

1 A bill to be entitled
2 An act relating to optometry; amending s. 463.002,
3 F.S.; providing and revising definitions; amending s.
4 463.003, F.S.; revising membership requirements for
5 the Board of Optometry; providing construction;
6 amending s. 463.005, F.S.; revising and providing
7 rules to be implemented by the board; amending s.
8 463.0055, F.S.; revising requirements for the
9 administration and prescription of ocular
10 pharmaceutical agents; revising provisions relating to
11 the topical and oral ocular pharmaceutical agent
12 formularies established by the board; creating s.
13 463.0056, F.S.; authorizing an optometrist certified
14 in ophthalmic procedures to perform certain
15 procedures; providing certification requirements;
16 requiring the statewide professional association of
17 physicians and statewide professional association of
18 licensed optometrists to establish a joint committee
19 who will be responsible for the development of the
20 course and examination; providing requirements for the
21 joint committee; excluding specified procedures;
22 amending s. 463.006, F.S.; requiring a certified
23 optometrist desiring to be licensed as a certified
24 optometrist to submit to a background screening and
25 successfully complete and pass a specified course and

26 examination; requiring the board to determine the
27 required content, grading criteria, and passing score
28 for such examination; revising the timeline in which
29 an applicant may successfully pass the licensure
30 examination; amending s. 463.007, F.S.; revising
31 conditions of licensure to include the successful
32 completion and passage of a specified course and
33 examination; amending s. 463.0135, F.S.; providing
34 authorized procedures a certified optometrist may
35 perform in the standards of practice; defining the
36 term "superficial foreign bodies"; requiring a
37 licensed practitioner to display specified signs at
38 his or her practice under certain circumstances;
39 amending s. 463.014, F.S.; providing penalties;
40 removing a provision prohibiting surgery of any kind;
41 creating s. 463.0185, F.S.; authorizing specified
42 titles and abbreviations for certified optometrists;
43 creating s. 463.0187, F.S.; providing requirements for
44 the demonstration of financial responsibility as a
45 condition of licensure; providing applicability;
46 amending s. 463.009, F.S.; expanding duties
47 nonlicensed supportive personnel may perform under
48 certain circumstances; defining the term "indirect
49 supervision"; amending s. 641.31, F.S.; conforming a
50 cross-reference; providing an effective date.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Section 463.002, Florida Statutes, is amended
55 to read:

56 463.002 Definitions.—As used in this chapter, the term:

57 (1)~~(10)~~ "Appendages" means the eyelids, the eyebrows, the
58 conjunctiva, and the lacrimal apparatus.

59 (2)~~(1)~~ "Board" means the Board of Optometry.

60 (3)~~(4)~~ "Certified optometrist" or "certified optometric
61 physician" means a licensed practitioner authorized by the board
62 to administer and prescribe ocular pharmaceutical agents.

63 (4)~~(12)~~ "Clock hours" means the actual time engaged in
64 approved coursework and clinical training.

65 (5)~~(2)~~ "Department" means the Department of Health.

66 (6)~~(8)~~ "Direct supervision" means supervision to an extent
67 that the licensee remains on the premises while all procedures
68 are being done and gives final approval to any procedures
69 performed by an employee.

70 (7)~~(9)~~ "General supervision" means the responsible
71 supervision of supportive personnel by a licensee who need not
72 be present when such procedures are performed, but who assumes
73 legal liability therefor. Except in cases of emergency, "general
74 supervision" shall require the easy availability or physical
75 presence of the licensee for consultation with and direction of

76 the supportive personnel.

77 ~~(8)(3)(a)~~ "Licensed practitioner" means a person who is a
78 primary health care provider licensed to engage in the practice
79 of optometry under ~~the authority of~~ this chapter. For persons
80 licensed under this chapter after July 1, 1993, the term
81 includes only certified optometrists.

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

87 ~~(c) All practitioners initially licensed after July 1,~~
88 ~~1993, must be certified optometrists.~~

89 ~~(9)(5)~~ "Ocular pharmaceutical agent" means a
90 pharmaceutical agent that is administered or prescribed
91 ~~topically or orally~~ for the diagnosis or treatment of ocular
92 conditions of the human eye and its appendages ~~without the use~~
93 ~~of surgery or other invasive techniques.~~

94 (10) "Optometrist certified in ophthalmic procedures"
95 means a certified optometrist who may perform board-approved
96 laser and non-laser ophthalmic procedures and therapies under s.
97 463.0056.

98 ~~(11)(7)~~ "Optometry" means the diagnosis, evaluation,
99 treatment, and management of conditions of the human eye and its
100 appendages, including any visual, muscular, neurological, or

101 anatomical anomalies and chronic systemic conditions relating to
102 the eye and its appendages; the determination of the refractive
103 powers of the human eyes; and the prescribing and employment of
104 any ~~objective or subjective~~ means or methods, including the
105 ~~administration of~~ ocular pharmaceutical agents, contact lenses,
106 spectacle lenses, magnification lenses, orthoptic exercises,
107 vision therapy, low vision rehabilitation devices,
108 electromagnetic waves, pulsating light and light frequencies,
109 ophthalmic procedures and therapies, and neuro-optometric
110 rehabilitative therapy for the diagnosis, evaluation,
111 correction, remedy, treatment, management, or relief of any
112 insufficiency, anomaly, abnormality, or disease condition
113 relating to the human eye or its appendages. For purposes of
114 this subsection, the term "refractive" means the use of lenses
115 and ocular pharmaceutical agents during the course of a
116 comprehensive medical eye examination to determine a patient's
117 visual, neurological, and physical requirements to attain
118 optimal visual and perceptual performance. ~~for the purpose of~~
119 ~~determining the refractive powers of the human eyes, or any~~
120 ~~visual, muscular, neurological, or anatomic anomalies of the~~
121 ~~human eyes and their appendages; and the prescribing and~~
122 ~~employment of lenses, prisms, frames, mountings, contact lenses,~~
123 ~~orthoptic exercises, light frequencies, and any other means or~~
124 ~~methods, including ocular pharmaceutical agents, for the~~
125 ~~correction, remedy, or relief of any insufficiencies or abnormal~~

126 ~~conditions of the human eyes and their appendages.~~

127 (12) "Refraction" means the use of lenses and ocular
128 pharmaceutical agents during the course of a comprehensive
129 medical eye examination to determine a patient's visual,
130 neurological, and physical requirements to attain optimal visual
131 and perceptual performance.

132 (13)~~(6)~~ "Surgery" means a procedure using an instrument,
133 ~~including a laser, scalpel, or needle,~~ in which human tissue is
134 cut, burned, scraped, except as provided in s. 463.0135(12) s.
135 ~~463.014(4), or vaporized, by incision, injection, ultrasound,~~
136 ~~laser, infusion, cryotherapy, or radiation.~~ The term includes a
137 procedure using an instrument which requires the closure of
138 human tissue by suture, clamp, or other such device. The term
139 does not include an ophthalmic procedure that does not burn,
140 cut, or incise the globe or require the closure of human tissue.

141 (14)~~(11)~~ "Transcript-quality" means a live and in-person
142 course which is in conjunction with or sponsored by a school or
143 college of optometry or equivalent educational entity, which
144 course is approved by the board and requires a test and passing
145 grade.

146 Section 2. Subsections (2) and (4) of section 463.003,
147 Florida Statutes, are amended to read:

148 463.003 Board of Optometry.—

149 (2) Five members of the board must be certified
150 optometrists or optometrists certified in ophthalmic procedures

151 ~~licensed practitioners~~ actively practicing in this state. The
152 remaining two members must be citizens of the state who are not,
153 and have never been, licensed practitioners and who are in no
154 way connected with the practice of optometry or with any vision-
155 oriented profession or business. At least one member of the
156 board must be 60 years of age or older.

157 (4) All applicable provisions of chapter 456 relating to
158 activities of regulatory boards that do not conflict with this
159 chapter shall apply.

160 Section 3. Subsection (1) of section 463.005, Florida
161 Statutes, is amended to read:

162 463.005 Authority of the board.—

163 (1) The Board of Optometry shall ~~has authority to~~ adopt
164 rules pursuant to ss. 120.536(1) and 120.54 to implement the
165 provisions of this chapter conferring duties upon it. Such rules
166 must ~~shall~~ include, but not be limited to, rules relating to all
167 of the following:

168 (a) Standards of practice, including, but not limited to,
169 those provided ~~for~~ in s. 463.0135.

170 (b) Minimum equipment that a certified optometrist, an
171 optometrist certified in ophthalmic procedures, or ~~which~~ a
172 licensed practitioner must ~~shall~~ at all times possess to
173 lawfully engage in the practice of optometry.

174 (c) Minimum procedures that ~~which shall~~ constitute a
175 visual examination.

176 (d) Procedures for the safekeeping and transfer of
177 prescription files or case records ~~upon the discontinuance of~~
178 ~~practice.~~

179 (e) Supervision of supportive personnel.

180 (f) Courses and procedures for continuing education.

181 (g) Practices and procedures related to the administration
182 and prescription of ocular pharmaceutical agents.

183 (h) Laser and non-laser ophthalmic procedures and
184 therapies an optometrist certified in ophthalmic procedures may
185 perform, including, but not limited to, the standards of
186 practice for such ophthalmic procedures and therapies.

187 (i) The scope of practice of optometry, including
188 ophthalmic procedures, as described in this chapter.

189 (j) Required content, grading criteria, and passing scores
190 for licensure examinations under s. 463.006.

191 (k) The accredited schools or colleges of optometry that
192 are approved by the board for the purpose of licensure under s.
193 463.006.

194 (l) Terms and titles permitted for use in advertisements
195 by persons licensed under this section and providers registered
196 under s. 456.47(4).

197 (m) Standards for the use of telehealth by providers
198 licensed under this section and providers registered under s.
199 456.47(4).

200 (n) Requirements to obtain and maintain an out-of-state

201 telehealth provider registration as provided under s. 456.47(4),
202 including, but not limited to, application requirements,
203 continuing education requirements, scope of practice, standards
204 of practice, and renewal process for registration.

205 Notwithstanding s. 456.47(4), the board may not approve any
206 applicant for out-of-state telehealth registration who does not
207 hold a license issued by another state, the District of
208 Columbia, or a territory of the United States that is
209 substantially similar to a license held by a certified
210 optometrist under this chapter. Notwithstanding s. 456.47(4), an
211 out-of-state telehealth provider registration as provided under
212 s. 456.47(4) is not valid for more than 2 years.

213 Section 4. Section 463.0055, Florida Statutes, is amended
214 to read:

215 463.0055 Administration and prescription of ocular
216 pharmaceutical agents.—

217 (1)(a) Certified optometrists may administer and prescribe
218 ocular pharmaceutical agents as provided in this section for the
219 diagnosis and treatment of ocular conditions of the human eye
220 and its appendages ~~without the use of surgery or other invasive~~
221 ~~techniques~~. However, a licensed practitioner who is not
222 certified may use topically applied anesthetics solely for the
223 purpose of glaucoma examinations, but is otherwise prohibited
224 from administering or prescribing ocular pharmaceutical agents.

225 (b) Before a certified optometrist may administer or

226 prescribe oral ocular pharmaceutical agents, the certified
227 optometrist must provide proof to the department of successful
228 completion of a course and subsequent examination, approved by
229 the board, on general and ocular pharmaceutical agents and the
230 side effects of those agents. The course shall consist of 20
231 contact hours, all of which may be web-based. The ~~first~~ course
232 ~~and examination shall be presented by October 1, 2013, and shall~~
233 ~~be administered at least annually thereafter.~~ The course and
234 examination shall be developed and offered jointly by a
235 statewide professional association of physicians in this state
236 accredited to provide educational activities designated for the
237 American Medical Association Physician's Recognition Award (AMA
238 PRA) Category 1 credit and a statewide professional association
239 of licensed practitioners which provides board-approved
240 continuing education on an annual basis. The board shall review
241 and approve the content of the initial course and examination if
242 the board determines that the course and examination adequately
243 and reliably satisfy the criteria set forth in this section. The
244 board shall thereafter annually review and approve the course
245 and examination if the board determines that the content
246 continues to adequately and reliably satisfy the criteria set
247 forth in this section. Successful completion of the board-
248 approved course and examination may be used by a certified
249 optometrist to satisfy 20 hours of the continuing education
250 requirements in s. 463.007(3), only for the biennial period in

251 which the board-approved course and examination are taken. If a
252 certified optometrist does not complete a board-approved course
253 and examination under this section, the certified optometrist is
254 only authorized to administer and prescribe topical ocular
255 pharmaceutical agents. Beginning July 1, 2025, any person who
256 submits an application for licensure under this chapter must
257 successfully complete the course and examination as a
258 requirement for licensure.

259 (2) (a) The board shall establish a negative formulary of
260 ~~topical~~ ocular pharmaceutical agents that may not be prescribed
261 or ~~and~~ administered by a certified optometrist. ~~The formulary~~
262 ~~shall consist of those topical ocular pharmaceutical agents that~~
263 ~~are appropriate to treat or diagnose ocular diseases and~~
264 ~~disorders and that the certified optometrist is qualified to use~~
265 ~~in the practice of optometry. The board shall establish, add to,~~
266 ~~delete from, or modify the topical formulary by rule.~~
267 ~~Notwithstanding any provision of chapter 120 to the contrary,~~
268 ~~the topical formulary rule becomes effective 60 days from the~~
269 ~~date it is filed with the Secretary of State.~~

270 ~~(b) The formulary may be added to, deleted from, or~~
271 ~~modified according to the procedure described in paragraph (a).~~
272 ~~Any person who requests an addition, deletion, or modification~~
273 ~~of an authorized topical ocular pharmaceutical agent shall have~~
274 ~~the burden of proof to show cause why such addition, deletion,~~
275 ~~or modification should be made.~~

~~(c) The State Surgeon General shall have standing to challenge any rule or proposed rule of the board pursuant to s. 120.56. In addition to challenges for any invalid exercise of delegated legislative authority, the administrative law judge, upon such a challenge by the State Surgeon General, may declare all or part of a rule or proposed rule invalid if it:~~

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

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

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

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

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

~~(3) In addition to the formulary of topical ocular pharmaceutical agents established by rule of the board, there is created a statutory formulary of oral ocular pharmaceutical~~

agents, which includes the following agents:

(a) The following analgesics or their generic or therapeutic equivalents, which may not be administered or prescribed for more than 72 hours without consultation with a physician licensed under chapter 458 or chapter 459 who is skilled in diseases of the eye:

1. Tramadol hydrochloride.

2. Acetaminophen 300 mg with No. 3 codeine phosphate 30 mg.

(b) The following antibiotics or their generic or therapeutic equivalents:

1. Amoxicillin with or without clavulanic acid.

2. Azithromycin.

3. Erythromycin.

4. Dicloxacillin.

5. Doxycycline/Tetracycline.

6. Keflex.

7. Minocycline.

(c) The following antivirals or their generic or therapeutic equivalents:

1. Acyclovir.

2. Famciclovir.

3. Valacyclovir.

(d) The following oral anti-glaucoma agents or their generic or therapeutic equivalents, which may not be

~~administered or prescribed for more than 72 hours:~~

~~1. Acetazolamide.~~

~~2. Methazolamide.~~

~~Any oral ocular pharmaceutical agent that is listed in the statutory formulary set forth in this subsection and that is subsequently determined by the United States Food and Drug Administration to be unsafe for administration or prescription shall be considered to have been deleted from the formulary of oral ocular pharmaceutical agents. The oral ocular pharmaceutical agents on the statutory formulary set forth in this subsection may not otherwise be deleted by the board, the department, or the State Surgeon General.~~

~~(3)(4)~~ A certified optometrist shall be issued a prescriber number by the board. Any prescription written by a certified optometrist for an ocular pharmaceutical agent pursuant to this section shall have the prescriber number printed thereon. A certified optometrist may not administer or prescribe any of the following:

(a) A controlled substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03, except for an oral analgesic ~~placed on the formulary pursuant to this section for the relief of pain due to ocular conditions of the eye and its appendages; or~~

(b) A controlled substance for the treatment of chronic

351 nonmalignant pain as defined in s. 456.44(1)(f).

352 Section 5. Section 463.0056, Florida Statutes, is created
353 to read:

354 463.0056 Ophthalmic procedures and therapies.—

355 (1)(a) An optometrist certified in ophthalmic procedures
356 may perform laser and non-laser ophthalmic procedures and
357 therapies as authorized by the board but may not perform an
358 ophthalmic procedure or therapy that requires preoperative
359 medications or drug-induced alteration of consciousness.
360 However, an optometrist certified in ophthalmic procedures may
361 use medication for minimal tranquilization of the patient and
362 local or topical anesthesia if the chances of complications
363 requiring hospitalization of the patient as a result are remote.

364 (b) To be certified to perform ophthalmic procedures, a
365 certified optometrist must first provide proof to the department
366 of successful completion of a course and subsequent examination,
367 approved by the board, on laser and non-laser ophthalmic
368 procedures and therapy. The course and examination shall be
369 developed and offered jointly by a statewide professional
370 association of physicians in this state accredited to provide
371 educational activities designated for the American Medical
372 Association Physician's Recognition Award Category 1 credit and
373 a statewide professional association of licensed optometrists
374 which provides board-approved continuing education on an annual
375 basis. The statewide professional association of physicians and

statewide professional association of licensed optometrists must
establish a joint committee consisting of five individuals who
will be responsible for the development of the course and
examination. The statewide professional association of
physicians shall appoint two individuals to the committee who
must be board-certified ophthalmologists licensed pursuant to
chapter 458 or chapter 459. The statewide professional
association of licensed optometrists shall appoint three
individuals to the committee who must be certified optometrists
licensed pursuant to chapter 463. The board shall review and
approve the content of the initial course and examination if the
board determines that the course and examination adequately and
reliably satisfy the criteria provided in this section. The
board shall thereafter annually review and approve the
examination if the board determines that the content continues
to adequately and reliably satisfy the criteria provided in this
section. Successful completion of the board-approved course and
examination may be used by a certified optometrist to satisfy
the continuing education requirements in s. 463.007(3) only for
the biennial period in which the board-approved course and
examination are taken. If a certified optometrist does not
complete a board-approved course and examination under this
section, the certified optometrist may not perform ophthalmic
procedures described in paragraph (a).

(2) The following ophthalmic procedures are excluded from

401 the scope of practice of optometry, except for the preoperative
402 and postoperative care of these procedures:

403 (a) Laser vision correction, penetrating keratoplasty, and
404 corneal or lamellar keratoplasty.

405 (b) Laser of the vitreous chamber or retina of the eye to
406 treat any vitreomacular or retinal disease.

407 (c) Surgery of the eyelid for suspected eyelid
408 malignancies or for incisional cosmetic or mechanical repair of
409 blepharochalasis, ptosis, or tarsorrhaphy.

410 (d) Surgery of the boney orbit, including, but not limited
411 to, orbital implants or removal of the human eye.

412 (e) Incisional or excisional surgery of the lacrimal
413 system other than lacrimal probing or related procedures.

414 (f) Surgery requiring full thickness incision or excision
415 of the cornea or sclera other than paracentesis in an emergency
416 situation requiring immediate reduction of elevated pressure
417 inside the eye.

418 (g) Surgery requiring incision or excision by scalpel of
419 the iris and ciliary body, including, but not limited to, iris
420 diathermy or cryotherapy.

421 (h) Surgery requiring incision or excision of the vitreous
422 or retina.

423 (i) Surgery requiring incision or excision of the
424 crystalline lens or an intraocular prosthetic implant.

425 (j) Surgery involving incision or excision of the

426 extraocular muscles.

427 (k) Surgery requiring full thickness conjunctivoplasty
428 with graft or flap.

429 (l) Pterygium surgery.

430 (m) Any other procedure or therapy as determined by the
431 board.

432 Section 6. Section 463.006, Florida Statutes, is amended
433 to read:

434 463.006 Licensure and certification by examination.—

435 (1) Any person desiring to be a certified optometrist
436 under ~~licensed practitioner pursuant to~~ this chapter must apply
437 to the department, submit to background screening in accordance
438 with s. 456.0135, and must submit proof to the department that
439 she or he meets all of the following criteria:

440 (a) Has completed the application forms as required by the
441 board, remitted an application fee for certification not to
442 exceed \$250, remitted an examination fee for certification not
443 to exceed \$250, and remitted an examination fee for licensure
444 not to exceed \$325, all as set by the board.

445 (b) Is at least 18 years of age.

446 (c) Has graduated from an accredited school or college of
447 optometry approved by rule of the board.

448 (d) Is of good moral character.

449 (e) Has successfully completed at least 110 hours of
450 transcript-quality coursework and clinical training in general

451 and ocular pharmacology as determined by the board, at an
452 institution that:

453 1. Has facilities for both didactic and clinical
454 instructions in pharmacology; and

455 2. Is accredited by a regional or professional accrediting
456 organization that is recognized and approved by the Commission
457 on Recognition of Postsecondary Accreditation or the United
458 States Department of Education.

459 (f) Has completed at least 1 year of supervised experience
460 in differential diagnosis of eye disease or disorders as part of
461 the optometric training or in a clinical setting as part of the
462 optometric experience.

463 (g) Has successfully completed and passed a course and
464 examination as provided in s. 463.0055(1) (b) .

465 (2) The board shall approve a licensure examination
466 consisting of the appropriate subjects and including applicable
467 state laws and rules and general and ocular pharmacology with
468 emphasis on the use and side effects of ocular pharmaceutical
469 agents. The board may by rule substitute a national examination
470 as part or all of the examination and, notwithstanding chapter
471 456, may by rule offer a practical examination in addition to a
472 written examination. The board shall determine the required
473 content, grading criteria, and passing score for the licensure
474 examination.

475 (3) Each applicant who submits proof satisfactory to the

board that he or she has met the requirements of subsection (1), who successfully passes the licensure examination within 3 years before the date of application or within 3 years after the submission of an application, and who otherwise meets the requirements of this chapter is entitled to be licensed as a certified optometrist ~~practitioner and to be certified to administer and prescribe ocular pharmaceutical agents in the diagnosis and treatment of ocular conditions.~~

(4) All optometrists initially licensed on or after July 1, 2025, must be licensed as a certified optometrist.

Section 7. Subsection (4) of section 463.007, Florida Statutes, is renumbered as subsection (5) and a new subsection (4) is added to that section, to read:

463.007 Renewal of license; continuing education.—

(4) As of July 1, 2025, successful completion of the course and passage of the examination specified in s. 463.0055(1)(b) is required as a condition of licensure renewal for any certified optometrist who has not already successfully completed the course and passed the examination.

Section 8. Subsections (12) and (13) are added to section 463.0135, Florida Statutes, to read:

463.0135 Standards of practice.—

(12) Certified optometrists may remove superficial foreign bodies. For the purpose of this subsection, the term "superficial foreign bodies" means any foreign matter that is

501 embedded in the conjunctiva or cornea that has not penetrated
502 the globe. Notwithstanding the definition of surgery in s.
503 463.002, a certified optometrist may provide any optometric care
504 within the scope of practice of optometry as defined in s.
505 463.002, including, but not limited to, removing an eyelash,
506 removal of eyelid skin tags, removal of styes, ophthalmic
507 procedures as defined and approved by the board, probing an
508 uninflamed tear duct in a patient 18 years of age or older,
509 blocking the puncta, or superficial scraping for the purpose of
510 removing damaged epithelial tissue or superficial foreign bodies
511 or taking a culture of the surface of the cornea or conjunctiva.

512 (13) A licensed practitioner who is not a certified
513 optometrist is required to display at her or his place of
514 practice a sign that states, "I am a Licensed Practitioner, not
515 a Certified Optometrist, and I am not able to prescribe ocular
516 pharmaceutical agents or perform ophthalmic procedures."

517 Section 9. Subsections (1), (4), and (5) of section
518 463.014, Florida Statutes, are amended, to read:

519 463.014 Certain acts prohibited.—

520 (1)(a) A ~~no~~ corporation, lay body, organization, or
521 individual other than a licensed practitioner may not ~~shall~~
522 engage in the practice of optometry through the means of
523 engaging the services, upon a salary, commission, or other means
524 or inducement, of any person licensed to practice optometry in
525 this state. ~~Nothing in This section does not shall be deemed to~~

526 prohibit the association of a licensed practitioner with a
527 multidisciplinary group of licensed health care professionals,
528 the primary objective of which is the diagnosis and treatment of
529 the human body.

530 (b) A ~~No~~ licensed practitioner may not ~~shall~~ engage in the
531 practice of optometry with any corporation, organization, group,
532 or lay individual. This paragraph does ~~provision shall~~ not
533 prohibit licensed practitioners from employing, or from forming
534 partnerships or professional associations with, licensed
535 practitioners licensed in this state or with other licensed
536 health care professionals, the primary objective of whom is the
537 diagnosis and treatment of the human body.

538 (c) A ~~No~~ rule of the board may not ~~shall~~ forbid the
539 practice of optometry in or on the premises of a commercial or
540 mercantile establishment. Notwithstanding this paragraph, a
541 commercial or mercantile establishment or other such entity may
542 not have any control over the manner in which a licensee under
543 this chapter practices optometry. Any violation of this
544 paragraph will be deemed as unlicensed practice of optometry as
545 specified in s. 463.015(1)(a). Individual owners, officers, or
546 directors of any commercial or mercantile establishment or other
547 such entity in violation of this section will be deemed to have
548 committed the unlicensed practice of optometry.

549 (d) A ~~No~~ licensed practitioner may not practice under
550 practice identification names, trade names, or service names,

551 unless any dissemination of information by the practitioner to
552 consumers contains the name under which the practitioner is
553 licensed or that of the professional association in which the
554 practitioner participates. Any advertisement or other
555 dissemination of information to consumers may contain factual
556 information as to the geographic location of licensed
557 practitioners or of the availability of optometric services.

558 (e) A ~~No~~ licensed practitioner may not ~~shall~~ adopt and
559 publish or cause to be published any practice identification
560 name, trade name, or service name which is, contains, or is
561 intended to serve as an affirmation of the quality or
562 competitive value of the optometric services provided at the
563 identified practice.

564 ~~(4) Surgery of any kind is expressly prohibited. Certified~~
565 ~~optometrists may remove superficial foreign bodies. For the~~
566 ~~purposes of this subsection, the term "superficial foreign~~
567 ~~bodies" means any foreign matter that is embedded in the~~
568 ~~conjunctiva or cornea but that has not penetrated the globe.~~
569 ~~Notwithstanding the definition of surgery as provided in s.~~
570 ~~463.002(6), a certified optometrist is not prohibited from~~
571 ~~providing any optometric care within the practice of optometry~~
572 ~~as defined in s. 463.002(7), such as removing an eyelash by~~
573 ~~epilation, probing an uninflamed tear duct in a patient 18 years~~
574 ~~of age or older, blocking the puncta by plug, or superficial~~
575 ~~scraping for the purpose of removing damaged epithelial tissue~~

576 ~~or superficial foreign bodies or taking a culture of the surface~~
577 ~~of the cornea or conjunctiva.~~

578 ~~(4)-(5)~~ A ~~No~~ rule of the board may not ~~shall~~ prohibit a
579 licensed practitioner from authorizing a board-certified
580 optician to fill, fit, adapt, or dispense a contact lens
581 prescription as authorized under chapter 484.

582 Section 10. Section 463.009, Florida Statutes, is amended
583 to read:

584 463.009 Supportive personnel.—No person other than a
585 licensed practitioner may engage in the practice of optometry as
586 defined in s. 463.002 ~~s. 463.002(7)~~. Except as provided in this
587 section, under no circumstances shall nonlicensed supportive
588 personnel be delegated diagnosis or treatment duties; however,
589 such personnel may perform data gathering, preliminary testing,
590 and prescribed visual therapy and may assist in the selection,
591 preparation, designing, adapting, fitting, and dispensing of
592 lenses, spectacles, eyeglasses, contact lenses, and other
593 optical devices under the indirect supervision of a licensed
594 optometrist. For the purposes of this section, the term
595 "indirect supervision" means the availability of the supervising
596 optometrist to the nonlicensed supportive personnel, including
597 the ability to communicate by telecommunications or by being
598 within reasonable physical proximity ~~and related duties under~~
599 ~~the direct supervision of the licensed practitioner. Nonlicensed~~
600 ~~personnel, who need not be employees of the licensed~~

~~practitioner, may perform ministerial duties, tasks, and functions assigned to them by and performed under the general supervision of a licensed practitioner, including obtaining information from consumers for the purpose of making appointments for the licensed practitioner.~~ The licensed practitioner shall be responsible for all delegated acts performed by persons under her or his direct, indirect, or ~~and~~ general supervision.

Section 11. Section 463.0185, Florida Statutes, is created to read:

463.0185 Certified optometrist titles and abbreviations.—
An optometrist licensed under chapter 463 may use the following titles and abbreviations as applicable to his or her license and certification, including "optometrist," "licensed optometrist," "Doctor of Optometry," "O.D.," "optometric physician," "board certified optometrist," "board certified optometric physician," "American Board of Optometry (ABO) certified," "Fellow of the American Academy of Optometry," "Fellow of the College of Optometrists in Vision Development," "Residency-trained," "Diplomate of the American Board of Optometry," or other titles or abbreviations authorized under his or her practice act.

Section 12. Section 463.0187, Florida Statutes, is created to read:

463.0187 Financial responsibility.—

(1) As a condition of licensure and maintaining an active

626 license, and before to the issuance or renewal of an active
627 license or reactivation of an inactive license for the practice
628 of optometry, an applicant must demonstrate to the satisfaction
629 of the board financial responsibility to pay claims and costs
630 ancillary thereto arising out of the rendering of, or the
631 failure to render, optometric care or services, by one of the
632 following methods:

633 (a) Establishing and maintaining an escrow account
634 consisting of cash or assets eligible for deposit in accordance
635 with s. 625.52 in the per claim amounts specified in paragraph
636 (b). The required escrow amount provided in paragraph (b) may
637 not be used for litigation costs or attorney fees for the
638 defense of any malpractice claim;

639 (b) Obtaining and maintaining professional liability
640 coverage in an amount not less than \$100,000 per claim, with a
641 minimum annual aggregate of not less than \$300,000, from an
642 authorized insurer as defined under s. 624.09, from an eligible
643 surplus lines insurer as defined under s. 626.914(2), from a
644 risk retention group as defined under s. 627.942, or through a
645 plan of self-insurance as provided in s. 627.357. The required
646 coverage amount set forth in this paragraph may not be used for
647 litigation costs or attorney fees for the defense of any
648 malpractice claim; or

649 (c) Obtaining and maintaining an unexpired, irrevocable
650 letter of credit, established pursuant to chapter 675, in an

651 amount not less than \$100,000 per claim, with a minimum
652 aggregate availability of credit of not less than \$300,000. The
653 letter of credit must be payable to the optometrist as
654 beneficiary upon presentment of a final judgment indicating
655 liability and awarding damages to be paid by the optometrist or
656 upon presentment of a settlement agreement signed by all parties
657 to such agreement when such final judgment or settlement is a
658 result of a claim arising out of the rendering of, or the
659 failure to render, optometric care and services. The letter of
660 credit may not be used for litigation costs or attorney fees for
661 the defense of any malpractice claim. The letter of credit must
662 be nonassignable and nontransferable and such letter of credit
663 must be issued by any bank or savings association organized and
664 existing under the laws of this state or any bank or savings
665 association organized under the laws of the United States which
666 has its principal place of business in this state or has a
667 branch office that is authorized under the laws of this state or
668 of the United States to receive deposits in this state.

669 (2) This section applies to individuals registered as an
670 out-of-state telehealth provider under s. 456.47(4).

671 Section 13. Subsection (19) of section 641.31, Florida
672 Statutes, is amended to read:

673 641.31 Health maintenance contracts.—

674 (19) Notwithstanding any other provision of law, health
675 maintenance policies or contracts which provide coverage,

676 | benefits, or services as described in s. 463.002 ~~s. 463.002(7)~~,
677 | shall offer to the subscriber the services of an optometrist
678 | licensed pursuant to chapter 463.

679 | Section 14. This act shall take effect July 1, 2025.