

RFP No. 2020 TDMC 01
Request for Proposals
for Community Transportation Coordinator
for the Monroe County
Coordinated Transportation Disadvantaged Program:
A Contract with the State of Florida Commission for the Transportation Disadvantaged

Prepared By:
Health Council of South Florida, Inc.

RFP Release Date: May 1, 2020
Submission Deadline: June 1, 2020

Effective Date: July 1, 2020

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Referenced Attachments

- I. Chapter 427, Florida Statutes
- II. Commission for the Transportation Disadvantaged Grant Distribution Projections
- III. Monroe County Transportation Disadvantaged Program Annual Operating Report 2019
- IV. Sample Memorandum of Agreement
- V. Transportation Disadvantaged Service Plan Outline
- VI. Transportation Disadvantaged Service Standards

Reference Items Available Upon Request

- 1. Rural Transportation Accounting - A Model Uniform Accounting System for Rural and Specialized Transportation Providers
- 2. Monroe County Community Transportation CTC Service Complaint and Grievance Procedure
- 3. Procedure for Transportation Disadvantaged Service Plan Development

SECTION I

Legal Notice

Request for Proposals Community Transportation Coordinator for the Transportation Disadvantaged Program Monroe County

RFP No. 2020 TDMC 01

The Health Council of South Florida, Inc. will accept proposals from qualified agencies or firms to coordinate transportation services for the transportation disadvantaged in Monroe County, Florida until the deadline of **June 3, 2020**. The selected contractor will be recommended as the designated Community Transportation Coordinator to the Florida Commission for the Transportation Disadvantaged (CTD). If approved by the CTD, the selected contractor will operate in the Transportation Disadvantaged system, as authorized by Chapter 427, Florida Statutes (FS), and more fully described in Rule 41-2, Florida Administrative Code (FAC).

DEFINITIONS

Applicable definitions are contained in Chapter 427.011, FS, and in Section 41-2, FAC. There is a distinction made between the Community Transportation Coordinator and a Transportation Operator, and these definitions appear below for clarification.

1. “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.
2. “Transportation Operator” or “Operator” – One or more public, private for profit or private nonprofit entities engaged by the Community Transportation Coordinator to provide services to transportation disadvantaged persons pursuant to a coordinated system service plan.

RFP SCHEDULE

The anticipated schedule for selection of the firm or agency as the designated Community Transportation Coordinator is given below. If there are changes in the dates, each agency/firm that submits a proposal will be notified by a written addendum.

Release of RFP:	Friday, May 1, 2020
Deadline for Receipt of Proposals:	Monday, June 1, 2020
RFP Review Committee Recommendation:	Wednesday, June 3, 2020
Monroe County DOPA Recommendation:	Friday, June 5, 2020
CTC Scores provided to Commission for Transportation Disadvantaged:	Friday, June 12, 2020
Commission for Transportation Disadvantaged Approval:	TBD
Anticipated Start Date:	Tuesday, July 1, 2020

A. GENERAL INFORMATION

1. Competitive sealed proposals differ from competitive sealed bidding in several areas:
 - a) The criteria for evaluation of proposals is given in order of importance. Only these criteria will be used to determine the best response.
 - b) Budget and Cost proposals will not be reviewed until proposals are assigned points according to the evaluation criteria.
 - c) The Health Council of South Florida, Inc. will recommend to the CTD the Proposer whose qualifications and response is determined to be in the best interest of the Health Council of South Florida, Inc., hereinafter called the Monroe County DOPA, the State of Florida and the transportation disadvantaged population.
2. Proposers responding to this request shall bear all costs and expenses associated with its preparation. No claims shall be submitted to the Monroe County DOPA for preparation or presentation of proposals.
3. Inquiries about this RFP, outside the Pre-proposal Workshop, shall be in writing and must be received by the Monroe County DOPA no less than fifteen (15) days prior to proposal opening date. The questions and the appropriate response shall be provided to all proposers. Inquiries are to be made with the contact person cited on page 18.
4. All proposals shall be signed and sealed by an authorized corporate officer, principal or partner, as applicable.
5. Each Proposer shall be responsible for reading and completely understanding the requirements and specifications contained herein. The deadline for submission of proposals will be strictly adhered to. Late proposals will be returned unopened with the notation: "This proposal is not being considered because it was received after the delivery time designated for receipt and opening in the legal notice."
6. The issuance of this RFP constitutes an invitation to present proposals from qualified and experienced proposers. The Monroe County DOPA reserves the right to determine, in its sole discretion, whether any aspect of the statement of proposal satisfactorily meets the criteria established in this RFP, the right to seek clarification from any proposer or proposers submitting proposals, the right to solicit proposals with any proposer or proposers submitting a response, and the right to reject any or all responses with or without cause. The Monroe County DOPA also reserves the right to modify the scope to be considered for this project. In the event that this RFP is withdrawn by the Monroe County DOPA, or that the DOPA does not proceed for any reason, including but not limited to the failure to occur of any of those findings or events set forth herein, the Monroe County DOPA shall have no liability to any proposer for any costs or expenses incurred in connection with the preparation and submittal of this RFP or otherwise.

7. **Governing Law.** The CTC shall be bound by the provisions of Florida law relating to transportation disadvantaged programs. The provision of Florida laws existing at the time of execution of contract between the CTC and the Commission for the Transportation Disadvantaged shall prevail over the terms of the contract unless informed otherwise by the Commission for the Transportation on Disadvantaged. The CTC specifically agrees without rotation to be bound by the provision of Chapter 427, FS and Rule 41-2, FAC, as they may be changed from time to time; provided, however the CTC may request relief if changes in said laws materially alter the cost of providing services.
8. **No Lobbying Provision.** All proposers are hereby placed on formal notice that neither the Monroe County DOPA, nor any members of the Monroe County Local Coordinating Board, nor any employees from the Monroe County Planning Department, nor any Monroe County employees, nor any members of the Review Committee, nor any commissioners or staff of the Commission for the Transportation Disadvantaged, are to be lobbied either individually or collectively concerning this project. Proposers and their agents who intend to submit a proposal for these services are hereby placed on formal notice that they are not to contact members of the Monroe County DOPA, nor staff members, outside of regular Monroe County DOPA meetings for such purposes as holding meetings of introduction, meetings related to the selection process, outside of those specifically scheduled by the Monroe County DOPA for negotiations, dinners, lunches, or any other actions that may be interpreted as potentially influencing the results of this process. Failure to comply with this requirement shall result in an immediate disqualification of such firm by the Monroe County DOPA from further consideration for this proposal.
9. Ignorance of conditions or difficulties that may exist prior to the Proposal opening or of conditions or difficulties that may be encountered in the execution of the work pursuant to this proposal package as a result of failure to make the necessary examinations and investigations, shall not excuse performance, or lack thereof, by the successful proposer, and the successful proposer shall fulfill in every detail, all of the requirements of the proposal package documents and attachments thereof. Likewise, ignorance of preexisting conditions or difficulties, or conditions or difficulties encountered in the execution of the work pursuant to this proposal package, shall not support any claims whatsoever for extra compensation or for any extension of time.
10. The awarded vendor shall maintain auditable records concerning the procurement adequate to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting methods, and Monroe County and the Commission for the Transportation Disadvantaged reserve the right to determine the record-keeping method required in the event of non-conformity. These records shall be maintained for five (5) years after completion of the project and shall be readily available to County and Commission personnel with reasonable notice, and to other persons in accordance with the Florida Public Disclosure Statutes.

SECTION II

B. PROJECT OVERVIEW

The Transportation Disadvantaged (TD) Program was created in 1979 through the enactment of Chapter 427. The purpose of the TD Program is to provide transportation for those "persons who because of physical or mental disability, income, status, or age, are unable to transport themselves or 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, high-risk or at-risk, as defined in Chapter 411.202, FS". **Attachment I** is Chapter 427, FS.

In 1989, the Florida Legislature amended Chapter 427, FS, and likewise in 1990, Rule 41-2, FAC, to provide guidelines for the Transportation Disadvantaged Program (A copy of Rule 41-2, FAC will be provided upon request.). The creation of an independent Commission for the Transportation Disadvantaged with expanded membership, powers and duties and responsibility for administration of the State's first trust fund was one of the achievements. Since the legislative changes and reenactment of the Transportation Disadvantaged Program in 1989 and its expansion at the state and local levels, the implementation of coordinated transportation is being accomplished through the following steps:

- The Commission delegated the functions of transportation disadvantaged planning to the Metropolitan Planning Organization (MPO). The MPO provides staff support to an appointed Transportation Disadvantaged Coordinating Board and recommends to the Commission, the Community Transportation Coordinator.
- In 1991, the Monroe County MPO was made the Designated Official Planning Agency (DOPA) for the Monroe County TD program.
- A Transportation Disadvantaged Local Coordinating Board (LCB) was established to provide information, advice, and direction to the CTC relative to the coordination of transportation services. The Board evaluates services, funding applications, coordination strategies of service provision, multi-county and regional opportunities. In conjunction with the DOPA, the LCB recommends the selection of the CTC.
- The Community Transportation Coordinator is responsible for ensuring that coordinated transportation services are provided to serve the transportation disadvantaged population in a designated service area.

History of the Monroe County Coordinated System

The Health Council of South Florida, Inc. was appointed as the DOPA for Monroe County at the CTD meeting of April 22, 1993. During that year, the LCB was established, an orientation session was held, by-laws were adopted, and a grievance committee was created. The LCB is the oversight body for the CTC and provides a forum for the Transportation Disadvantaged in the community. The Board advocates for improved transportation and coordination of services to meet the needs of local residents. As an advisory board, the LCB advises, monitors, evaluates and supports the transportation activities of the CTC. After its establishment, the LCB underwent the process of selecting a CTC.

The Monroe County Board of County Commissioners was selected to serve as the first CTC for Monroe County in 1994. However, early in 1995 MCSS reversed its decision, and the LCB subsequently put the CTC function out for a bid. An RFP was issued later that year and a selection process resulted in the Evaluation Subcommittee of the LCB recommending that Florida Keys CTC, Inc. be designated as the CTC for Monroe County. The LCB accepted this decision after recommendation by the LCB and the CTD appointed Florida Keys CTC, Inc. as CTC for Monroe County in February 1996. They served until 1997 before resigning as CTC and a new RFP process that year resulted in the selection of Guidance Clinic of the Middle Keys (now Guidance/Care, Inc.) being recommended and appointed as Monroe CTC in October 1997 and served until 2009 when the CTD mandated RFP process be implemented to establish a new 5-year term for the CTC. The Guidance Care Center has served in the capacity of CTC since then. In March 2014, the Health Council of South Florida issued a Request for proposals to which one respondent, The Guidance/Care Center, Inc. submitted a proposal. The Selection Committee reviewed and evaluated their application and the LCB recommended that Guidance/Care, Inc. be designated as the CTC for Monroe County for next five years. The Guidance/Care Inc. signed a Memorandum of Agreement (MOA) with the CTD on in June 2014 to serve as Monroe County CTC from 2014 to 2019.

The Guidance/Care-Center Inc. (GCC) founded in 1973, is a private non-profit organization. It responds to the need identified by community leaders for a community facility to provide mental health services to local residents. GCC began operation with 4 detoxification beds and 1 full time counselor. Since then it has grown into a multi-service community mental health center providing inpatient, outpatient, residential, day treatment and case management services as well as transportation services. It has a staff of over 100, and of these 3 are full or part-time drivers. GCC has an annual budget of \$6 million funded by state and county grants, client fees, third party payers and grants.

As CTC, GCC is responsible for working with many agencies to provide the best and most cost-efficient services it can deliver to the public it serves. Middle Keys Transportation, a GCC program, is a van service that operates between Marathon and the Lower Keys as well as between Marathon and the Upper Keys. As the CTC, GCC also coordinates trips to Miami-Dade County with two of the local taxi companies. During the past 17 years, GCC, the CTC has executed Standard Coordination/Operator Contracts with six other agencies in Monroe County to deliver services.

Service Area Profile

According to the U.S. Census Bureau, the Monroe County has a total area of 9,679 km² (3,737 mi²) of which 2,582 km² (997 mi²) is land and 7,097 km² (2,740 mi²) is water (73%). Monroe County is located in the southernmost point of continental United States at the tip of the Florida Peninsula. Monroe County's geography is composed of 822 islands over 120 miles in length, which extend from the southeastern tip of Florida to the Dry Tortugas and lies between the Gulf of Mexico and the Atlantic Ocean. Of these 822 islands, only about 30 of them are actually inhabited. The Keys are separated from the mainland by Biscayne Bay (in Miami-Dade County), Barnes Sound, Blackwater Sound and Florida Bay. The northern end of the Keys starts in Key Largo and the southern tip ends in the 2,200 acre (3 miles by 4 miles) island of Key West, which is the County's main population center. The highest point in the Keys, only 18 feet above sea level, lies on Windley Key. The mainland portion of the county is via US-1.

Two thirds of what local residents call "mainland Monroe" is protected by the Everglades National Park, and the remainder by the Big Cypress National Preserve in the northeastern interior. The area, officially named Cape Sable Census County Division, is virtually uninhabited.

Population Size

According to Nielsen/Claritas 2018 data estimates extracted from www.miamidadematters.org (HCSF), Monroe County's population size is 80,009 (*Table I*). Between 2010 and 2018, the total population in Monroe County increased at a rate of 1.2% annually. Positive growth in the Middle Keys region had the greatest impact in the total county population increase. The Lower Keys and Upper Keys regions experienced a positive growth of 1.2% and 1.1%, respectively.

The majority of Monroe County residents typically reside in the Lower Keys region. In 2018, the total population in the Lower Keys region was 47,287 representing 59.1% of the total county population, with majority (76.3%) of residents in the region residing in Key West. The Upper Keys region has the second largest population. In 2018, the total population in the Upper Keys was 21,791 representing more than one quarter (27.2%) of the total county population, with the majority (59.0%) of residents in the region residing in Key Largo.

Funding

Sponsored trips are those paid for by organizations on behalf of specific transportation disadvantaged individuals. These include Medicaid funded trips. Non-sponsored trips are those paid (90%) for with Transportation Disadvantaged funds and (10%) local match is not otherwise sponsored by any organization. The CTC receives a coordination fee for each non-sponsored trip. Coordination fees cover the following activities:

- Contracting, certification and compliance monitoring of contracted providers
- Dispatching of county wide transportation requests
- Eligibility screening for all passengers, sponsored or non-sponsored.
- Scheduling of passengers
- Completion of all quarterly and annual TD reports

- Arranging or provision of system wide driver training
- Billing reconciliation
- Marketing, complaints, surveys

C. Professional Services Required

The performance standards and scope of work that are the responsibility of the designated CTC are partly described below and will include those standards and scope of work described in Rule 41-2.011, FAC. The following is a summary of the responsibilities that the CTC will be expected to perform:

1. The CTC shall enter into a Memorandum of Agreement with the Florida Commission for the Transportation Disadvantaged. This will be a one-year contract (renewable for an additional four years) and shall be subject to annual review and evaluation. The Memorandum of Agreement shall be negotiated and signed prior to initiation of transportation services by the designated CTC. See **Attachment IV** for sample MOA.
2. The CTC shall coordinate the delivery of transportation which meet the transportation needs identified in the Transportation Disadvantaged Service Plan (TDSP) resulting in the best service at optimal cost.
3. The CTC, in a cooperative effort with LCB, shall prepare a Transportation Disadvantage Service Plan for the LCB. The Service Plan will provide information needed by the Board to continually review and assess transportation disadvantaged service delivery and needs for the service area. The Service Plan must be completed no later than 60 calendar days after the Commission for the Transportation officially designates the CTC. (The MOA states that the CTC and DOPA have up to 120 calendar-days to submit an approved TDSP for Commission approval.)
4. The CTC shall maintain an accounting system in accordance with accounting procedures adopted by the Commission for the Transportation Disadvantaged. The Commission's current policy is "Rural Transportation Accounting - A Model Uniform Accounting System for Rural and Specialized Transportation Providers". (A copy of this document will be provided upon request.)
5. The CTC shall submit an Annual Operating Report to the Commission for the Transportation Disadvantaged by September 15th of each year with a copy provided to the Monroe County LCB. The CTC must submit this report to the LCB for review prior to submitting to the Commission for the Transportation Disadvantaged.
6. The CTC shall comply with the Transportation Disadvantaged Service Standards for Monroe County. CTD and sample Local Service Standards are provided in **Attachment II**.
7. The Monroe County coordinated system is a partial brokerage, therefore, the CTC will be required to undertake a competitive procurement process to identify eligible transportation service providers for the delivery of transportation services that meet the transportation needs.

The Monroe County DOPA staff can provide the proposers with a list of current and potential transportation service providers in the local area.

8. The CTC shall assure compliance with applicable Drug and Alcohol, Equal Employment Opportunity, Section 504 Federal Regulations, Americans with Disabilities Act; Title VI, Disadvantaged Business Enterprise, and safety and insurance requirements which are federal, state, or local laws, or adopted policies of the Commission for the Transportation Disadvantaged program requirements.
9. The CTC, with guidance from the LCB, shall develop Purchase of Service Contracts and Coordination Contracts, as needed.
10. The CTC will be responsible for screening applicants for the TD Program, according to the LCB's eligibility criteria policy. The CTC will undertake a complete re-certification of all the clients in the TD Program.
11. The CTC will maintain client eligibility to ensure that transportation is provided according to the sponsoring agency's criteria.
12. The CTC shall provide reservation services. The CTC will provide the acquisition and maintenance of the necessary software, hardware, and its databases to perform this task. The CTC shall also be responsible for assigning trips to the contracted operators.
13. The CTC will continue to implement the bus pass program for the Medicaid and TD non-sponsored Programs.
14. The CTC shall undergo an annual evaluation conducted by the LCB in order to assess the CTC's performance in general and relative to the standards established by the Commission for the Transportation Disadvantaged and the LCB. The evaluation tools used by the LCB to assess the CTC's performance include modules from the "Evaluation Workbook for Community Transportation Coordinators and Providers in Florida" developed by the Commission for the Transportation Disadvantaged; users surveys of the coordinated system; and a review of the success of the CTC in fulfilling the goals and objectives adopted by the LCB in the Transportation Disadvantaged Service Plan.
15. The CTC shall attend all LCB board meetings and subcommittee meetings to provide information, answer questions and respond to individual or agency concerns about service in addition to submitting quarterly reports.
16. The CTC will be responsible for monitoring the system to ensure that service to the clients is provided in a safe, reliable and efficient manner. The CTC will be responsible for investigating any problems and issues that arise and provide customer service (information, complaints, and commendations).
17. The CTC shall incorporate the "Monroe County Community Transportation CTC Service Complaint and Grievance Procedure" into its administrative procedures. (A copy of this

document will be provided upon request.) The CTC shall be responsible for the monitoring and reporting of complaints, grievances, and commendations.

18. The CTC shall identify, record and report to the LCB on a quarterly basis at a minimum: Complaints (number and type for all trips); non-sponsored grant summary (including trip number and monthly expenditure); trip purpose for non-sponsored program; and trip count summary by agency. The LCB or DOPA may request additional data as needed.
19. The CTC shall maintain a resident manager in the service area who is authorized to make all day-to-day decisions on operations.
20. The CTC shall maintain sufficient office staff to perform all required administrative activities. The CTC shall ensure that the facility meets all local, state, and federal housing code and other requirements.
21. The CTC shall integrate the use of school buses and public transit, when possible and cost-effective, into the transportation-disadvantaged service.
22. The CTC shall pay the contracted operators for all completed trips. (If authorized by the CTC.)

SECTION III

PROPOSAL CONTENTS COMMUNITY TRANSPORTATION COORDINATOR

The following scope of work will be required as the Community Transportation Coordinator. Please address each area discussed below. Where required, please provide resumes, examples of reports, specifications or other relevant material to support the proposal.

SCOPE OF WORK

A. Demonstration of experience and ability to coordinate transportation services for disadvantaged persons

- Provide a plan describing how the CTC will provide the coordination and delivery of coordinated transportation services to meet the transportation-disadvantaged needs in the specified service area. This plan shall address the needs identified in the Transportation Disadvantaged Service Plan (TDSP). The procedure for completing the TDSP is available on request.
- Describe the agency/firm's experience with developing a Memorandum of Agreement and Service Plan.
- Describe the procedure used from the time a call requesting a trip is received by the CTC through tabulation and to mailing a bill to the purchasing/funding agency. This shall include, but not be limited to, handling of call, establishing driver routing sheets, recording actual trips provided by the agency and preparation of an agency invoice. Indicate the computer software that will be used to perform these tasks and provide examples of manifests, invoices, etc.
- Describe how the agency/firm has and will continue to satisfy provisions of Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and other applicable federal, state and local requirements governing handicapped accessibility.
- Describe the agency/firm's experience in coordinating multi-agency transportation needs, documentation of reduced per trip cost resulting from coordination, ability to apply for transportation grants and contracts and efficiently manage the contracts and accounting procedures to document individual trips and agency costs.
- Describe any experience in coordinating multi-agency resources, including ability to negotiate school bus use, coordinate with public transit systems, subcontract with private sector operators and work with governmental agencies to maximize use of agency resources and improve coordinated transportation for the transportation disadvantaged.

- Submit a signed statement certifying that the agency/firm is not on the state or federal list of ineligible or disbarred contractors.
- Please indicate if you are certified by the Department of Children and Families, Developmental Services, Home and Community Base Waiver, in District XI or other districts in the State of Florida.
- Please indicate if you are an approved provider for the Area for Health Care Administration, Medicaid Office in Monroe County or other counties in the State of Florida.

Quality Assurance

- The CTC will be responsible for developing a program to ensure that the coordinated system provides high quality service for its users.
- Describe the quality improvement plan for the CTC and the contracted operators.
- Describe your procedure for providing customer service. Describe how the following will be monitored and reported: complaints/commendations; no-shows; cancellations; trip denials; and unmet demand.
- Describe vehicle maintenance schedules for daily checks, weekly and monthly checks, and scheduled preventative maintenance schedules. Demonstrate adherence to schedules.
- The CTC will be required to obtain input from the users of the system, either through a rider committee, surveys, or other techniques suggested by the LCB. Describe your plans how this can best be achieved.

B. Management Resources

- Provide the agency/firm organizational structure, name of resident manager (proposed) and relevant experience of manager and key office personnel. Resumes are requested. State the number of persons and the general job descriptions needed to coordinate the transportation-disadvantaged services.
- Please indicate the experience of the agency/firm proposing to be the CTC and at least three (3) names, addresses and phone numbers of references that can verify this experience.

C. Established Coordinator Programs for Transportation Operators

- Describe the process for contracting with operators to provide the delivery of service. Include the process for procurement and the method of trip assignment.
- Describe the procedure to monitor operators, in accordance with Chapter 14-90, F.A.C., for:

1. driver screening, selection, and training;
 2. sensitivity and first aid training for employees;
 3. vehicle safety inspection and maintenance training; and
 4. comprehensive transportation coordination techniques.
- Provide a statement of how your agency/firm will comply with federal and state laws or Commission policies relating to alcohol and drug testing and drug education to maintain a drug-free workplace.
 - Describe the criteria and processes used to evaluate employees' performance, including drivers, employment procedures, Equal Employment Opportunity Policy, DBE Policy, personnel training procedures, personnel discipline procedures, and termination policies.
 - Describe the company training policies and experience relating to sensitivity training in transportation of elderly, disabled, and other disadvantaged persons.
 - In the event of vehicle breakdown or no-show driver, describe the procedure used to operate transportation on time and as scheduled.

D. Financial Capacity to Undertake Project

- Provide a description of agency/firm assets, financial and capital, and include the latest financial audit of the agency/firm prepared by an independent auditor or Certified Public Accountant (CPA). Include a statement concerning the agency/firm's ability to acquire additional capital equipment that may be required to provide this service.
- Describe agency/firm's accounting, invoicing and reporting procedures that are to be used to meet the reporting requirements of the Annual Operating Report to the Commission for the Transportation Disadvantaged, and monthly and operating invoicing required by the LCB and the DOPA.
- Provide a detailed finance plan for the service specified, including a detailed proposed annual budget showing expected revenues by source and expenditures, as detailed in the Finance Plan and of the MOA. The finance plan shall be sufficiently detailed so that a Fully Allocated Cost can be determined and shall identify fees to be charged per trip for management services. This item shall be included in the separate sealed envelope marked "Annual Budget and Cost Proposal" for the Community Transportation Coordinator.
- Because of the payment schedule to the purchasing agencies, the CTC must have the ability to have a 45-day cash reserve based on the estimated proposed annual budget. Please show documents that the reserve is available and will be utilized for the Monroe County coordinated system.
- Submit an alternative proposal on how the CTC's revenue is to be generated, providing that no federal, state, or local government funds are available for this service.

E. Understanding of the RFP

- Provide a recommendation on the unmet demand for transportation-disadvantaged services.
- Provide the numbers and types of vehicles that are needed to meet the stated needs.
- Provide a Transition Plan describing the process that is needed to ensure a smooth change over. Indicate the capital resources and time required for initiating the start-up, effective July 1, 2020.
- Provide other appropriate observations concerning the service requested in this RFP.
- Identify any obstacles that would prevent the CTC from performing their responsibilities in the most cost-efficient and effective manner.

REQUIRED EXHIBITS

Please submit the following exhibits with your proposal.

1. Letter of Transmittal of Proposals (**Exhibit A**).
2. Proposers Identification and Qualification Information Form (**Exhibit B**).
3. Standard Assurances (**Exhibit C**).
4. Certification of Transportation Coordinator Regarding Debarment, Suspension and other Responsibility Matters (**Exhibit D**).
5. Equal Opportunity (**Exhibit E**).

The RFP document also contains “Reference Items” which should not be submitted with the proposal. However, they do contain information and some materials which may be useful in the preparation of the required submittals.

PROPOSAL SUBMITTAL

Each proposer must submit one (1) original, clearly identified electronically, via DEMANDSTAR. Please number each page of your proposal. All proposals must be submitted electronically no later than 4:00 P.M. ET on **Monday, June 1, 2020**. Late proposals will be rejected. Failure to comply with this, or any other paragraph of the RFP, shall be sufficient reason for rejection of the proposal.

Proposals shall remain in effect for ninety (90) calendar days; from date of submission. The Monroe County DOPA reserves the exclusive rights to:

- a) Waive any informalities in the selection process;
- b) Accept or reject any or all proposals in part or in whole, with or without cause;
- c) Request additional information if appropriate;
- d) Limit and determine the actual contractual services to be included in a final proposed contract; and
- e) Reject all submittals if found by the Monroe County DOPA not to be in the best interest of this jurisdiction.

EVALUATION CRITERIA

Each proposal submitted will be evaluated on the basis of a ranking system. The weighing for each criterion has been assigned as follows:

1. Demonstration of Experience and Ability to Coordinate Transportation for Disadvantaged Persons and Management Resources **(40 points)**
2. Established Coordinator Programs for Transportation Operators **(20 points)**
3. Financial Capacity to Undertake Project and Cost Proposal **(20 points)**
4. Disadvantaged Business Enterprise Participation **(10 points)**
5. Responsiveness of Proposal to the RFP **(10 points)**

TOTAL (100 points)

Selection Process

The Health Council of South Florida, Inc. (Council), **in its role as the DOPA**, will evaluate proposals for the selection of a Community Transportation Coordinator (Coordinator) for Monroe County by presenting the proposals to a Selection Committee consisting of Council staff and a representative/s from the Monroe County Transportation Disadvantaged Local Coordinating Board (**LCB**). The members of the Selection Committee will independently read and rank the proposals. From the ranking, the Selection Committee will make the recommendation to choose the Coordinator.

The Council will review the recommendation of the LCB, take action to approve, approve with conditions, deny, or table and request additional information to designate the County Community Transportation Coordinator. The Council's recommendation will then be transmitted officially to the Florida Commission for the Transportation Disadvantaged (CTD), which will make the final selection and designation of the Coordinator. No designation of the Coordinator will be final until approved by the CTD.

Upon approval by the CTD, the CTC will operate under a one-year probation period. After completing the one-year probation period, the CTC will undergo an evaluation by the LCB, under the CTD guidelines. If a favorable evaluation is received, the CTC may enter into a **four (4)** additional one-year renewal contracts. After **five years** total, the Council and the LCB will initiate a Request for Proposal to provide other agencies/firms an opportunity to be designated the Community Transportation Coordinator.

Questions

All questions concerning the technical and non-technical specifications of this RFP must be directed through Vanessa Naranjo, Office Administrator, via email: vnaranjo@healthcouncil.org at (305) 592-1452 ext. 110. All email and telephone conversations are to be considered unofficial responses and will not be binding. Questions verifying the RFP content, if appropriate, will be responded to in writing. The written response will be the Monroe County DOPA's official response and will be mailed to all proposers that requested the RFP.

Public Entity Crimes

As required by Florida State Statute 287.133, 2 (a), a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or a public work, may not submit proposals on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Florida State Statute 287.017 for CATEGORY TWO [\$25,000] for a period of 36 months from the date of being placed on the convicted vendor list. Any person must notify the City within 30 days after a conviction of a public entity crime applicable to that person or to an affiliate of that person.

Insurance Requirements

Prior to commencing work, the Contractor shall procure and maintain at Contractor's own cost and expense for the duration of the agreement the following insurance against claims for injuries to person or damages to property which may arise from or in connection with the performance of the work or services hereunder by the Contractor, his agents, representatives, employees or Subcontractors. The cost of such insurance shall be included in Contractor's proposal.

1. Contractor shall maintain limits no less than:

- a) *Commercial General/Umbrella Liability Insurance* - \$1,000,000 limit per occurrence for property damage and bodily injury. The service provider should indicate in its proposal whether the coverage is provided on a claims-made or preferably on an occurrence basis. The insurance shall include coverage for the following:
 - Premise/Operations
 - Explosion, Collapse and Underground Property Damage Hazard (only when

- applicable to the project)
 - Products/Completed Operations
 - Contractual
 - Independent Consultants
 - Broad Form Property Damage
 - Personal Injury
- b) *Business Automobile/Umbrella Liability Insurance* - \$1,000,000 limit per accident for property damage and personal injury.
- Owned/Leased Autos
 - Non-owned Autos
 - Hired Autos
- c) *Workers' Compensation and Employers'/Umbrella Liability Insurance* - Workers' Compensation statutory limits as required by Chapter 440, FS. This policy should include Employers'/ Umbrella Liability Coverage for \$1,000,000 per accident.

2. Other Insurance Provisions

- a) *Commercial General Liability and Automobile Liability Coverage's*
- The Monroe County DOPA are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the Contractor; premises owned, leased or used by the Contractor or premises on which Contractor is performing services on behalf of the Monroe County DOPA. The coverage shall contain no special limitations on the scope of protection afforded to the Monroe County DOPA.
 - The Contractor's insurance coverage shall be primary insurance as respects the Monroe County DOPA. Any insurance or self-insurance maintained by the Monroe County DOPA shall be excess of Contractor's insurance and shall not contribute with it.
 - Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Monroe County DOPA
 - Coverage shall state that Contractor's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- b) *Workers' Compensation and Employers' Liability and Property Coverage's* - The insurer shall agree to waive all rights of subrogation against the Monroe County DOPA, for losses arising from activities and operations of Contractor in the performance of services under this Agreement.

c) *All Coverage's*

- Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the Monroe County DOPA.
- If Contractor, for any reason, fails to maintain insurance coverage, which is required pursuant to this Agreement, the same shall be deemed a material breach of contract. Monroe County DOPA, at its sole option, may terminate this Agreement and obtain damages from the Contractor resulting from said breach.
- Alternatively, Monroe County DOPA may purchase such required insurance coverage (but has no special obligation to do so), and without further notice to Contractor, Monroe County DOPA may deduct from sums due to Contractor any premium costs advanced by Monroe County DOPA for such insurance.
- Monroe County DOPA named as "additional insured" as its interest may appear.

3. Deductibles and Self-Insured Retention's

Any deductibles or self-insured retentions must be declared to and approved by the Monroe County DOPA. At the option of the Monroe County DOPA, the insurer shall reduce or eliminate such deductibles or self-insured retention's as respects the Monroe County DOPA or the Contractor shall procure a bond guaranteeing payment of losses, related investigation, claim administration and defense expenses.

4. Acceptability of insurers

Insurance is to be placed with Florida admitted insurers rated B-X or better by *A.M. Best's* rating service.

5. Verification of Coverage

Contractor shall furnish the Monroe County DOPA with certificates of insurance and with original endorsements affecting coverage required by this clause. The certificates and endorsements for each policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be received and approved by the Monroe County DOPA before work commences.

6. Subcontractors

Contractor shall include each of its subcontractors as insured under the policies of insurance required herein.

Indemnity

The successful CTC shall indemnify and hold harmless the Monroe County Planning Department, the Monroe County DOPA, and Monroe County, and their agents and employees from and against all claims, demands, actions or suits for, injury, sickness, disease or death to CTC employees or other persons, or damage to property, including loss of use thereof, including attorney's fees, arising out of or resulting from the performance of the CTC's obligations under this contract award. The CTC is an independent contractor. The CTC agrees to defend, on behalf of the Monroe County Planning Department, the Monroe County DOPA, and Monroe County, any suits brought jointly against the CTC and the Monroe County-Planning Department, the Monroe County DOPA or Monroe County, or against the Monroe County Planning Department, the Monroe County DOPA or Monroe County together or separately, arising out of any of the aforesaid causes, and to reimburse the Monroe County Planning Department, the Monroe County DOPA, or Monroe County for attorney's fees, settlements, costs, judgments, satisfactions, or other expenses incurred by the Monroe County Planning Department in any manner connected with any suits or claims. For ten dollars (\$10.00) and other specific valuable consideration the receipt and sufficiency of which is hereby acknowledged, the CTC agrees that its obligation to the Monroe County Planning Department, the Monroe County DOPA and Monroe County extends to and includes liability for the sole, contributory, or concurrent negligence of the Monroe County Planning Department, its employees or agents. This responsibility shall, include, but shall not be limited to, liability for damages resulting from injury or damage to any employee of the CTC, regardless of whether the CTC has paid the employee under the provisions of any workmen's compensation laws or similar legislation.

Appeals Procedure

The appeals procedure will be conducted as provided in Sections 120.569 and 120.57(3), FS and Rule 28-110, F.A.C. Failure to file a protest within the time prescribed in law or rule, or to follow the procedures in Chapter 120, FS, and Chapter 28-110, FAC, shall constitute a waiver of proceedings under Chapter 120, FS.

1. Any person adversely affected by a request for proposal solicitation shall file a notice of protest in writing within 72 hours of the receipt of the request for proposal and shall file a formal written protest within ten (10) days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based.
2. At the time the Monroe County DOPA forwards its recommendations to the Commission for the Transportation Disadvantaged, the Monroe County DOPA will notify each person or entity submitting a proposal by certified United States Mail or express delivery, of its recommendation.
3. On the first business day following the Commission for the Transportation Disadvantaged making the final decision for selecting the community transportation coordinator, staff of the Commission for the Transportation Disadvantaged will notify each person or entity submitting a proposal, by certified United States Mail or express delivery, of the

Commission's selection of the CTC.

4. Any person adversely affected by the intended decision to award a contract or to reject all bids shall file a notice of protest in writing within 72 hours after receipt of the notice of intended decision if notice is given by certified mail or express delivery.
5. Thereafter, any person or entity, which has filed a notice of protest to the final decision of the Commission for the Transportation Disadvantaged, shall file a formal written protest and a bond within 10 DAYS after filing the notice of protest. The formal written protest must be in a form substantially similar to the form set out in Rule 28-110.004(2), F.A.C., and must state with particularity the facts and law upon which the protest to the final decision is based. A bond can be in substantially the same form as set out in Rule 28-110.005(2), F.A.C.
6. All notices of protest and formal written protest must be filed with David Darm, Executive Director, at the Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida, 32399-0450. Filing is completed upon delivery and receipt by the above-named person. A protest is not timely filed unless both the notice of protest and the formal protest are received within the required time limits. "Failure to file a protest within the time prescribed in Section 120.57(3), FS, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, FS."
7. A protest is not timely filed unless both the notice of protest and the formal protest are received within the required time limits.
8. A written notice of protest which is filed by 5:00 p.m. on the date on which the 72 hours expires shall be timely.

In computing the time in which to file a notice of protest or formal protest, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or a holiday. When the period of time prescribed is less than seven days intermediate Saturdays, Sundays and holidays when the Commission's offices are closed shall be excluded from the computation.

Right of Rejection

The Monroe County DOPA reserves the right to waive any informality in any proposal, to reject any or all proposals in whole or in part, with or without cause, and/or to accept the proposal that in its judgment will be in the best interest of the Monroe County DOPA and its citizens.

EXHIBITS

EXHIBIT A

LETTER OF TRANSMITTAL

[Date]

Ms. Nicole Marriott
President & CEO
Health Council of South Florida
7875 NW 12th Street, Suite 118
Doral, Florida 33126
ATTN: Vanessa Naranjo

RE: Proposal for Community Transportation Coordinator for Monroe County

Dear Ms. Marriott,

Enclosed is an original and _____ copies of a completed and signed Proposal for (proposer name) to be designated Community Transportation Coordinator for (County or area to be served). The firm/organization understands the responsibilities and requirements of Chapter 427, F.S., Rule 41-2, FAC, and shall comply with all appropriate federal, state, and local regulations in this matter.

We look forward to serving the needs of transportation disadvantaged citizens of (county or area being served). Thank you for your consideration of this proposal.

Sincerely yours,

[Name and Signature of Officer submitting proposal]

EXHIBIT B

PROPOSER'S IDENTIFICATION AND QUALIFICATION INFORMATION

1. Identification of Proposer:

Name of Organization: _____

Business Address: _____

Telephone Number: () _____

Years in Business at this Location: _____

2. Name and Title of Individual to Contact for Further Information:

3. Legal Status of Organization: (check one)

- ☐ For-Profit Corporation or joint venture corporation
- ☐ For-Profit Partnership or sole proprietorship Non-Profit Corporation
- ☐ Public Agency
- ☐ Other (please explain): _____

4. Description of Organization:

Provide a brief statement of the major business functions, history, and organizational structure of responding organization/firm. Attach hereto and label as "4. Description of Respondent Organization."

5. Credit References:

Provide names, addresses, phone numbers, and relation to respondent of at least three (3) credit references, including organization's bank. Attach hereto and label as "5. Credit References."

6. Has Respondent or any officer or Partner of Respondent Failed to Complete a Contract? If yes, please explain.

7. Locations of central office that will provide overall administration and management of the project:

8. Person who will directly manage this project as the on-site manager:

Name: _____

Title: _____

Email: _____

Phone: _____

9. Names, addresses, and phone numbers of any proposed subcontractors and their roles in this project:

10. List names and addresses of partners and individuals having an interest in respondent's company:

11. Key Staff

Attach resumes of key staff to be assigned to this contract. Include, at a minimum, resumes of the on-site manager, contract manager, and any consulting staff. Provide at least three (3) management ability references relating to the field of transportation disadvantaged services for the on-site manager (name, title, organization, and phone number).

12. Is any litigation pending against respondent or any officer or partner of respondent?

YES / NO (circle one)

If yes, explain.

EXHIBIT C

STANDARD ASSURANCES

Name of Proposer: _____

At this time, we understand all requirements and state that as a serious proposer we will comply with all the stipulations included in the proposal package.

The above-named proposer affirms and declares:

1. That the Proposer is of lawful age and that no other person, firm, or corporation has any interest in this Proposal or in the Contract, that may result from this proposal other than as described in Item 10, Exhibit B.
2. That this Proposal is made without any understanding, agreement, or connection with any other person, firm, or corporation making a Proposal for the same project, and is in all respects fair and without collusion or fraud.
3. That the Proposer has carefully examined the site of the work and that from his/her investigations has been satisfied as to the nature and location of the work, the kind and extent of the equipment and other facilities needed for the performance of the work, the general and local conditions, all difficulties to be encountered, and all other items which in any way affect the work or its performance.
4. That the Proposer is in full compliance with all federal, state, and local laws and regulations and intends to fully comply with same during the entire term of the contract.

In witness whereof, this Proposal is hereby signed by the duly authorized representative of the Proposer and sealed as of the date indicated.

[Name of Applicant] _____

(Seal)

Signature _____

Witness

Typed Name and Title _____

Date _____

EXHIBIT D

CERTIFICATION OF COORDINATOR/OPERATOR REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The Proposer[s]: _____

Certifies to the best of its knowledge and belief that it and its principles:

1. Are not generally debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal or State department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicated for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(If the Proposer is unable to certify to any of these statements in this certification, the agency/firm shall attach an explanation to this certification.)

The Proposer, certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provision of 31 U.S.C. Sections 3801, *et. seq.*, are applicable hereto.

The undersigned chief legal counsel for the _____ {agency/firm} hereby certifies that the _____ (agency/firm) has authority under State and local law to comply with the subject assurances and that the certification above has been legally made.

[Signature of Firm/Agency Attorney] _____

[Date] _____

EXHIBIT E

COMPANY NAME
EQUAL OPPORTUNITY PLEDGE

All Contractors and Suppliers must agree to the following:

- A. The Contractor/Supplier will not discriminate against any employee or job applicant because of his or her race, creed, color, sex, marital status or national origin.
- B. The Contract/Supplier will post in a conspicuous place, available to all employees and job applicants, a copy of this pledge.
- C. The Contractor/Supplier will, in all solicitations advertisement for job applicants place or cause to placed, a statement that the Contractor/Supplier is "Equal Opportunity Employer."

Compliance with this Equal Opportunity Pledge is mandatory of all Contractors/Suppliers. Failure to sign and return this Pledge may result in your Contract/order being canceled, voided or suspended in part or whole.

_____ as a Contractor/ Supplier,
(Name of Company)

for the CITY, pledges itself to support and abide by this Equal Opportunity Pledge.

AUTHORIZED SIGNATURE

ADDRESS

CITY STATE ZIP

DATE SIGNED

ATTACHMENTS

ATTACHMENT I

CHAPTER 427, FLORIDA STATUTES

2020 Florida Statutes

Chapter 427

SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES

View Entire Chapter

CHAPTER 427

SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES

PART I

TRANSPORTATION SERVICES

(ss. 427.011-427.017)

PART II

TELECOMMUNICATIONS ACCESS SYSTEM

(ss. 427.701-427.708)

PART III

ASSISTIVE TECHNOLOGY DEVICE WARRANTY ACT

(ss. 427.801-427.806)

PART I

TRANSPORTATION SERVICES

427.011 Definitions.

427.012 The Commission for the Transportation Disadvantaged.

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.

427.0135 Purchasing agencies; duties and responsibilities.

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

427.0155 Community transportation coordinators; powers and duties.

427.0157 Coordinating boards; powers and duties.

427.0158 School bus and public transportation.

427.0159 Transportation Disadvantaged Trust Fund.

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

427.017 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 Family Services, the director of Workforce Innovation, 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.

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 non-sponsored 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, multi-coordinator, 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 regional workforce 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.

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)(f)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.

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 non-sponsored 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 regional workforce 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.

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 non-sponsored 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 regional workforce 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.

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.

1427.0159 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 non-sponsored 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.

1Note.—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.

PART II TELECOMMUNICATIONS ACCESS SYSTEM

427.701 Title.

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427.701 Title.—This part may be cited as the “Telecommunications Access System Act of 1991.”

History.—s. 1, ch. 91-111.

427.702 Findings, purpose, and legislative intent.—

(1) The Legislature finds and declares that:

(a) Telecommunications services provide a rapid and essential communications link among the general public and with essential offices and organizations such as police, fire, and medical facilities.

(b) All persons should have basic telecommunications services available to them at reasonable and affordable costs.

(c) A significant portion of Florida's hearing impaired and speech impaired populations has profound disabilities, including dual sensory impairments, which render normal telephone equipment useless without additional specialized telecommunications devices,

many of which cost several hundred dollars.

(d) The telecommunications system is intended to provide access to a basic communications network between all persons, and that many persons who have a hearing impairment or speech impairment currently have no access to the basic telecommunications system.

(e) Persons who do not have a hearing impairment or speech impairment are generally excluded from access to the basic telecommunications system to communicate with persons who have a hearing impairment or speech impairment without the use of specialized telecommunications devices.

(f) There exists a need for a telecommunications relay system whereby the cost for access to basic telecommunications services for persons who have a hearing impairment or speech impairment is no greater than the amount paid by other telecommunications customers.

(g) The Federal Government, in order to carry out the purposes established by Title II of the Communications Act of 1934, as amended, by the enactment of the Americans with Disabilities Act, endeavored to ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing impaired and speech impaired persons in the United States.

(h) Title IV of the Americans with Disabilities Act mandates that the telecommunications companies providing telephone services within the state shall provide telecommunications relay services on or before July 25, 1993, to persons who are hearing impaired or speech impaired within their certificated territories in a manner that meets or exceeds the requirements of regulations to be prescribed by the Federal Communications Commission.

(2) It is the declared purpose of this part to establish a system whereby the citizens of Florida who are hearing impaired, speech impaired, or dual sensory impaired have access to basic telecommunications services at a cost no greater than that paid by other telecommunications services customers, and whereby the cost of specialized telecommunications equipment necessary to ensure that citizens who are hearing impaired, speech impaired, or dual sensory impaired have access to basic telecommunications services and the provision of telecommunications relay service is borne by all the telecommunications customers of the state.

(3) It is the intent of the Legislature:

(a) That a telecommunications access system be established to provide equitable basic access to the telecommunications network for persons who are hearing impaired, speech impaired, or dual sensory impaired.

(b) That the telecommunications access system includes a telecommunications relay service system that meets or exceeds the certification requirements of the Federal Communications Commission.

(c) That the telecommunications access system includes the distribution of telecommunications devices for the deaf that are compatible

with the telecommunications relay service system and has the capability of incorporating new technologies as they develop.

(d) That the telecommunications access system includes the distribution of specialized telecommunications devices necessary for hearing impaired, speech impaired, or dual sensory impaired persons to access basic telecommunications services.

(e) That the telecommunications access system ensures that users of the telecommunications relay service system pay rates no greater than the rates paid for functionally equivalent voice communications services.

(f) That the telecommunications access system be as cost efficient as possible without diminishing the effectiveness or the quality of the system.

(g) That the telecommunications access system uses state-of-the-art technology for specialized telecommunications devices and the telecommunications relay service and encourages the incorporation of new developments in technology, to the extent that it has demonstrated benefits consistent with the intent of this act and is in the best interest of the citizens of this state.

(h) That the value of the involvement of persons who have hearing or speech impairments, and organizations representing or serving those persons, be recognized and such persons and organizations be involved throughout the development, establishment, and implementation of the telecommunications access system through participation on the advisory committee as provided in s. 427.706.

(i) That the total cost of providing telecommunications relay services and distributing specialized telecommunications devices be spread equitably among and collected from customers of all local exchange telecommunications companies.

History.—s. 1, ch. 91-111.

427.703 Definitions.—As used in this part:

(1) “Administrator” means a corporation not for profit incorporated pursuant to the provisions of chapter 617 and designated by the Florida Public Service Commission to administer the telecommunications relay service system and the distribution of specialized telecommunications devices pursuant to the provisions of this act and rules and regulations established by the commission.

(2) “Commission” means the Florida Public Service Commission.

(3) “Deaf” means having a permanent hearing impairment and being unable to discriminate speech sounds in verbal communication, with or without the assistance of amplification devices.

(4) “Dual sensory impaired” means having both a permanent hearing impairment and a permanent visual impairment and includes deaf/blindness.

(5) “Hard of hearing” means having a permanent hearing impairment which is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.

- (6) “Hearing impaired” or “having a hearing impairment” means deaf or hard of hearing and, for purposes of this part, includes being dual sensory impaired.
- (7) “Local exchange telecommunications company” means a telecommunications company certificated by the commission to provide telecommunications services within a specific geographic area.
- (8) “Operating fund” means the fund established, invested, managed, and maintained by the administrator for the exclusive purpose of implementing and administering the provisions of this act pursuant to commission rules and regulations.
- (9) “Ring signaling device” means a mechanism, such as a flashing light, which visually indicates that a communication is being received through a telephone line. This term also means a mechanism such as an adjustable volume ringer and buzzer which audibly and loudly indicates an incoming telephone communication.
- (10) “Speech impaired” or “having a speech impairment” means having a permanent loss of verbal communication ability which prohibits normal usage of a standard telephone handset.
- (11) “Specialized telecommunications device” means a TDD, a volume control handset, a ring signaling device, or any other customer premises telecommunications equipment specifically designed or used to provide basic access to telecommunications services for a hearing impaired, speech impaired, or dual sensory impaired person.
- (12) “Surcharge” means an additional charge which is to be paid by local exchange telecommunications company subscribers pursuant to the cost recovery mechanism established under s. 427.704(4) in order to implement the system described herein.
- (13) “Telecommunications company” includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision of the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term “telecommunications company” does not include an entity which provides a telecommunications facility exclusively to a certificated telecommunications company, or a specialized mobile radio service operator, a private radio carrier, a radio common carrier, a cellular radio telecommunications carrier, or a cable television company providing cable service as defined in 47 U.S.C. s. 522.
- (14) “Telecommunications device for the deaf” or “TDD” means a mechanism which is connected to a standard telephone line, operated by means of a keyboard, and used to transmit or receive signals through telephone lines.
- (15) “Telecommunications facility” includes real estate, easements, apparatus, property, and routes used and operated to provide two-way telecommunications service to the public for hire within this state.
- (16) “Telecommunications relay service” means any telecommunications transmission service that allows a person who is hearing

impaired or speech impaired to communicate by wire or radio in a manner that is functionally equivalent to the ability of a person who is not hearing impaired or speech impaired. Such term includes any service that enables two-way communication between a person who uses a telecommunications device or other nonvoice terminal device and a person who does not use such a device.

(17) “Volume control handset” means a telephone which has an adjustable control for increasing the volume of the sound being produced by the telephone receiving unit or by the telephone transmitting unit.

History.—s. 1, ch. 91-111.

427.704 Powers and duties of the commission.—

(1) The commission shall establish, implement, promote, and oversee the administration of a statewide telecommunications access system to provide access to telecommunications relay services by persons who are hearing impaired or speech impaired, or others who communicate with them. The telecommunications access system shall provide for the purchase and distribution of specialized telecommunications devices and the establishment of statewide single provider telecommunications relay service system which operates continuously. To provide telecommunications relay services and distribute specialized telecommunication devices to persons who are hearing impaired or speech impaired, at a reasonable cost the commission shall:

(a) Investigate, conduct public hearings, and solicit the advice and counsel of the advisory committee established pursuant to s. 427.706 to determine the most cost-effective method for providing telecommunications relay service and distributing specialized telecommunications devices.

(b) Ensure that users of the telecommunications relay service system pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as duration of the call, time of day, and distance from the point of origination to the point of termination.

(c) Ensure that the telecommunications access system protects the privacy of persons to whom services are provided and that all operators maintain the confidentiality of all relay service messages.

(d) Ensure that the telecommunications relay service system complies with regulations adopted by the Federal Communications Commission to implement Title IV of the Americans with Disabilities Act.

(2) The commission shall designate as the administrator of the telecommunications access system a corporation not for profit organized for such purposes and incorporated pursuant to chapter 617. For the purposes of this part, the commission may order telecommunications companies to form such a corporation not for profit.

(3)(a) The commission shall select the provider of the telecommunications relay service pursuant to procedures established by the

commission. In selecting the service provider, the commission shall take into consideration the cost of providing the relay service and the interests of the hearing impaired and speech impaired community in having access to a high-quality and technologically advanced telecommunications system. The commission shall award the contract to the bidder whose proposal is the most advantageous to the state, taking into consideration the following:

1. The appropriateness and accessibility of the proposed telecommunications relay service for the citizens of the state, including persons who are hearing impaired or speech impaired.
2. The overall quality of the proposed telecommunications relay service.
3. The charges for the proposed telecommunications relay service system.
4. The ability and qualifications of the bidder to provide the proposed telecommunications relay service as outlined in the request for proposals.
5. Any proposed service enhancements and technological enhancements which improve service without significantly increasing cost.
6. Any proposed inclusion of provision of assistance to deaf persons with special needs to access the basic telecommunications system.
7. The ability to meet the proposed commencement date for the telecommunications relay service.
8. All other factors listed in the request for proposals.

(b) The commission shall consider the advice and counsel of the advisory committee in the development of the request for proposals. The request for proposals shall include, but not be limited to:

1. A description of the scope and general requirements of the telecommunications relay service, including the required compliance with regulations adopted by the Federal Communications Commission to implement Title IV of the Americans with Disabilities Act, the required service provisions and service limitations, system design, service provider qualifications, and service description, type of calls to be provided, and charges to the users.
2. A description of the telecommunications relay service system standards.
3. A description of information to be provided by the bidder, including service provider qualifications, cost information, including cost per call and startup costs, a description of the system design, including network access and facilities to be provided, and relay operator standards.
4. A description of service provider reporting requirements.

(c) The commission shall establish a request for a proposals review committee, which shall include commission staff and designated members of the advisory committee, to review the proposals received by the commission and recommend a telecommunications relay

service provider to the commission for final selection. By agreeing to serve on the review committee, each member of the review committee shall agree that he or she currently does not have and will not have any interest or employment, either directly or indirectly, with potential bidders that would conflict in any manner or degree with his or her performance on the committee.

(d) To the extent a bidder desires any portion of its proposal to be considered proprietary, confidential business information, the bidder shall make such request concurrent with filing its proposal and justify its request as provided in s. 364.183.

(4)(a) The commission shall establish a mechanism to recover the costs of implementing and maintaining the services required pursuant to this part which shall be applied to each basic telecommunications access line. In establishing the recovery mechanism, the commission shall:

1. Require all local exchange telecommunications companies to impose a monthly surcharge on all local exchange telecommunications company subscribers on an individual access line basis, except that such surcharge shall not be imposed upon more than 25 basic telecommunications access lines per account bill rendered.

2. Require all local exchange telecommunications companies to include the surcharge as a part of the local service charge that appears on the customer's bill, except that the local exchange telecommunications company shall specify the surcharge on the initial bill to the subscriber and itemize it at least once annually.

3. Allow the local exchange telecommunications company to deduct and retain 1 percent of the total surcharge amount collected each month to recover the billing, collecting, remitting, and administrative costs attributed to the surcharge.

(b) The commission shall determine the amount of the surcharge based upon the amount of funding necessary to accomplish the purposes of this act and provide the services on an ongoing basis; however, in no case shall the amount exceed 25 cents per line per month.

(c) All moneys received by the local exchange telecommunications company, less the amount retained as authorized by subparagraph (4)(a)3., shall be remitted to the administrator for deposit in appropriate financial institutions regulated under state or federal law and used exclusively to fund the telecommunications access system provided for herein.

(d) The surcharge collected by the local exchange telecommunications companies is not subject to any sales, use, franchise, income, municipal utility, gross receipts, or any other tax, fee, or assessment, nor shall it be considered revenue of the local exchange telecommunications companies for any purpose.

(e) From the date of implementing the surcharge, the commission shall review the amount of the surcharge at least annually and shall order changes in the amount of the surcharge as necessary to assure available funds for the provision of the telecommunications access

system established herein. Where the review of the surcharge determines that excess funds are available, the commission may order the suspension of the surcharge for a period which the commission deems appropriate.

(5) The commission shall require each local exchange telecommunications company to begin assessing and collecting the surcharge in the amount of 5 cents per access line per month on bills rendered on or after July 1, 1991, for remission to the administrator for deposit in the operational fund. Each local exchange telecommunications company shall remit moneys collected to the administrator. On August 15, 1991, each local exchange telecommunications company shall begin remitting the moneys collected to the administrator on a monthly basis and in a manner as prescribed by the commission. The administrator shall use such moneys to cover costs incurred during the development of the telecommunications relay services and to establish and administer the specialized telecommunications devices system.

(6) The commission shall establish a schedule for completion of specific stages of the telecommunications relay service development and implementation except that the statewide telecommunications relay service shall commence on or before June 1, 1992.

(7) The commission shall require the administrator to submit financial statements for the distribution of specialized telecommunications devices and the telecommunications relay service to the commission quarterly, in the manner prescribed by the commission.

(8) The commission shall adopt rules and may take any other action necessary to implement the provisions of this act.

(9) The commission shall prepare an annual report on the operation of the telecommunications access system, which shall be available on the commission's Internet website. Reports must be prepared in consultation with the administrator and the advisory committee appointed pursuant to s. 427.706. The reports must, at a minimum, briefly outline the status of developments in the telecommunications access system, the number of persons served, the call volume, revenues and expenditures, the allocation of the revenues and expenditures between provision of specialized telecommunications devices to individuals and operation of statewide relay service, other major policy or operational issues, and proposals for improvements or changes to the telecommunications access system.

History.—s. 1, ch. 91-111; s. 11, ch. 2000-334; s. 139, ch. 2010-102.

427.705 Administration of the telecommunications access system.—

(1) Consistent with the provisions of this act and rules and regulations established by the commission, the administrator shall:

(a) Purchase, store, distribute, and maintain specialized telecommunications devices, either directly or through contract with third parties, or a combination thereof.

(b) Administer advertising and outreach services as required by the commission, either directly or through contract with third parties,

or a combination thereof.

(c) Administer training services for recipients of specialized telecommunications devices and for telecommunications relay service users as directed by the commission through contract with third parties.

(d) Establish and maintain an operational fund with appropriate financial institutions regulated under state or federal law, and receive moneys from the local exchange telecommunications companies and deposit such moneys in the operational fund.

(e) Develop, test, and implement an accounting system and internal controls and procedures to receive, safeguard, and disperse moneys in the operational fund as directed by the commission.

(f) Develop and implement procedures for an independent audit and for compliance with commission reporting requirements, as directed by the commission.

(g) Administer and control the award of money to all parties incurring costs in implementing and maintaining the telecommunications access system, equipment, and technical support services in accordance with the provisions of this act.

(2) The administrator shall be audited annually by an independent auditing firm to assure proper management of any revenues it receives and disburses. The administrator's books and records shall be open to the commission and to the Auditor General for review upon request. The commission shall have the authority to establish fiscal and operational requirements for the administrator to follow in order to ensure that the administrative costs of the system are reasonable.

(3) The administrator may apply to the commission for an adjustment in the amount of the monthly surcharge that a local exchange telecommunications company must impose on its customers. Prior to applying to the commission for such an adjustment, the commission may require the administrator to employ an independent accounting firm to perform an audit of the accounts of the administrator and the service providers relevant to the surcharge and file a report with the commission.

(4) In contracting for the provision of distribution of specialized telecommunications devices, outreach services, and training of recipients, the administrator shall consider contracting with organizations that provide services to persons who are hearing impaired or speech impaired.

(5) The administrator shall provide for the distribution of specialized telecommunications devices to persons qualified to receive such equipment in accordance with the provisions of this act. The administrator shall establish procedures for the distribution of specialized telecommunications devices and shall solicit the advice and counsel and consider the recommendations of the advisory committee in establishing such procedures. The procedures shall:

(a) Provide for certification of persons as hearing impaired, speech impaired, or dual sensory impaired. Such certification process shall

include a statement attesting to such impairment by a licensed physician, audiologist, speech-language pathologist, hearing aid specialist, or deaf service center director; by a state-certified teacher of the hearing impaired; by a state-certified teacher of the visually impaired; or by an appropriate state or federal agency. The licensed physician, audiologist, speech-language pathologist, hearing aid specialist, state-certified teacher of the hearing impaired, or state-certified teacher of the visually impaired providing statements which attest to such impairments shall work within their individual scopes of practice according to their education and training. The deaf service center directors and appropriate state and federal agencies shall attest to such impairments as provided for in the procedures developed by the administrator.

(b) Establish characteristics and performance standards for specialized telecommunications devices determined to be necessary, and for the selection of equipment to be purchased for distribution to qualified recipients. The characteristics and standards shall be modified as advances in equipment technology render such standards inapplicable.

(c) Provide for the administrator to apply for, contract for, receive, and expend for the purposes of this part any appropriation, grant, gift, or donation from the Federal Government or any other public or private source.

(d) Require the administrator to purchase the equipment required by this part on a competitively bid basis, so that the best value per unit may be obtained on the equipment selected for purchase, unless the equipment is available from only one source, or the total amount of the subject transaction does not exceed \$5,000.

(6) All names, addresses, and telephone numbers provided to the Florida Public Service Commission or administrator by applicants for specialized telecommunications devices are confidential and exempt from the provisions of s. 119.07(1). The information shall be released to contractors only to the extent necessary for assignment and shipment of equipment, for provision of training in the use of equipment, and for inventory reconciliation purposes. Neither the administrator or any contractor shall release this information nor use it for any other purpose.

(7) The administrator shall assume responsibility for distribution of specialized telecommunications devices.

(8) The administrator shall submit financial statements to the commission quarterly, in the manner prescribed by the commission.

History.—s. 1, ch. 91-111; s. 1, ch. 92-2; s. 278, ch. 96-406; s. 52, ch. 99-5; s. 12, ch. 2000-334.

427.706 Advisory committee.—

(1) The commission shall appoint an advisory committee to assist the commission with the implementation of the provisions of this part. The committee shall be composed of no more than 10 persons and shall include, to the extent practicable, the following:

(a) Two deaf persons recommended by the Florida Association of the Deaf.

- (b) One hearing impaired person recommended by Self-Help for the Hard of Hearing.
- (c) One deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities.
- (d) One speech impaired person recommended by the Florida Language Speech and Hearing Association.
- (e) Two representatives of telecommunications companies, one representing a local exchange telecommunications company and one representing an interexchange telecommunications company, recommended by the Florida Telephone Association.
- (f) One person with experience in providing relay services recommended by the Deaf Service Center Association.
- (g) One person recommended by the Advocacy Center for Persons with Disabilities, Inc.
- (h) One person recommended by the Florida League of Seniors.
- (2) The advisory committee shall provide the expertise, experience, and perspective of persons who are hearing impaired or speech impaired to the commission and to the administrator during all phases of the development and operation of the telecommunications access system. The advisory committee shall advise the commission and the administrator on the quality and cost-effectiveness of the telecommunications relay service and the specialized telecommunications devices distribution system. The advisory committee may submit material for inclusion in the annual report prepared pursuant to s. 427.704.
- (3) Members of the committee shall not be compensated for their services but shall be entitled to per diem and travel expenses as provided in s. 112.061. The commission shall use funds from the Florida Public Service Regulatory Trust Fund to cover the costs incurred by members of the advisory committee.

History.—s. 1, ch. 91-111; s. 45, ch. 94-324; s. 18, ch. 95-327; s. 140, ch. 2010-102.

427.707 Exemption from liability.—Neither the commission, the administrator, the provider of the telecommunications relay service, nor any agent, employee, representative, or officer of the foregoing shall be liable for any claims, actions, damages, or causes of action arising out of or resulting from the establishment, participation in, or operation of the telecommunications relay service, except where there is malicious purpose or wanton and willful disregard of human rights, safety, or property in the establishment, participation in, or operation of the telecommunications relay service.

History.—s. 1, ch. 91-111.

427.708 Certain public safety and health care providers required to purchase and operate TDD's.—

- (1) The central communications office of each county sheriff's department shall purchase and continually operate at least one TDD.
- (2)(a) The central communications office of each police department and each firefighting agency in a municipality with a population of 25,000 to 250,000 shall purchase and continually operate at least one TDD.

- (b) The central communications office of each police department and each firefighting agency in a municipality with a population exceeding 250,000 persons shall purchase and continually operate at least two TDD's.
- (3) Each hospital as defined in s. 395.002 shall purchase and continually operate at least one TDD.
- (4) Each emergency telephone number "911" system, as provided in s. 365.171, and each agency receiving automatically routed calls through such a system shall purchase and continually operate at least one TDD.
- (5) Each public safety office, health care provider, and emergency telephone number "911" system required to obtain a TDD pursuant to this section shall continuously operate and staff such equipment on a 24-hour basis.
- (6) Each office or organization required to purchase TDD's pursuant to this section shall buy such equipment which meets the same specifications as those selected by the commission.
- (7) Each office or organization required to operate TDD's pursuant to this section shall utilize equipment in accordance with standards established by the commission.

History.—s. 1, ch. 91-111; s. 80, ch. 92-289; s. 46, ch. 94-324; s. 19, ch. 95-327.

PART III

ASSISTIVE TECHNOLOGY

DEVICE WARRANTY ACT

427.801 Short title.

427.802 Definitions.

427.803 Express warranty.

427.804 Repair of nonconforming assistive technology devices; refund or replacement of devices after attempt to repair; sale or lease of returned device; arbitration; limitation of rights.

427.805 Waiver.

427.806 Action for damages.

427.801 Short title.—This part may be cited as the "Assistive Technology Device Warranty Act."

History.—s. 1, ch. 97-47.

427.802 Definitions.—As used in this part:

- (1) “Assistive technology devices” means manual wheelchairs, motorized wheelchairs, motorized scooters, voice-synthesized computer modules, optical scanners, talking software, braille printers, environmental control devices for use by a person with quadriplegia, motor vehicle adaptive transportation aids, devices that enable persons with severe speech disabilities to in effect speak, personal transfer systems, and specialty beds, including a demonstrator, that a consumer purchases or accepts transfer of in this state for use by a person with a disability.
- (2) “Person with a disability” means any person who has one or more permanent physical or mental limitations that restrict his or her ability to perform the normal activities of daily living and impede his or her capacity to live independently.
- (3) “Assistive technology device dealer” means a person who is engaged in the business of selling assistive technology devices.
- (4) “Assistive technology device lessor” means a person who leases an assistive technology device to a consumer, or holds the lessor’s rights, under a written lease.
- (5) “Collateral costs” means expenses incurred by a consumer in connection with the repair of a nonconformity, including the costs of obtaining an alternative assistive technology device.
- (6) “Consumer” means any of the following:
 - (a) The purchaser of an assistive technology device, if the assistive technology device was purchased from an assistive technology device dealer or manufacturer for purposes other than resale.
 - (b) A person to whom the assistive technology device is transferred for purposes other than resale, if the transfer occurs before the expiration of an express warranty applicable to the assistive technology device.
 - (c) A person who may enforce the warranty.
 - (d) A person who leases an assistive technology device from an assistive technology device lessor under a written lease.
- (7) “Demonstrator” means an assistive technology device used primarily for the purpose of demonstration to the public.
- (8) “Early termination cost” means any expense or obligation that an assistive technology device lessor incurs as a result of both the termination of a written lease before the termination date set forth in that lease and the return of an assistive technology device to a manufacturer pursuant to this section. The term includes a penalty for prepayment under a financial arrangement.
- (9) “Early termination saving” means any expense or obligation that an assistive technology device lessor avoids as a result of both the termination of a written lease before the termination date set forth in the lease and the return of an assistive technology device to a manufacturer pursuant to this section. The term includes an interest charge that the assistive technology device lessor would have paid

to finance the assistive technology device or, if the assistive technology device lessor does not finance the assistive technology device, the difference between the total amount for which the lease obligates the consumer during the period of the lease term remaining after the early termination and the present value of that amount at the date of the early termination.

(10) “Manufacturer” means a business entity that manufactures or produces assistive technology devices for sale and agents of that business entity, including an importer, a distributor, a factory branch, a distributor branch, and any warrantors of the manufacturer’s assistive technology device, but not including an assistive technology device dealer.

(11) “Nonconformity” means a condition or defect of an assistive technology device which substantially impairs the use, value, or safety of the device and which is covered by an express warranty applicable to the assistive technology device, but does not include a condition or defect that is the result of abuse, neglect, excessive wear, or unauthorized modification or alteration of the assistive technology device by a consumer.

(12) “Reasonable attempt to repair” means, within the terms of an express warranty applicable to a new assistive technology device:

- (a) A maximum of three efforts by the manufacturer, the assistive technology device lessor, or any of the manufacturer’s authorized assistive technology device dealers to repair a nonconformity that is subject to repair under the warranty; or
- (b) The passage of at least 30 cumulative days during which the assistive technology device is out of service because of a nonconformity that is covered by the warranty.

History.—s. 1, ch. 97-47; s. 17, ch. 99-307; s. 3, ch. 2001-214.

427.803 Express warranty.—A manufacturer who sells a new assistive technology device to a consumer, either directly or through an assistive technology device dealer, shall furnish the consumer with an express warranty for the assistive technology device. The duration of the express warranty must be at least 1 year after first delivery of the assistive technology device to the consumer. In the absence of an express warranty from the manufacturer, the manufacturer is considered to have expressly warranted to the consumer of an assistive technology device that, for a period of 1 year after the date of first delivery to the consumer, the assistive technology device will be free from any condition or defect that substantially impairs the value of the assistive technology device to the consumer.

History.—s. 1, ch. 97-47; s. 18, ch. 99-307; s. 4, ch. 2001-214.

427.804 Repair of nonconforming assistive technology devices; refund or replacement of devices after attempt to repair; sale or lease of returned device; arbitration; limitation of rights.—

(1) If a new assistive technology device does not conform to an applicable express warranty and the consumer reports the nonconformity to the manufacturer, the assistive technology device lessor, or any of the manufacturer’s authorized assistive technology

device dealers and makes the assistive technology device available for repair within 1 year after first delivery or return of the assistive technology device to the consumer, the nonconformity must be repaired at no charge to the consumer.

(2) If, after a reasonable attempt to repair, the nonconformity is not repaired, the manufacturer, at the direction of a consumer as defined in s. 427.802(6)(a)-(c), must do one of the following:

(a) Accept return of the assistive technology device and replace the assistive technology device with a comparable new assistive technology device and refund any collateral costs.

(b) Accept return of the assistive technology device and refund to the consumer and to any holder of a perfected security interest in the consumer's assistive technology device, as the interest may appear, the full purchase price plus any finance charge amount paid by the consumer at the point of sale, and collateral costs.

(c) With respect to a consumer as defined in s. 427.802(6)(d), accept return of the assistive technology device, refund to the assistive technology device lessor and to any holder of a perfected security interest in the assistive technology device, as the interest may appear, the current value of the written lease, and refund to the consumer the amount that the consumer paid under the written lease plus any collateral costs.

(3) The current value of the written lease equals the total amount for which the lease obligates the consumer during the period of the lease remaining after its early termination plus the assistive technology device dealer's early termination costs and the value of the assistive technology device at the lease expiration date if the lease sets forth the value, less the assistive technology device lessor's early termination savings.

(4) To receive a comparable new assistive technology device or a refund due under paragraph (2)(a), a consumer must offer to the manufacturer of the assistive technology device having the nonconformity to transfer possession of the assistive technology device to the manufacturer. No later than 30 days after the offer, the manufacturer shall provide the consumer with the comparable assistive technology device or refund. When the manufacturer provides the comparable assistive technology device or refund, the consumer shall return the assistive technology device having the nonconformity to the manufacturer, along with any endorsements necessary to transfer real possession to the manufacturer.

(5) To receive a refund due under paragraph (2)(b), a consumer must offer to return the assistive technology device having the nonconformity to its manufacturer. No later than 30 days after the offer, the manufacturer shall provide the refund to the consumer who paid for or the provider who billed a third party payor source for the assistive technology device. The provider shall return the manufacturer's refund to the third party payor source, unless the provider was not reimbursed by the third party payor. When the

manufacturer provides the refund, the consumer shall return to the manufacturer the assistive technology device having the nonconformity.

(6) To receive a refund due under paragraph (2)(c), an assistive technology device lessor must offer to transfer possession of the assistive technology device having the nonconformity to its manufacturer. No later than 30 days after the offer, the manufacturer shall provide the refund to the assistive technology device lessor. When the manufacturer provides the refund, the assistive technology device lessor shall provide to the manufacturer any endorsements necessary to transfer legal possession to the manufacturer.

(7) A person may not enforce the lease against the consumer after the consumer receives a refund due under paragraph (2)(c).

(8) An assistive technology device that is returned by a consumer or assistive technology device lessor in this state, or by a consumer or assistive technology device lessor in another state under a similar law of that state, may not be sold or leased again in this state, unless full disclosure of the reasons for return is made to any prospective buyer or lessee.

(9) Each consumer may submit any dispute arising under this part to an alternative arbitration mechanism established pursuant to chapter 682. Upon notice by the consumer, all manufacturers must submit to such alternative arbitration.

(10) Such alternative arbitration must be conducted by a professional arbitrator or arbitration firm appointed under chapter 682 and any applicable rules. These procedures must provide for the personal objectivity of the arbitrators and for the right of each party to present its case, to be in attendance during any presentation made by the other party, and to rebut or refute such a presentation.

(11) This part does not limit rights or remedies available to a consumer under any other law.

History.—s. 1, ch. 97-47; s. 19, ch. 99-307; s. 5, ch. 2001-214; s. 44, ch. 2001-279.

427.805 Waiver.—Any waiver by a consumer of rights under this part is void.

History.—s. 1, ch. 97-47.

427.806 Action for damages.—In addition to pursuing any other remedy, a consumer may bring an action to recover damages for any injury caused by a violation of this part. The court shall award a consumer who prevails in such an action twice the amount of any pecuniary loss, together with costs, disbursements, and reasonable attorney's fees, and any equitable relief that the court determines is appropriate.

History.—s. 1, ch. 97-47.

ATTACHMENT II

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED
GRANT DISTRIBUTION PROJECTIONS

**Commission for the Transportation Disadvantaged
Trip & Equipment Grant Allocations
FY 2020-2021**

County	Trip & Equipment Grant			Voluntary Dollar			Hold Harmless			2020-21 Total Funds
	Allocation	Local Match (10%)	Total Funds	Funding	Local Match (10%)	Total Funds	Funding	Local Match (10%)	Total Funds	
Alachua	\$650,821	\$72,313	\$723,134	\$51	\$6	\$57	\$0	\$0	\$0	\$723,191
Baker	\$227,942	\$25,327	\$253,269	\$37	\$4	\$41	\$31,112	\$3,457	\$34,569	\$287,879
Bay	\$463,681	\$51,520	\$515,201	\$22	\$2	\$24	\$0	\$0	\$0	\$515,225
Bradford	\$133,697	\$14,855	\$148,552	\$3	\$0	\$3	\$90,639	\$10,071	\$100,710	\$249,265
Brevard	\$1,580,812	\$175,646	\$1,756,458	\$181	\$20	\$201	\$0	\$0	\$0	\$1,756,659
Broward	\$4,593,446	\$510,383	\$5,103,829	\$464	\$52	\$516	\$0	\$0	\$0	\$5,104,345
Calhoun	\$201,090	\$22,343	\$223,433	\$0	\$0	\$0	\$2,764	\$307	\$3,071	\$226,504
Charlotte	\$397,085	\$44,121	\$441,206	\$17	\$2	\$19	\$84,622	\$9,402	\$94,024	\$535,249
Citrus	\$417,128	\$46,348	\$463,476	\$37	\$4	\$41	\$121,973	\$13,553	\$135,526	\$599,043
Clay	\$429,849	\$47,761	\$477,610	\$71	\$8	\$79	\$121,800	\$13,533	\$135,333	\$613,022
Collier	\$910,350	\$101,150	\$1,011,500	\$93	\$10	\$103	\$0	\$0	\$0	\$1,011,603
Columbia	\$352,353	\$39,150	\$391,503	\$12	\$1	\$13	\$0	\$0	\$0	\$391,516
DeSoto	\$231,978	\$25,775	\$257,753	\$0	\$0	\$0	\$0	\$0	\$0	\$257,753
Dixie	\$210,456	\$23,384	\$233,840	\$1	\$0	\$1	\$0	\$0	\$0	\$233,841
Duval	\$1,660,767	\$184,530	\$1,845,297	\$442	\$49	\$491	\$166,123	\$18,458	\$184,581	\$2,030,370
Escambia	\$691,065	\$76,785	\$767,850	\$106	\$12	\$118	\$0	\$0	\$0	\$767,968
Flagler	\$307,681	\$34,187	\$341,868	\$83	\$9	\$92	\$109,398	\$12,155	\$121,553	\$463,513
Franklin	\$179,455	\$19,939	\$199,394	\$0	\$0	\$0	\$4,481	\$498	\$4,979	\$204,373
Gadsden	\$397,029	\$44,114	\$441,143	\$24	\$3	\$27	\$13,887	\$1,543	\$15,430	\$456,600
Gilchrist	\$120,511	\$13,390	\$133,901	\$0	\$0	\$0	\$58,857	\$6,540	\$65,397	\$199,298
Glades	\$224,145	\$24,905	\$249,050	\$0	\$0	\$0	\$1,457	\$162	\$1,619	\$250,669
Gulf	\$198,935	\$22,104	\$221,039	\$0	\$0	\$0	\$19,503	\$2,167	\$21,670	\$242,709
Hamilton	\$160,778	\$17,864	\$178,642	\$0	\$0	\$0	\$7,395	\$822	\$8,217	\$186,859
Hardee	\$241,643	\$26,849	\$268,492	\$0	\$0	\$0	\$5,470	\$608	\$6,078	\$274,570
Hendry	\$366,927	\$40,770	\$407,697	\$2	\$0	\$2	\$0	\$0	\$0	\$407,699
Hernando	\$360,906	\$40,101	\$401,007	\$20	\$2	\$22	\$129,074	\$14,342	\$143,416	\$544,445
Highlands	\$467,885	\$51,987	\$519,872	\$23	\$3	\$26	\$0	\$0	\$0	\$519,898
Hillsborough	\$2,043,758	\$227,084	\$2,270,842	\$186	\$21	\$207	\$142,626	\$15,847	\$158,473	\$2,429,522
Holmes	\$215,050	\$23,894	\$238,944	\$0	\$0	\$0	\$44,422	\$4,936	\$49,358	\$288,302
Indian River	\$371,401	\$41,267	\$412,668	\$22	\$2	\$24	\$45,941	\$5,105	\$51,046	\$463,738
Jackson	\$442,520	\$49,169	\$491,689	\$27	\$3	\$30	\$0	\$0	\$0	\$491,719
Jefferson	\$206,852	\$22,984	\$229,836	\$4	\$0	\$4	\$8,799	\$978	\$9,777	\$239,617
Lafayette	\$154,293	\$17,144	\$171,437	\$0	\$0	\$0	\$9,059	\$1,007	\$10,066	\$181,503
Lake	\$734,191	\$81,577	\$815,768	\$111	\$12	\$123	\$51,247	\$5,694	\$56,941	\$872,832
Lee	\$930,039	\$103,338	\$1,033,377	\$680	\$76	\$756	\$344,300	\$38,256	\$382,556	\$1,416,689
Leon	\$547,783	\$60,865	\$608,648	\$121	\$13	\$134	\$0	\$0	\$0	\$608,782
Levy	\$413,817	\$45,980	\$459,797	\$22	\$2	\$24	\$0	\$0	\$0	\$459,821
Liberty	\$267,952	\$29,772	\$297,724	\$0	\$0	\$0	\$0	\$0	\$0	\$297,724
Madison	\$238,041	\$26,449	\$264,490	\$0	\$0	\$0	\$0	\$0	\$0	\$264,490
Manatee	\$651,551	\$72,395	\$723,946	\$115	\$13	\$128	\$96,415	\$10,713	\$107,128	\$831,202
Marion	\$854,091	\$94,899	\$948,990	\$95	\$11	\$106	\$0	\$0	\$0	\$949,096
Martin	\$324,301	\$36,033	\$360,334	\$49	\$5	\$54	\$65,126	\$7,236	\$72,362	\$432,750
Miami-Dade	\$6,951,485	\$772,387	\$7,723,872	\$1,333	\$148	\$1,481	\$0	\$0	\$0	\$7,725,353
Monroe	\$371,023	\$41,225	\$412,248	\$40	\$4	\$44	\$0	\$0	\$0	\$412,292
Nassau	\$316,009	\$35,112	\$351,121	\$9	\$1	\$10	\$0	\$0	\$0	\$351,131
Okaloosa	\$567,105	\$63,012	\$630,117	\$56	\$6	\$62	\$0	\$0	\$0	\$630,179
Okeechobee	\$243,040	\$27,004	\$270,044	\$0	\$0	\$0	\$0	\$0	\$0	\$270,044
Orange	\$2,455,686	\$272,854	\$2,728,540	\$795	\$88	\$883	\$551,457	\$61,273	\$612,730	\$3,342,152
Osceola	\$1,094,660	\$121,629	\$1,216,289	\$4	\$0	\$4	\$0	\$0	\$0	\$1,216,293
Palm Beach	\$3,129,588	\$347,732	\$3,477,320	\$965	\$107	\$1,072	\$617,276	\$68,586	\$685,862	\$4,164,254
Pasco	\$722,131	\$80,237	\$802,368	\$166	\$18	\$184	\$155,736	\$17,304	\$173,040	\$975,592
Pinellas	\$3,632,904	\$403,656	\$4,036,560	\$190	\$21	\$211	\$114,242	\$12,694	\$126,936	\$4,163,707
Polk	\$1,334,687	\$148,299	\$1,482,986	\$236	\$26	\$262	\$0	\$0	\$0	\$1,483,248
Putnam	\$428,717	\$47,635	\$476,352	\$52	\$6	\$58	\$0	\$0	\$0	\$476,410
Saint Johns	\$533,571	\$59,286	\$592,857	\$114	\$13	\$127	\$79,662	\$8,851	\$88,513	\$681,497
Saint Lucie	\$566,748	\$62,972	\$629,720	\$27	\$3	\$30	\$217,382	\$24,154	\$241,536	\$871,286
Santa Rosa	\$432,546	\$48,061	\$480,607	\$23	\$3	\$26	\$0	\$0	\$0	\$480,633
Sarasota	\$895,536	\$99,504	\$995,040	\$181	\$20	\$201	\$392,236	\$43,582	\$435,818	\$1,431,059
Seminole	\$911,879	\$101,320	\$1,013,199	\$192	\$21	\$213	\$54,511	\$6,057	\$60,568	\$1,073,980
Sumter	\$294,050	\$32,672	\$326,722	\$22	\$2	\$24	\$122,471	\$13,608	\$136,079	\$462,824
Suwannee	\$247,175	\$27,464	\$274,639	\$1	\$0	\$1	\$0	\$0	\$0	\$274,640
Taylor	\$312,431	\$34,715	\$347,146	\$6	\$1	\$7	\$0	\$0	\$0	\$347,153
Union	\$97,857	\$10,873	\$108,730	\$0	\$0	\$0	\$86,574	\$9,619	\$96,193	\$204,923
Volusia	\$1,251,951	\$139,106	\$1,391,057	\$61	\$7	\$68	\$146,828	\$16,314	\$163,142	\$1,554,267
Wakulla	\$210,946	\$23,438	\$234,384	\$1	\$0	\$1	\$0	\$0	\$0	\$234,385
Walton	\$406,542	\$45,171	\$451,713	\$2	\$0	\$2	\$0	\$0	\$0	\$451,715
Washington	\$234,113	\$26,013	\$260,126	\$2	\$0	\$2	\$7,061	\$785	\$7,846	\$267,974
TOTALS	\$52,216,435	\$5,801,828	\$58,018,263	\$7,596	\$840	\$8,436	\$4,321,925	\$480,217	\$4,802,142	\$62,828,841

4/15/2020

Monroe
Guidance/Care Center
Lisa Marciniak
3000 41 ST, OCEAN
MARATHON, FL 33050
305-434-7660
lisa.marciniak@westcare.com

Demographics	Number
Total County Population	77,013
Unduplicated Head Count	1,005

Trips By Type of Service	2017	2018	2019
Fixed Route (FR)	1,769	805	576
Deviated FR	0	0	0
Complementary ADA	0	0	0
Paratransit	56,861	49,110	51,523
TNC	0	0	0
Taxi	0	0	0
School Board (School Bus)	0	0	0
Volunteers	0	0	0
TOTAL TRIPS	58,630	49,915	52,099

Passenger Trips By Trip Purpose

Medical	16,016	13,411	15,172
Employment	3,977	2,864	1,964
Ed/Train/DayCare	21,795	19,592	20,573
Nutritional	2,905	2,033	2,295
Life-Sustaining/Other	13,937	12,015	12,095
TOTAL TRIPS	58,630	49,915	52,099

Passenger Trips By Revenue Source

CTD	15,481	9,853	11,230
AHCA	14,709	13,698	14,674
APD	2,264	3,102	0
DOEA	0	0	0
DOE	0	0	0
Other	26,176	23,262	26,195
TOTAL TRIPS	58,630	49,915	52,099

Trips by Provider Type

CTC	7,618	3,462	5,155
Transportation Operator	7,863	6,391	7,888
Coordination Contractor	43,149	40,062	39,056
TOTAL TRIPS	58,630	49,915	52,099

Vehicle Data

	2017	2018	2019
Vehicle Miles	472,393	455,003	451,645
Roadcalls	15	8	11
Accidents	0	2	1
Vehicles	61	60	56
Drivers	53	48	60

Financial and General Data

Expenses	\$1,796,216	\$1,920,081	\$2,090,699
Revenues	\$1,854,009	\$1,850,364	\$2,041,580
Commendations	1	1	1
Complaints	0	0	2
Passenger No-Shows	418	651	72
Unmet Trip Requests	4	0	12

Performance Measures

Accidents per 100,000 Miles	0	0.44	0.22
Miles between Roadcalls	31,493	56,875	41,059
Avg. Trips per Passenger	51.16	45.84	51.84
Cost per Trip	\$30.64	\$38.47	\$40.13
Cost per Paratransit Trip	\$31.51	\$38.92	\$40.58
Cost per Total Mile	\$3.80	\$4.22	\$4.63
Cost per Paratransit Mile	\$3.79	\$4.20	\$4.63

ATTACHMENT IV

SAMPLE MEMORANDUM OF AGREEMENT

Contract # _____

Effective: _____ to _____

STATE OF FLORIDA
COMMISSION FOR THE TRANSPORTATION DISADVANTAGED
MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is between the COMMISSION FOR THE TRANSPORTATION DISADVANTAGED, hereby referred to as the "Commission," and

the COMMUNITY TRANSPORTATION COORDINATOR, designated pursuant to Chapter 427, F.S., to serve the transportation disadvantaged for the community that includes the entire area of

_____ county(ies), and hereafter referred to as the "Coordinator."

This Agreement is made in consideration of the mutual benefits to both parties; said consideration acknowledged hereto by the parties as good and valuable consideration.

The Parties Agree:

I. The Coordinator Shall:

- A. Become and remain totally apprised of all of the Transportation Disadvantaged resources available or planned in their designated service area. This knowledge will be used to plan, coordinate, and implement the most cost effective transportation disadvantaged transit system possible under the economic and other conditions that exist in the designated service area.
- B. Plan and work with Community Transportation Coordinators in adjacent and other areas of the state to coordinate the provision of community trips that might be handled at a lower overall cost to the community by another Coordinator. This includes honoring any Commission-approved statewide certification program that allows for intercounty transportation opportunities.
- C. Arrange for all services in accordance with Chapter 427, Florida Statutes, and Rule 41-2, FAC, and as further required by the Commission and the local Coordinating Board approved Transportation Disadvantaged Service Plan.
- D. Return any acquired profits or surplus funds originating through the course of business as the Coordinator that are beyond the amounts(s) specifically identified and approved in the accompanying Transportation Disadvantaged Service Plan. Such profits or funds shall be returned to the Coordinator's transportation system or to any subsequent Coordinator, as a total transportation system subsidy, to be applied to the immediate following operational year. The Coordinator will include similar language in all coordination contracts to assure that transportation disadvantaged related revenues are put back into transportation disadvantaged services.

E. Accomplish this Project by:

1. Developing a Transportation Disadvantaged Service Plan for approval by the local Coordinating Board and the Commission. Coordinators who are newly designated to a particular service area shall submit a local Coordinating Board approved Transportation Disadvantaged Service Plan, within 120 calendar days following the execution of the Coordinator's initial memorandum of agreement with the Commission, for approval by the Commission. All subsequent Transportation Disadvantaged Service Plans shall be submitted and approved with the corresponding memorandum of agreement. The approved Transportation Disadvantaged Service Plan will be implemented and monitored to provide for community-wide transportation services for purchase by non-sponsored transportation disadvantaged persons, contracting social service agencies, and other entities that use local, state, or federal government funds for the purchase of transportation for the transportation disadvantaged.
2. Maximizing the use of available public school transportation resources and public fixed route or fixed schedule transit services and assuring that private or public transit, paratransit operators, and school boards have been afforded a fair opportunity to participate to the maximum extent feasible in the planning process and in the development of the provisions of the Transportation Disadvantaged Service Plan for the transportation disadvantaged.
3. Providing or arranging 24-hour, 7-day per week transportation disadvantaged service as required in the designated service area by any Federal, State or Local Government agency sponsoring such services. The provision of said services shall be furnished in accordance with the prior notification requirements identified in the local Coordinating Board and Commission approved Transportation Disadvantaged Service Plan.
4. Complying with all local, state, and federal laws and regulations that apply to the provision of transportation disadvantaged services.
5. Submitting to the Commission an Annual Operating Report detailing demographic, operational, and financial data regarding coordination activities in the designated service area. The report shall be prepared on forms provided by the Commission and according to the instructions of said forms.

F. Comply with Audit and Record Keeping Requirements by:

1. Utilizing the Commission recognized Chart of Accounts defined in the *Transportation Accounting Consortium Model Uniform Accounting System for Rural and Specialized Transportation Providers* (uniform accounting system) for all transportation disadvantaged accounting and reporting purposes. Community Transportation Coordinators with existing and equivalent accounting systems are not required to adopt the Chart of Accounts in lieu of their existing Chart of Accounts but shall 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.

2. Assuming the responsibility of invoicing for any transportation services arranged, unless otherwise stipulated by a purchase of service contract or coordination contract.
 3. Maintaining and filing with the Commission, local Coordinating Board, and all purchasing agencies/entities such progress, fiscal, inventory, and other reports as those entities may require during the period of this Agreement.
 4. Providing copies of finance and compliance audits to the Commission and local Coordinating Board as requested by the Commission or local Coordinating Board.
- G. Retain all financial records, supporting documents, statistical records, and any other documents pertinent to this Agreement for a period of five (5) years after termination of this Agreement. If an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings. The Coordinator shall assure that these records shall be subject to inspection, review, or audit at all reasonable times by persons duly authorized by the Commission or this Agreement. They shall have full access to and the right to examine any of the said records and documents during the retention period.
- H. Comply with Safety Requirements by:
1. Complying with Section 341.061, F.S., and Rule 14-90, FAC, concerning System Safety; or complying with Chapter 234.051, F.S., regarding school bus safety requirements for those services provided through a school board; and
 2. Assuring compliance with local, state, and federal laws, and Commission policies relating to drug testing. Conduct 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.
- I. Comply with Commission insurance requirements by maintaining at least minimum liability insurance coverage in the amount of \$200,000 for any one person and \$300,000 per occurrence at all times during the existence of this Agreement for all transportation services purchased or provided for the transportation disadvantaged through the Community Transportation Coordinator. Upon the execution of this Agreement, the Coordinator shall add the Commission as an additional **named insured** to all insurance policies covering vehicles transporting the transportation disadvantaged. In the event of any cancellation or changes in the limits of liability in the insurance policy, the insurance agent or broker shall notify the Commission. The Coordinator shall insure that contracting transportation operators and coordination contractors also maintain the same minimum liability insurance, or an equal governmental insurance program. Insurance coverage in excess of \$1 million per occurrence must be approved by the Commission and the local Coordinating Board before inclusion in the Transportation Disadvantaged Service Plan or in the justification of rates and fare structures. Such coverage may be provided by a self-insurance program established and operating under the laws of the State of Florida and written verification of insurance protection in accordance with Section 768.28, Florida Statutes, shall be provided to the Commission upon request.

- J. Safeguard information by not using or disclosing any information concerning a user of services under this Agreement for any purpose not in conformity with the local, state and federal regulations (45 CFR, Part 205.50), except upon order of a court, written consent of the recipient, or his/her responsible parent or guardian when authorized by law.
- K. Protect Civil Rights by:
1. Complying with state and federal laws including but not limited to laws regarding discrimination on the basis of sex, race, religion, age, disability, sexual orientation, or national origin. The Coordinator gives this assurance in consideration of and for the purpose of obtaining federal grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other federal financial assistance to programs or activities receiving or benefiting from federal financial assistance and agreeing to complete a Civil Rights Compliance Questionnaire if so requested by the Commission.
 2. Agreeing that compliance with this assurance constitutes a condition of continued receipt of or benefit from federal financial assistance, and that it is binding upon the Coordinator, its successors, subcontractors, transferee, and assignees for the period during which such assistance is provided. Assure that all operators, subcontractors, subgrantee, or others with whom the Coordinator arranges to provide services or benefits to participants or employees in connection with any of its programs and activities are not discriminating against those participants or employees in violation of the above statutes, regulations, guidelines, and standards. In the event of failure to comply, the Coordinator agrees that the Commission may, at its discretion, seek a court order requiring compliance with the terms of this assurance or seek other appropriate judicial or administrative relief, to include assistance being terminated and further assistance being denied.
- L. To the extent allowed by Section 768.28, Florida Statutes, and only to the monetary and other limitations contained therein, indemnify and hold harmless the Commission and all of the Commission's members, officers, agents, and employees; purchasing agency/entity officers, agents, and employees; and the local, state, and federal governments from any claim, loss, damage, cost, charge or expense arising out of any act, action, neglect or omission by the Coordinator during the performance of this Agreement, whether direct or indirect, and whether to any person or property to which the Commission or said parties may be subject, except that neither the Coordinator nor any of its sub-contractors will be liable under this section for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the Commission or any of its members, officers, agents or employees; purchasing agency/entity, officers, agents, and employees; and local, state, or federal governments. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency/entity or Coordinator to which sovereign immunity may be applicable. Nothing herein shall be construed as consent by a state agency/entity or political subdivision of the State of Florida or the federal government to be sued by third parties in any matter arising out of any Agreement or contract. Notwithstanding the foregoing, pursuant to Section 768.28, Florida Statutes, no agency or subdivision of the state shall be required to indemnify, insure, or assume any liability for the Commission's negligence.

- M. Comply with standards and performance requirements of the Commission, the local Coordinating Board approved Transportation Disadvantaged Service Plan, and any purchase of service contracting agencies/entities. Failure to meet the requirements or obligations set forth in this MOA, and performance requirements established and monitored by the local Coordinating Board in the approved Transportation Disadvantaged Service Plan, shall be due cause for non-payment of reimbursement invoices until such deficiencies have been addressed or corrected to the satisfaction of the Commission.
- N. Comply with subcontracting requirements by executing or negotiating contracts for transportation services with Transportation Operators and Coordination Contractors, and assuring that the conditions of such contracts are maintained. The requirements of Part 1, Paragraph E.5. through M are to be included in all contracts, subcontracts, coordination contracts, and assignments made by the Coordinator for services under this Agreement. Said contracts, subcontracts, coordination contracts, and assignments will be reviewed and approved annually by the Coordinator and local Coordinating Board for conformance with the requirements of this Agreement.
- O. Comply with the following requirements concerning drivers and vehicles:
1. 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.
 2. 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 wheelchair securement devices, storage of mobility assistive devices, and closing the vehicle door. In certain paratransit service categories, the driver may also 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.
 3. All vehicles shall be equipped with two-way communications in good working order and be audible to the driver at all times to the base.
 4. 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.

P. Comply with other requirements as follows:

1. Transport an escort of a passenger and dependent children as locally negotiated and identified in the local Transportation Disadvantaged Service Plan.
2. Determine locally in the Transportation Disadvantaged Service Plan, the use, responsibility, and cost of child restraint devices.
3. Transport with the passenger at no additional charge, passenger property that can be carried by the passenger and/or driver in one trip and can be safely stowed on the vehicle. 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.
4. Provide shelter, security, and safety of passengers at vehicle transfer points.
5. Post a local or other toll-free number for complaints or grievances inside each vehicle. 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.
6. Provide out-of-service-area trips, when determined locally and approved by the local Coordinating Board, except in instances where local ordinances prohibit such trips.
7. Keep interior of all vehicles 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.
8. Determine locally by the local Coordinating Board and provide in the local Transportation Disadvantaged Service Plan the billing requirements of the Community Transportation Coordinator. All bills shall be paid to subcontractors within 7 calendar days after receipt of said payment by the Coordinator, in accordance with Section 287.0585, Florida Statutes.
9. Maintain or have access to a passenger/trip database on each rider being transported within the system.
10. Provide each rider and escort, child, or personal care attendant adequate seating for paratransit services. 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.
11. First Aid shall be determined locally and provided in the local Transportation Disadvantaged Service Plan.

12. Cardiopulmonary Resuscitation shall be determined locally and provided in the local Transportation Disadvantaged Service Plan.

II. The Commission Shall:

- A. Recognize the Coordinator as the entity described in Section 427.011(5), Florida Statutes, and Rule 41-2.002(4), F.A.C.
- B. Attempt to insure that all entities with transportation disadvantaged funds will purchase transportation disadvantaged services through the Coordinator's system.

III. The Coordinator and the Commission Further Agree:

- A. Nothing in this Agreement shall require the Commission to observe or enforce compliance with any provision thereof, perform any other act or do any other thing in contravention of any applicable state law. If any of the provisions of this Agreement is found by a court of law to violate any applicable state law, the purchasing agency/entity will at once notify the Commission in writing in order that appropriate changes and modifications may be made by the Commission and the Coordinator to the end that the Coordinator may proceed as soon as possible with the provision of transportation services.
- B. If any part or provision of this Agreement is held invalid, the remainder of this Agreement shall be binding on the parties hereto.
- C. Termination Conditions:
 1. Termination at Will - This Agreement may be terminated by either party upon no less than thirty (30) days notice, without cause. Said notice shall be delivered by certified mail, return receipt required, or in person with proof of delivery.
 2. Termination for Breach - Unless the Coordinator's breach is waived by the Commission in writing, the Commission may, by written notice to the Coordinator, terminate this Agreement upon no less than twenty-four (24) hours notice. Said notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. Waiver by the Commission of breach of any provision of this Agreement shall not be deemed to be a waiver of any other breach and shall not be construed to be a modification of the terms of this Agreement, and shall not act as a waiver or estoppel to enforcement of any provision of this Agreement. The provisions herein do not limit the Commission's right to remedies at law or to damages.
- D. This agreement will expire unless an extension is granted to the Coordinator in writing by the Commission, in accordance with Chapter 287, Florida Statutes.
- E. Renegotiations or Modifications of this Agreement shall only be valid when they have been reduced to writing, duly approved by the Commission, and signed by both parties hereto.

F. Notice and Contact:

The name and address of the contract manager for the Commission for this Agreement is: **Executive Director, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450**. The representative/position of the Coordinator responsible for administration of the program under this Agreement is:

In the event that either party designates different representatives after execution of this Agreement, notice of the name and address of the new representative will be rendered in writing to the other party and said notification attached to originals of this Agreement.

This document has been reviewed in its entirety and approved by the local Coordinating Board at its official meeting held on _____.

Coordinating Board Chairperson

WITNESS WHEREOF, the parties hereto have caused these presents to be executed.

COMMUNITY TRANSPORTATION
COORDINATOR:

STATE OF FLORIDA, COMMISSION FOR
THE TRANSPORTATION DISADVANTAGED:

Agency Name

Typed Name of Authorized Individual

Typed Name of Authorized Individual

Signature: _____

Signature: _____

Title: Executive Director

Title: _____

ATTACHMENT V

TRANSPORTATION DISADVANTAGED SERVICE PLAN OUTLINE

Executive Summary

I. Development Plan

- A. Introduction to the Service Area
 - 1. Background of the Transportation Disadvantaged Program
 - 2. Agency and Board Designation Dates/History
 - 3. TD Program Organization Chart
 - 4. Consistency Review of Other Plans
 - 5. Public Participation
- B. Service Area Profile/Demographics
 - 1. Service Area Description
 - 2. Demographics
 - a) Land Use
 - b) Population Composition
 - c) Employment
 - d) Major Trip Generators/Attractors
- C. Service Analysis
 - 1. Forecasts for TD Population
 - 2. Trip Demand and Supply
 - 3. Passenger One Way Trip Information
 - 4. Barriers to Coordination
- D. Goals, Objectives and Strategies
- E. Implementation Plan

II. SERVICE PLAN

- A. Operations Element
 - 1. Types, Hours, Days of Service
 - 2. Accessing Services
 - 3. Transportation Operations and Coordination Contractors
 - 4. Public Transit Utilization
 - 5. School Bus Utilization
 - 6. Vehicle Inventory
 - 7. System Safety Program Plan
 - 8. Intercounty Services
 - 9. Natural Disaster/ Emergency Preparedness
 - 10. Marketing and Customer Satisfaction
 - 11. Acceptable Alternatives
- B. Service Standards
 - 1. Commission Service Standards
 - 2. Local Service Standards
- C. Local Grievance Procedure/Process
- D. Evaluation Process
 - 1. CTC Evaluation Process

2. CTC Monitoring Procedures of Operators and Coordination Contractors
3. Planning Agency Evaluation Process

III COST/REVENUE ALLOCATION AND RATE STRUCTURE JUSTIFICATION

- A. Cost/ Revenue Allocation Plan
- B. Services
- C. Fare Structure
- D. Fare Structure Study

VI. APPENDICES

- Appendix A –LCB Roster
- Appendix B - Fares
- Appendix C – CTC Schedule
- Appendix D – CTC Providers
- Appendix E -System Safety Plan
- Appendix F – Grievance Report Form
- Appendix G – Grievance Procedures
- Appendix H – Annual Performance Report
- Appendix I - TD Population Forecasting Methodology

ATTACHMENT VI

TRANSPORTATION DISADVANTAGED SERVICE STANDARDS

41-2.006 Insurance, Safety Requirements and Standards.

(1) The Community Transportation Coordinator, shall ensure compliance with the minimum liability insurance requirement of \$100,000 per person and \$200,000 per incident, which are comparable to Section 768.28(5), Florida Statutes, 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), Florida Statutes, 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 (specifically, Section 112.0455, Florida Statutes; Rule 14-17.012 and Chapters 59A-24 and 60L-19, F.A.C.; and 41 U.S.C. 701; 49 C.F.R., Parts 29 and 382; and 46 C.F.R., Parts 4, 5, 14, and 16).

(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, Florida Statutes;

(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.

Specific 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, 7-3-03.8, 6-3-01, 7-3-03.