



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, family medicine physician,~~  
666 ~~pediatrician, surgeon, or 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, family medicine  
673 physician, pediatrician, 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.