

By the Committee on Transportation

306-705A-00

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."

31

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 Secretary of Labor and Employment Security or
12 the secretary'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
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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.

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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 Labor
25 and Employment Security, to be appointed by the secretary of
26 that department.

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

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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

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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

