

By the Committee on Governmental Oversight and Productivity;
and Senator Constantine

585-1741-06

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 in accordance with
7 the requirements of s. 20.052.

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

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

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

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

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

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

29 (g) The Secretary of Transportation, the Secretary of
30 Children and Family Services, the director of Workforce
31 Innovation, the executive director of the Department of

1 Veterans' Affairs, the Secretary of Elderly Affairs, the
2 Secretary of Health Care Administration, the director of the
3 Agency for Persons with Disabilities, and an elected local
4 government official who is appointed by the Governor, or a
5 service-management-level representative of each, shall serve
6 as ex officio, nonvoting advisors to the commission.

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

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

20 ~~following members:~~

21 ~~(a) The secretary of the Department of Transportation~~
22 ~~or the secretary's designee.~~

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

25 ~~(c) The Commissioner of Education or the~~
26 ~~commissioner's designee.~~

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

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

31

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

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

5 ~~(h) A representative of the Florida Association for~~
6 ~~Community Action, who shall serve at the pleasure of that~~
7 ~~association.~~

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

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

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

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

25 ~~(m) A representative of the community transportation~~
26 ~~coordinators. Such person shall be appointed by the Governor~~
27 ~~to represent all community transportation coordinators and~~
28 ~~shall be appointed to serve a term of 4 years.~~

29 ~~(n) One member of the Early Childhood Council. Such~~
30 ~~person shall be appointed by the Governor to represent~~
31

1 ~~maternal and child health care providers and shall be~~
2 ~~appointed to serve a term of 4 years.~~

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

11 ~~(p) Four representatives of current private for profit~~
12 ~~or private not for profit transportation operators, each of~~
13 ~~which having a minimum of 5 years of continuous experience~~
14 ~~operating a broad based system of ambulatory and wheelchair or~~
15 ~~stretchers type transportation, utilizing not less than 50~~
16 ~~vehicles, and including dispatch and scheduling~~
17 ~~responsibilities. Such persons shall be appointed by the~~
18 ~~Commissioner of Agriculture to serve a term of 4 years.~~

19 ~~(q) Six citizens representing the nontransportation~~
20 ~~business community of the state, three members appointed by~~
21 ~~the President of the Senate and three members appointed by the~~
22 ~~Speaker of the House of Representatives.~~

23 (2) The chairperson shall be appointed by the Governor
24 and the vice chairperson of the commission shall be elected
25 annually from the membership of the commission.

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

29 (4) The commission shall meet at least quarterly, or
30 more frequently at the call of the chairperson. Five ~~Nine~~
31 members of the commission constitute a quorum, and a majority

1 | vote of the members present is necessary for any action taken
2 | by the commission.

3 | (5) The Governor may remove any member of the
4 | commission for cause.

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

19 | ~~(7)(6)~~ The commission shall appoint an executive
20 | director who shall serve under the direction, supervision, and
21 | control of the commission. The executive director, with the
22 | consent of the commission, shall employ such personnel as may
23 | be necessary to perform adequately the functions of the
24 | commission within budgetary limitations. ~~All~~ Employees of the
25 | commission are exempt from the Career Service System.

26 | (8) The commission shall appoint a technical advisory
27 | committee that includes representatives of private paratransit
28 | providers. The committee shall advise the commission on issues
29 | of importance to the state, including information, advice, and
30 | direction regarding the coordination of services for the
31 | transportation disadvantaged. The commission may appoint other

1 technical advisory committees whose members may include
2 representatives of community transportation coordinators;
3 metropolitan planning organizations; regional planning
4 councils; experts in insurance, marketing, economic
5 development, or financial planning; and persons who use
6 transportation for the transportation disadvantaged, or their
7 relatives, parents, guardians, or service professionals who
8 tend to their needs.

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

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

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

21 427.013 The Commission for the Transportation
22 Disadvantaged; purpose and responsibilities.--The purpose of
23 the commission is to accomplish the coordination of
24 transportation services provided to the transportation
25 disadvantaged. The goal of this coordination shall be to
26 assure the cost-effective provision of transportation by
27 qualified community transportation coordinators or
28 transportation operators for the transportation disadvantaged
29 without any bias or presumption in favor of multioperator
30 systems or not-for-profit transportation operators over single
31

1 operator systems or for-profit transportation operators. In
2 carrying out this purpose, the commission shall:

3 (12)(a) Have the authority to apply for and accept
4 funds, grants, gifts, and services from the Federal
5 Government, state government, local governments, or private
6 funding sources. Applications by the commission for local
7 government funds shall be coordinated through the appropriate
8 coordinating board. Funds acquired or accepted under this
9 subsection shall be administered by the commission and shall
10 be used to carry out the commission's responsibilities.

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

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

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24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 Senate Bill 634

27 Provides that the commission members shall be appointed in
28 accordance with the requirements of s. 20.052, F.S.

29 Provides that at least one member of the commission shall be
30 65 years of age or older.

31 Provides that the group of ex-officio, nonvoting members of
the commission consists of the named agency executives, or a
senior-management-level representative.