

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 | reporting requirements and the frequency with which
41 | circuit courts must transmit marriage licenses and
42 | certain dissolution-of-marriage records to the
43 | department; requiring that such records be transmitted
44 | electronically; amending s. 382.025, F.S.; extending
45 | the timeframe for the confidentiality of certain birth
46 | records; authorizing persons appointed by the
47 | department to issue certified copies of live birth,
48 | death, and fetal death certificates; amending s.
49 | 401.27, F.S.; revising requirements for applicants for
50 | certification or recertification as emergency medical

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

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

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

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

104 381.875 Enhanced potential pandemic pathogen research
105 prohibited.-

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

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

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

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

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

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

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

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

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

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

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

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

141 381.986 Medical use of marijuana.—

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

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

151 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

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

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

176 upon request. The price of the course may not exceed \$500.

177 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

201 specific representation in the application. A variance may not
 202 be granted from the requirements in subparagraph 2. and
 203 subparagraphs (b)1. and 2.

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

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

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

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

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

226 | from further consideration and the fees shall be forfeited.

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

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

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

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

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

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

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

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

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

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

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

268 8. A medical marijuana treatment center that produces
 269 edibles must hold a permit to operate as a food establishment
 270 pursuant to chapter 500, the Florida Food Safety Act, and must
 271 comply with all the requirements for food establishments
 272 pursuant to chapter 500 and any rules adopted thereunder.
 273 Edibles may not contain more than 200 milligrams of
 274 tetrahydrocannabinol, and a single serving portion of an edible
 275 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

394 (V) The name of the patient.

395 (VI) The product name, if applicable, and dosage form,
396 including concentration of tetrahydrocannabinol and cannabidiol.

397 The product name may not contain wording commonly associated
398 with products that are attractive to children or which promote
399 the recreational use of marijuana ~~marketed by or to children.~~

400 (VII) The recommended dose.

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

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

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

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

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

425 14. The department shall adopt rules to regulate the

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

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

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

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

450 b. May not dispense more than a 70-day supply of marijuana

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

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

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

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

473 f. May not dispense or sell any other type of cannabis,
474 alcohol, or illicit drug-related product, including pipes or
475 wrapping papers made with tobacco or hemp, other than a

476 marijuana delivery device required for the medical use of
 477 marijuana and which is specified in a physician certification.

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

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

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

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

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

501 conditions:

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

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

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

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

511 (9) BACKGROUND SCREENING.—An individual required to
512 undergo a background screening pursuant to this section must
513 pass a level 2 background screening as provided under chapter
514 435, which, in addition to the disqualifying offenses provided
515 in s. 435.04, shall exclude an individual who has an arrest
516 awaiting final disposition for, has been found guilty of,
517 regardless of adjudication, or has entered a plea of nolo
518 contendere or guilty to an offense under chapter 837, chapter
519 895, or chapter 896 or similar law of another jurisdiction.

520 Exemptions from disqualification as provided under s. 435.07 do
521 not apply to this subsection.

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

526 Enforcement for state processing, and the Department of Law
 527 Enforcement shall forward the fingerprints to the Federal Bureau
 528 of Investigation for national processing.

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

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

543 Section 3. Paragraph (d) of subsection (1) of section
 544 381.988, Florida Statutes, is amended to read:

545 381.988 Medical marijuana testing laboratories; marijuana
 546 tests conducted by a certified laboratory.-

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

549 (d) Require all employees, owners, and managers to submit
 550 to and pass a level 2 background screening pursuant to chapter

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

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

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

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

576 (h) and, when the Department of Law Enforcement begins
577 participation in the program, enrolled in the Federal Bureau of
578 Investigation's national retained print arrest notification
579 program. Any arrest record identified shall be reported to the
580 department.

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

583 382.005 Duties of local registrars.—

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

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

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

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

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

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

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

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

624 (2) (a) The funeral director who first assumes custody of a
625 dead body or fetus shall electronically file the certificate of

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

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

651 constitutes delivery to the State Registrar as required by law.

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

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

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

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

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

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

676 382.013 Birth registration.—A certificate for each live
677 birth that occurs in this state shall be filed within 5 days
678 after such birth in the department's electronic registration
679 system with the local registrar of the district in which the
680 birth occurred and shall be registered by the local registrar if
681 the certificate has been completed and filed in accordance with
682 this chapter and adopted rules. The information regarding
683 registered births shall be used for comparison with information
684 in the state case registry, as defined in chapter 61.

685 (1) FILING.—

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

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

700 (c) If a birth occurs outside a facility and the delivery

701 is not attended by one of the persons described in paragraph
702 (b), the person in attendance, the mother, or the father shall
703 report the birth to the registrar and provide proof of the facts
704 of birth. The department may require such documents to be
705 presented and such proof to be filed as it deems necessary and
706 sufficient to establish the truth of the facts to be recorded by
707 the certificate and may withhold registering the birth until its
708 requirements are met.

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

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

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

723 (g) Regardless of any plan to place a child for adoption
724 after birth, the information on the birth certificate as
725 required by this section must be as to the child's birth parents

726 unless and until an application for a new birth record is made
727 under s. 63.152.

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

735 (2) PATERNITY.—

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

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

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

751 audio equipment, and in writing, of the alternatives to, the
752 legal consequences of, and the rights, including, if one parent
753 is a minor, any rights afforded due to minority status, and
754 responsibilities that arise from signing an acknowledgment of
755 paternity, as well as information provided by the Title IV-D
756 agency established pursuant to s. 409.2557, regarding the
757 benefits of voluntary establishment of paternity. Upon request
758 of the mother and the person to be named as the father, the
759 facility shall assist in the execution of the affidavit, a
760 notarized voluntary acknowledgment of paternity, or a voluntary
761 acknowledgment of paternity that is witnessed by two individuals
762 and signed under penalty of perjury as specified by s.
763 92.525(2).

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

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

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

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

784 (3) NAME OF CHILD.—

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

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

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

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

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

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

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

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

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

848 (1) ADOPTION AND ANNULMENT OF ADOPTION.—

849 (a) Upon receipt of the report or certified copy of an
850 adoption decree, together with the information necessary to

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

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

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

876 report or decree to the appropriate birth registration authority
877 in Canada.

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

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

900 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR

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

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

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

926 Section 9. Section 382.021, Florida Statutes, is amended
 927 to read:

928 382.021 Department to receive marriage licenses. ~~On or~~
 929 ~~before the 5th day of each month,~~

930 (1) The county court judge or clerk of the circuit court
 931 shall electronically transmit all original marriage licenses,
 932 with endorsements, received ~~during the preceding calendar month,~~
 933 to the department on one of the following reporting schedules:

934 (a) Weekly, on or before each Friday, all original
 935 marriage licenses, with endorsements, received during the
 936 preceding calendar week.

937 (b) Monthly, on or before the 5th day of each month, all
 938 original marriage licenses, with endorsements, received during
 939 the preceding calendar month.

940 (2) Any marriage licenses issued and not returned or any
 941 marriage licenses returned but not recorded must ~~shall~~ be
 942 reported by the issuing county court judge or clerk of the
 943 circuit court to the department at the time of transmitting the
 944 recorded licenses on the forms to be prescribed and furnished by
 945 the department. If, during any reporting schedule, the county
 946 court judge or clerk of the circuit court does not issue or does
 947 not receive a returned marriage license ~~month no marriage~~
 948 ~~licenses are issued or returned,~~ the county court judge or clerk
 949 of the circuit court must ~~shall~~ report such fact to the
 950 department upon forms prescribed and furnished by the department

951 in accordance with the selected reporting schedule.

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

954 382.023 Department to receive dissolution-of-marriage
 955 records; fees.—

956 (1) Clerks of the circuit courts shall collect for their
 957 services at the time of the filing of a final judgment of
 958 dissolution of marriage a fee of up to \$10.50, of which 43
 959 percent shall be retained by the clerk of the circuit court as a
 960 part of the cost in the cause in which the judgment is granted.
 961 The remaining 57 percent shall be remitted to the Department of
 962 Revenue for deposit to the Department of Health to defray part
 963 of the cost of maintaining the dissolution-of-marriage records.

964 (2) The clerk of the circuit court shall electronically
 965 transmit to the department a record of each ~~and every~~ judgment
 966 of dissolution of marriage granted by the court, including the
 967 names of the parties and such other data as required by forms
 968 prescribed by the department, on one of the following reporting
 969 schedules:

970 (a) Weekly, on or before each Friday, all final judgments
 971 of dissolution of marriage granted during the preceding calendar
 972 week, along with an accounting of the funds remitted to the
 973 Department of Revenue pursuant to this section.

974 (b) Monthly, on or before the 10th day of each month, all
 975 final judgments of dissolution of marriage granted during the

976 preceding calendar month, ~~giving names of parties and such other~~
977 ~~data as required by forms prescribed by the department, shall be~~
978 ~~transmitted to the department, on or before the 10th day of each~~
979 ~~month,~~ along with an accounting of the funds remitted to the
980 Department of Revenue pursuant to this section.

981 (3) If, during any reporting schedule, there are no final
982 judgments of dissolution of marriage granted, the clerk of the
983 circuit court must report such fact to the department upon forms
984 prescribed and furnished by the department in accordance with
985 the selected reporting schedule.

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

988 382.025 Certified copies of vital records;
989 confidentiality; research.—

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

994 (a) Certified copies of the original birth certificate or
995 a new or amended certificate, or affidavits thereof, are
996 confidential and exempt from the provisions of s. 119.07(1) and,
997 upon receipt of a request and payment of the fee prescribed in
998 s. 382.0255, shall be issued only as authorized by the
999 department and in the form prescribed by the department, and
1000 only:

1001 1. To the registrant, if the registrant is of legal age,
 1002 is a certified homeless youth, or is a minor who has had the
 1003 disabilities of nonage removed under s. 743.01 or s. 743.015;

1004 2. To the registrant's parent or guardian or other legal
 1005 representative;

1006 3. Upon receipt of the registrant's death certificate, to
 1007 the registrant's spouse or to the registrant's child,
 1008 grandchild, or sibling, if of legal age, or to the legal
 1009 representative of any ~~of~~ such person ~~persons~~;

1010 4. To any person if the birth record is more than 125 ~~over~~
 1011 ~~100~~ years old and not under seal pursuant to court order;

1012 5. To a law enforcement agency for official purposes;

1013 6. To any agency of the state or the United States for
 1014 official purposes upon approval of the department; or

1015 7. Upon order of any court of competent jurisdiction.

1016 (b) To protect the integrity of vital records and prevent
 1017 the fraudulent use of the birth certificates of deceased
 1018 persons, the department shall match birth and death certificates
 1019 and post the fact of death to the appropriate birth certificate.
 1020 Except for a commemorative birth certificate, any certification
 1021 of a birth certificate of a deceased registrant shall be marked
 1022 "deceased." In the case of a commemorative birth certificate,
 1023 such indication of death shall be made on the back of the
 1024 certificate.

1025 (c) The department shall issue, upon request and upon

1026 payment of an additional fee as prescribed under s. 382.0255, a
 1027 commemorative birth certificate representing that the birth of
 1028 the person named thereon is recorded in the office of the
 1029 registrar. The certificate issued under this paragraph shall be
 1030 in a form consistent with the need to protect the integrity of
 1031 vital records but shall be suitable for display. It may bear the
 1032 seal of the state printed thereon and may be signed by the
 1033 Governor.

1034 (4) CERTIFIED COPIES OF ORIGINAL CERTIFICATES.—Only the
 1035 state registrar, ~~and~~ local registrars, and those persons
 1036 appointed by the department are authorized to issue any
 1037 certificate which purports to be a certified copy of an original
 1038 certificate of live birth, death, or fetal death. Except as
 1039 provided in this section, preparing or issuing certificates is
 1040 exempt from the provisions of s. 119.07(1).

1041 Section 12. Subsections (3), (4), and (5) of section
 1042 401.27, Florida Statutes, are amended to read:

1043 401.27 Personnel; standards and certification.—

1044 (3) Any person who desires to be certified or recertified
 1045 as an emergency medical technician or paramedic must apply to
 1046 the department ~~under oath~~ on forms provided by the department
 1047 which shall contain such information as the department
 1048 reasonably requires, which may include affirmative evidence of
 1049 ability to comply with applicable laws and rules. The department
 1050 shall determine whether the applicant meets the requirements

1051 specified in this section and in rules of the department and
 1052 shall issue a certificate to any person who meets such
 1053 requirements.

1054 (4) An applicant for certification or recertification as
 1055 an emergency medical technician or paramedic must:

1056 (a) Have completed an appropriate training program as
 1057 follows:

1058 1. For an emergency medical technician, an emergency
 1059 medical technician training program approved by the department
 1060 as equivalent to the most recent EMT-Basic National Standard
 1061 Curriculum or the National EMS Education Standards of the United
 1062 States Department of Transportation;

1063 2. For a paramedic, a paramedic training program approved
 1064 by the department as equivalent to the most recent EMT-Paramedic
 1065 National Standard Curriculum or the National EMS Education
 1066 Standards of the United States Department of Transportation;

1067 (b) Attest ~~Certify under oath~~ that he or she is not
 1068 addicted to alcohol or any controlled substance;

1069 (c) Attest ~~Certify under oath~~ that he or she is free from
 1070 any physical or mental defect or disease that might impair the
 1071 applicant's ability to perform his or her duties;

1072 (d) Within 2 years after program completion have passed an
 1073 examination developed or required by the department;

1074 (e)1. For an emergency medical technician, hold a current
 1075 American Heart Association cardiopulmonary resuscitation course

1076 card or an American Red Cross cardiopulmonary resuscitation
 1077 course card or its equivalent as defined by department rule;

1078 2. For a paramedic, hold a certificate of successful
 1079 course completion in advanced cardiac life support from the
 1080 American Heart Association or its equivalent as defined by
 1081 department rule;

1082 (f) Submit the certification fee and the nonrefundable
 1083 examination fee prescribed in s. 401.34, which examination fee
 1084 will be required for each examination administered to an
 1085 applicant; and

1086 (g) Submit a completed application to the department,
 1087 which application documents compliance with paragraphs (a), (b),
 1088 (c), (e), (f), and this paragraph, and, if applicable, paragraph
 1089 (d). ~~The application must be submitted so as to be received by~~
 1090 ~~the department at least 30 calendar days before the next~~
 1091 ~~regularly scheduled examination for which the applicant desires~~
 1092 ~~to be scheduled.~~

1093 ~~(5) The certification examination must be offered monthly.~~
 1094 ~~The department shall issue an examination admission notice to~~
 1095 ~~the applicant advising him or her of the time and place of the~~
 1096 ~~examination for which he or she is scheduled. Individuals~~
 1097 ~~achieving a passing score on the certification examination may~~
 1098 ~~be issued a temporary certificate with their examination grade~~
 1099 ~~report. The department must issue an original certification~~
 1100 ~~within 45 days after the examination. Examination questions and~~

1101 ~~answers are not subject to discovery but may be introduced into~~
1102 ~~evidence and considered only in camera in any administrative~~
1103 ~~proceeding under chapter 120. If an administrative hearing is~~
1104 ~~held, the department shall provide challenged examination~~
1105 ~~questions and answers to the administrative law judge. The~~
1106 ~~department shall establish by rule the procedure by which an~~
1107 ~~applicant, and the applicant's attorney, may review examination~~
1108 ~~questions and answers in accordance with s. 119.071(1)(a).~~

1109 Section 13. Paragraph (a) of subsection (1) of section
1110 401.2701, Florida Statutes, is amended to read:

1111 401.2701 Emergency medical services training programs.—

1112 (1) Any private or public institution in Florida desiring
1113 to conduct an approved program for the education of emergency
1114 medical technicians and paramedics shall:

1115 (a) Submit a completed application on a form provided by
1116 the department, which must include:

1117 1. Evidence that the institution is in compliance with all
1118 applicable requirements of the Department of Education.

1119 2. Evidence of an affiliation agreement with a hospital
1120 that has an emergency department staffed by at least one
1121 physician and one registered nurse.

1122 3. Evidence of an affiliation agreement with a current
1123 emergency medical services provider that is licensed in this
1124 state. Such agreement shall include, at a minimum, a commitment
1125 by the provider to conduct the field experience portion of the

1126 education program. An applicant licensed as an advanced life
1127 support service under s. 401.25 with permitted transport
1128 vehicles pursuant to s. 401.26 is exempt from the requirements
1129 of this subparagraph and need not submit evidence of an
1130 affiliation agreement with a current emergency medical services
1131 provider.

1132 4. Documentation verifying faculty, including:

1133 a. A medical director who is a licensed physician meeting
1134 the applicable requirements for emergency medical services
1135 medical directors as outlined in this chapter and rules of the
1136 department. The medical director shall have the duty and
1137 responsibility of certifying that graduates have successfully
1138 completed all phases of the education program and are proficient
1139 in basic or advanced life support techniques, as applicable.

1140 b. A program director responsible for the operation,
1141 organization, periodic review, administration, development, and
1142 approval of the program.

1143 5. Documentation verifying that the curriculum:

1144 a. Meets the most recent Emergency Medical Technician-
1145 Basic National Standard Curriculum or the National EMS Education
1146 Standards approved by the department for emergency medical
1147 technician programs and Emergency Medical Technician-Paramedic
1148 National Standard Curriculum or the National EMS Education
1149 Standards approved by the department for paramedic programs.

1150 b. Includes 2 hours of instruction on the trauma scorecard

1151 methodologies for assessment of adult trauma patients and
 1152 pediatric trauma patients as specified by the department by
 1153 rule.

1154 6. Evidence of sufficient medical and educational
 1155 equipment to meet emergency medical services training program
 1156 needs.

1157 Section 14. Section 401.272, Florida Statutes, is amended
 1158 to read:

1159 401.272 Emergency medical services community health care.—

1160 (1) The purpose of this section is to encourage more
 1161 effective utilization of the skills of emergency medical
 1162 technicians and paramedics by enabling them to perform, ~~in~~
 1163 ~~partnership with local county health departments,~~ specific
 1164 additional health care tasks that are consistent with the public
 1165 health and welfare.

1166 (2) Notwithstanding any other provision of law to the
 1167 contrary:

1168 (a) Paramedics or emergency medical technicians shall
 1169 operate under the medical direction of a physician through two-
 1170 way voice communication or pursuant to established standing
 1171 orders or protocols and within the scope of their training when
 1172 providing basic life support, advanced life support, and may
 1173 ~~perform~~ health promotion and wellness activities and ~~blood~~
 1174 ~~pressure screenings~~ in a nonemergency environment, ~~within the~~
 1175 ~~scope of their training, and under the direction of a medical~~

1176 ~~director~~. As used in this paragraph, the term "health promotion
 1177 and wellness" means the provision of public health programs
 1178 pertaining to the prevention of illness and injury.

1179 (b) Paramedics and emergency medical technicians shall
 1180 operate under the medical direction of a physician through two-
 1181 way communication or pursuant to established standing orders or
 1182 protocols and within the scope of their training when a patient
 1183 is not transported to an emergency department or is transported
 1184 to a facility other than a hospital as defined in s.
 1185 395.002(12).

1186 (c) Paramedics may administer immunizations in a
 1187 nonemergency environment, within the scope of their training,
 1188 and under the medical direction of a physician through two-way
 1189 communication or pursuant to established standing orders or
 1190 protocols ~~medical director~~. There must be a written agreement
 1191 between the physician providing medical direction ~~paramedic's~~
 1192 ~~medical director~~ and the department or the county health
 1193 department located in each county in which the paramedic
 1194 administers immunizations. This agreement must establish the
 1195 protocols, policies, and procedures under which the paramedic
 1196 must operate.

1197 (d)~~(e)~~ Paramedics may provide basic life support services
 1198 and advanced life support services to patients receiving acute
 1199 and postacute hospital care at home as specified in the
 1200 paramedic's supervisory relationship with a physician or

1201 standing orders as described in s. 401.265, s. 458.348, or s.
1202 459.025. A physician who supervises or provides medical
1203 direction to a paramedic who provides basic life support
1204 services or advanced life support services to patients receiving
1205 acute and postacute hospital care at home pursuant to a formal
1206 supervisory relationship or standing orders is liable for any
1207 act or omission of the paramedic acting under the physician's
1208 supervision or medical direction when providing such services.
1209 The department may adopt and enforce rules necessary to
1210 implement this paragraph.

1211 (3) Each physician providing medical direction to ~~medical~~
1212 ~~director under whose direction~~ a paramedic who administers
1213 immunizations must verify and document that the paramedic has
1214 received sufficient training and experience to administer
1215 immunizations. The verification must be documented on forms
1216 developed by the department, and the completed forms must be
1217 maintained at the service location of the licensee and made
1218 available to the department upon request.

1219 (4) The department may adopt and enforce all rules
1220 necessary to enforce the provisions relating to a paramedic's
1221 administration of immunizations and the performance of health
1222 promotion and wellness activities ~~and blood pressure screenings~~
1223 by a paramedic or emergency medical technician in a nonemergency
1224 environment.

1225 Section 15. Subsections (5), (6), and (7) of section

1226 401.34, Florida Statutes, are amended to read:

1227 401.34 Fees.—

1228 ~~(5) The department may provide same-day grading of the~~
 1229 ~~examination for an applicant for emergency medical technician or~~
 1230 ~~paramedic certification.~~

1231 ~~(6) The department may offer walk-in eligibility~~
 1232 ~~determination and examination to applicants for emergency~~
 1233 ~~medical technician or paramedic certification who pay to the~~
 1234 ~~department a nonrefundable fee to be set by the department not~~
 1235 ~~to exceed \$65. The fee is in addition to the certification fee~~
 1236 ~~and examination fee. The department must establish locations and~~
 1237 ~~times for eligibility determination and examination.~~

1238 ~~(7) The cost of emergency medical technician or paramedic~~
 1239 ~~certification examination review may not exceed \$50.~~

1240 Section 16. Section 401.435, Florida Statutes, is amended
 1241 to read:

1242 401.435 Emergency medical ~~First~~ responder agencies and
 1243 training.—

1244 (1) The department must adopt by rule the United States
 1245 Department of Transportation National Emergency Medical Services
 1246 Education Standards for the Emergency Medical Services: First
 1247 Responder level Training Course as the minimum standard for
 1248 emergency medical ~~first~~ responder training. In addition, the
 1249 department must adopt rules establishing minimum emergency
 1250 medical ~~first~~ responder instructor qualifications. For purposes

1251 of this section, an emergency medical ~~a first~~ responder includes
 1252 any individual who receives training to render initial care to
 1253 an ill or injured person, other than an individual trained and
 1254 certified pursuant to s. 943.1395(1), but who does not have the
 1255 primary responsibility of treating and transporting ill or
 1256 injured persons.

1257 (2) Each emergency medical ~~first~~ responder agency must
 1258 take all reasonable efforts to enter into a memorandum of
 1259 understanding with the emergency medical services licensee
 1260 within whose territory the agency operates in order to
 1261 coordinate emergency services at an emergency scene. The
 1262 department must provide a model memorandum of understanding for
 1263 this purpose. The memorandum of understanding should include
 1264 dispatch protocols, the roles and responsibilities of emergency
 1265 medical ~~first~~ responder personnel at an emergency scene, and the
 1266 documentation required for patient care rendered. For purposes
 1267 of this section, the term "emergency medical ~~first~~ responder
 1268 agency" includes a law enforcement agency, a fire service agency
 1269 not licensed under this part, a lifeguard agency, and a
 1270 volunteer organization that renders, as part of its routine
 1271 functions, on-scene patient care before emergency medical
 1272 technicians or paramedics arrive.

1273 Section 17. Paragraph (a) of subsection (1) of section
 1274 464.203, Florida Statutes, is amended to read:

1275 464.203 Certified nursing assistants; certification

1276 requirement.—

1277 (1) The board shall issue a certificate to practice as a
1278 certified nursing assistant to any person who demonstrates a
1279 minimum competency to read and write and successfully passes the
1280 required background screening pursuant to s. 400.215. If the
1281 person has successfully passed the required background screening
1282 pursuant to s. 400.215 or s. 408.809 within 90 days before
1283 applying for a certificate to practice and the person's
1284 background screening results are not retained in the
1285 clearinghouse created under s. 435.12, the board shall waive the
1286 requirement that the applicant successfully pass an additional
1287 background screening pursuant to s. 400.215. The person must
1288 also meet one of the following requirements:

1289 (a) Has successfully completed an approved training
1290 program and achieved a minimum score, established by rule of the
1291 board, on the nursing assistant competency examination, which
1292 consists of a written portion and skills-demonstration portion
1293 approved by the board and administered at a site and by
1294 personnel approved by the department. Any person who has
1295 successfully completed an approved training program within 6
1296 months before filing an application for certification is not
1297 required to take the skills-demonstration portion of the
1298 competency examination.

1299 Section 18. Section 468.1225, Florida Statutes, is amended
1300 to read:

1301 468.1225 Procedures, equipment, and protocols.—

1302 (1) The following minimal procedures shall be used when a
1303 licensed audiologist fits and sells a prescription hearing aid:

1304 (a) Pure tone audiometric testing by air and bone to
1305 determine the type and degree of hearing deficiency when
1306 indicated.

1307 (b) Effective masking when indicated.

1308 (c) Appropriate testing to determine speech reception
1309 thresholds, speech discrimination scores, the most comfortable
1310 listening levels, uncomfortable loudness levels, and the
1311 selection of the best fitting arrangement for maximum hearing
1312 aid benefit when indicated.

1313 (2) The following equipment shall be used:

1314 (a) A wide range audiometer that ~~which~~ meets the
1315 specifications of the American National Standards Institute for
1316 diagnostic audiometers when indicated.

1317 (b) A speech audiometer or a master hearing aid in order
1318 to determine the most comfortable listening level and speech
1319 discrimination when indicated.

1320 (3) A final fitting ensuring physical and operational
1321 comfort of the prescription hearing aid shall be made when
1322 indicated.

1323 (4) A licensed audiologist who fits and sells prescription
1324 hearing aids shall obtain the following medical clearance: If,
1325 upon inspection of the ear canal with an otoscope in the common

1326 procedure of fitting a prescription hearing aid and upon
1327 interrogation of the client, there is any recent history of
1328 infection or any observable anomaly, the client shall be
1329 instructed to see a physician, and a prescription hearing aid
1330 may ~~shall~~ not be fitted until medical clearance is obtained for
1331 the condition noted. If, upon return, the condition noted is no
1332 longer observable and the client signs a medical waiver, a
1333 prescription hearing aid may be fitted. Any person with a
1334 significant difference between bone conduction hearing and air
1335 conduction hearing must be informed of the possibility of
1336 medical or surgical correction.

1337 (5)(a) A licensed audiologist's office must have
1338 available, or have access to, a selection of prescription
1339 hearing aid models, hearing aid supplies, and services complete
1340 enough to accommodate the various needs of the hearing aid
1341 wearers.

1342 (b) At the time of the initial examination for fitting and
1343 sale of a prescription hearing aid, the attending audiologist
1344 must notify the prospective purchaser of the benefits of
1345 telecoil, also known as "t" coil or "t" switch, technology,
1346 including increased access to telephones and noninvasive access
1347 to assistive listening systems required under the Americans with
1348 Disabilities Act of 1990.

1349 (6) Unless otherwise indicated, each audiometric test
1350 conducted by a licensee or a certified audiology assistant in

1351 the fitting and selling of prescription hearing aids must ~~shall~~
1352 be made in a testing room that has been certified by the
1353 department, or by an agent approved by the department, not to
1354 exceed the following sound pressure levels at the specified
1355 frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB,
1356 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB,
1357 and 8000Hz-67dB. An exception to this requirement shall be made
1358 in the case of a client who, after being provided written notice
1359 of the benefits and advantages of having the test conducted in a
1360 certified testing room, requests that the test be conducted in a
1361 place other than the licensee's certified testing room. Such
1362 request must ~~shall~~ be documented by a waiver that ~~which~~ includes
1363 the written notice and is signed by the licensee and the client
1364 before ~~prior to~~ the testing. The waiver must ~~shall~~ be executed
1365 on a form provided by the department. The executed waiver must
1366 ~~shall~~ be attached to the client's copy of the contract, and a
1367 copy of the executed waiver must ~~shall~~ be retained in the
1368 licensee's file.

1369 (7) The board may ~~shall have the power to~~ prescribe the
1370 minimum procedures and equipment used in the conducting of
1371 hearing assessments and for the fitting and selling of
1372 prescription hearing aids. The board shall adopt and enforce
1373 rules necessary to implement ~~carry out the provisions of~~ this
1374 subsection and subsection (6).

1375 (8) Any duly authorized officer or employee of the

1376 department may ~~shall have the right to~~ make such inspections and
 1377 investigations as ~~are~~ necessary ~~in order~~ to determine the state
 1378 of compliance with ~~the provisions of~~ this section and the
 1379 applicable rules and may enter the premises of a licensee and
 1380 inspect the records of same upon reasonable belief that a
 1381 violation of this law is being or has been committed or that the
 1382 licensee has failed or is failing to comply with ~~the provisions~~
 1383 ~~of~~ this part.

1384 Section 19. Section 468.1245, Florida Statutes, is amended
 1385 to read:

1386 468.1245 Itemized listing of prices; delivery of
 1387 prescription hearing aid; receipt; guarantee; packaging;
 1388 disclaimer.—

1389 (1) Before ~~Prior~~ to delivery of services or products to a
 1390 prospective purchaser, a licensee must ~~shall~~ disclose, upon
 1391 request by the prospective purchaser, an itemized listing of
 1392 prices, which must ~~listing shall~~ include separate price
 1393 estimates for each service component and each product. Provision
 1394 of such itemized listing of prices may ~~shall~~ not be predicated
 1395 on the prospective purchaser's payment of any charge or
 1396 agreement to purchase any service or product.

1397 (2) Any licensee who fits and sells a prescription hearing
 1398 aid shall, at the time of delivery, provide the purchaser with a
 1399 receipt containing the seller's signature, the address of his or
 1400 her regular place of business, and his or her license or

1401 certification number, if applicable, together with the brand,
1402 model, manufacturer or manufacturer's identification code, and
1403 serial number of the prescription hearing aid furnished and the
1404 amount charged for the prescription hearing aid. The receipt
1405 must also ~~shall~~ specify whether the prescription hearing aid is
1406 new, used, or rebuilt, ~~and shall specify~~ the length of time and
1407 other terms of the guarantee, and by whom the prescription
1408 hearing aid is guaranteed. When the client has requested an
1409 itemized list of prices, the receipt must ~~shall~~ also provide an
1410 itemization of the total purchase price, including, but not
1411 limited to, the cost of the aid, ear mold, batteries, and other
1412 accessories, and the cost of any services. Notice of the
1413 availability of this service must be displayed in a conspicuous
1414 manner in the office. The receipt must also ~~shall~~ state that any
1415 complaint concerning the prescription hearing aid and its
1416 guarantee, if not reconciled with the licensee from whom the
1417 prescription hearing aid was purchased, should be directed by
1418 the purchaser to the department. The address and telephone
1419 number of such office must ~~shall~~ be stated on the receipt.

1420 (3) A prescription ~~No~~ hearing aid may not be sold to any
1421 person unless both the packaging containing the prescription
1422 hearing aid and the contract provided pursuant to subsection (2)
1423 carry the following disclaimer in 10-point or larger type: "A
1424 hearing aid will not restore normal hearing, nor will it prevent
1425 further hearing loss."

1426 Section 20. Section 468.1246, Florida Statutes, is amended
1427 to read:

1428 468.1246 Thirty-day trial period; purchaser's right to
1429 cancel; notice; refund; cancellation fee.—

1430 (1) A person selling a prescription hearing aid in this
1431 state must provide the buyer with written notice of a 30-day
1432 trial period and money-back guarantee. The guarantee must permit
1433 the purchaser to cancel the purchase for a valid reason as
1434 defined by rule of the board within 30 days after receiving the
1435 prescription hearing aid, by returning the prescription hearing
1436 aid or mailing written notice of cancellation to the seller. If
1437 the prescription hearing aid must be repaired, remade, or
1438 adjusted during the 30-day trial period, the running of the 30-
1439 day trial period is suspended 1 day for each 24-hour period that
1440 the prescription hearing aid is not in the purchaser's
1441 possession. A repaired, remade, or adjusted prescription hearing
1442 aid must be claimed by the purchaser within 3 working days after
1443 notification of availability. The running of the 30-day trial
1444 period resumes on the day the purchaser reclaims a repaired,
1445 remade, or adjusted prescription hearing aid or on the 4th day
1446 after notification of availability.

1447 (2) The board, in consultation with the Board of Hearing
1448 Aid Specialists, shall prescribe by rule the terms and
1449 conditions to be contained in the money-back guarantee and any
1450 exceptions thereto. Such rule must ~~shall~~ provide, at a minimum,

1451 that the charges for earmolds and service provided to fit the
 1452 prescription hearing aid may be retained by the licensee. The
 1453 rules must ~~shall~~ also set forth any reasonable charges to be
 1454 held by the licensee as a cancellation fee. ~~Such rule shall be~~
 1455 ~~effective on or before December 1, 1994. Should the board fail~~
 1456 ~~to adopt such rule, a licensee may not charge a cancellation fee~~
 1457 ~~which exceeds 5 percent of the total charge for a hearing aid~~
 1458 ~~alone.~~ The terms and conditions of the guarantee, including the
 1459 total amount available for refund, must ~~shall~~ be provided in
 1460 writing to the purchaser before ~~prior to~~ the signing of the
 1461 contract.

1462 Section 21. Section 468.1255, Florida Statutes, is amended
 1463 to read:

1464 468.1255 Cancellation by medical authorization;
 1465 purchaser's right to return.—

1466 (1) In addition to any other rights and remedies the
 1467 purchaser of a prescription hearing aid may have, the purchaser
 1468 has ~~shall have~~ the right to rescind the transaction if the
 1469 purchaser for whatever reason consults a licensed physician with
 1470 specialty board certification in otolaryngology or internal
 1471 medicine or a licensed family practice physician, subsequent to
 1472 purchasing a prescription hearing aid, and the physician
 1473 certifies in writing that the purchaser has a hearing impairment
 1474 for which a prescription hearing aid will not provide a benefit
 1475 or that the purchaser has a medical condition which

1476 | contraindicates the use of a prescription hearing aid.

1477 | (2) The purchaser of a prescription hearing aid has ~~shall~~
 1478 | ~~have~~ the right to rescind as provided in subsection (1) only if
 1479 | the purchaser gives a written notice of the intent to rescind
 1480 | the transaction to the seller at the seller's place of business
 1481 | by certified mail, return receipt requested, which notice shall
 1482 | be posted not later than 60 days following the date of delivery
 1483 | of the prescription hearing aid to the purchaser, and the
 1484 | purchaser returns the prescription hearing aid to the seller in
 1485 | the original condition less normal wear and tear.

1486 | (3) If the conditions of subsections (1) and (2) are met,
 1487 | the seller must ~~shall~~, without request, refund to the purchaser,
 1488 | within 10 days after ~~of~~ the receipt of notice to rescind, a full
 1489 | and complete refund of all moneys received, less 5 percent. The
 1490 | purchaser does not ~~shall~~ incur any ~~no~~ additional liability for
 1491 | rescinding the transaction.

1492 | Section 22. Section 468.1265, Florida Statutes, is amended
 1493 | to read:

1494 | 468.1265 Sale or distribution of prescription hearing aids
 1495 | through mail; penalty.—It is unlawful for any person to sell or
 1496 | distribute prescription hearing aids through the mail to the
 1497 | ultimate consumer. Any person who violates this section commits
 1498 | a misdemeanor of the second degree, punishable as provided in s.
 1499 | 775.082 or s. 775.083.

1500 | Section 23. Section 468.1275, Florida Statutes, is amended

1501 to read:

1502 468.1275 Place of business; display of license.—Each
 1503 licensee who fits and sells a prescription hearing aid shall
 1504 declare and establish a regular place of business, at which his
 1505 or her license shall be conspicuously displayed.

1506 Section 24. Section 484.0401, Florida Statutes, is amended
 1507 to read:

1508 484.0401 Purpose.—The Legislature recognizes that the
 1509 dispensing of prescription hearing aids requires particularized
 1510 knowledge and skill to ensure that the interests of the hearing-
 1511 impaired public will be adequately served and safely protected.
 1512 It recognizes that a poorly selected or fitted prescription
 1513 hearing aid not only will give little satisfaction but may
 1514 interfere with hearing ability and, therefore, deems it
 1515 necessary in the interest of the public health, safety, and
 1516 welfare to regulate the dispensing of prescription hearing aids
 1517 in this state. Restrictions on the fitting and selling of
 1518 prescription hearing aids shall be imposed only to the extent
 1519 necessary to protect the public from physical and economic harm,
 1520 and restrictions shall not be imposed in a manner which will
 1521 unreasonably affect the competitive market.

1522 Section 25. Section 484.041, Florida Statutes, is
 1523 reordered and amended to read:

1524 484.041 Definitions.—As used in this part, the term:

1525 (1) "Board" means the Board of Hearing Aid Specialists.

1526 (2) "Department" means the Department of Health.

1527 (3) "Dispensing prescription hearing aids" means and
 1528 includes:

1529 (a) Conducting and interpreting hearing tests for purposes
 1530 of selecting suitable prescription hearing aids, making earmolds
 1531 or ear impressions, and providing appropriate counseling.

1532 (b) All acts pertaining to the selling, renting, leasing,
 1533 pricing, delivery, and warranty of prescription hearing aids.

1534 ~~(6)-(4)~~ "Hearing aid specialist" means a person duly
 1535 licensed in this state to practice the dispensing of
 1536 prescription hearing aids.

1537 ~~(4)-(5)~~ "Hearing aid" means any wearable ~~an amplifying~~
 1538 device designed for, offered for the purpose of, or represented
 1539 as aiding persons with, or compensating for, impaired hearing to
 1540 be worn by a hearing-impaired person to improve hearing.

1541 ~~(10)-(6)~~ "Trainee" means a person studying prescription
 1542 hearing aid dispensing under the direct supervision of an active
 1543 licensed hearing aid specialist for the purpose of qualifying
 1544 for certification to sit for the licensure examination.

1545 ~~(5)-(7)~~ "Hearing aid establishment" means any establishment
 1546 in this ~~the~~ state which employs a licensed hearing aid
 1547 specialist who offers, advertises, and performs hearing aid
 1548 services for the general public.

1549 (7) "Over-the-counter hearing aid" means an air-conduction
 1550 hearing aid that does not require implantation or other surgical

1551 intervention and is intended for use by a person 18 years of age
 1552 or older to compensate for perceived mild to moderate hearing
 1553 impairment.

1554 (8) "Prescription hearing aid" means a hearing aid that
 1555 satisfies the requirements of this part and is not an over-the-
 1556 counter hearing aid.

1557 (9)-(8) "Sponsor" means an active, licensed hearing aid
 1558 specialist under whose direct supervision one or more trainees
 1559 are studying prescription hearing aid dispensing for the purpose
 1560 of qualifying for certification to sit for the licensure
 1561 examination.

1562 Section 26. Subsection (2) of section 484.042, Florida
 1563 Statutes, is amended to read:

1564 484.042 Board of Hearing Aid Specialists; membership,
 1565 appointment, terms.—

1566 (2) Five members of the board shall be hearing aid
 1567 specialists who have been licensed and practicing the dispensing
 1568 of prescription hearing aids in this state for at least the
 1569 preceding 4 years. The remaining four members, none of whom
 1570 shall derive economic benefit from the fitting or dispensing of
 1571 hearing aids, shall be appointed from the resident lay public of
 1572 this state. One of the lay members shall be a prescription
 1573 hearing aid user but may not ~~neither~~ be nor have been a hearing
 1574 aid specialist or a licensee of a closely related profession.
 1575 One lay member shall be an individual age 65 or over. One lay

1576 member shall be an otolaryngologist licensed pursuant to chapter
1577 458 or chapter 459.

1578 Section 27. Subsection (2) of section 484.044, Florida
1579 Statutes, is amended to read:

1580 484.044 Authority to make rules.—

1581 (2) The board shall adopt rules requiring that each
1582 prospective purchaser of a prescription hearing aid be notified
1583 by the attending hearing aid specialist, at the time of the
1584 initial examination for fitting and sale of a hearing aid, of
1585 telecoil, "t" coil, or "t" switch technology. The rules shall
1586 further require that hearing aid specialists make available to
1587 prospective purchasers or clients information regarding
1588 telecoils, "t" coils, or "t" switches. ~~These rules shall be~~
1589 ~~effective on or before October 1, 1994.~~

1590 Section 28. Subsection (2) of section 484.0445, Florida
1591 Statutes, is amended to read:

1592 484.0445 Training program.—

1593 (2) A trainee shall perform the functions of a hearing aid
1594 specialist in accordance with board rules only under the direct
1595 supervision of a licensed hearing aid specialist. The term
1596 "direct supervision" means that the sponsor is responsible for
1597 all work being performed by the trainee. The sponsor or a
1598 hearing aid specialist designated by the sponsor shall give
1599 final approval to work performed by the trainee and shall be
1600 physically present at the time the prescription hearing aid is

1601 delivered to the client.

1602 Section 29. Subsection (2) of section 484.045, Florida

1603 Statutes, is amended to read:

1604 484.045 Licensure by examination.—

1605 (2) The department shall license each applicant who the

1606 board certifies meets all of the following criteria:

1607 (a) Has completed the application form and remitted the

1608 required fees.†

1609 (b) Is of good moral character.†

1610 (c) Is 18 years of age or older.†

1611 (d) Is a graduate of an accredited high school or its

1612 equivalent.†

1613 (e)1. Has met the requirements of the training program; or

1614 2.a. Has a valid, current license as a hearing aid

1615 specialist or its equivalent from another state and has been

1616 actively practicing in such capacity for at least 12 months; or

1617 b. Is currently certified by the National Board for

1618 Certification in Hearing Instrument Sciences and has been

1619 actively practicing for at least 12 months.†

1620 (f) Has passed an examination, as prescribed by board

1621 rule.†~~and~~

1622 (g) Has demonstrated, in a manner designated by rule of

1623 the board, knowledge of state laws and rules relating to the

1624 fitting and dispensing of prescription hearing aids.

1625 Section 30. Section 484.0501, Florida Statutes, is amended

1626 to read:

1627 484.0501 Minimal procedures and equipment.—

1628 (1) The following minimal procedures shall be used in the
1629 fitting and selling of prescription hearing aids:

1630 (a) Pure tone audiometric testing by air and bone to
1631 determine the type and degree of hearing deficiency.

1632 (b) Effective masking when indicated.

1633 (c) Appropriate testing to determine speech reception
1634 thresholds, speech discrimination scores, the most comfortable
1635 listening levels, uncomfortable loudness levels, and the
1636 selection of the best fitting arrangement for maximum hearing
1637 aid benefit.

1638 (2) The following equipment shall be used:

1639 (a) A wide range audiometer that ~~which~~ meets the
1640 specifications of the American National Standards Institute for
1641 diagnostic audiometers.

1642 (b) A speech audiometer or a master hearing aid in order
1643 to determine the most comfortable listening level and speech
1644 discrimination.

1645 (3) A final fitting ensuring physical and operational
1646 comfort of the prescription hearing aid shall be made.

1647 (4) The following medical clearance shall be obtained: If,
1648 upon inspection of the ear canal with an otoscope in the common
1649 procedure of a prescription hearing aid fitter and upon
1650 interrogation of the client, there is any recent history of

1651 infection or any observable anomaly, the client must ~~shall~~ be
1652 instructed to see a physician, and a prescription hearing aid
1653 may ~~shall~~ not be fitted until medical clearance is obtained for
1654 the condition noted. If, upon return, the condition noted is no
1655 longer observable and the client signs a medical waiver, a
1656 prescription hearing aid may be fitted. Any person with a
1657 significant difference between bone conduction hearing and air
1658 conduction hearing must be informed of the possibility of
1659 medical correction.

1660 (5)(a) A prescription hearing aid establishment ~~office~~
1661 must have available, or have access to, a selection of
1662 prescription hearing aid models, hearing aid supplies, and
1663 services complete enough to accommodate the various needs of the
1664 prescription hearing aid wearers.

1665 (b) At the time of the initial examination for fitting and
1666 sale of a prescription hearing aid, the attending hearing aid
1667 specialist shall ~~must~~ notify the prospective purchaser or client
1668 of the benefits of telecoil, "t" coil, or "t" switch technology,
1669 including increased access to telephones and noninvasive access
1670 to assistive listening systems required under the Americans with
1671 Disabilities Act of 1990.

1672 (6) Each audiometric test conducted by a licensee or
1673 authorized trainee in the fitting and selling of prescription
1674 hearing aids must ~~shall~~ be made in a testing room that has been
1675 certified by the department, or by an agent approved by the

1676 department, not to exceed the following sound pressure levels at
1677 the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB,
1678 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB,
1679 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement
1680 shall be made in the case of a client who, after being provided
1681 written notice of the benefits and advantages of having the test
1682 conducted in a certified testing room, requests that the test be
1683 conducted in a place other than the licensee's certified testing
1684 room. Such request must ~~shall~~ be documented by a waiver which
1685 includes the written notice and is signed by the licensee and
1686 the client before ~~prior to~~ the testing. The waiver must ~~shall~~ be
1687 executed on a form provided by the department. The executed
1688 waiver must ~~shall~~ be attached to the client's copy of the
1689 contract, and a copy of the executed waiver must ~~shall~~ be
1690 retained in the licensee's file.

1691 (7) The board may ~~shall have the power to~~ prescribe the
1692 minimum procedures and equipment which must ~~shall~~ be used in the
1693 conducting of hearing assessments, and for the fitting and
1694 selling of prescription hearing aids, including equipment that
1695 will measure the prescription hearing aid's response curves to
1696 ensure that they meet the manufacturer's specifications. These
1697 procedures and equipment may differ from those provided in this
1698 section in order to take full advantage of devices and equipment
1699 which may hereafter become available and which are demonstrated
1700 to be of greater efficiency and accuracy. The board shall adopt

1701 and enforce rules necessary to implement ~~carry out the~~
1702 ~~provisions of~~ this subsection and subsection (6).

1703 (8) Any duly authorized officer or employee of the
1704 department may ~~shall have the right to~~ make such inspections and
1705 investigations as ~~are necessary in order~~ to determine the state
1706 of compliance with ~~the provisions of~~ this section and the
1707 applicable rules and may enter the premises of a licensee and
1708 inspect the records of same upon reasonable belief that a
1709 violation of this law is being or has been committed or that the
1710 licensee has failed or is failing to comply with ~~the provisions~~
1711 ~~of~~ this part act.

1712 (9) A licensed hearing aid specialist may service, market,
1713 sell, dispense, provide customer support for, and distribute
1714 prescription and over-the-counter hearing aids.

1715 Section 31. Section 484.051, Florida Statutes, is amended
1716 to read:

1717 484.051 Itemization of prices; delivery of prescription
1718 hearing aid; receipt, packaging, disclaimer, guarantee.—

1719 (1) Before ~~Prior to~~ delivery of services or products to a
1720 prospective purchaser, any person who fits and sells
1721 prescription hearing aids must ~~shall~~ disclose on request by the
1722 prospective purchaser an itemized listing of prices, which must
1723 ~~listing shall~~ include separate price estimates for each service
1724 component and each product. Provision of such itemized listing
1725 of prices may ~~shall~~ not be predicated on the prospective

1726 purchaser's payment of any charge or agreement to purchase any
1727 service or product.

1728 (2) Any person who fits and sells a prescription hearing
1729 aid must ~~shall~~, at the time of delivery, provide the purchaser
1730 with a receipt containing the seller's signature, the address of
1731 her or his regular place of business, and her or his license or
1732 trainee registration number, if applicable, together with the
1733 brand, model, manufacturer or manufacturer's identification
1734 code, and serial number of the prescription hearing aid
1735 furnished and the amount charged for the prescription hearing
1736 aid. The receipt must also ~~shall~~ specify whether the
1737 prescription hearing aid is new, used, or rebuilt, ~~and shall~~
1738 ~~specify~~ the length of time and other terms of the guarantee, and
1739 by whom the prescription hearing aid is guaranteed. ~~If~~ When the
1740 client has requested an itemized list of prices, the receipt
1741 must ~~shall~~ also provide an itemization of the total purchase
1742 price, including, but not limited to, the cost of the aid,
1743 earmold, batteries and other accessories, and any services.
1744 Notice of the availability of this service shall be displayed in
1745 a conspicuous manner in the office. The receipt must also ~~shall~~
1746 state that any complaint concerning the prescription hearing aid
1747 and guarantee therefor, if not reconciled with the licensee from
1748 whom the prescription hearing aid was purchased, should be
1749 directed by the purchaser to the Department of Health. The
1750 address and telephone number of such office must ~~shall~~ be stated

1751 on the receipt.

1752 (3) A prescription ~~Ne~~ hearing aid may not be sold to any
1753 person unless both the packaging containing the prescription
1754 hearing aid and the itemized receipt provided pursuant to
1755 subsection (2) carry the following disclaimer in 10-point or
1756 larger type: "A hearing aid will not restore normal hearing, nor
1757 will it prevent further hearing loss."

1758 Section 32. Section 484.0512, Florida Statutes, is amended
1759 to read:

1760 484.0512 Thirty-day trial period; purchaser's right to
1761 cancel; notice; refund; cancellation fee; criminal penalty.—

1762 (1) A person selling a prescription hearing aid in this
1763 state must provide the buyer with written notice of a 30-day
1764 trial period and money-back guarantee. The guarantee must permit
1765 the purchaser to cancel the purchase for a valid reason, as
1766 defined by ~~rule of the board~~ rule, within 30 days after
1767 receiving the prescription hearing aid, by returning the
1768 prescription hearing aid or mailing written notice of
1769 cancellation to the seller. If the prescription hearing aid must
1770 be repaired, remade, or adjusted during the 30-day trial period,
1771 the running of the 30-day trial period is suspended 1 day for
1772 each 24-hour period that the prescription hearing aid is not in
1773 the purchaser's possession. A repaired, remade, or adjusted
1774 prescription hearing aid must be claimed by the purchaser within
1775 3 working days after notification of availability. The running

1776 of the 30-day trial period resumes on the day the purchaser
 1777 reclaims the repaired, remade, or adjusted prescription hearing
 1778 aid or on the fourth day after notification of availability,
 1779 whichever occurs earlier.

1780 (2) The board, in consultation with the Board of Speech-
 1781 Language Pathology and Audiology, shall prescribe by rule the
 1782 terms and conditions to be contained in the money-back guarantee
 1783 and any exceptions thereto. Such rules must ~~rule shall~~ provide,
 1784 at a minimum, that the charges for earmolds and service provided
 1785 to fit the prescription hearing aid may be retained by the
 1786 licensee. The rules must ~~shall~~ also set forth any reasonable
 1787 charges to be held by the licensee as a cancellation fee. ~~Such~~
 1788 ~~rule shall be effective on or before December 1, 1994. Should~~
 1789 ~~the board fail to adopt such rule, a licensee may not charge a~~
 1790 ~~cancellation fee which exceeds 5 percent of the total charge for~~
 1791 ~~a hearing aid alone.~~ The terms and conditions of the guarantee,
 1792 including the total amount available for refund, must ~~shall~~ be
 1793 provided in writing to the purchaser before ~~prior to~~ the signing
 1794 of the contract.

1795 (3) Within 30 days after the return or attempted return of
 1796 the prescription hearing aid, the seller shall refund all moneys
 1797 that must be refunded to a purchaser pursuant to this section. A
 1798 violation of this subsection is a misdemeanor of the first
 1799 degree, punishable as provided in s. 775.082 or s. 775.083.

1800 (4) For purposes of this section, the term "seller" or

1801 "person selling a prescription hearing aid" includes:

1802 (a) Any ~~natural~~ person licensed under this part or any
 1803 other ~~natural~~ person who signs a sales receipt required by s.
 1804 484.051(2) or s. 468.1245(2) or ~~who~~ otherwise fits, delivers, or
 1805 dispenses a prescription hearing aid.

1806 (b) Any business organization, whether a sole
 1807 proprietorship, partnership, corporation, professional
 1808 association, joint venture, business trust, or other legal
 1809 entity, that ~~which~~ dispenses a prescription hearing aid or
 1810 enters into an agreement to dispense a prescription hearing aid.

1811 (c) Any person who controls, manages, or operates an
 1812 establishment or business that dispenses a prescription hearing
 1813 aid or enters into an agreement to dispense a prescription
 1814 hearing aid.

1815 Section 33. Section 484.0513, Florida Statutes, is amended
 1816 to read:

1817 484.0513 Cancellation by medical authorization;
 1818 purchaser's right to return.—

1819 (1) In addition to any other rights and remedies the
 1820 purchaser of a prescription hearing aid may have, the purchaser
 1821 has ~~shall have~~ the right to rescind the transaction if the
 1822 purchaser for whatever reason consults a licensed physician with
 1823 specialty board certification in otolaryngology or internal
 1824 medicine or a licensed family practice physician, subsequent to
 1825 purchasing a prescription hearing aid, and the physician

1826 certifies in writing that the purchaser has a hearing impairment
1827 for which a prescription hearing aid will not provide a benefit
1828 or that the purchaser has a medical condition which
1829 contraindicates the use of a prescription hearing aid.

1830 (2) The purchaser of a prescription hearing aid ~~has shall~~
1831 ~~have~~ the right to rescind as provided in subsection (1) only if
1832 the purchaser gives a written notice of the intent to rescind
1833 the transaction to the seller at the seller's place of business
1834 by certified mail, return receipt requested, which must ~~notice~~
1835 ~~shall~~ be posted within ~~not later than~~ 60 days after ~~following~~
1836 the date of delivery of the prescription hearing aid to the
1837 purchaser, and the purchaser returns the prescription hearing
1838 aid to the seller in the original condition less normal wear and
1839 tear.

1840 (3) If the conditions of subsections (1) and (2) are met,
1841 the seller must ~~shall~~, without request, refund to the purchaser,
1842 within 10 days after ~~of the~~ receipt of the notice to rescind, a
1843 full and complete refund of all moneys received, less 5 percent.
1844 The purchaser does not ~~shall~~ incur any ~~no~~ additional liability
1845 for rescinding the transaction.

1846 Section 34. Section 484.053, Florida Statutes, is amended
1847 to read:

1848 484.053 Prohibitions; penalties.—

1849 (1) A person may not:

1850 (a) Practice dispensing prescription hearing aids unless

1851 the person is a licensed hearing aid specialist;

1852 (b) Use the name or title "hearing aid specialist" when

1853 the person has not been licensed under this part;

1854 (c) Present as her or his own the license of another;

1855 (d) Give false, incomplete, or forged evidence to the

1856 board or a member thereof for the purposes of obtaining a

1857 license;

1858 (e) Use or attempt to use a hearing aid specialist license

1859 that is delinquent or has been suspended, revoked, or placed on

1860 inactive status;

1861 (f) Knowingly employ unlicensed persons in the practice of

1862 dispensing prescription hearing aids; or

1863 (g) Knowingly conceal information relative to violations

1864 of this part.

1865 (2) Any person who violates any provision ~~of the~~

1866 ~~provisions~~ of this section is guilty of a felony of the third

1867 degree, punishable as provided in s. 775.082 or s. 775.083.

1868 (3) If a person licensed under this part allows the sale

1869 of a prescription hearing aid by an unlicensed person not

1870 registered as a trainee or fails to comply with the requirements

1871 of s. 484.0445(2) relating to supervision of trainees, the board

1872 must ~~shall~~, upon determination of that violation, order the full

1873 refund of moneys paid by the purchaser upon return of the

1874 prescription hearing aid to the seller's place of business.

1875 Section 35. Section 484.054, Florida Statutes, is amended

1876 to read:

1877 484.054 Sale or distribution of prescription hearing aids
 1878 through mail; penalty.—It is unlawful for any person to sell or
 1879 distribute prescription hearing aids through the mail to the
 1880 ultimate consumer. Any violation of this section constitutes a
 1881 misdemeanor of the second degree, punishable as provided in s.
 1882 775.082 or s. 775.083.

1883 Section 36. Section 484.059, Florida Statutes, is amended
 1884 to read:

1885 484.059 Exemptions.—

1886 (1) The licensure requirements of this part do not apply
 1887 to any person engaged in recommending prescription hearing aids
 1888 as part of the academic curriculum of an accredited institution
 1889 of higher education, or as part of a program conducted by a
 1890 public charitable institution supported primarily by voluntary
 1891 contribution, provided this organization does not dispense or
 1892 sell prescription hearing aids or accessories.

1893 (2) The licensure requirements of this part do not apply
 1894 to any person licensed to practice medicine in this ~~the~~ state,
 1895 except that such physician must ~~shall~~ comply with the
 1896 requirement of periodic filing of the certificate of testing and
 1897 calibration of audiometric equipment as provided in this part. A
 1898 ~~No~~ person employed by or working under the supervision of a
 1899 person licensed to practice medicine may not ~~shall~~ perform any
 1900 services or acts which would constitute the dispensing of

1901 prescription hearing aids as defined in s. 484.041 ~~s.~~
1902 ~~484.041(3)~~, unless such person is a licensed hearing aid
1903 specialist.

1904 (3) The licensure requirements of this part do not apply
1905 to an audiologist licensed under ~~pursuant to~~ part I of chapter
1906 468.

1907 (4) Section ~~The provisions of s. 484.053(1)(a)~~ does ~~shall~~
1908 not apply to registered trainees operating in compliance with
1909 this part and board ~~of the board~~ rules.

1910 (5) The licensure requirements of this part do not apply
1911 to a person who services, markets, sells, dispenses, provides
1912 customer support for, or distributes exclusively over-the-
1913 counter hearing aids, whether through in-person transactions, by
1914 mail, or online. For purposes of this subsection, over-the-
1915 counter hearing aids are those that are available without the
1916 supervision, prescription, or other order, involvement, or
1917 intervention of a licensed person to consumers through in-person
1918 transactions, by mail, or online. These devices allow the user
1919 to control the device and customize it to the user's hearing
1920 needs through the use of tools, tests, or software, including,
1921 but not limited to, wireless technology or tests for self-
1922 assessment of hearing loss.

1923 Section 37. The Division of Law Revision is directed to
1924 replace the phrase "the effective date of this act" wherever it
1925 occurs in this act with the date the act becomes a law.

1926 | Section 38. Except as otherwise expressly provided in this
1927 | act and except for this section, which shall take effect upon
1928 | this act becoming a law, this act shall take effect July 1,
1929 | 2023.