

**CS/SB 102** by **TR, Diaz de la Portilla (CO-INTRODUCERS) Garcia, Evers**; (Similar to H 0055) Drivers Leaving the Scene of a Crash

**SB 372** by **Galvano**; (Similar to H 0241) Developments of Regional Impact

973476 A S L RCS ATD, Brandes btw L.69 - 70: 02/21 02:11 PM

**COMMITTEE MEETING EXPANDED AGENDA****APPROPRIATIONS SUBCOMMITTEE ON  
TRANSPORTATION, TOURISM, AND ECONOMIC  
DEVELOPMENT****Senator Gardiner, Chair  
Senator Margolis, Vice Chair****MEETING DATE:** Wednesday, February 19, 2014  
**TIME:** 1:30 —3:00 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building**MEMBERS:** Senator Gardiner, Chair; Senator Margolis, Vice Chair; Senators Brandes, Evers, Gibson, Latvala, Lee, Ring, Simpson, Sobel, Stargel, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 102</b> Transportation / Diaz de la Portilla (Similar H 55, H 183)	Drivers Leaving the Scene of a Crash; Creating the "Aaron Cohen Life Protection Act"; requiring the driver of a vehicle involved in a crash that results in serious bodily injury to a person to immediately stop the vehicle and remain at the scene of the crash; providing that a person commits a felony of the second degree if he or she fails to stop the vehicle and remain at the scene of the crash until specified requirements are fulfilled; requiring the court to revoke for at least 3 years the driver license of a person convicted of leaving the scene of a crash involving injury, serious bodily injury, or death, etc.  TR 01/09/2014 Fav/CS CJ 02/03/2014 Favorable ATD 02/19/2014 Favorable AP	Favorable Yeas 9 Nays 0
2	<b>SB 372</b> Galvano (Similar H 241)	Developments of Regional Impact; Deleting certain exemptions for dense urban land areas; revising the exemption for any proposed development within a county that has a population of at least 300,000 and an average population of at least 400 people per square mile, etc.  CA 02/04/2014 Favorable ATD 02/19/2014 Fav/CS AP RC	Fav/CS Yeas 7 Nays 2
3	Presentation on unmet and latent travel demand and mobility needs study by the Florida Commission for the Transportation Disadvantaged		Presented
4	Presentation on Motorist Modernization Project, Phase I, by the Department of Highway Safety and Motor Vehicles		Presented
5	Presentation on Road Fund Implementation by the Department of Transportation		Presented

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Wednesday, February 19, 2014, 1:30 —3:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

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**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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 102

INTRODUCER: Transportation Committee and Senator Diaz de la Portilla and others

SUBJECT: Drivers Leaving the Scene of a Crash

DATE: February 5, 2014      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Fav/CS</b>
2.	Dugger	Cannon	CJ	<b>Favorable</b>
3.	Carey	Martin	ATD	<b>Favorable</b>
4.			AP	

**Please see Section IX. for Additional Information:**  
 COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 102 creates the “Aaron Cohen Life Protection Act.” The bill addresses a perceived or potential incentive in current law to leave the scene of a crash by:

- Punishing leaving the scene of a crash resulting in serious bodily injury to a person as a second degree felony, rather than a third degree felony;
- Imposing a mandatory minimum term of imprisonment of four years for a driver convicted of leaving the scene of a crash resulting in the death of a person;
- Increasing the mandatory minimum term of imprisonment from two to four years for a driver convicted of leaving the scene of a crash resulting in the death of a person while driving under the influence (DUI);
- Imposing a minimum driver license revocation period of at least three years and driver education requirements for leaving the scene of a crash;
- Ranking offenses for leaving the scene of a crash one level higher than specified in the Criminal Punishment Code if the victim of the offense was a “vulnerable road user”;
- Authorizing a defendant to move the court to depart from the mandatory minimum term of imprisonment for leaving the scene of a crash resulting in death, unless the violation was committed while the defendant was DUI; authorizing the state to object to the defendant’s

motion; and authorizing a court to grant the motion upon a finding that imposition of the mandatory minimum term would constitute or result in an injustice.

The Criminal Justice Impact Conference (CJIC) met on January 30, 2014 and found that the bill's impact upon prison beds is indeterminate.

## II. Present Situation:

Aaron Cohen was an experienced cyclist and avid runner who was 36 years old when, on February 15, 2012, he was struck and killed in a hit-and-run accident on the Rickenbacker Causeway, which leads to Key Biscayne in Miami-Dade County.<sup>1</sup>

The driver of the vehicle that struck Aaron Cohen, Michel Traverso, fled the scene of the accident and eventually turned himself in the following day. Aaron eventually died as a result of his injuries, leaving behind a wife and two young children.

Evidence in Traverso's prosecution later showed that he'd been at a local bar before getting behind the wheel of his car that morning ... However prosecutors had no direct evidence that Traverso was actually intoxicated at the time his vehicle struck Aaron Cohen, which would have been necessary for a DUI manslaughter prosecution.

Traverso eventually pled guilty to violating Florida's leaving the scene of an accident (LSA) law, and was sentenced to 21 months in jail.<sup>2</sup>

### Leaving the Scene of a Crash

Section 316.027, F.S., requires the driver of a vehicle involved in a crash occurring on public or private property and resulting in injury to or death of a person to remain at the scene of the crash until the driver fulfills the requirements of s. 316.062, F.S.

Section 316.062, F.S., requires the driver of any vehicle involved in a crash resulting in injury to or death of any person or damage to any vehicle or other property driven or attended by any person to:

- Give his or her name, address, and vehicle registration number;
- Provide a driver's license, upon request and if available, to any person injured in the crash or to the driver or occupant of or person attending any vehicle or other property damaged in the crash;
- Provide a driver's license, upon request, to any police officer at the scene or who is investigating the crash;
- Render to any injured person reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical

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<sup>1</sup> SR 932 (2013 Reg. Session).

<sup>2</sup> <http://aaroncohenlaw.org/?page/114045/read-this---the-lsa-gap-in-florida>: Last visited December 17, 2013.

or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person; and

- Having stopped and remained at the scene to provide the required information, if none of the persons identified are able to receive the information, report the crash to the nearest police authority and submit the required information.

### ***Injury***

For crashes resulting in injury to a person, a driver found in willful violation of s. 316.027, F.S., commits a third degree felony punishable by a term of imprisonment not exceeding five years,<sup>3</sup> a possible additional fine not exceeding \$5,000,<sup>4</sup> or imposition under certain circumstances of an extended term of imprisonment for habitual felony offenders, habitual violent felony offenders, three-time felony offenders, and violent career criminals.<sup>5</sup> Proof that the driver caused or contributed to causing injury to a person is not required for a conviction.<sup>6</sup>

### ***Death***

For crashes resulting in the death of a person, a driver found in willful violation of s. 316.027, F.S., commits a first degree felony punishable by a term of imprisonment up to 30 years,<sup>7</sup> a possible additional fine up to \$10,000,<sup>8</sup> or imposition of an extended term of imprisonment under certain circumstances for certain offenders.<sup>9</sup> Again, proof that the driver caused or contributed to causing the death of a person is not required for a conviction, and current law reflects no mandatory minimum sentence for these violations.

However, a driver must be sentenced to a mandatory minimum term of imprisonment of two years if the violation occurs while driving under the influence of alcoholic beverages, certain chemical substances, or certain controlled substances when affected to the extent that the person's normal faculties are impaired, or when the person has a 0.08 blood- or breath-alcohol level.<sup>10</sup>

The Department of Highway Safety and Motor Vehicles (DHSMV) is required to revoke the driver's license of a person convicted of a violation of s. 316.027, F.S. Further, with respect to a crash involving death or a bodily injury requiring transport to a medical facility, a convicted driver must also attend a driver improvement course approved by the DHSMV to maintain driving privileges.<sup>11</sup> If a crash causes or results in the death of another person, the convicted person may also be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents.

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<sup>3</sup> Section 775.082, F.S.

<sup>4</sup> Section 775.083, F.S.

<sup>5</sup> Section 775.084, F.S.

<sup>6</sup> See *Lawrence v. State*, 801 So.2d 293, 295 (Fla. 2d DCA 2001) and *Kelly v. State*, 987 So.2d 1237, 1239 (Fla. 2d DCA 2008).

<sup>7</sup> Section 775.082, F.S.

<sup>8</sup> Section 775.083, F.S.

<sup>9</sup> Section 775.084, F.S.

<sup>10</sup> Section 316.193(1), F.S.

<sup>11</sup> Section 322.0261, F.S.

### ***Fleeing or Attempting to Elude a Law Enforcement Officer***

Under s. 316.1935, F.S., any person who:

- In the course of unlawfully leaving or attempting to leave the scene of a crash in violation of ss. 316.027 and 316.062, F.S.;
- Having knowledge of an order to stop by a law enforcement officer;
- Willfully refuses or fails to stop or, having stopped in knowing compliance, willfully flees in an attempt to elude the officer; and
- As a result of such fleeing or eluding:
  - *Causes injury to another person or damage to another's property*, commits aggravated fleeing or eluding, a second degree felony, punishable by a term of imprisonment up to 15 years,<sup>12</sup> a possible additional fine up to \$10,000,<sup>13</sup> or imposition of an extended term of imprisonment under certain circumstances for certain offenders;<sup>14</sup> or
  - *Causes serious bodily injury or death to another person*, including any law enforcement officer involved in attempting to stop the person's vehicle, commits aggravated fleeing or eluding with serious bodily injury or death, a first degree felony, punishable by a term of imprisonment up to 30 years,<sup>15</sup> a possible additional fine up to \$10,000,<sup>16</sup> or imposition of an extended term of imprisonment under certain circumstances for certain offenders.<sup>17</sup>

In both cases, a person may also be charged with the offenses under ss. 316.027 and 316.062, F.S., relating to unlawfully leaving the scene of a crash. A court is required to sentence any person convicted of committing aggravated fleeing or eluding *with serious bodily injury or death* to a mandatory minimum sentence of 3 years imprisonment.

### **Driving Under the Influence**

Section 316.193(1), F.S., provides a person is guilty of driving under the influence when that person is driving a vehicle under the influence of alcoholic beverages, certain chemical substances, or certain controlled substances when affected to the extent that the person's normal faculties are impaired, or when the person has a 0.08 blood- or breath-alcohol level.

### ***Serious Bodily Injury***

Any person under the influence as described above and who by reason of operating a vehicle *causes or contributes to causing serious bodily injury* to another,<sup>18</sup> commits a third degree

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<sup>12</sup> Section 775.082, F.S.

<sup>13</sup> Section 775.083, F.S.

<sup>14</sup> Section 775.084, F.S.

<sup>15</sup> Section 775.082, F.S.

<sup>16</sup> Section 775.083, F.S.

<sup>17</sup> Section 775.084, F.S.

<sup>18</sup> Defined to mean "an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ."

felony<sup>19</sup> punishable by a term of imprisonment not exceeding five years,<sup>20</sup> a possible additional fine not exceeding \$5,000,<sup>21</sup> or imposition under certain circumstances of an extended term of imprisonment for habitual felony offenders, habitual violent felony offenders, three-time felony offenders, and violent career criminals.<sup>22</sup>

### ***Death***

Any person under the influence as described above and who by reason of operating a vehicle *causes or contributes to causing the death*<sup>23</sup> of any human being or unborn quick child commits a second degree felony and DUI manslaughter,<sup>24</sup> punishable by a term of imprisonment up to 15 years,<sup>25</sup> a possible additional fine up to \$10,000,<sup>26</sup> or imposition of an extended term of imprisonment under certain circumstances for certain offenders.<sup>27</sup>

If, at the time of the crash, the person knew or should have known the crash occurred and the person failed to give information and render aid as required by s. 316.062, F.S., that person commits a first degree felony and DUI manslaughter, punishable by a term of imprisonment up to 30 years,<sup>28</sup> a possible additional fine up to \$10,000,<sup>29</sup> or imposition of an extended term of imprisonment under certain circumstances for certain offenders.<sup>30</sup>

A person convicted of DUI manslaughter must serve a mandatory minimum term of imprisonment of four years.

Thus, in cases involving DUI and leaving the scene of a crash resulting in death, current law may provide an incentive to leave because the mandatory minimum sentence of four years for DUI manslaughter is avoided if a DUI charge is avoided by leaving the scene. A person driving DUI may also view an attempt to flee or elude in the process of leaving the scene as advantageous because, if successful in fleeing or eluding, a DUI charge is again avoided, and the mandatory minimum for fleeing and eluding is one year less than the mandatory minimum of four years for DUI manslaughter.

### **Driver License/Periods of Suspension or Revocation:**

Section 322.28, F.S., provides for certain driver license suspension and revocation periods and, unless otherwise provided, subsection (1) limits the authority of the DHSMV to suspend or

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<sup>19</sup> Section 316.193(3)(c)2., F.S.

<sup>20</sup> Section 775.082, F.S.

<sup>21</sup> Section 775.083, F.S.

<sup>22</sup> Section 775.084, F.S.

<sup>23</sup> See *Magaw v. State*, 537 So.2d 564, 567 (Fla. 1989): “[Under the DUI manslaughter statute,] the state is not required to prove that the operator’s drinking caused the accident. The statute requires only that the operation of the vehicle ... caused the accident.”

<sup>24</sup> Section 316.193(3)(c)3., F.S.

<sup>25</sup> Section 775.082, F.S.

<sup>26</sup> Section 775.083, F.S.

<sup>27</sup> Section 775.084, F.S.

<sup>28</sup> Section 775.082, F.S.

<sup>29</sup> Section 775.083, F.S.

<sup>30</sup> Section 775.084, F.S.

revoke a driver's license to one year. Thus, the revocation period for violations of s. 316.027, F.S., whether the crash resulted in injury or death (in the absence of DUI), is one year.

The revocation period for aggravated fleeing and eluding resulting in injury to another person, damage to the property of another person, or serious bodily injury or death to another person is not less than one year nor more than five years.<sup>31</sup>

Section 322.28(4), F.S., currently requires a court to revoke for a minimum of three years the driver license of a person convicted of DUI under s. 316.193(3)(c)2., F.S., who by vehicle operation *caused or contributed to causing serious bodily injury to another*, as defined in s. 316.1933, F.S. That section defines "serious bodily injury" to mean "an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ." If a conviction under s. 316.193(3)(c)2., F.S., involving serious bodily injury, also constitutes a previous conviction,<sup>32</sup> the period of suspension or revocation graduates based on whether the offender has prior convictions/suspensions.<sup>33</sup> A court is required to permanently revoke the driver license of any person convicted of DUI manslaughter in violation of s. 316.193, F.S.

Thus, under current law, in cases involving DUI and leaving the scene of a crash resulting in death, while revocation of the driver's license for violations under s. 316.027, F.S., and s. 316.193, F.S., is permanent, a person driving DUI may similarly view an attempt to flee or elude in the process of leaving the scene as advantageous because, if successful in fleeing or eluding, a DUI charge is avoided. The period of license revocation in such event would be not less than one year nor more than five, as opposed to permanent.

### **Criminal Punishment Code/Offense Severity Ranking Chart**

The Criminal Punishment Code (Code)<sup>34</sup> is Florida's framework or mechanism for determining permissible sentencing ranges for noncapital felonies. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10). Points are assigned and accrue based upon the level ranking (sentence points escalate as the level escalates) assigned to the primary offense, additional offenses, and prior offenses. Points may be added or multiplied for other factors.

Total sentence points are entered into a mathematical calculation (specified in statute) to determine the lowest permissible sentence. The permissible sentencing range is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S., for the primary offense and any additional offenses before the court for sentencing. The court is permitted to impose sentences concurrently or consecutively.

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<sup>31</sup> Section 316.1935(5), F.S.

<sup>32</sup> See s. 322.28(2)(a) and (d), F.S.

<sup>33</sup> Section 322.28(2)(d), F.S. See also s. 322.26, F.S.

<sup>34</sup> Sections 921.002 - 921.0027, F.S.

The Code includes a list of ‘mitigating’ factors. If a mitigating factor is found by the sentencing court, the court may decrease an offender’s sentence below the lowest permissible sentence (a “downward departure”). A mandatory minimum term is not subject to these mitigating factors.<sup>35</sup>

Mandatory minimum terms impact Code sentencing. If the lowest permissible sentence is less than the mandatory minimum sentence, the mandatory minimum sentence takes precedence.<sup>36</sup>

### III. Effect of Proposed Changes:

The bill generally addresses the incentive in current law to leave the scene of a crash by imposing mandatory minimum sentences where none currently exist and, particularly, with respect to cases involving DUI and death, by increasing the penalty for leaving the scene.

**Section 1** provides that the act may be cited as the “Aaron Cohen Life Protection Act.”

**Section 2** amends s. 316.027, F.S., as follows:

- Creates a new subsection (1) and defines “serious bodily injury” as the term is currently defined in s. 316.1933, F.S., to mean an injury to a person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ; and
- Defines “vulnerable road user” to mean:
  - A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;
  - A person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
  - A person riding an animal; or
  - A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:
    - A farm tractor or similar vehicle designed primarily for farm use;
    - A skateboard, roller skates, in-line skates;
    - A horse-drawn carriage;
    - An electric personal assistive mobility device; or
    - A wheelchair.
- Revises the existing provisions requiring a person to stop and remain at the scene of a crash to address separately crashes resulting in injury to a person *other than serious bodily injury*,

<sup>35</sup> See *State v. Vanderhoff*, 14 So.3d 1185 (Fla. 5th DCA 2009).

<sup>36</sup> Rule 3.704(26) (“The Criminal Punishment Code”), Florida Rules of Criminal Procedure. A trafficking mandatory minimum term is a minimum sentencing ‘floor’ for the court and there is no prohibition to gain-time. If the court only sentences the defendant to the mandatory term specified by statute, the Department of Corrections (DOC) establishes an 85% minimum service date on the term and the offender is subject to s. 944.275(4)(b)3., F.S., which does not allow release prior to serving a minimum of 85% of the sentence. If the court imposes a sentence that exceeds the mandatory term specified by statute, the DOC establishes an 85% minimum service date on the sentence. See *Mastay v. McDonough*, 928 So.2d 512 (Fla. 1st DCA 2006) (Section 893.135, F.S., does not preclude earning gain-time during the mandatory term as long as it does not result in the prisoner’s release prior to serving a minimum of 85% of the sentence).

crashes resulting in serious bodily injury to a person, and crashes resulting in death of a person; and to impose punishment as follows:

- Leaving the scene of a crash resulting in injury to a person other than serious bodily injury continues to be punished as a third degree felony.
- Leaving the scene of a crash resulting in serious bodily injury to a person is punished as a second degree felony, as opposed to the current third degree.
- Leaving the scene of a crash resulting in the death of a person continues to be punished as a first degree felony, but a mandatory minimum term of imprisonment of four years is imposed.
- If the violation occurs while the driver is also DUI, the current mandatory minimum sentence is increased from two years to four years, the same as for DUI manslaughter.
- Requires a driver found in violation of leaving the scene of a crash involving injury, serious bodily injury, or death to:
  - Have his or her driver license revoked for a minimum of three years as provided in s. 322.28(4), F.S.,
  - Participate in a victim's impact panel session in a judicial circuit if such panel exists, and
  - Participate in a driver education course relating to the rights of vulnerable road users relative to vehicles on the roadway.
- Ranks offenses for leaving the scene of a crash one level higher than specified in the Code if the victim of the offense was a "vulnerable road user," resulting in higher total sentence points and a higher lowest permissible sentence (if no serious injury occurs, a Level 5 offense becomes a Level 6 offense; if there is serious injury, a Level 6 offense becomes a Level 7 offense; and if death occurs, a Level 7 offense becomes a Level 8 offense); and
- Allows a defendant to move the court to depart from the four-year mandatory minimum sentence for leaving the scene of a crash with a death, unless the defendant was driving DUI at the time of the violation; authorizes the state to object to the defendant's departure; allows the court to depart only if it finds that a factor, consideration, or circumstance clearly demonstrates that imposing the mandatory minimum term would constitute or result in an injustice; and requires the court to state the basis for granting a departure in open court.

The bill also makes technical and conforming changes to s. 316.027, F.S.

**Section 3** amends s. 322.0261(2), F.S., to require the DHSMV to include in its approved driver improvement course curriculum instruction specifically addressing the rights of vulnerable road users relative to vehicles on the roadway.

**Section 4** amends s. 322.28(4), F.S., to require a court to revoke the driver license of a person convicted of leaving the scene of a crash for a minimum of three years; and to incorporate the minimum revocation period into provisions directing the DHSMV to revoke the driver license for such period in the event the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter.

**Section 5** reenacts s. 322.34(6), F.S., relating to driving while a driver license is suspended, revoked, canceled, or disqualified, to incorporate the amendment to s. 322.28, F.S., in a reference thereto, and makes a technical change.

**Section 6** amends s. 921.0022, F.S., to revise the offense severity ranking chart to correct the cross reference to the appropriate subsection, paragraph, and description of s. 316.027, F.S., for leaving the scene of a crash with injury *other than serious bodily injury*, which remains a Level 5 third degree felony; to include the second degree felony for a violation of leaving the scene of a crash involving serious bodily injury as a Level 6 offense; and to revise the cross reference to the offense of leaving the scene of a crash resulting in death, which remains a Level 7 first degree felony. As noted, if the victim is a “vulnerable road user,” offenses for leaving the scene of a crash are ranked one level higher.

**Section 7** provides the act takes effect on July 1, 2014.

**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:

None.

C. Government Sector Impact:

Indeterminate, except that the DHSMV advises the bill will require approximately 30 non-recurring system programming hours, the cost of which will be absorbed within existing resources.

The Criminal Justice Impact Conference (CJIC) met on January 30, 2014 and found that the bill’s impact upon prison beds is also indeterminate. The Office of Economic and Demographic Research (EDR) stated that the proposed changes to s. 316.027, F.S., will increase both the felony degree and the offense severity level for leaving the scene of an accident involving serious bodily injury, but the percentage of cases that currently involve “serious” bodily injury is indeterminable. According to the EDR, incarceration rates and average sentence lengths for the current and proposed offenses related to leaving the scene of an accident involving serious bodily injury are as follows:

Incarceration rate for all 3rd degree, level 5 offenses	22.8%
Average sentence length for all 3rd degree, level 5 offenses	33.0 months
Incarceration rate for all 2nd degree, level 6 offenses	48.2%
Average sentence length for all 2nd degree, level 6 offenses	57.8 months

The EDR states that the differences in these two measures suggest that the proposed changes involving serious injury may result in additional prison admissions and in longer sentences for some offenders currently being sentenced to prison, but the lack of data to estimate these changes is what results in an indeterminate impact.

In addition, offenders currently sentenced under s. 316.027(1)(b), F.S., leaving the scene of an accident involving death, will be subject to a 4-year mandatory minimum sentence under the bill. However, the EDR said it is not possible to determine the percentage of current offenders who receive the 2-year mandatory minimum sentence for leaving the scene while DUI. The current average sentence length for all of the offenders in this offense is 91.9 months. Nearly 75% of these sentences are 48 months or longer suggesting that the impact from the bill will be limited, but the lack of data to estimate these changes also results in an indeterminate impact.

#### VI. Technical Deficiencies:

None.

#### VII. Related Issues:

None.

#### VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 316.027, 322.0261, 322.28, 322.34, and 921.0022.

#### IX. Additional Information:

##### A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

##### **CS by Transportation on January 9, 2014:**

The CS differs from the original bill primarily as follows:

- Removes the three-year and seven-year mandatory minimum sentences for leaving the scene of a crash with injury or with serious bodily injury, respectively;
- Imposes a mandatory minimum sentence of four years for leaving the scene of a crash with a death, rather than ten years;
- Increases the mandatory minimum sentence for leaving the scene with a death while DUI from two to four years, the same as for DUI manslaughter;
- Provides for ranking one level higher than specified in the Code offenses for leaving the scene of a crash if the victim of the offense was a “vulnerable road user”; and

allows a defendant to move for departure from the four-year mandatory minimum sentence for leaving the scene with a death in the absence of DUI; authorizes the state to object; requires the court to state in open court the basis for granting such motion, upon a finding that a factor, consideration, or circumstance clearly demonstrates that imposing a mandatory minimum term of imprisonment would constitute or result in an injustice.

**B. Amendments:**

None.

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

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By the Committee on Transportation; and Senators Diaz de la Portilla, Garcia, and Evers

596-00986-14

2014102c1

1                                   A bill to be entitled  
2       An act relating to drivers leaving the scene of a  
3       crash; creating the "Aaron Cohen Life Protection Act";  
4       amending s. 316.027, F.S.; redefining the term  
5       "serious bodily injury" and defining the term  
6       "vulnerable road user"; requiring the driver of a  
7       vehicle involved in a crash that results in serious  
8       bodily injury to a person to immediately stop the  
9       vehicle and remain at the scene of the crash;  
10      providing that a person commits a felony of the second  
11      degree if he or she fails to stop the vehicle and  
12      remain at the scene of the crash until specified  
13      requirements are fulfilled; requiring the court to  
14      impose a mandatory minimum term of imprisonment under  
15      certain circumstances; requiring the revocation of the  
16      driver's driver license; requiring the driver to  
17      participate in specified programs; providing for  
18      ranking of an offense committed if the victim of the  
19      offense was a vulnerable road user; authorizing the  
20      defendant to move to depart from the mandatory minimum  
21      term of imprisonment under certain circumstances;  
22      providing requirements and procedures for such  
23      departure; amending s. 322.0261, F.S.; requiring the  
24      Department of Highway Safety and Motor Vehicles to  
25      include in the curriculum of a certain driver  
26      improvement course instruction addressing the rights  
27      of vulnerable road users; amending s. 322.28, F.S.;  
28      requiring the court to revoke for at least 3 years the  
29      driver license of a person convicted of leaving the

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30 scene of a crash involving injury, serious bodily  
31 injury, or death; reenacting and amending s.  
32 322.34(6), F.S., relating to driving while a driver  
33 license is suspended, revoked, canceled, or  
34 disqualified, to incorporate the amendment to s.  
35 322.28, F.S., in a reference thereto; amending s.  
36 921.0022, F.S.; revising the offense severity ranking  
37 chart; conforming a cross-reference; providing an  
38 effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. This act may be cited as the "Aaron Cohen Life  
43 Protection Act."

44 Section 2. Section 316.027, Florida Statutes, is amended to  
45 read:

46 316.027 Crash involving death or personal injuries.—

47 (1) As used in this section, the term:

48 (a) "Serious bodily injury" means an injury to a person,  
49 including the driver, which consists of a physical condition  
50 that creates a substantial risk of death, serious personal  
51 disfigurement, or protracted loss or impairment of the function  
52 of a bodily member or organ.

53 (b) "Vulnerable road user" means:

54 1. A pedestrian, including a person actually engaged in  
55 work upon a highway, or in work upon utility facilities along a  
56 highway, or engaged in the provision of emergency services  
57 within the right-of-way;

58 2. A person operating a bicycle, motorcycle, scooter, or

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59 moped lawfully on the roadway;

60 3. A person riding an animal; or

61 4. A person lawfully operating on a public right-of-way,  
62 crosswalk, or shoulder of the roadway:

63 a. A farm tractor or similar vehicle designed primarily for  
64 farm use;

65 b. A skateboard, roller skates, or in-line skates;

66 c. A horse-drawn carriage;

67 d. An electric personal assistive mobility device; or

68 e. A wheelchair.

69 (2)~~(1)~~(a) The driver of a any vehicle involved in a crash  
70 occurring on public or private property which ~~that~~ results in  
71 injury to a ~~of any~~ person other than serious bodily injury shall  
72 ~~must~~ immediately stop the vehicle at the scene of the crash, or  
73 as close thereto as possible, and shall ~~must~~ remain at the scene  
74 of the crash until he or she has fulfilled the requirements of  
75 s. 316.062. A ~~Any~~ person who willfully violates this paragraph  
76 commits a felony of the third degree, punishable as provided in  
77 s. 775.082, s. 775.083, or s. 775.084.

78 (b) The driver of a vehicle involved in a crash occurring  
79 on public or private property which results in serious bodily  
80 injury to a person shall immediately stop the vehicle at the  
81 scene of the crash, or as close thereto as possible, and shall  
82 remain at the scene of the crash until he or she has fulfilled  
83 the requirements of s. 316.062. A person who willfully violates  
84 this paragraph commits a felony of the second degree, punishable  
85 as provided in s. 775.082, s. 775.083, or s. 775.084.

86 (c)~~(b)~~ The driver of a any vehicle involved in a crash  
87 occurring on public or private property which ~~that~~ results in

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88 the death of a any person shall ~~must~~ immediately stop the  
89 vehicle at the scene of the crash, or as close thereto as  
90 possible, and shall ~~must~~ remain at the scene of the crash until  
91 he or she has fulfilled the requirements of s. 316.062. A person  
92 who is arrested for a violation of this paragraph and who has  
93 previously been convicted of a violation of this section, s.  
94 316.061, s. 316.191, or s. 316.193, or a felony violation of s.  
95 322.34, shall be held in custody until brought before the court  
96 for admittance to bail in accordance with chapter 903. A Any  
97 person who willfully violates this paragraph commits a felony of  
98 the first degree, punishable as provided in s. 775.082, s.  
99 775.083, or s. 775.084, and shall be sentenced to a mandatory  
100 minimum term of imprisonment of 4 years. A Any person who  
101 willfully commits such a violation while driving under the  
102 influence as set forth in s. 316.193(1) shall be sentenced to a  
103 mandatory minimum term of imprisonment of 4 ~~2~~ years.

104 (d) ~~(e)~~ Notwithstanding s. 775.089(1)(a), if the driver of a  
105 vehicle violates paragraph (a), ~~or~~ paragraph (b), or paragraph  
106 (c), the court shall order the driver to make restitution to the  
107 victim for any damage or loss unless the court finds clear and  
108 compelling reasons not to order the restitution. Restitution may  
109 be monetary or nonmonetary restitution. The court shall make the  
110 payment of restitution a condition of probation in accordance  
111 with s. 948.03. An order requiring the defendant to make  
112 restitution to a victim does not remove or diminish the  
113 requirement that the court order payment to the Crimes  
114 Compensation Trust Fund under chapter 960. Payment of an award  
115 by the Crimes Compensation Trust Fund creates an order of  
116 restitution to the Crimes Compensation Trust Fund unless

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117 specifically waived in accordance with s. 775.089(1)(b).

118 (e) A driver who violates paragraph (a), paragraph (b), or  
119 paragraph (c) shall:

120 1. Have his or her driver license revoked for at least 3  
121 years as provided in s. 322.28(4);

122 2. Participate in a victim's impact panel session in a  
123 judicial circuit if such a panel exists; or

124 3. Participate in a driver education course relating to the  
125 rights of vulnerable road users relative to vehicles on the  
126 roadway.

127 (f) For purposes of sentencing under chapter 921 and  
128 determining incentive gain-time eligibility under chapter 944,  
129 an offense listed in this subsection is ranked one level above  
130 the ranking specified in s. 921.0022 or s. 921.0023 for the  
131 offense committed if the victim of the offense was a vulnerable  
132 road user.

133 (g) The defendant may move to depart from the mandatory  
134 minimum term of imprisonment prescribed in paragraph (c) unless  
135 the violation was committed while the defendant was driving  
136 under the influence. The state may object to this departure. The  
137 court may grant the motion only if it finds that a factor,  
138 consideration, or circumstance clearly demonstrates that  
139 imposing a mandatory minimum term of imprisonment would  
140 constitute or result in an injustice. The court shall state in  
141 open court the basis for granting the motion.

142 ~~(2) The department shall revoke the driver's license of the~~  
143 ~~person so convicted.~~

144 (3) The stops shall ~~Every stop must~~ be made without  
145 unnecessarily obstructing traffic ~~more than is necessary,~~ and,

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146 if a damaged vehicle is obstructing traffic, the driver of the  
147 vehicle shall ~~must~~ make every reasonable effort to move the  
148 vehicle or have it moved so as not to obstruct the regular flow  
149 of traffic. A ~~Any~~ person who fails to comply with this  
150 subsection shall be cited for a nonmoving violation, punishable  
151 as provided in chapter 318.

152 (4) In addition to any other civil, criminal, or  
153 administrative penalty imposed, a person whose commission of a  
154 noncriminal traffic infraction or a ~~any~~ violation of this  
155 chapter or s. 1006.66 causes or results in the death of another  
156 person may, ~~in addition to any other civil, criminal, or~~  
157 ~~administrative penalty imposed,~~ be required by the court to  
158 serve 120 community service hours in a trauma center or hospital  
159 that regularly receives victims of vehicle accidents, under the  
160 supervision of a registered nurse, an emergency room physician,  
161 or an emergency medical technician pursuant to a voluntary  
162 community service program operated by the trauma center or  
163 hospital.

164 (5) This section does not apply to crashes occurring during  
165 a motorsports event, as defined in s. 549.10(1), or at a closed-  
166 course motorsport facility, as defined in s. 549.09(1).

167 Section 3. Subsection (2) of section 322.0261, Florida  
168 Statutes, is amended to read:

169 322.0261 Driver improvement course; requirement to maintain  
170 driving privileges; failure to complete; department approval of  
171 course.—

172 (2) With respect to an operator convicted of, or who  
173 pleaded nolo contendere to, a traffic offense giving rise to a  
174 crash identified in paragraph (1) (a) or paragraph (1) (b), the

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175 department shall require that the operator, in addition to other  
176 applicable penalties, attend a department-approved driver  
177 improvement course in order to maintain his or her driving  
178 privileges. The department shall include in the course  
179 curriculum instruction specifically addressing the rights of  
180 vulnerable road users as defined in s. 316.027 relative to  
181 vehicles on the roadway. If the operator fails to complete the  
182 course within 90 days after receiving notice from the  
183 department, the operator's driver ~~driver's~~ license shall be  
184 canceled by the department until the course is successfully  
185 completed.

186 Section 4. Subsection (4) of section 322.28, Florida  
187 Statutes, is amended to read:

188 322.28 Period of suspension or revocation.—

189 (4) (a) Upon a conviction for a violation of s.  
190 316.193(3)(c)2., involving serious bodily injury, a conviction  
191 of manslaughter resulting from the operation of a motor vehicle,  
192 or a conviction of vehicular homicide, the court shall revoke  
193 the driver license of the person convicted for a minimum period  
194 of 3 years. If a conviction under s. 316.193(3)(c)2., involving  
195 serious bodily injury, is also a subsequent conviction as  
196 described under paragraph (2) (a), the court shall revoke the  
197 driver license or driving privilege of the person convicted for  
198 the period applicable as provided in paragraph (2) (a) or  
199 paragraph (2) (d).

200 (b) Upon a conviction for a violation of s. 316.027(2) (a),  
201 s. 316.027(2) (b), or s. 316.027(2) (c) involving injury, serious  
202 bodily injury, or death, the court shall revoke the driver  
203 license of the person convicted for a minimum period of 3 years.

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204        (c) ~~(b)~~ If the period of revocation was not specified by the  
205 court at the time of imposing sentence or within 30 days  
206 thereafter, the department shall revoke the driver license for  
207 the minimum period applicable under paragraph (a) or paragraph  
208 (b) or, for a subsequent conviction, for the minimum period  
209 applicable under paragraph (2) (a) or paragraph (2) (d).

210        Section 5. For the purpose of incorporating the amendment  
211 made by this act to section 322.28, Florida Statutes, in a  
212 reference thereto, subsection (6) of section 322.34, Florida  
213 Statutes, is reenacted and amended to read:

214        322.34 Driving while license suspended, revoked, canceled,  
215 or disqualified.—

216        (6) Any person who operates a motor vehicle:

217        (a) Without having a driver's license as required under s.  
218 322.03; or

219        (b) While his or her driver's license or driving privilege  
220 is canceled, suspended, or revoked pursuant to s. 316.655, s.  
221 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),

222  
223 and who by careless or negligent operation of the motor vehicle  
224 causes the death of or serious bodily injury to another human  
225 being commits ~~is guilty of~~ a felony of the third degree,  
226 punishable as provided in s. 775.082 or s. 775.083.

227        Section 6. Paragraphs (e) through (g) of subsection (3) of  
228 section 921.0022, Florida Statutes, are amended to read:

229        921.0022 Criminal Punishment Code; offense severity ranking  
230 chart.—

231        (3) OFFENSE SEVERITY RANKING CHART

232        (e) LEVEL 5

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233  
234  
235  
236  
237  
238

Florida Statute	Felony Degree	Description
316.027 <u>(2) (a)</u> <del>(1) (a)</del>	3rd	Accidents involving personal injuries <u>other than serious bodily injury</u> , failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny

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239

379.3671  
(2) (c) 3.

3rd

lobster trap, line,  
or buoy.

Willful molestation,  
possession, or  
removal of a  
commercial  
harvester's trap  
contents or trap gear  
by another harvester.

240

381.0041 (11) (b)

3rd

Donate blood, plasma,  
or organs knowing HIV  
positive.

241

440.10 (1) (g)

2nd

Failure to obtain  
workers' compensation  
coverage.

242

440.105 (5)

2nd

Unlawful solicitation  
for the purpose of  
making workers'  
compensation claims.

243

440.381 (2)

2nd

Submission of false,  
misleading, or  
incomplete  
information with the  
purpose of avoiding

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244

624.401 (4) (b) 2.

2nd

or reducing workers' compensation premiums.

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

245

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

246

790.01 (2)

3rd

Carrying a concealed firearm.

247

790.162

2nd

Threat to throw or discharge destructive device.

248

790.163 (1)

2nd

False report of deadly explosive or weapon of mass destruction.

249

790.221 (1)

2nd

Possession of short-barreled shotgun or

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250

790.23

2nd

machine gun.

Felons in possession of firearms, ammunition, or electronic weapons or devices.

251

800.04 (6) (c)

3rd

Lewd or lascivious conduct; offender less than 18 years of age.

252

800.04 (7) (b)

2nd

Lewd or lascivious exhibition; offender 18 years of age or older.

253

806.111 (1)

3rd

Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

254

812.0145 (2) (b)

2nd

Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

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261

812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
812.131 (2) (b)	3rd	Robbery by sudden snatching.
812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements,

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making false entries  
of material fact or  
false statements  
regarding property  
values relating to  
the solvency of an  
insuring entity.

262

817.568 (2) (b)

2nd

Fraudulent use of  
personal  
identification  
information; value of  
benefit, services  
received, payment  
avoided, or amount of  
injury or fraud,  
\$5,000 or more or use  
of personal  
identification  
information of 10 or  
more individuals.

263

817.625 (2) (b)

2nd

Second or subsequent  
fraudulent use of  
scanning device or  
reencoder.

264

825.1025 (4)

3rd

Lewd or lascivious  
exhibition in the

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265

827.071 (4)

2nd

presence of an elderly person or disabled adult.

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

266

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

267

839.13 (2) (b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

268

843.01

3rd

Resist officer with violence to person;

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269

847.0135 (5) (b)

2nd

resist arrest with  
violence.

Lewd or lascivious  
exhibition using  
computer; offender 18  
years or older.

270

847.0137  
(2) & (3)

3rd

Transmission of  
pornography by  
electronic device or  
equipment.

271

847.0138  
(2) & (3)

3rd

Transmission of  
material harmful to  
minors to a minor by  
electronic device or  
equipment.

272

874.05 (1) (b)

2nd

Encouraging or  
recruiting another to  
join a criminal gang;  
second or subsequent  
offense.

273

874.05 (2) (a)

2nd

Encouraging or  
recruiting person  
under 13 years of age  
to join a criminal

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274

893.13(1)(a)1.

2nd

gang.

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

275

893.13(1)(c)2.

2nd

Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

276

893.13(1)(d)1.

1st

Sell, manufacture, or

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deliver cocaine (or  
other s.

893.03(1)(a), (1)(b),  
(1)(d), (2)(a),  
(2)(b), or (2)(c)4.  
drugs) within 1,000  
feet of university.

277

893.13(1)(e)2.

2nd

Sell, manufacture, or  
deliver cannabis or  
other drug prohibited  
under s.

893.03(1)(c),  
(2)(c)1., (2)(c)2.,  
(2)(c)3., (2)(c)5.,  
(2)(c)6., (2)(c)7.,  
(2)(c)8., (2)(c)9.,  
(3), or (4) within  
1,000 feet of  
property used for  
religious services or  
a specified business  
site.

278

893.13(1)(f)1.

1st

Sell, manufacture, or  
deliver cocaine (or  
other s.

893.03(1)(a), (1)(b),  
(1)(d), or (2)(a),

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(2) (b), or (2) (c) 4.  
 drugs) within 1,000  
 feet of public  
 housing facility.

279

893.13 (4) (b)

2nd

Deliver to minor  
 cannabis (or other s.  
 893.03 (1) (c),  
 (2) (c) 1., (2) (c) 2.,  
 (2) (c) 3., (2) (c) 5.,  
 (2) (c) 6., (2) (c) 7.,  
 (2) (c) 8., (2) (c) 9.,  
 (3), or (4) drugs).

280

893.1351 (1)

3rd

Ownership, lease, or  
 rental for  
 trafficking in or  
 manufacturing of  
 controlled substance.

281

282

283

(f) LEVEL 6

284

Florida  
 Statute

Felony  
 Degree

Description

285

316.027 (2) (b)

2nd

Leaving the scene of a  
 crash involving serious  
 bodily injury.

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293

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051 (3)	2nd	Knowing forgery of pedigree papers.
499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.

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294

784.048 (3) 3rd Aggravated stalking;  
credible threat.

295

784.048 (5) 3rd Aggravated stalking of  
person under 16.

296

784.07 (2) (c) 2nd Aggravated assault on  
law enforcement officer.

297

784.074 (1) (b) 2nd Aggravated assault on  
sexually violent  
predators facility  
staff.

298

784.08 (2) (b) 2nd Aggravated assault on a  
person 65 years of age  
or older.

299

784.081 (2) 2nd Aggravated assault on  
specified official or  
employee.

300

784.082 (2) 2nd Aggravated assault by  
detained person on  
visitor or other  
detainee.

301

784.083 (2) 2nd Aggravated assault on

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code inspector.

302

787.02 (2)

3rd

False imprisonment;  
restraining with purpose  
other than those in s.  
787.01.

303

790.115 (2) (d)

2nd

Discharging firearm or  
weapon on school  
property.

304

790.161 (2)

2nd

Make, possess, or throw  
destructive device with  
intent to do bodily harm  
or damage property.

305

790.164 (1)

2nd

False report of deadly  
explosive, weapon of  
mass destruction, or act  
of arson or violence to  
state property.

306

790.19

2nd

Shooting or throwing  
deadly missiles into  
dwellings, vessels, or  
vehicles.

307

794.011 (8) (a)

3rd

Solicitation of minor to  
participate in sexual

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activity by custodial  
adult.

308

794.05 (1)

2nd

Unlawful sexual activity  
with specified minor.

309

800.04 (5) (d)

3rd

Lewd or lascivious  
molestation; victim 12  
years of age or older  
but less than 16 years  
of age; offender less  
than 18 years.

310

800.04 (6) (b)

2nd

Lewd or lascivious  
conduct; offender 18  
years of age or older.

311

806.031 (2)

2nd

Arson resulting in great  
bodily harm to  
firefighter or any other  
person.

312

810.02 (3) (c)

2nd

Burglary of occupied  
structure; unarmed; no  
assault or battery.

313

810.145 (8) (b)

2nd

Video voyeurism; certain  
minor victims; 2nd or  
subsequent offense.

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315  
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320

812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102 (1)	3rd	Abuse of an elderly

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person or disabled  
adult.

321

825.102 (3) (c)

3rd

Neglect of an elderly  
person or disabled  
adult.

322

825.1025 (3)

3rd

Lewd or lascivious  
molestation of an  
elderly person or  
disabled adult.

323

825.103 (2) (c)

3rd

Exploiting an elderly  
person or disabled adult  
and property is valued  
at less than \$20,000.

324

827.03 (2) (c)

3rd

Abuse of a child.

325

827.03 (2) (d)

3rd

Neglect of a child.

326

827.071 (2) & (3)

2nd

Use or induce a child in  
a sexual performance, or  
promote or direct such  
performance.

327

836.05

2nd

Threats; extortion.

328

836.10

2nd

Written threats to kill

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or do bodily injury.

329

843.12

3rd

Aids or assists person to escape.

330

847.011

3rd

Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

331

847.012

3rd

Knowingly using a minor in the production of materials harmful to minors.

332

847.0135 (2)

3rd

Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

333

914.23

2nd

Retaliation against a witness, victim, or informant, with bodily injury.

334

944.35 (3) (a) 2.

3rd

Committing malicious

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battery upon or  
 inflicting cruel or  
 inhuman treatment on an  
 inmate or offender on  
 community supervision,  
 resulting in great  
 bodily harm.

335

944.40

2nd

Escapes.

336

944.46

3rd

Harboring, concealing,  
 aiding escaped  
 prisoners.

337

944.47(1)(a)5.

2nd

Introduction of  
 contraband (firearm,  
 weapon, or explosive)  
 into correctional  
 facility.

338

951.22(1)

3rd

Intoxicating drug,  
 firearm, or weapon  
 introduced into county  
 facility.

339

340

341

(g) LEVEL 7

342

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	Florida Statute	Felony Degree	Description
343	316.027 <u>(2) (c)</u> <del>(1) (b)</del>	1st	Accident involving death, failure to stop; leaving scene.
344	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
345	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
346	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
347	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great

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bodily harm, permanent  
disfiguration,  
permanent disability,  
or death.

348

409.920  
(2) (b) 1.a.

3rd

Medicaid provider  
fraud; \$10,000 or less.

349

409.920  
(2) (b) 1.b.

2nd

Medicaid provider  
fraud; more than  
\$10,000, but less than  
\$50,000.

350

456.065 (2)

3rd

Practicing a health  
care profession without  
a license.

351

456.065 (2)

2nd

Practicing a health  
care profession without  
a license which results  
in serious bodily  
injury.

352

458.327 (1)

3rd

Practicing medicine  
without a license.

353

459.013 (1)

3rd

Practicing osteopathic  
medicine without a  
license.

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354  
355  
356  
357  
358  
359  
360  
361  
362

460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory

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care services without a license.

363

483.828 (1)

3rd

Practicing as clinical laboratory personnel without a license.

364

483.901 (9)

3rd

Practicing medical physics without a license.

365

484.013 (1) (c)

3rd

Preparing or dispensing optical devices without a prescription.

366

484.053

3rd

Dispensing hearing aids without a license.

367

494.0018 (2)

1st

Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

368

560.123 (8) (b) 1.

3rd

Failure to report currency or payment

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instruments exceeding  
\$300 but less than  
\$20,000 by a money  
services business.

369

560.125 (5) (a)

3rd

Money services business  
by unauthorized person,  
currency or payment  
instruments exceeding  
\$300 but less than  
\$20,000.

370

655.50 (10) (b) 1.

3rd

Failure to report  
financial transactions  
exceeding \$300 but less  
than \$20,000 by  
financial institution.

371

775.21 (10) (a)

3rd

Sexual predator;  
failure to register;  
failure to renew  
driver's license or  
identification card;  
other registration  
violations.

372

775.21 (10) (b)

3rd

Sexual predator working  
where children  
regularly congregate.

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373

775.21(10)(g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

374

782.051(3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

375

782.07(1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

376

782.071

2nd

Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

377

782.072

2nd

Killing of a human

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being by the operation  
of a vessel in a  
reckless manner (vessel  
homicide).

378

784.045 (1) (a) 1.

2nd

Aggravated battery;  
intentionally causing  
great bodily harm or  
disfigurement.

379

784.045 (1) (a) 2.

2nd

Aggravated battery;  
using deadly weapon.

380

784.045 (1) (b)

2nd

Aggravated battery;  
perpetrator aware  
victim pregnant.

381

784.048 (4)

3rd

Aggravated stalking;  
violation of injunction  
or court order.

382

784.048 (7)

3rd

Aggravated stalking;  
violation of court  
order.

383

784.07 (2) (d)

1st

Aggravated battery on  
law enforcement  
officer.

384

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385 784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

386 784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

387 784.081 (1) 1st Aggravated battery on specified official or employee.

388 784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

389 784.083 (1) 1st Aggravated battery on code inspector.

390 787.06 (3) (a) 1st Human trafficking using coercion for labor and services.

787.06 (3) (e) 1st Human trafficking using coercion for labor and services by the transfer or transport

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of any individual from  
outside Florida to  
within the state.

391

790.07(4)

1st

Specified weapons  
violation subsequent to  
previous conviction of  
s. 790.07(1) or (2).

392

790.16(1)

1st

Discharge of a machine  
gun under specified  
circumstances.

393

790.165(2)

2nd

Manufacture, sell,  
possess, or deliver  
hoax bomb.

394

790.165(3)

2nd

Possessing, displaying,  
or threatening to use  
any hoax bomb while  
committing or  
attempting to commit a  
felony.

395

790.166(3)

2nd

Possessing, selling,  
using, or attempting to  
use a hoax weapon of  
mass destruction.

396

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790.166(4)

2nd

Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

397

790.23

1st,PBL

Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

398

794.08(4)

3rd

Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

399

796.03

2nd

Procuring any person under 16 years of age for prostitution.

400

800.04(5)(c)1.

2nd

Lewd or lascivious molestation; victim

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less than 12 years of  
age; offender less than  
18 years of age.

401

800.04 (5) (c) 2.

2nd

Lewd or lascivious  
molestation; victim 12  
years of age or older  
but less than 16 years  
of age; offender 18  
years of age or older.

402

806.01 (2)

2nd

Maliciously damage  
structure by fire or  
explosive.

403

810.02 (3) (a)

2nd

Burglary of occupied  
dwelling; unarmed; no  
assault or battery.

404

810.02 (3) (b)

2nd

Burglary of unoccupied  
dwelling; unarmed; no  
assault or battery.

405

810.02 (3) (d)

2nd

Burglary of occupied  
conveyance; unarmed; no  
assault or battery.

406

810.02 (3) (e)

2nd

Burglary of authorized  
emergency vehicle.

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407  
408  
409  
410  
411  
412

812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.

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	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
413	812.131 (2) (a)	2nd	Robbery by sudden snatching.
414	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
415	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
416	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
417	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
418	817.234 (11) (c)	1st	Insurance fraud;

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property value \$100,000  
or more.

419

817.2341  
(2) (b) & (3) (b)

1st

Making false entries of  
material fact or false  
statements regarding  
property values  
relating to the  
solvency of an insuring  
entity which are a  
significant cause of  
the insolvency of that  
entity.

420

817.535 (2) (a)

3rd

Filing false lien or  
other unauthorized  
document.

421

825.102 (3) (b)

2nd

Neglecting an elderly  
person or disabled  
adult causing great  
bodily harm,  
disability, or  
disfigurement.

422

825.103 (2) (b)

2nd

Exploiting an elderly  
person or disabled  
adult and property is  
valued at \$20,000 or

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more, but less than  
\$100,000.

423

827.03(2)(b)

2nd

Neglect of a child  
causing great bodily  
harm, disability, or  
disfigurement.

424

827.04(3)

3rd

Impregnation of a child  
under 16 years of age  
by person 21 years of  
age or older.

425

837.05(2)

3rd

Giving false  
information about  
alleged capital felony  
to a law enforcement  
officer.

426

838.015

2nd

Bribery.

427

838.016

2nd

Unlawful compensation  
or reward for official  
behavior.

428

838.021(3)(a)

2nd

Unlawful harm to a  
public servant.

429

838.22

2nd

Bid tampering.

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430

843.0855 (2) 3rd Impersonation of a public officer or employee.

431

843.0855 (3) 3rd Unlawful simulation of legal process.

432

843.0855 (4) 3rd Intimidation of a public officer or employee.

433

847.0135 (3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

434

847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

435

872.06 2nd Abuse of a dead human body.

436

874.05 (2) (b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

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437

874.10

1st, PBL

Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

438

893.13(1)(c)1.

1st

Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

439

893.13(1)(e)1.

1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of

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property used for  
religious services or a  
specified business  
site.

440

893.13(4)(a)

1st

Deliver to minor  
cocaine (or other s.  
893.03(1)(a), (1)(b),  
(1)(d), (2)(a), (2)(b),  
or (2)(c)4. drugs).

441

893.135(1)(a)1.

1st

Trafficking in  
cannabis, more than 25  
lbs., less than 2,000  
lbs.

442

893.135  
(1)(b)1.a.

1st

Trafficking in cocaine,  
more than 28 grams,  
less than 200 grams.

443

893.135  
(1)(c)1.a.

1st

Trafficking in illegal  
drugs, more than 4  
grams, less than 14  
grams.

444

893.135(1)(d)1.

1st

Trafficking in  
phencyclidine, more  
than 28 grams, less  
than 200 grams.

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445

893.135 (1) (e) 1. 1st Trafficking in  
methaqualone, more than  
200 grams, less than 5  
kilograms.

446

893.135 (1) (f) 1. 1st Trafficking in  
amphetamine, more than  
14 grams, less than 28  
grams.

447

893.135 (1) (g) 1.a. 1st Trafficking in  
flunitrazepam, 4 grams  
or more, less than 14  
grams.

448

893.135 (1) (h) 1.a. 1st Trafficking in gamma-  
hydroxybutyric acid  
(GHB), 1 kilogram or  
more, less than 5  
kilograms.

449

893.135 (1) (j) 1.a. 1st Trafficking in 1,4-  
Butanediol, 1 kilogram  
or more, less than 5  
kilograms.

450

893.135 (1) (k) 2.a. 1st Trafficking in  
Phenethylamines, 10

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grams or more, less  
than 200 grams.

451

893.1351 (2)

2nd

Possession of place for  
trafficking in or  
manufacturing of  
controlled substance.

452

896.101 (5) (a)

3rd

Money laundering,  
financial transactions  
exceeding \$300 but less  
than \$20,000.

453

896.104 (4) (a) 1.

3rd

Structuring  
transactions to evade  
reporting or  
registration  
requirements, financial  
transactions exceeding  
\$300 but less than  
\$20,000.

454

943.0435 (4) (c)

2nd

Sexual offender  
vacating permanent  
residence; failure to  
comply with reporting  
requirements.

455

943.0435 (8)

2nd

Sexual offender;

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remains in state after  
 indicating intent to  
 leave; failure to  
 comply with reporting  
 requirements.

456

943.0435 (9) (a)

3rd

Sexual offender;  
 failure to comply with  
 reporting requirements.

457

943.0435 (13)

3rd

Failure to report or  
 providing false  
 information about a  
 sexual offender; harbor  
 or conceal a sexual  
 offender.

458

943.0435 (14)

3rd

Sexual offender;  
 failure to report and  
 reregister; failure to  
 respond to address  
 verification.

459

944.607 (9)

3rd

Sexual offender;  
 failure to comply with  
 reporting requirements.

460

944.607 (10) (a)

3rd

Sexual offender;  
 failure to submit to

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the taking of a  
digitized photograph.

461

944.607(12)

3rd

Failure to report or  
providing false  
information about a  
sexual offender; harbor  
or conceal a sexual  
offender.

462

944.607(13)

3rd

Sexual offender;  
failure to report and  
reregister; failure to  
respond to address  
verification.

463

985.4815(10)

3rd

Sexual offender;  
failure to submit to  
the taking of a  
digitized photograph.

464

985.4815(12)

3rd

Failure to report or  
providing false  
information about a  
sexual offender; harbor  
or conceal a sexual  
offender.

465

985.4815(13)

3rd

Sexual offender;

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failure to report and  
reregister; failure to  
respond to address  
verification.

466

467

Section 7. This act shall take effect July 1, 2014.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 2-19-14

Waive

Topic: Learning Scene of Crime / Bill Number: CS/SB 102 (if applicable)
Name: JEFFREY SPARKER / Amendment Barcode: (if applicable)
Job Title: LOBBYIST

Address: 106 E. COLLEGE AVE SUITE 640 Phone: 850-224-1660
City: TAYLORVILLE FL 32301 State: FL E-mail: JEFF@CAPITALLINEGROUP.COM
Zip: (blank)

Speaking: [X] For [ ] Against [ ] Information

Representing: FLORIDA RIFLE ASSOC.

Appearing at request of Chair: [ ] Yes [ ] No Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

*Spstc*

Meeting Date \_\_\_\_\_

Topic AARON COHEN LAW / HIT AND RUN Bill Number 102 DLP  
*(if applicable)*

Name HELEN WITTY Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title MADD VICTIM SERVICES / PROGRAM

Address \_\_\_\_\_ Phone 305 606 2170

Street

E-mail HELEN.WITTY@MADD.ORG

City

State

Zip

Speaking:  For  Against  Information

Representing MOTHERS AGAINST DRUNK DRIVING

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting

CSRS 140200/1411

THE FLORIDA SENATE

Waive

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Wt and Run

Bill Number 5102

(if applicable)

Name Andrew Fay

Amendment Barcode

(if applicable)

Job Title Assistant Attorney General

Address PL 02  
Street

Phone

E-mail

City State Zip

Speaking:  For  Against  Information

Representing ~~Office~~ Office of the Attorney General

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-19-14

Meeting Date

Waiver

Topic

Bill Number

102

(if applicable)

Name

JESS MCCAARTY

Amendment Barcode

(if applicable)

Job Title

ASS'T COUNTY ATTY

Address

111 NW 1ST St 2810

Phone 305-979-7110

Street

MIAMI 33122

E-mail JAM2@MIAMI.GOV

City

State

Zip

Speaking:

For

Against

Information

Representing

MIAMI - DADE COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

W. Davis

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/14  
Meeting Date

Topic Drivers Leaving the Scene of an Accident Bill Number SB 102  
(if applicable)

Name Lorelei Bowden Jacobs Amendment Barcode  
(if applicable)

Job Title Legislative Aide - Hillsborough County Sheriffs Office

Address 2008 E. 8th Avenue Phone 813 363 0375  
Street

Tampa FL 33605 E-mail LBowden@HCSO.tampa.fl.us  
City State Zip

Speaking:  For  Against  Information

Representing Florida Sheriffs Association

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 19, 2014  
Meeting Date

Topic Hit and Run Bill Number 102

Name Sally Matson Amendment Barcode (if applicable)

Job Title Victim Advocate (if applicable)

Address 7700 N Kendall Dr, # 803 Phone (305) 790-2982

City Miami, FL State Zip E-mail Sally.Matson@medd.org

Speaking:  For  Against  Information

Representing Mothers Against Drunk Driving

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Criminal and Civil Justice  
Appropriations Subcommittee on Finance and Tax  
Banking and Insurance  
Children, Families, and Elder Affairs  
Ethics and Elections  
Rules  
Transportation

### JOINT COMMITTEE:

Joint Committee on Administrative Procedures

**SENATOR MIGUEL DIAZ de la PORTILLA**

40th District

February 3, 2014

The Honorable Andy Gardiner  
Chairman, Appropriations Subcommittee  
Tourism and Economic Development

Via Email

Dear Chairman Gardiner:

My Senate Bill 102 has passed unanimously out of two Senate Committees. The next committee of reference is the Appropriations Subcommittee on Tourism and Economic Development.

I would appreciate it if you would agenda the bill at your earliest possible convenience.

Thank you.

Sincerely,

Miguel Diaz de la Portilla  
Senator, District 40

Cc: Mr. Skip Martin, Staff Director; Ms. Elizabeth Wells, Committee Administrative Assistant

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

**BILL:** CS/SB 372

**INTRODUCER:** Appropriations Subcommittee on Transportation, Tourism, and Economic Development and Senator Galvano

**SUBJECT:** Developments of Regional Impact

**DATE:** February 5, 2014      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	<b>Favorable</b>
2.	Pingree	Martin	ATD	<b>Fav/CS</b>
3.			AP	
4.			RC	

**I. Summary:**

CS/SB 372 reduces the minimum population and density requirements for counties to qualify as a dense urban land area (DULA). Land development projects are exempt from development of regional impact (DRI) review if they are located in a DULA. This bill would designate an additional 7 counties and 20 municipalities as DULAs. The bill eliminates the adoption of an urban service area as criteria for designation for a DULA.

The bill also exempts any DRI-exempt development from the DRI aggregation criteria.

The bill has an indeterminate, but insignificant fiscal impact.

**II. Present Situation:**

**Development of Regional Impact Background**

A DRI is defined in s. 380.06, F.S., as “any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” Section 380.06, F.S., provides for both state and regional review of local land use decisions involving DRIs. Regional Planning Councils (RPCs) coordinate the review process with local, regional, state and federal agencies and recommend conditions of approval or denial to local governments. DRIs are also reviewed by the Department of Economic Opportunity (DEO) for compliance with state law and to identify the regional and state impacts of large-scale developments. Local DRI development orders may be appealed by the owner, the developer, or the DEO (the state land planning agency) to the Governor and

Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.<sup>1</sup> Section 380.06(24), F.S., exempts numerous types of projects from review as a DRI.

The DRI program was initially created in 1972. Since that time, the state has required all local governments to adopt local comprehensive plans. The Environmental Land Management Study Committee (ELMS III) in 1992 recommended that the DRI program be eliminated in the largest local governments and relegated to an enhanced version of the intergovernmental coordination element (ICE) in their local plans.<sup>2</sup> After much controversy, this recommendation never fully came to fruition and the DRI program continued. The Legislature has made changes to the DRI program in the past for various reasons.

### **DRI Review**

All developments that meet the DRI thresholds and standards provided by statute<sup>3</sup> and rules adopted by the Administration Commission<sup>4</sup> are required to undergo DRI review, unless the Legislature has provided an exemption, the development is located within a DULA, or is located in a planning area receiving a legislative exemption such as a sector plan or rural land stewardship area.<sup>5</sup> The types of developments required to undergo DRI review upon meeting the specified thresholds and standards include certain airports, attraction and recreation facilities, office development, retail and service development, multiuse development, residential development, schools, and recreational vehicle development.<sup>6</sup> The DEO, a RPC, or the local government may request the Administration Commission to increase or decrease the thresholds for part of the local government's jurisdiction or for the entire jurisdiction.<sup>7</sup> Over the years, the Legislature also has increased the thresholds that determine which projects are subject to DRI review.

Florida's 11 RPCs coordinate the multi-agency review of proposed DRIs. RPCs are recognized as Florida's only multipurpose regional entity that plans for and coordinates intergovernmental solutions to growth-related problems on greater-than-local issues, provides technical assistance to local governments, and meets other needs of the communities in each region.<sup>8</sup> A DRI review begins by the developer contacting the RPC with jurisdiction over the proposed development to arrange a pre-application conference.<sup>9</sup> A developer or the RPC may also request other affected state and regional agencies to participate in the conference and to help identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures. At the pre-application conference, the RPC is to provide the developer with information about the DRI process and use the pre-application conference to identify issues, coordinate appropriate state and local agency requirements, and otherwise efficiently review the proposed development.

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<sup>1</sup> Section 380.07(2), F.S.

<sup>2</sup> See Richard G. Rubino and Earl M. Starnes, *Lessons Learned? The History of Planning in Florida*. Tallahassee, FL: Sentry Press, 2008. ISBN 978-1-889574-31-8.

<sup>3</sup> Section 380.0651, F.S.

<sup>4</sup> Rule 28-24, F.A.C.

<sup>5</sup> See the section "DRI Exemptions."

<sup>6</sup> Section 380.0651, F.S.

<sup>7</sup> Section 380.06(3), F.S.

<sup>8</sup> Section 186.502, F.S.

<sup>9</sup> Section 380.06(7), F.S.

An agreement may also be reached between the RPC and the developer regarding assumptions and methodology to be used in the application for development approval. If an agreement is reached, the reviewing agencies may not later object to the agreed upon assumptions and methodologies unless the project changes or subsequent information makes the assumptions or methodologies no longer relevant. In an effort to reduce paperwork, discourage unnecessary gathering of data, and to coordinate federal, state, and local environmental reviews with the DRI review process, s. 380.06(7)(b), F.S., provides that the developer may enter into a binding written agreement with the RPC to eliminate certain questions from the application for development approval when those questions are found to be unnecessary for DRI review. The reviewing agencies may make only recommendations or comments regarding a proposed development which are consistent with the statutes, rules, or adopted local government ordinances that are applicable to developments in the jurisdiction where the proposed development is located.<sup>10</sup>

The RPC also assists with technical planning aspects of the project, which can be beneficial to rural local governments that often have smaller planning staffs. Upon completion of the pre-application conference with all parties, the developer may file an application for development approval with the local government, RPC, and the state land planning agency. The RPC reviews the application for sufficiency and may request additional information (no more than twice) if the application is deemed insufficient.<sup>11</sup>

Once the RPC determines the application is sufficient or the developer declines to provide additional information, the local government must hold a public hearing on the application for development within 90 days, and must publish notice at least 60 days in advance of the hearing.<sup>12</sup> Within 50 days after receiving notice of the public hearing, the RPC is required to prepare and submit to the local government a report and recommendations on the regional impact of the proposed development.<sup>13</sup> The RPC is required to identify regional issues<sup>14</sup> and specifically examine whether:

- The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state (state comprehensive plan) or regional (strategic regional policy plan) plans.
- The development will significantly impact adjacent jurisdictions.

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<sup>10</sup> *Id.*

<sup>11</sup> Section 380.06(10), F.S.

<sup>12</sup> Section 380.06(11), F.S.

<sup>13</sup> Section 380.06(12), F.S.

<sup>14</sup> Rule 73C-40.024, F.A.C., states in part: "In preparing the regional report, the regional planning agency shall identify and make recommendations on regional issues. Regional issues to be used in reviewing DRI applications are included in the applicable local government comprehensive plans, the Development of Regional Impact Uniform Standards Rule, the State Comprehensive Plan, and Sections 380.06(12)(a)1., 2., and 3., Florida Statutes. In addition, Strategic Regional Policy Plans adopted by regional planning councils pursuant to Sections 186.507 and .508, Florida Statutes, are a long-range policy guide for the development of the region and shall be used as the basis for regional review of DRIs. The regional planning agency may also identify and make recommendations on other local issues. However, local issues shall not be grounds for or be included as issues in a regional planning agency recommendation for appeal of a local government development order."

In doing so, the RPC must consider whether the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.<sup>15</sup>

Other appropriate agencies may also review the proposed development and prepare reports and recommendations on issues within their jurisdiction. These reports become part of the RPC's report, but the RPC may attach dissenting views.<sup>16</sup> When water management district and Department of Environmental Protection permits have been issued pursuant to ch. 373, F.S., or ch. 403, F.S., the RPC may comment on the regional implications of the permits but may not offer conflicting recommendations.<sup>17</sup>

The DEO also reviews DRIs for compliance with state laws and to identify regional and state impacts and to make recommendations to local governments for approving, not approving, or suggesting mitigation conditions.<sup>18</sup> Rule 73C-40, F.A.C., provides the rules of procedure and practice pertaining to DRIs. These rules provide detailed guidelines for how the state land planning agency evaluates the development's impact on:

- Hurricane preparedness;<sup>19</sup>
- Conservation of listed plant and wildlife resources;<sup>20</sup>
- Treatment of archaeological and historical resources;<sup>21</sup>
- Hazardous material usage, potable water, wastewater, and solid waste facilities;<sup>22</sup>
- Transportation;<sup>23</sup>
- Air quality;<sup>24</sup> and
- Adequate housing.<sup>25</sup>

At the local public hearing on the proposed DRI, concurrent comprehensive plan amendments associated with the proposed DRI must be heard as well. When considering whether the development must be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government considers the extent to which the development is consistent with:

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<sup>15</sup> Section 380.06(12)(a), F.S.

<sup>16</sup> Section 380.06(12)(b), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> See Senate Interim Report 2012-114, *The Development of Regional Impact Process*, Sep. 2011.

<sup>19</sup> Rule 73C-40.0256, F.A.C.

<sup>20</sup> Rule 73C-40.041, F.A.C.

<sup>21</sup> Rule 73C-40.043, F.A.C.

<sup>22</sup> Rule 73C-40.044, F.A.C.

<sup>23</sup> Rule 73C-40.045, F.A.C.

<sup>24</sup> Rule 73C-40.046, F.A.C.

<sup>25</sup> Rule 73C-40.048, F.A.C.

- Its comprehensive plan and land development regulations;
- The report and recommendations of the RPC; and
- The state comprehensive plan.<sup>26</sup>

Local governments are required by s. 163.3177(6)(f), F.S., to adopt a housing element in the local comprehensive plan that expresses principles, guidelines, standards, and strategies related to affordable housing for all current and anticipated future residents.

The local government must render a decision on an application for development within 30 days after the public hearing on the development. Within 45 days after a development order is rendered, the owner or developer of the property or the DEO may appeal the order to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.<sup>27</sup> An “aggrieved or adversely affected party” may appeal and challenge the consistency of a development order with the local comprehensive plan.<sup>28</sup>

### **Aggregation**

The Florida Statutes provide that the impacts of two or more purportedly separate developments that nonetheless share a unified plan of development should be aggregated during the DRI designation process.<sup>29</sup> The criteria for identifying projects subject to aggregation include whether:

- The same person owns or controls the developments;
- Common management exists controlling the form of physical development or disposition of the parcels of the developments;
- A reasonable closeness in time exists between the completion of 80 percent of one development and submission of the master plan for the other development;
- A master plan or series of plans or drawings exists that covers the developments; and
- A common advertising scheme or promotional plan is in effect for the developments.

### **Substantial Deviations**

DRIs are designed to be built out over many years, which increases the likelihood that changes to the development will be necessary due to changing market conditions or other reasons. When a developer proposes a change to a previously approved development that creates a reasonable likelihood of either additional regional impact or a regional impact not previously reviewed by the RPC, a substantial deviation exists and the proposed change is subject to further DRI review. If a change qualifies as a substantial deviation and there is no exemption, a notice of proposed change must be made to the RPC and the DEO.<sup>30</sup> The notice must include a description of

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<sup>26</sup> Section 380.06(13), F.S. DRIs located in areas of critical state concern (ACSC) must also comply with the land development regulations in s. 380.05, F.S.

<sup>27</sup> Section 380.07(2), F.S.

<sup>28</sup> Section 163.3215, F.S.

<sup>29</sup> Section 380.0651(4), F.S.

<sup>30</sup> Section 380.06(19)(e)1., F.S.

previous individual changes made to the development, including changes previously approved by the local government, and must include appropriate amendments to the development order.<sup>31</sup>

Section 380.06(19), F.S., provides the specific criteria which constitute a substantial deviation and require a development to be subject to additional review.<sup>32</sup> The numerical standards are also automatically increased if a project is job-creating or located wholly within an urban infill and redevelopment area. During the 2011 Session, the Legislature increased the substantial deviation standards by approximately 50 percent for attraction or recreational facilities, office development, and commercial development.<sup>33</sup> Section 380.06(19), F.S., also specifies changes that individually or cumulatively with any previous changes are not substantial deviations.

### **DRI Exemptions**

The Legislature has exempted many types of development from DRI review.<sup>34</sup> The Legislature has also exempted projects from DRI review within certain counties and municipalities that qualify as a DULA.<sup>35</sup> Currently, eight counties and 242 cities meet, or have met, the population and density criteria necessary to qualify as a DULA.<sup>36</sup> The exemption for projects within a DULA reflects state policy to encourage development within urban areas, the increased sophistication of local planning staffs and the progress that larger, urban counties and municipalities have made in the area of large-scale land use planning since the DRI program was instituted in 1972. Additionally, the Legislature has provided two alternative large-scale planning tools known as the sector plan<sup>37</sup> and rural land stewardship program.<sup>38</sup> Large scale projects within a sector plan or rural land stewardship area are exempt from DRI review.

### **Dense Urban Land Areas**

Under current law the following are exempt from DRI review as DULAs:

- Any proposed development in a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

---

<sup>31</sup> *Id.*

<sup>32</sup> Among the changes that constitute a substantial deviation include a decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less (s. 380.06(19)(b)8., F.S.); a 15 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original DRI review (s. 380.06(19)(b)10., F.S.); and any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State (s. 380.06(19)(b)11., F.S.).

<sup>33</sup> Ch. 2011-139, L.O.F.; HB 7207 (2011).

<sup>34</sup> See s.380.06(24), F.S.; ch. 2011-139, L.O.F., exempted from DRI review- movie theaters; industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities; and hotel or motel development.

<sup>35</sup> Section 380.06(29), F.S. (see section Dense Urban Land Areas).

<sup>36</sup> The following counties currently qualify as a DULA: Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, Pinellas, and Seminole. For a complete list of municipalities qualifying as a DULA see <http://edr.state.fl.us/Content/local-government/reports/DULA-21June2013.pdf> (last accessed January 2, 2014).

<sup>37</sup> Section 163.3245, F.S.

<sup>38</sup> Section 163.3248, F.S.

- Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area and is located within an urban service area as defined in s. 163.3164, F.S., which has been adopted into the comprehensive plan;
- Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; or
- Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164, F.S., which has been adopted into the comprehensive plan.<sup>39</sup>

The Florida Legislature's Office of Economic and Demographic Research (EDR) annually calculates the population and density criteria needed to determine which jurisdictions meet the density criteria to be a DULA by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates. The EDR submits a list of jurisdictions which meet the total population and density criteria to the DEO.<sup>40</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 380.06(29), F.S., and deletes two criteria for the DULA exemption:

- Any proposed development within a county, including the municipalities located in the county that has an average of at least 1,000 people per square mile of land area and is located within an urban service area.
- Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan.

In addition, the bill expands the DULA exemption applicable to a development which is located in a county with a population of 1 million and is located in an urban service area adopted into a comprehensive plan so that the exemption would apply to any proposed development in within a county that has a population of at least 300,000 and an average population of at least 400 people per square mile. The bill eliminates the urban service area designation as a criteria of the DULA exemption.

Currently, eight counties and 242 municipalities satisfy the criteria for the DULA exemption. The bill would add seven additional counties and 20 additional municipalities.<sup>41</sup>

The bill also exempts any development that qualifies for an exemption from the DRI review under s. 380.06, F.S., from the DRI aggregation criteria.

<sup>39</sup> Section 380.24(a), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> The seven additional counties are: Brevard, Escambia, Lee, Manatee, Pasco, Sarasota, and Volusia.

The bill also makes a technical change to the name of the United States Census Bureau.

**Section 2** provides an effective date of July 1, 2014.

**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:

This bill may reduce costs associated with the DRI review process for developers who wish to pursue development projects in a county or municipality that is newly designated as a DULA.

C. Government Sector Impact:

The impact on state and local governments is indeterminate, but expected to be insignificant. Increasing the number of local governments who are exempt from the DRI review process may reduce the workload of the DEO's staff and the staffs of local governments who review these projects.

**VI. Technical Deficiencies:**

CS/SB 372 exempts any development that qualifies for an exemption from the DRI review under s. 380.06, F.S., from the DRI aggregation criteria. If the exemption from the DRI aggregation criteria is intended to apply only to DULA developments, a technical amendment is needed.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 380.06 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 19, 2014:

Exempts any development that qualifies for an exemption under s. 380.06, F.S., from the DRI aggregation criteria set forth in s. 380.0651(4), F.S.

**B. Amendments:**

None.

By Senator Galvano

26-00410A-14

2014372\_\_

1                   A bill to be entitled  
2           An act relating to developments of regional impact;  
3           amending s. 380.06, F.S.; deleting certain exemptions  
4           for dense urban land areas; revising the exemption for  
5           any proposed development within a county that has a  
6           population of at least 300,000 and an average  
7           population of at least 400 people per square mile;  
8           providing an effective date.  
9

10 Be It Enacted by the Legislature of the State of Florida:  
11

12           Section 1. Paragraph (a) of subsection (29) of section  
13 380.06, Florida Statutes, is amended to read:

14           380.06 Developments of regional impact.—

15           (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

16           (a) The following are exempt from this section:

17           1. Any proposed development in a municipality that has an  
18 average of at least 1,000 people per square mile of land area  
19 and a ~~minimum~~ total population of at least 5,000; or

20           ~~2. Any proposed development within a county, including the~~  
21 ~~municipalities located in the county, that has an average of at~~  
22 ~~least 1,000 people per square mile of land area and is located~~  
23 ~~within an urban service area as defined in s. 163.3164 which has~~  
24 ~~been adopted into the comprehensive plan;~~

25           ~~3. Any proposed development within a county, including the~~  
26 ~~municipalities located therein, which has a population of at~~  
27 ~~least 900,000, that has an average of at least 1,000 people per~~  
28 ~~square mile of land area, but which does not have an urban~~  
29 ~~service area designated in the comprehensive plan; or~~

26-00410A-14

2014372\_\_

30       ~~2.4.~~ Any proposed development within a county, including  
31 the municipalities located therein, which has an average  
32 population of at least 400 people per square mile and a  
33 population of at least 300,000 ~~1 million and is located within~~  
34 ~~an urban service area as defined in s. 163.3164 which has been~~  
35 ~~adopted into the comprehensive plan.~~

36  
37 The Office of Economic and Demographic Research within the  
38 Legislature shall annually calculate the population and density  
39 criteria needed to determine which jurisdictions meet the  
40 density criteria in subparagraphs 1. and 2. ~~1.-4.~~ by using the  
41 most recent land area data from the decennial census conducted  
42 by the United States Census Bureau ~~of the Census~~ of the United  
43 States Department of Commerce and the latest available  
44 population estimates determined pursuant to s. 186.901. If any  
45 local government has had an annexation, contraction, or new  
46 incorporation, the office ~~of Economic and Demographic Research~~  
47 shall determine the population density using the new  
48 jurisdictional boundaries ~~as~~ recorded in accordance with s.  
49 171.091. The office ~~of Economic and Demographic Research~~ shall  
50 annually submit to the state land planning agency by July 1 a  
51 list of jurisdictions that meet the total population and density  
52 criteria. The state land planning agency shall publish the list  
53 ~~of jurisdictions~~ on its Internet website within 7 days after the  
54 list is received. The designation of jurisdictions that meet the  
55 criteria of subparagraphs 1. and 2. ~~1.-4.~~ is effective upon  
56 publication on the state land planning agency's Internet  
57 website. If a municipality that has previously met the criteria  
58 no longer meets the criteria, the state land planning agency

26-00410A-14

2014372\_\_

59 shall maintain the municipality on the list and indicate the  
60 year the jurisdiction last met the criteria. However, any  
61 proposed development of regional impact not within the  
62 established boundaries of a municipality at the time the  
63 municipality last met the criteria must meet the requirements of  
64 this section until such time as the municipality as a whole  
65 meets the criteria. Any county that meets the criteria shall  
66 remain on the list in accordance with ~~the provisions of~~ this  
67 paragraph. Any jurisdiction that was placed on the dense urban  
68 land area list before June 2, 2011, shall remain on the list in  
69 accordance with ~~the provisions of~~ this paragraph.

70 Section 2. This act shall take effect July 1, 2014.

THE FLORIDA SENATE

APPEARANCE RECORD

Wade

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/14  
Meeting Date

Topic DKI Bill Number 372 (if applicable)

Name Leticia M Adams Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Senior Policy Director

Address 136 S Broward St. Phone 850 594 6866

City Tall FL State FL Zip 32301

E-mail ladams@flchamber.com

Speaking:  For  Against  Information

Representing Florida Chamber of Commerce

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

Waive

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/14  
Meeting Date

Topic: DOI  
Name: Bill Hunter  
Job Title: President  
Bill Number: SB3022 (if applicable)  
Amendment Barcode: (if applicable)

Address: 307 W. Pine Ave Suite 214 Phone: 850/601-2196  
City: Apopka State: FL Zip: 32301  
E-mail: alicia@aiced.com

Speaking:  For  Against  Information

Representing: Assn. of Fla. Community Developers, Inc

Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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Waive

2.19.14

Meeting Date

Topic DR 1

Bill Number 372

(if applicable)

Name Sarah Busk

Amendment Barcode

(if applicable)

Job Title

Address 215. Monroe #602 Phone 222 8900

Tallahassee State FL City 32301 Zip 222 8900 E-mail Sjb@cardenaspartners.com

Speaking:  For  Against  Information

Representing Associated Industries of FL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

*Spoke*

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic Dense Urban Land Areas

Bill Number SB 372 *as amended*  
(if applicable)

Name CHARLES PATTON

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title PRESIDENT

Address 308 N. MONROE

Phone 222-6277

Street TALLAHASSEE

E-mail cpatton@1000f.org

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Speaking:  For  Against  Information

Representing 1000 FRIENDS OF FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Spoke

2/19/04  
Meeting Date

Topic IRI Bill Number 372 (if applicable)  
Name DAVID SULLEN Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title \_\_\_\_\_

Address 1674 UNIVERSITY HWY #296 Phone 941.323.2404  
SEASATA FL 33424 E-mail sullensea@aol.com  
City State Zip

Speaking:  For  Against  Information  
Representing SEASATA CLUBS FLORIDA  
Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.  
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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

*Spoke*

Meeting Date \_\_\_\_\_

Topic DR1 Bill Number 372 (if applicable)

Name Eric Poole Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Asst Leg Dir

Address 100 Morris Phone 927-4300

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Florida Assoc of Counties

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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# CUTR

CENTER for URBAN  
TRANSPORTATION  
RESEARCH

## Unmet and Latent Demand for Transportation Disadvantaged Services

January 2014  
DRAFT

Prepared for:

Florida Commission for the



**Transportation  
Disadvantaged**



Center for Urban Transportation Research  
University of South Florida  
4202 E. Fowler Ave., CUT100, Tampa, FL 33620-5375

# Unmet and Latent Demand for Transportation Disadvantaged Services

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# **Unmet and Latent Demand for Transportation Disadvantaged Services**

## **EXECUTIVE SUMMARY**

### **Approach**

The provision of mobility options – including paratransit services – is a critical component in addressing the needs of all Florida residents and specifically our transportation disadvantaged population. With the growing population of seniors, persons with disabilities, and other transportation disadvantaged groups seeking more mobility opportunities, there is a need to accurately assess the current and future demands for mobility and to quantify the unmet travel needs of these vulnerable populations.

Attempts to quantify unmet trip requests has been problematic due to inconsistent interpretation of the definition, recording procedures, and the inability to gauge those requests simply not being made due to previous trips requests not being met. The result has been a dramatic under reporting of unmet trip requests for the transportation disadvantaged population.

The Center for Urban Transportation Research (CUTR) at the University of South Florida was contracted by the Florida Commission for the Transportation Disadvantaged (CTD) to conduct research to define the unmet and latent travel and mobility needs for the Florida transportation disadvantaged population who “because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation.” Current assessments and future forecasts of transportation disadvantaged mobility needs are provided and compared to existing mobility capacity at both the county and statewide level.

This project defined the unmet and latent travel demand and mobility needs for the Florida transportation disadvantaged population, and then compared current assessments and future forecasts of transportation disadvantaged mobility needs to existing service capacity at both the county and statewide level. The recommended approach and methodology were developed to permit future periodic updates of the assessments and forecasts.

The final phase of the project examined a potential methodology to incorporate the unmet demand as part of the funding allocation formula for CTD non-sponsored trip and equipment grants.

## Key Findings

### 1. Unmet Trip Requests:

Pursuant to Chapter 427, Florida Statutes, each Community Transportation Coordinator (CTC) must submit an Annual Operating Report (AOR) by September 15<sup>th</sup> of each year. The CTD uses these reports as a mechanism to gather information needed to accurately reflect each CTC's operating data, provide a statewide operational profile of the Florida Coordinated Transportation System, and evaluate certain performance aspects of the coordinated systems individually and as a whole. The CTD also uses data collected in this report to inform policy makers of the need for funding.

One specific data item reported by CTCs is the number of Unmet Trip Requests. Examination of the individual CTC Unmet Trip Requests reported for Fiscal Years 2010-11, 2011-12 and 2012-13 show an eighteen percent decrease in unmet trip requests from Fiscal Year 2011-12 (228,640) to Fiscal Year 2012-13 (188,311).

This one AOR data item could be interpreted to indicate that the CTD program has been very successful in fulfilling the mobility needs of Florida's transportation disadvantaged residents. Such a conclusion would be inaccurate for several reasons, including:

- Closer examination of the data in Table 1 in Chapter 1 reveals that the dramatic decrease in unmet trip requests can be accounted for by one county – Miami-Dade.
- Additionally, based on the reporting of this data item by the other 66 counties, there appears to be inconsistency between CTCs of similar size and composition. Several CTCs did not report any unmet trip requests and other CTCs showed variation in their reporting from year to year.

Unmet trip requests are not an accurate reflection of unmet mobility demand among Florida's transportation disadvantaged population due to the following factors:

- The accuracy of unmet trip requests, as noted above, is questionable.
- An unmet trip request is not the same as unmet trips since the trip denial could have resulted in multiple trips (e.g., the return trip, reoccurring trips for the same purpose such as work or education).
- After a person's unmet trip request is not met on several occasions, the individual may no longer request trips. Therefore the unrequested trips would not be reflected in the unmet trip requests.

- Due to limited funding availability, most CTC's have developed trip priorities in which only the most essential trips (i.e., medical and life sustaining) are provided.

The CUTR project team recommends that the requirement for CTCs to report Unmet Trip Requests as part of their AOR data be examined more closely. The data reported seems to be inconsistent from CTC to CTC and often varies at the individual CTC level based on the employee collecting and reporting these statistics. Furthermore, Unmet Trip Requests do not accurately measure or reflect unmet travel demand.

## 2. **Travel Demand Estimation Methodology:**

In June 2013, the National Center for Transit Research at the USF Center for Urban Transportation Research (CUTR) published *Forecasting Paratransit Service Demand – Review and Recommendations*, a research report that assessed the current Florida and national methodologies and techniques utilized for paratransit service demand and provides a new analytical tool for forecasting the demand for transportation disadvantaged services.

This research effort resulted in the development of a new demand estimation model that utilizes demographic and socio-economic data collected by the U.S. Census Bureau on an annual basis. This richer data source captures changing population characteristics that influence transportation demand. Additionally, the demand estimation model lends itself to updates as new data become available.

This user provided input is used to calculate current estimates of the General Transportation Disadvantaged populations, the Critical Need Transportation Disadvantaged populations, and the demand for TD trips. The approach uses General Transportation Disadvantaged populations, based upon estimates of all disabled, elderly and low-income persons, and children who are "high-risk" or "at-risk." These population groups are further refined to identify the Critical Need Transportation Disadvantaged populations, or those individuals who due to severe physical limitations or low incomes are dependent upon others for their mobility needs.

After the Critical Need Transportation Disadvantaged population is defined, daily trip rates are applied to calculate daily and annual travel demand. This methodology uses trip rates for persons who live in households without any vehicles available extracted from the 2009 National Household Travel Survey (NHTS).

The forecasting model developed in conjunction with the *Forecasting Paratransit Service Demand – Review and Recommendations* research effort has been endorsed

by the Florida CTD as the recommended demand forecasting tool for use in the development of the CTC Transportation Disadvantaged Service Plans (TDSPs).

To provide consistency with the TDSP travel demand forecasts and to utilize the latest in paratransit service demand estimates, the *Forecasting Paratransit Service Demand – Review and Recommendations* forecasting model was used to develop demand estimates for all 67 Florida counties and CTCs for this research effort.

### 3. **Unmet and Latent Travel Demand:**

With the estimation of the Critical Need Transportation Disadvantaged population travel demand, the final step in the process of estimating unmet or latent demand was the comparison of the travel demand calculations to the total annual trips provided by the CTCs as reported in the latest AOR.

The comparison of the total AOR reported annual trips to the estimated Critical Need Transportation Disadvantaged population travel demand provides a measure of the critical need travel demand met by each CTC and will reveal the unmet travel demand. The end product of this task was an estimate of unmet and latent travel demand and mobility needs for the Florida transportation disadvantaged population at both the county and statewide levels.

The report includes a set of tables that provide this comparison and the estimates of met and unmet Critical Need Transportation Disadvantaged population travel demand at the county and statewide level. The tables list the Critical Need Annual Trip Demand, the FY 2012-13 AOR Total Trips, calculates the percentage of the annual trip demand satisfied by the CTCs and the Transportation Disadvantaged system, and finally indicates the remaining or unmet travel demand as both a number and a percentage.

Statewide calculations reveal that the combined CTCs' 49,601,883 annual trips meet 41.78 percent of the estimated Critical Need Transportation Disadvantaged population travel demand in Florida, leaving 69,132,252 annual trips (or 58.22 percent) of the trip demand to be satisfied by other means or simply not provided.

The individual results vary widely by county. The Gilchrist County CTC meets the least of the Critical Need Transportation Disadvantaged population travel demand with only 1.38 percent, leaving 98.62 percent of the demand unmet. Two counties, Palm Beach and Miami-Dade, actually satisfy all of the Critical Need Transportation Disadvantaged population travel demand (based on the model) through the travel provided under the CTC programs.

Approximately two-thirds of the counties (65.7 percent) are meeting less than 10 percent of the demand, and only 4 counties (6 percent) are meeting at least half of the projected demand.

4. **Incorporation of Unmet Travel Demand into Funding Formula:**

This final section of the report explores opportunities for the utilization of the estimate of unmet and latent travel demand and mobility needs as a factor in the CTD trip and equipment grant fund allocation formula. Based on the analysis, options for the inclusion of the unmet demand as part of the funding allocation formula are provided.

There are currently four factors utilized to distribute the annual Trip/Equipment Grant Program funding to local CTCs. Two of the factors (county area in square miles and county population) are related to “need,” with the other two factors (total system passenger trips and total system vehicle miles) related to “performance.”

As previously documented, there is a wide variation in the degree to which each Florida County is meeting the Critical Need Transportation Disadvantaged populations’ mobility needs. The urbanized areas are more successful than their rural counterparts in satisfying these travel demand needs.

The report presents an approach to utilize the unmet trip demand estimates as a potential fifth factor that could be used in the CTD trip and equipment grant fund allocation formula allocation process as a means of directing funding to the area with the most proportional need. From a rural perspective, this factor could compensate for the use of two of the factors – population (need) and trips provided (performance) – which tend to favor the larger urbanized counties.

Employing the same logic used in the current four funding factors, the unmet trip demand must be expressed in terms to allow a comparative ranking of all CTCs. To accomplish this, the first step is to normalize the unmet travel demand estimates to account for the county population that the CTC serves. This will allow the unmet trip demand to be expressed in per capita terms.

Dividing the unmet trip demand by the total county population provides the unmet trip demand per capita per capita for each county. Totaling each county’s per capita rate will provide a base total with which to calculate each county’s normalized share of the statewide total. Dividing each county’s per capita unmet trip demand into the statewide total permits a relative percentage of unmet trip demand to be calculated, which could be used to allocate any “unmet trip demand” funding that may become available.

With this approach, the unmet trip demand per capita provides a fair and consistent mechanism to use unmet demand as a funding allocation factor. The policy question then becomes should unmet trip demand be used, and, if so, what alternatives exist to incorporate this fifth factor in the CTD trip and equipment grant fund allocation formula.

Options that could be explored include:

- *Add Unmet Trip Demand per Capita as Fifth Factor*  
Change the existing allocation formula to include the unmet trip demand per capita as “equal” to the other four factors (i.e., county population, county size, annual trips and annual miles) with each of the five factors being allocated 20% of the available funding.
- *Use Unmet Trip Demand per Capita to Allocate All New Funds*  
Maintain the existing allocation formula for the current base level of funding, but allocate all “new CTD trip and equipment grant fund allocations” by the unmet travel demand per capital. This would direct all new funding based on unmet need.
- *Use Unmet Trip Demand per Capita as One Factor to Allocate New Funds*  
Maintain the existing allocation formula for the current base level of funding, and then allocate all “new CTD trip and equipment grant fund allocations” splitting the new funds between the current allocation formula and a new factor based on unmet trip demand per capita. This percent of new funding directed to the unmet trip demand per capita could be varied.

## **Summary**

This research effort was successful in defining the unmet and latent travel demand and mobility needs for the Florida transportation disadvantaged population and comparing the transportation disadvantaged mobility needs to existing service capacity at both the county and statewide level.

The research concluded that the unmet travel demand estimates could be factored into the funding allocation methodology used to distribute a portion of the available funding distributed under the Non-Sponsored Trip/Equipment Grant Program.

## **Unmet and Latent Demand for Transportation Disadvantaged Services**

The provision of mobility options – including paratransit services – is a critical component in addressing the needs of all Florida residents and specifically our transportation disadvantaged population. With the growing population of seniors, persons with disabilities, and other transportation disadvantaged groups seeking more mobility opportunities, there is a need to accurately assess the current and future demands for mobility and to quantify the unmet travel needs of these vulnerable populations.

Attempts to quantify unmet trip requests has been problematic due to inconsistent interpretation of the definition, recording procedures, and the inability to gauge those requests simply not being made due to previous trips requests not being met. The result has been a dramatic under reporting of unmet trip requests for the transportation disadvantaged population.

### **INTRODUCTION AND APPROACH**

The purpose of this research project is to quantify the unmet demand for services to support those individuals who are transportation disadvantaged.

The Center for Urban Transportation Research (CUTR) at the University of South Florida was contracted by the Florida Commission for the Transportation Disadvantaged (CTD) to conduct research to define the unmet and latent travel and mobility needs for the Florida transportation disadvantaged population who “because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation.” Current assessments and future forecasts of transportation disadvantaged mobility needs are provided and compared to existing mobility capacity at both the county and statewide level.

The final phase of the project presents a methodology to incorporate unmet demand as a factor in the CTD Non-Sponsored Trip/Equipment Grant allocation formula.

The recommended approach and methodology have been developed to permit future periodic updates of the assessments and forecasts.

The research approach included the following sequential steps:

- Definition of Unmet and Latent Travel Demand and Mobility Needs: CUTR explored the current approaches to define the unmet and latent travel demand and mobility needs for the Florida transportation disadvantaged population who because of physical or mental disability, income, or age are unable to transport themselves or purchase transportation. This task included an examination of the existing processes for the CTC to collect and compile information on unmet trip requests.

- Analysis of Existing Approaches and Processes: CUTR prepared an analysis of the current approaches and processes that are utilized to provide estimates of the unmet mobility demand and the current allocation process used for the Trip and Equipment related grant program. The project team was directed to utilize a methodology that would estimate transportation disadvantaged travel demand at both the county and state level.
- Data and Information Assembly and Review: Working with the CTD staff, CUTR compiled the data, information, reports and other materials necessary for this analysis. CUTR reviewed, assessed and analyzed these materials to provide the background for the additional tasks.
- Estimation of General Transportation Populations, Critical Need Populations, and Daily and Annual Travel Demand of the Critical Need Population: Employing the recommended methodology, CUTR developed estimates of the general transportation populations, critical need populations, and daily and annual travel demand of the critical need population at both the county and state level.
- Estimate of Unmet and Latent Travel Demand and Mobility Needs: These estimated travel demand estimates were compared to the latest Annual Operating Report (AOR) data and used to calculate the level of critical need travel demand met by the CTCs, thus defining the unmet travel demand. The end product included in this report is an estimate of unmet and latent travel demand and mobility needs for the Florida transportation disadvantaged population at both the county and statewide levels.
- Incorporation of Unmet and Latent Travel Demand and Mobility Needs into Funding Formula: CUTR explored alternatives for the utilization of the estimate of unmet and latent travel demand and mobility needs as a factor in the CTD trip and equipment grant fund allocation formula. Based on the analysis, recommendations for the inclusion of the unmet demand as part of the funding allocation formula are provided.

## REVIEW OF UNMET TRIP REQUEST DATA

Pursuant to Chapter 427, Florida Statutes, each CTC must submit an AOR by September 15<sup>th</sup> of each year.

The CTD uses this information to gather information needed to accurately reflect each CTC's operating data, provide a statewide operational profile of the Florida Coordinated Transportation System, and evaluate certain performance aspects of the coordinated systems individually and as a whole. The CTD also uses data collected in this report to inform policy makers of the need for funding.

Utilizing the individual CTC AOR reports, an Annual Performance Report for the Florida Commission for the Transportation Disadvantaged is published (for the period of July 1 through June 30<sup>th</sup> for each year) to meet the statutory requirements outlined in Section 427.013(12), Florida Statutes.

The Annual Performance Report provides an overview of the program and a summary of performance trends statewide, thereby providing the Governor, Legislature, Commission, CTCs, planning agencies, Local Coordinating Boards, State Human Service agencies, advocacy groups and others information about coordinated transportation services.

One specific data item reported by CTCs is the number of Unmet Trip Requests. The following provides the instructions from the AOR Reporting Guidelines for this data input:

### **Number of Unmet Trip Requests**

Enter the number of one-way passenger trips which were unable to be provided or arranged through the coordinated system, for any reason, including lack of capacity, vehicle availability, or lack of funding to sponsor the trip. This data is used to substantiate the need for increased TD funding at the state and local level.

*Unmet Trip Requests by Type of Trip.* Enter, by category, the number of each unmet trip request. Categorize by: medical, employment, education/training/daycare, nutritional, or life-sustaining/other types of trips that could not be provided.

*Reason Trip was Denied.* Enter, by category, the number of each reason a trip request could not be made. Categorize by: lack of funding, lack of vehicle availability, lack of driver availability or other.

Table 1 provides the individual CTC Unmet Trip Requests reported for the most recent three fiscal years – Fiscal Years 2010-11, 2011-12 and 2012-13. Examination of the individual CTC Unmet Trip Requests reported for these three years show a 18 percent decrease in unmet trip requests from Fiscal Year 2010-11 (228,640) to 2012-13 (188,311), representing a reduction of 40,329 unmet trip requests.

This one AOR data item could be interpreted to indicate that the CTD program has been very successful in fulfilling the mobility needs of Florida's transportation disadvantaged residents. Such a conclusion would be inaccurate for several reasons, including:

- Closer examination of the data in Table 1 in Chapter 1 reveals that the dramatic decrease in unmet trip requests can be accounted for by one county – Miami-Dade.
- Additionally, based on the reporting of this data item by the other 66 counties, there appears to be inconsistency between CTCs of similar size and composition. Several CTCs did not report any unmet trip requests and other CTCs showed variation in their reporting from year to year.

Unmet trip requests are not an accurate reflection of unmet mobility demand among Florida's transportation disadvantaged population due to the following factors:

- The accuracy of unmet trip requests, as noted above, is questionable.
- An unmet trip request is not the same as unmet trips since the trip denial could have resulted in multiple trips (e.g., the return trip, reoccurring trips for the same purpose such as work or education).
- After a person's trip request is not met on several occasions, the individual may no longer request trips. Therefore the unrequested trips would not be reflected in the unmet trip requests.
- Due to limited funding availability, most CTC's have developed trip priorities in which only the most essential trips (i.e., medical and life sustaining) are provided.

The CUTR project team recommends that the requirement for CTCs to report Unmet Trip Requests as part of their AOR data be examined more closely. The data reported seems to be inconsistent from CTC to CTC and often varies at the individual CTC level based on the employee collecting and reporting these statistics. Furthermore, Unmet Trip Requests do not accurately measure or reflect unmet travel demand.

**Table 1**  
**Unmet Trip Request – Three Year History**

County	Fiscal Year			Change	
	2010-11	2011-12	2012-13	+/-	%
Alachua	0	1,574	0	0	
Baker	0	0	0	0	
Bay	104	59	61	-43	-41.35%
Bradford	21	19	20	-1	-4.76%
Brevard	15	27	40	25	166.67%
Broward	19,123	11,700	20,696	1,573	8.23%
Calhoun	11	12	11	0	0.00%
Charlotte	8,557	409	238	-8,319	-97.22%
Citrus	500	500	500	0	0.00%
Clay	240	362	439	199	82.92%
Collier	56	36	38	-18	-32.14%
Columbia	56	0	48	-8	-14.29%
De Soto	554	380	260	-294	-53.07%
Dixie	39	37	39	0	0.00%
Duval	0	0	0	0	
Escambia	1,490	1,213	850	-640	-42.95%
Flagler	61	78	140	79	129.51%
Franklin	0	0	0	0	
Gadsden	0	0	32	32	
Gilchrist	31	29	31	0	0.00%
Glades	35	37	55	20	57.14%
Gulf	24	25	27	3	12.50%
Hamilton	42	0	9	-33	-78.57%
Hardee	846	1,278	1,115	269	31.80%
Hendry	115	84	221	106	92.17%
Hernando	5,424	2,300	1,750	-3,674	-67.74%
Highlands	1,969	992	1,688	-281	-14.27%
Hillsborough	1,216	965	1,012	-204	-16.78%
Holmes	141	179	138	-3	-2.13%
Indian River	912	744	0	-912	-100.00%
Jackson	0	0	43	43	
Jefferson	0	0	13	13	
Lafayette	14	13	22	8	57.14%
Lake	179	3,111	18,803	18,624	10404.47%
Lee	4,778	5,420	18,012	13,234	276.98%

**Table 1  
Unmet Trip Request – Three Year History (continued)**

County	Fiscal Year			Change	
	2010-11	2011-12	2012-13	+/-	%
Leon	104	59	60	-44	-42.31%
Levy	807	723	212	-595	-73.73%
Liberty	10	9	15	5	50.00%
Madison	0	0	24	24	
Manatee	240	203	351	111	46.25%
Marion	1,032	899	1,440	408	39.53%
Martin	517	431	153	-364	-70.41%
Miami-Dade	104,497	2,470	2,263	-102,234	-97.83%
Monroe	0	0	0	0	
Nassau	327	366	411	84	25.69%
Okaloosa	496	470	320	-176	-35.48%
Okeechobee	205	178	214	9	4.39%
Orange	18,619	13,759	38,556	19,937	107.08%
Osceola	4,947	3,656	10,244	5,297	107.07%
Palm Beach	295	0	0	-295	-100.00%
Pasco	64	279	457	393	614.06%
Pinellas	1,399	2,134	1,408	9	0.64%
Polk	164	488	119	-45	-27.44%
Putnam	0	0	0	0	
St. Johns	0	0	0	0	
St. Lucie	40,379	37,853	41,594	1,215	3.01%
Santa Rosa	677	745	327	-350	-51.70%
Sarasota	0	0	12,351	12,351	
Seminole	4,562	3,372	9,446	4,884	107.06%
Sumter	1,964	252	568	-1,396	-71.08%
Suwannee	26	0	14	-12	-46.15%
Taylor	0	0	0	0	
Union	482	1,350	1,200	718	148.96%
Volusia	0	0	0	0	
Wakulla	0	9	0	0	
Walton	184	127	115	-69	-37.50%
Washington	90	121	98	8	8.89%
<b>State Totals</b>	<b>228,640</b>	<b>101,536</b>	<b>188,311</b>	<b>-40,329</b>	<b>-17.64%</b>

*Source: Florida Commission for the Transportation Disadvantaged Annual Operating Reports*

## TRAVEL DEMAND ESTIMATION METHODOLOGY

In June 2013, the National Center for Transit Research at the USF Center for Urban Transportation Research (CUTR) published *Forecasting Paratransit Service Demand – Review and Recommendations*, a research report that assessed the current Florida and national methodologies and techniques utilized for paratransit service demand and provided a new analytical tool for forecasting the demand for transportation disadvantaged services. The research findings are not only applicable for the Florida CTD transportation disadvantaged services but can also be useful in analyzing fixed route complementary ADA paratransit services, and other specialized service markets.

This research effort resulted in the development of a new demand estimation model that utilizes demographic and socio-economic data collected by the U.S. Census Bureau on an annual basis. This richer data source captures changing population characteristics that influence transportation demand. Additionally, the demand estimation model lends itself to updates as new data becomes available.

This user provided input can be used to calculate current estimates of the general TD population, the critical need TD population, and the demand for TD trips. The approach uses general TD populations, based upon estimates of all disabled, elderly and low-income persons, and children who are “high-risk” or “at-risk.” These population groups are further refined to identify the critical need TD populations, or those individuals who due to severe physical limitations or low incomes are dependent upon others for their mobility needs.

After the critical need TD population is defined, daily trip rates are applied to calculate daily and annual travel demand. This methodology uses trip rates for persons who live in households without any vehicles available extracted from the 2009 National Household Travel Survey (NHTS).

The forecasting model developed in conjunction with the *Forecasting Paratransit Service Demand – Review and Recommendations* research effort has been endorsed by the Florida CTD as the recommended demand forecasting tool for use in the development of the CTC Transportation Disadvantaged Service Plans (TDSPs).

To provide consistency with the TDSP travel demand forecasts and to utilize the latest in paratransit service demand estimates, the *Forecasting Paratransit Service Demand – Review and Recommendations* forecasting model was used to develop demand estimates for all 67 Florida counties and CTCs for this research effort.

The county level data and information used for this forecast and analysis were obtained from the following sources:

- U.S. Census Bureau American Community Survey 3-Year Estimates (2009-2011)
  - Population by Age

- Population Below Poverty Level by Age
  - Total Population with a Disability by Age
  - Total Population with a Disability and Below Poverty Level by Age
- University of Florida Bureau of Economic and Business Research (BEBR)
  - County Population Projections
- CTD Annual Operating Reports
  - Total Trips

The model output is summarized by topical area in the following sections with an overall recap of all model findings and analysis in Appendix A.

## GENERAL DISADVANTAGED TRANSPORTATION POPULATIONS

The General Transportation Disadvantaged populations are those individuals who fall within the general transportation categories of elderly, disabled or low income. These individuals, however, may or may not meet the second criteria of being unable to transport themselves.

For this analysis, elderly has been defined as individuals 65 years of age and older. Disability refers to physical or mental limitations that may prevent a person from transporting him or herself, while income refers to the financial capacity of a person to purchase transportation. Similar relationships associated with age that limit mobility are not as apparent. Age alone should not affect a person's ability to transport him or herself. It may, however, relate to other factors that are associated with the aging process or to the demographic characteristics of the elderly population; namely, the higher incidence of disability and poverty among the elderly.

As depicted in the Venn diagram in Figure 1, these three general population groups overlap. The three major general transportation disadvantaged groups are represented by the three primary circles, with the overlap segments between the primary groups.

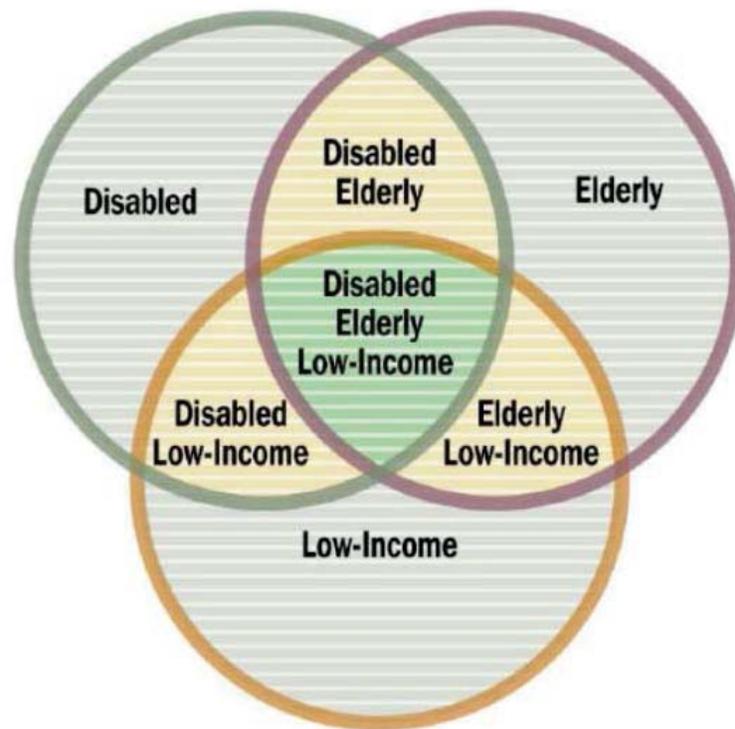


Figure 1  
General Transportation Disadvantaged Population Groups

Figure 1 details the seven sub-sections of the General Transportation Disadvantaged population:

- Disabled – but not Elderly or Low Income
- Disabled and Elderly - but not Low Income
- Disabled and Low Income – but not Elderly
- Elderly – but not Disabled or Low Income
- Elderly and Low Income – but not Disabled
- Low Income – but not Disabled or Elderly
- Disabled, Elderly and Low Income

Utilizing the U.S. Census Bureau American Community Survey 3-Year Estimates, the model forecasts the General Transportation Disadvantaged populations for each county. While the model runs provide estimates for each of these sub-categories, the following tables summarize the overall General Transportation Disadvantaged population for each county. For the entire state of Florida, 36.63 percent of the total statewide population is classified as General Transportation Disadvantaged.

Table 2 lists the total population, the forecasted General Transportation Disadvantaged populations, and the percentage of the total county population. Table 2 provides this information for each county alphabetically, as well as statewide totals.

Table 3 provides this same information, but sorts the counties by percent. A wide range of diversity exists among Florida counties, with the percent of the General Transportation Disadvantaged populations ranging from a high of 63.30 percent (Sumter County) to a low of 26.41 percent (Seminole County).

**Table 2**  
**General Transportation Disadvantaged Population – Alphabetical**

County	Total Population	General TD Population	
		#	%
Alachua	232,304	92,522	39.83%
Baker	24,996	8,298	33.20%
Bay	161,913	52,264	32.28%
Bradford	24,355	9,655	39.64%
Brevard	533,438	201,990	37.87%
Broward	1,737,499	535,650	30.83%
Calhoun	14,389	6,408	44.53%
Charlotte	157,263	78,171	49.71%
Citrus	138,320	71,734	51.86%
Clay	186,758	54,207	29.03%
Collier	319,953	139,168	43.50%
Columbia	63,587	27,658	43.50%
DeSoto	32,516	15,610	48.01%
Dixie	16,116	6,792	42.14%
Duval	841,769	272,256	32.34%
Escambia	274,176	108,236	39.48%
Flagler	94,939	40,540	42.70%
Franklin	11,531	5,108	44.30%
Gadsden	44,147	14,993	33.96%
Gilchrist	16,692	6,815	40.83%
Glades	12,394	5,746	46.36%
Gulf	15,350	6,377	41.54%
Hamilton	14,722	5,756	39.10%
Hardee	26,026	12,635	48.55%
Hendry	36,629	15,429	42.12%
Hernando	170,034	77,717	45.71%
Highlands	97,388	54,175	55.63%
Hillsborough	1,238,435	353,636	28.56%
Holmes	20,003	8,742	43.70%
Indian River	136,400	61,033	44.75%
Jackson	40,517	16,198	39.98%
Jefferson	14,549	5,654	38.86%
Lafayette	8,526	2,933	34.40%
Lake	294,428	121,023	41.10%
Lee	612,938	255,214	41.64%

**Table 2**  
**General Transportation Disadvantaged Population – Alphabetical (continued)**

County	Total Population	General TD	
		#	%
Leon	260,763	98,524	37.78%
Levy	39,867	20,828	52.24%
Liberty	8,287	3,127	37.73%
Madison	18,922	7,904	41.77%
Manatee	319,062	131,210	41.12%
Marion	323,535	153,889	47.56%
Martin	143,417	65,376	45.58%
Miami-Dade	2,455,458	839,158	34.18%
Monroe	71,017	24,789	34.91%
Nassau	72,236	22,625	31.32%
Okaloosa	170,578	59,668	34.98%
Okeechobee	38,351	18,890	49.26%
Orange	1,125,263	334,359	29.71%
Osceola	267,279	86,089	32.21%
Palm Beach	1,302,731	497,044	38.15%
Pasco	458,196	183,479	40.04%
Pinellas	899,068	351,367	39.08%
Polk	588,970	238,325	40.46%
Putnam	72,389	36,360	50.23%
Santa Rosa	144,914	44,698	30.84%
Sarasota	379,839	174,304	45.89%
Seminole	418,721	110,567	26.41%
St. Johns	188,293	54,299	28.84%
St. Lucie	274,238	116,768	42.58%
Sumter	85,031	53,826	63.30%
Suwannee	40,421	17,730	43.86%
Taylor	19,799	8,573	43.30%
Union	15,504	4,818	31.08%
Volusia	451,892	201,081	44.50%
Wakulla	27,156	8,635	31.80%
Walton	52,869	20,229	38.26%
Washington	22,706	9,648	42.49%
<b>STATE TOTALS</b>	<b>18,421,772</b>	<b>6,748,530</b>	<b>36.63%</b>

**Table 3**  
**General Transportation Disadvantaged Population – Sorted By Percent**

County	Total Population	General TD Population	
		#	%
Sumter	85,031	53,826	63.30%
Highlands	97,388	54,175	55.63%
Levy	39,867	20,828	52.24%
Citrus	138,320	71,734	51.86%
Putnam	72,389	36,360	50.23%
Charlotte	157,263	78,171	49.71%
Okeechobee	38,351	18,890	49.26%
Hardee	26,026	12,635	48.55%
DeSoto	32,516	15,610	48.01%
Marion	323,535	153,889	47.56%
Glades	12,394	5,746	46.36%
Sarasota	379,839	174,304	45.89%
Hernando	170,034	77,717	45.71%
Martin	143,417	65,376	45.58%
Indian River	136,400	61,033	44.75%
Calhoun	14,389	6,408	44.53%
Volusia	451,892	201,081	44.50%
Franklin	11,531	5,108	44.30%
Suwannee	40,421	17,730	43.86%
Holmes	20,003	8,742	43.70%
Collier	319,953	139,168	43.50%
Columbia	63,587	27,658	43.50%
Taylor	19,799	8,573	43.30%
Flagler	94,939	40,540	42.70%
St. Lucie	274,238	116,768	42.58%
Washington	22,706	9,648	42.49%
Dixie	16,116	6,792	42.14%
Hendry	36,629	15,429	42.12%
Madison	18,922	7,904	41.77%
Lee	612,938	255,214	41.64%
Gulf	15,350	6,377	41.54%
Manatee	319,062	131,210	41.12%
Lake	294,428	121,023	41.10%
Gilchrist	16,692	6,815	40.83%
Polk	588,970	238,325	40.46%

**Table 3**  
**General Transportation Disadvantaged Population – Sorted By Percent (continued)**

County	Total Population	General TD	
		#	%
Pasco	458,196	183,479	40.04%
Jackson	40,517	16,198	39.98%
Alachua	232,304	92,522	39.83%
Bradford	24,355	9,655	39.64%
Escambia	274,176	108,236	39.48%
Hamilton	14,722	5,756	39.10%
Pinellas	899,068	351,367	39.08%
Jefferson	14,549	5,654	38.86%
Walton	52,869	20,229	38.26%
Palm Beach	1,302,731	497,044	38.15%
Brevard	533,438	201,990	37.87%
Leon	260,763	98,524	37.78%
Liberty	8,287	3,127	37.73%
Okaloosa	170,578	59,668	34.98%
Monroe	71,017	24,789	34.91%
Lafayette	8,526	2,933	34.40%
Miami-Dade	2,455,458	839,158	34.18%
Gadsden	44,147	14,993	33.96%
Baker	24,996	8,298	33.20%
Duval	841,769	272,256	32.34%
Bay	161,913	52,264	32.28%
Osceola	267,279	86,089	32.21%
Wakulla	27,156	8,635	31.80%
Nassau	72,236	22,625	31.32%
Union	15,504	4,818	31.08%
Santa Rosa	144,914	44,698	30.84%
Broward	1,737,499	535,650	30.83%
Orange	1,125,263	334,359	29.71%
Clay	186,758	54,207	29.03%
St. Johns	188,293	54,299	28.84%
Hillsborough	1,238,435	353,636	28.56%
Seminole	418,721	110,567	26.41%
<b>STATE TOTALS</b>	<b>18,421,772</b>	<b>6,748,530</b>	<b>36.63%</b>

## CRITICAL NEED TRANSPORTATION POPULATIONS

As detailed in the previous chapter, the **General Transportation Disadvantaged populations** are those individuals who fall within the general transportation categories of elderly, disabled or low income. These individuals, however, may or may not meet the second criteria of being unable to transport themselves.

The estimates of the General Transportation Disadvantaged populations – all disabled, elderly, and low-income persons – must further be refined to identify the **Critical need Transportation Disadvantaged populations**, or those who due to severe physical limitations or low income individuals who do not have access to an automobile or public transit are dependent upon others for their mobility needs.

The next step in the modeling process uses the General Transportation Disadvantaged population estimates and puts the focus on estimating the Critical Need Transportation Disadvantaged populations, specifically focusing on two groups:

- The Severely Disabled Population
- The Low Income Population Not Disabled and Without Public Transit and Automobile Access

### ***Severely Disabled Populations***

Disability refers to physical or mental limitations that may prevent a person from transporting him or herself, while income refers to the financial capacity of a person to purchase transportation. Similar relationships associated with age that limit mobility are not as apparent. Age alone should not affect a person's ability to transport him or herself. It may, however, relate to other factors that are associated with the aging process or to the demographic characteristics of the elderly population; namely, the higher incidence of disability and poverty among the elderly.

Since disability alone may not preclude an individual from being able to transport themselves or purchase transportation services, transportation disadvantaged persons who are disabled used in the model focuses on individuals who are included within the **Severely Disabled Population** as defined by the U.S. Census Bureau's 2010 Survey of Income and Program Participation (SIPP) estimates, a continuous series of national surveys conducted over the course of a 2½- to 4-year period with a sample size ranging from approximately 14,000 to 36,700 households.

The SIPP, through its supplemental questionnaires on adult and child functional limitations, asks questions about the ability of respondents to perform functional and participatory activities. When a respondent indicates they have difficulty performing an activity, a follow-up question is used to determine the severity of the limitation. The responses to these and

other questions are used to develop three overall measures of disability: any disability, severe disability, and needs assistance.

For the demand estimation, the focus was on the “severe disability” category which includes persons with the following disabilities or limitations:

- Deaf, blind, or unable to see, hear, or have speech understood (aged 6 and older)
- Unable to perform one or more of the functional activities (aged 15 and older)
- Use a wheelchair, cane, crutches, or walker (aged 6 and older)
- Needs the assistance of another person to perform one or more of the Assistance with Activities of Daily Living
- Needs assistance of another person to perform one or more of the Instrumental Activities of Daily Living
- Has difficulty finding a job or remaining employed (aged 16 to 72)
- Has Alzheimer’s disease, dementia, or senility (aged 15 and older)
- Has a developmental delay (under 6 years)
- Has an intellectual disability or developmental disability, such as autism or cerebral palsy (aged 6 and older)
- Has some other developmental condition for which received therapy or diagnostic services (aged 6 to 14)
- Has one or more selected symptoms that interfere with everyday activities: frequently depressed or anxious, trouble getting along with others, trouble concentrating, or trouble coping with stress (aged 15 and older).

Using the SIPP information the modeling process further refines the estimates of the General Transportation Disadvantaged population components to calculate the number of individuals who meet the Severely Disabled Population definition.

### ***Low Income Population Not Disabled***

The second step in the calculation of the Critical Need Transportation Disadvantaged population estimates is to account for the low income population that do not have access to an automobile or have access to their community’s fixed route transit system.

The other component of the Critical Need Transportation Disadvantaged populations, the Low Income Population Not Disabled is calculated by combining two population segments – the Low Income/Elderly/Not Disabled and the Low Income/Not Elderly/Not Disabled.

This is done by factoring the Low Income/Not Disabled population as follows:

- Reduce the number by multiplying by 27.2 percent to determine the number without access to an automobile (factor was obtained from U.S. Census surveys).

- Multiply the reduced number by the percent of the county population not served by the fixed route transit service. For counties without fixed route transit service, there would be no reduction.
- The resulting figure is the **Low Income/Not Disabled/Without Transit or Auto Access population**. This represents low income populations that are unable to transport themselves or purchase transportation.

Table 4 alphabetically lists the total population, the forecasted Critical Need Transportation Disadvantaged populations, and the percentage of the total county population. Table 4 provides this information for each county and provides statewide totals.

Table 5 provides the same information sorted by the percentage of Severely Disabled from the highest at 5.76 percent (Highlands County) to the lowest at 1.15 percent (Holmes County). For the state of Florida, 3.12 percent of the total population is classified as Severely Disabled.

Table 6 provides the Critical Need Transportation Disadvantaged Population information sorted by the percent of Low Income/Not Disabled/Without Transit or Auto Access from the highest at 7.8 percent (Hardee County) to the lowest at 0.32 percent (Broward County). Within Florida, 0.84 percent of the total population is classified as Low Income/ Not Disabled/Without Transit or Auto Access.

**Table 4  
Critical Need Transportation Disadvantaged Population – Alphabetical**

County	Total Population	Critical Need Population			
		Severely Disabled Population		Low Income - Not Disabled - No Transit/Auto Population	
		#	%	#	%
Alachua	232,304	5,739	2.47%	2,092	0.90%
Baker	24,996	701	2.80%	1,015	4.06%
Bay	161,913	5,257	3.25%	4,344	2.68%
Bradford	24,355	1,096	4.50%	952	3.91%
Brevard	533,438	19,949	3.74%	2,975	0.56%
Broward	1,737,499	41,160	2.37%	5,474	0.32%
Calhoun	14,389	722	5.02%	606	4.21%
Charlotte	157,263	8,214	5.22%	4,247	2.70%
Citrus	138,320	7,316	5.29%	4,621	3.34%
Clay	186,758	4,884	2.62%	2,291	1.23%
Collier	319,953	10,387	3.25%	2,431	0.76%
Columbia	63,587	2,720	4.28%	2,634	4.14%
DeSoto	32,516	1,197	3.68%	1,579	4.86%
Dixie	16,116	855	5.31%	441	2.74%
Duval	841,769	20,872	2.48%	3,206	0.38%
Escambia	274,176	9,590	3.50%	2,294	0.84%
Flagler	94,939	3,474	3.66%	3,246	3.42%
Franklin	11,531	591	5.13%	441	3.82%
Gadsden	44,147	1,364	3.09%	1,446	3.28%
Gilchrist	16,692	868	5.20%	479	2.87%
Glades	12,394	641	5.17%	446	3.60%
Gulf	15,350	786	5.12%	427	2.78%
Hamilton	14,722	756	5.14%	528	3.59%
Hardee	26,026	807	3.10%	2,029	7.80%
Hendry	36,629	1,206	3.29%	2,244	6.13%
Hernando	170,034	8,043	4.73%	2,764	1.63%
Highlands	97,388	5,613	5.76%	573	0.59%
Hillsborough	1,238,435	30,752	2.48%	5,119	0.41%
Holmes	20,003	231	1.15%	819	4.09%
Indian River	136,400	5,824	4.27%	892	0.65%
Jackson	40,517	2,070	5.11%	955	2.36%
Jefferson	14,549	735	5.05%	374	2.57%
Lafayette	8,526	421	4.94%	205	2.40%
Lake	294,428	11,136	3.78%	4,339	1.47%
Lee	612,938	20,903	3.41%	4,280	0.70%

**Table 4**  
**Critical Need Transportation Disadvantaged Population – Alphabetical (continued)**

County	Total Population	Critical Need Population			
		Severely Disabled Population		Low Income - Not Disabled - No Transit/Auto Population	
		#	%	#	%
Leon	260,763	4,975	1.91%	3,787	1.45%
Levy	39,867	1,677	4.21%	226	0.57%
Liberty	8,287	407	4.91%	280	3.38%
Madison	18,922	953	5.04%	667	3.52%
Manatee	319,062	11,031	3.46%	2,212	0.69%
Marion	323,535	14,335	4.43%	3,782	1.17%
Martin	143,417	5,904	4.12%	1,547	1.08%
Miami-Dade	2,455,458	64,435	2.62%	11,091	0.45%
Monroe	71,017	2,221	3.13%	1,967	2.77%
Nassau	72,236	2,237	3.10%	1,597	2.21%
Okaloosa	170,578	5,266	3.09%	1,612	0.95%
Okeechobee	38,351	1,622	4.23%	2,274	5.93%
Orange	1,125,263	23,111	2.05%	4,383	0.39%
Osceola	267,279	7,026	2.63%	1,949	0.73%
Palm Beach	1,302,731	44,383	3.41%	4,590	0.35%
Pasco	458,196	17,234	3.76%	4,503	0.98%
Pinellas	899,068	34,101	3.79%	2,981	0.33%
Polk	588,970	19,949	3.39%	6,006	1.02%
Putnam	72,389	2,890	3.99%	2,260	3.12%
Santa Rosa	144,914	4,096	2.83%	3,638	2.51%
Sarasota	379,839	16,286	4.29%	2,057	0.54%
Seminole	418,721	9,246	2.21%	2,099	0.50%
St. Johns	188,293	4,881	2.59%	1,297	0.69%
St. Lucie	274,238	9,616	3.51%	3,424	1.25%
Sumter	85,031	4,448	5.23%	1,897	2.23%
Suwannee	40,421	1,867	4.62%	1,633	4.04%
Taylor	19,799	1,066	5.38%	657	3.32%
Union	15,504	539	3.48%	416	2.68%
Volusia	451,892	18,062	4.00%	3,553	0.79%
Wakulla	27,156	881	3.24%	509	1.87%
Walton	52,869	1,896	3.59%	1,553	2.94%
Washington	22,706	882	3.88%	958	4.22%
<b>STATE TOTALS</b>	<b>18,421,772</b>	<b>574,403</b>	<b>3.12%</b>	<b>154,213</b>	<b>0.84%</b>

**Table 5  
Critical Need Transportation Disadvantaged Population –  
Sorted By Percent Severely Disabled**

County	Total Population	Critical Need Population			
		Severely Disabled Population		Low Income - Not Disabled - No Transit/Auto Population	
		#	%	#	%
Highlands	97,388	5,613	5.76%	573	0.59%
Taylor	19,799	1,066	5.38%	657	3.32%
Dixie	16,116	855	5.31%	441	2.74%
Citrus	138,320	7,316	5.29%	4,621	3.34%
Sumter	85,031	4,448	5.23%	1,897	2.23%
Charlotte	157,263	8,214	5.22%	4,247	2.70%
Gilchrist	16,692	868	5.20%	479	2.87%
Glades	12,394	641	5.17%	446	3.60%
Hamilton	14,722	756	5.14%	528	3.59%
Franklin	11,531	591	5.13%	441	3.82%
Gulf	15,350	786	5.12%	427	2.78%
Jackson	40,517	2,070	5.11%	955	2.36%
Jefferson	14,549	735	5.05%	374	2.57%
Madison	18,922	953	5.04%	667	3.52%
Calhoun	14,389	722	5.02%	606	4.21%
Lafayette	8,526	421	4.94%	205	2.40%
Liberty	8,287	407	4.91%	280	3.38%
Hernando	170,034	8,043	4.73%	2,764	1.63%
Suwannee	40,421	1,867	4.62%	1,633	4.04%
Bradford	24,355	1,096	4.50%	952	3.91%
Marion	323,535	14,335	4.43%	3,782	1.17%
Sarasota	379,839	16,286	4.29%	2,057	0.54%
Columbia	63,587	2,720	4.28%	2,634	4.14%
Indian River	136,400	5,824	4.27%	892	0.65%
Okeechobee	38,351	1,622	4.23%	2,274	5.93%
Levy	39,867	1,677	4.21%	226	0.57%
Martin	143,417	5,904	4.12%	1,547	1.08%
Volusia	451,892	18,062	4.00%	3,553	0.79%
Putnam	72,389	2,890	3.99%	2,260	3.12%
Washington	22,706	882	3.88%	958	4.22%
Pinellas	899,068	34,101	3.79%	2,981	0.33%
Lake	294,428	11,136	3.78%	4,339	1.47%
Pasco	458,196	17,234	3.76%	4,503	0.98%
Brevard	533,438	19,949	3.74%	2,975	0.56%
DeSoto	32,516	1,197	3.68%	1,579	4.86%

**Table 5  
Critical Need Transportation Disadvantaged Population –  
Sorted By Percent Severely Disabled (continued)**

County	Total Population	Critical Need Population			
		Severely Disabled Population		Low Income - Not Disabled - No Transit/Auto Population	
		#	%	#	%
Flagler	94,939	3,474	3.66%	3,246	3.42%
Walton	52,869	1,896	3.59%	1,553	2.94%
St. Lucie	274,238	9,616	3.51%	3,424	1.25%
Escambia	274,176	9,590	3.50%	2,294	0.84%
Union	15,504	539	3.48%	416	2.68%
Manatee	319,062	11,031	3.46%	2,212	0.69%
Lee	612,938	20,903	3.41%	4,280	0.70%
Palm Beach	1,302,731	44,383	3.41%	4,590	0.35%
Polk	588,970	19,949	3.39%	6,006	1.02%
Hendry	36,629	1,206	3.29%	2,244	6.13%
Bay	161,913	5,257	3.25%	4,344	2.68%
Collier	319,953	10,387	3.25%	2,431	0.76%
Wakulla	27,156	881	3.24%	509	1.87%
Monroe	71,017	2,221	3.13%	1,967	2.77%
Hardee	26,026	807	3.10%	2,029	7.80%
Nassau	72,236	2,237	3.10%	1,597	2.21%
Gadsden	44,147	1,364	3.09%	1,446	3.28%
Okaloosa	170,578	5,266	3.09%	1,612	0.95%
Santa Rosa	144,914	4,096	2.83%	3,638	2.51%
Baker	24,996	701	2.80%	1,015	4.06%
Osceola	267,279	7,026	2.63%	1,949	0.73%
Miami-Dade	2,455,458	64,435	2.62%	11,091	0.45%
Clay	186,758	4,884	2.62%	2,291	1.23%
St. Johns	188,293	4,881	2.59%	1,297	0.69%
Hillsborough	1,238,435	30,752	2.48%	5,119	0.41%
Duval	841,769	20,872	2.48%	3,206	0.38%
Alachua	232,304	5,739	2.47%	2,092	0.90%
Broward	1,737,499	41,160	2.37%	5,474	0.32%
Seminole	418,721	9,246	2.21%	2,099	0.50%
Orange	1,125,263	23,111	2.05%	4,383	0.39%
Leon	260,763	4,975	1.91%	3,787	1.45%
Holmes	20,003	231	1.15%	819	4.09%
<b>STATE TOTALS</b>	<b>18,421,772</b>	<b>574,403</b>	<b>3.12%</b>	<b>154,213</b>	<b>0.84%</b>

**Table 6  
Critical Need Transportation Disadvantaged Population –  
Sorted By Low Income Not Disabled No Transit Or Auto Access**

County	Total Population	Critical Need Population			
		Severely Disabled Population		Low Income - Not Disabled - No Transit/Auto Population	
		#	%	#	%
Hardee	26,026	807	3.10%	2,029	7.80%
Hendry	36,629	1,206	3.29%	2,244	6.13%
Okeechobee	38,351	1,622	4.23%	2,274	5.93%
DeSoto	32,516	1,197	3.68%	1,579	4.86%
Washington	22,706	882	3.88%	958	4.22%
Calhoun	14,389	722	5.02%	606	4.21%
Columbia	63,587	2,720	4.28%	2,634	4.14%
Holmes	20,003	231	1.15%	819	4.09%
Baker	24,996	701	2.80%	1,015	4.06%
Suwannee	40,421	1,867	4.62%	1,633	4.04%
Bradford	24,355	1,096	4.50%	952	3.91%
Franklin	11,531	591	5.13%	441	3.82%
Glades	12,394	641	5.17%	446	3.60%
Hamilton	14,722	756	5.14%	528	3.59%
Madison	18,922	953	5.04%	667	3.52%
Flagler	94,939	3,474	3.66%	3,246	3.42%
Liberty	8,287	407	4.91%	280	3.38%
Citrus	138,320	7,316	5.29%	4,621	3.34%
Taylor	19,799	1,066	5.38%	657	3.32%
Gadsden	44,147	1,364	3.09%	1,446	3.28%
Putnam	72,389	2,890	3.99%	2,260	3.12%
Walton	52,869	1,896	3.59%	1,553	2.94%
Gilchrist	16,692	868	5.20%	479	2.87%
Gulf	15,350	786	5.12%	427	2.78%
Monroe	71,017	2,221	3.13%	1,967	2.77%
Dixie	16,116	855	5.31%	441	2.74%
Charlotte	157,263	8,214	5.22%	4,247	2.70%
Union	15,504	539	3.48%	416	2.68%
Bay	161,913	5,257	3.25%	4,344	2.68%
Jefferson	14,549	735	5.05%	374	2.57%
Santa Rosa	144,914	4,096	2.83%	3,638	2.51%
Lafayette	8,526	421	4.94%	205	2.40%
Jackson	40,517	2,070	5.11%	955	2.36%
Sumter	85,031	4,448	5.23%	1,897	2.23%
Nassau	72,236	2,237	3.10%	1,597	2.21%

**Table 6**  
**Critical Need Transportation Disadvantaged Population –**  
**Sorted By Low Income Not Disabled No Transit Service Or Auto Access (continued)**

County	Total Population	Critical Need Population			
		Severely Disabled Population		Low Income - Not Disabled - No Transit/Auto Population	
		#	%	#	%
Wakulla	27,156	881	3.24%	509	1.87%
Hernando	170,034	8,043	4.73%	2,764	1.63%
Lake	294,428	11,136	3.78%	4,339	1.47%
Leon	260,763	4,975	1.91%	3,787	1.45%
St. Lucie	274,238	9,616	3.51%	3,424	1.25%
Clay	186,758	4,884	2.62%	2,291	1.23%
Marion	323,535	14,335	4.43%	3,782	1.17%
Martin	143,417	5,904	4.12%	1,547	1.08%
Polk	588,970	19,949	3.39%	6,006	1.02%
Pasco	458,196	17,234	3.76%	4,503	0.98%
Okaloosa	170,578	5,266	3.09%	1,612	0.95%
Alachua	232,304	5,739	2.47%	2,092	0.90%
Escambia	274,176	9,590	3.50%	2,294	0.84%
Volusia	451,892	18,062	4.00%	3,553	0.79%
Collier	319,953	10,387	3.25%	2,431	0.76%
Osceola	267,279	7,026	2.63%	1,949	0.73%
Lee	612,938	20,903	3.41%	4,280	0.70%
Manatee	319,062	11,031	3.46%	2,212	0.69%
St. Johns	188,293	4,881	2.59%	1,297	0.69%
Indian River	136,400	5,824	4.27%	892	0.65%
Highlands	97,388	5,613	5.76%	573	0.59%
Levy	39,867	1,677	4.21%	226	0.57%
Brevard	533,438	19,949	3.74%	2,975	0.56%
Sarasota	379,839	16,286	4.29%	2,057	0.54%
Seminole	418,721	9,246	2.21%	2,099	0.50%
Miami-Dade	2,455,458	64,435	2.62%	11,091	0.45%
Hillsborough	1,238,435	30,752	2.48%	5,119	0.41%
Orange	1,125,263	23,111	2.05%	4,383	0.39%
Duval	841,769	20,872	2.48%	3,206	0.38%
Palm Beach	1,302,731	44,383	3.41%	4,590	0.35%
Pinellas	899,068	34,101	3.79%	2,981	0.33%
Broward	1,737,499	41,160	2.37%	5,474	0.32%
<b>STATE TOTALS</b>	<b>18,421,772</b>	<b>574,403</b>	<b>3.12%</b>	<b>154,213</b>	<b>0.84%</b>

## **CRITICAL NEED DAILY AND ANNUAL TRIP DEMAND**

The next step in the process is to apply travel rates to the two components of the Critical Need Transportation Disadvantaged populations to calculate the daily and annual travel demand.

Data from the most recent (2009) National Household Travel Survey (NHTS) was used for the demand methodology. Sponsored by the Federal Highway Administration, the NHTS is conducted approximately every eight years to collect in-depth information at the individual and household levels about travel patterns including, but not limited to: trip purpose, mode, vehicle availability and travel time.

For the purpose of forecasting paratransit demand, the trip rates for households with zero vehicles available are used. This is based on the assumption that the elderly, low income, and disabled who make up Florida's TD population are more likely to reside in households with zero vehicles and/or their travel demand would be similar to households with zero vehicles available versus households with vehicles and unconstrained use.

Based on the 2009 NHTS, the per capita trip rate for Florida households with zero vehicles available averaged 2.4 trips per day. Of the 2.4 trips per day, 0.389 were made on transit, 0.063 on school buses, and 0.049 on special services for people with disabilities. These three modes are subtracted from the 2.4 trips per day to arrive at the daily trip rate of 1.899 trips per day for the Low Income/Not Disabled/Without Public Transit or Auto Access. The remaining trips could be made using a variety of modes including: privately operated (but not household owned) vehicles as a passenger or driver, bicycle, walking, taxi, or other travel options.

Daily travel demand was calculated by multiplying the two components of the Critical Need Transportation Disadvantaged populations by these daily trip rates that is multiply: the "severely disabled" estimates by 0.049 trips per day: and, the "low income/not disabled/without auto or transit access" estimates by 1.899 trips per day. Using the calculated daily trip demand, the annual travel demand projections were calculated assuming 365 travel days per year.

Table 7 lists the total population, the forecasted Critical Need Transportation Disadvantaged population's daily and annual trip demand. Table 7 provides the information for each county alphabetically, as well as statewide travel demand totals (325,299 daily trips and 118,734,165 annual trips).

Table 8 provides the same information sorted by the percent of the forecasted Critical Need Transportation Disadvantaged population's daily and annual trip demand from highest (Miami-Dade County at 24,219 daily trips and 8,839,935 annual trips) to the lowest (Lafayette County at 410 daily trips and 149,650 annual trips).

**Table 7  
Critical Need Daily and Annual Trip Demand – Alphabetical**

County	Total Population	Critical Need Daily Trip Demand	Critical Need Annual Trip Demand
		#	#
Alachua	232,304	4,254	1,552,710
Baker	24,996	1,961	715,765
Bay	161,913	8,508	3,105,420
Bradford	24,355	1,862	679,630
Brevard	533,438	6,627	2,418,855
Broward	1,737,499	12,804	4,673,460
Calhoun	14,389	1,187	433,255
Charlotte	157,263	8,468	3,090,820
Citrus	138,320	9,134	3,333,910
Clay	186,758	4,589	1,674,985
Collier	319,953	5,125	1,870,625
Columbia	63,587	5,135	1,874,275
DeSoto	32,516	3,057	1,115,805
Dixie	16,116	880	321,200
Duval	841,769	7,111	2,595,515
Escambia	274,176	4,827	1,761,855
Flagler	94,939	6,335	2,312,275
Franklin	11,531	866	316,090
Gadsden	44,147	2,850	1,040,250
Gilchrist	16,692	952	347,480
Glades	12,394	878	320,470
Gulf	15,350	850	310,250
Hamilton	14,722	1,040	379,600
Hardee	26,026	3,893	1,420,945
Hendry	36,629	4,321	1,577,165
Hernando	170,034	5,644	2,060,060
Highlands	97,388	1,363	497,495
Hillsborough	1,238,435	11,227	4,097,855
Holmes	20,003	1,566	571,590
Indian River	136,400	1,980	722,700
Jackson	40,517	1,914	698,610
Jefferson	14,549	747	272,655
Lafayette	8,526	410	149,650
Lake	294,428	8,786	3,206,890
Lee	612,938	9,152	3,340,480

**Table 7  
Critical Need Daily and Annual Trip Demand – Alphabetical (continued)**

County	Total Population	Critical Need Daily Trip Demand	Critical Need Annual Trip Demand
		#	#
Leon	260,763	7,436	2,714,140
Levy	39,867	4,377	1,597,605
Liberty	8,287	552	201,480
Madison	18,922	1,314	479,610
Manatee	319,062	4,740	1,730,100
Marion	323,535	7,885	2,878,025
Martin	143,417	3,228	1,178,220
Miami-Dade	2,455,458	24,219	8,839,935
Monroe	71,017	3,843	1,402,695
Nassau	72,236	3,143	1,147,195
Okaloosa	170,578	3,318	1,211,070
Okeechobee	38,351	4,397	1,604,905
Orange	1,125,263	9,456	3,451,440
Osceola	267,279	4,046	1,476,790
Palm Beach	1,302,731	10,892	3,975,580
Pasco	458,196	9,395	3,429,175
Pinellas	899,068	7,333	2,676,545
Polk	588,970	12,383	4,519,795
Putnam	72,389	4,433	1,618,045
Santa Rosa	144,914	7,110	2,595,150
Sarasota	379,839	4,704	1,716,960
Seminole	418,721	4,439	1,620,235
St. Johns	188,293	2,703	986,595
St. Lucie	274,238	6,973	2,545,145
Sumter	85,031	3,820	1,394,300
Suwannee	40,421	3,193	1,165,445
Taylor	19,799	1,299	474,135
Union	15,504	816	297,840
Volusia	451,892	7,633	2,786,045
Wakulla	27,156	1,010	368,650
Walton	52,869	3,043	1,110,695
Washington	22,706	1,863	679,995
<b>STATE TOTALS</b>	<b>18,421,772</b>	<b>325,299</b>	<b>118,734,135</b>

**Table 8**  
**Critical Need Daily and Annual Trip Demand – Sorted By Annual Trip Demand**

County	Total Population	Critical Need Daily Trip Demand	Critical Need Annual Trip Demand
		#	#
Miami-Dade	2,455,458	24,219	8,839,935
Broward	1,737,499	12,804	4,673,460
Polk	588,970	12,383	4,519,795
Hillsborough	1,238,435	11,227	4,097,855
Palm Beach	1,302,731	10,892	3,975,580
Orange	1,125,263	9,456	3,451,440
Pasco	458,196	9,395	3,429,175
Lee	612,938	9,152	3,340,480
Citrus	138,320	9,134	3,333,910
Lake	294,428	8,786	3,206,890
Bay	161,913	8,508	3,105,420
Charlotte	157,263	8,468	3,090,820
Marion	323,535	7,885	2,878,025
Volusia	451,892	7,633	2,786,045
Leon	260,763	7,436	2,714,140
Pinellas	899,068	7,333	2,676,545
Duval	841,769	7,111	2,595,515
Santa Rosa	144,914	7,110	2,595,150
St. Lucie	274,238	6,973	2,545,145
Brevard	533,438	6,627	2,418,855
Flagler	94,939	6,335	2,312,275
Hernando	170,034	5,644	2,060,060
Columbia	63,587	5,135	1,874,275
Collier	319,953	5,125	1,870,625
Escambia	274,176	4,827	1,761,855
Manatee	319,062	4,740	1,730,100
Sarasota	379,839	4,704	1,716,960
Clay	186,758	4,589	1,674,985
Seminole	418,721	4,439	1,620,235
Putnam	72,389	4,433	1,618,045
Okeechobee	38,351	4,397	1,604,905
Levy	39,867	4,377	1,597,605
Hendry	36,629	4,321	1,577,165
Alachua	232,304	4,254	1,552,710
Osceola	267,279	4,046	1,476,790

**Table 8**  
**Critical Need Daily and Annual Trip Demand – Sorted By Annual Trip Demand (continued)**

County	Total Population	Critical Need Daily Trip Demand	Critical Need Annual Trip Demand
		#	#
Hardee	26,026	3,893	1,420,945
Monroe	71,017	3,843	1,402,695
Sumter	85,031	3,820	1,394,300
Okaloosa	170,578	3,318	1,211,070
Martin	143,417	3,228	1,178,220
Suwannee	40,421	3,193	1,165,445
Nassau	72,236	3,143	1,147,195
DeSoto	32,516	3,057	1,115,805
Walton	52,869	3,043	1,110,695
Gadsden	44,147	2,850	1,040,250
St. Johns	188,293	2,703	986,595
Indian River	136,400	1,980	722,700
Baker	24,996	1,961	715,765
Jackson	40,517	1,914	698,610
Washington	22,706	1,863	679,995
Bradford	24,355	1,862	679,630
Holmes	20,003	1,566	571,590
Highlands	97,388	1,363	497,495
Madison	18,922	1,314	479,610
Taylor	19,799	1,299	474,135
Calhoun	14,389	1,187	433,255
Hamilton	14,722	1,040	379,600
Wakulla	27,156	1,010	368,650
Gilchrist	16,692	952	347,480
Dixie	16,116	880	321,200
Glades	12,394	878	320,470
Franklin	11,531	866	316,090
Gulf	15,350	850	310,250
Union	15,504	816	297,840
Jefferson	14,549	747	272,655
Liberty	8,287	552	201,480
Lafayette	8,526	410	149,650
<b>STATE TOTALS</b>	<b>18,421,772</b>	<b>325,299</b>	<b>118,734,135</b>

## UNMET AND LATENT TRAVEL DEMAND

After the estimation of the Critical Need Transportation Disadvantaged population travel demand, the final step in the process of estimating unmet or latent demand is to compare the travel demand calculations to the total annual trips provided by the CTCs as reported in the latest AOR. The comparison of the total AOR reported annual trips to the estimated Critical Need Transportation Disadvantaged population travel demand will provide a measure of the critical need travel demand met by the CTCs, thus revealing the unmet travel demand. The end product of this task is an estimate of unmet and latent travel demand and mobility needs for the Florida transportation disadvantaged population at both the county and statewide levels.

The next set of tables present this comparison and the estimates of met and unmet travel demand for the Critical Need Transportation Disadvantaged at the county and statewide level.

In alphabetical order by county, Table 9 lists the Critical Need Annual Trip Demand, the FY 2012 AOR Total Trips, the percentage of the annual trip demand satisfied by the CTCs and the Transportation Disadvantaged system, and the remaining or unmet travel demand as both a number and a percentage.

Statewide calculations reveal that the combined CTCs' 49,601,883 annual trips meet 41.78 percent of the estimated Critical Need Transportation Disadvantaged population travel demand in Florida, leaving 69,132,252 annual trips (or 58.22 percent) of the trip demand to be satisfied by other means or simply not provided.

Table 10 provides the same information sorted at the county level by the percent of the Critical Need Transportation Disadvantaged population travel demand met by the CTCs and the remaining unmet demand.

The individual results vary widely by county. The Gilchrist County CTC meets the least of the Critical Need Transportation Disadvantaged population travel demand with only 1.38 percent, leaving 98.62 percent of the demand unmet. Two counties, Palm Beach and Miami-Dade, actually satisfy all of the Critical Need Transportation Disadvantaged population travel demand (based on the model) through the travel provided under the CTC programs. It should be noted that since these two counties are providing more trips than estimated in the model, their unmet demand appear as negative numbers and percentages.

**Table 9  
Critical Need Trips versus AOR Total Trips – Alphabetical**

County	Critical Need Annual Trip Demand	APR Total Trips (FY2012-13)	Percent Demand Satisfied	Unmet Demand	
	#	#	%	#	%
Alachua	1,552,710	114,653	7.38%	1,438,057	92.62%
Baker	715,765	16,808	2.35%	698,957	97.65%
Bay	3,105,420	203,101	6.54%	2,902,319	93.46%
Bradford	679,630	32,124	4.73%	647,506	95.27%
Brevard	2,418,855	1,119,173	46.27%	1,299,682	53.73%
Broward	4,673,460	3,897,990	83.41%	775,470	16.59%
Calhoun	433,255	9,687	2.24%	423,568	97.76%
Charlotte	3,090,820	98,588	3.19%	2,992,232	96.81%
Citrus	3,333,910	250,266	7.51%	3,083,644	92.49%
Clay	1,674,985	136,706	8.16%	1,538,279	91.84%
Collier	1,870,625	88,234	4.72%	1,782,391	95.28%
Columbia	1,874,275	52,623	2.81%	1,821,652	97.19%
DeSoto	1,115,805	25,617	2.30%	1,090,188	97.70%
Dixie	321,200	7,274	2.26%	313,926	97.74%
Duval	2,595,515	564,961	21.77%	2,030,554	78.23%
Escambia	1,761,855	204,842	11.63%	1,557,013	88.37%
Flagler	2,312,275	93,906	4.06%	2,218,369	95.94%
Franklin	316,090	9,522	3.01%	306,568	96.99%
Gadsden	1,040,250	111,594	10.73%	928,656	89.27%
Gilchrist	347,480	4,808	1.38%	342,672	98.62%
Glades	320,470	8,230	2.57%	312,240	97.43%
Gulf	310,250	23,972	7.73%	286,278	92.27%
Hamilton	379,600	18,548	4.89%	361,052	95.11%
Hardee	1,420,945	24,910	1.75%	1,396,035	98.25%
Hendry	1,577,165	36,283	2.30%	1,540,882	97.70%
Hernando	2,060,060	146,486	7.11%	1,913,574	92.89%
Highlands	497,495	122,388	24.60%	375,107	75.40%
Hillsborough	4,097,855	1,137,809	27.77%	2,960,046	72.23%
Holmes	571,590	33,110	5.79%	538,480	94.21%
Indian River	722,700	51,428	7.12%	671,272	92.88%
Jackson	698,610	43,586	6.24%	655,024	93.76%
Jefferson	272,655	14,938	5.48%	257,717	94.52%
Lafayette	149,650	4,057	2.71%	145,593	97.29%
Lake	3,206,890	221,995	6.92%	2,984,895	93.08%
Lee	3,340,480	110,951	3.32%	3,229,529	96.68%

**Table 9  
Critical Need Trips versus AOR Total Trips – Alphabetical (continued)**

County	Critical Need Annual Trip Demand	APR Total Trips (FY2012-13)	Percent Demand Satisfied	Unmet Demand	
	#	#	%	#	%
Leon	2,714,140	272,896	10.05%	2,441,244	89.95%
Levy	1,597,605	61,425	3.84%	1,536,180	96.16%
Liberty	201,480	33,194	16.48%	168,286	83.52%
Madison	479,610	19,466	4.06%	460,144	95.94%
Manatee	1,730,100	269,450	15.57%	1,460,650	84.43%
Marion	2,878,025	193,866	6.74%	2,684,159	93.26%
Martin	1,178,220	62,076	5.27%	1,116,144	94.73%
Miami-Dade	8,839,935	25,630,585	289.94%	(16,790,650)	-189.94%
Monroe	1,402,695	102,761	7.33%	1,299,934	92.67%
Nassau	1,147,195	73,361	6.39%	1,073,834	93.61%
Okaloosa	1,211,070	158,377	13.08%	1,052,693	86.92%
Okeechobee	1,604,905	38,718	2.41%	1,566,187	97.59%
Orange	3,451,440	1,699,397	49.24%	1,752,043	50.76%
Osceola	1,476,790	451,505	30.57%	1,025,285	69.43%
Palm Beach	3,975,580	4,298,745	108.13%	(323,165)	-8.13%
Pasco	3,429,175	453,470	13.22%	2,975,705	86.78%
Pinellas	2,676,545	3,342,379	124.88%	(665,834)	-24.88%
Polk	4,519,795	553,364	12.24%	3,966,431	87.76%
Putnam	1,618,045	150,237	9.29%	1,467,808	90.71%
Santa Rosa	2,595,150	47,483	1.83%	2,547,667	98.17%
Sarasota	1,716,960	564,004	32.85%	1,152,956	67.15%
Seminole	1,620,235	416,394	25.70%	1,203,841	74.30%
St. Johns	986,595	328,095	33.26%	658,500	66.74%
St. Lucie	2,545,145	296,658	11.66%	2,248,487	88.34%
Sumter	1,394,300	93,522	6.71%	1,300,778	93.29%
Suwannee	1,165,445	25,047	2.15%	1,140,398	97.85%
Taylor	474,135	18,003	3.80%	456,132	96.20%
Union	297,840	26,153	8.78%	271,687	91.22%
Volusia	2,786,045	786,666	28.24%	1,999,379	71.76%
Wakulla	368,650	14,570	3.95%	354,080	96.05%
Walton	1,110,695	51,335	4.62%	1,059,360	95.38%
Washington	679,995	27,513	4.05%	652,482	95.95%
<b>STATE TOTALS</b>	<b>118,734,135</b>	<b>49,601,883</b>	<b>41.78%</b>	<b>69,132,252</b>	<b>58.22%</b>

**Table 10  
Critical Need Trips Versus AOR Total Trips – Sorted By Unmet Demand**

County	Critical Need Annual Trip Demand	APR Total Trips (FY2012-13)	Percent Demand Satisfied	Unmet Demand	
	#	#	%	#	%
Gilchrist	347,480	4,808	1.38%	342,672	98.62%
Hardee	1,420,945	24,910	1.75%	1,396,035	98.25%
Santa Rosa	2,595,150	47,483	1.83%	2,547,667	98.17%
Suwannee	1,165,445	25,047	2.15%	1,140,398	97.85%
Calhoun	433,255	9,687	2.24%	423,568	97.76%
Dixie	321,200	7,274	2.26%	313,926	97.74%
DeSoto	1,115,805	25,617	2.30%	1,090,188	97.70%
Hendry	1,577,165	36,283	2.30%	1,540,882	97.70%
Baker	715,765	16,808	2.35%	698,957	97.65%
Okeechobee	1,604,905	38,718	2.41%	1,566,187	97.59%
Glades	320,470	8,230	2.57%	312,240	97.43%
Lafayette	149,650	4,057	2.71%	145,593	97.29%
Columbia	1,874,275	52,623	2.81%	1,821,652	97.19%
Franklin	316,090	9,522	3.01%	306,568	96.99%
Charlotte	3,090,820	98,588	3.19%	2,992,232	96.81%
Lee	3,340,480	110,951	3.32%	3,229,529	96.68%
Taylor	474,135	18,003	3.80%	456,132	96.20%
Levy	1,597,605	61,425	3.84%	1,536,180	96.16%
Wakulla	368,650	14,570	3.95%	354,080	96.05%
Washington	679,995	27,513	4.05%	652,482	95.95%
Madison	479,610	19,466	4.06%	460,144	95.94%
Flagler	2,312,275	93,906	4.06%	2,218,369	95.94%
Walton	1,110,695	51,335	4.62%	1,059,360	95.38%
Collier	1,870,625	88,234	4.72%	1,782,391	95.28%
Bradford	679,630	32,124	4.73%	647,506	95.27%
Hamilton	379,600	18,548	4.89%	361,052	95.11%
Martin	1,178,220	62,076	5.27%	1,116,144	94.73%
Jefferson	272,655	14,938	5.48%	257,717	94.52%
Holmes	571,590	33,110	5.79%	538,480	94.21%
Jackson	698,610	43,586	6.24%	655,024	93.76%
Nassau	1,147,195	73,361	6.39%	1,073,834	93.61%
Bay	3,105,420	203,101	6.54%	2,902,319	93.46%
Sumter	1,394,300	93,522	6.71%	1,300,778	93.29%
Marion	2,878,025	193,866	6.74%	2,684,159	93.26%
Lake	3,206,890	221,995	6.92%	2,984,895	93.08%
Hernando	2,060,060	146,486	7.11%	1,913,574	92.89%
Indian River	722,700	51,428	7.12%	671,272	92.88%
Monroe	1,402,695	102,761	7.33%	1,299,934	92.67%

**Table 10**  
**Critical Need Trips Versus AOR Total Trips – Sorted By Unmet Demand (continued)**

County	Critical Need Annual Trip Demand	APR Total Trips (FY2012-13)	Percent Demand Satisfied	Unmet Demand	
	#	#	%	#	%
Alachua	1,552,710	114,653	7.38%	1,438,057	92.62%
Citrus	3,333,910	250,266	7.51%	3,083,644	92.49%
Gulf	310,250	23,972	7.73%	286,278	92.27%
Clay	1,674,985	136,706	8.16%	1,538,279	91.84%
Union	297,840	26,153	8.78%	271,687	91.22%
Putnam	1,618,045	150,237	9.29%	1,467,808	90.71%
Leon	2,714,140	272,896	10.05%	2,441,244	89.95%
Gadsden	1,040,250	111,594	10.73%	928,656	89.27%
Escambia	1,761,855	204,842	11.63%	1,557,013	88.37%
St. Lucie	2,545,145	296,658	11.66%	2,248,487	88.34%
Polk	4,519,795	553,364	12.24%	3,966,431	87.76%
Okaloosa	1,211,070	158,377	13.08%	1,052,693	86.92%
Pasco	3,429,175	453,470	13.22%	2,975,705	86.78%
Manatee	1,730,100	269,450	15.57%	1,460,650	84.43%
Liberty	201,480	33,194	16.48%	168,286	83.52%
Duval	2,595,515	564,961	21.77%	2,030,554	78.23%
Highlands	497,495	122,388	24.60%	375,107	75.40%
Seminole	1,620,235	416,394	25.70%	1,203,841	74.30%
Hillsborough	4,097,855	1,137,809	27.77%	2,960,046	72.23%
Volusia	2,786,045	786,666	28.24%	1,999,379	71.76%
Osceola	1,476,790	451,505	30.57%	1,025,285	69.43%
Sarasota	1,716,960	564,004	32.85%	1,152,956	67.15%
St. Johns	986,595	328,095	33.26%	658,500	66.74%
Brevard	2,418,855	1,119,173	46.27%	1,299,682	53.73%
Orange	3,451,440	1,699,397	49.24%	1,752,043	50.76%
Broward	4,673,460	3,897,990	83.41%	775,470	16.59%
Palm Beach	3,975,580	4,298,745	108.13%	(323,165)	-8.13%
Pinellas	2,676,545	3,342,379	124.88%	(665,834)	-24.88%
Miami-Dade	8,839,935	25,630,585	289.94%	(16,790,650)	-189.94%
<b>STATE TOTALS</b>	<b>118,734,135</b>	<b>49,601,883</b>	<b>41.78%</b>	<b>69,132,252</b>	<b>58.22%</b>

Table 11 presents a summary of the distribution of counties satisfying different levels of the Critical Need Transportation Disadvantaged population travel demand.

Approximately two-thirds of the counties (65.7 percent) are meeting less than 10 percent of the demand, and only 4 counties (6 percent) are meeting at least half of the projected demand.

**Table 11**  
**Percent of Critical Need Demand Satisfied by County**

<b>Percent Critical Need Demand Satisfied</b>	<b>Number of Counties</b>	<b>Percent of Counties in Each Range</b>
0-5%	26	38.8%
6-10%	18	26.9%
11-15%	7	10.4%
16-20%	2	3.0%
21-30%	5	7.5%
31-40%	3	4.5%
41-50%	2	3.0%
51-75%	0	0%
76-100%	4	6.0%

## INCORPORATION OF UNMET TRAVEL DEMAND INTO FUNDING FORMULA

This final section explores opportunities for the utilization of the estimate of unmet and latent travel demand and mobility needs as a factor in the CTD trip and equipment grant fund allocation formula. Based on the analysis, recommendations for the inclusion of the unmet demand as part of the funding allocation formula are provided.

### Non-Sponsored Trip/Equipment Grant Program Overview

The Commission for the Transportation Disadvantaged is tasked with the responsibility to accomplish the coordination of transportation services provided to the transportation disadvantaged. A Trust Fund was established by statute and is administered by the Commission for the Transportation Disadvantaged, to cover administrative expenses and to purchase transportation services not otherwise sponsored by a government agency or program. The Commission for the Transportation Disadvantaged administers two grant programs to assist in accomplishing their responsibilities and to provide services to the non-sponsored transportation disadvantaged citizens of the state.

The Non-Sponsored Trip/Equipment Grant Program provides funding for the purchase of transportation services for those persons who are otherwise not sponsored by any other federal, state or local government sponsored program. To a limited degree, the funds can be used to purchase capital equipment necessary for the provision of transportation services.

These funds are allocated to the CTCs based upon a formula that establishes a base level of funding and then allocates all additional funding based upon a comparative ranking of all CTCs in four categories that reflect needs and performance based approaches. Each factor is equally weighted and represents one fourth of the trip related grant funds that are above the base level. The first two factors are related to need, with the second two factors related to performance:

- **Needs Based**
  - The applicant's total **county area in square miles** as a percentage of the total square miles of all eligible applicants.
  - Total **county population** as a percentage of the total population of all eligible applicants.
- **Performance Based**
  - **Total system passenger trips** provided as a percentage of all eligible applicant trips reported in the certified AOR.
  - **Total system vehicle miles** traveled as a percentage of all eligible applicants vehicle miles traveled and reported in the certified AOR Report.

## **Alternatives for Utilization of the Estimate of Unmet and Latent Travel Demand and Mobility Needs as a Funding Allocation Factor**

This section provides an approach for utilizing unmet trip demand estimates as an additional factor for use in the CTD trip and equipment grant fund allocation formula allocation.

### ***Background***

As previously documented, there is wide variation in the degree to which each Florida County is meeting the Critical Need Transportation Disadvantaged populations' mobility needs.

Generally the urbanized areas are more successful in satisfying these needs. This may be due to a number of factors, including:

- The availability of a greater number of medical, commercial and social opportunities for its transportation disadvantaged residents
- The provision of traditional fixed route public transit services
- The financial ability to invest more in social service programs, including transportation disadvantaged services

Rural counties are faced with:

- Few, if any, other public transportation options to meet the mobility needs of its residents
- The lack of medical, commercial and social opportunities for its transportation disadvantaged residents
- A dispersed population coupled with the limited destinations often result in longer trips and difficulty in multi-loading

Unmet trip demand estimates could be utilized as a fifth factor in the CTD trip and equipment grant fund allocation formula allocation process as a means of directing funding to the area with the most proportional need. From a rural perspective, this factor could compensate for the use of two of the factors – population (need) and trips provided (performance) – which tend to favor the larger urbanized counties.

### ***Use of Unmet Trip Demand in Funding Allocation***

Employing the logic used in the current four funding factors, the unmet trip demand estimates must be expressed in terms that will allow a comparative ranking of all CTCs. To accomplish this, the first step is to normalize the unmet travel demand estimates to account for the county population that the CTC serves. This will allow the unmet trip demand to be expressed in per capita terms.

Dividing the unmet trip demand by the total county population provides the unmet trip demand per capita rate for each county. Totaling each county's per capita rate will provide a base total from which to calculate each county's normalized share of the statewide total. Dividing each county's per capita unmet trip demand into the statewide total permits a relative percentage of unmet trip demand to be calculated.

The result of this process is detailed in Tables 12 and 13.

Table 12 details this process for each of the CTCs and presents the information in alphabetical order. The second to last column lists the unmet trip demand per capita. The final table column is the percent of statewide total of unmet trip demand per capita and could be used to allocate any "unmet trip demand" funding that may become available.

Table 13 presents the same information sorted by the unmet trip demand per capita and the associated percent of the statewide total.

**Table 12  
Unmet Trips Demand Per Capita – Alphabetical**

County	Total Population	Unmet Demand		Unmet Trips Demand Per Capita	
		#	%	#	%
Alachua	232,304	1,438,057	92.62%	6.190	0.5929%
Baker	24,996	698,957	97.65%	27.963	2.6780%
Bay	161,913	2,902,319	93.46%	17.925	1.7167%
Bradford	24,355	647,506	95.27%	26.586	2.5462%
Brevard	533,438	1,299,682	53.73%	2.436	0.2333%
Broward	1,737,499	775,470	16.59%	0.446	0.0427%
Calhoun	14,389	423,568	97.76%	29.437	2.8192%
Charlotte	157,263	2,992,232	96.81%	19.027	1.8222%
Citrus	138,320	3,083,644	92.49%	22.294	2.1351%
Clay	186,758	1,538,279	91.84%	8.237	0.7888%
Collier	319,953	1,782,391	95.28%	5.571	0.5335%
Columbia	63,587	1,821,652	97.19%	28.648	2.7437%
DeSoto	32,516	1,090,188	97.70%	33.528	3.2110%
Dixie	16,116	313,926	97.74%	19.479	1.8655%
Duval	841,769	2,030,554	78.23%	2.412	0.2310%
Escambia	274,176	1,557,013	88.37%	5.679	0.5439%
Flagler	94,939	2,218,369	95.94%	23.366	2.2378%
Franklin	11,531	306,568	96.99%	26.586	2.5462%
Gadsden	44,147	928,656	89.27%	21.036	2.0146%
Gilchrist	16,692	342,672	98.62%	20.529	1.9661%
Glades	12,394	312,240	97.43%	25.193	2.4127%
Gulf	15,350	286,278	92.27%	18.650	1.7861%
Hamilton	14,722	361,052	95.11%	24.525	2.3487%
Hardee	26,026	1,396,035	98.25%	53.640	5.1371%
Hendry	36,629	1,540,882	97.70%	42.067	4.0288%
Hernando	170,034	1,913,574	92.89%	11.254	1.0778%
Highlands	97,388	375,107	75.40%	3.852	0.3689%
Hillsborough	1,238,435	2,960,046	72.23%	2.390	0.2289%
Holmes	20,003	538,480	94.21%	26.920	2.5781%
Indian River	136,400	671,272	92.88%	4.921	0.4713%
Jackson	40,517	655,024	93.76%	16.167	1.5483%
Jefferson	14,549	257,717	94.52%	17.714	1.6965%
Lafayette	8,526	145,593	97.29%	17.076	1.6354%
Lake	294,428	2,984,895	93.08%	10.138	0.9709%
Lee	612,938	3,229,529	96.68%	5.269	0.5046%

**Table 12**  
**Unmet Trips Demand Per Capita – Alphabetical (continued)**

County	Total Population	Unmet Demand		Unmet Trips Demand Per Capita	
		#	%	#	%
Leon	260,763	2,441,244	89.95%	9.362	0.8966%
Levy	39,867	1,536,180	96.16%	38.533	3.6903%
Liberty	8,287	168,286	83.52%	20.307	1.9448%
Madison	18,922	460,144	95.94%	24.318	2.3289%
Manatee	319,062	1,460,650	84.43%	4.578	0.4384%
Marion	323,535	2,684,159	93.26%	8.296	0.7945%
Martin	143,417	1,116,144	94.73%	7.783	0.7453%
Miami-Dade	2,455,458	(16,790,650)	-189.94%	0.000	0.0000%
Monroe	71,017	1,299,934	92.67%	18.305	1.7530%
Nassau	72,236	1,073,834	93.61%	14.866	1.4237%
Okaloosa	170,578	1,052,693	86.92%	6.171	0.5910%
Okeechobee	38,351	1,566,187	97.59%	40.838	3.9111%
Orange	1,125,263	1,752,043	50.76%	1.557	0.1491%
Osceola	267,279	1,025,285	69.43%	3.836	0.3674%
Palm Beach	1,302,731	(323,165)	-8.13%	0.000	0.0000%
Pasco	458,196	2,975,705	86.78%	6.494	0.6220%
Pinellas	899,068	(665,834)	-24.88%	-0.741	-0.0709%
Polk	588,970	3,966,431	87.76%	6.735	0.6450%
Putnam	72,389	1,467,808	90.71%	20.277	1.9419%
Santa Rosa	144,914	2,547,667	98.17%	17.581	1.6837%
Sarasota	379,839	1,152,956	67.15%	3.035	0.2907%
Seminole	418,721	1,203,841	74.30%	2.875	0.2753%
St. Johns	188,293	658,500	66.74%	3.497	0.3349%
St. Lucie	274,238	2,248,487	88.34%	8.199	0.7852%
Sumter	85,031	1,300,778	93.29%	15.298	1.4651%
Suwannee	40,421	1,140,398	97.85%	28.213	2.7020%
Taylor	19,799	456,132	96.20%	23.038	2.2064%
Union	15,504	271,687	91.22%	17.524	1.6783%
Volusia	451,892	1,999,379	71.76%	4.424	0.4237%
Wakulla	27,156	354,080	96.05%	13.039	1.2487%
Walton	52,869	1,059,360	95.38%	20.037	1.9190%
Washington	22,706	652,482	95.95%	28.736	2.7521%
<b>STATE TOTALS</b>	<b>18,421,772</b>	<b>69,132,252</b>	<b>58.22%</b>		<b>100.0%</b>

**Table 13  
Unmet Trips Demand Per Capita – Sorted**

County	Total Population	Unmet Demand		Unmet Trips Demand Per Capita	
		#	%	#	%
Hardee	26,026	1,396,035	98.25%	53.640	5.1371%
Hendry	36,629	1,540,882	97.70%	42.067	4.0288%
Okeechobee	38,351	1,566,187	97.59%	40.838	3.9111%
Levy	39,867	1,536,180	96.16%	38.533	3.6903%
DeSoto	32,516	1,090,188	97.70%	33.528	3.2110%
Calhoun	14,389	423,568	97.76%	29.437	2.8192%
Washington	22,706	652,482	95.95%	28.736	2.7521%
Columbia	63,587	1,821,652	97.19%	28.648	2.7437%
Suwannee	40,421	1,140,398	97.85%	28.213	2.7020%
Baker	24,996	698,957	97.65%	27.963	2.6780%
Holmes	20,003	538,480	94.21%	26.920	2.5781%
Franklin	11,531	306,568	96.99%	26.586	2.5462%
Bradford	24,355	647,506	95.27%	26.586	2.5462%
Glades	12,394	312,240	97.43%	25.193	2.4127%
Hamilton	14,722	361,052	95.11%	24.525	2.3487%
Madison	18,922	460,144	95.94%	24.318	2.3289%
Flagler	94,939	2,218,369	95.94%	23.366	2.2378%
Taylor	19,799	456,132	96.20%	23.038	2.2064%
Citrus	138,320	3,083,644	92.49%	22.294	2.1351%
Gadsden	44,147	928,656	89.27%	21.036	2.0146%
Gilchrist	16,692	342,672	98.62%	20.529	1.9661%
Liberty	8,287	168,286	83.52%	20.307	1.9448%
Putnam	72,389	1,467,808	90.71%	20.277	1.9419%
Walton	52,869	1,059,360	95.38%	20.037	1.9190%
Dixie	16,116	313,926	97.74%	19.479	1.8655%
Charlotte	157,263	2,992,232	96.81%	19.027	1.8222%
Gulf	15,350	286,278	92.27%	18.650	1.7861%
Monroe	71,017	1,299,934	92.67%	18.305	1.7530%
Bay	161,913	2,902,319	93.46%	17.925	1.7167%
Jefferson	14,549	257,717	94.52%	17.714	1.6965%
Santa Rosa	144,914	2,547,667	98.17%	17.581	1.6837%
Union	15,504	271,687	91.22%	17.524	1.6783%
Lafayette	8,526	145,593	97.29%	17.076	1.6354%
Jackson	40,517	655,024	93.76%	16.167	1.5483%
Sumter	85,031	1,300,778	93.29%	15.298	1.4651%
Nassau	72,236	1,073,834	93.61%	14.866	1.4237%
Wakulla	27,156	354,080	96.05%	13.039	1.2487%

**Table 13**  
**Unmet Trips Demand Per Capita – Sorted (continued)**

County	Total Population	Unmet Demand		Unmet Trips Demand Per Capita	
		#	%	#	%
Hernando	170,034	1,913,574	92.89%	11.254	1.0778%
Lake	294,428	2,984,895	93.08%	10.138	0.9709%
Leon	260,763	2,441,244	89.95%	9.362	0.8966%
Marion	323,535	2,684,159	93.26%	8.296	0.7945%
Clay	186,758	1,538,279	91.84%	8.237	0.7888%
St. Lucie	274,238	2,248,487	88.34%	8.199	0.7852%
Martin	143,417	1,116,144	94.73%	7.783	0.7453%
Polk	588,970	3,966,431	87.76%	6.735	0.6450%
Pasco	458,196	2,975,705	86.78%	6.494	0.6220%
Alachua	232,304	1,438,057	92.62%	6.190	0.5929%
Okaloosa	170,578	1,052,693	86.92%	6.171	0.5910%
Escambia	274,176	1,557,013	88.37%	5.679	0.5439%
Collier	319,953	1,782,391	95.28%	5.571	0.5335%
Lee	612,938	3,229,529	96.68%	5.269	0.5046%
Indian River	136,400	671,272	92.88%	4.921	0.4713%
Manatee	319,062	1,460,650	84.43%	4.578	0.4384%
Volusia	451,892	1,999,379	71.76%	4.424	0.4237%
Highlands	97,388	375,107	75.40%	3.852	0.3689%
Osceola	267,279	1,025,285	69.43%	3.836	0.3674%
St. Johns	188,293	658,500	66.74%	3.497	0.3349%
Sarasota	379,839	1,152,956	67.15%	3.035	0.2907%
Seminole	418,721	1,203,841	74.30%	2.875	0.2753%
Brevard	533,438	1,299,682	53.73%	2.436	0.2333%
Duval	841,769	2,030,554	78.23%	2.412	0.2310%
Hillsborough	1,238,435	2,960,046	72.23%	2.390	0.2289%
Orange	1,125,263	1,752,043	50.76%	1.557	0.1491%
Broward	1,737,499	775,470	16.59%	0.446	0.0427%
Miami-Dade	2,455,458	(16,790,650)	-189.94%	0.000	0.0000%
Palm Beach	1,302,731	(323,165)	-8.13%	0.000	0.0000%
Pinellas	899,068	(665,834)	-24.88%	0.000	0.0000%
<b>STATE TOTALS</b>	<b>18,421,772</b>	<b>69,132,252</b>	<b>58.22%</b>		<b>100%</b>

***Possible Options for the Inclusion of the Unmet Trip Demand in the Trip/Equipment Grant Funding Allocation***

As developed above, the unmet trip demand per capita method provides a fair and consistent approach to use unmet demand as a funding allocation factor. The policy question then becomes should unmet trip demand be used, and, if so, what alternatives exist to incorporate this fifth factor into the CTD trip and equipment grant fund allocation formula.

As evidenced in Table 13, the allocation of funds based on unmet trip demand per capita would benefit the small and rural counties over the urban areas. This is in part due to the availability of other mobility options such as fixed route transit systems and the greater difficulty in providing service in rural environments due to longer travel distances and limited social service availability.

Options that could be explored include:

- ***Add Unmet Trip Demand per Capita as Fifth Factor***  
Modify the existing allocation formula to include the unmet trip demand per capita as “equal” to the other four factors (i.e., county population, county size, annual trips and annual miles) with each of the five factors being allocated 20% of the available funding.
- ***Use Unmet Trip Demand per Capita to Allocate All New Funds***  
Maintain the existing allocation formula for the current base level of funding, but allocate all “new CTD trip and equipment grant fund allocations” by the unmet travel demand per capital. This would direct all new funding based on unmet need.
- ***Use Unmet Trip Demand per Capita as One Factor to Allocate New Funds***  
Maintain the existing allocation formula for the current base level of funding, and then allocate all “new CTD trip and equipment grant fund allocations” splitting the new funds between the current allocation formula and a new factor based on unmet trip demand per capita. This percent of new funding directed to the unmet trip demand per capita could be varied.

## **APPENDIX A**

### **Data and Forecast Summary**

## Appendix A – Data and Forecast Summary

County	Total Population		General TD Population		Severely Disabled Population		Low Income - Not Disabled - No Transit Population		Critical Need Daily Trip Demand	Critical Need Annual Trip Demand	APR Total Trips (FY2012-13)	Percent Demand Satisfied		Unmet Demand		Unmet Trips Demand Per Capita	Percent of Total Unmet Trips Demand Per Capita		
	#	%	#	%	#	%	#	%				#	%	#	%			#	%
Alachua	232,304	39.83%	92,522	2.47%	5,739	2.47%	2,092	0.90%	4,254	1,552,710	114,653	7.38%	1,438,057	92.62%	6,190	0.5929%			
Baker	24,996	33.20%	8,298	2.80%	701	2.80%	1,015	4.06%	1,961	715,765	16,808	2.35%	698,957	97.65%	27,963	2.6780%			
Bay	161,913	32.28%	52,264	3.25%	4,344	2.68%	4,344	2.68%	8,508	3,105,420	203,101	6.54%	2,902,319	93.46%	17,925	1.7167%			
Bradford	24,355	39.64%	9,655	4.50%	1,096	4.50%	952	3.91%	1,862	679,630	32,124	4.73%	647,506	95.27%	26,586	2.5462%			
Brevard	533,438	37.87%	201,990	3.74%	19,949	3.74%	2,975	0.56%	6,627	2,418,855	1,119,173	46.27%	1,299,682	53.73%	2,436	0.2333%			
Broward	1,737,499	30.83%	535,650	2.37%	41,160	2.37%	5,474	0.32%	12,804	4,673,460	3,897,990	83.41%	775,470	16.59%	0,446	0.0427%			
Calhoun	14,389	44.53%	6,408	5.02%	722	5.02%	606	4.21%	1,187	433,255	9,687	2.24%	423,568	97.76%	29,437	2.8192%			
Charlotte	157,263	78.17%	78,171	49.71%	8,214	5.22%	4,247	2.70%	8,468	3,090,820	98,588	3.19%	2,992,232	96.81%	19,027	1.8222%			
Citrus	138,320	71.73%	51,866%	7,316	5.29%	4,621	3.34%	4,621	9,134	3,333,910	250,266	7.51%	3,083,644	92.49%	22,294	2.1351%			
Clay	186,758	54.20%	29,033%	4,884	2.62%	2,291	1.23%	2,291	4,589	1,674,985	136,706	8.16%	1,538,279	91.84%	8,237	0.7888%			
Collier	319,953	43.50%	139,168	4.28%	10,387	3.25%	2,431	0.76%	5,125	1,870,625	88,234	4.72%	1,782,391	95.28%	5,571	0.5335%			
Columbia	63,587	43.50%	27,658	4.28%	2,720	4.28%	2,634	4.14%	5,135	1,874,275	52,623	2.81%	1,821,652	97.19%	28,648	2.7437%			
DeSoto	32,516	48.01%	15,610	48.01%	1,197	3.68%	1,579	4.86%	3,057	1,115,805	25,617	2.30%	1,090,188	97.70%	33,528	3.2110%			
Dixie	16,116	42.14%	6,792	42.14%	855	5.31%	441	2.74%	880	321,200	7,274	2.26%	313,926	97.74%	19,479	1.8655%			
Duval	841,769	27.25%	32,349%	20,872	2.48%	3,206	0.38%	3,206	7,111	2,595,515	564,961	21.77%	2,030,554	78.23%	2,412	0.2310%			
Escambia	274,176	108.236	39.48%	9,590	3.50%	2,294	0.84%	2,294	4,827	1,761,855	204,842	11.63%	1,557,013	88.37%	5,679	0.5439%			
Flagler	94,939	40.540	42.70%	3,474	3.66%	3,246	3.42%	3,246	6,335	2,312,275	93,906	4.06%	2,218,369	95.94%	23,366	2.2378%			
Franklin	11,531	5.108	44.30%	591	5.13%	441	3.82%	441	866	316,090	9,522	3.01%	306,568	96.99%	26,586	2.5462%			
Gadsden	44,147	14,993	33.96%	1,364	3.09%	1,446	3.28%	1,446	2,850	1,040,250	111,594	10.73%	928,656	89.27%	21,036	2.0146%			
Gilchrist	16,692	6,815	40.83%	868	5.20%	868	5.20%	479	952	347,480	4,808	1.38%	342,672	98.62%	20,529	1.9661%			
Glades	12,394	5,746	46.36%	641	5.17%	641	5.17%	446	878	320,470	8,230	2.57%	312,240	97.43%	25,193	2.4127%			
Gulf	15,350	6,377	41.54%	786	5.12%	427	2.78%	427	850	310,250	23,972	7.73%	286,278	92.27%	18,650	1.7861%			
Hamilton	14,722	5,756	39.10%	756	5.14%	528	3.59%	528	1,040	379,600	18,548	4.89%	361,052	95.11%	24,525	2.3487%			
Hardee	26,026	12,635	48.55%	807	3.10%	2,029	7.80%	2,029	3,893	1,420,945	24,910	1.75%	1,396,035	98.25%	53,640	5.1371%			
Hendry	36,629	15,429	42.12%	1,206	3.29%	2,244	6.13%	2,244	4,321	1,577,165	36,283	2.30%	1,540,882	97.70%	42,067	4.0288%			
Hernando	170,034	77,717	45.71%	8,043	4.73%	2,764	1.63%	2,764	5,644	2,060,060	146,486	7.11%	1,913,574	92.89%	11,254	1.0778%			
Highlands	97,388	54,175	55.63%	5,613	5.76%	5,613	5.76%	573	1,363	497,495	122,388	24.60%	375,107	75.40%	3,852	0.3689%			
Hillsborough	1,238,435	353,636	28.56%	30,752	2.48%	5,119	0.41%	5,119	11,227	4,097,855	1,137,809	27.77%	2,960,046	72.23%	2,390	0.2289%			
Holmes	20,003	8,742	43.70%	231	1.15%	819	4.09%	819	1,566	571,590	33,110	5.79%	538,480	94.21%	26,920	2.5781%			
Indian River	136,400	61,033	44.75%	5,824	4.27%	892	0.65%	892	1,980	722,700	51,428	7.12%	671,272	92.88%	4,921	0.4713%			
Jackson	40,517	16,198	39.98%	2,070	5.11%	955	2.36%	955	1,914	698,610	43,586	6.24%	655,024	93.76%	16,167	1.5483%			
Jefferson	14,549	5,654	38.86%	735	5.05%	374	2.57%	374	747	272,655	14,938	5.48%	257,717	94.52%	17,714	1.6965%			
Lafayette	8,526	2,933	34.40%	421	4.94%	205	2.40%	205	410	149,650	4,057	2.71%	145,593	97.29%	17,076	1.6354%			
Lake	294,428	121,023	41.10%	11,136	3.78%	4,339	1.47%	4,339	8,786	3,206,890	221,995	6.92%	2,984,895	93.08%	10,138	0.9709%			
Lee	612,938	255,214	41.64%	20,903	3.41%	4,280	0.70%	4,280	9,152	3,340,480	110,951	3.32%	3,229,529	96.68%	5,269	0.5046%			

## Appendix A – Data and Forecast Summary (continued)

County	Total Population		General TD Population		Critical Need Population				Critical Need Annual Trip Demand	APR Total Trips (FY2012-13)	Percent Demand Satisfied	Unmet Demand		Unmet Trips Demand Per Capita	Percent of Total Unmet Trips Demand Per Capita		
	#	%	#	%	Severely Disabled Population		Low Income - Not Disabled - No Transit Population					#	%			#	%
					#	%	#	%									
Leon	260,763	37.78%	98,524	37.78%	4,975	1.91%	3,787	1.45%	7,436	2,714,140	272,896	10.05%	2,441,244	89.95%	9,362	0.8966%	
Levy	39,867	52.24%	20,828	52.24%	1,677	4.21%	226	0.57%	4,377	1,597,605	61,425	3.84%	1,536,180	96.16%	38,533	3.6903%	
Liberty	8,287	37.73%	3,127	37.73%	407	4.91%	280	3.38%	552	201,480	33,194	16.48%	168,286	83.52%	20,307	1.9448%	
Madison	18,922	41.77%	7,904	41.77%	953	5.04%	667	3.52%	1,314	479,610	19,466	4.06%	460,144	95.94%	24,318	2.3289%	
Manatee	319,062	41.12%	131,210	41.12%	11,031	3.46%	2,212	0.69%	4,740	1,730,100	269,450	15.57%	1,460,650	84.43%	4,578	0.4384%	
Marion	323,535	47.56%	153,889	47.56%	14,335	4.43%	3,782	1.17%	7,885	2,878,025	193,866	6.74%	2,684,159	93.26%	8,296	0.7945%	
Martin	143,417	45.58%	65,376	45.58%	5,904	4.12%	1,547	1.08%	3,228	1,178,220	62,076	5.27%	1,116,144	94.73%	7,783	0.7453%	
Miami-Dade	2,455,458	34.18%	839,158	34.18%	64,435	2.62%	11,091	0.45%	24,219	8,839,935	25,630,585	289.94%	(16,790,650)	-189.94%	0.000	0.0000%	
Monroe	71,017	34.91%	24,789	34.91%	2,221	3.13%	1,967	2.77%	3,843	1,402,695	102,761	7.33%	1,299,934	92.67%	18,305	1.7530%	
Nassau	72,236	31.32%	22,625	31.32%	2,237	3.10%	1,597	2.21%	3,143	1,147,195	73,361	6.39%	1,073,834	93.61%	14,866	1.4237%	
Okaloosa	170,578	34.98%	59,668	34.98%	5,266	3.09%	1,612	0.95%	3,318	1,211,070	158,377	13.08%	1,052,693	86.92%	6,171	0.5910%	
Okeechobee	38,351	49.26%	18,890	49.26%	1,622	4.23%	2,274	5.93%	4,397	1,604,905	38,718	2.41%	1,566,187	97.59%	40,838	3.9111%	
Orange	1,125,263	29.71%	334,359	29.71%	23,111	2.05%	4,383	0.39%	9,456	3,451,440	1,699,397	49.24%	1,752,043	50.76%	1,557	0.1491%	
Osceola	267,279	32.21%	86,089	32.21%	7,026	2.63%	1,949	0.73%	4,046	1,476,790	451,505	30.57%	1,025,285	69.43%	3,836	0.3674%	
Palm Beach	1,302,731	38.15%	497,044	38.15%	44,383	3.41%	4,590	0.35%	10,892	3,975,580	4,298,745	108.13%	(323,165)	-8.13%	0.000	0.0000%	
Pasco	458,196	40.04%	183,479	40.04%	17,234	3.76%	4,503	0.98%	9,395	3,429,175	453,470	13.22%	2,975,705	86.78%	6,494	0.6220%	
Pinellas	899,068	35.367%	351,367	39.08%	34,101	3.79%	2,981	0.33%	7,333	2,676,545	3,342,379	124.88%	(665,834)	-24.88%	-0.741	-0.0709%	
Polk	588,970	238.325%	238,325	40.46%	19,949	3.39%	6,006	1.02%	12,383	4,519,795	553,364	12.24%	3,966,431	87.76%	6,735	0.6450%	
Putnam	72,389	50.23%	36,360	50.23%	2,890	3.99%	2,260	3.12%	4,433	1,618,045	150,237	9.29%	1,467,808	90.71%	20,277	1.9419%	
Santa Rosa	144,914	30.84%	44,698	30.84%	4,096	2.83%	3,638	2.51%	7,110	2,595,150	47,483	1.83%	2,547,667	98.17%	17,581	1.6837%	
Sarasota	379,839	45.89%	174,304	45.89%	16,286	4.29%	2,057	0.54%	4,704	1,716,960	564,004	32.85%	1,152,956	67.15%	3,035	0.2907%	
Seminole	418,721	110.567%	110,567	26.41%	9,246	2.21%	2,099	0.50%	4,439	1,620,235	416,394	25.70%	1,203,841	74.30%	2,875	0.2753%	
St. Johns	188,293	54.299%	54,299	28.84%	4,881	2.59%	1,297	0.69%	2,703	986,595	328,095	33.26%	658,500	66.74%	3,497	0.3349%	
St. Lucie	274,238	116.768%	116,768	42.58%	9,616	3.51%	3,424	1.25%	6,973	2,545,145	296,658	11.66%	2,248,487	88.34%	8,199	0.7852%	
Sumter	85,031	63.309%	53,826	63.309%	4,448	5.23%	1,897	2.23%	3,820	1,394,300	93,522	6.71%	1,300,778	93.29%	15,298	1.4651%	
Suwannee	40,421	17.730%	17,730	43.86%	1,867	4.62%	1,633	4.04%	3,193	1,165,445	25,047	2.15%	1,140,398	97.85%	28,213	2.7020%	
Taylor	19,799	8.573%	8,573	43.30%	1,066	5.38%	657	3.32%	1,299	474,135	18,003	3.80%	456,132	96.20%	23,038	2.2064%	
Union	15,504	4.818%	4,818	31.08%	539	3.48%	416	2.68%	816	297,840	26,153	8.78%	271,687	91.22%	17,524	1.6783%	
Volusia	451,892	201.081%	201,081	44.50%	18,062	4.00%	3,553	0.79%	7,633	2,786,045	786,666	28.24%	1,999,379	71.76%	4,424	0.4237%	
Wakulla	27,156	8.635%	8,635	31.80%	881	3.24%	509	1.87%	1,010	368,650	14,570	3.95%	354,080	96.05%	13,039	1.2487%	
Walton	52,869	20.229%	20,229	38.26%	1,896	3.59%	1,553	2.94%	3,043	1,110,695	51,335	4.62%	1,059,360	95.38%	20,037	1.9190%	
Washington	22,706	9.648%	9,648	42.49%	882	3.88%	958	4.22%	1,863	679,995	27,513	4.05%	652,482	95.95%	28,736	2.7521%	
<b>STATE TOTALS</b>	<b>18,421,772</b>	<b>6.748,530%</b>	<b>6,748,530</b>	<b>36.63%</b>	<b>574,403</b>	<b>3.12%</b>	<b>154,213</b>	<b>0.84%</b>	<b>325,299</b>	<b>118,734,135</b>	<b>49,601,883</b>	<b>41.78%</b>	<b>69,132,252</b>	<b>58.22%</b>		<b>100.0%</b>	

DRAFT

Florida Commission for the



**Transportation  
Disadvantaged**

**REVIEW OF BACKGROUND SCREENING OF  
DIRECT SERVICE PROVIDERS**

**January 2014**

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COMMISSION FOR THE TRANSPORTATION DISADVANTAGED  
605 Suwannee Street, MS-49  
Tallahassee, Florida 32399-0450

# DRAFT

## **Review of Background Screening of Direct Service Transit Providers**

The Florida Legislature directed the Commission for the Transportation Disadvantaged to review existing requirements for background screening of direct service transit providers to determine whether adequate screening exists, and determine the costs of additional screening requirements.

### **Coordinated Transportation System**

The Commission for the Transportation Disadvantaged (Commission) is responsible for accomplishing the coordination of transportation services provided to older adults, persons with disabilities and people with low incomes who are unable to transport themselves or purchase transportation and are, therefore, dependent upon others for access to services or activities. The Commission achieves this coordination through 49 Community Transportation Coordinators that provide transportation services in Florida's 67 counties.

There are different types of organizations serving as Community Transportation Coordinators. Twenty five of the forty nine Community Transportation Coordinators are governmental entities, such as county or city governments, public transit authorities, or a Metropolitan Planning Organization. Twenty Community Transportation Coordinators are local non-profits. These include councils on aging, senior services organizations and community action groups. There are four private for-profit companies serving as Community Transportation Coordinators also.

Community Transportation Coordinators receive revenues from various programs. Each program has specific requirements Community Transportation Coordinators must meet. One of those requirements is background screening of employees if required by the statute governing the program.

The Commission provides Community Transportation Coordinators grants from the Transportation Disadvantaged Trust Fund to fund transportation to older adults, persons with disabilities, and people with low incomes who do not have access to transportation. State agencies purchase transportation from the Community Transportation Coordinators for their clients to access federal program services under their purview. State agencies that use the Coordinated Transportation System most are the Agency for Health Care Administration, Department of Elderly Affairs, and Agency for Persons with Disabilities.

### **Existing requirements for background screening of direct service transit providers**

#### **Direct Service Transit Providers**

"Direct service transit provider" is not defined in Florida Statutes. Chapters 393 and 430, Florida Statutes, does define a "direct service provider" and Chapter 393, Florida Statutes, defines a "public transit provider." After reviewing these statutes, and for the purpose of this review, the Commission defined a direct service transit provider as a person 18 years or older operating a "dial-a-ride" bus on a nonscheduled, nonfixed route while providing transportation services to a client.

# DRAFT

## **Background screening**

Organizations conduct background screening for employment, or background security investigations as required by law.

Level 1 background screening requirements are defined in s. 435.03(1), F.S., which states, “All employees required by law to be screened pursuant to this section must undergo background screening as a condition of employment and continued employment which includes, but need not be limited to,

- employment history checks,
- statewide criminal correspondence checks through the Florida Department of Law Enforcement,
- a check of the Dru Sjodin National Sex Offender Public Website, and,
- may include local criminal records checks through local law enforcement agencies.”

Level 2 security background investigations are described in s. 435.04(1)(a), F.S., which states, “All employees required by law to be screened pursuant to this section must undergo security background investigations as a condition of employment and continued employment which includes, but need not be limited to,

- fingerprinting for criminal history records checks through the Florida Department of Law Enforcement;
- national criminal history records checks through the Federal Bureau of Investigation; and,
- may include local criminal records checks through local law enforcement agencies.”

Florida Statutes directs or authorizes the following organizations who purchase transportation from or govern Community Transportation Coordinators to conduct background screening for employment, or background security investigations.

### **Department of Elderly Affairs**

Subsection 430.0402(1), F.S., requires the Department of Elderly Affairs to do level 2 background screening pursuant to chapter 435 for direct service providers. Background screening also includes employment history checks as provided in s. 435.03(1) and local criminal records checks through local law enforcement agencies.

For the purposes of the Department of Elderly Affairs, s. 430.0402(1)(b), F.S., describes a direct service provider as “a person 18 years of age or older who, pursuant to a program to provide services to the elderly, has direct, face-to-face contact with a client while providing services to the client and has access to the client’s living areas, funds, personal property, or personal identification . . .”

As mentioned earlier, there are twenty Community Transportation Coordinators who are councils on aging, county senior citizens services organizations, senior resource associations, community action organizations, etc. These organization provide an array of services to the elderly funded by the Older Americans Act through the Department of Elderly Affairs. Therefore, these Community Transportation Coordinators conduct background screenings in accordance with s. 430.0402(1), F.S., for all their covered employees, including bus drivers.

# DRAFT

## **Agency for Persons with Disabilities**

Section 393.0655(1), F.S., requires the Agency for Persons with Disabilities to conduct “level 2 employment screening pursuant to chapter 435 for direct service providers . . . who provide care or services, who have access to a client’s living areas, or who have access to a client’s funds or personal property. Background screening shall include employment history checks as provided in s. 435.03(1) and local criminal records checks through local law enforcement agencies.”

Section 393.063(11), F.S., defines a direct service provider as “a person 18 years or older who has direct face-to-face contact with a client while providing services to the client or has access to a client’s living areas or to a client’s funds or personal property. A client under this chapter is a person with a developmental disability eligible for services through the Agency for Persons with Disabilities (APD).

When the Agency for Persons with Disabilities purchases transportation for its clients from a Community Transportation Coordinators the Agency requires the Community Transportation Coordinators to follow the requirements of s. 393.0655(1), F.S., to conduct a Level 2 security background investigation as a stipulation of the contract.

## **Agency for Health Care Administration**

Subsection 408.809(1)(e), F.S., requires the Agency for Health Care Administration to conduct Level 2 background screening pursuant to chapter 435 for “any person, as required by authorizing statutes, seeking employment with a licensee or provider who is expected to, or whose responsibilities may require him or her to, provide personal care or services directly to clients or have access to client funds, personal property, or living areas . . .”

Florida Statutes defines a licensee in s. 408.803(9), F.S., as “an individual, corporation, partnership, firm, association, governmental entity, or other entity that is issued a permit, registration, certificate, or license by the agency.” In addition, s. 408.803(11), F.S., states a provider means “any activity, service, agency, or facility regulated by the agency and listed in s. 408.802.”

Neither Community Transportation Coordinators who provide Non-Emergency Medicaid Transportation nor the Commission are classified as licensees or providers under s. 408.803, F.S., and therefore are not authorized to conduct level 2 background screening under s. 408.8098(1)(e). However, as the state transitions to managed care, Managed Care Organizations may be classified as licensees or providers as defined above and, therefore, will require Community Transportation Coordinators who are providing Non-Emergency Medicaid Transportation under contract with them to conduct Level 2 background screening.

## **County Governments**

Florida Statutes authorizes county governments to conduct security background investigations for certain county employees and appointees. Section 125.5801(1), F.S., states, “a county may require, by ordinance, state and national criminal history screening for any position of county employment or appointment . . . , which the governing body of the county finds is critical to security or public safety.”

# DRAFT

Twenty three Community Transportation Coordinators are governed by Boards of County Commissions. Currently, seventeen Community Transportation Coordinators conduct Level 2 security background investigations, four conduct Level 1 background screenings and two do not require a background screenings.

## **Does adequate screening exist?**

Community Transportation Coordinators provide transportation to two groups of vulnerable adults; the elderly and persons with disabilities, including persons with developmental disabilities.

Forty percent of the Community Transportation Coordinators are senior-focused organizations funded by the Older Americans Act through the Department of Elderly Affairs to provide an array of services to the elderly, including transportation. Their covered employees, which includes “dial-a-ride” bus drivers, are required to pass a Level 2 background screening along with employment history checks as provided in s. 435.03(1) and local criminal records checks through local law enforcement agencies. For other Community Transportation Coordinators, who are not senior services organizations, yet provide transportation to the elderly under contract with the Department of Elderly Affairs, have the contractual requirement to conduct Level 2 background screenings on their bus drivers.

Community Transportation Coordinators who provide transportation services for persons with developmental disabilities through contract with the Agency for Persons with Disabilities are required to conduct Level 2 background screening as well as employment history checks as provided in s. 435.03(1) and local criminal records checks through local law enforcement agencies.

If a Community Transportation Coordinator governed by a county does not conduct Level 2 background screening for their employees through Chapters 393 or 430, and the county believes there is a critical public safety issue amongst its direct service transit providers as a result of that lack of a background screenings, then that county can conduct Level 2 background screening for its “dial-a-ride” bus drivers under Chapter 125.

After reviewing the existing requirements for background screening of direct service transit providers operating in the Coordinated Transportation System the Commission believes the requirements and mechanisms in place are adequate to protect vulnerable adults.

## **Costs of screening**

During Fiscal Year 2012-13, Community Transportation Coordinators reported 7,517 direct service transit providers across 429 organizations in Florida’s Coordinated Transportation System. The Commission is not able to determine how many of the 7,517 direct service transit providers were screened last year, what the turnover rate was last year, or the costs of fingerprinting using LiveScan. Therefore, the Commission was unable to determine the actual costs associated with background screening.

Nevertheless, the Commission can estimate a broad range of how much background screening costs annually. Each of the 7,517 direct service transit provider must be rescreened every five years. The turnover rate within the 429 organizations is unknown, but assuming the rate across the system is 30% per year, the number of screening that need to occur annually would be 1,954.

# DRAFT

At a cost of \$24.50 per screening, if the Department of Children and Families\* and Department of Elderly Affairs process and evaluate screenings. If the Agency for Health Care Administration processes the screening then the cost is \$40.50. Using \$24.50 per screening and an additional \$10 -\$75 per fingerprint scan depending on the Live Scan provider, the estimated annual cost to conduct background screenings is between \$67,413 and \$194,423. The employer or the employee is responsible for paying the costs of screening.

Since many direct service transit providers complete background screening under Chapters 393 and 430 the additional cost for screening should be minimal.

## **Summary**

After reviewing the requirements for background screening, adequate screening exists for direct service transit providers operating in the Coordinated Transportation System.

The estimated annual cost to conduct background screenings is between \$67,413 and \$194,423. The additional cost to conduct background screenings could not be determined.

\*The Department of Children and Families processes and evaluates Level 2 security background investigations for the Agency for Persons with Disabilities.

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/14

Meeting Date

Topic Presentation on James Neal Bill Number \_\_\_\_\_ (if applicable)

Name Steve Holmes Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Executive Director

Address \_\_\_\_\_ Phone 850 688-2763

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 E-mail stevan.holmes@dot.state.fl.us

Speaking:  For  Against  Information

Representing Commission For the Transportation Disadvantaged

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

# MOTORIST MODERNIZATION PHASE I

## *UPDATING FLORIDA'S DRIVER LICENSE ISSUANCE SYSTEM*

### **PHASE I – DRIVER LICENSE ISSUANCE SERVICES**

- FY 2014-2015 Request - \$10.9 million, total estimated cost of \$20.9 million over three years
- Each phase can stand alone in the delivery of a functioning system
- FLHSMV has a proven track record of building systems using in-house expertise

### **BENEFITS OF PHASE I**

- Updates driver license data in “real-time”
- Shortens transaction time for customers that come into an office
- Enhances current online renewal portal to make transactions easier for those customers who want to conduct their business online
- Facilitates easier and more timely modifications to systems when needed
- Improves quality and availability of data
- Eliminates errors due to siloed systems
- Increases agency efficiency by reducing customer office visits for Driver License related transactions with enhanced online options

### **WHY NEEDED?**

- Current systems are over 20 years old, no longer supported by the vendor, and the U.S. workforce needed to support them has dissolved
- Data currently not updated in “real-time,” increasing the risk that law enforcement and other users will access incorrect data, or worse, the data may not even be available
- No centralized customer data, resulting in longer wait times and missed opportunities to meet customer needs more efficiently
- The Driver License system is currently at maximum capacity for transaction types, therefore the Department is unable to add any additional transaction types to comply with any federal and legislative changes, placing federal dollars at risk

### **LESSONS LEARNED FROM OTHER STATES' MODERNIZATION EFFORTS**

- “Big bang” approaches, where the whole system is built at one time, have been unsuccessful
- “One-size-fits-all” approaches of trying to re-tool systems from state to state have not worked

### **PROPOSED APPROACH FOR MODERNIZING FLORIDA'S MOTORIST SYSTEMS**

- Phased development – managed by the Department
- Project governance that includes external stakeholders
- External review and validation of overall project health

THE FLORIDA SENATE

*Sp5ke*

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/14

*Meeting Date*

Topic Motorist Modernization Phase I Bill Number \_\_\_\_\_  
 Name Terrence Samuel (if applicable)  
 Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Director Office of Motorist Modernization

Address 2900 Apalachee Parkway Phone 850-617-2022

*Street*

Tallahassee, FL 32399 E-mail TerrenceSamuel@flhsmv.gov

*City State Zip*

Speaking:  For  Against  Information

Representing Department of Highway Safety and Motor Vehicles

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**



# *Economic Development Transportation Fund*

Appropriations Subcommittee on  
Transportation, Tourism, and  
Economic Development  
February 19, 2014



## Economic Development Transportation Fund

- The Economic Development Transportation Fund (EDTF) is an economic incentive program created to alleviate transportation problems that adversely affect the decision of a specific company to locate, expand or remain in the state of Florida.



## History of the Program

- The EDTF, created in 1980, was administered by the Department of Transportation until 1982, when it was transferred to the Department of Commerce.
- The Department of Commerce was abolished in 1996 and the program was transferred to the newly created Office of Tourism, Trade, and Economic Development (OTTED) within the Executive Office of the Governor.
- In 2011, OTTED was merged with programs from the Department of Community Affairs and the Agency for Workforce Innovation to create the Department of Economic Opportunity (DEO).



## Return to FDOT

- On July 1, 2012, the EDTF was transferred back to FDOT by Chapter 2012-128, , L.O.F. (Senate Bill 1998).
- All rights, obligations, contracts, rules, and unexpended balances of appropriations for the program were also transferred to FDOT.
- The obligations transferred to FDOT included 30 active projects spread throughout the state.
- FDOT also received unexpended balances of appropriations totaling \$46.9 million – \$42.8 million was committed to the 30 projects and the remaining \$4.1 million was available for use by the program.



## Program Administration

- The EDTF is one of 12 economic incentive programs used by Enterprise Florida, Inc. (EFI) to encourage specific businesses to locate, expand or remain in Florida.
- EFI's role in the marketing of the EDTF is prescribed by Chapter 288, F.S., which designates EFI as Florida's business development and recruitment agency.
- The policies that govern the operation of the EDTF allow the program to work in concert with Florida's other economic incentive programs to attract high-wage jobs in the industry sectors targeted by the state.



## Program Administration (continued)

- In 1994, Florida focused its economic development efforts on the creation of high-wage jobs in industry sectors with a strong expectation for future growth.
  - The policy that links the EDTF to Florida's focus on targeted industries began in 1994 and has continued under FDOT.
  - The annual Florida Target Industry list is developed by DEO and EFI in accordance with Chapter 288, F.S.
- Economic Development Transportation Fund



## Program Eligibility

EDTF eligibility is limited to businesses in the industry sectors targeted by the state, which include:

- Targeted Industries:
  - Aviation and Aerospace,
  - Clean Technology,
  - Defense and Homeland Security,
  - Financial and Professional Services,
  - Information Technology,
  - Life Sciences,
  - Logistics and Distribution, and
  - Advanced Manufacturing.
- Strategic Areas of Emphasis:
  - Manufacturing,
  - Corporate Headquarters, and
  - Emerging Technologies.



## Program Eligibility (continued)

- Eligibility is also limited to projects that alleviate transportation problems that adversely affect the decision of a specific company to locate, expand or remain in Florida.
- Funding can only be provided if the transportation project serves as an inducement for the company's decision to locate, expand or remain in the state.
  - If the company makes the commitment to locate, expand or remain in Florida before the incentive award, the incentive CANNOT be provided because the incentive award would violate the inducement provision of section 339.2821, F.S.



## Application Intake and Review

- Enterprise Florida serves as the initial point of contact for the intake and processing of applications for the 12 Florida incentive programs, which includes the EDTF.
- EFI acts on behalf of the state to determine the maximum amount of incentive funds that may be awarded to a specific company.
- The amount of incentive is based on the number of new high-wage Florida jobs that will be created, the amount of company investment and the location of the project.
- The maximum award amount must also meet Florida's return on investment goal.



## Application Intake and Review (continued)

- EDTF incentive awards are usually paired with other incentives to encourage a specific company to locate, expand or remain in Florida.
- Before making an incentive “offer” on behalf of the state, EFI forwards the eligible incentive applications and the maximum award amount to FDOT and DEO for review and approval.
- EFI also works with the affected local government to incorporate any local incentives in the “offer” made by the state of Florida.



## Application Intake and Review (continued)

- Section 339.2821, F.S., directs FDOT to approve the transportation project if FDOT determines that the project will:
  - Attract, expand or retain employment in the state; or
  - Allow for the construction or expansion of a state or federal correctional facility that creates, expands or retains employment in a county with a population of 75,000 or less.



## Application Intake and Review (continued)

- Section 339.2821, F.S., also directs FDOT to work with DEO to review each transportation project for “approval and funding” and provides the following criteria which must be considered:
  1. Cost per job created or retained considering the amount of transportation funds requested;
  2. Average hourly wages of the jobs created;
  3. Amount of capital investment to be made by a business;
  4. Demonstrated local commitment;
  5. Location of the project in an enterprise zone;
  6. Location of the project in a spaceport territory;
  7. Unemployment rate of the surrounding area; and
  8. Poverty rate of the community.



## Application Intake and Review (continued)

- The review also includes consultation with:
  - The Department of Environmental Protection,
  - The FDOT District in which the project is located, and
  - Any other agencies FDOT deems necessary.



## Contract Management and Monitoring

- Each FDOT District has a designated EDTF Coordinator responsible for coordinating all program related district activities, which includes:
  - Review and comment on the initial grant application,
  - Work Program amendments to add or delete EDTF projects,
  - Working with grant recipients to develop the contract required for the disbursement of grant funds,
  - Encumbering funds,
  - Review and approval of project reports,
  - Review and payment of invoices, and
  - The monitoring of project construction to ensure compliance with the section 339.2821, F.S., and other applicable statutes and rules.



## FY 2012-13 Funding and Commitments

Funding for the program is provided on a non-recurring basis and each year the Legislature appropriates a different amount.

- Fiscal Year 2012-13 Funding: \$23,110,682
  - FY 2012-13 GAA: \$19,007,000  
(\$ 30 million minus 13 earmarks totaling \$10,993,000).
  - Unallocated funds transferred to FDOT: \$4,103,682
- Fiscal Year 2012-13 Commitments:
  - Committed \$22,241,795 of the \$23,110,682 appropriation.
  - Grants provided to 14 projects that include road, rail, airport, port, and intermodal logistic facility improvements.
  - Projects will create or retain at least 3,960 Florida jobs.



## Other Issues

- Eight of the 30 projects transferred to FDOT were deleted after consulting the affected local governments.
  - Completed before the program transfer, or
  - Inactive and not likely to become active in the near future.
- Freeing \$7.03 million for new projects.



# FY 2012-13 Funding and Commitments

	Debits	Credits
FY 2012-13 GAA Appropriation		\$30,000,000
FY2012-13 Legislative Earmarks	(\$10,993,000)	
Unallocated Balance of Prior Year Appropriations Transferred from DEO		\$4,103,682
Funding Available for Allocation by FDOT on July 1, 2012:		<b>\$23,110,682</b>
Funds Committed by FDOT	(\$22,241,795)	
Released – Inactive Projects Deleted by FDOT		\$7,029,441
Released – Completed for Less Than Grant Amount		\$374,226
End of Year Balance		<b>\$8,272,554</b>



## FDOT Program Coordination

Five of the 14 (36%) EDTF commitments made in F.Y. 12-13 received support from other FDOT programs:

- The State Infrastructure Bank (SIB),
- Strategic Intermodal Systems (SIS) funding,
- County Incentive Grant Program (CIGP),
- Aviation funding,
- SIS Rail funding, and
- District funds



## Projects Awarded by FDOT Include:

Grant Recipient	County	FDOT Approval Date	Grant Award
Miami-Dade Aviation Dept	Miami-Dade	8/6/2012	\$1,168,263
City of Jacksonville	Duval	6/10/2013	\$5,000,000
City of Lakeland	Polk	7/3/2013	\$2,277,388
South Shore Corporate Park Industrial Community Development District	Hillsborough	8/7/2013	\$3,000,000



## FY 2013-14 Funding and Commitments

- Economic Development Transportation Fund
- Fiscal Year 2013-14 Funding: \$21,296,197
    - FY 2013-14 GAA: \$13,023,643 (\$15 million minus 3 earmarks totaling \$1,984,000).
    - FY 2012-13 GAA appropriation balance: \$7,643
    - Unallocated funds balance plus inactive projects deleted by FDOT: \$8,264,911
  - Fiscal Year 2013-14 Commitments:
    - \$7,617,268 committed to 5 projects
      - Creates 1,825 high-wage jobs and 703 additional jobs
    - Pending requests for \$4,546,348
      - Creates 602 high-wage jobs and prevents the loss of 3,200 jobs



## FY 2013-14 Funding and Commitments

	Debits	Credits
FY 2012-13 End of Year Balance		\$8,272,554
FY 2013-14 GAA minus Earmarks		\$13,023,643
Funds Committed by FDOT as of 2/15/2014	(\$7,617,268)	
Current Balance (2/15/2014)		\$13,678,929
Pending Applications	(\$4,546,348)	

*Spoke*

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic Economic Development Transportation Fund Bill Number \_\_\_\_\_ (if applicable)

Name Anawth Prasad Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Secretary - Florida Department of Transportation

Address \_\_\_\_\_ Phone \_\_\_\_\_

Street \_\_\_\_\_ E-mail \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Speaking:  For  Against  Information

Representing FDOT

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Military Affairs, Space, and Domestic Security, Vice Chair
Appropriations Subcommittee on Health and Human Services
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Communications, Energy, and Public Utilities
Criminal Justice
Regulated Industries

SELECT COMMITTEE:
Select Committee on Patient Protection and Affordable Care Act

SENATOR AUDREY GIBSON
9th District

February 18, 2014

Chairman Andy Gardiner
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Chairman Gardiner,

I respectfully ask to be excused from the Appropriations Subcommittee on Transportation, Tourism, and Economic Development being held on Wednesday, February 19, 2014 at 1:30 p.m.

Thank you in advance for your time and consideration.

Sincerely,

Handwritten signature of Audrey Gibson

Handwritten initials A.G.

Audrey Gibson
State Senator
Senate District 9

SENATE APPROPRIATIONS RECEIVED
14 FEB 19 AM 8:37
SENATE CHAIRMAN
STAFF DIR. STAFF

Cc: Skip Martin, Staff Director

REPLY TO:
101 E. Union Street, Suite 104, Jacksonville, Florida 32202 (904) 359-2553 FAX: (904) 359-2532
205 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development, *Vice Chair*  
Transportation, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Finance and Tax  
Banking and Insurance  
Commerce and Tourism  
Gaming  
Rules

### JOINT COMMITTEE:

Joint Legislative Budget Commission

**SENATOR GWEN MARGOLIS**  
35th District

February 17, 2014

To: Senator Gardiner, Chair, Appropriations Subcommittee on Transportation  
From: Senator Gwen Margolis *GM*

Re: Excused absence

Please excuse me from the Wednesday, February 19, 2014 committee meeting of the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development. I will be attending a funeral at that time.

Thank you.

*A.B.*

### REPLY TO:

- 3060 Biscayne Boulevard, Suite 600, Miami, Florida 33137 (305) 571-5777
- 414 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5035

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR JEREMY RING**  
29th District

### COMMITTEES:

Governmental Oversight and Accountability, *Chair*  
Appropriations Subcommittee on Finance and  
Tax, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance  
Commerce and Tourism  
Judiciary  
Rules

### JOINT COMMITTEES:

Joint Legislative Auditing Committee  
Joint Select Committee on Collective Bargaining

February 17, 2014

Senator Andy Gardiner  
420 Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Gardiner,

I am requesting to be excused from the Senate TED Appropriations Subcommittee scheduled for February 19th due to conflicts that require me to return home from Tallahassee.

Thank you in advance for considering this request to be excused from the Senate TED Appropriations Committee on the 19th due to these unforeseen conflicts. Please do not hesitate to contact me if you have any questions.

Sincerely,

Handwritten signature of Jeremy Ring in cursive.

Jeremy Ring  
Senator District 29

Handwritten initials, possibly "JR", in cursive.

CC: Skip Martin, Staff Director

### REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# CourtSmart Tag Report

Room: EL 110

Case:

Type:

Caption: Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development Judge:

Started: 2/19/2014 1:34:39 PM

Ends: 2/19/2014 2:47:26 PM

Length: 01:12:48

1:34:41 PM Sen. Gardiner (chair)  
1:35:00 PM roll call  
1:35:09 PM S 102  
1:35:56 PM Sen. Diaz de la Portilla  
1:37:43 PM Sen. Gardiner  
1:37:58 PM Lorelei Bowden Jacobs, Legislative Aide, Florida Sheriff's Association (waives in support)  
1:38:04 PM Jeffrey Sharkey, Lobbyist, Florida Bicycle Association (waives in support)  
1:38:13 PM Helen Witty, MADD (waives in support)  
1:39:12 PM Sen. Gardiner  
1:39:16 PM Sally Matson, Victim Advocate, MADD (waives in support)  
1:40:02 PM Sen. Gardiner  
1:40:06 PM Jess McCarty, Assistant County Attorney Miami-Dade County (waives in support)  
1:40:10 PM Andrew Fay, Assistant Attorney General, Office of the Attorney General (waives in support)  
1:40:14 PM Sen. Gardiner  
1:40:20 PM Sen, Diaz de la Portilla  
1:40:26 PM Vote  
1:40:36 PM S 372  
1:40:48 PM Sen. Galvano  
1:42:31 PM Sen. Gardiner  
1:42:36 PM Am. 973476  
1:42:42 PM Sen. Brandes  
1:42:44 PM Sen. Gardiner  
1:42:47 PM Sen. Galvano  
1:43:06 PM Sen. Gardiner  
1:43:30 PM Eric Poole, Assistant Legislative Director, Florida Assoc. of Counties  
1:45:59 PM Sen. Gardiner  
1:46:06 PM Sen. Sobel  
1:46:24 PM E. Poole  
1:46:38 PM Sen. Sobel  
1:46:52 PM E. Poole  
1:47:30 PM Sen. Gardiner  
1:47:37 PM Sen. Thompson  
1:47:52 PM E. Poole  
1:48:20 PM Sen. Thompson  
1:48:33 PM E. Poole  
1:48:35 PM Sen. Thompson  
1:48:42 PM Sen. Gardiner  
1:48:42 PM Sen. Lee  
1:50:16 PM E. Poole  
1:51:15 PM Sen. Lee  
1:52:06 PM Sen. Galvano  
1:52:29 PM Sen. Gardiner  
1:52:36 PM David Cullen, Sierra Club of Florida  
1:55:05 PM Sen. Gardiner  
1:55:09 PM Sen. Lee  
1:57:00 PM D. Cullen  
1:57:04 PM Sen. Gardiner  
1:57:11 PM Sen. Evers  
1:57:14 PM Sen. Gardiner  
1:57:28 PM Charles Pattison, President, 1000 Friends of Florida  
1:58:36 PM Sen. Gardiner  
1:58:44 PM Sarah Busk, Associated Industries of Florida (waives in support)

**1:58:53 PM** Bill Hunter, President, Association of Florida Community Development (waives in support)  
**1:59:02 PM** Leticia M. Adams, Sr. Policy Director, Florida Chamber of Commerce (waives in support)  
**1:59:04 PM** Sen. Gardiner  
**1:59:11 PM** Sen. Evers  
**2:00:18 PM** Sen. Gardiner  
**2:00:21 PM** Sen. Sobel  
**2:01:26 PM** Sen. Gardiner  
**2:01:31 PM** Sen. Galvano  
**2:02:43 PM** Sen. Gardiner  
**2:02:58 PM** Vote  
**2:03:13 PM** Sen. Gardiner  
**2:03:24 PM** Tab 3 - Presentation on unmet and latent travel demand and mobility needs study by the Florida Commission for the Transportation Disadvantaged  
**2:03:40 PM** Steve Holmes, Executive Director, Commission for the Transportation Disadvantaged  
**2:12:06 PM** Sen. Gardiner  
**2:12:09 PM** S. Holmes  
**2:17:59 PM** Sen. Gardiner  
**2:18:03 PM** Sen. Sobel  
**2:19:27 PM** S. Holmes  
**2:20:18 PM** Sen. Sobel  
**2:20:23 PM** S. Holmes  
**2:20:47 PM** Sen. Sobel  
**2:21:10 PM** S. Holmes  
**2:21:17 PM** Sen. Gardiner  
**2:21:29 PM** S. Thomas  
**2:21:31 PM** Sen. Gardiner  
**2:21:42 PM** Tab 4 - Presentation on Motorist Modernization Project, Phase 1 by the Department of Highway Safety and Motor Vehicles  
**2:21:57 PM** Terrence Samuel, Director, Office of Motorist Modernization, DHSMV  
**2:34:05 PM** Sen. Gardiner  
**2:34:23 PM** Sen. Thompson  
**2:34:31 PM** Sen. Gardiner  
**2:34:39 PM** Sen. Latvala  
**2:34:43 PM** Sen. Gardiner  
**2:34:51 PM** Tab 5 - Presentation on Road Fund Implementation by the Department of Transportation  
**2:34:59 PM** Ananth Prasad, Secretary, Florida Department of Transportation  
**2:47:03 PM** Sen. Gardiner