

By Representative Chestnut

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (3) The departments designated in this section shall
25 forward the joint strategic plan described in this section to
26 the Executive Office of the Governor in the same manner as
27 provided in s. 186.022 for agency strategic plans. The joint
28 strategic plan must be prepared, reviewed, and submitted to
29 the Legislature in accordance with s. 186.022(1)-(7). At least
30 biennially, the department shall readdress the joint strategic
31

1 plan submitted under this section and recommend changes to the
2 Executive Office of the Governor.

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

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

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

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

20 427.011 Definitions.--As used in ~~For the purposes of~~
21 ~~ss. 427.011-427.017,~~ the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

3 Section 4. Section 427.013, Florida Statutes, 1998
4 Supplement, is amended to read:

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

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

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

31

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

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

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

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

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

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

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

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

- 1 ~~(6) Assist communities in developing transportation~~
2 ~~systems designed to serve the transportation disadvantaged.~~
- 3 ~~(7) Assure that all procedures, guidelines, and~~
4 ~~directives issued by member departments are conducive to the~~
5 ~~coordination of transportation services.~~
- 6 ~~(8)(a) Assure that member departments purchase all~~
7 ~~trips within the coordinated system, unless they use a more~~
8 ~~cost-effective alternative provider.~~
- 9 ~~(b) Provide, by rule, criteria and procedures for~~
10 ~~member departments to use if they wish to use an alternative~~
11 ~~provider. Departments must demonstrate either that the~~
12 ~~proposed alternative provider can provide a trip of acceptable~~
13 ~~quality for the clients at a lower cost than that provided~~
14 ~~within the coordinated system, or that the coordinated system~~
15 ~~cannot accommodate the department's clients.~~
- 16 ~~(9) Develop standards covering coordination,~~
17 ~~operation, costs, and utilization of transportation~~
18 ~~disadvantaged services. These standards shall include, but not~~
19 ~~be limited to:~~
- 20 ~~(a) Inclusion, by rule, of acceptable ranges of trip~~
21 ~~costs for the various modes and types of transportation~~
22 ~~services provided.~~
- 23 ~~(b) Minimum performance standards for the delivery of~~
24 ~~services. These standards should be included in coordinator~~
25 ~~and operator contracts with clear penalties for repeated or~~
26 ~~continuing violations.~~
- 27 ~~(10) Adopt rules pursuant to ss. 120.536(1) and 120.54~~
28 ~~to implement the provisions of ss. 427.011-427.017.~~
- 29 ~~(11) Approve the appointment of all community~~
30 ~~transportation coordinators.~~
- 31

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

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

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

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

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

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

1 ~~Such funds shall be available only to those entities~~
2 ~~participating in an approved coordinated transportation system~~
3 ~~or entities which have received a commission-approved waiver~~
4 ~~to obtain all or part of their transportation through another~~
5 ~~means. This process shall identify procedures for coordinating~~
6 ~~with the state's intergovernmental coordination and review~~
7 ~~procedures and s. 216.212(1) and any other appropriate grant~~
8 ~~review process.~~
9 ~~(18) Develop an interagency uniform contracting and~~
10 ~~billing and accounting system that shall be used by all~~
11 ~~community transportation coordinators and their transportation~~
12 ~~operators.~~
13 ~~(19) Develop and maintain a transportation~~
14 ~~disadvantaged manual.~~
15 ~~(20) Design and develop transportation disadvantaged~~
16 ~~training programs.~~
17 ~~(21) Coordinate all transportation disadvantaged~~
18 ~~programs with appropriate state, local, and federal agencies~~
19 ~~and public transit agencies to ensure compatibility with~~
20 ~~existing transportation systems.~~
21 ~~(22) Designate the official planning agency in areas~~
22 ~~outside of the purview of a metropolitan planning~~
23 ~~organization.~~
24 ~~(23) Develop need-based criteria that must be used by~~
25 ~~all community transportation coordinators to prioritize the~~
26 ~~delivery of nonsponsored transportation disadvantaged services~~
27 ~~that are purchased with Transportation Disadvantaged Trust~~
28 ~~Fund moneys.~~
29 ~~(24) Establish a review procedure to compare the rates~~
30 ~~proposed by alternate transportation operators with the rates~~
31

1 ~~charged by a community transportation coordinator to determine~~
2 ~~which rate is more cost-effective.~~

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

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

16 ~~(6)(27)~~ Ensure that local community transportation
17 coordinators work cooperatively with local WAGES coalitions
18 established in chapter 414 to provide assistance in the
19 development of innovative transportation services for WAGES
20 participants.

21 Section 5. Section 427.0133, Florida Statutes, is
22 created to read:

23 427.0133 The Department of Transportation; functions
24 and responsibilities.--The Department of Transportation will
25 perform all the administrative functions necessary to
26 accomplish the coordination of transportation services
27 provided to the transportation disadvantaged. The goal of this
28 coordination must be to assure the cost-effective provision of
29 transportation by qualified community transportation
30 coordinators or transportation operators for the
31 transportation disadvantaged without any bias or presumption

1 in favor of multioperator systems or not-for-profit
2 transportation operators over single operator systems or
3 for-profit transportation operators. In carrying out this
4 purpose, the department shall:

5 (1) Compile all available information on the
6 transportation operations for and needs of the transportation
7 disadvantaged in the state.

8 (2) Develop policies and procedures for the
9 coordination of local government, federal, and state funding
10 for the transportation disadvantaged.

11 (3) Identify barriers impeding the coordination and
12 accessibility of transportation services to the transportation
13 disadvantaged and pursue the elimination of these barriers.

14 (4) Serve as a clearinghouse for information about
15 transportation disadvantaged services, training, funding
16 sources, innovations, and coordination efforts.

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

19 (6) Contract with the Center for Urban Transportation
20 Research to develop a basic services rate model to identify
21 minimum standards and services that are common to all agencies
22 and add-on charges that may be assessed for any
23 agency-specific requirements that exceed these minimum
24 standards and services.

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

31 (a) Cost efficiency of the coordinated system;

- 1 (b) Service efficiency of the coordinated system;
2 (c) Service availability of the coordinated system;
3 (d) System safety and service quality;
4 (e) Use of transportation alternatives operating
5 within the coordinated system; and
6 (f) System effectiveness in improving the overall
7 mobility of the transportation disadvantaged.
8 (8) Develop and monitor rules and procedures to
9 implement ss. 427.011-427.017.
10 (9) Have the authority to apply for and accept funds,
11 grants, gifts, and services from the Federal Government, state
12 government, local government, or private funding sources.
13 Applications by the department for local government funds must
14 be coordinated through the appropriate local coordinating
15 board. Funds acquired or accepted under this subsection must
16 be administered by the department and must be used to carry
17 out the department's responsibilities as provided in this
18 section.
19 (10) Prepare a statewide 5-year transportation
20 disadvantaged plan that addresses the transportation problems
21 and needs of the transportation disadvantaged, that is fully
22 coordinated with local transit plans and compatible with local
23 government comprehensive plans, and that ensures that the most
24 cost-effective and efficient method of providing
25 transportation to the transportation disadvantaged is
26 programmed for development.
27 (11) Review memorandums of agreement for the provision
28 of coordinated transportation services.
29 (12) Designate the official planning agency in areas
30 outside the purview of a metropolitan planning organization.
31

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

3 Section 6. Subsections (1) and (2) of section
4 427.0135, Florida Statutes, are amended to read:

5 427.0135 Member departments; duties and
6 responsibilities.--Each member department, in carrying out the
7 policies and procedures of the commission, shall:

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

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

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

25 (2) Provide the Department of Transportation
26 ~~commission~~, by September 15 of each year, with an accounting
27 of all funds spent as well as how many trips were purchased
28 with agency funds.

29 Section 7. Section 427.015, Florida Statutes, is
30 amended to read:

31

1 427.015 Function of the metropolitan planning
2 organization or designated official planning agency in
3 coordinating transportation for the transportation
4 disadvantaged.--

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

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

25 ~~(3)(2)~~ Each metropolitan planning organization or
26 designated official planning agency shall recommend to the
27 local coordinating board ~~commission~~ a single community
28 transportation coordinator. The selection process must comply
29 with the competitive procurement procedures contained in
30 chapter 287 or with the competitive procurement procedures of
31 the local government.The coordinator may provide all or a

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

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

26 Section 8. Section 427.0155, Florida Statutes, 1998
27 Supplement, is amended to read:

28 427.0155 Community transportation coordinators; powers
29 and duties.--Community transportation coordinators shall have
30 the following powers and duties:
31

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

9 (2) Collect annual operating data for submittal to the
10 local operating board and the Department of Transportation
11 commission.

12 (3) Review all transportation operator contracts
13 annually.

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

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

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

29 (7) In cooperation with the local coordinating board
30 and pursuant to criteria developed by the Department of
31 Transportation Commission for the Transportation

1 ~~Disadvantaged~~, establish priorities with regard to the
2 recipients of nonsponsored transportation disadvantaged
3 services that are purchased with Transportation Disadvantaged
4 Trust Fund moneys.

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

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

18 ~~(10)(9)~~ Work cooperatively with local WAGES coalitions
19 established in chapter 414 to provide assistance in the
20 development of innovative transportation services for WAGES
21 participants.

22 Section 9. Section 427.0156, Florida Statutes, is
23 created to read:

24 427.0156 Local coordinating boards; organization and
25 membership.--A local coordinating board will be established in
26 each county. However, when agreed upon in writing by the
27 boards of county commissioners or its designees in each county
28 to be covered in the service area, multicounty local
29 coordinating boards may be appointed. In a multicounty service
30 area, the written agreement must state the order in which the
31 counties will rotate the position of chair and the length of

1 time for which each county is to serve as chair of the local
2 coordinating board.

3 (1) The metropolitan planning organization or
4 designated official planning agency shall appoint one elected
5 official to serve as official chairperson for all local
6 coordinating board meetings. The appointed chairperson must be
7 an elected member of the board of county commissioners from a
8 county that the local coordinating board serves. For a
9 multicounty local coordinating board, the elected official who
10 is appointed to serve as chairperson must be from one of the
11 counties served.

12 (2) The local coordinating board shall hold an
13 organizational meeting each year for the purpose of electing a
14 vice-chairperson. The vice-chairperson must be elected by a
15 majority of a quorum of the members present at the
16 organizational meeting. When the chairperson is absent, the
17 vice-chairperson shall assume the duties of the chairperson
18 and conduct the meeting.

19 (3) In addition to the chairperson, representatives of
20 the following departments, agencies, and constituencies are
21 assigned to the local coordinating board as voting members:

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

24 (b) A local representative of the Department of
25 Children and Family Services appointed by the secretary of
26 that department.

27 (c) A local representative of the Department of Labor
28 and Employment Security appointed by the secretary of that
29 department.

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

1 (e) A local representative of the Agency for Health
2 Care Administration appointed by the executive director of
3 that agency.

4 (f) A representative of the local WAGES coalition
5 appointed by the chair of the local coalition.

6 (g) In counties served by mass transit systems, a
7 representative of the local transit agency appointed by the
8 executive director of the transit agency.

9 (h) One representative of the private for-profit or
10 the private not-for-profit transportation industry appointed
11 by the designated planning agency.

12 (i) One citizen representative who uses the
13 coordinated transportation system as his or her primary means
14 of transportation appointed by the designated official
15 planning agency.

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

19 (5) The local coordinating board shall meet at least
20 quarterly, or more frequently at the call of the chairperson.
21 A majority of the members of the local coordinating board
22 constitute a quorum, and a majority vote of the
23 representatives present is necessary for any action taken by
24 the board.

25 (6) The designated official planning agency shall
26 provide each board with sufficient staff support and resources
27 to enable the board to fulfill its duties and
28 responsibilities.

29 Section 10. Section 427.0157, Florida Statutes, 1998
30 Supplement, is amended to read:

31

1 427.0157 Local coordinating boards; powers and
2 duties.--The purpose of each local coordinating board is to
3 develop local service needs and priorities and to provide
4 information, advice, evaluation, and direction, and oversight
5 to the community transportation coordinators on the
6 coordination of services to be provided to the transportation
7 disadvantaged. ~~The commission shall, by rule, establish the~~
8 ~~membership of coordinating boards. The members of each board~~
9 ~~shall be appointed by the metropolitan planning organization~~
10 ~~or designated official planning agency. The appointing~~
11 ~~authority shall provide each board with sufficient staff~~
12 ~~support and resources to enable the board to fulfill its~~
13 ~~responsibilities under this section.~~Each local coordinating
14 board shall meet at least quarterly and shall:

15 (1) Review and approve the coordinated community
16 transportation disadvantaged service plan, including the
17 memorandum of agreement, prior to submittal to the Department
18 of Transportation commission;

19 (2) Evaluate services provided in meeting the approved
20 plan and ensure that the plan provides for the use of fixed
21 route or fixed schedule transit service as the first choice of
22 transportation service to the transportation disadvantaged
23 wherever such service is available and appropriate;

24 (3) In cooperation with the community transportation
25 coordinator, review and provide recommendations to the
26 Department of Transportation commission on funding
27 applications affecting the transportation disadvantaged;

28 (4) With the assistance of ~~Assist~~ the community
29 transportation coordinator, establish in ~~establishing~~
30 priorities and client eligibility criteria with regard to the
31 recipients of nonsponsored transportation disadvantaged

1 services that are purchased with Transportation Disadvantaged
2 Trust Fund moneys.

3 (5) Review the performance of the community
4 transportation coordinator in providing services ~~coordination~~
5 ~~strategies of service provision~~ to the transportation
6 disadvantaged in the designated service area; and

7 (6) Evaluate, develop, and implement multicounty or
8 regional transportation opportunities and encourage counties
9 to enter into reciprocal agreements and recognize licensing
10 from other jurisdictions;-

11 (7) With the assistance of the community
12 transportation coordinator, develop cost-effective
13 transportation alternatives within the coordinated system; and

14 (8) Develop reciprocal agreements with adjacent boards
15 in order to facilitate and foster innovations to reduce costs
16 and legal barriers to regional transportation disadvantaged
17 service. Establish by October 1, 1999, a pilot regional
18 community transportation coordinator consisting of two
19 counties or more to assess the benefits of reduced
20 administration and elimination of barriers to inter-county
21 operations.

22 (9)~~(7)~~ Work cooperatively with local WAGES coalitions
23 established in chapter 414 to provide assistance in the
24 development of innovative transportation services for WAGES
25 participants.

26 Section 11. Section 427.0159, Florida Statutes, is
27 amended to read:

28 427.0159 Transportation Disadvantaged Trust Fund.--

29 (1) There is established in the State Treasury the
30 Transportation Disadvantaged Trust Fund to be administered by
31 the Department of Transportation ~~Commission for the~~

1 ~~Transportation Disadvantaged~~. All fees collected for the
2 transportation disadvantaged program under s. 320.03(9) shall
3 be deposited in the trust fund.

4 (2) Funds deposited in the trust fund shall be
5 appropriated by the Legislature ~~to the commission~~ and shall be
6 used to fund grants for operational, planning, and
7 match-requirement expenses associated with the provision of
8 transportation disadvantaged services ~~carry out the~~
9 ~~responsibilities of the commission~~ and to fund the
10 administrative expenses of the Department of Transportation
11 and the commission.

12 (3) The Department of Transportation, in consultation
13 with local coordinating boards representing rural and urban
14 coordinated systems, shall determine a fair and equitable
15 grant distribution formula for Transportation Disadvantaged
16 Trust Fund revenues. The formula must include a base
17 allocation for each county and may address, but is not limited
18 to, the following variables:

19 (a) Average trip length;

20 (b) Ratio of low-income population to total county
21 population;

22 (c) Number of medical trips performed;

23 (d) Number of trips per vehicle;

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

25 (f) The availability of mass transit.

26 ~~(3) Funds deposited in the trust fund may be used by~~
27 ~~the commission to subsidize a portion of a transportation~~
28 ~~disadvantaged person's transportation costs which is not~~
29 ~~sponsored by an agency, only if a cash or in-kind match is~~
30 ~~required. Funds for nonsponsored transportation disadvantaged~~
31 ~~services shall be distributed based upon the need of the~~

1 ~~recipient and according to criteria developed by the~~
2 ~~Commission for the Transportation Disadvantaged.~~

3 Section 12. Section 427.016, Florida Statutes, is
4 amended to read:

5 427.016 Expenditure of local government, state, and
6 federal funds for the transportation disadvantaged.--

7 (1)(a) All transportation disadvantaged funds expended
8 within the state shall be expended to purchase transportation
9 services from community transportation coordinators or public,
10 private, or private nonprofit transportation operators within
11 the coordinated transportation system, except when member
12 department representatives, after meeting as members of the
13 commission's rate and quality-of-service review committee,
14 determine that their department cannot purchase required
15 transportation services under the service provisions or rates
16 established by the local coordinating board ~~the rates charged~~
17 ~~by proposed alternate operators are proven, pursuant to rules~~
18 ~~generated by the Commission for the Transportation~~
19 ~~Disadvantaged, to be more cost-effective and are not a risk to~~
20 ~~the public health, safety, or welfare. Also~~ However, in areas
21 where transportation suited to the unique needs of a
22 transportation disadvantaged person cannot be purchased
23 through the coordinated system, ~~or where the agency has met~~
24 ~~the rule criteria for using an alternative provider,~~the
25 service may be contracted for directly by the appropriate
26 agency.

27 (b) ~~Nothing in This subsection does not shall be~~
28 ~~construed to~~ limit or preclude the Medicaid agency from
29 establishing maximum fee schedules, individualized
30 reimbursement policies by provider type, negotiated fees,
31 competitive bidding, or any other mechanism that the agency

1 considers efficient and effective for the purchase of services
2 on behalf of Medicaid clients. State and local agencies shall
3 not contract for any transportation disadvantaged services,
4 including Medicaid reimbursable transportation services, with
5 any community transportation coordinator or transportation
6 operator that has been determined by the Agency for Health
7 Care Administration, the Department of Legal Affairs Medicaid
8 Fraud Control Unit, or any state or federal agency to have
9 engaged in any abusive or fraudulent billing activities.

10 (2) Each agency purchasing transportation
11 disadvantaged services, ~~whether or not it is a member of the~~
12 ~~Commission for the Transportation Disadvantaged~~, shall inform
13 the Department of Transportation ~~commission~~ in writing, before
14 the beginning of each fiscal year, of the specific amount of
15 any money the agency allocated for transportation
16 disadvantaged services. Additionally, each state agency and
17 WAGES coalition shall, by September 15 of each year, provide
18 the Department of Transportation ~~commission~~ with an accounting
19 of the actual amount of funds expended and the total number of
20 trips purchased.

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

27 Section 13. This act shall take effect upon becoming a
28 law.

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SENATE SUMMARY

Revises provisions relating to the transportation disadvantaged. Redefines the term "coordinating board" as "local coordinating board" and conforms provisions. Creates an interagency joint strategic planning process for agencies that purchase transportation services through the transportation disadvantaged program. Revises the membership, responsibilities, and duties of the Commission for the Transportation Disadvantaged. Delegates state-level administrative functions to the Department of Transportation. Requires the use of the transportation disadvantaged coordinated system in specified circumstances. Establishes competitive procurement guidelines for selecting a community transportation coordinator and transportation operators. Revises the duties of agencies that purchase transportation disadvantaged services. Revises duties of the metropolitan planning organization, community transportation coordinators, and local coordinating boards. Provides for regional agreement to facilitate the provision of regional transportation disadvantaged services. Revises the purposes for which funds in the Transportation Disadvantaged Trust Fund may be used and provides for the Department of Transportation to administer the trust fund.