

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 Committee on Transportation

BILL: SB 1380

INTRODUCER: Senator Hutson

SUBJECT: Special Transportation Services for Persons with Disabilities

DATE: February 5, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Pre-meeting
2.			AHS	
3.			FP	

I. Summary:

SB 1380 relates to special transportation services for persons with disabilities. The bill:

- Defines the terms “immediate family member,” “paratransit service,” “request for service,” and “special transportation service provider (provider).”
- Requires providers to provide training to each paratransit driver that meets the Agency for Persons with Disabilities (APD) requirements for the professional development of staff providing direct services.
- Requires providers to install an interior video camera monitoring system within each paratransit vehicle, with specific instructions on camera placement.
- Requires providers to provide access video recording from the video camera monitoring system to the local government, the Florida Department of Transportation (FDOT), APD, or legal guardian of the passenger.
- Requires providers to maintain a website or mobile application that allows for tracking of each vehicle used to provide paratransit services to persons with disabilities and restricts access to the website to only the local government and a passenger’s legal guardian.
- Requires a provider and its contracted local government entity to establish reasonable time periods between a trip request and arrival, best practices for limiting travel times, and transparency regarding the quality of services, including timelines and handling of complaints.
- Requires APD, in collaboration with FDOT, to establish requirements for the investigation of adverse incidents reported to the provider and/or local government, including periodic review of ongoing investigations and documentation of final outcomes.
- Requires APD and FDOT to investigate an adverse incident within 48 hours after receipt of the report.
- Removes the exemption from competitive bidding requirements for local government entities to enter into contracts with special transportation providers serving persons with disabilities.

The bill may have a negative fiscal impact to private transportation providers, local governments, APD and FDOT. See Fiscal Impact Statement for details.

The bill takes effect July 1, 2024.

II. Present Situation:

There are numerous federal, state and local programs supporting the delivery of transportation services for persons with disabilities, often referred to as “paratransit,”¹ which are usually scheduled between the individual and transportation provider and provided on a door-to-door or curb-to-curb basis.²

The Florida Commission for the Transportation Disadvantaged (commission)³ operates a statewide transportation disadvantaged program supporting the coordination of transportation services for persons with disabilities as well as older adults, individuals with low-income, and at-risk children who require access to critical activities within their communities.⁴

The federal Americans with Disabilities Act affords complementary paratransit services for individuals with disabilities who are unable to access a fixed bus route, if available, within their community.⁵

The Agency for Persons with Disabilities (APD) operates a Medicaid waiver program that provides home and community-based services, including transportation, to eligible individuals with intellectual and developmental disabilities.⁶

Medicaid Non-Emergency Transportation services are paratransit services funded under the Agency for Health Care Administration’s Managed Medical Assistance program to allow Medicaid recipients to access health care appointments.⁷

Federal Transit Administration grant programs provides funding to states and transit systems to support the purchase of capital equipment and other operating expenses related to serving persons with disabilities and other groups.⁸

Each of the above programs has its own eligibility criteria and regulatory standards for transportation providers. For example, the Florida Department of Transportation (FDOT) is

¹ Section 427.011(9), F.S., defines the term “Paratransit” to mean those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and provider of the service. Paratransit service is provided by taxis, limousines, “dial-a-ride,” buses, and other demand-responsive operations that are characterized by their nonscheduled, nonfixed route nature.

² Commission for Transportation Disadvantaged (CTD), *Agency Analysis of 2024 Senate Bill 1380*, p. 1. (On file with Senate Committee on Transportation).

³ The Commission for Transportation Disadvantaged is administrative house, but independent from, the Florida Department of Transportation.

⁴ *Supra* note 2.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

responsible for establishing and regulating safety standards pertaining to public transportation funded by FDOT and Federal Transit Administration programs.⁹ Additionally, each program has a different process in place for resolving complaints and grievances related to eligibility and provision of services.¹⁰

Overview of the Transportation Disadvantaged Program

Florida's Transportation Disadvantaged (TD) Program¹¹ supports the coordination of transportation services for individuals who are "transportation disadvantaged." The Legislature specifically defined the TD population as "persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities."¹² The purpose of coordination is to ensure that transportation services are provided to TD eligible customers "in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services."^{13,14}

The commission administers the Transportation Disadvantaged Trust Fund,¹⁵ where a majority of its funds are used to purchase paratransit services "not sponsored" or subsidized by any other agency or funding source.¹⁶ The TD Program consists of centralized (statewide) policy development and decentralized local implementation.¹⁷

The community transportation coordinator¹⁸ is responsible for arranging transportation services to the TD population within a designated county or multi-county service area. The community transportation coordinator may be a local government, such as a board of county commissioners, transit agency, not-for-profit organization, or for-profit company designated by the commission.

The official planning agency¹⁹ is responsible for planning for the needs of and services for the TD population within its designated service area, including recommending an entity to serve as the community transportation coordinator. The planning agency may be a metropolitan planning organization, regional planning council, or similar entity designated by the commission.

⁹ See section 341.061, F.S., and Chapter 14-90, F.A.C.

¹⁰ *Supra* note 2.

¹¹ Sections 427.011-427.017, F.S.

¹² Section 427.011(1), F.S.

¹³ Section 427.011(11), F.S.

¹⁴ *Supra* note 2.

¹⁵ The Transportation Disadvantaged Trust Fund is established in s. 427.0159, F.S.

¹⁶ Sections 427.011(12) and 427.0159(3), F.S.

¹⁷ *Supra* note 2.

¹⁸ Section 427.0155, F.S. Section 427.011(5), F.S., defines the term "community transportation coordinator" to mean a transportation entity recommended by a metropolitan planning organization, or by the appropriate designated official planning agency as provided for in ss. 427.011-427.017, F.S., in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

¹⁹ Section 427.015, F.S.

The local coordinating board²⁰ is an advisory board responsible for assisting the community transportation coordinator in meeting the TD needs of its designated service area. Local coordinating board members are appointed by the planning agency and represent riders and their advocates, human service agencies, and other stakeholders of the TD Program.²¹

Commission for Transportation Disadvantaged Services and Regulations

The commission contracts with community transportation coordinators to deliver “non-sponsored” paratransit services and bus pass subsidies, which are reimbursed under the Transportation Disadvantaged Trust Fund. A community transportation coordinator may directly provide transportation services and/or contract with other organizations, such as transportation operators, to serve transportation disadvantaged riders in their community. In addition to what is funded under the Transportation Disadvantaged Trust Fund, the community transportation coordinator may also work with other purchasing agencies or other programs to provide transportation services. For example, if a community transportation coordinator operates a fixed bus route system, it must provide complementary paratransit services under the federal Americans with Disabilities Act, which are regulated by the Federal Transit Administration.²²

The commission develops policies and procedures to fulfill its statutory obligations, which are implemented through administrative rule. Commission policies pertaining to safety standards include requirements for community transportation coordinators and their transportation operators on:

- Drug and alcohol testing and background screening.
- Safety of passengers during transfer points.
- Providing a local toll-free number (including the TD Helpline) for passenger complaints and grievances.
- Vehicle cleanliness, seating, and communications equipment.
- Maintaining passenger/trip data.
- Establishing pick-up window and advanced notifications for passengers to obtain services.²³

However, these regulations do not require the installation of video cameras on vehicles, nor do they specify the use of a website or mobile application for tracking vehicle location. The commission conducts biennial quality assurance reviews of each community transportation coordinator to ensure compliance with ch. 427, F.S. and Rule 41-2, F.A.C. Community transportation coordinators that receive FDOT/Federal Transit Administration funding are also subject to triennial reviews by FDOT to ensure compliance with safety standards.²⁴

²⁰ Section 427.0157, F.S. Section 427.011(7), F.S., defines the term “coordinating board” to mean an advisory entity in each designated service area composed of representatives appointed by the metropolitan planning organization or designated official planning agency, to provide assistance to the community transportation coordinator relative to the coordination of transportation services.

²¹ *Supra* note 2 at 2.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

TD Program Complaint and Grievance Process

Chapter 427, F.S., creating the TD program, does not expressly authorize the commission to hear or determine TD service-related complaints or grievances. However, the commission requires all local systems to have written procedures in addressing/resolving complaints and grievances.²⁵ The commission's guidance on the complaint/grievance process identifies the following steps:

- A complaint must be filed at the local level, and is usually addressed by the community transportation coordinator.
- If the complaint is not resolved, the complainant may file a grievance with the local coordinating board. Each local coordinating board must appoint a Grievance Committee to process and investigate complaints and recommend service improvements to the local coordinating board and/or commission if a resolution is not reached.
- Once a grievance has been addressed by the local coordinating board and it remains unresolved, it may be referred to the commission to assist the grievant in facilitating a mutual acceptable resolution.²⁶²⁷

Apart from the above grievance procedures, aggrieved parties may also have recourse through the administrative hearings process.²⁸

Procurement of Commodities and Contractual Services

Section 287.057, F.S., requires the acquisition commodities and contractual services, in excess of \$35,000, be by competitive sealed bids, request for proposals or by competitive negotiations, unless specifically exempted.²⁹ Specific exemptions include, but are not limited to, when there is an immediate danger to public health safety and welfare, commodities and contractual services only available from a single source, and certain FDOT contracts.³⁰

III. Effect of Proposed Changes:

The bill creates s. 427.02, F.S., relating to special transportation services for persons with disabilities.

The bill creates the following definitions:

- “Immediate family member” means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of a person or the person's spouse or a person who resides in the primary residence of the person.
- “Paratransit service” means transportation between specific origins and destinations selected by an individual user, with such service being provided at a time that is agreed upon by the user and provider of the service.

²⁵ *Id.*

²⁶ Rule 41-2.012(5)(c), F.A.C.

²⁷ *Supra* note 2 at 3-4.

²⁸ *Id.* at 4. The administrative hearing process is pursuant to ch. 120, F.S., the Administrative Procedures Act.

²⁹ Florida Department of Transportation (FDOT), *Doing Business with FDOT*, <https://www.fdot.gov/procurement/doingbusiness.shtm> (last visited January 25, 2024).

³⁰ Section 287.057(3), F.S.

- “Request for service” means a request made to a special transportation service provider by a person with a disability, or by such person’s immediate family member, for paratransit service.
- “Special transportation service provider” or “provider” means an organization or entity that contracts with a local government to provide paratransit service for persons with disabilities.

The bill requires a provider to provide training to each driver of a motor vehicle used to provide paratransit service to persons with disabilities which, at a minimum, meets the APD requirements for training and professional development of staff providing direct services to APD’s clients.

The provider must install an interior video camera monitoring system in each motor vehicle used to provide paratransit service to persons with disabilities. Each component of the interior video camera monitoring system must be mounted securely inside the motor vehicle, must be located outside the head protection zone,³¹ must be located in an area in which the component is not likely to cause injury, and may not sharp edges or projections.

Upon request, the provider must provide access to video recorded by an interior video camera monitoring system to the local government, FDOT, APD, or a parent, legal guardian, caretaker, or immediate family member of a person who receives paratransit service from the provider.

The provider must maintain a website or mobile application that allows tracking of the location or movement of each motor vehicle used to provide paratransit service to persons with disabilities using a global positioning system or another mapping, locational, or directional information system. Access to such website or mobile application must be restricted to the local government and the parents, legal guardians, caretakers, and immediate family members of persons who receive paratransit service from the special transportation service provider.

A provider, in collaboration with the local government with which the provider contracts, must establish:

- Reasonable time periods between a request for service and the provider’s arrival at the location specified in the request, taking into account the number of persons requesting service on the same date, the distance between locations, usual or expected traffic conditions during the provision of service, and any other factor the provider or local government deems necessary. If a special transportation service provider exhibits a pattern of late arrivals based on such established reasonable time periods, the local government may authorize another provider to provide such paratransit service, including the acceptance of any prepaid vouchers for future services, notwithstanding the terms of the contract with the original provider.
- Best practices for limiting the duration of travel times for persons receiving paratransit service. To avoid unreasonably long travel times, the provider and the local government must consider the level of service offered to persons without disabilities by a public entity operating a fixed route transit service as compared to the level of paratransit service offered by the special transportation service provider.³²

³¹ This is as described in 49 C.F.R. s. 571.222

³² This is in accordance with 49 C.F.R. s. 37.121.

- Transparency regarding the quality of service provider, including, but not limited to, data relating to the timeliness of service provided and the handling of complaints.
- An efficient system for reporting of adverse incidents occurring during the provision of service to persons with disabilities. Such system may include assigning a quick-response (QR) code to each motor vehicle used to provide such service for the purpose of reporting adverse incidents with a smartphone or other mobile device. Reports of adverse incidents received by the local government or the special transportation service provider must be submitted to APD and FDOT.

The bill requires APD, in collaboration with FDOT, to establish requirements for investigating reported adverse incidents, including periodic review of ongoing investigations and documentation of their final outcome. The investigation of a reported adverse incident must commence within 48 hours after APD and FDOT receive of the report.

The bill provides that s. 287.057, F.S., which exempts the procurement of contractual services from competitive bidding requirements does not apply to contracts entered into by local governments and special transportation service providers for the provision of special transportation services for persons with disabilities.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private operators of transportation services may incur costs to install video cameras in the vehicles and to comply with other provisions of the bill.

C. Government Sector Impact:

Local governments that serve as community transportation coordinators may incur costs associated with installing video cameras in some of its motor vehicles and establishing various technologies required by the bill.

The bill may have negative a fiscal impact on APD and FDOT to investigate reported adverse incidents reported under this new section of law.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill creates new requirements for organizations providing transportation services to individuals with disabilities. However, the bill is not clear as to which agency is responsible for the implementation, oversight, monitoring and costs associated with services specified in the bill.

While the bill appears to apply to all persons with disabilities, APD is only tasked with serving individuals with intellectual or developmental disabilities.³³

The bill does not define the term “adverse incident,” nor does it specify whether such incidents include complaints related to violations under the federal Americans with Disabilities Act.

VIII. Statutes Affected:

This bill creates section 427.02 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

³³ Agency for Persons With Disabilities Website, <https://apd.myflorida.com/about/> (last visited January 31, 2024).