

By the Committee on Health Policy; and Senator Rodriguez

588-03133-23

20231506c1

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

588-03133-23

20231506c1

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,

588-03133-23

20231506c1

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 s. 468.1115, F.S.; providing  
73 construction and applicability; conforming a cross-  
74 reference; reordering and amending s. 468.1125, F.S.;  
75 providing and revising definitions; amending ss.  
76 468.1225 and 468.1245, F.S.; revising the scope of  
77 practice for audiologists as it relates to hearing  
78 aids to apply to prescription hearing aids only;  
79 requiring that hearing aids provided to persons  
80 younger than 18 years of age be prescription hearing  
81 aids and not over-the-counter hearing aids; amending  
82 s. 468.1246, F.S.; conforming provisions to changes  
83 made by the act; deleting obsolete language; amending  
84 ss. 468.1255, 468.1265, and 468.1275, F.S.; conforming  
85 provisions to changes made by the act; amending s.  
86 484.0401, F.S.; revising legislative findings and  
87 intent to conform to changes made by the act;

588-03133-23

20231506c1

88 reordering and amending s. 484.041, F.S.; providing  
89 and revising definitions; amending s. 484.042, F.S.;  
90 revising membership requirements for members of the  
91 Board of Hearing Aid Specialists; amending s. 484.044,  
92 F.S.; revising the board's rulemaking authority;  
93 deleting obsolete language; amending ss. 484.0445,  
94 484.045, 484.0501, and 484.051, F.S.; revising the  
95 scope of practice for hearing aid specialists and  
96 making conforming changes to licensure and practice  
97 requirements; amending s. 484.0512, F.S.; conforming  
98 provisions to changes made by the act; deleting  
99 obsolete language; amending ss. 484.0513, 484.053, and  
100 484.054, F.S.; conforming provisions to changes made  
101 by the act; amending s. 484.059, F.S.; conforming  
102 provisions to changes made by the act; providing  
103 applicability; amending s. 1002.394, F.S.; conforming  
104 a cross-reference; providing a directive to the  
105 Division of Law Revision; providing effective dates.

106  
107 Be It Enacted by the Legislature of the State of Florida:

108  
109 Section 1. Effective upon this act becoming law, section  
110 381.875, Florida Statutes, is created to read:

111 381.875 Enhanced potential pandemic pathogen research  
112 prohibited.—

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

114 (a) "Enhanced potential pandemic pathogen" means a  
115 potential pandemic pathogen that results from enhancing the  
116 transmissibility or virulence of a pathogen. The term does not

588-03133-23

20231506c1

117 include naturally occurring pathogens circulating in or  
118 recovered from nature, regardless of their pandemic potential.

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

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

125 1. Highly transmissible and capable of wide, uncontrollable  
126 spread in human populations; and

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

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

134 (3) Any researcher applying for state or local funding to  
135 conduct research in this state must disclose in the application  
136 to the funding source whether the research meets the definition  
137 of enhanced potential pandemic pathogen research.

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

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

142 Section 2. Present paragraphs (a) through (o) of subsection  
143 (1) of section 381.986, Florida Statutes, are redesignated as  
144 paragraphs (b) through (p), respectively, a new paragraph (a) is  
145 added to that subsection, and paragraphs (a) and (c) of

588-03133-23

20231506c1

146 subsection (3), paragraphs (e), (h), and (k) of subsection (8),  
147 and subsection (9) of that section are amended, to read:

148 381.986 Medical use of marijuana.—

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

150 (a) “Attractive to children” means the use of any image or  
151 words designed or likely to appeal to persons younger than 18  
152 years of age, including, but not limited to, cartoons, toys,  
153 animals, food, or depictions of persons younger than 18 years of  
154 age; any other likeness to images, characters, or phrases that  
155 are popularly used to advertise to persons younger than 18 years  
156 of age; or any reasonable likeness to commercially available  
157 candy.

158 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

159 (a) Before being approved as a qualified physician, ~~as~~  
160 ~~defined in paragraph (1)(m),~~ and before each license renewal, a  
161 physician must successfully complete a 2-hour course and  
162 subsequent examination offered by the Florida Medical  
163 Association or the Florida Osteopathic Medical Association which  
164 encompass the requirements of this section and any rules adopted  
165 hereunder. The course and examination must ~~shall~~ be administered  
166 at least annually and may be offered in a distance learning  
167 format, including an electronic, online format that is available  
168 upon request. The price of the course may not exceed \$500. A  
169 physician who has met the physician education requirements of  
170 former s. 381.986(4), Florida Statutes 2016, before June 23,  
171 2017, shall be deemed to be in compliance with this paragraph  
172 from June 23, 2017, until 90 days after the course and  
173 examination required by this paragraph become available.

174 (c) Before being employed as a medical director, ~~as defined~~

588-03133-23

20231506c1

175 ~~in paragraph (1)(i),~~ and before each license renewal, a medical  
176 director must successfully complete a 2-hour course and  
177 subsequent examination offered by the Florida Medical  
178 Association or the Florida Osteopathic Medical Association which  
179 encompass the requirements of this section and any rules adopted  
180 hereunder. The course and examination must ~~shall~~ be administered  
181 at least annually and may be offered in a distance learning  
182 format, including an electronic, online format that is available  
183 upon request. The price of the course may not exceed \$500.

184 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

588-03133-23

20231506c1

204 alternative to the specific representation made in its  
205 application which fulfills the same or a similar purpose as the  
206 specific representation in a way that the department can  
207 reasonably determine will not be a lower standard than the  
208 specific representation in the application. A variance may not  
209 be granted from the requirements in subparagraph 2. and  
210 subparagraphs (b)1. and 2.

211 1. A licensed medical marijuana treatment center may  
212 transfer ownership to an individual or entity who meets the  
213 requirements of this section. A publicly traded corporation or  
214 publicly traded company that meets the requirements of this  
215 section is not precluded from ownership of a medical marijuana  
216 treatment center. To accommodate a change in ownership:

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

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

224 c. Upon receipt of an application for a license, the  
225 department shall examine the application and, within 30 days  
226 after receipt, notify the applicant in writing of any apparent  
227 errors or omissions and request any additional information  
228 required.

229 d. Requested information omitted from an application for  
230 licensure must be filed with the department within 21 days after  
231 the department's request for omitted information or the  
232 application shall be deemed incomplete and shall be withdrawn



588-03133-23

20231506c1

233 from further consideration and the fees shall be forfeited.

234 e. Within 30 days after the receipt of a complete  
235 application, the department shall approve or deny the  
236 application.

237 2. A medical marijuana treatment center, and any individual  
238 or entity who directly or indirectly owns, controls, or holds  
239 with power to vote 5 percent or more of the voting shares of a  
240 medical marijuana treatment center, may not acquire direct or  
241 indirect ownership or control of any voting shares or other form  
242 of ownership of any other medical marijuana treatment center.

243 3. A medical marijuana treatment center may not enter into  
244 any form of profit-sharing arrangement with the property owner  
245 or lessor of any of its facilities where cultivation,  
246 processing, storing, or dispensing of marijuana and marijuana  
247 delivery devices occurs.

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

251 5. Each medical marijuana treatment center must adopt and  
252 enforce policies and procedures to ensure employees and  
253 volunteers receive training on the legal requirements to  
254 dispense marijuana to qualified patients.

255 6. When growing marijuana, a medical marijuana treatment  
256 center:

257 a. May use pesticides determined by the department, after  
258 consultation with the Department of Agriculture and Consumer  
259 Services, to be safely applied to plants intended for human  
260 consumption, but may not use pesticides designated as  
261 restricted-use pesticides pursuant to s. 487.042.

588-03133-23

20231506c1

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

264           c. Must inspect seeds and growing plants for plant pests  
265 that endanger or threaten the horticultural and agricultural  
266 interests of the state in accordance with chapter 581 and any  
267 rules adopted thereunder.

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

271           7. Each medical marijuana treatment center must produce and  
272 make available for purchase at least one low-THC cannabis  
273 product.

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

588-03133-23

20231506c1

291 centers may not begin processing or dispensing edibles until  
292 after the effective date of the rule. The department shall also  
293 adopt sanitation rules providing the standards and requirements  
294 for the storage, display, or dispensing of edibles.

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

304 10. A medical marijuana treatment center that produces  
305 prerolled marijuana cigarettes may not use wrapping paper made  
306 with tobacco or hemp.

307 11. When processing marijuana, a medical marijuana  
308 treatment center must:

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

311 b. Comply with department rules when processing marijuana  
312 with hydrocarbon solvents or other solvents or gases exhibiting  
313 potential toxicity to humans. The department shall determine by  
314 rule the requirements for medical marijuana treatment centers to  
315 use such solvents or gases exhibiting potential toxicity to  
316 humans.

317 c. Comply with federal and state laws and regulations and  
318 department rules for solid and liquid wastes. The department  
319 shall determine by rule procedures for the storage, handling,

588-03133-23

20231506c1

320 transportation, management, and disposal of solid and liquid  
321 waste generated during marijuana production and processing. The  
322 Department of Environmental Protection shall assist the  
323 department in developing such rules.

324 d. Test the processed marijuana using a medical marijuana  
325 testing laboratory before it is dispensed. Results must be  
326 verified and signed by two medical marijuana treatment center  
327 employees. Before dispensing, the medical marijuana treatment  
328 center must determine that the test results indicate that low-  
329 THC cannabis meets the definition of low-THC cannabis, the  
330 concentration of tetrahydrocannabinol meets the potency  
331 requirements of this section, the labeling of the concentration  
332 of tetrahydrocannabinol and cannabidiol is accurate, and all  
333 marijuana is safe for human consumption and free from  
334 contaminants that are unsafe for human consumption. The  
335 department shall determine by rule which contaminants must be  
336 tested for and the maximum levels of each contaminant which are  
337 safe for human consumption. The Department of Agriculture and  
338 Consumer Services shall assist the department in developing the  
339 testing requirements for contaminants that are unsafe for human  
340 consumption in edibles. The department shall also determine by  
341 rule the procedures for the treatment of marijuana that fails to  
342 meet the testing requirements of this section, s. 381.988, or  
343 department rule. The department may select samples of marijuana  
344 from a medical marijuana treatment center facility which shall  
345 be tested by the department to determine whether the marijuana  
346 meets the potency requirements of this section, is safe for  
347 human consumption, and is accurately labeled with the  
348 tetrahydrocannabinol and cannabidiol concentration or to verify

588-03133-23

20231506c1

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

588-03133-23

20231506c1

378 cannabis meets the requirements of this section and that the  
379 marijuana or low-THC cannabis is safe for human consumption. A  
380 medical marijuana treatment center shall reserve two processed  
381 samples from each batch and retain such samples for at least 9  
382 months for the purpose of such audits. A medical marijuana  
383 treatment center may use a laboratory that has not been  
384 certified by the department under s. 381.988 until such time as  
385 at least one laboratory holds the required certification, but in  
386 no event later than July 1, 2018.

387 e. Package the marijuana in compliance with the United  
388 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.  
389 1471 et seq.

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

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

394 (II) The name of the medical marijuana treatment center  
395 from which the marijuana originates.

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

398 (IV) The name of the physician who issued the physician  
399 certification.

400 (V) The name of the patient.

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

406 (VII) The recommended dose.

588-03133-23

20231506c1

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

409 (IX) A marijuana universal symbol developed by the  
410 department.

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

- 414 a. Clinical pharmacology.
- 415 b. Indications and use.
- 416 c. Dosage and administration.
- 417 d. Dosage forms and strengths.
- 418 e. Contraindications.
- 419 f. Warnings and precautions.
- 420 g. Adverse reactions.

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

431 14. The department shall adopt rules to regulate the types,  
432 appearance, and labeling of marijuana delivery devices dispensed  
433 from a medical marijuana treatment center. The rules must  
434 require marijuana delivery devices to have an appearance  
435 consistent with medical use.

588-03133-23

20231506c1

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

449 16. When dispensing marijuana or a marijuana delivery  
450 device, a medical marijuana treatment center:

451 a. May dispense any active, valid order for low-THC  
452 cannabis, medical cannabis and cannabis delivery devices issued  
453 pursuant to former s. 381.986, Florida Statutes 2016, which was  
454 entered into the medical marijuana use registry before July 1,  
455 2017.

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

463 c. Must have the medical marijuana treatment center's  
464 employee who dispenses the marijuana or a marijuana delivery



588-03133-23

20231506c1

465 device enter into the medical marijuana use registry his or her  
466 name or unique employee identifier.

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

475 e. May not dispense marijuana to a qualified patient who is  
476 younger than 18 years of age. If the qualified patient is  
477 younger than 18 years of age, marijuana may only be dispensed to  
478 the qualified patient's caregiver.

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

484 g. Must, upon dispensing the marijuana or marijuana  
485 delivery device, record in the registry the date, time,  
486 quantity, and form of marijuana dispensed; the type of marijuana  
487 delivery device dispensed; and the name and medical marijuana  
488 use registry identification number of the qualified patient or  
489 caregiver to whom the marijuana delivery device was dispensed.

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

493 (h) A medical marijuana treatment center may not engage in

588-03133-23

20231506c1

494 advertising that is visible to members of the public from any  
495 street, sidewalk, park, or other public place, except:

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

505 2. A medical marijuana treatment center may engage in  
506 Internet advertising and marketing under the following  
507 conditions:

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

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

513 c. An advertisement may not be an unsolicited pop-up  
514 advertisement.

515 d. Opt-in marketing must include an easy and permanent opt-  
516 out feature.

517 (k) The department may adopt rules pursuant to ss.  
518 120.536(1) and 120.54 to implement this subsection. The  
519 department shall adopt rules it deems necessary to protect the  
520 health and safety of qualified patients and minors, including,  
521 but not limited to, standards to ensure that medical marijuana  
522 treatment centers operate in a manner consistent with the

588-03133-23

20231506c1

523 provision of medical products and rules to discourage the  
524 diversion and illicit use of marijuana.

525 (9) BACKGROUND SCREENING.—An individual required to undergo  
526 a background screening pursuant to this section must pass a  
527 level 2 background screening as provided under chapter 435,  
528 which, in addition to the disqualifying offenses provided in s.  
529 435.04, shall exclude an individual who has an arrest awaiting  
530 final disposition for, has been found guilty of, regardless of  
531 adjudication, or has entered a plea of nolo contendere or guilty  
532 to an offense under chapter 837, chapter 895, or chapter 896 or  
533 similar law of another jurisdiction. Exemptions from  
534 disqualification as provided under s. 435.07 do not apply to  
535 this subsection.

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

543 (b) Fees for state and federal fingerprint processing and  
544 retention shall be borne by the medical marijuana treatment  
545 center or caregiver, as applicable individual. The state cost  
546 for fingerprint processing shall be as provided in s.  
547 943.053(3)(e) for records provided to persons or entities other  
548 than those specified as exceptions therein.

549 (c) Fingerprints submitted to the Department of Law  
550 Enforcement pursuant to this subsection shall be retained by the  
551 Department of Law Enforcement as provided in s. 943.05(2)(g) and

588-03133-23

20231506c1

552 (h) and, when the Department of Law Enforcement begins  
553 participation in the program, enrolled in the Federal Bureau of  
554 Investigation's national retained print arrest notification  
555 program. Any arrest record identified shall be reported to the  
556 department.

557 Section 3. Paragraph (d) of subsection (1) of section  
558 381.988, Florida Statutes, is amended to read:

559 381.988 Medical marijuana testing laboratories; marijuana  
560 tests conducted by a certified laboratory.-

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

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

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

588-03133-23

20231506c1

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

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

595           Section 4. Section 382.005, Florida Statutes, is amended to  
596 read:

597           382.005 Duties of local registrars.—

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

603           (2) Each local registrar must electronically file all live  
604 birth, death, and fetal death records within their respective  
605 jurisdictions in the department's electronic registration  
606 system. If the department's electronic registration system is  
607 unavailable, the local registrar must file a paper record with  
608 the department.

609           (3) Each local registrar must ~~shall~~ make ~~available~~ blank

588-03133-23

20231506c1

610 forms available if the department's electronic registration  
611 system is unavailable, as necessary and must ~~shall~~ examine each  
612 paper certificate of live birth, death, or fetal death when  
613 presented for registration in order to ascertain whether ~~or not~~  
614 it has been completed in accordance with ~~the provisions of~~ this  
615 chapter and adopted rules. All paper birth, death, and fetal  
616 death certificates must ~~shall~~ be typewritten in permanent black  
617 ink, and a paper certificate is not complete and correct if it  
618 does not supply each item of information called for or  
619 satisfactorily account for its omission.

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

631 ~~(5)(4)~~ Each local registrar, immediately upon appointment,  
632 shall designate one or more deputy registrars to act on behalf  
633 of the local registrar.

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

636 382.008 Death, fetal death, and nonviable birth  
637 registration.—

638 (2) (a) The funeral director who first assumes custody of a

588-03133-23

20231506c1

639 dead body or fetus shall electronically file the certificate of  
640 death or fetal death. In the absence of the funeral director,  
641 the physician, physician assistant, advanced practice registered  
642 nurse registered under s. 464.0123, or other person in  
643 attendance at or after the death or the district medical  
644 examiner of the county in which the death occurred or the body  
645 was found shall electronically file the certificate of death or  
646 fetal death. The person who files the certificate shall obtain  
647 personal data from a legally authorized person as described in  
648 s. 497.005 or the best qualified person or source available. The  
649 medical certification of cause of death must ~~shall~~ be furnished  
650 to the funeral director, either in person or via certified mail  
651 or electronic transfer, by the physician, physician assistant,  
652 advanced practice registered nurse registered under s. 464.0123,  
653 or medical examiner responsible for furnishing such information.  
654 For fetal deaths, the physician, physician assistant, advanced  
655 practice registered nurse registered under s. 464.0123, midwife,  
656 or hospital administrator shall provide any medical or health  
657 information to the funeral director within 72 hours after  
658 expulsion or extraction.

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

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

588-03133-23

20231506c1

668           382.009 Recognition of brain death under certain  
669 circumstances.—

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

673           (a) If the patient's treating health care practitioner is a  
674 physician licensed under chapter 458 or chapter 459, the  
675 determination must be made by that physician and a second  
676 physician ~~two physicians~~ licensed under chapter 458 or chapter  
677 459 who is. ~~One physician shall be the treating physician, and~~  
678 ~~the other physician shall be a board-eligible or board-certified~~  
679 ~~neurologist, neurosurgeon, internist, pediatrician, surgeon, or~~  
680 ~~anesthesiologist.~~

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

688           Section 7. Section 382.013, Florida Statutes, is amended to  
689 read:

690           382.013 Birth registration.—A certificate for each live  
691 birth that occurs in this state shall be filed within 5 days  
692 after such birth in the department's electronic registration  
693 system with the local registrar of the district in which the  
694 birth occurred and shall be registered by the local registrar if  
695 the certificate has been completed and filed in accordance with  
696 this chapter and adopted rules. The information regarding



588-03133-23

20231506c1

697 registered births shall be used for comparison with information  
698 in the state case registry, as defined in chapter 61.

699 (1) FILING.—

700 (a) If a birth occurs in a hospital, birth center, or other  
701 health care facility, or en route thereto, the person in charge  
702 of the facility is ~~shall be~~ responsible for preparing the  
703 certificate, certifying the facts of the birth, and filing the  
704 certificate in the department's electronic registration system  
705 with the local registrar. Within 48 hours after the birth, the  
706 physician, midwife, or person in attendance during or  
707 immediately after the delivery shall provide the facility with  
708 the medical information required by the birth certificate.

709 (b) If a birth occurs outside a facility and a physician  
710 licensed in this state, a certified nurse midwife, a midwife  
711 licensed in this state, or a public health nurse employed by the  
712 department was in attendance during or immediately after the  
713 delivery, that person shall prepare and file the certificate.

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

723 (d) If a birth occurs in a moving conveyance and the child  
724 is first removed from the conveyance in this state, the birth  
725 shall be filed and registered in this state and the place to

588-03133-23

20231506c1

726 which the child is first removed shall be considered the place  
727 of birth.

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

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

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

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

749 (2) PATERNITY.—

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

754 (b) Notwithstanding paragraph (a), if the husband of the

588-03133-23

20231506c1

755 mother dies while the mother is pregnant but before the birth of  
756 the child, the name of the deceased husband shall be entered on  
757 the birth certificate as the father of the child, unless  
758 paternity has been determined otherwise by a court of competent  
759 jurisdiction.

760 (c) If the mother is not married at the time of the birth,  
761 the name of the father may not be entered on the birth  
762 certificate without the execution of an affidavit signed by both  
763 the mother and the person to be named as the father. The  
764 facility shall give notice orally or through the use of video or  
765 audio equipment, and in writing, of the alternatives to, the  
766 legal consequences of, and the rights, including, if one parent  
767 is a minor, any rights afforded due to minority status, and  
768 responsibilities that arise from signing an acknowledgment of  
769 paternity, as well as information provided by the Title IV-D  
770 agency established pursuant to s. 409.2557, regarding the  
771 benefits of voluntary establishment of paternity. Upon request  
772 of the mother and the person to be named as the father, the  
773 facility shall assist in the execution of the affidavit, a  
774 notarized voluntary acknowledgment of paternity, or a voluntary  
775 acknowledgment of paternity that is witnessed by two individuals  
776 and signed under penalty of perjury as specified by s.  
777 92.525(2).

778 (d) If the paternity of the child is determined by a court  
779 of competent jurisdiction as provided under s. 382.015 or there  
780 is a final judgment of dissolution of marriage which requires  
781 the former husband to pay child support for the child, the name  
782 of the father and the surname of the child shall be entered on  
783 the certificate in accordance with the finding and order of the

588-03133-23

20231506c1

784 court. If the court fails to specify a surname for the child,  
785 the surname shall be entered in accordance with subsection (3).

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

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

795 (g) If the father is not named on the certificate, no other  
796 information about the father shall be entered on the  
797 certificate.

798 (3) NAME OF CHILD.—

799 (a) If the mother is married at the time of birth, the  
800 mother and father whose names are entered on the birth  
801 certificate shall select the given names and surname of the  
802 child if both parents have custody of the child, otherwise the  
803 parent who has custody shall select the child's name.

804 (b) If the mother and father whose names are entered on the  
805 birth certificate disagree on the surname of the child and both  
806 parents have custody of the child, the surname selected by the  
807 father and the surname selected by the mother shall both be  
808 entered on the birth certificate, separated by a hyphen, with  
809 the selected names entered in alphabetical order. If the parents  
810 disagree on the selection of a given name, the given name may  
811 not be entered on the certificate until a joint agreement that  
812 lists the agreed upon given name and is notarized by both

588-03133-23

20231506c1

813 parents is submitted to the department, or until a given name is  
814 selected by a court.

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

818 (d) If multiple names of the child exceed the space  
819 provided on the face of the birth certificate they shall be  
820 listed on the back of the certificate. Names listed on the back  
821 of the certificate shall be part of the official record.

822 (4) UNDETERMINED PARENTAGE.—The person having custody of a  
823 child of undetermined parentage shall register a birth  
824 certificate showing all known or approximate facts relating to  
825 the birth. To assist in later determination, information  
826 concerning the place and circumstances under which the child was  
827 found shall be included on the portion of the birth certificate  
828 relating to marital status and medical details. In the event the  
829 child is later identified, a new birth certificate shall be  
830 prepared which shall bear the same number as the original birth  
831 certificate, and the original certificate shall be sealed and  
832 filed, shall be confidential and exempt from the provisions of  
833 s. 119.07(1), and shall not be opened to inspection by, nor  
834 shall certified copies of the same be issued except by court  
835 order to, any person other than the registrant if of legal age.

836 (5) DISCLOSURE.—The original certificate of live birth  
837 shall contain all the information required by the department for  
838 legal, social, and health research purposes. However, all  
839 information concerning parentage, marital status, and medical  
840 details shall be confidential and exempt from the provisions of  
841 s. 119.07(1), except for health research purposes as approved by

588-03133-23

20231506c1

842 the department, nor shall copies of the same be issued except as  
843 provided in s. 382.025.

844 Section 8. Section 382.015, Florida Statutes, is amended to  
845 read:

846 382.015 New certificates of live birth; duty of clerks of  
847 court and department.—The clerk of the court in which any  
848 proceeding for adoption, annulment of an adoption, affirmation  
849 of parental status, or determination of paternity is to be  
850 registered, shall within 30 days after the final disposition,  
851 forward electronically to the department a certified copy of the  
852 court order, or a report of the proceedings upon a form to be  
853 furnished by the department, together with sufficient  
854 information to identify the original birth certificate and to  
855 enable the preparation of a new birth certificate. The clerk of  
856 the court shall implement a monitoring and quality control plan  
857 to ensure that all judicial determinations of paternity are  
858 reported to the department in compliance with this section. The  
859 department shall track paternity determinations reported monthly  
860 by county, monitor compliance with the 30-day timeframe, and  
861 report the data to the clerks of the court quarterly.

862 (1) ADOPTION AND ANNULMENT OF ADOPTION.—

863 (a) Upon receipt of the report or certified copy of an  
864 adoption decree, together with the information necessary to  
865 identify the original certificate of live birth, and establish a  
866 new certificate, the department shall prepare and file a new  
867 birth certificate, absent objection by the court decreeing the  
868 adoption, the adoptive parents, or the adoptee if of legal age.  
869 The certificate shall bear the same file number as the original  
870 birth certificate. All names and identifying information

588-03133-23

20231506c1

871 relating to the adoptive parents entered on the new certificate  
872 shall refer to the adoptive parents, but nothing in the  
873 certificate shall refer to or designate the parents as being  
874 adoptive. All other items not affected by adoption shall be  
875 copied as on the original certificate, including the date of  
876 registration and filing.

877 (b) Upon receipt of the report or certified copy of an  
878 annulment-of-adoption decree, together with the sufficient  
879 information to identify the original certificate of live birth,  
880 the department shall, if a new certificate of birth was filed  
881 following an adoption report or decree, remove the new  
882 certificate and restore the original certificate to its original  
883 place in the files, and the certificate so removed shall be  
884 sealed by the department.

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

892 (2) DETERMINATION OF PATERNITY.—Upon receipt of the report,  
893 a certified copy of a final decree of determination of  
894 paternity, or a certified copy of a final judgment of  
895 dissolution of marriage which requires the former husband to pay  
896 child support for the child, together with sufficient  
897 information to identify the original certificate of live birth,  
898 the department shall prepare and file a new birth certificate,  
899 which shall bear the same file number as the original birth

588-03133-23

20231506c1

900 certificate. The registrant's name shall be entered as decreed  
901 by the court or as reflected in the final judgment or support  
902 order. The names and identifying information of the parents  
903 shall be entered as of the date of the registrant's birth.

904 (3) AFFIRMATION OF PARENTAL STATUS.—Upon receipt of an  
905 order of affirmation of parental status issued pursuant to s.  
906 742.16, together with sufficient information to identify the  
907 original certificate of live birth, the department shall prepare  
908 and file a new birth certificate which shall bear the same file  
909 number as the original birth certificate. The names and  
910 identifying information of the registrant's parents entered on  
911 the new certificate shall be the commissioning couple, but the  
912 new certificate may not make reference to or designate the  
913 parents as the commissioning couple.

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



588-03133-23

20231506c1

929 competent jurisdiction or as otherwise provided by law.

930 (5) FORM.—Except for certificates of foreign birth which  
931 are registered as provided in s. 382.017, and delayed  
932 certificates of birth which are registered as provided in ss.  
933 382.019 and 382.0195, all original, new, or amended certificates  
934 of live birth shall be identical in form, regardless of the  
935 marital status of the parents or the fact that the registrant is  
936 adopted or of undetermined parentage.

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

939 Section 9. Section 382.021, Florida Statutes, is amended to  
940 read:

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

955 Section 10. Section 382.023, Florida Statutes, is amended  
956 to read:

957 382.023 Department to receive dissolution-of-marriage

588-03133-23

20231506c1

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

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

975 382.025 Certified copies of vital records; confidentiality;  
976 research.—

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

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

588-03133-23

20231506c1

987 only:

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

991 2. To the registrant's parent or guardian or other legal  
992 representative;

993 3. Upon receipt of the registrant's death certificate, to  
994 the registrant's spouse or to the registrant's child,  
995 grandchild, or sibling, if of legal age, or to the legal  
996 representative of any ~~of~~ such person ~~persons~~;

997 4. To any person if the birth record is more than 125 ~~over~~  
998 ~~100~~ years old and not under seal pursuant to court order;

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

1000 6. To any agency of the state or the United States for  
1001 official purposes upon approval of the department; or

1002 7. Upon order of any court of competent jurisdiction.

1003 (b) To protect the integrity of vital records and prevent  
1004 the fraudulent use of the birth certificates of deceased  
1005 persons, the department shall match birth and death certificates  
1006 and post the fact of death to the appropriate birth certificate.  
1007 Except for a commemorative birth certificate, any certification  
1008 of a birth certificate of a deceased registrant shall be marked  
1009 "deceased." In the case of a commemorative birth certificate,  
1010 such indication of death shall be made on the back of the  
1011 certificate.

1012 (c) The department shall issue, upon request and upon  
1013 payment of an additional fee as prescribed under s. 382.0255, a  
1014 commemorative birth certificate representing that the birth of  
1015 the person named thereon is recorded in the office of the

588-03133-23

20231506c1

1016 registrar. The certificate issued under this paragraph shall be  
1017 in a form consistent with the need to protect the integrity of  
1018 vital records but shall be suitable for display. It may bear the  
1019 seal of the state printed thereon and may be signed by the  
1020 Governor.

1021 (4) CERTIFIED COPIES OF ORIGINAL CERTIFICATES.—Only the  
1022 state registrar, ~~and~~ local registrars, and those persons  
1023 appointed by the department are authorized to issue any  
1024 certificate which purports to be a certified copy of an original  
1025 certificate of live birth, death, or fetal death. Except as  
1026 provided in this section, preparing or issuing certificates is  
1027 exempt from the provisions of s. 119.07(1).

1028 Section 12. Subsections (3), (4), and (5) of section  
1029 401.27, Florida Statutes, are amended to read:

1030 401.27 Personnel; standards and certification.—

1031 (3) Any person who desires to be certified or recertified  
1032 as an emergency medical technician or paramedic must apply to  
1033 the department ~~under oath~~ on forms provided by the department  
1034 which shall contain such information as the department  
1035 reasonably requires, which may include affirmative evidence of  
1036 ability to comply with applicable laws and rules. The department  
1037 shall determine whether the applicant meets the requirements  
1038 specified in this section and in rules of the department and  
1039 shall issue a certificate to any person who meets such  
1040 requirements.

1041 (4) An applicant for certification or recertification as an  
1042 emergency medical technician or paramedic must:

1043 (a) Have completed an appropriate training program as  
1044 follows:

588-03133-23

20231506c1

1045 1. For an emergency medical technician, an emergency  
1046 medical technician training program approved by the department  
1047 as equivalent to the most recent EMT-Basic National Standard  
1048 Curriculum or the National EMS Education Standards of the United  
1049 States Department of Transportation;

1050 2. For a paramedic, a paramedic training program approved  
1051 by the department as equivalent to the most recent EMT-Paramedic  
1052 National Standard Curriculum or the National EMS Education  
1053 Standards of the United States Department of Transportation;

1054 (b) Attest ~~Certify under oath~~ that he or she is not  
1055 addicted to alcohol or any controlled substance;

1056 (c) Attest ~~Certify under oath~~ that he or she is free from  
1057 any physical or mental defect or disease that might impair the  
1058 applicant's ability to perform his or her duties;

1059 (d) Within 2 years after program completion have passed an  
1060 examination developed or required by the department;

1061 (e)1. For an emergency medical technician, hold a current  
1062 American Heart Association cardiopulmonary resuscitation course  
1063 card or an American Red Cross cardiopulmonary resuscitation  
1064 course card or its equivalent as defined by department rule;

1065 2. For a paramedic, hold a certificate of successful course  
1066 completion in advanced cardiac life support from the American  
1067 Heart Association or its equivalent as defined by department  
1068 rule;

1069 (f) Submit the certification fee and the nonrefundable  
1070 examination fee prescribed in s. 401.34, which examination fee  
1071 will be required for each examination administered to an  
1072 applicant; and

1073 (g) Submit a completed application to the department, which

588-03133-23

20231506c1

1074 application documents compliance with paragraphs (a), (b), (c),  
1075 (e), (f), and this paragraph, and, if applicable, paragraph (d).  
1076 ~~The application must be submitted so as to be received by the~~  
1077 ~~department at least 30 calendar days before the next regularly~~  
1078 ~~scheduled examination for which the applicant desires to be~~  
1079 ~~scheduled.~~

1080 ~~(5) The certification examination must be offered monthly.~~  
1081 ~~The department shall issue an examination admission notice to~~  
1082 ~~the applicant advising him or her of the time and place of the~~  
1083 ~~examination for which he or she is scheduled. Individuals~~  
1084 ~~achieving a passing score on the certification examination may~~  
1085 ~~be issued a temporary certificate with their examination grade~~  
1086 ~~report. The department must issue an original certification~~  
1087 ~~within 45 days after the examination. Examination questions and~~  
1088 ~~answers are not subject to discovery but may be introduced into~~  
1089 ~~evidence and considered only in camera in any administrative~~  
1090 ~~proceeding under chapter 120. If an administrative hearing is~~  
1091 ~~held, the department shall provide challenged examination~~  
1092 ~~questions and answers to the administrative law judge. The~~  
1093 ~~department shall establish by rule the procedure by which an~~  
1094 ~~applicant, and the applicant's attorney, may review examination~~  
1095 ~~questions and answers in accordance with s. 119.071(1)(a).~~

1096 Section 13. Paragraph (a) of subsection (1) of section  
1097 401.2701, Florida Statutes, is amended to read:

1098 401.2701 Emergency medical services training programs.—

1099 (1) Any private or public institution in Florida desiring  
1100 to conduct an approved program for the education of emergency  
1101 medical technicians and paramedics shall:

1102 (a) Submit a completed application on a form provided by

588-03133-23

20231506c1

1103 the department, which must include:

1104 1. Evidence that the institution is in compliance with all  
1105 applicable requirements of the Department of Education.

1106 2. Evidence of an affiliation agreement with a hospital  
1107 that has an emergency department staffed by at least one  
1108 physician and one registered nurse.

1109 3. Evidence of an affiliation agreement with a current  
1110 emergency medical services provider that is licensed in this  
1111 state. Such agreement shall include, at a minimum, a commitment  
1112 by the provider to conduct the field experience portion of the  
1113 education program. An applicant licensed as an advanced life  
1114 support service under s. 401.25 with permitted transport  
1115 vehicles pursuant to s. 401.26 is exempt from the requirements  
1116 of this subparagraph and need not submit evidence of an  
1117 affiliation agreement with a current emergency medical services  
1118 provider.

1119 4. Documentation verifying faculty, including:

1120 a. A medical director who is a licensed physician meeting  
1121 the applicable requirements for emergency medical services  
1122 medical directors as outlined in this chapter and rules of the  
1123 department. The medical director shall have the duty and  
1124 responsibility of certifying that graduates have successfully  
1125 completed all phases of the education program and are proficient  
1126 in basic or advanced life support techniques, as applicable.

1127 b. A program director responsible for the operation,  
1128 organization, periodic review, administration, development, and  
1129 approval of the program.

1130 5. Documentation verifying that the curriculum:

1131 a. Meets the most recent Emergency Medical Technician-Basic

588-03133-23

20231506c1

1132 National Standard Curriculum or the National EMS Education  
1133 Standards approved by the department for emergency medical  
1134 technician programs and Emergency Medical Technician-Paramedic  
1135 National Standard Curriculum or the National EMS Education  
1136 Standards approved by the department for paramedic programs.

1137 b. Includes 2 hours of instruction on the trauma scorecard  
1138 methodologies for assessment of adult trauma patients and  
1139 pediatric trauma patients as specified by the department by  
1140 rule.

1141 6. Evidence of sufficient medical and educational equipment  
1142 to meet emergency medical services training program needs.

1143 Section 14. Section 401.272, Florida Statutes, is amended  
1144 to read:

1145 401.272 Emergency medical services community health care.-

1146 (1) The purpose of this section is to encourage more  
1147 effective utilization of the skills of emergency medical  
1148 technicians and paramedics by enabling them to perform, ~~in~~  
1149 ~~partnership with local county health departments,~~ specific  
1150 additional health care tasks that are consistent with the public  
1151 health and welfare.

1152 (2) Notwithstanding any other provision of law to the  
1153 contrary:

1154 (a) Paramedics or emergency medical technicians shall  
1155 operate under the medical direction of a physician through two-  
1156 way voice communication or pursuant to established standing  
1157 orders or protocols and within the scope of their training when  
1158 providing basic life support, advanced life support, and may  
1159 ~~perform~~ health promotion and wellness activities ~~and blood~~  
1160 ~~pressure screenings~~ in a nonemergency environment, ~~within the~~



588-03133-23

20231506c1

1161 ~~scope of their training, and under the direction of a medical~~  
1162 ~~director.~~ As used in this paragraph, the term "health promotion  
1163 and wellness" means the provision of public health programs  
1164 pertaining to the prevention of illness and injury.

1165 (b) Paramedics and emergency medical technicians shall  
1166 operate under the medical direction of a physician through two-  
1167 way communication or pursuant to established standing orders or  
1168 protocols and within the scope of their training when a patient  
1169 is not transported to an emergency department or is transported  
1170 to a facility other than a hospital as defined in s.  
1171 395.002(12).

1172 (c) Paramedics may administer immunizations in a  
1173 nonemergency environment, within the scope of their training,  
1174 and under the medical direction of a physician through two-way  
1175 communication or pursuant to established standing orders or  
1176 protocols ~~medical director~~. There must be a written agreement  
1177 between the physician providing medical direction ~~paramedic's~~  
1178 ~~medical director~~ and the department or the county health  
1179 department located in each county in which the paramedic  
1180 administers immunizations. This agreement must establish the  
1181 protocols, policies, and procedures under which the paramedic  
1182 must operate.

1183 (d) ~~(e)~~ Paramedics may provide basic life support services  
1184 and advanced life support services to patients receiving acute  
1185 and postacute hospital care at home as specified in the  
1186 paramedic's supervisory relationship with a physician or  
1187 standing orders as described in s. 401.265, s. 458.348, or s.  
1188 459.025. A physician who supervises or provides medical  
1189 direction to a paramedic who provides basic life support

588-03133-23

20231506c1

1190 services or advanced life support services to patients receiving  
1191 acute and postacute hospital care at home pursuant to a formal  
1192 supervisory relationship or standing orders is liable for any  
1193 act or omission of the paramedic acting under the physician's  
1194 supervision or medical direction when providing such services.  
1195 The department may adopt and enforce rules necessary to  
1196 implement this paragraph.

1197       (3) Each physician providing medical direction to ~~medical~~  
1198 ~~director under whose direction~~ a paramedic who administers  
1199 immunizations must verify and document that the paramedic has  
1200 received sufficient training and experience to administer  
1201 immunizations. The verification must be documented on forms  
1202 developed by the department, and the completed forms must be  
1203 maintained at the service location of the licensee and made  
1204 available to the department upon request.

1205       (4) The department may adopt and enforce all rules  
1206 necessary to enforce the provisions relating to a paramedic's  
1207 administration of immunizations and the performance of health  
1208 promotion and wellness activities ~~and blood pressure screenings~~  
1209 by a paramedic or emergency medical technician in a nonemergency  
1210 environment.

1211       Section 15. Subsections (5), (6), and (7) of section  
1212 401.34, Florida Statutes, are amended to read:

1213       401.34 Fees.—

1214       ~~(5) The department may provide same-day grading of the~~  
1215 ~~examination for an applicant for emergency medical technician or~~  
1216 ~~paramedic certification.~~

1217       ~~(6) The department may offer walk-in eligibility~~  
1218 ~~determination and examination to applicants for emergency~~

588-03133-23

20231506c1

1219 ~~medical technician or paramedic certification who pay to the~~  
1220 ~~department a nonrefundable fee to be set by the department not~~  
1221 ~~to exceed \$65. The fee is in addition to the certification fee~~  
1222 ~~and examination fee. The department must establish locations and~~  
1223 ~~times for eligibility determination and examination.~~

1224 ~~(7) The cost of emergency medical technician or paramedic~~  
1225 ~~certification examination review may not exceed \$50.~~

1226 Section 16. Section 401.435, Florida Statutes, is amended  
1227 to read:

1228 401.435 Emergency medical ~~First~~ responder agencies and  
1229 training.—

1230 (1) The department must adopt by rule the United States  
1231 Department of Transportation National Emergency Medical Services  
1232 Education Standards for the Emergency Medical Services: First  
1233 Responder level Training Course as the minimum standard for  
1234 emergency medical ~~first~~ responder training. In addition, the  
1235 department must adopt rules establishing minimum emergency  
1236 medical ~~first~~ responder instructor qualifications. For purposes  
1237 of this section, an emergency medical ~~a first~~ responder includes  
1238 any individual who receives training to render initial care to  
1239 an ill or injured person, other than an individual trained and  
1240 certified pursuant to s. 943.1395(1), but who does not have the  
1241 primary responsibility of treating and transporting ill or  
1242 injured persons.

1243 (2) Each emergency medical ~~first~~ responder agency must take  
1244 all reasonable efforts to enter into a memorandum of  
1245 understanding with the emergency medical services licensee  
1246 within whose territory the agency operates in order to  
1247 coordinate emergency services at an emergency scene. The

588-03133-23

20231506c1

1248 department must provide a model memorandum of understanding for  
1249 this purpose. The memorandum of understanding should include  
1250 dispatch protocols, the roles and responsibilities of emergency  
1251 medical first responder personnel at an emergency scene, and the  
1252 documentation required for patient care rendered. For purposes  
1253 of this section, the term "emergency medical first responder  
1254 agency" includes a law enforcement agency, a fire service agency  
1255 not licensed under this part, a lifeguard agency, and a  
1256 volunteer organization that renders, as part of its routine  
1257 functions, on-scene patient care before emergency medical  
1258 technicians or paramedics arrive.

1259 Section 17. Paragraph (a) of subsection (1) of section  
1260 464.203, Florida Statutes, is amended to read:

1261 464.203 Certified nursing assistants; certification  
1262 requirement.—

1263 (1) The board shall issue a certificate to practice as a  
1264 certified nursing assistant to any person who demonstrates a  
1265 minimum competency to read and write and successfully passes the  
1266 required background screening pursuant to s. 400.215. If the  
1267 person has successfully passed the required background screening  
1268 pursuant to s. 400.215 or s. 408.809 within 90 days before  
1269 applying for a certificate to practice and the person's  
1270 background screening results are not retained in the  
1271 clearinghouse created under s. 435.12, the board shall waive the  
1272 requirement that the applicant successfully pass an additional  
1273 background screening pursuant to s. 400.215. The person must  
1274 also meet one of the following requirements:

1275 (a) Has successfully completed an approved training program  
1276 and achieved a minimum score, established by rule of the board,

588-03133-23

20231506c1

1277 on the nursing assistant competency examination, which consists  
1278 of a written portion and skills-demonstration portion approved  
1279 by the board and administered at a site and by personnel  
1280 approved by the department. Any person who has successfully  
1281 completed an approved training program within 6 months before  
1282 filing an application for certification is not required to take  
1283 the skills-demonstration portion of the competency examination.

1284 Section 18. Section 468.1115, Florida Statutes, is amended  
1285 to read:

1286 468.1115 Exemptions.—

1287 (1) ~~No provision of~~ This part may not shall be construed to  
1288 limit the practice of persons licensed in this state from  
1289 engaging in the professions for which they are licensed, so long  
1290 as they do not hold themselves out to the public as possessing a  
1291 license or certificate issued pursuant to this part or use a  
1292 title protected by this part.

1293 (2) This part may not be construed to prohibit audiologists  
1294 from fitting, selling, dispensing, servicing, marketing,  
1295 providing customer support for, or distributing over-the-counter  
1296 hearing aids to persons 18 years of age or older.

1297 (3) ~~The provisions of~~ This part does shall not apply to:

1298 (a) Students actively engaged in a training program, if  
1299 such persons are acting under the direct supervision of a  
1300 licensed speech-language pathologist or a licensed audiologist.

1301 (b) Persons practicing a licensed profession or operating  
1302 within the scope of their profession, such as doctors of  
1303 medicine, clinical psychologists, nurses, or hearing aid  
1304 specialists, who are properly licensed under the laws of this  
1305 state.

588-03133-23

20231506c1

1306 (c) Persons certified in the areas of speech-language  
1307 impairment or hearing impairment in this state under chapter  
1308 1012 when engaging in the profession for which they are  
1309 certified, or any person under the direct supervision of such a  
1310 certified person, or of a licensee under this chapter, when the  
1311 person under such supervision is performing hearing screenings  
1312 in a school setting for prekindergarten through grade 12.

1313 (d) Laryngectomized individuals, rendering guidance and  
1314 instruction to other laryngectomized individuals, who are under  
1315 the supervision of a speech-language pathologist licensed under  
1316 this part or of a physician licensed under chapter 458 or  
1317 chapter 459 and qualified to perform this surgical procedure.

1318 (e) Persons licensed by another state as speech-language  
1319 pathologists or audiologists who provide services within the  
1320 applicable scope of practice set forth in s. 468.1125(10) or  
1321 (11) ~~s. 468.1125(6) or (7)~~ for no more than 5 calendar days per  
1322 month or 15 calendar days per year under the direct supervision  
1323 of a Florida-licensed speech-language pathologist or  
1324 audiologist. A person whose state of residence does not license  
1325 speech-language pathologists or audiologists may also qualify  
1326 for this exemption, if the person holds a certificate of  
1327 clinical competence from the American Speech-Language and  
1328 Hearing Association and meets all other requirements of this  
1329 paragraph. In either case, the board shall hold the supervising  
1330 Florida licensee fully accountable for the services provided by  
1331 the out-of-state licensee.

1332 (f) Nonlicensed persons working in a hospital setting who  
1333 provide newborn infant hearing screenings, so long as training,  
1334 clinical interpretation of the screenings, and the protocol for

588-03133-23

20231506c1

1335 followup of infants who fail in-hospital screenings are provided  
1336 by a licensed audiologist.

1337 (g) An audiologist while engaged in fitting, selling,  
1338 dispensing, servicing, marketing, providing customer support  
1339 for, or distributing over-the-counter hearing aids.

1340 (h) Any person who fits, sells, dispenses, services,  
1341 markets, provides customer support for, or distributes  
1342 exclusively over-the-counter hearing aids.

1343 Section 19. Section 468.1125, Florida Statutes, is  
1344 reordered and amended to read:

1345 468.1125 Definitions.—As used in this part, the term:

1346 (1) "Air-conduction hearing aid" means a hearing aid that  
1347 conducts sound to the ear through the air.

1348 (2) "Audiologist" means a person licensed under this part  
1349 to practice audiology.

1350 (3)~~(2)~~ "Board" means the Board of Speech-Language Pathology  
1351 and Audiology.

1352 (4)~~(3)~~ "Certified audiology assistant" means a person who  
1353 is certified under this part to perform audiology services under  
1354 the direct supervision of an audiologist.

1355 (5)~~(4)~~ "Certified speech-language pathology assistant"  
1356 means a person who is certified under this part to perform  
1357 speech pathology services under the direct supervision of a  
1358 speech pathologist.

1359 (6)~~(5)~~ "Department" means the Department of Health.

1360 (8) "Hearing aid" means any wearable device designed for,  
1361 offered for the purpose of, or represented as aiding persons  
1362 with, or compensating for, impaired hearing, to be worn by a  
1363 hearing-impaired person to improve hearing.

588-03133-23

20231506c1

1364       (9) "Over-the-counter hearing aid" means an air-conduction  
1365 hearing aid that does not require implantation or other surgical  
1366 intervention and is intended for use only by a person 18 years  
1367 of age or older to compensate for perceived mild to moderate  
1368 hearing impairment. The device, through tools, tests, or  
1369 software, allows the user to control the hearing aid and  
1370 customize it to the user's hearing needs. The device may use  
1371 wireless technology or may include tests for self-assessment of  
1372 hearing loss. The device is available over-the-counter, without  
1373 the supervision, prescription, or other order, involvement, or  
1374 intervention of a licensed person, to consumers through in-  
1375 person transactions, by mail, or online, provided that the  
1376 device satisfies the requirements of 21 C.F.R. parts 800, 801,  
1377 and 874 (2022), which are specifically incorporated by reference  
1378 herein.

1379       (10) (a) ~~(6) (a)~~ "Practice of audiology" means the application  
1380 of principles, methods, and procedures for the prevention,  
1381 identification, evaluation, consultation, habilitation,  
1382 rehabilitation, instruction, treatment, and research, relative  
1383 to hearing and the disorders of hearing, and to related language  
1384 and speech disorders. "Disorders" are defined to include any and  
1385 all conditions, whether of organic or nonorganic origin,  
1386 peripheral or central, that impede the normal process of human  
1387 communication, including, but not limited to, disorders of  
1388 auditory sensitivity, acuity, function, or processing, or damage  
1389 to the integrity of the physiological system.

1390       (b) Any audiologist who has complied with the provisions of  
1391 this part may:

1392       1. Offer, render, plan, direct, conduct, consult, or



588-03133-23

20231506c1

1393 supervise services to individuals or groups of individuals who  
1394 have or are suspected of having disorders of hearing, including  
1395 prevention, identification, evaluation, treatment, consultation,  
1396 habilitation, rehabilitation, instruction, and research.

1397 2. Participate in hearing conservation, evaluation of noise  
1398 environment, and noise control.

1399 3. Conduct and interpret tests of vestibular function and  
1400 nystagmus, electrophysiologic auditory-evoked potentials,  
1401 central auditory function, and calibration of measurement  
1402 equipment used for such purposes.

1403 4. Habilitate and rehabilitate, including, but not limited  
1404 to, prescription hearing aid evaluation, prescription,  
1405 preparation, fitting and dispensing prescription hearing aids,  
1406 assistive listening device selection and orientation, auditory  
1407 training, aural habilitation, aural rehabilitation, speech  
1408 conservation, and speechreading.

1409 5. Fabricate earmolds.

1410 6. Evaluate tinnitus.

1411 7. Include speech and language screening, limited to a  
1412 pass/fail determination for identifying individuals with  
1413 disorders of communication.

1414 (11) (a) ~~(7) (a)~~ "Practice of speech-language pathology" means  
1415 the application of principles, methods, and procedures for the  
1416 prevention, identification, evaluation, treatment, consultation,  
1417 habilitation, rehabilitation, instruction, and research,  
1418 relative to the development and disorders of human  
1419 communication; to related oral and pharyngeal competencies; and  
1420 to behavior related to disorders of human communication.

1421 "Disorders" are defined to include any and all conditions,

588-03133-23

20231506c1

1422 whether of organic or nonorganic origin, that impede the normal  
1423 process of human communication, including, but not limited to,  
1424 disorders and related disorders of speech, phonology,  
1425 articulation, fluency, voice, accent, verbal and written  
1426 language and related nonoral/nonverbal forms of language,  
1427 cognitive communication, auditory and visual processing, memory  
1428 and comprehension, interactive communication, mastication,  
1429 deglutition, and other oral, pharyngeal, and laryngeal  
1430 sensorimotor competencies.

1431 (b) Any speech-language pathologist who has complied with  
1432 the provisions of this part may:

1433 1. Offer, render, plan, direct, conduct, and supervise  
1434 services to individuals or groups of individuals who have or are  
1435 suspected of having disorders of human communication, including  
1436 identification, evaluation, treatment, consultation,  
1437 habilitation, rehabilitation, amelioration, instruction, and  
1438 research.

1439 2. Determine the need for personal alternatives or  
1440 augmentative systems, and recommend and train for the  
1441 utilization of such systems.

1442 3. Perform a hearing screening, limited to a pass/fail  
1443 determination, for the purpose of initial identification of  
1444 communication disorders.

1445 (12) "Prescription hearing aid" means a hearing aid or  
1446 sound amplifying device that is not an over-the-counter hearing  
1447 aid. Hearing aids intended for use by persons younger than 18  
1448 years of age must be prescription hearing aids.

1449 (13)~~(8)~~ "Speech-language pathologist" means a person  
1450 licensed under this part to practice speech pathology.

588-03133-23

20231506c1

1451        ~~(7)~~<sup>(9)</sup> "Direct supervision" means responsible supervision  
1452 and control by a licensed speech-language pathologist who shall  
1453 assume legal liability for the services rendered by any  
1454 certified speech-language pathology assistant under the  
1455 licensee's supervision, or responsible supervision and control  
1456 by a licensed audiologist who shall assume legal liability for  
1457 the services rendered by any certified audiology assistant under  
1458 the licensee's supervision. Direct supervision shall require the  
1459 physical presence of the licensed speech-language pathologist  
1460 for consultation and direction of the actions of the certified  
1461 speech-language pathology assistant, or the physical presence of  
1462 the licensed audiologist for consultation and direction of the  
1463 actions of the certified audiology assistant, unless the  
1464 assistant is acting under protocols established by the board.  
1465 The board shall establish rules further defining direct  
1466 supervision of a certified speech-language pathology assistant  
1467 or a certified audiology assistant.

1468        Section 20. Section 468.1225, Florida Statutes, is amended  
1469 to read:

1470            468.1225 Procedures, equipment, and protocols.—

1471            (1) The following minimal procedures shall be used when a  
1472 licensed audiologist fits and sells a prescription hearing aid:

1473            (a) Pure tone audiometric testing by air and bone to  
1474 determine the type and degree of hearing deficiency when  
1475 indicated.

1476            (b) Effective masking when indicated.

1477            (c) Appropriate testing to determine speech reception  
1478 thresholds, speech discrimination scores, the most comfortable  
1479 listening levels, uncomfortable loudness levels, and the

588-03133-23

20231506c1

1480 selection of the best fitting arrangement for maximum hearing  
1481 aid benefit when indicated.

1482 (2) The following equipment shall be used:

1483 (a) A wide range audiometer that ~~which~~ meets the  
1484 specifications of the American National Standards Institute for  
1485 diagnostic audiometers when indicated.

1486 (b) A speech audiometer or a master hearing aid in order to  
1487 determine the most comfortable listening level and speech  
1488 discrimination when indicated.

1489 (3) A final fitting ensuring physical and operational  
1490 comfort of the prescription hearing aid shall be made when  
1491 indicated.

1492 (4) A licensed audiologist who fits and sells prescription  
1493 hearing aids shall obtain the following medical clearance: If,  
1494 upon inspection of the ear canal with an otoscope in the common  
1495 procedure of fitting a prescription hearing aid and upon  
1496 interrogation of the client, there is any recent history of  
1497 infection or any observable anomaly, the client shall be  
1498 instructed to see a physician, and a prescription hearing aid  
1499 may ~~shall~~ not be fitted until medical clearance is obtained for  
1500 the condition noted. If, upon return, the condition noted is no  
1501 longer observable and the client signs a medical waiver, a  
1502 prescription hearing aid may be fitted. Any person with a  
1503 significant difference between bone conduction hearing and air  
1504 conduction hearing must be informed of the possibility of  
1505 medical or surgical correction.

1506 (5) (a) A licensed audiologist's office must have available,  
1507 or have access to, a selection of prescription hearing aid  
1508 models, hearing aid supplies, and services complete enough to

588-03133-23

20231506c1

1509 accommodate the various needs of the hearing aid wearers.

1510 (b) At the time of the initial examination for fitting and  
1511 sale of a prescription hearing aid, the attending audiologist  
1512 must notify the prospective purchaser of the benefits of  
1513 telecoil, also known as "t" coil or "t" switch, technology,  
1514 including increased access to telephones and noninvasive access  
1515 to assistive listening systems required under the Americans with  
1516 Disabilities Act of 1990.

1517 (6) Unless otherwise indicated, each audiometric test  
1518 conducted by a licensee or a certified audiology assistant in  
1519 the fitting and selling of prescription hearing aids must ~~shall~~  
1520 be made in a testing room that has been certified by the  
1521 department, or by an agent approved by the department, not to  
1522 exceed the following sound pressure levels at the specified  
1523 frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB,  
1524 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB,  
1525 and 8000Hz-67dB. An exception to this requirement shall be made  
1526 in the case of a client who, after being provided written notice  
1527 of the benefits and advantages of having the test conducted in a  
1528 certified testing room, requests that the test be conducted in a  
1529 place other than the licensee's certified testing room. Such  
1530 request must ~~shall~~ be documented by a waiver that ~~which~~ includes  
1531 the written notice and is signed by the licensee and the client  
1532 before ~~prior to~~ the testing. The waiver must ~~shall~~ be executed  
1533 on a form provided by the department. The executed waiver must  
1534 ~~shall~~ be attached to the client's copy of the contract, and a  
1535 copy of the executed waiver must ~~shall~~ be retained in the  
1536 licensee's file.

1537 (7) The board may ~~shall have the power to~~ prescribe the

588-03133-23

20231506c1

1538 minimum procedures and equipment used in the conducting of  
1539 hearing assessments and for the fitting and selling of  
1540 prescription hearing aids. The board shall adopt and enforce  
1541 rules necessary to implement ~~carry out the provisions of~~ this  
1542 subsection and subsection (6).

1543 (8) Any duly authorized officer or employee of the  
1544 department may ~~shall have the right to~~ make such inspections and  
1545 investigations as ~~are~~ necessary ~~in order~~ to determine the state  
1546 of compliance with ~~the provisions of~~ this section and the  
1547 applicable rules and may enter the premises of a licensee and  
1548 inspect the records of same upon reasonable belief that a  
1549 violation of this law is being or has been committed or that the  
1550 licensee has failed or is failing to comply with ~~the provisions~~  
1551 ~~of~~ this part.

1552 (9) Any hearing aid provided to a person younger than 18  
1553 years of age must be a prescription hearing aid and may not be  
1554 an over-the-counter hearing aid.

1555 Section 21. Section 468.1245, Florida Statutes, is amended  
1556 to read:

1557 468.1245 Itemized listing of prices; delivery of  
1558 prescription hearing aid; receipt; guarantee; packaging;  
1559 disclaimer.-

1560 (1) Before ~~Prior to~~ delivery of services or products to a  
1561 prospective purchaser, a licensee must ~~shall~~ disclose, upon  
1562 request by the prospective purchaser, an itemized listing of  
1563 prices, which must ~~listing shall~~ include separate price  
1564 estimates for each service component and each product. Provision  
1565 of such itemized listing of prices may ~~shall~~ not be predicated  
1566 on the prospective purchaser's payment of any charge or

588-03133-23

20231506c1

1567 agreement to purchase any service or product.

1568 (2) Any licensee who fits and sells a prescription hearing  
1569 aid shall, at the time of delivery, provide the purchaser with a  
1570 receipt containing the seller's signature, the address of his or  
1571 her regular place of business, and his or her license or  
1572 certification number, if applicable, together with the brand,  
1573 model, manufacturer or manufacturer's identification code, and  
1574 serial number of the prescription hearing aid furnished and the  
1575 amount charged for the prescription hearing aid. The receipt  
1576 must also ~~shall~~ specify whether the prescription hearing aid is  
1577 new, used, or rebuilt, ~~and shall specify~~ the length of time and  
1578 other terms of the guarantee, and by whom the prescription  
1579 hearing aid is guaranteed. When the client has requested an  
1580 itemized list of prices, the receipt must ~~shall~~ also provide an  
1581 itemization of the total purchase price, including, but not  
1582 limited to, the cost of the aid, ear mold, batteries, and other  
1583 accessories, and the cost of any services. Notice of the  
1584 availability of this service must be displayed in a conspicuous  
1585 manner in the office. The receipt must also ~~shall~~ state that any  
1586 complaint concerning the prescription hearing aid and its  
1587 guarantee, if not reconciled with the licensee from whom the  
1588 prescription hearing aid was purchased, should be directed by  
1589 the purchaser to the department. The address and telephone  
1590 number of such office must ~~shall~~ be stated on the receipt.

1591 (3) A prescription ~~he~~ hearing aid may not be sold to any  
1592 person unless both the packaging containing the prescription  
1593 hearing aid and the contract provided pursuant to subsection (2)  
1594 carry the following disclaimer in 10-point or larger type: "A  
1595 hearing aid will not restore normal hearing, nor will it prevent

588-03133-23

20231506c1

1596 further hearing loss.”

1597 Section 22. Section 468.1246, Florida Statutes, is amended  
1598 to read:

1599 468.1246 Thirty-day trial period; purchaser’s right to  
1600 cancel; notice; refund; cancellation fee.—

1601 (1) A person selling a prescription hearing aid in this  
1602 state must provide the buyer with written notice of a 30-day  
1603 trial period and money-back guarantee. The guarantee must permit  
1604 the purchaser to cancel the purchase for a valid reason as  
1605 defined by rule of the board within 30 days after receiving the  
1606 prescription hearing aid, by returning the prescription hearing  
1607 aid or mailing written notice of cancellation to the seller. If  
1608 the prescription hearing aid must be repaired, remade, or  
1609 adjusted during the 30-day trial period, the running of the 30-  
1610 day trial period is suspended 1 day for each 24-hour period that  
1611 the prescription hearing aid is not in the purchaser’s  
1612 possession. A repaired, remade, or adjusted prescription hearing  
1613 aid must be claimed by the purchaser within 3 working days after  
1614 notification of availability. The running of the 30-day trial  
1615 period resumes on the day the purchaser reclaims a repaired,  
1616 remade, or adjusted prescription hearing aid or on the 4th day  
1617 after notification of availability.

1618 (2) The board, in consultation with the Board of Hearing  
1619 Aid Specialists, shall prescribe by rule the terms and  
1620 conditions to be contained in the money-back guarantee and any  
1621 exceptions thereto. Such rule must ~~shall~~ provide, at a minimum,  
1622 that the charges for earmolds and service provided to fit the  
1623 prescription hearing aid may be retained by the licensee. The  
1624 rules must ~~shall~~ also set forth any reasonable charges to be



588-03133-23

20231506c1

1625 held by the licensee as a cancellation fee. ~~Such rule shall be~~  
1626 ~~effective on or before December 1, 1994. Should the board fail~~  
1627 ~~to adopt such rule, a licensee may not charge a cancellation fee~~  
1628 ~~which exceeds 5 percent of the total charge for a hearing aid~~  
1629 ~~alone.~~ The terms and conditions of the guarantee, including the  
1630 total amount available for refund, must ~~shall~~ be provided in  
1631 writing to the purchaser before ~~prior to~~ the signing of the  
1632 contract.

1633 Section 23. Section 468.1255, Florida Statutes, is amended  
1634 to read:

1635 468.1255 Cancellation by medical authorization; purchaser's  
1636 right to return.—

1637 (1) In addition to any other rights and remedies the  
1638 purchaser of a prescription hearing aid may have, the purchaser  
1639 has ~~shall have~~ the right to rescind the transaction if the  
1640 purchaser for whatever reason consults a licensed physician with  
1641 specialty board certification in otolaryngology or internal  
1642 medicine or a licensed family practice physician, subsequent to  
1643 purchasing a prescription hearing aid, and the physician  
1644 certifies in writing that the purchaser has a hearing impairment  
1645 for which a prescription hearing aid will not provide a benefit  
1646 or that the purchaser has a medical condition which  
1647 contraindicates the use of a prescription hearing aid.

1648 (2) The purchaser of a prescription hearing aid has ~~shall~~  
1649 ~~have~~ the right to rescind as provided in subsection (1) only if  
1650 the purchaser gives a written notice of the intent to rescind  
1651 the transaction to the seller at the seller's place of business  
1652 by certified mail, return receipt requested, which notice shall  
1653 be posted not later than 60 days following the date of delivery

588-03133-23

20231506c1

1654 of the prescription hearing aid to the purchaser, and the  
1655 purchaser returns the prescription hearing aid to the seller in  
1656 the original condition less normal wear and tear.

1657 (3) If the conditions of subsections (1) and (2) are met,  
1658 the seller must ~~shall~~, without request, refund to the purchaser,  
1659 within 10 days after ~~of~~ the receipt of notice to rescind, a full  
1660 and complete refund of all moneys received, less 5 percent. The  
1661 purchaser does not ~~shall~~ incur any ~~no~~ additional liability for  
1662 rescinding the transaction.

1663 Section 24. Section 468.1265, Florida Statutes, is amended  
1664 to read:

1665 468.1265 Sale or distribution of prescription hearing aids  
1666 through mail; penalty.—It is unlawful for any person to sell or  
1667 distribute prescription hearing aids through the mail to the  
1668 ultimate consumer. Any person who violates this section commits  
1669 a misdemeanor of the second degree, punishable as provided in s.  
1670 775.082 or s. 775.083.

1671 Section 25. Section 468.1275, Florida Statutes, is amended  
1672 to read:

1673 468.1275 Place of business; display of license.—Each  
1674 licensee who fits and sells a prescription hearing aid shall  
1675 declare and establish a regular place of business, at which his  
1676 or her license shall be conspicuously displayed.

1677 Section 26. Section 484.0401, Florida Statutes, is amended  
1678 to read:

1679 484.0401 Purpose.—The Legislature recognizes that the  
1680 dispensing of prescription hearing aids requires particularized  
1681 knowledge and skill to ensure that the interests of the hearing-  
1682 impaired public will be adequately served and safely protected.

588-03133-23

20231506c1

1683 It recognizes that a poorly selected or fitted prescription  
1684 hearing aid not only will give little satisfaction but may  
1685 interfere with hearing ability and, therefore, deems it  
1686 necessary in the interest of the public health, safety, and  
1687 welfare to regulate the dispensing of prescription hearing aids  
1688 in this state. Restrictions on the fitting and selling of  
1689 prescription hearing aids shall be imposed only to the extent  
1690 necessary to protect the public from physical and economic harm,  
1691 and restrictions shall not be imposed in a manner which will  
1692 unreasonably affect the competitive market.

1693 Section 27. Section 484.041, Florida Statutes, is reordered  
1694 and amended to read:

1695 484.041 Definitions.—As used in this part, the term:

1696 (1) “Air-conduction hearing aid” means a hearing aid that  
1697 conducts sound to the ear through the air.

1698 (2) “Board” means the Board of Hearing Aid Specialists.

1699 (3)~~(2)~~ “Department” means the Department of Health.

1700 (4)~~(3)~~ “Dispensing prescription hearing aids” means and  
1701 includes:

1702 (a) Conducting and interpreting hearing tests for purposes  
1703 of selecting suitable prescription hearing aids, making earmolds  
1704 or ear impressions, and providing appropriate counseling.

1705 (b) All acts pertaining to the selling, renting, leasing,  
1706 pricing, delivery, and warranty of prescription hearing aids.

1707 (7)~~(4)~~ “Hearing aid specialist” means a person duly  
1708 licensed in this state to practice the dispensing of  
1709 prescription hearing aids.

1710 (5) “Hearing aid” means any wearable ~~an amplifying~~ device  
1711 designed for, offered for the purpose of, or represented as

588-03133-23

20231506c1

1712 aiding persons with, or compensating for, impaired hearing to be  
1713 worn by a hearing-impaired person to improve hearing.

1714 (11)(6) "Trainee" means a person studying prescription  
1715 hearing aid dispensing under the direct supervision of an active  
1716 licensed hearing aid specialist for the purpose of qualifying  
1717 for certification to sit for the licensure examination.

1718 (6)(7) "Hearing aid establishment" means any establishment  
1719 in this ~~the~~ state which employs a licensed hearing aid  
1720 specialist who offers, advertises, and performs hearing aid  
1721 services for the general public.

1722 (8) "Over-the-counter hearing aid" means an air-conduction  
1723 hearing aid that does not require implantation or other surgical  
1724 intervention and is intended for use only by a person 18 years  
1725 of age or older to compensate for perceived mild to moderate  
1726 hearing impairment. The device, through tools, tests, or  
1727 software, allows the user to control the hearing aid and  
1728 customize it to the user's hearing needs. The device may use  
1729 wireless technology or may include tests for self-assessment of  
1730 hearing loss. The device is available over-the-counter, without  
1731 the supervision, prescription, or other order, involvement, or  
1732 intervention of a licensed person, to consumers through in-  
1733 person transactions, by mail, or online, provided that the  
1734 device satisfies the requirements of 21 C.F.R. parts 800, 801,  
1735 and 874 (2022), which are specifically incorporated by reference  
1736 herein.

1737 (9) "Prescription hearing aid" means a hearing aid or sound  
1738 amplifying device that is not an over-the-counter hearing aid.  
1739 Hearing aids intended for use by persons younger than 18 years  
1740 of age must be prescription hearing aids.

588-03133-23

20231506c1

1741       (10) "Sponsor" means an active, licensed hearing aid  
1742 specialist under whose direct supervision one or more trainees  
1743 are studying prescription hearing aid dispensing for the purpose  
1744 of qualifying for certification to sit for the licensure  
1745 examination.

1746       Section 28. Subsection (2) of section 484.042, Florida  
1747 Statutes, is amended to read:

1748       484.042 Board of Hearing Aid Specialists; membership,  
1749 appointment, terms.—

1750       (2) Five members of the board shall be hearing aid  
1751 specialists who have been licensed and practicing the dispensing  
1752 of prescription hearing aids in this state for at least the  
1753 preceding 4 years. The remaining four members, none of whom  
1754 shall derive economic benefit from the fitting or dispensing of  
1755 hearing aids, shall be appointed from the resident lay public of  
1756 this state. One of the lay members shall be a prescription  
1757 hearing aid user but may not ~~neither~~ be nor have been a hearing  
1758 aid specialist or a licensee of a closely related profession.  
1759 One lay member shall be an individual age 65 or over. One lay  
1760 member shall be an otolaryngologist licensed pursuant to chapter  
1761 458 or chapter 459.

1762       Section 29. Subsection (2) of section 484.044, Florida  
1763 Statutes, is amended to read:

1764       484.044 Authority to make rules.—

1765       (2) The board shall adopt rules requiring that each  
1766 prospective purchaser of a prescription hearing aid be notified  
1767 by the attending hearing aid specialist, at the time of the  
1768 initial examination for fitting and sale of a hearing aid, of  
1769 telecoil, "t" coil, or "t" switch technology. The rules shall

588-03133-23

20231506c1

1770 further require that hearing aid specialists make available to  
 1771 prospective purchasers or clients information regarding  
 1772 telecoils, "t" coils, or "t" switches. ~~These rules shall be~~  
 1773 ~~effective on or before October 1, 1994.~~

1774 Section 30. Subsection (2) of section 484.0445, Florida  
 1775 Statutes, is amended to read:

1776 484.0445 Training program.—

1777 (2) A trainee shall perform the functions of a hearing aid  
 1778 specialist in accordance with board rules only under the direct  
 1779 supervision of a licensed hearing aid specialist. The term  
 1780 "direct supervision" means that the sponsor is responsible for  
 1781 all work being performed by the trainee. The sponsor or a  
 1782 hearing aid specialist designated by the sponsor shall give  
 1783 final approval to work performed by the trainee and shall be  
 1784 physically present at the time the prescription hearing aid is  
 1785 delivered to the client.

1786 Section 31. Subsection (2) of section 484.045, Florida  
 1787 Statutes, is amended to read:

1788 484.045 Licensure by examination.—

1789 (2) The department shall license each applicant who the  
 1790 board certifies meets all of the following criteria:

1791 (a) Has completed the application form and remitted the  
 1792 required fees.†

1793 (b) Is of good moral character.†

1794 (c) Is 18 years of age or older.†

1795 (d) Is a graduate of an accredited high school or its  
 1796 equivalent.†

1797 (e)1. Has met the requirements of the training program; or

1798 2.a. Has a valid, current license as a hearing aid

588-03133-23

20231506c1

1799 specialist or its equivalent from another state and has been  
1800 actively practicing in such capacity for at least 12 months; or

1801 b. Is currently certified by the National Board for  
1802 Certification in Hearing Instrument Sciences and has been  
1803 actively practicing for at least 12 months.†

1804 (f) Has passed an examination, as prescribed by board  
1805 rule.† ~~and~~

1806 (g) Has demonstrated, in a manner designated by rule of the  
1807 board, knowledge of state laws and rules relating to the fitting  
1808 and dispensing of prescription hearing aids.

1809 Section 32. Section 484.0501, Florida Statutes, is amended  
1810 to read:

1811 484.0501 Minimal procedures and equipment.—

1812 (1) The following minimal procedures shall be used in the  
1813 fitting and selling of prescription hearing aids:

1814 (a) Pure tone audiometric testing by air and bone to  
1815 determine the type and degree of hearing deficiency.

1816 (b) Effective masking when indicated.

1817 (c) Appropriate testing to determine speech reception  
1818 thresholds, speech discrimination scores, the most comfortable  
1819 listening levels, uncomfortable loudness levels, and the  
1820 selection of the best fitting arrangement for maximum hearing  
1821 aid benefit.

1822 (2) The following equipment shall be used:

1823 (a) A wide range audiometer that ~~which~~ meets the  
1824 specifications of the American National Standards Institute for  
1825 diagnostic audiometers.

1826 (b) A speech audiometer or a master hearing aid in order to  
1827 determine the most comfortable listening level and speech

588-03133-23

20231506c1

1828 discrimination.

1829 (3) A final fitting ensuring physical and operational  
1830 comfort of the prescription hearing aid shall be made.

1831 (4) The following medical clearance shall be obtained: If,  
1832 upon inspection of the ear canal with an otoscope in the common  
1833 procedure of a prescription hearing aid fitter and upon  
1834 interrogation of the client, there is any recent history of  
1835 infection or any observable anomaly, the client must ~~shall~~ be  
1836 instructed to see a physician, and a prescription hearing aid  
1837 may ~~shall~~ not be fitted until medical clearance is obtained for  
1838 the condition noted. If, upon return, the condition noted is no  
1839 longer observable and the client signs a medical waiver, a  
1840 prescription hearing aid may be fitted. Any person with a  
1841 significant difference between bone conduction hearing and air  
1842 conduction hearing must be informed of the possibility of  
1843 medical correction.

1844 (5) (a) A prescription hearing aid establishment ~~office~~ must  
1845 have available, or have access to, a selection of prescription  
1846 hearing aid models, hearing aid supplies, and services complete  
1847 enough to accommodate the various needs of the prescription  
1848 hearing aid wearers.

1849 (b) At the time of the initial examination for fitting and  
1850 sale of a prescription hearing aid, the attending hearing aid  
1851 specialist shall ~~must~~ notify the prospective purchaser or client  
1852 of the benefits of telecoil, "t" coil, or "t" switch technology,  
1853 including increased access to telephones and noninvasive access  
1854 to assistive listening systems required under the Americans with  
1855 Disabilities Act of 1990.

1856 (6) Each audiometric test conducted by a licensee or



588-03133-23

20231506c1

1857 authorized trainee in the fitting and selling of prescription  
1858 hearing aids must ~~shall~~ be made in a testing room that has been  
1859 certified by the department, or by an agent approved by the  
1860 department, not to exceed the following sound pressure levels at  
1861 the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB,  
1862 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB,  
1863 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement  
1864 shall be made in the case of a client who, after being provided  
1865 written notice of the benefits and advantages of having the test  
1866 conducted in a certified testing room, requests that the test be  
1867 conducted in a place other than the licensee's certified testing  
1868 room. Such request must ~~shall~~ be documented by a waiver which  
1869 includes the written notice and is signed by the licensee and  
1870 the client before ~~prior to~~ the testing. The waiver must ~~shall~~ be  
1871 executed on a form provided by the department. The executed  
1872 waiver must ~~shall~~ be attached to the client's copy of the  
1873 contract, and a copy of the executed waiver must ~~shall~~ be  
1874 retained in the licensee's file.

1875 (7) The board may ~~shall have the power to~~ prescribe the  
1876 minimum procedures and equipment which must ~~shall~~ be used in the  
1877 conducting of hearing assessments, and for the fitting and  
1878 selling of prescription hearing aids, including equipment that  
1879 will measure the prescription hearing aid's response curves to  
1880 ensure that they meet the manufacturer's specifications. These  
1881 procedures and equipment may differ from those provided in this  
1882 section in order to take full advantage of devices and equipment  
1883 which may hereafter become available and which are demonstrated  
1884 to be of greater efficiency and accuracy. The board shall adopt  
1885 and enforce rules necessary to implement ~~carry out the~~

588-03133-23

20231506c1

1886 ~~provisions of~~ this subsection and subsection (6).

1887 (8) Any duly authorized officer or employee of the  
1888 department ~~may shall have the right to~~ make such inspections and  
1889 investigations as ~~are necessary in order~~ to determine the state  
1890 of compliance with ~~the provisions of~~ this section and the  
1891 applicable rules and may enter the premises of a licensee and  
1892 inspect the records of same upon reasonable belief that a  
1893 violation of this law is being or has been committed or that the  
1894 licensee has failed or is failing to comply with ~~the provisions~~  
1895 ~~of~~ this part act.

1896 (9) A licensed hearing aid specialist may fit, sell,  
1897 dispense, service, market, provide customer support for, and  
1898 distribute prescription and over-the-counter hearing aids.  
1899 However, over-the-counter hearing aids may be provided only to  
1900 persons 18 years of age or older.

1901 Section 33. Section 484.051, Florida Statutes, is amended  
1902 to read:

1903 484.051 Itemization of prices; delivery of prescription  
1904 hearing aid; receipt, packaging, disclaimer, guarantee.—

1905 (1) Before ~~Prior to~~ delivery of services or products to a  
1906 prospective purchaser, any person who fits and sells  
1907 prescription hearing aids must shall disclose on request by the  
1908 prospective purchaser an itemized listing of prices, which must  
1909 ~~listing shall~~ include separate price estimates for each service  
1910 component and each product. Provision of such itemized listing  
1911 of prices may shall not be predicated on the prospective  
1912 purchaser's payment of any charge or agreement to purchase any  
1913 service or product.

1914 (2) Any person who fits and sells a prescription hearing

588-03133-23

20231506c1

1915 aid must ~~shall~~, at the time of delivery, provide the purchaser  
1916 with a receipt containing the seller's signature, the address of  
1917 her or his regular place of business, and her or his license or  
1918 trainee registration number, if applicable, together with the  
1919 brand, model, manufacturer or manufacturer's identification  
1920 code, and serial number of the prescription hearing aid  
1921 furnished and the amount charged for the prescription hearing  
1922 aid. The receipt must also ~~shall~~ specify whether the  
1923 prescription hearing aid is new, used, or rebuilt, ~~and shall~~  
1924 ~~specify~~ the length of time and other terms of the guarantee, ~~and~~  
1925 by whom the prescription hearing aid is guaranteed. ~~If~~ ~~When~~ the  
1926 client has requested an itemized list of prices, the receipt  
1927 must ~~shall~~ also provide an itemization of the total purchase  
1928 price, including, but not limited to, the cost of the aid,  
1929 earmold, batteries and other accessories, and any services.  
1930 Notice of the availability of this service shall be displayed in  
1931 a conspicuous manner in the office. The receipt must also ~~shall~~  
1932 state that any complaint concerning the prescription hearing aid  
1933 and guarantee therefor, if not reconciled with the licensee from  
1934 whom the prescription hearing aid was purchased, should be  
1935 directed by the purchaser to the Department of Health. The  
1936 address and telephone number of such office must ~~shall~~ be stated  
1937 on the receipt.

1938 (3) A prescription ~~no~~ hearing aid may not be sold to any  
1939 person unless both the packaging containing the prescription  
1940 hearing aid and the itemized receipt provided pursuant to  
1941 subsection (2) carry the following disclaimer in 10-point or  
1942 larger type: "A hearing aid will not restore normal hearing, nor  
1943 will it prevent further hearing loss."

588-03133-23

20231506c1

1944 Section 34. Section 484.0512, Florida Statutes, is amended  
1945 to read:

1946 484.0512 Thirty-day trial period; purchaser's right to  
1947 cancel; notice; refund; cancellation fee; criminal penalty.—

1948 (1) A person selling a prescription hearing aid in this  
1949 state must provide the buyer with written notice of a 30-day  
1950 trial period and money-back guarantee. The guarantee must permit  
1951 the purchaser to cancel the purchase for a valid reason, as  
1952 defined by ~~rule of the board~~ rule, within 30 days after  
1953 receiving the prescription hearing aid, by returning the  
1954 prescription hearing aid or mailing written notice of  
1955 cancellation to the seller. If the prescription hearing aid must  
1956 be repaired, remade, or adjusted during the 30-day trial period,  
1957 the running of the 30-day trial period is suspended 1 day for  
1958 each 24-hour period that the prescription hearing aid is not in  
1959 the purchaser's possession. A repaired, remade, or adjusted  
1960 prescription hearing aid must be claimed by the purchaser within  
1961 3 working days after notification of availability. The running  
1962 of the 30-day trial period resumes on the day the purchaser  
1963 reclaims the repaired, remade, or adjusted prescription hearing  
1964 aid or on the fourth day after notification of availability,   
1965 whichever occurs earlier.

1966 (2) The board, in consultation with the Board of Speech-  
1967 Language Pathology and Audiology, shall prescribe by rule the  
1968 terms and conditions to be contained in the money-back guarantee  
1969 and any exceptions thereto. Such rules must ~~rule shall~~ provide,  
1970 at a minimum, that the charges for earmolds and service provided  
1971 to fit the prescription hearing aid may be retained by the  
1972 licensee. The rules must ~~shall~~ also set forth any reasonable

588-03133-23

20231506c1

1973 charges to be held by the licensee as a cancellation fee. ~~Such~~  
1974 ~~rule shall be effective on or before December 1, 1994. Should~~  
1975 ~~the board fail to adopt such rule, a licensee may not charge a~~  
1976 ~~cancellation fee which exceeds 5 percent of the total charge for~~  
1977 ~~a hearing aid alone.~~ The terms and conditions of the guarantee,  
1978 including the total amount available for refund, must ~~shall~~ be  
1979 provided in writing to the purchaser before ~~prior to~~ the signing  
1980 of the contract.

1981 (3) Within 30 days after the return or attempted return of  
1982 the prescription hearing aid, the seller shall refund all moneys  
1983 that must be refunded to a purchaser pursuant to this section. A  
1984 violation of this subsection is a misdemeanor of the first  
1985 degree, punishable as provided in s. 775.082 or s. 775.083.

1986 (4) For purposes of this section, the term "seller" or  
1987 "person selling a prescription hearing aid" includes:

1988 (a) Any ~~natural~~ person licensed under this part or any  
1989 other ~~natural~~ person who signs a sales receipt required by s.  
1990 484.051(2) or s. 468.1245(2) or ~~who~~ otherwise fits, delivers, or  
1991 dispenses a prescription hearing aid.

1992 (b) Any business organization, whether a sole  
1993 proprietorship, partnership, corporation, professional  
1994 association, joint venture, business trust, or other legal  
1995 entity, that ~~which~~ dispenses a prescription hearing aid or  
1996 enters into an agreement to dispense a prescription hearing aid.

1997 (c) Any person who controls, manages, or operates an  
1998 establishment or business that dispenses a prescription hearing  
1999 aid or enters into an agreement to dispense a prescription  
2000 hearing aid.

2001 Section 35. Section 484.0513, Florida Statutes, is amended

588-03133-23

20231506c1

2002 to read:

2003 484.0513 Cancellation by medical authorization; purchaser's  
2004 right to return.—

2005 (1) In addition to any other rights and remedies the  
2006 purchaser of a prescription hearing aid may have, the purchaser  
2007 has ~~shall have~~ the right to rescind the transaction if the  
2008 purchaser for whatever reason consults a licensed physician with  
2009 specialty board certification in otolaryngology or internal  
2010 medicine or a licensed family practice physician, subsequent to  
2011 purchasing a prescription hearing aid, and the physician  
2012 certifies in writing that the purchaser has a hearing impairment  
2013 for which a prescription hearing aid will not provide a benefit  
2014 or that the purchaser has a medical condition which  
2015 contraindicates the use of a prescription hearing aid.

2016 (2) The purchaser of a prescription hearing aid has ~~shall~~  
2017 ~~have~~ the right to rescind as provided in subsection (1) only if  
2018 the purchaser gives a written notice of the intent to rescind  
2019 the transaction to the seller at the seller's place of business  
2020 by certified mail, return receipt requested, which must ~~notice~~  
2021 ~~shall~~ be posted within ~~not later than~~ 60 days after ~~following~~  
2022 the date of delivery of the prescription hearing aid to the  
2023 purchaser, and the purchaser returns the prescription hearing  
2024 aid to the seller in the original condition less normal wear and  
2025 tear.

2026 (3) If the conditions of subsections (1) and (2) are met,  
2027 the seller must ~~shall~~, without request, refund to the purchaser,  
2028 within 10 days after ~~of the~~ receipt of the notice to rescind, a  
2029 full and complete refund of all moneys received, less 5 percent.  
2030 The purchaser does not ~~shall~~ incur any ~~no~~ additional liability

588-03133-23

20231506c1

2031 for rescinding the transaction.

2032 Section 36. Section 484.053, Florida Statutes, is amended  
2033 to read:

2034 484.053 Prohibitions; penalties.—

2035 (1) A person may not:

2036 (a) Practice dispensing prescription hearing aids unless  
2037 the person is a licensed hearing aid specialist;

2038 (b) Use the name or title "hearing aid specialist" when the  
2039 person has not been licensed under this part;

2040 (c) Present as her or his own the license of another;

2041 (d) Give false, incomplete, or forged evidence to the board  
2042 or a member thereof for the purposes of obtaining a license;

2043 (e) Use or attempt to use a hearing aid specialist license  
2044 that is delinquent or has been suspended, revoked, or placed on  
2045 inactive status;

2046 (f) Knowingly employ unlicensed persons in the practice of  
2047 dispensing prescription hearing aids; or

2048 (g) Knowingly conceal information relative to violations of  
2049 this part.

2050 (2) Any person who violates any provision ~~of the provisions~~  
2051 of this section is guilty of a felony of the third degree,  
2052 punishable as provided in s. 775.082 or s. 775.083.

2053 (3) If a person licensed under this part allows the sale of  
2054 a prescription hearing aid by an unlicensed person not  
2055 registered as a trainee or fails to comply with the requirements  
2056 of s. 484.0445(2) relating to supervision of trainees, the board  
2057 must ~~shall~~, upon determination of that violation, order the full  
2058 refund of moneys paid by the purchaser upon return of the  
2059 prescription hearing aid to the seller's place of business.

588-03133-23

20231506c1

2060 Section 37. Section 484.054, Florida Statutes, is amended  
2061 to read:

2062 484.054 Sale or distribution of prescription hearing aids  
2063 through mail; penalty.—It is unlawful for any person to sell or  
2064 distribute prescription hearing aids through the mail to the  
2065 ultimate consumer. Any violation of this section constitutes a  
2066 misdemeanor of the second degree, punishable as provided in s.  
2067 775.082 or s. 775.083.

2068 Section 38. Section 484.059, Florida Statutes, is amended  
2069 to read:

2070 484.059 Exemptions.—

2071 (1) The licensure requirements of this part do not apply to  
2072 any person engaged in recommending prescription hearing aids as  
2073 part of the academic curriculum of an accredited institution of  
2074 higher education, or as part of a program conducted by a public  
2075 charitable institution supported primarily by voluntary  
2076 contribution, provided this organization does not dispense or  
2077 sell prescription hearing aids or accessories.

2078 (2) The licensure requirements of this part do not apply to  
2079 any person licensed to practice medicine in this ~~the~~ state,  
2080 except that such physician must ~~shall~~ comply with the  
2081 requirement of periodic filing of the certificate of testing and  
2082 calibration of audiometric equipment as provided in this part. A  
2083 ~~No~~ person employed by or working under the supervision of a  
2084 person licensed to practice medicine may not ~~shall~~ perform any  
2085 services or acts which would constitute the dispensing of  
2086 prescription hearing aids as defined in s. 484.041 ~~s.~~  
2087 ~~484.041(3)~~, unless such person is a licensed hearing aid  
2088 specialist.



588-03133-23

20231506c1

2089 (3) The licensure requirements of this part do not apply to  
2090 an audiologist licensed under ~~pursuant to~~ part I of chapter 468.

2091 (4) Section ~~The provisions of s. 484.053(1) (a)~~ does shall  
2092 not apply to registered trainees operating in compliance with  
2093 this part and board ~~rules of the board~~.

2094 (5) The licensure requirements of this part do not apply to  
2095 a person who fits, sells, dispenses, services, markets, provides  
2096 customer support for, or distributes exclusively over-the-  
2097 counter hearing aids.

2098 Section 39. Paragraph (b) of subsection (4) of section  
2099 1002.394, Florida Statutes, is amended to read:

2100 1002.394 The Family Empowerment Scholarship Program.—

2101 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

2102 (b) Program funds awarded to a student with a disability  
2103 determined eligible pursuant to paragraph (3) (b) may be used for  
2104 the following purposes:

2105 1. Instructional materials, including digital devices,  
2106 digital periphery devices, and assistive technology devices that  
2107 allow a student to access instruction or instructional content  
2108 and training on the use of and maintenance agreements for these  
2109 devices.

2110 2. Curriculum as defined in subsection (2).

2111 3. Specialized services by approved providers or by a  
2112 hospital in this state which are selected by the parent. These  
2113 specialized services may include, but are not limited to:

2114 a. Applied behavior analysis services as provided in ss.  
2115 627.6686 and 641.31098.

2116 b. Services provided by speech-language pathologists as  
2117 defined in s. 468.1125 ~~s. 468.1125(8)~~.

588-03133-23

20231506c1

- 2118 c. Occupational therapy as defined in s. 468.203.
- 2119 d. Services provided by physical therapists as defined in  
2120 s. 486.021(8).
- 2121 e. Services provided by listening and spoken language  
2122 specialists and an appropriate acoustical environment for a  
2123 child who has a hearing impairment, including deafness, and who  
2124 has received an implant or assistive hearing device.
- 2125 4. Tuition or fees associated with full-time or part-time  
2126 enrollment in a home education program, an eligible private  
2127 school, an eligible postsecondary educational institution or a  
2128 program offered by the postsecondary educational institution, a  
2129 private tutoring program authorized under s. 1002.43, a virtual  
2130 program offered by a department-approved private online provider  
2131 that meets the provider qualifications specified in s.  
2132 1002.45(2)(a), the Florida Virtual School as a private paying  
2133 student, or an approved online course offered pursuant to s.  
2134 1003.499 or s. 1004.0961.
- 2135 5. Fees for nationally standardized, norm-referenced  
2136 achievement tests, Advanced Placement Examinations, industry  
2137 certification examinations, assessments related to postsecondary  
2138 education, or other assessments.
- 2139 6. Contributions to the Stanley G. Tate Florida Prepaid  
2140 College Program pursuant to s. 1009.98 or the Florida College  
2141 Savings Program pursuant to s. 1009.981 for the benefit of the  
2142 eligible student.
- 2143 7. Contracted services provided by a public school or  
2144 school district, including classes. A student who receives  
2145 services under a contract under this paragraph is not considered  
2146 enrolled in a public school for eligibility purposes as

588-03133-23

20231506c1

2147 specified in subsection (6).

2148       8. Tuition and fees for part-time tutoring services  
2149 provided by a person who holds a valid Florida educator's  
2150 certificate pursuant to s. 1012.56, a person who holds an  
2151 adjunct teaching certificate pursuant to s. 1012.57, a person  
2152 who has a bachelor's degree or a graduate degree in the subject  
2153 area in which instruction is given, a person who has  
2154 demonstrated a mastery of subject area knowledge pursuant to s.  
2155 1012.56(5), or a person certified by a nationally or  
2156 internationally recognized research-based training program as  
2157 approved by the department. As used in this paragraph, the term  
2158 "part-time tutoring services" does not qualify as regular school  
2159 attendance as defined in s. 1003.01(13)(e).

2160       9. Fees for specialized summer education programs.

2161       10. Fees for specialized after-school education programs.

2162       11. Transition services provided by job coaches.

2163       12. Fees for an annual evaluation of educational progress  
2164 by a state-certified teacher under s. 1002.41(1)(f), if this  
2165 option is chosen for a home education student.

2166       13. Tuition and fees associated with programs offered by  
2167 Voluntary Prekindergarten Education Program providers approved  
2168 pursuant to s. 1002.55 and school readiness providers approved  
2169 pursuant to s. 1002.88.

2170       14. Fees for services provided at a center that is a member  
2171 of the Professional Association of Therapeutic Horsemanship  
2172 International.

2173       15. Fees for services provided by a therapist who is  
2174 certified by the Certification Board for Music Therapists or  
2175 credentialed by the Art Therapy Credentials Board, Inc.

588-03133-23

20231506c1

2176           Section 40. The Division of Law Revision is directed to  
2177 replace the phrase "the effective date of this act" wherever it  
2178 occurs in this act with the date the act becomes a law.

2179           Section 41. Except as otherwise expressly provided in this  
2180 act and except for this section, which shall take effect upon  
2181 this act becoming a law, this act shall take effect July 1,  
2182 2023.