

By the Committee on Transportation and Economic Development
Appropriations; and Senator Fasano

606-06479-08

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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 service for the transportation
14 disadvantaged; providing requirements for the payment of
15 rates; requiring agencies to negotiate with the commission
16 before procuring transportation disadvantaged services;
17 requiring that an agency identify its allocation for
18 transportation disadvantaged services in its legislative
19 budget request; amending s. 427.015, F.S.; revising
20 provisions relating to the function of the metropolitan
21 planning organization or designated official planning
22 agency; amending s. 427.0155, F.S.; revising the duties of
23 community transportation coordinators; amending s.
24 427.0157, F.S.; revising duties for coordinating boards;
25 amending s. 427.0158, F.S.; deleting provisions requiring
26 the school board to provide information relating to school
27 buses to the transportation coordinator; providing for the
28 transportation coordinator to request certain information
29 regarding public transportation; amending s. 427.0159,

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

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Subsections (8), (12), and (13) of section
43 427.011, Florida Statutes, are amended to read:

44 427.011 Definitions.--For the purposes of ss. 427.011-
45 427.017:

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

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

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

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

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

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

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

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

83 (7) Unless otherwise specified by statute, assure that all
84 procedures, guidelines, and directives issued by purchasing
85 agencies ~~member departments~~ are conducive to the coordination of
86 transportation services.

87 (8) (a) Unless otherwise specified by statute, assure that

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88 purchasing agencies ~~member departments~~ purchase all trips within
89 the coordinated system, unless they use a more cost-effective
90 alternative provider that meets comparable quality standards.

91 (b) Provide, by rule, criteria and procedures for
92 purchasing agencies ~~member departments~~ to use if they wish to use
93 an alternative provider. Agencies ~~Departments~~ must demonstrate
94 ~~either~~ that the proposed alternative provider can provide a trip
95 of comparable acceptable quality and standards for the clients at
96 a lower cost than that provided within the coordinated system, ~~or~~
97 that the coordinated system cannot accommodate the agency's
98 ~~department's~~ clients, or that the agency has satisfied the
99 requirements of s. 427.0135(3).

100 (9) Unless the purchasing agency has satisfied the
101 requirements of s. 427.0135(3), develop by rule standards for
102 community transportation coordinators and any transportation
103 operator or coordination contractor from whom service is
104 purchased or arranged by the community transportation coordinator
105 covering coordination, operation, safety, insurance, eligibility
106 for service, costs, and utilization of transportation
107 disadvantaged services. These standards and rules must include,
108 but are not limited to:

109 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~
110 ~~for the various modes and types of transportation services~~
111 ~~provided.~~

112 (a) ~~(b)~~ Minimum performance standards for the delivery of
113 services. These standards must be included in coordinator
114 contracts and transportation operator contracts with clear
115 penalties for repeated or continuing violations.

116 (b) ~~(c)~~ Minimum liability insurance requirements for all

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117 transportation services purchased, provided, or coordinated for
118 the transportation disadvantaged through the community
119 transportation coordinator.

120 (14) Consolidate, for each state agency, ~~the annual budget~~
121 ~~estimates for transportation disadvantaged services,~~ and the
122 amounts of each agency's actual expenditures, together with the
123 actual expenditures annual budget estimates of each ~~official~~
124 ~~planning agency,~~ local government, and directly federally funded
125 agency and the amounts collected by each official planning agency
126 ~~issue a report.~~

127 (26) Develop a quality assurance and management review
128 program to monitor, based upon approved commission standards,
129 services contracted for by an agency, and those provided by a
130 community transportation operator pursuant to s. 427.0155. ~~Staff~~
131 ~~of the quality assurance and management review program shall~~
132 ~~function independently and be directly responsible to the~~
133 ~~executive director.~~

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

136 Section 4. Section 427.0135, Florida Statutes, is amended
137 to read:

138 427.0135 Purchasing agencies ~~Member departments;~~ duties and
139 responsibilities.--Each purchasing agency ~~member department,~~ in
140 carrying out the policies and procedures of the commission,
141 shall:

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

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146 ~~(b) Subject to the provisions of s. 409.908(18), the~~
147 ~~Medicaid agency shall purchase transportation services through~~
148 ~~the community coordinated transportation system unless a more~~
149 ~~cost-effective method is determined by the agency for Medicaid~~
150 ~~clients or unless otherwise limited or directed by the General~~
151 ~~Appropriations Act.~~

152 (2) Pay the rates established in the service plan or
153 negotiated statewide contract, unless the purchasing agency has
154 completed the procedure for an alternative provider and
155 demonstrated that a proposed alternative provider can provide a
156 more cost-effective transportation service of comparable quality
157 and standards or unless the agency has satisfied the requirements
158 of subsection (3).

159 (3) Not procure transportation disadvantaged services
160 without initially negotiating with the commission, as provided in
161 s. 287.057(5) (f)13. or unless otherwise authorized by statute. If
162 the purchasing agency, after consultation with the commission,
163 determines that it cannot reach mutually acceptable contract
164 terms with the commission, the purchasing agency may contract for
165 transportation services that are more cost-effective and of
166 comparable or higher quality standards than those of the
167 commission.

168 (4) Identify in the legislative budget request provided to
169 the Governor each year for the General Appropriations Act the
170 specific amount of any money the purchasing agency will allocate
171 for the provision of transportation disadvantaged services. The
172 dollar amount for transportation disadvantaged funding shall be
173 separately identified in the General Appropriations Act.

174 (5)(2)- Provide the commission, by September 15 of each

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175 year, an accounting of all funds spent as well as how many trips
176 were purchased with agency funds.

177 (6)~~(3)~~ Assist communities in developing coordinated
178 transportation systems designed to serve the transportation
179 disadvantaged. However, a purchasing agency ~~member department~~ may
180 not serve as the community transportation coordinator in any
181 designated service area.

182 (7)~~(4)~~ Assure that its rules, procedures, guidelines, and
183 directives are conducive to the coordination of transportation
184 funds and services for the transportation disadvantaged.

185 (8)~~(5)~~ Provide technical assistance, as needed, to
186 community transportation coordinators or transportation operators
187 or participating agencies.

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

190 427.015 Function of the metropolitan planning organization
191 or designated official planning agency in coordinating
192 transportation for the transportation disadvantaged.--

193 (2) Each metropolitan planning organization or designated
194 official planning agency shall recommend to the commission a
195 single community transportation coordinator. However, a
196 purchasing agency ~~member department~~ may not serve as the
197 community transportation coordinator in any designated service
198 area. The coordinator may provide all or a portion of needed
199 transportation services for the transportation disadvantaged but
200 shall be responsible for the provision of those coordinated
201 services. Based on approved commission evaluation criteria, the
202 coordinator shall subcontract or broker those services that are
203 more cost-effectively and efficiently provided by subcontracting

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204 or brokering. The performance of the coordinator shall be
205 evaluated based on the commission's approved evaluation criteria
206 by the coordinating board at least annually. A copy of the
207 evaluation shall be submitted to the metropolitan planning
208 organization or the designated official planning agency, and the
209 commission. The recommendation or termination of any community
210 transportation coordinator shall be subject to approval by the
211 commission.

212 (3) Each metropolitan planning organization or designated
213 official planning agency shall request each local government in
214 its jurisdiction to provide the actual expenditures ~~an estimate~~
215 of all local and direct federal funds to be expended for
216 transportation for the disadvantaged. The metropolitan planning
217 organization or designated official planning agency shall
218 consolidate this information into a single report and forward it,
219 by September 15 ~~the beginning of each fiscal year~~, to the
220 commission.

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

223 427.0155 Community transportation coordinators; powers and
224 duties.--Community transportation coordinators shall have the
225 following powers and duties:

226 (7) In cooperation with the coordinating board and pursuant
227 to criteria developed by the Commission for the Transportation
228 Disadvantaged, establish eligibility guidelines and priorities
229 with regard to the recipients of nonsponsored transportation
230 disadvantaged services that are purchased with Transportation
231 Disadvantaged Trust Fund moneys.

232 Section 7. Subsection (4) of section 427.0157, Florida

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233 Statutes, is amended to read:

234 427.0157 Coordinating boards; powers and duties.--The
235 purpose of each coordinating board is to develop local service
236 needs and to provide information, advice, and direction to the
237 community transportation coordinators on the coordination of
238 services to be provided to the transportation disadvantaged. The
239 commission shall, by rule, establish the membership of
240 coordinating boards. The members of each board shall be appointed
241 by the metropolitan planning organization or designated official
242 planning agency. The appointing authority shall provide each
243 board with sufficient staff support and resources to enable the
244 board to fulfill its responsibilities under this section. Each
245 board shall meet at least quarterly and shall:

246 (4) Assist the community transportation coordinator in
247 establishing eligibility guidelines and priorities with regard to
248 the recipients of nonsponsored transportation disadvantaged
249 services that are purchased with Transportation Disadvantaged
250 Trust Fund moneys.

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

253 427.0158 School bus and public transportation.--

254 (2) The school boards shall cooperate in the utilization of
255 their vehicles to enhance coordinated disadvantaged
256 transportation by providing the information as requested by the
257 community transportation coordinator ~~required by this section~~ and
258 by allowing the use of their vehicles at actual cost upon request
259 when those vehicles are available for such use and are not
260 transporting students. ~~Semiannually, no later than October 1 and~~
261 ~~April 30, a designee from the local school board shall provide~~

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262 ~~the community transportation coordinator with copies to the~~
263 ~~coordinated transportation board, the following information for~~
264 ~~vehicles not scheduled 100 percent of the time for student~~
265 ~~transportation use:~~

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

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

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

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

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

274 (3) The public transit fixed route or fixed schedule system
275 shall cooperate in the utilization of its regular service to
276 enhance coordinated transportation disadvantaged services by
277 providing the information as requested by the community
278 transportation coordinator required by this section. ~~Annually, no~~
279 ~~later than October 1, a designee from the local public transit~~
280 ~~fixed route or fixed schedule system shall provide~~ The community
281 transportation coordinator may request, without limitation, ~~with~~
282 ~~copies to the coordinated transportation board,~~ the following
283 information:

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

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

287 (c) A copy of the current charter rates and hour
288 requirements; and

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

290 Section 9. Subsection (4) is added to section 427.0159,

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291 Florida Statutes, to read:

292 427.0159 Transportation Disadvantaged Trust Fund.--

293 (4) A purchasing agency may deposit funds into the
294 Transportation Disadvantaged Trust Fund for the commission to
295 implement, manage, and administer the purchasing agency's
296 transportation disadvantaged funds, as defined in s. 427.011(10).

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

299 427.016 Expenditure of local government, state, and federal
300 funds for the transportation disadvantaged.--

301 (1)

302 (b) Nothing in this subsection shall be construed to ~~limit~~
303 ~~or~~ preclude a purchasing ~~the Medicaid~~ agency from establishing
304 maximum fee schedules, individualized reimbursement policies by
305 provider type, negotiated fees, ~~competitive bidding~~, or any other
306 mechanism, including contracting after initial negotiation with
307 the commission, which ~~that~~ the agency considers more cost-
308 effective and of comparable or higher quality standards than
309 those of the commission ~~efficient and effective~~ for the purchase
310 of services on behalf of its Medicaid clients if it has fulfilled
311 the requirements of s. 427.0135(3) or the procedure for an
312 alternative provider. State and local agencies shall not contract
313 for any transportation disadvantaged services, including Medicaid
314 reimbursable transportation services, with any community
315 transportation coordinator or transportation operator that has
316 been determined by the Agency for Health Care Administration, the
317 Department of Legal Affairs Medicaid Fraud Control Unit, or any
318 state or federal agency to have engaged in any abusive or
319 fraudulent billing activities.

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320 (2) Each agency, whether or not it is an ex officio
321 nonvoting advisor to a member of the Commission for the
322 Transportation Disadvantaged, shall each year identify in the
323 legislative budget request provided to the Governor for the
324 General Appropriations Act ~~inform the commission in writing,~~
325 ~~before the beginning of each fiscal year,~~ of the specific amount
326 of any money the agency will allocate ~~allocated~~ for the provision
327 of transportation disadvantaged services. Additionally, each
328 state agency shall, by September 15 of each year, provide the
329 commission with an accounting of the actual amount of funds
330 expended and the total number of trips purchased. The dollar
331 amount for transportation disadvantaged funding shall be
332 separately identified in the General Appropriations Act.

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