



**TRANSPORTATION DISADVANTAGED (TD)  
LOCAL COORDINATING BOARD (LCB)**

**LCB**

**COMPLAINT & GRIEVANCE PROCEDURES**

May ~~2019~~, 202~~6~~5

## **SECTION 1: CREATION OF FORMAL PROCEDURE**

1.1 There is hereby created a formal complaint/grievance procedure for the transportation disadvantaged program as specified by the Commission for the Transportation Disadvantaged (CTD) pursuant to Chapter 427, Florida Statute and Rule 41-2.012, Florida Administrative Code, hereinafter referred to as the Grievance Process. The following rules and procedures shall constitute the grievance process to be utilized in the coordinated community transportation disadvantaged system for Broward County.

## **SECTION 2: DEFINITIONS**

2.1 As used in these rules and procedures the following words and terms shall have the meanings assigned therein. Additional program definitions can be found in Chapter 427, Florida Statutes and Rule 41-2, Florida Administrative Code.

(a) **Community Transportation Coordinator (CTC):** A transportation entity recommended by a Metropolitan Planning Organization (MPO), or by the appropriate designated official planning agency as provided for in Section 427.011-427.017, Florida Statutes, in an area outside the purview of a MPO, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The current CTC is Broward County / Broward County Transit.

(b) **Designated Official Planning Agency (DOPA):** The official body or agency designated by the CTD to fulfill the functions of transportation

disadvantaged planning in areas not covered by [aan](#) MPO. The MPO shall serve as the DOPA in areas covered by such organization. The Broward MPO is the DOPA for Broward County.

(c) **Transportation Disadvantaged (TD):** 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 on 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 Section 411.202, Florida Statutes.

(d) **Agency:** 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 services-providing agency.

(e) **Transportation Operator:** One or more public, private for-profit, or private nonprofit entities engaged by the CTC to provide service to TD persons pursuant to a coordinated system service plan.

(f) **Service Complaint:** Incidents that may occur on a daily basis and are reported to the CTC involved with the daily operations, and are resolved within the course of a reasonable time suitable to the complainant. Local service complaints are driven by the inability of the CTC to meet local service standards established by the CTC and LCB. All service complaints should be recorded and reported by the CTC to the LCB.

(g) **Formal Grievance:** A written complaint to document any concerns or an unresolved service complaint regarding the administration of TD services by the CTC, DOPA, or LCB.

(h) **Administrative Meeting of the Grievance Committee Process:** Chapter 120, Florida Statute.

(i) **Ombudsman Program:** A toll-free telephone number established and administered by the CTD to enable persons to access information and/or file complaints/grievances regarding transportation services provided under the coordinated effort of the CTC.

(j) **TD Program Administrator:** Serves as staff to the MPO, as directed by the MPO Executive Director, and shall act as the staff of the LCB.

### **SECTION 3: OBJECTIVES**

- 3.1 The objective of the grievance process shall be to process, investigate, and make recommendations, in a timely manner on formal written complaints/grievances that are not resolved between individual agencies/entities and the customer. It is not the objective of the grievance process to have “adjudicate” or “determinative” powers.
- 3.2 The CTC must provide the TD Program’s telephone number (954) 357-8405 in all collateral materials regarding the reporting of complaints.
- 3.3 All documents pertaining to the grievance process will be made available, upon request, in a format accessible to persons with disabilities.
- 3.4 A written copy of the grievance procedure shall be available to anyone upon request.

- 3.5 Apart from this grievance process, aggrieved parties with proper standing may also have recourse through Chapter 120, Florida Statutes Administrative Hearing Process, or the judicial court system.

#### **SECTION 4: MEMBERSHIP**

- 4.1 The Grievance Committee shall be composed of a minimum of three (3) Members or Alternates and shall be appointed by the LCB Chairperson, or in his/her absence the Vice Chairperson. The Chairperson, or in his/her absence the Vice Chairperson, of the LCB reserves the right to make reappointments should any conflict of interest arise.
- 4.2 The TD Program Administrator/MPO staff or designee shall be an advisory member of the Grievance Committee.

#### **SECTION 5: TERMS OF MEMBERS**

- 5.1 A member of the Grievance Committee may be added or removed for cause by the LCB Chairperson, or in his /her absence, the Vice Chairperson. Vacancies in the membership of the Grievance Committee shall be filled in the same manner as the original appointments.
- 5.2 A minimum of three (3) Grievance Committee members shall be present for official action. Meetings shall be held at such times as the Grievance Committee may determine and/or as necessitated by formally filed grievances.

#### **SECTION 6: GRIEVANCE PROCESS**

- 6.1 Grievance procedures will be those as specified by the LCB, developed from guidelines of the CTD, and approved by the LCB as set forth below. The grievance procedures are for the purpose of fact-finding and not exercising adjudicative powers. Therefore, it should be understood that these procedures are for the purpose of “hearing”, “advising” and “making recommendations” on issues affecting the service delivery and administration of the TD program in the service area.
- 6.2 Apart from the grievance procedures outlined below, aggrieved parties with proper standing may also have recourse through the Chapter 120, Florida Statutes Administrative Meeting of the Grievance Committee Process, the judicial court system, the CTD.
- 6.3 Service Complaints: All service complaints should be recorded and reported by the CTC to the LCB. Service complaints may include, but are not limited to:
- Late pick-up and/or late drop-off
  - No-show by transportation operator
  - No-show by client
  - Client behavior
  - Driver behavior
  - Passenger discomfort
  - Service denial (refused service to client without an explanation as to why, e.g., may not qualify, lack of TD funds, etc.)
  - Other, as deemed appropriate by the LCB
- 6.4 Formal Grievance: The customer, in their formal complaint, should demonstrate or

establish their concerns as clearly as possible. The formal grievance process shall be open to addressing concerns by any person or agency including, but not limited to: users, potential users, the CTC, the DOPA, elected officials, and operators.

Formal grievances may include, but are not limited to:

- Chronic or reoccurring or unresolved Service Complaints (Refer to description of service complaints)
- Violations of specific laws governing the provision of TD services i.e., Chapter 427, F.S., Rule 41-2 FAC and accompanying documents, Sunshine Law, ADA).
- Contract disputes (Agencies/Operators)
- Coordination disputes
- Bidding disputes
- Agency compliance
- Conflicts of interest
- Supplanting of funds
- Billing and/or accounting procedures
- Denial of service
- Suspension of service
- Unresolved safety issues
- Other, as deemed appropriate by the LCB

6.5 All formal grievances filed must be written and contain the following:

- Name and address of the complainant
- A statement of the grounds for the grievance supplemented by

supporting documentation made in a clear and concise manner. This shall include a complete description of efforts taken by the customer to resolve the complaint.

- An explanation of the relief desired by the customer.

If the customer does not supply the above information to substantiate the grievance, no further action will be taken.

6.6 **Step 1:** The customer shall first contact the CTC. The CTC will attempt to mediate and resolve the grievance. The customer may also contact the CTD Ombudsman representative through the established Helpline at 1-800-983-2435 or by mail to: Florida Commission for the Transportation Disadvantaged, 605 Suwannee Street MS-49, Tallahassee, FL 32399-0450 or via <https://www.fdot.gov/ctd/ctd-home> may email [CTDOmbudsman@dot.state.fl.us](mailto:CTDOmbudsman@dot.state.fl.us) .

6.7 **Step 2:** The Community Transportation Coordinator will render a decision in writing, giving the complainant an explanation of the facts that lead to the Community Transportation Coordinator's decision and provide a method or ways to bring about a resolution. The written response to the complainant on the status of the complaint must be transmitted by the CTC Program Manager within ten (10) working days of receipt. In addition, the written response shall advise the customer of the existence of the Ombudsman helpline and provide the customer with the helpline's toll-free telephone number.

6.8 **Step 3:** If mediation with the CTC is not successful, the CTC or customer may file an official complaint with the Broward MPO staff/TD Program Administrator.

- 6.9 **Step 4:** The Broward MPO staff/TD Program Administrator will make every effort to resolve the grievance by arranging a meeting between the involved parties in an attempt to assist them in reaching an amicable resolution. The meeting shall take place within ten (10) working days of receipt of all evidence regarding the grievance. The Broward MPO staff/TD Program Administrator shall prepare a report regarding the meeting outcome. The report shall be sent to the customer and the Grievance Committee within ten (10) working days of the date of the meeting.
- 6.10 **Step 5:** If the Broward MPO staff/TD Program Administrator is unsuccessful at resolving the grievance through the process outlined in 6.9 above, the customer may request, in writing, that their grievance be heard by the Grievance Committee. This request shall be made within ten (10) working days of receipt of the report prepared as a result of the mediation meeting arranged under Section 3 above and sent to the Broward MPO staff/TD Program Administrator.
- 6.11 **Step 6:** Upon receipt of the written request for the grievance to be heard by the Grievance Committee, the Broward MPO staff/TD Program Administrator shall have fifteen (15) working days to contact Grievance Committee members and set a meeting date and location. The customer and all parties involved shall be notified of the meeting of the Grievance Committee date and location at least ten (10) working days prior to the meeting date.
- 6.12 **Step 7:** Upon conclusion of the meeting, the Grievance Committee must submit a written report of the Grievance Committee proceedings to the Chairperson, or the Vice Chairperson in his/her absence, of the LCB within ten (10) working days. The

report must outline the grievance and the Grievance Committee's findings/recommendations. If the grievance is resolved through the meeting process (Steps 3 through 6), the grievance process will end. The final report will be forwarded to the members of the LCB. The Local Coordinating Board Grievance Committee must review all grievances and report accordingly to the full LCB.

6.13 The CTC will submit to the LCB board the following reports by the last LCB meeting of the fiscal year:

- Grievance report and the outcome.
- A comprehensive annual TD rider's report, which includes number of riders and number of trips, provided.

If the grievance has not been resolved as outlined in these grievance procedures, the customer may exercise their adjudicative rights, use the Administrative Hearing Process outlined in Chapter 120, Florida Statutes, or request that their grievance be heard by the CTD through the Ombudsman program established herein and the CTD's Grievance Process outlined in Section 7.

## **SECTION 7: CTD GRIEVANCE PROCESS**

7.1 If the LCB Grievance Process does not resolve the grievance, the customer will be informed of his/her right to file a formal grievance with the CTD. The customer may begin this process by contacting the CTD through the established Helpline at 1-800-983-2435 or by mail to: Florida Commission for the Transportation Disadvantaged, 605 Suwannee Street MS-49, Tallahassee, FL 32399-0450 or via <https://www.fdot.gov/ctd/ctd-home> may email [CTDOmbudsman@dot.state.fl.us](mailto:CTDOmbudsman@dot.state.fl.us).

Upon request of the customer, the CTD will provide the customer with an accessible copy of the CTD's Grievance Procedures. If the CTD is unable to resolve the grievance, the customer will be referred to the Office of Administrative Appeals or other legal venues appropriate to the specific nature of the grievance. All of the steps outlined in Section 6 and Section 7.1 must be attempted in the listed order before a grievance will move to the next step. The customer should provide as many details as possible when filing a complaint, such as date, times, names, vehicle numbers, etc. The Ombudsman Program, provided by the CTD, is available to anyone who requests assistance in resolving complaints/grievances. The Ombudsman Program may be reached through the toll free Helpline at 1-800-983-2435 or via <https://www.fdot.gov/ctd/ctd-home> may email [CTDOmbudsman@dot.state.fl.us](mailto:CTDOmbudsman@dot.state.fl.us). By requesting assistance of the Ombudsman Program in resolving complaints, the complaint will still follow, in order, all of the established steps listed in Sections 6 and 7 above. The Ombudsman will document each complaint and upon the request of the customer, file the complaint with the local CTC on the customer's behalf, to begin the local complaint process. If the customer has already filed the grievance locally and remains unsatisfied, the Ombudsman will assist the customer with the next step in the complaint or grievance process. The customer has the right to file a formal grievance with the Office of Administrative Appeals or other venues appropriate to the specific nature of the complaint.

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