

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 1392

INTRODUCER: Senator Benacquisto

SUBJECT: Transportation Accessibility

DATE: January 17, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	<b>Pre-meeting</b>
2.			BC	
3.				
4.				
5.				
6.				

**I. Summary:**

This bill creates a new unnumbered section of the Florida Statutes which is entitled the “Florida Transportation Accessibility Independence Act.” The act:

- defines the terms “accessible taxicab”, “fleet owner”, and “physically disabled person”;
- requires that by December 31, 2014 all taxicab fleet owners must operate a minimum of one-twelfth of their fleets using accessible taxicabs;
- grants the Florida Department of Transportation (FDOT) rulemaking authority to implement this section;
- and, grants airports and deepwater ports the ability to provide priority rotation of accessible taxicabs and priority service to passengers seeking such taxicabs.

This bill amends s. 212.08, F.S., to add an exemption to the sales, rental, use, consumption, distribution, and storage tax for sales or leases of accessible vehicles, as defined, provided that, should the accessible vehicle be an aftermarket conversion, only the price of the conversion is exempt from the tax.

This bill amends s. 409.905, F.S., to add that, in order to receive payment from Medicaid for transportation services, the transportation provider must certify to the Agency for Healthcare Administration that the vehicles used to provide the services comply with Americans with Disabilities Act (ADA) requirements, comply with all applicable federal motor vehicle safety standards, and provides enough floor space to accommodate a service animal.

## II. Present Situation:

Currently, there is no state or federal requirement that taxicab companies purchase or maintain accessible taxicabs, as defined in this bill, unless they purchase vehicles larger than automobiles. Under s. 49 CFR 37.29(b), “[p]roviders of taxi service are not required to purchase or lease accessible automobiles.” However, “[i]f a taxi company purchases a larger vehicle, like a van, it is subject to the same rules as any other private entity primarily engaged in the business of transporting people which operates a demand responsive service. That is, unless it is already providing equivalent service, any van it acquires must be accessible.”<sup>1</sup>

However, local jurisdictions sometimes require or incentivize taxicab companies to provide accessible vehicles. For example, Miami-Dade County requires that “at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles.”<sup>2</sup> And, the City of Orlando allows taxicab companies to increase their fleet size by adding dual-purpose taxicabs which are defined as cabs “specifically equipped for transporting handicapped or wheelchair bound passengers.”<sup>3</sup>

In addition to these potential requirements, the state also provides accessible transportation, by request, through the Florida Commission for the Transportation Disadvantaged (FCTD). FCTD provides accessible and affordable rides, for both Medicaid and non-Medicaid purposes, to people with disabilities by contracting with 48 local Community Transportation Coordinators and, in the case of Medicaid based transportation, 10 Sub-contracted Transportation Providers. According to the FCTD’s 2011 Annual Performance Report, the FCTD’s “Coordinated Transportation System... provided 51.1 million trips to over 700,000 older adults, persons with disabilities, people with low income, or at-risk children.”<sup>4</sup> For non-emergency Medicaid patients alone FCTD provided 586,419 wheelchair trips.<sup>5</sup> Also, even though the FCTD was not able to meet requests for 228,640 trips, only 4,821 trip requests were denied due to a lack of a vehicle.<sup>6</sup>

Currently, there is no sales tax exemption for accessible vehicles such as the one provided for in this bill. Though it is possible to retrofit vehicles in order to comply with ADA specifications for accessible vehicles, only one company currently manufactures such vehicles from the ground up and, as such, can take full advantage of the sales tax exemption.

Currently, there is no need for a transportation provider to certify to the Agency for Health Care Administration that their vehicles comply with ADA requirements for accessibility, meet all applicable federal motor vehicle safety standards and regulations, and provide sufficient floor space to accommodate a service animal in order to receive Medicaid payment for transportation services.

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<sup>1</sup> Appendix D to Part 37 – Construction and Interpretation of Provisions of 49 CFR Part 37 – Section 37.29 Private Providers of Taxi Service, found at [http://www.fta.dot.gov/12876\\_3906.html](http://www.fta.dot.gov/12876_3906.html), last viewed on January 17, 2012.

<sup>2</sup> Miami-Dade County code, s. 31-82(k)(1)

<sup>3</sup> City of Orlando Code of Ordinances, s. 55.25(3)

<sup>4</sup> 2011 Annual Performance Report, Florida Commission for the Transportation Disadvantaged, Jan. 1, 2012, pg. 6

<sup>5</sup> Id. at 15

<sup>6</sup> Id. at 55-57

### III. Effect of Proposed Changes:

**Section 1** of this bill creates the “Florida Transportation Accessibility Independence Act” which mandates that one-twelfth of the fleets of all taxicab fleet owners, defined as a person that owns, operates, or manages 12 or more taxicabs directly or through subsidiaries, must consist of accessible taxicabs by December 31, 2014. The act also grants FDOT rulemaking authority and allows airports and deepwater ports to provide priority rotation for accessible taxicabs and priority access for those passengers who need such taxicabs.

**Section 2** of this bill amends s. 212.08, F.S., to add an exemption to the sales, rental, use, consumption, distribution, and storage tax for sales or leases of accessible vehicles, as defined, provided that, should the accessible vehicle be an aftermarket conversion, only the price of the conversion is exempt from the tax.

**Section 3** of this bill amends s. 409.905, F.S., to add that, in order to receive payment from Medicare for transportation services, the transportation provider must certify to the Agency for Healthcare Administration that the vehicles used to provide the services comply with Americans with Disabilities Act (ADA) requirements, comply with all applicable federal motor vehicle safety standards, and provides enough floor space to accommodate a service animal.

**Section 4** of this bill creates an effective date of July 1, 2012.

#### **Other Potential Implications:**

- There is a question as to whether or not the term “fleet owner” would apply to a taxicab dispatching service whose only duty is dispatching taxicabs that are individually owned and operated.
- It is possible that the certification provisions in section three of this bill will cause a greater than intended impact by requiring that all transportation services for Medicaid be certified ADA accessible even if they are not transporting disabled persons, and by not exempting emergency vehicles from the requirements of the section.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

This bill creates a new tax exemption from the sales, rental, use, consumption, distribution, and storage tax for sales or leases of accessible vehicles, as defined, provided that, should the accessible vehicle be an aftermarket conversion, only the price of the conversion is exempt from the tax. This new tax exemption would cause an indeterminate negative impact on general revenue.

**B. Private Sector Impact:**

This bill could have an indeterminate negative impact on private sector taxicab fleet owners by requiring that they expend money to either purchase new vehicles or retrofit old vehicles to meet ADA accessibility requirements and the other requirements listed in this bill. This bill could also have an indeterminate negative impact on private companies offering Medicaid transportation services by requiring that all of their vehicles offering such services be certified as ADA accessible as well as meet several other requirements. This bill could have a potential but indeterminate positive impact on companies who sell vehicles that comply with the criteria of the tax exemption or retrofit vehicles to comply with the criteria of the tax exemption.

**C. Government Sector Impact:**

This bill could have a potential negative impact on any government service which provides Medicaid transportation services by requiring that all of their vehicles offering such services be certified accessible under the ADA, among other requirements.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.