

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 Remove everything after the enacting clause and insert:

5 Section 1. Section 427.012, Florida Statutes, is amended  
6 to read:

7 427.012 The Commission for the Transportation  
8 Disadvantaged.--There is created the Commission for the  
9 Transportation Disadvantaged in the Department of  
10 Transportation.

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

13 (a) Five of the appointed members must have significant  
14 experience in the operation of a business and, when making an  
15 appointment, it is the intent of the Legislature that the

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16 Governor select persons who reflect the broad diversity of the  
17 business community in this state, as well as the racial, ethnic,  
18 and gender diversity of the population of this state.

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

21 (c) Each member of the commission shall represent the  
22 needs of the transportation disadvantaged throughout the state.  
23 A member may not subordinate the needs of the transportation  
24 disadvantaged in general in order to favor the needs of others  
25 residing in a specific location in the state.

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

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

31 (f) The Secretary of Transportation, the Secretary of  
32 Children and Family Services, the director of Workforce  
33 Innovation, the executive director of the Department of  
34 Veterans' Affairs, the Secretary of Elderly Affairs, the  
35 Secretary of Health Care Administration, the director of the  
36 Agency for Persons with Disabilities, and an elected official of  
37 local government who is appointed by the Governor, or a designee  
38 of each, respectively, shall serve as ex officio, nonvoting  
39 advisors to the commission.

40 (g) A person appointed to the board of the commission may  
41 not, within the 5 years immediately before the appointment, or  
42 during his or her term on the board, has or had a financial

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43 relationship with, or represents or represented as a lobbyist,  
44 as defined in s. 11.045:

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

53 ~~members:~~

54 ~~(a) The secretary of the Department of Transportation or~~  
55 ~~the secretary's designee.~~

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

58 ~~(c) The Commissioner of Education or the commissioner's~~  
59 ~~designee.~~

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

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

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

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

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68       ~~(h) A representative of the Florida Association for~~  
69       ~~Community Action, who shall serve at the pleasure of that~~  
70       ~~association.~~

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

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

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

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

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

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

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

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

110       ~~(q) Six citizens representing the nontransportation~~  
111 ~~business community of the state, three members appointed by the~~  
112 ~~President of the Senate and three members appointed by the~~  
113 ~~Speaker of the House of Representatives.~~

114       (2) The chairperson shall be appointed by the Governor and  
115 vice chairperson of the commission shall be elected annually  
116 from the membership of the commission.

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

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

125 (5) The Governor may remove any member of the commission  
126 for cause.

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

142 ~~(7)~~(6) The commission shall appoint an executive director  
143 who shall serve under the direction, supervision, and control of  
144 the commission. The executive director, with the consent of the  
145 commission, shall employ such personnel as may be necessary to  
146 perform adequately the functions of the commission within

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147 budgetary limitations. All employees of the commission are  
148 exempt from the Career Service System.

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

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

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

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

170 (d) One technical advisory committee shall be a forum for  
171 users of the transportation disadvantaged system. Its membership  
172 may include, but need not be limited to, direct users of the  
173 system and representatives of the users, such as parents and

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174 other relatives, guardians, and service professionals who tend  
175 to the needs of persons who are transportationally  
176 disadvantaged.

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

181 (9)(7) The commission is assigned to the office of the  
182 secretary of the Department of Transportation for administrative  
183 and fiscal accountability purposes, but it shall otherwise  
184 function independently of the control, supervision, and  
185 direction of the department.

186 (10)(8) The commission shall develop a budget under  
187 pursuant to chapter 216. The budget is not subject to change by  
188 the department staff after it has been approved by the  
189 commission, but it shall be transmitted to the Governor, as head  
190 of the department, along with the budget of the department.

191 (11)(a) No later than 30 days after the Governor issues  
192 his executive budget recommendations, the commission shall  
193 present to the Legislative Budget Commission a proposed formula  
194 for allocating the transportation funds that the commission  
195 anticipates receiving from the General Appropriations Act for  
196 the next fiscal year. The document must specifically detail the  
197 amount of funding expected to be allocated to each county for  
198 transportation disadvantaged services. The Legislative Budget  
199 Commission shall approve, reject, or request modifications to

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200 the formula no later than 60 days after receiving the proposed  
201 funding allocation formula.

202 (b) Upon the General Appropriations Act becoming law, the  
203 commission shall present to the Legislative Budget Commission  
204 the county distribution schedule, which is the approved  
205 allocation formula applied to the funds allocated to the  
206 commission.

207 (c) The commission may not change the transportation  
208 disadvantaged distribution schedule without the permission of  
209 the Legislative Budget Commission, except in the case of a  
210 disaster as defined in chapter 252.

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

213 427.013 The Commission for the Transportation  
214 Disadvantaged; purpose and responsibilities.--The purpose of the  
215 commission is to accomplish the coordination of transportation  
216 services provided to the transportation disadvantaged. The goal  
217 of this coordination shall be to assure the cost-effective  
218 provision of transportation by qualified community  
219 transportation coordinators or transportation operators for the  
220 transportation disadvantaged without any bias or presumption in  
221 favor of multioperator systems or not-for-profit transportation  
222 operators over single operator systems or for-profit  
223 transportation operators. In carrying out this purpose, the  
224 commission shall:

225 (12)(a) Have the authority to apply for and accept funds,  
226 grants, gifts, and services from the Federal Government, state

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227 government, local governments, or private funding sources.  
 228 Applications by the commission for local government funds shall  
 229 be coordinated through the appropriate coordinating board. Funds  
 230 acquired or accepted under this subsection shall be administered  
 231 by the commission and shall be used to carry out the  
 232 commission's responsibilities.

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

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

243  
 244  
 245 ===== T I T L E A M E N D M E N T =====

246 And the title is amended as follows:

247 Delete everything before the enacting clause and  
 248 insert:

249 A bill to be entitled  
 250 An act relating to the Commission for the Transportation  
 251 Disadvantaged; amending s. 427.012, F.S.; revising the  
 252 membership of the commission; establishing term limits;  
 253 directing each member of the commission to serve without

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

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