

By the Committee on Transportation and Representative
Fuller

1 A bill to be entitled
2 An act relating to the transportation
3 disadvantaged; amending s. 427.011, F.S.;
4 providing definitions; amending s. 427.012,
5 F.S.; revising the Commission for the
6 Transportation Disadvantaged; amending s.
7 427.013, F.S.; revising language with respect
8 to the purpose and responsibilities of the
9 commission; amending s. 427.0135, F.S.;
10 providing requirements with respect to agency
11 purchasers of transportation disadvantaged
12 services; providing duties and
13 responsibilities; amending s. 427.015, F.S.;
14 revising language with respect to the function
15 of the metropolitan planning organization or
16 designated official planning agency in
17 coordinating transportation for the
18 transportation disadvantaged; amending s.
19 427.0155, F.S.; revising language with respect
20 to community transportation coordinators;
21 creating s. 427.0156, F.S.; providing for the
22 organization and membership of local
23 coordinating boards; amending s. 427.0157,
24 F.S.; providing for powers and duties of local
25 coordinating boards; amending s. 427.0159,
26 F.S.; revising language with respect to the
27 Transportation Disadvantaged Trust Fund;
28 amending s. 427.016, F.S.; revising language
29 with respect to the expenditure of local
30 government, state, and federal funds for the
31 transportation disadvantaged; creating s.

1 186.024, F.S.; creating a program for
2 transportation services to the transportation
3 disadvantaged; providing legislative findings
4 and intent; providing for a strategic plan;
5 providing for interagency agreement; providing
6 for agency responsibilities; providing an
7 effective date.

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

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11 Section 1. Section 427.011, Florida Statutes, is
12 amended to read:

13 427.011 Definitions.--As used in ~~For the purposes of~~
14 ss. 427.011-427.017, the term:

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

23 (2) "Metropolitan planning organization" means the
24 organization responsible for carrying out transportation
25 planning and programming in accordance with the provisions of
26 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

27 (3) "Agency" means an official, officer, commission,
28 authority, council, committee, department, division, bureau,
29 board, section, or any other unit or entity of the state or of
30 a city, town, municipality, county, or other local governing

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1 body or a private nonprofit transportation service-providing
2 agency.

3 (4) "Transportation improvement program" means a
4 staged multiyear program of transportation improvements,
5 including an annual element, which is developed by a
6 metropolitan planning organization or designated official
7 planning agency.

8 (5) "Community transportation coordinator" means a
9 transportation entity either a county or another entity
10 appointed pursuant to s. 427.015(2)~~recommended by a~~
11 ~~metropolitan planning organization, or by the appropriate~~
12 ~~designated official planning agency as provided for in ss.~~
13 ~~427.011-427.017 in an area outside the purview of a~~
14 ~~metropolitan planning organization,~~ to ensure that coordinated
15 transportation services are provided to the transportation
16 disadvantaged population in a designated service area.

17 (6) "Transportation operator" means one or more
18 public, private for-profit, or private nonprofit entities
19 engaged by the community transportation coordinator to provide
20 service to transportation disadvantaged persons pursuant to a
21 coordinated system service plan.

22 (7) "Local coordinating board" means an advisory
23 entity in each designated service area composed of
24 representatives designated under s. 427.0156 to provide for
25 ~~appointed by the metropolitan planning organization or~~
26 ~~designated official planning agency, to provide assistance to~~
27 ~~the community transportation coordinator relative to the~~
28 coordination of transportation services to transportation
29 disadvantaged persons.

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

1 (8)~~(9)~~ "Paratransit" means those elements of public
2 transit which provide service between specific origins and
3 destinations selected by the individual user with such service
4 being provided at a time that is agreed upon by the user and
5 provider of the service. Paratransit service is provided by
6 taxis, limousines, "dial-a-ride," buses, and other
7 demand-responsive operations that are characterized by their
8 nonscheduled, nonfixed route nature.

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

18 (10)~~(11)~~ "Coordination" means the arrangement for the
19 provision of transportation services to the transportation
20 disadvantaged in a manner that is cost-effective, efficient,
21 and reduces fragmentation and duplication of services.

22 (11)~~(12)~~ "Annual budget ~~estimate~~" means an a budget
23 estimate of money needed annually to provide funding resources
24 ~~available for providing~~ transportation services to the
25 transportation disadvantaged ~~and which is prepared annually to~~
26 ~~cover a period of 1 state fiscal year.~~

27 (12)~~(13)~~ "Nonsponsored transportation disadvantaged
28 services" means transportation disadvantaged services that are
29 not sponsored or subsidized by any funding source other than
30 the Transportation Disadvantaged Trust Fund.

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1 Section 2. Section 427.012, Florida Statutes, is
2 amended to read:

3 427.012 The Commission for the Transportation
4 Disadvantaged.--~~There is created~~ The Commission for the
5 Transportation Disadvantaged is established in the Department
6 of Transportation.

7 (1) The commission shall consist of seven members; the
8 Governor shall appoint three members, and the President of the
9 Senate and the Speaker of the House of Representatives shall
10 each appoint two members. Members of the commission shall
11 serve terms of 4 years each, except that one of the Governor's
12 initial appointees shall serve an initial term of 3 years, and
13 one each of the President of the Senate's and the Speaker of
14 the House of Representatives' initial appointees shall each
15 serve an initial term of 2 years.

16 (2) Each member must be a registered voter and a
17 citizen of the state. Each member of the commission must also
18 possess business managerial experience in the private sector.

19 (3) A member of the commission shall represent the
20 transportation disadvantaged needs of the state as a whole and
21 may not subordinate the needs of the state to those of any
22 particular area of the state.

23 (4) Members of the commission may not be any of the
24 following within 2 years prior to or during, or 2 years after,
25 their service on the commission:

26 (a) A direct or indirect employee of any organization
27 providing transportation, dispatch, scheduling, coordination,
28 consulting, or any related services as, through, or to a
29 community transportation coordinator;

30 (b) A direct or indirect employee of any federal,
31 state, or local government or agency thereof;

1 (c) A direct or indirect employee of any community
2 transportation coordinator, metropolitan planning
3 organization, regional planning council; or

4 (d) An officer, director, or representative of any
5 advocacy group representing any clients, providers, or
6 participants in the coordinated transportation system.

7 ~~(1) The commission shall consist of the following~~
8 ~~members:~~

9 ~~(a) The secretary of the Department of Transportation~~
10 ~~or the secretary's designee.~~

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

13 ~~(c) The Commissioner of Education or the~~
14 ~~commissioner's designee.~~

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

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

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

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

23 ~~(h) A representative of the Florida Association for~~
24 ~~Community Action, who shall serve at the pleasure of that~~
25 ~~association.~~

26 ~~(i) A representative of the Florida Transit~~
27 ~~Association, who shall serve at the pleasure of that~~
28 ~~association.~~

29 ~~(j) A person over the age of 60 who is a member of a~~
30 ~~recognized statewide organization representing elderly~~
31 ~~Floridians. Such person shall be appointed by the Governor to~~

1 ~~represent elderly Floridians and shall be appointed to serve a~~
2 ~~term of 4 years.~~

3 ~~(k) A handicapped person who is a member of a~~
4 ~~recognized statewide organization representing handicapped~~
5 ~~Floridians. Such person shall be appointed by the Governor to~~
6 ~~represent handicapped Floridians and shall be appointed to~~
7 ~~serve a term of 4 years.~~

8 ~~(l) Two citizen advocate representatives who shall be~~
9 ~~appointed by the Governor for a term of 4 years, one~~
10 ~~representing rural citizens and one representing urban~~
11 ~~citizens.~~

12 ~~(m) A representative of the community transportation~~
13 ~~coordinators. Such person shall be appointed by the Governor~~
14 ~~to represent all community transportation coordinators and~~
15 ~~shall be appointed to serve a term of 4 years.~~

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

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

28 ~~(p) Four representatives of current private for-profit~~
29 ~~or private not-for-profit transportation operators, each of~~
30 ~~which having a minimum of 5 years of continuous experience~~
31 ~~operating a broad-based system of ambulatory and wheelchair or~~

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

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

9 (5)~~(2)~~ The chairperson and vice chairperson of the
10 commission shall be elected annually from the membership of
11 the commission.

12 (6)~~(3)~~ Members of the commission shall serve without
13 compensation but shall be allowed per diem and travel
14 expenses, as provided in s. 112.061.

15 (7)~~(4)~~ The commission shall meet at least quarterly,
16 or more frequently at the call of the chairperson. A majority
17 of the ~~Nine~~ members of the commission constitute a quorum, and
18 a majority vote of the members present is necessary for any
19 action taken by the commission.

20 (8)~~(5)~~ The Governor may remove any member of the
21 commission for cause.

22 (9)~~(6)~~ The commission shall ~~appoint an executive~~
23 ~~director who shall serve under the direction, supervision, and~~
24 ~~control of the commission. The executive director, with the~~
25 ~~consent of the commission, shall employ such personnel as may~~
26 ~~be necessary to perform adequately the functions of the~~
27 ~~commission within budgetary limitations. All employees of the~~
28 ~~commission are exempt from the Career Service System.~~

29 (10)~~(7)~~ The commission is assigned to the office of
30 the secretary of the Department of Transportation for
31 administrative and fiscal accountability purposes, but it

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

3 (11)~~(8)~~ The commission shall develop a budget for the
4 Transportation Disadvantaged Trust Fund pursuant to chapter
5 216. The budget is not subject to change by the department
6 staff after it has been approved by the commission, but it
7 shall be transmitted to the Governor, as head of the
8 department, along with the budget of the department.

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

11 427.013 The Commission for the Transportation
12 Disadvantaged; purpose and responsibilities.--The purpose of
13 the commission is to review the status and operation of the
14 coordinated transportation system and recommend improvements
15 to the Governor and Legislature ~~accomplish the coordination of~~
16 ~~transportation services provided to the transportation~~
17 ~~disadvantaged. The goal of this coordination shall be to~~
18 ~~assure the cost-effective provision of transportation by~~
19 ~~qualified community transportation coordinators or~~
20 ~~transportation operators for the transportation disadvantaged~~
21 ~~without any bias or presumption in favor of multioperator~~
22 ~~systems or not-for-profit transportation operators over single~~
23 ~~operator systems or for-profit transportation operators. In~~
24 carrying out this purpose, the commission shall:

25 ~~(1) Compile all available information on the~~
26 ~~transportation operations for and needs of the transportation~~
27 ~~disadvantaged in the state.~~

28 ~~(2) Establish statewide objectives for providing~~
29 ~~transportation services for the transportation disadvantaged.~~

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

4 ~~(4) Identify barriers prohibiting the coordination and~~
5 ~~accessibility of transportation services to the transportation~~
6 ~~disadvantaged and aggressively pursue the elimination of these~~
7 ~~barriers.~~

8 (1)(5) Serve as a clearinghouse for information about
9 transportation disadvantaged services, training, funding
10 sources, innovations, and coordination efforts.

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

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

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

19 ~~(b) Provide, by rule, criteria and procedures for~~
20 ~~member departments to use if they wish to use an alternative~~
21 ~~provider. Departments must demonstrate either that the~~
22 ~~proposed alternative provider can provide a trip of acceptable~~
23 ~~quality for the clients at a lower cost than that provided~~
24 ~~within the coordinated system, or that the coordinated system~~
25 ~~cannot accommodate the department's clients.~~

26 ~~(9) Develop standards covering coordination,~~
27 ~~operation, costs, and utilization of transportation~~
28 ~~disadvantaged services. These standards shall include, but not~~
29 ~~be limited to:~~

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1 ~~(a) Inclusion, by rule, of acceptable ranges of trip~~
2 ~~costs for the various modes and types of transportation~~
3 ~~services provided.~~

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

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

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

12 ~~(12) Have the authority to apply for and accept funds,~~
13 ~~grants, gifts, and services from the Federal Government, state~~
14 ~~government, local governments, or private funding sources.~~
15 ~~Applications by the commission for local government funds~~
16 ~~shall be coordinated through the appropriate coordinating~~
17 ~~board. Funds acquired or accepted under this subsection shall~~
18 ~~be administered by the commission and shall be used to carry~~
19 ~~out the commission's responsibilities.~~

20 ~~(2)(13)~~ Make an annual report to the Governor, the
21 President of the Senate, and the Speaker of the House of
22 Representatives by January 1 of each year.

23 (a) The report must include the annual budgets and
24 actual expenditures for transportation disadvantaged services
25 for each state agency, and the annual budgets and actual
26 expenditures of each official planning agency, local
27 government, and directly federally funded agency.

28 (b) The report must include reviews of the cost
29 effectiveness of local coordinating boards, including their
30 community transportation coordinators or other providers. The
31 commission shall schedule these reviews so that each board is

1 reviewed at least once every 3 years. The report may address
2 the following:
3 1. The extent to which the board, coordinator, or
4 provider is maximizing the use of volunteer services.
5 2. The extent to which the board, coordinator, or
6 provider is maximizing the use of resources for which federal,
7 state, or local government agencies have already paid, such as
8 transit and fixed-route services.
9 3. The extent to which the board or coordinator has
10 compared the cost of its actual and proposed services with
11 those of local nongovernmental transportation operators
12 serving the general public for trips of equal average trip
13 length. Such comparison may distinguish between the accessible
14 and nonaccessible trips but shall be without regard to other
15 special requirements and, if the coordinator's or provider's
16 actual or proposed cost exceeds such private market costs, the
17 extent to which the board or coordinator has demonstrated
18 either:
19 a. An essential public welfare concern that justifies
20 the higher expenditure;
21 b. Its plans to bring its cost down to the level of
22 the general market; or
23 c. Its plan to access the general market.
24 4. If the board or coordinator uses a system other
25 than the general market services, the extent to which such
26 system has been compared in cost to nongeneral market services
27 in comparable jurisdictions. Should the actual or proposed
28 cost of the system exceed the cost of comparable systems, the
29 extent to which the board or coordinator has demonstrated
30 either:
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1 a. An essential public welfare concern that justifies
2 the higher expenditure; or

3 b. That it plans to reduce costs to or below the level
4 of comparable systems.

5 5. The extent to which the board has developed an
6 anti-fraud program which provides a comprehensive and cost
7 effective anti-fraud strategy.

8 6. The extent to which the board has developed a
9 quality of service program that provides a comprehensive and
10 effective quality of service assurance for clients of the
11 system.

12 7. The extent to which the board has developed an
13 eligibility screening process that assures that only persons
14 meeting the statutory requirements of federal and state law
15 are permitted to utilize the system with prioritization as to
16 need to the extent allowable by law.

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

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

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

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

15 (3)(18) Coordinate ~~Develop~~ an interagency uniform
16 contracting and billing and accounting system that shall be
17 used by all community transportation coordinators and their
18 transportation operators.

19 (4) Participate in the development of the
20 transportation disadvantaged joint strategic plan pursuant to
21 s. 186.024.

22 (5) Adopt rules and procedures necessary to carry out
23 the provisions of ss. 427.011-427.017.

24 ~~(19) Develop and maintain a transportation~~
25 ~~disadvantaged manual.~~

26 ~~(20) Design and develop transportation disadvantaged~~
27 ~~training programs.~~

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

1 ~~(22) Designate the official planning agency in areas~~
2 ~~outside of the purview of a metropolitan planning~~
3 ~~organization.~~

4 ~~(23) Develop need-based criteria that must be used by~~
5 ~~all community transportation coordinators to prioritize the~~
6 ~~delivery of nonsponsored transportation disadvantaged services~~
7 ~~that are purchased with Transportation Disadvantaged Trust~~
8 ~~Fund moneys.~~

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

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

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

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

28 427.0135 Agency purchasers of transportation
29 disadvantaged services ~~Member departments~~; duties and
30 responsibilities.--Each agency purchasing transportation
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1 ~~disadvantaged services member department, in carrying out the~~
2 ~~policies and procedures of the commission, shall:~~

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

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

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

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

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

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

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

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

1 (1) The metropolitan planning organization, or
2 regional planning council if no metropolitan planning
3 organization exists, shall assist in the coordination of
4 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 or transportation operators
9 without bias or presumption in favor of multioperator systems
10 or not-for-profit transportation operators over
11 single-operator systems or for-profit systems.~~In developing~~
12 ~~the transportation improvement program, each metropolitan~~
13 ~~planning organization or designated official planning agency~~
14 ~~in this state shall include a realistic estimate of the cost~~
15 ~~and revenue that will be derived from transportation~~
16 ~~disadvantaged services in its area. The transportation~~
17 ~~improvement program shall also identify transportation~~
18 ~~improvements that will be advanced with such funds during the~~
19 ~~program period. Funds required by this subsection to be~~
20 ~~included in the transportation improvement program shall only~~
21 ~~be included after consultation with all affected agencies and~~
22 ~~shall only be expended if such funds are included in the~~
23 ~~transportation improvement program.~~

24 (2) If a county government elects not to be the
25 community transportation coordinator, then the ~~Each~~
26 ~~metropolitan planning organization or designated official~~
27 ~~planning agency shall~~ select a community transportation
28 coordinator. The selection of community transportation
29 coordinators by a metropolitan planning organization or a
30 designated official planning agency shall be in compliance
31 with the competitive procurement procedures contained in

1 chapter 287 or in compliance with competitive procurement
2 procedures of local government. A community transportation
3 coordinator may be terminated for good cause by the
4 metropolitan planning organization or designated official
5 planning agency.~~recommend to the commission a single~~
6 ~~community transportation coordinator. The coordinator may~~
7 ~~provide all or a portion of needed transportation services for~~
8 ~~the transportation disadvantaged but shall be responsible for~~
9 ~~the provision of those coordinated services. Based on approved~~
10 ~~commission evaluation criteria, the coordinator shall~~
11 ~~subcontract or broker those services that are more~~
12 ~~cost-effectively and efficiently provided by subcontracting or~~
13 ~~brokering. The performance of the coordinator shall be~~
14 ~~evaluated based on the commission's approved evaluation~~
15 ~~criteria by the coordinating board at least annually. A copy~~
16 ~~of the evaluation shall be submitted to the metropolitan~~
17 ~~planning organization or the designated official planning~~
18 ~~agency, and the commission. The recommendation or termination~~
19 ~~of any community transportation coordinator shall be subject~~
20 ~~to approval by the commission.~~

21 (3) Each metropolitan planning organization or
22 designated official planning agency shall request each local
23 government in its jurisdiction to provide an estimate of all
24 local and direct federal funds to be expended for
25 transportation for the disadvantaged. The metropolitan
26 planning organization or designated official planning agency
27 shall consolidate this information into a single report and
28 forward it, by the beginning of each fiscal year, to the
29 commission.

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

1 427.0155 Community transportation coordinators; powers
2 and duties.--Community transportation coordinators shall have
3 the following powers and duties:

4 (1) Execute uniform contracts for service using a
5 standard contract, which includes performance standards for
6 operators. When purchasing transportation disadvantaged
7 services, each community transportation coordinator must
8 comply with the competitive procurement procedures contained
9 in chapter 287 or, if a public community transportation
10 coordinator, it must comply with competitive procurement
11 procedures of the governing board.

12 (2) Collect annual operating data for submittal to the
13 local coordinating board, the designated official planning
14 agency, and the commission.

15 (3) Review all transportation operator contracts
16 annually.

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

20 (5) In cooperation with a local functioning
21 coordinating board, review all applications for local
22 government, federal, and state transportation disadvantaged
23 funds, and develop cost-effective coordination strategies.

24 ~~(6) In cooperation with, and approved by, the~~
25 ~~coordinating board, Develop, negotiate, implement, and monitor~~
26 ~~a transportation disadvantaged memorandum of agreement~~
27 ~~including a service plan, for submittal to the commission. The~~
28 ~~transportation disadvantaged service plan must be reviewed and~~
29 ~~approved by the local coordinating board.~~

30 ~~(7) In cooperation with the coordinating board and~~
31 ~~pursuant to criteria developed by the Commission for the~~

1 ~~Transportation Disadvantaged~~, Establish priorities with regard
2 to the recipients of nonsponsored transportation disadvantaged
3 services that are purchased with Transportation Disadvantaged
4 Trust Fund moneys in consultation with the local coordinating
5 board.

6 (8) Have full responsibility for the delivery of
7 transportation services for the transportation disadvantaged
8 as outlined in s. 427.015(2). The coordinator may provide all
9 or a portion of needed transportation services for the
10 transportation disadvantaged but shall be responsible for the
11 provision of those coordinated services. The coordinator shall
12 subcontract or broker those services that are more
13 cost-effectively and efficiently provided by subcontracting or
14 brokering, except a for-profit private entity appointed as a
15 coordinator must not be a transportation operator. At least
16 annually, the performance of the coordinator shall be
17 evaluated by the local coordinating board, based on evaluation
18 guidelines contained in the joint interagency strategic plan
19 and agreement pursuant to s. 186.024. A copy of the evaluation
20 shall be submitted to the appointing authority, the governing
21 board, and the commission.

22 (9) In cooperation with the local coordinating board,
23 establish productivity and performance measures which at a
24 minimum must include those guidelines established in the joint
25 interagency strategic plan and agreement.

26 (10) Publish in a local newspaper of general
27 circulation in its area the productivity and performance
28 measures established for the year and a report which provides
29 quantitative data relative to the attainment of established
30 productivity and performance measures.

31

1 Section 7. Section 427.0156, Florida Statutes, is
2 created to read:

3 427.0156 Local coordinating boards; organization;
4 membership.--A local coordinating board shall be established
5 in each county. However, when agreed upon in writing by the
6 board of county commissioners or its designees in each county
7 to be covered in the service area, multicounty local
8 coordinating boards may be appointed. In a multicounty service
9 area, the written agreement must state the order in which the
10 counties will rotate the position of chair and the length of
11 time for which each county is to serve as chair of the local
12 coordinating board.

13 (1) The metropolitan planning organization or
14 designated official planning agency shall appoint one elected
15 official to serve as official chair for all local coordinating
16 board meetings. The appointed chair must be an elected
17 official from the county that the local coordinating board
18 serves. For a multicounty local coordinating board, the
19 elected official who is appointed to serve as chair must be
20 from one of the counties served. The chair of a multicounty
21 local coordinating board shall coordinate equal representation
22 of the counties in the service area, as is feasible.

23 (2) The local coordinating board shall hold an
24 organizational meeting each year for the purpose of electing a
25 vice chair. The vice chair must be elected by a majority vote
26 of a quorum of the members present at the organizational
27 meeting. When the chair is absent, the vice chair shall assume
28 the duties of the chair and conduct the meeting.

29 (3) In addition to the chair, the following entities
30 must be voting members of a local coordinating board:

31

- 1 (a) A local representative of the Department of
2 Transportation appointed by the secretary of that department.
- 3 (b) A local representative of the Department of
4 Children and Family Services appointed by the secretary of
5 that department.
- 6 (c) A local representative of the Department of Labor
7 and Employment Security appointed by the secretary of that
8 department.
- 9 (d) A local representative of the Department of
10 Elderly Affairs appointed by the secretary of that department.
- 11 (e) A local representative of the Agency for Health
12 Care Administration appointed by the executive director of
13 that agency.
- 14 (f) A local representative of the Department of
15 Juvenile Justice appointed by the secretary of that
16 department.
- 17 (g) A local representative of the Department of Health
18 appointed by the secretary of that department.
- 19 (h) A representative of the local WAGES coalition
20 appointed by the chair of the local coalition.
- 21 (i) A local representative of the Department of
22 Veterans' Affairs appointed by the executive director of that
23 department.
- 24 (j) In counties served by public transit systems, a
25 representative of the local transit agency appointed by the
26 executive director of the transit agency.
- 27 (k) One representative of the private for-profit and
28 private not-for-profit transportation industry appointed by a
29 majority vote of a quorum of the members present.
- 30 (l) Two citizen representatives who use the
31 coordinated transportation system as their primary means of

1 transportation appointed by a majority vote of the members
2 present.

3 (m) Other representatives as deemed appropriate by a
4 majority vote of the members present.

5 (4) Except for the chair, members of the local
6 coordinating board shall be appointed for 3-year staggered
7 terms with initial members being appointed equally for terms
8 of 1, 2, or 3 years. The chair shall serve until replaced by
9 the designated official planning agency.

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

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

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

23 Section 8. Section 427.0157, Florida Statutes, is
24 amended to read:

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

1 ~~coordinating boards. The members of each board shall be~~
2 ~~appointed by the metropolitan planning organization or~~
3 ~~designated official planning agency.~~ The appointing authority
4 shall provide each board with sufficient staff support and
5 resources to enable the board to fulfill its responsibilities
6 under this section. Each board shall meet at least quarterly
7 and shall:

8 (1) Review ~~and approve~~ the coordinated community
9 transportation disadvantaged service plan with the community
10 transportation coordinator and provide its findings, if any,
11 to the governing board or appointing authority of the
12 community transportation coordinator, and, ~~including the~~
13 ~~memorandum of agreement, prior to submittal~~ to the
14 commission.†

15 (2) Evaluate services provided in meeting the approved
16 plan.†

17 (3) In cooperation with the community transportation
18 coordinator, review ~~and provide recommendations to the~~
19 ~~commission on~~ funding applications affecting the
20 transportation disadvantaged.†

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

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

30 (6) Evaluate multicounty or regional transportation
31 opportunities.

1 (7) Assure that agencies purchase all trips within the
2 coordinated system, unless they use a more cost-effective
3 alternative provider approved by the local coordinating board.

4 Section 9. Section 427.0159, Florida Statutes, is
5 amended to read:

6 427.0159 Transportation Disadvantaged Trust Fund.--

7 (1) There is established in the State Treasury the
8 Transportation Disadvantaged Trust Fund to be administered by
9 the Commission for the Transportation Disadvantaged. All fees
10 collected for the transportation disadvantaged program under
11 s. 320.03(9) shall be deposited in the trust fund.

12 (2) Funds deposited in the trust fund shall be
13 ~~appropriated by the Legislature to the commission and shall be~~
14 used to fund grants for operational, planning, and
15 match-requirement expenses associated with the provision of
16 transportation disadvantaged services ~~carry out the~~
17 ~~responsibilities of the commission~~ and to fund the
18 administrative expenses of the commission.

19 (3) The Commission for the Transportation
20 Disadvantaged, in consultation with local coordinating boards
21 representing rural and urban coordinated systems, shall
22 determine a fair and equitable grant distribution formula for
23 transportation disadvantaged funds. The formula must include a
24 base allocation for each county and may address, but is not
25 limited to, the following variables:

26 (a) The average trip length.

27 (b) The ratio of low-income population to total county
28 population.

29 (c) The number of medical trips performed.

30 (d) The number of trips per vehicle mile.

31 (e) The availability of mass transit.

1 (4) Local coordinating boards shall determine the
2 prioritization utilization of such grant funds received
3 pursuant to the allocation formula. The local boards shall not
4 be responsible to the commission regarding the expenditure of
5 such funds except to assure that they are expended for the
6 purposes expressed in subsection (2).~~Funds deposited in the~~
7 ~~trust fund may be used by the commission to subsidize a~~
8 ~~portion of a transportation disadvantaged person's~~
9 ~~transportation costs which is not sponsored by an agency, only~~
10 ~~if a cash or in-kind match is required. Funds for nonsponsored~~
11 ~~transportation disadvantaged services shall be distributed~~
12 ~~based upon the need of the recipient and according to criteria~~
13 ~~developed by the Commission for the Transportation~~
14 ~~Disadvantaged.~~

15 Section 10. Section 427.016, Florida Statutes, is
16 amended to read:

17 427.016 Expenditure of local government, state, and
18 federal funds for the transportation disadvantaged.--

19 (1)(a) All transportation disadvantaged funds ~~expended~~
20 ~~within the state~~ shall be expended to purchase transportation
21 services from community transportation coordinators or public,
22 private, or private nonprofit transportation operators within
23 the coordinated transportation system, except when the rates
24 charged by proposed alternate operators are determined by a
25 local coordinating board ~~proven, pursuant to rules generated~~
26 ~~by the Commission for the Transportation Disadvantaged,~~ to be
27 more cost-effective and are not a risk to the public health,
28 safety, or welfare. However, in areas where transportation
29 suited to the unique needs of a transportation disadvantaged
30 person cannot be purchased through the coordinated system, or
31 where the agency has met the ~~rule~~ criteria established by a

1 local coordinating board for using an alternative provider,
2 the service may be contracted for directly by the appropriate
3 agency.

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

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

29 (3) Each metropolitan planning organization or
30 designated official planning agency shall annually compile a
31 report accounting for all local government and direct federal

1 funds for transportation for the disadvantaged expended in its
2 jurisdiction and forward this report by September 15 to the
3 commission.

4 Section 11. Section 186.024, Florida Statutes, is
5 created to read:

6 186.024 Transportation services to the transportation
7 disadvantaged program; legislative findings and intent;
8 strategic plan; interagency agreement; agency
9 responsibilities.--

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

20 (2) The Department of Transportation, Department of
21 Elderly Affairs, Department of Children and Family Services,
22 Department of Health, Department of Juvenile Justice,
23 Department of Labor and Employment Security, the Agency for
24 Health Care Administration, and the Commission for the
25 Transportation Disadvantaged shall cooperatively prepare a
26 joint strategic plan relating to cost-effective delivery of
27 services to the transportation disadvantaged. The plan shall
28 include, but not be limited to, the following:

29 (a) Identification of the program or unit within each
30 agency which has the responsibility for delivering services to
31 the transportation disadvantaged, and an accounting of funds

1 appropriated and spent for transportation disadvantaged
2 services by each agency.

3 (b) Identification of strategies for coordination of
4 transportation services on an interagency basis and a
5 description of interagency progress on implementation of
6 coordinating strategies.

7 (c) Identification of strategies for eliminating
8 duplication and fragmentation of services on an interagency
9 basis and a description of interagency progress on
10 implementing such strategies.

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

19 (e) Identification of barriers impacting
20 implementation of strategies and activities to provide
21 cost-effective and coordinated transportation services to the
22 transportation disadvantaged.

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

27 (g) Recommendations, if any, for legislative,
28 administrative, or budgetary changes. Budgetary changes shall
29 include recommendations regarding a consolidation and pooling
30 of all transportation disadvantaged service funds, including
31 federal funds specifically allocated for social and economic

1 assistance (Medicaid). Such budget recommendations shall be
2 consistent with the goals of the joint strategic plan and with
3 the continuum of comprehensive services.

4 (h) Strategies to ensure that agencies purchase trips
5 within the coordinated system, unless they use a more
6 cost-effective alternative provider approved by the local
7 coordinating board.

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

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

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

19 (3) The entities designated in subsection (2) shall
20 forward the joint strategic plan described in this section to
21 the Executive Office of the Governor in the same manner as
22 provided in s. 186.022 for agency strategic plans. The joint
23 strategic plan shall be prepared, reviewed, and submitted to
24 the Legislature in accordance with s. 186.022(1)-(7). At least
25 biennially, the entities shall readdress the joint strategic
26 plan submitted pursuant to this section and make
27 recommendations for changes to the Executive Office of the
28 Governor.

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

1 (5) The entities described in subsection (2) shall
2 designate appropriate agency personnel to carry out
3 interagency responsibilities for developing the joint
4 strategic plan and joint interagency agreement and for
5 coordinating and monitoring implementation of the
6 transportation services to the transportation disadvantaged
7 program.

8 Section 12. This act shall take effect October 1 of
9 the year in which enacted.

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HOUSE SUMMARY

Revises current provisions of law with respect to the transportation disadvantaged and revises the make-up and duties of the Commission for the Transportation Disadvantaged. See bill for details.