

By the Committee on Transportation and Representative  
Chestnut

1                                   A bill to be entitled  
2           An act relating to transportation-disadvantaged  
3           persons; amending s. 427.011, F.S.; providing  
4           definitions relating to transportation  
5           services; amending s. 427.012, F.S.; providing  
6           for the membership of the Commission for the  
7           Transportation Disadvantaged; amending s.  
8           427.013, F.S.; providing for the purposes and  
9           responsibilities of local governing authorities  
10          with respect to transportation-disadvantaged  
11          persons; amending s. 427.0135, F.S.; providing  
12          requirements with respect to agency purchasers  
13          of transportation-disadvantaged services;  
14          amending s. 427.015, F.S.; providing for the  
15          function of the metropolitan planning  
16          organization or designated official planning  
17          agency in coordinating transportation for  
18          transportation-disadvantaged persons; creating  
19          s. 427.0151, F.S.; providing for the selection  
20          of the local governing authority; providing for  
21          the recommendation of the community  
22          transportation coordinator by the M.P.O. or  
23          designated official planning agency; amending  
24          s. 427.0155, F.S.; providing for the powers and  
25          duties of community transportation  
26          coordinators; creating s. 427.0156, F.S.;  
27          providing for establishment of local  
28          coordinating boards; amending s. 427.0157,  
29          F.S.; providing for the powers and duties of  
30          local coordinating boards; amending s.  
31          427.0158, F.S.; providing for cooperation by

1 school boards; amending s. 427.0159, F.S.;

2 providing for the Transportation Disadvantaged

3 Trust Fund; amending s. 427.016, F.S.;

4 providing for the use of the coordinated

5 transportation system by all funding agencies;

6 authorizing county commissions to become local

7 governing authorities; providing an effective

8 date.

9

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

11

12 Section 1. Section 427.011, Florida Statutes, is

13 amended to read:

14 (Substantial rewording of section. See

15 s. 427.011, F.S., for present text.)

16 427.011 Definitions.--As used in ss. 427.011-427.017

17 the term:

18 (1) "Agency" means an official, officer, commission,

19 authority, council, committee, department, division, bureau,

20 board, section, or any other unit or entity of the state or of

21 a municipality, county, or other local governing authority or

22 a private nonprofit transportation-service-providing agency.

23 (2) "Americans with Disabilities Act," commonly known

24 as the ADA, means the federal law, Pub. L. No. 101-336, which

25 provides protection for persons with disabilities.

26 (3) "Annual expenditure report" means a report of

27 funding provided for transportation services to the

28 transportation disadvantaged which is prepared annually to

29 cover a period of 1 state fiscal year.

30 (4) "Commission" means the Commission for the

31 Transportation Disadvantaged.

1           (5) "Community transportation coordinator" means the  
2 county commission or a transportation entity recommended by a  
3 metropolitan planning organization or by the appropriate  
4 designated official planning agency to ensure that coordinated  
5 transportation services are provided to the transportation  
6 disadvantaged within a designated service area.

7           (6) "Coordination" means the arrangement for the  
8 provision of transportation services to the transportation  
9 disadvantaged in a manner that is cost-effective, efficient,  
10 and safe and reduces the fragmentation and duplication of  
11 services.

12           (7) "Coordination contract" means a written contract  
13 between the community transportation coordinator and an agency  
14 that receives transportation-disadvantaged funds and performs  
15 some, if not all, of its own transportation services pursuant  
16 to s. 427.016 which contract contains the specific terms and  
17 conditions that will apply to agencies that perform their own  
18 transportation and to those alternate providers selected by  
19 the agencies, including joint utilization and cost provisions  
20 for transportation services to and from the community  
21 transportation coordinator.

22           (8) "Designated official planning agency" means the  
23 entity designated by the commission to fulfill the functions  
24 of transportation-disadvantaged planning in areas not covered  
25 by a metropolitan planning organization, but the term means  
26 the metropolitan planning organization with respect to  
27 urbanized areas covered by such organizations.

28           (9) "Designated service area" means a geographical  
29 area recommended by the metropolitan planning organization or  
30 a designated official planning agency, subject to approval by  
31 the commission, which delineates the community where

1 coordinated transportation services will be provided to the  
2 transportation disadvantaged.

3 (10) "Emergency" means any occurrence, or threat  
4 thereof, whether accidental, natural, or manmade, in war or in  
5 peace, which results or could result in substantial denial of  
6 transportation services within a designated service area for  
7 the transportation disadvantaged.

8 (11) "Emergency fund" means moneys set aside in the  
9 Transportation Disadvantaged Trust Fund to address emergency  
10 situations which can be used, without competitive bidding, by  
11 direct contract, between the commission and an entity to  
12 handle transportation services during an emergency.

13 (12) "Florida coordinated transportation system" means  
14 a transportation system responsible for coordinating and  
15 providing service for the transportation disadvantaged as  
16 specified in this chapter.

17 (13) "Local coordinating board" means the advisory  
18 entity in each designated service area which is composed of  
19 representatives designated pursuant to s. 427.0156 to provide  
20 assistance to and evaluate the performance of the community  
21 transportation coordinator with respect to the coordination of  
22 transportation services for the transportation disadvantaged.

23 (14) "Local governing authority" means the county  
24 commission that chooses to govern transportation-disadvantaged  
25 services in a designated service area.

26 (15) "Local government comprehensive plan" means a  
27 plan that meets the requirements of ss. 163.3177 and 163.3178.

28 (16) "Memorandum of agreement" means the contract for  
29 transportation-disadvantaged services purchased with federal,  
30 state, or local-government transportation-disadvantaged funds.  
31 Depending upon the applicability of s. 427.0151, the agreement

1 is between either the commission and the community  
2 transportation coordinator or between the local governing  
3 authority and the community transportation coordinator, but in  
4 each case recognizes the community transportation coordinator  
5 as being responsible for the arrangement of the provision of  
6 transportation-disadvantaged services within a designated  
7 service area.

8 (17) "Metropolitan planning organization" means the  
9 organization responsible for carrying out transportation  
10 planning and programming in accordance with the provisions of  
11 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

12 (18) "Nonsponsored transportation-disadvantaged  
13 services" means transportation-disadvantaged services that are  
14 not sponsored or subsidized by any funding source other than  
15 the Transportation Disadvantaged Trust Fund.

16 (19) "Paratransit" means those elements of public  
17 transit which provide service between specific origins and  
18 destinations selected by the individual user which service is  
19 provided at a time that is agreed upon by the user and the  
20 provider of the service. Paratransit service is provided by  
21 taxis, limousines, "dial-a-ride," buses, and other  
22 demand-responsive operations that are characterized by the  
23 nonscheduled, nonfixed nature of their routes.

24 (20) "Public transit" means the transporting of people  
25 by conveyances or systems of conveyances traveling on land or  
26 water, which are local or regional in nature and are available  
27 for use by the public. Public transit systems may be  
28 governmentally or privately owned. The term specifically  
29 includes those forms of transportation commonly known as  
30 "paratransit."

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1           (21) "Regional planning council" means the  
2 organization created under s. 186.504 in a comprehensive  
3 planning district of the state to assist local governments in  
4 resolving common problems, accomplishing areawide  
5 comprehensive and functional planning, and providing a  
6 regional focus in regard to programs undertaken areawide.  
7           (22) "Reserve fund" means moneys set aside in the  
8 Transportation Disadvantaged Trust Fund each budget year to  
9 ensure that adequate cash is available for incoming  
10 reimbursement requests when estimated revenues do not  
11 materialize.  
12           (23) "Transportation disadvantaged" means those  
13 persons who because of physical or mental disability, income  
14 status, or age are unable to transport themselves or to  
15 purchase transportation and who are, therefore, dependent upon  
16 others in order to obtain access to health care, employment,  
17 education, shopping, social activities, or other  
18 life-sustaining activities, and the term includes children who  
19 are disabled and high-risk children and at-risk children as  
20 defined in s. 411.202.  
21           (24) "Transportation-disadvantaged funds" means any  
22 local-government, state, or federal funds that are available  
23 for the transportation of the transportation disadvantaged,  
24 including, without limitation, funds for transportation  
25 planning, for Medicaid nonemergency transportation, for  
26 administration, operation, procurement, and maintenance of  
27 vehicles or equipment, and for capital investments.  
28 Eligibility for transportation-disadvantaged services provided  
29 by the Transportation Disadvantaged Trust Fund is determined  
30 pursuant to s. 427.0159. Transportation-disadvantaged funds do  
31

1 not include funds for the transportation of children to public  
2 schools.

3 (25) "Transportation-disadvantaged service plan" means  
4 an annually updated plan jointly developed by the designated  
5 official planning agency and the community transportation  
6 coordinator. Depending upon the applicability of s. 427.0151,  
7 the service plan must be approved by either the commission or  
8 the local governing authority.

9 (26) "Transportation operator" means a public, private  
10 for-profit, or private nonprofit entity under contract with  
11 the community transportation coordinator to provide  
12 transportation service to the transportation disadvantaged  
13 pursuant to a transportation-disadvantaged service plan.

14 (27) "Transportation operator contract" means a  
15 written contract between a community transportation  
16 coordinator and a transportation operator which prescribes the  
17 terms and conditions for any services to be performed, which  
18 contract is in a format approved by the commission or local  
19 governing authority.

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

22 (Substantial rewording of section. See  
23 s. 427.012, F.S., for present text.)

24 427.012 The Commission for the Transportation  
25 Disadvantaged.--There is created within the Department of  
26 Transportation the Commission for Transportation  
27 Disadvantaged.

28 (1) The commission shall consist of the following:

29 (a) The Secretary of Transportation or the secretary's  
30 designee.

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1           (b) The Secretary of Elderly Affairs or the  
2 secretary's designee.

3           (c) The director of the Agency for Health Care  
4 Administration or the director's designee.

5           (d) A disabled person who is a member of a recognized  
6 statewide organization representing disabled Floridians, to be  
7 appointed by the Governor.

8           (e) A person over the age of 60 who is a member of a  
9 statewide organization representing elderly Floridians, to be  
10 appointed by the Governor.

11           (f) A representative of current private for-profit or  
12 private not-for-profit transportation operators, to be  
13 appointed by the Governor.

14           (g) A representative of the community transportation  
15 coordinators, to be appointed by the Governor.

16           (h) Two members appointed by the President of the  
17 Senate.

18           (i) Two members appointed by the Speaker of the House  
19 of Representatives.

20           (2) The appointive members of the commission shall be  
21 appointed to serve terms of 4 years each, except that two of  
22 the Governor's initial nongovernmental appointees shall be  
23 appointed to serve an initial term of 2 years. The appointees  
24 of the President of the Senate and the Speaker of the House of  
25 Representatives shall serve at the pleasure of the appointing  
26 officer.

27           (3) Each member must be a registered voter and a  
28 resident of the state. Each member of the commission must also  
29 possess managerial experience.

30           (4) Each member of the commission shall represent the  
31 transportation-disadvantaged needs of the state as a whole and



1 shall not subordinate the needs of the state to those of any  
2 particular area of the state.  
3 (5) Members of the commission must not have been  
4 convicted of a felony.  
5 (6) The commission shall also include the following  
6 nonvoting, ex officio members as liaisons to state agencies:  
7 (a) The Secretary of Children and Family Services or  
8 the secretary's designee.  
9 (b) The Secretary of Health or the secretary's  
10 designee.  
11 (c) The Commissioner of Education or the  
12 commissioner's designee.  
13 (d) The executive director of the Department of  
14 Veterans' Affairs or the executive director's designee.  
15 (7) The chair and vice chair of the commission shall  
16 be elected annually from the membership of the commission.  
17 (8) Members of the commission shall serve without  
18 compensation, but shall be allowed per diem and travel  
19 expenses as provided in s. 112.061.  
20 (9) Members of the commission are subject to the  
21 provisions of part III of chapter 112. With the exception of  
22 the operator representative and the community transportation  
23 coordinator representative, a member of the commission may not  
24 have any interest, direct or indirect, in any contract,  
25 franchise, privilege, or other benefit granted or awarded  
26 through the transportation-disadvantaged program.  
27 (10) The commission shall meet at least quarterly, or  
28 more frequently at the call of its chair. A majority of the  
29 members of the commission constitute a quorum, and a majority  
30 vote of the members present is necessary for any action taken  
31 by the commission.

1       (11) The Governor may remove any member of the  
2 commission for cause.

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

10       (13) The commission is assigned to the office of the  
11 Secretary of Transportation for administrative and fiscal  
12 accountability purposes, but it shall otherwise function  
13 independently of the control, supervision, and direction of  
14 the department.

15       (14) The commission, after consultation with the local  
16 governing authority, shall develop a budget for the  
17 Transportation Disadvantaged Trust Fund pursuant to chapter  
18 216. The budget is not subject to change by the department  
19 after it has been approved by the commission, but it shall be  
20 transmitted to the Governor along with the budget of the  
21 department.

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

24       (Substantial rewording of section. See  
25 s. 427.013, F.S., for present text.)

26       427.013 The Commission for the Transportation  
27 Disadvantaged; purpose and responsibilities; local governing  
28 authorities; purpose and responsibilities.--The purpose of the  
29 commission is to accomplish and facilitate the coordination of  
30 transportation services provided to the transportation  
31 disadvantaged. The goal of this coordination is to assure the

1 cost-effective provision of safe and reliable transportation  
2 by qualified community transportation coordinators or  
3 transportation operators for the transportation disadvantaged  
4 without any bias or presumption in favor of multioperator  
5 systems or not-for-profit transportation operators over single  
6 operator systems or for-profit transportation operators.  
7 (1) The commission has the responsibility to:  
8 (a) Compile all available information concerning the  
9 transportation operations for and needs of the transportation  
10 disadvantaged in the state.  
11 (b) Provide by rule, for those designated service  
12 areas not governed by a local-governing authority, objectives  
13 for providing transportation services for the transportation  
14 disadvantaged.  
15 (c) Provide by rule, for those designated service  
16 areas not governed by a local governing authority, policies  
17 and procedures for the coordination of local-government,  
18 federal, and state funding for the transportation  
19 disadvantaged.  
20 (d) Identify barriers prohibiting the coordination and  
21 accessibility of transportation services to the transportation  
22 disadvantaged and aggressively pursue the elimination of these  
23 barriers.  
24 (e) Serve as a clearinghouse for information  
25 concerning transportation disadvantaged services, training,  
26 funding sources, innovations, and coordination efforts.  
27 (f) Assist communities in developing transportation  
28 systems designed to serve the transportation disadvantaged.  
29 (g) Assure that all procedures, guidelines, and  
30 directives issued by purchasing agencies are conducive to the  
31 coordination of transportation services.

1       (h)1. Require by rule that each agency purchase all  
2 trips within the coordinated system, unless the agency proves  
3 to the local governing authority or, in designated service  
4 areas not governed by a local governing authority, the  
5 commission that the agency can use a more cost-effective  
6 alternative provider.

7       2. Prescribe by rule procedures for proving to the  
8 local governing authority or, in designated service areas not  
9 governed by a local governing authority, the commission that  
10 an alternative provider is more cost-effective than the  
11 coordinated system. Agencies must demonstrate either that the  
12 proposed alternative provider can provide a trip of equal  
13 quality and safety for the clients at a lower cost than that  
14 provided within the coordinated system or that the coordinated  
15 system cannot accommodate the agency's clients.

16       (i) For designated service areas not governed by a  
17 local governing authority, develop standards and rules for  
18 community transportation coordinators and any transportation  
19 operator or coordination contractor from whom service is  
20 purchased or arranged by the community transportation  
21 coordinator covering coordination, operation, safety,  
22 insurance, eligibility for services, costs, and use of  
23 transportation-disadvantaged services. These standards and  
24 rules must include, but are not limited to standards and rules  
25 governing:

26       1. Minimum performance standards for the delivery of  
27 services. These standards should be included in coordinator  
28 contracts and transportation operator contracts and contain  
29 clear penalties for repeated or continuing violations.

30       2. Minimum liability insurance requirements for all  
31 transportation services purchased, provided, or coordinated

- 1 for the transportation disadvantaged through the community  
2 transportation coordinator.
- 3 3. Drug and alcohol testing for safety-sensitive job  
4 positions.
- 5 4. Escort of passengers or passengers services.
- 6 5. A local complaint process that will advise  
7 dissatisfied persons concerning the community transportation  
8 coordinator's procedures governing complaints or grievances  
9 and the commission's ombudsman program.
- 10 6. Trips out of service area.
- 11 7. Billing requirements for the community  
12 transportation coordinators.
- 13 8. Adequate seating arrangements for paratransit  
14 riders and escorts.
- 15 9. Paratransit drivers' duties and behaviors.
- 16 10. Policies for passenger no shows, including the  
17 assessment of fines against passengers for no shows.
- 18 11. Vehicle operations and equipment, including  
19 two-way communications in paratransit vehicles and air  
20 conditioning and heaters in each vehicle.
- 21 12. First aid and cardiopulmonary resuscitation  
22 policies.
- 23 13. Reporting or planning requirements for community  
24 transportation coordinators, transportation operators,  
25 coordination contractors, state agencies and departments,  
26 metropolitan planning organizations, and designated official  
27 planning agencies.
- 28 (j) Develop and monitor rules and procedures for  
29 administering ss. 427.011-427.017.
- 30  
31

1       (k) For designated service areas not governed by a  
2 local governing authority, approve the appointment of all  
3 community transportation coordinators.

4       (l) Apply for and accept funds, grants, gifts, and  
5 services from the Federal Government, state government, local  
6 governments, or private funding sources. Funds acquired or  
7 accepted under this paragraph must be administered by the  
8 commission to carry out the commission's responsibilities.

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

12       (n) After consultations with local governing  
13 authorities, prepare a statewide 5-year  
14 transportation-disadvantaged plan that addresses the  
15 transportation problems and needs of the transportation  
16 disadvantaged, that is fully coordinated with local transit  
17 plans, compatible with local government comprehensive plans,  
18 and that ensures that the most cost-effective and efficient  
19 method of providing transportation to the disadvantaged is  
20 programmed for development.

21       (o) For designated service areas not governed by a  
22 local governing authority, review and approve memorandums of  
23 agreement and transportation-disadvantaged service plans for  
24 the provision of coordinated transportation services.

25       (p) For designated service areas not governed by a  
26 local governing authority, review, monitor, and coordinate all  
27 requests for transportation-disadvantaged local-government,  
28 state, and federal funds and all plans for conformance with  
29 commission policy, without delaying the application process.  
30 Such funds must be available only to those entities  
31 participating in an approved coordinated transportation system

1 or entities that have received a commission-approved waiver to  
2 obtain all or part of their transportation through another  
3 means. This process must identify procedures for coordinating  
4 with the state's intergovernmental coordination and review  
5 procedures and s. 216.212(1) and any other appropriate  
6 grant-review process.

7 (q) For designated service areas not governed by a  
8 local governing authority, develop a contracting, billing, and  
9 accounting system to be used by all community transportation  
10 coordinators and their transportation operators.

11 (r) Design, develop, arrange, and implement  
12 transportation-disadvantaged training programs. The commission  
13 shall coordinate, arrange, or provide statewide training  
14 programs for local governing authorities, local coordinating  
15 boards, designated planning agencies, community transportation  
16 coordinators, transportation operators, and consumers. Local  
17 governing authorities and community transportation  
18 coordinators may use trust fund moneys for travel to  
19 commission training programs. The commission shall provide  
20 local service areas with technical assistance in training and  
21 coordinate other training opportunities to prevent duplication  
22 of effort and expense.

23 (s) To the extent practicable, assist in the  
24 coordination of transportation-disadvantaged programs with  
25 appropriate state, local, and federal agencies and public  
26 transit agencies to ensure compatibility with existing  
27 transportation systems.

28 (t) Designate the official planning agency in areas  
29 outside the purview of a metropolitan planning organization.

30 (u) Provide by rule, for designated service areas not  
31 governed by a local governing authority, need-based criteria

1 that must be used by all community transportation coordinators  
2 and local coordinating boards to prioritize the delivery of  
3 nonsponsored transportation-disadvantaged services that are  
4 purchased with moneys from the Transportation Disadvantaged  
5 Trust Fund.

6 (v) Provide by rule criteria that must be used by all  
7 community transportation coordinators and local coordinating  
8 boards to determine passenger eligibility for nonsponsored  
9 transportation-disadvantaged services that are purchased with  
10 moneys from the Transportation Disadvantaged Trust Fund.

11 (w) For designated service areas not governed by a  
12 local governing authority, develop a quality assurance and  
13 evaluation program to monitor, based upon approved commission  
14 performance standards, rules, and contracts, services  
15 contracted for by an agency, services provided by a designated  
16 official planning agency, and services provided by a community  
17 transportation coordinator and its transportation operators  
18 and coordination contractors. Staff of the quality assurance  
19 and management review program shall function independently and  
20 be directly responsible to the executive director.

21 (x) Ensure that local community transportation  
22 coordinators 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 (y) Review and issue a nonbinding report, at least  
27 every 3 years, regarding the cost-effectiveness of each  
28 community transportation coordinator.

29 1. The report must include the actual expenditures for  
30 transportation-disadvantaged services for each state agency,  
31 and the actual expenditures of each official planning agency,



1 local government, and agency that is directly federally  
2 funded. The report must also include reviews of the  
3 cost-effectiveness of the community transportation  
4 coordinators or other transportation operators.

5 2. The commission shall analyze and report the data  
6 and conclusions in a format of its choosing. The final report  
7 must be delivered to the Governor, the President of the  
8 Senate, the Speaker of the House of Representatives, the local  
9 governing authorities, the county commissioners in each  
10 designated service area, and the local coordinating boards.

11 3. The report, at a minimum, must address the  
12 following:

13 a. The extent to which the community transportation  
14 coordinator is maximizing the use of volunteer services.

15 b. The extent to which the community transportation  
16 coordinator is maximizing the use of resources for which  
17 federal, state, or local government agencies have already  
18 paid, such as transit and fixed-route services.

19 c. The extent to which the community transportation  
20 coordinator has compared the cost of its actual and proposed  
21 services with those of local nongovernmental transportation  
22 operators serving the general public for trips of equal  
23 average trip length. Such comparison may distinguish between  
24 the accessible and nonaccessible trips but must be without  
25 regard to other special requirements and, if the community  
26 transportation coordinator's actual cost exceeds such private  
27 market costs, the extent to which the community transportation  
28 coordinator has demonstrated an essential public welfare  
29 concern that justifies the higher expenditure.

30 d. Not in lieu of, but in addition to sub-subparagraph  
31 c., if the community transportation coordinator provides a

1 specialized service not available in the general public, the  
2 extent to which such system has been compared in cost to  
3 similar specialized services in comparable jurisdictions, and,  
4 if the actual cost of the system exceeds the cost of  
5 comparable systems, the extent to which the community  
6 transportation coordinator has demonstrated an essential  
7 public welfare concern which justifies the higher expenditure.

8 e. The extent to which the community transportation  
9 coordinator has developed an anti-fraud program that provides  
10 a comprehensive and cost-effective anti-fraud strategy.

11 f. The extent to which the community transportation  
12 coordinator has developed a quality-of-service program that  
13 provides comprehensive and effective quality-of-service  
14 assurance for clients of the system.

15 g. The extent to which the community transportation  
16 coordinator has developed an eligibility screening process  
17 that assures that only persons meeting the statutory  
18 requirements of federal and state law are permitted to use the  
19 system, with prioritization as to need to the extent allowable  
20 by law.

21 4. The purpose of the report is to be informational  
22 and not binding upon the local governing authority or upon the  
23 community transportation coordinator, and the report is to be  
24 used as the local governing authority or the community  
25 transportation coordinator considers appropriate. Although not  
26 mandatory, this section does not preclude the local governing  
27 authority or the community transportation coordinator from  
28 responding to the issued report.

29 (z) Adopt rules and procedures necessary to carry out  
30 the purposes of this section.

31

1           (2) In designated services areas where the county  
2 commission elects to become the local governing authority, the  
3 local governing authority has the following powers in addition  
4 to those conferred by s. 427.0151:

5           (a) To provide objectives for providing transportation  
6 services for the transportation disadvantaged within the  
7 jurisdiction of the local governing authority.

8           (b) To develop policies and procedures for the  
9 coordination of local government, federal, and state funding  
10 for the transportation disadvantaged within the jurisdiction  
11 of the local governing authority.

12           (c) To assure that all procedures, guidelines, and  
13 directives issued by purchasing agencies are conducive to the  
14 coordination of transportation services.

15           (d) To assure that agencies purchase all trips within  
16 the coordinated system within the jurisdiction of the local  
17 governing authority, unless the agency proves to the local  
18 governing authority that it can use a more cost-effective,  
19 alternative provider. The local governing authority must  
20 develop criteria and procedures for agencies to prove that an  
21 alternative provider is more cost-effective and appropriate  
22 than the coordinated system.

23           (e) To develop standards and rules for community  
24 transportation coordinators and any transportation operator  
25 and coordination contractor from whom service is purchased or  
26 arranged by the community transportation coordinator covering  
27 coordination, operation, safety, insurance, eligibility for  
28 services, costs, and use of transportation-disadvantaged  
29 services.

30           (f) To appoint the community transportation  
31 coordinator.

1       (g) To apply for and accept funds, grants, gifts, and  
2 services from the Federal Government, state government, local  
3 governments, or private funding sources. Funds acquired or  
4 accepted under this subsection must be collected and  
5 administered by the local governing authority to carry out the  
6 local governing authority's responsibilities.

7       (h) To review and approve memorandums of agreement and  
8 transportation-disadvantaged service plans for the provision  
9 of coordinated transportation services.

10       (i) To review, monitor, and coordinate applicable  
11 transportation-disadvantaged local government, state, and  
12 federal fund requests and plans for conformance with local  
13 governing authority policy, without delaying the application  
14 process.

15       (j) To develop a contracting, billing, and accounting  
16 system to be used by the community transportation coordinator  
17 and its transportation operators.

18       (k) To develop need-based criteria that must be used  
19 by the community transportation coordinator to prioritize the  
20 delivery of nonsponsored transportation-disadvantaged  
21 services.

22       (l) To develop a quality assurance and evaluation  
23 program to monitor, based upon approved local governing  
24 authority standards and contracts, services contracted for by  
25 an agency, services provided by a designated official planning  
26 agency, and services provided by a community transportation  
27 coordinator and its transportation operators and coordination  
28 contractors.

29       (m) To ensure that the local community transportation  
30 coordinator works cooperatively with local WAGES coalitions  
31 established in chapter 414 to provide assistance in the

1 development of innovative transportation services for WAGES  
2 participants.

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

5 427.0135 Agency purchasers of  
6 transportation-disadvantaged services ~~Member departments,~~  
7 ~~duties and responsibilities.~~--Each agency purchasing  
8 transportation-disadvantaged services ~~member department, in~~  
9 ~~carrying out the policies and procedures of the commission,~~  
10 shall:

11 (1)(a) Use the coordinated transportation system for  
12 the provision of transportation-disadvantaged services to its  
13 clients, unless the agency, using procedures developed in rule  
14 by the commission, proves to the local governing authority or,  
15 when appropriate, to the commission that the use of an  
16 alternative provider is more cost-effective and appropriate  
17 than the coordinated system ~~each department meets the criteria~~  
18 ~~outlined in rule to use an alternative provider.~~

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

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

29 (3) Assist communities in developing coordinated  
30 transportation systems designed to serve the transportation  
31 disadvantaged.

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

4           (5) Provide technical assistance, as needed, to  
5 community transportation coordinators or transportation  
6 operators or participating agencies.

7           Section 5. Section 427.015, Florida Statutes, is  
8 amended to read:

9           427.015 Function of the metropolitan planning  
10 organization or designated official planning agency in  
11 coordinating transportation for the transportation  
12 disadvantaged.--

13           (1) The metropolitan planning organization or  
14 designated planning agency shall assist in the local  
15 coordination of transportation services provided to the  
16 transportation disadvantaged in each designated service area.  
17 The goal of this local coordination is to assure the  
18 cost-effective and safe provision of transportation by  
19 qualified community transportation coordinators and  
20 transportation operators for the transportation disadvantaged  
21 without any bias or presumption in favor of multioperator  
22 systems or not-for-profit transportation operators over  
23 single-operator systems or for-profit systems.

24           ~~(1) In developing the transportation improvement~~  
25 ~~program, each metropolitan planning organization or designated~~  
26 ~~official planning agency in this state shall include a~~  
27 ~~realistic estimate of the cost and revenue that will be~~  
28 ~~derived from transportation disadvantaged services in its~~  
29 ~~area. The transportation improvement program shall also~~  
30 ~~identify transportation improvements that will be advanced~~  
31 ~~with such funds during the program period. Funds required by~~

1 ~~this subsection to be included in the transportation~~  
2 ~~improvement program shall only be included after consultation~~  
3 ~~with all affected agencies and shall only be expended if such~~  
4 ~~funds are included in the transportation improvement program.~~  
5       ~~(2) Each metropolitan planning organization or~~  
6 ~~designated official planning agency shall recommend to the~~  
7 ~~commission a single community transportation coordinator. The~~  
8 ~~coordinator may provide all or a portion of needed~~  
9 ~~transportation services for the transportation disadvantaged~~  
10 ~~but shall be responsible for the provision of those~~  
11 ~~coordinated services. Based on approved commission evaluation~~  
12 ~~criteria, the coordinator shall subcontract or broker those~~  
13 ~~services that are more cost-effectively and efficiently~~  
14 ~~provided by subcontracting or brokering. The performance of~~  
15 ~~the coordinator shall be evaluated based on the commission's~~  
16 ~~approved evaluation criteria by the coordinating board at~~  
17 ~~least annually. A copy of the evaluation shall be submitted to~~  
18 ~~the metropolitan planning organization or the designated~~  
19 ~~official planning agency, and the commission. The~~  
20 ~~recommendation or termination of any community transportation~~  
21 ~~coordinator shall be subject to approval by the commission.~~  
22       (2)(3) Each metropolitan planning organization or  
23 designated official planning agency shall prepare an annual  
24 expenditure report ~~request each local government in its~~  
25 ~~jurisdiction to provide an estimate~~ of all local and direct  
26 federal funds to be expended for transportation for the  
27 disadvantaged. The metropolitan planning organization or  
28 designated official planning agency shall consolidate this  
29 information into a single report and forward it, by October 15  
30 ~~the beginning~~ of each ~~fiscal~~ year, to the commission.  
31

1       (3) Each metropolitan planning organization or  
2 designated official planning agency shall assist the community  
3 transportation coordinator in developing and annually updating  
4 a transportation-disadvantaged service plan.

5       Section 6. Section 427.0151, Florida Statutes, is  
6 created to read:

7       427.0151 Selection of the local governing authority;  
8 recommendation of the community transportation coordinator by  
9 the metropolitan planning organization or designated official  
10 planning agency.--

11       (1)(a) Each metropolitan planning organization or  
12 designated official planning agency must first ask the  
13 appropriate county commission whether the county commission  
14 chooses to become the local governing authority that is to  
15 govern coordinated transportation services for the  
16 transportation disadvantaged within the authority's designated  
17 service area.

18       (b) If the county commission elects to become the  
19 local governing authority, it must next decide whether it will  
20 also become the community transportation coordinator with all  
21 powers and responsibilities conferred by this chapter. If the  
22 county commission elects to become the local governing  
23 authority but not the community transportation coordinator,  
24 the county commission must appoint the community  
25 transportation coordinator for the designated service area. In  
26 appointing the community transportation coordinator, the  
27 county commission is not precluded from using a  
28 competitive-procurement selection process and, if so, is  
29 specifically authorized to use the county's  
30 competitive-procurement laws and procedures, including  
31 contested-procurement appeal procedures, to appoint the



1 community transportation coordinator. The appointed community  
2 transportation coordinator shall serve at the pleasure of the  
3 local governing authority.

4 (2)(a) Alternatively, a metropolitan planning  
5 organization or designated official planning agency may ask  
6 the appropriate county commissions in a multi-county area  
7 whether the county commissions wish to form the local  
8 governing authority that is to govern coordinated  
9 transportation services for the transportation disadvantaged  
10 within the authority's multi-county designated service area.

11 (b) If the county commissions choose to create a  
12 multi-county designated service area, the local governing  
13 authority shall consist of a number of county commission  
14 members fixed by a written agreement between the counties in  
15 the designated service area; however, the number of county  
16 commission members must proportionally represent the counties  
17 in the designated service area. County commissioners appointed  
18 to the board of the local governing authority will serve for a  
19 term of 2 years.

20 (c) If a multi-county commission local governing  
21 authority is established, the multi-county local governing  
22 authority must decide whether it will also become the  
23 community transportation coordinator with all powers and  
24 responsibilities conferred by the chapter. If the multi-county  
25 local governing authority elects not to become the community  
26 transportation coordinator, it must appoint the community  
27 transportation coordinator for the multi-county designated  
28 service area. In appointing the community transportation  
29 coordinator, the multi-county local governing authority is not  
30 precluded from using a competitive-procurement selection  
31 process and, if so, is specifically authorized to use

1 competitive-procurement laws and procedures, including  
2 contested-procurement appeal procedures, to appoint the  
3 community transportation coordinator. The multi-county local  
4 governing authority shall select the competitive-procurement  
5 laws and procedures it intends to use. The appointed community  
6 transportation coordinator shall serve at the pleasure of the  
7 multi-county local governing authority.

8 (3)(a) Whenever a county commission chooses not to  
9 become the local governing authority, the appropriate  
10 metropolitan planning organization or designated official  
11 planning agency shall recommend to the commission a single  
12 community transportation coordinator for the designated  
13 service area.

14 (b) Notwithstanding chapter 287, the appropriate  
15 metropolitan planning organization or designated official  
16 planning agency may recommend the community transportation  
17 coordinator for the designated service area without use of  
18 competitive procurement. However, in recommending the  
19 community transportation coordinator, the appropriate  
20 metropolitan planning organization or designated official  
21 planning agency is not precluded from using a  
22 competitive-procurement selection process and, if so, is  
23 specifically authorized to follow the provisions of chapter  
24 287 in appointing the community transportation coordinator.

25 (c) The metropolitan planning organization or  
26 designated official planning agency shall submit the  
27 recommendation to the commission. The commission has the power  
28 to appoint, renew the appointment of, or terminate the  
29 appointment of any community transportation coordinator.

30 (d) The selected community transportation coordinator  
31 will serve for up to 5 years before renewal.

1       (e) The commission shall adopt rules for the  
2 recommendation, designation, selection, renewal, approval, and  
3 revocation of designation of any community transportation  
4 coordinator by a metropolitan planning organization or  
5 designated official planning agency in designated service  
6 areas not governed by a local governing authority.

7       Section 7. Section 427.0155, Florida Statutes, is  
8 amended to read:

9       (Substantial rewording of section. See  
10 s. 427.0155, F.S., for present text.)  
11 427.0155 Community transportation coordinators; powers  
12 and duties.--

13       (1) The community transportation coordinator may  
14 provide all or a portion of needed transportation services for  
15 the transportation disadvantaged but shall remain responsible  
16 for the provision of those coordinated services in the  
17 designated service area.

18       (2) The community transportation coordinator shall  
19 subcontract or broker those transportation services that are  
20 more cost-effectively and efficiently provided.

21       (3) Community transportation coordinators have the  
22 powers and duty to:

23       (a) Execute contracts for service using a standard  
24 contract that includes performance standards for  
25 transportation operators and coordination contractors. When  
26 purchasing transportation-disadvantaged services, a community  
27 transportation coordinator must comply with  
28 competitive-procurement procedures of chapter 287. If the  
29 community transportation coordinator is a local governing  
30 authority, the community transportation coordinator must  
31 comply with the competitive-procurement procedures of the

1 county in which it operates. However, this  
2 competitive-procurement requirement does not restrict the  
3 community transportation coordinator's ability to issue  
4 requests for proposals or to negotiate contracts.  
5 (b) Collect annual operating data for submittal to the  
6 local coordinating board, the metropolitan planning  
7 organization, or the designated official planning agency; to  
8 the local governing authority, when appropriate; and to the  
9 commission.  
10 (c) Review and analyze all transportation operator and  
11 coordination contractor contracts annually.  
12 (d) Approve and coordinate the use of school buses and  
13 public transportation services in accordance with the  
14 transportation-disadvantaged service plan.  
15 (e) In cooperation with the local coordinating board,  
16 review all applications for local-government, federal, and  
17 state transportation-disadvantaged funds, and develop  
18 cost-effective coordination strategies. With the approval of  
19 the local coordinating board, the commission or, when  
20 applicable, the local governing authority, funding to support  
21 the community transportation coordinator's functions  
22 associated with coordination activities may be obtained from a  
23 coordination fee charged as part of each trip arranged or  
24 provided.  
25 (f) Develop, negotiate, implement, and monitor a  
26 transportation-disadvantaged service plan. The transportation  
27 disadvantaged-service plan must be reviewed by the local  
28 coordinating board and approved by the local governing  
29 authority or, in designated service areas not governed by a  
30 local governing authority, by the commission. A copy of the  
31

1 plan approved by the local governing authority must be  
2 forwarded, within 30 days, to the commission.

3 (g) The community transportation coordinator and the  
4 local coordinating board shall establish priorities with  
5 regard to the recipients of nonsponsored transportation  
6 disadvantaged services that are purchased with moneys from the  
7 Transportation Disadvantaged Trust Fund. The established  
8 priorities must be approved by the local governing authority,  
9 when appropriate.

10 (4) Work cooperatively with local WAGES coalitions  
11 established in chapter 414 to provide assistance in the  
12 development of innovative transportation services for WAGES  
13 participants.

14 Section 8. Section 427.0156, Florida Statutes, is  
15 created to read:

16 427.0156 Local coordinating boards; establishment and  
17 membership.--

18 (1) A local coordinating board shall be established in  
19 each county. However, when agreed upon in writing by the  
20 boards of county commissioners in each county to be covered in  
21 the designated service area, multicounty local coordinating  
22 boards may be appointed. In a multicounty service area, the  
23 written agreement must state the order in which the counties  
24 will rotate the position of chair and the length of time for  
25 which each county's representative is to serve as chair on the  
26 local coordinating board.

27 (2) The local coordinating board shall be an advisory  
28 body whose purpose is to identify local service needs and to  
29 provide information, advice, consultation, direction, and  
30 criticism to the local governing authority and to the  
31 community transportation coordinator on the coordination of

1 services to be provided to the transportation disadvantaged in  
2 the designated service area.

3 (3) The metropolitan planning organization or the  
4 designated planning agency shall appoint one elected official  
5 to serve as official chair for all local coordinating board  
6 meetings. The appointed chair must be an elected official from  
7 the county that the local coordinating board serves. For a  
8 multicounty local coordinating board, the elected official who  
9 is appointed to serve as chair must be from one of the  
10 counties served. The chair of a multicounty local coordinating  
11 board shall coordinate as nearly equal representation of the  
12 counties in the service area as is feasible.

13 (4) In addition to the chair, the other members of the  
14 local coordinating board shall be appointed by the  
15 metropolitan planning organization or the designated official  
16 planning agency. The following entities or persons must be  
17 voting members on the local coordinating board:

18 (a) A local representative of the Department of  
19 Transportation, to be appointed by the secretary of that  
20 department.

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

24 (c) A local representative of the Department of  
25 Education, to be appointed by the commissioner of that  
26 department.

27 (d) A local representative of the Department of  
28 Veterans' Affairs, to be appointed by the executive director  
29 of that department.

30  
31

1       (e) A local representative of the Department of  
2 Elderly Affairs, to be appointed by the secretary of that  
3 department.

4       (f) A local representative of the Agency for Health  
5 Care Administration, to be appointed by the executive director  
6 of that agency.

7       (g) A local representative of the Department of  
8 Health, to be appointed by the secretary of that department.

9       (h) A local representative of the local WAGES  
10 coalition, to be appointed by the chair of the local WAGES  
11 coalition.

12       (i) In counties served by public transit systems, a  
13 representative of the local transit agency, to be appointed by  
14 the executive director of that transit agency, except in cases  
15 where the public transit system serves as the community  
16 transportation coordinator.

17       (j) A disabled person representing the disabled in the  
18 county, to be appointed by a majority vote of the members  
19 present.

20       (k) One representative of the local private for-profit  
21 transportation industry, to be appointed by a majority vote of  
22 the members present, except in cases when the private  
23 for-profit transportation member serves as the community  
24 transportation coordinator.

25       (l) One representative of the local private  
26 not-for-profit transportation industry, to be appointed by a  
27 majority vote of the members present, except in cases when the  
28 private not-for-profit transportation member serves as the  
29 community transportation coordinator.

30       (m) Two citizen representatives who use the  
31 coordinated transportation system as their primary means of

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

3 (5) For a multicounty local coordinating board, if one  
4 or more metropolitan planning organizations or the designated  
5 official planning agency serve the designated service area,  
6 affected metropolitan planning organizations and the  
7 designated official planning agency shall meet to jointly  
8 appoint voting members to the local coordinating board. The  
9 composition of the multicounty local coordinating board shall  
10 constitute as fairly proportional representation of the  
11 counties in the service area as is feasible.

12 (6)(a) An employee of a community transportation  
13 coordinator may not serve as a voting member of the local  
14 coordinating board in an area where the community  
15 transportation coordinator serves. However, community  
16 transportation coordinators and their employees are not  
17 prohibited from serving on a local coordinating board in an  
18 area where they are not the coordinator.

19 (b) An elected official serving as chair of the  
20 coordinating board, or other governmental employees that are  
21 not employed for the purpose of making provisions for  
22 transportation and are not directly supervised by the  
23 community transportation coordinator, are not precluded from  
24 serving as voting members of the coordinating board.

25 (7) All members of the local coordinating board shall  
26 be appointed for 3-year staggered terms with initial members  
27 being appointed equally for 1 year, 2 years, and 3 years.

28 (8) The local coordinating board shall hold an  
29 organizational meeting each year for the purpose of electing a  
30 vice chair. The vice chair shall be elected by a majority vote  
31 of the members of the local coordinating board present and



1 voting at the organizational meeting. When the chair is  
2 absent, the vice chair shall assume the duties of the chair  
3 and conduct the meeting.

4 (9) The local coordinating board shall meet at least  
5 quarterly, or more frequently at the call of the chair. A  
6 majority of the members of the local coordinating board  
7 constitutes a quorum, and a majority vote of the  
8 representatives present is necessary for any action taken by  
9 the local coordinating board.

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

13 (11) The metropolitan planning organization or the  
14 designated planning agency shall provide each board with  
15 sufficient staff support and resources to enable it to fulfill  
16 its duties and responsibilities.

17 Section 9. Section 427.0157, Florida Statutes, is  
18 amended to read:

19 (Substantial rewording of section. See  
20 s. 427.0157, F.S., for present text.)

21 427.0157 Local coordinating boards; powers and  
22 duties.--

23 (1) The purpose of each local coordinating board is to  
24 develop local service needs and priorities and to provide  
25 information, advice, and direction to the local governing  
26 authority and to the community transportation coordinators  
27 concerning the coordination of services to be provided to the  
28 transportation disadvantaged in the local governing  
29 authority's designated service area.

30 (2) Each local coordinating board shall meet at least  
31 quarterly and shall:

1       (a) Review the transportation-disadvantaged service  
2 plan with the community transportation coordinator and provide  
3 its findings to the local governing authority and to the  
4 commission.

5       (b) Evaluate services provided by the community  
6 transportation coordinator in meeting the requirements of the  
7 approved transportation-disadvantaged service plan.

8       (c) In cooperation with the community transportation  
9 coordinator, review and provide recommendations to the local  
10 governing authority or, when appropriate, to the commission  
11 concerning funding applications affecting the transportation  
12 disadvantaged.

13       (d) Assist the community transportation coordinator in  
14 establishing priorities and trip purposes, and determining  
15 client eligibility with regard to the recipients of  
16 nonsponsored transportation-disadvantaged services that are  
17 purchased with moneys from the Transportation Disadvantaged  
18 Trust Fund.

19       (e) In designated service areas not governed by a  
20 local governing authority, assist the metropolitan planning  
21 organization or designated official planning agency in the  
22 process of recommending to the commission the community  
23 transportation coordinator.

24       (f) At least annually, review and evaluate the  
25 performance of the community transportation coordinator in  
26 providing or arranging transportation services to the  
27 transportation disadvantaged in the designated service area.  
28 The evaluation of the performance of the coordinator must be  
29 based on the approved evaluation criteria and performance  
30 measures developed by the local governing authority or, in  
31 designated service areas not governed by a local governing

1 authority, by the commission. A copy of the performance  
2 evaluation shall be submitted to the local governing  
3 authority, to the metropolitan planning organization or the  
4 designated official planning agency, and to the commission.

5 (g) Evaluate multicounty or regional transportation  
6 opportunities.

7 (h) Work cooperatively with local WAGES coalitions  
8 established in chapter 414 to provide assistance in the  
9 development of innovative transportation services for WAGES  
10 participants.

11 (3) Whenever possible, local coordinating boards shall  
12 develop reciprocal agreements with adjacent local coordinating  
13 boards in order to facilitate and foster innovative agreements  
14 to reduce costs and legal barriers to multicounty or regional  
15 transportation-disadvantaged service needs. Local coordinating  
16 boards shall cooperate with local governing authorities to  
17 reduce barriers to efficient multicounty or regional  
18 transportation-disadvantaged services.

19 (4) The local coordinating board may recommend  
20 approval or disapproval of transportation operator and  
21 coordination contractor contracts to the community  
22 transportation coordinator, providing the basis for its  
23 recommendation. Within 30 days after its receipt of the local  
24 coordinating board's recommendation, the community  
25 transportation coordinator must accept or reject the  
26 recommendation, providing written reasons for its rejection.  
27 The local coordinating board may request the local governing  
28 authority or, in designated service areas not governed by a  
29 local governing authority, the commission to review the  
30 community transportation coordinator's final decision. A copy  
31

1 of the community transportation coordinator's response, in any  
2 instance, must be forwarded to the commission.

3 (5) Each local coordinating board shall establish a  
4 grievance committee to hear complaints and other matters from  
5 riders and interested persons. The commission by rule shall  
6 establish the size, composition, specific tasks, and  
7 procedures for the grievance committee process.

8 (6) Each local coordinating board shall assist the  
9 local governing authority in assuring that each state or local  
10 agency purchases all trips within the coordinated system,  
11 unless the agency demonstrates to the local governing  
12 authority, pursuant to s. 427.0160, that the agency's use of  
13 an alternative provider is more cost-effective than the  
14 purchase of transportation through the coordinated system.

15 Section 10. Subsections (2) and (3) of section  
16 427.0158, Florida Statutes, are amended to read:

17 427.0158 School bus and public transportation.--

18 (2) The school boards shall cooperate in the  
19 utilization of their vehicles to enhance coordinated  
20 disadvantaged transportation by providing the information as  
21 required by this section and by allowing the use of their  
22 vehicles at actual cost upon request when those vehicles are  
23 available for such use and are not transporting students.  
24 Semiannually, no later than October 1 and April 30, a designee  
25 from the local school board shall provide the community  
26 transportation coordinator with copies to the local  
27 coordinating ~~coordinated transportation~~ board, the following  
28 information for vehicles not scheduled 100 percent of the time  
29 for student transportation use:

30 (a) The number and type of vehicles by adult capacity,  
31 including days and times, that the vehicles are available for

1 coordinated transportation-disadvantaged ~~transportation~~  
2 ~~disadvantaged~~ services;

3 (b) The actual cost per mile by vehicle type  
4 available;

5 (c) The actual driver cost per hour;

6 (d) Additional actual cost associated with vehicle use  
7 outside the established workday or workweek of the entity; and  
8 (e) Notification of lead time required for vehicle  
9 use.

10 (3) The public transit fixed route or fixed schedule  
11 system shall cooperate in the utilization of its regular  
12 service to enhance coordinated transportation-disadvantaged  
13 ~~transportation-disadvantaged~~ services by providing the  
14 information as required by this section. Annually, no later  
15 than October 1, a designee from the local public transit fixed  
16 route or fixed schedule system shall provide the community  
17 transportation coordinator, with copies to the local  
18 coordinating ~~coordinated transportation~~ board, the following  
19 information:

20 (a) A copy of all current schedules, route maps,  
21 system map, and fare structure;

22 (b) A copy of the current charter policy;

23 (c) A copy of the current charter rates and hour  
24 requirements; and

25 (d) Required notification time to arrange for a  
26 charter.

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

29 (Substantial rewording of section. See  
30 s. 427.0159, F.S., for present text.)  
31 427.0159 Transportation Disadvantaged Trust Fund.--

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

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

12       (3)(a) The commission, in consultation with local  
13 governing authorities, shall by rule determine a fair and  
14 equitable grant-distribution formula for nonsponsored  
15 transportation-disadvantaged funds.

16       (b) After determining each year's fair and equitable  
17 grant-distribution formula of funds available through the  
18 Transportation Disadvantaged Trust Fund, the commission shall  
19 disburse to each local governing authority a block grant for  
20 nonsponsored transportation activities in the local governing  
21 authority's designated service area. Each local governing  
22 authority's initial disbursement will represent the maximum  
23 amount allowable under rules of the Comptroller's office.

24       (c) For designated service areas not governed by a  
25 local governing authority, the commission may adopt rules  
26 establishing and implementing a grant program to fund  
27 nonsponsored transportation services, including the purchase  
28 of capital equipment and planning activities.

29       (4)(a) The local governing authority, with advice from  
30 the local coordinating board, shall determine the priority for  
31 using such nonsponsored grant funds received under the

1 allocation formula. The local governing authority is not  
2 responsible to the commission regarding the choice of  
3 nonsponsored transportation priorities except to assure that  
4 the priorities chosen are within the stated purposes of this  
5 chapter.

6 (b) Local coordinating boards, in designated service  
7 areas not governed by a local governing authority, shall  
8 determine the priority for using such nonsponsored grant funds  
9 received under the allocation formula. Any prioritization  
10 developed by the local coordinating board for trips shall be  
11 based on the following criteria:

- 12 1. Cost-effectiveness and efficiency.
- 13 2. Purpose of trip.
- 14 3. Unmet needs.
- 15 4. Available resources.

16  
17 Each local coordinating board in a designated service area not  
18 governed by a local governing authority is responsible to the  
19 commission regarding the choice of nonsponsored transportation  
20 priorities in order that the chosen priorities be within the  
21 stated purposes of this chapter.

22 (5) Funds deposited in the trust fund may be used by a  
23 local governing authority or the commission as funding of last  
24 resort for transportation-disadvantaged services. The  
25 nonsponsored trust fund moneys may be used only to subsidize a  
26 portion of a transportation-disadvantaged person's  
27 transportation costs which is not sponsored by any other  
28 agency, but only if a cash or in-kind match is required. Rider  
29 eligibility for nonsponsored transportation-disadvantaged  
30 services must be based upon the need of the recipient and  
31 according to criteria developed by the commission.

1       (6) The commission shall request budget authority to  
2 establish a reserve fund to be used when estimated revenues  
3 are not collected and for an emergency fund to be used for  
4 transportation-disadvantaged services in times of natural  
5 disasters, discontinuance of services, or as otherwise  
6 directed by rules of the commission.

7           Section 12. Section 427.016, Florida Statutes, is  
8 amended to read:

9           427.016 Use of the coordinated transportation system  
10 by all funding agencies ~~Expenditure of local government,~~  
11 ~~state, and federal funds for the transportation~~  
12 ~~disadvantaged.--~~

13           (1)(a) Subject to the provisions of this section, all  
14 transportation disadvantaged funds appropriated to state or  
15 local agencies and expended within the state must ~~shall~~ be  
16 expended to purchase transportation services from community  
17 transportation coordinators. State or local agencies or their  
18 clients may not purchase transportation services from an  
19 alternative provider unless ~~or public, private, or private~~  
20 ~~nonprofit transportation operators within the coordinated~~  
21 ~~transportation system, except when the rates charged by the~~  
22 ~~proposed alternative provider are first proven to the local~~  
23 ~~governing authority or, if appropriate, to the commission~~  
24 ~~alternate operators are proven, pursuant to rules generated by~~  
25 ~~the Commission for the Transportation Disadvantaged, to be~~  
26 more cost-effective than the rates charged by the community  
27 transportation coordinator, to ~~and are not constitute~~ a risk  
28 to the public health, safety, or welfare, and to meet  
29 appropriate quality standards. However, in areas where  
30 transportation suited to the unique needs of a transportation  
31 disadvantaged person cannot be purchased ~~from~~ through the



1 ~~community transportation coordinator coordinated system, or~~  
2 ~~where the agency has met the rule criteria for using an~~  
3 ~~alternative provider, the service may be contracted for~~  
4 directly by the appropriate agency.

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

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

30 (3) Each metropolitan planning organization or  
31 designated official planning agency shall annually compile a

1 report accounting for all local government and direct federal  
2 funds for transportation for the disadvantaged expended in its  
3 jurisdiction and forward this report by October ~~September~~ 15  
4 to the commission.

5           Section 13. A county commission may at any time elect  
6 to become the local governing authority under chapter 427,  
7 Florida Statutes. Once the election is made, the local  
8 governing authority succeeds to all rights, powers, duties,  
9 and responsibilities previously possessed by the Commission  
10 for the Transportation Disadvantaged. The selection of the  
11 community transportation coordinator by the local governing  
12 authority must occur at the expiration of an existing  
13 memorandum of agreement between the commission and the  
14 community transportation coordinator.

15           Section 14. This act shall take effect October 1,  
16 2000.

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