



541278

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
	.	
	.	

---

The Committee on Transportation (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 427.011, Florida Statutes, is reordered  
and amended to read:

427.011 Definitions.—For the purposes of ss. 427.011-  
427.017:

(11)~~(1)~~ "Transportation disadvantaged" means those persons  
who because of physical or mental disability, income status, or



11 age are unable to transport themselves or to purchase  
12 transportation and are, therefore, dependent upon others to  
13 obtain access to health care, employment, education, shopping,  
14 social activities, or other life-sustaining activities, or  
15 children who are handicapped or high-risk or at-risk as defined  
16 in s. 411.202.

17 (6)~~(2)~~ "Metropolitan planning organization" means the  
18 organization responsible for carrying out transportation  
19 planning and programming in accordance with the provisions of 23  
20 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f) (3).

21 (1)~~(3)~~ "Agency" means an official, officer, commission,  
22 authority, council, committee, department, division, bureau,  
23 board, section, or any other unit or entity of the state or of a  
24 city, town, municipality, county, or other local governing body  
25 or a private nonprofit transportation service-providing agency.

26 (13)~~(4)~~ "Transportation improvement program" means a staged  
27 multiyear program of transportation improvements, including an  
28 annual element, which is developed by a metropolitan planning  
29 organization or designated official planning agency.

30 (2)~~(5)~~ "Community transportation coordinator" means a  
31 transportation entity recommended by a metropolitan planning  
32 organization, or by the appropriate designated official planning  
33 agency as provided for in ss. 427.011-427.017 in an area outside  
34 the purview of a metropolitan planning organization, to ensure  
35 that coordinated transportation services are provided to the  
36 transportation disadvantaged population in a designated service  
37 area.

38 (14)~~(6)~~ "Transportation operator" means one or more public,  
39 private for-profit, or private nonprofit entities engaged by the



40 community transportation coordinator to provide service to  
41 transportation disadvantaged persons pursuant to a coordinated  
42 system service plan.

43 (3)~~(7)~~ "Coordinating board" means an advisory entity in  
44 each designated service area composed of representatives  
45 appointed by the metropolitan planning organization or  
46 designated official planning agency, to provide assistance to  
47 the community transportation coordinator relative to the  
48 coordination of transportation services.

49 (9)~~(8)~~ "Purchasing agency" means a department or agency  
50 whose head is an ex officio, nonvoting adviser to the  
51 commission, or an agency that purchases transportation services  
52 for the transportation disadvantaged.

53 (8)~~(9)~~ "Paratransit" means those elements of public transit  
54 which provide service between specific origins and destinations  
55 selected by the individual user with such service being provided  
56 at a time that is agreed upon by the user and provider of the  
57 service. Paratransit service is provided by taxis, limousines,  
58 "dial-a-ride," buses, and other demand-responsive operations  
59 that are characterized by their nonscheduled, nonfixed route  
60 nature.

61 (12)~~(10)~~ "Transportation disadvantaged funds" means any  
62 local government, state, or available federal funds that are for  
63 the transportation of the transportation disadvantaged. Such  
64 funds may include, but are not limited to, funds for planning,  
65 Medicaid transportation, administration, operation, procurement,  
66 and maintenance of vehicles or equipment and capital  
67 investments. Transportation disadvantaged funds do not include  
68 funds for the transportation of children to public schools.



541278

69        (4) ~~(11)~~ "Coordination" means the arrangement for the  
70 provision of transportation services to the transportation  
71 disadvantaged in a manner that is cost-effective, efficient, and  
72 reduces fragmentation and duplication of services.

73        (7) ~~(12)~~ "Nonsponsored transportation disadvantaged  
74 services" means transportation disadvantaged services that are  
75 not sponsored or subsidized by any funding source other than the  
76 Transportation Disadvantaged Trust Fund.

77        (5) "Immediate family member" means a spouse, child,  
78 parent, sibling, grandparent, aunt, uncle, or first cousin of a  
79 person or the person's spouse or a person who resides in the  
80 primary residence of the person.

81        (10) "Request for service" means a request made to a  
82 transportation service provider by a person with a disability,  
83 or by such person's immediate family member, for paratransit  
84 service.

85        (15) "Transportation service provider" means an  
86 organization or entity that contracts with a local government to  
87 provide paratransit service for persons with disabilities.

88        Section 2. Section 427.012, Florida Statutes, is amended to  
89 read:

90        427.012 The Commission for the Transportation  
91 Disadvantaged.—There is created the Commission for the  
92 Transportation Disadvantaged in the Department of  
93 Transportation.

94        (1) The commission shall consist of 14 ~~seven~~ members, all  
95 of whom shall be appointed by the Governor, in accordance with  
96 the requirements of s. 20.052.

97        (2) The commission shall be composed of the following



541278

98 members:

99 (a) The director of the Agency for Persons with  
100 Disabilities.

101 (b) The Secretary of Transportation or his or her designee  
102 from within the Department of Transportation.

103 (c) The Secretary of Children and Families or his or her  
104 designee from within the Department of Children and Families.

105 (d) The Secretary of Elderly Affairs.

106 (e) The State Surgeon General or his or her designee from  
107 within the Department of Health.

108 (f) Two county managers or administrators, one from a rural  
109 county and one from a county with a population of more than  
110 150,000 according to the last state census.

111 (g) The chief executive officer or president of a hospital  
112 in this state.

113 (h) The director of the Division of Blind Services.

114 (i) Five members who have experience in transit,  
115 transportation services, innovative technology, government  
116 procurement, mobility, or service of persons with disabilities  
117 or who have disabilities and use transportation for the  
118 transportation disadvantaged.

119 (3) Appointed members shall serve 4-year terms, except that  
120 initially, to provide for staggered terms, the Governor shall  
121 appoint three members to serve 2-year terms and two members to  
122 serve 3-year terms. All subsequent appointments shall be for 4-  
123 year terms. A member may be reappointed for one additional 4-  
124 year term.

125 (4) Each member must be a resident of this state.

126 ~~(a) Five of the members must have significant experience in~~



541278

127 ~~the operation of a business, and it is the intent of the~~  
128 ~~Legislature that, when making an appointment, the Governor~~  
129 ~~select persons who reflect the broad diversity of the business~~  
130 ~~community in this state, as well as the racial, ethnic,~~  
131 ~~geographical, and gender diversity of the population of this~~  
132 ~~state.~~

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

135 ~~(c) Each member shall represent the needs of the~~  
136 ~~transportation disadvantaged throughout the state. A member may~~  
137 ~~not subordinate the needs of the transportation disadvantaged in~~  
138 ~~general in order to favor the needs of others residing in a~~  
139 ~~specific location in the state.~~

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

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

144 ~~(f) At any given time, at least one member must be at least~~  
145 ~~65 years of age.~~

146 ~~(g) The Secretary of Transportation, the Secretary of~~  
147 ~~Children and Families, the Secretary of Economic Opportunity,~~  
148 ~~the executive director of the Department of Veterans' Affairs,~~  
149 ~~the Secretary of Elderly Affairs, the Secretary of Health Care~~  
150 ~~Administration, the director of the Agency for Persons with~~  
151 ~~Disabilities, and a county manager or administrator who is~~  
152 ~~appointed by the Governor, or a senior management level~~  
153 ~~representative of each, shall serve as ex officio, nonvoting~~  
154 ~~advisors to the commission.~~

155 ~~(h) A member may not, within the 5 years immediately before~~



541278

156 ~~his or her appointment, or during his or her term on the~~  
157 ~~commission, have or have had a financial relationship with, or~~  
158 ~~represent or have represented as a lobbyist as defined in s.~~  
159 ~~11.045, the following:~~

- 160 ~~1. A transportation operator;~~
- 161 ~~2. A community transportation coordinator;~~
- 162 ~~3. A metropolitan planning organization;~~
- 163 ~~4. A designated official planning agency;~~
- 164 ~~5. A purchaser agency;~~
- 165 ~~6. A local coordinating board;~~
- 166 ~~7. A broker of transportation; or~~
- 167 ~~8. A provider of transportation services.~~

168 ~~(5)(2)~~ The chair of the commission ~~chairperson~~ shall be  
169 appointed by the Governor, and the vice chair ~~chairperson~~ of the  
170 commission shall be elected annually from the membership of the  
171 commission.

172 ~~(6)(3)~~ Members of the commission shall serve without  
173 compensation but shall be allowed per diem and travel expenses,  
174 as provided in s. 112.061.

175 ~~(7)(4)~~ The commission shall meet at least quarterly, or  
176 more frequently at the call of the chair ~~chairperson~~. Eight ~~Four~~  
177 members of the commission constitute a quorum, and a majority  
178 vote of the members present is necessary for any action taken by  
179 the commission.

180 ~~(8)(5)~~ The Governor may remove any member of the commission  
181 for cause.

182 ~~(6)~~ Each candidate for appointment to the commission must,  
183 before accepting the appointment, undergo background screening  
184 under s. 435.04 by filing with the Department of Transportation



541278

185 ~~a complete set of fingerprints taken by an authorized law~~  
186 ~~enforcement agency. The fingerprints must be submitted to the~~  
187 ~~Department of Law Enforcement for state processing, and that~~  
188 ~~department shall submit the fingerprints to the Federal Bureau~~  
189 ~~of Investigation for federal processing. The Department of~~  
190 ~~Transportation shall screen the background results and inform~~  
191 ~~the commission of any candidate who does not meet level 2~~  
192 ~~screening standards. A candidate who has not met level 2~~  
193 ~~screening standards may not be appointed to the commission. The~~  
194 ~~cost of the background screening may be borne by the Department~~  
195 ~~of Transportation or the candidate.~~

196       (9)~~(7)~~ The commission shall appoint an executive director  
197 who shall serve under the direction, supervision, and control of  
198 the commission. The executive director, with the consent of the  
199 commission, shall employ such personnel as may be necessary to  
200 perform adequately the functions of the commission within  
201 budgetary limitations. Employees of the commission are exempt  
202 from the Career Service System.

203       (10)~~(8)~~ The commission shall appoint a technical working  
204 group that includes representatives of private paratransit  
205 providers. The technical working group shall advise the  
206 commission on issues of importance to the state, including  
207 information, advice, and direction regarding the coordination of  
208 services for the transportation disadvantaged. The commission  
209 may appoint other technical working groups whose members may  
210 include representatives of community transportation  
211 coordinators; metropolitan planning organizations; regional  
212 planning councils; experts in insurance, marketing, economic  
213 development, or financial planning; and persons who use





214 transportation for the transportation disadvantaged, or their  
215 relatives, parents, guardians, or service professionals who tend  
216 to their needs.

217 (11)~~(9)~~ The commission is assigned to the office of the  
218 secretary of the Department of Transportation for administrative  
219 and fiscal accountability purposes, but it shall otherwise  
220 function independently of the control, supervision, and  
221 direction of the department.

222 (12)~~(10)~~ The commission shall develop a budget pursuant to  
223 chapter 216. The budget is not subject to change by the  
224 department staff after it has been approved by the commission,  
225 but it shall be transmitted to the Governor, as head of the  
226 department, along with the budget of the department.

227 Section 3. Present subsections (8) through (29) of section  
228 427.013, Florida Statutes, are redesignated as subsections (10)  
229 through (31), respectively, new subsections (8) and (9) are  
230 added to that section, and subsection (5) and present  
231 subsections (13), (20), and (28) of that section are amended, to  
232 read:

233 427.013 The Commission for the Transportation  
234 Disadvantaged; purpose and responsibilities.—The purpose of the  
235 commission is to accomplish the coordination of transportation  
236 services provided to the transportation disadvantaged. The goal  
237 of this coordination is to assure the cost-effective provision  
238 of transportation by qualified community transportation  
239 coordinators or transportation operators for the transportation  
240 disadvantaged without any bias or presumption in favor of  
241 multioperator systems or not-for-profit transportation operators  
242 over single operator systems or for-profit transportation



541278

243 operators. In carrying out this purpose, the commission shall:

244 (5) Serve as a clearinghouse for information about  
245 transportation disadvantaged services, training, funding  
246 sources, innovations, and coordination efforts and provide best  
247 practices, latest technology innovations, and preferential  
248 vendors lists to county transportation disadvantaged program  
249 managers.

250 (8) Annually review and conduct a performance audit of each  
251 coordinator contract and transportation operator contract in  
252 each county.

253 (9) Establish a system for the filing, receipt, and  
254 resolution of complaints regarding the transportation  
255 disadvantaged system.

256 (15) ~~(13)~~ Make an annual report to the Governor, the  
257 President of the Senate, and the Speaker of the House of  
258 Representatives by January 1 of each year. The report shall  
259 summarize for each county the number of complaints filed  
260 regarding the transportation disadvantaged system, contract  
261 satisfaction, a breakdown of the total cost of services, the  
262 amount of funds provided by the commission, and the results of  
263 annual performance audits.

264 (22) ~~(20)~~ Ensure that drivers of motor vehicles used to  
265 provide paratransit service attend ~~Design and develop~~  
266 ~~transportation disadvantaged~~ training programs delivered by the  
267 Agency for Persons with Disabilities.

268 (30) ~~(28)~~ In consultation with the Agency for Health Care  
269 Administration and the Department of Transportation, develop an  
270 allocation methodology that equitably distributes all  
271 transportation funds under the control of the commission to



272 compensate counties, community transportation coordinators, and  
273 other entities providing transportation disadvantaged services.  
274 The methodology shall separately account for Medicaid  
275 beneficiaries. The methodology shall consider such factors as  
276 the actual costs of each transportation disadvantaged trip based  
277 on prior-year information, efficiencies that a provider might  
278 adopt to reduce costs, results of the rate and cost comparisons  
279 conducted under subsections (26) ~~(24)~~ and (27) ~~(25)~~, as well as  
280 cost efficiencies of trips when compared to the local cost of  
281 transporting the general public. This subsection does not  
282 supersede the authority of the Agency for Health Care  
283 Administration to distribute Medicaid funds.

284 Section 4. Subsection (4) of section 427.0159, Florida  
285 Statutes, is amended to read:

286 427.0159 Transportation Disadvantaged Trust Fund.—

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 ~~s.~~  
291 427.011(10).

292 Section 5. Section 427.02, Florida Statutes, is created to  
293 read:

294 427.02 Transportation services for persons with  
295 disabilities.—

296 (1) A transportation service provider must:

297 (a) Provide training to each driver of a motor vehicle used  
298 to provide paratransit service to persons with disabilities  
299 which, at a minimum, meets requirements established by the  
300 Agency for Persons with Disabilities for training and



541278

301 professional development of staff providing direct services to  
302 clients of the agency.

303 (b)1. Install an interior video camera monitoring system in  
304 each motor vehicle used to provide paratransit service to  
305 persons with disabilities. Each component of the interior video  
306 camera monitoring system must be mounted securely inside the  
307 motor vehicle, must be located outside the head protection zone  
308 as described in 49 C.F.R. s. 571.222, must be located in an area  
309 in which the component is not likely to cause injury, and must  
310 have no sharp edges or projections.

311 2. Upon request, provide access to footage captured by an  
312 interior video camera monitoring system to the local government,  
313 the Department of Transportation, the Agency for Persons with  
314 Disabilities, or a parent, legal guardian, caretaker, or  
315 immediate family member of a person who receives paratransit  
316 service from the transportation service provider.

317 (c) Offer Internet-based, application-based, and  
318 smartphone-based ride booking and vehicle tracking services.  
319 Each of these services must be provided in accessible formats.

320 (d) Regularly maintain and upgrade all technology-based  
321 services.

322 (e) Offer both pre-booking and on-demand service to  
323 paratransit service users.

324 (2) A transportation service provider, in collaboration  
325 with the local government with which the provider contracts,  
326 shall establish:

327 (a) Reasonable time periods between a request for service  
328 and the arrival of the transportation service provider at the  
329 location specified in the request, taking into account the



330 number of persons requesting paratransit service on the same  
331 date, the distance between locations, usual or expected traffic  
332 conditions during the provision of paratransit service, and any  
333 other factor deemed necessary by the provider or the local  
334 government. If a transportation service provider exhibits a  
335 pattern of late arrivals based on such established reasonable  
336 time periods, the local government may authorize another  
337 provider to provide such paratransit service, including the  
338 acceptance of any prepaid vouchers for future paratransit  
339 service, notwithstanding the terms of the contract with the  
340 original provider.

341 (b) Best practices for limiting the duration of travel  
342 times for persons receiving paratransit service. To avoid  
343 unreasonably long travel times, the provider and the local  
344 government shall consider the level of service offered to  
345 persons without disabilities by a public entity operating a  
346 fixed route as compared to the level of paratransit service  
347 offered by the transportation service provider in accordance  
348 with 49 C.F.R. s. 37.121.

349 (c) Transparency regarding the quality of paratransit  
350 service provided by the transportation service provider,  
351 including, but not limited to, data relating to the timeliness  
352 of paratransit service provided and the handling of complaints.

353 (d) An efficient system for the reporting of adverse  
354 incidents occurring during the provision of paratransit service  
355 to persons with disabilities. Such system may include the  
356 assignment of a quick-response code to each motor vehicle used  
357 to provide such service for the purpose of reporting adverse  
358 incidents with a smartphone or other mobile device. Reports of



541278

359 adverse incidents received by the local government or the  
360 transportation service provider shall be submitted to the Agency  
361 for Persons with Disabilities and the Department of  
362 Transportation.

363 (3) The Agency for Persons with Disabilities, in  
364 collaboration with the Department of Transportation, shall  
365 establish requirements for the investigation of adverse  
366 incidents reported pursuant to paragraph (2)(d), including  
367 periodic review of ongoing investigations and documentation of  
368 final outcomes thereof. The investigation of a reported adverse  
369 incident must commence within 48 hours after receipt of the  
370 report by the agency and the department.

371 (4) The provisions of s. 287.057 which exempt the purchase  
372 of contractual services from competitive bidding requirements do  
373 not apply to contracts entered into by local governments and  
374 transportation service providers for the provision of  
375 paratransit service to persons with disabilities under this  
376 section.

377 Section 6. This act shall take effect July 1, 2024.

378  
379 ===== T I T L E A M E N D M E N T =====

380 And the title is amended as follows:

381 Delete everything before the enacting clause  
382 and insert:

383 A bill to be entitled  
384 An act relating to transportation services for persons  
385 with disabilities and the transportation  
386 disadvantaged; reordering and amending s. 427.011,  
387 F.S.; revising definitions; defining terms; amending



541278

388 s. 427.012, F.S.; revising membership of the  
389 Commission for the Transportation Disadvantaged and  
390 qualifications therefor; providing for staggered  
391 terms; requiring each member to be a resident of this  
392 state; amending s. 427.013, F.S.; revising the duties  
393 of the commission; amending s. 427.0159, F.S.;  
394 conforming a cross-reference; creating s. 427.02,  
395 F.S.; providing responsibilities of a transportation  
396 service provider with respect to driver training,  
397 installation of video camera monitoring systems, and  
398 technology-based services; requiring a transportation  
399 service provider and the local government with which  
400 the provider contracts to establish standards relating  
401 to reasonable time periods between a request for  
402 service and the arrival of the provider, limitation of  
403 the duration of travel times, transparency regarding  
404 the quality of service provided, and a system for the  
405 reporting of adverse incidents; requiring that reports  
406 of adverse incidents be submitted to the Agency for  
407 Persons with Disabilities and the Department of  
408 Transportation; requiring the agency and the  
409 department to establish requirements for the  
410 investigation of adverse incidents; requiring such an  
411 investigation to commence within a certain timeframe;  
412 providing nonapplicability of provisions exempting the  
413 purchase of contractual services from competitive  
414 bidding requirements; providing an effective date.