

By Senator Jones

13-961A-03

See HB

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A bill to be entitled  
An act relating to optometry; amending ss.  
463.002, 463.005, 463.0055, 463.0057, 463.006,  
and 463.014, F.S.; providing that the  
administration and prescription of  
pharmaceutical agents is not restricted to  
topical ocular pharmaceutical agents; providing  
an effective date.

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

Section 1. Paragraph (b) of subsection (3) and  
subsections (4) and (5) of section 463.002, Florida Statutes,  
are amended to read:

463.002 Definitions.--As used in this chapter, the  
term:

(3)

(b) A licensed practitioner who is not a certified  
optometrist shall be required to display at her or his place  
of practice a sign which states, "I am a Licensed  
Practitioner, not a Certified Optometrist, and I am not able  
to prescribe ~~topical ocular~~ pharmaceutical agents."

(4) "Certified optometrist" means a licensed  
practitioner authorized by the board to administer and  
prescribe ~~topical ocular~~ pharmaceutical agents pursuant to s.  
463.0055.

(5) "Optometry" means the diagnosis of conditions of  
the human eye and its appendages; the employment of any  
objective or subjective means or methods, including the  
administration of ~~topical ocular~~ pharmaceutical agents  
pursuant to s. 463.0055, for the purpose of determining the

1 refractive powers of the human eyes, or any visual, muscular,  
2 neurological, or anatomic anomalies of the human eyes and  
3 their appendages; and the prescribing and employment of  
4 lenses, prisms, frames, mountings, contact lenses, orthoptic  
5 exercises, light frequencies, and any other means or methods,  
6 including ~~topical ocular~~ pharmaceutical agents pursuant to s.  
7 463.0055, for the correction, remedy, or relief of any  
8 insufficiencies or abnormal conditions of the human eyes and  
9 their appendages.

10 Section 2. Paragraph (g) of subsection (1) of section  
11 463.005, Florida Statutes, is amended to read:

12 463.005 Authority of the board.--

13 (1) The Board of Optometry has authority to adopt  
14 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
15 provisions of this chapter conferring duties upon it. Such  
16 rules shall include, but not be limited to, rules relating to:

17 (g) Administration and prescription of ~~topical ocular~~  
18 pharmaceutical agents.

19 Section 3. Section 463.0055, Florida Statutes, is  
20 amended to read:

21 463.0055 Administration and prescription of ~~topical~~  
22 ~~ocular~~ pharmaceutical agents; committee.--

23 (1) Certified optometrists may administer and  
24 prescribe ~~topical ocular~~ pharmaceutical agents as provided in  
25 this section for the diagnosis and treatment of ocular  
26 conditions of the human eye and its appendages without the use  
27 of surgery or other invasive techniques. However, a licensed  
28 practitioner who is not certified may use topically applied  
29 anesthetics solely for the purpose of glaucoma examinations,  
30 but is otherwise prohibited from administering or prescribing  
31 ~~topical ocular~~ pharmaceutical agents.

1           (2)(a) There is hereby created a committee composed of  
2 two optometrists licensed pursuant to this chapter, appointed  
3 by the Board of Optometry, two board-certified  
4 ophthalmologists licensed pursuant to chapter 458 or chapter  
5 459, appointed by the Board of Medicine, and one additional  
6 person with a doctorate degree in pharmacology who is not  
7 licensed pursuant to chapter 458, chapter 459, or this  
8 chapter, appointed by the secretary. The committee shall  
9 review requests for additions to, deletions from, or  
10 modifications of a formulary of ~~topical-ocular~~ pharmaceutical  
11 agents for administration and prescription by certified  
12 optometrists and shall provide to the board advisory opinions  
13 and recommendations on such requests. The formulary shall  
14 consist of those ~~topical-ocular~~ pharmaceutical agents which  
15 the certified optometrist is qualified to use in the practice  
16 of optometry. The board shall establish, add to, delete from,  
17 or modify the formulary by rule. When the board has approved a  
18 pharmaceutical agent for topical administration, the board may  
19 also approve administration of that agent by means other than  
20 injection, provided that the board may not approve steroids or  
21 antifungal agents for oral administration.Notwithstanding any  
22 provision of chapter 120 to the contrary, the formulary rule  
23 shall become effective 60 days from the date it is filed with  
24 the Secretary of State.

25           (b) The formulary may be added to, deleted from, or  
26 modified according to the procedure described in paragraph  
27 (a). Any person who requests an addition, deletion, or  
28 modification of an authorized ~~topical-ocular~~ pharmaceutical  
29 agent shall have the burden of proof to show cause why such  
30 addition, deletion, or modification should be made.

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1           (c) The secretary of the department shall have  
2 standing to challenge any rule or proposed rule of the board  
3 pursuant to s. 120.56. In addition to challenges for any  
4 invalid exercise of delegated legislative authority, the  
5 administrative law judge, upon such a challenge by the  
6 secretary, may declare all or part of a rule or proposed rule  
7 invalid if it:

8           1. Does not protect the public from any significant  
9 and discernible harm or damages;

10           2. Unreasonably restricts competition or the  
11 availability of professional services in the state or in a  
12 significant part of the state; or

13           3. Unnecessarily increases the cost of professional  
14 services without a corresponding or equivalent public benefit.

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16 However, there shall not be created a presumption of the  
17 existence of any of the conditions cited in this subsection in  
18 the event that the rule or proposed rule is challenged.

19           (d) Upon adoption of the formulary required by this  
20 section, and upon each addition, deletion, or modification to  
21 the formulary, the board shall mail a copy of the amended  
22 formulary to each certified optometrist and to each pharmacy  
23 licensed by the state.

24           (3) A certified optometrist shall be issued a  
25 prescriber number by the board. Any prescription written by a  
26 certified optometrist for a ~~topical-ocular~~ pharmaceutical  
27 agent pursuant to this section shall have the prescriber  
28 number printed thereon.

29           Section 4. Subsection (3) of section 463.0057, Florida  
30 Statutes, is amended to read:

31           463.0057 Optometric faculty certificate.--

1           (3) The holder of a faculty certificate may engage in  
2 the practice of optometry as permitted by this section, but  
3 may not administer or prescribe ~~topical-ocular~~ pharmaceutical  
4 agents unless the certificateholder has satisfied the  
5 requirements of s. 463.006(1)(b)4. and 5.

6           Section 5. Subsections (2) and (3) of section 463.006,  
7 Florida Statutes, are amended to read:

8           463.006 Licensure and certification by examination.--

9           (2) The examination shall consist of the appropriate  
10 subjects, including applicable state laws and rules and  
11 general and ocular pharmacology with emphasis on the ~~topical~~  
12 application and side effects of ocular pharmaceutical agents.  
13 The board may by rule substitute a national examination as  
14 part or all of the examination and may by rule offer a  
15 practical examination in addition to the written examination.

16           (3) Each applicant who successfully passes the  
17 examination and otherwise meets the requirements of this  
18 chapter is entitled to be licensed as a practitioner and to be  
19 certified to administer and prescribe ~~topical-ocular~~  
20 pharmaceutical agents pursuant to s. 463.0055 in the diagnosis  
21 and treatment of ocular conditions.

22           Section 6. Subsection (3) of section 463.014, Florida  
23 Statutes, is amended to read:

24           463.014 Certain acts prohibited.--

25           (3) Prescribing, ordering, dispensing, administering,  
26 supplying, selling, or giving any unauthorized pharmaceutical  
27 agent ~~systemic drugs by a licensed practitioner~~ is prohibited.

28           Section 7. This act shall take effect upon becoming a  
29 law.

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