By Senator Hargrett

21-1503D-98

A bill to be entitled 1 2 An act relating to the transportation disadvantaged (RAB); amending s. 427.011, F.S.; 3 4 revising definitions; amending s. 427.012, 5 F.S.; revising the membership of the Commission for the Transportation Disadvantaged; amending 6 7 s. 427.013, F.S.; revising the purpose and responsibilities of the commission; amending s. 8 9 427.0135, F.S.; revising the duties and 10 responsibilities of agencies that purchase 11 transportation disadvantaged services; amending 12 s. 427.015, F.S.; revising the function of the metropolitan planning organization or 13 designated official planning agency in 14 coordinating transportation for the 15 transportation disadvantaged; amending s. 16 17 427.0155, F.S.; revising the powers and duties of community transportation coordinators; 18 19 amending s. 427.0157, F.S.; revising the powers 20 and duties of local coordinating boards; 21 amending s. 427.0159, F.S.; revising provisions 22 with respect to the Transportation Disadvantaged Trust Fund; amending s. 427.016, 23 F.S.; revising provisions with regard to the 24 25 expenditure of funds for the transportation disadvantaged; conforming provisions; providing 26 27 an effective date. 28 29 Be It Enacted by the Legislature of the State of Florida: 30 31

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1 Section 1. Subsection (7) of section 427.011, Florida 2 Statutes, is amended to read: 3 427.011 Definitions.--For the purposes of ss. 427.011-427.017: 4 5 "Local coordinating board" means an advisory 6 entity in each designated service area composed of 7 representatives appointed by the metropolitan planning organization or designated official planning agency, to 9 provide direction and oversight assistance to the community 10 transportation coordinator relative to the coordination of transportation services. 11 Section 2. Subsection (1) of section 427.012, Florida 12 13 Statutes, is amended to read: 427.012 The Commission for the Transportation 14 Disadvantaged. -- There is created the Commission for the 15 Transportation Disadvantaged in the Department of 16 17 Transportation. The commission shall consist of the following 18 (1)19 members: 20 The secretary of the Department of Transportation (a) 21 or the secretary's designee. 22 The secretary of the Department of Children and Family Health and Rehabilitative Services or the secretary's 23 24 designee. 25 (C) The secretary of the Department of Juvenile Justice or the secretary's designee. The Commissioner of 26 27 Education or the commissioner's designee. 28 (d) The secretary of the Department of Labor and 29 Employment Security or the secretary's designee.

- 1 (e) The secretary of the Department of Health or the
 2 secretary's designee The executive director of the Department
 3 of Veterans' Affairs or the executive director's designee.
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 - (g) The director of the Agency for Health Care Administration or the director's designee.
 - (h) A representative of the Florida Association for Community Action, who shall serve at the pleasure of that association.
 - (i) A representative of the Florida Transit Association, who shall serve at the pleasure of that association.
 - the coordinated system as their primary means of transportation. Such person shall be appointed by the Governor to serve a term of 4 years. A person over the age of 60 who is a member of a recognized statewide organization representing elderly Floridians. Such person shall be appointed by the Governor to represent elderly Floridians and shall be appointed to serve a term of 4 years.
 - (k) A handicapped person who is a member of a recognized statewide organization representing handicapped Floridians. Such person shall be appointed by the Governor to represent handicapped Floridians and shall be appointed to serve a term of 4 years.
 - (k)(1) A representative of the local coordinating boards. Such person shall be appointed by the Governor to represent all local coordinating boards and shall be appointed to serve a term of 4 years. Two citizen advocate representatives who shall be appointed by the Governor for a

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term of 4 years, one representing rural citizens and one representing urban citizens.

(1)(m) A representative of the Florida Association of Coordinated Transportation Systems community transportation coordinators. Such person shall serve at the pleasure of the association be appointed by the Governor to represent all community transportation coordinators and shall be appointed to serve a term of 4 years.

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

(m)(o) Two representatives of current private for-profit or private not-for-profit transportation operators, one representing rural areas and one representing urban areas. Such persons shall be appointed by the governor to serve a term of 4 years. operators each of which have a minimum of 5 years of continuous experience operating a broad-based system of ambulatory and wheelchair/stretcher type transportation, utilizing not less than 50 vehicles and including dispatch and scheduling responsibilities. Such persons shall be appointed by the Commissioner of Agriculture to serve a term of 4 years.

- (n) Two representatives of planning agencies, including a representative of the Metropolitan Planning
 Organization Advisory Council, and a representative of the
 Florida Association of Regional Planning Councils. Such persons shall serve at the pleasure of these organizations.
- (p) Four representatives of current private for-profit or private not-for-profit transportation operators, each of which having a minimum of 5 years of continuous experience operating a broad-based system of ambulatory and wheelchair or

stretcher-type transportation, utilizing not less than 50 vehicles, and including dispatch and scheduling responsibilities. Such persons shall be appointed by the Commissioner of Agriculture to serve a term of 4 years.

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

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

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to assist local areas in accomplishing accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

- (1) Compile all available information on the transportation operations for and needs of the transportation disadvantaged in the state.
- (2) Establish statewide objectives for providing transportation services for the transportation disadvantaged.
- (3) Develop policies and procedures for the coordination of local government, federal, and state funding for the transportation disadvantaged.

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- (4) Identify barriers prohibiting the coordination and accessibility of transportation services to the transportation disadvantaged and aggressively pursue the elimination of these barriers.
- (5) Serve as a clearinghouse for information about transportation disadvantaged services, training, funding sources, innovations, and coordination efforts.
- (6) Assist communities in developing transportation systems designed to serve the transportation disadvantaged.
- (7) Assure that all procedures, guidelines, and directives issued by member departments are conducive to the coordination of transportation services.
- (8) (a) Assure that member departments purchase all trips within the coordinated system, unless they use a more cost-effective alternative provider, pursuant to certain criteria established by a local coordinating board.
- (b) Provide, by rule, criteria and procedures for member departments to use if they wish to use an alternative provider. Departments must demonstrate either that the proposed alternative provider can provide a trip of acceptable quality for the clients at a lower cost than that provided within the coordinated system, or that the coordinated system cannot accommodate the department's clients.
- (9) Develop minimum standards covering coordination, operation, costs, and utilization of transportation disadvantaged services. These standards shall include, but not be limited to:
- (a) Inclusion, by rule, of acceptable ranges of trip costs for the various modes and types of transportation services provided.

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

- (10) Develop and monitor rules and procedures to implement the provisions of ss. 427.011-427.017.
- (11) Approve the appointment of all community transportation coordinators.
- (11) (12) Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Applications by the commission for local government funds shall be coordinated through the appropriate local coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.
- $(12)\frac{(13)}{(13)}$ Make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year.
- (13)(14) Consolidate, for each state agency, the annual budget estimates for transportation disadvantaged services, and the amounts of each agency's actual expenditures, together with the annual budget estimates of each official planning agency, local government, and directly federally funded agency and issue a report.
- (14)(15) Prepare a statewide 5-year transportation disadvantaged plan which addresses the transportation problems and needs of the transportation disadvantaged, which is fully coordinated with local transit plans, compatible with local government comprehensive plans, and which ensures that the most cost-effective and efficient method of providing

transportation to the disadvantaged is programmed for development.

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

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

(17)(18) Develop an interagency uniform contracting and billing and accounting system that shall be used by all community transportation coordinators and their transportation operators.

 $\underline{\text{(18)}}$ (19) Develop and maintain a transportation disadvantaged manual.

 $\underline{(19)}\overline{(20)}$ Design and develop transportation disadvantaged training programs.

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

 $\underline{(21)}\overline{(22)}$ Designate the official planning agency in areas outside of the purview of a metropolitan planning organization.

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1 (23) Develop need-based criteria that must be used by 2 all community transportation coordinators to prioritize the 3 delivery of nonsponsored transportation disadvantaged services 4 that are purchased with Transportation Disadvantaged Trust 5 Fund moneys. 6 (24) Establish a review procedure to compare the rates 7 proposed by alternate transportation operators with the rates 8 charged by a community transportation coordinator to determine 9 which rate is more cost-effective. 10 (25) Conduct a cost-comparison study of 11 single-coordinator, multicoordinator, and brokered community transportation coordinator networks to ensure that the most 12 cost-effective and efficient method of providing 13 14 transportation to the transportation disadvantaged is programmed for development. 15 (22) Establish minimum screening criteria to determine 16 17 eligibility for nonsponsored transportation disadvantaged assistance. The criteria must be based, at a minimum, on the 18 19 following: (a) Availability of fixed route transit services; 20 21 Availability of funds from other sources; (b) (c) Physical or mental disability; and 22 23 (d) Prohibition against self-declarations. 24 (23)(26) Develop a quality assurance and evaluation 25 management review program to monitor, based upon approved 26 commission standards, services contracted for by an agency, 27 and those provided by a community transportation operator pursuant to s. 427.0155. Quality assurance and evaluation 28 29 review activities must be developed and implemented in

cooperation with local coordinating boards. Staff of the

independently and be directly responsible to the executive director.

(24) Contract with the Center for Urban Transportation

Research to develop a basic services rate model to identify

minimum standards and services that are common to all agencies

and add-on charges that may be assessed for any

agency-specific requirements above this base.

Section 4. Subsection (1) of section 427.0135, Florida Statutes, is amended to read:

427.0135 Member departments; duties and responsibilities.--Each member department, in carrying out the policies and procedures of the commission, shall:

- (1)(a) Use the coordinated transportation system for provision of services to its clients, unless each department meets the criteria <u>developed</u> by the <u>local coordinating board</u> outlined in rule to use an alternative provider.
- (b) Subject to the provisions of s. 409.908(18), the Medicaid agency shall purchase transportation services through the community coordinated transportation system unless a more cost-effective method is determined by the agency for Medicaid clients or unless otherwise limited or directed by the General Appropriations Act.

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

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

(1) In developing the transportation improvement program, each metropolitan planning organization or designated official planning agency in this state shall include a

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realistic estimate of the cost and revenue that will be derived from transportation disadvantaged services in its area. The transportation improvement program shall also identify transportation improvements that will be advanced with such funds during the program period. Funds required by this subsection to be included in the transportation improvement program shall only be included after consultation with all affected agencies and shall only be expended if such funds are included in the transportation improvement program.

- (2) Each metropolitan planning organization or designated official planning agency shall recommend to the local coordinating board commission a single community transportation coordinator. The coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged but shall be responsible for the provision of those coordinated services. Based on approved commission evaluation criteria, The coordinator shall subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. The performance of the coordinator shall be evaluated annually based on the commission's approved evaluation criteria by the local coordinating board at least annually. A copy of the evaluation shall be submitted to the metropolitan planning organization or the designated official planning agency, and the commission. The recommendation or termination of any community transportation coordinator shall be subject to approval by the commission.
- (3) Each metropolitan planning organization or designated official planning agency shall request each local government in its jurisdiction to provide an estimate of all local and direct federal funds to be expended for

transportation for the disadvantaged. The metropolitan planning organization or designated official planning agency shall consolidate this information into a single report and forward it, by the beginning of each fiscal year, to the Local coordinating board and the commission.

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

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

- (1) Execute uniform contracts for service using a standard contract, which includes performance standards for operators. When purchasing transportation disadvantaged services, each community transportation coordinator must comply with the competitive-procurement procedures contained in chapter 287.
- (2) Collect annual operating data for submittal to the commission and the local coordinating board.
- (3) Review all transportation operator contracts annually.
- (4) Approve and coordinate the utilization of school bus and public transportation services in accordance with the transportation disadvantaged service plan.
- (5) In cooperation with a <u>local functioning</u> coordinating board, review all applications for local government, federal, and state transportation disadvantaged funds, and develop cost-effective coordination strategies.
- (6) In cooperation with, and approved by, the coordinating board, Develop, negotiate, implement, and monitor a memorandum of agreement including a service plan, for

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approval by the local coordinating board submittal to the commission.

- (7) In cooperation with the <u>local</u> coordinating board and pursuant to <u>minimum</u> criteria developed by the Commission for the Transportation Disadvantaged, establish priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.
- (8) Have full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2).

Section 7. Section 427.0157, Florida Statutes, is amended to read:

427.0157 Local coordinating boards; powers and duties.—The purpose of each local coordinating board is to develop local service needs and to provide information, evaluation advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

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

31 amended to read:

1	(2) Evaluate services provided in meeting the approved
2	plan;
3	(3) In cooperation with the community transportation
4	coordinator, review and provide recommendations to the
5	commission on funding applications affecting the
6	transportation disadvantaged;
7	(4) With the assistance of Assist the community
8	transportation coordinator <u>, establish</u> in establishing
9	priorities with regard to the recipients of nonsponsored
10	transportation disadvantaged services that are purchased with
11	Transportation Disadvantaged Trust Fund moneys $\underline{\cdot}$.
12	(5) Review the coordination strategies of service
13	provision to the transportation disadvantaged in the
14	designated service area; and
15	(6) Evaluate multicounty or regional transportation
16	opportunities and encourage counties to enter into reciprocal
17	agreements and recognize licensing from other jurisdictions; -
18	(7) Establish criteria and procedures for member
19	departments to use if they wish to use an alternate provider;
20	(8) Develop standards and performance eligibility
21	screening criteria for individuals who seek transportation
22	disadvantaged services;
23	(9) With the assistance of the community
24	transportation coordinator, develop cost-effective
25	transportation alternatives within the coordinated system; and
26	(10) Develop reciprocal agreements with adjacent local
27	coordinating boards in order to facilitate and foster
28	innovations to reduce costs and legal barriers to regional
29	transportation disadvantaged services.
30	Section 8. Section 427.0159, Florida Statutes, is

1 427.0159 Transportation Disadvantaged Trust Fund. --2 (1) There is established in the State Treasury the Transportation Disadvantaged Trust Fund to be administered by 3 the Commission for the Transportation Disadvantaged. All fees 4 5 collected for the transportation disadvantaged program under 6 s. 320.03(9) shall be deposited in the trust fund. 7 (2) Funds deposited in the trust fund shall be 8 appropriated by the Legislature to the commission and shall be used to fund grants for operational, planning, and match 9 requirement expenses associated with the provision of 10 11 transportation disadvantaged services. Funds may also be used to carry out the responsibilities of the commission, and to 12 13 fund the administrative expenses of the commission. (3) The commission, in consultation with 14 transportation community transportation coordinators 15 representing rural and urban coordinated systems, shall 16 17 determine a fair and equitable grant-distribution formula for transportation disadvantaged funds. The formula must include a 18 19 base allocation for each county and must incorporate the following variables: 20 21 (a) Average trip length; 22 Percentage of low-income population to total (b) 23 county population; 24 (c) Number of medical trips performed; 25 (d) Number of trips per vehicle; 26 (e) Number of trips per vehicle mile; and 27 The availability of mass transit. (f) 28 (3) Funds deposited in the trust fund may be used by 29 the commission to subsidize a portion of a transportation 30 disadvantaged person's transportation costs which is not

sponsored by an agency, only if a cash or in-kind match is

required. Funds for nonsponsored transportation disadvantaged services shall be distributed based upon the need of the recipient and according to criteria developed by the Commission for the Transportation Disadvantaged.

- (4) The commission shall develop baseline measures for use by local coordinating boards in evaluating the performance of the transportation disadvantaged program in their service areas. The measures may be both quantitative and qualitative. The measures must, at a minimum, assess performance in the following areas:
 - (a) Cost efficiency of the coordinated system;
 - (b) Service efficiency of the coordinated system;
 - (c) Service availability of the coordinated system;
 - (d) System safety and service quality;
- (e) Use of transportation alternatives operating within the coordinated system; and
- (f) System effectiveness in improving the overall mobility of the transportation disadvantaged.
- Section 9. Section 427.016, Florida Statutes, is amended to read:
- 427.016 Expenditure of local government, state, and federal funds for the transportation disadvantaged.--
- (1)(a) All transportation disadvantaged funds expended within the state shall be expended to purchase transportation services from community transportation coordinators or public, private, or private nonprofit transportation operators within the coordinated transportation system, except when the rates charged by proposed alternate operators are determined by the local coordinating board proven, pursuant to rules generated by the Commission for the Transportation Disadvantaged, to be more cost-effective and are not a risk to the public health,

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

- (b) Nothing in this subsection shall be construed to limit or preclude the Medicaid agency from establishing maximum fee schedules, individualized reimbursement policies by provider type, negotiated fees, competitive bidding, or any other mechanism that the agency considers efficient and effective for the purchase of services on behalf of Medicaid clients. State and local agencies shall not contract for any transportation disadvantaged services, including Medicaid reimbursable transportation services, with any community transportation coordinator or transportation operator that has been determined by the Agency for Health Care Administration, the Department of Legal Affairs Medicaid Fraud Control Unit, or any state or federal agency to have engaged in any abusive or fraudulent billing activities.
- disadvantaged services, whether or not it is a member of the Commission for the Transportation Disadvantaged, shall inform the commission in writing, before the beginning of each fiscal year, of the specific amount of any money the agency allocated for transportation disadvantaged services. Additionally, each state agency shall, by September 15 of each year, provide the commission with an accounting of the actual amount of funds expended and the total number of trips purchased.

Each metropolitan planning organization or designated official planning agency shall annually compile a report accounting for all local government and direct federal funds for transportation for the disadvantaged expended in its jurisdiction and forward this report by September 15 to the commission. Section 10. This act shall take effect upon becoming a law. SENATE SUMMARY Revises provisions relating to the transportation disadvantaged. Redefines the term "coordinating board" as "local coordinating board" and conforms provisions. Revises the membership, responsibilities, and duties of the Commission for the Transportation Disadvantaged. Revises the duties of agencies that purchase transportation disadvantaged services. Revises related duties of the metropolitan planning organization duties of the metropolitan planning organization, community transportation coordinators, and local coordinating boards. Revises the purposes for which funds in the Transportation Disadvantaged Trust Fund may be used.