A bill to be entitled
An act relating to personal trainers; creating part
XVII of ch. 468, F.S.; creating s. 468.851, F.S.;
defining terms; creating s. 468.8511, F.S.; creating
the Board of Personal Training; providing membership
and terms of the board; providing the location of the
headquarters of the board; creating s. 468.8512, F.S.;
providing for the powers and duties of the board;
creating s. 468.8513, F.S.; creating the Florida
Fitness Instructors and Trainers Management
Corporation; providing the purpose of the management
corporation; authorizing the management corporation to
hire staff; providing that the waiver of sovereign
immunity for tort actions applies to the management
corporation; providing that the management corporation
is not an agency; providing the duties of the
management corporation; creating s. 468.8514, F.S.;
providing for the duties of the Department of Health;
creating s. 468.8515, F.S.; requiring the board to
adopt rules to administer the act; creating s.
468.8516, F.S.; providing requirements for licensure
by examination for personal trainers; creating s.
468.8517, F.S.; requiring that the department renew a
license under specified circumstances; requiring that
the management corporation prescribe the requirements
for continuing education; requiring that the
continuing education meet certain criteria; creating
s. 468.8518, F.S.; providing for licensure fees;
creating s. 468.8519, F.S.; prohibiting sexual
misconduct in the practice of personal training; creating s. 468.852, F.S.; providing penalties for violation of the act; specifying acts that constitute a violation; creating s. 468.8521, F.S.; providing criteria for disciplinary actions; creating s. 468.8522, F.S.; providing for exemptions; providing an effective date.

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

Section 1. Part XVII of chapter 468, Florida Statutes, consisting of sections 468.851-468.8522, is created and entitled “Personal Trainers.”

Section 2. Section 468.851, Florida Statutes, is created to read:

468.851 Definitions.—As used in this part, the term:
(1) “Board” means the Board of Personal Training established under s. 468.8511.
(2) “Client” means a person who hires a personal trainer.
(3) “Department” means the Department of Health.
(4) “Management corporation” means the Florida Fitness Instructors and Trainers Management Corporation.
(5) “Personal trainer” means a person who evaluates a client’s health and physical fitness; develops a personal exercise plan or program, or core-induced activity, for a client; or demonstrates, with or without equipment, exercises designed to improve cardiovascular condition, muscular strength, or flexibility or to assist a client in weight loss.

Section 3. Section 468.8511, Florida Statutes, is created
to read:

468.8511 Board of Personal Training.—

(1) The Board of Personal 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 personal trainers who are certified by the Aerobics and Fitness Association of America, the National Academy of Sports Medicine, the American Council on Exercise, or their successor organizations. 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 must be consumer members, each of whom is a resident of this state who has never worked as a personal trainer, who has no financial interest in the practice of personal training, and who has never been a licensed health care practitioner as defined in s. 456.001.

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

(a) One consumer, one personal trainer, and one physician, to 2-year terms.

(b) One consumer, one personal trainer, and one physician, to 3-year terms.

(c) Three personal trainers to 4-year terms.

(4) As the terms of the members expire, the Governor shall appoint successors to 4-year terms.

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

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

Section 4. Section 468.8512, Florida Statutes, is created to read:

468.8512 Powers and duties of the board.—The board shall:
(1) Establish education and training standards for initial licensure and renewal of licenses.
(2) Approve educational programs for initial licensure.
(3) Establish a code of ethics and standards of practice and care for personal trainers.

Section 5. Section 468.8513, Florida Statutes, is created to read:

468.8513 The Florida Fitness Instructors and Trainers Management Corporation.—The Florida Fitness Instructors and Trainers Management Corporation is created as a not-for-profit corporation to provide administrative and professional services to the board in accordance with chapter 456 and this part. An additional not-for-profit corporation may not be created to provide these services to the board.

(1) The management corporation may hire staff as necessary to carry out its functions. Such staff members are not public employees for the purposes of chapter 110 or chapter 112.

(2) Section 768.28 applies to the management corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state but is not an agency as defined in s. 20.03. Section 768.28 also applies to the management corporation’s officers, directors, and employees.

(3) The management corporation shall:
(a) Be a Florida corporation, not for profit, incorporated under chapter 617.
(b) Provide administrative and professional services to the board in accordance with chapter 456 and this part.

(c) Administer and certify continuing education credits, and establish and collect fees for administering and certifying such credits.

(d) Establish procedures for the issuance of credit upon satisfactory proof of completion of educational programs.

(e) Foster the integrity, ethics, and professionalism of personal trainers for the state.

(f) Protect the public through the safe, proper, and prudent provision of personal training services.

(g) Regulate continuing education courses for personal trainers, and establish fees for such regulation.

(h) Perform all other functions necessary to effectuate this subsection.

(4) The management corporation may:

(a) In the event of a capital surplus, expend sums related to furthering the advancement of personal training.

(b) Perform any other function not prohibited by law.
Section 7. Section 468.8515, Florida Statutes, is created to read:

468.8515 Rulemaking authority.—The board shall adopt rules to administer this part. The rules must include, but need not be limited to, the allowable scope of practice regarding the use of equipment, licensure requirements, licensure examinations, fees, records, reports to be filed by licensees, protocols, and other requirements necessary to regulate the practice of personal training.

Section 8. Section 468.8516, Florida Statutes, is created to read:

468.8516 Licensure by examination; requirements.—A person who is engaged in personal training must be licensed in this state. Application for a license must be filed with the department on a form approved by the department. The department shall license an applicant who meets all of the following requirements:

(1) Has completed the application and remitted the required fees.

(2) Is at least 18 years of age.

(3) Has a high school diploma or its equivalent.

(4) Has obtained the required certification from a program that is accredited by the National Commission for Certifying Agencies or the Distance Education and Training Council and that is recognized and approved by the board.

(5) Has a current certification in cardiovascular pulmonary resuscitation with an automated external defibrillator from the American Red Cross or the American Heart Association, or an
equivalent certification as determined by the management corporation.

(6) Has passed the licensure examination administered by the board.

(7) Is in good standing with the board and the management corporation.

Section 9. Section 468.8517, Florida Statutes, is created to read:

468.8517 Renewal of license; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and fee if the applicant is in compliance with this part and department rules.

(2) The management corporation shall prescribe by rule the requirements for continuing education, which may not exceed 24 hours of credit every 2 years. The criteria for continuing education must include training from the American Red Cross or the American Heart Association for certification in cardiovascular pulmonary resuscitation with an automated external defibrillator, or an equivalent certification as determined by the management corporation.

Section 10. Section 468.8518, Florida Statutes, is created to read:

468.8518 Fees.—

(1) The board shall establish by rule 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 license renewal fee, not to exceed $200.
(e) An inactive license fee, not to exceed $100.
(f) A delinquent application fee, not to exceed $100.
(g) A license reactivation fee, not to exceed $100.
(h) A voluntary inactive license fee, not to exceed $100.

(2) Subject to subsection (1), the board shall establish fees for licensure, application, activation, and examination which are adequate to ensure the continued operation of the regulatory program. Fees may not be set at a level that results in revenue that substantially exceeds operating costs.

Section 11. Section 468.8519, Florida Statutes, is created to read:

468.8519 Sexual misconduct.—Sexual misconduct by a person licensed as a personal trainer is prohibited. For purposes of this section, the term “sexual misconduct” means to induce or attempt to induce a client to engage, or to engage or attempt to engage the client, in sexual activity.

Section 12. Section 468.852, Florida Statutes, is created to read:

468.852 Violations and penalties.—A person commits a misdemeanor of the first degree, punishable as provided under s. 775.082 or s. 775.083, if the person:

(1) Practices personal training for compensation without holding an active license under this part.
(2) Uses or attempts to use a personal trainer license that has been suspended or revoked.
(3) Knows or should have known that an individual whom the person employs in the practice of personal training is unlicensed.
(4) Knows or should have known that an unlicensed
individual is using a person’s facilities for the practice of personal training.

(5) Obtains or attempts to obtain a personal trainer license by misleading statements or misrepresentations.

(6) Uses the title “personal trainer” without being licensed under this part.

Section 13. Section 468.8521, Florida Statutes, is created to read:

468.8521 Disciplinary actions.—

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

(a) Failure to include the name and license number of the personal trainer in advertising or promotional materials, including, but not limited to, business cards and letterhead, related to the practice of personal training. Advertising or promotional materials do not include clothing or novelty items.

(b) Incompetency or misconduct in the practice of personal training.

(c) Fraud or deceit in the practice of personal training.

(d) Gross negligence or repeated negligence in the practice of personal training.

(e) Inability to practice personal training with reasonable skill and safety by reason of illness or as a result of a mental or physical condition.

(2) The board may enter an order under s. 456.072(2) denying licensure or imposing a penalty against an applicant for licensure or a licensee who is found guilty of violating subsection (1) or s. 456.072(1).

Section 14. Section 468.8522, Florida Statutes, is created
to read:

468.8522 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 that practice.

(2) A personal training student acting under the direct supervision of a licensed personal trainer.

(3) A person from administering standard first aid treatment.

(4) A person from acting within the scope of a license issued under chapter 548, if the person is acting within the scope of that license.

Section 15. This act shall take effect December 31, 2014.