



506002

CHAMBER ACTION

Senate

.

House

.

.

.

.

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

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

4 Between lines 2560 and 2561,
5 insert:

6 Section 41. 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
17 behalf of recipients. If a provider is reimbursed based on cost



506002

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
46 coordinated transportation system, if available, unless the
47 agency, after consultation with the commission, determines that



506002

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.

75 Section 42. Subsections (8), (12), and (13) of section
76 427.011, Florida Statutes, are amended to read:



506002

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 43. 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.

102 Section 44. 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



506002

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
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),



506002

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) ~~(c)~~ 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
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~~



506002

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 45. 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
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.



506002

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.

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



506002

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
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,



506002

255 | by September 15 ~~the beginning of each fiscal year~~, to the
256 | commission.

257 | Section 47. 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 48. 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
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



506002

285 services that are purchased with Transportation Disadvantaged
286 Trust Fund moneys.

287 Section 49. 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:~~

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~~



506002

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 50. 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
331 implement, manage, and administer the purchasing agency's
332 transportation disadvantaged funds, as defined in s. 427.011(10).

333 Section 51. 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



506002

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
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
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
372 On line 167, after the first semicolon,
373 insert:



506002

374 amending s. 409.908, F.S.; authorizing the Agency for
375 Health Care Administration to continue to contract for
376 Medicaid nonemergency transportation services in a
377 specified agency service area with managed care plans
378 under certain conditions; amending s. 427.011, F.S.;
379 revising definitions; defining the term "purchasing
380 agency"; amending s. 427.012, F.S.; revising the number of
381 members required for a quorum at a meeting of the
382 Commission for the Transportation Disadvantaged; amending
383 s. 427.013, F.S.; revising responsibilities of the
384 commission; deleting a requirement that the commission
385 establish by rule acceptable ranges of trip costs;
386 removing a provision for functioning and oversight of the
387 quality assurance and management review program; requiring
388 the commission to incur expenses for promotional services
389 and items; amending s. 427.0135, F.S.; revising and
390 creating duties and responsibilities for agencies that
391 purchase transportation services for the transportation
392 disadvantaged; providing requirements for the payment of
393 rates; requiring an agency to negotiate with the
394 commission before procuring transportation disadvantaged
395 services; requiring an agency to identify its allocation
396 for transportation disadvantaged services in its
397 legislative budget request; amending s. 427.015, F.S.;
398 revising provisions relating to the function of the
399 metropolitan planning organization or designated official
400 planning agency; amending s. 427.0155, F.S.; revising
401 duties of community transportation coordinators; amending
402 s. 427.0157, F.S.; revising duties of coordinating boards;
403 amending s. 427.0158, F.S.; deleting provisions requiring



506002

404 | the school board to provide information relating to school
405 | buses to the transportation coordinator; providing for the
406 | transportation coordinator to request certain information
407 | regarding public transportation; amending s. 427.0159,
408 | F.S.; revising provisions relating to the Transportation
409 | Disadvantaged Trust Fund; providing for the deposit of
410 | funds by an agency purchasing transportation services;
411 | amending s. 427.016, F.S.; providing for construction and
412 | application of specified provisions to certain acts of a
413 | purchasing agency in lieu of the Medicaid agency;
414 | requiring that an agency identify the allocation of funds
415 | for transportation disadvantaged services in its
416 | legislative budget request;