

# The Florida Senate

## 2015 Florida Statutes

### Title X

PUBLIC OFFICERS, EMPLOYEES,  
AND RECORDS

### Chapter 112

PUBLIC OFFICERS AND  
EMPLOYEES: GENERAL  
PROVISIONS

### Entire Chapter

### **SECTION 3143**

**Voting conflicts.**

#### **112.3143 Voting conflicts.—**

(1) As used in this section:

(a) “Principal by whom retained” means an individual or entity, other than an agency as defined in s. [112.312\(2\)](#), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one’s client, employer, or the parent, subsidiary, or sibling organization of one’s client or employer.

(b) “Public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(c) “Relative” means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(d) “Special private gain or loss” means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

(2)(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer’s special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. [112.312\(2\)](#); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

(b) A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member’s respective house if the member discloses the information required by this subsection.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal

by which he or she is retained, other than an agency as defined in s. [112.312\(2\)](#); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. [163.356](#) or s. [163.357](#), or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

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

(6) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

**History.**—s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2; s. 6, ch. 2013-36.

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# The Florida Senate

## 2015 Florida Statutes

<u>Title XXX</u> SOCIAL WELFARE	<u>Chapter 427</u> SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES  <u>Entire Chapter</u>	<b>SECTION 012</b> <b>The Commission for the Transportation Disadvantaged.</b>
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**427.012 The Commission for the Transportation Disadvantaged.**—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of seven members, all of whom shall be appointed by the Governor, in accordance with the requirements of s. [20.052](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Each candidate for appointment to the commission must, before accepting the appointment, undergo background screening under s. [435.04](#) by filing with the Department of Transportation a complete set of fingerprints

taken by an authorized law enforcement agency. The fingerprints must be submitted to the Department of Law Enforcement for state processing, and that department shall submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Transportation shall screen the background results and inform the commission of any candidate who does not meet level 2 screening standards. A candidate who has not met level 2 screening standards may not be appointed to the commission. The cost of the background screening may be borne by the Department of Transportation or the candidate.

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

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

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

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

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

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# The Florida Senate

## 2015 Florida Statutes

Title XXX  
SOCIAL WELFARE

Chapter 427  
SPECIAL TRANSPORTATION AND  
COMMUNICATIONS SERVICES

Entire Chapter

**SECTION 013**  
**The Commission for the  
Transportation Disadvantaged;  
purpose and responsibilities.**

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

- (1) Compile all available information on the transportation operations for and needs of the transportation disadvantaged in the state.
- (2) Establish statewide objectives for providing transportation services for the transportation disadvantaged.
- (3) Develop policies and procedures for the coordination of local government, federal, and state funding for the transportation disadvantaged.
- (4) Identify barriers prohibiting the coordination and accessibility of transportation services to the transportation disadvantaged and aggressively pursue the elimination of these barriers.
- (5) Serve as a clearinghouse for information about transportation disadvantaged services, training, funding sources, innovations, and coordination efforts.
- (6) Assist communities in developing transportation systems designed to serve the transportation disadvantaged.
- (7) Unless otherwise provided by state or federal law, ensure that all procedures, guidelines, and directives issued by purchasing agencies are conducive to the coordination of transportation services.
- (8)(a) Ensure that purchasing agencies purchase all trips within the coordinated system, unless they have fulfilled the requirements of s. [427.0135\(3\)](#) and use a more cost-effective alternative provider that meets comparable quality and standards.
- (b) Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. [427.0135\(3\)](#), provide, by rule, criteria and procedures for purchasing agencies to use if they wish to use an alternative provider. Agencies must demonstrate that the proposed alternative provider can provide a trip of comparable quality and standards for the clients at a lower cost than that provided within the coordinated system, or that the coordinated system cannot accommodate the agency's clients.
- (9) Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. [427.0135\(3\)](#), develop by rule standards for community transportation coordinators and any transportation operator or coordination contractor from whom service is purchased or arranged by the community transportation coordinator covering coordination, operation, safety, insurance, eligibility for service, costs, and utilization of transportation disadvantaged services. These standards and rules must include, but are not limited to:
  - (a) Minimum performance standards for the delivery of services. These standards must be included in coordinator contracts and transportation operator contracts with clear penalties for repeated or continuing violations.
  - (b) Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged through the community transportation coordinator.
- (10) Adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) to implement the provisions of ss. [427.011-427.017](#).
- (11) Approve the appointment of all community transportation coordinators.
- (12) Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Applications by the commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.

(13) Make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year.

(14) Consolidate, for each state agency, the amounts of each agency's actual expenditures, together with the actual expenditures of each local government and directly federally funded agency and the amounts collected by each official planning agency.

(15) Prepare a statewide 5-year transportation disadvantaged plan which addresses the transportation problems and needs of the transportation disadvantaged, which is fully coordinated with local transit plans, compatible with local government comprehensive plans, and which ensures that the most cost-effective and efficient method of providing transportation to the disadvantaged is programmed for development.

(16) Review and approve memorandums of agreement for the provision of coordinated transportation services.

(17) Review, monitor, and coordinate all transportation disadvantaged local government, state, and federal fund requests and plans for conformance with commission policy, without delaying the application process. Such funds shall be available only to those entities participating in an approved coordinated transportation system or entities which have received a commission-approved waiver to obtain all or part of their transportation through another means. This process shall identify procedures for coordinating with the state's intergovernmental coordination and review procedures and s. [216.212\(1\)](#) and any other appropriate grant review process.

(18) Develop an interagency uniform contracting and billing and accounting system that shall be used by all community transportation coordinators and their transportation operators.

(19) Develop and maintain a transportation disadvantaged manual.

(20) Design and develop transportation disadvantaged training programs.

(21) Coordinate all transportation disadvantaged programs with appropriate state, local, and federal agencies and public transit agencies to ensure compatibility with existing transportation systems.

(22) Designate the official planning agency in areas outside of the purview of a metropolitan planning organization.

(23) Develop need-based criteria that must be used by all community transportation coordinators to prioritize the delivery of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(24) Establish a review procedure to compare the rates proposed by alternate transportation operators with the rates charged by a community transportation coordinator to determine which rate is more cost-effective.

(25) Conduct a cost-comparison study of single-coordinator, multicoordinator, and brokered community transportation coordinator networks to ensure that the most cost-effective and efficient method of providing transportation to the transportation disadvantaged is programmed for development.

(26) Develop a quality assurance and management review program to monitor, based upon approved commission standards, services contracted for by an agency, and those provided by a community transportation operator pursuant to s. [427.0155](#).

(27) Ensure that local community transportation coordinators work cooperatively with 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.

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# The Florida Senate

## 2015 Florida Statutes

<u>Title XXX</u> SOCIAL WELFARE	<u>Chapter 427</u> SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES  <u>Entire Chapter</u>	<b>SECTION 015</b> <b>Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.</b>
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### **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.

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## 2015 Florida Statutes

<u>Title XXX</u> SOCIAL WELFARE	<u>Chapter 427</u> SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES  <u>Entire Chapter</u>	<b>SECTION 0157</b> <b>Coordinating boards; powers and duties.</b>
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**427.0157 Coordinating boards; powers and duties.**—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

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

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<u>Title XXX</u> SOCIAL WELFARE	<u>Chapter 427</u> SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES  <u>Entire Chapter</u>	<b>SECTION 0159</b> <b>Transportation Disadvantaged Trust Fund.</b>
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### **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 nonsponsored transportation disadvantaged services shall be distributed based upon the need of the recipient and according to criteria developed by the Commission for the Transportation Disadvantaged.

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

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

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

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# Florida Commission for the Transportation Disadvantaged

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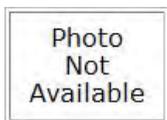
**Commissioner Marion Hart**



**Commissioner Bryan Vaughan**



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### **\*\* VACANT \*\***

County Manager or Administrator  
Appointed by the Governor

### **\*\* VACANT \*\***

Dept. of Elder Affairs  
Appointed by the Governor

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Our Mission - To insure the availability of efficient, cost-effective, and quality transportation services for transportation disadvantaged persons.



**BYLAWS OF THE  
RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION  
TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD**

**ARTICLE I: PREAMBLE**

The following sets forth the bylaws which shall serve to guide the proper functioning of the coordination of transportation disadvantaged through the Transportation Disadvantaged Local Coordinating Board. The intent is to provide procedures and policies for fulfilling the requirements of Chapter 427, Florida Statutes, Rule 41-2, Florida Administrative Code (FAC), and subsequent laws setting forth requirements for the coordination of transportation services to the transportation disadvantaged.

**ARTICLE II: NAME AND PURPOSE**

Section A: **Name.** The name of the Coordinating Board shall be the River to Sea Transportation Planning Organization TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD, hereinafter referred to as the Board.

Section B: **Purpose.** The primary purpose of the Board is to assist the Designated Official Planning Agency in identifying local service needs and providing information, advice, and direction to the Community Transportation Coordinator on the coordination of services to be provided to the transportation disadvantaged pursuant to Chapter 427.0157, Florida Statutes.

**ARTICLE III: MEMBERSHIP, APPOINTMENT, TERMS OF OFFICE, AND  
TERMINATION OF MEMBERSHIP**

Section A: **Voting Members.** In accordance with Chapter 427.0157, Florida Statutes, all members of the Board shall be appointed officially by the River to Sea Transportation Planning Organization (TPO). Each prospective member shall have their organization designate in writing to the TPO their appointee to the TDLCB.

According to Florida Statute 427, Chapter 41-2.012, the following agencies or groups shall be represented on the Local Coordinating Board in every County as voting members:

1. An elected official of Volusia County, Florida shall serve as the official chairperson;

2. A representative of the Florida Department of Transportation;
3. A representative of the Florida Department of Children and Families;
4. A representative of the Public Education Community;
5. A representative of the Florida Department of Education;
6. A person who is recognized by the Florida Association for Community Action as representing the economically disadvantaged in the County;
7. A person who is recognized by the Florida Department of Veterans' Affairs as a representative of veterans in the County;
8. A person over sixty years of age representing the elderly in the County;
9. A handicapped person representing persons with disabilities in the County;
- 10/11. Two citizen advocate representatives in the County, one of whom must represent a user of the system;
12. A representative of the Council for Early Childhood Services;
13. Chairperson or designee of the local Mass Transit or Public Transit System's Board;
14. A representative of the Florida Department of Elder Affairs;
15. A representative of the local private for profit transportation industry;
16. A local representative of the Florida Agency for Health Care Administration;
17. A representative of the Regional Workforce Development Board; and
18. A representative of the local medical community.

Section B: **Alternate Members.** All members of the Board shall have their organization designate in writing to the TPO their alternate who may vote only in the absence of that member on a one vote per member basis. All members not representing an agency shall have an alternate appointed for them.

Section C: **Terms of Appointment.** Consistent with Rule 41 - 2.012(5), except for the chairperson and agency members, non-agency members of the Board shall be appointed for three year staggered terms with initial membership being appointed equally for one, two, and three years. Individuals can be appointed for more than one term. The Chairperson shall serve until replaced by the TPO.

Section D: **Termination of Membership.** Any non-agency members of the Board may resign at any time by notice in writing to the Chairperson. Unless otherwise specified in such notice, such resignation shall take effect upon receipt thereof by the Chairperson. Each member of the Board is expected to demonstrate his/her interest in the Board's activities through attendance of the scheduled meetings, except for reasons of an unavoidable nature. In each instance of an unavoidable absence, the absent member should ensure that his/her alternate will attend. The TPO shall review, and consider rescinding the appointment of any voting non-agency member of the Board who fails to attend three (3) consecutive meetings. The staff of the Local Coordinating Board shall contact Department Supervisors of all members representing an agency who fail to attend two (2) consecutive meetings.

#### **ARTICLE IV: OFFICERS AND DUTIES**

**Officers.** The officers of the Board shall be Chairperson and Vice-Chairperson.

1. **Chairperson.** The designated official planning agency shall appoint one elected official, to serve as the official Chairperson for all Local Coordinating Board meetings. The Chairperson shall be from the County which the Local Coordinating Board serves. The Chairperson shall preside at all Local Coordinating Board meetings and in the event of his/her absence, or at his/her discretion, the Vice-Chairperson shall assume the powers and duties of the Chairperson. The Chairperson shall serve until replaced by the TPO, in accordance with F.S. 427, Chapter 41-2.012.

2. **Vice-Chairperson.** The Board shall hold an organizational meeting each year for the purpose of electing a Vice-Chairperson. The Vice-Chairperson shall be elected by a majority vote of a quorum of the members of the Board present and voting at the organizational meeting. The Vice-Chairperson shall serve a term of one year starting with the next meeting. In such cases where the current Vice-Chairperson cannot complete the one year term, the Board shall hold an organizational meeting for the purpose of electing an interim Vice-Chairperson who shall serve the remainder of the previous Vice-Chairperson's term. In the event both the Chair and Vice Chair are absent, a Board member shall be nominated and approved by a majority of a quorum as Chair Pro Tem.

## ARTICLE V: BOARD MEETINGS

Section A: **Regular Meetings.** The Board shall meet as often as necessary in order to meet its responsibilities. However, as required by Chapter 427.0157, Florida Statutes, the Board shall meet at least quarterly.

Section B: **Annual Public Hearing.** The Board shall hold a minimum of one public hearing annually for the purpose of receiving input on unmet needs or any other services that relate to the local transportation system in Volusia County.

Section C: **Notice of Meetings.** Notices and agendas shall be sent to all voting Board members. Alternates and other interested parties, and the news media shall be sent notices only. Notices shall be mailed within five (5) working days prior to the Board meeting and shall state the date, time, and the place of the meeting.

Section D: **Quorum.** At all meetings of the Board, the presence in person of nine (9) of the voting members shall be necessary and sufficient to constitute a quorum for the transaction of business. In the absence of a quorum, those present may recess the meeting until a quorum is present. At any meeting without a quorum, only discussion and or informational items may be transacted.

Section E: **Voting.** At all meetings of the Board at which a quorum is present, all matters, except as otherwise expressly required by law or these Bylaws, shall be decided by the vote of a majority of the members of the Board present.

Section F: **Parliamentary Procedures.** The Board will conduct business using parliamentary procedures according to Robert's Rules of Order, except when in conflict with these Bylaws.

## ARTICLE VI: STAFF

Section A: **General.** The TPO shall provide the Board with sufficient staff support and resources to enable the Board to fulfill its responsibilities as set forth in Chapter 427.0157, Florida Statutes. These responsibilities include providing sufficient staff to manage and oversee the operations of the Board and assist in the scheduling of meetings, preparing meeting agenda packets, and minutes, including an attendance roster and other necessary administrative duties.

Section B: **Budget and Finance.** Consolidate the actual expenditures report of local and direct federal government transportation disadvantaged funds and forward them to the Commission for the Transportation Disadvantaged.

## ARTICLE VII: BOARD DUTIES

**Board Duties.** According to Chapter 427 of the Florida Statutes and Rule 41- 2 of the Florida Administrative Code, the Transportation Disadvantaged Local Coordinating Board members shall:

1. Meet at least quarterly.
2. Review and approve the Memorandum of Agreement and the Transportation Disadvantaged Service Plan with approved minimum guidelines, goals and objectives of the Local Coordinating Board.
3. Annually review and evaluate the Community Transportation Coordinator (CTC). The evaluation shall be conducted by using the evaluation criteria developed by the Commission for the Transportation Disadvantaged (CTD). A copy of the evaluation will be submitted to the Transportation Planning Organization (TPO) and the Commission for the Transportation Disadvantaged (CTD).
4. In cooperation with the Coordinator, review and provide recommendations to the Transportation Disadvantaged Commission and the TPO on all applications for local, state, or federal funds relating to transportation of the transportation disadvantaged in the county to ensure that any expenditures within the county are provided in the most effective and efficient manner.
5. Review coordination strategies, for service provision to the transportation disadvantaged in the County to seek innovative ways to improve cost effectiveness, efficiency, safety, working hours, and types of services in an effort to increase ridership to a broader population. Evaluate multi-county or regional transportation opportunities between area Coordinators when it is appropriate and cost effective to do so.
6. In coordination with the (CTC), review and approve applications for funds that may become available.
7. Assist the TPO in preparing a Transportation Disadvantaged Element in their Transportation Improvement Program (TIP).

## **ARTICLE VIII: STANDING COMMITTEES**

Section A: **Quality Assurance Committee.** This committee performs a dual role in that it serves as a mediator to process and investigate complaints from agencies, and users of the system in the designated service area and make recommendations to the Coordinating Board for improvement of service. The Committee also is responsible for the update of the TDLCB Bylaws and coordinates with Votran in reviewing and establishing standards to provide a more efficient system. Reviews include but are not limited to the Annual CTC Evaluation and the Annual Operating Report (AOR).

Section B: **Other.** Other committees shall be designated by the Chairman as deemed necessary to investigate and report on specific subject areas of interest to the Board and to deal with administrative and legislative procedures. Voting members or in their absence, their alternates may serve on the committees.

## **ARTICLE IX: COMMUNICATION WITH OTHER AGENCIES AND ENTITIES**

The TPO authorizes the Board to communicate directly with other agencies and entities as necessary to carry out its duties and responsibilities in accordance with Rule 41 - 2 Florida Administrative Code (FAC). Any written comments shall be approved by the Local Coordinating Board or Chairperson, or in his absence, his designee.

## **ARTICLE X: AMENDMENTS**

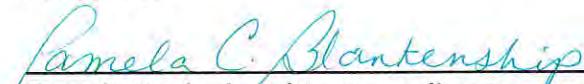
The Bylaws may be amended by a two-thirds (2/3) vote of members present, if a quorum exists.

## **ARTICLE XI: CERTIFICATION**

The undersigned hereby certifies that he/she is the Chairperson of the Volusia County Transportation Disadvantaged Local Coordinating Board and that the foregoing is a full, true and correct copy of the Bylaws of this Board as adopted by the Transportation Disadvantaged Local Coordinating Board this **8th** day of **July 2015**.

  
\_\_\_\_\_  
Joshua Wagner, Chairman  
Transportation Disadvantaged Local Coordinating Board (TDLCB)

**ATTEST:**

  
\_\_\_\_\_  
Pamela C. Blankenship, Recording Secretary  
River to Sea Transportation Planning Organization

**GRIEVANCE PROCEDURES  
OF THE  
RIVER TO SEA TPO  
TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD**

**ARTICLE I: PREAMBLE**

**SECTION 1: PREAMBLE**

The following sets forth the grievance procedures which shall serve to guide the River to Sea TPO Transportation Disadvantaged Local Coordinating Board (TDLCB), serving to assist the Community Transportation Coordinator (CTC). The intent is to provide procedures and policies for fulfilling the requirements of Chapter 427, Florida Statutes, Rule 41-2.012 of the Florida Administrative Code (FAC), and subsequent laws setting forth requirements for the establishment of grievance procedures. Grievance Committee procedures are designed to address issues raised by agencies, users, potential users, sub-contractors, and other interested parties which cannot be resolved through the CTC. This procedure does not cover the competitive bid process; including Request for Proposals (RFPs).

**ARTICLE II: GRIEVANCE COMMITTEE NAME AND PURPOSE**

**SECTION 1: NAME**

The name of the committee to resolve grievances for the River to Sea TPO Transportation Disadvantaged Local Coordinating Board shall be a Subcommittee of the TDLCB Quality Assurance Committee, but will hereinafter be referred to as the Grievance Committee.

**SECTION 2: PURPOSE**

The primary purpose of the Grievance Committee is to process, investigate and make recommendations with respect to unresolved complaints to the Local Coordinating Board for improvement of service. This procedure is made available to agencies with Purchase of Service Agreements (POS) contracts, users, or potential users of the system in Volusia to hear complaints and provide a mechanism for issues to be brought before the Grievance Committee which shall meet as often as necessary to address unresolved complaints in a timely manner.

**ARTICLE III: DEFINITIONS**

**SECTION 1: DEFINITION OF COMPLAINT**

“A complaint is an oral (in person/telephone) or written statement of dissatisfaction which is presented to Votran, Volusia County’s CTC.”

**SECTION 2: DEFINITION OF FORMAL GRIEVANCE**

“A formal grievance is a written complaint to document any concerns or unresolved service complaints regarding the operation or administration of TD services by the Transportation Operator, Community Transportation Coordinator, the designated official planning agency (DOPA) or the local coordinating board. The Grievant in their formal complaint should demonstrate or establish their concerns as clearly as possible.”

**ARTICLE IV: FILING OF COMPLAINTS AND GRIEVANCES**

**SECTION 1: PROCESS OF FILING A COMPLAINT**

Any user, agency (with POS contract) or potential user may register a verbal/written complaint with the CTC in accordance with the policies and procedures of Votran.

If the complainant is not satisfied with the action taken by the CTC, the user may file a formal written complaint within ten (10) working days after the CTC’s decision.

Such written complaint shall include the following:

1. the name and address of the complainant;
2. a statement of the grounds for the complaint made in a clear and concise manner, supplemented by supporting documentation;
  - a. Exact date/time of incident;
  - b. Exact location of incident;
  - c. Any witnesses to incident (including name and address); and
  - d. Vehicle unit number, license number, color and type.
3. an explanation of the relief desired by the complainant; and
4. if the complainant is unable to submit a formal written complaint, Votran shall have the responsibility of obtaining an advocate who will be available to assist those individuals. The ten (10) working days needed by the customer to submit

their written complaint will not go into effect until the advocate has met with the customer.

A written complaint shall be addressed to:

Votran Bus System  
Assistant General Manager  
950 Big Tree Road  
South Daytona, Fl. 32119

The CTC shall have ten (10) working days from the date of notification of the complaint to address or investigate the problem. Within that time, the CTC will respond to the complainant by telephone, if possible, and in writing within ten (10) working days of notification to the complainant as to what action was made.

## SECTION 2: FILING OF A GRIEVANCE

If the complainant is dissatisfied with the corrective action taken by the CTC, an appeal to the Grievance Committee of the TDLCB may be filed. Such written appeal must be filed within ten (10) working days from the date of notification to the complainant of the final decision from the CTC. The written appeal shall include the following:

1. the name and address of the complainant;
2. a statement of the ground for the grievance made in a clear and concise manner, supplemented by supporting documentation;
3. demonstrate or establish a clear violation of a specific law, regulation, contractual arrangement, or circumstance thought to be unjust;
4. an explanation of the relief desired by the complainant;
5. specified areas of disagreement with the CTC decisions; and
6. if the complainant is unable to submit a formal written appeal to be filed, Votran shall have the responsibility of obtaining an advocate who will be available to assist those individuals. The ten (10) working days needed by the customer to submit a written appeal will not go into effect until the advocate has met with the customer.

An appeal to the Grievance Committee may only be filed after the complainant has sought satisfaction directly from the CTC.

The appeal must be addressed to:

River to Sea Transportation Planning Organization  
Attn: Grievance Committee  
2570 W. International Speedway Boulevard, Suite 100  
Daytona Beach, Florida 32114

Once an appeal has been received, the Grievance Committee shall meet and render its recommendation within thirty (30) working days of the date the appeal was filed. The complainant shall be notified in writing of the mutually agreed upon date, time and place where the appeal shall be heard. This written notice shall be mailed at least ten (10) working days in advance of the meeting.

A written copy of the recommendation will be forwarded to the TDLCB and all parties involved within ten (10) working days from the date of the recommendation.

Written recommendations will include the following information:

1. a statement that a meeting was held in which the involved parties and/or their representatives were given an opportunity to present their positions;
2. a statement that clearly defines the issues discussed; and
3. Reasons for the recommendation based on the information provided.

If the complainant is dissatisfied with the recommendation of the Grievance Committee, he/she may continue the appeal process with the TDLCB.

**ARTICLE V: APPEAL TO THE TRANSPORTATIONDISADVANTAGED LOCAL COORDINATING BOARD**

Should the aggrieved be interested in filing an appeal with the TDLCB it must be filed within ten (10) working days from the date of receipt of the final recommendation of the Grievance Committee. The appeal should attempt to demonstrate or establish a clear violation of a specific law, regulation, contractual arrangement or circumstance thought to be unjust. An appeal to the TDLCB can only be filed after the aggrieved has sought satisfaction directly from the Grievance Committee. An appeal to the TDLCB must be addressed to:

River to Sea Transportation Planning Organization  
Attn: TDLCB  
2570 W. International Speedway Boulevard, Suite 100  
Daytona Beach, Florida 32114

Once an appeal has been received, the TDLCB shall meet and render its recommendation within sixty (60) days of the date the appeal was filed. The aggrieved shall be notified in writing of the mutually agreed upon date, time and place where the appeal shall be heard. This written notice shall be mailed at least ten (10) working days in advance of the hearing.

A written copy of the TDLCB's recommendation shall be forwarded to all parties involved within ten (10) working days from the date of the recommendation. . A written recommendation shall include the following information:

1. a statement that a hearing was held in which the involved parties, their representatives and/or witnesses were given an opportunity to present their positions;
2. a statement that clearly defines the issues discussed; and
3. reasons for the recommendation Votran based on the information provided.

If the complainant is dissatisfied with the recommendation of the TDLCB, he/she may continue the process with the TD Ombudsman Program by calling the following number(s): 1-800-983-2435. For hearing and speech impaired customers call, 711 (Florida Only) Florida Relay System or (850) 410-5708 for TTY or via written correspondence to:

Florida Commission for the Transportation Disadvantaged  
Attn: Ombudsman Program  
605 Suwannee Street, MS-49  
Tallahassee, FL32399-0450

If the Commission is unable to resolve the grievance, the customer will be referred to the Office of Administrative Appeals or other legal venues as appropriate to the specific nature of the grievance.

All of the steps above must be attempted in the order listed before a complaint or grievance will move to the next step.

## **ARTICLE VII: SCHEDULED MEETINGS**

### **SECTION 1: GENERAL**

The Grievance Committee shall be comprised of a minimum of five (5) TDLCB board members. The CTC shall not serve on the Grievance Committee. Each member shall serve at the discretion of the TDLCB.

When a meeting of the Grievance Committee is necessary, staff to the TDLCB shall schedule the meeting of the Grievance Committee to hear appealed grievances.

**ARTICLE VIII: AMENDMENTS**

SECTION 1: GENERAL

The Transportation Disadvantaged Local Coordinating Board Grievance Procedures may be amended by a two-thirds (2/3) vote of members present, if a quorum exists, providing the proposed change(s) is/are mailed to all members at least seven (7) working days in advance of the meeting.

SECTION 2: QUORUM

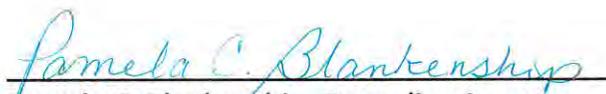
At all meetings of the Transportation Disadvantaged Local Coordinating Board, the presence in person of a majority of the voting members shall be necessary and sufficient to constitute a quorum for the transaction of business.

**ARTICLE IX: CERTIFICATION**

The undersigned hereby certifies that he is the Chairman of the River to Sea TPO Transportation Disadvantaged Local Coordinating Board and that the foregoing is a full, true and correct copy of the Grievance Procedures of this Local Coordinating Board as adopted by the River to Sea TPO Transportation Disadvantaged Local Coordinating Board the **8th** day of **July 2015**.

  
\_\_\_\_\_  
Joshua Wagner, Chairman  
Transportation Disadvantaged Local Coordinating Board (TDLCB)

**ATTEST:**

  
\_\_\_\_\_  
Pamela C. Blankenship, Recording Secretary  
River to Sea Transportation Planning Organization



# **Transportation Disadvantaged Local Coordinating Board (TDLCB)**

**- 2015 -**

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# Transportation Disadvantaged Local Coordinating Board



- **Created by State Statute 427**
  - **Rule 41-2 of the F.A.C.**
    - Created to implement the provisions of Chapter 427
  - **Functions as an advisory board to the River to Sea TPO**
-



# What is the TPO?

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- **MPO - Metropolitan Planning Organization Created by Congress in 1974**
  - **Primarily Responsible for prioritizing Federal Highway and Transit funded projects**
  - **Originally created as the Daytona Beach Urbanized Area MPO - January 1977**
  - **Expanded to include the entire county in 1988 and was known as the Volusia County MPO**
  - **Volusia County MPO further expanded, as a result of the 2000 Census, to include the Cities of Flagler Beach and Beverly Beach in Flagler County**
  - **July 1, 2010 official name changed to Volusia Transportation Planning Organization (VTPO)**
  - **Volusia TPO further expanded as a result of the 2010 Census to include: Beverly Beach, Flagler Beach and portions of Flagler County, Palm Coast and Bunnell**
  - **April 23, 2014 official name changed to River to Sea Transportation Planning Organization (R2CTPO)**



# Organization of Your TPO

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- **TPO Board cannot be larger than 19 members**
- **TPO Board can have no less than 33 1/3 percent being County Council Members**
- **Remaining members of TPO Board must be elected officials from affected local governments**



# Florida Commission for the Transportation Disadvantaged

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**Responsibility:** To accomplish the coordination of Transportation Services provided to the Transportation Disadvantaged through the Florida Coordinated Transportation System (FCTS) and to administer the Transportation Disadvantaged Trust Fund.





# Florida Commission for the Transportation Disadvantaged

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- Trust Fund Monies are allocated to each County
  - **Votran receives funding to provide trips that are non-sponsored**



- **TPO receives funding for staff support to the Board**
-



# Transportation Disadvantaged Local Coordinating Board

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**What is the purpose of  
the TDLCB ?**





# **Transportation Disadvantaged Local Coordinating Board**

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**The purpose of the TDLCB is to develop local service needs and to provide information, advice and direction to the Community Transportation Coordinator (CTC) on the coordination of services to be provided to the transportation disadvantaged within their local service area. In general, the TDLCB is considered an advisory body.**

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# Transportation Disadvantaged Local Coordinating Board

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**What is the structure of  
the TDLCB ?**





# **Current TDLCB Board Structure**

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**The Local Coordinating Board provides a link to the Florida Commission for the Transportation Disadvantaged.**

**Members are appointed by the TPO Board and consist of:**

- Representatives from state agencies**
- Health Care Groups**
- Advocacy Groups**
- Elderly Citizens**
- Disabled Citizens**
- A Representative from the TPO Board**



# Transportation Disadvantaged Local Coordinating Board

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**What are the duties of  
the TDLCB ?**





# Duties of the TDLCB

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- **Reviews and approves the Transportation Disadvantaged Service Plan (TDSP) including the Memorandum of Agreement (MOA) as well as the annual updates of the TDSP**
  - **Reviews and make recommendations on funding applications affecting the Transportation Disadvantaged**
  - **Reviews strategies to improve cost effectiveness, efficiency, safety, and types of services.**
  - **Evaluates multi-county or regional transportation opportunities, if applicable**
-



# **Duties of the TDLCB (continued)**

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- **Meets at least quarterly and maintains official meeting minutes including an attendance roster**
  - **Reviews, annually, the Community Transportation Coordinator's (Votran) coordination contracts**
  - **Provides, annually, an evaluation of the Community Transportation Coordinator's performance (CTC Evaluation)**
  - **Reviews the Annual Operating Report (AOR) for the CTC**
  - **Appoints a Grievance Committee**
-



# **Committees of the TDLCB**

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## **•Quality Assurance Committee**

- Addresses specific issues concerning transportation services**
- Reviews the Bylaws**

## **•Grievance Committee**

- Mediates between citizens and Votran to resolve transportation dilemmas**
  - Reviews the Grievance Procedures**
-



## Overview of Chapter 427

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- **Governor appoints 7 voting members (5 Business Rep's, 2 TD system users who have a disability. One out of the 7 members must be at least 65 years of age)**
  - **8 non-voting ex officio (DOT, DCF, AWI, DVA, DOEA, AHCA, APD, and a County Manager or Administrator who is appointed by the Governor)**
  - **Strict conflict language**
-



# Overview of Chapter 427 (continued)

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- **Governor appoints the Chairperson**
  - **Vice Chair is elected annually from the membership of the commission**
  - **Candidates must meet Level 2 screening standards (435.04 F.S.)**
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# Overview of Chapter 427 (continued)

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## **Technical Working Groups:**

- **Private Paratransit Providers (CTD shall appoint)**
  - **CTC's (may appoint)**
  - **Planning Agencies (may appoint)**
  - **Business-related issues (insurance, marketing, economic development, and financial planning (may appoint))**
  - **Forum for Users (direct users of the system, or relatives, guardians and service professionals) (may appoint)**
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# Overview of Chapter 427 (continued)

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- **Allocation Methodology for all Transportation Funds:**

requires the Commission to develop an allocation methodology or formula that equitably distributes all transportation funds.

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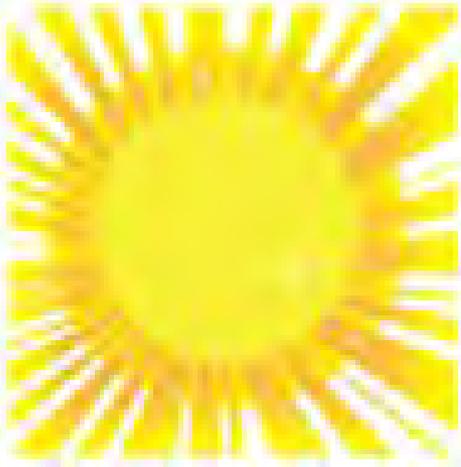
# Overview of Chapter 427 (continued)

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also makes recommendations on what the formula should consider, including actual costs, results of rate and cost comparisons, as well as cost efficiencies of trips when compared to the local cost of providing services to the general public.

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## Government in the Sunshine



- Applies to any gathering of two or more LCB members.
  - Applies to any issue on which “*foreseeable action*” will be taken.
  - Applies to all functions of covered boards and commissions, whether formal or informal.
  - Requires reasonable public notice for all meetings.
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# Conclusion

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## Questions and Comments

