

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 770

INTRODUCER: Senator Garcia

SUBJECT: Transportation Disadvantaged

DATE: January 18, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 770 revises the duties of community transportation coordinators and coordinating boards with respect to services provided to transportation disadvantaged persons. The bill requires community transportation coordinators, in cooperation with their respective coordinating boards, to plan and use regional fare payment systems when available and cost effective. The regional fare system must enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

The bill also requires coordinating boards to include in their evaluations of multicounty or regional transportation opportunities regional fare payment systems, when available, that enhance cross-county mobility for the transportation disadvantaged for the specified access purposes.

The bill has no impact on state revenues or expenditures. However, there is an indeterminate administrative cost to local coordinators and coordinating boards associated with evaluating, planning and implementing any new regional fare systems. See Section V, "Fiscal Impact Statement," for details.

The bill takes effect July 1, 2018.

II. Present Situation:

The Transportation Disadvantaged Program

The Legislature created the Transportation Disadvantaged (TD) Program in Part I of ch. 427, F.S., in 1979.¹ The TD Program coordinates a network of local and state programs providing

¹ 79-180, L.O.F.

transportation services for elderly, disabled, and low-income citizens. In 1989, the Legislature created the Commission for the Transportation Disadvantaged (commission) as an independent entity within the Florida Department of Transportation.² The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged,³ with the goal of such coordination to assure the cost-effective provision of transportation by qualified community transportation coordinators⁴ or transportation operators.⁵ The commission describes the program as “a shared-ride service which, depending on location, may be provided using the fixed route transit or paratransit (door-to-door) service.”⁶

Each metropolitan planning organization (MPO), or the designated official planning agency in an area outside the purview of an MPO, recommends to the commission a single community transportation coordinator.⁷ A “community transportation coordinator” is a transportation entity responsible for ensuring that coordinated transportation services are provided to the transportation-disadvantaged population in a designated service area.⁸

Coordinators are currently charged with various powers and duties, including, but not limited to establishing eligibility guidelines and priorities with respect to recipients of nonsponsored transportation disadvantaged services,⁹ developing cost-effective coordination strategies and a service plan for the delivery of services, executing uniform contracts for services, and annually reviewing all transportation operator contracts.¹⁰

Coordinators undergo an annual performance evaluation by the local coordinating board.¹¹ A “coordinating board” is an advisory entity in each designated service area, composed of representatives appointed by the MPO or the designated official planning agency, to provide assistance to the community transportation coordinators relative to the coordination of transportation services.¹² These boards develop local service needs and provide information, advice, and direction to the coordinators.

² 89-376, L.O.F.

³ A “transportation disadvantaged person” is a person who because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S. Section 427.011(1), F.S.

⁴ Section 427.011(5), F.S.

⁵ A “transportation operator” is one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan. Section 427.011(6), F.S.

⁶ See the Commission’s website available at: <http://www.fdot.gov/ctd/communitytransystem.htm>. (Last visited January 10, 2018.)

⁷ Section 427.015(2), F.S.

⁸ A “designated service area” is a geographical area recommended to and approved by the Commission, which defines the community where coordinated transportation services will be provided to the transportation disadvantaged. Rule 41-2.002(4), F.A.C.

⁹ “Nonsponsored transportation disadvantaged services” means transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund. Section 427.011(12), F.S.

¹⁰ Section 427.0155, F.S.

¹¹ A coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged and must subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. Section 427.015(2), F.S.

¹² Section 427.011(7), F.S.

Section 427.0157, F.S., currently assigns a number of powers and duties to the coordinating boards, including, but not limited to, assisting the coordinators in establishing guidelines and priorities, approving the service plan and services provided in meeting the plan, reviewing coordination strategies, and evaluating multicounty or regional transportation opportunities.

Inter-County Trips and Seamless Regional Travel

Designated service areas may include just one county or multiple counties. Trips involving travel in more than one county are provided to eligible transportation disadvantaged persons on a regular basis.¹³ However, issues may arise for transportation disadvantaged persons who must travel across county boundaries, for example, to go to work and return home, because eligibility for transportation disadvantaged services is determined by application in the county of residence.¹⁴

Solutions to such problems may arise in ongoing efforts to address regional multimodal travel through fare collection systems that are interoperable. One such effort in South Florida involves an agreement between Tri-Rail,¹⁵ Broward County Transit, and Palm Tran to allow for the use of a pay card and mobile app on any of their respective transportation modes.¹⁶ Such a system, designed to allow a transportation disadvantaged person deemed eligible in his or her county of residence to move freely across county boundaries in the same or another designated service area, could increase mobility for the transportation disadvantaged person.

III. Effect of Proposed Changes:

Section 1 amends s. 427.0155, F.S., to add to the powers and duties of coordinators, in cooperation with their coordinating boards, planning and using regional fare payment systems when available and cost-effective, which enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county.

Section 2 amends s. 427.0157, F.S., relating to the powers and duties of coordinating boards, to provide additional direction to coordinating boards with respect to the boards' existing duty to evaluate multicounty or regional transportation opportunities during quarterly meetings.¹⁷ This section requires the boards to include evaluations of regional fare payment systems, when available, that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining activities.

Section 3 provides the bill take effect July 1, 2018.

¹³ Telephone conversation with Commission staff. March 24, 2017.

¹⁴ Individuals are directed to the local community transportation coordinator to find out if they are eligible for transportation disadvantaged services. See the Commission's website available at: <http://www.fdot.gov/ctd/communitytransystem.htm>. (Last visited March 24, 2017.)

¹⁵ Tri-Rail provides commuter rail service in Miami-Dade, Broward, and Palm Beach Counties.

¹⁶ See the Miami-Dade County News Release available at: http://www.miamidade.gov/releases/2017-03-10-dtpw-regional-fare-collection.asp?utm_source=media&utm_medium=email&utm_campaign=release-distribution&utm_term=transit. (Last visited January 10, 2018.)

¹⁷ That section requires coordinating boards to meet "at least" quarterly.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Section 18(a), Article VII, of the Florida Constitution provides that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

Article VII, section 18(d) of the Florida Constitution provides laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws, the general appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, laws having insignificant fiscal impact, and laws creating, modifying, or repealing noncriminal infractions, are exempt from the requirements of this section.

An exemption from the mandates provision may apply if the expected fiscal impact on municipalities/counties is less than \$2 million. Because the fiscal impact is anticipated to be less than \$2 million, the bill appears to be exempt from the mandate requirements.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

To the extent that regional fare payment systems are implemented, transportation disadvantaged persons may benefit from increased mobility.

C. Government Sector Impact:

Coordinators and coordinating boards will experience administrative expenses associated with planning for regional fare payment systems to the extent that such planning is not already taking place. Coordinating boards will experience administrative expenses associated with including regional fare payment systems in their evaluations of multicounty and regional transportation opportunities if these evaluations are not currently being performed. The fiscal impact of implementing regional fare payment systems is unknown, however implementation costs may be offset by other program savings as the systems must be cost effective.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

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

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

None.

B. Amendments:

None.