

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1086

INTRODUCER: Senator Garcia

SUBJECT: Transportation Disadvantaged

DATE: March 24, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 1086 eliminates the cash or in-kind match from non-state sources currently required for nonsponsored transportation disadvantaged services involving travel across designated service area boundaries. The bill also makes changes to related definitions and provides additional direction to coordinating boards with respect to evaluating multicounty or regional transportation opportunities and nonsponsored transportation disadvantaged services.

The fiscal impact of the bill is indeterminate. However, this revision reduces the total funding available for funding transportation disadvantaged services from the Transportation Disadvantaged Trust Fund and, therefore, the total number of trips provided to transportation disadvantaged persons.

The bill takes effect July 1, 2017.

II. Present Situation:

The Legislature created the Transportation Disadvantaged (TD) Program in Part I of ch. 427, F.S., in 1979.¹ The TD Program coordinates a network of local and state programs providing transportation services for elderly, disabled, and low-income citizens. In 1989, the Legislature created the Commission for the Transportation Disadvantaged (Commission) as an independent entity within the Florida Department of Transportation (FDOT).² The purpose of the Commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged, with the goal of such coordination to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators.

¹ 79-180, L.O.F.

² 89-376, L.O.F.

A “transportation disadvantaged person” is a person who because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S.³

A “community transportation coordinator” is a transportation entity recommended by a metropolitan planning organization (MPO), or by the appropriate designated official planning agency (designated by the Commission in areas not covered by an MPO), to ensure that coordinated transportation services are provided to the transportation-disadvantaged population in a designated service area.⁴

A “coordinating board” is an advisory entity in each designated service area composed of representatives appointed by the MPO or the designated official planning agency, to provide assistance to the community transportation coordinator relative to the coordination of transportation services.⁵

A “transportation operator” is one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan.⁶

A “designated service area” is a geographical area recommended by a designated official planning agency, subject to approval by the Commission, which defines the community where coordinated transportation services will be provided to the transportation disadvantaged.⁷

“Nonsponsored transportation disadvantaged services” are transportation disadvantaged services not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.⁸

Section 427.0157, F.S., currently requires coordinating boards in their quarterly meetings to evaluate multicounty or regional transportation opportunities. According to the Commission, this evaluation includes consideration of services between specific origins and destinations selected by the individual user that may require travel across designated service areas. Designated service areas may include just one county or multiple counties. Trips involving travel in more than one county are provided to eligible transportation disadvantaged persons on a regular basis.⁹

Section 427.0159, F.S., establishes the Transportation Disadvantaged Trust Fund to be administered by the Commission. That section authorizes the Commission to use funds deposited in the trust fund to subsidize a portion of a transportation disadvantaged persons’ transportation

³ Section 427.011(1), F.S.

⁴ Section 427.011(5), F.S.

⁵ Section 427.011(7), F.S.

⁶ Section 427.011(6), F.S.

⁷ Fla. Admin. Code R. 41-2.002 (2009).

⁸ Section 427.011(12), F.S.

⁹ Telephone conversation with Commission staff. March 24, 2017.

costs which is not sponsored by an agency, only if a cash or in-kind match is provided. Under the Commission's rules, a 10 percent cash match generated from non-state sources is required.¹⁰

III. Effect of Proposed Changes:

Section 1 amends s. 427.011, F.S., relating to definitions for purposes of ss. 427.011–427.017, F.S., to revise the definition of “nonsponsored transportation disadvantaged services” (services not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund). The bill adds to the definition that such services may include services between specific origins and destinations selected by the individual user that may require travel across designated service areas. Because nonsponsored transportation disadvantaged services may *already* include services between specific origins and destinations selected by the individual user that may require travel across designated service areas, the bill's revision of the definition appears to have minimal impact.

The bill also defines the term, “designated service area,” to mean a geographical area recommended by a designated official planning agency, subject to approval by the Commission, *within which the coordinated services will be provided to the transportation disadvantaged*. The emphasized phrase replaces the existing phrase in the rule definition, *which defines the community where coordinated transportation services will be provided to the transportation disadvantaged*. This revision appears to shift focus away from provision of services to a “community.” As noted, however, multi-county designated service areas already exist, particularly in rural areas.¹¹ Given the official planning agency's role in recommending the designating service area, and the required Commission approval, it is unclear if the revised definition will have a significant effect on the provision of transportation-disadvantaged services.

Section 2 amends s. 427.0157, F.S., relating to the powers and duties of coordinating boards. The bill provides additional direction to coordinating boards with respect to the boards' existing duty to evaluate multicounty or regional transportation opportunities during quarterly meetings.¹² The bill requires the boards to conduct such evaluations with specific consideration given to nonsponsored transportation disadvantaged services purchased with TD Trust Fund moneys that include services between specific origins and destinations selected by the individual user, which may require travel across designated service areas to enhance access to health care, shopping, education, employment, public services, and other life-sustaining activities.

The bill's revision does not appear to change planning or operational requirements for the provision of transportation disadvantaged services, as coordinating boards already give specific consideration to services between specific origins and destinations selected by the individual user, which may require travel across designated service areas to enhance access to health care, shopping, education, employment, public services, and other life-sustaining activities.¹³

Section 3 amends s. 427.0159, F.S., which currently requires all fees collected for the TD program under s. 320.03(9), F.S., to be deposited in the TD Trust Fund. The bill authorizes use

¹⁰ Fla. Admin. Code R. 41-2.014 (2004).

¹¹ *Supra* note 9.

¹² That section requires coordinating boards to meet “at least” quarterly.

¹³ *Supra* note 9.

of these funds to purchase services between specific origins and destinations selected by the individual users, which may require travel across designated service areas to enhance access to health care, shopping, education, employment, public services, and other life-sustaining activities. The bill also specifies that a cash or in-kind match is not required for such services.

The bill eliminates the cash or in-kind match from non-state sources currently required by the Commission's rule. According to the Commission, the net effect will be that the State will fund 100 percent of trips crossing county boundaries in different designated service areas. To the extent that a 10 percent match is not required, the total funding available for nonsponsored transportation disadvantaged services will be reduced, and the total number of trips provided by community transportation coordinators will be decreased.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that a 10 percent match is not required for certain trips between designated service areas, the total funding available for nonsponsored transportation disadvantaged services will be reduced and the total number of trips provided by community transportation coordinators will be decreased.

C. Government Sector Impact:

Local governments will no longer be required to provide a 10 percent match for nonsponsored transportation disadvantaged trips between designated service areas that qualify under the bill's provisions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 427.011, 427.0157, and 427.0159

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
