

FL AT Act
As amended 5/30/06 by Chapter 2006-39 (SB 366)
(Amendments not noted; see SB 366 file for changes)

PART XIII

ATHLETIC TRAINERS

468.70 Legislative intent.--It is the intent of the Legislature that athletes be assisted by persons adequately trained to recognize, prevent, and treat physical injuries sustained during athletic activities. Therefore, it is the further intent of the Legislature to protect the public by licensing and fully regulating athletic trainers.

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

- (1) "Athlete" means a person who participates in an athletic activity.
- (2) "Athletic activity" means the participation in an activity, conducted by an educational institution, a professional athletic organization, or an amateur athletic organization, involving exercises, sports, games, or recreation requiring any of the physical attributes of strength, agility, flexibility, range of motion, speed, and stamina.
- (3) "Athletic injury" means an injury sustained which affects the athlete's ability to participate or perform in athletic activity.
- (4) "Athletic trainer" means a person licensed under this part.
- (5) "Athletic training" means the recognition, prevention, and treatment of athletic injuries.
- (6) "Board" means the Board of Athletic Training.
- (7) "Department" means the Department of Health.
- (8) "Direct supervision" means the physical presence of the supervisor on the premises so that the supervisor is immediately available to the trainee when needed.
- (9) "Supervision" means the easy availability of the supervisor to the athletic trainer, which includes the ability to communicate by telecommunications.

468.703 Board of Athletic Training.--

- (1) The Board of Athletic Training is created within the department and shall consist of nine members appointed by the Governor and confirmed by the Senate.
- (2) Five members of the board must be licensed athletic trainers. One member of the board must be a physician licensed under chapter 458 or chapter 459. One member of the board must be a physician licensed under chapter 460. Two members of the board shall be consumer members, each of whom must be a resident of this state who has never worked as an athletic trainer, who has no financial interest in the practice of athletic training, and who has never been a licensed health care practitioner as defined in s. 456.001(4).
- (3) For the purpose of staggering terms, the Governor shall appoint the initial members of the board as follows:

- (a) Three members for terms of 2 years each.
- (b) Three members for terms of 3 years each.
- (c) Three members for terms of 4 years each.

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

(5) All provisions of chapter 456 relating to activities of the board shall apply.

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

468.705 Rulemaking authority.--The board is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of this part conferring duties upon it. The provisions of s. 456.011(5) shall apply to the board's activity. Such rules shall include, but not be limited to, the allowable scope of practice regarding the use of equipment, procedures, and medication, requirements for a written protocol between the athletic trainer and a supervising physician, licensure requirements, licensure examination, continuing education requirements, fees, records, and reports to be filed by licensees, protocols, and any other requirements necessary to regulate the practice of athletic training.

468.707 Licensure by examination; requirements.--

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

The department shall license each applicant who:

- (a). Has completed the application form and remitted the required fees.
- (b). Is at least 21 years of age.
- (c). Has obtained a baccalaureate degree from a college or university accredited by an accrediting agency recognized and approved by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation, or approved by the board.
- (d) Has completed an approved athletic training curriculum from a college or university accredited by an accrediting agency recognized and approved by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation, or approved by the board.
- (e). Has current certification in cardiovascular pulmonary resuscitation from the American Red Cross, the American Heart Association, or an equivalent certification as determined by the board.
- (f) Has passed an examination administered or approved by the board.**

(2) Pursuant to the requirements of s. 456.034, each applicant shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of initial licensure.

468.709 Fees.--

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

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

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

468.711 Renewal of license; continuing education.--

(1) The department shall renew a license upon receipt of the renewal application and fee, provided the applicant is in compliance with the provisions of this section, chapter 456, and rules promulgated pursuant thereto.

(2) The board may, by rule, prescribe continuing education requirements, not to exceed 24 hours biennially. The criteria for continuing education shall be approved by the board and shall include a current certificate in cardiovascular pulmonary resuscitation from the American Red Cross or equivalent training as determined by the board.

(3) Pursuant to the requirements of s. 456.034, each licensee shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure.

468.713 Responsibilities of athletic trainers.--An athletic trainer shall practice within a written protocol established between the athletic trainer and a supervising physician licensed under chapter 458, chapter 459, chapter 460, or otherwise authorized by Florida law to practice medicine or, at an athletic event, pursuant to direction from a physician licensed under chapter 458, chapter 459, chapter 460, or otherwise authorized by Florida law to practice medicine. A written protocol shall require that the athletic trainer notify the supervising physician of new injuries as soon as practicable.

468.715 Sexual misconduct.--The athletic trainer-athlete relationship is founded on mutual trust. Sexual misconduct in the practice of athletic training means violation of the athletic trainer-athlete relationship through which the athletic trainer uses such relationship to induce or attempt to induce the athlete to engage, or to engage or attempt to engage the athlete, in sexual activity outside the scope of the practice or the scope of generally accepted examination or treatment of the athlete. Sexual misconduct in the practice of athletic training is prohibited.

468.717 Violations and penalties.--Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

- (1) Practicing athletic training for compensation without holding an active license under this part.
- (2) Using or attempting to use an athletic trainer license that has been suspended or revoked.
- (3) Knowingly employing unlicensed persons in the practice of athletic training.
- (4) Obtaining or attempting to obtain an athletic trainer license by misleading statements or knowing misrepresentation.
- (5) Using the title "athletic trainer" without being licensed under this part.

468.719 Disciplinary actions.--

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

- (a) Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training. Advertising shall not include clothing or other novelty items.
- (b) Committing incompetency or misconduct in the practice of athletic training.
- (c) Committing fraud or deceit in the practice of athletic training.
- (d) Committing negligence, gross negligence, or repeated negligence in the practice of athletic training.
- (e) While practicing athletic training, being unable to practice athletic training with reasonable skill and safety to athletes by reason of illness or use of alcohol or drugs or as a result of any mental or physical condition.
- (f) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

468.723 Exemptions.--This part does not prevent or restrict:

- (1) The professional practice of a licensee of the department who is acting within the scope of such practice.
- (2) An athletic training student acting under the direct supervision of a licensed athletic trainer.
- (3) A person from administering standard first aid treatment to an athlete.
- (4) A person licensed under chapter 548, provided such person is acting within the scope of such license.
- (5) A person providing personal training instruction for exercise, aerobics, or weightlifting, if the person does not represent himself or herself as able to provide "athletic trainer" services and if any recognition or treatment of injuries is limited to the provision of first aid.

Section 1012.46 Athletic Trainers --

(1) School districts may establish and implement an athletic injuries prevention and treatment program. Central to this program should be the employment and availability of persons trained in the prevention and treatment of physical injuries that may occur during athletic activities. The program should reflect opportunities for progressive advancement and compensation in employment as provided in subsection (2) and meet certain other minimum standards developed by the Department of Education. The goal of the Legislature is to have school districts employ and have available a full-time athletic trainer in each high school in the state.

(2) To qualify as an athletic trainer, a person must be licensed as required by part XIII of chapter 468 and may possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 1012.35, s. 112.56 or s. 1012.57.