

By Senator Rodriguez

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

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30 registrars to file a paper record with the department
31 if the electronic system is unavailable; requiring
32 local registrars to make blank paper forms available
33 in such instances; providing requirements for such
34 paper records; amending s. 382.008, F.S.; conforming
35 provisions to changes made by the act; amending s.
36 382.009, F.S.; revising the types of health care
37 practitioners who may make certain determinations of
38 death; amending ss. 382.013 and 382.015, F.S.;
39 conforming provisions to changes made by the act;
40 amending ss. 382.021 and 382.023, F.S.; revising the
41 frequency with which circuit courts must transmit
42 marriage licenses and certain dissolution-of-marriage
43 records to the department; requiring that such records
44 be transmitted electronically; amending s. 382.025,
45 F.S.; extending the timeframe for the confidentiality
46 of certain birth records; authorizing persons
47 appointed by the department to issue certified copies
48 of live birth, death, and fetal death certificates;
49 amending s. 401.27, F.S.; revising requirements for
50 applicants for certification or recertification as
51 emergency medical technicians or paramedics; deleting
52 a requirement that a certain certification examination
53 be offered monthly; deleting related duties of the
54 department; deleting a temporary certificate and
55 related provisions; amending s. 401.2701, F.S.;
56 exempting certain emergency medical services training
57 program applicants from the requirement to have a
58 certain affiliation agreement; amending s. 401.272,

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59 F.S.; revising the purpose of certain provisions;
60 specifying requirements for the provision of specified
61 services by paramedics and emergency medical
62 technicians under certain circumstances; revising the
63 department's rulemaking authority; amending s. 401.34,
64 F.S.; deleting certain provisions and fees related to
65 the department's grading of a certain certification
66 examination; amending s. 401.435, F.S.; revising
67 provisions related to minimum standards for emergency
68 medical responder training; amending s. 464.203, F.S.;
69 exempting certain applicants for certification as a
70 certified nursing assistant from the skills-
71 demonstration portion of a certain competency
72 examination; amending ss. 468.1225 and 468.1245, F.S.;
73 revising the scope of practice for audiologists, as it
74 relates to hearing aids to apply to prescription
75 hearing aids only; amending s. 468.1246, F.S.;
76 conforming provisions to changes made by the act;
77 deleting obsolete language; amending ss. 468.1255,
78 468.1265, and 468.1275, F.S.; conforming provisions to
79 changes made by the act; amending s. 484.0401, F.S.;
80 revising legislative findings and intent to conform to
81 changes made by the act; reordering and amending s.
82 484.041, F.S.; providing and revising definitions;
83 amending s. 484.042, F.S.; revising membership
84 requirements for members of the Board of Hearing Aid
85 Specialists; amending s. 484.044, F.S.; revising the
86 board's rulemaking authority; deleting obsolete
87 language; amending ss. 484.0445, 484.045, 484.0501,

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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, virus,

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117 or other microorganism that is likely to be both:

118 1. Highly transmissible and capable of wide, uncontrollable
119 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 subsection
136 (1) of section 381.986, Florida Statutes, are redesignated as
137 paragraphs (b) through (p), respectively, a new paragraph (a) is
138 added to that subsection, and paragraphs (a) and (c) of
139 subsection (3), paragraphs (e), (h), and (k) of subsection (8),
140 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,

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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 defined~~
168 ~~in paragraph (1)(i),~~ and before each license renewal, a medical
169 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

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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.

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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 individual
231 or entity who directly or indirectly owns, controls, or holds
232 with power to vote 5 percent or more of the voting shares of a

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233 medical marijuana treatment center, may not acquire direct or
234 indirect ownership or control of any voting shares or other form
235 of ownership of any other medical marijuana treatment center.

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

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

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

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

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

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

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

261 d. Must perform fumigation or treatment of plants, or

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262 remove and destroy infested or infected plants, in accordance
263 with chapter 581 and any rules adopted thereunder.

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

267 8. A medical marijuana treatment center that produces
268 edibles must hold a permit to operate as a food establishment
269 pursuant to chapter 500, the Florida Food Safety Act, and must
270 comply with all the requirements for food establishments
271 pursuant to chapter 500 and any rules adopted thereunder.
272 Edibles may not contain more than 200 milligrams of
273 tetrahydrocannabinol, and a single serving portion of an edible
274 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
275 may have a potency variance of no greater than 15 percent.
276 Marijuana products, including edibles, may not be attractive to
277 children; be manufactured in the shape of humans, cartoons, or
278 animals; be manufactured in a form that bears any reasonable
279 resemblance to products available for consumption as
280 commercially available candy; or contain any color additives. To
281 discourage consumption of edibles by children, the department
282 shall determine by rule any shapes, forms, and ingredients
283 allowed and prohibited for edibles. Medical marijuana treatment
284 centers may not begin processing or dispensing edibles until
285 after the effective date of the rule. The department shall also
286 adopt sanitation rules providing the standards and requirements
287 for the storage, display, or dispensing of edibles.

288 9. Within 12 months after licensure, a medical marijuana
289 treatment center must demonstrate to the department that all of
290 its processing facilities have passed a Food Safety Good

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291 Manufacturing Practices, such as Global Food Safety Initiative
292 or equivalent, inspection by a nationally accredited certifying
293 body. A medical marijuana treatment center must immediately stop
294 processing at any facility which fails to pass this inspection
295 until it demonstrates to the department that such facility has
296 met this requirement.

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

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

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

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

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

317 d. Test the processed marijuana using a medical marijuana
318 testing laboratory before it is dispensed. Results must be
319 verified and signed by two medical marijuana treatment center

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

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349 including all marijuana and marijuana products made from the
350 same batch of marijuana, that fails to meet the potency
351 requirements of this section, that is unsafe for human
352 consumption, or for which the labeling of the
353 tetrahydrocannabinol and cannabidiol concentration is
354 inaccurate. The department shall adopt rules to establish
355 marijuana potency variations of no greater than 15 percent using
356 negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts
357 for, but is not limited to, time lapses between testing, testing
358 methods, testing instruments, and types of marijuana sampled for
359 testing. The department may not issue any recalls for product
360 potency as it relates to product labeling before issuing a rule
361 relating to potency variation standards. A medical marijuana
362 treatment center must also recall all marijuana delivery devices
363 determined to be unsafe for use by qualified patients. The
364 medical marijuana treatment center must retain records of all
365 testing and samples of each homogenous batch of marijuana for at
366 least 9 months. The medical marijuana treatment center must
367 contract with a marijuana testing laboratory to perform audits
368 on the medical marijuana treatment center's standard operating
369 procedures, testing records, and samples and provide the results
370 to the department to confirm that the marijuana or low-THC
371 cannabis meets the requirements of this section and that the
372 marijuana or low-THC cannabis is safe for human consumption. A
373 medical marijuana treatment center shall reserve two processed
374 samples from each batch and retain such samples for at least 9
375 months for the purpose of such audits. A medical marijuana
376 treatment center may use a laboratory that has not been
377 certified by the department under s. 381.988 until such time as

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378 at least one laboratory holds the required certification, but in
379 no event later than July 1, 2018.

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

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

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

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

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

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

393 (V) The name of the patient.

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

399 (VII) The recommended dose.

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

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

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

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

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

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

429 15. Each edible must ~~shall~~ be individually sealed in plain,
430 opaque wrapping marked only with the marijuana universal symbol.
431 Where practical, each edible must ~~shall~~ be marked with the
432 marijuana universal symbol. In addition to the packaging and
433 labeling requirements in subparagraphs 11. and 12., edible
434 receptacles must be plain, opaque, and white without depictions
435 of the product or images other than the medical marijuana

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436 treatment center's department-approved logo and the marijuana
437 universal symbol. The receptacle must also include a list of all
438 the edible's ingredients, storage instructions, an expiration
439 date, a legible and prominent warning to keep away from children
440 and pets, and a warning that the edible has not been produced or
441 inspected pursuant to federal food safety laws.

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

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

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

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

460 d. Must verify that the qualified patient and the
461 caregiver, if applicable, each have an active registration in
462 the medical marijuana use registry and an active and valid
463 medical marijuana use registry identification card, the amount
464 and type of marijuana dispensed matches the physician

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465 certification in the medical marijuana use registry for that
466 qualified patient, and the physician certification has not
467 already been filled.

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

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

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

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

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

489 1. The dispensing location of a medical marijuana treatment
490 center may have a sign that is affixed to the outside or hanging
491 in the window of the premises which identifies the dispensary by
492 the licensee's business name, a department-approved trade name,
493 or a department-approved logo. A medical marijuana treatment

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494 center's trade name and logo may not contain wording or images
495 that are attractive to children ~~commonly associated with~~
496 ~~marketing targeted toward children~~ or which promote recreational
497 use of marijuana.

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

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

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

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

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

510 (k) The department may adopt rules pursuant to ss.
511 120.536(1) and 120.54 to implement this subsection. The
512 department shall adopt rules it deems necessary to protect the
513 health and safety of qualified patients and minors, including,
514 but not limited to, standards to ensure that medical marijuana
515 treatment centers operate in a manner consistent with the
516 provision of medical products and rules to discourage the
517 diversion and illicit use of marijuana.

518 (9) BACKGROUND SCREENING.—An individual required to undergo
519 a background screening pursuant to this section must pass a
520 level 2 background screening as provided under chapter 435,
521 which, in addition to the disqualifying offenses provided in s.
522 435.04, shall exclude an individual who has an arrest awaiting

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

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

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

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

550 Section 3. Paragraph (d) of subsection (1) of section
551 381.988, Florida Statutes, is amended to read:

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552 381.988 Medical marijuana testing laboratories; marijuana
553 tests conducted by a certified laboratory.-

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

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

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

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

580 3. Fingerprints submitted to the Department of Law

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

588 Section 4. Section 382.005, Florida Statutes, is amended to
589 read:

590 382.005 Duties of local registrars.—

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

596 (2) Each local registrar must electronically file all live
597 birth, death, and fetal death records within their respective
598 jurisdictions in the department's electronic registration
599 system. If the department's electronic registration system is
600 unavailable, the local registrar must file a paper record with
601 the department.

602 (3) Each local registrar must ~~shall~~ make ~~available~~ blank
603 forms available if the department's electronic registration
604 system is unavailable, as necessary and must ~~shall~~ examine each
605 paper certificate of live birth, death, or fetal death when
606 presented for registration in order to ascertain whether ~~or not~~
607 it has been completed in accordance with ~~the provisions of~~ this
608 chapter and adopted rules. All paper birth, death, and fetal
609 death certificates must ~~shall~~ be typewritten in permanent black

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610 ink, and a paper certificate is not complete and correct if it
611 does not supply each item of information called for or
612 satisfactorily account for its omission.

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

624 ~~(5)(4)~~ Each local registrar, immediately upon appointment,
625 shall designate one or more deputy registrars to act on behalf
626 of the local registrar.

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

629 382.008 Death, fetal death, and nonviable birth
630 registration.—

631 (2) (a) The funeral director who first assumes custody of a
632 dead body or fetus shall electronically file the certificate of
633 death or fetal death. In the absence of the funeral director,
634 the physician, physician assistant, advanced practice registered
635 nurse registered under s. 464.0123, or other person in
636 attendance at or after the death or the district medical
637 examiner of the county in which the death occurred or the body
638 was found shall electronically file the certificate of death or

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639 fetal death. The person who files the certificate shall obtain
640 personal data from a legally authorized person as described in
641 s. 497.005 or the best qualified person or source available. The
642 medical certification of cause of death must ~~shall~~ be furnished
643 to the funeral director, either in person or via certified mail
644 or electronic transfer, by the physician, physician assistant,
645 advanced practice registered nurse registered under s. 464.0123,
646 or medical examiner responsible for furnishing such information.
647 For fetal deaths, the physician, physician assistant, advanced
648 practice registered nurse registered under s. 464.0123, midwife,
649 or hospital administrator shall provide any medical or health
650 information to the funeral director within 72 hours after
651 expulsion or extraction.

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

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

661 382.009 Recognition of brain death under certain
662 circumstances.—

663 (2) Determination of death pursuant to this section must
664 ~~shall~~ be made in accordance with currently accepted reasonable
665 medical standards by two licensed health care practitioners who
666 must be physicians or physician assistants licensed under
667 chapter 458 or chapter 459 or advanced practice registered

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668 nurses registered under s. 464.0123. One of the health care
669 practitioners must ~~physician shall~~ be the treating health care
670 practitioner ~~physician,~~ and the other ~~physician shall be a~~
671 ~~board-eligible or board-certified neurologist, neurosurgeon,~~
672 ~~internist, pediatrician, surgeon, or anesthesiologist.~~

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

675 382.013 Birth registration.—A certificate for each live
676 birth that occurs in this state shall be filed within 5 days
677 after such birth in the department's electronic registration
678 system with the local registrar of the district in which the
679 birth occurred and shall be registered by the local registrar if
680 the certificate has been completed and filed in accordance with
681 this chapter and adopted rules. The information regarding
682 registered births shall be used for comparison with information
683 in the state case registry, as defined in chapter 61.

684 (1) FILING.—

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

694 (b) If a birth occurs outside a facility and a physician
695 licensed in this state, a certified nurse midwife, a midwife
696 licensed in this state, or a public health nurse employed by the

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697 department was in attendance during or immediately after the
698 delivery, that person shall prepare and file the certificate.

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

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

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

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

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

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726 under s. 63.152.

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

734 (2) PATERNITY.—

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

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

745 (c) If the mother is not married at the time of the birth,
746 the name of the father may not be entered on the birth
747 certificate without the execution of an affidavit signed by both
748 the mother and the person to be named as the father. The
749 facility shall give notice orally or through the use of video or
750 audio equipment, and in writing, of the alternatives to, the
751 legal consequences of, and the rights, including, if one parent
752 is a minor, any rights afforded due to minority status, and
753 responsibilities that arise from signing an acknowledgment of
754 paternity, as well as information provided by the Title IV-D

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755 agency established pursuant to s. 409.2557, regarding the
756 benefits of voluntary establishment of paternity. Upon request
757 of the mother and the person to be named as the father, the
758 facility shall assist in the execution of the affidavit, a
759 notarized voluntary acknowledgment of paternity, or a voluntary
760 acknowledgment of paternity that is witnessed by two individuals
761 and signed under penalty of perjury as specified by s.
762 92.525(2).

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

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

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

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

783 (3) NAME OF CHILD.—

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

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

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

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

807 (4) UNDETERMINED PARENTAGE.—The person having custody of a
808 child of undetermined parentage shall register a birth
809 certificate showing all known or approximate facts relating to
810 the birth. To assist in later determination, information
811 concerning the place and circumstances under which the child was
812 found shall be included on the portion of the birth certificate

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813 relating to marital status and medical details. In the event the
814 child is later identified, a new birth certificate shall be
815 prepared which shall bear the same number as the original birth
816 certificate, and the original certificate shall be sealed and
817 filed, shall be confidential and exempt from the provisions of
818 s. 119.07(1), and shall not be opened to inspection by, nor
819 shall certified copies of the same be issued except by court
820 order to, any person other than the registrant if of legal age.

821 (5) DISCLOSURE.—The original certificate of live birth
822 shall contain all the information required by the department for
823 legal, social, and health research purposes. However, all
824 information concerning parentage, marital status, and medical
825 details shall be confidential and exempt from the provisions of
826 s. 119.07(1), except for health research purposes as approved by
827 the department, nor shall copies of the same be issued except as
828 provided in s. 382.025.

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

831 382.015 New certificates of live birth; duty of clerks of
832 court and department.—The clerk of the court in which any
833 proceeding for adoption, annulment of an adoption, affirmation
834 of parental status, or determination of paternity is to be
835 registered, shall within 30 days after the final disposition,
836 forward electronically to the department a certified copy of the
837 court order, or a report of the proceedings upon a form to be
838 furnished by the department, together with sufficient
839 information to identify the original birth certificate and to
840 enable the preparation of a new birth certificate. The clerk of
841 the court shall implement a monitoring and quality control plan

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842 to ensure that all judicial determinations of paternity are
843 reported to the department in compliance with this section. The
844 department shall track paternity determinations reported monthly
845 by county, monitor compliance with the 30-day timeframe, and
846 report the data to the clerks of the court quarterly.

847 (1) ADOPTION AND ANNULMENT OF ADOPTION.—

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

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

870 (c) Upon receipt of a report or certified copy of an

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

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

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

899 (4) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR ORIGINAL.—

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

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

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

924 Section 9. Section 382.021, Florida Statutes, is amended to
 925 read:

926 382.021 Department to receive marriage licenses.—Weekly ~~On~~
 927 ~~or before the 5th day of each month,~~ the county court judge or
 928 clerk of the circuit court shall electronically transmit all

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929 original marriage licenses, with endorsements, received during
930 the preceding calendar week ~~month~~, to the department. Any
931 marriage licenses issued and not returned or any marriage
932 licenses returned but not recorded shall be reported by the
933 issuing county court judge or clerk of the circuit court to the
934 department at the time of transmitting the recorded licenses on
935 the forms to be prescribed and furnished by the department. If
936 during any month no marriage licenses are issued or returned,
937 the county court judge or clerk of the circuit court shall
938 report such fact to the department upon forms prescribed and
939 furnished by the department.

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

942 382.023 Department to receive dissolution-of-marriage
943 records; fees.—Clerks of the circuit courts shall collect for
944 their services at the time of the filing of a final judgment of
945 dissolution of marriage a fee of up to \$10.50, of which 43
946 percent shall be retained by the clerk of the circuit court as a
947 part of the cost in the cause in which the judgment is granted.
948 The remaining 57 percent shall be remitted to the Department of
949 Revenue for deposit to the Department of Health to defray part
950 of the cost of maintaining the dissolution-of-marriage records.
951 A record of each and every judgment of dissolution of marriage
952 granted by the court during the preceding calendar week ~~month~~,
953 giving names of parties and such other data as required by forms
954 prescribed by the department, shall be electronically
955 transmitted to the department weekly, ~~on or before the 10th day~~
956 ~~of each month~~, along with an accounting of the funds remitted to
957 the Department of Revenue pursuant to this section.

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

960 382.025 Certified copies of vital records; confidentiality;
961 research.—

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

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

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

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

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

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

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

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

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

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

997 (c) The department shall issue, upon request and upon
998 payment of an additional fee as prescribed under s. 382.0255, a
999 commemorative birth certificate representing that the birth of
1000 the person named thereon is recorded in the office of the
1001 registrar. The certificate issued under this paragraph shall be
1002 in a form consistent with the need to protect the integrity of
1003 vital records but shall be suitable for display. It may bear the
1004 seal of the state printed thereon and may be signed by the
1005 Governor.

1006 (4) CERTIFIED COPIES OF ORIGINAL CERTIFICATES.—Only the
1007 state registrar, ~~and~~ local registrars, and those persons
1008 appointed by the department are authorized to issue any
1009 certificate which purports to be a certified copy of an original
1010 certificate of live birth, death, or fetal death. Except as
1011 provided in this section, preparing or issuing certificates is
1012 exempt from the provisions of s. 119.07(1).

1013 Section 12. Subsections (3), (4), and (5) of section
1014 401.27, Florida Statutes, are amended to read:

1015 401.27 Personnel; standards and certification.—

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1016 (3) Any person who desires to be certified or recertified
1017 as an emergency medical technician or paramedic must apply to
1018 the department ~~under oath~~ on forms provided by the department
1019 which shall contain such information as the department
1020 reasonably requires, which may include affirmative evidence of
1021 ability to comply with applicable laws and rules. The department
1022 shall determine whether the applicant meets the requirements
1023 specified in this section and in rules of the department and
1024 shall issue a certificate to any person who meets such
1025 requirements.

1026 (4) An applicant for certification or recertification as an
1027 emergency medical technician or paramedic must:

1028 (a) Have completed an appropriate training program as
1029 follows:

1030 1. For an emergency medical technician, an emergency
1031 medical technician training program approved by the department
1032 as equivalent to the most recent EMT-Basic National Standard
1033 Curriculum or the National EMS Education Standards of the United
1034 States Department of Transportation;

1035 2. For a paramedic, a paramedic training program approved
1036 by the department as equivalent to the most recent EMT-Paramedic
1037 National Standard Curriculum or the National EMS Education
1038 Standards of the United States Department of Transportation;

1039 (b) Attest ~~Certify under oath~~ that he or she is not
1040 addicted to alcohol or any controlled substance;

1041 (c) Attest ~~Certify under oath~~ that he or she is free from
1042 any physical or mental defect or disease that might impair the
1043 applicant's ability to perform his or her duties;

1044 (d) Within 2 years after program completion have passed an

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1045 examination developed or required by the department;

1046 (e)1. For an emergency medical technician, hold a current
1047 American Heart Association cardiopulmonary resuscitation course
1048 card or an American Red Cross cardiopulmonary resuscitation
1049 course card or its equivalent as defined by department rule;

1050 2. For a paramedic, hold a certificate of successful course
1051 completion in advanced cardiac life support from the American
1052 Heart Association or its equivalent as defined by department
1053 rule;

1054 (f) Submit the certification fee and the nonrefundable
1055 examination fee prescribed in s. 401.34, which examination fee
1056 will be required for each examination administered to an
1057 applicant; and

1058 (g) Submit a completed application to the department, which
1059 application documents compliance with paragraphs (a), (b), (c),
1060 (e), (f), and this paragraph, and, if applicable, paragraph (d).
1061 ~~The application must be submitted so as to be received by the~~
1062 ~~department at least 30 calendar days before the next regularly~~
1063 ~~scheduled examination for which the applicant desires to be~~
1064 ~~scheduled.~~

1065 ~~(5) The certification examination must be offered monthly.~~
1066 ~~The department shall issue an examination admission notice to~~
1067 ~~the applicant advising him or her of the time and place of the~~
1068 ~~examination for which he or she is scheduled. Individuals~~
1069 ~~achieving a passing score on the certification examination may~~
1070 ~~be issued a temporary certificate with their examination grade~~
1071 ~~report. The department must issue an original certification~~
1072 ~~within 45 days after the examination. Examination questions and~~
1073 ~~answers are not subject to discovery but may be introduced into~~

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1074 ~~evidence and considered only in camera in any administrative~~
 1075 ~~proceeding under chapter 120. If an administrative hearing is~~
 1076 ~~held, the department shall provide challenged examination~~
 1077 ~~questions and answers to the administrative law judge. The~~
 1078 ~~department shall establish by rule the procedure by which an~~
 1079 ~~applicant, and the applicant's attorney, may review examination~~
 1080 ~~questions and answers in accordance with s. 119.071(1)(a).~~

1081 Section 13. Paragraph (a) of subsection (1) of section
 1082 401.2701, Florida Statutes, is amended to read:

1083 401.2701 Emergency medical services training programs.—

1084 (1) Any private or public institution in Florida desiring
 1085 to conduct an approved program for the education of emergency
 1086 medical technicians and paramedics shall:

1087 (a) Submit a completed application on a form provided by
 1088 the department, which must include:

1089 1. Evidence that the institution is in compliance with all
 1090 applicable requirements of the Department of Education.

1091 2. Evidence of an affiliation agreement with a hospital
 1092 that has an emergency department staffed by at least one
 1093 physician and one registered nurse.

1094 3. Evidence of an affiliation agreement with a current
 1095 emergency medical services provider that is licensed in this
 1096 state. Such agreement shall include, at a minimum, a commitment
 1097 by the provider to conduct the field experience portion of the
 1098 education program. An applicant licensed as an advanced life
 1099 support service under s. 401.25 with permitted transport
 1100 vehicles pursuant to s. 401.26 is exempt from the requirements
 1101 of this subparagraph and need not submit evidence of an
 1102 affiliation agreement with a current emergency medical services

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1103 provider.

1104 4. Documentation verifying faculty, including:

1105 a. A medical director who is a licensed physician meeting
1106 the applicable requirements for emergency medical services
1107 medical directors as outlined in this chapter and rules of the
1108 department. The medical director shall have the duty and
1109 responsibility of certifying that graduates have successfully
1110 completed all phases of the education program and are proficient
1111 in basic or advanced life support techniques, as applicable.

1112 b. A program director responsible for the operation,
1113 organization, periodic review, administration, development, and
1114 approval of the program.

1115 5. Documentation verifying that the curriculum:

1116 a. Meets the most recent Emergency Medical Technician-Basic
1117 National Standard Curriculum or the National EMS Education
1118 Standards approved by the department for emergency medical
1119 technician programs and Emergency Medical Technician-Paramedic
1120 National Standard Curriculum or the National EMS Education
1121 Standards approved by the department for paramedic programs.

1122 b. Includes 2 hours of instruction on the trauma scorecard
1123 methodologies for assessment of adult trauma patients and
1124 pediatric trauma patients as specified by the department by
1125 rule.

1126 6. Evidence of sufficient medical and educational equipment
1127 to meet emergency medical services training program needs.

1128 Section 14. Section 401.272, Florida Statutes, is amended
1129 to read:

1130 401.272 Emergency medical services community health care.-

1131 (1) The purpose of this section is to encourage more

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1132 effective utilization of the skills of emergency medical
1133 technicians and paramedics by enabling them to perform, ~~in~~
1134 ~~partnership with local county health departments,~~ specific
1135 additional health care tasks that are consistent with the public
1136 health and welfare.

1137 (2) Notwithstanding any other provision of law to the
1138 contrary:

1139 (a) Paramedics or emergency medical technicians shall
1140 operate under the medical direction of a physician through two-
1141 way voice communication or pursuant to established standing
1142 orders or protocols and within the scope of their training when
1143 providing basic life support, advanced life support, and may
1144 ~~perform~~ health promotion and wellness activities and blood
1145 ~~pressure screenings~~ in a nonemergency environment, ~~within the~~
1146 ~~scope of their training, and under the direction of a medical~~
1147 ~~director~~. As used in this paragraph, the term "health promotion
1148 and wellness" means the provision of public health programs
1149 pertaining to the prevention of illness and injury.

1150 (b) Paramedics and emergency medical technicians shall
1151 operate under the medical direction of a physician through two-
1152 way communication or pursuant to established standing orders or
1153 protocols and within the scope of their training when a patient
1154 is not transported to an emergency department or is transported
1155 to a facility other than a hospital as defined in s.
1156 395.002(12).

1157 (c) Paramedics may administer immunizations in a
1158 nonemergency environment, within the scope of their training,
1159 and under the medical direction of a physician through two-way
1160 communication or pursuant to established standing orders or

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1161 protocols ~~medical director~~. There must be a written agreement
1162 between the physician providing medical direction ~~paramedic's~~
1163 ~~medical director~~ and the department or the county health
1164 department located in each county in which the paramedic
1165 administers immunizations. This agreement must establish the
1166 protocols, policies, and procedures under which the paramedic
1167 must operate.

1168 (d) ~~(e)~~ Paramedics may provide basic life support services
1169 and advanced life support services to patients receiving acute
1170 and postacute hospital care at home as specified in the
1171 paramedic's supervisory relationship with a physician or
1172 standing orders as described in s. 401.265, s. 458.348, or s.
1173 459.025. A physician who supervises or provides medical
1174 direction to a paramedic who provides basic life support
1175 services or advanced life support services to patients receiving
1176 acute and postacute hospital care at home pursuant to a formal
1177 supervisory relationship or standing orders is liable for any
1178 act or omission of the paramedic acting under the physician's
1179 supervision or medical direction when providing such services.
1180 The department may adopt and enforce rules necessary to
1181 implement this paragraph.

1182 (3) Each physician providing medical direction to ~~medical~~
1183 ~~director under whose direction~~ a paramedic who administers
1184 immunizations must verify and document that the paramedic has
1185 received sufficient training and experience to administer
1186 immunizations. The verification must be documented on forms
1187 developed by the department, and the completed forms must be
1188 maintained at the service location of the licensee and made
1189 available to the department upon request.

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1190 (4) The department may adopt and enforce all rules
1191 necessary to enforce the provisions relating to a paramedic's
1192 administration of immunizations and the performance of health
1193 promotion and wellness activities ~~and blood pressure screenings~~
1194 by a paramedic or emergency medical technician in a nonemergency
1195 environment.

1196 Section 15. Subsections (5), (6), and (7) of section
1197 401.34, Florida Statutes, are amended to read:

1198 401.34 Fees.—

1199 ~~(5) The department may provide same-day grading of the
1200 examination for an applicant for emergency medical technician or
1201 paramedic certification.~~

1202 ~~(6) The department may offer walk-in eligibility
1203 determination and examination to applicants for emergency
1204 medical technician or paramedic certification who pay to the
1205 department a nonrefundable fee to be set by the department not
1206 to exceed \$65. The fee is in addition to the certification fee
1207 and examination fee. The department must establish locations and
1208 times for eligibility determination and examination.~~

1209 ~~(7) The cost of emergency medical technician or paramedic
1210 certification examination review may not exceed \$50.~~

1211 Section 16. Section 401.435, Florida Statutes, is amended
1212 to read:

1213 401.435 Emergency medical ~~First~~ responder agencies and
1214 training.—

1215 (1) The department must adopt by rule the United States
1216 Department of Transportation National Emergency Medical Services
1217 Education Standards for the Emergency Medical Services: First
1218 Responder level Training Course as the minimum standard for

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1219 emergency medical ~~first~~ responder training. In addition, the
1220 department must adopt rules establishing minimum emergency
1221 medical ~~first~~ responder instructor qualifications. For purposes
1222 of this section, an emergency medical ~~a first~~ responder includes
1223 any individual who receives training to render initial care to
1224 an ill or injured person, other than an individual trained and
1225 certified pursuant to s. 943.1395(1), but who does not have the
1226 primary responsibility of treating and transporting ill or
1227 injured persons.

1228 (2) Each emergency medical ~~first~~ responder agency must take
1229 all reasonable efforts to enter into a memorandum of
1230 understanding with the emergency medical services licensee
1231 within whose territory the agency operates in order to
1232 coordinate emergency services at an emergency scene. The
1233 department must provide a model memorandum of understanding for
1234 this purpose. The memorandum of understanding should include
1235 dispatch protocols, the roles and responsibilities of emergency
1236 medical ~~first~~ responder personnel at an emergency scene, and the
1237 documentation required for patient care rendered. For purposes
1238 of this section, the term "emergency medical ~~first~~ responder
1239 agency" includes a law enforcement agency, a fire service agency
1240 not licensed under this part, a lifeguard agency, and a
1241 volunteer organization that renders, as part of its routine
1242 functions, on-scene patient care before emergency medical
1243 technicians or paramedics arrive.

1244 Section 17. Paragraph (a) of subsection (1) of section
1245 464.203, Florida Statutes, is amended to read:

1246 464.203 Certified nursing assistants; certification
1247 requirement.-

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1248 (1) The board shall issue a certificate to practice as a
1249 certified nursing assistant to any person who demonstrates a
1250 minimum competency to read and write and successfully passes the
1251 required background screening pursuant to s. 400.215. If the
1252 person has successfully passed the required background screening
1253 pursuant to s. 400.215 or s. 408.809 within 90 days before
1254 applying for a certificate to practice and the person's
1255 background screening results are not retained in the
1256 clearinghouse created under s. 435.12, the board shall waive the
1257 requirement that the applicant successfully pass an additional
1258 background screening pursuant to s. 400.215. The person must
1259 also meet one of the following requirements:

1260 (a) Has successfully completed an approved training program
1261 and achieved a minimum score, established by rule of the board,
1262 on the nursing assistant competency examination, which consists
1263 of a written portion and skills-demonstration portion approved
1264 by the board and administered at a site and by personnel
1265 approved by the department. Any person who has successfully
1266 completed an approved training program within 6 months before
1267 filing an application for certification is not required to take
1268 the skills-demonstration portion of the competency examination.

1269 Section 18. Section 468.1225, Florida Statutes, is amended
1270 to read:

1271 468.1225 Procedures, equipment, and protocols.—

1272 (1) The following minimal procedures shall be used when a
1273 licensed audiologist fits and sells a prescription hearing aid:

1274 (a) Pure tone audiometric testing by air and bone to
1275 determine the type and degree of hearing deficiency when
1276 indicated.

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1277 (b) Effective masking when indicated.

1278 (c) Appropriate testing to determine speech reception
1279 thresholds, speech discrimination scores, the most comfortable
1280 listening levels, uncomfortable loudness levels, and the
1281 selection of the best fitting arrangement for maximum hearing
1282 aid benefit when indicated.

1283 (2) The following equipment shall be used:

1284 (a) A wide range audiometer that ~~which~~ meets the
1285 specifications of the American National Standards Institute for
1286 diagnostic audiometers when indicated.

1287 (b) A speech audiometer or a master hearing aid in order to
1288 determine the most comfortable listening level and speech
1289 discrimination when indicated.

1290 (3) A final fitting ensuring physical and operational
1291 comfort of the prescription hearing aid shall be made when
1292 indicated.

1293 (4) A licensed audiologist who fits and sells prescription
1294 hearing aids shall obtain the following medical clearance: If,
1295 upon inspection of the ear canal with an otoscope in the common
1296 procedure of fitting a prescription hearing aid and upon
1297 interrogation of the client, there is any recent history of
1298 infection or any observable anomaly, the client shall be
1299 instructed to see a physician, and a prescription hearing aid
1300 may ~~shall~~ not be fitted until medical clearance is obtained for
1301 the condition noted. If, upon return, the condition noted is no
1302 longer observable and the client signs a medical waiver, a
1303 prescription hearing aid may be fitted. Any person with a
1304 significant difference between bone conduction hearing and air
1305 conduction hearing must be informed of the possibility of

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1306 medical or surgical correction.

1307 (5) (a) A licensed audiologist's office must have available,
1308 or have access to, a selection of prescription hearing aid
1309 models, hearing aid supplies, and services complete enough to
1310 accommodate the various needs of the hearing aid wearers.

1311 (b) At the time of the initial examination for fitting and
1312 sale of a prescription hearing aid, the attending audiologist
1313 must notify the prospective purchaser of the benefits of
1314 telecoil, also known as "t" coil or "t" switch, technology,
1315 including increased access to telephones and noninvasive access
1316 to assistive listening systems required under the Americans with
1317 Disabilities Act of 1990.

1318 (6) Unless otherwise indicated, each audiometric test
1319 conducted by a licensee or a certified audiology assistant in
1320 the fitting and selling of prescription hearing aids must ~~shall~~
1321 be made in a testing room that has been certified by the
1322 department, or by an agent approved by the department, not to
1323 exceed the following sound pressure levels at the specified
1324 frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB,
1325 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB,
1326 and 8000Hz-67dB. An exception to this requirement shall be made
1327 in the case of a client who, after being provided written notice
1328 of the benefits and advantages of having the test conducted in a
1329 certified testing room, requests that the test be conducted in a
1330 place other than the licensee's certified testing room. Such
1331 request must ~~shall~~ be documented by a waiver that ~~which~~ includes
1332 the written notice and is signed by the licensee and the client
1333 before ~~prior to~~ the testing. The waiver must ~~shall~~ be executed
1334 on a form provided by the department. The executed waiver must

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1335 ~~shall~~ be attached to the client's copy of the contract, and a
1336 copy of the executed waiver must ~~shall~~ be retained in the
1337 licensee's file.

1338 (7) The board may ~~shall have the power to~~ prescribe the
1339 minimum procedures and equipment used in the conducting of
1340 hearing assessments and for the fitting and selling of
1341 prescription hearing aids. The board shall adopt and enforce
1342 rules necessary to implement ~~carry out the provisions of~~ this
1343 subsection and subsection (6).

1344 (8) Any duly authorized officer or employee of the
1345 department may ~~shall have the right to~~ make such inspections and
1346 investigations as ~~are~~ necessary ~~in order~~ to determine the state
1347 of compliance with ~~the provisions of~~ this section and the
1348 applicable rules and may enter the premises of a licensee and
1349 inspect the records of same upon reasonable belief that a
1350 violation of this law is being or has been committed or that the
1351 licensee has failed or is failing to comply with ~~the provisions~~
1352 ~~of~~ this part.

1353 Section 19. Section 468.1245, Florida Statutes, is amended
1354 to read:

1355 468.1245 Itemized listing of prices; delivery of
1356 prescription hearing aid; receipt; guarantee; packaging;
1357 disclaimer.-

1358 (1) Before ~~Prior to~~ delivery of services or products to a
1359 prospective purchaser, a licensee must ~~shall~~ disclose, upon
1360 request by the prospective purchaser, an itemized listing of
1361 prices, which must ~~listing shall~~ include separate price
1362 estimates for each service component and each product. Provision
1363 of such itemized listing of prices may ~~shall~~ not be predicated

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1364 on the prospective purchaser's payment of any charge or
1365 agreement to purchase any service or product.

1366 (2) Any licensee who fits and sells a prescription hearing
1367 aid shall, at the time of delivery, provide the purchaser with a
1368 receipt containing the seller's signature, the address of his or
1369 her regular place of business, and his or her license or
1370 certification number, if applicable, together with the brand,
1371 model, manufacturer or manufacturer's identification code, and
1372 serial number of the prescription hearing aid furnished and the
1373 amount charged for the prescription hearing aid. The receipt
1374 must also ~~shall~~ specify whether the prescription hearing aid is
1375 new, used, or rebuilt, ~~and shall specify~~ the length of time and
1376 other terms of the guarantee, and by whom the prescription
1377 hearing aid is guaranteed. When the client has requested an
1378 itemized list of prices, the receipt must ~~shall~~ also provide an
1379 itemization of the total purchase price, including, but not
1380 limited to, the cost of the aid, ear mold, batteries, and other
1381 accessories, and the cost of any services. Notice of the
1382 availability of this service must be displayed in a conspicuous
1383 manner in the office. The receipt must also ~~shall~~ state that any
1384 complaint concerning the prescription hearing aid and its
1385 guarantee, if not reconciled with the licensee from whom the
1386 prescription hearing aid was purchased, should be directed by
1387 the purchaser to the department. The address and telephone
1388 number of such office must ~~shall~~ be stated on the receipt.

1389 (3) A prescription ~~no~~ hearing aid may not be sold to any
1390 person unless both the packaging containing the prescription
1391 hearing aid and the contract provided pursuant to subsection (2)
1392 carry the following disclaimer in 10-point or larger type: "A

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1393 hearing aid will not restore normal hearing, nor will it prevent
1394 further hearing loss.”

1395 Section 20. Section 468.1246, Florida Statutes, is amended
1396 to read:

1397 468.1246 Thirty-day trial period; purchaser's right to
1398 cancel; notice; refund; cancellation fee.—

1399 (1) A person selling a prescription hearing aid in this
1400 state must provide the buyer with written notice of a 30-day
1401 trial period and money-back guarantee. The guarantee must permit
1402 the purchaser to cancel the purchase for a valid reason as
1403 defined by rule of the board within 30 days after receiving the
1404 prescription hearing aid, by returning the prescription hearing
1405 aid or mailing written notice of cancellation to the seller. If
1406 the prescription hearing aid must be repaired, remade, or
1407 adjusted during the 30-day trial period, the running of the 30-
1408 day trial period is suspended 1 day for each 24-hour period that
1409 the prescription hearing aid is not in the purchaser's
1410 possession. A repaired, remade, or adjusted prescription hearing
1411 aid must be claimed by the purchaser within 3 working days after
1412 notification of availability. The running of the 30-day trial
1413 period resumes on the day the purchaser reclaims a repaired,
1414 remade, or adjusted prescription hearing aid or on the 4th day
1415 after notification of availability.

1416 (2) The board, in consultation with the Board of Hearing
1417 Aid Specialists, shall prescribe by rule the terms and
1418 conditions to be contained in the money-back guarantee and any
1419 exceptions thereto. Such rule must ~~shall~~ provide, at a minimum,
1420 that the charges for earmolds and service provided to fit the
1421 prescription hearing aid may be retained by the licensee. The

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1422 rules must ~~shall~~ also set forth any reasonable charges to be
1423 held by the licensee as a cancellation fee. ~~Such rule shall be~~
1424 ~~effective on or before December 1, 1994. Should the board fail~~
1425 ~~to adopt such rule, a licensee may not charge a cancellation fee~~
1426 ~~which exceeds 5 percent of the total charge for a hearing aid~~
1427 ~~alone.~~ The terms and conditions of the guarantee, including the
1428 total amount available for refund, must ~~shall~~ be provided in
1429 writing to the purchaser before ~~prior to~~ the signing of the
1430 contract.

1431 Section 21. Section 468.1255, Florida Statutes, is amended
1432 to read:

1433 468.1255 Cancellation by medical authorization; purchaser's
1434 right to return.—

1435 (1) In addition to any other rights and remedies the
1436 purchaser of a prescription hearing aid may have, the purchaser
1437 has ~~shall have~~ the right to rescind the transaction if the
1438 purchaser for whatever reason consults a licensed physician with
1439 specialty board certification in otolaryngology or internal
1440 medicine or a licensed family practice physician, subsequent to
1441 purchasing a prescription hearing aid, and the physician
1442 certifies in writing that the purchaser has a hearing impairment
1443 for which a prescription hearing aid will not provide a benefit
1444 or that the purchaser has a medical condition which
1445 contraindicates the use of a prescription hearing aid.

1446 (2) The purchaser of a prescription hearing aid has ~~shall~~
1447 ~~have~~ the right to rescind as provided in subsection (1) only if
1448 the purchaser gives a written notice of the intent to rescind
1449 the transaction to the seller at the seller's place of business
1450 by certified mail, return receipt requested, which notice shall

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1451 be posted not later than 60 days following the date of delivery
1452 of the prescription hearing aid to the purchaser, and the
1453 purchaser returns the prescription hearing aid to the seller in
1454 the original condition less normal wear and tear.

1455 (3) If the conditions of subsections (1) and (2) are met,
1456 the seller must ~~shall~~, without request, refund to the purchaser,
1457 within 10 days after ~~of~~ the receipt of notice to rescind, a full
1458 and complete refund of all moneys received, less 5 percent. The
1459 purchaser does not ~~shall~~ incur any ~~no~~ additional liability for
1460 rescinding the transaction.

1461 Section 22. Section 468.1265, Florida Statutes, is amended
1462 to read:

1463 468.1265 Sale or distribution of prescription hearing aids
1464 through mail; penalty.—It is unlawful for any person to sell or
1465 distribute prescription hearing aids through the mail to the
1466 ultimate consumer. Any person who violates this section commits
1467 a misdemeanor of the second degree, punishable as provided in s.
1468 775.082 or s. 775.083.

1469 Section 23. Section 468.1275, Florida Statutes, is amended
1470 to read:

1471 468.1275 Place of business; display of license.—Each
1472 licensee who fits and sells a prescription hearing aid shall
1473 declare and establish a regular place of business, at which his
1474 or her license shall be conspicuously displayed.

1475 Section 24. Section 484.0401, Florida Statutes, is amended
1476 to read:

1477 484.0401 Purpose.—The Legislature recognizes that the
1478 dispensing of prescription hearing aids requires particularized
1479 knowledge and skill to ensure that the interests of the hearing-

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1480 impaired public will be adequately served and safely protected.
1481 It recognizes that a poorly selected or fitted prescription
1482 hearing aid not only will give little satisfaction but may
1483 interfere with hearing ability and, therefore, deems it
1484 necessary in the interest of the public health, safety, and
1485 welfare to regulate the dispensing of prescription hearing aids
1486 in this state. Restrictions on the fitting and selling of
1487 prescription hearing aids shall be imposed only to the extent
1488 necessary to protect the public from physical and economic harm,
1489 and restrictions shall not be imposed in a manner which will
1490 unreasonably affect the competitive market.

1491 Section 25. Section 484.041, Florida Statutes, is reordered
1492 and amended to read:

1493 484.041 Definitions.—As used in this part, the term:

1494 (1) "Board" means the Board of Hearing Aid Specialists.

1495 (2) "Department" means the Department of Health.

1496 (3) "Dispensing prescription hearing aids" means and
1497 includes:

1498 (a) Conducting and interpreting hearing tests for purposes
1499 of selecting suitable prescription hearing aids, making earmolds
1500 or ear impressions, and providing appropriate counseling.

1501 (b) All acts pertaining to the selling, renting, leasing,
1502 pricing, delivery, and warranty of prescription hearing aids.

1503 ~~(6)~~ ~~(4)~~ "Hearing aid specialist" means a person duly
1504 licensed in this state to practice the dispensing of
1505 prescription hearing aids.

1506 ~~(4)~~ ~~(5)~~ "Hearing aid" means any wearable an-amplifying
1507 device designed for, offered for the purpose of, or represented
1508 as aiding persons with, or compensating for, impaired hearing ~~to~~

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1509 ~~be worn by a hearing-impaired person to improve hearing.~~

1510 ~~(10)-(6)~~ "Trainee" means a person studying prescription
1511 hearing aid dispensing under the direct supervision of an active
1512 licensed hearing aid specialist for the purpose of qualifying
1513 for certification to sit for the licensure examination.

1514 ~~(5)-(7)~~ "Hearing aid establishment" means any establishment
1515 in this ~~the~~ state which employs a licensed hearing aid
1516 specialist who offers, advertises, and performs hearing aid
1517 services for the general public.

1518 ~~(7)~~ "Over-the-counter hearing aid" means an air-conduction
1519 hearing aid that does not require implantation or other surgical
1520 intervention and is intended for use by a person 18 years of age
1521 or older to compensate for perceived mild to moderate hearing
1522 impairment.

1523 ~~(8)~~ "Prescription hearing aid" means a hearing aid that is
1524 not an over-the-counter hearing aid and that does not otherwise
1525 meet the criteria for a prescription hearing aid under this
1526 part.

1527 ~~(9)~~ "Sponsor" means an active, licensed hearing aid
1528 specialist under whose direct supervision one or more trainees
1529 are studying prescription hearing aid dispensing for the purpose
1530 of qualifying for certification to sit for the licensure
1531 examination.

1532 Section 26. Subsection (2) of section 484.042, Florida
1533 Statutes, is amended to read:

1534 484.042 Board of Hearing Aid Specialists; membership,
1535 appointment, terms.—

1536 (2) Five members of the board shall be hearing aid
1537 specialists who have been licensed and practicing the dispensing

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1538 of prescription hearing aids in this state for at least the
1539 preceding 4 years. The remaining four members, none of whom
1540 shall derive economic benefit from the fitting or dispensing of
1541 hearing aids, shall be appointed from the resident lay public of
1542 this state. One of the lay members shall be a prescription
1543 hearing aid user but may not ~~neither~~ be nor have been a hearing
1544 aid specialist or a licensee of a closely related profession.
1545 One lay member shall be an individual age 65 or over. One lay
1546 member shall be an otolaryngologist licensed pursuant to chapter
1547 458 or chapter 459.

1548 Section 27. Subsection (2) of section 484.044, Florida
1549 Statutes, is amended to read:

1550 484.044 Authority to make rules.—

1551 (2) The board shall adopt rules requiring that each
1552 prospective purchaser of a prescription hearing aid be notified
1553 by the attending hearing aid specialist, at the time of the
1554 initial examination for fitting and sale of a hearing aid, of
1555 telecoil, "t" coil, or "t" switch technology. The rules shall
1556 further require that hearing aid specialists make available to
1557 prospective purchasers or clients information regarding
1558 telecoils, "t" coils, or "t" switches. ~~These rules shall be~~
1559 ~~effective on or before October 1, 1994.~~

1560 Section 28. Subsection (2) of section 484.0445, Florida
1561 Statutes, is amended to read:

1562 484.0445 Training program.—

1563 (2) A trainee shall perform the functions of a hearing aid
1564 specialist in accordance with board rules only under the direct
1565 supervision of a licensed hearing aid specialist. The term
1566 "direct supervision" means that the sponsor is responsible for

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1567 all work being performed by the trainee. The sponsor or a
 1568 hearing aid specialist designated by the sponsor shall give
 1569 final approval to work performed by the trainee and shall be
 1570 physically present at the time the prescription hearing aid is
 1571 delivered to the client.

1572 Section 29. Subsection (2) of section 484.045, Florida
 1573 Statutes, is amended to read:

1574 484.045 Licensure by examination.—

1575 (2) The department shall license each applicant who the
 1576 board certifies meets all of the following criteria:

1577 (a) Has completed the application form and remitted the
 1578 required fees.†

1579 (b) Is of good moral character.†

1580 (c) Is 18 years of age or older.†

1581 (d) Is a graduate of an accredited high school or its
 1582 equivalent.†

1583 (e) 1. Has met the requirements of the training program; or
 1584 2.a. Has a valid, current license as a hearing aid
 1585 specialist or its equivalent from another state and has been
 1586 actively practicing in such capacity for at least 12 months; or

1587 b. Is currently certified by the National Board for
 1588 Certification in Hearing Instrument Sciences and has been
 1589 actively practicing for at least 12 months.†

1590 (f) Has passed an examination, as prescribed by board
 1591 rule.† ~~and~~

1592 (g) Has demonstrated, in a manner designated by rule of the
 1593 board, knowledge of state laws and rules relating to the fitting
 1594 and dispensing of prescription hearing aids.

1595 Section 30. Section 484.0501, Florida Statutes, is amended

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1596 to read:

1597 484.0501 Minimal procedures and equipment.—

1598 (1) The following minimal procedures shall be used in the
1599 fitting and selling of prescription hearing aids:

1600 (a) Pure tone audiometric testing by air and bone to
1601 determine the type and degree of hearing deficiency.

1602 (b) Effective masking when indicated.

1603 (c) Appropriate testing to determine speech reception
1604 thresholds, speech discrimination scores, the most comfortable
1605 listening levels, uncomfortable loudness levels, and the
1606 selection of the best fitting arrangement for maximum hearing
1607 aid benefit.

1608 (2) The following equipment shall be used:

1609 (a) A wide range audiometer that ~~which~~ meets the
1610 specifications of the American National Standards Institute for
1611 diagnostic audiometers.

1612 (b) A speech audiometer or a master hearing aid in order to
1613 determine the most comfortable listening level and speech
1614 discrimination.

1615 (3) A final fitting ensuring physical and operational
1616 comfort of the prescription hearing aid shall be made.

1617 (4) The following medical clearance shall be obtained: If,
1618 upon inspection of the ear canal with an otoscope in the common
1619 procedure of a prescription hearing aid fitter and upon
1620 interrogation of the client, there is any recent history of
1621 infection or any observable anomaly, the client must ~~shall~~ be
1622 instructed to see a physician, and a prescription hearing aid
1623 may ~~shall~~ not be fitted until medical clearance is obtained for
1624 the condition noted. If, upon return, the condition noted is no

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1625 longer observable and the client signs a medical waiver, a
1626 prescription hearing aid may be fitted. Any person with a
1627 significant difference between bone conduction hearing and air
1628 conduction hearing must be informed of the possibility of
1629 medical correction.

1630 (5) (a) A prescription hearing aid establishment ~~office~~ must
1631 have available, or have access to, a selection of prescription
1632 hearing aid models, hearing aid supplies, and services complete
1633 enough to accommodate the various needs of the prescription
1634 hearing aid wearers.

1635 (b) At the time of the initial examination for fitting and
1636 sale of a prescription hearing aid, the attending hearing aid
1637 specialist shall ~~must~~ notify the prospective purchaser or client
1638 of the benefits of telecoil, "t" coil, or "t" switch technology,
1639 including increased access to telephones and noninvasive access
1640 to assistive listening systems required under the Americans with
1641 Disabilities Act of 1990.

1642 (6) Each audiometric test conducted by a licensee or
1643 authorized trainee in the fitting and selling of prescription
1644 hearing aids must ~~shall~~ be made in a testing room that has been
1645 certified by the department, or by an agent approved by the
1646 department, not to exceed the following sound pressure levels at
1647 the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB,
1648 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB,
1649 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement
1650 shall be made in the case of a client who, after being provided
1651 written notice of the benefits and advantages of having the test
1652 conducted in a certified testing room, requests that the test be
1653 conducted in a place other than the licensee's certified testing

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1654 room. Such request must ~~shall~~ be documented by a waiver which
1655 includes the written notice and is signed by the licensee and
1656 the client before ~~prior to~~ the testing. The waiver must ~~shall~~ be
1657 executed on a form provided by the department. The executed
1658 waiver must ~~shall~~ be attached to the client's copy of the
1659 contract, and a copy of the executed waiver must ~~shall~~ be
1660 retained in the licensee's file.

1661 (7) The board may ~~shall have the power to~~ prescribe the
1662 minimum procedures and equipment which must ~~shall~~ be used in the
1663 conducting of hearing assessments, and for the fitting and
1664 selling of prescription hearing aids, including equipment that
1665 will measure the prescription hearing aid's response curves to
1666 ensure that they meet the manufacturer's specifications. These
1667 procedures and equipment may differ from those provided in this
1668 section in order to take full advantage of devices and equipment
1669 which may hereafter become available and which are demonstrated
1670 to be of greater efficiency and accuracy. The board shall adopt
1671 and enforce rules necessary to implement ~~carry out the~~
1672 ~~provisions of~~ this subsection and subsection (6).

1673 (8) Any duly authorized officer or employee of the
1674 department may ~~shall have the right to~~ make such inspections and
1675 investigations as ~~are necessary in order~~ to determine the state
1676 of compliance with ~~the provisions of~~ this section and the
1677 applicable rules and may enter the premises of a licensee and
1678 inspect the records of same upon reasonable belief that a
1679 violation of this law is being or has been committed or that the
1680 licensee has failed or is failing to comply with ~~the provisions~~
1681 ~~of~~ this part ~~act~~.

1682 (9) A licensed hearing aid specialist may service, market,

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1683 sell, dispense, provide customer support for, and distribute
1684 prescription and over-the-counter hearing aids.

1685 Section 31. Section 484.051, Florida Statutes, is amended
1686 to read:

1687 484.051 Itemization of prices; delivery of prescription
1688 hearing aid; receipt, packaging, disclaimer, guarantee.—

1689 (1) Before ~~Prior to~~ delivery of services or products to a
1690 prospective purchaser, any person who fits and sells
1691 prescription hearing aids must ~~shall~~ disclose on request by the
1692 prospective purchaser an itemized listing of prices, which must
1693 ~~listing shall~~ include separate price estimates for each service
1694 component and each product. Provision of such itemized listing
1695 of prices may ~~shall~~ not be predicated on the prospective
1696 purchaser's payment of any charge or agreement to purchase any
1697 service or product.

1698 (2) Any person who fits and sells a prescription hearing
1699 aid must ~~shall~~, at the time of delivery, provide the purchaser
1700 with a receipt containing the seller's signature, the address of
1701 her or his regular place of business, and her or his license or
1702 trainee registration number, if applicable, together with the
1703 brand, model, manufacturer or manufacturer's identification
1704 code, and serial number of the prescription hearing aid
1705 furnished and the amount charged for the prescription hearing
1706 aid. The receipt must also ~~shall~~ specify whether the
1707 prescription hearing aid is new, used, or rebuilt, and shall
1708 ~~specify~~ the length of time and other terms of the guarantee, and
1709 by whom the prescription hearing aid is guaranteed. If ~~When~~ the
1710 client has requested an itemized list of prices, the receipt
1711 must ~~shall~~ also provide an itemization of the total purchase

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1712 price, including, but not limited to, the cost of the aid,
 1713 earmold, batteries and other accessories, and any services.
 1714 Notice of the availability of this service shall be displayed in
 1715 a conspicuous manner in the office. The receipt must also ~~shall~~
 1716 state that any complaint concerning the prescription hearing aid
 1717 and guarantee therefor, if not reconciled with the licensee from
 1718 whom the prescription hearing aid was purchased, should be
 1719 directed by the purchaser to the Department of Health. The
 1720 address and telephone number of such office must ~~shall~~ be stated
 1721 on the receipt.

1722 (3) A prescription ~~no~~ hearing aid may not be sold to any
 1723 person unless both the packaging containing the prescription
 1724 hearing aid and the itemized receipt provided pursuant to
 1725 subsection (2) carry the following disclaimer in 10-point or
 1726 larger type: "A hearing aid will not restore normal hearing, nor
 1727 will it prevent further hearing loss."

1728 Section 32. Section 484.0512, Florida Statutes, is amended
 1729 to read:

1730 484.0512 Thirty-day trial period; purchaser's right to
 1731 cancel; notice; refund; cancellation fee; criminal penalty.—

1732 (1) A person selling a prescription hearing aid in this
 1733 state must provide the buyer with written notice of a 30-day
 1734 trial period and money-back guarantee. The guarantee must permit
 1735 the purchaser to cancel the purchase for a valid reason, as
 1736 defined by ~~rule of the board~~ rule, within 30 days after
 1737 receiving the prescription hearing aid, by returning the
 1738 prescription hearing aid or mailing written notice of
 1739 cancellation to the seller. If the prescription hearing aid must
 1740 be repaired, remade, or adjusted during the 30-day trial period,

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1741 the running of the 30-day trial period is suspended 1 day for
1742 each 24-hour period that the prescription hearing aid is not in
1743 the purchaser's possession. A repaired, remade, or adjusted
1744 prescription hearing aid must be claimed by the purchaser within
1745 3 working days after notification of availability. The running
1746 of the 30-day trial period resumes on the day the purchaser
1747 reclaims the repaired, remade, or adjusted prescription hearing
1748 aid or on the fourth day after notification of availability,
1749 whichever occurs earlier.

1750 (2) The board, in consultation with the Board of Speech-
1751 Language Pathology and Audiology, shall prescribe by rule the
1752 terms and conditions to be contained in the money-back guarantee
1753 and any exceptions thereto. Such rules must ~~rule shall~~ provide,
1754 at a minimum, that the charges for earmolds and service provided
1755 to fit the prescription hearing aid may be retained by the
1756 licensee. The rules must ~~shall~~ also set forth any reasonable
1757 charges to be held by the licensee as a cancellation fee. ~~Such~~
1758 ~~rule shall be effective on or before December 1, 1994. Should~~
1759 ~~the board fail to adopt such rule, a licensee may not charge a~~
1760 ~~cancellation fee which exceeds 5 percent of the total charge for~~
1761 ~~a hearing aid alone.~~ The terms and conditions of the guarantee,
1762 including the total amount available for refund, must ~~shall~~ be
1763 provided in writing to the purchaser before ~~prior to~~ the signing
1764 of the contract.

1765 (3) Within 30 days after the return or attempted return of
1766 the prescription hearing aid, the seller shall refund all moneys
1767 that must be refunded to a purchaser pursuant to this section. A
1768 violation of this subsection is a misdemeanor of the first
1769 degree, punishable as provided in s. 775.082 or s. 775.083.

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1770 (4) For purposes of this section, the term "seller" or
1771 "person selling a prescription hearing aid" includes:

1772 (a) Any ~~natural~~ person licensed under this part or any
1773 other ~~natural~~ person who signs a sales receipt required by s.
1774 484.051(2) or s. 468.1245(2) or ~~who~~ otherwise fits, delivers, or
1775 dispenses a prescription hearing aid.

1776 (b) Any business organization, whether a sole
1777 proprietorship, partnership, corporation, professional
1778 association, joint venture, business trust, or other legal
1779 entity, that ~~which~~ dispenses a prescription hearing aid or
1780 enters into an agreement to dispense a prescription hearing aid.

1781 (c) Any person who controls, manages, or operates an
1782 establishment or business that dispenses a prescription hearing
1783 aid or enters into an agreement to dispense a prescription
1784 hearing aid.

1785 Section 33. Section 484.0513, Florida Statutes, is amended
1786 to read:

1787 484.0513 Cancellation by medical authorization; purchaser's
1788 right to return.—

1789 (1) In addition to any other rights and remedies the
1790 purchaser of a prescription hearing aid may have, the purchaser
1791 has ~~shall have~~ the right to rescind the transaction if the
1792 purchaser for whatever reason consults a licensed physician with
1793 specialty board certification in otolaryngology or internal
1794 medicine or a licensed family practice physician, subsequent to
1795 purchasing a prescription hearing aid, and the physician
1796 certifies in writing that the purchaser has a hearing impairment
1797 for which a prescription hearing aid will not provide a benefit
1798 or that the purchaser has a medical condition which

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1799 contraindicates the use of a prescription hearing aid.

1800 (2) The purchaser of a prescription hearing aid has ~~shall~~
1801 ~~have~~ the right to rescind as provided in subsection (1) only if
1802 the purchaser gives a written notice of the intent to rescind
1803 the transaction to the seller at the seller's place of business
1804 by certified mail, return receipt requested, which must ~~notice~~
1805 ~~shall~~ be posted within ~~not later than~~ 60 days after ~~following~~
1806 the date of delivery of the prescription hearing aid to the
1807 purchaser, and the purchaser returns the prescription hearing
1808 aid to the seller in the original condition less normal wear and
1809 tear.

1810 (3) If the conditions of subsections (1) and (2) are met,
1811 the seller must ~~shall~~, without request, refund to the purchaser,
1812 within 10 days after ~~of the~~ receipt of the notice to rescind, a
1813 full and complete refund of all moneys received, less 5 percent.
1814 The purchaser does not ~~shall~~ incur any ~~no~~ additional liability
1815 for rescinding the transaction.

1816 Section 34. Section 484.053, Florida Statutes, is amended
1817 to read:

1818 484.053 Prohibitions; penalties.—

1819 (1) A person may not:

1820 (a) Practice dispensing prescription hearing aids unless
1821 the person is a licensed hearing aid specialist;

1822 (b) Use the name or title "hearing aid specialist" when the
1823 person has not been licensed under this part;

1824 (c) Present as her or his own the license of another;

1825 (d) Give false, incomplete, or forged evidence to the board
1826 or a member thereof for the purposes of obtaining a license;

1827 (e) Use or attempt to use a hearing aid specialist license

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1828 that is delinquent or has been suspended, revoked, or placed on
1829 inactive status;

1830 (f) Knowingly employ unlicensed persons in the practice of
1831 dispensing prescription hearing aids; or

1832 (g) Knowingly conceal information relative to violations of
1833 this part.

1834 (2) Any person who violates any provision ~~of the provisions~~
1835 of this section is guilty of a felony of the third degree,
1836 punishable as provided in s. 775.082 or s. 775.083.

1837 (3) If a person licensed under this part allows the sale of
1838 a prescription hearing aid by an unlicensed person not
1839 registered as a trainee or fails to comply with the requirements
1840 of s. 484.0445(2) relating to supervision of trainees, the board
1841 must ~~shall~~, upon determination of that violation, order the full
1842 refund of moneys paid by the purchaser upon return of the
1843 prescription hearing aid to the seller's place of business.

1844 Section 35. Section 484.054, Florida Statutes, is amended
1845 to read:

1846 484.054 Sale or distribution of prescription hearing aids
1847 through mail; penalty.—It is unlawful for any person to sell or
1848 distribute prescription hearing aids through the mail to the
1849 ultimate consumer. Any violation of this section constitutes a
1850 misdemeanor of the second degree, punishable as provided in s.
1851 775.082 or s. 775.083.

1852 Section 36. Section 484.059, Florida Statutes, is amended
1853 to read:

1854 484.059 Exemptions.—

1855 (1) The licensure requirements of this part do not apply to
1856 any person engaged in recommending prescription hearing aids as

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1857 part of the academic curriculum of an accredited institution of
1858 higher education, or as part of a program conducted by a public
1859 charitable institution supported primarily by voluntary
1860 contribution, provided this organization does not dispense or
1861 sell prescription hearing aids or accessories.

1862 (2) The licensure requirements of this part do not apply to
1863 any person licensed to practice medicine in this ~~the~~ state,
1864 except that such physician must ~~shall~~ comply with the
1865 requirement of periodic filing of the certificate of testing and
1866 calibration of audiometric equipment as provided in this part. A
1867 ~~No~~ person employed by or working under the supervision of a
1868 person licensed to practice medicine may not ~~shall~~ perform any
1869 services or acts which would constitute the dispensing of
1870 prescription hearing aids as defined in s. 484.041 ~~s.~~
1871 484.041(3), unless such person is a licensed hearing aid
1872 specialist.

1873 (3) The licensure requirements of this part do not apply to
1874 an audiologist licensed under ~~pursuant to~~ part I of chapter 468.

1875 (4) Section ~~The provisions of s. 484.053(1) (a)~~ does ~~shall~~
1876 not apply to registered trainees operating in compliance with
1877 this part and board rules ~~of the board~~.

1878 (5) The licensure requirements of this part do not apply to
1879 a person who services, markets, sells, dispenses, provides
1880 customer support for, or distributes exclusively over-the-
1881 counter hearing aids, whether through in-person transactions, by
1882 mail, or online. For purposes of this subsection, over-the-
1883 counter hearing aids are those that are available without the
1884 supervision, prescription, or other order, involvement, or
1885 intervention of a licensed person to consumers through in-person

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1886 transactions, by mail, or online. These devices allow the user
1887 to control the device and customize it to the user's hearing
1888 needs through the use of tools, tests, or software, including,
1889 but not limited to, wireless technology or tests for self-
1890 assessment of hearing loss.

1891 Section 37. The Division of Law Revision is directed to
1892 replace the phrase "the effective date of this act" wherever it
1893 occurs in this act with the date the act becomes a law.

1894 Section 38. Except as otherwise expressly provided in this
1895 act and except for this section, which shall take effect upon
1896 this act becoming a law, this act shall take effect July 1,
1897 2023.