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LEGISLATIVE ACTION

Senate

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House

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Senator Hutson moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (16) is added to section 341.041,  
Florida Statutes, to read:

341.041 Transit responsibilities of the department.—The  
department shall, within the resources provided pursuant to  
chapter 216:

(16) Unless otherwise provided by state or federal law,  
ensure that all grants and agreements between the department and



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12 entities providing paratransit services include, at a minimum,  
13 the following provisions:

14 (a) Performance requirements for the delivery of services,  
15 including clear penalties for repeated or continuing violations;

16 (b) Minimum liability insurance requirements for all  
17 transportation services purchased, provided, or coordinated for  
18 the transportation disadvantaged, as defined in s. 427.011(1),  
19 through the contracted vendor or subcontractor thereof;

20 (c) Complaint and grievance processes for paratransit  
21 users, including a requirement that all reported complaints,  
22 grievances, and resolutions be reported to the department on a  
23 quarterly basis; and

24 (d) A requirement that the provisions of paragraphs (a),  
25 (b), and (c) must be included in any agreement between an entity  
26 receiving a grant or an agreement from the department and such  
27 entity's contractors or subcontractors that provide paratransit  
28 services.

29 Section 2. Section 427.012, Florida Statutes, is amended to  
30 read:

31 427.012 The Commission for the Transportation  
32 Disadvantaged.—There is created the Commission for the  
33 Transportation Disadvantaged in the Department of  
34 Transportation.

35 (1) The commission shall be composed ~~consist~~ of 11 ~~seven~~  
36 members, all of whom shall be appointed by the Governor, in  
37 accordance with the requirements of s. 20.052, as follows:

38 (a) The Secretary of Transportation or his or her designee.

39 (b) The director of the Agency for Persons with  
40 Disabilities or his or her designee.



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41           (c) The Secretary of Elderly Affairs or his or her  
42 designee.

43           (d) The director of the Division of Blind Services.

44           (e) Two county managers or administrators, one from a rural  
45 county and one from a county with a population of more than  
46 150,000, according to the last state census.

47           (f) Five members who have experience in transportation,  
48 workforce development, transit services, management, insurance,  
49 or service of persons with disabilities or who have a disability  
50 and use transportation for the transportation disadvantaged.

51           (2) A member appointed under paragraph (1) (e) or paragraph  
52 (1) (f) shall serve a 4-year term and may be reappointed for one  
53 additional 4-year term. A member appointed under paragraph  
54 (1) (e) or paragraph (1) (f) whose term has expired shall continue  
55 to serve on the commission until such time as a replacement is  
56 appointed.

57           (3) Each member must be a resident of this state.

58           ~~(a) Five of the members must have significant experience in~~  
59 ~~the operation of a business, and it is the intent of the~~  
60 ~~Legislature that, when making an appointment, the Governor~~  
61 ~~select persons who reflect the broad diversity of the business~~  
62 ~~community in this state, as well as the racial, ethnic,~~  
63 ~~geographical, and gender diversity of the population of this~~  
64 ~~state.~~

65           ~~(b) Two of the members must have a disability and use the~~  
66 ~~transportation disadvantaged system.~~

67           ~~(c) Each member shall represent the needs of the~~  
68 ~~transportation disadvantaged throughout the state. A member may~~  
69 ~~not subordinate the needs of the transportation disadvantaged in~~



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70 ~~general in order to favor the needs of others residing in a~~  
71 ~~specific location in the state.~~

72 ~~(d) Each member shall be appointed to a term of 4 years. A~~  
73 ~~member may be reappointed for one additional 4-year term.~~

74 ~~(e) Each member must be a resident of the state and a~~  
75 ~~registered voter.~~

76 ~~(f) At any given time, at least one member must be at least~~  
77 ~~65 years of age.~~

78 ~~(g) The Secretary of Transportation, the Secretary of~~  
79 ~~Children and Families, the Secretary of Economic Opportunity,~~  
80 ~~the executive director of the Department of Veterans' Affairs,~~  
81 ~~the Secretary of Elderly Affairs, the Secretary of Health Care~~  
82 ~~Administration, the director of the Agency for Persons with~~  
83 ~~Disabilities, and a county manager or administrator who is~~  
84 ~~appointed by the Governor, or a senior management level~~  
85 ~~representative of each, shall serve as ex officio, nonvoting~~  
86 ~~advisors to the commission.~~

87 ~~(h) A member may not, within the 5 years immediately before~~  
88 ~~his or her appointment, or during his or her term on the~~  
89 ~~commission, have or have had a financial relationship with, or~~  
90 ~~represent or have represented as a lobbyist as defined in s.~~  
91 ~~11.045, the following:~~

- 92 ~~1. A transportation operator;~~
- 93 ~~2. A community transportation coordinator;~~
- 94 ~~3. A metropolitan planning organization;~~
- 95 ~~4. A designated official planning agency;~~
- 96 ~~5. A purchaser agency;~~
- 97 ~~6. A local coordinating board;~~
- 98 ~~7. A broker of transportation; or~~



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99 ~~8. A provider of transportation services.~~

100 ~~(4)(2) The chair of the commission chairperson shall be~~  
101 ~~appointed by the Governor, and the vice chair chairperson of the~~  
102 ~~commission shall be elected annually from the membership of the~~  
103 ~~commission.~~

104 ~~(5)(3) Members of the commission shall serve without~~  
105 ~~compensation but shall be allowed per diem and travel expenses,~~  
106 ~~as provided in s. 112.061.~~

107 ~~(6)(4) The commission shall meet at least quarterly, or~~  
108 ~~upon more frequently at the call of the chair chairperson. Six~~  
109 ~~Four members of the commission constitute a quorum, and a~~  
110 ~~majority vote of the members present is necessary for any action~~  
111 ~~taken by the commission. A commission member's participation in~~  
112 ~~a meeting via telephone, real-time videoconferencing, or similar~~  
113 ~~real-time telephonic, electronic, or video communication counts~~  
114 ~~toward a quorum, and such member may vote as if physically~~  
115 ~~present.~~

116 ~~(7)(5) The Governor may remove any member of the commission~~  
117 ~~for cause.~~

118 ~~(6) Each candidate for appointment to the commission must,~~  
119 ~~before accepting the appointment, undergo background screening~~  
120 ~~under s. 435.04 by filing with the Department of Transportation~~  
121 ~~a complete set of fingerprints taken by an authorized law~~  
122 ~~enforcement agency. The fingerprints must be submitted to the~~  
123 ~~Department of Law Enforcement for state processing, and that~~  
124 ~~department shall submit the fingerprints to the Federal Bureau~~  
125 ~~of Investigation for federal processing. The Department of~~  
126 ~~Transportation shall screen the background results and inform~~  
127 ~~the commission of any candidate who does not meet level 2~~



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128 ~~screening standards. A candidate who has not met level 2~~  
129 ~~screening standards may not be appointed to the commission. The~~  
130 ~~cost of the background screening may be borne by the Department~~  
131 ~~of Transportation or the candidate.~~

132       (8) ~~(7)~~ The commission shall appoint an executive director  
133 who shall serve under the direction, supervision, and control of  
134 the commission. The executive director, with the consent of the  
135 commission, shall employ such personnel as may be necessary to  
136 perform adequately the functions of the commission within  
137 budgetary limitations. Employees of the commission are exempt  
138 from the Career Service System.

139       ~~(8) The commission shall appoint a technical working group~~  
140 ~~that includes representatives of private paratransit providers.~~  
141 ~~The technical working group shall advise the commission on~~  
142 ~~issues of importance to the state, including information,~~  
143 ~~advice, and direction regarding the coordination of services for~~  
144 ~~the transportation disadvantaged. The commission may appoint~~  
145 ~~other technical working groups whose members may include~~  
146 ~~representatives of community transportation coordinators,~~  
147 ~~metropolitan planning organizations, regional planning councils,~~  
148 ~~experts in insurance, marketing, economic development, or~~  
149 ~~financial planning; and persons who use transportation for the~~  
150 ~~transportation disadvantaged, or their relatives, parents,~~  
151 ~~guardians, or service professionals who tend to their needs.~~

152       (9) The commission is assigned to the office of the  
153 secretary of the Department of Transportation for administrative  
154 and fiscal accountability purposes, but it shall otherwise  
155 function independently of the control, supervision, and  
156 direction of the department.



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157           (10) The commission shall develop a budget pursuant to  
158 chapter 216. The budget is not subject to change by the  
159 department staff after it has been approved by the commission,  
160 but it shall be transmitted to the Governor, as head of the  
161 department, along with the budget of the department.

162           Section 3. Section 427.02, Florida Statutes, is created to  
163 read:

164           427.02 Paratransit service contracts for transportation  
165 service providers.-

166           (1) For purposes of this section, the term "transportation  
167 service provider" means an organization or entity that contracts  
168 with a local government to provide paratransit service to  
169 persons with disabilities.

170           (2) For contracts entered into or renewed on or after  
171 October 1, 2024, a transportation service provider must agree  
172 to:

173           (a) Provide training to each driver of a motor vehicle used  
174 to provide paratransit service to persons with disabilities  
175 which, at a minimum, meets requirements established by the  
176 Agency for Persons with Disabilities for training and  
177 professional development of staff providing direct services to  
178 clients of the agency.

179           (b) Establish reasonable time periods between a request for  
180 service and the arrival of the transportation service provider  
181 at the location specified in the request, taking into account  
182 the number of persons requesting paratransit service on the same  
183 date, the distance between locations, usual or expected traffic  
184 conditions during the provision of paratransit service, and any  
185 other factor deemed necessary by the provider or the local



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186 government. If a transportation service provider exhibits a  
187 pattern of late arrivals based on such established reasonable  
188 time periods, the contract must allow the local government to  
189 authorize another provider to provide such paratransit service,  
190 including the acceptance of any prepaid vouchers for future  
191 paratransit service.

192 (c) Provide for transparency regarding the quality of  
193 paratransit service provided by the transportation service  
194 provider, including, but not limited to, data relating to the  
195 timeliness of paratransit service provided and the handling of  
196 complaints.

197 (3) Contracts entered into or renewed on or after October  
198 1, 2024, with transportation service providers for the provision  
199 of paratransit service to persons with disabilities must be  
200 competitively procured pursuant to s. 287.057. The procurement  
201 must use competitive sealed bids, competitive sealed proposals,  
202 or competitive sealed replies. The contract may not be awarded  
203 using an exceptional purchase provision provided for in s.  
204 287.057(3).

205 Section 4. Section 427.021, Florida Statutes, is created to  
206 read:

207 427.021 Adverse incidents of transportation service  
208 providers.—

209 (1) For purposes of this section, the term "transportation  
210 service provider" means an organization or entity that contracts  
211 with a local government to provide paratransit service to  
212 persons with disabilities.

213 (2) The Commission for the Transportation Disadvantaged  
214 shall establish a model system by October 1, 2024, for use by





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215 local governments and transportation service providers for the  
216 reporting and investigation of adverse incidents occurring  
217 during the provision of paratransit service to persons with  
218 disabilities. Such system may include the assignment of a quick-  
219 response code to each motor vehicle used to provide such service  
220 for the purpose of reporting adverse incidents with a smartphone  
221 or other mobile device.

222 (3) By January 1, 2025, each transportation service  
223 provider, in coordination with the local government, must adopt  
224 a system for reporting and investigating adverse incidents.

225 (4) The commission must develop requirements for the  
226 investigation of adverse incidents reported, including periodic  
227 review of ongoing investigations and documentation of final  
228 outcomes thereof. At a minimum, the investigation of a reported  
229 adverse incident must commence within 48 hours after receipt of  
230 the report.

231 (5) Reports of adverse incidents received by the local  
232 government or the transportation service provider shall be  
233 submitted on a quarterly basis to the Commission for the  
234 Transportation Disadvantaged.

235 Section 5. (1) By January 1, 2025, the Department of  
236 Transportation shall provide to the Governor, the President of  
237 the Senate, and the Speaker of the House of Representatives a  
238 comprehensive report on the transportation disadvantaged  
239 services offered in this state and the Commission for the  
240 Transportation Disadvantaged. The report must include, at a  
241 minimum, all of the following:

242 (a) A review of services rendered by community  
243 transportation coordinators or transportation operators



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244 coordinated by the commission, specifically outlining:  
245 1. Timeliness of services;  
246 2. Quality of services;  
247 3. Training programs for the drivers and customer service  
248 representatives;  
249 4. Timeliness of the resolution of complaints; and  
250 5. Adherence to performance measures by service providers.  
251 (b) A review of transportation delivery models administered  
252 by contract by the commission and a review of potential  
253 alternative methods. Such review must consider the feasibility  
254 and costs related to offering both pre-booking and on-demand  
255 service to paratransit service users.  
256 (c) The role of paratransit services as used by providers  
257 of services for the transportation disadvantaged and the  
258 differences between paratransit services and the services  
259 provided by the commission. In its review, the department shall  
260 also consider the manner in which the use of paratransit  
261 services can be leveraged to improve services coordinated by the  
262 commission.  
263 (d) The role of health care transportation services as used  
264 by the users of services for the transportation disadvantaged,  
265 and the manner in which coordination of services can be  
266 leveraged to improve services administered by the commission.  
267 (e) Breakdowns of funding provided by the commission on a  
268 contractual level. The report must also include a breakdown of  
269 the manner in which the funds are used, by delivery model,  
270 including both fixed-route, on-demand, and hybrid models, and  
271 through any innovation grant outlined in the General  
272 Appropriations Act, and historical funding models and outcomes.



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273 (f) A review of the eligibility criteria by each  
274 coordinating entity, including any relevant demographic  
275 information.

276 (g) A review of the challenges and potential opportunities  
277 to better support rural counties in administering such programs.

278 (h) Recommendations on efficiencies and challenges that may  
279 result from adopting an alternative format of delivering  
280 commission services to improve services for individuals seeking  
281 to thrive in community-based settings, including in a workplace  
282 setting, who currently receive services provided by the  
283 commission.

284 (i) Best practices for limiting the duration of travel  
285 times for persons receiving paratransit service. Consideration  
286 must be made for the level of service offered to persons without  
287 disabilities by a public entity operating a fixed route as  
288 compared to the level of paratransit service offered by the  
289 transportation service provider in accordance with 49 C.F.R. s.  
290 37.121.

291 (j) A review of emerging and other technology opportunities  
292 for the provision of services and to ensure the safety and well-  
293 being of individuals using fixed routes, including the use of  
294 in-cabin technology. The review must consider passenger safety,  
295 equipment installation and maintenance costs, accessibility  
296 standards, and data retention and privacy for individuals  
297 served.

298 (k) Any additional recommendations relating to areas of  
299 review required by paragraphs (a)-(i).

300 (2) The definitions in s. 427.011, Florida Statutes, apply  
301 to subsection (1), unless the context clearly indicates



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302 otherwise.

303 Section 6. This act shall take effect upon becoming a law.

304

305 ===== T I T L E A M E N D M E N T =====

306 And the title is amended as follows:

307 Delete everything before the enacting clause

308 and insert:

309 A bill to be entitled

310 An act relating to transportation services for persons

311 with disabilities and the transportation

312 disadvantaged; amending s. 341.041, F.S.; revising

313 duties of the Department of Transportation, within

314 specified resources, with respect to required

315 provisions of grants and agreements with entities

316 providing paratransit services; amending s. 427.012,

317 F.S.; revising membership of the Commission for the

318 Transportation Disadvantaged and qualifications

319 therefor; providing length of terms for specified

320 commission members; revising voting and quorum

321 requirements; deleting a requirement for the

322 commission to appoint a specified working group;

323 creating s. 427.02, F.S.; defining the term

324 "transportation service provider"; providing

325 requirements for paratransit service contracts entered

326 into on or after October 1, 2024; requiring that such

327 contracts be competitively procured; prohibiting the

328 awarding of contracts using specified provisions;

329 creating s. 427.021, F.S.; defining the term

330 "transportation service provider"; requiring the



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331 commission to establish a model system for reporting  
332 and investigating adverse incidents; requiring  
333 transportation service providers to adopt the system  
334 by a certain date; requiring the commission to develop  
335 requirements for the investigation of adverse  
336 incidents; requiring such an investigation to commence  
337 within a certain timeframe; requiring reports of  
338 adverse incidents to be submitted to the commission;  
339 requiring the department to provide the Governor and  
340 the Legislature with a report on the transportation  
341 disadvantaged services and the Commission for the  
342 Transportation Disadvantaged which includes specified  
343 information; providing applicability; providing an  
344 effective date.