

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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. . .

1 Representative(s) [Russell](#) offered the following:

2
3 **Amendment (with title amendment)**

4 On page 2, line 28,
5 remove: everything after the enacting clause

6
7 and insert:

8 Section 1. Section 427.012, Florida Statutes, is amended
9 to read:

10 427.012 The Commission for the Transportation
11 Disadvantaged.--There is created the Commission for the
12 Transportation Disadvantaged in the Department of
13 Transportation.

14 (1) The commission shall consist of seven members, all of
15 whom shall be appointed by the Governor.

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16 (a) Five of the appointed members must have significant
17 experience in the operation of a business and, when making an
18 appointment, it is the intent of the Legislature that the
19 Governor select persons who reflect the broad diversity of the
20 business community in this state, as well as the racial, ethnic,
21 geographical, and gender diversity of the population of this
22 state.

23 (b) Two of the members appointed must be persons with a
24 disability who use the transportation disadvantaged system.

25 (c) Each member of the commission shall represent the
26 needs of the transportation disadvantaged throughout the state.
27 A member may not subordinate the needs of the transportation
28 disadvantaged in general in order to favor the needs of others
29 residing in a specific location in the state.

30 (d) Each person appointed to the board of the commission
31 shall serve a term of 4 years. A member may be reappointed for
32 one additional 4-year term.

33 (e) A member must be a citizen of the state and a
34 registered voter.

35 (f) The Secretary of Transportation, the Secretary of
36 Children and Family Services, the director of Workforce
37 Innovation, the executive director of the Department of
38 Veterans' Affairs, the Secretary of Elderly Affairs, the
39 Secretary of Health Care Administration, the director of the
40 Agency for Persons with Disabilities, and an elected official of
41 local government who is appointed by the Governor, or a designee

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42 of each, respectively, shall serve as ex officio, nonvoting
43 advisors to the commission.

44 (g) A person appointed to the board of the commission may
45 not, within the 5 years immediately before the appointment, or
46 during his or her term on the board, have or have had a
47 financial relationship with, or represent or have represented as
48 a lobbyist as defined in s. 11.045 the following:

- 49 1. A transportation operator;
- 50 2. A community transportation coordinator;
- 51 3. A metropolitan planning organization;
- 52 4. A designated official planning agency;
- 53 5. A purchaser agency;
- 54 6. A local coordinating board;
- 55 7. A broker of transportation; or
- 56 8. A provider of transportation services. ~~the following~~

57 ~~members:~~

58 ~~(a) The secretary of the Department of Transportation or~~
59 ~~the secretary's designee.~~

60 ~~(b) The secretary of the Department of Children and Family~~
61 ~~Services or the secretary's designee.~~

62 ~~(c) The Commissioner of Education or the commissioner's~~
63 ~~designee.~~

64 ~~(d) The secretary of the Department of Labor and~~
65 ~~Employment Security or the secretary's designee.~~

66 ~~(e) The executive director of the Department of Veterans'~~
67 ~~Affairs or the executive director's designee.~~

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68 ~~(f) The secretary of the Department of Elderly Affairs or~~
69 ~~the secretary's designee.~~

70 ~~(g) The director of the Agency for Health Care~~
71 ~~Administration or the director's designee.~~

72 ~~(h) A representative of the Florida Association for~~
73 ~~Community Action, who shall serve at the pleasure of that~~
74 ~~association.~~

75 ~~(i) A representative of the Florida Transit Association,~~
76 ~~who shall serve at the pleasure of that association.~~

77 ~~(j) A person over the age of 60 who is a member of a~~
78 ~~recognized statewide organization representing elderly~~
79 ~~Floridians. Such person shall be appointed by the Governor to~~
80 ~~represent elderly Floridians and shall be appointed to serve a~~
81 ~~term of 4 years.~~

82 ~~(k) A handicapped person who is a member of a recognized~~
83 ~~statewide organization representing handicapped Floridians. Such~~
84 ~~person shall be appointed by the Governor to represent~~
85 ~~handicapped Floridians and shall be appointed to serve a term of~~
86 ~~4 years.~~

87 ~~(l) Two citizen advocate representatives who shall be~~
88 ~~appointed by the Governor for a term of 4 years, one~~
89 ~~representing rural citizens and one representing urban citizens.~~

90 ~~(m) A representative of the community transportation~~
91 ~~coordinators. Such person shall be appointed by the Governor to~~
92 ~~represent all community transportation coordinators and shall be~~
93 ~~appointed to serve a term of 4 years.~~

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94 ~~(n) One member of the Early Childhood Council. Such person~~
95 ~~shall be appointed by the Governor to represent maternal and~~
96 ~~child health care providers and shall be appointed to serve a~~
97 ~~term of 4 years.~~

98 ~~(o) Two representatives of current private for-profit or~~
99 ~~private not-for-profit transportation operators each of which~~
100 ~~have a minimum of 5 years of continuous experience operating a~~
101 ~~broad-based system of ambulatory and wheelchair/stretchers type~~
102 ~~transportation, utilizing not less than 50 vehicles and~~
103 ~~including dispatch and scheduling responsibilities. Such persons~~
104 ~~shall be appointed by the Commissioner of Agriculture to serve a~~
105 ~~term of 4 years.~~

106 ~~(p) Four representatives of current private for-profit or~~
107 ~~private not-for-profit transportation operators, each of which~~
108 ~~having a minimum of 5 years of continuous experience operating a~~
109 ~~broad-based system of ambulatory and wheelchair or stretchers~~
110 ~~type transportation, utilizing not less than 50 vehicles, and~~
111 ~~including dispatch and scheduling responsibilities. Such persons~~
112 ~~shall be appointed by the Commissioner of Agriculture to serve a~~
113 ~~term of 4 years.~~

114 ~~(q) Six citizens representing the nontransportation~~
115 ~~business community of the state, three members appointed by the~~
116 ~~President of the Senate and three members appointed by the~~
117 ~~Speaker of the House of Representatives.~~

118 (2) The chairperson shall be appointed by the Governor and
119 vice chairperson of the commission shall be elected annually
120 from the membership of the commission.

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121 (3) Members of the commission shall serve without
122 compensation but shall be allowed per diem and travel expenses,
123 as provided in s. 112.061.

124 (4) The commission shall meet at least quarterly, or more
125 frequently at the call of the chairperson. Five ~~Nine~~ members of
126 the commission constitute a quorum, and a majority vote of the
127 members present is necessary for any action taken by the
128 commission.

129 (5) The Governor may remove any member of the commission
130 for cause.

131 (6) Each candidate for appointment to the commission must,
132 before accepting the appointment, undergo background screening
133 under s. 435.04, by filing with the Department of Transportation
134 a complete set of fingerprints taken by an authorized law
135 enforcement agency. The fingerprints must be submitted to the
136 Department of Law Enforcement for state processing, and that
137 department shall submit the fingerprints to the Federal Bureau
138 of Investigation for federal processing. The Department of
139 Transportation shall screen the background results and inform
140 the commission if any candidate failed to meet level 2 screening
141 standards. A candidate found to have failed to meet level 2
142 screening standards may not be appointed to the commission. The
143 cost of the background screening may be borne by the Department
144 of Transportation or the candidate for appointment to the
145 commission.

146 (7)~~(6)~~ The commission shall appoint an executive director
147 who shall serve under the direction, supervision, and control of

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148 the commission. The executive director, with the consent of the
149 commission, shall employ such personnel as may be necessary to
150 perform adequately the functions of the commission within
151 budgetary limitations. All employees of the commission are
152 exempt from the Career Service System.

153 (8) The commission shall appoint at least four technical
154 advisory committees to advise the commission on issues of
155 importance to the state and to regions of the state.

156 (a) One technical advisory committee shall provide
157 information, advice, and direction to the commission on the
158 coordination of services for the transportation disadvantaged.
159 Its membership shall include, but need not be limited to,
160 representatives of community transportation coordinators and
161 private paratransit providers.

162 (b) One technical advisory committee shall provide
163 information, advice, and direction to the commission on the
164 transportation planning issues affecting the transportation
165 disadvantaged program. Its membership may include, but need not
166 be limited to, representatives of metropolitan planning
167 organizations and regional planning councils.

168 (c) One technical advisory committee shall provide
169 information, advice, and direction to the commission on
170 business-related issues affecting the transportation
171 disadvantaged program. Its membership may include, but need not
172 be limited to, persons with expertise in insurance, marketing,
173 economic development, or financial planning.

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174 (d) One technical advisory committee shall be a forum for
175 users of the transportation disadvantaged system. Its membership
176 may include, but need not be limited to, direct users of the
177 system and representatives of the users, such as parents and
178 other relatives, guardians, and service professionals who tend
179 to the needs of persons who are transportationally
180 disadvantaged.

181 (e) The commission may establish the size, composition,
182 and focus of any technical advisory committee it creates. A
183 member appointed to a technical advisory committee shall serve
184 without compensation and without per diem.

185 (9)(7) The commission is assigned to the office of the
186 secretary of the Department of Transportation for administrative
187 and fiscal accountability purposes, but it shall otherwise
188 function independently of the control, supervision, and
189 direction of the department.

190 (10)(8) The commission shall develop a budget under
191 pursuant to chapter 216. The budget is not subject to change by
192 the department staff after it has been approved by the
193 commission, but it shall be transmitted to the Governor, as head
194 of the department, along with the budget of the department.

195 (11)(a) No later than 30 days after the Governor issues
196 his executive budget recommendations, the commission shall
197 present to the Legislative Budget Commission a proposed formula
198 for allocating the transportation funds that the commission
199 anticipates receiving from the General Appropriations Act for
200 the next fiscal year. The document must specifically detail the

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201 amount of funding expected to be allocated to each county for
202 transportation disadvantaged services. The Legislative Budget
203 Commission shall approve, reject, or request modifications to
204 the formula no later than 60 days after receiving the proposed
205 funding allocation formula.

206 (b) Upon the General Appropriations Act becoming law, the
207 commission shall present to the Legislative Budget Commission
208 the county distribution schedule, which is the approved
209 allocation formula applied to the funds allocated to the
210 commission.

211 (c) The commission may not change the transportation
212 disadvantaged distribution schedule without the permission of
213 the Legislative Budget Commission, except in the case of a
214 disaster as defined in chapter 252.

215 Section 2. Subsection (12) of section 427.013, Florida
216 Statutes, is amended to read:

217 427.013 The Commission for the Transportation
218 Disadvantaged; purpose and responsibilities.--The purpose of the
219 commission is to accomplish the coordination of transportation
220 services provided to the transportation disadvantaged. The goal
221 of this coordination shall be to assure the cost-effective
222 provision of transportation by qualified community
223 transportation coordinators or transportation operators for the
224 transportation disadvantaged without any bias or presumption in
225 favor of multioperator systems or not-for-profit transportation
226 operators over single operator systems or for-profit

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227 transportation operators. In carrying out this purpose, the
228 commission shall:

229 (12)(a) Have the authority to apply for and accept funds,
230 grants, gifts, and services from the Federal Government, state
231 government, local governments, or private funding sources.
232 Applications by the commission for local government funds shall
233 be coordinated through the appropriate coordinating board. Funds
234 acquired or accepted under this subsection shall be administered
235 by the commission and shall be used to carry out the
236 commission's responsibilities.

237 (b) Develop an allocation methodology or formula that
238 equitably distributes all funds, to include Medicaid
239 nonemergency transportation funds, under the control of the
240 commission to compensate counties, community transportation
241 coordinators, or other entities providing transportation
242 disadvantaged services. The formula shall take into account not
243 only the actual costs of each transportation disadvantaged trip
244 but also those efficiencies that a provider might adopt to
245 reduce costs, including cost efficiencies of trips when compared
246 to the local cost of transporting the general public.

247 Section 3. This act shall take effect July 1, 2005.
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249
250

251 ===== T I T L E A M E N D M E N T =====

252 On page 1, line 2 through page 2, line 25,
253 remove: all of said lines

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254
255 and insert: An act relating to the Commission for the
256 Transportation Disadvantaged; amending s. 427.012, F.S.;
257 revising the membership of the commission; establishing term
258 limits; directing each member of the commission to serve without
259 regional bias; providing qualifications for appointment to
260 membership on the commission; providing for nonvoting advisory
261 members; requiring candidates for appointment to the commission
262 to meet certain standards for background screening; requiring
263 the Department of Transportation to inform the commission if a
264 candidate fails to meet the screening standards; providing that
265 costs of screening be borne by the department or the candidate
266 for appointment; authorizing the commission to appoint technical
267 advisory committees; requiring the commission to present a
268 proposed funding distribution formula to the Legislative Budget
269 Commission for allocating transportation disadvantaged funds the
270 commission anticipates receiving from the General Appropriations
271 Act; authorizing the Legislative Budget Commission to approve,
272 reject, or modify the proposed allocation formula; requiring the
273 commission to detail the expected allocation of funding to each
274 county; prohibiting the commission from altering the
275 distribution schedule without the approval of the Legislative
276 Budget Commission except in the case of a disaster; amending s.
277 427.013, F.S.; requiring the commission to develop an allocation
278 methodology to equitably distribute transportation funds under
279 the control of the commission to counties, community
280 transportation coordinators, or other entities providing

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(LATE FILED) HOUSE AMENDMENT

Bill No. CS/CS/SB 1168

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281 transportation disadvantaged services; providing an effective
282 date.

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