

1 A bill to be entitled
2 An act relating to transportation disadvantaged services;
3 amending s. 427.011, F.S.; revising definitions; defining
4 the term "purchasing agency"; amending s. 427.012, F.S.;
5 revising provision for a quorum of the Commission for the
6 Transportation Disadvantaged; amending s. 427.013, F.S.;
7 revising duties of the commission relating to coordination
8 of transportation services, trip purchases, use of
9 alternative providers, and a report on expenditures;
10 revising provisions for a quality assurance and management
11 review program; deleting a rulemaking requirement to
12 include acceptable ranges of trip costs; authorizing the
13 commission to incur expenses for marketing and the
14 purchase of advertisements and promotional items; amending
15 s. 427.0135, F.S.; providing duties and responsibilities
16 for purchasing agencies; removing a provision for the
17 purchase of transportation services for Medicaid clients;
18 requiring state agencies to identify in their legislative
19 budget requests the amount of any money to be allocated
20 for the provision of transportation disadvantaged
21 services; amending s. 427.015, F.S.; revising functions of
22 the metropolitan planning organization or designated
23 official planning agency in coordinating transportation
24 services; providing that a purchasing agency may not serve
25 as the community transportation coordinator in any
26 designated service area; revising requirements for a
27 report on funds expended; amending s. 427.0155, F.S.;
28 revising duties of community transportation coordinators;

29 requiring the service plan to include the results of the
30 commission-approved rate methodology process; requiring
31 the coordinators to establish eligibility guidelines with
32 regard to the recipients of nonsponsored transportation
33 disadvantaged services that are purchased with
34 Transportation Disadvantaged Trust Fund moneys; amending
35 s. 427.0157, F.S.; revising duties of coordinating boards;
36 requiring the boards to assist coordinators in
37 establishing the eligibility guidelines; amending s.
38 427.0158, F.S.; revising duties of school boards and local
39 public transit fixed route or fixed schedule systems
40 regarding use of vehicles and services; removing
41 requirements to furnish specified information; requiring
42 furnishing of information requested by the community
43 transportation coordinator; amending s. 427.0159, F.S.;
44 revising provisions for use of funds in the Transportation
45 Disadvantaged Trust Fund; specifying certain funds to be
46 used by the commission to subsidize certain transportation
47 costs not sponsored by an agency; authorizing purchasing
48 agencies to deposit funds into the trust fund; authorizing
49 the commission to implement, manage, and administer the
50 purchasing agency's transportation disadvantaged funds;
51 amending s. 427.016, F.S.; removing a limitation on the
52 application of specified provisions to the Medicaid
53 agency; requiring each agency to identify in its
54 legislative budget request the amount of any money to be
55 allocated for the provision of transportation
56 disadvantaged services; amending s. 427.017, F.S.,

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57 relating to conflicts with federal laws or regulations;
58 providing an effective date.

59

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

61

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

64 427.011 Definitions.--For the purposes of this part ~~ss.~~
65 ~~427.011-427.017~~:

66 (1)~~(3)~~ "Agency" means an official, officer, commission,
67 authority, council, committee, department, division, bureau,
68 board, section, or any other unit or entity of the state or of a
69 city, town, municipality, county, or other local governing body
70 or a private nonprofit transportation service-providing agency.

71 (2)~~(5)~~ "Community transportation coordinator" means a
72 transportation entity recommended by a metropolitan planning
73 organization, or by the appropriate designated official planning
74 agency as provided for in this part ~~ss. 427.011-427.017~~ in an
75 area outside the purview of a metropolitan planning
76 organization, to ensure that coordinated transportation services
77 are provided to the transportation disadvantaged population in a
78 designated service area.

79 (3)~~(7)~~ "Coordinating board" means an advisory entity in
80 each designated service area composed of representatives
81 appointed by the metropolitan planning organization or
82 designated official planning agency, to provide assistance to
83 the community transportation coordinator relative to the
84 coordination of transportation services.

85 (4)~~(11)~~ "Coordination" means the arrangement for the
 86 provision of transportation services to the transportation
 87 disadvantaged in a manner that is cost-effective, efficient, and
 88 reduces fragmentation and duplication of services.

89 (5)~~(2)~~ "Metropolitan planning organization" means the
 90 organization responsible for carrying out transportation
 91 planning and programming in accordance with the provisions of 23
 92 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

93 (6)~~(13)~~ "Nonsponsored transportation disadvantaged
 94 services" means transportation disadvantaged services that are
 95 not sponsored or subsidized by any funding source other than the
 96 Transportation Disadvantaged Trust Fund.

97 (7)~~(9)~~ "Paratransit" means those elements of public
 98 transit which provide service between specific origins and
 99 destinations selected by the individual user with such service
 100 being provided at a time that is agreed upon by the user and
 101 provider of the service. Paratransit service is provided by
 102 taxis, limousines, "dial-a-ride," buses, and other demand-
 103 responsive operations that are characterized by their
 104 nonscheduled, nonfixed route nature.

105 (8) "Purchasing agency ~~Member department~~" means an agency
 106 that purchases transportation services for the transportation
 107 disadvantaged or an agency a department whose head is an ex
 108 officio, nonvoting advisor to a member of the commission.

109 (9)~~(1)~~ "Transportation disadvantaged" means those persons
 110 who because of physical or mental disability, income status, or
 111 age are unable to transport themselves or to purchase
 112 transportation and are, therefore, dependent upon others to

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113 obtain access to health care, employment, education, shopping,
 114 social activities, or other life-sustaining activities, or
 115 children who are handicapped or high-risk or at-risk as defined
 116 in s. 411.202.

117 (10) "Transportation disadvantaged funds" means any local
 118 government, state, or available federal funds that are for the
 119 transportation of the transportation disadvantaged. Such funds
 120 may include, but are not limited to, funds for planning,
 121 Medicaid transportation, administration, operation, procurement,
 122 and maintenance of vehicles or equipment and capital
 123 investments. Transportation disadvantaged funds do not include
 124 funds for the transportation of children to public schools.

125 (11)~~(4)~~ "Transportation improvement program" means a
 126 staged multiyear program of transportation improvements,
 127 including an annual element, which is developed by a
 128 metropolitan planning organization or designated official
 129 planning agency.

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

134 (12)~~(6)~~ "Transportation operator" means one or more
 135 public, private for-profit, or private nonprofit entities
 136 engaged by the community transportation coordinator to provide
 137 service to transportation disadvantaged persons pursuant to a
 138 coordinated system service plan.

139 Section 2. Subsection (4) of section 427.012, Florida
 140 Statutes, is amended to read:

141 427.012 The Commission for the Transportation
 142 Disadvantaged.--There is created the Commission for the
 143 Transportation Disadvantaged in the Department of
 144 Transportation.

145 (4) The commission shall meet at least quarterly, or more
 146 frequently at the call of the chairperson. Four ~~Five~~ members of
 147 the commission constitute a quorum, and a majority vote of the
 148 members present is necessary for any action taken by the
 149 commission.

150 Section 3. Subsections (7) through (10), (14), and (26) of
 151 section 427.013, Florida Statutes, are amended, and subsection
 152 (29) is added to that section, to read:

153 427.013 The Commission for the Transportation
 154 Disadvantaged; purpose and responsibilities.--The purpose of the
 155 commission is to accomplish the coordination of transportation
 156 services provided to the transportation disadvantaged. The goal
 157 of this coordination shall be to assure the cost-effective
 158 provision of transportation by qualified community
 159 transportation coordinators or transportation operators for the
 160 transportation disadvantaged without any bias or presumption in
 161 favor of multioperator systems or not-for-profit transportation
 162 operators over single operator systems or for-profit
 163 transportation operators. In carrying out this purpose, the
 164 commission shall:

165 (7) Assure that all procedures, guidelines, and directives
 166 issued by purchasing agencies ~~member departments~~ are conducive
 167 to the coordination of transportation services.

168 (8) (a) Assure that purchasing agencies ~~member departments~~
 169 purchase all trips within the coordinated system, unless they
 170 use a more cost-effective alternative provider.

171 (b) Provide, by rule, criteria and procedures for
 172 purchasing agencies ~~member departments~~ to use if they wish to
 173 use an alternative provider. Purchasing agencies ~~Departments~~
 174 must demonstrate either that the proposed alternative provider
 175 can provide a trip of acceptable quality for the clients at a
 176 lower cost than that provided within the coordinated system, or
 177 that the coordinated system cannot accommodate the purchasing
 178 agency's ~~department's~~ clients.

179 (9) Develop by rule standards for community transportation
 180 coordinators and any transportation operator or coordination
 181 contractor from whom service is purchased or arranged by the
 182 community transportation coordinator covering coordination,
 183 operation, safety, insurance, eligibility for service, costs,
 184 and utilization of transportation disadvantaged services. These
 185 standards and rules must include, but are not limited to:

186 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~
 187 ~~for the various modes and types of transportation services~~
 188 ~~provided.~~

189 (a) ~~(b)~~ Minimum performance standards for the delivery of
 190 services. These standards must be included in coordinator
 191 contracts and transportation operator contracts with clear
 192 penalties for repeated or continuing violations.

193 (b) ~~(c)~~ Minimum liability insurance requirements for all
 194 transportation services purchased, provided, or coordinated for

195 the transportation disadvantaged through the community
 196 transportation coordinator.

197 (10) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
 198 implement the provisions of this part ~~ss. 427.011-427.017~~.

199 (14) ~~Consolidate,~~ For each state agency, consolidate and
 200 issue a report on the annual budget estimates for transportation
 201 disadvantaged services, and the amounts of each purchasing
 202 agency's actual expenditures and, ~~together with~~ the actual
 203 expenditures, as reported by the metropolitan planning
 204 organization or designated official planning agency, annual
 205 ~~budget estimates~~ of each ~~official planning agency,~~ local
 206 government, ~~and directly federally funded agency and issue a~~
 207 ~~report.~~

208 (26) Develop a quality assurance and management review
 209 program to monitor, based upon approved commission standards,
 210 services contracted for by an agency, ~~and those provided by a~~
 211 ~~community transportation operator pursuant to s. 427.0155. Staff~~
 212 ~~of the quality assurance and management review program shall~~
 213 ~~function independently and be directly responsible to the~~
 214 ~~executive director.~~

215 (29) Incur expenses for marketing and the purchase of
 216 advertisements and promotional items.

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

219 427.0135 Purchasing agencies ~~Member departments;~~ duties
 220 and responsibilities; state agency budget requests.--

221 (1) Each purchasing agency ~~member department,~~ in carrying
 222 out the policies and procedures of the commission, shall:

223 ~~(1)~~(a) Use the coordinated transportation system for
 224 provision of services to its clients, unless each purchasing
 225 agency ~~department~~ meets the criteria outlined in rule to use an
 226 alternative provider.

227 (b) Pay the rates established in the service plan, unless
 228 the purchasing agency has completed the alternative provider
 229 procedure and demonstrated that a proposed alternative provider
 230 can provide a trip of acceptable quality for its clients at a
 231 lower cost. ~~Subject to the provisions of s. 409.908(18), the~~
 232 ~~Medicaid agency shall purchase transportation services through~~
 233 ~~the community coordinated transportation system unless a more~~
 234 ~~cost effective method is determined by the agency for Medicaid~~
 235 ~~clients or unless otherwise limited or directed by the General~~
 236 ~~Appropriations Act.~~

237 ~~(c)~~~~(2)~~ Provide the commission, by September 15 of each
 238 year, an accounting of all funds spent as well as how many trips
 239 were purchased with agency funds.

240 ~~(d)~~~~(3)~~ Assist communities in developing coordinated
 241 transportation systems designed to serve the transportation
 242 disadvantaged. However, a purchasing agency ~~member department~~
 243 may not serve as the community transportation coordinator in any
 244 designated service area.

245 ~~(e)~~~~(4)~~ Assure that its rules, procedures, guidelines, and
 246 directives are conducive to the coordination of transportation
 247 funds and services for the transportation disadvantaged.

248 ~~(f)~~~~(5)~~ Provide technical assistance, as needed, to
 249 community transportation coordinators or transportation
 250 operators or participating agencies.

251 (2) Each state agency shall identify in the legislative
 252 budget request provided to the Governor and Legislature each
 253 year the specific amount of any money the state agency will
 254 allocate for the provision of transportation disadvantaged
 255 services.

256 Section 5. Subsections (2) and (3) of section 427.015,
 257 Florida Statutes, are amended to read:

258 427.015 Function of the metropolitan planning organization
 259 or designated official planning agency in coordinating
 260 transportation for the transportation disadvantaged.--

261 (2) Each metropolitan planning organization or designated
 262 official planning agency shall recommend to the commission a
 263 single community transportation coordinator. However, a
 264 purchasing agency ~~member department~~ may not serve as the
 265 community transportation coordinator in any designated service
 266 area. The coordinator may provide all or a portion of needed
 267 transportation services for the transportation disadvantaged but
 268 shall be responsible for the provision of those coordinated
 269 services. Based on approved commission evaluation criteria, the
 270 coordinator shall subcontract or broker those services that are
 271 more cost-effectively and efficiently provided by subcontracting
 272 or brokering. The performance of the coordinator shall be
 273 evaluated based on the commission's approved evaluation criteria
 274 by the coordinating board at least annually. A copy of the
 275 evaluation shall be submitted to the metropolitan planning
 276 organization, or the designated official planning agency, and
 277 the commission. The recommendation or termination of any

278 community transportation coordinator shall be subject to
 279 approval by the commission.

280 (3) Each metropolitan planning organization or designated
 281 official planning agency shall request each local government in
 282 its jurisdiction to provide the actual expenditures ~~an estimate~~
 283 of all local and direct federal funds to be expended for
 284 transportation for the disadvantaged. The metropolitan planning
 285 organization or designated official planning agency shall
 286 consolidate this information into a single report and forward
 287 it, by September 15 ~~the beginning~~ of each ~~fiscal~~ year, to the
 288 commission.

289 Section 6. Subsections (6) and (7) of section 427.0155,
 290 Florida Statutes, are amended to read:

291 427.0155 Community transportation coordinators; powers and
 292 duties.--Community transportation coordinators shall have the
 293 following powers and duties:

294 (6) In cooperation with, and approved by, the coordinating
 295 board, develop, negotiate, implement, and monitor a memorandum
 296 of agreement, including a service plan, for submittal to the
 297 commission. The service plan must include the results of the
 298 commission-approved rate methodology process.

299 (7) In cooperation with the coordinating board and
 300 pursuant to criteria developed by the Commission for the
 301 Transportation Disadvantaged, establish eligibility guidelines
 302 and priorities with regard to the recipients of nonsponsored
 303 transportation disadvantaged services that are purchased with
 304 Transportation Disadvantaged Trust Fund moneys.

305 Section 7. Subsection (4) of section 427.0157, Florida
 306 Statutes, is amended to read:

307 427.0157 Coordinating boards; powers and duties.--The
 308 purpose of each coordinating board is to develop local service
 309 needs and to provide information, advice, and direction to the
 310 community transportation coordinators on the coordination of
 311 services to be provided to the transportation disadvantaged. The
 312 commission shall, by rule, establish the membership of
 313 coordinating boards. The members of each board shall be
 314 appointed by the metropolitan planning organization or
 315 designated official planning agency. The appointing authority
 316 shall provide each board with sufficient staff support and
 317 resources to enable the board to fulfill its responsibilities
 318 under this section. Each board shall meet at least quarterly and
 319 shall:

320 (4) Assist the community transportation coordinator in
 321 establishing eligibility guidelines and priorities with regard
 322 to the recipients of nonsponsored transportation disadvantaged
 323 services that are purchased with Transportation Disadvantaged
 324 Trust Fund moneys.

325 Section 8. Subsections (2) and (3) of section 427.0158,
 326 Florida Statutes, are amended to read:

327 427.0158 School bus and public transportation.--

328 (2) The school boards shall cooperate in the utilization
 329 of their vehicles to enhance coordinated ~~disadvantaged~~
 330 transportation disadvantaged services by providing ~~the~~
 331 information as requested by the community transportation
 332 coordinator ~~required by this section~~ and by allowing the use of

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333 their vehicles at actual cost upon request when those vehicles
334 are available for such use and are not transporting students.
335 ~~Semiannually, no later than October 1 and April 30, a designee~~
336 ~~from the local school board shall provide the community~~
337 ~~transportation coordinator with copies to the coordinated~~
338 ~~transportation board, the following information for vehicles not~~
339 ~~scheduled 100 percent of the time for student transportation~~
340 ~~use:~~

341 ~~(a) The number and type of vehicles by adult capacity,~~
342 ~~including days and times, that the vehicles are available for~~
343 ~~coordinated transportation disadvantaged services;~~

344 ~~(b) The actual cost per mile by vehicle type available;~~

345 ~~(c) The actual driver cost per hour;~~

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

348 ~~(e) Notification of lead time required for vehicle use.~~

349 (3) The public transit fixed route or fixed schedule
350 system shall cooperate in the utilization of its regular service
351 to enhance coordinated transportation disadvantaged services by
352 providing the information as requested by the community
353 transportation coordinator ~~required by this section. Annually,~~
354 ~~no later than October 1, a designee from the local public~~
355 ~~transit fixed route or fixed schedule system shall provide The~~
356 ~~community transportation coordinator~~ may request, but is not
357 limited to requesting, ~~with copies to the coordinated~~
358 ~~transportation board, the following information:~~

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

- 361 (b) A copy of the current charter policy;
- 362 (c) A copy of the current charter rates and hour
- 363 requirements; and
- 364 (d) Required notification time to arrange for a charter.

365 Section 9. Subsection (3) of section 427.0159, Florida
 366 Statutes, is amended, and subsection (4) is added to that
 367 section, to read:

368 427.0159 Transportation Disadvantaged Trust Fund.--

369 (3) Funds for nonsponsored transportation disadvantaged
 370 services that are deposited in the trust fund may be used by the
 371 commission to subsidize a portion of a transportation
 372 disadvantaged person's transportation costs which is not
 373 sponsored by an agency, only if a cash or in-kind match is
 374 required. Funds for nonsponsored transportation disadvantaged
 375 services shall be distributed based upon the need of the
 376 recipient and according to criteria developed by the Commission
 377 for the Transportation Disadvantaged.

378 (4) A purchasing agency may deposit funds into the
 379 Transportation Disadvantaged Trust Fund for the commission to
 380 implement, manage, and administer the purchasing agency's
 381 transportation disadvantaged funds, as defined in s.
 382 427.011(10).

383 Section 10. Subsections (1) and (2) of section 427.016,
 384 Florida Statutes, are amended to read:

385 427.016 Expenditure of local government, state, and
 386 federal funds for the transportation disadvantaged.--

387 (1)(a) All transportation disadvantaged funds expended
 388 within the state shall be expended to purchase transportation

389 services from community transportation coordinators or public,
 390 private, or private nonprofit transportation operators within
 391 the coordinated transportation system, except when the rates
 392 charged by proposed alternate operators are proven, pursuant to
 393 rules generated by the Commission for the Transportation
 394 Disadvantaged, to be more cost-effective and are not a risk to
 395 the public health, safety, or welfare. However, in areas where
 396 transportation suited to the unique needs of a transportation
 397 disadvantaged person cannot be purchased through the coordinated
 398 system, or where the agency has met the rule criteria for using
 399 an alternative provider, the service may be contracted for
 400 directly by the appropriate agency.

401 ~~(b) Nothing in this subsection shall be construed to limit~~
 402 ~~or preclude the Medicaid agency from establishing maximum fee~~
 403 ~~schedules, individualized reimbursement policies by provider~~
 404 ~~type, negotiated fees, competitive bidding, or any other~~
 405 ~~mechanism that the agency considers efficient and effective for~~
 406 ~~the purchase of services on behalf of Medicaid clients. State~~
 407 and local agencies shall not contract for any transportation
 408 disadvantaged services, including Medicaid reimbursable
 409 transportation services, with any community transportation
 410 coordinator or transportation operator that has been determined
 411 by the Agency for Health Care Administration, the Department of
 412 Legal Affairs Medicaid Fraud Control Unit, or any state or
 413 federal agency to have engaged in any abusive or fraudulent
 414 billing activities.

415 (2) Each agency, whether or not it is an ex officio,
 416 nonvoting advisor to a member of the Commission for the

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417 Transportation Disadvantaged, shall identify in the legislative
 418 budget request provided to the Governor and the Legislature each
 419 year inform the commission in writing, before the beginning of
 420 each fiscal year, of the specific amount of any money the agency
 421 will allocate ~~allocated~~ for the provision of transportation
 422 disadvantaged services. Additionally, each state agency shall,
 423 by September 15 of each year, provide the commission with an
 424 accounting of the actual amount of funds expended and the total
 425 number of trips purchased.

426 Section 11. Section 427.017, Florida Statutes, is amended
 427 to read:

428 427.017 Conflicts with federal laws or regulations.--Upon
 429 notification by an agency of the Federal Government that any
 430 provision of this part ~~act~~ conflicts with federal laws or
 431 regulations, the state or local agencies involved may take any
 432 reasonable steps necessary to assure continued federal funding.
 433 Further, it is the legislative intent that the conflict shall
 434 not affect other provisions or applications of this part ~~act~~
 435 that can effectively be implemented without implementation of
 436 the provision in question, and to this end, the provisions of
 437 this part ~~act~~ are declared severable.

438 Section 12. This act shall take effect July 1, 2008.