

CHAPTER 2024-171

Committee Substitute for Committee Substitute for Senate Bill No. 1380

An act relating to transportation services for persons with disabilities and the transportation disadvantaged; amending s. 341.041, F.S.; revising duties of the Department of Transportation, within specified resources, with respect to required provisions of grants and agreements with entities providing paratransit services; amending s. 427.012, F.S.; revising membership of the Commission for the Transportation Disadvantaged and qualifications therefor; providing length of terms for specified commission members; revising voting and quorum requirements; deleting a requirement for the commission to appoint a specified working group; creating s. 427.02, F.S.; defining the term “transportation service provider”; providing requirements for paratransit service contracts entered into on or after October 1, 2024; requiring that such contracts be competitively procured; prohibiting the awarding of contracts using specified provisions; creating s. 427.021, F.S.; defining the term “transportation service provider”; requiring the commission to establish model procedures for transportation service providers to receive and investigate reports related to adverse incidents; providing requirements for such procedures; requiring investigation of a reported adverse incident to commence within a certain timeframe; requiring reports of adverse incidents to be submitted to the commission; amending s. 334.065, F.S.; requiring the Center for Urban Transportation Research to deliver a certain report to the department by a specified date; amending s. 334.066, F.S.; requiring the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab to deliver a certain report to the Governor, Legislature, and department by a specified date; requiring the department to provide the Governor and the Legislature with a report on the transportation disadvantaged services and the Commission for the Transportation Disadvantaged which includes specified information; providing applicability; providing an effective date.

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

Section 1. Subsection (16) is added to section 341.041, Florida Statutes, to read:

341.041 Transit responsibilities of the department.—The department shall, within the resources provided pursuant to chapter 216:

(16) Unless otherwise provided by state or federal law, ensure that all grants and agreements between the department and entities providing paratransit services include, at a minimum, the following provisions:

(a) Performance requirements for the delivery of services, including clear penalties for repeated or continuing violations;

(b) Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged, as defined in s. 427.011(1), through the contracted vendor or subcontractor thereof;

(c) Complaint and grievance processes for paratransit users, including a requirement that all reported complaints, grievances, and resolutions be reported to the department on a quarterly basis; and

(d) A requirement that the provisions of paragraphs (a), (b), and (c) must be included in any agreement between an entity receiving a grant or an agreement from the department and such entity's contractors or subcontractors that provide paratransit services.

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

427.012 The Commission for the Transportation Disadvantaged.— There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall be composed ~~consist~~ of 11 ~~seven~~ members, all of whom shall be appointed by the Governor, in accordance with the requirements of s. 20.052, as follows:

(a) The Secretary of Transportation or his or her designee.

(b) The director of the Agency for Persons with Disabilities or his or her designee.

(c) The Secretary of Elderly Affairs or his or her designee.

(d) The director of the Division of Blind Services.

(e) 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.

(f) 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.

(2) A member appointed under paragraph (1)(e) or paragraph (1)(f) shall serve a 4-year term and may be reappointed for one additional 4-year term. A member appointed under paragraph (1)(e) or paragraph (1)(f) whose term has expired shall continue to serve on the commission until such time as a replacement is appointed.

(3) Each member must be a resident of this state.

~~(a) 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.

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

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

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

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

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

~~(g) 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, or a senior management level representative of each, shall serve as ex officio, nonvoting advisors to the commission.~~

~~(h) 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 as defined in s. 11.045, the following:~~

- ~~1. A transportation operator;~~
- ~~2. A community transportation coordinator;~~
- ~~3. A metropolitan planning organization;~~
- ~~4. A designated official planning agency;~~
- ~~5. A purchaser agency;~~
- ~~6. A local coordinating board;~~
- ~~7. A broker of transportation; or~~
- ~~8. A provider of transportation services.~~

~~(4)(2) The chair of the commission chairperson shall be appointed by the Governor, and the vice chair chairperson of the commission shall be elected annually from the membership of the commission.~~

~~(5)(3)~~ Members of the commission shall serve without compensation but shall be allowed per diem and travel expenses, as provided in s. 112.061.

~~(6)(4)~~ The commission shall meet at least quarterly, or upon more frequently at the call of the chair chairperson. ~~Six~~ Four members of the commission constitute a quorum, and a majority vote of the members present is necessary for any action taken by the commission. 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.

~~(7)(5)~~ The Governor may remove any member of the commission for cause.

~~(6)~~ Each candidate for appointment to the commission must, before accepting the appointment, undergo background screening under s. 435.04 by filing with the Department of Transportation a complete set of fingerprints taken by an authorized law enforcement agency. The fingerprints must be submitted to the Department of Law Enforcement for state processing, and that department shall submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Transportation shall screen the background results and inform the commission of any candidate who does not meet level 2 screening standards. A candidate who has not met level 2 screening standards may not be appointed to the commission. The cost of the background screening may be borne by the Department of Transportation or the candidate.

~~(8)(7)~~ The commission shall appoint an executive director who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such personnel as may be necessary to perform adequately the functions of the commission within budgetary limitations. Employees of the commission are exempt from the Career Service System.

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

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

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

Section 3. Section 427.02, Florida Statutes, is created to read:

427.02 Paratransit service contracts for transportation service providers.—

(1) For purposes of this section, the term “transportation service provider” means an organization or entity that contracts with a local government to provide paratransit service to persons with disabilities.

(2) For contracts entered into or renewed on or after October 1, 2024, a transportation service provider must agree to:

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

(b) Establish reasonable time periods between a request for service 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 contract must allow the local government to authorize another provider to provide such paratransit service, including the acceptance of any prepaid vouchers for future paratransit service.

(c) Provide for 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.

(3) 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 must be competitively procured pursuant to s. 287.057. 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).

Section 4. Section 427.021, Florida Statutes, is created to read:

427.021 Adverse incidents of transportation service providers.—

(1) For purposes of this section, the term “transportation service provider” means an organization or entity that contracts with a local government to provide paratransit service to persons with disabilities. This term does not include the department.

(2) The Commission for the Transportation Disadvantaged shall establish model procedures for transportation service providers to receive and investigate reports related to adverse incidents during the provision of services to persons with disabilities. The procedures must include a periodic review of ongoing investigations and documentation of final outcomes thereof. At a minimum, the investigation of a reported adverse incident must commence within 48 hours after receipt of the report.

(3) 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.

Section 5. Subsection (4) of section 334.065, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section to read:

334.065 Center for Urban Transportation Research.—

(4) By January 1, 2025, the center must deliver a report to the department on model policies and procedures or best practices for paratransit providers to complete trips within an acceptable time after pickup.

Section 6. Subsection (4) is added to section 334.066, Florida Statutes, to read:

334.066 Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab.—

(4) By January 1, 2025, I-STREET must deliver a comprehensive report on technology and training improvements to better support persons with disabilities using paratransit services, including services administered by the federal, state, or local government, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the department. The report must, at a minimum, include recommendations on technology improvements for paratransit providers serving persons with disabilities, including through local, state, and federal funding sources. At a minimum, the report shall include a review of and recommendations on:

(a) Technology systems to ensure the safety of individuals, including the use of in-cabin camera systems and other technologies to monitor the safety and well-being of individuals using fixed routes.

(b) Best practices for data retention, including protection of personally identifiable information, length of retention, and location of retained files.

(c) State-of-the-industry on hardware and software, including camera providers, product specifications, and human-machine interfaces.

(d) Safety standards of professional engineering organizations on camera-mounting best practices.

(e) Costs of installation and maintenance of camera systems to paratransit providers.

(f) The use of Internet, mobile, and application-based interfaces to book, monitor, and seek transportation services. The review must also consider accessibility needs.

(g) The use of Internet, mobile, and application-based interfaces to track the location, in real time, of an individual using paratransit services.

Section 7. (1) By January 1, 2025, the Department of Transportation shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report on the transportation disadvantaged services offered in this state and the Commission for the Transportation Disadvantaged. The report must include, at a minimum, all of the following:

(a) A review of services rendered by community transportation coordinators or transportation operators coordinated by the commission, specifically outlining:

- 1. Timeliness of services;
- 2. Quality of services;
- 3. Training programs for the drivers and customer service representatives;
- 4. Timeliness of the resolution of complaints; and
- 5. Adherence to performance measures by service providers.

(b) A review of transportation delivery models administered by contract by the commission and a review of potential alternative methods. Such review must consider the feasibility and costs related to offering both pre-booking and on-demand service to paratransit service users.

(c) The role of paratransit services as used by providers of services for the transportation disadvantaged and the differences between paratransit services and the services provided by the commission. In its review, the department shall also consider the manner in which the use of paratransit services can be leveraged to improve services coordinated by the commission.

(d) The role of health care transportation services as used by the users of services for the transportation disadvantaged, and the manner in which

coordination of services can be leveraged to improve services administered by the commission.

(e) Breakdowns of funding provided by the commission on a contractual level. The report must also include a breakdown of the manner in which the funds are used, by delivery model, including both fixed-route, on-demand, and hybrid models, and through any innovation grant outlined in the General Appropriations Act, and historical funding models and outcomes.

(f) A review of the eligibility criteria by each coordinating entity, including any relevant demographic information.

(g) A review of the challenges and potential opportunities to better support rural counties in administering such programs.

(h) 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.

(i) Best practices for limiting the duration of travel times for persons receiving paratransit service. Consideration must be made for 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. s. 37.121.

(j) A review of emerging and other technology opportunities for the provision of services and to ensure the safety and well-being of individuals using fixed routes, including the use of in-cabin technology. The review must consider passenger safety, equipment installation and maintenance costs, accessibility standards, and data retention and privacy for individuals served.

(k) Any additional recommendations relating to areas of review required by paragraphs (a)–(i).

(2) The definitions in s. 427.011, Florida Statutes, apply to subsection (1), unless the context clearly indicates otherwise.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor May 10, 2024.

Filed in Office Secretary of State May 10, 2024.