

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.