

STORAGE NAME: h4699s1.go

DATE: April 21, 1998

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 4699 (PCB TR 98-03)

RELATING TO: Transportation Disadvantaged Program

SPONSOR(S): Committees on Governmental Operations and Transportation and Representative Fuller

COMPANION BILL(S): SB 1242 (c), SB 1492 (c), and HB 3415 (c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 8 NAYS 0
- (2) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 1
- (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
- (4)
- (5)

I. SUMMARY:

This bill revises the Commission for the Transportation Disadvantaged. The make-up of the Commission is modified to provide a 7 member commission (instead of the current 27 members). The Commission has oversight responsibility for the Transportation Disadvantaged (TD) Program, and will review the cost-effectiveness and coordination activities of local coordinating boards. The Commission distributes monies from the TD Trust Fund to each county based on a formula to be developed in consultation with Local Coordinating Boards.

A strategic planning process for the Transportation Disadvantaged (TD) Program is established and made an integral part of the state planning process. State Agencies that purchase TD trips, along with the Commission, would prepare an interagency Joint Strategic Plan (JSP). The purpose of the JSP is to require a coordination of efforts to provide services to the transportation disadvantaged.

The role of the Local Coordinating Boards (LCBs) are strengthened by establishing a local board in each county. However, the bill allows multi-county LCBs to be created to deliver TD services on a regional basis. LCBs are assigned a number of the duties currently required of the Commission. Membership of LCBs would be county commissioners or other local elected officials and they may not have conflicts of interest, as specified in the bill, within two years prior to or during their service on the LCB. The LCB is responsible for appointing the Community Transportation Coordinator (CTC) and the bill is silent on who can terminate the CTC. The LCB would have primary responsibility for providing coordinated TD services, including oversight of Community Transportation Coordinators and providers. The LCB also would assure that agencies purchase all trips through the coordinated system, unless there is a more cost-effective alternative.

Community Transportation Coordinators' (CTCs) primary functions, contracting for TD services and coordination of the services, will remain much the same as under current law. All contractual arrangements for TD services must be through a competitive bidding or request for proposal process. The CTC will be responsible for developing, implementing, and monitoring a service plan agreement to be approved by the local coordinating board.

Metropolitan Planning Organizations (MPOs) are responsible for assisting local coordinating boards in providing TD services, with Regional Planning Councils (RPCs) performing this function where MPOs don't exist.

The bill has an insignificant fiscal impact. To the extent that the bill increases coordination of TD services there may be some cost savings from better program efficiencies.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Program Purpose: The Transportation Disadvantaged program was created to accomplish the coordination of transportation services among all state agencies and local government units that purchase transportation for their clients. Commission efforts are to be directed at providing cost-effective service and eliminate duplication of effort among purchasing agencies.

Program Summary: Persons are considered transportation disadvantaged when physical or mental disability, income status, or age make them unable to transport themselves or to purchase transportation. These conditions cause them to rely on others to obtain access to health care, employment, education, shopping, or other life-sustaining activities. Handicapped children or children at-risk or high-risk (s. 411.202, F.S.) are also eligible for services under this program. Several state agencies, including the Departments of Education, Elder Affairs, Children and Families (formerly Health and Rehabilitative Services), Labor and Employment Security, Transportation, and the Agency for Health Care Administration (Medicaid) provide financial assistance for transportation services.

The Commission coordinates with Metropolitan Planning Organizations, or other planning agencies it may designate, to appoint and staff a local Transportation Disadvantaged Coordinating Board in each county. These local boards oversee the operations and performance of the Community Transportation Coordinators (CTCs). The Metropolitan Planning Organizations also recommend to the Commission who the community transportation coordinator should be with approval by the local coordinating board. The Commission then signs a contract with the CTC to manage the coordinated system for their area. The CTC cannot be removed without Commission approval.

Organization: The Program is administered by the Commission for the Transportation Disadvantaged and local community transportation coordinators independent of the Florida Department of Transportation. The Commission is comprised of 27 members sitting as a policy board guiding the delivery of transportation services. The members represent state social service agencies, the Department of Transportation, a public transit association, various citizens' advocacy groups from rural and urban areas, transportation providers, the non-transportation business community, and community transportation coordinators. The Commission assists communities in establishing coordinated transportation systems, manages contracts and memoranda of agreement, develops a five-year transportation disadvantaged plan, and addresses statewide transportation issues that effect their client base. The Commission is also to assure that state agencies purchase transportation services from within the coordinated system unless a more cost-effective provider outside the coordinated system can be found by the purchasing agency in compliance with chapter 427, Florida Statutes. Currently all 67 counties have coordinated systems managed by 54 community transportation coordinators.

Financial Resources: The Transportation Disadvantaged Program receives funds from initial and renewal automobile registration fees (\$1.50 per registration), temporary handicapped tag fees (\$5.00 per tag), and a 15% transfer from the Florida Department of Transportation's public transit block grant moneys. It is also possible for individuals to

make voluntary contributions of \$1.00 when applying for motor vehicle registration. These funds are deposited in the Transportation Disadvantaged Trust Fund, and provide approximately \$26 million annual funding.

Statewide expenditures for client transportation needs during fiscal year 1995-96, as reported by all social service agencies to the Commission for Transportation Disadvantaged for their annual performance report, is \$194 million. Included in this figure are trips using TD funds and the \$165.9 million paid by social service agencies for client trips provided through coordinated transportation systems. The amount purchased through CTCs translates into approximately 31 million one-way trips.

OPPAGA Reports: OPPAGA has issued one report, *Review of the Transportation Disadvantaged Program* (Report No. 96-43, January 1997) related to the Commission for the Transportation Disadvantaged. This report recommends the Legislature incorporate stringent eligibility criteria in the definition of transportation disadvantaged clients; examine the size, composition and role of the Commission, either making it smaller or abolishing it; streamline reporting and monitoring; eliminate conflicting policies that inhibit coordinated efforts; and modify the transportation disadvantaged funding formula. The Commission generally agreed with the findings and recommendations identified by this review.

Transportation Disadvantaged Working Group: The 1997 Legislature established the Transportation Disadvantaged Working Group as a forum for recommending changes to the current TD program. The bill directed the Governor to convene a working group made up of representatives of key agencies involved in the TD program. In January 1998, the working group issued its report to the Legislature. The report made a number of recommendations concerning the size and role of the Commission, including recommending that local decision making and community control of day-to-day operations be enhanced to allow more flexibility for meeting local TD needs.

B. EFFECT OF PROPOSED CHANGES:

This bill revises the membership and responsibilities of the Commission for the Transportation Disadvantaged. This bill makes the following major changes to the Commission's organizational structure and functions:

- The make-up of the Commission is modified to provide a 7 member commission (instead of the current 27 members); with the Governor appointing 2 members at least one of which shall be a handicapped person, and the Senate President, House Speaker, State Treasurer, Commissioner of Education, and Commissioner of Agriculture each appointing 1 member. The bill has stringent conflict of interest criteria for commission members.
- The Commission has oversight responsibility for the Transportation Disadvantaged (TD) Program, and will review the cost-effectiveness and coordination activities of local coordinating boards.
- The Commission distributes monies from the TD Trust Fund to each county based on a formula. The formula is to be developed in consultation with LCBs, and may address average trip length, ratio of low-income population, number of

medical trips, number of trips per vehicle mile, and the availability of mass transit.

A strategic planning process for the Transportation Disadvantaged (TD) Program is established and made an integral part of the state planning process. State Agencies that purchase TD trips, along with the Commission, must cooperatively prepare an interagency Joint Strategic Plan (JSP). The JSP will be reviewed and submitted to the Governor and Legislature in the same manner as currently provided for Agency Strategic Plans. The purpose of the JSP is to require the agencies to coordinate efforts to provide services to the transportation disadvantaged. In preparing the JSP the agencies and Commission must:

- Identify agency programs with TD responsibilities and account for funds spent for TD services by each agency.
- Identify interagency strategies for coordination, elimination of duplication and fragmentation, and integration of TD services at the local level; and report on progress on implementing strategies.
- Identify barriers to cost-effective and coordinated services.
- Identify methods of cost comparison and performance measurement, and of standardized reporting of data.
- Recommend legislative and budgetary changes to improve the coordination of TD services; and for consolidating and pooling of all transportation disadvantaged service funds.

The role of the Local Coordinating Board (LCB) is strengthened by establishing a local board in each county. However, the bill allows multi-county LCBs to be created to deliver TD services on a regional basis. LCBs are assigned many of the duties currently required of the Commission. This bill provides the following:

- Members of the LCBs may be county commissioners or other local elected officials. This bill specifies who members of the LCBs may not be. The LCB shall elect one of its members to serve as chair and one as vice-chair, annually.
- The LCB would have primary responsibility for appointing the Community Transportation Coordinator (CTC), providing coordinated TD services, including oversight of Community Transportation Coordinators and providers.
- The LCB assures that agencies purchase all trips through the coordinated system, unless there is a more cost-effective alternative; and establishes criteria and procedures for such alternative purchases;
- LCBs must continually review and evaluate contracts and services.

Community Transportation Coordinators (CTCs) Community transportation coordinators (CTCs) primary functions, contracting for TD services and coordination of the services, will remain the same as under current law. All contractual arrangements for TD services must be through a competitive bidding or request for proposal process. The CTC will be

responsible for developing, implementing, and monitoring a service plan agreement, to be approved by the local coordinating board rather than being approved by the Commission.

Metropolitan Planning Organizations (MPOs) are responsible for assisting local coordinating boards in providing TD services, with Regional Planning Councils (RPCs) performing this function where MPOs don't exist. The MPO or RPC is also responsible for recommending to the LCB a Community Transportation Coordinator. All such appointments and contractual arrangements must be through a competitive bidding or request for proposal process.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No

(3) any entitlement to a government service or benefit?

No

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Some functions of the Commission for the Transportation Disadvantaged will be shifted to the agencies and local coordinating boards that currently participate in the TD program.

(2) what is the cost of such responsibility at the new level/agency?

There should be little or no cost associated with shifting these functions to these agencies and to the local boards that are already participating in the TD program.

(3) how is the new agency accountable to the people governed?

The agencies and local boards are accountable to the elected officials who appoint the management and control the activities of these entities.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No

b. Does the bill require or authorize an increase in any fees?

No

c. Does the bill reduce total taxes, both rates and revenues?

No

d. Does the bill reduce total fees, both rates and revenues?

No

e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends ss. 427.011, 427.012, 427.013, 427.0135, 427.015, 427.0155, 427.0157, 427.0159, and 427.016, F.S. Creates ss. 186.024 and 427.0156, F.S.

E. SECTION-BY-SECTION RESEARCH:

See Section II.B, Effect of Proposed Changes.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

See Fiscal Comments, under part D. below.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See Fiscal Comments, under part D. below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

Some of the functions of the Commission for the Transportation Disadvantaged will be shifted to the agencies and local coordinating boards that currently participate in the TD program. There should be little or no cost associated with shifting these

functions to these agencies and to the local boards that are already participating in the TD program.

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

The bill has an insignificant fiscal impact. There should be some savings in administrative costs associated with reductions in the size, role and responsibilities of the Commission. To the extent that the bill increases coordination of TD services there may be some cost savings from better program efficiencies. Any savings would be available to purchase additional trips for the transportation disadvantaged.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 21, 1998, the House Committee on Governmental Operations adopted one amendment, as amended, and reported HB 4699 favorably as a committee substitute. The major differences between the original bill and the committee substitute are as follows:

ORIGINAL BILL:

1. The Governor appointed three members of the Commission for the Transportation Disadvantaged, the Senate President and the House Speaker each appointed two members.
2. Language relating to Metropolitan Planning Organizations (MPOs), including a realistic estimate of the cost and revenue that will be derived from transportation disadvantaged services in its area, was stricken.
3. If a county government elects not to be the Community Transportation Coordinator (CTC), then the MPO shall select a CTC in compliance with competitive procurement procedures contained in Chapter 287. A CTC may be terminated for good cause by the MPO.
4. The consolidated report of the estimate of local and federal funds to be expended for transportation for the disadvantaged is submitted to the commission.
5. Provision is made for publishing in a local newspaper of general circulation data relative to the attainment of established productivity and performance measures.
6. The membership of Local Coordinating Boards (LCBs) is provided for in statute and would include a representative of each agency involved in the transportation disadvantaged (TD) program, and additional members representing transit systems, private providers, and TD system users.

COMMITTEE SUBSTITUTE:

1. The Governor appoints two members at least one of which shall be a handicapped person, and the Senate President, the House Speaker, the State Treasurer, the Commissioner of Education, and the Commissioner of Agriculture shall each appoint one member of the Transportation Disadvantaged Commission.
2. The stricken language relating to Metropolitan Planning Organizations (MPOs) is reinserted.

3. Reference to a county government electing not to be the Community Transportation Coordinator (CTC) is removed. Each MPO shall **recommend** to the Local Coordinating Board (LCB) a single CTC.
4. The consolidated report of the estimate of local and federal funds to be expended for transportation for the disadvantaged is submitted to the **Department of Transportation** and the commission.
5. The provision for publishing the degree of attainment of established productivity and performance measures in a local newspaper of general circulation is eliminated.
6. The membership of the LCBs shall consist of seven persons, each appointed for a term of 2 years by the county commission or equivalent county elected governing authority. Members of the LCBs may be county commissioners or other local elected officials. Within 2 years prior to or during their service on the LCB they may not be:
 - (a) A direct or indirect employee of any organization providing transportation or related services through or to a CTC;
 - (b) A direct or indirect employee of any federal, state, or local government or agency thereof with the exception that members may be county commissioners or other local elected officials; or
 - (c) An officer, director, or representative of any advocacy group representing any clients, providers, or participants in the coordinated transportation system.

The LCB shall elect one of its members to serve as chair and one as vice chair, annually. The LCB appoints the CTC and there is no reference to how a CTC is terminated. The provision for staff to the LCB in the original bill is removed.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Legislative Research Director:

Phillip B. Miller

John R. Johnston

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

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Jimmy O. Helms

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