

By Representatives Flanagan, Fasano and Wise

1 A bill to be entitled
2 An act relating to dietetics and nutrition
3 practice; amending s. 468.505, F.S.;
4 eliminating an exemption from licensure under
5 the Dietetics and Nutrition Practice Act
6 applicable to persons employed by hospitals,
7 nursing homes, assisted living facilities, or
8 continuing care facilities licensed or
9 certified by the state; providing for continued
10 exemption under certain circumstances;
11 providing an effective date.

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

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15 Section 1. Subsection (1) of section 468.505, Florida
16 Statutes, 1996 Supplement, is amended to read:

17 468.505 Exemptions; exceptions.--

18 (1) Nothing in this part may be construed as
19 prohibiting or restricting the practice, services, or
20 activities of:

21 (a) A person licensed in this state under chapter 457,
22 chapter 458, chapter 459, chapter 460, chapter 461, chapter
23 462, chapter 463, chapter 464, chapter 465, chapter 466,
24 chapter 480, chapter 490, or chapter 491, when engaging in the
25 profession or occupation for which he or she is licensed, or
26 of any person employed by and under the supervision of the
27 licensee when rendering services within the scope of the
28 profession or occupation of the licensee;

29 (b) A person employed as a dietitian by the government
30 of the United States, if the person engages in dietetics

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1 solely under direction or control of the organization by which
2 the person is employed;

3 (c) A person employed as a cooperative extension home
4 economist;

5 (d) A person pursuing a course of study leading to a
6 degree in dietetics and nutrition from a program or school
7 accredited pursuant to s. 468.509(2), if the activities and
8 services constitute a part of a supervised course of study and
9 if the person is designated by a title that clearly indicates
10 the person's status as a student or trainee;

11 (e) A person fulfilling the supervised experience
12 component of s. 468.509, if the activities and services
13 constitute a part of the experience necessary to meet the
14 requirements of s. 468.509;

15 (f) Any dietitian or nutritionist from another state
16 practicing dietetics or nutrition incidental to a course of
17 study when taking or giving a postgraduate course or other
18 course of study in this state, provided such dietitian or
19 nutritionist is licensed in another jurisdiction or is a
20 registered dietitian or holds an appointment on the faculty of
21 a school accredited pursuant to s. 468.509(2);

22 (g) A person who markets or distributes food, food
23 materials, or dietary supplements, or any person who engages
24 in the explanation of the use and benefits of those products
25 or the preparation of those products, if that person does not
26 engage for a fee in dietetics and nutrition practice or
27 nutrition counseling;

28 (h) A person who markets or distributes food, food
29 materials, or dietary supplements, or any person who engages
30 in the explanation of the use of those products or the
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1 preparation of those products, as an employee of an
2 establishment permitted pursuant to chapter 465;
3 (i) An educator who is in the employ of a nonprofit
4 organization approved by the council; a federal, state,
5 county, or municipal agency, or other political subdivision;
6 an elementary or secondary school; or an accredited
7 institution of higher education the definition of which, as
8 provided in s. 468.509(2), applies to other sections of this
9 part, insofar as the activities and services of the educator
10 are part of such employment;
11 (j) Any person who provides weight control services or
12 related weight control products, provided the program has been
13 reviewed by, consultation is available from, and no program
14 change can be initiated without prior approval by a licensed
15 dietitian/nutritionist, a dietitian or nutritionist licensed
16 in another state that has licensure requirements considered by
17 the council to be at least as stringent as the requirements
18 for licensure under this part, or a registered dietitian;
19 ~~(k) A person employed by a hospital licensed under~~
20 ~~chapter 395, or by a nursing home or assisted living facility~~
21 ~~licensed under part II or part III of chapter 400, or by a~~
22 ~~continuing care facility certified under chapter 651, if the~~
23 ~~person is employed in compliance with the laws and rules~~
24 ~~adopted thereunder regarding the operation of its dietetic~~
25 ~~department;~~
26 (k)(i) A person employed by a nursing facility exempt
27 from licensing under s. 395.002(12), or a person exempt from
28 licensing under s. 464.022; or
29 (l)(m) A person employed as a dietetic technician.
30 Section 2. On the effective date of the amendment to
31 section 468.505, Florida Statutes, by this act, a person

1 employed by a hospital licensed under chapter 395, Florida
2 Statutes, by a nursing home or assisted living facility
3 licensed under part II or part III of chapter 400, Florida
4 Statutes, or by a continuing care facility certified under
5 chapter 651, Florida Statutes, who is employed in compliance
6 with the laws and rules adopted thereunder regarding the
7 operation of its dietetic department and who was exempt from
8 licensure under part X of chapter 468, Florida Statutes,
9 pursuant to former section 468.505(1)(k), Florida Statutes,
10 1996 Supplement, may continue to be exempt from licensure
11 under part X of chapter 468, Florida Statutes, until
12 termination of that employment.

13 Section 3. This act shall take effect October 1, 1997.

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16 HOUSE SUMMARY

17 Eliminates an exemption from licensure under the
18 Dietetics and Nutrition Practice Act applicable to
19 persons employed by hospitals, nursing homes, assisted
20 living facilities, or continuing care facilities licensed
21 or certified by the State of Florida. Provides that
22 persons so employed and exempt at the time of the
23 exemption's elimination may continue to be exempt until
24 termination of such employment.
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