

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1380

INTRODUCER: Transportation Committee and Senator Hutson

SUBJECT: Transportation Services for Persons with Disabilities and the Transportation Disadvantaged

DATE: February 6, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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

- Defines the terms “immediate family member,” “request for service,” and “transportation service provider.”
- Revises the membership of the Commission for Transportation Disadvantaged (commission).
- Removes a fingerprinting and background check requirement for commission members.
- Requires the commission to:
 - Provide best practices, latest technological innovations and preferential vendors list to county transportation disadvantaged program managers.
 - Annually review and conduct a performance audit of each coordinator contract and transportation operator contract.
 - Establish a system for resolving complaints.
- Revises commission reporting requirements to include information on complaints, cost of service, contracts, funds provided by the commission, and the results of performance audits.
- Requires paratransit drivers attend training programs provided through the Agency for Persons with Disabilities (APD).
- Requires providers to provide training to each paratransit driver that meets the APD requirements for the professional development of staff providing direct services.
- Requires providers to install an interior video camera monitoring system within each paratransit vehicle, with specific instructions on camera placement.

- Requires providers to provide footage captured by the video camera monitoring system to the local government, the Florida Department of Transportation (FDOT), APD, or legal guardian of the passenger.
- Requires providers to offer specific technology-based ride booking and vehicle tracking services, which must be in accessible formats and regularly maintained and upgraded.
- Requires providers to offer both pre-booking and on-demand service to paratransit service users.
- Requires a provider and its contracted local government entity to establish reasonable time periods between a trip request and arrival, best practices for limiting travel times, and transparency regarding the quality of services, including timelines and handling of complaints.
- Requires APD, in collaboration with FDOT, to establish requirements for the investigation of adverse incidents reported to the provider and/or local government, including periodic review of ongoing investigations and documentation of final outcomes.
- Requires APD and FDOT to investigate an adverse incident within 48 hours after receipt of the report.
- Removes the exemption from competitive bidding requirements for local government entities to enter into contracts with special transportation providers serving persons with disabilities.

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

The bill takes effect July 1, 2024.

II. Present Situation:

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

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

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

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

³ The Commission for Transportation Disadvantaged is administratively housed in, but independent from, the Florida Department of Transportation.

⁴ *Supra* note 2.

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

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

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

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

Each of the above programs has its own eligibility criteria and regulatory standards for transportation providers. For example, the Florida Department of Transportation (FDOT) is responsible for establishing and regulating safety standards pertaining to public transportation funded by FDOT and Federal Transit Administration programs.⁹ Additionally, each program has a different process in place for resolving complaints and grievances related to eligibility and provision of services.¹⁰

Overview of the Transportation Disadvantaged Program

Florida's Transportation Disadvantaged (TD) Program¹¹ supports the coordination of transportation services for individuals who are "transportation disadvantaged." The Legislature specifically defined the TD population as "persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities."¹² The purpose of coordination is to ensure that transportation services are provided to TD eligible customers "in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services."¹³¹⁴

The commission administers the Transportation Disadvantaged Trust Fund,¹⁵ where a majority of its funds are used to purchase paratransit services "not sponsored" or subsidized by any other

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

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

¹⁰ *Supra* note 2.

¹¹ Sections 427.011-427.017, F.S.

¹² Section 427.011(1), F.S.

¹³ Section 427.011(11), F.S.

¹⁴ *Supra* note 2.

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

agency or funding source.¹⁶ The TD Program consists of centralized (statewide) policy development and decentralized local implementation.¹⁷

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

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

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

Commission for Transportation Disadvantaged

The commission consists of seven members appointed by the Governor based on following qualifications:²²

- Five members must have significant experience in the operation of a business, and it is the intent of the Legislature that, when making an appointment, the Governor select persons who reflect the broad diversity of the state's business community, as well as the state's racial, ethnic, geographical, and gender diversity.
- Two members must have a disability and use the transportation disadvantaged system.
- Each member must be a Florida resident and a registered voter.
- At least one member must be at least 65 years of age.
- A member may not, within the five years immediately before his or her appointment, or during his or her term on the commission, have or have had a financial relationship with, or represent or have represented as a lobbyist, the following: a transportation operator; a

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

¹⁷ *Supra* note 2.

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

¹⁹ Section 427.015, F.S.

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

²¹ *Supra* note 2 at 2.

²² Section 427.012(1), F.S.

Community Transportation Coordinator; a metropolitan planning organization (MPO);²³ a designated official planning agency; a purchasing agency;²⁴ a local coordinating board; a broker of transportation; or a provider of transportation services.

- Each candidate for appointment to the Commission must, before accepting the appointment, submit fingerprints and pass a level 2 background screening.

Additionally, the following individuals, or a senior management level representatives, serve as ex officio, nonvoting advisors to the commission:²⁵

- The Secretary of Transportation,
- The Secretary of Children and Families,
- The Secretary of Economic Opportunity,
- The executive director of the Department of Veterans' Affairs,
- The Secretary of Elderly Affairs,
- The Secretary of Health Care Administration,
- The director of the Agency for Persons with Disabilities, and
- A county manager or administrator who is appointed by the Governor.

Duties of the Commission

The statutory mandates for the Commission to carry out its purpose include, among other requirements, the following:

- Compile all available information on the transportation operations for and needs of the transportation disadvantaged in the state.
- Establish statewide objectives for providing transportation services for the transportation disadvantaged.
- Develop policies and procedures for the coordination²⁶ of local government, federal, and state funding for the transportation disadvantaged.
- Identify barriers prohibiting the coordination and accessibility of transportation services to the transportation disadvantaged and aggressively pursue the elimination of these barriers.
- Serve as a clearinghouse for information about transportation disadvantaged services, training, funding sources, innovations, and coordination efforts.
- Assist communities in developing transportation systems designed to serve the transportation disadvantaged.
- Approve the appointment of all community transportation coordinators.
- Have the authority to apply for and accept funds, grants, gifts, and services from the federal government, state government, local governments, or private funding sources.
- Make an annual report to the Governor and Legislature by January 1 of each year.

²³ Section 427.011(2), F.S., defines the term “metropolitan planning organization” as the organization responsible for carrying out transportation planning and programming in accordance with the provisions of 23 U.S.C. § 134, as provided in 23 U.S.C. § 104(f)(3).

²⁴ Section 427.011(8), F.S., defines the term “purchasing agency” means a department or agency whose head is an ex officio, nonvoting adviser to the Commission, or an agency that purchases transportation services for the transportation disadvantaged.

²⁵ Section 427.012(1)(g), F.S.

²⁶ Section 427.077(11), F.S., defines the term “coordination” to mean the arrangement for the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services.

- Prepare a statewide 5-year transportation disadvantaged plan which addresses the transportation problems and needs of the transportation disadvantaged, which is fully coordinated with local transit plans, compatible with local government comprehensive plans, and which ensures that the most cost-effective and efficient method of providing transportation to the disadvantaged is programmed for development.
- Develop an interagency uniform contracting and billing and accounting system that must be used by all community transportation coordinators and their transportation operators.
- Develop and maintain a transportation disadvantaged manual.
- Design and develop transportation disadvantaged training programs.
- Coordinate all transportation disadvantaged programs with appropriate state, local, and federal agencies and public transit agencies to ensure compatibility with existing transportation systems.
- Designate the official planning agency in areas outside of the purview of an MPO.
- Develop need-based criteria that must be used by all community transportation coordinators to prioritize the delivery of nonsponsored transportation disadvantaged services²⁷ that are purchased with Transportation Disadvantaged Trust Fund moneys.
- Establish a review procedure to compare the rates proposed by alternate transportation operators with the rates charged by a CTC to determine which rate is more cost-effective.
- Conduct a cost-comparison study of single-coordinator, multicoordinator, and brokered CTC networks to ensure that the most cost-effective and efficient method of providing transportation to the transportation disadvantaged is programmed for development.
- Develop a quality assurance and management review program to monitor, based upon approved commission standards, services contracted for by an agency, and those provided by a community transportation operator.
- Ensure that local community transportation coordinators work cooperatively with local workforce development boards²⁸ to provide assistance in the development of innovative transportation services for participants in the welfare transition program.²⁹

Commission for Transportation Disadvantaged Services and Regulations

The commission contracts with community transportation coordinators to deliver “non-sponsored” paratransit services and bus pass subsidies, which are reimbursed under the Transportation Disadvantaged Trust Fund. A community transportation coordinator may directly provide transportation services and/or contract with other organizations, such as transportation operators, to serve transportation disadvantaged riders in their community. In addition to what is funded under the Transportation Disadvantaged Trust Fund, the community transportation coordinator may also work with other purchasing agencies or other programs to provide transportation services. For example, if a community transportation coordinator operates a fixed bus route system, it must provide complementary paratransit services under the federal Americans with Disabilities Act, which are regulated by the Federal Transit Administration.³⁰

²⁷ Section 427.011(12), F.S., defines the term “nonsponsored transportation disadvantaged services” to mean transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.

²⁸ Workforce development boards are established in ch. 445, F.S.

²⁹ Section 427.013, F.S.

³⁰ *Id.*

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

- Drug and alcohol testing and background screening.
- Safety of passengers during transfer points.
- Providing a local toll-free number (including the TD Helpline) for passenger complaints and grievances.
- Vehicle cleanliness, seating, and communications equipment.
- Maintaining passenger/trip data.
- Establishing pick-up window and advanced notifications for passengers to obtain services.³¹

However, these regulations do not require the installation of video cameras on vehicles, nor do they specify the use of a website or mobile application for tracking vehicle location. The commission conducts biennial quality assurance reviews of each community transportation coordinator to ensure compliance with ch. 427, F.S. and Rule 41-2, F.A.C. Community transportation coordinators that receive FDOT/Federal Transit Administration funding are also subject to triennial reviews by FDOT to ensure compliance with safety standards.³²

TD Program Complaint and Grievance Process

Chapter 427, F.S., creating the TD program, does not expressly authorize the commission to hear or determine TD service-related complaints or grievances. However, the commission requires all local systems to have written procedures in addressing/resolving complaints and grievances.³³

The commission's guidance on the complaint/grievance process identifies the following steps:

- A complaint must be filed at the local level, and is usually addressed by the community transportation coordinator.
- If the complaint is not resolved, the complainant may file a grievance with the local coordinating board. Each local coordinating board must appoint a Grievance Committee to process and investigate complaints and recommend service improvements to the local coordinating board and/or commission if a resolution is not reached.
- Once a grievance has been addressed by the local coordinating board and it remains unresolved, it may be referred to the commission to assist the grievant in facilitating a mutual acceptable resolution.³⁴³⁵

Apart from the above grievance procedures, aggrieved parties may also have recourse through the administrative hearings process.³⁶

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Rule 41-2.012(5)(c), F.A.C.

³⁵ *Supra* note 2 at 3-4.

³⁶ *Id.* at 4. The administrative hearing process is pursuant to ch. 120, F.S., the Administrative Procedures Act.

Procurement of Commodities and Contractual Services

Section 287.057, F.S., requires the acquisition commodities and contractual services, in excess of \$35,000, be by competitive sealed bids, request for proposals or by competitive negotiations, unless specifically exempted.³⁷ Specific exemptions include, but are not limited to, when there is an immediate danger to public health safety and welfare, commodities and contractual services only available from a single source, and certain FDOT contracts.³⁸

III. Effect of Proposed Changes:

Definitions (Section 1)

The bill alphabetizes the definitions relating to special transportation services in s. 427.01, F.S., and defines the following terms:

- “Immediate family member” means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of a person or the person’s spouse or a person who resides in the primary residence of the person.
- “Request for service” means a request made to a transportation service provider by a person with a disability, or by such person’s immediate family member, for paratransit service.
- “Transportation service provider” means an organization or entity that contracts with a local government to provide paratransit service for persons with disabilities.

Membership of the Commission (Section 2)

The bill amends the commission’s membership to consist of 14 members, rather than seven members, appointed by the Governor. The commission’s membership will be as follows:

- The director of the Agency for Persons with Disabilities.
- The Secretary of Transportation or his or her designee from within the Department of Transportation.
- The Secretary of Children and Families or his or her designee from within the Department of Children and Families.
- The Secretary of Elderly Affairs.
- The State Surgeon General or his or her designee from within the Department of Health.
- Two county managers or administrators, one from a rural county and one from a county with a population of more than 150,000 according to the last state census.
- The chief executive officer or president of a hospital in this state.
- The director of the Division of Blind Services.
- Five members who have experience in transit, transportation services, innovative technology, government procurement, mobility, or service of persons with disabilities or who have disabilities and use transportation for the transportation disadvantaged.

Each commission member must be a Florida resident. Appointed members serve four-year terms, except that initially, to provide for staggered terms, the Governor appoints three members to

³⁷ Florida Department of Transportation (FDOT), *Doing Business with FDOT*, <https://www.fdot.gov/procurement/doingbusiness.shtm> (last visited January 25, 2024).

³⁸ Section 287.057(3), F.S.

serve two-year terms and two members to serve three-year terms. All subsequent appointments are for four-year terms. A member may be reappointed for one additional four-year term.

The bill removes the requirement for commission members to submit fingerprints and pass a Level 2 background screening. The bill also removes the prohibition on members of the commission having a financial relationship with specified entities or representing such entities as a lobbyist.

Duties of the Commission (Section 3)

The bill amends the commission's duties and requires the commission to:

- Provide best practices, latest technology innovations, and preferential vendors lists to county transportation disadvantaged program managers.
- Annually review and conduct a performance audit of each coordinator contract and transportation operator contract in each county.
- Establish a system for the filing, receipt, and resolution of complaints regarding the transportation disadvantaged system.
- Include in its annual report a summary for each county of the number of complaints filed regarding the transportation disadvantaged system, contract satisfaction, a breakdown of the total cost of services, the amount of funds provided by the commission, and the results of annual performance audits.
- Ensure that drivers of motor vehicles used to provide paratransit service attend training programs delivered by APD.

Requirements for Transportation Services for Persons with Disabilities (Section 5)

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

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

A provider must install an interior video camera monitoring system in each motor vehicle used to provide paratransit service to persons with disabilities. Each component of the interior video camera monitoring system must be mounted securely inside the motor vehicle, must be located outside the head protection zone,³⁹ must be located in an area in which the component is not likely to cause injury, and may not sharp edges or projections.

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

A provider must offer Internet-based, application-based and smartphone-base ride booking and vehicle tracking services. Each of these services must be provided in accessible formats.

³⁹ This is as described in 49 C.F.R. s. 571.222

A provider must regularly maintain and upgrade all technology-based services and offer pre-booking and on-demand service to paratransit service users.

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

- Reasonable time periods between a request for service and the provider's arrival at the location specified in the request, taking into account the number of persons requesting paratransit service on the same date, the distance between locations, usual or expected traffic conditions during the provision of service, and any other factor the provider or local government deems necessary. If a provider exhibits a pattern of late arrivals based on such established reasonable time periods, the local government may authorize another provider to provide such paratransit service, including the acceptance of any prepaid vouchers for future services, notwithstanding the terms of the contract with the original provider.
- Best practices for limiting the duration of travel times for persons receiving paratransit service. To avoid unreasonably long travel times, the provider and the local government must consider the level of service offered to persons without disabilities by a public entity operating a fixed route transit service as compared to the level of paratransit service offered by the provider.⁴⁰
- Transparency regarding the quality of paratransit service provider, including, but not limited to, data relating to the timeliness of service provided and the handling of complaints.
- An efficient system for reporting of adverse incidents occurring during the provision of paratransit service to persons with disabilities. Such system may include assigning a quick-response code to each motor vehicle used to provide such service for the purpose of reporting adverse incidents with a smartphone or other mobile device. Reports of adverse incidents received by the local government or the special transportation service provider must be submitted to APD and FDOT.

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

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

Conforming Change (Section 4)

The bill amends s. 427.0159, F.S., conforming a cross-reference.

Effective Date (Section 6)

The bill takes effect July 1, 2024.

⁴⁰ This is in accordance with 49 C.F.R. s. 37.121.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Transportation service providers will incur indeterminate costs to install video cameras in their vehicles and to comply with other provisions of the bill.

C. Government Sector Impact:

The commission may incur an indeterminate negative fiscal impact associated with conducting annual performance audits of community transportation coordinators.

The bill may have negative a fiscal impact on APD and FDOT to investigate reported adverse incidents reported under provisions created in the bill.

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

VI. Technical Deficiencies:

Section 1 of the bill defines terms for newly created s. 427.02, F.S. However the bill does not incorporate s. 427.02, F.S., into the cross-reference of sections that the definitions section applies to. Similar conforming changes may need to be made to the definition of “community transportation coordinator” and s. 427.013(10), F.S., providing the commission with rulemaking authority.

VII. Related Issues:

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

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

VIII. Statutes Affected:

This bill substantially amends the following sections of Florida Statutes: 427.011, 427.012, 427.013, and 427.0159.

This bill creates section 427.02 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on February 6, 2024:**

The committee substitute:

- Revises the membership of the Commission for Transportation Disadvantaged (commission).
- Removes background screening and fingerprinting requirements for commission members.
- Requires the commission to:
 - Provide best practices, latest technological innovations and preferential vendors list to county transportation disadvantaged program managers.
 - Annually review and conduct a performance audit of each coordinator contract and transportation operator contract.
 - Establish a system for resolving complaints.
- Revises commission reporting requirements to include information on complaints, cost of service, contracts, funds provided by the commission, and the results of performance audits.
- Requires paratransit drivers to attend training programs provided through the Agency for Persons with Disabilities.

- Revises provisions regarding mobile application or web-based information to provide for smartphone based ride booking and vehicle tracking.
- Requires providers to maintain and upgrade specified technology-based services.
- Requires the offering of pre-booking and on-demand services for paratransit users.

B. Amendments:

None.

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