

1 468.701 Definitions.--As used in this part, the term:

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

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

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

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

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

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

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

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

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

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

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

30 468.703 Board Council of Athletic Training.--

31

1 (1) The Board ~~Council~~ of Athletic Training is created
2 within the department and shall consist of nine ~~seven~~ members
3 ~~to be~~ appointed by the Governor and confirmed by the Senate
4 ~~secretary.~~

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

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

20 (a) Three members for terms of 2 years each.

21 (b) Three members for terms of 3 years each.

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

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

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

28 (6) The board shall maintain its official headquarters
29 in Tallahassee.

30 ~~(3) The council shall advise and assist the department~~
31 ~~in+~~

1 ~~(a) Developing rules relating to licensure~~
2 ~~requirements, the licensure examination, continuing education~~
3 ~~requirements, fees, records and reports to be filed by~~
4 ~~licensees, and any other requirements necessary to regulate~~
5 ~~the practice of athletic training.~~

6 ~~(b) Monitoring the practice of athletic training in~~
7 ~~other jurisdictions.~~

8 ~~(c) Educating the public about the role of athletic~~
9 ~~trainers.~~

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

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

15 ~~(4) Members of the council shall be entitled to~~
16 ~~compensation and reimbursement for expenses in the same manner~~
17 ~~as board members are compensated and reimbursed under s.~~
18 ~~455.534.~~

19 Section 3. Section 468.705, Florida Statutes, 1998
20 Supplement, is amended to read:

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

29 Section 4. Section 468.707, Florida Statutes, 1998
30 Supplement, is amended to read:

31 468.707 Licensure by examination; requirements.--

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 HOUSE 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.