

1 A bill to be entitled  
2 An act relating to transportation services for persons  
3 with disabilities and the transportation  
4 disadvantaged; amending s. 427.011, F.S.; providing  
5 definitions; amending s. 427.012, F.S.; revising  
6 membership of the Commission for the Transportation  
7 Disadvantaged and qualifications therefor; providing  
8 for staggered terms; amending s. 427.013, F.S.;  
9 revising duties of the commission; amending s.  
10 427.0159, F.S.; conforming a cross-reference; creating  
11 s. 427.02, F.S.; providing responsibilities of a  
12 transportation service provider with respect to driver  
13 training, installation of video camera monitoring  
14 systems, and technology-based services; requiring a  
15 transportation service provider and the local  
16 government with which the provider contracts to  
17 establish standards relating to reasonable time  
18 periods between a request for service and the arrival  
19 of the provider, limitation of the duration of travel  
20 times, transparency regarding the quality of service  
21 provided, and a system for the reporting of adverse  
22 incidents; requiring reports of adverse incidents to  
23 be submitted to the Agency for Persons with  
24 Disabilities and the Department of Transportation;  
25 requiring the agency and the department to establish

26 requirements for the investigation of adverse  
 27 incidents; requiring such an investigation to commence  
 28 within a certain timeframe; providing nonapplicability  
 29 of provisions exempting the purchase of contractual  
 30 services from competitive bidding requirements;  
 31 providing an effective date.

32

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

34

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

37 427.011 Definitions.—For the purposes of ss. 427.011-  
 38 427.02 ~~ss. 427.011-427.017~~:

39 (1)~~(3)~~ "Agency" means an official, officer, commission,  
 40 authority, council, committee, department, division, bureau,  
 41 board, section, or any other unit or entity of the state or of a  
 42 city, town, municipality, county, or other local governing body  
 43 or a private nonprofit transportation service-providing agency.

44 (2)~~(5)~~ "Community transportation coordinator" means a  
 45 transportation entity recommended by a metropolitan planning  
 46 organization, or by the appropriate designated official planning  
 47 agency as provided for in ss. 427.011-427.017 in an area outside  
 48 the purview of a metropolitan planning organization, to ensure  
 49 that coordinated transportation services are provided to the

50 transportation disadvantaged population in a designated service  
51 area.

52 ~~(3)-(7)~~ "Coordinating board" means an advisory entity in  
53 each designated service area composed of representatives  
54 appointed by the metropolitan planning organization or  
55 designated official planning agency, to provide assistance to  
56 the community transportation coordinator relative to the  
57 coordination of transportation services.

58 ~~(4)-(11)~~ "Coordination" means the arrangement for the  
59 provision of transportation services to the transportation  
60 disadvantaged in a manner that is cost-effective, efficient, and  
61 reduces fragmentation and duplication of services.

62 (5) "Immediate family member" means a spouse, child,  
63 parent, sibling, grandparent, aunt, uncle, or first cousin of a  
64 person or the person's spouse or a person who resides in the  
65 primary residence of the person.

66 ~~(6)-(2)~~ "Metropolitan planning organization" means the  
67 organization responsible for carrying out transportation  
68 planning and programming in accordance with the provisions of 23  
69 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

70 ~~(7)-(12)~~ "Nonsponsored transportation disadvantaged  
71 services" means transportation disadvantaged services that are  
72 not sponsored or subsidized by any funding source other than the  
73 Transportation Disadvantaged Trust Fund.

74        ~~(8)-(9)~~ "Paratransit" means those elements of public  
75 transit which provide service between specific origins and  
76 destinations selected by the individual user with such service  
77 being provided at a time that is agreed upon by the user and  
78 provider of the service. Paratransit service is provided by  
79 taxis, limousines, "dial-a-ride," buses, and other demand-  
80 responsive operations that are characterized by their  
81 nonscheduled, nonfixed route nature.

82        ~~(9)-(8)~~ "Purchasing agency" means a department or agency  
83 whose head is an ex officio, nonvoting adviser to the  
84 commission, or an agency that purchases transportation services  
85 for the transportation disadvantaged.

86        (10) "Request for service" means a request made to a  
87 transportation service provider by a person with a disability,  
88 or by such person's immediate family member, for paratransit  
89 service.

90        ~~(11)-(1)~~ "Transportation disadvantaged" means those persons  
91 who because of physical or mental disability, income status, or  
92 age are unable to transport themselves or to purchase  
93 transportation and are, therefore, dependent upon others to  
94 obtain access to health care, employment, education, shopping,  
95 social activities, or other life-sustaining activities, or  
96 children who are handicapped or high-risk or at-risk as defined  
97 in s. 411.202.

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

106 |        (13)~~(4)~~ "Transportation improvement program" means a  
 107 | staged multiyear program of transportation improvements,  
 108 | including an annual element, which is developed by a  
 109 | metropolitan planning organization or designated official  
 110 | planning agency.

111 |        (14)~~(6)~~ "Transportation operator" means one or more  
 112 | public, private for-profit, or private nonprofit entities  
 113 | engaged by the community transportation coordinator to provide  
 114 | service to transportation disadvantaged persons pursuant to a  
 115 | coordinated system service plan.

116 |        (15) "Transportation service provider" means an  
 117 | organization or entity that contracts with a local government to  
 118 | provide paratransit service for persons with disabilities.

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

121 |        427.012 The Commission for the Transportation  
 122 | Disadvantaged.—There is created the Commission for the

123 Transportation Disadvantaged in the Department of  
 124 Transportation.

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

128 (2) The commission shall be comprised of the following  
 129 members:

130 (a) The director of the Agency for Persons with  
 131 Disabilities.

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

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

136 (d) The Secretary of Elderly Affairs.

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

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

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

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

145 (i) Five members who have experience in transit,  
 146 transportation services, innovative technology, government  
 147 procurement, mobility, or service of persons with disabilities

148 or who have disabilities and use transportation for the  
149 transportation disadvantaged.

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

156 (4) Each member must be a resident of the state.

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

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

166 ~~(c) Each member shall represent the needs of the~~  
167 ~~transportation disadvantaged throughout the state. A member may~~  
168 ~~not subordinate the needs of the transportation disadvantaged in~~  
169 ~~general in order to favor the needs of others residing in a~~  
170 ~~specific location in the state.~~

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

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

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

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

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

- 191 ~~1. A transportation operator;~~
- 192 ~~2. A community transportation coordinator;~~
- 193 ~~3. A metropolitan planning organization;~~
- 194 ~~4. A designated official planning agency;~~
- 195 ~~5. A purchaser agency;~~
- 196 ~~6. A local coordinating board;~~
- 197 ~~7. A broker of transportation; or~~



198        ~~8. A provider of transportation services.~~

199        (5)~~(2)~~ The chair of the commission ~~chairperson~~ shall be

200 appointed by the Governor, and the vice chair ~~chairperson~~ of the

201 commission shall be elected annually from the membership of the

202 commission.

203        (6)~~(3)~~ Members of the commission shall serve without

204 compensation but shall be allowed per diem and travel expenses~~7~~

205 as provided in s. 112.061.

206        (7)~~(4)~~ The commission shall meet at least quarterly, or

207 more frequently at the call of the chair ~~chairperson~~. Eight ~~Four~~

208 members of the commission constitute a quorum, and a majority

209 vote of the members present is necessary for any action taken by

210 the commission.

211        (8)~~(5)~~ The Governor may remove any member of the

212 commission for cause.

213        ~~(6) Each candidate for appointment to the commission must,~~

214 ~~before accepting the appointment, undergo background screening~~

215 ~~under s. 435.04 by filing with the Department of Transportation~~

216 ~~a complete set of fingerprints taken by an authorized law~~

217 ~~enforcement agency. The fingerprints must be submitted to the~~

218 ~~Department of Law Enforcement for state processing, and that~~

219 ~~department shall submit the fingerprints to the Federal Bureau~~

220 ~~of Investigation for federal processing. The Department of~~

221 ~~Transportation shall screen the background results and inform~~

222 ~~the commission of any candidate who does not meet level 2~~

223 ~~screening standards. A candidate who has not met level 2~~  
224 ~~screening standards may not be appointed to the commission. The~~  
225 ~~cost of the background screening may be borne by the Department~~  
226 ~~of Transportation or the candidate.~~

227 (9)~~(7)~~ The commission shall appoint an executive director  
228 who shall serve under the direction, supervision, and control of  
229 the commission. The executive director, with the consent of the  
230 commission, shall employ such personnel as may be necessary to  
231 perform adequately the functions of the commission within  
232 budgetary limitations. Employees of the commission are exempt  
233 from the Career Service System.

234 (10)~~(8)~~ The commission shall appoint a technical working  
235 group that includes representatives of private paratransit  
236 providers. The technical working group shall advise the  
237 commission on issues of importance to the state, including  
238 information, advice, and direction regarding the coordination of  
239 services for the transportation disadvantaged. The commission  
240 may appoint other technical working groups whose members may  
241 include representatives of community transportation  
242 coordinators; metropolitan planning organizations; regional  
243 planning councils; experts in insurance, marketing, economic  
244 development, or financial planning; and persons who use  
245 transportation for the transportation disadvantaged, or their  
246 relatives, parents, guardians, or service professionals who tend  
247 to their needs.

248        (11)~~(9)~~ The commission is assigned to the office of the  
 249 secretary of the Department of Transportation for administrative  
 250 and fiscal accountability purposes, but it shall otherwise  
 251 function independently of the control, supervision, and  
 252 direction of the department.

253        (12)~~(10)~~ The commission shall develop a budget pursuant to  
 254 chapter 216. The budget is not subject to change by the  
 255 department staff after it has been approved by the commission,  
 256 but it shall be transmitted to the Governor, as head of the  
 257 department, along with the budget of the department.

258        Section 3. Subsections (8) through (29) of section  
 259 427.013, Florida Statutes, are renumbered as subsections (10)  
 260 through (31), respectively, subsection (5) and present  
 261 subsections (13), (20), and (28) are amended, and new  
 262 subsections (8) and (9) are added to that section, to read:

263        427.013 The Commission for the Transportation  
 264 Disadvantaged; purpose and responsibilities.—The purpose of the  
 265 commission is to accomplish the coordination of transportation  
 266 services provided to the transportation disadvantaged. The goal  
 267 of this coordination is to assure the cost-effective provision  
 268 of transportation by qualified community transportation  
 269 coordinators or transportation operators for the transportation  
 270 disadvantaged without any bias or presumption in favor of  
 271 multioperator systems or not-for-profit transportation operators

272 over single operator systems or for-profit transportation  
 273 operators. In carrying out this purpose, the commission shall:

274 (5) Serve as a clearinghouse for information about  
 275 transportation disadvantaged services, training, funding  
 276 sources, innovations, and coordination efforts and provide best  
 277 practices, latest technology innovations, and preferential  
 278 vendors lists to county transportation disadvantaged program  
 279 managers.

280 (8) Annually review and conduct a performance audit of  
 281 each coordinator contract and transportation operator contract  
 282 in each county.

283 (9) Establish a system for the filing, receipt, and  
 284 resolution of complaints regarding the transportation  
 285 disadvantaged system.

286 (15)~~(13)~~ Make an annual report to the Governor, the  
 287 President of the Senate, and the Speaker of the House of  
 288 Representatives by January 1 of each year. The report shall  
 289 summarize for each county the number of complaints filed  
 290 regarding the transportation disadvantaged system, contract  
 291 satisfaction, a breakdown of the total cost of services, the  
 292 amount of funds provided by the commission, and the results of  
 293 annual performance audits.

294 (22)~~(20)~~ Ensure that drivers of motor vehicles used to  
 295 provide paratransit service attend ~~Design and develop~~

296 ~~transportation disadvantaged~~ training programs delivered by the  
 297 Agency for Persons with Disabilities.

298 (30) ~~(28)~~ In consultation with the Agency for Health Care  
 299 Administration and the Department of Transportation, develop an  
 300 allocation methodology that equitably distributes all  
 301 transportation funds under the control of the commission to  
 302 compensate counties, community transportation coordinators, and  
 303 other entities providing transportation disadvantaged services.  
 304 The methodology shall separately account for Medicaid  
 305 beneficiaries. The methodology shall consider such factors as  
 306 the actual costs of each transportation disadvantaged trip based  
 307 on prior-year information, efficiencies that a provider might  
 308 adopt to reduce costs, results of the rate and cost comparisons  
 309 conducted under subsections (26) ~~(24)~~ and (27) ~~(25)~~, as well as  
 310 cost efficiencies of trips when compared to the local cost of  
 311 transporting the general public. This subsection does not  
 312 supersede the authority of the Agency for Health Care  
 313 Administration to distribute Medicaid funds.

314 Section 4. Subsection (4) of section 427.0159, Florida  
 315 Statutes, is amended to read:

316 427.0159 Transportation Disadvantaged Trust Fund.—

317 (4) A purchasing agency may deposit funds into the  
 318 Transportation Disadvantaged Trust Fund for the commission to  
 319 implement, manage, and administer the purchasing agency's

320 transportation disadvantaged funds, as defined in s. 427.011 ~~s.~~  
 321 ~~427.011(10)~~.

322 Section 5. Section 427.02, Florida Statutes, is created to  
 323 read:

324 427.02 Transportation services for persons with  
 325 disabilities.—

326 (1) A transportation service provider must:

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

333 (b)1. Install an interior video camera monitoring system  
 334 in each motor vehicle used to provide paratransit service to  
 335 persons with disabilities. Each component of the interior video  
 336 camera monitoring system must be mounted securely inside the  
 337 motor vehicle, must be located outside the head protection zone  
 338 as described in 49 C.F.R. s. 571.222, must be located in an area  
 339 in which the component is not likely to cause injury, and must  
 340 have no sharp edges or projections.

341 2. Upon request, provide access to footage captured by an  
 342 interior video camera monitoring system to the local government,  
 343 the Department of Transportation, the Agency for Persons with  
 344 Disabilities, or a parent, legal guardian, caretaker, or

345 immediate family member of a person who receives paratransit  
346 service from the transportation service provider.

347 (c) Offer Internet-based, application-based, and  
348 smartphone-based ride booking and vehicle tracking services.  
349 Each of these services must be provided in accessible formats.

350 (d) Regularly maintain and upgrade all technology-based  
351 services.

352 (e) Offer both pre-booking and on-demand service to  
353 paratransit service users.

354 (2) A transportation service provider, in collaboration  
355 with the local government with which the provider contracts,  
356 shall establish:

357 (a) Reasonable time periods between a request for service  
358 and the arrival of the transportation service provider at the  
359 location specified in the request, taking into account the  
360 number of persons requesting paratransit service on the same  
361 date, the distance between locations, usual or expected traffic  
362 conditions during the provision of paratransit service, and any  
363 other factor deemed necessary by the provider or the local  
364 government. If a transportation service provider exhibits a  
365 pattern of late arrivals based on such established reasonable  
366 time periods, the local government may authorize another  
367 provider to provide such paratransit service, including the  
368 acceptance of any prepaid vouchers for future paratransit  
369 service, notwithstanding the terms of the contract with the

370 original provider.

371 (b) Best practices for limiting the duration of travel  
372 times for persons receiving paratransit service. To avoid  
373 unreasonably long travel times, the provider and the local  
374 government shall consider the level of service offered to  
375 persons without disabilities by a public entity operating a  
376 fixed route as compared to the level of paratransit service  
377 offered by the transportation service provider in accordance  
378 with 49 C.F.R. s. 37.121.

379 (c) Transparency regarding the quality of paratransit  
380 service provided by the transportation service provider,  
381 including, but not limited to, data relating to the timeliness  
382 of paratransit service provided and the handling of complaints.

383 (d) An efficient system for the reporting of adverse  
384 incidents occurring during the provision of paratransit service  
385 to persons with disabilities. Such system may include the  
386 assignment of a quick-response code to each motor vehicle used  
387 to provide such service for the purpose of reporting adverse  
388 incidents with a smartphone or other mobile device. Reports of  
389 adverse incidents received by the local government or the  
390 transportation service provider shall be submitted to the Agency  
391 for Persons with Disabilities and the Department of  
392 Transportation.

393 (3) The Agency for Persons with Disabilities, in  
394 collaboration with the Department of Transportation, shall



395 establish requirements for the investigation of adverse  
396 incidents reported pursuant to paragraph (2)(d), including  
397 periodic review of ongoing investigations and documentation of  
398 final outcomes thereof. The investigation of a reported adverse  
399 incident must commence within 48 hours after receipt of the  
400 report by the agency and the department.

401 (4) The provisions of s. 287.057 which exempt the purchase  
402 of contractual services from competitive bidding requirements do  
403 not apply to contracts entered into by local governments and  
404 transportation service providers for the provision of  
405 paratransit service to persons with disabilities under this  
406 section.

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