

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 1544

INTRODUCER: Senator Rodriguez

SUBJECT: Opticianry

DATE: March 17, 2025

REVISED: 03/20/25 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Smith</u>	<u>Brown</u>	<u>HP</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AHS</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1544 establishes that only a licensed optician may practice opticianry. The bill removes an optician’s ability to delegate duties, tasks, and functions to non-licensed supportive personnel who perform such duties, tasks, and functions under the optician’s direct supervision. The bill also removes a provision indicating that nothing in the opticianry practice act may be construed to mean that an employee of a licensed physician or a licensed optometrist is required to be licensed as an optician as long as the employee is working exclusively for, and under the direct supervision of, such physician or optometrist and does not hold himself or herself out as an optician.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

Eye Care Professions in Florida

The Legislature created the Department of Health (DOH), to protect and promote the health of all residents and visitors in the state.¹ The DOH is charged with the regulation of health practitioners for the preservation of the health, safety, and welfare of the public. The Division of Medical Quality Assurance (MQA) is responsible for the boards² and professions within the DOH.³

¹ Section 20.43, F.S.

² Under s. 456.001(1), F.S., “board” is defined as any board, commission, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within the DOH or, in some cases, within the DOH MQA.

³ Section 20.43, F.S.

Florida law recognizes three distinct eye care professions, each with specific roles and regulations:

- Ophthalmologists are either allopathic physicians (M.D.) regulated by the Florida Board of Medicine, or osteopathic physicians (D.O.) regulated by the Florida Board of Osteopathic Medicine, who are trained in medical schools to treat the whole person and who undertake four additional years of specialized training in eye care, diseases of the eye, and surgery.⁴
- Optometrists (O.D.), regulated by the Florida Board of Optometry, conduct comprehensive eye exams, prescribe glasses, contact lenses, and certain medications, and manage common eye conditions, though they may not perform surgery⁵ under Florida law.⁶
- Opticians, regulated by the Florida Board of Opticianry⁷, are trained to fit, dispense, and adjust eyeglasses and contact lenses based on a prescription issued by an ophthalmologist or optometrist, but cannot perform eye exams or prescribe treatment. Their primary role is to ensure that patients receive properly fitted corrective eyewear that meets their vision needs.

Opticianry

The practice of opticianry in Florida is governed by Chapter 484, Part I, Florida Statutes, and Florida Administrative Code (F.A.C) Rule 64B12.

*Scope of Practice*⁸

The Florida Statutes define “opticianry” as the preparation, fitting, and dispensing of prescription lenses, eyeglasses, contact lenses, and other optical devices. Opticians must work from a written prescription provided by a licensed optometrist or ophthalmologist and are responsible for ensuring that corrective eyewear is properly fitted to the intended user. While opticians facilitate the selection and sale of frames, these activities are not considered part of opticianry itself. However, an optician must complete the fitting process before transferring physical possession of the optical device to the customer. As part of optical dispensing, opticians interpret but do not alter prescriptions, ensuring that the prescribed optical aids are designed, adapted, and fitted correctly. Opticians may duplicate lenses without a prescription, provided the duplication is accurate in power, and they can also duplicate nonprescription eyewear and its components.

A board-certified optician, who has passed the National Contact Lens Registry Examination and who has completed a board-approved course of 20 contact hours, is authorized to fill, fit, adapt, and dispense soft contact lenses.⁹ Additionally, such an optician may handle extended wear and hard contact lenses but only within the specific authorization provided by the prescribing optometrist or physician.¹⁰

⁴ Ophthalmologists are licensed under ch. 458, F.S., relating to the allopathic practice of medicine or ch. 459, F.S., relating to the osteopathic practice of medicine.

⁵ Section 463.014(4), F.S.

⁶ Optometrists are licensed under ch. 463.

⁷ Sections 463.003, 463.004, 463.005, F.S.

⁸ Section 484.002(3), F.S.

⁹ Section 484.002(6), F.S.

¹⁰ *Id.*

The optician's scope of practice does not include performing eye exams, diagnosing conditions, or modifying prescriptions.¹¹ An optician's practice is focused on ensuring accurate dispensing, proper fit, and comfort of eyewear, ensuring that patients receive optical aids tailored to their vision needs.

Opticians may delegate certain tasks (e.g., pre-adjusting frames, assisting with eyewear selection) to non-licensed assistants, but they must directly supervise and remain responsible for the final fitting and dispensing.¹² Non-licensed personnel may not measure, fit, or dispense optical devices independently. Licensed opticians may also oversee apprentice opticians who are in training.¹³

Licensing Requirements¹⁴

To become licensed by examination as an optician in Florida, an optician must successfully pass the Florida Opticianry Licensure Examination, complete a two-hour course on fitting and adjusting, and pay a licensing fee.

An applicant for licensure by examination must submit an Optician Application for Examination form and the examination fee¹⁵, and also meet the following criteria:

- *Is not younger than 18 years of age;*
- *Is a graduate of an accredited high school or possesses a certificate of equivalency of a high school education;*
- *Successfully passed the National Opticianry Competency Examination within three years of application or has current American Board of Opticianry certification;*
- *Successfully passed the Contact Lens Registry Examination within three years of application or has current National Contact Lens Examiners certification; and*
- *Has completed one of the following:*
 - Received an associate degree, or equivalent, in opticianry from an accredited school; or
 - Has registered as an apprentice with the department and completed 6,240 hours of training under their registered sponsor(s).¹⁶

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 484.011, F.S., to delete a provision in current law which authorizes a licensed optician to delegate duties, tasks, and functions within the optician's scope of practice¹⁷ to non-licensed supportive personnel. It also deletes a provision in current law

¹¹ Section 484.013(3), F.S.

¹² Section 484.011, F.S.

¹³ Section 484.007(1)(d), F.S. See also Rule 64B12-16 F.A.C.

¹⁴ Florida Board of Opticianry, *Licensing Requirements* available at <https://floridasopticianry.gov/licensing/optician/#tab-requirements> (last accessed March 14, 2025.) See also s. 484.007, F.S.

¹⁵ Florida Board of Opticianry, *Fees* available at <https://floridasopticianry.gov/licensing/optician/#tab-fees> (last accessed March 14, 2025.)

¹⁶ The apprenticeship requirements must be met within 5 years after the date of registration. Refer to Rule 64B12-16.003, F.A.C for the training subject areas. *Supra* note 13.

¹⁷ An optician's scope of practice is controlled by the statutory definition of the term "opticianry" in s. 484.002(3), F.S.

which specifies that all such delegated tasks shall be performed under the direct supervision¹⁸ of the licensed optician and that the optician shall be liable for acts performed by the non-licensed person performing acts under the optician's direct supervision.

These changes would establish that only a licensed optician may practice opticianry.

Section 2 of the bill amends s. 484.018, F.S., to delete a provision in current law indicating that nothing in the opticianry practice act may be construed to mean that an employee of a licensed physician or a licensed optometrist is required to be licensed as an optician as long as the employee is working exclusively for, and under the direct supervision of, such physician or optometrist and does not hold himself or herself out to the public generally as an optician.

Section 3 of the bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹⁸ "Direct supervision" means supervision where the licensee remains on the premises while all work is being done and gives final approval to any work performed by an employee. Section 484.002(5), F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Section 484.007(1), F.S., requires the Department of Health to administer a licensure examination to applicants who meet certain criteria, including a high school education and an associate degree in opticianry from an approved accrediting agency or who has completed an apprenticeship program after registering with the department. Changes made to s. 484.011, F.S., in Section 1 of the bill, which would prohibit anyone aside from a licensed optician from practicing opticianry, may prohibit apprentices from completing their training program. If this is the case, and if this is unintended, an amendment should be considered to ensure that apprentices may continue their training programs in their pursuit of licensure.

VII. Related Issues:

Staff recommends that an amendment be considered to repeal s. 484.002(5), F.S., and remove the definition of the term “direct supervision” as the term is defined for part I of ch. 484. The changes made by the bill delete the only two uses of the term “direct supervision” within part I of ch. 484, and the term and its definition would no longer be in use if the bill is enacted.

VIII. Statutes Affected:

This bill substantially amends the following sections 484.011 and 484.018 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.