

By the Committee on Rules & Calendar and Representative
Arnall

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes;
3 amending ss. 175.032, 175.181, 185.02,
4 215.5602, 216.181, 288.1224, 288.9957,
5 288.9958, 288.9959, 455.654, 468.354, 608.4237,
6 and 733.817, F.S., to conform to the directive
7 in s. 1, ch. 93-199, Laws of Florida, to remove
8 gender-specific references applicable to human
9 beings from the Florida Statutes without
10 substantive change in legal effect.

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

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14 Section 1. Paragraph (a) of subsection (3) and
15 subsection (5) of section 175.032, Florida Statutes, are
16 amended to read:

17 175.032 Definitions.--For any municipality, special
18 fire control district, chapter plan, local law municipality,
19 local law special fire control district, or local law plan
20 under this chapter, the following words and phrases have the
21 following meanings:

22 (3) "Compensation" or "salary" means the fixed monthly
23 remuneration paid a firefighter; where, as in the case of a
24 volunteer firefighter, remuneration is based on actual
25 services rendered, the term means the total cash remuneration
26 received yearly for such services, prorated on a monthly
27 basis.

28 (a) A retirement trust fund or plan may use a
29 definition of salary other than the definition in this
30 subsection but only if the monthly retirement income payable
31 to each firefighter covered by the retirement trust fund or

1 plan, as determined under s. 175.162(2)(a) and using such
2 other definition, equals or exceeds the monthly retirement
3 income that would be payable to each firefighter if his or her
4 monthly retirement income were determined under s.

5 175.162(2)(a) and using the definition in this subsection.

6 (5) "Deferred Retirement Option Plan" or "DROP" means
7 a local law plan retirement option in which a firefighter may
8 elect to participate. A firefighter may retire for all
9 purposes of the plan and defer receipt of retirement benefits
10 into a DROP account while continuing employment with his or
11 her employer. However, a firefighter who enters the DROP and
12 who is otherwise eligible to participate shall not thereby be
13 precluded from participating, or continuing to participate, in
14 a supplemental plan in existence on, or created after, the
15 effective date of this act.

16 Section 2. Subsection (2) of section 175.181, Florida
17 Statutes, is amended to read:

18 175.181 Beneficiaries.--For any municipality, special
19 fire control district, chapter plan, local law municipality,
20 local law special fire control district, or local law plan
21 under this chapter:

22 (2) If no beneficiary is named in the manner provided
23 by subsection (1), or if no beneficiary designated by the
24 member survives him or her, the death benefit, if any, which
25 may be payable under the plan with respect to such deceased
26 firefighter shall be paid by the board of trustees to the
27 estate of such deceased firefighter, provided that the board
28 of trustees, in its discretion, may direct that the commuted
29 value of the remaining monthly income payments be paid in a
30 lump sum. Any payment made to any person pursuant to this
31 subsection shall operate as a complete discharge of all

1 obligations under the plan with regard to the deceased
2 firefighter and any other persons with rights under the plan
3 and shall not be subject to review by anyone but shall be
4 final, binding, and conclusive on all persons ever interested
5 hereunder.

6 Section 3. Subsection (6) of section 185.02, Florida
7 Statutes, is amended to read:

8 185.02 Definitions.--For any municipality, chapter
9 plan, local law municipality, or local law plan under this
10 chapter, the following words and phrases as used in this
11 chapter shall have the following meanings, unless a different
12 meaning is plainly required by the context:

13 (6) "Deferred Retirement Option Plan" or "DROP" means
14 a local law plan retirement option in which a police officer
15 may elect to participate. A police officer may retire for all
16 purposes of the plan and defer receipt of retirement benefits
17 into a DROP account while continuing employment with his or
18 her employer. However, a police officer who enters the DROP
19 and who is otherwise eligible to participate shall not thereby
20 be precluded from participating, or continuing to participate,
21 in a supplemental plan in existence on, or created after, the
22 effective date of this act.

23 Section 4. Paragraph (a) of subsection (3) of section
24 215.5602, Florida Statutes, is amended to read:

25 215.5602 Florida Biomedical Research Program.--

26 (3) There is created within the Department of Health
27 the Biomedical Research Advisory Council.

28 (a) The council shall consist of nine members,
29 including: the chief executive officer of the Florida Division
30 of the American Cancer Society, or a designee; the chief
31 executive officer of the Florida/Puerto Rico Affiliate of the

1 American Heart Association, or a designee; and the chief
2 executive officer of the American Lung Association of Florida,
3 or a designee. The Governor shall appoint the remaining six
4 members of the council, as follows:

5 1. Two members with expertise in the field of
6 biomedical research.

7 2. One member with expertise in the field of
8 behavioral or social research.

9 3. One member from a professional medical
10 organization.

11 4. One member from a research university in the state.

12 5. One member representing the general population of
13 the state.

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15 In making his or her appointments, the Governor shall select
16 primarily, but not exclusively, Floridians with biomedical and
17 lay expertise in the general areas of cancer, cardiovascular
18 disease, stroke, and pulmonary disease. The Governor's
19 appointments shall be for a 3-year term and shall reflect the
20 diversity of the state's population. A council member
21 appointed by the Governor may not serve more than two
22 consecutive terms.

23 Section 5. Subsection (18) of section 216.181, Florida
24 Statutes, is amended to read:

25 216.181 Approved budgets for operations and fixed
26 capital outlay.--

27 (18) Notwithstanding any other provision of this
28 chapter to the contrary, the Florida Department of
29 Transportation, in order to facilitate the transfer of
30 personnel to the new turnpike headquarters location in Orange
31 County, may transfer salary rate to the turnpike budget entity

1 from other departmental budget entities. The department must
2 provide documentation of all transfers to the Executive Office
3 of the Governor, the chair ~~Chairman~~ of the Senate Budget
4 Committee, and the chair ~~Chairman~~ of the House of
5 Representatives Committee on Transportation and Economic
6 Development Appropriations. This subsection expires July 1,
7 2000.

8 Section 6. Subsection (12) of section 288.1224,
9 Florida Statutes, is amended to read:

10 288.1224 Powers and duties.--The commission:

11 (12) Shall establish a statewide advisory committee of
12 the commission to assist the commission with implementation of
13 a plan to protect and promote all of the natural, coastal,
14 historical, and cultural tourism assets of this state. The
15 duties of the committee shall include, but are not limited to,
16 helping to develop and review nature-based tourism and
17 heritage tourism policies, coordinate governmental and
18 private-sector interests in nature-based tourism and heritage
19 tourism, and integrate federal, state, regional, and local
20 nature-based tourism and heritage tourism marketing
21 strategies. The chair ~~chairman~~ of the commission shall appoint
22 members of the advisory committee based upon recommendations
23 from the commission. Members shall include:

24 (a) A representative of each of the following state
25 governmental organizations: the Department of Agriculture, the
26 Department of Environmental Protection, the Department of
27 Community Affairs, the Department of Transportation, the
28 Department of State, the Florida Greenways Coordinating
29 Council, and the Florida Fish and Wildlife Conservation
30 Commission.

31 (b) A representative of Enterprise Florida, Inc.

1 (c) Representatives of regional nature-based tourism
2 or heritage tourism committees or associations that are
3 established by local tourism organizations throughout the
4 state.

5 (d) Representatives of the private sector with
6 experience in environmental, historical, cultural,
7 recreational, or other tourism-related activities.

8 (e) Representatives of two not-for-profit
9 environmental organizations with expertise in environmental
10 resource protection and land management.

11 (f) A representative from a local economic development
12 organization serving a rural community.

13 (g) A representative from a local economic development
14 organization serving a nonrural community.

15 (h) Representatives from any other organizations that
16 the chair ~~chairman~~ of the commission, based upon
17 recommendations from the commission, deems appropriate.

18 Section 7. Subsection (1) of section 288.9957, Florida
19 Statutes, is amended to read:

20 288.9957 Florida Youth Workforce Council.--

21 (1) The chair ~~chairman~~ of the Workforce Development
22 Board shall designate the Florida Youth Workforce Council from
23 representatives of distressed inner-city and rural communities
24 who have demonstrated experience working with at-risk youth,
25 and representatives of public and private groups, including,
26 but not limited to, School-to-Work Advisory Councils, the
27 National Guard, Childrens' Services Councils, Juvenile Welfare
28 Boards, the Apprenticeship Council, Juvenile Justice District
29 Boards, and other federal and state programs that target
30 youth, to advise the board on youth programs and to implement
31 Workforce Development Board strategies for young people.

1 Section 8. Subsection (1) of section 288.9958, Florida
2 Statutes, is amended to read:

3 288.9958 Employment, Occupation, and Performance
4 Information Coordinating Committee.--

5 (1) By July 15, 1999, the chair ~~chairman~~ of the
6 Workforce Development Board shall appoint an Employment,
7 Occupation, and Performance Information Coordinating
8 Committee, which shall assemble all employment, occupational,
9 and performance information from workforce development
10 partners into a single integrated informational system. The
11 committee shall include representatives from the Bureau of
12 Labor Market and Performance Information, Florida Education
13 and Training Placement Information Program, and the State
14 Occupational Forecasting Conference, as well as other public
15 or private members with information expertise.

16 Section 9. Subsection (1) of section 288.9959, Florida
17 Statutes, is amended to read:

18 288.9959 Operational Design and Technology Procurement
19 Committee.--

20 (1) The chair ~~chairman~~ of the Workforce Development
21 Board shall appoint an Operational Design and Technology
22 Procurement Committee, which shall assemble representatives
23 from the regional workforce development boards, board staff,
24 and the staff of the WAGES State Board of Directors to design
25 and develop a model operational design and technology
26 procurement strategy for One-Stop Career Centers to ensure
27 that services from region to region are consistent for
28 customers, that customer service technology is compatible, and
29 that procurement expenditures, where possible, are aggregated
30 to obtain economies and efficiencies.

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1 Section 10. Paragraph (a) of subsection (4) of section
2 455.654, Florida Statutes, is amended to read:

3 455.654 Financial arrangements between referring
4 health care providers and providers of health care services.--

5 (4) REQUIREMENTS FOR ACCEPTING OUTSIDE REFERRALS FOR
6 DIAGNOSTIC IMAGING.--

7 (a) A group practice or sole provider accepting
8 outside referrals for diagnostic imaging services is required
9 to comply with the following conditions:

10 1. Diagnostic imaging services must be provided
11 exclusively by a group practice physician or by a full-time or
12 part-time employee of the group practice or of the sole
13 provider's practice.

14 2. All equity in the group practice or sole provider's
15 practice accepting outside referrals for diagnostic imaging
16 must be held by the physicians comprising the group practice
17 or the sole provider's practice, each of whom must provide at
18 least 75 percent of his or her professional services to the
19 group. Alternatively, the group must be incorporated under
20 chapter 617 and must be exempt under the provisions of s.
21 501(c)(3) of the Internal Revenue Code and be part of a
22 foundation in existence prior to January 1, 1999, that is
23 created for the purpose of patient care, medical education,
24 and research.

25 3. A group practice or sole provider may not enter
26 into, extend or renew any contract with a practice management
27 company that provides any financial incentives, directly or
28 indirectly, based on an increase in outside referrals for
29 diagnostic imaging services from any group or sole provider
30 managed by the same practice management company.

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1 4. The group practice or sole provider accepting
2 outside referrals for diagnostic imaging services must bill
3 for both the professional and technical component of the
4 service on behalf of the patient, and no portion of the
5 payment, or any type of consideration, either directly or
6 indirectly, may be shared with the referring physician.

7 5. Group practices or sole providers that have a
8 Medicaid provider agreement with the Agency for Health Care
9 Administration must furnish diagnostic imaging services to
10 their Medicaid patients and may not refer a Medicaid recipient
11 to a hospital for outpatient diagnostic imaging services
12 unless the physician furnishes the hospital with documentation
13 demonstrating the medical necessity for such a referral. If
14 necessary, the Agency for Health Care Administration may apply
15 for a federal waiver to implement this subparagraph.

16 6. All group practices and sole providers accepting
17 outside referrals for diagnostic imaging shall report annually
18 to the Agency for Health Care Administration providing the
19 number of outside referrals accepted for diagnostic imaging
20 services and the total number of all patients receiving
21 diagnostic imaging services.

22 Section 11. Paragraph (a) of subsection (3) of section
23 468.354, Florida Statutes, is amended to read:

24 468.354 Board of Respiratory Care; organization;
25 function.--

26 (3)(a) Except as provided in paragraph (b), the term
27 of office for each board member shall be 4 years. No member
28 shall serve for more than two consecutive terms. Any time
29 there is a vacancy to be filled, all professional
30 organizations dealing with respiratory therapy incorporated
31 within the state as not for profit which register their

1 interest shall recommend at least twice as many persons to
2 fill the vacancy as the number of vacancies to be filled, and
3 the Governor may appoint from the submitted list, in his or
4 her discretion, any of those persons so recommended. The
5 Governor shall, insofar as possible, appoint persons from
6 different geographical areas.

7 Section 12. Paragraph (d) of subsection (1) of section
8 608.4237, Florida Statutes, is amended to read:

9 608.4237 Membership termination upon events of
10 bankruptcy.--A person ceases to be a member of a limited
11 liability company upon the occurrence of any of the following:

12 (1) Unless otherwise provided in the articles of
13 organization or operating agreement, or with the written
14 consent of all members, a member:

15 (d) Files a petition or answer seeking for herself or
16 himself any reorganization, arrangement, composition,
17 readjustment, liquidation, dissolution, or similar relief
18 under any statute, law, or regulation;

19 Section 13. Paragraph (a) of subsection (1) and
20 subsection (6) of section 733.817, Florida Statutes, are
21 amended to read:

22 733.817 Apportionment of estate taxes.--

23 (1) For purposes of this section:

24 (a) "Fiduciary" means a person other than the personal
25 representative in possession of property included in the
26 measure of the tax who is liable to the applicable taxing
27 authority for payment of the entire tax to the extent of the
28 value of the property in his or her possession.

29 (6) The personal representative or fiduciary shall not
30 be required to transfer to a recipient any property in
31 possession of the personal representative or fiduciary which

1 he or she reasonably anticipates may be necessary for the
2 payment of taxes. Further, the personal representative or
3 fiduciary shall not be required to transfer any property in
4 possession of the personal representative or fiduciary to the
5 recipient until the amount of the tax due from the recipient
6 is paid by the recipient. If property is transferred before
7 final apportionment of the tax, the recipient shall provide a
8 bond or other security for his or her apportioned liability in
9 the amount and form prescribed by the personal representative
10 or fiduciary.

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Reviser's note.--Amended pursuant to the
directive of the Legislature in s. 1, ch.
93-199, Laws of Florida, to remove
gender-specific references applicable to human
beings from the Florida Statutes without
substantive change in legal effect.