



**HERNANDO COUNTY TRANSPORTATION DISADVANTAGED LOCAL  
COORDINATING BOARD (TDLCB)**

**ANNUAL PUBLIC WORKSHOP AGENDA**

**Thursday, February 8, 2024, at 1:30 p.m.**

**MEETING LOCATION: Hernando County Building Training Facility, 1661 Blaise Drive, Brooksville, FL**

**AGENDA**

- A. CALL TO ORDER**
  - 1. Moment of Silence
  - 2. Pledge of Allegiance
  - 3. Introduction of Board Members and Staff
  - 4. Declaration of Quorum
  - 5. Enter Proof of Publication into the Record
- B. APPROVAL/MODIFICATION OF AGENDA (Limited to Board and Staff comment only)**
- C. PRESENTATIONS**
  - 1. Government-in-the-Sunshine and Conflict-of-Interest Presentation by the Hernando County Attorney's Office
  - 2. Transportation Disadvantaged Local Coordinating Board (TDLCB) Orientation/Overview of Program by MPO Staff
- D. CITIZEN COMMENTS**
- E. BOARD MEMBER COMMENTS**
- F. MPO STAFF COMMENTS**
- G. ADJOURNMENT AND NEXT MEETING –** The next regular meeting of the Hernando County Transportation Disadvantaged Local Coordinating Board (TDLCB) immediately follows this Annual Public Workshop.

The meeting agenda and back-up materials are available online at:  
[www.hernandocounty.us/hernandocitrusmpo](http://www.hernandocounty.us/hernandocitrusmpo).

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**GOVERNMENT-IN-THE-SUNSHINE AND CONFLICT-OF-INTEREST PRESENTATION BY THE  
HERNANDO COUNTY ATTORNEY'S OFFICE**

Florida's Government-in-the-Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law applies to both elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action.

There are three basic requirements of chapter 286.011, Florida Statutes:

1. meetings of public boards or commissions must be open to the public;
2. reasonable notice of such meetings must be given; and,
3. minutes of the meetings must be taken.

Members of advisory and non-advisory bodies who are presented with a voting conflict of interest under chapter 112.3143, Florida Statutes, must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission Form 8B.

**Staff Recommendation:** It is recommended the TDLCB review the presentation and provide comments as desired. No action is required by the TDLCB at this time.

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Attachment: Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers

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# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, \_\_\_\_\_, hereby disclose that on \_\_\_\_\_, 20 \_\_\_\_ :

(a) A measure came or will come before my agency which (check one or more)

- \_\_\_ inured to my special private gain or loss;
- \_\_\_ inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- \_\_\_ inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- \_\_\_ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- \_\_\_ inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

\_\_\_\_\_  
Date Filed

\_\_\_\_\_  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

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**TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD (TDLCB)  
ORIENTATION/OVERVIEW OF PROGRAM BY MPO STAFF**

MPO staff will make a presentation regarding the Commission for the Transportation Disadvantaged program and the roles of the Community Transportation Coordinator (CTC), the Metropolitan Planning Organization (MPO), and the TDLCB members.

**Staff Recommendation:** It is recommended the TDLCB review the presentation and provide comments as desired. No action is required by the TDLCB at this time.

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Attachment: Rule 41-2, Florida Administrative Code; Chapter 427, Florida Statutes

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**CHAPTER 41-2**  
**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

<a href="#">41-2.001</a>	Purpose (Repealed)
<a href="#">41-2.002</a>	Definitions
<a href="#">41-2.003</a>	Commission Organization and Personnel (Repealed)
<a href="#">41-2.005</a>	Member Department Responsibilities (Repealed)
<a href="#">41-2.006</a>	Insurance, Safety Requirements and Standards
<a href="#">41-2.007</a>	Reporting Requirements
<a href="#">41-2.008</a>	Contractual Arrangements
<a href="#">41-2.009</a>	Designated Official Planning Agency
<a href="#">41-2.010</a>	Selection of Community Transportation Coordinator
<a href="#">41-2.011</a>	Community Transportation Coordinator Powers and Duties
<a href="#">41-2.012</a>	Coordinating Board Structure and Duties
<a href="#">41-2.013</a>	Transportation Disadvantaged Trust Fund
<a href="#">41-2.014</a>	Grants Program
<a href="#">41-2.015</a>	Expenditure of Local Government, State, and Federal Funds for the Transportation Disadvantaged
<a href="#">41-2.016</a>	Accessibility (Repealed)
<a href="#">41-2.0161</a>	Program Monitoring of Performance (Repealed)
<a href="#">41-2.0162</a>	Chronological Listing of Report Dates
<a href="#">41-2.018</a>	Public Comment

[41-2.001 Purpose.](#)

*Rulemaking Authority 427.013(9) FS. Law Implemented 120.53(1), 427.011-427.017 FS. History—New 5-2-90, Amended 6-17-92, 7-11-95, Repealed 7-15-12.*

[41-2.002 Definitions.](#)

For purposes of this rule chapter, the following definitions will apply:

(1) “Americans with Disabilities Act” is a federal law, P.L. 101-336, signed by the President of the United States on July 26, 1990.

(2) “Coordination Contract” means a written contract between the Community Transportation Coordinator and an agency who receives transportation disadvantaged funds and performs some, if not all, of its own transportation services, as well as transportation services to others, when shown to be more effective and more efficient from a total system perspective. The contract reflects the specific terms and conditions that will apply to those agencies who perform their own transportation, as well as joint utilization and cost provisions for transportation services to and from the community transportation coordinator.

(3) “Designated Official Planning Agency” means the official body or agency designated by the Commission to fulfill the functions of transportation disadvantaged planning in areas not covered by a Metropolitan Planning Organization. The Metropolitan Planning Organization shall serve as the designated official planning agency in areas covered by such organizations.

(4) “Designated Service Area” means a geographical area recommended by a designated official planning agency, subject to approval by the Commission, which defines the community where coordinated transportation services will be provided to the transportation disadvantaged.

(5) “Emergency” means any occurrence, or threat thereof, whether accidental, natural or caused by man, in war or in peace, which results or may result in substantial denial of transportation services to a designated service area for the transportation disadvantaged population.

(6) “Emergency Fund” means transportation disadvantaged trust fund monies set aside to address emergency situations and which can be utilized by direct contract, without competitive bidding, between the Commission and an entity to handle transportation services during a time of emergency.

(7) "Florida Coordinated Transportation System" (FCTS) means a transportation system responsible for coordination and service provisions for the transportation disadvantaged as outlined in chapter 427, F.S.

(8) "Local Government" means an elected and/or appointed public body existing to coordinate, govern, plan, fund and administer public services within a designated, limited geographic area within the state.

(9) "Local Government Comprehensive Plan" means a plan that meets the requirements of sections 163.3177 and 163.3178, F.S.

(10) "Memorandum of Agreement" is the state contract for transportation disadvantaged services purchased with federal, state or local government transportation disadvantaged funds. This agreement is between the Commission and the Community Transportation Coordinator and recognizes the Community Transportation Coordinator as being responsible for the arrangement of the provision of transportation disadvantaged services for a designated service area.

(11) "Public Transit" means the transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. Public transit systems may be governmentally or privately owned. Public transit specifically includes those forms of transportation commonly known as "paratransit."

(12) "Regional Planning Council (RPC)" means the organization created under the provisions of section 186.504, F.S.

(13) "Reserve Fund" means transportation disadvantaged trust fund monies set aside each budget year to insure adequate cash is available for incoming reimbursement requests when estimated revenues do not materialize.

(14) "State Fiscal Year" means the period from July 1 through June 30 of the following year.

(15) "Transportation Disadvantaged Service Plan" means an annually updated plan jointly developed by the designated official planning agency and the Community Transportation Coordinator which contains a development plan, service plan, and quality assurance components. The plan shall be approved and used by the local Coordinating Board to evaluate the Community Transportation Coordinator.

(16) "Transportation Operator" means one or more public, private for profit or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated transportation development plan.

(17) "Transportation Operator Contract" means a written contract between the Community Transportation Coordinator and the Transportation Operators, as approved by the Commission, that outlines the terms and conditions for any services to be performed.

(18) "Trust Fund" means the Transportation Disadvantaged Trust Fund authorized in section 427.0159, F.S., and administered by the Commission.

*Rulemaking Authority 427.013(10) FS. Law Implemented 427.011-427.017 FS. History—New 5-2-90, Amended 6-17-92, 1-4-94, 7-11-95, 5-1-96, 10-1-96, 3-10-98, 8-10-09.*

#### **41-2.003 Commission Organization and Personnel.**

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.012 FS. History—New 5-2-90, Amended 6-17-92, 3-10-98, Repealed 7-15-12.*

#### **41-2.005 Member Department Responsibilities.**

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.0135 FS. History—New 5-2-90, Amended 6-17-92, 6-15-93, 7-11-95, 3-10-98, Repealed 1-7-16.*

#### **41-2.006 Insurance, Safety Requirements and Standards.**

(1) The Community Transportation Coordinator, shall ensure compliance with the minimum liability insurance requirement of \$200,000 per person and \$300,000 per incident, which are comparable to section 768.28(5), F.S., limits, for all transportation services purchased or provided for the transportation disadvantaged through the Community Transportation Coordinator. The Community Transportation Coordinator will indemnify and hold harmless the Local, State, and Federal governments and their entities, departments, and the Commission from any liabilities arising out of or due to an accident or negligence on the part of the Community Transportation Coordinator and all Transportation Operators under contract to them.

(2) Each Community Transportation Coordinator, and any Transportation Operators from whom transportation service is purchased with local government, state or federal transportation disadvantaged funds, shall ensure the purchaser that their operations and services are in compliance with the safety requirements as specified in section 341.061(2)(a), F.S. and chapter 14-90, F.A.C.

(3) Each Community Transportation Coordinator, and any Transportation Operators from whom service is purchased or funded by local government, state or federal transportation disadvantaged funds shall assure the purchaser of their continuing compliance with the applicable state or federal laws relating to drug testing.

(4) The Community Transportation Coordinator and any Transportation Operator from whom service is purchased or arranged by the Community Transportation Coordinator shall adhere to Commission approved standards. These standards include:

(a) Drug and alcohol testing for safety sensitive job positions within the coordinated system regarding pre-employment, randomization, post-accident, and reasonable suspicion as required by the Federal Highway Administration and the Federal Transit Administration;

(b) An escort of a passenger and dependent children are to be transported as locally negotiated and identified in the local Transportation Disadvantaged Service Plan;

(c) Use of child restraint devices shall be determined locally as to their responsibility, and cost of such device in the local Transportation Disadvantaged Service Plan;

(d) Passenger property that can be carried by the passenger and/or driver in one trip and can safely be stowed on the vehicle, shall be allowed to be transported with the passenger at no additional charge. Additional requirements may be negotiated for carrying and loading rider property beyond this amount. Passenger property does not include wheelchairs, child seats, stretchers, secured oxygen, personal assistive devices, or intravenous devices;

(e) Vehicle transfer points shall provide shelter, security, and safety of passengers;

(f) A local toll free phone number for complaints or grievances shall be posted inside the vehicle. The TD Helpline phone number 1(800)983-2435 shall also be posted inside all vehicles of the coordinated system. The local complaint process shall be outlined as a section in the local Transportation Disadvantaged Service Plan including, advising the dissatisfied person about the Commission's Ombudsman Program as a step within the process as approved by the local Coordinating Board. All rider information/materials (brochures, user's guides, etc.) will include the TD Helpline phone number;

(g) Out of service area trips shall be provided when determined locally and approved by the local Coordinating Board, except in instances where local ordinances prohibit such trips;

(h) Interior of all vehicles shall be free from dirt, grime, oil, trash, torn upholstery, damaged or broken seats, protruding metal or other objects or materials which could soil items placed in the vehicle or provide discomfort for the passenger;

(i) Billing requirements of the Community Transportation Coordinator to subcontractors shall be determined locally by the local Coordinating Board and provided in the local Transportation Disadvantaged Service Plan. All bills shall be paid within 7 working days to subcontractors, after receipt of said payment by the Community Transportation Coordinator, in accordance with section 287.0585, F.S.;

(j) Passenger/trip data base must be maintained or accessible by the Community Transportation Coordinator on each rider being transported within the system;

(k) Adequate seating for paratransit services shall be provided to each rider and escort, child, or personal care attendant, and no more passengers than the registered passenger seating capacity shall be scheduled or transported in a vehicle at any time. For transit services provided by transit vehicles, adequate seating or standing space will be provided to each rider and escort, child, or personal care attendant, and no more passengers than the registered passenger seating or standing capacity shall be scheduled or transported in a vehicle at any time;

(l) Drivers for paratransit services, including coordination contractors, shall be required to announce and identify themselves by name and company in a manner that is conducive to communications with the specific passenger, upon pickup of each rider, group of riders, or representative, guardian, or associate of the rider, except in situations where the driver regularly transports the rider on a recurring basis. Each driver must have photo identification that is in view of the passenger. Name patches, inscriptions or badges that affix to driver clothing are acceptable. For transit services, the driver photo identification shall be in a conspicuous location in the vehicle;



(m) The paratransit driver shall provide the passenger with boarding assistance, if necessary or requested, to the seating portion of the vehicle. The boarding assistance shall include opening the vehicle door, fastening the seat belt or utilization of wheel chair securement devices, storage of mobility assistive devices, and closing the vehicle door. In the door-through-door paratransit service category, the driver shall be required to open and close doors to buildings, except in situations in which assistance in opening/closing building doors would not be safe for passengers remaining on the vehicle. Assisted access must be in a dignified manner. Drivers may not assist wheelchair up or down more than one step, unless it can be performed safely as determined by the passenger, guardian, and driver;

(n) Smoking is prohibited in any vehicle. Requirements for drinking and eating on board the vehicle will be addressed in the local Transportation Disadvantaged Service Plan;

(o) The Community Transportation Coordinator and the local Coordinating Board shall jointly develop a policy on passenger no-shows. Assessing fines to passengers for no-shows is acceptable but such policy and process shall be identified in the local Transportation Disadvantaged Service Plan;

(p) All vehicles providing service within the coordinated system, shall be equipped with two-way communications in good working order and audible to the driver at all times to the base;

(q) All vehicles providing service within the coordinated system, shall have working air conditioners and heaters in each vehicle. Vehicles that do not have a working air conditioner or heater will be scheduled for repair or replacement as soon as possible;

(r) First Aid policy shall be determined locally and provided in the local Transportation Disadvantaged Service Plan;

(s) Cardiopulmonary Resuscitation policy shall be determined locally and provided in the local Transportation Disadvantaged Service Plan;

(t) Driver background screening shall be determined locally, dependent upon purchasing agencies' requirements, and provided in the local Transportation Disadvantaged Service Plan;

(u) In areas where fixed route transportation is available, the Community Transportation Coordinator should jointly establish with the Local Coordinating Board (LCB) a percentage of total trips that will be placed on the fixed route system;

(v) The Community Transportation Coordinator should establish and address the passenger pick-up windows in the local Transportation Disadvantaged Service Plan. This policy should also be communicated to contracted operators, drivers, purchasing agencies and passengers;

(w) The Community Transportation Coordinator and the LCB should jointly establish and address the percentage of trips that will be on-time in the local Transportation Disadvantaged Service Plan. This performance measure should be communicated to contracted operators, drivers, purchasing agencies, and passengers. This measure should also be included as a part of the Community Transportation Coordinator's evaluation of its contracted operators, and the LCB's evaluation of the Community Transportation Coordinator;

(x) The Community Transportation Coordinator should establish and address in the local Transportation Disadvantaged Service Plan a minimum 24 hour advanced notification time to obtain services. This policy should be communicated to contracted operators, purchasing agencies and passengers;

(y) The Community Transportation Coordinator and the LCB should jointly establish and address in the service plan a performance measure to evaluate the safety of the coordinated system. This measure should be used in the Community Transportation Coordinator's evaluation of the contracted operators, and the LCB's evaluation of the Community Transportation Coordinator;

(z) The Community Transportation Coordinator and the LCB should jointly establish and address in the local service plan a performance measure to evaluate the reliability of the vehicles utilized in the coordinated system. This measure should be used in the Community Transportation Coordinator's evaluation of the contracted operators, and the LCB's evaluation of the Community Transportation Coordinator;

(aa) This performance measure can be used to address the accessibility of the service. The Community Transportation Coordinator and the LCB should jointly determine if a standard for a call hold time is needed in the coordinated system and address this in the local service plan. If determined to be necessary, this standard should be included in the LCB's evaluation of the Community Transportation Coordinator;

(bb) The Community Transportation Coordinator and the LCB should jointly establish and address in the local service plan a performance measure to evaluate the quality of service provided within the coordinated system. The measure

should be used in the Community Transportation Coordinator's evaluation of the contracted operators, and the LCB's evaluation of the Community Transportation Coordinator.

*Rulemaking Authority 427.013(9) FS. Law Implemented 287.0585, 427.011(11), 427.013, 427.0155, 427.0157, 768.28 FS. History—New 5-2-90, Amended 6-17-92, 5-1-96, 10-1-96, 3-10-98, 6-3-01, 7-3-03, 9-3-18.*

#### 41-2.007 Reporting Requirements.

(1) Each state agency shall, by September 15 of each year, provide the Commission with an accounting of the actual amount of funds expended and the total number of trips purchased during the previous fiscal year.

(2) Each Designated Official Planning Agency shall provide to the Commission prior to each state fiscal year, an estimate of all transportation disadvantaged funds anticipated to be available for the upcoming state fiscal year budget. The estimate shall include the following information:

(a) Each local government agency within jurisdiction of the Official Planning Agency shall report an estimate of the direct federal funds and local government transportation disadvantaged funds anticipated to be available through the coordinated system for the upcoming state fiscal year to the Official Planning Agency, and

(b) The Official Planning Agency shall request from each federal government agency within its jurisdiction, an estimate of the direct federal transportation disadvantaged funds anticipated to be available through the coordinated system for the upcoming state fiscal year.

(3) The estimate mentioned in subsection (2), above, shall include the following information identified by county:

(a) A brief description of the project or program;

(b) The dollar amount of transportation disadvantaged funds reported by categories of Coordinated, Non-Coordinated, Transportation Alternatives, or Other if applicable; and

(c) The estimated number of one-way passenger trips to be provided reported by categories of Coordinated, Non-Coordinated, Transportation Alternatives, or Other if applicable.

(4) Each Metropolitan Planning Organization or designated official planning agency shall annually compile a report accounting for all local government and direct federal funds for transportation for the disadvantaged expended in its jurisdiction, and forward this report by September 15 to the Commission.

(5) Upon receipt of the state agency and Official Planning Agency combined annual budget estimates, the Commission shall develop and distribute a statewide report outlining the expected expenditures for all transportation disadvantaged services through the coordinated system for the state fiscal year.

(6) Each Community Transportation Coordinator shall by September 15 of each year report required operating statistics to the Commission. The operational statistics will be compiled into a report by the Commission and utilized as a part of the analysis of the Community Transportation Coordinator's performance evaluation. The Community Transportation Coordinator's report shall be reviewed by the Coordinating Board with a copy provided to the Metropolitan Planning Organization or Designated Official Planning Agency.

(7) Each Community Transportation Coordinator shall utilize the Chart of Accounts defined in the American Association of State Highway and Transportation Officials, Inc., Comprehensive Financial Management Guidelines For Rural and Small Urban Public Transportation Providers, dated September 1992, incorporated herein by reference, for its financial management. A copy of this document may be obtained from the Commission office located at 2740 Centerview Drive, Suite 1A, Tallahassee, Florida 32301. A copy of the document may also be viewed at Comprehensive Financial Management Guidelines on the Commission's website at [www.dot.state.fl.us/ctd/](http://www.dot.state.fl.us/ctd/), Community Transportation Coordinators with existing and equivalent accounting systems will not be required to adopt this Chart of Accounts but will be required to prepare all reports, invoices, and fiscal documents relating to the transportation disadvantaged functions and activities using the chart of accounts and accounting definitions as outlined in the above referenced manual.

(8) The Commission shall 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 will contain a summary of the Commission's accomplishments for the preceding state fiscal year, the most current operational statistics for transportation disadvantaged services, identified unmet needs and a financial status of the Transportation Disadvantaged Trust Fund. Copies of the report will also be made available to member departments, Metropolitan Planning Organizations, Designated Official Planning Agencies and Community Transportation Coordinators, and others upon request.

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.012(8), 427.013(3), (7), (8), (9), (12), (13), (16), 427.0135(1), 427.015(1) FS. History—New 5-2-90, Amended 6-17-92, 11-17-92, 1-4-94, 7-11-95, 5-1-96, 3-10-98, 12-6-09, 3-5-13, 3-9-21.*

#### **41-2.008 Contractual Arrangements.**

The following contractual arrangements will be required of the Community Transportation Coordinator:

(1) A Memorandum of Agreement will be required and shall be a binding contract between the Commission and a Community Transportation Coordinator. It shall be utilized as the contract recognizing the Community Transportation Coordinator as a State contract vendor for a designated service area. The format of the Memorandum of Agreement will contain the Commission's minimum requirements and shall be utilized by the Community Transportation Coordinator. The Coordinating Board shall approve the Memorandum of Agreement prior to submittal to the Commission.

(2) Transportation Operator Contract. The Community Transportation Coordinator shall enter into a standard contract, as approved by the Commission, with each Transportation Operator as to specific terms and conditions that apply to each Transportation Operator for services to be performed. The contract shall include the minimum requirements contained in the Memorandum of Agreement and other local requirements for local service delivery. The Community Transportation Coordinator will be responsible for monitoring the terms of the contract.

(3) Coordination Contract. The Community Transportation Coordinator shall enter into a Coordination Contract to show the specific terms and conditions, as outlined in the Memorandum of Agreement with those agencies who receive transportation disadvantaged funds and who, from a total system approach, can perform more effectively and more efficiently their own transportation under those conditions not covered in rule 41-2.015, F.A.C., herein. The contract shall include the requirements of reporting, insurance, safety, and other terms that apply equally to any transportation operator. The contract also shall include any relative information regarding joint utilization and cost arrangements for the provision of transportation services to and from the coordinator. The Community Transportation Coordinator will be responsible for monitoring the terms of the contract. The contract shall be approved by the Coordinating Board and shall be reviewed annually to determine whether the continuation of said contract arrangement is the most cost effective and efficient utilization that is possible.

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.013(10), (15), 427.015(2), 427.0155(7), 427.0157(1) FS. History—New 5-2-90, Amended 6-17-92, 7-11-95, 10-1-96, 3-10-98.*

#### **41-2.009 Designated Official Planning Agency.**

(1) Metropolitan Planning Organizations shall serve as the designated official planning agency in urbanized areas. In areas not covered by a Metropolitan Planning Organization, agencies eligible for selection as Designated Official Planning Agencies include County or City governments, Regional Planning Councils, Metropolitan Planning Organizations from other areas, or Local Planning Organizations who are currently performing planning activities in designated service areas. Eligibility for continued designation by the Commission will be conditioned on the agency's resources, capabilities and actual performance in implementing the responsibilities and requirements of chapter 427, F.S.

(2) Metropolitan Planning Organizations and Designated Official Planning Agencies shall include a Transportation Disadvantaged element in their Transportation Improvement Program (TIP). Such element shall include a project and program description, the planned costs and anticipated revenues for the services, identification of the year the project or services are to be undertaken and implemented, and assurances that there has been coordination with local public transit and local government comprehensive planning bodies, including input into the mass transit or other elements of local and regional comprehensive planning activities. Areas not required to develop a federally-required TIP shall report equivalent information in the Transportation Disadvantaged Service Plan.

(3) Each Designated Official Planning Agency shall provide each Coordinating Board with sufficient staff support and resources to enable the Coordinating Board to fulfill its responsibilities. In areas where a Metropolitan Planning Organization or Designated Official Planning Agency serves as the Community Transportation Coordinator and desires to utilize the same staff for the Coordinating Board, such agency shall abstain from any official actions that represent a conflict of interest, specifically in the evaluation process of the Community Transportation Coordinator.

(4) In consultation with the Community Transportation Coordinator and Coordinating Board, each Metropolitan

Planning Organization or Designated Official Planning Agency shall develop and annually update, a Transportation Disadvantaged Service Plan. The Transportation Disadvantaged Service Plan shall be developed in a manner which assures that local planning agencies, responsible for preparing comprehensive plans, have the opportunity to review and comment on it, and shall not be inconsistent with applicable local government comprehensive plans, MPO long range comprehensive plans, transit development plans, and other local, regional, and state transportation plans. The Transportation Disadvantaged Service Plan shall be reviewed for final disposition by the Coordinating Board and the Commission.

(5) Consolidate the annual budget estimates of local and directly funded federal government transportation disadvantaged funds and forward to the Commission no later than the beginning of each state fiscal year.

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.013(21), 427.015 FS. History—New 5-2-90, Amended 6-17-92, 1-4-94, 3-10-98.*

#### **41-2.010 Selection of Community Transportation Coordinator.**

(1) Designation, selection, or revocation of designation of any Community Transportation Coordinator shall be subject to the approval of the Commission.

(2) Selection of agencies as Community Transportation Coordinators or Transportation Operators may be negotiated without competitive acquisition, upon the recommendation of the Metropolitan Planning Organization or Designated Official Planning Agency that it is in the best interest of the transportation disadvantaged. This includes circumstances such as emergencies, or insufficient competition availability.

(3) Selection of the Community Transportation Coordinator will be accomplished through public competitive bidding or proposals in accordance with applicable laws and rules.

(4) In cases where selection is accomplished by a request for proposal (RFP), the RFP shall, at a minimum, identify the following information:

(a) The scope and nature of the services and coordination required, and a request for the proposer's plan to provide same.

(b) A request that the proposer identify the resources, and accounting system techniques to be used in their audit trail for all services.

(c) A request that the proposer identify their organizational structure and key personnel, their financial capacity, equipment resources, and experience and qualifications, including the most recent financial audit by a certified public accountant.

(d) A request that the proposer demonstrate the ability to coordinate a multitude of funding and service provisions, in addition to serving the needs of the general public or other transportation disadvantaged.

(e) A request that the proposer identify specific means by which it plans to comply with the provisions of the Americans with Disabilities Act, P.L. 101-336, chapter 760, F.S., and any applicable local regulations governing disabled accessibility requirements, access to transportation, and discrimination.

(f) A demonstration by the proposer of plans for the provision of the most economically cost effective, quality services to the transportation disadvantaged, and plans which demonstrate coordination with the public school system, local public transit systems, private sector operators and other governmental agencies that provide services to the transportation disadvantaged within the designated service area.

(g) A demonstration by the proposer of plans to comply with safety requirements as specified in section 341.061, F.S.

(h) An indication by the proposer of plans to comply with any state, federal, or local laws relating to drug testing.

(i) A sample Memorandum of Agreement for review by the respondent.

(j) A statement advising proposers of any local resources that exist or are planned that should be recognized in the bidders proposal.

(5) The announcement of the request for proposal shall be published in at least the largest general circulation newspaper in the designated service area and in the Florida Administrative Register. The advertised announcement shall include the time, date and place of a public meeting to provide information and answer questions about the request for proposal.

(6) Upon evaluation of the proposals, each Metropolitan Planning Organization or Designated Official Planning Agency,

upon consultation with the Coordinating Board, shall recommend to the Commission a Community Transportation Coordinator.

(7) Upon resignation or termination of any Community Transportation Coordinator, the Metropolitan Planning Organization or Designated Official Planning Agency shall complete the recommendation process for a new Community Transportation Coordinator within 90 days after termination date for non-bid Community Transportation Coordinators and within 150 days after termination date for bid/RFP Community Transportation Coordinators. In the absence of these circumstances, the requirements of subsection 41-2.010(8), F.A.C., below shall apply.

(8) In cases of termination of the Community Transportation Coordinator, or in unforeseen emergencies, the Commission shall work with the Metropolitan Planning Organization or Designated Official Planning Agency and the Coordinating Board in an expeditious manner to provide for the continuation of services to the transportation disadvantaged in the designated service area, by providing or arranging the necessary technical assistance.

(9) The utilization of firms defined as minority business enterprises shall be encouraged to the extent possible utilizing the most recent certified minority business listing published by the Florida Department of Management Services.

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.013(10), (15), 427.015(2), 427.0155(7), 427.0157 FS. History—New 5-2-90, Amended 6-17-92, 7-11-95, 10-1-96, 3-10-98, 4-8-01, 1-29-18.*

#### **41-2.011 Community Transportation Coordinator Powers and Duties.**

(1) Each Community Transportation Coordinator shall be responsible for the short-range operational planning, administration, monitoring, coordination, arrangement, and delivery of transportation disadvantaged services originating within their designated service area on a full-time basis. Local management personnel with day-to-day decision making authority must be physically located in each designated service area, unless otherwise authorized by the Commission.

(2) Where cost effective and efficient, the Community Transportation Coordinator shall subcontract or broker transportation services to Transportation Operators. The Coordinating Board is authorized to recommend approval or disapproval of such contracts to the Community Transportation Coordinator, providing the basis for its recommendation. Within 30 days of its receipt of the Coordinating Board's recommendation, the Community Transportation Coordinator shall accept or reject the recommendation, providing written reasons for its rejection. All Transportation Operator contracts shall be reviewed annually by the Community Transportation Coordinator and the Coordinating Board as to the effectiveness and efficiency of the Transportation Operator or the renewal of any Coordination Contracts previously approved. Each Community Transportation Coordinator will ensure the terms set forth for monitoring said Transportation Operators and Coordination Contractors are in compliance with standards pursuant to rule 41-2.006, F.A.C.

(3) Pursuant to the conditions set forth in the Memorandum of Agreement, the Community Transportation Coordinator shall develop, implement, and monitor an approved Transportation Disadvantaged Service Plan. This plan shall be approved by the Coordinating Board and forwarded to the Commission for review and final disposition.

(4) Each Community Transportation Coordinator shall submit a report on operational statistics by September 15, each year to the Commission. A copy should also be provided to the Metropolitan Planning Organization or Designated Official Planning Agency.

(5) The Community Transportation Coordinator shall maximize the utilization of school bus and public transit services in accordance with section 427.0158, F.S. Any utilization data shall be included in operational statistics provided to the coordinated system.

(6) In cooperation with the local Coordinating Board, the Community Transportation Coordinator shall review all applications for local government, federal and state transportation disadvantaged funds submitted from or planned for use in their designated service area. If funds are recommended for approval, the Community Transportation Coordinator, in cooperation with the Coordinating Board, will develop and implement cost-effective coordination strategies for their use and integration into the coordinated system.

(7) Funding to support the Community Transportation Coordinator's functions associated with documented coordination activities may be obtained from a coordination fee as part of each trip arranged, from subsidies received or both and upon approval by the Coordinating Board.

(8) Each Community Transportation Coordinator shall be aware of all of the transportation disadvantaged resources available or planned in their designated service area in order to plan, coordinate, and implement the most cost effective

transportation disadvantaged transportation system possible under the conditions that exist in the designated service area.

(9) Contractual administration of Community Transportation Coordinators shall be accomplished through a Memorandum of Agreement between the Commission and the Community Transportation Coordinator in accordance with the procedures of the Commission. Transportation services purchased from or arranged by the Community Transportation Coordinator will be billed to purchasing agencies by the Community Transportation Coordinator at the rates identified in the approved Transportation Disadvantaged Service Plan or Coordination Contract and recognize any special conditions as specified by the purchasing agency. Payment for services will be made directly to the Community Transportation Coordinator unless otherwise agreed upon, in writing, by the purchaser and the Community Transportation Coordinator. Other contractual arrangements shall be followed as specified in this rule chapter.

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.0155 FS. History—New 5-2-90, Amended 6-17-92, 6-15-93, 7-11-95, 5-1-96, 10-1-96, 3-10-98.*

#### **41-2.012 Coordinating Board Structure and Duties.**

The purpose of the Coordinating Board is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordinator on the coordination of services to be provided to the transportation disadvantaged through the Florida Coordinated Transportation System (FCTS). Each Coordinating Board is recognized as an advisory body to the Commission in its service area. The members of the Coordinating Board shall be appointed by the Metropolitan Planning Organization or the Designated Official Planning Agency. A Coordinating Board shall be appointed in each county. However, when agreed upon in writing, by all Boards of County Commissions in each county to be covered in the service area, multi-county Coordinating Boards may be appointed. The structure and duties of the Coordinating Board shall be as follows:

(1) The Metropolitan Planning Organization or Designated Official Planning Agency shall appoint one elected official to serve as the official chairperson for all Coordinating Board meetings. The appointed chairperson shall be an elected official from the county that the Coordinating Board serves. For a multi-county Coordinating Board, the elected official appointed to serve as Chairperson shall be from one of the counties involved.

(2) The Coordinating Board shall hold an organizational meeting each year for the purpose of electing a Vice-Chairperson. The Vice-Chairperson shall be elected by a majority vote of a quorum of the members of the Coordinating Board present and voting at the organizational meeting. The Vice-Chairperson shall serve a term of one year starting with the next meeting. In the event of the Chairperson's absence, the Vice-Chairperson shall assume the duties of the Chairperson and conduct the meeting.

(3) In addition to the Chairperson, except for multi-county Coordinating Boards which shall have as a representative an elected official from each county, including the Chairperson, one of whom shall be elected Vice-Chairperson, the following agencies or groups shall be represented on the Coordinating Board, in every county as voting members:

- (a) A local representative of the Florida Department of Transportation;
- (b) A local representative of the Florida Department of Children and Family Services;
- (c) A local representative of the Public Education Community which could include, but not be limited to, a representative of the District School Board, School Board Transportation Office, or Headstart Program in areas where the School District is responsible;
- (d) In areas where they exist, a local representative of the Florida Division of Vocational Rehabilitation or the Division of Blind Services, representing the Department of Education;
- (e) A person recommended by the local Veterans Service Office representing the veterans of the county;
- (f) A person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged in the county;
- (g) A person over sixty representing the elderly in the county;
- (h) A person with a disability representing the disabled in the county;
- (i) Two citizen advocate representatives in the county; one who must be a person who uses the transportation service(s) of the system as their primary means of transportation;
- (j) A local representative for children at risk;

(k) In areas where they exist, the Chairperson or designee of the local Mass Transit or Public Transit System's Board, except in cases where they are also the Community Transportation Coordinator;

(l) A local representative of the Florida Department of Elderly Affairs;

(m) An experienced representative of the local private for profit transportation industry. In areas where such representative is not available, a local private non-profit representative will be appointed, except where said representative is also the Community Transportation Coordinator;

(n) A local representative of the Florida Agency for Health Care Administration;

(o) A local representative of the Agency for Persons with Disabilities;

(p) A representative of the Regional Workforce Development Board established in chapter 445, F.S.; and

(q) A representative of the local medical community, which may include, but not be limited to, kidney dialysis centers, long term care facilities, assisted living facilities, hospitals, local health department or other home and community based services, etc.

(4) Except for the Chairperson, the non-agency members of the Board shall be appointed for three year staggered terms with initial membership being appointed equally for one, two, and three years. The Chairperson shall serve until elected term of office has expired or otherwise replaced by the Designated Official Planning Agency. No employee of a community transportation coordinator shall serve as a voting member of the coordinating board in an area where the community transportation coordinator serves. However, community transportation coordinators and their employees are not prohibited from serving on a coordinating board in an area where they are not the coordinator. However, an elected official serving as Chairperson of the coordinating board, or other governmental employees that are not employed for the purpose of making provisions for transportation and are not directly supervised by the community transportation coordinator shall not be precluded from serving as voting members of the coordinating board.

(5) The Board shall meet at least quarterly and shall perform the following duties in addition to those duties specifically listed in section 427.0157, F.S.:

(a) Maintain official meeting minutes, including an attendance roster, reflecting official actions and provide a copy of same to the Commission and the Chairperson of the designated official planning agency.

(b) Annually, provide the Metropolitan Planning Organization or Designated Official Planning Agency with an evaluation of the Community Transportation Coordinator's performance in general and relative to Commission and local standards as referenced in rule 41-2.006, F.A.C., and the performance results of the most recent Transportation Disadvantaged Service Plan. As part of the Coordinator's performance, the local Coordinating Board shall also set an annual percentage goal increase for the number of trips provided within the system for ridership on public transit, where applicable. In areas where the public transit is not being utilized, the local Coordinating Board shall set an annual percentage of the number of trips to be provided on public transit. The Commission shall provide evaluation criteria for the local Coordinating Board to use relative to the performance of the Community Transportation Coordinator. This evaluation will be submitted to the Commission upon approval by the local coordinating board.

(c) Appoint a Grievance Committee to process and investigate complaints, from agencies, users, transportation operators, potential users of the system and the Community Transportation Coordinator in the designated service area, and make recommendations to the Coordinating Board or to the Commission, when local resolution cannot be found, for improvement of service. The Coordinating Board shall establish a process and procedures to provide regular opportunities for issues to be brought before such committee and to address them in a timely manner. Rider brochures or other documents provided to users or potential users of the system shall provide information about the complaint and grievance process including the publishing of the Commission's TD Helpline service when local resolution has not occurred. All materials shall be made available in accessible format, upon request by the citizen. Members appointed to the committee shall be voting members of the Coordinating Board.

(d) All coordinating board members should be trained on and comply with the requirements of section 112.3143, F.S., concerning voting conflicts of interest.

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.0157 FS. History—New 5-2-90, Amended 6-17-92, 11-16-93, 1-4-94, 7-11-95, 5-1-96, 10-1-96, 3-10-98, 4-8-01, 12-17-02, 7-3-03, 6-14-18.*

#### 41-2.013 Transportation Disadvantaged Trust Fund.

The Commission shall annually evaluate and determine each year's distribution of the Transportation Disadvantaged Trust Fund. Funds available through the Transportation Disadvantaged Trust Fund for non-sponsored transportation services and planning activities shall be applied only after all other potential funding sources have been used and eliminated. Grant funds shall not be used to supplant or replace funding of transportation disadvantaged services which are currently funded to a recipient by any federal, state, or local governmental agency. Monitoring of this mandate will be accomplished as needed by the Commission and all agencies funding transportation disadvantaged services. The use of minority-owned businesses is encouraged, utilizing the most recent certified companies published by the Department of Management Services. Funds deposited and appropriated into the Trust Fund will be utilized for:

- (1) Commission administrative and operating expenses, including financial assistance, through a grant agreement, to designated official planning agencies to assist the Commission in implementing the program in each local area.
- (2) A Grants Program to provide for the funding of non-sponsored trips, including the purchase of capital equipment.

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History—New 5-2-90, Amended 6-17-92, 1-5-93, 6-26-94, 7-11-95, 3-10-98, 2-20-13.*

#### 41-2.014 Grants Program.

(1) Eligible Recipients. Grant funds will be allocated annually to the following entities:

- (a) Community Transportation Coordinators who have an executed Memorandum of Agreement.
- (b) Metropolitan Planning Organizations or Designated Official Planning Agencies approved by the Commission.

(2) Types of Grants.

(a) Trip and Equipment Related. Trip and equipment related grant funds may be used for the provision of non-sponsored transportation disadvantaged services and for the purchase of capital equipment to be used for services provided to the transportation disadvantaged. Capital equipment expenditures will be limited to no more than 25% of the Commission participation and the required match.

(b) Planning Related. Planning related grant funds may be used by an eligible Metropolitan Planning Organization or Designated Official Planning Agency to assist the Commission in their responsibilities at the local level as identified in Chapter 427, F.S., including support to the local Coordinating Board.

(c) Innovation and Service Development. Innovation and service development related grant funds may be awarded competitively to support projects that:

1. Enhance the access of older adults, persons with disabilities, and low income individuals to healthcare, shopping, education, employment, public services, and recreation;
2. Assist in the development, improvement, and use of transportation systems in non-urbanized areas;
3. Promote the efficient coordination of services;
4. Encourage private transportation provider participation.

(3) Match Requirement. Eligible grant recipients for the trip and equipment grants only, must provide at least 10% of the total project cost as a local match. The match must be cash generated from local sources. Voluntary dollar collections do not require a match.

(4) Distribution of Grant Funds. Each year, the Commission shall allocate a portion identified as the Grants Program of the Transportation Disadvantaged Trust Fund in the following manner:

(a) An annual amount of \$1,372,060 of the Grants Program shall be designated for planning grants to assist the Commission with implementation and maintenance of the program at the local level. Beginning with the 2002/2003 grant cycle, the annual cap will be adjusted by the same percentage increase equivalent to state employees as set by the Legislature.

(b) The voluntary dollar collections will be returned to the county where said funds were collected. The voluntary dollar collections shall be designated for additional trips at the local level.

(c) The remaining portion of funds, except as specified in paragraph 41-2.014(4)(b), F.A.C., will be appropriated for the Grants Program and designated for trip and equipment related grants, subject to limitations of paragraphs 41-2.014(1)(a) and (2)(a), F.A.C.

(5) Distribution of Trip and Equipment Related Grant Funds. Each eligible recipient's allocation will be determined for



the county or counties within the designated service area for which the recipient provides coordinated transportation disadvantaged services.

(a) Allocation of trip and equipment grant funds shall be based on a comparative ranking of all eligible recipients in each of the following categories:

1. The county's total transportation disadvantaged eligible population as a percentage of the state's total transportation disadvantaged eligible population, based on the U.S. Census Bureau American Community Survey 5-Year Population Estimates.

2. The county's total centerline miles of public roads as a percentage of the state's total centerline miles of public roads, based on public mileage data reported by the Federal Highway Administration.

3. The county's total transportation disadvantaged services provided by trip and equipment grant funds as a percentage of the state's total transportation disadvantaged services provided by trip and equipment grant funds, as reported on the invoices submitted by recipients for reimbursement under the trip and equipment grant program.

4. The county's total allocated amount of trip and equipment grant funds as a percentage of the state's total allocated amount of trip and equipment grant funds, based on allocated amounts from the previous fiscal year.

(b) For the 2021-2022 fiscal year, each category shall represent the following percentages of the state's total allocated amount for the trip and equipment grant program:

1. 2.5% based on the state's total transportation disadvantaged eligible population.

2. 2.5% based on the state's total centerline miles of public roads.

3. 15% based on the state's total transportation disadvantaged services provided by trip and equipment grant funds.

4. 80% based on the state's total allocated amount from the 2020-2021 fiscal year.

(c) For the 2022-2023 fiscal year and each fiscal year thereafter, each category shall represent the following percentages of the state's total allocated amount for the trip and equipment grant program:

1. 5% based on the state's total transportation disadvantaged eligible population.

2. 5% based on the state's total centerline miles of public roads.

3. 30% based on the state's total transportation disadvantaged services provided by trip and equipment grant funds.

4. 60% based on the state's total allocated amount from the previous fiscal year.

(d) The Commission, in calculating allocated amounts, shall weigh each dataset described in paragraph (5)(a) as follows:

1. Every person identified within the state's transportation disadvantaged population shall be weighted equally.

2. Every centerline mile of the state's public roads shall be weighted equally.

3. Each trip and mile provided by trip and equipment grant funds shall be weighted relative to the unit cost at which they are reimbursed. Each bus pass purchased with trip and equipment grant funds shall be weighted higher than the unit cost at which they are reimbursed in order to incentivize their use in service areas where a fixed-route system is available.

(e) Fund allocations pursuant to paragraph (5)(a) of this rule shall be administered each fiscal year based on available data from the previous year or applicable period as determined by the Commission.

(6) Distribution of Planning Related Grants. Planning related grant funds will be apportioned for distribution to the planning agencies as follows:

(a) 25% of the planning allocation shall be divided into shares equal to the percentage of population each county has relative to the total state population, with each planning agency receiving a share for each county within its jurisdiction;

(b) 75% of the planning allocation shall be divided into shares equal to the number of counties throughout the state, with each planning agency receiving no more than one share for each county within its jurisdiction. Eligible recipients not requiring the total amount of funding available may recommend to the Coordinating Board that any excess funds be allocated to the Community Transportation Coordinator for additional non-sponsored trip needs. The Commission shall reallocate any eligible excess funds to that particular county or service area's normal allocation. A local cash match of at least 10% shall be required to obtain this additional allocation.

(7) Distribution of Innovation and Service Development Grant Funds. Innovation and service development related grant funds will be awarded competitively to support such projects based upon available funding identified by the Commission.

(8) All grant recipients will provide their request for funds to the Commission.

(9) Prioritization of Non-sponsored Transportation Services. The Community Transportation Coordinator, with approval of the Coordinating Board, shall have the authority to prioritize trips for non-sponsored transportation disadvantaged services which are purchased with Transportation Disadvantaged Trust Funds. Any prioritization of trips or eligibility criteria which is developed shall consider all of the following criteria:

- (a) Cost Effectiveness and Efficiency.
- (b) Purpose of Trip.
- (c) Unmet Needs.
- (d) Available Resources.

*Rulemaking Authority 427.013(9), 427.013(10) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History—New 5-2-90, Amended 6-17-92, 7-21-93, 6-26-94, 10-1-96, 3-10-98, 1-13-04, 8-5-18, 3-4-21, 10-6-21.*

#### **41-2.015 Expenditure of Local Government, State, and Federal Funds for the Transportation Disadvantaged.**

(1) Any agency purchasing transportation services or providing transportation funding for the transportation disadvantaged with transportation disadvantaged funds shall expend all transportation disadvantaged funds through a contractual arrangement with the community transportation coordinator or an approved coordination provider except as provided in subsections (2) and (3), below.

(2) When it is better suited to the unique and diverse needs of a transportation disadvantaged person, the sponsoring agency may purchase or provide transportation by utilizing the following alternatives:

- (a) Privately owned vehicle of an agency volunteer or employee;
- (b) State owned vehicles;
- (c) Privately owned vehicle of a family member or custodian;
- (d) Common carriers, such as commercial airlines or bus; and
- (e) Emergency medical vehicles.

(3) The sponsoring agency may utilize other modes of transportation when the community transportation coordinator determines it is unable to provide or arrange the required service. Information pertaining to these denials for service shall be reported by the community transportation coordinator on a quarterly basis or more frequently as specified by the local coordinating board.

(4) All agency applications for transportation disadvantaged operating and capital assistance funds beyond those identified in the normal state legislative budget process shall be made available to the Coordinating Board for such review.

(5) The Commission shall request all funding requests containing a transportation disadvantaged fund component from the Florida State Clearinghouse. Said funding request shall be reviewed by the Commission. The Commission will respond when there are funding requests that conflict with the intent and provisions of chapter 427, F.S., and the rules thereof.

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.013(16), 427.016 FS. History—New 5-2-90, Amended 6-17-92, 7-11-95, 3-10-98.*

#### **41-2.016 Accessibility.**

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.013(4) FS. History—New 5-2-90, Amended 6-17-92, Repealed 7-15-12.*

#### **41-2.0161 Program Monitoring of Performance.**

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.013 FS. History—New 6-17-92, Amended 5-1-96, Repealed 1-7-16.*

#### **41-2.0162 Chronological Listing of Report Dates.**

The following reports are listed in chronological order by due date and the recipient of the report:

- (1) January 1 – Commission Annual Report due to Governor and Legislature.
- (2) September 15 – Annual Operating Report of Community Transportation Coordinator due to Commission.

(3) September 15 – Transportation Improvement Programs in urbanized areas due to Commission.

(4) September 15 – Annual report of the actual amount of funds expended and trips purchased due from each state agency.

(5) September 15 – Annual report accounting for all local government and direct federal funds for transportation for the disadvantaged expended in its jurisdiction due from each designated official planning agency or metropolitan planning organization.

*Rulemaking Authority 427.013(9) FS. Law Implemented 427.013, 427.0135, 427.015, 427.0155, 427.016 FS. History–New 6-17-92, Amended 6-15-93, 1-4-94, 7-11-95, 5-1-96, 3-10-98, 8-10-09.*

#### **41-2.018 Public Comment.**

The Commission for the Transportation Disadvantaged invites and encourages all members of the public to provide comment on matters or propositions before the Commission or a committee of the Commission. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Commission after an agenda item is introduced at a properly noticed Commission meeting.

(2) Members of the public shall be limited to five (5) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Commission members, staff or Commission counsel. The chair of the Commission may extend the time to provide comment if time permits.

(3) Members of the public shall notify Commission staff in writing of his or her interest to be heard on a proposition or matter before the Commission. The notification shall identify the person or entity, indicate its support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons.

*Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History–New 2-13-14.*

**CHAPTER 427  
SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES**

**PART I  
TRANSPORTATION SERVICES  
(ss. 427.011-427.017)**

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**PART I  
TRANSPORTATION SERVICES**

<a href="#">427.011</a>	Definitions.
<a href="#">427.012</a>	The Commission for the Transportation Disadvantaged.
<a href="#">427.013</a>	The Commission for the Transportation Disadvantaged; purpose and responsibilities.
<a href="#">427.0135</a>	Purchasing agencies; duties and responsibilities.
<a href="#">427.015</a>	Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.
<a href="#">427.0155</a>	Community transportation coordinators; powers and duties.
<a href="#">427.0157</a>	Coordinating boards; powers and duties.
<a href="#">427.0158</a>	School bus and public transportation.
<a href="#">427.0159</a>	Transportation Disadvantaged Trust Fund.
<a href="#">427.016</a>	Expenditure of local government, state, and federal funds for the transportation disadvantaged.
<a href="#">427.017</a>	Conflicts with federal laws or regulations.

**427.011 Definitions.—For the purposes of ss. 427.011-427.017:**

- (1) “Transportation disadvantaged” means 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 or at-risk as defined in s. 411.202.
- (2) “Metropolitan planning organization” means the organization responsible for carrying out transportation planning and programming in accordance with the provisions of 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).
- (3) “Agency” means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or any other unit or entity of the state or of a city, town, municipality, county, or other local governing body or a private nonprofit transportation service-providing agency.
- (4) “Transportation improvement program” means a staged multiyear program of transportation improvements, including an annual element, which is developed by a metropolitan planning organization or designated official planning agency.
- (5) “Community transportation coordinator” means a transportation entity recommended by a metropolitan planning organization, or by the appropriate designated official planning agency as provided for in ss. 427.011-427.017 in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.
- (6) “Transportation operator” means one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan.
- (7) “Coordinating board” means an advisory entity in each designated service area composed of representatives appointed by the metropolitan planning organization or designated official planning agency, to provide assistance to the community transportation coordinator relative to the coordination of transportation services.
- (8) “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.

(9) "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.

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

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

(12) "Nonsponsored transportation disadvantaged services" means transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.

**History.**—ss. 1, 9, ch. 79-180; s. 4, ch. 80-414; ss. 1, 3, ch. 84-56; ss. 1, 14, ch. 89-376; s. 57, ch. 90-306; s. 5, ch. 91-429; s. 82, ch. 92-152; s. 63, ch. 94-237; s. 2, ch. 2008-203.

**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 consist of seven members, all of whom shall be appointed by the Governor, in accordance with the requirements of s. 20.052.

(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.

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

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

(4) The commission shall meet at least quarterly, or more frequently at the call of the chairperson. 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.

(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.

(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.

**History.**—ss. 2, 8, 9, ch. 79-180; s. 5, ch. 80-414; s. 73, ch. 81-167; s. 76, ch. 83-55; ss. 2, 3, ch. 84-56; ss. 2, 14, ch. 89-376; s. 29, ch. 91-282; s. 5, ch. 91-429; s. 83, ch. 92-152; s. 64, ch. 94-237; s. 10, ch. 96-387; s. 204, ch. 99-8; s. 118, ch. 99-385; s. 9, ch. 2005-255; s. 1, ch. 2006-61; s. 3, ch. 2008-203; s. 342, ch. 2011-142; s. 59, ch. 2012-5; s. 242, ch. 2014-19; s. 49, ch. 2021-25.

[427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.](#)

The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination is to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

- (1) Compile all available information on the transportation operations for and needs of the transportation disadvantaged in the state.
- (2) Establish statewide objectives for providing transportation services for the transportation disadvantaged.
- (3) Develop policies and procedures for the coordination of local government, federal, and state funding for the transportation disadvantaged.
- (4) Identify barriers prohibiting the coordination and accessibility of transportation services to the transportation disadvantaged and aggressively pursue the elimination of these barriers.
- (5) Serve as a clearinghouse for information about transportation disadvantaged services, training, funding sources, innovations, and coordination efforts.
- (6) Assist communities in developing transportation systems designed to serve the transportation disadvantaged.
- (7) Unless otherwise provided by state or federal law, ensure that all procedures, guidelines, and directives issued by purchasing agencies are conducive to the coordination of transportation services.
- (8)(a) Ensure that purchasing agencies purchase all trips within the coordinated system, unless they have fulfilled the requirements of s. 427.0135(3) and use a more cost-effective alternative provider that meets comparable quality and standards.
- (b) Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. 427.0135(3), 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.
- (9) Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. 427.0135(3), 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:
  - (a) Minimum performance standards for the delivery of services. These standards must be included in coordinator contracts and transportation operator contracts with clear penalties for repeated or continuing violations.
  - (b) Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged through the community transportation coordinator.
- (10) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of ss. 427.011-427.017.
- (11) Approve the appointment of all community transportation coordinators.
- (12) 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.

- (13) 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.
- (14) Consolidate, for each state agency, the amounts of each 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.
- (15) 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.
- (16) Review and approve memorandums of agreement for the provision of coordinated transportation services.
- (17) 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) and any other appropriate grant review process.
- (18) Develop an interagency uniform contracting and billing and accounting system that shall be used by all community transportation coordinators and their transportation operators.
- (19) Develop and maintain a transportation disadvantaged manual.
- (20) Design and develop transportation disadvantaged training programs.
- (21) Coordinate all transportation disadvantaged programs with appropriate state, local, and federal agencies and public transit agencies to ensure compatibility with existing transportation systems.
- (22) Designate the official planning agency in areas outside of the purview of a metropolitan planning organization.
- (23) Develop need-based criteria that must be used by all community transportation coordinators to prioritize the delivery of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.
- (24) Establish a review procedure to compare the rates proposed by alternate transportation operators with the rates charged by a community transportation coordinator to determine which rate is more cost-effective.
- (25) Conduct a cost-comparison study of single-coordinator, multicoordinator, and brokered community transportation coordinator networks to ensure that the most cost-effective and efficient method of providing transportation to the transportation disadvantaged is programmed for development.
- (26) 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.
- (27) Ensure that local community transportation coordinators work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.
- (28) In consultation with the Agency for Health Care Administration and the Department of Transportation, develop an allocation methodology that equitably distributes all transportation funds under the control of the commission to compensate counties, community transportation coordinators, and other entities providing transportation disadvantaged services. The methodology shall separately account for Medicaid beneficiaries. The methodology shall consider such factors as the actual costs of each transportation disadvantaged trip based on prior-year information, efficiencies that a provider might adopt to reduce costs, results of the rate and cost comparisons conducted under subsections (24) and (25), as well as cost efficiencies of trips when compared to the local cost of transporting the general public. This subsection does not supersede the authority of the Agency for Health Care Administration to distribute Medicaid funds.



(29) Incur expenses for the purchase of advertisements, marketing services, and promotional items.

**History.**—ss. 3, 9, ch. 79-180; s. 6, ch. 80-414; s. 274, ch. 81-259; ss. 1, 3, ch. 84-56; ss. 3, 14, ch. 89-376; s. 5, ch. 91-429; s. 84, ch. 92-152; s. 65, ch. 94-237; s. 17, ch. 98-57; s. 113, ch. 98-200; s. 119, ch. 99-385; s. 102, ch. 2000-165; s. 25, ch. 2000-266; s. 2, ch. 2006-61; s. 4, ch. 2008-203; s. 105, ch. 2016-62; s. 21, ch. 2016-216; s. 47, ch. 2017-71; s. 73, ch. 2018-10; s. 9, ch. 2020-3.

**427.0135 Purchasing agencies; duties and responsibilities.**

Each purchasing agency, in carrying out the policies and procedures of the commission, shall:

- (1) Use the coordinated transportation system for provision of services to its clients, unless each department or purchasing agency meets the criteria outlined in rule or statute to use an alternative provider.
- (2) Pay the rates established in the service plan or negotiated statewide contract, unless the purchasing agency has completed the procedure for using an alternative provider and demonstrated that a proposed alternative provider can provide a more cost-effective transportation service of comparable quality and standards or unless the agency has satisfied the requirements of subsection (3).
- (3) Not procure transportation disadvantaged services without initially negotiating with the commission, as provided in s. 287.057(3)(e)12., or unless otherwise authorized by statute. If the purchasing agency, after consultation with the commission, determines that it cannot reach mutually acceptable contract terms with the commission, the purchasing agency may contract for the same transportation services provided in a more cost-effective manner and of comparable or higher quality and standards. The Medicaid agency shall implement this subsection in a manner consistent with s. 409.908(18) and as otherwise limited or directed by the General Appropriations Act.
- (4) Identify in the legislative budget request provided to the Governor each year for the General Appropriations Act the specific amount of money the purchasing agency will allocate to provide transportation disadvantaged services.
- (5) Provide the commission, by September 15 of each year, an accounting of all funds spent as well as how many trips were purchased with agency funds.
- (6) Assist communities in developing coordinated transportation systems designed to serve the transportation disadvantaged. However, a purchasing agency may not serve as the community transportation coordinator in any designated service area.
- (7) Ensure that its rules, procedures, guidelines, and directives are conducive to the coordination of transportation funds and services for the transportation disadvantaged.
- (8) Provide technical assistance, as needed, to community transportation coordinators or transportation operators or participating agencies.

**History.**—ss. 4, 14, ch. 89-376; s. 5, ch. 91-429; s. 66, ch. 94-237; s. 4, ch. 95-394; s. 10, ch. 96-417; s. 26, ch. 2000-266; s. 5, ch. 2008-203; s. 34, ch. 2010-151; s. 16, ch. 2013-154; s. 32, ch. 2016-65; s. 26, ch. 2017-129.

**427.015 Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.—**

- (1) In developing the transportation improvement program, each metropolitan planning organization or designated official planning agency in this state shall include a realistic estimate of the cost and revenue that will be derived from transportation disadvantaged services in its area. The transportation improvement program shall also identify transportation improvements that will be advanced with such funds during the program period. Funds required by this subsection to be included in the transportation improvement program shall only be included after consultation with all affected agencies and shall only be expended if such funds are included in the transportation improvement program.
- (2) Each metropolitan planning organization or designated official planning agency shall recommend to the commission a single community transportation coordinator. However, a purchasing agency may not serve as the community transportation coordinator in any designated service area. The coordinator may provide all or a portion of needed transportation services for the transportation

disadvantaged but shall be responsible for the provision of those coordinated services. Based on approved commission evaluation criteria, the coordinator shall subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. The performance of the coordinator shall be evaluated based on the commission's approved evaluation criteria by the coordinating board at least annually. A copy of the evaluation shall be submitted to the metropolitan planning organization or the designated official planning agency, and the commission. The recommendation or termination of any community transportation coordinator shall be subject to approval by the commission.

(3) Each metropolitan planning organization or designated official planning agency shall request each local government in its jurisdiction to provide the actual expenditures of all local and direct federal funds to be expended for transportation for the disadvantaged. The metropolitan planning organization or designated official planning agency shall consolidate this information into a single report and forward it, by September 15, to the commission.

**History.**—ss. 6, 9, ch. 79-180; ss. 1, 3, ch. 84-56; ss. 5, 14, ch. 89-376; s. 5, ch. 91-429; s. 67, ch. 94-237; s. 27, ch. 2000-266; s. 6, ch. 2008-203.

#### [427.0155 Community transportation coordinators; powers and duties.](#)

Community transportation coordinators shall have the following powers and duties:

- (1) Execute uniform contracts for service using a standard contract, which includes performance standards for operators.
- (2) Collect annual operating data for submittal to the commission.
- (3) Review all transportation operator contracts annually.
- (4) Approve and coordinate the utilization of school bus and public transportation services in accordance with the transportation disadvantaged service plan.
- (5) In cooperation with a functioning coordinating board, review all applications for local government, federal, and state transportation disadvantaged funds, and develop cost-effective coordination strategies.
- (6) In cooperation with, and approved by, the coordinating board, develop, negotiate, implement, and monitor a memorandum of agreement including a service plan, for submittal to the commission.
- (7) In cooperation with the coordinating board and pursuant to criteria developed by the Commission for the Transportation Disadvantaged, establish eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.
- (8) Have full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2).
- (9) Work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

**History.**—ss. 6, 14, ch. 89-376; s. 5, ch. 91-429; s. 85, ch. 92-152; s. 68, ch. 94-237; s. 18, ch. 98-57; s. 103, ch. 2000-165; s. 7, ch. 2008-203; s. 22, ch. 2016-216.

#### [427.0157 Coordinating boards; powers and duties.](#)

The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

- (1) Review and approve the coordinated community transportation disadvantaged service plan, including the memorandum of agreement, prior to submittal to the commission;
- (2) Evaluate services provided in meeting the approved plan;
- (3) In cooperation with the community transportation coordinator, review and provide recommendations to the commission on funding applications affecting the transportation disadvantaged;
- (4) Assist the community transportation coordinator in establishing eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.
- (5) Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area; and
- (6) Evaluate multicounty or regional transportation opportunities.
- (7) Work cooperatively with local workforce development boards established in chapter 445 to provide assistance in the development of innovative transportation services for participants in the welfare transition program.

**History.**—ss. 7, 14, ch. 89-376; s. 5, ch. 91-429; s. 86, ch. 92-152; s. 19, ch. 98-57; s. 104, ch. 2000-165; s. 8, ch. 2008-203; s. 23, ch. 2016-216.

**427.0158 School bus and public transportation.—**

- (1) The community transportation coordinator shall maximize the use of public school transportation and public fixed route or fixed schedule transit service for the transportation of the transportation disadvantaged.
- (2) The school boards shall cooperate in the utilization of their vehicles to enhance coordinated transportation disadvantaged services by providing information as requested by the community transportation coordinator and by allowing the use of their vehicles at actual cost upon request when those vehicles are available for such use and are not transporting students.
- (3) The public transit fixed route or fixed schedule system shall cooperate in the utilization of its regular service to enhance coordinated transportation disadvantaged services by providing the information as requested by the community transportation coordinator. The community transportation coordinator may request, without limitation, the following information:
  - (a) A copy of all current schedules, route maps, system map, and fare structure;
  - (b) A copy of the current charter policy;
  - (c) A copy of the current charter rates and hour requirements; and
  - (d) Required notification time to arrange for a charter.

**History.**—ss. 8, 14, ch. 89-376; s. 5, ch. 91-429; s. 9, ch. 2008-203.

**427.0159 Transportation Disadvantaged Trust Fund.—**

- (1) There is established in the State Treasury the Transportation Disadvantaged Trust Fund to be administered by the Commission for the Transportation Disadvantaged. All fees collected for the transportation disadvantaged program under s. 320.03(9) shall be deposited in the trust fund.
- (2) Funds deposited in the trust fund shall be appropriated by the Legislature to the commission and shall be used to carry out the responsibilities of the commission and to fund the administrative expenses of the commission.
- (3) Funds deposited in the trust fund may be used by the commission to subsidize a portion of a transportation disadvantaged person's transportation costs which is not sponsored by an agency, only if a cash or in-kind match is required. Funds for nonsponsored transportation disadvantaged services shall be distributed based upon the need of the recipient and according to criteria developed by the Commission for the Transportation Disadvantaged.

(4) A purchasing agency may deposit funds into the Transportation Disadvantaged Trust Fund for the commission to implement, manage, and administer the purchasing agency's transportation disadvantaged funds, as defined in s. 427.011(10).

**History.**—ss. 9, 14, ch. 89-376; s. 5, ch. 91-429; s. 87, ch. 92-152; s. 69, ch. 94-237; s. 21, ch. 2000-257; s. 61, ch. 2001-62; s. 10, ch. 2008-203.

<sup>1</sup>**Note.**—Section 22, ch. 2000-257, provides that “[n]otwithstanding any other law to the contrary the requirements of sections 206.46(3) and 206.606(2), Florida Statutes, shall not apply to any funding, programs, or other provisions contained in this act.”

#### 427.016 Expenditure of local government, state, and federal funds for the transportation disadvantaged.

(1)(a) All transportation disadvantaged funds expended within the state shall be expended to purchase transportation services from community transportation coordinators or public, private, or private nonprofit transportation operators within the coordinated transportation system, except when the rates charged by proposed alternate operators are proven, pursuant to rules generated by the Commission for the Transportation Disadvantaged, to be more cost-effective and are not a risk to the public health, safety, or welfare. However, in areas where transportation suited to the unique needs of a transportation disadvantaged person cannot be purchased through the coordinated system, or where the agency has met the rule criteria for using an alternative provider, the service may be contracted for directly by the appropriate agency.

(b) This subsection does not preclude a purchasing agency from establishing maximum fee schedules, individualized reimbursement policies by provider type, negotiated fees, or any other mechanism, including contracting after initial negotiation with the commission, which the agency considers more cost-effective and of comparable or higher quality and standards than those of the commission for the purchase of services on behalf of its clients if it has fulfilled the requirements of s. 427.0135(3) or the procedure for using an alternative provider. State and local agencies shall not contract for any transportation disadvantaged services, including Medicaid reimbursable transportation services, with any community transportation coordinator or transportation operator that has been determined by the Agency for Health Care Administration, the Department of Legal Affairs Medicaid Fraud Control Unit, or any state or federal agency to have engaged in any abusive or fraudulent billing activities.

(2) Each year, each agency, whether or not it is an ex officio, nonvoting adviser to the Commission for the Transportation Disadvantaged, shall identify in the legislative budget request provided to the Governor for the General Appropriations Act the specific amount of any money the agency will allocate for the provision of transportation disadvantaged services. Additionally, each state agency shall, by September 15 of each year, provide the commission with an accounting of the actual amount of funds expended and the total number of trips purchased.

(3) Each metropolitan planning organization or designated official planning agency shall annually compile a report accounting for all local government and direct federal funds for transportation for the disadvantaged expended in its jurisdiction and forward this report by September 15 to the commission.

**History.**—ss. 5, 9, ch. 79-180; ss. 1, 3, ch. 84-56; ss. 10, 14, ch. 89-376; s. 5, ch. 91-429; s. 88, ch. 92-152; s. 70, ch. 94-237; s. 5, ch. 95-394; s. 11, ch. 2008-203.

#### 427.017 Conflicts with federal laws or regulations.

Upon notification by an agency of the Federal Government that any provision of this act conflicts with federal laws or regulations, the state or local agencies involved may take any reasonable steps necessary to assure continued federal funding. Further, it is the legislative intent that the conflict shall not affect other provisions or applications of this act that can effectively be implemented without implementation of the provision in question, and to this end, the provisions of this act are declared severable.

**History.**—ss. 7, 9, ch. 79-180; ss. 1, 3, ch. 84-56; s. 14, ch. 89-376; s. 5, ch. 91-429.