

Bill No. SB 1168

Barcode 843316

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Margolis) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

427.012 The Commission for the Transportation Disadvantaged.--There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

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

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

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

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

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1 ~~(c)(d)~~ The director of Workforce Innovation or the
2 director's secretary of the Department of Labor and Employment
3 Security or the secretary's designee.

4 ~~(d)(e)~~ The executive director of the Department of
5 Veterans' Affairs or the executive director's designee.

6 ~~(e)(f)~~ The secretary of the Department of Elderly
7 Affairs or the secretary's designee.

8 ~~(f)(g)~~ The director of the Agency for Health Care
9 Administration or the director's designee.

10 ~~(g)~~ The director of the Agency for Persons with
11 Disabilities or the director's designee.

12 (h) The chair of the commission, who shall be
13 appointed by the Governor ~~A representative of the Florida~~
14 ~~Association for Community Action, who shall serve at the~~
15 ~~pleasure of that association.~~

16 (i) Seven members appointed by the Governor for terms
17 of 4 years, who shall be from each of the seven districts of
18 the Department of Transportation. One of the members must be a
19 person over the age of 60 who uses paratransit services and
20 one member must be a person with a disability who uses
21 paratransit services ~~A representative of the Florida Transit~~
22 ~~Association, who shall serve at the pleasure of that~~
23 ~~association.~~

24 ~~(j)~~ ~~A person over the age of 60 who is a member of a~~
25 ~~recognized statewide organization representing elderly~~
26 ~~Floridians. Such person shall be appointed by the Governor to~~
27 ~~represent elderly Floridians and shall be appointed to serve a~~
28 ~~term of 4 years.~~

29 ~~(k)~~ ~~A handicapped person who is a member of a~~
30 ~~recognized statewide organization representing handicapped~~
31 ~~Floridians. Such person shall be appointed by the Governor to~~

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1 ~~represent handicapped Floridians and shall be appointed to~~
2 ~~serve a term of 4 years.~~

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

7 ~~(m) A representative of the community transportation~~
8 ~~coordinators. Such person shall be appointed by the Governor~~
9 ~~to represent all community transportation coordinators and~~
10 ~~shall be appointed to serve a term of 4 years.~~

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

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

23 ~~(p) Four representatives of current private for-profit~~
24 ~~or private not-for-profit transportation operators, each of~~
25 ~~which having a minimum of 5 years of continuous experience~~
26 ~~operating a broad-based system of ambulatory and wheelchair or~~
27 ~~stretcher-type transportation, utilizing not less than 50~~
28 ~~vehicles, and including dispatch and scheduling~~
29 ~~responsibilities. Such persons shall be appointed by the~~
30 ~~Commissioner of Agriculture to serve a term of 4 years.~~

31 ~~(q) Six citizens representing the nontransportation~~

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1 ~~business community of the state, three members appointed by~~
 2 ~~the President of the Senate and three members appointed by the~~
 3 ~~Speaker of the House of Representatives.~~

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 5 Each member of the commission shall represent the needs of the
 6 transportation disadvantaged throughout the state. A member
 7 may not subordinate the needs of the transportation
 8 disadvantaged in general to favor the needs of others residing
 9 in a specific location in the state.

10 (2) Members appointed to the commission may not serve
 11 more than two full terms. A member must be a citizen of the
 12 state and a registered voter. A member, other than a local
 13 elected official, may not be an employee or agent of a
 14 community transportation coordinator, a contractor or
 15 subcontractor of a community transportation coordinator, or a
 16 direct or indirect subcontractor to a contractor employed by a
 17 community transportation coordinator.

18 (3) A member, other than a local elected official, may
 19 not have any interest, direct or indirect, in any contract,
 20 franchise, privilege, or other benefit granted or awarded by
 21 the commission, the Agency for Health Care Administration, or
 22 the Department of Children and Family Services during the term
 23 of his or her appointment and for 2 years after the
 24 termination of the appointment.

25 (4)(2) The chairperson shall be appointed by the
 26 Governor and vice chairperson of the commission shall be
 27 elected annually from the membership of the commission.

28 (5)(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.

31 (6)(4) The commission shall meet at least quarterly,

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1 or more frequently at the call of the chairperson. ~~Nine~~
 2 ~~members of the commission constitute a quorum, and~~ A majority
 3 vote of the members present is necessary for any action taken
 4 by the commission.

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

20 ~~(8)(5)~~ The Governor may remove any member of the
 21 commission for cause.

22 ~~(9)(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 (10) The commission shall appoint at least three
 30 technical advisory committees to advise the commission on
 31 issues of importance to the state and to regions of the state.

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1 (a) One technical advisory committee shall provide
 2 information, advice, and direction to the commission on the
 3 coordination of services for the transportation disadvantaged.
 4 Its membership may include, but need not be limited to,
 5 representatives of community transportation coordinators and
 6 private paratransit providers.

7 (b) One technical advisory committee shall provide
 8 information, advice, and direction to the commission on the
 9 transportation planning issues affecting the transportation
 10 disadvantaged program. Its membership may include, but need
 11 not be limited to, representatives of metropolitan planning
 12 organizations and regional planning councils.

13 (c) One technical advisory committee shall provide
 14 information, advice, and direction to the commission on
 15 business-related issues affecting the transportation
 16 disadvantaged program. Its membership may include, but need
 17 not be limited to, persons with expertise in insurance,
 18 marketing, economic development, or financial planning.

19 (d) The commission may establish the size,
 20 composition, and focus of any technical advisory committee it
 21 creates. A member appointed to a technical advisory committee
 22 shall serve without compensation.

23 ~~(11)(7)~~ The commission is assigned to the office of
 24 the secretary of the Department of Transportation for
 25 administrative and fiscal accountability purposes, but it
 26 shall otherwise function independently of the control,
 27 supervision, and direction of the department.

28 ~~(12)(8)~~ The commission shall develop a budget under
 29 ~~pursuant to~~ chapter 216. The budget is not subject to change
 30 by the department staff after it has been approved by the
 31 commission, but it shall be transmitted to the Governor, as

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1 head of the department, along with the budget of the
2 department.

3 Section 2. This act shall take effect July 1, 2005.

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

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled

12 An act relating to the Commission for the
13 Transportation Disadvantaged; amending s.
14 427.012, F.S.; revising the membership of the
15 commission; establishing term limits; directing
16 each member of the commission to serve without
17 regional bias; providing qualifications for
18 appointment to membership on the commission;
19 requiring candidates for appointment to the
20 commission to meet certain standards for
21 background screening; requiring the Department
22 of Transportation to inform the commission if a
23 candidate fails to meet the screening
24 standards; providing that costs of screening be
25 borne by the department or the candidate for
26 appointment; authorizing the commission to
27 appoint technical advisory committees;
28 providing an effective date.

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