A bill to be entitled
An act relating to transportation-disadvantaged persons; amending s. 427.011, F.S.; providing definitions relating to transportation services; amending s. 427.012, F.S.; providing for the membership of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; providing for the purposes and responsibilities of local governing authorities with respect to transportation-disadvantaged persons; amending s. 427.0135, F.S.; providing requirements with respect to agency purchasers of transportation-disadvantaged services; amending s. 427.015, F.S.; providing for the function of the metropolitan planning organization or designated official planning agency in coordinating transportation for transportation-disadvantaged persons; creating s. 427.0151, F.S.; providing for the selection of the local governing authority; providing for the recommendation of the community transportation coordinator by the M.P.O. or designated official planning agency; amending s. 427.0155, F.S.; providing for the powers and duties of community transportation coordinators; creating s. 427.0156, F.S.; providing for establishment of local coordinating boards; amending s. 427.0157, F.S.; providing for the powers and duties of local coordinating boards; amending s. 427.0158, F.S.; providing for cooperation by

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school boards; amending s. 427.0159, F.S.;

providing for the Transportation Disadvantaged
Trust Fund; amending s. 427.016, F.S.;

providing for the use of the coordinated
transportation system by all funding agencies;
authorizing county commissions to become local
governing authorities; providing an effective
date.

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

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

    (Substantial rewording of section. See
s. 427.011, F.S., for present text.)

427.011 Definitions.--As used in ss. 427.011-427.017

the term:

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

(2) "Americans with Disabilities Act," commonly known
as the ADA, means the federal law, Pub. L. No. 101-336, which
provides protection for persons with disabilities.

(3) "Annual expenditure report" means a report of
funding provided for transportation services to the
transportation disadvantaged which is prepared annually to
cover a period of 1 state fiscal year.

(4) "Commission" means the Commission for the
Transportation Disadvantaged.
(5) "Community transportation coordinator" means the county commission or a transportation entity recommended by a metropolitan planning organization or by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged within a designated service area.

(6) "Coordination" means the arrangement for the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient, and safe and reduces the fragmentation and duplication of services.

(7) "Coordination contract" means a written contract between the community transportation coordinator and an agency that receives transportation-disadvantaged funds and performs some, if not all, of its own transportation services pursuant to s. 427.016 which contract contains the specific terms and conditions that will apply to agencies that perform their own transportation and to those alternate providers selected by the agencies, including joint utilization and cost provisions for transportation services to and from the community transportation coordinator.

(8) "Designated official planning agency" means the entity designated by the commission to fulfill the functions of transportation-disadvantaged planning in areas not covered by a metropolitan planning organization, but the term means the metropolitan planning organization with respect to urbanized areas covered by such organizations.

(9) "Designated service area" means a geographical area recommended by the metropolitan planning organization or a designated official planning agency, subject to approval by the commission, which delineates the community where
coordinated transportation services will be provided to the transportation disadvantaged.

(10) "Emergency" means any occurrence, or threat thereof, whether accidental, natural, or manmade, in war or in peace, which results or could result in substantial denial of transportation services within a designated service area for the transportation disadvantaged.

(11) "Emergency fund" means moneys set aside in the Transportation Disadvantaged Trust Fund to address emergency situations which can be used, without competitive bidding, by direct contract, between the commission and an entity to handle transportation services during an emergency.

(12) "Florida coordinated transportation system" means a transportation system responsible for coordinating and providing service for the transportation disadvantaged as specified in this chapter.

(13) "Local coordinating board" means the advisory entity in each designated service area which is composed of representatives designated pursuant to s. 427.0156 to provide assistance to and evaluate the performance of the community transportation coordinator with respect to the coordination of transportation services for the transportation disadvantaged.

(14) "Local governing authority" means the county commission that chooses to govern transportation-disadvantaged services in a designated service area.

(15) "Local government comprehensive plan" means a plan that meets the requirements of ss. 163.3177 and 163.3178.

(16) "Memorandum of agreement" means the contract for transportation-dis advantaged services purchased with federal, state, or local-government transportation-disadvantaged funds. Depending upon the applicability of s. 427.0151, the agreement

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is between either the commission and the community transportation coordinator or between the local governing authority and the community transportation coordinator, but in each case recognizes the community transportation coordinator as being responsible for the arrangement of the provision of transportation-disadvantaged services within a designated service area.

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

(18) "Nonsponsored transportation-disadvantaged services" means transportation-disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.

(19) "Paratransit" means those elements of public transit which provide service between specific origins and destinations selected by the individual user which service is provided at a time that is agreed upon by the user and the provider of the service. Paratransit service is provided by taxis, limousines, "dial-a-ride," buses, and other demand-responsive operations that are characterized by the nonscheduled, nonfixed nature of their routes.

(20) "Public transit" means the transporting of people by conveyances or systems of conveyances traveling on land or water, which are local or regional in nature and are available for use by the public. Public transit systems may be governmentally or privately owned. The term specifically includes those forms of transportation commonly known as "paratransit."

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(21) "Regional planning council" means the organization created under s. 186.504 in a comprehensive planning district of the state to assist local governments in resolving common problems, accomplishing areawide comprehensive and functional planning, and providing a regional focus in regard to programs undertaken areawide.

(22) "Reserve fund" means moneys set aside in the Transportation Disadvantaged Trust Fund each budget year to ensure that adequate cash is available for incoming reimbursement requests when estimated revenues do not materialize.

(23) "Transportation disadvantaged" means those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and who are, therefore, dependent upon others in order to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, and the term includes children who are disabled and high-risk children and at-risk children as defined in s. 411.202.

(24) "Transportation-disadvantaged funds" means any local-government, state, or federal funds that are available for the transportation of the transportation disadvantaged, including, without limitation, funds for transportation planning, for Medicaid nonemergency transportation, for administration, operation, procurement, and maintenance of vehicles or equipment, and for capital investments. Eligibility for transportation-disadvantaged services provided by the Transportation Disadvantaged Trust Fund is determined pursuant to s. 427.0159. Transportation-disadvantaged funds do
not include funds for the transportation of children to public
schools.

(25) "Transportation-disadvantaged service plan" means
an annually updated plan jointly developed by the designated
official planning agency and the community transportation
cooridinator. Depending upon the applicability of s. 427.0151,
the service plan must be approved by either the commission or
the local governing authority.

(26) "Transportation operator" means a public, private
for-profit, or private nonprofit entity under contract with
the community transportation coordinator to provide
transportation service to the transportation disadvantaged
pursuant to a transportation-disadvantaged service plan.

(27) "Transportation operator contract" means a
written contract between a community transportation
operator and a transportation operator which prescribes the
terms and conditions for any services to be performed, which
contract is in a format approved by the commission or local
governing authority.

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

(Substantial rewording of section. See
s. 427.012, F.S., for present text.)

427.012 The Commission for the Transportation
Disadvantaged.--There is created within the Department of
Transportation the Commission for Transportation
Disadvantaged.

(1) The commission shall consist of the following:

(a) The Secretary of Transportation or the secretary's
desigee.
(b) The Secretary of Elderly Affairs or the
secretary's designee.

(c) The director of the Agency for Health Care
Administration or the director's designee.

(d) A disabled person who is a member of a recognized
statewide organization representing disabled Floridians, to be
appointed by the Governor.

(e) A person over the age of 60 who is a member of a
statewide organization representing elderly Floridians, to be
appointed by the Governor.

(f) A representative of current private for-profit or
private not-for-profit transportation operators, to be
appointed by the Governor.

(g) A representative of the community transportation
coordinators, to be appointed by the Governor.

(h) Two members appointed by the President of the
Senate.

(i) Two members appointed by the Speaker of the House
of Representatives.

(2) The appointive members of the commission shall be
appointed to serve terms of 4 years each, except that two of
the Governor's initial nongovernmental appointees shall be
appointed to serve an initial term of 2 years. The appointees
of the President of the Senate and the Speaker of the House of
Representatives shall serve at the pleasure of the appointing
officer.

(3) Each member must be a registered voter and a
resident of the state. Each member of the commission must also
possess managerial experience.

(4) Each member of the commission shall represent the
transportation-disadvantaged needs of the state as a whole and

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shall not subordinate the needs of the state to those of any particular area of the state.

(5) Members of the commission must not have been convicted of a felony.

(6) The commission shall also include the following nonvoting, ex officio members as liaisons to state agencies:

(a) The Secretary of Children and Family Services or the secretary's designee.

(b) The Secretary of Health or the secretary's designee.

(c) The Commissioner of Education or the commissioner's designee.

(d) The executive director of the Department of Veterans' Affairs or the executive director's designee.

(7) The chair and vice chair of the commission shall be elected annually from the membership of the commission.

(8) Members of the commission shall serve without compensation, but shall be allowed per diem and travel expenses as provided in s. 112.061.

(9) Members of the commission are subject to the provisions of part III of chapter 112. With the exception of the operator representative and the community transportation coordinator representative, a member of the commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded through the transportation-disadvantaged program.

(10) The commission shall meet at least quarterly, or more frequently at the call of its chair. A majority of the members of the commission constitute a quorum, and a majority vote of the members present is necessary for any action taken by the commission.

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(11) The Governor may remove any member of the commission for cause.

(12) The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ within budgetary limitations such personnel as are necessary to perform adequately the functions of the commission. All employees of the commission are exempt from the Career Service System.

(13) The commission is assigned to the office of the Secretary of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the department.

(14) The commission, after consultation with the local governing authority, shall develop a budget for the Transportation Disadvantaged Trust Fund pursuant to chapter 216. The budget is not subject to change by the department after it has been approved by the commission, but it shall be transmitted to the Governor along with the budget of the department.

Section 3. Section 427.013, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 427.013, F.S., for present text.)

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities; local governing authorities; purpose and responsibilities.—The purpose of the commission is to accomplish and facilitate the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination is to assure the

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cost-effective provision of safe and reliable transportation
by qualified community transportation coordinators or
transportation operators for the transportation disadvantaged
without any bias or presumption in favor of multioperator
systems or not-for-profit transportation operators over single
operator systems or for-profit transportation operators.

(1) The commission has the responsibility to:

(a) Compile all available information concerning the
transportation operations for and needs of the transportation
disadvantaged in the state.

(b) Provide by rule, for those designated service
areas not governed by a local-governing authority, objectives
for providing transportation services for the transportation
disadvantaged.

(c) Provide by rule, for those designated service
areas not governed by a local governing authority, policies
and procedures for the coordination of local-government,
federal, and state funding for the transportation
disadvantaged.

(d) Identify barriers prohibiting the coordination and
accessibility of transportation services to the transportation
disadvantaged and aggressively pursue the elimination of these
barriers.

(e) Serve as a clearinghouse for information
concerning transportation disadvantaged services, training,
funding sources, innovations, and coordination efforts.

(f) Assist communities in developing transportation
systems designed to serve the transportation disadvantaged.

(g) Assure that all procedures, guidelines, and
directives issued by purchasing agencies are conducive to the
coordination of transportation services.

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(h)1. Require by rule that each agency purchase all trips within the coordinated system, unless the agency proves to the local governing authority or, in designated service areas not governed by a local governing authority, the commission that the agency can use a more cost-effective alternative provider.

2. Prescribe by rule procedures for proving to the local governing authority or, in designated service areas not governed by a local governing authority, the commission that an alternative provider is more cost-effective than the coordinated system. Agencies must demonstrate either that the proposed alternative provider can provide a trip of equal quality and safety for the clients at a lower cost than that provided within the coordinated system or that the coordinated system cannot accommodate the agency's clients.

(i) For designated service areas not governed by a local governing authority, develop standards and rules for community transportation coordinators and any transportation operator or coordination contractor from whom service is purchased or arranged by the community transportation coordinator covering coordination, operation, safety, insurance, eligibility for services, costs, and use of transportation-disadvantaged services. These standards and rules must include, but are not limited to standards and rules governing:

1. Minimum performance standards for the delivery of services. These standards should be included in coordinator contracts and transportation operator contracts and contain clear penalties for repeated or continuing violations.

2. Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated.

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for the transportation disadvantaged through the community transportation coordinator.

3. Drug and alcohol testing for safety-sensitive job positions.

4. Escort of passengers or passengers services.

5. A local complaint process that will advise dissatisfied persons concerning the community transportation coordinator's procedures governing complaints or grievances and the commission's ombudsman program.

6. Trips out of service area.

7. Billing requirements for the community transportation coordinators.

8. Adequate seating arrangements for paratransit riders and escorts.


10. Policies for passenger no shows, including the assessment of fines against passengers for no shows.

11. Vehicle operations and equipment, including two-way communications in paratransit vehicles and air conditioning and heaters in each vehicle.

12. First aid and cardiopulmonary resuscitation policies.

13. Reporting or planning requirements for community transportation coordinators, transportation operators, coordination contractors, state agencies and departments, metropolitan planning organizations, and designated official planning agencies.

(j) Develop and monitor rules and procedures for administering ss. 427.011-427.017.

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(k) For designated service areas not governed by a local governing authority, approve the appointment of all community transportation coordinators.

(l) Apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Funds acquired or accepted under this paragraph must be administered by the commission to carry out the commission's responsibilities.

(m) Make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1 of each year.

(n) After consultations with local governing authorities, prepare a statewide 5-year transportation-disadvantaged plan that addresses the transportation problems and needs of the transportation disadvantaged, that is fully coordinated with local transit plans, compatible with local government comprehensive plans, and that ensures that the most cost-effective and efficient method of providing transportation to the disadvantaged is programmed for development.

(o) For designated service areas not governed by a local governing authority, review and approve memorandums of agreement and transportation-disadvantaged service plans for the provision of coordinated transportation services.

(p) For designated service areas not governed by a local governing authority, review, monitor, and coordinate all requests for transportation-disadvantaged local-government, state, and federal funds and all plans for conformance with commission policy, without delaying the application process. Such funds must be available only to those entities participating in an approved coordinated transportation system.

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or entities that have received a commission-approved waiver to
obtain all or part of their transportation through another
means. This process must identify procedures for coordinating
with the state's intergovernmental coordination and review
procedures and s. 216.212(1) and any other appropriate
grant-review process.

  (q) For designated service areas not governed by a
local governing authority, develop a contracting, billing, and
accounting system to be used by all community transportation
 coordinators and their transportation operators.

  (r) Design, develop, arrange, and implement
transportation-disadvantaged training programs. The commission
shall coordinate, arrange, or provide statewide training
programs for local governing authorities, local coordinating
boards, designated planning agencies, community transportation
 coordinators, transportation operators, and consumers. Local
governing authorities and community transportation
 coordinators may use trust fund moneys for travel to
commission training programs. The commission shall provide
local service areas with technical assistance in training and
coordinate other training opportunities to prevent duplication
of effort and expense.

  (s) To the extent practicable, assist in the
coordination of transportation-disadvantaged programs with
appropriate state, local, and federal agencies and public
transit agencies to ensure compatibility with existing
transportation systems.

  (t) Designate the official planning agency in areas
outside the purview of a metropolitan planning organization.

  (u) Provide by rule, for designated service areas not
governed by a local governing authority, need-based criteria
that must be used by all community transportation coordinators and local coordinating boards to prioritize the delivery of nonsponsored transportation-disadvantaged services that are purchased with moneys from the Transportation Disadvantaged Trust Fund.

(v) Provide by rule criteria that must be used by all community transportation coordinators and local coordinating boards to determine passenger eligibility for nonsponsored transportation-disadvantaged services that are purchased with moneys from the Transportation Disadvantaged Trust Fund.

(w) For designated service areas not governed by a local governing authority, develop a quality assurance and evaluation program to monitor, based upon approved commission performance standards, rules, and contracts, services contracted for by an agency, services provided by a designated official planning agency, and services provided by a community transportation coordinator and its transportation operators and coordination contractors. Staff of the quality assurance and management review program shall function independently and be directly responsible to the executive director.

(x) Ensure that local community transportation coordinators work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

(y) Review and issue a nonbinding report, at least every 3 years, regarding the cost-effectiveness of each community transportation coordinator.

1. The report must include the actual expenditures for transportation-disadvantaged services for each state agency, and the actual expenditures of each official planning agency,
local government, and agency that is directly federally funded. The report must also include reviews of the cost-effectiveness of the community transportation coordinators or other transportation operators.

2. The commission shall analyze and report the data and conclusions in a format of its choosing. The final report must be delivered to the Governor, the President of the Senate, the Speaker of the House of Representatives, the local governing authorities, the county commissioners in each designated service area, and the local coordinating boards.

3. The report, at a minimum, must address the following:
   a. The extent to which the community transportation coordinator is maximizing the use of volunteer services.
   b. The extent to which the community transportation coordinator is maximizing the use of resources for which federal, state, or local government agencies have already paid, such as transit and fixed-route services.
   c. The extent to which the community transportation coordinator has compared the cost of its actual and proposed services with those of local nongovernmental transportation operators serving the general public for trips of equal average trip length. Such comparison may distinguish between the accessible and nonaccessible trips but must be without regard to other special requirements and, if the community transportation coordinator's actual cost exceeds such private market costs, the extent to which the community transportation coordinator has demonstrated an essential public welfare concern that justifies the higher expenditure.
   d. Not in lieu of, but in addition to sub-subparagraph c., if the community transportation coordinator provides a...
specialized service not available in the general public, the
extent to which such system has been compared in cost to
similar specialized services in comparable jurisdictions, and,
if the actual cost of the system exceeds the cost of
comparable systems, the extent to which the community
transportation coordinator has demonstrated an essential
public welfare concern which justifies the higher expenditure.

e. The extent to which the community transportation
cooridnator has developed an anti-fraud program that provides
a comprehensive and cost-effective anti-fraud strategy.

f. The extent to which the community transportation
cooridnator has developed a quality-of-service program that
provides comprehensive and effective quality-of-service
assurance for clients of the system.

g. The extent to which the community transportation
cooridnator has developed an eligibility screening process
that assures that only persons meeting the statutory
requirements of federal and state law are permitted to use the
system, with prioritization as to need to the extent allowable
by law.

4. The purpose of the report is to be informational
and not binding upon the local governing authority or upon the
community transportation coordinator, and the report is to be
used as the local governing authority or the community
transportation coordinator considers appropriate. Although not
mandatory, this section does not preclude the local governing
authority or the community transportation coordinator from
responding to the issued report.

(z) Adopt rules and procedures necessary to carry out
the purposes of this section.
(2) In designated services areas where the county commission elects to become the local governing authority, the local governing authority has the following powers in addition to those conferred by s. 427.0151:

(a) To provide objectives for providing transportation services for the transportation disadvantaged within the jurisdiction of the local governing authority.

(b) To develop policies and procedures for the coordination of local government, federal, and state funding for the transportation disadvantaged within the jurisdiction of the local governing authority.

(c) To assure that all procedures, guidelines, and directives issued by purchasing agencies are conducive to the coordination of transportation services.

(d) To assure that agencies purchase all trips within the coordinated system within the jurisdiction of the local governing authority, unless the agency proves to the local governing authority that it can use a more cost-effective, alternative provider. The local governing authority must develop criteria and procedures for agencies to prove that an alternative provider is more cost-effective and appropriate than the coordinated system.

(e) To develop standards and rules for community transportation coordinators and any transportation operator and coordination contractor from whom service is purchased or arranged by the community transportation coordinator covering coordination, operation, safety, insurance, eligibility for services, costs, and use of transportation-disadvantaged services.

(f) To appoint the community transportation coordinator.

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(g) To apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Funds acquired or accepted under this subsection must be collected and administered by the local governing authority to carry out the local governing authority's responsibilities.

(h) To review and approve memorandums of agreement and transportation-disadvantaged service plans for the provision of coordinated transportation services.

(i) To review, monitor, and coordinate applicable transportation-disadvantaged local government, state, and federal fund requests and plans for conformance with local governing authority policy, without delaying the application process.

(j) To develop a contracting, billing, and accounting system to be used by the community transportation coordinator and its transportation operators.

(k) To develop need-based criteria that must be used by the community transportation coordinator to prioritize the delivery of nonsponsored transportation-disadvantaged services.

(l) To develop a quality assurance and evaluation program to monitor, based upon approved local governing authority standards and contracts, services contracted for by an agency, services provided by a designated official planning agency, and services provided by a community transportation coordinator and its transportation operators and coordination contractors.

(m) To ensure that the local community transportation coordinator works cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the

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development of innovative transportation services for WAGES participants.

Section 4. Section 427.0135, Florida Statutes, is amended to read:

427.0135 Agency purchasers of transportation-disadvantaged services Member departments; duties and responsibilities.--Each agency purchasing transportation-disadvantaged services member department, in carrying out the policies and procedures of the commission, shall:

(1)(a) Use the coordinated transportation system for the provision of transportation-disadvantaged services to its clients, unless the agency, using procedures developed in rule by the commission, proves to the local governing authority or, when appropriate, to the commission that the use of an alternative provider is more cost-effective and appropriate than the coordinated system each department meets the criteria outlined in rule to use an alternative provider.

(b) Subject to the provisions of s. 409.908(18), the Medicaid agency shall purchase nonemergency transportation services through the community coordinated transportation system unless a more cost-effective method is determined by the agency for Medicaid clients or unless otherwise limited or directed by the General Appropriations Act.

(2) Provide the commission, by October September 15 of each year, with an accounting of all funds spent as well as the number of trips that were purchased with agency funds.

(3) Assist communities in developing coordinated transportation systems designed to serve the transportation disadvantaged.

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(4) Assure that its rules, procedures, guidelines, and
directives are conducive to the coordination of transportation
funds and services for the transportation disadvantaged.

(5) Provide technical assistance, as needed, to
community transportation coordinators or transportation
operators or participating agencies.

Section 5. Section 427.015, Florida Statutes, is
amended to read:

427.015 Function of the metropolitan planning
organization or designated official planning agency in
coordinating transportation for the transportation
disadvantaged.--

(1) The metropolitan planning organization or
designated planning agency shall assist in the local
coordinated transportation services provided to the
transportation disadvantaged in each designated service area.
The goal of this local coordination is to assure the
cost-effective and safe provision of transportation by
qualified community transportation coordinators and
transportation operators for the transportation disadvantaged
without any bias or presumption in favor of multioperator
systems or not-for-profit transportation operators over
single-operator systems or for-profit systems.

(1) In developing the transportation improvement
program, each metropolitan planning organization or designated
official planning agency in this state shall include a
realistic estimate of the cost and revenue that will be
derived from transportation disadvantaged services in its
area. The transportation improvement program shall also
identify transportation improvements that will be advanced
with such funds during the program period. Funds required by

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this subsection to be included in the transportation improvement program shall only be included after consultation with all affected agencies and shall only be expended if such funds are included in the transportation improvement program.

(2) Each metropolitan planning organization or designated official planning agency shall recommend to the commission a single community transportation coordinator. The coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged but shall be responsible for the provision of those coordinated services. Based on approved commission evaluation criteria, the coordinator shall subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. The performance of the coordinator shall be evaluated based on the commission's approved evaluation criteria by the coordinating board at least annually. A copy of the evaluation shall be submitted to the metropolitan planning organization or the designated official planning agency, and the commission. The recommendation or termination of any community transportation coordinator shall be subject to approval by the commission.

(2)(3) Each metropolitan planning organization or designated official planning agency shall prepare an annual expenditure report request each local government in its jurisdiction to provide an estimate of all local and direct federal funds to be expended for transportation for the disadvantaged. The metropolitan planning organization or designated official planning agency shall consolidate this information into a single report and forward it, by October 15 the beginning of each fiscal year, to the commission.

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(3) Each metropolitan planning organization or designated official planning agency shall assist the community transportation coordinator in developing and annually updating a transportation-disadvantaged service plan.

Section 6. Section 427.0151, Florida Statutes, is created to read:

427.0151 Selection of the local governing authority; recommendation of the community transportation coordinator by the metropolitan planning organization or designated official planning agency.--

(1)(a) Each metropolitan planning organization or designated official planning agency must first ask the appropriate county commission whether the county commission chooses to become the local governing authority that is to govern coordinated transportation services for the transportation disadvantaged within the authority's designated service area.

(b) If the county commission elects to become the local governing authority, it must next decide whether it will also become the community transportation coordinator with all powers and responsibilities conferred by this chapter. If the county commission elects to become the local governing authority but not the community transportation coordinator, the county commission must appoint the community transportation coordinator for the designated service area. In appointing the community transportation coordinator, the county commission is not precluded from using a competitive-procurement selection process and, if so, is specifically authorized to use the county's competitive-procurement laws and procedures, including contested-procurement appeal procedures, to appoint the

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community transportation coordinator. The appointed community
transportation coordinator shall serve at the pleasure of the
local governing authority.

(2)(a) Alternatively, a metropolitan planning
organization or designated official planning agency may ask
the appropriate county commissions in a multi-county area
whether the county commissions wish to form the local
governing authority that is to govern coordinated
transportation services for the transportation disadvantaged
within the authority's multi-county designated service area.

(b) If the county commissions choose to create a
multi-county designated service area, the local governing
authority shall consist of a number of county commission
members fixed by a written agreement between the counties in
the designated service area; however, the number of county
commision members must proportionally represent the counties
in the designated service area. County commissioners appointed
to the board of the local governing authority will serve for a
term of 2 years.

(c) If a multi-county commission local governing
authority is established, the multi-county local governing
authority must decide whether it will also become the
community transportation coordinator with all powers and
responsibilities conferred by the chapter. If the multi-county
local governing authority elects not to become the community
transportation coordinator, it must appoint the community
transportation coordinator for the multi-county designated
service area. In appointing the community transportation
coordinator, the multi-county local governing authority is not
precluded from using a competitive-procurement selection
process and, if so, is specifically authorized to use

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competitive-procurement laws and procedures, including
contested-procurement appeal procedures, to appoint the
community transportation coordinator. The multi-county local
governing authority shall select the competitive-procurement
laws and procedures it intends to use. The appointed community
transportation coordinator shall serve at the pleasure of the
multi-county local governing authority.

(3)(a) Whenever a county commission chooses not to
come the local governing authority, the appropriate
metropolitan planning organization or designated official
planning agency shall recommend to the commission a single
community transportation coordinator for the designated
service area.

(b) Notwithstanding chapter 287, the appropriate
metropolitan planning organization or designated official
planning agency may recommend the community transportation
coordinator for the designated service area without use of
competitive procurement. However, in recommending the
community transportation coordinator, the appropriate
metropolitan planning organization or designated official
planning agency is not precluded from using a
competitive-procurement selection process and, if so, is
specifically authorized to follow the provisions of chapter
287 in appointing the community transportation coordinator.

(c) The metropolitan planning organization or
designated official planning agency shall submit the
recommendation to the commission. The commission has the power
to appoint, renew the appointment of, or terminate the
appointment of any community transportation coordinator.

(d) The selected community transportation coordinator
will serve for up to 5 years before renewal.

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(e) The commission shall adopt rules for the recommendation, designation, selection, renewal, approval, and revocation of designation of any community transportation coordinator by a metropolitan planning organization or designated official planning agency in designated service areas not governed by a local governing authority.

Section 7. Section 427.0155, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 427.0155, F.S., for present text.)

427.0155 Community transportation coordinators; powers and duties.—

(1) The community transportation coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged but shall remain responsible for the provision of those coordinated services in the designated service area.

(2) The community transportation coordinator shall subcontract or broker those transportation services that are more cost-effectively and efficiently provided.

(3) Community transportation coordinators have the powers and duty to:

(a) Execute contracts for service using a standard contract that includes performance standards for transportation operators and coordination contractors. When purchasing transportation-disadvantaged services, a community transportation coordinator must comply with competitive-procurement procedures of chapter 287. If the community transportation coordinator is a local governing authority, the community transportation coordinator must comply with the competitive-procurement procedures of the

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county in which it operates. However, this competitive-procurement requirement does not restrict the community transportation coordinator's ability to issue requests for proposals or to negotiate contracts.

(b) Collect annual operating data for submittal to the local coordinating board, the metropolitan planning organization, or the designated official planning agency; to the local governing authority, when appropriate; and to the commission.

(c) Review and analyze all transportation operator and coordination contractor contracts annually.

(d) Approve and coordinate the use of school buses and public transportation services in accordance with the transportation-disadvantaged service plan.

(e) In cooperation with the local coordinating board, review all applications for local-government, federal, and state transportation-disadvantaged funds, and develop cost-effective coordination strategies. With the approval of the local coordinating board, the commission or, when applicable, the local governing authority, funding to support the community transportation coordinator's functions associated with coordination activities may be obtained from a coordination fee charged as part of each trip arranged or provided.

(f) Develop, negotiate, implement, and monitor a transportation-disadvantaged service plan. The transportation disadvantaged-service plan must be reviewed by the local coordinating board and approved by the local governing authority or, in designated service areas not governed by a local governing authority, by the commission. A copy of the

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plan approved by the local governing authority must be forwarded, within 30 days, to the commission.

(g) The community transportation coordinator and the local coordinating board shall establish priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with moneys from the Transportation Disadvantaged Trust Fund. The established priorities must be approved by the local governing authority, when appropriate.

(4) Work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

Section 8. Section 427.0156, Florida Statutes, is created to read:

427.0156 Local coordinating boards; establishment and membership.--

(1) A local coordinating board shall be established in each county. However, when agreed upon in writing by the boards of county commissioners in each county to be covered in the designated service area, multicounty local coordinating boards may be appointed. In a multicounty service area, the written agreement must state the order in which the counties will rotate the position of chair and the length of time for which each county's representative is to serve as chair on the local coordinating board.

(2) The local coordinating board shall be an advisory body whose purpose is to identify local service needs and to provide information, advice, consultation, direction, and criticism to the local governing authority and to the community transportation coordinator on the coordination of

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services to be provided to the transportation disadvantaged in
the designated service area.

(3) The metropolitan planning organization or the
designated planning agency shall appoint one elected official
to serve as official chair for all local coordinating board
meetings. The appointed chair must be an elected official from
the county that the local coordinating board serves. For a
multicounty local coordinating board, the elected official who
is appointed to serve as chair must be from one of the
counties served. The chair of a multicounty local coordinating
board shall coordinate as nearly equal representation of the
counties in the service area as is feasible.

(4) In addition to the chair, the other members of the
local coordinating board shall be appointed by the
metropolitan planning organization or the designated official
planning agency. The following entities or persons must be
voting members on the local coordinating board:

  (a) A local representative of the Department of
      Transportation, to be appointed by the secretary of that
department.

  (b) A local representative of the Department of
      Children and Family Services, to be appointed by the secretary
      of that department.

  (c) A local representative of the Department of
      Education, to be appointed by the commissioner of that
department.

  (d) A local representative of the Department of
      Veterans' Affairs, to be appointed by the executive director
      of that department.

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(e) A local representative of the Department of Elderly Affairs, to be appointed by the secretary of that department.

(f) A local representative of the Agency for Health Care Administration, to be appointed by the executive director of that agency.

(g) A local representative of the Department of Health, to be appointed by the secretary of that department.

(h) A local representative of the local WAGES coalition, to be appointed by the chair of the local WAGES coalition.

(i) In counties served by public transit systems, a representative of the local transit agency, to be appointed by the executive director of that transit agency, except in cases where the public transit system serves as the community transportation coordinator.

(j) A disabled person representing the disabled in the county, to be appointed by a majority vote of the members present.

(k) One representative of the local private for-profit transportation industry, to be appointed by a majority vote of the members present, except in cases when the private for-profit transportation member serves as the community transportation coordinator.

(l) One representative of the local private not-for-profit transportation industry, to be appointed by a majority vote of the members present, except in cases when the private not-for-profit transportation member serves as the community transportation coordinator.

(m) Two citizen representatives who use the coordinated transportation system as their primary means of

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transportation, to be appointed by a majority vote of the members present.

(5) For a multicounty local coordinating board, if one or more metropolitan planning organizations or the designated official planning agency serve the designated service area, affected metropolitan planning organizations and the designated official planning agency shall meet to jointly appoint voting members to the local coordinating board. The composition of the multicounty local coordinating board shall constitute as fairly proportional representation of the counties in the service area as is feasible.

(6)(a) An employee of a community transportation coordinator may not serve as a voting member of the local coordinating board in an area where the community transportation coordinator serves. However, community transportation coordinators and their employees are not prohibited from serving on a local coordinating board in an area where they are not the coordinator.

(b) An elected official serving as chair of the coordinating board, or other governmental employees that are not employed for the purpose of making provisions for transportation and are not directly supervised by the community transportation coordinator, are not precluded from serving as voting members of the coordinating board.

(7) All members of the local coordinating board shall be appointed for 3-year staggered terms with initial members being appointed equally for 1 year, 2 years, and 3 years.

(8) The local coordinating board shall hold an organizational meeting each year for the purpose of electing a vice chair. The vice chair shall be elected by a majority vote of the members of the local coordinating board present and
voting at the organizational meeting. When the chair is absent, the vice chair shall assume the duties of the chair and conduct the meeting.

(9) The local coordinating board shall meet at least quarterly, or more frequently at the call of the chair. A majority of the members of the local coordinating board constitutes a quorum, and a majority vote of the representatives present is necessary for any action taken by the local coordinating board.

(10) Members of the local coordinating board shall serve without compensation but are entitled to per diem and travel expenses as provided in s. 112.061.

(11) The metropolitan planning organization or the designated planning agency shall provide each board with sufficient staff support and resources to enable it to fulfill its duties and responsibilities.

Section 9. Section 427.0157, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 427.0157, F.S., for present text.)

427.0157 Local coordinating boards; powers and duties.--

(1) The purpose of each local coordinating board is to develop local service needs and priorities and to provide information, advice, and direction to the local governing authority and to the community transportation coordinators concerning the coordination of services to be provided to the transportation disadvantaged in the local governing authority's designated service area.

(2) Each local coordinating board shall meet at least quarterly and shall:

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(a) Review the transportation-disadvantaged service plan with the community transportation coordinator and provide its findings to the local governing authority and to the commission.

(b) Evaluate services provided by the community transportation coordinator in meeting the requirements of the approved transportation-disadvantaged service plan.

(c) In cooperation with the community transportation coordinator, review and provide recommendations to the local governing authority or, when appropriate, to the commission concerning funding applications affecting the transportation disadvantaged.

(d) Assist the community transportation coordinator in establishing priorities and trip purposes, and determining client eligibility with regard to the recipients of nonsponsored transportation-disadvantaged services that are purchased with moneys from the Transportation Disadvantaged Trust Fund.

(e) In designated service areas not governed by a local governing authority, assist the metropolitan planning organization or designated official planning agency in the process of recommending to the commission the community transportation coordinator.

(f) At least annually, review and evaluate the performance of the community transportation coordinator in providing or arranging transportation services to the transportation disadvantaged in the designated service area. The evaluation of the performance of the coordinator must be based on the approved evaluation criteria and performance measures developed by the local governing authority or, in designated service areas not governed by a local governing
authority, by the commission. A copy of the performance
evaluation shall be submitted to the local governing
authority, to the metropolitan planning organization or the
designated official planning agency, and to the commission.

(g) Evaluate multicounty or regional transportation
opportunities.

(h) Work cooperatively with local WAGES coalitions
established in chapter 414 to provide assistance in the
development of innovative transportation services for WAGES
participants.

(3) Whenever possible, local coordinating boards shall
develop reciprocal agreements with adjacent local coordinating
boards in order to facilitate and foster innovative agreements
to reduce costs and legal barriers to multicounty or regional
transportation-disadvantaged service needs. Local coordinating
boards shall cooperate with local governing authorities to
reduce barriers to efficient multicounty or regional
transportation-disadvantaged services.

(4) The local coordinating board may recommend
approval or disapproval of transportation operator and
coordination contractor contracts to the community
transportation coordinator, providing the basis for its
recommendation. Within 30 days after its receipt of the local
coordinating board's recommendation, the community
transportation coordinator must accept or reject the
recommendation, providing written reasons for its rejection.
The local coordinating board may request the local governing
authority or, in designated service areas not governed by a
local governing authority, the commission to review the
community transportation coordinator's final decision. A copy

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(5) Each local coordinating board shall establish a grievance committee to hear complaints and other matters from riders and interested persons. The commission by rule shall establish the size, composition, specific tasks, and procedures for the grievance committee process.

(6) Each local coordinating board shall assist the local governing authority in assuring that each state or local agency purchases all trips within the coordinated system, unless the agency demonstrates to the local governing authority, pursuant to s. 427.0160, that the agency's use of an alternative provider is more cost-effective than the purchase of transportation through the coordinated system.

Section 10. Subsections (2) and (3) of section 427.0158, Florida Statutes, are amended to read:

427.0158 School bus and public transportation.--

(2) The school boards shall cooperate in the utilization of their vehicles to enhance coordinated transportation by providing the information as required by this section and by allowing the use of their vehicles at actual cost upon request when those vehicles are available for such use and are not transporting students.

Semiannually, no later than October 1 and April 30, a designee from the local school board shall provide the community transportation coordinator with copies to the local coordinating board, the following information for vehicles not scheduled 100 percent of the time for student transportation use:

(a) The number and type of vehicles by adult capacity, including days and times, that the vehicles are available for

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coordinated transportation-disadvantaged services;
(b) The actual cost per mile by vehicle type available;
(c) The actual driver cost per hour;
(d) Additional actual cost associated with vehicle use outside the established workday or workweek of the entity; and
(e) Notification of lead time required for vehicle use.
(3) The public transit fixed route or fixed schedule system shall cooperate in the utilization of its regular service to enhance coordinated transportation-disadvantaged services by providing the information as required by this section. Annually, no later than October 1, a designee from the local public transit fixed route or fixed schedule system shall provide the community transportation coordinator, with copies to the local coordinating board, the following information:
(a) A copy of all current schedules, route maps, system map, and fare structure;
(b) A copy of the current charter policy;
(c) A copy of the current charter rates and hour requirements; and
(d) Required notification time to arrange for a charter.
Section 11. Section 427.0159, Florida Statutes, is amended to read:
(Substantial rewording of section. See s. 427.0159, F.S., for present text.)
427.0159 Transportation Disadvantaged Trust Fund.--

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(1) There is established in the State Treasury the Transportation Disadvantaged Trust Fund to be administered by the Commission for the Transportation Disadvantaged. All fees collected for the transportation disadvantaged program under s. 320.03(9) shall be deposited in the trust fund.

(2) Funds deposited in the trust fund shall be appropriated by the Legislature to the commission and shall be used to fund grants for operational, planning, and match-requirement expenses associated with the provision of nonsponsored transportation-disadvantaged services and to fund the administrative expenses of the commission.

(3)(a) The commission, in consultation with local governing authorities, shall by rule determine a fair and equitable grant-distribution formula for nonsponsored transportation-disadvantaged funds.

(b) After determining each year's fair and equitable grant-distribution formula of funds available through the Transportation Disadvantaged Trust Fund, the commission shall disburse to each local governing authority a block grant for nonsponsored transportation activities in the local governing authority's designated service area. Each local governing authority's initial disbursement will represent the maximum amount allowable under rules of the Comptroller's office.

(c) For designated service areas not governed by a local governing authority, the commission may adopt rules establishing and implementing a grant program to fund nonsponsored transportation services, including the purchase of capital equipment and planning activities.

(4)(a) The local governing authority, with advice from the local coordinating board, shall determine the priority for using such nonsponsored grant funds received under the

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allocation formula. The local governing authority is not responsible to the commission regarding the choice of nonsponsored transportation priorities except to assure that the priorities chosen are within the stated purposes of this chapter.

(b) Local coordinating boards, in designated service areas not governed by a local governing authority, shall determine the priority for using such nonsponsored grant funds received under the allocation formula. Any prioritization developed by the local coordinating board for trips shall be based on the following criteria:

2. Purpose of trip.
3. Unmet needs.
4. Available resources.

Each local coordinating board in a designated service area not governed by a local governing authority is responsible to the commission regarding the choice of nonsponsored transportation priorities in order that the chosen priorities be within the stated purposes of this chapter.

(5) Funds deposited in the trust fund may be used by a local governing authority or the commission as funding of last resort for transportation-disadvantaged services. The nonsponsored trust fund moneys may be used only to subsidize a portion of a transportation-disadvantaged person's transportation costs which is not sponsored by any other agency, but only if a cash or in-kind match is required. Rider eligibility for nonsponsored transportation-disadvantaged services must be based upon the need of the recipient and according to criteria developed by the commission.

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(6) The commission shall request budget authority to establish a reserve fund to be used when estimated revenues are not collected and for an emergency fund to be used for transportation-disadvantaged services in times of natural disasters, discontinuance of services, or as otherwise directed by rules of the commission.

Section 12. Section 427.016, Florida Statutes, is amended to read:

427.016 Use of the coordinated transportation system by all funding agencies Expenditure of local government, state, and federal funds for the transportation disadvantaged.--

(1)(a) Subject to the provisions of this section, all transportation disadvantaged funds appropriated to state or local agencies and expended within the state must be expended to purchase transportation services from community transportation coordinators. State or local agencies or their clients may not purchase transportation services from an alternative provider unless or public, private, or private nonprofit transportation operators within the coordinated transportation system, except when the rates charged by the proposed alternative provider are first proven to the local governing authority or, if appropriate, to the commission. Alternate operators are proven, pursuant to rules generated by the Commission for the Transportation Disadvantaged, to be more cost-effective than the rates charged by the community transportation coordinator, to and are not constitute a risk to the public health, safety, or welfare, and to meet appropriate quality standards. However, in areas where transportation suited to the unique needs of a transportation disadvantaged person cannot be purchased from through the

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community transportation coordinator coordinated system, or
where the agency has met the rule criteria for using an
alternative provider, the service may be contracted for
directly by the appropriate agency.

(b) Nothing in this subsection shall be construed to
limit or preclude the Medicaid agency from establishing
maximum fee schedules, individualized reimbursement policies
by provider type, negotiated fees, competitive bidding, or any
other mechanism that the agency considers efficient and
effective for the purchase of services on behalf of Medicaid
clients. State and local agencies shall not contract for any
transportation-disadvantaged services, including Medicaid reimbursable transportation
services, with any community transportation coordinator or
transportation operator that has been determined by the Agency
for Health Care Administration, the Department of Legal
Affairs Medicaid Fraud Control Unit, or any state or federal
agency to have engaged in any abusive or fraudulent billing
activities.

(2) Each agency, whether or not it is a member of the
Commission for the Transportation Disadvantaged, shall inform
the commission in writing, before the beginning of each fiscal
year, of the specific amount of any money the agency allocated
for transportation-disadvantaged services. Additionally, each
state agency shall, by October September 15 of each year,
provide the commission with an accounting of the actual amount
of funds expended and the total number of trips purchased, whether purchased through the community transportation
coordinator or another provider.

(3) Each metropolitan planning organization or
designated official planning agency shall annually compile a

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report accounting for all local government and direct federal funds for transportation for the disadvantaged expended in its jurisdiction and forward this report by October 15 to the commission.

Section 13. A county commission may at any time elect to become the local governing authority under chapter 427, Florida Statutes. Once the election is made, the local governing authority succeeds to all rights, powers, duties, and responsibilities previously possessed by the Commission for the Transportation Disadvantaged. The selection of the community transportation coordinator by the local governing authority must occur at the expiration of an existing memorandum of agreement between the commission and the community transportation coordinator.

Section 14. This act shall take effect October 1, 2000.