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CHAMBER ACTION

| <u>Senate</u> | . | <u>House</u> |
|---------------|---|--------------|
| Comm: RS | . | |
| 4/2/2008 | . | |
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| | . | |

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

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

8 Section 1. Subsections (8), (12), and (13) of section
9 427.011, Florida Statutes, are amended to read:

10 427.011 Definitions.--For the purposes of ss. 427.011-
11 427.017:

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

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

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

25 Section 2. Subsection (4) of section 427.012, Florida
26 Statutes, is amended to read:

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

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

35 Section 3. Subsections (7), (8), (9), (14), and (26) of
36 section 427.013, Florida Statutes, are amended, and subsection
37 (29) is added to that section, to read:

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



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47 over single operator systems or for-profit transportation
48 operators. In carrying out this purpose, the commission shall:

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

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

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

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



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

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

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

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

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

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

102 Section 4. Section 427.0135, Florida Statutes, is amended
103 to read:



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

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

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

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

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



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134 (4) Identify in the legislative budget request provided to
135 the Governor each year for the General Appropriations Act the
136 specific amount of any money the purchasing agency will allocate
137 for the provision of transportation disadvantaged services. The
138 dollar amount for transportation disadvantaged funding shall be
139 separately identified in the General Appropriations Act.

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

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

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

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

154 Section 5. Subsections (2) and (3) of section 427.015,
155 Florida Statutes, are amended to read:

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

159 (2) Each metropolitan planning organization or designated
160 official planning agency shall recommend to the commission a
161 single community transportation coordinator. However, a
162 purchasing agency ~~member department~~ may not serve as the
163 community transportation coordinator in any designated service



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164 area. The coordinator may provide all or a portion of needed
165 transportation services for the transportation disadvantaged but
166 shall be responsible for the provision of those coordinated
167 services. Based on approved commission evaluation criteria, the
168 coordinator shall subcontract or broker those services that are
169 more cost-effectively and efficiently provided by subcontracting
170 or brokering. The performance of the coordinator shall be
171 evaluated based on the commission's approved evaluation criteria
172 by the coordinating board at least annually. A copy of the
173 evaluation shall be submitted to the metropolitan planning
174 organization or the designated official planning agency, and the
175 commission. The recommendation or termination of any community
176 transportation coordinator shall be subject to approval by the
177 commission.

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

187 Section 6. Subsection (7) of section 427.0155, Florida
188 Statutes, is amended to read:

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

192 (7) In cooperation with the coordinating board and pursuant
193 to criteria developed by the Commission for the Transportation

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194 Disadvantaged, establish eligibility guidelines and priorities
195 with regard to the recipients of nonsponsored transportation
196 disadvantaged services that are purchased with Transportation
197 Disadvantaged Trust Fund moneys.

198 Section 7. Subsection (4) of section 427.0157, Florida
199 Statutes, is amended to read:

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

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

217 Section 8. Subsections (2) and (3) of section 427.0158,
218 Florida Statutes, are amended to read:

219 427.0158 School bus and public transportation.--

220 (2) The school boards shall cooperate in the utilization of
221 their vehicles to enhance coordinated disadvantaged
222 transportation by providing the information as requested by the
223 community transportation coordinator ~~required by this section~~ and



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224 by allowing the use of their vehicles at actual cost upon request
225 when those vehicles are available for such use and are not
226 transporting students. ~~Semiannually, no later than October 1 and~~
227 ~~April 30, a designee from the local school board shall provide~~
228 ~~the community transportation coordinator with copies to the~~
229 ~~coordinated transportation board, the following information for~~
230 ~~vehicles not scheduled 100 percent of the time for student~~
231 ~~transportation use:~~

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

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

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

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

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

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

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

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



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

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

256 Section 9. Subsection (4) is added to section 427.0159,
257 Florida Statutes, to read:

258 427.0159 Transportation Disadvantaged Trust Fund.--

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

263 Section 10. Paragraph (b) of subsection (1) and subsection
264 (2) of section 427.016, Florida Statutes, are amended to read:

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

267 (1)

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



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283 Department of Legal Affairs Medicaid Fraud Control Unit, or any
 284 state or federal agency to have engaged in any abusive or
 285 fraudulent billing activities.

286 (2) Each agency, whether or not it is an ex officio
 287 nonvoting advisor to a member of the Commission for the
 288 Transportation Disadvantaged, shall each year identify in the
 289 legislative budget request provided to the Governor for the
 290 General Appropriations Act ~~inform the commission in writing,~~
 291 ~~before the beginning of each fiscal year,~~ of the specific amount
 292 of any money the agency will allocate ~~allocated~~ for the provision
 293 of transportation disadvantaged services. Additionally, each
 294 state agency shall, by September 15 of each year, provide the
 295 commission with an accounting of the actual amount of funds
 296 expended and the total number of trips purchased. The dollar
 297 amount for transportation disadvantaged funding shall be
 298 separately identified in the General Appropriations Act.

299 Section 11. This act shall take effect July 1, 2008.

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

302 And the title is amended as follows:

303 Delete everything before the enacting clause
 304 and insert:

305 A bill to be entitled
 306 An act relating to transportation services for the
 307 transportation disadvantaged; amending s. 427.011, F.S.;
 308 revising definitions; amending s. 427.012, F.S.; revising
 309 the number of members required for a quorum at a meeting
 310 of the Commission for the Transportation Disadvantaged;
 311 amending s. 427.013, F.S.; revising responsibilities for
 312 the commission; deleting a requirement that the commission



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313 establish by rule acceptable ranges of trip costs;
314 requiring the commission to incur expenses for promotional
315 services and items; amending s. 427.0135, F.S.; revising
316 and creating duties and responsibilities for agencies that
317 purchase transportation service for the transportation
318 disadvantaged; providing requirements for the payment of
319 rates; requiring agencies to negotiate with the commission
320 before procuring transportation disadvantaged services;
321 requiring that an agency identify its allocation for
322 transportation disadvantaged services in its legislative
323 budget request; amending s. 427.015, F.S.; revising
324 provisions relating to the function of the metropolitan
325 planning organization or designated official planning
326 agency; amending s. 427.0155, F.S.; revising the duties of
327 community transportation coordinators; amending s.
328 427.0157, F.S.; revising duties for coordinating boards;
329 amending s. 427.0158, F.S.; deleting provisions requiring
330 the school board to provide information relating to school
331 buses to the transportation coordinator; providing for the
332 transportation coordinator to request certain information
333 regarding public transportation; amending s. 427.0159,
334 F.S.; revising provisions relating to the Transportation
335 Disadvantaged Trust Fund; providing for the deposit of
336 funds by an agency purchasing transportation services;
337 amending s. 427.016, F.S.; deleting a provision
338 authorizing the establishment of certain fees under the
339 Medicaid program; requiring that an agency identify the
340 allocation of funds for transportation disadvantaged
341 services in its legislative budget request; providing an
342 effective date.