

By the Committees on Rules; and Health Policy; and Senator Brandes

595-04845-19

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1 A bill to be entitled
2 An act relating to nonemergency medical transportation
3 services; amending s. 316.87, F.S.; authorizing
4 certain transportation network companies to provide
5 nonemergency medical transportation services to a
6 Medicaid recipient under certain circumstances;
7 requiring the Agency for Health Care Administration to
8 update its regulations, policies, or other guidance by
9 a specified date to reflect such authorization;
10 providing limitations on requirements for
11 transportation network companies and transportation
12 network company drivers; providing construction;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 316.87, Florida Statutes, is amended to
18 read:

19 316.87 Nonemergency medical transportation services.—
20 (1) To ensure the availability of nonemergency medical
21 transportation services throughout the state, a provider
22 licensed by the county or operating under a permit issued by the
23 county may not be required to use a vehicle that is larger than
24 needed to transport the number of persons being transported or
25 that is inconsistent with the medical condition of the
26 individuals receiving the nonemergency medical transportation
27 services. This subsection ~~section~~ does not apply to the
28 procurement, contracting, or provision of paratransit
29 transportation services, directly or indirectly, by a county or

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30 an authority, pursuant to the Americans with Disabilities Act of
31 1990, as amended.

32 (2) Subject to compliance with state and federal Medicaid
33 requirements, a transportation network company that:

34 (a) Is under contract with a Medicaid managed care plan;

35 (b) Is under contract with a transportation broker under
36 contract with a Medicaid managed care plan;

37 (c) Is under contract with a transportation broker under
38 contract with the Agency for Health Care Administration; or

39 (d) Receives referrals from a transportation broker under
40 contract with a Medicaid managed care plan or the Agency for
41 Health Care Administration,

42
43 may provide nonemergency medical transportation services under
44 ss. 409.905 and 409.973 to a Medicaid recipient if all drivers
45 and prospective drivers are screened pursuant to the procedures
46 set forth in s. 435.03 or functionally equivalent procedures, as
47 determined by the Agency for Health Care Administration. By
48 October 1, 2019, the Agency for Health Care Administration shall
49 update its regulations, policies, or other guidance, including
50 its Medicaid Non-Emergency Transportation Services Coverage
51 Policy, as necessary, to reflect this authorization.

52 Requirements for transportation network companies and
53 transportation network company drivers may not exceed those
54 imposed under s. 627.748, except as necessary to conform to
55 other applicable state and federal Medicaid transportation
56 requirements administered by the Agency for Health Care
57 Administration.

58 (3) Subsection (2) may not be construed to:

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59 (a) Expand or limit the transportation benefits provided to
60 Medicaid recipients or to require a Medicaid managed care plan
61 to contract with a transportation network company or
62 transportation broker.

63 (b) Exempt any person, firm, corporation, association, or
64 governmental entity that engages in the business or service of
65 providing advanced life support or basic life support
66 transportation services from the licensure requirements provided
67 in s. 401.25.

68 Section 2. This act shall take effect July 1, 2019.