

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 providing for nonvoting advisory members;
10 requiring candidates for appointment to the
11 commission to meet certain standards for
12 background screening; requiring the Department
13 of Transportation to inform the commission if a
14 candidate fails to meet the screening
15 standards; providing that costs of screening be
16 borne by the department or the candidate for
17 appointment; authorizing the commission to
18 appoint technical advisory committees;
19 requiring the commission to present a proposed
20 funding distribution formula to the Legislative
21 Budget Commission for allocating transportation
22 disadvantaged funds the commission anticipates
23 receiving from the General Appropriations Act;
24 authorizing the Legislative Budget Commission
25 to approve, reject, or modify the proposed
26 allocation formula; requiring the commission to
27 detail the expected allocation of funding to
28 each county; prohibiting the commission from
29 altering the distribution schedule without the
30 approval of the Legislative Budget Commission
31 except in the case of a disaster; amending s.

1 427.013, F.S.; requiring the commission to
2 develop an allocation methodology to equitably
3 distribute transportation funds under the
4 control of the commission to counties,
5 community transportation coordinators, or other
6 entities providing transportation disadvantaged
7 services; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Section 427.012, Florida Statutes, is
12 amended to read:

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

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

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

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

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

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

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

8 (f) The Secretary of Transportation, the Secretary of
9 Children and Family Services, the director of Workforce
10 Innovation, the executive director of the Department of
11 Veterans' Affairs, the Secretary of Elderly Affairs, the
12 Secretary of Health Care Administration, the director of the
13 Agency for Persons with Disabilities, and an elected official
14 of local government who is appointed by the Governor, or a
15 designee of each, respectively, shall serve as ex officio,
16 nonvoting advisors to the commission.

17 (g) A person appointed to the board of the commission
18 may not, within the 5 years immediately before the
19 appointment, or during his or her term on the board, have or
20 have had a financial relationship with, or represent or have
21 represented as a lobbyist as defined in s. 11.045 the
22 following:

- 23 1. A transportation operator;
- 24 2. A community transportation coordinator;
- 25 3. A metropolitan planning organization;
- 26 4. A designated official planning agency;
- 27 5. A purchaser agency;
- 28 6. A local coordinating board;
- 29 7. A broker of transportation; or
- 30 8. A provider of transportation services. ~~the~~

31 ~~following members:~~

1 ~~(a) The secretary of the Department of Transportation~~
2 ~~or the secretary's designee.~~

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

5 ~~(c) The Commissioner of Education or the~~
6 ~~commissioner's designee.~~

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

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

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

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

15 ~~(h) A representative of the Florida Association for~~
16 ~~Community Action, who shall serve at the pleasure of that~~
17 ~~association.~~

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

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

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

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

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

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

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

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

29 ~~(q) Six citizens representing the nontransportation~~
30 ~~business community of the state, three members appointed by~~
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1 ~~the President of the Senate and three members appointed by the~~
2 ~~Speaker of the House of Representatives.~~

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

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

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

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

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

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1 ~~(7)(6)~~ The commission shall appoint an executive
2 director who shall serve under the direction, supervision, and
3 control of the commission. The executive director, with the
4 consent of the commission, shall employ such personnel as may
5 be necessary to perform adequately the functions of the
6 commission within budgetary limitations. All employees of the
7 commission are exempt from the Career Service System.

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

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

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

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

29 (d) One technical advisory committee shall be a forum
30 for users of the transportation disadvantaged system. Its
31 membership may include, but need not be limited to, direct

1 users of the system and representatives of the users, such as
2 parents and other relatives, guardians, and service
3 professionals who tend to the needs of persons who are
4 transportationally disadvantaged.

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

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

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

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

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

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

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

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

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

1 (b) Develop an allocation methodology or formula that
2 equitably distributes all funds, to include Medicaid
3 nonemergency transportation funds, under the control of the
4 commission to compensate counties, community transportation
5 coordinators, or other entities providing transportation
6 disadvantaged services. The formula shall take into account
7 not only the actual costs of each transportation disadvantaged
8 trip but also those efficiencies that a provider might adopt
9 to reduce costs, including cost efficiencies of trips when
10 compared to the local cost of transporting the general public.

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

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