.

899 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
900 ORIGINAL.—When a new certificate of birth is prepared, the

901 department shall substitute the new certificate of birth for the
902 original certificate on file. All copies of the original
903 certificate of live birth in the custody of a local registrar or
904 other state custodian of vital records shall be forwarded to the
905 State Registrar. Thereafter, when a certified copy of the
906 certificate of birth or portion thereof is issued, it shall be a
907 copy of the new certificate of birth or portion thereof, except
908 when a court order requires issuance of a certified copy of the
909 original certificate of birth. In an adoption, change in
910 paternity, affirmation of parental status, undetermined
911 parentage, or court-ordered substitution, the department shall
912 place the original certificate of birth and all papers
913 pertaining thereto under seal, not to be broken except by order
914 of a court of competent jurisdiction or as otherwise provided by
915 law.

916 (5) FORM.—Except for certificates of foreign birth which
917 are registered as provided in s. 382.017, and delayed
918 certificates of birth which are registered as provided in ss.
919 382.019 and 382.0195, all original, new, or amended certificates
920 of live birth shall be identical in form, regardless of the
921 marital status of the parents or the fact that the registrant is
922 adopted or of undetermined parentage.

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

925 Section 9. Section 382.021, Florida Statutes, is amended

926 to read:

927 382.021 Department to receive marriage licenses.—Weekly ~~On~~
 928 or before the 5th day of each month, the county court judge or
 929 clerk of the circuit court shall electronically transmit all
 930 original marriage licenses, with endorsements, received during
 931 the preceding calendar week ~~month~~, to the department. Any
 932 marriage licenses issued and not returned or any marriage
 933 licenses returned but not recorded shall be reported by the
 934 issuing county court judge or clerk of the circuit court to the
 935 department at the time of transmitting the recorded licenses on
 936 the forms to be prescribed and furnished by the department. If
 937 during any month no marriage licenses are issued or returned,
 938 the county court judge or clerk of the circuit court shall
 939 report such fact to the department upon forms prescribed and
 940 furnished by the department.

941 Section 10. Section 382.023, Florida Statutes, is amended
 942 to read:

943 382.023 Department to receive dissolution-of-marriage
 944 records; fees.—Clerks of the circuit courts shall collect for
 945 their services at the time of the filing of a final judgment of
 946 dissolution of marriage a fee of up to \$10.50, of which 43
 947 percent shall be retained by the clerk of the circuit court as a
 948 part of the cost in the cause in which the judgment is granted.
 949 The remaining 57 percent shall be remitted to the Department of
 950 Revenue for deposit to the Department of Health to defray part

951 of the cost of maintaining the dissolution-of-marriage records.
 952 A record of each and every judgment of dissolution of marriage
 953 granted by the court during the preceding calendar month, giving
 954 names of parties and such other data as required by forms
 955 prescribed by the department, shall be electronically
 956 transmitted to the department weekly, ~~on~~ or before the 10th day
 957 of each month, along with an accounting of the funds remitted to
 958 the Department of Revenue pursuant to this section.

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

961 382.025 Certified copies of vital records;
 962 confidentiality; research.—

963 (1) BIRTH RECORDS.—Except for birth records over 125 ~~100~~
 964 years old which are not under seal pursuant to court order, all
 965 birth records of this state shall be confidential and are exempt
 966 from the provisions of s. 119.07(1).

967 (a) Certified copies of the original birth certificate or
 968 a new or amended certificate, or affidavits thereof, are
 969 confidential and exempt from the provisions of s. 119.07(1) and,
 970 upon receipt of a request and payment of the fee prescribed in
 971 s. 382.0255, shall be issued only as authorized by the
 972 department and in the form prescribed by the department, and
 973 only:

974 1. To the registrant, if the registrant is of legal age,
 975 is a certified homeless youth, or is a minor who has had the

976 disabilities of nonage removed under s. 743.01 or s. 743.015;

977 2. To the registrant's parent or guardian or other legal
978 representative;

979 3. Upon receipt of the registrant's death certificate, to
980 the registrant's spouse or to the registrant's child,
981 grandchild, or sibling, if of legal age, or to the legal
982 representative of any ~~of~~ such person ~~persons~~;

983 4. To any person if the birth record is more than 125 ~~over~~
984 ~~100~~ years old and not under seal pursuant to court order;

985 5. To a law enforcement agency for official purposes;

986 6. To any agency of the state or the United States for
987 official purposes upon approval of the department; or

988 7. Upon order of any court of competent jurisdiction.

989 (b) To protect the integrity of vital records and prevent
990 the fraudulent use of the birth certificates of deceased
991 persons, the department shall match birth and death certificates
992 and post the fact of death to the appropriate birth certificate.
993 Except for a commemorative birth certificate, any certification
994 of a birth certificate of a deceased registrant shall be marked
995 "deceased." In the case of a commemorative birth certificate,
996 such indication of death shall be made on the back of the
997 certificate.

998 (c) The department shall issue, upon request and upon
999 payment of an additional fee as prescribed under s. 382.0255, a
1000 commemorative birth certificate representing that the birth of

1001 the person named thereon is recorded in the office of the
 1002 registrar. The certificate issued under this paragraph shall be
 1003 in a form consistent with the need to protect the integrity of
 1004 vital records but shall be suitable for display. It may bear the
 1005 seal of the state printed thereon and may be signed by the
 1006 Governor.

1007 (4) CERTIFIED COPIES OF ORIGINAL CERTIFICATES.—Only the
 1008 state registrar, ~~and~~ local registrars, and those persons
 1009 appointed by the department are authorized to issue any
 1010 certificate which purports to be a certified copy of an original
 1011 certificate of live birth, death, or fetal death. Except as
 1012 provided in this section, preparing or issuing certificates is
 1013 exempt from the provisions of s. 119.07(1).

1014 Section 12. Subsections (3), (4), and (5) of section
 1015 401.27, Florida Statutes, are amended to read:

1016 401.27 Personnel; standards and certification.—

1017 (3) Any person who desires to be certified or recertified
 1018 as an emergency medical technician or paramedic must apply to
 1019 the department ~~under oath~~ on forms provided by the department
 1020 which shall contain such information as the department
 1021 reasonably requires, which may include affirmative evidence of
 1022 ability to comply with applicable laws and rules. The department
 1023 shall determine whether the applicant meets the requirements
 1024 specified in this section and in rules of the department and
 1025 shall issue a certificate to any person who meets such

1026 requirements.

1027 (4) An applicant for certification or recertification as
 1028 an emergency medical technician or paramedic must:

1029 (a) Have completed an appropriate training program as
 1030 follows:

1031 1. For an emergency medical technician, an emergency
 1032 medical technician training program approved by the department
 1033 as equivalent to the most recent EMT-Basic National Standard
 1034 Curriculum or the National EMS Education Standards of the United
 1035 States Department of Transportation;

1036 2. For a paramedic, a paramedic training program approved
 1037 by the department as equivalent to the most recent EMT-Paramedic
 1038 National Standard Curriculum or the National EMS Education
 1039 Standards of the United States Department of Transportation;

1040 (b) Attest ~~Certify under oath~~ that he or she is not
 1041 addicted to alcohol or any controlled substance;

1042 (c) Attest ~~Certify under oath~~ that he or she is free from
 1043 any physical or mental defect or disease that might impair the
 1044 applicant's ability to perform his or her duties;

1045 (d) Within 2 years after program completion have passed an
 1046 examination developed or required by the department;

1047 (e)1. For an emergency medical technician, hold a current
 1048 American Heart Association cardiopulmonary resuscitation course
 1049 card or an American Red Cross cardiopulmonary resuscitation
 1050 course card or its equivalent as defined by department rule;

1051 2. For a paramedic, hold a certificate of successful
1052 course completion in advanced cardiac life support from the
1053 American Heart Association or its equivalent as defined by
1054 department rule;

1055 (f) Submit the certification fee and the nonrefundable
1056 examination fee prescribed in s. 401.34, which examination fee
1057 will be required for each examination administered to an
1058 applicant; and

1059 (g) Submit a completed application to the department,
1060 which application documents compliance with paragraphs (a), (b),
1061 (c), (e), (f), and this paragraph, and, if applicable, paragraph
1062 (d). ~~The application must be submitted so as to be received by~~
1063 ~~the department at least 30 calendar days before the next~~
1064 ~~regularly scheduled examination for which the applicant desires~~
1065 ~~to be scheduled.~~

1066 ~~(5) The certification examination must be offered monthly.~~
1067 ~~The department shall issue an examination admission notice to~~
1068 ~~the applicant advising him or her of the time and place of the~~
1069 ~~examination for which he or she is scheduled. Individuals~~
1070 ~~achieving a passing score on the certification examination may~~
1071 ~~be issued a temporary certificate with their examination grade~~
1072 ~~report. The department must issue an original certification~~
1073 ~~within 45 days after the examination. Examination questions and~~
1074 ~~answers are not subject to discovery but may be introduced into~~
1075 ~~evidence and considered only in camera in any administrative~~

1076 ~~proceeding under chapter 120. If an administrative hearing is~~
 1077 ~~held, the department shall provide challenged examination~~
 1078 ~~questions and answers to the administrative law judge. The~~
 1079 ~~department shall establish by rule the procedure by which an~~
 1080 ~~applicant, and the applicant's attorney, may review examination~~
 1081 ~~questions and answers in accordance with s. 119.071(1)(a).~~

1082 Section 13. Paragraph (a) of subsection (1) of section
 1083 401.2701, Florida Statutes, is amended to read:

1084 401.2701 Emergency medical services training programs.—

1085 (1) Any private or public institution in Florida desiring
 1086 to conduct an approved program for the education of emergency
 1087 medical technicians and paramedics shall:

1088 (a) Submit a completed application on a form provided by
 1089 the department, which must include:

1090 1. Evidence that the institution is in compliance with all
 1091 applicable requirements of the Department of Education.

1092 2. Evidence of an affiliation agreement with a hospital
 1093 that has an emergency department staffed by at least one
 1094 physician and one registered nurse.

1095 3. Evidence of an affiliation agreement with a current
 1096 emergency medical services provider that is licensed in this
 1097 state. Such agreement shall include, at a minimum, a commitment
 1098 by the provider to conduct the field experience portion of the
 1099 education program. An applicant licensed as an advanced life
 1100 support service under s. 401.25 with permitted transport

1101 vehicles pursuant to s. 401.26 is exempt from the requirements
1102 of this subparagraph and need not submit evidence of an
1103 affiliation agreement with a current emergency medical services
1104 provider.

1105 4. Documentation verifying faculty, including:

1106 a. A medical director who is a licensed physician meeting
1107 the applicable requirements for emergency medical services
1108 medical directors as outlined in this chapter and rules of the
1109 department. The medical director shall have the duty and
1110 responsibility of certifying that graduates have successfully
1111 completed all phases of the education program and are proficient
1112 in basic or advanced life support techniques, as applicable.

1113 b. A program director responsible for the operation,
1114 organization, periodic review, administration, development, and
1115 approval of the program.

1116 5. Documentation verifying that the curriculum:

1117 a. Meets the most recent Emergency Medical Technician-
1118 Basic National Standard Curriculum or the National EMS Education
1119 Standards approved by the department for emergency medical
1120 technician programs and Emergency Medical Technician-Paramedic
1121 National Standard Curriculum or the National EMS Education
1122 Standards approved by the department for paramedic programs.

1123 b. Includes 2 hours of instruction on the trauma scorecard
1124 methodologies for assessment of adult trauma patients and
1125 pediatric trauma patients as specified by the department by

1126 rule.

1127 6. Evidence of sufficient medical and educational
 1128 equipment to meet emergency medical services training program
 1129 needs.

1130 Section 14. Section 401.272, Florida Statutes, is amended
 1131 to read:

1132 401.272 Emergency medical services community health care.—

1133 (1) The purpose of this section is to encourage more
 1134 effective utilization of the skills of emergency medical
 1135 technicians and paramedics by enabling them to perform, ~~in~~
 1136 ~~partnership with local county health departments,~~ specific
 1137 additional health care tasks that are consistent with the public
 1138 health and welfare.

1139 (2) Notwithstanding any other provision of law to the
 1140 contrary:

1141 (a) Paramedics or emergency medical technicians shall
 1142 operate under the medical direction of a physician through two-
 1143 way voice communication or pursuant to established standing
 1144 orders or protocols and within the scope of their training when
 1145 providing basic life support, advanced life support, and may
 1146 ~~perform~~ health promotion and wellness activities ~~and blood~~
 1147 ~~pressure screenings~~ in a nonemergency environment, ~~within the~~
 1148 ~~scope of their training, and under the direction of a medical~~
 1149 ~~director~~. As used in this paragraph, the term "health promotion
 1150 and wellness" means the provision of public health programs

1151 | pertaining to the prevention of illness and injury.

1152 | (b) Paramedics and emergency medical technicians shall
 1153 | operate under the medical direction of a physician through two-
 1154 | way communication or pursuant to established standing orders or
 1155 | protocols and within the scope of their training when a patient
 1156 | is not transported to an emergency department or is transported
 1157 | to a facility other than a hospital as defined in s.
 1158 | 395.002(12).

1159 | (c) Paramedics may administer immunizations in a
 1160 | nonemergency environment, within the scope of their training,
 1161 | and under the medical direction of a physician through two-way
 1162 | communication or pursuant to established standing orders or
 1163 | protocols ~~medical director~~. There must be a written agreement
 1164 | between the physician providing medical direction ~~paramedic's~~
 1165 | ~~medical director~~ and the department or the county health
 1166 | department located in each county in which the paramedic
 1167 | administers immunizations. This agreement must establish the
 1168 | protocols, policies, and procedures under which the paramedic
 1169 | must operate.

1170 | (d)-(e) Paramedics may provide basic life support services
 1171 | and advanced life support services to patients receiving acute
 1172 | and postacute hospital care at home as specified in the
 1173 | paramedic's supervisory relationship with a physician or
 1174 | standing orders as described in s. 401.265, s. 458.348, or s.
 1175 | 459.025. A physician who supervises or provides medical

1176 direction to a paramedic who provides basic life support
1177 services or advanced life support services to patients receiving
1178 acute and postacute hospital care at home pursuant to a formal
1179 supervisory relationship or standing orders is liable for any
1180 act or omission of the paramedic acting under the physician's
1181 supervision or medical direction when providing such services.
1182 The department may adopt and enforce rules necessary to
1183 implement this paragraph.

1184 (3) Each physician providing medical direction to ~~medical~~
1185 ~~director under whose direction~~ a paramedic who administers
1186 immunizations must verify and document that the paramedic has
1187 received sufficient training and experience to administer
1188 immunizations. The verification must be documented on forms
1189 developed by the department, and the completed forms must be
1190 maintained at the service location of the licensee and made
1191 available to the department upon request.

1192 (4) The department may adopt and enforce all rules
1193 necessary to enforce the provisions relating to a paramedic's
1194 administration of immunizations and the performance of health
1195 promotion and wellness activities ~~and blood pressure screenings~~
1196 by a paramedic or emergency medical technician in a nonemergency
1197 environment.

1198 Section 15. Subsections (5), (6), and (7) of section
1199 401.34, Florida Statutes, are amended to read:

1200 401.34 Fees.—

1201 ~~(5) The department may provide same-day grading of the~~
 1202 ~~examination for an applicant for emergency medical technician or~~
 1203 ~~paramedic certification.~~

1204 ~~(6) The department may offer walk-in eligibility~~
 1205 ~~determination and examination to applicants for emergency~~
 1206 ~~medical technician or paramedic certification who pay to the~~
 1207 ~~department a nonrefundable fee to be set by the department not~~
 1208 ~~to exceed \$65. The fee is in addition to the certification fee~~
 1209 ~~and examination fee. The department must establish locations and~~
 1210 ~~times for eligibility determination and examination.~~

1211 ~~(7) The cost of emergency medical technician or paramedic~~
 1212 ~~certification examination review may not exceed \$50.~~

1213 Section 16. Section 401.435, Florida Statutes, is amended
 1214 to read:

1215 401.435 Emergency medical ~~First~~ responder agencies and
 1216 training.—

1217 (1) The department must adopt by rule the United States
 1218 Department of Transportation National Emergency Medical Services
 1219 Education Standards for the Emergency Medical ~~Services: First~~
 1220 Responder level ~~Training Course~~ as the minimum standard for
 1221 emergency medical ~~first~~ responder training. In addition, the
 1222 department must adopt rules establishing minimum emergency
 1223 medical ~~first~~ responder instructor qualifications. For purposes
 1224 of this section, an emergency medical ~~a first~~ responder includes
 1225 any individual who receives training to render initial care to

1226 an ill or injured person, other than an individual trained and
1227 certified pursuant to s. 943.1395(1), but who does not have the
1228 primary responsibility of treating and transporting ill or
1229 injured persons.

1230 (2) Each emergency medical ~~first~~ responder agency must
1231 take all reasonable efforts to enter into a memorandum of
1232 understanding with the emergency medical services licensee
1233 within whose territory the agency operates in order to
1234 coordinate emergency services at an emergency scene. The
1235 department must provide a model memorandum of understanding for
1236 this purpose. The memorandum of understanding should include
1237 dispatch protocols, the roles and responsibilities of emergency
1238 medical ~~first~~ responder personnel at an emergency scene, and the
1239 documentation required for patient care rendered. For purposes
1240 of this section, the term "emergency medical ~~first~~ responder
1241 agency" includes a law enforcement agency, a fire service agency
1242 not licensed under this part, a lifeguard agency, and a
1243 volunteer organization that renders, as part of its routine
1244 functions, on-scene patient care before emergency medical
1245 technicians or paramedics arrive.

1246 Section 17. Paragraph (a) of subsection (1) of section
1247 464.203, Florida Statutes, is amended to read:

1248 464.203 Certified nursing assistants; certification
1249 requirement.—

1250 (1) The board shall issue a certificate to practice as a

1251 certified nursing assistant to any person who demonstrates a
 1252 minimum competency to read and write and successfully passes the
 1253 required background screening pursuant to s. 400.215. If the
 1254 person has successfully passed the required background screening
 1255 pursuant to s. 400.215 or s. 408.809 within 90 days before
 1256 applying for a certificate to practice and the person's
 1257 background screening results are not retained in the
 1258 clearinghouse created under s. 435.12, the board shall waive the
 1259 requirement that the applicant successfully pass an additional
 1260 background screening pursuant to s. 400.215. The person must
 1261 also meet one of the following requirements:

1262 (a) Has successfully completed an approved training
 1263 program and achieved a minimum score, established by rule of the
 1264 board, on the nursing assistant competency examination, which
 1265 consists of a written portion and skills-demonstration portion
 1266 approved by the board and administered at a site and by
 1267 personnel approved by the department. Any person who has
 1268 successfully completed an approved training program within 6
 1269 months before filing an application for certification is not
 1270 required to take the skills-demonstration portion of the
 1271 competency examination.

1272 Section 18. Section 468.1225, Florida Statutes, is amended
 1273 to read:

1274 468.1225 Procedures, equipment, and protocols.—

1275 (1) The following minimal procedures shall be used when a

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1276 licensed audiologist fits and sells a prescription hearing aid:

1277 (a) Pure tone audiometric testing by air and bone to
1278 determine the type and degree of hearing deficiency when
1279 indicated.

1280 (b) Effective masking when indicated.

1281 (c) Appropriate testing to determine speech reception
1282 thresholds, speech discrimination scores, the most comfortable
1283 listening levels, uncomfortable loudness levels, and the
1284 selection of the best fitting arrangement for maximum hearing
1285 aid benefit when indicated.

1286 (2) The following equipment shall be used:

1287 (a) A wide range audiometer that ~~which~~ meets the
1288 specifications of the American National Standards Institute for
1289 diagnostic audiometers when indicated.

1290 (b) A speech audiometer or a master hearing aid in order
1291 to determine the most comfortable listening level and speech
1292 discrimination when indicated.

1293 (3) A final fitting ensuring physical and operational
1294 comfort of the prescription hearing aid shall be made when
1295 indicated.

1296 (4) A licensed audiologist who fits and sells prescription
1297 hearing aids shall obtain the following medical clearance: If,
1298 upon inspection of the ear canal with an otoscope in the common
1299 procedure of fitting a prescription hearing aid and upon
1300 interrogation of the client, there is any recent history of

1301 infection or any observable anomaly, the client shall be
1302 instructed to see a physician, and a prescription hearing aid
1303 may ~~shall~~ not be fitted until medical clearance is obtained for
1304 the condition noted. If, upon return, the condition noted is no
1305 longer observable and the client signs a medical waiver, a
1306 prescription hearing aid may be fitted. Any person with a
1307 significant difference between bone conduction hearing and air
1308 conduction hearing must be informed of the possibility of
1309 medical or surgical correction.

1310 (5)(a) A licensed audiologist's office must have
1311 available, or have access to, a selection of prescription
1312 hearing aid models, hearing aid supplies, and services complete
1313 enough to accommodate the various needs of the hearing aid
1314 wearers.

1315 (b) At the time of the initial examination for fitting and
1316 sale of a prescription hearing aid, the attending audiologist
1317 must notify the prospective purchaser of the benefits of
1318 telecoil, also known as "t" coil or "t" switch, technology,
1319 including increased access to telephones and noninvasive access
1320 to assistive listening systems required under the Americans with
1321 Disabilities Act of 1990.

1322 (6) Unless otherwise indicated, each audiometric test
1323 conducted by a licensee or a certified audiology assistant in
1324 the fitting and selling of prescription hearing aids must ~~shall~~
1325 be made in a testing room that has been certified by the

1326 department, or by an agent approved by the department, not to
1327 exceed the following sound pressure levels at the specified
1328 frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB,
1329 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB,
1330 and 8000Hz-67dB. An exception to this requirement shall be made
1331 in the case of a client who, after being provided written notice
1332 of the benefits and advantages of having the test conducted in a
1333 certified testing room, requests that the test be conducted in a
1334 place other than the licensee's certified testing room. Such
1335 request must ~~shall~~ be documented by a waiver that ~~which~~ includes
1336 the written notice and is signed by the licensee and the client
1337 before ~~prior to~~ the testing. The waiver must ~~shall~~ be executed
1338 on a form provided by the department. The executed waiver must
1339 ~~shall~~ be attached to the client's copy of the contract, and a
1340 copy of the executed waiver must ~~shall~~ be retained in the
1341 licensee's file.

1342 (7) The board may ~~shall have the power to~~ prescribe the
1343 minimum procedures and equipment used in the conducting of
1344 hearing assessments and for the fitting and selling of
1345 prescription hearing aids. The board shall adopt and enforce
1346 rules necessary to implement ~~carry out the provisions of~~ this
1347 subsection and subsection (6).

1348 (8) Any duly authorized officer or employee of the
1349 department may ~~shall have the right to~~ make such inspections and
1350 investigations as ~~are~~ necessary ~~in order~~ to determine the state

1351 of compliance with ~~the provisions of~~ this section and the
1352 applicable rules and may enter the premises of a licensee and
1353 inspect the records of same upon reasonable belief that a
1354 violation of this law is being or has been committed or that the
1355 licensee has failed or is failing to comply with ~~the provisions~~
1356 ~~of~~ this part.

1357 Section 19. Section 468.1245, Florida Statutes, is amended
1358 to read:

1359 468.1245 Itemized listing of prices; delivery of
1360 prescription hearing aid; receipt; guarantee; packaging;
1361 disclaimer.-

1362 (1) Before ~~Prior to~~ delivery of services or products to a
1363 prospective purchaser, a licensee must ~~shall~~ disclose, upon
1364 request by the prospective purchaser, an itemized listing of
1365 prices, which must ~~listing shall~~ include separate price
1366 estimates for each service component and each product. Provision
1367 of such itemized listing of prices may ~~shall~~ not be predicated
1368 on the prospective purchaser's payment of any charge or
1369 agreement to purchase any service or product.

1370 (2) Any licensee who fits and sells a prescription hearing
1371 aid shall, at the time of delivery, provide the purchaser with a
1372 receipt containing the seller's signature, the address of his or
1373 her regular place of business, and his or her license or
1374 certification number, if applicable, together with the brand,
1375 model, manufacturer or manufacturer's identification code, and

1376 serial number of the prescription hearing aid furnished and the
 1377 amount charged for the prescription hearing aid. The receipt
 1378 must also ~~shall~~ specify whether the prescription hearing aid is
 1379 new, used, or rebuilt, ~~and shall specify~~ the length of time and
 1380 other terms of the guarantee, and by whom the prescription
 1381 hearing aid is guaranteed. When the client has requested an
 1382 itemized list of prices, the receipt must ~~shall~~ also provide an
 1383 itemization of the total purchase price, including, but not
 1384 limited to, the cost of the aid, ear mold, batteries, and other
 1385 accessories, and the cost of any services. Notice of the
 1386 availability of this service must be displayed in a conspicuous
 1387 manner in the office. The receipt must also ~~shall~~ state that any
 1388 complaint concerning the prescription hearing aid and its
 1389 guarantee, if not reconciled with the licensee from whom the
 1390 prescription hearing aid was purchased, should be directed by
 1391 the purchaser to the department. The address and telephone
 1392 number of such office must ~~shall~~ be stated on the receipt.

1393 (3) A prescription ~~he~~ hearing aid may not be sold to any
 1394 person unless both the packaging containing the prescription
 1395 hearing aid and the contract provided pursuant to subsection (2)
 1396 carry the following disclaimer in 10-point or larger type: "A
 1397 hearing aid will not restore normal hearing, nor will it prevent
 1398 further hearing loss."

1399 Section 20. Section 468.1246, Florida Statutes, is amended
 1400 to read:

1401 468.1246 Thirty-day trial period; purchaser's right to
 1402 cancel; notice; refund; cancellation fee.—

1403 (1) A person selling a prescription hearing aid in this
 1404 state must provide the buyer with written notice of a 30-day
 1405 trial period and money-back guarantee. The guarantee must permit
 1406 the purchaser to cancel the purchase for a valid reason as
 1407 defined by rule of the board within 30 days after receiving the
 1408 prescription hearing aid, by returning the prescription hearing
 1409 aid or mailing written notice of cancellation to the seller. If
 1410 the prescription hearing aid must be repaired, remade, or
 1411 adjusted during the 30-day trial period, the running of the 30-
 1412 day trial period is suspended 1 day for each 24-hour period that
 1413 the prescription hearing aid is not in the purchaser's
 1414 possession. A repaired, remade, or adjusted prescription hearing
 1415 aid must be claimed by the purchaser within 3 working days after
 1416 notification of availability. The running of the 30-day trial
 1417 period resumes on the day the purchaser reclaims a repaired,
 1418 remade, or adjusted prescription hearing aid or on the 4th day
 1419 after notification of availability.

1420 (2) The board, in consultation with the Board of Hearing
 1421 Aid Specialists, shall prescribe by rule the terms and
 1422 conditions to be contained in the money-back guarantee and any
 1423 exceptions thereto. Such rule must ~~shall~~ provide, at a minimum,
 1424 that the charges for earmolds and service provided to fit the
 1425 prescription hearing aid may be retained by the licensee. The

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1426 rules must ~~shall~~ also set forth any reasonable charges to be
1427 held by the licensee as a cancellation fee. ~~Such rule shall be~~
1428 ~~effective on or before December 1, 1994. Should the board fail~~
1429 ~~to adopt such rule, a licensee may not charge a cancellation fee~~
1430 ~~which exceeds 5 percent of the total charge for a hearing aid~~
1431 ~~alone.~~ The terms and conditions of the guarantee, including the
1432 total amount available for refund, must ~~shall~~ be provided in
1433 writing to the purchaser before ~~prior to~~ the signing of the
1434 contract.

1435 Section 21. Section 468.1255, Florida Statutes, is amended
1436 to read:

1437 468.1255 Cancellation by medical authorization;
1438 purchaser's right to return.—

1439 (1) In addition to any other rights and remedies the
1440 purchaser of a prescription hearing aid may have, the purchaser
1441 has ~~shall have~~ the right to rescind the transaction if the
1442 purchaser for whatever reason consults a licensed physician with
1443 specialty board certification in otolaryngology or internal
1444 medicine or a licensed family practice physician, subsequent to
1445 purchasing a prescription hearing aid, and the physician
1446 certifies in writing that the purchaser has a hearing impairment
1447 for which a prescription hearing aid will not provide a benefit
1448 or that the purchaser has a medical condition which
1449 contraindicates the use of a prescription hearing aid.

1450 (2) The purchaser of a prescription hearing aid has ~~shall~~

1451 ~~have~~ the right to rescind as provided in subsection (1) only if
 1452 the purchaser gives a written notice of the intent to rescind
 1453 the transaction to the seller at the seller's place of business
 1454 by certified mail, return receipt requested, which notice shall
 1455 be posted not later than 60 days following the date of delivery
 1456 of the prescription hearing aid to the purchaser, and the
 1457 purchaser returns the prescription hearing aid to the seller in
 1458 the original condition less normal wear and tear.

1459 (3) If the conditions of subsections (1) and (2) are met,
 1460 the seller must ~~shall~~, without request, refund to the purchaser,
 1461 within 10 days after ~~of~~ the receipt of notice to rescind, a full
 1462 and complete refund of all moneys received, less 5 percent. The
 1463 purchaser does not ~~shall~~ incur any ~~no~~ additional liability for
 1464 rescinding the transaction.

1465 Section 22. Section 468.1265, Florida Statutes, is amended
 1466 to read:

1467 468.1265 Sale or distribution of prescription hearing aids
 1468 through mail; penalty.—It is unlawful for any person to sell or
 1469 distribute prescription hearing aids through the mail to the
 1470 ultimate consumer. Any person who violates this section commits
 1471 a misdemeanor of the second degree, punishable as provided in s.
 1472 775.082 or s. 775.083.

1473 Section 23. Section 468.1275, Florida Statutes, is amended
 1474 to read:

1475 468.1275 Place of business; display of license.—Each

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1476 licensee who fits and sells a prescription hearing aid shall
1477 declare and establish a regular place of business, at which his
1478 or her license shall be conspicuously displayed.

1479 Section 24. Section 484.0401, Florida Statutes, is amended
1480 to read:

1481 484.0401 Purpose.—The Legislature recognizes that the
1482 dispensing of prescription hearing aids requires particularized
1483 knowledge and skill to ensure that the interests of the hearing-
1484 impaired public will be adequately served and safely protected.
1485 It recognizes that a poorly selected or fitted prescription
1486 hearing aid not only will give little satisfaction but may
1487 interfere with hearing ability and, therefore, deems it
1488 necessary in the interest of the public health, safety, and
1489 welfare to regulate the dispensing of prescription hearing aids
1490 in this state. Restrictions on the fitting and selling of
1491 prescription hearing aids shall be imposed only to the extent
1492 necessary to protect the public from physical and economic harm,
1493 and restrictions shall not be imposed in a manner which will
1494 unreasonably affect the competitive market.

1495 Section 25. Section 484.041, Florida Statutes, is
1496 reordered and amended to read:

1497 484.041 Definitions.—As used in this part, the term:
1498 (1) "Board" means the Board of Hearing Aid Specialists.
1499 (2) "Department" means the Department of Health.
1500 (3) "Dispensing prescription hearing aids" means and

1501 includes:

1502 (a) Conducting and interpreting hearing tests for purposes
 1503 of selecting suitable prescription hearing aids, making earmolds
 1504 or ear impressions, and providing appropriate counseling.

1505 (b) All acts pertaining to the selling, renting, leasing,
 1506 pricing, delivery, and warranty of prescription hearing aids.

1507 ~~(6)-(4)~~ "Hearing aid specialist" means a person duly
 1508 licensed in this state to practice the dispensing of
 1509 prescription hearing aids.

1510 ~~(4)-(5)~~ "Hearing aid" means any wearable an-amplifying
 1511 device designed for, offered for the purpose of, or represented
 1512 as aiding persons with, or compensating for, impaired hearing to
 1513 be worn by a hearing-impaired person to improve hearing.

1514 ~~(10)-(6)~~ "Trainee" means a person studying prescription
 1515 hearing aid dispensing under the direct supervision of an active
 1516 licensed hearing aid specialist for the purpose of qualifying
 1517 for certification to sit for the licensure examination.

1518 ~~(5)-(7)~~ "Hearing aid establishment" means any establishment
 1519 in this the state which employs a licensed hearing aid
 1520 specialist who offers, advertises, and performs hearing aid
 1521 services for the general public.

1522 (7) "Over-the-counter hearing aid" means an air-conduction
 1523 hearing aid that does not require implantation or other surgical
 1524 intervention and is intended for use by a person 18 years of age
 1525 or older to compensate for perceived mild to moderate hearing

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1526 | impairment.

1527 | (8) "Prescription hearing aid" means a hearing aid that
1528 | satisfies the requirements of this part and is not an over-the-
1529 | counter hearing aid.

1530 | (9)-(8) "Sponsor" means an active, licensed hearing aid
1531 | specialist under whose direct supervision one or more trainees
1532 | are studying prescription hearing aid dispensing for the purpose
1533 | of qualifying for certification to sit for the licensure
1534 | examination.

1535 | Section 26. Subsection (2) of section 484.042, Florida
1536 | Statutes, is amended to read:

1537 | 484.042 Board of Hearing Aid Specialists; membership,
1538 | appointment, terms.—

1539 | (2) Five members of the board shall be hearing aid
1540 | specialists who have been licensed and practicing the dispensing
1541 | of prescription hearing aids in this state for at least the
1542 | preceding 4 years. The remaining four members, none of whom
1543 | shall derive economic benefit from the fitting or dispensing of
1544 | hearing aids, shall be appointed from the resident lay public of
1545 | this state. One of the lay members shall be a prescription
1546 | hearing aid user but may not ~~neither~~ be nor have been a hearing
1547 | aid specialist or a licensee of a closely related profession.
1548 | One lay member shall be an individual age 65 or over. One lay
1549 | member shall be an otolaryngologist licensed pursuant to chapter
1550 | 458 or chapter 459.

1551 Section 27. Subsection (2) of section 484.044, Florida
 1552 Statutes, is amended to read:

1553 484.044 Authority to make rules.—

1554 (2) The board shall adopt rules requiring that each
 1555 prospective purchaser of a prescription hearing aid be notified
 1556 by the attending hearing aid specialist, at the time of the
 1557 initial examination for fitting and sale of a hearing aid, of
 1558 telecoil, "t" coil, or "t" switch technology. The rules shall
 1559 further require that hearing aid specialists make available to
 1560 prospective purchasers or clients information regarding
 1561 telecoils, "t" coils, or "t" switches. ~~These rules shall be~~
 1562 ~~effective on or before October 1, 1994.~~

1563 Section 28. Subsection (2) of section 484.0445, Florida
 1564 Statutes, is amended to read:

1565 484.0445 Training program.—

1566 (2) A trainee shall perform the functions of a hearing aid
 1567 specialist in accordance with board rules only under the direct
 1568 supervision of a licensed hearing aid specialist. The term
 1569 "direct supervision" means that the sponsor is responsible for
 1570 all work being performed by the trainee. The sponsor or a
 1571 hearing aid specialist designated by the sponsor shall give
 1572 final approval to work performed by the trainee and shall be
 1573 physically present at the time the prescription hearing aid is
 1574 delivered to the client.

1575 Section 29. Subsection (2) of section 484.045, Florida

1576 Statutes, is amended to read:
 1577 484.045 Licensure by examination.—
 1578 (2) The department shall license each applicant who the
 1579 board certifies meets all of the following criteria:
 1580 (a) Has completed the application form and remitted the
 1581 required fees.~~†~~
 1582 (b) Is of good moral character.~~†~~
 1583 (c) Is 18 years of age or older.~~†~~
 1584 (d) Is a graduate of an accredited high school or its
 1585 equivalent.~~†~~
 1586 (e)1. Has met the requirements of the training program; or
 1587 2.a. Has a valid, current license as a hearing aid
 1588 specialist or its equivalent from another state and has been
 1589 actively practicing in such capacity for at least 12 months; or
 1590 b. Is currently certified by the National Board for
 1591 Certification in Hearing Instrument Sciences and has been
 1592 actively practicing for at least 12 months.~~†~~
 1593 (f) Has passed an examination, as prescribed by board
 1594 rule.~~†~~ ~~and~~
 1595 (g) Has demonstrated, in a manner designated by rule of
 1596 the board, knowledge of state laws and rules relating to the
 1597 fitting and dispensing of prescription hearing aids.
 1598 Section 30. Section 484.0501, Florida Statutes, is amended
 1599 to read:
 1600 484.0501 Minimal procedures and equipment.—

1601 (1) The following minimal procedures shall be used in the
1602 fitting and selling of prescription hearing aids:

1603 (a) Pure tone audiometric testing by air and bone to
1604 determine the type and degree of hearing deficiency.

1605 (b) Effective masking when indicated.

1606 (c) Appropriate testing to determine speech reception
1607 thresholds, speech discrimination scores, the most comfortable
1608 listening levels, uncomfortable loudness levels, and the
1609 selection of the best fitting arrangement for maximum hearing
1610 aid benefit.

1611 (2) The following equipment shall be used:

1612 (a) A wide range audiometer that ~~which~~ meets the
1613 specifications of the American National Standards Institute for
1614 diagnostic audiometers.

1615 (b) A speech audiometer or a master hearing aid in order
1616 to determine the most comfortable listening level and speech
1617 discrimination.

1618 (3) A final fitting ensuring physical and operational
1619 comfort of the prescription hearing aid shall be made.

1620 (4) The following medical clearance shall be obtained: If,
1621 upon inspection of the ear canal with an otoscope in the common
1622 procedure of a prescription hearing aid fitter and upon
1623 interrogation of the client, there is any recent history of
1624 infection or any observable anomaly, the client must ~~shall~~ be
1625 instructed to see a physician, and a prescription hearing aid

1626 may ~~shall~~ not be fitted until medical clearance is obtained for
1627 the condition noted. If, upon return, the condition noted is no
1628 longer observable and the client signs a medical waiver, a
1629 prescription hearing aid may be fitted. Any person with a
1630 significant difference between bone conduction hearing and air
1631 conduction hearing must be informed of the possibility of
1632 medical correction.

1633 (5) (a) A prescription hearing aid establishment ~~office~~
1634 must have available, or have access to, a selection of
1635 prescription hearing aid models, hearing aid supplies, and
1636 services complete enough to accommodate the various needs of the
1637 prescription hearing aid wearers.

1638 (b) At the time of the initial examination for fitting and
1639 sale of a prescription hearing aid, the attending hearing aid
1640 specialist shall ~~must~~ notify the prospective purchaser or client
1641 of the benefits of telecoil, "t" coil, or "t" switch technology,
1642 including increased access to telephones and noninvasive access
1643 to assistive listening systems required under the Americans with
1644 Disabilities Act of 1990.

1645 (6) Each audiometric test conducted by a licensee or
1646 authorized trainee in the fitting and selling of prescription
1647 hearing aids must ~~shall~~ be made in a testing room that has been
1648 certified by the department, or by an agent approved by the
1649 department, not to exceed the following sound pressure levels at
1650 the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB,

1651 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB,
1652 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement
1653 shall be made in the case of a client who, after being provided
1654 written notice of the benefits and advantages of having the test
1655 conducted in a certified testing room, requests that the test be
1656 conducted in a place other than the licensee's certified testing
1657 room. Such request must ~~shall~~ be documented by a waiver which
1658 includes the written notice and is signed by the licensee and
1659 the client before ~~prior to~~ the testing. The waiver must ~~shall~~ be
1660 executed on a form provided by the department. The executed
1661 waiver must ~~shall~~ be attached to the client's copy of the
1662 contract, and a copy of the executed waiver must ~~shall~~ be
1663 retained in the licensee's file.

1664 (7) The board may ~~shall have the power to~~ prescribe the
1665 minimum procedures and equipment which must ~~shall~~ be used in the
1666 conducting of hearing assessments, and for the fitting and
1667 selling of prescription hearing aids, including equipment that
1668 will measure the prescription hearing aid's response curves to
1669 ensure that they meet the manufacturer's specifications. These
1670 procedures and equipment may differ from those provided in this
1671 section in order to take full advantage of devices and equipment
1672 which may hereafter become available and which are demonstrated
1673 to be of greater efficiency and accuracy. The board shall adopt
1674 and enforce rules necessary to implement ~~carry out the~~
1675 ~~provisions of~~ this subsection and subsection (6).

1676 (8) Any duly authorized officer or employee of the
 1677 department may ~~shall have the right to~~ make such inspections and
 1678 investigations as ~~are~~ necessary ~~in order~~ to determine the state
 1679 of compliance with ~~the provisions of~~ this section and the
 1680 applicable rules and may enter the premises of a licensee and
 1681 inspect the records of same upon reasonable belief that a
 1682 violation of this law is being or has been committed or that the
 1683 licensee has failed or is failing to comply with ~~the provisions~~
 1684 ~~of~~ this part act.

1685 (9) A licensed hearing aid specialist may service, market,
 1686 sell, dispense, provide customer support for, and distribute
 1687 prescription and over-the-counter hearing aids.

1688 Section 31. Section 484.051, Florida Statutes, is amended
 1689 to read:

1690 484.051 Itemization of prices; delivery of prescription
 1691 hearing aid; receipt, packaging, disclaimer, guarantee.-

1692 (1) Before ~~Prior to~~ delivery of services or products to a
 1693 prospective purchaser, any person who fits and sells
 1694 prescription hearing aids must ~~shall~~ disclose on request by the
 1695 prospective purchaser an itemized listing of prices, which must
 1696 ~~listing shall~~ include separate price estimates for each service
 1697 component and each product. Provision of such itemized listing
 1698 of prices may ~~shall~~ not be predicated on the prospective
 1699 purchaser's payment of any charge or agreement to purchase any
 1700 service or product.

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1701 (2) Any person who fits and sells a prescription hearing
1702 aid must ~~shall~~, at the time of delivery, provide the purchaser
1703 with a receipt containing the seller's signature, the address of
1704 her or his regular place of business, and her or his license or
1705 trainee registration number, if applicable, together with the
1706 brand, model, manufacturer or manufacturer's identification
1707 code, and serial number of the prescription hearing aid
1708 furnished and the amount charged for the prescription hearing
1709 aid. The receipt must also ~~shall~~ specify whether the
1710 prescription hearing aid is new, used, or rebuilt, ~~and shall~~
1711 ~~specify~~ the length of time and other terms of the guarantee, ~~and~~
1712 by whom the prescription hearing aid is guaranteed. ~~If~~ ~~When~~ the
1713 client has requested an itemized list of prices, the receipt
1714 must ~~shall~~ also provide an itemization of the total purchase
1715 price, including, but not limited to, the cost of the aid,
1716 earmold, batteries and other accessories, and any services.
1717 Notice of the availability of this service shall be displayed in
1718 a conspicuous manner in the office. The receipt must also ~~shall~~
1719 state that any complaint concerning the prescription hearing aid
1720 and guarantee therefor, if not reconciled with the licensee from
1721 whom the prescription hearing aid was purchased, should be
1722 directed by the purchaser to the Department of Health. The
1723 address and telephone number of such office must ~~shall~~ be stated
1724 on the receipt.

1725 (3) A prescription ~~he~~ hearing aid may not be sold to any

1726 person unless both the packaging containing the prescription
 1727 hearing aid and the itemized receipt provided pursuant to
 1728 subsection (2) carry the following disclaimer in 10-point or
 1729 larger type: "A hearing aid will not restore normal hearing, nor
 1730 will it prevent further hearing loss."

1731 Section 32. Section 484.0512, Florida Statutes, is amended
 1732 to read:

1733 484.0512 Thirty-day trial period; purchaser's right to
 1734 cancel; notice; refund; cancellation fee; criminal penalty.—

1735 (1) A person selling a prescription hearing aid in this
 1736 state must provide the buyer with written notice of a 30-day
 1737 trial period and money-back guarantee. The guarantee must permit
 1738 the purchaser to cancel the purchase for a valid reason, as
 1739 defined by ~~rule of the board~~ rule, within 30 days after
 1740 receiving the prescription hearing aid, by returning the
 1741 prescription hearing aid or mailing written notice of
 1742 cancellation to the seller. If the prescription hearing aid must
 1743 be repaired, remade, or adjusted during the 30-day trial period,
 1744 the running of the 30-day trial period is suspended 1 day for
 1745 each 24-hour period that the prescription hearing aid is not in
 1746 the purchaser's possession. A repaired, remade, or adjusted
 1747 prescription hearing aid must be claimed by the purchaser within
 1748 3 working days after notification of availability. The running
 1749 of the 30-day trial period resumes on the day the purchaser
 1750 reclaims the repaired, remade, or adjusted prescription hearing

1751 aid or on the fourth day after notification of availability,
1752 whichever occurs earlier.

1753 (2) The board, in consultation with the Board of Speech-
1754 Language Pathology and Audiology, shall prescribe by rule the
1755 terms and conditions to be contained in the money-back guarantee
1756 and any exceptions thereto. Such rules must ~~rule shall~~ provide,
1757 at a minimum, that the charges for earmolds and service provided
1758 to fit the prescription hearing aid may be retained by the
1759 licensee. The rules must ~~shall~~ also set forth any reasonable
1760 charges to be held by the licensee as a cancellation fee. ~~Such~~
1761 ~~rule shall be effective on or before December 1, 1994. Should~~
1762 ~~the board fail to adopt such rule, a licensee may not charge a~~
1763 ~~cancellation fee which exceeds 5 percent of the total charge for~~
1764 ~~a hearing aid alone.~~ The terms and conditions of the guarantee,
1765 including the total amount available for refund, must ~~shall~~ be
1766 provided in writing to the purchaser before ~~prior to~~ the signing
1767 of the contract.

1768 (3) Within 30 days after the return or attempted return of
1769 the prescription hearing aid, the seller shall refund all moneys
1770 that must be refunded to a purchaser pursuant to this section. A
1771 violation of this subsection is a misdemeanor of the first
1772 degree, punishable as provided in s. 775.082 or s. 775.083.

1773 (4) For purposes of this section, the term "seller" or
1774 "person selling a prescription hearing aid" includes:

1775 (a) Any ~~natural~~ person licensed under this part or any

1776 other ~~natural~~ person who signs a sales receipt required by s.
 1777 484.051(2) or s. 468.1245(2) or ~~who~~ otherwise fits, delivers, or
 1778 dispenses a prescription hearing aid.

1779 (b) Any business organization, whether a sole
 1780 proprietorship, partnership, corporation, professional
 1781 association, joint venture, business trust, or other legal
 1782 entity, that ~~which~~ dispenses a prescription hearing aid or
 1783 enters into an agreement to dispense a prescription hearing aid.

1784 (c) Any person who controls, manages, or operates an
 1785 establishment or business that dispenses a prescription hearing
 1786 aid or enters into an agreement to dispense a prescription
 1787 hearing aid.

1788 Section 33. Section 484.0513, Florida Statutes, is amended
 1789 to read:

1790 484.0513 Cancellation by medical authorization;
 1791 purchaser's right to return.—

1792 (1) In addition to any other rights and remedies the
 1793 purchaser of a prescription hearing aid may have, the purchaser
 1794 has ~~shall have~~ the right to rescind the transaction if the
 1795 purchaser for whatever reason consults a licensed physician with
 1796 specialty board certification in otolaryngology or internal
 1797 medicine or a licensed family practice physician, subsequent to
 1798 purchasing a prescription hearing aid, and the physician
 1799 certifies in writing that the purchaser has a hearing impairment
 1800 for which a prescription hearing aid will not provide a benefit

1801 or that the purchaser has a medical condition which
 1802 contraindicates the use of a prescription hearing aid.

1803 (2) The purchaser of a prescription hearing aid ~~has shall~~
 1804 ~~have~~ the right to rescind as provided in subsection (1) only if
 1805 the purchaser gives a written notice of the intent to rescind
 1806 the transaction to the seller at the seller's place of business
 1807 by certified mail, return receipt requested, which must ~~notice~~
 1808 ~~shall~~ be posted within ~~not later than~~ 60 days after ~~following~~
 1809 the date of delivery of the prescription hearing aid to the
 1810 purchaser, and the purchaser returns the prescription hearing
 1811 aid to the seller in the original condition less normal wear and
 1812 tear.

1813 (3) If the conditions of subsections (1) and (2) are met,
 1814 the seller must ~~shall~~, without request, refund to the purchaser,
 1815 within 10 days after ~~of the~~ receipt of the notice to rescind, a
 1816 full and complete refund of all moneys received, less 5 percent.
 1817 The purchaser does not ~~shall~~ incur any ~~no~~ additional liability
 1818 for rescinding the transaction.

1819 Section 34. Section 484.053, Florida Statutes, is amended
 1820 to read:

1821 484.053 Prohibitions; penalties.—

1822 (1) A person may not:

1823 (a) Practice dispensing prescription hearing aids unless
 1824 the person is a licensed hearing aid specialist;

1825 (b) Use the name or title "hearing aid specialist" when

1826 | the person has not been licensed under this part;

1827 | (c) Present as her or his own the license of another;

1828 | (d) Give false, incomplete, or forged evidence to the

1829 | board or a member thereof for the purposes of obtaining a

1830 | license;

1831 | (e) Use or attempt to use a hearing aid specialist license

1832 | that is delinquent or has been suspended, revoked, or placed on

1833 | inactive status;

1834 | (f) Knowingly employ unlicensed persons in the practice of

1835 | dispensing prescription hearing aids; or

1836 | (g) Knowingly conceal information relative to violations

1837 | of this part.

1838 | (2) Any person who violates any provision ~~of the~~

1839 | ~~provisions~~ of this section is guilty of a felony of the third

1840 | degree, punishable as provided in s. 775.082 or s. 775.083.

1841 | (3) If a person licensed under this part allows the sale

1842 | of a prescription hearing aid by an unlicensed person not

1843 | registered as a trainee or fails to comply with the requirements

1844 | of s. 484.0445(2) relating to supervision of trainees, the board

1845 | must ~~shall~~, upon determination of that violation, order the full

1846 | refund of moneys paid by the purchaser upon return of the

1847 | prescription hearing aid to the seller's place of business.

1848 | Section 35. Section 484.054, Florida Statutes, is amended

1849 | to read:

1850 | 484.054 Sale or distribution of prescription hearing aids

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1851 through mail; penalty.—It is unlawful for any person to sell or
 1852 distribute prescription hearing aids through the mail to the
 1853 ultimate consumer. Any violation of this section constitutes a
 1854 misdemeanor of the second degree, punishable as provided in s.
 1855 775.082 or s. 775.083.

1856 Section 36. Section 484.059, Florida Statutes, is amended
 1857 to read:

1858 484.059 Exemptions.—

1859 (1) The licensure requirements of this part do not apply
 1860 to any person engaged in recommending prescription hearing aids
 1861 as part of the academic curriculum of an accredited institution
 1862 of higher education, or as part of a program conducted by a
 1863 public charitable institution supported primarily by voluntary
 1864 contribution, provided this organization does not dispense or
 1865 sell prescription hearing aids or accessories.

1866 (2) The licensure requirements of this part do not apply
 1867 to any person licensed to practice medicine in this ~~the~~ state,
 1868 except that such physician must ~~shall~~ comply with the
 1869 requirement of periodic filing of the certificate of testing and
 1870 calibration of audiometric equipment as provided in this part. A
 1871 ~~No~~ person employed by or working under the supervision of a
 1872 person licensed to practice medicine may not ~~shall~~ perform any
 1873 services or acts which would constitute the dispensing of
 1874 prescription hearing aids as defined in s. 484.041 ~~s.~~
 1875 ~~484.041(3)~~, unless such person is a licensed hearing aid

1876 specialist.

1877 (3) The licensure requirements of this part do not apply
 1878 to an audiologist licensed under ~~pursuant to~~ part I of chapter
 1879 468.

1880 (4) Section ~~The provisions of s. 484.053(1)(a) does shall~~
 1881 not apply to registered trainees operating in compliance with
 1882 this part and board rules ~~of the board~~.

1883 (5) The licensure requirements of this part do not apply
 1884 to a person who services, markets, sells, dispenses, provides
 1885 customer support for, or distributes exclusively over-the-
 1886 counter hearing aids, whether through in-person transactions, by
 1887 mail, or online. For purposes of this subsection, over-the-
 1888 counter hearing aids are those that are available without the
 1889 supervision, prescription, or other order, involvement, or
 1890 intervention of a licensed person to consumers through in-person
 1891 transactions, by mail, or online. These devices allow the user
 1892 to control the device and customize it to the user's hearing
 1893 needs through the use of tools, tests, or software, including,
 1894 but not limited to, wireless technology or tests for self-
 1895 assessment of hearing loss.

1896 Section 37. The Division of Law Revision is directed to
 1897 replace the phrase "the effective date of this act" wherever it
 1898 occurs in this act with the date the act becomes a law.

1899 Section 38. Except as otherwise expressly provided in this
 1900 act and except for this section, which shall take effect upon

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1901 | this act becoming a law, this act shall take effect July 1,
1902 | 2023.