

By Senator Latvala

19-670A-99

See HB

1                                   A bill to be entitled  
 2           An act relating to athletic trainers; amending  
 3           s. 468.701, F.S.; revising and removing  
 4           definitions; amending s. 468.703, F.S.;  
 5           replacing the Council of Athletic Training with  
 6           a Board of Athletic Training; providing for  
 7           appointment of board members and their  
 8           successors; providing for staggering of terms;  
 9           providing for applicability of other provisions  
 10          of law relating to activities of regulatory  
 11          boards; providing for the board's headquarters;  
 12          amending ss. 468.705, 468.707, 468.709,  
 13          468.711, 468.719, 468.721, F.S., relating to  
 14          rulemaking authority, licensure by examination,  
 15          fees, continuing education, disciplinary  
 16          actions, and certain regulatory transition;  
 17          transferring to the board certain duties of the  
 18          Department of Health relating to regulation of  
 19          athletic trainers; amending ss. 20.43, 232.435,  
 20          455.607, 455.667, F.S.; conforming  
 21          cross-references; providing for termination of  
 22          the council and the terms of council members;  
 23          authorizing consideration of former council  
 24          members for appointment to the board; providing  
 25          an effective date.

26  
 27 Be It Enacted by the Legislature of the State of Florida:

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 29           Section 1. Section 468.701, Florida Statutes, 1998  
 30 Supplement, is amended to read:

31           468.701 Definitions.--As used in this part, the term:

1           (1) "Athlete" means a person who participates in an  
2 athletic activity.

3           (2) "Athletic activity" means the participation in an  
4 activity, conducted by an educational institution, a  
5 professional athletic organization, or an amateur athletic  
6 organization, involving exercises, sports, games, or  
7 recreation requiring any of the physical attributes of  
8 strength, agility, flexibility, range of motion, speed, and  
9 stamina.

10           (3) "Athletic injury" means an injury sustained which  
11 affects the athlete's ability to participate or perform in  
12 athletic activity.

13           (4) "Athletic trainer" means a person licensed under  
14 this part.

15           (5) "Athletic training" means the recognition,  
16 prevention, and treatment of athletic injuries.

17           (6) "Board Council" means the Board Council of  
18 Athletic Training.

19           (7) "Department" means the Department of Health.

20           (8) "Direct supervision" means the physical presence  
21 of the supervisor on the premises so that the supervisor is  
22 immediately available to the trainee when needed.

23           ~~(9) "Secretary" means the Secretary of Health.~~

24           (9)~~(10)~~ "Supervision" means the easy availability of  
25 the supervisor to the athletic trainer, which includes the  
26 ability to communicate by telecommunications.

27           Section 2. Section 468.703, Florida Statutes, 1998  
28 Supplement, is amended to read:

29           468.703 Board Council of Athletic Training.--

30           (1) The Board Council of Athletic Training is created  
31 within the department and shall consist of nine ~~seven~~ members

1 ~~to be~~ appointed by the Governor and confirmed by the Senate  
2 secretary.

3 (2) ~~Five~~ Four members of the board must ~~council shall~~  
4 be licensed athletic trainers. One member of the board must  
5 ~~council shall~~ be a physician licensed under chapter 458 or  
6 chapter 459. One member of the board must ~~council shall~~ be a  
7 physician licensed under chapter 460. Two members ~~One member~~  
8 of the board shall be consumer members, each of whom must  
9 ~~council shall~~ be a resident of this state who has never worked  
10 as an athletic trainer, who has no financial interest in the  
11 practice of athletic training, and who has never been a  
12 licensed health care practitioner as defined in s. 455.501(4).  
13 ~~Members of the council shall serve staggered 4-year terms as~~  
14 ~~determined by rule of the department; however, no member may~~  
15 ~~serve more than two consecutive terms.~~

16 (3) For the purpose of staggering terms, the Governor  
17 shall appoint the initial members of the board as follows:

18 (a) Two members for terms of 2 years each.

19 (b) Two members for terms of 3 years each.

20 (c) Three members for terms of 4 years each.

21 (4) As the terms of the members expire, the Governor  
22 shall appoint successors for terms of 4 years and such members  
23 shall serve until their successors are appointed.

24 (5) All provisions of part II of chapter 455 relating  
25 to activities of the board shall apply.

26 (6) The board shall maintain its official headquarters  
27 in Tallahassee.

28 ~~(3) The council shall advise and assist the department~~  
29 ~~in:~~

30 ~~(a) Developing rules relating to licensure~~  
31 ~~requirements, the licensure examination, continuing education~~

1 ~~requirements, fees, records and reports to be filed by~~  
2 ~~licensees, and any other requirements necessary to regulate~~  
3 ~~the practice of athletic training.~~

4 ~~(b) Monitoring the practice of athletic training in~~  
5 ~~other jurisdictions.~~

6 ~~(c) Educating the public about the role of athletic~~  
7 ~~trainers.~~

8 ~~(d) Collecting and reviewing data regarding the~~  
9 ~~licensed practice of athletic training.~~

10 ~~(e) Addressing concerns and problems of athletic~~  
11 ~~trainers in order to promote improved safety in the practice~~  
12 ~~of athletic training.~~

13 ~~(4) Members of the council shall be entitled to~~  
14 ~~compensation and reimbursement for expenses in the same manner~~  
15 ~~as board members are compensated and reimbursed under s.~~  
16 ~~455.534.~~

17 Section 3. Section 468.705, Florida Statutes, 1998  
18 Supplement, is amended to read:

19 468.705 Rulemaking authority.--The board ~~department~~ is  
20 authorized to adopt rules pursuant to ss. 120.536(1) and  
21 120.54 to implement provisions of this part conferring duties  
22 upon it. Such rules shall include, but not be limited to, the  
23 allowable scope of practice regarding the use of equipment,  
24 procedures, and medication and requirements for a written  
25 protocol between the athletic trainer and a supervising  
26 physician.

27 Section 4. Section 468.707, Florida Statutes, 1998  
28 Supplement, is amended to read:

29 468.707 Licensure by examination; requirements.--  
30  
31

1           (1) Any person desiring to be licensed as an athletic  
2 trainer shall apply to the department on a form approved by  
3 the department.

4           (a) The department shall license each applicant who:

5           1. Has completed the application form and remitted the  
6 required fees.

7           2. Is at least 21 years of age.

8           3. Has obtained a baccalaureate degree from a college  
9 or university accredited by an accrediting agency recognized  
10 and approved by the United States Department of Education or  
11 the Commission on Recognition of Postsecondary Accreditation,  
12 or approved by the board ~~department~~.

13           4. Has completed coursework from a college or  
14 university accredited by an accrediting agency recognized and  
15 approved by the United States Department of Education or the  
16 Commission on Recognition of Postsecondary Accreditation, or  
17 approved by the board ~~department~~, in each of the following  
18 areas, as provided by rule: health, human anatomy,  
19 kinesiology/biomechanics, human physiology, physiology of  
20 exercise, basic athletic training, and advanced athletic  
21 training.

22           5. Has current certification in standard first aid and  
23 cardiovascular pulmonary resuscitation from the American Red  
24 Cross or an equivalent certification as determined by the  
25 board ~~department~~.

26           6. Has, within 2 of the preceding 5 years, attained a  
27 minimum of 800 hours of athletic training experience under the  
28 direct supervision of a licensed athletic trainer or an  
29 athletic trainer certified by the National Athletic Trainers'  
30 Association or a comparable national athletic standards  
31 organization.

1           7. Has passed an examination administered or approved  
2 by the board ~~department~~.

3           (b) The department shall also license each applicant  
4 who:

5           1. Has completed the application form and remitted the  
6 required fees no later than October 1, 1996.

7           2. Is at least 21 years of age.

8           3. Has current certification in standard first aid and  
9 cardiovascular pulmonary resuscitation from the American Red  
10 Cross or an equivalent certification as determined by the  
11 board ~~department~~.

12           4.a. Has practiced athletic training for at least 3 of  
13 the 5 years preceding application; or

14           b. Is currently certified by the National Athletic  
15 Trainers' Association or a comparable national athletic  
16 standards organization.

17           (2) Pursuant to the requirements of s. 455.607  
18 ~~455.604~~, each applicant shall complete a continuing education  
19 course on human immunodeficiency virus and acquired immune  
20 deficiency syndrome as part of initial licensure.

21           Section 5. Section 468.709, Florida Statutes, is  
22 amended to read:

23           468.709 Fees.--

24           (1) The board ~~department~~ shall, by rule, establish  
25 fees for the following purposes:

26           (a) An application fee, not to exceed \$100.

27           (b) An examination fee, not to exceed \$200.

28           (c) An initial licensure fee, not to exceed \$200.

29           (d) A biennial renewal fee, not to exceed \$200.

30           (e) An inactive fee, not to exceed \$100.

31           (f) A delinquent fee, not to exceed \$100.

1 (g) A reactivation fee, not to exceed \$100.

2 (h) A voluntary inactive fee, not to exceed \$100.

3 (2) The board ~~department~~ shall establish fees at a  
4 level, not to exceed the statutory fee cap, that is adequate  
5 to ensure the continued operation of the regulatory program  
6 under this part. The board ~~department~~ shall neither set nor  
7 maintain the fees at a level that will substantially exceed  
8 this need.

9 Section 6. Subsections (2) and (3) of section 468.711,  
10 Florida Statutes, 1998 Supplement, are amended to read:

11 468.711 Renewal of license; continuing education.--

12 (2) The board ~~department~~ may, by rule, prescribe  
13 continuing education requirements, not to exceed 24 hours  
14 biennially. The criteria for continuing education shall be  
15 approved by the board ~~department~~ and shall include 4 hours in  
16 standard first aid and cardiovascular pulmonary resuscitation  
17 from the American Red Cross or equivalent training as  
18 determined by board ~~department~~.

19 (3) Pursuant to the requirements of s. 455.607  
20 ~~455.604~~, each licensee shall complete a continuing education  
21 course on human immunodeficiency virus and acquired immune  
22 deficiency syndrome as part of biennial relicensure.

23 Section 7. Subsection (2) of section 468.719, Florida  
24 Statutes, 1998 Supplement, is amended to read:

25 468.719 Disciplinary actions.--

26 (2) When the board ~~department~~ finds any person guilty  
27 of any of the acts set forth in subsection (1), the board  
28 ~~department~~ may enter an order imposing one or more of the  
29 penalties provided in s. 455.624.

30 Section 8. Section 468.721, Florida Statutes, is  
31 amended to read:

1           468.721 Saving clause.--

2           ~~(1) An athletic trainer registration which is valid on~~  
3 ~~October 1, 1995, shall become for all purposes an athletic~~  
4 ~~trainer license as required by this part, subject to any~~  
5 ~~disciplinary or administrative action pending on October 1,~~  
6 ~~1995, and shall be subject to all the same terms and~~  
7 ~~conditions as athletic trainer licenses issued after October~~  
8 ~~1, 1995. The department shall retain jurisdiction to impose~~  
9 ~~discipline for any violation of this part which occurred prior~~  
10 ~~to October 1, 1995, but is discovered after October 1, 1995,~~  
11 ~~under the terms of this part prior to October 1, 1995.~~

12           ~~(2) No judicial or administrative proceeding pending~~  
13 ~~on July 1, 1995, shall be abated as a result of enactment of~~  
14 ~~any provision of this act.~~

15           ~~(3) Rules adopted by the department relating to the~~  
16 ~~regulation registration of athletic trainers under this part~~  
17 ~~prior to October 1, 1999, shall remain in effect until the~~  
18 ~~board department adopts rules relating to the regulation~~  
19 ~~licensure of athletic trainers under this part which supersede~~  
20 ~~such earlier rules.~~

21           Section 9. Paragraph (g) of subsection (3) of section  
22 20.43, Florida Statutes, 1998 Supplement, is amended to read:

23           20.43 Department of Health.--There is created a  
24 Department of Health.

25           (3) The following divisions of the Department of  
26 Health are established:

27           (g) Division of Medical Quality Assurance, which is  
28 responsible for the following boards and professions  
29 established within the division:

30           1. Nursing assistants, as provided under s. 400.211.

31



- 1           2. Health care services pools, as provided under s.
- 2 402.48.
- 3           3. The Board of Acupuncture, created under chapter
- 4 457.
- 5           4. The Board of Medicine, created under chapter 458.
- 6           5. The Board of Osteopathic Medicine, created under
- 7 chapter 459.
- 8           6. The Board of Chiropractic Medicine, created under
- 9 chapter 460.
- 10          7. The Board of Podiatric Medicine, created under
- 11 chapter 461.
- 12          8. Naturopathy, as provided under chapter 462.
- 13          9. The Board of Optometry, created under chapter 463.
- 14          10. The Board of Nursing, created under chapter 464.
- 15          11. The Board of Pharmacy, created under chapter 465.
- 16          12. The Board of Dentistry, created under chapter 466.
- 17          13. Midwifery, as provided under chapter 467.
- 18          14. The Board of Speech-Language Pathology and
- 19 Audiology, created under part I of chapter 468.
- 20          15. The Board of Nursing Home Administrators, created
- 21 under part II of chapter 468.
- 22          16. The Board of Occupational Therapy, created under
- 23 part III of chapter 468.
- 24          17. Respiratory therapy, as provided under part V of
- 25 chapter 468.
- 26          18. Dietetics and nutrition practice, as provided
- 27 under part X of chapter 468.
- 28          19. The Board of Athletic Training ~~trainers~~, created
- 29 ~~as provided~~ under part XIII of chapter 468.
- 30          20. The Board of Orthotists and Prosthetists, created
- 31 under part XIV of chapter 468.

- 1           21. Electrolysis, as provided under chapter 478.  
2           22. The Board of Massage Therapy, created under  
3 chapter 480.  
4           23. The Board of Clinical Laboratory Personnel,  
5 created under part III of chapter 483.  
6           24. Medical physicists, as provided under part IV of  
7 chapter 483.  
8           25. The Board of Opticianry, created under part I of  
9 chapter 484.  
10          26. The Board of Hearing Aid Specialists, created  
11 under part II of chapter 484.  
12          27. The Board of Physical Therapy Practice, created  
13 under chapter 486.  
14          28. The Board of Psychology, created under chapter  
15 490.  
16          29. School psychologists, as provided under chapter  
17 490.  
18          30. The Board of Clinical Social Work, Marriage and  
19 Family Therapy, and Mental Health Counseling, created under  
20 chapter 491.  
21  
22 The department may contract with the Agency for Health Care  
23 Administration who shall provide consumer complaint,  
24 investigative, and prosecutorial services required by the  
25 Division of Medical Quality Assurance, councils, or boards, as  
26 appropriate.  
27          Section 10. Paragraph (b) of subsection (3) of section  
28 232.435, Florida Statutes, is amended to read:  
29          232.435 Extracurricular athletic activities; athletic  
30 trainers.--  
31          (3)

1 (b) If a school district uses the services of an  
2 athletic trainer who is not a teacher athletic trainer or a  
3 teacher apprentice trainer within the requirements of this  
4 section, such athletic trainer must be licensed as required by  
5 part XIII ~~XIV~~ of chapter 468.

6 Section 11. Subsection (1) of section 455.607, Florida  
7 Statutes, is amended to read:

8 455.607 Athletic trainers and massage therapists;  
9 requirement for instruction on human immunodeficiency virus  
10 and acquired immune deficiency syndrome.--

11 (1) The board, or the department where there is no  
12 board, shall require each person licensed or certified under  
13 part XIII ~~XIV~~ of chapter 468 or chapter 480 to complete a  
14 continuing educational course approved by the board, or the  
15 department where there is no board, on human immunodeficiency  
16 virus and acquired immune deficiency syndrome as part of  
17 biennial relicensure or recertification. The course shall  
18 consist of education on modes of transmission, infection  
19 control procedures, clinical management, and prevention of  
20 human immunodeficiency virus and acquired immune deficiency  
21 syndrome, with an emphasis on appropriate behavior and  
22 attitude change.

23 Section 12. Paragraph (f) of subsection (2) of section  
24 455.667, Florida Statutes, 1998 Supplement, is amended to  
25 read:

26 455.667 Ownership and control of patient records;  
27 report or copies of records to be furnished.--

28 (2) As used in this section, the terms "records  
29 owner," "health care practitioner," and "health care  
30 practitioner's employer" do not include any of the following  
31 persons or entities; furthermore, the following persons or

1 entities are not authorized to acquire or own medical records,  
2 but are authorized under the confidentiality and disclosure  
3 requirements of this section to maintain those documents  
4 required by the part or chapter under which they are licensed  
5 or regulated:

6 (f) Athletic trainers licensed under part XIII ~~XIV~~ of  
7 chapter 468.

8 Section 13. The Council of Athletic Training and the  
9 terms of all council members are terminated on October 1,  
10 1999. However, such termination in no way precludes the  
11 Governor from considering any former council member for  
12 appointment to the Board of Athletic Training created by this  
13 act.

14 Section 14. This act shall take effect October 1,  
15 1999.

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18 LEGISLATIVE SUMMARY

19  
20 Revises pt. XIII, ch. 468, F.S., relating to athletic  
21 trainers, to replace the Council of Athletic Training  
22 with a Board of Athletic Training. Provides for  
23 appointment of board members and their successors, for  
24 staggering of terms, for applicability of other  
25 provisions of law relating to activities of regulatory  
26 boards, and for the board's headquarters. Revises and  
27 removes definitions, to conform. Revises provisions  
28 relating to rulemaking authority, licensure by  
29 examination, fees, continuing education, disciplinary  
30 actions, and the transition from registration to  
31 licensure, to transfer to the board certain duties of the  
Department of Health relating thereto. Provides for  
termination of the council and the terms of council  
members. Authorizes consideration of former council  
members for appointment to the board. (See bill for  
details.)