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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, and 468.721, F.S., relating
14 to rulemaking authority, licensure by
15 examination, fees, continuing education,
16 disciplinary actions, and certain regulatory
17 transition; transferring to the board certain
18 duties of the Department of Health relating to
19 regulation of athletic trainers; amending ss.
20 20.43, 232.435, 455.607, and 455.667, F.S.;
21 correcting cross references, to conform;
22 providing for termination of the council and
23 the terms of council members; authorizing
24 consideration of former council members for
25 appointment to the board; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

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

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.--

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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. The provisions of s. 455.534(5) shall apply to the
25 board's activity.Such rules shall include, but not be limited
26 to, the allowable scope of practice regarding the use of
27 equipment, procedures, and medication and requirements for a
28 written protocol between the athletic trainer and a
29 supervising physician, licensure requirements, licensure
30 examination, continuing education requirements, fees, records
31 and reports to be filed by licensees, protocols, and any other

1 requirements necessary to regulate the practice of athletic
2 training.

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

5 468.707 Licensure by examination; requirements.--

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

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

10 1. Has completed the application form and remitted the
11 required fees.

12 2. Is at least 21 years of age.

13 3. Has obtained a baccalaureate degree from a college
14 or university accredited by an accrediting agency recognized
15 and approved by the United States Department of Education or
16 the Commission on Recognition of Postsecondary Accreditation,
17 or approved by the board ~~department~~.

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

27 5. Has current certification in standard first aid and
28 cardiovascular pulmonary resuscitation from the American Red
29 Cross or an equivalent certification as determined by the
30 board ~~department~~.

31

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

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

9 (b) The department shall also license each applicant
10 who:

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

13 2. Is at least 21 years of age.

14 3. Has current certification in standard first aid and
15 cardiovascular pulmonary resuscitation from the American Red
16 Cross or an equivalent certification as determined by the
17 board ~~department~~.

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

20 b. Is currently certified by the National Athletic
21 Trainers' Association or a comparable national athletic
22 standards organization.

23 (2) Pursuant to the requirements of s. 455.607
24 ~~455.604~~, each applicant shall complete a continuing education
25 course on human immunodeficiency virus and acquired immune
26 deficiency syndrome as part of initial licensure.

27 Section 5. Section 468.709, Florida Statutes, is
28 amended to read:

29 468.709 Fees.--

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

- 1 (a) An application fee, not to exceed \$100.
2 (b) An examination fee, not to exceed \$200.
3 (c) An initial licensure fee, not to exceed \$200.
4 (d) A biennial renewal fee, not to exceed \$200.
5 (e) An inactive fee, not to exceed \$100.
6 (f) A delinquent fee, not to exceed \$100.
7 (g) A reactivation fee, not to exceed \$100.
8 (h) A voluntary inactive fee, not to exceed \$100.

9 (2) The board ~~department~~ shall establish fees at a
10 level, not to exceed the statutory fee cap, that is adequate
11 to ensure the continued operation of the regulatory program
12 under this part. The board ~~department~~ shall neither set nor
13 maintain the fees at a level that will substantially exceed
14 this need.

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

17 468.711 Renewal of license; continuing education.--

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

25 (3) Pursuant to the requirements of s. 455.607
26 ~~455.604~~, each licensee shall complete a continuing education
27 course on human immunodeficiency virus and acquired immune
28 deficiency syndrome as part of biennial relicensure.

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

31 468.719 Disciplinary actions.--

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

5 Section 8. Section 468.721, Florida Statutes, is
6 amended to read:

7 468.721 Saving clause.--

8 ~~(1) An athletic trainer registration which is valid on~~
9 ~~October 1, 1995, shall become for all purposes an athletic~~
10 ~~trainer license as required by this part, subject to any~~
11 ~~disciplinary or administrative action pending on October 1,~~
12 ~~1995, and shall be subject to all the same terms and~~
13 ~~conditions as athletic trainer licenses issued after October~~
14 ~~1, 1995. The department shall retain jurisdiction to impose~~
15 ~~discipline for any violation of this part which occurred prior~~
16 ~~to October 1, 1995, but is discovered after October 1, 1995,~~
17 ~~under the terms of this part prior to October 1, 1995.~~

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

21 ~~(3)~~ Rules adopted by the department relating to the
22 regulation registration of athletic trainers under this part
23 prior to October 1, 1999, shall remain in effect until the
24 board ~~department~~ adopts rules relating to the regulation
25 ~~licensure~~ of athletic trainers under this part which supersede
26 such earlier rules.

27 Section 9. Paragraph (g) of subsection (3) of section
28 20.43, Florida Statutes, 1998 Supplement, is amended to read:

29 20.43 Department of Health.--There is created a
30 Department of Health.

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1 (3) The following divisions of the Department of
2 Health are established:

3 (g) Division of Medical Quality Assurance, which is
4 responsible for the following boards and professions
5 established within the division:

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

7 2. Health care services pools, as provided under s.
8 402.48.

9 3. The Board of Acupuncture, created under chapter
10 457.

11 4. The Board of Medicine, created under chapter 458.

12 5. The Board of Osteopathic Medicine, created under
13 chapter 459.

14 6. The Board of Chiropractic Medicine, created under
15 chapter 460.

16 7. The Board of Podiatric Medicine, created under
17 chapter 461.

18 8. Naturopathy, as provided under chapter 462.

19 9. The Board of Optometry, created under chapter 463.

20 10. The Board of Nursing, created under chapter 464.

21 11. The Board of Pharmacy, created under chapter 465.

22 12. The Board of Dentistry, created under chapter 466.

23 13. Midwifery, as provided under chapter 467.

24 14. The Board of Speech-Language Pathology and
25 Audiology, created under part I of chapter 468.

26 15. The Board of Nursing Home Administrators, created
27 under part II of chapter 468.

28 16. The Board of Occupational Therapy, created under
29 part III of chapter 468.

30 17. Respiratory therapy, as provided under part V of
31 chapter 468.

- 1 18. Dietetics and nutrition practice, as provided
2 under part X of chapter 468.
- 3 19. The Board of Athletic Training ~~trainers~~, created
4 ~~as provided~~ under part XIII of chapter 468.
- 5 20. The Board of Orthotists and Prosthetists, created
6 under part XIV of chapter 468.
- 7 21. Electrolysis, as provided under chapter 478.
- 8 22. The Board of Massage Therapy, created under
9 chapter 480.
- 10 23. The Board of Clinical Laboratory Personnel,
11 created under part III of chapter 483.
- 12 24. Medical physicists, as provided under part IV of
13 chapter 483.
- 14 25. The Board of Opticianry, created under part I of
15 chapter 484.
- 16 26. The Board of Hearing Aid Specialists, created
17 under part II of chapter 484.
- 18 27. The Board of Physical Therapy Practice, created
19 under chapter 486.
- 20 28. The Board of Psychology, created under chapter
21 490.
- 22 29. School psychologists, as provided under chapter
23 490.
- 24 30. The Board of Clinical Social Work, Marriage and
25 Family Therapy, and Mental Health Counseling, created under
26 chapter 491.
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- 28 The department may contract with the Agency for Health Care
29 Administration who shall provide consumer complaint,
30 investigative, and prosecutorial services required by the
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1 Division of Medical Quality Assurance, councils, or boards, as
2 appropriate.

3 Section 10. Paragraph (b) of subsection (3) of section
4 232.435, Florida Statutes, is amended to read:

5 232.435 Extracurricular athletic activities; athletic
6 trainers.--

7 (3)

8 (b) If a school district uses the services of an
9 athletic trainer who is not a teacher athletic trainer or a
10 teacher apprentice trainer within the requirements of this
11 section, such athletic trainer must be licensed as required by
12 part XIII ~~XIV~~ of chapter 468.

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

15 455.607 Athletic trainers and massage therapists;
16 requirement for instruction on human immunodeficiency virus
17 and acquired immune deficiency syndrome.--

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

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

4 455.667 Ownership and control of patient records;
5 report or copies of records to be furnished.--

6 (2) As used in this section, the terms "records
7 owner," "health care practitioner," and "health care
8 practitioner's employer" do not include any of the following
9 persons or entities; furthermore, the following persons or
10 entities are not authorized to acquire or own medical records,
11 but are authorized under the confidentiality and disclosure
12 requirements of this section to maintain those documents
13 required by the part or chapter under which they are licensed
14 or regulated:

15 (f) Athletic trainers licensed under part XIII ~~XIV~~ of
16 chapter 468.

17 Section 13. The Council of Athletic Training and the
18 terms of all council members are terminated on October 1,
19 1999. However, such termination in no way precludes the
20 Governor from considering any former council member for
21 appointment to the Board of Athletic Training created by this
22 act.

23 Section 14. This act shall take effect October 1,
24 1999.

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