

HB 1201

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1                   A bill to be entitled  
2       An act relating to transportation accessibility;  
3       providing a short title; providing definitions;  
4       requiring certain fleet owners to provide accessible  
5       taxicabs after a certain date; requiring the  
6       Department of Transportation to adopt rules; requiring  
7       certain airports and deepwater ports to provide  
8       accessible taxicabs after a certain date; amending s.  
9       212.08, F.S.; providing a tax exemption for the sale  
10      or lease of accessible vehicles; amending s. 409.905,  
11      F.S.; requiring transportation services that provide  
12      transportation for Medicaid recipients to certify to  
13      the Agency for Health Care Administration that the  
14      transportation service uses accessible vehicles;  
15      providing an effective date.

16  
17   Be It Enacted by the Legislature of the State of Florida:

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19       Section 1. (1) This section may be cited as the "Florida  
20 Transportation Accessibility Independence Act."

21       (2) As used in this section, the term:

22       (a) "Accessible taxicab" means a vehicle that is equipped  
23 with a lift or ramp designed specifically to transport  
24 physically disabled persons or that contains any other device  
25 designed to permit access to and enable the transportation of  
26 physically disabled persons, including persons who use  
27 wheelchairs, scooters, or similar devices; complies with the  
28 accessibility requirements of the Americans with Disabilities

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29 Act of 1990, 49 C.F.R. ss. 38.23, 38.25, and 38.31, as amended,  
30 whether or not such regulations would apply under federal law;  
31 meets all applicable federal motor vehicle safety standards and  
32 regulations adopted thereunder; and provides sufficient floor  
33 space to accommodate a service animal.

34 (b) "Fleet owner" means a person that owns, operates, or  
35 manages three or more taxicabs directly or through subsidiaries  
36 or affiliates.

37 (c) "Physically disabled person" means a person who uses a  
38 wheelchair or other personal mobility aid, such as a scooter.

39 (3) By December 31, 2014, each fleet owner shall operate a  
40 minimum of one-third of its fleet with accessible taxicabs.

41 (4) The Department of Transportation shall adopt rules to  
42 administer this section, including rules relating to procedures  
43 and forms for facilitating, monitoring, and verifying compliance  
44 with this section.

45 (5) By December 31, 2012, all airports within the Florida  
46 airport system, as defined in s. 332.004(9), Florida Statutes,  
47 and deepwater ports, as provided in s. 403.021(9)(b), Florida  
48 Statutes, shall provide accessible taxicabs, along with priority  
49 access, to passengers seeking accessible taxicab services.

50 Section 2. Paragraph (hhh) is added to subsection (7) of  
51 section 212.08, Florida Statutes, to read:

52 212.08 Sales, rental, use, consumption, distribution, and  
53 storage tax; specified exemptions.—The sale at retail, the  
54 rental, the use, the consumption, the distribution, and the  
55 storage to be used or consumed in this state of the following  
56 are hereby specifically exempt from the tax imposed by this

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chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(hhh) Accessible vehicles.—The sale or lease of accessible vehicles is exempt from the tax imposed by this chapter. As used in this paragraph, the term "accessible vehicle" means a vehicle that is equipped with a lift or ramp designed specifically to transport physically disabled persons or that contains any other device designed to permit access to and enable the transportation of physically disabled persons, including persons who use wheelchairs, scooters, or similar devices; complies with the accessibility requirements of the Americans with

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85 Disabilities Act of 1990, 49 C.F.R. ss. 38.23, 38.25, and 38.31,  
86 as amended, whether or not such regulations would apply under  
87 federal law; meets all applicable federal motor vehicle safety  
88 standards and regulations adopted thereunder; and provides  
89 sufficient floor space to accommodate a service animal.

90 Section 3. Subsection (12) of section 409.905, Florida  
91 Statutes, is amended to read:

92 409.905 Mandatory Medicaid services.—The agency may make  
93 payments for the following services, which are required of the  
94 state by Title XIX of the Social Security Act, furnished by  
95 Medicaid providers to recipients who are determined to be  
96 eligible on the dates on which the services were provided. Any  
97 service under this section shall be provided only when medically  
98 necessary and in accordance with state and federal law.

99 Mandatory services rendered by providers in mobile units to  
100 Medicaid recipients may be restricted by the agency. Nothing in  
101 this section shall be construed to prevent or limit the agency  
102 from adjusting fees, reimbursement rates, lengths of stay,  
103 number of visits, number of services, or any other adjustments  
104 necessary to comply with the availability of moneys and any  
105 limitations or directions provided for in the General  
106 Appropriations Act or chapter 216.

107 (12) TRANSPORTATION SERVICES.—

108 (a) The agency shall ensure that appropriate  
109 transportation services are available for a Medicaid recipient  
110 in need of transport to a qualified Medicaid provider for  
111 medically necessary and Medicaid-compensable services, provided  
112 a client's ability to choose a specific transportation provider

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shall be limited to those options resulting from policies established by the agency to meet the fiscal limitations of the General Appropriations Act. The agency may pay for transportation and other related travel expenses as necessary only if these services are not otherwise available.

(b) In order to receive payment for transportation services, the transportation provider must certify to the agency that the vehicles used to provide such services comply with the accessibility requirements of the Americans with Disabilities Act of 1990, 49 C.F.R. ss. 38.23, 38.25, and 38.31, as amended, whether or not such regulations would apply under federal law; meet all applicable federal motor vehicle safety standards and regulations adopted thereunder; and provide sufficient floor space to accommodate a service animal.

Section 4. This act shall take effect July 1, 2012.