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1 A bill to be entitled

2 An act relating to transportation services; amending s.
3 427.011, F.S.; revising definitions; defining "purchasing
4 agency," "coordination contract," "coordination
5 contractor," "transportation disadvantaged service plan,"
6 and "alternative transportation provider"; amending s.
7 427.012, F.S.; revising organization, membership, and
8 quorum requirement of the Commission for the
9 Transportation Disadvantaged in the Department of
10 Transportation; amending s. 427.013, F.S.; revising
11 purpose and duties of said commission; requiring said
12 commission to adopt rules for described standards and
13 procedures; requiring a quality assurance and program
14 evaluation section; requiring an ombudsman program;
15 requiring a standing ombudsman committee; providing that
16 described information provided the ombudsman will remain
17 confidential and is exempt from the public records laws;
18 requiring said commission to develop a statewide
19 competitive procurement process to be used by designated
20 official planning agencies; requiring said commission,
21 with described partners, to develop and fund described
22 pilot projects; requiring said commission to develop,
23 monitor, and implement a substance abuse program for
24 certain transportation coordinators, operators, and
25 providers; amending s. 427.0135, F.S.; providing duties
26 and responsibilities for purchasing agencies; revising
27 provisions for use of alternative provider; amending s.
28 427.015, F.S.; revising functions of metropolitan planning
29 organizations or designated official planning agencies in
30 coordinating transportation for the transportation



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31 | disadvantaged; providing for use of a competitive
32 | procurement process; prohibiting a purchasing agency from
33 | serving as the community transportation coordinator;
34 | providing for input into local, regional, and statewide
35 | planning processes; providing for assistance to the local
36 | community transportation coordinator and local
37 | coordinating board with certain educational programs and
38 | with identifying potential funding sources; amending s.
39 | 427.0155, F.S.; revising powers and duties of community
40 | transportation coordinators; requiring described contracts
41 | to be approved by the Commission for the Transportation
42 | Disadvantaged; providing for a multiyear transportation
43 | disadvantaged service plan; providing for transportation
44 | delivery models; amending s. 427.0157, F.S.; revising
45 | powers and duties of coordinating boards; providing for
46 | assistance with educational efforts and with development
47 | of transportation alternatives; amending s. 427.0158,
48 | F.S.; revising requirements for specified information
49 | provided by local school boards; amending s. 427.0159,
50 | F.S.; revising criteria for use of the Transportation
51 | Disadvantaged Trust Fund; authorizing the Commission for
52 | the Transportation Disadvantaged to modify the match for
53 | certain services; providing rulemaking authority; amending
54 | s. 427.016, F.S., relating to transportation disadvantaged
55 | funds expended within the state; revising criteria for use
56 | of an alternative provider; revising timeframes for
57 | described reports by purchasing agencies, metropolitan
58 | planning organizations, and planning agencies of certain
59 | funds expended; providing authority to audit and review
60 | records; providing an effective date.



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

Section 1. Section 427.011, Florida Statutes, is amended to read:

427.011 Definitions.--For the purposes of ss. 427.011-427.017:

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

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

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

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

(5) "Community transportation coordinator" means a transportation entity approved by the Commission for the Transportation Disadvantaged and recommended by a metropolitan



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91 planning organization, or by the appropriate designated official
 92 planning agency as provided for in ss. 427.011-427.017 in an
 93 area outside the purview of a metropolitan planning
 94 organization, following a competitive procurement process to
 95 ensure that coordinated transportation services are provided to
 96 the transportation disadvantaged population in a designated
 97 service area.

98 (6) "Transportation operator" means one or more public,
 99 private for-profit, or private nonprofit entities engaged by the
 100 community transportation coordinator to provide service to
 101 transportation disadvantaged persons pursuant to a coordinated
 102 transportation disadvantaged system service plan.

103 (7) "Coordinating board" means an advisory entity in each
 104 designated service area composed of representatives appointed by
 105 the metropolitan planning organization or designated official
 106 planning agency, to provide assistance to and evaluate the
 107 community transportation coordinator relative to the
 108 coordination of transportation services.

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

111 (8)(9) "Paratransit" means those elements of public
 112 transit that ~~which~~ provide service between specific origins and
 113 destinations selected by the individual user or purchasing
 114 agency with such service being provided at a time that is agreed
 115 upon by the individual user or purchasing agency and the
 116 provider of the service. Paratransit service is provided by
 117 taxis, limousines, "dial-a-ride," buses, and other demand-
 118 responsive operations that are characterized by their
 119 nonscheduled, nonfixed route nature.



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120 (9) "Purchasing agency" means an agency whose head is a
 121 member of the Commission for the Transportation Disadvantaged or
 122 an agency that purchases or expends funds for transportation
 123 services for the transportation disadvantaged and that may
 124 choose to contract with the Commission for the Transportation
 125 Disadvantaged for the provision of transportation for its
 126 clients or other services based on a performance-based contract.

127 (10) "Transportation disadvantaged funds" means any local
 128 government, state, or available federal funds that are for the
 129 transportation of the transportation disadvantaged. Such funds
 130 may include, but are not limited to, funds for planning,
 131 Medicaid transportation, administration, operation, procurement,
 132 and maintenance of vehicles or equipment and capital
 133 investments. Transportation disadvantaged funds do not include
 134 funds for the transportation of children to public schools.

135 (11) "Coordination" means the arrangement for the
 136 provision of quality transportation services to the
 137 transportation disadvantaged in a manner that is safe, timely,
 138 cost-effective, efficient, and reduces fragmentation and
 139 duplication of services.

140 ~~(12) "Annual budget estimate" means a budget estimate of~~
 141 ~~funding resources available for providing transportation~~
 142 ~~services to the transportation disadvantaged and which is~~
 143 ~~prepared annually to cover a period of 1 state fiscal year.~~

144 (12)~~(13)~~ "Nonsponsored transportation disadvantaged
 145 services" means transportation disadvantaged services that are
 146 not sponsored or subsidized by any funding source other than the
 147 Transportation Disadvantaged Trust Fund.

148 (13) "Coordination contract" means a written contract
 149 between the community transportation coordinator and an agency



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150 that receives transportation disadvantaged funds and performs
 151 some or all of its own transportation services and transportation
 152 services to others when shown to be more effective and more
 153 efficient from a total system perspective. The contract shall
 154 contain the specific terms and conditions that apply to those
 155 agencies that perform their own transportation and shall contain
 156 joint utilization and cost provisions for transportation services
 157 to and from the community transportation coordinator.

158 (14) "Coordination contractor" means an agency that enters
 159 into a coordination contract with the community transportation
 160 coordinator that receives transportation disadvantaged funds and
 161 performs some, if not all, of its own transportation services, as
 162 well as transportation services to others, when shown to be more
 163 cost effective and efficient from a total system perspective. The
 164 coordination contract shall reflect the specific terms and
 165 conditions that will apply to those agencies that perform their
 166 own transportation, as well as joint utilization and cost
 167 provisions for transportation services to and from the community
 168 transportation coordinator.

169 (15) "Transportation disadvantaged service plan" means an
 170 annually updated, multiyear plan jointly developed by the
 171 designated official planning agency and the community
 172 transportation coordinator. It shall contain a development plan,
 173 a service plan, and quality assurance components. The plan shall
 174 be approved by the Commission for the Transportation
 175 Disadvantaged and the local coordinating board and used to
 176 evaluate the community transportation coordinators,
 177 transportation operators, coordination contractors, and approved
 178 alternative providers.



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179 (16) "Alternative transportation provider" means a
 180 transportation entity that has been determined by a purchasing
 181 agency to provide transportation services at a lower cost and
 182 meets the same standards as the coordinated system, in
 183 accordance with the procedure approved by the Commission for the
 184 Transportation Disadvantaged for purchasing agency utilization
 185 of alternative providers.

186 Section 2. Paragraphs (d), (g), (k), and (n) of subsection
 187 (1) and subsection (4) of section 427.012, Florida Statutes, are
 188 amended to read:

189 427.012 The Commission for the Transportation
 190 Disadvantaged.--There is created the Commission for the
 191 Transportation Disadvantaged in the Department of
 192 Transportation.

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

194 (d) The secretary of the Department of Health Labor and
 195 ~~Employment Security~~ or the secretary's designee.

196 (g) The secretary ~~director~~ of the Agency for Health Care
 197 Administration or the secretary's ~~director's~~ designee.

198 (k) A person with a disability ~~handicapped person~~ who is a
 199 member of a recognized statewide organization representing
 200 ~~handicapped~~ Floridians with disabilities. Such person shall be
 201 appointed by the Governor to represent disabled ~~handicapped~~
 202 Floridians and shall be appointed to serve a term of 4 years.

203 (n) A representative of children ~~One member of the Early~~
 204 ~~Childhood Council~~. Such person shall be appointed by the
 205 Governor to represent children at risk ~~maternal and child health~~
 206 ~~care providers~~ and shall be appointed to serve a term of 4
 207 years.



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208 (4) The commission shall meet at least quarterly, or more
209 frequently at the call of the chairperson. Fifty-one percent
210 ~~Nine members~~ of the commission members constitute a quorum, and
211 a majority vote of the members present is necessary for any
212 action taken by the commission.

213 Section 3. Section 427.013, Florida Statutes, is amended
214 to read:

215 427.013 The Commission for the Transportation
216 Disadvantaged; purpose and responsibilities.--The purpose of the
217 commission is to accomplish and provide statewide oversight for
218 the coordination and funding of transportation services provided
219 to the transportation disadvantaged. The goal of this
220 coordination and oversight shall be to assure the quality, safe,
221 timely, and cost-effective provision of transportation by
222 qualified community transportation coordinators or
223 transportation operators for the transportation disadvantaged
224 without any bias or presumption in favor of multioperator
225 systems or not-for-profit transportation operators over single
226 operator systems or for-profit transportation operators. In
227 carrying out this purpose, the commission shall:

228 (1) Compile all available information on the
229 transportation operations for and needs of the transportation
230 disadvantaged in the state.

231 (2) Establish, amend, and monitor statewide objectives for
232 providing the quality, safe, cost-effective, and timely
233 coordinated transportation service services for the
234 transportation disadvantaged.

235 (3) Develop, modify, and monitor policies and procedures
236 for the coordination of local government, federal, and state
237 funding for the transportation disadvantaged.



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238 (4) Identify barriers prohibiting the coordination and
 239 accessibility of transportation services to the transportation
 240 disadvantaged and aggressively pursue the elimination of these
 241 barriers by implementing new or revised policies of the
 242 commission or recommending changes to the Legislature.

243 (5) Serve as a statewide clearinghouse for information
 244 about transportation disadvantaged services, training, funding
 245 sources, innovations, and coordination best practices efforts.

246 (6) In coordination with community transportation
 247 coordinators, local coordinating boards, and purchasing
 248 agencies, assist communities in developing and monitoring
 249 transportation systems designed to serve the transportation
 250 disadvantaged.

251 (7) Assure, by reviewing and recommending changes, that
 252 all procedures, guidelines, and directives issued by purchasing
 253 agencies ~~member departments~~ are conducive to the coordination of
 254 transportation services and in compliance with ss. 427.011-
 255 427.017, and adhere to the standards of the commission provided
 256 by rule or other policies adopted by the commission.

257 (8)(a) Assure that purchasing agencies ~~member departments~~
 258 purchase all trips within the coordinated system, unless they
 259 have been approved to use an alternative transportation
 260 provider, pursuant to rules and procedures adopted by the
 261 commission, that meets the standards of the commission ~~use a~~
 262 ~~more cost-effective alternative provider.~~

263 (b) Approve and implement ~~Provide,~~ by rule, criteria and
 264 procedures for any agency that purchases transportation services
 265 ~~member departments~~ to justify utilizing an alternative
 266 transportation provider outside of the coordinated
 267 transportation system ~~use if they wish to use an alternative~~



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268 ~~provider. Such procedures~~ Departments must demonstrate either
 269 that the proposed alternative provider can provide a trip of
 270 acceptable quality for the clients at a lower cost than that
 271 provided within the coordinated system and such provider meets
 272 the minimum approved standards of the commission as outlined in
 273 rule, or that the coordinated system cannot accommodate the
 274 purchasing agency's needs ~~department's clients.~~

275 (9) Develop by rule standards for community transportation
 276 coordinators, ~~and any~~ transportation operators, operator or
 277 coordination contractors, and agencies that have been approved
 278 to contract with alternative providers as specified in
 279 subsection (8) ~~contractor~~ from whom service is purchased or
 280 arranged by the community transportation coordinator covering
 281 coordination, operation, safety, insurance, eligibility for
 282 service, costs, on-time performance, and utilization of
 283 transportation disadvantaged services. These standards and rules
 284 must include, but are not limited to:

285 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~
 286 ~~for the various modes and types of transportation services~~
 287 ~~provided.~~

288 (a)(b) Minimum performance standards for the delivery of
 289 services. These standards must be included in community
 290 transportation coordinator contracts, ~~and~~ transportation
 291 operator contracts, coordination contracts, and contracts
 292 between purchasing agency-approved transportation alternative
 293 providers as approved in accordance with subsection (8), with
 294 clear penalties for repeated or continuing violations.

295 (b)(e) Minimum liability insurance requirements for all
 296 transportation services purchased, provided, or coordinated for
 297 the transportation disadvantaged through the community



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298 transportation coordinator, a transportation operator, or an
299 alternative transportation provider as approved in accordance
300 with subsection (8).

301 (c) Minimum driver background screening for all
302 transportation disadvantaged services purchased, provided, or
303 coordinated for the transportation disadvantaged through the
304 community transportation coordinators, transportation operators,
305 or alternative transportation providers as approved in
306 accordance with subsection (8).

307 (10) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
308 implement the provisions of ss. 427.011-427.017.

309 (11) Approve the appointment of all community
310 transportation coordinators.

311 (12) Have the authority to aggressively apply for and
312 accept funds, grants, gifts, and services from the Federal
313 Government, state government, local governments, or private
314 funding sources. Applications by the commission for local
315 government funds shall be coordinated through the appropriate
316 coordinating board. Funds acquired or accepted under this
317 subsection shall be administered by the commission and shall be
318 used to carry out the commission's responsibilities.

319 (13) Make an annual report to the Governor, the President
320 of the Senate, and the Speaker of the House of Representatives
321 by February 1 ~~January 1~~ of each year.

322 ~~(14) Consolidate, for each state agency, the annual budget~~
323 ~~estimates for transportation disadvantaged services, and the~~
324 ~~amounts of each agency's actual expenditures, together with the~~
325 ~~annual budget estimates of each official planning agency, local~~
326 ~~government, and directly federally funded agency and issue a~~
327 ~~report.~~



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328 ~~(14)(15)~~ Prepare a statewide 5-year transportation
329 disadvantaged plan which addresses the transportation problems
330 and needs of the transportation disadvantaged, which is fully
331 coordinated with the Florida Transportation Plan and local and
332 regional transit plans, compatible with local government
333 comprehensive plans, and which ensures that the highest quality,
334 most safe, timely, cost-effective, and efficient method of
335 providing transportation to the disadvantaged is programmed for
336 development.

337 ~~(15)(16)~~ Review and approve memorandums of agreement for
338 the provision of coordinated transportation services.

339 ~~(16)(17)~~ Review, monitor, and coordinate all
340 transportation disadvantaged local government, state, and
341 federal fund requests and plans for conformance with commission
342 policy, without delaying the application process. Such funds
343 shall be available only to those entities participating in an
344 approved coordinated transportation system or entities that have
345 been approved to utilize an alternative provider based on which
346 have received a commission-approved procedures waiver to obtain
347 all or part of their transportation through another means as
348 outlined in subsection (8). This process shall identify
349 procedures for coordinating with the state's intergovernmental
350 coordination and review procedures and s. 216.212(1) and any
351 other appropriate grant review process.

352 ~~(17)(18)~~ Develop an interagency uniform contracting and
353 billing and accounting system that shall be used by all
354 community transportation coordinators and their transportation
355 operators.



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356 ~~(18)(19)~~ Develop and maintain a transportation
357 disadvantaged handbook outlining current rules, regulations, and
358 procedures for implementation of the program manual.

359 ~~(19)(20)~~ Design and develop statewide transportation
360 disadvantaged training and technical assistance programs
361 ensuring coordination with other agencies and maximizing
362 available resources.

363 ~~(20)(21)~~ Coordinate all transportation disadvantaged
364 programs with appropriate state, local, and federal agencies and
365 public transit agencies to ensure compatibility with existing
366 transportation systems.

367 ~~(21)(22)~~ Designate the official planning agency in areas
368 outside of the purview of a metropolitan planning organization.

369 ~~(22)(23)~~ Develop and update, as needed, eligibility
370 guidelines ~~need-based criteria~~ that must be used by all
371 community transportation coordinators to prioritize the delivery
372 of nonsponsored transportation disadvantaged services that are
373 purchased with Transportation Disadvantaged Trust Fund moneys.

374 ~~(23)~~ To ensure the level of quality and timely, safe,
375 cost-effective, efficient, and financially accountable areas of
376 the transportation disadvantaged program, employ a quality
377 assurance and program evaluation section and utilize outside
378 contractors to accomplish some of its responsibilities.

379 (a) The quality assurance and program evaluation section
380 shall monitor and evaluate community transportation
381 coordinators, transportation operators, and coordination
382 contractors based upon approved commission and locally
383 established quality assurance standards or other policies
384 identified in rules approved by the commission. To eliminate
385 duplication of effort, purchasing agencies that monitor



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386 community transportation coordinators shall coordinate their
387 efforts with the commission's quality assurance and program
388 evaluation section. Purchasing agencies shall make available
389 records for transportation services billed in order for the
390 commission to conduct a financial audit to detect duplicate
391 billing among several funding sources.

392 (b) If a community transportation coordinator does not
393 comply with the quality assurance standards, or if the
394 commission has good cause to believe that the system is not
395 complying with the quality assurance standards, the commission
396 may conduct a special or financial review of the community
397 transportation coordinator or its transportation operators. If
398 the special review indicates continued noncompliance,
399 transportation disadvantaged funds shall be withheld until
400 compliance is achieved.

401 (c) The quality assurance and program evaluation section
402 shall biennially monitor all designated official planning
403 agencies based upon the commission's contract requirements and
404 deliverables thereof. Noncompliance shall result in
405 transportation disadvantaged funds being withheld until
406 compliance is achieved.

407 (d) Employees of the quality assurance and program
408 evaluation section shall function independently and be directly
409 responsible to the executive director. The use of outside
410 contracting is permitted in order to accomplish the tasks not
411 able to be performed by existing personnel.

412 (24) Develop a minimum set of quality assurance standards,
413 including commission standards and locally established standards
414 or other policies adopted by rule, which shall be included in
415 each designated service area's transportation disadvantaged



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416 service plan. Compliance with the quality assurance standards
417 and other policies shall be a condition of program participation
418 by the community transportation coordinator and any
419 transportation operators or coordination contractors involved in
420 the coordinated system. Each community transportation
421 coordinator shall be reviewed annually by the local coordinating
422 board and biennially by the quality assurance and program
423 evaluation section of the commission to ensure compliance with
424 quality assurance standards. Transportation operators and
425 coordination contractors shall be monitored at least annually by
426 the community transportation coordinator to ensure compliance
427 with the quality assurance standards and other policies approved
428 by the commission.

429 (25) Establish an ombudsman program that shall serve as an
430 advocate in resolving transportation concerns for the consumer,
431 purchasing agency, community transportation coordinator,
432 transportation operator, coordination contractor, and others who
433 need assistance or investigation about a transportation concern.
434 The ombudsman program shall provide a statewide toll-free phone
435 number for consumers and others and shall serve as a
436 clearinghouse to provide information about transportation
437 services or to refer unrelated matters to the appropriate
438 authority. The information collected and documented by the
439 ombudsman program shall be forwarded to the community
440 transportation coordinator, local coordinating board, and the
441 commission. Information provided by consumers and others shall
442 remain confidential and is exempt from the public records laws.

443 (26) Appoint a standing ombudsman committee that shall
444 consist of a chairperson, vice chairperson, and three other
445 members. The ombudsman committee shall be responsible for



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446 oversight of the ombudsman program and shall report and
447 recommend actions to be taken to the commission. The ombudsman
448 committee shall be responsible for addressing all grievances
449 that are not resolved at the local level which are provided to
450 the commission within the guidelines of the commission's
451 grievance procedures. Any areas of legal concern shall be
452 referred to the commission's general counsel for disposal. The
453 ombudsman program shall be staffed by commission personnel from
454 the quality assurance and program evaluation section.

455 ~~(24) Establish a review procedure to compare the rates~~
456 ~~proposed by alternate transportation operators with the rates~~
457 ~~charged by a community transportation coordinator to determine~~
458 ~~which rate is more cost-effective.~~

459 ~~(25) Conduct a cost-comparison study of single-~~
460 ~~coordinator, multicoordinator, and brokered community~~
461 ~~transportation coordinator networks to ensure that the most~~
462 ~~cost-effective and efficient method of providing transportation~~
463 ~~to the transportation disadvantaged is programmed for~~
464 ~~development.~~

465 ~~(26) Develop a quality assurance and management review~~
466 ~~program to monitor, based upon approved commission standards,~~
467 ~~services contracted for by an agency, and those provided by a~~
468 ~~community transportation operator pursuant to s. 427.0155. Staff~~
469 ~~of the quality assurance and management review program shall~~
470 ~~function independently and be directly responsible to the~~
471 ~~executive director.~~

472 (27) Ensure that local community transportation
473 coordinators work cooperatively with regional workforce boards
474 established in chapter 445 to provide assistance in the



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475 development of innovative transportation services for
476 participants in the welfare transition program.

477 (28) Develop, by rule, a statewide and uniform competitive
478 procurement process and procedure to be used by each designated
479 official planning agency for the procurement of community
480 transportation coordinators and transportation operators in
481 compliance with chapter 287, but not to conflict with local
482 government purchasing policies. This procedure shall be agreed
483 upon by all purchasing agencies as to the services to be
484 procured, the available budget and rates to be paid, the minimum
485 commission quality assurance standards, other commission
486 policies, and other criteria needed by a purchasing agency to
487 ensure safe, quality, timely, and cost-effective services. Once
488 this process and procedure have been conducted by the designated
489 official planning agency at the local level, purchasing agencies,
490 unless they have been approved in advance of this process to
491 utilize an alternative provider as outlined in subsection (8),
492 shall contract with the selected community transportation
493 coordinators or transportation operators based on the agreed-upon
494 levels and rates for services.

495 (29) In coordination with local community transportation
496 coordinators and local coordinating boards, develop and implement
497 innovative approaches to the delivery of coordinated
498 transportation services at the local level, including, but not
499 limited to, the utilization of volunteers, faith-based
500 organizations, and other initiatives within the coordinated
501 system, and meeting the commission's standards identified in
502 rule.

503 (30) To promote consumer choice in transportation services
504 within the coordinated transportation program, in partnership



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505 with other funding agencies, jointly develop and fund pilot
 506 projects for innovative models for the delivery of transportation
 507 services that offer improved customer satisfaction and promote
 508 independence. Such pilot projects shall be evaluated and may be
 509 replicated in other areas where successful.

510 (31) Develop, monitor, and implement a substance abuse
 511 program for community transportation coordinators, transportation
 512 operators, and approved transportation alternative providers. The
 513 commission may utilize contracted services to implement this
 514 program or work jointly with other agencies to prevent
 515 duplicating similar programs.

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

518 427.0135 Purchasing agencies ~~Member departments~~; duties
 519 and responsibilities.--Each purchasing agency ~~member department~~,
 520 in carrying out the policies and procedures of the Commission
 521 for the Transportation Disadvantaged, shall:

522 (1)(a) Use the coordinated transportation system for
 523 provision of services to its clients, unless an alternative
 524 provider has been approved based on procedures and adopted
 525 standards of the Commission for the Transportation Disadvantaged
 526 as identified in s. 427.013(8)(b) ~~each department meets the~~
 527 ~~criteria outlined in rule to use an alternative provider.~~

528 (b) Subject to the provisions of s. 409.908(18), the
 529 Medicaid agency shall purchase transportation services through
 530 the community coordinated transportation system unless the
 531 Medicaid agency has been approved to purchase services with an
 532 approved alternative provider based on procedures adopted by
 533 rules of the Commission for the Transportation Disadvantaged a
 534 ~~more cost-effective method is determined by the agency for~~



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535 ~~Medicaid clients or unless otherwise limited or directed by the~~
536 ~~General Appropriations Act.~~

537 (2) Provide the Commission for the Transportation
538 Disadvantaged, by October 1 ~~September 15~~ of each year, an
539 accounting of all funds spent as well as how many trips were
540 purchased with agency funds.

541 (3) Assist communities in developing coordinated
542 transportation systems designed to serve the transportation
543 disadvantaged. However, a purchasing agency ~~member department~~
544 may not serve as the community transportation coordinator in any
545 designated service area.

546 (4) Assure that its rules, procedures, guidelines, and
547 directives are conducive to the coordination of transportation
548 funds and services for the transportation disadvantaged and in
549 compliance with this chapter.

550 (5) In coordination with the Commission for the
551 Transportation Disadvantaged, provide technical assistance, as
552 needed, to community transportation coordinators or
553 transportation operators or participating agencies.

554 (6) Request budget authority for the allocation of
555 transportation funds annually in the agency's legislative budget
556 request to ensure that access to agency services is in place
557 through the coordinated transportation system or to ensure access
558 to transportation alternative providers where approved based on
559 procedures of the Commission for the Transportation
560 Disadvantaged.

561 (7) Be authorized to contract or transfer funds on an
562 annual or other agreed-upon period with the Commission for the
563 Transportation Disadvantaged for the provision of coordinated



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564 transportation or other services based on a mutually agreed-upon
 565 performance-based contract.

566 Section 5. Subsections (2) and (3) of section 427.015,
 567 Florida Statutes, are amended, and subsection (4) is added to
 568 said section, to read:

569 427.015 Function of the metropolitan planning organization
 570 or designated official planning agency in coordinating
 571 transportation for the transportation disadvantaged.--

572 (2) Utilizing a competitive procurement process identified
 573 in chapter 287, each metropolitan planning organization or
 574 designated official planning agency shall recommend to the
 575 Commission for the Transportation Disadvantaged a single
 576 community transportation coordinator. However, a purchasing
 577 agency member department may not serve as the community
 578 transportation coordinator in any designated service area. The
 579 coordinator may broker the transportation services or provide
 580 all or a portion of needed transportation services for the
 581 transportation disadvantaged but shall be responsible for the
 582 provision of those coordinated services. Based on ~~approved~~
 583 ~~commission~~ evaluation criteria approved by the Commission for
 584 the Transportation Disadvantaged, the coordinator shall
 585 subcontract or broker those services that are more cost-
 586 effectively and efficiently provided by subcontracting or
 587 brokering. The performance of the coordinator shall be evaluated
 588 based on that ~~the~~ commission's approved evaluation criteria by
 589 the coordinating board at least annually. A copy of the
 590 evaluation shall be submitted to the metropolitan planning
 591 organization or the designated official planning agency, and the
 592 Commission for the Transportation Disadvantaged. The
 593 recommendation or termination of any community transportation



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594 coordinator shall be subject to approval by the Commission for
595 the Transportation Disadvantaged.

596 (3) Each metropolitan planning organization or designated
597 official planning agency shall provide regular input into local,
598 regional, and statewide planning processes, including, but not
599 limited to, the Florida Transportation Plan or components
600 thereof, local and state comprehensive plans, regional plans,
601 and other plans that impact the planning for services to the
602 transportation disadvantaged ~~request each local government in~~
603 ~~its jurisdiction to provide an estimate of all local and direct~~
604 ~~federal funds to be expended for transportation for the~~
605 ~~disadvantaged. The metropolitan planning organization or~~
606 ~~designated official planning agency shall consolidate this~~
607 ~~information into a single report and forward it, by the~~
608 ~~beginning of each fiscal year, to the commission.~~

609 (4) Each metropolitan planning organization or designated
610 official planning agency shall assist the local community
611 transportation coordinator and local coordinating board with
612 public educational programs regarding the needs of transportation
613 disadvantaged in their communities. Such educational programs may
614 include information regarding the state donation each person is
615 entitled to make as part of his or her annual motor vehicle
616 registration renewal or other state or federal programs related
617 to the funding of the Transportation Disadvantaged Trust Fund. In
618 addition, each metropolitan planning organization or designated
619 official planning agency is authorized to assist the local
620 community transportation coordinator and local coordinating board
621 in identifying potential federal, state, and local funding
622 sources to adequately fund the unmet transportation needs of
623 transportation disadvantaged citizens.



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624 Section 6. Section 427.0155, Florida Statutes, is amended
 625 to read:

626 427.0155 Community transportation coordinators; powers and
 627 duties.--Community transportation coordinators shall have the
 628 following powers and duties:

629 (1) Execute uniform contracts, approved by the Commission
 630 for the Transportation Disadvantaged, for service using a
 631 standard contract, which includes performance standards for
 632 transportation operators and coordination contractors.
 633 Transportation operator contracts shall include, but may not be
 634 limited to, specific performance standards addressing quality,
 635 safe, timely, and cost-effective services and shall provide for
 636 enforceable penalties for noncompliance. The contracts shall
 637 also ensure timely payments to all transportation operators as
 638 required by law. Contracts shall require notification and
 639 certification to transportation operators and the Commission for
 640 the Transportation Disadvantaged that timely payments to
 641 transportation operators have been made in accordance with law.
 642 In cases in which this has not occurred, the nonpayment issue
 643 will be turned over to the appropriate authorities for final
 644 resolution.

645 (2) Collect manual, electronic, or online submitted annual
 646 operating data for submittal to the Commission for the
 647 Transportation Disadvantaged no later than October 1 each year
 648 and more frequently as determined by that commission.

649 (3) Review and monitor all transportation operator and
 650 coordinator contracts annually.

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



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654 (5) In cooperation with a local or multicounty ~~functioning~~
655 coordinating board, review all applications for local
656 government, federal, and state transportation disadvantaged
657 funds, and recommend actions based on cost effectiveness and
658 appropriateness of the requested funding application ~~develop~~
659 ~~cost-effective coordination strategies.~~

660 (6) In cooperation with, and approved by, the local or
661 multicounty coordinating board, develop, negotiate, implement,
662 and monitor a memorandum of agreement, including a multiyear
663 transportation disadvantaged service plan, for submittal to the
664 Commission for the Transportation Disadvantaged. The multiyear
665 transportation disadvantaged service plan shall be based on the
666 competitive procurement process followed for the selection of
667 the community transportation coordinators and transportation
668 operators.

669 (7) In cooperation with the local or multicounty
670 coordinating board and pursuant to eligibility guidelines
671 ~~criteria~~ developed by the Commission for the Transportation
672 Disadvantaged, establish priorities with regard to the
673 recipients of nonsponsored transportation disadvantaged services
674 that are purchased with Transportation Disadvantaged Trust Fund
675 moneys.

676 (8) Have full responsibility for the coordination and
677 delivery of transportation services for the transportation
678 disadvantaged as outlined in s. 427.015(2) and that are funded
679 by state, federal, or local government sources.

680 (9) Work cooperatively with regional workforce boards
681 established in chapter 445 to provide assistance in the
682 development of innovative transportation services for
683 participants in the welfare transition program.



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684 (10) In coordination with the local or multicounty
 685 coordinating board, develop transportation delivery models
 686 within the coordinated transportation system by the utilization
 687 of volunteers, faith-based organizations, or other innovative
 688 approaches to maximize limited financial resources.

689 Section 7. Section 427.0157, Florida Statutes, is amended
 690 to read:

691 427.0157 Coordinating boards; powers and duties.--The
 692 purpose of each coordinating board is to develop and evaluate
 693 local service needs and to provide information, advice, and
 694 direction to the community transportation coordinators on the
 695 coordination of services to be provided to the transportation
 696 disadvantaged. The Commission for the Transportation
 697 Disadvantaged shall, by rule, establish the membership of
 698 coordinating boards. The members of each board shall be
 699 appointed by the metropolitan planning organization or
 700 designated official planning agency. The appointing authority
 701 shall provide each board with sufficient staff support and
 702 resources to enable the board to fulfill its responsibilities
 703 under this section. Each board shall meet at least quarterly and
 704 shall:

705 (1) Review, monitor, and approve the coordinated community
 706 transportation disadvantaged service plan, including the
 707 memorandum of agreement, prior to submittal to the Commission
 708 for the Transportation Disadvantaged.+

709 (2) Evaluate services provided in meeting the approved
 710 plan based on standards of the Commission for the Transportation
 711 Disadvantaged and local standards.+

712 (3) In cooperation with the community transportation
 713 coordinator, review and provide recommendations to the



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714 Commission for the Transportation Disadvantaged on funding
715 applications affecting the transportation disadvantaged. ~~;~~

716 (4) Assist the community transportation coordinator in
717 establishing priorities with regard to the recipients of
718 nonsponsored transportation disadvantaged services that are
719 purchased with Transportation Disadvantaged Trust Fund moneys.

720 (5) Review and assist in the coordination strategies of
721 service provision to the transportation disadvantaged in the
722 designated service area. ~~;~~ ~~and~~

723 (6) Evaluate and develop multicounty, intrastate, or
724 regional transportation opportunities.

725 (7) Work cooperatively with regional workforce boards
726 established in chapter 445 to provide assistance in the
727 development of innovative transportation services for
728 participants in the welfare transition program.

729 (8) Assist the metropolitan planning organization or
730 designated official planning agency and the local community
731 transportation coordinator with local public awareness and
732 educational efforts to increase donations to the Transportation
733 Disadvantaged Trust Fund or to identify other public and private
734 resources to address the unmet transportation needs of
735 transportation disadvantaged citizens.

736 (9) Assist the community transportation coordinator with
737 development of innovative transportation alternatives within the
738 coordinated transportation system, including, but not limited
739 to, the utilization of volunteers, faith-based organizations, or
740 other innovative approaches to maximize limited financial
741 resources and improve customer satisfaction.

742 Section 8. Paragraph (a) of subsection (2) of section
743 427.0158, Florida Statutes, is amended to read:



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744 427.0158 School bus and public transportation.--

745 (2) The school boards shall cooperate in the utilization
 746 of their vehicles to enhance coordinated disadvantaged
 747 transportation by providing the information as required by this
 748 section and by allowing the use of their vehicles at actual cost
 749 upon request when those vehicles are available for such use and
 750 are not transporting students. Semiannually, no later than
 751 October 1 and April 30, a designee from the local school board
 752 shall provide the community transportation coordinator with
 753 copies to the coordinated transportation board, the following
 754 information for vehicles not scheduled 100 percent of the time
 755 for student transportation use:

756 (a) The number and type of vehicles by adult capacity,
 757 including how many vehicles have seat belts, how many have air
 758 conditioning, and how many are accessible, including days and
 759 times of availability, that ~~the vehicles~~ are available for
 760 coordinated transportation disadvantaged services;

761 Section 9. Section 427.0159, Florida Statutes, is amended
 762 to read:

763 427.0159 Transportation Disadvantaged Trust Fund.--

764 (1) There is established in the State Treasury the
 765 Transportation Disadvantaged Trust Fund to be administered by
 766 the Commission for the Transportation Disadvantaged. All fees
 767 collected for the transportation disadvantaged program under s.
 768 320.03(9) or other statutes where funding has been statutorily
 769 designated to the program shall be deposited in the trust fund.

770 (2) Funds deposited in the trust fund shall be
 771 appropriated by the Legislature to the Commission for the
 772 Transportation Disadvantaged and shall be used to carry out the
 773 responsibilities of the commission and to fund the



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774 administrative expenses of the commission, including, but not
775 limited to, the development of educational materials to improve
776 customer awareness and for acquiring public and private
777 donations to the trust fund to meet the unmet transportation
778 disadvantaged needs.

779 (3) Funds deposited in the trust fund must ~~may~~ be used by
780 the Commission for the Transportation Disadvantaged to subsidize
781 a portion of a transportation disadvantaged person's
782 transportation costs which is not sponsored by an agency, only
783 if a cash ~~or in-kind~~ match is required. The Commission for the
784 Transportation Disadvantaged, by rule, shall have the authority
785 to increase, reduce, or eliminate the match for innovative
786 transportation disadvantaged services, including, but not
787 limited to, use of volunteers, use of faith-based organizations,
788 pilot projects for consumer choice, and other initiatives that
789 maximize limited resources but conform to that commission's
790 standards as identified in rule. Funds for nonsponsored
791 transportation disadvantaged services shall be distributed based
792 upon the need of the recipient and according to eligibility
793 guidelines ~~criteria~~ developed in rule by the Commission for the
794 Transportation Disadvantaged.

795 Section 10. Section 427.016, Florida Statutes, is amended
796 to read:

797 427.016 Expenditure of local government, state, and
798 federal funds for the transportation disadvantaged.--

799 (1)(a) All transportation disadvantaged funds expended
800 within the state shall be expended to purchase transportation
801 services from community transportation coordinators or public,
802 private, or private nonprofit transportation operators within
803 the coordinated transportation system, except when a purchasing



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804 agency has been approved to contract with an alternative
805 provider that meets the same quality and safety standards of the
806 Commission for the Transportation Disadvantaged ~~the rates~~
807 ~~charged by proposed alternate operators are proven~~, pursuant to
808 rules and procedures generated by that ~~the~~ commission ~~for the~~
809 ~~Transportation Disadvantaged~~, and is to be more cost-effective
810 and ~~are~~ not a risk to the public health, safety, or welfare.
811 ~~However, in areas where transportation suited to the unique~~
812 ~~needs of a transportation disadvantaged person cannot be~~
813 ~~purchased through the coordinated system, or where the agency~~
814 ~~has met the rule criteria for using an alternative provider, the~~
815 ~~service may be contracted for directly by the appropriate~~
816 ~~agency.~~

817 (b) ~~Nothing in this subsection shall be construed to limit~~
818 ~~or preclude the Medicaid agency from establishing maximum fee~~
819 ~~schedules, individualized reimbursement policies by provider~~
820 ~~type, negotiated fees, competitive bidding, or any other~~
821 ~~mechanism that the agency considers efficient and effective for~~
822 ~~the purchase of services on behalf of Medicaid clients. State~~
823 and local agencies shall not contract for any transportation
824 disadvantaged services, including Medicaid reimbursable
825 transportation services, with any community transportation
826 coordinator or transportation operator that has been determined
827 by the Agency for Health Care Administration, the Department of
828 Legal Affairs Medicaid Fraud Control Unit, or any state or
829 federal agency to have engaged in any abusive or fraudulent
830 billing or violence-related criminal activities.

831 (2) Each purchasing agency, whether or not it is a member
832 of the Commission for the Transportation Disadvantaged, shall
833 furnish that ~~inform~~ the commission in writing, by October 1



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834 ~~before the beginning of each fiscal year, of the specific amount~~
835 ~~of any money the agency allocated for transportation~~
836 ~~disadvantaged services. Additionally, each state agency shall,~~
837 ~~by September 15~~ of each year, ~~provide the commission~~ with an
838 accounting of the actual amount of funds expended and the total
839 number of trips purchased.

840 (3) Each metropolitan planning organization or designated
841 official planning agency shall annually compile a report
842 accounting for all local government and direct federal funds for
843 transportation for the disadvantaged expended in its
844 jurisdiction and forward this report by October 1 ~~September 15~~
845 to the Commission for the Transportation Disadvantaged.

846 (4) The Commission for the Transportation Disadvantaged
847 shall have the authority to audit and review records of any
848 agency that expends transportation disadvantaged funds as
849 defined herein to detect misuse or duplicate billing between
850 funding sources. Findings of such reviews will be reported to
851 the appropriate purchasing agency or other authority for further
852 action.

853 Section 11. This act shall take effect upon becoming a
854 law.