

By Senator Gutman

34-1287-99

See HB

1                                   A bill to be entitled  
2           An act relating to dietetics and nutrition  
3           practice; revising part X of chapter 468, F.S.,  
4           relating to dietetics and nutrition practice,  
5           to revise terminology and include regulatory  
6           provisions for clinical nutrition practice;  
7           amending s. 468.501, F.S.; revising the short  
8           title; amending s. 468.502, F.S.; revising  
9           purpose and intent; amending s. 468.503, F.S.;  
10          revising and providing definitions; amending s.  
11          468.504, F.S., relating to the requirement to  
12          be licensed, to conform; amending s. 468.505,  
13          F.S.; revising and providing exemptions from  
14          regulation; conforming a cross-reference;  
15          amending s. 468.506, F.S.; renaming the  
16          Dietetics and Nutrition Practice Council;  
17          creating the Clinical Nutrition Practice  
18          Council; providing for appointment of members;  
19          providing powers and duties; providing for  
20          compensation; reenacting s. 468.507, F.S., to  
21          provide rulemaking authority to the Board of  
22          Medicine for such regulation; reenacting and  
23          amending s. 468.508, F.S.; providing rulemaking  
24          authority to the board to establish fees;  
25          clarifying a fee; amending s. 468.509, F.S.;  
26          conforming terminology; amending s. 468.51,  
27          F.S.; providing requirements for licensure as a  
28          clinical nutritionist; providing for fees;  
29          providing for relicensure of nutrition  
30          counselors as clinical nutritionists; amending  
31          s. 468.511, F.S., relating to temporary permits

1 to practice dietetics and nutrition, to  
2 conform; creating s. 468.5115, F.S.; providing  
3 requirements for a temporary permit to practice  
4 clinical nutrition; amending s. 468.512, F.S.;  
5 authorizing the use of specified titles  
6 relating to dietetics/nutrition practice and  
7 clinical nutrition practice; amending s.  
8 468.513, F.S.; conforming terminology; creating  
9 s. 468.5135, F.S.; providing requirements for  
10 licensure as a clinical nutritionist by  
11 endorsement; providing for fees; amending s.  
12 468.514, F.S.; conforming terminology;  
13 reenacting and amending s. 468.515, F.S.;  
14 granting the board rulemaking authority  
15 relating to inactive licenses and the  
16 requirements to reactivate them, including  
17 continuing education; conforming terminology;  
18 amending s. 468.517, F.S.; prohibiting certain  
19 acts; providing a penalty; amending s. 468.518,  
20 F.S.; providing grounds for disciplinary  
21 action; providing penalties; requiring council  
22 concurrence for the suspension or revocation of  
23 a licensee under its jurisdiction; amending s.  
24 20.43, F.S.; conforming terminology; amending  
25 ss. 501.0573, 501.0575, F.S.; conforming  
26 cross-references; amending ss. 627.6408,  
27 627.65745, F.S.; providing that health  
28 insurance policies may require that nutrition  
29 counseling required in conjunction with other  
30 diabetes treatment services be provided by a  
31 licensed dietitian/nutritionist or licensed

1 clinical nutritionist; providing an effective  
2 date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Section 468.501, Florida Statutes, is  
7 amended to read:

8 468.501 Short title.--This part may be cited as the  
9 "Dietetics/Nutrition and Clinical Nutrition Practices  
10 ~~Dietetics and Nutrition Practice~~ Act."

11 Section 2. Section 468.502, Florida Statutes, is  
12 amended to read:

13 468.502 Purpose and intent.--The Legislature finds  
14 that the practice of dietetics/nutrition ~~dietetics and~~  
15 ~~nutrition~~ or clinical nutrition ~~counseling~~ by unskilled and  
16 incompetent practitioners presents a danger to the public  
17 health and safety. The Legislature further finds that it is  
18 difficult for the public to make informed choices about  
19 dietitian/nutritionists ~~dietitians~~ and clinical nutritionists  
20 and that the consequences of wrong choices could seriously  
21 endanger the public health and safety. The sole legislative  
22 purpose in enacting this part is to ensure that every person  
23 who practices dietetics/nutrition ~~dietetics and nutrition~~ or  
24 clinical nutrition ~~counseling~~ in this state meets minimum  
25 requirements for safe practice. It is the legislative intent  
26 that any person practicing dietetics/nutrition ~~dietetics and~~  
27 ~~nutrition~~ or clinical nutrition ~~counseling~~ who falls below  
28 minimum competency or who otherwise presents a danger to the  
29 public be prohibited from practicing in this state. ~~It is also~~  
30 ~~the intent of the Legislature that the practice of nutrition~~  
31 ~~counseling be authorized and regulated solely within the~~

1 ~~limits expressly provided by this part and any rules adopted~~  
2 ~~pursuant thereto.~~

3 Section 3. Section 468.503, Florida Statutes, is  
4 amended to read:

5 468.503 Definitions.--As used in this part:

6 ~~(1) "Agency" means the Agency for Health Care~~  
7 ~~Administration.~~

8 ~~(1)(2)~~ "Board" means the Board of Medicine.

9 (2) "Certified clinical nutritionist" means an  
10 individual certified by the Clinical Nutrition Certification  
11 Board, or its successor.

12 (3) "Certified nutritionist" means an individual  
13 certified by the Certified Nutritionists International Board  
14 of Standards, or its successor.

15 (4) "Certified nutrition specialist" means an  
16 individual certified by the Certification Board of Nutrition  
17 Specialists, or its successor.

18 (5) "Certified specialist in human nutrition" means an  
19 individual certified by the American Board of Nutrition, or  
20 its successor.

21 (6) "Clinical nutrition" means the application of the  
22 principles of nutrition, biochemistry, physiology, and  
23 behavioral and social sciences to achieve, maintain, and  
24 restore optimal development and functioning of the human body  
25 and to prevent diet-linked illnesses throughout the life cycle  
26 for individuals, groups, or both and is based on the concept  
27 of biochemical individuality.

28 (7) "Clinical nutrition practice" shall include  
29 assessing an individual's wellness status as it relates to his  
30 or her individual metabolic-biochemical, psychosocial, and  
31 physiological responses to the environment; maintaining the

1 supply to the body of all the nutrients required for optimal  
2 health and prevention of disease; utilizing laboratory tests  
3 and other relevant information to assess nutritional  
4 deficiencies and excesses; developing eating plans to meet  
5 individual nutritional needs; and recommending food, food  
6 products, and nutrients to optimize health and prevent  
7 disease.

8 (8) "Council" means the Dietetics/Nutrition Practice  
9 Council or the Clinical Nutrition Practice Council, as the  
10 context requires.

11 (9) "Department" means the Department of Health.

12 (10)(3) "Dietetics" means the integration and  
13 application of the principles derived from the sciences of  
14 nutrition, biochemistry, food, physiology, and management and  
15 from the behavioral and social sciences to achieve and  
16 maintain a person's health throughout the person's life. It is  
17 an integral part of preventive, diagnostic, curative, and  
18 restorative health care of individuals, groups, or both.

19 (11)(4) "Dietetics/nutrition ~~Dietetics and nutrition~~  
20 practice" shall include assessing nutrition needs and status  
21 using appropriate data; recommending appropriate dietary  
22 regimens, nutrition support, and nutrient intake; improving  
23 health status through nutrition research, counseling, and  
24 education; and developing, implementing, and managing  
25 nutrition care systems, which includes, but is not limited to,  
26 evaluating, modifying, and maintaining appropriate standards  
27 of high quality in food and nutrition care services.

28 (12)(5) "Dietetic technician" means a person who  
29 assists in the provision of dietetic and nutrition services  
30 under the supervision of a qualified professional.

31

1           (13) "Licensed clinical nutritionist" means a person  
2 licensed under this part to practice clinical nutrition.

3           ~~(14)(6)~~ "Licensed dietitian/nutritionist" means a  
4 person licensed under this part to practice dietetics and  
5 nutrition pursuant to s. 468.509.

6           ~~(15)(7)~~ "Licensed nutrition counselor" means a person  
7 licensed as such during the period from July 1, 1988, to March  
8 30, 1997 pursuant to s. 468.51.

9           ~~(16)(8)~~ "Nutrition assessment" means the evaluation of  
10 the nutrition needs of individuals or groups, using  
11 appropriate data to determine nutrient needs or status and  
12 make appropriate nutrition recommendations.

13           ~~(17)(9)~~ "Nutrition counseling" means advising and  
14 assisting individuals or groups on appropriate nutrition  
15 intake by integrating information from the nutrition  
16 assessment.

17           ~~(18)(10)~~ "Preprofessional experience component" means  
18 a planned and continuous supervised practice experience in  
19 dietetics/nutrition or in clinical nutrition, during which  
20 dietitian/nutritionists are supervised by licensed  
21 dietitian/nutritionists and clinical nutritionists are  
22 supervised by licensed clinical nutritionists or by other  
23 health professionals approved by the Clinical Nutrition  
24 Practice Council who have practiced clinical nutrition for at  
25 least 3 of the 5 years immediately preceding such supervision  
26 ~~dietetics or nutrition.~~

27           ~~(19)(11)~~ "Registered dietitian" means an individual  
28 registered with the Commission on Dietetic Registration, the  
29 accrediting body of the American Dietetic Association.

30           Section 4. Section 468.504, Florida Statutes, is  
31 amended to read:

1           468.504 License required.--No person may engage for  
2 remuneration in dietetics/nutrition ~~dietetics and nutrition~~  
3 practice or clinical nutrition practice ~~counseling~~ or hold  
4 himself or herself out as a practitioner of  
5 dietetics/nutrition ~~dietetics and nutrition~~ practice or  
6 clinical nutrition practice ~~counseling~~ unless the person is  
7 licensed in accordance with the provisions of this part.

8           Section 5. Subsections (1) and (2) of section 468.505,  
9 Florida Statutes, 1998 Supplement, are amended, and subsection  
10 (5) is added to that section, to read:

11           468.505 Exemptions; exceptions.--

12           (1) Nothing in this part may be construed as  
13 prohibiting or restricting the practice, services, or  
14 activities of:

15           (a) A person licensed in this state under chapter 457,  
16 chapter 458, chapter 459, chapter 460, chapter 461, chapter  
17 462, chapter 463, chapter 464, chapter 465, chapter 466,  
18 chapter 480, chapter 490, or chapter 491, when engaging in the  
19 profession or occupation for which he or she is licensed, or  
20 of any person employed by and under the supervision of the  
21 licensee when rendering services within the scope of the  
22 profession or occupation of the licensee.

23           (b) A person employed as a dietitian by the government  
24 of the United States, if the person engages in dietetics  
25 solely under direction or control of the organization by which  
26 the person is employed.

27           (c) A person employed as a cooperative extension home  
28 economist.

29           (d) A person pursuing a course of study leading to a  
30 degree in dietetics/nutrition ~~dietetics and nutrition~~ from a  
31 program or school accredited pursuant to s. 468.509(2) or to a

1 degree, including coursework in clinical nutrition from a  
2 program or school accredited pursuant to s. 468.51(2), if the  
3 activities and services constitute a part of a supervised  
4 course of study and if the person is designated by a title  
5 that clearly indicates the person's status as a student or  
6 trainee.

7 (e) A person fulfilling the supervised experience  
8 component of s. 468.509 or s. 489.51, if the activities and  
9 services constitute a part of the experience necessary to meet  
10 the requirements of s. 468.509 or s. 489.51.

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

19 (g) Any nutrition counselor or clinical nutritionist  
20 from another state practicing clinical nutrition incidental to  
21 a course of study when taking or giving a postgraduate course  
22 or other course of study in this state, provided such  
23 nutrition counselor or clinical nutritionist is licensed in  
24 another jurisdiction or holds an appointment on the faculty of  
25 a school accredited pursuant to s. 468.51(2).

26 ~~(h)(g)~~ A person who markets or distributes food, food  
27 materials, or dietary supplements, or any person who engages  
28 in the explanation of the use and benefits of those products  
29 or the preparation of those products, if that person does not  
30 engage for a fee in dietetics/nutrition ~~dietetics and~~  
31 ~~nutrition~~ practice or clinical nutrition practice ~~counseling~~.



1            (i)~~(h)~~ A person who markets or distributes food, food  
2 materials, or dietary supplements, or any person who engages  
3 in the explanation of the use of those products or the  
4 preparation of those products, as an employee of an  
5 establishment permitted pursuant to chapter 465.

6            (j)~~(i)~~ An educator who is in the employ of a nonprofit  
7 organization approved by either ~~the~~ council; a federal, state,  
8 county, or municipal agency, or other political subdivision;  
9 an elementary or secondary school; or an accredited  
10 institution of higher education the definition of which, as  
11 provided in s. 468.509(2) or s. 489.51(2), as applicable,  
12 applies to other sections of this part, insofar as the  
13 activities and services of the educator are part of such  
14 employment.

15            (k)~~(j)~~ Any person who provides weight control services  
16 or related weight control products, provided the program has  
17 been reviewed by, consultation is available from, and no  
18 program change can be initiated without prior approval by a  
19 licensed dietitian/nutritionist, a dietitian or nutritionist  
20 licensed in another state that has licensure requirements  
21 considered by the Dietetics/Nutrition Practice Council to be  
22 at least as stringent as the requirements for licensure under  
23 this part, or a registered dietitian.

24            (l)~~(k)~~ A person employed by a hospital licensed under  
25 chapter 395, ~~or by~~ a nursing home or assisted living facility  
26 licensed under part II or part III of chapter 400, or ~~by~~ a  
27 continuing care facility certified under chapter 651, if the  
28 person is employed in compliance with the laws and rules  
29 adopted thereunder regarding the operation of its dietetic  
30 department.

31

1           ~~(m)(1)~~ A person employed by a nursing facility exempt  
2 from licensing under s. 395.002~~(13)(14)~~, or a person exempt  
3 from licensing under s. 464.022.

4           ~~(n)(m)~~ A person employed as a dietetic technician.

5           (2) Nothing in this part may be construed to prohibit  
6 or limit any person from the ~~free~~ dissemination of  
7 information, or from conducting a class or seminar or giving a  
8 speech, related to nutrition.

9           (5) Nothing in this part may be construed to prevent  
10 qualified members of other professions or occupations such as  
11 physicians, osteopathic physicians, nurses, acupuncturists,  
12 chiropractic physicians, social workers, massage therapists,  
13 or naturopathic, homeopathic, macrobiotic, ayurvedic, or  
14 herbal practitioners from doing work of a clinical nutrition  
15 nature consistent with the accepted standards of their  
16 respective professions or occupations, provided they do not  
17 hold themselves out to the public by any title stating or  
18 implying that they are dietitian/nutritionists or clinical  
19 nutritionists or are licensed to practice dietetics/nutrition  
20 or clinical nutrition unless they are licensed accordingly.

21           Section 6. Section 468.506, Florida Statutes, 1998  
22 Supplement, is amended to read:

23           468.506 Dietetics/Nutrition ~~Dietetics and Nutrition~~  
24 Practice Council and Clinical Nutrition Practice Council.--

25           (1)(a) There are ~~is~~ created the Dietetics/Nutrition  
26 ~~Dietetics and Nutrition~~ Practice Council and the Clinical  
27 Nutrition Practice Council, both under the supervision of the  
28 board. The Dietetics/Nutrition Practice Council shall advise  
29 the board only on matters relating to dietetics/nutrition  
30 practice, and the Clinical Nutrition Practice Council shall  
31 advise the board only on matters relating to clinical

1 nutrition practice. Each ~~The~~ council shall consist of four  
2 persons licensed under this part in the applicable practice  
3 and one consumer who is 60 years of age or older. Council  
4 members shall be appointed by the board from nominations made  
5 by the respective professional associations whose members are  
6 licensed under this part in the practice covered by the  
7 council. ~~Licensed members shall be appointed based on the~~  
8 ~~proportion of licensees within each of the respective~~  
9 ~~disciplines.~~ Members shall be appointed for 4-year staggered  
10 terms. In order to be eligible for appointment, each licensed  
11 member must have been a practicing licensee under this part  
12 for at least 3 years immediately prior to his or her  
13 appointment. No council member shall serve more than two  
14 successive terms.

15 (b) Notwithstanding paragraph (a), with respect to the  
16 initial members of the Clinical Nutrition Practice Council, in  
17 order to stagger terms the board shall appoint the consumer  
18 member and one licensee member for terms of 4 years each, two  
19 licensee members for terms of 3 years each, and one licensee  
20 member for a term of 2 years. Thereafter, members shall be  
21 appointed to the council for 4-year terms. Each of the initial  
22 members, except the consumer member, must be eligible to be  
23 licensed at the time of appointment and must become licensed  
24 by October 1, 2000. Effective on or after October 1, 2003, in  
25 order to be eligible for appointment, each licensee member  
26 must have been a practicing licensee under this part in  
27 clinical nutrition practice for at least 3 years immediately  
28 prior to his or her appointment. This paragraph is repealed  
29 October 1, 2004.

30 (2) The board may delegate such powers and duties to  
31 each ~~the~~ council as it may deem proper to carry out the

1 operations and procedures necessary to effectuate the  
2 provisions of this part. ~~However, the powers and duties~~  
3 ~~delegated to the council by the board must encompass both~~  
4 ~~dietetics and nutrition practice and nutrition counseling.~~

5 (3) Any time there is a vacancy on a ~~the~~ council, any  
6 professional association composed of persons licensed under  
7 this part in the practice covered by that council may  
8 recommend licensees to fill the vacancy to the board in a  
9 number equal to at least twice the number of vacancies to be  
10 filled, and the board may appoint from the submitted list, in  
11 its discretion, any of those persons so recommended. Any  
12 professional association composed of persons licensed under  
13 this part in the practice covered by a council may file an  
14 appeal regarding an ~~a council~~ appointment to that council with  
15 the secretary ~~director~~ of the department ~~agency~~, whose  
16 decision shall be final.

17 (4) The board shall fix council members' compensation  
18 and pay their expenses in the same manner as provided in s.  
19 455.534.

20 Section 7. Section 468.507, Florida Statutes, 1998  
21 Supplement, is reenacted to read:

22 468.507 Authority to adopt rules.--The board has  
23 authority to adopt rules pursuant to ss. 120.536(1) and 120.54  
24 to implement the provisions of this part and part II of  
25 chapter 455 conferring duties upon it. The powers and duties  
26 of the board as set forth in this part shall in no way limit  
27 or interfere with the powers and duties of the board as set  
28 forth in chapter 458. All powers and duties of the board set  
29 forth in this part shall be supplemental and additional powers  
30 and duties to those conferred upon the board by chapter 458.

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1           Section 8. Section 468.508, Florida Statutes, is  
2 reenacted and amended to read:  
3           468.508 Fees.--The board shall, by rule, establish  
4 fees to be paid for applications and examination,  
5 reexamination, licensing and renewal, licensure by  
6 endorsement, temporary permits, renewal of temporary permits,  
7 renewal of inactive licenses, reactivation of inactive  
8 licenses, recordmaking, and recordkeeping. The board shall  
9 establish fees which are adequate to administer and implement  
10 the provisions of this part.

11           (1) The application fee shall not exceed \$100 and  
12 shall not be refundable.

13           (2) The examination fee shall not exceed \$500 and  
14 shall be refundable if the applicant is found to be ineligible  
15 to take the licensure examination.

16           (3) The initial licensure fee shall not exceed \$500.

17           (4) The fee for reexamination shall not exceed \$250.

18           (5) The biennial renewal fee shall not exceed \$500.

19           (6) The fee for licensure by endorsement shall not  
20 exceed \$350.

21           (7) The fee for a temporary permit shall not exceed  
22 \$200.

23           (8) The fee for reactivation of an inactive license  
24 shall not exceed \$50.

25           Section 9. Section 468.509, Florida Statutes, is  
26 amended to read:

27           468.509 Dietitian/nutritionist; requirements for  
28 licensure.--

29           (1) Any person desiring to be licensed as a  
30 dietitian/nutritionist shall apply to the department ~~agency~~ to  
31 take the licensure examination.

1           (2) The department ~~agency~~ shall examine any applicant  
2 for licensure as a dietitian/nutritionist who the board  
3 certifies has completed the application form and remitted the  
4 application and examination fees specified in s. 468.508 and  
5 who:

6           (a)1. Possesses a baccalaureate or postbaccalaureate  
7 degree with a major course of study in human nutrition, food  
8 and nutrition, dietetics, or food management, or an equivalent  
9 major course of study, from a school or program accredited, at  
10 the time of the applicant's graduation, by the appropriate  
11 accrediting agency recognized by the Commission on Recognition  
12 of Postsecondary Accreditation and the United States  
13 Department of Education; and

14           2. Has completed a preprofessional experience  
15 component of not less than 900 hours or has education or  
16 experience determined to be equivalent by the board; or

17           (b)1. Has an academic degree, from a foreign country,  
18 that has been validated by an accrediting agency approved by  
19 the United States Department of Education as equivalent to the  
20 baccalaureate or postbaccalaureate degree conferred by a  
21 regionally accredited college or university in the United  
22 States;

23           2. Has completed a major course of study in human  
24 nutrition, food and nutrition, dietetics, or food management;  
25 and

26           3. Has completed a preprofessional experience  
27 component of not less than 900 hours or has education or  
28 experience determined to be equivalent by the board.

29           (3) The board shall waive the examination requirement  
30 for an applicant for licensure as a dietitian/nutritionist who  
31

1 presents evidence satisfactory to the board that the applicant  
2 is a registered dietitian.

3 (4) The department ~~agency~~ shall license as a  
4 dietitian/nutritionist any applicant who has remitted the  
5 initial licensure fee and has passed the examination in  
6 accordance with this section.

7 Section 10. Section 468.51, Florida Statutes, is  
8 amended to read:

9 468.51 Clinical nutritionist; requirements of  
10 licensure; relicensure of nutrition counselor as clinical  
11 nutritionist; ~~renewal of licensure.~~--

12 (1) Any person desiring to be licensed as a clinical  
13 nutritionist shall apply to the department to take the  
14 licensure examination.

15 (2) The department shall examine any applicant for  
16 licensure as a clinical nutritionist whom the board certifies  
17 has completed the application form and remitted the  
18 application and examination fees specified in s. 468.508 and  
19 who:

20 (a)1. Possesses a baccalaureate or postbaccalaureate  
21 degree, which includes at least 15 semester hours in science  
22 and 15 semester hours in human nutrition, or the equivalent in  
23 quarter hours, as approved by the American Council on  
24 Education, from a school or program accredited, at the time of  
25 the applicant's graduation, by the appropriate accrediting  
26 agency recognized by the Commission on Recognition of  
27 Postsecondary Accreditation and the United States Department  
28 of Education; and

29 2. Has completed any of the following experience  
30 requirements:

31

1           a. A preprofessional experience component of not less  
2 than 900 hours, focused on nutrition knowledge, assessment and  
3 evaluation, counseling, and professional practice management  
4 and responsibility, under a licensed clinical nutritionist or  
5 under a licensed nutrition counselor who has practiced for at  
6 least 3 of the 5 years immediately preceding such supervision;

7           b. At least 2 years of postbaccalaureate paid  
8 professional experience in the field of clinical nutrition;

9           c. At least 1 year of post-master's degree or  
10 postdoctoral degree paid professional experience in the field  
11 of clinical nutrition; or

12           d. Comparable experience to the satisfaction of the  
13 board that the applicant is competent to practice as a  
14 licensed clinical nutritionist; or

15           (b)1. Has an academic degree, from another state or  
16 foreign country, which has been validated by an accrediting  
17 agency approved by the United States Department of Education  
18 as equivalent to the baccalaureate or postbaccalaureate degree  
19 conferred by an accredited college or university in the United  
20 States;

21           2. Has completed a course of study, as recommended by  
22 the Clinical Nutrition Practice Council and approved by the  
23 board, which is substantially equivalent to the course of  
24 study required for a degree under subparagraph (a)1.; and

25           3.a. Has completed a preprofessional experience  
26 component of not less than 900 hours with a licensed clinical  
27 nutritionist, a licensed nutrition counselor, a clinical  
28 nutritionist, a physician licensed under chapter 458, chapter  
29 459, or chapter 460 who is trained in clinical nutrition, or  
30 any other comparably trained person approved by the board; or

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1           b. Has education or experience determined by the board  
2 to be equivalent.

3           (3) The department shall license as a clinical  
4 nutritionist any applicant who has remitted the initial  
5 licensure fee and has passed the examination in accordance  
6 with this section.

7           (4) Notwithstanding any provision of this section or  
8 part to the contrary, any person previously certified as  
9 qualified by the board and holding a current, valid license to  
10 practice as a nutrition counselor in this state which was  
11 issued during the period from July 1, 1988, to March 30, 1997,  
12 based upon documentation that the person was employed as a  
13 practitioner of nutrition counseling previous to and on April  
14 1, 1988, shall be eligible to renew his or her license as a  
15 clinical nutritionist pursuant to s. 468.514 or apply for  
16 licensure as a clinical nutritionist pursuant to s.  
17 468.5135(3). An actively licensed nutrition counselor on and  
18 after the effective date of this act shall be considered the  
19 equivalent of a licensed clinical nutritionist for all  
20 purposes of this part until failure to apply for relicensure  
21 pursuant to s. 468.5135(3) within the time allowed or failure  
22 to renew the license pursuant to s. 468.514, whichever occurs  
23 last.

24           Section 11. Section 468.511, Florida Statutes, is  
25 amended to read:

26           468.511 Dietitian/nutritionist; temporary permit.--

27           (1) A temporary permit to practice dietetics/nutrition  
28 ~~dietetics and nutrition~~ may be issued by the board on the  
29 filing of an application, payment of a temporary permit fee,  
30 and the submission of evidence of the successful completion of  
31

1 the educational requirement under s. 468.509. The initial  
2 application shall be signed by the supervising licensee.

3 (2) A person practicing dietetics/nutrition under a  
4 temporary permit shall be under the supervision and direction  
5 of a licensed dietitian/nutritionist.

6 (3) A temporary permit to practice dietetics/nutrition  
7 shall expire 1 year from the date of issuance.

8 (4) One extension of a temporary permit to practice  
9 dietetics/nutrition may be granted for good cause shown.

10 (5) If the board determines that an applicant is  
11 qualified to be licensed by endorsement under s. 468.513, the  
12 board may issue the applicant a temporary permit to practice  
13 dietetics/nutrition ~~dietetics and nutrition~~ until the next  
14 board meeting at which license applications are to be  
15 considered, but not for a longer period of time.

16 (6) If the board determines that an applicant has not  
17 passed an examination recognized by the board and is not  
18 qualified to be licensed by endorsement, but has otherwise met  
19 all the requirements of s. 468.509 and has made application  
20 for the next scheduled examination, the board may issue the  
21 applicant a temporary permit allowing him or her to practice  
22 dietetics/nutrition ~~dietetics and nutrition~~ under the  
23 supervision of a licensed dietitian/nutritionist until  
24 notification of the results of the examination.

25 Section 12. Section 468.5115, Florida Statutes, is  
26 created to read:

27 468.5115 Clinical nutritionist; temporary permit.--

28 (1) A temporary permit to practice clinical nutrition  
29 may be issued by the board on the filing of an application,  
30 payment of a temporary permit fee, and the submission of  
31 evidence of the successful completion of the educational

1 requirement under s. 468.51. The initial application shall be  
2 signed by the supervising licensee.

3 (2) A person practicing clinical nutrition under a  
4 temporary permit shall be under the supervision and direction  
5 of a licensed clinical nutritionist.

6 (3) A temporary permit to practice clinical nutrition  
7 shall expire 1 year from the date of issuance.

8 (4) One extension of a temporary permit to practice  
9 clinical nutrition may be granted for good cause shown.

10 (5) If the board determines that an applicant is  
11 qualified to be licensed by endorsement under s. 468.5135, the  
12 board may issue the applicant a temporary permit to practice  
13 clinical nutrition until the next board meeting at which  
14 license applications are to be considered, but not for a  
15 longer period of time.

16 (6) If the board determines that an applicant has not  
17 passed the examination required by the board and is not  
18 qualified to be licensed by endorsement, but has otherwise met  
19 all the requirements of s. 468.51 and has made application for  
20 the next scheduled examination, the board may issue the  
21 applicant a temporary permit allowing him or her to practice  
22 clinical nutrition under the supervision of a licensed  
23 clinical nutritionist until notification of the results of the  
24 examination.

25 Section 13. Subsection (1) of section 468.512, Florida  
26 Statutes, is amended to read:

27 468.512 License to be displayed.--

28 (1)(a) A licensed dietitian/nutritionist may use the  
29 words "dietitian/nutritionist," "licensed  
30 dietitian/nutritionist," "dietitian," "licensed dietitian,"  
31 "nutritionist," or "licensed nutritionist," in connection with

1 the licensee's name or place of business, to denote licensure  
2 under this part.

3 (b) A licensed clinical nutritionist ~~nutrition~~  
4 ~~counselor~~ may use the words "clinical nutritionist," "licensed  
5 clinical nutritionist," "nutrition counselor," "licensed  
6 nutrition counselor," "nutritionist," or "licensed  
7 nutritionist," in connection with the licensee's name or place  
8 of business, to denote licensure under this part.

9 Section 14. Section 468.513, Florida Statutes, 1998  
10 Supplement, is amended to read:

11 468.513 Dietitian/nutritionist; licensure by  
12 endorsement.--

13 (1) The department ~~agency~~ shall issue a license to  
14 practice dietetics/nutrition ~~dietetics and nutrition~~ by  
15 endorsement to any applicant who the board certifies as  
16 qualified, upon receipt of a completed application and the  
17 fees specified in s. 468.508.

18 (2) The board shall certify as qualified for licensure  
19 by endorsement under this section any applicant who:

20 (a) Presents evidence satisfactory to the board that  
21 he or she is a registered dietitian; or

22 (b) Holds a valid license to practice  
23 dietetics/nutrition ~~dietetics or nutrition~~ issued by another  
24 state, district, or territory of the United States, if the  
25 criteria for issuance of such license are determined by the  
26 board to be substantially equivalent to or more stringent than  
27 those of this state.

28 (3) The department ~~agency~~ shall not issue a license by  
29 endorsement under this section to any applicant who is under  
30 investigation in any jurisdiction for any act which would  
31 constitute a violation of this part or part II of chapter 455

1 until such time as the investigation is complete and  
2 disciplinary proceedings have been terminated.

3 Section 15. Section 468.5135, Florida Statutes, is  
4 created to read:

5 468.5135 Clinical nutritionist; licensure by  
6 endorsement.--

7 (1) The department shall issue a license to practice  
8 clinical nutrition by endorsement to any applicant whom the  
9 board certifies as qualified, upon receipt of a completed  
10 application and the fees specified in s. 468.508.

11 (2) The board shall certify as qualified for licensure  
12 by endorsement under this section any applicant who holds a  
13 valid license to practice as a clinical nutritionist or a  
14 nutrition counselor issued by another state, district, or  
15 territory of the United States, if the criteria for issuance  
16 of such license are determined by the board to be  
17 substantially equivalent to or more stringent than those of  
18 this state.

19 (3) The department shall issue a license without  
20 examination to any applicant for licensure as a clinical  
21 nutritionist who held a valid, active license in this state as  
22 a nutrition counselor on the effective date of this act and  
23 remained actively licensed until issued the new license as a  
24 clinical nutritionist. This subsection is repealed October 1,  
25 2004.

26 (4) The department, upon recommendation of the  
27 Clinical Nutrition Practice Council, may issue a license  
28 without examination to an applicant who otherwise meets the  
29 requirements for licensure as a clinical nutritionist under s.  
30 468.51 or provides to the council satisfactory evidence that  
31 he or she is and has been in paid professional practice in the

1 field of clinical nutrition for 3 of the 5 years immediately  
2 preceding the effective date of this act. The council, in its  
3 discretion, may waive the educational requirements for a  
4 applicant if it determines that an applicant's combined  
5 professional credentials and experience meet the intent of  
6 this part. This subsection is repealed October 1, 2004.

7 (5) The department shall not issue a license by  
8 endorsement under this section to any applicant who is under  
9 investigation in any jurisdiction for any act which would  
10 constitute a violation of this part or chapter 455 until such  
11 time as the investigation is complete and disciplinary  
12 proceedings have been terminated.

13 Section 16. Section 468.514, Florida Statutes, is  
14 amended to read:

15 468.514 Renewal of license.--

16 (1) The department ~~agency~~ shall renew a license under  
17 this part upon receipt of the renewal application, fee, and  
18 proof of the successful completion of continuing education  
19 requirements as determined by the board.

20 (2) The department ~~agency~~ shall adopt rules  
21 establishing a procedure for the biennial renewal of licenses  
22 under this part.

23 Section 17. Section 468.515, Florida Statutes, is  
24 reenacted and amended to read:

25 468.515 Inactive status.--

26 (1) A license under this part which has become  
27 inactive may be reactivated pursuant to this section.

28 (2) The department ~~agency~~ shall reactivate a license  
29 under this part upon receipt of the reactivation application,  
30 fee, and proof of the successful completion of continuing  
31 education prescribed by the board.

1           (3) The board shall adopt rules relating to licenses  
2 under this part which have become inactive and for the  
3 reactivation of inactive licenses. The board shall prescribe,  
4 by rule, continuing education requirements for reactivating a  
5 license. The continuing education requirements for  
6 reactivating a license may not exceed 20 classroom hours for  
7 each year the license was inactive.

8           Section 18. Section 468.517, Florida Statutes, is  
9 amended to read:

10           468.517 Prohibitions; penalties.--

11           (1) A person may not knowingly:

12           (a) Engage in dietetics/nutrition ~~dietetics and~~  
13 ~~nutrition~~ practice or clinical nutrition practice ~~nutrition~~  
14 ~~counseling~~ for remuneration unless the person is licensed  
15 under this part;

16           (b) Use the name or title "dietitian," "licensed  
17 dietitian," "nutritionist," "licensed nutritionist,"  
18 "dietitian/nutritionist," "licensed dietitian/nutritionist,"  
19 "nutrition counselor," ~~or~~ "licensed nutrition counselor,"  
20 "clinical nutritionist," or "licensed clinical nutritionist,"

21 or any other words, letters, abbreviations, or insignia  
22 indicating or implying that he or she is a dietitian,  
23 nutritionist, dietitian/nutritionist, clinical nutritionist,  
24 or nutrition counselor, or otherwise hold himself or herself  
25 out as such, unless the person is the holder of a valid  
26 license issued under this part;

27           (c) Present as his or her own the license of another;

28           (d) Give false or forged evidence to the board or a  
29 member thereof;

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31

1 (e) Use or attempt to use a license that has been  
2 suspended, revoked, or placed on inactive or delinquent  
3 status;

4 (f) Employ unlicensed persons to engage in  
5 dietetics/nutrition ~~dietetics and nutrition~~ practice or  
6 clinical nutrition practice ~~nutrition counseling~~; or

7 (g) Conceal information relative to any violation of  
8 this part.

9 (2) A person who violates any provision of this  
10 section commits a misdemeanor of the first degree, punishable  
11 as provided in s. 775.082 or s. 775.083.

12 Section 19. Section 468.518, Florida Statutes, 1998  
13 Supplement, is amended to read:

14 468.518 Grounds for disciplinary action.--

15 (1) The following acts constitute grounds for which  
16 the disciplinary actions in subsection (2) may be taken:

17 (a) Violating any provision of this part, any board or  
18 department ~~agency~~ rule adopted pursuant thereto, or any lawful  
19 order of the board or department ~~agency~~ previously entered in  
20 a disciplinary hearing held pursuant to this part, or failing  
21 to comply with a lawfully issued subpoena of the department  
22 ~~agency~~. The provisions of this paragraph also apply to any  
23 order or subpoena previously issued by the Agency for Health  
24 Care Administration ~~Department of Health~~ during its period of  
25 regulatory control over this part.

26 (b) Being unable to engage in dietetics/nutrition  
27 ~~dietetics and nutrition~~ practice or clinical nutrition  
28 practice ~~nutrition counseling~~ with reasonable skill and safety  
29 to patients by reason of illness or use of alcohol, drugs,  
30 narcotics, chemicals, or any other type of material or as a  
31 result of any mental or physical condition.



1           1. A licensee whose license is suspended or revoked  
2 pursuant to this paragraph shall, at reasonable intervals, be  
3 given an opportunity to demonstrate that he or she can resume  
4 the competent practice of dietetics/nutrition ~~dietetics and~~  
5 ~~nutrition~~ or clinical nutrition ~~counseling~~ with reasonable  
6 skill and safety to patients.

7           2. Neither the record of the proceeding nor the orders  
8 entered by the board in any proceeding under this paragraph  
9 may be used against a licensee in any other proceeding.

10           (c) Attempting to procure or procuring a license to  
11 practice dietetics/nutrition ~~dietetics and nutrition~~ or  
12 clinical nutrition ~~counseling~~ by fraud or material  
13 misrepresentation of material fact.

14           (d) Having a license to practice dietetics/nutrition  
15 ~~dietetics and nutrition~~ or clinical nutrition ~~counseling~~  
16 revoked, suspended, or otherwise acted against, including the  
17 denial of licensure by the licensing authority of another  
18 state, district, territory, or country.

19           (e) Being convicted or found guilty of, or entering a  
20 plea of nolo contendere to, regardless of adjudication, a  
21 crime in any jurisdiction which directly relates to the  
22 practice of dietetics/nutrition ~~dietetics and nutrition~~ or  
23 clinical nutrition ~~counseling~~ or the ability to practice  
24 dietetics/nutrition ~~dietetics and nutrition~~ or clinical  
25 nutrition ~~counseling~~.

26           (f) Making or filing a report or record that the  
27 licensee knows to be false, willfully failing to file a report  
28 or record required by state or federal law, willfully impeding  
29 or obstructing such filing, or inducing another person to  
30 impede or obstruct such filing. Such reports or records  
31 include only those that are signed in the capacity of a

1 licensed dietitian/nutritionist or licensed clinical  
2 nutritionist ~~nutrition counselor~~.

3 (g) Advertising goods or services in a manner that is  
4 fraudulent, false, deceptive, or misleading in form or  
5 content.

6 (h) Committing an act of fraud or deceit, or of  
7 negligence, incompetency, or misconduct in the practice of  
8 dietetics/nutrition ~~dietetics and nutrition~~ or clinical  
9 nutrition counseling.

10 (i) Practicing with a revoked, suspended, inactive, or  
11 delinquent license.

12 (j) Treating or undertaking to treat human ailments by  
13 means other than by dietetics/nutrition ~~dietetics and~~  
14 ~~nutrition~~ practice or clinical nutrition practice ~~nutrition~~  
15 ~~counseling~~.

16 (k) Failing to maintain acceptable standards of  
17 practice as set forth by the board and the council in rules  
18 adopted pursuant to this part.

19 (l) Engaging directly or indirectly in the dividing,  
20 transferring, assigning, rebating, or refunding of fees  
21 received for professional services, or profiting by means of a  
22 credit or other valuable consideration, such as an unearned  
23 commission, discount, or gratuity, with any person referring a  
24 patient or with any relative or business associate of the  
25 referring person. Nothing in this part prohibits the members  
26 of any regularly and properly organized business entity that  
27 is composed of licensees under this part and recognized under  
28 the laws of this state from making any division of their total  
29 fees among themselves as they determine necessary.

30 (m) Advertising, by or on behalf of a licensee under  
31 this part, any method of assessment or treatment which is

1 experimental or without generally accepted scientific  
2 validation, as determined by the respective councils and the  
3 board.

4 (2) When the board finds any licensee guilty of any of  
5 the grounds set forth in subsection (1), it may enter an order  
6 imposing one or more of the following penalties:

7 (a) Denial of an application for licensure;

8 (b) Revocation or suspension of a license;

9 (c) Imposition of an administrative fine not to exceed  
10 \$1,000 for each violation;

11 (d) Issuance of a reprimand or letter of guidance;

12 (e) Placement of the licensee on probation for a  
13 period of time and subject to such conditions as the board may  
14 specify, including requiring the licensee to attend continuing  
15 education courses or to work under the supervision of a  
16 licensed dietitian/nutritionist or licensed clinical  
17 nutritionist ~~nutrition counselor~~; or

18 (f) Restriction of the authorized scope of practice of  
19 the licensee.

20 (3) The department ~~agency~~ shall reissue the license of  
21 a disciplined dietitian/nutritionist or clinical nutritionist  
22 ~~nutrition counselor~~ upon certification by the board that the  
23 disciplined dietitian/nutritionist or clinical nutritionist  
24 ~~nutrition counselor~~ has complied with all of the terms and  
25 conditions set forth in the final order.

26 (4) No action may be taken with respect to the  
27 revocation or suspension of a license under this part without  
28 the concurrence of at least four members of the applicable  
29 council.

30 Section 20. Paragraph (g) of subsection (3) of section  
31 20.43, Florida Statutes, 1998 Supplement, is amended to read:

1           20.43 Department of Health.--There is created a  
2 Department of Health.  
3           (3) The following divisions of the Department of  
4 Health are established:  
5           (g) Division of Medical Quality Assurance, which is  
6 responsible for the following boards and professions  
7 established within the division:  
8           1. Nursing assistants, as provided under s. 400.211.  
9           2. Health care services pools, as provided under s.  
10 402.48.  
11           3. The Board of Acupuncture, created under chapter  
12 457.  
13           4. The Board of Medicine, created under chapter 458.  
14           5. The Board of Osteopathic Medicine, created under  
15 chapter 459.  
16           6. The Board of Chiropractic Medicine, created under  
17 chapter 460.  
18           7. The Board of Podiatric Medicine, created under  
19 chapter 461.  
20           8. Naturopathy, as provided under chapter 462.  
21           9. The Board of Optometry, created under chapter 463.  
22           10. The Board of Nursing, created under chapter 464.  
23           11. The Board of Pharmacy, created under chapter 465.  
24           12. The Board of Dentistry, created under chapter 466.  
25           13. Midwifery, as provided under chapter 467.  
26           14. The Board of Speech-Language Pathology and  
27 Audiology, created under part I of chapter 468.  
28           15. The Board of Nursing Home Administrators, created  
29 under part II of chapter 468.  
30           16. The Board of Occupational Therapy, created under  
31 part III of chapter 468.

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

1 | investigative, and prosecutorial services required by the  
2 | Division of Medical Quality Assurance, councils, or boards, as  
3 | appropriate.

4 |         Section 21. Subsection (4) of section 501.0573,  
5 | Florida Statutes, is amended to read:

6 |             501.0573 Weight-loss provider requirements.--Each  
7 | weight-loss provider shall:

8 |             (4) Provide the name, address, and qualifications of  
9 | the person who has reviewed and approved the weight-loss  
10 | program according to s. 468.505(1)(k)~~(j)~~.

11 |         Section 22. Paragraph (E) of subsection (1) of section  
12 | 501.0575, Florida Statutes, is amended to read:

13 |             501.0575 Weight-Loss Consumer Bill of Rights.--

14 |             (1) The Weight-Loss Consumer Bill of Rights shall  
15 | consist of the following provisions:

16 |             (E) YOU HAVE A RIGHT TO:

17 |             1. ASK QUESTIONS ABOUT THE POTENTIAL HEALTH RISKS OF  
18 | THIS PROGRAM AND ITS NUTRITIONAL CONTENT, PSYCHOLOGICAL  
19 | SUPPORT, AND EDUCATIONAL COMPONENTS.

20 |             2. RECEIVE AN ITEMIZED STATEMENT OF THE ACTUAL OR  
21 | ESTIMATED PRICE OF THE WEIGHT-LOSS PROGRAM, INCLUDING EXTRA  
22 | PRODUCTS, SERVICES, SUPPLEMENTS, EXAMINATIONS, AND LABORATORY  
23 | TESTS.

24 |             3. KNOW THE ACTUAL OR ESTIMATED DURATION OF THE  
25 | PROGRAM.

26 |             4. KNOW THE NAME, ADDRESS, AND QUALIFICATIONS OF THE  
27 | DIETITIAN OR NUTRITIONIST WHO HAS REVIEWED AND APPROVED THE  
28 | WEIGHT-LOSS PROGRAM ACCORDING TO s. 468.505(1)(k)~~(j)~~, FLORIDA  
29 | STATUTES.

30 |         Section 23. Subsection (2) of section 627.6408,  
31 | Florida Statutes, is amended to read:

1           627.6408 Diabetes treatment services.--

2           (2) The policy may require that diabetes outpatient  
3 self-management training and educational services be provided  
4 under the direct supervision of a certified diabetes educator  
5 or a board-certified endocrinologist. The policy may further  
6 require that nutrition counseling be provided by a licensed  
7 dietitian/nutritionist or licensed clinical nutritionist  
8 ~~dietitian~~.

9           Section 24. Subsection (2) of section 627.65745,  
10 Florida Statutes, is amended to read:

11           627.65745 Diabetes treatment services.--

12           (2) The policy or health benefit plan may require that  
13 diabetes outpatient self-management training and educational  
14 services be provided under the direct supervision of a  
15 certified diabetes educator or a board-certified  
16 endocrinologist. The policy or health benefit plan may further  
17 require that nutrition counseling be provided by a licensed  
18 dietitian/nutritionist or licensed clinical nutritionist  
19 ~~dietitian~~.

20           Section 25. This act shall take effect October 1,  
21 1999.

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LEGISLATIVE SUMMARY

Revises part X of chapter 468, F.S., relating to dietetics and nutrition practice, to revise terminology and include regulatory provisions for clinical nutrition practice. Creates the Clinical Nutrition Practice Council to advise the Board of Medicine on the practice. Provides rulemaking authority to the board for such regulation. Provides applicability with respect to currently licensed nutrition counselors, and provides for relicensure of such counselors as clinical nutritionists. Provides that health insurance policies may require that nutrition counseling required in conjunction with other diabetes treatment services be provided by a licensed dietitian/nutritionist or licensed clinical nutritionist. Renames the Dietetics and Nutrition Practice Council as the Dietetics/Nutrition Practice Council, and revises references to the practice to conform. Replaces obsolete references to the Agency for Health Care Administration with references to the Department of Health. (See bill for details.)