

By Senator Fasano

11-02418A-08

2008788\_\_

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; amending s. 427.012, F.S.; revising  
5 the number of members required for a quorum at a meeting  
6 of the Commission for the Transportation Disadvantaged;  
7 amending s. 427.013, F.S.; revising responsibilities for  
8 the commission; deleting a requirement that the commission  
9 establish by rule acceptable ranges of trip costs;  
10 requiring the commission to incur expenses for promotional  
11 services and items; amending s. 427.0135, F.S.; revising  
12 and creating duties and responsibilities for agencies that  
13 purchase transportation services for the transportation  
14 disadvantaged; providing requirements for payment rates;  
15 requiring that an agency identify its allocation for  
16 transportation disadvantaged services in its legislative  
17 budget request; amending s. 427.015, F.S.; revising  
18 provisions relating to the function of the metropolitan  
19 planning organization or designated official planning  
20 agency; amending s. 427.0155, F.S.; revising the duties of  
21 community transportation coordinators; amending s.  
22 427.0157, F.S.; revising duties for coordinating boards;  
23 amending s. 427.0158, F.S.; deleting provisions requiring  
24 the school board to provide information relating to school  
25 buses to the transportation coordinator; providing for the  
26 transportation coordinator to request certain information  
27 regarding public transportation; amending s. 427.0159,  
28 F.S.; revising provisions relating to the Transportation  
29 Disadvantaged Trust Fund; providing for the deposit of

11-02418A-08

2008788\_\_

30 funds by an agency purchasing transportation services;  
31 amending s. 427.016, F.S.; deleting a provision  
32 authorizing the establishment of certain fees under the  
33 Medicaid program; requiring that an agency identify the  
34 allocation of funds for transportation disadvantaged  
35 services in its legislative budget request; providing an  
36 effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Subsections (8), (12), and (13) of section  
41 427.011, Florida Statutes, are amended to read:

42 427.011 Definitions.--For the purposes of ss. 427.011-  
43 427.017:

44 (8) "Purchasing agency" ~~"Member department"~~ means a  
45 department or agency whose head is an ex officio, nonvoting  
46 advisor to a member of the commission, or an agency that  
47 purchases transportation services for the transportation  
48 disadvantaged.

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

53 ~~(12)-(13)~~ "Nonsponsored transportation disadvantaged  
54 services" means transportation disadvantaged services that are  
55 not sponsored or subsidized by any funding source other than the  
56 Transportation Disadvantaged Trust Fund.

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

11-02418A-08

2008788\_\_

59           427.012 The Commission for the Transportation  
60 Disadvantaged.--There is created the Commission for the  
61 Transportation Disadvantaged in the Department of Transportation.

62           (4) The commission shall meet at least quarterly, or more  
63 frequently at the call of the chairperson. Four ~~Five~~ members of  
64 the commission constitute a quorum, and a majority vote of the  
65 members present is necessary for any action taken by the  
66 commission.

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

70           427.013 The Commission for the Transportation  
71 Disadvantaged; purpose and responsibilities.--The purpose of the  
72 commission is to accomplish the coordination of transportation  
73 services provided to the transportation disadvantaged. The goal  
74 of this coordination shall be to assure the cost-effective  
75 provision of transportation by qualified community transportation  
76 coordinators or transportation operators for the transportation  
77 disadvantaged without any bias or presumption in favor of  
78 multioperator systems or not-for-profit transportation operators  
79 over single operator systems or for-profit transportation  
80 operators. In carrying out this purpose, the commission shall:

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

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

11-02418A-08

2008788\_\_

87 (b) Provide, by rule, criteria and procedures for  
88 purchasing agencies ~~member departments~~ to use if they wish to use  
89 an alternative provider. Agencies ~~Departments~~ must demonstrate  
90 either that the proposed alternative provider can provide a trip  
91 of acceptable quality for the clients at a lower cost than that  
92 provided within the coordinated system, or that the coordinated  
93 system cannot accommodate the agency's ~~department's~~ clients.

94 (9) Develop by rule standards for community transportation  
95 coordinators and any transportation operator or coordination  
96 contractor from whom service is purchased or arranged by the  
97 community transportation coordinator covering coordination,  
98 operation, safety, insurance, eligibility for service, costs, and  
99 utilization of transportation disadvantaged services. These  
100 standards and rules must include, but are not limited to:

101 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~  
102 ~~for the various modes and types of transportation services~~  
103 ~~provided.~~

104 (a) ~~(b)~~ Minimum performance standards for the delivery of  
105 services. These standards must be included in coordinator  
106 contracts and transportation operator contracts with clear  
107 penalties for repeated or continuing violations.

108 (b) ~~(e)~~ Minimum liability insurance requirements for all  
109 transportation services purchased, provided, or coordinated for  
110 the transportation disadvantaged through the community  
111 transportation coordinator.

112 (14) Consolidate, for each state agency, ~~the annual budget~~  
113 ~~estimates for transportation disadvantaged services,~~ and the  
114 amounts of each agency's actual expenditures, together with the  
115 actual expenditures ~~annual budget estimates~~ of each official

11-02418A-08

2008788\_\_

116 ~~planning agency, local government, and directly federally funded~~  
117 agency and the amounts collected by each official planning  
118 agency, and issue a report.

119 (26) Develop a quality assurance and management review  
120 program to monitor, based upon approved commission standards,  
121 services contracted for by an agency, and those provided by a  
122 community transportation operator pursuant to s. 427.0155. ~~Staff~~  
123 ~~of the quality assurance and management review program shall~~  
124 ~~function independently and be directly responsible to the~~  
125 ~~executive director.~~

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

128 Section 4. Section 427.0135, Florida Statutes, is amended  
129 to read:

130 427.0135 Purchasing agencies ~~Member departments~~; duties and  
131 responsibilities.--Each purchasing agency ~~member department~~, in  
132 carrying out the policies and procedures of the commission,  
133 shall:

134 (1) ~~(a)~~ Use the coordinated transportation system for  
135 provision of services to its clients, unless each department or  
136 purchasing agency meets the criteria outlined in rule to use an  
137 alternative provider.

138 (2) Pay the rates established in the service plan, unless  
139 the purchasing agency has completed the alternative provider  
140 procedure and demonstrated that a proposed alternative provider  
141 can provide transportation services of acceptable quality for its  
142 clients at a lower cost.

143 ~~(b) Subject to the provisions of s. 409.908(18), the~~  
144 ~~Medicaid agency shall purchase transportation services through~~

11-02418A-08

2008788\_\_

145 ~~the community coordinated transportation system unless a more~~  
146 ~~cost-effective method is determined by the agency for Medicaid~~  
147 ~~clients or unless otherwise limited or directed by the General~~  
148 ~~Appropriations Act.~~

149 (3) Identify in the legislative budget request provided to  
150 the Governor each year for the General Appropriations Act the  
151 specific amount of any money the purchasing agency will allocate  
152 for the provision of transportation disadvantaged services.

153 ~~(4)(2)~~ Provide the commission, by September 15 of each  
154 year, an accounting of all funds spent as well as how many trips  
155 were purchased with agency funds.

156 ~~(5)(3)~~ Assist communities in developing coordinated  
157 transportation systems designed to serve the transportation  
158 disadvantaged. However, a purchasing agency member department may  
159 not serve as the community transportation coordinator in any  
160 designated service area.

161 ~~(6)(4)~~ Assure that its rules, procedures, guidelines, and  
162 directives are conducive to the coordination of transportation  
163 funds and services for the transportation disadvantaged.

164 ~~(7)(5)~~ Provide technical assistance, as needed, to  
165 community transportation coordinators or transportation operators  
166 or participating agencies.

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

169 427.015 Function of the metropolitan planning organization  
170 or designated official planning agency in coordinating  
171 transportation for the transportation disadvantaged.--

172 (2) Each metropolitan planning organization or designated  
173 official planning agency shall recommend to the commission a

11-02418A-08

2008788\_\_

174 single community transportation coordinator. However, a  
175 purchasing agency ~~member department~~ may not serve as the  
176 community transportation coordinator in any designated service  
177 area. The coordinator may provide all or a portion of needed  
178 transportation services for the transportation disadvantaged but  
179 shall be responsible for the provision of those coordinated  
180 services. Based on approved commission evaluation criteria, the  
181 coordinator shall subcontract or broker those services that are  
182 more cost-effectively and efficiently provided by subcontracting  
183 or brokering. The performance of the coordinator shall be  
184 evaluated based on the commission's approved evaluation criteria  
185 by the coordinating board at least annually. A copy of the  
186 evaluation shall be submitted to the metropolitan planning  
187 organization or the designated official planning agency, and the  
188 commission. The recommendation or termination of any community  
189 transportation coordinator shall be subject to approval by the  
190 commission.

191 (3) Each metropolitan planning organization or designated  
192 official planning agency shall request each local government in  
193 its jurisdiction to provide the actual expenditures ~~an estimate~~  
194 of all local and direct federal funds to be expended for  
195 transportation for the disadvantaged. The metropolitan planning  
196 organization or designated official planning agency shall  
197 consolidate this information into a single report and forward it,  
198 by September 15 ~~the beginning of~~ each fiscal year, to the  
199 commission.

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

11-02418A-08

2008788\_\_

202           427.0155 Community transportation coordinators; powers and  
203 duties.--Community transportation coordinators shall have the  
204 following powers and duties:

205           (6) In cooperation with, and approved by, the coordinating  
206 board, develop, negotiate, implement, and monitor a memorandum of  
207 agreement including a service plan, for submittal to the  
208 commission. The service plan must include the results of the rate  
209 methodology process approved by the commission.

210           (7) In cooperation with the coordinating board and pursuant  
211 to criteria developed by the Commission for the Transportation  
212 Disadvantaged, establish eligibility guidelines and priorities  
213 with regard to the recipients of nonsponsored transportation  
214 disadvantaged services that are purchased with Transportation  
215 Disadvantaged Trust Fund moneys.

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

218           427.0157 Coordinating boards; powers and duties.--The  
219 purpose of each coordinating board is to develop local service  
220 needs and to provide information, advice, and direction to the  
221 community transportation coordinators on the coordination of  
222 services to be provided to the transportation disadvantaged. The  
223 commission shall, by rule, establish the membership of  
224 coordinating boards. The members of each board shall be appointed  
225 by the metropolitan planning organization or designated official  
226 planning agency. The appointing authority shall provide each  
227 board with sufficient staff support and resources to enable the  
228 board to fulfill its responsibilities under this section. Each  
229 board shall meet at least quarterly and shall:



11-02418A-08

2008788\_\_

230 (4) Assist the community transportation coordinator in  
231 establishing eligibility guidelines and priorities with regard to  
232 the recipients of nonsponsored transportation disadvantaged  
233 services that are purchased with Transportation Disadvantaged  
234 Trust Fund moneys.

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

237 427.0158 School bus and public transportation.--

238 (2) The school boards shall cooperate in the utilization of  
239 their vehicles to enhance coordinated disadvantaged  
240 transportation by providing the information as requested by the  
241 community transportation coordinator ~~required by this section~~ and  
242 by allowing the use of their vehicles at actual cost upon request  
243 when those vehicles are available for such use and are not  
244 transporting students. ~~Semiannually, no later than October 1 and~~  
245 ~~April 30, a designee from the local school board shall provide~~  
246 ~~the community transportation coordinator with copies to the~~  
247 ~~coordinated transportation board, the following information for~~  
248 ~~vehicles not scheduled 100 percent of the time for student~~  
249 ~~transportation use:~~

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

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

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

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

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

11-02418A-08

2008788\_\_

258 (3) The public transit fixed route or fixed schedule system  
259 shall cooperate in the utilization of its regular service to  
260 enhance coordinated transportation disadvantaged services by  
261 providing the information as requested by the community  
262 transportation coordinator ~~required by this section. Annually, no~~  
263 ~~later than October 1, a designee from the local public transit~~  
264 ~~fixed route or fixed schedule system shall provide~~ The community  
265 transportation coordinator may request, without limitation, with  
266 ~~copies to the coordinated transportation board,~~ the following  
267 information:

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

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

271 (c) A copy of the current charter rates and hour  
272 requirements; and

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

274 Section 9. Subsection (3) of section 427.0159, Florida  
275 Statutes, is amended, and subsection (4) is added to that  
276 section, to read:

277 427.0159 Transportation Disadvantaged Trust Fund.--

278 (3) Funds for nonsponsored transportation disadvantaged  
279 services which are deposited in the trust fund may be used by the  
280 commission to subsidize a portion of a transportation  
281 disadvantaged person's transportation costs which is not  
282 sponsored by an agency, only if a cash or in-kind match is  
283 required. Funds for nonsponsored transportation disadvantaged  
284 services shall be distributed based upon the need of the  
285 recipient and according to criteria developed by the Commission  
286 for the Transportation Disadvantaged.

11-02418A-08

2008788\_\_

287        (4) A purchasing agency may deposit funds into the  
288 transportation disadvantaged trust fund for the commission to  
289 implement, manage, and administer the purchasing agency's  
290 transportation disadvantaged funds, as defined in s. 427.011(10).

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

293        427.016 Expenditure of local government, state, and federal  
294 funds for the transportation disadvantaged.--

295        (1)

296        ~~(b) Nothing in this subsection shall be construed to limit~~  
297 ~~or preclude the Medicaid agency from establishing maximum fee~~  
298 ~~schedules, individualized reimbursement policies by provider~~  
299 ~~type, negotiated fees, competitive bidding, or any other~~  
300 ~~mechanism that the agency considers efficient and effective for~~  
301 ~~the purchase of services on behalf of Medicaid clients. State and~~  
302 local agencies shall not contract for any transportation  
303 disadvantaged services, including Medicaid reimbursable  
304 transportation services, with any community transportation  
305 coordinator or transportation operator that has been determined  
306 by the Agency for Health Care Administration, the Department of  
307 Legal Affairs Medicaid Fraud Control Unit, or any state or  
308 federal agency to have engaged in any abusive or fraudulent  
309 billing activities.

310        (2) Each agency, whether or not it is an ex officio  
311 nonvoting advisor to a member of the Commission for the  
312 Transportation Disadvantaged, shall each year identify in the  
313 legislative budget request provided to the Governor for the  
314 General Appropriations Act ~~inform the commission in writing,~~  
315 ~~before the beginning of each fiscal year, of the specific amount~~

11-02418A-08

2008788\_\_

316 of any money the agency will allocate ~~allocated~~ for the provision  
317 of transportation disadvantaged services. Additionally, each  
318 state agency shall, by September 15 of each year, provide the  
319 commission with an accounting of the actual amount of funds  
320 expended and the total number of trips purchased.

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