

CHAMBER ACTION

1 The State Infrastructure Council 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 and organization of the commission;  
9 establishing term limits; directing each member of the  
10 commission to serve without regional bias; providing  
11 qualifications for membership on the commission; requiring  
12 candidates for appointment to the commission to meet  
13 certain standards for background screening; requiring the  
14 Department of Transportation to inform the commission if a  
15 candidate fails to meet the screening standards; providing  
16 that costs of screening be borne by the department or the  
17 candidate for appointment; directing the commission to  
18 appoint technical advisory committees; directing the  
19 commission to present to the Legislative Budget Commission  
20 for its approval the formula for allocation of the  
21 Medicaid nonemergency transportation funds; specifying  
22 circumstances when the commission may reduce such funding  
23 to the counties; amending s. 427.013, F.S; directing the

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24 | commission to develop a Medicaid allocation formula or  
25 | methodology based on specific criteria, including trip  
26 | credits; providing an effective date.

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

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

32 | 427.012 The Commission for the Transportation  
33 | Disadvantaged.--There is created the Commission for the  
34 | Transportation Disadvantaged in the Department of  
35 | Transportation.

36 | (1) The commission shall consist of the following members:

37 | (a) The secretary of the Department of Transportation or  
38 | the secretary's designee.

39 | (b) The secretary of the Department of Children and Family  
40 | Services or the secretary's designee.

41 | ~~(c) The Commissioner of Education or the commissioner's~~  
42 | ~~designee.~~

43 | (c)(d) The director of Workforce Innovation or the  
44 | director's secretary of the Department of Labor and Employment  
45 | Security or the secretary's designee.

46 | (d)(e) The executive director of the Department of  
47 | Veterans' Affairs or the executive director's designee.

48 | (e)(f) The secretary of the Department of Elderly Affairs  
49 | or the secretary's designee.

50 | (f)(g) The director of the Agency for Health Care  
51 | Administration or the director's designee.

52        (g) The director of the Agency for Persons with  
53 Disabilities or the director's designee.

54        (h) The chair of the commission, who shall be appointed by  
55 the Governor ~~A representative of the Florida Association for~~  
56 ~~Community Action, who shall serve at the pleasure of that~~  
57 ~~association.~~

58        (i) Seven members appointed by the Governor for terms of 4  
59 years each, who shall be from each of the seven districts of the  
60 Department of Transportation. One of the members must be a  
61 person over the age of 60 who uses paratransit services and one  
62 member must be a person with a disability who uses paratransit  
63 services. Two representatives must be from rural communities as  
64 defined in s. 288.0656(2)(b) ~~A representative of the Florida~~  
65 ~~Transit Association, who shall serve at the pleasure of that~~  
66 ~~association.~~

67        ~~(j) A person over the age of 60 who is a member of a~~  
68 ~~recognized statewide organization representing elderly~~  
69 ~~Floridians. Such person shall be appointed by the Governor to~~  
70 ~~represent elderly Floridians and shall be appointed to serve a~~  
71 ~~term of 4 years.~~

72        ~~(k) A handicapped person who is a member of a recognized~~  
73 ~~statewide organization representing handicapped Floridians. Such~~  
74 ~~person shall be appointed by the Governor to represent~~  
75 ~~handicapped Floridians and shall be appointed to serve a term of~~  
76 ~~4 years.~~

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

80 ~~(m) A representative of the community transportation~~  
 81 ~~coordinators. Such person shall be appointed by the Governor to~~  
 82 ~~represent all community transportation coordinators and shall be~~  
 83 ~~appointed to serve a term of 4 years.~~

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

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

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

104 ~~(q) Six citizens representing the nontransportation~~  
 105 ~~business community of the state, three members appointed by the~~  
 106 ~~President of the Senate and three members appointed by the~~  
 107 ~~Speaker of the House of Representatives.~~

108  
109 Each member of the commission shall represent the needs of the  
110 transportation disadvantaged throughout the state. A member may  
111 not subordinate the needs of the transportation disadvantaged in  
112 general to favor the needs of others residing in a specific  
113 location in the state.

114 (2) Members appointed to the commission may not serve more  
115 than two full terms. A member must be a citizen of the state and  
116 a registered voter. A member, other than a local elected  
117 official, may not be an employee or agent of a community  
118 transportation coordinator, a contractor or subcontractor of a  
119 community transportation coordinator, or a direct or indirect  
120 subcontractor to a contractor employed by a community  
121 transportation coordinator.

122 (3) A member, other than a local elected official, may not  
123 have any interest, direct or indirect, in any contract,  
124 franchise, privilege, or other benefit granted or awarded by the  
125 commission, the Agency for Health Care Administration, or the  
126 Department of Children and Family Services during the term of  
127 his or her appointment and for 2 years after the termination of  
128 the appointment.

129 (4)(2) The chairperson shall be appointed by the Governor  
130 and vice chairperson of the commission shall be elected annually  
131 from the membership of the commission.

132 (5)(3) Members of the commission shall serve without  
133 compensation but shall be allowed per diem and travel expenses,  
134 as provided in s. 112.061.

135        ~~(6)(4)~~ The commission shall meet at least quarterly, or  
 136 more frequently at the call of the chairperson. ~~Nine members of~~  
 137 ~~the commission constitute a quorum, and~~ A majority vote of the  
 138 members present is necessary for any action taken by the  
 139 commission.

140        (7) Each candidate for appointment to the commission must,  
 141 before accepting the appointment, undergo background screening  
 142 under s. 435.04 by filing with the Department of Transportation  
 143 a complete set of fingerprints taken by an authorized law  
 144 enforcement agency. The fingerprints must be submitted to the  
 145 Department of Law Enforcement for state processing, and that  
 146 department shall submit the fingerprints to the Federal Bureau  
 147 of Investigation for federal processing. The Department of  
 148 Transportation shall screen the background results and inform  
 149 the commission if any candidate failed to meet level 2 screening  
 150 standards. A candidate found to have failed to meet level 2  
 151 screening standards may not be appointed to the commission. The  
 152 cost of the background screening may be borne by the Department  
 153 of Transportation or the candidate for appointment to the  
 154 commission.

155        ~~(8)(5)~~ The Governor may remove any member of the  
 156 commission for cause.

157        ~~(9)(6)~~ The commission shall appoint an executive director  
 158 who shall serve under the direction, supervision, and control of  
 159 the commission. The executive director, with the consent of the  
 160 commission, shall employ such personnel as may be necessary to  
 161 perform adequately the functions of the commission within

162 budgetary limitations. All employees of the commission are  
 163 exempt from the Career Service System.

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

167 (a) One technical advisory committee shall provide  
 168 information, advice, and direction to the commission on the  
 169 coordination of services for the transportation disadvantaged.  
 170 Its membership may include, but need not be limited to,  
 171 representatives of community transportation coordinators and  
 172 private paratransit providers.

173 (b) One technical advisory committee shall provide  
 174 information, advice, and direction to the commission on the  
 175 transportation planning issues affecting the transportation  
 176 disadvantaged program. Its membership may include, but need not  
 177 be limited to, representatives of metropolitan planning  
 178 organizations and regional planning councils.

179 (c) One technical advisory committee shall provide  
 180 information, advice, and direction to the commission on  
 181 business-related issues affecting the transportation  
 182 disadvantaged program. Its membership may include, but need not  
 183 be limited to, persons with expertise in insurance, marketing,  
 184 economic development, or financial planning.

185 (d) The commission may establish the size, composition,  
 186 and focus of any technical advisory committee it creates. A  
 187 member appointed to a technical advisory committee shall serve  
 188 without compensation.

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189        ~~(11)(7)~~ The commission is assigned to the office of the  
 190 secretary of the Department of Transportation for administrative  
 191 and fiscal accountability purposes, but it shall otherwise  
 192 function independently of the control, supervision, and  
 193 direction of the department.

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

199        (b) Thirty days after the release of the Governor's  
 200 Executive Budget Recommendations, the commission shall present  
 201 to the Legislative Budget Commission for approval the formula  
 202 for allocation of the Medicaid nonemergency transportation funds  
 203 it anticipates receiving from the Agency for Health Care  
 204 Administration, as specified in the Governor's Executive Budget  
 205 Recommendations, for the upcoming fiscal year and shall document  
 206 the amount of the funding expected to be allocated to the  
 207 counties. No changes that would negatively affect any county  
 208 shall be implemented by the commission unless the general  
 209 appropriations act approved by the Legislature reduces the  
 210 amount allocated to the commission. Any reductions made to the  
 211 counties as a result of the Legislature reducing the funding  
 212 available to the commission must be made in a fair and equitable  
 213 manner.

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

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

228 (12)(a) Have the authority to apply for and accept funds,  
 229 grants, gifts, and services from the Federal Government, state  
 230 government, local governments, or private funding sources.  
 231 Applications by the commission for local government funds shall  
 232 be coordinated through the appropriate coordinating board. Funds  
 233 acquired or accepted under this subsection shall be administered  
 234 by the commission and shall be used to carry out the  
 235 commission's responsibilities.

236 (b) Develop a Medicaid allocation methodology or formula  
 237 that equitably distributes the funds under the commission's  
 238 control to compensate counties, community transportation  
 239 coordinators, or other entities providing transportation  
 240 disadvantaged services. Such a formula shall take into account  
 241 not only actual costs per trip but also program efficiencies.  
 242 The methodology or formula shall ensure a trip credit process is

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243 | incorporated into the formula to ensure cost-effective solutions  
244 | are properly measured and taken into account.

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