

By Senator Constantine

22-167A-06

1 A bill to be entitled
2 An act relating to the Commission for the
3 Transportation Disadvantaged; amending s.
4 427.012, F.S.; revising the membership of the
5 commission; establishing term limits; directing
6 each member of the commission to serve without
7 regional bias; providing qualifications for
8 appointment to membership on the commission;
9 providing for nonvoting advisory members;
10 requiring candidates for appointment to the
11 commission to meet certain standards for
12 background screening; requiring the Department
13 of Transportation to inform the commission if a
14 candidate fails to meet the screening
15 standards; providing that costs of screening be
16 borne by the department or the candidate for
17 appointment; authorizing the commission to
18 appoint technical advisory committees; amending
19 s. 427.013, F.S.; requiring the commission to
20 develop an allocation methodology to equitably
21 distribute transportation funds under the
22 control of the commission to counties,
23 community transportation coordinators, or other
24 entities providing services to the
25 transportation disadvantaged; providing an
26 effective date.

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28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Section 427.012, Florida Statutes, is
31 amended to read:

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: the 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 meet 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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20 SENATE SUMMARY

21 Revises provisions relating to the Commission for the
22 Transportation Disadvantaged. Revises the membership and
23 terms of the members of the commission. Provides member
24 qualifications. Provides for advisory members. Provides
25 for the payment of screening costs. Authorizes the
26 creation of advisory committees. Provides for an
27 allocation methodology to distribute funds. (See bill for
28 details.)
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