1 A bill to be entitled 2 An act relating to the transportation 3 disadvantaged; amending s. 427.011, F.S.; revising definitions; defining the terms 4 5 "secretary," "department," and "division"; 6 amending s. 427.012, F.S.; eliminating the 7 Commission for the Transportation Disadvantaged 8 and creating the Florida Coordinated 9 Transportation Disadvantaged Advisory Board; 10 providing for membership, powers, and duties; amending s. 427.013, F.S.; providing for the 11 purpose and responsibilities of the Division of 12 13 Community Transportation Services with respect 14 to the transportation disadvantaged; amending 15 s. 427.0135, F.S.; providing for the duties and responsibilities of the member departments in 16 17 carrying out the policies and procedures of 18 transportation services for the transportation 19 disadvantaged; amending s. 427.015, F.S.; 20 revising language with respect to the function 21 of the metropolitan planning organization or 22 designated official planning agency in 23 coordinating transportation for the transportation disadvantaged; amending s. 24 25 427.0155, F.S.; conforming provisions relating 26 to community transportation coordinators to the 27 act; amending s. 427.0157, F.S.; providing for 28 the powers and duties of local coordinating 29 boards; amending s. 427.0158, F.S.; conforming 30 language to the act with respect to school bus and public transportation; amending s.

427.0159, F.S.; revising language with respect to the Transportation Disadvantaged Trust Fund, to conform; amending s. 427.016, F.S.; conforming language to the act; providing an effective date.

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

Section 1. Subsections (5), (7), and (8) of section 427.011, Florida Statutes, are amended, and subsections (14), (15), and (16) are added to said section, to read:

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

- (5) "Community transportation coordinator" means a transportation entity recommended by a metropolitan planning organization, or by the appropriate designated official planning agency as provided for in ss. 427.011-427.017 in an area outside the purview of a metropolitan planning organization, and approved by the local coordinating board to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.
- entity in each designated service area composed of representatives appointed by the metropolitan planning organization or designated official planning agency with concurrence from the board of county commissioners, to provide advisory assistance to the community transportation coordinator relative to the coordination of transportation services.

1	(8) "Member department" means state agency department
2	whose head is a member of the Florida Coordinated
3	Transportation Disadvantaged Advisory Board commission.
4	(14) "Secretary" means the secretary of the Florida
5	Department of Transportation.
6	(15) "Department" means the Florida Department of
7	Transportation.
8	(16) "Division" means the Division of Community
9	Transportation Services within the Florida Department of
10	Transportation.
11	Section 2. Section 427.012, Florida Statutes, is
12	amended to read:
13	427.012 The Florida Coordinated Transportation
14	Disadvantaged Advisory Board Commission for the Transportation
15	DisadvantagedThere is created the Florida Coordinated
16	Transportation Disadvantaged Advisory Board Commission for the
17	Transportation Disadvantaged in the Department of
18	Transportation.
19	(1) The purpose of the advisory board is to:
20	(a) Advise the department in planning, developing,
21	implementing, and performing evaluation activities related to
22	the coordination of transportation disadvantaged services.
23	(b) Identify barriers prohibiting the coordination and
24	accessibility of transportation services to the transportation
25	disadvantaged.
26	(c) Heighten public awareness as to the purpose and
27	function of coordinated transportation services for the
28	transportation disadvantaged.
29	(d) Make an annual report to the Governor, the
30	President of the Senate, and the Speaker of the House of
31	Representatives by January 1 of each year.

- $\underline{(2)}(1)$ The <u>advisory board</u> commission shall consist of the following members:
- (a) The secretary of the Department of Transportation or the secretary's designee.
- (b) The secretary of the Department of <u>Children and Family Health and Rehabilitative</u> Services or the secretary's designee.
- (c) The Commissioner of Education or the commissioner's designee.
- (d) The secretary of the Department of Labor and Employment Security or the secretary's designee.
- (e) The executive director of the Department of Veterans' Affairs or the executive director's designee.
- (f) The secretary of the Department of Elderly Affairs or the secretary's designee.
- (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.
- (j) 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 handicappedFloridians. Such person shall be appointed by the Governor to

represent handicapped Floridians and shall be appointed to serve a term of 4 years.

- (1) Two citizen advocate representatives who shall be appointed by the Governor for a term of 4 years, one representing rural citizens in counties with 75,000 or less in population and one representing urban citizens.
- (m) A representative of the community transportation coordinators. Such person shall 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.
- (o) Two representatives of current private for-profit or private not-for-profit transportation 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.
- (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.

 $\underline{(3)(2)}$ The chairperson and vice chairperson of the advisory board commission shall be elected annually \underline{by} a majority \underline{from} the membership of the advisory board commission.

(4)(3) Members of the <u>advisory board commission</u> shall serve without compensation but shall be allowed per diem and travel expenses, as provided in s. 112.061.

(5)(4) The advisory board commission shall meet at least twice each year quarterly, or more frequently at the call of the chairperson, at the request of a majority of its members, or at the request of the department; however, the advisory board must meet prior to any significant program revisions or publication of proposed rules relating to the program. Nine members of the commission constitute a quorum, and a majority vote of the members present is necessary for any action taken by the commission.

 $\underline{\text{(6)}}$ The <u>Secretary Governor</u> may remove any member of the advisory board commission for cause.

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

(7) The commission is assigned to the office of the secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it

shall otherwise function independently of the control,
supervision, and direction of the department.

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

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

Services Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the Division of Community Transportation Services commission is to 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 division 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 in cooperation with the Florida Coordinated Transportation Disadvantaged Advisory Board.

- (3) Develop policies and procedures for the coordination of local government, federal, and state funding for the transportation disadvantaged.
- (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.
- (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 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.
- (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 department 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 division commission and shall be used to carry out the division's commission's responsibilities.
- (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.
- (12)(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.
- $\underline{(13)(15)}$ 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.

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

(15)(17) Review, monitor, and coordinate all transportation disadvantaged local government, state, and federal fund requests and plans for conformance with department 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 department-approved 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.

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

 $\underline{(17)(19)}$ Develop and maintain a transportation disadvantaged manual.

(18)(20) Design and develop transportation disadvantaged training programs with cooperation from the Florida Coordinated Transportation Advisory Board.

 $\underline{(19)(21)}$ Coordinate all transportation disadvantaged programs with appropriate state, local, and federal agencies

and public transit agencies to ensure compatibility with existing transportation systems.

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

(21)(23) Develop by rule need-based criteria that must be used by all community transportation coordinators to determine eligibility for transportation assistance and to prioritize the delivery of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

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

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

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

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

1 427.0135 Member departments; duties and
2 responsibilities.--Each member department, in carrying out the
3 policies and procedures of <u>transportation services for the</u>
4 <u>transportation disadvantaged pursuant to ss. 427.011-427.017</u>
5 the commission, shall:

- (1)(a) Use the coordinated transportation system for provision of services to its clients, unless each department meets the criteria 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.
- (2) Provide the <u>division</u> commission, by September 15 of each year, an accounting of all funds spent as well as how many trips were purchased with agency funds.
- (3) Assist communities in developing <u>and maintaining</u> coordinated transportation systems designed to serve the transportation disadvantaged.
- (4) Assure that its rules, procedures, guidelines, and directives are conducive to the coordination of transportation funds and services for the transportation disadvantaged.
- (5) Provide technical assistance, as needed, to community transportation coordinators or transportation operators or participating agencies.
- Section 5. Subsections (2) and (3) of section 427.015, Florida Statutes, are amended to read:
- 427.015 Function of the metropolitan planning organization or designated official planning agency in

4

5

6

7

8

9

10

11

12 13

14

15

16 17

18

19

20

21

22

23

2425

2627

28

2930

31

coordinating transportation for the transportation disadvantaged.--

- (2) Each metropolitan planning organization or designated official planning agency shall recommend to the Secretary commission a single community transportation coordinator approved by the local coordinating board. 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 department 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 based on the department's commission's approved evaluation criteria by the local coordinating board at least annually. A copy of the evaluation shall be submitted to the department 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 Secretary 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 division commission.

Section 6. Subsections (2), (5), (6), and (7) of section 427.0155, Florida Statutes, are amended to read:

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

- (2) Collect annual operating data for submittal to the division commission.
- (5) In cooperation with a functioning <u>local</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 <u>local</u> coordinating board, develop, negotiate, implement, and monitor a memorandum of agreement including a service plan, for submittal to the division commission.
- and pursuant to criteria developed by the <u>department</u>

 Commission for the Transportation Disadvantaged, establish priorities and eligibility requirements with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

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

427.0157 <u>Local</u> coordinating boards; powers and duties.—The purpose of each <u>local</u> coordinating board is to develop local service needs <u>and priorities</u> and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The <u>department commission</u> shall, by rule, establish the membership

of <u>local</u> coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency <u>with concurrence from the board of county commissioners</u>. 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 division commission;
- (2) Evaluate services provided in meeting the approved plan;
- (3) In cooperation with the community transportation coordinator, review and provide recommendations to the division commission on funding applications affecting the transportation disadvantaged;
- (4) Assist the community transportation coordinator in establishing priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.
- (5) Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area; and
- (6) Evaluate multicounty or regional transportation opportunities.
- Section 8. Subsection (3) of section 427.0158, Florida Statutes, is amended to read:
 - 427.0158 School bus and public transportation.--
- (3) The public transit fixed route or fixed schedule system shall cooperate in the utilization of its regular

service to enhance coordinated transportation disadvantaged services by providing the information as required by this section. Annually, no later than October 1, a designee from the local public transit fixed route or fixed schedule system shall provide the community transportation coordinator, with copies to the local coordinating coordinated transportation board, the following information:

- (a) A copy of all current schedules, route maps, system map, and fare structure;
 - (b) A copy of the current charter policy;
- (c) A copy of the current charter rates and hour requirements; and
- (d) Required notification time to arrange for a charter.
- Section 9. Section 427.0159, Florida Statutes, is amended to read:
 - 427.0159 Transportation Disadvantaged Trust Fund.--
- (1) There is established in the State Treasury the Transportation Disadvantaged Trust Fund to be administered by the Florida Department of Transportation Commission for the Transportation Disadvantaged. All fees collected for the transportation disadvantaged program under s. 320.03(9) shall be deposited in the trust fund.
- (2) Funds deposited in the trust fund shall be appropriated by the Legislature to the <u>department</u> commission and shall be used to carry out the responsibilities of the <u>division</u> commission and to fund the administrative expenses of the division commission.
- (3) Funds deposited in the trust fund may be used by the <u>division</u> commission to subsidize a portion of a transportation 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 <u>department</u> Commission for the Transportation

Disadvantaged.

Section 10. 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 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 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.

- (2) Each agency, whether or not it is a member of the Commission for the Transportation Disadvantaged or the Florida Coordinated Transportation Disadvantaged Advisory Board, shall inform the department 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 division commission with an accounting of the actual amount of funds expended and the total number of trips purchased.
- (3) 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 department commission.

Section 11. This act shall take effect July 1 of the year in which enacted.

********** HOUSE SUMMARY Eliminates the Commission for the Transportation Disadvantaged and creates the Florida Coordinated Transportation Disadvantaged Advisory Board. See bill for details.