

CHAMBER ACTION

1 The Transportation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Commission for the Transportation
7 Disadvantaged; amending s. 427.012, F.S.; revising the
8 membership of the commission within the Department of
9 Transportation; requiring Senate confirmation of appointed
10 members; providing representation responsibilities of the
11 members; establishing term limits; providing
12 qualifications for membership; prohibiting members from
13 having certain relationships with a community
14 transportation coordinator, a contractor or subcontractor
15 of a community transportation coordinator, or a direct or
16 indirect subcontractor to a contractor employed by a
17 community transportation coordinator; prohibiting members
18 from having any interest in any contract, franchise,
19 privilege, or other benefit granted or awarded by the
20 commission, the Agency for Health Care Administration, or
21 the Department of Children and Family Services for a
22 certain time period; removing provision for a quorum of
23 the commission; requiring appointees to have met certain

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24 background screening standards; requiring fingerprints of
 25 appointees to be processed by the Florida Department of
 26 Law Enforcement and the Federal Bureau of Investigation;
 27 requiring costs of screening be borne by the department or
 28 the candidate for appointment; providing for the
 29 commission to appoint technical advisory committees;
 30 providing for membership and purpose of the committees;
 31 authorizing the commission to establish the size,
 32 composition, and focus of each technical advisory
 33 committee; providing for per diem and travel expenses of
 34 advisory committee members; providing for review and
 35 approval by the Legislative Budget Commission of the
 36 commission's Medicaid allocation formula and allocation
 37 amounts; amending s. 427.013, F.S.; directing the
 38 commission to develop a methodology or formula that
 39 equitably distributes funds to compensate counties,
 40 community transportation coordinators, or other entities
 41 providing transportation disadvantaged services; requiring
 42 the formula to take into account certain factors;
 43 providing an effective date.

44

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

46

47 Section 1. Section 427.012, Florida Statutes, is amended
 48 to read:

49 427.012 The Commission for the Transportation
 50 Disadvantaged.--There is created the Commission for the

51 Transportation Disadvantaged in the Department of
52 Transportation.

53 (1) The commission shall consist of the following 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 director of the Agency for Workforce Innovation or
61 the director's designee ~~secretary of the Department of Labor and~~
62 ~~Employment Security or the secretary's designee.~~

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

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

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

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

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

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

79 ~~(h)(k)~~ A ~~handicapped~~ person with a disability who uses
80 paratransit services. ~~This is a member of a recognized statewide~~
81 ~~organization representing handicapped Floridians.~~ Such person
82 shall be appointed by the Governor to represent disabled
83 ~~handicapped~~ Floridians and shall be appointed to ~~serve~~ a term of
84 4 years.

85 (i) Seven members appointed for terms of 4 years each who
86 shall be from each of the seven districts of the Department of
87 Transportation. The Governor shall appoint two of the seven
88 members, and the President of the Senate and the Speaker of the
89 House of Representatives shall each appoint one member, all of
90 whom shall be from urban districts of the Department of
91 Transportation. The Commissioner of Agriculture shall appoint
92 the remaining three members, who shall be from rural districts
93 of the Department of Transportation. Each member shall be
94 subject to Senate confirmation.

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

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

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

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106 ~~(o) Two representatives of current private for-profit or~~
107 ~~private not-for-profit transportation operators each of which~~
108 ~~have a minimum of 5 years of continuous experience operating a~~
109 ~~broad-based system of ambulatory and wheelchair/stretchers type~~
110 ~~transportation, utilizing not less than 50 vehicles and~~
111 ~~including dispatch and scheduling responsibilities. Such persons~~
112 ~~shall be appointed by the Commissioner of Agriculture to serve a~~
113 ~~term of 4 years.~~

114 ~~(p) Four representatives of current private for-profit or~~
115 ~~private not-for-profit transportation operators, each of which~~
116 ~~having a minimum of 5 years of continuous experience operating a~~
117 ~~broad-based system of ambulatory and wheelchair or stretchers-~~
118 ~~type transportation, utilizing not less than 50 vehicles, and~~
119 ~~including dispatch and scheduling responsibilities. Such persons~~
120 ~~shall be appointed by the Commissioner of Agriculture to serve a~~
121 ~~term of 4 years.~~

122 ~~(q) Six citizens representing the nontransportation~~
123 ~~business community of the state, three members appointed by the~~
124 ~~President of the Senate and three members appointed by the~~
125 ~~Speaker of the House of Representatives.~~

126
127 Each member of the commission shall represent the needs of the
128 transportation disadvantaged throughout the state. A member
129 shall not subordinate the needs of the transportation
130 disadvantaged in general to favor the needs of others residing
131 in a specific location in the state.

132 (2) Members appointed to the commission may not serve more
133 than two full terms. A member must be a citizen of the state and

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134 a registered voter. A member, other than a local elected
 135 official, may not be an employee or agent of a community
 136 transportation coordinator, a contractor or subcontractor of a
 137 community transportation coordinator, or a direct or indirect
 138 subcontractor to a contractor employed by a community
 139 transportation coordinator.

140 (3) A member, other than a local elected official, may not
 141 have any interest, direct or indirect, in any contract,
 142 franchise, privilege, or other benefit granted or awarded by the
 143 commission, the Agency for Health Care Administration, or the
 144 Department of Children and Family Services during the term of
 145 his or her appointment and for 2 years after the termination of
 146 the appointment.

147 (4)(2) The chairperson and vice chairperson of the
 148 commission shall be elected annually from the membership of the
 149 commission.

150 (5)(3) Members of the commission shall serve without
 151 compensation but shall be allowed per diem and travel expenses,
 152 as provided in s. 112.061.

153 (6)(4) The commission shall meet at least quarterly, or
 154 more frequently at the call of the chairperson. ~~Nine members of~~
 155 ~~the commission constitute a quorum, and~~ A majority vote of the
 156 members present is necessary for any action taken by the
 157 commission.

158 (7) Each candidate for appointment to the commission
 159 shall, before accepting the appointment, undergo background
 160 screening pursuant to s. 435.04 by filing with the Department of
 161 Transportation a complete set of fingerprints taken by an

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162 authorized law enforcement agency. These fingerprints shall be
 163 submitted to the Department of Law Enforcement for state
 164 processing, and that department shall in turn submit the
 165 fingerprints to the Federal Bureau of Investigation for federal
 166 processing. The Department of Transportation shall screen the
 167 background results and report to the commission any candidate
 168 who fails to meet level 2 screening standards pursuant to s.
 169 435.04. A candidate found through fingerprint processing to have
 170 failed to meet level 2 screening standards pursuant to s. 435.04
 171 shall not be appointed as a member of the commission. The cost
 172 of the background screening may be borne by the Department of
 173 Transportation or the candidate for appointment to the
 174 commission.

175 (8)(5) The Governor may remove any member of the
 176 commission for cause.

177 (9)(6) The commission shall appoint an executive director
 178 who shall serve under the direction, supervision, and control of
 179 the commission. The executive director, with the consent of the
 180 commission, shall employ such personnel as may be necessary to
 181 perform adequately the functions of the commission within
 182 budgetary limitations. All employees of the commission are
 183 exempt from the Career Service System.

184 (10) The commission may appoint three technical advisory
 185 committees to advise the commission on issues of importance to
 186 the state and to regions of the state.

187 (a) One technical advisory committee shall provide
 188 information, advice, and direction to the commission on the
 189 coordination of services for the transportation disadvantaged.

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190 Its membership may include, but not be limited to,
 191 representatives of community transportation coordinators and
 192 private paratransit providers.

193 (b) One technical advisory committee shall provide
 194 information, advice, and direction to the commission on the
 195 transportation planning issues affecting the transportation
 196 disadvantaged program. Its membership may include, but not be
 197 limited to, representatives of metropolitan planning
 198 organizations and regional planning councils.

199 (c) One technical advisory committee shall provide
 200 information, advice, and direction to the commission on
 201 business-related issues affecting the transportation
 202 disadvantaged program. Its membership may include, but not be
 203 limited to, persons with expertise in insurance, marketing,
 204 economic development, or financial planning.

205 (d) The commission may establish the size, composition,
 206 and focus of each technical advisory committee created. A member
 207 appointed to a technical advisory committee shall serve without
 208 compensation but shall be entitled to per diem or travel
 209 expenses, as provided in s. 112.061.

210 (11)(7) The commission is assigned to the office of the
 211 secretary of the Department of Transportation for administrative
 212 and fiscal accountability purposes, but it shall otherwise
 213 function independently of the control, supervision, and
 214 direction of the department.

215 (12)(a)(8) The commission shall develop a budget under
 216 ~~pursuant to~~ chapter 216. The budget is not subject to change by
 217 the department staff after it has been approved by the

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218 | commission, but it shall be transmitted to the Governor, as head
219 | of the department, along with the budget of the department.

220 | (b) Thirty days prior to the submittal of its legislative
221 | budget request, the commission shall present to the Legislative
222 | Budget Commission for approval the formula for allocation of the
223 | Medicaid nonemergency transportation funds it anticipates
224 | receiving from the Agency for Health Care Administration for the
225 | upcoming fiscal year and document the amount of the funding
226 | expected to be allocated to the counties. No changes to the
227 | formula or allocated amounts shall be implemented by the
228 | commission until approved by the Legislative Budget Commission.

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

231 | 427.013 The Commission for the Transportation
232 | Disadvantaged; purpose and responsibilities.--The purpose of the
233 | commission is to accomplish the coordination of transportation
234 | services provided to the transportation disadvantaged. The goal
235 | of this coordination shall be to assure the cost-effective
236 | provision of transportation by qualified community
237 | transportation coordinators or transportation operators for the
238 | transportation disadvantaged without any bias or presumption in
239 | favor of multioperator systems or not-for-profit transportation
240 | operators over single operator systems or for-profit
241 | transportation operators. In carrying out this purpose, the
242 | commission shall:

243 | (12)(a) Have the authority to apply for and accept funds,
244 | grants, gifts, and services from the Federal Government, state
245 | government, local governments, or private funding sources.

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246 Applications by the commission for local government funds shall
 247 be coordinated through the appropriate coordinating board. Funds
 248 acquired or accepted under this subsection shall be administered
 249 by the commission and shall be used to carry out the
 250 commission's responsibilities.

251 (b) Develop a methodology or formula that equitably
 252 distributes the funds under the commission's control to
 253 compensate counties, community transportation coordinators, or
 254 other entities providing transportation disadvantaged services.
 255 Such a formula shall take into account not only actual costs per
 256 trip but also program efficiencies and alternative pricing
 257 strategies that allow more clients to be served under the
 258 programs without penalizing counties, coordinators, or other
 259 providers that incorporate public school buses and public fixed-
 260 route transit into their transportation disadvantaged services,
 261 pursuant to s. 427.0158.

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