

CHAMBER ACTION

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1 The State Infrastructure Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Commission for the Transportation  
7 Disadvantaged; amending s. 427.012, F.S.; revising the  
8 membership of the commission; establishing term limits;  
9 directing each member of the commission to serve without  
10 regional bias; providing qualifications for appointment to  
11 membership on the commission; providing for nonvoting  
12 advisory members; requiring candidates for appointment to  
13 the commission to meet certain standards for background  
14 screening; requiring the Department of Transportation to  
15 inform the commission if a candidate fails to meet the  
16 screening standards; providing that costs of screening be  
17 borne by the department or the candidate for appointment;  
18 authorizing the commission to appoint technical working  
19 groups; providing for membership of the working groups;  
20 providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

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

26 427.012 The Commission for the Transportation  
27 Disadvantaged.--There is created the Commission for the  
28 Transportation Disadvantaged in the Department of  
29 Transportation.

30 (1) The commission shall consist of seven members, all of  
31 whom shall be appointed by the Governor, in accordance with the  
32 requirements of s. 20.052.

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

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51 (f) At any given time, at least one member must be at  
52 least 65 years of age.

53 (g) The Secretary of Transportation, the Secretary of  
54 Children and Family Services, the director of Workforce  
55 Innovation, the executive director of the Department of  
56 Veterans' Affairs, the Secretary of Elderly Affairs, the  
57 Secretary of Health Care Administration, the director of the  
58 Agency for Persons with Disabilities, and a county manager or  
59 administrator who is appointed by the Governor, or a senior-  
60 management-level representative of each, shall serve as ex  
61 officio, nonvoting advisors to the commission.

62 (h) A member may not, within the 5 years immediately  
63 before his or her appointment, or during his or her term on the  
64 commission, have or have had a financial relationship with, or  
65 represent or have represented as a lobbyist as defined in s.  
66 11.045, the following:

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

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

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

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

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

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

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

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

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

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

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

100           ~~(k) A handicapped person who is a member of a recognized~~  
101           ~~statewide organization representing handicapped Floridians. Such~~  
102           ~~person shall be appointed by the Governor to represent~~  
103           ~~handicapped Floridians and shall be appointed to serve a term of~~  
104           ~~4 years.~~

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

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

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

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

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

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

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

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

142 (4) The commission shall meet at least quarterly, or more  
143 frequently at the call of the chairperson. Five ~~Nine~~ members of  
144 the commission constitute a quorum, and a majority vote of the  
145 members present is necessary for any action taken by the  
146 commission.

147 (5) The Governor may remove any member of the commission  
148 for cause.

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

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160 screening standards may not be appointed to the commission. The  
161 cost of the background screening may be borne by the Department  
162 of Transportation or the candidate.

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

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

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

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

193        Section 2. This act shall take effect July 1, 2006.