

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 advisory  
 15          committees; amending s. 427.013, F.S.; requiring the  
 16          commission to develop an allocation methodology to  
 17          equitably distribute transportation funds under the  
 18          control of the commission to counties, community  
 19          transportation coordinators, or other entities providing  
 20          services to the transportation disadvantaged; providing an  
 21          effective date.

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

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

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

29 Transportation Disadvantaged in the Department of  
 30 Transportation.

31 (1) The commission shall consist of seven members, all of  
 32 whom shall be appointed by the Governor.

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) A member must be a resident of the state and a  
 50 registered voter.

51 (f) The Secretary of Transportation, the Secretary of  
 52 Children and Family Services, the director of Workforce  
 53 Innovation, the executive director of the Department of  
 54 Veterans' Affairs, the Secretary of Elderly Affairs, the  
 55 Secretary of Health Care Administration, the director of the  
 56 Agency for Persons with Disabilities, and an elected local

57 government official who is appointed by the Governor, or a  
 58 designee of each, shall serve as ex officio, nonvoting advisors  
 59 to the commission.

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

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

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

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

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

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

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

84 ~~(f) The secretary of the Department of Elderly Affairs or~~

85 ~~the secretary's designee.~~

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

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

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

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

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

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

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

110 ~~(n) One member of the Early Childhood Council. Such person~~  
 111 ~~shall be appointed by the Governor to represent maternal and~~  
 112 ~~child health care providers and shall be appointed to serve a~~

113 ~~term of 4 years.~~

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

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

130 ~~(q) Six citizens representing the nontransportation~~  
 131 ~~business community of the state, three members appointed by the~~  
 132 ~~President of the Senate and three members appointed by the~~  
 133 ~~Speaker of the House of Representatives.~~

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

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

140 (4) The commission shall meet at least quarterly, or more

141 frequently at the call of the chairperson. Five ~~Nine~~ members of  
 142 the commission constitute a quorum, and a majority vote of the  
 143 members present is necessary for any action taken by the  
 144 commission.

145 (5) The Governor may remove any member of the commission  
 146 for cause.

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

161 (7)~~(6)~~ The commission shall appoint an executive director  
 162 who shall serve under the direction, supervision, and control of  
 163 the commission. The executive director, with the consent of the  
 164 commission, shall employ such personnel as may be necessary to  
 165 perform adequately the functions of the commission within  
 166 budgetary limitations. ~~All~~ Employees of the commission are  
 167 exempt from the Career Service System.

168 (8) The commission shall appoint a technical advisory

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

181 ~~(9)(7)~~ The commission is assigned to the office of the  
 182 secretary of the Department of Transportation for administrative  
 183 and fiscal accountability purposes, but it shall otherwise  
 184 function independently of the control, supervision, and  
 185 direction of the department.

186 ~~(10)(8)~~ The commission shall develop a budget pursuant to  
 187 chapter 216. The budget is not subject to change by the  
 188 department staff after it has been approved by the commission,  
 189 but it shall be transmitted to the Governor, as head of the  
 190 department, along with the budget of the department.

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

193 427.013 The Commission for the Transportation  
 194 Disadvantaged; purpose and responsibilities.--The purpose of the  
 195 commission is to accomplish the coordination of transportation  
 196 services provided to the transportation disadvantaged. The goal

197 of this coordination shall be to assure the cost-effective  
 198 provision of transportation by qualified community  
 199 transportation coordinators or transportation operators for the  
 200 transportation disadvantaged without any bias or presumption in  
 201 favor of multioperator systems or not-for-profit transportation  
 202 operators over single operator systems or for-profit  
 203 transportation operators. In carrying out this purpose, the  
 204 commission shall:

205       (12)(a) Have the authority to apply for and accept funds,  
 206 grants, gifts, and services from the Federal Government, state  
 207 government, local governments, or private funding sources.  
 208 Applications by the commission for local government funds shall  
 209 be coordinated through the appropriate coordinating board. Funds  
 210 acquired or accepted under this subsection shall be administered  
 211 by the commission and shall be used to carry out the  
 212 commission's responsibilities.

213       (b) Develop an allocation methodology or formula that  
 214 equitably distributes all funds, including Medicaid nonemergency  
 215 transportation funds, under the control of the commission to  
 216 compensate counties, community transportation coordinators, or  
 217 other entities providing transportation disadvantaged services.  
 218 The formula shall consider not only the actual costs of each  
 219 trip provided for the transportation disadvantaged but also  
 220 efficiencies that a provider might adopt to reduce costs,  
 221 including cost efficiencies of trips when comparing like  
 222 services to the local cost of private paratransit providers.

223       Section 3. This act shall take effect July 1, 2006.