

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 proposed
19 funding distribution formula to the Legislative
20 Budget Commission for allocating transportation
21 disadvantaged funds the commission anticipates
22 receiving from the General Appropriations Act;
23 authorizing the Legislative Budget Commission
24 to approve, reject, or modify the proposed
25 allocation formula; requiring the commission to
26 detail the expected allocation of funding to
27 each county; prohibiting the commission from
28 altering the distribution schedule without the
29 approval of the Legislative Budget Commission
30 except in the case of a disaster; amending s.
31 427.013, F.S.; requiring the commission to

1 develop an allocation methodology to equitably
2 distribute transportation funds under the
3 control of the commission to counties,
4 community transportation coordinators, or other
5 entities providing transportation disadvantaged
6 services; requiring the commission to present a
7 formula to the Legislative Budget Commission
8 for allocating the Medicaid nonemergency
9 transportation funds the commission anticipates
10 receiving from the Agency for Health Care
11 Administration; requiring the commission to
12 document the amount of the funding expected to
13 be allocated to each county; prohibiting any
14 reduction in allocation to a county unless the
15 General Appropriations Act reduces the amount
16 allocated to the commission; amending s.
17 427.013, F.S.; requiring the commission to
18 develop a Medicaid allocation methodology to
19 equitably distribute transportation funds under
20 the control of the commission to counties,
21 community transportation coordinators, or other
22 entities providing transportation disadvantaged
23 services; providing for the methodology to
24 develop the formula; providing an effective
25 date.

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

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29 Section 1. Section 427.012, Florida Statutes, is
30 amended to read:

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1 427.012 The Commission for the Transportation
2 Disadvantaged.--There is created the Commission for the
3 Transportation Disadvantaged in the Department of
4 Transportation.

5 (1) The commission shall consist of the following
6 members:

7 (a) The secretary of the Department of Transportation
8 or the secretary's designee.

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

11 ~~(c) The Commissioner of Education or the~~
12 ~~commissioner's designee.~~

13 ~~(c)(d) The director of Workforce Innovation or the~~
14 ~~director's secretary of the Department of Labor and Employment~~
15 ~~Security or the secretary's designee.~~

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

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

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

22 ~~(g) The director of the Agency for Persons with~~
23 ~~Disabilities or the director's designee.~~

24 ~~(h) The chair of the commission, who shall be~~
25 ~~appointed by the Governor A representative of the Florida~~
26 ~~Association for Community Action, who shall serve at the~~
27 ~~pleasure of that association.~~

28 ~~(i) Seven members appointed by the Governor for terms~~
29 ~~of 4 years, who shall be from each of the seven districts of~~
30 ~~the Department of Transportation. One of the members must be a~~
31 ~~person over the age of 60 who uses paratransit services and~~

1 one member must be a person with a disability who uses
2 paratransit services. Two representatives must be from rural
3 districts ~~A representative of the Florida Transit Association,~~
4 ~~who shall serve at the pleasure of that association.~~

5 ~~(j) A person over the age of 60 who is a member of a~~
6 ~~recognized statewide organization representing elderly~~
7 ~~Floridians. Such person shall be appointed by the Governor to~~
8 ~~represent elderly Floridians and shall be appointed to serve a~~
9 ~~term of 4 years.~~

10 ~~(k) A handicapped person who is a member of a~~
11 ~~recognized statewide organization representing handicapped~~
12 ~~Floridians. Such person shall be appointed by the Governor to~~
13 ~~represent handicapped Floridians and shall be appointed to~~
14 ~~serve a term of 4 years.~~

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

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

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

27 ~~(o) Two representatives of current private for profit~~
28 ~~or private not for profit transportation operators each of~~
29 ~~which have a minimum of 5 years of continuous experience~~
30 ~~operating a broad based system of ambulatory and~~
31 ~~wheelchair/stretchers type transportation, utilizing not less~~

1 ~~than 50 vehicles and including dispatch and scheduling~~
2 ~~responsibilities. Such persons shall be appointed by the~~
3 ~~Commissioner of Agriculture to serve a term of 4 years.~~

4 ~~(p) Four representatives of current private for profit~~
5 ~~or private not for profit transportation operators, each of~~
6 ~~which having a minimum of 5 years of continuous experience~~
7 ~~operating a broad based system of ambulatory and wheelchair or~~
8 ~~stretcher type transportation, utilizing not less than 50~~
9 ~~vehicles, and including dispatch and scheduling~~
10 ~~responsibilities. Such persons shall be appointed by the~~
11 ~~Commissioner of Agriculture to serve a term of 4 years.~~

12 ~~(q) Six citizens representing the nontransportation~~
13 ~~business community of the state, three members appointed by~~
14 ~~the President of the Senate and three members appointed by the~~
15 ~~Speaker of the House of Representatives.~~

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17 Each member of the commission shall represent the needs of the
18 transportation disadvantaged throughout the state. A member
19 may not subordinate the needs of the transportation
20 disadvantaged in general to favor the needs of others residing
21 in a specific location in the state.

22 (2) Members appointed to the commission may not serve
23 more than two full terms. A member must be a citizen of the
24 state and a registered voter. A member, other than a local
25 elected official, may not be an employee or agent of a
26 community transportation coordinator, a contractor or
27 subcontractor of a community transportation coordinator, or a
28 direct or indirect subcontractor to a contractor employed by a
29 community transportation coordinator.

30 (3) A member, other than a local elected official, may
31 not have any interest, direct or indirect, in any contract,

1 franchise, privilege, or other benefit granted or awarded by
2 the commission, the Agency for Health Care Administration, or
3 the Department of Children and Family Services during the term
4 of his or her appointment and for 2 years after the
5 termination of the appointment.

6 ~~(4)(2)~~ The chairperson shall be appointed by the
7 Governor and vice chairperson of the commission shall be
8 elected annually from the membership of the commission.

9 ~~(5)(3)~~ Members of the commission shall serve without
10 compensation but shall be allowed per diem and travel
11 expenses, as provided in s. 112.061.

12 ~~(6)(4)~~ The commission shall meet at least quarterly,
13 or more frequently at the call of the chairperson. ~~Nine~~
14 ~~members of the commission constitute a quorum, and~~ A majority
15 vote of the members present is necessary for any action taken
16 by the commission.

17 (7) Each candidate for appointment to the commission
18 must, before accepting the appointment, undergo background
19 screening under s. 435.04, by filing with the Department of
20 Transportation a complete set of fingerprints taken by an
21 authorized law enforcement agency. The fingerprints must be
22 submitted to the Department of Law Enforcement for state
23 processing, and that department shall submit the fingerprints
24 to the Federal Bureau of Investigation for federal processing.
25 The Department of Transportation shall screen the background
26 results and inform the commission if any candidate failed to
27 meet level 2 screening standards. A candidate found to have
28 failed to meet level 2 screening standards may not be
29 appointed to the commission. The cost of the background
30 screening may be borne by the Department of Transportation or
31 the candidate for appointment to the commission.

1 ~~(8)(5)~~ The Governor may remove any member of the
2 commission for cause.

3 ~~(9)(6)~~ The commission shall appoint an executive
4 director who shall serve under the direction, supervision, and
5 control of the commission. The executive director, with the
6 consent of the commission, shall employ such personnel as may
7 be necessary to perform adequately the functions of the
8 commission within budgetary limitations. All employees of the
9 commission are exempt from the Career Service System.

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

13 (a) One technical advisory committee shall provide
14 information, advice, and direction to the commission on the
15 coordination of services for the transportation disadvantaged.
16 Its membership may include, but need not be limited to,
17 representatives of community transportation coordinators and
18 private paratransit providers.

19 (b) One technical advisory committee shall provide
20 information, advice, and direction to the commission on the
21 transportation planning issues affecting the transportation
22 disadvantaged program. Its membership may include, but need
23 not be limited to, representatives of metropolitan planning
24 organizations and regional planning councils.

25 (c) One technical advisory committee shall provide
26 information, advice, and direction to the commission on
27 business-related issues affecting the transportation
28 disadvantaged program. Its membership may include, but need
29 not be limited to, persons with expertise in insurance,
30 marketing, economic development, or financial planning.

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1 (d) The commission may establish the size,
2 composition, and focus of any technical advisory committee it
3 creates. A member appointed to a technical advisory committee
4 shall serve without compensation.

5 ~~(11)(7)~~ The commission is assigned to the office of
6 the secretary of the Department of Transportation for
7 administrative and fiscal accountability purposes, but it
8 shall otherwise function independently of the control,
9 supervision, and direction of the department.

10 ~~(12)(8)~~ The commission shall develop a budget under
11 ~~pursuant to~~ chapter 216. The budget is not subject to change
12 by the department staff after it has been approved by the
13 commission, but it shall be transmitted to the Governor, as
14 head of the department, along with the budget of the
15 department.

16 (13)(a) No later than 30 days after the Governor
17 issues his executive budget recommendations, the commission
18 shall present to the Legislative Budget Commission a proposed
19 formula for allocating the transportation funds that the
20 commission anticipates receiving from the General
21 Appropriations Act for the next fiscal year. The document must
22 specifically detail the amount of funding expected to be
23 allocated to each county for transportation disadvantaged
24 services. The Legislative Budget Commission shall approve,
25 reject, or request modifications to the formula no later than
26 60 days after receiving the proposed funding allocation
27 formula.

28 (b) Upon the General Appropriations Act becoming law,
29 the commission shall present to the Legislative Budget
30 Commission the county distribution schedule which is the
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1 approved allocation formula applied to the funds allocated to
2 the commission.

3 (c) The commission may not change the transportation
4 disadvantaged distribution schedule without the permission of
5 the Legislative Budget Commission, except in the case of a
6 disaster as defined in chapter 252.

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

9 427.013 The Commission for the Transportation
10 Disadvantaged; purpose and responsibilities.--The purpose of
11 the commission is to accomplish the coordination of
12 transportation services provided to the transportation
13 disadvantaged. The goal of this coordination shall be to
14 assure the cost-effective provision of transportation by
15 qualified community transportation coordinators or
16 transportation operators for the transportation disadvantaged
17 without any bias or presumption in favor of multioperator
18 systems or not-for-profit transportation operators over single
19 operator systems or for-profit transportation operators. In
20 carrying out this purpose, the commission shall:

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

29 (b) Develop an allocation methodology or formula that
30 equitably distributes the funds under the control of the
31 commission to compensate counties, community transportation

1 coordinators, or other entities providing transportation
2 disadvantaged services. The formula shall take into account
3 not only the actual costs of each transportation disadvantaged
4 trip but also those efficiencies that a provider might adopt
5 to reduce costs.

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