

1 A bill to be entitled
 2 An act relating to transportation accessibility;
 3 providing a short title; providing definitions;
 4 requiring certain fleet owners to provide accessible
 5 taxicabs after a certain date; requiring the
 6 Department of Transportation to adopt rules; requiring
 7 certain airports and deepwater ports to provide
 8 accessible taxicabs after a certain date; amending s.
 9 212.08, F.S.; providing a tax exemption for the sale
 10 or lease of accessible vehicles; amending s. 409.905,
 11 F.S.; requiring transportation services that provide
 12 transportation for Medicaid recipients to certify to
 13 the Agency for Health Care Administration that the
 14 transportation service uses accessible vehicles;
 15 providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. (1) This section may be cited as the "Florida
 20 Transportation Accessibility Independence Act."

21 (2) As used in this section, the term:

22 (a) "Accessible taxicab" means a vehicle that is equipped
 23 with a lift or ramp designed specifically to transport
 24 physically disabled persons or that contains any other device
 25 designed to permit access to and enable the transportation of
 26 physically disabled persons, including persons who use
 27 wheelchairs, scooters, or similar devices; complies with the
 28 accessibility requirements of the Americans with Disabilities

29 Act of 1990, 49 C.F.R. ss. 38.23, 38.25, and 38.31, as amended,
 30 whether or not such regulations would apply under federal law;
 31 meets all applicable federal motor vehicle safety standards and
 32 regulations adopted thereunder; and provides sufficient floor
 33 space to accommodate a service animal.

34 (b) "Fleet owner" means a person that owns, operates, or
 35 manages three or more taxicabs directly or through subsidiaries
 36 or affiliates.

37 (c) "Physically disabled person" means a person who uses a
 38 wheelchair or other personal mobility aid, such as a scooter.

39 (3) By December 31, 2014, each fleet owner shall operate a
 40 minimum of one-third of its fleet with accessible taxicabs.

41 (4) The Department of Transportation shall adopt rules to
 42 administer this section, including rules relating to procedures
 43 and forms for facilitating, monitoring, and verifying compliance
 44 with this section.

45 (5) By December 31, 2012, all airports within the Florida
 46 airport system, as defined in s. 332.004(9), Florida Statutes,
 47 and deepwater ports, as provided in s. 403.021(9) (b), Florida
 48 Statutes, shall provide accessible taxicabs, along with priority
 49 access, to passengers seeking accessible taxicab services.

50 Section 2. Paragraph (hhh) is added to subsection (7) of
 51 section 212.08, Florida Statutes, to read:

52 212.08 Sales, rental, use, consumption, distribution, and
 53 storage tax; specified exemptions.—The sale at retail, the
 54 rental, the use, the consumption, the distribution, and the
 55 storage to be used or consumed in this state of the following
 56 are hereby specifically exempt from the tax imposed by this

HB 1201

2012

57 | chapter.

58 | (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
59 | entity by this chapter do not inure to any transaction that is
60 | otherwise taxable under this chapter when payment is made by a
61 | representative or employee of the entity by any means,
62 | including, but not limited to, cash, check, or credit card, even
63 | when that representative or employee is subsequently reimbursed
64 | by the entity. In addition, exemptions provided to any entity by
65 | this subsection do not inure to any transaction that is
66 | otherwise taxable under this chapter unless the entity has
67 | obtained a sales tax exemption certificate from the department
68 | or the entity obtains or provides other documentation as
69 | required by the department. Eligible purchases or leases made
70 | with such a certificate must be in strict compliance with this
71 | subsection and departmental rules, and any person who makes an
72 | exempt purchase with a certificate that is not in strict
73 | compliance with this subsection and the rules is liable for and
74 | shall pay the tax. The department may adopt rules to administer
75 | this subsection.

76 | (hhh) Accessible vehicles.—The sale or lease of accessible
77 | vehicles is exempt from the tax imposed by this chapter. As used
78 | in this paragraph, the term "accessible vehicle" means a vehicle
79 | that is equipped with a lift or ramp designed specifically to
80 | transport physically disabled persons or that contains any other
81 | device designed to permit access to and enable the
82 | transportation of physically disabled persons, including persons
83 | who use wheelchairs, scooters, or similar devices; complies with
84 | the accessibility requirements of the Americans with

HB 1201

2012

85 Disabilities Act of 1990, 49 C.F.R. ss. 38.23, 38.25, and 38.31,
 86 as amended, whether or not such regulations would apply under
 87 federal law; meets all applicable federal motor vehicle safety
 88 standards and regulations adopted thereunder; and provides
 89 sufficient floor space to accommodate a service animal.

90 Section 3. Subsection (12) of section 409.905, Florida
 91 Statutes, is amended to read:

92 409.905 Mandatory Medicaid services.—The agency may make
 93 payments for the following services, which are required of the
 94 state by Title XIX of the Social Security Act, furnished by
 95 Medicaid providers to recipients who are determined to be
 96 eligible on the dates on which the services were provided. Any
 97 service under this section shall be provided only when medically
 98 necessary and in accordance with state and federal law.

99 Mandatory services rendered by providers in mobile units to
 100 Medicaid recipients may be restricted by the agency. Nothing in
 101 this section shall be construed to prevent or limit the agency
 102 from adjusting fees, reimbursement rates, lengths of stay,
 103 number of visits, number of services, or any other adjustments
 104 necessary to comply with the availability of moneys and any
 105 limitations or directions provided for in the General
 106 Appropriations Act or chapter 216.

107 (12) TRANSPORTATION SERVICES.—

108 (a) The agency shall ensure that appropriate
 109 transportation services are available for a Medicaid recipient
 110 in need of transport to a qualified Medicaid provider for
 111 medically necessary and Medicaid-compensable services, provided
 112 a client's ability to choose a specific transportation provider

HB 1201

2012

113 shall be limited to those options resulting from policies
114 established by the agency to meet the fiscal limitations of the
115 General Appropriations Act. The agency may pay for
116 transportation and other related travel expenses as necessary
117 only if these services are not otherwise available.

118 (b) In order to receive payment for transportation
119 services, the transportation provider must certify to the agency
120 that the vehicles used to provide such services comply with the
121 accessibility requirements of the Americans with Disabilities
122 Act of 1990, 49 C.F.R. ss. 38.23, 38.25, and 38.31, as amended,
123 whether or not such regulations would apply under federal law;
124 meet all applicable federal motor vehicle safety standards and
125 regulations adopted thereunder; and provide sufficient floor
126 space to accommodate a service animal.

127 Section 4. This act shall take effect July 1, 2012.