

By the Committees on Governmental Operations,
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 two members at least one of which shall
9 be a handicapped person, and the President of the Senate, the
10 Speaker of the House of Representatives, the State Treasurer,
11 the Commissioner of Education, and the Commissioner of
12 Agriculture shall each appoint one member. Members of the
13 commission shall serve terms of 4 years each, except that one
14 of the Governor's initial appointees shall serve an initial
15 term of 3 years, and one each of the President of the Senate's
16 and the Speaker of the House of Representatives' initial
17 appointees shall each serve an initial term of 2 years.

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

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

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

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

- 1 (b) A direct or indirect employee of any federal,
2 state, or local government or agency thereof;
- 3 (c) A direct or indirect employee of any community
4 transportation coordinator, metropolitan planning
5 organization, regional planning council; or
- 6 (d) An officer, director, or representative of any
7 advocacy group representing any clients, providers, or
8 participants in the coordinated transportation system.
- 9 ~~(1) The commission shall consist of the following~~
10 ~~members:~~
- 11 ~~(a) The secretary of the Department of Transportation~~
12 ~~or the secretary's designee.~~
- 13 ~~(b) The secretary of the Department of Health and~~
14 ~~Rehabilitative Services or the secretary's designee.~~
- 15 ~~(c) The Commissioner of Education or the~~
16 ~~commissioner's designee.~~
- 17 ~~(d) The secretary of the Department of Labor and~~
18 ~~Employment Security or the secretary's designee.~~
- 19 ~~(e) The executive director of the Department of~~
20 ~~Veterans' Affairs or the executive director's designee.~~
- 21 ~~(f) The secretary of the Department of Elderly Affairs~~
22 ~~or the secretary's designee.~~
- 23 ~~(g) The director of the Agency for Health Care~~
24 ~~Administration or the director's designee.~~
- 25 ~~(h) A representative of the Florida Association for~~
26 ~~Community Action, who shall serve at the pleasure of that~~
27 ~~association.~~
- 28 ~~(i) A representative of the Florida Transit~~
29 ~~Association, who shall serve at the pleasure of that~~
30 ~~association.~~
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1 ~~(j) A person over the age of 60 who is a member of a~~
2 ~~recognized statewide organization representing elderly~~
3 ~~Floridians. Such person shall be appointed by the Governor to~~
4 ~~represent elderly Floridians and shall be appointed to serve a~~
5 ~~term of 4 years.~~

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

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

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

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

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

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1 ~~(p) Four representatives of current private for-profit~~
2 ~~or private not-for-profit transportation operators, each of~~
3 ~~which having a minimum of 5 years of continuous experience~~
4 ~~operating a broad-based system of ambulatory and wheelchair or~~
5 ~~stretcher-type transportation, utilizing not less than 50~~
6 ~~vehicles, and including dispatch and scheduling~~
7 ~~responsibilities. Such persons shall be appointed by the~~
8 ~~Commissioner of Agriculture to serve a term of 4 years.~~

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

13 (5)~~(2)~~ The chairperson and vice chairperson of the
14 commission shall be elected annually from the membership of
15 the commission.

16 (6)~~(3)~~ Members of the commission shall serve without
17 compensation but shall be allowed per diem and travel
18 expenses, as provided in s. 112.061.

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

24 (8)~~(5)~~ The Governor may remove any member of the
25 commission for cause.

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

3 (10)~~(7)~~ The commission is assigned to the office of
4 the secretary of the Department of Transportation for
5 administrative and fiscal accountability purposes, but it
6 shall otherwise function independently of the control,
7 supervision, and direction of the department.

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

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

16 427.013 The Commission for the Transportation
17 Disadvantaged; purpose and responsibilities.--The purpose of
18 the commission is to review the status and operation of the
19 coordinated transportation system and recommend improvements
20 to the Governor and Legislature ~~accomplish the coordination of~~
21 ~~transportation services provided to the transportation~~
22 ~~disadvantaged. The goal of this coordination shall be to~~
23 ~~assure the cost-effective provision of transportation by~~
24 ~~qualified community transportation coordinators or~~
25 ~~transportation operators for the transportation disadvantaged~~
26 ~~without any bias or presumption in favor of multioperator~~
27 ~~systems or not-for-profit transportation operators over single~~
28 ~~operator systems or for-profit transportation operators. In~~
29 carrying out this purpose, the commission 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) Establish statewide objectives for providing~~
5 ~~transportation services for the transportation disadvantaged.~~
- 6 ~~(3) Develop policies and procedures for the~~
7 ~~coordination of local government, federal, and state funding~~
8 ~~for the transportation disadvantaged.~~
- 9 ~~(4) Identify barriers prohibiting the coordination and~~
10 ~~accessibility of transportation services to the transportation~~
11 ~~disadvantaged and aggressively pursue the elimination of these~~
12 ~~barriers.~~
- 13 (1)(5) Serve as a clearinghouse for information about
14 transportation disadvantaged services, training, funding
15 sources, innovations, and coordination efforts.
- 16 ~~(6) Assist communities in developing transportation~~
17 ~~systems designed to serve the transportation disadvantaged.~~
- 18 ~~(7) Assure that all procedures, guidelines, and~~
19 ~~directives issued by member departments are conducive to the~~
20 ~~coordination of transportation services.~~
- 21 ~~(8)(a) Assure that member departments purchase all~~
22 ~~trips within the coordinated system, unless they use a more~~
23 ~~cost-effective alternative provider.~~
- 24 ~~(b) Provide, by rule, criteria and procedures for~~
25 ~~member departments to use if they wish to use an alternative~~
26 ~~provider. Departments must demonstrate either that the~~
27 ~~proposed alternative provider can provide a trip of acceptable~~
28 ~~quality for the clients at a lower cost than that provided~~
29 ~~within the coordinated system, or that the coordinated system~~
30 ~~cannot accommodate the department's clients.~~
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1 ~~(9) Develop standards covering coordination,~~
2 ~~operation, costs, and utilization of transportation~~
3 ~~disadvantaged services. These standards shall include, but not~~
4 ~~be limited to:~~
5 ~~(a) Inclusion, by rule, of acceptable ranges of trip~~
6 ~~costs for the various modes and types of transportation~~
7 ~~services provided.~~
8 ~~(b) Minimum performance standards for the delivery of~~
9 ~~services. These standards should be included in coordinator~~
10 ~~and operator contracts with clear penalties for repeated or~~
11 ~~continuing violations.~~
12 ~~(10) Develop and monitor rules and procedures to~~
13 ~~implement the provisions of ss. 427.011-427.017.~~
14 ~~(11) Approve the appointment of all community~~
15 ~~transportation coordinators.~~
16 ~~(12) Have the authority to apply for and accept funds,~~
17 ~~grants, gifts, and services from the Federal Government, state~~
18 ~~government, local governments, or private funding sources.~~
19 ~~Applications by the commission for local government funds~~
20 ~~shall be coordinated through the appropriate coordinating~~
21 ~~board. Funds acquired or accepted under this subsection shall~~
22 ~~be administered by the commission and shall be used to carry~~
23 ~~out the commission's responsibilities.~~
24 (2)(13) Make an annual report to the Governor, the
25 President of the Senate, and the Speaker of the House of
26 Representatives by January 1 of each year.
27 (a) The report must include the annual budgets and
28 actual expenditures for transportation disadvantaged services
29 for each state agency, and the annual budgets and actual
30 expenditures of each official planning agency, local
31 government, and directly federally funded agency.

1 (b) The report must include reviews of the
2 cost-effectiveness of local coordinating boards, including
3 their community transportation coordinators or other
4 providers. The commission shall schedule these reviews so that
5 each board is reviewed at least once every 3 years. The report
6 shall address the following:

7 1. The extent to which the board, coordinator, or
8 provider is maximizing the use of volunteer services.

9 2. The extent to which the board, coordinator, or
10 provider is maximizing the use of resources for which federal,
11 state, or local government agencies have already paid, such as
12 transit and fixed-route services.

13 3. The extent to which the board or coordinator has
14 compared the cost of its actual and proposed services with
15 those of local nongovernmental transportation operators
16 serving the general public for trips of equal average trip
17 length. Such comparison may distinguish between the accessible
18 and nonaccessible trips but shall be without regard to other
19 special requirements and, if the coordinator's or provider's
20 actual or proposed cost exceeds such private market costs, the
21 extent to which the board or coordinator has demonstrated
22 either:

23 a. An essential public welfare concern that justifies
24 the higher expenditure;

25 b. Its plans to bring its cost down to the level of
26 the general market; or

27 c. Its plan to access the general market.

28 4. If the board or coordinator uses a system other
29 than the general market services, the extent to which such
30 system has been compared in cost to nongeneral market services
31 in comparable jurisdictions. Should the actual or proposed

1 cost of the system exceed the cost of comparable systems, the
2 extent to which the board or coordinator has demonstrated
3 either:
4 a. An essential public welfare concern that justifies
5 the higher expenditure; or
6 b. That it plans to reduce costs to or below the level
7 of comparable systems.
8 5. The extent to which the board has developed an
9 anti-fraud program which provides a comprehensive and cost
10 effective anti-fraud strategy.
11 6. The extent to which the board has developed a
12 quality of service program that provides a comprehensive and
13 effective quality of service assurance for clients of the
14 system.
15 7. The extent to which the board has developed an
16 eligibility screening process that assures that only persons
17 meeting the statutory requirements of federal and state law
18 are permitted to utilize the system with prioritization as to
19 need to the extent allowable by law.
20 ~~(14) Consolidate, for each state agency, the annual~~
21 ~~budget estimates for transportation disadvantaged services,~~
22 ~~and the amounts of each agency's actual expenditures, together~~
23 ~~with the annual budget estimates of each official planning~~
24 ~~agency, local government, and directly federally funded agency~~
25 ~~and issue a report.~~
26 ~~(15) Prepare a statewide 5-year transportation~~
27 ~~disadvantaged plan which addresses the transportation problems~~
28 ~~and needs of the transportation disadvantaged, which is fully~~
29 ~~coordinated with local transit plans, compatible with local~~
30 ~~government comprehensive plans, and which ensures that the~~
31 ~~most cost-effective and efficient method of providing~~

1 ~~transportation to the disadvantaged is programmed for~~
2 ~~development.~~

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

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

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

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

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

26 ~~(19) Develop and maintain a transportation~~
27 ~~disadvantaged manual.~~

28 ~~(20) Design and develop transportation disadvantaged~~
29 ~~training programs.~~

30 ~~(21) Coordinate all transportation disadvantaged~~
31 ~~programs with appropriate state, local, and federal agencies~~

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

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

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

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

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

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

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

30 427.0135 Agency purchasers of transportation
31 disadvantaged services ~~Member departments~~; duties and

1 responsibilities.--Each agency purchasing transportation
2 disadvantaged services ~~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 agency
6 ~~department~~ meets the criteria developed by the local
7 coordinating board ~~outlined in rule~~ to use an alternative
8 provider.

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

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

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

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

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

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

29 427.015 Function of the metropolitan planning
30 organization or designated official planning agency in
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1 coordinating transportation for the transportation
2 disadvantaged.--
3 (1) The metropolitan planning organization, or
4 regional planning council if no metropolitan planning
5 organization exists, shall assist in the coordination of
6 transportation services provided to the transportation
7 disadvantaged. The goal of this coordination is to assure the
8 cost-effective provision of transportation by qualified
9 transportation coordinators or transportation operators for
10 the transportation disadvantaged without any bias or
11 presumption in favor of multioperator systems or
12 not-for-profit transportation operators over single-operator
13 systems or for-profit systems.In developing the
14 transportation improvement program, each metropolitan planning
15 organization or designated official planning agency in this
16 state shall include a realistic estimate of the cost and
17 revenue that will be derived from transportation disadvantaged
18 services in its area. The transportation improvement program
19 shall also identify transportation improvements that will be
20 advanced with such funds during the program period. Funds
21 required by this subsection to be included in the
22 transportation improvement program shall only be included
23 after consultation with all affected agencies and shall only
24 be expended if such funds are included in the transportation
25 improvement program.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (9) In cooperation with the local coordinating board,
26 establish productivity and performance measures which at a
27 minimum must include those guidelines established in the
28 transportation disadvantaged joint strategic plan pursuant to
29 s. 186.024.

30 Section 7. Section 427.0156, Florida Statutes, is
31 created to read:

1 427.0156 Local coordinating boards; organization;
2 membership.--A local coordinating board shall be established
3 in each county. However, when agreed upon in writing by the
4 boards of county commissions in each county to be covered in
5 the service area, multicounty local coordinating boards may be
6 appointed. In a multicounty service area, the written
7 agreement must state the order in which the counties will
8 rotate the position of chair and the length of time for which
9 each county is to serve as chair of the local coordinating
10 board.

11 (1) In the case of a single county board, the
12 membership of the local coordinating board shall consist of
13 seven persons, each appointed for a term of 2 years by the
14 county commission or equivalent county elected governing
15 authority.

16 (2) In the case of a multicounty board, the number of
17 members of the local coordinating board shall be fixed by the
18 written agreement between counties establishing the board,
19 provided that members must be appointed by each county
20 commission or equivalent county elected governing authority
21 for a term of 2 years and each county shall be equally
22 represented.

23 (3) Members of the local coordinating boards may be
24 county commissioners or other local elected officials and may
25 not be any of the following within 2 years prior to or during
26 their service on the local coordinating board:

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

31

1 (b) A direct or indirect employee of any federal,
2 state, or local government or agency thereof, except that
3 members may be county commissioners or other local elected
4 officials;

5 (c) A direct or indirect employee of any community
6 transportation coordinator, metropolitan planning
7 organization, regional planning council; or

8 (d) An officer, director, or representative of any
9 advocacy group representing any clients, providers, or
10 participants in the coordinated transportation system.

11 (4) The local coordinating board shall elect one of
12 its members to serve as chair and one as vice chair, annually.

13 Section 8. Section 427.0157, Florida Statutes, is
14 amended to read:

15 427.0157 Local coordinating boards; powers and
16 duties.--The purpose of each local coordinating board is to
17 develop local service needs and priorities and to provide
18 oversight information, advice,and direction to the community
19 transportation coordinators on the coordination of services to
20 be provided to the transportation disadvantaged. ~~The~~
21 ~~commission shall, by rule, establish the membership of~~
22 ~~coordinating boards. The members of each board shall be~~
23 ~~appointed by the metropolitan planning organization or~~
24 ~~designated official planning agency. The appointing authority~~
25 ~~shall provide each board with sufficient staff support and~~
26 ~~resources to enable the board to fulfill its responsibilities~~
27 ~~under this section.~~ Each board shall meet at least quarterly
28 and shall:

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

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

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

7 (b) Establish criteria and procedures for purchasing
8 agencies to use if they wish to use an alternative provider.

9 The provider must demonstrate either that the proposed
10 alternative provider can provide a trip of acceptable quality
11 for the clients at a lower cost than that provided within the
12 coordinated system or that the coordinated system cannot
13 accommodate the agency's clients.

14 (4) Develop standards covering coordination,
15 operation, costs, and utilization of transportation
16 disadvantaged services.

17 (5) Appoint the community transportation coordinator.
18 Selection of the community transportation coordinator must be
19 accomplished through competitive bidding or proposals in
20 accordance with chapter 287. When purchasing transportation
21 disadvantaged services, each community transportation
22 coordinator must comply with the competitive procurement
23 procedures contained in chapter 287.

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

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

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

1 ~~to the commission on~~ funding applications affecting the
2 transportation disadvantaged.~~†~~
3 (9)~~(4)~~ Assist the community transportation coordinator
4 in establishing priorities and client eligibility criteria
5 with regard to the recipients of nonsponsored transportation
6 disadvantaged services that are purchased with Transportation
7 Disadvantaged Trust Fund moneys.

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

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

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

15 427.0159 Transportation Disadvantaged Trust Fund.--

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

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

28 (3) The Commission for the Transportation
29 Disadvantaged, in consultation with local coordinating boards
30 representing rural and urban coordinated systems, shall
31 determine a fair and equitable grant distribution formula for

1 transportation disadvantaged funds. The formula must include a
2 base allocation for each county and may address, but is not
3 limited to, the following variables:

4 (a) The average trip length.
5 (b) The ratio of low-income population to total county
6 population.

7 (c) The number of medical trips performed.

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

9 (e) The availability of mass transit.

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

24 Section 10. Section 427.016, Florida Statutes, is
25 amended to read:

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

28 (1)(a) All transportation disadvantaged funds **expended**
29 ~~within the state~~ shall be expended to purchase transportation
30 services from community transportation coordinators or public,
31 private, or private nonprofit transportation operators within

1 the coordinated transportation system, except when the rates
2 charged by proposed alternate operators are determined by a
3 local coordinating board ~~proven, pursuant to rules generated~~
4 ~~by the Commission for the Transportation Disadvantaged,~~ to be
5 more cost-effective and are not a risk to the public health,
6 safety, or welfare. However, in areas where transportation
7 suited to the unique needs of a transportation disadvantaged
8 person cannot be purchased through the coordinated system, or
9 where the agency has met the ~~rule~~ criteria established by a
10 local coordinating board for using an alternative provider,
11 the service may be contracted for directly by the appropriate
12 agency.

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

27 (2) Each agency purchasing transportation
28 disadvantaged services, ~~whether or not it is a member of the~~
29 ~~Commission for the Transportation Disadvantaged,~~ shall inform
30 the commission in writing, before the beginning of each fiscal
31 year, of the specific amount of any money the agency allocated

1 for transportation disadvantaged services. Additionally, each
2 state agency and WAGES coalition shall, by September 15 of
3 each year, provide the commission with an accounting of the
4 actual amount of funds expended and the total number of trips
5 purchased, whether purchased through the community
6 transportation coordinator or some other provider.

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

13 Section 11. Section 186.024, Florida Statutes, is
14 created to read:

15 186.024 Transportation services to the transportation
16 disadvantaged program; legislative findings and intent;
17 strategic plan; interagency agreement; agency
18 responsibilities.--

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

29 (2) The Department of Transportation, Department of
30 Elderly Affairs, Department of Children and Family Services,
31 Department of Health, Department of Juvenile Justice,

1 Department of Labor and Employment Security, the Agency for
2 Health Care Administration, and the Commission for the
3 Transportation Disadvantaged shall cooperatively prepare a
4 joint strategic plan relating to cost-effective delivery of
5 services to the transportation disadvantaged. The plan shall
6 include, but not be limited to, the following:
7 (a) Identification of the program or unit within each
8 agency which has the responsibility for delivering services to
9 the transportation disadvantaged, and an accounting of funds
10 appropriated and spent for transportation disadvantaged
11 services by each agency.
12 (b) Identification of strategies for coordination of
13 transportation services on an interagency basis and a
14 description of interagency progress on implementation of
15 coordinating strategies.
16 (c) Identification of strategies for eliminating
17 duplication and fragmentation of services on an interagency
18 basis and a description of interagency progress on
19 implementing such strategies.
20 (d) Identification of strategies to improve delivery
21 of transportation services for the transportation
22 disadvantaged at the local level, including coordination and
23 integration of transportation services, provisions for the
24 development of public and private partnerships for the
25 continuum of services, and incentive programs to reward local
26 transportation disadvantaged programs that realize a cost
27 savings.
28 (e) Identification of barriers impacting
29 implementation of strategies and activities to provide
30 cost-effective and coordinated transportation services to the
31 transportation disadvantaged.

1 (f) Identification of methods of comparing program
2 costs and other performance measures, and identification of
3 standardized reporting procedures to enhance data collection
4 and analysis on an interagency basis.

5 (g) Recommendations, if any, for legislative,
6 administrative, or budgetary changes. Budgetary changes shall
7 include recommendations regarding a consolidation and pooling
8 of all transportation disadvantaged service funds, including
9 federal funds specifically allocated for social and economic
10 assistance (Medicaid). Such budget recommendations shall be
11 consistent with the goals of the joint strategic plan and with
12 the continuum of comprehensive services.

13 (h) Strategies to ensure that agencies purchase trips
14 within the coordinated system, unless they use a more
15 cost-effective alternative provider approved by the local
16 coordinating board.

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

20 (j) Identification of minimum criteria covering
21 coordination, operation, costs, and utilization of
22 transportation disadvantaged services.

23 (k) Identification of minimum quality assurance and
24 performance evaluation guidelines for use by local
25 coordinating boards in assessing services contracted for by an
26 agency, and those provided by a community transportation
27 coordinator and transportation operators.

28 (3) The entities designated in subsection (2) shall
29 forward the joint strategic plan described in this section to
30 the Executive Office of the Governor in the same manner as
31 provided in s. 186.022 for agency strategic plans. The joint

1 strategic plan shall be prepared, reviewed, and submitted to
2 the Legislature in accordance with s. 186.022(1)-(7). At least
3 biennially, the entities shall readdress the joint strategic
4 plan submitted pursuant to this section and make
5 recommendations for changes to the Executive Office of the
6 Governor.

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

10 (5) The entities described in subsection (2) shall
11 designate appropriate agency personnel to carry out
12 interagency responsibilities for developing the joint
13 strategic plan and joint interagency agreement and for
14 coordinating and monitoring implementation of the
15 transportation services to the transportation disadvantaged
16 program.

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

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