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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; amending s. 341.041, F.S.; revising
5 duties of the Department of Transportation, within
6 specified resources, with respect to required
7 provisions of grants and agreements with entities
8 providing paratransit services; amending s. 427.012,
9 F.S.; revising membership of the Commission for the
10 Transportation Disadvantaged and qualifications
11 therefor; providing length of terms for specified
12 commission members; revising voting and quorum
13 requirements; deleting a requirement for the
14 commission to appoint a specified working group;
15 creating s. 427.02, F.S.; defining the term
16 "transportation service provider"; providing
17 requirements for paratransit service contracts entered
18 into on or after October 1, 2024; requiring that such
19 contracts be competitively procured; prohibiting the
20 awarding of contracts using specified provisions;
21 creating s. 427.021, F.S.; defining the term
22 "transportation service provider"; requiring the
23 commission to establish a model system for reporting
24 and investigating adverse incidents; requiring
25 transportation service providers to adopt the system
26 by a certain date; requiring the commission to develop
27 requirements for the investigation of adverse
28 incidents; requiring such an investigation to commence
29 within a certain timeframe; requiring reports of

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30 adverse incidents to be submitted to the commission;
31 requiring the department to provide the Governor and
32 the Legislature with a report on the transportation
33 disadvantaged services and the Commission for the
34 Transportation Disadvantaged which includes specified
35 information; providing applicability; providing an
36 effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

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

42 341.041 Transit responsibilities of the department.—The
43 department shall, within the resources provided pursuant to
44 chapter 216:

45 (16) Unless otherwise provided by state or federal law,
46 ensure that all grants and agreements between the department and
47 entities providing paratransit services include, at a minimum,
48 the following provisions:

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

51 (b) Minimum liability insurance requirements for all
52 transportation services purchased, provided, or coordinated for
53 the transportation disadvantaged, as defined in s. 427.011(1),
54 through the contracted vendor or subcontractor thereof;

55 (c) Complaint and grievance processes for paratransit
56 users, including a requirement that all reported complaints,
57 grievances, and resolutions be reported to the department on a
58 quarterly basis; and

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59 (d) A requirement that the provisions of paragraphs (a),
60 (b), and (c) must be included in any agreement between an entity
61 receiving a grant or an agreement from the department and such
62 entity's contractors or subcontractors that provide paratransit
63 services.

64 Section 2. Section 427.012, Florida Statutes, is amended to
65 read:

66 427.012 The Commission for the Transportation
67 Disadvantaged.—There is created the Commission for the
68 Transportation Disadvantaged in the Department of
69 Transportation.

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

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

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

76 (c) The Secretary of Elderly Affairs or his or her
77 designee.

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

79 (e) Two county managers or administrators, one from a rural
80 county and one from a county with a population of more than
81 150,000, according to the last state census.

82 (f) Five members who have experience in transportation,
83 workforce development, transit services, management, insurance,
84 or service of persons with disabilities or who have a disability
85 and use transportation for the transportation disadvantaged.

86 (2) A member appointed under paragraph (1) (e) or paragraph
87 (1) (f) shall serve a 4-year term and may be reappointed for one

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88 additional 4-year term. A member appointed under paragraph
89 (1) (e) or paragraph (1) (f) whose term has expired shall continue
90 to serve on the commission until such time as a replacement is
91 appointed.

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

93 ~~(a) Five of the members must have significant experience in~~
94 ~~the operation of a business, and it is the intent of the~~
95 ~~Legislature that, when making an appointment, the Governor~~
96 ~~select persons who reflect the broad diversity of the business~~
97 ~~community in this state, as well as the racial, ethnic,~~
98 ~~geographical, and gender diversity of the population of this~~
99 ~~state.~~

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

102 ~~(c) Each member shall represent the needs of the~~
103 ~~transportation disadvantaged throughout the state. A member may~~
104 ~~not subordinate the needs of the transportation disadvantaged in~~
105 ~~general in order to favor the needs of others residing in a~~
106 ~~specific location in the state.~~

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

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

111 ~~(f) At any given time, at least one member must be at least~~
112 ~~65 years of age.~~

113 ~~(g) The Secretary of Transportation, the Secretary of~~
114 ~~Children and Families, the Secretary of Economic Opportunity,~~
115 ~~the executive director of the Department of Veterans' Affairs,~~
116 ~~the Secretary of Elderly Affairs, the Secretary of Health Care~~

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117 ~~Administration, the director of the Agency for Persons with~~
118 ~~Disabilities, and a county manager or administrator who is~~
119 ~~appointed by the Governor, or a senior management level~~
120 ~~representative of each, shall serve as ex officio, nonvoting~~
121 ~~advisors to the commission.~~

122 ~~(h) A member may not, within the 5 years immediately before~~
123 ~~his or her appointment, or during his or her term on the~~
124 ~~commission, have or have had a financial relationship with, or~~
125 ~~represent or have represented as a lobbyist as defined in s.~~
126 ~~11.045, the following:~~

- 127 ~~1. A transportation operator;~~
- 128 ~~2. A community transportation coordinator;~~
- 129 ~~3. A metropolitan planning organization;~~
- 130 ~~4. A designated official planning agency;~~
- 131 ~~5. A purchaser agency;~~
- 132 ~~6. A local coordinating board;~~
- 133 ~~7. A broker of transportation; or~~
- 134 ~~8. A provider of transportation services.~~

135 ~~(4)(2)~~ The chair of the commission ~~chairperson~~ shall be
136 appointed by the Governor, and the vice chair ~~chairperson~~ of the
137 commission shall be elected annually from the membership of the
138 commission.

139 ~~(5)(3)~~ Members of the commission shall serve without
140 compensation but shall be allowed per diem and travel expenses,
141 as provided in s. 112.061.

142 ~~(6)(4)~~ The commission shall meet at least quarterly, or
143 upon more frequently at the call of the chair ~~chairperson~~. Six
144 ~~Four~~ members of the commission constitute a quorum, and a
145 majority vote of the members present is necessary for any action

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146 taken by the commission. A commission member's participation in
147 a meeting via telephone, real-time videoconferencing, or similar
148 real-time telephonic, electronic, or video communication counts
149 toward a quorum, and such member may vote as if physically
150 present.

151 (7)~~(5)~~ The Governor may remove any member of the commission
152 for cause.

153 ~~(6) Each candidate for appointment to the commission must,~~
154 ~~before accepting the appointment, undergo background screening~~
155 ~~under s. 435.04 by filing with the Department of Transportation~~
156 ~~a complete set of fingerprints taken by an authorized law~~
157 ~~enforcement agency. The fingerprints must be submitted to the~~
158 ~~Department of Law Enforcement for state processing, and that~~
159 ~~department shall submit the fingerprints to the Federal Bureau~~
160 ~~of Investigation for federal processing. The Department of~~
161 ~~Transportation shall screen the background results and inform~~
162 ~~the commission of any candidate who does not meet level 2~~
163 ~~screening standards. A candidate who has not met level 2~~
164 ~~screening standards may not be appointed to the commission. The~~
165 ~~cost of the background screening may be borne by the Department~~
166 ~~of Transportation or the candidate.~~

167 (8)~~(7)~~ The commission shall appoint an executive director
168 who shall serve under the direction, supervision, and control of
169 the commission. The executive director, with the consent of the
170 commission, shall employ such personnel as may be necessary to
171 perform adequately the functions of the commission within
172 budgetary limitations. Employees of the commission are exempt
173 from the Career Service System.

174 ~~(8) The commission shall appoint a technical working group~~

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175 ~~that includes representatives of private paratransit providers.~~
176 ~~The technical working group shall advise the commission on~~
177 ~~issues of importance to the state, including information,~~
178 ~~advice, and direction regarding the coordination of services for~~
179 ~~the transportation disadvantaged. The commission may appoint~~
180 ~~other technical working groups whose members may include~~
181 ~~representatives of community transportation coordinators;~~
182 ~~metropolitan planning organizations; regional planning councils;~~
183 ~~experts in insurance, marketing, economic development, or~~
184 ~~financial planning; and persons who use transportation for the~~
185 ~~transportation disadvantaged, or their relatives, parents,~~
186 ~~guardians, or service professionals who tend to their needs.~~

187 (9) The commission is assigned to the office of the
188 secretary of the Department of Transportation for administrative
189 and fiscal accountability purposes, but it shall otherwise
190 function independently of the control, supervision, and
191 direction of the department.

192 (10) The commission shall develop a budget pursuant to
193 chapter 216. The budget is not subject to change by the
194 department staff after it has been approved by the commission,
195 but it shall be transmitted to the Governor, as head of the
196 department, along with the budget of the department.

197 Section 3. Section 427.02, Florida Statutes, is created to
198 read:

199 427.02 Paratransit service contracts for transportation
200 service providers.-

201 (1) For purposes of this section, the term "transportation
202 service provider" means an organization or entity that contracts
203 with a local government to provide paratransit service to

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204 persons with disabilities.

205 (2) For contracts entered into or renewed on or after
206 October 1, 2024, a transportation service provider must agree
207 to:

208 (a) Provide training to each driver of a motor vehicle used
209 to provide paratransit service to persons with disabilities
210 which, at a minimum, meets requirements established by the
211 Agency for Persons with Disabilities for training and
212 professional development of staff providing direct services to
213 clients of the agency.

214 (b) Establish reasonable time periods between a request for
215 service and the arrival of the transportation service provider
216 at the location specified in the request, taking into account
217 the number of persons requesting paratransit service on the same
218 date, the distance between locations, usual or expected traffic
219 conditions during the provision of paratransit service, and any
220 other factor deemed necessary by the provider or the local
221 government. If a transportation service provider exhibits a
222 pattern of late arrivals based on such established reasonable
223 time periods, the contract must allow the local government to
224 authorize another provider to provide such paratransit service,
225 including the acceptance of any prepaid vouchers for future
226 paratransit service.

227 (c) Provide for transparency regarding the quality of
228 paratransit service provided by the transportation service
229 provider, including, but not limited to, data relating to the
230 timeliness of paratransit service provided and the handling of
231 complaints.

232 (3) Contracts entered into or renewed on or after October

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233 1, 2024, with transportation service providers for the provision
234 of paratransit service to persons with disabilities must be
235 competitively procured pursuant to s. 287.057. The procurement
236 must use competitive sealed bids, competitive sealed proposals,
237 or competitive sealed replies. The contract may not be awarded
238 using an exceptional purchase provision provided for in s.
239 287.057(3).

240 Section 4. Section 427.021, Florida Statutes, is created to
241 read:

242 427.021 Adverse incidents of transportation service
243 providers.—

244 (1) For purposes of this section, the term “transportation
245 service provider” means an organization or entity that contracts
246 with a local government to provide paratransit service to
247 persons with disabilities.

248 (2) The Commission for the Transportation Disadvantaged
249 shall establish a model system by October 1, 2024, for use by
250 local governments and transportation service providers for the
251 reporting and investigation of adverse incidents occurring
252 during the provision of paratransit service to persons with
253 disabilities. Such system may include the assignment of a quick-
254 response code to each motor vehicle used to provide such service
255 for the purpose of reporting adverse incidents with a smartphone
256 or other mobile device.

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

260 (4) The commission must develop requirements for the
261 investigation of adverse incidents reported, including periodic

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262 review of ongoing investigations and documentation of final
263 outcomes thereof. At a minimum, the investigation of a reported
264 adverse incident must commence within 48 hours after receipt of
265 the report.

266 (5) Reports of adverse incidents received by the local
267 government or the transportation service provider shall be
268 submitted on a quarterly basis to the Commission for the
269 Transportation Disadvantaged.

270 Section 5. (1) By January 1, 2025, the Department of
271 Transportation shall provide to the Governor, the President of
272 the Senate, and the Speaker of the House of Representatives a
273 comprehensive report on the transportation disadvantaged
274 services offered in this state and the Commission for the
275 Transportation Disadvantaged. The report must include, at a
276 minimum, all of the following:

277 (a) A review of services rendered by community
278 transportation coordinators or transportation operators
279 coordinated by the commission, specifically outlining:

280 1. Timeliness of services;

281 2. Quality of services;

282 3. Training programs for the drivers and customer service
283 representatives;

284 4. Timeliness of the resolution of complaints; and

285 5. Adherence to performance measures by service providers.

286 (b) A review of transportation delivery models administered
287 by contract by the commission and a review of potential
288 alternative methods. Such review must consider the feasibility
289 and costs related to offering both pre-booking and on-demand
290 service to paratransit service users.

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291 (c) The role of paratransit services as used by providers
292 of services for the transportation disadvantaged and the
293 differences between paratransit services and the services
294 provided by the commission. In its review, the department shall
295 also consider the manner in which the use of paratransit
296 services can be leveraged to improve services coordinated by the
297 commission.

298 (d) The role of health care transportation services as used
299 by the users of services for the transportation disadvantaged,
300 and the manner in which coordination of services can be
301 leveraged to improve services administered by the commission.

302 (e) Breakdowns of funding provided by the commission on a
303 contractual level. The report must also include a breakdown of
304 the manner in which the funds are used, by delivery model,
305 including both fixed-route, on-demand, and hybrid models, and
306 through any innovation grant outlined in the General
307 Appropriations Act, and historical funding models and outcomes.

308 (f) A review of the eligibility criteria by each
309 coordinating entity, including any relevant demographic
310 information.

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

313 (h) Recommendations on efficiencies and challenges that may
314 result from adopting an alternative format of delivering
315 commission services to improve services for individuals seeking
316 to thrive in community-based settings, including in a workplace
317 setting, who currently receive services provided by the
318 commission.

319 (i) Best practices for limiting the duration of travel

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320 times for persons receiving paratransit service. Consideration
321 must be made for the level of service offered to persons without
322 disabilities by a public entity operating a fixed route as
323 compared to the level of paratransit service offered by the
324 transportation service provider in accordance with 49 C.F.R. s.
325 37.121.

326 (j) A review of emerging and other technology opportunities
327 for the provision of services and to ensure the safety and well-
328 being of individuals using fixed routes, including the use of
329 in-cabin technology. The review must consider passenger safety,
330 equipment installation and maintenance costs, accessibility
331 standards, and data retention and privacy for individuals
332 served.

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

335 (2) The definitions in s. 427.011, Florida Statutes, apply
336 to subsection (1), unless the context clearly indicates
337 otherwise.

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