



439622

CHAMBER ACTION

| <u>Senate</u> | . | <u>House</u> |
|---------------|---|--------------|
| Comm: RCS | . | |
| 4/22/2008 | . | |
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| | . | |

1 The Committee on Transportation and Economic Development
2 Appropriations (Fasano) recommended the following **substitute for**
3 **amendment (096648)** :

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

6 Between line(s) 332 and 333,
7 insert:

8
9 Section 8. Subsection (18) of section 409.908, Florida
10 Statutes, is amended to read:

11 409.908 Reimbursement of Medicaid providers.--Subject to
12 specific appropriations, the agency shall reimburse Medicaid
13 providers, in accordance with state and federal law, according to
14 methodologies set forth in the rules of the agency and in policy
15 manuals and handbooks incorporated by reference therein. These
16 methodologies may include fee schedules, reimbursement methods
17 based on cost reporting, negotiated fees, competitive bidding



439622

18 | pursuant to s. 287.057, and other mechanisms the agency considers
19 | efficient and effective for purchasing services or goods on
20 | behalf of recipients. If a provider is reimbursed based on cost
21 | reporting and submits a cost report late and that cost report
22 | would have been used to set a lower reimbursement rate for a rate
23 | semester, then the provider's rate for that semester shall be
24 | retroactively calculated using the new cost report, and full
25 | payment at the recalculated rate shall be effected retroactively.
26 | Medicare-granted extensions for filing cost reports, if
27 | applicable, shall also apply to Medicaid cost reports. Payment
28 | for Medicaid compensable services made on behalf of Medicaid
29 | eligible persons is subject to the availability of moneys and any
30 | limitations or directions provided for in the General
31 | Appropriations Act or chapter 216. Further, nothing in this
32 | section shall be construed to prevent or limit the agency from
33 | adjusting fees, reimbursement rates, lengths of stay, number of
34 | visits, or number of services, or making any other adjustments
35 | necessary to comply with the availability of moneys and any
36 | limitations or directions provided for in the General
37 | Appropriations Act, provided the adjustment is consistent with
38 | legislative intent.

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



439622

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



439622

78 Section 9. Subsections (8), (12), and (13) of section
79 427.011, Florida Statutes, are amended to read:

80 427.011 Definitions.--For the purposes of ss. 427.011-
81 427.017:

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

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

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

95 Section 10. Subsection (4) of section 427.012, Florida
96 Statutes, is amended to read:

97 427.012 The Commission for the Transportation
98 Disadvantaged.--There is created the Commission for the
99 Transportation Disadvantaged in the Department of Transportation.

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

105 Section 11. Subsections (7), (8), (9), (14), and (26) of
106 section 427.013, Florida Statutes, are amended, and subsection
107 (29) is added to that section, to read:



439622

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

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

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

128 (b) Unless the purchasing agency has negotiated with the
129 commission pursuant to the requirements of s. 427.0135(3),
130 provide, by rule, criteria and procedures for purchasing agencies
131 member departments to use if they wish to use an alternative
132 provider. Agencies Departments must demonstrate ~~either~~ that the
133 proposed alternative provider can provide a trip of comparable
134 acceptable quality and standards for the clients at a lower cost
135 than that provided within the coordinated system, or that the
136 coordinated system cannot accommodate the agency's department's
137 clients.



439622

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

147 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~
148 ~~for the various modes and types of transportation services~~
149 ~~provided.~~

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

154 (b) ~~(c)~~ Minimum liability insurance requirements for all
155 transportation services purchased, provided, or coordinated for
156 the transportation disadvantaged through the community
157 transportation coordinator.

158 (14) Consolidate, for each state agency, ~~the annual budget~~
159 ~~estimates for transportation disadvantaged services,~~ and the
160 amounts of each agency's actual expenditures, together with the
161 actual expenditures annual budget estimates of each official
162 ~~planning agency,~~ local government, and directly federally funded
163 agency and the amounts collected by each official planning agency
164 ~~issue a report.~~

165 (26) Develop a quality assurance and management review
166 program to monitor, based upon approved commission standards,
167 services contracted for by an agency, and those provided by a



439622

168 community transportation operator pursuant to s. 427.0155. ~~Staff~~
169 ~~of the quality assurance and management review program shall~~
170 ~~function independently and be directly responsible to the~~
171 ~~executive director.~~

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

174 Section 12. Section 427.0135, Florida Statutes, is amended
175 to read:

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

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

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

190 (2) Pay the rates established in the service plan or
191 negotiated statewide contract, unless the purchasing agency has
192 completed the procedure for using an alternative provider and
193 demonstrated that a proposed alternative provider can provide a
194 more cost-effective transportation service of comparable quality
195 and standards or unless the agency has satisfied the requirements
196 of subsection (3).



439622

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

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

212 (5)~~(2)~~ Provide the commission, by September 15 of each
213 year, an accounting of all funds spent as well as how many trips
214 were purchased with agency funds.

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

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

224 (8)~~(5)~~ Provide technical assistance, as needed, to
225 community transportation coordinators or transportation operators
226 or participating agencies.



439622

227 Section 13. Subsections (2) and (3) of section 427.015,
228 Florida Statutes, are amended to read:

229 427.015 Function of the metropolitan planning organization
230 or designated official planning agency in coordinating
231 transportation for the transportation disadvantaged.--

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

251 (3) Each metropolitan planning organization or designated
252 official planning agency shall request each local government in
253 its jurisdiction to provide the actual expenditures ~~an estimate~~
254 of all local and direct federal funds to be expended for
255 transportation for the disadvantaged. The metropolitan planning
256 organization or designated official planning agency shall



439622

257 | consolidate this information into a single report and forward it,
258 | by September 15 ~~the beginning of each fiscal year~~, to the
259 | commission.

260 | Section 14. Subsection (7) of section 427.0155, Florida
261 | Statutes, is amended to read:

262 | 427.0155 Community transportation coordinators; powers and
263 | duties.--Community transportation coordinators shall have the
264 | following powers and duties:

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

271 | Section 15. Subsection (4) of section 427.0157, Florida
272 | Statutes, is amended to read:

273 | 427.0157 Coordinating boards; powers and duties.--The
274 | purpose of each coordinating board is to develop local service
275 | needs and to provide information, advice, and direction to the
276 | community transportation coordinators on the coordination of
277 | services to be provided to the transportation disadvantaged. The
278 | commission shall, by rule, establish the membership of
279 | coordinating boards. The members of each board shall be appointed
280 | by the metropolitan planning organization or designated official
281 | planning agency. The appointing authority shall provide each
282 | board with sufficient staff support and resources to enable the
283 | board to fulfill its responsibilities under this section. Each
284 | board shall meet at least quarterly and shall:

285 | (4) Assist the community transportation coordinator in
286 | establishing eligibility guidelines and priorities with regard to



439622

287 | the recipients of nonsponsored transportation disadvantaged
288 | services that are purchased with Transportation Disadvantaged
289 | Trust Fund moneys.

290 | Section 16. Subsections (2) and (3) of section 427.0158,
291 | Florida Statutes, are amended to read:

292 | 427.0158 School bus and public transportation.--

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

305 | ~~(a) The number and type of vehicles by adult capacity,~~
306 | ~~including days and times, that the vehicles are available for~~
307 | ~~coordinated transportation disadvantaged services;~~

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

309 | ~~(c) The actual driver cost per hour;~~

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

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

313 | (3) The public transit fixed route or fixed schedule system
314 | shall cooperate in the utilization of its regular service to
315 | enhance coordinated transportation disadvantaged services by
316 | providing the information as requested by the community



439622

317 ~~transportation coordinator required by this section. Annually, no~~
318 ~~later than October 1, a designee from the local public transit~~
319 ~~fixed route or fixed schedule system shall provide~~ The community
320 transportation coordinator may request, without limitation, with
321 ~~copies to the coordinated transportation board,~~ the following
322 information:

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

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

326 (c) A copy of the current charter rates and hour
327 requirements; and

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

329 Section 17. Subsection (4) is added to section 427.0159,
330 Florida Statutes, to read:

331 427.0159 Transportation Disadvantaged Trust Fund.--

332 (4) A purchasing agency may deposit funds into the
333 Transportation Disadvantaged Trust Fund for the commission to
334 implement, manage, and administer the purchasing agency's
335 transportation disadvantaged funds, as defined in s. 427.011(10).

336 Section 18. Paragraph (b) of subsection (1) and subsection
337 (2) of section 427.016, Florida Statutes, are amended to read:

338 427.016 Expenditure of local government, state, and federal
339 funds for the transportation disadvantaged.--

340 (1)

341 (b) ~~Nothing in~~ This subsection does not shall be construed
342 to limit or preclude a purchasing the Medicaid agency from
343 establishing maximum fee schedules, individualized reimbursement
344 policies by provider type, negotiated fees, competitive bidding,
345 or any other mechanism, including contracting after initial
346 negotiation with the commission, which that the agency considers



439622

347 | more cost-effective and of comparable or higher quality and
348 | standards than those of the commission ~~efficient and effective~~
349 | for the purchase of services on behalf of its Medicaid clients if
350 | it has fulfilled the requirements of s. 427.0135(3) or the
351 | procedure for using an alternative provider. State and local
352 | agencies shall not contract for any transportation disadvantaged
353 | services, including Medicaid reimbursable transportation
354 | services, with any community transportation coordinator or
355 | transportation operator that has been determined by the Agency
356 | for Health Care Administration, the Department of Legal Affairs
357 | Medicaid Fraud Control Unit, or any state or federal agency to
358 | have engaged in any abusive or fraudulent billing activities.

359 | (2) Each year, each agency, whether or not it is an ex
360 | officio, nonvoting advisor to ~~a member of~~ the Commission for the
361 | Transportation Disadvantaged, shall identify in the legislative
362 | budget request provided to the Governor for the General
363 | Appropriations Act ~~inform the commission in writing, before the~~
364 | ~~beginning of each fiscal year,~~ of the specific amount of any
365 | money the agency will allocate ~~allocated~~ for the provision of
366 | transportation disadvantaged services. Additionally, each state
367 | agency shall, by September 15 of each year, provide the
368 | commission with an accounting of the actual amount of funds
369 | expended and the total number of trips purchased.

370 |
371 | ===== T I T L E A M E N D M E N T =====

372 | And the title is amended as follows:

373 | Delete lines 2-30,

374 | and insert:

375 | An act relating to transportation services for the
376 | transportation disadvantaged; amending s. 337.185, F.S.;



439622

377 providing for maintenance contracts to be included in the
378 types of claims settled by the State Arbitration Board;
379 amending s. 337.403, F.S.; providing for the department or
380 a local governmental entity to pay the costs of removing
381 or relocating a utility that is interfering with the use
382 of a road or rail corridor; amending s. 338.01, F.S.;

383 requiring that newly installed electronic toll collection
384 systems be interoperable with the department's electronic
385 toll collection system; amending s. 338.165, F.S.;

386 providing that provisions requiring the continuation of
387 tolls following the discharge of bond indebtedness does
388 not apply to high-occupancy toll lanes or express lanes;

389 creating s. 338.166, F.S.; authorizing the department to
390 request that bonds be issued which are secured by toll
391 revenues from high-occupancy toll or express lanes in a
392 specified location; providing for the department to
393 continue to collect tolls after discharge of indebtedness;

394 authorizing the use of excess toll revenues for
395 improvements to the State Highway System; authorizing the
396 implementation of variable rate tolls on high-occupancy
397 toll lanes or express lanes; amending s. 338.2216, F.S.;

398 directing the turnpike enterprise to develop new
399 technologies and processes for the collection of tolls and
400 usage fees; amending s. 338.231, F.S.; eliminating
401 reference to uniform toll rates on the Florida Turnpike
402 System; authorizing the department to fix by rule and
403 collect the amounts needed to cover toll collection costs;

404 amending s. 409.908, F.S.; authorizing the Agency for
405 Health Care Administration to continue to contract for
406 Medicaid nonemergency transportation services in a



439622

407 specified agency service area with managed care plans
408 under certain conditions; amending s. 427.011, F.S.;
409 revising definitions; defining the term "purchasing
410 agency"; amending s. 427.012, F.S.; revising the number of
411 members required for a quorum at a meeting of the
412 Commission for the Transportation Disadvantaged; amending
413 s. 427.013, F.S.; revising responsibilities of the
414 commission; deleting a requirement that the commission
415 establish by rule acceptable ranges of trip costs;
416 removing a provision for functioning and oversight of the
417 quality assurance and management review program; requiring
418 the commission to incur expenses for promotional services
419 and items; amending s. 427.0135, F.S.; revising and
420 creating duties and responsibilities for agencies that
421 purchase transportation services for the transportation
422 disadvantaged; providing requirements for the payment of
423 rates; requiring an agency to negotiate with the
424 commission before procuring transportation disadvantaged
425 services; requiring an agency to identify its allocation
426 for transportation disadvantaged services in its
427 legislative budget request; amending s. 427.015, F.S.;
428 revising provisions relating to the function of the
429 metropolitan planning organization or designated official
430 planning agency; amending s. 427.0155, F.S.; revising
431 duties of community transportation coordinators; amending
432 s. 427.0157, F.S.; revising duties of coordinating boards;
433 amending s. 427.0158, F.S.; deleting provisions requiring
434 the school board to provide information relating to school
435 buses to the transportation coordinator; providing for the
436 transportation coordinator to request certain information



439622

437 | regarding public transportation; amending s. 427.0159,
438 | F.S.; revising provisions relating to the Transportation
439 | Disadvantaged Trust Fund; providing for the deposit of
440 | funds by an agency purchasing transportation services;
441 | amending s. 427.016, F.S.; providing for construction and
442 | application of specified provisions to certain acts of a
443 | purchasing agency in lieu of the Medicaid agency;
444 | requiring that an agency identify the allocation of funds
445 | for transportation disadvantaged services in its
446 | legislative budget request;