

By the Appropriations Committee on Health and Human Services;
the Committee on Transportation; and Senator Hutson

603-03520-24

20241380c2

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 training of certain
16 drivers, application-based and smartphone-based ride
17 booking and vehicle tracking services, maintenance and
18 upgrading of all technology-based services, and the
19 provision of pre-booking and on-demand services for
20 paratransit service users; requiring a transportation
21 service provider and the local government with which
22 the provider contracts to establish standards relating
23 to reasonable time periods between a request for
24 service and the arrival of the provider, limitation of
25 the duration of travel times, transparency regarding
26 the quality of service provided, and a system for the
27 reporting of adverse incidents; requiring that reports
28 of adverse incidents be submitted to the Agency for
29 Persons with Disabilities and the Department of

603-03520-24

20241380c2

30 Transportation; requiring the agency and the
31 department to establish requirements for the
32 investigation of adverse incidents; requiring such an
33 investigation to commence within a certain timeframe;
34 providing nonapplicability of provisions exempting the
35 purchase of contractual services from competitive
36 bidding requirements; providing an effective date.
37

38 Be It Enacted by the Legislature of the State of Florida:
39

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

42 427.011 Definitions.—For the purposes of ss. 427.011-
43 427.017:

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

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

56 (1)~~(3)~~ "Agency" means an official, officer, commission,
57 authority, council, committee, department, division, bureau,
58 board, section, or any other unit or entity of the state or of a

603-03520-24

20241380c2

59 city, town, municipality, county, or other local governing body
60 or a private nonprofit transportation service-providing agency.

61 (13)~~(4)~~ "Transportation improvement program" means a staged
62 multiyear program of transportation improvements, including an
63 annual element, which is developed by a metropolitan planning
64 organization or designated official planning agency.

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

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

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

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

603-03520-24

20241380c2

88 (8)~~(9)~~ "Paratransit" means those elements of public transit
89 which provide service between specific origins and destinations
90 selected by the individual user with such service being provided
91 at a time that is agreed upon by the user and provider of the
92 service. Paratransit service is provided by taxis, limousines,
93 "dial-a-ride," buses, and other demand-responsive operations
94 that are characterized by their nonscheduled, nonfixed route
95 nature.

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

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

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

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

116 (10) "Request for service" means a request made to a

603-03520-24

20241380c2

117 transportation service provider by a person with a disability,
118 or by such person's immediate family member, for paratransit
119 service.

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

123 Section 2. Section 427.012, Florida Statutes, is amended to
124 read:

125 427.012 The Commission for the Transportation
126 Disadvantaged.—There is created the Commission for the
127 Transportation Disadvantaged in the Department of
128 Transportation.

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

132 (2) The commission shall be composed of the following
133 members:

134 (a) The director of the Agency for Persons with
135 Disabilities.

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

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

140 (d) The Secretary of Elderly Affairs.

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

143 (f) Two county managers or administrators, one from a rural
144 county and one from a county with a population of more than
145 150,000 according to the last state census.

603-03520-24

20241380c2

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

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

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

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

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

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

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

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

603-03520-24

20241380c2

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

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

179 ~~(f) At any given time, at least one member must be at least~~
180 ~~65 years of age.~~

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

190 ~~(h) A member may not, within the 5 years immediately before~~
191 ~~his or her appointment, or during his or her term on the~~
192 ~~commission, have or have had a financial relationship with, or~~
193 ~~represent or have represented as a lobbyist as defined in s.~~
194 ~~11.045, the following:~~

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

203 ~~(5)(2) The chair of the commission chairperson shall be~~

603-03520-24

20241380c2

204 appointed by the Governor, and the vice chair ~~chairperson~~ of the
205 commission shall be elected annually from the membership of the
206 commission.

207 (6)~~(3)~~ Members of the commission shall serve without
208 compensation but shall be allowed per diem and travel expenses,
209 as provided in s. 112.061.

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

215 (8)~~(5)~~ The Governor may remove any member of the commission
216 for cause.

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

231 (9)~~(7)~~ The commission shall appoint an executive director
232 who shall serve under the direction, supervision, and control of

603-03520-24

20241380c2

233 the commission. The executive director, with the consent of the
234 commission, shall employ such personnel as may be necessary to
235 perform adequately the functions of the commission within
236 budgetary limitations. Employees of the commission are exempt
237 from the Career Service System.

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

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

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

603-03520-24

20241380c2

262 Section 3. Present subsections (8) through (29) of section
263 427.013, Florida Statutes, are redesignated as subsections (10)
264 through (31), respectively, new subsections (8) and (9) are
265 added to that section, and subsection (5) and present
266 subsections (13), (20), and (28) of that section are amended, to
267 read:

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

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

285 (8) Annually review and conduct a performance audit of each
286 coordinator contract and transportation operator contract in
287 each county.

288 (9) Establish a system for the filing, receipt, and
289 resolution of complaints regarding the transportation
290 disadvantaged system.

603-03520-24

20241380c2

291 ~~(15)~~~~(13)~~ Make an annual report to the Governor, the
292 President of the Senate, and the Speaker of the House of
293 Representatives by January 1 of each year. The report shall
294 summarize for each county the number of complaints filed
295 regarding the transportation disadvantaged system, contract
296 satisfaction, a breakdown of the total cost of services, the
297 amount of funds provided by the commission, and the results of
298 annual performance audits.

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

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

319 Section 4. Subsection (4) of section 427.0159, Florida

603-03520-24

20241380c2

320 Statutes, is amended to read:

321 427.0159 Transportation Disadvantaged Trust Fund.—

322 (4) A purchasing agency may deposit funds into the
323 Transportation Disadvantaged Trust Fund for the commission to
324 implement, manage, and administer the purchasing agency's
325 transportation disadvantaged funds, as defined in s. 427.011 ~~s.~~
326 ~~427.011(10)~~.

327 Section 5. Section 427.02, Florida Statutes, is created to
328 read:

329 427.02 Transportation services for persons with
330 disabilities.—

331 (1) A transportation service provider must:

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

338 (b) Offer Internet-based, application-based, and
339 smartphone-based ride booking and vehicle tracking services.
340 Each of these services must be provided in accessible formats.

341 (c) Regularly maintain and upgrade all technology-based
342 services.

343 (d) Offer both pre-booking and on-demand service to
344 paratransit service users.

345 (2) A transportation service provider, in collaboration
346 with the local government with which the provider contracts,
347 shall establish:

348 (a) Reasonable time periods between a request for service

603-03520-24

20241380c2

349 and the arrival of the transportation service provider at the
350 location specified in the request, taking into account the
351 number of persons requesting paratransit service on the same
352 date, the distance between locations, usual or expected traffic
353 conditions during the provision of paratransit service, and any
354 other factor deemed necessary by the provider or the local
355 government. If a transportation service provider exhibits a
356 pattern of late arrivals based on such established reasonable
357 time periods, the local government may authorize another
358 provider to provide such paratransit service, including the
359 acceptance of any prepaid vouchers for future paratransit
360 service, notwithstanding the terms of the contract with the
361 original provider.

362 (b) Best practices for limiting the duration of travel
363 times for persons receiving paratransit service. To avoid
364 unreasonably long travel times, the provider and the local
365 government shall consider the level of service offered to
366 persons without disabilities by a public entity operating a
367 fixed route as compared to the level of paratransit service
368 offered by the transportation service provider in accordance
369 with 49 C.F.R. s. 37.121.

370 (c) Transparency regarding the quality of paratransit
371 service provided by the transportation service provider,
372 including, but not limited to, data relating to the timeliness
373 of paratransit service provided and the handling of complaints.

374 (d) An efficient system for the reporting of adverse
375 incidents occurring during the provision of paratransit service
376 to persons with disabilities. Such system may include the
377 assignment of a quick-response code to each motor vehicle used

603-03520-24

20241380c2

378 to provide such service for the purpose of reporting adverse
379 incidents with a smartphone or other mobile device. Reports of
380 adverse incidents received by the local government or the
381 transportation service provider shall be submitted to the Agency
382 for Persons with Disabilities and the Department of
383 Transportation.

384 (3) The Agency for Persons with Disabilities, in
385 collaboration with the Department of Transportation, shall
386 establish requirements for the investigation of adverse
387 incidents reported pursuant to paragraph (2) (d), including
388 periodic review of ongoing investigations and documentation of
389 final outcomes thereof. The investigation of a reported adverse
390 incident must commence within 48 hours after receipt of the
391 report by the agency and the department.

392 (4) The provisions of s. 287.057 which exempt the purchase
393 of contractual services from competitive bidding requirements do
394 not apply to contracts entered into by local governments and
395 transportation service providers for the provision of
396 paratransit service to persons with disabilities under this
397 section.

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