



CHAMBER ACTION

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The Committee on Transportation recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to transportation services; amending s. 427.011, F.S.; revising definitions; defining "purchasing agency," "coordination contract," "coordination contractor," "transportation disadvantaged service plan," and "alternative transportation provider"; amending s. 427.012, F.S.; revising organization, membership, and quorum requirement of the Commission for the Transportation Disadvantaged in the Department of Transportation; amending s. 427.013, F.S.; revising purpose and duties of said commission; requiring said commission to adopt rules for described standards and procedures; requiring a quality assurance and program evaluation section; requiring an ombudsman program; requiring a standing ombudsman committee; requiring said commission to develop a statewide competitive procurement process to be used by designated official planning agencies; requiring said commission, with described partners, to develop and fund described pilot projects;



29 requiring said commission to develop, monitor, and
30 implement a substance abuse program for certain
31 transportation coordinators, operators, and providers;
32 amending s. 427.0135, F.S.; providing duties and
33 responsibilities for purchasing agencies; revising
34 provisions for use of alternative provider; amending s.
35 427.015, F.S.; revising functions of metropolitan planning
36 organizations or designated official planning agencies in
37 coordinating transportation for the transportation
38 disadvantaged; providing for use of a competitive
39 procurement process; prohibiting a purchasing agency from
40 serving as the community transportation coordinator;
41 providing for input into local, regional, and statewide
42 planning processes; providing for assistance to the local
43 community transportation coordinator and local
44 coordinating board with certain educational programs and
45 with identifying potential funding sources; amending s.
46 427.0155, F.S.; revising powers and duties of community
47 transportation coordinators; requiring described contracts
48 to be approved by the Commission for the Transportation
49 Disadvantaged; providing for a multiyear transportation
50 disadvantaged service plan; providing for transportation
51 delivery models; amending s. 427.0157, F.S.; revising
52 powers and duties of coordinating boards; providing for
53 assistance with educational efforts and with development
54 of transportation alternatives; amending s. 427.0158,
55 F.S.; revising requirements for specified information
56 provided by local school boards; amending s. 427.0159,



57 F.S.; revising criteria for use of the Transportation
 58 Disadvantaged Trust Fund; authorizing the Commission for
 59 the Transportation Disadvantaged to modify the match for
 60 certain services; providing rulemaking authority; amending
 61 s. 427.016, F.S., relating to transportation disadvantaged
 62 funds expended within the state; revising criteria for use
 63 of an alternative provider; revising timeframes for
 64 described reports by purchasing agencies, metropolitan
 65 planning organizations, and planning agencies of certain
 66 funds expended; providing authority to audit and review
 67 records; providing for an investigation by the Attorney
 68 General of certain aspects of transportation disadvantaged
 69 programs; providing for recommendations to the Governor
 70 and the Legislature; providing an effective date.

71

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

73

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

76 427.011 Definitions.--For the purposes of ss. 427.011-
 77 427.017:

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



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

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

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

98 (5) "Community transportation coordinator" means a
 99 transportation entity approved by the Commission for the
 100 Transportation Disadvantaged and recommended by a metropolitan
 101 planning organization, or by the appropriate designated official
 102 planning agency as provided for in ss. 427.011-427.017 in an
 103 area outside the purview of a metropolitan planning
 104 organization, following a competitive procurement process to
 105 ensure that coordinated transportation services are provided to
 106 the transportation disadvantaged population in a designated
 107 service area.

108 (6) "Transportation operator" means one or more public,
 109 private for-profit, or private nonprofit entities engaged by the
 110 community transportation coordinator to provide service to
 111 transportation disadvantaged persons pursuant to a coordinated
 112 transportation disadvantaged system service plan.



113 (7) "Coordinating board" means an advisory entity in each
 114 designated service area composed of representatives appointed by
 115 the metropolitan planning organization or designated official
 116 planning agency, to provide assistance to and evaluate the
 117 community transportation coordinator relative to the
 118 coordination of transportation services.

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

121 (8)~~(9)~~ "Paratransit" means those elements of public
 122 transit that ~~which~~ provide service between specific origins and
 123 destinations selected by the individual user or purchasing
 124 agency with such service being provided at a time that is agreed
 125 upon by the individual user or purchasing agency and the
 126 provider of the service. Paratransit service is provided by
 127 taxis, limousines, "dial-a-ride," buses, and other demand-
 128 responsive operations that are characterized by their
 129 nonscheduled, nonfixed route nature.

130 (9) "Purchasing agency" means an agency whose head is a
 131 member of the Commission for the Transportation Disadvantaged or
 132 an agency that purchases or expends funds for transportation
 133 services for the transportation disadvantaged and that may
 134 choose to contract with the Commission for the Transportation
 135 Disadvantaged for the provision of transportation for its
 136 clients or other services based on a performance-based contract.

137 (10) "Transportation disadvantaged funds" means any local
 138 government, state, or available federal funds that are for the
 139 transportation of the transportation disadvantaged. Such funds
 140 may include, but are not limited to, funds for planning,



141 Medicaid transportation, administration, operation, procurement,
142 and maintenance of vehicles or equipment and capital
143 investments. Transportation disadvantaged funds do not include
144 funds for the transportation of children to public schools.

145 (11) "Coordination" means the arrangement for the
146 provision of quality transportation services to the
147 transportation disadvantaged in a manner that is safe, timely,
148 cost-effective, efficient, and reduces fragmentation and
149 duplication of services.

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

154 ~~(12)~~⁽¹²⁾ "Nonsponsored transportation disadvantaged
155 services" means transportation disadvantaged services that are
156 not sponsored or subsidized by any funding source other than the
157 Transportation Disadvantaged Trust Fund.

158 (13) "Coordination contract" means a written contract
159 between the community transportation coordinator and an agency
160 that receives transportation disadvantaged funds and performs
161 some or all of its own transportation services and
162 transportation services to others when shown to be more
163 effective and more efficient from a total system perspective.
164 The contract shall contain the specific terms and conditions
165 that apply to those agencies that perform their own
166 transportation and shall contain joint utilization and cost
167 provisions for transportation services to and from the community
168 transportation coordinator.



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169 (14) "Coordination contractor" means an agency that enters
170 into a coordination contract with the community transportation
171 coordinator that receives transportation disadvantaged funds and
172 performs some, if not all, of its own transportation services,
173 as well as transportation services to others, when shown to be
174 more cost effective and efficient from a total system
175 perspective. The coordination contract shall reflect the
176 specific terms and conditions that will apply to those agencies
177 that perform their own transportation, as well as joint
178 utilization and cost provisions for transportation services to
179 and from the community transportation coordinator.

180 (15) "Transportation disadvantaged service plan" means an
181 annually updated, multiyear plan jointly developed by the
182 designated official planning agency and the community
183 transportation coordinator. It shall contain a development plan,
184 a service plan, and quality assurance components. The plan shall
185 be approved by the Commission for the Transportation
186 Disadvantaged and the local coordinating board and used to
187 evaluate the community transportation coordinators,
188 transportation operators, coordination contractors, and approved
189 alternative providers.

190 (16) "Alternative transportation provider" means a
191 transportation entity that has been determined by a purchasing
192 agency to provide transportation services at a lower cost and
193 meets the same standards as the coordinated system, in
194 accordance with the procedure approved by the Commission for the
195 Transportation Disadvantaged for purchasing agency utilization
196 of alternative providers.



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

200 427.012 The Commission for the Transportation
201 Disadvantaged.--There is created the Commission for the
202 Transportation Disadvantaged in the Department of
203 Transportation.

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

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

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

209 (k) A person with a disability ~~handicapped person~~ who is a
210 member of a recognized statewide organization representing
211 ~~handicapped~~ Floridians with disabilities. Such person shall be
212 appointed by the Governor to represent disabled ~~handicapped~~
213 Floridians and shall be appointed to serve a term of 4 years.

214 (n) A representative of children ~~One member of the Early~~
215 ~~Childhood Council~~. Such person shall be appointed by the
216 Governor to represent children at risk ~~maternal and child health~~
217 ~~care providers~~ and shall be appointed to serve a term of 4
218 years.

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



224 Section 3. Section 427.013, Florida Statutes, is amended
225 to read:

226 427.013 The Commission for the Transportation
227 Disadvantaged; purpose and responsibilities.--The purpose of the
228 commission is to accomplish and provide statewide oversight for
229 the coordination and funding of transportation services provided
230 to the transportation disadvantaged. The goal of this
231 coordination and oversight shall be to assure the quality, safe,
232 timely, and cost-effective provision of transportation by
233 qualified community transportation coordinators or
234 transportation operators for the transportation disadvantaged
235 without any bias or presumption in favor of multioperator
236 systems or not-for-profit transportation operators over single
237 operator systems or for-profit transportation operators. In
238 carrying out this purpose, the commission shall:

239 (1) Compile all available information on the
240 transportation operations for and needs of the transportation
241 disadvantaged in the state.

242 (2) Establish, amend, and monitor statewide objectives for
243 providing the quality, safe, cost-effective, and timely
244 coordinated transportation service ~~services~~ for the
245 transportation disadvantaged.

246 (3) Develop, modify, and monitor policies and procedures
247 for the coordination of local government, federal, and state
248 funding for the transportation disadvantaged.

249 (4) Identify barriers prohibiting the coordination and
250 accessibility of transportation services to the transportation
251 disadvantaged and aggressively pursue the elimination of these



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252 barriers by implementing new or revised policies of the
 253 commission or recommending changes to the Legislature.

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

257 (6) In coordination with community transportation
 258 coordinators, local coordinating boards, and purchasing
 259 agencies, assist communities in developing and monitoring
 260 transportation systems designed to serve the transportation
 261 disadvantaged.

262 (7) Assure, by reviewing and recommending changes, that
 263 all procedures, guidelines, and directives issued by purchasing
 264 agencies ~~member departments~~ are conducive to the coordination of
 265 transportation services and in compliance with ss. 427.011-
 266 427.017, and adhere to the standards of the commission provided
 267 by rule or other policies adopted by the commission.

268 (8)(a) Assure that purchasing agencies ~~member departments~~
 269 purchase all trips within the coordinated system, unless they
 270 have been approved to use an alternative transportation
 271 provider, pursuant to rules and procedures adopted by the
 272 commission, that meets the standards of the commission ~~use a~~
 273 ~~more cost-effective alternative provider.~~

274 (b) Approve and implement ~~Provide,~~ by rule, criteria and
 275 procedures for any agency that purchases transportation services
 276 ~~member departments~~ to justify utilizing an alternative
 277 transportation provider outside of the coordinated
 278 transportation system ~~use if they wish to use an alternative~~
 279 ~~provider.~~ Such procedures ~~Departments~~ must demonstrate either



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280 that the proposed alternative provider can provide a trip of
281 acceptable quality for the clients at a lower cost than that
282 provided within the coordinated system and such provider meets
283 the minimum approved standards of the commission as outlined in
284 rule, or that the coordinated system cannot accommodate the
285 purchasing agency's needs ~~department's clients~~.

286 (9) Develop by rule standards for community transportation
287 coordinators, ~~and any~~ transportation operators, ~~operator or~~
288 coordination contractors, and agencies that have been approved
289 to contract with alternative providers as specified in
290 subsection (8) ~~contractor~~ from whom service is purchased or
291 arranged by the community transportation coordinator covering
292 coordination, operation, safety, insurance, eligibility for
293 service, costs, on-time performance, and utilization of
294 transportation disadvantaged services. These standards and rules
295 must include, but are not limited to:

296 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~
297 ~~for the various modes and types of transportation services~~
298 ~~provided.~~

299 ~~(a)(b)~~ Minimum performance standards for the delivery of
300 services. These standards must be included in community
301 transportation coordinator contracts, ~~and~~ transportation
302 operator contracts, coordination contracts, and contracts
303 between purchasing agency-approved transportation alternative
304 providers as approved in accordance with subsection (8), with
305 clear penalties for repeated or continuing violations.

306 ~~(b)(e)~~ Minimum liability insurance requirements for all
307 transportation services purchased, provided, or coordinated for



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308 | the transportation disadvantaged through the community
 309 | transportation coordinator, a transportation operator, or an
 310 | alternative transportation provider as approved in accordance
 311 | with subsection (8).

312 | (c) Minimum driver background screening for all
 313 | transportation disadvantaged services purchased, provided, or
 314 | coordinated for the transportation disadvantaged through the
 315 | community transportation coordinators, transportation operators,
 316 | or alternative transportation providers as approved in
 317 | accordance with subsection(8).

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

320 | (11) Approve the appointment of all community
 321 | transportation coordinators.

322 | (12) Have the authority to aggressively apply for and
 323 | accept funds, grants, gifts, and services from the Federal
 324 | Government, state government, local governments, or private
 325 | funding sources. Applications by the commission for local
 326 | government funds shall be coordinated through the appropriate
 327 | coordinating board. Funds acquired or accepted under this
 328 | subsection shall be administered by the commission and shall be
 329 | used to carry out the commission's responsibilities.

330 | (13) Make an annual report to the Governor, the President
 331 | of the Senate, and the Speaker of the House of Representatives
 332 | by February 1 ~~January 1~~ of each year.

333 | ~~(14) Consolidate, for each state agency, the annual budget~~
 334 | ~~estimates for transportation disadvantaged services, and the~~
 335 | ~~amounts of each agency's actual expenditures, together with the~~



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336 ~~annual budget estimates of each official planning agency, local~~
337 ~~government, and directly federally funded agency and issue a~~
338 ~~report.~~

339 (14)~~(15)~~ Prepare a statewide 5-year transportation
340 disadvantaged plan which addresses the transportation problems
341 and needs of the transportation disadvantaged, which is fully
342 coordinated with the Florida Transportation Plan and local and
343 regional transit plans, compatible with local government
344 comprehensive plans, and which ensures that the highest quality,
345 most safe, timely, cost-effective, and efficient method of
346 providing transportation to the disadvantaged is programmed for
347 development.

348 (15)~~(16)~~ Review and approve memorandums of agreement for
349 the provision of coordinated transportation services.

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



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363 ~~(17)(18)~~ Develop an interagency uniform contracting and
364 billing and accounting system that shall be used by all
365 community transportation coordinators and their transportation
366 operators.

367 ~~(18)(19)~~ Develop and maintain a transportation
368 disadvantaged handbook outlining current rules, regulations, and
369 procedures for implementation of the program manual.

370 ~~(19)(20)~~ Design and develop statewide transportation
371 disadvantaged training and technical assistance programs
372 ensuring coordination with other agencies and maximizing
373 available resources.

374 ~~(20)(21)~~ Coordinate all transportation disadvantaged
375 programs with appropriate state, local, and federal agencies and
376 public transit agencies to ensure compatibility with existing
377 transportation systems.

378 ~~(21)(22)~~ Designate the official planning agency in areas
379 outside of the purview of a metropolitan planning organization.

380 ~~(22)(23)~~ Develop and update, as needed, eligibility
381 guidelines need-based criteria that must be used by all
382 community transportation coordinators to prioritize the delivery
383 of nonsponsored transportation disadvantaged services that are
384 purchased with Transportation Disadvantaged Trust Fund moneys.

385 ~~(23)~~ To ensure the level of quality and timely, safe,
386 cost-effective, efficient, and financially accountable areas of
387 the transportation disadvantaged program, employ a quality
388 assurance and program evaluation section and utilize outside
389 contractors to accomplish some of its responsibilities.



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390 (a) The quality assurance and program evaluation section
391 shall monitor and evaluate community transportation
392 coordinators, transportation operators, and coordination
393 contractors based upon approved commission and locally
394 established quality assurance standards or other policies
395 identified in rules approved by the commission. To eliminate
396 duplication of effort, purchasing agencies that monitor
397 community transportation coordinators shall coordinate their
398 efforts with the commission's quality assurance and program
399 evaluation section. Purchasing agencies shall make available
400 records for transportation services billed in order for the
401 commission to conduct a financial audit to detect duplicate
402 billing among several funding sources.

403 (b) If a community transportation coordinator does not
404 comply with the quality assurance standards, or if the
405 commission has good cause to believe that the system is not
406 complying with the quality assurance standards, the commission
407 may conduct a special or financial review of the community
408 transportation coordinator or its transportation operators. If
409 the special review indicates continued noncompliance,
410 transportation disadvantaged funds shall be withheld until
411 compliance is achieved.

412 (c) The quality assurance and program evaluation section
413 shall biennially monitor all designated official planning
414 agencies based upon the commission's contract requirements and
415 deliverables thereof. Noncompliance shall result in
416 transportation disadvantaged funds being withheld until
417 compliance is achieved.



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418 (d) Employees of the quality assurance and program
419 evaluation section shall function independently and be directly
420 responsible to the executive director. The use of outside
421 contracting is permitted in order to accomplish the tasks not
422 able to be performed by existing personnel.

423 (24) Develop a minimum set of quality assurance standards,
424 including commission standards and locally established standards
425 or other policies adopted by rule, which shall be included in
426 each designated service area's transportation disadvantaged
427 service plan. Compliance with the quality assurance standards
428 and other policies shall be a condition of program participation
429 by the community transportation coordinator and any
430 transportation operators or coordination contractors involved in
431 the coordinated system. Each community transportation
432 coordinator shall be reviewed annually by the local coordinating
433 board and biennially by the quality assurance and program
434 evaluation section of the commission to ensure compliance with
435 quality assurance standards. Transportation operators and
436 coordination contractors shall be monitored at least annually by
437 the community transportation coordinator to ensure compliance
438 with the quality assurance standards and other policies approved
439 by the commission.

440 (25) Establish an ombudsman program that shall serve as an
441 advocate in resolving transportation concerns for the consumer,
442 purchasing agency, community transportation coordinator,
443 transportation operator, coordination contractor, and others who
444 need assistance or investigation about a transportation concern.
445 The ombudsman program shall provide a statewide toll-free phone



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446 number for consumers and others and shall serve as a
447 clearinghouse to provide information about transportation
448 services or to refer unrelated matters to the appropriate
449 authority. The information collected and documented by the
450 ombudsman program shall be forwarded to the community
451 transportation coordinator, local coordinating board, and the
452 commission.

453 (26) Appoint a standing ombudsman committee that shall
454 consist of a chairperson, vice chairperson, and three other
455 members. The ombudsman committee shall be responsible for
456 oversight of the ombudsman program and shall report and
457 recommend actions to be taken to the commission. The ombudsman
458 committee shall be responsible for addressing all grievances
459 that are not resolved at the local level which are provided to
460 the commission within the guidelines of the commission's
461 grievance procedures. Any areas of legal concern shall be
462 referred to the commission's general counsel for disposal. The
463 ombudsman program shall be staffed by commission personnel from
464 the quality assurance and program evaluation section.

465 ~~(24) Establish a review procedure to compare the rates~~
466 ~~proposed by alternate transportation operators with the rates~~
467 ~~charged by a community transportation coordinator to determine~~
468 ~~which rate is more cost-effective.~~

469 ~~(25) Conduct a cost-comparison study of single-~~
470 ~~coordinator, multicoordinator, and brokered community~~
471 ~~transportation coordinator networks to ensure that the most~~
472 ~~cost-effective and efficient method of providing transportation~~



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473 ~~to the transportation disadvantaged is programmed for~~
474 ~~development.~~

475 ~~(26) Develop a quality assurance and management review~~
476 ~~program to monitor, based upon approved commission standards,~~
477 ~~services contracted for by an agency, and those provided by a~~
478 ~~community transportation operator pursuant to s. 427.0155. Staff~~
479 ~~of the quality assurance and management review program shall~~
480 ~~function independently and be directly responsible to the~~
481 ~~executive director.~~

482 (27) Ensure that local community transportation
483 coordinators work cooperatively with regional workforce boards
484 established in chapter 445 to provide assistance in the
485 development of innovative transportation services for
486 participants in the welfare transition program.

487 (28) Develop, by rule, a statewide and uniform competitive
488 procurement process and procedure to be used by each designated
489 official planning agency for the procurement of community
490 transportation coordinators and transportation operators in
491 compliance with chapter 287, but not to conflict with local
492 government purchasing policies. This procedure shall be agreed
493 upon by all purchasing agencies as to the services to be
494 procured, the available budget and rates to be paid, the minimum
495 commission quality assurance standards, other commission
496 policies, and other criteria needed by a purchasing agency to
497 ensure safe, quality, timely, and cost-effective services. Once
498 this process and procedure have been conducted by the designated
499 official planning agency at the local level, purchasing
500 agencies, unless they have been approved in advance of this



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501 process to utilize an alternative provider as outlined in
502 subsection (8), shall contract with the selected community
503 transportation coordinators or transportation operators based on
504 the agreed-upon levels and rates for services.

505 (29) In coordination with local community transportation
506 coordinators and local coordinating boards, develop and
507 implement innovative approaches to the delivery of coordinated
508 transportation services at the local level, including, but not
509 limited to, the utilization of volunteers, faith-based
510 organizations, and other initiatives within the coordinated
511 system, and meeting the commission's standards identified in
512 rule.

513 (30) To promote consumer choice in transportation services
514 within the coordinated transportation program, in partnership
515 with other funding agencies, jointly develop and fund pilot
516 projects for innovative models for the delivery of
517 transportation services that offer improved customer
518 satisfaction and promote independence. Such pilot projects shall
519 be evaluated and may be replicated in other areas where
520 successful.

521 (31) Develop, monitor, and implement a substance abuse
522 program for community transportation coordinators,
523 transportation operators, and approved transportation
524 alternative providers. The commission may utilize contracted
525 services to implement this program or work jointly with other
526 agencies to prevent duplicating similar programs.

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



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529 427.0135 Purchasing agencies ~~Member departments~~; duties
530 and responsibilities.--Each purchasing agency ~~member department~~,
531 in carrying out the policies and procedures of the Commission
532 for the Transportation Disadvantaged, shall:

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

539 (b) Subject to the provisions of s. 409.908(18), the
540 Medicaid agency shall purchase transportation services through
541 the community coordinated transportation system unless the
542 Medicaid agency has been approved to purchase services with an
543 approved alternative provider based on procedures adopted by
544 rules of the Commission for the Transportation Disadvantaged a
545 ~~more cost-effective method is determined by the agency for~~
546 ~~Medicaid clients or unless otherwise limited or directed by the~~
547 ~~General Appropriations Act.~~

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

552 (3) Assist communities in developing coordinated
553 transportation systems designed to serve the transportation
554 disadvantaged. However, a purchasing agency ~~member department~~
555 may not serve as the community transportation coordinator in any
556 designated service area.



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557 (4) Assure that its rules, procedures, guidelines, and
558 directives are conducive to the coordination of transportation
559 funds and services for the transportation disadvantaged and in
560 compliance with this chapter.

561 (5) In coordination with the Commission for the
562 Transportation Disadvantaged, provide technical assistance, as
563 needed, to community transportation coordinators or
564 transportation operators or participating agencies.

565 (6) Request budget authority for the allocation of
566 transportation funds annually in the agency's legislative budget
567 request to ensure that access to agency services is in place
568 through the coordinated transportation system or to ensure
569 access to transportation alternative providers where approved
570 based on procedures of the Commission for the Transportation
571 Disadvantaged.

572 (7) Be authorized to contract or transfer funds on an
573 annual or other agreed-upon period with the Commission for the
574 Transportation Disadvantaged for the provision of coordinated
575 transportation or other services based on a mutually agreed-upon
576 performance-based contract.

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

580 427.015 Function of the metropolitan planning organization
581 or designated official planning agency in coordinating
582 transportation for the transportation disadvantaged.--

583 (2) Utilizing a competitive procurement process identified
584 in chapter 287, each metropolitan planning organization or



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585 designated official planning agency shall recommend to the
586 Commission for the Transportation Disadvantaged a single
587 community transportation coordinator. However, a purchasing
588 agency member department may not serve as the community
589 transportation coordinator in any designated service area. The
590 coordinator may broker the transportation services or provide
591 all or a portion of needed transportation services for the
592 transportation disadvantaged but shall be responsible for the
593 provision of those coordinated services. Based on ~~approved~~
594 ~~commission~~ evaluation criteria approved by the Commission for
595 the Transportation Disadvantaged, the coordinator shall
596 subcontract or broker those services that are more cost-
597 effectively and efficiently provided by subcontracting or
598 brokering. The performance of the coordinator shall be evaluated
599 based on that ~~the~~ commission's approved evaluation criteria by
600 the coordinating board at least annually. A copy of the
601 evaluation shall be submitted to the metropolitan planning
602 organization or the designated official planning agency, and the
603 Commission for the Transportation Disadvantaged. The
604 recommendation or termination of any community transportation
605 coordinator shall be subject to approval by the Commission for
606 the Transportation Disadvantaged.

607 (3) Each metropolitan planning organization or designated
608 official planning agency shall provide regular input into local,
609 regional, and statewide planning processes, including, but not
610 limited to, the Florida Transportation Plan or components
611 thereof, local and state comprehensive plans, regional plans,
612 and other plans that impact the planning for services to the



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613 ~~transportation disadvantaged request each local government in~~
614 ~~its jurisdiction to provide an estimate of all local and direct~~
615 ~~federal funds to be expended for transportation for the~~
616 ~~disadvantaged. The metropolitan planning organization or~~
617 ~~designated official planning agency shall consolidate this~~
618 ~~information into a single report and forward it, by the~~
619 ~~beginning of each fiscal year, to the commission.~~

620 (4) Each metropolitan planning organization or designated
621 official planning agency shall assist the local community
622 transportation coordinator and local coordinating board with
623 public educational programs regarding the needs of
624 transportation disadvantaged in their communities. Such
625 educational programs may include information regarding the state
626 donation each person is entitled to make as part of his or her
627 annual motor vehicle registration renewal or other state or
628 federal programs related to the funding of the Transportation
629 Disadvantaged Trust Fund. In addition, each metropolitan
630 planning organization or designated official planning agency is
631 authorized to assist the local community transportation
632 coordinator and local coordinating board in identifying
633 potential federal, state, and local funding sources to
634 adequately fund the unmet transportation needs of transportation
635 disadvantaged citizens.

636 Section 6. Section 427.0155, Florida Statutes, is amended
637 to read:

638 427.0155 Community transportation coordinators; powers and
639 duties.--Community transportation coordinators shall have the
640 following powers and duties:



641 (1) Execute uniform contracts, approved by the Commission
 642 for the Transportation Disadvantaged, for service using a
 643 standard contract, which includes performance standards for
 644 transportation operators and coordination contractors.
 645 Transportation operator contracts shall include, but may not be
 646 limited to, specific performance standards addressing quality,
 647 safe, timely, and cost-effective services and shall provide for
 648 enforceable penalties for noncompliance. The contracts shall
 649 also ensure timely payments to all transportation operators as
 650 required by law. Contracts shall require notification and
 651 certification to transportation operators and the Commission for
 652 the Transportation Disadvantaged that timely payments to
 653 transportation operators have been made in accordance with law.
 654 In cases in which this has not occurred, the nonpayment issue
 655 will be turned over to the appropriate authorities for final
 656 resolution.

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

661 (3) Review and monitor all transportation operator and
 662 coordinator contracts annually.

663 (4) Approve and coordinate the utilization of school bus
 664 and public transportation services in accordance with the
 665 transportation disadvantaged service plan.

666 (5) In cooperation with a local or multicounty functioning
 667 coordinating board, review all applications for local
 668 government, federal, and state transportation disadvantaged



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669 funds, and recommend actions based on cost effectiveness and
670 appropriateness of the requested funding application ~~develop~~
671 ~~cost-effective coordination strategies.~~

672 (6) In cooperation with, and approved by, the local or
673 multicounty coordinating board, develop, negotiate, implement,
674 and monitor a memorandum of agreement, including a multiyear
675 transportation disadvantaged service plan, for submittal to the
676 Commission for the Transportation Disadvantaged. The multiyear
677 transportation disadvantaged service plan shall be based on the
678 competitive procurement process followed for the selection of
679 the community transportation coordinators and transportation
680 operators.

681 (7) In cooperation with the local or multicounty
682 coordinating board and pursuant to eligibility guidelines
683 ~~criteria~~ developed by the Commission for the Transportation
684 Disadvantaged, establish priorities with regard to the
685 recipients of nonsponsored transportation disadvantaged services
686 that are purchased with Transportation Disadvantaged Trust Fund
687 moneys.

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

692 (9) Work cooperatively with regional workforce boards
693 established in chapter 445 to provide assistance in the
694 development of innovative transportation services for
695 participants in the welfare transition program.



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696 (10) In coordination with the local or multicounty
697 coordinating board, develop transportation delivery models
698 within the coordinated transportation system by the utilization
699 of volunteers, faith-based organizations, or other innovative
700 approaches to maximize limited financial resources.

701 Section 7. Section 427.0157, Florida Statutes, is amended
702 to read:

703 427.0157 Coordinating boards; powers and duties.--The
704 purpose of each coordinating board is to develop and evaluate
705 local service needs and to provide information, advice, and
706 direction to the community transportation coordinators on the
707 coordination of services to be provided to the transportation
708 disadvantaged. The Commission for the Transportation
709 Disadvantaged shall, by rule, establish the membership of
710 coordinating boards. The members of each board shall be
711 appointed by the metropolitan planning organization or
712 designated official planning agency. The appointing authority
713 shall provide each board with sufficient staff support and
714 resources to enable the board to fulfill its responsibilities
715 under this section. Each board shall meet at least quarterly and
716 shall:

717 (1) Review, monitor, and approve the coordinated community
718 transportation disadvantaged service plan, including the
719 memorandum of agreement, prior to submittal to the Commission
720 for the Transportation Disadvantaged.+

721 (2) Evaluate services provided in meeting the approved
722 plan based on standards of the Commission for the Transportation
723 Disadvantaged and local standards.+



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724 (3) In cooperation with the community transportation
725 coordinator, review and provide recommendations to the
726 Commission for the Transportation Disadvantaged on funding
727 applications affecting the transportation disadvantaged. ~~;~~

728 (4) Assist the community transportation coordinator in
729 establishing priorities with regard to the recipients of
730 nonsponsored transportation disadvantaged services that are
731 purchased with Transportation Disadvantaged Trust Fund moneys.

732 (5) Review and assist in the coordination strategies of
733 service provision to the transportation disadvantaged in the
734 designated service area. ~~;~~ ~~and~~

735 (6) Evaluate and develop multicounty, intrastate, or
736 regional transportation opportunities.

737 (7) Work cooperatively with regional workforce boards
738 established in chapter 445 to provide assistance in the
739 development of innovative transportation services for
740 participants in the welfare transition program.

741 (8) Assist the metropolitan planning organization or
742 designated official planning agency and the local community
743 transportation coordinator with local public awareness and
744 educational efforts to increase donations to the Transportation
745 Disadvantaged Trust Fund or to identify other public and private
746 resources to address the unmet transportation needs of
747 transportation disadvantaged citizens.

748 (9) Assist the community transportation coordinator with
749 development of innovative transportation alternatives within the
750 coordinated transportation system, including, but not limited
751 to, the utilization of volunteers, faith-based organizations, or



752 other innovative approaches to maximize limited financial
 753 resources and improve customer satisfaction.

754 Section 8. Paragraph (a) of subsection (2) of section
 755 427.0158, Florida Statutes, is amended to read:

756 427.0158 School bus and public transportation.--

757 (2) The school boards shall cooperate in the utilization
 758 of their vehicles to enhance coordinated disadvantaged
 759 transportation by providing the information as required by this
 760 section and by allowing the use of their vehicles at actual cost
 761 upon request when those vehicles are available for such use and
 762 are not transporting students. Semiannually, no later than
 763 October 1 and April 30, a designee from the local school board
 764 shall provide the community transportation coordinator with
 765 copies to the coordinated transportation board, the following
 766 information for vehicles not scheduled 100 percent of the time
 767 for student transportation use:

768 (a) The number and type of vehicles by adult capacity,
 769 including how many vehicles have seat belts, how many have air
 770 conditioning, and how many are accessible, including days and
 771 times of availability, that ~~the vehicles~~ are available for
 772 coordinated transportation disadvantaged services;

773 Section 9. Section 427.0159, Florida Statutes, is amended
 774 to read:

775 427.0159 Transportation Disadvantaged Trust Fund.--

776 (1) There is established in the State Treasury the
 777 Transportation Disadvantaged Trust Fund to be administered by
 778 the Commission for the Transportation Disadvantaged. All fees
 779 collected for the transportation disadvantaged program under s.



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780 | 320.03(9) or other statutes where funding has been statutorily
 781 | designated to the program shall be deposited in the trust fund.

782 | (2) Funds deposited in the trust fund shall be
 783 | appropriated by the Legislature to the Commission for the
 784 | Transportation Disadvantaged and shall be used to carry out the
 785 | responsibilities of the commission and to fund the
 786 | administrative expenses of the commission, including, but not
 787 | limited to, the development of educational materials to improve
 788 | customer awareness and for acquiring public and private
 789 | donations to the trust fund to meet the unmet transportation
 790 | disadvantaged needs.

791 | (3) Funds deposited in the trust fund must ~~may~~ be used by
 792 | the Commission for the Transportation Disadvantaged to subsidize
 793 | a portion of a transportation disadvantaged person's
 794 | transportation costs which is not sponsored by an agency, only
 795 | if a cash ~~or in-kind~~ match is required. The Commission for the
 796 | Transportation Disadvantaged, by rule, shall have the authority
 797 | to increase, reduce, or eliminate the match for innovative
 798 | transportation disadvantaged services, including, but not
 799 | limited to, use of volunteers, use of faith-based organizations,
 800 | pilot projects for consumer choice, and other initiatives that
 801 | maximize limited resources but conform to that commission's
 802 | standards as identified in rule. Funds for nonsponsored
 803 | transportation disadvantaged services shall be distributed based
 804 | upon the need of the recipient and according to eligibility
 805 | guidelines ~~criteria~~ developed in rule by the Commission for the
 806 | Transportation Disadvantaged.



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807 Section 10. Section 427.016, Florida Statutes, is amended
808 to read:

809 427.016 Expenditure of local government, state, and
810 federal funds for the transportation disadvantaged.--

811 (1)(a) All transportation disadvantaged funds expended
812 within the state shall be expended to purchase transportation
813 services from community transportation coordinators or public,
814 private, or private nonprofit transportation operators within
815 the coordinated transportation system, except when a purchasing
816 agency has been approved to contract with an alternative
817 provider that meets the same quality and safety standards of the
818 Commission for the Transportation Disadvantaged ~~the rates~~
819 ~~charged by proposed alternate operators are proven~~, pursuant to
820 rules and procedures generated by that ~~the~~ commission ~~for the~~
821 ~~Transportation Disadvantaged~~, and is to be more cost-effective
822 and ~~are~~ not a risk to the public health, safety, or welfare.
823 ~~However, in areas where transportation suited to the unique~~
824 ~~needs of a transportation disadvantaged person cannot be~~
825 ~~purchased through the coordinated system, or where the agency~~
826 ~~has met the rule criteria for using an alternative provider, the~~
827 ~~service may be contracted for directly by the appropriate~~
828 ~~agency.~~

829 (b) ~~Nothing in this subsection shall be construed to limit~~
830 ~~or preclude the Medicaid agency from establishing maximum fee~~
831 ~~schedules, individualized reimbursement policies by provider~~
832 ~~type, negotiated fees, competitive bidding, or any other~~
833 ~~mechanism that the agency considers efficient and effective for~~
834 ~~the purchase of services on behalf of Medicaid clients. State~~



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835 and local agencies shall not contract for any transportation
836 disadvantaged services, including Medicaid reimbursable
837 transportation services, with any community transportation
838 coordinator or transportation operator that has been determined
839 by the Agency for Health Care Administration, the Department of
840 Legal Affairs Medicaid Fraud Control Unit, or any state or
841 federal agency to have engaged in any abusive or fraudulent
842 billing or violence-related criminal activities.

843 (2) Each purchasing agency, whether or not it is a member
844 of the Commission for the Transportation Disadvantaged, shall
845 furnish that ~~inform the~~ commission in writing, by October 1
846 ~~before the beginning of each fiscal year, of the specific amount~~
847 ~~of any money the agency allocated for transportation~~
848 ~~disadvantaged services. Additionally, each state agency shall,~~
849 ~~by September 15~~ of each year, ~~provide the~~ commission with an
850 accounting of the actual amount of funds expended and the total
851 number of trips purchased.

852 (3) Each metropolitan planning organization or designated
853 official planning agency shall annually compile a report
854 accounting for all local government and direct federal funds for
855 transportation for the disadvantaged expended in its
856 jurisdiction and forward this report by October 1 ~~September 15~~
857 to the Commission for the Transportation Disadvantaged.

858 (4) The Commission for the Transportation Disadvantaged
859 shall have the authority to audit and review records of any
860 agency that expends transportation disadvantaged funds as
861 defined herein to detect misuse or duplicate billing between
862 funding sources. Findings of such reviews will be reported to



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863 the appropriate purchasing agency or other authority for further
864 action.

865 Section 11. The Attorney General is authorized and
866 directed to conduct an independent investigation and review to
867 provide recommendations no later than February 1, 2004, to the
868 Governor, the President of the Senate, and the Speaker of the
869 House of Representatives on the following areas relating to
870 implementation of chapter 427, Florida Statutes, the governing
871 legislation for Florida's Transportation Disadvantaged Program.
872 The recommendations may include:

873 (1) An investigation and report on any cases of fraud or
874 possible opportunities for fraud and abuse for those
875 transportation coordinators and providers contracting both
876 within and outside the coordinated transportation system as
877 required pursuant to chapter 427, Florida Statutes.

878 (2) A review and report on areas of needed improvement to
879 further ensure reduction in the duplication and fragmentation of
880 services within and outside the coordinated transportation
881 system.

882 (3) A review and identification of local commitment,
883 including local government funding, to support the provision of
884 transportation disadvantaged services.

885 (4) A review and report by county of existing cost
886 effectiveness and efficiency measures currently working and
887 identification of areas of needed improvement.

888 (5) A review and report on the level of standards required
889 for services provided within and outside the coordinated
890 transportation system and how these standards are impacting the



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891 costs or quality of services provided to the state's
892 transportation disadvantaged.

893 (6) A review and report on how costs are derived and
894 whether the current competitive procurement process is sound and
895 being followed in a uniform manner, ensuring that limited tax
896 dollars are being maximized.

897 (7) A review and report on the current appropriations
898 levels for all the agencies that fund a portion of the
899 transportation disadvantaged services and recommendations of
900 ways to streamline this process, including the consolidation of
901 all the funds into the Transportation Disadvantaged Trust Fund,
902 to further stretch limited tax dollars.

903 (8) A review and report on current monitoring of services
904 by all the agencies that purchase or fund transportation
905 disadvantaged services and recommendations of ways to streamline
906 this process to provide standard uniformity as well as reduce
907 administrative costs for these agencies.

908 (9) A review and report on impacts to the lives of
909 transportation disadvantaged citizens should future
910 transportation disadvantaged services to certain types of
911 medically essential services be reduced.

912 (10) A review and recommendations for the 2004 Legislature
913 on changes to chapter 427, Florida Statutes, or other governing
914 statutes to ensure that improvements are made in the areas where
915 needed.

916
917 In conducting this review, public input is essential.
918 Participants in this review shall include, but may not be



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919 | limited to, stakeholders from the Commission for the
920 | Transportation Disadvantaged, community transportation
921 | coordinators, local planning agencies, local coordinating boards
922 | who oversee local decisions made, and riders or potential riders
923 | of the services. It is recommended that at least four public
924 | hearings be held throughout the state for this purpose.

925 | Section 12. This act shall take effect upon becoming a
926 | law.