

## House Bill No. 1065

An act relating to the Florida Statutes; amending ss. 175.032, 175.181, 185.02, 215.5602, 216.181, 288.1224, 288.9957, 288.9958, 288.9959, 455.654, 468.354, 608.4237, and 733.817, F.S., to conform to the directive 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.

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

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

175.032 Definitions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the following words and phrases have the following meanings:

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

(a) A retirement trust fund or plan may use a definition of salary other than the definition in this subsection but only if the monthly retirement income payable to each firefighter covered by the retirement trust fund or plan, as determined under s. 175.162(2)(a) and using such other definition, equals or exceeds the monthly retirement income that would be payable to each firefighter if his or her monthly retirement income were determined under s. 175.162(2)(a) and using the definition in this subsection.

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

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

175.181 Beneficiaries.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(2) If no beneficiary is named in the manner provided by subsection (1), or if no beneficiary designated by the member survives him or her, the death benefit, if any, which may be payable under the plan with respect to such

deceased firefighter shall be paid by the board of trustees to the estate of such deceased firefighter, provided that the board of trustees, in its discretion, may direct that the commuted value of the remaining monthly income payments be paid in a lump sum. Any payment made to any person pursuant to this subsection shall operate as a complete discharge of all obligations under the plan with regard to the deceased firefighter and any other persons with rights under the plan and shall not be subject to review by anyone but shall be final, binding, and conclusive on all persons ever interested hereunder.

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

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

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

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

215.5602 Florida Biomedical Research Program.—

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

(a) The council shall consist of nine members, including: the chief executive officer of the Florida Division of the American Cancer Society, or a designee; the chief executive officer of the Florida/Puerto Rico Affiliate of the American Heart Association, or a designee; and the chief executive officer of the American Lung Association of Florida, or a designee. The Governor shall appoint the remaining six members of the council, as follows:

1. Two members with expertise in the field of biomedical research.
2. One member with expertise in the field of behavioral or social research.
3. One member from a professional medical organization.
4. One member from a research university in the state.
5. One member representing the general population of the state.

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

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

216.181 Approved budgets for operations and fixed capital outlay.—

(18) Notwithstanding any other provision of this chapter to the contrary, the Florida Department of Transportation, in order to facilitate the transfer of personnel to the new turnpike headquarters location in Orange County, may transfer salary rate to the turnpike budget entity from other departmental budget entities. The department must provide documentation of all transfers to the Executive Office of the Governor, the chair ~~Chairman~~ of the Senate Budget Committee, and the chair ~~Chairman~~ of the House of Representatives Committee on Transportation and Economic Development Appropriations. This subsection expires July 1, 2000.

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

288.1224 Powers and duties.—The commission:

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

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

(b) A representative of Enterprise Florida, Inc.

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

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

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

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

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

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

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

288.9957 Florida Youth Workforce Council.—

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

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

288.9958 Employment, Occupation, and Performance Information Coordinating Committee.—

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

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

288.9959 Operational Design and Technology Procurement Committee.—

(1) The ~~chair~~ chairman of the Workforce Development Board shall appoint an Operational Design and Technology Procurement Committee,

which shall assemble representatives from the regional workforce development boards, board staff, and the staff of the WAGES State Board of Directors to design and develop a model operational design and technology procurement strategy for One-Stop Career Centers to ensure that services from region to region are consistent for customers, that customer service technology is compatible, and that procurement expenditures, where possible, are aggregated to obtain economies and efficiencies.

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

455.654 Financial arrangements between referring health care providers and providers of health care services.—

(4) REQUIREMENTS FOR ACCEPTING OUTSIDE REFERRALS FOR DIAGNOSTIC IMAGING.—

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

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

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

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

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

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

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

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

468.354 Board of Respiratory Care; organization; function.—

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

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

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

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

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

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

733.817 Apportionment of estate taxes.—

(1) For purposes of this section:

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

(6) The personal representative or fiduciary shall not be required to transfer to a recipient any property in possession of the personal representative or fiduciary which he or she reasonably anticipates may be necessary for the payment of taxes. Further, the personal representative or fiduciary shall not be required to transfer any property in possession of the personal representative or fiduciary to the recipient until the amount of the tax due from the recipient is paid by the recipient. If property is transferred before

final apportionment of the tax, the recipient shall provide a bond or other security for his or her apportioned liability in the amount and form prescribed by the personal representative or fiduciary.

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.

Approved by the Governor May 25, 2000.

Filed in Office Secretary of State May 25, 2000.