

HOUSE MESSAGE SUMMARY

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BILL: CS/CS/SB 1168, 2nd Engrossed
SPONSOR: Criminal Justice and Transportation Committees and Senators Constantine and Alexander
SUBJECT: Transportation Disadvantaged
PREPARED BY: Senate Committee on Transportation
DATE: May 3, 2005

I. Amendments Contained in Message:

House Amendment 1- 207639 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 is a delete everything after the enacting clause amendment. The House Amendment makes a number of administrative changes to the Transportation Disadvantaged Commission (Commission). First, it significantly restructures by reducing the Commission's membership from 27 to 7 persons. The new members would be:

- Seven voting members appointed by the Governor. Two of the members must be persons with a disability who use the transportation disadvantaged system. Five of the members must have significant experience in the operation of a business. In addition, when making an appointment, it is the intent of the Legislature that the Governor select persons who reflect the broad diversity of the business community in the state, as well as the racial, ethnic, geographical, and gender diversity of the population of this state.

The following serve as ex officio, nonvoting advisors of the Commission:

- The Department of Transportation (DOT) secretary or a designee;
- The Department of Children and Family Services secretary or designee;
- The Agency for Workforce Innovation director or designee;
- The Department of Veteran's Affairs executive director or designee;
- The Department of Elderly Affairs secretary or designee;
- The Agency for Health Care Administration director or designee;
- The Agency for Persons with Disabilities director or designee; and
- An elected official of local government who is appointed by the Governor.

As a result of reducing the membership of the Commission, the House Amendment also revises the number of Commission members to five which are needed to constitute a quorum. In addition, the House Amendment provides the chair of the Commission shall be appointed by the Governor.

The CS also specifies a number of requirements on TD commissioners. These are:

- Commissioners are reminded they represent the needs of transportation disadvantaged persons statewide, and they shall not subordinate the transportation needs of persons statewide to favor a specific region of the state.
- Appointed commissioners shall serve for a term of 4 years and may be reappointed for one additional 4-year term.
- Commissioners must be citizens of Florida and registered voters.
- Commissioners, other than elected officials, may not within the five years immediately before the appointment, or during his or her term on the board, have or have had a financial relationship with, or represent or have represented as a lobbyist as defined in s. 11.045, F.S., the following:
 1. A transportation operator;
 2. A community transportation coordinator;
 3. A metropolitan planning organization;
 4. A designated official planning agency;
 5. A purchaser agency;
 6. A local coordination board;
 7. A broker of transportation; or
 8. A provider of transportation services.
- The Commission may create four technical advisory committees, and set their membership, size, and focus. The technical advisory committee members will serve without compensation and without per diem. Of the four, one technical advisory committee shall provide the Commission with information, advice and direction on community coordinated transportation and paratransit services; one technical advisory committee shall provide the Commission with information, advice and direction on transportation planning issues; one technical advisory committee shall provide the Commission with information, advice and direction on business-related issues, including insurance, marketing, economic development, and financial planning; and one technical advisory committee shall be a forum for users of the transportation disadvantaged system.

In addition, the House Amendment requires each appointed candidate, prior to accepting the appointment, to undergo a security background investigation pursuant to s. 435.04, F.S. A complete set of fingerprints taken by an authorized law enforcement agency must be filed with DOT. The fingerprints must be submitted to the Department of Law Enforcement for state processing, and to the Federal Bureau of Investigation for federal processing. The DOT must screen the background results and report to the Commission any candidate who fails to meet the level 2 screening standards of s. 435.04, F.S., which list 47 criminal offenses. Any candidate found through fingerprint processing to have failed to meet such standards may not be appointed as a member of the Commission. Finally, the CS requires the costs of the background screening to be paid by DOT or the appointed candidate. Currently, the FDLE fingerprint check costs \$24 and the FBI fingerprint check costs \$25.

The House Amendment also includes the following finance related provisions:

- Directs no later than 30 days after the release of the Governor's Executive Budget Recommendations, the Transportation Disadvantaged Commission (Commission) must present to the Legislative Budget Commission a proposed allocation formula the

Commission anticipates receiving from the General Appropriations Act for the upcoming fiscal year. The document must specifically detail the expected funds to be allocated to the counties. The Legislative Budget Commission must approve, reject, or request modifications to the formula no later than 60 days after receiving the proposed formula. The Commission is prohibited from altering the distribution schedule without the approval of the Legislative Budget Commission except in the case of a disaster.

- Directs the Commission to develop a funding methodology or formula that equitably distributes funds, to include Medicaid nonemergency funds, under its control using certain criteria, and which ensures not only the actual costs of each trip but also efficiencies a provider might adopt to reduce costs are taken into account, including cost efficiencies of trips when compared to the local cost of transporting the general public.