

By Senator McKay

rb2000-9

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, 231.6135, 288.1224,
5 288.9957, 288.9958, 288.9959, 455.654, 468.354,
6 608.4237, and 733.817, F.S., to conform to the
7 directive in s. 1, ch. 93-199, Laws of Florida,
8 to remove gender-specific references applicable
9 to human beings from the Florida Statutes
10 without 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 (5) of section 231.6135, Florida
9 Statutes, is amended to read:

10 231.6135 Statewide system for inservice professional
11 development.--The intent of this section is to establish a
12 statewide system of professional development that provides a
13 wide range of targeted inservice training to teachers and
14 administrators designed to upgrade skills and knowledge needed
15 to reach world class standards in education. The system shall
16 consist of a network of professional development academies in
17 each region of the state that are operated in partnership with
18 area business partners to develop and deliver high-quality
19 training programs purchased by school districts. The
20 academies shall be established to meet the human resource
21 development needs of professional educators, schools, and
22 school districts. Funds appropriated for the initiation of
23 professional development academies shall be allocated by the
24 Commissioner of Education, unless otherwise provided in an
25 appropriations act. To be eligible for startup funds, the
26 academy must:

27 (5) Be operated under contract with its public
28 partners and governed by an independent board of directors,
29 which should include at least one superintendent and one
30 school board chair ~~chairman~~ from the participating school
31 districts, the president of the collective bargaining unit

1 that represents the majority of the region's teachers, and at
2 least three individuals who are not employees or elected or
3 appointed officials of the participating school districts.

4 Section 7. Subsection (12) of section 288.1224,
5 Florida Statutes, is amended to read:

6 288.1224 Powers and duties.--The commission:

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

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

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

28 (c) Representatives of regional nature-based tourism
29 or heritage tourism committees or associations that are
30 established by local tourism organizations throughout the
31 state.

1 (d) Representatives of the private sector with
2 experience in environmental, historical, cultural,
3 recreational, or other tourism-related activities.

4 (e) Representatives of two not-for-profit
5 environmental organizations with expertise in environmental
6 resource protection and land management.

7 (f) A representative from a local economic development
8 organization serving a rural community.

9 (g) A representative from a local economic development
10 organization serving a nonrural community.

11 (h) Representatives from any other organizations that
12 the chair ~~chairman~~ of the commission, based upon
13 recommendations from the commission, deems appropriate.

14 Section 8. Subsection (1) of section 288.9957, Florida
15 Statutes, is amended to read:

16 288.9957 Florida Youth Workforce Council.--

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

28 Section 9. Subsection (1) of section 288.9958, Florida
29 Statutes, is amended to read:

30 288.9958 Employment, Occupation, and Performance
31 Information Coordinating Committee.--

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

12 Section 10. Subsection (1) of section 288.9959,
13 Florida Statutes, is amended to read:

14 288.9959 Operational Design and Technology Procurement
15 Committee.--

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

27 Section 11. Paragraph (a) of subsection (4) of section
28 455.654, Florida Statutes, is amended to read:

29 455.654 Financial arrangements between referring
30 health care providers and providers of health care services.--

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1 (4) REQUIREMENTS FOR ACCEPTING OUTSIDE REFERRALS FOR
2 DIAGNOSTIC IMAGING.--

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

6 1. Diagnostic imaging services must be provided
7 exclusively by a group practice physician or by a full-time or
8 part-time employee of the group practice or of the sole
9 provider's practice.

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

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

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

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

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

18 Section 12. Paragraph (a) of subsection (3) of section
19 468.354, Florida Statutes, is amended to read:

20 468.354 Board of Respiratory Care; organization;
21 function.--

22 (3)(a) Except as provided in paragraph (b), the term
23 of office for each board member shall be 4 years. No member
24 shall serve for more than two consecutive terms. Any time
25 there is a vacancy to be filled, all professional
26 organizations dealing with respiratory therapy incorporated
27 within the state as not for profit which register their
28 interest shall recommend at least twice as many persons to
29 fill the vacancy as the number of vacancies to be filled, and
30 the Governor may appoint from the submitted list, in his or
31 her discretion, any of those persons so recommended. The

1 Governor shall, insofar as possible, appoint persons from
2 different geographical areas.

3 Section 13. Paragraph (d) of subsection (1) of section
4 608.4237, Florida Statutes, is amended to read:

5 608.4237 Membership termination upon events of
6 bankruptcy.--A person ceases to be a member of a limited
7 liability company upon the occurrence of any of the following:

8 (1) Unless otherwise provided in the articles of
9 organization or operating agreement, or with the written
10 consent of all members, a member:

11 (d) Files a petition or answer seeking for herself or
12 himself any reorganization, arrangement, composition,
13 readjustment, liquidation, dissolution, or similar relief
14 under any statute, law, or regulation;

15 Section 14. Paragraph (a) of subsection (1) and
16 subsection (6) of section 733.817, Florida Statutes, are
17 amended to read:

18 733.817 Apportionment of estate taxes.--

19 (1) For purposes of this section:

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

25 (6) The personal representative or fiduciary shall not
26 be required to transfer to a recipient any property in
27 possession of the personal representative or fiduciary which
28 he or she reasonably anticipates may be necessary for the
29 payment of taxes. Further, the personal representative or
30 fiduciary shall not be required to transfer any property in
31 possession of the personal representative or fiduciary to the

1 recipient until the amount of the tax due from the recipient
2 is paid by the recipient. If property is transferred before
3 final apportionment of the tax, the recipient shall provide a
4 bond or other security for his or her apportioned liability in
5 the amount and form prescribed by the personal representative
6 or fiduciary.

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8 Reviser's note.--Amended pursuant to the
9 directive of the Legislature in s. 1, ch.
10 93-199, Laws of Florida, to remove
11 gender-specific references applicable to human
12 beings from the Florida Statutes without
13 substantive change in legal effect.

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