

By Senator Sebesta

16-1110-03

1                                   A bill to be entitled  
2           An act relating to the transportation  
3           disadvantaged; amending s. 427.011, F.S.;  
4           defining and redefining terms; amending s.  
5           427.012, F.S.; revising membership of the  
6           Commission for the Transportation  
7           Disadvantaged; amending s. 427.013, F.S.;  
8           restating the purpose of the commission and  
9           revising its responsibilities; providing for a  
10          quality assurance program within the commission  
11          and for quality assurance standards; providing  
12          for an ombudsman program and ombudsman  
13          committee; providing for a uniform statewide  
14          competitive procurement process; providing for  
15          development of innovative approaches for the  
16          delivery of services to the transportation  
17          disadvantaged; promoting consumer choice;  
18          providing for a substance abuse program;  
19          amending s. 427.0135, F.S.; prescribing powers,  
20          duties, and functions of purchasing agencies;  
21          amending s. 427.015, F.S.; revising duties of  
22          metropolitan planning organizations and  
23          planning agencies with respect to services for  
24          the transportation disadvantaged; providing for  
25          public educational programs; amending s.  
26          427.0155, F.S.; revising powers and duties of  
27          community transportation coordinators;  
28          prescribing additional elements that must be  
29          included in transportation operator contracts;  
30          amending s. 427.0157, F.S.; revising powers and  
31          duties of coordinating boards; requiring such

1 boards to assist in public awareness and  
2 educational efforts and to assist community  
3 transportation coordinators; amending s.  
4 427.0158, F.S.; revising information that must  
5 be maintained with respect to school buses used  
6 in transporting the transportation  
7 disadvantaged; amending s. 427.0159, F.S.;  
8 revising deposits to and uses of the  
9 Transportation Disadvantaged Trust Fund;  
10 amending s. 427.016, F.S.; revising guidelines  
11 for expenditure of funds; authorizing audits  
12 and review of records; providing an effective  
13 date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Section 427.011, Florida Statutes, is  
18 amended to read:

19 427.011 Definitions.--For the purposes of ss.  
20 427.011-427.017:

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

29 (2) "Metropolitan planning organization" means the  
30 organization responsible for carrying out transportation  
31

1 planning and programming in accordance with the provisions of  
2 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

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

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

14 (5) "Community transportation coordinator" means a  
15 transportation entity approved by the commission and  
16 recommended by a metropolitan planning organization, or by the  
17 appropriate designated official planning agency as provided  
18 for in ss. 427.011-427.017 in an area outside the purview of a  
19 metropolitan planning organization, following a competitive  
20 procurement process, to ensure that coordinated transportation  
21 services are provided to the transportation disadvantaged  
22 population in a designated service area.

23 (6) "Transportation operator" means one or more  
24 public, private for-profit, or private nonprofit entities  
25 engaged by the community transportation coordinator to provide  
26 service to transportation disadvantaged persons pursuant to a  
27 coordinated transportation disadvantaged ~~system~~ service plan.

28 (7) "Coordinating board" means an advisory entity in  
29 each designated service area composed of representatives  
30 appointed by the metropolitan planning organization or  
31 designated official planning agency, to provide assistance to

1 and evaluate the community transportation coordinator relative  
2 to the coordination of transportation services.

3 (8) "Purchasing agency"~~"Member department"~~ means an  
4 agency ~~a department~~ whose head is a member of the commission  
5 or an agency that purchases or expends transportation services  
6 for the transportation disadvantaged and that may choose to  
7 contract with the commission for the provision of  
8 transportation for its clients or other services based on a  
9 performance-based contract.

10 (9) "Paratransit" means those elements of public  
11 transit which provide service between specific origins and  
12 destinations selected by the individual user or purchasing  
13 agency with such service being provided at a time that is  
14 agreed upon by the user and provider of the service.

15 Paratransit service is provided by taxis, limousines,  
16 "dial-a-ride," buses, and other demand-responsive operations  
17 that are characterized by their nonscheduled, nonfixed route  
18 nature.

19 (10) "Transportation disadvantaged funds" means any  
20 local government, state, or available federal funds that are  
21 for the transportation of the transportation disadvantaged.  
22 Such funds may include, but are not limited to, funds for  
23 planning, Medicaid transportation, administration, operation,  
24 procurement, and maintenance of vehicles or equipment and  
25 capital investments. Transportation disadvantaged funds do not  
26 include funds for the transportation of children to public  
27 schools.

28 (11) "Coordination" means the arrangement for the  
29 provision of quality transportation services to the  
30 transportation disadvantaged in a manner that is safe, timely,  
31

1 cost-effective, efficient, and reduces fragmentation and  
2 duplication of services.

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

7 (12)~~(13)~~ "Nonsponsored transportation disadvantaged  
8 services" means transportation disadvantaged services that are  
9 not sponsored or subsidized by any funding source other than  
10 the Transportation Disadvantaged Trust Fund.

11 (13) "Coordination contract" means a written contract  
12 between the community transportation coordinator and an agency  
13 that receives transportation disadvantaged funds and performs  
14 some, if not all, of its own transportation services, as well  
15 as transportation services to others, when shown to be more  
16 effective and more efficient from a total-system perspective.  
17 The contract reflects the specific terms and conditions that  
18 will apply to those agencies that perform their own  
19 transportation, as well as joint use and cost provisions for  
20 transportation services to and from the community  
21 transportation coordinator.

22 (14) "Coordination contractor" means an agency that  
23 enters into a coordination contract between the community  
24 transportation coordinator and that receives transportation  
25 disadvantaged funds and performs some, if not all, of its own  
26 transportation services, as well as transportation services to  
27 others, when shown to be more effective and more efficient  
28 from a total-system perspective. The coordination contract  
29 reflects the specific terms and conditions that will apply to  
30 those agencies who perform their own transportation, as well

31

1 as joint use and cost provisions for transportation services  
2 to and from the community transportation coordinator.

3 (15) "Transportation disadvantaged service plan" means  
4 an annually updated multi-year plan jointly developed by the  
5 designated official planning agency and the community  
6 transportation coordinator which contains a development plan,  
7 service plan, and quality assurance components. The plan shall  
8 be approved by the commission and the local coordinating board  
9 and used to evaluate the community transportation coordinator,  
10 transportation operators, coordination contractors, and  
11 approved alternate providers.

12 (16) "Alternative transportation provider" means a  
13 transportation entity that has been determined by a purchasing  
14 agency to provide transportation services at a lower cost and  
15 that meets the same standards as the coordinated system, in  
16 accordance with the commission's approved procedure for  
17 purchasing agency use of alternative providers.

18 Section 2. Paragraphs (d), (g), (i), (k), and (n) of  
19 subsection (1) of section 427.012, Florida Statutes, are  
20 amended, paragraph (r) is added to that subsection, and  
21 subsection (4) of that section is amended, to read:

22 427.012 The Commission for the Transportation  
23 Disadvantaged.--There is created the Commission for the  
24 Transportation Disadvantaged in the Department of  
25 Transportation.

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

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

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

1 (i) A representative of the Florida Public  
2 Transportation Transit Association, who shall serve at the  
3 pleasure of that association.

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

9 (n) A representative of children ~~One member of the~~  
10 ~~Early Childhood Council~~. Such person shall be appointed by the  
11 Governor to represent children at risk ~~maternal and child~~  
12 ~~health care providers~~ and shall be appointed to serve a term  
13 of 4 years.

14 (r) The Executive Director of the Agency for Workforce  
15 Innovation or the executive director's designee representing  
16 workforce boards.

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

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

24 427.013 The Commission for the Transportation  
25 Disadvantaged; purpose and responsibilities.--The purpose of  
26 the commission is to accomplish and provide statewide  
27 oversight for the coordination and funding of transportation  
28 services provided to the transportation disadvantaged. The  
29 goal of this coordination and oversight is ~~shall be~~ to assure  
30 the quality, safe, timely, and cost-effective provision of  
31 transportation by qualified community transportation

1 coordinators or transportation operators for the  
2 transportation disadvantaged without any bias or presumption  
3 in favor of multioperator systems or not-for-profit  
4 transportation operators over single operator systems or  
5 for-profit transportation operators. In carrying out this  
6 purpose, the commission shall:

7 (1) Compile all available information on the  
8 transportation operations for and needs of the transportation  
9 disadvantaged in the state.

10 (2) Establish, amend, and monitor statewide objectives  
11 for providing the quality, safe, and timely coordinated  
12 transportation service ~~services~~ for the transportation  
13 disadvantaged.

14 (3) Develop, modify, and monitor policies and  
15 procedures for the coordination of local government, federal,  
16 and state funding for the transportation disadvantaged.

17 (4) Identify barriers prohibiting the coordination and  
18 accessibility of transportation services to the transportation  
19 disadvantaged and aggressively pursue the elimination of these  
20 barriers by implementing new or revised commission policies or  
21 recommending changes to the Legislature.

22 (5) Serve as a statewide clearinghouse for information  
23 about transportation disadvantaged services, training, funding  
24 sources, innovations, and coordination of best practices  
25 ~~efforts.~~

26 (6) In coordination with community transportation  
27 coordinators, local coordinating boards, and purchasing  
28 agencies, assist communities in developing and monitoring  
29 transportation systems designed to serve the transportation  
30 disadvantaged.

31



1           (7) Assure, by reviewing and recommending changes,  
2 that all procedures, guidelines, and directives issued by  
3 purchasing agencies ~~member departments~~ are conducive to the  
4 coordination of transportation services, are in compliance  
5 with ss. 427.011-427.017, and adhere to the commission's  
6 standards provided by rule or other policies adopted by the  
7 commission.

8           (8)(a) Assure that purchasing agencies ~~member~~  
9 ~~departments~~ purchase all trips within the coordinated system,  
10 unless they have been approved to use an alternative  
11 transportation provider pursuant to rules and procedures  
12 adopted by the commission which meets the standards of the  
13 commission.~~use a more cost-effective alternative provider.~~

14           (b) Approve and implement ~~Provide,~~ by rule, criteria  
15 and procedures for any agency that purchases transportation  
16 services ~~member departments~~ to justify using an alternative  
17 transportation provider outside of the coordinated  
18 transportation system ~~use if they wish to use an alternative~~  
19 provider. Such procedure ~~Departments~~ must demonstrate ~~either~~  
20 that the proposed alternative provider can provide a trip of  
21 acceptable quality for the clients at a lower cost than that  
22 provided within the coordinated system and meets the  
23 commission's minimum approved standards as outlined by rule,  
24 or that the coordinated system cannot accommodate the  
25 purchasing agency's needs ~~department's clients~~.

26           (9) Develop by rule standards for community  
27 transportation coordinators, ~~and any~~ transportation operators,  
28 ~~operator or~~ coordination contractors and agencies that have  
29 been approved to contract with alternative providers as  
30 specified in subsection (8)~~contractor~~ from whom service is  
31 purchased or arranged by the community transportation

1 coordinator covering coordination, operation, safety,  
2 insurance, eligibility for service, costs, on-time  
3 performance, and use utilization of transportation  
4 disadvantaged services. These standards and rules must  
5 include, but are not limited to:

6 ~~(a) Inclusion, by rule, of acceptable ranges of trip~~  
7 ~~costs for the various modes and types of transportation~~  
8 ~~services provided.~~

9 (a)(b) Minimum performance standards for the delivery  
10 of services. These standards must be included in community  
11 transportation coordinator contracts, and transportation  
12 operator contracts, coordination contracts, and contracts  
13 between purchasing agency-approved alternative transportation  
14 providers as approved in accordance with subsection (8) with  
15 clear penalties for repeated or continuing violations.

16 (b)(c) Minimum liability insurance requirements for  
17 all transportation services purchased, provided, or  
18 coordinated for the transportation disadvantaged through the  
19 community transportation coordinator, a transportation  
20 operator, or an alternative transportation provider as  
21 approved in accordance with subsection (8).

22 (c) Minimum driver background screening for all  
23 transportation disadvantaged services purchased, provided, or  
24 coordinated for the transportation disadvantaged through the  
25 community transportation coordinators, transportation  
26 operators, or an alternative transportation provider as  
27 approved in accordance with subsection (8).

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

30 (11) Approve the appointment of all community  
31 transportation coordinators.

1           (12) Have the authority to aggressively apply for and  
2 accept funds, grants, gifts, and services from the Federal  
3 Government, state government, local governments, or private  
4 funding sources. Applications by the commission for local  
5 government funds shall be coordinated through the appropriate  
6 coordinating board. Funds acquired or accepted under this  
7 subsection shall be administered by the commission and shall  
8 be used to carry out the commission's responsibilities.

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

12           ~~(14) Consolidate, for each state agency, the annual~~  
13 ~~budget estimates for transportation disadvantaged services,~~  
14 ~~and the amounts of each agency's actual expenditures, together~~  
15 ~~with the annual budget estimates of each official planning~~  
16 ~~agency, local government, and directly federally funded agency~~  
17 ~~and issue a report.~~

18           (14)~~(15)~~ Prepare a statewide 5-year transportation  
19 disadvantaged plan which addresses the transportation problems  
20 and needs of the transportation disadvantaged, which is fully  
21 coordinated with the Florida Transportation Plan and local and  
22 regional transit plans, compatible with local government  
23 comprehensive plans, and which ensures that the quality, most  
24 safe and timely, cost-effective, and efficient method of  
25 providing transportation to the disadvantaged is programmed  
26 for development.

27           (15)~~(16)~~ Review and approve memorandums of agreement  
28 for the provision of coordinated transportation services.

29           (16)~~(17)~~ Review, monitor, and coordinate all  
30 transportation disadvantaged local government, state, and  
31 federal fund requests and plans for conformance with

1 commission policy, without delaying the application process.  
2 Such funds shall be available only to those entities  
3 participating in an approved coordinated transportation system  
4 or entities that which have been approved to use an  
5 alternative provider based on ~~received a~~ commission-approved  
6 procedures waiver to obtain all or part of their  
7 transportation through another means as outlined in subsection  
8 (8). This process shall identify procedures for coordinating  
9 with the state's intergovernmental coordination and review  
10 procedures and s. 216.212(1) and any other appropriate grant  
11 review process.

12 (17)~~(18)~~ Develop an interagency uniform contracting  
13 and billing and accounting system that shall be used by all  
14 community transportation coordinators and their transportation  
15 operators.

16 (18)~~(19)~~ Develop and maintain a transportation  
17 disadvantaged handbook outlining current rules and procedures  
18 for implementing the program manual.

19 (19)~~(20)~~ Design and develop statewide transportation  
20 disadvantaged training and technical assistance programs  
21 ensuring coordination with other agencies, maximizing  
22 available resources.

23 (20)~~(21)~~ Coordinate all transportation disadvantaged  
24 programs with appropriate state, local, and federal agencies  
25 and public transit agencies to ensure compatibility with  
26 existing transportation systems.

27 (21)~~(22)~~ Designate the official planning agency in  
28 areas outside of the purview of a metropolitan planning  
29 organization.

30 (22)~~(23)~~ Develop and update as needed eligibility  
31 guidelines ~~need-based criteria~~ that must be used by all

1 community transportation coordinators to prioritize the  
2 delivery of nonsponsored transportation disadvantaged services  
3 that are purchased with Transportation Disadvantaged Trust  
4 Fund moneys.

5 (23) To ensure the level of quality, timely, safe,  
6 cost-effective, efficient, and financially accountable areas  
7 of the transportation disadvantaged program, employ a quality  
8 assurance and program evaluation section. The commission may  
9 use outside contractors to accomplish some of its  
10 responsibilities.

11 (a) The quality assurance and program evaluation  
12 section shall monitor and evaluate community transportation  
13 coordinators, transportation operators, and coordination  
14 contractors based upon approved commission and locally  
15 established quality assurance standards, or other policies  
16 identified in rules approved by the commission. To eliminate  
17 duplication of effort, purchasing agencies that monitor  
18 community transportation coordinators shall coordinate their  
19 efforts with the commission's quality assurance and program  
20 evaluation section. Purchasing agencies shall make available  
21 records or access for transportation services billed in order  
22 for the commission to conduct a financial audit to detect  
23 duplicate billing among several funding sources.

24 (b) If a community transportation coordinator does not  
25 comply with the quality assurance standards, or if the  
26 commission has good cause to believe that the system is not  
27 complying with the quality assurance standards, the commission  
28 may conduct a special or financial review of the community  
29 transportation coordinator or its transportation operators. If  
30 the special review indicates continued noncompliance,  
31

1 transportation disadvantaged funds shall be withheld until  
2 compliance is achieved.

3 (c) The quality assurance and program evaluation  
4 section will biennially monitor all designated official  
5 planning agencies based upon the commission's contract  
6 requirements and deliverables thereof. Noncompliance shall  
7 result in transportation disadvantaged funds being withheld  
8 until compliance is achieved.

9 (d) Employees of the quality assurance and program  
10 evaluation section shall function independently and be  
11 directly responsible to the executive director. The use of  
12 outside contracting is permitted in order to accomplish the  
13 tasks not able to be performed by existing personnel.

14 (24) The commission shall develop a minimum set of  
15 quality assurance standards, including commission standards  
16 and locally established standards or other policies adopted by  
17 rule, which shall be included in each designated service  
18 area's transportation disadvantaged service plan. Compliance  
19 with the quality assurance standards and other policies shall  
20 be a condition of program participation by the community  
21 transportation coordinator and any transportation operators or  
22 coordination contractors involved in the coordinated system.  
23 Each community transportation coordinator shall be reviewed  
24 annually by the local coordinating board and biennially by the  
25 quality assurance and program evaluation section of the  
26 commission to ensure compliance with quality assurance  
27 standards. Transportation operators and coordination  
28 contractors shall be monitored a minimum of annually by the  
29 community transportation coordinator to ensure compliance with  
30 the quality assurance standards and other policies approved by  
31 the commission.~~Establish a review procedure to compare the~~

1 ~~rates proposed by alternate transportation operators with the~~  
2 ~~rates charged by a community transportation coordinator to~~  
3 ~~determine which rate is more cost-effective.~~

4       (25) The commission will establish an ombudsman  
5 program that will serve as an advocate in resolving issues for  
6 consumers, purchasing agencies, community transportation  
7 coordinators, transportation operators, coordination  
8 contractors, and others who need assistance or investigation  
9 about a transportation concern. The ombudsman program will  
10 provide a statewide toll-free phone number for consumers and  
11 others and shall serve as a clearinghouse to provide  
12 information about transportation services or to refer  
13 unrelated matters to the appropriate authority. The  
14 information collected and documented by the ombudsman program  
15 will be forwarded to the community transportation coordinator,  
16 local coordinating board, and commission. Information provided  
17 by consumers and others will remain confidential and is exempt  
18 from the public records laws.~~Conduct a cost-comparison study~~  
19 ~~of single-coordinator, multicoordinator, and brokered~~  
20 ~~community transportation coordinator networks to ensure that~~  
21 ~~the most cost-effective and efficient method of providing~~  
22 ~~transportation to the transportation disadvantaged is~~  
23 ~~programmed for development.~~

24       (26) The commission shall appoint a standing ombudsman  
25 committee that shall consist of a chairperson, vice  
26 chairperson, and three other members. The ombudsman committee  
27 is responsible for oversight of the ombudsman program and  
28 shall report, and recommend actions to be taken, to the  
29 commission. The ombudsman committee is responsible for  
30 addressing all grievances that are not resolved at the local  
31 level and are provided to the commission within the guidelines

1 of the commission's grievance procedures. Any areas of legal  
2 concern shall be referred to the commission's general counsel  
3 for disposal. The ombudsman program will be staffed by the  
4 commission's personnel from the quality assurance and program  
5 evaluation section.~~Develop a quality assurance and management~~  
6 ~~review program to monitor, based upon approved commission~~  
7 ~~standards, services contracted for by an agency, and those~~  
8 ~~provided by a community transportation operator pursuant to s.~~  
9 ~~427.0155. Staff of the quality assurance and management review~~  
10 ~~program shall function independently and be directly~~  
11 ~~responsible to the executive director.~~

12 (27) Ensure that local community transportation  
13 coordinators work cooperatively with regional workforce boards  
14 established in chapter 445 to provide assistance in the  
15 development of innovative transportation services for  
16 participants in the welfare transition program.

17 (28) Develop by rule a statewide and uniform  
18 competitive procurement process and procedure to be used by  
19 each designated official planning agency for the procurement  
20 of community transportation coordinators and transportation  
21 operators in compliance with chapter 287 and which do not  
22 conflict with local government purchasing policies. This  
23 procedure shall be agreed upon by all purchasing agencies as  
24 to the services to be procured, the available budget and rates  
25 to be paid, the minimum commission quality assurance  
26 standards, other commission policies, and other criteria  
27 needed by a purchasing agency to ensure safe, quality, timely,  
28 and cost-effective services. Once this process and procedure  
29 has been conducted by the designated official planing agency  
30 at the local level, purchasing agencies, unless they have been  
31 approved in advance of this process to utilize an alternative



1 provider as outlined in subsection (8), shall contract with  
2 the selected community transportation coordinator or  
3 transportation operators based on the agreed-upon levels and  
4 rates for services.

5 (29) In coordination with local community  
6 transportation coordinators and local coordinating boards,  
7 develop and implement innovative approaches to the delivery of  
8 coordinated transportation services at the local level,  
9 including, but not limited to, the use of volunteers,  
10 faith-based organizations, and other initiatives within the  
11 coordinated system and meeting the commission's standards  
12 identified by rule.

13 (30) To promote consumer choice in transportation  
14 services within the coordinated transportation program and in  
15 partnership with other funding agencies, jointly develop and  
16 fund pilot projects for innovative models for the delivery of  
17 transportation services which offer improved customer  
18 satisfaction and promote independence. Such pilots shall be  
19 evaluated and may be replicated in other areas where  
20 successful.

21 (31) Develop, monitor, and implement a substance abuse  
22 program for community transportation coordinators,  
23 transportation operators, coordination coordinators, and  
24 approved transportation alternative providers. The commission  
25 may use contracted services to implement this program or may  
26 work jointly with other agencies in order not to duplicate  
27 similar programs.

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

30 427.0135 Purchasing agencies ~~Member departments;~~  
31 duties and responsibilities.--Each purchasing agency ~~member~~

1 ~~department~~, in carrying out the policies and procedures of the  
2 commission, shall:

3 (1)(a) Use the coordinated transportation system for  
4 provision of services to its clients, unless an alternative  
5 provider has been approved based on procedures and adopted  
6 standards of the commission as identified in s. 427.013(8)  
7 ~~each department meets the criteria outlined in rule to use an~~  
8 ~~alternative provider.~~

9 (b) Subject to the provisions of s. 409.908(18), the  
10 Medicaid agency shall purchase transportation services through  
11 the community coordinated transportation system unless the  
12 Medicaid agency has been approved to purchase services with an  
13 approved alternative provider based on procedures adopted by  
14 the commission by rule ~~a more cost-effective method is~~  
15 ~~determined by the agency for Medicaid clients or unless~~  
16 ~~otherwise limited or directed by the General Appropriations~~  
17 ~~Act.~~

18 (2) Provide the commission, by October 1 ~~September 15~~  
19 of each year, an accounting of all funds spent as well as how  
20 many trips were purchased with agency funds.

21 (3) Assist communities in developing coordinated  
22 transportation systems designed to serve the transportation  
23 disadvantaged. However, a purchasing agency ~~member department~~  
24 may not serve as the community transportation coordinator in  
25 any designated service area.

26 (4) Assure that its rules, procedures, guidelines, and  
27 directives are conducive to the coordination of transportation  
28 funds and services for the transportation disadvantaged and in  
29 compliance with this chapter and rules adopted under this  
30 chapter.

31

1           (5) In coordination with the commission, provide  
2 technical assistance, as needed, to community transportation  
3 coordinators or transportation operators or participating  
4 agencies.

5           (6) Request budget authority for the allocation of  
6 transportation funds annually in the agency's legislative  
7 budget request to ensure that access to agency services is in  
8 place through the coordinated transportation system or to  
9 transportation alternative providers where approved based on  
10 commission procedures.

11           (7) Be authorized to contract or transfer funds on an  
12 annual or other agreed-upon period with the Commission for  
13 the Transportation Disadvantaged for the provision of  
14 coordinated transportation or other services based on a  
15 mutually agreed-upon, performed-based contract.

16           Section 5. Subsections (2) and (3) of section 427.015,  
17 Florida Statutes, are amended, and subsection (4) is added to  
18 that section, to read:

19           427.015 Function of the metropolitan planning  
20 organization or designated official planning agency in  
21 coordinating transportation for the transportation  
22 disadvantaged.--

23           (2) Using a competitive procurement process identified  
24 in chapter 287, each metropolitan planning organization or  
25 designated official planning agency shall recommend to the  
26 commission a single community transportation coordinator.  
27 However, a purchasing agency ~~member department~~ may not serve  
28 as the community transportation coordinator in any designated  
29 service area. The coordinator may broker the transportation  
30 services or provide all or a portion of needed transportation  
31 services for the transportation disadvantaged but shall be

1 responsible for the provision of those coordinated services.  
2 Based on approved commission evaluation criteria, the  
3 coordinator shall subcontract or broker those services that  
4 are more cost-effectively and efficiently provided by  
5 subcontracting or brokering. The performance of the  
6 coordinator shall be evaluated based on the commission's  
7 approved evaluation criteria by the coordinating board at  
8 least annually. A copy of the evaluation shall be submitted to  
9 the metropolitan planning organization or the designated  
10 official planning agency, and the commission. The  
11 recommendation or termination of any community transportation  
12 coordinator shall be subject to approval by the commission.

13 (3) Each metropolitan planning organization or  
14 designated official planning agency shall provide regular  
15 input into local, regional, and statewide planning processes,  
16 including, but not limited to, the Florida Transportation Plan  
17 or components thereof, local and state comprehensive plans,  
18 regional plans, and other plans that impact the planning for  
19 services to the transportation disadvantaged.~~request each~~  
20 ~~local government in its jurisdiction to provide an estimate of~~  
21 ~~all local and direct federal funds to be expended for~~  
22 ~~transportation for the disadvantaged. The metropolitan~~  
23 ~~planning organization or designated official planning agency~~  
24 ~~shall consolidate this information into a single report and~~  
25 ~~forward it, by the beginning of each fiscal year, to the~~  
26 ~~commission.~~

27 (4) Each metropolitan planning organization or  
28 designated official planning agency shall assist the local  
29 community transportation coordinator and local coordinating  
30 board with public educational programs regarding the needs of  
31 the transportation disadvantaged in their communities. Such

1 educational programs may include information regarding the  
2 state donation each person is entitled to make as part of his  
3 or her annual motor vehicle registration renewal or other  
4 state or federal programs related to funding of the  
5 Transportation Disadvantaged Trust Fund. In addition, each  
6 metropolitan planning organization or designated official  
7 planning agency is authorized to assist the local community  
8 transportation coordinator and local coordinating board in  
9 identifying potential federal, state, and local funding  
10 sources to adequately fund the unmet transportation needs of  
11 transportation disadvantaged persons.

12 Section 6. Section 427.0155, Florida Statutes, is  
13 amended to read:

14 427.0155 Community transportation coordinators; powers  
15 and duties.--Community transportation coordinators shall have  
16 the following powers and duties:

17 (1) Execute commission-approved uniform contracts for  
18 service using a standard contract, which includes performance  
19 standards for transportation operators and coordination  
20 contractors. Transportation operator contracts shall include,  
21 but are not limited to, specific performance standards  
22 addressing quality, safety, and timely and cost-effective  
23 services and shall provide for enforceable penalties for  
24 noncompliance. The contracts shall also ensure timely payments  
25 to all transportation operators as required by law. Contracts  
26 shall require notification and certification to transportation  
27 operators and the commission that timely payments to  
28 transportation operators have been made in accordance with  
29 law. In cases where this has not occurred, the nonpayment  
30 issue will be turned over to the appropriate authorities for  
31 final resolution.

1           (2) Collect manual, electronic, or on-line-submitted  
2 annual operating data for submittal to the commission no later  
3 than October 1 each year and more frequently as determined by  
4 the commission.

5           (3) Review and monitor all transportation operator and  
6 coordination contracts annually.

7           (4) Approve and coordinate the utilization of school  
8 bus and public transportation services in accordance with the  
9 transportation disadvantaged service plan.

10           (5) In cooperation with a local or multi-county  
11 ~~functioning~~ coordinating board, review all applications for  
12 local government, federal, and state transportation  
13 disadvantaged funds, and recommend actions based on cost  
14 effectiveness and appropriateness of the requested funding  
15 application ~~develop cost-effective coordination strategies.~~

16           (6) In cooperation with, and approved by, the local or  
17 multi-county coordinating board, develop, negotiate,  
18 implement, and monitor a memorandum of agreement including a  
19 multi-year transportation disadvantaged service plan, for  
20 submittal to the commission. The multi-year transportation  
21 disadvantaged service plan shall be based on the competitive  
22 procurement process followed for the selection of the  
23 community transportation coordinators and transportation  
24 operators.

25           (7) In cooperation with the local or multi-county  
26 coordinating board and pursuant to eligibility guidelines  
27 ~~criteria~~ developed by the Commission for the Transportation  
28 Disadvantaged, establish priorities with regard to the  
29 recipients of nonsponsored transportation disadvantaged  
30 services that are purchased with Transportation Disadvantaged  
31 Trust Fund moneys.

1           (8) Have full responsibility for the coordination and  
2 delivery of transportation services for the transportation  
3 disadvantaged as outlined in s. 427.015(2) which are funded by  
4 state, federal, or local government sources.

5           (9) Work cooperatively with regional workforce boards  
6 established in chapter 445 to provide assistance in the  
7 development of innovative transportation services for  
8 participants in the welfare transition program.

9           (10 In coordination with the local coordinating board,  
10 develop transportation delivery models within the coordinated  
11 transportation system by the use of volunteers, faith-based  
12 organizations, or other innovative approaches to maximize  
13 limited financial resources.

14           Section 7. Section 427.0157, Florida Statutes, is  
15 amended to read:

16           427.0157 Coordinating boards; powers and duties.--The  
17 purpose of each coordinating board is to develop and evaluate  
18 local service needs and to provide information, advice, and  
19 direction to the community transportation coordinators on the  
20 coordination of services to be provided to the transportation  
21 disadvantaged. The commission shall, by rule, establish the  
22 membership of coordinating boards. The members of each board  
23 shall be appointed by the metropolitan planning organization  
24 or designated official planning agency. The appointing  
25 authority shall provide each board with sufficient staff  
26 support and resources to enable the board to fulfill its  
27 responsibilities under this section. Each board shall meet at  
28 least quarterly and shall:

29           (1) Review, monitor, and approve the coordinated  
30 community transportation disadvantaged service plan, including  
31

1 the memorandum of agreement, prior to submittal to the  
2 commission;

3 (2) Evaluate services provided in meeting the approved  
4 plan based on commission and local standards;

5 (3) In cooperation with the community transportation  
6 coordinator, review and provide recommendations to the  
7 commission on funding applications affecting the  
8 transportation disadvantaged;

9 (4) Assist the community transportation coordinator in  
10 establishing priorities with regard to the recipients of  
11 nonsponsored transportation disadvantaged services that are  
12 purchased with Transportation Disadvantaged Trust Fund  
13 moneys;-

14 (5) Review and assist in the coordination strategies  
15 of service provision to the transportation disadvantaged in  
16 the designated service area; ~~and~~

17 (6) Evaluate and develop multicounty, ~~or~~ regional, or  
18 intrastate transportation opportunities;-

19 (7) Work cooperatively with regional workforce boards  
20 established in chapter 445 to provide assistance in the  
21 development of innovative transportation services for  
22 participants in the welfare transition program;-

23 (8) Assist the metropolitan planning organization or  
24 designated official planning agency and the local community  
25 transportation coordinator with local public awareness and  
26 educational efforts to increase donations to the  
27 Transportation Disadvantaged Trust Fund or to identify other  
28 public and private resources to address the unmet  
29 transportation needs of transportation disadvantaged persons;  
30 and

31



1           (9) Assist the community transportation coordinator  
2 with development of innovative transportation alternatives  
3 within the coordinated transportation system, including, but  
4 not limited to, the use of volunteers, faith-based  
5 organizations, or other innovative approaches to maximize  
6 limited financial resources and improve customer satisfaction.

7           Section 8. Subsection (2) of section 427.0158, Florida  
8 Statutes, is amended to read:

9           427.0158 School bus and public transportation.--

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

22           (a) The number and type of vehicles, including how  
23 many vehicles have seat belts and air conditioning and are  
24 accessible,by adult capacity, including days and times, that  
25 the vehicles are available for coordinated transportation  
26 disadvantaged services;

27           (b) The actual cost per mile by vehicle type  
28 available;

29           (c) The actual driver cost per hour;

30           (d) Additional actual cost associated with vehicle use  
31 outside the established workday or workweek of the entity; and

1 (e) Notification of lead time required for vehicle  
2 use.

3 Section 9. Section 427.0159, Florida Statutes, is  
4 amended to read:

5 427.0159 Transportation Disadvantaged Trust Fund.--

6 (1) There is established in the State Treasury the  
7 Transportation Disadvantaged Trust Fund to be administered by  
8 the Commission for the Transportation Disadvantaged. All fees  
9 collected for the transportation disadvantaged program under  
10 s. 320.03(9) or other statutes where funding has been  
11 statutorily designated to the program shall be deposited in  
12 the trust fund.

13 (2) Funds deposited in the trust fund shall be  
14 appropriated by the Legislature to the commission and shall be  
15 used to carry out the responsibilities of the commission and  
16 to fund the administrative expenses of the commission,  
17 including, but not limited to, the development of educational  
18 materials to improve customer awareness and for acquiring  
19 public and private donations to the trust fund to meet the  
20 unmet transportation needs.

21 (3) Funds deposited in the trust fund shall ~~may~~ be  
22 used by the commission to subsidize a portion of a  
23 transportation disadvantaged person's transportation costs  
24 which is not sponsored by an agency, only if a cash ~~or in-kind~~  
25 match is required. The commission, by rule, shall have the  
26 authority to increase, reduce, or eliminate the match for  
27 innovative transportation disadvantaged services such as, but  
28 not limited to, use of volunteers, use of faith-based  
29 organizations, pilot projects for consumer choice, and other  
30 initiatives that maximize limited resources but conform to the  
31 commission's standards as identified by rule. Funds for

1 nonsponsored transportation disadvantaged services shall be  
2 distributed based upon the need of the recipient and according  
3 to eligibility guidelines ~~criteria~~ developed by rule by the  
4 Commission for the Transportation Disadvantaged.

5 Section 10. Section 427.016, Florida Statutes, is  
6 amended to read:

7 427.016 Expenditure of local government, state, and  
8 federal funds for the transportation disadvantaged.--

9 (1)(a) All transportation disadvantaged funds expended  
10 within the state shall be expended to purchase transportation  
11 services from community transportation coordinators or public,  
12 private, or private nonprofit transportation operators within  
13 the coordinated transportation system, except when a  
14 purchasing agency has been approved to contract with an  
15 alternative provider that meets the same quality and safety  
16 standards of the commission ~~the rates charged by proposed~~  
17 ~~alternate operators are proven~~, pursuant to rules and  
18 procedures generated by the Commission for the Transportation  
19 Disadvantaged, to be more cost-effective and are not a risk to  
20 the public health, safety, or welfare. ~~However, in areas~~  
21 ~~where transportation suited to the unique needs of a~~  
22 ~~transportation disadvantaged person cannot be purchased~~  
23 ~~through the coordinated system, or where the agency has met~~  
24 ~~the rule criteria for using an alternative provider, the~~  
25 ~~service may be contracted for directly by the appropriate~~  
26 ~~agency.~~

27 (b) ~~Nothing in this subsection shall be construed to~~  
28 ~~limit or preclude the Medicaid agency from establishing~~  
29 ~~maximum fee schedules, individualized reimbursement policies~~  
30 ~~by provider type, negotiated fees, competitive bidding, or any~~  
31 ~~other mechanism that the agency considers efficient and~~

1 ~~effective for the purchase of services on behalf of Medicaid~~  
2 ~~clients.~~ State and local agencies shall not contract for any  
3 transportation disadvantaged services, including Medicaid  
4 reimbursable transportation services, with any community  
5 transportation coordinator or transportation operator that has  
6 been determined by the Agency for Health Care Administration,  
7 the Department of Legal Affairs Medicaid Fraud Control Unit,  
8 or any state or federal agency to have engaged in any abusive  
9 or fraudulent billing or violence-related criminal activities.

10 (2) Each purchasing agency, whether or not it is a  
11 member of the Commission for the Transportation Disadvantaged,  
12 shall provide ~~inform~~ the commission in writing, ~~before the~~  
13 ~~beginning of each fiscal year, of the specific amount of any~~  
14 ~~money the agency allocated for transportation disadvantaged~~  
15 ~~services.~~ Additionally, ~~each state agency shall, by~~ October 1  
16 ~~September 15~~ of each year, ~~provide the commission with an~~  
17 accounting of the actual amount of funds expended and the  
18 total number of trips purchased.

19 (3) Each metropolitan planning organization or  
20 designated official planning agency shall annually compile a  
21 report accounting for all local government and direct federal  
22 funds for transportation for the disadvantaged expended in its  
23 jurisdiction and forward this report by October 1 ~~September 15~~  
24 to the commission.

25 (4) The commission has the authority to audit and  
26 review records of any agency that expends transportation  
27 disadvantaged funds as defined in this chapter to detect  
28 misuse or duplicating billing between funding sources.  
29 Findings of such reviews will be reported to the appropriate  
30 purchasing agency or other authorities for further action.

31 Section 11. This act shall take effect July 1, 2003.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Revises a variety of provisions relating to the powers, duties, and functions of the Commission for the Transportation Disadvantaged, modifying existing duties and imposing additional ones. (See bill for details.)