

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Robaina offered the following:

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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 the following eleven
12 voting members:

13 (a) The secretary of the Department of Transportation or
14 the secretary's designee.

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

17 ~~(c) The Commissioner of Education or the commissioner's~~
18 ~~designee.~~

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

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

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

25 (c)(g) The director of the Agency for Health Care
26 Administration or the director's designee.

27 (d) The director of the Agency for Persons with
28 Disabilities or the director's designee.

29 (e) Five individuals appointed by the Governor. These
30 appointees shall have significant experience in the operation of
31 a business and shall reflect the broad diversity of the business
32 community in this state, as well as the racial, ethnic,
33 geographical, and gender diversity of this state's population.

34 (f) Two individuals appointed by the Governor who must be
35 persons with a disability who use the transportation
36 disadvantaged system.

37 (g) The director of the Agency for Workforce Innovation,
38 the executive director of the Department of Veterans' Affairs,
39 the Secretary of Elderly Affairs, and an elected official of a
40 local government who is appointed by the Governor, or a designee

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41 of each, respectively, shall serve as ex officio, nonvoting
42 advisors to the commission.

43
44 Each member of the commission shall represent the needs of the
45 transportation disadvantaged throughout the state. A member may
46 not subordinate the needs of the transportation disadvantaged in
47 general in order to favor the needs of others residing in a
48 specific location in the state.

49 ~~(h) A representative of the Florida Association for~~
50 ~~Community Action, who shall serve at the pleasure of that~~
51 ~~association.~~

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

54 ~~(j) A person over the age of 60 who is a member of a~~
55 ~~recognized statewide organization representing elderly~~
56 ~~Floridians. Such person shall be appointed by the Governor to~~
57 ~~represent elderly Floridians and shall be appointed to serve a~~
58 ~~term of 4 years.~~

59 ~~(k) A handicapped person who is a member of a recognized~~
60 ~~statewide organization representing handicapped Floridians. Such~~
61 ~~person shall be appointed by the Governor to represent~~
62 ~~handicapped Floridians and shall be appointed to serve a term of~~
63 ~~4 years.~~

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

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

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

75 ~~(o) Two representatives of current private for-profit or~~
76 ~~private not-for-profit transportation operators each of which~~
77 ~~have a minimum of 5 years of continuous experience operating a~~
78 ~~broad-based system of ambulatory and wheelchair/stretchers type~~
79 ~~transportation, utilizing not less than 50 vehicles and~~
80 ~~including dispatch and scheduling responsibilities. Such persons~~
81 ~~shall be appointed by the Commissioner of Agriculture to serve a~~
82 ~~term of 4 years.~~

83 ~~(p) Four representatives of current private for-profit or~~
84 ~~private not-for-profit transportation operators, each of which~~
85 ~~having a minimum of 5 years of continuous experience operating a~~
86 ~~broad-based system of ambulatory and wheelchair or stretchers~~
87 ~~type transportation, utilizing not less than 50 vehicles, and~~
88 ~~including dispatch and scheduling responsibilities. Such persons~~
89 ~~shall be appointed by the Commissioner of Agriculture to serve a~~
90 ~~term of 4 years.~~

91 ~~(q) Six citizens representing the nontransportation~~
92 ~~business community of the state, three members appointed by the~~

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93 ~~President of the Senate and three members appointed by the~~
94 ~~Speaker of the House of Representatives.~~

95 (2) Each person appointed to the board of the commission
96 shall serve a term of 4 years. A member may be reappointed for
97 one additional 4-year term. A member must be a citizen of the
98 state and a registered voter.

99 (3) A member, other than a local elected official, may not
100 be an employee or agent of a community transportation
101 coordinator, a contractor or subcontractor of a community
102 transportation coordinator, or a direct or indirect
103 subcontractor to a contractor employed by a community
104 transportation coordinator. A member, other than a local elected
105 official, may not have any interest, direct or indirect, in any
106 contract, franchise, privilege, or other benefit granted or
107 awarded by the commission, the Agency for Health Care
108 Administration, or the Department of Children and Family
109 Services during the term of his or her appointment and for 2
110 years after the termination of the appointment.

111 (4)(2) The chairperson shall be appointed by the Governor
112 and vice chairperson of the commission shall be elected annually
113 from the membership of the commission.

114 (5)(3) Members of the commission shall serve without
115 compensation but shall be allowed per diem and travel expenses,
116 as provided in s. 112.061.

117 (6)(4) The commission shall meet at least quarterly, or
118 more frequently at the call of the chairperson. ~~Seven~~ Nine
119 members of the commission constitute a quorum, and a majority

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120 | vote of the members present is necessary for any action taken by
121 | the commission.

122 | ~~(7)(5)~~ The Governor may remove any member of the
123 | commission for cause.

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

139 | ~~(9)(6)~~ The commission shall appoint an executive director
140 | who shall serve under the direction, supervision, and control of
141 | the commission. The executive director, with the consent of the
142 | commission, shall employ such personnel as may be necessary to
143 | perform adequately the functions of the commission within
144 | budgetary limitations. All employees of the commission are
145 | exempt from the Career Service System.

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

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

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

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

167 (d) The commission may establish the size, composition,
168 and focus of any technical advisory committee it creates. A
169 member appointed to a technical advisory committee shall serve
170 without compensation and without per diem.

171 (11)(7) The commission is assigned to the office of the
172 secretary of the Department of Transportation for administrative

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173 and fiscal accountability purposes, but it shall otherwise
174 function independently of the control, supervision, and
175 direction of the department.

176 (12)(8) The commission shall develop a budget under
177 ~~pursuant to~~ chapter 216. The budget is not subject to change by
178 the department staff after it has been approved by the
179 commission, but it shall be transmitted to the Governor, as head
180 of the department, along with the budget of the department.

181 (13)(a) No later than 30 days after the Governor issues
182 his executive budget recommendations, the commission shall
183 present to the Legislative Budget Commission a proposed formula
184 for allocating the transportation funds that the commission
185 anticipates receiving from the General Appropriations Act for
186 the next fiscal year. The document must specifically detail the
187 amount of funding expected to be allocated to each county for
188 transportation disadvantaged services. The Legislative Budget
189 Commission shall approve, reject, or request modifications to
190 the formula no later than 60 days after receiving the proposed
191 funding allocation formula.

192 (b) Upon the General Appropriations Act becoming law, the
193 commission shall present to the Legislative Budget Commission
194 the county distribution schedule, which is the approved
195 allocation formula applied to the funds allocated to the
196 commission.

197 (c) The commission may not change the transportation
198 disadvantaged distribution schedule without the permission of

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199 the Legislative Budget Commission, except in the case of a
200 disaster as defined in chapter 252.

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

203 427.013 The Commission for the Transportation
204 Disadvantaged; purpose and responsibilities.--The purpose of the
205 commission is to accomplish the coordination of transportation
206 services provided to the transportation disadvantaged. The goal
207 of this coordination shall be to assure the cost-effective
208 provision of transportation by qualified community
209 transportation coordinators or transportation operators for the
210 transportation disadvantaged without any bias or presumption in
211 favor of multioperator systems or not-for-profit transportation
212 operators over single operator systems or for-profit
213 transportation operators. In carrying out this purpose, the
214 commission shall:

215 (12)(a) Have the authority to apply for and accept funds,
216 grants, gifts, and services from the Federal Government, state
217 government, local governments, or private funding sources.
218 Applications by the commission for local government funds shall
219 be coordinated through the appropriate coordinating board. Funds
220 acquired or accepted under this subsection shall be administered
221 by the commission and shall be used to carry out the
222 commission's responsibilities.

223 (b) Develop an allocation methodology or formula that
224 equitably distributes the Medicaid non-emergency transportation
225 funds under the control of the commission to compensate

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226 counties, community transportation coordinators, or other
227 entities providing transportation disadvantaged services. The
228 formula shall take into account not only the actual costs of
229 each transportation disadvantaged trip but also those
230 efficiencies that a provider might adopt to reduce costs.

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

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233

234 ===== T I T L E A M E N D M E N T =====

235 Remove the entire title and insert:

236 A bill to be entitled
237 An act relating to the Commission for the Transportation
238 Disadvantaged; amending s. 427.012, F.S.; revising the
239 membership of the commission; establishing term limits;
240 directing each member of the commission to serve without
241 regional bias; providing qualifications for appointment to
242 membership on the commission; providing for nonvoting
243 advisory members; requiring candidates for appointment to
244 the commission to meet certain standards for background
245 screening; requiring the Department of Transportation to
246 inform the commission if a candidate fails to meet the
247 screening standards; providing that costs of screening be
248 borne by the department or the candidate for appointment;
249 authorizing the commission to appoint technical advisory
250 committees; requiring the commission to present a proposed
251 funding distribution formula to the Legislative Budget
252 Commission for allocating transportation disadvantaged

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HOUSE AMENDMENT

Bill No. HB 1475 CS

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253 funds the commission anticipates receiving from the
254 General Appropriations Act; authorizing the Legislative
255 Budget Commission to approve, reject, or modify the
256 proposed allocation formula; requiring the commission to
257 detail the expected allocation of funding to each county;
258 prohibiting the commission from altering the distribution
259 schedule without the approval of the Legislative Budget
260 Commission except in the case of a disaster; amending s.
261 427.013, F.S.; requiring the commission to develop an
262 allocation methodology to equitably distribute certain
263 transportation funds under the control of the commission
264 to counties, community transportation coordinators, or
265 other entities providing transportation disadvantaged
266 services; providing an effective date.

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