

By Senator Benacquisto

27-00576B-12

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1                   A bill to be entitled  
2           An act relating to transportation accessibility;  
3           providing a short title; providing definitions;  
4           requiring certain taxicab operators to provide  
5           accessible taxicabs after a certain date; requiring  
6           the Department of Transportation to adopt rules;  
7           providing for certain airports and deepwater ports to  
8           allow for priority rotation of accessible taxicabs  
9           after a certain date; amending s. 212.08, F.S.;  
10          providing a tax exemption for the sale or lease of  
11          accessible vehicles; amending s. 409.905, F.S.;  
12          requiring transportation services that provide  
13          transportation for Medicaid recipients to certify to  
14          the Agency for Health Care Administration that the  
15          transportation service uses accessible vehicles;  
16          providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. (1) This section may be cited as the "Florida  
21 Transportation Accessibility Independence Act."

22           (2) As used in this section, the term:

23           (a) "Accessible taxicab" means a vehicle that is equipped  
24 with a lift or ramp designed specifically to transport  
25 physically disabled persons or that contains any other device  
26 designed to permit access to and enable the transportation of  
27 physically disabled persons, including persons who use  
28 wheelchairs, motorized wheelchairs, or similar mobility aids;  
29 complies with the accessibility requirements of the Americans

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30 with Disabilities Act of 1990, 49 C.F.R. ss. 38.23, 38.25, and  
31 38.31, as amended, whether or not such regulations would apply  
32 under federal law; meets all applicable federal motor vehicle  
33 safety standards and regulations adopted thereunder; and  
34 provides sufficient floor space to accommodate a service animal.

35 (b) "Fleet owner" means a person that owns, operates, or  
36 manages 12 or more taxicabs directly or through subsidiaries or  
37 affiliates.

38 (c) "Physically disabled person" means a person with a  
39 disability, as defined in the Americans with Disabilities Act of  
40 1990, 49 C.F.R. ss. 37.3, who uses a wheelchair, motorized  
41 wheelchair, or other personal mobility aid.

42 (3) By December 31, 2014, each fleet owner shall operate a  
43 minimum of one-twelfth of its fleet using accessible taxicabs.

44 (4) The Department of Transportation shall adopt rules to  
45 administer this section, including rules relating to procedures  
46 and forms for facilitating, monitoring, and verifying compliance  
47 with this section.

48 (5) By December 31, 2012, all airports within the Florida  
49 airport system, as defined in s. 332.004(9), Florida Statutes,  
50 and deepwater ports, as provided in s. 403.021(9)(b), Florida  
51 Statutes, which have scheduled commercial passenger service, may  
52 allow for priority rotation of accessible taxicabs, along with  
53 priority access to passengers seeking accessible taxicab  
54 services.

55 Section 2. Paragraph (hhh) is added to subsection (7) of  
56 section 212.08, Florida Statutes, to read:

57 212.08 Sales, rental, use, consumption, distribution, and  
58 storage tax; specified exemptions.—The sale at retail, the

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59 rental, the use, the consumption, the distribution, and the  
60 storage to be used or consumed in this state of the following  
61 are hereby specifically exempt from the tax imposed by this  
62 chapter.

63 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
64 entity by this chapter do not inure to any transaction that is  
65 otherwise taxable under this chapter when payment is made by a  
66 representative or employee of the entity by any means,  
67 including, but not limited to, cash, check, or credit card, even  
68 when that representative or employee is subsequently reimbursed  
69 by the entity. In addition, exemptions provided to any entity by  
70 this subsection do not inure to any transaction that is  
71 otherwise taxable under this chapter unless the entity has  
72 obtained a sales tax exemption certificate from the department  
73 or the entity obtains or provides other documentation as  
74 required by the department. Eligible purchases or leases made  
75 with such a certificate must be in strict compliance with this  
76 subsection and departmental rules, and any person who makes an  
77 exempt purchase with a certificate that is not in strict  
78 compliance with this subsection and the rules is liable for and  
79 shall pay the tax. The department may adopt rules to administer  
80 this subsection.

81 (hhh) Accessible vehicles.—The sale or lease of accessible  
82 vehicles is exempt from the tax imposed by this chapter. As used  
83 in this paragraph, the term "accessible vehicle" means a vehicle  
84 that is equipped with a lift or ramp designed specifically to  
85 transport physically disabled persons or that contains any other  
86 device designed to permit access to and enable the  
87 transportation of physically disabled persons, including persons

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88 who use wheelchairs, motorized wheelchairs, or similar mobility  
89 aids; complies with the accessibility requirements of the  
90 Americans with Disabilities Act of 1990, 49 C.F.R. ss. 38.23,  
91 38.25, and 38.31, as amended, whether or not such regulations  
92 would apply under federal law; meets all applicable federal  
93 motor vehicle safety standards and regulations adopted  
94 thereunder; and provides sufficient floor space to accommodate a  
95 service animal. If such equipment is installed through an  
96 aftermarket conversion of a stock vehicle, only the value of the  
97 conversion is exempt from the tax imposed by this chapter.

98 Section 3. Subsection (12) of section 409.905, Florida  
99 Statutes, is amended to read:

100 409.905 Mandatory Medicaid services.—The agency may make  
101 payments for the following services, which are required of the  
102 state by Title XIX of the Social Security Act, furnished by  
103 Medicaid providers to recipients who are determined to be  
104 eligible on the dates on which the services were provided. Any  
105 service under this section shall be provided only when medically  
106 necessary and in accordance with state and federal law.

107 Mandatory services rendered by providers in mobile units to  
108 Medicaid recipients may be restricted by the agency. Nothing in  
109 this section shall be construed to prevent or limit the agency  
110 from adjusting fees, reimbursement rates, lengths of stay,  
111 number of visits, number of services, or any other adjustments  
112 necessary to comply with the availability of moneys and any  
113 limitations or directions provided for in the General  
114 Appropriations Act or chapter 216.

115 (12) TRANSPORTATION SERVICES.—

116 (a) The agency shall ensure that appropriate transportation

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117 services are available for a Medicaid recipient in need of  
118 transport to a qualified Medicaid provider for medically  
119 necessary and Medicaid-compensable services, provided a client's  
120 ability to choose a specific transportation provider shall be  
121 limited to those options resulting from policies established by  
122 the agency to meet the fiscal limitations of the General  
123 Appropriations Act. The agency may pay for transportation and  
124 other related travel expenses as necessary only if these  
125 services are not otherwise available.

126 (b) In order to receive payment for transportation  
127 services, the transportation provider must certify to the agency  
128 that the vehicles used to provide such services comply with the  
129 accessibility requirements of the Americans with Disabilities  
130 Act of 1990, 49 C.F.R. ss. 38.23, 38.25, and 38.31, as amended,  
131 whether or not such regulations would apply under federal law;  
132 meet all applicable federal motor vehicle safety standards and  
133 regulations adopted thereunder; and provide sufficient floor  
134 space to accommodate a service animal.

135 Section 4. This act shall take effect July 1, 2012.