

By Senator Constantine

22-166B-05

1 A bill to be entitled
2 An act relating to the transportation
3 disadvantaged; amending s. 427.012, F.S.;
4 revising the composition of the board of the
5 Commission for the Transportation
6 Disadvantaged; providing for 15 board members
7 with nine members appointed by the Governor;
8 providing for a member to be appointed to a
9 term of 4 years and limiting the member to two
10 terms; providing criteria for membership on the
11 commission relating to contracts and benefits;
12 providing for filling a vacancy; prohibiting a
13 member from serving more than 2 years as
14 chairperson of the commission; requiring each
15 member to represent the needs of the
16 transportation disadvantaged throughout the
17 state and not subordinate the needs of the
18 transportation disadvantaged in general to
19 favor the needs of others residing in a
20 specific location in the state; authorizing the
21 commission to appoint technical advisory
22 committees; providing for the membership and
23 duties of the technical advisory committees;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Section 427.012, Florida Statutes, is
29 amended to read:
30 427.012 The Commission for the Transportation
31 Disadvantaged.--There is created the Commission for the

1 Transportation Disadvantaged in the Department of
2 Transportation.

3 (1) The commission shall consist of 15 ~~the following~~
4 members:

5 (a) The Secretary of ~~the Department of~~ Transportation
6 or the secretary's designee.

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

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

11 ~~(d) The secretary of the Department of Labor and~~
12 ~~Employment Security or the secretary's designee.~~

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

15 ~~(c)(f)~~ The Secretary of ~~the Department of~~ Elderly
16 Affairs or the secretary's designee.

17 ~~(d)(g)~~ The Secretary director of ~~the Agency for~~ Health
18 Care Administration or the secretary's ~~director's~~ designee.

19 ~~(e)(h)~~ A representative of the Florida Association of of
20 Coordinated Transportation for Community Action, who shall
21 serve at the pleasure of that association.

22 ~~(f)(i)~~ A representative of the Florida Public Transit
23 Association, who shall serve at the pleasure of that
24 association.

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

30 ~~(h)(k)~~ A handicapped person who uses paratransit
31 services. This is a member of a recognized statewide

1 ~~organization representing handicapped Floridians. Such person~~
2 shall be appointed by the Governor to represent handicapped
3 Floridians ~~and shall be appointed to serve a term of 4 years.~~

4 (i) Seven members appointed by the Governor. The
5 Governor shall appoint one member from each of the seven
6 districts of the Department of Transportation. Each member is
7 subject to confirmation by the Senate. The appointed member
8 must be a local elected official.

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

13 ~~(m) A representative of the community transportation~~
14 ~~coordinators. Such person shall be appointed by the Governor~~
15 ~~to represent all community transportation coordinators and~~
16 ~~shall be appointed to serve a term of 4 years.~~

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

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

29 ~~(p) Four representatives of current private for profit~~
30 ~~or private not for profit transportation operators, each of~~
31 ~~which having a minimum of 5 years of continuous experience~~

1 ~~operating a broad based system of ambulatory and wheelchair or~~
2 ~~stretcher type transportation, utilizing not less than 50~~
3 ~~vehicles, and including dispatch and scheduling~~
4 ~~responsibilities. Such persons shall be appointed by the~~
5 ~~Commissioner of Agriculture to serve a term of 4 years.~~

6 ~~(q) Six citizens representing the nontransportation~~
7 ~~business community of the state, three members appointed by~~
8 ~~the President of the Senate and three members appointed by the~~
9 ~~Speaker of the House of Representatives.~~

10 (2) Members appointed to the commission shall be
11 appointed to terms of 4 years each and a member may not serve
12 more than two full terms. A member must be a citizen of the
13 state and a registered voter. A member, other than a local
14 elected official, may not be an employee or agent of a
15 community transportation coordinator, a contractor or
16 subcontractor of a community transportation coordinator, or a
17 direct or indirect subcontractor to a contractor employed by a
18 community transportation coordinator.

19 (3) A member, other than a local elected official, may
20 not have any interest, direct or indirect, in any contract,
21 franchise, privilege, or other benefit granted or awarded by
22 the commission, the Agency for Health Care Administration, or
23 the Department of Children and Family Services during the term
24 of his or her appointment and for 2 years after the
25 termination of the appointment. Each appointed member must
26 undergo a background screening in accordance with the level 2
27 standards for screening set forth in chapter 435.

28 (4) Vacancies in the membership of the commission
29 shall be filled in the same manner as the original
30 appointment. However, if a vacancy remains unfilled for more
31 than 45 days, the Governor may fill the vacant position.

1 ~~(5)(2)~~ The chairperson and vice chairperson of the
2 commission shall be elected annually from the membership of
3 the commission. A member may not serve more than 2 years as
4 chairperson of the commission.

5 ~~(6)(3)~~ Members of the commission shall serve without
6 compensation but shall be allowed per diem and travel
7 expenses, as provided in s. 112.061.

8 ~~(7)(4)~~ The commission shall meet at least quarterly,
9 or more frequently at the call of the chairperson. Nine
10 members of the commission constitute a quorum, and a majority
11 vote of the members present is necessary for any action taken
12 by the commission.

13 ~~(8)(5)~~ The Governor may remove any member of the
14 commission for cause.

15 ~~(9)(6)~~ The commission shall appoint an executive
16 director who shall serve under the direction, supervision, and
17 control of the commission. The executive director, with the
18 consent of the commission, shall employ such personnel as may
19 be necessary to perform adequately the functions of the
20 commission within budgetary limitations. All employees of the
21 commission are exempt from the Career Service System.

22 ~~(10)~~ Each member of the commission must represent the
23 needs of the transportation disadvantaged throughout the
24 state. A member may not subordinate the needs of the
25 transportation disadvantaged in general to favor the needs of
26 others residing in a specific location in the state.

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

1 ~~(12)(8)~~ The commission shall develop a budget under
2 ~~pursuant to~~ chapter 216. The budget is not subject to change
3 by the department staff after it has been approved by the
4 commission, but it shall be transmitted to the Governor, as
5 head of the department, along with the budget of the
6 department.

7 (13) The commission may appoint technical advisory
8 committees to advise the commission on issues of importance to
9 the state and to regions of the state. A technical advisory
10 committee shall provide information, advice, and direction to
11 the commission on the coordination of services for the
12 transportation disadvantaged. The commission may establish the
13 size, composition, and focus of each committee created, which
14 shall include, but not be limited to, a committee on private
15 provider transportation operators. A member appointed to a
16 technical advisory committee shall serve without compensation
17 and is not entitled to per diem or travel expenses.

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

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21 SENATE SUMMARY

22 Revises the composition of the board of the Commission
23 for the Transportation Disadvantaged. Provides
24 limitations on years of service. Provides criteria for
25 membership on the commission relating to contracts and
26 benefits. Provides for the filling of a vacancy. Requires
27 each member to represent the needs of the transportation
28 disadvantaged throughout the state and not subordinate
29 the needs of the transportation disadvantaged in general
30 to favor the needs of others residing in a specific
31 location in the state. Authorizes the commission to
 appoint technical advisory committees. Provides for
 membership and duties of the technical advisory
 committees.