

By Senator Forman

32-40B-98

1 A bill to be entitled
2 An act relating to the transportation
3 disadvantaged; amending s. 427.011, F.S.;
4 amending definitions; amending s. 427.012,
5 F.S.; revising the membership of the Commission
6 for the Transportation Disadvantaged; amending
7 s. 427.013, F.S.; revising the purpose and
8 responsibilities of the commission; providing
9 for rulemaking; amending s. 427.0135, F.S.;
10 revising the duties and responsibilities of
11 agencies that purchase transportation
12 disadvantaged services; amending s. 427.015,
13 F.S.; revising the function of the metropolitan
14 planning organization or designated official
15 planning agency in coordinating transportation
16 for the transportation disadvantaged; amending
17 s. 427.0155, F.S.; revising the powers and
18 duties of community transportation
19 coordinators; creating s. 427.0156, F.S.;
20 providing for the membership of local
21 coordinating boards; providing duties of the
22 chairperson of a multicounty board; amending s.
23 427.0157, F.S.; revising the powers and duties
24 of local coordinating boards; amending s.
25 427.0159, F.S.; revising the administration and
26 statement of purpose for funds in the
27 Transportation Disadvantaged Trust Fund;
28 providing for the creation of and standards for
29 a grant distribution formula; amending s.
30 427.016, F.S.; revising procedures for the
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1 expenditure of funds for the transportation
2 disadvantaged; providing an effective date.

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

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6 Section 1. Section 427.011, Florida Statutes, is
7 amended to read:

8 427.011 Definitions.--As used in ~~For the purposes of~~
9 ss. 427.011-427.017, the term:

10 (1) "Transportation disadvantaged" means those persons
11 who because of physical or mental disability, income status,
12 or age are unable to transport themselves or to purchase
13 transportation and are, therefore, dependent upon others to
14 obtain access to health care, employment, education, shopping,
15 social activities, or other life-sustaining activities, or
16 children who are handicapped or high-risk or at-risk as
17 defined in s. 411.202.

18 (2) "Metropolitan planning organization" means the
19 organization responsible for carrying out transportation
20 planning and programming in accordance with the provisions of
21 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

22 (3) "Agency" means an official, officer, commission,
23 authority, council, committee, department, division, bureau,
24 board, section, or any other unit or entity of the state or of
25 a city, town, municipality, county, or other local governing
26 body or a private nonprofit transportation service-providing
27 agency.

28 (4) "Transportation improvement program" means a
29 staged multiyear program of transportation improvements,
30 including an annual element, which is developed by a

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1 metropolitan planning organization or designated official
2 planning agency.

3 (5) "Community transportation coordinator" means a
4 transportation entity recommended by a metropolitan planning
5 organization, or by the appropriate designated official
6 planning agency as provided for in ss. 427.011-427.017 in an
7 area outside the purview of a metropolitan planning
8 organization, to ensure that coordinated transportation
9 services are provided to the transportation disadvantaged
10 population in a designated service area.

11 (6) "Transportation operator" means one or more
12 public, private for-profit, or private nonprofit entities
13 engaged by the community transportation coordinator to provide
14 service to transportation disadvantaged persons pursuant to a
15 coordinated system service plan.

16 (7) "Local coordinating board" means an administrative
17 advisory entity in each designated service area composed of
18 representatives designated under s. 427.0156 to provide for
19 ~~appointed by the metropolitan planning organization or~~
20 ~~designated official planning agency, to provide assistance to~~
21 ~~the community transportation coordinator relative to the~~
22 ~~coordination of transportation services to~~
23 transportation-disadvantaged persons.

24 ~~(8) "Member department" means a department whose head~~
25 ~~is a member of the commission.~~

26 (8)(9) "Paratransit" means those elements of public
27 transit which provide service between specific origins and
28 destinations selected by the individual user with such service
29 being provided at a time that is agreed upon by the user and
30 provider of the service. Paratransit service is provided by
31 taxis, limousines, "dial-a-ride," buses, and other

1 demand-responsive operations that are characterized by their
2 nonscheduled, nonfixed route nature.

3 (9)~~(10)~~ "Transportation disadvantaged funds" means any
4 local government, state, or available federal funds that are
5 for the transportation of the transportation disadvantaged.
6 Such funds may include, but are not limited to, funds for
7 planning, Medicaid transportation, administration, operation,
8 procurement, and maintenance of vehicles or equipment and
9 capital investments. Transportation disadvantaged funds do not
10 include funds for the transportation of children to public
11 schools.

12 (10)~~(11)~~ "Coordination" means the arrangement for the
13 provision of transportation services to the transportation
14 disadvantaged in a manner that is cost-effective, efficient,
15 and reduces fragmentation and duplication of services.

16 (11)~~(12)~~ "Annual budget estimate" means a budget
17 estimate of funding resources available for providing
18 transportation services to the transportation disadvantaged
19 and which is prepared annually to cover a period of 1 state
20 fiscal year.

21 (12)~~(13)~~ "Nonsponsored transportation disadvantaged
22 services" means transportation disadvantaged services that are
23 not sponsored or subsidized by any funding source other than
24 the Transportation Disadvantaged Trust Fund.

25 Section 2. Section 427.012, Florida Statutes, is
26 amended 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.

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1 (1) The commission shall consist of nine members
2 appointed by the Governor subject to confirmation by the
3 Senate. Members of the commission shall be appointed for terms
4 of 4 years each, except that, initially, four of the members
5 shall be appointed for terms of 2 years each.

6 (2) Members shall be appointed in such a manner as to
7 equitably represent all geographic areas of the state,
8 including both urban and rural areas. Each member must be a
9 registered voter and a resident of this state.

10 (3) Members must have demonstrated their interest in
11 and commitment to, and must have appropriate expertise for,
12 identifying and meeting the transportation needs of the
13 transportation disadvantaged.

14 (4) A member of the commission must not, during the
15 term of his or her appointment and for at least 2 years after
16 the termination of such appointment, have any interest, direct
17 or indirect, in any contract, franchise, privilege, or other
18 benefit granted or awarded through the transportation
19 disadvantaged program.

20 ~~(1) The commission shall consist of the following~~
21 ~~members:~~

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

24 ~~(b) The secretary of the Department of Health and~~
25 ~~Rehabilitative Services or the secretary's designee.~~

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

28 ~~(d) The secretary of the Department of Labor and~~
29 ~~Employment Security or the secretary's designee.~~

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

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~~
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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 (5)~~(2)~~ The chairperson and vice chairperson of the
24 commission shall be elected annually from the membership of
25 the commission.

26 (6)~~(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 (7)~~(4)~~ The commission shall meet at least quarterly,
30 or more frequently at the call of the chairperson. A majority
31 of the ~~Nine~~ members of the commission constitute a quorum, and

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

3 (8)~~(5)~~ The Governor may remove any member of the
4 commission for cause.

5 (9)~~(6)~~ The commission shall appoint an executive
6 director who shall serve under the direction, supervision, and
7 control of the commission. The executive director, with the
8 consent of the commission, shall employ such personnel as may
9 be necessary to perform adequately the functions of the
10 commission within budgetary limitations. All employees of the
11 commission are exempt from the Career Service System.

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

17 (11)~~(8)~~ The commission shall develop a budget pursuant
18 to chapter 216. The budget is not subject to change by the
19 department staff after it has been approved by the commission,
20 but it shall be transmitted to the Governor, as head of the
21 department, along with the budget of the department.

22 Section 3. Section 427.013, Florida Statutes, is
23 amended to read:

24 427.013 The Commission for the Transportation
25 Disadvantaged; purpose and responsibilities.--The purpose of
26 the commission is to review the status and operation of the
27 coordinated transportation system and recommend improvements
28 thereto to the Governor and Legislature ~~accomplish the~~
29 ~~coordination of transportation services provided to the~~
30 ~~transportation disadvantaged. The goal of this coordination~~
31 ~~shall be to assure the cost-effective provision of~~

1 ~~transportation by qualified community transportation~~
2 ~~coordinators or transportation operators for the~~
3 ~~transportation disadvantaged without any bias or presumption~~
4 ~~in favor of multioperator systems or not-for-profit~~
5 ~~transportation operators over single operator systems or~~
6 ~~for-profit transportation operators. In carrying out this~~
7 purpose, the commission shall:

8 (1) Compile all available information on the
9 transportation operations for and needs of the transportation
10 disadvantaged in the state.

11 ~~(2) Establish statewide objectives for providing~~
12 ~~transportation services for the transportation disadvantaged.~~

13 ~~(3) Develop policies and procedures for the~~
14 ~~coordination of local government, federal, and state funding~~
15 ~~for the transportation disadvantaged.~~

16 (2)~~(4)~~ Identify barriers prohibiting the coordination
17 and accessibility of transportation services to the
18 transportation disadvantaged and aggressively pursue the
19 elimination of these barriers.

20 (3)~~(5)~~ Serve as a clearinghouse for information about
21 transportation disadvantaged services, training, funding
22 sources, innovations, and coordination efforts.

23 (4)~~(6)~~ Assist communities in developing transportation
24 systems designed to serve the transportation disadvantaged.

25 ~~(7) Assure that all procedures, guidelines, and~~
26 ~~directives issued by member departments are conducive to the~~
27 ~~coordination of transportation services.~~

28 ~~(8)(a) Assure that member departments purchase all~~
29 ~~trips within the coordinated system, unless they use a more~~
30 ~~cost-effective alternative provider.~~

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1 ~~(b) Provide, by rule, criteria and procedures for~~
2 ~~member departments to use if they wish to use an alternative~~
3 ~~provider. Departments must demonstrate either that the~~
4 ~~proposed alternative provider can provide a trip of acceptable~~
5 ~~quality for the clients at a lower cost than that provided~~
6 ~~within the coordinated system, or that the coordinated system~~
7 ~~cannot accommodate the department's clients.~~

8 ~~(9) Develop standards covering coordination,~~
9 ~~operation, costs, and utilization of transportation~~
10 ~~disadvantaged services. These standards shall include, but not~~
11 ~~be limited to:~~

12 ~~(a) Inclusion, by rule, of acceptable ranges of trip~~
13 ~~costs for the various modes and types of transportation~~
14 ~~services provided.~~

15 ~~(b) Minimum performance standards for the delivery of~~
16 ~~services. These standards should be included in coordinator~~
17 ~~and operator contracts with clear penalties for repeated or~~
18 ~~continuing violations.~~

19 ~~(10) Develop and monitor rules and procedures to~~
20 ~~implement the provisions of ss. 427.011-427.017.~~

21 ~~(11) Approve the appointment of all community~~
22 ~~transportation coordinators.~~

23 (5)~~(12)~~ Have the authority to apply for and accept
24 funds, grants, gifts, and services from the Federal
25 Government, state government, local governments, or private
26 funding sources. Applications by the commission for local
27 government funds shall be coordinated through the appropriate
28 local coordinating board. ~~Funds acquired or accepted under~~
29 ~~this subsection shall be administered by the commission and~~
30 ~~shall be used to carry out the commission's responsibilities.~~

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1 (6)~~(13)~~ Make an annual report to the Governor, the
2 President of the Senate, and the Speaker of the House of
3 Representatives by January 1 of each year.

4 (7)~~(14)~~ Consolidate, for each state agency, the annual
5 budget estimates for transportation disadvantaged services,
6 and the amounts of each agency's actual expenditures, together
7 with the annual budget estimates of each official planning
8 agency, local government, and directly federally funded agency
9 and issue a report.

10 (8)~~(15)~~ Prepare a statewide 5-year transportation
11 disadvantaged plan which addresses the transportation problems
12 and needs of the transportation disadvantaged, which is fully
13 coordinated with local transit plans, compatible with local
14 government comprehensive plans, and which ensures that the
15 most cost-effective and efficient method of providing
16 transportation to the disadvantaged is programmed for
17 development.

18 ~~(16) Review and approve memorandums of agreement for~~
19 ~~the provisions of coordinated transportation services.~~

20 ~~(17) Review, monitor, and coordinate all~~
21 ~~transportation disadvantaged local government, state, and~~
22 ~~federal fund requests and plans for conformance with~~
23 ~~commission policy, without delaying the application process.~~
24 ~~Such funds shall be available only to those entities~~
25 ~~participating in an approved coordinated transportation system~~
26 ~~or entities which have received a commission approved waiver~~
27 ~~to obtain all or part of their transportation through another~~
28 ~~means. This process shall identify procedures for coordinating~~
29 ~~with the state's intergovernmental coordination and review~~
30 ~~procedures and s. 216.212(1) and any other appropriate grant~~
31 ~~review process.~~

1 ~~(9)(18)~~ Develop an interagency uniform contracting and
2 billing and accounting system that shall be used by all
3 community transportation coordinators and their transportation
4 operators.

5 ~~(19)~~ ~~Develop and maintain a transportation~~
6 ~~disadvantaged manual.~~

7 ~~(10)(20)~~ Design and develop transportation
8 disadvantaged training programs.

9 ~~(21)~~ ~~Coordinate all transportation disadvantaged~~
10 ~~programs with appropriate state, local, and federal agencies~~
11 ~~and public transit agencies to ensure compatibility with~~
12 ~~existing transportation systems.~~

13 ~~(22)~~ ~~Designate the official planning agency in areas~~
14 ~~outside of the purview of a metropolitan planning~~
15 ~~organization.~~

16 ~~(11)(23)~~ Develop need-based criteria that ~~may~~ must be
17 used by all community transportation coordinators and local
18 coordinating boards to prioritize the delivery of nonsponsored
19 transportation disadvantaged services that are purchased with
20 Transportation Disadvantaged Trust Fund moneys.

21 (12) Develop criteria that may be used by community
22 transportation coordinators and local coordinating boards for
23 determining eligibility for nonsponsored transportation
24 disadvantaged services.

25 (13) Develop and adopt measures for evaluating the
26 performance of the transportation disadvantaged program. The
27 measures may be both quantitative and qualitative. The
28 measures must, at a minimum, assess performance in the
29 following areas:

30 (a) Cost efficiency of the coordinated system;

31 (b) Service efficiency of the coordinated system;

1 (c) Service availability of the coordinated system;

2 (d) System safety and service quality;

3 (e) Use of transportation alternatives operating
4 within the coordinated system; and

5 (f) System effectiveness in improving the overall
6 mobility of the transportation disadvantaged.

7 ~~(24) Establish a review procedure to compare the rates~~
8 ~~proposed by alternate transportation operators with the rates~~
9 ~~charged by a community transportation coordinator to determine~~
10 ~~which rate is more cost-effective.~~

11 ~~(25) Conduct a cost-comparison study of~~
12 ~~single coordinator, multicoordinator, and brokered community~~
13 ~~transportation coordinator networks to ensure that the most~~
14 ~~cost-effective and efficient method of providing~~
15 ~~transportation to the transportation disadvantaged is~~
16 ~~programmed for development.~~

17 (14)(26) Develop a quality assurance and management
18 review program to monitor, based upon approved commission
19 performance measures standards, services contracted for by an
20 agency, and those provided by a community transportation
21 operator pursuant to s. 427.0155. Staff of the quality
22 assurance and management review program shall function
23 independently and be directly responsible to the executive
24 director.

25 (15) Adopt rules and procedures necessary to carry out
26 the provisions of ss. 427.011-427.017.

27 Section 4. Section 427.0135, Florida Statutes, is
28 amended to read:

29 427.0135 Agency purchasers of transportation
30 disadvantaged services ~~Member departments~~; duties and
31 responsibilities.--Each agency purchasing transportation

1 ~~disadvantaged services member department, in carrying out the~~
2 ~~policies and procedures of the commission, shall:~~

3 (1)(a) Use the coordinated transportation system for
4 provision of services to its clients, unless each agency
5 ~~department~~ meets the criteria developed by the local
6 coordinating board ~~outlined in rule~~ to use an alternative
7 provider.

8 (b) Subject to the provisions of s. 409.908(18), the
9 Medicaid agency shall purchase transportation services through
10 the community coordinated transportation system unless a more
11 cost-effective method is determined by the agency for Medicaid
12 clients or unless otherwise limited or directed by the General
13 Appropriations Act.

14 (2) Provide to the Department of Transportation and
15 the commission, by September 15 of each year, an accounting of
16 all funds spent as well as how many trips were purchased with
17 agency funds.

18 (3) Assist communities in developing coordinated
19 transportation systems designed to serve the transportation
20 disadvantaged.

21 (4) Assure that its rules, procedures, guidelines, and
22 directives are conducive to the coordination of transportation
23 funds and services for the transportation disadvantaged.

24 (5) Provide technical assistance, as needed, to
25 community transportation coordinators or transportation
26 operators or participating agencies.

27 Section 5. Section 427.015, Florida Statutes, is
28 amended to read:

29 427.015 Function of the metropolitan planning
30 organization or designated official planning agency in
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1 coordinating transportation for the transportation
2 disadvantaged.--

3 (1) The metropolitan planning organization, or
4 regional planning council if no metropolitan planning
5 organization exists, shall assist in the coordination of
6 transportation services provided to the transportation
7 disadvantaged. The goal of this coordination is to assure the
8 cost-effective provision of transportation by qualified
9 community transportation coordinators or transportation
10 operators for the transportation disadvantaged without any
11 bias or presumption in favor of multioperator systems or
12 not-for-profit transportation operators over single-operator
13 systems or for-profit systems.

14 (2)(1) In developing the transportation improvement
15 program, each metropolitan planning organization or designated
16 official planning agency in this state shall include a
17 realistic estimate of the cost and revenue that will be
18 derived from transportation disadvantaged services in its
19 area. The transportation improvement program shall also
20 identify transportation improvements that will be advanced
21 with such funds during the program period. Funds required by
22 this subsection to be included in the transportation
23 improvement program shall only be included after consultation
24 with all affected agencies and shall only be expended if such
25 funds are included in the transportation improvement program.

26 (3)(2) Each metropolitan planning organization or
27 designated official planning agency shall recommend to the
28 local coordinating board ~~commission~~ a single community
29 transportation coordinator. The coordinator may provide all or
30 a portion of needed transportation services for the
31 transportation disadvantaged but shall be responsible for the

1 provision of those coordinated services. ~~Based on approved~~
2 ~~commission evaluation criteria,~~The coordinator shall
3 subcontract or broker those services that are more
4 cost-effectively and efficiently provided by subcontracting or
5 brokering. The performance of the coordinator must ~~shall~~ be
6 evaluated annually ~~based~~ on the basis of ~~commission's~~ approved
7 evaluation criteria by the local coordinating board ~~at least~~
8 annually. A copy of the evaluation must ~~shall~~ be submitted to
9 the metropolitan planning organization or the designated
10 official planning agency, ~~and~~ to the commission. ~~The~~
11 ~~recommendation or termination of any community transportation~~
12 ~~coordinator shall be subject to approval by the commission.~~

13 (4)~~(3)~~ Each metropolitan planning organization or
14 designated official planning agency shall request each local
15 government in its jurisdiction to provide an estimate of all
16 local and direct federal funds to be expended for
17 transportation for the disadvantaged. The metropolitan
18 planning organization or designated official planning agency
19 shall consolidate this information into a single report and
20 forward it, by the beginning of each fiscal year, to the
21 Department of Transportation and the commission.

22 Section 6. Section 427.0155, Florida Statutes, is
23 amended to read:

24 427.0155 Community transportation coordinators; powers
25 and duties.--Community transportation coordinators shall have
26 the following powers and duties:

27 (1) Execute uniform contracts for service using a
28 standard contract, which includes performance standards for
29 operators.

30 (2) Collect annual operating data for submittal to the
31 commission and to the local coordinating board.

1 (3) Review all transportation operator contracts
2 annually.

3 (4) Approve and coordinate the utilization of school
4 bus and public transportation services in accordance with the
5 transportation disadvantaged service plan.

6 (5) In cooperation with a local functioning
7 coordinating board, review all applications for local
8 government, federal, and state transportation disadvantaged
9 funds, and develop cost-effective coordination strategies.

10 ~~(6) In cooperation with, and approved by, the~~
11 ~~coordinating board,~~ Develop, negotiate, implement, and monitor
12 a memorandum of agreement including a service plan, for
13 approval by the local coordinating board ~~submittal to the~~
14 ~~commission.~~

15 ~~(7) In cooperation with the coordinating board and~~
16 ~~pursuant to criteria developed by the Commission for the~~
17 ~~Transportation Disadvantaged,~~ Establish priorities with regard
18 to the recipients of nonsponsored transportation disadvantaged
19 services that are purchased with Transportation Disadvantaged
20 Trust Fund moneys for approval by the local coordinating
21 board.

22 (8) Have full responsibility for the delivery of
23 transportation services for the transportation disadvantaged
24 as outlined in s. 427.015(3) ~~s. 427.015(2)~~.

25 Section 7. Section 427.0156, Florida Statutes, is
26 created to read:

27 427.0156 Local coordinating boards; organization;
28 membership.--A local coordinating board shall be established
29 in each county. However, when agreed upon in writing by the
30 boards of county commissions in each county to be covered in
31 the service area, multicounty local coordinating boards may be

1 appointed. In a multicounty service area, the written
2 agreement must state the order in which the counties will
3 rotate the position of chair and the length of time for which
4 each county is to serve as chair of the local coordinating
5 board.

6 (1) The metropolitan planning organization or
7 designated official planning agency shall appoint one elected
8 official to serve as official chairperson for all local
9 coordinating board meetings. The appointed chairperson must be
10 an elected official from the county that the local
11 coordinating board serves. For a multicounty local
12 coordinating board, the elected official who is appointed to
13 serve as chairperson must be from one of the counties served.
14 The chairperson of a multicounty local coordinating board
15 shall coordinate equal representation of the counties in the
16 service area, as is feasible.

17 (2) The local coordinating board shall hold an
18 organizational meeting each year for the purpose of electing a
19 vice-chairperson. The vice-chairperson must be elected by a
20 majority vote of a quorum of the members present at the
21 organizational meeting. When the chairperson is absent, the
22 vice-chairperson shall assume the duties of the chairperson
23 and conduct the meeting.

24 (3) In addition to the chairperson, the following
25 entities must be voting members of a local coordinating board:

26 (a) A local representative of the Department of
27 Transportation appointed by the secretary of that department.

28 (b) A local representative of the Department of
29 Children and Family Services appointed by the secretary of
30 that department.

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1 (c) A local representative of the Department of Labor
2 and Employment Security appointed by the secretary of that
3 department.

4 (d) A local representative of the Department of
5 Elderly Affairs appointed by the secretary of that department.

6 (e) A local representative of the Agency for Health
7 Care Administration appointed by the executive director of
8 that agency.

9 (f) A local representative of the Department of
10 Juvenile Justice appointed by the secretary of that
11 department.

12 (g) A local representative of the Department of Health
13 appointed by the secretary of that department.

14 (h) A representative of the local WAGES coalition
15 appointed by the chair of the local coalition.

16 (i) A local representative of the Department of
17 Veteran's Affairs appointed by the executive director of that
18 department.

19 (j) In counties served by public transit systems, a
20 representative of the local transit agency appointed by the
21 executive director of the transit agency.

22 (k) A representative of the private for-profit or
23 private not-for-profit transportation industry appointed by
24 the board of county commissioners.

25 (l) Two citizen representatives who use the
26 coordinated transportation system as their primary means of
27 transportation appointed by the board of county commissioners.

28 (4) Except for the chairperson, members of the local
29 coordinating board shall be appointed for 3-year staggered
30 terms with initial members being appointed equally for terms
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1 of 1, 2, or 3 years. The chairperson shall serve until
2 replaced by the designated official planning agency.

3 (5) Members of the local coordinating boards shall
4 serve without compensation but are entitled to per diem and
5 travel expenses as provided in s. 112.061.

6 (6) The local coordinating board shall meet at least
7 quarterly, or more frequently at the call of the chairperson.
8 A majority of the members of the local coordinating board
9 constitute a quorum, and a majority vote of the
10 representatives present is necessary for any action taken by
11 the board.

12 (7) The designated official planning agency shall
13 provide each board with sufficient staff support and resources
14 to enable the board to fulfill its duties and
15 responsibilities.

16 Section 8. Section 427.0157, Florida Statutes, is
17 amended to read:

18 427.0157 Local coordinating boards; powers and
19 duties.--The purpose of each local coordinating board is to
20 develop local service needs and priorities and to provide
21 oversight information, ~~advice,~~ and direction to the community
22 transportation coordinators on the coordination of services to
23 be provided to the transportation disadvantaged. ~~The~~
24 ~~commission shall, by rule, establish the membership of~~
25 ~~coordinating boards. The members of each board shall be~~
26 ~~appointed by the metropolitan planning organization or~~
27 ~~designated official planning agency. The appointing authority~~
28 ~~shall provide each board with sufficient staff support and~~
29 ~~resources to enable the board to fulfill its responsibilities~~
30 ~~under this section.~~ Each board shall meet at least quarterly
31 and shall:

1 (1) Develop policies and procedures for the
2 coordination of local government, federal, and state funding
3 for the transportation disadvantaged.

4 (2) Assure that all procedures, guidelines, and
5 directives issued by purchasing agencies are conducive to the
6 coordination of transportation services.

7 (3)(a) Assure that agencies purchase all trips within
8 the coordinated system, unless they use a more cost-effective
9 alternative provider.

10 (b) Establish criteria and procedures for purchasing
11 agencies to use if they wish to use an alternative provider.
12 The provider must demonstrate either that the proposed
13 alternative provider can provide a trip of acceptable quality
14 for the clients at a lower cost than that provided within the
15 coordinated system or that the coordinated system cannot
16 accommodate the agency's clients.

17 (4) Develop standards covering coordination,
18 operation, costs, and utilization of transportation
19 disadvantaged services.

20 (5) Appoint the community transportation coordinator.
21 Selection of the community transportation coordinator must be
22 accomplished through competitive bidding or proposals in
23 accordance with chapter 287.

24 (6)~~(1)~~ Review and approve the coordinated community
25 transportation disadvantaged service plan, including the
26 memorandum of agreement, with the community transportation
27 coordinator ~~prior to submittal to the commission;~~

28 (7)~~(2)~~ Evaluate services provided in meeting the
29 approved plan;

30 (8)~~(3)~~ In cooperation with the community
31 transportation coordinator, review and provide recommendations

1 ~~to the commission on~~ funding applications affecting the
2 transportation disadvantaged;

3 (9)~~(4)~~ Assist the community transportation coordinator
4 in establishing priorities with regard to the recipients of
5 nonsponsored transportation disadvantaged services that are
6 purchased with Transportation Disadvantaged Trust Fund moneys.

7 (10)~~(5)~~ Review the coordination strategies of service
8 provision to the transportation disadvantaged in the
9 designated service area; and

10 (11)~~(6)~~ Evaluate multicounty or regional
11 transportation opportunities.

12 Section 9. Section 427.0159, Florida Statutes, is
13 amended to read:

14 427.0159 Transportation Disadvantaged Trust Fund.--

15 (1) There is established in the State Treasury the
16 Transportation Disadvantaged Trust Fund to be administered by
17 the Department of Transportation ~~Commission for the~~
18 ~~Transportation Disadvantaged~~. All fees collected for the
19 transportation disadvantaged program under s. 320.03(9) shall
20 be deposited in the trust fund.

21 (2) Funds deposited in the trust fund shall be
22 appropriated by the Legislature to the department ~~commission~~
23 and shall be used to fund grants for operational, planning,
24 and match-requirement expenses associated with the provision
25 of transportation disadvantaged services ~~carry out the~~
26 ~~responsibilities of the commission~~ and to fund the
27 administrative expenses of the commission.

28 (3) The department, in consultation with the
29 Commission for the Transportation Disadvantaged and
30 transportation community transportation coordinators
31 representing rural and urban coordinated systems, shall

1 determine a fair and equitable grant distribution formula for
2 transportation disadvantaged funds. The formula must include a
3 base allocation for each county and must incorporate the
4 following variables:

5 (a) Average trip length;

6 (b) Ratio of low-income population to total county
7 population;

8 (c) Number of medical trips performed;

9 (d) Number of trips per vehicle mile; and

10 (e) The availability of mass transit.~~Funds deposited~~
11 ~~in the trust fund may be used by the commission to subsidize a~~
12 ~~portion of a transportation disadvantaged person's~~
13 ~~transportation costs which is not sponsored by an agency, only~~
14 ~~if a cash or in-kind match is required. Funds for nonsponsored~~
15 ~~transportation disadvantaged services shall be distributed~~
16 ~~based upon the need of the recipient and according to criteria~~
17 ~~developed by the Commission for the Transportation~~
18 ~~Disadvantaged.~~

19 Section 10. Section 427.016, Florida Statutes, is
20 amended to read:

21 427.016 Expenditure of local government, state, and
22 federal funds for the transportation disadvantaged.--

23 (1)(a) All transportation disadvantaged funds expended
24 within the state shall be expended to purchase transportation
25 services from community transportation coordinators or public,
26 private, or private nonprofit transportation operators within
27 the coordinated transportation system, except when the rates
28 charged by proposed alternate operators are determined by a
29 local coordinating board ~~proven, pursuant to rules generated~~
30 ~~by the Commission for the Transportation Disadvantaged,~~ to be
31 more cost-effective and are not a risk to the public health,

1 safety, or welfare. However, in areas where transportation
2 suited to the unique needs of a transportation disadvantaged
3 person cannot be purchased through the coordinated system, or
4 where the agency has met the ~~rule~~ criteria established by a
5 local coordinating board for using an alternative provider,
6 the service may be contracted for directly by the appropriate
7 agency.

8 (b) Nothing in this subsection shall be construed to
9 limit or preclude the Medicaid agency from establishing
10 maximum fee schedules, individualized reimbursement policies
11 by provider type, negotiated fees, competitive bidding, or any
12 other mechanism that the agency considers efficient and
13 effective for the purchase of services on behalf of Medicaid
14 clients. State and local agencies shall not contract for any
15 transportation disadvantaged services, including Medicaid
16 reimbursable transportation services, with any community
17 transportation coordinator or transportation operator that has
18 been determined by the Agency for Health Care Administration,
19 the Department of Legal Affairs Medicaid Fraud Control Unit,
20 or any state or federal agency to have engaged in any abusive
21 or fraudulent billing activities.

22 (2) Each agency purchasing transportation
23 disadvantaged services, ~~whether or not it is a member of the~~
24 ~~Commission for the Transportation Disadvantaged~~, shall inform
25 the department ~~commission~~ in writing, before the beginning of
26 each fiscal year, of the specific amount of any money the
27 agency allocated for transportation disadvantaged services.
28 Additionally, each state agency and WAGES coalition shall, by
29 September 15 of each year, provide the department and the
30 commission with an accounting of the actual amount of funds
31 expended and the total number of trips purchased, whether

1 purchased through the community transportation coordinator or
2 some other provider.

3 (3) Each metropolitan planning organization or
4 designated official planning agency shall annually compile a
5 report accounting for all local government and direct federal
6 funds for transportation for the disadvantaged expended in its
7 jurisdiction and forward this report by September 15 to the
8 department and the commission.

9 Section 11. This act shall take effect October 1,
10 1998.

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12 SENATE SUMMARY

13 Revises provisions relating to coordinating
14 transportation services for the transportation
15 disadvantaged. (See bill for details.)

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