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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RS	.	
4/22/2008	.	
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	.	

1 The Committee on Transportation and Economic Development
2 Appropriations (Fasano) recommended the following **amendment:**

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

5 Between lines 332 and 333

6 insert:

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

9 427.011 Definitions.--For the purposes of ss. 427.011-
10 427.017:

11 (8) "Purchasing agency" ~~"Member department"~~ means a
12 department or agency whose head is an ex officio, nonvoting
13 advisor to a member of the commission, or an agency that
14 purchases transportation services for the transportation
15 disadvantaged.

16 ~~(12) "Annual budget estimate" means a budget estimate of~~
17 ~~funding resources available for providing transportation services~~



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18 ~~to the transportation disadvantaged and which is prepared~~
19 ~~annually to cover a period of 1 state fiscal year.~~

20 (12)~~(13)~~ "Nonsponsored transportation disadvantaged
21 services" means transportation disadvantaged services that are
22 not sponsored or subsidized by any funding source other than the
23 Transportation Disadvantaged Trust Fund.

24 Section 9. Subsection (4) of section 427.012, Florida
25 Statutes, is amended to read:

26 427.012 The Commission for the Transportation
27 Disadvantaged.--There is created the Commission for the
28 Transportation Disadvantaged in the Department of Transportation.

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

34 Section 10. Subsections (7), (8), (9), (14), and (26) of
35 section 427.013, Florida Statutes, are amended, and subsection
36 (29) is added to that section, to read:

37 427.013 The Commission for the Transportation
38 Disadvantaged; purpose and responsibilities.--The purpose of the
39 commission is to accomplish the coordination of transportation
40 services provided to the transportation disadvantaged. The goal
41 of this coordination shall be to assure the cost-effective
42 provision of transportation by qualified community transportation
43 coordinators or transportation operators for the transportation
44 disadvantaged without any bias or presumption in favor of
45 multioperator systems or not-for-profit transportation operators
46 over single operator systems or for-profit transportation
47 operators. In carrying out this purpose, the commission shall:



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48 (7) Unless otherwise specified by statute, assure that all
49 procedures, guidelines, and directives issued by purchasing
50 agencies ~~member departments~~ are conducive to the coordination of
51 transportation services.

52 (8) (a) Unless otherwise specified by statute, assure that
53 purchasing agencies ~~member departments~~ purchase all trips within
54 the coordinated system, unless they use a more cost-effective
55 alternative provider that meets comparable quality standards.

56 (b) Provide, by rule, criteria and procedures for
57 purchasing agencies ~~member departments~~ to use if they wish to use
58 an alternative provider. Agencies ~~Departments~~ must demonstrate
59 ~~either~~ that the proposed alternative provider can provide a trip
60 of comparable ~~acceptable~~ quality and standards for the clients at
61 a lower cost than that provided within the coordinated system, ~~or~~
62 that the coordinated system cannot accommodate the agency's
63 ~~department's~~ clients, or that the agency has satisfied the
64 requirements of s. 427.0135(3).

65 (9) Unless the purchasing agency has satisfied the
66 requirements of s. 427.0135(3), develop by rule standards for
67 community transportation coordinators and any transportation
68 operator or coordination contractor from whom service is
69 purchased or arranged by the community transportation coordinator
70 covering coordination, operation, safety, insurance, eligibility
71 for service, costs, and utilization of transportation
72 disadvantaged services. These standards and rules must include,
73 but are not limited to:

74 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~
75 ~~for the various modes and types of transportation services~~
76 ~~provided.~~



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77 ~~(a)(b)~~ Minimum performance standards for the delivery of
78 services. These standards must be included in coordinator
79 contracts and transportation operator contracts with clear
80 penalties for repeated or continuing violations.

81 ~~(b)(e)~~ Minimum liability insurance requirements for all
82 transportation services purchased, provided, or coordinated for
83 the transportation disadvantaged through the community
84 transportation coordinator.

85 (14) Consolidate, for each state agency, ~~the annual budget~~
86 ~~estimates for transportation disadvantaged services,~~ and the
87 amounts of each agency's actual expenditures, together with the
88 actual expenditures annual budget estimates of each ~~official~~
89 ~~planning agency,~~ local government, and directly federally funded
90 agency and the amounts collected by each official planning agency
91 ~~issue a report.~~

92 (26) Develop a quality assurance and management review
93 program to monitor, based upon approved commission standards,
94 services contracted for by an agency, and those provided by a
95 community transportation operator pursuant to s. 427.0155. ~~Staff~~
96 ~~of the quality assurance and management review program shall~~
97 ~~function independently and be directly responsible to the~~
98 ~~executive director.~~

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

101 Section 11. Section 427.0135, Florida Statutes, is amended
102 to read:

103 427.0135 Purchasing agencies ~~Member departments;~~ duties and
104 responsibilities.--Each purchasing agency ~~member department,~~ in
105 carrying out the policies and procedures of the commission,
106 shall:



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

111 ~~(b) Subject to the provisions of s. 409.908(18), the~~
112 ~~Medicaid agency shall purchase transportation services through~~
113 ~~the community coordinated transportation system unless a more~~
114 ~~cost-effective method is determined by the agency for Medicaid~~
115 ~~clients or unless otherwise limited or directed by the General~~
116 ~~Appropriations Act.~~

117 (2) Pay the rates established in the service plan or
118 negotiated statewide contract, unless the purchasing agency has
119 completed the procedure for an alternative provider and
120 demonstrated that a proposed alternative provider can provide a
121 more cost-effective transportation service of comparable quality
122 and standards or unless the agency has satisfied the requirements
123 of subsection (3).

124 (3) Not procure transportation disadvantaged services
125 without initially negotiating with the commission, as provided in
126 s. 287.057(5)(f)13. or unless otherwise authorized by statute. If
127 the purchasing agency, after consultation with the commission,
128 determines that it cannot reach mutually acceptable contract
129 terms with the commission, the purchasing agency may contract for
130 transportation services that are more cost-effective and of
131 comparable or higher quality standards than those of the
132 commission.

133 (4) Identify in the legislative budget request provided to
134 the Governor each year for the General Appropriations Act the
135 specific amount of any money the purchasing agency will allocate
136 for the provision of transportation disadvantaged services. The



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137 dollar amount for transportation disadvantaged funding shall be
138 separately identified in the General Appropriations Act.

139 (5)-(2) Provide the commission, by September 15 of each
140 year, an accounting of all funds spent as well as how many trips
141 were purchased with agency funds.

142 (6)-(3) Assist communities in developing coordinated
143 transportation systems designed to serve the transportation
144 disadvantaged. However, a purchasing agency member department may
145 not serve as the community transportation coordinator in any
146 designated service area.

147 (7)-(4) Assure that its rules, procedures, guidelines, and
148 directives are conducive to the coordination of transportation
149 funds and services for the transportation disadvantaged.

150 (8)-(5) Provide technical assistance, as needed, to
151 community transportation coordinators or transportation operators
152 or participating agencies.

153 Section 12. Subsections (2) and (3) of section 427.015,
154 Florida Statutes, are amended to read:

155 427.015 Function of the metropolitan planning organization
156 or designated official planning agency in coordinating
157 transportation for the transportation disadvantaged.--

158 (2) Each metropolitan planning organization or designated
159 official planning agency shall recommend to the commission a
160 single community transportation coordinator. However, a
161 purchasing agency member department may not serve as the
162 community transportation coordinator in any designated service
163 area. The coordinator may provide all or a portion of needed
164 transportation services for the transportation disadvantaged but
165 shall be responsible for the provision of those coordinated
166 services. Based on approved commission evaluation criteria, the



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167 coordinator shall subcontract or broker those services that are
168 more cost-effectively and efficiently provided by subcontracting
169 or brokering. The performance of the coordinator shall be
170 evaluated based on the commission's approved evaluation criteria
171 by the coordinating board at least annually. A copy of the
172 evaluation shall be submitted to the metropolitan planning
173 organization or the designated official planning agency, and the
174 commission. The recommendation or termination of any community
175 transportation coordinator shall be subject to approval by the
176 commission.

177 (3) Each metropolitan planning organization or designated
178 official planning agency shall request each local government in
179 its jurisdiction to provide the actual expenditures ~~an estimate~~
180 of all local and direct federal funds to be expended for
181 transportation for the disadvantaged. The metropolitan planning
182 organization or designated official planning agency shall
183 consolidate this information into a single report and forward it,
184 by September 15 ~~the beginning of each fiscal year~~, to the
185 commission.

186 Section 13. Subsection (7) of section 427.0155, Florida
187 Statutes, is amended to read:

188 427.0155 Community transportation coordinators; powers and
189 duties.--Community transportation coordinators shall have the
190 following powers and duties:

191 (7) In cooperation with the coordinating board and pursuant
192 to criteria developed by the Commission for the Transportation
193 Disadvantaged, establish eligibility guidelines and priorities
194 with regard to the recipients of nonsponsored transportation
195 disadvantaged services that are purchased with Transportation
196 Disadvantaged Trust Fund moneys.



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197 Section 14. Subsection (4) of section 427.0157, Florida
198 Statutes, is amended to read:

199 427.0157 Coordinating boards; powers and duties.--The
200 purpose of each coordinating board is to develop local service
201 needs and to provide information, advice, and direction to the
202 community transportation coordinators on the coordination of
203 services to be provided to the transportation disadvantaged. The
204 commission shall, by rule, establish the membership of
205 coordinating boards. The members of each board shall be appointed
206 by the metropolitan planning organization or designated official
207 planning agency. The appointing authority shall provide each
208 board with sufficient staff support and resources to enable the
209 board to fulfill its responsibilities under this section. Each
210 board shall meet at least quarterly and shall:

211 (4) Assist the community transportation coordinator in
212 establishing eligibility guidelines and priorities with regard to
213 the recipients of nonsponsored transportation disadvantaged
214 services that are purchased with Transportation Disadvantaged
215 Trust Fund moneys.

216 Section 15. Subsections (2) and (3) of section 427.0158,
217 Florida Statutes, are amended to read:

218 427.0158 School bus and public transportation.--

219 (2) The school boards shall cooperate in the utilization of
220 their vehicles to enhance coordinated disadvantaged
221 transportation by providing the information as requested by the
222 community transportation coordinator ~~required by this section~~ and
223 by allowing the use of their vehicles at actual cost upon request
224 when those vehicles are available for such use and are not
225 transporting students. ~~Semiannually, no later than October 1 and~~
226 ~~April 30, a designee from the local school board shall provide~~



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227 ~~the community transportation coordinator with copies to the~~
228 ~~coordinated transportation board, the following information for~~
229 ~~vehicles not scheduled 100 percent of the time for student~~
230 ~~transportation use:~~

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

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

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

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

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

239 (3) The public transit fixed route or fixed schedule system
240 shall cooperate in the utilization of its regular service to
241 enhance coordinated transportation disadvantaged services by
242 providing the information as requested by the community
243 transportation coordinator required by this section. Annually, no
244 later than October 1, a designee from the local public transit
245 fixed route or fixed schedule system shall provide The community
246 transportation coordinator may request, without limitation, with
247 copies to the coordinated transportation board, the following
248 information:

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

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

252 (c) A copy of the current charter rates and hour
253 requirements; and

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

255 Section 16. Subsection (4) is added to section 427.0159,
256 Florida Statutes, to read:



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257 427.0159 Transportation Disadvantaged Trust Fund.--
258 (4) A purchasing agency may deposit funds into the
259 Transportation Disadvantaged Trust Fund for the commission to
260 implement, manage, and administer the purchasing agency's
261 transportation disadvantaged funds, as defined in s. 427.011(10).

262 Section 17. Paragraph (b) of subsection (1) and subsection
263 (2) of section 427.016, Florida Statutes, are amended to read:

264 427.016 Expenditure of local government, state, and federal
265 funds for the transportation disadvantaged.--

266 (1)

267 (b) Nothing in this subsection shall be construed to ~~limit~~
268 ~~or~~ preclude a purchasing ~~the Medicaid~~ agency from establishing
269 maximum fee schedules, individualized reimbursement policies by
270 provider type, negotiated fees, ~~competitive bidding~~, or any other
271 mechanism, including contracting after initial negotiation with
272 the commission, which that the agency considers more cost-
273 effective and of comparable or higher quality standards than
274 those of the commission efficient and effective for the purchase
275 of services on behalf of its Medicaid clients if it has fulfilled
276 the requirements of s. 427.0135(3) or the procedure for an
277 alternative provider. State and local agencies shall not contract
278 for any transportation disadvantaged services, including Medicaid
279 reimbursable transportation services, with any community
280 transportation coordinator or transportation operator that has
281 been determined by the Agency for Health Care Administration, the
282 Department of Legal Affairs Medicaid Fraud Control Unit, or any
283 state or federal agency to have engaged in any abusive or
284 fraudulent billing activities.

285 (2) Each agency, whether or not it is an ex officio
286 nonvoting advisor to a member of the Commission for the



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287 Transportation Disadvantaged, shall each year identify in the
288 legislative budget request provided to the Governor for the
289 General Appropriations Act ~~inform the commission in writing,~~
290 ~~before the beginning of each fiscal year,~~ of the specific amount
291 of any money the agency will allocate ~~allocated~~ for the provision
292 of transportation disadvantaged services. Additionally, each
293 state agency shall, by September 15 of each year, provide the
294 commission with an accounting of the actual amount of funds
295 expended and the total number of trips purchased. The dollar
296 amount for transportation disadvantaged funding shall be
297 separately identified in the General Appropriations Act.

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299
300 ===== T I T L E A M E N D M E N T =====

301 And the title is amended as follows:

302
303 On line 30, after the semicolon,
304 insert:

305
306 amending s. 427.011, F.S.; revising definitions; amending
307 s. 427.012, F.S.; revising the number of members required
308 for a quorum at a meeting of the Commission for the
309 Transportation Disadvantaged; amending s. 427.013, F.S.;
310 revising responsibilities for the commission; deleting a
311 requirement that the commission establish by rule
312 acceptable ranges of trip costs; requiring the commission
313 to incur expenses for promotional services and items;
314 amending s. 427.0135, F.S.; revising and creating duties
315 and responsibilities for agencies that purchase
316 transportation service for the transportation



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317 | disadvantaged; providing requirements for the payment of
318 | rates; requiring agencies to negotiate with the commission
319 | before procuring transportation disadvantaged services;
320 | requiring that an agency identify its allocation for
321 | transportation disadvantaged services in its legislative
322 | budget request; amending s. 427.015, F.S.; revising
323 | provisions relating to the function of the metropolitan
324 | planning organization or designated official planning
325 | agency; amending s. 427.0155, F.S.; revising the duties of
326 | community transportation coordinators; amending s.
327 | 427.0157, F.S.; revising duties for coordinating boards;
328 | amending s. 427.0158, F.S.; deleting provisions requiring
329 | the school board to provide information relating to school
330 | buses to the transportation coordinator; providing for the
331 | transportation coordinator to request certain information
332 | regarding public transportation; amending s. 427.0159,
333 | F.S.; revising provisions relating to the Transportation
334 | Disadvantaged Trust Fund; providing for the deposit of
335 | funds by an agency purchasing transportation services;
336 | amending s. 427.016, F.S.; deleting a provision
337 | authorizing the establishment of certain fees under the
338 | Medicaid program; requiring that an agency identify the
339 | allocation of funds for transportation disadvantaged
340 | services in its legislative budget request;