

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:

8  
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 (l) 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 a  
4 current private for-profit or private not-for-profit  
5 transportation operator who has ~~operators each of which have~~ a  
6 minimum of 5 years of continuous experience operating a  
7 broad-based 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, is  
4 amended to read:

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

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

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

31

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

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

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

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

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

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

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

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

- 1           ~~(6) Assist communities in developing transportation~~  
2 ~~systems designed to serve the transportation disadvantaged.~~
- 3           ~~(7) Assure that all procedures, guidelines, and~~  
4 ~~directives issued by member departments are conducive to the~~  
5 ~~coordination of transportation services.~~
- 6           ~~(8)(a) Assure that member departments purchase all~~  
7 ~~trips within the coordinated system, unless they use a more~~  
8 ~~cost-effective alternative provider.~~
- 9           ~~(b) Provide, by rule, criteria and procedures for~~  
10 ~~member departments to use if they wish to use an alternative~~  
11 ~~provider. Departments must demonstrate either that the~~  
12 ~~proposed alternative provider can provide a trip of acceptable~~  
13 ~~quality for the clients at a lower cost than that provided~~  
14 ~~within the coordinated system, or that the coordinated system~~  
15 ~~cannot accommodate the department's clients.~~
- 16           ~~(9) Develop standards covering coordination,~~  
17 ~~operation, costs, and utilization of transportation~~  
18 ~~disadvantaged services. These standards shall include, but not~~  
19 ~~be limited to:~~
- 20           ~~(a) Inclusion, by rule, of acceptable ranges of trip~~  
21 ~~costs for the various modes and types of transportation~~  
22 ~~services provided.~~
- 23           ~~(b) Minimum performance standards for the delivery of~~  
24 ~~services. These standards should be included in coordinator~~  
25 ~~and operator contracts with clear penalties for repeated or~~  
26 ~~continuing violations.~~
- 27           ~~(10) 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 and 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 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 (1)(a)~~a more cost-effective method is~~  
22 ~~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, is  
27 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 chair for all local coordinating  
6 board meetings. The appointed chair must be an elected member  
7 of the board of county commissioners from a county that the  
8 local coordinating board serves. For a multicounty local  
9 coordinating board, the elected official who is appointed to  
10 serve as chair must be from one of the counties served.

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

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

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

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

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

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

30  
31

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 chair. A  
21 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, is  
30 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;

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; and

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 match  
7 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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HOUSE 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.