

By the Committee on Transportation; and Senator Hutson

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1                   A bill to be entitled  
2           An act relating to transportation services for persons  
3           with disabilities and the transportation  
4           disadvantaged; reordering and amending s. 427.011,  
5           F.S.; defining terms; amending s. 427.012, F.S.;  
6           revising membership of the Commission for the  
7           Transportation Disadvantaged and qualifications  
8           therefor; providing for staggered terms; requiring  
9           each member to be a resident of this state; deleting  
10          provisions relating to background screening  
11          requirements; amending s. 427.013, F.S.; revising the  
12          duties of the commission; amending s. 427.0159, F.S.;  
13          conforming a cross-reference; creating s. 427.02,  
14          F.S.; providing responsibilities of a transportation  
15          service provider with respect to driver training,  
16          installation of video camera monitoring systems, and  
17          technology-based services; requiring a transportation  
18          service provider and the local government with which  
19          the provider contracts to establish standards relating  
20          to reasonable time periods between a request for  
21          service and the arrival of the provider, limitation of  
22          the duration of travel times, transparency regarding  
23          the quality of service provided, and a system for the  
24          reporting of adverse incidents; requiring that reports  
25          of adverse incidents be submitted to the Agency for  
26          Persons with Disabilities and the Department of  
27          Transportation; requiring the agency and the  
28          department to establish requirements for the  
29          investigation of adverse incidents; requiring such an

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30 investigation to commence within a certain timeframe;  
31 providing nonapplicability of provisions exempting the  
32 purchase of contractual services from competitive  
33 bidding requirements; providing an effective date.  
34

35 Be It Enacted by the Legislature of the State of Florida:  
36

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

39 427.011 Definitions.—For the purposes of ss. 427.011-  
40 427.017:

41 (11)~~(1)~~ “Transportation disadvantaged” means those persons  
42 who because of physical or mental disability, income status, or  
43 age are unable to transport themselves or to purchase  
44 transportation and are, therefore, dependent upon others to  
45 obtain access to health care, employment, education, shopping,  
46 social activities, or other life-sustaining activities, or  
47 children who are handicapped or high-risk or at-risk as defined  
48 in s. 411.202.

49 (6)~~(2)~~ “Metropolitan planning organization” means the  
50 organization responsible for carrying out transportation  
51 planning and programming in accordance with the provisions of 23  
52 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

53 (1)~~(3)~~ “Agency” means an official, officer, commission,  
54 authority, council, committee, department, division, bureau,  
55 board, section, or any other unit or entity of the state or of a  
56 city, town, municipality, county, or other local governing body  
57 or a private nonprofit transportation service-providing agency.

58 (13)~~(4)~~ “Transportation improvement program” means a staged

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59 multiyear program of transportation improvements, including an  
60 annual element, which is developed by a metropolitan planning  
61 organization or designated official planning agency.

62 (2)~~(5)~~ "Community transportation coordinator" means a  
63 transportation entity recommended by a metropolitan planning  
64 organization, or by the appropriate designated official planning  
65 agency as provided for in ss. 427.011-427.017 in an area outside  
66 the purview of a metropolitan planning organization, to ensure  
67 that coordinated transportation services are provided to the  
68 transportation disadvantaged population in a designated service  
69 area.

70 (14)~~(6)~~ "Transportation operator" means one or more public,  
71 private for-profit, or private nonprofit entities engaged by the  
72 community transportation coordinator to provide service to  
73 transportation disadvantaged persons pursuant to a coordinated  
74 system service plan.

75 (3)~~(7)~~ "Coordinating board" means an advisory entity in  
76 each designated service area composed of representatives  
77 appointed by the metropolitan planning organization or  
78 designated official planning agency, to provide assistance to  
79 the community transportation coordinator relative to the  
80 coordination of transportation services.

81 (9)~~(8)~~ "Purchasing agency" means a department or agency  
82 whose head is an ex officio, nonvoting adviser to the  
83 commission, or an agency that purchases transportation services  
84 for the transportation disadvantaged.

85 (8)~~(9)~~ "Paratransit" means those elements of public transit  
86 which provide service between specific origins and destinations  
87 selected by the individual user with such service being provided

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88 at a time that is agreed upon by the user and provider of the  
89 service. Paratransit service is provided by taxis, limousines,  
90 "dial-a-ride," buses, and other demand-responsive operations  
91 that are characterized by their nonscheduled, nonfixed route  
92 nature.

93 (12)~~(10)~~ "Transportation disadvantaged funds" means any  
94 local government, state, or available federal funds that are for  
95 the transportation of the transportation disadvantaged. Such  
96 funds may include, but are not limited to, funds for planning,  
97 Medicaid transportation, administration, operation, procurement,  
98 and maintenance of vehicles or equipment and capital  
99 investments. Transportation disadvantaged funds do not include  
100 funds for the transportation of children to public schools.

101 (4)~~(11)~~ "Coordination" means the arrangement for the  
102 provision of transportation services to the transportation  
103 disadvantaged in a manner that is cost-effective, efficient, and  
104 reduces fragmentation and duplication of services.

105 (7)~~(12)~~ "Nonsponsored transportation disadvantaged  
106 services" means transportation disadvantaged services that are  
107 not sponsored or subsidized by any funding source other than the  
108 Transportation Disadvantaged Trust Fund.

109 (5) "Immediate family member" means a spouse, child,  
110 parent, sibling, grandparent, aunt, uncle, or first cousin of a  
111 person or the person's spouse or a person who resides in the  
112 primary residence of the person.

113 (10) "Request for service" means a request made to a  
114 transportation service provider by a person with a disability,  
115 or by such person's immediate family member, for paratransit  
116 service.

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

120       Section 2. Section 427.012, Florida Statutes, is amended to  
121 read:

122       427.012 The Commission for the Transportation  
123 Disadvantaged.—There is created the Commission for the  
124 Transportation Disadvantaged in the Department of  
125 Transportation.

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

129       (2) The commission shall be composed of the following  
130 members:

131       (a) The director of the Agency for Persons with  
132 Disabilities.

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

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

137       (d) The Secretary of Elderly Affairs.

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

140       (f) Two county managers or administrators, one from a rural  
141 county and one from a county with a population of more than  
142 150,000 according to the last state census.

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

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

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146 (i) Five members who have experience in transit,  
147 transportation services, innovative technology, government  
148 procurement, mobility, or service of persons with disabilities  
149 or who have disabilities and use transportation for the  
150 transportation disadvantaged.

151 (3) Appointed members shall serve 4-year terms, except that  
152 initially, to provide for staggered terms, the Governor shall  
153 appoint three members to serve 2-year terms and two members to  
154 serve 3-year terms. All subsequent appointments shall be for 4-  
155 year terms. A member may be reappointed for one additional 4-  
156 year term.

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

158 ~~(a) Five of the members must have significant experience in~~  
159 ~~the operation of a business, and it is the intent of the~~  
160 ~~Legislature that, when making an appointment, the Governor~~  
161 ~~select persons who reflect the broad diversity of the business~~  
162 ~~community in this state, as well as the racial, ethnic,~~  
163 ~~geographical, and gender diversity of the population of this~~  
164 ~~state.~~

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

167 ~~(c) Each member shall represent the needs of the~~  
168 ~~transportation disadvantaged throughout the state. A member may~~  
169 ~~not subordinate the needs of the transportation disadvantaged in~~  
170 ~~general in order to favor the needs of others residing in a~~  
171 ~~specific location in the state.~~

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

174 ~~(e) Each member must be a resident of the state and a~~

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175 ~~registered voter.~~

176 ~~(f) At any given time, at least one member must be at least~~  
177 ~~65 years of age.~~

178 ~~(g) The Secretary of Transportation, the Secretary of~~  
179 ~~Children and Families, the Secretary of Economic Opportunity,~~  
180 ~~the executive director of the Department of Veterans' Affairs,~~  
181 ~~the Secretary of Elderly Affairs, the Secretary of Health Care~~  
182 ~~Administration, the director of the Agency for Persons with~~  
183 ~~Disabilities, and a county manager or administrator who is~~  
184 ~~appointed by the Governor, or a senior management level~~  
185 ~~representative of each, shall serve as ex officio, nonvoting~~  
186 ~~advisors to the commission.~~

187 ~~(h) A member may not, within the 5 years immediately before~~  
188 ~~his or her appointment, or during his or her term on the~~  
189 ~~commission, have or have had a financial relationship with, or~~  
190 ~~represent or have represented as a lobbyist as defined in s.~~  
191 ~~11.045, the following:~~

- 192 ~~1. A transportation operator;~~
- 193 ~~2. A community transportation coordinator;~~
- 194 ~~3. A metropolitan planning organization;~~
- 195 ~~4. A designated official planning agency;~~
- 196 ~~5. A purchaser agency;~~
- 197 ~~6. A local coordinating board;~~
- 198 ~~7. A broker of transportation; or~~
- 199 ~~8. A provider of transportation services.~~

200 ~~(5)(2)~~ The chair of the commission ~~chairperson~~ shall be  
201 appointed by the Governor, and the vice chair ~~chairperson~~ of the  
202 commission shall be elected annually from the membership of the  
203 commission.

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204       (6)~~(3)~~ Members of the commission shall serve without  
205 compensation but shall be allowed per diem and travel expenses,  
206 as provided in s. 112.061.

207       (7)~~(4)~~ The commission shall meet at least quarterly, or  
208 more frequently at the call of the chair ~~chairperson~~. Eight ~~Four~~  
209 members of the commission constitute a quorum, and a majority  
210 vote of the members present is necessary for any action taken by  
211 the commission.

212       (8)~~(5)~~ The Governor may remove any member of the commission  
213 for cause.

214       ~~(6) Each candidate for appointment to the commission must,  
215 before accepting the appointment, undergo background screening  
216 under s. 435.04 by filing with the Department of Transportation  
217 a complete set of fingerprints taken by an authorized law  
218 enforcement agency. The fingerprints must be submitted to the  
219 Department of Law Enforcement for state processing, and that  
220 department shall submit the fingerprints to the Federal Bureau  
221 of Investigation for federal processing. The Department of  
222 Transportation shall screen the background results and inform  
223 the commission of any candidate who does not meet level 2  
224 screening standards. A candidate who has not met level 2  
225 screening standards may not be appointed to the commission. The  
226 cost of the background screening may be borne by the Department  
227 of Transportation or the candidate.~~

228       (9)~~(7)~~ The commission shall appoint an executive director  
229 who shall serve under the direction, supervision, and control of  
230 the commission. The executive director, with the consent of the  
231 commission, shall employ such personnel as may be necessary to  
232 perform adequately the functions of the commission within



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233 budgetary limitations. Employees of the commission are exempt  
234 from the Career Service System.

235 (10)~~(8)~~ The commission shall appoint a technical working  
236 group that includes representatives of private paratransit  
237 providers. The technical working group shall advise the  
238 commission on issues of importance to the state, including  
239 information, advice, and direction regarding the coordination of  
240 services for the transportation disadvantaged. The commission  
241 may appoint other technical working groups whose members may  
242 include representatives of community transportation  
243 coordinators; metropolitan planning organizations; regional  
244 planning councils; experts in insurance, marketing, economic  
245 development, or financial planning; and persons who use  
246 transportation for the transportation disadvantaged, or their  
247 relatives, parents, guardians, or service professionals who tend  
248 to their needs.

249 (11)~~(9)~~ The commission is assigned to the office of the  
250 secretary of the Department of Transportation for administrative  
251 and fiscal accountability purposes, but it shall otherwise  
252 function independently of the control, supervision, and  
253 direction of the department.

254 (12)~~(10)~~ The commission shall develop a budget pursuant to  
255 chapter 216. The budget is not subject to change by the  
256 department staff after it has been approved by the commission,  
257 but it shall be transmitted to the Governor, as head of the  
258 department, along with the budget of the department.

259 Section 3. Present subsections (8) through (29) of section  
260 427.013, Florida Statutes, are redesignated as subsections (10)  
261 through (31), respectively, new subsections (8) and (9) are

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262 added to that section, and subsection (5) and present  
263 subsections (13), (20), and (28) of that section are amended, to  
264 read:

265 427.013 The Commission for the Transportation  
266 Disadvantaged; purpose and responsibilities.—The purpose of the  
267 commission is to accomplish the coordination of transportation  
268 services provided to the transportation disadvantaged. The goal  
269 of this coordination is to assure the cost-effective provision  
270 of transportation by qualified community transportation  
271 coordinators or transportation operators for the transportation  
272 disadvantaged without any bias or presumption in favor of  
273 multioperator systems or not-for-profit transportation operators  
274 over single operator systems or for-profit transportation  
275 operators. In carrying out this purpose, the commission shall:

276 (5) Serve as a clearinghouse for information about  
277 transportation disadvantaged services, training, funding  
278 sources, innovations, and coordination efforts and provide best  
279 practices, latest technology innovations, and preferential  
280 vendors lists to county transportation disadvantaged program  
281 managers.

282 (8) Annually review and conduct a performance audit of each  
283 coordinator contract and transportation operator contract in  
284 each county.

285 (9) Establish a system for the filing, receipt, and  
286 resolution of complaints regarding the transportation  
287 disadvantaged system.

288 (15)~~(13)~~ Make an annual report to the Governor, the  
289 President of the Senate, and the Speaker of the House of  
290 Representatives by January 1 of each year. The report shall

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291 summarize for each county the number of complaints filed  
292 regarding the transportation disadvantaged system, contract  
293 satisfaction, a breakdown of the total cost of services, the  
294 amount of funds provided by the commission, and the results of  
295 annual performance audits.

296 (22) ~~(20)~~ Ensure that drivers of motor vehicles used to  
297 provide paratransit service attend ~~Design and develop~~  
298 transportation disadvantaged training programs delivered by the  
299 Agency for Persons with Disabilities.

300 (30) ~~(28)~~ In consultation with the Agency for Health Care  
301 Administration and the Department of Transportation, develop an  
302 allocation methodology that equitably distributes all  
303 transportation funds under the control of the commission to  
304 compensate counties, community transportation coordinators, and  
305 other entities providing transportation disadvantaged services.  
306 The methodology shall separately account for Medicaid  
307 beneficiaries. The methodology shall consider such factors as  
308 the actual costs of each transportation disadvantaged trip based  
309 on prior-year information, efficiencies that a provider might  
310 adopt to reduce costs, results of the rate and cost comparisons  
311 conducted under subsections (26) ~~(24)~~ and (27) ~~(25)~~, as well as  
312 cost efficiencies of trips when compared to the local cost of  
313 transporting the general public. This subsection does not  
314 supersede the authority of the Agency for Health Care  
315 Administration to distribute Medicaid funds.

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

318 427.0159 Transportation Disadvantaged Trust Fund.—

319 (4) A purchasing agency may deposit funds into the

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320 Transportation Disadvantaged Trust Fund for the commission to  
321 implement, manage, and administer the purchasing agency's  
322 transportation disadvantaged funds, as defined in s. 427.011 ~~s.~~  
323 ~~427.011(10)~~.

324 Section 5. Section 427.02, Florida Statutes, is created to  
325 read:

326 427.02 Transportation services for persons with  
327 disabilities.-

328 (1) A transportation service provider must:

329 (a) Provide training to each driver of a motor vehicle used  
330 to provide paratransit service to persons with disabilities  
331 which, at a minimum, meets requirements established by the  
332 Agency for Persons with Disabilities for training and  
333 professional development of staff providing direct services to  
334 clients of the agency.

335 (b)1. Install an interior video camera monitoring system in  
336 each motor vehicle used to provide paratransit service to  
337 persons with disabilities. Each component of the interior video  
338 camera monitoring system must be mounted securely inside the  
339 motor vehicle, must be located outside the head protection zone  
340 as described in 49 C.F.R. s. 571.222, must be located in an area  
341 in which the component is not likely to cause injury, and must  
342 have no sharp edges or projections.

343 2. Upon request, provide access to footage captured by an  
344 interior video camera monitoring system to the local government,  
345 the Department of Transportation, the Agency for Persons with  
346 Disabilities, or a parent, legal guardian, caretaker, or  
347 immediate family member of a person who receives paratransit  
348 service from the transportation service provider.

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

352 (d) Regularly maintain and upgrade all technology-based  
353 services.

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

356 (2) A transportation service provider, in collaboration  
357 with the local government with which the provider contracts,  
358 shall establish:

359 (a) Reasonable time periods between a request for service  
360 and the arrival of the transportation service provider at the  
361 location specified in the request, taking into account the  
362 number of persons requesting paratransit service on the same  
363 date, the distance between locations, usual or expected traffic  
364 conditions during the provision of paratransit service, and any  
365 other factor deemed necessary by the provider or the local  
366 government. If a transportation service provider exhibits a  
367 pattern of late arrivals based on such established reasonable  
368 time periods, the local government may authorize another  
369 provider to provide such paratransit service, including the  
370 acceptance of any prepaid vouchers for future paratransit  
371 service, notwithstanding the terms of the contract with the  
372 original provider.

373 (b) Best practices for limiting the duration of travel  
374 times for persons receiving paratransit service. To avoid  
375 unreasonably long travel times, the provider and the local  
376 government shall consider the level of service offered to  
377 persons without disabilities by a public entity operating a

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378 fixed route as compared to the level of paratransit service  
379 offered by the transportation service provider in accordance  
380 with 49 C.F.R. s. 37.121.

381 (c) Transparency regarding the quality of paratransit  
382 service provided by the transportation service provider,  
383 including, but not limited to, data relating to the timeliness  
384 of paratransit service provided and the handling of complaints.

385 (d) An efficient system for the reporting of adverse  
386 incidents occurring during the provision of paratransit service  
387 to persons with disabilities. Such system may include the  
388 assignment of a quick-response code to each motor vehicle used  
389 to provide such service for the purpose of reporting adverse  
390 incidents with a smartphone or other mobile device. Reports of  
391 adverse incidents received by the local government or the  
392 transportation service provider shall be submitted to the Agency  
393 for Persons with Disabilities and the Department of  
394 Transportation.

395 (3) The Agency for Persons with Disabilities, in  
396 collaboration with the Department of Transportation, shall  
397 establish requirements for the investigation of adverse  
398 incidents reported pursuant to paragraph (2)(d), including  
399 periodic review of ongoing investigations and documentation of  
400 final outcomes thereof. The investigation of a reported adverse  
401 incident must commence within 48 hours after receipt of the  
402 report by the agency and the department.

403 (4) The provisions of s. 287.057 which exempt the purchase  
404 of contractual services from competitive bidding requirements do  
405 not apply to contracts entered into by local governments and  
406 transportation service providers for the provision of

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407 paratransit service to persons with disabilities under this  
408 section.

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