

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No.      Barcode 740744

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Laurent moved the following amendment to amendment  
 12 (510902):

**Senate Amendment (with title amendment)**

On page 162, between lines 23 and 24,

insert:

Section 107. Section 341.821, Florida Statutes, is  
 created to read:

341.821 Florida High-Speed Rail Authority.--

(1) There is created and established a body politic  
 and corporate, an agency of the state, to be known as the  
 "Florida High-Speed Rail Authority," hereinafter referred to  
 as the "authority."

(2)(a) The governing board of the authority shall  
 consist of nine voting members appointed as follows:

1. Three members shall be appointed by the Governor,  
 one of whom must have a background in the area of  
 environmental concerns, one of whom must have a legislative  
 background, and one of whom must have a general business  
 background.

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1           2. Three members shall be appointed by the President  
2 of the Senate, one of whom must have a background in civil  
3 engineering, one of whom must have a background in  
4 transportation construction, and one of whom must have a  
5 general business background.

6           3. Three members shall be appointed by the Speaker of  
7 the House of Representatives, one of whom must have a legal  
8 background, one of whom must have a background in financial  
9 matters, and one of whom must have a general business  
10 background.

11           (b) The appointed members shall not be subject to  
12 confirmation by the Senate. The initial term of each member  
13 appointed by the Governor shall be for 4 years. The initial  
14 term of each member appointed by the President of the Senate  
15 shall be for 3 years. The initial term of each member  
16 appointed by the Speaker of the House of Representatives shall  
17 be for 2 years. Succeeding terms for all members shall be for  
18 terms of 4 years. Initial appointments must be made within 30  
19 days after the effective date of this act.

20           (c) A vacancy occurring during a term shall be filled  
21 by the respective appointing authority in the same manner as  
22 the original appointment and only for the balance of the  
23 unexpired term. An appointment to fill a vacancy shall be made  
24 within 60 days after the occurrence of the vacancy.

25           (d) The Secretary of Transportation shall be a  
26 nonvoting ex officio member of the board.

27           (e) The board shall elect one of its members as chair  
28 of the authority. The chair shall hold office at the will of  
29 the board. Five members of the board shall constitute a  
30 quorum, and the vote of five members shall be necessary for  
31 any action taken by the authority. The authority may meet upon

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1 the constitution of a quorum. No vacancy in the authority  
2 shall impair the right of a quorum of the board to exercise  
3 all rights and perform all duties of the authority.

4 (f) The members of the board shall not be entitled to  
5 compensation but shall be entitled to receive their travel and  
6 other necessary expenses as provided in s. 112.061.

7 (3) Notwithstanding any other law to the contrary, it  
8 shall not be or constitute a conflict of interest for a person  
9 having a background specified in this section to serve as a  
10 member of the authority. However, in each official decision to  
11 which this act is applicable, such member's firm or related  
12 entity may not have a financial or economic interest nor shall  
13 the authority contract with or conduct any business with a  
14 member or such member's firm or directly related business  
15 entity.

16 (4) The authority shall be assigned to the Department  
17 of Transportation for administrative purposes. The authority  
18 shall be a separate budget entity. The Department of  
19 Transportation shall provide administrative support and  
20 service to the authority to the extent requested by the chair  
21 of the authority. The authority shall not be subject to  
22 control, supervision, or direction by the Department of  
23 Transportation in any manner, including, but not limited to,  
24 personnel, purchasing, transactions involving real or personal  
25 property, and budgetary matters.

26 Section 108. Section 341.822, Florida Statutes, is  
27 created to read:

28 341.822 Powers and duties.--

29 (1)(a) The authority created and established by this  
30 act shall plan, administer, and manage the preliminary  
31 engineering and preliminary environmental assessment of the

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1 intrastate high-speed rail system in the state, hereinafter  
2 referred to as "intrastate high-speed rail."

3 (b) The authority may exercise all powers granted to  
4 corporations under the Florida Business Corporation Act,  
5 chapter 607, except the authority may not incur debt.

6 (c) The authority shall have perpetual succession as a  
7 body politic and corporate.

8 (d) The authority is authorized to seek federal  
9 matching funds or any other funds to fulfill the requirements  
10 of this act.

11 (e) The authority may employ an executive director,  
12 permanent or temporary, as it may require and shall determine  
13 the qualifications and fix the compensation. The authority may  
14 delegate to one or more of its agents or employees such of its  
15 power as it deems necessary to carry out the purposes of this  
16 act, subject always to the supervision and control of the  
17 authority.

18 Section 109. (1) The following criteria shall apply  
19 in developing the preliminary engineering, preliminary  
20 environmental assessment, and recommendations required by this  
21 act:

22 (a) The system shall be capable of traveling speeds in  
23 excess of 120 miles per hour consisting of dedicated rails or  
24 guideways separated from motor vehicle traffic;

25 (b) The initial segments of the system will be  
26 developed and operated between St. Petersburg, Tampa, and  
27 Orlando, with future service to Miami;

28 (c) The authority is to develop a model that uses, to  
29 the maximum extent feasible, nongovernmental sources of  
30 funding for the design, construction, and operation of the  
31 system;

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1           (2) The authority shall make recommendations  
2 concerning:

3           (a) The format and types of information that must be  
4 included in a financial or business plan for the high-speed  
5 rail system, and the authority may develop that financial or  
6 business plan;

7           (b) The preferred routes between the cities designated  
8 in paragraph (1)(b);

9           (c) The preferred locations for the stations in the  
10 cities designated in paragraph (1)(b);

11           (d) The preferred locomotion technology to be employed  
12 from constitutional choices of monorail, fixed guideway, or  
13 magnetic levitation;

14           (e) Any changes that may be needed in state statutes  
15 or federal laws which would make the proposed system eligible  
16 for available federal funding; and

17           (f) Any other issues the authority deems relevant to  
18 the development of a high-speed rail system.

19           (3) When preparing the operating plan, the authority  
20 shall include:

21           (a) The frequency of service between the cities  
22 designated in paragraph (1)(b);

23           (b) The proposed fare structure for passenger and  
24 freight service;

25           (c) Proposed trip times, system capacity, passenger  
26 accommodations, and amenities;

27           (d) Methods to ensure compliance with applicable  
28 environmental standards and regulations;

29           (e) A marketing plan, including strategies that can be  
30 employed to enhance the utilization of the system;

31           (f) A detailed planning-level ridership study;

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- 1           (g) Consideration of nonfare revenues that may be
- 2 derived from:
- 3           1. The sale of development rights at the stations;
- 4           2. License, franchise, and lease fees;
- 5           3. Sale of advertising space on the trains or in the
- 6 stations; and
- 7           4. Any other potential sources deemed appropriate.

- 8           (h) An estimate of the total cost of the entire
- 9 system, including, but not limited to, the costs to:
- 10           1. Design and build the stations and monorail, fixed
- 11 guideway, or magnetic levitation system;
- 12           2. Acquire any necessary rights-of-way;
- 13           3. Purchase or lease rolling stock and other equipment
- 14 necessary to build, operate, and maintain the system.

- 15           (i) An estimate of the annual operating and
- 16 maintenance costs for the system and all other associated
- 17 expenses.

- 18           (j) An estimate of the value of assets the state or
- 19 its political subdivisions may provide as in-kind
- 20 contributions for the system, including rights-of-way,
- 21 engineering studies performed for previous high-speed rail
- 22 initiatives, land for rail stations and necessary maintenance
- 23 facilities, and any expenses that may be incurred by the state
- 24 or its political subdivisions to accommodate the installation
- 25 of the system.

- 26           (k) An estimate of the funding required per year from
- 27 state funds for the next 30 years for operating the preferred
- 28 routes between the cities designated in paragraph (1)(b).

- 29
- 30 Whenever applicable and appropriate, the authority will base
- 31 estimates of projected costs, expenses, and revenues on

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1 documented expenditures or experience derived from similar  
2 projects.

3 Section 110. The authority shall prepare a report of  
4 its actions, findings, and recommendations and submit the  
5 report to the Governor, the President of the Senate, and the  
6 Speaker of the House of Representatives on or before January  
7 1, 2002. If statutory changes are recommended, the report  
8 shall contain proposed legislation necessary to implement  
9 those recommendations.

10 Section 111. The Department of Transportation may  
11 prepare and issue a request for information from  
12 private-sector entities regarding their interest in  
13 participating in financing, building, and operating the  
14 high-speed rail system in this state, and may issue a request  
15 for proposals in order for the authority to contract with a  
16 consultant to assist the authority in fulfilling the  
17 requirements of this act. Furthermore, the authority may  
18 enlist assistance or input from the private sector and from  
19 existing rail and fixed guideway system vendors or operators,  
20 including Amtrak. The Department of Transportation is directed  
21 to begin, as soon as possible, collecting and organizing  
22 existing research, studies, and reports concerning high-speed  
23 rail systems in preparation for the authority's first meeting.

24 Section 112. The Florida Transportation Commission,  
25 the Department of Community Affairs, and the Department of  
26 Environmental Protection shall, at the authority's request,  
27 provide technical, scientific, or other assistance.

28 Section 113. There is appropriated from funds assigned  
29 to the Transportation Outreach Program to the authority the  
30 sum of \$4,500,000 for the purpose of performing its duties  
31 under this act. These funds shall be administered by the

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1 authority, and the funding for the authority, for its board,  
2 and for any consultant under the provisions of this act shall  
3 be allocated from this appropriation.

4  
5 (Redesignate subsequent sections.)

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7  
8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 172, line 9, after the semicolon

11  
12 insert:

13 creating s. 341.821, F.S.; creating the Florida  
14 High-Speed Rail Authority; providing  
15 membership, terms, organization, and  
16 reimbursement of expenses; providing duties of  
17 the authority; relating to specified conflicts  
18 of interest with respect to authority members;  
19 assigning the authority to the Department of  
20 Transportation for administrative purposes;  
21 providing for future legislative review and  
22 repeal; creating s. 341.822, F.S.; providing  
23 powers and duties of the authority; authorizing  
24 the authority to seek federal funds; providing  
25 applicable criteria; requiring submittal of a  
26 report; authorizing the department to issue  
27 requests for information and proposals;  
28 authorizing the authority to request assistance  
29 from the private sector; providing for agency  
30 assistance; providing an appropriation;

31