

By the Committee on Transportation and Senators Hargrett and Forman

306-2072B-98

1 A bill to be entitled
2 An act relating to the transportation
3 disadvantaged; creating s. 186.024, F.S.;
4 requiring agencies to develop a joint strategic
5 plan for providing services to the
6 transportation disadvantaged; amending s.
7 427.011, F.S.; revising definitions; amending
8 s. 427.012, F.S.; revising the membership of
9 the Commission for the Transportation
10 Disadvantaged; amending s. 427.013, F.S.;
11 revising the purpose and responsibilities of
12 the commission; creating s. 427.0133, F.S.;
13 establishing functions and responsibilities of
14 the Department of Transportation relating to
15 the transportation disadvantaged; amending s.
16 427.0135, F.S.; revising the duties and
17 responsibilities of agencies that purchase
18 transportation disadvantaged services; amending
19 s. 427.015, F.S.; revising the function of the
20 metropolitan planning organization or
21 designated official planning agency in
22 coordinating transportation for the
23 transportation disadvantaged; amending s.
24 427.0155, F.S.; revising the powers and duties
25 of community transportation coordinators;
26 creating s. 427.0156, F.S.; providing for the
27 membership and organization of local
28 coordinating boards; amending s. 427.0157,
29 F.S.; revising the powers and duties of local
30 coordinating boards; amending s. 427.0159,
31 F.S.; revising provisions with respect to the

1 Transportation Disadvantaged Trust Fund;
2 amending s. 427.016, F.S.; revising provisions
3 with regard to the expenditure of funds for the
4 transportation disadvantaged; conforming
5 provisions; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Section 186.024, Florida Statutes, is
10 created to read:

11 186.024 Transportation services to the transportation
12 disadvantaged program; legislative findings and intent;
13 strategic plan; interagency agreement; agency
14 responsibilities.--

15 (1) The Legislature finds and declares that it is
16 necessary to implement a cost-effective and coordinated
17 program for providing transportation services to the
18 transportation disadvantaged in order to provide quality
19 services to Florida's transportation disadvantaged citizens.
20 The Legislature further finds that in order to develop a
21 cost-effective and coordinated system among all state agencies
22 and local governments, elimination of duplication of effort
23 among purchasing agencies and carefully planned interagency
24 cooperation are of primary importance.

25 (2) The Department of Transportation, the Department
26 of Elderly Affairs, the Department of Children and Family
27 Services, the Department of Labor and Employment Security, and
28 the Agency for Health Care Administration shall cooperatively
29 prepare a joint strategic plan relating to cost-effective
30 delivery of services to the transportation disadvantaged. The
31 plan must include, but is not limited to, the following:

1 (a) Identification of the program or unit within each
2 agency which has the responsibility for delivering services to
3 the transportation disadvantaged and accounting for funds
4 appropriated and spent for transportation disadvantaged
5 services by each agency.

6 (b) Identification of strategies for coordination of
7 transportation services on an interagency basis and a
8 description of interagency progress on implementation of
9 coordinating strategies.

10 (c) Identification of strategies for eliminating
11 duplication and fragmentation of services on an interagency
12 basis and a description of interagency progress on
13 implementing such strategies.

14 (d) Identification of strategies to improve delivery
15 of transportation services for the transportation
16 disadvantaged at the local level, including coordination and
17 integration of transportation services, provisions for the
18 development of public and private partnerships for the
19 continuum of services, and incentive programs to reward local
20 transportation disadvantaged programs that realize cost
21 savings.

22 (e) Identification of barriers affecting
23 implementation of strategies and activities to provide
24 cost-effective and coordinated transportation services to the
25 transportation disadvantaged.

26 (f) Identification of methods of comparing program
27 costs and other performance measures and identification of
28 standardized reporting procedures to enhance data collection
29 and analysis on an interagency basis.

30 (g) Recommendations, if any, for legislative,
31 administrative, or budgetary changes. The recommendations must

1 include recommendations regarding a consolidation and pooling
2 of all transportation disadvantaged service funds, including
3 Medicaid funds. Such budget recommendations must be consistent
4 with the goals of the joint strategic plan and with the
5 continuum of comprehensive services.

6 (h) Strategies to ensure that agencies purchase trips
7 within the coordinated system, unless they use a more
8 cost-effective alternative provider.

9 (i) Strategies to ensure that all procedures,
10 guidelines, and directives issued by agencies are conducive to
11 the coordination of transportation services.

12 (j) Identification of minimum criteria covering
13 coordination, operation, costs, and use of transportation
14 disadvantaged services.

15 (k) Identification of minimum quality-assurance and
16 performance-evaluation guidelines for use by local
17 coordinating boards in assessing services contracted for by an
18 agency and those provided by a community transportation
19 coordinator and transportation operators.

20 (m) Development of an interagency uniform contracting
21 and billing and accounting system that is to be used by all
22 community transportation coordinators and their transportation
23 operators.

24 (3) The departments designated in this section shall
25 forward the joint strategic plan described in this section to
26 the Executive Office of the Governor in the same manner as
27 provided in s. 186.022 for agency strategic plans. The joint
28 strategic plan must be prepared, reviewed, and submitted to
29 the Legislature in accordance with s. 186.022(1)-(7). At least
30 biennially, the department shall readdress the joint strategic
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1 plan submitted under this section and recommend changes to the
2 Executive Office of the Governor.

3 (4) The Department of Transportation shall be the lead
4 agency to ensure the development of the joint strategic plan
5 and implementation through a joint interagency agreement.

6 (5) At least every 2 years, the department shall
7 readdress the joint strategic plan and joint interagency
8 agreement adopted under this section and make appropriate
9 changes if necessary.

10 (6) The departments designated in this section shall
11 comply with the provisions of this section. Agency heads of
12 such departments shall designate appropriate agency personnel
13 to carry out interagency responsibilities for developing the
14 joint strategic plan and joint interagency agreement and for
15 coordinating and monitoring implementation of the
16 transportation services to the transportation disadvantaged
17 program.

18 Section 2. Section 427.011, Florida Statutes, is
19 amended to read:

20 427.011 Definitions.--For the purposes of ss.
21 427.011-427.017:

22 (1) "Transportation disadvantaged" means those persons
23 who because of physical or mental disability, income status,
24 or age are unable to transport themselves or to purchase
25 transportation and are, therefore, dependent upon others to
26 obtain access to health care, employment, education, shopping,
27 social activities, or other life-sustaining activities, or
28 children who are handicapped or high-risk or at-risk as
29 defined in s. 411.202.

30 (2) "Metropolitan planning organization" means the
31 organization responsible for carrying out transportation

1 planning and programming in accordance with the provisions of
2 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

3 (3) "Agency" means an official, officer, commission,
4 authority, council, committee, department, division, bureau,
5 board, section, or any other unit or entity of the state or of
6 a city, town, municipality, county, or other local governing
7 body or a private nonprofit transportation service-providing
8 agency.

9 (4) "Transportation improvement program" means a
10 staged multiyear program of transportation improvements,
11 including an annual element, which is developed by a
12 metropolitan planning organization or designated official
13 planning agency.

14 (5) "Community transportation coordinator" means a
15 transportation entity recommended by a metropolitan planning
16 organization, or by the appropriate designated official
17 planning agency ~~as provided for in ss. 427.011-427.017 in an~~
18 ~~area outside the purview of a metropolitan planning~~
19 ~~organization~~, to ensure that coordinated transportation
20 services are provided to the transportation disadvantaged
21 population in a designated service area.

22 (6) "Transportation operator" means one or more
23 public, private for-profit, or private nonprofit entities
24 engaged by the community transportation coordinator to provide
25 service to transportation disadvantaged persons pursuant to a
26 coordinated system service plan.

27 (7) "Local coordinating board" means an ~~advisory~~
28 entity in each designated service area composed of
29 representatives designated under s. 427.0156 ~~appointed by the~~
30 ~~metropolitan planning organization or designated official~~
31 ~~planning agency~~, to provide direction and oversight ~~assistance~~

1 to the community transportation coordinator relative to the
2 coordination of transportation services.

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

5 (8)~~(9)~~ "Paratransit" means those elements of public
6 transit which provide service between specific origins and
7 destinations selected by the individual user with such service
8 being provided at a time that is agreed upon by the user and
9 provider of the service. Paratransit service is provided by
10 taxis, limousines, "dial-a-ride," buses, and other
11 demand-responsive operations that are characterized by their
12 nonscheduled, nonfixed route nature.

13 (9)~~(10)~~ "Transportation disadvantaged funds" means any
14 local government, state, or available federal funds that are
15 for the transportation of the transportation disadvantaged.
16 Such funds may include, but are not limited to, funds for
17 planning, Medicaid transportation, administration, operation,
18 procurement, and maintenance of vehicles or equipment and
19 capital investments. Transportation disadvantaged funds do not
20 include funds for the transportation of children to public
21 schools.

22 (10)~~(11)~~ "Coordination" means the arrangement for the
23 provision of transportation services to the transportation
24 disadvantaged in a manner that is cost-effective, efficient,
25 and reduces fragmentation and duplication of services.

26 (11)~~(12)~~ "Annual budget estimate" means a budget
27 estimate of funding resources available for providing
28 transportation services to the transportation disadvantaged
29 and which is prepared annually to cover a period of 1 state
30 fiscal year.

31

1 (12)~~(13)~~ "Nonsponsored transportation disadvantaged
2 services" means transportation disadvantaged services that are
3 not sponsored or subsidized by any funding source other than
4 the Transportation Disadvantaged Trust Fund.

5 Section 3. Section 427.012, Florida Statutes, is
6 amended to read:

7 427.012 The Commission for the Transportation
8 Disadvantaged.--There is created the Commission for the
9 Transportation Disadvantaged in the Department of
10 Transportation.

11 (1) The commission shall consist of the following
12 members:

13 (a) The secretary of the Department of Transportation
14 or the secretary's designee.

15 (b) The secretary of the Department of Children and
16 Family Health and Rehabilitative Services or the secretary's
17 designee.

18 ~~(c) The Commissioner of Education or the~~
19 ~~commissioner's designee.~~

20 (c)~~(d)~~ The secretary of the Department of Labor and
21 Employment Security or the secretary's designee.

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

24 (d)~~(f)~~ The secretary of the Department of Elderly
25 Affairs or the secretary's designee.

26 (e)~~(g)~~ The director of the Agency for Health Care
27 Administration or the director's designee.

28 (f) One representative of public agencies providing
29 public transit services. Such person shall be appointed by the
30 Governor, subject to confirmation by the Senate, to serve a
31 term of 4 years.

1 (g) A person who uses the transportation services of
2 the coordinated system as their primary means of
3 transportation. Such person shall be appointed by the
4 Governor, subject to confirmation by the Senate, to serve a
5 term of 4 years.

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

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

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

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

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

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

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

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

3 (h)(o) One representative ~~Two representatives~~ of
4 current private for-profit or private not-for-profit
5 transportation operators who has ~~each of which have~~ a minimum
6 of 5 years of continuous experience operating a broad-based
7 system of ambulatory and wheelchair/stretching type
8 transportation, utilizing not less than 20 ~~50~~ vehicles and
9 including dispatch and scheduling responsibilities. Such
10 person ~~persons~~ shall be appointed by the Governor, subject to
11 Senate confirmation ~~Commissioner of Agriculture~~ to serve a
12 term of 4 years.

13 (i) One representative of the counties. Such person
14 must currently be serving as a county administrator or in a
15 comparable senior management position and shall be appointed
16 by the Governor, subject to confirmation by the Senate, to
17 represent the state-local partnership and the considerable
18 local investment in the coordinated system. Such person shall
19 be appointed to serve a term of 4 years, or until such
20 member's term of service on the board of county commissioners
21 terminates, whichever occurs first.

22 ~~(p) Four representatives of current private for-profit~~
23 ~~or private not-for-profit transportation operators, each of~~
24 ~~which having a minimum of 5 years of continuous experience~~
25 ~~operating a broad-based system of ambulatory and wheelchair or~~
26 ~~stretching type transportation, utilizing not less than 50~~
27 ~~vehicles, and including dispatch and scheduling~~
28 ~~responsibilities. Such persons shall be appointed by the~~
29 ~~Commissioner of Agriculture to serve a term of 4 years.~~

30 ~~(q) Six citizens representing the nontransportation~~
31 ~~business community of the state, three members appointed by~~

1 ~~the President of the Senate and three members appointed by the~~
2 ~~Speaker of the House of Representatives.~~

3 (2) The chairperson and vice chairperson of the
4 commission shall be elected annually from the state agency
5 membership of the commission.

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

9 (4) The commission shall meet at least quarterly, or
10 more frequently at the call of the chairperson. Five ~~Nine~~
11 members of the commission constitute a quorum, and a majority
12 vote of the members present is necessary for any action taken
13 by the commission.

14 (5) The Governor may remove any member of the
15 commission for cause.

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

23 (6)(7) The commission is assigned to the office of the
24 secretary of the Department of Transportation for
25 administrative and fiscal accountability purposes, but it
26 shall otherwise function independently of the control,
27 supervision, and direction of the department.

28 ~~(8) The commission shall develop a budget pursuant to~~
29 ~~chapter 216. The budget is not subject to change by the~~
30 ~~department staff after it has been approved by the commission,~~

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1 ~~but it shall be transmitted to the Governor, as head of the~~
2 ~~department, along with the budget of the department.~~

3 Section 4. Section 427.013, Florida Statutes, is
4 amended to read:

5 427.013 The Commission for the Transportation
6 Disadvantaged; purpose and responsibilities.--The purpose of
7 the commission is to review and evaluate the performance of
8 the coordinated ~~accomplish the coordination of~~ transportation
9 services provided to the transportation disadvantaged and to
10 annually report its findings and recommendations to the
11 Department of Transportation, the Governor, and the
12 Legislature. The evaluation will consider the extent to which
13 the coordinated system achieves its goal of this coordination
14 ~~shall be~~ to assure the cost-effective provision of
15 transportation by qualified community transportation
16 coordinators or transportation operators for the
17 transportation disadvantaged without any bias or presumption
18 in favor of multioperator systems or not-for-profit
19 transportation operators over single operator systems or
20 for-profit transportation operators. In carrying out this
21 purpose, the commission shall:

22 (1) Evaluate the effectiveness of the transportation
23 disadvantaged program and make recommendations to the
24 Department of Transportation, the Governor, and the
25 Legislature.

26 (2) Conduct open hearings and working meetings of the
27 commission no less than quarterly in order to view, hear, and
28 review all aspects of the program and to prepare
29 recommendations concerning the program for the Department of
30 Transportation, the Governor, and the Legislature.

31

1 (3) Prepare and provide a report to the Governor and
2 the Legislature by January 31 of each year which will include,
3 at a minimum, an overall evaluation of the effectiveness of
4 the program, recommendations for any changes deemed
5 appropriate, and a recommendation regarding whether the
6 program is serving its purpose and whether it should be
7 continued.

8 (4) Establish a rate-setting process for use by local
9 boards and coordinators in setting and evaluating local
10 provider rates.

11 (5) Establish a "rate and quality of service review
12 committee" composed of the state purchasing agency
13 representatives and the Department of Transportation
14 representative to review and approve or disapprove all rate
15 and quality of service issues that agency representatives
16 cannot resolve at the local board level.

17 ~~(1) Compile all available information on the~~
18 ~~transportation operations for and needs of the transportation~~
19 ~~disadvantaged in the state.~~

20 ~~(2) Establish statewide objectives for providing~~
21 ~~transportation services for the transportation disadvantaged.~~

22 ~~(3) Develop policies and procedures for the~~
23 ~~coordination of local government, federal, and state funding~~
24 ~~for the transportation disadvantaged.~~

25 ~~(4) Identify barriers prohibiting the coordination and~~
26 ~~accessibility of transportation services to the transportation~~
27 ~~disadvantaged and aggressively pursue the elimination of these~~
28 ~~barriers.~~

29 ~~(5) Serve as a clearinghouse for information about~~
30 ~~transportation disadvantaged services, training, funding~~
31 ~~sources, innovations, and coordination efforts.~~

1 ~~(6) Assist communities in developing transportation~~
2 ~~systems designed to serve the transportation disadvantaged.~~

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

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

9 ~~(b) Provide, by rule, criteria and procedures for~~
10 ~~member departments to use if they wish to use an alternative~~
11 ~~provider. Departments must demonstrate either that the~~
12 ~~proposed alternative provider can provide a trip of acceptable~~
13 ~~quality for the clients at a lower cost than that provided~~
14 ~~within the coordinated system, or that the coordinated system~~
15 ~~cannot accommodate the department's clients.~~

16 ~~(9) Develop standards covering coordination,~~
17 ~~operation, costs, and utilization of transportation~~
18 ~~disadvantaged services. These standards shall include, but not~~
19 ~~be limited to:~~

20 ~~(a) Inclusion, by rule, of acceptable ranges of trip~~
21 ~~costs for the various modes and types of transportation~~
22 ~~services provided.~~

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

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

29 ~~(11) Approve the appointment of all community~~
30 ~~transportation coordinators.~~

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

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

12 ~~(14) Consolidate, for each state agency, the annual~~
13 ~~budget estimates for transportation disadvantaged services,~~
14 ~~and the amounts of each agency's actual expenditures, together~~
15 ~~with the annual budget estimates of each official planning~~
16 ~~agency, local government, and directly federally funded agency~~
17 ~~and issue a report.~~

18 ~~(15) Prepare a statewide 5-year transportation~~
19 ~~disadvantaged plan which addresses the transportation problems~~
20 ~~and needs of the transportation disadvantaged, which is fully~~
21 ~~coordinated with local transit plans, compatible with local~~
22 ~~government comprehensive plans, and which ensures that the~~
23 ~~most cost-effective and efficient method of providing~~
24 ~~transportation to the disadvantaged is programmed for~~
25 ~~development.~~

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

28 ~~(17) Review, monitor, and coordinate all~~
29 ~~transportation disadvantaged local government, state, and~~
30 ~~federal fund requests and plans for conformance with~~
31 ~~commission policy, without delaying the application process.~~

1 ~~Such funds shall be available only to those entities~~
2 ~~participating in an approved coordinated transportation system~~
3 ~~or entities which have received a commission-approved waiver~~
4 ~~to obtain all or part of their transportation through another~~
5 ~~means. This process shall identify procedures for coordinating~~
6 ~~with the state's intergovernmental coordination and review~~
7 ~~procedures and s. 216.212(1) and any other appropriate grant~~
8 ~~review process.~~

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

13 ~~(19) Develop and maintain a transportation~~
14 ~~disadvantaged manual.~~

15 ~~(20) Design and develop transportation disadvantaged~~
16 ~~training programs.~~

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

21 ~~(22) Designate the official planning agency in areas~~
22 ~~outside of the purview of a metropolitan planning~~
23 ~~organization.~~

24 ~~(23) Develop need-based criteria that must be used by~~
25 ~~all community transportation coordinators to prioritize the~~
26 ~~delivery of nonsponsored transportation disadvantaged services~~
27 ~~that are purchased with Transportation Disadvantaged Trust~~
28 ~~Fund moneys.~~

29 ~~(24) Establish a review procedure to compare the rates~~
30 ~~proposed by alternate transportation operators with the rates~~
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1 ~~charged by a community transportation coordinator to determine~~
2 ~~which rate is more cost-effective.~~

3 ~~(25) Conduct a cost-comparison study of~~
4 ~~single-coordinator, multicoordinator, and brokered community~~
5 ~~transportation coordinator networks to ensure that the most~~
6 ~~cost-effective and efficient method of providing~~
7 ~~transportation to the transportation disadvantaged is~~
8 ~~programmed for development.~~

9 ~~(26) Develop a quality assurance and management review~~
10 ~~program to monitor, based upon approved commission standards,~~
11 ~~services contracted for by an agency, and those provided by a~~
12 ~~community transportation operator pursuant to s. 427.0155.~~
13 ~~Staff of the quality assurance and management review program~~
14 ~~shall function independently and be directly responsible to~~
15 ~~the executive director.~~

16 Section 5. Section 427.0133, Florida Statutes, is
17 created to read:

18 427.0133 The Department of Transportation; functions
19 and responsibilities.--The Department of Transportation will
20 perform all the administrative functions necessary to
21 accomplish the coordination of transportation services
22 provided to the transportation disadvantaged. The goal of this
23 coordination shall be to assure the cost-effective provision
24 of transportation by qualified community transportation
25 coordinators or transportation operators for the
26 transportation disadvantaged without any bias or presumption
27 in favor of multioperator systems or not-for-profit
28 transportation operators over single operator systems or
29 for-profit transportation operators. In carrying out this
30 purpose, the department shall:

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1 (1) Compile all available information on the
2 transportation operations for and needs of the transportation
3 disadvantaged in the state.

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

7 (3) Identify barriers impeding the coordination and
8 accessibility of transportation services to the transportation
9 disadvantaged and pursue the elimination of these barriers.

10 (4) Serve as a clearinghouse for information about
11 transportation disadvantaged services, training, funding
12 sources, innovations, and coordination efforts.

13 (5) Assist communities in developing transportation
14 systems designed to serve the transportation disadvantaged.

15 (6) Contract with the Center for Urban Transportation
16 Research to develop a basic services rate model to identify
17 minimum standards and services that are common to all agencies
18 and add-on charges that may be assessed for any
19 agency-specific requirements above this base.

20 (7) Develop baseline measures for use by local
21 coordinating boards in evaluating the performance of the
22 transportation disadvantaged program in their service areas.
23 The measures may be both quantitative and qualitative. The
24 measures must, at a minimum, assess performance in the
25 following areas:

26 (a) Cost efficiency of the coordinated system;

27 (b) Service efficiency of the coordinated system;

28 (c) Service availability of the coordinated system;

29 (d) System safety and service quality;

30 (e) Use of transportation alternatives operating

31 within the coordinated system; and

1 (f) System effectiveness in improving the overall
2 mobility of the transportation disadvantaged.

3 (8) Develop and monitor rules and procedures to
4 implement the provisions of ss. 427.011-427.017.

5 (9) Have the authority to apply for and accept funds,
6 grants, gifts, and services from the federal government, state
7 government, local government, or private funding sources.
8 Applications by the department for local government funds
9 shall be coordinated through the appropriate local
10 coordinating board. Funds acquired or accepted under this
11 subsection shall be administered by the department and shall
12 be used to carry out the department's responsibilities as
13 provided in this section.

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

22 (11) Review memorandums of agreement for the provision
23 of coordinated transportation services.

24 (12) Designate the official planning agency in areas
25 outside the purview of a metropolitan planning organization.

26 (13) Provide staff support needed by the commission to
27 carry out its functions and responsibilities.

28 Section 6. Subsections (1) and (2) of section
29 427.0135, Florida Statutes, are amended to read:

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1 427.0135 Member departments; duties and
2 responsibilities.--Each member department, in carrying out the
3 policies and procedures of the commission, shall:

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

8 (a) If a member department representative on the local
9 coordinating board cannot concur with a quality of service or
10 rate issue, the member department representative may refer
11 these issues to the commission rate and quality of service
12 review committee for review and approval or disapproval.

13 (b) Subject to the provisions of s. 409.908(18), the
14 Medicaid agency shall purchase transportation services through
15 the community coordinated transportation system unless an
16 option to purchase outside the system is obtained in
17 accordance with the provisions of s. 427.0135(1)(a)~~a more~~
18 ~~cost-effective method is determined by the agency for Medicaid~~
19 ~~clients~~ or unless otherwise limited or directed by the General
20 Appropriations Act.

21 (2) Provide the Department of Transportation
22 ~~commission~~, by September 15 of each year, an accounting of all
23 funds spent as well as how many trips were purchased with
24 agency funds.

25 Section 7. Section 427.015, Florida Statutes, is
26 amended to read:

27 427.015 Function of the metropolitan planning
28 organization or designated official planning agency in
29 coordinating transportation for the transportation
30 disadvantaged.--
31

1 (1) The metropolitan planning organization, or
2 designated official planning agency if no metropolitan
3 planning organization exists, shall assist in the coordination
4 of transportation services provided to the transportation
5 disadvantaged. The goal of this coordination is to assure that
6 cost-effective transportation services are provided to the
7 transportation disadvantaged by qualified community
8 transportation coordinators.

9 (2)~~(1)~~ In developing the transportation improvement
10 program, each metropolitan planning organization or designated
11 official planning agency in this state shall include a
12 realistic estimate of the cost and revenue that will be
13 derived from transportation disadvantaged services in its
14 area. The transportation improvement program shall also
15 identify transportation improvements that will be advanced
16 with such funds during the program period. Funds required by
17 this subsection to be included in the transportation
18 improvement program shall only be included after consultation
19 with all affected agencies and shall only be expended if such
20 funds are included in the transportation improvement program.

21 (3)~~(2)~~ Each metropolitan planning organization or
22 designated official planning agency shall recommend to the
23 local coordinating board ~~commission~~ a single community
24 transportation coordinator. The selection process must comply
25 with the competitive procurement procedures contained in
26 chapter 287 or with the competitive procurement procedures of
27 the local government.The coordinator may provide all or a
28 portion of needed transportation services for the
29 transportation disadvantaged but shall be responsible for the
30 provision of those coordinated services. ~~Based on approved~~
31 ~~commission evaluation criteria,~~The coordinator shall

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

12 ~~(4)(3)~~ Each metropolitan planning organization or
13 designated official planning agency shall request each local
14 government in its jurisdiction to provide an estimate of all
15 local and direct federal funds to be expended for
16 transportation for the disadvantaged. The metropolitan
17 planning organization or designated official planning agency
18 shall consolidate this information into a single report and
19 forward it, by the beginning of each fiscal year, to the local
20 coordinating board and the Department of Transportation
21 ~~commission~~.

22 Section 8. 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. When purchasing transportation disadvantaged
30 services, each community transportation coordinator must
31 comply with the competitive procurement procedures contained

1 in chapter 287 or, if a public community transportation
2 coordinator, with competitive procedures of the governing
3 board.

4 (2) Collect annual operating data for submittal to the
5 local coordinating board and the Department of Transportation
6 commission.

7 (3) Review all transportation operator contracts
8 annually.

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

12 (5) In cooperation with a local functioning
13 coordinating board, review all applications for local
14 government, federal, and state transportation disadvantaged
15 funds, and develop cost-effective coordination strategies.

16 (6) ~~In cooperation with, and approved by, the~~
17 ~~coordinating board,~~ Develop, negotiate, implement, and monitor
18 a memorandum of agreement including a transportation
19 disadvantaged service plan, for submittal to the Department of
20 Transportation commission. The memorandum of agreement and
21 transportation disadvantaged service plan must be reviewed and
22 approved by the local coordinating board prior to submittal to
23 the Department of Transportation.

24 (7) In cooperation with the local coordinating board
25 and pursuant to criteria developed by the Department of
26 Transportation Commission for the Transportation
27 ~~Disadvantaged~~, establish priorities with regard to the
28 recipients of nonsponsored transportation disadvantaged
29 services that are purchased with Transportation Disadvantaged
30 Trust Fund moneys.

31

1 (8) Have full responsibility for the delivery of
2 transportation services for the transportation disadvantaged
3 ~~as outlined in s. 427.015(2).~~ The coordinator may provide all
4 or a portion of the needed transportation services for the
5 transportation disadvantaged, but shall be responsible for the
6 provision of all coordinated services. The coordinator shall
7 subcontract or broker those services that are more
8 cost-effectively and efficiently provided by subcontracting or
9 brokering.

10 (9) Use competitive procurement processes when
11 purchasing transportation disadvantaged services which protect
12 the opportunity for small operators to compete in all counties
13 having a population of 200,000 or more.

14 Section 9. Section 427.0156, Florida Statutes, is
15 created to read:

16 427.0156 Local coordinating boards; organization and
17 membership.--A local coordinating board will be established in
18 each county. However, when agreed upon in writing by the
19 boards of county commissioners or its designees in each county
20 to be covered in the service area, multicounty local
21 coordinating boards may be appointed. In a multicounty service
22 area, the written agreement must state the order in which the
23 counties will rotate the position of chair and the length of
24 time for which each county is to serve as chair of the local
25 coordinating board.

26 (1) The metropolitan planning organization or
27 designated official planning agency shall appoint one elected
28 official to serve as official chairperson for all local
29 coordinating board meetings. The appointed chairperson must be
30 an elected member of the board of county commissioners from a
31 county that the local coordinating board serves. For a

1 multicounty local coordinating board, the elected official who
2 is appointed to serve as chairperson must be from one of the
3 counties served.

4 (2) The local coordinating board shall hold an
5 organizational meeting each year for the purpose of electing a
6 vice-chairperson. The vice-chairperson must be elected by a
7 majority of a quorum of the members present at the
8 organizational meeting. When the chairperson is absent, the
9 vice-chairperson shall assume the duties of the chairperson
10 and conduct the meeting.

11 (3) In addition to the chairperson, representatives of
12 the following departments, agencies, and constituencies are
13 assigned to the local coordinating board as voting members;

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

16 (b) A local representative of the Department of
17 Children and Family Services appointed by the secretary of
18 that department.

19 (c) A local representative of the Department of Labor
20 and Employment Security appointed by the secretary of that
21 department.

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

24 (e) A local representative of the Agency for Health
25 Care Administration appointed by the executive director of
26 that agency.

27 (f) A representative of the local WAGES coalition
28 appointed by the chair of the local coalition.

29 (g) In counties served by mass transit systems, a
30 representative of the local transit agency appointed by the
31 executive director of the transit agency.

1 (h) One representative of the private for-profit or
2 the private not-for-profit transportation industry appointed
3 by the designated planning agency.

4 (i) One citizen representative who uses the
5 coordinated transportation system as his or her primary means
6 of transportation appointed by the designated official
7 planning agency.

8 (4) Members of the local coordinating board shall
9 serve without compensation but are entitled to per diem and
10 travel expenses as provided in s. 112.061.

11 (5) The local coordinating board shall meet at least
12 quarterly, or more frequently at the call of the chairperson.
13 A majority of the members of the local coordinating board
14 constitute a quorum, and a majority vote of the
15 representatives present is necessary for any action taken by
16 the board.

17 (6) The designated official planning agency shall
18 provide each board with sufficient staff support and resources
19 to enable the board to fulfill its duties and
20 responsibilities.

21 Section 10. Section 427.0157, Florida Statutes, is
22 amended to read:

23 427.0157 Local coordinating boards; powers and
24 duties.--The purpose of each local coordinating board is to
25 develop local service needs and priorities and to provide
26 information, advice, evaluation,~~and~~ direction, and oversight
27 to the community transportation coordinators on the
28 coordination of services to be provided to the transportation
29 disadvantaged. ~~The commission shall, by rule, establish the~~
30 ~~membership of coordinating boards. The members of each board~~
31 ~~shall be appointed by the metropolitan planning organization~~

1 ~~or designated official planning agency. The appointing~~
2 ~~authority shall provide each board with sufficient staff~~
3 ~~support and resources to enable the board to fulfill its~~
4 ~~responsibilities under this section. Each local coordinating~~
5 board shall meet at least quarterly and shall:

6 (1) Review and approve the coordinated community
7 transportation disadvantaged service plan, including the
8 memorandum of agreement, prior to submittal to the Department
9 of Transportation ~~commission~~;

10 (2) Evaluate services provided in meeting the approved
11 plan and ensure that the plan provides for the use of fixed
12 route or fixed schedule transit service as the first choice of
13 transportation service to the transportation disadvantaged
14 wherever such service is available and appropriate;

15 (3) In cooperation with the community transportation
16 coordinator, review and provide recommendations to the
17 Department of Transportation ~~commission~~ on funding
18 applications affecting the transportation disadvantaged;

19 (4) With the assistance of ~~Assist~~ the community
20 transportation coordinator, establish in establishing
21 priorities and client eligibility criteria with regard to the
22 recipients of nonsponsored transportation disadvantaged
23 services that are purchased with Transportation Disadvantaged
24 Trust Fund moneys.

25 (5) Review the performance of the community
26 transportation coordinator in providing services ~~coordination~~
27 strategies of service provision to the transportation
28 disadvantaged in the designated service area; ~~and~~

29 (6) Evaluate, develop, and implement multicounty or
30 regional transportation opportunities and encourage counties
31

1 to enter into reciprocal agreements and recognize licensing
2 from other jurisdictions;

3 (7) With the assistance of the community
4 transportation coordinator, develop cost-effective
5 transportation alternatives within the coordinated system; and

6 (8) Develop reciprocal agreements with adjacent boards
7 in order to facilitate and foster innovations to reduce costs
8 and legal barriers to regional transportation disadvantaged
9 service. Establish by October 1, 1999, a pilot regional
10 community transportation coordinator consisting of two
11 counties or more to assess the benefits of reduced
12 administration and elimination of barriers to inter-county
13 operations.

14 Section 11. Section 427.0159, Florida Statutes, is
15 amended to read:

16 427.0159 Transportation Disadvantaged Trust Fund.--

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

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

31

1 (3) The Department of Transportation, in consultation
2 with local coordinating boards representing rural and urban
3 coordinated systems, shall determine a fair and equitable
4 grant distribution formula for Transportation Disadvantaged
5 Trust Fund revenues. The formula must include a base
6 allocation for each county and may address, but is not limited
7 to, the following variables:

8 (a) Average trip length;

9 (b) Ratio of low-income population to total county
10 population;

11 (c) Number of medical trips performed;

12 (d) Number of trips per vehicle;

13 (e) Number of trips per vehicle mile; and

14 (f) The availability of mass transit.

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

23 Section 12. Section 427.016, Florida Statutes, is
24 amended to read:

25 427.016 Expenditure of local government, state, and
26 federal funds for the transportation disadvantaged.--

27 (1)(a) All transportation disadvantaged funds expended
28 within the state shall be expended to purchase transportation
29 services from community transportation coordinators or public,
30 private, or private nonprofit transportation operators within
31 the coordinated transportation system, except when member

1 department representatives, after meeting as members of the
2 commission's rate and quality of service review committee,
3 determine that their department cannot purchase required
4 transportation services under the service provisions or rates
5 established by the local coordinating board.~~the rates charged~~
6 ~~by proposed alternate operators are proven, pursuant to rules~~
7 ~~generated by the Commission for the Transportation~~
8 ~~Disadvantaged, to be more cost-effective and are not a risk to~~
9 ~~the public health, safety, or welfare. However~~ Also, in areas
10 where transportation suited to the unique needs of a
11 transportation disadvantaged person cannot be purchased
12 through the coordinated system, ~~or where the agency has met~~
13 ~~the rule criteria for using an alternative provider,~~the
14 service may be contracted for directly by the appropriate
15 agency.

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

30 (2) Each agency purchasing transportation
31 disadvantaged services, ~~whether or not it is a member of the~~

1 ~~Commission for the Transportation Disadvantaged~~, shall inform
2 the Department of Transportation ~~commission~~ in writing, before
3 the beginning of each fiscal year, of the specific amount of
4 any money the agency allocated for transportation
5 disadvantaged services. Additionally, each state agency and
6 WAGES coalition shall, by September 15 of each year, provide
7 the Department of Transportation ~~commission~~ with an accounting
8 of the actual amount of funds expended and the total number of
9 trips purchased.

10 (3) Each metropolitan planning organization or
11 designated official planning agency shall annually compile a
12 report accounting for all local government and direct federal
13 funds for transportation for the disadvantaged expended in its
14 jurisdiction and forward this report by September 15 to the
15 Department of Transportation ~~commission~~.

16 Section 13. This act shall take effect upon becoming a
17 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB's 1492 and 1242

4 This CS creates an interagency joint strategic planning
5 process for those agencies that purchase transportation
6 services through the transportation disadvantaged program.

6 This CS reduces the size of the Commission for Transportation
7 Disadvantaged to 9 members. Five members would represent the
8 state agencies that provide funding for the transportation
9 disadvantaged program. The remaining designees would represent
10 important stakeholders in the program. This CS revises the
11 purpose and responsibilities of the commission to eliminate
12 most of the operational and administrative duties currently
13 assigned to the commission. The CS provides that the
14 commission would function primarily as an evaluative and
15 policy review board.

11 This CS delegates state-level administrative functions
12 currently assigned to the commission to the Department of
13 Transportation. Additionally, the CS provides that agencies
14 purchasing transportation services must use the transportation
15 disadvantaged coordinated system unless the agency obtains
16 approval from the commission's rate and quality of service
17 review committee to use a transportation provider outside of
18 the coordinated system. This CS establishes competitive
19 procurement guidelines to be employed in the selection of the
20 community transportation coordinator and transportation
21 operators.

17 This CS revises the membership and duties of the local
18 coordinating boards. The CS delegates most of the operational
19 responsibilities previously assigned to the commission to the
20 local coordinating boards. The CS also provides for reciprocal
21 agreements between local coordinating boards to facilitate the
22 provision of regional transportation disadvantaged services.

21 This CS assigns responsibility for the administration of the
22 transportation disadvantaged trust fund to the Department of
23 Transportation.

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