

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

3 427.012 The Commission for the Transportation
4 Disadvantaged.--There is created the Commission for the
5 Transportation Disadvantaged in the Department of
6 Transportation.

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

10 (a) Five of the members must have significant
11 experience in the operation of a business and it is the intent
12 of the Legislature that, when making an appointment, the
13 Governor select persons who reflect the broad diversity of the
14 business community in this state, as well as the racial,
15 ethnic, geographical, and gender diversity of the population
16 of this state.

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

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

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

27 (e) A member must be a resident of the state and a
28 registered voter.

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

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1 (g) The Secretary of Transportation, the Secretary of
2 Children and Family Services, the director of Workforce
3 Innovation, the executive director of the Department of
4 Veterans' Affairs, the Secretary of Elderly Affairs, the
5 Secretary of Health Care Administration, the director of the
6 Agency for Persons with Disabilities, and a county manager or
7 administrator who is appointed by the Governor, or a
8 service-management-level representative of each, shall serve
9 as ex officio, nonvoting advisors to the commission.

10 (h) A member may not, within the 5 years immediately
11 before his or her appointment, or during his or her term on
12 the commission, have or have had a financial relationship
13 with, or represent or have represented as a lobbyist as
14 defined in s. 11.045, the following:

- 15 1. A transportation operator;
- 16 2. A community transportation coordinator;
- 17 3. A metropolitan planning organization;
- 18 4. A designated official planning agency;
- 19 5. A purchaser agency;
- 20 6. A local coordinating board;
- 21 7. A broker of transportation; or
- 22 8. A provider of transportation services. the

23 ~~following members:~~

24 ~~(a) The secretary of the Department of Transportation~~
25 ~~or the secretary's designee.~~

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

28 ~~(c) The Commissioner of Education or the~~
29 ~~commissioner's designee.~~

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

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

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

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

7 ~~(h) A representative of the Florida Association for~~
8 ~~Community Action, who shall serve at the pleasure of that~~
9 ~~association.~~

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

13 ~~(j) A person over the age of 60 who is a member of a~~
14 ~~recognized statewide organization representing elderly~~
15 ~~Floridians. Such person shall be appointed by the Governor to~~
16 ~~represent elderly Floridians and shall be appointed to serve a~~
17 ~~term of 4 years.~~

18 ~~(k) A handicapped person who is a member of a~~
19 ~~recognized statewide organization representing handicapped~~
20 ~~Floridians. Such person shall be appointed by the Governor to~~
21 ~~represent handicapped Floridians and shall be appointed to~~
22 ~~serve a term of 4 years.~~

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

27 ~~(m) A representative of the community transportation~~
28 ~~coordinators. Such person shall be appointed by the Governor~~
29 ~~to represent all community transportation coordinators and~~
30 ~~shall be appointed to serve a term of 4 years.~~

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

5 ~~(o) Two representatives of current private for profit~~
6 ~~or private not for profit transportation operators each of~~
7 ~~which have a minimum of 5 years of continuous experience~~
8 ~~operating a broad based system of ambulatory and~~
9 ~~wheelchair/stretcher type transportation, utilizing not less~~
10 ~~than 50 vehicles and including dispatch and scheduling~~
11 ~~responsibilities. Such persons shall be appointed by the~~
12 ~~Commissioner of Agriculture to serve a term of 4 years.~~

13 ~~(p) Four representatives of current private for profit~~
14 ~~or private not for profit transportation operators, each of~~
15 ~~which having a minimum of 5 years of continuous experience~~
16 ~~operating a broad based system of ambulatory and wheelchair or~~
17 ~~stretcher type transportation, utilizing not less than 50~~
18 ~~vehicles, and including dispatch and scheduling~~
19 ~~responsibilities. Such persons shall be appointed by the~~
20 ~~Commissioner of Agriculture to serve a term of 4 years.~~

21 ~~(q) Six citizens representing the nontransportation~~
22 ~~business community of the state, three members appointed by~~
23 ~~the President of the Senate and three members appointed by the~~
24 ~~Speaker of the House of Representatives.~~

25 (2) The chairperson shall be appointed by the Governor
26 and the vice chairperson of the commission shall be elected
27 annually from the membership of the commission.

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

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

6 (5) The Governor may remove any member of the
7 commission for cause.

8 (6) Each candidate for appointment to the commission
9 must, before accepting the appointment, undergo background
10 screening under s. 435.04 by filing with the Department of
11 Transportation a complete set of fingerprints taken by an
12 authorized law enforcement agency. The fingerprints must be
13 submitted to the Department of Law Enforcement for state
14 processing, and that department shall submit the fingerprints
15 to the Federal Bureau of Investigation for federal processing.
16 The Department of Transportation shall screen the background
17 results and inform the commission of any candidate who does
18 not meet level 2 screening standards. A candidate who has not
19 met level 2 screening standards may not be appointed to the
20 commission. The cost of the background screening may be borne
21 by the Department of Transportation or the candidate.

22 ~~(7)~~(6) The commission shall appoint an executive
23 director who shall serve under the direction, supervision, and
24 control of the commission. The executive director, with the
25 consent of the commission, shall employ such personnel as may
26 be necessary to perform adequately the functions of the
27 commission within budgetary limitations. ~~All~~ Employees of the
28 commission are exempt from the Career Service System.

29 (8) The commission shall appoint a technical working
30 group that includes representatives of private paratransit
31 providers. The technical working group shall advise the

1 commission on issues of importance to the state, including
2 information, advice, and direction regarding the coordination
3 of services for the transportation disadvantaged. The
4 commission may appoint other technical working groups, whose
5 members may include representatives of community
6 transportation coordinators; metropolitan planning
7 organizations; regional planning councils; experts in
8 insurance, marketing, economic development, or financial
9 planning; and persons who use transportation for the
10 transportation disadvantaged, or their relatives, parents,
11 guardians, or service professionals who tend to their needs.

12 ~~(9)(7)~~ The commission is assigned to the office of the
13 secretary of the Department of Transportation for
14 administrative and fiscal accountability purposes, but it
15 shall otherwise function independently of the control,
16 supervision, and direction of the department.

17 ~~(10)(8)~~ The commission shall develop a budget pursuant
18 to chapter 216. The budget is not subject to change by the
19 department staff after it has been approved by the commission,
20 but it shall be transmitted to the Governor, as head of the
21 department, along with the budget of the department.

22 Section 2. Subsection (28) is added to section
23 427.013, Florida Statutes, to read:

24 427.013 The Commission for the Transportation
25 Disadvantaged; purpose and responsibilities.--The purpose of
26 the commission is to accomplish the coordination of
27 transportation services provided to the transportation
28 disadvantaged. The goal of this coordination shall be to
29 assure the cost-effective provision of transportation by
30 qualified community transportation coordinators or
31 transportation operators for the transportation disadvantaged

1 without any bias or presumption in favor of multioperator
2 systems or not-for-profit transportation operators over single
3 operator systems or for-profit transportation operators. In
4 carrying out this purpose, the commission shall:

5 (28) In consultation with the Agency for Health Care
6 Administration and the Department of Transportation, develop
7 an allocation methodology that equitably distributes all
8 transportation funds under the control of the commission to
9 compensate counties, community transportation coordinators,
10 and other entities providing transportation disadvantaged
11 services. The methodology shall separately account for
12 Medicaid beneficiaries. The methodology shall consider such
13 factors as the actual costs of each transportation
14 disadvantaged trip based on prior-year information,
15 efficiencies that a provider might adopt to reduce costs,
16 results of the rate and cost comparisons conducted under
17 subsections (24) and (25), as well as cost efficiencies of
18 trips when compared to the local cost of transporting the
19 general public. This subsection does not supersede the
20 authority of the Agency for Health Care Administration to
21 distribute Medicaid funds.

22 Section 3. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/Senate Bill 634

The committee substitute for Senate Bill 634:

- revises the group of ex-officio, nonvoting members of the commission, by replacing an elected local government official with a county manager or administrator;
- changes the name of the advisory body to the commission from technical advisory committee to technical working group;
- and prescribes requirements for the equity allocation methodology.