

ENROLLED
 HB 487, Engrossed 1

2006 Legislature

1 A bill to be entitled
 2 An act relating to the Commission for the Transportation
 3 Disadvantaged; amending s. 427.012, F.S.; revising the
 4 membership of the commission; establishing term limits;
 5 directing each member of the commission to serve without
 6 regional bias; providing qualifications for appointment to
 7 membership on the commission; providing for nonvoting
 8 advisory members; requiring candidates for appointment to
 9 the commission to meet certain standards for background
 10 screening; requiring the Department of Transportation to
 11 inform the commission if a candidate fails to meet the
 12 screening standards; providing that costs of screening be
 13 borne by the department or the candidate for appointment;
 14 authorizing the commission to appoint technical working
 15 groups; providing for membership of the working groups;
 16 amending s. 427.013, F.S.; requiring the commission to
 17 develop a transportation fund allocation methodology for
 18 certain purposes; specifying methodology criteria;
 19 preserving Agency for Health Care Administration authority
 20 to distribute Medicaid funds; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Section 427.012, Florida Statutes, is amended
 25 to read:

26 427.012 The Commission for the Transportation
 27 Disadvantaged.--There is created the Commission for the

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28 Transportation Disadvantaged in the Department of
29 Transportation.

30 (1) The commission shall consist of seven members, all of
31 whom shall be appointed by the Governor, in accordance with the
32 requirements of s. 20.052.

33 (a) Five of the members must have significant experience
34 in the operation of a business and it is the intent of the
35 Legislature that, when making an appointment, the Governor
36 select persons who reflect the broad diversity of the business
37 community in this state, as well as the racial, ethnic,
38 geographical, and gender diversity of the population of this
39 state.

40 (b) Two of the members must have a disability and use the
41 transportation disadvantaged system.

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

47 (d) Each member shall be appointed to a term of 4 years. A
48 member may be reappointed for one additional 4-year term.

49 (e) Each member must be a resident of the state and a
50 registered voter.

51 (f) At any given time, at least one member must be at
52 least 65 years of age.

53 (g) The Secretary of Transportation, the Secretary of
54 Children and Family Services, the director of Workforce

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55 Innovation, the executive director of the Department of
 56 Veterans' Affairs, the Secretary of Elderly Affairs, the
 57 Secretary of Health Care Administration, the director of the
 58 Agency for Persons with Disabilities, and a county manager or
 59 administrator who is appointed by the Governor, or a senior-
 60 management-level representative of each, shall serve as ex
 61 officio, nonvoting advisors to the commission.

62 (h) A member may not, within the 5 years immediately
 63 before his or her appointment, or during his or her term on the
 64 commission, have or have had a financial relationship with, or
 65 represent or have represented as a lobbyist as defined in s.
 66 11.045, the following:

- 67 1. A transportation operator;
- 68 2. A community transportation coordinator;
- 69 3. A metropolitan planning organization;
- 70 4. A designated official planning agency;
- 71 5. A purchaser agency;
- 72 6. A local coordinating board;
- 73 7. A broker of transportation; or
- 74 8. A provider of transportation services. ~~the following~~

75 ~~members:-~~

76 ~~(a) The secretary of the Department of Transportation or~~
 77 ~~the secretary's designee.~~

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

80 ~~(c) The Commissioner of Education or the commissioner's~~
 81 ~~designee.~~

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82 ~~(d) The director of the Agency for Workforce Innovation or~~
 83 ~~the director's designee.~~

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

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

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

90 ~~(h) A representative of the Florida Association for~~
 91 ~~Community Action, who shall serve at the pleasure of that~~
 92 ~~association.~~

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

95 ~~(j) A person over the age of 60 who is a member of a~~
 96 ~~recognized statewide organization representing elderly~~
 97 ~~Floridians. Such person shall be appointed by the Governor to~~
 98 ~~represent elderly Floridians and shall be appointed to serve a~~
 99 ~~term of 4 years.~~

100 ~~(k) A handicapped person who is a member of a recognized~~
 101 ~~statewide organization representing handicapped Floridians. Such~~
 102 ~~person shall be appointed by the Governor to represent~~
 103 ~~handicapped Floridians and shall be appointed to serve a term of~~
 104 ~~4 years.~~

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

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108 ~~(m) A representative of the community transportation~~
109 ~~coordinators. Such person shall be appointed by the Governor to~~
110 ~~represent all community transportation coordinators and shall be~~
111 ~~appointed to serve a term of 4 years.~~

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

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

124 ~~(p) Four representatives of current private for-profit or~~
125 ~~private not for profit transportation operators, each of which~~
126 ~~having a minimum of 5 years of continuous experience operating a~~
127 ~~broad-based system of ambulatory and wheelchair or stretchers-~~
128 ~~type transportation, utilizing not less than 50 vehicles, and~~
129 ~~including dispatch and scheduling responsibilities. Such persons~~
130 ~~shall be appointed by the Commissioner of Agriculture to serve a~~
131 ~~term of 4 years.~~

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

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134 ~~President of the Senate and three members appointed by the~~
135 ~~Speaker of the House of Representatives.~~

136 (2) The chairperson shall be appointed by the Governor and
137 the vice chairperson of the commission shall be elected annually
138 from the membership of the commission.

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

142 (4) The commission shall meet at least quarterly, or more
143 frequently at the call of the chairperson. Five ~~Nine~~ members of
144 the commission constitute a quorum, and a majority vote of the
145 members present is necessary for any action taken by the
146 commission.

147 (5) The Governor may remove any member of the commission
148 for cause.

149 (6) Each candidate for appointment to the commission must,
150 before accepting the appointment, undergo background screening
151 under s. 435.04 by filing with the Department of Transportation
152 a complete set of fingerprints taken by an authorized law
153 enforcement agency. The fingerprints must be submitted to the
154 Department of Law Enforcement for state processing, and that
155 department shall submit the fingerprints to the Federal Bureau
156 of Investigation for federal processing. The Department of
157 Transportation shall screen the background results and inform
158 the commission of any candidate who does not meet level 2
159 screening standards. A candidate who has not met level 2
160 screening standards may not be appointed to the commission. The

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161 cost of the background screening may be borne by the Department
162 of Transportation or the candidate.

163 (7)~~(6)~~ The commission shall appoint an executive director
164 who shall serve under the direction, supervision, and control of
165 the commission. The executive director, with the consent of the
166 commission, shall employ such personnel as may be necessary to
167 perform adequately the functions of the commission within
168 budgetary limitations. ~~All~~ Employees of the commission are
169 exempt from the Career Service System.

170 (8) The commission shall appoint a technical working group
171 that includes representatives of private paratransit providers.
172 The technical working group shall advise the commission on
173 issues of importance to the state, including information,
174 advice, and direction regarding the coordination of services for
175 the transportation disadvantaged. The commission may appoint
176 other technical working groups whose members may include
177 representatives of community transportation coordinators;
178 metropolitan planning organizations; regional planning councils;
179 experts in insurance, marketing, economic development, or
180 financial planning; and persons who use transportation for the
181 transportation disadvantaged, or their relatives, parents,
182 guardians, or service professionals who tend to their needs.

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

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

193 Section 2. Subsection (28) is added to section 427.013,
 194 Florida Statutes, to read:

195 427.013 The Commission for the Transportation
 196 Disadvantaged; purpose and responsibilities.--The purpose of the
 197 commission is to accomplish the coordination of transportation
 198 services provided to the transportation disadvantaged. The goal
 199 of this coordination shall be to assure the cost-effective
 200 provision of transportation by qualified community
 201 transportation coordinators or transportation operators for the
 202 transportation disadvantaged without any bias or presumption in
 203 favor of multioperator systems or not-for-profit transportation
 204 operators over single operator systems or for-profit
 205 transportation operators. In carrying out this purpose, the
 206 commission shall:

207 (28) In consultation with the Agency for Health Care
 208 Administration and the Department of Transportation, develop an
 209 allocation methodology that equitably distributes all
 210 transportation funds under the control of the commission to
 211 compensate counties, community transportation coordinators, and
 212 other entities providing transportation disadvantaged services.
 213 The methodology shall separately account for Medicaid
 214 beneficiaries. The methodology shall consider such factors as

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215 | the actual costs of each transportation disadvantaged trip based
216 | on prior-year information, efficiencies that a provider might
217 | adopt to reduce costs, results of the rate and cost comparisons
218 | conducted under subsections (24) and (25), as well as cost
219 | efficiencies of trips when compared to the local cost of
220 | transporting the general public. This subsection does not
221 | supersede the authority of the Agency for Health Care
222 | Administration to distribute Medicaid funds.

223 | Section 3. This act shall take effect upon becoming a law.