

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 excluding specified procedures; amending s. 463.006,
17 F.S.; requiring a certified optometrist desiring to be
18 licensed as a certified optometrist to submit to a
19 background screening and successfully complete and
20 pass a specified course and examination; requiring the
21 board to determine the required content, grading
22 criteria, and passing score for such examination;
23 revising the timeline in which an applicant may
24 successfully pass the licensure examination; amending
25 s. 463.007, F.S.; revising conditions of licensure to

include the successful completion and passage of a specified course and examination; amending s. 463.0135, F.S.; providing authorized procedures a certified optometrist may perform in the standards of practice; defining the term "superficial foreign bodies"; requiring a licensed practitioner to display specified signs at his or her practice under certain circumstances; amending s. 463.014, F.S.; providing penalties; removing a provision prohibiting surgery of any kind; creating s. 463.0185, F.S.; authorizing specified titles and abbreviations for certified optometrists; creating s. 463.0187, F.S.; providing requirements for the demonstration of financial responsibility as a condition of licensure; providing applicability; amending ss. 463.009 and 641.31, F.S.; conforming cross-references; providing an effective date.

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

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

463.002 Definitions.—As used in this chapter, the term:
(1)~~(10)~~ "Appendages" means the eyelids, the eyebrows, the conjunctiva, and the lacrimal apparatus.

51 ~~(2)-(1)~~ "Board" means the Board of Optometry.

52 ~~(3)-(4)~~ "Certified optometrist" or "certified optometric
53 physician" means a licensed practitioner authorized by the board
54 to administer and prescribe ocular pharmaceutical agents.

55 ~~(4)-(12)~~ "Clock hours" means the actual time engaged in
56 approved coursework and clinical training.

57 ~~(5)-(2)~~ "Department" means the Department of Health.

58 ~~(6)-(8)~~ "Direct supervision" means supervision to an extent
59 that the licensee remains on the premises while all procedures
60 are being done and gives final approval to any procedures
61 performed by an employee.

62 ~~(7)-(9)~~ "General supervision" means the responsible
63 supervision of supportive personnel by a licensee who need not
64 be present when such procedures are performed, but who assumes
65 legal liability therefor. Except in cases of emergency, "general
66 supervision" shall require the easy availability or physical
67 presence of the licensee for consultation with and direction of
68 the supportive personnel.

69 ~~(8)-(3)-(a)~~ "Licensed practitioner" means a person who is a
70 primary health care provider licensed to engage in the practice
71 of optometry under ~~the authority of~~ this chapter. For persons
72 licensed under this chapter after July 1, 1993, the term
73 includes only certified optometrists.

74 ~~(b) A licensed practitioner who is not a certified~~
75 ~~optometrist shall be required to display at her or his place of~~

76 ~~practice a sign which states, "I am a Licensed Practitioner, not~~
77 ~~a Certified Optometrist, and I am not able to prescribe ocular~~
78 ~~pharmaceutical agents."~~

79 ~~(c) All practitioners initially licensed after July 1,~~
80 ~~1993, must be certified optometrists.~~

81 (9)(5) "Ocular pharmaceutical agent" means a
82 pharmaceutical agent that is administered or prescribed
83 ~~topically or orally~~ for the diagnosis or treatment of ocular
84 conditions of the human eye and its appendages ~~without the use~~
85 ~~of surgery or other invasive techniques.~~

86 (10) "Optometrist certified in ophthalmic procedures"
87 means a certified optometrist who may perform board-approved
88 laser and non-laser ophthalmic procedures and therapies under s.
89 463.0056.

90 (11)(7) "Optometry" means the diagnosis, evaluation,
91 treatment, and management of conditions of the human eye and its
92 appendages, including any visual, muscular, neurological, or
93 anatomical anomalies and chronic systemic conditions relating to
94 the eye and its appendages; the determination of the refractive
95 powers of the human eyes; and the prescribing and employment of
96 ~~any objective or subjective~~ means or methods, including ~~the~~
97 ~~administration of~~ ocular pharmaceutical agents, contact lenses,
98 spectacle lenses, magnification lenses, orthoptic exercises,
99 vision therapy, low vision rehabilitation devices,
100 electromagnetic waves, pulsating light and light frequencies,

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

119 (12) "Refraction" means the use of lenses and ocular
120 pharmaceutical agents during the course of a comprehensive
121 medical eye examination to determine a patient's visual,
122 neurological, and physical requirements to attain optimal visual
123 and perceptual performance.

124 (13) ~~(6)~~ "Surgery" means a procedure using an instrument,
125 ~~including a laser, scalpel, or needle,~~ in which human tissue is

cut, burned, scraped, except as provided in s. 463.0135(12) ~~s. 463.014(4)~~, ~~or vaporized, by incision, injection, ultrasound, laser, infusion, cryotherapy, or radiation.~~ The term includes a procedure using an instrument which requires the closure of human tissue by suture, clamp, or other such device. The term does not include an ophthalmic procedure that does not burn, cut, or incise the globe or require the closure of human tissue.

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

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

463.003 Board of Optometry.—

(2) Five members of the board must be certified optometrists or optometrists certified in ophthalmic procedures ~~licensed practitioners~~ actively practicing in this state. The remaining two members must be citizens of the state who are not, and have never been, licensed practitioners and who are in no way connected with the practice of optometry or with any vision-oriented profession or business. At least one member of the board must be 60 years of age or older.

(4) All applicable provisions of chapter 456 relating to activities of regulatory boards that do not conflict with this

chapter shall apply.

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

463.005 Authority of the board.—

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

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

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

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

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

(e) Supervision of supportive personnel.

(f) Courses and procedures for continuing education.

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

(h) Laser and non-laser ophthalmic procedures and

therapies an optometrist certified in ophthalmic procedures may perform, including, but not limited to, the standards of practice for such ophthalmic procedures and therapies.

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

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

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

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

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

(n) Requirements to obtain and maintain an out-of-state telehealth provider registration as provided under s. 456.47(4), including, but not limited to, application requirements, continuing education requirements, scope of practice, standards of practice, and renewal process for registration.

Notwithstanding s. 456.47(4), the board may not approve any applicant for out-of-state telehealth registration who does not hold a license issued by another state, the District of Columbia, or a territory of the United States that is

201 substantially similar to a license held by a certified
202 optometrist under this chapter. Notwithstanding s. 456.47(4), an
203 out-of-state telehealth provider registration as provided under
204 s. 456.47(4) is not valid for more than 2 years.

205 **Section 4. Section 463.0055, Florida Statutes, is amended**
206 **to read:**

207 463.0055 Administration and prescription of ocular
208 pharmaceutical agents.—

209 (1)(a) Certified optometrists may administer and prescribe
210 ocular pharmaceutical agents as provided in this section for the
211 diagnosis and treatment of ocular conditions of the human eye
212 and its appendages ~~without the use of surgery or other invasive~~
213 ~~techniques~~. However, a licensed practitioner who is not
214 certified may use topically applied anesthetics solely for the
215 purpose of glaucoma examinations, but is otherwise prohibited
216 from administering or prescribing ocular pharmaceutical agents.

217 (b) Before a certified optometrist may administer or
218 prescribe oral ocular pharmaceutical agents, the certified
219 optometrist must provide proof to the department of successful
220 completion of a course and subsequent examination, approved by
221 the board, on general and ocular pharmaceutical agents and the
222 side effects of those agents. The course shall consist of 20
223 contact hours, all of which may be web-based. The ~~first~~ course
224 ~~and examination shall be presented by October 1, 2013, and shall~~
225 be administered ~~at least~~ annually ~~thereafter~~. The course and

examination shall be developed and offered jointly by a statewide professional association of physicians in this state accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award (AMA PRA) Category 1 credit and a statewide professional association of licensed practitioners which provides board-approved continuing education on an annual basis. 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 set forth in this section. The board shall thereafter annually review and approve the course and examination if the board determines that the content continues to adequately and reliably satisfy the criteria set forth in this section. Successful completion of the board-approved course and examination may be used by a certified optometrist to satisfy 20 hours of 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 is only authorized to administer and prescribe topical ocular pharmaceutical agents. Beginning July 1, 2025, any person who submits an application for licensure under this chapter must successfully complete the course and examination as a requirement for licensure.

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

262 ~~(b) The formulary may be added to, deleted from, or~~
263 ~~modified according to the procedure described in paragraph (a).~~
264 ~~Any person who requests an addition, deletion, or modification~~
265 ~~of an authorized topical ocular pharmaceutical agent shall have~~
266 ~~the burden of proof to show cause why such addition, deletion,~~
267 ~~or modification should be made.~~

268 ~~(c) The State Surgeon General shall have standing to~~
269 ~~challenge any rule or proposed rule of the board pursuant to s.~~
270 ~~120.56. In addition to challenges for any invalid exercise of~~
271 ~~delegated legislative authority, the administrative law judge,~~
272 ~~upon such a challenge by the State Surgeon General, may declare~~
273 ~~all or part of a rule or proposed rule invalid if it:~~

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

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

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

281
282 ~~However, there shall not be created a presumption of the~~
283 ~~existence of any of the conditions cited in this subsection in~~
284 ~~the event that the rule or proposed rule is challenged.~~

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

290 ~~(3) In addition to the formulary of topical ocular~~
291 ~~pharmaceutical agents established by rule of the board, there is~~
292 ~~created a statutory formulary of oral ocular pharmaceutical~~
293 ~~agents, which includes the following agents:~~

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

299 ~~1. Tramadol hydrochloride.~~

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

301 ~~mg.~~

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

304 ~~1. Amoxicillin with or without clavulanic acid.~~

305 ~~2. Azithromycin.~~

306 ~~3. Erythromycin.~~

307 ~~4. Dicloxacillin.~~

308 ~~5. Doxycycline/Tetracycline.~~

309 ~~6. Keflex.~~

310 ~~7. Minocycline.~~

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

313 ~~1. Acyclovir.~~

314 ~~2. Famciclovir.~~

315 ~~3. Valacyclovir.~~

316 ~~(d) The following oral anti-glaucoma agents or their~~
317 ~~generic or therapeutic equivalents, which may not be~~
318 ~~administered or prescribed for more than 72 hours:~~

319 ~~1. Acetazolamide.~~

320 ~~2. Methazolamide.~~

321
322 ~~Any oral ocular pharmaceutical agent that is listed in the~~
323 ~~statutory formulary set forth in this subsection and that is~~
324 ~~subsequently determined by the United States Food and Drug~~
325 ~~Administration to be unsafe for administration or prescription~~

326 ~~shall be considered to have been deleted from the formulary of~~
327 ~~oral ocular pharmaceutical agents. The oral ocular~~
328 ~~pharmaceutical agents on the statutory formulary set forth in~~
329 ~~this subsection may not otherwise be deleted by the board, the~~
330 ~~department, or the State Surgeon General.~~

331 (3) ~~(4)~~ A certified optometrist shall be issued a
332 prescriber number by the board. Any prescription written by a
333 certified optometrist for an ocular pharmaceutical agent
334 pursuant to this section shall have the prescriber number
335 printed thereon. A certified optometrist may not administer or
336 prescribe any of the following:

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

342 (b) A controlled substance for the treatment of chronic
343 nonmalignant pain as defined in s. 456.44(1)(f).

344 **Section 5. Section 463.0056, Florida Statutes, is created**
345 **to read:**

346 463.0056 Ophthalmic procedures and therapies.—

347 (1)(a) An optometrist certified in ophthalmic procedures
348 may perform laser and non-laser ophthalmic procedures and
349 therapies as authorized by the board but may not perform an
350 ophthalmic procedure or therapy that requires preoperative

351 medications or drug-induced alteration of consciousness.
352 However, an optometrist certified in ophthalmic procedures may
353 use medication for minimal tranquilization of the patient and
354 local or topical anesthesia if the chances of complications
355 requiring hospitalization of the patient as a result are remote.

356 (b) To be certified to perform ophthalmic procedures, a
357 certified optometrist must first provide proof to the department
358 of successful completion of a course and subsequent examination,
359 approved by the board, on laser and non-laser ophthalmic
360 procedures and therapy. The course and examination shall be
361 developed and offered jointly by a statewide professional
362 association of physicians in this state accredited to provide
363 educational activities designated for the American Medical
364 Association Physician's Recognition Award Category 1 credit and
365 a statewide professional association of licensed practitioners
366 which provides board-approved continuing education on an annual
367 basis. The board shall review and approve the content of the
368 initial course and examination if the board determines that the
369 course and examination adequately and reliably satisfy the
370 criteria provided in this section. The board shall thereafter
371 annually review and approve the examination if the board
372 determines that the content continues to adequately and reliably
373 satisfy the criteria provided in this section. Successful
374 completion of the board-approved course and examination may be
375 used by a certified optometrist to satisfy the continuing

376 education requirements in s. 463.007(3) only for the biennial
377 period in which the board-approved course and examination are
378 taken. If a certified optometrist does not complete a board-
379 approved course and examination under this section, the
380 certified optometrist may not perform ophthalmic procedures
381 described in paragraph (a).

382 (2) The following ophthalmic procedures are excluded from
383 the scope of practice of optometry, except for the preoperative
384 and postoperative care of these procedures:

385 (a) Laser vision correction, penetrating keratoplasty, and
386 corneal or lamellar keratoplasty.

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

389 (c) Surgery of the eyelid for suspected eyelid
390 malignancies or for incisional cosmetic or mechanical repair of
391 blepharochalasis, ptosis, or tarsorrhaphy.

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

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

396 (f) Surgery requiring full thickness incision or excision
397 of the cornea or sclera other than paracentesis in an emergency
398 situation requiring immediate reduction of elevated pressure
399 inside the eye.

400 (g) Surgery requiring incision or excision by scalpel of

401 the iris and ciliary body, including, but not limited to, iris
402 diathermy or cryotherapy.

403 (h) Surgery requiring incision or excision of the vitreous
404 or retina.

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

407 (j) Surgery involving incision or excision of the
408 extraocular muscles.

409 (k) Surgery requiring full thickness conjunctivoplasty
410 with graft or flap.

411 (l) Pterygium surgery.

412 (m) Any other procedure or therapy as determined by the
413 board.

414 **Section 6. Section 463.006, Florida Statutes, is amended**
415 **to read:**

416 463.006 Licensure and certification by examination.—

417 (1) Any person desiring to be a certified optometrist
418 under licensed practitioner pursuant to this chapter must apply
419 to the department, submit to background screening in accordance
420 with s. 456.0135, and must submit proof to the department that
421 she or he meets all of the following criteria:

422 (a) Has completed the application forms as required by the
423 board, remitted an application fee for certification not to
424 exceed \$250, remitted an examination fee for certification not
425 to exceed \$250, and remitted an examination fee for licensure

not to exceed \$325, all as set by the board.

(b) Is at least 18 years of age.

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

(d) Is of good moral character.

(e) Has successfully completed at least 110 hours of transcript-quality coursework and clinical training in general and ocular pharmacology as determined by the board, at an institution that:

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

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

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

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

(2) The board shall approve a licensure examination consisting of the appropriate subjects and including applicable state laws and rules and general and ocular pharmacology with emphasis on the use and side effects of ocular pharmaceutical

agents. The board may by rule substitute a national examination as part or all of the examination and, notwithstanding chapter 456, may by rule offer a practical examination in addition to a written examination. The board shall determine the required content, grading criteria, and passing score for the licensure examination.

(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

476 completed the course and passed the examination.

477 **Section 8. Subsections (12) and (13) are added to section**
478 **463.0135, Florida Statutes, to read:**

479 463.0135 Standards of practice.—

480 (12) Certified optometrists may remove superficial foreign
481 bodies. For the purpose of this subsection, the term
482 "superficial foreign bodies" means any foreign matter that is
483 embedded in the conjunctiva or cornea that has not penetrated
484 the globe. Notwithstanding the definition of surgery in s.
485 463.002, a certified optometrist may provide any optometric care
486 within the scope of practice of optometry as defined in s.
487 463.002, including, but not limited to, removing an eyelash,
488 removal of eyelid skin tags, removal of stytes, ophthalmic
489 procedures as defined and approved by the board, probing an
490 uninflamed tear duct in a patient 18 years of age or older,
491 blocking the puncta, or superficial scraping for the purpose of
492 removing damaged epithelial tissue or superficial foreign bodies
493 or taking a culture of the surface of the cornea or conjunctiva.

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

499 **Section 9. Subsections (1), (4), and (5) of section**
500 **463.014, Florida Statutes, are amended, to read:**

501 463.014 Certain acts prohibited.—

502 (1)(a) A ~~No~~ corporation, lay body, organization, or
503 individual other than a licensed practitioner may not ~~shall~~
504 engage in the practice of optometry through the means of
505 engaging the services, upon a salary, commission, or other means
506 or inducement, of any person licensed to practice optometry in
507 this state. ~~Nothing in~~ This section does not ~~shall be deemed to~~
508 prohibit the association of a licensed practitioner with a
509 multidisciplinary group of licensed health care professionals,
510 the primary objective of which is the diagnosis and treatment of
511 the human body.

512 (b) A ~~No~~ licensed practitioner may not ~~shall~~ engage in the
513 practice of optometry with any corporation, organization, group,
514 or lay individual. This paragraph does ~~provision shall~~ not
515 prohibit licensed practitioners from employing, or from forming
516 partnerships or professional associations with, licensed
517 practitioners licensed in this state or with other licensed
518 health care professionals, the primary objective of whom is the
519 diagnosis and treatment of the human body.

520 (c) A ~~No~~ rule of the board may not ~~shall~~ forbid the
521 practice of optometry in or on the premises of a commercial or
522 mercantile establishment. Notwithstanding this paragraph, a
523 commercial or mercantile establishment or other such entity may
524 not have any control over the manner in which a licensee under
525 this chapter practices optometry. Any violation of this

paragraph will be deemed as unlicensed practice of optometry as specified in s. 463.015(1)(a). Individual owners, officers, or directors of any commercial or mercantile establishment or other such entity in violation of this section will be deemed to have committed the unlicensed practice of optometry.

(d) A ~~No~~ licensed practitioner may not practice under practice identification names, trade names, or service names, unless any dissemination of information by the practitioner to consumers contains the name under which the practitioner is licensed or that of the professional association in which the practitioner participates. Any advertisement or other dissemination of information to consumers may contain factual information as to the geographic location of licensed practitioners or of the availability of optometric services.

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

~~(4) Surgery of any kind is expressly prohibited. Certified optometrists may remove superficial foreign bodies. For the purposes of this subsection, the term "superficial foreign bodies" means any foreign matter that is embedded in the conjunctiva or cornea but that has not penetrated the globe.~~

551 ~~Notwithstanding the definition of surgery as provided in s.~~
552 ~~463.002(6), a certified optometrist is not prohibited from~~
553 ~~providing any optometric care within the practice of optometry~~
554 ~~as defined in s. 463.002(7), such as removing an eyelash by~~
555 ~~epilation, probing an uninflamed tear duct in a patient 18 years~~
556 ~~of age or older, blocking the puncta by plug, or superficial~~
557 ~~scrapping for the purpose of removing damaged epithelial tissue~~
558 ~~or superficial foreign bodies or taking a culture of the surface~~
559 ~~of the cornea or conjunctiva.~~

560 ~~(4)(5)~~ A ~~No~~ rule of the board may not ~~shall~~ prohibit a
561 licensed practitioner from authorizing a board-certified
562 optician to fill, fit, adapt, or dispense a contact lens
563 prescription as authorized under chapter 484.

564 **Section 10. Section 463.009, Florida Statutes, is amended**
565 **to read:**

566 463.009 Supportive personnel.—No person other than a
567 licensed practitioner may engage in the practice of optometry as
568 defined in s. 463.002 ~~s. 463.002(7)~~. Except as provided in this
569 section, under no circumstances shall nonlicensed supportive
570 personnel be delegated diagnosis or treatment duties; however,
571 such personnel may perform data gathering, preliminary testing,
572 prescribed visual therapy, and related duties under the direct
573 supervision of the licensed practitioner. Nonlicensed personnel,
574 who need not be employees of the licensed practitioner, may
575 perform ministerial duties, tasks, and functions assigned to

576 | them by and performed under the general supervision of a
577 | licensed practitioner, including obtaining information from
578 | consumers for the purpose of making appointments for the
579 | licensed practitioner. The licensed practitioner shall be
580 | responsible for all delegated acts performed by persons under
581 | her or his direct and general supervision.

582 | **Section 11. Section 463.0185, Florida Statutes, is created**
583 | **to read:**

584 | 463.0185 Certified optometrist titles and abbreviations.—
585 | An optometrist licensed under chapter 463 may use the following
586 | titles and abbreviations as applicable to his or her license and
587 | certification, including "optometrist," "licensed optometrist,"
588 | "Doctor of Optometry," "O.D.," "optometric physician," "board
589 | certified optometrist," "board certified optometric physician,"
590 | "American Board of Optometry (ABO) certified," "Fellow of the
591 | American Academy of Optometry," "Fellow of the College of
592 | Optometrists in Vision Development," "Residency-trained,"
593 | "Diplomate of the American Board of Optometry," or other titles
594 | or abbreviations authorized under his or her practice act.

595 | **Section 12. Section 463.0187, Florida Statutes, is created**
596 | **to read:**

597 | 463.0187 Financial responsibility.—
598 | (1) As a condition of licensure and maintaining an active
599 | license, and before to the issuance or renewal of an active
600 | license or reactivation of an inactive license for the practice

601 of optometry, an applicant must demonstrate to the satisfaction
602 of the board financial responsibility to pay claims and costs
603 ancillary thereto arising out of the rendering of, or the
604 failure to render, optometric care or services, by one of the
605 following methods:

606 (a) Establishing and maintaining an escrow account
607 consisting of cash or assets eligible for deposit in accordance
608 with s. 625.52 in the per claim amounts specified in paragraph
609 (b). The required escrow amount provided in paragraph (b) may
610 not be used for litigation costs or attorney fees for the
611 defense of any malpractice claim;

612 (b) Obtaining and maintaining professional liability
613 coverage in an amount not less than \$100,000 per claim, with a
614 minimum annual aggregate of not less than \$300,000, from an
615 authorized insurer as defined under s. 624.09, from an eligible
616 surplus lines insurer as defined under s. 626.914(2), from a
617 risk retention group as defined under s. 627.942, or through a
618 plan of self-insurance as provided in s. 627.357. The required
619 coverage amount set forth in this paragraph may not be used for
620 litigation costs or attorney fees for the defense of any
621 malpractice claim; or

622 (c) Obtaining and maintaining an unexpired, irrevocable
623 letter of credit, established pursuant to chapter 675, in an
624 amount not less than \$100,000 per claim, with a minimum
625 aggregate availability of credit of not less than \$300,000. The

letter of credit must be payable to the optometrist as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the optometrist or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, optometric care and services. The letter of credit may not be used for litigation costs or attorney fees for the defense of any malpractice claim. The letter of credit must be nonassignable and nontransferable and such letter of credit must be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States which has its principal place of business in this state or has a branch office that is authorized under the laws of this state or of the United States to receive deposits in this state.

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

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

641.31 Health maintenance contracts.—

(19) Notwithstanding any other provision of law, health maintenance policies or contracts which provide coverage, benefits, or services as described in s. 463.002 ~~s. 463.002(7)~~, shall offer to the subscriber the services of an optometrist

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651 | licensed pursuant to chapter 463.

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