



1           427.012 The Commission for the Transportation  
2 Disadvantaged.--There is created the Commission for the  
3 Transportation Disadvantaged in the Department of  
4 Transportation.

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

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

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

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

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

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

26           (f) The Secretary of Transportation, the Secretary of  
27 Children and Family Services, the director of Workforce  
28 Innovation, the executive director of the Department of  
29 Veterans' Affairs, the Secretary of Elderly Affairs, the  
30 Secretary of Health Care Administration, the director of the  
31 Agency for Persons with Disabilities, and an elected local

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

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

- 9 1. A transportation operator;
- 10 2. A community transportation coordinator;
- 11 3. A metropolitan planning organization;
- 12 4. A designated official planning agency;
- 13 5. A purchaser agency;
- 14 6. A local coordinating board;
- 15 7. A broker of transportation; or
- 16 8. A provider of transportation services. the

17 ~~following members:~~

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

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

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

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

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

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

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

1           ~~(h) A representative of the Florida Association for~~  
2 ~~Community Action, who shall serve at the pleasure of that~~  
3 ~~association.~~

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

7           ~~(j) A person over the age of 60 who is a member of a~~  
8 ~~recognized statewide organization representing elderly~~  
9 ~~Floridians. Such person shall be appointed by the Governor to~~  
10 ~~represent elderly Floridians and shall be appointed to serve a~~  
11 ~~term of 4 years.~~

12           ~~(k) A handicapped person who is a member of a~~  
13 ~~recognized statewide organization representing handicapped~~  
14 ~~Floridians. Such person shall be appointed by the Governor to~~  
15 ~~represent handicapped Floridians and shall be appointed to~~  
16 ~~serve a term of 4 years.~~

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

21           ~~(m) A representative of the community transportation~~  
22 ~~coordinators. Such person shall be appointed by the Governor~~  
23 ~~to represent all community transportation coordinators and~~  
24 ~~shall be appointed to serve a term of 4 years.~~

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

29           ~~(o) Two representatives of current private for profit~~  
30 ~~or private not for profit transportation operators each of~~  
31 ~~which have a minimum of 5 years of continuous experience~~

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

14 ~~(q) Six citizens representing the nontransportation~~  
15 ~~business community of the state, three members appointed by~~  
16 ~~the President of the Senate and three members appointed by the~~  
17 ~~Speaker of the House of Representatives.~~

18 (2) The chairperson shall be appointed by the Governor  
19 and the vice chairperson of the commission shall be elected  
20 annually from the membership of the commission.

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

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

29 (5) The Governor may remove any member of the  
30 commission for cause.

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

15           ~~(7)(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           (8) The commission shall appoint a technical advisory  
23 committee that includes representatives of private paratransit  
24 providers. The committee shall advise the commission on issues  
25 of importance to the state, including information, advice, and  
26 direction regarding the coordination of services for the  
27 transportation disadvantaged. The commission may appoint other  
28 technical advisory committees whose members may include  
29 representatives of community transportation coordinators;  
30 metropolitan planning organizations; regional planning  
31 councils; experts in insurance, marketing, economic

1 development, or financial planning; and persons who use  
2 transportation for the transportation disadvantaged, or their  
3 relatives, parents, guardians, or service professionals who  
4 tend to their needs.

5 ~~(9)(7)~~ The commission is assigned to the office of the  
6 secretary of the Department of Transportation for  
7 administrative and fiscal accountability purposes, but it  
8 shall otherwise function independently of the control,  
9 supervision, and direction of the department.

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

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

17 427.013 The Commission for the Transportation  
18 Disadvantaged; purpose and responsibilities.--The purpose of  
19 the commission is to accomplish the coordination of  
20 transportation services provided to the transportation  
21 disadvantaged. The goal of this coordination shall be to  
22 assure the cost-effective provision of transportation by  
23 qualified community transportation coordinators or  
24 transportation operators for the transportation disadvantaged  
25 without any bias or presumption in favor of multioperator  
26 systems or not-for-profit transportation operators over single  
27 operator systems or for-profit transportation operators. In  
28 carrying out this purpose, the commission shall:

29 ~~(12)(a)~~ Have the authority to apply for and accept  
30 funds, grants, gifts, and services from the Federal  
31 Government, state government, local governments, or private

1 | funding sources. Applications by the commission for local  
2 | government funds shall be coordinated through the appropriate  
3 | coordinating board. Funds acquired or accepted under this  
4 | subsection shall be administered by the commission and shall  
5 | be used to carry out the commission's responsibilities.

6 |       **(b) Develop an allocation methodology or formula that**  
7 | **equitably distributes all funds, including Medicaid**  
8 | **nonemergency transportation funds, under the control of the**  
9 | **commission to compensate counties, community transportation**  
10 | **coordinators, or other entities providing transportation**  
11 | **disadvantaged services. The formula shall consider not only**  
12 | **the actual costs of each trip provided for the transportation**  
13 | **disadvantaged but also efficiencies that a provider might**  
14 | **adopt to reduce costs, including cost efficiencies of trips**  
15 | **when comparing like services to the local cost of private**  
16 | **paratransit providers.**

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