

By the Committees on Rules; and Health Policy; and Senator Rodriguez

595-04058-23

20231506c2

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

595-04058-23

20231506c2

30 if the electronic system is unavailable; requiring
31 local registrars to make blank paper forms available
32 in such instances; providing requirements for such
33 paper records; amending s. 382.008, F.S.; conforming
34 provisions to changes made by the act; amending s.
35 382.009, F.S.; revising the types of health care
36 practitioners who may make certain determinations of
37 death; amending ss. 382.013 and 382.015, F.S.;

38 conforming provisions to changes made by the act;
39 amending ss. 382.021 and 382.023, F.S.; revising the
40 frequency with which circuit courts must transmit
41 marriage licenses and certain dissolution-of-marriage
42 records to the department; requiring that such records
43 be transmitted electronically; amending s. 382.025,
44 F.S.; extending the timeframe for the confidentiality
45 of certain birth records; authorizing persons
46 appointed by the department to issue certified copies
47 of live birth, death, and fetal death certificates;
48 amending s. 401.27, F.S.; revising requirements for
49 applicants for certification or recertification as
50 emergency medical technicians or paramedics; deleting
51 a requirement that a certain certification examination
52 be offered monthly; deleting related duties of the
53 department; deleting a temporary certificate and
54 related provisions; amending s. 401.2701, F.S.;

55 exempting certain emergency medical services training
56 program applicants from the requirement to have a
57 certain affiliation agreement; amending s. 401.272,
58 F.S.; revising the purpose of certain provisions;

595-04058-23

20231506c2

59 specifying requirements for the provision of specified
60 services by paramedics and emergency medical
61 technicians under certain circumstances; revising the
62 department's rulemaking authority; amending s. 401.34,
63 F.S.; deleting certain provisions and fees related to
64 the department's grading of a certain certification
65 examination; amending s. 401.435, F.S.; revising
66 provisions related to minimum standards for emergency
67 medical responder training; amending s. 464.203, F.S.;
68 exempting certain applicants for certification as a
69 certified nursing assistant from the skills-
70 demonstration portion of a certain competency
71 examination; amending s. 468.1115, F.S.; providing
72 construction and applicability; conforming a cross-
73 reference; reordering and amending s. 468.1125, F.S.;
74 providing and revising definitions; amending ss.
75 468.1225 and 468.1245, F.S.; revising the scope of
76 practice for audiologists as it relates to hearing
77 aids to apply to prescription hearing aids only;
78 requiring that hearing aids provided to persons
79 younger than 18 years of age be prescription hearing
80 aids and not over-the-counter hearing aids; amending
81 s. 468.1246, F.S.; conforming provisions to changes
82 made by the act; deleting obsolete language; amending
83 ss. 468.1255, 468.1265, and 468.1275, F.S.; conforming
84 provisions to changes made by the act; amending s.
85 484.0401, F.S.; revising legislative findings and
86 intent to conform to changes made by the act;
87 reordering and amending s. 484.041, F.S.; providing

595-04058-23

20231506c2

88 and revising definitions; amending s. 484.042, F.S.;

89 revising membership requirements for members of the

90 Board of Hearing Aid Specialists; amending s. 484.044,

91 F.S.; revising the board's rulemaking authority;

92 deleting obsolete language; amending ss. 484.0445,

93 484.045, 484.0501, and 484.051, F.S.; revising the

94 scope of practice for hearing aid specialists and

95 making conforming changes to licensure and practice

96 requirements; amending s. 484.0512, F.S.; conforming

97 provisions to changes made by the act; deleting

98 obsolete language; amending ss. 484.0513, 484.053, and

99 484.054, F.S.; conforming provisions to changes made

100 by the act; amending s. 484.059, F.S.; conforming

101 provisions to changes made by the act; providing

102 applicability; amending s. 1002.394, F.S.; conforming

103 a cross-reference; providing a directive to the

104 Division of Law Revision; providing effective dates.

105

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

107

108 Section 1. Effective upon this act becoming law, section

109 381.875, Florida Statutes, is created to read:

110 381.875 Enhanced potential pandemic pathogen research

111 prohibited.-

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

113 (a) "Enhanced potential pandemic pathogen" means a

114 potential pandemic pathogen that results from enhancing the

115 transmissibility or virulence of a pathogen. The term does not

116 include naturally occurring pathogens circulating in or

595-04058-23

20231506c2

117 recovered from nature, regardless of their pandemic potential.

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

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

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

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

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

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

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

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

141 Section 2. Present paragraphs (a) through (o) of subsection
142 (1) of section 381.986, Florida Statutes, are redesignated as
143 paragraphs (b) through (p), respectively, a new paragraph (a) is
144 added to that subsection, and paragraphs (a) and (c) of
145 subsection (3), paragraphs (e) and (h) of subsection (8), and

595-04058-23

20231506c2

146 subsection (9) of that section are amended, to read:

147 381.986 Medical use of marijuana.—

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

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

157 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

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

173 (c) Before being employed as a medical director, ~~as defined~~
174 ~~in paragraph (1)(i),~~ and before each license renewal, a medical

595-04058-23

20231506c2

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

183 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

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

595-04058-23

20231506c2

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

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

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

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

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

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

595-04058-23

20231506c2

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

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

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

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

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

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

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

261 b. Must grow marijuana within an enclosed structure and in

595-04058-23

20231506c2

262 a room separate from any other plant.

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

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

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

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

595-04058-23

20231506c2

291 after the effective date of the rule. The department shall also
292 adopt sanitation rules providing the standards and requirements
293 for the storage, display, or dispensing of edibles.

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

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

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

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

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

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

595-04058-23

20231506c2

320 waste generated during marijuana production and processing. The
321 Department of Environmental Protection shall assist the
322 department in developing such rules.

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

595-04058-23

20231506c2

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

595-04058-23

20231506c2

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

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

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

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

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

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

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

399 (V) The name of the patient.

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

405 (VII) The recommended dose.

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

595-04058-23

20231506c2

407 marijuana to another person.

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

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

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

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

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

435 15. Each edible must ~~shall~~ be individually sealed in plain,

595-04058-23

20231506c2

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

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

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

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

462 c. Must have the medical marijuana treatment center's
463 employee who dispenses the marijuana or a marijuana delivery
464 device enter into the medical marijuana use registry his or her

595-04058-23

20231506c2

465 name or unique employee identifier.

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

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

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

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

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

492 (h) A medical marijuana treatment center may not engage in
493 advertising that is visible to members of the public from any

595-04058-23

20231506c2

494 street, sidewalk, park, or other public place, except:

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

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

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

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

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

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

516 (9) BACKGROUND SCREENING.—An individual required to undergo
517 a background screening pursuant to this section must pass a
518 level 2 background screening as provided under chapter 435,
519 which, in addition to the disqualifying offenses provided in s.
520 435.04, shall exclude an individual who has an arrest awaiting
521 final disposition for, has been found guilty of, regardless of
522 adjudication, or has entered a plea of nolo contendere or guilty

595-04058-23

20231506c2

523 to an offense under chapter 837, chapter 895, or chapter 896 or
524 similar law of another jurisdiction. Exemptions from
525 disqualification as provided under s. 435.07 do not apply to
526 this subsection.

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

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

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

548 Section 3. Paragraph (d) of subsection (1) of section
549 381.988, Florida Statutes, is amended to read:

550 381.988 Medical marijuana testing laboratories; marijuana
551 tests conducted by a certified laboratory.-

595-04058-23

20231506c2

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

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

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

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

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

595-04058-23

20231506c2

581 (h) and, when the Department of Law Enforcement begins
582 participation in the program, enrolled in the Federal Bureau of
583 Investigation's national retained print arrest notification
584 program. Any arrest record identified shall be reported to the
585 department.

586 Section 4. Section 382.005, Florida Statutes, is amended to
587 read:

588 382.005 Duties of local registrars.—

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

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

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

595-04058-23

20231506c2

610 satisfactorily account for its omission.

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

622 ~~(5)(4)~~ Each local registrar, immediately upon appointment,
623 shall designate one or more deputy registrars to act on behalf
624 of the local registrar.

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

627 382.008 Death, fetal death, and nonviable birth
628 registration.—

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

595-04058-23

20231506c2

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

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

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

659 382.009 Recognition of brain death under certain
660 circumstances.—

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

664 (a) If the patient's treating health care practitioner is a
665 physician licensed under chapter 458 or chapter 459, the
666 determination must be made by that physician and a second
667 physician ~~two physicians~~ licensed under chapter 458 or chapter

595-04058-23

20231506c2

668 459 ~~who is. One physician shall be the treating physician, and~~
669 ~~the other physician shall be a board-eligible or board-certified~~
670 ~~neurologist, neurosurgeon, internist, pediatrician, surgeon, or~~
671 ~~anesthesiologist.~~

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

679 Section 7. Section 382.013, Florida Statutes, is amended to
680 read:

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

690 (1) FILING.—

691 (a) If a birth occurs in a hospital, birth center, or other
692 health care facility, or en route thereto, the person in charge
693 of the facility is ~~shall be~~ responsible for preparing the
694 certificate, certifying the facts of the birth, and filing the
695 certificate in the department's electronic registration system
696 with the local registrar. Within 48 hours after the birth, the

595-04058-23

20231506c2

697 physician, midwife, or person in attendance during or
698 immediately after the delivery shall provide the facility with
699 the medical information required by the birth certificate.

700 (b) If a birth occurs outside a facility and a physician
701 licensed in this state, a certified nurse midwife, a midwife
702 licensed in this state, or a public health nurse employed by the
703 department was in attendance during or immediately after the
704 delivery, that person shall prepare and file the certificate.

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

714 (d) If a birth occurs in a moving conveyance and the child
715 is first removed from the conveyance in this state, the birth
716 shall be filed and registered in this state and the place to
717 which the child is first removed shall be considered the place
718 of birth.

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

722 (f) If a certificate of live birth is incomplete, the local
723 registrar shall immediately notify the health care facility or
724 person filing the certificate and shall require the completion
725 of the missing items of information if they can be obtained

595-04058-23

20231506c2

726 before ~~prior to~~ issuing certified copies of the birth
727 certificate.

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

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

740 (2) PATERNITY.—

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

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

751 (c) If the mother is not married at the time of the birth,
752 the name of the father may not be entered on the birth
753 certificate without the execution of an affidavit signed by both
754 the mother and the person to be named as the father. The

595-04058-23

20231506c2

755 facility shall give notice orally or through the use of video or
756 audio equipment, and in writing, of the alternatives to, the
757 legal consequences of, and the rights, including, if one parent
758 is a minor, any rights afforded due to minority status, and
759 responsibilities that arise from signing an acknowledgment of
760 paternity, as well as information provided by the Title IV-D
761 agency established pursuant to s. 409.2557, regarding the
762 benefits of voluntary establishment of paternity. Upon request
763 of the mother and the person to be named as the father, the
764 facility shall assist in the execution of the affidavit, a
765 notarized voluntary acknowledgment of paternity, or a voluntary
766 acknowledgment of paternity that is witnessed by two individuals
767 and signed under penalty of perjury as specified by s.
768 92.525(2).

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

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

781 (f) If the mother and father marry each other at any time
782 after the child's birth, upon receipt of a marriage license that
783 identifies any such child, the department shall amend the

595-04058-23

20231506c2

784 certificate with regard to the parents' marital status as though
785 the parents were married at the time of birth.

786 (g) If the father is not named on the certificate, no other
787 information about the father shall be entered on the
788 certificate.

789 (3) NAME OF CHILD.—

790 (a) If the mother is married at the time of birth, the
791 mother and father whose names are entered on the birth
792 certificate shall select the given names and surname of the
793 child if both parents have custody of the child, otherwise the
794 parent who has custody shall select the child's name.

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

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

809 (d) If multiple names of the child exceed the space
810 provided on the face of the birth certificate they shall be
811 listed on the back of the certificate. Names listed on the back
812 of the certificate shall be part of the official record.

595-04058-23

20231506c2

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

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

835 Section 8. Section 382.015, Florida Statutes, is amended to
836 read:

837 382.015 New certificates of live birth; duty of clerks of
838 court and department.—The clerk of the court in which any
839 proceeding for adoption, annulment of an adoption, affirmation
840 of parental status, or determination of paternity is to be
841 registered, shall within 30 days after the final disposition,

595-04058-23

20231506c2

842 forward electronically to the department a certified copy of the
843 court order, or a report of the proceedings upon a form to be
844 furnished by the department, together with sufficient
845 information to identify the original birth certificate and to
846 enable the preparation of a new birth certificate. The clerk of
847 the court shall implement a monitoring and quality control plan
848 to ensure that all judicial determinations of paternity are
849 reported to the department in compliance with this section. The
850 department shall track paternity determinations reported monthly
851 by county, monitor compliance with the 30-day timeframe, and
852 report the data to the clerks of the court quarterly.

853 (1) ADOPTION AND ANNULMENT OF ADOPTION.—

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

868 (b) Upon receipt of the report or certified copy of an
869 annulment-of-adoption decree, together with the sufficient
870 information to identify the original certificate of live birth,

595-04058-23

20231506c2

871 the department shall, if a new certificate of birth was filed
872 following an adoption report or decree, remove the new
873 certificate and restore the original certificate to its original
874 place in the files, and the certificate so removed shall be
875 sealed by the department.

876 (c) Upon receipt of a report or certified copy of an
877 adoption decree or annulment-of-adoption decree for a person
878 born in another state, the department shall forward the report
879 or decree to the state of the registrant's birth. If the adoptee
880 was born in Canada, the department shall send a copy of the
881 report or decree to the appropriate birth registration authority
882 in Canada.

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

895 (3) AFFIRMATION OF PARENTAL STATUS.—Upon receipt of an
896 order of affirmation of parental status issued pursuant to s.
897 742.16, together with sufficient information to identify the
898 original certificate of live birth, the department shall prepare
899 and file a new birth certificate which shall bear the same file

595-04058-23

20231506c2

900 number as the original birth certificate. The names and
901 identifying information of the registrant's parents entered on
902 the new certificate shall be the commissioning couple, but the
903 new certificate may not make reference to or designate the
904 parents as the commissioning couple.

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

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

921 (5) FORM.—Except for certificates of foreign birth which
922 are registered as provided in s. 382.017, and delayed
923 certificates of birth which are registered as provided in ss.
924 382.019 and 382.0195, all original, new, or amended certificates
925 of live birth shall be identical in form, regardless of the
926 marital status of the parents or the fact that the registrant is
927 adopted or of undetermined parentage.

928 (6) RULES.—The department shall adopt and enforce all rules

595-04058-23

20231506c2

929 necessary for carrying out the provisions of this section.

930 Section 9. Section 382.021, Florida Statutes, is amended to
931 read:

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

946 Section 10. Section 382.023, Florida Statutes, is amended
947 to read:

948 382.023 Department to receive dissolution-of-marriage
949 records; fees.—Clerks of the circuit courts shall collect for
950 their services at the time of the filing of a final judgment of
951 dissolution of marriage a fee of up to \$10.50, of which 43
952 percent shall be retained by the clerk of the circuit court as a
953 part of the cost in the cause in which the judgment is granted.
954 The remaining 57 percent shall be remitted to the Department of
955 Revenue for deposit to the Department of Health to defray part
956 of the cost of maintaining the dissolution-of-marriage records.
957 A record of each and every judgment of dissolution of marriage

595-04058-23

20231506c2

958 granted by the court during the preceding calendar month, giving
959 names of parties and such other data as required by forms
960 prescribed by the department, shall be electronically
961 transmitted to the department weekly,~~on~~ or before the 10th day
962 of each month, along with an accounting of the funds remitted to
963 the Department of Revenue pursuant to this section.

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

966 382.025 Certified copies of vital records; confidentiality;
967 research.—

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

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

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

982 2. To the registrant's parent or guardian or other legal
983 representative;

984 3. Upon receipt of the registrant's death certificate, to
985 the registrant's spouse or to the registrant's child,
986 grandchild, or sibling, if of legal age, or to the legal

595-04058-23

20231506c2

987 representative of any ~~of~~ such person ~~persons~~;

988 4. To any person if the birth record is more than 125 ~~over~~
989 ~~100~~ years old and not under seal pursuant to court order;

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

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

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

994 (b) To protect the integrity of vital records and prevent
995 the fraudulent use of the birth certificates of deceased
996 persons, the department shall match birth and death certificates
997 and post the fact of death to the appropriate birth certificate.
998 Except for a commemorative birth certificate, any certification
999 of a birth certificate of a deceased registrant shall be marked
1000 "deceased." In the case of a commemorative birth certificate,
1001 such indication of death shall be made on the back of the
1002 certificate.

1003 (c) The department shall issue, upon request and upon
1004 payment of an additional fee as prescribed under s. 382.0255, a
1005 commemorative birth certificate representing that the birth of
1006 the person named thereon is recorded in the office of the
1007 registrar. The certificate issued under this paragraph shall be
1008 in a form consistent with the need to protect the integrity of
1009 vital records but shall be suitable for display. It may bear the
1010 seal of the state printed thereon and may be signed by the
1011 Governor.

1012 (4) CERTIFIED COPIES OF ORIGINAL CERTIFICATES.—Only the
1013 state registrar, ~~and~~ local registrars, and those persons
1014 appointed by the department are authorized to issue any
1015 certificate which purports to be a certified copy of an original

595-04058-23

20231506c2

1016 certificate of live birth, death, or fetal death. Except as
1017 provided in this section, preparing or issuing certificates is
1018 exempt from the provisions of s. 119.07(1).

1019 Section 12. Subsections (3), (4), and (5) of section
1020 401.27, Florida Statutes, are amended to read:

1021 401.27 Personnel; standards and certification.—

1022 (3) Any person who desires to be certified or recertified
1023 as an emergency medical technician or paramedic must apply to
1024 the department ~~under oath~~ on forms provided by the department
1025 which shall contain such information as the department
1026 reasonably requires, which may include affirmative evidence of
1027 ability to comply with applicable laws and rules. The department
1028 shall determine whether the applicant meets the requirements
1029 specified in this section and in rules of the department and
1030 shall issue a certificate to any person who meets such
1031 requirements.

1032 (4) An applicant for certification or recertification as an
1033 emergency medical technician or paramedic must:

1034 (a) Have completed an appropriate training program as
1035 follows:

1036 1. For an emergency medical technician, an emergency
1037 medical technician training program approved by the department
1038 as equivalent to the most recent EMT-Basic National Standard
1039 Curriculum or the National EMS Education Standards of the United
1040 States Department of Transportation;

1041 2. For a paramedic, a paramedic training program approved
1042 by the department as equivalent to the most recent EMT-Paramedic
1043 National Standard Curriculum or the National EMS Education
1044 Standards of the United States Department of Transportation;

595-04058-23

20231506c2

1045 (b) Attest ~~Certify under oath~~ that he or she is not
1046 addicted to alcohol or any controlled substance;

1047 (c) Attest ~~Certify under oath~~ that he or she is free from
1048 any physical or mental defect or disease that might impair the
1049 applicant's ability to perform his or her duties;

1050 (d) Within 2 years after program completion have passed an
1051 examination developed or required by the department;

1052 (e)1. For an emergency medical technician, hold a current
1053 American Heart Association cardiopulmonary resuscitation course
1054 card or an American Red Cross cardiopulmonary resuscitation
1055 course card or its equivalent as defined by department rule;

1056 2. For a paramedic, hold a certificate of successful course
1057 completion in advanced cardiac life support from the American
1058 Heart Association or its equivalent as defined by department
1059 rule;

1060 (f) Submit the certification fee and the nonrefundable
1061 examination fee prescribed in s. 401.34, which examination fee
1062 will be required for each examination administered to an
1063 applicant; and

1064 (g) Submit a completed application to the department, which
1065 application documents compliance with paragraphs (a), (b), (c),
1066 (e), (f), and this paragraph, and, if applicable, paragraph (d).
1067 ~~The application must be submitted so as to be received by the~~
1068 ~~department at least 30 calendar days before the next regularly~~
1069 ~~scheduled examination for which the applicant desires to be~~
1070 ~~scheduled.~~

1071 ~~(5) The certification examination must be offered monthly.~~
1072 ~~The department shall issue an examination admission notice to~~
1073 ~~the applicant advising him or her of the time and place of the~~

595-04058-23

20231506c2

1074 ~~examination for which he or she is scheduled. Individuals~~
1075 ~~achieving a passing score on the certification examination may~~
1076 ~~be issued a temporary certificate with their examination grade~~
1077 ~~report. The department must issue an original certification~~
1078 ~~within 45 days after the examination. Examination questions and~~
1079 ~~answers are not subject to discovery but may be introduced into~~
1080 ~~evidence and considered only in camera in any administrative~~
1081 ~~proceeding under chapter 120. If an administrative hearing is~~
1082 ~~held, the department shall provide challenged examination~~
1083 ~~questions and answers to the administrative law judge. The~~
1084 ~~department shall establish by rule the procedure by which an~~
1085 ~~applicant, and the applicant's attorney, may review examination~~
1086 ~~questions and answers in accordance with s. 119.071(1)(a).~~

1087 Section 13. Paragraph (a) of subsection (1) of section
1088 401.2701, Florida Statutes, is amended to read:

1089 401.2701 Emergency medical services training programs.—

1090 (1) Any private or public institution in Florida desiring
1091 to conduct an approved program for the education of emergency
1092 medical technicians and paramedics shall:

1093 (a) Submit a completed application on a form provided by
1094 the department, which must include:

1095 1. Evidence that the institution is in compliance with all
1096 applicable requirements of the Department of Education.

1097 2. Evidence of an affiliation agreement with a hospital
1098 that has an emergency department staffed by at least one
1099 physician and one registered nurse.

1100 3. Evidence of an affiliation agreement with a current
1101 emergency medical services provider that is licensed in this
1102 state. Such agreement shall include, at a minimum, a commitment

595-04058-23

20231506c2

1103 by the provider to conduct the field experience portion of the
1104 education program. An applicant licensed as an advanced life
1105 support service under s. 401.25 with permitted transport
1106 vehicles pursuant to s. 401.26 is exempt from the requirements
1107 of this subparagraph and need not submit evidence of an
1108 affiliation agreement with a current emergency medical services
1109 provider.

1110 4. Documentation verifying faculty, including:

1111 a. A medical director who is a licensed physician meeting
1112 the applicable requirements for emergency medical services
1113 medical directors as outlined in this chapter and rules of the
1114 department. The medical director shall have the duty and
1115 responsibility of certifying that graduates have successfully
1116 completed all phases of the education program and are proficient
1117 in basic or advanced life support techniques, as applicable.

1118 b. A program director responsible for the operation,
1119 organization, periodic review, administration, development, and
1120 approval of the program.

1121 5. Documentation verifying that the curriculum:

1122 a. Meets the most recent Emergency Medical Technician-Basic
1123 National Standard Curriculum or the National EMS Education
1124 Standards approved by the department for emergency medical
1125 technician programs and Emergency Medical Technician-Paramedic
1126 National Standard Curriculum or the National EMS Education
1127 Standards approved by the department for paramedic programs.

1128 b. Includes 2 hours of instruction on the trauma scorecard
1129 methodologies for assessment of adult trauma patients and
1130 pediatric trauma patients as specified by the department by
1131 rule.

595-04058-23

20231506c2

1132 6. Evidence of sufficient medical and educational equipment
1133 to meet emergency medical services training program needs.

1134 Section 14. Section 401.272, Florida Statutes, is amended
1135 to read:

1136 401.272 Emergency medical services community health care.—

1137 (1) The purpose of this section is to encourage more
1138 effective utilization of the skills of emergency medical
1139 technicians and paramedics by enabling them to perform, ~~in~~
1140 ~~partnership with local county health departments,~~ specific
1141 additional health care tasks that are consistent with the public
1142 health and welfare.

1143 (2) Notwithstanding any other provision of law to the
1144 contrary:

1145 (a) Paramedics or emergency medical technicians shall
1146 operate under the medical direction of a physician through two-
1147 way voice communication or pursuant to established standing
1148 orders or protocols and within the scope of their training when
1149 providing basic life support, advanced life support, and may
1150 ~~perform~~ health promotion and wellness activities and blood
1151 ~~pressure screenings~~ in a nonemergency environment, ~~within the~~
1152 ~~scope of their training, and under the direction of a medical~~
1153 ~~director~~. As used in this paragraph, the term "health promotion
1154 and wellness" means the provision of public health programs
1155 pertaining to the prevention of illness and injury.

1156 (b) Paramedics and emergency medical technicians shall
1157 operate under the medical direction of a physician through two-
1158 way communication or pursuant to established standing orders or
1159 protocols and within the scope of their training when a patient
1160 is not transported to an emergency department or is transported

595-04058-23

20231506c2

1161 to a facility other than a hospital as defined in s.
1162 395.002(12).

1163 (c) Paramedics may administer immunizations in a
1164 nonemergency environment, within the scope of their training,
1165 and under the medical direction of a physician through two-way
1166 communication or pursuant to established standing orders or
1167 protocols ~~medical director~~. There must be a written agreement
1168 between the physician providing medical direction ~~paramedic's~~
1169 ~~medical director~~ and the department or the county health
1170 department located in each county in which the paramedic
1171 administers immunizations. This agreement must establish the
1172 protocols, policies, and procedures under which the paramedic
1173 must operate.

1174 (d) ~~(e)~~ Paramedics may provide basic life support services
1175 and advanced life support services to patients receiving acute
1176 and postacute hospital care at home as specified in the
1177 paramedic's supervisory relationship with a physician or
1178 standing orders as described in s. 401.265, s. 458.348, or s.
1179 459.025. A physician who supervises or provides medical
1180 direction to a paramedic who provides basic life support
1181 services or advanced life support services to patients receiving
1182 acute and postacute hospital care at home pursuant to a formal
1183 supervisory relationship or standing orders is liable for any
1184 act or omission of the paramedic acting under the physician's
1185 supervision or medical direction when providing such services.
1186 The department may adopt and enforce rules necessary to
1187 implement this paragraph.

1188 (3) Each physician providing medical direction to ~~medical~~
1189 ~~director under whose direction~~ a paramedic who administers

595-04058-23

20231506c2

1190 immunizations must verify and document that the paramedic has
1191 received sufficient training and experience to administer
1192 immunizations. The verification must be documented on forms
1193 developed by the department, and the completed forms must be
1194 maintained at the service location of the licensee and made
1195 available to the department upon request.

1196 (4) The department may adopt and enforce all rules
1197 necessary to enforce the provisions relating to a paramedic's
1198 administration of immunizations and the performance of health
1199 promotion and wellness activities ~~and blood pressure screenings~~
1200 by a paramedic or emergency medical technician in a nonemergency
1201 environment.

1202 Section 15. Subsections (5), (6), and (7) of section
1203 401.34, Florida Statutes, are amended to read:

1204 401.34 Fees.—

1205 ~~(5) The department may provide same-day grading of the~~
1206 ~~examination for an applicant for emergency medical technician or~~
1207 ~~paramedic certification.~~

1208 ~~(6) The department may offer walk-in eligibility~~
1209 ~~determination and examination to applicants for emergency~~
1210 ~~medical technician or paramedic certification who pay to the~~
1211 ~~department a nonrefundable fee to be set by the department not~~
1212 ~~to exceed \$65. The fee is in addition to the certification fee~~
1213 ~~and examination fee. The department must establish locations and~~
1214 ~~times for eligibility determination and examination.~~

1215 ~~(7) The cost of emergency medical technician or paramedic~~
1216 ~~certification examination review may not exceed \$50.~~

1217 Section 16. Section 401.435, Florida Statutes, is amended
1218 to read:

595-04058-23

20231506c2

1219 401.435 Emergency medical ~~First~~ responder agencies and
1220 training.—

1221 (1) The department must adopt by rule the United States
1222 Department of Transportation National Emergency Medical Services
1223 Education Standards for the Emergency Medical Services: First
1224 Responder level Training Course as the minimum standard for
1225 emergency medical first responder training. In addition, the
1226 department must adopt rules establishing minimum emergency
1227 medical first responder instructor qualifications. For purposes
1228 of this section, an emergency medical a first responder includes
1229 any individual who receives training to render initial care to
1230 an ill or injured person, other than an individual trained and
1231 certified pursuant to s. 943.1395(1), but who does not have the
1232 primary responsibility of treating and transporting ill or
1233 injured persons.

1234 (2) Each emergency medical first responder agency must take
1235 all reasonable efforts to enter into a memorandum of
1236 understanding with the emergency medical services licensee
1237 within whose territory the agency operates in order to
1238 coordinate emergency services at an emergency scene. The
1239 department must provide a model memorandum of understanding for
1240 this purpose. The memorandum of understanding should include
1241 dispatch protocols, the roles and responsibilities of emergency
1242 medical first responder personnel at an emergency scene, and the
1243 documentation required for patient care rendered. For purposes
1244 of this section, the term "emergency medical first responder
1245 agency" includes a law enforcement agency, a fire service agency
1246 not licensed under this part, a lifeguard agency, and a
1247 volunteer organization that renders, as part of its routine

595-04058-23

20231506c2

1248 functions, on-scene patient care before emergency medical
1249 technicians or paramedics arrive.

1250 Section 17. Paragraph (a) of subsection (1) of section
1251 464.203, Florida Statutes, is amended to read:

1252 464.203 Certified nursing assistants; certification
1253 requirement.—

1254 (1) The board shall issue a certificate to practice as a
1255 certified nursing assistant to any person who demonstrates a
1256 minimum competency to read and write and successfully passes the
1257 required background screening pursuant to s. 400.215. If the
1258 person has successfully passed the required background screening
1259 pursuant to s. 400.215 or s. 408.809 within 90 days before
1260 applying for a certificate to practice and the person's
1261 background screening results are not retained in the
1262 clearinghouse created under s. 435.12, the board shall waive the
1263 requirement that the applicant successfully pass an additional
1264 background screening pursuant to s. 400.215. The person must
1265 also meet one of the following requirements:

1266 (a) Has successfully completed an approved training program
1267 and achieved a minimum score, established by rule of the board,
1268 on the nursing assistant competency examination, which consists
1269 of a written portion and skills-demonstration portion approved
1270 by the board and administered at a site and by personnel
1271 approved by the department. Any person who has successfully
1272 completed an approved training program within 6 months before
1273 filing an application for certification is not required to take
1274 the skills-demonstration portion of the competency examination.

1275 Section 18. Section 468.1115, Florida Statutes, is amended
1276 to read:

595-04058-23

20231506c2

1277 468.1115 Exemptions.—

1278 (1) ~~No provision of~~ This part may not ~~shall~~ be construed to
1279 limit the practice of persons licensed in this state from
1280 engaging in the professions for which they are licensed, so long
1281 as they do not hold themselves out to the public as possessing a
1282 license or certificate issued pursuant to this part or use a
1283 title protected by this part.

1284 (2) This part may not be construed to prohibit audiologists
1285 from fitting, selling, dispensing, servicing, marketing,
1286 providing customer support for, or distributing over-the-counter
1287 hearing aids to persons 18 years of age or older.

1288 (3) ~~The provisions of~~ This part does ~~shall~~ not apply to:

1289 (a) Students actively engaged in a training program, if
1290 such persons are acting under the direct supervision of a
1291 licensed speech-language pathologist or a licensed audiologist.

1292 (b) Persons practicing a licensed profession or operating
1293 within the scope of their profession, such as doctors of
1294 medicine, clinical psychologists, nurses, or hearing aid
1295 specialists, who are properly licensed under the laws of this
1296 state.

1297 (c) Persons certified in the areas of speech-language
1298 impairment or hearing impairment in this state under chapter
1299 1012 when engaging in the profession for which they are
1300 certified, or any person under the direct supervision of such a
1301 certified person, or of a licensee under this chapter, when the
1302 person under such supervision is performing hearing screenings
1303 in a school setting for prekindergarten through grade 12.

1304 (d) Laryngectomized individuals, rendering guidance and
1305 instruction to other laryngectomized individuals, who are under

595-04058-23

20231506c2

1306 the supervision of a speech-language pathologist licensed under
1307 this part or of a physician licensed under chapter 458 or
1308 chapter 459 and qualified to perform this surgical procedure.

1309 (e) Persons licensed by another state as speech-language
1310 pathologists or audiologists who provide services within the
1311 applicable scope of practice set forth in s. 468.1125(10) or
1312 (11) s. ~~468.1125(6) or (7)~~ for no more than 5 calendar days per
1313 month or 15 calendar days per year under the direct supervision
1314 of a Florida-licensed speech-language pathologist or
1315 audiologist. A person whose state of residence does not license
1316 speech-language pathologists or audiologists may also qualify
1317 for this exemption, if the person holds a certificate of
1318 clinical competence from the American Speech-Language and
1319 Hearing Association and meets all other requirements of this
1320 paragraph. In either case, the board shall hold the supervising
1321 Florida licensee fully accountable for the services provided by
1322 the out-of-state licensee.

1323 (f) Nonlicensed persons working in a hospital setting who
1324 provide newborn infant hearing screenings, so long as training,
1325 clinical interpretation of the screenings, and the protocol for
1326 followup of infants who fail in-hospital screenings are provided
1327 by a licensed audiologist.

1328 (g) An audiologist while engaged in fitting, selling,
1329 dispensing, servicing, marketing, providing customer support
1330 for, or distributing over-the-counter hearing aids.

1331 (h) Any person who fits, sells, dispenses, services,
1332 markets, provides customer support for, or distributes
1333 exclusively over-the-counter hearing aids.

1334 Section 19. Section 468.1125, Florida Statutes, is

595-04058-23

20231506c2

1335 reordered and amended to read:

1336 468.1125 Definitions.—As used in this part, the term:

1337 (1) "Air-conduction hearing aid" means a hearing aid that
1338 conducts sound to the ear through the air.

1339 (2) "Audiologist" means a person licensed under this part
1340 to practice audiology.

1341 (3)~~(2)~~ "Board" means the Board of Speech-Language Pathology
1342 and Audiology.

1343 (4)~~(3)~~ "Certified audiology assistant" means a person who
1344 is certified under this part to perform audiology services under
1345 the direct supervision of an audiologist.

1346 (5)~~(4)~~ "Certified speech-language pathology assistant"
1347 means a person who is certified under this part to perform
1348 speech pathology services under the direct supervision of a
1349 speech pathologist.

1350 (6)~~(5)~~ "Department" means the Department of Health.

1351 (8) "Hearing aid" means any wearable device designed for,
1352 offered for the purpose of, or represented as aiding persons
1353 with, or compensating for, impaired hearing, to be worn by a
1354 hearing-impaired person to improve hearing.

1355 (9) "Over-the-counter hearing aid" means an air-conduction
1356 hearing aid that does not require implantation or other surgical
1357 intervention and is intended for use only by a person 18 years
1358 of age or older to compensate for perceived mild to moderate
1359 hearing impairment. The device, through tools, tests, or
1360 software, allows the user to control the hearing aid and
1361 customize it to the user's hearing needs. The device may use
1362 wireless technology or may include tests for self-assessment of
1363 hearing loss. The device is available over-the-counter, without

595-04058-23

20231506c2

1364 the supervision, prescription, or other order, involvement, or
1365 intervention of a licensed person, to consumers through in-
1366 person transactions, by mail, or online, provided that the
1367 device satisfies the requirements of 21 C.F.R. parts 800, 801,
1368 and 874 (2022), which are specifically incorporated by reference
1369 herein.

1370 (10) (a) ~~(6) (a)~~ "Practice of audiology" means the application
1371 of principles, methods, and procedures for the prevention,
1372 identification, evaluation, consultation, habilitation,
1373 rehabilitation, instruction, treatment, and research, relative
1374 to hearing and the disorders of hearing, and to related language
1375 and speech disorders. "Disorders" are defined to include any and
1376 all conditions, whether of organic or nonorganic origin,
1377 peripheral or central, that impede the normal process of human
1378 communication, including, but not limited to, disorders of
1379 auditory sensitivity, acuity, function, or processing, or damage
1380 to the integrity of the physiological system.

1381 (b) Any audiologist who has complied with the provisions of
1382 this part may:

1383 1. Offer, render, plan, direct, conduct, consult, or
1384 supervise services to individuals or groups of individuals who
1385 have or are suspected of having disorders of hearing, including
1386 prevention, identification, evaluation, treatment, consultation,
1387 habilitation, rehabilitation, instruction, and research.

1388 2. Participate in hearing conservation, evaluation of noise
1389 environment, and noise control.

1390 3. Conduct and interpret tests of vestibular function and
1391 nystagmus, electrophysiologic auditory-evoked potentials,
1392 central auditory function, and calibration of measurement

595-04058-23

20231506c2

1393 equipment used for such purposes.

1394 4. Habilitate and rehabilitate, including, but not limited
1395 to, prescription hearing aid evaluation, prescription,
1396 preparation, fitting and dispensing prescription hearing aids,
1397 assistive listening device selection and orientation, auditory
1398 training, aural habilitation, aural rehabilitation, speech
1399 conservation, and speechreading.

1400 5. Fabricate earmolds.

1401 6. Evaluate tinnitus.

1402 7. Include speech and language screening, limited to a
1403 pass/fail determination for identifying individuals with
1404 disorders of communication.

1405 (11) (a) ~~(7) (a)~~ "Practice of speech-language pathology" means
1406 the application of principles, methods, and procedures for the
1407 prevention, identification, evaluation, treatment, consultation,
1408 habilitation, rehabilitation, instruction, and research,
1409 relative to the development and disorders of human
1410 communication; to related oral and pharyngeal competencies; and
1411 to behavior related to disorders of human communication.

1412 "Disorders" are defined to include any and all conditions,
1413 whether of organic or nonorganic origin, that impede the normal
1414 process of human communication, including, but not limited to,
1415 disorders and related disorders of speech, phonology,
1416 articulation, fluency, voice, accent, verbal and written
1417 language and related nonoral/nonverbal forms of language,
1418 cognitive communication, auditory and visual processing, memory
1419 and comprehension, interactive communication, mastication,
1420 deglutition, and other oral, pharyngeal, and laryngeal
1421 sensorimotor competencies.

595-04058-23

20231506c2

1422 (b) Any speech-language pathologist who has complied with
1423 the provisions of this part may:

1424 1. Offer, render, plan, direct, conduct, and supervise
1425 services to individuals or groups of individuals who have or are
1426 suspected of having disorders of human communication, including
1427 identification, evaluation, treatment, consultation,
1428 habilitation, rehabilitation, amelioration, instruction, and
1429 research.

1430 2. Determine the need for personal alternatives or
1431 augmentative systems, and recommend and train for the
1432 utilization of such systems.

1433 3. Perform a hearing screening, limited to a pass/fail
1434 determination, for the purpose of initial identification of
1435 communication disorders.

1436 (12) "Prescription hearing aid" means a hearing aid or
1437 sound amplifying device that is not an over-the-counter hearing
1438 aid. Hearing aids intended for use by persons younger than 18
1439 years of age must be prescription hearing aids.

1440 (13)~~(8)~~ "Speech-language pathologist" means a person
1441 licensed under this part to practice speech pathology.

1442 (7)~~(9)~~ "Direct supervision" means responsible supervision
1443 and control by a licensed speech-language pathologist who shall
1444 assume legal liability for the services rendered by any
1445 certified speech-language pathology assistant under the
1446 licensee's supervision, or responsible supervision and control
1447 by a licensed audiologist who shall assume legal liability for
1448 the services rendered by any certified audiology assistant under
1449 the licensee's supervision. Direct supervision shall require the
1450 physical presence of the licensed speech-language pathologist

595-04058-23

20231506c2

1451 for consultation and direction of the actions of the certified
1452 speech-language pathology assistant, or the physical presence of
1453 the licensed audiologist for consultation and direction of the
1454 actions of the certified audiology assistant, unless the
1455 assistant is acting under protocols established by the board.
1456 The board shall establish rules further defining direct
1457 supervision of a certified speech-language pathology assistant
1458 or a certified audiology assistant.

1459 Section 20. Section 468.1225, Florida Statutes, is amended
1460 to read:

1461 468.1225 Procedures, equipment, and protocols.—

1462 (1) The following minimal procedures shall be used when a
1463 licensed audiologist fits and sells a prescription hearing aid:

1464 (a) Pure tone audiometric testing by air and bone to
1465 determine the type and degree of hearing deficiency when
1466 indicated.

1467 (b) Effective masking when indicated.

1468 (c) Appropriate testing to determine speech reception
1469 thresholds, speech discrimination scores, the most comfortable
1470 listening levels, uncomfortable loudness levels, and the
1471 selection of the best fitting arrangement for maximum hearing
1472 aid benefit when indicated.

1473 (2) The following equipment shall be used:

1474 (a) A wide range audiometer that ~~which~~ meets the
1475 specifications of the American National Standards Institute for
1476 diagnostic audiometers when indicated.

1477 (b) A speech audiometer or a master hearing aid in order to
1478 determine the most comfortable listening level and speech
1479 discrimination when indicated.

595-04058-23

20231506c2

1480 (3) A final fitting ensuring physical and operational
1481 comfort of the prescription hearing aid shall be made when
1482 indicated.

1483 (4) A licensed audiologist who fits and sells prescription
1484 hearing aids shall obtain the following medical clearance: If,
1485 upon inspection of the ear canal with an otoscope in the common
1486 procedure of fitting a prescription hearing aid and upon
1487 interrogation of the client, there is any recent history of
1488 infection or any observable anomaly, the client shall be
1489 instructed to see a physician, and a prescription hearing aid
1490 may ~~shall~~ not be fitted until medical clearance is obtained for
1491 the condition noted. If, upon return, the condition noted is no
1492 longer observable and the client signs a medical waiver, a
1493 prescription hearing aid may be fitted. Any person with a
1494 significant difference between bone conduction hearing and air
1495 conduction hearing must be informed of the possibility of
1496 medical or surgical correction.

1497 (5) (a) A licensed audiologist's office must have available,
1498 or have access to, a selection of prescription hearing aid
1499 models, hearing aid supplies, and services complete enough to
1500 accommodate the various needs of the hearing aid wearers.

1501 (b) At the time of the initial examination for fitting and
1502 sale of a prescription hearing aid, the attending audiologist
1503 must notify the prospective purchaser of the benefits of
1504 telecoil, also known as "t" coil or "t" switch, technology,
1505 including increased access to telephones and noninvasive access
1506 to assistive listening systems required under the Americans with
1507 Disabilities Act of 1990.

1508 (6) Unless otherwise indicated, each audiometric test

595-04058-23

20231506c2

1509 conducted by a licensee or a certified audiology assistant in
1510 the fitting and selling of prescription hearing aids must ~~shall~~
1511 be made in a testing room that has been certified by the
1512 department, or by an agent approved by the department, not to
1513 exceed the following sound pressure levels at the specified
1514 frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB,
1515 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB,
1516 and 8000Hz-67dB. An exception to this requirement shall be made
1517 in the case of a client who, after being provided written notice
1518 of the benefits and advantages of having the test conducted in a
1519 certified testing room, requests that the test be conducted in a
1520 place other than the licensee's certified testing room. Such
1521 request must ~~shall~~ be documented by a waiver that ~~which~~ includes
1522 the written notice and is signed by the licensee and the client
1523 before ~~prior to~~ the testing. The waiver must ~~shall~~ be executed
1524 on a form provided by the department. The executed waiver must
1525 ~~shall~~ be attached to the client's copy of the contract, and a
1526 copy of the executed waiver must ~~shall~~ be retained in the
1527 licensee's file.

1528 (7) The board may ~~shall have the power to~~ prescribe the
1529 minimum procedures and equipment used in the conducting of
1530 hearing assessments and for the fitting and selling of
1531 prescription hearing aids. The board shall adopt and enforce
1532 rules necessary to implement ~~carry out the provisions of~~ this
1533 subsection and subsection (6).

1534 (8) Any duly authorized officer or employee of the
1535 department may ~~shall have the right to~~ make such inspections and
1536 investigations as ~~are~~ necessary ~~in order~~ to determine the state
1537 of compliance with ~~the provisions of~~ this section and the

595-04058-23

20231506c2

1538 applicable rules and may enter the premises of a licensee and
1539 inspect the records of same upon reasonable belief that a
1540 violation of this law is being or has been committed or that the
1541 licensee has failed or is failing to comply with ~~the provisions~~
1542 ~~of~~ this part.

1543 (9) Any hearing aid provided to a person younger than 18
1544 years of age must be a prescription hearing aid and may not be
1545 an over-the-counter hearing aid.

1546 Section 21. Section 468.1245, Florida Statutes, is amended
1547 to read:

1548 468.1245 Itemized listing of prices; delivery of
1549 prescription hearing aid; receipt; guarantee; packaging;
1550 disclaimer.—

1551 (1) Before ~~Prior to~~ delivery of services or products to a
1552 prospective purchaser, a licensee must ~~shall~~ disclose, upon
1553 request by the prospective purchaser, an itemized listing of
1554 prices, which must ~~listing shall~~ include separate price
1555 estimates for each service component and each product. Provision
1556 of such itemized listing of prices may ~~shall~~ not be predicated
1557 on the prospective purchaser's payment of any charge or
1558 agreement to purchase any service or product.

1559 (2) Any licensee who fits and sells a prescription hearing
1560 aid shall, at the time of delivery, provide the purchaser with a
1561 receipt containing the seller's signature, the address of his or
1562 her regular place of business, and his or her license or
1563 certification number, if applicable, together with the brand,
1564 model, manufacturer or manufacturer's identification code, and
1565 serial number of the prescription hearing aid furnished and the
1566 amount charged for the prescription hearing aid. The receipt

595-04058-23

20231506c2

1567 must also ~~shall~~ specify whether the prescription hearing aid is
1568 new, used, or rebuilt, ~~and shall specify~~ the length of time and
1569 other terms of the guarantee, and by whom the prescription
1570 hearing aid is guaranteed. When the client has requested an
1571 itemized list of prices, the receipt must ~~shall~~ also provide an
1572 itemization of the total purchase price, including, but not
1573 limited to, the cost of the aid, ear mold, batteries, and other
1574 accessories, and the cost of any services. Notice of the
1575 availability of this service must be displayed in a conspicuous
1576 manner in the office. The receipt must also ~~shall~~ state that any
1577 complaint concerning the prescription hearing aid and its
1578 guarantee, if not reconciled with the licensee from whom the
1579 prescription hearing aid was purchased, should be directed by
1580 the purchaser to the department. The address and telephone
1581 number of such office must ~~shall~~ be stated on the receipt.

1582 (3) A prescription ~~no~~ hearing aid may not be sold to any
1583 person unless both the packaging containing the prescription
1584 hearing aid and the contract provided pursuant to subsection (2)
1585 carry the following disclaimer in 10-point or larger type: "A
1586 hearing aid will not restore normal hearing, nor will it prevent
1587 further hearing loss."

1588 Section 22. Section 468.1246, Florida Statutes, is amended
1589 to read:

1590 468.1246 Thirty-day trial period; purchaser's right to
1591 cancel; notice; refund; cancellation fee.—

1592 (1) A person selling a prescription hearing aid in this
1593 state must provide the buyer with written notice of a 30-day
1594 trial period and money-back guarantee. The guarantee must permit
1595 the purchaser to cancel the purchase for a valid reason as

595-04058-23

20231506c2

1596 defined by rule of the board within 30 days after receiving the
1597 prescription hearing aid, by returning the prescription hearing
1598 aid or mailing written notice of cancellation to the seller. If
1599 the prescription hearing aid must be repaired, remade, or
1600 adjusted during the 30-day trial period, the running of the 30-
1601 day trial period is suspended 1 day for each 24-hour period that
1602 the prescription hearing aid is not in the purchaser's
1603 possession. A repaired, remade, or adjusted prescription hearing
1604 aid must be claimed by the purchaser within 3 working days after
1605 notification of availability. The running of the 30-day trial
1606 period resumes on the day the purchaser reclaims a repaired,
1607 remade, or adjusted prescription hearing aid or on the 4th day
1608 after notification of availability.

1609 (2) The board, in consultation with the Board of Hearing
1610 Aid Specialists, shall prescribe by rule the terms and
1611 conditions to be contained in the money-back guarantee and any
1612 exceptions thereto. Such rule must ~~shall~~ provide, at a minimum,
1613 that the charges for earmolds and service provided to fit the
1614 prescription hearing aid may be retained by the licensee. The
1615 rules must ~~shall~~ also set forth any reasonable charges to be
1616 held by the licensee as a cancellation fee. ~~Such rule shall be~~
1617 ~~effective on or before December 1, 1994. Should the board fail~~
1618 ~~to adopt such rule, a licensee may not charge a cancellation fee~~
1619 ~~which exceeds 5 percent of the total charge for a hearing aid~~
1620 ~~alone.~~ The terms and conditions of the guarantee, including the
1621 total amount available for refund, must ~~shall~~ be provided in
1622 writing to the purchaser before ~~prior to~~ the signing of the
1623 contract.

1624 Section 23. Section 468.1255, Florida Statutes, is amended

595-04058-23

20231506c2

1625 to read:

1626 468.1255 Cancellation by medical authorization; purchaser's
1627 right to return.—

1628 (1) In addition to any other rights and remedies the
1629 purchaser of a prescription hearing aid may have, the purchaser
1630 has ~~shall have~~ the right to rescind the transaction if the
1631 purchaser for whatever reason consults a licensed physician with
1632 specialty board certification in otolaryngology or internal
1633 medicine or a licensed family practice physician, subsequent to
1634 purchasing a prescription hearing aid, and the physician
1635 certifies in writing that the purchaser has a hearing impairment
1636 for which a prescription hearing aid will not provide a benefit
1637 or that the purchaser has a medical condition which
1638 contraindicates the use of a prescription hearing aid.

1639 (2) The purchaser of a prescription hearing aid has ~~shall~~
1640 ~~have~~ the right to rescind as provided in subsection (1) only if
1641 the purchaser gives a written notice of the intent to rescind
1642 the transaction to the seller at the seller's place of business
1643 by certified mail, return receipt requested, which notice shall
1644 be posted not later than 60 days following the date of delivery
1645 of the prescription hearing aid to the purchaser, and the
1646 purchaser returns the prescription hearing aid to the seller in
1647 the original condition less normal wear and tear.

1648 (3) If the conditions of subsections (1) and (2) are met,
1649 the seller must ~~shall~~, without request, refund to the purchaser,
1650 within 10 days after ~~of~~ the receipt of notice to rescind, a full
1651 and complete refund of all moneys received, less 5 percent. The
1652 purchaser does not ~~shall~~ incur any ~~no~~ additional liability for
1653 rescinding the transaction.

595-04058-23

20231506c2

1654 Section 24. Section 468.1265, Florida Statutes, is amended
1655 to read:

1656 468.1265 Sale or distribution of prescription hearing aids
1657 through mail; penalty.—It is unlawful for any person to sell or
1658 distribute prescription hearing aids through the mail to the
1659 ultimate consumer. Any person who violates this section commits
1660 a misdemeanor of the second degree, punishable as provided in s.
1661 775.082 or s. 775.083.

1662 Section 25. Section 468.1275, Florida Statutes, is amended
1663 to read:

1664 468.1275 Place of business; display of license.—Each
1665 licensee who fits and sells a prescription hearing aid shall
1666 declare and establish a regular place of business, at which his
1667 or her license shall be conspicuously displayed.

1668 Section 26. Section 484.0401, Florida Statutes, is amended
1669 to read:

1670 484.0401 Purpose.—The Legislature recognizes that the
1671 dispensing of prescription hearing aids requires particularized
1672 knowledge and skill to ensure that the interests of the hearing-
1673 impaired public will be adequately served and safely protected.
1674 It recognizes that a poorly selected or fitted prescription
1675 hearing aid not only will give little satisfaction but may
1676 interfere with hearing ability and, therefore, deems it
1677 necessary in the interest of the public health, safety, and
1678 welfare to regulate the dispensing of prescription hearing aids
1679 in this state. Restrictions on the fitting and selling of
1680 prescription hearing aids shall be imposed only to the extent
1681 necessary to protect the public from physical and economic harm,
1682 and restrictions shall not be imposed in a manner which will

595-04058-23

20231506c2

1683 unreasonably affect the competitive market.

1684 Section 27. Section 484.041, Florida Statutes, is reordered
1685 and amended to read:

1686 484.041 Definitions.—As used in this part, the term:

1687 (1) “Air-conduction hearing aid” means a hearing aid that
1688 conducts sound to the ear through the air.

1689 (2) “Board” means the Board of Hearing Aid Specialists.

1690 (3)~~(2)~~ “Department” means the Department of Health.

1691 (4)~~(3)~~ “Dispensing prescription hearing aids” means and
1692 includes:

1693 (a) Conducting and interpreting hearing tests for purposes
1694 of selecting suitable prescription hearing aids, making earmolds
1695 or ear impressions, and providing appropriate counseling.

1696 (b) All acts pertaining to the selling, renting, leasing,
1697 pricing, delivery, and warranty of prescription hearing aids.

1698 (7)~~(4)~~ “Hearing aid specialist” means a person duly
1699 licensed in this state to practice the dispensing of
1700 prescription hearing aids.

1701 (5) “Hearing aid” means any wearable ~~an amplifying~~ device
1702 designed for, offered for the purpose of, or represented as
1703 aiding persons with, or compensating for, impaired hearing ~~to be~~
1704 ~~worn by a hearing-impaired person to improve hearing.~~

1705 (11)~~(6)~~ “Trainee” means a person studying prescription
1706 hearing aid dispensing under the direct supervision of an active
1707 licensed hearing aid specialist for the purpose of qualifying
1708 for certification to sit for the licensure examination.

1709 (6)~~(7)~~ “Hearing aid establishment” means any establishment
1710 in this ~~the~~ state which employs a licensed hearing aid
1711 specialist who offers, advertises, and performs hearing aid

595-04058-23

20231506c2

1712 services for the general public.

1713 (8) "Over-the-counter hearing aid" means an air-conduction
1714 hearing aid that does not require implantation or other surgical
1715 intervention and is intended for use only by a person 18 years
1716 of age or older to compensate for perceived mild to moderate
1717 hearing impairment. The device, through tools, tests, or
1718 software, allows the user to control the hearing aid and
1719 customize it to the user's hearing needs. The device may use
1720 wireless technology or may include tests for self-assessment of
1721 hearing loss. The device is available over-the-counter, without
1722 the supervision, prescription, or other order, involvement, or
1723 intervention of a licensed person, to consumers through in-
1724 person transactions, by mail, or online, provided that the
1725 device satisfies the requirements of 21 C.F.R. parts 800, 801,
1726 and 874 (2022), which are specifically incorporated by reference
1727 herein.

1728 (9) "Prescription hearing aid" means a hearing aid or sound
1729 amplifying device that is not an over-the-counter hearing aid.
1730 Hearing aids intended for use by persons younger than 18 years
1731 of age must be prescription hearing aids.

1732 (10) "Sponsor" means an active, licensed hearing aid
1733 specialist under whose direct supervision one or more trainees
1734 are studying prescription hearing aid dispensing for the purpose
1735 of qualifying for certification to sit for the licensure
1736 examination.

1737 Section 28. Subsection (2) of section 484.042, Florida
1738 Statutes, is amended to read:

1739 484.042 Board of Hearing Aid Specialists; membership,
1740 appointment, terms.—

595-04058-23

20231506c2

1741 (2) Five members of the board shall be hearing aid
1742 specialists who have been licensed and practicing the dispensing
1743 of prescription hearing aids in this state for at least the
1744 preceding 4 years. The remaining four members, none of whom
1745 shall derive economic benefit from the fitting or dispensing of
1746 hearing aids, shall be appointed from the resident lay public of
1747 this state. One of the lay members shall be a prescription
1748 hearing aid user but may not ~~neither~~ be nor have been a hearing
1749 aid specialist or a licensee of a closely related profession.
1750 One lay member shall be an individual age 65 or over. One lay
1751 member shall be an otolaryngologist licensed pursuant to chapter
1752 458 or chapter 459.

1753 Section 29. Subsection (2) of section 484.044, Florida
1754 Statutes, is amended to read:

1755 484.044 Authority to make rules.—

1756 (2) The board shall adopt rules requiring that each
1757 prospective purchaser of a prescription hearing aid be notified
1758 by the attending hearing aid specialist, at the time of the
1759 initial examination for fitting and sale of a hearing aid, of
1760 telecoil, "t" coil, or "t" switch technology. The rules shall
1761 further require that hearing aid specialists make available to
1762 prospective purchasers or clients information regarding
1763 telecoils, "t" coils, or "t" switches. ~~These rules shall be~~
1764 ~~effective on or before October 1, 1994.~~

1765 Section 30. Subsection (2) of section 484.0445, Florida
1766 Statutes, is amended to read:

1767 484.0445 Training program.—

1768 (2) A trainee shall perform the functions of a hearing aid
1769 specialist in accordance with board rules only under the direct

595-04058-23

20231506c2

1770 supervision of a licensed hearing aid specialist. The term
1771 "direct supervision" means that the sponsor is responsible for
1772 all work being performed by the trainee. The sponsor or a
1773 hearing aid specialist designated by the sponsor shall give
1774 final approval to work performed by the trainee and shall be
1775 physically present at the time the prescription hearing aid is
1776 delivered to the client.

1777 Section 31. Subsection (2) of section 484.045, Florida
1778 Statutes, is amended to read:

1779 484.045 Licensure by examination.—

1780 (2) The department shall license each applicant who the
1781 board certifies meets all of the following criteria:

1782 (a) Has completed the application form and remitted the
1783 required fees.†

1784 (b) Is of good moral character.†

1785 (c) Is 18 years of age or older.†

1786 (d) Is a graduate of an accredited high school or its
1787 equivalent.†

1788 (e)1. Has met the requirements of the training program; or

1789 2.a. Has a valid, current license as a hearing aid
1790 specialist or its equivalent from another state and has been
1791 actively practicing in such capacity for at least 12 months; or

1792 b. Is currently certified by the National Board for
1793 Certification in Hearing Instrument Sciences and has been
1794 actively practicing for at least 12 months.†

1795 (f) Has passed an examination, as prescribed by board
1796 rule.†~~and~~

1797 (g) Has demonstrated, in a manner designated by rule of the
1798 board, knowledge of state laws and rules relating to the fitting

595-04058-23

20231506c2

1799 and dispensing of prescription hearing aids.

1800 Section 32. Section 484.0501, Florida Statutes, is amended
1801 to read:

1802 484.0501 Minimal procedures and equipment.—

1803 (1) The following minimal procedures shall be used in the
1804 fitting and selling of prescription hearing aids:

1805 (a) Pure tone audiometric testing by air and bone to
1806 determine the type and degree of hearing deficiency.

1807 (b) Effective masking when indicated.

1808 (c) Appropriate testing to determine speech reception
1809 thresholds, speech discrimination scores, the most comfortable
1810 listening levels, uncomfortable loudness levels, and the
1811 selection of the best fitting arrangement for maximum hearing
1812 aid benefit.

1813 (2) The following equipment shall be used:

1814 (a) A wide range audiometer that ~~which~~ meets the
1815 specifications of the American National Standards Institute for
1816 diagnostic audiometers.

1817 (b) A speech audiometer or a master hearing aid in order to
1818 determine the most comfortable listening level and speech
1819 discrimination.

1820 (3) A final fitting ensuring physical and operational
1821 comfort of the prescription hearing aid shall be made.

1822 (4) The following medical clearance shall be obtained: If,
1823 upon inspection of the ear canal with an otoscope in the common
1824 procedure of a prescription hearing aid fitter and upon
1825 interrogation of the client, there is any recent history of
1826 infection or any observable anomaly, the client must ~~shall~~ be
1827 instructed to see a physician, and a prescription hearing aid

595-04058-23

20231506c2

1828 may ~~shall~~ not be fitted until medical clearance is obtained for
1829 the condition noted. If, upon return, the condition noted is no
1830 longer observable and the client signs a medical waiver, a
1831 prescription hearing aid may be fitted. Any person with a
1832 significant difference between bone conduction hearing and air
1833 conduction hearing must be informed of the possibility of
1834 medical correction.

1835 (5) (a) A prescription hearing aid establishment ~~office~~ must
1836 have available, or have access to, a selection of prescription
1837 hearing aid models, hearing aid supplies, and services complete
1838 enough to accommodate the various needs of the prescription
1839 hearing aid wearers.

1840 (b) At the time of the initial examination for fitting and
1841 sale of a prescription hearing aid, the attending hearing aid
1842 specialist shall ~~must~~ notify the prospective purchaser or client
1843 of the benefits of telecoil, "t" coil, or "t" switch technology,
1844 including increased access to telephones and noninvasive access
1845 to assistive listening systems required under the Americans with
1846 Disabilities Act of 1990.

1847 (6) Each audiometric test conducted by a licensee or
1848 authorized trainee in the fitting and selling of prescription
1849 hearing aids must ~~shall~~ be made in a testing room that has been
1850 certified by the department, or by an agent approved by the
1851 department, not to exceed the following sound pressure levels at
1852 the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB,
1853 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB,
1854 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement
1855 shall be made in the case of a client who, after being provided
1856 written notice of the benefits and advantages of having the test

595-04058-23

20231506c2

1857 conducted in a certified testing room, requests that the test be
1858 conducted in a place other than the licensee's certified testing
1859 room. Such request must ~~shall~~ be documented by a waiver which
1860 includes the written notice and is signed by the licensee and
1861 the client before ~~prior to~~ the testing. The waiver must ~~shall~~ be
1862 executed on a form provided by the department. The executed
1863 waiver must ~~shall~~ be attached to the client's copy of the
1864 contract, and a copy of the executed waiver must ~~shall~~ be
1865 retained in the licensee's file.

1866 (7) The board may ~~shall have the power to~~ prescribe the
1867 minimum procedures and equipment which must ~~shall~~ be used in the
1868 conducting of hearing assessments, and for the fitting and
1869 selling of prescription hearing aids, including equipment that
1870 will measure the prescription hearing aid's response curves to
1871 ensure that they meet the manufacturer's specifications. These
1872 procedures and equipment may differ from those provided in this
1873 section in order to take full advantage of devices and equipment
1874 which may hereafter become available and which are demonstrated
1875 to be of greater efficiency and accuracy. The board shall adopt
1876 and enforce rules necessary to implement ~~carry out the~~
1877 ~~provisions of~~ this subsection and subsection (6).

1878 (8) Any duly authorized officer or employee of the
1879 department may ~~shall have the right to~~ make such inspections and
1880 investigations as ~~are~~ necessary ~~in order~~ to determine the state
1881 of compliance with ~~the provisions of~~ this section and the
1882 applicable rules and may enter the premises of a licensee and
1883 inspect the records of same upon reasonable belief that a
1884 violation of this law is being or has been committed or that the
1885 licensee has failed or is failing to comply with ~~the provisions~~

595-04058-23

20231506c2

1886 ~~of~~ this part ~~act~~.

1887 (9) A licensed hearing aid specialist may fit, sell,
1888 dispense, service, market, provide customer support for, and
1889 distribute prescription and over-the-counter hearing aids.
1890 However, over-the-counter hearing aids may be provided only to
1891 persons 18 years of age or older.

1892 Section 33. Section 484.051, Florida Statutes, is amended
1893 to read:

1894 484.051 Itemization of prices; delivery of prescription
1895 hearing aid; receipt, packaging, disclaimer, guarantee.—

1896 (1) Before ~~Prior to~~ delivery of services or products to a
1897 prospective purchaser, any person who fits and sells
1898 prescription hearing aids must ~~shall~~ disclose on request by the
1899 prospective purchaser an itemized listing of prices, which must
1900 ~~listing shall~~ include separate price estimates for each service
1901 component and each product. Provision of such itemized listing
1902 of prices may ~~shall~~ not be predicated on the prospective
1903 purchaser's payment of any charge or agreement to purchase any
1904 service or product.

1905 (2) Any person who fits and sells a prescription hearing
1906 aid must ~~shall~~, at the time of delivery, provide the purchaser
1907 with a receipt containing the seller's signature, the address of
1908 her or his regular place of business, and her or his license or
1909 trainee registration number, if applicable, together with the
1910 brand, model, manufacturer or manufacturer's identification
1911 code, and serial number of the prescription hearing aid
1912 furnished and the amount charged for the prescription hearing
1913 aid. The receipt must also ~~shall~~ specify whether the
1914 prescription hearing aid is new, used, or rebuilt, ~~and shall~~

595-04058-23

20231506c2

1915 ~~specify~~ the length of time and other terms of the guarantee, and
 1916 by whom the prescription hearing aid is guaranteed. ~~If~~ ~~When~~ the
 1917 client has requested an itemized list of prices, the receipt
 1918 must ~~shall~~ also provide an itemization of the total purchase
 1919 price, including, but not limited to, the cost of the aid,
 1920 earmold, batteries and other accessories, and any services.
 1921 Notice of the availability of this service shall be displayed in
 1922 a conspicuous manner in the office. The receipt must also ~~shall~~
 1923 state that any complaint concerning the prescription hearing aid
 1924 and guarantee therefor, if not reconciled with the licensee from
 1925 whom the prescription hearing aid was purchased, should be
 1926 directed by the purchaser to the Department of Health. The
 1927 address and telephone number of such office must ~~shall~~ be stated
 1928 on the receipt.

1929 (3) A prescription ~~he~~ hearing aid may not be sold to any
 1930 person unless both the packaging containing the prescription
 1931 hearing aid and the itemized receipt provided pursuant to
 1932 subsection (2) carry the following disclaimer in 10-point or
 1933 larger type: "A hearing aid will not restore normal hearing, nor
 1934 will it prevent further hearing loss."

1935 Section 34. Section 484.0512, Florida Statutes, is amended
 1936 to read:

1937 484.0512 Thirty-day trial period; purchaser's right to
 1938 cancel; notice; refund; cancellation fee; criminal penalty.—

1939 (1) A person selling a prescription hearing aid in this
 1940 state must provide the buyer with written notice of a 30-day
 1941 trial period and money-back guarantee. The guarantee must permit
 1942 the purchaser to cancel the purchase for a valid reason, as
 1943 defined by ~~rule of the board~~ rule, within 30 days after

595-04058-23

20231506c2

1944 receiving the prescription hearing aid, by returning the
1945 prescription hearing aid or mailing written notice of
1946 cancellation to the seller. If the prescription hearing aid must
1947 be repaired, remade, or adjusted during the 30-day trial period,
1948 the running of the 30-day trial period is suspended 1 day for
1949 each 24-hour period that the prescription hearing aid is not in
1950 the purchaser's possession. A repaired, remade, or adjusted
1951 prescription hearing aid must be claimed by the purchaser within
1952 3 working days after notification of availability. The running
1953 of the 30-day trial period resumes on the day the purchaser
1954 reclaims the repaired, remade, or adjusted prescription hearing
1955 aid or on the fourth day after notification of availability,
1956 whichever occurs earlier.

1957 (2) The board, in consultation with the Board of Speech-
1958 Language Pathology and Audiology, shall prescribe by rule the
1959 terms and conditions to be contained in the money-back guarantee
1960 and any exceptions thereto. Such rules must ~~rule shall~~ provide,
1961 at a minimum, that the charges for earmolds and service provided
1962 to fit the prescription hearing aid may be retained by the
1963 licensee. The rules must ~~shall~~ also set forth any reasonable
1964 charges to be held by the licensee as a cancellation fee. ~~Such~~
1965 ~~rule shall be effective on or before December 1, 1994. Should~~
1966 ~~the board fail to adopt such rule, a licensee may not charge a~~
1967 ~~cancellation fee which exceeds 5 percent of the total charge for~~
1968 ~~a hearing aid alone.~~ The terms and conditions of the guarantee,
1969 including the total amount available for refund, must ~~shall~~ be
1970 provided in writing to the purchaser before ~~prior to~~ the signing
1971 of the contract.

1972 (3) Within 30 days after the return or attempted return of

595-04058-23

20231506c2

1973 the prescription hearing aid, the seller shall refund all moneys
1974 that must be refunded to a purchaser pursuant to this section. A
1975 violation of this subsection is a misdemeanor of the first
1976 degree, punishable as provided in s. 775.082 or s. 775.083.

1977 (4) For purposes of this section, the term "seller" or
1978 "person selling a prescription hearing aid" includes:

1979 (a) Any ~~natural~~ person licensed under this part or any
1980 other ~~natural~~ person who signs a sales receipt required by s.
1981 484.051(2) or s. 468.1245(2) or ~~who~~ otherwise fits, delivers, or
1982 dispenses a prescription hearing aid.

1983 (b) Any business organization, whether a sole
1984 proprietorship, partnership, corporation, professional
1985 association, joint venture, business trust, or other legal
1986 entity, that ~~which~~ dispenses a prescription hearing aid or
1987 enters into an agreement to dispense a prescription hearing aid.

1988 (c) Any person who controls, manages, or operates an
1989 establishment or business that dispenses a prescription hearing
1990 aid or enters into an agreement to dispense a prescription
1991 hearing aid.

1992 Section 35. Section 484.0513, Florida Statutes, is amended
1993 to read:

1994 484.0513 Cancellation by medical authorization; purchaser's
1995 right to return.—

1996 (1) In addition to any other rights and remedies the
1997 purchaser of a prescription hearing aid may have, the purchaser
1998 has ~~shall have~~ the right to rescind the transaction if the
1999 purchaser for whatever reason consults a licensed physician with
2000 specialty board certification in otolaryngology or internal
2001 medicine or a licensed family practice physician, subsequent to

595-04058-23

20231506c2

2002 purchasing a prescription hearing aid, and the physician
2003 certifies in writing that the purchaser has a hearing impairment
2004 for which a prescription hearing aid will not provide a benefit
2005 or that the purchaser has a medical condition which
2006 contraindicates the use of a prescription hearing aid.

2007 (2) The purchaser of a prescription hearing aid has ~~shall~~
2008 ~~have~~ the right to rescind as provided in subsection (1) only if
2009 the purchaser gives a written notice of the intent to rescind
2010 the transaction to the seller at the seller's place of business
2011 by certified mail, return receipt requested, which must ~~notice~~
2012 ~~shall~~ be posted within ~~not later than~~ 60 days after ~~following~~
2013 the date of delivery of the prescription hearing aid to the
2014 purchaser, and the purchaser returns the prescription hearing
2015 aid to the seller in the original condition less normal wear and
2016 tear.

2017 (3) If the conditions of subsections (1) and (2) are met,
2018 the seller must ~~shall~~, without request, refund to the purchaser,
2019 within 10 days after ~~of the~~ receipt of the notice to rescind, a
2020 full and complete refund of all moneys received, less 5 percent.
2021 The purchaser does not ~~shall~~ incur any ~~no~~ additional liability
2022 for rescinding the transaction.

2023 Section 36. Section 484.053, Florida Statutes, is amended
2024 to read:

2025 484.053 Prohibitions; penalties.—

2026 (1) A person may not:

2027 (a) Practice dispensing prescription hearing aids unless
2028 the person is a licensed hearing aid specialist;

2029 (b) Use the name or title "hearing aid specialist" when the
2030 person has not been licensed under this part;

595-04058-23

20231506c2

2031 (c) Present as her or his own the license of another;

2032 (d) Give false, incomplete, or forged evidence to the board
2033 or a member thereof for the purposes of obtaining a license;

2034 (e) Use or attempt to use a hearing aid specialist license
2035 that is delinquent or has been suspended, revoked, or placed on
2036 inactive status;

2037 (f) Knowingly employ unlicensed persons in the practice of
2038 dispensing prescription hearing aids; or

2039 (g) Knowingly conceal information relative to violations of
2040 this part.

2041 (2) Any person who violates any provision ~~of the provisions~~
2042 of this section is guilty of a felony of the third degree,
2043 punishable as provided in s. 775.082 or s. 775.083.

2044 (3) If a person licensed under this part allows the sale of
2045 a prescription hearing aid by an unlicensed person not
2046 registered as a trainee or fails to comply with the requirements
2047 of s. 484.0445(2) relating to supervision of trainees, the board
2048 must ~~shall~~, upon determination of that violation, order the full
2049 refund of moneys paid by the purchaser upon return of the
2050 prescription hearing aid to the seller's place of business.

2051 Section 37. Section 484.054, Florida Statutes, is amended
2052 to read:

2053 484.054 Sale or distribution of prescription hearing aids
2054 through mail; penalty.—It is unlawful for any person to sell or
2055 distribute prescription hearing aids through the mail to the
2056 ultimate consumer. Any violation of this section constitutes a
2057 misdemeanor of the second degree, punishable as provided in s.
2058 775.082 or s. 775.083.

2059 Section 38. Section 484.059, Florida Statutes, is amended

595-04058-23

20231506c2

2060 to read:

2061 484.059 Exemptions.—

2062 (1) The licensure requirements of this part do not apply to
2063 any person engaged in recommending prescription hearing aids as
2064 part of the academic curriculum of an accredited institution of
2065 higher education, or as part of a program conducted by a public
2066 charitable institution supported primarily by voluntary
2067 contribution, provided this organization does not dispense or
2068 sell prescription hearing aids or accessories.

2069 (2) The licensure requirements of this part do not apply to
2070 any person licensed to practice medicine in this ~~the~~ state,
2071 except that such physician must ~~shall~~ comply with the
2072 requirement of periodic filing of the certificate of testing and
2073 calibration of audiometric equipment as provided in this part. A
2074 ~~No~~ person employed by or working under the supervision of a
2075 person licensed to practice medicine may not ~~shall~~ perform any
2076 services or acts which would constitute the dispensing of
2077 prescription hearing aids as defined in s. 484.041 ~~s.~~
2078 ~~484.041(3)~~, unless such person is a licensed hearing aid
2079 specialist.

2080 (3) The licensure requirements of this part do not apply to
2081 an audiologist licensed under ~~pursuant to~~ part I of chapter 468.

2082 (4) Section ~~The provisions of s. 484.053(1) (a) does~~ ~~shall~~
2083 not apply to registered trainees operating in compliance with
2084 this part and board rules ~~of the board~~.

2085 (5) The licensure requirements of this part do not apply to
2086 a person who fits, sells, dispenses, services, markets, provides
2087 customer support for, or distributes exclusively over-the-
2088 counter hearing aids.

595-04058-23

20231506c2

2089 Section 39. Paragraph (b) of subsection (4) of section
2090 1002.394, Florida Statutes, is amended to read:

2091 1002.394 The Family Empowerment Scholarship Program.—

2092 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

2093 (b) Program funds awarded to a student with a disability
2094 determined eligible pursuant to paragraph (3) (b) may be used for
2095 the following purposes:

2096 1. Instructional materials, including digital devices,
2097 digital periphery devices, and assistive technology devices that
2098 allow a student to access instruction or instructional content
2099 and training on the use of and maintenance agreements for these
2100 devices.

2101 2. Curriculum as defined in subsection (2).

2102 3. Specialized services by approved providers or by a
2103 hospital in this state which are selected by the parent. These
2104 specialized services may include, but are not limited to:

2105 a. Applied behavior analysis services as provided in ss.
2106 627.6686 and 641.31098.

2107 b. Services provided by speech-language pathologists as
2108 defined in s. 468.1125 ~~s. 468.1125(8)~~.

2109 c. Occupational therapy as defined in s. 468.203.

2110 d. Services provided by physical therapists as defined in
2111 s. 486.021(8).

2112 e. Services provided by listening and spoken language
2113 specialists and an appropriate acoustical environment for a
2114 child who has a hearing impairment, including deafness, and who
2115 has received an implant or assistive hearing device.

2116 4. Tuition or fees associated with full-time or part-time
2117 enrollment in a home education program, an eligible private

595-04058-23

20231506c2

2118 school, an eligible postsecondary educational institution or a
2119 program offered by the postsecondary educational institution, a
2120 private tutoring program authorized under s. 1002.43, a virtual
2121 program offered by a department-approved private online provider
2122 that meets the provider qualifications specified in s.
2123 1002.45(2)(a), the Florida Virtual School as a private paying
2124 student, or an approved online course offered pursuant to s.
2125 1003.499 or s. 1004.0961.

2126 5. Fees for nationally standardized, norm-referenced
2127 achievement tests, Advanced Placement Examinations, industry
2128 certification examinations, assessments related to postsecondary
2129 education, or other assessments.

2130 6. Contributions to the Stanley G. Tate Florida Prepaid
2131 College Program pursuant to s. 1009.98 or the Florida College
2132 Savings Program pursuant to s. 1009.981 for the benefit of the
2133 eligible student.

2134 7. Contracted services provided by a public school or
2135 school district, including classes. A student who receives
2136 services under a contract under this paragraph is not considered
2137 enrolled in a public school for eligibility purposes as
2138 specified in subsection (6).

2139 8. Tuition and fees for part-time tutoring services
2140 provided by a person who holds a valid Florida educator's
2141 certificate pursuant to s. 1012.56, a person who holds an
2142 adjunct teaching certificate pursuant to s. 1012.57, a person
2143 who has a bachelor's degree or a graduate degree in the subject
2144 area in which instruction is given, a person who has
2145 demonstrated a mastery of subject area knowledge pursuant to s.
2146 1012.56(5), or a person certified by a nationally or

595-04058-23

20231506c2

2147 internationally recognized research-based training program as
2148 approved by the department. As used in this paragraph, the term
2149 "part-time tutoring services" does not qualify as regular school
2150 attendance as defined in s. 1003.01(13)(e).

2151 9. Fees for specialized summer education programs.

2152 10. Fees for specialized after-school education programs.

2153 11. Transition services provided by job coaches.

2154 12. Fees for an annual evaluation of educational progress
2155 by a state-certified teacher under s. 1002.41(1)(f), if this
2156 option is chosen for a home education student.

2157 13. Tuition and fees associated with programs offered by
2158 Voluntary Prekindergarten Education Program providers approved
2159 pursuant to s. 1002.55 and school readiness providers approved
2160 pursuant to s. 1002.88.

2161 14. Fees for services provided at a center that is a member
2162 of the Professional Association of Therapeutic Horsemanship
2163 International.

2164 15. Fees for services provided by a therapist who is
2165 certified by the Certification Board for Music Therapists or
2166 credentialed by the Art Therapy Credentials Board, Inc.

2167 Section 40. The Division of Law Revision is directed to
2168 replace the phrase "the effective date of this act" wherever it
2169 occurs in this act with the date the act becomes a law.

2170 Section 41. Except as otherwise expressly provided in this
2171 act and except for this section, which shall take effect upon
2172 this act becoming a law, this act shall take effect July 1,
2173 2023.