



228096

CHAMBER ACTION

Senate

House

Floor: 1/AD/2R  
4/25/2008 11:25 AM

Floor: C  
5/1/2008 9:18 PM

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1 Senator Fasano moved the following **amendment**:

2  
3 **Senate Amendment (with title amendment)**

4 Delete everything after the enacting clause  
5 and insert:

6 Section 1. Subsection (18) of section 409.908, Florida  
7 Statutes, is amended to read:

8 409.908 Reimbursement of Medicaid providers.--Subject to  
9 specific appropriations, the agency shall reimburse Medicaid  
10 providers, in accordance with state and federal law, according to  
11 methodologies set forth in the rules of the agency and in policy  
12 manuals and handbooks incorporated by reference therein. These  
13 methodologies may include fee schedules, reimbursement methods  
14 based on cost reporting, negotiated fees, competitive bidding  
15 pursuant to s. 287.057, and other mechanisms the agency considers  
16 efficient and effective for purchasing services or goods on



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17 | behalf of recipients. If a provider is reimbursed based on cost  
18 | reporting and submits a cost report late and that cost report  
19 | would have been used to set a lower reimbursement rate for a rate  
20 | semester, then the provider's rate for that semester shall be  
21 | retroactively calculated using the new cost report, and full  
22 | payment at the recalculated rate shall be effected retroactively.  
23 | Medicare-granted extensions for filing cost reports, if  
24 | applicable, shall also apply to Medicaid cost reports. Payment  
25 | for Medicaid compensable services made on behalf of Medicaid  
26 | eligible persons is subject to the availability of moneys and any  
27 | limitations or directions provided for in the General  
28 | Appropriations Act or chapter 216. Further, nothing in this  
29 | section shall be construed to prevent or limit the agency from  
30 | adjusting fees, reimbursement rates, lengths of stay, number of  
31 | visits, or number of services, or making any other adjustments  
32 | necessary to comply with the availability of moneys and any  
33 | limitations or directions provided for in the General  
34 | Appropriations Act, provided the adjustment is consistent with  
35 | legislative intent.

36 |       (18) Unless otherwise provided for in the General  
37 | Appropriations Act, a provider of transportation services shall  
38 | be reimbursed the lesser of the amount billed by the provider or  
39 | the Medicaid maximum allowable fee established by the agency,  
40 | except when the agency has entered into a direct contract with  
41 | the provider, or with a community transportation coordinator, for  
42 | the provision of an all-inclusive service, or when services are  
43 | provided pursuant to an agreement negotiated between the agency  
44 | and the provider. The agency, as provided for in s. 427.0135,  
45 | shall purchase transportation services through the community



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46 | coordinated transportation system, if available, unless the  
47 | agency, after consultation with the commission, determines that  
48 | it cannot reach mutually acceptable contract terms with the  
49 | commission. The agency may then contract for the same  
50 | transportation services provided in a more cost-effective manner  
51 | and of comparable or higher quality and standards ~~determines a~~  
52 | ~~more cost-effective method for Medicaid clients.~~ Nothing in this  
53 | subsection shall be construed to limit or preclude the agency  
54 | from contracting for services using a prepaid capitation rate or  
55 | from establishing maximum fee schedules, individualized  
56 | reimbursement policies by provider type, negotiated fees, prior  
57 | authorization, competitive bidding, increased use of mass  
58 | transit, or any other mechanism that the agency considers  
59 | efficient and effective for the purchase of services on behalf of  
60 | Medicaid clients, including implementing a transportation  
61 | eligibility process. The agency shall not be required to contract  
62 | with any community transportation coordinator or transportation  
63 | operator that has been determined by the agency, the Department  
64 | of Legal Affairs Medicaid Fraud Control Unit, or any other state  
65 | or federal agency to have engaged in any abusive or fraudulent  
66 | billing activities. The agency is authorized to competitively  
67 | procure transportation services or make other changes necessary  
68 | to secure approval of federal waivers needed to permit federal  
69 | financing of Medicaid transportation services at the service  
70 | matching rate rather than the administrative matching rate.  
71 | Notwithstanding chapter 427, the agency is authorized to continue  
72 | contracting for Medicaid nonemergency transportation services in  
73 | agency service area 11 with managed care plans that were under  
74 | contract for those services before July 1, 2004.



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75 Section 2. Subsections (8), (12), and (13) of section  
76 427.011, Florida Statutes, are amended to read:

77 427.011 Definitions.--For the purposes of ss. 427.011-  
78 427.017:

79 (8) "Purchasing agency" ~~"Member department"~~ means a  
80 department or agency whose head is an ex officio, nonvoting  
81 advisor to a member of the commission, or an agency that  
82 purchases transportation services for the transportation  
83 disadvantaged.

84 ~~(12) "Annual budget estimate" means a budget estimate of~~  
85 ~~funding resources available for providing transportation services~~  
86 ~~to the transportation disadvantaged and which is prepared~~  
87 ~~annually to cover a period of 1 state fiscal year.~~

88 ~~(12)-(13)~~ "Nonsponsored transportation disadvantaged  
89 services" means transportation disadvantaged services that are  
90 not sponsored or subsidized by any funding source other than the  
91 Transportation Disadvantaged Trust Fund.

92 Section 3. Subsection (4) of section 427.012, Florida  
93 Statutes, is amended to read:

94 427.012 The Commission for the Transportation  
95 Disadvantaged.--There is created the Commission for the  
96 Transportation Disadvantaged in the Department of Transportation.

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



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102 Section 4. Subsections (7), (8), (9), (14), and (26) of  
103 section 427.013, Florida Statutes, are amended, and subsection  
104 (29) is added to that section, to read:

105 427.013 The Commission for the Transportation  
106 Disadvantaged; purpose and responsibilities.--The purpose of the  
107 commission is to accomplish the coordination of transportation  
108 services provided to the transportation disadvantaged. The goal  
109 of this coordination is shall be to assure the cost-effective  
110 provision of transportation by qualified community transportation  
111 coordinators or transportation operators for the transportation  
112 disadvantaged without any bias or presumption in favor of  
113 multioperator systems or not-for-profit transportation operators  
114 over single operator systems or for-profit transportation  
115 operators. In carrying out this purpose, the commission shall:

116 (7) Unless otherwise provided by state or federal law,  
117 ensure ~~Assure~~ that all procedures, guidelines, and directives  
118 issued by purchasing agencies ~~member departments~~ are conducive to  
119 the coordination of transportation services.

120 (8) (a) Ensure ~~Assure~~ that purchasing agencies ~~member~~  
121 ~~departments~~ purchase all trips within the coordinated system,  
122 unless they have fulfilled the requirements of s. 427.0135(3) and  
123 use a more cost-effective alternative provider that meets  
124 comparable quality and standards.

125 (b) Unless the purchasing agency has negotiated with the  
126 commission pursuant to the requirements of s. 427.0135(3),  
127 provide, by rule, criteria and procedures for purchasing agencies  
128 ~~member departments~~ to use if they wish to use an alternative  
129 provider. Agencies ~~Departments~~ must demonstrate ~~either~~ that the  
130 proposed alternative provider can provide a trip of comparable



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131 ~~acceptable~~ quality and standards for the clients at a lower cost  
132 than that provided within the coordinated system, or that the  
133 coordinated system cannot accommodate the agency's ~~department's~~  
134 clients.

135 (9) Unless the purchasing agency has negotiated with the  
136 commission pursuant to the requirements of s. 427.0135(3),  
137 develop by rule standards for community transportation  
138 coordinators and any transportation operator or coordination  
139 contractor from whom service is purchased or arranged by the  
140 community transportation coordinator covering coordination,  
141 operation, safety, insurance, eligibility for service, costs, and  
142 utilization of transportation disadvantaged services. These  
143 standards and rules must include, but are not limited to:

144 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~  
145 ~~for the various modes and types of transportation services~~  
146 ~~provided.~~

147 (a) ~~(b)~~ Minimum performance standards for the delivery of  
148 services. These standards must be included in coordinator  
149 contracts and transportation operator contracts with clear  
150 penalties for repeated or continuing violations.

151 (b) ~~(e)~~ Minimum liability insurance requirements for all  
152 transportation services purchased, provided, or coordinated for  
153 the transportation disadvantaged through the community  
154 transportation coordinator.

155 (14) Consolidate, for each state agency, ~~the annual budget~~  
156 ~~estimates for transportation disadvantaged services,~~ and the  
157 amounts of each agency's actual expenditures, together with the  
158 actual expenditures ~~annual budget estimates~~ of each official  
159 ~~planning agency,~~ local government, and directly federally funded



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160 agency and the amounts collected by each official planning agency  
161 ~~issue a report.~~

162 (26) Develop a quality assurance and management review  
163 program to monitor, based upon approved commission standards,  
164 services contracted for by an agency, and those provided by a  
165 community transportation operator pursuant to s. 427.0155. ~~Staff~~  
166 ~~of the quality assurance and management review program shall~~  
167 ~~function independently and be directly responsible to the~~  
168 ~~executive director.~~

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

171 Section 5. Section 427.0135, Florida Statutes, is amended  
172 to read:

173 427.0135 Purchasing agencies ~~Member departments~~; duties and  
174 responsibilities.--Each purchasing agency ~~member department~~, in  
175 carrying out the policies and procedures of the commission,  
176 shall:

177 (1) ~~(a)~~ Use the coordinated transportation system for  
178 provision of services to its clients, unless each department or  
179 purchasing agency meets the criteria outlined in rule or statute  
180 to use an alternative provider.

181 ~~(b) Subject to the provisions of s. 409.908(18), the~~  
182 ~~Medicaid agency shall purchase transportation services through~~  
183 ~~the community coordinated transportation system unless a more~~  
184 ~~cost-effective method is determined by the agency for Medicaid~~  
185 ~~clients or unless otherwise limited or directed by the General~~  
186 ~~Appropriations Act.~~

187 (2) Pay the rates established in the service plan or  
188 negotiated statewide contract, unless the purchasing agency has



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189 completed the procedure for using an alternative provider and  
190 demonstrated that a proposed alternative provider can provide a  
191 more cost-effective transportation service of comparable quality  
192 and standards or unless the agency has satisfied the requirements  
193 of subsection (3).

194 (3) Not procure transportation disadvantaged services  
195 without initially negotiating with the commission, as provided in  
196 s. 287.057(5)(f)13., or unless otherwise authorized by statute.  
197 If the purchasing agency, after consultation with the commission,  
198 determines that it cannot reach mutually acceptable contract  
199 terms with the commission, the purchasing agency may contract for  
200 the same transportation services provided in a more cost-  
201 effective manner and of comparable or higher quality and  
202 standards. The Medicaid agency shall implement this subsection in  
203 a manner consistent with s. 409.908(18) and as otherwise limited  
204 or directed by the General Appropriations Act.

205 (4) Identify in the legislative budget request provided to  
206 the Governor each year for the General Appropriations Act the  
207 specific amount of money the purchasing agency will allocate to  
208 provide transportation disadvantaged services.

209 (5)-(2) Provide the commission, by September 15 of each  
210 year, an accounting of all funds spent as well as how many trips  
211 were purchased with agency funds.

212 (6)-(3) Assist communities in developing coordinated  
213 transportation systems designed to serve the transportation  
214 disadvantaged. However, a purchasing agency ~~member department~~ may  
215 not serve as the community transportation coordinator in any  
216 designated service area.





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217            (7)~~(4)~~ Ensure ~~Assure~~ that its rules, procedures,  
218 guidelines, and directives are conducive to the coordination of  
219 transportation funds and services for the transportation  
220 disadvantaged.

221            (8)~~(5)~~ Provide technical assistance, as needed, to  
222 community transportation coordinators or transportation operators  
223 or participating agencies.

224            Section 6. Subsections (2) and (3) of section 427.015,  
225 Florida Statutes, are amended to read:

226            427.015 Function of the metropolitan planning organization  
227 or designated official planning agency in coordinating  
228 transportation for the transportation disadvantaged.--

229            (2) Each metropolitan planning organization or designated  
230 official planning agency shall recommend to the commission a  
231 single community transportation coordinator. However, a  
232 purchasing agency ~~member department~~ may not serve as the  
233 community transportation coordinator in any designated service  
234 area. The coordinator may provide all or a portion of needed  
235 transportation services for the transportation disadvantaged but  
236 shall be responsible for the provision of those coordinated  
237 services. Based on approved commission evaluation criteria, the  
238 coordinator shall subcontract or broker those services that are  
239 more cost-effectively and efficiently provided by subcontracting  
240 or brokering. The performance of the coordinator shall be  
241 evaluated based on the commission's approved evaluation criteria  
242 by the coordinating board at least annually. A copy of the  
243 evaluation shall be submitted to the metropolitan planning  
244 organization or the designated official planning agency, and the  
245 commission. The recommendation or termination of any community



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246 transportation coordinator shall be subject to approval by the  
247 commission.

248 (3) Each metropolitan planning organization or designated  
249 official planning agency shall request each local government in  
250 its jurisdiction to provide the actual expenditures ~~an estimate~~  
251 of all local and direct federal funds to be expended for  
252 transportation for the disadvantaged. The metropolitan planning  
253 organization or designated official planning agency shall  
254 consolidate this information into a single report and forward it,  
255 by September 15 ~~the beginning of each fiscal year~~, to the  
256 commission.

257 Section 7. Subsection (7) of section 427.0155, Florida  
258 Statutes, is amended to read:

259 427.0155 Community transportation coordinators; powers and  
260 duties.--Community transportation coordinators shall have the  
261 following powers and duties:

262 (7) In cooperation with the coordinating board and pursuant  
263 to criteria developed by the Commission for the Transportation  
264 Disadvantaged, establish eligibility guidelines and priorities  
265 with regard to the recipients of nonsponsored transportation  
266 disadvantaged services that are purchased with Transportation  
267 Disadvantaged Trust Fund moneys.

268 Section 8. Subsection (4) of section 427.0157, Florida  
269 Statutes, is amended to read:

270 427.0157 Coordinating boards; powers and duties.--The  
271 purpose of each coordinating board is to develop local service  
272 needs and to provide information, advice, and direction to the  
273 community transportation coordinators on the coordination of  
274 services to be provided to the transportation disadvantaged. The



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275 | commission shall, by rule, establish the membership of  
276 | coordinating boards. The members of each board shall be appointed  
277 | by the metropolitan planning organization or designated official  
278 | planning agency. The appointing authority shall provide each  
279 | board with sufficient staff support and resources to enable the  
280 | board to fulfill its responsibilities under this section. Each  
281 | board shall meet at least quarterly and shall:

282 |       (4) Assist the community transportation coordinator in  
283 | establishing eligibility guidelines and priorities with regard to  
284 | the recipients of nonsponsored transportation disadvantaged  
285 | services that are purchased with Transportation Disadvantaged  
286 | Trust Fund moneys.

287 |       Section 9. Subsections (2) and (3) of section 427.0158,  
288 | Florida Statutes, are amended to read:

289 |       427.0158 School bus and public transportation.--

290 |       (2) The school boards shall cooperate in the utilization of  
291 | their vehicles to enhance coordinated ~~disadvantaged~~  
292 | transportation disadvantaged services by providing ~~the~~  
293 | information as requested by the community transportation  
294 | coordinator ~~required by this section~~ and by allowing the use of  
295 | their vehicles at actual cost upon request when those vehicles  
296 | are available for such use and are not transporting students.  
297 | ~~Semiannually, no later than October 1 and April 30, a designee~~  
298 | ~~from the local school board shall provide the community~~  
299 | ~~transportation coordinator with copies to the coordinated~~  
300 | ~~transportation board, the following information for vehicles not~~  
301 | ~~scheduled 100 percent of the time for student transportation use:~~



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302 ~~(a) The number and type of vehicles by adult capacity,~~  
303 ~~including days and times, that the vehicles are available for~~  
304 ~~coordinated transportation disadvantaged services;~~

305 ~~(b) The actual cost per mile by vehicle type available;~~

306 ~~(c) The actual driver cost per hour;~~

307 ~~(d) Additional actual cost associated with vehicle use~~  
308 ~~outside the established workday or workweek of the entity; and~~

309 ~~(e) Notification of lead time required for vehicle use.~~

310 (3) The public transit fixed route or fixed schedule system  
311 shall cooperate in the utilization of its regular service to  
312 enhance coordinated transportation disadvantaged services by  
313 providing the information as requested by the community  
314 transportation coordinator ~~required by this section. Annually, no~~  
315 ~~later than October 1, a designee from the local public transit~~  
316 ~~fixed route or fixed schedule system shall provide~~ The community  
317 transportation coordinator may request, without limitation, with  
318 ~~copies to the coordinated transportation board,~~ the following  
319 information:

320 (a) A copy of all current schedules, route maps, system  
321 map, and fare structure;

322 (b) A copy of the current charter policy;

323 (c) A copy of the current charter rates and hour  
324 requirements; and

325 (d) Required notification time to arrange for a charter.

326 Section 10. Subsection (4) is added to section 427.0159,  
327 Florida Statutes, to read:

328 427.0159 Transportation Disadvantaged Trust Fund.--

329 (4) A purchasing agency may deposit funds into the  
330 Transportation Disadvantaged Trust Fund for the commission to



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331 implement, manage, and administer the purchasing agency's  
332 transportation disadvantaged funds, as defined in s. 427.011(10).

333 Section 11. Paragraph (b) of subsection (1) and subsection  
334 (2) of section 427.016, Florida Statutes, are amended to read:

335 427.016 Expenditure of local government, state, and federal  
336 funds for the transportation disadvantaged.--

337 (1)

338 (b) ~~Nothing in~~ This subsection ~~does not shall be construed~~  
339 ~~to limit or preclude~~ a purchasing the Medicaid agency from  
340 establishing maximum fee schedules, individualized reimbursement  
341 policies by provider type, negotiated fees, ~~competitive bidding,~~  
342 or any other mechanism, including contracting after initial  
343 negotiation with the commission, which that the agency considers  
344 more cost-effective and of comparable or higher quality and  
345 standards than those of the commission efficient and effective  
346 for the purchase of services on behalf of its Medicaid clients if  
347 it has fulfilled the requirements of s. 427.0135(3) or the  
348 procedure for using an alternative provider. State and local  
349 agencies shall not contract for any transportation disadvantaged  
350 services, including Medicaid reimbursable transportation

351 services, with any community transportation coordinator or  
352 transportation operator that has been determined by the Agency  
353 for Health Care Administration, the Department of Legal Affairs  
354 Medicaid Fraud Control Unit, or any state or federal agency to  
355 have engaged in any abusive or fraudulent billing activities.

356 (2) Each year, each agency, whether or not it is an ex  
357 officio, nonvoting advisor to a member of the Commission for the  
358 Transportation Disadvantaged, shall identify in the legislative  
359 budget request provided to the Governor for the General



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360 | ~~Appropriations Act inform the commission in writing, before the~~  
361 | ~~beginning of each fiscal year, of the specific amount of any~~  
362 | ~~money the agency will allocate allocated for the provision of~~  
363 | ~~transportation disadvantaged services. Additionally, each state~~  
364 | ~~agency shall, by September 15 of each year, provide the~~  
365 | ~~commission with an accounting of the actual amount of funds~~  
366 | ~~expended and the total number of trips purchased.~~

367 | Section 12. This act shall take effect July 1, 2008.

368 |  
369 | ===== T I T L E A M E N D M E N T =====

370 | And the title is amended as follows:

371 | Delete everything before the enacting clause  
372 | and insert:

373 | A bill to be entitled  
374 | An act relating to transportation services for the  
375 | transportation disadvantaged; amending s. 409.908,  
376 | F.S.; authorizing the Agency for Health Care  
377 | Administration to continue to contract for Medicaid  
378 | nonemergency transportation services in a specified  
379 | agency service area with managed care plans under  
380 | certain conditions; amending s. 427.011, F.S.; revising  
381 | definitions; defining the term "purchasing agency";  
382 | amending s. 427.012, F.S.; revising the number of  
383 | members required for a quorum at a meeting of the  
384 | Commission for the Transportation Disadvantaged;  
385 | amending s. 427.013, F.S.; revising responsibilities of  
386 | the commission; deleting a requirement that the  
387 | commission establish by rule acceptable ranges of trip  
388 | costs; removing a provision for functioning and



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389 oversight of the quality assurance and management  
390 review program; requiring the commission to incur  
391 expenses for promotional services and items; amending  
392 s. 427.0135, F.S.; revising and creating duties and  
393 responsibilities for agencies that purchase  
394 transportation services for the transportation  
395 disadvantaged; providing requirements for the payment  
396 of rates; requiring an agency to negotiate with the  
397 commission before procuring transportation  
398 disadvantaged services; requiring an agency to identify  
399 its allocation for transportation disadvantaged  
400 services in its legislative budget request; amending s.  
401 427.015, F.S.; revising provisions relating to the  
402 function of the metropolitan planning organization or  
403 designated official planning agency; amending s.  
404 427.0155, F.S.; revising duties of community  
405 transportation coordinators; amending s. 427.0157,  
406 F.S.; revising duties of coordinating boards; amending  
407 s. 427.0158, F.S.; deleting provisions requiring the  
408 school board to provide information relating to school  
409 buses to the transportation coordinator; providing for  
410 the transportation coordinator to request certain  
411 information regarding public transportation; amending  
412 s. 427.0159, F.S.; revising provisions relating to the  
413 Transportation Disadvantaged Trust Fund; providing for  
414 the deposit of funds by an agency purchasing  
415 transportation services; amending s. 427.016, F.S.;  
416 providing for construction and application of specified  
417 provisions to certain acts of a purchasing agency in



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418 |        lieu of the Medicaid agency; requiring that an agency  
419 |        identify the allocation of funds for transportation  
420 |        disadvantaged services in its legislative budget  
421 |        request; providing an effective date.