

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1673 Transportation Services for Persons with Disabilities and the Transportation Disadvantaged

SPONSOR(S): Infrastructure Strategies Committee, Transportation & Modals Subcommittee, Busatta Cabrera

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 1380

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	13 Y, 0 N, As CS	Hinshelwood	Hinshelwood
2) Infrastructure & Tourism Appropriations Subcommittee	11 Y, 0 N	Hicks	Davis
3) Infrastructure Strategies Committee	23 Y, 0 N, As CS	Hinshelwood	Harrington

SUMMARY ANALYSIS

Florida law defines the term “transportation disadvantaged” as those 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, or children who are handicapped or high-risk. In 1989, the Legislature created the Commission for Transportation Disadvantaged (Commission) within the Florida Department of Transportation (FDOT) to accomplish the coordination of transportation services provided to the transportation disadvantaged.

The bill makes the following changes to laws relating to transportation services for persons with disabilities and the transportation disadvantaged:

- Amends the Commission’s membership by increasing the number of members from seven to 11.
- Amends requirements and qualifications for Commission members.
- Amends the Commission’s duties.
- Provides requirements specific to transportation service providers who provide paratransit services to persons with disabilities, including requiring such providers to train for drivers, provide certain ride booking and vehicle tracking services, regularly maintain and upgrade all technology-based services, offer pre-booking and on-demand service, establish reasonable time periods between a request for service and the arrival of the transportation service provider at the location specified in the request, establish best practices for limiting the duration of travel times, establish transparency regarding the quality of paratransit service provided, establish an efficient system for the reporting of adverse incidents.
- Requires the Commission to establish requirements for the investigation of adverse incidents reported.
- Requires competitive procurement of contracts entered into or renewed on or after October 1, 2024, with transportation service providers for the provision of paratransit service to persons with disabilities.
- Requires FDOT to ensure that all grants and agreements between FDOT and entities providing paratransit service include certain provisions relating to performance requirements, penalties for repeated violations, minimum liability insurance, and complaint processes.
- Requires FDOT, by January 1, 2025, to provide to the Governor and the Legislature a comprehensive report on the services provided by the Commission.

The bill may have an indeterminate negative fiscal impact on the state, local governments, and the private sector. See Fiscal Analysis Section.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Commission for the Transportation Disadvantaged (Commission)

Florida law defines the term “transportation disadvantaged” as those 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, or children who are handicapped or high-risk.¹

In 1989, the Legislature created the Commission within the Florida Department of Transportation (FDOT) to accomplish the coordination of transportation services provided to the transportation disadvantaged.² The goal of this coordination is to assure the cost-effective provision of transportation by qualified community transportation coordinators (CTCs) or transportation operators³ for the transportation disadvantaged.⁴ The Commission is the state-level board that develops policies and procedures for the coordination of services to the transportation disadvantaged population.⁵

The Commission consists of seven members appointed by the Governor in accordance with the following qualifications:⁶

- Five of the 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 business community in this state, as well as the racial, ethnic, geographical, and gender diversity of the population of this state.
- Two of the members must have a disability and use the transportation disadvantaged system.
- Each member must be a resident and registered voter of this state.
- At least one member must be at least 65 years of age.
- A member may not, within the 5 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 CTC; a metropolitan planning organization (MPO);⁷ a designated official planning agency; a purchaser agency;⁸ 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.

¹ S. 427.011(1), F.S.

² S. 427.013, F.S.

³ The term “transportation operator” means one or more public, private for-profit, or private nonprofit entities engaged by the CTC to provide service to transportation disadvantaged persons pursuant to a coordinated system or plan. S. 427.011(6), F.S.

⁴ S. 427.013, F.S.

⁵ Florida Commission for the Transportation Disadvantaged, *2023 Annual Performance Report*, p. 8, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/ctd/docs/aoraprdocs/2023_ctd_annual_performance_report-electronic_version2.pdf?sfvrsn=94e1d74a_3 (last visited Feb. 16, 2024).

⁶ S. 427.012(1), F.S.

⁷ 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).

⁸ 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. S. 427.011(8), F.S.

Additionally, the following individuals, or their senior management level representatives, serve as ex officio, nonvoting advisors to the Commission:⁹

- 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.

The statutory mandates for the Commission to carry out its purpose include, among other requirements, the following:¹⁰

- 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 coordination 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 CTCs.
- 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.
- 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 CTCs 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 CTCs to prioritize the delivery of nonsponsored transportation disadvantaged services 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 pursuant to s. 427.0155, F.S.

⁹ S. 427.012(1)(g), F.S.

¹⁰ S. 427.013, F.S.

- Ensure that local CTCs work cooperatively with local workforce development boards established in chapter 445, F.S., to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

CTCs

A CTC is a transportation entity competitively procured or recommended by an MPO or other appropriate official planning agency and local coordinating board and approved by the Commission, to ensure that safe, quality coordinated transportation services are provided or arranged in a cost-effective manner to serve the transportation disadvantaged in a designated service area.¹¹

The Commission contracts with CTCs, typically for up to five years, to ensure the provision of services at the local level.¹² While the Commission establishes guidelines for eligibility within the parameters laid out in Florida Statutes, specific eligibility policies are determined at the local level within such guidelines.¹³

A CTC can be a public transportation organization (such as a transit authority), a private for-profit transportation company, a not-for-profit human services agency, or a local government entity.¹⁴ Through a competitive procurement process, the CTC may also contract (i.e., broker) with local transportation operators to provide services in its designated service area.¹⁵

Additionally, the Commission works with “purchasing agencies” to “sponsor” transportation for their transportation disadvantaged clients.¹⁶ Examples of purchasing agencies include the Agency for Health Care Administration (AHCA), Agency for Persons with Disabilities (APD), and local governments.¹⁷ A CTC may provide “sponsored” transportation for eligible individuals on behalf of a purchasing agency, such as trips to medical appointments covered under Florida’s Medicaid Managed Medical Assistance program.¹⁸

CTCs that operate fixed bus route services may also serve certain groups within the transportation disadvantaged population, such as individuals with disabilities who qualify for complementary paratransit services¹⁹ required by the federal Americans with Disabilities Act.²⁰

Local Coordinating Boards (LCBs)

The Local Coordinating Board (LCB) serves as a local advisory body to the Commission and assists the Commission in identifying the local service needs and providing information, advice, and direction on the coordination of services.²¹ LCBs are chaired by a local elected official, and its membership represents local and state stakeholders, including state agencies, riders of the system, the public education system, military veterans, the workforce development system, the medical community, and the transportation industry.²² LCBs meet at least quarterly and assist CTCs and designated official planning agencies (e.g., MPOs) in a variety of activities, including establishing eligibility guidelines and setting trip priorities funded by the transportation disadvantaged program, developing the

¹¹ S. 427.011(5), F.S.; Florida Commission for the Transportation Disadvantaged, *supra* note 5 at p. 34.

¹² Florida Commission for the Transportation Disadvantaged, *supra* note 5 at p. 8.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 8-9.

¹⁸ *Id.* at p. 9.

¹⁹ “Paratransit” means 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. S. 427.011(9), F.S.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

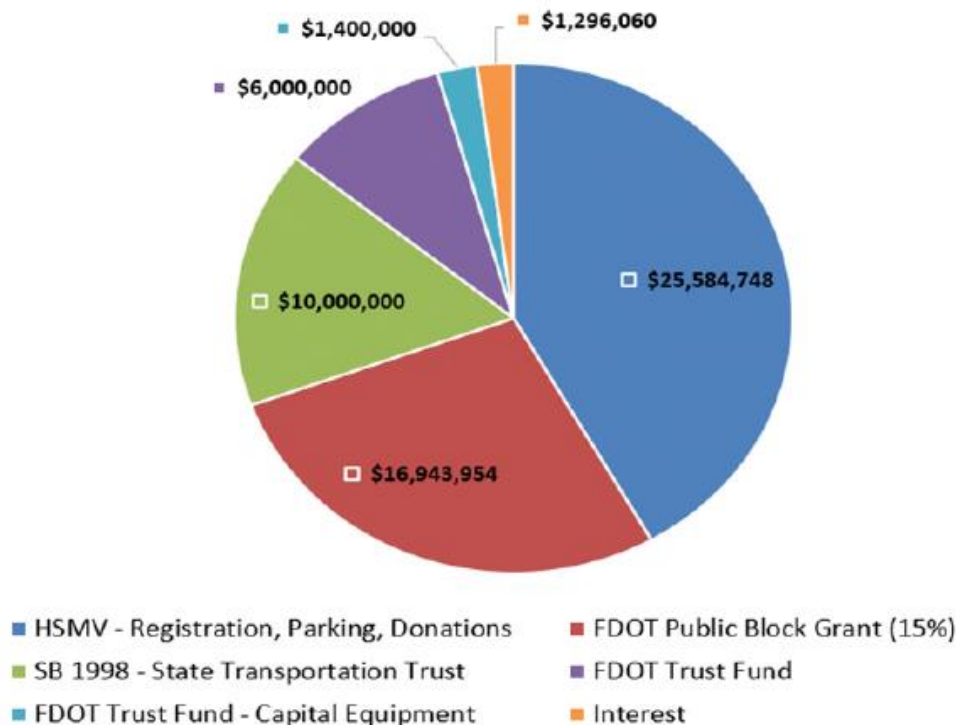
Transportation Disadvantaged Service Plan, and evaluating the performance of the CTC on an annual basis.²³

Transportation Disadvantaged Trust Fund²⁴

The Commission administers several grant programs that are funded through the Transportation Disadvantaged Trust Fund (TDTF). TDTF funds are mostly used to purchase trips for eligible individuals to access activities “not sponsored” by other purchasing agencies. In order for an eligible individual to qualify for TDTF non-sponsored services, he or she must, at minimum, demonstrate no availability of any other funding or reimbursement (including self-pay), and no means of any other transportation (including public transit). Using an example discussed above, an eligible individual may receive “sponsored” trips to medical appointments under Florida’s Medicaid Managed Medical Assistance program; however, there may not be a similar funding source for that same individual to access grocery shopping and other life-sustaining activities, where such trips could be reimbursed using TDTF monies.

In Fiscal Year 2022-23, the Legislature appropriated approximately \$61.2 million to the TDTF. The following pie chart provides a breakdown of the revenues that were deposited within the TDTF (as of June 30, 2023). The largest portion of TDTF revenues come from the vehicle registration fees that are paid by residents when they renew their license tag with the State of Florida.

FY2022-23 TDTF Revenues \$61,224,762



Coordinated Transportation System Organization

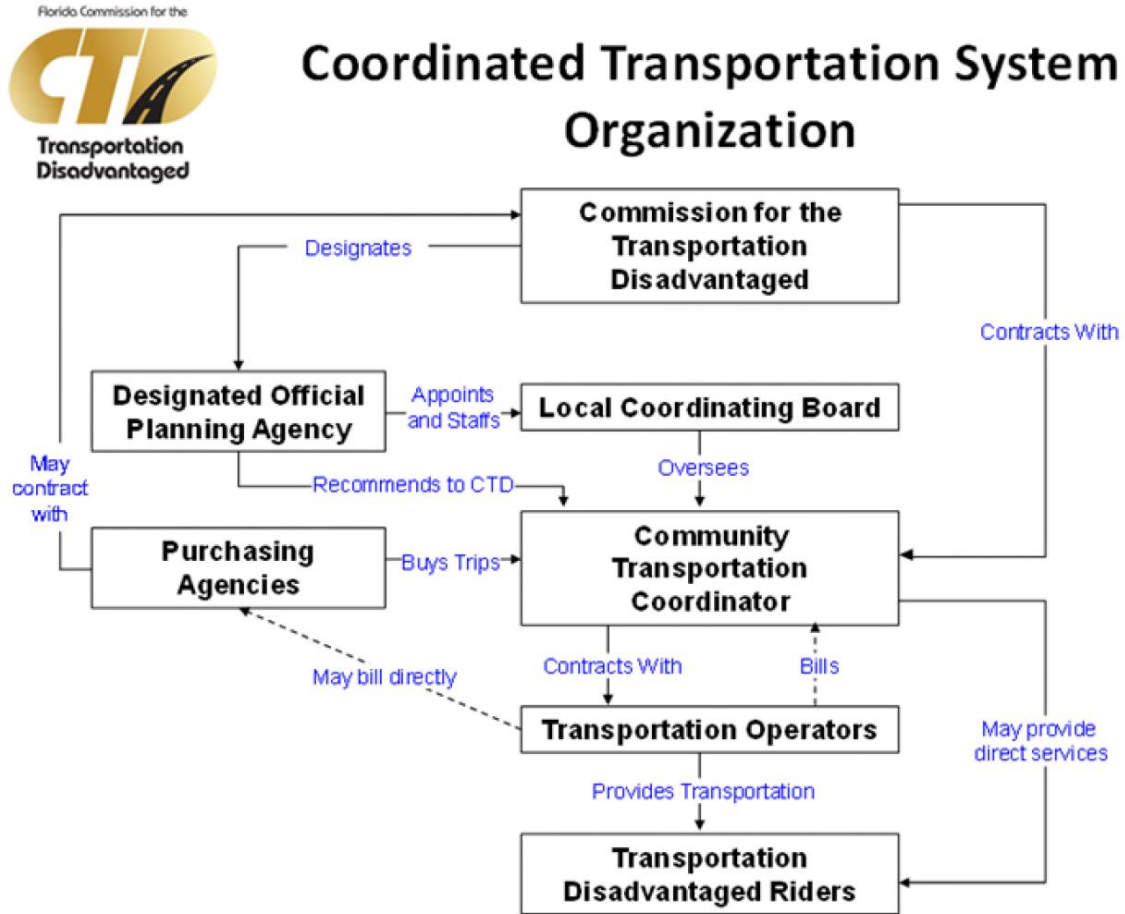
In summary, the Commission ensures the availability of transportation services for the transportation disadvantaged through “coordinated transportation,” where the Commission works with state and local

²³ *Id.*

²⁴ *Id.* at p. 10.

partners to deliver transportation services to the transportation disadvantaged population.²⁵ These services are collectively provided through the Coordinated Transportation System.²⁶

The Coordinated Transportation System includes the CTC, the transportation operators and coordination contractors under contract with the CTC, the official planning agency, and local coordinating board involved in the provision of service delivery to the transportation disadvantaged within the designated service area.²⁷ Below is a chart illustrating the Coordinated Transportation System.²⁸



Non-Emergency Transportation Services Covered by Medicaid

Medicaid is the medical assistance program that provides access to health care for low-income families and individuals.²⁹ Medicaid also assists the elderly and people with disabilities with the costs of nursing facility care and other medical and long-term care expenses.³⁰ In Florida, AHCA is responsible for Medicaid.³¹

Medicaid reimburses for medically necessary non-emergency transportation services for a Medicaid eligible recipient and a personal care attendant or escort, if required, who have no other means of

²⁵ Florida Commission for the Transportation Disadvantaged, *supra* note 5 at p. 5.

²⁶ *Id.*

²⁷ *Id.* at p. 35.

²⁸ *Id.* at 21.

²⁹ Florida Agency for Health Care Administration, *Welcome to Statewide Medicaid Managed Care!*, <https://ahca.myflorida.com/medicaid/statewide-medicaid-managed-care> (last visited Feb. 16, 2024).

³⁰ *Id.*

³¹ *Id.*

transportation available to any Medicaid covered service.³² Examples of Medicaid-covered non-emergency transport include transport to:³³

- Doctor appointments,
- Dental appointments,
- Mental health appointments,
- Receive dialysis services, and
- Receive services at a prescribed pediatric extended care center.

If a Medicaid recipient has a complaint about a transportation trip, AHCA recommends first calling the transportation provider.³⁴ If the transportation provider is not able to resolve the problem, AHCA provides two ways of filing a formal complaint: AHCA's Medicaid Helpline or AHCA's complaint website.³⁵

Effect of the Bill

Membership of the Commission

The bill amends the Commission's membership such that it will consist of 11 members, rather than seven members, appointed by the Governor as follows:

- The Secretary of Transportation or his or her designee.
- The director of the Agency for Persons with Disabilities or his or her designee.
- The Secretary of Elderly Affairs or his or her designee.
- The director of the Division of Blind Services.
- 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.
- Five members who have experience in transportation, workforce development, transit services, management, insurance, or service of persons with disabilities or who have a disability and use transportation for the transportation disadvantaged.

Each member must be a resident of this state. The members appointed who are county managers or administrators or who have been appointed with requisite experience will each serve a 4-year term, may be reappointed for one additional 4-year term, and must continue to serve on the Commission until such time as a replacement is appointed.

A Commission member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time telephonic, electronic, or video communication counts toward a quorum, and such member may vote as if physically present.

The bill removes the requirement for members of the Commission to submit fingerprints and pass a level 2 background screening, removes the prohibition on members of the Commission having a financial relationship with specified entities or representing such entities as a lobbyist, and removes the requirement for the Commission to appoint a technical working group.

Duties of the Commission

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

³² Florida Agency for Health Care Administration, *Non-Emergency Transportation Services*, <https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/medical-and-behavioral-health-coverage-policy/specialized-health-services/non-emergency-transportation-services> (last visited Feb. 16, 2024).

³³ Florida Agency for Health Care Administration, *Medicaid Transportation Services Brochure*, https://ahca.myflorida.com/content/download/6918/file/MEDICAID_TRANSPORTATION_BROCHURE.pdf (last visited Feb. 16, 2024).

³⁴ *Id.*

³⁵ *Id.* The Medicaid Helpline is 1-877-254-1055. AHCA's complaint website is

<http://ahca.myflorida.com/Medicaid/complaints/>.

- Compile all available information on the transportation operations for and needs of the transportation disadvantaged in the state. This must include any data provided by agencies.
- Establish and maintain statewide objectives for providing transportation services for the transportation disadvantaged.
- Develop policies and procedures for the coordination of local government, federal, and state funding for the transportation disadvantaged.
- Serve as a clearinghouse for information about transportation disadvantaged services, training, funding sources, innovations, and coordination efforts and provide best practices and latest technology innovations.
- Assist communities in developing transportation systems designed to serve the transportation disadvantaged.
- Unless otherwise provided by state or federal law, ensure that all contracts, procedures, guidelines, and directives issued by the Commission, participating state agency, or community transportation coordinator are conducive to the coordination of transportation services.
- Develop by rule standards 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 service, costs, and utilization of transportation disadvantaged services. These standards and rules must include, but are not limited to:
 - Minimum performance standards for the delivery of services. These standards must be included in community transportation coordinator contracts and transportation operator contracts, with clear penalties for repeated or continuing violations. Any subcontract must also include similar provisions.
 - Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged through the contracted vendor or subcontractor thereof.
 - Required complaint and grievance processes, including a requirement that all reported complaints, grievances, and resolutions are reported to the Commission on a quarterly basis. These standards must be included in coordinator contracts and transportation operator contracts, including any subcontract, with clear penalties for repeated or continuing violations.
- Ensure that purchasing agencies purchase all trips within the coordinated system, unless they have fulfilled the requirements of s. 427.0135(3), F.S., and use a more cost-effective alternative provider that meets comparable quality and standards. Unless the purchasing agency has negotiated with the Commission pursuant to the requirements of s. 427.0135(3), F.S., provide, by rule, criteria and procedures for purchasing agencies to use if they wish to use an alternative provider. Agencies must demonstrate that the proposed alternative provider can provide a trip of comparable quality and standards 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.
- Adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the provisions of ss. 427.011-427.017, F.S.
- 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. Applications by the Commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the Commission and shall be used to carry out the Commission's responsibilities.
- Make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year. The report must include:
 - A consolidated report of each state agency's actual expenditures, together with the actual expenditures of each local government and directly federally funded agency and the amounts collected by each official planning agency.
 - Updates to a strategic plan addressing challenges and opportunities in serving the transportation disadvantaged to ensure that the most cost-effective and efficient method of providing transportation to the transportation disadvantaged is programmed for development.

- Review and approve memorandums of agreement for the provision of coordinated transportation services.
- Review, monitor, and coordinate all transportation disadvantaged local government, state, and federal fund requests and plans for conformance with Commission policy, without delaying the application process. Such funds shall be available only to those entities participating in an approved coordinated transportation system or entities which have received a Commission-approved waiver to obtain all or part of their transportation through another means. This process shall identify procedures for coordinating with the state's intergovernmental coordination and review procedures and s. 216.212(1), F.S., and any other appropriate grant review process.
- Maintain an interagency uniform contracting and billing and accounting system that shall be used by all community transportation coordinators and their transportation operators.
- Develop and maintain a transportation disadvantaged manual for use by community transportation coordinators and transportation operators.
- Develop a need-based 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 pursuant to s. 427.0155, F.S. This must include a biennial audit of each contract maintained or approved by the Commission.
- Designate the official planning agency in areas outside of the purview of a metropolitan planning organization.
- Ensure that local community transportation coordinators work cooperatively with local workforce development boards established in ch. 445, F.S., to provide assistance in the development of innovative transportation services for individuals seeking or seeking to maintain employment who may be served by other state programs.

FDOT Transit Responsibilities

The bill amends FDOT's transit responsibilities by requiring FDOT, within the resources provided pursuant to ch. 216, F.S., to ensure that all grants and agreements between FDOT and entities providing paratransit service include, at a minimum, the following provisions, unless otherwise provided by state or federal law:

- Performance requirements for the delivery of services, including clear penalties for repeated or continuing violations.
- Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged through the contracted vendor or subcontractor thereof.
- Complaint and grievance processes for paratransit users, including a requirement that all reported complaints, grievances, and resolutions are reported to FDOT on a quarterly basis.
- A requirement that the provisions above be included in any agreement between the entity receiving the grant or agreement from FDOT and such entity's contractors or subcontractors who provide paratransit service.

Requirements for Transportation Services for Persons with Disabilities

For contracts entered into or renewed with a transportation service provider on or after October 1, 2024, the bill requires a transportation service provider to:

- Provide training to each driver of a motor vehicle used to provide paratransit service³⁶ to persons with disabilities which, at a minimum, meets requirements established by the APD for training and professional development of staff providing direct services to clients of the agency.
- Offer Internet-based, application-based, and smartphone-based ride booking and vehicle tracking services. Each of these services must be provided in accessible formats.
- Regularly maintain and upgrade all technology-based services.
- Offer both pre-booking and on-demand service to paratransit service users.

³⁶ *Id.*

For contracts entered into or renewed with a transportation service provider on or after October 1, 2024, the bill requires a transportation service provider, in collaboration with the local government with which the provider contracts, to establish:

- Reasonable time periods between a request for service³⁷ and the arrival of the transportation service provider 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 paratransit service, and any other factor deemed necessary by the provider or the local government. If a transportation service 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 paratransit service, 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 as compared to the level of paratransit service offered by the transportation service provider in accordance with 49 C.F.R. § 37.121.
- Transparency regarding the quality of paratransit service provided by the transportation service provider, including, but not limited to, data relating to the timeliness of paratransit service provided and the handling of complaints.
- An efficient system for the reporting of adverse incidents occurring during the provision of paratransit service to persons with disabilities. Such system may include the assignment of 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 transportation service provider must be submitted on a quarterly basis to the Commission.

The Commission must establish requirements for the investigation of adverse incidents reported, including periodic review of ongoing investigations and documentation of final outcomes thereof. The investigation of a reported adverse incident must commence within 48 hours after receipt of the report by the Commission.

The bill requires competitive procurement of contracts entered into or renewed on or after October 1, 2024, with transportation service providers for the provision of paratransit service to persons with disabilities. Specifically, such contracts must be competitively procured pursuant to s. 287.057, F.S. The procurement must use competitive sealed bids, competitive sealed proposals, or competitive sealed replies. The contract may not be awarded using an exceptional purchase provision provided for in s. 287.057(3), F.S.

Report on Services Provided by the Commission for the Transportation Disadvantaged

The bill requires that FDOT, by January 1, 2025, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report, which may be conducted independently or by contract, on the services provided by the Commission for the Transportation Disadvantaged which includes, at a minimum, the following:

- A review of services rendered by community transportation coordinators or transportation operators coordinated by the Commission, specifically outlining:
 - Timeliness of services.
 - Quality of services.
 - Training programs for drivers and customer service representatives.
 - Timeliness of the resolution of complaints.
 - Adherence to performance measures by service providers
- A review of transportation delivery models administered by contract by the Commission and a review of potential alternative methods.

³⁷ The bill defines “request for service” to mean 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.

- The role of paratransit service as used by providers of services for the transportation disadvantaged and the differences between paratransit service and the services provided by the Commission. In its review, FDOT must also consider how the use of paratransit service can be leveraged to improve services coordinated by the Commission.
- The role of health care transportation services as used by the users of services for the transportation disadvantaged and how the coordination of services can be leveraged to improve services administered by the Commission.
- Breakdowns of funding provided by the Commission on a contractual level. The report must also include a breakdown of how the funds are used by delivery model, including both fixed route, on-demand, hybrid models, and through an innovation grant outlined in the General Appropriations Act.
- A review of the eligibility criteria by each coordinating entity, including any relevant demographic information by coordinating entity.
- A review of the challenges and potential opportunities to better support rural counties in administering such programs.
- Recommendations on efficiencies and challenges that may result from adopting an alternative format of delivering Commission services to improve services for individuals seeking to thrive in community-based settings, including in a workplace setting, who currently receive services provided by the Commission.
- Any additional recommendations relating to areas of review required above.

B. SECTION DIRECTORY:

Section 1. Amends s. 341.041, F.S., relating to transit responsibilities of the department.

Section 2. Amends s. 427.011, F.S., relating to definitions.

Section 3. Amends s. 427.012, F.S., relating to the Commission for the Transportation Disadvantaged.

Section 4. Amends s. 427.013, F.S., relating to the Commission for the Transportation Disadvantaged; purpose and responsibilities.

Section 5. Amends s. 427.0159, F.S., relating to Transportation Disadvantaged Trust Fund.

Section 6. Creates s. 427.02, F.S., relating to transportation services for persons with disabilities.

Section 7. Requires FDOT to submit to the Governor and Legislature by January 1, 2025, a report on the services provided by the Commission for the Transportation Disadvantaged.

Section 8. Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Commission believes that additional resources would likely be required to implement the following provisions:

- Establish an efficient system for the reporting of adverse incidents occurring during the provision of paratransit service to persons with disabilities. Such system may include the assignment of 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 transportation service provider shall be submitted on a quarterly basis to the Commission for the Transportation Disadvantaged.

- Establish requirements for the investigation of adverse incidents reported, including periodic review of ongoing investigations and documentation of final outcomes thereof. The investigation of a reported adverse incident must commence within 48 hours after receipt of the report by the Commission.

Further, the Commission has indicated that it would need two additional full-time equivalent (FTE) positions and an upgraded data collection system to receive, investigate, report, and follow-up on the outcome of adverse incidents. This function is currently handled at the local level between the CTC and the Local Coordinating Board. This new responsibility would expand the Commission's data collection system, as currently the data is provided in an aggregated format and does not include details, such as the date a complaint was received or how it was resolved. The increase in costs and workload remain indeterminate.

The bill requires APD to deliver training programs to drivers of motor vehicles used to provide paratransit service, which the agency should be able to accomplish using its existing resources.

The bill adds to FDOT's transit responsibilities under current law by requiring FDOT to ensure that all grants and agreements between FDOT and entities providing paratransit service include certain provisions relating to performance requirements, penalties for repeated violations, minimum liability insurance, and complaint processes. The bill also requires that FDOT, by January 1, 2025, provide to the Governor and the Legislature a comprehensive report, which may be conducted independently or by contract, on the services provided by the Commission.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate fiscal impact on local governments as it relates to establishing an efficient system for the reporting of adverse incidents occurring during the provision of paratransit services to persons with disabilities and ensuring that these incidents are properly reported to the Commission.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will have an indeterminate negative impact on transportation service providers, as it requires transportation service providers to:

- Provide training to each driver of a motor vehicle used to provide paratransit services to persons with disabilities.
- Offer Internet-based, application-based, and smartphone-based ride booking and vehicle tracking services.
- Regularly maintain and upgrade all technology-based services.
- Offer both pre-booking and on-demand service to paratransit service users.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Rulemaking may be necessary in order to conform to changes made by the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 31, 2024, the Transportation & Modals Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS:

- Incorporates definitions and other provisions of the bill into Part I of chapter 427, F.S.;
- Revises membership, requirements, and duties of the Commission for the Transportation Disadvantaged; and
- Revises reporting to the Governor and Legislature.

On February 22, 2024, the Infrastructure Strategies Committee considered one amendment, which was adopted, and reported favorably as a committee substitute. The amendment:

- Adds to FDOT's transit responsibilities under current law by requiring FDOT to ensure that all grants and agreements between FDOT and entities providing paratransit service include certain provisions relating to performance requirements, penalties for repeated violations, minimum liability insurance, and complaint processes.
- Revises the Commission's membership and membership terms.
- Allows remote meetings of the Commission.
- Revises the duties of the Commission.
- Revises requirements for transportation service providers that provide paratransit service to persons with disabilities by apply the requirements to contracts entered into or renewed on or after October 1, 2024, and by removing the requirements that such provider install cameras and provide access to camera footage to specified persons.
- Requires FDOT to submit to the Governor and Legislature by January 1, 2025, a report on the services provided by the Commission.

The analysis is drafted to the committee substitute as approved by the Infrastructure Strategies Committee.