Q&A regarding the new law that Governor DeSantis signed June 30, 2020 regarding the Florida Dietetics and Nutrition Practice Act

What is the background of this law?
Our original Florida Dietetics and Nutrition Practice Act was established in 1988 and limited nutrition assessment and counseling for remuneration to licensed dietitian/nutritionists and nutrition counselors. Professions who are excluded from the original law have challenged our practice act over the years, and this time they made some traction. House Bill 1193 was signed into law on June 30, 2020, which is a large deregulation package. It deregulates many professions, including interior designers, hair braiders, auctioneers, and others. During the legislative session in February-March 2020, licensed dietitian/nutritionists were added to this bill at the last minute. It should be noted, this bill did not go through any health committees for review. The original language on the bill, which would have changed our practice act into a title act, would allow anyone regardless of their education to provide nutrition counseling as long as they did not use a protected title. Through the efforts of FAND Leadership and our lobbyists, amended language was added later in the session, which maintained our practice act and aims to protect the most vulnerable clients.

*The language to House Bill 1193 that Governor DeSantis signed June 30, 2020 is listed at the bottom for your review.*

I saw some recent social media posts from outside professions who say they now can provide nutrition counseling. Is that true?
Yes and no. The entire story was not told on those posts. The posts only spoke of the original language on the bill, which would allow anyone regardless of their education to provide nutrition counseling as long as they do not use a protected title. The amendment to the bill was excluded on the posts (explained below).

What are the real changes to our dietetics practice act?
In summary, the new changes allow any individual to provide obesity and weight loss counseling for remuneration as long as they do not use a protected title, such as “licensed dietitian/nutritionist.” Only a licensed dietitian/nutritionist may provide nutrition counseling for remuneration for individuals under the direct care and supervision of a medical doctor for a disease or medical condition requiring nutrition intervention, except for obesity. This amended language was supported by FAND Leadership in order to maintain our practice act and protect the most vulnerable clients. The full interpretation and specific rules around the law still need to be developed by the Dietetics and Nutrition Practice Council and finalized by the Board of Medicine.

**The amendment with the compromised language to House Bill 1193 that Governor DeSantis signed June 30, 2020 is listed at the bottom for your review.**

What did FAND do to fight the change to our practice act?
First, let’s define who is FAND. FAND is the 3,000 plus members who make up Florida’s largest association of dietetic and nutrition professionals who are at the forefront of health and nutrition information and education. If you are a member of FAND, then YOU are FAND! So, then ask yourself, what did I do to fight the change to our practice act? Thank you to the many members who responded promptly to the “Calls to Action” by reaching out to your legislators and expressing your concern. This
action raised awareness amongst our law makers of a little-known and unchallenged deregulation attempt.

**What did FAND Leadership do to fight the change to our practice act?**
The 7 board members and 4 public policy team members joined forces along with over 100 FAND members at the state capitol during the legislative session in February. Thanks solely to our lobbyists, we were made aware that our practice act was threatened, and things were moving very quickly. Representative Blaise Ingoglia (district 35), the chief architect of this bill (HB 1193), stood strong by his desire to deregulate our licensure. In the effort of formulating the best plan of defense, your FAND Leaders met continuously with our lobbyists, rallied support from our ally legislators, engaged in several negotiations with Representative Ingoglia, and testified at the House and Senate committee hearings. The moment this plan took shape, we sent “Calls to Action” to Florida licensed dietitian/nutritionists (to both FAND members and non-members). We learned the negotiation and lobbying process is extremely fluid and can change hour-by-hour, so FAND Leadership, under the guidance of our experienced lobbyists, notified and updated members as soon as a clear message was apparent. As a result of these efforts, Senator Ben Albritton (district 26) agreed to add compromise language in an amendment to the bill.

FAND leadership recognizes it is a huge disappointment for our dietetics practice act to undergo any changes. After counsel from our expert lobbyists and ally legislators, a compromise was the best move we could make to uphold a vital piece of our practice act and still preserve our ability to protect the health, safety, and welfare of the most vulnerable Floridians.

**What happens next?**
Our work is not done! The full interpretation and specific rules around the law still need to be developed by the Dietetics and Nutrition Practice Council and finalized by the Board of Medicine. We have much to learn about the policy-making process that follows the enactment of a new bill. Rest assured FAND Leadership continues to be highly engaged and highly vested in this process. Look for continued updates and information from FAND Leadership.

**I’m upset! I want to give someone a piece of my mind! What should I consider?**
We understand you may be upset with those who challenged our licensure law, and rightfully so. Let’s focus that energy in the right direction. We highly recommend you do not get into a social media war with outside organizations. Your time and energy will be much more effective in communicating with Florida law makers. We expect there are more challenges to come, and we need to be ready by having Florida law makers on our side. We ask for your support in maintaining professionalism and respect on social media platforms as we deal with these matters together.

**What can we gain from this?**
When we learned our licensure was added to the deregulation bill, we knew we were going to have to make some changes to our practice act. FAND Leadership identified the common thread we have with other professions, which is to battle obesity. Obesity is an epidemic, and we need more support in the fight against it. We know licensed dietitian/nutritionists are the experts, but not everyone knows that. Instead of making enemies, let’s challenge ourselves to find ways to work smarter to establish respect in
In line with the revised law, our ambition should be that when it comes to medical concerns beyond obesity, client care will smoothly transition over to licensed dietitian/nutritionists.

What can I do to help?
Contact your local legislators. We need licensed dietitian/nutritionists to develop relationships and show support for your local legislators. When we face challenges in the future (and they will definitely happen), it will be easier for you to call upon your legislator for help if a relationship has already been established. There are 120 Representatives and 40 Senators in Florida. FAND’s 7 board members and 4 public policy team members have spoken to many of them, but your local legislators want to hear from you, their constituents. Please don’t think, “Oh, someone else will do it.” We need YOU! Call or e-mail your legislator’s office and ask to schedule an appointment. They may have virtual or phone meeting capabilities if preferred over an in-person visit.

In addition, we are fortunate to have wonderful lobbyists working on our behalf. Because of the late addition of licensed dietitian/nutritionists to this deregulation bill, it would have passed unchallenged last March if not for the diligence and commitment of our lobbyists. We ask for monetary contributions to ensure continued support from our outstanding lobbyists. Please consider making a donation to support your licensure law. Go to www.EatRightFlorida.org – On the right-side of the page under “Act Today,” click “Donate Now”. Here is the direct link: https://eatrightflorida.org/index.php/donate-now. 100% of these contributions will go toward legislative efforts.

How do I contact my local legislators?
It’s easy! Here’s how to find your local legislator and their contact information:

- State Senator – Go to www.flsenate.gov and click on the link that says, “Find your State Legislators.” Here is a direct link: https://flsenate.gov/Senators/Find. Type in your address to search.
- State Representative – Go to www.myfloridahouse.gov and click on the link that says, “Find Your Representative.” Here is a direct link: https://www.myfloridahouse.gov/Sections/Representatives/myrepresentative.aspx. Type in your address to search.

Call or e-mail their District Office, inform them you are a constituent, and request an appointment to discuss the health, safety, and welfare of Floridians.

What should I say to my legislators?

- Introduce yourself, and tell them about your work in the profession.
- Teach them what a licensed dietitian/nutritionist is and how we help Floridians.
  o The focus should be on license, not registration, because the license applies specifically to the dietetics practice act in Florida.
- Teach them about the training involved to become a dietitian and the continuing education requirements to maintain your license.
- Tell them about the recent changes to the dietetics practice act, and how you are concerned about the health, safety, and welfare of Floridians.
The focus is on the health, safety, and welfare of Floridians. It is not “I don’t want other people to take my job.”

- If you have one, tell them a story of harm a Floridian experienced as a result of receiving nutrition counseling from an unlicensed individual.
- Ask if you may reach out to them for support if concerns about the health, safety, and welfare of Floridians related to our licensure law arise in the future.
- Ask them what you can do to help support them. Be ready to follow through!

**What if I’m nervous about speaking to my legislators?**

It’s understandable to be nervous. Fortunately, your legislative leaders are usually very eager to hear from you, especially because you are a voting member of their district. They are regular people who probably know very little about licensed dietitian/nutritionists, so it’s the same as telling a layperson about your profession. Still nervous? Consider asking a dietitian friend to join you in your meeting. You may also contact FAND Leadership to provide guidance.

**I’m a Democrat/Republican, and my legislator is not. What if I don’t support their political party?**

Whether you are a democrat, a republican or an independent, this is an issue for all Florida licensed dietitian/nutritionists regardless of political affiliation. We need our law makers to know who dietitian/nutritionists are, and why licensure is important.

**What should I tell my LDN colleagues who are not FAND members?**

No matter where you stand with your opinion about the Academy and FAND, this impacts you if you are a Florida licensed dietitian nutritionist. FAND members have been working to protect all Florida licensed dietitian/nutritionists regardless of their membership status. We ask for help from all Florida licensed dietitian/nutritionists in contacting their legislators. Also, a monetary donation to our legislative efforts would help us go farther. Even just $10 from every licensed dietitian would make a huge impact on what we can do together as a team ([https://eatrightflorida.org/index.php/donate-now](https://eatrightflorida.org/index.php/donate-now)). We encourage you to share this communication with licensed dietitian/nutritionists who may not be FAND members.

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*Original language in House Bill 1193*

**FLORIDA HOUSE OF REPRESENTATIVES HB 1193**

Section 20. Paragraph (n) is added to subsection (1) of 410 section 468.505, Florida Statutes, to read:

1. Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:
2. (n) A person who provides information, recommendations, or advice concerning nutrition, or who markets food, food materials, or dietary supplements for remuneration, if that person does not represent himself or herself as a dietitian, licensed dietitian, registered dietitian, licensed nutritionist, nutrition counselor, or licensed nutrition counselor, or use any word, letter, symbol, or insignia indicating or implying that he or she is a dietitian, nutritionist, or nutrition counselor.
Section 21. Paragraphs (c) through (g) of subsection (1) 423 of section 468.517, Florida Statutes, are redesignated as 424 paragraphs (d) through (h), respectively, and a new paragraph (c) is added to that subsection, to read:

468.517 Prohibitions; penalties.— 427
(1) A person may not knowingly:
    (c) Engage in dietetics and nutrition practice or nutrition counseling for remuneration in a hospital licensed under chapter 395, a nursing home licensed under part II of chapter 400, an assisted living facility licensed under chapter 432, or a continuing care facility certified under chapter 651 without a license under this part or under an exemption or exception provided in s. 468.505(1)(a), (b), (d), (e), (f), (h), 435 (i), (k), (l), or (m).

**Amendment to House Bill 1193**

Section 18. Paragraph (n) is added to subsection (1) of section 468.505, Florida Statutes, to read:

468.505 Exemptions; exceptions.—

(1) Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:
(n) Any person who provides information, wellness recommendations, or advice concerning nutrition, or who markets food, food materials, or dietary supplements for remuneration, if such person does not provide such services to a person under the direct care and supervision of a medical doctor for a disease or medical condition requiring nutrition intervention, not including obesity or weight loss, and does not represent himself or herself as a dietitian, licensed dietitian, registered dietitian, nutritionist, licensed nutritionist, nutrition counselor, or licensed nutrition counselor, or use any word, letter, symbol, or insignia indicating or implying that he or she is a dietitian, nutritionist, or nutrition counselor.