

1 A bill to be entitled
2 An act relating to the Commission for the
3 Transportation Disadvantaged; amending s.
4 427.012, F.S.; revising the membership of the
5 commission; establishing term limits; directing
6 each member of the commission to serve without
7 regional bias; providing qualifications for
8 appointment to membership on the commission;
9 requiring candidates for appointment to the
10 commission to meet certain standards for
11 background screening; requiring the Department
12 of Transportation to inform the commission if a
13 candidate fails to meet the screening
14 standards; providing that costs of screening be
15 borne by the department or the candidate for
16 appointment; authorizing the commission to
17 appoint technical advisory committees;
18 requiring the commission to present a formula
19 to the Legislative Budget Commission for
20 allocating the Medicaid nonemergency
21 transportation funds the commission anticipates
22 receiving from the Agency for Health Care
23 Administration; requiring the commission to
24 document the amount of the funding expected to
25 be allocated to each county; prohibiting any
26 reduction in allocation to a county unless the
27 General Appropriations Act reduces the amount
28 allocated to the commission; amending s.
29 427.013, F.S.; requiring the commission to
30 develop a Medicaid allocation methodology to
31 equitably distribute transportation funds under

1 the control of the commission to counties,
2 community transportation coordinators, or other
3 entities providing transportation disadvantaged
4 services; providing for the methodology to
5 develop the formula; providing an effective
6 date.

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

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10 Section 1. Section 427.012, Florida Statutes, is
11 amended to read:

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

16 (1) The commission shall consist of the following
17 members:

18 (a) The secretary of the Department of Transportation
19 or the secretary's designee.

20 (b) The secretary of the Department of Children and
21 Family Services or the secretary's designee.

22 ~~(c) The Commissioner of Education or the~~
23 ~~commissioner's designee.~~

24 ~~(c)(d) The director of Workforce Innovation or the~~
25 ~~director's secretary of the Department of Labor and Employment~~
26 ~~Security or the secretary's designee.~~

27 ~~(d)(e) The executive director of the Department of~~
28 ~~Veterans' Affairs or the executive director's designee.~~

29 ~~(e)(f) The secretary of the Department of Elderly~~
30 ~~Affairs or the secretary's designee.~~

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1 ~~(f)(g)~~ The director of the Agency for Health Care
2 Administration or the director's designee.

3 (g) The director of the Agency for Persons with
4 Disabilities or the director's designee.

5 (h) The chair of the commission, who shall be
6 appointed by the Governor ~~A representative of the Florida~~
7 ~~Association for Community Action, who shall serve at the~~
8 ~~pleasure of that association.~~

9 (i) Seven members appointed by the Governor for terms
10 of 4 years, who shall be from each of the seven districts of
11 the Department of Transportation. One of the members must be a
12 person over the age of 60 who uses paratransit services and
13 one member must be a person with a disability who uses
14 paratransit services. Two representatives must be from rural
15 districts ~~A representative of the Florida Transit Association,~~
16 ~~who shall serve at the pleasure of that association.~~

17 ~~(j) A person over the age of 60 who is a member of a~~
18 ~~recognized statewide organization representing elderly~~
19 ~~Floridians. Such person shall be appointed by the Governor to~~
20 ~~represent elderly Floridians and shall be appointed to serve a~~
21 ~~term of 4 years.~~

22 ~~(k) A handicapped person who is a member of a~~
23 ~~recognized statewide organization representing handicapped~~
24 ~~Floridians. Such person shall be appointed by the Governor to~~
25 ~~represent handicapped Floridians and shall be appointed to~~
26 ~~serve a term of 4 years.~~

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

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

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

9 ~~(o) Two representatives of current private for profit~~
10 ~~or private not for profit transportation operators each of~~
11 ~~which have a minimum of 5 years of continuous experience~~
12 ~~operating a broad based system of ambulatory and~~
13 ~~wheelchair/stretchers type transportation, utilizing not less~~
14 ~~than 50 vehicles and including dispatch and scheduling~~
15 ~~responsibilities. Such persons shall be appointed by the~~
16 ~~Commissioner of Agriculture to serve a term of 4 years.~~

17 ~~(p) Four representatives of current private for profit~~
18 ~~or private not for profit transportation operators, each of~~
19 ~~which having a minimum of 5 years of continuous experience~~
20 ~~operating a broad based system of ambulatory and wheelchair or~~
21 ~~stretchers type transportation, utilizing not less than 50~~
22 ~~vehicles, and including dispatch and scheduling~~
23 ~~responsibilities. Such persons shall be appointed by the~~
24 ~~Commissioner of Agriculture to serve a term of 4 years.~~

25 ~~(q) Six citizens representing the nontransportation~~
26 ~~business community of the state, three members appointed by~~
27 ~~the President of the Senate and three members appointed by the~~
28 ~~Speaker of the House of Representatives.~~

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30 Each member of the commission shall represent the needs of the
31 transportation disadvantaged throughout the state. A member

1 may not subordinate the needs of the transportation
2 disadvantaged in general to favor the needs of others residing
3 in a specific location in the state.

4 (2) Members appointed to the commission may not serve
5 more than two full terms. A member must be a citizen of the
6 state and a registered voter. A member, other than a local
7 elected official, may not be an employee or agent of a
8 community transportation coordinator, a contractor or
9 subcontractor of a community transportation coordinator, or a
10 direct or indirect subcontractor to a contractor employed by a
11 community transportation coordinator.

12 (3) A member, other than a local elected official, may
13 not have any interest, direct or indirect, in any contract,
14 franchise, privilege, or other benefit granted or awarded by
15 the commission, the Agency for Health Care Administration, or
16 the Department of Children and Family Services during the term
17 of his or her appointment and for 2 years after the
18 termination of the appointment.

19 (4)(2) The chairperson shall be appointed by the
20 Governor and vice chairperson of the commission shall be
21 elected annually from the membership of the commission.

22 (5)(3) Members of the commission shall serve without
23 compensation but shall be allowed per diem and travel
24 expenses, as provided in s. 112.061.

25 (6)(4) The commission shall meet at least quarterly,
26 or more frequently at the call of the chairperson. ~~Nine~~
27 members of the commission constitute a quorum, and A majority
28 vote of the members present is necessary for any action taken
29 by the commission.

30 (7) Each candidate for appointment to the commission
31 must, before accepting the appointment, undergo background

1 screening under s. 435.04, by filing with the Department of
2 Transportation a complete set of fingerprints taken by an
3 authorized law enforcement agency. The fingerprints must be
4 submitted to the Department of Law Enforcement for state
5 processing, and that department shall submit the fingerprints
6 to the Federal Bureau of Investigation for federal processing.
7 The Department of Transportation shall screen the background
8 results and inform the commission if any candidate failed to
9 meet level 2 screening standards. A candidate found to have
10 failed to meet level 2 screening standards may not be
11 appointed to the commission. The cost of the background
12 screening may be borne by the Department of Transportation or
13 the candidate for appointment to the commission.

14 ~~(8)(5)~~ The Governor may remove any member of the
15 commission for cause.

16 ~~(9)(6)~~ The commission shall appoint an executive
17 director who shall serve under the direction, supervision, and
18 control of the commission. The executive director, with the
19 consent of the commission, shall employ such personnel as may
20 be necessary to perform adequately the functions of the
21 commission within budgetary limitations. All employees of the
22 commission are exempt from the Career Service System.

23 (10) The commission shall appoint at least three
24 technical advisory committees to advise the commission on
25 issues of importance to the state and to regions of the state.

26 (a) One technical advisory committee shall provide
27 information, advice, and direction to the commission on the
28 coordination of services for the transportation disadvantaged.
29 Its membership may include, but need not be limited to,
30 representatives of community transportation coordinators and
31 private paratransit providers.

1 (b) One technical advisory committee shall provide
2 information, advice, and direction to the commission on the
3 transportation planning issues affecting the transportation
4 disadvantaged program. Its membership may include, but need
5 not be limited to, representatives of metropolitan planning
6 organizations and regional planning councils.

7 (c) One technical advisory committee shall provide
8 information, advice, and direction to the commission on
9 business-related issues affecting the transportation
10 disadvantaged program. Its membership may include, but need
11 not be limited to, persons with expertise in insurance,
12 marketing, economic development, or financial planning.

13 (d) The commission may establish the size,
14 composition, and focus of any technical advisory committee it
15 creates. A member appointed to a technical advisory committee
16 shall serve without compensation.

17 ~~(11)(7)~~ The commission is assigned to the office of
18 the secretary of the Department of Transportation for
19 administrative and fiscal accountability purposes, but it
20 shall otherwise function independently of the control,
21 supervision, and direction of the department.

22 ~~(12)(8)~~ The commission shall develop a budget under
23 ~~pursuant to~~ chapter 216. The budget is not subject to change
24 by the department staff after it has been approved by the
25 commission, but it shall be transmitted to the Governor, as
26 head of the department, along with the budget of the
27 department. Thirty days after the release of the Governor's
28 Executive Budget Recommendations, the commission shall present
29 to the Legislative Budget Commission for approval the formula
30 for allocating the Medicaid nonemergency transportation funds
31 it anticipates receiving from the Agency for Health Care

1 Administration, as specified in the Governor's Executive
2 Budget Recommendations, for the upcoming fiscal year. The
3 formula must document the amount of the funding expected to be
4 allocated to each county. No change that would negatively
5 affect any county may be implemented by the commission unless
6 the General Appropriations Act approved by the Legislature
7 reduces the amount allocated to the commission. Any reduction
8 made to a county as a result of the Legislature's reducing the
9 funding available to the commission must be made in a fair and
10 equitable manner.

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

13 427.013 The Commission for the Transportation
14 Disadvantaged; purpose and responsibilities.--The purpose of
15 the commission is to accomplish the coordination of
16 transportation services provided to the transportation
17 disadvantaged. The goal of this coordination shall be to
18 assure the cost-effective provision of transportation by
19 qualified community transportation coordinators or
20 transportation operators for the transportation disadvantaged
21 without any bias or presumption in favor of multioperator
22 systems or not-for-profit transportation operators over single
23 operator systems or for-profit transportation operators. In
24 carrying out this purpose, the commission shall:

25 (12)(a) Have the authority to apply for and accept
26 funds, grants, gifts, and services from the Federal
27 Government, state government, local governments, or private
28 funding sources. Applications by the commission for local
29 government funds shall be coordinated through the appropriate
30 coordinating board. Funds acquired or accepted under this
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1 subsection shall be administered by the commission and shall
2 be used to carry out the commission's responsibilities.

3 (b) Develop a Medicaid allocation methodology or
4 formula that equitably distributes the funds under the control
5 of the commission to compensate counties, community
6 transportation coordinators, or other entities providing
7 transportation disadvantaged services. The formula shall take
8 into account not only the actual costs of each trip but also
9 program efficiencies. The methodology or formula must ensure
10 that a trip credit process is incorporated into the formula to
11 ensure that cost-effective solutions are properly measured and
12 taken into account.

13 Section 3. This act shall take effect July 1, 2005.
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