

1 A bill to be entitled
2 An act relating to transportation services for the
3 transportation disadvantaged; amending s. 427.011, F.S.;
4 revising definitions; defining the term "purchasing
5 agency"; amending s. 427.012, F.S.; revising the number of
6 members required for a quorum at a meeting of the
7 Commission for the Transportation Disadvantaged; amending
8 s. 427.013, F.S.; revising responsibilities of the
9 commission; deleting a requirement that the commission
10 establish by rule acceptable ranges of trip costs;
11 removing a provision for functioning and oversight of the
12 quality assurance and management review program; requiring
13 the commission to incur expenses for promotional services
14 and items; amending s. 427.0135, F.S.; revising and
15 creating duties and responsibilities for agencies that
16 purchase transportation services for the transportation
17 disadvantaged; providing requirements for the payment of
18 rates; requiring an agency to negotiate with the
19 commission before procuring transportation disadvantaged
20 services; requiring an agency to identify its allocation
21 for transportation disadvantaged services in its
22 legislative budget request; amending s. 427.015, F.S.;
23 revising provisions relating to the function of the
24 metropolitan planning organization or designated official
25 planning agency; amending s. 427.0155, F.S.; revising
26 duties of community transportation coordinators; amending
27 s. 427.0157, F.S.; revising duties of coordinating boards;
28 amending s. 427.0158, F.S.; deleting provisions requiring

29 the school board to provide information relating to school
 30 buses to the transportation coordinator; providing for the
 31 transportation coordinator to request certain information
 32 regarding public transportation; amending s. 427.0159,
 33 F.S.; revising provisions relating to the Transportation
 34 Disadvantaged Trust Fund; providing for the deposit of
 35 funds by an agency purchasing transportation services;
 36 amending s. 427.016, F.S.; providing for construction and
 37 application of specified provisions to certain acts of a
 38 purchasing agency in lieu of the Medicaid agency;
 39 requiring that an agency identify the allocation of funds
 40 for transportation disadvantaged services in its
 41 legislative budget request; providing for separate
 42 identification of amounts for transportation disadvantaged
 43 funding in the General Appropriations Act; providing an
 44 effective date.

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

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 48 Section 1. Subsections (8), (12), and (13) of section
 49 427.011, Florida Statutes, are amended to read:

50 427.011 Definitions.--For the purposes of ss. 427.011-
 51 427.017:

52 (8) "Purchasing agency" ~~"Member department"~~ means a
 53 department or agency whose head is an ex officio, nonvoting
 54 advisor to a member of the commission, or an agency that
 55 purchases transportation services for the transportation
 56 disadvantaged.

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

61 (12)~~(13)~~ "Nonsponsored transportation disadvantaged
 62 services" means transportation disadvantaged services that are
 63 not sponsored or subsidized by any funding source other than the
 64 Transportation Disadvantaged Trust Fund.

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

67 427.012 The Commission for the Transportation
 68 Disadvantaged.--There is created the Commission for the
 69 Transportation Disadvantaged in the Department of
 70 Transportation.

71 (4) The commission shall meet at least quarterly, or more
 72 frequently at the call of the chairperson. Four ~~Five~~ members of
 73 the commission constitute a quorum, and a majority vote of the
 74 members present is necessary for any action taken by the
 75 commission.

76 Section 3. Subsections (7), (8), (9), (14), and (26) of
 77 section 427.013, Florida Statutes, are amended, and subsection
 78 (29) is added to that section, to read:

79 427.013 The Commission for the Transportation
 80 Disadvantaged; purpose and responsibilities.--The purpose of the
 81 commission is to accomplish the coordination of transportation
 82 services provided to the transportation disadvantaged. The goal
 83 of this coordination shall be to assure the cost-effective
 84 provision of transportation by qualified community

85 transportation coordinators or transportation operators for the
 86 transportation disadvantaged without any bias or presumption in
 87 favor of multioperator systems or not-for-profit transportation
 88 operators over single operator systems or for-profit
 89 transportation operators. In carrying out this purpose, the
 90 commission shall:

91 (7) Unless otherwise provided by state or federal law,
 92 assure that all procedures, guidelines, and directives issued by
 93 purchasing agencies ~~member departments~~ are conducive to the
 94 coordination of transportation services.

95 (8) (a) Assure that purchasing agencies ~~member departments~~
 96 purchase all trips within the coordinated system, unless they
 97 have fulfilled the requirements of s. 427.0135(3) and use a more
 98 cost-effective alternative provider that meets comparable
 99 quality and standards.

100 (b) Provide, by rule, criteria and procedures for
 101 purchasing agencies ~~member departments~~ to use if they wish to
 102 use an alternative provider. Agencies ~~Departments~~ must
 103 demonstrate ~~either~~ that the proposed alternative provider can
 104 provide a trip of comparable acceptable quality and standards
 105 for the clients at a lower cost than that provided within the
 106 coordinated system, ~~or~~ that the coordinated system cannot
 107 accommodate the agency's ~~department's~~ clients, or that the
 108 agency has satisfied the requirements of s. 427.0135(3).

109 (9) Develop by rule standards for community transportation
 110 coordinators and any transportation operator or coordination
 111 contractor from whom service is purchased or arranged by the
 112 community transportation coordinator covering coordination,

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113 operation, safety, insurance, eligibility for service, costs,
114 and utilization of transportation disadvantaged services. Such
115 rules shall not apply to purchasing agencies meeting the
116 requirements of s. 427.0135(3) and using an alternative
117 provider. These standards and rules must include, but are not
118 limited to:

119 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~
120 ~~for the various modes and types of transportation services~~
121 ~~provided.~~

122 (a) ~~(b)~~ Minimum performance standards for the delivery of
123 services. These standards must be included in coordinator
124 contracts and transportation operator contracts with clear
125 penalties for repeated or continuing violations.

126 (b) ~~(e)~~ Minimum liability insurance requirements for all
127 transportation services purchased, provided, or coordinated for
128 the transportation disadvantaged through the community
129 transportation coordinator.

130 (14) Consolidate, for each state agency, ~~the annual budget~~
131 ~~estimates for transportation disadvantaged services,~~ and the
132 amounts of each agency's actual expenditures, together with the
133 actual expenditures ~~annual budget estimates~~ of each ~~official~~
134 ~~planning agency,~~ local government, and directly federally funded
135 agency and the amounts collected by each official planning
136 agency ~~issue a report.~~

137 (26) Develop a quality assurance and management review
138 program to monitor, based upon approved commission standards,
139 services contracted for by an agency, and those provided by a
140 community transportation operator pursuant to s. 427.0155. ~~Staff~~

141 ~~of the quality assurance and management review program shall~~
 142 ~~function independently and be directly responsible to the~~
 143 ~~executive director.~~

144 (29) Incur expenses for the purchase of advertisements,
 145 marketing services, and promotional items.

146 Section 4. Section 427.0135, Florida Statutes, is amended
 147 to read:

148 427.0135 Purchasing agencies ~~Member departments~~; duties
 149 and responsibilities.--Each purchasing agency ~~member department~~,
 150 in carrying out the policies and procedures of the commission,
 151 shall:

152 (1) ~~(a)~~ Use the coordinated transportation system for
 153 provision of services to its clients, unless each department or
 154 purchasing agency meets the criteria outlined in rule or statute
 155 to use an alternative provider.

156 ~~(b) Subject to the provisions of s. 409.908(18), the~~
 157 ~~Medicaid agency shall purchase transportation services through~~
 158 ~~the community coordinated transportation system unless a more~~
 159 ~~cost-effective method is determined by the agency for Medicaid~~
 160 ~~clients or unless otherwise limited or directed by the General~~
 161 ~~Appropriations Act.~~

162 (2) Pay the rates established in the service plan or
 163 negotiated statewide contract, unless the purchasing agency has
 164 completed the procedure for using an alternative provider and
 165 demonstrated that a proposed alternative provider can provide a
 166 more cost-effective transportation service of comparable quality
 167 and standards or unless the agency has satisfied the
 168 requirements of subsection (3).

169 (3) Not procure transportation disadvantaged services
 170 without initially negotiating with the commission, as provided
 171 in s. 287.057(5)(f)13., or unless otherwise authorized by
 172 statute. If the purchasing agency, after consultation with the
 173 commission, determines that it cannot reach mutually acceptable
 174 contract terms with the commission, the purchasing agency may
 175 contract for the same transportation services provided in a more
 176 cost-effective manner and of comparable or higher quality and
 177 standards than those provided by the commission, as determined
 178 by the purchasing agency. The Medicaid agency shall implement
 179 this subsection in a manner consistent with s. 409.908(18) and
 180 as otherwise limited or directed by the General Appropriations
 181 Act.

182 (4) Identify in the legislative budget request provided to
 183 the Governor each year for the General Appropriations Act the
 184 specific amount of any money the purchasing agency will allocate
 185 for the provision of transportation disadvantaged services.

186 (5)-(2) Provide the commission, by September 15 of each
 187 year, an accounting of all funds spent as well as how many trips
 188 were purchased with agency funds.

189 (6)-(3) Assist communities in developing coordinated
 190 transportation systems designed to serve the transportation
 191 disadvantaged. However, a purchasing agency ~~member department~~
 192 may not serve as the community transportation coordinator in any
 193 designated service area.

194 (7)-(4) Assure that its rules, procedures, guidelines, and
 195 directives are conducive to the coordination of transportation
 196 funds and services for the transportation disadvantaged.

197 ~~(8)(5)~~ Provide technical assistance, as needed, to
 198 community transportation coordinators or transportation
 199 operators or participating agencies.

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

202 427.015 Function of the metropolitan planning organization
 203 or designated official planning agency in coordinating
 204 transportation for the transportation disadvantaged.--

205 (2) Each metropolitan planning organization or designated
 206 official planning agency shall recommend to the commission a
 207 single community transportation coordinator. However, a
 208 purchasing agency ~~member department~~ may not serve as the
 209 community transportation coordinator in any designated service
 210 area. The coordinator may provide all or a portion of needed
 211 transportation services for the transportation disadvantaged but
 212 shall be responsible for the provision of those coordinated
 213 services. Based on approved commission evaluation criteria, the
 214 coordinator shall subcontract or broker those services that are
 215 more cost-effectively and efficiently provided by subcontracting
 216 or brokering. The performance of the coordinator shall be
 217 evaluated based on the commission's approved evaluation criteria
 218 by the coordinating board at least annually. A copy of the
 219 evaluation shall be submitted to the metropolitan planning
 220 organization or the designated official planning agency, and the
 221 commission. The recommendation or termination of any community
 222 transportation coordinator shall be subject to approval by the
 223 commission.

224 (3) Each metropolitan planning organization or designated

225 official planning agency shall request each local government in
 226 its jurisdiction to provide the actual expenditures ~~an estimate~~
 227 of all local and direct federal funds to be expended for
 228 transportation for the disadvantaged. The metropolitan planning
 229 organization or designated official planning agency shall
 230 consolidate this information into a single report and forward
 231 it, by September 15 ~~the beginning of each fiscal year~~, to the
 232 commission.

233 Section 6. Subsection (7) of section 427.0155, Florida
 234 Statutes, is amended to read:

235 427.0155 Community transportation coordinators; powers and
 236 duties.--Community transportation coordinators shall have the
 237 following powers and duties:

238 (7) In cooperation with the coordinating board and
 239 pursuant to criteria developed by the Commission for the
 240 Transportation Disadvantaged, establish eligibility guidelines
 241 and priorities with regard to the recipients of nonsponsored
 242 transportation disadvantaged services that are purchased with
 243 Transportation Disadvantaged Trust Fund moneys.

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

246 427.0157 Coordinating boards; powers and duties.--The
 247 purpose of each coordinating board is to develop local service
 248 needs and to provide information, advice, and direction to the
 249 community transportation coordinators on the coordination of
 250 services to be provided to the transportation disadvantaged. The
 251 commission shall, by rule, establish the membership of
 252 coordinating boards. The members of each board shall be

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253 appointed by the metropolitan planning organization or
 254 designated official planning agency. The appointing authority
 255 shall provide each board with sufficient staff support and
 256 resources to enable the board to fulfill its responsibilities
 257 under this section. Each board shall meet at least quarterly and
 258 shall:

259 (4) Assist the community transportation coordinator in
 260 establishing eligibility guidelines and priorities with regard
 261 to the recipients of nonsponsored transportation disadvantaged
 262 services that are purchased with Transportation Disadvantaged
 263 Trust Fund moneys.

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

266 427.0158 School bus and public transportation.--

267 (2) The school boards shall cooperate in the utilization
 268 of their vehicles to enhance coordinated ~~disadvantaged~~
 269 transportation disadvantaged services by providing ~~the~~
 270 information as requested by the community transportation
 271 coordinator ~~required by this section~~ and by allowing the use of
 272 their vehicles at actual cost upon request when those vehicles
 273 are available for such use and are not transporting students.
 274 ~~Semiannually, no later than October 1 and April 30, a designee~~
 275 ~~from the local school board shall provide the community~~
 276 ~~transportation coordinator with copies to the coordinated~~
 277 ~~transportation board, the following information for vehicles not~~
 278 ~~scheduled 100 percent of the time for student transportation~~
 279 ~~use:~~

280 ~~(a) The number and type of vehicles by adult capacity,~~

281 ~~including days and times, that the vehicles are available for~~
 282 ~~coordinated transportation disadvantaged services;~~

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

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

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

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

288 (3) The public transit fixed route or fixed schedule
 289 system shall cooperate in the utilization of its regular service
 290 to enhance coordinated transportation disadvantaged services by
 291 providing the information as requested by the community
 292 transportation coordinator ~~required by this section. Annually,~~
 293 ~~no later than October 1, a designee from the local public~~
 294 ~~transit fixed route or fixed schedule system shall provide~~ The
 295 community transportation coordinator may request, without
 296 limitation, with copies to the coordinated transportation board,
 297 the following information:

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

300 (b) A copy of the current charter policy;

301 (c) A copy of the current charter rates and hour
 302 requirements; and

303 (d) Required notification time to arrange for a charter.

304 Section 9. Subsection (4) is added to section 427.0159,
 305 Florida Statutes, to read:

306 427.0159 Transportation Disadvantaged Trust Fund.--

307 (4) A purchasing agency may deposit funds into the
 308 Transportation Disadvantaged Trust Fund for the commission to

309 implement, manage, and administer the purchasing agency's
 310 transportation disadvantaged funds, as defined in s.
 311 427.011(10).

312 Section 10. Paragraph (b) of subsection (1) and subsection
 313 (2) of section 427.016, Florida Statutes, are amended to read:

314 427.016 Expenditure of local government, state, and
 315 federal funds for the transportation disadvantaged.--

316 (1)

317 (b) Nothing in this subsection shall be construed to ~~limit~~
 318 ~~or~~ preclude a purchasing the Medicaid agency from establishing
 319 maximum fee schedules, individualized reimbursement policies by
 320 provider type, negotiated fees, ~~competitive bidding~~, or any
 321 other mechanism, including contracting after initial negotiation
 322 with the commission, which that the agency considers more cost-
 323 effective and of comparable or higher quality and standards than
 324 those of the commission efficient and effective for the purchase
 325 of services on behalf of its Medicaid clients if it has
 326 fulfilled the requirements of s. 427.0135(3) or the procedure
 327 for using an alternative provider. State and local agencies
 328 shall not contract for any transportation disadvantaged
 329 services, including Medicaid reimbursable transportation
 330 services, with any community transportation coordinator or
 331 transportation operator that has been determined by the Agency
 332 for Health Care Administration, the Department of Legal Affairs
 333 Medicaid Fraud Control Unit, or any state or federal agency to
 334 have engaged in any abusive or fraudulent billing activities.

335 (2) Each year, each agency, whether or not it is an ex
 336 officio, nonvoting advisor to a member of the Commission for the

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337 Transportation Disadvantaged, shall identify in the legislative
338 budget request provided to the Governor for the General
339 Appropriations Act ~~inform the commission in writing, before the~~
340 ~~beginning of each fiscal year, of~~ the specific amount of any
341 money the agency will allocate ~~allocated~~ for the provision of
342 transportation disadvantaged services. Additionally, each state
343 agency shall, by September 15 of each year, provide the
344 commission with an accounting of the actual amount of funds
345 expended and the total number of trips purchased. The dollar
346 amount for transportation disadvantaged funding shall be
347 separately identified in the General Appropriations Act.

348 Section 11. This act shall take effect July 1, 2008.